

**GLOUCESTER CITY COUNCIL MEETING**

Wednesday, February 13, 2019 – 7:00 p.m.

Kyrouz Auditorium – City Hall

**-MINUTES-**

**NOTE:** The regularly scheduled meeting of the Gloucester City Council for Tuesday, February 12, 2019 was cancelled due to inclement weather.

**Present:** Chair, Councilor Paul Lundberg; Vice Chair, Councilor Steven LeBlanc, Jr.; Councilor Melissa Cox; Councilor Valerie Gilman; Councilor Kenneth Hecht; Councilor Jennifer Holmgren; Councilor Scott Memhard; Councilor Sean Nolan; Councilor James O'Hara

**Absent:** None.

**Also Present:** Joanne Senos; Jim Destino; Kenny Costa; Chip Payson; John Dunn; Jill Cahill; Gregg Cademartori; Chad Johnson; Adam Curcuro; Vanessa Krawczyk

**The meeting was called to order at 7:02 p.m. The Council President announced that this meeting is recorded by video and audio in accordance with state Open Meeting Law.**

**Flag Salute & Moment of Silence.**

**Councilor Gilman** dedicated the Moment of Silence to Father Eugene Alves, Pastor of Our Lady of Good Voyage Church who recently passed away, recounting her family's involvement with Fr. Alves as well as his dedication to his parish and the entire community;

**Councilor Nolan** also offered a dedication to recently passed Retired Police Officer, Sargent Howard "Teddy" Costa, a friend of his family's; a founder of the Gloucester Police Department's D.A.R.E Program. He recounted that Officer Costa worked hard in the city's schools to make a difference in the lives of children, and in turn changed the lives of so many.

**Councilor Cox** offered a dedication of remembrance in honor of Lt. Chris Juncker, Jr. of the Rockport Fire Department, an on-call firefighter volunteer, conveying that he assisted in providing mutual aid for the Gloucester Fire Department. She noted that he passed away at the young age of 38 years old.

**Oral Communications:**

**Name:** Grant Clark

**Address:** 279 Concord Street

**Subject:** Expressed concern about cluster developments and city regulations related to their permitting outlining areas where change would be appropriate to the regulations. He and the 200 residents, whom he advised he represented, asked that the Council work with them to make changes to regulations which he outlined (written statement placed on file). He offered that these residents want to work with the Council to effect changes for the benefit of the community.

**Name:** Karen Spencer

**Address:** 67 Langsford Street

**Subject:** Spoke to the issue removing fluoridation from the city's water supply and those organizations supporting that chemical's removal from public water supplies. She mentioned that candy manufacturers, known as "Big Sugar" are in support of fluoridation and cited certain efforts and documentation to support her statements. She urged the Council to petition the state to remove fluoridation from the city's water supply.

**Name:** Linda McCarriston

**Address:** 16 Quarry Street

**Subject:** Expressed concern that there is a "misunderstanding" by city boards, highlighting the Zoning Board of Appeals saying that boards routinely grant height variances and special permits on the grounds of the FEMA flood maps. She indicated that by granting these variances and special permits it is "giving carte blanche to developers and builders" who claim that FEMA gives them no choice in height. She outlined briefly other issues related to her claims. She indicated that a solution will come from the Council.

**Presentations/Commendations:**

3 of 3: Administration/MassDOT re: Blynman Bridge closure and repair

MassDOT representative-District 4-Arlington, MA, **Joseph Breen**, conveyed the following information with a Power Point presentation on the closure for repair for the Blynman Drawbridge as follows:

- A 'special member' bridge inspection on June 1, 2018 identified a number of structural steel members in the bascule spans that have advanced section loss which required repairs as soon as possible. A subsequent routine bridge inspection in December 2018 identified further deterioration of structural steel members.
- Failure to conduct repairs could affect future repairs which could cause putting in place weight restrictions and impact the Gloucester Fire Department.
- Repair work to 40 steel members will begin Monday, Feb. 18 and continue through April 6. The contractor will accelerate the work to be handled by working in two shifts between 6:00 a.m. and 10:00 p.m. as needed. The bridge is opened on average 8,404 times per year in the last three years. The repairs need to be done as soon as possible so impact to vessel traffic will be as limited as possible to this critical piece of infrastructure for the city.
- The Coast Guard has granted a temporary deviation from the drawbridge operations regulations;
- The center of channel at the drawbridge in the closed position is normally eight feet but during repairs it will reduce to 4 ft. 10 in.; vessels able to pass through in the closed position meeting the height restriction may continue to do so;
- Repairs are also needed at the south/ocean side of the sidewalk. Vehicular and bicycle traffic in the northbound lane towards Rockport will be shifted towards the north;
- Two 11 ft. travel lanes will be maintained for alternating traffic; during work hours one lane may be closed and traffic will be maintained through the use of police details. The traffic management plan has north and southbound traffic; the sidewalk will be opened on one of the sides of the bridge which allows for two full shifts to work to get the repairs done as quickly as possible to make the bridge safe;
- During repairs one of the sidewalks will be closed and temporary crosswalks will be painted and appropriate signage erected;
- The old bridge tender's house will be demolished; asbestos containing cementitious siding will be removed by a MA licensed abatement contractor; the wood structure will be removed entirely and the concrete foundation will remain; half of the bridge house foundation will be filled with concrete and new concrete sidewalk with a bridge rail will be installed.
- There are plans to remove the drawbridge's two electric motors that operate the bascule spans for repairs and reinstalled;
- MassDOT is providing a berth for a Coast Guard response vessel at the Cape Ann Marina to maintain search and rescue capability for the duration of the drawbridge repair work;
- A similar shutdown is anticipated for next winter in order to continue repairs and inspections which will be on a six month continuing basis;
- A consultant is working on a bridge type selection worksheet and performing a study to determine what type of bridge replacement will be appropriate.

**COUNCILOR QUESTIONS:**

**Councilor Gilman** expressed concern as to how MassDOT will indicate water depth under the closed Blynman Bridge to alert boaters. **Chris Glass**, Vice President of Operations, Core Corp., MassDOT contractor for the Blynman Bridge repair work, reported that any boater now travelling through the channel will see three tide markers for the bridge; those will be removed. There is no plan to change or post what the height will be with the bridge closed as the Coast Guard will notify all mariners. He added that they can make inquiries to learn if the bridge closure height can be posted. **Councilor Gilman** suggested the contractor speak with the city's Administration and asked if fishing vessels will be notified about the bridge closure. **Mr. Glass** reiterated that MassDOT would ask for a deviation from the Coast Guard who in turn send a notice to all mariners.

**Councilor Cox**, noting that the work will be conducted 6:00 a.m. to 10:00 p.m., asked what the noise level is expected to be at 6:00 a.m. as there are residences very nearby. **Mr. Glass** advised they are aware of these residences reporting their staff will show up at 6:00 a.m. to set up for the work day; as far as machinery and cutting,

it is anticipated it won't begin until after 7:00 a.m. and will stop about 8:00 p.m.-- at 10:00 p.m. they are completely shut down.

**Councilor LeBlanc** noted the report of a possible bridge replacement and asked when that might be anticipated. **Mr. Breen** estimated based on funding for bridges in the district it could be about 15 to 20 years before replacement.

**Jim Destino**, CAO, noted the receipt by the Council of a memo from the Harbormaster about accommodations for commercial fishing boats. He reported that the Harbormaster's Department and Coast Guard are working with the commercial fishing industry (lobstermen, small day boats or bigger) to make those accommodations. He recounted the Coast Guard will station an asset at the Cape Ann Marina so if there's trouble in the bay a timely response can be made. He asked that if Councilors learn of a fisherman that needs accommodation that fishes at Jeffries Ledge or Stellwagon Bank or anywhere in between, he advised they can find a berth for them inside the harbor; conversely if they fish in the bay they can also work to find accommodations for them on the river. This, he noted, is an on-going process to identify those vessels to ensure people can fishing safely and don't have to make the long trip around.

2 of 3: Deborah Kelsey, Library Director re: update on Sawyer Free Library Security

**Council President Lundberg** recounted that at the Council's request in Oct. 2018 Sawyer Free Library representatives, the Mayor and the Police Chief spoke about security at the Library. At that time they were in the midst of developing a security plan to be put in place. He reported that they've come up with a plan to allow the Library to continue to fulfill its mission and its ability to better manage visitors who are not there to utilize the Library's services.

**Ms. Kelsey** expressed she was pleased to report that the Library has a solution in place -- six retired Gloucester and Rockport Police Officers are now patrolling the Library's building and grounds for every hour the Library is open. The program started a week ago, which she advised has created a new positive atmosphere. The gentlemen tasked with Library security, she conveyed, are wonderful with Library visitors; the parking lot now has open spaces for use by patrons. She added that activities have reverted back to what they should be. The Library staff is pleased as is the public, she pointed out. She offered her thanks for the cooperative effort of the Library's Trustees that worked for a long time on this matter; the city unions; the Mayor's office and the Gloucester Police Department.

1 of 3: Kenny Costa, City Auditor re: City's receipt of award for excellence in financial reporting for FY17 from the Government Finance Officers Association (GFOA)

**Mr. Costa** presented a PowerPoint presentation (on file) advising of the city's receipt of the Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 17 from the Government Finance Officers Association (GFOA) is "a big deal" and reported as follows:

- The GFOA is nationally recognized in the U.S.A. and in Canada and is a very highly regarded organization in financial circles. The CAFR or Comprehensive Annual Financial Report assists states and local governments to go beyond the minimum requirements of the presentation of the basic financial statement audit reports;
- Gloucester is one of about 40 Mass. municipalities that participate in the program annually;
- FY2002 through FY2009 the city reported negative or no Free Cash for eight consecutive years; for FY2005, 2006 and 2007 the city didn't close its books and was placed on the Mass. Dept. of Revenue's "watch list." The city reported negative free cash for FY2008 and 2009 and the FY2009 Financial Statement Audit reported 15 findings that were significant and considered material weaknesses.
- From FY2010 to FY2018 the city has experienced positive Free Cash for nine consecutive years and plans to report positive Free Cash going forward; additionally, in that same timeframe the city successfully closed its books and Free Cash has been annually certified;
- The city has been removed from DOR watch list since 2012;
- The FY2018 Financial Statement Audit reported no findings that were significant deficiencies that are considered to be material weaknesses, and the city reported General Fund Free Cash in FY2018 of \$8,517,689.
- The FY2017 CAFR Report for Gloucester can be found on the City Auditor's section of the city's website ([www.gloucester-ma.gov](http://www.gloucester-ma.gov)). Bond rating agencies do look at this document and want to be able to get a sense of the city not just from a financial perspective but through photographs and viewing its assets.



**Consent Agenda:**

• **CONFIRMATION OF REAPPOINTMENTS**

**Management Reappointments:**

Harbormaster	Thomas J. Ciarametaro	TTE 02/14/22
Veterans' Services Director	Adam Curcuro	TTE 02/14/21

**Board, Committee, Councils & Commissions Reappointments:**

Conservation Commission	Helene Shaw-Kwasie	TTE 02/14/2
Magnolia Woods Oversight & Advisory Committee	Jack Palazola	TTE 02/14/22
Traffic Commission	Michael Mulcahey	TTE 02/14/22
Waterways Board	Mark Lacey, Philip Cusumano	TTE 02/14/22

• **MAYOR'S REPORT**

1. Appointment of Captain Salvatore "Sam" Novello to the Fisheries Commission, TTE 02/14/22 (Refer O&A)
2. Memorandum from Harbormaster re: request amendment to GCO Ch. 10 "Waterways Administration" Sec. 10-52 "Use of public Landings" re: Kayaks (Refer O&A)
3. Memorandum from Human Resources Director re: re-activation of the city's Human Rights Commission (Refer O&A)
4. Memorandum from Human Resources Director re: disclosure of financial interest in a municipal contract for an employee to hold a second municipal position (Refer O&A)
5. Memorandum from City Clerk re: acceptance of a donation to the Archives Committee in the amount of \$100 (Refer B&F)
6. Memorandum from Chair of the Clean City Commission re: acceptance of five sidewalk buttlers with a total value of \$495 (Refer B&F)
7. Memorandum from IT Director re: request to pay FY18 invoice with FY19 funds (Refer B&F)
8. Supplemental Appropriation-Budgetary Request (2019-SA-29) from the CFO (Refer B&F)
9. Supplemental Appropriation-Budgetary Request (2019-SA-30) from the CFO (Refer B&F)
10. Response from Mayor's Office to Oral Communications of the January 22, 2019 City Council meeting (Info Only)
11. Press release from the MassDOT re: Blynman Drawbridge structural work (Info Only)
  - **COMMUNICATIONS/INVITATIONS**
  - 1. Invitation to the Essex Bi-Centennial Ice Cream Social on February 15, 2019 (Info Only)
    - **INFORMATION ONLY**
    - 1. Letter from Councilor Gilman to the Seaport Economic Council re: support of development of a blueprint for a Seafood System incubator at the UMass Gloucester Marine Station (Info Only)
    - 2. Letter from the Gloucester Contributory Retirement System Board regarding a meeting on March 27, 2019 re: COLA (Info Only)
      - **APPLICATIONS/PETITIONS**
      - 1. RZ2019-001: Rockport Road #28, Map 178, Lot 28 from EB (Extensive Business) to R-10 (Medium/High Density Residential) (Refer P&D & PB)
      - 2. Application of James Santapaola & Andrew Santapaola for a Floating Fish Trap Permit (Refer O&A, Harbormaster & Waterways Bd.)
      - 3. Special Events Application: Request to hold the St. Peter's Fiesta on June 26, 2019-June 30, 2019 (Refer P&D)
        - **COUNCILORS ORDERS**
        - 1. CC2019-005 (LeBlanc): Request City Council amend GCO Ch. 24 "Vegetation" by DELETING Article II "City Plantings Committee" (Refer O&A & Mayor)
        - 2. CC2019-006 (Memhard, Cox, Lundberg): Amend GCO Ch. 4 "Animals" Sec. 4-2 "Disturbing and/or feeding of coyotes, gulls and pigeons" to "Feeding or disturbing wildlife"; renumbering Sec. 4-3 "Giving away live animals as prize or award" to Sec. 4-4; adding a new Sec. 4-3 "Endangered/threatened wildlife buffer zone"; Sec. 4-16a "Dogs allowed on public beaches at certain times" by striking certain language and adding new language; deleting Sec. 4-16d "Off-leash dog areas" subsection (c); amend Ch. 9 "Trash, Recycling and Litter" subsection (a)
          - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
          - 1. City Council Meeting: 01/22/2019 (Approve/File)
          - 2. Standing Committee Meetings: B&F 02/07/19 (under separate cover), O&A 02/04/19 (under separate cover), P&D 02/6/19 (Approve/File)

**Items to be added/deleted from the Consent Agenda:**

**Councilor LeBlanc** asked to remove Item #1 under Management Appointments and Reappointments. He noted that the Harbormaster and the Director of Veterans' Services are doing an outstanding job by their proactive efforts saying that both gentlemen have the full support of the Council. He mentioned the reappointees whom he advised are outstanding individuals that are continuing to volunteer their time on behalf of the city, expressing his thanks.

**The Council voted unanimously to accept the management and boards, committees, councils and commission reappointments as presented.**

**By unanimous consent of the Council the Consent Agenda was accepted as amended.**

**Committee Reports:**

**Budget & Finance: February 7**

**NOTE:** The Budget & Finance Committee Unanimous Consent Agendas "A" and "B" are a compilation of matters from the above-noted Committee meeting minutes for the Council's consideration.

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 9 in favor, 0 opposed, to accept the Budget & Finance Unanimous Consent Agenda “A” dated February 12, 2019 as follows:

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Memhard the City Council voted 9 in favor, 0 opposed, to accept under MGL Ch. c. 44, 53A a private grant from the Addison Gilbert Hospital of the Northeast Hospital Corporation, in the amount of \$6,000 as bridge funding to sustain the Transportation to Detox Voucher Program for a nine-month period. This program is overseen by the Gloucester High Risk Task Force to provide on-demand access to detoxification treatment for at-risk Cape Ann residents. There is no match and grant expires September 30, 2019.

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Memhard the City Council voted 9 in favor, 0 opposed, to accept under MGL Ch. 44, 53A a State Recycling Dividends Program grant under the Sustainable Materials Recovery Program from the Mass. Department of Environmental Protection (MDEP) for \$28,000 for the purpose of enhancing the City of Gloucester’s waste reduction programs. The grant has no match and unused funds may be rolled over to future fiscal years.

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Memhard the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A, donations from members and business partners to the Cape Ann Office of Veterans’ Services for the purpose of supporting on-going efforts to serve Veterans and Active Duty military for a total of \$8,716.50 as follows:

<u>Name/Entity</u>	<u>Dollar Amount</u>	<u>Date Received</u>
Semper Pie LLC	\$2,500.00	12/20/2018
Pratty’s CAV, Inc.	\$1,116.50	10/29/2018
Pratty’s CAV, Inc.	\$1,000.00	10/16/2018
Carol Schaefer Judd	\$ 50.00	12/22/2018
Hilary Frye	\$ 300.00	12/20/2018
Sgt. David Coullard Memorial Fund	\$2,000.00	12/10/2018
Essex County Community Foundation	\$ 500.00	09/28/2018
West Gloucester Trinitarian Congregational Church	\$1,000.00	08/27/2018
Cape Ann Brewery	\$ 250.00	02/01/2019
<b>TOTAL:</b>	<b>\$8,716.50</b>	

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Memhard the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A a state grant from the Massachusetts Cultural Council a FY19 Cultural District Initiative Grant in the amount of \$5,000 for the purpose of supporting the virtual marketing efforts of the Gloucester Downtown “Harbortown” Cultural District. The grant has no match. The grant period is from July 1, 2018 to June 30, 2019 and all financial activity must occur prior to June 30, 2019.

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**MOTION:** On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept the Budget & Finance Unanimous Consent Agenda “B” dated February 12, 2019 as follows:

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2019-SA-20 in the amount of \$35,000 (Thirty Five Thousand Dollars) from General Fund, Undesignated Fund Balance (“Free Cash”) Account #0001-359000 to General Fund, DPW-Public Services Repair & Maintenance - Paving, Account #0147052-524014 for the purpose of funding the paving project of the Rose Baker Senior Center Parking Lot.

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2019-SA-21 in the amount of \$25,000 (Twenty Five Thousand Dollars) from General Fund, Undesignated Fund Balance (“Free Cash”) Account #0001-359000 to General Fund, Management Information Systems-Website Costs, Account #011552-534008 for the purpose of partially funding a redesign of the city of Gloucester’s website.

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2019-SA-22 in the amount of \$45,000 (Forty Five Thousand Dollars) from General Fund, Undesignated Fund Balance (“Free Cash”) Account #0001-359000 to General Fund, Law-Legal Services, Account #0115152-530010 for the purpose of funding current and future legal services billings for ongoing litigation.

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2019-SA-23 in the amount of \$102,500 (One Hundred Two Thousand Five Hundred Dollars) from Water Enterprise Fund, Undesignated Fund Balance-Retained Earnings (“Free Cash”) Account #6000-359000 to Water Enterprise Fund, Capital Outlay-Water Meter & Parts, Account #6000-588501 for the purchase of water meters and related equipment inventory.

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2019-SA-24 in the amount of \$102,500 (One Hundred Two Thousand Five Hundred Dollars) from Sewer Enterprise Fund, Undesignated Fund Balance-Retained Earnings (“Free Cash”) Account #6400-359000 to Sewer Enterprise Fund, Capital Outlay-Water Meter & Parts, Account #640058-588501 for the purchase of water meters and related equipment inventory.

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2019-SA-25 in the amount of \$390,000 (Three Hundred Ninety Thousand Dollars) from the Capital Project Stabilization Fund, Undesignated Fund Balance, Account #7600-359000 to Capital Project Stabilization Fund, Stacy Boulevard Railings-Site Improvements, Account #760016-584000 for the replacement of approximately 1,200 linear feet of railings along Stacy Boulevard.

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2019-SA-26 in the amount of \$10,000 (Ten Thousand Dollars) from Waterways Enterprise Fund, Undesignated Fund Balance-Retained Earnings (“Free Cash”), Account #7000-359000 to Waterways Enterprise Fund, Rental-Buildings, Account #700052-527001 to pay rent expenses for FY2019 for the Harbormaster’s rented building at 19 Harbor Loop.

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2019-SA-27 in the amount of \$10,000 (Ten Thousand Dollars) from Waterways Enterprise Fund, Undesignated Fund Balance-Retained Earnings (“Free Cash”), Account #7000-359000 to Waterways Enterprise Fund, Salaries & Wages-Temporary, Account #700051-512000 to fund a projected shortfall in this account.

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2019-SA-28 in the amount of \$13,000 (Thirteen Thousand Dollars) from Waterways Enterprise Fund, Undesignated Fund Balance-Retained Earnings (“Free Cash”), Account #7000-359000 to Waterways Enterprise Fund, Infrastructure-Boating Facilities, Account #700058-588008 for the purchase of supplies to build kayak racks and a Lane’s Cove rack.

**Ordinances & Administration: February 4**

There are no matters under this heading for Council action.

**Planning & Development: February 6**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve the disposition by means of a lease as provided in the Request for Proposal 19054 for Property Located on Ram Island, Assessor's Map 245, Lot 1 for the purpose of leasing six acres to promote the public purpose of an experienced youth organization to provide a recreational camp for local children with a minimum bid of \$8,000.00 pursuant to the terms and conditions as stated therein. Said term is to be a five-year term with an option to renew for an additional five (5) years.

**DISCUSSION:**

**Councilor Gilman** explained the following: The Land Disposition Committee after several months of due diligence working with the Director of Public Works, the Planning Director, the Harbormaster, the Building Inspector and Health Department determined that the appropriate use for Ram Island was to lease it for the purpose of a recreational camp that could take advantage of the natural environment to include education on the environment with team building. It is noted in the RFP that a camp has to have all the necessary permits; most of the specifics for camp permits are through state regulations. The city's Health Department and Board of Health is in charge of enforcement and issuing the camp permit. There are current structures and docks on the property, and the lease requires that the camp have the buildings and docks inspected and meet any safety requirements as well as begin the Chapter 91 process for the permitting of the dock structures. The Assessors' provided a price range based on their assessment of the property, and the Committee determined that it would round off the low end of the range to \$8,000 to set the minimum bid. The Assessor was questioned at the meeting, and it was reported that the Assessors did a thorough job. She asked for the Council's support.

**MOTION:** On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted 9 in favor, 0 opposed, to approve the disposition by means of a lease as provided in the Request for Proposal 19054 for Property Located on Ram Island, Assessor's Map 245, Lot 1 for the purpose of leasing six acres to promote the public purpose of an experienced youth organization to provide a recreational camp for local children with a minimum bid of \$8,000.00 pursuant to the terms and conditions as stated therein. Said term is to be a five-year term with an option to renew for an additional five (5) years.

**Scheduled Public Hearings:**

1. **PH2019-005: Loan Authorization to amend Loan Order 2018-005 in the amount of \$1,500,000 by increasing it to \$2,100,000 to pay costs of improvements to the Babson Water Treatment Plant**

**This public hearing is opened at 8:09 p.m.**

**Those speaking in favor:**

**Mike Hale**, Public Works Director, advised that the Public Works Department is seeking an amendment for a loan authorization of \$1.5 million for improvements to the Babson Water Treatment Plant which was passed by the Council in July 2018, an unusual occurrence. Citing that the department works carefully to estimate construction costs before coming to the City Council for a loan authorization, he recounted the loan covered three major components -- all relative to the intake of water to the reservoir. Without the intake of water the facility can't be operated. When this work was bid, late fall bids came in at about \$500,000 more than originally estimated. He explained that construction pricing is high right now; a function of the market. Pointing out that typically they experience funds left over from projects that go back to the fund; this is a situation where the \$500,000 is needed to move the project forward. The nature of the work is on an emergency basis, and so they are able to issue the notice to proceed and phase the work. This \$500,000 will close the gap for the full three phases and work can begin which is anticipated to wrap up this summer.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 8:11 p.m.**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve the following amendment to Loan Order 2018-005 for an additional \$600,000 for a new total loan authorization of \$2,100,000 as follows:

Ordered: That Loan Order 2018-005, Certificate of Vote 2018-124 of this Council approved July 12, 2018 authorizing the borrowing of \$1,500,000 to pay the costs of improvements to the Babson Water Treatment Plant is amended in its entirety to provide as follows:

That the City of Gloucester appropriates Two Million One Hundred Thousand Dollars (\$2,100,000) to pay costs of improvements to the Babson Water Treatment Plant, including costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7(1), or pursuant to any other enabling authority. The Mayor and any other appropriate official of the city are authorized to apply for, accept and expend any grants or gifts that may be available to the City to pay costs of the projects. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

**DISCUSSION:** None.

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by **ROLL CALL 9** in favor, 0 opposed, to approve the following amendment to Loan Order 2018-005 for an additional \$600,000 for a new total loan authorization of \$2,100,000 as follows:

Ordered: That Loan Order 2018-005, Certificate of Vote 2018-124 of this Council approved July 12, 2018 authorizing the borrowing of \$1,500,000 to pay the costs of improvements to the Babson Water Treatment Plant is amended in its entirety to provide as follows:

**That the City of Gloucester appropriates Two Million One Hundred Thousand Dollars (\$2,100,000) to pay costs of improvements to the Babson Water Treatment Plant, including costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7(1), or pursuant to any other enabling authority. The Mayor and any other appropriate official of the city are authorized to apply for, accept and expend any grants or gifts that may be available to the City to pay costs of the projects. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.**

**Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.**

- 2. PH2019-006: Off-cycle recommendation of the Community Preservation Committee to appropriate \$30,000 for the purpose of The Friends of the Avis R. Murray Committee and the Gloucester Public Works Department to restore two existing public tennis courts on Stacy Boulevard**

**This public hearing is opened at 8:15 p.m.**

**Councilor Gilman** declared under MGL c. 268A that she is a member of the Friends of the Avis R. Murray Committee and recused herself and left the dais

**Those speaking in favor:**

**J.J. Bell**, member of the Friends of the Avis R. Murray Committee offered the following information:

- The Mayor in the fall of 2017 suggested a restoration of the tennis courts sited between Stacey Boulevard and Stage Fort Park and to name the courts in honor of Avis R. Murray. The Council approved the naming of the courts for Ms. Murray as had the Stage Fort Park Advisory Committee. This is a partnership of the Avis R. Murray Committee and the Public Works Department.
- Avis Murray is a life-time resident of the city, born in Gloucester, growing up around the corner from these tennis courts. Desiring an education and wanting to play tennis she entered the U.S. Army during the Vietnam era for seven years. Ms. Murray became a tennis professional and has been for 50 years, teaching adults and children. During her professional life she has received many awards, including being named to the United States Tennis Association's New England Hall of Fame.
- The tennis courts at Stacy Boulevard is in poor shape, hard to play on and in general unsafe, and needing complete resurfacing. The surrounding fence is also in need of work. The courts are located at a focal point between Stacy Boulevard and Stage Fort Park.
- Along with the court resurfacing and fence repair/replacement, also proposed is an awning for shade, new tennis net posts and nets, and installation of benches. Generous Gardeners has agreed to do plantings at the courts' front entrance and as part of the Committee's budget they would take care of the hardscape. The courts would be finished with a sign dedicating the facility to Avis Murray.
- The renovation budget is \$120,000; and if the CPA funds are granted, the Committee will have raised \$110,000 bringing them close to their full funding goal.
- The reason this is an off-cycle request is because the proposed spring start date is weather dependent; it is anticipated to have the courts finished before the end of the summer.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 8:19 p.m.**

**COMMITTEE RECOMMENDATION:** On motion by Councilor O'Hara, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council appropriate up to \$30,000 (Thirty Thousand Dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee to provide off-cycle funding for the purpose of The Friends of the Avis R. Murray Committee and the Gloucester Public Works Department to restore and upgrade two existing public tennis courts on Stacey Boulevard. The appropriation will be allocated to the Open Space and Recreation category and be funded by up to \$30,000 from the Open Space and Recreation Reserves in Fund #4510. The project will be tracked in the Community Preservation Fund – Open Space and Recreation Capital Projects Fund #5718.

**Discussion:**

**Council President Lundberg** expressed his support for what he termed was a good example of a public/private partnership. He recognized Ms. Murray as an, "important Gloucester citizen" dedicated to teaching tennis for many years. He recognized Peter Hood of the Bass Rocks Golf Club for the club's fundraising efforts, the club where Ms. Murray has been a tennis professional for many years.

**MOTION:** On motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by **ROLL CALL 8 in favor, 0 opposed, 1 (Gilman) recused**, to appropriate up to \$30,000 (Thirty Thousand Dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee to provide off-cycle funding for the purpose of The Friends of the Avis R. Murray Committee and the Gloucester Public Works Department to restore and upgrade two existing public tennis courts on Stacey Boulevard. The appropriation will be allocated to the Open Space and Recreation category and be funded by up to \$30,000 from the Open Space and Recreation Reserves in Fund #4510. The project will be tracked in the Community Preservation Fund – Open Space and Recreation Capital Projects Fund #5718.

**Councilor Gilman** returned to the dais

3. **PH2018-068: SCP2018-007: Gloucester Crossing Road #1 & #7, Map 262, Lots 13 & 37, for the modifications and reconfigurations of Building C and Building E, the replacement of the proposed hotel with additional retail, a reconfiguration of the parking fields to eliminate underground parking and to comply with the requirements of two proposed drive-through facilities pursuant to GZO Secs. 1.5.3(c) “CCS” Special Permits and (d) “Major Projects” and 5.7 “Major Project” (Cont’d from 1/22/19)**
4. **PH2018-067: SCP2018-006: Gloucester Crossing Road #1 & #7, Map 262, Lots 13 & 37, for a coffee shop drive-through pursuant to GZO Secs. 1.5.3(g) “Drive-Through Facilities” and 5.17 “Special Regulations; Drive-Through Facilities” in the EB District (Cont’d from 1/22/19)**
5. **PH2018-066: SCP2018-005: Gloucester Crossing Road #1 & #7, Map 262, Lots 13 & 37, for a retail drive-through pursuant to GZO Secs. 1.5.3(g) “Drive-Through Facilities” and 5.17 “Special Regulations; Drive-Through Facilities” in the EB District (Cont’d from 1/22/19)**

**Council President Lundberg** recounted the following information: These public hearings were closed on January 22, 2019, and the Committee Report was made. During Committee Discussion on the Special Council Permit Major Project, the Councilors asked that the matters of Conditions #38 (additional access to the site from Gloucester Crossing Road adjacent to the new Fuller Mixed Use development would be cited via a new sidewalk and #39 regarding a road maintenance agreement) be returned to the Planning & Development Committee for reconsideration. At the February 6, 2019 the Planning & Development Committee worked with the Applicant and Administration and then took up the amendments not only to those two conditions but to two other conditions for technical corrections -- Condition #1 affected by the revised plan set, and Condition #33 to add subsection D. for the preferred siting of two Electric Vehicle charging stations.

#### **MOTION BEFORE THE COUNCIL:**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a Modification of a Special Council Permit (SCP2018-007) to Sam Park & Company, LLC, owned by Gloucester Commons, LLC for a property located at #1 and #7 Gloucester Crossing Road, Map 262, Lots 13 and 37 pursuant to GZO Sections 1.5.3(c), “CCS” Special Permits and (d) “Major Projects”, 1.8.3, and 5.7 “Major Projects” in the Extensive Business District to modify the permitted shopping center on the Site with conditions herewith attached. This Application for a Special Council Permit is found to be in harmony with the purpose and intent of the Gloucester Zoning Ordinance.

**Councilor Gilman** reported that when the P&D Committee went about amending Condition #38 it was necessary to amend Condition #1 because they had to insert the revision to the plan set; and there is a small modification to Condition #33 by adding subsection D. for preferred siting of EV charging station locations which had been omitted. She then offered the following amendment to the main motion:

#### **AMENDMENT TO THE MAIN MOTION:**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council amend the first motion of the Planning & Development Committee’s recommendation of January 16, 2019 as follows: by amending Condition #1, adding Condition 33D., and deleting conditions #38 and #39 and adding new conditions #38 and #39 as follows:

#### **CONDITION # 1. ADDITION TO CONDITION TO INSERT DATE OF REVISED PLAN SET:**

1. The Project shall be constructed in accordance with the following Record Plans, or as subsequently approved by the City Council through minor modification or amendment, which are on file with the Planning Board and City Clerk’s Office:

“Proposed Development- MA Route 128, Gloucester, MA- Issued for Permit Review: 2018.10.01., revised 2018.12.17 and revised on 2019.2.1. – Prepared for: Gloucester Commons, LLC- Prepared by: Land Strategies, 333

School Street Suite 200, Mansfield, MA 02048 – 24 sheets – Stamped by Timothy J. Power, P.E. (hereinafter referred to as the “Record Plans”).

**CONDITION #33. ADDING NEW SUBSECTION “D.”:**

“D. Applicant will provide two preferred site locations for Level 2 Electric Vehicle (EV) charging stations at Gloucester Crossing.”

**CONDITION #38. DELETING CONDITION #38 IN ITS ENTIRETY AND ADDING NEW CONDITION #38:**

“38. Prior to the issuance of an occupancy permit for Building E, the applicant shall construct all sidewalks, ramps, crosswalks and signage as depicted on the Record Plans which includes the addition of a 5’ sidewalk on the northern side of the Gloucester Crossing access drive as depicted on the plan entitled, “Proposed Development MA Route 128, Gloucester issued for Permit Review 2018.10.01 revised 2019.2.1” prepared by LandStrategies LLC.

A. The pedestrian accommodations described in Condition #2 of this Special Permit, including the accessible ramps and crosswalks across Gloucester Crossing Road and Gloucester Crossing access drive shall be installed prior to the issuance of a certificate of occupancy for Building E.

B. All crosswalks will be painted in a highly visible color prior to the issuance of a certificate of occupancy. All crosswalks will have adequate signage for pedestrian passage.”

**CONDITION #39. DELETING CONDITION #39 IN ITS ENTIRETY AND ADDING NEW CONDITION #39:**

“Beginning July 1, 2019 Sam Park & Company LLC agrees to pay to the City of Gloucester the amount of twenty thousand dollars (\$20,000.00) per year for five (5) consecutive years for maintenance and road improvements to Gloucester Crossing Road and/or School House Road in Gloucester.”

**DISCUSSION ON AMENDMENT TO THE MAIN MOTION:**

**Councilor Gilman** noted that the most important conditions are #38 and #39, and that it was at Councilor Cox’s prompting at the Jan. 22 Council meeting to concentrate on the installation of a new sidewalk to bring pedestrians safely into Gloucester Crossing which all the Councilors believed to be an important issue. She reported that Condition #39 was something that was negotiated with the Applicant through the Administration, an agreement beneficial to both parties. She advised this was a good solution and asked the Council to support the newly amended conditions. She pointed out that there are 42 conditions in all.

**Council President Lundberg** conveyed that this is the first of the three Special Council Permit for Gloucester Crossing-- the second and third permits are for a retail drive through and coffee shop drive through. These conditions apply across all three Special Permits, he indicated.

**MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to amend the first motion of the Planning & Development Committee’s recommendation of January 16, 2019 as follows: by amending Condition #1, adding Condition 33D., and deleting conditions #38 and #39 and adding new conditions #38 and #39 as follows:**

**CONDITION # 1. ADDITION TO CONDITION TO INSERT DATE OF REVISED PLAN SET:**

1. The Project shall be constructed in accordance with the following Record Plans, or as subsequently approved by the City Council through minor modification or amendment, which are on file with the Planning Board and City Clerk’s Office:

“Proposed Development- MA Route 128, Gloucester, MA- Issued for Permit Review: 2018.10.01., revised 2018.12.17 and revised on 2019.2.1. – Prepared for: Gloucester Commons, LLC- Prepared by: Land Strategies, 333

School Street Suite 200, Mansfield, MA 02048 – 24 sheets – Stamped by Timothy J. Power, P.E. (hereinafter referred to as the “Record Plans”).

**CONDITION #33. ADDING NEW SUBSECTION “D.”:**

*“D. Applicant will provide two preferred site locations for Level 2 Electric Vehicle (EV) charging stations at Gloucester Crossing.”*

**CONDITION #38. DELETING CONDITION #38 IN ITS ENTIRETY AND ADDING NEW CONDITION #38:**

“38. Prior to the issuance of an occupancy permit for Building E, the applicant shall construct all sidewalks, ramps, crosswalks and signage as depicted on the Record Plans which includes the addition of a 5’ sidewalk on the northern side of the Gloucester Crossing access drive as depicted on the plan entitled, “Proposed Development MA Route 128, Gloucester issued for Permit Review 2018.10.01 revised 2019.2.1” prepared by LandStrategies LLC.

A. The pedestrian accommodations described in Condition #2 of this Special Permit, including the accessible ramps and crosswalks across Gloucester Crossing Road and Gloucester Crossing access drive shall be installed prior to the issuance of a certificate of occupancy for Building E.

B. All crosswalks will be painted in a highly visible color prior to the issuance of a certificate of occupancy. All crosswalks will have adequate signage for pedestrian passage.”

**CONDITION #39. DELETING CONDITION #39 IN ITS ENTIRETY AND ADDING NEW CONDITION #39:**

“39. Beginning July 1, 2019 Sam Park & Company LLC agrees to pay to the City of Gloucester the amount of twenty thousand dollars (\$20,000.00) per year for five (5) consecutive years for maintenance and road improvements to Gloucester Crossing Road and/or School House Road in Gloucester.”

**FINAL MOTION FOR SCP2018-007:**

**MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to recommend that the City Council grant a Modification of a Special Council Permit (SCP2018-007) to Sam Park & Company, LLC, owned by Gloucester Commons, LLC for a property located at #1 and #7 Gloucester Crossing Road, Map 262, Lots 13 and 37 pursuant to GZO Sections 1.5.3(c), “CCS” Special Permits and (d) “Major Projects”, 1.8.3, and 5.7 “Major Projects” in the Extensive Business District to modify the permitted shopping center on the Site with conditions herewith attached. This Application for a Special Council Permit is found to be in harmony with the purpose and intent of the Gloucester Zoning Ordinance.**

**SCP2018-006: COFFEE SHOP DRIVE THROUGH FACILITY**

COMMITTEE RECOMMENDATION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a Special Council Permit (SCP2018-006) for a coffee shop drive through facility to Sam Park & Company, LLC, Samuel Park Manager; Gloucester Commons, LLC, Samuel Park owner, for #1 and #7 Gloucester Crossing Road, Gloucester, MA, Map 262, Lots 13 and 37, zoned Extensive Business, pursuant to GZO Sections 1.5.3(g), 1.8.3 and 5.17 for a Drive Through Facility. This Application for a Special Council Permit is found to be in harmony with the purpose and intent of the Gloucester Zoning Ordinance.

**DISCUSSION: None.**

**MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to grant a Special Council Permit (SCP2018-006) for a coffee shop drive**

**through facility to Sam Park & Company, LLC, Samuel Park Manager; Gloucester Commons, LLC, Samuel Park owner, for #1 and #7 Gloucester Crossing Road, Gloucester, MA, Map 262, Lots 13 and 37, zoned Extensive Business, pursuant to GZO Sections 1.5.3(g), 1.8.3 and 5.17 for a Drive Through Facility. This Application for a Special Council Permit is found to be in harmony with the purpose and intent of the Gloucester Zoning Ordinance.**

#### **SCP2019-005: RETAIL DRIVE THROUGH FACILITY**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a Special Council Permit (SCP2018-005) for a retail drive through facility to Sam Park & Company, LLC, Samuel Park Manager; Gloucester Commons, LLC, Samuel Park owner, for #1 and #7 Gloucester Crossing Road, Gloucester, MA, Map 262, Lots 13 and 37, zoned Extensive Business, pursuant to GZO Sections 1.5.3(g), 1.8.3, and 5.17 for a Drive Through Facility with the following condition:

1) That the proposed parallel parking adjacent to the wall on the south side of the building be reserved for employees only and that these spaces are to be marked accordingly.

**DISCUSSION:** None.

**MOTION:** On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by **ROLL CALL 9** in favor, 0 opposed, to grant a Special Council Permit (SCP2018-005) for a retail drive through facility to Sam Park & Company, LLC, Samuel Park Manager; Gloucester Commons, LLC, Samuel Park owner, for #1 and #7 Gloucester Crossing Road, Gloucester, MA, Map 262, Lots 13 and 37, zoned Extensive Business, pursuant to GZO Sections 1.5.3(g), 1.8.3, and 5.17 for a Drive Through Facility with the following condition:

1) That the proposed parallel parking adjacent to the wall on the south side of the building be reserved for employees only and that these spaces are to be marked accordingly.

**Council President Lundberg** commended the Council, the Administration and the Applicant, Sam Park. He expressed they are pleased to see that Gloucester Crossing is growing.

**The Council recessed at 8:40 and reconvened at 8:44 p.m.**

6. **PH2019-007: SCP2019-001: Chestnut Street #6-#8, Map 13, Lot 53, for the construction of a fourth unit in existing 3-family building, pursuant to GZO Sec. 2.3.1(7) "Conversion to or new multi-family apartment dwelling, four to six dwelling units" 3.1.6(b) "Building heights in excess of 35 feet" and 3.2.2(a) & (b) "lot area requirements"**

**This public hearing opened at 8:44 p.m.**

**Councilor LeBlanc** recused himself under MGL c. 268A noting that as a painting contractor he has worked on the subject building at #6-#8 Chestnut Street and left the dais.

**Those speaking in favor:**

**Attorney Joel Favazza**, Seaside Legal Solutions, 123 Main Street, representing owner, Red Blazer Rentals, LLC, #301, Gloucester, for the property at Chestnut Street #6-#8, Map 13, Lot 53 explained utilizing a PowerPoint presentation as follows:

- Red Blazer Rentals, LLC is a joint venture founded in 2014 owns 145 Prospect Street, an existing 4-family dwelling; #6-#8 Chestnut St. was purchased in July 2018; three existing units have been rehabilitated, and it is intended to add a fourth unit in the building's basement in order to sell the units as condominiums, modestly priced;
- The project received necessary zoning relief from the Zoning Board of Appeals in January 2019.
- Four areas of Zoning Ordinance relief are requested: 1) A Multi-Family Special Permit to permit construction of the fourth unit in an existing 3-family building with no exterior changes other than

windows; 2) a Special Permit to exceed maximum allowable building height (35'+) although the height remains unchanged which is 36' above average grade; 3) a Special Permit to decrease the lot area and 4) a Special Permit to decrease open space per dwelling unit -- The overall Special Council Permit will allow the building and lot to remain as is.

- The applicant is seeking to finish the basement level by adding a two-bedroom apartment -- the basement has three means of egress;
- There are no changes to the exterior of the dwelling;
- When a property moves from a three-family dwelling to a four-family dwelling it moves down a line on the Zoning Ordinance use table, and a property loses any protected status it has for any non-conformities in dimension thereby prompting the requested relief;
- The house is configured as an existing three-family apartment building and to convert the majority of the basement into a fourth dwelling.
- Floor plans (on file) were shown. It was noted that there is more than adequate parking for four cars on site consistent with parking regulations. During a snow emergency about seven cars can be situated on the property. The basement will have a portion that remains common space on the easterly side with common storage on the northwesterly side. There is a common staircase on the easterly side to a private door for the basement level unit which will contain two bedrooms and bathroom on the northerly side and southerly side will be an open concept living and area and a kitchen in the southeastern corner. This won't prevent other unit owners to get to the common utilities in a bay on the southeastern corner of the basement or access through the bulkhead.
- There is a dedicated back door up a staircase on the westerly side to a shared exit; the bulkhead on the other side of the common storage, and the front entrance on the northeastern corner of the building.

Criteria for a Special Council Permit under GZO Sec. 1.8.3 were reviewed by **Mr. Favazza** as follows:

1. Social, economic and community need: This is an addition of working-class housing to the city. It is expected this unit will list under \$300,000 with two bedrooms, termed a great starter for a young family to obtain homeownership. This unit is in walking distance to public transportation and the downtown and adds a fourth taxable dwelling unit.
2. Traffic flow and safety: There is parking for four cars but can fit up to seven cars. Municipal long-term parking was also noted as nearby at the Fitz Henry Lane parking lot.
3. Adequacy of utilities: Utility service to the apartment will be adequate to service the proposed fourth unit. Per Fire Code a second water line will have to be installed for a new sprinkler system. There is adequate capacity in the street for that water line installation.
4. Neighborhood character and social structure: Exterior of house, lot and driveway is unchanged. The house is receiving upgrades that would otherwise be financially infeasible. It was noted that there are multi-family dwellings of four or more units along Chestnut, Elm and Prospect Street and in the east end of Main Street (map showing multi-families near locus was shown).
5. Qualities of the natural environment: The entire site is already improved and will remain as such and is fully developed.
6. Potential fiscal impact: A fourth condominium unit is another taxable housing unit for the city.
  - A drone shot of the downtown and Chestnut Street with the roof of subject building in the foreground which was shown to depict that the building is not out of character with the neighborhood -- whatever shadows are thrown by the building now will remain as is on adjoining properties;
  - Structural density is appropriate. There is very little if any lot area that's not covered by buildings in the area of #6-#8 Chestnut St. The amount of open space on the building lot is spacious for the area.

It was requested that the use permit, height permit and the two decreases for lot area and open space be approved as the application meets those sections of the Zoning Ordinance.

**Those speaking in opposition: None.**

**Communications: None**

**Councilor Questions:**

**Councilor Cox** discussed with Mr. Favazza plans for the four units' trash and recycling. He suggested that in the backyard area on the northwestern corner there is ample room for large toter bins, one for each unit, that would have unobstructed access for unit owners to bring their toters and recycling bins to the curb. **Councilor Cox** confirmed that the city would pick up the trash and recycling; that at five dwelling units the apartment building/condominium association must contract for trash and recycling removal privately.

**Councilor Hecht** asked if the sidewalk was wide enough to allow for access to the basement unit. **Mr. Favazza** noted the two options for the basement unit is the common staircase on the eastern side of the building, saying that access there would not be an issue. The alternative would be through the rear entrance, added that Unit 2 will likely use the rear entrance as well. He advised that the stairway access from the front door is through an enclosed porch and is the front door to the first floor unit.

**This public hearing is closed at 9:00 p.m.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a Special Council Permit (SCP2019-001) to Red Blazer Rentals, LLC, for a property at Chestnut Street #6-#8, Map 13, Lot 53, zoned CB (Central Business) to add a fourth dwelling unit in an existing three dwelling unit building under GZO Sections 1.8.3, 2.3.1(7) Conversion to or new multi-family or apartment dwelling, four to six dwelling units to increase from three dwelling units to four dwelling units; 3.1.6(b); and 3.2.2(a) Minimum lot area per dwelling unit of 2,500 from current 1,462 feet to 1,097 feet and (b) Open space per dwelling unit of 1,250 from current 1,462 feet to be reduced to 1,097 feet pursuant to a plan submitted with the application, rendered by American Land Survey Associates, Gloucester, MA (J-2290) signed by Kirk W. Benson, PLS dated November 1, 2018. This Special Council Permit is in harmony, intent and purpose of the Zoning Ordinance.

**DISCUSSION: None.**

**MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (LeBlanc) recused, to grant a Special Council Permit (SCP2019-001) to Red Blazer Rentals, LLC, for a property at Chestnut Street #6-#8, Map 13, Lot 53, zoned CB (Central Business) to add a fourth dwelling unit in an existing three dwelling unit building under GZO Sections 1.8.3, 2.3.1(7) Conversion to or new multi-family or apartment dwelling, four to six dwelling units to increase from three dwelling units to four dwelling units; 3.1.6(b); and 3.2.2(a) Minimum lot area per dwelling unit of 2,500 from current 1,462 feet to 1,097 feet and (b) Open space per dwelling unit of 1,250 from current 1,462 feet to be reduced to 1,097 feet pursuant to a plan submitted with the application, rendered by American Land Survey Associates, Gloucester, MA (J-2290) signed by Kirk W. Benson, PLS dated November 1, 2018. This Special Council Permit is in harmony, intent and purpose of the Zoning Ordinance.**

**Councilor LeBlanc returned to the dais.**

- 7. PH2019-008: SCP2019-002: School House Road #2, #3 & #4 School House Road, Map 262, Lots 14 & 37 and Gloucester Crossing Road #7, Map 43, Lots 4 & 5, for the modification of Condition #18 City Council Special Permit 2017-012, pursuant to GZO Sec. 1.5.13**

**This public hearing is opened at 9:03 p.m.**

**Those speaking in favor:**

**Attorney Deborah Eliason**, 63 Middle Street, Eliason Law Office, representing Fuller Mixed Use Ventures, LLC (FMUV) accompanied by **Peter Gourdeau**, Windover Construction, reviewed the following information for the modification of Condition #18 of the granted Special Council Permit 2017-012 for School House Road #2, #3, & #4, and Gloucester Crossing Road #7 under GZO 1.5.13:

Condition #18 prohibited a building permit for construction of the FMUV project to be issued until the off-site sewer design improvements were permitted and a construction contract was awarded. This was included as a condition as a placeholder because the MassWorks grant hadn't been awarded (to the city). If the grant hadn't been awarded, the Applicant would have had to come back before the Council to determine how those improvements would be funded. The MassWorks grant has been awarded and the condition is no longer needed. The off-site improvements are completely within the city's control. Eliminating the condition will allow the FMUV to move forward with the closing with the city without waiting for this condition to be satisfied.

As required under GZO 1.5.13, there is cause to remove the condition as it doesn't impair the interests of the neighborhood or the city to do so.

As to the criteria in the Zoning Ordinance under Sec. 1.8.3 were explained in the prior Special Council Permit application and all six criteria were met. Under the criteria, "Utilities" it is noted that utilities will be improved with the award of the MassWorks grant which allows the utilities and other infrastructure in the extended neighborhood to be improved. Although the total improvements related to the Fuller project are small compared to the total grant

award, the project was used to allow the city to qualify for a much larger grant. The requested modification of Condition #18 reflects the identification of the funding source to complete these off-site improvements and allow the closing to proceed as planned. All other utilities and services are adequate to complete the project. No other amendments are requested to the Special Permit.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 9:07 p.m.**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant under SPC2019-002 a Modification of a Special Council Permit SCP2017-012 to Fuller Mixed Use Venture LLC for the properties known as School House Road #2, #3, & #4, Map # 262, Lots 14 and 27, and Gloucester Crossing Road #7, Map 43, Lots 4 and 5, pursuant to Sections 1.5.13 and 1.8.3 that Condition #18 is modified as follows:

“18. The Project shall be connected to the City of Gloucester sanitary sewer lines upon substantial completion of any element of the Project. The Applicant shall pay all applicable sewer connection fees related to the installation and inspection of on-site sewer infrastructure to the City of Gloucester. The schedule of fees shall be that in effect on September 11, 2018, the date this Special Permit was issued.”

This modification to SCP2017-012 through SCP2019-002 is found to be in harmony with the purpose and intent of the Gloucester Zoning Ordinance.

#### **DISCUSSION:**

**Councilor Gilman** conveyed the following: The MassWorks grant award Condition #18 is no longer needed. The Administration has expressed its support of this modification as well. The P&D Committee reviewed this Special Council Permit condition modification at its Jan. 16, 2019 meeting.

**MOTION:** On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by **ROLL CALL 9** in favor, **0** opposed, to grant under SPC2019-002 a Modification of a Special Council Permit SCP2017-012 to Fuller Mixed Use Venture LLC for the properties known as School House Road #2, #3, & #4, Map # 262, Lots 14 and 27, and Gloucester Crossing Road #7, Map 43, Lots 4 and 5, pursuant to Sections 1.5.13 and 1.8.3 that Condition #18 is modified as follows:

“18. The Project shall be connected to the City of Gloucester sanitary sewer lines upon substantial completion of any element of the Project. The Applicant shall pay all applicable sewer connection fees related to the installation and inspection of on-site sewer infrastructure to the City of Gloucester. The schedule of fees shall be that in effect on September 11, 2018, the date this Special Permit was issued.”

This modification to SCP2017-012 through SCP2019-002 is found to be in harmony with the purpose and intent of the Gloucester Zoning Ordinance.

**8. PH2019-009: Amend GCO Ch. 21 “Streets, Sidewalks and Other Public Places”, Article IV “Repair of Private Ways”, Sec. 21-84 “Permanent construction or repair” re: proxy votes**

**This public hearing is open at 9:09 p.m.**

**Those speaking in favor:**

**Councilor Nolan** reviewed that in Feb. 2016 there were amendments made to Ch. 21, Sec. 80 - 86 which allowed proxy voting pursuant to the repair of private ways; but in early 2017 there were further changes to the ordinance to make it easier to understand, but at that time proxy votes were omitted from that second round of amendments. Since that time it became clear that proxy votes are very important, particularly for snowbirds or for those folks who can't make a meeting due to unforeseen circumstances. The proposed language will allow for proxy votes, with a property owner giving a person permission to vote in their absence through a notarized document. Highlighting that there is a financial burden and liability involved with paving betterments, it is important that a representative of a property owner who is on the property owner's behalf voting to assume a betterment responsibility

for a five or ten years is important to ensure that the person voting for the absent property owner is representing them appropriately. He asked the Councilors for their support for this important amendment.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions:**

**Councilor Cox** commended Councilor Nolan for his work on this ordinance, noting that Ward 5, his ward, has the majority of private ways in the city. She expressed appreciation for how he has strived to make the ordinance user friendly saying she's learned a great deal from him on the subject of private roads.

**This public hearing is closed at 9:13 p.m.**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 21 "Streets, Sidewalks and Other Public Places", Article IV "Repair of Private Ways, Sec. 21-84 "Permanent construction or repair as follows:

by **DELETING** the last sentence in subsection (f), "No proxy votes shall be allowed."

by **ADDING** a new subsection (g) as follows: "Any abutting owner may designate a proxy to represent them and cast the requisite vote(s) on matters required by this section. Such a designation shall be a notarized letter by the abutting owner that includes the following: 1) the name and address of the abutting owner, 2) the name and address of the proxy, 3) language from the abutting owner expressly granting permission to the proxy to vote on the abutting owner's behalf, 4) a copy of the proxy's valid state or federal picture identification, and 5) a copy of the abutting owner's valid state or federal picture identification and 6) the abutting owner's signature. The designation documents must be 1) delivered to the City Clerk no later than 48 hours before the date and time set for the meeting at which votes will be cast, and 2) presented at the meeting under section 21-84(e) prior to voting."

and alphabetize the remaining subsections accordingly.

**DISCUSSION:**

**Council President Lundberg** offered his approbation for Councilor Nolan's efforts. **Councilor LeBlanc** added his thanks to Councilor Nolan saying that this (GCO section) is a work in progress and may have to be "tweaked" again. He pointed out that this amendment is trying to make it an easier process for residents of private ways.

**MOTION:** On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to Amend GCO Ch. 21 "Streets, Sidewalks and Other Public Places", Article IV "Repair of Private Ways, Sec. 21-84 "Permanent construction or repair as follows:

by **DELETING** the last sentence in subsection (f), "No proxy votes shall be allowed."

by **ADDING** a new subsection (g) as follows: "Any abutting owner may designate a proxy to represent them and cast the requisite vote(s) on matters required by this section. Such a designation shall be a notarized letter by the abutting owner that includes the following: 1) the name and address of the abutting owner, 2) the name and address of the proxy, 3) language from the abutting owner expressly granting permission to the proxy to vote on the abutting owner's behalf, 4) a copy of the proxy's valid state or federal picture identification, and 5) a copy of the abutting owner's valid state or federal picture identification and 6) the abutting owner's signature. The designation documents must be 1) delivered to the City Clerk no later than 48 hours before the date and time set for the meeting at which votes will be cast, and 2) presented at the meeting under section 21-84(e) prior to voting."

and alphabetize the remaining subsections accordingly.

**For Council Vote:**

**1. Memorandum from City Clerk re: request City Council set September 17, 2019 as the date for the municipal primary election**

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to set September 17, 2019 as the date for the City of Gloucester's municipal primary election.**

**2. City Council Resolution re: State Action to Combat Nip Bottle and Single Use Water Bottle Litter**

**Councilor Cox** recounted that the city of Salem passed a nip bottle Resolution about nip bottle redemption initially through a request to the state, and borrowed that language but adding the redemption for single-use water bottles to it. She advised the single-use water bottle redemption initiative failed about four years ago. With all the attention that nips are getting in the City of Woburn, she encouraged the Council to reach out to any local area municipality that hasn't "put their hat into the ring" to add weight to the request that the state act on this matter.

**Councilor Gilman** expressed she was pleased with the initiative with the addition of single use water bills. She asked how they can work with the city's state representatives to bring this forward to the state legislature noting a bill on the House floor that is similar. **Councilor Cox** highlighted that is the point of the Resolution and embedded in its language. If the Council votes in favor, she advised she would email the state legislators giving them the Certificate of Vote, conveying that they are serious about this initiative and encourage them to vote in favor.

**Councilor Gilman** noted at the MMA conference they spoke to a Salem City Councilor, who advised that in hindsight they were regretful they didn't add single-use water bottles. She recounted attending a simple training session at the Beeman Elementary School with fourth graders put on by the DPW and described how they show the program demonstrates to children the links of single-use plastic bottles and the volume of those bottles per person extends out exponentially.

**Councilor LeBlanc** expressed he understood the redemption of nip bottles, but pointed out those single-use water bottles are easily recycled. **Councilor Cox** encouraged Councilor LeBlanc to come to a trash cleanup saying that single-use water bottles are found in every area as litter around the city. **Councilor LeBlanc** noted that he didn't want as part of city government to overstep certain bounds by placing a "tax" on these single-use plastic bottles and expressed concern that it could expand exponentially. He pointed out his understanding the issue with nip bottles.

**Ainsley Smith**, Chair, Clean City Commission, highlighted that a deposit is not a tax but is money that comes back to the individual who purchased the nip or single-use plastic water bottle. She mentioned the education program briefly that Councilor Gilman spoke of. She expressed this redemption program may incentivize people to remove single-use plastic water bottles from the environment.

**Councilor Holmgren** asked what kind of carbon footprint results from plastic water bottle manufacturing. **Ms. Smith** advised it is large. The cost of processing bottled water is high, including producing, bottling and shipping.

**Councilor O'Hara** mentioned when he was a kid no one walked around with a water bottle in their hand. He pointed out that there is an abundance of fresh water resources on Cape Ann yet diesel trucks are delivering 12,000 gallons of spring water all the time to stores all the time. He asked the Councilors to consider seeking out the source of the problem by cleaning up water sources. He encouraged the use of public water bubblers with water bottle filling stations in prominent places for visitors and citizens to have access to good drinking water sources.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Holmgren, the City Council voted 9 in favor, 0 opposed, to instruct the City Clerk to forward letters to the city of Gloucester's state legislative delegation as well as the Governor of the Commonwealth of Massachusetts to advise them of the following City Council and Mayoral Resolution as follows:**

***"WHEREAS, the growing prevalence of "nip" bottles (miniature, single serving, bottles of spirit, liqueur, or other alcoholic beverage) and single use water bottles as loose litter on our streets and sidewalks, and in our parks and other open spaces contributes to the flow of trash in our waterways, rivers and ocean; and***

***WHEREAS, this form of litter additionally detracts from the public's enjoyment and diminishes the quality of our life in our communities; and***

***WHEREAS, the Commonwealth has seen tremendous success in the elimination of other forms of bottle and can littering through the adoption of M.G.L. c.94 sections 321-327, also called the Bottle Bill;***

***THEREFORE, we, the City Council and the Mayor of Gloucester, do request of the Legislature and the Governor of the Commonwealth that they take action in 2019 to amend M.G.L. c. 94 and all other regulations or laws thereunder regarding the redemption of empty bottles and containers in order to extend the law to include “nip” bottles or any other small bottle of spirit, liqueur, or other alcoholic beverage, typically of 50 ml, intended to comprise an individual serving and single use water bottles.”***

**Unfinished Business: None.**

**Individual Councilor’s Discussion including Reports by Appointed Councilors to Committees:**

**Update of the Poet Laureate Selection Committee by City Council Representative, Councilor Paul**

**Lundberg:** Council President Lundberg advised that the representative is now Councilor Cox as he has stepped aside from that role. Councilor Cox reported that she has spoken with Judith Hoglander, member of the Poet Laureate Selection Committee, and expects to meet in June.

**Councilors’ Requests to the Mayor:**

**Councilor Hecht** mentioned the Grand Opening of Wheelhouse Co-Working Space. He extended his thanks to Deborah Kelsey, Library Director; and Sawyer Free Library Board member Simon Paddock for a tour of the redeveloped and expanded Ready Massachusetts Library. He noted that the annual Senior Care fundraising breakfast is slated for Valentine’s Day morning.

**Councilor Gilman** announced the One Billion Rising event-a Life without Violence against Women is also slated for Valentine’s Day at City Hall. She mentioned a guide developed by Councilor Memhard about the private ways repair betterment process reporting that she and Councilor Memhard met with the City Clerk and Assistant City Clerk to fine tune the draft, to be reviewed by Mike Hale. When finalized, the guide will be on the city’s website with hyperlinks to the necessary petition, a timetable, policy, etc. She extended her thanks to Councilor Memhard for his work. She highlighted pursuant to the Dogtown nomination per MGL Ch. 40, 8D, the Council is part of the approval process on complex nominations. She advised she’d met with the Planning Director; the Community Development Director; and Rick Noonan, Planning Board Chair, to develop a timetable which is: The Planning Board is reviewing the Dogtown nomination on Thursday, March 7 and has requested department head recommendations prior to that meeting, including the city’s Environmental Engineer to weigh in on water resource issues. The public will be allowed to speak at that Planning Board meeting. The matter of the Dogtown nomination will return to P&D on March 20 and a public hearing and vote is slated to take place on Tuesday, March 26.

**Councilor O’Hara** announced a Red Cross Blood Drive for Feb. 15 at the Magnolia Library (call 1-800-RED-CROSS for more information).

**Councilor Holmgren** highlighted a variety of offerings for activities for children during the February school vacation.

**Councilor Memhard** observed that everything on track for the closing on the Fuller property the following day, and offered his congratulations to Mr. Destino and Administration. He reported that although there was a winter storm the previous evening, the abutters of Souther Road held a betterment meeting and gained the necessary votes to move forward with the city’s betterment process for private ways.

**Councilor Cox** reminded the public that the Cape Ann Animal Aid Ball is this Saturday which will honor Extreme Auto as Business of the Year and Volunteer of the Year, Jessica Biker. She mentioned that on Thursday, Feb. 21 Councilor Gilman will be the celebrity bartender at the Cape Ann Brewery in support of her charity, the Gloucester Education Foundation; and that she will be the celebrity bartender on Thursday, Feb. 28 in support of Cape Ann Animal Aid. She asked that the Council begin a conversation regarding Oral Communications. She highlighted that Gloucester residents speak to the Council and yet they get their response from the Mayor’s Office, saying that the Council should have a say in what the response is suggesting this might necessitate changes to the manner in which a response is made to the public.

**Councilor LeBlanc** wished his wife a happy 31<sup>st</sup> Valentine’s Day together.

**Council President Lundberg** noted he was at the Cape Ann Brewery last week in support of his chosen charitable recipient, Wellspring House and thanked Mr. Goldberg for allowing this fundraising by the Council to take place at his establishment and for Councilor Holmgren’s co-hosting. He announced that not only is the Senior Care annual fundraising breakfast taking place Valentine’s Day morning at the Gloucester House, but that it will be followed by the Addison Gilbert Hospital Hearts of Health annual Valentine’s Day fundraising luncheon hosted by Francis Ferrante. Money this year will go to the Senior Adult Care Unit at the AGH and one of the rooms will be named in honor of Brian Tarr, who among his many civic duties was a great participant in the AGH Foundation.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 9:44 p.m.**

**Respectfully submitted,**

*Dana C. Jorgenson*  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- Under Oral Communications: Written statement by Grant Clark
- Under Presentations: PowerPoint Presentation by City Auditor, Kenny Costa
- Under Public Hearings: Power Point Presentation by Attorney Joel Favazza for SCP2019-001

**SCP2018-007: Gloucester Crossing Road #1 & #7, Map 262 Lots 13 & 37, GZO Secs. 1.5.3(c) “CCS” Special Permits” & (d) “Major Projects” and 5.7 “Major Projects” in the EB district**

**FINAL CONDITIONS AS VOTED BY THE CITY COUNCIL**  
**February 13, 2019**

The Special Permit(s) is/are subject to the following conditions:

1. The Project shall be constructed in accordance with the following Record Plans, or as subsequently approved by the City Council through minor modification or amendment, which are on file with the Planning Board and City Clerk’s Office:

“Proposed Development – MA Route 128, Gloucester, MA – Issued for Permit Review: 2018.10.01, Revised 2018.12.17 and revised on 2019.2.1 – Prepared for: Gloucester Commons, LLC – Prepared by: Land Strategies, 333 School Street Suite 200, Mansfield, MA 02048 – 24 sheets – Stamped by Timothy J. Power, P.E. (hereinafter referred to as the “Record Plans”)”.

2. The Project shall be limited to the buildings and improvements shown on the Record Plans: a Shopping Center (composed of Buildings A, B, C1, C2, D, E and F), an Assisted Living Facility (Building H), and Two Drive-Through Facilities (Buildings C2 and E). Due to the concerns regarding storm water generation, any proposed changes which would result in an increase in the “footprint” of the Project should be reviewed following the procedures outlined further in these conditions.
3. If the Applicant wishes to modify the approved Record Plans, it shall submit proposed modifications in accordance with the provisions of this paragraph. Where such modification is deemed substantial, the same standards and procedures applicable to an original application for a special permit approval shall apply to such modification and review and recommendation by the Planning Board and public hearing by the City Council; provided, however, that the Planning Director may determine that a proposed modification is insubstantial and approve the same.

4. The Planning Director in consultation with the Community Development Director, Building Inspector, City Engineer, Conservation Agent and Director of Public Works shall determine whether any modifications to the Project are substantial or insubstantial. In making such determination, the following shall be presumed to constitute substantial modifications, subject to confirmation by the City Council by majority vote at a public meeting:

- Any change in the composition or number of uses on the Site specified in Condition No. 2 that results in an increase in traffic generation above the vehicle trips identified in the record documents;
- Changes in the location of buildings, roadways, parking areas and other accessory structures that decrease the setbacks as defined in the GZO from adjoining residential areas indicated in the record documents;
- Changes that result in a net reduction of open space or lot coverage indicated in the record documents;
- Changes to the buildings or grading that increase a building's height beyond that shown on the record documents and beyond that shown on the final approved plans;
- Changes to the buildings that increase the total floor area of the Project beyond that shown on the record plans;
- Changes to the architectural character of the buildings shown in the record documents; and
- Authorization to modify the Record Plans shall be obtained prior to any substantial modification in the field.

5. The City shall not have any legal responsibility for the operation, maintenance, repair or replacement of the following to the extent such features are located on the Site:

- All roadways and parking areas within the Project;
- Storm water management facilities, including detention basins;
- Snow plowing of internal roads and parking areas, and cost of plowing Gloucester Crossing Road and School House Road as determined in the City's acceptance of the layout of Gloucester Crossing Road and related documents;
- Landscaping within the Project except for landscaping in the layout of Gloucester Crossing Road and School House Road after the expiration of the Applicant's maintenance responsibilities as determined in the City's acceptance of the layout of Gloucester Crossing Road and related documents;
- Trash removal;
- Street lighting within the Project, except for lighting in the layout of Gloucester Crossing Road and School House Road after the expiration of the Applicant's maintenance responsibilities as determined in the City's acceptance of the layout of Gloucester Crossing Road and related documents;
- Building repair and maintenance; and
- Water and sewer services within the Project.

6. The internal driveways within the Project shall remain private in perpetuity and shall not be proposed by the Applicant for acceptance by the City.
7. In the event of any emergency, the Applicant shall allow the City of Gloucester Department of Public Works (DPW) access to the sewer and water lines on the Site for repair purposes.
8. The Conservation Commission's Order of Conditions issued May 24, 2007 pursuant to 310 CMR 10.00 and an Order of Conditions issued May 24, 2007 under the Gloucester Wetlands Ordinance regarding this property are a part of this Special Permit. If there is any inconsistency between the Record Plans, and the plans as may be approved by the Conservation Commission or the Department of Environmental Protection (DEP), the Applicant shall submit an amended plan to City Council and the Planning Board for review, and to the Conservation Commission and to DEP (if applicable) for approval in order that all approvals are consistent with one another.
9. Following construction of the Project, the Applicant shall provide an "as-built" site plan to the City Council, the Planning Board, the Engineering Department, and the Building Department prior to the issuance of the final Certificate of Occupancy for buildings in the Project in accordance with applicable regulations. Partial Certificates of Occupancy may be issued upon completion of various phases of the Project. The Applicant shall provide a separate "as-built" plan depicting the water mains and services and sewer mains and facilities to the Engineering Department demonstrating compliance with the Record Plans and installation specifications. These plans shall also be submitted in electronic format.

***Conditions Pertaining to the Construction Phase of the Project***

10. A preconstruction conference with City departments shall be held prior to the commencement of construction of the Project. For the purposes of this Decision, "commencement of construction" shall occur when the clearing and grubbing (removal of stumps and topsoil) has been initiated. The contractor shall request such conference at least thirty (30) days prior to commencing construction by contacting the Planning Director, Inspector of Buildings, Chief of Police, Chief of Fire Department, Conservation Commission agent, and Engineering Department in writing. At the conference, the Applicant and municipal officials shall agree upon a schedule of inspections. The Applicant shall provide the City with emergency contact numbers as well as the name and telephone number of a designated owner's representative for all Project related communication.
11. During construction of the Project, the Applicant shall conform to all local, state and federal laws regarding noise and vibration. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Exterior construction of the Project shall not commence on any weekday before 7:00 a.m. and shall not continue beyond 6:00 p.m. except for certain operations such as concrete finishing and emergency repairs. Exterior construction shall not commence on Saturday

before 8:00 a.m. and shall not continue beyond 5:00 p.m. with the same exceptions. The Building Inspector may allow longer hours of construction in special circumstances, provided that such activity is requested in writing by the Applicant, except for emergency circumstances where oral communication shall be followed by written confirmation. There shall be no exterior construction on any Sunday or state or federal legal holiday. Hours of operation shall be enforced by the Gloucester Police Department as a city ordinance violation.

12. Construction monitoring shall occur as required under the Conservation Commission's Orders of Conditions GWO-07-2 and DEP No. 28-1857, both issued May 24, 2007.

13. The City Council's agents shall be allowed to enter and view and inspect the Site during regular business hours to ensure compliance, subject to applicable safety requirements as established by the Applicant or its contractor, including signing in at the construction field office trailer.

14. Prior to the commencement of construction of the Project, the Applicant shall submit to the Engineering Department, Inspector of Buildings, and the Planning Director a Construction Management Plan for the Project, which includes the following elements and requirements:

- A. Material deliveries, contractor equipment, and material removal shall be routed off of Route 128 once the access is established.
- B. Construction access/egress gates shall be located at the intersections in the vicinity of the proposed ALR.
- C. Construction fencing shall be erected for the duration of construction within the buffer zone along abutting parcels to the south and along the boundary of the Fuller School, as shown on the Record Plans. Fencing shall be six (6) foot wire fencing with fabric screen.
- D. Staging of equipment and material shall be located within the Project. Good faith efforts shall be made to schedule material deliveries to avoid peak traffic hours. This condition is subject to stricter time constraints if in the opinion of the permit granting authority said good faith efforts have become relaxed.
- E. Blasting and excavation shall be conducted according to all city and state regulations including 527 CMR 13.00 and the Gloucester Code of Ordinances Section 13 Noise, and shall be conducted within the hours set forth in Condition #11. No rock crushing operations will be set up within one hundred (100) feet of residential dwellings. No stump grinding or tree chipping apparatus shall be permanently installed or operated within such one hundred (100) foot buffer; provided, however, that this condition shall not be construed to prevent tree removal, tree chipping, or tree stump grinding in place within such buffer.

- F. Sedimentation and erosion controls, as shown on the Record Plans, shall be maintained and inspected by an independent erosion control monitor on a weekly basis, or as directed by the Conservation Agent or Engineering Department and said inspections shall be reported in writing to Conservation and Engineering Departments.
- G. Dust from outside activities shall be controlled. The Applicant and its contractors shall effectuate the following practices to minimize levels dust:
- Wetting soils that are excavated from unsaturated zones;
  - Wetting equipment during excavation/loading activities;
  - Minimizing dust generation from areas that have been excavated through the wetting of soils, or by other means of stabilizing dust particles;
  - Stockpiles left more than thirty (30) days shall be stabilized;
  - Restricting vehicle speeds and travel routes on the Site;
  - Covering truck beds transporting soils off-site/on-site to prevent dust generation; and
  - Sweeping paved areas if a nuisance is created by blowing soil, dust, or debris.
15. The Applicant shall be required to promptly repair any damage, which Applicant causes to sidewalks, street pavement, signs or other fixtures or features within the public right of way, after obtaining permission from the City.

***Conditions Pertaining to Traffic***

16. Prior to the issuance of the final Certificate of Occupancy, the Applicant shall make (either itself or through payment to third parties) roadway and infrastructure improvements for the Project as follows:
- A. Adjustments, including reconstruction of the hardware and phasing modifications at the intersection of Eastern Avenue and Route 128. This shall be initiated after Massachusetts Highway Department (Mass Highway) approval and upon issuance of a building permit.
- B. The installation of a traffic signal at the intersection of Route 128 and Gloucester Crossing Road shown on plan entitled: Figure 8 - Signalized Intersection included in the TIAS, if the traffic signal is approved by Mass Highway.
- C. Striping and lane improvements at Grant Circle, Blackburn Circle and Route 128 Extension subject to the approval of Mass Highway.

- D. If the traffic signal is approved by Mass Highway, the Applicant shall purchase and install the following transponders free of charge to the Municipalities: six (6) transponders to the Gloucester Police Department (one for each cruiser on the road), twelve (12) transponders to the Gloucester Fire Department, and two (2) transponders to the Town of Rockport for their emergency ambulance use.
17. Within one hundred and twenty (120) days of the issuance of an occupancy permit for the Shopping Center, the Applicant shall implement the outlined Transportation Demand Management (TDM) Strategies, identified in the Traffic Impact and Access Study including:
- A. Ridesharing Programs. Ridesharing refers to encouraging commuters to ride in vehicles with other commuters rather than drive alone to work. Given the number of people employed in the area, a coordinated rideshare program could be very successful. The most common forms of ridesharing are carpool and vanpools. The benefits of such programs include less congestion, reduced fuel consumption, and better air quality.
  - B. Preferential parking, within designated employee parking, for employee carpoolers to the Project detailing the location of reserved parking spaces as proximate as possible to the various building entrances.
  - C. Establish Gloucester Crossing as a part of CATA's Yellow Line bus route and coordinate accommodations for permanent bus stops on-site, subject to approval by CATA.
  - D. Sell CATA and MBTA passes at the Shopping Center if permitted by CATA and MBTA.
  - E. Establish a shuttle service from the proposed ALR to the retail center.
  - F. Establish Bicycle Facilities, including exterior bicycle racks and bicycle storage in a reasonably accessible location.
  - G. Establish pedestrian links to the existing residential neighborhood to the south of the Site.
18. A Transportation Coordinator shall be appointed and responsible for managing the TDM program for three (3) years after the full buildout. Newly hired Transportation Coordinators must be introduced to the Planning Director and Building Inspector within 30 days of their appointment. The Transportation Coordinator's duties will include ensuring that the shuttle bus service will run from the Site on a schedule that coincides with employee schedules for arriving and departing the Site according to their scheduled shift changes, so that this service can provide employees with a useful alternative to automobile access. The Transportation Coordinator shall report annually for three (3)

years to the City Council on February 1st summarizing the effectiveness of the TDM program. The City Council may suggest adjustments to the TDM program based on such report.

19. Once signalized, all deliveries and truck traffic must enter and leave the Site via Gloucester Crossing Road in the built condition.

***Conditions Pertaining to Water and Sewer***

20. The Project shall be connected to the City of Gloucester sanitary sewer lines and a copy of the permit shall be provided to the City Council. The Applicant shall pay all applicable sewer fees, including connection and inspection, to the City of Gloucester.

21. The Project shall be connected to the City of Gloucester for domestic water and fire flow. Final fire flows in compliance with state and local regulations shall be certified by the Fire Department.

***Conditions Pertaining to Storm Water Management***

22. Although further soil evaluations are not mandated at this time, City Staff from the Health Department and Engineering Department shall be present during installation of infiltration components to ensure the drainage system will function as proposed. Should soil conditions be observed during construction that do not match design assumptions, revised plans which address such issues shall be submitted to the Engineering Department for review and approval.

23. The Applicant shall follow the Operation and Maintenance Plan dated November 21, 2006, revised April 18, 2007, for the Project's storm water management system. In the event that the Applicant fails to maintain the on-site storm water management system in accordance with such Plan, the City shall give written notice of such failure and the Applicant shall have twenty (20) days to repair the cited failure. In the event of an emergency and an inability to contact the Applicant or its successor in interest, the City may conduct such emergency repair and the Applicant shall permit entry onto the Site to make such emergency repair. In the event the City conducts such emergency repair, the Applicant shall promptly reimburse the City for all reasonable expenses associated therewith; if the Applicant fails to so reimburse the City, the City shall place a lien on the Project or any improvement therein to secure such payment. No entry by the City shall be made without prior written notice to the Applicant and without affording the Applicant a reasonable opportunity of not less than twenty (20) days as aforesaid to cure the maintenance or repair problem.

***Conditions Pertaining to Site Safety and Security***

24. Following issuance of a Certificate of Occupancy for the Project, the Applicant shall provide and maintain private security service as needed.

25. Prior to the issuance of a Certificate of Occupancy, the Applicant shall prepare and submit detailed fire suppression and detection plans for review by the Fire Department and the Building Department.
26. Each building within the Project shall contain a fire alarm system with central station monitoring. The operation of the alarm and the method of connection shall be approved by the Fire Department and the Building Department.
27. All fire hydrants shall be located where indicated by the City of Gloucester Fire Chief, including any additional fire hydrants requested by the Fire Chief, said hydrants shall be protected by bollards and shall not be blocked or hidden from view by any vegetation or dumpsters or anything obstructive in nature.
28. Dumpsters shall be screened from view by vegetation and/or fencing and shall be locked when not being accessed by the owner of record.
29. Prior to implementation, the Applicant shall provide a Security Plan for review and comment by the Gloucester Chief of Police and Chief of the Fire Department. To the extent permissible under law, for security reasons, such plan shall not be considered a public document.
30. The applicant shall be responsible for Site security during and following construction. The Applicant shall pay for public safety details when required during the construction period when site equipment and material deliveries affect public roadways adjacent to the Site, as directed by the Gloucester Police Department.
31. The Applicant shall cooperate with the Gloucester Police and Fire Departments and periodically conduct scheduled mock exercises to address mutual concerns, such as searches for missing persons, intruders and potential evacuation.
32. The Applicant shall annually request that the Gloucester Police and Fire Departments provide to the City Council on February 1st the actual number of emergency 911 calls to the Gloucester Police and Fire Departments during the prior calendar year.

***Conditions Pertaining to Open Space and Conservation***

33. In accordance with the Order of Conditions issued by the Gloucester Conservation Commission, the Applicant shall be responsible for monitoring the vernal pools for water quality mid habitat impacts for a period of five (5) years. Any required mitigation for wetland impacts shall be initiated or constructed prior to the issuance of a Certificate of Occupancy.

- A. Applicant agrees to plant sufficient trees at the agreed upon locations as noted in the record plans to mitigate the littering and blowing trash from the two drive through locations.

- B. All landscaping for each building shall be installed not less than one year from date of issuance of any of the building occupancy permits in Phase 2. All planting material shall be maintained and replaced due to mortality or damage by snow storms or snow removal, droughts or lack of maintenance.
- C. Any project major modification shall be constructed in compliance with the order of conditions issued by the Gloucester Conservation Commission. A certificate of compliance shall be issued prior to the final occupancy permit for Phase 2.
- D. Applicant will provide two preferred site locations for Level 2 Electric Vehicle (EV) charging stations at Gloucester Crossing.

***Conditions Relating to Community Benefit***

34. The Applicant shall actively recruit in Gloucester for all open staff positions, including making such efforts as advertising jobs in the local Gloucester newspapers and having a job fair in Gloucester for Gloucester residents.
35. The Applicant has agreed to make a voluntary contribution toward the enhancement of downtown economic development by providing the opportunity for interested downtown merchants to be included in Gloucester Crossing advertising material, by providing a kiosk or information stand with information about interested Gloucester retail, restaurants, and attractions, mid agrees to work with the Downtown Development Commission and the retail section of the Chamber of Commerce, contributing professional resources toward the improvement of downtown Gloucester.
36. Understanding the importance of sustaining and encouraging a vibrant downtown, the Applicant has voluntarily agreed to match twenty-five (25%) percent of the City's annual contribution to the Downtown Development Fund, a fund collected from parking meter revenue whose proceeds are distributed by a designated group of downtown merchants. This contribution shall not exceed five thousand (\$5,000.00) dollars per year, shall begin one (1) year after the issuance of a Certificate of Occupancy for the Shopping Center, and shall continue for five (5) consecutive years.

***Conditions Relating to Traffic and Safety***

37. The Applicant shall provide at the Applicant's cost and expense a special detail for traffic management during peak holiday events if, in the opinion of the Police Department, vehicular congestion warrants such additional police detail, acknowledging that any detail on the state highway requires prior Mass Highway approval.

***Conditions Relating to Pedestrian Circulation and Road Maintenance***

38. Prior to the issuance of an occupancy permit for Building E, the applicant shall construct all sidewalks, ramps, crosswalks and signage as depicted on the Record Plans which includes the addition of a 5' sidewalk on the northern side of the Gloucester Crossing access drive as depicted on the plan entitled, "Proposed Development MA Route 128, Gloucester issued for Permit Review 2018.10.01 revised 2019.2.1" prepared by LandStrategies LLC.

A. The pedestrian accommodations described in Condition #2 of this Special Permit, including the accessible ramps and crosswalks across Gloucester Crossing Road and Gloucester Crossing access drive shall be installed prior to the issuance of a certificate of occupancy for Building E.

B. All crosswalks will be painted in a highly visible color prior to the issuance of a certificate of occupancy. All crosswalks will have adequate signage for pedestrian passage.

39. Beginning July 1, 2019 Sam Park & Company LLC agrees to pay to the City of Gloucester the amount of twenty thousand dollars (\$20,000.00) per year for five (5) consecutive years for maintenance and road improvements to Gloucester Crossing Road and/or School House Road in Gloucester.

#### ***General Conditions***

40. In granting this Special Permit, the City Council has relied upon the oral and written representations made by the Applicant in documents submitted in support of its application and in its appearances at the Committee meetings and before the City Council for this application. Any failure by the Applicant to honor any material representation made to the City Council shall constitute just cause for revocation of this Special Permit.

41. Each finding, term and condition of this Decision is intended to be severable. Any invalidity in any finding, term or condition of this Decision shall not be held to invalidate any other finding, term or condition of this Decision.

42. This Permit shall not take effect until notice is filed with the Registry of Deeds for Essex County by the recording of a copy of the Decision. The fee for such notice shall be paid by the owner. Prior to the filing of the Decision with the Registry of Deeds, the Petitioner shall have the seal of the City affixed to same.