

GLOUCESTER CITY COUNCIL MEETING
Tuesday, September 22, 2020 – 6:00 p.m.
REMOTE MEETING
-Minutes-

There is a link to this meeting available on the city website at <https://gloucester-ma.gov.zoom.us/rec/play/VtO9HZj4kbpddxe7TjLwuCC7Erp-10R6oLVIR-vkQJjVWnJt8PIzVwqnrvO1oXtbunGpaB3zNLjXSUas.w9YoSpReKnpMmFke>

A transcript of this meeting will be filed with the minutes as soon as possible.

Present: Council President, Councilor Steve LeBlanc; Council Vice President, Councilor Val Gilman; Councilor Melissa Cox; Councilor Jen Holmgren; Councilor John McCarthy; Councilor Scott Memhard; Councilor Sean Nolan; Councilor James O’Hara; Councilor Barry Pett

Also Present: Senator, Bruce Tarr; Mayor, Sefatia Romeo Theken; Acting CAO, Vanessa Krawczyk; City Clerk, Joanne M. Senos; CFO John Dunn; Economic Development Director, Sal DiStefano; Assessor, Gary Johnstone; Auditor, Kenny Costa; Community Development Director, Jill Cahill; Acting HR Director, Holly Dougwillo

Absent: None

Applicants: Seaside Legal Solutions, P.C. representing SCP2020-004; Law Office of Wilhelmina Sheedy, P.C. representing SCP2020-001

This meeting was conducted remotely through Zoom, All votes were ROLL CALL votes

Meeting called to order at 6:00 p.m.

Council President LeBlanc announced, “This meeting is recorded by video and audio in accordance with state Open Meeting Law. Consistent with the Governor’s orders suspending certain provisions of the Open Meeting Law and banning gatherings of more than 25 people, this meeting will be conducted by remote participation. Additionally, all votes taken by the City Council during this and future remote meetings will be by roll call vote. If you are calling in on a phone you can press Star 9 (*9) to request to speak. If you are watching on a computer or device there is a “raise hand” button that you can tap or press to request to speak. Please use either of these options during oral communications to be recognized to speak.”

ORAL COMMUNICATIONS:

Craig Hamilton, 46 Grove Street

He stated that he has not been part of the last couple of City Council meetings. He was trying to let things happen on Grove Street around Labor Day, since that is when he was told that work would take place in his neighborhood. He mentioned having a lengthy conversation with **CAO Vanessa Krawczyk**, however, the second phase of the Grove Street sewer project has not started yet. He is in fear that the project will not be completed this fall or winter, and that it will get pushed back to early spring, also delaying the pavement and sidewalks project.

He said he sees other roads starting new roadwork all over the city, yet he feels as though nothing is being done on Grove Street. The last letter he received from the **Mayor’s** office on August 28, 2020 stated that there would be speed radar, which was there for 2 weeks, did help, and now that it is gone, the speed is increasing

again. He has received two letters stating that patchwork and street sweeping would be provided by the City, and he stated that it has not happened yet. He expressed frustration that nothing is being done. **Council President LeBlanc** told him that **Ms. Krawczyk** was in attendance at this evening's meeting, she has heard his concerns, and will contact him as soon as possible with an update.

Brenda Malloy, 43 Rocky Neck Avenue

She thanked the Council for being there, and expressed gratitude for their service. She asked if it was possible for the City's Information Technology Department to create a hyper-link to make it easier to access the Zoom meetings. She also asked if it was possible to either have an online sign-in sheet so people can know how many people are attending these meetings, or to have it announced during the meetings. **Council President LeBlanc** agreed to announce the attendees over the course of the meeting, and shared that there were currently 25 panelists and 91 attendees.

Joan Archer, 103 Wingersheek Road

She stated that she was there to view the public hearing for the 105 Wingersheek Road Special Permit, and wanted to make sure that her microphone was working properly. **Council President LeBlanc** informed her that the public hearing would take place later on in the meeting, and that she would need to raise her hand during that time if she would like to speak on that matter.

Pam Steele, 10 Pilot's Hill

She commented to **Senator Bruce Tarr** that a lot of people do not have internet access, and stated that it is not a democratic process if everyone does not have access to City meetings. She expressed concern about unrepresented community members since these times are very important. **Council President LeBlanc** thanked her, and told her that her communication has been noted, and the proper agency will get right back to her. She stated that she appreciates everything that the Councilors do, however, she has never received a letter in response. **Council President LeBlanc** promised her that they will make sure she receives one.

Patti Amaral, 14 Myrtle Square

She thanked and expressed appreciation for the Council, and mentioned that last week at the (September 17, 2020 Budget & Finance) subcommittee meeting, **CFO John Dunn** stated that the loan is based on a back-of-the-envelope guestimate, and that it was to show good faith...**Councilor Cox** declared point of order. **Council President LeBlanc** explained that since the loan authorization was on tonight's agenda, they are not able to allow her to speak on that topic during oral communications, it is against their rules of procedure. He told her that if there was anything not on tonight's agenda that she would like to speak about, she was welcome to during this time; and that she could voice her concerns later in the meeting during the public hearing regarding the loan authorization. She asked how much it would cost to move Mattos Field, and he asked her to bring that up during the public hearing, along with any questions or comments she may have about the proposed combined school project.

Tom Mannle, 1037 Washington Street

He stated that he will be in evidence during the 105 Wingersheek Road public hearing, and asked the protocol on allowing video appearances from anyone other than City Councilors during the general session. He specifically mentioned **Senator Bruce Tarr** (and stated he has no objection to his video appearance). He also mentioned that staff members from Attorney Wilhemina Sheedy's office were also on the panel. **Council President LeBlanc** stated that he did not know the answer to that, however, the people who are shown on the Zoom video as panelists are participating in the meeting during a presentation, including members of the

MBTA. The attorneys are representing applicants for Special Council Permits, which is why they are promoted to panelists instead of being attendees.

Suzanne Altenberger, 66 Atlantic Street

It has been about 7 months since mid-February 2020 that I addressed you all in person at Kyrouz Auditorium. During regular oral communications you all received a hard copy, and later an electronic copy of our report “25 Years of Needless Damage to a lot of New England’s Fishing Industry and Ecology”. As some of you already know, some of the effort on this report is based on boat design experience out of this office first begun in 1952. As part of the working waterfront, we have a strong interest in its future, preferably a successful future. On that background, this report reflects a little research into the troubles of the fishing industry and our port economy since June of 2002 when we first engaged. Lots of learning, some 200 discuss with folks going to sea, with those supporting them ashore, we have dug through layers of governmental policies, and that of the position of folks we present in the industry.

What we found is that regulations passed into law March 1st, 1994 have caused stagnation in the fleet, prohibiting even the most obvious innovations in its boats, and that has been ongoing for over 26 years. Its allowed barely any interest or progress towards advanced catch methods, so across these 26 years, these have brought serious damage to our tax base, our job base, of our largest economic engine. We know how to run this port economy for almost 400 years now, and certainly the reality of these laws having caused this much damage have been truly devastating for the outlook of the next generations, but we do not just complain about it, we offer a good number of solutions, offer a fair amount of energy in those, so this analysis is mostly a technical, legal piece of work, along with solutions, but they’re certainly a long way from any partisan perspectives. This report required too much time and resources to be done by the Gloucester Daily Times or even the Boston Globe, however, we would have expected larger universities and institutes to leverage their resources in the protection of this, America’s oldest industry. We should have also been able to expect various levels of legal counsel from port communities and state government to federal folks to examine federal laws to not cause this much needless damage. Our federal friends at National Marine Fisheries Service up on the hill to this day appear to not have any staffers on hand who can outline any definition of an advanced 21st century fishing fleet.

Hence our position on page 4 of that report on why we ended up with this dark and expensive burden to do this work. As it turns out, unexpectedly for most of us here in Gloucester, it is indeed up to us to initiate a first discussion on 1. Why we lost so much ground and 2. What to do about rolling back those losses by clawing forward towards an advanced 21st century fishing fleet, one that returns resilience to this industry, and one that boosts the industry’s economic and ecological sustainability, and thus again would robustly support our port economy, an essential part of our overall tax and jobs base.

Though the City Council has a range of options to help this first community-wide conversation, as this 38-page report indicates, this substantial topic cannot be disposed of in some short-format talk, instead, we could leverage a Saturday morning long-form gathering to go through the layers of what has happened and the opportunities towards what to do next. Finally, this being version 3.1 of the report based on feedback from a range of readers (there are over 100 copies out there), observers, players in this version 4.0 is evolving and will be larger, more granular yet. Hence the interest tonight and in the near future of learning where the City Council of this old seaport community may stand on this issue so they can be integrated into that report. The report’s cover page offers all the contact information necessary for further communications, and I thank you for your patience, and look at this because you all have it at home. Thank you for listening to me, this issue continues to grow in relevance, and there’s no way of getting away from it.

Deborah Liacos, 41 Woodward Avenue

She stated that she is calling tonight in regards to what is going on with the railroad, and explained that Woodward Avenue abuts the railroad tracks. She stated that she is sure that **Councilor Holmgren** and other members of the City Council are aware of the issues people are having with trains idling for hours at a time morning, noon, and night.

A group of neighbors sent a letter to the City Council, and **Senator Bruce Tarr** is aware of the situation as well. She wanted to bring it forward to make sure that all City Councilors are aware of the major issue here. The railroad made a decision not to idle down by the river's edge anymore where the train bridge begins that they are repairing and replacing, and has moved all the trains into their backyards, with loud engines blowing horns, ringing bells up to 80 times, making it difficult to work from home.

She stated that Keolis has not been very receptive, at times rude, so she was hoping that somehow, they could get some peace and quiet in their neighborhood. They are hearing that this project is going to last through the Summer of 2021, and it has also been heard that the MBTA is filing for an extension for another two years. Where the Stanwood Avenue railroad crossing is, they decided after listening to complaints from people who live at The Heights of Cape Ann and homes across the river where the noise was carrying, to put a switch in at the railroad crossing. The trains now come to the Stanwood Avenue crossing, switch tracks, and come right back on the other track, so every train that comes and goes is in her backyard. She's not sure what the City Council can do about it. **Councilor Holmgren** may want to speak on behalf of what she knows about what is going on, but she just wanted to voice her opinion, and she is hoping to get a resolution. **Council President LeBlanc** informed her that several members from the MBTA and **Senator Tarr** are present at this meeting and will speak on this matter. He wanted her to be able to voice her concerns so they understand, and hopefully one of them took notes so they will be able to address these issues for her in a few minutes.

Jane Gagliardi, 43 Woodward Avenue

She concurred with her neighbor Ms. Liacos, and added that the noise is so disturbing that it wakes her up at 4:30 a.m. when they idle in her backyard. There is a real issue of air and noise pollution, interfering with quality of life. It interferes with conversation in the house. The noise is so intrusive, and although they have not begun to compile data yet, the last couple of weeks it seems worse. The amount of idling time is really inconsistent, but they do seem to be idling at the station for much more prolonged, frequent times than they have prior, and she is not sure why that is. **Council President LeBlanc** thanked her, and stated that hopefully she would receive some answers during the presentation.

Jennifer Berkshire, 23 Woodward Avenue

She stated that she has been a 15-year Gloucester resident and is pro-train, so she understands the need for the bridge reconstruction project. She believes she and other neighbors who moved to the area felt that the train was a real advantage, but unfortunately, they have ended up with a "really bad neighbor". The worst part is that the bad neighbor is not going anywhere. The issue as to where to idle the trains has been a huge one since this project started. She stated that she believes there are a lot of details that people are not aware of. One is that part of the reasons the situation is so much worse now is that the MBTA has equipped a number of the trains with new, much more powerful engines. When people say that the noise is louder than before, they are not exaggerating. The other issue is that due to the pandemic, everyone is at home, working and going to school from there as well. She expressed a feeling of helplessness because the neighbors feel like nothing they do makes a difference. This problem has been going on for 3 years with no communication with neighbors. It could be anything from when the train rolls in, and you have no idea whether it is going to leave. Is it going to pull down the tracks, or idle near the least populated part of Gloucester as the neighbors have suggested, or is it just going to sit behind your house indefinitely? Is the T going to start doing construction at 6 a.m. that lasts

until 3 a.m. like it did over the summer, will they make some major structural change like they did last week without talking to anybody? Neighbors only knew that they had decided to remove part of the inbound track and put a switch right behind their houses because her husband walked up to the tracks to ask the workers what they were doing. There has been no communication at all, even though their neighborhood has been so dramatically affected by this project. They only learned that the deadline had been extended through next summer because they read it in the Gloucester Daily Times. She only learned that it is possibly being extended to 2022 because she read it yesterday in an article about her neighborhood. She expressed appreciation for the advocacy and understanding from elected officials, as well as frustration when it seems like they are not able to help them out either. She referenced the letter that neighbors sent the City Council yesterday that put forward a series of concrete and helpful demands. They first recognized that they understand that the trains need to idle somewhere, why not in the least populated section of West Gloucester? She stated that the MBTA seems ok with this, and there are signs there instructing trains to do that. The problem is that there seems to be no communication, and there is no order for the train operators to do that. Secondly, help us make the T a less disruptive neighbor, whether that means the construction, or the constant bell ringing. Thirdly, they are requested more transparency. They need to know what is going on, and if they are making major changes, and if there have been new directives. Since they are on the receiving end of so many of them, they really need to know what is happening. She believes that most people in the neighborhood would like to be part of the conversations that create solutions. She shared that her favorite story of people calling MBTA customer service has been when the customer service agent responded "I can't hear you." because there was an engine roaring in the background. She believes the only way the community can get the MBTA to be a better neighbor is if elected officials help the neighborhood make that happen, and if they receive some of these pledges in writing. She invited people to come to West Gloucester to see and hear what it is like. She thanked the City Council for advocating for them.

Mary Ann Albert Boucher, 93 Mount Pleasant Avenue

She stated with all due respect to the three people who spoke before her, if this is on the agenda, why is it allowed during oral communications? **Council President LeBlanc** explained that it is allowed because it is regarding the MBTA presentation that will take place this evening, not something that the Council will be voting on tonight. He explained he believes it is more effective to have them speak during oral communications about how they are personally affected by the train bridge reconstruction project so that the MBTA employees can address neighbor concerns during the presentation.

Laura Trudel, 42 Woodward Avenue

She stated that she has lived there for the last 11 years, and she loves her quiet, peaceful neighborhood. Now she is living in a sea of train noise with bells, whistles, and vibration. She shared one of her worst experiences that happened just last night, Monday, September 21, 2020 at 9:54 p.m. The #125 train arrived in West Gloucester with 66 bells ringing. The train proceeded up the track, turned around at the switches, and came back to rest at 9:58 p.m. with the engine running on high, or one of the particularly loud new engines, directly across from her house. The engine proceeded to idle on that spot until 10:44 p.m. The noise, pounding vibrations from the engine, the continuous, intermittent squeal of the air release continued for an entire hour without relief. She was unable to sleep, read, watch T.V., or concentrate. She tried to take a video and audio recording of the noise level, but ordinary recording apps are unable to document the sound's full impact. She stated that this is not an isolated incident, and it occurs daily. She has documented the numbers of bells, horns, and idling times. She noted that the 11:17 a.m. train was the only one that idled in the industrial park, where it made no noise, until it returned to West Gloucester. She thanked the Council for their help with this problem.

Summary of Discussion: **Councilor Gilman** called a point of order, requesting that **Senator Tarr** be allowed to speak since he had to leave the meeting at 7:00 p.m. for another commitment, and that the

remaining two callers for oral communications be heard after the MBTA presentation. **Council President LeBlanc** explained that there was one more caller who had not yet been heard, as well as Patti Amaral, who had already spoken. He decided to finish up oral communications quickly before the presentation began.

Marc St. Pierre, 8 Woodward Avenue

He stated that he grew up near Salem Willows and the coal-fired power plant. The power company communicated well with the residents in that area, and even offered cleaning services for their windows on occasion. He mentioned that everything that has been said about the MBTA is accurate. The main comment he wanted to share was requesting an inclusive way to make this work for the residents. He stated there is zero communication, and lots of seeming disregard when you deal with Keolis, which is a big problem.

Patti Amaral, 14 Myrtle Square

She stated that our sewage treatment plan is on a flood plane, what additional cost for a secondary sewage treatment plant will it bring for the taxpayers? **Council President LeBlanc** informed her that is also on tonight's agenda for a vote.

Ken Burdsall, 46 Woodward Avenue

He stated that he has lived there for 40 years, and has never seen anything like this, it is just ridiculous. He said it is unbearable. **Council President LeBlanc** thanked him for keeping his communication short so that **Senator Bruce Tarr** would have time to speak, and told him that he understands his concerns.

PRESENTATIONS/COMMENDATIONS:

The MBTA Commuter Project Update

Senator Bruce Tarr began the presentation. He thanked the **City Council**, and stated that it is an honor to serve with all of them, particularly in these challenging times, as well as the **Mayor** and her administration. He stated that he does think it is important to talk extensively this evening about the MBTA Commuter Rail Project, particularly the project around the bridge that carries the commuter rail over the Annisquam River. He recognized that a few comments have been made about his involvement. He pointed out that advocacy on behalf of the residents has been not only his province, but also that of many members of the City Council, as well as the **Mayor**, and **State Representative Ann-Margaret Ferrante**, who have all been working to try to find a good solution to a very challenging problem. He explained that it is important that they understand the full context of the problem. However, the fact is that we have been living with one of the most challenging and dangerous train bridges in the Commonwealth of Massachusetts, and have been working for many years to try to address that. Initially, the project was conceived as a repair project, and the idea behind that was to be able to maintain commuter rail service by utilizing one of the two tracks that crosses the bridge, and by working on one side of the bridge, and maintaining the operability of the other track, and then reversing that process. From its inception, there wasn't the necessity of having a lot of train idling because the train was reduced to slow speeds to transit the bridge, but there wasn't the need to have the train detained for long periods of time. It was determined awhile ago, and the folks at the MBTA can certainly provide more clarity on the exact date, that because of some of the weakness in some of the critical structural components of the bridge, particularly the abutment that is on the West Gloucester side of the bridge aperture, that it was not safe to try to maintain the project as designed to have one side of the track operable while the other side was replaced. It was a very difficult decision because obviously that disrupts commuter rail service, but it was a decision that had to be made. Anyone familiar with the operations of the train have noticed that the train slowed to almost 0 MPH to go over the bridge when we were still working under the other project design.

With bridge replacement, there are some advantages, such as the fact that the project will work more quickly. Originally it was estimated to be a 3-4 year project, it should hopefully be less than that now. There were some concerns as to what will happen in terms of the extension. He stated that he did not know a lot about that, and hopefully there will be an explanation from the MBTA staff presenting this evening. Obviously, the need to stop rail service over the bridge has caused a very significant issue with regard to noise and disruption for the people that are affected by that noise. He pointed out that this is not only an issue that affects West Gloucester residents in the proximity to the station, but as the train was initially moved in response, he believes, due to communication from some of those residents. When moved closer to the bridge, it became a problem for residents of the condominiums near the bridge, and also the residents of Wolf Hill, and others as well depending on where the train was sited. Part of the vexing nature of this problem is trying to find a place where it will not affect anyone. Because simply moving it from one place to another creates a short-term solution, but that solution also creates harm to the people that are newly affected by the relocation of the train.

He pointed out that it is important to have good communication. He appreciated the comments that were made by the residents who offered testimony tonight during oral communications, many of which have been in contact with his office, as well as **Representative Ferrante**, and the **Mayor**. He stated that they take their concerns very seriously, and that is why they are working to expedite a solution here. They have been working with the MBTA on a daily basis. He mentioned he also believes in transparency. One of the things that they have been doing regarding this project is when there is a change or something of significance, they have been trying to come before the City Council to make a presentation. Unfortunately, not all of those presentations have been well-attended by the public, their hope is that through the use of cable television, people can see what is happening. Given the comments here tonight, he also suggested compiling an email notification list so they can be sure to address everyone who is affected instead of those who may happen to catch a City Council meeting, see something on cable TV, or read about it in the newspaper. He believes they can do better than that, and he stated that they are all committed to being able to develop that system so they can do that. With all of that being said, he does think it is important to understand that they have been trying to work very quickly to find a solution to this problem. He also credited a new member of his staff, **Ted Costa**, who has been spending a considerable amount of time acting as a liaison to people in the neighborhood, the other neighborhoods that have been affected, as well as to the Council, administration, and the MBTA.

In order to move expeditiously, they have not had the opportunity to hold a public hearing about the solution that will be presented tonight. They have worked together to identify what they think is a good detention area for the trains when they need to remain idling for a significant period of time. It is also very important to know that early on, they asked why the trains needed to idle at all, why can't they be shut off while they are not operating for long periods of time? There are statutory and regulatory answers to that he is sure that the MBTA staff will provide, but he wanted to be sure that people know that they had asked that question.

The last point he made was that the solution being discussed is one that is very fluid. It does involve the relocation of some switching, and the changing of some layouts. It also will be affected as construction continues with regard to the bridge, which will require the necessity of an access road to be constructed alongside the bridge. This also has safety implications, because having a train move in close proximity to an access road where there are people and equipment also needs to be considered very carefully in terms of safety parameters. He reminded everyone that this has been a team effort. On behalf of **Representative Ferrante**, the **Mayor**, the City Council (particularly the Ward Councilors whose wards have been impacted by this project), and they deeply appreciate the communication they have had with the MBTA to try to identify an effective and rapid solution.

After the introduction, **Senator Tarr** expressed his commitment, along with the City Council, **Representative Ferrante**, and the **Mayor** to be able to find a solution. He stated that they remain committed to addressing all of the issues that have been raised, particularly as they develop a better system of

communication, to receive those communications more quickly, and input them into the process. He thanked the Council for accommodating him by taking him out of turn (order).

Angel Donahue-Rodriguez, Director of Special Projects in the Massachusetts Department of Transportation General Manager's Office, gave a slideshow presentation titled "Massachusetts Bay Transportation Authority Gloucester Drawbridge Update". He presented on behalf of the Secretary of Transportation and the MassDOT. He explained that he handles the legislative policy at the federal, state, and local levels.

Mr. Donahue-Rodriguez stated that they certainly hear the concerns of the neighbors. He explained he has been working with the different legislative offices. He is happy to sit down with anyone, neighbors of members of the City Council, to hear how they can best improve some of the communications around the neighborhood to try to mitigate some of the impact so they can at least hear what significant changes are occurring with the project.

COMMUNICATIONS with EXTERNAL STAKEHOLDERS **GLOUCESTER DELEGATION**

- Multiple Conference Calls with State and Local elected office holders
- Use of Social Media and MBTA website informing customers of changes
- Weekly diversions sent to elected and the public (public needs to be subscribed).
- Gloucester Drawbridge Community meeting held March 11, 2019 at City Hall.
- Will continue to engage delegation as issues arise from residents.

MBTA Chief of Capital Program Delivery Katie Choe stated that she is happy to be here tonight. She has only been with the MBTA since January 2020, so this is her first chance to present to the City Council and the residents of Gloucester. She provided a short overview of the Gloucester Draw Project since it has been before the Council before, and focused on the changes to their approach that have occurred over the past few months. A photo of the existing drawbridge and a photo simulation of the proposed bridge were shown.

PROJECT OVERVIEW:

110-YEAR OLD BRIDGE: LOTS of UNEXPECTED PROBLEMS

EXAMPLES

- **Northwest Wall**-1911 Retaining Wall (outside project limits) is failing, threatening slope collapse and track failure, train service suspended 4/29/20
- **East Abutment**-Excavation on 4/30/20 exposed loose rock base rather than a solid foundation, precludes partial demolition of the structure and single-track operation
- **Stability/Strengthening**-Field conditions have raised questions regarding the stability of the span once a partial demolition is complete unless extensive strengthening and stability improvements are undertaken on the existing structure

Ms. Choe explained that this project has been likened to renovating a 100-year-old house, where you are never quite sure what will happen when you open the walls. The anticipated approach that they had taken originally where they could continue running service on one of the tracks while taking the other half of the bridge down (kind of cutting the bridge in half down the middle) was not possible once the construction started. They found that site conditions were different than what they had anticipated. Some of the structural elements were less stable once they started cutting the bridge in half. What had originally been expected was now running the risk of creating a two-year delay on the project, and upwards of \$15 million in overruns due to technical risks and unforeseen conditions which no one wanted. Construction adjacent to live train traffic also presents safety hazards to the construction workers and trains, so they took a hard look at a new approach.

It was decided that service would be suspended at the West Gloucester and Rockport stations to give the contractor unencumbered access to the entire bridge to demolish and rebuild all at once, which mitigated schedule risk and allowed the project to get back on track. It was safer for the contractor (which was also paramount), resulting in a better and more successful project for all involved. Full shuttle bus diversion was successfully implemented for 6 weeks during the Summer of 2019 with no ridership issues, and is in effect until at least Summer 2021. The free shuttles are now in place from West Gloucester to Rockport, and this diversion typically adds no more than 10 minutes to the overall trip time.

A slide highlighting Ridership Levels was presented, and she explained that this is a good time to be doing this project since ridership levels are currently low due to COVID-19. Across the MBTA (not just on this project), they are taking advantage of low ridership to try to accelerate many of their projects. This is impacting far fewer residents from a ridership standpoint than if they had done this a year ago. **Mr. Donahue-Rodriguez** noted that overall commuter rail ridership is currently 7-10% of what was normally projected from last year. That equates to 10 or less people per station during the AM/PM Peak. Resiliency Planning will be undertaken to transition to normal ridership post-pandemic, and will include social distancing, potential procurement of large buses, and station planning and logistics.

Assistant General Manager of Railroad Operations Jody Ray explained that 1/3 of the overall ridership receives a shuttle to Rockport, 2/3 go to Gloucester. Busing seems to be working ok. It does cause concern because that is one of the reasons why some of the trains sit at West Gloucester station. They are unloading passengers outbound onto buses, and a different set of buses are bringing people in from Rockport and Gloucester to meet the train for an inbound trip.

Three charts were presented. The top one includes the morning and afternoon peak period trains that will continue to wait at the "Top of the Harbor" location since they do not have sufficient time to get to the Lily Pond location behind Magnolia Industrial Park. The second and third chart indicates trains that have time in their schedule, and will move to the Lily Pond location before returning to West Gloucester to meet up with the buses from Rockport and Gloucester station and then depart West Gloucester enroute to Boston. The second chart also displays all of the weekday trains not on the first chart that have sufficient time to get to the Lily Pond and back. The third chart includes all of the Saturday, Sunday, and Holiday trains which will use the new Lily Pond location (the furthest distance they can move the trains away from residents). Trains with the longest dwell times are moved to the Lily Pond whenever possible.

During peak periods, the trains are scheduled to hold as close to the drawbridge construction as possible during their dwell times. As referenced by Woodward Avenue residents during oral communications, Mr. Ray explained that some of the noise changes that have taken place in the last couple weeks are due to the fact that the switch that was once on the track halfway between the old harbor station and the drawbridge has been moved while it was not in service to a few hundred feet beyond the access platform at the West Gloucester station. It was removed one weekend, installed the second weekend, this past weekend it was placed in its current location, inspected, and put back in service. As of this morning, trains could now proceed through the switch up to their original holding location beyond the harbor station. They were unable to do that while the switch was in partial relocation, which left them no option but to idle near Stanwood Avenue, but now that it has been completed, the situation should improve.

IDLING LOCATION:

"Engine Hold" signs have been installed directly behind the XP Power Company Building at 11 Kondelin Road in the Cape Ann Industrial Park. The locomotive is 800 feet from the Lily Pond. Please note there are some changes that will happen in this area that will require modifications to the previous charts.

1. A proposed track modification needed by the Bridge project may have the added benefit of resulting in a couple more trains gaining sufficient time to get to the Lily Pond location.

2. A short duration track maintenance work effort will temporarily cause some adjustments to these charts, and that work is scheduled to start later this month.

An access road to the drawbridge is needed on the Boston side, so from Stanwood Avenue, there will be a new, temporary access road created that will allow a construction crew to be able to get onto the alignment of the former outbound track, drive up to the drawbridge, and work on the spindle of land leading out to the drawbridge, building a retaining wall, and doing some other improvements out there that are part of the drawbridge project. That work will take place between now and when they are able to return one track to service, projected for next summer. While that is going on, the trains will continue to pull up to the Annisquam River marshland as close to the drawbridge as possible. While he cannot guarantee it, he explained that the other thing that happens by moving the switch location closer to where the trains unload in West Gloucester is there may be additional trains that can be moved down to the Lily Pond. That is a newly available option to them that they will be investigating. After rush hour, trains have more dwell time. Keolis managers will be dispatched to make sure that their crews are following the directions they are being given.

Councilor Pett asked **Mr. Ray** to explain about the federal requirements regarding the bells and whistles used by the trains. Any time a train is moving within the platform area of a station, the bell has to be ringing. It is not an option. The engineers would be in violation of federal law if they did not turn the bell on as soon as the train entered the platform, and it must remain on until the train leaves the platform, any time the train is moving in that area. In the case of West Gloucester, it is possible to have a single train move through the platform three times and needing to ring the bell four: it enters the station to unload passengers, while it is getting into position for its return trip it then transfers tracks and comes back down through the platform on the way to the Lily Pond, bell ringing as it goes through the platform, and then enters the West Gloucester station again with the bell ringing, and rings again as it departs.

The train also needs to sound its horn when it changes directions on the main line to notify anyone in the area that it is about to move in a different direction. Beyond that, there is also a requirement to sound the horn whenever they see anyone on or about the tracks, so during the work that was being done to move the switch, there were railroad construction workers all over the place. Sounding the horn was required any time a train approached workers on the tracks to let them know the train was approaching. The bell is automated, it is either on or off, so there is no choice by the engineer to make it ring more or less times. **Councilor Pett** stated that while it is a federal requirement, it has created an additional burden in this situation. He thanked **Mr. Ray** for the clarification.

Referring to a statement made during oral communication about engine changes, **Mr. Ray** explained that there have not been any engine changes on the MBTA Commuter Rail fleet since 2014-2015 when the newest locomotives were accepted. The rest have been in service for decades.

Mr. Ray explained that the engineers have been told where they are supposed to stop. He has been assured by Keolis that everyone is stopping in the right place when they can get there. If they are not doing that, **Mr. Ray** needs to be notified so he can communicate with Keolis.

Councilor Holmgren thanked everyone for attending the meeting, specifically **Senator Tarr**, **MBTA Senior Director of Bridge Projects Brad Nicoll**, **Ms. Choe**, **Mr. Ray**, and **Mr. Donahue-Rodriguez**. She explained that she just received a text from a constituent stating that almost none of the trains are going to the Lily Pond whether there is adequate time or not. **Councilor Holmgren** explained that she lives in that area, and has heard the enormous engines on Woodward Avenue that have a huge impact on the quality of life in the neighborhood.

Councilor Cox thanked them all for being there tonight to provide an update, and to listen first-hand to some of the complaints being received in Gloucester. She stated that she does not envy their position, and

acknowledged that once the change takes effect, residents in downtown Gloucester will be upset because they have not been subjected to the noise in awhile.

She shared a constituent's complaint she received, that when the train is stopping in West Gloucester, it is not stopping at the platform, people are being forced to exit the train without the platform. In some instances, the step to the ground is so big that people are having problems traversing that exit, and due to COVID-19, people are concerned about needing to touch others for assistance, in addition to being concerned about injuring themselves. She stated that she does not know why the platform would not be used, and asked if there was a reason for that, and could they please let her know so she can pass that information along. She elaborated that if the platform is supposed to be used for safety, she would definitely encourage the MBTA to reinforce that.

Councilor Cox mentioned that she visits the Lily Pond to take photographs often. There are a lot of neighbors in that area as well, so she believes they are going to be trading one problem for another regardless of where they go, but mitigating it as much as possible is ideal. She also asked if it was possible for a site visit to be conducted by the City Council that the MBTA members present at tonight's meeting attend, and that a meter reader be used during the site visit to detect noise levels so they can all really learn first-hand what some of these problems are.

Councilor Questions

Q1 (Holmgren) What is the disconnect between the MBTA and Keolis? To keep everyone accountable and on the same page, can one of you please provide your contact information so that the City Council and/or a neighborhood spokesperson can have it?

A1 (Donahue-Rodriguez) What I can do is email all of you my contact information, that way you all have it.

A2 (Ray) If I could add one thing to that, the key thing for everybody to remember is that the last two and a half weeks has been different because there has been no time for any train to get down to the Lily Pond while the switch was unusable. Beginning this morning, there should have been changes with that happening, so please let us know what is going on from today forward, that is what will be the most helpful for us.

Q2 (O'Hara) Is Brad (Nicoll) available? What is the reality of how long this is going to continue?

A1 (Nicoll) To be transparent, what we are looking at due to the risks that we found with construction and an overall abundance of caution and safety, just to clarify, the bridge is two bridges that will have two new draw spans, one on each track, and we are focused on getting one track back in service, and we are targeting the summer of 2021. That is consistent with the original project goals as well. Once one track is up and running, it will hopefully alleviate some of these problems because the trains can return to service over the bridge, and resume service in West Gloucester and Rockport. That is the current goal, and then construction would continue into the Fall of 2022.

Q3 (O'Hara) Why do the trains need to remain idling, can they be shut down?

A1 (Ray) Train brakes run on air pressure, and trains have an air compressor on board. If the engine is not running, it is not creating air for the brakes, so if you were to shut off a train, and you have an air leak, that train can actually begin rolling and move someplace it is not supposed to before you can get it restarted and charge up to the air brakes to get it stopped again. Whenever a train is on the main line, the engine is running to make sure that the air brakes stay perfectly charged to the proper pressure. It is not about air conditioning, lights, or anything else, it is just the air brake system that drives that need.

Summary of Discussion: Councilor O’Hara thanked **Mr. Ray** for the great explanation. **Councilor Nolan** spoke to **Mr. Donahue-Rodriguez**, and stated that he has been to the site referred to as the Lily Pond (which is not actually on the pond, but is located near it at 12 Kondelin Road). He explained that it is out in the middle of nowhere, and he has noticed a train there, and thinks it is a great spot that will work for the neighbors. However, he mentioned that they are dealing with a lot of people who normally do not complain about much, they work hard, they live their lives, they understand that the train is a necessity, and that they bought a house next to train tracks, but the noise is a bit excessive. They continue to try to keep the trains from idling, and have as many of them as possible head to the Kondelin Road location, that would work better. He also expressed the importance to the City Council and the residents that the MBTA continues to work on this matter with everyone involved.

Mr. Donahue-Rodriguez reiterated what **Mr. Ray** had previously stated, that he believes having Keolis managers on-site to ensure that those trains are staying in that area going forward will make a big difference. **Councilor Gilman** referred to the fact that during his presentation introduction, **Senator Tarr** had mentioned a way to send emails to residents, particularly abutters. She expressed concern over possible complications with that communication method in the event that someone who was expecting to did not receive an email. She shared that the city website has a great way of updating residents in the community on major issues, and mentioned that she would like to see that be something that is focused on, since during oral communications, residents spoke about a lack of transparency and communication being part of the problem. She suggested that it might be helpful to communicate something through the **Mayor’s** office, and that **Acting CAO Vanessa Krawczyk** may be able to assist with that because they can get the information out to the public without needing to wait for an article to be placed in the Gloucester Daily Times, and not everyone in the community has access to the different channels of communication. She stated that it would also make it easier for people working from home to plan their schedules as to when to make phone calls, etc. if they were notified in advance of any further noise interruptions that may be caused by the MBTA bridge project. **Councilor Holmgren** agreed with **Councilor Gilman’s** suggestion, and stated that the city website is another good way to disseminate information.

Q4 (Holmgren) This is another constituent question, are the trains able to idle at high or low throttle?

A1 (Ray) Typically idle is just one setting. Some locomotives have different configurations, some have a second engine that provides the generator portion of it that produces electricity for the lights and other uses on the train coaches, which is different than the main engine that provides air for the brakes.

Q5 (O’Hara) Seeing that this is going to go on for at least another year, is there any mechanism to install such as an electric compressor or electrify a location so the engines could be reduced, or is it possible to provide alternative air or electricity to maintain the stability of the air brakes?

A1 (Ray) It is something that we can look at. The problem with it is that it would probably take longer than it will to get one track back across the bridge. A significant amount of electricity would be used to do that. If anyone remembers what the MBTA went through in Rockport for the layover, for the longest time we could only plug two trains in because the electricity wasn’t available. It was only a year ago that we were able to plug in all of the trains there. It is a big draw on electricity. I’m not going to say we can’t do it, we can take a look at it and see if we can do something with a diesel compressor that maybe makes less noise than a locomotive engine to do the same thing with creating the air pressure we need. I can look at it, I don’t know what the answer will be. We don’t have anything like that on the commuter rail today. We do have electric compressors in some of the layover facilities that were built with compressors so there is air there. I can only explore it, but I will take that back as something for me to do to see if we can come up with a way that can help mitigate the problem, even if it’s only for the last couple months of the project. It would take us awhile to build whatever it would be, so I will work on that.

Mr. Donahue-Rodriguez confirmed with **Council President LeBlanc** that the city has the ability to do Robocalls, and stated that may be something to explore to be able to communicate rapid information in addition to sending emails. He agreed to follow up with **Ms. Krawczyk** regarding that possibility.

Q6 (Nolan) You had mentioned that the trains remain running to make compressed air for the brakes so they don't run away. My understanding is that it is a spring brake, and you need air to actually make the train move, but not stop for safety reasons. So if the engine wasn't running, you would still be able to have brakes because they would automatically be apply. So I just want to clarify that the trains need air for the brakes to work, or that they need air so the brakes will release?

A1 (Ray) They need air for the brakes to work. The brakes are not spring-applied, they are air-applied, so the first thing that happens when you charge up a train is it pumps up the air, it pumps the brakes off, then you apply air to the other side of the cylinder, and it puts the brake on. If the air bleeds off on the train line, the brakes will release, and the train will roll free. There are no spring-loaded brakes, there are mechanical brakes that can crank on some of the coaches, and on the locomotive, but they can't be relied upon to stop a train on a grade.

Summary of Discussion: Council President LeBlanc stated that this is usually not done during presentations, however, as long as there was no councilor objection, there were a couple of remaining people on the line with questions or comments that he would allow to speak.

Marc St. Pierre, 8 Woodward Avenue

He thanked everyone for their presentation, and for listening. He stated that with regard to the various potential locations for idling, something important to consider is the proximity of the homes to the trains. On Woodward Avenue, some of these homes are 25-50 feet away, so when considering where it idles, it is important to look at the proximity of how close the diesel is to one's residence.

He specifically mentioned to **Mr. Ray** that since the trains have to ring the bell, what matters is the amount of rings per minute, and while it sounds really particular, he asked why one train rings a bell 10-20 times, and another 80-90 times, and why would one blast the horn 6-7 times to one another. To him, it needs to be something that is much more set, and looked at as a potential mechanical adjustment in the horns and bells.

He addressed **Ms. Choe**, who stated during the presentation that ridership was down, and asked why not cut down the amount of trains running, because this problem of idling is such an issue. Finally, he thanked **Councilor O'Hara** for suggesting the electric support to reduce idling. He stated that he knows they have that in Rockport, and at this point with all the noise, he doesn't care about the expense of the electricity for the MBTA, because the situation is not very acceptable.

Jane Gagliardi, 43 Woodward Avenue

She thanked everyone for their efforts to resolve this issue. As an 18-year Gloucester resident, she shared that she would not have moved here if not for the commuter rail, it has been an asset until fairly recently, however, the switch is in her backyard. Different engine configurations have been mentioned, and she wondered if that is the reason that the noise level varies from one train to another, and some trains are so much louder than they have ever been. The neighbors have discussed the fact that this is a continuous experience, and people are welcome to come experience it there. If something could be done so that the early morning trains and the very late trains (since there is probably not a lot of traffic during that time) could be taken out of the station, and not idle for extended periods of time, that would be great. She said she is not sure whether those are the trains being included in the changes or not. Lastly, she stated that the enthusiasm of some of the engineers in hitting the horn varies dramatically, and that has always been the case, but particularly now, anything that can

be done to lessen the aggravation and irritation from the trains would be greatly appreciated. For example, if engineers could beep the horns instead of blasting them, and wondered if there is a regulation as to the number of times it needs to be hit, because it certainly seems like the horns vary in the amount of times. Those are things that she hoped could all be looked at.

Q7 (Holmgren) Could we possibly have you email a copy of this presentation to us?

A1 (Donahue-Rodriguez) Absolutely.

Council President LeBlanc suggested that a PDF of the presentation be sent to the **City Clerk's** office so it will be on file, and from there it can be forwarded to all City Council members. **Mr. Donahue-Rodriguez** agreed to do that. **Council President LeBlanc** thanked **Senator Tarr** and his representative **Ted Costa, Mr. Donahue-Rodriguez, Mr. Nicoll, Mr. Ray, and Ms. Choe**, and stated that he appreciated their time this evening. He is sure that it won't be the last time that he hears from them, or vice versa since an open line of communication is key, and wanted to maintain it to help meet the needs of the constituents regarding this matter.

CONFIRMATION OF NEW APPOINTMENTS:

HR Director Holly Dougwillo (fulfilling an expired term) TTE 2/14/21

Summary of Discussion: Ms. Dougwillo shared that Human Resources is a fast-paced, exciting, and evolving profession, it is the go-to department for all employees for their related issues, and she stated she believes as a municipality, Gloucester is unique in that the majority of employees are career employees who are hired young and remain until retirement, so she hopes to encourage and support the administration, and the department managers, because she believes positive people make a difference.

The **Mayor** thanked her for stepping up to the plate, and shared that she has been working with **Ms. Dougwillo** prior to her 26-year career with the City of Gloucester when they worked together to secure health insurance for City residents and employees, as well as navigating Medicare policies, reimbursements, and Workman's compensation. The **Mayor** recognized her ability and qualifications, and acknowledged that she has had opportunities to be promoted in the past, however, she wanted to learn and grow in the field, and was waiting for the right place and time to accept a promotion. They both believe that now is the right time to move this initiative forward, to focus on "human" resources, and see what else can be offered to employees. She stated that she is looking forward to working with her in this new position, and expressed hope that the City Council endorse and approve her appointment as well.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council appoint Holly Dougwillo as HR Director (fulfilling an unexpired term) TTE 02/14/21.

Councilor Holmgren shared that she is very happy to vote to appoint **Ms. Dougwillo**. She thanked her for filling this role, and commented that the City is in excellent hands.

Councilor McCarthy stated that he has worked with her for the majority of her career, that she has always been very responsive, he is glad that she is taking this position, and to have her leading that department.

Councilor Cox shared that she is also happy to say yes to this appointment as well, she was a godsend when the Councilors were originally elected, and has been extremely helpful ever since.

Councilor Gilman stated that as a fellow HR professional for over 25 years, she appreciates the great customer service that **Ms. Dougwillo** offers. Part of being successful in the field is understanding the needs of

the community that you serve (city staff). She believes she is very well-suited for the position, and voted to support her.

Councilor Memhard gave a thumbs up.

Council President LeBlanc stated that he supports her 100%, and thanked the **Mayor** for promoting internally, he thinks it is great not only for the administration, but for the Council as well and the rest of the City employees, and he is looking forward to working with her.

MOTION: On a motion by Councilor Nolan, seconded by Councilor O’Hara, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to appoint Holly Dougwillo as HR Director (fulfilling an unexpired term) TTE 02/14/21.

CONSENT AGENDA:

• **CONFIRMATION OF REAPPOINTMENTS**

• **MAYOR’S REPORT**

1. New Appointment

Human Rights Commission (TTE 2/14/23) Hannah Kimberley (Refer O&A)

2. Memorandum from Fire Chief re. request amendment to GCO Sec. 8-21(d) “Qualifications and appointments of firefighters” (Refer O&A)

3. Memorandum from Veteran Services Director re. request acceptance of donations in the amount of \$1,295 (Refer B&F)

4. Memorandum from Grants Administrator re. request to accept Affordable Housing Trust’s recommendation to fund \$200,000 to the YMCA of the North Shore for an affordable housing development project at Middle Street #71 (Refer B&F)

5. Memorandum from Police Chief re. request, in accordance with GCO Sec. 2-52, to commit a 5-year obligation and payment schedule for Tasers (Refer B&F)

• **COMMUNICATIONS/INVITATIONS**

• **INFORMATION ONLY**

• **APPLICATIONS/PETITIONS**

1. Special Events Permit Application: Request to hold the Halloween Walk Thru on October 31, 2020 (Refer P&D)

2. SCP2020-005: Rocky Neck Avenue #37, Map 130, Lot 4A, GZO Secs. 2.3.1.7 “Conversion to or new multi-family or apartment dwelling, four to six dwelling units,” and 3.2 “Dimensional Tables,” reduction in minimum lot area and open space per dwelling unit to create a fourth unit, in the NB zone (Refer P&D)

• **COUNCILLORS ORDERS**

• **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**

1. City Council Meeting: 9/8/2020 (Approve/File)

2. Joint City Council & School Committee Meeting: 9/15/2020 (under separate cover) (Approve/File)

3. Special O&A 9/21/20 (under separate cover) (Approve/File)

4. Standing Committee Meetings: B&F 9/17/2020 (under separate cover), O&A 9/14/2020 (cancelled), P&D 9/16/2020 (under separate cover) (Approve/File)

Items to be added/removed from the Consent Agenda: Councilors Cox and Gilman requested that Item 2 be removed to avoid any misunderstanding with the public since as of tonight’s meeting, the School Committee meeting minutes have not yet been received.

MOTION: on a motion by Councilor Cox, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 9 in favor, 0 opposed to accept the amended Consent Agenda.

COMMITTEE REPORTS:

• **Budget & Finance – September 17th**

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 Consent Agenda for the September 17, 2020 Budget & Finance meeting.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Memhard, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a cash donation in the amount of \$75.00 from Linda and Edward Comeau to be used to support the on-going efforts to serve our Cape Ann Veteran’s and Active Duty military communities

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 under MGL c. 44, §53A, a cash donation in the amount of \$75.00 from Linda and Edward Comeau to be used to support the on-going efforts to serve our Cape Ann Veteran's and Active Duty military communities.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Memhard, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a private grant from the Massachusetts Bicycle Coalition in the amount of \$1,000 for the purpose of initiating a community engagement plan with residents and leaders of four communities (Rockport, Gloucester, Essex, and Manchester-by-the-Sea) around improvement for safe and equitable biking and creating a Cape Ann Regional Bike Master Plan, building upon the existing work of the Cape Ann Mass in Motion Coalition. The grant period is through December 31, 2020 and there's no local matching funds.

MOTION: on a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a private grant from the Massachusetts Bicycle Coalition in the amount of \$1,000 for the purpose of initiating a community engagement plan with residents and leaders of four communities (Rockport, Gloucester, Essex, and Manchester-by-the-Sea) around improvement for safe and equitable biking and creating a Cape Ann Regional Bike Master Plan, building upon the existing work of the Cape Ann Mass in Motion Coalition. The grant period is through December 31, 2020 and there's no local matching funds.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Memhard, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council in accordance with MGL c. 44, §64 approve payment of a prior year invoice from LexisNexis Invoice#1881400X dated June 10, 2020, to be paid with FY2021 General Fund Legal Department budgeted funds for a total of \$254.10.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council in accordance with MGL c. 44, §64 approve payment of a prior year invoice from LexisNexis Invoice#1881400X dated June 10, 2020, to be paid with FY2021 General Fund Legal Department budgeted funds for a total of \$254.10.

- **Special Ordinance & Administration-September 21st-** No items to be brought forward
- **Planning & Development-September 16th-**No items to be brought forward

SCHEDULED PUBLIC HEARINGS

Summary of Discussion: Council President LeBlanc stated that there were currently 104 meeting attendees.

1. PH2020-025: Loan Order 2020-006: Loan Authorization Request in the amount of \$4, 200,000 for Gloucester Water Pollution Mitigation Project

The public hearing opened at 7:45 p.m.

Those Speaking in Favor: Community Development Director Jill Cahill, CFO John Dunn, DPW Director Mike Hale

Ms. Cahill explained that she was there tonight on a project that she has been working on closely with the **Mayor's** office, **CFO John Dunn**, and the **Director of Public Works Mike Hale**. She explained that their team, the administration, and the City Council has been committed to resiliency projects. Gloucester was one of the first Municipal Vulnerability Preparedness grant program communities, and identified infrastructure as one of the highest priorities to protect areas such as the wastewater treatment plant. During this process, a Massachusetts Office of Coastal Zone Management (CZM) grant was secured for the initial design and feasibility of a flood protection barrier (which has not yet reached the final design stage). The next step was working with the U.S. Economic Development Administration (EDA) to secure some grant funding of around \$3 million dollars, which will hopefully be announced soon.

CFO Dunn explained that the loan order is for \$4.2 million dollars, and that the City expects to receive a fair amount of support from EDA once the order is accepted. It is hopeful that the overall budget will come in at much less than what is being requested, however it is more efficient to borrow more than necessary and return any unused amount than to have to appear before the Council with additional requests. He expressed thanks to the EDA for being willing to do that.

Mr. Hale provided a brief update to answer technical questions. He explained that a flood protection project essentially uses three types of walls. Around the existing wastewater treatment plant, there is a mix of masonry block, earth and berm, and sheet pile walls that protect the entire campus on Essex Avenue. There are two proposed access entrances off the avenue that will have temporary barriers employed during times of rising tides (when the weekend forecast predicts a storm surge). There is a tertiary access that may be available to the City on Marshfield Street in the future, if needed. This is the location of the primary plant, and will be the home of the future secondary treatment plant. It was anticipated in the 70's when the plant was designed that this would be the case. It has been asked why it is not possible to move it to a higher location, however, no other location has been proposed. It will cost \$80 million dollars for the secondary, and to build a primary plant at another location would cost about another \$120 million. The necessary piping network would also create an additional expense. This site makes sense, it is low-lying, but the barrier wall will protect it for the upcoming future.

CFO Dunn added that as he was leaving Gloucester tonight, he was amazed at how high the tide was coming down the river, and it spilled out into the road. He emphasized that this is something the City needs to do.

Those Speaking in Opposition: None.

Summary of Discussion:

Pam Steele, 10 Pilot's Hill

She stated that she thinks we need to know the cost of this potential plant before the debt exclusion vote. There are a lot of rumors and misinformation out there, and she has heard so many different things. She explained that this is the first time she has heard about the secondary plant, and she thought the City would be getting a whole new plant for \$100 million dollars. She asked if it would be possible to have the information placed in the Gloucester Daily Times, or on a billboard, anything so that it is known. She asked exactly how much the project would cost, and stated that after the debt exclusion, she did not think it was fair of the City to ask for \$80 million more. The citizens need to know before November 3, 2020, approximately (or even a ballpark figure) of what the project will cost. Everyone knows the tide is rising, everyone knows it is in a lowland. We don't want to become Flint, Michigan. We know we need to spend the money, but we need to plan and budget, and figure it out so that it can be a vote that people can buy into and afford. She asked if she was off the mark on this, or does the City not have the information right now. She stated that **CFO Dunn** must know since he manages the money.

Councilor Cox called a point of order, and explained that this public hearing is to address the loan order for the for the protection wall. She does not believe it is appropriate to take these questions at this time. Ms. Steele is able to ask those questions in oral communications during a City Council meeting that does not have an item listed on the agenda regarding the water treatment plant. She also has the options of contacting a member of the City Council directly, or by submitting an email through the City website for more information.

Council President LeBlanc asked Ms. Steele if she was in favor or opposed. She replied that she appreciates being directed on the right track since she is new to this government process.

Communications: None

Councilor Questions

Q1 (Gilman) Having attended the MVP session where we prioritized this matter as very high, possibly the highest, can you provide a three-minute elevator pitch explanation as to how the protective barrier will support rising tides over time, because it sounds interesting, and we want to make sure you have confidence in the barrier.

A1 (Hale) Coastal resiliency is new, but certainly more on the forefront today than ever before. In the late 70's, early 80's when this site was contemplated for the wastewater treatment plant, there was not a lot of thought about rising sea levels at that time. We all recognize that rising sea levels are real, however how much it will rise in the next sixty years or so is still up for debate. We see it during our average winter storms now, and during nor'easter we're seeing it. During the winter of 2018, employees were trapped for two shifts at the facility due to the inability to get out onto Essex Avenue. A barrier creates a seawall on the landward side of the avenue to protect it from water reaching that seawall. You wouldn't put up a vertical wall of granite or concrete. Earth and berm is lower cost construction methodology that works a little better in backyards, and serves the same purpose. So there is a mix of different wall technologies here that serve the same purpose of keeping the ocean outside of the campus of the wastewater treatment plant. Those entrances are normally open, but during a storm surge or potential storm, they can be protected with removable barriers, gates that will be put into place to protect the site completely. The employees will be stuck inside, but they will be safe inside the building. This technology is not new, or even new to Gloucester. The Boulevard is not a natural wall, it is there to protect Western Avenue from getting wet during every high tide, however, waves are now sometimes topping the Boulevard. The idea is to raise the level around the plant to protect the plant itself. The plant is all mechanical and electrical, so you want to protect it completely so the wastewater can be processed without any interruption during any storm for the foreseeable future.

Q2 Follow-up Question to Q1 (Gilman) Can you tell us a little bit about the consultation we've had from experts that this will hold based on the anticipated sea level rise? Could you please briefly describe the consultation and advice that has been received.

A1 (Hale) This is an engineered project even at this level right now. The ability to protect the plant is no different than protecting the infrastructure in any other low-lying area. We have a team of engineers who have gathered a consensus of what the sea level rise is expected to be in the foreseeable future, a reasonable amount of time of between 50-70 years based on what experts in the industry say will be the sea level rise, and those numbers range from inches to feet. It is a difficult number to nail down, but you base it on some agreed upon engineering benchmark, and that is the top of your wall, and that will protect. From a structural standpoint, however much water is on the outside is what the wall can withstand in differential pressure. This is a wall of mixed materials that will keep out the ocean and protect what is on the inside of it.

A2 (Cahill) Not only have the City engineers and consultants reviewed this project, but the EDA consultants at the federal level have as well. The City feels confident in the preliminary design, and there are lots of eyes on it.

Summary of Discussion: Councilor Pett thanked the entire administration, as well as **Ms. Cahill, CFO Dunn, the Mayor's** office, and **Mr. Hale** for working on this. He also extended thanks to the EDA for their assistance in picking up the majority of the cost of this project.

Q3 (Pett) If we approve this loan order, and it is all set and done, what type of timeframe are we talking about for completion of the project?

A1 (Hale) It is a little early in the process to say that. We have some permitting in front of us, completion of the design, and bidding. We lost a full construction season from spring and summer this past year (due to COVID-19). I don't want to guess. From a duration standpoint, it is probably no more than 18 months, but when it will begin and end, I don't have those answers for you right now.

Q4 Follow-up Question to Q3 (Pett) OK, but it would be reasonable to say that 2 years from now, at the end of the construction season, hopefully the project will be completed?

A1 (Hale) If we all stay healthy this fall and winter, yes.

Summary of Discussion: Councilor O'Hara stated that he wanted to direct a question to **CFO Dunn**. He said that he has been reaching out, this is a lot of money. The City Council got a loan order piece of paper requesting \$4.2 million dollars, with basically no support information. He received an email from **Mr. Dunn** today at 2:55 p.m. giving him the breakdown of this \$4.2 million dollar request. He went on to say that he is being asked to approve this money based on...

Council President LeBlanc reminded **Councilor O'Hara** that Councilor Questions were being asked right now, and asked if he wanted to wait for Councilor Discussion since that may be more appropriate.

Councilor O'Hara responded that he had questions, and that he doesn't know what is going on here. He believed the City Council had received no support information, and questioned how he can consciously vote yes or no. He stated that he is in favor of protecting this huge asset that **Mr. Hale** has worked so hard on for our City, but the Council needs to vote on money that is not theirs, it is the taxpayers'. He explained that his expertise is in construction, and he feels that the Council has nothing to justify to their constituents how this amount of money will be spent. He stated that in this \$4.2 million dollars, there is at least \$1 million dollars in contingency. He thought the Council needed more information before they vote on the loan order.

Council President LeBlanc asked **Councilor O'Hara** to ask CFO Dunn a question, and the **Mayor** requested that **Councilor O'Hara** allow **Mr. Dunn** the chance to answer the question.

Councilor President LeBlanc and **Councilors Holmgren** and **Cox** called a point of order, stating that if **Councilor O'Hara** had a question to ask, it should be regarding the loan order only.

Councilor Holmgren stated that **Councilor O'Hara** needs to plan to attend some Budget & Finance Committee meetings if he wants to know more information. **Council President LeBlanc** agreed. As the Chairperson of the Budget & Finance Committee, **Councilor Cox** suggested that **Councilor O'Hara** include her in the emails that he sends regarding matters pertaining to the committee if he is unable to attend those meetings, and stated she will be more than happy to assist him with making sure his questions are answered.

Councilor O'Hara requested to invoke 2-11(c). **Council President LeBlanc** stated that 2-11(c) will be invoked, and explained that it is usually called for any new information that has been brought before the Council, and asked **Councilor O'Hara** what new information had been brought before them this evening. **Councilor O'Hara** responded that he had no information, and cannot consciously vote on \$4.2 million dollars without knowing anything about this project.

Councilor Cox stated that unfortunately, **Councilor O'Hara's** request will affect the City's ability to receive the grant, which would leave the taxpayers responsible for the \$4.2 million dollar bill.

General Counsel Chip Payson was consulted to determine if this was a proper usage of 2-11(c), and he read the Gloucester City Charter (Revised 2011) Section 2-11(c) (Procedures) Charter Objection that states *that on the first occasion that the question of adoption of any measure is put to the city council, except an emergency measure as defined in Section 2-11 (b), if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting, regular or special. If when the matter is next brought before the city council for a vote, four or more members object to the taking of a vote, the matter shall be further postponed for not less than an additional five days. This procedure should not be used more than once for any measure notwithstanding any amendment to the original measure.*

He concluded that this was the first occasion of the adoption of the measure, however, it may be premature to invoke it since the public hearing was still being conducted in the Councilor Question stage, and the Council had not yet reached the point of taking a vote on the matter.

Q5 (O'Hara) You've done a great job as far as explaining the mechanical gates that would be at the entrances to the campus. Around the perimeter, this would be earth and sheet pile?

A1 (Hale) It's actually three technologies: earth and berm, sheet pile, and concrete block reinforced over earth and berm depending on the reveal, view, and soil conditions. An extensive engineering report and soil testing was done. The surrounding area is salt marsh. As you know, the site was pre-loaded in 1977-1978 to support the structures you see on it today. So obviously on the perimeter, those areas weren't pre-loaded, so you have to be cautious about how much weight goes on the surface. Earth and berm, and perhaps masonry wall wouldn't work in those areas, so you have to do sheet pile walls because they are less weight, and they serve the same purpose. Certainly in the front of the property there is an aesthetic piece to it, you don't want to have the sheet piles that are 6 feet tall facing Essex Avenue, but it is a small piece, not a large piece that provides the aesthetics to this.

Summary of Discussion: Councilor O'Hara thanked **Mr. Hale**, and explained that the technology is being upgraded and implemented in New Orleans, and stated that the aesthetics is secondary to the mechanical ability to protect this huge asset that the City is reliant on.

Q6 (O'Hara) How confident are you, where in the engineering stages of this as far as elevation that you'll top out at as far as protection, and the potential to add on if need be?

A1 (Hale) From an engineering standpoint, we're probably at 30 plus percent, which means it's done, it's just not polished. In engineering design, it may seem like a low percentage, but the bulk of the work is done in the first 25%, after that it is solely a matter of finding costs and specifications, so this has been looked at by a competent civil engineering firm who is doing this work in other communities, the elevation is...

Q7 (O'Hara) The elevation isn't critical. Would this be a structure you could add onto? Obviously years down the road, are you thinking this would be something that could be built into the design?

A1 (Hale) It could be added on to, there are a couple of questions that need to be answered before that. We are not basing this off of a low estimate. We are basing this off of an average estimate of sea level rise. Again, that number is a moving number, and you're aware of that in your profession. We do not know what sea level rise will look like in the next 50-80 years, so this is based on best practices in the engineering field, and there is some leeway given. We don't want it so it is just topping the wall, wave action is taken into account here, because you can't have wave action even on the river. All of that is "baked into" the design so to speak, perhaps you could add on to it, but there are a lot of things that could happen if we have to start talking about adding on. You look at the surrounding areas, if we are adding on to this, we've lost Western Avenue, we've lost the high school, we've lost a huge section of Gloucester well before we're going to be topping Elevation 17, that is 7 feet above the average grade on Essex Avenue right now. A 7-foot sea level rise is dramatic, even in some of the more dire predictions for the future.

Summary of Discussion: Councilor O'Hara began to ask another question to Mr. Hale, and Councilor Gilman called a point of order, and stated that there were currently several members of the Council with hands raised, and she did not think it is fair that one councilor can ask four questions.

Councilor O'Hara said thank you, and stated that he agreed to step aside.

Councilor Holmgren shared that there were 104 meeting attendees who are all taxpayers.

Q8 (Holmgren) Since we have 109 people in attendance, I'm assuming they're all taxpayers, we (City Council members) are all taxpayers here, I would like to know, if we do not proceed and get this grant tonight, exactly what the full bill would be.

A1 (Dunn) At this point, the EDA is committing to us a \$3 million dollar grant, so if we don't do this, we don't get the \$3 million dollars. To be truthful, we believe the \$4.2 million loan request is probably a bit high, we will hopefully come in below that.

A2 (Cahill) The whole project estimate was \$4.2 million, and the EDA has taken a special request on the Mayor's behalf. They usually fund these types of projects at 50%, and because of our extenuating circumstances here in Gloucester, because we had two warn notices and closures last year in our fish processing plants, and because of the significant economic development impacts on unreliable water and sewer sources related to coastal resiliency, they have agreed to give us an over 80% reimbursement rate. This is unique, it is special, and this is because we've worked our tails off to get to this 80%. I just want to make sure that the public and the Council are aware that the vote tonight, or when the vote happens, has to be sent to the EDA for final approval. All the conditions depend on that, and we don't even have final word from them pending this discussion tonight.

A3 (Mayor) During COVID, this is crucial. This is the last chance we are going to get. We have been trying for years.

Q9 (Gilman) I have a technical question, and seeing that we are allowed to continue the public hearing all the way up to the vote even though a 2-11(c) has been called for, so we can call a special meeting. My question is: What is the date of us being able to meet this deadline for the grant, and if so, can we make a commitment of when we're going to have a special meeting in order to be able to meet our deadline without losing \$3.2 million dollars?

A1 (Cahill) This is thr understanding, we gave them a timeline of the process that the City goes through for funding, so this was the proposed timeline. So I don't have an exact answer for you, I have to go back to our EDA representative and have a discussion with her about the impacts of what happens here tonight. I'm guessing I am going to need letters of support from the councilors who are in support of this if you're willing

to offer them. So I can't give you an exact date, I'm hopeful that they will still support this since we have been working really closely and really hard with them for a long time, actually, this was one of the first things that was asked of me when I started three years ago, and it's a very unique situation that we're in after these warn notices. That year of automatic eligibility expired in August of this year, so we will not be eligible for this grant again.

A2 (Mayor) We also need to let them know, as they were all planning on coming down. They never in their lives would think that someone would reject \$3 million dollars free for your taxpayers to actually do this type of project which is needed. When everyone is talking about climate change and coastal resilience, you asked me as your Mayor to look at that. You don't want to spend all this money on our next water treatment plant, we have the high school under water. We have been working like crazy on this, Senator Tarr has helped us, and now they want to come down on October 18th to present this to us because we gave them this timeline. Not only is this embarrassing that we're rejecting money during COVID, but people are going to think we are receiving preferential treatment when other communities have been unable to receive project funding. I hope we can have this meeting quickly.

Summary of Discussion: Council President LeBlanc stated that the 2-11(c) is out of order at this point since the meeting was still in the public hearing stage, and explained that it would have to be called at the time the vote is taken. He elaborated that at this point, the Council understood that the repercussion of that being invoked is going to cost the taxpayers an extra \$3 million dollars.

Councilor Pett clarified that he was upset that there was a councilor who was asking questions and saying that they have not received any information, and yet the Chair of the Budget & Finance Committee has stated that information is and has been available, and she has not been asked to provide that information. He expressed that the Council should not be at this point. He thanked the administration for all their hard work, and to the EDA for going above and beyond. He said that this is not something new, and expressed embarrassment to be at this point, and hope that the vote can move forward without the 2-11(c) being invoked this evening.

Q10 (McCarthy) As someone who has lived through these floods as a public safety official, that plant was in severe jeopardy last time, and I'd like the DPW Director to maybe explain to us what would happen in this City if that plant got flooded, and how unique it is that we are able to turn this around in a short three years to be able to get funding to prevent this from happening.

A1 (Hale) Over 80% of the housing units in the City, and most of the businesses, you take away a few of the industrial parks in West Gloucester, but the majority of downtown businesses, North Gloucester, East Gloucester rely on this wastewater treatment facility to process the wastewater. If this was inundated with ocean water, we'd lose power, we'd lose pumps, the facility would be rendered useless, and you would have sewer backed up until we could get some kind of bypass pumping put in place. It would bypass any treatment and put raw sewage into the Atlantic Ocean. That would probably take 2-3 weeks. In the meantime, there is no toilet flushing, no production of products in the community. You can't put your wastewater down your sink, your drains, your toilet to be treated, it winds up in the street. There are places in this world that you can imagine where that happens on a regular basis. In areas that are struck with natural disasters such as hurricanes, everything stops. There is no normalcy for a considerable amount of time. If this facility went underwater, it would not be functional. Saltwater is not kind to electrical equipment, and you can imagine if this was inundated with a tide or two cycle of ocean water. It's not just a matter of a little bit of wastewater that gets dumped into the harbor, all of the low-lying areas would suffer greatly. Gravity sewer would still work, some areas could still flush, but it would not be accepted by the plant. Once the pipe is full, it would remain full if it could not be treated, everything is getting backed up. All the low-lying areas: Rogers Street, East Main Street, Western Avenue, those areas would not just be under tidewater, but under wastewater, until we could bypass the plant, and send untreated wastewater offshore.

Q11 (Holmgren) I am wondering how this would affect the fishing industry considering that we just had the Army Corps of Engineers dredge the canal, and this is right there.

A1 (Mayor) We have letters of support from Gorton's, Applied Materials, Gloucester Marine Genomics Institute. This is our industry, the blue economy, it's our waterfront, it's our infrastructure. It is speculation that a wastewater treatment plant will cost \$70-80 million dollars. Here we have a project that we need to do today, we need to fix, and you need to give us time. I don't know when we're going to do a new treatment plant, it's not in my process. When I became Interim Mayor, I told the State House I am not putting that burden on the taxpayers, and it doesn't go on your taxes, it goes on your water bill. The people who have water and sewer, you can't afford it now, we're all complaining it went up, imagine if we needed to pay an additional \$7 million dollars on your water. Ask Councilor Melissa Cox what goes on. This here is something we asked for, and we're going to protect it. It could give us ten years, who knows with the climate. The Causeway and Pavilion beach were flooded the other day, and it wasn't even a bad day. Since 2015, we've seen things that we've never seen. I have never seen Rogers Street flooded, have you? Commercial Street down to the Fort, yes, but all the way up to Minglewood? Things are changing, I want to protect what we have. I went to the state and asked them to have us work together to come up with a plan and a time so my City Council, my City, and all of us can exist. We absorbed the (Environmental Protection Agency) Combined Sewer Overflows (CSO) Project. Mike Hale and his team have done the 21 pumps. We are working together in the community to change all of our plants, and we are looking at the dams now. We need this to give us time to work together to come up with a plan that is going to make this affordable for us. In order for us to expand in industry, you need to protect what you have. If it floods, then we're all done. Right now, we can expand. You gave TIFs (Tax Increment Financing Agreements) to these new businesses, and we can't tell them that they can't operate because we're flooded.

A2 (LeBlanc) I can answer the shell fisherman part of your question. Being a former commercial shell fisherman, and holding a residential shellfish permit right now, even with a normal rainstorm, most of the flats close for 3-5 days. If we get a substantial rainstorm, they close for even longer. There was a little sewer spill off Walker Street and Back Creek, and the flats closed for several weeks for just a small amount of sewage that was allowed into the stream back there. If this sewer treatment plant were to be impacted, it would devastate not only the shellfish, oysters, mussels, snails, everything for a few years if we were to have a major backup. We had one a couple of years ago that happened to overflow into the Annisquam River, and commercial clamming was shut down for several weeks, so if we were to have something significant happen to our wastewater treatment plant, we could basically kiss our commercial and recreational shell-fishing goodbye for quite awhile.

A3 (Cahill) Just so you know, the EDA requires us to get letters of support that the Mayor alluded to, as well as what's called an ED-900 Form (General Application for EDA Programs) which two of our local businesses signed, Fisherman's Wharf and Cape Seafood. They support this, and said it will make it possible for them to create additional jobs, retain the jobs that they have, and expand their businesses. So that's a really big deal for us. As I've been through this project, it's a really hard ask of a local business, because I need to work with them for the next 9 years, and report on these jobs. So I want to thank Cape Seafood and Fisherman's Wharf for putting themselves out there on this, and supporting us, and I want to make sure you had that information.

Summary of Discussion: Councilor Cox asked Councilor O'Hara to put his anger aside, and ask his question that he proposed to CFO Dunn. She begged him to not throw away \$3 million dollars of money that taxpayers are going to be on the hook for. She stated that she would very much appreciate him using her as a resource as Chair of Budget & Finance, and copy her on emails. She explained that she doesn't need to get involved if his question is answered, but she wants him to use her as a resource if he feels things are not being answered in a timely manner. She told him he could also copy Acting CAO Krawczyk for assistance as well. She stated that to do this tonight in this fashion, now that he knows the consequences of this, she would appreciate it if he would ask his question, because she believed it might be something the Council has not

heard yet; and would all benefit from it if he would just ask so they could move forward with this. She explained that the City staff works very hard with these agencies, and the last thing she wants to do is set them up for an embarrassment with these agencies when this is not just a \$3 million dollar grant, this is their career. They have to work with these agencies whether it is here, or in another city or town.

The public hearing closed at 8:33 p.m.

Summary of Discussion: Councilor LeBlanc asked for the Committee Report. Councilor Cox explained that she just wanted to move on with the motion because of the fact that the Council had gone through more this evening than what was presented during the September 3, 2020 Budget & Finance Committee meeting, and the committee report per se.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Memhard, the Budget & Finance Standing Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend the City Council approve the following loan authorization as follows:

Ordered: That the City of Gloucester appropriates Four Million Two Hundred Thousand Dollars (\$4,200,000) to pay costs associated with the Gloucester Water Pollution Facility Flood Mitigation Project, 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 or Section 8, 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.

Summary of Discussion: Councilor O'Hara clarified that General Counsel Payson identified the fact that him invoking the 2-11(c) was not so much inappropriate, but had no impact. He stated that at this point, he would rescind his request to invoke it, and allow the matter to go to a vote.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to recommend the City Council approve the following loan authorization as follows:

Ordered: That the City of Gloucester appropriates Four Million Two Hundred Thousand Dollars (\$4,200,000) to pay costs associated with the Gloucester Water Pollution Facility Flood Mitigation Project, 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 or Section 8, 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.

Summary of Discussion: The Mayor thanked the Council once the motion passed.

MOTION to RECONSIDER: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 0 in favor, 9 opposed. Motion Fails.

2. PH2020-026: Loan Order 2020-007: Loan Authorization Request in the amount of \$4,200,000 for the East Gloucester/Veterans Memorial School Project

The public hearing opened at 8:38 p.m.

Those Speaking in Favor: CFO John Dunn, Acting CAO Vanessa Krawczyk, Chairman Jonathan Pope, Attorney Joel Favazza, Melissa Teixeira-Prince

Summary of Discussion: Mr. Dunn explained that this is pieces (ancillary costs) of the East Gloucester/Veteran's Memorial Combined Elementary School Project that fall outside of what the Massachusetts School Building Authority (MSBA) would normally have reimbursement for. The City has been through this many times with different projects. Consideration was given at both the Building Committee and also internally, and it was decided that these items would be pulled out from the \$67.6 million dollar project that was eventually submitted to MSBA, and approved on August 25, 2020 since they are not part of the override vote. These include the swing space (in this case a temporary facility that can be used as a school while the old ones are being demolished, and the new one is being built), relocation of the ball field that is currently at Mattos Field, as well as demolition and eventual site distribution work over at East Gloucester Elementary. These are things that are not going to be reimbursable by MSBA at any level, and the City felt it was better to treat them separately, both for the community to know they are committed to those things, and to not have the ultimate reimbursement and auditing by MSBA held up by these things which are for the most part (particularly with the East Gloucester demolition and renovation of that site) will take place at the very end of the project. He explained that the City does not know exactly what the cost of this is going to be, there are estimates at this point, however, as of right now there is no full scope or project timeline, but the \$4.2 million dollars is believed to be reasonable to expend to cover the initial costs of what needs to be done outside of the MSBA project. He recommended moving forward, and if the November 3, 2020 vote for the override does not go through, then this is something that can be rescinded. He stated that the City is very confident the override vote will pass, and that these things will be necessary, but he wanted to make everyone aware that the City is not permanently committed to these things if the override vote does not go forward.

Ms. Krawczyk reiterated that as **Mr. Dunn** just briefly discussed: There are several aspects of this project that are not reimbursable through MSBA. She provided a cost estimate that he had shared during the September 17, 2020 Budget & Finance Committee meeting for the following items: ball field relocation-\$1.5-2 million dollars, swing space for students and faculty during construction-\$1 million dollars, East Gloucester Elementary School demolition and the resulting sitework-\$1.2 million dollars. She stated that we all know that there are a lot of moving pieces to this project. In an effort to best be prepared to move forward, the City administration has been thinking and planning ahead, and wanted to make Gloucester residents aware of their financial commitment to these ancillary costs. The debt service on this loan order would not be part of this debt exclusion vote, and therefore, would have no bearing on the November 3, 2020 ballot question. This loan order is the City's commitment to this project, especially the commitment to relocate the ballfield. City administration strongly supports this loan order, and she expressed hope that the Council will also. The

administration feels that this is an important step in the process, and wanted to be forthcoming in their plans as we move towards the November debt exclusion vote where the community will decide the outcome.

CFO Dunn added that we should realize that although these are important pieces of the total project, they are not tied to the MSBA piece of this. Even though the City would like this to go forward, and thinks it's a very important thing to do, the MSBA commitment has already been received, as voted on August 25, 2020 for the project to move forward. The City feels that it is very important for us as a community to commit to the other portions of the project that are not supported by MSBA in terms of the reimbursement.

School Committee and Building Committee Chair Jonathan Pope explained that the reason for the timing on this is to guarantee to the people before the November vote that the City is committed to doing these projects. Although they are not tied to the debt exclusion vote, it is really just an affirmation by the City Council to say that should the vote pass, the Council is committed to all of these projects. They would all need to be done, but the important one is the relocation of the ballfield since it is the one that seems to be questioned most in the community. He expressed hope that the Council would vote positively.

Attorney Joel Favazza shared that he is a member of the School Committee, however, he was not speaking this evening on its behalf. As a citizen and a parent, he stated that he at times has been, and in some cases may continue to be in the future critical of some decisions made by the City in regards to its school buildings. Yet he needs to also give credit when it is due, and he believes that the City has looked at the decisions made at Maplewood Avenue School and Fuller School, and is doing things differently this time. He expressed agreement with **Chairman Pope** that the ballfield relocation is very important, and also feels that East Gloucester Elementary School not becoming an abandoned building if this project goes forward is also paramount. He stated that he also thinks that it is very admirable that the promises made regarding that ballfield are going to be fulfilled. Given the financial uncertainty around the pandemic that we're in, that would be an easy excuse to break such a promise, and the fact that the administration, and hopefully the City Council tonight, is going to move forward to show that they are serious about allocating money before they are sure that the project will move forward is a big change from how the City has done business in the past. He expressed hope that the Council will support the loan order.

Tom Mannle, 1037 Washington Street

He stated that this is unrelated to any issue before the Council, it is a technical question if he may be permitted. He said that it was in regards to the presentation of the Council's deliberations to the public, and asked when there is limited video in terms of the participation of the Council members that appear on the Zoom video screen:

1. When Council members are not present in video on the Council screen, are they participating?
2. Does the **(City) Clerk** maintain data on the participation and the presence of the Council members in real time?

Summary of Discussion: Councilor Nolan called a point of order since the Council is currently working on a public hearing. **Council President LeBlanc** stated that he understood Mr. Mannle's sentiments, and assured him that when the vote is taken, the Councilor who is voting will show their face so everyone knows they are participating.

Those Speaking in Opposition: Residents Craig Hamilton, MaryAnn Albert Boucher, Patti Amaral, Denise Pascucci, Marc Pepin, Linda McCarriston, Kailey Mione

Craig Hamilton, 46 Grove Street

He stated that he is not in favor of this.

Mary Ann Albert Boucher, 93 Mount Pleasant Avenue

She said \$4.2 million dollar loan order for items not included in the \$66,700,000 school project, Planning & Development meeting stated \$1.5-2 million to move the ball field to Green Street, \$1 million for some of the rental costs for swing space, and \$1.2 million for the demo of East Gloucester and to have the land raised, graded, and seeded. Add these totals, and the low end is \$3.7 million. If the ballfield requires the full \$2 million as stated, all of the \$4.2 million in this request will be exhausted.

She asked: What about the additional costs associated with the project, will there be more loan requests to come? She stated that the taxpayers deserve the right to know the total cost starting with the feasibility study, and an itemized list of the costs, including the ineligible costs. She shared that her husband writes cost estimates for a living. It is not often, in fact very rarely, that he finds a customer who doesn't want to have a total cost estimate presented and in front of them before they head to the bank so they have the funding in hand to complete the project. This should hold true with a project of this magnitude.

She mentioned that the City Council will vote next week on the land disposition transfer (during the Special City Council meeting to be held on Tuesday, September 29, 2020) and all of these costs should be readily available. She will stand tall to say that she has been to meeting after meeting, and followed this intensely for four years. She feels that it is true that things are kept from the general public, and that they are not covered in the Gloucester Daily Times. She stated that it is time, as the Council has mentioned over and over again, for an open line of communication. She said that it is key, she feels that citizens are not seeing transparency, and it is unfair to them whether they want to vote yes or no.

She shared that she was sent a private message while attending a meeting last week asking: What is your question? She expressed that she felt that was wrong, she had her hand raised, and should have been able to ask the Council, and receive an answer from all of the Councilors.

Summary of Discussion: Council President LeBlanc stated that he understands her frustrations, but this is the public hearing for the loan order, not about what happened in another meeting. Ms. Boucher stated that they always get stopped. Council President LeBlanc explained that he is not stopping her from speaking on the loan order before the Council. Ms. Boucher said that she was told at the last meeting to bring her questions to this City Council meeting, and that is what she is doing.

Council President LeBlanc explained that at this point, the Council was at the \$4.2 million loan order for the public hearing only, the total cost is not before the Council that evening. He apologized, but stated that he needs to uphold the rules as Council President.

Patti Amaral, 14 Myrtle Square

She stated last week at the subcommittee meeting, there was a presentation that the \$4.2 million dollar loan is based on back-of-of-the-envelope guestimates, and that it was to show good faith that offers leveling Mattos Field, and that the East Gloucester School field would be replaced. For the record, she is one of the 2,000+ citizens who signed a petition against this proposed consolidated school, which is scrapping Mattos Field. We raised the money, we wrote the grants to take care of Mattos Field here on Webster Street, it is priceless. The citizen signatures on the petition are opposed to the Article 97 transfer, so we are not asking for you to make us whole, we believe you are pushing the cart ahead of the horse. Also, at the subcommittee meeting, it was stressed that these unspecified, ineligible cost items would happen at the end of the construction timeline, so

if they were expensed too late, the City would be at risk for a non-compliance audit. Do not vote on this loan until the public weighs in on the debt exclusion vote November 3rd. Please save Mattos Field. Thank you.

Melissa Teixeira-Prince

She spoke as a resident and as Vice-Chair of the Gloucester School Committee, and stated that she is in favor of the loan order. She stated that she thinks it is obvious in this community that we need educational facilities that address 20th century learning, and this is one of the first steps to make sure that our kids get their needs met. She acknowledged that there are various opinions on this matter, however, she shared that the School Committee has done due diligence in weighing various opinions in the community. While we may not all agree on what the right answer is, there is no doubt that moving forward with this project is the right thing to do for our kids. She thinks as a community, we can come together and resolve the issues that come along with this project, but she would hope since the City is already in this process that we continue to do what's right for kids. She believes that is to have the City Council authorize this loan order.

Denise Pascucci, 20 Birch Grove Heights

She stated that she is opposed to this because of the situation with Mattos Field and the \$280,000 that residents put into it. She commented that she found it to be very interesting that the people that were for it were committee members. She doesn't think anyone else as taxpayers besides the committee members are for it. She also finds it interesting that this project is being squeezed onto a 6.2 acre lot where West Parish has 20.94 acres, Beeman has 22 acres, Plum Cove has 16 acres. She expressed agreement with Ms. Amaral that this should not go through until after the November 3rd ballot. She thanked the Council, and asked them to consider that the people of Gloucester will vote for this on November 3rd. She also stated that a total cost would be appreciated.

Marc Pepin, 8 Green Street

He expressed curiosity as a Gloucester citizen, since the City Councilors are citizens as well, how can they vote on \$4.2 million dollars not knowing the total cost of the project? He expressed disbelief that this matter is being discussed without the total being known, how can they vote in good faith? He stated that he opposes this matter very heavily.

Linda McCarriston, 16 Quarry Street

She stated that what she is hearing callers say when they speak in opposition, and what she heard **Councilor O'Hara** say, is that there are many very important and significant and good projects facing the City at the moment, They involve the water treatment plant, the school, and people are saying in theory that they understand how much time has already been given by subcommittees and by the Council studying the details of these proposals. What people want to know is, is it possible for residents to have something more concrete, such as a bid, or, why is it not possible, for those of us who have been in attendance for over three hours as we discuss approving one thing or another? She expressed agreement with the suggestion or complaint that has been voiced that these numbers are being voted on without being able to see how that amount was arrived at. She would like to learn about where to find that type of information on matters on which the Council is voting on, that will become something taxpayer-funded. She stated that she would like to see a bid for this project just as she would for any other personal bill that she would be paying for. She believes that listing these details in the agendas and packets would be appropriate so that residents could make their recommendations to the Council according to the information they receive.

Kailey Mione, 6 Davis Street Extension

She stated that she is a direct abutter to the East Gloucester School, and she has expressed concerns many times over what will happen to that property when and if the school is demolished. She said that in the plans, people keep saying it is going to be taken down and seeded, she asked what that means. She mentioned that she has heard at PTO meetings that the neighbors can create a nice park there. She asked to know what the city is planning on doing with that property, if the money is being spent to take this school down. She expressed that she strongly opposes this vote.

Craig Hamilton, 46 Grove Street

He stated that we are in the middle of a coronavirus pandemic, most schools aren't even functioning at this point, so he doesn't know how we as a City are talking about doing construction on another school right now. He also mentioned that there are a lot of people right now who are completely out of work and are having a hard time paying mortgages and rent, are losing their houses and getting evicted, so he believes that it would be a big burden to raise taxes at this point.

Communications: 1 communication was received from **Pauline Bresnahan** who is in opposition of the loan order.

Councilor Questions:

Q1 (Gilman) At the joint City Council/School Committee meeting (that took place on Tuesday, September 15, 2020), there was a conversation about current interest rates, and I was wondering if our CFO John Dunn could explain how it relates to the \$4.2 million dollar loan order.

A1 (Dunn) Interest rates are currently very low. The City just issued debt last week for 20 years at 1.4%. In general, there have been a couple of questions that I have heard tonight in regards to the total cost of the project. The Massachusetts School Building Authority (MSBA) has approved the City for \$66.7 million dollars, and that is the general cost of the project for construction of the combined elementary school on the Veteran's Memorial School site. What we are looking at tonight is another \$4.2 million dollars to do other ancillary aspects of the project. So that puts the total at, let's say \$71 million dollars. To put that into perspective, I guess West Parish was \$39 million, so we're getting two West Parishes for less than that, and that is what we have to kind of think about. We have an opportunity here to move forward and commit to a particular project with the MSBA supporting it at very low interest rates at a particular point in time when construction costs may not be as expensive as they would be (because construction inflation is moving at 3 ½-4 ½ % a year) a year from now. The community has a choice, we can move forward and have a combined elementary school, which always provides a certain amount of savings in terms of many more students in the school, replacing what I think everyone can recognize that are two schools that really can't be fixed, so that's where we are. What we are talking about tonight is \$4.2 million dollars that is outside of any possible MSBA reimbursement, but still things that need to be done as we move forward. As I've said before, if the override vote is not successful in November, then this is a loan order that can easily be rescinded because we're not going to spend the money.

Q2 (Cox) This is to Mr. Hale and Mr. Dunn. Are you confident in the estimates that you have received in order to make the dollar amount for the \$4.2 million dollar loan order? Based on our communication at the Budget & Finance meeting, we did go over the breakdown amount, it was specifically asked of you how you came to these numbers, and it was discussed. So again, I'm going to ask the same question of you as I asked during the Budget & Finance meeting, how confident are you in these numbers, and what you expect to be the fluctuating reasons for higher or lower amounts.

A1 (Hale) We based all estimates off of something that has happened previously, so we're looking at redeveloping an existing athletic field to accommodate at a minimum two softball diamonds, perhaps parking, and some amenities that go along with it. The cost fluctuation will be what we want to add to it. If we're just talking parking, that is one thing, concessions, restrooms, bleachers, that is when you start adding costs to all of our projects. At the existing Mattos Field, there is virtually no parking, a small bleacher, and a bathroom. To replicate that perhaps on Green Street, with another diamond, I think we can certainly do that within the estimate we were provided. If we start adding more to this, which would be driven by the community, then we start driving the cost to the project. We all want more than we want to pay for, it is a common theme that I see. If we have a reasonable ask, we will have a reasonable cost, and again, I think the price as proposed is reasonable for two soft ball diamonds and some parking.

A2 (Dunn) What Mike has said is absolutely correct. We don't have a scope on the projects, and we don't have a timeline. Until we establish that, all we can do is say that these are reasonable estimates. I think for the most part, in the 6+ years I've been in Gloucester, that we've had pretty good estimates in terms of what projects cost. If something gets delayed, if something goes sideways, if we decide to have a much more robust field in terms of where the ball fields are going to be, then that is going to cost more. I think at this point we can pull this in with what we're proposing in the \$4.2 million dollars.

The public hearing closed at 9:19 p.m.

Summary of Discussion: Councilor Cox explained that the contents of the committee report have been covered during the public hearing presentation and in the follow-up questions, so she will move on to the motion.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Memhard, the Budget & Finance Standing Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend the City Council approve the following loan authorization as follows:

Ordered: That the City of Gloucester appropriates Four Million Two Hundred Thousand Dollars (\$4,200,000) to pay school costs associated with the East Gloucester/Veterans Memorial Consolidated Elementary School Project including, but not limited to, demolition and additional sitework at the current East Gloucester Elementary School site, ballfield relocation, and swing space 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, 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.

Summary of Discussion: Councilor Gilman stated that one of the speakers at today's public hearing had asked her on her Ward 4 Facebook page to check into the costs. On the Gloucester Public Schools website, she found on Page 4 of the Frequently Asked Questions, the combined school one year ago was noted as costing \$72.8 million, and that included the school, the transition space, the demolition of East Gloucester Elementary School site, and the relocation of the ball field.

The link is available at <https://sites.google.com/a/gloucesterschools.com/gloucester-schools/east-gloucester-veterans-msba-building-project>

She compared that with the new information that the Council has discussed at the Budget & Finance Committee meeting, and the cost is now listed as \$66.7 million. The MSBA is reimbursing the City \$26.9 million, and if you take that and add this new \$4.2 million proposed loan order that the Council is voting on tonight, that total cost is \$70.9 million dollars, which is actually \$44 million after the reimbursement. She clarified that she believed the communication was good when she checked on the Frequently Asked Questions. She stated that she will be supporting this tonight.

Councilor Holmgren stated that she appreciated **Councilor Gilman's** comments, and that she will also be supporting this measure this evening because it is a good faith effort on the part of the City. For all of the reasons stated by the **Treasurer** and **DPW Director**, she felt that it is fine to move forward. **Councilor McCarthy** shared that he is going to support this tonight because he thinks it is good planning to have it in place. The Council has been assured by the administration that if either the land transfer or the debt exclusion vote does not go through, that the loan order will be rescinded, and this is still going to go to the citizens of Gloucester for a vote.

Councilor Cox reiterated everything that **Councilor McCarthy** said. This is proper planning, and she feels like the City has good faith estimates in an area that fluctuates. They made estimates based on knowledge, she has faith in the professionals who have provided the estimates, and she expressed frustration at people telling the Council that they are not prepared. She has faith in this and will be supporting it. **Councilor Pett** thanked the administration and the School Committee for making this commitment. This loan order verifies their commitment to the citizens about Mattos field, etc., and is something that can be voted on tonight, and rescinded if need be. He stated that prior planning prevents poor performance. This is taking a vote to go ahead, support the complete project if the vote of the people is indeed to go forward, and being prepared to do that in the most expeditious manner. Maybe even being able to save some money for the City if able to take advantage of lower interest rates, so he will be supporting it.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor, 1 opposed (O'Hara), to recommend the City Council approve the following loan authorization as follows:

Ordered: That the City of Gloucester appropriates Four Million Two Hundred Thousand Dollars (\$4,200,000) to pay school costs associated with the East Gloucester/Veterans Memorial Consolidated Elementary School Project including, but not limited to, demolition and additional sitework at the current East Gloucester Elementary School site, ballfield relocation, and swing space 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, 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.

MOTION to RECONSIDER: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 1 in favor (O’Hara), 8 opposed. Motion Fails.

Summary of Discussion: Councilor Gilman made a privileged motion at 9:29 p.m. to take a brief recess. The meeting resumed at 9:36 p.m.

3. PH2020-027 SCP2020-004: Folly Point Road #1, Map 146, Lot 28, GZO Sec. 3.1.6(b) “Building Heights in Excess of 35 Feet” in the R-20 District

The public hearing opened at 9:39 p.m.

Those Speaking in Favor: Attorney Joel Favazza

Summary of Discussion: Council President LeBlanc explained that those in favor would receive a total of 15 minutes to speak, then anyone speaking in opposition would be allowed the same amount of time. Anyone wishing to speak after that would be allowed three minutes each.

Attorney Favazza shared a slideshow presentation and explained that he is there tonight because the owners want to renovate and reconstruct a single-family home with an attached garage. He showed the existing site plan and scaled elevations that he could refer back to if there were any questions. Renderings that were submitted with the original application were also included in the slideshow. He provided background, stating that this is an existing single-family home constructed in 1991, and his clients are hoping to create a tasteful, energy efficient “green” design. They are going to renovate the existing portions of the house that are salvageable, however there are portions that need to be torn down and rebuilt, which is what they intend to do. He explained that he is there tonight on a height permit, and he clarified that what they are talking about tonight is the portion highlighted in orange. It is a very large and beautiful proposed house. Everything highlighted in green is as of right construction, they are only before the Council for the section in orange, which is 42 feet, 4 inches above average grade, which means 12 feet, 4 inches of relief is needed because it is 30 feet above average grade. Average grade is calculated by taking the elevation at the corners of the structure and averaging that, then measuring the highest point on the structure from there. For anyone who attended either of the two site visits, when we stood in front of the garage, average grade was about two feet below our feet. We are governed by Gloucester Zoning Ordinance 3.1.6(b) (Standard to be Applied), City Council must find increase in height is consistent with neighborhood character and not substantially detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, or impairment of utilities or other adverse impacts.

The property is 5+ acres, Zoned R-20, could be a 9-lot subdivision with 18 dwelling units by right, or could be a 20-lot cluster development with 40 units by right. Neighboring properties are large estates. This property is also, and the owners intend to keep it that way instead of dividing into smaller lots. The seller chose the current owners because their intentions were not to develop the land to maximize density. He showed pictures of other homes in the area to show that it was consistent with the neighborhood character. This proposed house will be almost 13,000 square feet on 5.18 acres. Although it is not consistent with homes that you would find in other R-20 zones throughout the city, it is consistent with the R-20 zone in this particular area. He showed pictures of the existing structure along with renderings of what the new structure would look like to show that there would be no view obstructions, overshadowing of other properties, utility impairments, or other adverse impacts. He stated that he feels like the renderings are more instructional than the site visits when there was foliage because they provide more accurate views. The proposed house would remain on the footprint of the existing one. There will be no increase in the use of the property, no additional traffic, and a likely reduction in resource consumption due to the green design, which would all prevent utility impairments

or other adverse impacts. He believes all standards for the requested permit have been met, and requested that the Council grant such relief. He thanked everyone for their time.

Those Speaking in Opposition: None.

Communications: None.

Councilor Questions: None.

The public hearing closed at 9:48 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council grant to Barry Goldman and Margaret Franklin, a Special Council Permit (SCP2020-04), for the property located at Folly Point Road# 1 (Assessor's Map 146, Lot 28) zoned R-20, pursuant to Gloucester's Zoning Ordinance Section 3.1.6(b) for a building height in excess of 35 feet, for a home to be 42 feet, 4 inches (for a total height increase of 7 feet, 4 inches over 35 feet). This permit is made on the basis of plans and elevations dated March 17, 2020, submitted to the City Clerk on March 30, 2020 and August 19, 2020, entitled "Permit Site Plan 1 Folly Point Road for Barry Goldman and Margaret Franklin." Subject to new information and/or debate that results from the public hearing, this Special Council Permit is deemed to be in harmony with the intent and purpose of the Zoning Ordinance.

Summary of Discussion: Councilor Gilman stated that she would like to amend the motion coming out of the subcommittee report by adding and inserting before the paragraph that begins with "This permit is made on the basis of plans and elevations", "this building height is consistent with neighborhood character and will not be substantially detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, impairment of utilities, or other adverse impacts.

AMENDED 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 to Barry Goldman and Margaret Franklin, a Special Council Permit (SCP2020-04), for the property located at Folly Point Road# 1 (Assessor's Map 146, Lot 28) zoned R-20, pursuant to Gloucester's Zoning Ordinance Section 3.1.6(b) for a building height in excess of 35 feet, for a home to be 42 feet, 4 inches (for a total height increase of 7 feet, 4 inches over 35 feet). This building height is consistent with neighborhood character and will not be substantially detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, impairment of utilities, or other adverse impacts. This permit is made on the basis of plans and elevations dated March 17, 2020, submitted to the City Clerk on March 30, 2020 and August 19, 2020, entitled "Permit Site Plan 1 Folly Point Road for Barry Goldman and Margaret Franklin." Subject to new information and/or debate that results from the public hearing, this Special Council Permit is deemed to be in harmony with the intent and purpose of the Zoning Ordinance.

Summary of Discussion: Councilor Gilman explained that there were two site visits conducted. The one held in August was the first socially-distanced site visit, and all abutters received notices informing them of the site visits. Five or six abutters attended the first site visit. The second sight visit was held on September 9, 2020 because there was a small technicality where the balloon that was showing the height was 6 feet lower than what it should have been. Attorney Favazza brought it to the attention of the Planning & Development Committee, and the committee members felt that the property should be revisited. She expressed pride that all Councilors visited the site, and had a vigorous conversation about the ordinance 3.1.6(b) at the September 16, 2020 subcommittee meeting. She stated that some of the highlights from their discussion were found in **Attorney Favazza's** presentation this evening. She repeated to the Council that in order to approve this

application, they must find that the increase in the allowable height beyond 35 feet is both consistent with neighborhood character and is not substantially detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, impairment of utilities, or other adverse impacts. She requested to engage in a vigorous conversation as to why or why not each Councilor believed that 3.1.6(b) is addressed in this proposal. **Councilor LeBlanc** stated that he understands her points, but it is time for councilor discussion, and the Councilors understand the matter before them. He believed the Council should be able to move forward to vote and state their reasons why since there were still 95 attendees waiting for the next public hearing. He recommended that **Councilor Gilman** begin with the members of the Planning & Development Committee, and then go through the other subcommittees.

Councilor Holmgren stated that she is in favor because the applicant has done their work. The cupola is below the tree line, and it is fairly cut and dry from her perspective. **Councilor Pett** stated that the applicant has made a good presentation to the Council, site visits were conducted that abutters were invited to, all questions were answered, and he sees no problem with this. He thinks it meets all criteria, and he will be supporting the vote. **Councilor Memhard** shared that he appreciates the effort that has gone into this, it is a lovely neighborhood; this is a five-acre parcel that is heavily wooded, and it is clear to him that the requested higher structure does not impose in any way on the surrounding properties or dominate the landscape unduly. It seems to him that this project is clearly in keeping with the character of this particular neighborhood, and he supports this project.

Councilor Cox shared that she will be supporting this tonight based on the site visit and the input from the residents surrounding the property. She believes it meets both criteria. **Councilor Nolan** also believed that the criteria of not overshadowing is met, which he takes very seriously, and that it fits the neighborhood well. The committee work that was done has been outstanding, and he will be supporting this. **Councilor McCarthy** stated that after the site visit, he has also viewed the property a couple of times on his own. He thinks it fits in with the other large estates and character of the neighborhood, doesn't see any issues with overshadowing or obstructed views, so he is going to support this. It is a very small area of the house that is asking for the height variance.

Council President LeBlanc shared that he will be supporting this tonight because he thinks it is consistent with what is already there. During the site visit, he couldn't see any other houses or anything from the site. He thanked the Planning & Development Committee for conducting a very thorough site visit. **Councilor O'Hara** attended the site visit, and believes this project is in keeping with the neighborhood. **Councilor Gilman** shared that one of the things she thought worked really well is the questions collected at the site visit, and she stated that **Attorney Favazza** did a good job answering all of them during the follow-up meeting on September 16th. She stated that she felt very comfortable with that, and the process. **Council President LeBlanc** thanked **Attorney Favazza** for bringing the error to the Council's attention once it was discovered, and hosting another site visit.

ORIGINAL 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 to Barry Goldman and Margaret Franklin, a Special Council Permit (SCP2020-04), for the property located at Folly Point Road# 1 (Assessor's Map 146, Lot 28) zoned R-20, pursuant to Gloucester's Zoning Ordinance Section 3.1.6(b) for a building height in excess of 35 feet, for a home to be 42 feet, 4 inches (for a total height increase of 7 feet, 4 inches over 35 feet). substantially detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, impairment of utilities, or other adverse impacts. This permit is made on the basis of plans and elevations dated March 17, 2020, submitted to the City Clerk on March 30, 2020 and August 19, 2020, entitled "Permit Site Plan 1 Folly Point Road for Barry Goldman and Margaret Franklin." Subject to new information and/or debate that results from the public hearing, this Special Council Permit is deemed to be in harmony with the intent and purpose of the Zoning Ordinance.

4. PH2020-009: SCP2020-001: Wingaersheek Road #105, Map 261, Lot 31, GZO Secs. 1.8.3 “Standard to be Applied” and 3.1.6(b) “Building Heights in Excess of 35 Feet” in the R-20 Low/Medium Density Residential District

The public hearing opened at 10:00 p.m.

Speaking in Favor: Attorney Wilhelmina Sheedy, Architect Robert Gulla, Consultant David Calkins, Attorney Mark Bobrowski

Summary of Discussion: **Attorney Sheedy** started a slideshow presentation, and explained that she is representing Lawrence Costa, who is seeking a Special Permit under Section 3.1.6(b) of the Zoning Ordinance for Height Exception to rebuild an existing residential dwelling. She introduced **Architect Robert Gulla** who will address the views, site conditions, the structure design, and the shadow study that was completed; **Consultant David Calkins** from Back Channel Consultation who submitted the study indicating the height of the properties on Wingaersheek Road to the mean high water mark; and **Attorney Mark Bobrowski** who will give the rebuttal. Nanine Costa is also present and available to answer any questions.

The applicant is a Gloucester native, a graduate of Gloucester High School, and has family here. He first appeared before the Council in March of 2017 on the same application, where the Planning & Development Committee recommended, and the full Council approved this project, and issued a Special Permit to build a home in excess of 35 feet. The decision was then appealed by two abutters, and the Superior Court found that that a Special Permit decision under 3.1.6(b) must contain the written findings that the increase in the allowable height is 1. Consistent with neighborhood character 2. Will not be substantially detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, impairment of utilities, or other adverse impacts. The jurisdiction of this Council applies only to the 9.5 feet that exceed the allowable 30-foot height that is permitted under the zoning ordinance. The remainder of the building in terms of size, setbacks, and lot coverage is controlled by other requirements in the ordinance, and this home will conform to all those requirements. The ordinance is clear, the question is whether the 9.5 feet on the top of this proposed house is consistent with neighborhood character, a neighborhood in which all new homes which are built, or any existing home which is approved by more than 50% of the building value located in a flood zone must meet Federal Emergency Management Agency (FEMA) regulations and be built above the flood elevation. The other analysis by this Council is whether the 9.5 feet on top of this home is substantially detrimental to this neighborhood for the reasons listed in Part 2.

She stated that this neighborhood begins at the Guard House and stretches to the end of Wingaersheek Road beyond the castle. The homeowners are members of the Wingaersheek Improvement (Homeowner) Association. There is essentially one entry in, and one exit out. There is a mixture of traditional and contemporary homes of varying sizes, from small cottages to large homes, castles and contemporaries, and like this project, classic New England shingle-style homes. The neighborhood is mainly located in the flood zone, where environmental regulations now require that any home that is built or substantially renovated must be on piling. Therefore, the height of the new dwelling is consistent with this particular neighborhood's character. There are now several homes in this neighborhood that the City Council has given permission to exceed 35 feet. Many original homeowners were fortunate to have been able to build their homes before recent regulations went into effect. This area is zoned R-20 and requires 20,000 square feet of land, this residence has 90,000 (almost 2 acres). Zoning requires 80 feet of frontage, there is 200 here. One hundred feet of lot width is required, there is 200 feet here. As for yard dimensions, there is a 30-foot front yard requirement, and there would be 232 feet, a 20-foot requirement for the side yard, 25 feet is being proposed for this project. A 30-foot rear yard is required, 66 feet is being proposed. A 30-foot building height is suggested, 39 feet, 6 inches is being proposed. Twenty-five % lot coverage is allowed, and only 7.5% is being proposed. It is four times the size, and twice the frontage of what is required in the zoning ordinance. The applicant feels that a subdivision of the property would be detrimental to the neighborhood and environmental

conservation area. The proposed design of the home is situated across the lot to prevent subdivision. This home was designed to lessen any potential impact on the abutter's views with the wings facing back instead of directly along the property line. This preserves the current northeasterly sightline of the Archer's at 103 Wingaersheek Road, and the southwesterly sightline of the Kenzie's at 111 Wingaersheek Road, the immediate abutters. In addition, Mr. Costa has requested that this home be built with geothermal solar, green initiatives, and numerous considerations to the environment, including 13,000 square feet of dune grasses, and an elevated boardwalk to the beach at great cost in order to protect the beach vegetation from human traffic. The proposed structure will meet all dimensional requirements of the zoning ordinance, except for building height due to the FEMA regulations which require the building be raised to a point that is 9.5 feet above the average grade. From the average grade, up to the top of the roof is 39.6 feet. The house itself is 30 feet tall. So essentially, the 9.6 inches is the roofline. It doesn't matter how large or small this house is, based on the elevation of this particular lot, it would be required to be raised 9.5 feet. The shadow study that **Mr. Gulla** will present was prepared by McHenry Architecture.

Mr. Costa has received all remaining approvals for the proposed home including Engineering Department relative to grading and drainage, the Board of Health for the Septic System design, and an Order of Conditions from the Conservation Commission. All of these City Departments have issued extensions to their approvals that remain current and in place. Instead of having a 30-foot home with a flat roof, the proposed roofline would be in keeping with the area. She touched briefly on Section 1.8.3 of the Gloucester Zoning Ordinance. The project is consistent with the neighborhood and the social community need in that it will not obstruct any abutter's views or cause overshadowing, there will be no effect on traffic flow or safety as the building will be facing an existing single-family home with the same number of bedrooms. The proposal will not affect utilities or other public services since there is already city water and the Board of Health has approved the septic design. The proposed house will be keeping with the neighborhood character and social structure. The applicant has worked with the Conservation Commission in siting the house, so the addition to this house will not affect the environment, and provide tax revenue and permanent fees.

Architect Robert Gulla clarified that they use terms of elevation which describes a level of plane that can vary in height, and mean high water which is a similar mechanism, sea level is a fixed dimension. He explained that if every house on the beach was removed tomorrow by a storm, houses would be rebuilt on a first floor that would be at the same elevation as 105 Wingaersheek, which would be 22.5 feet. It is not by choice that this property is so high, it is to abide by FEMA flood laws. At the site visit during spring of this year with the City Council, some poles were placed on the existing cottage to indicate the by-right section of the proposed height. A neighbor allowed the team to view inside their second-floor living space to look at the slot view that the team was concerned about. He stated that during the site visit, it was determined by a couple of Councilors that if you looked at the poles on the existing cottage, and carried it to the pole in the middle of the slideshow picture, the by-right construction will obliterate that view, so the 9.5 feet of attic space proposed for the project would have no effect. This project could have a flat roof and unheated attic, and he does not believe it would be more in keeping with the neighborhood than the current proposal, but he would be open to hearing other opinions on that.

The shadow study showed the shadows created by the proposed residence at 105 Wingaersheek. The first slide shows position of the proposed residence and a sun location diagram. The second slide showed the March 21st Spring Equinox, at 10:00 a.m., he stated that it tickled the side of the house located at 103 Wingaersheek for about an hour, but he said that otherwise, there were no other impacts on homes to the left or right. Slide 3 showed the June 21st Summer Solstice at 9:00 a.m., the September 21st Fall Equinox from 1:00-4:00 p.m. it tickled 103 Wingaersheek again since the sun is at the same angle, and Slide 4 showed the December 21st Winter Solstice where he stated there was a slight overshadowing tickling of 101 Wingaersheek Road for about an hour, and the rest are completely clear.

Council President LeBlanc informed the team that they were at 16 ½ minutes.

David Calkins from Back Channel Consulting presented the Elevation Study for Coffins Beach to illustrate how the elevations and the relationship are on the beach. He reiterated what **Mr. Gulla** had explained, it gets confusing and complex with elevation and height in relation to FEMA and topography, so he said that they kept the study simple. The high-water mark was used by observing local tide charts, on two separate occasions they visited the beach at high tide using a Nikon NC60S which is a tripod-mounted sophisticated range finder. They shot high tide in front of each house, shot the house for distance, and the tallest roof peak for elevation, and triangulated that with the slope. He explained that that slide showed general elevation above high tide. This is no relation to any certain property or the topography, this is a constant high tide water mark and general elevation. He stated that in his opinion, this graph illustrates two things: [1.] Starting from One Wingersheek Road to the end down by the castle, it shows the flow of elevations and how the houses all line up along the beach. [2.] It shows the proposed building would be the fifth tallest building on the beach, and within three feet of that, there is another handful. By what the project is being judged upon, consistent with the neighborhood, in his opinion, it would be consistent because there are already buildings taller than that. Lastly, what's not shown on the slides for simplistic reasons is if they were to impose the FEMA impact on this, not changing any of the houses, but simply requiring them to start at the 19-foot elevation as in FEMA Zone 6, all of these elevations would then go up, becoming more consistent with what the proposed building is. He stated that it is consistent now, and will be consistent as more houses are improved along the beach, and development happens.

Summary of Discussion: Council President LeBlanc stated that there were currently 96 people in attendance. He asked abutters to speak up if they'd like to, and asked everyone who would like to speak briefly to express whether they were in favor or opposed in the interest of time.

Residents Speaking in Favor:

Jack Favazza, 3 Doanne Road

Jim Alvarez, 7 Aileen Terrace

**Marcia O'Brien, 19 Stanwood Point
John Nicastro, 1 Tolman Avenue**

Lois Cooperstein Linsky, 3 Rio Drive

Joe Amicone, 82 Hesperus Avenue

Mark Thompson, former address 19 Wingersheek Road

Paul Overy, 3 Rio Drive

Residents Speaking in Opposition:

**Kassia Davis, 91 Wingersheek Road
Erin Nelson, 132 Wingersheek Road**

Frank Kinzie (Direct Abutter) 111 Wingersheek Road

Summary of Discussion: Councilor Holmgren called a point of order, and explained to Mr. Kinzie that the ramp that he claims is illegal at 105 Wingersheek Road and the garage he mentioned is not part of the permit review before the Council, and he is also over 5 minutes of time that he has been given to speak. **Council President LeBlanc** told Mr. Kinzie that he understands his concern, however there are currently 16 other

people who would like to speak. Mr. Kinzie responded that he has detailed all of his complaints in a letter to the Council that he encouraged them all to read.

Robert Stevenson, 153 Wingersheek Road

Tom Mannle, 1037 Washington Street (Trustee for Family Property located at 79 Wingersheek Road)

Susan Humphries Salop, 89 Wingersheek Road

Hailie MacNeill-Jenness, (Direct Abutter) 103 Wingersheek Road

Ken Kaplan, 73 Wingersheek Road

Ernie Herrman, 139, 141, and 10 Wingersheek Road

Ann Marie Lindquist, 101 A & B Wingersheek Road

Kathleen Herrman, 139, 141, and 10 Wingersheek Road

Brenda Malloy, 43 Rocky Neck Avenue

Mike & Laurel Galasso, 8 Pebble Path

Sara Mannle Rosetti, summer resident of 79 Wingersheek Road

Joe & Romie Tagliente, 93 Wingersheek Road

Steve DiFillippo, 33 Two Penny Lane

Nancy Archer Gwin, 103 Wingersheek Road

Dennis McGurk, 283 Concord Street

Alexandra Drane & Antonio Bertone, 132 Wingersheek Road

David Godbout & Rachel Bachner, 168 Bergen Street Brooklyn, NY

Ronald MacNeill Jr., representing Kathleen Archer MacNeill, 103 Wingersheek Road

Adam Klein, 23 Wingersheek Road

Cathy Kaplan, 73 Wingersheek Road

James Hand, 36 Rocky Neck Avenue

Georgina Winthrop, 153 Wingersheek Road

Nancy Herron Wegner, 113 Wingersheek Road

Kelsey Archer Merriam, (Direct Abutter), 103 Wingersheek Road

Joan Archer, (Direct Abutter), 103 Wingersheek Road

Steven Warhover, 117 Wingersheek Road

Eve Grissinger, 113 Wingersheek Road

Summary of Discussion: Councilor Gilman shared with the Council that *Gloucester Zoning Ordinance Appendix A, Rule 25, Rules of Procedure, Special Permit Procedures under Council Action Number 5, Item G* states that for a complex or controversial case, the Council at the close of the hearing may or may not be ready to make a decision. If the decision is already clear, the Council may pass a motion instructing a specific official or employee to prepare a document in support of the decision for consideration at the next Council meeting. If the decision is not clear, the Council will defer action to its next meeting, but no additional information will be received or considered in addition to the testimony and information obtained during the course of the public hearing and constituting the record of same.

Reverend Richard Emmanuel, 153 & 149 East Main Street

Summary of Discussion: Council President LeBlanc called a point of order, and disconnected the call due to the fact that Reverend Emmanuel refused to obey the rules of the Special Council Permit currently before the Council. Mr. Emmanuel did not state whether he was in favor or opposition.

Deborah Daley Roussos, 119 & 123 Wingersheek Road

Katherine Ryan, 17 High Rock Terrace

Linda Lyons, has family members residing at 147 Wingersheek Road

Linda McCarriston, 16 Quarry Street

Laura Landrigan, 59 Wingersheek Road

Ford Wegner, summer resident of 113 Wingersheek Road

Susan Grissinger, summer resident of 113 Wingersheek Road

Neil Ayer, 147-149 Wingersheek Road

Irvin Falk Jr. & Christine Falk, 20 Two Penny Lane

MOTION to CONTINUE MEETING: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to continue the meeting until 11:30 p.m.

MOTION to CONTINUE MEETING: On a motion by Councilor Pett, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to continue the meeting until 12:00 p.m.

Summary of Discussion: Attorney Sheedy informed Council President LeBlanc that Attorney Bobrowski would be providing the rebuttal, and that he wrote and submitted a memorandum to the Council, and she stated that he will also be following up on the comments from the public.

Attorney Bobrowski thanked the Council for the opportunity, for acknowledging that the neighborhood is somewhat stirred up about this. He stated that he respects their pride of neighborhood, but he believes the application can fit within the neighborhood character. First and foremost, this is about the height, not about the building, or the footprint of the building, and the Gloucester Zoning Ordinance establishes that an increase in height maybe had by special permit, and he told the Council that is the issue in front of them. Testimony made that the house is incongruous or that it will have an impact on the environment, he stated that there is no doubt that the house has a large footprint, but it is a stretch to say that the height increase will have an impact on the environment. One attendee went so far as to suggest that the height increase would cast shadows on plover habitat, but the Council asked Mr. Costa to do a plover study, and that is not true, there is no impact on the plover habitat from he's been told. He asked the Council to remember that the footprint is as-of-right.

He reiterated the various parameters that **Attorney Sheedy** covered, and stated that the fact that the owner could subdivide the property into two lots should be at the forefront of the Council's mind as they enter into the decision-making phase. There are rules to follow for this special permit for the increase in height, and some attendees have suggested that Mr. Costa to break the rules or make up his own, but he stated that is not the case at all. He also explained that there is no hardship requirement, that is a variance. He went through the characteristics of 3.1.6(b), and why he believes this project meets them.

He shared a recent land court decision regarding overshadowing. He explained that overshadowing does not mean if there is a shadow, the permit should be denied, there must be a substantial detriment as a result of the shadow. He compared this case to a similar one that ruled that the shadow created was not detrimental. He also stated that **Mr. Gulla** was the only certified professional certified who spoke this evening regarding the shadows, to supervise and conduct the shadow study, and stated that in any judicial testimony of the Council's decision, expert testimony is crucial. He asked the Council to consider this application favorably.

MOTION to CONTINUE MEETING: On a motion by Councilor Cox, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to continue the meeting until 12:30 p.m.

Communications: The City Clerk told Council President **LeBlanc** that 73 communications submitted to the City Clerk's office, all of them in opposition. She shared that she had an Excel spreadsheet with the names and addresses that will be entered into the record tonight.

Councilor Questions

Q1 (LeBlanc) What is the actual square footage of the house?

A1 (Gulla) I believe the actual square footage of living space is slightly higher than 10, 200 square feet.

Q2 (Leblanc) What is the actual square footage of the entire building?

A1 (Gulla) I have not measure the decks, to be honest with you. I could guess that it is probably closer to 11,000 square feet.

Q3 (LeBlanc) What would be the next size lower house in the Wingersheek neighborhood?

A1 (Gulla) It would probably be one of the larger structures to the north or near the castles, or on Two Penny Lane, but I don't know their exact sizes. One Wingersheek Road is a large structure as well.

Q4 (Holmgren) Mr. Calkins, would you mind showing us your chart again with regard to the elevations above sea level, and if you wouldn't mind explaining it again a little more slowly? I apologize for asking that, but I want to make sure I clearly understood where you are coming from.

A1 (Calkins) Sure, I'd be happy to, because we were low on time I had to sort of rush through it. The confusion states from elevation and height in regards to the different topography of each lot, which as we know, differs from house to house. So what this illustrates (it's key to understand that it illustrates) elevation above sea level, so what we were able to do is give a consistent measure by which elevation can be judged from, being the high water mark, so as we go down the beach, each elevation is the top of the roofline in relation to the high water mark. Now one gentleman brought up that everyone knows in planning, everything is from relative grade or average grade. We have no way to show that without trespassing, so what we did is an apples to apples comparison. If you were in a boat looking at Coffins Beach, this is what the horizon would look like. This is all judged off of high tide, what the general elevations are on the beach. The gentleman who owns the castle, they are up higher, which is why you see 65 feet, but again, we're talking about an illustration showing how the elevations look across the entire beach. Does that makes sense?

Summary of Discussion: Councilor Holmgren said that it does, she thanked **Mr. Calkins** and expressed appreciation.

Q5 (Gilman) So, I'm just going to go back for a second to our meeting on February 19, 2020 because I needed clarification, I think it is important. So **Mr. Gulla**, who is on the Conservation Committee, appropriately recused himself from serving on the ConCom in terms of this particular matter, so that was appreciated, and we discussed that. My question is, on the Wetlands Protection Act (WPA) Form, in terms of it being a three-year expiration date, and specifically we had discussed in our meeting that the square footage of the dune erosion under Item B. Findings-Coastal Dunes, which three years ago said the square footage 6,844 feet, and the mitigation footage was 690. We questioned that erosion in terms of the longevity of that document, and I believe, if I'm not mistaken, Attorney Sheedy, that there was a three-year-lifespan for that document, and you were still in compliance to that three years. Actually, I think (General Counsel) **Chip Payson** is still on the call, so maybe I could ask **Chip** to explain.

A1 (Sheedy) Well, if I could, I'd like to interject here, because I think **Adrienne Lennon**, who is the Conservation Agent, has already addressed this, that the project is located above the dunes, so that there was no impact on the shifting of the dunes at the original Order of Conditions, survived and was not affected by any exception, and I believe she said she spoke to you about that directly.

Q6 (Gilman) Yeah, I guess I was just looking for **Chip** to weigh in and explain that, because I have had other people who brought that up, so **Chip**, would you mind just explaining that?

A1 (Payson) I don't have that information in front of me such to explain it, however, I do recall something consistent with what Attorney Sheedy said that there were concerns raised, but those concerns were alleviated.

Summary of Discussion: Councilor Gilman replied "Ok, that's fair, thank you, that answers my question."

The public hearing was closed at 12:02 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the Planning & Development Committee voted by ROLL CALL 2 in favor (Holmgren, Pett), 1 opposed (Gilman) to recommend that the City Council grant to Lawrence Costa, through owners, William S. Hathaway, Craig S. Hawley, and Virginia H. Raylean, Manager of 1928 Coffins Beach Cottage LLC, for the

property located at Wingersheek Road #105 (Assessors Map 261, Lot 31 zoned R-20, pursuant to Section 3.1.6(b) of the Gloucester Zoning Ordinance for a building height in excess of 35 feet, for a total of 4 feet, 6 inches over 35 feet, for a special council permit (SCP2020-001).

This building height is consistent with neighborhood character and will not be substantially detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, impairment of utilities and/or other adverse impacts.

This permit is made on the basis of the plans and elevations dated 2/22/2017 by Robert Gulla Architecture, R.A., Gloucester, MA, submitted to the City Clerk on 1/22/2020.

Subject to new information and or discussion that result from the public hearing, this Special Council Permit is in harmony with the general purpose and intent of this ordinance pursuant to the governing Zoning Ordinances.

Further, consistent with the emergency COVID-19 MA House, No. 4598 approved on 4/3/20, this Special Council Permit public hearing will be continued to the first hearing date of the Council, following the termination of the state of emergency, or to a date otherwise prescribed by law, whichever is later, provided that the public hearing is not later than 45 days from the termination of the state of emergency.

Summary of Discussion: Councilor Gilman moved the original motion, and **Councilor Holmgren** seconded it. **Council President LeBlanc** asked **Councilor Gilman** if *“This permit is made on the basis of the plans and elevations dated 2/22/2017 by Robert Gulla Architecture, R.A., Gloucester, MA, submitted to the City Council on 1/22/2020”* if it was submitted to the City Council or City Clerk. **Councilor Gilman** stated that she would amend the motion to read “City Clerk”.

Councilor Gilman mentioned to the Council that one of the things that she wanted to make sure they do, because it is late, she wanted to make sure that the Council has a vigorous discussion about this matter. She stated that if the Council is not able to do that tonight, and suggested this matter not continue tonight. She explained that she did not want to hurry this conversation since the Council has spent a lot of time on this matter. She wanted to make sure the Council gives this its due respect.

Council President LeBlanc agreed, and stated that if they were going to have the discussion, they should start at the top of the order with **Councilor Cox**. **Councilor Gilman** agreed, but said that she did have a Committee Report, and the Council did not want to do a straw poll. They want to discuss the vigorous criteria.

Councilor Nolan asked **Council President LeBlanc** if the Council needed to vote on the amended motion. **Council President LeBlanc** stated that although **Councilor Holmgren** had seconded the original motion, he believed that **Councilor Gilman** had amended the motion in time. He then decided to vote on the amendment just to be safe.

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 original motion by striking “the Council” and inserting “City Clerk” into the motion verbiage.

Summary of Discussion: Councilor Gilman stated that she was going to be very brief presenting the Committee Report. The Council knows the property is R-20 zoning district, the matter was before the committee on February 5, 2020. The Special Council Permit application was signed off on by The Building Inspector and Planning Director on January 22, 2020. The Planning & Development Committee conducted an extensive site visit at the property in February pre-COVID, and the committee was happy that the property was staked, there were poles in place, and the site visit attendees were able to view the property from the

homes of two abutters, belonging to the Archers and Lindquists. On February 19, 2020, this application came back before the Planning & Development Committee, and several matters came up that the applicant was asked to research. It was confirmed that **Architect Bob Gulla** had recused himself appropriately from the Conservation Commission vote, of which he Chairs. The Council also discussed the importance of a shadow study, which was taken forward based on that request, which was appreciated. At our February 19th and April 8th Planning & Development meetings, the committee member had vigorous conversations leading to their vote, and in the motion, they also stated that it was subject to any new information and discussions that resulted from the public hearing, which the Council has gone through tonight. She explained that is the summary, and before the Council begins the conversation, she wanted to once again review that in order to approve the application, the City Council must find that that an increase of the allowable height beyond 35 feet is both consistent with neighborhood character, and will not be substantially detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, impairment of utilities, or other adverse impacts. In other words, the Council must find that 1 and 2 comply in order to approve the application.

Council President LeBlanc stated that since the Council had already gone through all of the characteristics of the zoning ordinance in the previous public hearing. He requested that the Councilors just explain why they are voting for or against this application this evening, because otherwise, he believed it would turn into a straw poll. **Councilor Cox** agreed.

Councilor Gilman shared that she was going to vote no for the following reasons: she believes that the shadows do cast shadowing at 103 Wingersheek Road, the Kinzie's house, Map 261, Lot 33 from the morning sun coming from the public side of Wingersheek Beach, cutting over the northeastern wing of the proposed structure. She is not in agreement with the applicant's view that this project is consistent with neighborhood character. Her feeling is that an 11,000 square foot house is not consistent with the neighborhood character. She stated that there were parts of this project that she really appreciated, but her vote is no.

Councilor Holmgren stated that this was a very tough decision for her. She has spent a long time thinking about it, and has read the case and appeal, and the meeting minutes from 2017. She appreciates the Costa's efforts to try to accommodate neighborhood requests, but she is also going to vote no. She explained that the crux of the matter for her is the elevation chart, because while the Council is looking at elevations above sea level, and looking at 50 feet, and trying to compare heights of different homes down the beach, they're not accounting for the topography of the beach. If she is interpreting that chart correctly, and that combined with the abutters' objections to the height of the roof, just pushes it over the edge for her.

Council President LeBlanc echoed the statements of **Councilors Gilman** and **Holmgren**. He stated that he thinks the size and character of this dwelling is not characteristic with the neighborhood. He heard **Mr. Gulla** saying the overshadowing is going to "tickle", but overshadowing is overshadowing. He cannot say whether it is going to impact or not, but he is going to vote no.

Councilor McCarthy mentioned that a lot was said this evening about the Council upholding the zoning, but that is not what they are there for, they are there for a special council permit. The applicant asked the Council to grant an exception. He shared that he attended the site visit, and actually walked the beach this morning to get another look at the property. He does not believe the size of the house, and the 9 ½ feet over the 30 feet is not keeping with the character of the neighborhood. He believed as **Councilor LeBlanc** just said, the applicant's own charts showed that it did shadow the neighboring house. For those two reasons, those are the criteria allowed to grant that. He does not believe they have met that criteria, so he is going to vote no.

Councilor Memhard stated that the proposed height exemption requested for 105 Wingersheek Road will, he believes, result in a structure that is significantly out of character, and is inconsistent with the seasonal and

year-round homes and cottages of the settled beachside area. The requested extra height combined with the large footprint and scale of the building would result in a structure that is totally unique to the surrounding neighborhood, so that if built, this structure would prominently and adversely dominate the entire area, including overshadowing abutters, and obstructing views and vistas of the dunes, the open expanse of the sky, the beach, and the ocean. This would be in fact inconsistent and detrimental to the unique natural resource and residential character of Wingersheek and Coffin's Beach, and I cannot support this as proposed.

Councilor Nolan shared that he does not think this fits the neighborhood character. He does believe that it obstructs views, it will overshadow, but is definitely not consistent with the neighborhood. He understands some of the compromises that were trying to be made, but he is not supporting this tonight.

Councilor O'Hara attended the site visit in February, and the previous site visit, and has looked at the neighborhood. He does not believe that this structure will fit the character of the neighborhood. He believes that the additional height will impact views, as well as the overshadowing, so he will not be supporting this.

Councilor Pett shared that he has some conflicts here in his mind, and looking at everything, he thinks the applicant has gone beyond what is required in trying to preserve the views of the abutters, the Archers, Lindquists, and Kinzies, in the design of the house. He thinks much of what they have done was done specifically to meet the requirements necessary for the Council to approve it. At the same time, he also wonders if this permit is denied, and the applicant comes in with a design that is a square box that will be in other dimensions, and everything else that may impact the abutters even more. He expressed concern about that, but because of the opposition from all the members of the neighborhood in the sense of wherever it is considered to begin, the neighbors don't feel that it is part of, in character with the neighborhood, and even though he believes they have done the proper thing, that is why they have zoning regulations, and why they have a special permit to ask for relief from that requirement, overall, he has to vote no.

Councilor Cox stated that she is not going to support this, she does not believe it is consistent with the neighborhood, and due to the other issues such as foreshadowing and some of the other things discussed this evening. With the opposition, she wouldn't feel right approving this, so based on that, she is voting no.

MOTION: Motion fails. On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 0 in favor, 9 opposed, to grant to Lawrence Costa, through owners, William S. Hathaway, Craig S. Hawley, and Virginia H. Raylean, Manager of 1928 Coffins Beach Cottage LLC, for the property located at Wingersheek Road #105 (Assessors Map 261, Lot 31 zoned R-20, pursuant to Section 3.1.6(b) of the Gloucester Zoning Ordinance for a building height in excess of 35 feet, for a total of 4 feet, 6 inches over 35 feet, for a special council permit (SCP2020-001).

This building height is consistent with neighborhood character and will not be substantially detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, impairment of utilities and/or other adverse impacts.

This permit is made on the basis of the plans and elevations dated 2/22/2017 by Robert Gulla Architecture, R.A., Gloucester, MA, submitted to the City Clerk on 1/22/2020.

Subject to new information and or discussion that result from the public hearing, this Special Council Permit is in harmony with the general purpose and intent of this ordinance pursuant to the governing Zoning Ordinances.

Further, consistent with the emergency COVID-19 MA House, No. 4598 approved on 4/3/20, this Special Council Permit public hearing will be continued to the first hearing date of the Council, following the termination of the state of emergency, or to a date otherwise prescribed by law, whichever

is later, provided that the public hearing is not later than 45 days from the termination of the state of emergency.

Summary of Discussion: Council President LeBlanc thanked the Councilors, everyone in attendance tonight, he appreciated the Costa's team for attending this long meeting tonight. He stated that he is not going to entertain any Councilor's Requests to the Mayor, any Councilor who have any requests can email them to him tomorrow.

MOTION: on a motion by Councilor Memhard, seconded by Councilor Gilman, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to adjourn the meeting at 12:22 a.m.

Respectfully submitted,
Brianna Komi
Administrative Support
City Clerk's Office