

GLOUCESTER CITY COUNCIL MEETING

Tuesday, March 12, 2013 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Jacqueline Hardy; Vice Chair, Councilor Sefatia Theken; Councilor Joseph Ciolino; Councilor Melissa Cox; Councilor Steve LeBlanc, Jr.; Councilor Paul McGeary; Councilor Bruce Tobey; Councilor Greg Verga

Absent: Councilor Whynott

Also Present: Mayor Carolyn Kirk; Linda T. Lowe; Jim Duggan; Gregg Cademartori; Suzanne Egan; Paul Keane; Michael Hale; William Sanborn; Fire Chief Eric Smith; Tom Daniel; Police Chief Leonard Campanello; Jeffrey Towne; Kenny Costa; Sarah Garcia; Richard Noonan

The meeting was called to order at 7:12 p.m.

Flag Salute & Moment of Silence.

Council President Hardy noted that Councilor Whynott was not in attendance as he was away on a long-planned vacation with family.

Oral Communications:

Walter Kolenda, 14 Harvard Street asked the Council to review the trash policy on City beaches. He said the carry in/carry out policy is not working noting the variety of garbage found regularly on the beaches. He said if upon Council review the decision is not to change the policy, he asked there be a way found to more strictly enforce the carry in/carry out policy.

Denise Foley, 57 Western Avenue said she wished to report to the Council she witnessed today in the morning Stacy Boulevard being cleaned by City workers; however, noted the City workers were dumping everything over the boulevard railings which she said she believed to be illegal.

Presentations/Commendations: None.

Appointments:

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint June Landergren Steel to the Capital Improvement Advisory Board, TTE 02/14/16.

DISCUSSION:

Councilor Theken informed the Council Ms. Steel was a qualified appointee to the Capital Improvement Advisory Board, and was endorsed unanimously by the Committee also noting Ms. Steel's presence. The Councilor pointed out the O&A Committee questions all appointees and reappointees thoroughly on their background and as to whether the State Ethics Commission quiz had been taken and a Certificate of that quiz was submitted to the City Clerk.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent to appoint June Landergren Steel to the Capital Improvement Advisory Board, TTE 02/14/16.

Consent Agenda:

- **CONFIRMATION OF REAPPOINTMENTS:**

Affordable Housing Trust	Ruth Pino, Michael Luster	TTE 02/14/15
Board of Health	Joseph Rosa	TTE 02/14/16
Board of Registrars	Judith Peterson	TTE 02/14/16
Capital Improvement Advisory Board	Janet Rice, Josh Arnold, Donald Fryklund, Kersten Lanes	TTE 02/14/16
City Hall Restoration Commission	Margaret Rosa, Stephen Dexter, David C. (J.J. Bell) Mary Rhineland-McCarl, William Sanborn, James Hafey	TTE 02/14/16
Clean Energy Commission	Linda Brayton, Thomas Balf, John Moskal, Samuel Cleaves	TTE 02/14/15
Committee for the Arts	Judith Hoglander, Roger Armstrong	TTE 02/14/17

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| Community Preservation Committee | Stacy Randell | TTE 02/14/16 |
| Council on Aging | Irving (Hank) Camille | TTE 02/14/16 |
| Cultural Council | Martin Ray, Thomas Hauck, Hans Pundt | TTE 02/14/16 |
| Downtown Development Commission | Robert K. Whitmarsh | TTE 02/14/16 |
| Historical Commission | Stephen Pardee | TTE 02/14/16 |
| Historic District Commission | Paul Shea | TTE 02/14/16 |
| Open Space & Recreation Committee | John McElhenny | TTE 02/14/16 |
| Shellfish Advisory Commission | Dan Molloy | TTE 02/14/16 |
| Traffic Commission | Robert Ryan, Anthony Bertolino, Michael Mulcahey | TTE 02/14/16 |
| Waterways Board | Patti Page, Vito Calamo | TTE 02/14/16 |
- **MAYOR'S REPORT**
 1. Memorandum from Mayor & relevant material re: Administration's DPA boundary review request to CZM (Info Only)
 2. Supplemental Appropriation Budgetary Transfer Request (32013-SA-116) from Chief Financial Officer (Refer B&F)
 3. Communication from EMS Coordinator Sander Schultz re: recommendations for updating the Fire Dept. Ambulance Service Billing & Collection Policy for FY14 budget (Refer B&F)
 4. First Amendment to Memorandum of Agreement between Mass. Development Finance Agency & City for the Site Assessment Grant re: 110 Commercial Street & Council acceptance of additional funds in the amount of \$32,329 (Refer B&F)
 - **COMMUNICATIONS/INVITATIONS**
 1. Communication from Laura Benedict re: Council endorsement to the letter to Governor Patrick on Environment Massachusetts campaign to expand solar energy across Massachusetts (Refer P&D)
 2. Communication from Jane Porter, Chairperson of the Magnolia Woods Oversight Committee to Mayor Kirk dated 3/3/2013 (Info Only)
 - **INFORMATION ONLY**
 1. Open Meeting Law Workshop (Info Only)
 - **APPLICATIONS/PETITIONS**
 1. Special Events Application re: Request from Gloucester Downtown Assoc. to hold Easter Stroll & Egg Hunt on April 7, 2013 (Refer P&D)
 - **COUNCILORS ORDERS**
 1. CC2013-012 (LeBlanc) Amend GCO Chapter 22, Sec. 22-287 "Disabled veteran, handicapped parking" re: Harold Avenue #8 (Refer O&A & TC)
 2. CC2013-013 (Tobey) Request Administration prepare a finance and action plan for restoration of American Legion/Old Town Hall building for presentation to the City Council and the Community (Refer Mayor)
 3. CC2013-014 (Tobey) The City immediately request that the physical assets of the former Charter School be turned over to the Gloucester Public School System (Refer Mayor)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 1. City Council Meeting: February 26, 2013
 3. Standing Committee Meetings: B&F (under separate cover), O&A 03/04/13, P&D Special Meeting 03/07/13 (under separate cover)

Unanimous Consent Calendar:

1. P&D Motion Minutes 03/12/13 (under separate cover) (FCV)

Items to be added/deleted from the Consent Agenda and Unanimous Consent Calendar:

Councilor Theken asked to remove under Reappointments, Waterways Board, Patti Page.

Councilor Tobey wished to remove Council Order #3.

Councilor Theken stated in the case of Ms. Page's reappointment, Ms. Page had yet to come forward before the O&A Committee for reappointment due to her absence from the City at this time, and asked it be pulled from the Consent Agenda. **By unanimous consent of the Council Ms. Page's reappointment was pulled from the Consent Agenda, to come forward at a time in the near future before the Council.**

Councilor Tobey explained that his order is for the City to immediately request the physical assets of the former Charter School be turned over to the City's Public School System. He said he did not know when the potential auction was going to be held but wanted to highlight this. These are public assets, he said, and it seems wrong with students moved to the City's school system who could use those assets, that those assets would be auctioned off to the benefit of speculators. People do business ventures and take risks, and they lost, he said. Gloucester's school children should not lose, he said, and that the assets should come to the City. He expressed hope that the Mayor would, together with the School Committee, to intervene with the State to have those assets kept in the public school system where they are needed. **Council Order, Item #3 was by unanimous consent referred to the Mayor by the Council.**

By unanimous consent the Consent Agenda and Unanimous Consent Calendar was accepted as amended.

Committee Reports:

Budget & Finance: March 7, 2013

Councilor McGeary said he was presenting a consent agenda to the Council for the business conducted by the B&F Committee at their March 7th regularly scheduled meeting, all of which he noted was rather routine with small intra-departmental transfers, acceptance of a grant. He singled out the gift by an anonymous donor to the City for \$13,200 for the completion of the WPA murals restoration in City Hall, including the one behind the Council dais in the auditorium. This was done, he said, through the efforts of the Committee for the Arts, by Roger Armstrong in particular and that the Committee for the Arts and the anonymous donor should be recognized

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent to accept the unanimous recommendations of the Budget & Finance Committee dated 03/07/13 as follows:

- **MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent to approve the appropriation 2013-SBT-16 in the amount of \$624.00 (Six Hundred Twenty-Four Dollars) from Treasurer/Collector, Salary/Wage-Permanent Position, Account #101000.10.145.51100.0000.00.000.00.051 to Auditor, Sick Leave Buy Back, Account #101000.10.135.51920.0000.00.000.00.051 in order to cover Sick Leave Buy Back for the Account Specialist.**
- **MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent to approve the appropriation 2013-SBT-17 in the amount of \$726.52 (Seven Hundred Twenty-Six Dollars and Fifty-two Cents) from DPW Central Temporary Positions, Account #101000.10.499.51200.0000.00.000.00.051 to DPW Administration Permanent Positions, Account #101000.10.421.51100.0000.00.000.00.051 for funds needed to correct budgeting shortfall.**
- **MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent to approve the appropriation 2013-SBT-18 in the amount of \$779.95 (Seven Hundred Seventy-Nine Dollars and Ninety-Five Cents) from DPW Central Temporary Positions, Account #101000.10.499.51200.0000.00.000.00.051 to DPW Administration Sick Leave Buyback, Account #101000.10.421.51920.0000.00.000.00.051 for funds needed to correct budgeting shortfall.**
- **MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent to approve the appropriation 2013-SBT-19 in the amount of \$615.00 (Six Hundred Fifteen Dollars) from DPW Central Temporary Positions, Account #101000.10.499.51200.0000.00.000.00.051 to DPW Public Service Sick Leave Buy Back, Account #101000.10.470.51920.0000.00.000.00.051 for funds needed to correct budgeting shortfall.**
- **MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent to approve the appropriation 2013-SBT-20 in the amount of \$500.00 (Five Hundred Dollars) from DPW Central Temporary Positions, Account #101000.10.499.51200.0000.00.000.00.051 to DPW Public Service Permanent Positions, Account #101000.10.470.51100.0000.00.000.00.051 for funds needed to correct budgeting shortfall.**
- **MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent to, in accordance with MGL c. 44, §53E-½ to increase the spending limit for the Vaccine Revolving Fund from a spending limit of \$30,000 to a new spending limit of \$45,000 for the purchase of flu vaccines. The authorized officer of the Fund is Noreen Burke, Public Health Director. The fund is credited from fees; the balance is the available balance, and there are no restrictions to the fund.**
- **MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent to accept under MGL Chapter 44, §53A the donation**

of \$13,200 from the Belinda Fund at the Boston Foundation to be used for the restoration of the WPA murals at City Hall.

Ordinances & Administration: March 4, 2013

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council that CC2013-003 (Verga) Amend GCO Chapter 22, Sec. 22-270 "Parking prohibited at all times" and Sec. 22-291 "Tow Away Zone re: Magnolia Avenue be withdrawn without prejudice.

DISCUSSION:

Councilor Verga said that the Traffic Commission found the Code of Ordinances had already been appropriately amended as to this area of Magnolia Avenue and that the issue was missing signage which the DPW has been notified of.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent that CC2013-003 (Verga) Amend GCO Chapter 22, Sec. 22-270 "Parking prohibited at all times" and Sec. 22-291 "Tow Away Zone re: Magnolia Avenue be withdrawn without prejudice.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council that CC2013-004 (LeBlanc) Amend GCO Chapter 22, Sec. 22-270 "Parking prohibited at all times" and Sec. 22-291 "Tow Away Zone re: Centennial Avenue be withdrawn without prejudice.

DISCUSSION:

Councilor LeBlanc informed the Council that he was requesting his Council Order be withdrawn. He said that after a neighborhood meeting and discussions with residents in the neighborhood, it was concluded that they should work with the DPW and State to try to correct the solid yellow line which bisects Centennial Avenue to allow some parking. It would displace other cars as parking is at a premium in that neighborhood. At a later time perhaps another order may come forward once remedies had been found. **Councilor Theken** added this is a dangerous area for traffic and the DPW had expressed their concern on the matter. Even though the line appears askew, there is no parking 20 feet to the corner. The DPW will post signage and the traffic ordinances will be enforced.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent that CC2013-004 (LeBlanc) Amend GCO Chapter 22, Sec. 22-270 "Parking prohibited at all times" and Sec. 22-291 "Tow Away Zone re: Centennial Avenue be withdrawn without prejudice.

Planning & Development: March 12, 2013 – Special Meeting

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant a permit to Gloucester Blues Festival LLC for the purpose of holding a one day blues festival at Stage Fort Park on Saturday, August 10, 2013 from 11 a.m. to 7 p.m. with the following conditions:

1. Road Closure:

Hough Avenue will be closed at the intersection of Western Avenue just past The Cupboard with appropriate signage directing the general public as well as concert goers as to the road closure, its duration and alternates to parking for concert goers and general public in order to maintain the park and beach access not being used for the concert event. A detailed traffic and parking plan and police detail information must be signed off by the Police Chief and on file with the Office of the City Clerk and the DPW Director no later than July 12, 2013, close of business.

2. Refuse and Comfort Stations:

All refuse and recycling generated due to this event is to be cleaned up and removed at the expense of the organizer. Portable toilets are to be provided by the organizer at their expense, placed the morning of the event and removed by 12:00 PM, August 11, 2013 with appropriate maintenance during the event.

3. Emergency Services:

Gloucester Blues Festival LLC is to meet all the requirements of the Fire Department as directed by the Fire Chief or his designee.

4. Staffing:

All event staff are to have cell phones and be easily identified by the public with t-shirts that are distinct or the like. A list of all event staff and their cell phone numbers are to be submitted to the DPW, Police Department and Fire Department.

5. Noise:

There is to be an event staff member whose sole responsibility is to field any complaints related to noise and to be the point person with authority to control volume to alleviate the situation on the day of the event. That person's name and cell phone number is to be on file with the Police Department in order to facilitate cooperation.

6. Overall Event Approvals:

- The area will be fenced.
- All individual food vendors will have all necessary local or state licenses.
- Written final event approvals signed by the Police Chief and Fire Chief or their respective designees must be filed by July 12, 2013 with the City Clerk approving the overall event separate from any other permits or plan approvals. A Certificate of Insurance with the City of Gloucester named as the certificate holder must be on file in the Office of the City Clerk by the close of business, July 12, 2013. Day of event contact information, including name and telephone numbers for the organizer must also be filed with the DPW Department, the Fire Department, the Police Department and the City Clerk's office. Further, while this City Council approval is needed, the applicant still is required to obtain any necessary approvals from the Licensing Board and the Licensing Commission as well. It is the sole responsibility of the Gloucester Blues Festival LLC or their designated representative to ensure that all required documentation is filed with the appropriate City departments by the deadlines imposed by the City Council as indicated and will comply with all applicable City ordinances, especially Chapter 11.

DISCUSSION:

Councilor Verga said this is the second Blues Festival to be permitted, and that it would work about the same as last year. **Councilor Ciolino** voiced his support although he said last year's Blues Festival got off to a "shaky" start, the event is a good one and looked forward to this being a Gloucester tradition.

Attorney Catherine Schlichte representing Gloucester Blues Festival LLC responding to a question by **Council President Hardy** about the location of comfort stations and the Council President's understanding that the location last year was not handicap accessible, **Ms. Schlichte** said that this year the comfort stations will be to the left of The Cupboard parking area/field which was the location she added had worked that well the previous year, **Ms. Schlichte** noted this is an area across from the location of the food and beverage vendor area. People will not have to climb a hill to get there. **Council President Hardy** asked if local vendors will be allowed to participate. **Ms. Schlichte** said vendors and beer and wine purveyors have yet to be solicited, but local vendors will be considered. However, Bob Hastings, organizer of the Blues Festival is looking for one vendor who can provide a multi-faceted food and drink situation for the festival and be a sponsor of the event, she said. **Council President Hardy** stated then that local vendors would not be welcome. **Ms. Schlichte** responded the organizer will solicit "a lot" of options. She noted last year there was some difficulty with vendors. However, she noted one local restaurant

is being solicited to provide all food and beverage services. **Council President Hardy** asked about vendor fees and was there a participation fee and advertising fee. **Ms. Schlichte** said last year there was a \$100 sponsor fee, but the fee is limited by the Code of Ordinances that a vendor cannot be charged more than \$100. She pointed out this led to a discussion of how the festival organization would handle vendors because the vendors are part of the profit of the event, so if they are limited by ordinance on the fee, then the organization will look to come up with a creative way to raise revenues from food and beverages without going awry of the local ordinance.

Council President Hardy offered a friendly amendment that vendor fees be limited to \$100. **Ms. Schlichte** reiterated the fee for vendors can't be over \$100 by ordinance.

Council President Hardy asked if The Cupboard owners had signed off on this event. **Ms. Schlichte** said they had and had submitted an email saying they were pleased with how the event was managed last year.

Council President Hardy asked if any traffic would be allowed in from Hough Avenue at all. **Councilor Verga** said Hough Avenue would be blocked off from Western Avenue end. But through traffic, he said, from the Little League field end of Western Avenue up to the parking lot is two way traffic and the from the parking lot to Western Avenue is one-way to go out of the park.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Absent) Whynott, to grant a permit to Gloucester Blues Festival LLC for the purpose of holding a one day blues festival at Stage Fort Park on Saturday, August 10, 2013 from 11 a.m. to 7 p.m. with the following conditions:

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7. Fees for vendors will not exceed the Gloucester Code of Ordinances set vendor fee in total.

Scheduled Public Hearing:

1. **PH2012-073: SCP2012-010: Commercial Street #47-61, GZO Sec. 5.25 Hotel Overlay District, 5.7 Major Projects and Sec. 5.5.4 Lowlands**

Note: On public display in Kyrouz Auditorium adjacent to the Council dais were the proponent's building proposed building materials; engineering plans dated 2/26/13; architectural plans dated 2/27/13; technical appendix; 3-ring binder of application for SCP2012-010 submitted by the applicant and the applicant's stormwater management report.

Linda T. Lowe, City Clerk read the Notice of Hearing as it appeared in a legal advertisement in the Gloucester Daily Times of Beauport Gloucester LLC's application, SCP2012-010: Commercial Street #47-61, GZO Sec. 5.25 Hotel Overlay District, 5.7.5 Major Projects, GZO Sec. 1.8.3, GZO Sec. 5.5.4 Lowlands, MGL c. 40A, §9.

The public hearing was opened by Council President Hardy.

Council President Hardy disclosed under MGL Chapter 268A, she received approval from the State Ethics Commission to attend the wedding of the applicant Sheree DeLorenzo and that her required Ethics disclosure was on file with the City Clerk.

Under the same MGL Chapter 268A the following Councilors made a statement: **Councilor Theken** also disclosed the same and that she also had a disclosure on file. **Councilor Tobey** said he too was invited to the applicant's wedding and would not be in attendance. **Councilor Ciolino** he too was invited to the wedding but had sent his regrets as well.

Council President Hardy stated the following processes took place on SPC2012-010:

- On August 8, 2012 a Major Project application, SCP2012-010 was filed with the City Clerk's office. The application was certified for completeness by the Building Inspector's office and the Planning Director.
- The City Council received the application on August 14, 2012 and found the form and content of the application met the requirements under Sec. 1.5.2 and 1.5.3 of the Gloucester Zoning Ordinances (GZO).
- The application was referred to the City Council Standing Committee, Planning & Development as well as to the Gloucester Planning Board and referred to designated City staff under GZO Sec. 5.7.3. The appropriate fees were paid with the filing.
- The site for the project proposed by Beauport Gloucester LLC is located at 47-61 Commercial Street on Assessors Map 1, Lot 33 in the Hotel Overlay District (HOD), Marine/Industrial (M/I or MI) zoning, filing a Major Project Application for the construction of a hotel under GZO Sec. 5.25; Lowlands Permit under GZO Sec. 5.5.4 was also filed.
- The Major Project Application for the hotel was properly advertised and noticed in accordance with the GZO. The abutters listed on the certified abutters list were duly noticed through all stages of the proceedings.

- The application has been reviewed for many months based on information provided through the many public presentations and meetings with all related and pertinent boards, third party peer reviewers, consultants, etc.
- The P&D Committee meetings dates were: August 22, 2012; October 3, 2012; October 17, 2012; December 5, 2012; January 16, 2013; February 6, 2013; February 20, 2013; and March 7, 2013. Joint P&D Committee and Planning Board Meetings were: September 4, 2012; September 20, 2012; and January 31, 2013.
- P&D Site Visits were conducted on December 15, 2012, and February 16, 2013.
- City Council Public hearing date was scheduled for March 12, 2013.

Council President Hardy also said that there are many documents that have been submitted in support of the application and are on file with the City Clerk. This application is for one hotel which requires various components and Special Permits under the HOD and generally under the Gloucester Zoning Ordinance.

The P&D Committee is considering the following Special Council Permits:

- Special City Council Permit under Sec. 5.25 HOD to allow construction of a hotel;
- Section 5.7 Major Project (for construction of a hotel);
- Section 5.25.3.2(a) and (b) (Hotel use and accessory uses);
- Section 5.25.4.1 footnote (h) and Sec. 3.1.6(b) (height);
- Section 5.25.7.2 and Sec. 5.5.4 (Lowlands – to allow construction on lowlands area);
- Section 5.25.5.1 (valet and tandem parking)

Council President Hardy asked the applicant if they were ready to make their presentation to the City Council and to identify themselves for the record. Prior to that answer she noted it was anticipated the applicant will have 45 minutes to make their presentation to the Council. Attorney J. Michael Faherty, Attorney Jamey Madeja and Nathaniel Mulcahey will divide the same amount of time to speak representing the main opponents of the project, she said. **Council President Hardy** said after those presentations of the applicant and the main opponents are made, the Council will have the opponents and proponents speaking from different podiums with 3 minutes allowed to each speaker to give equal time to all speakers.

Those speaking in favor as main proponents:

Attorney John Cunningham, Main Street representing Beauport Gloucester LLC noted Sheree DeLorenzo, principal of Beauport Gloucester LLC was present along with several of the professionals who have worked on the project. The application consists of requests for four Special Council Permits.

Mr. Cunningham said since the application was submitted in August 2012, there was a thorough review process. He noted the P&D Committee have held a series of meetings, some joint with the Planning Board; a third-party reviewer was retained by the City who conducted a thorough technical review, he said which resulted in improvements made to the project plans because of those comments. The Planning Board has conducted its review and forwarded its report to the City Council recommending the project which is on the record. The Conservation Commission (ConCom) conducted its review and received a report from its coastal engineering firm of GZA Vine and evaluated the contentions of the Godfrey Report (on file) and contentions made by others. ConCom issued an Order of Conditions indicating approval of the plan with numerous conditions; all of which was incorporated into the P&D Committee's findings from the previous week (P&D Committee Special Meeting of March 7, 2013). There are memos from various City departments including the Fire Department, the Department of Public Works (DPW) (on file).

Indicating that most of the City Council had attended most of the meetings and followed this review very closely, **Mr. Cunningham** said, at which the project was presented, evaluated and reviewed. He noted an extensive record addressing all the factors the Council is to consider in the approval of the Special Council Permits requested. He said that last week the P&D Committee finalized its review and made a set of findings with regard to each of the Special Council Permit factors to be considered and forwarded its unanimous recommendation and proposed votes to the Council. All the materials and plans submitted, recommendations, the minutes of the meetings constitute the record for this public hearing. This project meets the standards for approval as laid out in the GZO and as detailed by P&D.

Mr. Cunningham said this project “clearly” meets the standards for approval of the required Special Permits as laid out in the zoning ordinances and is detailed in the findings of the P&D Committee. He noted this project addresses the need to a downtown hotel which will be, he said, an important economic driver for the downtown, for Gloucester businesses, for Gloucester industries, and provide “significant” employment opportunities, provide new real estate taxes, meal and hotel taxes, secure Pavilion Beach in front of the project site for public ownership in perpetuity, provide public access by handicap accessible walkways and ramps to the beach. The project is making a “substantial” contribution to new infrastructure for all the Fort area he said and noted that the hotel will replace a deteriorated, unused structure with an attractive, important use.

Parking:

Regarding primary areas of concern about parking at peak times, **Mr. Cunningham** noted the applicant developed a parking management plan and a condition is proposed to provide 50 overflow parking spaces off site which is part of the P&D Committee’s recommendation.

Seawalls: **Mr. Cunningham** said the seawall construction and plans were “thoroughly” reviewed by the City’s independent coastal engineering experts at GZA Vine. ConCom reviewed the contentions of the opponents’ Godfrey Report and others and ConCom has unanimously approved an Order of Conditions.

Building Height and Design: He noted this will be addressed by the project’s architect.

Pavilion Beach: **Mr. Cunningham** said that this project has consistently supported the public use and access to the beach during Fiesta and throughout the year. The agreement for delivery of a deed to the beach is before the Council and will be a condition of the Special Permit.

Infrastructure Capacity: The infrastructure capacity is being addressed as part of a City project in which the hotel project commits \$2 million of which \$600,000 has already been paid.

Mr. Cunningham concluded his remarks by saying the applicant believes the hotel meets and exceeds the standards for approval of the requested Special Council Permits.

Applicant’s Architectural, Engineering and Seawall PowerPoint Presentation in paper form was submitted and on placed on file in the record just prior to the reconvening of the City Council meeting.

Sandra Smith, Perkins & Wills, Architects made a power point presentation (on file) to the Council and made the following comments:

A site plan showing a configuration as it exists today of the “Birdseye” property and the parking lot adjacent to it; a blow up of the parking lot under the building. The Council was shown a roof plan with two decks above the parking level, one looking over Pavilion Beach and the other overlooking Commercial Street and Gloucester Harbor. Another drawing showed the outline of the existing Birdseye building and the outline of the proposed hotel. It was noted the hotel’s footprint is considerably smaller than the current building’s footprint, she said. There was a view the first level parking plan on site. The level of parking had to be set above the flood plane so the first level of the project is at elevation 12 so vehicles are protected from a coastal storm. The next level up is the main level, showing the outdoor area/courtyard areas, function rooms, reception, lounge seating, a restaurant, back-of-house and kitchen. Above that there are two floors of guest rooms totaling 101 rooms. A plan of the roof, she pointed out, showed that under the eaves of the peaks is for the hotel mechanicals and access to each wing’s energy recovery units to improve HVAC efficiency of the building and energy consumption of the hotel. This is through the corridors depicted. A slide showed a series of four elevations depicting each side of the project. It was noted the design element of a peaked roof line appropriate for the position of the hotel on the beach, for the Fort neighborhood to the east, the Chamber of Commerce building to the west, and she stated there are many peaked roofs of buildings which surround the site adding that this is in keeping with the character of the City.

It was noted the zoning ordinance defines the height of the building as the average mean grade around the entire building to the ridge of a roof not including mechanical spaces. The height of 61 feet was the measurement that was used to put up the scaffolding and strung a line across it with flags to replicate the top of the ridge, not the top of the penthouse. It was pointed out the Birdseye building is in disrepair and noted the roof is not something anyone would want to walk on and made it hard because of its disrepair to make exact measurements. This was considered the best, most accurate representation of the roof line that could be made under the circumstances due to safety issues of the ridge line, not the mechanical penthouse though.

The Council viewed a series of photographs that depicted existing images of the site looking at the Chamber of Commerce from Commercial Street and then a view with the Birdseye building and below a rendering of the proposed hotel dropped into the picture. Another view was taken from Fort Square showing the Mortillaro’s building and the existing Birdseye building and a rendering of the hotel also dropped in. Another view was from the Boulevard looking towards Fort Square showing the same with the Birdseye building and the proposed hotel

inserted into the photograph. As to height of the proposed hotel, a slide showed the proposed hotel and the Birdseye building in shadow. The applicant is asking to take the tower 21 feet above the roof ridge line in the Special Permit.

Shadow Study:

Ms. Smith continued her presentation by discussing the applicant's submitted shadow study was produced by Perkins & Wills with a program called "Revit," (internationally used software program). The architects took Google Earth as a basis for the contours and buildings adjacent to the site and built their project model in Revit. Revit models in real dimensions and is not scaled down. It allows an architect to take 365 days and create a shadow for any time one wished while the sun is still shining. It was noted summer views in a series of renderings made with Revit, with a rendering of the proposed project; the existing Birdseye Building; and a forty foot as-of-right building and shadows they would be casting. In winter with the sun lower in the sky, there will be deeper shadows. A slide showed the shadow study done by "Mortillaro" and below that on the slide was the shadow study at the same time that was produced by the Revit program, and below that is the shadow study for a 40 foot building as-of-right. It was noted by looking closely at the shadows cast this study (Mortillaro study), it did not model the rest of the buildings; it shows that the Mortillaro shadow study is close to what the architectural rendering was. The noted difference between the two studies was that the Mortillaro study is shaded dark and the architectural rendering in Revit produced by Perkins & Wills is not. Another slide highlighted the similarities of the two studies. Winter solstice renderings were pointed out. The proposed hotel and a shadow cast by a 40 foot as-of-right building throw minimal shadow.

Todd Morey, Beals Associates, Senior P.E. addressed the engineering of the project:

Parcel/Building Dimensions:

The project is located on a 1.85 acre upland parcel bordered by Commercial Street to the north, Fort Square to the east, Pavilion Beach to the south and the Chamber of Commerce lot and building to the west. The existing building is approximately 49,000 square feet. Beginning at the garage, the total proposed project is 37,000 square feet, about a 25 percent reduction in the size of the building. On the westerly edge the building was brought inward about 32 feet; on the southerly edge the building was moved inward by about 20 feet; along Commercial Street the building was moved inward onto the property in places 12 feet and in some places up to 15 feet; and on Fort Square the building went from a minimum of about 7 feet inward up to as much as 16 feet inward north to south along the building.

Hotel Parking:

The project proposes 141 on-site parking spaces consisting of 45 outside parking spaces and 96 parking spaces within the enclosed garage area. There is a one-way vehicle circulation coming through the parking lot. The parking plan was reviewed with the Fire Chief which resulted in widening the westerly drive in order to assure enough width for emergency response vehicles. Vertical granite curbing is proposed throughout the project with two exceptions on the southerly side of the parking lot where there are islands. This change was also with the recommendation of the Fire Chief where the islands are to be made with sloped granite so that in the event of an emergency when the fire vehicles come through so that should they drive over the lips of the islands there will not be "significant" damage to the emergency vehicles' tires.

Walkways & Public Access to the Property:

The project proposes 360 degree pedestrian access. Several sidewalks are proposed that do not exist today. The sidewalks will start on the westerly side of the Chamber of Commerce lot to provide access from Commercial Street directly to Pavilion Beach. That sidewalk is proposed to be an 8 foot wide concrete sidewalk separated by a curb up and out of the parking lot. Along the front of Commercial Street, on the front edge of the building it is proposed there will be an 8 foot wide concrete sidewalk placed up on a curb protected from Commercial Street. In between the sidewalk and the building, there will be a landscaped buffered strip. Proceeding around the building in a clockwise direction on the Fort Square side and behind the Mortillaro property, there will be a 5 foot bituminous sidewalk that will be lit. On the southern edge the proposal is for a 10 foot wide public walkway that would front along Pavilion Beach which would also connect with the sidewalk that comes down from Commercial Street as well as the sidewalk that connects from Fort Square.

Site Landscaping:

There are several areas of landscaping. There is virtually no landscaping on the entire site now, with 100 percent of it either paved area or the Birdseye building itself in various conditions of disrepair. For the project each of the islands would receive landscaping with planter beds along the front and on Commercial Street wrapping around the exit drive. Also included is a planter bed on the edge of the loading dock as well as the northerly and the westerly edges along Fort Square.

Flood Zones & Elevation Issues:

There are FEMA flood zones involved with the project site. The property is encumbered by an AE zone, a standard flood zone elevation 9. There is also an AO zone which covers the majority of the site which indicates flooding up to 1 foot in depth and would be above elevation 9. Along the southerly edge (Pavilion Beach side) is a wave velocity zone. The 2012 version of the FEMA study indicates those elevations are at elevation 12. In perspective, Commercial Street's level is approximately 7.5 to 8 elevation depending where on the street one is which is about 4 feet higher at elevation 12 than Commercial Street.

The garage floor has to be at that elevation or above which dictated the grading of the site. The idea is to mimic the existing grades there as best as can be done. The southeast corner of the parking lot is the highest elevation on the site at about elevation 12 (11.2). This proposal is at 11.75 elevation or a difference of 9 inches. It was noted that opposition groups have said the project is placing large amounts of fill on the site; but it is noted there will be 300 yards spread over the entire site. 300 yards spread out over the parking lot equates to 4-1/2 inches of fill overall which the project engineers do not consider an "incredible" amount of fill considering the pavement overlay is 2-1/2 on the site.

Drainage and Flood Zones:

There are two types of flooding, localized street flooding and coastal storm flooding in the project site area. Localized street flooding occurs any time there is a rainfall of about 1/2 inch or more and floods badly when rainfall reaches 9/10 inch to 1 inch. Quick summertime storms cause the road to flood frequently. To offset the effects of flooding there are several remedies: one is to improve the drainage in the street which is part of the City's overall infrastructure project. Another remedy is to eliminate the source of runoff to help alleviate the problem. Landscaping has been included in areas where there no landscaping currently. Also included is an infiltration system that takes the entire rooftop and deck area hotel run off, collects it, brings it underground and allows it to infiltrate into the ground thereby eliminating runoff entering the Commercial Street system. On an annual basis the project engineers took the rainfall records from East Gloucester Elementary School over the past 12 months and reviewed the total run off this site would generate if left as is it is currently versus what would be generated with the hotel "scenario." It was found to reduce over 50 percent of the volume of run off of the amount of water leaving the site is eliminated. The property is also subject to coastal flooding with storm surge. With high tides and storm surge, water elevation rises in low lying areas. To protect the building and the entire site area is a proposed seawall across the southerly face of the project. There is a seawall that runs across the entire site now consisting of a building, a knee wall that comes off a parking lot. It was noted there is a breach in the parking lot at about elevation 10.8. It was noted in the past few months there have been three or four significant storms in the area. The parking lot has been breached in each of those storms which has resulted in flows running down into Commercial Street across the existing parking lot causing further issues with flooding in the area. Those breaches, it was pointed out, were breached by several inches, not several feet. If the wall is increased along the southerly side up to the proposal of elevation 13, the breaches would not have happened. While there are possible breaches that may happen on Fort Square, this proposal, it was noted, will not change that – the breaches will still occur; and this proposal will not "exacerbate" that situation.

Utilities:

Other utilities to be served by the public infrastructure system include:

- There is a fire connection with a hydrant in the parking lot protected by four granite bollards and this placement was approved by the Fire Chief.
- The sanitary sewer will have all kitchen waste pre-treated before entering the municipal system along with all other domestic waste.
- Telephone, electric and cable: These services will come from an underground "drop" from the Fort Square side and enter the building.

Pavilion Beach Public Access:

There is an attempt in the design to heighten public access to Pavilion Beach from what is on site now. Currently one can come off Commercial Street and climb down over the edge of the parking lot on the westerly area or by Fort Square there is a set of small stone stairs that will remain but are the only two access points today. The proposal is to include a 10 foot walkway along the southerly edge of the building and include two 5 foot wide ramps which are ADA accessible and both be timber supported and made of wood. A 12 foot wide concrete stairway is proposed in the middle to line up with the stairway that would come off of the deck of the hotel overlooking Pavilion Beach. This structure would also be supported by timber piles and railings on either side.

Once all this work is completed, the resulting project will feature 3,400 square feet of beach that does not exist at this time. It was pointed out that throughout the application process working with the P&D Committee and the City Council, Planning Board and ConCom, this project underwent extensive peer review which included two rounds of full peer review with comment letters of up to 45 pages. In response to the peer reviews and making

changes to the project plans, it was pointed out that that the project has not changed substantially from the date of submittal. The significant changes that have occurred are the seawall going from conceptual to actual design; the infiltration system was "polished" and relocated about 13 feet; a few fire access and safety issues were addressed with the advice of the Fire Chief; and a minor parking change was made within the garage resulting in better vehicle circulation.

The result of some features incorporated is to heighten public access. He described current conditions compared to improvements.. They will include a central wide sidewalk and two ramps ADA accessible and temper supported. They propose a 10 foot wide stairway aligning with the stairway coming off the back of the hotel with railings on each side. Once work completed the resulting project will feature 3400 square feet of beach that doesn't exist today. He pointed out that throughout this process this project went through two rounds of peer review. They responded to those and made changes but the project hasn't changed substantially. Significant changes are the seawall going from conceptual to final design. The infiltration system was polished and addressed fire safety access with the Fire Chief and minor parking change in the garage for better circulation.

Beachfront Seawall Design:

Robert Fairbanks, P.E. in geotechnical marine engineering, Fairbanks Engineering hired by the applicant to design the seawall for the project made the following:

Gloucester Harbor Conditions and Elevations:

Gloucester Harbor is a fairly well protected harbor. The proposed hotel is located within this protected harbor. The coast along Gloucester and the surrounding area is fairly wide open with extensive fetches. Google images were shown denoting a coastline with a fetch of 3,300 miles to Portugal with 240 miles to Nova Scotia. Closer to the site, there is 61 miles to the inner harbor of the Cape and 24 miles to Boston. Therefore the coastline sees significant waves. Along the outside of Gloucester Harbor according to FEMA there are wave heights from 16 to 22 feet in height. Moving into the harbor, Gloucester is helped by the alignment of the harbor which is tucked into a cove facing a southwesterly direction. The harbor is open to waves generated in a general southwesterly direction. When FEMA studied this site, their coastal modeling and prediction of wave height indicated that was the case. The wave height in the outside of the harbor goes from a height of 16 feet to the site location with a 5.4 foot wave height which puts the site into the wave velocity zone. A view of the site showed the Birdseye building tucked behind the seawall at Fort Square which provides it some additional protection. The latest FEMA flood map for the area shows the site at a VE zone of 12 which indicates the top of the wave height is elevation 12. There is a still water level of elevation 8.2, and it was noted the harbor will flood about 4 to 5 feet above normal high water level, and will have a wave height several feet above it. The seawall is proposed one foot above elevation 12 at elevation 13, and it was noted the garage is set at elevation 12 above the flood level and above the wave height.

Stability of Beach and Current Conditions Present:

An aerial view of the site was shown, and it was noted during the design process certain factors are examined and taken into consideration: what are the existing conditions; are the conditions stable. (Pavilion) Beach is "remarkably stable." The Birdseye building and the cold storage building have existed there and have created a seawall for anywhere from 50-90 years depending on which building is being discussed. There is an overall length of 395 feet, which along that length there is only about a 12 foot opening. While it was pointed out that Mr. Morey described this opening as a breach, Mr. Fairbanks described it as a "break" in a wall as it did not appear there was a wall there at any time. Sand from the beach comes up to the parking lot. There is 395 feet of existing beach that is stable. It is known that out of the 395 feet, 383 feet has a seawall in front of it which is comprised of the wall of the existing building which acts as seawall, a continuation of the concrete wall, and stone and rubble vertical wall that extends through the property line. It was reiterated that there is shoreline that is very stable. Proposed is protection for the development that would not change the conditions there. The purpose is not to create erosion or to create a condition that does not exist now, nor to change the dynamics of the beach. He noted a slide of Fort Square showing a concrete wall, and an intact stone masonry wall which was noted as an indication of stability along the beach as erosion would collapse the wall. A number of borings were done on the site. There is about 30 feet of medium density to dense granular materials that sit over clay and extended to 52 feet. There are stiff clays below it which is conducive to the system being proposed.

Proposed Seawall System Design:

The proposed seawall system has an overall length of 395 feet turning 10 feet at the western edge. They are looking at a section where steel sheet piles will be used to be driven 32 feet into the ground and capped with concrete. When walking the beach, it will look similar to concrete that exists today there. Stone will be buried two feet below the beach so that if there was erosion in the future the seawall would not be damaged and would allow the sand to replicate if that happened although there is no evidence that has been experienced to that depth based on the research done, a part of the prudent design process. The beach is between elevation 6 and elevation 11 based on

a survey done quite a while ago. Based on the speaker's observation that very day, it was estimated that the elevation of the beach was closer to elevation 8 as the last storm appears to have brought in some sand. The seawall will look from the beach 2 feet to 7 feet high with a walkway behind it 10 feet wide ranging from elevation 12 and elevation 10 which matches the grade at Fort Square. The project design provides the same vertical face existing today which has existed 50 to 90 years which is being reconstructing 10 feet landward thereby creating 10 feet of additional beach. It ties into the wall in Fort Square. At the eastern end the seawall it will go 10 feet into the property. The presenter stated he was very comfortable with the proposed seawall system and that this is the proper application that will not adversely impact the dynamics of the beach which would be detrimental to the applicant who has a hotel whose patrons will want to use the beach. They would want the beach to last. In the designing of the seawall system and the stone revetment the U.S. Corps of Engineers Shore Protection Manual was used. The U.S. Corps of Engineers is considered the experts in the United States and worldwide.

It was noted that the Council may hear assertions that seawalls are bad, which at some sites may be a correct statement; that at many locations they are not the best solution. But given the protected nature of this site and the relatively small wave climb of 5.4 feet according to FEMA; and it is the wave height at which 33 percent of the waves are larger than. The Corps of Engineers recommends the seawall be designed for a higher wave than that, called the H10. It is a 27 percent increase over that. Only 10 percent of any wave train are larger than what the seawall has been designed for. Again, it was reiterated that Pavilion Beach has shown remarkable stability over this period. It was pointed out the stability of the stone masonry wall noted earlier in the presentation; stone masonry walls do not last in environments where there is scour. This was the opinion of Mr. Fairbanks on his design which was independently reviewed by GZA Vine for the seawall, the 3rd party reviewer hired by the City that is a national firm known as experts in the marine field. GZA Vine reviewed the seawall design and expressed their belief it was applicable. ConCom took GZA Vine's endorsement into account in issuing the Order of Conditions.

This seawall system design does have the unique capability to be adapted easily to sea level rise in the future; that if it was found there was significant sea level rise the seawall height could be added to very easily to provide continuing protection; this is a design which meets the design not for now but for the future as well.

Sheree DeLorenzo, 1 Horton Street, partner of Cruiseport Gloucester and the applicant Beauport Gloucester LLC thanked the Council for their efforts through the process of review. After running Cruiseport, she said her dream of a hotel is now becoming real. She sees hundreds of people who go out of town to other hotels rather than stay locally and shop in downtown Gloucester. She said she is determined to keep the economic growth in Gloucester. She noted the site of the Birdseye building is a beautiful site, and the Fort is a historic place. Hospitality can thrive with the M/I district, she said, and share the same dreams. Cruiseport has Rose Marine on one side, Americold on the other. They share schedules, open gates, share docks and are very compatible. She said this proves the M/I can get along with hospitality. She also gave assurances she would not forget the Birdseye history and would put the museum in the Birdseye tower. She is creating a collection for view there for all the residents of the Fort to come and see. She wished to share the hotel with the residents of Gloucester as an open building. She noted that jobs are important. **Ms. DeLorenzo** recounted her roots in the hospitality industry and promised before the Council that she would build a hotel the City would be proud of and would promise the residents of the community this hotel would be built with integrity. She said she would listen to everyone with respect to all.

Attorney J. Michael Faherty, representing Mortillaro, a main opponent and abutter to the hotel project, and Council President Hardy discussed rules of procedure briefly. To allow time for set up of Mr. Faherty's presentation to the Council, the City Council recessed at 8:33 p.m. and reconvened at 8:40 p.m.

Those speaking in opposition as main opponents:

Attorney J. Michael Faherty & Attorney Joel Favazza's Multi-Media PowerPoint Presentation was submitted and on placed in the record at the meeting in CD form.

Attorney J. Michael Faherty representing Mortillaro Lobster, Inc., VJ&E Realty LLC and Vincent & Gino Mortillaro along with Attorney Joel Favazza noted for the record he had filed a written objection on the limitations of time allotment to the main opponents which was filed with the City Clerk that morning, made the following statements.

Description of Mortillaro Property and Business:

The Mortillaro property is on both Commercial Street and Fort Square. There are two properties and it was pointed out that one is larger than the other. The loading docks were pointed out, and it was noted the property extends out to the water sheet as do all other properties in the Fort over to the Nicastro building and property and

back. The other location is the tin building which was the location of the last of the buildings that were torn down and purchased by the people who built the cold storage facility in 1968. Mr. Mortillaro's father did not sell to the group and has maintained his operations there since before 1968. There are 50 years at one facility and at least 16 years at the other facility. Mortillaro Lobsters has gross sales a little over \$25 million and employ 20 people year round. Every aspect of the proposed project hotel will affect the Mortillaro property, the most directly affected property in this district.

Overview of Objections to Hotel Project:

Mr. Mortillaro participated in the HOD debate of last summer. The objections were based on conflicts between an upscale hotel and the industrial uses in the Fort. It was further indicated there would be conflict of the hours of operation in the Fort and the hotel and the expectations of the guests of the hotel. There would be inadequate drainage utilities to deal with any further use of the Fort without significant improvements. These concerns at that level were dismissed by the Council and the Planning Board; however, assurances were received at that time publicly from the Council and Planning Board that once there was an application that the would the problem would be looked at. Based on those assurances his client did not participate in spot zoning suit. Mr. Mortillaro's worst fears are being realized with this proposal. This will be a building that will dwarf its neighbors with two years of estimated construction activities disrupting existing businesses and a traffic and parking plan that will further stress the neighborhood. The proposal was described as a project too big doing too much on a small site. The presentation will assume a hotel of some sort will be built in the HOD at some point. It was stated that there would not be an argument against the hotel. Rather the argument would be put forward against the design of the hotel. The Council was asked to consider alternatives or a combination of alternative designs for the hotel that would improve the whole of the neighborhood and not just the Birdseye site. It was noted that Councilor Tobey commended the City administration's handling of the beach title issue. He indicated that in not accepting the applicant's initial offer of an easement, it represented a better arrangement for the City. The Council was asked the Council keep a similar option open "on the table" for this hotel.

Height exception:

In the City, any building over 35 feet requires a height exception. The standard for a height exception is clearly set out in the zoning ordinance. The HOD when presented came in with a 75 foot height request. The Council's determination as to whether it warrants going higher than that would require a written determination. The HOD applicant amended the petition for the height to be kept at 40 feet similar to other M/I uses in the district. Comments were made regarding the height demonstration in Ms. Smith's presentation. At the site visit Mr. Morey said the applicant intended to do a balloon demonstration which was not able to be done due to high winds. At a Standing Committee meeting Attorney Cunningham said it was unwise to put anything up on the Birdseye roof. Mr. Faherty, for Mr. Mortillaro, then drafted a letter describing ways in which the height of the proposed hotel could be demonstrated without going on the roof. But then on the Birdseye roof there appeared scaffolding, planks, cranes. It was asserted that what is up on the roof (to show height) is inaccurate and does not show the entire roof line of the entire project. A photograph of the Mortillaro building was shown and a pole pointed out that is supposed to be the ridge line of the roof at Fort Square. It is asserted the pole is nowhere near 15 feet from the Fort Square area. It was noted there has been a lot of discussion of how this fits in consistent with neighborhood character. The Council was shown a picture of the Mortillaro building with the peak at 17 feet high. The hotel is at 61 feet. It was asserted that the presented depictions by Ms. Smith were photo shopped and inaccurate. Another view shows the pole 29 feet which is about at the top of the Favazza house. The next photo showed 29 feet and then 61 feet. Another view of the Birdseye view from Pavilion Beach was shown. Mr. Faherty asserted the Council was being told all along the building was being pushed back. However, the demonstration for compatibility with the site pushes the building all forward. A split screen of photos of the Favazza building has a space between the Favazza building and with the building at the end. This section, it was pointed out, will be against the Favazza building. Mr. Faherty asserted the applicant took the photo of the Favazza building and the applicant transposed certain aspects to another locaiton.

Shadow Studies:

Overshadowing, as requirement in the zoning ordinance, is to be avoided. What was submitted initially by the applicant was one day with three pictures; three different timeframes – December 21st which is the shortest day of the year which is a good day to look at the maximum shadowing effects. Pointing to the middle section was noted there was supposed to be the existing building and that there were no shadows at all. Pointing out a different part of the rendering, is a 40 foot as-of-right building but it was asserted that it was not as-of-right. Pointing out the applicant's site, even in an MI district, the building has to be set back from the street. The applicant's demonstration is right on the street line. Additionally, 40 foot as-of-right in the MI district is not allowed without a Site Plan Review and other review. This model is clearly at least 10 feet closer to the site and distorts what is there.

In contrast is the Mortillaro shadow study which shows more than one day. There is a longer period of time this area will be affected. In the winter bright sunlight is needed to assist in ice build-up reduction; to facilitate clearing of roadways, and for buildings to dry out and aids in the elimination of mold and bacteria. While the Mortillaro study did not use the same program as the applicant the Mortillaro study was done by a registered architect in another software program. The Council was shown a view of Commercial Street on November 11 at 11 a.m. casting shadow on the Mortillaro loading dock; by 1 p.m. Commercial Street is completely in shadow; and the same for 2 p.m., 3 p.m. and later which shows in complete shadow not just the Mortillaro property but the Nicastro property as well. The Council was asked to look again at a 2 p.m. view at what part of the property is not of shadow. All of the Birdseye parking lot; the entire front of that building (is in shadow). A view of December 21st at 11 a.m. showed the street is completely covered in shadow along with the loading docks, the parking area and another view of January 21st showed the same. No shadow is cast onto the Birdseye parking lot or the roadway that will service the Birdseye building and the same through February. For a period of three months the Mortillaro building after 12 noon to sunset at 4:15 is operating in the shade. Compared to what is there now with the Birdseye building the shade barely comes across the street. Air and light is a benefit and was the comparison the Council was being asked to make, not on a hypothetical 40 feet which is not accurate. The Council was asked to see that the location of the hotel is put on the area closest to Mortillaro; closest to Fort Square. The road coming from Beach Court or from Main Street is in the sunlight the whole time. It was reiterated that a better design of the hotel project is possible but no one has insisted on alternative designs.

Detrimental view obstruction:

The Mortillaro's are not asserting view obstruction. However, it was noted, that a number of people would have their views obstructed but won't know until they see it. A series of views depicted that the view of Fort Square City from other points in the City would be obstructed. The view from Main Street was demonstrated to show a large portion of the view blocked. From Main Street with frontage on Rogers Street and a view from Middle Street shows the view being blocked. A view from Pleasant Street would be blocked substantially. From McPherson Park, a view was shown and a portion of that view will be blocked also.

Lowlands:

This is an issue where the standard is the hazard to health and safety. The Council was shown a drainage plan by Beals Associates with the areas of fill being highlighted in yellow would be filled from less than elevation 10 to 11. The green highlighted area would be filled from elevation 9 or less to up to elevation 10; and a small blue triangular area is elevation 9. Additionally the entire loading ramp now on the site will be filled (approximately 5,900 square feet); the new loading ramp area will be filled below any significant flood line. Mr. Morey said it was 300 cubic yards which is not a lot. In P&D Mr. Morey said it was 300 cubic yards in the existing parking lot. This fill is going over 32 feet over to the building and all of that is being filled over. However, it is asserted that is over 500 cubic yards of fill coming to the site. Mr. Morey said that is no more than 4-1/2 inches on average. It is contended it is not exactly true because there is no such thing as an average on a slope. This equates to 50 truck loads of fill would come into the site. There are already existing flooding issues there. It is a big amount of fill in this area. Showing the applicant's diagram of the proposed hotel, the average grade is depicted by a dashed line, at elevation 9.3. It was noted the applicant is coming up to elevation 12 to get into the garage. All of it between the solid line and dashed line is filled and being sloped carefully towards the Bell property. All that water; all of that land will not be subject to flood inundation like everyone else in the Fort. Mr. Morey had said at the site visit this was really just a gradual slope. It was not a gradual slope from the street up to the first garage door, rather it is considerable slope. The seawall will be constructed to elevation 13. There is a concern for a storm similar to Hurricane Sandy, or the likes of Hurricane Katrina or in the 1978 blizzard or the 1991 storm. This area will not be barely breached; it will come over. In a storm event, a high tide with a surge the thing that is most concerning is the time it takes for water to recede. In order for the water to recede quickly, it has to be able to go in every direction. Allowing the applicant to put this wall up so high and build a dam ensures that once it is over/under the lip of that dam it is all coming onto Commercial Street and to the Mortillaro's and other's properties. It was pointed out this should be flowing over that dam once the tide turns. Time is critical when there is a flooding situation. The recent storms (March 8th storm), the waves were not five feet. The power point demonstration showed video of wave action against various parts of the beach and site which was described as the wind was coming out of the north. Waves are being pushed back by the wind. The video showed what comes against the building now. Fort Square was shown at the height of the February 9th storm. A picture was shown of a previous storm and it was noted these were not isolated incidents. There is a 12 foot tide range. There were 92 tide cycles last year where the tides were over 11 feet. A red mark on the Birdseye building was pointed out which was where the breach was spoken of. Mr. Morey said it was just a couple of inches but it was suggested this did not appear to be just a couple of inches. The applicant is talking about moving the building back to that line, moving the seawall back 8-9 feet. The Council was asked if it

made sense to put their print on it and say that is good. The Council was asked to get it back. The Council was showed a view of the area during the February 2013 blizzard, Nemo which showed the water coming over the parking lot and ending up on Commercial Street. Again the Council was told there is a better design to be put together. The only natural environment is the beach and the Council was told it should fight hard for the beach to be there for the future.

Attorney Joel Favazza, also representing Mortillaro, of 111 Main Street, made the following statements:

Pavilion Beach:

Pavilion Beach has been depicted in previous meetings by the applicant as being stable which is not true. It is undergoing constant changes. It is not a pocket beach either. The Council has been told there is a 100 year seawall running the length of the Beauport property. The applicant was more precise this evening as to the length of the seawall. The applicant claims is no adverse impact which is contended to be not true also. The Council heard there is no remaining dune activity, no remaining barrier beach activity; that the beach is basically dead which was also contended to be untrue. Pavilion Beach used to be a wide, large sandy beach. Mr. Favazza showed several photos taken in 1870 that stretched from the western side of the Blynman canal all the way to the Fort, which it was noted that it did not look like a pocket beach and did not resemble Half Moon Beach at Stage Fort Park.

Seawall:

Where there is no substantial wall there is active dune processes; landward migration of sand. Where the wall has been in place, there is a narrowing of the beach. This is only in the last 50 years. Further evidence to support that is photographic. Photos were shown from the 1960's showing Fort Square where the stone steps are. The height of the beach runs parallel with the height of that wall. A photo of that area taken several days prior shows the beach is steep, significant amounts of sand have been lost, boulders are exposed, a drain pipe is exposed and the masonry wall repair has had significant repair work. The top of the wall has been repaired several times. It was concluded the wall stability is not supported by the evidence.

A photo was shown of what Mr. Favazza asserted was the last remaining dune area holding off a spring tide. Where the beach has been eroded the waves are impacting the existing building which when it happens causes scouring. A wave was shown hitting the building which Mr. Favazza described as energy transferring up and down. The downward energy takes sand with it; if that happens long enough beach height continues to drop creating a drowned beach, and the beach eventually disappears. He pointed out examples on Cape Ann of this process is Cressy's Beach, showing a photo taken in 1900 which depicted a wide sandy beach. In 1934 the City erected a seawall at the back of Cressy's Beach. A view of Cressy's beach now showed it devoid of sand and a boulder field. It was noted the seawall was rebuilt and built upwards many times because storms have destroyed it. Good Harbor Beach was pointed out as a beach with an active dune system. Long Beach has a long, vertical concrete seawall with large boulders at the base for stability. Mr. Favazza asserted that claims that Pavilion Beach was dead and no longer an active beach were not true. The Council was showed a picture of Pavilion Beach in 2012 with dune formations, vegetation. A picture taken in May 2012 was described as a City tractor plowing through the dune. When done, the beach was leveled to the wall of Beauport's property line. This happened about a month before ConCom's third-party reviewer viewed the beach, it was noted, and so failed to observe a dune. In October 2012 the dune is shown to have rebounded in a photograph and in January 2013 a photo shows a greater dune height; another photo showed what Mr. Favazza asserted was a breach with landward migration of sand with storm over wash depositing sand. At the northern end of the parking lot there are piles of windblown sand migration. This did not indicate a hotel could not be built on this location. Rather it was said that it means alternatives need to be evaluated on the beach side of the property and to date no one has come forward nor asked to come forward to discuss them. It was suggested that if the garage was reconfigured and moved 10 feet north from its planned location and put the seawall on the back side of the proposed Harborwalk, it would restore 30 feet of width to Pavilion Beach; 30 feet where natural barriers could be installed and maintained.

Social, Economic and Community Needs: Mr. Faherty continued the opposition's presentation. At issue, it was pointed out as to whether the applicant's hotel's design was appropriate. It was suggested that one factor that was not considered in any discussions because there has not been an opportunity to present, was the economic impact on existing businesses. By Windover's submitted building plan there will be almost two years of construction which doesn't include the City's infrastructure work. This was suggested would create two years of economic disruption; two years of disruption to the people who live there.

Traffic Flow: It was suggested that the Council and the City in general has a preoccupation with the parking plans. One of the factors driving the size of the building is the requirements of parking. The 101 rooms are in a smaller and concentrated area, and there is a better design.

Adequacy of Utilities: Although it has been said the City is taking care of the adequacy of utilities Mr. Faherty disagreed. At the site visit for construction of City infrastructure, a question was asked about what would happen

about drainage and according to Mr. Faherty it was stated that there would be replacement of some pipes; no change in grade or elevation, but there is not a drainage plan. According to Mr. Faherty, no one is complaining about sewer and water as there is a clear demand for more sewer and water piping if the hotel is built but the universal complaint is drainage. With less than an inch of rain the storm drains, in a tide event, overflow the street. The elevation of the drainage pipe near the Fort Square area is at 0.7 elevation which means at 7/10 of one foot or about 9 inches above low water that pipe begins to fill. As the tide comes in that fills and the rest of the pipes are surcharged. It was suggested that was a degree of failure that can only be remedied with pumps and other systems but that is not on the drawing board. Final (infrastructure) plans are not available. There is a drainage easement under the Mortillaro property, a 10 inch pipe.

In conclusion, the Council was told there is a better (hotel) design, and the design put forward should not be accepted and is not what the public deserves or the beach deserves. (People) fight hard for the beach but are quick to give it up with the first proposal put forward. Voting no does not mean there is never a hotel at that site. It means, rather, that the Council has concerns about what is going on and there is something better. The Council was shown proposed decks for the hotel, one over Pavilion Beach and the other on the front overlooking Commercial Street for outdoor seating, etc. It was posed to the Council if there was a better design to incorporate the hotel coming off of Commercial Street for breathing room there and off of the beach.

Jamie Madeja, Port Community Alliance (PCA) representative, an attorney specializing in matters of land use, wetlands, public trust rights, Chapter 91 made the following statements: The PCA supports all the statements made by Attorneys Faherty and Favazza in opposition to the hotel project. PCA supports community redevelopment and protection enhancement of natural and human resources in Gloucester and the project just is not there yet. There are many available options for the Council to provide improvements to this project with special permit conditions and alternatives to the design that have not been considered yet.

There is a substantial record; but of note is what attention is paid to the details of which some details merit another look. The example was given was a reference to the GZA Vine report. Having considered PCA's expert's information it was contended the PCA's expert's information hadn't been submitted at the time that report was reviewed and submitted to ConCom. It was suggested if this project is so important to the City's future and viable, it will not disappear with attention to the natural and community concerns specifically regarding the Special Council Permit criteria. Without that attention, the Council was told by Ms. Madeja that there would be appeals of their decision by the PCA. While the PCA dropped their appeal of the HOD zoning amendment, they intend to appeal this decision unless it is based on PCA's environmental concerns.

The height is set by the HOD at 40 feet and the required height exceptions pursuant to GZO Sec. 3.1.6(b). It is not a benefit versus harm test or comparison exercise. It is a question of whether there will be substantial detriment to the neighborhood – overshadowing, view obstruction, height fits in with the neighborhood. PCA believes the hotel is a substantial detriment to the neighborhood. In addition to be harmful and out of character, the height was excessive, unnecessary and is not planned as usable, rentable hotel space. It was proposed that the applicant should get rid of the extra height if it is not necessary.

As to the lowlands permit the PCA representative agreed with Mr. Faherty's presentation.

PCA's mission statement was said to be PCA works to preserve, attract and progress maritime related industries while preserving and educating about the historically distinct maritime character of the Fort neighborhood.

PCA would consider their community effort successful if it saves the beach; get local parking for residents; safety for all including hotel guests; protect the businesses; protect the residences; the hotel is shorter and the design respects Godfrey's field observations and findings. The written statement tonight highlights on the lot size and how it is shielded with generators, noise, etc.; cooperation with the production of the St. Peter's Fiesta; the beach needs a no-build in perpetuity including the portion suggested to need a new deeded agreement. It was said the applicant can't take away or reserve rights the City already has as, the PCA asserts, this is a public beach. Reserving to themselves rights to build on the beach is not something the property owner is entitled to do. The Council was urged to not accept the beach deed that gives the City, PCA asserts, something it already owns. The property owner it was said cannot take from the City the right to build on the beach area to protect the new structure. Noting the speaker was an environmental attorney, PCA wants to protect the resources and the neighborhood. PCA espouses natural beach replenishment enhancement and protection using prototype dune construction seaward of the proposed hotel. It was noted there are geotechnical solutions to reestablish dunes naturally; there are specialists who do this and is done all over the country but is not part of this (proposal).

If this design is approved by the Council, PCA will be forced to take this up on appeal with the State on the conservation elements on this project.

The Council was urged to look at the height of the proposed hotel; look at prototype dune replenishment as it is feasible for both the dune and the hotel to co-exist with redesign.

It was understood this needed to be a preference not a mandate. The Council was told there should be training opportunities for those who must retrain from the fishing industry which was said should be a requirement for any project approved by the Council including all jobs, not just for chambermaids but for management. There should also be neighborhood purchase of in-season seafood agreements regarding promotion of businesses.

As to the infrastructure and construction process – plans for the implementation for traffic management are completely absent. The discussion regarding businesses that cannot miss a single midnight delivery to the airport of their product or their product is never chosen again, was said to be cartoon-like by the speaker. This is two years of construction where there is a need for a more detailed 24/7, 365 day access plan prioritizing existing businesses and residents.

PCA would insist on a new non-profit neighborhood business advocacy group to work with any approved group to work with the City to help the City meet target grant amounts per year applied for, for marine infrastructure grants, that other places are getting and the federal government is approving. PCA wants an assigned person during construction and one year after to be responsible for fielding complaints and to create an agreement for MI entities that the hotel would work with to assure the MI entities are not subject to complaints for noise and odor by the hotel or its guests. This project drastically reduces the MI area, the City's economic engine. PCA supports replacement of equivalent acreage elsewhere in the City so the industrial acreage is not lost.

It was noted the Council is under pressure to approve the hotel and when alternative designs and legitimate concerns have not been heard it was said again by the speaker this could result in a long period of appeals and asked the Council impose conditions.

Nathaniel Mulcahey, owner of Worldstove, 33 Middle Street speaking on behalf of Dr. Godfrey and himself stated the following:

Had the winter storm, Nemo, been a Sou'wester, as well as recent storms, the impact on Pavilion Beach, Commercial Street, the inner harbor and Stacy Boulevard would have been devastating. referred to storm surge. With the Birdseye building, there is a 297 foot seawall on site now. The proposal is for a 370 foot seawall; extending the seawall opens the path to more erosion, storm surges for the entire neighborhood and inner harbor. It was suggested this was an issue that has not been addressed and was a critical issue. There are only two protections for the City from a Sou'wester, the Dog Bar and Pavilion Beach. By not protecting Pavilion Beach, Gloucester will be unprotected.

The current accepted belief, according to Mr. Mulcahey, is that seawalls are not permissible under state and local regulations and cause erosion to beaches and dunes, decrease tourism as a resources; are not permanent; do not continue to provide protection except for the object directly behind a seawall while increasing erosion to the side and front properties. This, it was said, was an object that was designed to protect the hotel but cause greater damage to everyone else in the area which is not good planning. In the discussion by Mr. Fairbanks, the applicant's seawall designer, to ConCom said ...the beach typically erodes two feet at a time, so they are extending that line two feet below the surface. When the beach is gone the seawall will not fall over. Mr. Fairbanks says the beach will be gone. Les Smith, the applicant's coastal engineer published a paper which said that says seawalls and revetments are typically massive structures placed parallel to the beach for the purpose of landward areas to keep them from flooding and eroding. These structures, however, trap the source of dune sand that is required can naturally resupply the beach. Seawalls also cause erosion in front of them due to the reflection of storm waves. If it is said that seawalls are bad, and if it is admitted that the seawall is erasing the beach, the Council was asked how it can accept that.

Mr. Mulcahey offered a better solution is artificial dunes. Professor Godfrey, it was said, saw artificial dunes constructed on Crane's Beach; on Cape Cod; most recently in New Jersey where during Hurricane Sandy artificial beach dunes protected million dollar homes whereas the seawalls did not. It was asked why the City would choose the option which gives less protection. An artificial dune, according to Dr. Godfrey, is an accelerated way to restore a dune; and its current best practice is for coastal protection. The speaker said these were the same best practices that were recommended by Epsilon Associates to Duxbury and Plymouth.

Todd Morey said when asked by Councilor Tobey to define the Godfrey Report, that it was agreed there was eel grass but disagreed with everything else. Using the analogy of a truck bearing down upon a person would they want to be warned to get out of the way or remain silent and to be flattened.

Damon Cummings, 1063 Washington Street made the following statements:

Mr. Cummings said he reviewed Godfrey Report and took it seriously, and considers the author credible. **Mr. Cummings** said he knew something about tides, waves and sediment transport with a BSC in Physics from MIT, P2 in shipbuilding from Delft to teach ocean engineering in Dutch high schools, MS from MIT and Ph.D. in hydrodynamics from MIT and recounted other highlights in his C.V.

The (Godfrey) Report points out that Fort Square was an island connected to the City by a sandbar. There are three principal aspects that should they occur together would lead to chaos. There are 24 spring tides per year caused by new moon and full moon. In Gloucester spring tides range from about one foot above a mean high tide to over 3 feet above mean high tide. The City doesn't want a storm with a 12 foot high tide. Storm surge – the storm pushes the tide much higher. At high tide the tide keeps coming in for hours. It mostly floods not smashes. The example was given of losing a furnace but not a home. The harbor gets a bit of slop from the northeast gale, Storm waves are wind driven and most storms are northeast. The entire island is a breakwater for the harbor. It is storm waves that demolish breakwaters and buildings. Of great concern is a hurricane that goes by slightly inland. The last hurricane the speaker experienced in Gloucester was Hurricane Carol which not a comparison to Hurricane Katrina or Sandy. A southwest hurricane wind throws real waves just like with Plum Island and Lane's Cove breakwater. He said the City will see that kind of conjunction of events. At this time Fort Square becomes an island again connected to the City by a sand bar. The speaker urged before approving this project it was suggested the Council look at the wreckage of the Lane's Cove Breakwater. That breakwater was rebuilt in 1955 and most recently. GZA Vine was the engineering firm on the job. The speaker did not blame them for the failure of the Lanes Cove breakwater, in the end the speaker said the ocean wins. The speaker also urged the Council to get their own advice on ocean engineering not from the U.S. Army Corps of Engineers.

Rebuttal:

Attorney Michelle Harrison, representing the applicant, Beauport Gloucester LLC noted that the Council is extremely aware, as is every board of the City; this was not a quick process or a quick decision. Some general information was heard during the HOD proposal and this particular project has been under review since August (2012). This is not just a casual review, but a review first by peer, by BETA Group and GZA Vine that looked at the material critically and thoroughly. This project has been reviewed by the City's Engineer, the Police and Fire Chiefs, the Conservation Agent, the Director of Public Works. There have been a number of thorough public meetings before the Planning Board and by the P&D Committee. This, **Ms. Harrison** said, was not a quick decision. The Council has had a chance to look at it; and has questioned aggressively and thoroughly, and also done by these other people which she asked the Council to keep in mind. She also said that a threat of appeals will not motivate the City Council. **Ms. Harrison** said already some of Beauport Gloucester LLC's permits were under appeal and there may be other appeals but is not a motivation for this Council.

The applicant's experts have been misquoted and misrepresented, she said. Mr. Smith, the applicant's coastal geologist, when he has advocated an alternative dune, it was one that has been 80 feet high and over a long stretch of land not on this small pocket beach. **Ms. Harrison** said the applicant stands what by their experts have said.

Of equal importance, **Ms. Harrison** said, the applicant stands by what its architects have presented to the Council. There is a basic theory that talks about perspective that the closer one is, the prospective will change. There is a misrepresentation by the opponents in viewing the applicant's architect's (renderings) and draw a straight line and is not how it is done, she said. **Ms. Harrison** said the Council has looked at this (project) for a long time and urged the Council look with favor upon this application.

Rebuttal to the Rebuttal:

Mr. Faherty said that he attended all those hearings as did Ms. Harrison, and said the Council. He asserted that his client was not allowed to speak at the Planning Board meetings. The meetings were considered open meetings not for them to speak at. All the P&D meetings the only thing they could do was to submit questions in writing, which he said they did, and he claimed he never received any formal response. The ConCom refused their request to have a site visit with a discussion. **Mr. Faherty** said he did not hear or see what **Ms. Harrison** did. Noting his understanding of geometry with regard to perspective, **Mr. Faherty** said parallel lines run parallel. When two buildings that is equally distant from the point of vision, the height is valid. He said to suggest that there was perspective, he asked for an explanation of the distortions the Council was shown.

Mr. Mulcahey said that one of the projects suggested by Epsilon Associates for coastal remediation was an 80 foot wall but that was for Nantucket. The ones for Duxbury and Plymouth were similar to Gloucester's and were just coastal remediation which did not involve an 80 foot wall.

Ms. Mejia said to her knowledge not a single alternative design has been put forward for public comment.

Open Public Comments:

Mayor Carolyn Kirk made the following statement as the first speaker in favor:

Change is hard but the job is to manage change in a way that protects the best interest of the City. Since August 2012 when the property owner exercised their right to apply for a special permit for the hotel project, the application

has come under intense scrutiny. The City hired experts to do a comprehensive review to make sure the City's best interests were protected. The project has been subject to review by the Administration: Legal, Public Works, City Engineer, and Planning Director. She said fellow citizens on the Planning Board and ConCom have reviewed this project along with the P&D Committee. All of the reviews and revisions that took place during the reviews bring the application now before the Council, where there have been unanimous votes in favor of the project.

The Council has before them is a well vetted project. **Mayor Kirk** asked the Council to have confidence the project review is thorough and in compliance with the City zoning ordinance. She asked the Council's focus on the facts that the application meets the requirements for Special Council Permits in compliance with the zoning ordinances, and that the benefits of the project to the City of Gloucester of jobs, increased revenues from meals tax, lodging and real estate taxes allows the City to maintain or improve the level of services for citizens for Gloucester. This project leads to the diversification of the local economy, in particular downtown businesses, and provides a business infrastructure for jobs already in the City citing Gorton's, Inc., and Varian Associates as well as companies the City hopes to attract.

Mayor Kirk noted this is a difficult decision for the Council but the guide she asked them to follow is what is best for the City as a whole and has the application conformed to the City's requirements under Special Council Permit criteria and zoning ordinance. She said she hoped the Council will be in favor of the project.

Open Public Comment Period:

In Opposition: Ann Molloy, owner of Ocean Crest Seafood Neptune's Harvest, said she is not an obstructionist; that she and her family have changed and to ask adapted and grown an M/I business. The company has bought a new warehouse and is expanding their business which now employs 45 people. The company is working with the new innovation center on the State Fish Pier creating new products hoped to employ fishermen and create new jobs. She said this hotel will be built at all costs regardless of what is said. The applicant chose to buy a property in an M/I zone knowing the two previous attempts to permit a hotel there had failed. She said it is reasonable to require the applicant to nestle in and for the Council to require, before issuing permits, they build a better seawall. The height of the building should be no more than 40 feet; more than that would not be consistent with the neighborhood character, she said. **Ms. Molloy** said it should be put in writing that the hotel would not be able to complain about truck traffic and loading on Commercial Street or the odors created from the M/I businesses on the street. The hotel should be required to hire at least 75 percent of all positions from Gloucester residents. She is against a hotel at this location. She said she has been assured by Councilors this hotel will fit in and not be an issue for their businesses and other M/I businesses. She asked the Council put this in writing for future Councils to see. She said in order to stay in business trucks must be sure to get in and out at all times. She said she is advocating for a waste water pre-treatment system to be put on Commercial Street to accommodate the M/I businesses which she said would prove the Council wants them to stay and flourish in the Fort and the City supports M/I businesses there.

In Favor: Greg Verdine, 71 Eastern Point Boulevard, professor of life sciences for 25 years and owner of Gloucester Pharmaceuticals said he cared about creating jobs for the young people of Gloucester for the future; to create high value jobs in the life sciences; and create a compact with Gloucester which makes it a reality that if any drug is discovered by one of his companies working in Gloucester, that the drug will be free to each resident in the City. If they can bring those kinds of high value jobs to Gloucester, including seven companies he brought to fruition to date including Gloucester Pharmaceuticals which raised \$120 million and was unable to spend any money in Gloucester because there was no infrastructure which would allow him to house his company here. He said in future he would like to be able to house his companies here having created more than 250 jobs to date in Boston and Cambridge. He asked the Council to create the business infrastructure by making the hotel possible to allow entrepreneurs who want to grow businesses, to create jobs in Gloucester, to bring in the people, consultants and business partners, etc. and put them up in a style that will make these folks leave the City and want to build more businesses in Gloucester.

In Opposition: James Tarrantino, 26 Fort Square said he has tried to protection the interest of his family, friends and citizens of Gloucester. He said the Council hasn't taken that responsibility but said he remains hopeful that the Council will take the steps to protect the City. He cited several people who came before the City and who he believed were ignored, to address the issue of placing a hotel in an M/I zone; Dr. Godfrey, he said, brought conclusive scientific evidence that this hotel will put the City in danger. He asked the Council to avert the danger now rather than paying the costs of damages later. Saying he believed this to be a one sided process, he urged the Council to take the time to reflect their responsibility to the City to protect the property and to ask the applicant to make revisions to their plans.

In Favor: Timothy Rose, Rose's Oil Service, 75 Main Street said he runs his family's business employing 40 people, mostly from Gloucester. As a direct abutter of Cruiseport he noted there is not a conflict. Each business helps each other frequently in a variety of ways. These are two entirely different businesses that work together and support each other. There has been a dramatic change in the waterfront industry, he said adding that Gloucester is not a viable fishing port anymore. The M/I district allows limited possibilities for development and has stringent government restrictions. Beauport Gloucester's project is a good one, he said. The City and residents will see this as an asset for the City of Gloucester; that it was time for change.

In Opposition: Hilary Frye, 27 Beacon Street said the City faces a looming specter of a luxury hotel being built on what is left on a coastal barrier beach. She suggested the City will be held responsible for collateral damages of this project pointing out there are compounding environmental pressures and areas such as the Back Shore and Good Harbor Beach. She asked the Council to rule with care.

In Favor: Karen Tibbets, 14 Wonson Street submitted for the record a copy of a 400 person list of typed names of residents in support of the Beauport hotel project. She said the residents are grateful to have investors willing to invest in a hotel and what will bring into the City, especially in a harsh regulatory atmosphere, so that young families can live and work in the City.

In Opposition: Jessica Mulcahey, 33 Middle Street read a statement by her to the Council that said there were three key issues, the tone of the public process, the height of the building and the environmental issues. She asked for a better public discourse that is further expanded. She said the best result is an improved public project. The proposed height will obstruct her view and affect property values. It is much larger than any other structure on the peninsula. The shadowing will be great. The applicant should be putting in the artificial dunes rather than a sea wall and that the seawall will be detrimental to the surrounding environment.

In Favor: Martin Vidal, 44 Rowley Shore, cancer biologist at the Dana Farber Cancer Institute said his family moved here to raise their family. He said he has organized small conferences in his scientific job for many years in Lanesville, but it is way too small there for what they want to do. Bringing scientific conferences, marine biology, biotechnology, cancer biology, would fit very well with what the Council has heard who want to bring companies here. They need a place for people to come to, not just from the area but international travelers as well. He noted goes to Bar Harbor and Woods Hole, Cold Spring Harbor for his job, beautiful coastal places which have more than Gloucester to attract people to want to work here to redevelop the City. He agrees with some of the arguments of the other side particularly Mr. Damon appreciating that it never stopped the Dutch where most of the country lives under sea levels who found solutions. There are solutions, he said and the point is to generate activities and education to bring people here to create jobs.

In Opposition: Valerie Nelson, 7 Sunset Point Road said that on the HOD she had stated her concerns on the economics of a hotel at the site arguing that the value of the businesses on Commercial Street that this is not worth risking any damage or threats to them. She said the City should be proud that Fort businesses are internationally known, inventive companies that need protecting. She said she invited the Council to a public forum on dunes several weeks ago. The damage to the City with recent storms, with the Lane's Cove Breakwater coming down, there is a shift to understanding storm threats is a major concern. Gloucester will not be able to depend on bail outs when these storms hit cities are on their own. On the federal and state level she said there is a no adverse impact approach in the coastal zone. That is a policy municipalities need to adopt. It is not intended to stop development but to prefer natural or artificial dunes over seawalls. A seawall will protect the property but not the adjoining properties whether residential or commercial.

In Favor: Lyle Chamberlin, 2 Dock Square, Rockport, said that Louis Linqata is unable to attend but wanted to be recorded as in favor of the project which Mr. Linqata said means a stronger economy for the City. **Mr. Chamberlin** noted that he has been developing a codfish farm and that he would appreciate a place to put up the people who come to help him in its development.

In Opposition: Peter Parsons, 37 Washington Street said the hotel project is the same as saying, Let's hot top the harbor and to say to hot top the harbor and did not want to say, I told you so. He asked how the Council would safeguard the City for coming generations so that is not destroyed by rising seas, storms or by a changing climate.

In Favor: Scott Memhard, Graystone Road, President & General Manager, Cape Pond Ice, 104 Commercial Street, said the business has been in place for 165 years. The acre of industrial harborfront real estate is greatly underutilized because of contraction in commercial fishing. While still able to pump tons of ice into fishing boats and load bagged and block ice throughout New England, they only now need one small corner of their ice house. The Cape Pond Ice real estate is on the market and is actively looking to partner with other businesses to make it more economically viable. He suggested aquaculture or marine science or education would be ideal; but they need to further diversify to stay in business. He said he is in favor of the hotel project as presented because of the economic viability achieved with a healthy diverse mixed use. While challenging, the mix of M/I, residential,

commercial and tourism is not now incompatible. Given the resourcefulness of the City, he said it would not be incompatible in the future. The Fort and Commercial Street is already an example of a diverse mixed use, with Pavilion Beach, the Fort Square Playground, Fort Café, the Brew Pub, Intershell's Fish Market, the Chamber of Commerce, Endicott College, Fort residents side by side with fish, fertilizer, oil and ice business. This, he said, is what gives the Fort its character. He pointed to another area of the City with a similar dynamic in East Gloucester citing the area from the Beacon Marine Boat Basin to Capt. Joe's Lobster as is Harbor Loop. Captain Carlo's restaurant did not destroy the area. Rocky Neck, he said, is another example of mixed use even with a lack of parking. These mixed neighborhoods are an appealing part of what makes Gloucester great. He acknowledged working and living on the Fort is challenging and said he hoped some of the hardship issues can be addressed.

In Opposition: Sunny Robinson, 20 Harvard Street said she submitted a written comment. She acknowledged change is difficult. She said she is not an alarmist. She reads the environmental impact statements. Ms. Robinson said to continue to build willy nilly on the coast is a big mistake. The proposal as submitted does not protect or maintain a healthy environment. The building of this facility raises a great threat to not only the beach but to the commercial businesses and homes of the fort, she said. Ms. Robinson asserted by building the seawall as envisioned will create two strong channels that can swamp Fort Square and businesses on Commercial Street. Additionally, the long line transfer of the energy as it hits the beach and the seawall has the potential according to the Godfrey Report of continuing to undermine the entire seawall along Stacy Boulevard and said the condition of that seawall is poor noting the City is looking for funds to repair it. She said the Council must not approve a project that has the potential to undermine the seawall they are looking to protect. They need to engage a more thorough review of the environmental impact.

In Favor: Peter Van Ness, 11 Magnolia Avenue asked the Council to consider focusing on the vision of the City's future. Change is in Gloucester now, he said. All must adapt to survive. Survival isn't good enough, he said, but to thrive. The future should be embraced; he said and must be diverse. They don't have to trade something in to get something else. Fishing, marine industries and the arts have co-existed for hundreds of years. It requires now all act like a family to thrive. He said the City needs more jobs and to have a place to attract the people who power the economy and a beachfront service hotel open year round for everyone.

In Opposition: Justin Demitri, 18 Clearview Avenue said the height of the proposed tower is also a separate height request and asked the Council take that into consideration.

In Favor: George Gauss, 85 Eastern Avenue said he has no affiliation with either side. Change is inevitable, he said. He pointed to the expansion of three supermarkets which didn't exist 17 years ago. The City is a restaurant mecca now. Both changes are keys to a good lifestyle; and the hotel will bring continued growth to the City and Cape Ann. There will be jobs and trickle down to allow citizens to spend their money in the city to buy homes, food, and clothing. The dollars the City will receive and shared infrastructure improvement and taxes will help build and update the overall infrastructure and better City services. He said yes votes are votes for Gloucester's future.

In Opposition: Denise Foley, 57 Western Avenue said she didn't believe they were here to decide whether there is a hotel or not but rather there are specific issues of height and the protection of the City. She asked the Council to think hard and asked the Council to listen to the opposition's ideas.

In Favor, Brad Pierce, 1A Becker Lane, owner of the Cape Ann Motor Inn on Long Beach said he is thrilled about the hotel project. A hotel of this size would be promoted nationwide which will be good to the City, he said. There are 600 buses that come to the City a year. Less than one percent stay overnight. More would come, he said, and stay if there was a hotel like this available.

In opposition: Rona Tindall, 44 Fort Square noted that there is a great responsibility by the Council entrusted by the citizens to respect their needs and to do the right thing. She asked the Council to drive to Fort Square and see the wires above the scaffolding erected that the view of Gloucester will be like and represent and visualize what the view will be as it is blocked by the hotel. She asked the Council what it would be like to not see the Dog Bar, Ten Pound Island, or Pavilion Beach. She asked the Council to imagine a solid building defining the Gloucester skyline. She asked the Council to imagine what if Dr. Godfrey's predictions come true; that the Boulevard is breached by the ocean. She asked what the Council would say to those who live on the Boulevard when their homes are destroyed. She said there has been polarizing talk in the City over this project; and that she said she believes there is a better way. She asked the hotel be beautiful and not harm the coast line. She said no good can come from hurting the environment, culture or the people of the City.

In Favor: George Bellow, 21 Ye Olde County Road, a resident of Gloucester 14 years said Gloucester is special and that people here have never shied from a challenge. Reiterating change is never easy he said the hotel is a key to Gloucester's future. He noted a project has a known developer. Mr. Davis and Ms. DeLorenzo have shown they are not about profit at all costs, but it is community and character. With Cruiseport, cruise ship business, the

\$500,000 donation to the new football field and the contribution to the infrastructure show Ms. DeLorenzo and Mr. Davis' good intent, he said and that City is fortunate to have quality people showing their interest in the City.

In Opposition: Jennifer Johnson, 26 R Fort Square said there could be a hotel but there should be changes. The Godfrey Report concerns her. She asked they think about what Mr. Faherty said.

In Favor: Christopher Costello, President Timberline Enterprises, 4 Pond Road said he was encouraged by the Mayor's statement about change which he agreed is already here. If anyone said 10 years ago the City would look at three giant wind turbines at Blackburn Industrial Park it would not be believed but they are here. The City is embracing the creative economies and there is investment in the City because of it. He pointed to the expansion at Varian, Bomco, DeMoulas; the thriving restaurants downtown; these are all companies investing in Gloucester's change. He said the City is fortunate to have Mr. Davis and Ms. DeLorenzo investing in the project; people they know and care about the residents of the City. Quoting Clarence Birdseye, he noted Change is the essence of American life. It was his hope, he said, the City will fight to preserve the ideals and ingenuity of Mr. Birdseye instead of his building.

In Opposition: Jay Gustafarro, lobsterman, 9 Starknaught Road noted the commercial fishing side of the issue and noted climate change is real and said when hurricanes come to Cape Ann, from the southwest across Cape Cod. But which the City will get a hurricane, Pavilion Beach will be gone he said. He noted that is a community beach. The wall around the hotel will protect it, not the beach. He noted that it is too much hotel on too little a site, he said. Noting he has worked with the Port Committee Alliance, he asked the Council not to let the beach go. The spirit of the City Charter is its neighborhoods. The neighborhood doesn't want this project which should count more, and he said.

In Favor: Bridget Jaramillo, 9 Gerring Road, events department head at Cruiseport said she knew what it took to get clients to book into Gloucester and what they need once here. Cruiseport, she said, brought in 235 events and brought in 11 cruise ships. The first thing any bride asks the staff is where people can stay as brides prefer to reserve blocks of rooms for out-of-town guests. Ms. Jaramillo said Cruiseport has to send those guests out of Gloucester. Additionally, Cruiseport brings in businesses, conferences, cruise ships and what they need for them is someplace that has it all for them once they are here. Right now these people have to be split up and sent other places. The hotel is what is needed, she said.

In Opposition: Dave Pleiman, 238 Magnolia Avenue asked if there is any sense of obligation when Gloucester Crossing was given a promise for a TIF and a hotel and asked what has been done with the promise of the Gloucester Crossing TIF even though there is no hotel yet.

In Favor: Joseph Rosa 26 Fort Hill Avenue supported the hotel and saw it as the future of the City's harbor which must be imagined. With the hotel new jobs can be brought to Gloucester such as in marine research. The same technology can be used in biopharmaceutical companies. The hotel will provide the downtown with housing and conference space for meeting of scientists and needed space for community gatherings. The jobs that research and engineering companies create that can, with appropriate training, be held by veterans and high school graduates. That training they need can be and should be done in Gloucester. The hotel is the necessary first steps to make this all happen.

In Opposition: Annette Tarrantino, 2 Fort Square expressed concern about the height of the hotel and the beach and its seawall saying her house late morning will be in complete shadow.

In Favor: Ron Gilson, 1 Atlantic Road said over 70 years he has witnessed the waterfront activities of the City. Today he said the City has come full circle. The fishing industry is in the doldrums. The forecast is a dire economic outcome. Tonight the Council is being asked to make a profound decision that could shape a new economic future for the City for decades to come. He noted there is a diminishing handful of boats and no investment on the horizon. Fifty percent of the harbor is stymied in the DPA shutting down investment on the harbor other than fish related; and there is no fish, he said Cape Pond Ice recently succumbed to this reality he noted. Opponents he said have failed to make their case in substantiating their opposition and represent the status quo.

In Opposition: Walt Kolenda said he is in the auction business for 30 years that people come to him when people are in bad situations when they have no other options. He asked the Council to look at the worst case scenario for Gloucester's future. The opposition is asking the Council take a look at the worst case scenario – a few more months to assess the studies further and the applicant build more responsibly.

At 11 p.m. the City Council by unanimous Consent of the Council extended the Council meeting.

In Favor: Robert Ryan, 3 Blake Port said he is pro business, pro Gloucester and was in favor of the hotel to increase the commercial tax base; create 150 hotel jobs, but also ancillary jobs in construction. The development

will improve the aesthetics of the City. The City needs a year round hotel to accommodate conferences, for companies such as Gorton's and Gloucester Engineering, he said. Mr. Ryan noted the new hotel will increase the occupancy, meal and real estate taxes as well.

In Favor: Ed Collard, 4 Linwood Avenue, Cape Ann Chamber of Commerce, said that the applicants have proven themselves with their past project. He spoke to the process and thanked the Council for their efforts. He noted this has not been speedy and that the (P&D) Committee has done great work. ConCom has done their work. There is a big decision to make.

In Favor: Robert Height, 5 Newton Road, Executive Director, Cape Ann Chamber of Commerce said that he came to the City only a year ago as he saw opportunity for the community as well as Cape Ann as a whole. Change, as the Mayor said, he noted, is hard. The City has to be focused on being pro business to create the future of jobs. This hotel, he said, is a catalyst project; and it is extremely important to embrace businesses to open the door to other companies the City hopes to attract.

In Favor: Steve Douglass 1 Daniel Roy Road owner of Cape Ann Harbor Tours said that for the past 35 years he has been touring folks on his vessel circumnavigating Cape Ann. He supported the project that will make the City more prosperous.

In Favor: Alan DeLorenzo, 1 Horton Street said if people fully realized what qualities Gloucester has there would be an influx to the City. By keeping people in the City for more than one day will help and having the hotel close to the downtown will allow them to experience the City's amenities. He asked the hotel be built.

In Favor: Mark McDonough, owner of Latitude 43 and Alchemy Restaurants noted Mr. Faherty said there is a better design. He noted he had rebuilt Alchemy Restaurant three times. What Mr. Faherty presented was an indefinite process of review and indefinite requirements of what needed to be done for him to agree about the hotel being built. He asked for this economic engine now; but even if the construction started today, he noted it will be two years before the hotel is occupied. If there is a need for artificial dunes he was convinced Ms. DeLorenzo would do the right thing to ensure the beach is there. He asked the Council to trust Ms. DeLorenzo and her partner.

Communications:

Linda T. Lowe, City Clerk informed the Council of the following:

Communications in favor: a batch of postcards prepared by the applicant that people sent in whose text she read. There were 35 postcards received, 16 from Gloucester residents with names and addresses listed; 11 with no address and no city; and some completely illegible, and so it was hard to tell where they were from. There were also communications in favor from Fran Alberti, Becky Alberti, Donna Politzia, Greg Bover, Jay Albert, Jason Grow, Angela Procaccini, Thad Carpen, and Christine Rasmussen.

Communications in opposition: Sunny Robinson including various reports; Rona Tindall, Justin Demetri, Peter Anastas, J. Michael Faherty for the Mortillaro's; Nathaniel Mulcahey, and Patricia Machado. In addition, a large number of questions submitted to the Council primarily when the review first began last fall with separate files. There were dozens of questions submitted by several people, and all sent to the P&D Committee, to the Planning Director and the applicant's lawyer all of which were responded to. She informed those present that all the communications were by email with the exception of the postcards and were forwarded to the City Council so that they had an opportunity to review all communications.

Councilor Questions:

Councilor Tobey asked Ms. Smith, project architect to speak to concerns that the visual images she presented showing height and mass of the building were inaccurate. **Ms. Smith** said that was not true. She noted the model developed in her office is a true model, not dimension down; and is a virtual model of the exact dimensions. When looking at something in perspective, she said, if something closer to you it will appear taller than something further away because you are closer to it, which is what the Council saw in rebuttal. The model is accurate, she said, and was placed on the site accurately. It is a computer-generated model and is true dimensions. **Councilor Tobey** asked about concerns about photo shopping with one image being duplicated. **Ms. Smith** stated, it was not photo shopped. The architects took the view taken with their photography and dropped the true dimensions of the model of the hotel into it and reiterated the architects were not photo shopping anything; and weren't deceiving anything but were just taking a photo and dropping the true model into it. **Councilor Tobey** said a photo disputed taken from the easterly side of the site that spoke of the height of the tin building and suggested that the perspective was distorted. **Ms. Smith** said she would give the same answer; when viewing the tin building when closer to it, it appears taller than something behind it. She reiterated the model was dropped in as accurately as it could possibly be done; and the architects were not deceiving anyone. **Councilor Tobey** said that to the extent that the representation Ms. Smith is making to the Council is part of the record and proved false, it may be a basis for permits being calling back in front of the Council which he noted the applicant knows has happened in the past, she stood behind the representation 100 percent. **Ms. Smith** said she did; that the computer model doesn't lie.

Councilor Tobey said he was struck by Attorney Favazza's description of the beach situation. He noted there have been pictures of other beaches on Gloucester Harbor with the same southwest exposure, Niles Beach, for instance. He asked why shouldn't the Council worry the beach will go away if the seawall is built. **Lester Smith**, Epsilon Associates, Coastal Geologist, P.E. for the applicant said as reviewed with the P&D Committee last week, changes on the beach noting Pavilion Beach has been remarkably stable. He said when speaking of stability it is in terms of the elevation of mean high water which is used by Coastal Zone Management (CZM), in developing their change analysis. P&D was shown mean high water surveys that were done back to the 1900's showing how remarkably the mean high water was about 20 to 30 feet from the face of the existing building which is good evidence (the beach) has been stable through time. He said it also indicates the new wall, landward of the existing building, will promote stability of the beach with time. **Councilor Tobey** said there is a stable land mass; but when contrasting the now with the past, of Cressy's Beach is a now a pebble beach; he asked would Pavilion Beach with this structure remain a sandy beach. **Mr. Smith**, P.E. said Pavilion Beach right now is not a sandy beach, but has an element of it on the upper beach and down below it is more 'gravelly'. He said it is a pocket beach. There is not input to the beach and not much sediment leaving the beach. What is seen resides on the beach and will with time, he said. There is no source of sand; there is no erosion of uplands; no erosion of dunes over the last 100 years and, he said, it will continue to be so over time. The sand volume on the beach will be maintained now, he said, and in the future. **Councilor Tobey** said that Mr. Favazza's photos showed dunes do restore themselves with sand migrating to Commercial Street. Some, he said, suggest the site be returned to nature; tear down the current seawall; demolish and remove the building to allow the beach to reestablish itself. If that happens, he asked, what happens to Commercial Street. **Mr. Smith**, PE said he worked at CZM when the regulations were being developed in the late 1970's, heading up CZM's scientific and engineering staff. He said he had many opportunities to see a lot of developed beach areas as well as undeveloped beach areas. They would want to promote dune growth and barrier beach growth on natural environments. But in an altered, downtown situation, to put a natural dune in that environment will create over wash onto Commercial Street. The barrier beach will migrate into the harbor and fill the harbor the City is trying to promote, he said, and is an inappropriate management of that type of resource. **Mr. Smith**, P.E. said they want to have a seawall that protects those areas. The seawall will protect the over wash of windblown sand from migrating into the landward areas. In a developed situation like this, he said, the seawall will be more effective for storm damage and flood protection and control than a small sand dune that could be created where there is no additional sediment coming into the system.

Councilor Tobey noted there is a suggestion that there has been no conversation about or commitment about traffic management during the two years of construction. He asked what is the traffic management plan for construction assuming construction started tomorrow. **Lee Delliker**, Windover Construction said the construction firm has outlined truck routes coming down Washington Street to Commercial Street and enter and exit in the same direction. **Councilor Tobey** noted that was the construction traffic but asked about the traffic in the Fort and how would residents and businesses will get in and out. **Mr. Delliker** said the construction traffic will come in and out of Commercial Street and will stage everything from inside the site. Their truck traffic will go in and out of the site. As to the infrastructure road work that is the City's purview, he said. **Councilor Tobey** said then it was Mr. Delliker's position that his firm will be conducting the building the hotel and will not constitute a barrier to the flow of traffic in and out of the Fort to which Mr. Delliker stated that is correct.

Councilor Tobey said there has been suggestion of reconfiguration, redesign of the hotel, taking its height down. What can the applicant do on the site, he asked, and what options have been considered to meet the target of the types of facilities and the number of hotel rooms; and what are the business considerations that require that size if there are any. **Mr. Cunningham** said this comes from listening to architects and engineers at meetings; 100 rooms is the minimum needed to have a successful facility for the intended purpose. This site, as stated by the engineers, he said, has a low elevation now as does all of Commercial Street; and in order to protect the facility to comply with standards about habitable space, the level of the parking garage is raised to elevation 12 which is slightly less than the height of the seawall and complies with appropriate design standards. He said habitable, useable space is up one level (below it is the parking garage) which the applicant thought to be a sensible application of usable space that is inappropriate for habitable space. **Mr. Cunningham** noted that after the architects analyzed the community, that the hotel should have a peaked roof. He said while there have been comments that the hotel does not need all the peaked roof space, he noted that examples shown were clear that the architects since the beginning have pulled the roof down five or six feet by incorporating some of the rooms on the second floor into gables so the space for the peaked roof is something like 10 feet and on the drawing an image of a man servicing equipment. He noted there isn't a lot of room in the peak, but rather is a tiny attic. **Mr. Cunningham** said any hotel needs HVAC and in order to accomplish the energy recovery goals, there are more machines that need to be on the roof. The architects have incorporated that into the attic space to screen it from view, he said. If it was a flat roof

the zoning ordinance would allow the mechanicals to be on the roof. The solution, he pointed out, was to allow the peaked roof to be a home for the mechanicals. **Councilor Tobey** asked what opinion his client has to the benefit to take time to consider a redesign. **Mr. Cunningham** said his client, is firm that this proposal was worked on extremely hard with a great deal of work put into it before the proposal was submitted in August 2012. This proposal, in the applicant's team's opinion is the best one; the best design to address the business purposes and to deal with the environmental issues which he added has been backed up by the extensive review of the third-party reviewers, and ConCom which looked very carefully at the design proposed. He said all of the arguments put forward to the Council this evening are the same things argued in writing and in person at ConCom.

Councilor Tobey noted Paul Keane, City Engineer is in charge of the oversight of the City engineering work proposed for the Fort work. **Mr. Keane** noted he is working on the project oversight in conjunction with the DPW Director. On inquiry by **Councilor Tobey**, **Mr. Keane** said AECOM (engineering consultants to the City for infrastructure design of the Fort project) is 85-90 percent along (with infrastructure plans). **Councilor Tobey** asked about the status of the drainage work proposed for Commercial Street and Fort Square. **Mr. Keane** said AECOM are still working through the drainage problems which is a significant issue due to high tides which make it difficult to drain the area with a storm on top of a high tide and do not have a final solution yet and is a work in progress. **Councilor Tobey** asked if a solution will be put forward or would it be dropped. **Mr. Keane** said drainage would not be dropped. He said it is a matter of what is the reasonable and practical solution to be gotten to with the elevations of Commercial Street because the street can't be raised because of the adjoining buildings. **Councilor Tobey** asked when the infrastructure project would go out to bid. **Mr. Keane** said it hadn't been decided yet; the project still has to come before the Council for financing and there is no hard bid date. **Councilor Tobey** asked if there has been any consideration while working on the waste water side of this project of the City investing in added pre-treatment capacity of Fort businesses being built into this project. **Mr. Keane** said pre-treatment has been discussed, and while he had not been directly involved in those discussions, he explained that part of the issue under federal law and regulations, industrial pre-treatment goes to the user. It is the individual user's responsibilities particularly where the waste streams can be significantly be different from one user to another, he said. Discussions to date indicate that it would not be an appropriate municipal approach in satisfying state and federal regulations. **Councilor Tobey** said he would argue that in a community that is operating under a wave of secondary treatment requirement under the Clean Water Act that there may be a moral obligation to promote economic development in existing maritime related industrial parks along the harbor to supplement the capacity to handle waste water flows by putting in enhanced pre-treatment. He said with the Mayor, Mr. Hale, Mr. Duggan and Mr. Keane that now is the time to look at pre-treatment and do it. This, he said, would be a prime tool for economic investment by the City where the City could do a positive thing. He said it would be something they view as to how successful the infrastructure project might be.

Councilor McGeary said if there is a 13 foot seawall and a 15 foot storm surge there is a problem. **Mr. Smith**, P.E. said it depends on where the storm surge is measured. If measuring from the same datum then it is two feet over the seawall, and then there would be over wash, he confirmed. **Councilor McGeary** asked at elevation 8 it would be a problem beyond the seawall; it would be in the first floor of the hotel. **Mr. Smith** said at elevation 8 in this location, it would already be flooded from the harbor side. **Councilor McGeary** said if the seawall wasn't there and there was a dune 13 feet high, say, is there any difference for those people on Commercial Street with a 15 foot storm surge. **Mr. Smith** said there would be over wash of the dune and noted it does matter whether it is a dune or a seawall. With a dune, he said there is a lot of sediment transport with a dune which would be carried to the developed portion of the downtown and onto Commercial Street, into Mr. Mortillaro's property and into the harbor. **Councilor McGeary** said a dune could create a worse situation for those businesses behind a dune field if the Birdseye building was torn down which **Mr. Smith** said in this particular location it could. **Councilor McGeary** asked about lateral transport issue. He asked if it was Mr. Smith's opinion that lengthening the seawall will have no impact on lateral transport of sands from Pavilion Beach down to the Boulevard. **Mr. Smith** said it was his opinion. **Councilor McGeary** asked if it were a reasonable assumption that if there were to be damage to the seawall at the Boulevard that damage would be at the point closest to Pavilion Beach and tend to drop off further away from it, assuming there were damage caused by lateral flow. He further asked would it be more severe closer to the beach or further from it. **If** the sand from the beach is moving west towards the Boulevard it would damage the seawall on Stacy Boulevard as put forward by Dr. Godfrey and was his concern. **Mr. Smith** said that was not his opinion. In looking at the sand on the beach, the Tavern area, if there was sand moving east to west there would be build up there. Instead there is a pinch out of the sand in that direction. He said the beach was fairly uniform in its width, getting a little wider on the beach at the east. **Councilor McGeary** said the damage that has been alluded to along Stacy Boulevard seawall, which he said does exist, is more towards the Cut (Blyman Bridge and Canal) and beyond, Mr. Smith, then did not think it is attributed to lateral transport of sand from Pavilion Beach. **Mr. Smith** said it was

not. The beach there is much narrower than in front of the Birdseye building, he said. Waves actually are breaking there before they would break over the Pavilion Beach. He pointed out when waves break; they run down the beach from west to east.

Councilor Ciolino asked about the Bell property at 33 Commercial Street in the middle and the Tavern property as to movement with the sand. **Mr. Smith** said there is an existing wall there, and the hotel seawall would tie into it. He pointed out the wall will be overtopped more frequently than the proposed wall; the proposed wall will not affect it. He said there will not be a channel caused by the proposed seawall; that is not what happens in coastal situations, he said, but is determined by the adjacent water body. **Councilor Ciolino**, noting the seawall on the causeway in Essex and its issues, he asked how the seawall at the hotel will affect the surrounding properties. **Mr. Smith** said the hotel's seawall wouldn't affect the surrounding properties. **Councilor Ciolino** asked about overshadowing and asked if the architect had a chance to see Mr. Faherty's study on shadowing. **Ms. Smith** said they electronically submitted their shadow study with each of the views the Mortillaro study had as well as the as of right view. All 24 views were submitted to the P&D Committee by Mr. Cunningham. The applicant did not disagree with the Mortillaro shadow study, she said which was close to the one Perkins & Wills did. During the winter months the shadows from the project later in the day starting around noon will shadow Commercial Street as opposed another building in the 40 foot range, it will overshadow the street. The applicant's study showed none of the residences on the Fort Hill side are overshadowed by the building nor is the beach, she said. There will still be shadow on Commercial Street with a 40 foot building.

Councilor Theken noted there are flags on wires on the scaffolding. She asked if it was accurate. **Mr. Delliker** said the roof is in very bad condition and varies in elevations. The scaffolding was set and extended as best as possible given the conditions of the roof. He said it is within six inches of the peak of the elevation, he added. He said where the staging was not intended or communicated that this was trying to show the entire extent of the roof's slope. Rather, the towers were put where they could be set safely to demonstrate the height of the peak of the roof and not the entire length of the roof slope. **Councilor Theken** said she had difficulty discerning from that staging shadows and visual obstructions. She noted a family member's home is on Middle Street. That view of the harbor will be blocked. She added that she looked at the flags from that location noting what is there is an indication. **Mr. Delliker** said the scaffolding is to indicate the height of the peak. It is very close to the end of the building on the Chamber of Commerce end which is close to the end of the peak but did not extend all the way to the other end of the proposed hotel. **Councilor Theken** reiterated her concern about the depiction of the height.

Councilor Theken asked how long Mr. Favazza had been in Gloucester. **Mr. Favazza** said it was his entire 28 years. **Councilor Theken** asked if Pavilion Beach was a sandy beach during his lifetime. **Mr. Favazza** said he would argue there is sand there now; but didn't recall the beach being 100 percent sand in his lifetime. **Councilor Theken** noted the Tavern wall has been there for many years and the rocks. She asked about the flow now; noting that when there is a hurricane, it cannot be planned for. As the Council watched the video in Mr. Favazza's presentation, she asked about the wall from the Tavern saying there is no more beach. **Mr. Favazza** said in his opinion about 4 to 5 feet was lost when the Stacy Boulevard wall was built. As far as the fluid dynamics and the flow, he had a coastal geologist also and referred the Council to Dr. Peter Rosen's work. **Councilor Theken** asked can dunes be put up against the wall. **Mr. Favazza** said in his opinion the best seawall is a buried seawall with a natural barrier in front of it, but that was his is a lay opinion he said as he is not a scientist or an engineer.

Councilor Theken said if a dune was put at the site, the sand goes everywhere. She asked if a dune would make it worse. **Mr. Favazza** said any dune scenario does not involve a hotel. He is not advocating a dune but changes to the hotel design. **Mr. Mulcahey** asserted the best seawall is a buried seawall; if a seawall is a base for artificial dune sand doesn't migrate. What is seen in the parking is the seawall incapable of capturing the sand that blows around. A dune with grasses, he said, would restore the beach and capture the sand from the landform. After Nemo the level of the beach was lower and all that sand was transported against Stacy Boulevard. There is transport, he said.

Councilor Theken expressed concerned by Mr. Faherty's statement he was speaking for his client and had no chance to speak about plans. **Mr. Faherty** said his comments were directed to the level of participation allowed under the Council's Rules of Procedure. He asserted they were not able to speak at any of the hearings held by the Planning Board. He said when the Planning Board was ready to take a vote, that afternoon as it was apparent the Board was not conducting any more meetings on the matter, he submitted a two-page letter on behalf of his client suggesting different findings the Board was required to make which they read. The Board, he said, then proceeded to vote without any discussion on the memo submitted to them the same afternoon by Mr. Cademartori (City's Planning Director). With the P&D meetings, the applicant was the only person allowed to speak at the meetings, he said.

Council President Hardy voiced her disagreement that Mr. Faherty was not allowed to speak at P&D meetings. **Mr. Faherty** continued by saying they asked and were told by Councilor Tobey said it would be the applicant's time and weren't allowed to participate at that level. Responding to the question had he ever had a conversation with the applicant's attorney, he said, yes, he spoke with Mr. Cunningham and a meeting about his client's concerns about flooding and timing. He told Mr. Cunningham at that time when the project gets smaller and less high there would be time to talk. He noted Mr. Morey and Mr. Smith were present at that meeting also. He had not heard back from Mr. Cunningham since that time. **Mr. Faherty** reiterated he had said when the applicant was prepared to make adjustments they would speak. **Councilor Theken** asked if all the concerns were submitted to the P&D Committee. **Mr. Faherty** said they were advised at the beginning of the process, and was confirmed by his office that day, that they had sent questions and told that it was all to be submitted to the City Clerk and the Planning Director and that they have yet to receive anything in writing. Pointing out Mr. Keane's comments that the infrastructure design is 85 percent complete, **Mr. Faherty** said, he has one discussion 15 minutes long with Mr. Hale (DPW Director) in his law office where Mr. Hale proposed something for drainage including increasing the flow under the Mortillaro property, noting there is a small easement there, a 10 foot pipe. Mr. Hale suggested a much larger drainage field which Mr. Faherty informed Mr. Hale that would not happen; that there would not be and additional flow under the Mortillaro property and he reiterated has not seen any plans.

Councilor Tobey said that under law the function the Council is performing right now is quasi-judicial. The function performed at P&D was performed in a manner consistent with that. Further, the way the Councilors proceeded at P&D was to make very clear that those meetings were public meetings and not substitutes for public hearing which is happening now to continue as long as it takes. He said it is for the Council to decide based on the record which they had carefully assembled in a very deliberately controlled way because of the legal burden the Council is under to conduct this review. To determine if the questions by Mr. Faherty and many others that were submitted to the Council in writing were adequately answered to address the concerns that the Council as the permit granting authority has to address in making their decision, the Council's decision.

Councilor Theken asked when construction is done she understood there will be a liaison available. She said residents want to sleep at night and businesses want to conduct business. She asked how the construction would be conducted. **Mr. Delliker** said from a traffic standpoint the construction firm can control everything from the site. There may be an occasion where the construction team will have to go onto the street. Should that occur, they will communicate ahead of time to work with the City if that occurs. There will be people full time on the site. He assured everyone will have contact information and added they will be good neighbors. Mr. Delliker said if something is excessively noisy they will plan ahead and communicate it to be as good a neighbor as they possibly can.

Council President Hardy directed Councilor Theken to the conditions imposed by the Planning Board, Condition #8 which sets the construction time so as not to interfere with the neighborhood.

Councilor Verga asked about moving the seawall and go with a wooden boardwalk structure. **Mr. Fairbanks** said they looked at that option. There were several concerns that leaves any boardwalk open to damage from wave action. He pointed out that timber structures along the coast tend to get damaged from waves slapping up underneath breaking the boards. That approach does not allow itself to be modified easily for sea level rise. **Councilor Verga** said instead of having 10 feet to work with in the future the seawall could be raised. If it was right up against the building it limits the options.

Councilor Verga said he mentioned at P&D the other day there are dueling experts and spoke of studies that are opposing. When this was before ConCom he asked who was more right.

Gregg Cademartori, Planning Director said there are engineering standards that have been applied by the applicant. GZA Vine reviewed the seawall design. The City hired a suite of consultants to review various aspects of the project including the Notice of Intent. There were numerous submissions made to ConCom, he said. ConCom found compliance with the Wetlands Protection Act and local ordinances and issued an Order of Conditions, which is in the Council records, on the current design. **Councilor Verga** said it was mentioned by the attorney for PCA that the (Godfrey) report wasn't in hand when the GZA Vine review was allegedly done. **Mr. Cademartori** said he did not wish to make any statement about what was said characterizing what was reviewed. He said there was not a specific request for the City consultants to vet the report by Dr. Godfrey. It was submitted to ConCom and was available for their consideration. He reiterated there have been numerous experts that presented before ConCom in making their determination. That, he said, was the statement made that the consultants reviewed the proposal submitted to the City and not necessarily every piece of information submitted by others as well as to other committees, he added.

Councilor Cox asked at any time will any equipment or materials be stored on Pavillion Beach to which **Mr. Delliker** stated no there would not. All trucks will come off of Commercial Street and all work will be coming back

from Pavilion Beach. Everything will be behind the fence line on site. **Mr. Delliker** said the building can be demolished and built inside the (construction) fence line on site. With siding work they will coordinate with traffic and will know in advance. **Councilor Cox** asked about power outages during construction. She noted National Grid will be asked to move the lines and asked how long they will be down. **Mr. Delliker** said the project will not have power outages related to the construction of the hotel as they have no reason for outages. He suggested there would perhaps be outages of only an hour or two at a time. Council Cox noted Gate 1 and Gate 2 of Commercial Street and asked which would be used for an entrance and exit for construction vehicles. **Mr. Delliker** said it depends on what stage of the demolition they are in.

Council President Hardy said Councilor Tobey asked Mr. Sandborn to perform a sound test which was submitted for the record to the Council. **Mr. Sanborn** said he is not a sound engineer and had limited time to accomplish a study. He went down to the site area over a two-day period twice a day. He found the decibel average was between 52 and 58 decibels. This was measured in four different areas. **Council President Hardy** said given the testimony did Mr. Sanborn anticipate any noise louder by the hotel, which he said he did not.

Council President Hardy asked about trailer trucks coming out of Commercial Street to the businesses to Fort Square and if they would be diverted off onto a temporary road. **Mr. Cunningham** said there is the City's infrastructure construction project and the hotel's project. Trucks for the hotel project and all the work will be within the fences on the site. Any vehicles will pull into the site. Commercial Street will be open to businesses during construction. He said that is the plan and all the work will be on site and not affecting tractor trailers on Commercial Street.

Council President Hardy noted the discussion about the seawall and water following the path of it; the erosion of the sand. She asked if that was considered diversion of water onto the property of another or are seawalls exempt. **Suzanne Egan**, General Council said she was not prepared to answer that question. **Council President Hardy** asked if this was a diversion of water directed towards a certain location or is it an act of nature where the water falls off during certain storm events. She further asked if water diversion is illegal in the City. **Ms. Egan** said with regard to a seawall, it is a question that needs to be broken down as there is not a straight answer. You can't flood the streets of the City. Those, she said, are the types of things the City regulates. As to a seawall and whether that is compliant with the law, that is something ConCom would have looked at and spent some time doing, and that the Order of Conditions issued that would make all the activity on the property compliant. **Council President Hardy** commented as ConCom had determined this project met the standards of the Wetlands Protection Act, and has been reviewed fully

Council President Hardy noted Damon Cummings referred to velocity and wave force. She asked Mr. Mulcahey to add in his own words how he perceived that to be detrimental to the neighborhood. **Mr. Mulcahey** said that he was a fluid dynamicist and analogized a table with a box on top to the beach and the Birdseye building as the box then a wall of water half the height of the box, when it hits the box some goes to either side. The amount that will go there and the height that the wave pattern will raise, he said if there is less space to come charging through it will be a higher height which is determined by the available area cross-section as it comes through. If there is one big passage pointing to one side and the other, and that if the wall is bigger the height of the water that comes through the two available passages is by force going to be higher. **Council President Hardy** asked would it put more sand on Commercial Street. **Mr. Mulcahey** said he believed it would not put additional sands onto Commercial Street but it will create more erosion and put more water on Fort Square and on 33 Commercial Street.

Council President Hardy said she heard testimony about something buried two feet under the beach in front of the seawall. **Mr. Fairbanks**, P.E. said the seawall is a combination of components, steel sheets 32 feet long driven into the ground and a concrete cap on top of that and are placing a layer of stone, two-foot sized of quarry stone buried two feet below the beach which is part of his design. He said he was misquoted that there would be two feet erosion on the beach. That is his design assumption he said, as the worst case for his design. A system like that, the higher the unsupported length, the more strength the wall needs. He said he must make an assumption as to where that maximum low level could be. In the design by installing the stone riprap which he said he hoped would never be exposed, is if it is, that is the maximum extent that wall will be exposed; it is the maximum force on that wall which he can design for. **Council President Hardy** asked at what phase would the seawall will be constructed and how quickly. **Mr. Delliker** said the existing seawall is the existing building. The building top will be torn down leaving the existing seawall in place. A slot will be cut in the existing floor slab where the sheet piling will be driven in to make that the new barrier. This will allow reaching over from the back and pulling out the old foundation and the sheet piling will be there. The concrete cap will be placed on top and then the armour stone will be placed in front. If required to assure not going beyond that a short section temporary sheeting will be put in so there is no sloughing of the sand so the beach is not disturbed.

Council President Hardy asked if the construction would be on the City beach or Beauport's beach parcel that the deed might eventually come to the City; at what time is this construction going to take place, she asked further before the transfer or after the transfer of the deed. **Mr. Cunningham** explained that the agreement calls for the deed to be delivered upon the completion of the foundation, the walkways, and seawall. He pointed out that the seawall construction is inside the Birdseye building.

Councilor McGeary said at a P&D meeting there was a discussion about rodents being displaced by the construction. He asked if the applicant would be amenable to a condition on the Special Council Permit to make available pest control services to the neighbors of the hotel site during the construction and a period of time thereafter. **Mr. Delliker** said there is a plan for rodent control prior and especially during construction and would be able to be contacted to help with the situation, and that they would be amenable to a condition.

Councilor Ciolino asked what the finish is for the seawall on the beach side. **Mr. Fairbanks**, P.E. said it would be capped with the concrete similar to the concrete wall there now. The seawall, he said, can have a pattern to look like anything they want. **Councilor Ciolino** said they will not see a rusty sheet wall and could see something decorative which Mr. Fairbanks confirmed.

At the request of **Councilor Theken**, **Richard Noonan**, 131 Wheeler Street, Chair of Planning Board came forward and responded to the Councilor's inquiry as to whether the Planning Board held a public hearing and said the Board did have a public hearing and public meetings. **Councilor Theken** asked if everyone was allowed to speak. **Mr. Noonan** stated yes, and that for the record that at the meeting in question Attorney Faherty did submit a letter to the Board at 4 p.m. before the Board's 7 p.m. meeting. At the time the Board did not have the time or opportunity to review it as they normally would and took a 15 minute recess. After coming out of recess the Board asked Mr. Cunningham if he had any comment on the letter and he did not. **Mr. Noonan** said he then looked at Mr. Faherty and asked if he had anything to offer and would he like to speak which he respectfully declined to speak, and the Board carried on with their meeting. **Councilor Theken** asked how many public meetings were held by the Board. **Mr. Noonan** said the Board held four meetings with one public hearing. From his perspective in running these meetings for the duration of the Beauport Gloucester LLC application, he said, everyone had a chance to speak.

Councilor Theken asked while the site is under construction would Pavilion Beach be open to the public. **Mr. Cunningham** said the applicant fully supports the use of Pavilion Beach and for whatever use it would be and would continue.

Councilor Theken said noting there would not be any barriers on the beach she asked if at any time the beach would be blocked off in that area or used during construction. **Mr. Delliker** added a caveat that anything related to public safety, when there is equipment pulling pieces out, snow fences will be put in place to keep people away for public safety purposes. **Councilor Theken** asked how long the seawall construction will take. **Mr. Delliker** said the sheet panel will go in three weeks and the cap will take about another two weeks, and the foundation would be taken out in about three weeks with some of these things overlapping.

Councilor Cox asked about the sand migration to the parking lot and asked if there is a plan to put the sand back on the beach. **Mr. Smith**, P.E. responded that with the substantially higher wall there will not be windblown sand. If there is sand blown by a storm, there are regulations that dictate the sand has to be taken off site not returned to the beach. **Councilor Cox** asked if there was a plan to replace lost sand through storms noting it is a beach used by the hotel guests. **Mr. Smith** said ConCom has a condition that they monitor the seawall and if it is demonstrated to cause problems there would be a requirement for replenishment of the beach.

Councilor Cox showed a picture of the stairs and said if the City grades this and put a barrier in place to prevent storm surge going to Fort Square what would happen to that corner if there is a wall equal in height to the seawall and the open spot where the stairs are to put in to prevent water to Fort Square, what impact would it have to the hotel seawall. **Mr. Fairbanks** said that it would not affect the hotel's seawall. **Mr. Mulcahey** said he believed more seawall on any property will accelerate erosion on the beach. The fact that the beach is going to be eroded is something the proponents have built into their deed where they have reserved the right to build on 10 feet of Pavilion Beach should their seawall need added protection. If Fort Square is blocked off, which would protect Fort Square from overflow that would direct more flow towards to 33 Commercial Street. If another wall was put on 33 Commercial Street, he said, eventually there would be one long wall, the beach with the seawall is gone and the beach with the dune is still there. **Mr. Smith**, P.E. said he disagreed and that currently there are two seawalls that intersect. Most waves interact with both walls. There is not a huge amount of erosion. The beach is wider there than elsewhere. The ideas are not based on coastal processes and is not what is happening there, he said. **Mr. Mulcahey** said he is familiar with fluid dynamics which measures the long shore flow which is under the surface of the water.

This public hearing is closed.

Councilor Tobey suggested that the Council reconvene to Wednesday, March 13th due to the late hour. **Councilors McGeary, Theken, Verga, Cox and LeBlanc** agreed with Councilor Tobey. **Councilor Ciolino** voiced his objection stating he wished to finish the matter at this time.

Councilor Tobey reiterated to the Council that the record before them now that is the record they are to rely on. If emails are received in the morning, he advised they not read them. There is a record before the Council and he asked the Council to abide by that. Further, he said there has been conversation about possible additional conditions being put onto some or all of the motions. This gives Councilors time to come in with fully formed thoughts.

Council President Hardy reiterated the public hearing is closed and that there will be no further public comment or submissions.

A motion was made, seconded and voted unanimously to adjourn the meeting at 12:34 a.m. and to reconvene at 7:00 p.m. on Wednesday, March 13, 2013 in Kyrouz Auditorium.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT PUBLIC HEARING ON BEAUPORT HOTEL AND PLACED ON THE RECORD:

- **Power Point presentations by the applicant's Architect, Sandra Smith of Perkins & Wills; hotel project senior engineer, Todd Morey of Beals Associates; and Bob Fairbanks, coastal structural engineer of Fairbanks Engineering, designer of the hotel project's seawall structure**
- **CD of power point presentation made by Attorney J. Michael Faherty and Attorney Joel Favazza on behalf of their client, Mortillaro Lobster, Inc., VJ & E Realty LLC and Vincent & Gina Mortillaro**
- **Written Statement by Attorney Jamey B. Madeja, Attorney for the Port Community Alliance**
- **Written Statement by Nathaniel Mulcahey, representing Dr. Paul Godfrey and himself**
- **Written Statement by Damon Cummings**
- **Some written statements submitted by members of the public who spoke during the public comment period with not all persons submitting their written statements despite instructions to do so**
- **A copy of a listing of persons in support of the hotel project submitted by Karen Tibbets as previously published in the Gloucester Daily Times**
- **Copy of on-line documents entitled as a petition with listing of names opposing the hotel submitted by Denise Foley**