

GLOUCESTER CITY COUNCIL MEETING

Tuesday, April 8, 2014 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Paul McGeary; Vice Chair, Councilor Sefatia Theken; Councilor Melissa Cox; Councilor Jacqueline Hardy; Councilor Steve LeBlanc, Jr.; Councilor Greg Verga; Councilor Robert Whyntott; Councilor Paul Lundberg; Councilor William Fonvielle

Absent: None

Also Present: Linda T. Lowe; Kenny Costa; Tom Daniel; Rick Noonan; Jonathan Pope; Gregg Cademartori; Fire Chief Eric Smith; Dr. Richard Safier; Suzanne Egan

The meeting was called to order at 7:00 p.m.

Flag Salute & Moment of Silence.

Oral Communications:

J. Michael Faherty, 83 Mt. Pleasant Avenue, said his remarks are addressed to the Council and the Administration regarding Federal Emergency Management Agency (FEMA) flood maps. He said that unless the city takes action regarding the maps' amendment, the FEMA maps circulated six to seven months ago to municipalities would become the maps for the city. He expressed his concern that the city had made no challenges to the proposed changes in the FEMA flood maps and said he assumed the federal legislation and map amendment challenges including a successful one by Rockport had put most of the map changes on hold, but that didn't appear to be the case. If no action is taken, he pointed out; the maps become effective about July 2014. The method by which the maps were amended and significant increases in heights should be of concern, he said. Mr. Faherty observed that the city is guided by the state building code which includes the international building code and that construction and infrastructure drives any revitalization. As a result of the map amendments, there are significant restrictions on uses on property in base flood areas. He said it could mean construction on the waterfront would have to be at such a height it would make truck deliveries next to impossible. He asked that the public be informed by the Council and the Administration as to what steps are in the works to challenge the FEMA map amendments, and if not, who made those decisions and why. He pointed out there has been no public debate to date.

Presentations/Commendations:

1 of 2: Massachusetts Department of Transportation (MassDOT) Update on A. Piatt Andrew and Blynman Bridges

Frank DePaola, Administrator of the Highway Division of MassDOT, updated the Council on the status of the A. Piatt Andrew and Blynman Bridges as follows:

The **A. Piatt Andrew Bridge** has had a contract in place for the last several years to replace the deck of the bridge, to sandblast it and do a full inspection of the structure. The result showed a lot more structural steel work needing to be done. Because of the extent of the repairs, MassDOT has put out a second contract which goes out to bid in several weeks. This next phase of work will be done under the bridge deck. When the second phase of work is completed, the bridge will be in a like-new condition and fully rated for all legal truck loads.

The **Blynman Canal Bridge** is 110 years old. It was noted that in this current round of bridge repair there have been miscommunications between MassDOT and the city which MassDOT is seeking to remedy. The structural steel of the bridge has had losses. The lowered weight load for the bridge has caused problems for the emergency services but steps have been taken to assure that emergency services vehicles can travel the bridge.

There is an emergency repair contract in place to replace or reinforce the steel that is perforated due to corrosion, which is anticipated to be completed by April 21. A final inspection and load rating will be done, and that it is hoped at that time the bridge will be rated for full legal truck loads by Memorial Day. The bridge will continue to be maintained by MassDOT. In the future plans call for the Blynman Bridge to be replaced.

There will be a significant environmental permitting process which will encompass a multi-year effort that could take up to five years from the start of that permitting. The commitment is that the process will start this year. MassDOT will maintain the two bridges for the city's access.

Railroad Bridge over the Annisquam River. The Massachusetts Bay Transportation Authority (MBTA) expects to go out to bid the project in August 2014. By December 2014 a contract will be underway to replace the train bridge. The plan is to be a two-phased process. It is anticipated that train service can be maintained through most of the contract with some short-term disruption of train service which will be covered by busing of train riders to a nearby MBTA train station.

Mr. DePaola concluded his remarks by saying that going forward the A. Piatt Bridge is MassDOT's first priority to get the bridge to full health. He also pointed out that MassDOT will also initiate selection of a consultant to begin plan and design to replace the drawbridge over the Blynman Canal. The removal or replacement of a bridge of such importance will require a robust community involvement, he said.

Councilor Whynott asked about full truck load weights crossing over the Blynman Bridge and what can be done to allow vehicles such as tour buses over the Blynman Bridge, oil deliveries, and trash trucks. **Mr. DePaola** explained that: The statutory weight limit is 20 tons per axle. A tour bus would not exceed that weight as the buses are rated for up to 70,000 pounds. Most trucks that stay within their legal load limits will be able to pass over the Blynman Bridge once the emergency repairs are completed.

Councilor Fonvielle asked about the work on the A. Piatt Andrew Bridge and possible lane closures during the next phase of construction. **Mr. DePaola** said any lane closures would be of a short duration during off-peak hours. **Councilor Fonvielle** asked why has the work taken so long on the Blynman Bridge and what tipped the balance to prompt MassDOT to start the repairs in January. **Mr. DePaola** said the work is based on the findings by the MassDOT engineers. **Paul Stedman**, Acting District 4 Director, MassDOT said typically bridges are on a routine inspection every two years. Because the Blynman Bridge has some elements that are reaching a certain stage of deterioration, there would be a "critical member" inspection conducted, about once a year or every six months depending on the level of deterioration found. The Blynman Bridge is on a yearly critical inspection rotation, he noted, and routine inspections are done every two years.

Councilor Cox stressed the importance to have the bridge available to tour buses and CATA buses over the Blynman Bridge by Memorial Day, and urged how important it is to know in advance if there is a problem with the bridge rather than after the fact. In the interim if there is no way for buses to go over the bridge, she requested that some sort of signage be placed at Exit 14 on Route 128 so that there is an opportunity to have overweight vehicles seek alternate routes. **Mr. DePaola** said he would look into the Councilor's suggestion. **Councilor Cox** asked if there is any way to employ the same process as used with the Fire Department vehicles travelling over the Blynman Bridge for tour buses. **Mr. DePaola** said the Fire Department calls the bridge operator via radio, which would be impractical for bus operators.

Councilor Theken expressed her appreciation that fire trucks can pass over the Blynman Bridge. She pointed out the potential issues the bridge on Centennial Avenue over the train tracks, and expressed her concern for that bridge's stability. She asked that MassDOT engineers or MBTA engineers, or whatever state entity is responsible for the Centennial Avenue bridge, to inspect it and submit a report to the city. **Mr. DePaola** said that he and Mr. Steadman would work going forward to improve communications with the city and will have someone check that bridge.

Council President McGeary asked if the repairs will hold the Blyman Bridge for the three to five years until it can be replaced. **Mr. DePaola** said that he anticipated there would be other areas of deterioration, but that the goal is to keep the bridge operational in the interim until the bridge can be replaced.

2 of 2: NeedyMeds Update by Dr. Richard Sagall

Dr. Richard Sagall, Director of NeedyMeds, informed the Council of the following: The NeedyMeds/Gloucester Fund card is a free prescription discount card for anyone to use. He reminded the Council that NeedyMeds is a national organization headquartered in Gloucester. Since NeedyMeds' inception, **Dr. Sagall** observed that Gloucester residents have saved over \$570,000 with the NeedyMeds card. He noted that each time the NeedyMeds discount card is used a donation is made to the Gloucester Fund with the money to be used for citywide health-related projects. To date \$5,200 has been raised and donated to the Public Health Department, which has used it for public health education materials and for purchasing immunizations, he said. **Dr. Sagall** pointed out that the card has been used approximately 20,000 times in four years with the average savings per use of \$30. He announced that NeedyMeds for two years in a row has been selected as one of the 50 top non-profit organizations in the country to work for. He also announced a new NeedyMeds initiative, Heal Fundr, a NeedyMeds medical crowd-funding site. He explained that medical crowd funding is a way for individuals with medical problems that they can't afford to try and raise money, and is strictly for medical issues nationwide. NeedyMeds staff is available to help those who qualify to set up a crowd funding project. NeedyMeds can be reached by calling 1-800-503-6897.

Councilor Verga pointed out that by the time a person gets to the pharmacy to pick up and pay for a prescription and if they want to use their NeedyMeds card to receive a discount, the pharmacy has already run the insurance through on the prescription. It is not looked upon well to ask then for the NeedyMeds discount because the store has to void the prescription documentation and start over again. **Dr. Sagall** suggested that the patient call ahead when placing a request for a prescription and let the pharmacist know they are going to use the NeedyMeds card. There is a telephone number on the back of the NeedyMeds card and pharmacists can call that number if they have any questions, he pointed out.

Council President McGeary said the NeedyMeds card doesn't cover health insurance co-pays which **Dr. Sagall** confirmed. He said a person never has to use their insurance card, but can just use the NeedyMeds card alone. **Council President McGeary** asked if the NeedyMeds card is also for people who fall into what is called the "donut hole" under Medicare Part D. **Dr. Sagall** said those individuals can use the card, but what they spend may not count towards getting out of the donut hole which is dependent upon which program they fall under. He suggested that persons who fall into the donut hole early in the year and have the funds to pay their way out, not use the card. Should someone fall into the donut hole at the end of the year using the card then is more appropriate.

New Appointments:

Director of Veterans' Services/Veterans' Agent TTE 02/14/16 Adam Curcuru

COMMITTEE RECOMMENDATION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Adam Curcuru as the Director of Veterans' Services/Veterans' Agent, TTE 02/14/16.

DISCUSSION:

Councilor Whynott said it was his pleasure to endorse Adam Curcuru's appointment as Director of Veterans' Services/Veterans' Agent, noting that the O&A Committee voted unanimously to appoint him to the position. He added that he believed Mr. Curcuru is the first non-commissioned officer who has been the Director of Veterans' Services said would bring a new perspective to the position.

Mr. Curcuru said that he was raised in Gloucester and left the city to join the U.S. Marine Corps. He served with the Marines for two tours of duty in Fallujah, Iraq and Marja, Afghanistan. He said he returned home with an ambition to serve his community and assist his fellow veterans in any way he could.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to appoint Adam Curcuru as the Director of Veterans' Services/Veterans' Agent, TTE 02/14/16.

Planning Board

TTE 02/14/19

Douglas Cook

COMMITTEE RECOMMENDATION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Douglas Cook to the Planning Board, TTE 02/14/19.

DISCUSSION:

Councilor Whynott said that the O&A Committee also endorsed Mr. Cook's appointment to the Planning Board unanimously, and that his professional background as a landscape architect would add value to the Board.

Mr. Cook, 11 Oakes Avenue, said he was pleased to be appointed to the position on the Planning Board and to serve in this capacity. He said he attended the University of Massachusetts landscape architecture program and is a landscape designer, and pays a lot of attention to all the city's planning issues. He added that he looked forward to his using his skills on behalf of the city.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Verga, the City Council voted 9 in favor, 0 opposed, to appoint Douglas Cook to the Planning Board, TTE 02/14/19.

Consent Agenda:

- **MAYOR'S REPORT**

1. Memorandum from Community Development Director re: City Council acceptance of anticipated Program Year 2014 CDBG & HOME Grants (Refer B&F)
2. Special Budgetary Transfer Request (2014-SBT-30) from Police Department (Refer B&F)
3. Special Budgetary Transfer Request (2014-SBT-31) from Police Department (Refer B&F)
4. Special Budgetary Transfer Request (2014-SBT-32) from the Department of Public Works (Refer B&F)
5. Special Budgetary Transfer Request (2014-SBT-33) from the Department of Public Works (Refer B&F)
6. Special Budgetary Transfer Request (2014-SBT-34) from the Department of Public Works (Refer B&F)
7. Memorandum & Grant Application Checklist from Public Health Director re: City Council acceptance of a NACCHO grant award In the amount of \$3,500 (Refer B&F)
8. Communication from Judith Hoglander, Chair of the Committee for the Arts re: Roger Armstrong's proposed restoration of eight Bronze cenotaphs & plaques at City Hall (Refer B&F)
 - **COMMUNICATIONS/INVITATIONS**
 - 1. Communication from Addison Gilbert Hospital re: 4th Community Forum providing updates on AGH & Lahey Health April 9, 2014 (Info Only)
 - **APPLICATIONS/PETITIONS**
 - 1. Special Events Application re: request from the Children's Center for Communication to hold Lone Gull 10K Road Race on 9/14/14 (Refer P&D)
 - 2. Special Events Application re: request from Gloucester Downtown Association to hold Gloucester Sidewalk Bazaar on August 7,8,9, 2014 (Refer P&D)
 - 3. Special Events Application re: request from Fishtown Horribles Parade Committee to hold Fishtown Horribles Parade on 4/3/14 (Refer P&D)
 - 4. Special Events Application re: request from Cape Ann YMCA to hold St. Peter's Fiesta 5K Road Race on 6/24/14 (Refer P&D)
 - **COUNCILORS ORDERS**
 - 1. CC2014-015 (Cox) Amend GCO c. 22, Sec. 22-287 "Disabled veteran, handicapped parking" re: Millett St. #32 & #34, one space (No referral req.)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 - 1. City Council Meeting: 03/25/14
 - 2. Standing Committee Meetings: B&F 04/03/14 (under separate cover), O&A 03/31/14, P&D 04/02/14

A motion was made, seconded and voted unanimously to approve the Consent Agenda as presented.

Committee Reports:

Budget & Finance: April 3, 2014

MOTION: On a motion by Councilor Hardy, seconded by Councilor Cox, the City Council voted 9 in favor, opposed, to accept the Budget & Finance Committee's Unanimous Consent Agenda dated April 8, 2014 as follows:

Special Budgetary Transfer Requests-Police Department:

MOTION: On a motion by Councilor Hardy, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2014-SBT-21 for \$1,592.20 (One Thousand Five Hundred Ninety Two Dollars and Twenty Cents) from Police Uniform, Salary/Wage-Permanent Position, Account #101000.10.211.51100.0000.00.000.00.051 to Police Administration, Temporary Upgrade, Account #101000.10.210.511700.0000.00.000.00.051 for the purpose of funding the temporary upgrade account to meet contractual obligations.

MOTION: On a motion by Councilor Hardy, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2014-SBT-22 for \$6,080.55 (Six Thousand Eighty Dollars and Fifty-Five Cents) from Police Uniform, Salary/Wage-Permanent Position, Account #101000.10.211.51100.0000.00.000.00.051 to Police Administration, Salary/Wage-Permanent Position, Account #101000.10.210.51100.0000.00.000.00.051 for the purpose of funds needed to cover a contractual step pay increase.

MOTION: On a motion by Councilor Hardy, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2014-SBT-23 for \$1,023.36 (One Thousand Twenty Three Dollars and Thirty-Six Cents) from Police Uniform, Salary/Wage-Permanent Position, Account #101000.10.211.51100.0000.00.000.00.051 to Animal Control, Salary/Wage-Permanent Position, Account #101000.10.292.51100.0000.00.000.00.051 for the purpose of funds needed to cover a contractual step pay increase for Animal Control Officer.

MOTION: On a motion by Councilor Hardy seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2014-SBT-24 for \$56,000 (Fifty Six Thousand Dollars) from

School Department, Services, Account #101000.29.370.53006.1410.00.270.00.052 to Police Uniform, Salary/Wage-Permanent Position, Account #101000.10.211.51100.0000.00.000.00.051 for the purpose of funding the position of the Gloucester High School Resource Officer.

Special Budgetary Transfer Requests-Department of Public Works:

MOTION: On a motion by Councilor Hardy, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2014-SBT-25 for \$2,001 (Two Thousand One Dollars) from DPW Solid Waste Disposal, Rent/Lease Equipment, Account #101000.10.403.52740.0000.00.000.00.052 to DPW Facilities, Heating Oil, Account #101000.10.472.52170.0000.00.000.00.052 for the purpose of purchasing heating oil.

MOTION: On a motion by Councilor Hardy, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2014-SBT-26 for \$4,000 (Four Thousand Dollars) from DPW Solid Waste Disposal, Contractual Services, Account #101000.10.403.52000.0000.00.000.00.052 to DPW Facilities, Heating Oil, Account #101000.10.472.52170.0000.00.000.00.052 for the purpose of purchasing heating oil.

MOTION: On a motion by Councilor Hardy, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2014-SBT-27 for \$1,258.40 (One Thousand Two Hundred Fifty Eight Dollars and Forty Cents) from DPW Solid Waste Disposal, Household Hazardous Waste, Account #101000.10.403.53720.0000.00.000.00.052 to DPW Facilities Heating Oil, Account #101000.10.472.52170.0000.00.000.00.052 for the purpose of purchasing heating oil.

MOTION: On a motion by Councilor Hardy, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2014-SBT-28 for \$12,000 (Twelve Thousand Dollars) from DPW Facilities, Energy Educational Stipend, Account #101000.10.472.51990.0000.00.000.00.051 to DPW Facilities, Heating Oil, Account #101000.10.472.52170.0000.00.000.00.052 for the purpose of purchasing heating oil.

Special Budgetary Transfer Request-City Clerk's Office:

MOTION: On a motion by Councilor Hardy seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2014-SBT-29 for \$300 (Three Hundred Dollars) from City Clerk, Additional Equipment, Account #101000.10.161.58500.0000.00.000.00.058 to City Clerk, Miscellaneous Special Office Supplies, Account #101000.10.161.54290.0000.00.000.00.054 for the purpose of funding a portion of the purchase of the LaserFische product and services for the City Clerk's Office.

2014-SA-63 as removed from the B&F Committee Unanimous Consent Agenda:

COMMITTEE RECOMMENDATION: On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2014-SA-63 in the amount of \$70,000 (Seventy Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to DPW Facilities, Contracted Services, Account #101000.10.472.52000.0000.00.000.00.052 for the purpose of funding Fiscal Year 2014 rent and utilities for the West Parish School Swing Space.

Councilor Cox explained that the transfer of \$70,000 consists of \$56,000 for rent from March 1 to June 30, 2014, and \$14,000 for utilities for the St. Ann's School swing space to house the West Parish School community during the construction of a new elementary school. The request from the Administration was to have the funds in place before the lease is signed, she said. She added that the lease has been signed, but at the time of the B&F Committee meeting, it had not been signed. Any excess funds will be returned to the city's bottom line.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to approve Supplemental Appropriation 2014-SA-63 in the amount of \$70,000 (Seventy Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account

#101000.10.000.35900.0000.00.000.00.000 to DPW Facilities, Contracted Services, Account #101000.10.472.52000.0000.00.000.00.052 for the purpose of funding Fiscal Year 2014 rent and utilities for the West Parish School Swing Space.

Ordinances & Administration: March 31, 2014

There were no further matters for Council action from this meeting.

Planning & Development: April 2, 2014

Councilor Cox announced that as an employee of the Town of Rockport pursuant to MGL c. 268A and under the advice of the State Ethics Commission she is unable to participate in the discussion and vote on the Gloucester/Rockport Intermunicipal Agreement (IMA) for sewer services due to a conflict of interest. **Councilor Cox** left the dais.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council authorize the Mayor to enter into the inter-municipal agreement entitled, "INTER-MUNICIPAL AGREEMENT FOR WASTEWATER COLLECTION, TREATMENT AND DISPOSAL BETWEEN CITY OF GLOUCESTER, MASSACHUSETTS AND TOWN OF ROCKPORT, MASSACHUSETTS."

DISCUSSION:

Councilor Verga said that the P&D Committee voted unanimously to recommend that the Council endorse that the Mayor be authorized to enter into the Inter-Municipal Agreement for Waste Water Collection, Treatment and Disposal between Gloucester. He said he observed at the P&D Committee meeting and would do so now that it is great for the city to help its neighbors in Rockport and Essex through the IMA, but he pointed out that there are hundreds of people in West Gloucester and Magnolia who have been left to fend for themselves with no help in sight for their sewage solutions. He reminded the Council of the adage that charity begins at home. **Councilors Fonvielle** and **Theken** added their endorsement of Councilor Verga's comments regarding Ward 5 sewer issues.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) recused, to authorize the Mayor to enter into the inter-municipal agreement entitled, " INTER-MUNICIPAL AGREEMENT FOR WASTEWATER COLLECTION, TREATMENT AND DISPOSAL BETWEEN CITY OF GLOUCESTER, MASSACHUSETTS AND TOWN OF ROCKPORT, MASSACHUSETTS."

Councilor Cox returned to the dais.

Scheduled Public Hearings:

1. **PH2014-024: Amendment to GZO Sec. VI "Definitions" for "programmable scrolling sign" and amend Sections 4.3.2, 4.3.3, and 4.3.4 regarding "outdoor programmable scrolling signs"**

This public hearing is opened at 7:46 p.m.

Those speaking in favor:

James O'Hara, 55 Lexington Avenue, member of Board of Directors of the Magnolia Library, said that the Library Board is in support of the electronic scrolling signs as a means of communication with the public. He said there is a design criterion to meet under the existing ordinance for these types of signs, but the way in which the ordinance is written it would add light pollution to the area. He noted that the sign ordinance does not address light pollution. A scrolling sign, he said, has the ability to change a message periodically. He said the library's sign would be turned off about 8 or 9 p.m. and be relit in the morning. Such a sign at the library would be able to transmit city information and information about programs at the library, serving the entire community, he also pointed out. He showed the Council a sample of an electronic scrolling sign that might be used for the Magnolia Library (not submitted). He suggested that the library could design a sign that would be appropriate to the aesthetics of the area.

Douglas Shatford, 22R Flume Road, also representing the Magnolia Library Center, reiterated Mr. O'Hara's remarks that a programmable electronic scrolling sign is an effective way to transmit information for the library and for the city. He said he believed signs on buildings with lights shining on them are intrusive. He pointed out the example of the Beverly High School scrolling electronic sign which he said was unobtrusive and not distracting to drivers. He added there are misconceptions about LED signs, similar to what the library would like install if the ordinance were amended.

Those speaking in opposition:

Bob McDermott, 49 Lexington Avenue, said the ordinance in place is sufficient. LED signs, he said, are not needed, pointing out that the spot of Hesperus Avenue it is very busy, and that sun glare is an issue at certain times of the day. He said he would not like to see an electronic sign installed at the Magnolia Library. He observed it is not in the interest of public safety to install such signs.

Keith Shatford, (no address given) said he grew up in Magnolia with ties to that community for the past 50 years, and a past board member of the Magnolia Library. He noted he was in attendance at the open forum at the Magnolia Library this past Sunday about the revitalization of Magnolia. He expressed concern with new businesses that could come to the area using electronic scrolling signs that would add a burden to the neighborhood. He said it should be considered that the scrolling electronic signs can be a distraction to drivers creating a public safety issue.

Rebuttal:

Mr. O'Hara observed that LED/Electronic scrolling signs are used every day. He pointed to their use by MassDOT to announce traffic delays and detours. He also pointed out that the Town of Manchester has a scrolling electronic sign stationed on School Street announcing the town's new compost program. It is a common form of communication, he said, throughout the New England states.

Communications: None.

Councilor Questions:

Councilor Whynott said this is not just a Magnolia issue but a city-wide issue.

Councilor Theken said the ordinance would affect all uses of such signs throughout the city. She pointed out there are small electronic scrolling signs in restaurant windows, but the type of signs being discussed are of a larger nature outside of buildings. She inquired which Councilor had brought the matter forward to the Council. **Councilor Verga** said this proposed ordinance amendment originated through his Council Order because he was approached by Mr. O'Hara whose research showed electronic scrolling signs was not allowed by ordinance. He said this amendment would have allowed such signs for community-related public service announcements.

Councilor Theken pointed out the City puts out a scrolling sign in the summer to indicate beach parking closures, for instance. **Councilor Verga** said the distinction is that it is a portable sign owned by the city for municipal announcements and not owned by a business entity or a community organization.

This public hearing is closed at 8:03 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 0 in favor, 3 opposed, to recommend that the City Council Amend GZO Sec. 1.11.2(e) "sign ordinance," Sec. 4.3 by adding new definition to Sec. VI for "programmable scrolling sign," and amend Sections 4.3.2, 4.3.3 and 4.3.4 to include "outdoor programmable scrolling signs."

DISCUSSION:

Councilor Verga explained that that the Planning Board held a public hearing regarding his Councilor Order request to amend the zoning ordinances under Sec. 2.11.2(e) "sign ordinance," and Sec. 4.3 to add a new definition to Sec. VI for "programmable scrolling sign" and to amend Sections 4.3.2, 4.3.3 and 4.3.4 to include "outdoor programmable scrolling signs. He said that at the close of that public hearing, the Planning Board discussed the matter and voted unanimously to not recommend the zoning ordinance amendments (memo on file). There was an issue as to what is a community organization. As a result, he recommended that the P&D Committee not recommend the amendments to the zoning ordinance either and would continue to support not passing the ordinance amendment as this would affect the whole city.

Councilor Whynott said he had no issue with the concept of scrolling electronic signs placed on secondary roads without heavy traffic if it was in the public's service. He said he found scrolling electronic signs distracting in general but had no problem with a sign for the Magnolia Library. A scrolling electronic sign could be a public service, he added.

Councilor Cox said she also found scrolling electronic signs to be visual clutter. She said she understood the request from the Magnolia Library, but that there are other methods of signage just as effective to share information. As the ordinance amendment is written she said she would not support it.

Councilor Theken said she also would not support the amendment to the ordinance. She pointed out small signs in restaurant windows are not distracting. She said that this ordinance amendment would be in effect for the entire city, not just Magnolia. And because that was the case, she said she did not wish to see scrolling electronic signs throughout the city.

Councilor Fonvielle said that if the library would like to have a scrolling sign, he suggested there could be an extended conversation on the issue. He noted that there were in excess of 250 people at Sunday's Magnolia forum and no one raised the issue of the signs.

Councilor Lundberg commented when the Council considers changing an ordinance it is something that should be given a great deal of thought. He said the Planning Board did hold a public hearing on this matter, but that the Council doesn't have nearly enough information to consider making such a change in the ordinance at this time.

Councilor Hardy said earlier she was leaning in favor of the ordinance amendment, but after listening to her fellow Councilors she has now changed her mind as this amendment would affect the whole city.

Councilor LeBlanc said that this issue needs to be revisited at some point as it does affect the whole city. He said it is not a good direction at this time for the city to have scrolling electronic signs and would not support the ordinance amendment.

Councilor Verga said this amendment only creates an allowable use in the ordinance, but there is still the ability to go to the Building Inspector for sign permitting.

Council President McGeary said he, too, would oppose the ordinance amendment as it was configured.

MOTION: On a motion by Councilor Verga, seconded by Councilor Whynott, the City Council voted by ROLL CALL 2 (Whynott, Fonvielle) in favor, 7 opposed, to Amend GZO Sec. 1.11.2(e) "sign ordinance," Sec. 4.3 by adding new definition to Sec. VI for "programmable scrolling sign," and amend Sections 4.3.2, 4.3.3 and 4.3.4 to include "outdoor programmable scrolling signs.

MOTION FAILS.

2. PH2014-025: SCP2014-005: Fort Hill Avenue #48, GZO Sec. 3.1.6(b) height exception in excess of 35 feet

This public hearing is opened at 8:14 p.m.

Those speaking in favor:

Attorney Salvatore Frontiero, representing the applicant, Kathleen Stavis, Trustee of Fort Hill Avenue Realty Trust, said that the revised request is for a height exception for 38.5 feet. **Mr. Frontiero** explained the following:

The applicants purchased the property in 2012 with the intent to construct a home and converting an existing structure on the property to a cottage to provide a private setting for guest accommodations.

Overview of the Property:

Previously there had been a very large single family home, much larger than what is proposed by the applicant, sited on the ocean side of the lot, next to the seawall on the southerly side of the property. Both that structure and an artist studio were destroyed by storms some years ago. The gatehouse, the third and only remaining structure on the property which had been partially destroyed by storms, will be kept and a new home will be built on the property.

Zoning Board of Appeals Relief:

The applicant went before the Zoning Board of Appeals (ZBA) to obtain the necessary relief to use the gatehouse as guest accommodations. The ZBA approved the accessory sleeping structure use by special permit for the gatehouse, as well as a variance for the accessory structure to be closer to the street than the proposed primary structure. A copy of the decision was recorded and the appeal period has expired, and was included with the Special Council Permit application (on file).

FEMA Flood Map Issues related to the Requested Height Exception:

At issue is the flood elevation of the primary and secondary structure for the property. It was pointed out that the Federal Emergency Management Agency (FEMA) has proposed to change the flood zone which will change the locations on the property that would be above flood elevation. When the original zoning relief was obtained, the flood line was elevation 16 (feet above sea level) and ran along the property's seawall. Subsequent to obtaining the zoning relief, the FEMA proposed flood maps moving the flood elevations of the property to elevation 30. Originally the structure would have been sited closer to the lot line and the ocean. With this FEMA map change it

presented a challenge to the applicant. The lot is large, approximately 237,000 square feet, almost six times the RC-40 zoning requirement. However, it presents challenges in that there is a large area of wetlands in the center of the lot of approximately 2 acres and an area of wetland towards the Drumhack Road side of the property. What is left is an area to build a house that must be as far removed from the ocean as possible and an area to site a septic system which is approved to be placed on the northerly side of the driveway. The house is proposed to be sited as high up as possible. By gaining a few feet in elevation it makes significant difference for flood protection.

Rear Yard Setback Issues:

The applicant then went back to the ZBA to ask for a rear yard setback variance to site the house closer to the lot line, moving it from 30 feet from the lot line to 10 feet from the lot line. It was noted that the applicants have met with their neighbors to keep them informed of their plans for the property. The applicant met with neighbors who had an issue with the height exception but they were unable to reach a compromise. It was noted that the petitioner's attorney sent the applicant's attorney an email which indicated the petitioner's would not oppose the height exception this evening.

Mr. Frontiero reviewed that the elevation for the proposed home is now changed at grade from 21.1 feet to 23.9 feet, almost two feet. In order to construct a structure safe from flooding, with the lowest living floor 2 feet above the flood zone is why a height exception is being sought. The house is not an extremely tall structure, he pointed out, and the request is a result of having to raise up the entire structure out of the flood zone.

Ordinance Criteria:

Mr. Frontiero then reviewed GZO Sec. 1.10.2 that a Special Permit may be granted a height exception in excess of 35 feet if the proposed use will be in harmony with the general purpose and intent of the ordinance, based upon the standards and requirements put forth in the applicable section of the ordinance which are Sections 3.1.6 which authorizes the Council to issue a Special Permit for a height exception up on a determination that such increase in height is consistent with the neighborhood character, and will not be substantially more detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, impairment of utilities or other adverse impacts.

General Intent and Purpose under GZO Sec. 1.2.1:

Mr. Frontiero reviewed that: The purpose under GZO Sec. 1.2.1 is to promote health, safety, convenience, quality of life, and welfare of the city's inhabitants. It was pointed out there is a need to be safe from flooding, providing adequate air and light, conservation of natural resources, and prevention of pollution to the environment. The requested relief will promote the general purposes of the zoning ordinance by maximizing the elevation to avoid flooding and not encroaching upon or disturbing natural resources. The proposed structure is in harmony with the neighborhood on Eastern Point. It was reiterated the lot is large (almost six acres), and that there is no overshadowing, compromises to privacy and light because the home sits by itself. The nearest home is some distance from the proposed site and centered on the abutting lot. There is also a buffer of trees between the neighboring home and the proposed home to be built. The proposed home is a large home, but not as large as the historic structure previously on the lot. It would not be substantially more detrimental to the neighborhood. There are no views compromised to the north of the property on Drumhack Road, as the proposed home is not able to be viewed from that area.

Mr. Frontiero showed the Council views (on file) of the proposed elevations for the home, and said that the home's design is in line with the surrounding architecture found on Eastern Point. What the applicant is asking for is necessary for being able to build a home safe from flooding, he said.

Mr. Frontiero asked that a Special Council Permit be issued in order to allow for an average height of 38.85 feet. The proposed height exception, he said, is in harmony and general intent of the ordinance and not substantially more detrimental to the neighborhood than a building of 30 feet. He reiterated the proposed height does not create overshadowing, obstruct views, impairment of utilities or create adverse impacts.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed 8:26 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant to Kathleen Stavis, Trustee of Fort Hill Avenue Realty Trust, a Special Council Permit (SCP2014-005) for the property located at Fort Hill Avenue #48 (Assessor's Map 136, Lot 47), zoned RC-40 (Coastal Residential), pursuant to Gloucester Zoning Ordinance Sections 1.10.1 and 3.1.6(b) for a building height in excess of 35 feet, for a home to be 39 feet (for a total height increase of 4 feet over 35 feet). This permit is made on the basis of the plans and

elevations dated November 19, 2013 and as revised 3/19/14 (revision: house location, reduced courtyard) by Castle Del Rio Architects, 15 Meyer Lane, South Hamilton, MA, submitted to the City Clerk on February 26, 2014.

DISCUSSION:

Councilor Verga explained that the P&D Committee had heard the review of the overall plan and agreed unanimously that the height exception was appropriate to the submitted plans and subsequent changes made by the applicant.

Councilor Hardy said this proposal for a height exception is in harmony with the intent of the zoning ordinance and is not substantially detrimental to the neighborhood. She said the raising of the home two feet is not unreasonable because of the FEMA map changes. She added she would vote in favor of the requested height exception.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to grant Kathleen Stavis, Trustee of Fort Hill Avenue Realty Trust, a Special Council Permit (SCP2014-005) for the property located at Fort Hill Avenue #48 (Assessor's Map 136, Lot 47), zoned RC-40 (Coastal Residential), pursuant to Gloucester Zoning Ordinance Sections 1.10.1 and 3.1.6(b) for a building height in excess of 35 feet, for a home to be 39 feet (for a total height increase of 4 feet over 35 feet). This permit is made on the basis of the plans and elevations dated November 19, 2013 and as revised 3/19/14 (revision: house location, reduced courtyard) by Castle Del Rio Architects, 15 Meyer Lane, South Hamilton, MA, submitted to the City Clerk on February 26, 2014.

3. PH2014-026: SCP2014-004: Commercial Street #47-61, Modification of Special Council Permit (SCP2012-010) under GZO Sec. 1.5.13 and Sec. 5.25 Hotel Overlay District

This public hearing is opened at 8:29 p.m.

Those speaking in favor:

Attorney John Cunningham, representing Beauport Gloucester LLC (Beauport), reviewed for the Committee matters taken up at the March 6, 2014 Special Joint Meeting of the Planning & Development Committee and the Planning Board by saying that:

The results of the changes the discussion process and redesign process the applicant believes they have a better design that is more responsive to community and neighborhood needs as well as a more attractive and better functioning hotel. The original Special Council Permit and several other original permits were appealed. The agreements for settlement have been reached and will result in dismissal of all of the appeals upon approval of the revised plans. The city's Conservation Commission has approved the modifications to their Order of Conditions (on file) and the Planning Board has approved the modifications to their Site Plan Review approval (on file).

Plan Modifications:

The plan modifications fall into two major categories:

- Additional setbacks from Commercial Street for the hotel levels above the parking deck by moving the central portion of the building back, reducing the proximity of guest services to Commercial Street, and opening up Commercial Street by providing more light and open area and reducing shadowing.
- Moving the seawall further landward resulting in additional sandy beach space in front of the hotel.

Beauport Gloucester submitted a revised set of detailed plans showing the project as modified (on file) as well as a written summary (on file) of those changes. The building height remains the same as does the height of the tower. However, the tower has been integrated into the building.

By moving the seawall landward 10 feet ± results in an increased area of beach and sand and replaces the formerly proposed concrete walkway. The handicap accessible public ramps to the beach have been moved back similarly.

As a result of the modifications, the number of rooms is now 96, compared to the original plan's 101.

The applicant's engineers and builder have worked with the City and its engineers concerning the city's infrastructure project with the goal of coordinating and facilitating both projects.

Mr. Cunningham then showed a series of slides for the Council (Power Point presentation on file) that had been shown and reviewed at the joint P&D Committee and Planning Board meeting of March 6. He reviewed the presentation as follows (slides are numbered sequentially):

1. Cover Sheet showing a view from the harbor side of the new hotel;
2. A listing of team members for the construction and design of the hotel;

3. Outline of the zoning ordinance standard for granting the modification of a Special Council Permit. The proposed modifications are consistent with the original decision and do not detract from the protection provided to the neighborhood and the city by the Council's original decision. The modifications requested will be in harmony with the intent and purpose of the zoning ordinance and that the interest of the neighborhood and the city are not impaired;
4. An aerial view showing the Site Plan now adjusted to an "H" shape and how the ridge line and central portion of the hotel are moved back from Commercial Street;
5. Site Footprint Analysis that shows the original Birdseye plant outlined in red, the originally permitted footprint in purple and the new footprint in green.
6. Ground Level Floor Plan – this shows the westerly side the same general access and parking layout. The lobby inside the parking area is slightly larger; and the parking layout meets all the standards of the ordinance. The utilities have been moved from ground level to a first floor level. The seawall has been moved back. In the lower left-hand corner shows a hybrid dune pilot project area approved by the Conservation Commission. On the Fort Square side the generator has been moved to an upper level, and at the top of the slide a portion in front of the garage has been widened to make more space on Commercial Street.
7. Commercial Street Sidewalk –The sidewalk is shown as reduced in order to facilitate Commercial Street traffic by its widening. The applicant has also asked for approval of a special permit authorized by Section 5.25.7 to reduce front yard set back from 10 feet to 5 feet in this area to allow for roadway widening as discussed with the city engineers. .

Mr. Cunningham asked that the Council find that any adverse effects of the proposed modification do not outweigh to the front yard setback standard do not outweigh the benefits to the City, the zoning district or the neighborhood, and the modification will be in harmony with the general purpose and intent of the zoning ordinance.

Six factors under GZO Sec. 1.8.3 for a Special Council Permit:

1. the modification serves the social, economic and community needs as the wider Commercial Street facilitates use by the neighborhood, commercial, and industrial businesses;
2. the wider Commercial Street enhances traffic flow and safety, allowing easier passage of large trucks that currently use Commercial Street;
3. utilities and other public services are scheduled to be upgraded through a collaboration among the city, state and applicant;
4. the area's character and social structure are an example of a diverse neighborhood that contains residential, commercial industrial, and hospitality uses which will benefit from the widening of the street and the construction of a new sidewalk;
5. the proposed street improvements will have no negative impact on the natural environment; and
6. the potential fiscal impacts from the development of the hotel and the concurrent widening of Commercial Street will be positive for the neighborhood, businesses and the city.

(Continuation of slides)

8. Depiction of the placement of the hotel's generator originally on Fort Square is now moved to an upper level on Commercial Street side of the hotel.
9. Seawall Location Plan and how it has been moved back: Building now (red line); original plans (blue line) proposed (green line). The Conservation Commission has approved the redesign of the seawall moving the seawall back. The plans are submitted to the Department of Environmental Protection (DEP) for review in connection with its Superseding Order of Conditions.
Another part of the agreement made with the Port Community Alliance which is asked to be approved now is to propose to revise and replace the deed to the beach held in escrow granting the beach to the city. The area depicted outside of the red line is called Parcel 2 in the deed, and that area on the beach side continues to be deeded. There was a reserved easement in the original deed in case coastal structures needed to be constructed. But with the redesign and moving the building and seawall back to the green line, the reserved easement is no longer needed and has been dropped from the proposed deed. The area not covered by either building or seawall or ramps or stairways from time to time would be available for the public to use in the same way they use Pavillion Beach.
10. Seawall Sections which shows how the seawall is moved back and reconfigured;
11. 1st Floor Plan shows how the restaurant and function rooms have been moved towards the front of the hotel. The outdoor deck on Pavillion Beach has been reduced in size all in order to move the 'back of the house' away from Commercial St. in furtherance of the settlement of appeals.

12. 2nd Floor Plan – similar floor of rooms above. There are now 96 rooms, where formerly there were 101. The third floor is identical.
13. Roof Plan – This depicts that much of the utilities are moved up inside the roof and because the hotel was moved forward and the deck was smaller, a smaller pool is proposed for the top level.
14. Building Perspective 1 - view from east beach area;
15. Building Perspective 2 - view from west beach area showing the parking area and where people enter the hotel.
16. Building Elevations shown from the north and west.
17. Building Elevations shown from the south and east.
18. Building Perspective 3 – Commercial Street , the entry view. The left side shows how the building has been moved back from Commercial St.
19. Building Perspective 4 –A view which shows the Mortillaro building. As stated at the P&D meeting, there are on-going negotiations. The presented plans are completely independent of the Mortillaro building. If Beauport Gloucester acquires the Mortillaro building, the hotel would not be expanded, but rather the space would be used to facilitate enhance the loading dock and traffic flow.
20. Building Section showing the garage level and how all the occupied space for the hotel has been raised up above the current level of the parking area and the floor of the Birdseye building.
21. Off-Site Parking-Beauport Gloucester has acquired 99 Essex Avenue in order to provide ample overflow valet parking which was a condition of the Special Council Permit. The applicant has submitted a letter of determination by the Building Inspector confirming his determination that the Special Council Permit condition is satisfied.

Mr. Cunningham concluded the slide presentation by saying that if all goes well, it is hoped to be able to start the project in late spring.

Mr. Cunningham summarized for the Council that new plans meet the standard for approval of the modifications and address the concerns of those who filed appeals. The standard in Section 1.5.13 of the Zoning Ordinance calls for a finding that the interests of the neighborhood and the city are not impaired. The proposed modifications are consistent with the original decision and do not detract but rather enhance, the protection provided to the neighborhood and the city by the Council's original decision. Both the Planning & Development Committee and the Planning Board have unanimously recommended approval of the relief sought. Beauport Gloucester, he said, is asking for the approval by the City Council of the Special Permit Modifications and the Special Permit to allow the street widening.

Those speaking in opposition:

Ken Amero, 249 Lynn Street, Peabody, organizer and representative for the New England Regional Council of Carpenters, voiced his union's concern about the hiring practices of Windover Construction, the General Contractor for the Beauport Gloucester. He urged the Council to encourage Windover Construction to utilize local contractors and at the very least contractors based in Massachusetts rather than using subcontractors from out of state.

Valerie Nelson, 7 Sunset Point Road, said that having gone through multiple public hearings and comments by citizens that she was concerned that the city process for this project resulted with unnecessary conflict in the community. The issues brought up, she said, were valid from the neighborhood and businesses in the Fort. She said it seemed that all that was brought up by those groups is now incorporated in the proposal being voted on by the Council. She said if the Council and Administration had listened to the people who offered the suggestions at the time of the original permitting; this all would have been resolved a year ago. She asked the next time there is a project of this magnitude that there be a better process in place.

Nicholas DiGiovanni, Business Manager Local 26, New England Regional Council of Carpenters, also questioned the hotel's General Contractor's hiring practices. He said he attended the Planning Board meeting on March 28th when a representative of that Board asked Windover Construction what their commitment was to use local contractors. Mr. DiGiovanni said the representative of Windover Construction responded that they would use local qualified contractors. If there are any tax incentives pertaining to this project, he suggested it would be prudent to guarantee that at least if not local people don't work on this project that at least Massachusetts people work on this project. He said he represents 38 families in Gloucester and that he stands for local jobs for local people.

Rebuttal:

Mr. Cunningham said the permit approved by the Council in March 2013 called for the project to make a good faith effort to use local vendors and local staff. He said part of the agreements in settling the cases included opportunities for local businesses to participate. He pointed out that the issue before the Council is narrow and focused on the requested modifications. All of the conditions that were in the original permit stand, he said. As to the process, Mr. Cunningham pointed out that this is a country of laws and city of laws. There is a zoning ordinance

and a process to go through which he said it was a process that worked because it resulted in a hotel that will be a great asset to the city.

Rebuttal to the rebuttal:

Mr. Amero asserted that while there is a stated best faith effort to use local contractors it will likely not be the case. He asserted that the underground economy has been used by Windover Construction and wished to hear from Lee Delliker of Windover Construction in response to his comments on that company's hiring practices.

Communications: None.

Councilor Questions:

Councilor Whynott questioned who the applicant was before the Council. He said it was his understanding the applicant in question was Beauport Gloucester and not Windover Construction.

Councilor Theken said that the Council can't order someone to hire local people; the Council can only ask. There is a lot of concern, she pointed out, and it will be addressed by the community. She observed that Mr. Cunningham had said as part of the settlement that there would be local businesses involved. **Mr. Cunningham** said it is reinforcing existing condition in the original permit and agreed again to that fact.

Council President McGeary asked if Windover Construction would make a commitment during the construction phase of the hotel to make serious attempts at hiring local people. **Peter Goudreau**, Project Executive with Windover Construction, said his company would make a legitimate, concerted effort to use Gloucester labor and other trades people. He pointed out Windover Construction is in negotiation with a local electrician in Gloucester, and the company frequently uses a local lumber yard. **Council President McGeary** noted that one of the opponents referenced using subcontractors from out of state. He asked for assurances that Windover Construction will make every effort to assess the bona fides of the people hired as subcontractors that the workers are legal and documented with appropriate paperwork. **Mr. Goudreau** said Windover has a strict investigation process that every subcontractor goes through. He pointed out that in his tenure Windover has had to terminate one contractor when it was found they were not obeying the Commonwealth's rules. He said Windover takes this matter very seriously and invited the unions to share with them any information they have and will investigate those allegations. He said to date no information provided has turned into anything that is legitimate.

This public hearing is closed at 9:02 p.m.

A. MODIFICATION OF SPECIAL COUNCIL PERMIT FOR A HOTEL ORIGINALLY GRANTED ON MARCH 13, 2013 AND DECISION DATED MAY 9, 2013:

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council the approval of the requested modifications of the Special Council Permits (SCP2014-004) granted to Beauport Gloucester LLC for a Major Project/Hotel at 47-61 Commercial Street, Map 1, Lot 33, in the Hotel Overlay District pursuant to Sec. 1.5.13 and Section 5.25.

DISCUSSION:

Councilor Verga said that the P&D Committee has carefully reviewed all material forwarded by the City Clerk relative to this application, has held two public meetings on March 6, 2014 and April 2, 2014, at which time a full and complete presentation of the application was made by the applicant, and has received and reviewed a detailed Advisory Report dated March 24, 2014, from the Planning Board. He noted that based on its review, the Planning and Development Committee finds the following:

- 1) The requested modifications meet the standards under Section 1.5.13, as the interests of the neighborhood and the City are not impaired by the proposed modifications. They are consistent with the original Special Council Permit decision and they do not detract from the protection provided to the neighborhood and the city by the Council's original decision.
- 2) The original Record Plans shall be replaced by the plan set entitled "Plans to Accompany Permit Applications for Beauport Gloucester Hotel Commercial Street Gloucester, Massachusetts," prepared by Beals Associates and Olson Lewis + Architects, dated January 13, 2014 with revisions through March 17, 2014.
- 3) Condition 2 on page 8 of the May 9, 2013 Decision is deleted as the emergency generator has been relocated and is no longer at street level at Fort Square.
- 4) The reference to a walkway across the beach side of the Hotel in condition 8 is deleted and the following is substituted: There shall be public access from Commercial Street to Pavilion Beach as shown on the new Record Plan set.

- 5) The Special Permit issued under Section 5.5.4 is no longer necessary as Section 5.5 has been deleted in its entirety from the Gloucester Zoning Ordinance. This Special Council Permit is deleted from the Decision;
- 6) Special Permit Condition number 24 in Appendix 1 relating to the off-site, valet and tandem parking special permit granted under Section 5.25.5.1 is satisfied by the applicant's acquisition and proposed use of the property at 99A Essex Avenue, Assessors Map 218, Lots 126, 1 and 17. In addition, the Committee concurs in the Building Inspector's determination (dated March 26, 2014 that the Council's decision authorized off-site parking, and that 99A Essex Avenue complies with the provision of the Zoning Ordinance and the Special Condition.
- 7) The deed required under the Beach and Development Agreement dated April 30, 2013 by and between the City and Beauport Gloucester, LLC, which agreement was made a part of the Special Permit as Condition 9 on Page 8 and shown as Appendix 4 shall be replaced by a revised deed, a copy of which is annexed as Exhibit One. The revised deed deletes so much of the escrowed deed as reserved an easement to Beauport Gloucester, LLC for coastal structures on Parcel 2 and adds to the Deed an easement for public use for beach purposes of those portions of Parcel 1 seaward of structures, existing from time to time, all as stated in the revised deed.

Councilor Whynott expressed his support for the Special Council Permit. He said that he was proud of the work the Council did on the hotel project. He noted he had been through all the projects proposed prior to this project for the Fort. He noted that this project will satisfy the majority of the city.

Councilor Hardy said the standard for granting a modification under GZO Sec. 1.5.13 has been met and that the standard for granting a modification under the standard of Sec. 1.5.13 is a finding that the interest of the neighborhood and city is not impaired. She said that the proposed modification is consistent with the original Council decision and do not detract from the protection provided to the neighborhood and the city by the original Council decision. She pointed out that the modifications requested will be in harmony with the intent and purpose of the zoning ordinance. She said this is a privilege working on such a project where they can work together to make this a public/private endeavor.

Councilor Theken said it was not a perfect process, and there was a great deal of contention on all sides. She expressed this was just as difficult a process for the Council as it was for the community. She added it was a learning experience. She noted that she tried to mediate with the seniors who had many concerns about the hotel, and that Sherrie DeLorenzo Zizik was always willing to be accommodating. She said that Pavillion Beach is very accessible to the elderly who live nearby, popular with local residents, and the access is preserved. She said she would rather see Ms. Zizik putting up a hotel than a chain hotel not based in the city. She pointed out that the hotel will employ local people. **Councilor Theken** said she was pleased to see the hotel go forward, and the community will make it work. In reference to the concerns expressed by Messrs. Amero and Di Giovanni, **Councilor Theken** said that she believed that Jim Davis is a good employer and partner, and mentioned Mr. Davis' participation in the revitalization of Cruiseport. She added she would support the project by voting in favor of the modification.

Councilor Cox said she would support the Special Council Permit expressing her appreciation for the compromises made. She said she hoped to see the hotel break ground in the spring and to see Gloucester residents employed on the project.

Councilor LeBlanc said he thought long and hard on the project. In speaking with his father who worked in the Birdseye building for 40 years, his father observed that 20 years ago the building was purchased and that owner put no money was put into the building so it deteriorating because of neglect. He said he was looking forward to something beautiful being built that the city can be proud of and that he could be proud to be associated with.

Councilor Lundberg said he was not a part of the Council the first time the hotel was permitted but had been a careful observer. He noted that during his tenure on the Planning Board and as its Chair, he was involved in the permitting of Gloucester Crossing and that he understood what it took to get to this point this evening. He said everyone should be proud of the results. He observed it is an imperfect process but perfect process that has a public forum with rules and regulations that get the project to the end where it is made better, adding that everyone should be proud.

Council President McGeary said the proof of the process was in the results. While it was noted this could have been accomplished a year ago, he pointed out sometimes things take time. He said the net result is an improvement over what was originally presented, he said. Observing that some of the strength of the community is that it cares so deeply that makes it hard to let go to get to the point of compromise, but eventually compromised is reached. He added that because everyone is a citizen of this island a way is found to work together.

Council President McGeary counseled Windover Construction that there are skeptics, and that they would do well to be above reproach in hiring workers and subcontractors to be sure who they are hiring.

Council President McGeary, speaking to the matter before the Council, said that the specific changes requested are modest and enhance the original Special Council Permit. He would vote in favor of the modifications.

MOTION: On a motion by Councilor Verga, seconded by Councilor Whynott, the City Council voted by ROLL CALL 9 in favor, 0 opposed, the approval of the requested modifications of the Special Council Permits (SCP2014-004) granted to Beauport Gloucester LLC for a Major Project/Hotel at 47-61 Commercial Street, Map 1, Lot 33, in the Hotel Overlay District pursuant to Sec. 1.5.13 and Section 5.25.

B. APPROVAL OF REPLACEMENT DEED:

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council as part of the Modification, to approve the Replacement Deed under the Beach and Development Agreement dated April 30, 2013 which is annexed as Exhibit One and to recommend to the City Council a separate vote to approve the easement granted by the applicant in the Replacement Deed.

DISCUSSION: None.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 9 in favor, 0 opposed, that as part of the Modification, to approve the Replacement Deed under the Beach and Development Agreement dated April 30, 2013 which is annexed as Exhibit One and to approve the easement granted by the applicant in the Replacement Deed.

C. SPECIAL COUNCIL PERMIT FOR FRONT YARD SETBACK:

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, recommends that the City Council grant a Special Council Permit for a front yard setback of five (5) feet on a portion of Commercial Street, as shown on the Record Plans, for a Hotel to be located on Map 1, Lot 33, pursuant to Section 5.25.7 of the Hotel Overlay District of the Gloucester Zoning Ordinance.

DISCUSSION:

Councilor Verga related the following: That the Hotel Overlay District (HOD) provides under Section 5.25.4.1 that all buildings and structures permitted pursuant to the HOD shall have a minimum front yard setback of ten (10) feet. The originally approved hotel complied with this standard. Pursuant to Section 5.25.7, the City Council is authorized to issue relief for setback non-compliance by the issuance of a special permit. In this instance, the infrastructure improvements planned by the city for the area, including the widening of Commercial Street, the existing truck traffic on Commercial Street, the current narrow layout of Commercial Street and important safety benefits of the proposed sidewalk on this side of Commercial Street warrant the finding that the reduction from 10 feet to 5 feet is in the public interest.

The Planning and Development Committee finds the following: Any adverse effects of the proposed modification to the front yard setback standard do not outweigh the benefits to the City, the zoning district or the neighborhood, and the modification will be in harmony with the general purpose and intent of the Zoning Ordinance.

As further grounds, the Committee finds the following:

- 1) the modification serves the social, economic and community needs as the wider Commercial Street facilitates use by the neighborhood, commercial, and industrial businesses;
- 2) the wider Commercial Street enhances traffic flow and safety, allowing easier passage of large trucks that currently use Commercial Street;
- 3) utilities and other public services are scheduled to be upgraded through a collaboration among the city, state and applicant;
- 4) the areas character and social structure are an example of a diverse neighborhood that contains residential, commercial industrial, and hospitality uses which will benefit from the widening of the street and the construction of a new sidewalk;
- 5) the proposed street improvements will have no negative impact on the natural environment; and

- 6) the potential fiscal impacts from the development of the hotel and the concurrent widening of Commercial Street will be positive for the neighborhood, businesses and the city.

Councilor Verga said that this was a difficult process, made difficult if anyone was open-minded on the project as one could be labeled corrupt. He said this was a great project and now made better, and let it be now built.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to grant a Special Council Permit for a front yard setback of five (5) feet on a portion of Commercial Street, as shown on the Record Plans, for a Hotel to be located on Map 1, Lot 33, pursuant to Section 5.25.7 of the Hotel Overlay District of the Gloucester Zoning Ordinance.

The Council recessed at 9:33 p.m. and reconvened at 9:40 p.m.

For Council Vote:

1. Budget & Finance: March 25, 2014

COMMITTEE RECOMMENDATION: On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council approve Supplemental Appropriation 2014-SA-58 in the amount of \$50,000 (Fifty Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Community Development, Contractual Services, Account # 101000.10.181.52000.0000.00.000.00.052 to fund additional Community Development needs including the Fuller Site Study.

DISCUSSION:

Tom Daniel, Community Development Director explained that this transfer from Free Cash is primarily for the Fuller site. He said there is work to be done in order to obtain a legal description and survey, which costs about \$37,000. There are other pre-development needs that will be used for \$15,000, but will not come on line before June 30, he noted.

Councilor Verga said that the Fuller concept has been a black hole of information for the last several years. He said he didn't support the idea to sell the building to a developer. He said that it is owed to the community to sell the site to the highest bidder and expressed his hoped that this was under consideration.

Councilor Whynott added that he did not support the sale of the Fuller property and wanted the city to retain it.

Answering questions from **Council President McGeary, Mr. Daniel** said that there is a Request For Proposals (RFP) out for designer services for the combined public safety building to be situated at the Fuller site. He said an Owner's Project Manager was selected, and the next step is to hire a design firm. Part of the assessment work being done is the response time study as well as a more detailed analysis of what the police and fire needs are in terms of square footage, he noted, and is funded separately. He said there will be a need to define a specific portion of the property to site the combined public safety building. There is a triangle of land given to Gloucester Crossing that has to be part of the legal description, he noted, and there are some easements and transfers of land to be conveyed to the city. Most of the money from this transfer is to render the parcel legally developable, he said.

Councilor Hardy noted the language of the transfer motion is, "to fund additional Community Development needs," and asked would all the money be spent for the Fuller site matters just outlined. **Mr. Daniel** reconfirmed that the money is primarily for the Fuller site. He said it had been his original understanding that the \$50,000 would be held in account for the Fuller redevelopment costs that would endure beyond the close of the fiscal year but that now the accounting would not be set up in that manner.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 1 (Hardy) opposed, to approve Supplemental Appropriation 2014-SA-58 in the amount of \$50,000 (Fifty Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Community Development, Contractual Services, Account # 101000.10.181.52000.0000.00.000.00.052 to fund additional Community Development needs including the Fuller Site Study.

Unfinished Business: None.

Individual Councilor's Discussion including Reports by Appointed Councilors to Committees: None.

Councilors' Requests to the Mayor:

Councilor Whynott said former Councilor Ciolino had called him about the issue of tour buses being able to traverse the Blynman Bridge and noted that was what precipitated his question in the discussion with MassDOT officials as he, like former Councilor Ciolino, is very supportive of the city's tourism industry. He said he and Councilor Verga spoke to the new Veterans' Director, Adam Curcuru, about the plaques for the memorial squares. Mr. Curcuru already has plans with the Assistant DPW Director to make the needed improvements, he pointed out.

Councilor Hardy asked that a request through the Mayor to the DPW be made to replace a stop sign at the intersection of Leonard Street and River Road be replaced.

Councilor LeBlanc asked that a request through the Mayor to the DPW be made to repair the roof of the Visitor's Welcome Center at Stage Fort Park as soon as possible to prevent any further damage to the structure.

Councilor Cox announced that the Phyllis A. Marine Association will hold a kick-off event on Sunday, April 13, from 6:30 to 9:30 p.m. at the Cape Ann Cinema. She encouraged everyone to come to learn more about the organization, which has been partially funded by Community Preservation Act funds. She also noted that the Harbormaster has stickers for canoes and kayaks which identifies the owners of those types of watercraft especially in case of an emergency. She noted the Gloucester Pride Stride is coming soon and urged everyone to participate. She also announced there will be a ground breaking for Burnham's Field on Saturday, May 3, at 10 a.m. with construction starting in early May.

Councilor Theken noted that the Ward 5 meeting hosted by Councilor Fonvielle at the Magnolia Library was very well attended by the neighborhood. She noted she and Councilors Lundberg and McGeary attended as well. She recounted that when the original Special Council Permit for the Beauport Hotel first came forward she was unable to speak to that matter and expressed her pleasure at being able to speak on the modification in support of the hotel project. She also lauded the employees of the Gloucester Walgreen's who volunteer at the Senior Center. And she encouraged people to continue to apply for health care under the Affordable Healthcare Act.

Council President McGeary noted that Lahey Health was to give an update on the status of the Addison Gilbert Hospital at Cruiseport on April 9. On Wednesday, April 16 there will be a "Tip-A-Cop" night at Giovanni's Restaurant on Main Street. All tips to the Gloucester policemen acting as your waiters for the evening will go to the Special Olympics.

Councilor Verga said he and Chief Campanello will give an encore performance of Springsteen tunes with someone, rumored to be the city's Fire Chief, playing drums during the Tip-a-Cop event.

A motion was made, seconded and voted unanimously to adjourn the meeting at 10:00 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.