

GLOUCESTER CITY COUNCIL MEETING

Tuesday, February 17, 2015 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Paul McGeary; Councilor Joseph Ciolino; Councilor Melissa Cox; Councilor Steve LeBlanc, Jr.; Councilor Greg Verga; Councilor Robert Whynott; Councilor Paul Lundberg; Councilor William Fonvielle; Councilor Robert Stewart

None: Absent:

Also Present: Mayor Sefatia Theken; Linda T. Lowe; Kenny Costa; Jim Destino; John Dunn; J.J. Bell; Sandra Dahl Ronan; Debbie Laurie; David Rhineland; Bill Dugan; Stacy Randell

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

Flag Salute & Moment of Silence. Councilor Cox dedicated the Moment of Silence to the memory of Fire Lt. Phil Bouchie who passed away recently.

Council President McGeary called attention to the new plaque installed on the face of the Council dais dedicated to the memory of a beloved friend, City Councilor Jackie Hardy who served for many years, as well as President of the Council: “Dedicated to the memory of Jacqueline M. Hardy, daughter of Gloucester, City Councilor 2005 to 2014, City Council President 2009 to 2013.” He said that Councilor Hardy served the city in many capacities and spoke of the inspiring and dedicated life she led, providing inspiration and example to all.

Oral Communications:

Hilary Frye, 27 Beacon Street, said that the Waterways Board will submit a proposal for transient boating before the Budget & Finance Committee this Thursday. She said a transient boating facility would benefit the city’s appeal as a year round destination port during the summer cruising season. Partnering with a community boating center that has wide popular support will benefit those who live and pay taxes here also year round. Noting that the city would soon be signing a lease with National Grid for the Harbormaster’s building at Harbor Loop, she urged the Administration to be mindful that the agreement contains no language which precludes community use of that property.

James O’Hara, 55 Lexington Avenue, said he was speaking for Nancy Stone a resident of 6 Bayview Lane and also owns 4 Bayview Lane. He advised that Ms. Stone would have attended but her home has been without water for three weeks as the city water line is frozen. He said that Ms. Stone’s main concern is for her home and the four other homes on Bayview Lane is on the city “no plow list” (Note: Bayview Lane is classified as a private road.). While complimenting the city’s DPW for their plowing during the recent unprecedented snow events, he said that Bayview Lane is not one of the streets they attended to. He recounted that Ms. Stone has to hire a contractor to plow her portion of Bayview Lane at a significant cost. She asked it be conveyed that she is 71 years old and has medical issues, and **Mr. O’Hara** said there is a concern that Fire and EMS crews would not be able to access her home if they were called to Bayview Lane as snow drifts were five feet high. He asked on her behalf to consider removing Bayview Lane from the city’s no plow list. He acknowledged Councilor Verga’s help, as well as the late Councilor Hardy but that this is a situation that is of great concern. He also mentioned Ms. Stone’s frozen water line which will also cost Ms. Stone to hire a plumber to unthaw which has happened in prior winters as well. He said Ms. Stone pays over \$20,000 annually to the city for water, sewer and taxes. T

Susanne Altenburger, 66 Atlantic Street, reminded the Council that several months ago she proposed giving a presentation to them on the latest federal regulatory changes which she termed to have significant impact on the city’s fishing fleet. She also drew attention to WBGH Radio’s website news tab on a report on the Birdseye/Beauport Hotel with commentary. She also said questions are being raised as to whether state funds from will be available for the state’s commitment to partially fund the city’s water infrastructure work currently under way in the Fort.

Presentations/Commendations:

1 of 2: J.J. Bell and Sandra Dahl Ronan, outgoing Chairs of the Community Preservation Committee

Council President McGeary expressed to David “J.J.” Bell and Sandra Dahl Ronan, outgoing Co-Chairs of the Community Preservation Committee the Council’s commendation for their work over the last six years in leading the city initially under the city’s Community Preservation Act giving out more than \$4.5 million in grants based on voluntary tax the citizens of Gloucester pay for the improvement of their city. He said Mr. Bell and Ms. Ronan have done a wonderful job, noting he has witnessed the diligence they put into their volunteer work and seen the results from large projects like Newell Stadium and City Hall, to small things like an Americans with Disabilities Act compliant elevator at the Unitarian Universalist Church. He then read and presented the City Council Commendations to Mr. Bell and Ms. Ronan.

Mayor Sefatia Theken also expressed her personal thanks as well of the thanks of a grateful community to Mr. Bell and Ms. Ronan, and said that these are two people who worked for the betterment of the community and has been enriched by their participation in service to the city. The greatest treasures any city can possess are people like Mr. Bell and Ms. Ronan who specifically give to and for the city and work towards the common good to make Gloucester a vibrant community. She then read and presented Mr. Bell and Ms. Ronan with the Mayor’s Commendation.

Council President McGeary acknowledged Bill Dugan and Stacy Randell as the new Co-Chairs of the Community Preservation Committee saying that they have big shoes to fill but was confident they would succeed.

2 of 2: Climate Change Vulnerability Assessment Study by Kleinfelder’s Principal Engineer – Andre Martecchini

Council President McGeary said that this presentation will be postponed to a date in March.

For Council Vote:

1. Election of Council Vice President (Cont’d from 01/13/15)

Council President McGeary outlined the rules be followed for filling the position of Council Vice-President, noting that the Charter is mute on this matter, saying only that there will be a Council Vice President elected by roll call vote. He indicated that the rules will serve a future Council should this situation arise once more. They are:

1. In accordance with Gloucester City Charter, Sec. 2-2, the Council shall elect from its members by separate roll call vote a Vice President.
2. At the time of election only those candidates who have been nominated and seconded by a member of the City Council shall be considered for election.
3. Councilors shall be limited to one (1) nomination and one (1) second of any candidate.
4. Election to the post of interim mayor shall require a majority vote of the Council (five votes).
5. Balloting shall continue until a candidate receives five votes.
6. Once nominated and seconded, no candidate shall be removed from consideration unless the candidate or his or her designee indicates that the candidate no longer wishes to be considered.

The Council unanimously voted to adopt the rules as proposed.

Nominations were as follows:

Councilor Robert Whynott was nominated as Vice-President by Councilor Verga, seconded by Councilor Cox. Balloting proceeded as follows:

1st Ballot: Robert Whynott 9 in favor, 0 opposed.

At the conclusion of the first ballot, **Council President McGeary** announced that **Councilor Whynott** was elected Gloucester City Council Vice President by a unanimous vote of the City Council. Vice-President Whynott was then sworn in by City Clerk, **Linda T. Lowe**. Upon swearing in, **Councilor Whynott** took his seat to the right of **Council President McGeary**.

The City Council recessed at 7:22 and reconvened at 7:25 p.m.

Confirmation of New Appointments: None.

Consent Agenda:

- **CONFIRMATION OF REAPPOINTMENTS**

- Management Reappointments:
 - Purchasing Agent Donna Compton TTE 02/14/16
 - **MAYOR'S REPORT (Cont'd from January 27, 2015)**
 - 1. Memorandum from Chief Financial Officer and recent Standard & Poor's report sustaining the City's AA/Stable rating (Info Only)
 - 2. Special Budgetary Transfer Request 2015-SBT-31 from Fire Department (Refer B&F)
 - 3. Special Budgetary Transfer Request 2015-SBT-32 from Police Department (Refer B&F)
 - 4. Special Budgetary Transfer Request 2015-SBT-33 from Police Department (Refer B&F)
 - 5. Memorandum from Harbormaster and Supplemental Appropriation Request 2015-SA-19 (Refer B&F)
 - 6. Memorandum and relevant information from Fire Chief re: acceptance of a FY15 Student Awareness of Fire Education (S.A.F.E.) For \$5,023 and Senior SAFE Grant in the amount of \$2,995 (Refer B&F)
 - 7. Addendum to Mayor's Report: Appointment of Charles J. Payson, Esq. General Counsel TTE 02/14/16 (Refer O&A)
 - 8. Memorandum from Mayor Theken to Council President McGeary requesting an informational public hearing regarding the debt Shift and property assessments (Refer CC)
 - **MAYOR'S REPORT**
 - 1. Memorandum, relevant information, two grant applications and checklists from Harbormaster re: Boating Infrastructure Grant (BIG) Program for \$263,930 and the Mass. Clean Vessel Act Pumpout program for \$90,000 (Refer B&F)
 - 2. Memorandum from Harbormaster re: request to increase the Transient Mooring Fee pursuant to GCO Chapter 10, Sec. 10-51(3) (Refer B&F)
 - 3. Memorandum from Assistant Director of Public Works requesting permission to pay expenses incurred without a Purchase Order In Place (Refer B&F)
 - 4. Memorandum from CFO & Special Budgetary Transfer Request (2015-SBT-34) for Fire Department (Refer B&F)
 - 5. Memorandum from CFO & Special Budgetary Transfer Request (2015-SBT-35) for Fire Department (Refer B&F)
 - 6. Memorandum from Director of Public Works and two Loan Authorization requests for CSO & Water related capital projects in the Amounts of \$3,300,000 and \$700,000 (Refer B&F)
 - 7. Memorandum from Director of Information Technology and a fact sheet re: Citizen Request Management System, "SeeClickFix" (Info Only)
 - 8. Memorandum and relevant information from Director of Information Technology re: Permitting & Inspection Management System Known as "ViewPoint" (Info Only)
 - 9. Reappointments:

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| Affordable Housing Trust | TTE 02/14/17 | Ruth Pino, Michael Luster | |
| Board of Health | TTE 02/14/18 | Richard Sagall, Robert Harris | |
| Board of Registrars | TTE 02/14/18 | Mark Nestor | |
| Cable TV Advisory Committee | TTE 02/14/18 | Karen Favazza Spencer, Geoffrey Bradford | |
| Capital Improvement Advisory Board | TTE 02/14/18 | Joan Kimberly | |
| Community Preservation Committee | TTE 02/14/18 | John Feener (Conservation Commission representative) David Rhinelander (Historical Commission representative) | |
| Conservation Commission | TTE 02/14/18 | John Feener, Barry Gradwohl | |
| Council on Aging | TTE 02/14/18 | Selma Bell, Barry McKay, Frederick Cowan, Lee Harty, Jay Gustafarro | |
| Downtown Development Commission | TTE 02/14/18 | Susanne Silveira | |
| Clean Energy Commission | TTE 02/14/17 | Linda Brayton, Thomas Balf, John Moskal, Samuel Cleaves | |
| Historic District Commission | TTE 02/14/18 | Stephen Goodick | |
| Historical Commission | TTE 02/14/18 | Amanda Nash, Jeff Crawford, Robert Whitmarsh, Thomas O'Keefe | |
| Magnolia Woods Oversight & Advisory Committee | TTE 02/14/18 | Dean Sidell, Christine Rasmussen | |
| Open Space Committee | TTE 02/14/18 | Noel Mann, Patricia Amaral, Heidi Wakeman | |
| Planning Board | TTE 02/14/20 | Henry McCarl | |
| Tourism Commission | TTE 02/14/18 | Pauline Bresnahan, Laura Dow, Paul Frontiero, John Orlando Peter Webber | |
| Traffic Commission | TTE 02/14/18 | Robert Francis | |
| Waterways Board | TTE 02/14/18 | Karen Tibbetts (recreational), Ralph Pino (economic development) | |
| Zoning Board of Appeals | TTE 02/14/18 | James Movalli | (Refer O&A) |
 - 10. New Appointments: Community Preservation Committee TTE 02/14/18 Katherine Schlichte, Barbara Silberman (Refer O&A)
 - **COMMUNICATIONS/INVITATIONS**
 - 1. Responses to Oral Communications of January 13, 2015 City Council Meeting to Kathryn Goodick, Amanda Kesterson, Maria-Leaman-Strauss and Peter Cooney re: the water debt shift and increased property taxes (Info Only)
 - 2. Communication from Joseph R. Grace to Council regarding Charter Commission (Info Only)
 - **APPLICATIONS/PETITIONS**
 - **COUNCILORS ORDERS**
 - 1. CC2015-003 (Verga) Any request for any proposed debt "shift" from any enterprise account to the tax levy would require that the City Council schedule a one-item agenda for a Special Council Meeting and a duly advertised Public Hearing specifically for said Proposal (FCV 02/24)
 - 2. CC2015-004 (Whynott) Request Ordinances & Administration review the language of Charter Section 8-1 regarding municipal Preliminary elections and determine whether to recommend to the Council that the City seek a Special Act to amend the Charter (Refer O&A)
 - 3. CC2014-005 (Verga) Request P&D and Planning Board informally review GZO Sec. 5.13 "Personal Wireless Service Facility" in Order to develop proposed amendments to update and revise the ordinance so that it is in compliance with applicable recent Federal Laws and regulations (Refer P&D & PB)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 - 1. City Council Meeting: January 13, 2015 (Approve/File)
 - 2. City Council and Fisheries Commission Joint Meeting January 16, 2015 (Approve/File)
 - 3. City Council and School Committee Joint Meeting January 22, 2015 (under separate cover) (Approve/File)

4. Standing Committee Meetings: B&F 01/22/15, 02/05/15 (under separate cover), O&A 01/19/15 (no meeting), 02/03/15, P&D 01/21/15, 02/04/15 (no meeting)

(Approve/File)

Items to be added/deleted from the Consent Agenda:

Council President McGeary asked to remove Item No. 8 under January 27 Consent Agenda in order to highlight a memo from Mayor Theken to the Council President requesting an informational public hearing regarding the water debt shift and property assessments. He said that this public hearing will take place on Tuesday, February 24 at the City Council meeting.

By unanimous consent the Consent Agenda was accepted as amended.

Committee Reports:

Budget & Finance: January 8, 2015

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 2015-SA-10 in the amount of \$30,000 (Thirty Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Committee for the Arts Fund, Transfer from General Fund, Account # 295031.10.991.49700.0000.00.000.00.040 for the purpose of supporting the design and installation of a David Black sculpture as recommended by the Committee of the Arts.

DISCUSSION:

After **Councilor Cox**, B&F Committee Chair, restated the motion for 2015-SA-10, **Council President McGeary** said that this matter came before the B&F Committee on January 8, and since then the proponents of the sculpture have said they think they can raise the funds without using city money. The Mayor has written to the Council, he noted, asking that the request to be withdrawn.

Councilor Cox motioned and **Councilor Verga** seconded to amend the motion in order that it may be withdrawn at the request of the Administration.

MOTION: On a motion by Councilor Cox, seconded by Councilor Verga, the City Council voted 9 in favor, 0 opposed, to permit the Administration to withdraw 2015-SA-10 without prejudice.

Budget & Finance: January 22 and February 5, 2015

Council President McGeary asked to remove Item #5 - 2015-SA-18: Funds to be set aside for future purchases of Chromebooks by the Gloucester School Department from the B&F Committee's Unanimous Consent Agenda. He said that Item #5 permits the Administration to withdraw 2015-SA-18, intended to provide funding for the Chromebook 1-on-1 initiative so that all 8th graders get a computer to use until they leave Gloucester High School. He said he had no objection to the Mayor withdrawing this transfer of free cash, but that he had received assurances that every effort will be made to fund this item once the Administration have their hands around the free cash situation. Item #5 - 2015-SA-18: Funds to be set aside for future purchases of Chromebooks by the Gloucester School Department was then voted unanimously as presented in the Consent Agenda (see below).

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to accept the Budget & Finance Unanimous Consent Agenda dated February 17, 2015 as follows:

1. *Special Budgetary Transfer Request (2015-SBT-28) from Police Department*

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2015-SBT-28 in the amount of \$1,500 from Account #101000.10.211.51490.0000.00.000.00.051, Police Uniform, Specialty Positions Stipend to Account

#101000.10.211.54290.0000.00.000.00.054 Police Uniform, Miscellaneous Special Office Supplies, for the purpose of funding purchases for the upkeep and supplies of the Police Department's K-9 unit.

2. *Special Budgetary Transfer Request (2015-SBT-29) from Police Department*

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2015-SBT-29 in the amount of \$500 from Account #101000.10.210.51500.0000.00.000.00.051, Police-Administration, Contractual Incentive Pay to Account #101000.10.210.57100.0000.00.000.00.057 Police-Administration, In-State Travel for the purpose of reimbursing a police officers' travel expenses.

3. *Special Budgetary Transfer Request (2015-SBT-30) from Public Health Department*

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2015-SBT-30 in the amount of \$4,500 from Account #101000.10.510.51100.0000.00.000.00.051, Public Health, Salary/Wage-Permanent Position to Account #101000.10.510.52830.0000.00.000.00.052, Public Health, Rent/Lease Vehicles, for the purpose of funding the first year of a three-year operating lease for three electric vehicles.

4. *2015-SA-11: Funds to replenish Mayor's contingency fund*

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to approve Supplemental Appropriation 2015-SA-11 in the amount of \$10,000 (Ten Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Mayor's Office, Contingency/Emergency, Account # 101000.10.121.57800.0000.00.000.00.057 for the purpose of paying unforeseen expenditures in the Mayor's Office.

5. *2015-SA-18: Funds to be set aside for future purchases of Chromebooks by the Gloucester School Dept.*

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to permit the Administration to withdraw 2015-SA-18 without prejudice.

6. *2015-SA-13: Funds for Community Development to support economic development (\$24,000)*

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to approve Supplemental Appropriation 2015-SA-13 in the amount of \$24,000 (Twenty Four Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Community Development, Contracted Services, Account # 101000.10.181.52000.0000.00.000.00.052, Community Development, Contracted Services for the purpose of funding continued Public Relations/Marketing support for economic development, job creation and attracting investment to the City.

7. *Snow & Ice Removal, Emergency Expenditures – to increase ceiling not to exceed \$2,000,000*

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to accept the provisions of MGL c. 44, §31D Snow and Ice Removal, Emergency Expenditures not to exceed \$2,000,000. The increase of emergency expenditure authority is \$1,350,000 added to the current FY2015 DPW Snow and Ice Removal appropriation budget of \$650,000.

***** END B&F UNANIMOUS CONSENT AGENDA *****

**Ordinances & Administration: January 19, 2015 -- No meeting due to the Martin Luther King holiday.
February 3, 2015**

COMMITTEE RECOMMENDATION: On a motion by Councilor Verga, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve, pursuant to GCO Sec. 21-6 and MGL c. 38, §25, a crosswalk for public safety purposes be installed in the vicinity of Gloucester Avenue #53.

DISCUSSION:

Councilor Whynott conveyed that this Council action concludes the matters surrounding an investigation prompted by an effort of Councilor LeBlanc to make the area around #53 Gloucester Avenue safer for pedestrians. He pointed out that the Traffic Commission's speed study also prompted by Councilor LeBlanc showed that the average speed was appropriate on the roadway and was not at the level that would prompt a request to the state to lower the speed limit. He extended this thanks to Councilor LeBlanc for his effort.

MOTION: On a motion by Councilor Whynott, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed, to approve, pursuant to GCO Sec. 21-6 and MGL c. 38, §25, a crosswalk for public safety purposes be installed in the vicinity of Gloucester Avenue #53.

Planning & Development: January 21, 2015 and February 4, 2015

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend that the City Council accept the vote of the Gloucester School Committee to declare the property located on Schoolhouse Road and known as the Fuller School property being approximately 13.3+/- acres as surplus school property which is no longer needed for school purposes. This vote shall not serve as an authorization by the Council to dispose of this land under GCO c. 2, Sec. 2-3(a) or under MGL c. 30B.

DISCUSSION:

Councilor Verga said that when former Mayor Kirk submitted a memo to the Council, she asked for three action items: 1) accept the School Committee's declaration of surplus; 2) declare the Fuller School surplus for city purposes, and 3) put forward a Request for Proposal. This, he said, is the first of the three steps which is accepting the Fuller School declaration of surplus, and is not to serve as the Council's disposition. The next step will be that the new Administration will send a set of recommendations to the Council.

Councilor LeBlanc said that this is the first domino to fall with several more to go, but that this is a positive and timely step forward in keeping with the wishes expressed by voters in a non-binding referendum.

Councilors Lundberg and Ciolino expressed their agreement with Councilor LeBlanc. **Councilor Lundberg** also extended his thanks to the Administration for its willingness to work with the Council.

Council President McGeary noted there is an understanding with the Administration that when a draft Request for Proposal is available for this property that a workshop will be held between the Council and Administration to review that draft and hopefully improve upon it or move the RFP forward as presented. The workshop will be scheduled and will be a public meeting. He advised that it will be a workshop not a full meeting of the City Council.

Councilor Verga clarified for **Councilor Stewart** that a draft RFP did not accompany former Mayor Kirk's memo to the Council outlining the three steps necessary for the disposition of the Fuller School property and was never brought forward from the previous Administration.

Council President McGeary agreed saying that although ideas had been bandied about, no draft RFP came through to the Council.

MOTION: On a motion by Councilor Verga, seconded Councilor LeBlanc, the City Council voted by ROLL CALL 9 in favor, 0 opposed to recommend that the City Council accept the vote of the Gloucester School Committee to declare the property located on Schoolhouse Road and known as the Fuller School property being approximately 13.3+/- acres as surplus school property which is no longer needed for school purposes. This vote shall not serve as an authorization by the Council to dispose of this land under GCO c. 2, Sec. 2-3(a) or Under MGL c. 30B.

There were no matters for Council action from the Feb. 4 P&D Committee meeting.

Scheduled Public Hearings:

1. **PH2015-006: SCP2014-12: Thatcher Road #78, Map 179, Lot 44, GZO Sec. 2.3.1.7 conversion to or new multi-family or apartment dwelling, four to six dwelling units and Sec. 5.7.1 Major Projects**

This public hearing is opened at 7:37 p.m.

Council President McGeary announced this public hearing per a written communication from the applicant will be continued to February 24, 2015. He said it was his understanding there was a possibility the matter may have to be continued on to the first Council meeting in March but that the Council would know more next week.

This matter is continued to February 24, 2015.

2. **PH2015-014: Pleasant Street #48, Map 14, Lot 20, GZO Sec. 2.3.1(6) conversion to 3-unit multi-family; 3.1.6(b) height in excess of 35 feet; 3.2.2fn(a) decrease in minimum lot area per dwelling; 3.2.2fn(a) decrease in minimum open space per dwelling unit**

This public hearing is opened at 7:38 p.m.

Those speaking in favor:

Attorney Deborah Eliason, 63 Middle St., representing Foghorn Properties, Inc., Cynthia and John Bjorlie (Applicant) explained the request for a conversion to a three-family dwelling from a commercial property at Pleasant St. #48. She reviewed the application as follows:

The building to be renovated and improved was constructed in the 1900's. Both the building and lot area are preexisting and non-conforming.

The Applicant has been before the Historic District Commission (HDC) receiving favorable comments on the proposed design and its sensitivity to the historic character of the building, although the applicant doesn't have final approval from the HDC yet. In addition the Applicant has received the requested zoning relief from the Zoning Board of Appeals (ZBA) (on file). Aesthetic modifications have been made to the exterior of the building since appearing before the ZBA to accommodate the requests of the HDC. The height of the attached garage has also been reduced by approximately one foot per the HDC request (plans on file show this). It is expected that the HDC final approval will be made at their next meeting which has yet to occur due to the extraordinary snow events recently. Plans submitted to the Council were adjusted accordingly and are on file.

The Applicant intends to perform significant interior and exterior renovations to bring the building back to its former glory. The Applicant has a strong sense of the community and a commitment to this neighborhood, wanting the project to fit in and preserve part of its history.

It was reviewed that the proposal is to construct two additions to an existing building, including an attached two-car garage on the Franklin Square side of the building set into the ground, and an addition to the rear of the building abutting the United States Post Office property and building, adding floor space to all levels of the building. The building will be converted from a professional office building to three residential condominium units with the required off-street parking ("Project") is included plus additional spaces.

It was noted that Special Permits are not only required to convert to a residential building from an office building but also in order to exceed the height of 35 feet in order to accommodate the existing height of the building at 35 feet, 8 ½ inches. Additionally, the request before the Council is a decrease in minimum lot area per dwelling to 1,808 square feet per unit per lot area and to decrease the minimum open space per dwelling unit to 962 square feet.

Ms. Eliason reviewed that the legal standard and the Project's compliance with GZO Sec. 1.8.3 as follows:

1. **Social, economic and community needs:** The Applicant is trying to bring the building back to its original historic residential use. The proposed design remains true to the historic architecture of the existing building. The renovations will improve both the inside and outside of the building and its visual appeal. The change in use is consistent with the neighborhood. It was pointed out on an Assessor's map (on file) that that properties adjacent to 48 Pleasant Street (on file) are residential uses, some recently converted, and also professional offices and business uses which lends vitality to the downtown supporting local businesses and encourage new businesses to move in.
2. **Traffic flow and safety:** There is currently one parking space on site. One off-street parking space is required per unit under the Zoning Ordinance, which would mean three spaces with one already existing.

- The Project proposes four spaces compliant with dimensional zoning requirements. Two additional spaces will consist of one tandem space and one space for a smaller car. The entrances to the parking will be off of Franklin Square, which services only immediate neighborhood traffic.
3. Utilities and other public services: Existing utilities for the three units are adequate to serve the units. No additional demand for utilities is anticipated to service the change in use.
 4. Neighborhood character and social structure: The Project is appropriate for the neighborhood and is consistent with its character and social structure. The additions have been designed to minimize the impact on the neighborhood. The garage is low profile, and has been lowered in height by one foot. The main addition is to the rear of the building and abuts the post office rather than its residential neighbors. The Special Permit for building height is requested for an existing condition and the average roof height will not be increased. The design remains true to the historic architecture, and like many other historic buildings in this area there is a building constructed on a small lot taking up most of it, and is difficult that such a building would meet current zoning for the minimum lot space and open space requirements. In order to preserve the historic nature through renovation of the building there would be a need to make zoning concessions in order to preserve these historic buildings to ensure their useful life. There are many private and public amenities within walking distance of the Project, which reduces the need for additional lot area for the comfort of the owners.
 5. Qualities of the Natural Environment: Currently 51 percent of the frontage is vegetated. The total vegetated coverage within the frontage under the proposed plan will be increased to 67 percent which is in compliance with the zoning ordinance. There is a large gravel surround which currently takes up much of the lot area. The Applicant will remove the gravel surround and will be increasing the vegetative coverage on the entire lot from 42 percent to 53 percent.
 6. Potential fiscal impact: The Project will have a positive fiscal impact in residential tax on the three units to the city will be increased. It is expected to be occupied by older residents as the project is designed. It is also expected to likely have minimal impact on the public school system. An increased residential presence in the downtown will help to revitalize downtown businesses as previously stated.

Jonathan Poore, Poore & Company, 315 Washington Street, Project Designer made note of certain aspects of the Project as follows:

The garages are set into the grade. The house as it currently stands is set in a mound-like site setting as many downtown buildings are, enabling the garage to be dug into the grade. From the Pleasant Street side the garage is essentially underground thereby reducing its mass, and on the Post Office side or rear of the building, the garage is above grade as the grade drops off towards the Post Office. The rear addition is dug into the grade. The subsequent additions are well within the property setbacks. Anything outside the setbacks is useable open space, either deck space on top of the garage or open porch deck space. All enclosed living space is within the legal setbacks. They have also kept the addition towards the rear out of the public site line which abuts the Post Office, and where close to the building on the left side of the property, the design has clipped the building back at an angle so as not to intrude on space and light of the adjacent building.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Ciolino asked what kind of siding would be used on the building. **Mr. Poore** said it will be wooden clapboards, and wooden detailing and windows. Responding to a follow up question by **Councilor Ciolino** about the color planned for the building, **Mr. Poore** explained that the building is not within the historic district and wouldn't affect color choices, but that the color chosen would be likely historically appropriate.

Councilor Lundberg confirmed with **Mr. Poore** that the Pleasant Street building front will appear the same architecturally.

Councilor Stewart asked if any of the dimensional relief was caused by the additions to the building or are they current issues. **Mr. Poore** confirmed dimensional relief was required by the garage spaces and open porch spaces and that all of the useable living space is within the required setbacks. They were able to get additional parking and off-street parking garage space by putting the garages essentially underground, he said, and that the deck is the garage footprint.

Council President McGeary asked if the Applicant would be occupying one of the units. **Mr. Bjorlie** said at this time they would not.

Mr. Poore corrected a previous statement as confirmed by the contractor for the Project that the front façade had previous roof repairs converting the original two front dormers into gable-end dormers, and the original dormers

were a barrel shape and will be restored to their original design stripping away the inappropriate additions to the façade.

This public hearing is closed at 7:53 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Fonvielle, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a Special Council Permit (SCP2014-014) to allow for a three-unit residential building to be converted from a commercial building at 48 Pleasant Street, Gloucester Massachusetts, Map 14, Lot 20, zoned Civic Center District (CCD), pursuant to Sections 2.3.1(6) conversion to a 3-unit multi-family dwelling; 3.1.6(b) height in excess of 35 feet by 8 ½ inches for a total of 35 feet, 8 ½ inches, Sec. 3.2.2 fn(a) decrease in minimum lot area per dwelling unit from 2,500 square feet to 1,808 square feet for a total reduction of 692 square feet; Sec. 3.2.2. fn(a), decrease in minimum open space per dwelling unit from 1,250 square feet to 962 square feet for a total decrease of 288 square feet. The application under GZO Sec. 1.8.3 is deemed in harmony with the intent and purpose of the zoning ordinance governing Special Council Permits.

DISCUSSION:

Councilor Verga commented that the P&D Committee voted unanimously to endorse the Special Council Permit as presented as it is in keeping with the neighborhood and that application is deemed in harmony with the intent and purpose of the Zoning Ordinance governing Special Council Permits under GZO Sec.1.8.3. He also said he thought the Project was a good fit for the downtown of the city.

Councilor Ciolino extended his support of the application saying that the Applicant has presented a very good plan which fits in with the continuing restoration of the area surrounding Pleasant Street.

Councilor Whynott stated that this will be a good addition to the neighborhood and knew the Bjorlies, speaking highly of them.

Councilor Cox in whose ward the property is sited, commended the Applicant in that they were proactive prior to their application for a Special Council Permit by holding a neighborhood meeting to show their neighbors what their plans were. She said while she was unable to attend the meeting due to a prior commitment, neighbors called her the next day saying they had no issue with the design, and that the project should go forward.

Council President McGeary said as the downtown is starting to be revitalized, this is a key piece of the area's restoration and that he would support the application.

MOTION: On a motion by Councilor Verga, seconded by Councilor Fonvielle, the City Council voted by **ROLL CALL 9 in favor, 0 opposed, to grant a Special Council Permit (SCP2014-014) to allow for a three-unit residential building to be converted from a commercial building at 48 Pleasant Street, Gloucester Massachusetts, Map 14, Lot 20, zoned Civic Center District (CCD), pursuant to Sections 2.3.1(6) conversion to a 3-unit multi-family dwelling; 3.1.6(b) height in excess of 35 feet by 8 ½ inches for a total of 35 feet, 8 ½ inches, Sec. 3.2.2 fn(a) decrease in minimum lot area per dwelling unit from 2,500 square feet to 1,808 square feet for a total reduction of 692 square feet; Sec. 3.2.2. fn(a), decrease in minimum open space per dwelling unit from 1,250 square feet to 962 square feet for a total decrease of 288 square feet. The application under GZO Sec. 1.8.3 is deemed in harmony with the intent and purpose of the zoning ordinance governing Special Council Permits.**

- 3. PH2015-009: SCP2014-015: Centennial Avenue #21, Map 5, Lot 50, GZO Sec. 1.10.1(a)(1); 3.1.6(b) height in excess of 35 feet; 2.3.1.7 conversion to or new multi-family apartment dwelling, four to six dwelling units**

This public hearing is opened at 8:00 p.m.

Those speaking in favor:

Attorney Joel Favazza, Seaside Legal Solutions, 111 Main Street, representing Applicant Katherine L. Richmond, the owner of the property who was also present, for a Special Council Permit for a building exceeding 30 feet in height pursuant to Sec. 1.10.1(a)(1) and 3.1.6(b) Multi-family Special Permit pursuant to Sec. 2.3.1.7 for an existing multi-family dwelling at 21 Centennial Avenue, explained the following:

The Applicant is seeking to legitimize an existing structure and not make any structural changes -- letting the building stand as is in its current configuration of six units about 35.5 feet above average grade. The Applicant purchased the property in 1994. At the time of the purchase the building was configured as six units. Since then the

Applicant has cleaned up the property and renovated each unit, maintaining six separate units throughout her ownership.

However, the six-unit configuration was never properly permitted by a prior owner and can't be grandfathered in by the passage of time. The Applicant tried twice in 2000, and 2006 to go through this permitting process. In each instance the Zoning Board of Appeals (ZBA) granted the appropriate zoning relief but the owner wasn't able to complete the Council Special Permit process due to personal circumstances. In 2014 the Applicant returned to the ZBA again and received the necessary zoning relief and in the fall of 2014 applied for a Special Council Permit. Most recently the Applicant came before the P&D Committee which voted unanimously in favor of the application.

Mr. Favazza reviewed that the legal standard and the Project's compliance with GZO Sec. 1.8.3 as follows:

1. Social, economic and community needs: This is a six-unit building in an R-5 (High Density) district will continue to provide six affordable rental units in the downtown.
2. Traffic flow and safety: Although no changes are being made, this meets the parking requirements for the R-5 district.
3. Utilities and other public services: Existing utilities for the six units are adequate to serve the units. There is no additional demand for utilities by this application.
4. Neighborhood character and social structure: This is a high density residential area, as is the building.
5. Qualities of the Natural Environment: The existing vegetation and landscaping is not being altered.
6. Potential fiscal impact: Through having the six units in the building, it allows the owner to cover the carrying costs of the building and keep the building well maintained. Losing units would make it harder to maintain the building which is rather large.

Mr. Favazza reviewed that for the height exception there is a need for a finding by the Council that the excess height is consistent with the neighborhood character and not be substantially detrimental to the neighborhood because of obstruction of views, overshadowing other properties, impairment of utilities, or other adverse impacts.

He concluded his remarks by saying that there is nothing new to the property, this Special Council Permit is to let the building exist as it stands. Therefore, this application meets the requirements of the Special Council Permit, and **Mr. Favazza** asked the Council to approve the application.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

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

COMMITTEE RECOMMENDATION: On a motion by Councilor Fonvielle, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a Special Council Permit (SCP2014-015) for 21 Centennial Avenue to Karen L. Richmond, to allow for a six-unit residential building to remain as it stands at 21 Centennial Avenue, Gloucester, Massachusetts, Map 5, Lot 50, zoned High Density Residential (R-5) pursuant to Sections 1.10.10(a)(1) and 3.1.6(b) height in excess of 35 feet for a total of 37 feet (2 feet above 35 feet), and Sec. 2.3.1.7, Conversion to, or new multi-family or apartment dwelling, four to six dwelling units. The application is deemed in harmony with the intent and purpose of the Zoning Ordinance governing Special Council Permits under GZO Sec.1.8.3.

DISCUSSION:

Councilor Verga offered an amendment to the main motion: **“by deleting, “37 feet (2 feet above 35 feet), and adding, “35.5 feet (six inches above 35 feet), as attested by Kirk Benson, PLS, American Land Surveyors, Gloucester, MA, in a letter dated January 19, 2015 and as submitted to the City Clerk on January 22, 2015.”** **The Motion to Amend** was seconded by **Councilor LeBlanc**.

Councilor Verga commented on the amendment saying that this is an important correction of the actual height as conveyed in a letter from American Surveyors (on file) summing the matter up for the appropriate correction.

By a vote of 9 in favor, 0 opposed the City Council approved the amendment to the main motion.

Councilor Verga further commented that the height exception was endorsed unanimously by the P&D Committee as it is in keeping with the neighborhood, and the application is deemed in harmony with the intent and purpose of the Zoning Ordinance governing Special Council Permits under GZO Sec.1.8.3.

Councilors Ciolino, Whynott and Stewart extended their support of the application commenting the property is well maintained and is good that the building is being made properly legal.

Councilor LeBlanc, in whose ward the property is sited, said he grew up in the neighborhood and knew the building, and wished the owner well.

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 (SCP2014-015) for 21 Centennial Avenue to Karen L. Richmond, to allow for a six-unit residential building to remain as it stands at 21 Centennial Avenue, Gloucester, Massachusetts, Map 5, Lot 50, zoned High Density Residential (R-5) pursuant to Sections 1.10.10(a)(1) and 3.1.6(b) height in excess of 35 feet for a total of 35.5 feet (six inches above 35 feet) as attested by Kirk Benson, PLS, American Land Surveyors, Gloucester, MA, in a letter dated January 19, 2015 and as submitted to the City Clerk on January 22, 2015, and Sec. 2.3.1.7, Conversion to, or new multi-family or apartment dwelling, four to six dwelling units. The application is deemed in harmony with the intent and purpose of the Zoning Ordinance governing Special Council Permits under GZO Sec.1.8.3.

Ms. Lowe noted that there would be a Special Council Permit decision proposed for adoption by the Council this evening and pointed out that decision was drafted through her office with the Applicant's attorney. She said she would recommend that for the two hearings tonight this same process be done. She noted the Council has the discretion to direct any city staff to do so when there are reasonably simple projects to do this work. She added that this process in the case of the decision to be adopted proved to be expeditious, and the decision came forward sooner than usual.

Council President McGeary confirmed with Ms. Lowe that she would work with the attorneys involved in the two public hearings this evening to draft and expedite the decisions to come forward to the Council.

4. PH2015-010: Amend GCO c. 6, Sec. 6-21 to 6-24, "City-owned Cemeteries Advisory Committee" by DELETING Sec. 6-21 to 6-24 in its entirety and ADDING new Sections 6-21 to 6-24

This public hearing is opened at 8:10 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 8:10 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO, c. 6, Sec. 6-21 to 6-24 "City-Owned Cemeteries Advisory Committee" by DELETING Sec. 6-21 to 6-24 in its entirety and ADDING a new Sec. 6-21 to 6-24 as follows:

Sec. 6-21. Established.

There is hereby established a city-owned cemeteries advisory committee.

Sec. 6-22. Composition, appointment and terms.

The City-Owned Cemeteries Advisory Committee shall consist of three members and up to two alternates, all of whom shall be residents of the city; one non-voting advisory member who is engaged in either the funeral, monument, or florist business; and the DPW Director or his designee as an ex-officio.

All appointments are to be for three years and made by the Mayor subject to the approval of the City Council. Member terms shall be for three years.

Sec. 6-23. Powers and Duties.

The Committee shall have the authority to recommend a yearly budget relative to the management and maintenance of all city-owned cemeteries subject to the approval of the DPW Director and the Mayor with final approval by the City Council. The Committee shall advocate for the wellbeing of all city-owned cemeteries. The Committee shall recommend to the Director any changes in the rates for perpetual care lots in city-owned cemeteries, and the Director shall propose any rate increases to the Mayor under Charter Sec. 7-16(a) who shall provide the proposed rates to the City Council for their approval under Charter Sec. 7-16(a).

Sec. 6-24. Regulations.

The Committee may propose regulations relative to the management of the city-owned cemeteries subject to the approval of the DPW Director and the Mayor under Charter Sec. 7-16(b) and approval and adoption by the City Council.

DISCUSSION:

Councilor Whynott said there needs to be an active Cemetery Committee and would be of service to the community.

Councilor Verga mentioned that when he was the Ward 5 Councilor he had put forward a Council Order to try to revitalize this Committee as a Request to the Mayor, but no one stepped forward to fill the Committee. The impetus was the removal of the Beachbrook Cemetery when the Animal Shelter was built, he said, and that an active Committee would have recognized this issue and remedied it. He added that there are closed cemeteries that need attention and highlighted with a three member Committee it is a workable number.

Councilor Cox thanked Councilor Verga for his assistance. She noted this past summer she worked with a small group of people cleaning up a cemetery who informed her of the issues they were having, but unfortunately none of them were residents. She recounted in a conversation with Assistant DPW Director, Mark Cole that he told her without this Committee that burial rates can't be raised as the ordinance stands, and that the rates haven't been raised in years because the Committee has been inactive due to lack of membership. She noted that the ordinance amendment before the Council will reconstitute the Committee, along with the regulatory changes within the ordinance allowing the DPW Director to propose rate changes if the Committee is inactive.

Council President McGeary proposed amending the language of section 6-23 to address Councilors' concerns as brought forward by **Councilor Stewart** by adding a new last sentence to that section as follows: "**Absent a recommendation from the Committee, the Director may propose such changes.**," which **Councilor Cox** seconded.

Councilor Stewart and **Councilor Lundberg** briefly discussed the amendment further, and **Council President McGeary**, on advice of the City Clerk, offered that under Charter Sec. 7-16 it is the DPW Director who proposes the changes in burial rates.

By a vote of 9 in favor, 0 opposed, the Council approved the amendment to Sec. 6-23.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to Amend GCO, c. 6, Sec. 6-21 to 6-24 "City-Owned Cemeteries Advisory Committee" by DELETING Sec. 6-21 to 6-24 in its entirety and ADDING a new Sec. 6-21 to 6-24 as follows: Sec. 6-21. Established.

There is hereby established a city-owned cemeteries advisory committee.

Sec. 6-22. Composition, appointment and terms.

The City-Owned Cemeteries Advisory Committee shall consist of three members and up to two alternates, all of whom shall be residents of the city; one non-voting advisory member who is engaged in either the funeral, monument, or florist business; and the DPW Director or his designee as an ex-officio.

All appointments are to be for three years and made by the Mayor subject to the approval of the City Council. Member terms shall be for three years.

Sec. 6-23. Powers and Duties.

The Committee shall have the authority to recommend a yearly budget relative to the management and maintenance of all city-owned cemeteries subject to the approval of the DPW Director and the Mayor with final approval by the City Council. The Committee shall advocate for the wellbeing of all city-owned cemeteries. The Committee shall recommend to the Director any changes in the rates for perpetual care lots in city-owned cemeteries, and the Director shall propose any rate increases to the Mayor under Charter Sec. 7-16(a) who shall

provide the proposed rates to the City Council for their approval under Charter Sec. 7-16(a). Absent a recommendation from the Committee, the Director may propose such changes.

Sec. 6-24. Regulations.

The Committee may propose regulations relative to the management of the city-owned cemeteries subject to the approval of the DPW Director and the Mayor under Charter Sec. 7-16(b) and approval and adoption by the City Council.

For Council Vote:

- 2. Decision to Adopt: SCP2014-013: Mt. Pleasant Avenue #125, GZO Sec. 1.10.1(a)(1) and Sec. 3.1.6(b) Building height in excess of 35 feet**

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 9 in favor, 0 opposed to adopt the Special Council Permit (SCP2014-013) for Mt. Pleasant Avenue #125, pursuant to Sec. 1.10.1(a)(1) and Sec. 3.1.6(b) of the Gloucester Zoning Ordinance.

Unfinished Business: None.

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

Councilors' Requests to the Mayor:

Councilor LeBlanc expressed his thanks to the DPW for their outstanding work during the last two weeks with all the snow that fell. He said that the process the city has gone through to address residents' concerns needs to be streamlined where calls can be fielded with a hotline or something like it to be set up so that residents can notify the Council but at the same time get an answer from the Administration or the DPW to allay their concerns.

Councilor Cox wished a belated Happy Birthday to Councilor Steve LeBlanc.

Councilor Ciolino asked that the Kyrouz Auditorium clock be fixed. He also added his agreement with Councilor LeBlanc for a process to let citizens communicate with the DPW when snow events strike the city. He said that the phones need to be manned and on the weekends a voice mailbox needs be checked. He said the DPW did the best they could, given the circumstances. He mentioned concerns for safety of residents in some areas of the city.

Councilor Fonvielle said several Councilors have raised the issue of notification to the DPW by the public, and suggested that the Information Technology Director, James Pope has recommended such a system the Councilors had spoken of, and progress on this question would be just around the corner, he advised. He also extended his thanks to the city's DPW noting that Gloucester has done a better job than many surrounding communities, including the City of Boston. He said while not perfect, under the circumstances the snow removal efforts have been, "darn good."

Councilor Verga also added his thanks to the DPW saying that this has been an extraordinary time. He noted that for the most part when people have complained to him about snow issues, they do express their understanding of the unusual circumstances.

Councilor Whynott mentioned the birthday of Maureen Nicastro, former Assistant City Clerk, whom he worked with when he was City Clerk, still working in the City Clerk's office on a part-time basis. He said the DPW has made a herculean effort with snow removal in the city, and that the calls he received and forwarded to the DPW Director's secretary, Rose LoPiccolo worked hard to assist him with residents' concerns.

Council President McGeary commented that this has been a relentless battle against many feet of snow and that everyone did a great job, that it was a collective effort. He commended the city's residents for their patience during this time and that all has been made easier by their patience and forbearance. He advised that coming soon to a Council's Consent Agenda through the Mayor's Report is a request for "CClickFix" which is an application (app) for an iPhone or Android Phone which allows residents to not only report a problem when seen, but actually track the assignment of the issue and track it, which he said will be helpful in the event of another extraordinary snow event which is hoped will not be again too soon. He also noted that he would have asked the CATV to pan the room which would have revealed colorful buoys hanging from the auditorium's balcony which were previously hanging on the city's lobster trap tree during the holidays, but Cape Ann TV's video transmission equipment has failed preventing that from occurring.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:33 p.m.

Respectfully submitted,

**Dana C. Jorgensson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.