

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, October 13, 2015 – 7:00 p.m.

Kyrouz Auditorium – City Hall

**-MINUTES-**

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

**Absent: None.**

**Also Present: Mayor Sefatia Theken; Linda T. Lowe; Jim Destino; Chip Payson; Bill Sanborn**

**The meeting was called to order at 7:00 p.m. Councilor Ciolino entered the meeting at 7:01 p.m. The Council President announced that this meeting is recorded by video and audio in accordance with state Open Meeting Law.**

**Flag Salute & Moment of Silence.**

**Oral Communications:**

**John-Robert Lopes**, 6 Doanne Road, explained to the Council he and his wife wished to add a second story to their home in order to accommodate aging parents and was told he couldn't add the second story because of height restrictions in their zoning district. He said he has observed recently three homes in his immediate neighborhood that have added second story additions that appear to be above any height restriction. He asked why his home would be excluded from making such an addition and wanted to find out what the exact height restriction is for the district he lives in. **Council President McGeary** suggested Mr. Lopes make an initial inquiry at the Building Inspector's office at 3 Pond Road who should be able to offer assistance in this matter so that he can learn what those restrictions are and what options he may have to build an addition to his home and possibly apply for a variance if need be.

**Susanne Altenburger**, 66 Atlantic Street, spoke to the issue of the MBTA-Annisquam River Railroad Bridge replacement with a new bridge and the challenges of the environment along with her concern that there was a need for a third way off of the island, or a "Third Emergency Access Route" to act as an entrance and exit for safety purposes, particularly during storm events when access on and off the island could be challenging. She submitted prior to the Council meeting a document entitled, "A Matter of Public Safety" outlining her concerns (placed on file). She suggested to the Council that it may wish to hold a public hearing on the matter.

**Zenas Seppala**, 92 Granite Street, Rockport, noted he had attended the Fuller School RFP public hearing and spoke at it, and had submitted a written record of his full remarks at that time (on file). He submitted for this meeting a copy of his remarks (placed on file) and clarified a statement on the September 8 Council minutes that he did not encourage the Fuller property to be converted into a golf course facility but a golf practice facility, one which might co-exist harmoniously with other possible uses for the property if the city desires to keep the practice fields for other sports. He reviewed his previously submitted documentation briefly.

**John Feener**, 45B Warner Street, and member of the Conservation Commission, noted he had submitted to the Council President (on file) prior to the opening of the meeting pursuant to MGL 184, 31-33, the Massachusetts Conservation Restriction Handbook. He said the handbook reviews funding, building codes enforcement and types that could be applicable to the city's "Back Shore," and other areas important open spaces of the city. He suggested to the Council that it would be important to identify such areas for preservation and find sources for funding for their preservation. He said he would help the Council in any way because the city's byways, pristine views and open spaces deserve protection.

**Presentations/Commendations:**

**1 of 1: Elizabeth Keithline, Consultant assisting in the development of the City arts policy**

**Elizabeth Keithline**, 205 Kenyon Avenue, East Greenwich, R.I., a consultant retained by the city to assist in development of a City arts policy reviewed her PowerPoint presentation (on file) which explained the inception of her work with the Committee for the Arts for a public art policy for the city of Gloucester. She described the information gathering process she utilized by interviewing 40 residents, many of whom are directly involved in the arts, through two community meetings in order to develop a set of recommendations that will provide guidelines for acquiring and commissioning works of art and for sponsoring temporary and/or permanent art forms on city

property. She noted she was asked to work with the City Council as well. She encouraged the Council to contact her to start a conversation in order to hear their views of a draft public arts policy. She pointed out the difference between guidelines, policies and ordinances and asked where such a public arts policy should reside.

**Ms. Keithline** highlighted the draft Vision Statement as:

- Ideally, public art for Gloucester increases cultural vibrancy through accessible work that is executed at a high aesthetic level...Project administrators work cooperatively with the Departments of Tourism, Public Works, the City Council and the Office of the Mayor.
- Whenever possible a budget and a site for public art projects should be identified first.
- Funding should come from both public and private sources. Budgeting was briefly touched on.
- The public art coordinator would be responsible for outreach and education in the form of communications with press and social media, school programs and regular community talks and updates.
- The program would pursue a rigorous aesthetic of varying media through a defined selection process. It would produce safe, durable projects and have a sustainable restricted maintenance and conservation funds.
- Permanent and temporary public art installations in the city can, in hiring local artists and artists from elsewhere, ideally be both an expression of local culture and ideas from outside. Above all, Gloucester residents deserve the very best.
- Any public art selection process must be transparent and open to Gloucester residents, with a defined set of community hearings on every project that involves the city in any way.
- Artists should be paid to propose, and, in exchange, should expect to participate in public discussion and to provide drawings, maquettes, scale models, and digital proposals that change shared on the Committee for the Arts webpage.
- Early outreach to city employees in various departments as well as outreach to youth and schools.
- All residents should be heard and understood.
- The Committee for the Arts, and any agents and assigns such as a public art subcommittee, should be granted the authority to do their job using a selection template designed out of public conversations. A public art manager or consultant should be paid to help the committee and the community produces projects that are successful and well received.

**Ms. Keithline** provided the Council with examples of a variety of New England cities and town's arts panels/committees and their work, each community's method to handle public art and the projects they have seen to fruition. She noted that fundraising can take place within city government to serve artists. She expressed her personal preference is a Committee for the Arts and would prefer that such a committee stand alone rather than be imbedded into a municipal department.

She reviewed a Percent-for-Art Program whereby a certain percentage of the cost on large-scale development projects be allocated to fund and install public art regularly assessable to the general public. She also mentioned programs are typically aimed at construction and remodeling projects which are planned through governmental construction initiatives or by private developers. She then reviewed questions regarding budget for municipal art projects. Administrative fees could come out of those budgets that may be used for a public art professional. She suggested that a percent for art program could be used to set aside funds for that effort.

**Ms. Keithline** spoke to the development of a panel to help the community connect to government and act with authority and power so political entities are not put on the spot. Standing panels could be made up of working art professionals from various disciplines within the community or could be a revolving panel set up on a project-by-project basis.

She touched upon gifts of art to a municipality. She suggested that the authority to recommend the acceptance of a gift would lay with the public art panel. The panel would also recommend as to deaccession of public art. She also touched on language surrounding moratoriums on memorials and donations.

**Councilor Ciolino** asked that language be inserted in the policy that there is a preference for Gloucester artists. He suggested that Ms. Keithline speak with General Counsel on the matter of a percent-for-art program. He asked who would have the last word whether a piece of public art is placed. He asked whether the Committee for the Arts can have authority to place or approve public art on its own. He said Ms. Keithline has made a good start. **Ms. Keithline** responded that it is often done that a panel writes into a request for qualifications a preference for local artists. She said Gloucester deserves the very best public art whether it is from the city or from outside of it and wished to keep that window open for the very highest aesthetic. As to the percent-for-art suggestion, she said an arts administrator would be a point person to manage such an effort, and it might be appropriate in a job description that the person has a background as a business owner or negotiator. Her comfort level, she said that the authority is

vested with the selection panel or an arts council who reports to the City Council and the Mayor. She said in the long run it is better for people who run for office not to be vested to make the decisions in concert with the Council.  
**COUNCILOR QUESTIONS:**

**Councilor Ciolino** noted that when a building proposal reaches a certain height the project comes to the Council for permitting. He asked at what point a possible art installation would come before the Council for approval. He suggested that if an art installation was over 35 feet it should come before the Council just as a building for possible construction would for a special permit.

**Councilor Fonvielle** asked what Ms. Keithline thinks is an outline of a good vision statement. He said the vision statement seemed more like an arts policy and added that a vision statement should bring together disparate parties and act as an inspiration rather than a policy statement. **Ms. Keithline** said the draft vision statement is community driven by all the comments she received from her interviews and community meetings. **Councilor Fonvielle** said the draft vision statement is oriented to the visual and practical arts and asked about performance and literary arts and how they should be included in this vision statement. **Ms. Keithline** said she did include performance arts and varying media within the context of the document.

**Councilor Cox** thanked Ms. Keithline for her presentation and said she looked forward to the November 10 meeting.

**Councilor Stewart** pointed out that state law requires the Mayor and the Council to approve all gifts and donations to the city. **Ms. Keithline** said the selection panel, whether standing or revolving, makes a recommendation which goes before the Council and Mayor for passage. She said she is suggesting that there is the idea of vesting the arts committee, a selection panel, with real authority. She added that the community has expressed they are reluctant to serve on a panel/committee if there is not real authority associated with such boards. **Councilor Stewart** reiterated that ultimately the Council has to approve a gift or donation to the city.

**Council President McGeary** asked how Ms. Keithline's work product would be implemented. **Ms. Keithline** said it would be given to the Committee for the Arts. If the new arts policy is to be a change of ordinance, **Council President McGeary** asked who would put that proposal forward to the Council as well as the policies. **Mayor Sefatia Theken** said if it is policy it stays with the Committee for the Arts-- if there is to be codification through an ordinance amendment, she said it would come from the Mayor's office to be presented to the Council. She reminded the Council Ms. Keithline's policy development is in its beginning stages. She said this entire process came out of public input.

**The Council recessed at 7:57 p.m. and reconvened at 8:00 p.m.**

**Consent Agenda:**

• **REAPPOINTMENTS**

1. Economic Development Industrial Corporation Barry Pett TTE 07/01/18

• **MAYOR'S REPORT**

1. Memo from City Auditor re: request City Council adoption of a three-year Snow & Ice Amortization Schedule pursuant to Mass. DOR requirement in accordance with MGL c. 10, §58 of the Acts of 1985 (Refer B&F)
2. Memo, Grant Application & Checklist from Community Development Director re: City Council acceptance of MassDEP grant through the Mass. Electric Vehicle Incentive Program (MassEVIP) in the amount of \$51,000 (Refer B&F)
3. Memo, Grant Application & Checklist from Police Chief: City Council acceptance of a FY16 State 911 EMD & Training Grant in the amount of \$154,032.55 (Refer B&F)
4. Memo, Grant Application & Checklist from Harbormaster re: City Council acceptance of a Boating Infrastructure Grant (BIG) in the amount of \$253,930 from the U.S. Fish & Wildlife Service through the Mass. Division of Marine Fisheries (Refer B&F)
5. Memo from Community Development Director re: City Council Acceptance of a 2014 Essex Heritage Visitor Center Grant in the amount of \$2,500 (Refer B&F)
6. Memo from Community Development Director re: City Council Acceptance of a 2015 Essex Heritage Visitor Center Grant in the amount of \$2,350 (Refer B&F)
7. Supplemental Appropriation-Budgetary Request (2016-SA-4) from the Fire Department (Refer B&F)
8. Memo from Chief Financial Officer re: City Council approval of repurposing funds for the purpose of obtaining a new Fire Department command vehicle (Refer B&F)
9. Memo from Fire Chief & a Special Budgetary Transfer (2015-SBT-3) from the Fire Department (Refer B&F)
10. Memo from Chief Financial Officer re: the Beeman Elementary School Boiler Project & City Council acceptance of a National Grid check in the amount of \$22,121 as a current year receipt in the One Time Revenue Account & appropriate said amount to the Facilities Building Maintenance Account (Refer B&F)
11. Relevant material to an EDA Financial Assistance Award in the amount of \$555,000 for sewer system improvement at the Blackburn Industrial Park & request City Council acceptance of said award (Refer B&F)
12. Reappointment: Gloucester Cultural Council Mary Rhinelander McCarl TTE 02/14/18 (Refer O&A)

• **COMMUNICATIONS/INVITATIONS**

• **INFORMATION ONLY**

1. Gloucester Board of Health, "The Science Behind Community Water Fluoridation" panel discussion on October 19, 2015 (Info Only)

- **APPLICATIONS/PETITIONS**

1. Special Events Application: Request to hold the 35<sup>th</sup> Christmas Parade/Tree Lighting Ceremony on November 29, 2015 (Refer P&D)
2. Special Events Application: Request to hold the Lighting of the Lobster Trap Tree on December 12, 2015 (Refer P&D)

- **COUNCILORS ORDERS**

1. CC2015-036 (LeBlanc) Amend GCO Chapt. 22, Sec. 22-270 "Parking prohibited at all times" re: Emerson Avenue (Refer O&A & TC)
2. CC2015-037 (LeBlanc) Request O&A recommend to City Council to amend GZO Sec. VI definition of "Junk Yard" and amend GCO c. 19, Sec. 19-30(b), Sec. 19-32, Sec. 19-1, Sec. 19-1(c), Sec. 19-1(4) (Refer O&A, P&D & PB)
3. CC2015-038 (Stewart) Amend GCO c. 22, Sec. 22-269 "Stop Intersections" re: Leonard Street (Refer O&A & TC)

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

1. City Council Meeting: September 22, 2015 (Approve/File)
2. Standing Committee Meetings: B&F 10/08/15 (no meeting), O&A 10/05/15, P&D 10/07/15 (Approve/File)

**Unanimous Consent Calendar:**

1. CC2015-039 (McGeary) Amend GZO Sec. 5.5 "Lowlands Requirements" (Refer P&D & PB)
2. CC2015-040 (Ciolino) Amend GZO to create an "Atlantic Road Overlay District" (Refer P&D & PB)

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

**Councilor Cox** highlighted Item #4, City Council acceptance of a Boating Infrastructure Grant (BIG) under the Mayor's Report for discussion purposes only. She noted that the B&F Committee will be looking for a diagram or schematic to better understand how the grant funds will be utilized.

**Council President McGeary** highlighted Item #1 and #2 under the Unanimous Consent Agenda for discussion purposes only. He explained the two items were Council Orders filed by him and Councilor Ciolino stemming from a proposal to build a house on the ocean side of Atlantic Road. He said his order would reinstate the Special Council Permit process for residences being built in a federally defined flood zone throughout the city. He also highlighted that Councilor Ciolino's order would create an Atlantic Road Overlay District to protect that specific area. He asked the Council to allow him to include in the Council's record the submission by John Feener, under Oral Communications which he said talks about conservation restrictions and how to place them on properties.

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

**Committee Reports:**

**Budget & Finance: October 8, 2015 – No meeting.**

**Ordinances & Administration: October 5, 2015**

**Councilor Whynott** reported there were no matters for Council action under this heading from this meeting.

**Planning & Development: October 7, 2015**

**Councilor Verga** announced there were no matters for Council action under this heading from this meeting.

**Scheduled Public Hearings:**

1. PH2015-043: Amend GCO Sec. 22-279 "Thirty minute parking" re: Atlantic Road (TBC 11/17/15)

**This public hearing is opened at 8:03 p.m.**

**This public hearing is continued to November 17, 2015.**

2. PH2015-047: Petition for road repairs in accordance with Art. IV "Repair of Private Ways" Sec. 21-80 et seq re: Starknaught Heights (TBC 10/27/15)
3. PH2015-048: Petition for road repairs in accordance with Art. IV "Repair of Private Ways" Sec. 21-80 et seq re: Starknaught Road (TBC 10/27/15)
4. PH2015-049: Petition for road repairs in accordance with Art. IV "Repair of Private Ways" Sec. 21-80 et seq re: Oxford Road (TBC 10/27/15)
5. PH2015-050: Petition for road repairs in accordance with Art. IV "Repair of Private Ways" Sec. 21-80 et seq re: Joseph's Way (TBC 10/27/15)

**These public hearings are opened at 8:05 p.m.**  
**These public hearings are continued to October 27, 2015.**

6. **PH2015-044: SCP2015-006: Pond Road #5, Map 264, Lot #39, GZO Sec. 2.3.5(1) for the use of a Junk Yard in the GI District (Cont'd from 09/08/15 & 09/22/15)**
7. **PH2015-PH2015-045: SCP2015-006: Pond Road #19, Map 264, Lot #39, GZO Sec. 2.3.5(1) for the use of a Junk Yard in the GI District (Cont'd from 09/08/15 & 09/22/15)**

**These public hearings are opened at 8:06 p.m.**  
**Those speaking in favor:**

**Attorney Patricia Johnstone**, 14 Pleasant Street, representing Northshore Scrap Steele, LLC, explained as follows:

This is two Special Council Permit applications are essentially one because the business operates at two sites. At 5 Pond Road North Shore Scrap Steele conducts its business with the public. It is at this location on the access road to the City Hall Annex that the business has its scales and boxes for precious metals where the metals are weighed and separated. Those metals were noted to be kept on the premises. If larger items are delivered such as refrigerators, cars and propane tanks, they are taken in at 5 Pond Road but are promptly removed. She noted in the application submitted to the Council (on file) there is a description of the process where a car brought to Northshore Scrap Steele is taken off site to Meineke to be stripped, have any fluids removed. The shell of a car is then returned to Northshore Scrap Steele and stored at 19 Pond Road at the rear of the property. Propane tanks are immediately removed and brought to Foster's on Eastern Avenue where any remaining propane is expelled. The empty tank is then returned to Northshore Scrap Steele and also stored at 19 Pond Road. Any refrigerators are immediately taken off site to Second Street Iron & Metal in Everett. There are no liquids kept at either 5 or 19 Pond Road.

**Ms. Johnstone** reported that her client has gone through the Conservation Commission (ConCom) permitting process for both Pond Road parcels and has received approval for both sites as not subject to the ConCom restrictions. She noted that meetings were held with the Building Inspector and that she has also attempted to address the concerns of an abutter, Leslee Shlopak, owner of Pond Road #21 (letter of opposition from Ms. Shlopak related to SCP2015-005 and -006 applications on file). She said she had hoped to have a meeting with Ms. Shlopak and her attorney but said she was unable to arrange that. She advised that her client will install a security camera at 19 Pond Road, as well as lighting and fencing around the property as requested by the Building Inspector. Also to be installed are an opaque covering for fencing fronting the property, where a gate will also be installed along with signage. **Ms. Johnstone** said such actions by her client should reassure Ms. Shlopak. She gave the Council a copy of the easement on 19 Pond Road from the Registry of Deeds and said that it is noted in the easement that the grantee, 19 Pond Road owned by Paul Butman, and Northshore Scrap Steele's landlord, would take care of any damage and repair and be responsible for any accidents and subject to any liability and would indemnify Ms. Shlopak under the easement terms. She said it is her belief that they have addressed all the concerns raised by Ms. Shlopak in her letter.

**Ms. Johnstone** pointed out that her client received licensing through the city's Licensing Commission. During that process discussions were held with the Police Chief and the Fire Chief. She said it was clear that her client works with the Gloucester Police Department and, as an example, noted that if medallions are stolen off of city gravesites that her client works with the police and alerts the police should anyone try to sell such stolen articles. She said if there was any transaction that appeared questionable to her client he has reported it to the GPD immediately as well as working with other communities' police departments. She cited also that her client deals with many of the businesses on Pond Road, around Gloucester, and other nearby North Shore communities to take in items and process them promptly.

**Those speaking in opposition:**

**Leslee Shlopak**, owner of 21 Pond Road through 21 Pond Road LLC and Gloucester resident, said she was objecting to the permitting of a Special Council Permit to Northshore Scrap Steele, for 19 Pond Road to maintain a scrap metal business and use of a junk yard through the rental of land at 19 Pond Road.

Referencing the easement agreement Ms. Johnstone referred to, she confirmed it is an easement that accesses the road that she granted to 19 Pond Road for the emergency access at the time she granted the easement for another tenant of Mr. Butman, Beauport Ambulance, to access a gravel roadway that went up to the Blackburn Industrial Park if that company's vehicles were unable to access Eastern Avenue. She said there was liability and use of the easement which she added she still has questions about. She described the roadway as an unpaved roadway unsuited for the heavy machinery and large trucks vehicles that are used for the delivery and removal of the scrap metal.

**Ms. Shlopak** said there is no fencing, lighting or no security to monitor illegal dumping that may occur. She added that there is no business or office at 19 Pond Road for anyone who may have heard that there is a dumping site located there. She suggested that if Kevin Hunt, the owner, were not available at 19 Pond Road that items would simply be dumped on that property, and could also be dumped on her property at 21 Pond Road. She said there are no regular removal of materials from 19 Pond Road and no assurance of that. She said that the junk yard is detrimental to the city's tax base for future and current commercial businesses as they consider whether they may want to situate in that industrial park.

She said she was not able to make a Planning & Development Committee meeting in August as she was moving from Rockport to her new residence in Gloucester and the timing of the notification of that meeting missed her by one day. She said had she received that notification in a timely manner she would have attended that meeting to express her opposition to the Special Council Permit applications at that time.

**Ms. Shlopak** said that the site of the proposed junk yard is operational and is a permit after the fact. She said she was made aware of the on-going operation of the junk yard this past spring when the pile of materials was growing and asked the property owner, Mr. Butman, about the scrap pile who she said informed her that the scrap metal would be removed but she said the pile was not removed until the Special Permit application was filed with the City Council. She expressed concern that without a monitoring of regular removal of the scrap metal that the abandoned vehicles and the "mountain" of scrap metal will continue to grow.

She noted that in the presentation to the P&D Committee in August it was stated that there was an impervious surface was fenced off which she said was incorrect.

**Ms. Shlopak** reiterated at this juncture there is no fencing as stated by attorney Johnstone and the surface is a dirt roadway. She noted there is one metal gate that can be closed to access the largest pile of debris located on the northeast end of the property. She referred to the Zoning Board of Appeals plan of July in which the gate is shown with fencing on either side of the gate and said that the fencing does not exist. She said that access can easily be gained on either side of the gate giving leave for the opportunity for illegal dumping. She pointed out there is no proper signage regarding the business located at 19 Pond Road that dumping is not permitted in the area.

**Ms. Shlopak** addressed the issue that in cases of illegal dumping there is no assurance that fluids from illegally dumped items won't leaking onto her property because being a dirt area there is nothing to prevent the seepages of fluids downhill onto her property to the office building there. She said there are no security measures at 19 Pond Road, no regular business hours and that she stated she was not aware there were other employees of Northshore Scrap Steele working at the site other than Mr. Hunt. She said that without the measures she has outlined for security, containment and notification of business hours etc., that there are not assurances that illegal dumping wouldn't happen.

She addressed the criteria for a Special Council Permit, and said that it had been presented that the area was served by city sewer and water. She said the warehouse building behind 19 Pond Road does have that, but the land behind that where Northshore Scrap Steele is operating has no facilities at all. She added that she was unaware that a fire hydrant was in close proximity to that site. She also noted that the application stated that Northshore Scrap Steele would add to the city's tax base by increased property taxes, increase the commercial tax base and adds another commercial building to the neighborhood. She expressed that Northshore Scrap Steele operating at 19 Pond Road would be a detriment. She reported that Applied Materials is her tenant at 21 Pond Road since 2008 and said she would not want to risk that tenancy. She pointed out that because of the elevation of the junk yard site there is no way to screen the view of it from her tenants at 21 Pond Road, and that there would be noise from the heavy equipment used in the junk yard.

**Attorney Mark Glovsky**, 8 Washington Street, Beverly, representing Ms. Shlopak, said it was unfortunate that Ms. Shlopak wasn't notified of the P&D Committee meeting because had they been there at that time they may have mentioned that the plans submitted with the application were deficient in many respects. He pointed out that GZO Sec. 1.5.3 requires plans to be submitted with Special Council Permit applications are to include dimensions, lot coverage, setbacks, parking and screening and said that none of that was on the plan included in the application. He also pointed out that there are dimensional requirements that are applicable to this business and structures on the property, but he indicated that there is no indication that the applicable 15 foot side and rear yard setbacks will be met.

He said Ms. Shlopak agrees that Mr. Hunt is enterprising and tries hard to run a good business, but that their primary concern is that 19 Pond Road isn't the right location for a junk yard. He said it didn't seem that any missing data or conditions would be sufficient to ameliorate the problems his client anticipates. He said the project did not seem to be consistent with the purpose of the Zoning Ordinance. He pointed out that primary purposes include conserving the value of land and buildings, preventing blight and encouraging appropriate use of the property. He said that he was suggesting that this project is not consistent with the Zoning Ordinance.

**Mr. Glovsky** indicated that Ms. Johnstone had done a good job in attempting to address the special permit criteria but said it was his belief that there wasn't evidence submitted that proves that the Special Permit criteria has been satisfied. He said based on the experience of the operation of this junk yard that there will be a significant traffic and safety issue. He pointed out there are large trucks coming and going without much control. He said there is no city sewer and water service and no restroom facilities on the site for employees. The neighborhood character will be adversely affected, he said. He highlighted GZO has Sec. 4.4.2 which prohibits noise from business activity being heard within 400 feet. He said Mr. Hunt does a good job of crushing materials that come to the site with the equipment there. He said when he has been standing in front of the Applied Materials office building at 21 Pond Road that it is clear there is a junk yard adjacent to that building, and added that it doesn't appear there could be any screening that could hide the junk yard from the public way.

He said emphasis has been placed on the city's tax base by the applicant. He cited Ms. Shlopak ownership of a well maintained office building which is assessed by the city at \$1.5 million. He said her primary concern is that she has a great tenant and great value of the building and has stated her belief that the value of her property at 21 Pond Road will be adversely affected if the junk yard is permitted. He informed the Council that he hired an appraiser to advise them as to how Ms. Shlopak's property might be affected (appraisal document dated September 21, 2015 by Robert D. Murphy Associates, Inc., of Beverly, MA placed on file) by the granting of this Special Permit. He summarized some of the appraisal saying that it stated that the junk yard would operate on the adjacent site at 19 Pond Road on approximately four acres and described Northshore Scrap Steele's operation of that site using open concrete bins, storage containers, and primarily by exterior storage throughout the grounds. It highlighted that this includes discarded vehicles, appliances including refrigerators and air condition units, propane tanks and other waste metals. The document gave a description of the adjacent site, and Mr. Glovsky cited other highlights of the two-page document such as there is no record through office of the City Clerk of a junk yard Special Council Permit issued from at least 1999 to the present. He said that there are no conditions that are being placed on the Special Council Permit to allay Ms. Shlopak's concerns and that the granting of a Special Council Permit will diminish her property and that of others on Pond Road. He concluded his remarks by saying that this is not the right place for a junk yard.

**Rebuttal:**

**Ms. Johnstone** gave the Easement of Record to the Council (placed on file) which she said clearly states that it is a graveled right of way, and that Ms. Shlopak reserves the right for Mr. Butman to continue to go through and access the public road at Blackburn Industrial park which she said is evidence that they have been trying with the city to develop that road to have a public access road that cuts through Eastern Avenue to Pond Road to the Industrial Park. She said nowhere is there reference that it is an emergency road for ambulances. She said that the easement clearly states that liability, any conditions of the road is all on Mr. Butman. Mr. Butman, she pointed out, signed off on this application. She said she was only just handed the appraiser's documentation even though she had left several messages in an effort to meet with Ms. Shlopak and her attorney. She said they were requested to continue this hearing to give Ms. Shlopak an opportunity to have counsel in order to meet at the premises to address her concerns. She added that she agreed to continue the meeting and said that she reached out to Attorney Glovsky several times asking to set up a meeting, which she said never transpired. She also pointed out that the letter was dated September 21 by Robert D. Murphy Associates which is an opinion and has no citations and was unable to discern if Mr. Murphy is a commercial appraiser and had no knowledge of him.

**Ms. Johnstone** highlighted that this is a general industrial park, and that the junk yard, which she said she preferred to use the term "recycling center" has been in operation since June 2013 and is not a place that has just come into existence. Despite the trying to make this a "junk yard" that contains rubbish she said she had hoped some of the Councilors had the opportunity to go to Pond Road to see the property and see how well run this business is. She noted that the Police and Fire Chief are in support of the business. She said that that many people don't know the business is even there because the business is so well run. She pointed out that there are many auto body repair shops in the industrial park surrounding Ms. Shlopak's property. She also pointed out that Ms. Shlopak's property has a broken light down across her property and a truck pulled into the grass along the side. She said her client has kept his property clean. There are two employees of Northshore Scrap Steele, and the business open Thursday through Saturday only. She said the property is paved right up to where they go to the right. She cited that her client has voluntarily agreed at the Conservation Commission to put in the lighting and repair the light pole on Ms. Shlopak's property, install a security camera and fencing. She expressed her opinion that there was nothing that she or her client could say that would appease Ms. Shlopak but said they are willing to do whatever it takes to have this done. She said they are happy to abide by the screening requirements with a five-foot cyclone fence as recommended and agreed with the Building Inspector. She pointed out that one of Northshore Scrap Steele's biggest clients is Ms. Shlopak's tenant at 21 Pond Road whom they use repeatedly, as does the City of

Gloucester, Cape Ann Transportation Authority, and area truck repair shops. She said all these things serve a necessary purpose for the city and the public, so that scrap metal is not being dumped by the side of the road. She said her client moves the scrap metal along and didn't see how it doesn't meet the criteria of a Special Council Permit.

**Rebuttal of Rebuttal:**

**Mr. Glovsky** said there was plenty of opportunity for Ms. Johnstone and Mr. Hunt to communicate with Ms. Shlopak some time ago when the application was submitted adding that at that time they did not reach out to her in an attempt to have a discussion. He reiterated that Ms. Shlopak wasn't noticed in time for the P&D Committee meeting and wasn't in town. He said he had only learned several days ago that a license was granted to the operation noting that they weren't informed of that fact. He said he was away for the past two weeks, but added that he originally reached out to Ms. Johnstone. He said Ms. Shlopak did meet with Mr. Hunt of Northshore Scrap Metal and Mr. Butman and Mr. Hunt, and that his client determined nothing could be done to create the necessary safeguards. He said he and his client didn't ask for the continuance of the public hearing to this evening. He said that was requested by Ms. Johnstone to accommodate the other side's needs. He said he didn't know of any attempt to have a meeting but that he was out of the country. He was not unresponsive or unwilling to compromise but that there is nothing to be done, he said.

**Communications:**

**Leslee Shlopak**, 21 Pond Road LLC, a property owner at 21 Pond Road, in a letter forwarded by email September 21, 2015 addressed to the City Council objecting to the permitting of a scrap metal/junk yard at 19 Pond Road.

**Councilor Questions:**

**Councilor Verga** spoke of the voluntary agreement regarding fencing and asked if was institutionalized in any decision by a board, committee or commission. **Ms. Johnstone** recommended it be placed as a condition if the Council wished for each separate Special Council Permit.

**Councilor Cox** asked if the Planning & Development Committee conducted a site visit to view 19 and 5 Pond Road. **Councilor Verga**, P&D Committee Chair said that there was not. **Councilor Cox** then asked if there was every any sound recordings made of noise emanating from the property at 19 Pond Road made by the Building Inspector's office. **Bill Sanborn**, Building Inspector, said that no sound recordings have been made, that his office only investigates a noise situation if a complaint is made. The only notification made to Mr. Hunt, he said, was to advise him he needed a Special Council Permit and was the only enforcement action his department was involved in. **Councilor Cox** inquired if Mr. Sanborn had received a noise complaint about 19 Pond Road and he told her he had not. **Councilor Cox** asked if in the Building Inspector's opinion was the noise from the junk yard at 19 Pond Road any louder than the gravel pit behind that location which is a concern that crushes stone. **Mr. Sanborn** said that it depends on where one stands in that area. He noted the same type of equipment and some larger equipment is being used by the gravel concern along with blasting. This is between the two locations, he said, so he said it may make more noise directly, adding that there is more activity going on at the gravel pit. Councilor Cox said she understood that in picturing the property at 19 Pond Road, it is in between the gravel pit and the junk yard, which **Mr. Sanborn** confirmed. **Councilor Cox** said there are already large trucks going through for the gravel pit which **Mr. Sanborn** also confirmed that there are heavy trucks and equipment traversing the area for the gravel pit and that there is heavy daily throughout the day and not just for the gravel pit. **Councilor Cox** suggested that this is not necessarily an increase in volume in unsafe vehicles. **Mr. Sanborn** said in his opinion it would be, "no." He pointed there are a number of businesses in the Pond Road Industrial Park that use large equipment that comes and goes on a daily basis throughout the day from the gravel pit to Timberline Enterprises and a freezer concern has tractor trailer trucks driving to and from it also throughout the day every day making Pond Road a very busy roadway. Councilor Cox suggested that there is no other business like Northshore Scrap Steele in the city other than small trucks that pick up scrap metal. **Mr. Sanborn** said it was his belief there is no other businesses permitted in the city to recycle scrap metal.

Responding to a request by **Council President McGeary**, **Ms. Shlopak** commented about the statement regarding trucks accessing Pond Road Industrial Park to get to and from the gravel pit, which is located at 17 Pond Road. She pointed out that trucks access that location through the industrial park by coming to a cul-de-sac where 21 Pond Road is sited, so the trucks go in front of 19 Pond Road to access the gravel pit which can't be seen from 19 or 21 Pond Road. She said one would have to go up a hillside and the gravel pit work goes on behind 17 and 19 Pond Road. She said the gravel pit is set on 90 acres behind those properties. The trucks access the easement road to get to the junk site, she said. **Councilor Cox** pointed out the trucks travel directly in front of Ms. Shlopak's property at 21 Pond Road to access the upper lot not the lower lot. **Ms. Shlopak** clarified that the GP Aggregate gravel pit is located at 17 Pond Road. **Councilor Cox** said she would be pleased to show the Council a map that

highlights that to get to the upper gravel pit you have to go directly in front of the property. **Ms. Shlopak** said she would contend that no operation happens at that area at any time she has known GP Aggregate operating through the access behind 19 Pond Road. **Councilor Cox** pointed out there was several backhoes and a building clearly showing on Google Maps to which **Ms. Shlopak** added that GP Aggregate has no operations where Councilor Cox is indicating.

**Councilor Fonvielle** said he made his own site visit and to him it seemed out of place to see a scrap metal yard next to a well-maintained office building. He then motioned that the Special Council Permits be referred back to the P&D Committee for the purpose of a site visit as that Committee had not conducted one in order that they could assess for themselves the situation and for the Council, and to continue the hearing for two weeks to allow time for such a site visit which was seconded by **Councilor Ciolino**.

**Councilor Ciolino** offered that he had made a site visit on his own and that the junk yard was not a pleasant sight next to a well-kept site such as Ms. Shlopak's property. He said he didn't have a problem to vote this evening and that he would vote against it. He said related to the Special Council Permit criteria, that the scrap metal yard, or junk yard, would affect the value of surrounding businesses. He added that he had never voted on a Special Permit that decreases the value of an abutting property.

**Councilor Stewart** said he also made a site visit and didn't conceive of any set of conditions that would justify that project in that location. He said the Council could dispose of this matter this evening and is in opposition to the motion.

**Councilor LeBlanc** said he thought that the Council could vote on the two Special Council Permits this evening. He pointed out that it is an industrial park with a gravel pit operation, automobile repair shops and welding concerns, and said that if not in an industrial park where would such a metal recycling center go. If they can't do it there where would such a concern be sited, he asked.

**Councilor Stewart** asked the Chair of P&D if it would be helpful to refer the matter back to his Committee for the purposes of making a formal site visit. **Councilor Verga** said, "No," that it wouldn't make a difference in his opinion. He noted he had lived in Gloucester for 47 years and was very familiar with the Pond Road Industrial Park and that there had not been an overweening need of the Committee when the matter was taken up by them to conduct such a site visit.

**MOTION: On a motion by Councilor Fonvielle, seconded by Councilor Ciolino, the City Council voted 2 (Fonvielle, Whynott) favor, 7 opposed, to refer the matter of the Special Council Permit for 5 and 19 Pond back to the P&D Committee in order to conduct a site visit to those two locations and to continue the public hearing to the next regularly scheduled meeting of the City Council on Tuesday, October 27.**

#### **MOTION FAILS.**

**Councilor Cox** asked relative to Councilor Ciolino's contention that property value would be lost by the abutting property by permitting a junk yard at 19 Pond Road, if Ms. Shlopak had ever had to decrease the rent for 21 Pond Road in the time period that the junk yard has been in operation at 19 Pond Road or had she increased the rent. **Ms. Shlopak** advised that the rent is stable for a two-year lease and that there is an automatic increase in rent for the renewal of the lease agreement which will be renewed in October 2016. She pointed out that the junk yard is in operation in the middle of a lease cycle during the last few months and has not yet been a part of the conversation on the lease between her and the tenant. **Councilor Cox** asked how long the property has been operation as she believed it had been in operation more than a few months. **Ms. Johnstone** said it has been in operation since June of 2013 when Northshore Scrap Steele began renting from Mr. Buttman at 19 Pond Road. **Council President McGeary** added that it has been in operation as a scrap metal recycling center since that date which **Ms. Johnstone** reconfirmed. **Mr. Glovsky** said he has not been a witness to the operation but he did talk to Mr. Buttman who informed him that Mr. Hunt's business has been in existence since that earlier date but in an entirely different location and had moved to this location more recently. **Ms. Johnstone** said her client has informed her that this will be his third winter at 19 Pond Road storing scrap metal at that location.

**Kevin Hunt**, 6 Grove Street, owner of North Shore Scrap Steele, said his business originated on Old County Road, and he confirmed that this will be his third winter at 19 Pond Road. He pointed out that last winter there were a few cars on the 19 Pond Road lot, but for the most part it remained empty. He said the yard does get full when bringing in steel from Gloucester, Essex, Danvers, and Rockport, to name a few communities. He said that prior to his business opening, metal debris was found on the side of city roadways, in the woods and in the area waterways. He highlighted that there is nowhere to bring the scrap metal other than his operation. He described the method by which cars and propane tanks are stripped and hazardous liquids are removed, off site. He said the scrap metal is

messy, cautioning that there can be steel in the junk yard or there can be metal scrap as trash around the city in public places. The economy drives steel prices which are dropping he said, and noted the steel market is now down to \$35 per ton. He said his operation moves material every single day, citing that he moved three 50-yard containers of scrap metal the previous day. He agreed there are times when containers stack up but assured his operation is now caught up.

**This public hearing is closed at 8:51 p.m.**

**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 grant a Special Council Permit (SCP2015-006) for Pond Road #5, Gloucester, Massachusetts, to Northshore Scrap Steele, LLC, William Goodwin, property owner, Map 264, Lot 39, zoned General Industrial (GI) pursuant to GZO Sec. 2.3.5(1) Industrial Uses, Junk Yard. The Applicant shall comply with all applicable licensing provisions of the Code of Ordinances, Section 19-15 through 19-39. The application is deemed in harmony with the intent and purpose of the Zoning Ordinance governing Special Council Permits under GZO Section 1.8.3 and Sections 4.4 and 4.5.

#### **DISCUSSION:**

**Councilor Verga** said that this is the right location for a scrap metal or junk yard as it is located in an industrial park, and asked if not there then where would such an operation go? In response to those who commented about the neighborhood character, he reiterated the property is located in an industrial park, and that he would support the Special Council Permit application.

**Councilor Cox** also said she would support the application. She said she believed that it is a disservice to the citizens of Gloucester to make them go into Boston to get rid of their scrap metal. She said she feels it is more dangerous to haul this debris on the highway without any possible hazardous chemicals removed first. She said Mr. Hunt is doing the right thing by properly disposing of hazardous materials. There is no need for water and sewer on the 19 Pond Road lot as no employees work there full time, she said, and pointing out there have been no complaints about the property. She further noted that there are no records of lost wages or lowering of income to the abutter.

**Councilor LeBlanc** added his support of the Special Council Permit applications, reiterating that this is an industrial park. He said that Mr. Hunt provides a service to the city by hauling away the recycled metal in bulk and prevents it being stored or discarded in residential and environmentally sensitive areas. This is a recycling center in reality, not a junk yard, he said. He noted that he is submitting a Council Order to amend the Zoning Ordinance to include metal recycling centers into the definitions and other refinements that the Council will soon take up.

**Councilor Ciolino** said that he would not support the application. Pointing out that the Linsky junk yard closed in 1999 and that the property it was on is now contaminated. He said there has to be lighting, an office, security and paved surfaces, and that this project should be rejected and go back to the drawing board. The city is not the place for a junk yard he insisted. The value of a property next to a junk yard does decrease, he said, and pointed out there is no fencing and that it appears as a derelict property. He said he has never thrown a property owner "under the bus," and would not do so now. The Council can do better than this and put in an ordinance for a recycling center, he said.

**Councilor Lundberg** said this is an industrial park. He said the applicant has shown that they are operationally sensitive to what needs to be done -- there will be fencing and security and had no concerns about that. Worrying about what other people do in terms of depositing their junk on the side of the road is something that none of the Council or anyone can control, and it's done all the time. He said that the applicant has shown sensitivity as to how to run such an operation which is what is important and what the Council needs to safeguard.

**Councilor Whynott** said he would support this application -- the business serves a purpose. There are no junk yards in the city any longer, and there is a need for it located in an industrial area. This is a city resident on site at his business rather than an absentee owner which he said goes a long way.

**Councilor Stewart** said he disagreed with the majority of Councilors. He said he didn't want to hinder a business from coming into the city, but that there are some things that don't belong where they are. He agreed it was an industrial park but so is the Blackburn Industrial Park. He asked what it would be like for the Blackburn Industrial Park if the Gloucester Engineering Building, the first building one sees there was demolished and a junk yard operation was installed there with 18-wheeled vehicles dumping their trash/recycling. He noted that Blackburn Industrial Park like every industrial park is two-thirds business offices and one-third actual manufacturing. Pond Road has stores, offices, and auto body shops but they don't have 18-wheeled vehicles pulling into their properties. He noted that when he was visiting the site, he couldn't get to the emergency access road up to Blackburn Industrial Park because there was an 18-wheeled vehicle blocking the access road. Comparing this to the rock crushing

operation is, “apples and oranges” as it is up high on a huge piece of land and that you can’t hear it from the location they are speaking of. He said unless there is an impenetrable fencing of the operation this won’t turn out to be a difficult situation not only for Ms. Shlopak but every small business person there. He said it is a mistake to approve the application and would not vote for it.

**MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 7 in favor, 2 (Ciolino, Stewart) opposed, to GRANT a Special Council Permit (SCP2015-006) for Pond Road #5, Gloucester, Massachusetts, to Northshore Scrap Steele, LLC, William Goodwin, property owner, Map 264, Lot 39, zoned General Industrial (GI) pursuant to GZO Sec. 2.3.5(1) Industrial Uses, Junk Yard. The Applicant shall comply with all applicable licensing provisions of the Code of Ordinances, Section 19-15 through 19-39. The application is deemed in harmony with the intent and purpose of the Zoning Ordinance governing Special Council Permits under GZO Section 1.8.3 and Sections 4.4 and 4.5.**

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 grant a Special Council Permit (SCP2015-007) for Pond Road #19, Gloucester, Massachusetts, to Northshore Scrap Steele, LLC, William Goodwin, owner, Map 264, Lot 36, zoned General Industrial (GI) pursuant to GZO Sec. 2.3.5(1) Industrial Uses, Junk Yard. The Applicant shall comply with all applicable licensing provisions of the Code of Ordinances, Section 19-15 through 19-39. The application is deemed in harmony with the intent and purpose of the Zoning Ordinance governing Special Council Permits under GZO Section 1.8.3 and Sections 4.4 and 4.5.

#### **DISCUSSION:**

**Councilor Verga** moved to amend the main motion to delete the owner’s name as William Goodwin and to replace it with the name of Paul Butman, the actual owner of the property. The amendment to the main motion was seconded by **Councilor Cox**.

**MOTION: On a motion by Councilor Verga, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to amend the main motion by deleting the incorrect name of the owner of Pond Road #19 as William Goodwin and adding the name of the owner of record to read, “Paul Butman.”**

#### **MOTION PASSES.**

**Councilor Verga** said he stood by his previous remarks, reiterating that this is an industrial park. He said the neighborhood character is still intact. The fact that the tenant at 21 Pond Road has not come forward to complain and is actually a customer of the applicant, he said it leads him to believe it is a good fit for the area and would support the Special Council Permit application for 19 Pond Road.

**Councilor Stewart** said he repeats his remarks for #19 Pond Road as he did for #5 Pond Road.

**Council President McGeary** said as ward councilor and did give him some concern so he viewed the property. It is not a pretty site, but it is part of an industrial society -- this material can’t be left on the side of roadways. If this metal is not recycled it becomes trash and has to go somewhere even if it is in his ward. If the conditions are not obeyed the permit will lapse, he noted. He said he believed the business can co-exist with other businesses on Pond Road.

**MOTION: On a motion by Councilor Verga, seconded by Councilor Whynott, the City Council voted 9 in favor, 0 opposed, to incorporate the three Conservation Commission conditions to be contained within the body of main motion for SPC2015-007, 19 Pond Road.**

#### **MOTION PASSES.**

**MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 6 in favor, 3 (Ciolino, Fonvielle, Stewart) opposed, to grant a Special Council Permit (SCP2015-007) for Pond Road #19, Gloucester, Massachusetts, to Northshore Scrap Steele, LLC, Paul Butman, owner, Map 264, Lot 36, zoned General Industrial (GI) pursuant to GZO Sec. 2.3.5(1) Industrial Uses, Junk Yard. The Applicant shall comply with all applicable licensing provisions of the Code of Ordinances, Section 19-15 through 19-39. The application is deemed in harmony with the intent and purpose of the Zoning Ordinance**

**governing Special Council Permits under GZO Section 1.8.3 and Sections 4.4 and 4.5 and that the Conservation Commission conditions are herein incorporated as noted:**

1. Applicant will not allow storage of any hazardous materials/chemicals;
  2. Applicant will install semi-permanent markers at edge of wetlands buffer zone to prevent storage or vehicular encroachment in this area;
  3. Applicant will install signage at entry points to property or building periphery indicating no placement or dumping of material.
8. **PH2015-051: SCP2015-004: Maplewood Avenue #120 (Maplewood Avenue School), Map #39, Lot #4, GZO Sec. 2.3.1(8) conversion to or new multi-family or apartment dwelling, seven or more dwelling units; Sec. 5.7.1 Major Project; Sec. 1.10.1(a)(1) increase in building height over 35 feet; Sec. 1.10.1(a)(3) (Cont'd from 09/22/15)**

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

**Those speaking in favor:**

**Attorney Mark Sandler**, 28 Dale Avenue, representing the Gloucester Development Team, Inc. (GDT), applicants for a Special Council Permit/Major Project to develop the Maplewood School building at 120 Maplewood Avenue into a 12-unit residential building has been active for a number of years. He cited the GDT development of the Central Grammar School and several other rehabilitated schools converted by them. He noted GDT has tried to be a positive influence on housing on Cape Ann, as well as to increase the reuse of housing in the Cape Ann area. He said he and Kirk Noyes serve on a small board to use assets in the most beneficial way possible.

**Kirk Noyes**, 1 Woodbury Street, for the Gloucester Development Team reviewed the Maplewood Avenue #120 (Maplewood Avenue School) project as follows:

Overview:

There are four special permit conditions:

- To build more than seven units, the city asked for 12 units.
- The building is 54 feet high
- The minimum lot area per unit, the project only has 1,625 per square feet and minimum open space on the lot is a trade-off between open space and parking and
- The Major Project permit is required for over 11 units or 21 bedrooms.

The Zoning Board of Appeals has already provided all the needed variances. It is an existing building on a small site, which has two front yards, Acacia Street and Maplewood Avenue. They needed a variance to put parking in the two front yards and to reduce vegetation in the two front yards and put as much greenery as much as possible on the side yards.

The city RFP issued in July 2012 was for 12 housing units comprised of one bedroom, for the elderly, and those restrictions would be in place for four years which Mr. Noyes said ties the developer's hands. He said GDT offered the city \$120,000 for the building. He added that GDT will contribute \$50,000 to the Affordable Housing Trust to do additional affordable housing in the community. He said the developer hopes to provide two affordable housing units and if so, they would not make the \$50,000 payment. He said GDT has committed to the one unit required by ordinance but added he was sure they can do a second unit out of the 12 units to be created in the building. He advised that GDT would purchase the building within 20 days of the Council approval, and upon the end of the appeals period they would start the renovation project. They are negotiating the construction project now, he said.

The history to develop the building was reviewed by Mr. Noyes. He recounted that in the 1880's Gloucester built four such school buildings and the Maplewood School is the last of those buildings that hasn't been repurposed. He said it was important to redevelop these buildings and continue their presence in the community. The building has 27,000 square feet in total and the interior classrooms are 900 square feet.

**Mr. Noyes** said 12 housing units will suit the former Maplewood School building to be able to have all parking off-street and because the basement is half underground which is not conducive to residential units. The building, he pointed out, offers some challenges: The structure for the center classrooms run east/west; the outside classrooms run north/south; all the interior walls are load bearing; the attic has corrected structural issues; the north wall in the attic is bowing out somewhat; there are 26 posts from the roof down which need to be framed.

**Site Plan:** **Mr. Noyes** oriented the Council to a site plan he displayed (on file). He highlighted the northwest corner of the lot saying that when the school was built there was a granite wall installed along that corner and a concrete wall more recently built on top of the granite wall. That wall will have to be removed and the entire fill. The grade will drop back to the original grade of the site to 1889, and achieves access to the north and south side of the site without having to install handicapped ramps or rails creating a barrier-free site north and south. The

school's front door and steps can be left as GDT has a variance from the state Architectural Access Board and to make a new entrance at the basement level, the northwest corner, and to make all the grades work, the basement will be raised by 18 inches for ease of access allowing for barrier free direct building access.

**Parking:** There are 19 parking spaces on site, with two separate parking lots, one off of Maplewood Avenue and one off of Acacia Street with one handicapped space per parking area, with 21 parking spaces in all for 12 residential units. It was noted the Zoning Ordinance requires one parking space per unit.

**The Residential Units:** Four of the 12 units will be one-bedroom units which are unable to be configured in any other way. The remaining units have one-bedroom with a study, and in the future that study could be converted to a second bedroom when a required four-year restriction on condo conversion falls off. The basement and first floor will have duplex units with interior stairs. Both floors are to be serviced by an elevator. The second floor of the building would be conventional units and the top floor will have loft-style units which were indicated to be large spaces. The smallest one-bedroom unit is 1,100 square feet. It was noted that minimum property standards for a one-bedroom unit is 735 square feet. Some one-bedroom units are 2,200 square feet, and the average unit is 1,700 square feet. The building will also be fully sprinkled with heating in the two existing oak interior staircases. Every unit will have its own laundry and its own 10 foot by 10 foot storage rooms in the basement.

**Construction Costs:** It is estimated that construction costs will be approximately \$2.76 million, or about \$102 per square foot. Total development costs are estimated \$3.25 million, privately financed locally. A non-profit corporation will provide the capital going forward but that the construction of the 12-unit building will be done by a for-profit corporation. It is anticipated that "empty nesters" will be the ideal candidates to move into such a development.

**Mr. Noyes** said that the project has met the city's requirements as well as the neighborhood's interests. He noted that some of the neighbors' concerns centered on the issues of preventing on-street parking, no area-wide lighting and keeping trash inside the building and removed on a regular basis, all of which have been addressed. He said the project is ready to go.

**PUBLIC COMMENT:**

**Deborah Collins**, 19 Acacia Street, expressed her concern regarding the grading after the granite and concrete wall bordering Acacia Street is removed. She explained that she lives on the middle of Acacia Street and said that with large rain events the water comes down the hill to reach a drain beyond her driveway. The grading on the street is compromised causing water to pool in front of her home which she has to physically move along so as not to flood her property. She said Mr. Noyes assured her it shouldn't be an issue. She noted that Acacia Street would be repaved and regraded according to Public Works Director, Mike Hale, adding that the drain on her street needs to be repaired as is now sunken into the roadway.

**Councilor LeBlanc** said when he held his neighborhood meeting these concerns came up. He said that he spoke Mr. Hale who informed him that the drain on Acacia Street is on the DPW "to do" list as is the puddling issue. He said he would inform Mr. Hale of Ms. Collins concern and assured Ms. Collins that the street is scheduled for regrading and paving which should take care of the drainage issue.

**Council President McGeary** asked if the regrading of 120 Maplewood Avenue would hinder or help the stormwater drainage issue on Acacia Street. **Mr. Noyes** said the engineering has been done. Stormwater run-off will be collected on site and taken underground through a new drain in Acacia Street by Ms. Collins' house. He said he believed there were two catch basins, one on each side of the street that needs reworking. He noted that the submitted engineering drawings (on file) show a line drawn going to the existing storm drain in Acacia Street. He said Mr. Hale told him that he is waiting for the Maplewood project to finish and at that time he will be repaving Maplewood Avenue and Acacia Street which **Mr. Noyes** surmised would be the following spring.

**Doris Cole**, 24 Acacia Street, asked whether at the end of the four-year requirement to provide rental housing is over are tenants would be displaced. **Mr. Noyes** said that they will not be putting people out of their units at the end of the four-year restriction. Condominium conversion would be done gradually while continuing the rental units, and as those renters move out, those units would be offered for sale as condominiums. He said that as a developer as there are restrictions placed by the Federal National Mortgage Association (FNMA), commonly known as Fannie Mae and The Federal Home Loan Mortgage Corporation (FHLMC), known as Freddie Mac as to how many units can be rented.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions:**

**Councilor Ciolino** said had understood that preference for rentals would be given to Gloucester veterans and residents. **Mr. Noyes** said that there is no reason not to rent to veterans for whom there are no age restrictions within the parameters of the city's RFP which stated for a preference for elderly or veterans. He said that veterans would

have first rental rights. **Councilor Ciolino** asked if Mr. Noyes would be amenable to a condition that first preference is given to veterans and Mr. Noyes indicated he was. **Councilor Ciolino** asked if there is a plan in place for snow removal. **Mr. Noyes** said that the parking lots are easy to plow and the snow will be placed in the south yard. If there is a winter like the last one, any snow not able to be stored on site would be trucked off the property.

**Councilor LeBlanc** said that at their neighborhood meeting, they spoke of who would occupy it, and the neighborhood didn't want section 8 and didn't want it, and Mr. Noyes said they would put it in. **Mr. Noyes** said the rent levels are projected for a one bedroom unit is projected to be \$1,350 a month which is a Section 8 limit, which is also a market rate moderate income unit. **Councilor Verga** advised that Section 8 housing falls under the federal Fair Housing Act and they can't ban or limit any units reserved for that purpose in this or any such project.

**Councilor Fonvielle** observed that there is nothing wrong with people who have Section 8 vouchers saying that they should be welcomed everywhere.

**Councilor LeBlanc** recounted he had forwarded a series of neighbors questions stemming from his neighborhood meeting to which Mr. Noyes responded by email (on file), and said that Mr. Noyes said that parking on site is adequate; a drainage plan is on file; snow removal is addressed. He said that Mr. Noyes had said in the email that the construction work hours would be limited to weekdays. **Mr. Noyes** said he doesn't want crews working on Saturdays and Sundays, however, at the end of a job it may require finishing work inside the building, such as painting. He assured that everyone working on site will park on site with no trucks or equipment on Acacia Street. **Councilor LeBlanc** pointed out that parking on the neighborhood's streets is at a premium. **Mr. Noyes** reiterated that there is plenty of on-site parking.

**This public hearing is closed at 9:44 p.m.**

COMMITTEE RECOMMENDATION: On 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 a Special Council Permit (SCP2015-004) for Major Project for 120 Maplewood Avenue to Gloucester Development Teams, Inc. (applicant), City of Gloucester, owner, pending completion of sale pursuant to terms outlined in previously executed Purchase and Sale Agreement dated August 28, 2013 and subsequent transfer of deed to Gloucester Development Team, Map 39, Lot 4, R-5 (High Density Residential) zoning classification, pursuant to GZO Section 2.3.1(8) Multi-Family Use and Section 5.7.1 (Major Project) for a project containing more than 11 dwelling units (12 dwelling units in all) as shown on site plans entitled, "Maplewood School Residences" by Kontseptual Architects stamped by William Peterson, Registered Architect, dated 6/25/15 consisting of ten (10) sheets. and "Site Plan for 120 Maplewood Avenue, Gloucester, Massachusetts, Map 39, Lot 4 dated July 14, 2015," prepared for Gloucester Development Team, Inc., 1 Woodbury Street, Gloucester, MA 01930, plans prepared by Mill River Consulting, 6 Sargent Street, Gloucester Massachusetts, with no revisions noted, labelled as "Not for Construction," and stamped by Raymond L. Willis (III), Professional Engineer (MA Civil 45092) on 7-14-15, consisting of three sheets. The City Council finds that this project is in harmony with GZO Sec. 1.8.3 pursuant with the six Special Council Permit conditions governing criteria with the following conditions:

1. That if occupants are allowed to have pets, provisions should be made, whether in letting agreement or condominium association master deed, for the requirement of collecting and properly disposing of pet waste.
2. That property maintenance including snow removal and trash removal is the obligation of the property owner(s).
3. That the applicant will pay for a Third Party Code Review conducted by a Code Reviewer of the City of Gloucester's choosing. All identified areas of concern as enumerated by the Gloucester Fire Chief and his staff are covered under Fire Safety Code (527 CMR 1.00) and Mass. General Law on Fire Prevention (MGL 148). The conclusions of the Third-Party Fire Safety Review are to be adhered to and additionally are incorporated herein.
4. The Fire Alarm System is to be connected by radio control master box to the City of Gloucester's municipal fire notification system and the building shall be sprinkled.
5. Detailed plans are to be designed and stamped by a registered design professional at the time of the building permit application as directed by the Building Inspector.

6. A final set of construction level site and utility plans are to be provided to the Gloucester Department of Public Works, both the Engineering Division and the Utility Division not less than 30 days prior to the request for sign-off as part of the Building Permit Process. In addition to two hard copies of the plans, an electronic version (PDF) shall be provided for the city's Electronic Filing Cabinet (EFC) application.
7. A final set of "As Built" site and utility plans are to be provided to the Gloucester Department of Public Works, both the Engineering Division and the Utility Division not less than 30 days prior to the request for sign-off as part of the Certificate of Occupancy Process. This plan shall be a survey level document (250 CMR 6 et seq) prepared in accordance with the Standards of the City Department of Public Works, and shall be prepared to the satisfaction of the City Engineer, and further shall include ties to critical components of underground utility systems.
8. The Zoning relief granted at the request of the Applicant for 120 Maplewood Avenue by the Gloucester Zoning Board of Appeals in a decision dated February 28, 2014 is incorporated herein.

#### **DISCUSSION:**

**Councilor Verga** said that when he was first on the School Committee in 2001 one of the first actions they took was to vote to surplus the Maplewood School. He noted at that time they were looking for over \$700,000 to replenish the recently tapped "rainy day fund." He said after 15 years they are finally on the brink of having this solved. He offered his wholehearted support for the project and asked the Council to do so. This is a historic building being preserved, he pointed out, making it an even better proposition for the city.

**Councilor Ciolino** proposed to amend the main motion to add Condition #9 that first preference for rental units would be given for Gloucester residents who are veterans of the U.S. Armed Services which was seconded by **Councilor Verga**.

**Councilor Ciolino** said because this was public property, although derelict and being developed, the preference for rental of any units should be given to Gloucester veterans. **Council President McGeary** asked how Mr. Noyes would interpret such a condition and how would it be enforced. **Mr. Noyes** explained that if two people wanted the same rental unit and one was a Gloucester veteran, they would give the preference to the veteran. If it was a condominium offered for sale, the same concept would hold true.

**MOTION: On a motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted 9 in favor, 0 opposed to add Condition #9 that first preference for residential units would be given for Gloucester residents who are veterans of the U.S. Armed Services.**

#### **MOTION PASSES.**

**Councilor Ciolino** proposed to amend the main motion to add Condition #10 that all snow be kept on site and that if it is not able to be kept on site that it be removed at the property owner(s)' expense. **Councilor LeBlanc** seconded for discussion purposes.

**Council President McGeary** said it was his understanding there was a snow removal plan on file by the applicant. Mr. Noyes said on a site plan (on file) it is shown where snow would be piled up. From a property management standpoint tenants would not want snow in the parking lot, he said. **Councilor Verga** highlighted Condition #2 which stated, "That property maintenance, including snow removal and trash removal is the obligation of the property owner(s)," by said it didn't talk about where the snow is removed to. **Councilor Whynott** pointed out that snow can't be pushed in the street by city ordinance and said by ordinance this matter is covered. **Councilor Ciolino** said he believed it was appropriate to add a condition specifically about snow removal although Councilor Whynott was correct. **Councilor Cox** asked what the repercussions of this amendment are, and who enforces it. **Councilor Ciolino** said when the conditions of a Special Council Permit are violated, the enforcement officer is the Building Inspector. If conditions continue to be violated, they continue to violate the Special Council Permit comes back before the Council for review and remediation. This condition would help to protect the neighbors, he said. **Councilor LeBlanc** said while putting snow into the street or on city sidewalks is governed by ordinance, he wouldn't oppose the condition.

**MOTION: On a motion by Councilor Ciolino, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 1 (Whynott) opposed, to add Condition #10 that it is required that any snow is to remain on the property or be removed off site at the expense of the property owner(s).**

**MOTION PASSES.**

COUNCILOR COMMENTS ON MAIN MOTION:

**Councilor Ciolino** said when first elected to the Council in 2001 the Maplewood School was being touted for sale at \$780,000. Noting he had sat through many meetings on the many different versions of the possible development of the site. He said the concern of the neighbors is to protect their neighborhood is understandable. He said that Mr. Noyes' reputation as a developer is excellent, his eye for preservation and architectural integrity unerring, and said he was looking forward to seeing this project completed. He expressed that he fully supported the project as planned.

**Councilor Stewart** said he was involved with Pathways for Children when they were housed in the Maplewood School and recalled at that time he wondered why it wasn't being converted to residential units, and that he wholeheartedly supported the Special Council Permit application.

**Councilor LeBlanc** said he would support the project. There have been neighborhood meetings on the project, and neighbors' concerns were addressed. To repurpose this building is good for the neighbor and the city.

**Councilor Lundberg** commended the developer for seeing the value in these old buildings pointing to the Central Grammar School project as a testimony to how these buildings can still have a useful life.

**Councilor Fonvielle** said this is a win/win proposition and was looking forward to it.

**Council President McGeary** commended the Gloucester Development Team, noting that they have saved much of the city's history and architecture from the wrecking ball and put the former Maplewood School into productive use. This will be a further part of their gifts to the city.

**MOTION: On 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 (SCP2015-004) for Major Project for 120 Maplewood Avenue to Gloucester Development Teams, Inc. (applicant), City of Gloucester, owner, pending completion of sale pursuant to terms outlined in previously executed Purchase and Sale Agreement dated August 28, 2013 and subsequent transfer of deed to Gloucester Development Team, Map 39, Lot 4, R-5 (High Density Residential) zoning classification, pursuant to GZO Section 2.3.1(8) Multi-Family Use and Section 5.7.1 (Major Project) for a project containing more than 11 dwelling units (12 dwelling units in all) as shown on site plans entitled, "Maplewood School Residences" by Kontseptual Architects stamped by William Peterson, Registered Architect, dated 6/25/15 consisting of ten (10) sheets. and "Site Plan for 120 Maplewood Avenue, Gloucester, Massachusetts, Map 39, Lot 4 dated July 14, 2015," prepared for Gloucester Development Team, Inc., 1 Woodbury Street, Gloucester, MA 01930, plans prepared by Mill River Consulting, 6 Sargent Street, Gloucester Massachusetts, with no revisions noted, labelled as "Not for Construction," and stamped by Raymond L. Willis (III), Professional Engineer (MA Civil 45092) on 7-14-15, consisting of three sheets. The City Council finds that this project is in harmony with GZO Sec. 1.8.3 pursuant with the six Special Council Permit conditions governing criteria with the following conditions:**

1. That if occupants are allowed to have pets, provisions should be made, whether in letting agreement or condominium association master deed, for the requirement of collecting and properly disposing of pet waste.
2. That property maintenance including snow removal and trash removal is the obligation of the property owner(s).
3. That the applicant will pay for a Third Party Code Review conducted by a Code Reviewer of the City of Gloucester's choosing. All identified areas of concern as enumerated by the Gloucester Fire Chief and his staff are covered under Fire Safety Code (527 CMR 1.00) and Mass. General Law on Fire Prevention (MGL 148). The conclusions of the Third-Party Fire Safety Review are to be adhered to and additionally are incorporated herein.
4. The Fire Alarm System is to be connected by radio control master box to the City of Gloucester's municipal fire notification system and the building shall be sprinkled.

5. **Detailed plans are to be designed and stamped by a registered design professional at the time of the building permit application as directed by the Building Inspector**
6. **A final set of construction level site and utility plans are to be provided to the Gloucester Department of Public Works, both the Engineering Division and the Utility Division not less than 30 days prior to the request for sign-off as part of the Building Permit Process. In addition to two hard copies of the plans, an electronic version (PDF) shall be provided for the city's Electronic Filing Cabinet (EFC) application.**
7. **A final set of "As Built" site and utility plans are to be provided to the Gloucester Department of Public Works, both the Engineering Division and the Utility Division not less than 30 days prior to the request for sign-off as part of the Certificate of Occupancy Process. This plan shall be a survey level document (250 CMR 6 et seq) prepared in accordance with the Standards of the City Department of Public Works, and shall be prepared to the satisfaction of the City Engineer, and further shall include ties to critical components of underground utility systems.**
8. **The Zoning relief granted at the request of the Applicant for 120 Maplewood Avenue by the Gloucester Zoning Board of Appeals in a decision dated February 28, 2014 is incorporated herein.**
9. **It is requested that preference for residential units be given to Gloucester residents who are veterans of the U.S. Armed Services.**
10. **It is required that any snow is to remain on the property or be removed off site at the expense of the property owner(s).**

COMMITTEE RECOMMENDATION: On motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend that the City Council GRANT of a Special Council Permit (SCP2015-004) for Major Project, Gloucester Development Teams, Inc. (applicant), Map 39, Lot 4, R-5 (High Density Residential) zoning classification, pursuant to GZO Sections 1.10.1(a) (3) and 3.2.2 footnote (a) for a minimum lot area per dwelling unit from 2,500 square feet to 1,695 square feet and minimum open space per dwelling unit from 1,250 square feet to 424 square feet and a Special Permit for Height Exception under Sec. 1.10.1(a)(1) to a height of 53.91 feet for a height exception of 23.91 feet as shown on site plans entitled, "Site Plan for 120 Maplewood Avenue, Gloucester, Massachusetts, Map 39, Lot 4 dated July 14, 2015," prepared for Gloucester Development Team, Inc., 1 Woodbury Street, Gloucester, MA 01930, plans prepared by Mill River Consulting, 6 Sargent Street, Gloucester Massachusetts, with no revisions noted, labelled as "Not for Construction," and stamped by Raymond L. Willis (III), Professional Engineer (MA Civil 45092) on 7-14-15, consisting of three sheets.

Further, the Application complies with the requirements of Zoning Ordinance Section 5.7.5 Major Project Special Permit criteria (a) through (d), and the project construction is subject to Zoning Ordinance 5.7.6 in that the Special Council Permit is made conditional upon project execution not deviating from supporting documentation without explicit authorization.

#### **DISCUSSION:**

**Councilor Verga** explained that the applicant has also met the requirements of Zoning Ordinance Section 5.7.5 Major Project Special Permit criteria (a) through (d) and that the public good is served. The project construction is subject to Zoning Ordinance 5.7.6 in that the Special Council Permit and highlighted that the motion states that the granting of the permit under Section 5.7.5 is made conditional upon project execution not deviating from supporting documentation without explicit authorization. He noted that all department heads who are required under the Zoning Ordinance: DPW, Fire, Conservation Agent, Building Inspector, Assessor and City Engineer as well as the recommendation of the Planning Board, are on file and that their recommendations were taken into consideration by the Committee when making the decision to unanimously recommend that the City Council approval of the granting of the Special Council Permit.

**MOTION: On motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 9 in favor, 0 opposed to GRANT of a Special Council Permit (SCP2015-004) for Major Project,**

Gloucester Development Teams, Inc. (applicant), Map 39, Lot 4, R-5 (High Density Residential) zoning classification, pursuant to GZO Sections 1.10.1(a) (3) and 3.2.2 footnote (a) for a minimum lot area per dwelling unit from 2,500 square feet to 1,695 square feet and minimum open space per dwelling unit from 1,250 square feet to 424 square feet and a Special Permit for Height Exception under Sec. 1.10.1(a)(1) to a height of 53.91 feet for a height exception of 23.91 feet as shown on site plans entitled, "Site Plan for 120 Maplewood Avenue, Gloucester, Massachusetts, Map 39, Lot 4 dated July 14, 2015," prepared for Gloucester Development Team, Inc., 1 Woodbury Street, Gloucester, MA 01930, plans prepared by Mill River Consulting, 6 Sargent Street, Gloucester Massachusetts, with no revisions noted, labelled as "Not for Construction," and stamped by Raymond L. Willis (III), Professional Engineer (MA Civil 45092) on 7-14-15, consisting of three sheets.

Further, the Application complies with the requirements of Zoning Ordinance Section 5.7.5 Major Project Special Permit criteria (a) through (d), and the project construction is subject to Zoning Ordinance 5.7.6 in that the Special Council Permit is made conditional upon project execution not deviating from supporting documentation without explicit authorization.

**For Council Vote:**

**1. Warrant for City Election on November 3, 2015**

**MOTION:** On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to approve the warrant for the City Election to be held November 3, 2015.

**2. CC2015-035 (Fonvielle & McGeary) Nomination of the first recipient of the "Ab Khambaty Extraordinary Performance/Service Award" to the late Abdullah A. Khambaty and award to be presented to the Khambaty family at a Council meeting in December**

Council President McGeary noted he is working with Lynne Khambaty to the design on the plaque that will reside in Kyrouz Auditorium. He advised when a model of the award became available he would share it with the Council.

**MOTION:** On a motion by Councilor Fonvielle, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed, to award the first "Ab Khambaty Extraordinary Performance/Service Award" posthumously to Abdullah A. Khambaty.

**3. City Council vote of November 18, 2014 regarding GCO Article 2 "Dogs" Sec. 4-15, 4-16, 4-19 and 4-20 (Cont'd from 09/14/15)**

COMMITTEE RECOMMENDATION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the vote of the City Council taken on November 18, 2014 to amend the Code of Ordinances, 4-15, 4-16, 4-19 and 4-20 be reenacted with an effective date of November 18, 2015 and extended to December 18, 2016.

**DISCUSSION:** None.

**MOTION:** On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, that the vote of the City Council taken on November 18, 2014 to amend the Code of Ordinances, 4-15, 4-16, 4-19 and 4-20 be reenacted with an effective date of November 18, 2015 and extended to December 18, 2016.

**Unfinished Business:** None.

**Individual Councilor's Discussion including Reports by Appointed Councilors to Committees:** None.  
**Councilors' Requests to the Mayor:**

Councilor Lundberg announced that the following day the Backyard Growers will hold a dedication of the Riverdale Park Community Garden at 8:30 a.m. on Veteran's Way. He lauded the work of the Backyard Growers in the community and encouraged the Council and public's support for this project.

**Councilor LeBlanc** expressed his thanks to the DPW for resurfacing a few more roads in Ward 3 and wished his son a happy 16<sup>th</sup> birthday on Thursday.

**Councilor Ciolino** said the Downtown Merchants Association on Halloween is sponsoring trick and treating at participating stores adding that this is a great safe place to bring young trick or treaters.

**Councilor Fonvielle** said the West Gloucester Trinitarian Congregational Church is hosting a bean and frank dinner on Saturday, Oct. 24 at 5:30 p.m. followed by an acapella music concert. Tickets are available from the church, he advised.

**Council President McGeary** announced there are two needle disposal areas in the city, at the Addison Gilbert Hospital and at the North Shore Health Project, 5 Center Street. If members of the public have sharps needing disposal, these are both safe places to keep them off the streets. He said there would be flu clinics at City Hall on Oct. 15 from 3 to 5 p.m. and at the CATA Building on Pond Road on Oct. 20 from 8:30 a.m. to 10:30 a.m.

He advised there would be a test of LED lightbulbs to be installed in city streetlights, with two versions of bulbs the city is examining, 3,000 Kelvin and 4,000 Kelvin. **Jim Destino**, Chief Administrative Officer said that the test will start on Thursday, Oct. 15 or Friday, Oct. 16 and will be installed in city street lights between 486 and 508 Washington Street. This site was picked after talking with the consultant from Siemens it was suggested that a place with newer pavements and sidewalks in a residential area that was not so densely populated with parking available would be a more appropriate setting. He said the location is near the Beeman path. Mr. Destino noted that the map of the location will be posted on the city's website as well as a place for constituents to offer feedback. He said that there will be four light poles with three having 3,000K LED bulbs, all of different shapes even though the same wattage, and one with a 4,000K LED bulb which he said has about a seven percent difference in terms of the quality of light, indicating that at 4,000K the light is a bit softer to the eye. He advised that the LED bulbs will be in place for several weeks.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 10:15 p.m.**

**Respectfully submitted,**

**Dana C. Jorgensson**  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- **“A Matter of Public Safety, The new MBTA-Annisquam Railroad Bridge...”** submitted by Susanne Altenburger under Oral Communications
- **Written remarks of Zenas Seppala, Rockport, MA**
- **The Massachusetts Conservation Restriction Handbook, submitted by John Feener, member of the city's Conservation Commission under Oral Communications**
- **Public Art Policy for Gloucester, Massachusetts, Power Point presentation by Elizabeth Keithline**
- **Written remarks of Leslee Shlopak, 21 Pond Road LLC, 3 Harriet Road from Public Hearing #2015-045**
- **Easement for pass and repass given by 21 Pond Road LLC, 21 Pond Road to the owner of 19 Pond Road, on file with the Registry of Deeds from Public Hearing #2015-045 submitted by Attorney Patricia Johnstone**
- **Property Appraisal by Robert D. Murphy Associates, Inc., Beverly, MA, pursuant to 19 and 21 Pond Road, from Public Hearing #2015-045 submitted by Attorney Mark Glovsky**