

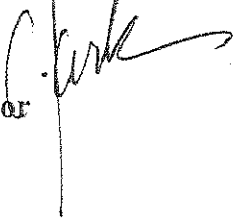
City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



TEL 978-281-9700  
FAX 978-281-9738  
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

TO: City Council

FROM: Carolyn A. Kirk, Mayor 

DATE: October 28, 2008

RE: Mayor's Report for the November 3, 2008 Special City Council Meeting

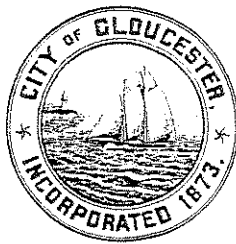
---

Dear Councilors,

As promised in the Mayor's Report for the October 28, 2008 City Council meeting, attached is an update on the status of the Harbor Plan.

I look forward to meeting with you on November 3, 2008 to discuss this important update.

City Hall  
Nine Dale Ave  
Gloucester, MA 01930



TEL 978-281-9700  
FAX 978-281-9738  
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

To: Council President Tobey and Members of the Gloucester City Council  
From: Mayor Carolyn A. Kirk  
Date: October 28, 2008  
Re: Harbor Plan Update

---

Given the current economic climate, it is more important than ever that the city continue to move forward with encouraging investment along our waterfront, and our downtown area. Expanding the commercial tax base so that the burden is eased on residential property owners is a goal I know my administration shares with the City Council. In addition, supporting our Main Street and downtown area is very important.

The single-biggest factor that will help our Main Street and downtown is foot traffic. Two initiatives that support increased foot traffic are:

- Downtown hotel accommodations; and,
- Expansion of the job base along the working waterfront.

The previously submitted zoning proposals for the Fort area address the first initiative, and today I am pleased to submit this update to the City Council on the status of Gloucester's DPA Master Harbor Plan which supports the second initiative.

#### Background

The DPA Master Harbor Plan is reviewed every 5 years. The Harbor Plan in place currently was accepted in 1999, and came up for review in 2004. In about 2004, the previous administration established a 2004 Harbor Plan Implementation Committee. They took up the Plan and emerged with recommendations in 2006. Many in the community felt that the recommendations did not go far enough, and a group of waterfront property owners began meeting through the Chamber of Commerce to put forth additional recommendations. The participating property owners met regularly for over one year bringing us to 2008.

When my administration came into office earlier this year, we turned to the community at large and asked what residents would like to see for the future of Gloucester Harbor. About 600 people came out to 5 "Listening Posts", and the feedback was consolidated into a statement of Community Values for Gloucester Harbor (available on the City website).

### **Summary of Major Changes Requested for the Harbor Plan**

The challenge now is to reconcile the various changes all while keeping within the boundaries of what can or cannot be accepted by the State. In summary, the major changes identified through the 2004 Harbor Plan Implementation Committee, the participating waterfront property owners, and the community, are as follows:

#### **2004 Harbor Plan Implementation Committee –**

- M1, M2, and M3:

The 2004 Harbor Plan Implementation Committee recommended the rezoning of the Marine Industrial (MI) district, which is currently defined with 25% allowable commercial uses, into three distinct zones:

M1 Harbor Cove – Proposal to allow 50% commercial uses

M2 Industrial Port – Remains 25% allowable commercial uses

M3 East Gloucester – Proposal to allow 50% commercial uses

The purpose of this zoning change would be to allow greater flexibility of mixed uses (excluding residential) in areas of the harbor that were already more commercially diversified and where vacancies and under-utilized properties formed a greater percentage of the area. Most notably, Harbor Cove was cited with one quarter of the properties underutilized or vacant. Also, the close proximity of this area to downtown and Main Street was seen as an economic driver for revitalization of those areas. Specifics of this recommendation can be found in the Harbor Plan, Section 5-4, Recommendations, #1, available on the city website.

#### **Participating Waterfront Property Owners Plan –**

- The participating waterfront Property Owners recommended even greater flexibility throughout the existing Marine Industrial district and rejected the idea of separating it into three separate districts. Specifically they recommended changing the existing Marine Industrial zone to allow hotels, restaurants, office space, retail shops, and to allow recreational dockage as a percentage of newly created commercial dockage.

#### **Community Values –**

The five Listening Posts which drew about 600 people out captured the major themes for what the public at-large would like to see for the harbor. Themes include:

- Make the harbor a hub of economic activity. Be flexible while respecting the working character of the port.
- Make the harbor a hub of community activity. Provide access to, along, and across the water including expanded opportunities for recreational boating.
- Ensure that harbor development respects the heritage of Gloucester.
- Approach harbor development recognizing that we want and need investment in our harbor.

The summary document can be viewed in full on the city website Harbor page in the Community Values link.

### **Process Undertaken for Working with State**

When Governor Patrick visited Gloucester in June 2008, many residents were on hand to make the case for taking steps to encourage investment along Gloucester Harbor. Governor Patrick made a commitment to work with the City, and asked the Secretary of Energy and Environmental Affairs, Ian Bowles, to work with my administration on enhancing the economic viability of our Harbor.

The collaboration with the state has taken place with Secretary Bowles' designee, Assistant Secretary Deerin Babb-Brott. The Assistant Secretary convened a working group, which has met over the past three months, and is comprised of City of Gloucester representatives, along with representatives from Coastal Zone Management and the DEP Waterways program. I cannot overstate the importance of having each of the key stakeholders at the table at the same time. The City of Gloucester is joined by our partners at the state in aligning city and state goals to ensure a successful working harbor. The Assistant Secretary has been of critical importance in engaging the regulatory and Gloucester community voices in this collaborative problem-solving.

### **Results of Working Group**

Attached is a letter from Assistant Secretary Deerin Babb-Brott which articulates the results of the working group. The results are significant in many ways:

1. The City may now finalize the draft 2006 Harbor Plan with the elements that are currently approvable at the state level and in light of: the efforts of the 2004 Harbor Plan Implementation Committee; input from the participating waterfront property owners; and, the community values and plan elements identified through the Listening Posts.
2. The state has made a commitment to individual property-owners for technical assistance to develop ways in which more working uses could be accommodated. There appear to be instances where, if a more liberal interpretation of the current regulations was given, then a property owner could do more than allowed under a strict interpretation. For example, the Gloucester Marine Railways might be able to accommodate storage/hauling of recreational boats as long as no permanent dockage for such were created.
3. The state recognizes that they need to formally consider whether the DPA program and regulations should be modified to allow greater flexibility in the definition and management of DPA uses. I am proud to say that our advocacy for Gloucester Harbor has in part resulted in this conclusion, and that our work at the local level is being seen as working model for potential DPA rule changes across all DPAs. Gloucester will be tapped to advise the state on potential modifications.

Now that we know the state's position on our Harbor, the city has a solid framework for local decision-making on proceeding with next steps. The Administration seeks to collaborate with the City Council and our state legislative delegation on where we go from here.

## **Conclusion and Recommended Next Steps**

At this juncture, there are four simultaneous paths that the Administration recommends be undertaken:

### **1. State Acceptance of Compliant Harbor Plan:**

The 2008 Harbor Plan is now ready for final draft and takes into consideration the following:

- the 2004 Harbor Plan Implementation Committee's recommendations;
- allowable requests from the participating waterfront property owners;
- confirmation of site-specific technical assistance;
- the Community Values statement from the Listening Posts.

The city will submit a draft to the state for a preview on regulatory compliance. Once the Plan meets state regulatory compliance, the Harbor Plan will be submitted to the City Council and the Planning Board for their review and endorsements.

The plan then needs to be submitted by the Mayor to the state for formal approval. Our goal is to submit a pre-approved and locally endorsed Plan to the state by Jan. 5, 2009. The purpose of submitting to the state first is so that an updated Harbor Plan that gives relief to property owners can be put in place quickly.

### **2. Participation with the State on DPA Program Review Statewide:** As indicated in the attached Assistant Secretary's letter, Gloucester will be tapped to work with the state as they undergo a review of the DPA Program.

### **3. Drafting of Legislative Solution:**

To achieve the objectives for our Harbor that cannot be accommodated by the state even with a rule review, it is recommended that Gloucester ask our state delegation to draft legislation that addresses those areas. For example, the City should explore freeing East Gloucester from the DPA so as to support the expansion of recreational boating. Recreational boating is subject to a rule change. The rule change process will take over a year to complete, and may or may not result in a change in state DPA rules to allow recreational boating.

Gloucester should take steps now and control our own destiny over our Harbor with regard to recreational boating. There may also be other areas identified for boundary change that support a community-based need as well. A historical example of this was a change in the DPA boundary to allow for the Rose Baker Senior Center.

The timeframe for this path can be up to two years.

### **4. Commencement of Local Zoning Changes:**

Concurrently, the city will need to undertake changes to local zoning which are aligned with both the 2008 compliant Harbor Plan as well as any subsequent changes resulting from the legislative efforts.

Gloucester is on the brink of actually moving towards a diverse economy and locally-driven definition of our working waterfront. Now more than ever, I am optimistic about Gloucester's future despite the grim economic climate we find ourselves in. Lastly, I would like to note the excellent work of the city's Community Development Director who is also the Harbor Plan Coordinator, Sarah Buck, and her staff, for their work in reconciling all of the public input received over the past 4 years into a coherent action plan. We are excited to work with the City Council on moving the Harbor Plan forward and toward a brighter future for Gloucester.



*The Commonwealth of Massachusetts*  
*Executive Office of Energy and Environmental Affairs*  
*100 Cambridge Street, Suite 900*  
*Boston, MA 02114*

Deval L. Patrick  
GOVERNOR

Timothy P. Murray  
LIEUTENANT GOVERNOR

Ian A. Bowles  
SECRETARY

Tel: (617) 626-1000  
Fax: (617) 626-1181  
<http://www.mass.gov/envir>

October 23, 2008

The Honorable Carolyn Kirk  
Gloucester City Hall  
9 Dale Avenue  
Gloucester, MA 01930

RE: Gloucester Designated Port Area

Dear Mayor Kirk,

I am writing to relay the results of consultation with you regarding the City of Gloucester Designated Port Area (DPA), and to thank you for your thoughtful and constructive advocacy on behalf of the City's harbor interests. In summary, you have proposed that a locally defined 'working waterfront,' predicated on greater flexibility of allowable uses than currently permitted under the state's DPA regulations and integrated with and supported by the state program, can better achieve Gloucester's interests than the current regulations, while protecting core marine industry.

Specifically, the City proposes to enhance the economic viability of the harbor through such measures as increasing the allowable types and percentages of commercial (supporting) uses on DPA parcels and increasing public access and dockage, including recreational boating facilities. The City also seeks greater flexibility in other aspects of the DPA regulations, including, but not limited to, the integration of point and lateral public access in the DPA. The City's current draft MHP reflects these interests. We also understand that in order to move forward with some of its stated goals, modifications will be necessary to the City's zoning code, and the draft MHP contains some of these proposed changes as well.

While the implementation of some of the City's waterfront objectives—such as recreational boating facilities—are currently prohibited by state rules, our review of the City's proposed MHP indicates that other uses would be able to move forward, either through the current framework or with approvable modifications as established in a DPA Master Plan. To that end, Secretary Bowles has directed that staff from CZM and DEP be available to work with the City to identify opportunities across the planning area or on a case-by-case basis, pending the outcome of the statewide DPA program review described next.

Based on discussions with your planning team and regulatory staff from the Office of Coastal Zone Management and the Department of Environmental Protection, and on EEA's recent experiences with a number of DPA projects elsewhere in the state, we believe it is appropriate to formally consider whether the DPA program and regulations should be modified to allow greater flexibility in the definition and management of DPA uses. We envision establishing a process to review the benefits and impacts of the current DPA regulations statewide and evaluate potential modifications using the City's draft MHP as a working model.

Importantly, such review would not extend to the fundamentals of the program, but rather to the terms by which the DPA program's interest in preserving marine industrial opportunity as a statewide asset can be balanced with local needs and interests in developing and maintaining viable working waterfronts. We expect that such review would be representative of DPA municipal, marine industrial, and policy interests, and would include the participation of the City of Gloucester. If the process were to result in recommended changes to regulation, we expect that such rule-making would be completed in late 2009.

I have asked Bruce Carlisle at CZM to follow up with your planning department regarding any immediate technical assistance we can provide; I will contact you in the near future regarding the review process. Please do not hesitate to call me at (617) 626-1207 if you have any questions or would like to discuss next steps.

Sincerely,



Deerin Babb-Brott  
Asst. Secretary

Cc: Bruce Carlisle, CZM  
Ben Lynch, DEP