

GLOUCESTER CITY COUNCIL MEETING

Tuesday, March 28, 2017 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Joseph Ciolino; Vice Chair, Steven LeBlanc, Jr.; Councilor Paul Lundberg; Councilor Valerie Gilman; Councilor Scott Memhard; Councilor Sean Nolan; Councilor James O’Hara; Councilor Joseph Orlando, Jr.

Absent: Councilor Cox

Also Present: Mayor Sefatia Theken; Joanne Senos; Jim Destino; Kenny Costa; Chip Payson; John Dunn; Fire Chief Eric Smith; Mike Hale; Max Schenk; Dave Sargent; Gregg Cademartori; Chris Sicuranza; Rick Noonan; Grace Poirier

The meeting was called to order at 7:00 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:**

Noreen Gillis, 28 Lake Road, advised she had contacted both Councilors Nolan and O’Hara about her concern for poor roadway conditions on Lake, Englewood, Maple and Shore Rds., Ocean Ave. from Norman Ave. She expressed further concern for emergency vehicles navigating the roads possibly causing damage to them and possibly endangering patients under transport. She asked Mayor Theken to make emergency repairs to these roadways to make them safe. She noted at recent Ward 5 meeting with Councilor Nolan that he conveyed the city wouldn’t repair these private roads and that the residents of those roadways would have to pay for the repairs and repaving. She noted having lived in Gloucester all her life that the city has always maintained roads whether private or public until a several years ago. She recounted that 30 years ago the city had funded repaving these roads, always fixed potholes on them and made Englewood Road one-way. She asked the Council to work with the Mayor to find a way to increase funding to repair and maintain public and private city roadways, and to increase the funding for the Public Works Department to do so.

Sean Seariac, 10 Lincoln Park, said he was a candidate for a Master’s Degree at Salem State University and is part of a team working on a grant proposal for a feasibility study for long-term sober living community in Gloucester. While there is Moore’s Way (a drug-addiction treatment center), for people that come out of treatment, there is no long-term facility which is an issue, he said, and causes recidivism going back to the same environment. The proposal is for a facility where people can get their bearings, get a job and become a contributing, tax-paying member of the community. He pointed out that the feasibility study will create a team to find a financially feasible way to open such a facility in Gloucester. He asked the Council and community leaders for letters of support.

Dr. Michael Stelluto, 21 Brier Road, a long time Gloucester resident highlighted that on March 22 about 4:00 p.m. he went to walk at Good Harbor Beach and noted it was a day that dogs were allowed off leash on that beach. He said there were two dogs running exuberantly down the beach and told the owner he thought the dogs belonged on leashes out of concern for others. He pointed out one of the dogs rushed him, and then something attacked him from behind, knocked him off his feet. He said he struck his shoulder, and had contusions on various parts of his body and could not get up. A dog owner whose dog was leashed came to assist him suggesting he call 911, although he said he did not. The dog owner whose dog “attacked” him expressed her apologies and left the beach with her dogs. He said that dogs should under full control by their owners when off leash and not put any person at risk.

Debbie Collins, 19 Acacia Street, noting she spoke under Oral Communications at the March 20 Council meeting recounted she had presented a petition to the Council representing about 400 Maplewood School neighbors and concerned citizens in support of developer Kirk Noyes and his project to develop residential units at the Maplewood School. She reported they had heard nothing from the Mayor until just before this Council meeting. The neighbors, she said, are open to a dialog on the issue of the Maplewood School development.

Brian Darby, 553 Washington Street, asked that the Council examine closely the affordable housing component for the Fuller School development of 200 dwelling units. He said the city is being “shortchanged” by the developer’s cash alternative to providing affordable housing with the value of the housing development pegged at about \$9 million and \$500,000 being offered as that alternative is inadequate. He said this housing development by not having an affordable housing component is not helping the city to reach its 10% affordable housing goal for its total housing stock.

NOTE: The following two Supplemental Appropriations, 2017-SA-19 & -20 are already documented and voted upon by the Council. The correct numbering for these two Supplemental Appropriations is: 2017-SA-27 and 2017-SA-28

Councilor Memhard explained that there are two Supplemental Appropriations for the Public Works Department for Council consideration and are renumbered reflective of a previous Council vote. The first, 2017-SA-27 is funding to repair damage caused by winter weather to street signs. He said that Public Works Director, Mike Hale, had highlighted for the B&F Committee that there are new street signs that are more reflective and larger in size installed to date between Derby and Ferry Streets, and encouraged the Councilors to view them. The second appropriation from Public Works is an annual occurrence out of the Highway Force Account, an account mostly funded from road opening permit fees, for the purpose of roadway winter clean up and spring repair work projects around the city.

COMMITTEE RECOMMENDATION: On motion by Councilor Ciolino, seconded by Councilor O'Hara, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2017-SA-27 in the amount of \$15,000 (Fifteen Thousand Dollars) from the Highway Force Account, Transfer to the General Fund, Account #32085-596001 to the DPW Public Service-Signs & Cones, Account #147052-553001 for the purpose of purchasing sign supplies for sign repairs/replacements throughout the City of Gloucester.

DISCUSSION: None.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, to approve Supplemental Appropriation 2017-SA-27 in the amount of \$15,000 (Fifteen Thousand Dollars) from the Highway Force Account, Transfer to the General Fund, Account #32085-596001 to the DPW Public Service-Signs & Cones, Account #147052-553001 for the purpose of purchasing sign supplies for sign repairs/replacements throughout the City of Gloucester.

COMMITTEE RECOMMENDATION: On motion by Councilor O'Hara, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2017-SA-28 in the amount of \$25,000 (Twenty Five Thousand Dollars) from the Highway Force Account, Transfer to the General Fund, Account #32085-596001 to the DPW Public Service, Paving, Account #0147058-588003 for the purpose of funding paving projects in the City of Gloucester.

DISCUSSION: None.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, to approve Supplemental Appropriation 2017-SA-28 in the amount of \$25,000 (Twenty Five Thousand Dollars) from the Highway Force Account, Transfer to the General Fund, Account #32085-596001 to the DPW Public Service, Paving, Account #0147058-588003 for the purpose of funding paving projects in the City of Gloucester.

COMMITTEE RECOMMENDATION: On motion by Councilor O'Hara, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council approve Special Budgetary Transfer 2017-SBT-16 in the amount of \$192.00 from Account #0121152-520000, Police Uniform, Purchase of Services, to Account #S0141995-511101, School General Fund, Central Office-District Nurse Professional Salary, for the purpose of funding the services of the School District Nurse Leader for Police Department for CPR and Narcan training courses.

DISCUSSION:

Councilor Memhard said that School District Nurse Leader, Cindy Junker, provided CPR and Narcan training for the Citizen's Academy sponsored by the Police Department, and this transfer will allow the department to pay her for this service.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to approve Special Budgetary Transfer 2017-SBT-16 in the amount of \$192.00 from Account #0121152-520000, Police Uniform, Purchase of Services, to Account #S0141995-511101, School General Fund, Central Office-District Nurse Professional Salary, for the purpose of funding the services of the School District Nurse Leader for Police Department for CPR and Narcan training courses.

COMMITTEE RECOMMENDATION: On motion by Councilor O'Hara, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council approve Special Budgetary Transfer 2017-SBT-17 in the amount of \$10,000 from Account #0122052-558015, Fire Department, Supplies for Men/Women, to Account 0122051-513000, Fire Department, Overtime, for the purpose of funding the continuous operation of fire stations in the City of Gloucester.

DISCUSSION:

Councilor Memhard conveyed the following: that in order to continue to keep all of the city's fire stations opened that there is a need to move money from the Fire Department Supplies for Men/Women Uniform account which is a uniform account to the department's overtime account used exclusively for staffing the stations. He conveyed this is the prevailing method in order to maintain opening Magnolia. Chief Smith had explained to the B&F Committee that he constantly reviews the department's fiscal budget to sweep up funds for things they don't absolutely have to expend or can live without in order to keep stations opened.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to approve Special Budgetary Transfer 2017-SBT-17 in the amount of \$10,000 from Account #0122052-558015, Fire Department, Supplies for Men/Women, to Account 0122051-513000, Fire Department, Overtime, for the purpose of funding the continuous operation of fire stations in the City of Gloucester.

COMMITTEE RECOMMENDATION: On motion by Councilor O'Hara, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A a Seafood Marketing Pilot Grant Program that is a state grant from the Massachusetts Department of Marine Fisheries grant of \$13,000 for the purpose of the city's continued marketing and outreach efforts for the Gloucester Fresh Seafood campaign and to support outreach, promotion and new seafood product development by the Gloucester Fishermen's Wives Association. This grant has no match requirement.

Councilor Memhard advised that: the city is in receipt of a Mass. Dept. of Marine Fisheries \$13,000 grant for continued marketing and outreach efforts for the Gloucester Fresh Seafood campaign for underutilized species. The grant funds will be used to support outreach, promotion and new seafood product development by the Gloucester Fishermen's Wives Association in partnership with the city and that the grant has no match requirements.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to accept under MGL c. 44, §53A a Seafood Marketing Pilot Grant Program that is a state grant from the Massachusetts Department of Marine Fisheries grant of \$13,000 for the purpose of the city's continued marketing and outreach efforts for the Gloucester Fresh Seafood campaign and to support outreach, promotion and new seafood product development by the Gloucester Fishermen's Wives Association. This grant has no match requirement.

Ordinances & Administration: March 20 (No Meeting)

Planning & Development: March 22 (No Meeting)

Scheduled Public Hearings:

1. PH2017-013: RZ2017-001: Amend GZO by ADDING Sec. 5.29 "Mixed Use Overlay District (MUOD) re: Schoolhouse Road #4, Schoolhouse Road #2 & Gloucester Crossing Road #7 (TBC 04/25/2017)

This public hearing is opened at 7:24 p.m.

This public hearing is continued to April 25, 2017 at 7:24 p.m. with the assent of the applicant.

2. PH2017-016: Repurpose funds in Loan Authorization 2013-003 for six capital projects in the amount of \$2,475,000

This public hearing is opened at 7:25 p.m.

Those speaking in favor:

John Dunn, CFO, advised that this Council action is to repurpose funds already appropriated for specific capital projects, recounting that in September 2013 the Council approved a \$2,475,000 loan order. As part of the loan authorization were six projects, one of which was about \$1 million to be used for the renovation and addition to a DPW building at the Poplar St. location. He conveyed that after engineering was completed on the building project, it was clear that the scope of the project would cost much more than appropriated and was put on hold. In anticipation of funds being expended on the building project, he borrowed money. As a tax exempt issuer of debt, he explained, the city has a requirement to spend borrowed funds within a certain period of time, and it appears the city won't be able to spend the borrowed funds for this particular capital project within that certain timeframe. It is proposed to repurpose \$200,000 of the DPW portion of the \$2,475,000 and reappportion it to the Fire Department repairs project which will pay for renovation of the dispatch center and electronics replacement which has been in place for a long time. He recounted that the Fire Chief Smith has concerns for the long-term viability of the department's dispatching ability and so that this work is very necessary.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 7:28 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council AMEND Loan Order 2013-003 voted by the City Council on September 24, 2013 as follows:

Ordered: That up to \$2,475,000 is appropriated for the following purposes in the following amounts:

<u>Amount</u>	<u>Purpose</u>
\$ 800,000	DPW Building Addition
\$ 500,000	Financial Software Purchase/Installation
\$ 350,000	Salt Shed
\$ 250,000	City Hall Boiler Replacement
\$ 240,000	Street Sweeper
\$ 335,000	Repairs to Fire Stations

Including the payment of all costs incidental or related thereto; that to meet this appropriation, the Treasurer, with the approval of the mayor is authorized to borrow \$2,475,000 under Chapter 44 of the Massachusetts General Laws or any other enabling legislation; that the Mayor and any other appropriate City official is authorized to contract for and expend any federal, state or private aid available for the project; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

DISCUSSION: None.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, to AMEND Loan Order 2013-003 voted by the City Council on September 24, 2013 as follows:

Ordered: That up to \$2,475,000 is appropriated for the following purposes in the following amounts:

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\$ 250,000	City Hall Boiler Replacement
\$ 240,000	Street Sweeper
\$ 335,000	Repairs to Fire Stations

Including the payment of all costs incidental or related thereto; that to meet this appropriation, the Treasurer, with the approval of the mayor is authorized to borrow \$2,475,000 under Chapter 44 of the Massachusetts General Laws or any other enabling legislation; that the Mayor and any other appropriate City official is authorized to contract for and expend any federal, state or private aid available for the project; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

3. PH2017-017: Proposed map amendment to GCO Sec. 23-42 “Sewer Extensions in Ward Five (5) – Precinct Two (2),” section (H)(2) re: Essex Avenue #650R

Councilor Orlando declared under 268A that his in-laws are abutters to abutters to 650R Essex Avenue in the matter of the proposed map amendment to the Ward 5, Precinct Two map and so recused himself from the Public Hearing proceedings and Council vote and left the dais.

This public hearing is opened at 7:32 p.m.

Those speaking in favor:

Attorney Joel Favazza, Seaside Legal Solutions, 111 Main Street representing Rich Hersey, whom he said with his family owns approximately 55 acres of woodland off of Essex Avenue whom he said have been “responsible stewards,” of the property for more than 50 years. The subject property, 650R Essex Avenue, comprised of four acres with which is a small portion of the land owned by Mr. Hersey, which was not part of the original “back” acreage. The property is zoned medium-high density residential, R-10 district. He said that this property contains large areas of ledge and wetlands and was intended to be a tie-in point for several abutting properties to connect to the sewer system on Essex Avenue. **Note:** Mr. Favazza’s presentation to the Council was aided by a Power Point presentation previously submitted to the City Council and on file.

Mr. Favazza said that the applicant is not asking to add new land to the sewer district but are attempting to correct a mapping error which he noted that a parcel is wrapped and in error split in half by a map line. He recounted that the legislative process the applicant is before the Council under is a map amendment, and that the standards that have to be met are rooted in the concept that new land is being added. He said the remainder of property that was left out did meet the ordinance standards. He expressed that this is not an extra parcel that was not considered or be squeezed onto the map. He said this is a parcel he believes was meant to be in this sewer district and by mistake was omitted. He explained that the applicant isn’t seeking to supersede the intent of the sewer district ordinance; avoid subdivision rules and regulations; to not avoid Conservation Commission (ConCom) jurisdiction or avoid the oversight of the Public Works Department pursuant to new sewer connections. He said in granting the request of the applicant the Council isn’t permitting his client to go ahead and develop the property except for an acknowledgement that if a subdivision is permitted a sewer extension would be allowed through the property. This allows for a technicality to be removed and allows his client to discern how best to move forward to possible development of the property, he said, which is why there are no development plans now before the Council until the map amendment question is answered. He explained there was a potential for a subdivision for this property and has been thought about and said recognized by the city since 2003.

Timeline:

- 2001: West Gloucester Land Use & Wastewater Plan (“Daylor Report” or “Report”) which studied how the new sewer line through Essex Avenue would impact potential development in West Gloucester. The Daylor Report said properties on Essex Ave. should tie into the sewer and that smaller “spur” streets off of Essex Avenue, as a subdivision road would be, should also be included. The Report cites is ease of connection; poor soil quality for septic systems in the Essex Ave. corridor as reasons why these properties are good fits for sewer extensions.

- 2002: GCO c. 23, Sec. 42 (“Sewer District” Ordinance) amendment is passed by the Council: Statement of intent in part is to classify the Daylor Report and states that “...every property [is] either in or out” of the sewer district and doesn’t allow for partial inclusion of a parcel – a property is either in or out. **Mr. Favazza** said that was his take, and it was how the city’s attorney has read the ordinance in a written opinion in Nov. 2016. He noted that the property is not or can be partially in the sewer district. **Mr. Favazza** described the map as following rear property lines and showed that it cuts through a portion of his client’s property in half but unlike that of surrounding properties for which the map line follows the rear of all other surrounding property lines.

Mr. Favazza then reviewed a series of maps of the sewer district highlighting his client’s property and offered that his client’s property is nestled in a small area, pointing out that it wasn’t impossible that something on the mapping may have been mis-drawn. He described what he said he considered a mistake on the drawing of the sewer district map as the map line is following rear property lines and coming to his client’s property the map line would have “taken a left” and met up. He suggested that it was possible in tracing the map by hand it may have skewed the map line, cut his client’s property in half and then touch upon the back of several properties. He pointed out that the subject property goes all the way out to Essex Ave. and comes “up.” He said there is a green line not following a property line with no black below it on the map was in his opinion the mapping error. He noted a blue line that he said indicated the back of a property line being in sync with the sewer district, and a red line his client’s property which he said was his belief that it was in error and the green line represented what he said was a “correct” line following the back of the properties. He added that because properties are either in or out of the sewer district, there was no reason why a line would halve a property if it could only be in or out.

- 2003: Installation of sewer main in Essex Avenue
The City Engineer sent a letter to the predecessor in title of his client that **Mr. Favazza** said specifically acknowledged the previous owner’s intent to develop 650R Essex Ave. and references that the previous owner would still need to go through the subdivision process. He recounted that in the letter the City Engineer notes that instead of having a 6 inch stub as done along Essex Ave. for single home lots, he was going to instruct the Town of Essex that was doing the construction work to install an 8 inch. He described 8 inch sewer stubs to be found in areas like Keystone Rd., Lincoln Ave., spur streets where there would be multiple homes serviced by the sewer extension. The City Engineer then sent a letter to the Town of Essex instructing the town to change out the 6 inch stub for 650R Essex Ave. to an 8 inch stub. The letter mentions properties that have no frontage on Essex Avenue, he said, and have no access to the sewer line and that those properties would likely use a sewer extension coming through the subject property to get to Essex Ave. Without a sewer extension being permitted on the subject property, he indicated that there was no way for these properties without frontage to Essex Ave. to connect to the sewer line although those properties are in the district.
- 2005: Betterment assessed to 650R Essex Avenue and has been paid since.
- 2008: Gloucester Zoning Ordinance and Map revised with a new ordinance and map in place and 650R Essex Avenue was zoned R-10 (Medium-High Density Residential District). **Mr. Favazza** said that it meant the Planning Board and the City Council examined the subject property, as viewed like the Daylor Report, and said the property is appropriate for R-10 Medium-High Density Residential District. The district is defined as encompassing single-family development, and where appropriate two-family and multi-family development, 10,000 square feet per lot, on a 4 ½ acre parcel. He said he confirmed on the one official City of Gloucester Zoning Map that 650R Essex Ave. parcel is R-10.
- 2016: Mr. Hersey starts to explore options to develop his property. He advised they solicited a preliminary review by the Planning Director, Gregg Cademartori who at a meeting asked about the sewer district map. He described that the city has one copy of the sewer district map, not digitized or available on the city’s website but is housed at the City Hall Annex and highlighted that the sewer ordinance isn’t incorporated to the on-line version of the Code of Ordinances making it difficult to locate. In reviewing the map it was shown the sewer district line bifurcated 650R Essex Ave. He recounted he reached out to the Mayor’s office and the City Solicitor, Chip Payson, and advised Mr. Payson that the subject property on the map had some “shading” and therefore was clearly in the sewer district. Mr. Payson agreed with the “read” of the ordinance but not with the application of the ordinance which his written legal opinion (dated 11/8/16 on file) said that properties are either in or out; but because the rest of 650R Essex Ave. isn’t shaded, the subject property is entirely out and that Mr. Hersey needed to seek an amendment to bring the property in. He advised that based on that opinion he filed the application on his client’s behalf. He reiterated that part of this process is anticipating that new land will be added to the sewer district not correcting what he said he believed was a mapping error coupled with a great deal of review that transpires.

Mr. Favazza reviewed the departmental review requirements:

- The Board of Health has a specific responsibility that if they find that allowing a sewer extension into a previously not included portion of the city would, "...alleviate or prevent a public health risk..." which is a finding the Board can make and that the Council can rely upon such a finding. He conveyed that because there wasn't a threat of a public health risk with no sewer on this property the Board weren't able to make that finding. He said the Board stated it had no prejudicial opinion.
- ConCom, he reported, didn't oppose the subject property's inclusion in the sewer district and stated the Commission wasn't in a position to make a specific recommendation because there is no plan for development, but that any plan for development if made would come before them. The ConCom did convey that it has a general policy of favoring sewer connections over septic systems for the protection of soil and ground water quality.
- The Planning Board reviewed the matter. **Mr. Favazza** acknowledged he wasn't present at the meeting due to a calendar error on his part. He advised his client was at the meeting and he said that his client wasn't able to convey all that was necessary. He said the Board "failed" to provide the necessary written opposition within the time requirement of the ordinance and said that it was "erroneous" that the Council received a written recommendation two days late.

He reviewed that the Board of Health is not opposing; ConCom not opposing; Planning Board not opposing by default. He pointed out that the city's draft Housing Production Plan was released during this application process calling for 600 units of housing in the city by 2020 which he said was an important consideration in allowing the subject property to be sewer and be developed as a subdivision.

➤ ORDINANCE STANDARDS TO BE MET:

- Criteria geared towards adding new parcels to the sewer district --
- Must meet following criteria:
 - (a) The proposed sewer extension serves an area that could not be feasibly served by either on-site or community wastewater treatment systems. **Mr. Favazza** described that approximately 25,000 square feet of the subject property is wetland or a buffer zone to a wetland. The neighboring properties awaiting connection to this extension, he said, are entirely wetlands or buffer zones to wetlands and the rear of subject property is mostly ledge outcroppings. He showed photographs of the property saying it is not conducive to siting a septic system and a map for which he described the abutting properties and previously noted. He pointed out there are ConCom and Board of Health regulations that ban or inhibit the siting of septic systems within 100 feet of wetlands. He suggested that machinery didn't need to be on the property to do a perk test pointing to the photograph of the property in his presentation. He described erosion on the property and outcroppings of granite, again pointing to a photograph saying that it is not conducive to siting septic systems or needed number of septic systems for an R-10 development.
 - Must meet one additional criteria:
 - (b) The proposed sewer extension promotes the efficiency and effectiveness of the Gloucester sewer system. **Mr. Favazza** said that by the subject property being acknowledged as part of the sewer district allows two land-locked properties that are in the district to tie into the sewer line through a common stub already on site since 2003 and part of the existing plan.

Mr. Favazza said he understood goals were stated in the Daylor Report that speaks to the sewer system trying to ensure public and environmental health by reducing septic systems near wetland resources. He said this meets that goal. He conveyed they have met the mandatory criteria A and the optional criteria B.

He noted an email communication received by the Council from Christine Rasmussen dated today who worked on the Daylor Report, spoke about mistakes not being made to the best of her knowledge, and said she thought that he was making a false claim. He pointed out the language of the ordinance that properties are "either in or out." The map has several parcels much larger and "further back" than the subject property -- 9 Andrews, 7.5 acres, R-10 zoning completely in the (sewer) district 3 Andrews, 3 ½ acres, R-10 zoning and all in the district -- and both don't front Essex Avenue; 605 Essex Ave., 8 acres, R-10 in district; 540 Essex Avenue has 21 acres in the R-10 district which he equated to 70 house lots including roadways, entirely in the district. He expressed his contention that anyone saying that 4 ½ acres is disproportionate to the intent of the district, has only to see the much larger undeveloped sites surrounding 650R Essex Ave that were in the sewer district from its inception as he said he believed the subject property was. He reiterated the letter by the City Engineer cited earlier acknowledging future development; future subdivision development and ensuring a larger stub is in place should that transpire, and cited the way the subject property was zoned. He reiterated to the Council that the way the map was drawn created a flawed map. The City Solicitor says the subject property is in or out, and he showed again what the property is on the sewer district map now and then showed another slide showing what he said it should be to include the entire

property in the sewer district map and posited as to why it was intentional to remove this particular parcel of property when not another similar parcel is removed. He said they have met the standard to amend the sewer district map while not adding new land to it, and reiterated his belief that the subject property was intended to be part it. This is not adding new space to the map, but correcting an error, he said.

Louis Maffei, 37 Woodman Street, said he's known the applicant for 35 years and lived on Woodman St. for 37 years. He said Mr. Hersey's property surrounds his on two sides. He noted that the applicant has been a good steward of his property and a good neighbor, and said he trusts him. He conveyed he felt it was unfortunate that the Mr. Hersey purchased a property with the assumption that he could build a home on it, and has paid a betterment and that the sewer service should be available to him. He said his understanding is that Mr. Hersey can't have access because of a clerical error on a map. If Mr. Hersey bought the property with the intention to become a resident he said it wasn't right to stop him on a technicality. He asked the Council to decide in favor of the applicant.

Those speaking in opposition:

Joel Swann, 548 Essex Avenue, said that he is voicing his opposition to the map amendment (complete written remarks placed on file). He summarized that the applicant says that the sewer district map is incorrectly drawn leaving a portion of his property outside of that sewer district, and that his property satisfies the requirements of the sewer extension ordinance, and so the map should be corrected. Reviewing briefly the stated purposes of the sewer extension ordinance based on the Daylor Report, and the reasons the ordinance was put into place, he highlighted that the applicant purchased the subject property in 2009 which was several years after the ordinance was enacted. Noting the first criteria to add an eligible area to the sewer district if the area can't be feasibly served by an on-site system and meets at least one of five criteria, the first requirement that an on-site system is not feasible, he said has not been met and also reviewed in brief the determination of the Board of Health, and ConCom. He highlighted that the Planning Board, the Shellfish Advisory Commission and the Public Works Director all said that the subject property doesn't meet the ordinance criteria in the ordinance and therefore didn't recommend a change to the sewer district map. He expressed his contention that while the property owner has stated the subject property was always intended to be completely included in the sewer district, he said it is not a case of the map being drawn incorrectly. He touched upon the payment of the betterment by the current and previous owner on a split parcel as other split parcels on Essex Ave. also paid the same betterment. He touched upon the 2003 letters by the City Engineer about the subject property. He pointed out that the ordinance doesn't say that every property is either in or out of the sewer district but in Section (c) it refers back to the Daylor Report which placed properties in and out of the sewer service areas. He concluded his remarks by saying that the 650R Essex Ave. property hasn't met the criteria of the ordinance and that the amendment to the sewer district map should be denied.

Glen Bresnahan, 514 Essex Avenue, noted in the early 2000's the sewer extension from the Essex town line to Wellspring was a controversial matter. He said it wasn't to open up wetlands to development, but to connect Essex to the city's sewer treatment plant and wasn't to extend to opening development. He said he recalled the Daylor Report was specific to protect wetlands and the character of Essex Avenue. He pointed out that only a few compromises were offered to residents of Essex Ave., and one was with the help of the Daylor Report, the design team from Essex and Gloucester, the Clerk of the Works, to protect the nature of Essex Ave, a historical highway and to keep pork chop lots and multiple use single laterals at bay. He said they like the character of Essex Ave., and is a great asset to the city and was why he was opposed to this sewer district map amendment.

Michael Patil, 21 Woodman Street, said he submitted a letter to the Council in opposition (on file) that if this (map) is changed that the property owner could erect a 16 to 20 unit development being serviced by the 8 inch sewer stub. He noted Mr. Swann voiced concerns he had also, and expressed his agreement that the (sewer district) map was drawn correctly. He asked there be no exception to add the subject property to the sewer district map. The map was available in 2009 when the property was purchased; he pointed out and said that there is more opposition amongst other neighbors.

REBUTTAL:

Mr. Favazza said that anyone who said there is no error on the map that this, pointing to the 650R property on a map, was not supposed to happen. He said this is not treated like any other property, and that there was, "no mistake, and the property was not supposed to be out of the district in its entirety. He noted Mr. Swann mentioned six properties where sewer map lines have, what he said he considers an error where the map cuts through the properties and are different from the subject property. He pointed out the subject property is in the R-10 (Zoning) district in its entirety. The properties Mr. Swann pointed out have an R-30 line through it, R-40 and one R-80, and he said it could be said that it was deliberate; but that didn't mean it was correct, but that, "you're in or you're out." Sixteen to 20 units development for the subject property would have to be presented to permitting bodies, and that if such an application would come forward he assured he always holds a neighborhood meeting before filing any

application, and then asked the Council to postpone the public hearing in order to get together with the neighbors to discuss this matter and have the hearing return on Council's April 11 agenda.

REBUTTAL OF THE REBUTTAL:

Mr. Swann said he would appreciate the Council deciding on this matter that evening. He said that he has followed this proposal since December and noted learned about it when he received a notice from a surveyor. Notice is not required for a Code of Ordinances matter; he pointed out, but that at other meetings he was not allowed to present testimony and submitted his opinions in writing in lieu of testimony. The contention is whether properties are in or out, he said and reiterated that there are properties that are partially in and out of the sewer district map lines. He asked that the Council move the matter forward.

Communications: **Joanne M. Senos**, City Clerk, advised that there were three communications in opposition to the map amendment application submitted by Joel Swann, 648 Essex Avenue as follows: Letter dated December 19, 2016, received by the Council Dec. 21; a letter February 19, 2017 received by the Council Feb. 21, and a letter dated March 1, 2017 received March 6 by the Council with back-up documentation to describe certain aspects of his reasons for opposition to the application for inclusion in the Ward 5-2 Wastewater Sewer District map. Additionally, a letter was received March 27, 2017 from Michael Patil, 21 Woodman Street requesting the Council postpone its public hearing in order for abutters of abutters to study and consider the proposal for adding 650R Essex Avenue to the Ward 5-2 Sewer Map, and an email from Christine Rasmussen in opposition to amending the sewer district map.

Councilor Questions:

Councilor LeBlanc said that a concern is development, and that there are no plans for the subject property for that at this time to his knowledge. He asked if there was a development plan for multiple units or is this just a residential two-family built lot. **Mr. Favazza** said the concept is to enable a subdivision process to be undertaken, and should that be successful, there would be conforming house lots which through the Zoning Ordinance allow only single or two-family homes by right. He described that anything more than two units on a lot, an applicant either needs to go before the Zoning Board of Appeals or the Council for a Special Permit. He said if they are successful in allowing a sewer extension up on the subject property, there would likely be a subdivision process with conforming single and two-family lots, not unlike in the area bordering on all sides.

Council President Ciolino confirmed that the property owner bought the first parcel closest to Essex Avenue with Mr. Favazza. He noted the other parcel has been owned by Mr. Hersey's family which extends off the map. He pointed to a projected map and said he's owned "this" home which is a separate lot and in 2009 purchased "this" property, pointing again to the map. He reiterated they anticipated that any development would possibly include this portion also, and any subdivision there would need visual access to Essex Avenue. The proposal would likely include the existing small lot which he pointed to on the map. The bigger lot was purchased 18 months after the first purchase. **Council President Ciolino** asked if Mr. Hersey was aware of the restrictions to the sewer map. **Mr. Favazza** said it was his belief that Mr. Hersey wasn't aware of the property's exclusion from the sewer district map and reiterated that the only copy of the map was on file at the City hall Annex, and unless one knew about one wouldn't know where to find it, nor was the sewer ordinance available on line, and suggested that in 2009 his client had no knowledge of the existence of such a sewer district map or ordinance, adding it was well hidden. **Council President Ciolino** suggested that typically a property buyer would do their due diligence were they looking to purchase acreage. **Mr. Favazza** conveyed that since practicing law in 2010 in the city, he said he'd never been aware of the sewer district ordinance or the sewer district map reiterating that there was nothing found on the city's website, and only one copy of the map the city owns is at the City Hall Annex. Even if someone purchased this property knowing of the sewer district map, he expressed his opinion that it would make sense the property is should be contained in the sewer district.

Councilor Nolan noted that the current Public Works Director worked on the Daylor Report and asked for more information on what happened and why the sewer district is protected through the mapping and ordinance. **Mike Hale**, Public Works Director, explained there are two city staff members remaining, Dave Sargent, now the city's Shellfish Warden was with the Planning Board at the time of the Daylor Report era, and he was with the Health Department, and upon the conclusion of the Council action on the matter he reported he moved to the Engineering Department. He expressed concern about some statements made about the sewer district map, the subject property and the sewer ordinance. He pointed out that the 5-2 sewer district map has been taped to the Engineering Department's front door since the City Hall Annex was opened when the departments were first in trailers. He noted that the Daylor Report and the pursuant Code of Ordinance section aren't difficult to locate, although he expressed agreement the sewer ordinance wasn't easily found on the on-line version of the Code of Ordinances. He recounted this was a two-year process by which the map was gone over carefully by the residents of Ward 5-2 and their representatives and by city staff. He said it was his belief that the map was very deliberate, and that there is more than one parcel not included in the service district. He suggested that it is a possible

misinterpretation of the ordinance to say a property is either in or out -- the ordinance says that a property is eligible for a sewer extension if it is in or out of one of the two service areas, a public sewer service area or a private sewer service area. He explained that the process was set up so that the city might be able to do something or in the future that residents could continue sewerage an area under the private sewer, as seen throughout the city, but he pointed out they wanted more control in West Gloucester. He said in speaking of whether someone is in or out, nowhere he could locate does the ordinance mention a "lot." A property is either in or out of one of the two service districts.

As to leaving an 8 inch stub, **Mr. Hale** reminded the Council that the city's Engineering Department and the Planning Division have nothing to do with each other. He reported that the City Engineer at the time this process transpired only wanted to plan for the future in a proactive manner in case something changed. He advised that there is a great deal of redundancy built into the city's sewer systems, "in case." He suggested that it would not be preferable to return to Essex Avenue to dig it up to place an 8 inch "T" in where a 6 inch "T" had been placed. He reiterated that were this sewer service placed in front of a single-family home it wouldn't have been done, but pointed out there are several landlocked parcels that if they all joined and came down a common line which is not an extension that is a connection, and it is practical to have a bigger service "T" for those customers to tie into.

Mr. Hale explained that betterments were likely a single-family betterment -- subdivisions are assessed in a different manner. He said in reading the ordinance, that this was a "high bar" to move the service district lines that was agreed by residents of Ward 5-2 and the City Council. He said these actions wasn't a mistake, they were purposeful in the way the map was created. He cited that the Daylor Report references large wooded acreage on south side Essex Avenue abutting Woodman Street which he said was found at the top of the bulleted Open Space Parcels. A great deal went into this (ordinance and map) which is deliberate and purposeful, he concluded and said he didn't think there were any errors on the map.

Councilor Gilman asked if it is usual to pay a betterment if a property isn't or going to be eligible for city sewer connection. **Mr. Hale** clarified that they are eligible for connection right now but not an extension explaining that a connection is a by right, fronting the road, fronting the sewer and connect to it whereas an extension is a connection to a sewer service to something that's not present which he pointed out was what the map was made for - - to separate extensions from connections. A betterment is for a connection not to extend, he said. **Councilor Gilman** asked if it was possible the map was drawn for this particular property the way it was because of wetlands. **Mr. Hale** said it wasn't necessarily due to a wetlands delineation. He said that the purposeful crafting of the line was through all the meetings held in 2000 to 2001 and driven by the residents. He pointed out that the Daylor Report lists meeting dates and the meetings were well attended.

Councilor Lundberg said the applicant can contend that there was a mistake or that people didn't know because they can't find the map, which he said he personally dismissed those sorts of arguments. He pointed out that the ordinance has a methodology for amending the map which has criteria, the first of which is, "...The proposed sewer extension serves an area that cannot be feasibly served by either on site or community wastewater systems." He recounted there was a long discussion at P&D Committee on this matter. From an engineering or technical standpoint it would show that the feasibility of the on-site wastewater system and asked what would the applicant give to show for feasibility. **Mr. Hale**, again referring to the ordinance criteria for amending the map, the applicant must meet criteria A -- is the area suitable, which he said is done by what is known as a Perk Test. He explained that a soil evaluation is done by a licensed soil evaluator with an excavator and permits in hand to which the Health Department bears witness to learn what soils are available for the siting of a system; what can the land can support for an on-site system; how distant from wetlands with 100 feet as the buffer and where are they located on the property. He said it is a clear process on any development as to what has to be done to rule out on-site septic systems and was why it was included in the ordinance because it is an appreciable exercise. The property owner can either find they can or can't site such a system, and if not then the property owner has met criteria A and can come before the Council for a map amendment.

Councilor LeBlanc asked for a summary of the Planning Board recommendation. **Gregg Cademartori**, Planning Director explained the following: That the Board looked at the ordinance criteria for a property to be added to the district, and none of which the Board found the property complied with. The Daylor process and the public meeting process associated with that found in the Report's executive summary -- there were two held in November of 2000 with 50 residents each in attendance, and in the spring of 2001 there were two additional meetings centered on the draft proposal for mapping attended by more than 150 at each of those meetings. It was a two-year process and then there was the final adoption of map and ordinance in Dec. 2002.

Mr. Cademartori pointed out that the first priority recommendation of the Daylor Report was to have an extensive process to identify properties whether or not to be included or not included. He suggested that making a deliberate "movement" to bisect the property was someone taking the time to make that decision rather than to "snapping" to the GIS layers that were available at that time. He said this wasn't a "hand drawn exercise," but was

conducted by a GIS consultant of the city. He reiterated that a decision was made by someone to draw the line, and what is before the Council is to extend to an area that was in principally excluded from the district. The subject property was identified as outside the district, he said.

Councilor O'Hara asked Dave Sargent, now Shellfish Warden, give a recounting of the situation under consideration. **Dave Sargent**, Shellfish Warden, a former Planning Board member who sat on the Board at the time of the Daylor Report, and sewer ordinance adoption, and then a wastewater sanitarian with the Health Department after that time. He said he recalled the issue of the many parcels that were bisected by the map and advised that it wasn't an easy process and was a lengthy one. He explained that the Board wanted to have development confined to the Essex Avenue corridor and to ensure preservation of the open space beyond that which is the character of West Gloucester. **Councilor O'Hara** asked if Mr. Sargent was "comfortable" with what was on paper and in place today. **Mr. Sargent** said that he was, advising there were compromises made during that time frame. He expressed he was proud of the document and how well it was done and the associated public process. He pointed out that as was mentioned there was a great deal of concern that people's quality of life would be impacted by the (Essex Avenue) sewer extension -- this allowed people the assurance that neighborhood character would be protected as well as the character of the district.

At the request of **Councilor Nolan**, Rick Noonan, Planning Board Chair, recounted the applicant appeared alone without the benefit of counsel before the Board came on what he described as a public safety, water table issue. He said it is clear that this wasn't a zoning issue but a map issue for a wastewater overlay. There is no evidence compelling the Board to recommend to change the map and voted to not make that change.

REBUTTAL OF APPLICANT ATTORNEY TO CITY STAFF:

Mr. Favazza pointed out city staff members trying to remember what happened 15 years ago. He said he had provided the Council with written evidence of the City Engineer from 20003 that in the future was to be a subdivision not just tying in neighboring properties. He expressed his opinion that Mr. Cademartori and Mr. Hale contradicted the city's attorney. The city has on file, he reiterated, written legal opinion from the City Attorney and read a brief portion of it. He indicated this was not fair to his client. He reminded the Council that this (exclusion of subject property) was intentional; and posed the question as to why this parcel was intentionally targeted, pointed to a map indicating undeveloped acres, R-10 acres, wetlands, frontage on Essex Ave., pointing to other parcels of undeveloped acres. He said if preserving woodlands, there are 55 acres of preserved woodland by Mr. Hersey, and asked again why the subject parcel would be excluded when others weren't. He expressed that there were hundreds of parcels may like the subject parcel with development potential. He said if it was intentional then the city wasted money installing an 8 inch stub, and suggested it would be unfair targeting on the part of the Planning Board, Council or Daylor Report's part at that time to purposely exclude the subject property

REBUTTAL TO THE REBUTTAL:

Mr. Patil clarified that the two properties were purchased by Mr. Hersey on the same date, 10/22/2009 according to city records. He said he had calls from a friend of Mr. Hersey, and was told that he was just going to build a home for himself on the property, not a subdivision.

This public hearing is closed at 8:39 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 2 in favor, 1 (Lundberg) opposed, to recommend that the City Council Amend the Ward 5-2 Wastewater District Map pursuant to GCO Sec. 23-42(H)(2) to include the property at 650R Essex Avenue, Assessors Map 238, Lot 6.

DISCUSSION:

Councilor Nolan explained that he would not support the sewer map amendment as there was no Perk testing on the part of the applicant, and that this is not appropriate for the neighborhood.

Councilor Gilman said she spent a lot of time visiting the subject property and would vote no as she was not convinced that the map left out this property intentionally or by mistake. She said after learning about the Daylor Report she suggested that leaving the subject property out was likely done in a deliberate manner, but the Council doesn't know that. Noting that Councilor Lundberg reviewed criteria A of the ordinance, and reviewing the eligibility under that criterion, she said that there is no evidence that 650R Essex Avenue is not feasibly served by an on-site septic system. She said based on that and the recommendation of the city's boards, she said she would change her vote to not approve the map amendment.

Councilor Lundberg said he is continuing his no vote for the same reason, that the criteria for changing the map have not been met.

Councilor LeBlanc said he was of two minds on this matter since it came before the P&D Committee and made his own review, and having spoken to several city department heads about the matter. In examining the sewer district map, he said, it was hard to imagine the subject parcel was the intended to cut out but pointed out that the line was drawn by professionals in 2000, and was drawn correctly through the subject property, he said. He indicated that initially he viewed the map as being drawn incorrectly, but the map today is correct in listening to Mr. Sargent and Mr. Hale and some folks who were part of the process. He attested to the fact that Mr. Sargent acts in a professional manner and said his statement was meaningful to him, in particular because he was part of the process. He said he would not support the map amendment.

Councilor Memhard expressed his agreement that this is a difficult issue and while knowing and respecting Mr. Hersey, he also expressed his respect for the public process that was undertaken which he said was deliberate and carefully done. He said he found email comments by former Councilor Rasmussen compelling and was not in support of the proposal.

Councilor O'Hara thanked those who participated in the public hearing. As the historical data as previously noted, the way in which the map was drawn, with supporting evidence, was shown to have been reviewed multiple times. If there was an error it would have been picked up, he pointed out. He said that to overstep boundaries created by officials of the city would not be responsible. He welcomed Mr. Hersey to build on the subject property, but said that the Council has to follow the rules and would not support the amendment.

Council President Ciolino expressed that he took exception to Mr. Favazza's statement about city staff and their reliance on institutional memory and not the facts. He said that he supported Mr. Hale and Mr. Cademartori, noting (when the map was developed and instituted) it was a difficult time. He said the city didn't just study the matter; it took two years for the Daylor Report production and the neighborhood vote. He recounted there was a concern that there would be over capacity and an explosion of development because of the new sewer line in the Essex Avenue area. He said that hasn't happened and the character of the Essex Avenue area has been maintained. He said he was there and voted for the inclusion of the ordinance. He suggested that if the Council changes the boundaries of the sewer district map, then where would it stop. He said that the Council has to stand up for the Daylor Report. He pointed out that former City Councilor Christine Rasmussen did a great deal of work on the Daylor Report (see "Communications"). He said he would vote against the amendment to the sewer district map.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Gilman, the City Council voted by ROLL CALL 0 in favor, 7 opposed, 1 (Orlando) recused, 1 (Cox) absent to Amend the Ward 5-2 Wastewater District Map pursuant to GCO Sec. 23-42(H)(2) to include the property at 650R Essex Avenue, Assessors Map 238, Lot 6.

MOTION FAILS.

The City Council recessed at 8:48 p.m. and reconvened at 8:56 p.m. and at that time Councilor Orlando returned to the dais.

4. PH2017-018: SCP2017-002: Wingersheek Road #105, GZO Sec. 1.5.3(b); 3.1.6(b) and 3.2 for a building height over 35 feet

This public hearing is opened at 8:56 p.m.

Those speaking in favor:

Attorney Wilhelmina Sheedy, 76 Main Street, Rockport, representing Lawrence P. Costa, applicant and purchaser of Wingersheek Road #105, for a Special Council Permit for a height exception for a dwelling to be demolished at that address and reconstructed, for a new structure in excess of 35 feet in height to be reviewed under GZO Sections 1.5.3(b); 3.1.6(b) and 3.2 as follows:

OVERVIEW:

Wingersheek Road #105 is sited at the private end of Wingersheek Beach which extends from the gatehouse on Wingersheek Road and extends beyond the end to the "Castles." The neighborhood is mix of small cottages, large castles, contemporary homes and more properties in that area are now being required to be placed on pilings (or stilts or piers) due to FEMA (Federal Emergency Management Agency) requirements. This area is similar to Annisquam and Eastern Point with one entry in and out. The neighborhood is located in a flood zone with environmental regulation requiring that any home now built must be raised on pilings. It was noted there are several other homes in the area that were allowed this height exception by the Council due to the (FEMA) regulations. It was pointed out that other original homeowners in that area were able to build homes on level ground, but it was

noted the applicant must conform to the FEMA regulations and must go up 9½ feet before beginning construction of the home.

SITE PLAN DESCRIPTION:

The subject property is a double lot with two homes on either side -- one property that is half the size of the subject property and the other abutting property one-quarter of the size of the subject property. The subject property could be subdivided with two large homes on it based on zoning. The applicant wants to place the structure on the property so there can be no future subdivision. The applicant feels the subdivision would be more detrimental to the neighborhood with double the septic systems, vehicular traffic and be detrimental to the environment in a conservation area. This proposed building meets all the city's zoning regulations. The proposed home is designed to cover only 7.5% of the lot area although Zoning permits 25 % of the lot to be covered. There is a five bedroom building on the site but it is in poor condition and needs extensive renovation.

APPLICANT:

The applicant is a Gloucester native and graduate of Gloucester High School who desires to come back and build this home. The applicant asked that his home be designed to utilize geothermal, solar and green initiatives with many considerations for the environment including the planting of 13,000 square feet (s.f.) of dune grasses and an elevated board boardwalk to cross over the dunes (for access to Coffin's Beach) so the dunes and vegetation are protected.

PERMITTING THROUGH OTHER CITY PERMITTING AUTHORITIES:

The applicant has received all approvals for the construction of his home from the city's: Engineering Department for draining and drainage; Board of Health approval for the septic system and an Order of Conditions from the Conservation Commission (ConCom). The proposed structure meets all the dimensional requirements of the Zoning Ordinance, setback, frontage, and it was reiterated the applicant could build a home covering 25% of the subject property but is only using 7.5% of the lot for the home to be constructed.

REVIEW OF ELEVATION PLAN:

Ms. Sheedy explained that despite meeting all the Zoning regulations and approvals, because of FEMA regulations, the height of the proposed residence has to go up 9 ½ feet. ConCom requires it because of the federal regulations, and the proposed home is 30 feet but has to be placed on 9 ½ foot piers similar to other properties in the Wingaersheek area. She noted the map of elevation (on file). She then reviewed the elevation plan with the Committee as follows:

Sea level is considered at 00.00'; average grade is at 13.00'. Because the property is sited in a FEMA Flood Elevation, the applicant must start at 19.00' elevation. FEMA regulations also require that there can be no building within two feet of a FEMA Velocity Zone which raises the base height to 21.00', and then a steel girder and beams have to be put in place with crossbeams before anything can be built atop the pilings. This means that construction as to start at 22.5', which is 9½ feet above average grade. From that point, the 30' structure would reach the 39' 6" height.

The area of design of concern is 4 ½ feet (from 35 feet). The applicant could by right go up to 30 feet from the average grade elevation but be forced to utilize a flat roof. It was pointed out that in order to keep the property more in character with the neighborhood is to put in a more appropriate roof line. **Ms. Sheedy** expressed it was the opinion of the applicant that the roof has no effect on views, and there is no overshadowing on other properties. This property was designed with wings going off to the side in order to protect the views of the abutters which has no affect to the front views of the abutters. As for the side views, instead of going directly across the lot, pointing to the plan, **Ms. Sheedy** explained that the home's wings are designed to preserve the abutters' views going across.

Ms. Sheedy then reviewed that the Special Council Permit application meets the six criteria found under GZO Sec. 1.8.3:

1. Social, Economic or community need served by the proposal: This project is consistent with the neighborhood and social community need. It is the opinion of the applicant that the proposed home will not obstruct views or cause overshadowing.
2. Traffic flow and safety: There is no traffic flow and safety concerns as the building will be replacing an existing five bedroom single-family home with the same number of bedrooms in the new structure.
3. Adequacy of utilities and other public services: The proposal will not impact utilities and other public services. There are already city water serving the property and the Board of Health has approved the replacement septic system.
4. Neighborhood character and social structure: This proposed home is consistent with the character of the surrounding neighborhood and social structure.
5. Qualities of the natural environment: The applicant has worked with ConCom in siting the house and received an Order of Conditions. The additional height will not affect the environment.

6. Potential fiscal impact: The construction of the residents will add to the city's tax base and provide tax revenue and permitting fees.

Ms. Sheedy said that this project won't have any adverse effects and that there are many beneficial effects for the neighborhood or the city. She noted the new home will be pushed back further from the beach than the existing home which she pointed out on the plans. She reiterated that the only matter under consideration by the Council is the top portion of the proposed structure to be built on the subject property. **Ms. Sheedy** confirmed for **Council President Ciolino** that the applicant is seeking relief for 39 ½ feet in height which is 9 ½ feet over the by right 30 feet, and that the City Council's purview is for any structure over 35 feet and the difference between that and the top height of the roofline (4 ½ feet).

Robert Gulla, 593 Essex Avenue, Architect of Record, said that FEMA raised up significantly (base) heights in their recent map amendments -- from 14' to 19'. Because the property is in a velocity zone, he said, they have to go up another two feet. FEMA now requires that all buildings have to go on piers and take 9.5' and is what they are asking for 9.5'. This is uninhabitable attic, **Mr. Gulla** said, pointing out the roof line. They didn't want a flat roof, he said, and that the design is more aesthetically pleasing. He said from a conservation standpoint, he directed his client to have less of a footprint by having the two stories stacked for environmental reasons and to help to protect the dune structures, he said, in his opinion. He acknowledged the new structure is pulled back by 14 feet. He said the dwelling's wings were swept back to preserve abutters' views. He said that the abutter's are unable to move their houses forward, but because his client's structure is at the tip of the barrier dune, he was able to move the structure. He pointed out that if they straightened the wings of the building, the abutters would lose their views and highlighted by pointing to the plan in two different directions. ConCom has not allowed the buildings to move forward by policy and law, he advised. His client pulled the structure back so as not to damage certain abutters' views and is why the wings are splayed back. He said it was done because the applicant cared about neighborhood concerns. He highlighted the extensive boardwalk on the subject property as required. The two floors of the structure, he reiterated, are by right and are attempting to create an aesthetic of a more traditional home.

Larry Costa, applicant, pointing to the displayed plan said that this would be his home if the Council should approve his application. He noted that he is was born and raised in Gloucester and left to join the U.S. Army and spent 12 years overseas and that after 30 years in business he is returning home. He said he designed the house to take into consideration his neighbor's views and has limited the amount of space used on the lot and is making the home environmentally conscientious.

Marsha O'Brien, 19 Stanwood Point, said she's known Mr. Costa for many years. She said this new home will add to the value of the city and the area. She noted each of Mr. Costa's homes have followed the rules, followed proper permitting and were quality projects. She said the Costas will be a great addition to the community.

John Nicastro, 1 Tolman Avenue, noted he is a friend of Mr. Costa's since high school. He questioned why there would be opposition to protecting the dunes. He pointed out Mr. Costa has a big enough lot to build what he wants but conveyed Mr. Costa told him he wants to preserve the natural setting and the dunes, and is only using 7.5% of the property but could use 25% by right.

Josh Arnold, 8 Linden Road, said he has known Mr. Costa since third grade and recounted Mr. Costa's younger years through High School, highlighting Mr. Costa's college education, and his military service. He said it is good to know that someone who wants to retire, return to his roots to live in the city he grew up in.

Nicholas Ambeliotis, 41 Wingaersheek Road, said that he has with met Mr. Costa several times and reviewed the plan and was in support of the project. He noted he had built a home in 2011, and got his plans approved in 2009 before the most recent FEMA changes. His home is on pilings and has a modern contemporary design and had to stay under 35 feet. He said he had an advantage because his lot's average elevation was less than Mr. Costa's. He pointed out that Mr. Costa's proposed home is not much bigger than other beautiful homes built in the Wingaersheek area. He said he welcomed the new construction and that it fits into the neighborhood.

David Nicastro, 12 Timberview Drive, said he was speaking as a veteran for a veteran, pointing out that the city takes care of their veterans and that a positive vote would be a great way to show Mr. Costa the city cares and wants him as a resident.

Those speaking in opposition:

Attorney Marshall Handley, representing Frank and Suzanne Kinsie, direct abutters to the northwest side of the Costa property (111R Wingaersheek Road). In opposing this application, he said he didn't mean to cast aspersions on the applicant, saying he is accepting that Mr. Costa is a son of Gloucester and a veteran but that is not part of the (Special Council Permit) criteria are any discussion or conservation matters. The criteria, he expressed, that are a concern by his clients is the consistency with the neighborhood character. He pointed out the elevation drawings saying there is no other home that is anything like it, a proposed 12,000 foot house and said that the home was designed with indifference to character of the neighborhood, and of the small beach cottages. The proposed

structure, he noted, is replacing the original on the property which is about the size of the new master bedroom. He said the new structure would be three times larger than the next largest home, suggesting that the new structure is comparable to some hotels in scale. He cited the wings of the house with the prevailing winds mixed with sand will scour his client's cottage. This is not a house that pays attention to the history of the neighborhood or character of the neighborhood, or of the surrounding properties, he said. He noted that the applicant's architect said the roof is dead space, and pointed out that it is enormous dead space that towers over everything around it and is inconsistent with the neighborhood. He indicated he had a letter from the Kinzie's (placed on file) with an attached compilation of the square footage of the surrounding homes. He noted that typical homes in neighborhood are 1,000 to 2,000 square feet, citing two that are 4,000 square feet but none over 5,000 square feet until this proposed house at 12,500 square feet. He urged that if the applicant was concerned with the neighborhood character then he should go back to the drawing board and build something more sympathetic to it.

Ann Marie Lindquist, 101A & 101B Wingersheek Road, said her home is southeast of the subject property and proposed home. She showed the Council photos of homes in her neighborhood one with a view of 105 Wingersheek Road from her second story window. The proposed home is 1.5 times higher than the home on the subject property now which she pointed out would completely obstructing her view. The plans, she said as she pointed to them, show the current house and the proposed house and additional height. She said that the home is out of scale for the neighborhood. She said at the P&D Committee meeting the architect said that he didn't have to design a tall house but advised the client to do so because it was in the neighbors' interest which she said it is not. She said she had no objections to developing the subject property, but noted she renovated her home several years ago and looked at the plans with her neighbor which Mr. Costa hasn't done. She said as a result they cut off a corner of their renovation to be good neighbors. She spoke again to the protection of views and said that the Zoning Ordinance requires that the Council make a written finding that the height is consistent with the neighborhood and she said it is not. She said the new home will negatively affect the neighbors' properties, and that it will depreciate their property values. She asked the Council deny application and work with the neighbors for the good of all.

Joan Archer, owner of 103 Wingersheek Road, owned for 56 years with her family said that the Wingersheek area residents see themselves as stewards. She indicated that there are not too many long-term owners left in that area. As new residents arrive to build new homes, the neighbors work with them to ensure the new homes are positioned so as not to block sunsets, sky and overshadow homes. She said her family's cottage would be irreparably devalued. She asked the application be denied.

John Archer, part owner of 103 Wingersheek Road, said that with a small 1,200 square foot cottage, he has been living there for 56 years. The structure presented by the applicant is a beautiful building, he said, but is too tall. Sunsets would be blocked from his cottage; he pointed out but indicated it was a problem that could be solved. He noted that if it is permitted, he wished the Costas' success. He said he walks the beach very frequently, and the place is not defined by houses but the beach.

REBUTTAL:

Ms. Sheedy reiterated that the subject property is not a single lot, but a double lot and that the new home will only cover 7.5% of it. This, she pointed out, will be a primary residence, and that (the Special Council Permit) is not about the size of the residence, but the height and that they are only asking for 4 ½ feet more and are forced to go up 9 ½ feet from the 30 feet by right. On the obstruction of views, it is walking views, not appearing views she noted. Neighbors are used to seeing a mostly vacant lot, and said that some views will be partially affected but none will be obstructed. **Mr. Gulla** said that the building is only 30 feet tall. FEMA is pushing them up to get to an elevation not an elevation of 52 feet, that what he building is in actuality is 30 feet and that about 9 ½ feet is due to FEMA regulations. He said there weren't 15 foot floors but 10 feet for the first floor, which yields 8 ½ foot ceilings; and the second floor will have 8 foot ceilings. This is a 30 foot structure that is forced to be built taller because of FEMA, he reiterated. He said it was not possible to site the new home without impacting some views. The two direct abutters in order to preserve their views the best, the wings were developed so as to not obstruct the views. He said the height was the right thing to do for conservation, minimizing the footprint. He pointed out that the building is a typical structure but by federal requirements must be elevated in compliance with the regulations.

Communications: **Ms. Senos** conveyed that the Council was in receipt of a letter of opposition to the Special Council Permit application from Ann Marie Lindquist, owner of 101A and 101B Wingersheek Road, on March 24.

Councilor Questions:

Councilor Gilman noted they talked about 4 ½ foot increase over the 35 feet. Her documents say it is a 9 ½ increase. **Ms. Sheedy** said it is four and a half feet over 35 feet which is the Council's jurisdiction versus the ZBA's purview which is 30 feet.

Councilor LeBlanc said 52 feet is 52 feet whether on 9 foot pilings or not but that the building is 39.9 feet. **Mr. Gulla** said from sea level it will be 55 feet with many other structures on the beach higher by elevation. One

Wingaersheek Road is at 54 feet by elevation and the castles are higher by elevation, he pointed out. The elevation of 52.5 is found higher on Coffins Beach, he said. **Councilor LeBlanc** said they on hills. **Mr. Gulla** said it is the undulation of the land.

Councilor Nolan noted that there was no communication was with the neighbors and asked if the applicant wanted to meet with them before the Council renders a decision. **Ms. Sheedy** said one abutter wanted \$2 million for their property and the abutter to the other side said that they are renovating and wanted the applicant's support without his having viewed any plans and that if he supported their renovation, they would support his project. She cited that the subject property, a double lot, is much bigger than other properties and that it is impossible to build the house, buy the property adjacent for \$2 million or support a project they know nothing about and can't reach a compromise. She said there was communication with abutters.

Councilor Orlando asked if the attorney for the applicant was aware of homes built in neighborhood since the FEMA maps elevations have changed. **Ms. Sheedy** said others in the neighborhood were before FEMA map changes in 2014. She said this is the first project she is aware of. **Councilor Orlando** asked about recommendation for the pitched roof and was there an environmental impact with pitched versus flat roof. **Mr. Gulla** said flat roofs rip in high winds. Pitched roofs, with a good pitch, gives a home the ability to shed water better and not have uplift. There are architectural and safety reasons for the roof pitched as it is, he confirmed.

Councilor Lundberg said one other height exception has been before the Council, since FEMA redrew the maps, which was located on Fort Hill Avenue. The home had to be built on pilings which forced it to go higher and so the Council has dealt with this before, he said, and that by a unanimous vote the Council approved that project. He advised the Councilors that project information was available to them in their Council P&D Drop Box folder.

Councilor Gilman noted it was brought up that the square footage of the new home is 12,500 square feet with **Mr. Gulla** clarifying that the living space is 9,500 square feet. The size of the existing home is somewhere between 1,100 and 1,500 square feet, he added. **Councilor Gilman** confirmed the new home is about eight times larger than the original cottage. She advised she visited the site and stood where the Asher's and Lindquist home are, and said they are affected by the sunset view. She said she thought the new home will obstruct their view to the left. She asked that if there could be a conversation with the neighbors; that the applicant look at where the house was sited and bring the neighbors relief by moving the house back 20 feet and further lower the risk of tidal damage and to allow the view of the neighbors to prevail. She asked would that be a possibility for Mr. Costa to consider that for neighborhood harmony. **Mr. Gulla** said as to sandblasting adjacent homes, a 70 mph wind goes around a structure and doesn't bounce back, and under those conditions, the sand will drop on the property. What they've done is shunted wind between the two houses, he pointed out, and that the new home is so high up they won't have an issue with tides. He said they would have no way to move the home without impacting some neighbor and pointed out they can't move the house back much further on the lot due to a septic system. **Councilor Gilman** talked to the concerns of the Lindquist's and Archer's and the communications with them or lack thereof with the applicant, saying and that it had been asked to change the form of the garage. The reason the garage is located where it is – at the high part of the dune, is that they can't manipulate the dune, **Mr. Gulla** said.

Councilor Nolan asked verification of what transpired meeting with the Costas. **Ms. Lindquist** said she never talked to the Costas or their representatives and that there were no email communications, nor anyone from her household or family. The only thing she said she received prior to the P&D Committee meeting was a notice from Ms. Sheedy in letter form telling her about the P&D Committee meeting which was addressed to her neighbor at 101 Wingaersheek Road.

This public hearing is closed at 9:58 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Cox, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant to Lawrence Costa, through owners, William S. Hathaway, Craig H. Hawley and Virginia H. Raylean, Manager of 1928 Coffin's Beach Cottage LLC, for the property located at Wingaersheek Road #105 (Assessor's Map 261, Lot 31), zoned R-20, pursuant to Gloucester Zoning Ordinance Sections 1.8.3, 1.5.3(b), 3.1.6(b) for a building height in excess of 35 feet, and 3.2, for a home to be 39 feet 6 inches (for a total height increase of 4 feet 6 inches over 35 feet) for a Special Council Permit (SCP2017-002). This permit is made on the basis of the plans and elevations dated 2/22/17 by Robert Gulla Architecture, R.A, Gloucester, MA, submitted to the City Clerk on February 23, 2017. This Special Council Permit is in harmony pursuant to the governing Zoning Ordinances.

DISCUSSION:

Councilor Lundberg explained during the discussion at P&D, the Committee recognized that it is the matter of the proposed dwelling's height only that is before the Council, and also GZO Sec. 1.8.3 (Special Permit) six criteria. He noted that as to the building in excess of 35 feet the Zoning Ordinance (3.1.6(b)) says that the City Council, "... shall only issue upon a written determination by the council that such increase in allowable height is consistent with neighborhood character and will not be substantially detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, impairment of utilities, or other adverse impacts." He said that all of the other dimensions are by right and the applicant has obtained all the other necessary permits.

Councilor Orlando thanked Ms. Lindquist for inviting him to her property to view it from her perspective. He recounted that he drove the street both ways and noticed that there are a lot of beach cottages like many areas of the city, but there are also now beautiful large homes in that neighborhood, a mix of both. Big beautiful homes belong in those areas, he said. He pointed out that as Councilor Lundberg had indicated, the Council is here to discuss height although much has been made about design and the proposed dwelling's placement, which was expressed as a real concern of the neighborhood. He said he promised Ms. Lindquist look into views as to case law and cited that there is very little doubt that no one has a right to a view. He explained that unless you have a property right next to the water there is no right. He said it is an issue for him at his home too. He said that there are neighborhood characteristics but they grow and change over time, and for these reasons he would support the height exception. He said that this home is beautiful on paper and expressed hope it would be so in reality.

Councilor LeBlanc said this is this particular Council's time dealing with a height exception in the Wingaersheek area. He agreed the area has beach cottages and was that way for a long time. He said as a contractor he knew these cottages will have to be torn down eventually and be rebuilt, and as a consequence those owners of the properties will have to deal with the same inevitable issues the Council is dealing with now. He expressed his agreement with Councilor Orlando, saying that this is a nice part of town and will contain a nice home, larger than he expected, but that they are not there to critique the size of the home but are focusing on the height exception and that they are up against the FEMA regulations. He said he would support the application.

Councilor Memhard said that the Council is asked to take into consideration a balance of character and quality of life and how character changes over time. He noted the applicant's lot is a double lot with a small house on it, and that the applicant is within his rights to construct the home as proposed. The Council is dealing with the FEMA height issues which is a practical response to sea level rise which he said appears to be a reasonable basis for approval. He expressed his concern for a civil neighborhood discourse but pointed out this is a change the applicant is entitled to, he said.

Councilor O'Hara expressed agreement with his fellow councilors, saying that the federal government has changed the regulations. This is for the protection of everyone, he said. He advised he also went to the Lindquist house and saw the existing house they'll be taking down should all the permits go through. This is a large parcel, and the height restriction is related to FEMA regulations. He said that while he understands the concerns of the Lindquist's, the Council has to be mindful that the FEMA regulations are what have caused height issues for this project. He said he would support the application.

Councilor Gilman said she would not be able to support the application for a Special Council Permit as she expressed the belief that the proposed dwelling will substantially affect view to the left side of the property. She added that she would have liked to have seen a neighborhood dialog. She said she is an advocate for such discourse so that it would have had a more positive situation. She would not support the application.

Council President Ciolino expressed that it was unfortunate that the Council can't take view corridors into consideration. He said with this home and newer homes going up, those projects are affected by the changed FEMA maps. He advised that no bank will finance a project without compliance with FEMA regulations nor will an insurer cover a structure without the same compliance. On the Back Shore a home was built with a flat roof to get by, he pointed out. He reminded the Council that \$5 million was just allocated to replace the High School's flat roof which because it is flat is prone to certain types of damage, and that a pitched roof is preferable. He noted that people are buying small cottages and replacing them with larger residences built to today's standards. He said voiced his support of the application.

Councilor Nolan said he would abstain from voting because he received information that may have been a miscommunication from parties. **Councilor Memhard** asked if this is something pertinent to the Council's decision process. **Councilor Orlando** said that while they should encourage neighbors to talk to each other it is not a legal requirement to do so, and the Council should remember that moving forward. He said he was in the same position two years ago. He encouraged all neighbors to get together and be "neighborly." Councilor Nolan is in a different position, he said.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Gilman, the City Council voted by ROLL CALL 6 in favor, 1 (Gilman) opposed, 1 (Cox) absent, 1 (Nolan) abstained to grant to Lawrence Costa, through owners, William S. Hathaway, Craig H. Hawley and Virginia H. Raylean, Manager of 1928 Coffin's Beach Cottage LLC, for the property located at Wingersheek Road #105 (Assessor's Map 261, Lot 31), zoned R-20, pursuant to Gloucester Zoning Ordinance Sections 1.8.3, 1.5.3(b), 3.1.6(b) for a building height in excess of 35 feet, and 3.2, for a home to be 39 feet 6 inches (for a total height increase of 4 feet 6 inches over 35 feet) for a Special Council Permit (SCP2017-002). This permit is made on the basis of the plans and elevations dated 2/22/17 by Robert Gulla Architecture, R.A, Gloucester, MA, submitted to the City Clerk on February 23, 2017. This Special Council Permit is in harmony pursuant to the governing Zoning Ordinances.

5. PH2017-019: Amend GCO Sec. 22-277 "One-hour parking-Generally" re: Holly Street

This public hearing is opened at 10:15 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 10:16 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Sec. 22-277 "One-hour parking-Generally" by ADDING: "Holly Street, westerly side (easterly side of the traffic island) from its intersection with Washington Street, beginning at a distance of 35 feet in a northerly direction for a distance of 50 feet. Hours of restriction to be 8:00 a.m. to 5:00 p.m.)."

DISCUSSION:

Councilor LeBlanc explained that Councilor Gilman has been extremely proactive about traffic issues in the area of the Willow Rest, part of her ward, pointing out she has really stepped up to clearly define what it should be done to alleviate residents and business's concerns. He said that thanks to her efforts, traffic conditions in the area of the intersection of Holly and Washington Streets are vastly improved. He expressed his support of her Council Order.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to Amend GCO Sec. 22-277 "One-hour parking-Generally" by ADDING: "Holly Street, westerly side (easterly side of the traffic island) from its intersection with Washington Street, beginning at a distance of 35 feet in a northerly direction for a distance of 50 feet. Hours of restriction to be 8:00 a.m. to 5:00 p.m.)."

For Council Vote:

1. **Decision to Adopt: SCP2016-005: Great Republic Drive #41, Map 263, Lot 58, GZO Sec. 1.5.3(c), Sec. 1.8.3, Sec. 2.3.2 & Sec. 5.7 "Major Project" & Sec. 5.27 "Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities"**

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Gilman, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, to adopt the Special Council Permit decision (SCP2016-005) for Great Republic Drive #41 pursuant to Sections 1.5.3(c), 1.8.3, Sec. 2.3.2 & 5.7 "Major Project" & Sec. 5.27 "Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities" of the Gloucester Zoning Ordinance.

2. **Decision to Adopt SCP2016-006: Application of Drew Hale/Hale Design Build Corp. on behalf of BRM Realty LLC, GZO Sec. 1.8.3 & 2.3.1(7) conversion to or new multi-family dwelling from three to four units at Warner Street #9**

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Orlando, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, to adopt the Special Council Permit decision (SCP2016-006) for Warner Street #9 pursuant to Sections 1.8.3 and 2.3.1(7) of the Gloucester Zoning Ordinance.

3. Decision to Adopt SCP2017-001: Lindberg Drive, #8, Map 123, Lot 84, GZO Sec. 2.3.6(4) for arts, crafts, and sale of arts or crafts if made on the premises

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Gilman, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, to adopt the Special Council Permit decision (SCP2017-001) for Lindberg Drive #8 pursuant to Sections 1.8.3 and 2.3.6(4) of the Gloucester Zoning Ordinance.

Unfinished Business: None.

Individual Councilor's Discussion including Reports by Appointed Councilors to Committees: Update on the Tourism Commission by City Council Representative, Joseph M. Orlando, Jr. who reported the following information:

The Tourism Commission with new and old members had a meeting recently, with another scheduled for the following day. There were many members of Discover Gloucester in attendance and it was discussed what Discover Gloucester does and the difference between the two organizations. The Chamber of Commerce was represented at the meeting also. Pauline Bresnahan was elected Chair; Paul Frontiero as Vice Chair, and the last member for appointment to the Commission is on this evening's Council consent agenda which will complete the Tourism Commission membership. The Commission will focus on opening of the Stage Fort Park Visitor's Center and will talk to the Harbormaster about transient boating and how the Commission can work with the Harbormaster to increase waterfront tourism. The Commission is very enthusiastic, and expects to see some results soon to coordinate efforts towards tourism.

Councilors' Requests to the Mayor:

Council President Ciolino said through a request of the Mayor he has appointed Councilor LeBlanc to the Marijuana Task Force and Councilor Gilman to act as alternate. He pointed out that the city's current annual report didn't have a report of the Council in it, and that the Mayor will insert a page. The Council belongs in the report, he said, and appreciated Councilor Gilman for bringing this to his attention. He announced a Council workshop for Tax Incentive Financing on April 11 and on Special Permitting Process on April 25 between 6:00 p.m. and 6:45 p.m. in Kyrouz Auditorium.

Councilor Memhard thanked Councilors Ciolino and O'Hara who joined him at the Americold meeting with Americold's Facilities Manager, Don Tourquette. He said there was a good neighborhood turnout. He advised that Americold has hired an outside contractor to conduct an acoustical survey with an eye to remediation, and that the neighbors expressed they were pleased to see the engagement by the Americold management and commitment to spending some funds. It was clarified that National Fish and Seafood is a tenant that and is responsible to perform according to their landlord's standards, he advised.

Councilor Gilman reminded the Councilor that the School District Budget public hearing is Wednes., April 5. She thanked Councilor Orlando, Lundberg & O'Hara and Interim Chief McCarthy who all attended her ward meeting last evening attended by 22 constituents. She requested that the Mayor through the IT Director in conjunction with the City Clerk develop a module on the city's website to publish city council public hearing notices. They will continue to post legal ads in the newspaper but that it is not a lot of work once the module is there and that this will accommodate those who don't read newspapers these days.

Councilor O'Hara pointed out that at ward meetings people have tremendous energy and enthusiasm and asked that those same energetic people come to the Council meetings, reminding them that the Council and the Administration are always available to them.

Councilor Orlando extended thanks to Councilor Gilman for included him in 4-1 meeting and to Councilor Nolan for inviting him to his ward meeting. He wished his best to the Gloucester Fishermen baseball program.

Councilor Lundberg said at noon on Tues., April 4 at City Hall the Mayor will be honoring the Backyard Growers and their AmeriCorps volunteers next week will be recognized by the Mayor.

Council President Ciolino advised that the city has issued as summons and is suing the Town of Essex over monies owed by that town pursuant to sewer.

A motion was made, seconded and voted unanimously to adjourn the meeting at 10:32 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Written statement submitted by Joel Swann, 548 Essex Avenue, under PH2017-0017: Proposed map amendment to GCO Sec. 23-42 “Sewer Extensions in Ward Five (5) – Precinct Two (2),” section (H)(2) re: Essex Avenue #650R in opposition to map amendment**
- **Letter from Suzanne and Frank Kinzie, 111R Wingersheek Road under PH2017-018: SCP2017-002: Wingersheek Road #105, GZO Sec. 1.5.3(b); 3.1.6(b) and 3.2 for a building height over 35 feet in opposition to the application for a Special Council Permit submitted by Marshall Handley, representing the Kinzie’s**