

At a meeting of the Town Council holden in and for the Town of Gloucester on November 1, 2018:

I. Call to Order

The meeting was called to order at 7:30 p.m.

II. Roll Call

Members Present: George O. (Buster) Steere, Jr., President; Edward C. Burlingame, Vice-President; Walter M. O. Steere, III; William E. Reichert and Patricia Henry.

Also Present: Jean Fecteau, Town Clerk; Tim Kane, Town Solicitor; Susan Harris, Deputy Town Clerk; Gary Treml, Director of Public Works; Diane Brennan, Finance Director; Joseph DelPrete, Chief of Police; Ken Johnson, Building/Zoning Official; Karen Scott, Town Planner; Melissa Bouvier, Senior Center Director; and Bob Shields, Recreation Director.

III. Pledge of Allegiance

The Pledge of Allegiance was recited.

IV. Open Forum - For Agenda Items

Councilor G. Steere noted that there is a long list of names and asked everybody if they wished to wait to speak until the agenda item is addressed. The response was affirmative.

V. Public Hearing

A. **CONTINUATION - Hearing Opened on October 18, 2018**

Gloucester Code of Ordinance - Proposed Amendment Gloucester Zoning Ordinance Sec. 350, Article VII Special Regulations, §350-46 Solar facilities - Discussion and/or action

Councilor G. Steere stated that this Public Hearing was advertised in the **Observer the weeks of September 27th, October 4th, and October 11th, 2018.**

Councilor G. Steere stated that the first reading for this proposed amendment was held on September 20, 2018.

Councilor G. Steere DECLARED the Hearing OPEN again and explained that at the last meeting, the Town Council had discussed and proposed additional amendments to the draft submitted by the Planning Board.

Karen Scott, Town Planner, stated that the Town Council members articulated several ideas for changes to the draft ordinance, which she itemized as follows:

1. Section 350-46 D 9 - Remove the following language "Be prohibited on soils that have been classified as prime agricultural soils or soils of statewide importance by the United States Department of Agriculture, Natural Resource Conservation Service".
2. Section 350-46 I - In addition to the I zone, add A-4 and A-3 zones to the list of zones that permit utility scale solar energy systems by special use permit, subject to applicable performance standards.
3. Section 350-46 J (2) - Increase the setback for medium and large scale ground mounted solar energy systems in or adjacent to the A-4, A-3 and R-2 zones.
4. Section 350-46 J (2) - Add a setback of 500 feet for utility scale ground mounted solar energy systems in or adjacent to the A-4, A-3 and R-2 zones.
5. Section 350-46 J (2) - With the approval of the Planning Board, allow encroachment into the setback area for ground mounted solar energy systems where panels will cross property lines of one or more properties. The encroachment is permitted only when such design will lead to a seamless installation of the solar energy system, minimize clearing, and maximize screening from the roadway and/or neighboring property.

6. Section 350-46 J (4) - Add a requirement for a 50 foot vegetated buffer for any driveway accessing a solar energy system within 100 feet of a property line.
7. Section 350-46 J (4) - Add a requirement that the required screening for solar energy systems shall be maintained for the life of the system. The property owner shall be required to replant any section of the buffer found not to meet the requirements of this section as determined by the Zoning Official.
8. Section 350-46 J (5) - Increased the maximum amount of clearing permitted to 30% of the forested area of the property.
9. Section 350-46 J (5) - Added the following language "Solar energy systems are encouraged to utilize shade pruning rather than clear cutting where feasible".
10. Section 350-46 J (7) - Decreased the permitted noise level permitted at the property line to 40 decibels.
11. Section 350-46 J (8) - Added a requirement to have an executed interconnection service agreement with a utility company in place for final approval of any medium, large and utility scale ground mounted solar energy system.
12. Section 350-46 J (9) - Decreased the space the security fencing is required to be raised off the ground to 8 inches.
13. Table of Use Regulations - Allowed utility scale ground mounted solar energy systems by special use permit in the A-4 and A-3 zones.

Discussion: Councilor G. Steere asked K. Scott what we are using for a benchmark for utility scale. K. Scott replied that utility scale is anything over 200,000 square feet or anything over one (1) megawatt, about five (5) acres or more with a maximum of 20 acres.

Councilor G. Steere stated that we will now hear comments from the public:

1. Michael Recorvits, of 111 Winchester Drive, thanked the members of the Council, Planning Board and the Town Planner for all the work they have done regarding this Ordinance. M. Recorvits stated his opinion that it is a good balance for the land owners, the solar companies and the residents of the Town. M. Recorvits asked if, once this Ordinance is passed by the Council, it would apply to any applicants, past or future.

Tim Kane, Town Solicitor, replied that it applies to all applicants other than four (4) that were grandfathered in; the Howard application, the Peterson and Kelly applications, and the Episcopal Diocese application.
2. Kim Justham, of Absalona Hill Road, agreed that the Planning Board and Town Council came up with good compromises, however they took out the paragraph that prohibits systems on agricultural soil. K. Justham suggested that some kind of protection be put in place.
3. Leo David, 350 Old Snake Hill Road, stated that he has FM Global as a neighbor, as well as management land. L. David questioned whether the setback requirements would apply to them since there already is a setback. T. Kane replied that the setbacks apply to anyone who wants to do a solar installation. L. David noted that his property already has thousands of acres around it that are not buildable. T. Kane stated that if L. David wants a solar installation on his property, he would have to comply with the setbacks, but he could make a case to the Zoning Board for a variance, based on certain circumstances.

Councilor Henry asked L. David to explain his question. L. David stated that his property is situated right on FM Global's buffer zone and on the side of his property is the management land, where no houses can be built. L. David stated that technically, his only neighbor is 1800 feet away from his house. L. David stated that the setback requirements don't make a lot of sense in his case.

Councilor G. Steere commented that he doesn't want to "cookie cutter" something like the State does and that there are certain circumstances that are different. Councilor Henry asked if this is covered under Special Use Permits. Councilor W. Steere stated that we have to give some tools to the Zoning Board and Planning Board to deal with these situations. Councilor Henry stated that if we are telling Mr. David he needs a variance, there is something that says a variance cannot be granted for financial gain. T. Kane replied that there are four (4) or five (5) criteria for getting a variance, and one of them is that it is not primarily for financial gain, which is a tough one for any Zoning application. T. Kane further stated that a builder can build a house, get a variance and make profit, because the courts say you are entitled to the use of your land.

4. Stacey Swift, of Hartford Pike, spoke about the small installation in Harmony, stating that he was pleasantly surprised that the panels, which are behind a stone wall and shrubs, were not visible at all. S. Swift commented that the property looks better than before the installation was built. S. Swift stated his opinion that one size does not necessarily fit all and the approvals of applications should not be hurried, including his own. S. Swift stated that we need to be conservative and make sure that this is in the best interest of not only the individual owners but also the Town. S. Swift mentioned a very ugly installation on Route 6 and stated we should learn by other towns' mistakes. S. Swift also noted that there is a huge wind generator near the Central Landfill and stated that he is glad we don't have anything like that.
6. George Charette, of 312 Chopmist Hill Road, stated that tonight he is speaking as a taxpayer. G. Charette stated that he is not opposed to solar, but the Planning Board has to consider the Comprehensive Community Plan, which is a legal document used to protect the Town from things that do not fit well in different zones. G. Charette stated everything is being installed in A-4 Agricultural/Residential zones and any commercial operation would be denied. G. Charette stated that people have a right to support their way of life but there has been an explosion of solar in the northwestern part of the state. G. Charette stated that the Planning Board has been considering the applications on a case-by-case basis. G. Charette stated that we must watch out what we do because it will destroy this town.
7. Marjorie Swift, of 1375 Hartford Pike, spoke regarding the 400 to 500 foot setbacks, stating that it should be a case-by-case decision. M. Swift stated this would make it economically unfeasible for her regarding her proposed solar site. M. Swift also spoke about point #7 which states that the property owner is responsible for replanting any buffers. M. Swift stated her opinion that this should be the responsibility of the solar developer if the screening is on leased land. M. Swift stated that she is in favor of increasing the maximum clearing to 30% but she wishes it was even more than that and should be on a case-by-case basis. Regarding shade screening, M. Swift stated that this would be inefficient to producing maximum power. M. Swift stated that she concurs with the remainder of the amendments.
8. Buzz Becker, Development Manager from Hexagon Energy, stated that he has provided photos of local solar arrays and anything with more than a 50 foot setback, the panels were not visible. B. Becker asked if R-2 is going to be incorporated for utility scale systems, stating that items #2 and #4 are not clear. Regarding item #11, B. Becker agreed that the ISA should be in hand to get the final approval, but it could be an item of conditional approval.

9. Hannah Morini, from Green Development, stated that the setback requirements in this ordinance will kill a lot of projects. H. Morini further stated that interconnection is to capacity and it won't reach many places, so it makes sense to look at ways to allow site projects where they can actually be built. H. Morini showed the Council members some renderings from a landscape architect. Councilor Henry pointed out that these renderings were not real pictures and that they do not depict what a real tree looks like.
10. David LaPlante, of Absalona Hill Road, stated that he is not against solar, but is against large solar farms. D. LaPlante express concern that the stripping of land causes water problems. D. LaPlante stated he testified before Planning and Zoning Boards. D. LaPlante read an article stating that Richmond and Hopkinton thought solar would be a good idea, but then it rained. D. LaPlante stated that he will hire his own lawyer and get a certified analysis of his well and his land, and if anything changes, he would sue every entity involved. D. LaPlante stated that he is not saying don't have solar, but make sure it will not destroy people's land. D. LaPlante referred to a case in Portsmouth where a large project was approved by the Zoning Board, but overturned in Superior Court because it was a manufacturing operation rather than farming or agricultural. D. LaPlante stated he questioned the Attorneys present at the Zoning Board if they knew where the aquifer was for his property, which abutted their project, and no one knew. D. LaPlante called for responsible solar.
11. George Charette commented that solar farms will help people with acreage to maintain their farms, but with everything that is going on in the State, they are being dropped on A-4 zones. G. Charette stated that now they want to grow crops inside a solar array because that is farming. G. Charette expressed concern that this may cause brush fires. G. Charette stated that the Governor's office is controlling our destiny by telling the Council what to do.
12. Stacey Swift stated that he has owned his property for 44 years and saw pictures of the land from 125 years ago which showed trees and pasture. S. Swift stated that the soil is poor and rocky and the only things that grow are trees and weeds. S. Swift stated that he does not want uncontrolled solar power but a reasonable balance would allow the highest use of land while maintaining the rural character of Gloucester.

Councilor G. Steere asked if the Council members had any comments.

Councilor Henry stated that some time ago, Gloucester was presented with an award for being one of the best open space greenway areas in the State of Rhode Island. Councilor Henry noted that in the last 10 years, we have had many young people coming back to become farmers and the soil issue is something valuable to think about. Councilor Henry stated that there is a lot of pressure at the State level regarding matters such as affordable housing, and she takes issue with that. Councilor Henry stated that the Council will decide the setbacks, etc. and that is an important fact to not lose sight of. Councilor Henry stated that we are not going to please everyone with this decision, but will do what is best for the Town of Gloucester. Councilor Henry stated that she has lived in many places and treasures the rural environment of Gloucester. Councilor Henry commented that technology will make solar much smaller in the future and these solar fields will be everywhere. Councilor Henry stated we will be chasing people to take them down and hope the land returns to what it was. Councilor Henry stated that we have to move smartly, cautiously and conservatively.

Councilor G. Steere referred to Mr. David's property which borders conservation land and wondered if there should be any consideration regarding buffers on land such as that. Councilor G. Steere stated that it should not be left up to the Planning Board and Zoning Board with no guidelines because that is where we are now and it is not working. Councilor G. Steere also mentioned that there are cases where abutting property is owned by members of the same family as the owner of the solar facility. Councilor G. Steere asked if there should be provisions for certain

circumstances where a Special Use Permit could be applied for with scrutiny by the Planning and Zoning Boards.

Councilor Reichert agreed that it should not be “cookie cutter” for certain situations. Councilor Reichert stated that solar will take care of itself and commented that we will be maxed out soon. Councilor Reichert explained that there is only so much electricity that can be put through the wires and National Grid is not going to string new wire. Councilor Reichert stated that the proposals regarding shading and getting an interconnect agreement should be the first step before going any further.

Russell Gross, of 486 Putnam Pike, stated that when this all started, everybody was happy with 1/4 or 1/2 megawatt, but then it became 2, 3 or 5 megawatts in order to make it feasible. R. Gross expressed his opinion that anything over 1 megawatt is greedy.

Councilor Henry stated that before solar farms dropped out of the sky, people must have had a plan for maintaining their land for future generations. Councilor G. Steere replied that Councilor Henry would have to be “wearing those shoes”, and she is not.

Councilor Reichert asked if the solar companies still collect the REMS from these projects. Councilor Reichert compared it to fuel oil, which is 5% cooking oil by Federal law. Somebody from the audience spoke but was inaudible on the recording. Hannah Morini spoke about the net metering program.

Councilor Burlingame stated that there are several proposals to amend the ordinance that seem reasonable, but his main concern is to protect people like his neighbors who have been experiencing a nightmare for several months. Councilor Burlingame explained that the land clearing was granted in advance of the approval of the solar system which could be 5 megawatts. Councilor Burlingame stated that 10 acres of woodland were cleared right up to the borders of 3 or 4 lots. Councilor Burlingame stated that the application for solar was approved and the installation began, causing noise from 7:00 in the morning to 5:00 at night. Councilor Burlingame stated that there are two (2) aspects to this; when the land is cleared it destroys the rural character of the neighborhood; and during the construction process, the noise affects the neighbors. Councilor Burlingame stated that he wants something that protects people from that situation and the buffers are important. Councilor Burlingame stated that he is glad that the application for Absalona Hill Road that went through the Planning Board was shot down by the Zoning Board.

Councilor G. Steere stated that anything over 1 megawatt is just being greedy, but it won't pay to make a 600 foot road to get to backland for a 1 megawatt unit. Councilor G. Steere stated that he can see why someone would want a 4 or 5 megawatt unit if they are going to pay to hide it in the woods and he believes that there are places in Town that would support that type of system and not bother anybody. Councilor Burlingame agreed.

Councilor Reichert stated that solar panels give 1/3 more energy now than they did five (5) years ago. Councilor G. Steere stated that it will be much more efficient in the future. Councilor Henry commented that there are people who have huge parcels of land and in some of those instances, it makes sense, but we have to make sure every I is dotted and every t is crossed.

Councilor W. Steere stated that whatever decisions the Council makes will affect the Town for the next 50 years and we are making decisions based on the technology we have right now. Councilor W. Steere compared companies coming in to a “gold rush”. Councilor W. Steere stated one of the companies is doing a 900 acre system in Virginia and he does not know why they are here because they won't make much money in Gloucester. Councilor W. Steere stated that it is an emotional issue and we want to protect our town while at the same time respect the people's property rights. Councilor W. Steere stated that farmers have a tough time making a profit and are looking for other ways to supplement their income, adding that their only option right now is to sell their land.

Councilor W. Steere stated that solar presents the opportunity, if it is done right, to help these people out. Councilor W. Steere stated that what we need to do is give the Planning Board and other boards the tools to be able to make decisions on the merits of each situation. Councilor W. Steere suggested having a flexible formula for setbacks. Councilor W. Steere stated that we need to find a way to balance between property rights and keeping the rural character for the Town. Councilor W. Steere stated that one of the biggest problems is people clearing land before agreements are in place.

Councilor Reichert stated that when he did it, there had to be a complete drainage system and he asked if that should be put in the ordinance. Karen Scott, Town Planner, explained the process an applicant goes through, beginning with pre-application and if the Planning Board is in agreement with the concept, the applicant submits a master plan with a general idea where it will be. K. Scott stated that they then go to the Zoning Board for their Special Use Permits and any variances they need. K. Scott stated if successful, they go back to the Planning Board for a preliminary plan review, where they have a full engineered set of plans, which includes soil erosion calculations.

Councilor G. Steere asked Tim Kane, Town Solicitor, if the Public Hearing should be closed now that the public has had the opportunity to speak. T. Kane asked if the Council is ready to adopt anything tonight. The reply was negative. T. Kane stated that the Council has had proposals and counter-proposals and need to have a standing. Regarding setbacks and buffers, T. Kane stated that the Council has to decide on a number. Councilor Burlingame stated that the Council could come up with a number with the understanding that a variance could be applied for. Councilor Burlingame expressed his opinion that we have to go forward because we have the moratorium in place and these are the recommendations we gave the Planner.

Leo David, of 350 Old Snake Hill Road, stated that he understands what the Council is saying about the setbacks, but feels that the 400 foot requirement is excessive. Councilor Henry replied if you are looking at a 5 megawatt system, it would be needed. Councilor Burlingame pointed out that Mr. David has a situation where he could go before Planning and Zoning.

Someone spoke from the audience but did not identify herself and was inaudible on the recording.

There was Council discussion concerning Section 350-46 J (2) regarding setbacks. Councilor Reichert again mentioned that runoff should be addressed before they apply. Tim Kane stated that State law has a checklist for a master plan and you can't make a developer pull an engineering plan at the concept stage.

There was further discussion among the Council members, Town Solicitor and Town Planner regarding Points #3 and #4 with regard to setbacks.

Councilor G. Steere stated that the Council can pass this at the next meeting, adding that he does not want to rush it through. Jean Fecteau, Town Clerk, noted that the next meeting agenda will have the annual license approvals, therefore, will be a very large agenda.

Councilor G. Steere asked if #7 should state that the lessee is required to maintain the buffer instead of the property owner. K. Scott replied that the property owner could have it stated in their lease agreement with the solar company because we would not know how to contact them.

Stacey Swift stated that this group of people deserve credit because they are patient and willing to listen, but asked if it would be a good idea to get people with experience with these problems that we are running into.

Councilor G. Steere declared the Public Hearing CLOSED.

MOTION was made by Councilor Burlingame to ADOPT the amendments to the Code of Ordinance, 350-46 Solar Facilities, as submitted by the Planning Board after adoption on September 17, 2018, with the following amendments:

1. Section 350-46 D 9 – Remove the following language “Be prohibited on soils that have been classified as prime agricultural soils or soils of statewide importance by the United States Department of Agriculture, Natural Resource Conservation Service.”
2. Section 350-46 I – In addition to the I zone, add A-4 and A-3 zones to the list of zones that permit utility scale solar energy systems by special use permit, subject to applicable performance standards.
3. Section 350-46 J (2) – Increase all setbacks for medium and large scale ground mounted solar energy systems in or adjacent to A-4, A-3 and R-2 zones to 300 feet.
4. Section 350-46 J (2) - Add a 500 foot front yard setback and 300 foot rear and side yard setbacks for utility scale ground mounted solar energy systems in or adjacent to the A-4 and A-3 zones and adjacent to, but not in, the R-2 zone.
5. Section 350-46 J (2) – With the approval of the Planning Board, allow encroachment into the setback area for ground mounted solar energy systems where panels will cross property lines of one or more properties. The encroachment is permitted only when such design will lead to a seamless installation of the solar energy system, minimize clearing, and maximize screening from the roadway and/or neighboring property.
6. Section 350-46 J (4) – Add a requirement for a 50 foot vegetated buffer for any driveway accessing a solar energy system within 100 feet of a property line.
7. Section 350-46 J (4) – Add a requirement that the required screening for solar energy systems shall be maintained for the life of the system. The property owner shall be required to replant any section of the buffer found to not meet the requirements of this section as determined by the Zoning Official.
8. Section 350-46 J (5) – Increased the maximum amount of clearing permitted to 30% of the forested area of the property.
9. Section 350-46 J (5) – Added the following language “Solar energy systems are encouraged to utilize shade pruning rather than clear cutting where feasible”.
10. Section 350-46 J (7) – Decreased the permitted noise level permitted at the property line to 40 decibels.
11. Section 350-46 J (8) – Added a requirement to have an executed interconnection service agreement with a utility company in place for final approval of any medium, large and utility scale ground mounted solar energy system.
12. Section 350-46 J (9) – Decreased the space the security fencing is required to be raised off the ground to 8 inches.
13. Table of Use Regulations – Allowed utility scale ground mounted solar energy systems by special use permit in the A-4 and A-3 zones.

This amendment will be effective upon passage.

seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES- G. Steere, Burlingame, W. Steere, Reichert and Henry
NAYS-0

MOTION PASSED

- B. Exception to the Ordinance Regulating the Issuance of Building Permits
Owner & Applicant: Donald G. Gordon
Location: Lot located off Chopmist Hill Road, a.k.a.
AP. 14, Lot 137

Councilor G Steere stated that this Public Hearing was advertised in the Observer the week of October 18th, 2018.

Councilor G. Steere noted that this property was granted an exception previously on Nov 1, 2007 and a one year extension was granted on Dec. 4, 2008.

Councilor G. Steere DECLARED the Public Hearing OPEN and read the following Planning Board recommendation into the record:

To: Town Council Members
From: Karen Scott, Town Planner
Date: October 3, 2018
RE: Advisory Opinion, Exception to the Ordinance Regulating the Issuance of Building Permits

At their October 1, 2018, the Planning Board unanimously approved the attached:

Advisory Opinion to be forwarded to the Town Council for consideration.

Exception to the Ordinance Regulating the Issuance of Building Permits
Don Gordon -AP 14, Lot 137
Advisory Opinion of the Planning Board
October 1, 2018

At their October 1, 2018 meeting, the following motion was made by Planning Board Vice Chairman David Calderara:

After careful consideration and discussion at the October 1, 2018 Planning Board meeting, the Gloucester Planning Board hereby recommends that the Town Council approve an Exception to the Ordinance Regulating the Issuance of Building Permits for applicant and owner Donald G. Gordon for a lot located off Chopmist Hill Road, AP 14, Lot 137 for the purpose of constructing a single family home.

In making this decision the Board has considered the following:

1. The property was previously issued an exception to the ordinance regulating the issuance of building permits on November 1, 2007.
2. The updated Exception to the Ordinance Regulating the Issuance of Building Permit application and supporting materials.
3. The Technical Review Committee Report dated September 19, 2018.
4. Testimony from the applicant at the Planning Board meeting.

In making this decision the Board makes the following findings:

1. The proposed access is the only means to gain access/egress to the subject property.
2. The proposed access will provide the most direct connection between the subject property and a road on the official Town Road Map, or a state road.
3. The proposed access is not a town road and is therefore considered a private access serving one home with no potential for an additional home.
4. The proposed access will provide adequate access for emergency and safety vehicles once the conditions for approval are met.

(End of decision)

Councilor G. Steere stated that the Council has also received the following TRC report:

To: Planning Board
TRC REPORT
From: The Technical Review Committee (TRC)
Date: September 19, 2018
Applicant: Don Gordon
AP 14, Lot 137

Re: Exception to the Ordinance Regulating the Issuance of Building Permits

On November 1, 2007, the Town Council granted an exception to the ordinance regulating the issuance of building permits to Gertrude A. Hopkins, applicant and owner, for the purpose of constructing a single family dwelling off an unnamed right of way located off Chopmist Hill Road, AP 14, Lot 137. The approval was subject to the following conditions:

1. That all improvements be completed to the satisfaction of the Public Works Director prior to the issuance of an occupancy permit;
2. That this unnamed right-of-way remain as a private way and that the Town not take any responsibility for maintenance and that the deed of record include language that the Town of Gloucester will not be responsible for maintenance of any nature to this right-of-way inclusive of snow and ice control and that this language will remain part of the record if title passes in the future. A copy of this modified deed is to be presented to the Building Official, Town Solicitor and Director of Public Works prior to the issuance of a building permit;
3. That a sign be installed prior to the issuance of a building permit on this unnamed street indicating that it is a "Private Way", and that consideration be given to naming this right-of-way for mail collection and E-911 coordination per any recommendations made by the E-911 coordinator;
4. This it is the applicants sole responsibility to seek and receive all permissions, clearances and/or approvals from owners of this right-of-way prior to making any alterations or using this driveway for access to this property;
5. Widening of the driveway to 14 feet plus 2 foot drainage swales on each side and recycled asphalt over the full length of the travel way as indicated on the plan;
6. Preservation of the stone walls on either side of the driveway. Also to include that utility, cable, telephone lines, etc. will be buried underground during the excavation of the driveway, and that this driveway shall be referred to as a private driveway and shall never be used a future access/roadway/street for any property development other than AP 14, Lot 137.

Applicant did not apply for a building permit within the one year time frame of this approval and it has therefore expired. Applicants would like to obtain a new exception to the ordinance regulating the issuance of building permits to construct a single family home on AP 14, Lot 137.

The Technical Review Committee reports the project is: Referred to Planning Board

Findings:

1. The unnamed right-of-way is the only access to AP 14, Lot 137.
2. The property is approximately 2.72 acres and is zoned A-3 (Agricultural- Residential).
3. An OWTS Construction Permit was issued by RIDEM on August 29, 2008 and this application approval was tolled until 4/19/2020.

Recommendations:

1. The Chepachet Fire Chief raised concerns regarding the construction of the driveway. See attached letter.
Therefore the applicant should excavate a test hole every 50 feet to determine the contents of the road bed.
These test holes should be inspected by the Town's consulting engineer at the applicant's expense to ensure that the roadway is adequate to support the weight of the Fire Department's apparatus.
2. All previous conditions articulated by the Town Council as part of the November 1, 2007 approval shall remain in effect.
In accordance with Chapter §145-3 of the Gloucester Code of Ordinances, the TRC hereby forwards this application to the Planning Board and has noted its recommendations above.

Town Planner, Building/Zoning Official, Director of Public Works
(end of TRC report)

Councilor G. Steere stated that the Council has also received a report from the Fire Chief, as follows:

Town of Gloucester Building, Zoning and Planning

Re: Existing right of way to gain access to Plat 14, Lot 137.

On September 18th, 2018 I made an onsite visit to a right of way on Chopmist Hill Road that provides access to assessor's plat 14, lot 137. The right of way does appear to have adequate access for emergency vehicles to enter the lot in mention. The width is fine. Overhead clearances are fine with exception of a few branches and the road base does appear solid. However, without knowing what the road base is constructed of, it cannot be determined if it will support the weight of the fire apparatus.

On September 7, 2007 there were plans submitted by a Gertrude Hopkins for upgrades to the right of way that accesses lot 137. The upgrades included proper widths, overhead clearances and a suitable road base for emergency apparatus. It is unknown if these upgrades were ever completed as there has been no communication with this office since the approval of the plans submitted in 2007.

Again, the road base does appear solid. However, the base construction is unknown. The width is adequate for emergency apparatus. Most of the overhead clearances are fine with the exception of a few areas where some trees need to be trimmed back.

Robert G. Dauphinais
Chepachet Fire Chief
(end of report)

Discussion:

1. Chris Grissom, of 364 Chopmist Hill Road, stated that at a previous meeting 11 years ago, Mr. Bevilacqua stated that the Planning Committee did not need to notify them and they

were not notified about this application until last week. C. Grissom stated that he bought his property in 1993 and was informed by the realtor that there is a right of way for fire access owned by Camp Aldersgate, which is the adjacent lot behind his property. C. Grissom stated that in 2007, he was made aware that Gertrude Hopkins wanted to sell her land and he and his neighbor, Mr. Latondress, were allowed to present their concerns to the Town Council. C. Grissom stated that they worked with Marc Nyberg Associates, who represented the landowner at the time.

C. Grissom stated that he and his neighbor understand that there was a right of way when they purchased their property, but have strong concerns about how the right of way construction will be done. C. Grissom mentioned the use of recycled asphalt and stated that the original plans call for 12 inches of process gravel. C. Grissom thanked the Fire Chief for his concerns regarding the construction of the driveway. C. Grissom stated that he, Mr. Latondress and Mr. Gordon have had numerous conversations and he wishes no ill will. C. Grissom stated that he understands that Mr. Gordon has not completed the driveway, but he does not feel that it meets the agreed construction. C. Grissom stated that it has some large stones, but is mostly sand from D. Gordon's own stockpile. C. Grissom stated that topsoil was removed and something other than loam was replaced, but Mr. Gordon built it up higher than the original grade in many places. C. Grissom stated that this prompted him to forego the turnaround use of his driveway and build up the side wall of his parking area 6" to 8" to avoid runoff and flooding issues.

C. Grissom assured the Council that during the spring and early summer months or in heavy rains, this driveway is not firm. C. Grissom stated that this causes ruts and gullies which he repairs himself by hand. C. Grissom stated that recently, he tried to stop three (3) cars from driving on this driveway, but they did not stop. C. Grissom stated that he has photographs of the damage to the driveway. C. Grissom noted that he had angry words with Mr. Gordon and his realtor, but later apologized. C. Grissom stated that Mr. Gordon agreed to come back and fix it, but when he did not return after about three (3) weeks, Mr. and Mrs. Latondress fixed it themselves.

C. Grissom noted that he is not trying to keep Mr. Gordon from building on his land, but asked the Town to hold him accountable to make sure the right of way is properly constructed to the plan presented before any dwelling is constructed. C. Grissom further stated that he would appreciate a signoff by the Town for this inspection.

Councilor Reichert asked if Nyberg drew up the plans. C. Grissom replied in the affirmative, stating that it was engineered and surveyed. There was Council discussion regarding the location of the property. C. Grissom stated that the right of way was originally for fire access to Camp Aldersgate, and he petitioned for it to be only for that property. Councilor Henry stated that the land is flat there and C. Grissom can see the right of way from his home. C. Grissom stated that over the 11 years, the bushes and trees have become larger. C. Grissom referred to the requirement for 14 foot width plus 2-foot swales on each side and stated that from his neighbor's stone wall to the edge of the root system where his trees are, it is 17 feet. C. Grissom asked if the swales could be 1 ½ feet wide instead of 2 feet. C. Grissom stated that the structure is not firm and asked at what point should this be corrected and does it need to be taken care of prior to building. Councilor G. Steere replied that it probably should be taken care of prior to building because he will need to get trucks and materials in there. Councilor G. Steere stated that he met with Mr. Latondress years ago and it was all rutted back then, similar to the pictures presented tonight.

Councilor Henry asked C. Grissom what he would like that roadway to consist of. C. Grissom replied that he would like it to meet the plans that were developed 11 years ago, which was processed gravel. C. Grissom further stated that he didn't mind raising his driveway area 6" to 8" to combat the water runoff, but he does not want another 12" on top of it.

2. Dan Latondress, of 376 Chopmist Hill Road, stated that the right of way is not Mr. Gordon's driveway; his driveway is off the right of way. D. Latondress stated that when Mr. Gordon first bought the property, he dug a hole 4 to 5 feet deep and 14 feet wide and left it for 4 months. D. Latondress stated that he does not think this is legal as he has children and the hole was 20 feet from his house. D. Latondress objected to the right of way being used as a driveway. D. Latondress stated that the right of way is 500 feet and Mr. Gordon given a variance but he has gone way past that. D. Latondress stated that Mr. Gordon has been parking on the right of way because he has failed to put any space to park on his three (3) acres. D. Latondress pointed out that the right of way is on his land and is for passing and re-passing, not a parking lot or driveway. D. Latondress noted that they are not trying to stop the building of a house, but are concerned about the right of way.
3. Don Gordon, Applicant, stated that he has been in the building and excavating business for 45 years. D. Gordon stated that the gravel that was used on the right of way was from his own gravel bank and has been used to build roads in Hopkinton, Richmond and Charlestown. D. Gordon stated it is better than processed gravel because it has a little bit of stone in it. D. Gordon noted that he dug three (3) feet instead of only one (1) because he wanted to get rid of all the subsoil. D. Gordon stated that he met with both of the neighbors and they failed to tell the Council that the three (3) of them came up with a plan. D. Gordon stated that he showed C. Grissom how to get rid of a pond on his property and regraded his whole driveway. C. Grissom spoke from his seat and was inaudible on the recording. D. Gordon stated that he probably hasn't been there 20 times in 10 years. D. Gordon noted that he made it a good road, but if you don't travel often on a road made of that type of material, it will absorb water and get muddy. D. Gordon stated that he did not get a chance to build his house because of the crash in 2008.

Councilor G. Steere stated that he has looked at the pictures and the road will obviously not support a fire truck. D. Gordon replied that when you put the recycled asphalt over it, it will, because the water will not go down into the material. Councilor Reichert stated the easiest way is to get an engineered road bed. Councilor W. Steere asked Mr. Gordon if he followed the engineer's plan when he dug up the road. D. Gordon replied in the negative because it was not good enough. Councilor W. Steere stated that the engineer's plan was approved, so that's what should have been followed. Councilor W. Steere stated that if the applicant had a problem with the plan, he should have brought it up at that time.

Councilor G. Steere stated that the first stipulation when it was approved before was that all improvements were to be completed to the satisfaction of the Public Works Director, and that stipulation will remain if this is granted. Councilor G. Steere stated that he understands what D. Gordon is saying because he is in the same line of work, but he feels that bank run gravel should be used instead of processed. D. Gordon disagreed, unless it will be paved over immediately.

Councilor Burlingame stated that the stipulation should be changed from "prior to the issuance of an occupancy permit" to "prior to the issuance of a building permit". D. Gordon disagreed because he would have to build a road which would get ruined during construction. Councilor W. Steere commented that D. Gordon will not be able to get

materials to the site due to the condition of the right of way. D. Gordon replied that he drove up there today and it was hard as a rock. D. Gordon stated that the photos were taken after a huge rainstorm.

Councilor Henry stated that the point is there are two (2) neighbors who own the land and it should have a surface that is clean and neat and looks good. Councilor Henry stated that she feels that something should be put down for the building trucks to go on. Councilor Reichert asked if D. Gordon is going to pave the roadway. D. Gordon replied he will put recycled asphalt. Councilor Reichert stated until you get to that point it should be fixed up to the agreement of the Public Works Director or engineered plans so that it supports the use.

Councilor W. Steere stated that we must follow the plans that are in place, especially the ones that the Council will give tonight, because D. Gordon has a history of not following the plan that was provided. Councilor W. Steere stated that D. Gordon should have brought up his concerns at that time, not 11 years later.

Councilor G. Steere noted that the Fire Chief also wants test holes every 50 feet to determine what the road bed looks like.

Chris Grissom reiterated that when they were informed that the property was up for sale, they worked with Nyberg to develop what they felt was appropriate. C. Grissom stated that he and his neighbor relied on him because neither of them had the expertise. C. Grissom stated that after all this time, they have not been able to work out a deal where they are all in agreement.

Councilor Henry asked if there is an option where a building permit would not be permitted. Councilor G. Steere stated that it is a lot of record with a deeded right of way, but the applicant has to put the road in to certain specifications to support traffic going in and out, including a fire truck.

4. Craig DiPietro stated that there is a stipulation that this road be up to par prior to the issuance of a certificate of occupancy. C. DiPietro stated that nobody wants to spend money to surface a road or driveway until they are ready to build. C. DiPietro stated that D. Gordon has been improving the road at his leisure and doing what he could to help the neighbors out. Councilor Henry stated that it is not a road; it is a right of way. C. DiPietro stated that it is a road into the campground and there must have been a lot of traffic on it 50 or 100 years ago. C. DiPietro stated that it is also a fire lane to the campground. C. DiPietro stated that holding back a CO on a builder who has a house ready to be closed on with a buyer is serious. Councilor G. Steere agreed and stated that is why we do that, because builders don't complete things. C. DiPietro stated that D. Gordon thought he was making the road better, and he did. Councilor Henry commented that what she is looking at is a muddy, rutted road and what she is hearing is a lot about cost and not about the neighbors, which is just not right. C. DiPietro stated that D. Gordon never pulled a permit to build a house because he was trying to improve it, and the neighbors must have at some point decided they did not want a house back there.

Councilor Reichert stated that it has to be done correctly, get an engineer to stamp it, and make sure it is tested. Councilor Reichert stated that there has to be a plan with grades and stakes. Councilor Reichert stated that it is not that hard. C. DiPietro asked if what we have in place would still apply. Councilor G. Steere replied that it may, but it is not up to him; it is up to the applicant to dig test holes for the Public Works Director and Fire Chief to

determine if the material is good. Councilor G. Steere stated that it has already been said that it must be fixed before getting a building permit, not a CO.

Councilor W. Steere stated that the conditions also mention utility, cable and telephone lines that will be buried underground. Councilor G. Steere asked Ken Johnson, Building Official, if the applicant can do underground utilities without a building permit. K. Johnson replied that he can get temporary service without a building permit. K. Johnson stated that we can issue the building permit after the road is done according to the specifications the Town is asking for. K. Johnson further stated that he is hearing two things; Public Works and Engineering. K. Johnson stated that we are either going with the plan or with the Public Works Director's approval, but he must know one way or another. Councilor G. Steere stated he would prefer the Public Works Director's approval, Councilor Burlingame agreed.

Councilor W. Steere stated that there is still the issue of the width of the driveway. Councilor W. Steere stated that if we go by the TRC's letter, there will not be enough room. K. Johnson stated that we can give him some latitude on the road width.

Gary Trembl, Director of Public Works, stated the TRC Report states that the engineer would approve the base of the road not the Public Works Director.

MOTION was made by Councilor Burlingame to GRANT the Exception to the Ordinance Regulating the Issuance of Building Permits to **Owner & Applicant: Donald G. Gordon, Location: Lot located off Chopmist Hill Road, a.k.a., AP. 14, Lot 137**; contingent upon:

1. That all improvements be certified by a professional engineer and completed to the satisfaction of the Public Works Director prior to the issuance of a building permit, with the exception that the final coat be put on prior to the issuance of an occupancy permit;
2. That this unnamed right-of-way remain as a private way and that the Town not take any responsibility for maintenance and that the deed of record include language that the Town of Gloucester will not be responsible for maintenance of any nature to this right-of-way inclusive of snow and ice control and that this language will remain part of the record if title passes in the future. A copy of this modified deed is to be presented to the Building Official, Town Solicitor and Director of Public Works prior to the issuance of a building permit;
3. That a sign be installed prior to the issuance of a building permit on this unnamed street indicating that it is a "Private Way", and that consideration be given to naming this right-of-way for mail collection and E-911 coordination per any recommendations made by the E-911 coordinator;
4. This it is the applicants sole responsibility to seek and receive all permissions, clearances and/or approvals from owners of this right-of-way prior to making any alterations or using this driveway for access to this property;
5. Widening of the driveway to 14 feet plus 2 foot drainage swales on each side with the exception of a 50 foot area between the first stone wall and where shrubbery and trees exist, the swales may be reduced to 1 foot as appropriate, and recycled asphalt over the full length of the travel way as indicated on the plan;
6. Preservation of the stone walls on either side of the driveway. Also to include that utility, cable, telephone lines, etc. will be buried underground during the excavation of the driveway, and that this driveway shall be referred to as a private driveway and shall never be used a future access/roadway/street for any property development other than AP 14, Lot 137.
7. The applicant should excavate a test hole every 50 feet to determine the contents of the road bed.

These test holes should be inspected by the Town Engineer at the applicant's expense to ensure that the roadway is adequate to support the weight of the Fire Department's apparatus.

Seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES- G. Steere, Burlingame, W. Steere, Reichert and Henry
NAYS-0

MOTION PASSED

VI. Consent Items - Discussion and/or action

A. Town Council Meeting Minutes of October 18th, 2018

MOTION was made by Councilor Henry to APPROVE the Town Council meeting minutes of October 18, 2018; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES- G. Steere, Burlingame, W. Steere, Reichert and Henry
NAYS-0

MOTION PASSED

VII. New Business

A. Boards & Commissions

1. Appointments

a. Zoning Board- Discussion and/or action

1. One expired Five year term to expire 1/2023

Councilor G. Steere stated that this appointment is for the expired term of Steven Winsor and the Chair of that board has stated that Mr. Winsor wishes to be reappointed.

MOTION was made by Councilor W. Steere to REAPPOINT Steven Winsor to the Zoning Board for a five year term to expire 1/2023; seconded by Councilor Henry.

Discussion: None.

VOTE: AYES- G. Steere, Burlingame, W. Steere, Reichert and Henry
NAYS-0

MOTION PASSED

b. Historic District Commission - Discussion and/or action

1. Three expired Three year terms to expire 11/2021

Councilor G. Steere stated that these appointments are for the expired terms of Marjorie Swift, Stephanie Kain and Clayton Lanphear. Councilor G. Steere stated the Clerk has received an email from the Chair asking for their reappointments.

MOTION was made by Councilor Henry to REAPPOINT Marjorie Swift, Stephanie Kain, Clayton Lanphear to the Historic District Commission for three year terms to expire 11/2021; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES- G. Steere, Burlingame, W. Steere, Reichert and Henry

NAYS-0
MOTION PASSED

2. One expired Alternate One year term to expire 11/2019
Councilor G. Steere stated that this appointment is for the expired term of Anthony DePetrillo and the Clerk has received an email from the Chair asking for the reappointment.

MOTION was made by Councilor W. Steere to REAPPOINT Anthony DePetrillo to a one year alternate term on the Historic District Commission to expire 11/2019; seconded by Councilor Reichert.

Discussion: none

VOTE: AYES- G. Steere, Burlingame, W. Steere, Reichert and Henry
NAYS-0
MOTION PASSED

B. DPW Salary Classification & Compensation Plan
Adoption, Action and/or Discussion

Councilor Burlingame stated that he, Councilor Reichert, Diane Brennan, Finance Director and Gary Treml, Director of Public Works, met with Don Jacobs, consultant, to put the framework on this, noting that there is no financial impact at this time. Councilor Burlingame stated that this will allow HR to come up with job descriptions and a redefinition of job classifications. Councilor Burlingame stated that there will be five (5) job classifications with eight (8) equal steps in terms of dollar amounts. Councilor Burlingame stated that where people are now they will be slotted into those classifications/steps. Councilor Burlingame noted that the cost of living increase will already be included in the steps. Councilor Burlingame stated there may be some people on the very top but they will get the benefit of the cost of living increase also and that no one is getting "shorted" on this. Councilor Burlingame stated longevity will not be impacted for those employees who were hired prior to 2012, they will continue to receive their longevity. Councilor Burlingame stated there has been discussion among Gary Treml, Don Jacobs, Public Works people so that there is an understanding. Councilor Burlingame recommended that the Council also adopt the job descriptions as presented by Mr. Jacobs.

MOTION was made by Councilor Burlingame to ADOPT the Job Classification and Compensation Plan for the Public Works Department as presented, which includes five (5) job classifications. 1) In addition there will be no change in longevity for those employees hired prior to 2012, with up to 3.75% for more than 20 years of service; 2) Years of service in the current position, where there will be eight (8) steps with equal dollars in the step differential; 3) The cost of living will be included in the step differential; and 4) the Town Council ADOPTS the job descriptions as presented.

seconded by Councilor Reichert.

Discussion: Don Jacobs, consultant, stated that going forward, the salary ranges will not be adjusted by across the board increases; they will be adjusted based on new market data that will be presented to the Council. D. Jacobs further stated that the five (5) grade levels are consistent with the different levels of responsibility that currently exist.

VOTE: AYES- G. Steere, Burlingame, W. Steere, Reichert and Henry
NAYS-0
MOTION PASSED

C. Gloucester Community Septic Loan Program
Request for Exception for increased cost & debt to income ratio- Discussion and/or
action

Councilor G. Steere read the following request from the Finance Director:

To: Honorable Town Council Members
From: Diane L. Brennan, Director of Finance
Memo: Exception to Debt to Loan Ratio
Date: October 26, 2018

The Town of Gloucester has been advised there is a request for a loan from the Gloucester Community Septic Loan Program. The address of the Gloucester property is 1669 Putnam Pike and owned by Jeffrey And Tracie Dugas. The debt to income ratio has exceeded the town's criteria of 45%. The loan request is for \$30,000 for a ten year term. The debt to income ratio is 69.7%.

The loan to value with this debt is 55% at the current assessment value.

Lee- Ann Gagnon of the Rhode Island Housing has provided additional comments about the loan request. This has been included for your review.

Your approval is required for the loan to be granted
(End of memo)

Discussion: Councilor Henry asked if there is a default, where is the liability, with the Town of Gloucester or with the community loan program. Diane Brennan, Finance Director, replied that the Town of Gloucester Community Septic Program would put a lien on the property. D. Brennan further stated that DEM has determined that this property is uninhabitable due to the septic situation so it is in the best interest to clean it up.

Councilor G. Steere stated that the Council has done this in the past. There was Council consensus to approve this request.

MOTION was made by Councilor Reichert to APPROVE the exception of debt to income ratio, at 69.7%, on the Rhode Island Housing loan application, for property located at 1669 Putnam Pike owned by Jeffrey and Tracie Dugas, through the Gloucester Community Septic Loan Program, October 2018; seconded by Councilor Burlingame.

Discussion: None.

VOTE: AYES- G. Steere, Burlingame, W. Steere, Reichert and Henry
NAYS-0
MOTION PASSED

D. License Fee credits for new businesses - Discussion and/or action
Councilor G. Steere stated that, per the Clerk, this year at renewals we will have three liquor establishments that are new for 2018, with issue dates of 6/12/2018, 9/7/2018, and 9/21/18. All

three paid a yearly license fee for Liquor, Entertainment, & Victualing. It is renewal time later this month and those fees will come up again. Does Council want to credit these establishments for the months they have paid for and didn't "use" their license. For example, an establishment opened in July and paid for a whole year, does Council want to credit this year's renewal payment for the months in 2018 they were not open. Going forward, Council could consider pro-rating fees when a new business is granted a license. (End of Clerk's note)

MOTION was made by Councilor Burlingame to credit the monthly fee that licenses were "not in effect" for new 2018 establishments towards their renewal fees for 2019; seconded by Councilor Henry.

Discussion: Councilor G. Steere stated that this makes sense.

VOTE: AYES- G. Steere, Burlingame, W. Steere, Reichert and Henry
NAYS-0

MOTION PASSED

MOTION was made by Councilor Henry to prorate all Liquor, Entertainment, & Victualing license fees for new establishments in their opening year; seconded by Councilor W. Steere.

Discussion: None.

VOTE: AYES- G. Steere, Burlingame, W. Steere, Reichert and Henry
NAYS-0

MOTION PASSED

E. 2018 Candlelight Shopping - Discussion and/or action

Councilor Henry stated that Charlie Wilson of the GBA is here to speak regarding the 2018 Candlelight Shopping event.

Charlie Wilson stated that this year's event will take place on December 6th, 13th, and 20th and asked if the Town could help out with the Police Detail as they have in the past. There was Council consensus to provide a Police Detail for one (1) of the three (3) nights, and to take the funds out of the Council Contingency account.

Councilor Henry noted that the Recreation Department is working on details for a tree-lighting ceremony on December 6th.

MOTION was made by Councilor W. Steere to AUTHORIZE the expenditure, from the Town Council Contingency account, for one (1) Police Detail during Candlelight Shopping in December, 2018; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES- G. Steere, Burlingame, W. Steere, Reichert and Henry
NAYS-0

MOTION PASSED

C. Wilson thanked the Council.

Councilor Henry stated that she wishes to acknowledge the Halloween walk which took place last week and stated that she attended the Moving Wall event at Ponaganset High School, another great thing for Glocester.

F. Propane Contract Approval- Heating for Town facilities - Discussion and/or action
Councilor G. Steere stated that the Council has received a memo from the Public Works Director explaining his use of Amerigas Propane for town facilities:

Date: October 23, 2018
To: Honorable Town Council
From: Gary Trembl
Public Works Director
Re: Propane Contract

The Town has been using the State Bid for propane deliveries for all Town Facilities except for the Sr. Center for many years The last State Bid was with Amerigas and expired on 9/30/2018. All non town owned propane tanks belong to Amerigas, a total of 15 tanks at 6 different buildings. The new Bid was awarded to Ferrell Gas which was posted on the State Purchasing website on 10/5/18. There would be no propane deliveries to any of our facilities because there is no contract. All Amerigas owned tanks would have to be removed and replaced by Ferrell Gas owned tanks. Tanks owned by one propane company cannot be filled by another company.

I reached out to Amerigas to get a price for propane for our facilities. They came back matching the state bid price of \$0.264 per gallon over the Selkirk Terminal Price for a period from 10/1/18 thru 9/30/2021. Since the heating season is already upon us and the removal of 15 propane tanks by Amerigas and replacing them with Ferrell Gas owned tanks would take some time to do considering all the State of RI accounts with Amerigas tanks need to be changed as well.

Amerigas has been a great supplier to us and the price is the same as the State Bid price so I chose to stay with Amerigas who agreed to give us a signed agreement for the next 3 years
(End of memo)

Discussion: Councilor Henry stated that she is in the process of looking for a propane supplier for her generator and Ferrell Gas told her they are not taking on any new customers or supplying any more propane. Councilor G. Steere commended G. Trembl for sticking with Amerigas. Councilor Reichert noted that propane is a highly regulated business.

MOTION was made by Councilor W. Steere to AUTHORIZE the Public Works Director to enter into agreement with Amerigas for the purchase of Propane fuel, at the price of \$0.264 per gallon over Selkirk Terminal Price, for the period 10/1/2018 to 9/30/2021; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES- G. Steere, Burlingame, W. Steere, Reichert and Henry
NAYS-0
MOTION PASSED

VIII. Town Council Correspondence /Discussion

- A. Councilor G. Steere stated that a letter of thanks was received from the GBA regarding the success of the 3rd Annual Trick-or-Treat on Main Street event. Councilor G. Steere stated that special thanks were given to Jean Fecteau, Town Clerk, and Joseph DelPrete, Chief of Police, for helping to postpone the event from Saturday to Sunday due to the weather.
- B. Councilor G. Steere stated that a letter was received from the Foster Town Council asking to meet with the Gloucester Town Council to discuss regionalization. Councilor Henry suggested waiting until January when the new Council is in place. J. Fecteau, Town Clerk, asked the Council if they wished to respond to the request. Councilor G. Steere replied that they should send it to the new Council in January.
- C. Councilor G. Steere stated that he had a call inquiring if hunting is allowed on the Town property which is the former Simas property. Councilor G. Steere stated that the Conservation Commission oversees hunting at Williams Mills and suggested that the Council ask the Commission if they want to get involved with this property. J. Fecteau stated that this question came up last year at this time and asked if there is a process for allowing hunting, such as additional insurance. Councilor Henry stated that she will contact Mike Ahnrud, chair of the Conservation Commission, and ask him to put it on their next agenda. J. Fecteau noted that the Commission should make a recommendation to the Town Council and not just post hunting signs.

IX. Department Head Reports/Discussion

None.

X. Bds. and Commissions Reports/Discussion

None.

XI. Open Forum

- A. George Charette, Planning Board chair, informed the Council that he will be out of circulation for three (3) months due to surgery. G. Charette expressed concern because if a board member misses three (3) meetings, the Council has the right to remove the member. The Council members wished G. Charette good luck.
- B. Brian Trainor, of 63 Echo Road, stated that before he bought his house, he asked the Building Office if he could do “open studio” in his house. B. Trainor stated that he was directed to fill out a form, which he did. B. Trainor stated that he was told “no off premise signage” but stated that he has a small sign that says “Open Studio” with an arrow which he puts out on Route 44 to let people know. B. Trainor noted that this weekend is Open Studio Weekend where artwork will be sold from people’s houses. B. Trainor stated that he is very disappointed and questioned other statements on the home occupation certificate.

Councilor W. Steere asked B. Trainor to explain what an open studio is. B. Trainor replied that an open studio event is typically a couple of days when participants purchase items directly from the artist. B. Trainor stated that he would like to do this once a month to show what he is doing.

Councilor Henry commented that we have always partnered with Scituate and Foster in the Open Artist Studio event which has been happening for over 15 years. Councilor Henry stated that many people in Gloucester put out the temporary sign

during the event. B. Trainor stated that he is not part of that event but wishes to put out the sign on a Saturday when he has an open studio.

Councilor W. Steere asked B. Trainor if he proposes to do this year-round or just during this event. B. Trainor replied year-round. Councilor Henry again stated that B. Trainor must contact a Councilor to be put on the agenda or go to the Zoning Board. B. Trainor commented that the rules and regulations are not productive and lead to failure. Councilor Henry stated that we live in a community that is based on zoning and planning rules and regulations because we don't want to be a "Johnston".

Councilor Burlingame referred B. Trainor to the Building Office. B. Trainor replied that he already did that and was given the application for Home Occupation. Councilor Burlingame stated that it would probably be all right for this weekend, but not year-round. Tim Kane, Town Solicitor, stated that the Ordinance does not allow retail sales from a residence.

XII. Adjourn

MOTION was made by Councilor W. Steere to ADJOURN at 11:06 p.m.; seconded by Councilor

VOTE: AYES- G. Steere, Burlingame, W. Steere, Reichert and Henry
NAYS-0

MOTION PASSED