

CITY COUNCIL STANDING COMMITTEE
Planning & Development
Wednesday, May 18, 2011 – 6:00 p.m.
1st Fl. Council Conference Room – City Hall
-Minutes-

Present: Chair, Councilor Joseph Ciolino; Vice Chair, Councilor Robert Whynott; Councilor Greg Verga

Absent: None

Also Present: Councilor Jacqueline Hardy

The meeting was called to order at 6:00 P.M. Items were taken out of order. NOTE: Councilor McGeary acted as alternate until the arrival of Councilor Whynott at 6:26 p.m.

1. Continued Business:

A) SCP2011-001: Decatur Street #14, GZO §5.2 Earth Fill and Removal Regulations

Frederick Geisel, PE, stated that Melissa Miguel at the City Engineering Department reviewed the drainage plan. There were a few questions so that going forward. They added a table of inverts for the drainage system onto the site plan and a wall section view onto plan as well, as were the only changes. He met a couple of times with Bill Sanborn, Building Inspector regarding the violation dated January 20, 2011. They discussed the enumerated items and Mr. Geisel had not yet drafted a letter in response but assured the Committee most of Mr. Sanborn's questions had been answered to his satisfaction. He noted the letter had a reduced sized site plan. A couple of questions had been raised about the volume and quantity of fill. He stated the soil is clean. Having inspected it himself he had seen nothing that would indicate it wasn't clean. The entire fill the applicant brought onto the property was from excavation for the water line on Essex Avenue that Cardillo did last fall. They had the letter (on file) that indicated 250 cubic yards of fill brought in. The Building Inspector had allowed that at that time. Mr. Baldassano purchased 190 cubic yards, and was told that shouldn't be a problem as long as it was less than 200 cubic yards. There is close to 100 yards of boulders to form a wall on site. They estimated 500-600 cubic yards of fill on the site now between what had been there and what was brought onto the site by the applicant.

Mark Houde, 9R Blake Court noted he had tripped over asphalt on the site, and asserted there is a cinder block with mortar on the site as well as a lot of masonry rubble.

Mr. Geisel stated, "Yes", there were bricks and masonry on the site. However, that seemed to come from old fill. He did see some pieces which he understood was from previous fill, some pieces of bricks, asphalt, but nothing in the new fill. Whatever is exposed now and through the work process they will remove from the site. **Mr. Houde** stated when they look at the plan that the ledges act like a fountain with the water flow. With the height of the fill going over the ledge, he believed the applicant is planning on carrying surface water on the westerly side of the ledge to the east side so it goes to the drainage pipe on his property, and the infrastructure can't take it. He also asserted it is introducing water across his property that was not there before. **Mr. Geisel** stated they are reducing the amount of water that will come off the hill towards Mr. Houde's and neighbor's properties. Much of that flow will be intercepted by the new drainage system to be put in place. The fill, besides the drainage system they're putting in will absorb much of it. It will greatly reduce the amount of flow off the site. **Councilor McGeary** stated as he understood from the plans and site visit that the applicant will reshape the topography that will create a bowl into the new drainage system on the site. **Mr. Geisel** confirmed it that they are not diverting the water. **Councilor Ciolino** stated it is all ledges in that area. There was a water problem before Mr. Baldassano purchased his property. **John Sultan**, 3 Eastern Avenue whose father owns a property on Blake Court, referred to the bowl configuration planned for the site as well as the new drainage infrastructure to be put in place had asked on the site visit how much Mr. Geisel thought it would handle, and he was told by Mr. Geisel there would no longer be run off coming down off the property.

Councilor Hardy cautioned there is a law regarding the diversion of water from one property against the other. It is illegal. **Councilor Verga** felt they could add a condition to the motion to ensure this did not happen. **Councilor McGeary** would support this with the condition that the engineering plan is executed as presented and that the water is not diverted from one property to the other.

Mr. Houde noted the ledge is a key factor and reiterated his belief that water is being moved from one side of the property to the other to catch his drainage system on his property (9R Blake Court). **Mr. Geisel** stated no water will be diverted from this property. **Councilor Verga** added there will be a public hearing on this matter where neighbors can then speak on any issues related to the Special Council Permit. They can also come back to the Council if there are issues when the work is done.

Councilor Ciolino stated he would support this application. When they started this process he had expressed to the applicant and the neighbors that this is not a by-right permit, but that it is at the discretion of the Council. This plan will be on file with the City. If the neighbors come back and say that this plan was not executed, they will call Mr. Baldasano back to answer to that. The applicant must go by the submitted plan. This is on file for the neighbors' benefit as well. He believed the plan was a good one. The water has been there forever, and the topography is ledge and hilly. On the basis of the application and plans submitted, the representations of the applicant and their agent, the Planning & Development Committee finds that the requirements of §1.8.3 for the granting of a special permit have been met, in that the six criteria are satisfied. As required by §5.2 of the Zoning Ordinance, the Planning and Development Committee has considered the location of the proposed fill activities and its effect on the general character of the neighborhood. The applicant and abutters have represented that the drainage in the neighborhood will improve as a result of the fill activities. The fill and creation of a useable yard is consistent with the neighborhood. There will be no adverse effect on the general safety to the public on the public ways in the vicinity. And for those reasons he would vote in favor of granting the Special Council Permit.

MOTION: On motion by Councilor Verga, seconded by Councilor , the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council grant to Salvatore Baldasano a Special Council Permit (SPC2011-002 pursuant to section 5.2 of the Gloucester Zoning Ordinances for earth removal and fill for Decatur Street #14, Gloucester, Massachusetts, Assessors Map 56, Lot 11, to fill the rear yard to make a useable yard, construct a retaining wall and to construct a crushed stone driveway extension, stone infiltration trenches, with landscaping and a fence around the retaining wall as shown on the site plan dated April 15, 2011 by Frederick J. Geisel, P.E., 15 Steep Hill Drive, Gloucester, with the following condition:

1. That the property located Assessors Map 56, Lot 11 will not divert water from that property onto the property of any other; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

- B) SCP2011-002: Eastern Avenue #53, GZO §2.3.1.6 conversion to or new multi-family dwelling Units; three dwelling units, §1.10.1 and 3.1.6 building height over 35', §3.2.2(a) decrease in The minimum lot area and open space per dwelling unit

Attorney Robert Coakley representing the applicants, Ashley A. and Jackie L. Sanborn, was present.

Councilor McGeary noted it looks like a good permit and was supportive of the project.

Councilor Ciolino stated that on the basis of the application, the plans submitted, the representations of the applicant and their agents, the Planning & Development Committee finds that the requirements of §1.8.3 for granting a special permit have been met in that the six criteria are satisfied. He would support the application for the Special Council Permit.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development voted 3 in favor, 0 opposed to recommend to the City Council to grant to Ashley A. Sanborn and Jackie L. Sanborn a Special Council Permit (SCP2011-003) pursuant to §2.3.1.6 of the Gloucester Zoning Ordinance to convert an existing two unit multi-family dwelling located at

Eastern Avenue #53, Gloucester, Massachusetts as shown on Assessors Map 49, Lot 1, to a three unit multi-family dwelling, AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development voted 3 in favor, 0 opposed to recommend to the City Council to grant to Ashley A. Sanborn and Jackie L. Sanborn the Special Council Permit (SCP2011-003), pursuant to §1.10.1 and §3.16 of the Gloucester Zoning Ordinance for building height in excess of 35 feet not to exceed the 40 foot height of the existing building located at Eastern Avenue #53, 3 AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development voted 3 in favor, 0 opposed to recommend to the City Council to grant to Ashley A. Sanborn and Jackie L. Sanborn the Special Council Permit (SCP2011-003), pursuant to §3.2.2(a) to decrease the minimum lot area per dwelling unit to 1,200 square feet per unit totaling 3,600 square feet collectively; and to decrease the required open space per unit to 800 feet per unit totaling 2,400 square feet collectively on a property located at Eastern Avenue #53 AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

Councilor Whynott entered the meeting at 6:26 p.m. **Councilor McGeary** stepped away as an alternate and left the meeting as did **Councilor Hardy**.

2. *Letter from Attorney J. Michael Faherty re: 35 Dory Road Extension of Special Permit under the Permit Extension Act of 2010*

Attorney J. Michael Faherty, representing Varian Semiconductor on the matter of the 35 Dory Road Extension of Special Permit was present.

Councilor Ciolino stated that a letter is on file from Attorney J. Michael Faherty representing Varian Associates asking for an extension of the City Council Permit for 35 Dory Road for the construction of two (2) commercial land-based wind conversion facilities. The original Special Council permit was granted on December 11, 2007, extended by the Council on December 3, 2009 and is set to expire June 11, 2011. This extension being asked for is pursuant to c. 240, §173 of the Massachusetts Acts of 2010 also known as the Permit Extension Act. Under this Act, the permit provides for the two year extension of all permits in existence or effect between August 15, 2008 and August 15, 2010. Therefore, the City Solicitor has determined that this permit qualifies in a memo received prior to this meeting dated 05/18/11 (and on file). The permit will now expire June 11, 2013.

Attorney J. Michael Faherty noted this was automatic under the State statute.

This matter is filed for the record.

3. *Request from Seacoast Nursing and Rehabilitation Center, Inc. to hold the 8th Annual Seacoast Seven Road Race*

Karen McCann, Board member of the Friends of Seacoast Nursing & Rehabilitation Center explained they will hold their 8th Annual Seacoast Seven Road Race on Saturday, July 16, 2011 at Stage Fort Park. Registration starts at 6:30 a.m. The race starts at Stage Fort Park at 9:00 a.m. and ends at about 11:30 a.m. They anticipate having the area being used at Stage Fort Park cleaned up and out by 1:00 p.m. Permission is in place from the DPW for the use of Stage Fort Park. The route starts at the top of the hill in Stage Fort Park on Hough Avenue, left onto Western Avenue, left onto Hesperus Avenue; take a right onto Fuller Street and through the intersection onto Magnolia Avenue; right onto Western Avenue and a right onto Hough Avenue to the finish. They have contracted with Lyons Ambulance Service to provide a dedicated ambulance for the entirety of the race. The race proceeds benefit the residents of the Seacoast

Nursing and Rehabilitation Center. There is an email on file from Lt. Joseph Aiello stating the Gloucester Police Department is satisfied with the plans and will provide on-duty officers on the day of the race.

Councilor Ciolino recalled issues with the closure of Hough Avenue and that the signage was unclear.

Ms. McCann noted the police are always there for the start and finish. They come in the back side of Hough Avenue at the end of the race. **Councilor Verga** noted the issue last year was with the Cyclocross race in the fall and that a Manchester policeman was on duty and had the road blocked off only part way. People thought they could go through when they could not. He did not recall any issues with this race.

Ms. McCann had not heard of any issues with their race. **Councilor Verga** stated whatever Lt. Aiello says that they're going to do to make it clear so that passersby know what is going on.

Ms. McCann confirmed they would get a letter from Lyons Ambulance to be on file by the deadline.

Councilor Ciolino stated there is a City-wide commission putting together a coordinated Emergency Services methodology to be put in place to handle all the races that come to the City in order to keep the City working during these events.

The Committee discussed the way to prevent issues with the temporary closure of Hough Avenue during the start and end of the road race. They concluding that they would want signage at both ends of Hough Avenue when it is temporarily closed at the start and finish of the race. **Ms. McCann** also noted all monies raised by this race go directly to the Seacoast Nursing & Rehabilitation Center.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the Board of the Friends of Seacoast to hold their 8th Annual Seacoast Seven Road Race on City streets (route as on file with the City Clerk's office) on Saturday, July 16, 2011, starting at 9:00 a.m. with all runners off the City's streets by 1:00 p.m. All routes through the City are to be clearly marked with signage removed off the route by 2:00 p.m. the same day. Certificate of Insurance listing the City of Gloucester as the co-insured, and memorandums of endorsement from the Police Lt. Joseph Aiello and Fire Chief Phil Dench or his designee are to be on file in the City Clerk's office by the close of business July 8, 2011 with the following conditions:

- 1. That signs will be posted at both ends of Hough Avenue indicating the street is temporarily closed at the start and the finish of the race. The signage will be removed as soon as possible to reopen the roadway to the public;**
- 2. That the race organizers are responsible to see that the Visitor Center restrooms are opened at 6:30 a.m.**

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:40 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- 3 photographs submitted by Mark Houde, 9R Blake Court of that property
- Letter to Melissa Miguel, City Engineering Department dated 05/15/11 by Frederick Geisel, P.E.
- Revised Site Plan received 05/18/11 – Plan date remains 04/15/11 – new plan shows now existing wall x-section (NTS) and table of inverts for drainage system