

CITY COUNCIL STANDING COMMITTEE  
**Planning & Development Committee**  
Wednesday, November 16, 2011 – 6:00 p.m.  
**1<sup>st</sup> Fl. Council Conference Room – City Hall**  
**-MINUTES-**

**Present: Chair, Councilor Joseph Ciolino; Vice Chair, Councilor Robert Whynott; Councilor Jacqueline Hardy (Alternate)**

**Absent: Councilor Verga**

**Also Present: Councilor Elect Melissa Cox; Chief Dench; Mark Cole**

**The meeting was called to order at 6:00 p.m.**

**1. *Continued Business***

A) SCP2011-009: Main Street #186, GZO §1.8.3 and §5.13.7.2 (Cont'd from 11/02/11)

**Councilor Ciolino** stated that the Committee had their site visit on Thursday, November 10<sup>th</sup> accompanied by the Building Inspector and the Fire Inspector. As a result there were issues found with regard to signage, access and safety (on file). Memorandums have been submitted to the Committee from the Fire Inspector and the Building Inspector. **Attorney Pare** acknowledged he is in receipt of the memo from the Building Inspector, Bill Sanborn clarifying some of the issues for the applicant, and has been in touch with him to come up with a plan for the roof access; to address the stairs; the lighting. He felt the big issue is the stairs, and they'll work with his office to get the stairs addressed agreeing they are a "bit rickety". They have started discussions with the landlord because there are issues regarding who is responsible for certain aspects of access to their antennas on the roof. They'll work with the City to get through these issues. As soon as they get them clarified with the landlord they'll come up with a plan. **Councilor Ciolino** stated because some of the items from the last Special Council Permit were not completed. He felt they should wait until the items on the action plan were completed and viewed by the Building Inspector and reported back to the Committee that it is done before moving the permit forward to the Council. He felt this application was ready to move forward at this time until the repairs are done. **Attorney Pare** stated he had reviewed the previous special permit. The only condition from the last permit was a railing (on the stairway), a wooden railing needing to be upgraded. To keep things moving if their plans they will submit are acceptable to the Building Inspector, which will be a part of the building permit process, he asked that they be able to move the application forward to prevent a delay of days or even weeks. This is a technology they want to launch as soon as possible. He suggested letting them work with the Building Inspector; and that he deals with that when he issues the building permit rather than going through the hearing process, appeal period, etc. which would delay them. If it takes them two weeks to get their plans in sync with Mr. Sanborn; they have the special permit timeframe; time to do the repairs which could take some time; and they have issues with the landlord. He understood if they have to do their antenna install, they will have to move the landlord quickly to fix these outstanding issues. He also acknowledged if they're going to install they're going to have to move them or the landlord quickly to an agreement. If it becomes an issue, and they don't install those are issues that remain outstanding with respect to the building. They understand these things need to be done. Having all the repairs done will delay them for months. They will submit plans they will commit to do. The building permit is a part of the process. He felt that is more than a condition but less than a long delay. The repairs being asked of the applicant is improving a building they don't own. **Councilor Ciolino** expressed his opinion someone has to improve it which **Attorney Pare** expressed he understood. **Councilor Whynott** agreed with Councilor Ciolino feeling some of the items on the list have to be done right away. **Councilor Hardy** offered a compromise as she could see why the applicant wouldn't be willing to go ahead and spend more money until they get the permit. But she felt it was fair for the applicant to expect that this body would at least want to see approved plans that the Building Inspector for them to progress and for them to come back and get the approval to go to the City Council. Then they have the Building Inspector's plans which he'll have signed off on that the work is going to be done. Then the only way they can get their building permit is to actually go ahead and fulfill their plans as submitted to the Building Inspector in order to get their building permit. Before they get their occupancy permit "to turn the switch on", the Building Inspector must inspect the property, and approve it. **Attorney Pare** thought doing substantive work to a third party's building is a difficult thing for them unless they know it is part of their process. He had no issue with what the Councilor offered. **Councilor Ciolino** asked the applicant come back in two weeks to provide the plans. **Attorney Pare** stated they would be providing those plans

within a few days to the Building Inspector. **Councilor Whynott** thought there should be target dates for when some of these items on the action plan need to be done. **Councilor Ciolino** noted the antennas have to be moved up 90" from the roof. That can't be done until the new antennas are installed which would be after the fact. **Attorney Pare** stated they could be installed but not operational because it is done in two steps. They would move them up; but before switching on the new antennas. There is a time between installation and going active. That can be controlled by the Building Inspector. They have no problem working through a City department because they can get in on their timeframe. The difficulty is that they're doing things to a building they don't own. Unless they know they are going to "flip the switch on" they may or may not have an interest in doing those things. They're not directly related to the antennas. If they never install, it is not worth their putting in a new stairway. He thought they would reach an agreement and was not suggesting that there is any problem. They talked to the landlord today; the building owner's daughter, and have begun that discussion. **Councilor Hardy** thought this was a good compromise. They go to the Building Inspector who will sign off on the plans. The plans would come to P&D; they're guaranteed that whatever is done is up to code or as close to code as it can get; and then they would have the assurance that the Building Inspector would be a part of the process. **Councilor Ciolino** reviewed the Building Inspector's memo and read as follows: *1. That all antennas (including existing) are raised to a minimum of 90" above the roof level; to which Attorney Pare* stated they could accomplish moving the antennas up 90" and the old antennas would be moved as part of their installation; they'll be moved up when the LD antennas are installed. He recounted for the Committee from the site visit that there are two antennas on one face, and only one that will need to be moved up and the LD antenna would be placed next to it. *2. That adequate lighting should be installed in stairway from elevator level to roof access; Attorney Pare* expressed they have no issue with the lighting. The only problem was "adequate" as he wasn't sure they could use something up to code and asked for a definition of "adequate" they can do it. If Mr. Sanborn has a standard, they will comply with it. *3. That emergency lighting and exist signs be installed in same area; Chief Dench* suggested emergency lighting would be appropriate and what is needed. There was temporary lighting during construction; but there is electricity in there; and this kind of installation would not be expensive. *4. That the chimney be repointed and that a structural engineer verifies that the chimney will support the weight and wind load of all antennas placed on it; Attorney Pare* confirmed that was not a problem. *5. That an engineer or architect design a plan to show improvements to the two sets of stairs leading to the roof access, including the actual access, that conform to the 2009 international existing building code; Attorney Pare* stated they've had discussions with Mr. Sanborn and his understanding is that it is not a problem. **Councilor Ciolino** clarified for him that the access door can only be gotten through by crawling which needs correction. The access door needs to be able to accommodate a firefighter in full turn-out gear. **Attorney Pare** acknowledged if that was the meaning he understood that. *6. That signage is placed on doorway leading to roof and on chimney, warning that cell antennas are present. Attorney Pare* noted there was a sign on the opposite side of the door that simply needs to be placed on the other side of the door. **Councilor Whynott** thought that it was one thing to say they're going to make the remediation; but if the permit is granted and six months later some things remain undone they need a 'sunset clause' whereby the Committee has a look back to see if all the work has been done. **Councilor Hardy** stated the Council grants the permit; and before they can power it up, the Building Inspector is mandated to do an inspection to make sure the plans under the building permit are met; that the work is done. The power can't be turned on for the new antennas until that time. If the work is not done, then the Building Inspector takes action. **Attorney Pare** clarified that they agree the work will be done by the time the switch is turned on. The Committee agreed this was reasonable. **Councilor Ciolino** summed up they would come back in two weeks with the action plan, the engineer/architect's plan and then they'll be in a position to move the matter forward. **Councilor Ciolino** and **Attorney Pare** agreed they are satisfied with the Radio Frequency Report submitted by Dr. Haes, a consultant for the City.

**This matter is continued to December 6, 2011.**

- B) Cape Ann Chamber of Commerce request to hold one-day blues festival at Stage Fort Park on August 11, 2011 (Cont'd from 11/02/11)

**Catherine Schlichte, Esq.**, representing the Chamber of Commerce interest in the Blues Festival completed the Special Events Permit application and submitted it to the Committee at this time (on file). She reviewed that in the last two weeks they have met with Chief Dench, Max Schenk, Mike Hale and Lt. Aiello and acknowledged because they are going through this process way ahead of the date, it is a bit awkward. They don't have their vendors; they don't have their stage set up yet, various other permitting authorities have not been applied to yet. They've had the proposal and location examined by these affected City department heads, however. They will have an all

departments meeting closer to the event for more of the fine details. There is a letter in the submitted packet that they will be getting a Certificate of Insurance for \$2 million in coverage. They have submitted an endorsement from the Interim Health Director (on file) to the Committee. They had a discussion with Lt. Aiello regarding emergency access. He had no objection to the closing of Hough Avenue so long there are two people on each sawhorse blocking road access to be able to remove them quickly for emergency vehicles. Handicapped parking will be down by the Cupboard. **Bob Hastings** stated they will have a golf cart available also. The road will be closed off to Western Avenue from the Visitor's Center. **Councilor Ciolino** stated there would have to be signage indicating the road closures. Lt. Aiello, **Attorney Schlichte** stated, told them there should also be signage on Essex Avenue alerting drivers to the upcoming road closure. She acknowledged traffic management will be a more lengthy conversation. They anticipate less people there than the Waterfront Festival. **Mark Cole**, DPW Assistant Director stated his department is fine with this. They'll probably ask for help with parking and will put on several extra people for the day. They can use the Little League field for overflow parking. They may close the park for the day and use the orchard also for parking. They have no issues whatsoever. They will work with the organizers on it. They do have the same restrictions as the Waterfront Festival. **Mr. Hastings** explained the stage will be located by the volleyball courts facing Western Avenue; the patrons will be seated between the volleyball courts and Western Avenue. Cressy's Beach will be open to the public but they will have personnel on the beach as well. It was suggested they hire extra individuals to manage cars. **Mr. Cole** stated they'll also put on extra people on as well. **Attorney Schlichte** noted Tolman Avenue is also another access in for emergency vehicles. **Councilor Hardy** asked if there would be restricted parking on Tolman Avenue for that day to make sure of clear access. **Chief Dench** noted they would use Hough Avenue. One of the issues he's always had, illegal parking is always a problem there (there is no street parking allowed). He felt there must be adequate staff and didn't think the police couldn't handle all of it. The event coordinators need enough staff; that staff who are easily identified; that they have to have a list of who they are on file for his department and the Police Department with their cell phone numbers they'll be using on the day of the event. He suggested distinctive T-Shirts so it is obvious who they are. Otherwise he felt this was a great event and was supportive of it also. **Chief Dench** expressed his department can handle any medical emergencies not being based at the park; or the event organizers can hire a detail for just that event. With this being the first year, and they're not expecting it to be that large, they would just respond with the ambulance like they always do. As it grows, that may become a requirement to hire an on-site ambulance. Responding to a question from **Councilor Hardy**, **Mr. Cole** stated they would charge the usual rate of \$15 for parking (the usual weekend rate). **Mr. Hastings** stated he had no problem with the \$15 charge. They will note that fact on their event tickets that parking is \$15 and a separate charge. It was noted the event is from 11 a.m. to 7 p.m. With regard to the noise issues that may arise. **Mr. Hastings** would talk with the neighbors and offer them tickets to the event. **Councilor Hardy** thought that there had to be one person on the contact list who is to field noise complaints. **Mr. Hastings** also noted there is no rain date. He explained the tickets are presold on the internet 10 days in advance at a discount. Councilor Hardy asked about comfort stations which Mr. Hastings explained will be behind the Cupboard. They will seek all the proper approvals. **Councilor Hardy** recalled a problem with the Fiesta and their comfort station facilities being overwhelmed, and a solution was to make sure there was a pump out truck available for the port-a-potties. **Mr. Cole** suggested the organizers call a particular company so that they could have someone come halfway through the day for that purpose to prevent potential issues. **Councilor Hardy** asked how the blues festival would affect the new dog park. **Mr. Hastings** stated they'll still have access. He is on the Board of Directors and would insure that access. **Councilor Hardy** also expressed concern with the traffic coming off the Boulevard onto Hough Avenue. The Committee and Mr. Hastings discussed how the signage would be posted and how they could allow for turnaround for non-concert goers. **Councilor Hardy** asked if the Visitors Center was aware of the upcoming event and asked the organizers to get in touch with the volunteers who run it. **Mr. Cole** noted they would have the bathrooms at the Visitor's Center open all day until 8 p.m. **Councilor Hardy** asked about Parisi Field and its repair after the fact. **Mr. Hastings** stated they would be fencing off that area. They would guarantee to bring in a landscaping crew if they have to make sure the field is left as they found it. They will have big name acts and their buses that will be parked behind the stage; and if there is damage to the field, he assured they will fix it. **Councilor Hardy** asked what they would leave behind to the good of the City. **Councilor Ciolino** asked if they could look at the Visitor's Center. It was suggested that they talk to Mr. Cole about a short list of items they could consider. Councilor Hardy asked what they were considering about a first aid station. **Chief Dench** had also suggested in his meeting with the organizers his department could provide two paramedics on site with an ambulance as a paid detail. Councilor Ciolino agreed with the idea they have a first aid station. **Councilor Elect Melissa Cox** noted the Red Cross is able to set up first aid stations and all they ask is a donation to them. They staff the first aid station with folks who are certified in first aid and CPR to provide the basics. There was a discussion as to how they would keep vehicles from parking on Hough Avenue at all, and which **Mr. Cole** pointed out the no parking on either side of the

road is posted. There is a beach supervisor can write tickets also; and there will be one on duty, as well as police officers who will be there to handle such a situation.

**MOTION: On motion by Councilor Whynott, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant a permit to Gloucester Blues Festival LLC for the purpose of holding a one day blues festival at Stage Fort Park on Saturday, August 11, 2012 with the following conditions:**

**1. Road Closure:**

Hough Avenue will be closed with appropriate signage directing the general public as well as concert goers as to the road closure, its duration and alternates to parking for concert goers and general public in order to maintain the park and beach access not being used for the concert event. A detailed traffic and parking plan and police detail information must be signed off by the Police Chief and on file with the Office of the City Clerk and the DPW Director no later than July 20, 2012, close of business.

**2. Refuse and Comfort Stations:**

All refuse and recycling generated due to this event is to be cleaned up and removed at the expense of the organizer. Portable toilets are to be provided by the organizer at their expense, placed the morning of the event and removed by 12:00 PM, August 12, 2011 with appropriate maintenance during the event.

**3. Emergency Services:**

A first aid station, with appropriate signage making it highly visible to concert goers must be in place in an easily accessible location within the concert area from the start to the end of the event with certified personnel with appropriate first aid equipment and supplies.

**4. Staffing:**

All event staff is to have cell phones and be easily identified by the public with t-shirts that are distinct or the like. A list of all event staff and their cell phone numbers are to be submitted to the DPW, Police Department and Fire Department.

**5. Noise:**

There is to be an event staff member whose sole responsibility is to field any complaints related to noise and to be the point person with authority to control volume to alleviate the situation on the day of the event. That person's name and cell phone number is to be on file with the Police Department in order to facilitate cooperation.

**6. Overall Event Approvals:**

Written event approvals signed by the Police Chief and Fire Chief or their respective designees must be on file by July 20, 2012 approving the overall event separate from any other permits or plan approvals. A Certificate of Insurance with the City of Gloucester named as the certificate holder must be on file in the Office of the City Clerk by the close of business, July 20, 2012. Day of event contact information, including name and telephone numbers for the organizer must also be on file with the DPW Department, the Fire Department, the Police Department and the City Clerk's office. Further, while this City Council approval is needed, the applicant still is required to obtain any necessary approvals from the Licensing Board and the Licensing Commission as well. It is the sole responsibility of the Gloucester Blues Festival LLC or their designated representative to ensure that all required documentation is filed with the appropriate City departments by the deadlines imposed by the City Council as indicated.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:55 p.m.

**Respectfully submitted,**

**Dana C. Jorgensson  
Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- **City Council Special Events Permit application submitted for the Gloucester Blues Festival LLC by Attorney Catherine Schlichte**