

Planning & Development Committee
Wednesday, March 20, 2019 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Valerie Gilman; Vice Chair, Councilor Jen Holmgren; Councilor Paul Lundberg
Absent: None.

Also Present: Councilor Sean Nolan; Mike Hale; Mary Ellen Lepoinka

The meeting was called to order at 5:30 p.m.

1. ***PP2019-002: Petition by National Grid to relocate 1 JO Pole on School House Rd. (P5) w/anchor; anchor on P4 all near School House Road with P5 to be relocated 25' east off of existing location - TO BE HELD AS A PUBLIC HEARING***

This public hearing is opened at 5:30 p.m.

Those speaking in favor:

Elizabeth Cardarelli, Distribution Designer, representing National Grid, explained that National Grid is requesting to relocate one JO (Jointly Owned) pole (P5) on School House Road which will be relocated approximately 25 ft. east off of the existing pole location to make room for a new driveway to the Fuller property. Two anchors will be placed on Pole P4 to provide support due to the new angle (created by the relocation of P5).

Those speaking in opposition: None.

Communications: None.

Public Questions: None.

Karen Boyd, 38 Trask Street, asked which pole will be moved. **Ms. Cardarelli** advised the pole to be moved is approximately 197 feet from Gloucester Crossing Road and is being moved closer to the road by 25 feet. She noted that new wire will be installed to meet the distance. **Councilor Holmgren** showed Ms. Boyd the revised National Grid plan on file.

This public hearing is closed at 5:33 p.m.

Councilor Gilman advised the Committee had a memorandum from DPW Director, Mike Hale (on file) in support, and thanked Ms. Boyd for attending the hearing.

MOTION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit National Grid and Verizon New England, Inc., to relocate one (1) JO Pole on School House Road (P5) and install two (2) anchors on Pole P4 all near 4 School House Road. Pole 5 will be relocated approximately 25 ft. east off of existing location including the necessary sustaining and protecting fixtures as shown on a revised plan dated 03-13-2019, Work Request Number: 23866895 for proposed Pole 5 Location: 4 School House Rd.” with the following conditions:

1. Notification to the Department of Public Works 72 hours in advance of the proposed work. A construction schedule and resurfacing plan will be prepared by the applicant for review and acceptance by the Department of Public Works.
 2. Proposed excavation may only occur during accepted road opening and construction season, 15 March - 15 November. No winter construction will be permitted.
 3. In the absence of a detailed construction plan, the Department of Public Works requests: all proposed conduits and appurtenances shall be placed so as to cause minimum conflict with existing underground utility services.
 4. All excavated trenches shall be patched flush with the surrounding asphalt using hot mix asphalt binder at the end of each work day to minimize pedestrian hazards. Asphalt shall be applied in two lifts of 2 (two) inches totaling 4 (four) inches.
2. *Special Events Application: request to hold the 2019 Gloucester Block Parties July 13, August 10 & August 30, 2019*

Susan Coviello, representing the 2019 Gloucester Block Parties as this year's event manager, conveyed the following information: The event is identical from the past several years. The Special Events Committee approved this event at its recent meeting. Main Street from Duncan Street to Washington Street will be closed from 5:00 p.m. to 11:00 p.m. Emergency vehicles will be able to get through. There will be music, entertainment, food vendors, stores are encouraged to have placement on the street; restaurants that will serve on the sidewalks will seek their own permits. The events are rain or shine, **Ms. Coviello** confirmed for **Councilor Gilman** and that there is no rain date for any of the three dates; the events will include recycling containers as usual.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning and Development Committee voted 3 in favor, 0 opposed, to approve a Special Events Permit to the Cape Ann Chamber of Commerce to hold the Downtown Block Party Series on Saturday, July 13, 2019; Saturday, August 10, 2019; and Friday, August 30, 2019 in order to temporarily close Main Street from Pleasant Street at the Main Street to Washington Street for each date for three separate occasions between the hours of 5:00 p.m. and 11:00 p.m. with the following conditions:

1. No vendor/merchant set ups on the sidewalk blocking entrance ways to retail or residential units, hydrants, crosswalks, or handicap ramps.
2. All vendor set ups in the street are to allow for no less than a 10 foot unobstructed, drivable area along the entire route - slightly wider at the curve of the former The Brass Monkey at 85 Main Street - to maintain adequate access for emergency vehicles. Failure to provide a 10 foot unobstructed margin of drivable area may necessitate the removal or relocation of the vendor/merchant at the discretion of the Fire Department, the Police Department, or the Block Party Committee.
3. The organizers shall allow the Fire Department drive-through access with the fire engine at the convenience of the Fire Department.
4. Any restaurant/merchant set up of tables and chairs, tents, or area enclosures should extend into the street no further than the lines painted on the street for vehicular parking.
5. That all of the side streets – Short, Porter, Center, and Hancock Streets – shall not be blocked by vendors, food establishments, tables, chairs, enclosures, equipment, or vehicles, so emergency vehicles may enter and exit Main Street as needed.
6. Vendor/merchants shall be responsible for their own trash removal.
7. Signs indicating the location of comfort stations shall be the responsibility of the Block Party Committee.
8. Plumbing Codes and regulations shall be adhered to regarding use of restaurant bathroom facilities.
9. Special lighting and electrical requirements necessitate approval of the Inspector of Buildings and the Electrical Inspector.
10. The closure of the street at the intersection of Main and Short, Porter, Center, and Hancock Streets must be by means of sawhorses or the like, as directed by the Gloucester Police Department.
11. It is the responsibility of the Block Party Committee to procure any other necessary Federal, State, and local permits and approvals associated with this event.
12. That the Committee makes reasonable notification to all residents and merchants along the route that will be affected by the closure.
13. Restaurants or vendors wishing to serve food outside must notify the Board of Health 7 (seven) days in advance for approval and must obtain any necessary approval of the Block Party Committee.
14. Conditions or permitting requirements imposed by the Gloucester Licensing Board shall also apply and shall become incorporated herein as to the outdoor/sidewalk service of food and alcohol.
15. All other applicable laws, City ordinances, and/or regulations are in full force including Ordinances regarding blocking of sidewalks. The Police Department will enforce these requirements in the interest of public safety.
16. The Block Party Committee shall also adhere to any requirements expressed by the Special Event Advisory Committee including that:
 - (a) That a letter from the office of the Mayor be provided assuring that the event is covered under the City of Gloucester Liability Insurance, and (b) that this approval is based on the Gloucester Block Party 2019 Street Plan submitted to the City Clerk's office.

3. *Nomination of Dogtown to the National Register of Historic Places Application (Also referred to the Planning Board) (Cont'd from 02/20/19)*

Councilor Gilman advised she would recuse herself under MGL Ch. 268A as she is a direct abutter to the boundary of Dogtown and left the Committee table. **Councilor Nolan** took his place at the Committee table as Alternate Committee Member at 5:39 p.m.

Councilor Holmgren Acting Chair recognized Mary Ellen Lepoinka, Co-Chair of the Gloucester Historical Commission. Recognized Charles Crowley and Cindy Dunn of the Dogtown Advisory Committee were also present.

Ms. Lepoinka recounted the following: The Historical Commission applied for and received a grant for an archeological survey of Dogtown for the purpose of nominating Dogtown for the National Register of Historic Places. The archaeological survey was to determine whether or not Dogtown met the National Register criteria according to the National Park Service, which it did. The report is on the city's website (<http://gloucester-ma.gov/index.aspx?NID=960>). In doing that the Historical Commission then allied itself with the Rockport Historical Commission, involving interested parties in that town as Dogtown is a Cape Ann resource. It was suggested that the Historical Commission is delayed in a decision of moving towards the nomination of Dogtown, as the Planning Board chose not to hear the matter and the Council has yet to vote on the matter. The Committee's decision is to whether or not the Council will hear this matter and conduct a public hearing. A Q&A grid was provided to answer objections to the nomination of Dogtown's to the National Register of Historic places (on file and part of the meeting's packet). **Ms. Lepoinka** indicated there is broad public support for the nomination, although with some objections being voiced.

Councilor Holmgren asked what the positive gain is for the city and users of Dogtown from a National Registry designation. **Ms. Lepoinka** conveyed that the city gains pride in having a property that is accepted for National Register status saying that it instills in citizens a renewed love of the place and a desire to keep it up through more involvement in its care. A designation, she mentioned, does make Dogtown more attractive to grant funders if there are projects to be undertaken in Dogtown; for example, funds for restoration of wetlands, forestry management, clearing trails; the funding may be forthcoming to the benefit of Dogtown.

Councilor Lundberg noted the P&D Committee will be voting to recommend to the City Council on this matter; and whether they vote to not or to recommend, there would still be a full public hearing with the public able to voice their opinions. This is not the end of the line by any means, he pointed out. He asked how the National Registry listing affects the buying, selling and/or insuring of properties in the Dogtown district. **Ms. Lepoinka** advised it should have no effect at all; nothing would change as a consequence. Being on the National Register doesn't protect Dogtown from anything, she highlighted. She added that the Commission saw it as a way to raise interest in Dogtown that may lead to its better protection. **Councilor Lundberg** expressed concern for those parts of Dogtown that are part of the city of Gloucester's watershed, Babson Reservoir, and wanted to confirm that being on the National Register doesn't impede the city's ability to protect the Babson Watershed. **Ms. Lepoinka** stated, "Certainly not." She indicated it would encourage the city to protect the Babson Watershed.

Councilor Holmgren, suggesting her question may be better responded to by General Counsel, noted her understanding that the Conservation Commission (ConCom) is directly responsible for +/- 200 acres in Dogtown and asked if the ConCom would have to vote an approval on this matter as well. Being on the National Register wouldn't have any impact on ConCom's ability to carry out the programs they are responsible for which are wetland and water acts, **Ms. Lepoinka** advised.

Charles Crowley, 19 Biskie Head Point, Dogtown Advisory Committee member, advised there are about 200 acres that were purchased through two grants in 1985 and 1986 through "Self-Help Grants" (Self Help #4 & Self Help #5). He indicated that conditions of those grants are that the land needs to be held, managed and operated by ConCom. He suggested technically the Council and the DPW Director don't control that land, further suggesting that such exertion of control by either is a violation of the grants as it constitutes a "disposition of the land" which triggers a policy by the Department of Environmental Protection (DEP) standards because a change of management is a change of disposition. He noted that the city isn't allowed to initiate action but the city can't speak for that land. Having spoken to the Administrator of those grants, it was made clear that the Council or the Mayor doesn't speak for the land; that the land is to be held, managed and operated (by ConCom). He pointed out that there is municipal compost on that land. He added his suggestion that moving this step to ConCom will avoid the issue of delegitimizing this vote by the Council. **Mike Hale**, DPW questioned how an appointed board has the authority own or control any municipal land. **Mr. Crowley** touched on the matter of ConCom having its overarching power from the state, as do cities and towns. **Councilor Lundberg** advised that P&D is considering whether the Council endorses the Historical Commission's application for for Dogtown to be nominated for a National Register

designation. Within that framework, once there's a nomination made, landowners are advised this is occurring. Whoever owns this land, they will be notified, he pointed out. It should be the city of Gloucester through ConCom who owns these two parcels of land, **Mr. Crowley** advised.

Councilor Holmgren, noting questions she'd received from the Sportsmen's Club, asked if the designation would have any impact on their outdoor ranges. **Ms. Lepoinka** advised that it would have no impact; that their land is not in Dogtown, and nothing about the National Register listing would change the use of Dogtown; the status doesn't call for any change of use. **Councilor Holmgren** confirmed there is no effect on hunting in Dogtown either which is overseen by the state. **Mr. Crowley** suggested that there is a conflict of the rifle range which he touched on briefly with the Committee. **Councilor Holmgren** asked if there are any impending traffic issues or any proposed improvements to Dogtown Road. **Ms. Lepoinka** conveyed that whether the road is improved is up to the city and being on the National Registry would not hamper that. She noted a study done by the Historical Commission of cities and towns around Gloucester with similar situations with National Registry districts, and found there was no traffic impact. The only way to change that is to advertise for tourism or another purpose which she suggested would attract attention. She pointed out there was never a visitor's center planned for Dogtown, she noted, although it's been conveyed as an idea which didn't originate with the Historical Commission. Being on the National Register would have no impact on ideas unless they were using federal funds to do it, then it would trigger a review to ensure whatever is being done is not impacting the historical integrity of Dogtown, she explained.

Eric Hutchins, 45 Pooles Lane, Rockport, owner of 13 acres on the Rockport side of the Dogtown district, who advised he works for the federal government doing historic reviews as part of his work, conveyed that any activity that takes place on Dogtown, such as a wind turbine, anything the city wants to do in the future with or without this designation, the same level of review exists -- if there is a federal action, funding, management, anything, an FAA permit, federal review requires a Sec. 106 review with or without the designation; that this is not a new regulatory overlay that comes with the designation. **Ms. Lepoinka** expressed agreement with Mr. Hutchins that there are no regulations attached with being listed on the National Register.

Councilor Nolan noted the third-party review if they needed to do something on the property for municipal purposes which could be anything; he suggested that the city is opening itself up for this third-party review. He expressed concern that if the city had to build a pump station, a concrete structure for moving drinking water, that may change the historical nature of the park. **Ms. Lepoinka** advised if it isn't destroying the historical integrity of Dogtown; that if it was for municipal purposes for installation of a pump station for drinking water, then it would be necessary and okay to do that. She put forward even if they were to build the pump station there is nothing in the National Register designation that would hinder the city from building it, even if they were destroying the historical integrity of something within Dogtown. She mentioned that the Commission frequently receives requests for 106 reviews, giving an example of the railroad bridge (over the Annisquam River) which simply was taking photographs to completely document the bridge for posterity.

Mike Hale, DPW Director, expressed that he didn't object to the concept to the preservation and viewing Dogtown as a resource that Gloucester and Rockport share but conveyed concern for the purpose of the application as expectations are difficult to manage long-term. In reading to the minutes that this allows opportunities for grants and asked what the grants would go to; what would be the source and what is the local match. There is no place to cut in his budget to give more attention to be given to this (matter), he indicated. There have been volunteer groups for trail clearing noting they've not had seasonal help in the watersheds in about 18 years. He highlighted that there are stipulations that go along with accepting these grants which they ran into with Stage Fort Park where a federal grant would have limited the city's ability to control over parking. He conveyed he didn't know if this designation would increase visitors, but that even if it only increases local and regional visitors, there is very limited parking, eight spaces on Dogtown Road and people will stack along the road on weekends. He suggested if that becomes a local issue, and with accepted grant funding, the city may not be able to restrict who can and can't park there. He recounted that with the Stage Fort Park grant the city wouldn't be able to charge for daily parking any more had they followed through with the grant acceptance because if residents got in free everyone had to get in for free. He further highlighted that it was important to recognize that 1,500 acres in Dogtown is watershed, and they don't want a lot of activity there. The idea it may become more than trail walkers and bike riders in and around the watershed, that additional activity in that area wasn't something they wanted to encourage. He advised he didn't see the city funding constables or wardens or a visitors center for Dogtown either, saying that there could be some loss of local control. If there is no extra protection provided through this designation, and the No. 1 feature is pride, he indicated there are other ways to accomplish that. He pointed to the land grant from the Babson family -- over 1,100 acres of land that not many Gloucester or Rockport school children recognize how the city received this land which very few people recognize as watershed. He conveyed there are abuses perpetrated around the reservoirs, and expressed caution for

the designation and what it means for the future. He concluded his remarks by saying that a lot of work went into this matter, and that the concept is great but that they don't know if it fits for this area.

Councilor Lundberg confirmed that Mr. Hale was speaking as a chartered custodian of all public lands in the City of Gloucester, and that Mr. Hale was conveying information to add to the Committee's information base.

Councilor Lundberg noted he had read the archeological study and indicated that it was comprehensive and sets out what might be considered a historical property. He advised he's in favor of endorsing this for the City Council's consideration and public hearing since the actual yes or no is up to the Council.

Councilor Nolan advised he wasn't convinced there was an overriding need to change the status on something that is already protected. He recounted that Councilor Tobey at one point had brought up looking into adding more protections for Dogtown, but what he found was that Dogtown was already very well protected. The fact that being historic, he advised he had no issue of Dogtown being thought of as historic but that anything that brings on a third-party review outside of the people of Gloucester is very concerning. He conveyed he would be greatly concerned to limit what the city could or couldn't do on that land. He advised that at this time he can't support the application for the National Register application, and that until he hears from the public on which way they want to this go he will reserve his final decision.

Councilor Holmgren advised she would endorse this matter to go to the Council for a public hearing as it was time for formal input from the public.

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor Nolan, the Planning & Development Committee voted 2 in favor, 1 (Nolan) opposed, to recommend that the City Council endorse the application of the Gloucester Historical Commission to submit the city of Gloucester properties collectively known as "Dogtown," for consideration for listing as a National Register of Historic Places as an area of historical significance through the U.S. National Park Service.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:15 p.m.

Respectfully submitted,

Dana C. Jorgensson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.