

CITY COUNCIL STANDING COMMITTEE
Planning & Development
Wednesday, February 16, 2011 – 6:00 p.m.
Kyrouz Auditorium – City Hall
-Minutes-

Present: Chair, Councilor Joseph Ciolino, Vice Chair, Councilor Robert Whynott; Councilor Greg Verga
Absent: None.

Also Present: Gregg Cademartori; Rick Noonan; Lisa Press; Attorney Mark Nestor; Attorney Ralph Pino; Attorney Jackie Slaga; Peter Glynn; Jim Padgett; Rob Gulla; Suzanne Egan

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

1. Continued Business:

- A) PP2011-001: Installation of service siphon to provide underground service 85 Lexington Avenue (Cont'd from 2/2/11)

This public hearing is open.

Those speaking in favor:

Peter Glynn, representative of National Grid stated that they seek permission to install siphon service, 5 ft. in the public way via a conduit and to remove the overhead service at the customer's request.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 2 in favor, 0 opposed to grant permission to National Grid to excavate the public highways and to run and maintain underground conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition of said company dated the 7th day of January 2011. Said underground electric conduits shall be located substantially in accordance with the plan filed herein marked National Grid, UG-WR #10143683 12/29/10 for #85 LEXINGTON AVENUE, installation of service siphon on pole #8127, 5' in the public way to provide underground service to #85 with the following condition:

- 1. That the final finished course of paving is to be done in the spring in accordance with the terms Set out by the Department of Public Works and the Engineering Department.**

- B) SCP2010-016: New Way Lane #50, GZO Sec. 5.13 PWSF (Cont'd from 12/15/2010)

Attorney Jacqueline Slaga, representing the applicant stated that they are seeking a variance to allow the installation of a T-Mobile wireless communication facility on an existing tower located at 50 New Way Lane. This is to extend the existing tower by 10' and flush mount three antennas to the 10' extension. The installation will be similar to the antenna array that already exists currently at the site. In addition to the extension and antennas, they are also proposing to locate equipment cabinets at the base of the tower inside the existing fenced compound. There is no change to the site layout. The fenced area is more than adequate to accommodate T-Mobile's proposed equipment. The need for the height extension is that this is considered a low tower; it is remotely located, well hidden from the area (photos on file); and the extension is not visible to adjacent roadways. The height is necessary to reach the coverage objectives

(roadways) in order to get over the significant tree canopy. At the request of the Committee an independent consultant was retained to do a Radio Frequency Report (RFR) previously. The City Planner informed her the City had retained the services of a consultant (which the applicant funded). She had been informed the RFR would be available by tonight; but she had not seen it as yet.

Gregg Cademartori, Planning Director noted since this application came forward he had received the Committee's request for an RFR review done by an independent consultant the City has used in the past. He did receive a check from the applicant. The independent consultant, Dr. Weinstrup, was retained and completed the RFR Report. He has completed his study but could not submit it in time. He had been in contact with Dr. Weinstrup who informed him of his results via email and said the application meets all the RF standards with "flying colors". All of the design considerations had already been addressed by this being an addition to an already existing cell tower that went through "a fairly rigorous process" in the initial siting. This extension still complies with the height requirements of the ordinance. The main concern in hiring the consultant is the potential public health and safety issues with the additional equipment at this installation. The report will be available in the next day or so. He felt the Committee "can be comfortable if that is their only remaining concern with the application." They can reserve the right to hear a full presentation from Dr. Weinstrup at the City Council public hearing. Then, if there are any recommendations or any lingering concerns he may have, they can be addressed at that time.

Councilor Ciolino asked if the City was in receipt of the \$5,000 required by the applicant in the ordinance for the Fire Department which **Mr. Cademartori** was not aware of its receipt.

Attorney Slaga stated they are aware of that requirement and the applicant is amenable to paying the \$5,000 to the City upon the completion of the permitting process. They are understanding of that and have no issue with complying with that requirement.

Councilor Ciolino noted the RFR report is done and will have it before the City Council public hearing.

Councilor Whynott entered the meeting at 6:11 p.m.

Councilor Ciolino confirmed with Attorney Slaga the applicant would comply with the \$5,000 payment for the Fire Department for training purposes. He made note of his email to Attorney Slaga on "housekeeping matters" concerning the conditions placed on the last application by her client to be sure they were met. The area is snow bound so it is difficult to make a site visit to confirm things.

Attorney Slaga added that the public hearing is on March 8th and that made for "plenty of time" to receive and review the RFR. The 'item' the Councilor had asked about, she discussed with the City Planner regarding the Councilor's belief there were outstanding conditions from previous approvals that may or may not have been complied with. She did discuss the matter with Mr. Cademartori who was going to review that and let her know but had not heard back from him on those issues.

Mr. Cademartori asked if there is a specific condition the Councilor was recalling from the prior approval.

Councilor Ciolino stated there were five conditions that had to be met but they didn't get an opportunity to see the site before the snow storms came.

Mr. Cademartori would make that review and report his assessment before the public hearing next Tuesday. He assured when he transfers the RFR report he will also point out anything that may be outstanding.

Councilor Ciolino stated this matter of any possible outstanding conditions would all come up at the public hearing.

Councilor Verga had no problem with the proposal. Stating he lived very near New Way Lane, he felt it would not impact him. He was concerned that they have the outstanding information before the City Council meeting.

Councilor Ciolino stated because of all the bad weather they've had to postpone the application several times. He believed there was no need to postpone the vote. They'll need all the information "signed, sealed and delivered" by the time of the public hearing. If all conditions aren't met by then, they'll have to continue it until all that information is obtained. Dr. Weinstrup has done his report.

Attorney Slaga will work with the City Planner on any outstanding issues.

Councilor Ciolino felt confident they could make a motion now and move it forward to City Council. He added that SCP2010-016 was filed to the City Clerks office October 28, 2010 under Sec. 5.13, PSWF; for collocations of antennas; applicant T-Mobile Northeast LLC, owner is Pasquale Barletta; location is 50 New Way Lane; Map 222, Lot 46, Zoning Classification R30. The \$350 fee was paid. The City Council received the application on November 9, 2010. It has been signed off by the Building Inspector on October 1, 2010 and the Planning Director on October 21, 2010. The application is signed by Attorney Jacqueline Slaga, 95 Indian Trail, Saunderstown, RI.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant the Special Council Permit (SCP2010-016) under Gloucester Zoning Ordinance Sec. 5.13, Map 222, Lot 46, Zoning Classification R30, for antennas, side mounted Personal Wireless Service Facility (PWSF) located at New Way Lane #50 with the following FINDINGS AND CONDITIONS:

- 1. In accordance with the Gloucester Zoning Ordinance, Sec. 5.13.5(h), the RFR filing required by Sec. 5.13.5.4 (f) has been met;**
- 2. That the applicant, T-Mobile Northeast LLC, a wholly-owned subsidiary of T-Mobile USA, Inc., has met the requirements of the Zoning Ordinance Sec. 1.8.3, and the proposed use will be in harmony with the general purpose and intent of the ordinance;**
- 3. The applicant is allowed to meet the requirements of Sec. 5.13.12.1 by contributing \$5,000 to the Gloucester Fire Department for training purposes.**

C) Update: Fishtown Horribles Parade (cont'd from 09/08/10)

Councilor Ciolino stated that this matter, at the request of Al Kipp, Chair of the Fishtown Horribles Parade Committee be continued to March 16, 2011.

This matter is continued to March 16, 2011.

D) SCP2010-001: 79-99 Essex Avenue, Sec. 2.3.1(12) Hotel/Motel 30 or more guest units; Section 5.7.3 Major Project; Sec. 3.1.6(b) height excess; Sec. 5.5 lowlands; Sec. 3.2.6 lot area per two guests (Cont'd from 12/15/2010)

City Solicitor Suzanne Egan and Gregg Cademartori, Planning Director joined the Committee at the dais.

Attorney Ralph Pino, representing the applicant, Gloucester Hotel LLC for the property at 79-99 Essex Avenue stated the City Engineering office signoff on the sewer memorandum is received. The proponent has agreed to pay \$350,000 towards the sewer line; the final details of that will be worked out by Tuesday (February 22, 2011). With regard with the sidewalk on Julian Road, the applicant has committed to an ADA approved compliant sidewalk and will pave Julian Road the full width.

Councilor Ciolino spoke of the use of granite for the façade to make it more "Cape Ann". They had also asked to view samples of what the material

David Hill, principal of Culp Management spoke of the outside of the building and the material that can be made to look like granite which is used successfully in limited service hotels and is known to be a very durable material. He also noted they use a very substantial roof shingle.

Attorney Pino showed the Committee a color rendering on poster board taken from revised plans of the rear view of the hotel which was, he stated, the same as the front.

Mr. Hill added they've created some dimension with columns; the front of the hotel has more detail. The colors are showing "off" in the rendering and stated it is a little bit more beige. He showed the actual shingles of the siding for the hotel to the Committee.

Councilor Ciolino stated that the plan showing the renderings of the hotel facades the Committee had appeared to be different from their verbal descriptions and that it was important they work from the same plans because that would be the plan that would be signed.

At that time Mr. Hill, Attorney Pino, and Mr. Padgett examined the plan at the dais held by Councilor Ciolino. They did not confer with the Committee during the examination

Jim Padgett of Gloucester Hotel LLC stated the elevation the Councilor had the front to look like the back. The front has dormers so they made the new elevation more detailed so the back appeared similar on that plan.

Councilor Ciolino stated then the plans as previously provided to P&D need to be updated for the public hearing at Council.

Mr. Hill stated his understanding regarding the plans and added that normally they don't do the dormers on the back of a hotel but because of the orientation of the hotel, and the fact you can see the back of the hotel driving by at an angle, they felt the Committee wanted more detail with it.

Attorney Pino noted the features on the top of building are the reason the height of the building became more elevated from the original height as shown on the plans which was 48 feet and increased by about 2 feet because of the added detail of the dormers. The original building was more "flattish" to keep the height down. At the site visit it was expressed that more detail was needed to the rear of the building.

Mr. Padgett pointed to the shake shingles with the color scheme stating there are variations. There are 'upper' colors and 'lower' colors on the building itself. They aren't "married to the color." They did want it to appear subtle.

Mr. Hill stated they've used this color scheme before successfully and is "handsome". The upper and lower shades are slight variations of the same color grade.

Mr. Padgett went through some of the aesthetics of the colors and textures on the hotel front and back including their gradations. They're attempting to make it soft looking, not something that would "stick out" boldly.

Mr. Hill stated that this is more detailed than normally seen on a limited service hotel. They are bringing a lot more dimension to it as opposed to a 'flat side'.

Councilor Ciolino noted the Market Basket at Gloucester Crossing used granite to tie in the Cape Ann materials on the building itself at the entrance on the pavement with concrete. They also put in a tower, a weathervane and clock. He then described the entryways of the supermarket.

Mr. Padgett stated there is more impact on Julian Road from their having trees on it that will line it. The landscape plan is on file and pictures of the trees available to the Committee with him.

Councilor Ciolino recalled when they permitted Gloucester Crossing, the applicant agreed to put elements of Cape Ann into the building. "You want something special too." He didn't feel they needed to write something like this into the conditions for the hotel.

Councilor Whynott thought they were talking about different things. He believed Councilor Ciolino meant the entrance.

Attorney Pino understanding the clarification thought they could add granite or like features in or near the entryways of the hotel. He also noted they did receive an objection from Mr. Nestor just that evening prior to the start of the meeting. He didn't see anything new that he hadn't already covered.

Councilor Ciolino also stated the Committee had received that document prior to the start of the meeting as well, and was on file.

i) Review of Conservation Commission Recommendations

Lisa Press, Conservation Agent for the City explained that the Conservation Commission's Orders of Conditions were over 100 special conditions for the project. She thought "they speak for themselves." They hired 3rd party review for it, Bill Jones of John Crowe Associates. The Commission met for over a

year (six meetings) to review the stormwater components and issued three reports which assisted the Commission in its decision.

Rob Gulla of the Conservation Commission felt Ms. Press' assessment was sufficient also believing the Order of Conditions "speaks for themselves."

ii) Review of Planning Board Recommendations

Mr. Cademartori noted it was a decision by both the Engineering Department and the Planning Department because of the cross jurisdiction of every permitting body involved in the review of this permit, that ConCom would defer to the independent review of John Crowe Associates on the stormwater drainage design. That was a fairly long iterative review process. The department staff is satisfied with the outcome of the design which is substantially different from the initial design. That was ongoing while it was being reviewed by the Planning Board. The Standing Committee and the Planning Board received the same various consultants that the applicant had used during the process. There was a "shift mid-stream" from an Engineering perspective but the traffic engineering and recommendations and presented and performed by Howard Stein Hudson Associates are consistent. The impact associated with the project meets the design criteria included in the Major Projects Special Project and should not significantly introduce a increased volume or have an impact on the area road network as Essex Avenue has some of the highest capacity within the City. The Planning Board reviewed the project over several meetings. Initially with the initial design and after it had been reworked with stormwater being one of the main drivers. Finally at it's meeting of December 2, 2010, they furnished a five-page review that was submitted to the Standing Committee and the Council supporting the issuance of the Major Project Special Permit along with the issuance of several conditions that have been applied to larger projects in the City ranging from construction oversight and review as well as reiterating the responsibilities of the proposal be reviewed by the Council in terms of the maintenance of all private utilities which would remain so; and would not be eligible for the City to ever take control of as well as some of the off-site improvements, including Julian Road that they should be in compliance with the DPW standards. It was a recommendation of the Planning Board to not do a "patch and pave" but rather it should be a reconstructed street with the addition of sidewalk on one side and landscaping to create a more inviting entrance and to provide some buffer to the adjacent properties.

iii) Attorney Mark Nestor, representing abutters of the property at 79-99 Essex Avenue

Attorney Mark Nestor, representing a group of abutters to the property at 79-99 Essex Avenue stated in regards to ConCom, there is an Order of Conditions; and the abutters took a timely appeal to the DEP on a superseding order of conditions. There was a site visit by the DEP that day. Their objections were also presented that day, as well as in a letter when they filed the appeal. The DEP is looking for additional information from the applicant. They are looking for photographs from the group Attorney Nestor represents. It is ongoing litigation; he deferred to their proceeding with the DEP on the objections they made. Depending on what the DEP does with it (the appeal), this Committee, he stated, would have to deal with the DEP decision. He highlighted the areas they had issues on such as the removal of contaminated soil; issues of no mosquito control; the Order of Conditions had no spill control or response plan; they disputed whether the bio-filter swale system was an appropriate system as the 'stormceptor' system. A major concern was the issue was the snow storage system seemed to be lacking. Their concern is pollutants contained in the snow would not be contained upon snow melt. The paving of Julian Road the applicant has indicated they would pave it.

Councilor Ciolino asked about the water line agreement.

Attorney Egan stated the terms are not completely "nailed down". They will have an agreement with those terms for the City Council by the hearing. There has been an agreement, in essence, on the price and the payment schedule.

Councilor Ciolino stated there is a sign off from the DPW Director for the water and sewer.

Mr. Cademartori noted in reference to ConCom's review because this is also an issuance of a permit under Section 5.4 for Lowlands, it is not uncommon for a project to have multiple jurisdiction including Conservation jurisdiction. There is reference to the ordinance to their approval which is specifically addressed in the recommendations under condition #7 of the Planning Board which he read (on file). It is contemplated from time to time there are issues of other jurisdictions. Provided there is a change that is required in another jurisdiction it would always return to the Council to consider such an amendment or revision.

Attorney Nestor stated that the lowlands permit has to be in conformity with Chapter 131 Section 40 of the General Laws that "flows with the Order of Conditions" and can't be granted until the appeal process is completed through the Order of Conditions through the DEP and if there is any further appellate process.

Councilor Verga asked if the Council couldn't then issue the lowlands permit.

Attorney Egan disagreed with Attorney Nestor's statement on the lowlands permit stating ConCom has reviewed their notice of intent and issued an Order of Conditions which has specific conditions with it. The Council's review of the lowlands permits requires that permitting process for the ConCom be complete. She cited Mr. Cademartori's statement that any changes that the DEP may order with a superseding order can be incorporated into the wetlands permit whereas the applicant would come back to the Council for a revision to the plans. They could go forward on the lowlands special permit.

Attorney Nestor stated in light of the fact that the Order of Conditions have been issued by ConCom is "essentially stayed" and is clearly listed on the Order of Conditions until any superseding Order of Conditions by the DEP is enacted or any appellate process. "Everything is frozen." He contended the Committee could vote tonight, and the Council can vote on a special permit that includes the Order of Conditions; but it is with the understanding that if the DEP issues a superseding Order of Conditions that significantly changes the Order of Conditions, that the special permit could be in jeopardy because the developer may have to go back to redo or to make a determination that based on what the DEP has done they feel it is too onerous to proceed. He thought "131.40 essentially say the same thing." He would provide a copy of the statute to the City Council.

Attorney Egan responded that there is the wetlands permitting process and the City's lowlands permit states that the application for a lowlands permit must comply with the wetlands statute which is MGL Chapter 131, Section 40. It doesn't say that the lowlands permit is controlled by that particular statute. This is a separate process. The City has their ConCom process where the Order of Conditions is issued and that statute controls that process for the City reiterating this is separate. "This is another step in the permitting process." That is one of the things the City Council looks at in determining whether a lowlands permit can be issued. The separate jurisdiction of the DEP doesn't control this process. If there is an appeal active currently on that permit, the Council can still consider that lowlands permit because ConCom has issued an Order of Conditions and have submitted to the City Council that those requirements have been met. She reiterated it is two separate processes.

Councilor Whynott stated whether the snow melts, they're taking on faith from ConCom. The only thing he believed was before the Committee was the height exception and density.

Attorney Egan responded there is also the lowlands permit under Section 5.5 which has three criteria within it, and one is a requirement that the conditions of the Hatch Act have been met. Typically when the Council reviews that, they get the information from ConCom's Order of Conditions and is relied upon to apply that and can be included in the special permit that the applicant must comply with the conditions.

Councilor Whynott felt it is a narrow purview; and this is not a decision that is not necessarily the right place for hotel. They could put a hotel by right except for the number of rooms being asked for.

Attorney Egan stated they have to go through the major project permitting and a hotel must go through that process if it has above 30 rooms.

Attorney Nestor stated because it is a hotel above 30 rooms and so they can rule on it because they're looking for 92 rooms. The Committee rules on the mass, size and height. And those are some of his clients' objections to the project. The mass is in the Council's purview.

Mr. Cademartori also clarified it is an Extensive Business District; a 30 unit or less is permitted as of right. Because it surpasses that threshold of 30 units it is a special permit. The Committee ruling is on a hotel above 30 units which is permissible under the special permit that they're granting.

Attorney Nestor noting the six criteria in a special permit under GZO Sec. 1.8.3 he reviewed the following:

Regarding the applicant's economic analysis which stated the hotel would be a "tourist boon," would potentially bring in a certain amount of money for jobs, building materials, contractors. "They may." The applicant refers to the Pinnacle Report from 1999 which he attached to his objection. This independent report said the City could probably sustain one major hotel of 60-80 rooms. When that plan was done commissioned by the City, the economy of Gloucester was significantly better than at present. They already have one similar hotel, the Holiday Inn Express, at Gloucester Crossing, Sam Park who is the developer, has already pulled their foundation permit and will start soon and contended it would be up before this hotel goes up, and now two hotels will be vying for the same client base. These will be discount hotels with minimal service with no restaurant. For all food and drinks a guest has to go off site. He submitted this is a risk of two hotels going for the same clientele to the detriment of both hotels and the City. He believed it didn't address the economic and social needs. The applicant has said there will be "X amount of jobs"; that they would like to look for local help. If the Committee accepts their plan, when they talk of payroll and number of full-time employees, he asked they put in the condition that the applicant will hire local help if possible; buy local; hire local contractors as opposed to the applicant's "vague" assertions. He believed this ensures if two hotels go in, it enables the City to make some financial gain.

Traffic, he noted, creates a number of concerns. His clients dispute the comparisons used in the traffic surveys of the use of this hotel of 92 rooms versus the Yankee Fleet which "allegedly had 400 parking spots" and traffic was more significant. The Yankee Fleet was seasonal tourist trade. The hotel is open all year. They anticipate, he "presumed based on studies" expect 40%-50% occupancy in winter. "It will be a constant stream." The Yankee Fleet came at set times and left at set times. The hotel will have guests making any number of trips in and out daily which he felt wasn't acknowledged. It is acknowledged it is a level of service 5; a high volume area already. If you have a permanent traffic flow versus a seasonal traffic flow it will add to the traffic significantly. He compared off season traffic to high season traffic to get a more accurate view of traffic flow. This hotel has no restaurant but cross the street there is a restaurant and cinema. If guests bring families, they'll walk across the street to the amenities there. There is no provision for a light signal, or pedestrian crossing which hasn't been taken into account at the same time of high volume traffic. The entrance to Julian Road is directly across from the restaurant and liquor store. That will significantly increase the traffic congestion and vehicle and pedestrian accidents. That needs to be taken into account.

Speaking to utilities adequacy, he understood there is a contract almost in place with a contribution of \$350,000 for sewer. He disputed the January 29th memo of the DPW Director. He reminded the Committee that in that memo and one submitted prior about a separate line in 2009 a City Engineer said it would be no problem for them to tie into the City sewer. A third party engineer has been hired to do modeling. He was told by Paul Keane (current City Engineer) that there are some concerns with the existing line. Attorney Nestor stated his clients have had to deal with sewer back up under the current system. With the existing system with the effluent from the hotel, which was even in Mr. Hill's letter on file, to rely on the City at a later time to make a recommendation prior to a permit being issued they would have to resolve the issue of the sewer line. His clients have had no input when, he felt, it affects them now. Referring again to Mr. Hill's letter, he referred to the modeling by the third party engineer, was supposed to do a site visit. Before this Committee makes a recommendation Attorney Nestor asked that the sewer line issue be addressed, and that the neighbors comment upon it. If they vote and assume Mr. Hale's memo, they could get to the hotel being built and the applicant could disagree with what the City would do. He believed this is a significant issue to be dealt with now. The gas line was brought up and comes with its own issues and also felt it needs to be addressed. Referring to Stormwater management, his clients are disputing this plan and the DEP will deal with that.

Regarding neighborhood character, while it is a business area, where the site for the hotel is, it is the far edge of the business area. Further east towards the bridge, there is the gas station, Cape Ann Marina. To the west or north become single family residences and small businesses. They are taking this large mass and “dropping it into the residential area.” He contended it doesn’t comport with the architecture of Cape Ann and the local area. They have issue with the materials the applicant proposes to use. They’re raising the elevation of the properties. There is no screening so that the headlights will go directly into his clients’ houses. There is a lack of privacy with a 40 foot “monolith” looking over the houses. There would be no sense of privacy. It is a short distance to where the houses are on Julian Road, less than 100 feet with a clear view of those properties. He believed that is an issue that should have been addressed. They ask the City not to just look at stormwater but look at the riverfront activity also.

Regarding potential fiscal impact, Attorney Nestor stated if the hotel “doesn’t go,” they have a major issue there. He noted the project of Magnolia Reach which has been lying fallow for three years with one house looking like “a war zone.”

There was a light study that was done. It doesn’t talk about shadows. He felt the hotel will cast a wide shadow on the neighbors. There is no addressing that, or headlights, or noise. There is no delineation for buses for parking of buses that come in there. This all needs to be considered by the Committee.

The size, the mass doesn’t conform to the area. This is one that the developer is not allowed to do by right. If the developer comes before the City Council for more than 35 units he has to meet the criteria and does not have to be granted something that is not a right. Increase of height under Section 3.1.6 b, he submitted, the applicant has not met the criteria.

Attorney Pino rebutted by stating they’ve been through the criteria but first on traffic study, he reminded the A. Piatt Andrew Bridge was under construction the counts are higher because traffic was being diverted and Essex Avenue saw an unusually high volume during that time period. With regard to the hotel being year around, he stated the occupancy rate would seasonal. The occupancy in winter quoted, he felt, “wasn’t true.” He spoke of the Yankee Fleet, the parking lot was full all the time, and they went across the street all the time. The expertise on the Planning Board recognized that. The traffic design is not a loop around the hotel. The pattern is to come around the side and back out.

Mr. Hill pointed out the occupancy in the winter in Wells, Maine is 12-15%, and it is very seasonal with high occupancy in the summer and falls off in the ‘shoulder months’. Sam Parks (developer of Gloucester Crossing) with pulling the foundation permit, and has “enormous tax credits for pulling it.” He had seen no movement to build the hotel. He contended they’re the only one in the next two years that will build a hotel and had “no faith” Mr. Park will build in the next year.

Councilor Verga asked about the “local help clause” and was it allowable.

Mr. Cademartori noted other special permits have addressed that issue and the condition included as allowed by law. There is the possibility of suggesting and even requiring local advertisement of a job fair locally to the extent of the willingness of the applicant. A clause could be put in with applicable by-law for local help.

Attorney Egan confirmed they have done that before.

Councilor Ciolino stated they did it with Gloucester Crossing. It was about preference in the hiring, building materials. They did a lot of business in Gloucester.

Councilor Verga asked about recommendations regarding the Causeway that parking is non-existent patron’s park across the street and cross at their own risk; that stating there is no crosswalk and was that part of the calculation.

Mr. Cademartori responded it is a State controlled roadway; that without a signal they likely wouldn’t permit a crosswalk. There are elevations in the road they can do, but it would have to be approved, again, by Mass Highway. The design plans do call for stop controls leaving the hotel site and is advantageous to have curb cuts to line up with businesses across the street. It is the current layout of Julian Road and didn’t suggest it being moved in any way. With some signage, more landscaping, it generally gets people to slow down but wasn’t sure there is a good solution that would gain Mass Highway approval.

Councilor Whynott asked about signage,

Mr. Cademartori clarified he was referring to the striping of a crosswalk.

Councilor Verga stated they could require the applicant to apply to the State.

Attorney Egan stated they can make a condition that they inquire about that.

Councilor Verga asked about screening of houses. The rebuttal was screening for traffic flow. What about the residential side.

Attorney Pino stated there is screening for the neighbors. They had moved parking away from the road and that there is some screening of plantings.

Councilor Verga asked at what height.

Attorney Pino referred to the planting schedule submitted.

Councilor Ciolino stated that ConCom said the existing trees needed to come out.

Attorney Pino confirmed that also.

Charles Ware, Meridian Associates, Landscaper for the hotel, stated there is screening along the southwesterly side, a mixture of small trees and shrubs which would grow to be 10-15 ft. in height and screen vehicles. However, would take some years for the trees to grow to great height.

Councilor Verga asked where they stand on the sewer line. Expressing his concern, he wondered what happens if hotel was in place, and they have major issues then with sewer.

Councilor Ciolino stated they're only required to have the DPW Director sign off. A lot of times they may not wait for a solution. The hotel is situated across from the sewer treatment plant and believed there has to be a solution. He thought they had to take the professionals' point of view that there will be a solution for that and the water that can be worked out. He believed the City wanted to look at not just one connection but the whole line. It will be a couple of year before the hotel will connect to the sewer.

Councilor Verga expressed his concern regarding the statement in the DPW Director's memorandum that the final modeling wasn't done.

Attorney Egan stated a company has been retained to do the modeling. She recounted her discussions with the City Engineer and the DPW Director; and stated their thought process is it will not take a very long time. It is important to do the work because of neighborhood issues already existing. It is not a question if the work will be done; the City is committed to do it not just for the hotel but for the neighborhood. It has to be done and this project raised the red flag and with a new City Engineer he can give assurances the work will be done and the permitting process can go forward as long as there is a condition in the Special Permit that there is a Certificate of Completion from the DPW before the Certificate of Occupancy is issued. That would be the case regardless; they have to have that sewer sign-off.

Councilor Verga asked who would pay for these fixes/improvements if the modeling says they have to remediate the existing problems.

Attorney Egan stated it is an ongoing issue in the community. The abutters have had problems. And because it is ongoing, it is not directly related to this permitting process and will be done because of that. The issue isn't an increase into the system, and the hotel will not add to the cost. It is the existing infrastructure.

Councilor Ciolino stated there will be a connection fee.

Councilor Whynott noted Attorney Nestor point of local hiring and local sourcing. He thought they should start now looking into some kind of signage regarding traffic. As far as how many hotels the City can support he used the analogy of "how many pizza places can the City support," believing the market can handle that. He explained his neighbors are less than 25 feet from him and yet did not feel his privacy was compromised. He didn't see how they could make that an issue to be enforced. He would, however, like to see the issues of local hiring and sourcing as well as traffic signage conditioned.

Mr. Padgett stated he has been talking to suppliers about trying get it worked out with local contractors about what they need and has worked over the year to do that. They "go local first." Any time they've built hotels in the last six years the first place they go is local and buy locally. The idea is that local people hired spend money back into the community.

Mr. Hill stated that creates good will, and they use as much locally as they can. They agreed they will look into the signage for a crossing.

Councilor Ciolino, referring back to Market Basket, stated when the supermarket was done they brought in a trailer and had job fairs to hire locally. They did a great job and hoped that if this application moves forward to the City Council the applicant would do the same thing. They will put that in as a condition that it is preferred. The Councilor then made the following statement:

“The Committee finds that the criteria under Section 1.8.3 have been met. With regard to the social economic and community needs that will be served by the proposed use. A 92 room hotel will bolster the tourist economy and have a positive effect on the City.

With regard to traffic flow and safety, the traffic generated by the site will decrease from its previous use. The former business had 400 parking spaces; the hotel will have 105 for the guests and 12 for public use. With regard to the adequacy of utilities, the DPW Director has submitted a memo to the Council noting that there have been improvements to the water line, with a line and hydrant brought down Julian Road. As requested by the Planning Board, the applicant has agreed to pay to the City \$350,000 over 10 years. The DPW Director has noted that currently the sewer is inadequate and that the City Engineer is investigating and intending to complete improvements sufficient for the connection of the hotel. He has recommended that the permitting process continue during the improvements. He has also recommended that the Council condition the permit on the DPW certifying that the sewer improvements have been made.

Neighborhood Character and social structure; the neighborhood is a mixed use area which caters to the tourist economy and recreational activities. A hotel use is consistent with the surrounding uses.

Qualities of the natural environment; the applicant proposes to make stormwater improvements, use low impact development technology and improve the wildlife inhabitants. The Conservation Commission has issued an Order of Conditions with numerous conditions which will improve the natural area within the site.

The applicant has submitted a fiscal impact statement outlining the financial benefit to the City.

As outlined by the Planning Board’s recommendations, the applicant meets the criteria of Section 5.7.5; streets accessing the project are adequate. Section 5.7.5 b that they will be connected to sewer; the DPW Director has sent a memorandum asking that any permit will be conditioned upon a certification from the DPW that the improvements are completed. 5c Site plan contains all the necessary information. The Planning Board recommends a condition that the clean up efforts must be completed prior to construction of the infiltration areas.”

Councilor Verga would support these motions now; if they get more information at the public hearing he may not support them. The challenge to the DEP, their experts state it is OK. It is a tough call for them. All the arguments they’ve gotten, he hoped that the applicants did their research and felt they could do it. For the purpose of putting it forwarded to the Council he will vote for this.

Councilor Whynott also was in agreement.

Councilor Ciolino would also support this; expressing he had “thought hard and long” as to what would be a good fit for that place. It is a low impact for that piece of property and best allowable use compared to what was there previously. The plan had a great deal of green space. Marshland is 50 acres and will remain pristine with good benefits to it. What is good for the City of Gloucester is also good for the Ward one lives in. He felt this is good for the City. He reminded that from the City’s financial point of view hotels like this, are a “cash cow” for the City; they pay for water, sewer, pay excise tax, rooms tax, meals tax and real estate taxes and the majority of services are negligible. From the City’s point of view that is what they’re looking for. The only way real estate taxes will stay steady or decline, they need more [projects] like this.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to recommend to the City Council the approval of the application of Gloucester Hotel LLC for a Major Project Special Permit under Gloucester Zoning Ordinances Section 2.3.1(12) to construct a hotel for 30 or more guest rooms subject to the conditions contained within the Conservation Commission’s Order of Conditions and conditions recommended by the Planning Board in its

report of December 2, 2010 as submitted to the City Council and condition recommended by the DPW Director as set forth in his memorandum dated January 29, 2011.

Councilor Ciolino stated “the Planning & Development Committee determined that the criteria in section 3.2.6(a) has been satisfied in that it finds that such lesser open space is in keeping with the neighborhood character and structural density,” and therefore:

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council the approval of Gloucester Hotel LLC for dimensional waiver of Gloucester Zoning Ordinances Section 3.2.6(A) allowing less than 5,000 square feet per two guest rooms subject to the conditions contained within the Conservation Commission’s Order of Conditions issued on December 23, 2010 and the conditions recommended by the Planning Board in its report of December 2, 2010 as submitted to the City Council, and condition recommended by the DPW Director as set forth in his memorandum dated January 29, 2011.

Councilor Ciolino stated “the Planning & Development Committee has determined that the criteria in section 3.1.6(b) for greater building height have been satisfied in that it finds that such an increase in the allowable height is consistent with the neighborhood character and will not be substantially detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, impairment of utilities or other adverse impacts,” and therefore:

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council the approval of Gloucester Hotel LLC for a special permit under Gloucester Zoning Ordinance Section 3.1.6(b) for building height in excess of 35 Feet subject to the conditions contained within the Conservation Commission’s Order of Conditions issued on December 2, 2010 and the conditions issued on December 23, 2010 and the conditions recommended by the Planning Board in its report of December 2, 2010 as submitted to the City Council and conditions recommended by the DPW Director as set forth in his memorandum dated January 29, 2011.

Councilor Whynott stated this next motion is an area where they are following the lead of the their experts and should they change something he will as well.

Councilor Ciolino stated “the Planning & Development Committee has determined that the criteria in section 5.5.4 for a lowlands special permit have been satisfied in that the application meets the requirements of the Wetlands Protection Act as indicated by the Conservation Commission’s issuance of an order of conditions and that such construction will not pose a hazard to health or safety and will be so executed as to conserve the shellfish and other wildlife resources of the City,” and therefore:

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council the approval of the application of Gloucester Hotel LLC for a lowlands special permit under Gloucester Zoning Ordinances Section 5.5.4 subject to the conditions contained within the Conservation Commission’s order of Conditions issued on December 23, 2010 and the conditions recommended by the Planning Board in it’s report of December 2, 2010 as submitted to the City Council, and condition recommended by the DPW Director as set forth in his memorandum dated January 29, 2011.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council that the Special Council Permit for Gloucester Hotel LLC contain the following additional conditions:

1. The applicant shall actively recruit in Gloucester for all open staff positions, including making such efforts as advertising jobs in the local Gloucester newspapers and having a job fair in Gloucester for Gloucester residents.
having a job fair and advertising in local papers for Gloucester residents to apply for open staff positions;
2. The applicant shall use its best efforts to locally source construction related materials and Jobs;
3. The applicant is to apply to the MassHighway for some kind of relief for a pedestrian access crossing and/or accommodations on Essex Avenue from their property.
2. *Letter from Ronald Benjamin requesting a sewer line acceptance re: Beachcroft Road (To Be Continued to 03/02/11)*

This matter is continued to March 3, 2011.

3. *Request from YuKan Sports LLC re: August 14, 2011 Road Race (To Be Continued to 03/02/11)*

This matter is continued to March 3, 2011.

4. *CC2011-006 (McGeary) Request to change St. Anthony's Lane listing from private to public Street (To Be Continued to 03/02/11)*

This matter is continued to March 3, 2011.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:46 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTATION/ITEMS RECEIVED AT MEETING: None.