

Planning & Development Committee
Wednesday, September 4, 2019 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

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

Also Present: Fire Chief Eric Smith; Fire Inspector Adam DeBrigard; Gregg Cademartori

The meeting was called to order at 5:31 p.m.

1. *Application of NSDJ Real Estate LLC to amend license granted June 12, 2018 for the storage of ammonia, gas and oil at 159 East Main Street, Map 63, Lot 26 pursuant to MGL Ch. 148, §13 & GCO Ch. 8, Sec. 8.1 “License for storing inflammables”*

Nicholas Osgood, Managing Partner of NSDJ Real Estate LLC, Weymouth, MA, asked to amend the flammables license for 159 East Main Street, Map 63, Lot 26. When the property was acquired in December 2017 they were informed there was a 9,300 lb. ammonia facility in use. NSDJ Real Estate LLC then purchased the National Fish & Seafood assets, a company that is now renamed as Atlantic Fish & Seafood. As such another (ammonia) system was identified that was believed to have been part of the original system but was, in fact, a separate 1,700 lb. system. The existing original system had been thought to store 9,300 lbs. but was actually 9,032 lbs. He reported this is simply a discrepancy, not a change from the initial (inflammables permit) application. He noted that employees of 30+ years have informed him this is the way the system has always been; this was a discrepancy of what was conveyed at the time of the acquisition. He noted for **Councilor Gilman** that the cooking oils and other gases stored on the premises, and part of the permit, are used during the process for cooking the foodstuffs, and acetylene is used for cutting metals to repair machinery.

Fire Chief Eric Smith advised the Committee that he’d previously seen the application for inflammables when the company changed ownership, and there wasn’t an issue. He explained that the only outstanding remaining issue, and he’s been speaking with a company representative about, is to obtain the updated Emergency Plans. He asked that the modification of the permit be conditioned that all plans including the Tier II is updated to reflect the new ownership. The Tier II report is still in National Fish’s name and needs to be updated, which consistently shows 11,000 lb. total ammonia. He pointed out that the 11,000 lbs. represents not just what is in the storage tanks but what is spread throughout the system, within compressors and piping and the maximum amount that can be on site at any one time.

Councilor Gilman summarized that the Fire Department doesn’t have an updated: Tier II report; an Evacuation Map; an Emergency Action Plan or NH3 Ammonia Emergency Response/Action Plan from NSDJ Real Estate LLC and that the Chief is asking for conditioning of the permit amendment that this documentation needs to be updated as part of the permitting. **Chief Smith** advised that he’s been in contact with Silvio Albano, Facilities Manager, and forwarded copies of what the department has on file. He conveyed he assumed it was being worked on and the necessary updated documentation will be received by the Fire Department. He reiterated his request that the permit be conditioned that all updated documentation be on file. **Adam DeBrigard**, Fire Inspector, advised he signed the permit application when it was submitted to move it forward into the permitting process.

Councilor Holmgren expressed her agreement with conditioning the modification of the permit. She thanked Mr. Osgood for being forthright in coming forward about materials stored on site and working with the Fire Department and Council on this issue.

Councilor Lundberg asked if currently the facility was good in terms of its permitting and what it needs in order to remain in business. **Chief Smith** explained that the original permit was under the totals they have in their actual tanks, but the Tier II report is reflective of what they had then, and what they have now, and the plans will likely be identical other than who owns the property, the name of the company, and the key players in their management structure. Otherwise the physical plant and company hasn’t changed. He added that it’s important all required documentation is on file with the Fire Department, and with the conditioning, he expressed he had no objection to the permit moving forward.

J. Michael Faherty, owner of Reeds Wharf Marina, a direct abutter to the subject property, inquired as to how now runs the plant since National Fish assets were purchased several months ago, and only now NSDJ Real Estate LLC is applying for an amendment to the inflammables license. He asked for reassurance that all ammonia is being handled appropriately. **Mr. Osgood** explained that it was discovered when he bought the assets of National Fish and discovered there was an error which they are now addressing. He pointed out that this ammonia has always been

there, but they didn't know the actual amount. **Councilor Lundberg** pointed out that the licensee is the company that owns the building which **Mr. Osgood** confirmed. The seafood processing entity is a tenant of that building. The holder of the license is the owner of the building.

Councilor Gilman asked if there is annual MSDS training with the employees with all these materials. **Chief Smith** advised there is a department in-service inspection anytime a permit is pulled for work that affects fire alarm and sprinkler systems, and in some cases the ammonia systems with follow-up inspections. Group training is done annually by his department's shifts with the plant employees; they review procedures. He assured there is familiarity with the plant. He conveyed that while there's been small leaks that are no different from water leaks, from time to time, they have been handled and the department was notified. There were nuisance alarms that were addressed promptly, and he pointed out that NSDJ is taking all the right steps to take over the facility and properly operate it.

COMMITTEE RECOMMENDATION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant an Amendment to a license previously granted on June 12, 2018 under GCO Ch. 8 "Fire Prevention and Protection," Sec. 8-1 "License for storing inflammables," MGL. Ch. 148, §13 and 527 CMR 1.00 for storage of inflammables at 159 East Main Street, Assessors Map 63, Lot 26, owner NSDJ Real Estate LLC, specifically to store Ammonia (9,730 lbs.); Argon Gas (225 lbs. in 3 cylinders); Oxygen Gas (50 lbs. in 2 cylinders); Acetylene Gas (50 lbs. in 2 cylinders); Cooking Oils (11,500 gallons - two (2) 5,000 gal. tanks and three (3) 500 gallon tanks by DECREASING one Ammonia storage from 9,730 lbs. to 9,032 lbs. and ADDING one 1,700 lbs. of Ammonia storage separately. Total quantity of Ammonia stored on site is now 10,732 lbs. The modification of this License for storing inflammables is contingent upon the receipt of an update of a Tier II report, including an updated Evacuation Map; an updated Emergency Action Plan or NH3 Ammonia Emergency Response/Action Plan from NJSD Real Estate LLC to be on file with the Gloucester Fire Department.

This matter is advertised for public hearing for September 10, 2019.

2. SCP2019-007: Gloucester Crossing Road #7 & School House Road #2 & #4, Map 43, Lots 4 & 5/Map 262, Lots 37 & 14, GZO Sec. 1.5.13, 5.29 & 5.7.5 – Modification to SCP2017-012 with further modification under SCP2019-002 (FMUV) (Cont'd from 08/21/19)

To set the tone of this Special Council Permit modification application review, **Councilor Gilman** read GZO Sec. 1.5.13.

Attorney Deborah Eliason, 63 Middle Street, Eliason Law Office, representing Fuller Mixed Use Ventures, LLC (FMUV) accompanied by **Jennifer Hocherman**, AIA, SV Design (formerly Siemesko and Verbridge, Architects; **Jack Meany**, YMCA of the North Shore; and **Derrick Seitz**, Senior Project Manager, Windover Construction. She noted the other section of this application, for modification falls under the Special Permit itself which allowed for certain small modifications. She reviewed the following information for the modification to SCP2017-012 with further modification under SCP2019-002 (FMUV) which only involves the YMCA property:

- There are other minor changes to the project that were determined as insubstantial by the Building Inspector in consultation with the Planning Department, in accordance with Condition #2 of the Special Permit. At the request of the Building Inspector and Planning Director the applicant has submitted an entire new set of plans so that there is one comprehensive set of plans.
- The applicant met with the Planning Board and received unanimous approval (recommendation memo from Planning Director on file).
- Changes to the plan evolved as the YMCA continued to make programming changes and to bring more clarity to their vision for the design of the project for programming to reflect what best serves the community in the most cost efficient way.
- Due to the programming changes and the relocation of the mechanical room into the basement there have been slight changes to the building's footprint but offers the same function.

Jennifer Hocherman, AIA, SV Design, Beverly, MA explained the following about the building design:

- Original design from 2017 and updated design comparisons: The biggest changes are the materials and the roof design at the front entry, and some modifications to the programming and footprint. The front entry is at the center of the building's north side. Just inside is an administrative area, a lounge and café area and was to a side was babysitting services area; the pool, and other multi-purpose rooms; locker area, gym and a large group studio. There is a separate entry on the upper left-hand corner of the plan which is solely for the

daycare center for security reasons. Different now is that there was a lot of space on the right side for back-of-the-house” functions -- mechanical and electrical spaces which is now moved to the basement area underneath the locker area. The other update to the footprint is elimination of a second pool which was part of the original design and the one remaining pool will be made as multifunctional aquatic uses as possible. There are small areas removed from the overall footprint as the design evolved.

- The second floor: The gym and auditorium is two story. The area on plan right which was part of the initial second pool area is no longer part of the project. Formerly on plan left was additional daycare space which is removed, and the daycare space is now a single story.
- Changes to the exterior materials: The majority of the perimeter of the YMCA (95%) is the same material as proposed in 2017. Previously, on the first floor there was vertical siding but now is replaced with horizontal clapboard. The YMCA wanted a special building paying homage to Cape Ann’s unique and nautical nature -- the roof shape is updated to a boat-like arc with cables. The front entry now it is a white metal panel and white metal roof, creating a boat-like material look. Other updates are minor in the building’s glazing.
- Other elevation comparison renderings were shown (on file) and briefly described. YMCA signage permitting was noted as being pursued separately.
- Color renderings of the modified building were exhibited (on file) and briefly described.
- Access ramp at the back of the site: The ramp has been simplified and can be accessed by stairs or ramp which is less of a circuitous route from the original design. The material is a prefabricated block. The top and bottom point locations is the same.

Councilor Lundberg asked if there was an issue moving the mechanicals to the basement. **Ms. Hocherman** advised it works out better for the pool, and everything vents through the roof as necessary. **Jack Meany**, YMCA of the North Shore, advised that moving the mechanical room to the basement provides access underneath the locker rooms, noting that pool mechanics work better with gravity.

Ms. Eliason noted most of the plan approved in the permit hasn’t changed and she reviewed that:

- 1) The building still complies with all Zoning setback requirements and complies with height;
- 2) No changes are required to the size of the stormwater structures or the overall drainage calculations;
- 3) All utility requirements remain the same;
- 4) No changes to the approved lot lines;
- 5) Vehicular and Pedestrian Circulation Plans remain unchanged;
- 6) Except for an additional walkway in the rear of the building, no changes to curb cuts, walkways, outdoor lighting or other site amenities for this building;
- 7) Increased green space on the north side of the building;
- 8) No greater intrusion into the wetlands or wetlands buffer zone and so no requirement for additional relief required from Conservation Commission; and
- 9) Modification is compliant with the ADA and Mass. Architectural Barriers Board.
 - GZO Requirements: GZO 1.5.13: The applicant contends there is good cause to modify the plans; modification doesn’t impair the interests of the neighborhood or the city. Modifications are required due to more refined programming as well as moving of the mechanical room. Original application explained in detail how the project met the six criteria; the modification of the project still meets the same six criteria.

Ms. Eliason then reviewed for the Committee GZO Sec. 1.8.3 saying that the original application explained in detail how the project how they met the six criteria; this modification of the project still meets the same six criteria as follows:

- Social, Economic & Community Need: Since issuance of Special Permit the YMCA has refined its programming; it’s more clearly expressed its vision for the design of the building to be reflective of the Gloucester’s schooner heritage. The YMCA, in consultation with its design professionals and stakeholders, refined its vision for the site, and created a program that best serves the community, and is the most cost efficient for the YMCA.
- Traffic flow and safety: Modifications won’t alter traffic flow or safety from the original proposal; no change in the general circulation plan or pedestrian and vehicular access and safety; no negative effect on traffic flow and safety. The walkway/ramp leading to Gloucester Crossing Road has been moved further away from the YMCA building that improves pedestrian flow on the walkway and ramp and the YMCA site with easier maintenance of both.
- Adequacy of Utilities: Plan modification won’t alter the adequacy of utilities from the original proposal; no change in the anticipated stormwater flows; therefore, no change to the stormwater calculations or the

overall size of the stormwater structures. The proposed building is smaller but there isn't a reduction in the size of the system or lowering of the drainage calculations; a conservative approach was taken to ensure that the stormwater system is more than adequate to meet the needs of the site --- the project engineer confirmed that the modifications won't impact the overall peak design flow nor the capacity of the approved stormwater system (memo on file in the application); there are no changes to the water and sewer requirements for the project.

- Neighborhood character and social structure: This modification won't alter or impair the neighborhood character or social structure; reduced size of YMCA building will increase green space on the north side of the building, approximately 7,300 sq. ft.; moving the mechanical room to the basement offers the same function in a smaller footprint; design of the building is more in keeping with and identifiable with the city of Gloucester; scale of the building hasn't been changed; changes to the exterior construction materials are minor.
- Qualities of the natural environment: This modification won't alter or impair the quality of the natural environment; increased green space; no greater intrusion into the wetlands or buffer zones; no additional relief required from ConCom.
- Potential fiscal impact: This modification won't alter or impair the positive fiscal impact of the project; small reduction in size of the YMCA and the interior changes won't reduce the positive fiscal impact of the project on the city.

Ms. Eliason concluded her remarks by saying that for all these reasons the plan modifications meet the requirements of GZO Sec. 1.5.13 and 1.8.3. She asked that the Committee recommend to permit the modifications to the City Council.

Derek Seitz, Windover Construction gave a status report on the site:

Demolition: There are three phases of the demolition process for the Fuller School building. Phase 1 (the annex) is mostly completed, and Phase 2 is expected to be completed in several weeks. Abatement in the building is about 90% complete and in its last phase. Demolition will be substantially completed by Nov. 15th.

Site work: The "deep hole" under the ballfield is about 80% processed; a new 16" waterline was installed around the perimeter of the site to feed the buildings in the new project on the site. They will move into major utility installation in the coming weeks and get infrastructure into the ground. As demolition completes it allows them to prepare for the laying of the YMCA foundation.

Gregg Cademartori, Planning Director advised the following: The Planning Board held a special meeting on August 22nd, and reviewed the same presentation by the applicant. The Building inspector and he reviewed the draft plans of some of the changes in advance of this application coming before the Council. He reported that there's been a number of minor design changes to the utility plan which are deemed not substantial, mostly associated with relocation of the water main that happened after permitting of the project and due to some of the site conditions but will function as designed which was confirmed by the project engineer. He conveyed that the Board's review was limited to the YMCA. Noting that what was planned is a substantial change to the building itself and wasn't consistent with the original plan set on file. They asked that the plans be updated so that they have one set that all city departments can work off from. The Board approved it unanimously, he noted. He mentioned there was a question of height and was noted that the height complies with GZO Sec. 5.29 "Mixed Use Overlay District" overlay district which contains language about dimensional requirements. The height of the building complies with height requirements under that section.

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant under SPC2019-007 a Modification of a Special Council Permit SCP2017-012 and SCP2019-002 to Fuller Mixed Use Venture LLC for the properties known as School House Road #2, #3, & #4, Map # 262, Lots 14 and 27, and Gloucester Crossing Road #7, Map 43, Lots 4 and 5, pursuant to Sections 1.5.13, 5.29, 5.7.5 and 1.8.3 is modified pursuant to the square footage of the YMCA building resulting in additional green space on the north side of the building according to submitted plans as follows:

Architectural Plans prepared by Siemesko and Verbridge with revisions through 05/10/2019 signed by Thaddeus S. Siemesko, R.A.;

Landscaping Plans prepared by Hawk Design, Inc., with revisions through 08/05/2019, signed by Thomas A. Miner, RLA; and

Permit Site Development Plan prepared by Meridian Associates, with revisions through 08/06/2019.

This modification to SCP2017-012 through SCP2019-007 is found to be in harmony with the purpose and intent of the Gloucester Zoning Ordinance.

This matter is advertised for public hearing for September 24, 2019.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:17 p.m.

Respectfully submitted,

Dana C. Jorgensson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.