

Planning & Development Committee

Wednesday, April 8, 2020 – 5:30 p.m.

REMOTE MEETING

-Minutes-

Present: Chair, Councilor Valerie Gilman; Vice Chair, Councilor Jen Holmgren; Councilor Barry Pett

Absent: None.

Also Present: Councilor Steve LeBlanc, Councilor Jamie O’Hara, Councilor John McCarthy, Mayor Sefatia Romeo Theken, Joanne M. Senos, Grace E. Poirier, Chip Payson, James Pope, Vanessa Krawczyk

Applicants: Joe Novello, Anthony Cusumano for St. Peter’s Fiesta; Elizabeth Cardarelli for National Grid; Attorney Wilhelmina Sheedy and Architect Rob Gulla for Special Council Permit 2020-001

Members of the Public: 10 members of the public called into the meeting, 2 of whom gave their names: Steve and Joan Archer, 103 Wingersheek Road

This meeting was done remotely through Zoom Video Conferencing. All votes were taken by roll call vote, with Councillor Gilman calling the roll.

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

Councillor Gilman opened the meeting and advised those in remote attendance that, “Consistent with the Governor’s order suspending certain provisions of the open meeting law and banning gatherings of more than 10 people, this meeting will be conducted by remote participation to the greatest extent possible. Persons who wish to listen to the meeting have been invited to do so as noted on our posting. They can join the computer smart device or by phone as posted on the web site.” At the request of **Councillor Pett**, **Councillor Gilman** informed attendees that the Essex Ave Special Council Permit has been continued to April 22, 2020, and Atlantic Road Special Council Permit has been continued to May 6, 2020.

Special Events Applications

A. Request to hold the St. Peter’s Fiesta on June 24-28, 2020

B. Request from St. Peter’s Fiesta Committee for the use of St. Peter’s Park on June 24-28, 2020

Joe Novello and **Anthony Cusumano** requested approval of the event for the dates June 24-28, 2020, as well as a backup date of September 10-14 in the event that the coronavirus prevents them from being able to hold the Fiesta in June. If Fiesta was held in September, it would probably be on a smaller scale. The Fiesta Committee will know by May 5 whether or not they will be holding the Fiesta in June.

They told the P&D Committee that they are requesting the use of the following streets: St. Peter’s Park, Rogers Street up to Mansfield Way, Commercial Street up to the Chamber of Commerce, the dock behind the Cape Ann Brewery, up Washington Street to the Boulevard up to 50 feet before the Fisherman’s Statue (those are the areas that they use and control for vendors); Beach Court and the Pavilion Beach and playground.

The procession route is as follows: it starts down Commercial Street, travels up Washington Street, takes a right onto Prospect Street, then takes a left onto Maplewood Avenue then takes a right on Shepherd Street, comes down Pleasant Street, takes a right onto Pleasant Street in front of the

Saint Ann's Church and then takes the left back onto Prospect Street, travels past Our Lady of Good Voyage Church down to Flannagan Square, comes down Union Hill onto Main Street, and then takes traveling Main Street until it gets to Hancock Street, takes the left, and then a right onto Rogers Street and back to Commercial Street and stops at the St. Peter's Club.

Mr. Novello and **Mr. Cusumano** asked who would make the final call as to whether or not the Fiesta could be held in June.

Mayor Theken advised the applicants that her office would be making the call. At this time it was too soon to know if the COVID-19 emergency would affect having Fiesta in June. However, she advised them to get their permits ready so that they would be ready to go if the event is able to be held in June and to make provisions for an alternative later date if the event gets cancelled for June.

Councilor Gilman advised that, if the event is cancelled for June, an alternative date had already been decided on and was included in the motion.

Mr. Novello and **Mr. Cusumano** told the Mayor that the Fiesta Committee would be making a decision by May 5 what to do about Fiesta (cancelling, postponing, or if they are able to, having it as scheduled) and would be in contact with her office.

Councillor Pett requested that the Fiesta Committee keep the city informed regarding the Fiesta so that they can get the word out as quickly as possible if there are any changes.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the Planning & Development Committee voted by ROLL CALL 3 in favor (Gilman, Holmgren, Pett), 0 opposed, to allow the 2020 annual St. Peter's Fiesta, commencing on Wednesday evening, June 24, 2020 through Sunday, June 28, 2020, for the purpose of conducting the St. Peter's Fiesta on the days and dates mentioned herein with the following conditions. Approval is based on the status of the current situation and is subject to change based on any stay at home orders, public parks or beach closures as declared by either the city or the state. If postponement occurs, a rescheduled modified event and date may be held on September 12, 2020 and September 13, 2020, subject to city department scheduling confirmations and approvals at the May 7, 2020 special events committee meeting:

- 1. That the St. Peter's Fiesta Committee three weeks before the event file a Certificate of Insurance naming the City of Gloucester as the Certificate Holder with the City Clerk;**
- 2. That the kiddie rides (those restricted to children of a height of 42 inches or under) be kept at the St. Peter's Square Park;**
- 3. That the footprint of the Fiesta be drawn on a plan showing locations of, but not limited to, comfort stations and first aid stations to be placed on file with the City Clerk three weeks before the event;**
- 4. That the music and rides closest to the altar area be shut down at the opening and closing ceremonies;**
- 5. That the St. Peter's Fiesta Committee from June 24 through June 28, 2020 has the use and control of St. Peter's Park on Rogers Street, the streets and sidewalks of Rogers Street, from Mansfield Way to the entrance of Commercial Street, including the dock/deck area behind the Cape Ann Brewery property; Commercial Street up to Fort Square, and from the intersection of Main and Washington Streets to St. Peter's Park; and, on Friday, June 26; Saturday, June 27 and Sunday June 28 on**

- only the water side of Stacy Boulevard from The Tavern to the Fishermen's Memorial and the Ciaramitaro/Gemellaro Playground at Fort Square for the purpose of conducting the St. Peter's Fiesta on the days and dates mentioned above. In addition, the road closures for the procession route are to be: Commercial Street, traveling up Washington Street where it will take a right onto Prospect Street, a left onto Maplewood Avenue, a right onto Shepherd Street, a right onto Pleasant Street in front of Saint Ann's Church, a left back on Prospect Street traveling past Our Lady of Good Voyage Church down to Flannagan Square, down Union Hill onto Main Street continuing until a left onto Hancock Street, a right onto Rogers Street and back to Commercial Street to the St. Peter's Club;
6. Vendors shall not be allowed on the right-hand side of Commercial Street nor on the streets and sidewalks from Tally's to the Chamber of Commerce. Vendor trailers must be parked elsewhere as directed by the Gloucester Police Department with arrangements for such parking made in advance of the start of St. Peter's Fiesta;
 7. One fixed vendor permitted by the City of Gloucester located on Stacy Boulevard is allowed to stay in place and vend during the Fiesta;
 8. Vendors on Stacy Boulevard must stay on the sidewalk and use weights for their tents; stakes are prohibited;
 9. Handicap parking spaces must be kept clear at all times;
 10. Parking spaces can be used by vendors near the public landing on Stacy Boulevard but can't locate in the middle of the landing or block users of the landing in any way;
 11. All peddlers, canvassers and solicitors and others who encroach upon or occupy in any way these areas without the express consent of the St. Peter's Fiesta Committee are to be considered trespassers and to be in violation of Gloucester Code of Ordinances, Ch. 14, Sec. 14-6 "Trespass."

Request to hold Operation Safe Boat Day on May 16, 2020 with a rain date of May 23, 2020

Councillor Gilman informed the Committee that the applicant sent an email this morning canceling the event for this year.

A. PP2020-002: Request by National Grid for the installation of 2 J.O. Poles on Washington St. beginning at a point approximately 254' north of the centerline of the intersection of Wheeler St. & Washington St. & continuing approximately 120' in a north direction

Councillor Gilman opened the public hearing.

Those speaking in favor: **Elizabeth Cardarelli**, representative for National Grid, informed the Committee that the petition was for two new pole sets that are for new feeder monitoring devices; they'll help send feedback to the substations telling them how the feeder is operating. It is part of the new grid modification and modernization.

Those speaking in opposition: None.

Communications: Memorandum from Mike Hale, Director of Public Works, read into the record:

"Councilors, the Department of Public Works has reviewed the above mentioned application to install two JO poles on Washington Street, beginning at a point 254 feet north of the centerline of the intersection of Wheeler Street and Washington Street and continuing approximately 120 feet in a northerly direction. National Grid to install new JO poles 86-50 and 87-50 in public ROW. Install feeder monitors and also permission to weigh and maintain underground laterals, cables and

wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings, as each of said petitioners may desire for distributing purposes. In an attempt to maintain the quality of city roadways, the Department of Public Works requests the following being required of the applicant:

- 1). Notification to the Department of Public Works 72 hours in advance of the proposed work;
- 2). Construction schedule will be prepared by the applicant for review and acceptance by the Department of Public Works;
- 3). Proposed excavation may only occur during accepted road opening and construction season, March 15th through November 15th;
- 4). All excavations must be secured at all times;
- 5). 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. All excavated trenches shall be patched flush with the surrounding asphalt using hot mix asphalt binder at the end of each workday to minimize pedestrian hazards. Asphalt shall be applied in two lifts of two inches totaling four inches.
- 6). Sidewalks must be restored with like material and immediately after pole set, and;
- 7). All final paving shall be done in consultation with the Department of Public Works and an agreed upon final paving plan executed by the applicant.”

The public hearing is closed.

It was moved and seconded to waive the reading of the conditions as they were already read into the record.

MOTION: On a motion by Councilor Gilman seconded by Councilor Holmgren, the Planning & Development Committee voted BY ROLL CALL 3 in favor (Gilman, Holmgren, Pett), 0 opposed, to permit Massachusetts Electric Company d/b/a National Grid and Verizon New England Inc. to install 2 J/O Poles on Washington Street beginning at a point approximately 254’ north of the centerline of the intersection of Wheeler Street and Washington Street and continuing approximately 120’ in a north direction. National Grid will install new J/O Poles 86-50 and 87-50 in Public ROW and install feeder monitors as shown on plan dated January 6, 2020, “Work Request Number: 29502580 for proposed installation of new J/O Poles 86-50 and 87-50 in Public ROW. Washington Street, Gloucester MA” with the following conditions:

- 1. Notification to the Department of Public Works 72 hours in advance of the proposed work. A construction schedule 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.**
- 3. All excavations must be secured at all times.**
- 4. 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.**
- 5. 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-inches, totaling 4-inches.**
- 6. Sidewalks must be restored with like material immediately after pole set.**
- 7. All final paving shall be done in consultation with the Department of Public Works and an agreed upon final paving plan executed by the applicant.**

B. PP2020-003: Request by National Grid for the installation of 1 J.O. Pole on Washington St. beginning at a point approximately 176' north of the centerline of the intersection of Ferry St. & Washington St. & continuing approximately 73' in a north direction

Councilor Gilman opened the public hearing.

Those speaking in favor: **Elizabeth Cardarelli** informed the Committee that the pole is for the same type of device (a feeder monitoring device) and the pole will be set to have that mounted on it.

Those speaking in opposition: None.

Communications: Memorandum from Mike Hale, Director of Public Works, read into the record:

“Councilors, the Department of Public Works has reviewed the above mentioned application to install one JO Pole on Washington Street, beginning at a point 176 feet north of the center line of the intersection of Wheeler Street and Ferry Street, continuing approximately 73 feet in a northerly direction. National Grid to install new JO Pole 76-50 in public ROW. Install feeder monitors and also permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings, as each of said petitioners may desire for distributing purposes. In an attempt to maintain the quality of city roadways, the Department of Public Works requests the following be required of the applicant:

- 1). Notification to the Department of Public works 72 hours in advance of the proposed work. A construction schedule 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, March 15th through November 15th;
- 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 excavations must be secured at all times.
- 5). 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 will be applied in two lifts of two inches, totally four inches
- 6). Sidewalks must be restored with like material immediately after pole set
- 7). All final paving shall be done in consultation with the Department of Public Works and an agreed upon final paving plan executed by the applicant”

Councillor Gilman informed the Committee that all abutters have been notified for both pole petition applications. The City Clerk received an inquiry from someone out of state who had a few questions and those questions were answered satisfactorily.

It was moved and seconded to waive the reading of the conditions as they were already read into the record.

MOTION: On a motion by Councilor Gilman seconded by Councilor Holmgren, the Planning & Development Committee voted BY ROLL CALL 3 in favor (Gilman, Holmgren, Pett), 0 opposed, to permit Massachusetts Electric Company d/b/a National Grid and Verizon New England Inc. to install 1 J/O Pole on Washington Street beginning at a point approximately 176' north of the centerline of the intersection of Ferry Street and

Washington Street and continuing approximately 73' in a north direction. National Grid will install new J/O Pole 76-50 in Public ROW and install feeder monitors as shown on plan dated January 7, 2020, "Work Request Number: 12-19-29361225 for proposed installation of new J/O Pole 76-50 in Public ROW. Washington Street, Gloucester MA" with the following conditions:

- 1. Notification to the Department of Public Works 72 hours in advance of the proposed work. A construction schedule 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.**
- 3. All excavations must be secured at all times.**
- 4. 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.**
- 5. 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-inches, totaling 4-inches.**
- 6. Sidewalks must be restored with like material immediately after pole set.**
- 7. All final paving shall be done in consultation with the Department of Public Works and an agreed upon final paving plan executed by the applicant.**

SCP2020-001: Wingersheek Road #105, Map 261, Lot 31, GZO Sec. 3.1.6(b) "Building Heights in Excess of 35 feet" in the R-20 Low/Medium Density Residential District (Cont'd from 2/19/2020)

Councilor Pett made a declaration under Massachusetts General Laws Chapter 268A that he checked with the Massachusetts Ethics Commission regarding the fact that over 30 years ago he worked with the applicant, and that he has no financial connection or any other connection to that and that he can participate in this process moving forward.

Councilor Gilman reviewed the following:

- This matter was before the Committee in February;
- The Committee had an extensive site visit at the property in February;
- On February 19th this matter was again before P&D; several matters came up that the applicant was asked to research;
- The goal of this meeting is to review those matters and address them, and if ready, to vote the permit to the full Council.

The first matter was a scribner's error on the Wetlands Protection Act form signed in 2017. Rob Gulla, architect for the applicant as well as the chair of the Conservation Commission, signed the form although he had not been involved in the discussion. Because Mr. Gulla did not participate in the discussion, as well as the fact that he did not sign the subsequent one-year extension to the form, the city's General Counsel did not feel there was a conflict.

Attorney Sheedy advised that the Committee that she reviewed the minutes to the February 15, 2017 meeting and confirmed that Mr. Gulla did recuse himself from the vote and he said his signature on the order merely reflected that was the vote of the Commission.

At this point in the meeting a slide show (on file) was shown on screen to those attending the Zoom meeting. Rob Gulla described the slides as they were shown.

Mr. Gulla described to the Committee that no impacts are seen whatsoever on 103 Wingersheek Road in winter, spring, summer or fall. There are some shadows cast at a very small amount of time in the morning at 111 Wingersheek Road and there's absolutely no impacts to 101-101A Wingersheek Road. He confirmed to **Councilor Pett** that, based on the study, the shadowing to 111 Wingersheek Road is from the early morning sun coming up from the public side of Wingersheek Beach cutting over the northeastern wing of the proposed structure.

Attorney Sheedy requested that the Committee vote to recommend approval of this project to the full Council as the 9 ½ feet on the top of the proposed structure is consistent with the neighborhood character and is not substantially detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, impairment of utilities or any other adverse impact.

Councilor Gilman gave attendees the opportunity to ask questions of the applicant. In response to this, **Steve and Joan Archer, 103 Wingersheek Road**, raised the following concerns/questions:

- Could the Attorney representing the applicant please explain how the project is consistent with neighborhood?
- What is the height of the homes immediately surrounding the proposed project?
- Why is it that the applicant wishes to extend beyond the current ruling on height?

Attorney Sheedy, responding to Questions 1 & 2:

- The Wingersheek Improvement Association is a mixture of various types of homes, traditional, contemporary, a castle, varying in size, from small cottages to large homes and similar homes like the proposed New England shingle style. There are several homes in the neighborhood that are 35 feet and there are several over 35 feet, including 25 Wingersheek Road and 132 Wingersheek Road that were permitted by City Council special permit to exceed the 35 feet. Because of the location of the neighborhood in the flood zone, any new construction and or any substantial repair to any existing building because of the FEMA regulations will need to be put on pilings that makes this neighborhood distinguishable from others. And so the proposed structure being 9 ½ feet over the 30 foot height dimensional requirement is consistent with this particular neighborhood.
- The height of the immediately surrounding homes is not definitive of the character of the neighborhood. The courts have found it is not the abutters and the abutters to the abutters. It is the neighborhood. You look at the neighborhood generally. So it's irrelevant what the size of the structure is, although I will say I believe was 97 Wingersheek Road just a few doors down is close to 35 feet.

Mr. Gulla, responding to Question 3:

- FEMA is driving us to push this building 9.5 feet out of the ground. The actual structure itself from the floor to the ridge is 30 feet tall, which meets the criteria of by right. But FEMA has driven this house 9.5 feet out of the ground, and that's the additional 9.5 being asked for.

Councilor Gilman advised those in attendance that she encouraged the public to send emails to the City Council prior to the public hearing with any questions or concerns for the public hearing and explained that the email addresses could be found under the City Council page at www.gloucester-ma.gov.

Councilor Holmgren stated that they had a pretty good opportunity as a body, as the P&D body, to vet the application and had an opportunity for community input. She wanted to vote it up to the full committee. She said she was not 100 percent decided yet on where she will fall when it does come to a public hearing. She said she thought that it's important to get more feedback; clearly there are people who want to weigh in, but based on the nature of our meeting and the structure of it, that's not permissible and it was time for the full body of the Council to get a bite out of it. She said that hopefully this time will allow the full Council to review the application again and for the public to take a look at it. It's very transparently posted on our city web site. She wished that we weren't dealing with this COVID-19 emergency because the applicant has spent quite a bit of time waiting for this to move forward already. She appreciated their patience as well, and looked forward to the public hearings. She said she would be voting this up this evening.

Councilor Pett stated that he would wait until the public hearing to make final commentary. But he would like to state again that the applicant and the representation by the architects, etc. spent significant amounts of time and effort to make this structure less obtrusive – or intrusive – to the neighborhood to the best of their ability versus what they could do just on their own right. He believed that they'd shown tremendous amount of dedication to making sure that this works on what is maybe the largest parcel in the neighborhood. It is a large structure, but they've done phenomenal work in putting together this application and this design, and for that reason, for this evening, he would be supporting this moving forward to the public hearing and then to our full Council.

Councilor Gilman stated that she remained conflicted with the project; the application clearly states that the project is consistent with the other buildings in the neighborhood - this building with a 39.6 foot height for the entire structure, close to 11,000 square feet, dominates the neighborhood. She said she was concerned about the shadowing and understood that the view is just as bad by right as it is by this permit. The Committee had the benefit of being at the Lindquist house as part of the site visit, which was very helpful. But she was really torn on this. She said she would always remain open minded at a public hearing, but was going to vote this down. But having said that, she thanked the applicant and the team for really doing a stellar job in presenting and their level of detail in the packet and all the information that they sent to the Committee on a timely basis was a tribute to their professionalism.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the Planning and Development Committee voted by ROLL CALL 2 in favor (Holmgren, Pett), 1 opposed (Gilman) to recommend that the City Council grant to Lawrence Costa, through owners, William S. Hathaway, Craig H. Hawley and Virginia H. Raylean, Manager of 1928 Coffins Beach Cottage LLC, for the property located at Wingersheek Road #105 (Assessors Map 261, Lot 31) zoned R-20, pursuant to Section 3.1.6 (b) of the Gloucester Zoning Ordinance for a building height in excess of 35 feet, for a total of 4 feet, 6 inches over 35 feet, for a special council permit (SCP 2020-001).

This building height is consistent with 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.

This permit is made on the basis of the plans and elevations dated 2/22/2017 by Robert Gulla Architecture, R.A, Gloucester, MA, submitted to the City Clerk on 1/22/2020

Subject to new information and/or discussion that result from the public hearing, this Special Council Permit is in harmony with the general purpose and intent of this ordinance pursuant to the governing Zoning Ordinances.

Further, consistent with the emergency COVID-19 MA House, No. 4598 approved on 4/3/20, this Special Council Permit public hearing will be continued to the first hearing date of the council, following the termination of the state of emergency, or to a date otherwise prescribed by law, whichever is later, provided that the public hearing date is not later than 45 days from the termination of the state of emergency.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:49 p.m.

Submitted by:

Grace E. Poirier

Assistant City Clerk

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.