

CITY COUNCIL STANDING COMMITTEE
Planning & Development
Wednesday, April 6, 2011 – 6:00 p.m.
1st Fl. Council Conference Room – City Hall
-Minutes-

PRESENT: Chair, Councilor Joseph Ciolino; Vice Chair, Councilor Robert Whynott; Councilor Greg Verga
Absent: None. ALSO PRESENT: Councilor McGeary, Michael Hale

The meeting was called to order at 6:02 p.m. Items were taken out of order.

1. Continued Business:

- A) Letter from Ronald Benjamin requesting a sewer line acceptance re: Beachcroft Road
(Cont'd from 03/16/11)

Councilor Ciolino announced he had received a communication from the DPW indicating they are not yet ready to present plans in order to move forward with this matter and have asked it be continued once more.

- **This matter is continued to April 20, 2011.**

- B) CC2011-006 (McGeary) Request to change St. Anthony's Lane listing from private to public Street (Cont'd from 03/02/11)

Councilor Ciolino explained to the Committee that a document required under c. 21, Sec. 21-1 of the Gloucester Code of Ordinances requires that accompanying the order for acceptance of a way from private to public that a statement in writing be signed not only by the Director of Public Works, but the Mayor and the City Auditor stating that sufficient funds are on hand and will be allocated for placing such way in safe condition to travel. That document to date is only signed by the Director of the DPW. The Auditor and Mayor have not signed off yet.

Mike Hale, DPW Director explained that last fall the residents of St. Anthony's Lane and their Ward Councilor, Councilor McGeary, moved forward with a 50:50 public/private paving of the private way. The DPW reconstructed the way; the whole street was pulverized, re-graded and repaved. The layout is longer than the improved way. They are looking to accept the improved portions. The City Solicitor has indicated that in her drafting of the motions for the Committee and also in the discussions with the Planning Department and City Engineer. The plans survey by Jay Jarouz, Land Surveyor and employed by the City, shows just the improved portion from Grapevine Road to where a private driveway exits on the right-hand side. The unimproved way is not part of the acceptance. It is specific to the improved section of St. Anthony's Lane by the developer for the development of it; the City repaved what the developer initially constructed. On inquiry by **Councilor Ciolino, Mr. Hale** explained there are two retaining walls which are a part of the development which encroached slightly into the way on the left-hand side near the end. The abutters built the retaining walls as part of the development which encroached very slightly into the right of way. He believed the Attorney Egan indicated the City is not interested in accepting the responsibility of maintaining those retaining walls nor will they maintain them. He pointed out there are encroachments in public/private ways all over the City. With that in mind, there is no question whose responsibility it is; those are still the retaining walls of the property owners although they encroach into the right-of-way. They are not asking that they be moved; rather, they are letting them know the City will not maintain them in the future if they deteriorate. On inquiries by **Councilors Verga and Whynott, Mr. Hale** stated he didn't believe they could even do any further development there due to the site constraints. There is a "fair amount" of resource area surrounding the lane. However, should someone wish to develop that unimproved section at a later date, it would be done likely through a

Planning Board process. All the houses that exist today are bettered today and all supported the acceptance of it to a public way. **Councilor McGeary** added that even those property owners on the private driveway were in favor of the acceptance. **Mr. Hale** described St. Anthony's Lane is a long leg in off of Grapevine Road. There is a private driveway that loops back around onto the right, almost as long as St. Anthony's Lane itself and that portion is only a private driveway and is not plowed or maintained by the City, as approved by the Board of Appeals. Further, there is no outlet on the other end of St. Anthony's Lane. He made particular note of the fact that the way is being accepted into the public ways which will add to the City's list of public road mileage. Once they have the Council vote they will submit the certified Council vote as well as the plans to Mass Highway to add to the City's master list of Chapter 90 eligibility.

Councilor Whynott asked if Mr. Hale felt the City is better off accepting roads like this where the property owners pay half of the improvement and then accepting them as improved.

Mr. Hale responded "absolutely yes". He noted the City has some degree of responsibility even with the private roads. He believed it made good sense for the City to pay for half of the road improvement and collect a 50% betterment from the residents. The betterment was a good value at about \$2,600 spread out over a period of years. He thought they should be looking at more like this. This is only the third private road accepted in 12 years and would encourage taking more of them onto the City's list of public road mileage. He expressed this was a good process of people working together to a good end.

Councilor McGeary thanked Mr. Hale for his help as a guide through the process as well as the City Clerk's office, in particular Linda T. Lowe and Joanne Senos.

Councilor Ciolino recounted over the years it was a situation of constant patching through the years and was a waste of money. Councilor Whynott noted other DPW Directors thought it was not an affordable transaction to take in private roads. **Mr. Hale** responded he didn't think the City could afford not to; pointing out the City got a "nice bump" on Chapter 90 funds this year which should take care of even more roads.

Councilor Ciolino explained the Committee would undertake a two-step process in voting. First they must determine whether it is for the common convenience and necessity to take this street and to take an easement on the street at the same time.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend to the City Council that the City of Gloucester, pursuant to Massachusetts General Law Chapter 79, for the purpose of laying out a public way upon a showing that it is for common convenience and necessity take in the name of the City of Gloucester a permanent easement in St. Anthony's Lane from beginning at the intersection of Grapevine Road up to and including the way which runs in front of Assessors Map 83, lots 113 and 55, as shown on the Street Acceptance Plan dated March 16, 2011 prepared by Jay Jarosz, PLS, 3 Mill Street, Manchester, MA. The easement shall extend along the full width of the private way and within the traveled way except for the portions of the way abutting lots shown on Assessor's Map 83, lots 55 and 107, where the retaining wall encroaches into the way. Further, that the easements shall be taken at the following described property locations against all who have an interest in said property as registered in land court and as shown on Gloucester Assessor's Map and as indicated and attached hereto:

Robert and Clarke Victorine, 2 Ocean View Drive, Map 76, Lot 102

Dana and Virginia Cohen, 1 Ocean View Drive, Map 76, Lot 103

Rosalie Militello, 2 St. Anthony's Lane, Map 83, Lot 56

Antonio and Geraldine Parisi, 6 St. Anthony's Lane, Map 83, Lot 117

Accursio and Laurie Sanfilippo, 14 St. Anthony's Lane, Map 83, Lot 108

Maryjane and John Carollo, 18 St. Anthony's Lane, Map 83, Lot 107

Rosemarie and Calogero Larocca, 22 St. Anthony's Lane, Map 83, Lot 55

Robert and Ethel Weeks, 28 St. Anthony's Lane, Map 83, Lot 113

Robert and Barbara Trenti, 32 St. Anthony's Lane, Map 83, Lot 114
Rolf and Cynthia Franke-Otten, 34 St. Anthony's Lane, Map 83, Lot 115
Andrew and Pamela Orlando, 36 St. Anthony's Lane, Map 83, Lot 116
Richard Fowler, 7 St. Anthony's Lane, Map 83, Lot 62
Marnoto, Armando and Filippena, 5 St. Anthony's Lane, Map 83, Lot 60
Joan Chatfield, 3 St. Anthony's Lane, Map 83, Lot 59
Mary Ciaramitaro, 1 St. Anthony's Lane, Map 83, Lot 57

The Committee agreed that they would accept the memorandum from Mike Hale dated February 11, 2011 in support of the application of the acceptance of the private way to public way (St. Anthony's Lane) which is to be signed and dated upon review by the City Auditor and the Mayor in order to be in compliance with the Gloucester Code of Ordinances c. 21, Sec. 21-1. That document is to be completed and on file with the required signatures by the time of the City Council public hearing.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend to the City Council that the City of Gloucester pursuant to Massachusetts General Law Chapter 82 for public convenience and necessity lay out a public way within the lay out of the private way Saint Anthony's Lane, Gloucester, Massachusetts, as shown on the plan entitled Street Acceptance Plan, Saint Anthony's Lane prepared by Jay Jarosz, dated March 16, 2011 and that the matter be ADVERTISED FOR PUBLIC HEARING.

- C) 2011-0001: Application to amend Gloucester Zoning Ordinance re: 77 Langsford Street (Cont'd from 03/16/11)

Councilor Ciolino informed the Committee that the Planning Board had to continue the matter of the Application to amend Gloucester Zoning Ordinance re: 77 Langsford Street and has yet to forward with a finding. He noted a site visit had been completed. The Committee is in receipt of a letter from Attorney Faherty, representing the applicants (on file) agreeing to a continuation of the City Council public hearing from 04/12/11 to 04/26/11. The Committee would continue the matter until the Planning Board could provide P&D with their recommendations on the matter.

- This matter is continued to April 20, 2011.

2. Request from National Grid re: Electric Easement for overhead system at 4 School House Road

Councilor Ciolino stated the matter of the request from National Grid regarding an electrical easement for an overhead system at 4 School House Road has been referred by the City Council to the Land Disposition Committee (LDC). When the LDC's recommendation is forwarded back to P&D, the matter will return to the agenda so that they may take up the matter.

- This matter is tabled; and will return to the P&D Committee agenda upon receipt of the recommendation of the Land Disposition Committee.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:18 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTATION/ITEMS SUBMITTED AT MEETING: None.