

Planning & Development Standing Committee
Wednesday, July 22, 2020 – 5:30 p.m.
REMOTE MEETING
-Minutes-

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

Also Present: Grace E. Poirier; Vanessa Krawczyk; Adam DeBrigard; Mayor Sefatia Romeo Theken (as an abutter of PP2020-006)

*This meeting was conducted remotely through ZOOM
All votes by ROLL CALL*

Meeting called to order at 5:30 p.m.

Councilor Gilman announced, “This meeting is recorded by video and audio in accordance with state open meeting law. Consistent with the Governor's orders, suspending certain provisions of the open meeting law and banning gatherings of more than 25 people, this meeting will be conducted by remote participation. The public may not physically attend this meeting but every effort will be made to allow the public to view and listen to the meeting in real time. Persons who wish to do so are invited to view the meeting and you have the information that was on the posting. If you are calling in on a phone, you can press *9 to request to speak. If you're watching on a computer a device, there is a raised hand button that you can tap or press to request to speak. Please use either these options to be recognized to speak.”

Matters to be Continued:

RZ2020-001: Proposed creation of a commuter residential overlay district to all lots currently zoned extensive business in and around the Maplewood Avenue and Whistlestop Way area (Cont. from 7/8/2020)

Councilor Gilman continued this matter to August 19, 2020.

PP2020-004 (to be conducted as a public hearing): Request by New Cingular Wireless PCS, LLC d/b/a AT&T, in agreement with National Grid, to install a wireless small cell facility, including telecommunication wires and wireless attachments and appurtenances on a replacement utility pole in the public right of way – Pole #2337 – near Salt Island Road #2 (Cont. from 6/17/2020)

Attorney Ed Pare, Brown Rudnick, outside counsel to AT&T, requested that this application be withdrawn without prejudice. He will work with AT&T and the city's Planning Director on finding a new site in the vicinity that works better for the neighborhood and will submit a new application at a later date.

All three members of the committee thanked Mr. Pare for his cooperation and willingness to work with P&D, city staff, and the abutters.

This application was withdrawn.

PP2020-006 (to be conducted as a public hearing): request by Massachusetts Electric Company d/b/a National Grid and Verizon New England Inc. to install 1 JO Pole on Magnolia Avenue beginning at a point approx. 2,000 feet southeast of the centerline of the intersection of Carrie Lane. Install 1 JO Pole, 1 Anchor and all appurtenances with such sustaining and protecting fixtures as necessary in front of 288 Magnolia Avenue (Cont. from 7/8/2020)

Councilor Gilman opened the public hearing and asked the applicant to review the petition for the Committee.

Elizabeth Cardarelli, representing **National Grid**, told the committee that this pole is needed because service is being ripped down by passing vehicles and the placement of this pole will help prevent that.

Those speaking in favor:

Karen Porper [address not given]

Monica Ziolkowski, 282 Magnolia Avenue

Those speaking opposition:

None.

Sefatia Romeo Theken, 287 Magnolia Avenue, was concerned that the pole could be a hazard to her exiting her driveway. After a reviewing the map onscreen and checking out the location, she was satisfied that the placement would not be a hazard.

Communications:

Councilor Gilman read into the record a letter of support submitted by Public Works Director Mike Hale, and noted that abutters had been notified of the public hearing.

MOTION: on a motion by Councilor Gilman seconded by Councilor Holmgren, the Planning & Development Committee voted BY ROLL CALL 3 in favor, 0 opposed, to permit Massachusetts Electric Company d/b/a National Grid and Verizon New England Inc. to install 1 JO Pole on Magnolia Avenue at a point approximately 2,000 feet southeast of the centerline of the intersection of Carrie Lane and 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. National Grid will install 1 JO Pole, 1 Anchor and all appurtenances in front of 288 Magnolia Avenue, with such sustaining and protecting fixtures as said company may deem necessary, in the public way as shown on plan #29710084 (on file) dated May 5, 2020, 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. 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 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 at an agreed upon final paving plan executed by the applicant.

Application of EIP Dory Road LLC for the storage of ethanol at 11 Dory Road, Assessors Map 262, Lot 16 Per MGL Ch. 148, §13, and GCO Ch. 8, Sec. 8-1 “License for storing inflammables” (Cont. from 7/8/2020)

Applicant **Jeff Beeny, Gloucester Bio, 11 Dory Road**, informed the committee that he is a manufacturer of hand sanitizer, and this permit is required because ethanol is used in making the sanitizer. There will be 8,000 – 10,000 gallons of ethanol on site that will be used to turn into 14,000 – 15,000 gallons of hand sanitizer. **Fire Inspector Adam DeBrigard**, told the committee that this permit is needed due to the quantity of ethanol being stored.

Councilor Gilman noted that abutters had been noticed of the public meeting, while noting that it was not a public hearing, rather a meeting.

COMMITTEE RECOMMENDATION: on a motion by Councilor Gilman, seconded by Councilor Holmgren, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council grant a license under GCO Ch. 8 “Fire Prevention and Protection,” Sec. 8-1 “License for storing inflammables,” MGL Ch. 148, Sec. 13 and 527 CMR 1.00 for storage of inflammables at 11 Dory Road, Assessors Map 262, Lot 16, owner EIP Dory Road, LLC, specifically to store Ethanol, Class 3 (AST) for a total quantity of 10,000 gallons.

This matter has been advertised for public hearing.

Special Event Permit Applications:

- *Request to hold the Concert on the Boulevard on September 5, 2020*

Applicant **Ringo Tarr**, on behalf of **The Gloucester Fund**, requested that this application be withdrawn. Due to the COVID-19 crowd restrictions this event cannot be held.

The application was withdrawn.

- *Request to hold the Fishbox Derby on September 20, 2020*

Applicant **Mark Nestor, 45 Middle Street**, advised the committee that this event will most likely become a virtual event and be televised by 1623 Studio, and only participants will be on site follow social distancing requirements.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the Fishbox Derby, Inc. on Sunday, September 20, 2020 to hold the Fishbox Derby (“Soapbox Car” Race) closing Rogers Street from Manuel F. Lewis Street to Flanagan Square that day from 6:00 a.m. to 4:00 p.m. with the following conditions:

1. Certificate of Insurance: An updated Certificate of Insurance naming the City of Gloucester as an additional insured party is on file with the City Clerk’s Office.
2. Road Closure Plans: Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues will require Council approval.
3. Refuse and Comfort Stations: All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the event or early in the morning of the day of the event and removed by 5:00 PM, September 20, 2020.
4. Emergency Services: Emergency services shall be as determined by Emergency Medical Services Director.
5. Staffing: Event staff is to have cell phones and be identified by the public with distinct shirts. A

list of event staff and their cell phone numbers to be submitted to the Police, Fire or DPW Departments.

6. Notification of Immediate Abutters and Businesses to Race Course: Notice shall be made by the event organizer by hand or by mail no later than 7 days in advance of the event to any businesses along the race route.
7. Responsibility of the Fishbox Derby, Inc.: The applicant is also required to obtain any other necessary City Board or Commission approvals. It is the sole responsibility of Fishbox Derby, Inc. to ensure that required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.
8. Must follow the guidelines of the CDC and the local board of health for social distancing and face coverings.
9. Will confirm with the city the status of the event on or before August 10, 2020.
 - *Request to hold the Backshore 5 Mile Road Race on November 14, 2020*
 - *Request to hold the Backshore 5K Road Race on November 14, 2020*
 - *Request to hold the Fiesta 5K Road Race on November 14, 2020*

Applicant **Carol Meyer**, on behalf of the **Cape Ann YMCA**, advised the committee that there was a strong likelihood that these events will be cancelled and held virtually. However, she wants to give it a little more time before making that call and asked the committee if they would continue this matter.

This matter is continued to September 16, 2020.

DISCUSSION ONLY re: potential site visit for SCP2020-004 Folly Point Road #1 (cont. from 7/8/2020)

The committee continued the discussion on resuming site visits for Special Council Permits. **Councilor Gilman** said that she was working on recommendations for a protocol for conducting site visits during COVID-19 based on communication with Karin Carroll as well as using the July 2020 document “Workplace Safety Standards for Indoor/Outdoor Events to Address COVID-19.” The recommendations include conducting two sessions if the crowd size is greater than 10; face covering requirement; 72 hours in advance of the site visit the City Clerk’s Office will determine how many sessions will be needed based on how many Councilors plan on attending.

The committee discussed the need for the site visit agendas to clearly state the guidelines for attendees as they pertain to COVID-19. They also discussed the possibility of having a staff member from the City Clerk’s office attend the site visit to take notes; tape recording the site visit; or, having the applicant videotape (there was not a consensus from the committee on the applicant videotaping the site visit). **Councilor Pett** asked if Chip Payson could weigh in if there would be an Open Meeting Law violation if members of the public were not able to attend if the site visit turnout of Councilors were larger than allowed, with 6 feet social distancing. **Councilor Gilman** will reach out to General Counsel for an opinion on how to conduct site visits that comply with the Open Meeting Law during COVID-19.

This matter is continued to August 5, 2020.

MOTION: on a motion by Councilor Gilman, seconded by Councilor Pett, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed to adjourn the meeting at 7:05 p.m.

Submitted by Grace E. Poirier, Assistant City Clerk