

**Planning & Development Standing Committee**  
**Wednesday, October 20, 2021 – 5:30 p.m.**  
**REMOTE MEETING**  
**-Minutes-**

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

**Also Present: Clerk of Committees, Sherry Karvelas**

**Applicants: Elizabeth Cardarelli for National Grid; Harley Racer, Chris Tymula, Bill Taylor, Matt LaLone, Robert Bollinger and Megan Kearns for Essex Avenue #65-73 (SCP2021-004)**

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

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

**Councilor Gilman** announced: “Consistent with Chapter 20 of the Acts of 2021 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 and participate when necessary. If you are calling in on a phone, you can press Star 9 (\*9) to request to speak. If you are watching on a computer or device, there is a “raised hand” button that you can tap or press to request to speak. Please use either of these options to be recognized to speak.”

**Councilor Gilman** announced the names of the P&D Committee members in attendance (Councilors Holmgren, Pett and herself) and City staff who were attending via Zoom.

- 1. Public Hearing: PP#2021-011: Request by National Grid to install 1 JO Pole on Parker Street beginning at a point approximately 650 feet south of the centerline of the intersection of East Main Street**

**The Public Hearing was opened at 5:33 p.m.**

**Those speaking in favor:**

**Elizabeth Cardarelli, Distribution Designer at National Grid, 44 River Street, Beverly, Massachusetts**, stated the request was for one pole to be set in front of 20 Parker Street for the purpose of refeeding the pump station.

**Those speaking in opposition:**

**Shawn Pavon, 15 Wall Street**

Stated the proposed pole installation was on his property and did not understand why the pole was needed. Stated 20 Parker Street was also owned by Laura Byard.

**Laura Byard, 15 Wall Street**

Stated she owned 16 Parker Street which abutted where she lived at 15 Wall Street. Stated she received phone calls from National Grid that the JO pole would be placed on her property line. By her measurements, she stated she measured 650 feet from the centerline of East Main Street which would place the pole on her property line. She added that she had not developed that piece of property yet, but if she chose to she did not want to be impeded by the proposed JO pole on her property.

**Anna Maria Davis, 86 Dennison Street**

Stated her support for the homeowner. Stated the reason for the pole being essential at the proposed location had not been fully explained and stated it was not fair to infringe on the homeowner's property.

The Clerk of Committees, Sherry Karvelas, stated the abutters had been notified on October 8, 2021.

**Written communications received:** The Clerk of Committees read the below email communication received in opposition of the pole petition from abutter, Laura Byard:

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**request to go to P & D committee**

1 message

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**captain Byard** <captlaurajbyard@yahoo.com>  
To: "gpoirier@gloucester-ma.gov" <gpoirier@gloucester-ma.gov>

Mon, Oct 18, 2021 at 2:45 PM

I am sending this letter to let you know that I am opposing the JO pole that nation grid wants to put on my property line at 16 Parker street because it will limit me considerable for use of my property.

Laura Byard

The Clerk of Committees read an email communication received in favor of the pole petition from the Public Works Director:

Department of Public Works  
28 Poplar Street  
Gloucester, MA 01930



TEL (978)281-9785  
FAX(978)281-3896  
mhale@gloucester-ma.gov

**CITY OF GLOUCESTER**  
DEPARTMENT OF PUBLIC WORKS  
MEMORANDUM

Date: October 4, 2021  
To: Councilor Valerie Gilman, Planning & Development Committee Chair  
Councilor Jen Holmgren, Vice Chair  
Councilor Barrett S. Pett, Member  
From: Michael B. Hale, Director of Public Works *MBA*  
Re: Application (PP2021-011) Parker Street  
Councilors:

2021 OCT -4 PM 1:49  
CITY CLERK  
GLOUCESTER, MA

The Department of Public Works has reviewed the above-mentioned application by National Grid and Verizon New England, Inc to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way named below:

**Parker Street:** National Grid to install 1 JO Pole on Parker Street beginning at a point approximately 650' feet south of the centerline of the intersection of East Main Street. The proposed installation of 1 JO Pole and all appurtenances.

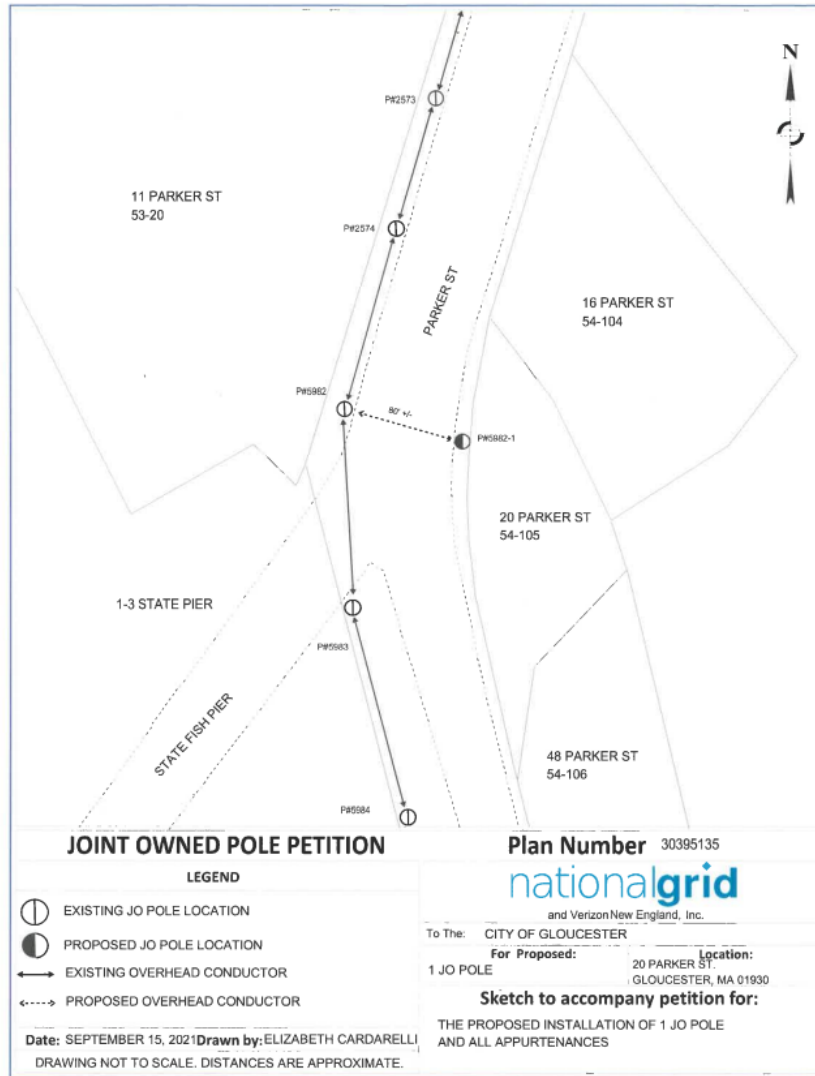
Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

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, 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 and an agreed upon final paving plan executed by the applicant.

Should you have any questions regarding the conditions requested, please do not hesitate to contact my office.

**Councilor Gilman** asked the **Clerk of Committees** to share the diagram previously submitted by National Grid of the proposed location of the JO pole:



**Questions from Councilors:**

**Q1. (Pett):** Asked if Ms. Cardarelli could explain the exact location of the proposed pole as the diagram showed the proposed pole location clearly at 20 Parker Street, which was owned by the City, and stated he was confused by the comments of the abutters who stated the proposed pole location was on their property line at 16 Parker Street.

**A1. (Cardarelli):** Stated she believed there was some miscommunication or confusion between jobs, as there were multiple jobs happening in this location. She stated the residents may have been approached regarding a different job and stated this job was specific to the pump station. She added the proposed pole was replacing one of the bollards in front of the building. She reiterated that the proposed pole location was not in front of 16 Parker Street and the proposed pole would be located approximately 8 feet to the left of the actual pump station in front of 20 Parker Street. She stated that if the resident was approached regarding a pole in front of 16 Parker Street it would have been for a different project than this project.

**Mr. Pavon** (abutter) was allowed to speak and inquired as to how the pump station was currently being powered, as it obviously had power already probably from underground, and asked why a pole was needed.

**Q2. (Gilman):** Asked Ms. Cardarelli to explain more in depth the need for the pole.

**A2. (Cardarelli):** Stated the pump station was being upgraded which would have required extensive work if the work was done underground and would have caused a longer outage to the pump station requiring generator work and backup in case the pump station needed power at the time of the outage. She stated the option of setting a pole was the least invasive with the least amount of outage time for the pump station.

**Mr. Pavon** (abutter) was again allowed to speak and stated he believed the option to place the pole was chosen as it was the least expensive option and stated that the abutters disagreed with the proposed location of this pole. He stated the pump station should be fed the same way as it currently was being fed, which was underground. **Ms. Cardarelli** stated the underground feed was not owned by National Grid and that it was owned by the City; if the pole was placed, the pole and wire would be owned by National Grid.

**Q3. (Gilman):** Asked if abutters would have access to the road and their homes as the pole was being installed.

**A3. (Cardarelli):** Stated when the pole was installed the roadway would not be blocked. She explained that the trucks would pull up on the side of the road and the hole for the pole would then be dug, which would still allow abutters to pass by the construction area. She also stated that there would be a police detail onsite.

**Q4. (Gilman):** Asked how long it would take to install the pole.

**A4. (Cardarelli):** Stated installation typically took one day, but that it was dependent on weather and/or possible emergencies.

**Q5. (Gilman):** Asked if abutters would be notified when the installation would occur.

**A5. (Cardarelli):** Stated abutters would not be notified for a pole set. She added that if a driveway or property access was to be impeded, then the abutter(s) would then be notified by either a phone call the day before pole set or by going door-to-door to inform the affected abutter(s).

**Councilor Gilman** suggested that **Ward 1 Councilor, Scott Memhard**, be updated as to all the projects in the Parker Street area.

There was a separate discussion regarding double poles still in place throughout the City. **Councilor Holmgren** stated there was a City ordinance regarding double poles and the removal of them within thirty days. She asked if it was possible for National Grid to address this issue. **Councilor Gilman** stated she had a conversation with the **DPW Director** and stated there were other groups besides National Grid that were responsible for the double poles. She added that there was a schedule in place regarding the double poles that the **DPW Director** would provide to the City Council and stated that if the City Council wanted to further discuss the procedure a Council Order could be submitted. **Councilor Pett** added that the specific ordinance to reference on double poles was 23-77. **Ms. Cardarelli** explained National Grid had a joint agreement with Verizon in which National Grid installed the poles and Verizon removed them. She stated once National Grid completed their transfers there was a system utilized to show that National Grid's work had been completed which would then inform Comcast who was next in line on the pole. She stated when Comcast finished their work, Verizon would then be notified to finish their transfer and then would take the old pole out, which was the reason why the process sometimes was long in removing the double pole.

**Mr. Pavon** (abutter) was again allowed to speak. He stated from his interpretation of the conversation this evening he was under the impression that the process for installation would be approximately one day.

**Q6. (Holmgren):** Asked Ms. Cardarelli to confirm that the underground piece of this project was owned by the City and would not be under the jurisdiction of National Grid.

**A6. (Cardarelli):** Confirmed that the City, and not National Grid, owned the underground portion.

**Q7. (Holmgren):** Asked what the next steps would be for National Grid if the P&D Committee voted no on this matter.

**A7. (Cardarelli):** Stated National Grid would approach the DPW for another meeting to discuss the denial of the petition. She stated she then would move forward with another design, which would either be underground and across the road or a pole set in a different way.

**Q8. (Gilman):** Asked if there was an urgency for this pole.

**A8. (Cardarelli):** Stated the pole request was from the DPW to upgrade the service for changes that were occurring inside of the pump station and stated she believed there were infrastructure changes within the pump station. She added that she was unsure of the timeline but stated she had received calls inquiring as to the timeline for the pole set.

**A8. (Pett):** Stated he believed the pole petition was for upgrading the pump station for coastal resilience for the future.

**Ms. Davis** (concerned citizen who previously spoke in opposition) was allowed to speak. Asked if it was possible to postpone the matter so that **Ms. Cardarelli** from National Grid could meet with the abutters to explain the exact proposed location. **Ms. Cardarelli** stated she would be happy to meet with the abutters. She added that she had been to the location multiple times and that the bollards were in front of 20 Parker Street, not 16 Parker Street. She stated one of the bollards was being removed and the proposed pole would be placed in the same location as the bollard.

**Q9. (Gilman):** Asked if Ms. Cardarelli could estimate the amount of feet the proposed pole location was from the property line of 16 Parker Street.

**A9. (Cardarelli):** Stated the distance from the property line of 16 Parker Street was difficult to determine as there was a 20-foot high pile of ledge and a huge rock which made the property line difficult to define. She stated the proposed pole location was inside the fence surrounding the pump station.

**The Public Hearing was closed at 6:03 p.m.**

**Summary of Discussion:** **Councilor Gilman** suggested, to keep the matter moving forward, that the vote be conditional on a site visit by **Ms. Cardarelli** with the abutters. **Councilor Pett** suggested that the **Ward 1 Councilor, Scott Memhard**, be invited to the site visit. **Councilor Holmgren** agreed with both **Councilors Gilman** and **Pett**. The site visit was set for Tuesday, October 26, 2021, at 12:30 p.m.

The **Members of the P&D Committee** agreed to suspend the Rules of Procedure to allow **Ms. Byard** to speak after the public hearing had closed. **Ms. Byard** stated that her property line was directly abutting the fenced-in pump station.

The **Members of the P&D Committee** thanked **Ms. Cardarelli** for her flexibility and for listening to the abutters' concerns. **Councilors Holmgren** and **Pett** thanked **Councilor Gilman** for her guidance on this matter.

**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 waive the reading of the conditions listed in the motion as they were included in the letter submitted by the Director of Public Works as read by the Clerk of Committees.

**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 to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the public way, and to install 1 JO Pole on Parker Street beginning at a point approximately 650 feet south of the centerline of the intersection of East Main Street. Installation of 1 JO Pole and all appurtenances - as shown on a plan included in the application dated September 15, 2021 – 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 and an agreed upon final paving plan executed by the applicant.
  8. That this motion is approved based on a site visit by National Grid, Ward 1 Councilor Scott Memhard and abutters on a date to be determined.
2. *SCP2021-004: Essex Avenue #65-73, Map 217, Lots 20 & 22, GZO Secs. 5.5.2 for a Lowlands Requirements exception and 5.31.4 "Use Allowance and Special Permit Procedures" for a marijuana establishment in the EB district*

**Summary of Discussion:** Councilor Pett declared under MGL 268A that he had a 25-to-30-year business relationship with the family of the applicants and stated that he had no financial interest or otherwise and would be able to participate in the discussion and vote on this matter.

**Harley Racer of Lurie Friedman** for the applicant, Energy North and Reverie 73, introduced the members of the applicant team also at the meeting including Project Manager, Chris Tymula of GPI; Bill Taylor from the Ed Davis Group; Matt LaLone, General Counsel for the applicant; Megan Kearns, Wetlands Scientist from Epsilon; and Robert Bollinger (filling in for Heather Monticup) from GPI for any traffic matters.

**Councilor Gilman** asked the **Clerk of Committees** to display and read the letter received from Conservation Agent, Adrienne Lennon, regarding this matter:

City Hall Annex  
Three Pond Road  
Gloucester, MA 01930



CITY OF GLOUCESTER  
Community Development Department  
Conservation Office

ADRIENNE LENNON  
Conservation Agent  
tel 978-325-6899  
[alennon@gloucester-ma.gov](mailto:alennon@gloucester-ma.gov)

October 20, 2021

Valerie Gilman  
c/o Gloucester City Council  
9 Dale Avenue  
Gloucester, MA 01930

Re: Request to Comment  
Site: 65-73 Essex Avenue  
DEP File #: 028-2786

Dear Ms. Gilman:

Pursuant to our phone conversation regarding the project located at 65-73 Essex Avenue, I am pleased to inform you that the Gloucester Conservation Commission approved the Notice of Intent Application at their October 6, 2021 meeting. The Order of Conditions is set to be issued tomorrow, October 21, 2021, as is typical for permitting products coming from the Conservation Office. This Order of Conditions will be issued pursuant to the Massachusetts Wetlands Protections Act (the Act) (M.G.L. Chapter 133, Section 40) and its implementing Regulations (310 CMR 10.00-10.60), and the Gloucester Wetland Ordinance (the Ordinance) (Sections 12-1—12-9) and its implementing regulations. The Commission finds that the areas which work is proposed are significant to the following interest of the Act and the Ordinance: Prevention of Pollution, Fisheries, Protection of Wildlife Habitat, Groundwater Supply, Storm Damage Prevention and Flood Control.

It is my understanding that the applicant is now before the City Council for a Special Permit under the Gloucester Zoning Ordinance (Section 5.5 – Lowland Requirements), 5.5.2 and 5.5.3. The applicant has demonstrated the project rises to the performance standards of the Act and the Ordinance via the hearing process before the Conservation Commission and the multiple agency review process set forth by the Massachusetts Environmental Policy Act (MEPA; M.G. L. c. 30, ss. 61-62) and Section 11.06 of the MEPA regulations (301 CMR 11.00) under EEA# 16410.

The review includes comments from:  
Massachusetts Department of Environmental Protection (MassDEP) Waterways Resources Program (WRP)  
Division of Marine Fisheries (DMF)  
Office of Coastal Zone Management (CZM)  
Massachusetts Department of Transportation (MassDOT)  
Department of Conservation and Recreation (DCR)  
MassDEP Northeast Regional Office (NERO)

When the time comes to make a decision, the City Council is encouraged to include in their decision "the conditions set forth in the Order of Conditions for DEP #028-2786 65-73 Essex Avenue."

If you have any questions or concerns please contact me at 978-325-6899.

Sincerely,

  
Adrienne D. Lennon  
Conservation Agent

**Councilor Gilman** explained that the Order of Conditions had been granted but needed to be approved at this evening's Conservation Commission's meeting and would be available starting October 21, 2021. She stated that the Conservation Agent suggested, per the letter, that the P&D Committee condition the Committee Recommendation to the full City Council for this matter by adding the following verbiage: "The conditions set forth in the Order of Conditions for DEP #028-2786 65-73 Essex Avenue". **Councilor Gilman** asked the other P&D Committee members if they were comfortable moving forward on this matter with the conditioned Committee Recommendation. **Councilor Pett** stated he felt comfortable moving forward as the Conservation Agent was very explicit in covering all the State agencies and stated he also felt comfortable with the conditioned Committee Recommendation. He stated the applicant had been very thorough and forthcoming with presenting and answering all questions on this matter and stated this was reflected in the Conservation Agent's opinion. **Councilor Holmgren** agreed with **Councilor Pett's** comments. **Councilor Pett** stated the applicant team went beyond what was required of them and also thanked the applicant team for their very thorough and complete application. **Councilor Holmgren** thanked the applicant team for their professionalism and willingness to answer the tough questions. **Councilor Gilman** also thanked the applicant team for their professionalism and thoroughness.

**Councilor Gilman**, seconded by **Councilor Holmgren** moved the following: Recommend that the City Council grant to 65-73 Essex Avenue, LLC, and Fresh Fields Gloucester, LLC, a Special Permit (SCP2021-004), for the property located at 65-73 Essex Avenue, Assessors Map 217, Lots 20 & 22 in the EB District, pursuant to Gloucester Zoning Ordinance Sec. 5.5.2 "Lowland Requirements" and Sec. 5.31.4 "Use Allowance and Special Permit Procedures" to construct a two-story, modern building which will continue the gas station and convenience store on the ground level, with a marijuana retail dispensary on the second floor. This permit is made on the basis of plans and elevations dated May 14, 2021 and submitted to the City Clerk on August 11, 2021 entitled, "Proposed Site Re-Development Plans for Assessors, Map 217, Lots 20 & 22, 65-73 Essex Avenue, Gloucester, Massachusetts 01930." This permit

meets the conditions set forth in the Order of Conditions for DEP #028-2786 for 65-73 Essex Avenue, which are attached.

**Councilor Gilman** stated she believed the applicant team had met the Standards to be Applied under Sec. 1.8.3. She stated under Social, Economic and Community Needs, the applicant had met the standards by filling the need for another retail dispensary in the City. Under Traffic Flow and Safety, she stated, there had been extensive traffic studies and analysis, including the ZBA approved the special permit for parking and the Planning Board made adjustments for pedestrian safety and improvement for the current design with respect to safety and flooding. She added that there had been a discussion that if traffic issues worsened, then appointments would be considered to control traffic, as well as a possible police detail. Under Adequacies of Utilities and Public Service, **Councilor Gilman** stated that the site was currently fully operational with public transit access if needed. Under Neighborhood Character and Social Structure, she stated the business was in an Extensive Business District, which was the only zoning in which retail marijuana establishments were permissible, with a continuation of both the convenience store and gas station, as well as a reduction in the footprint of the proposed modernized building. Under Qualities of Natural Environment, she stated the current design did not have any green or open space but the proposed design would add landscaping and permeable surfaces, reduce the building footprint, and there had been an extensive review through the MEPA process. **Councilor Gilman** stated in terms of lowlands requirements the proposed building was a flood-rated building with a second floor egress in case of emergency.

**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 to 65-73 Essex Avenue, LLC, and Fresh Fields Gloucester, LLC, a Special Permit (SCP2021-004), for the property located at 65-73 Essex Avenue, Assessors Map 217, Lots 20 & 22 in the EB District, pursuant to Gloucester Zoning Ordinance Sec. 5.5.2 “Lowland Requirements” and Sec. 5.31.4 “Use Allowance and Special Permit Procedures” to construct a two-story, modern building which will continue the gas station and convenience store on the ground level, with a marijuana retail dispensary on the second floor. This permit is made on the basis of plans and elevations dated May 14, 2021 and submitted to the City Clerk on August 11, 2021 entitled, “Proposed Site Re-Development Plans for Assessors, Map 217, Lots 20 & 22, 65-73 Essex Avenue, Gloucester, Massachusetts 01930.” This permit meets the conditions set forth in the Order of Conditions for DEP #028-2786 for 65-73 Essex Avenue, which are on file.

**MOTION:** On a motion by Councilor Pett, seconded by Councilor Holmgren, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to adjourn the meeting at 6:33 p.m.

**Submitted by:** Sherry Karvelas, Clerk of Committees

**Documents submitted at the meeting:** None.

**Meeting Recording:** <http://gloucester-ma.gov/1097/Past-Remote-Public-Meetings>