

**Planning & Development Standing Committee**  
**Wednesday, June 8, 2022 – 5:30 p.m.**  
**REMOTE MEETING**  
**-Minutes-**

**Present: Chair, Councilor Jason Grow; Vice Chair, Councilor Val Gilman; Councilor Tracy O’Neil**

**Other Councilors Present: Councilor Jamie O’Hara**

**Also Present: CAO, Jill Cahill; Clerk of Committees, Sherry Karvelas**

**Applicants: Elizabeth Cardarelli for PP2022-003**

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

**Meeting called to order at 5:31 p.m.**

**Councilor Grow** 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 Grow** announced the names of the P&D Committee members in attendance (Councilors Gilman, O’Neil, and himself), and City staff who were attending via Zoom.

**Matters were taken out of order. Minutes reflect the order in which matters were taken.**

**1. Public Hearing: PP2022-003: Atlantic Road - To install beginning at a point approximately 10 feet west of the centerline of the intersection of Windermere Rd and continuing approximately 15 feet in a northwest direction. Installation of 15’ of 2 - 3” concrete encased PVC Conduit and all appurtenances from MH 392-1 to customer owned heavy duty handhole on Windermere Rd, including the necessary sustaining and protecting fixtures in Gloucester, MA**


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

The **Clerk of Committees, Sherry Karvelas** stated that the abutters had been notified on May 25, 2022.

**Those speaking in favor: Elizabeth Cardarelli, Distribution Designer, 44 River Street, Beverly,** explained that her petition request is for electrical service to a new home that is being built on Windermere Rd. She stated service will be provided underground to a private road with the customer taking the electrical service up the private road with an existing manhole. She wished to clarify that the contractor hired by the customer will be seeking the road opening permit and National Grid will be doing the work on the street.

**Those speaking in opposition: None.**

**Written communications:** The **Clerk of Committees** read one communication in favor that was received from the Director of Public Works, Michael Hale:



Department of Public Works  
28 Poplar Street  
Gloucester, MA 01930

CITY OF GLOUCESTER  
DEPARTMENT OF PUBLIC WORKS  
MEMORANDUM

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

2022 JUN - 7 PM 12:28  
CITY CLERK  
GLOUCESTER, MA

Date: June 6, 2022

To: Councilor Jason Grow, Planning & Development Committee Chair  
Councilor Valerie Gilman, Vice Chair  
Councilor Tracy O'Neil, Member

From: Michael B. Hale, Director of Public Works ~~(HBJ)~~

Re: Application (PP2022-003) Atlantic Road

Councilors:

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

Atlantic Road – National Grid to install beginning at a point approximately 10 feet west of the centerline of the intersection of Windemere Road and continuing approximately 15 feet in a northwest direction. Installation of 15' of 2-3" concrete encased PVC conduit and all appurtenances from M H 392-1 to customer owned heavy duty handhole on Windemere Road.

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. For the length of conduit in the sidewalk, restoration must be 2' before the conduit begins and 2' after the conduit ends and front to back of the sidewalk.
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.

**Questions from Councilors:**

**Q1. (Gilman):** Asked **Ms. Cardarelli** to review the process of opening the road while still adhering to the City’s excavation ordinance.

**A1. (Cardarelli):** Stated that when a customer’s contractor receives a road opening permit from the DPW typically the contractor is instructed on what needs to be done exactly as the instructions are given to National Grid. She explained that when the contractor does open up a portion of the road, they are instructed to repair it as if National Grid are the ones repairing it. She stated that a National Grid inspector does inspect the conduit to make sure that it is built to the specifications of National Grid, as eventually National Grid will take ownership of the conduit. She further stated that the conduit is cleared via inspection and that when the customer is ready for power National Grid will pull in their wire and takes ownership of the conduit; National Grid would then be responsible for any future maintenance.

**Q2. (Gilman):** Asked who the person is that does the inspection.

**A2. (Cardarelli):** Stated the person is a Trench Inspector for National Grid.

**Q3. (Gilman):** Asked if someone from the City’s DPW would inspect the completed project as well.

**A3. (Cardarelli):** Stated that it is her understanding that someone from the DPW would inspect, but she is not completely sure.

**Q4. (O’Neil):** Asked **Ms. Cardarelli** to explain what a handhole is, as well as explain what MH 392-1 is.

**A4. (Cardarelli):** Stated MH is the abbreviation for a manhole and a handhole is a mini manhole (approximately 17” x 21”) which is specific to smaller cables.

**Q5. (Grow):** Stated that Atlantic Road is a very busy road during the summer. Asked if **Ms. Cardarelli** had a timeframe for the project.

**A5. (Cardarelli):** Stated that she did not know, but that she would get that information and send it to the **Clerk of Committees**. Added that the contractor is responsible for the timing of the project.

**The Public Hearing closed at 5:44 p.m.**

**MOTION:** On a motion by Councilor Gilman, seconded by Councilor O’Neil, 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 Grow, seconded by Councilor Gilman, the Planning & Development Committee voted by **ROLL CALL 3 in favor, 0 opposed**, to permit National Grid to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures along and across the public way, and to install beginning at a point approximately 10 feet west of the centerline of the intersection of Windermere Rd and continuing approximately 15 feet in a northwest direction. Installation of 15’ of 2, 3” concrete encased PVC Conduit and all appurtenances from MH 392-1 to customer owned heavy duty handhole on Windermere Rd, including the necessary sustaining and protecting fixtures in Gloucester, MA – as shown on a plan included in the application dated April 29, 2022 – 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. For the length of conduit in the sidewalk, restoration must be 2’ before the conduit begins and 2’ after the conduit ends and front to back of the sidewalk.
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.

2. *CC#2022-016 (Gilman): Amend GZO by inserting a new section 5.32 “Temporary Zoning Relief to Businesses Recovering from COVID-19 Pandemic” (Cont. from 5/18/22)*

**Summary of Discussion:** Councilor Gilman explained that she presented the Council Order CC#2022-016 (Gilman) at the Public Hearing to the Planning Board meeting of June 2, 2022. She explained that after discussion, the Planning Board voted in favor of the matter with the following recommended conditions:

- That only applicants open for both lunch and dinner may apply,
- That the closing date of the program is changed from December 1<sup>st</sup> to October 10<sup>th</sup>,
- That restaurants are required to compensate the City for parking spaces taken by outdoor seating, and

- That the parking spaces taken by outdoor seating are limited per restaurant in some capacity, such that the total spaces used for outdoor seating is less of an impact on the total number of spaces available to retailers.

She explained that **Building Commissioner, Bill Sanborn**, was also in attendance at the Planning Board meeting to answer questions.

**Councilor Gilman** provided a brief summary of what was discussed at the May 18, 2022, Planning & Development meeting. She stated that the **CAO, Jill Cahill**, as well as the **Building Commissioner** were in attendance. She stated that it was agreed that the process, if this matter were to be approved, would be similar to what has been done in the past with the permitting online through Viewpoint and that an outside seating plan would be required that shows the paths around the seating, as well as outside emergency lighting with the focus being on public safety. She added that the number of seats cannot exceed the number of seats approved in the occupancy permit. She further explained that seating can be moved from inside to outside, but more tables cannot be added, and that the outside seating area must be handicap-accessible, which will require a ramp from the curb to the seating area.

**Councilor Gilman** further stated that there were no restaurant owners in attendance at the Planning Board Public Hearing and one retailer who spoke, Adam Farber of Mark Adrian Shoes, presented a letter stating some of the concerns that were outlined in the recommended Planning Board conditions, including the permanent placement of the jersey barriers for the duration of outdoor dining which takes up parking spots in the vicinity of the retail shops. She also stated that there are approximately six or seven restaurants that could possibly take advantage of outdoor dining downtown.

The **CAO** conveyed that the Mayor's opinion is that the majority of retailers and restaurants should want the program and that it promotes economic development for Main Street as a whole. She stated at the Administration level they only heard from one restaurant (Tonno). The **CAO** stated that if the City Council moves this matter forward then the Administration would operationalize the program. In terms of the Planning Board's recommended conditions, she spoke in support of a small fee to compensate the City for parking spaces used for the program. She reminded everyone that the jersey barriers would not be available until July 1<sup>st</sup> at the earliest as they are used for Fiesta. **Councilor Grow** stated that he supported a fee as well for the used parking spaces. He pointed out that there were no retailers or restaurants in attendance at tonight's P&D meeting. **Councilor O'Neil** stated that she was in support of outdoor dining and suggested that the retailers stay open later to be in line with the restaurant hours instead of requiring the restaurants to open for both lunch and dinner to qualify for the program.

The **P&D Committee** discussed each of the conditions recommended by the Planning Board:

**Condition 1. That only applicants open for both lunch and dinner may apply.** **Councilor Gilman** stated that she believed it was too late in the season for restaurants to change their operating hours as there currently are staffing issues in the restaurant business and similarly with the retail shops.

**Condition 2. That the closing date of the program is changed from December 1<sup>st</sup> to October 10<sup>th</sup>.** **Councilor Gilman** stated that she is in agreement with the recommendation of ending the program on Monday, October 10<sup>th</sup> of Columbus Day Weekend. She stated that she was under the belief that the restaurant owners and the retail shop owners should have a collaborative conversation with planning and strategizing for next year.

**Conditions 3. and 4. That restaurants are required to compensate the City for parking spaces taken by outdoor seating, and That the parking spaces taken by outdoor seating are limited per restaurant in some capacity, such that the total spaces used for outdoor seating is less of an impact on the total number of spaces available to retailers.** **Councilor Gilman** stated that one issue with

restaurants consolidating/sharing outdoor seating is that restaurants need to differentiate their locations for the liquor license. **Councilor Grow** stated that the City receives approximately \$103 per month in revenue for each parking space; **Councilor Gilman** suggested that the fee be \$100 per month.

**Councilor Gilman** stated that besides the lunch and dinner requirement, and keeping the cost to compensate the City for a taken parking spot reasonable, she was in agreement with the Planning Board recommendations. There was a discussion regarding the cost per month per parking space. **Councilor Grow** stated that he also was not in favor of the lunch and dinner requirement and is in favor of a small fee to cover lost revenue from a used parking space. **Councilor O'Neil** stated that she also agreed with the cost for the parking space to make up for lost revenue and that she is also in agreement with not specifying that restaurants need to be open for both lunch and dinner to qualify. There was additional discussion about possibly having a program in the future that would close down Main Street to vehicles for a designated part of the week (similar to the Block Parties).

**Councilor Gilman** suggested that the only condition that P&D should add is regarding the fee. **Councilor Grow** added that a placeholder should be added to the Committee Recommendation that includes the language of "an amount deemed reasonable by the Administration to cover permitting costs." **Councilor Gilman** agreed. **Councilor Grow** allowed **Councilor O'Hara** to speak on the matter. **Councilor O'Hara** stated that he was in support of outdoor dining and that it would be the will of the restaurant whether or not they want to exercise their right to participate if the Council approves the matter. He also stated that he had concerns regarding capacity limits as other cities and towns do not have limits to the seating placed outside and that he did not believe that participation should be limited if lunch is not served. He thanked the **Members of P&D Committee** for their work on this matter.

**Councilor Gilman** offered a motion, seconded by **Councilor O'Neil**, to recommend that the City Council initiates a temporary amendment to the GZO to provide for temporary zoning relief to businesses post COVID-19 Pandemic.

**Summary of Discussion:** **Councilor Gilman** stated that the Committee Recommendation as stated gives business owners an opportunity to decide if they want to participate in the program before the Public Hearing. She stated that she is looking forward to the retailers and restaurants coming up with a collaborative program for the future. She stated she would be supporting this matter. **Councilor Grow** stated that he echoed the comments of **Councilor Gilman**.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor O'Neil, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that City Council initiates a temporary amendment to the Gloucester Zoning Ordinance, pursuant to M.G.L. ch. 40A, Section 5, and Section 1.11.2(e) and to amend the Zoning Ordinance to provide for temporary zoning relief to businesses post COVID-19 Pandemic as follows:**

**Insert a new 5.32 Temporary Zoning Relief to Businesses Recovering from COVID-19 Pandemic**

**1. Purpose and Duration.**

**The purpose of this Section is to provide temporary zoning relief to businesses in the City of Gloucester recovering from the COVID-19 Pandemic to facilitate to provide opportunities to stimulate economic activity during this time. The City takes this action to continue to allow businesses some flexible options and use of outdoor spaces to the extent reasonably safe and feasible to operate as approved by the City. This Section 5.32 is temporary and shall expire on October 10, 2022. This Section shall apply only to temporary structures and to temporary uses and only to the structures and uses described below. Such structures and**

uses shall not remain on the site or in use after the expiration of this Section, unless otherwise permitted by law.

**2. Temporary Permit Exemption.**

Existing business uses as identified in Section 2.3.4 Business Uses including existing retail and consumers services as identified in Section 2.3.4(27) and restaurants as identified in Section 2.3.4(9) of the Zoning Ordinance shall be allowed to temporarily add outdoor seating, display, or takeout without requiring a special permit from the Zoning Board of Appeals or the City Council, or approval of the Planning Board under Section 5.9 Site Plan Review, as applicable. However, in no instance shall such use allowance result in an increase in the approved occupancy limits of an establishment. Such outdoor seating, display, or takeout operations may be proposed on public or private sidewalks, in parking spaces, or in parking lots, however all other codes, requirements and permissions shall be in effect. In lieu of a special permit or Site Plan Review requirements, applicants for outdoor seating, display, or takeout, shall be required to obtain a temporary use permit from the Building Department after an administrative application review by, including but not limited to, the Building Department, Health Department, and Public Safety Departments to ensure the safe use of the outdoor space.

Also to include the following condition: The restaurants are required to compensate the City for parking spaces taken by outdoor seating of an amount of \$100 per space per month, or as specified by Administration on the day of the Public Hearing.

Councilor Grow informed the Committee and public that Council Order CC#2022-015 (Grow): Amend GZO Sec. 5.11.3(1) Inclusionary Housing Requirements, Applicability, by removing “the creation of,” and 5.11.3(2) by removing “a net increase of.” And, Section 5.11.4(1) Basing Requirements by removing “the creation of” and in 5.11.4(2) removing “the creation of.” is continued until the June 22, 2022, meeting.

**MOTION:** On a motion by Councilor Grow, seconded by Councilor Gilman, the Planning and Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to adjourn the meeting at 6:25 p.m.

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

**Documents submitted at the meeting:** Memorandum of Recommendation from the DPW Director, Mike Hale, regarding PP#2022-003.