

Planning & Development Standing Committee
Wednesday, August 3, 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: Interim Community Development Director/Planning Director, Gregg Cademartori; Clerk of Committees, Sherry Karvelas

Applicants: Elizabeth Cardarelli and Nicholas Angelo, Design Engineers for National Grid

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

Meeting called to order at 5:32 p.m.

Councilor Grow announced: “Consistent with Chapter 107 of the Acts of 2022 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. 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.” (Cont. from 7/20/22)**

Summary of Discussion: The **Interim Community Development Director/Planning Director, Gregg Cademartori**, explained that this Council Order was introduced to clarify the threshold of when the inclusionary requirements are imposed upon any project. He stated that the Planning Board held a public hearing and clarified that the legislative intent in the development of the ordinance was to have more projects contribute to inclusionary and affordable housing within the City by lowering the threshold to 6 units or more in an application with either an in-lieu payment option (available for projects between 6 and 9 units) or having to produce the affordable unit (with 1 unit being required for applications between 6 and 9 units). **Mr. Cademartori** explained that the Planning Board started with the language provided by the Council Order and expanded on it and also spoke with the City’s solicitor to ensure that there is now language that is tight enough so that there is not room for interpretation.

Questions from Councilors

Q1. (O’Neil): Asked if the ordinance would have the same meaning if the proposed language “for the addition of one or more residential units” is removed.

A1. (Cademartori): Stated, in this case, that sometimes more words creates more clarity by making the ordinance more specific. Stated that sometimes there is a scenario where there could be applications that are reviewed that are not adding units and would still require a special permit.

Q2. (Grow): Gave the example of an existing 6-unit building that has to do some modifications in which the applicant would need to come before the City Council for a new special permit; asked if the applicant would need to create one affordable unit as a result of having to re-permit without any other changes besides the modifications.

A2. (Cademartori): Stated that the language that **Councilor O'Neil** is inquiring about would address the scenario proposed by **Councilor Grow**. Stated that if a special permitted use is being modified in some way (and used the example of adding garages to units already in existence) that may require a revisit of the special permit, but is not adding dwelling units, then that applicant would not be required to provide a contribution (of either an in-lieu payment or requiring 1 affordable unit).

Q3. (O'Neil): Asked if the ordinance would be in effect requiring either an in-lieu payment or a deed-restricted unit for a new development being proposed.

A3. (Cademartori): Confirmed that the Inclusionary Housing Requirement ordinance would be triggered for a new development with 6 or more units.

Q4. (Gilman): Asked Mr. Cademartori to elaborate on why the word "creation" ended up not being the correct term for the Council regarding the permitting that was done for 222 Main Street. Added that the **Building Commissioner** interpreted the ordinance regarding the Main Street project as creation of new units.

A4. (Cademartori): Stated that the 222 Main Street application had many variables and that the interpretation of the current ordinance for that application was that the threshold would only apply to newly created units. Added that the proposed language for the ordinance is deliberate to ensure little room for interpretation.

Q5. (Gilman): Stated that the Council finds out about a property, for instance, that has not been permitted correctly only at the time when someone is trying to sell the property or get a new loan. Asked if in the future, if additional staffing is available, is there anything prohibiting the Council from checking on these permits proactively as opposed to waiting until some sort of catalyst that requires an applicant to say that some issue needs to be fixed in order to be granted a permit.

A5. (Cademartori): Stated that it is a delicate situation because people are currently living in the properties that are incorrectly permitted. Explained that these situations are usually handled transactionally; when a property changes hands and an attorney has to provide a zoning opinion and look at the legal use of the property these issues tend to come to light and that these issues are usually with rental units not being properly permitted.

Q6. (O'Neil): Asked if 10% of units needs to be affordable housing if there is a new development of 6 units.

A6. (Cademartori): Stated that for smaller projects between 6 and 9 units the number of affordable units needed is 1 unit.

Q7. (O'Neil): Asked how newly developed units would be supplied with water and referenced the current drought.

A7. (Cademartori): Stated that he will not speak about, nor is he in the position to, infrastructure at this point.

There was a brief discussion about water usage, the current drought conditions, last year's heavy summer rains, as well as infrastructure.

Councilor Gilman thanked **Councilor Grow** for being proactive in bringing this matter forward. **Councilor Grow** thanked the efforts of the Planning Board in expanding on the original language in the Council Order including the requirements for developments with 10 or more units.

Councilor Gilman offered a motion, seconded by **Councilor O'Neil**, to recommend that the City Council amend GZO Sec. 5.11 Inclusionary Housing Requirements. **Councilor Gilman** stated that she supports this matter and that the matter has been fully vetted by the Planning Board.

The Public Hearing will be held at the City Council meeting of August 9, 2022.

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 the City Council amend GZO Sec. 5.11 Inclusionary Housing Requirements as follows:

Under Sec. 5.11.3(1): The requirements of this Section 5.11 shall apply to any **application for residential development, mixed-use development or use variance for the addition of one or more residential units, that results in a development with 6 or more dwelling units, involving the creation of 6 or more dwelling units** on any parcel or contiguous parcels comprising a proposed development site in R-80, R-40, RC-40, R-30, R-20, R-10, R-5, CB, CCD, NB, VB districts;

Under Sec. 5.11.3(2): Development shall not be segmented to avoid compliance with this article. Segmentation shall mean one or more development applications **for the addition of one or more residential units, that results in that cumulatively result in a net increase of 6** or more lots or dwelling units above the number existing 36 months prior to an application to develop any parcel or set of contiguous parcels held in common ownership or under common control on or after the effective date of this Section 5.11.

Under Sec. 5.11.4(1): In any development **application for the addition of one or more residential units, that results in a development with 6 involving the creation of 6 to 9** units, the applicant shall provide for one affordable unit, either by:
(a) Building an affordable unit on-site, or
(b) Paying a fee in lieu of the affordable unit to the Affordable Housing Trust Fund, to be determined in accordance with Section 5.11.5.

Under Sec. 5.11.4(2): In any development **application for the addition of one or more residential units, that results in a development with involving the creation of 10** or more units, the applicant shall provide affordable units to be located on the site of the development ("on-site affordable units") as follows:
(a) At least 15 percent of the units shall be affordable for Low-Income Households, or
(b) At least 10 percent of the units shall be affordable for Very-Low-Income Households.
(c) Fractions shall be rounded up to the next whole number.

2. **Special Event Application: Request for street closures re: Gloucester Community Safety Day on September 24, 2022 with a rain date of September 25, 2022 (revised dates)**

Summary of Discussion: Councilor Grow explained that there is a conflict with the original dates of the event due to a promotional exam for the Police Department.

MOTION TO RESCIND: On a motion by Councilor Grow, seconded by Councilor Gilman, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to RESCIND the vote of April 6, 2022, approving the road closure of Harbor Loop on Saturday, September 17, 2022 (rain date Sunday, September 18, 2022) from 9:00 a.m. until 2:00 p.m.

MOTION: On a motion by Councilor Grow, seconded by Councilor O'Neil, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to approve the road closure of Harbor Loop on Saturday, September 24, 2022 (rain date Sunday, September 25, 2022) from 9:00 a.m. until 2:00 p.m. Vehicular traffic will be managed in a "bottleneck" manner as directed by the Gloucester Police Department. This event is covered under the City's general liability insurance. Due to the COVID-19 pandemic the City reserves the right to cancel any permitted event up to and including the day of the event.

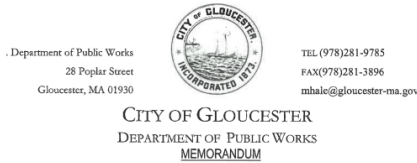
- 3. Public Hearing: PP#2022-005: Petition by National Grid to relocate 1 JO pole on Concord Street beginning at a point approx. 90' SW of the centerline of the intersection of Sumner Street. Temporary relocation of Pole 4298 approx. 50' +/- to the right of the existing location**

The Public Hearing opened at 6:11 p.m.

Those speaking in favor: Ms. Elizabeth Cardarelli, Design Engineer for National Grid, 44 River Street, Beverly, stated that the petition request is related to bridge work on Concord Street in which a pole has been requested to be relocated due to the bridge being replaced. She stated that she is of the understanding that the temporary relocation could be as much as two years and that this is a request of the Public Works Department.

Those speaking in opposition: None.

Written communications: The Clerk of Committees, Sherry Karvelas, read a Memorandum of Recommendation from the Public Works Director, Mike Hale.



Date: July 15, 2022
 To: Councilor Jason Grow, Planning & Development Committee Chair
 Councilor Valarie Gilman, Vice Chair
 Councilor Tracy O'Neil, Member
 From: Michael B. Hale, Director of Public Works
 Re: Application (PP2022-005) Concord Street
 Councilors:

CITY CLERK
 IN GLOUCESTER, MA
 2022 JUL 15 PM 12:15

The Department of Public Works has reviewed the above-mentioned application by Verizon New England Inc. and National Grid to lay and maintain underground conduits, with the wires and cables to be placed therein, under the surface of the following public way:

Concord Street: National Grid to relocate 1 JO Pole on Concord Street beginning at a point approximately 90' southwest of the centerline of the intersection of Sumner St. Temporary relocation of Pole 4268 approximately 50' +/- to right of existing location. Pole will be installed in original location when bridge work is complete. 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 positioners may desire for distributing purposes. Petitioner also agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal 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. All 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.

The Clerk of Committees further stated that the abutters were notified on July 18, 2022.

Questions from Councilors:

Q1. (O'Neil): Asked for confirmation that JO means “jointly owned.” Asked who owns the pole with National Grid.

A1. (Cardarelli): Confirmed that JO means jointly owned and stated Verizon is the joint owner.

Q2. (O'Neil): Asked if the same pole is used when it is being relocated and then returned to the original location.

A2. (Cardarelli): Explained that the poles would be new poles. Further stated that with a jointly owned pole, Verizon is the last to come off the pole so they are responsible for taking the old pole.

Q3. (O'Neil): Asked if there is a cost to the City for the relocation of the pole.

A3. (Cardarelli): Stated that costs/billing is not under her purview.

Q4. (O'Neil): Asked if the poles would be the same size or bigger as the one that is currently there.

A4. (Cardarelli): Stated that the new pole would be approximately 5 feet taller.

There was a brief discussion on the exact location of where this work would be occurring.

Q5. (Grow): Asked if permission from DEP or ConCom is needed for the pole petition.

A5. (Cardarelli): Stated that permission is needed and that it is being sought independently.

The Public Hearing closed at 6:25 p.m.

Councilor Grow offered a motion, seconded by **Councilor Gilman** to waive the reading of the conditions listed in the motion as they were previously read by the **Clerk of Committees**.

Summary of Discussion: There was no additional discussion on this motion.

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 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.

Councilor Grow offered a motion, seconded by Councilor Gilman, to permit National Grid to relocate the JO pole as necessary.

Summary of Discussion: There was a discussion regarding whether or not Ms. Cardarelli would need to come back before Planning & Development for the request to move the pole back to the original location as this is a long duration project of approximately two years. It was determined that the pole relocation is a request of the Public Works Department to facilitate bridge repair and that the motion covers the request to move the pole back to its original location and that an additional petition request would not be needed.

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 Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc., to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the public way, and to relocate 1 JO Pole on Concord St beginning at a point approximately 90' feet southwest of the centerline of the intersection of Sumner St. Temporary relocation of Pole 4298 approximately 50' +/- to right of existing location. Pole will be installed in original location after bridge work is complete in Gloucester, MA - as shown on a plan included in the application dated May 27, 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. All 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.

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 6:31 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>