

CITY COUNCIL STANDING COMMITTEE  
**Planning & Development Committee**  
Wednesday, October 5, 2011 – 6:00 p.m.  
**1<sup>st</sup> 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 Hardy; Councilor McGeary; Suzanne Egan; Gregg Cademartori

**The meeting was called to order at 6:00 p.m. There was a quorum of the City Council.**

**1. Continued Business – All continued from 9/21/11:**

- A) SCP2011-005: Dory Road #11, GZO §5.22 Commercial Land-Based Wind Energy Conversion Facilities

**Gregg Cademartori**, Planning Director explained to the Committee since they last met at the request of the Committee that he, and the City's consultant, Stephen Barratt of Harris, Miller, Miller & Hanson (HMMH) (hired by the Council to act as a third party consultant) continued to work with the applicant to address the outstanding issues of language of potential mitigation on noise impacts and shadow/flicker. They did receive draft language from Mr. Kleiman (on file). He also copied the Committee (on file) on a series of email exchanges (on file) between himself, the City Solicitor and HMMH to review potential impacts of the project. Also in a response from Mr. Barratt (on file), he made suggestions of additional modeling surrounding the noise issue being compliant both with the Zoning Ordinance and the Code of Ordinances (GCO). With the ability to institute noise reduction modes of the turbines, additional submissions (on file) were made from Epsilon Associates (consultants to the applicant) to look at the same scenario of two turbine project but with these specific settings that could be made, and what the noise impact would look like. There were also visuals shown to demonstrate they would be compliance with the noise ordinance of the GCO as well as the zoning ordinance. A final memorandum of October 5<sup>th</sup> from Steven Barratt (on file) that concurred with the applicants' analysis that they would be compliant and offered a lack of suggestion as to how the Council may want to condition the potential impact of shadow/flicker. A final draft was also submitted from the applicant with some refined language reflective of those specific noise reduction modes as well as language surrounding the potential ability to mitigate for shadow/flicker should it occur. He also had just received (as did the Committee) draft motions just prior to the meeting from the City Solicitor which he believed incorporated most of the language. **Suzanne Egan**, City Solicitor added she had reviewed the noise conditions issues and made some changes from suggested language by the applicant to tighten the language up that requires the particular equipment used in the study be used as part of the application. If that is changed to different equipment later, they'll have to come back to the City Council for a modification to the Special Council Permit to give the Council more control over the project with regard to the noise issue. The second change she made with regard to shadow/flicker came from her looking at the HMMH and applicants' reports submitted that showed there are specific hours where there will be shadow/flicker onto residential abutting properties. Therefore, she added conditions that would eliminate any shadow/flicker. She suggested curtailing the use of the turbines during those periods where the report said the shadow/flicker would occur on those residential properties. **Councilor Ciolino** asked if Mr. Cademartori and Attorney Egan are in agreement with these conditions, which both acknowledged they were. **Councilor McGeary** asked how many hours per year would those conditions of shadow/flicker exist. Attorney Egan responded the shadow/flicker that's shown in the report from Epsilon Associates states that there is shadow/flicker in the morning hours in late April and late August. It also states that it occurs in the afternoon hours during April through September. She took that language and put that into a condition. She didn't see anything (in that report) that gave specific number of hours. For the noise there were specific hours. There is a modeling program the attorneys they are talking to who are experts in this field there is a modeling program that can be used that will tell the specific times when the shadow/flicker will occur. If they had that information they would have something more specific in the condition. The condition was crafted by what was provided. **Councilor McGeary** stated the flicker is dependent on the orientation of the turbine. **Mr. Kleiman** stated agreed and it is also the position of the sun also. **Councilor McGeary** inquired if it could be programmed into the turbine software program. **Mr. Kleiman** informed the Councilor that normally it would be programmed the hours of the year when you would expect shadow/flicker. He

asked if Attorney Egan was referring to the expected case (of shadow/flicker) in Table 1 of the Cadmus Report. **Attorney Egan** clarified by noting page 10 of the report to the conclusions narrative for figure 5 dated August 30, 2011 by the Cadmus Group. **Mr. Kleiman** noting the applicant's language was based on the expected case not the worst case scenario and suggested that they specify the case being used. He suggested that the heading she referenced is the "expected case". **Attorney Egan** pointed out there was another heading entitled "worst case". **Mr. Kleiman** was suggesting the applicant curtail to the "expected case" and not the "worst case". The worst case was modeled on some very extreme assumptions that are unlikely. These indicate the hours are 0-22 hours/year at various sites identified in that study. **Attorney Egan** suggested if there is modeling that shows the worst case scenario, it is a balancing that the Council has to do. There is going to be an impact under the worst case scenario; and they try to permit projects by looking at the worst case scenario looks to protect against that. If they're looking at the residential impact near the turbines, she must look at what is their worst case scenario. They want to protect them, and that is what is in the motion today. **Councilors Ciolino** and **Hardy** indicated their agreement with Attorney Egan's statement by stating "Yes". **Councilor Whynot** thought it sounded like a long time (to shut down the turbines). **Attorney Egan** pointed out the conditions occurs only in late April and late August. **Mr. Cademartori** added it is minutes per day (the turbines would be shut down during those times). If there is any kind of an appendix that the applicant can supply in terms of what was modeled. They can have the concept if they would like to see it inoperable during a scenario, he believed Mr. Barratt would be present at the public hearing on Tuesday, October 11<sup>th</sup> during the City Council meeting; and if he can agree on what the applicant has modeled in term of the expected conditions because the worst case has assumptions in it that there is no vegetation; nothing between the residential properties and the turbines. There are buildings in the industrial park. There are other things that may impede some properties ability to even have this potential impact. So if Mr. Barratt agrees that it would be appropriate to look at the expected because it builds in all these other variables, or otherwise if the Council truly wanted to eliminate it, it is increasing it to 83 hours a year. **Councilor Ciolino** noted what they have now is the worst case scenario. He also pointed out that a lot of the buildings in Blackburn Industrial Park have few, if any windows. **Councilor Verga** stated the worst case scenario is built in; and wondered if they want to make it so restrictive. This is all based on models. And there is a review period. He believed whatever they vote, if it turns out it wasn't as bad as they thought it would be. **Attorney Egan** pointed out there is a review period in the motion for the noise reduction, but not for shadow/flicker. Not advocating one way or the other, she stated in terms of shadow/flicker, in the worst case scenario, the impetus to have it modified would be the neighbors coming in and saying they're being impacted by the shadow/flicker. **Councilor Verga** expressed concern that they place these restrictions and it turns out it's really not that bad, what triggers someone to say they are is too extreme. **Councilor Ciolino** responded the applicant could come back for a modification of their Special Council Permit. **Attorney Egan** confirmed to Councilor Verga that was an option for the applicant. **Councilor McGeary** asked for a clarification between what the shutdown times are between the "expected" and "worst case". **Mr. Cademartori** responded at one of the receptors, the most controlling which is the north end of Harrison Avenue, the expected case is 30 hours and 56 minutes per year; the worst case 83 hours and 17 minutes per year. He felt overall, it is a small amount of time. He pointed out, as an example; maintenance could put the turbines down for several days alone. They're talking about minutes during specific times of the year. The rest of the time it is unrestricted use. **Councilor Whynot** noted being up on Harrison Avenue during the helicopter test and that they couldn't see the helicopter from that vantage point, except for a small hole in the tree line which were in leaf. **Attorney Egan** pointed out that the turbines will be much bigger than the helicopter. The helicopter was only hovering at the height of the turbines. They will cause the shadow/flicker. **Mr. Kleiman** called the Committee's attention to the supplemental Cadmus Report of September 20<sup>th</sup> in response HMMH's comments before the Committee where they took into account, at the Committee's and consultant's request, the obstructions of the trees and woods that are between the industrial park and Harrison Avenue; and that would potentially impede. They looked at the height of the trees versus the potential shadow/flicker and came up with much lower numbers than the original shadow/flicker studies. **Mr. Cademartori** questioned whether the applicant would be comfortable with the worst case scenario in the revised report, to which **Mr. Kleiman** responded, "Yes". **Councilor Verga** asked if the foliage in the buffer zone comes down, what then. **Mr. Cademartori** informed the Committee there is a strip of land behind the industrial park that was conditioned to stay as a buffer zone. He recalled one of the initial comments that were made by HMMH was to be a little bit more realistic with some of the numbers that were presented; because it was presented that if there was nothing there this is what would happen. So if the applicant is comfortable with the worst case scenario in the revised report which they also agreed was done in the proper manner, he felt they were shaving off about 20 minutes off of the worst case scenario in the August 30<sup>th</sup> report. He felt also it was a reasonable approach. **Councilor Hardy** noted during her initial read of the application it had an indication there would also be a solar project incorporated into the overall project. Further, in her reading of the minutes of P&D to date on this

applicant, she had seen nothing said related to this solar project and asked what the status was of the solar portion of the project. **Mr. Kleiman** stated to his knowledge the applicant had looked at a solar project at the site; and while he didn't know the specifics, he believed should the applicant wish to move forward with the solar project it would be a separate project and would be applied for separately. He would inquire of the applicant for the Councilor. **Councilor Ciolino** stated that as required by section 5.22.(c), in lieu of the special permit criteria set forth in section 1.8 the committee finds that provided the noise reduction measures and shadow flicker reduction measures are implemented:

1. The turbines are appropriately located on the site;
2. The use will not pose a significant adverse impact to the health or public safety of the neighborhood;
3. There will be no serious hazard to pedestrians or vehicles from the use, and
4. Adequate and appropriate facilities will be provided for the proper operation of the use.

The applicant has proven that it has site control of the area and over the land in the setback or clear areas. The applicant has submitted proof of adequate liability insurance. The height of the facility does not exceed 500 feet above the existing average grade. It meets the setback requirements. **Councilor Verga** expressed this project was something he would fully support now and before the Council. He thought it was a "great opportunity" for the City not just for energy savings but for the whole idea that the City is going "green". To break the ice and finally get a turbine constructed is, he felt, long overdue. **Councilor Whynott** also expressed his support for the project. **Councilor Ciolino** thanked Mr. Cademartori, Attorney Egan and Mr. Kleiman for their collaborative effort. He also informed the Committee he had an email conversation with Sam Park, owner of Gloucester Crossing, to make him aware of the Committee's concerns with the noise issues, should the hotel on his property be built, from the turbines; and that they would mitigate the issues. The Councilor expressed he would continue to keep Mr. Park posted of the developments with regard to the Special Council Permit. He also supports the permit feeling it was time that Gloucester has wind turbines and was looking forward to seeing them built. **Councilor Verga** asked if all goes well when the applicant would start "spinning". **Mr. Kleiman** believed they would go up in early to mid-2012. He also expressed his gratitude on behalf of the applicants and himself for the time and efforts expended by the Committee and City staff, and that it was a very valuable process.

**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 to grant a Special Council Permit (SCP2011-005) to Equity Industrial Gloucester LLC a special permit pursuant to section 5.22 of the zoning ordinance for the operation of a commercial land-based wind energy conversion facility at 11 Dory Road Gloucester, MA, (Assessors Map 262, Lot 16) BP zoning classification, for two wind turbines with the following conditions:**

**1. The turbines shall be operated in a manner which does not create shadow or flicker on a residential unit. All recommendations regarding the minimization of the flicker effect shall be required and incorporated by reference into the special permit:**

**Turbine #1 at location B shall not operate during the morning hours in the months of June and July and Turbine # 2 at location A shall not operate in late April and late August during the morning hours.**

**2. The turbines shall be operated in a manner which does not exceed the noise limitations as set forth in Gloucester Code of Ordinances section 13-6 and 13-7.**

**3. To insure compliance with the ordinance the turbine equipment installed shall be a Gamesa G90 turbine with a hub height not to exceed 78 meters with the installation of a Gamesa Noise Reduction system which shall be configured with the following settings:**

**Turbine #1 – Between the hours of 8:00 p.m. to 6:00 a.m. on weekdays and 8:00 p.m. to 8:00 a.m. on weekends, when wind speeds are above 6.9 meters per second at a 78-meter hub height, operate with noise reduction level setting designed for maximum operating sound power level of 103.6 dBA.**

**Turbine #2 – Between the hours of 8:00 p.m. to 6:00 a.m. on weekdays and 8:00 p.m. to 8:00 a.m. on weekends, when wind speeds are above 6.9 meters per second at a 78-meter hub height, operate with noise reduction level setting designed for maximum operating sound power level of 102.8 dBA.**

3. In the event the proponent selects a different make or model of wind energy turbine, the proponent shall seek a modification to this special permit prior to commencing any site work. Any change in the make or model of the wind energy turbine equipment shall include comparable noise reduction equipment and the default configuration settings shall be those that achieve the same or better noise reduction results as the Gamesa NRS configuration settings set forth above.

4. The applicant shall engage in a post-operation monitoring program. Once the wind turbines are operating, the proponent shall monitor sound levels at the Fuller School and Gloucester Crossing hotel site both with and without the wind turbines in operation, and with and without the noise reduction equipment in operation, to determine if the City's nighttime residential noise threshold of 50 dBA (*City of Gloucester Code of Ordinances*, Chapter 13, Sections 13-6 and 13-7, December 15, 1995) is being exceeded and if it is attributable to the wind turbines. Monitoring shall be conducted for a representative two month period or until sound levels are measured under the necessary wind speed and wind directions. Regardless of the post-operation monitoring findings, the noise reduction requirements as set forth in this permit shall be complied with.

The monitoring program shall be used to determine if further noise reduction measures should be required. The proponent shall submit its findings to the Planning Director. If the wind turbines generate noise above the threshold permitted under the ordinance, then the applicant shall immediately implement further noise reduction measures, and until such time as those measures are implemented the turbines shall not be operated during the hours set forth in section 13-7 of the code of ordinances.

5. No hazardous materials or wastes shall be used on the site and the turbine shall be designed to prevent unauthorized access.

6. The operation and maintenance plan and landscape and lighting plan submitted shall be incorporated herein by reference and compliance therewith shall be a condition of the permit;

7. A copy of the project summary and site plan shall be provided to the police and fire departments.

8. The special permit is valid for 25 years unless extended or renewed. The turbines shall be removed at the end of the term.

9. As required by section 5.22.15 the applicant must submit a fully inclusive estimate of the costs associated with removal with a mechanism for cost of living adjustment after 10 and 15 years, the applicant shall provide surety at the time of construction to cover costs of the removal in the event the city must remove the facility.

10. The turbine will be painted a non-reflective color.

11. All signs on the site shall comply with the plans approved and those plans are incorporated by reference into the special permit.

12. All utility connections shall be underground to the nearest utility pole or transformer.

The Committee recessed at 6:27 p.m. and reconvened at 6:32 p.m.

Councilor McGeary left the meeting at 6:28 p.m. There was no longer a quorum of the City Council.

B) SCP2011-006: Washington Street #298, GZO §1.8.3 and §5.13.7.2

Councilor Ciolino stated that the application received appears to be complete as submitted. Affidavit for the notice of abutters has been received. Attorney Edward Pare of Brown, Rudnick LLP, of Providence, RI appeared before the Committee on behalf of the applicant, New Cingular Wireless PCS, LLC by AT&T Mobility Corporation for a Special Council Permit pursuant to GZO Sec. 18.83 and 5.13.7.2. He stated this is an upgrade by AT&T to provide high speed data service in a wireless capacity. They are trying to utilize all of their existing sites rather than building new sites. Typically what occurs is called "Long Term Evolution" or LTE. It requires the additional installation of three antennas or three replacement antennas to existing antennas which is what they are asking to do at the Washington Street #298 address (at the Addison Gilbert Hospital) to install three new panel antennas (one antenna per sector) together with related amplifiers, cables, fiber and other associated antenna equipment and global positioning system antennas for new network service upgrade with associated electronic equipment within AT&T's existing equipment platform. At this location currently have nine panel antennas on the façade of the building (housing one sector) and its penthouse (housing two sectors) at a total height of 60' above ground level on the main building and 79' above ground level on the penthouse. The antennas proposed to be installed will not exceed the

height of the penthouse so that the antennas will not show; and will be painted to match the color of the building so that there is virtually no visual implication. Photo simulations were provided in their application (on file) which shows the existing conditions and the proposed conditions (entitled Gloucester Addison Gilbert Hospital MA3445 Photographic renderings 8/19/2011). He noted their Report of Radio Frequency was omitted from the application and so at this time submitted it to the Committee to have it placed on file, signed by the RFR engineer and dated October 4, 2011. An LTE is an upgrade (Long Term Evolution) to AT&T's existing 3G and 4G networks. AT&T is not currently providing any LTE service as indicated on the RFR plot coverage maps provided in the application. This will enhance the 4G service for their customers. **Councilor Ciolino** asked how many antennas A&T has on the hospital roof now. **Attorney Pare** stated AT&T has nine antennas currently at this location; this is an antenna replacement one for one. They take down one antenna and replace it with an LTE antenna. He described the photos in the application to the Committee noting the third page shows the existing AT&T antennas across the top of the penthouse. The fourth photograph shows what AT&T is proposing to do. The longer antenna is the LTE antenna. **Councilor Whynott** noted in the Wireless Facilities ordinance that you have to go out from the base of the antenna out straight; and there can't be residences within so many feet, which he believed to be 500 ft. As long as it is on top of the penthouse it should comply. **Attorney Pare** stated it is an existing installation versus something new. Further, the power will be the same; in fact LTE is even less power. They provided an emissions study as part of their application. **Councilor Hardy** asked if there was a plan on file with the Fire Department to access the antennas and clarified by saying when the zoning ordinance was put in place, the original antennas were already in place and so no plan was filed with the Fire Department. **Attorney Pare** didn't know if there was an actual plan on file. **Councilor Hardy** stated since they are here for a modification there should be a file created to let the City public safety officials know how to access the roof which is up to the applicant to provide. **Councilor Ciolino** asked that they have the plan on file with the Fire Department. **Nan Andrew**, 5 Ferry Street asked about the antennas that will be installed no higher than what is there now. **Attorney Pare** stated that the height would be no than it is now. **Councilor Verga** showed Ms. Andrew the photographs from the application and **Attorney Pare** also reviewed the photographs with Ms. Andrew as well. **Councilor Ciolino** stated Ms. Andrew wouldn't notice anything different than what was there now. **Councilor Ciolino** noted that the applicant has shown that they are compliant with the six criteria of a Special Council Permit.

**MOTION: On motion by Councilor Whynott, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant New Cingular Wireless PCS, LLC by AT&T Mobility Corporation a Special Council Permit (SCP2011-006) for a modification of an existing Wireless Communications Facility pursuant to Section 5.13.7.2 and 1.8.3 to install three (3 ) new panel antennas (one antenna per sector), together with related amplifiers, cables, fiber and other associated antenna equipment including remote radio heads, surge arrestors and global positioning system antennas, for new network service upgrades with associated electronic equipment within AT& T's existing equipment shelter at the Addison Gilbert Hospital located at 298 Washington Street, Gloucester, MA (Assessors Map #90, Lot #1) zoning classification R-10 (Medium/High Density Residential) with the following conditions:**

- **The antennas shall be installed on the facade of the building at the same height and location as the existing antennas;**
- **The antennas will be painted to match the building;**
- **All associated equipment shall be housed within the AT&T's existing platform on the roof of the building;**
- **And that the requirements of section 5.13.5.5(e) and 5.13.4.1 be waived as this is a modification of equipment with a de minimus impact on the site;**

**AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

C) SCP2011-008: Kondelin Road #16, GZO §1.8.3 and §5.13.7.2

**Councilor Ciolino** stated that the application received appears to be complete as submitted. Affidavit for the notice to abutters has been received. **Attorney Pare** explained this application is to modify an existing wireless communications facility and asked the Committee to accept his incorporating his remarks regarding the previous application. At the Kondelin Road #16 address, there is an existing 340 ft. tower upon which AT&T is already located there at a height of 209 feet as depicted on the plan sheet A02. There are currently nine antennas belonging to AT&T on the existing tower. They will be replacing three of those antennas with the LTE antennas with the associated equipment. The equipment cabinet will be in the equipment cabinet at the base of the tower. He submitted an RFR signed by their RFR engineer and dated October 4, 2011 and references the addition of the LTE

service to AT&T's existing facility. AT&T is not currently providing any LTE service in the City; this will allow them to provide high speed data service in 4G and 5G. As part of the application packet they provided radio frequency coverage plot maps as it exists and as it would be once AT&T changes to the LTE antennas. They also provided the existing photographs and proposed conditions by photo simulations noted as Gloucester, MA 3210 Photographic renderings dated 8/24/2011. They also had a blow up in the application to allow viewing of the changes. **Councilor Ciolino** noted the radio frequency would not change which the Attorney confirmed. **Attorney Pare** pointed out in the photographs it shows the antenna is slightly larger than going on the tower but with a 340 ft. tower it will not be noticeable. Councilor Hardy asked if they had nine antennas, or nine units on the tower currently. Attorney Pare stated that was correct. Upon inquiry by **Councilor Hardy**, the Attorney stated three antennas of the nine antennas were decommissioned recently and are being replaced. **Councilor Hardy** stated according to the ordinance, the Council is supposed to be advised of the decommissioning of any antennas. She asked also if he knew how many other carriers there were on the tower. **Attorney Pare**, upon examining the photographs of the existing tower at this location, thought that four panel type installations were from three competing companies. A tower company owns the tower and leases the space to the carriers. **Councilor Ciolino** noted that the applicant has shown that they are compliant with the six criteria of a Special Council Permit.

**MOTION: On motion by Councilor Whynott, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant New Cingular Wireless PCS, LLC by AT&T Mobility Corporation a Special Council Permit (SCP2011-008) a modification of an existing Wireless Communications Facility pursuant to Section 5.13.7.2 and 1. to install three (3) new panel antennas (one antenna per sector), together with related amplifiers, cables, fiber and other associated antenna equipment including remote radio heads, surge arrestors and global positioning system antennas, for new network service upgrades with associated electronic equipment within AT&T's existing equipment shelter on the tower owned by American Tower located at 16 Kondelin Road, Gloucester, MA (Assessors Map #198, Lot #39) zoning classification GI (General Industrial) AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

D) SCP2011-009: Main Street #186, GZO §1.8.3 and §5.13.7.2

**Councilor Ciolino** stated that the application received appears to be complete as submitted. Affidavit for the notice of abutters has been received. **Attorney Pare** explained this is similar to the two previous applications he has made on behalf of AT&T. There is an existing installation at the Main Street #186 (Browns Mall) address on smokestack on the roof of the building. The current configuration is six panel antennas (two at each horizontal line). They propose to take rather than the two antennas being horizontally separated, is to move them on top of one another and to put the LTE antenna next to those two antennas so that while they have two panel antennas attached to the smokestack, they'll now be vertical and the LTE antenna will attach just to the side of it. As stated for the last two applications, the photo simulations cover it all, entitled Gloucester Brown's Mall, MA3379 Photographic renderings dated 8/23/2011 which depicts what AT&T is proposing to do in relocating the existing antennas and adding the LTE antenna. He submitted the revised radio frequency report signed by their RFR engineer dated October 4, 2011. He stated to the Committee these reports were identical with the exception of the street addresses. The associated equipment with the antennas located at the base of the smokestack structure is located in an equipment room and will not be visible at all. He believed the implications are relatively minor with the installation of the LTE antenna. As depicted in the photo simulations and the plans sheet A02, it depicts a minimal installation by AT&T. This modification of their antennas at this location allows AT&T to provide upgraded service to its customers in Gloucester. **Councilor Hardy** stated there should be some kind of a plan on file how to gain access to the roof by public safety officials. The last time she went to the building to a site visit even a gentlemen that came from another carrier didn't know how to gain access to the roof. The fire department needs this plan. She also asked in accordance with the ordinance that a notice is posted at a lower level stating that, "Beyond this point there are antennas. Beware." On the roof there wasn't a sign posted that there are antennas there nor a "beware" or "danger" sign that they are entering into an area of emissions. **Attorney Pare** stated they would get that signage taken care of and the access plan would be placed on file. **Councilor Hardy** noted she was standing in front of the antennas and had no idea as they were not marked. She didn't know how closely they are mounted to the condos that are there now. **Councilor Whynott** stated the condos were built after the antennas had been installed. **Attorney Pare** noted a maximum exposure report was provided with this application. **Councilor Ciolino** suggested they get a third party opinion for an RFR at the applicant's expense through one of the City's consultants. On inquiry by **Councilor Hardy**, **Attorney Pare** stated the antennas would go up within 30-60 days of getting permits. **Councilor Ciolino**

would like to have the applicant back after 60 days of permitting to see that all this had been done. **Councilor Hardy** asked if the equipment room is the same as used by other providers. **Attorney Pare** didn't see anyone in their equipment room. **Councilor Hardy** stated they have to have appropriate signage on the equipment room and that it is locked at all times and that the Police Department and Fire Department have a key to the equipment room. **Attorney Pare** added that the equipment is connected back to AT&T's central switch and needs to be locked at all times. There is HVAC and cooling units there also. **Councilor Hardy** asked they check on the cooling also. The Attorney confirmed that there are no moving mechanical parts. **Councilor Hardy** stated during the last site visit there, it was discovered that there were building code issues and that the Building Inspector had to work with the owner to provide access.

The Committee agreed it would have the applicant obtain a third party review through the offices of the City's Planning Director at the expense of the applicant.

**This matter is continued to October 19, 2011.**

E) SCP2011-010: Prospect Street #27, GZO§1.8.3, 2.3.1.6, 1.10.1, 3.1.6 and 3.2.2(a)

**Councilor Ciolino** stated that the application received appears to be complete as submitted. Affidavit for the notice to abutters has been received. **Attorney Robert Coakley** of Porter & Coakley, LLC, 45 Middle Street appeared before the Committee representing the applicants Kayleen Reilly (present) and Barbara Reilly Cohen for a Special Council Permit to upgrade the existing building and construct an additional dwelling unit to a building at Prospect Street #27. This is a corner lot and located across from the City cemetery. He reviewed the family history with the property for the Committee. They were unable to find a suitable three-family dwelling to allow Mrs. Reilly Cohen, Ms. Reilly, her husband and her brother and his family to live under one roof with separate units. Most area properties are full three story in height. The property has the perfect potential of taking a semi-finished third floor story into a lawful unit. The property is in the R-5 High Density Residential zoning district. Approval for the existing height of 36' and less lot area per dwelling unit and open space per dwelling unit than is required under the zoning ordinance are sought from the City Council. The Zoning Board of Appeals granted zoning relief to allow the applicant to apply to the City Council on July 28, 2011. A copy of that decision is on file. The applicant believes the proposal is consistent with the surrounding neighborhood and will pose not detriment to the neighborhood and the community. They propose to add a third dwelling unit to an existing two-family on the third floor of the house. This would be an owner-occupied unit. Currently the third floor has three finished and two unfinished rooms. Two of the finished rooms were previously used as bedrooms by the previous owner. They propose to bump out between two existing dormers creating a 'dog house dormer' (connecting them just in the back of the house) which will slightly expand the interior, and add a small deck allowing for a kitchen and bathroom. Skylights will also be added within the existing roof line to maintain the existing architectural features. A deck will replace the existing enclosed porch on the second floor with stairs up to the third for a second means of egress. The changes to the exterior of the house are very minimal and approved by the ZBA. The addition allows enough height for a bathroom and a door for the second means of egress. In essence, the proposed expansion is basically within the existing cube of the house and the unique 'nun's habit' dormers will remain untouched on the front along Prospect Street. The ZBA granted relief for the setbacks. The existing height is 36' and that height will not be increased. However, the 6' of height over 35' triggers required increases in setbacks, that coupled with the two frontages, one on Church Street and one on Prospect Street, necessitates the request for dimensional relief. He noted a new summary relief page which had a change that the math was slightly off under item #III. Under 3.2.2(a) the applicant requests a decrease in lot area per dwelling unit of 726 square feet per unit or collectively 2,178 square feet. And they also request a decrease in the minimum open space per unit of 83 square feet per unit or collectively 249 square feet. He would provide an official letter accompanied by an amendment to the application to be given in at the City Clerk's office. The closest abutters are in favor of this expansion and the decrease in lot area per dwelling unit. The family has done some landscaping around the property making it a nice garden area. He passed around photographs of the property which would be copied and given to the City Clerk's office for the file the following day. This section is replete with multi-families with different architecture with a third floor living level which is what they're looking to do. The roof will have to be replaced. They went first to the ZBA and received their relief. There was a significant delay in the decision being made on file in the City Clerk's office which delayed them coming before the Council. They'd like to get the roof work done to prevent water infiltration and allow the expansion of the third floor hoped for a vote this evening. The proposed expansion is consistent with the neighborhood and the zoning district and the required off street parking is provided. The attorney then reviewed the six criteria for a Special Council Permit: Social, economic or community needs: the applicant proposes to add a third apartment to the existing two-family at 27

Prospect Street. There is no creation of an intrusion and because not adding to the height there is no overshadowing. The proposed use is consistent with the surrounding neighborhood and the R-5 zoning district. A modest addition to the southerly elevation is proposed for with the SBA granted the necessary dimensional relief; traffic flow and safety: the applicant proposes to formalize the existing parking on the site (3 spaces in the front yard) and can accommodate more than the required parking spaces on site. The ZBA has granted relief to allow the backing out of cars from the site onto a collector street (Prospect Street) consistent with other properties in the neighborhood with no adverse affect; Adequacy of utilities and other public services: there are adequate utilities to the site to serve the proposal. The introduction of a third dwelling unit will not place an additional strain on public services and is consistent with the surrounding neighborhood; Neighborhood character and social structure: The proposed three-family is consistent with the surrounding neighborhood. The proposal will not obstruct views and will not be a detriment to the neighborhood. The applicants have continued to improve the existing property which will be an asset to the neighborhood; Qualities of the natural environment: there will be no impact on the natural environment by virtue of this conversion; and Potential fiscal impact: The proposal will add one additional unit to an existing multi-family dwelling. They are three family units all held within and for the use of the family. There is no intent to turn this into condominiums. The addition of this unit will not adversely impact schools or public safety and will provide additional tax revenue to the City. He asked for a positive vote by the Committee. **Councilor Ciolino** asked if there was an interior stairway. **Attorney Coakley** confirmed this was the case and that there was an exterior access for a second means of egress. **Councilor Verga** was pleased to hear about the parking and that this was being done. He felt the applicant wasn't asking for anything out of the ordinary. **Councilor Whynott** also thought the application was a good one and would support it. **Councilor Hardy** asked to be showed the parking plan (on file) and had confirmed that this dwelling had two bedrooms in the first unit as did the second unit, and the third unit would have one. **Attorney Coakley** noted the required parking is one per unit but there are two spaces in a garage also. The parking lot is already in existence. They are waiting to start the work and have not pulled the permit yet. **Councilor Ciolino** stated on the basis of the application, the plans submitted, the representations of the applicant and their agent, the Planning & Development Committee finds that the requirements of section 1.8.3 for granting a special permit have been met in that the six criteria are satisfied.

**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 to grant Kayleen Reilly and Barbara Reilly Cohen a Special Council Permit (SCP2011-010) to convert an existing two unit multi-family dwelling located at Prospect Street #27, (Assessors Map 15, Lot 40) zoned R-5 (High Density Residential), pursuant to §1.8.3 and §2.3.1.6, to a three unit multi-family AND FURTHER TO ADVERTISE FOR 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 to grant Kayleen Reilly and Barbara Reilly Cohen a Special Council Permit (SCP2011-010) for the property located at Prospect Street #27, (Assessors Map 15, Lot 40) zoned R-5 (High Density Residential), pursuant to §1.8.3, §1.10.1 and §3.16 of the Gloucester Zoning Ordinance for building height in excess of 35 feet but not more than 36 feet, the height of the existing building, AND FURTHER TO ADVERTISE FOR 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 to grant Kayleen Reilly and Barbara Reilly Cohen a Special Council Permit (SCP2011-010) for the property located at Prospect Street #27, as shown Assessors Map 15, Lot 40 zoned R-5 (High Density Residential), Gloucester, pursuant to §1.8.3, and §3.2.2(a) of the Gloucester Zoning Ordinance to decrease the minimum lot area per dwelling unit to 726 square feet per unit (totaling 2,178 square feet); and to decrease the required open space per unit to 83 feet per unit (totaling 249 square feet), AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

- F) Review and recommendation for the disposition of real property for the Magnolia School House (Blynman School) (referred from CCM 09/13/11)

**This matter is continued by the P&D Committee pending further information from the Administration.**

## **2. Review & Recommendation for the disposition of real property for 6 Stanwood Street**



**Councilor Ciolino** announced that Jim Duggan, CAO sent an email today (on file) to the Chairs of P&D and B&F requested that the RFP to lease Stanwood Ave be pulled from their agendas until further notice. The Administration wants to evaluate the condition of the property more thoroughly and make a determination whether it's in the best interest of the city to lease the building or sell it.

**This matter is continued by the P&D Committee pending further information from the Administration.**

**3. SCP2011-011: Ferry Hill Road #21, GZO Sec. 5.5.4 Lowlands**

**Councilor Ciolino** stated that the application received appears to be complete as submitted. Affidavit for the notice of abutters has been received. **Bob Griffin, PE of Griffin Engineering, Beverly, MA** spoke on behalf of **Stan Michalak, Jill Michalak**; and both residents of Ferry Hill Road #21 were present also. They are seeking a Special Council Permit under Sec. 1.8.3 and Sec. 5.5.4 (Lowlands) for the property located at that address, Map 91, Lot 14, zoned R-10. This is about a 7,500 ft. parcel and pointed on a site map (on file) the boundaries of the property, along with the existing house, the lawn area in the backyard; and in the rear of the lawn area there is an existing retaining wall. The proposal is to extend wooden stairs and a flat platform just to the east of the edge of the Annisquam River with a float and ramp that will go up and down with the tide. The float will be secured with mooring blocks and crossed chains and more crossed chains coming back to the stone wall at approximately elevation 7 or 8. Pointing to the proposed project's profile on the site map, he pointed to where the float would be at low and high tide. The flat platform is 10' x 12' which is located at elevation 10 but the supports go down to approximately elevation 7. That is the work that is in the lowlands. The placement of the blocks would be technically in the lowlands also. They propose to put a reinforced concrete abutment and a reinforced block in order to cantilever the deck out and support the ramp going up and down with the tide. They have received an order of conditions from ConCom (on file) issued May 13, 2011. There is a State c. 91 license is pending. The construction of the pier and the float and stairs are generally similar piers and floats in the neighborhood. He pointed out one on the adjacent parcel on the site map and one adjacent to the south as well. **Mr. Michalak** informed the Committee they have received their float permit from the Harbormaster. **Councilor Whynott** inquired what would happen if they didn't receive their c. 91 license. **Mr. Griffin** responded they wouldn't be able to install the structure. On inquiry by **Councilor Ciolino, Mr. Michalak** stated his neighbors are very supportive who had attended the ConCom hearing. **Councilor Ciolino** asked if any of this structure had already been built or in existence or would it all be brand new. **Mr. Michalak** explained there is a sea wall that currently exists. **Mr. Griffin** pointed it out on the site map to the Councilor. The wooden stairs, the platform, ramp and the float are not in place; they would be new. They currently use the neighbor's stairs. This property is a recent purchase of December 30, 2010 by the Michalak's. They have never had access from the water from their property. Everyone in the neighborhood has a similar set up. The reason for all the stairs is that historically the property was subdivided. The family to the north of the Michalak's had family relations who used the same float system. Upon the sale of this property they wanted to make their own. **Mr. and Mrs. Kurt Cochran** are to the south and are in favor of this plan. They did ask about whether their mooring system would interfere with their float which **the Michalak's** and **Mr. Griffin** believed it would not. **Mr. Griffin** stated that after discussions with the Harbormaster, he believed their plan would not interfere with anyone's float. Answering questions from **Councilor Hardy, Mr. Griffin** added there is no eel grass at this location. It is a rocky terrain. The float and ramp are seasonal. The Michalak's confirmed will strictly use this for their own personal use and own boats. **Councilor Ciolino** expressed that the Committee finds that the project complies with the Wetlands Protection Act and is designed in such a way as to pose no risk to the health and safety of wildlife. It is also in compliance with §1.8.3 as shown by the applicant's representative and by determination of this Committee. The Clerk of Committees confirmed to the Councilors those memos from the Shellfish Warden and the Harbormaster to the Conservation Agent of the City is on file with the application.

**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 a Special Council (SCP2011-011) Lowlands Permit pursuant to §5.5.4 of the Gloucester Zoning Ordinances to Stanley and Jill Michalak for the property at Ferry Hill Road #21, (Assessors Map 91, Lot 14), zoned R-10, for the purpose of constructing a 10 foot by 20 foot wooden pier over an existing stone wharf connecting to a 2.5 foot by 30 foot seasonal aluminum ramp and wood float in the Annisquam River in compliance with §1.8.3 as shown in the application and as shown on Locus Plan by American Land Survey Associates, Inc. of Gloucester, MA dated February 18, 2011; and further, this application is in harmony with the general purpose and intent of the ordinance; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**4. CC2011-044 (Verga) Amend GZO Sec. 1.5.3, Sec. 1.11 and 1.11.2(e) "Appendix A, Rule 25: Rules of Procedure: Special Permit procedures "Part I and Part II"**

**Councilor Verga** stated this request is to cut down on the amount of paper that comes into the Council for Special Council Permits. His original order stated that it would be one original copy and one copy with the rest to be submitted in digital form. O&A felt there should be one original and four copies submitted. He didn't think there was a need to have that many paper copies and is happy to review it on his iPad and/or his computer and feels there is a tremendous waste of paper. **Councilor Whynott** agreed they don't need so many papers. **Councilor Ciolino** thought there should be one original and two copies of the application. **Councilor Verga** thought that would be a compromise. He suggested they wait for the Planning Board's results. **Councilor Hardy** informed they are working on looking at the application itself and fee structure also associated with the Special Council Permits. The Committee discussed with Councilor Hardy about those parts of the zoning ordinance that could need modification and be made current.

**This matter is continued to October 19, 2011.**

**A motion was made, seconded and voted unanimously to adjourn the meeting at 7:57 p.m.**

**Respectfully submitted,**

**Dana C. Jorgensson  
Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- Memorandum dated October 5, 2011 by Stephen Barrett of HMMH re: Independent Review of Equity Partners/Gloucester Engineering Wind Project Comments presented at October 5, 2011 P&D Committee submitted through Gregg Cademartori, Planning Director via email
- Criteria language for the Gloucester Engineering Wind Energy Project submitted by Richard Kleiman for Equity Partners/Gloucester Engineering Wind Project by Richard Kleiman via email
- Radio Frequency Reports dated October 4, 2011 for properties located at: 298 Washington Street; 16 Kondelin Road and 186 Main Street by Attorney Edward Pare for New Cingular Wireless PCS LLC (AT&T)
- Amended Summary of Relief Requested, 27 Prospect Street, Assessors' Map 15, Lot 401 by Attorney Robert Coakley
- Affidavit of Notice to Abutters by Jill Michalak