

CITY COUNCIL STANDING COMMITTEE
Planning & Development Committee
Wednesday, January 4, 2012 – 7:00 p.m.
1st Fl. Council Conference Room – City Hall
AGENDA

(Items May be taken out of order at the discretion of the Committee)

Present: Vice Chair, Councilor Greg Verga; Councilor Jacqueline Hardy; Councilor Paul McGeary (Alternate)

Absent: Councilor Tobey

Also Present: Councilor Cox; Councilor LeBlanc, Jr.; Jonathan Pope; Donna Compton; Mark Cole; Jeff Towne

Councilor Verga declared there was a quorum of the City Council.

1. Continued Business

- A) Gloucester Fishermen's Athletic Association (GFAA) request for road closures re: Run Gloucester 7 Mile Road Race on 08/19/2012 (Cont'd from 12/07/11)

Jonathan Pope, President of the GFAA stated he had previously submitted the completed Special Events Application Form (on file). **Councilor Hardy** noted that the letters of support from the Fire and Police Departments were omitted however. **Mr. Pope** acknowledged the missing documentation but was unsure due to the new form being used. He continued that this is the third running of the GFAA's 7 mile race starting at 8 a.m. on August 19th and is expected to be done by around 10 a.m. Last year they used the area along the canal by Newell Stadium for the awards ceremony and used Newell Stadium for the kids run. However, they can't this year because the stadium will be dug up. They haven't determined where that part of the event would take place. They'd like to go to Stage Fort Park but there is a conflict with the Waterfront Festival. If that doesn't work out they'll look to come back to the Council and ask for permission to use St. Peter's Square for the awards ceremony. They have coordinated with public safety officers and will depend on them as to what roads will be closed and when. Of significance for the GFAA is that Dave McGillvray, the race director, has been the race director for the Beacon Race, the weekend before their race. This year he's been chosen to be the race director for Falmouth's big race which also takes place just before the GFAA's race. They were trying to keep the elite runners in the area for a "triple crown". They will be holding out 1,000 spots for runners that buy slots for all three races which he believes will be a boost to the GFAA's race. There will be prize money for those that enter all three races. **Mark Cole**, Assistant DPW Director stated they work very well with Mr. McGillvray and will have several meetings with him before race day. They run a good organization. They need to figure out where the awards ceremony is. Lt. Aiello of the Police Department has been with them in their meetings to date and felt sure they were set also. **Councilor Hardy** reviewed the application and noted the question mark on alcohol. **Mr. Pope** stated at 10 a.m. on a Sunday it would be hard to think there would be alcohol and didn't anticipate any alcohol. They are not doing the Triathlon this year and all their energy is focused on this race. **Councilor Hardy** asked regarding the 2011 water station locations noted in his submitted. **Mr. Pope** noted he had a template and that they would do exactly the same thing. **Councilor Hardy** asked he make the changes on the submitted document and return it to the Committee. She also asked how the GFAA did last year financially with this particular race. **Mr. Pope** informed the Councilor that they made about \$3,500 which wasn't a lot versus the time and energy that went into it. They use it as a work day for the students to earn money towards their athletic user fee. The money goes directly to the high school's Athletic Department in the student's name. They likely broke even. **Councilor Hardy** inquired what the City could do better to assist the GFAA. **Mr. Pope** stated there were a couple of "snafus" on road closures that changed at the last minute, Bass Avenue is the most troublesome spot. They could work this out directly with Lt. Aiello. He felt they've done a good job of letting businesses know when there would be road closures by letters and information in newspapers. They will continue to try to do a better notification job. Last year there were about 1,000 runners. They only had to close the Boulevard up to Tally's for some periods of time and some roads closed for short periods of time. **Councilor McGeary** suggested the GFAA let the hotels and motels on the Back Shore know the times runners will be in the roadway in that area. **Councilor Verga** asked Mr. Pope to update the GFAA's letterhead to reflect he was no longer an Ex Officio board member, having come off their Board in October of 2011. Because of this, he would now be able to vote on the matter before the Committee. **Councilor Hardy** brought up the sign offs of the Police

Department and Fire Department which the Committee and Mr. Pope discussed briefly. The Committee determined that the Special Events Application Form may need revision also and **Councilor Verga** would discuss that with the City Clerk.

By unanimous consent the matter was continued to the next regularly scheduled meeting of the Committee to give Mr. Pope the time to obtain the necessary sign offs from the City's emergency services and any other City departments in order to have them filed with the Committee.

This matter is continued to January 18, 2012.

The Committee took a brief recess at 7:23 p.m. and reconvened at 7:27 p.m.

- B) Review and recommendations for the disposition of real property for the Good Harbor and Wingersheek Beach Concessions (Cont'd from 12/07/11)

Mark Cole, Assistant DPW Director explained to the Committee that they wish to put the concessions lease out for three years. A couple minor additions were made regarding the wording to help with the clean up around the concession area, not only the 50 ft. radius but also at the dumpster area. It is basically the same as the one they put out three years ago. **Councilor Hardy** asked about the issue of the Wingersheek Beach pumping out of the rest rooms. **Mr. Cole** stated there were a couple of incidents last year but believed they have a pretty good schedule. They pump Friday, Saturday and Sunday mornings, and as often as needed during the week days. They'll make sure that there is coverage of staff to see that it is carried out even more efficiently. **Councilor McGeary** stated he had a couple of calls from residents regarding the noise of the soda dispensing machine over night during the season at Good Harbor Beach. **Mr. Cole** responded they can talk to the owner regarding the machine. **Councilor Hardy** made note that the lease time should be stated from May and wished to have the motion contain that information as well.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to approve the disposition by means of a lease as provided in the Request for Proposal #12077 Good Harbor & Wingersheek Beach Concession and Restroom Operation Lease pursuant to the terms and conditions as stated therein. Said term is to be a three year term from May 1, 2012 to November 1, 2014.

2. *Communication from Annisquam Village Church Standing Committee re: Cingular Wireless, 820 Washington Street*

Councilor Hardy explained that neighbors of the Annisquam Village Church had complained that the conditions had not been met for the Cingular Wireless Special Council Permit at 820 Washington Street (Annisquam Village Church). Everything now seems to be in order.

By unanimous consent, the Committee determined this communication should be filed with the Special Council Permit file and so the matter was deemed complete.

3. *Communication from Building Inspector re: Annisquam Village Church*

The Committee determined this communication should also be filed with the Special Council Permit file and so the matter was deemed complete.

4. *Request from Pursuit Racing, LLC re: May 12, 2012 Twin Lights Half Marathon*

This matter is continued by the Committee at the request of the applicant, Pursuit Racing, LLC who was unable to attend this meeting. The Chair, Councilor Tobey would determine a date when this matter would come before the Committee.

This matter is continued to a date yet to be determined.

4. SCP2011-018: Main Street #184-186, GZO Sec. 5.13.2.23 (PWSF) - Modification

David Hoogasian, Site Acquisition, Network Building & Consulting LLC representing the applicant Sprint Spectrum LP (Sprint-Nextel) explained to the Committee that this proposal is to replace the existing six antennas on the rooftop. It is a capacity upgrade. The existing antennas don't handle the existing data traffic. There is one more cabinet going on the third floor for batteries. They'll use the existing co-axial routes. There are remote radio units which will be installed behind the antennas hidden from view. It is a technology shift of what used to be in the equipment cabinets moved now up close to the antennas which improves the performance of the antennas. The Electromagnetic Compliance Report (Radio Frequency Report) was submitted to the Committee and placed on file, done by an independent consultant, EBI Consulting of Burlington, MA. This study commissioned and paid for by the applicant, shows the upgrades to their antenna array that complies with federal regulations. **Mr. Hoogasian** assured the Committee EBI is an engineering firm whom the applicant has used many times before. **Councilor Hardy** advised that the Council does ask frequently for a third party RF Report to be done by an RF Engineer contracted by the City and paid for by the applicant, although in this case they would not at this time. Essentially this is a "4G" update of the technology. **Councilor Hardy** asked if they filed Affidavit of the Notice of Abutters which **Mr. Hoogasian** submitted to the Committee and was placed on file also. **Councilor Hardy** asked the applicant to work with another wireless facility leaser at that location, AT&T Mobility, and with the owner of the building to improve the access of the roof and thought they should get together and share the cost of the upgrade. **Councilor Verga** stated these improvements have to be done. He explained to the applicant's representative the information that can be gathered from the City Council minutes on the AT&T application for that property recently completed. **Mr. Hoogasian** would call the Clerk of Committees to gain further information on the improvement requirements and contact information for that carrier's representative. **Councilor Hardy** stated these antennas are on the Pleasant Street side of the building. **Councilor McGeary** asked if this was improving speed but not range. **Mr. Hoogasian** confirmed that it is the case. **Councilor Hardy** asked if the property owner was in favor of this. **Mr. Hoogasian** believed that to be the case also. **Councilor Hardy** noted on page 10 of the application that it should read Sec. 1.8.3 not Sec. 1.5.2. She also stated that it is the City of Gloucester not a "Town". **Councilor Verga** expressed that the applicant has met the requirements of Sec. 1.8.3 of the zoning ordinances and those of Sec. 5.13.2.23 as well.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant Sprint Spectrum LP (Sprint-Nextel), by Agent, David Archambault for owner, Gloucester Business Equities, a Special Council Permit (SCP2011-018) for modification to an existing Wireless Communications Facility pursuant to GZO Sections 5.13.7 and 1.8.3 to replace six (6) existing antennas with six (6) new technology antennas; together with related amplifiers, cables, fiber and other associated antenna equipment including nine (9) remote radio heads, for new network service upgrades with associated electronic equipment within a current equipment cabinet as well as add one (1) equipment cabinet to lease area for a total of two (2) equipment cabinets located at 184-186 Main Street known as "Brown's Mall", Gloucester, MA (Assessors Map #8, Lot #70), as shown on the site plan prepared by Daniel P. Hamm, PE dated 10/4/11 and with additional conditions that Sprint Spectrum LP comply with as follows:

1. The applicant shall share in the expense of the repair to the interior stairway leading to the roof with other wireless facility providers currently at the same location;
2. That adequate lighting should be installed in stairway from elevator level to roof access;
3. That emergency lighting and exit signs are installed in same area;
4. That signage be placed on doorway leading to roof and in front of antenna arrays warning that cell antennas are present; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

5. SCP2011-019: William Road #4, GZO Sec. 5.5.4 Lowlands

Alan Roscoe, Hancock Associates representing the applicant, Laurie Horne who was present, for a Special Council Permit under GZO Sec. 5.5.4, lowlands. **Mr. Roscoe** explained this request for a Special Council Permit is for a residential dock and seasonal float. They hope to have all the permits completed shortly. He submitted his Certification of the Abutters Notice to the Committee (placed on file). There are docks properties on both sides this property; this is the only property that doesn't have a dock. The proposed structure has an Order of Conditions from ConCom. They have an application for a Chapter 91 license submitted and will be filing with the Building Inspector

and the DEP. **Councilor Hardy** asked what the dock and seasonal float would be constructed with. **Mr. Roscoe** informed the Committee the float is out of wood and the ramp is aluminum. He showed and submitted a photograph of the aluminum rolling ramp (placed on file). The initial proposal was to make it out of wood. ConCom, however, specified the materials. The float will be seasonal, and there is a spot to store it in the winter. **Councilor Hardy** asked about the Shellfish Warden and his concerns. **Mr. Roscoe** stated the Shellfish Warden's input dictated the type of construction to be undertaken. **Mary Joe Horne**, 4 William Road and Carol and William Horne of 63 Wheeler Street were present in support the application.

Councilor Verga stated that the applicant has demonstrated that the construction of a pier, ramp and seasonal float with dock will not pose a hazard to the health or safety; that the requirements of the Wetlands Protection Act have been satisfied as demonstrated by the Conservation Commission's issuance of an order of conditions and that the project will be executed in compliance with conditions proposed by the shellfish constable. Therefore the construction will be executed so as to conserve the shellfish and other wildlife resources of the City. The applicant has shown to have met the conditions in Sec. 1.8.3 and is in harmony with the intent of the ordinance.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant a Special City Council (SCP2011-019) Lowlands Permit pursuant to §5.5.4 of the Gloucester Zoning Ordinances for the property at William Road #4 as shown on Assessors Map #101, Lot #3 & 4 owned by Laurie Horne, for the purpose of constructing a pier, ramp and seasonal float with dock; and further, the Committee finds that the application complies with Sec. 1.8.3 of the Gloucester Zoning Ordinance are as shown on Site Plan by Hancock Associates of Danvers, MA, drawn by Alan D. Roscoe dated 08/12/11 and is in harmony with the general purpose and intent of the ordinance AND TO ADVERTISE FOR PUBLIC HEARING.

6. SCP2011-020: Columbia Street #5, GZO Sec. 2.3.1(6) Conversion to multi-family from 2 to 3 units

Stephen C. King, owner of Columbia Street #5 explained to the Committee that he recently purchased the property in May of 2010 and lives there. When he purchased the property he believed the in-law apartment to be legal and that the structure was a three-family home; however that turned out not to be the case. Each floor is essentially the same, each a two bedroom unit. There is a central interior stairwell and there are two egresses to each unit. He is proposing to convert the third floor into an apartment which would legalize the home as a three-family dwelling. All the work will be done to the interior of the home and no exterior construction will be done. There is just a kitchen to be installed on the third floor with all the plumbing there but capped. He submitted a Certified Abutters list to the Committee which was placed on file. **Councilor Hardy** asked about parking. **Mr. King** stated his proposal was that directly in front of the house there is a spot for proposed parking. He was told it was a legal spot. However, it was not. The area has been cleaned out now. There is a section of grass and then gravel level with the road. That is what he is proposing for the parking spot to be used by the third floor unit. It is currently a two family dwelling with no parking. This area in front of the house provides the space and a half needed for the third unit. He reiterated as it existed there was no parking for the two units. The ZBA determined that a literal enforcement of the zoning ordinance would involve substantial hardship; and that relief was granted regarding parking for the property. That decision was submitted with the application and is on file at the City Clerk's office. **Sheree Gallagher**, 10 Columbia Street a direct neighbor across the street noted Mr. King parks in front. Any company will be parking in her lot across the street should he rent to a friend of relative of hers; unless he rents to someone else not related to her. **Councilor Verga** explained that the Committee was not able to take such an arrangement into consideration with regard to the Special Council Permit but thanked Ms. Gallagher for her input. **Mr. King** noted this third unit adds another family to the neighborhood which adds to the City's economy. The third floor is a bit smaller because of the roof slant, but they're all about 900 square feet. Each window in the third floor unit is dormered. Everyone has their own water, electric meter, gas and hard wired smoke detectors which he knew to work very well. There are also carbon monoxide detectors in each apartment. **Councilor Hardy** asked that Mr. King check with the Building Inspector before beginning any construction on the dwelling. **Councilor Verga** asked if they had the Building Inspector's okay regarding the egress which **Mr. King** stated he had. **Councilor Hardy** reminded the applicant that in moving forward all the proper channels have to be gone through; that the Special Council Permit is just one of the steps he has to follow through with. **Councilor Verga** stated that the requirements of Sec. 1.8.3 of the Zoning Ordinance have been met.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant a Special Council Permit

(SCP2011-020) to Stephen C. King to convert an existing two unit multi-family dwelling located at Columbia Street #5, (Assessors Map #15, Lot #22) zoned R-5 (High Density Residential), pursuant to Sec. 1.8.3 and Sec. 2.3.1(6), to a three unit multi-family and as shown on Existing Conditions Site Plan for Columbia Street #5, received by the City Clerk's office dated December 7, 2011; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:06 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Affidavit of Notice to Abutters submitted by Alan Roscoe, Hancock Associates re: William Road #4**
- **Photograph of ramp to be installed re: Williams Road #4 submitted by Alan Roscoe, Hancock Associates**
- **Affidavit of Notice to Abutters from re: Main Street #184-186 Main Street submitted by the Agent for applicant, David Hoogasian**
- **RF Report submitted by the Agent for the applicant, David Hoogasian re: Main Street #184-186 Main Street**
- **Affidavit of Notice to Abutters submitted by Stephen C. King, applicant re: Columbia Street #5**