

CITY COUNCIL STANDING COMMITTEE  
**Planning & Development Committee**  
Monday, February 13, 2012 – 7:00 p.m.  
**1<sup>st</sup> Fl. Council Conference Room – City Hall**  
AGENDA

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

**Present:** Chair, Councilor Bruce Tobey; Vice Chair, Councilor Greg Verga; Councilor Jacqueline Hardy  
**Absent:** None.

**Also Present:** Councilor Cox; Councilor LeBlanc, Jr.; City Clerk, Linda T. Lowe;

**The meeting was called to order at 7:00 p.m. There was a quorum of the City Council.**

**1. Request from Streamline Events for road closures for the 2012 Gloucester Triathlon on 09/09/12**

*Councilor Verga disclosed to the Committee that he was a former ex officio member of the GFAA as of September 2011; therefore having no conflict of interest or financial gain and is able to participate in the discussion and subsequent vote on this matter..*

**Councilor Tobey** asked had the requirements been satisfied of having feedback from the Police and Fire Chiefs. **Bill Burnett** of Streamline Events explained to the Committee he had met with the “team” and pointed to signatures of the two Chiefs on a page of the Special Events Application form, along with Public Works and the Harbormaster (this was not submitted to the Committee at this time) noting that all team members were on board with the September 9th Triathlon plans. He shared he was involved with the Triathlon in its first year. Mark Cole, DPW Assistant Director and Sander Schultz, head of the FD ambulance service, Lt. Aiello of the Police Department had worked with him in the first year, and were a part of the team working on this year’s Triathlon. The Mayor and he have spoken about this being a fundraiser for two yet to be confirmed local charities. It is the same swim, bike and run course as it has been in the past two years. A road closures plan was submitted with the agenda packet (on file) and was reviewed at the request of the Committee. He showed the Committee a 2011 Action Plan from the Police and Fire Department (not on Committee file) which was provided to him from his meeting with the City team. The transition area (from the swim to where the participants take to their bicycles) will be on the Boulevard. The Boulevard will be closed approximately 6 a.m. to 11 a.m. to noon on September 9th. There are at least a dozen [Police] details along the bike course to ensure traffic flow. Land closures are along the Boulevard. The swim is 1/3 mile around the Greasy Pole up to the Boulevard to the transition area. The bikers go on a clockwise course of two 7.5 mile loops going down Rt. 127 onto Magnolia Avenue to Rt. 133 and back onto Rt. 127 for two loops and go back to the Boulevard to the transition area. **Councilor Tobey** summarized the event is looking to close portions of the Boulevard, portions of Main Street with traffic diversions on Rogers and Washington Streets which **Mr. Burnett** confirmed. **Councilor Hardy** inquired, based on the submitted information (on file), what closures are anticipated for St. Peter’s Square. **Mr. Burnett** informed the Committee there would be no closures of St. Peter’s Square at all, that it was changed from the original submission. The only closure of significance is the Boulevard. As a result, **Councilor Hardy** asked that a revised road closure plan be submitted to the Committee. **Councilor Verga** expressed his understanding that there was a reason the second and third GFAA and Mr. Burnett’s organization regarding the Triathlon that went forward without Mr. Burnett’s participation. **Councilor Tobey** asked if there had been litigation as a result of the first year’s GFAA Triathlon. **Mr. Burnett** didn’t know if he would be able to speak publically about the matter. He explained he was a part of the first year of the Triathlon; that it went well; but the GFAA felt they wanted to take on the event themselves in year two and three. The first year Mr. Burnett’s organization picked the GFAA as their charitable partner. In year two the GFAA decided to do the event on their own, and did the same in year three. After year three the GFAA decided not to continue to do the event. As a result, the Mayor contacted him to do bring back the event because he was involved in the first year. **Councilor Hardy** expressed she was not comfortable moving forward without having the Police and Fire Chiefs, the Emergency Management Director, the DPW Director and the Harbormaster, and possibly the Assistant DPW Director (who manages the City’s lifeguards) to discuss the matter. She would also like to see what impact this event has on the City’s budget asking if the Mayor had made any overtures to Mr. Burnett as to who would be paying for the expanded City services that day. **Mr. Burnett** informed the Councilor they as the race organizer pay for everything. **Councilor Hardy** reiterated she wished to have the Police and Fire Chiefs here to discuss this race and that Mr. Burnett should submit any updated information to the Committee in order for them to completely examine all possible issues for the event. She asked when Streamline Events plan to begin their advertising of the race. **Mr.**

**Burnett** hoped to begin advertising immediately as they're under a timeline. **Councilor Verga** expressing his concern as to Mr. Burnett's involvement and subsequent lack of involvement with the GFAA, he would have given a different scenario summarizing the reasons for Mr. Burnett's lack of association with the GFAA. **Councilor Tobey** said he believed it was a matter of public record if any legal action, settlement, or non-disclosure agreement between the GFAA and Mr. Burnett had been filed. **Mr. Burnett** stated none were filed. **Councilor Tobey** clarified there was no legal action filed any settlements or non-disclosure agreements with Mr. Burnett. The Councilor stated they could "freely discuss" with GFAA representatives about any concerns they had regarding Mr. Burnett and his organization; with **Mr. Burnett** indicating they should feel free to do so. **Councilor Tobey** wished to see addressed is that this is a money-making venture and some funds raised go to charity because of a public event. He also wondered were there any procurement standards that had been followed; was a procurement required (as in a Request for Proposal known as an RFP) for the City to choose an organizer for this event given this was an event that would generate income for Streamline Events and for two other organizations. The Councilor would also want when the Committee reconvenes on the 22<sup>nd</sup> to have the folks from the GFAA to come in and give them the opportunity to give them feedback as he understood there is no barrier arising from any litigation, settlement or non-disclosure agreement. **Mr. Burnett** reconfirmed he spoke to the GFAA who expressed to him they have no interest in doing a Triathlon and was why the Mayor contacted him to keep this event going. **Councilor LeBlanc** asked for more information regarding the staging/transition zone. **Mr. Burnett** explained it would be on the Boulevard above the beach at the crest of the ramp off of the beach. He believed there was ample and safe space there. **Councilor Hardy** asked how many participants are anticipated to which **Mr. Burnett** suggested 700 to 800. **Councilor Hardy** asked if this is a continuing Triathlon pattern throughout the state. **Mr. Burnett** stated this is part of a series of Triathlons his organization runs in Massachusetts which businesses such as hotels, restaurants, etc, benefit from the influx of race participants in each of the communities where his races are run. **Councilor Hardy** asked what his organization leaves behind for the community. **Mr. Burnett** stated for each race they pick one charity; and have raised substantial money for these local charities. The YMCA and the Addison Gilbert Hospital will be two possible beneficiaries. **Councilor Tobey** summarized that there will be follow up by the Clerk of Committees, and the City Clerk will be able to assist Mr. Burnett with the refilling of the application. To the extent that there are more City department resources being used, Streamline Events picks up all the costs that would be borne by the City. **Mr. Burnett** stated they do pick it all up, and will work with Ms. Lowe to make a completed submission.

**This matter was continued to February 22, 2012 by unanimous consent.**

## **2. SCP2012-002: Washington Street #834, GZO Sec. 1.8.3 and 5.13.7.1 (PWSF) Modifications**

**Attorney Edward Pare** of Brown Rudnick LLC, Providence, RI spoke on behalf of the applicant, New Cingular Wireless PCS LLC by AT&T Mobility Corporation who is seeking a modification of their existing wireless communication facility under Sec. 5.13.7.1 and 1.8.3, located at 834 Washington Street, the Third Annisquam Parish Church. This is their fifth application before the Council over the last few months for AT&T's upgrades to their sites. This is to provide an enhancement of their 4G wireless coverage, called LTE. New Cingular Wireless is proposing to modify its existing wireless services facility within the existing church to upgrade the service it provides to the City. Currently there are six panel antennas in the steeple of the church. They propose to install three new panel antennas behind the louvers inside the belfry of the Church's steeple. The additional antennas will not exceed the height of the steeple and will not be visible to its exterior. He pointed out the photo simulations (on file) to the Committee to show that the exterior of the church was unchanged by this upgrade and not noticeable to the eye. One global positioning system antenna will be mounted to the side façade of the building on the southwest side of the church and will be painted to match the façade. They are not providing any LTE service in Gloucester at this time. This will provide a significant footprint to coincide with their other site upgrades around the City which they proposed and were approved by the City Council. Related wireless communication amplifiers and antenna related equipment, including remote radio heads and surge arrestors, fiber and cable, will likewise be located inside the church and other associated equipment located within AT&T's existing equipment room in the basement of the church. **Councilor Verga** asked this was for data only and does not increase reception. **Mr. Pare** stated it was for data service only. They did provide an emissions study which shows less than 1% of the maximum FCC standards of exposure limit standards. **Councilor Hardy** noted this particular application has come before them for updates several times. She acknowledged some concerned citizens who were in attendance; several of whom are abutters less than 100 feet away from the church; the steeple is directly across from their bedrooms. They would like a third party Radio Frequency (RF) study performed on their property to make sure it is within FCC protocol. Additionally there are residents in attendance who are concerned whether there would be any exterior alteration of the church

building and that it be kept historically accurate, installed in a timely fashion. **Mr. Pare** responded the cable fiber will run inside an existing cabling channel inside the church building (plans on file) into their existing equipment cabinets in the basement of the building. None of it will be visible. A small GPS antenna will be slightly visible which he pointed out on the photo simulations (on file). He likened it to a "Dixie cup" on a small pipe mount, noting it is very discrete. **Councilor Hardy** asked if the church was aware of the GPS. **Mr. Pare** responded that the church did sign off on this application (on file). **Councilor Hardy** wanted to make sure the church is fully on board; the neighbors wanted to be sure what it is they will see from their homes. She recalled that this AT&T location has a history, not all positive, and wished to see the neighbors accommodated, and commented she knew Mr. Pare as someone who worked well with the Council and is responsive. The Councilor expressed concern for the control room area and that only a fan system; and it gets hot in that closed location. Further, the security to the equipment room appeared to be lacking. The door beyond that is a day care center. For that and other reasons she wished to arrange a site visit with neighbors and the attorney for the church as well. By show of hands, six abutters were in attendance. **Mr. Pare** asked if this was a situation where they would wish for a third party RF study as their LTE enhancement will have not be operating at the time of a study; and therefore, non-functioning. The RF engineer will have to take their proposed emissions that will come from LTE on top of what is there. They'll only have a reading of what is there now. **Councilor Hardy** stated they would; and that the applicant would pay for it, but it would be arranged through the City Planner. The site visit would be on a weekend. **Councilor Tobey** asked what the ideal timeline is. **Mr. Pare** stated there is a public hearing before the Council to be undertaken next; but they will do what is needed first. Nothing has been installed regarding updates to the site. They've finished the exterior modifications from the previous permit. None of the Council permits they've received have had work done to any sites in the City to date. **Councilor Tobey** summarized Councilor Hardy would arrange a site visit; and that the Clerk of Committees would advise the Planning Director of applicant's need of a third party RF study.

**MOTION On motion by Councilor Hardy seconded by Councilor Verga the Planning & Development Committee voted 3 in favor, 0 opposed that the City of Gloucester hire a Radio Frequency engineer to perform an individual study of Washington Street #834 also known as the Annisquam Village Church, arranged through the Community Development Department from at least three properties abutting the site at the expense of the applicant.**

**A Site Visit is to be arranged prior to the matter coming back before the Committee.**

**This matter is continued to April 4, 2012 by unanimous consent.**

**3. SCP2012-001: Foster Street #9, GZO Sec. 2.3.1(6) Conversion to new multi-family or apartment dwelling, Three units**

**Attorney Ralph Pino**, Pino & Shea, 46 Middle Street, Gloucester spoke on behalf of the applicant, Friendly Earth Homes, LLC, Christian Fisher, who was present also. This application for a Special Council Permit is to legitimize what may be a lawful three family dwelling, used as such since at least 1965. The Building Inspector is not pushing this issue. They were asked to do a definitive zoning opinion for financing purposes. An Assessor's Card (on file) shows this as a three family dwelling in 1965. A review of the prior zoning ordinances and districts (1950-1960) showed this property was not in what was then known as the apartment districts. If it had been in the apartment district it would have been a lawful pre-existing non-conforming use. In order for this to be a pre-existing non-conforming use, it has to go to the exceptional zoning of 1927 which is a practical obstacle. He complimented the assistance of the volunteer Archives Department who has been very helpful with their research. This matter was complicated because there were two houses on one lot. In 1996 the former owner went before the ZBA for a special exception to divide a single parcel of land with two principal buildings (decision on file). When they went back through the archives, it was confusing to know what building was occupied; if it were a two or three family dwelling. They are planning no changes to the exterior of the building other than replacing windows that were boarded up and broken, cosmetically fixing the façade and doors; some of that work is in progress now. They are modernizing the units, taking out a chimney to give space differential. It is taking a building foreclosed and abandoned, allowed to go into severe disrepair; fixing it to become a good quality and affordable apartments for the City versus an abandoned building in the Foster Street neighborhood. This building had a certificate of occupancy from the Board of Health. When it came forward in 1996, before the ZBA under the old special exception rule, they granted relief for a three family, which is why the Building Inspector said there was no need for special relief before coming to the Council. They are asking for the Special Permit essentially confirming what has been documented as

existing there since 1965. Without proving this, financing will only be based on a two family, not a three family which renders it an impractical thing. Mr. Pino introduced Mr. Fisher to the Committee at this time. **Councilor Verga** commented this was long overdue for this neighborhood, and had no objection to the application. He noted over the last several years similar Council permits have been granted for such situations. **Councilor Hardy** expressed her concern about parking as it was such a “tight” neighborhood. **Mr. Pino** stated there is no parking on the property. It is on-street parking; and there is no possible way now to gain parking. There is only a 6 ft. access easement off of a 10 ft. right of way. He pointed out in the application (on file) the survey plan of the property to the Councilors. **Councilor LeBlanc** commented it is a very physically tight neighborhood. **Councilor Hardy** wanted to see City buildings improved like this one to move away from the “broken window syndrome” with buildings being foreclosed upon and abandoned. She asked about neighbor feedback. Mr. Pino related that the Building Inspector, Bill Sanborn, had received many complaints about this building prior to Mr. Fisher’s taking over the property, due to it’s disrepair. **Mr. Fisher** stated many neighbors have expressed positive opinions with the way the property is being improved. He is the owner and developer. Initially he plans on renting the apartments after completion of the renovation of the interior, windows have already been replaced, the yard cleaned up. He wants to get some nice people living there to be an asset to the neighborhood. **Mr. Pino** commented buildings like this have been unmarketable as condos but succeed as rental apartments. **Councilors Tobey** suggested Mr. Fisher walk the neighborhood and make sure he speak with his neighbors before the public hearing to address any of their concerns that might come forward. **Councilor Hardy** asked if there were other three and four family homes in the neighborhood; and was no parking on par with the rest of the dwellings there. **Mr. Pino** stated there are other multi-family dwellings in the neighborhood; that some do have off-street parking, others do not. This property has been shown consistently as a three family but even though the Assessors card says it is, it is not. On inquiry by **Councilor Tobey** as to when this dwelling was last legitimately occupied, **Mr. Fisher** stated the building was winterized in 2009 with **Mr. Pino** adding the foreclosure was in December 2010. On inquiry by **Councilor Hardy**, **Mr. Fisher** stated the bedroom count will drop slightly due to the renovation. **Councilor Hardy** noted the traffic flow would not increase significantly because of the drop of bedroom count. **Mr. Fisher** added the vehicle count would increase versus none for a vacant building; but would utilities change for the City. **Mr. Pino** stated the plans on file show it is kitchens and bathrooms being renovated. **Councilor Hardy** then asked a series of questions related to the six criteria under Sec. 1.8.3 of the zoning ordinances. **Mr. Pino** addressed those six criteria by saying the property is has City water and sewer and is already in the ground. The social structure of the neighborhood is already multi-family; this has already been a three family. The natural environment is served by the clean up of the property and yard. There will be no other changes as they can’t put parking in. There are no drainage issues nor is a drainage plan required for the work being done. Taxes on the property should rise significantly over a vacant building. It will end up as a nicer building than it was; a modest, nice rental units. **Councilor Verga** added did a Broker Price Opinion in 2009/2010; noting it is too long for such a building to sit in an abandoned condition. He noted again that there were several recent permitted conversions of dwellings in that immediate area. **Councilor LeBlanc** explained he had spoke with Mr. Fisher several weeks ago about getting feedback and support of the neighbors. He thought this was a good fit for the neighborhood. His recollection as a child it was this property was used as a one family dwelling at that time. There are two other multi-family dwellings on the street, and the house next door on Summer Street is as well. He expressed concern for the parking situation with new tenants coming into the neighborhood and urged Mr. Fisher advocate for support of the neighborhood. A neighbor of 30 years on 10 Beacon Street, **Nazio Margiotta** expressed his concern for the lack of parking on their street and the impact these additional units might have to that parking situation. **Councilor Tobey** reiterated this is the kind of conversation the applicant needs to have with the neighbors with **Councilor LeBlanc** adding he was willing to work with the neighbors to get the ball rolling for the applicant. It has been an abandoned property, an eyesore. This will improve the neighborhood. He hoped to see this application approved. **Councilor Hardy** stated as in accordance with Sec. 1.8.3 of the Gloucester Zoning Ordinances she stated her belief that the benefits proposal far outweighs anything detrimental. The social, economic and community needs will be served by the proposed use. Although the parking issues are not the way they wish to see them, it is what is currently happening in the neighborhood with regard to traffic flow and safety and didn’t see anything of an adverse nature. The adequacy of the utilities and other public services have been purported to be sufficient; however the attorney for the applicant will speak with the DPW about some piping in the neighborhood. The social structure is in keeping with the neighborhood and qualities of the natural environment are an improvement by virtue of this project; and the fiscal impact is a positive one. Therefore, the Councilor would support the application. **Councilor Tobey** asked if private sewer lines ran through the site, noting this was something he’d want to know about which the applicant and his attorney confirmed they would look into, whether there were any private sewer lines running through the property.

**MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council to grant Special Council Permit 2012-001 to Friendly Earth Homes LLC, at Foster Street #5 , (Assessors Map #16, Lot #80 ), zoned R-5 (High Density Residential), pursuant to Gloucester Zoning Ordinances Section 2.3.1(6) for the continued use of existing 3-unit, multi-family dwelling structure as the application demonstrates that all requirements of Sec. 1.8.3 are satisfied, and as shown on 2012 Renovations Permit Set for Foster Street #9 by Ward 2 Architects, Medford MA dated January 1, 2012, and received by the City Clerk's office dated January 18, 2012; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**Linda T. Lowe**, City Clerk noted she sent a hand out to the Committee several weeks ago which is for people who inquire of her office what is involved in the Special Council Permit process. Currently she and members of her staff have to spend about 15 minutes on each inquiry to explain the Special Council permit process. This informative handout is also on the City's website. It is a succinct walk-through of the process and becomes a good reference guide for these possible applicants. She asked the Committee to review it further and let her know if they wanted any other changes made to it. **Councilor Tobey** thought it to be a good overview giving a rudimentary framework of the process. **Councilor Verga** thought this was a good way to also keep staff time involved to a minimum, although this process required applicants to go between two City locations to complete their application. He felt if this saves staff time it was a good tool. **Ms. Lowe** also added that there is a provision in the ordinance that every time a special permit is passed it says a time period in which the work shall be completed. She stated her belief that language should be in every single special permit, as these permits do have an expiration timeframe. There is nothing in the Special Permit process that states there is a time line to get the work completed. It is the ordinance governs the time frame. **Councilors Tobey and Hardy** agreed it is the ordinance which governs in this instance. This came to light when a person came in with a permit which had expired as it had been issued in 2009 and no work had been done to date. She stated her opinion that this needs to be in the decision which is adopted for the Special Council Permit. **Councilor Hardy** suggested the end process should be looked at; so that the Council is informed that the conditions within the permit had been met. This would have brought to light in just such a situation Ms. Lowe related to the Committee. Some of it is tied into an occupancy permit. Ms. Lowe was asked to continue to work on that aspect of the Special Council Permit process.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 8:05 p.m.**

**Respectfully submitted,**

**Dana C. Jorgenson**  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- **City Council Special Council Permit (SCP) Timeline submitted by Linda T. Lowe, City Clerk**