

CITY COUNCIL STANDING COMMITTEE
Planning & Development Committee
Wednesday, February 22, 2012 – 7:00 p.m.
1st Fl. Council Conference Room – City Hall
AGENDA

Present: Chair, Councilor Bruce Tobey; Vice Chair, Councilor Greg Verga; Councilor Jacqueline Hardy; Councilor Ciolino (Alternate)

Absent: None.

Also Present: Councilor LeBlanc, Jr.; Councilor Ciolino; Councilor McGeary; Councilor Cox; Linda T. Lowe; Donna Compton; Lt. Joseph Aiello; Gary Johnstone; Alan Hagstrom; Mark Cole; Jim Hafey

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

Items were taken out of order.

Councilor Tobey left the meeting at 7:12 p.m. due to illness. At that time Councilor Ciolino, Committee alternate sat as a voting member of the Committee.

1. *Memorandum and supporting documentation re: Reorganization of the Community Development Department and proposed amendments to the Gloucester Code of Ordinances relative to the reorganization Plan*

Councilor Tobey noted this matter has been pulled due to an upcoming resubmittal of the reorganization package by the Administration.

This matter is considered closed at this time.

2. *CC2012-009 (Tobey) The Administration, P&D and the EDIC prepare an Inventory of vacant commercial and industrial properties in City, and develop a plan for their marketing and productive reuse of those parcels*

The Committee recessed at 7:05 p.m. in order to wait for Mr. Hagstrom. Mr. Hagstrom did not appear and the Committee reconvened at 7:07 p.m.

This matter is continued to March 7, 2012.

3. *Continued Business (from 02/13/12):*
 - A) Request from Streamline Events for road closures for the 2012 Gloucester Triathlon on 09/09/12

Councilor Verga announced that the Committee was in receipt of a communication from Bill Burnett of Streamline Events requesting a continuance on the matter of the Gloucester Triathlon which the Chair had agreed to; and the Committee confirmed by unanimous consent.

This matter is continued to March 7, 2012.

4. *Request from YuKanRun.com to hold half marathon August 5, 2012*

Rich Morrell of YuKan Sports, LLC explained their half marathon is scheduled for August 5, 2012 beginning and ending at Rockport High School. However, the race crosses over into Gloucester going around the Back Shore which is why they are before the Committee seeking approval. **Mark Cole**, Assistant DPW Director stated he sent in a letter approving the race (on file in the application). He knew the Police and Fire Department had also approved this plan (on file). **Councilor Ciolino** asked that notice be given to the hotels and motels and function halls along the route in Gloucester as they had done the previous year. **Councilor Hardy** inquired if there had been any problems experienced by YuKan Sports at their last half marathon; and if so how could the City be of assistance to remedy for this race. **Mr. Morrell** explained the Committee they had a smooth race day last year with the exception of one runner suffering from heat exhaustion who was unable to finish the race. Responding to **Councilor Hardy's** question regarding bathroom facilities for the race event, **Mr. Morrell** noted they have bathroom facilities at the beginning/ end of the race. Further, Beaufort Ambulance is contracted for the event, as had been done for last

year's event. They would also notify the businesses along the route per **Councilor Ciolino's** suggestion; and **Councilor Hardy** asked Mr. Morrell to post signs several days in advance of the race to notify the public that the race would be going through the Back Shore area. **Councilor McGeary** noted Mr. Morrell anticipates 200-250 runners on his application. **Mr. Morell** confirmed that number, and it was why they do not anticipate any road closures.

MOTION: On motion by Councilor Hardy, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council to permit YuKanSports LLC to hold a Half Marathon on Sunday, August 5, 2012 with the following conditions:

1. Certificate of Insurance:

A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's Office on or before July 6, 2012.

2. Road Closure Plans:

Memoranda from the Police Department and Fire Department giving approval of the plans for the YuKanSports Half Marathon on August 5, 2012 to be on file with the City Clerks office on or before July 6, 2012. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Chief or his designee is to be filed with the City Clerk and the DPW Director or his designee on or before July 6, 2012. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues will require Council approval.

3. Refuse and Comfort Stations:

All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the event or early in the morning of the day of the event and removed by 4:00 PM, August 5, 2012.

4. Emergency Services:

A signed, visible and staffed first aid station must be in place in an accessible location in the area of the race course throughout the event.

5. Staffing:

Event staff is to have cell phones and be identified by the public with distinct shirts. A list of event staff and their cell phone numbers to be submitted to the Police, Fire or DPW Departments.

6. Notification of Immediate Abutters and Businesses to Race Course:

Notice shall be made by the event organizer by hand or by mail no later than 7 days in advance of the event to function halls, motels and hotels, and other businesses along the race route.

7. Responsibility of YuKan Sports, LLC:

The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health and the Licensing Commission. It is the sole responsibility of YuKan Sports LLC to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

5. Request from Gloucester Downtown Association for road closure to hold Easter/Spring Promotion on April 7, 2012

Christine Orlando of the Gloucester Downtown Association, owner of Kids Unlimited on Main Street explained to the Committee this event is in conjunction with their Spring/Easter downtown promotion. A bunny hop/Easter egg run is proposed from 2:00 p.m. to 4:00 p.m. closing Main Street from Hancock to Center Street on April 7th. This event is geared to children. **Councilor Hardy** noted the Fire and Police Department had no issues with the event plans (on file). She commented that many of the folks involved are the same as with the Sidewalk Bazaar and lent her support, as did **Councilor Tobey**.

MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the Gloucester Downtown Association to hold a their Easter/Spring Promotion on Saturday, April 7, 2012 from 2:00 p.m. to 4:00 p.m. with attendant road closure on Main Street from Hancock to Center Street for the duration of the event. Main Street is to be marked with signage directing the public as to the duration of the closure and alternate routes. An approved road closure plan endorsed by the Police Department dated February 16, 2012 is on file with the City Clerk.

6. *Review & Recommendations for Disposition of real property re: Magnolia School House (aka Blynman School)*

Donna Compton, Purchasing Agent explained the Administration wished to put forward the sale of the Blynman School House and would like to set a price for the property. **Councilor Verga** noted this was on the B&F agenda for the following evening where the price will be discussed. P&D would address the merits of the RFP. **Ms. Compton** continued that the RFP before the Committee is much the same as it was for a previous lease RFP which did not go forward, but it is now for sale to be utilized for a historical museum. **Jim Hafey**, City Facilities Manager expressed he was a proponent of the arrangements being put forward. As to the condition of the building, he noted it is fairly sound but requires a tremendous amount of updating in order for the building to be used in any capacity. There have been several proposals from the Magnolia Historical Society (MHS) who want to use the school house as a museum. They have petitioned the City on several different levels to have use of this building, commenting the MHS has spent a great deal of time and energy, gratis, to improve the grounds of the school house, as well as some of the siding and utilities. In his opinion, based on their efforts it is much improved; and the MHS has a great track record in that area of the City with making improvements to a variety of sites. **Councilor Verga** noted the property is not on City sewer and asked what the condition was of the septic system there. **Mr. Hafey** explained the building has been abandoned for some time and has a cesspool or an old septic system which needs a Title V inspection. That system was functioning at the time the building was abandoned. Commenting that abandoned systems deteriorate, he stated that will need to be part of the consideration in whatever arrangement is made for the sale. **Councilor Hardy** directed her remarks to those people interested in purchasing the building; she was in support of the sale of the building rather than a lease as long as an agreement can be made as to the purchase price. She informed the Committee it is an R-30 zoning district; and they have to go by what is allowable in that district. The RFP limits the purchase to a historic museum. It needs to be researched to make sure that use is allowable in that zoning district. Because the RFP says they will limit the use to a historic museum, they need to make sure whether that is an allowable use in that district; and R-30 is a minimum lot area of 30,000 sq. ft. She suggested they check with the Building Inspector's office because it is a non-conforming lot that they can continue to use it. The previous use was a school and could likely be used as a school again. There may be some zoning easements and a Special Council Permit and exemptions needed. She cautioned any potential bidders to be sure it will be able to be used for what is being put forth in the RFP for the property's ultimate use. **Councilor Hardy** made clear that any necessary zoning relief was the responsibility of the buyer. **Councilor Verga** asked to hear from Jim Cooke, Curator of the Magnolia Historical Society (MHS), who in turn introduced two other members present, Bob Cannon and Janet Rattray. **Mr. Cooke** expressed his appreciation of the information being brought forward as it is a learning process for their organization. **Councilor Ciolino** noted that organization was last before this Committee when a lease was being considered for the School House, recalling at that time there was a question posed as to what would happen if the organization disbanded. Now that they're hoping to be the successful bidder and purchase the building, being sold based on the basis of a historic museum use, would some language be found in the covenant of the deed referring to that occurrence. **Ms. Compton** would check with the City Solicitor regarding such language. **Councilor Verga** recalled that they had spoken about the property reverting back to the City. **Mr. Cooke** explained at that time they had made two proposals originally; one being if the organization disbanded or no longer functioning, that the property would revert to the City after any bills was settled. **Ms. Compton** noted the reverter language was not in this RFP. **Councilor Ciolino** stated his understanding the MHS hoped, if they were the successful bidder, to purchase the property below market rate; and expressed a concern in that regard. **Mr. Cooke** stated as a tax payer he understood the Councilor's concern. An earlier proposal by the MHS put forward to protect both the MHS and the City. They are willing to look at language as

described in this discussion. **Councilor Ciolino** reiterated that the following evening at B&F this matter will be considered from a financial perspective. **Gary Johnstone**, City Assessor at **Councilor Verga's** request spoke to the value of the property which is assessed based on school use, which is considered the highest and best use as a continued school use. The next legal, available alternative is a single family designation. **Councilor Hardy** thought a case could be made for philanthropic use, which would be done through a Special Council Permit, and noted folks who would be interested could speak to the Building Inspector about that also. **Mr. Johnstone** spoke to the other concern regarding the septic system on the property, which in terms of their valuation the assumption is that the system is functional. However, if it was no longer the case, that would affect the property value. **Councilor Verga** commented if it was a cash deal it would not be an issue, but would be should there be bank financing involved. **Mr. Hafey** stated there is a larger lot abutting the school house property which is also owned by the City, accessible from another road. There is a right of way or paper road that goes in next to the school house for access to that lot; and the City still needs access to that land. **Councilor Verga** stated that was discussed when the property came forward as an RFP for a lease; and there would need to be an easement agreement to be put in place or the Council needs to determine if one already exists. **Mr. Cooke** noted the Assessor's card didn't list a book and page for the Registry of Deeds which would show the school house property, as well as the property the City owns behind it, and expressed his concern regarding the title. **Mr. Johnstone** didn't know if a deed was on file. **Councilor Verga** and **Mr. Cooke** discussed that the MHS may wish to avail themselves of their own legal counsel in that matter and ways that they may wish to research it. In conclusion, **Councilor Verga** suggested there needed to be language inserted concerning the easement and that the property would revert to the City should the any organization who purchases the property should disband or cease to function. The Committee noted there was still much work needed to be done to the RFP first and all agreed there was no rush to conclude the matter. **Councilor Ciolino** suggested an action plan be made covering the information that had to be gathered which **Councilor Verga** volunteered to act as liaison. **Councilor McGeary**, speaking in his role as Chair of the B&F Committee, suggested it may be better to continue the matter for a few weeks, and would be willing to do so at his Committee meeting the following evening, to give all parties concerned time to acquire more information and make further adjustments to the RFP. **Ms. Compton** commented while she knew the Councilors appreciated the input from the MHS. The Council should bear in mind that the RFP is open to all interested parties and may not be limited to the MHS. She agreed there was more information necessary on a variety of issues. **Councilor Verga** stated the legal department will need to determine if there is an easement and any other necessary language for the RFP, and then the Committees will consider the approval of that language to be inserted into the RFP.

This matter is continued to March 21, 2012.

The Committee recessed at 7:36 p.m. and reconvened at 7:40 p.m.

7. CC2012-010 (McGeary) Amend GCO c. 21, Art. IV entitled "Repair of Private Ways"

Councilor McGeary explained he filed this order which stemmed from a request of residents in High Popples Road area and Jacques and Michael's Lane (off of High Popples Road) in order to use the Code of Ordinances Chapter 21 process to repair and upgrade the roads. The current ordinance says that subdivisions which were approved after the subdivision control law; it would not be eligible to participate in a joint road repair project. The Councilor commented that the City does a very good job of enforcing the subdivision control law now, in the early days that was not necessarily the case so some roads were not well built. The residents and City would benefit from by bringing those roads to an acceptable condition so the City could accept those private ways to become public ways and add them to the City's road mileage for Chapter 90 purposes. However, the current ordinance as written precludes that possibility. The City still has through the Council and recommendation of the DPW Director, the right to refuse to participate in any such proposal. This opens up the possibility, but ensures that anyone can come forward and say they've repaired it and present a bill. The Councilor stated his belief that it is an advantage to the City to add to their public miles as it affects their Chapter 90 state funding. Another part of the ordinance currently states that all abutters must be notified by "registered mail, return receipt requested." It is now \$14 per piece of mail to do so. The City Clerk checked in the State laws governing notification, and the language she proposed was "certified mail, return receipt requested or receipt by electronic mail or other proof of certified mailing" to be placed in substitution. The Councilor commented this would be a much less expensive option for notification and stated his belief these changes will be helpful in this process. **Councilor Hardy** asked if Councilor Ciolino would be voting on this matter or recuse himself from the matter as he is a High Popples property owner. **Councilor Ciolino** stated this was a general discussion on a general change to an ordinance which would potentially impact a significant percentage of City streets. He would recuse himself when they come to discuss the specific street he lives on, and

disclosed that he does live on High Popples Road. **Councilor McGeary** noted he asked this matter be sent not just to O&A but to P&D as it involved planning. **Councilor Hardy** stated the City always welcomes Chapter 98 funds; while there is much involved from a process perspective, they need to start someplace and expressed her support of this ordinance amendment at City Council. **Councilor Verga** agreed and noted a favorable response and support from the Committee to the ordinance changes proposed by Councilor McGeary. **Councilor Ciolino** stated his belief this would benefit the whole City once on the books. **Councilor McGeary** added this ordinance amendment still protects the City, as it has to be done on a case-by-case basis.

This matter is considered closed on the part of the P&D Committee.

8. Rezoning #2012-002: Commercial Street #33 and #47, Amend Gloucester Zoning Ordinance to create a Hotel Overlay District

Councilor Tobey explained the process by which the P&D Committee and the Planning Board would move forward on the rezoning request put forward by the applicants for Commercial Street #33 and #47. He stated that it has been proposed by the Chair of the Planning Board that they will meet in a joint session for purposes of the Planning Board's public hearing on this matter in early March, a date which will be announced on or before the next regularly scheduled meeting of P&D on March 7th.

This matter is continued to March 7, 2012.

NOTE: Items #9, #10, and #11 are continued to March 7, 2012 in order to allow for the adequate notice by the applicant(s) to abutters of the public Committee meeting related to their Special Council Permit applications:

- 9. SCP2012-003: Washington Street #540, GZO Sec. 5.5.4 (Lowlands)**
- 10. SCP2012-004: Blackburn Drive #90-99, GZO Sec., 5.13.7 (PWSF) Modifications**
- 11. SCP2012-005: Kondelin Road #16, GZO Sec. 5.13.7 (PWSF) Modifications**

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:45 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.