

CITY COUNCIL STANDING COMMITTEE

Planning and Development

Wednesday, March 10, 2010 – 6:30 p.m.

1st Fl. Council Conference Room – 9 Dale Avenue, City Hall

Present: Chair, Councilor Joseph Ciolino; Vice-Chair, Councilor Robert Whynott; Councilor Greg Verga

Absent: None

Also Present: Brian Tarr; Phil Dench; Joseph Guzzo; Patti Natti; Janice Shea; Lynn Parisi; Annette Perrine; Michelle Harrison, Esq.;

The meeting was called to order at 6:34 p.m. Items were taken out of order.

1. *Unfinished Business*

- A) SCP2010-001: 79-99 Essex Avenue, Section 2.3.1(12) Hotel, motel motor inn under 30 guest units, Section 5.7 Major Projects, Section 3.1.6(b) height excess 35 feet, Section 5.5 Lowlands, Section 3.2.6 lot area per two guests (Continued from 02/12/2010)

By unanimous consent this matter was continued to March 24, 2010.

- B) Facilities Report (Continued from 02/24/2010)

Councilor Ciolino acknowledged the Committee's receipt of the Facilities Report, and having heard the matter before the City Council on March 2, 2010 and at the Listening Post on March 9, 2010, will await the Facility Committee's final report for further discussion.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to accept the Facilities Capital Management Report, Phase 1, by the Facilities Committee.

2. *Cape Ann Farmer's Market re: Permission to Close Section of Harbor Loop, Thursdays from June 24, 2010 to October 7, 2010.*

By unanimous consent this matter was continued to March 24, 2010.

3. *Gloucester School Committee's Request Use of City Land (for environmental studies- Curriculum – off of Dun Fugin ramp area)*

Assistant Superintendent Brian Tarr spoke on behalf of the School Department presenting background on the history of Project Adventure, started in the late 1970's. They brought back a program called the Environmental-Adventure Center, noting at that time the School Department brought all the departments of the City who could possibly have a say in it as it centered on marine aspects. In all his years as an educator he has never seen such enthusiasm amongst students for a program. The program is in conjunction with Salem State. They are looking to expand the program, to work with the local agencies. He has applied with the Shellfish Warden with a Seeding Grant and will know in the next few days on that. It is tied with the Aquaculture lab, run by Jim Schoel. It is a learning experience they want to expand to other students in the high school. He believed it is a natural on the river. It is to enhance the property as well.

Councilor Ciolino stated he is in favor of the program, but that Mr. Caulkett, Harbormaster, stated he didn't know about this.

Mr. Tarr stated they are all supposed to go down and inspect the area; Mr. Caulkett, Mr. Cademartori, Dave Sargent, Shellfish Warden.

Councilor Ciolino said the area is controlled by the Waterways Board and so the Committee needs to see some sign-offs.

Mr. Tarr reiterated that they had brought in all the departments concerned at the start of the program, and they know about this project. This is a hands-on program. He described the layout of the area behind the new wing of the high school and showed a diagram of the parcel and what

the area is used for in relation to the river and the Dun Fugin ramp (on file). He said they will need to meet with Legal to go over the matter. They are not looking to take over the property. They are looking to use and maintain the property.

Councilor Ciolino asked for language from General Counsel; sign-offs from the Waterways Board, the Harbormaster, the Shellfish Warden, and the Planning Director.

Mr. Tarr invited the Councilors to come down and see the program at the High School.

By unanimous consent the Committee continued the matter to the March 24, 2010 meeting.

4. COM2010-010: Request from Patricia Natti re: 2nd Annual Reverend Myron Bullock

Road Race

Ms. Natti spoke of the money raised, about \$4,000.00 donated to local charities.

Both Councilors Whynott and Verga commented that Father Bullock was a wonderful man and felt this was a great event.

Chief Dench commented they are all set as far as he is concerned.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to have the 2nd Annual Reverend Myron Bullock Road Race take place on Saturday, October 2, 2010 starting at 10:00 a.m. with the starting line at the intersection of Atlantic and Nautilus Roads continuing on Atlantic Road for approximately 1.5 miles then turning onto Farrington Avenue turning onto Eastern Point Road and make a right turn onto Grapevine Road to the intersection with Atlantic Road, taking a left onto Atlantic Road back to the starting point with the following conditions:

- 1. An insurance binder for Race Day and will be on file 14 days prior at the City Clerk's Office.**

5. Request from Downtown Block Party Committee for 2010

Ms. Shea spoke about a meeting with the City's police and fire departments last Friday, and at that they added a date, and that all of the other conditions remain in place from last year. She submitted an email from the Board of Health's Sanitary Inspector (on file) in support of the Block Party. There being many activities throughout the City during the weekends of the dates they've asked for will just enhance those activities.

Chief Dench was 100% in favor of the events but wanted to reiterate about parking on Short, Center, Duncan, Hancock, Porter Streets wishes to see them remain open so if there is an incident on Main Street emergency vehicles have immediate access. He urged the members of the Block Party Committee present that they have designated staff people that are specifically detailed to watch vendors and restaurants to see they are complying with the rules. The Block Party staff also needs visibility and suggested t-shirts saying "staff".

Ms. Shea stated they appreciated the suggestion and are incorporating it into their plans.

Chief Dench knew that Police Chief Lane will be putting a policeman on detail there to make sure there is compliance.

Councilor Ciolino reminded Ms. Shea that there needs to be a prioritized cell phone list of the staff members submitted to the Police Department in advance of the first Block Party.

Ms. Shea stated she will send a summary of the Friday, March 5th meeting with City departments and Councilor Ciolino to the Councilors.

Chief Dench stated he will be OK with this, but if these particular aspects don't work this year, then next year he will ask for them to be made into conditions.

Ms. Shea stated they will meet with the Police and Fire Departments a few days after the Block Parties to nip any problems in the bud.

Councilor Verga asked if Mr. Guzzo had any concerns; and he stated he had no complaints or concerns.

Ms. Parisi asked for more enforcement by the Block Party Committee to be sure vendors and restaurants comply with all the conditions set forth right at the start of the events feeling that the onus should be on the restaurants

Ms. Shea noted they would be sending a copy of the rules, regulations and suggestions to the restaurants/vendors prior to the first scheduled event.

Councilor Verga suggested that Ms. Shea speak with the GFAA board if she has any concerns regarding after the road races clean up.

Ms. Perrine asked about the rain dates and expressed concern.

Councilor Ciolino stated that it appeared there was a problem with the dates.

The Committee called a 5 minute recess at 6:55 p.m.

The Planning & Development reconvened at 7:00 p.m.

Councilor Whynott felt the Block Parties are a good thing for the City.

Councilor Ciolino stated that he is impressed with what they do with all volunteers and no budget. They are making a difference in the downtown area and for the City.

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 a permit to temporarily close Main Street from the open driveway of Bank Gloucester to Washington Street on the following dates between the hours of 3:00 p.m. and 11:00 p.m.: Saturdays, June 19, (rain date of June 20) July 17 (rain date of July 24), August 8, Sunday (1:00 p.m. to 11:00 p.m.); August 21, Saturday; and Friday, September 3 (rain date September 5, 1:00 p.m. to 11:00 p.m.), 2010 with the following conditions:

- 1. No vendor/merchant set ups on the sidewalk blocking entrance ways to retail or residential units, hydrants, crosswalks or handicap ramps;**
- 2. All vendor/merchant set ups in the street are to allow for no less than a 10 ft. unobstructed, drivable area along the entire route – slightly wider at the curve of Palazola’s Sporting Goods to maintain adequate access for emergency vehicles. Failure to provide this 10’ unobstructed margin of drivable area may necessitate the removal or relocation of the vendor/merchant at the discretion of either the Fire Department, the Police Department or the Block Party committee;**
- 3. The organizers shall allow the Fire Department drive-through access with the fire engine at the convenience of the Fire Department;**

- 4. Any restaurant/merchant set up of tables and chairs, tents or area enclosures should extend into the street no further than the lines painted on the street for vehicular parking;**
- 5. That all of the side streets – Short, Porter, Center and Hancock Streets be kept open and not blocked by vendors, food establishments, tables, chairs, enclosures, equipment or vehicles, so emergency vehicles may enter and exit Main Street as needed;**
- 6. Vendor/merchants shall be responsible for their own trash removal;**
- 7. Signs indicating the location of comfort stations shall be the responsibility of the Committee;**
- 8. Plumbing Codes and regulations shall be adhered to regarding use of Restaurant bathroom facilities;**
- 9. Special lighting and electrical requirements necessitate approval of the Inspector of Buildings and the Electrical Inspector;**
- 10. The closure of the street at the intersection of Main and Duncan Streets shall be by means of sawhorses or the like, as directed by Lt. Joseph Aiello of the Gloucester Police Department;**
- 11. It is the responsibility of the committee to procure all other Federal, State and local permits and approvals associated with this event;**
- 12. That the committee makes reasonable notification to all residents and merchants along the route that will be affected by the closure;**
- 13. Restaurants or vendors wishing to serve food outside must notify the Board of Health 7 (seven) days in advance for approval;**

14. Conditions imposed by the Gloucester Liquor Licensing Board may also apply to the above closure and shall become incorporated herein;

15. All other laws, City ordinances and/or regulations are in full force.

6. Modifications to Gloucester Crossing Site Plan and Landscape Plan

Attorney Michelle Harrison, representing Sam Park & Co., developer of Gloucester Crossing, explained to the Councilors the proposed changes approved by City Planning Director, Gregg Cademartori, and the one area that was not being approved which was in regard to the proposed hotel. She summarized the procedure. All the special permits have a general condition #4 on how to make a determination that a change is substantial or insubstantial. The determination is made by the Planning Director and then confirmed by Planning & Development, and then City Council. She reviewed the contents of her hand-out (on file). This is a 33 acre site off of 128. Back in 2007 they received 13 special permits. The property is 195,000 sq. ft. which included Anchor Store A, Market Basket; Anchor Store B, Marshall's. Building C is in two phases of specialty shops; and this spring Olympia Sports and Super cuts will be open along with a couple more. The hotel was a separate special permit. Building F is a free standing restaurant; and they are still looking for a tenant. The drive-through bank was modified and is now Five Guys Restaurant, and the Game Stop will be opening in May. Changes for the hotel footprint were proposed. Mr. Cademartori determined they would have to go to the Zoning Board of Appeals with the changes, that the changes were not insubstantial. They are not looking for the determination on the hotel now and will come back later for an amendment. The building permit will be pulled later on this month or in early April for the Holiday Express hotel. No modifications are requested for the Assisted Living at this time. The large green swath in the middle is under the Conservation Commission. Everything is going well with the conservation issues. The new traffic patterns seem to be working well. During construction, site conditions indicated modifications had to be made in the field. One of those was in the underground storm water management. They had greater TSS removal and ended up with a better plan than what was originally proposed. That is one of the modifications and determination that Mr. Cademartori made. Footprints have changed slightly on the buildings. By making these changes, they were able to make a second story on Building C in Phase 2. Some of the tenants want options for office space. During the original permitting office space was requested, and now there will be an ability to have it. Building C in Phase 2 has maintained the architectural character and using the same materials. The third is traffic circulation, parking, and landscaping. Changes have been made in the traffic circulation, shortening the islands. A wooden guardrail was added. Additional trees are added and others have been moved. This was reviewed with Lisa Press, the City's Conservation Agent and Mr. Cademartori. Parking on the perimeter has changed with the addition of the planned second floor of Building C. The front door is on the Rt. 128 side so parking will now be there for that entry area. She described the dense vegetation going in to block headlights. She noted some of the improvements to include

the path dedicated to Gus Foote, former City Councilor. Benches will be put in at his suggestion. Also, on Green Street, a wood fence has been put up and neighbors were given landscaping. Mr. Park is working on the Green Street fields to get extra parking there. A lot of work has been done at the Fuller School. There is an improved entrance and a sign provided. Mr. Park paid for the relocation of the playground from Fuller School to Plum Cove School. .

Councilor Verga assumed that the second story has no height issue.

Ms. Harrison stated there were no issues. Mr. Sanborn, Inspector of Buildings, signed off on this matter. The parking was also considered. There are still at 926 parking spaces.

Councilor Verga asked that the highway side of Building C be a pleasing aspect to which **Attorney Harrison** agreed it would be and that was in their plans.

Councilor Ciolino asked about the start dates on Phase 2.

Attorney Harrison stated Phase 2 will begin this summer. The hotel will probably follow.

Councilor Ciolino asked about the vernal pools. **Attorney Harrison** stated they're not certified vernal pools.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to confirm the Planning Director's determination that the modifications to the parking, circulation and landscaping for Gloucester Crossing [Special Permit Decision adopted 10/16/2007 and effective October 18, 2007], as shown on the plan submitted with the application for the modifications entitled "SP 4.2 site plan Gloucester Crossing" dated December 14, 2009 and shown on the "Landscaping plan L-1 with revisions" dated December 14, 2009 are insubstantial and are approved upon the condition that engineered stamped plans reflecting only those changes determined to be insubstantial are submitted to the City Clerk.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to confirm the Planning Director's determination that the modification to Phase II of Building C as shown on the plan entitled "SP 4.2 site plan Gloucester Crossing" [Special Permit Decision adopted 10/16/2007 and effective October 18, 2007], dated December 14, 2009 and as shown on the plan entitled "building elevations of Phase I & II" dated October 2008 and to allow second story use for retail, service and or office use are insubstantial and are approved upon the condition that engineered stamped plans reflecting only those changes determined to be insubstantial are submitted to the City Clerk.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to confirm the Planning Director's determination that the modification to the storm water management plan as shown on the plan entitled "SP 4.2 site plan Gloucester Crossing" [Special Permit Decision adopted 10/16/2007 and effective October 18, 2007], dated December 14, 2009 is insubstantial and is approved upon the condition that engineered stamped plans reflecting only those changes determined to be insubstantial are submitted to the City Clerk.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to confirm the Planning Director's determination that the modification to the Hotel Building E as shown on the plan entitled "SP 4.2 site plan Gloucester Crossing" [Special Permit Decision adopted 10/16/2007 and effective October 18, 2007], dated December 14, 2009 and "Overlay comparison SP 4.2" dated December 14, 2009 is substantial and requires an amendment to the Gloucester Crossing Hotel special permit.

**7. COM2010-011: Second Extension of Special Council Permit 2006-15 for 201, 205 and
233 Main Street (a.k.a. Main Street Plaza)**

Councilor Ciolino stated the Committee had received a letter from Mr. Costa of Blatman, Bobrowski & Mead, LLC, attorney for Mac Bell, property owner, asking for the above matter to be continued until March 24, 2010.

By unanimous consent this matter was continued to March 24, 2010.

8. COM2010-012: Extension of Special Council Permit 2007-25: 33 Emerson Avenue

Councilor Ciolino stated the Committee had also received a letter from Mr. Costa of Blatman, Bobrowski & Mead, LLC, attorney for Mac Bell, property owner, asking for the above matter to be continued until March 24, 2010.

By unanimous consent this matter was continued to March 24, 2010.

9. Other Business

None.

MOTION: It was moved, seconded and voted UNANIMOUSLY to adjourn Planning & Development meeting at 7:50 p.m.

Respectfully submitted,

Dana C. Jorgenson

Clerk of the Committees