

CITY COUNCIL STANDING COMMITTEE
Planning & Development Committee
Wednesday, May 16, 2012 – 7:00 p.m.
1st Fl. Council Conference Room – City Hall
-MINUTES-

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

Present: Vice Chair, Councilor Greg Verga; Councilor Jackie Hardy; Councilor Paul McGeary (Alternate)
Absent: Councilor Tobey
Also Present: Councilor LeBlanc; Councilor Cox; Linda T. Lowe; Donna Compton

The meeting was called to order at 7:02 p.m. There was a quorum of the City Council.

1. *CC2012-009 (Tobey) The Administration, P&D and the EDIC prepare an inventory of vacant commercial buildings (Cont'd from 04/04/12)*

This matter is continued to June 6, 2012.

2. *Review & Recommendation for the Disposition of Real Property for the Maplewood School (Cont'd from 5/02/12)*

Donna Compton, Purchasing Agent noted per the request of the Committee, the RFP now reflects the expanded use for the Maplewood School as “elderly and/or veteran’s housing” and that the sales agreement and closing “takes place within 90 days from the Notice of Award unless extended in writing by the City.” **Councilor Hardy** expressed her appreciation for the inclusion of veterans with the elderly was a “wonderful”. **Councilor McGeary** stated his belief this was a good use of the school and hoped it comes to fruition. **Councilor Verga** noted the Maplewood School was first declared surplus by the School Committee in 2003, there was great difficulty in finding a plan that would be acceptable to the neighbors of the property. This is the fifth time they are issuing an RFP for the Maplewood School which started with an original minimum bid of \$750,000; and noted the following evening the B&F Committee would review the matter of a minimum bid for the property.

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 that Request for Proposal #12165, as received by the P&D Committee on 05/07/2012, for Disposition by Sale of the Maplewood Avenue School, 120 Maplewood Avenue, be authorized by the City Council pursuant to the terms and conditions of the RFP and pursuant to the Code of Ordinances Sec. 2-3(a) (2) and MGL c. 30B.

3. *SCP2012-006: Pleasant Street #14, GZO Sec. 3.1.6 increase in building height over 35' and Sec. 3.2.2(a) For reduction in dimensional requirements (Cont'd from 5/02/12)*

Attorney Catherine Schlichte, 14 Pleasant Street Realty Trust trustee, and representing the applicant submitted to the Committee a packet of documents which included: A) her letter dated May 16, 2012; B) five (5) 8” x 10” drawings of the renovation plans to 14 Pleasant Street; C) a print out (dated 5/11/12) Certificate Number 73446 of a Transfer Certificate of Title which includes a Gloucester Historic District Map with handwritten notes pointing out the Schlichte & Johnstone Building and the Carter Building; D) a letter from R. David Porper, Chairman of the Gloucester Historic District Commission dated May 14, 2012 stating that the Schlichte-Johnstone Building located at 14 Pleasant Street and the neighboring Carter property at 16 Pleasant Street are not now and never were included in the Historic District boundaries; E) a photo of the #14 and #16 Pleasant Street buildings showing a date of 9.21.2004; F) a photo of the chimneys “taken May 14, 2012-C. Schlichte”; and G) a letter dated May 10, 2012 addressed to Ms. Patricia Johnstone from Peter Giordano expressing his professional opinion regarding the chimneys. She asked for a two week continuance on this application from the Committee as several issues were raised at the last meeting of the Committee. One issue was the easement for the chimneys and the use of the chimneys; one was regarding whether this property or 16 Pleasant Street was under the jurisdiction of the Historic District Commission; and the third issue was that of obstructed views. After speaking with the City Solicitor, and Mr. Martini (objecting abutter at 20 Pleasant Street, Unit A), Mr. Martini is willing to allow a site visit to his condominium in order for the Committee to see the views that he currently has. There was also a question about the

Historical District Commission map. She has the map which is recorded at the [Southern Essex District] Registry of Deeds that shows 16 Pleasant Street is not in the Historic District. She noted the letter she submitted in the packet from the chair of the Historic District Commission saying that 16 Pleasant Street is not in the Historical District which goes to the concerns of the jurisdictional issues and hoped this resolved the concerns in that regard. That map conflicts with the map that is on file in the City Clerk's office or the map in the Building Inspector's office. She did not know when or how those maps were generated.

Linda T. Lowe, City Clerk stated that map Ms. Schlichte referred to is on file in the City Clerk's office. She acknowledged there were questions raised several days ago about whether or not that map had been recorded at the Registry of Deeds. She confirmed through some research and with assistance a staff member in the Engineering and Plan Division of the Registry of Deeds that the map was filed, as it should have been, in the 1970's; and she assumed it is one and the same as that of the City Clerk's office. She could not attest to the map the Building Inspector has, but her office did have the map supplied to them by the Historic District Commission.

Ms. Schlichte added that what she submitted this evening (noted earlier) a copy of the map that is on record at the Registry of Deeds in Salem. It was recorded in 1978. She also resubmitted copies (on file) of the external views of the building to be sure all of the Councilors received copies of those views.

Councilor Verga asked for the attorneys representing the abutters, Robert Wolfe and John O'Keefe, who were present, to give their opinion of what was just presented by Ms. Schlichte.

Attorney Robert Wolfe representing Jack Carter, abutter at 16 Pleasant Street explained that they have a "conundrum". He submitted a letter (dated May 14, 2012 and on file) addressed to P&D Chair, Councilor Tobey with a copy of an attested version of the map of the Historic District Commission that they obtained from the City Hall. That map shows that the Carter property is part of the Historic District. He also submitted a letter dated May 16, 2012 from the co-chair of the Gloucester Historical Commission, David Rhineland, objecting to the addition. He left it to the "powers that be in the city" to determine which map is the official map; and whether the Historic Commission has standing given the map that they have (he and his client) to file an objection to the proposed addition. He also submitted a copy of a letter from Andrew Spindler (originally submitted to the Planning Board dated April 27, 2012) who volunteered to send this letter. Mr. Spindler is a member of the board of the Cape Ann Museum and some other local institutions, who has a position on this proposed addition which is expressed in the letter. The applicant asked him this evening if his client would consent to having the Committee view the backyard of #16 Pleasant Street for purposes of determining what impact the proposed addition might have. They have no objection to a site visit by the Committee as well as having no objection to the continuance for two weeks on this matter to coordinate the visit to the site as well as which would help making a determination, if the Committee can, which of the two official maps is the official map.

Councilor Hardy inquired from whom the Committee would get a determination on the maps. **Ms. Lowe** responded it is whatever is at the Registry of Deeds. Her information was that these maps were one and the same.

Councilor Verga clarified that indicated the map at the Registry; to which Ms. Lowe stated she did have the reference from the Registry of Deeds. When going on line to the Registry, it can be brought up to be viewed. In speaking with Marie Demick of the Community Development Department, she had provided a year or two ago a copy of the map in question that her office has on file for the Historic District Commission (which is a GIS map).

Ms. Schlichte added that she had included the map from the Registry of Deeds in the packet she submitted this evening to the Committee.

Attorney John O'Keefe, representing Frederick and Laurie Martini, owners of 20 Pleasant Street, Unit A, stated he spoke with Attorney Schlichte about her interest in taking a look at the Martini's view. He expressed the opinion this was worthwhile; and that his clients agreed with a site visit, preferring the visit to be conducted during daylight hours. He inquired about the public hearing at the City Council meeting scheduled for Tuesday, May 22nd.

Councilor Hardy informed Mr. O'Keefe that the public hearing would be opened and continued on that date. **Ms. Schlichte** confirmed she would submit a letter to the Council for a continuance of the public hearing.

Jack Carter, owner of 16 Pleasant Street commenting about the two maps, stated that the map at the Registry is, in his opinion, "obviously" a sketch with a magic marker line [of the Historic District] that goes through lots and does not indicate whether a lot is on one side of the line or another. He expressed this seemed to him to be something that appeared to be "hastily recorded" to get something on record as to what the Historic District was. The map on file in the City Clerk's office is a detailed map which indicates by parcel by parcel, and by parcel number, what buildings are in the Historic District.

Councilor Verga indicated there were some things that need to be worked out. He expressed his personal opinion that looking at the views from the abutters windows and the backyard was a good idea. He asked the site visit be coordinated to take place as soon as possible on a Saturday, but should include a couple of date options for the Committee.

Councilor Hardy asked that Ms. Schlichte coordinate the site visit with the City Clerk. She stated she was not at the Committee meeting when this matter was first taken up by the Committee. However, in reading the minutes from that meeting and in her review of the agenda packets, and making inquiries, she found the application is lacking in detail. Therefore, she requested from the applicant an amended application filling in all those blanks so they know the relief the applicant is looking for. There are some discrepancies to what height exception they are seeking as well. **Ms. Schlichte** commented there was a difference in the height from their draft architectural plans to their final plan which is a few inches lower. **Councilor Hardy** cautioned that if the Committee did not have this amended application in advance of the next Planning & Development meeting of June 6th, at least 24 hours in advance, she would ask for a further continuance. **Ms. Schlichte** added her intent was to answer those questions in her submittal this evening which she believed that she had. **Councilor Hardy** made clear it should be on the Special Council Permit application.

Frederick Martini, 20 Pleasant Street, Unit A stated with regard to the height of the new roof, it was his observation that the current roof seems to be at a lower height than the old roof, by about a foot. He asked how that affects the maximum height of the proposed addition; and did it affect the proposed "hip" roof. **Ms. Schlichte** commented that was correct; that the height is lower by about one foot. **Councilor Verga** asked that this issue be held for the next meeting of the Committee. They would want to know what is going to be on the roof; if the height also includes A/C units, things of that type. **Ms. Schlichte** added that there were false floors as they opened the roof. **Councilor Hardy** would look for further discussion as to a difference between the garden at the top and a penthouse, as different people are calling it different things; and would there be a roof on this garden. Councilor Hardy asked that should there be any further requests for continuances, that all parties should coordinate it between each other.

This matter is continued to June 6, 2012. A site visit is to be conducted and would be arranged through the City Clerk to take place prior to June 6th.

4. *Modification to Special Council Permit granted to Cape Ann Brewing Company on December 7, 2012 re: Rogers Street #9-11, GZO Sec. 2.3.4(8) and Sec. 2.3.4 (9)*

This matter is continued at the request of the applicant, Jeremy Goldberg and by agreement of P&D Chair, Councilor Tobey.

This matter is continued to June 6, 2012.

5. *Update & final documents "Fuller School Site Reuse Study" and "Fuller School Highest & Best Use Study" Reports which conclude project with MassDevelopment*

This matter is continued to June 6, 2012.

6. *Request & application for road closures for the 9th Annual Seacoast Seven Road Race, July 21, 2012*

Karen McCann, and **Abigail Boyd**, representing the Friends of Seacoast explained that they have submitted all necessary approvals of the Police, Fire and DPW Departments and submitted their Certificate of Insurance as well. The Clerk of Committees confirmed that all documentation was received prior to the meeting of the Committee. **Councilor Hardy** asked if there was anything different this year. **Ms. McCann** stated all plans were the same as in previous years; that they again expect about 200 runners to participate. All proceeds go to the Seacoast Nursing Home. **Ms. Lowe** noted they are scheduled to go before the Licensing Commission which is required as the race starts and finishes at Stage Fort Park. The Commission will likely have no issues with the arrangements. **Councilor Hardy** appreciated a copy of the letter for the neighbors submitted with their application. She asked that they amend it to include the statement that the race goes off rain or shine. **Ms. McCann** also submitted a letter (placed on file) from Lyons Ambulance showing they would be at the race.

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 permit the Friends of Seacoast Committee to hold the 9th Annual Seacoast Seven Road Race on Saturday, July 21, 2012 from 6:00 a.m. to 12 noon with the following conditions:

1. Certificate of Insurance:

A Certificate of Insurance naming the City of Gloucester as an additional insured party has been filed with the City Clerk's Office.

2. Road Closure Plans:

Memoranda from the Police Department and Fire Department giving approval of the plans for the 9th Annual Seacoast Seven Road Race on July 21, 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 2:00 PM, June 21, 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 the Seacoast Nursing Home, Friends of Seacoast:

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 the applicant 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.

7. *Request & application for road closures for 54th Annual Gloucester Sidewalk Bazaar on August 2, 3, and 4, 2012*

Grace Numerosi, event organizer for the Downtown Gloucester Association (DGA) stated that the previous year the Police Department and Fire Department had been at the Committee meeting when they presented their plans for the last Sidewalk Bazaar and had assumed that would be the case this year. She did not have written approval or sign offs from those departments at this time, or from the DPW. **Councilor Hardy** requested those approvals be on file by the time of the City Council meeting of Tuesday, May 22nd. **Ms. Numerosi** commented they did, however, get good reviews from last year.

The issue of a Certificate of Insurance was discussed with **Ms. Numerosi** stated they went through CABI last year; and Jim Duggan, CAO gave them the "okay" for being covered by the City's insurance. **Councilor Hardy** commented the Administration is not picking the insurance up on behalf of the City anymore. If they wished to seek someone to donate the money for a Certificate of Insurance in order that they could obtain one, it would be up to the

DGA. The City would not be covering this out of the General Fund. **Ms. Numerosi** believed it was similar to what happens with the Downtown Block Parties. **Councilor Hardy** stated the City doesn't cover it under their insurance either. **Christine Orlando**, a member of the DGA confirmed Ms. Numerosi's understanding that they were told by Mr. Duggan that this event along with some of the other events their organization sponsors fall under the City's insurance. **Councilor Hardy** asked for something from Mr. Duggan in writing to that fact for this year's event. **Ms. Numerosi** stated they fell under the City's insurance for their Easter event; and that they are working under CABI as far as the 501C3 is concerned. **Councilor Verga** explained they could put a motion forward this evening; but that by next Tuesday the insurance issue and the sign offs of the Police, Fire and DPW needs to be resolved and be on file.

MOTION: On motion of Councilor McGeary, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant permission to the Downtown Gloucester Association (DGA) through its agent, Grace Numerosi, to close Main Street from Pleasant Street to Washington Street, including Hancock, Center, Porter and Short Streets to all vehicular traffic from 7:00 a.m. to 6:00 p.m., Thursday, August 2, Friday, August 3, and Saturday, August 4, 2012 for the purpose of conducting the Gloucester Sidewalk Bazaar 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 20, 2012;
2. **There are no vendor set ups on the sidewalk blocking hydrants, crosswalks or handicap ramps; Vendor set ups are not to extend beyond the marked parking lines on the streets (The handicap access is at the crosswalk. This is where the curb cuts are.);**
3. **No vendor set ups in front of the police station other than the area designated by Lt. Aiello of the Gloucester Police Department;**
4. **All vendor set ups must allow for unobstructed drivable area along the entire Sidewalk Days route - slightly wider at the curve of Palazola's Sporting Goods to maintain adequate access for emergency vehicles. Failure to provide this unobstructed margin of drivable area may necessitate the removal or relocation of the vendor at the discretion of the Fire Department, the Police Department or the event agent of the DGA;**
5. **The organizers shall allow the Fire Department drive-through access with a fire engine once each day of the event, on or about 9:00 a.m., and one random drive through to be decided by the Fire Department;**
6. **No parking or unloading of goods of any vehicles on any of the above-mentioned streets after 8:50 a.m. until 5:00 p.m. on each of the days of the Gloucester Sidewalk Bazaar;**
7. **Signage showing the location of the comfort stations to be located throughout the event area.**
8. **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 in advance of the first day of the Sidewalk Bazaar;**
9. **Responsibility of the DGA: 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 the applicant to ensure that all required documentation is filed in a timely manner with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.**

Councilor Hardy commenting on the Twin Lights Half Marathon which took place on Saturday, May 12th and previously permitted this year by the Committee, that she had received some conflicting reports about how it went off as to the parking issues; whether or not their were attendants in the lot; how the traffic was jammed up between Gloucester and Rockport; and gridlocked roadways surrounding the Good Harbor Beach parking lot. She asked the Committee to request formally of the Mayor an after event report from the Fire, Police Departments and DPW.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed voted to request through the Mayor to ask that the Police, Fire and DPW Departments conduct a review of the Pursuit Racing LLC "Twin Light Half Marathon" which took place on Saturday, May 12, 2012, to be shared with the Council.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:25 p.m.

**Respectfully submitted,
Dana C. Jorgenson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Submitted by Attorney Catherine Schlichte: A) a letter dated May 16, 2012; B) five (5) 8" x 10" drawings of the renovation plans to 14 Pleasant Street; C) a print out (dated 5/11/12) Certificate Number 73446 of a Transfer Certificate of Title which includes a Gloucester Historic District Map with handwritten notes pointing out the Schlichte & Johnstone Building and the Carter Building; D) a letter from R. David Porper, Chairman of the Gloucester Historic District Commission dated May 14, 2012 stating that the Schlichte-Johnstone Building located at 14 Pleasant Street and the neighboring Carter property at 16 Pleasant Street are now and never were included in the Historic district boundaries; E) a photo of the #14 and #16 Pleasant Street buildings showing a date of 9.21.2004; F) a photo of the chimneys "taken May 14, 2012-C. Schlichte"; and G) a letter dated May 10, 2012 addressed to Ms. Patricia Johnstone from Peter Giordano expressing his professional opinion that these two chimneys have been rebuilt above the roof line within approximately 50 years.
- Submitted by Attorney Robert Wolfe: A) a letter dated May 16, 2012 from David H. Rhineland, Gloucester Historical Commission co-chair in opposition to the alterations and additions to 14 Pleasant Street with attached excerpts from "Antique Houses of Gloucester which includes photographs; and B) a letter dated April 27, 2012 by Andrew Spindler addressed to Richard Noonan, Chair of the Planning Board expressing opposition to the proposed construction at 14 Pleasant Street.
- Submitted by Karen McCann, Friends of Seacoast, a letter from Lyons Ambulance indicating they would cover the Seacoast Seven Road Race on July 21, 2012.