

## CITY COUNCIL STANDING COMMITTEE

**Planning & Development Committee**

Wednesday, December 5, 2012 – 7:00 p.m.

**1st Fl. Council Committee Room**

-Minutes-

**Present: Chair, Councilor Bruce Tobey; Vice Chair, Councilor Greg Verga; Councilor Jackie Hardy****Absent: None.****Also Present: Councilor LeBlanc; Councilor Cox; Councilor McGeary; Gregg Cademartori; Paul Keane; Fire Chief Eric Smith****The meeting was called to order at 7:00 p.m. There was a quorum of the City Council. Item #11 was taken up first; all others were taken in order.****1. SCP2012-010: Application of Beauport Gloucester LLC under Sec. 5.25 Hotel Overlay District; GZO Sec. 5.5.4 Lowlands; Sec. 5.7 Major Project (Cont'd from 10/17/12)**

**Councilor Tobey** stated Committee has been advised they have two reports for presentation this evening. Mr. Cademartori will speak to the BETA Group Peer Review, shared with Counsel for the applicant. The second is the 25% design phase report from AECOM as to the status of the review planning for reconstruction of the infrastructure of the Fort with cost estimates.

**Gregg Cademartori**, Acting Community Development Director explained he had forwarded BETA Group Peer Review Report dated November 14<sup>th</sup> to the Committee which has an attachment of their sub-consultant GZA Vine which has a specific review of the multiple permits filed, in particular on behalf of ConCom. They did hire one consultant group to review the various permits so there is consistency in the review on behalf of the City. The results of the preliminary review were presented to the Planning Board on November 15<sup>th</sup>. At this juncture there are a lot of questions to the applicant clarifying their application before rendering specific recommendations on the project. In the environmental review there is an establishment of what is compliant with the project. It is a large document of comments related how the project complies. In the review presented to the Planning Board, it was broken down to the various aspects of internal site issues; impacts that may extend to Commercial Street and the entire Fort area and the West End intersection and cross cutting issues for stormwater design which is both with the Planning Board's technical review, the City Council and ConCom purviews. The comments are some clarification the applicant will respond to over the next several weeks; and he expected coming back to the Planning Board with their technical consultant to hear their responses. **Councilor Tobey** confirmed with Mr. Cademartori that the report is available on the City's website: <http://www.gloucester.ma.gov/index.aspx?NID=287> (shows all submissions to date on the project) and also is placed in the P&D Agenda Packet on the City's website as Addendum A (AECOM Presentation noted as Addendum B). **Mr. Cademartori** further explained that BETA Group/GZA Vine began with assessment of the traffic analysis. Some of the concerns related internally to the Birdseye site; potential impacts to Commercial Street; and to potential modifications to the West End intersection. Internally to the site there are concerns as to general circulation and layout of parking. The biggest comment asks for clarification of usage; a number of uses are nested within the project beyond the hotel. There is a restaurant and function rooms and there is a question of whether there is adequacy of parking on the site. They also asked for investigation of the operation of analogous sites; if all these uses are occurring on the same site. As to impacts of amounts of traffic added in a no-build situation versus the proposed project, they've asked for more clarification on some of the traffic analysis. It is standard sound practice how traffic distribution was assigned to the uses, and also how it was modeled, but they are asking more detailed questions before rendering an opinion about the potential traffic impact. As to the modifications that were advanced for traffic flow, some improvements were suggested. BETA provided comment back on that; and asked for alternatives to what was proposed. As to utilities internal to the site as relates to utility design, their primary focus was on the infiltration area proposed behind a new seawall. They have asked for more clarification on capacity, potential proximity to the proposed seawall and potential interaction between the two.

**Councilor McGeary entered the meeting at 7:13 p.m.**

In the attachment of the environmental analysis further detail on the design on the seawall, its elevation and construction are the focus of the environmental review. From the stormwater perspective there was identification of how this project complies with stormwater standards. This is a redevelopment project, and they are starting with near 100 percent impervious area. Stormwater is shed in a variety of ways. In many instances they are collecting and treating stormwater that isn't currently treated. Clarification of the seawall design, drainage system and further

analysis on traffic and parking count are areas BETA Group focused on and needs more information before recommending anything to the City.

**Councilor Tobey** noted this information was shared with the applicant and their counsel. **John Cunningham**, attorney for Beauport Gloucester LLC stated they received the BETA Group report; and their various consultants are working it, and hope to come back with a comprehensive submission to BETA Group so it can be evaluated and continuing the process with the Planning Board for their technical review and for P&D's deliberations. **Councilor Tobey** also noted they are running up against a second deadline with the project's public hearing. **Councilor Hardy** commented the public hearing is on the December 11<sup>th</sup> Council. **Mr. Cunningham** discussed with **Councilors Hardy** and **Tobey** a date to continue the public hearing to. They are still looking on the timing and the schedules of the Planning Board and ConCom because both of those reports are needed for the Council's consideration.

**Councilor Hardy** expressed she anticipated that on January 22<sup>nd</sup> the Council would likely have to continue the public hearing again given the timeframes involved. **Councilor Tobey** agreed that the Council would not be ready by January 22<sup>nd</sup> to begin its deliberations; and **Councilor Hardy** suggested they were looking likely at March. She reminded the policy has been they ask the applicant to repost the notice of the public hearing in the newspaper so the public is fully aware of the continuations. **Mr. Cunningham** was not opposed to that and further said they're not in a position to express a date as they are awaiting their consultants' responses to the BETA Group inquiries and then the presentation to the Planning Board and ConCom.

**Councilor Tobey** reiterated this discussion is a springboard to the Committee's Saturday, December 15, 2012 site visit stepping off promptly at 8 a.m. from the second entrance to St. Peter's Square Parking Lot opposite the Fort Square Café, rain or shine.

**Paul Keane**, City Engineer stated AECOM is making a preliminary presentation on behalf of the City for the replacement of the public infrastructure (water, sewer and storm drain systems) in the Fort encompassing the existing conditions found in the Fort during the consultants' extensive survey and investigation; their preliminary thoughts on the replacement of those utilities and the preliminary cost estimates to do that work.

**Donald Chelton**, PE, Vice President AECOM stated they have collected field data since contracted for services by the City in September. He submitted to the Committee presentation copies of their already submitted documentation along with enlarged maps contained in the submitted documentation. **Mr. Chelton** explained since September AECOM concentrated their efforts collecting field data. They completed the topographic survey of the area; performed the first phase of the subsurface investigation program. They performed close circuit television inspections of the drain and sewer lines to assess conditions of them and to determine where the connections are to tie existing systems in to the new system. AECOM hired a specialty firm to help them locate the underground facilities. Because there area number of utilities in the roadway and the road is so tight, it has given them a better idea of where things exist today. They have prepared a 25 percent design. There is still 75 percent design that needs to be done, but they can place a preliminary estimate of the work.

**Review of Existing Conditions:** He showed an aerial view of the Fort Area (on file) and pointed out the major landmarks of Tally's Corner, Commercial Street; the Fort area; Beach Court and Pascucci Court. The project starts just south of Tally's Corner. The road and utility improvements start just south of that. A second aerial view was marked to show existing utilities (on file) from Tally's Corner to Commercial Street to the intersection with Beach Court. A red line signifies sanitary sewer. There is an existing 30-inch interceptor from Tally's Corner to the intersection with Beach Court and into Beach Court about half its way, a main trunk line that picks up flow from a large part of Gloucester and conveys it to the Wastewater Treatment Plant. There is an 8-inch stub on Beach Court. There is a 10-inch water line extending down to Tally's Corner to the intersection with Beach Court; and there is a 6-inch water line on Beach Court. There is miscellaneous drainage at the intersection of Beach Court and Commercial Street that runs through St. Peter's Square. Down Commercial Street is an 8-inch sewer that collects flows from the various industries and runs back towards the intersection of Beach and Commercial and discharges into the interceptor sewer. There is an 8-inch water line that runs down Commercial Street to Fort Square and various sections of drainage. A third aerial view (on file) as they continue down Commercial Street and intersection of Fort Square, the 8-inch sewer continues from just past the second intersection of Fort Square. The sewer discharge flows towards the interceptor sewer on Commercial Street. **Councilor Tobey** inquired if all of the line that runs from that point past second entrance to Fort Square servicing Cape Pond Ice, the Parisi Building and further out are private laterals. **Mr. Chelton** stated that is all municipal sewer This 8-inch line picks up the end of Commercial Street as well as the turn around which is undeveloped and discharges into an existing a pump station at the end of the road. This flow then is pumped back to the interceptor sewer. Also there is an existing 6-inch water line at the tail end of the street. It is a 6-inch water line all the way around the Fort; and there is an 8-inch sewer line that splits at the high point and loops to the first intersection of Fort Square. There is drainage that runs around the corner from Commercial Street down to Fort Square. The plan is to maintain the existing pipeline and replace that

which is within the roadway. The roads, with exception of Commercial Street, are in average condition; Commercial Street is in poor condition. The thickness of the pavement is substandard throughout. Some pavement was only 1.5 inches thick. As part of their subsurface investigation program they did a preliminary assessment of the oil and hazardous materials and found there are levels of contamination that exceed guidelines for unrestricted use; meaning as part of the excavation process if the material can't be reused in the trench it may have to be taken off site to a secure facility which adds cost; and they have included it as part of their preliminary estimate. They don't have that fully determined as to the extent yet, but said it was not a surprise they found it. This is old fill and expected to see remnants of PAH's, coal and oil. They researched DEP files, and over the years there have been some petroleum releases in the soil and ground water, also not a surprise. When they did work for the City on the outfall project at the Boulevard, it had similar conditions. DEP has remediation steps they have to take for that process.

Proposed Improvements:

Starting from Tally's Corner to Commercial Street to its intersection with Beach Court they will replace the water line with 12-inch water line. The City's consultant is engaged to prepare a model of the hydraulic water system to analyze this area in sizing the pipe in order to provide current fire flows in the area. They recommended, and AECOM concurs, the pipe should increase from 10- to 12-inch. Existing 30-inch interceptor sanitary sewer is not planned on being upgraded or replaced. It is not in the original scope, and so have not done an assessment of its condition. They are in discussion with the City to take a TV look at it to be included as part of the project. A pipe like that, if it needed repair, the first course they would pursue would be an in-situ line repair. It is about 80 years old according to **Mr. Keane**, made of clay and concrete. They have recommended, and working with the DPW, to issue a change order to have AECOM do a TV inspection of the line. Because it is such a large pipe and needs heavy cleaning, it is a different contractor for that work. He agreed with **Councilor Tobey** it was important to do it. **Mr. Chelton** continued saying as they go down Commercial Street this is the biggest change in the utilities. The 8-inch sewer that discharges into the interceptor sewer; the way it is designed is to marry into the 30-inch interceptor where they match bottoms of the pipe. It doesn't meet the current design standards. The tops of the pipes need to meet the crowns so the smaller pipe can have a free discharge into the larger pipe. When a smaller pipe discharges into a larger pipe, the smaller pipe always has some backup flow into it. The City's consultant on the CSO program forwarded data to them downstream from that point and looked at 3-year flow records, and found there were several times that the pipe ran full. In addition the interceptor sewer line is a combined sewer line. When it rains it runs under pressure conditions. When they are backing up the flow by that much, they run the risk of backing up into basements, with water seeking its own level. It could have backups out of manholes. It hasn't been a high maintenance issue. Their recommendation, and the City agrees, is to take the flow and reverse it they build a new pipe. It is likely that the pump station would have to be upgraded as well. It makes sense to make the flow to run back to the pump station at the end of Commercial Street and have positive introduction into the interceptor. The proposal is to build a new 10-inch sewer and run to the end of Commercial Street to Cape Pond Ice and the pump station site. The water main will increase from 8- to 12-inches, and the first intersection with Fort Square and Commercial Street. The drainage system will be upgraded and look similar. The road has no shape now and by reshaping it will provide some additional drainage. **Councilor Verga** noted the main sewer line is a combined line. He asked if they are going to separate that out. **Mr. Keane** responded there will be no drainage into the interceptor when this is done. They will cut off the storm drain going there. They have outlets through St. Peter's Parking lot. If they do, they will cut it off. **Mr. Chelton** stated the system behind it is combined. At the intersection of Commercial Street and the first intersection with Fort Square they will run a new 10- inch sanitary sewer. The water main will increase to 8-inches. It will give better water pressure to residences, businesses and for fire use. The sewer around Fort Square will be replaced with new pipe. The camera showed the pipe was in okay shape but not very deep, six to seven feet. Their opinion is it is better served with a new pipe.

Pump Station: **Councilor Hardy** asked they have the keys to the pump station for their site visit. **Mr. Chelton** explained a new site has not been defined. There are two sites being looked at – at the end of Commercial Street where the existing land the City owns to build a new pump station; they are using that site in their calculations, 91 Commercial Street. The existing station would be decommissioned. It is about 60-70 year old range. It is in poor condition. The new facility will be a submersible station with a generator to continue pumping through a power outage. At this point this is a potentially contaminated site, but no detailed studies have been done to confirm this. Investigations need to be done; and they are in discussions with the DPW. **Councilor Hardy** expressed concern about Chapter 91 issues regarding this site and placement of a pump station. **Councilor Tobey** stated it was an allowable use in the DPA, but asked were there any permitting considerations because of a Chapter 91 potential status of that piece of land. He assumed where there is a replacement of an existing facility with another on an adjacent site it should be allowable. They will have to figure that out. **Mr. Chelton** confirmed the other candidate

site is at 79 Commercial Street. The property line extends out, widens the road a bit. It is currently used as a parking lot by businesses in the area. The City owns it. They have a proposal into the City. Noting the pump station was not part of the original scope of work; their proposal is to evaluate those two sites to see which site would be better for the pump station.

**Road Improvements:** **Kathleen Schaeffer**, PE stated starting at Tally's Corner they will maintain the existing roadway for that section of Commercial Street, about 35 feet, and coming east onto Commercial Street will be 24 ft wide curb-to-curb with sidewalks on both sides; and new sidewalks in that section. At the first intersection with Fort Square counterclockwise around Fort Square they propose to maintain the existing width. Along Commercial Street the pavement will be 6.5 inch thick bituminous over gravel; and Fort Square will be 4 inches thick bituminous over gravel. The continuation of Commercial Street to the east is - inches thick bituminous over gravel and maintaining existing roadway width. And then widens up near Cape Pond Ice. For Pascucci Court and Beach Court is 4 inches thick bituminous over gravel and maintaining existing width. Councilor Tobey asked as to the status of Pascucci Court-was it a private way and did challenges did that present, if any. **Ms. Schaeffer** confirmed it is a private way. They are replacing a water line and are why they are proposing repaving curb to curb; it is only 1.5 inches thick, and will be torn up by the installation, and also for Beach Court. **Councilor Tobey** noted the reconstruction on the straightaway is a 24 ft. width; and did it come with any challenges. **Ms. Schaeffer** explained the right of way is 33 ft. wide. That leaves a 5 ft. walkway on the north side and a 4 ft. walkway on the south side. In order to maintain a 33 ft. wide accessible route on both sides some of the utility poles will have to be relocated. If the hotel goes in, they are proposing an 8 ft. sidewalk there, so some of the sidewalk will have to be on their property. It does improve the accessibility concern in that area. There are no structures in the way, just the poles. **Councilor Hardy** asked was there plans to place additional catch basins in that area as she understood there is standing water there. **Ms. Schaeffer** responded they will put in catch basins on both sides of the road (currently only one on one side of the roadway). They plan is to put in about six or eight from Beach Court to the first intersection of Commercial Street. **Mr. Chelton** noted the road doesn't have any grade to it which causes some of the water sheeting; and the elevation of Commercial Street are fairly low. During high tide cycles, even with the largest pipe given the elevation, it will back the water up. By re-grading the street it will also assist in alleviating the standing water. Sidewalks on Commercial Street will be concrete with granite curbing. Interim temporary conditions it would be bituminous curbing and sidewalk until the final construction of the proposed hotel, should it be built, takes place. **Councilor Hardy** asked how many existing hydrants are on that stretch and were there plans to increase the number of hydrants. **Doug Gove**, PE stated there will be hydrants about every 300 to 500 feet. They haven't gotten to that level of detail yet. **Mr. Chelton** estimated it would be about 9 or 10. The Committee asked they know that kind of data for their site visit.

**Councilor Tobey** asked how many linear feet of sewer main and water line they propose to build. He would like an analysis of how much of the construction in terms of linear feet of sewer and water line to what extent the Birdseye parcel is driving the infrastructure work; and what is the denominator in the total number of feet—their share? **Mr. Chelton** responded by pointing out the Birdseye property on the aerial photograph - Fort Square where the Birdseye property abuts. They also estimate the pump station is going to cost around \$600,000. **Councilor Tobey** asked what kind of allocation to this project they would put on the pump station for the overall project and for that part which would be borne by the developed Birdseye property. **Mr. Chelton** stated they would take the projected flow from the proposed hotel as a percentage of the overall flow. **Councilor Verga** added that in other words, they are seeking how much of the project being upsized to make way for a hotel versus an infrastructure project with a no-build situation. Councilor Tobey agreed with the Councilor's assessment and wanted to see the correlation. **Mr. Chelton** noted the Scope of Improvements (in the documentation on file) they used that information to their opinion of cost. **Councilor Tobey** asked if the Administration remains committed to this project going forward; up to now it has been a "go." He wanted someone from the Administration to join them on their Site Visit who can speak to that question. **Mr. Keane** stated his instructions are to get the project designed. He will ask if they plan on going forward. He added that he and Mr. Cademartori met with Fire Chief Smith about 8 weeks ago on the fire hydrants and sizing the water mains. They are taking the public safety concerns to heart. **Mr. Chelton** noted in order to rebuild the utilities there will have to be multiple passes of construction. They will have to put in a temporary water line. Once that is completed the next one would be sanitary sewer; then they go back and put in the new water line, then put in the drainage in; then rebuild the road; a sequential method of improvements to bring the project to completion.

#### 25 Percent Design Preliminary Opinion of Cost:

Utility Improvements: \$4,275,000; Road improvements \$1,525,000 for a subtotal of \$5,800,000. Factoring in for engineering and contingencies during construction for conditions encountered not anticipated would be \$1,450,000. Based on an escalation factor at 2.5% per year, the first phase is the utilities and the base course of the road

commencing in June 2013. That work will take 12-18 months. They need to escalate the prices; therefore, and the second round of improvements which is the final pavement, granite curbing and concrete sidewalks is to be placed after the proposed hotel is built, if approved, in spring 2016 which totals \$250,000 and brings the overall project total to \$7,500,000.

Questions by the Committee:

**Councilor Hardy** asked about the above ground water and sewer lines. **Mr. Chelton** stated it will be a temporary water line. Generally water lines are above ground and dip down under driveways. Given the nature of the neighborhood; there are numerous loading docks, and so they will bury the water lines about 2 feet below the ground. The pipe they will use will be able to withstand the pressure of fully loaded of trucks. **Councilor Tobey** asked what consideration is given to the traffic challenges in the Fort given the heavy industrial character. **Mr. Chelton** stated they gave it much thought and have beginnings of a plan for that. There is heavy truck traffic daily. They've conducted an inventory of the businesses. There are some periods in the night with no truck traffic. The plan is to do at least Commercial Street as nighttime construction and start at 8 p.m. and conclude at 5 a.m. There may be times a truck may not get through; it is heavy construction and the road may have to be closed off. **Councilor Hardy** stated what if that is unacceptable. **Mr. Chelton** stated they cannot fit some of the equipment on the road at the same time. They have already contacted the Fire Chief and with dead end road, they would park during construction and have a fire and rescue truck at the back side of the construction; they will make provisions for plates for road closure. **Councilor Tobey** stated construction project paid for the fire protection. He was concerned on the commercial traffic is least during the night, and that is when they would be digging. If they shifted during the day they would interfere with commercial traffic. **Mr. Chelton** stated some indications there is period of time there is no truck traffic. The window is not a 10 hour window. The amount of traffic after 8 p.m. is small. **Councilor Hardy** disagreed, saying they need data. **Mr. Chelton** stated this is what they got so far from owners from a questionnaire they sent out. **Councilor Hardy** stated there had to be access 24/7 in the Fort. There has to be more communication. **Mr. Gove** stated they have a window between 7 p.m. and midnight with no shipments travelling the Fort streets and midnight and 4 a.m. the only company indicated shipping issues which was Mortillaro Lobster; and they would have to have discussions with them. They have most of the responses back for four businesses. **Councilor Verga** stated they need 100 percent response of all businesses to be sure. **Mr. Chelton** noted they have 75 percent design to go. **Councilor Tobey** asked if these folks refuse to tell them they would still go forward. **Mr. Chelton** stated that is up to the City. **Councilor Tobey** didn't want people to think they could kill a project because they chose not to talk to the consultants. This area is a zoned industrial. It needs to be rebuilt. **Mr. Chelton** agreed they do need to rebuild this infrastructure. **Mr. Keane** noted he has gone personally door-to-door twice and still is trying to get information from businesses and residents. He will continue that effort right after the holidays. **Councilor McGeary** asked about rebuilding Commercial Street, and if they allowed construction of a bypass road, how would it impact the infrastructure project. **Mr. Chelton** stated it would help tremendously. But there would still be problems at the back of the Birdseye property and to the end of Commercial Street. They may be able to accommodate traffic during construction where there is some room on sides of the roads they may be able to stream traffic. **Councilor Cox** expressed concern with June 2013 start date. They were told it would not affect Fiesta. **Mr. Chelton** stated the schedule is for the contract would be awarded in June and would not break ground until after that. **Councilor Cox** stated from her experience, businesses can't rearrange air traffic schedules and some of them rely on getting trucks on the airport early in the morning. Trucks have to leave for the airports by 4 a.m. to 5 a.m. She offered to assist to help the consultants in getting the missing questionnaires from businesses. **Mr. Chelton** stated if they limit the construction hours it extends the construction end date.

Site Visit:

**Mr. Keane** asked what the Committee's anticipates for the site visit as to what they want to look at and be prepared to address. **Councilor Tobey** stated they would walk to the neighborhood and the back side of Commercial Street and is about water and sewer on the street. They asked that they be marked off on the street. **Mr. Keane** stated the new proposals are not marked on the ground. **Mr. Chelton** stated they can do that visually. The final location may move at only 25 percent. Final locations are substantive to the design list. They can explain simply as it is a straight shot where they are planning on utilities to go. **Mr. Cademartori** noted when this site visit was initially discussed, when the DPW Director, Mike Hale was present at a previous P&D meeting, that where the utility design was, it was their anticipation to review the Beauport project and asked whether the applicant would present their portion of it at the time of the Site Visit. If that were the case, they would arrange to have BETA Group attend. **Councilor Tobey** stated that would be a second site visit. **Councilor Hardy** would also like the sites of the proposed hydrants to be documented and pointed out. **Councilor Tobey** stated this is the Committee's site review, and there will be a structure to it, although it is open to the public to witness. **Mr. Chelton** mentioned that the preliminary costs do not

include remediation of the site for 91 Commercial Street for the proposed pump station. **Councilor Hardy** also for a lot plan of who owns the properties they walk by during the site visit of the Fort.

**This matter is continued to December 19, 2012.**

**2. CC2012-045 (Tobey/Hardy) Review of outdoor portable toilets & consideration of new regulations or new Ordinance (Cont'd from 10/03/12)**

**Councilor Tobey** proposed this matter be retired with Councilor Hardy's assent. They would reintroduce the Council Order should the need arise.

**The Council Order was voted unanimously by the P&D Committee to be withdrawn and the matter considered closed.**

**3. CC2012-046 (Hardy) Review of outdoor dumpsters & consideration of new regulations or new ordinance (Cont'd from 10/03/12)**

**Councilor Hardy** expressed she would continue to explore this issue informally and reintroduce this matter to the Council as a new order when and if appropriate.

**The Council Order voted unanimously by the P&D Committee to be withdrawn and the matter considered closed.**

**4. CC2012-049(Tobey/Verga) Council review of matter of self-storage service facilities and determine whether they should be restricted or regulated by City ordinance or Zoning Ordinance (Cont'd from 09/05/12)**

**Mr. Cademartori** submitted to the Committee draft language for a zoning ordinance amendment after having draft and examined a copy of an ordinance from Billerica that used a size criterion and suggested that may not be the best approach given they already have the use in the City on a variety of sizes of property. The Committee would review the draft language and make their recommendation at their next meeting.

**This matter is continued to December 19, 2012.**

**5. Consideration of a non-binding referendum question on the disposition of the Fuller School**

**Councilor Verga** said the non-binding ballot question he proposes is a choice of three options which he confirmed with the City Clerk is allowable. It has to be on a municipal ballot; and the next election is November 2013, unless they want to do a special election. A referendum on the Fuller School is something that needs to be done. There was a lot of movement not long ago with the Council being taken by surprise, and the public taken by even more surprise. It is time for the public to weigh in on the matter, and make their opinion known. **Councilor Hardy** asked what would stop the Administration from proceeding with their plans on this pending putting this on a ballot. **Councilor Tobey** explained it is not up to the Administration because the School Committee has yet to make the Fuller School surplus. He said the underlying issue is the way they're allowing the building to fall apart amounts to criminal neglect, creating a self-fulfilling prophecy - that the building can never be made fit for school purposes again; and just to be sure, they'll let it fall apart so it won't be suitable for school purposes again. He understood the cost considerations undertaken when they closed it as a school and lost grandfathered protection for existing ADA standards. He said he remained unconvinced the educational role for that building has passed. He expressed he was "very troubled" that it was being left to sit and deteriorate. **Councilor Hardy** asked what they can do as a Committee to send message to the Administration they would like the building to at least be maintained. **Councilor Verga** stated the last time they took up this matter, it was "beaten to death" as to whether the question was vague. Then the Administration went with a vague leading survey. This sends it up to the Council to give consideration to three options that have been discussed. He urged they let the public weigh in and have their say. **Councilor Hardy** agreed saying it is one person, one vote as opposed to doing it by computer where anyone could sign on to any number of computers and respond to a survey. She inquired as to how much it would cost for a City-wide special election for a non-binding ballot questions also. **Councilor McGeary** asked if there could be a provision for a write in option, D "Other". **Councilor Verga** suggested it would muddy the waters and open to interpretation. **Councilor**

**Hardy** stated that would open it up for interpretation. **Councilor Verga** expressed, in consultation with Councilor Hardy that the non-binding ballot question would go on the next municipal ballot but if there was a special election, it would need an amendment to their motion to have it appear on that ballot.

**MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the Council that there be a non-binding ballot question for the 2013 election ballot regarding the future of Fuller School as follows:**

**“What is your preferred use for the Fuller School site? All options offer potential additional use of site for municipal Safety (Police/Fire) Building”**

- A. Relocate municipal offices to an ‘under one roof’ complex**
- B. Renewed use as a Public School**
- C. Lease and/or sell property”**

**6. *PP2012-003: Application by National Grid for the installation of underground electric conduits located substantially at Atlantic Road #149 – Public Hearing***

**This public hearing is opened.**

**Those speaking in favor:**

**Joel Glynn**, representing National Grid, 44 River Street, Beverly stated they seek permission to install 850 feet of conduit in a public way and two heavy duty hand holes. **Ralph DiGiorgio**, owner of Atlantic Road #149, and partner in DiGiorgio & Messina Construction Company Inc. who will be doing the installation, will trench down Atlantic Road, install the conduit and NG installs the wire and transformer on the property. **Mr. Glynn** showed pictures of the site taken today (not submitted at the meeting for the record) which showed the pad mounted transformer existing there and proceeding down the road. Each photograph represents where the conduit will go. **Mr. DiGiorgio** stated they plan to put the conduit trench adjacent to the right of way on the shoulder. They will not be disrupting the existing roadway. The shoulder is part of the City property, and it is not asphalt. It is where the asphalt stops. **Mr. Glynn** noted the conduit enters into the public way at 129 Atlantic Road.

**Dana Jorgenson**, Clerk of Committees informed the Committee that the abutters to Atlantic Road #149 were notified of the opening of the public hearing on November 7<sup>th</sup> officially by U.S. Mail at least 10 days in advance of that date, as well as having a legal notice published in a locally circulated newspaper in advance of the opening of the public hearing on November 7<sup>th</sup> as well (copies on file).

**Those speaking in opposition: None.**

**Communications: None.**

**Questions:**

**Councilor Hardy** asked what the timeframe is as there is a prohibition to paving and opening of the roadway during winter months. **Mr. DiGiorgio** stated they do not plan to enter the roadway and hope not to hit ledge. It is an 800 ft. run for the conduit. They do not want to crack the ledge. They do not have to go down as deep as a water main. **Councilor Hardy** noted in Mr. Hale’s memo to the Committee (on file) dated November 30th, Condition #2 says, “Proposed excavation may only occur during accepted road opening and construction season, 15 March – 15 November. No winter construction shall be permitted.” She said she would look for further clarification from Mr. Hale on that aspect. She suggested they continue the public hearing to December 19<sup>th</sup> and ask Mr. Hale to be present. **Councilor Tobey** stated the applicant’s work is not within the layout of the roadway but that was the assumption made on their part and by Mr. Hale in their review of the application. **Councilor Verga** stated they need something from Mr. Hale in writing to make sure it is all right for them to dig in the dirt aside of the roadway, and a written contingency should they hit ledge what they would be required to do. **Councilor LeBlanc** knew there was some contention with people parking on the shoulder on Atlantic Road. People claim the shoulder as part of their property there also, although it appears that it is City property. He asked Mr. DiGiorgio had they spoken to abutters about the digging up of the shoulder of the road. **Mr. DiGiorgio** stated they would notify them a week prior to construction so they understand what is going to take place. No single homeowner should be disrupted. They never leave the trench open.

**This public hearing is continued this matter to December 19, 2012.**

**7. *Petition for road repairs in accordance with GCO Article IV “Repair of Private Ways” Sec. 21-83 and Sec. 21-84 re: Norseman Avenue Extension***

**Councilor Tobey** stated there is a communication from the DPW Director of a cost estimate and one from the City Auditor, Kenny Costa that there is no money available at this time in the DPW paving accounts. **Councilor Hardy** said that Mr. Hale indicated via telephone that this wouldn't be done immediately; and he would be looking to transfer money into the Highway Force Account in the spring to proceed; and by then there will be sufficient monies. She pointed out all of the statutory procedures has been adhered to by the residents of the street, and she was looking for approval. The money has to be there to do the work. She said this matter had come to her quite some time ago but because there were so many other streets they were looking to accommodate it took a back seat. Mr. Hale has worked with the property owners, and Linda Lowe, City Clerk has worked with them also and has been a great asset in helping the residents through the process.

**MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council under Sec. 21-83 of the Gloucester Code of Ordinances that the City is to repair/repave the private section of Norseman Avenue Extension. The abutters agree to provide all easements, rights of way, designs, permits and legal certifications necessary for said improvements. The cost resulting from said improvements to be carried out is described in Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is understood to be on or about and not to exceed \$22,060.00.**

There was a discussion regarding double poles in the City amongst the Committee and Councilors present. A list had been submitted to the Committee from the City's electrician, Charlie Mahoney (on file) and what can be done to get National Grid to remove the hundreds of double poles in the City now. It is an ongoing situation that they agreed is long past needing remedying.

**8. *Petition for road repairs in accordance with GCO Article IV "Repair of Private Ways" Sec. 21-83 and Sec. 21-84 re: High Popples Road, Jacques Lane and Mayflower Lane***

**Councilor McGeary** stated the abutters have voted for this; they have petitioned for it; they have a rough estimate from the DPW Director; but he has to under the ordinance provide a recommendation and a firm estimate of cost. They are still waiting for him to forward that information. He would follow up on it and asked they continue this matter. They are waiting on the Administration. **Councilor Hardy** asked for a cost breakdown by street, not just one overall total. She also pointed out that Jacques Lane is pronounced with a silent "s".

**This matter is continued to December 19, 2012.**

**Councilor Tobey stepped away at 9:00 p.m. and returned to the table at 9:03 p.m.**

**9. *Petition for road repairs in accordance with GCO Article IV "Repair of Private Ways" Sec. 21-83 and Sec. 21-84 re: Stewart Avenue***

**Attorney Joel Favazza** representing Maria Powers TTE, owner of 20R Edgemoor Road expressed concern that on paper Stewart Avenue extends past her property which she has frontage on it. In reality there is no pavement there; and it is a paper road. Should this be repaved and any of the costs shared with the residents on the street, she wants to make sure she is not hit with costs for improvement to this road as this road does not actually come up to her property. After an examination of a lot layout of the area submitted by Mr. Favazza (placed on file) and an aerial photograph (placed on file) of the area, it appeared to the Committee that this was a paper road. **Councilor Verga** asked if Ms. Powers were part of the abutters who voted. **Councilor McGeary** stated she was notified properly of the meeting; she did not attend it. He had asked for clarification from the City Solicitor who informed him Ms. Powers is "on the hook" as she abuts the road called Stewart Avenue. **Mr. Favazza** stated it is his client's position she should share in the cost. There is no pavement near her property. The new paving will go near her property. She accesses her property through Edgemoor Road which is her legal address. There was also a discussion on the frontage of the property in question with **Mr. Favazza** reiterating there is no access from Stewart Avenue to Ms. Powers' home. The back of the property is all brush and does not abut a paved area. **Councilor Tobey** expressed he could understand if it was laid out as a public road, but it is not. It is a paper road. They are to understand that the law requires she be on the hook. **Councilor McGeary** reiterated the City Solicitor informed him of that fact. She is an abutter to the street called Stewart Avenue and is responsible for her share of the repairs to the street called



Stewart Avenue under these circumstances. **Councilor Tobey** asked Mr. Favazza to meet with the City Solicitor. The Committee asked for a written opinion from the City Solicitor on this matter. **Councilor Hardy** said she wanted it defined as to who owns Stewart Avenue who the owner of Stewart Avenue is; is it a group of easements or is it a private way that no one is paying taxes on. **Councilor McGeary** stated it can be owned to the center line or be by easement. **Councilor Hardy** stated if it is a group of easements then the City can do nothing. **Councilor Tobey** asked for an opinion from General Counsel as to who owns the street. **Councilor Verga** pointed out there are 11 properties affected that abut Stewart Avenue in one way or another. Ms. Powers's access is out onto Edgemoor Road. This is like giving sewer betterment up to the neighbor's property, and you're being made to pay for the betterment even though the sewer didn't reach your property. **Councilor Tobey** asked who owns this proposal as he wanted to see them before the Committee to tell them what the properties are and their point of view. **Councilor McGeary** stated it was a vote of 6-0 in favor (abutters meeting minutes on file). **Councilor Tobey** stated they need to know what the deeded rights are of Ms. Powers' property also. **Councilor Hardy** stated the Stewart Avenue paving would better her property if it goes that far. If not, this needs a closer examination by the Committee.

**This matter is continued to December 19, 2012.**

**10. Gloucester Hazard Mitigation Plan and Resolution for City Council approval and adoption**

**Mr. Cademartori** stated this resolution is a prerequisite requirement to be eligible for grant rounds for a project pending with FEMA for funding. The presentation on the grant was made to the Council in June. FEMA said they are ready to consider the application but need the resolution adopted to proceed. Carol McMahon, Assistant to the EMD Director/Fire Chief was involved in the development in the plan and responsible for the application (and was present). **Councilor Tobey** commended all those involved for moving this grant process forward.

**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 ADOPT the following RESOLUTION for the City Of Gloucester's Hazard Mitigation Plan:**

**WHEREAS:** the City of Gloucester, Massachusetts established a committee to prepare the Hazard Mitigation plan; and

**WHEREAS:** the Gloucester Hazard Mitigation Plan contains several potential future projects to mitigate Potential impacts from natural hazards in the City of Gloucester; and

**WHEREAS:** a duly-noticed public meeting was held by the Gloucester City Council on June 22, 2010; and

**WHEREAS:** the City of Gloucester authorizes responsible departments and/or agencies to execute their responsibilities demonstrated in the plan.

**NOW, THEREFORE**

**BE IT RESOLVED:** That the Gloucester City Council adopts the Hazard Mitigation Plan in accordance with MGL c. 40, §4 or the Charter and Ordinances of the City of Gloucester.

**11. Letter from Antonio Procaccini, Mary Procaccini and Angela Procaccini re: Amendment to Open-Air Parking Permit located at 2 Long Beach Road**

**Angela Procaccini** stated that her family plans continuing the operation of the parking lot at 2 Long Beach Road, now in their 43<sup>rd</sup> year. They would like to continue the family tradition by adding herself as trustee. Currently her parents are Antonio and Mary Procaccini the trustees. She submitted a packet of information which included her letter to the Council; a second amendment to the Trust Agreement; the 2/14/12 City Council minutes related to the public hearing on the license, and minutes of the City Council 01/10/09 public hearing on same (placed on file). **Councilor Hardy** stated Ms. Procaccini has been helpful all along and had no problem making a motion. She supports this change and hoped the Councilors would support it also. **Councilor Verga** stated this is on the current license and Ms. Procaccini's name will be added when they come before the Council upon the expiration of the current license for its renewal. **Councilors Tobey** and **Hardy** agreed there was no need to go to public hearing for amending the license.

**MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND the Open Air Parking Lot License for 2 Long Beach Road to include the name of Angela (Angelina) Procaccini, Trustee.**

**12. Memorandum from Inspector of Buildings to City Clerk re: SCP2012-012: Kondelin Road #16 and SCP2010-013: Rogers Street #127**

**The committee accepted the memo of the Inspector of Buildings for its file.**

**A motion was made, seconded and voted unanimously to adjourn the meeting at 9:20.m.**

Respectfully submitted,

Dana C. Jorgenson  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- Document packet provided by Angela Procaccini re: Amendment to Open-Air Parking Permit located at 2 Long Beach Road
- Lot map and aerial photograph in the area of 20R Edgemoor Road provided by Attorney Joel Favazza