

CITY COUNCIL STANDING COMMITTEES
**Special Joint Planning & Development Committee
And Planning Board Meeting
Thursday, January 31, 2013 – 7:00 p.m.
Kyrouz Auditorium – City Hall
-MINUTES-**

Planning & Development Committee:

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

Other Councilors Present: Councilor LeBlanc; Councilor Theken; Councilor Ciolino; Councilor Cox

Planning Board:

Present: Chair, Richard Noonan; Vice Chair, Mary Black; Marvin Kushner; Karen Gallagher; Linda Charpentier

Absent: Joseph Orlando; Henry McCarl

Also Present: Gregg Cademartori, Paul Keane

Chair of the Planning Board Richard Noonan called the meeting of the Planning Board to order at 7:05 p.m. pursuant to GZO Sections 5.7.5 Major Projects Special Permit Criteria, 5.8 Site Plan Review, 5.25 HOD to review a Special Council Permit under the provisions of the major project and site plan review submitted by Beauport Gloucester, LLC for a hotel development at 41-67 Commercial Street, Assessor's Map 1, Lot 33.

Chair of the P&D Committee, Councilor Bruce Tobey called the P&D Committee meeting to order at 7:06 p.m. He announced there was a quorum of the City Council.

1. **SCP2012-010: Application of Beauport LLC under Sec. 5.25 Hotel Overlay District; GZO Sec. 5.5.4 Lowlands, Sec. 5.7 Major Project; also under Sections 5.7.5 Major Projects Special Permit Criteria, 5.8 Site Plan Review**

Gregg Cademartori, Acting Community Development Director said that his office received a report dated January 28, 2013 from BETA Group (BETA), the City's contracted third party reviewer hired to do a comprehensive review of the Beauport Gloucester hotel plans for the Planning Board, Conservation Commission (ConCom) and the City Council. This is the second peer report by BETA based on the second iteration of the plans submitted by Beauport in December and further submissions in early January of the hotel plan set.

Kenneth Petraglia, P.E., PTOE, Project Manager and Vice President of BETA Group and Bill McGrath, PE, Associate hired by the City to conduct a professional peer review on the proposed hotel project. Vine Associates acted as a sub-consultant to BETA to lend their expertise on the proposed seawall and coastal issues. On November 14, 2012 BETA submitted their preliminary comments to the City related to traffic, site, landscape design as well as environmental/stormwater components and Notice of Intent. The proponent responded to BETA's initial letter on December 21, 2012. He said in general Beauport's response has been favorable. He added that there are some issues BETA has which they wish to highlight for the Board and Committee:

Traffic Issues: The construction of the project will not significantly impact the West End intersection, but the intersection does need to be dealt with in some way, **Mr. Petraglia** said. He added that it is a very confusing intersection with a lot of conflicts - vehicle to vehicle, vehicle to pedestrian and traffic comes from many different directions. He said in light of new vehicles and pedestrians coming to the hotel, the situation at this intersection will only get worse. Additionally, making the situation even more difficult is the parking, in particular, from commercial vehicles that takes place within the intersection, he pointed out with these vehicles not only reduces capacity but sight distance is also impaired which becomes a safety hazard. He asked to bear in mind that Commercial Street in the area of the project is an unloading and loading area for commercial vehicles which also presents a negative impact for vehicles and pedestrians in the Fort. **Mr. Petraglia** said BETA recommended that the City consider enforcing the existing traffic laws and parking regulations. He noted that BETA also recommends the City do a comprehensive study of the West End intersection.

Bill McGrath said that BETA also reviewed the site layout, parking layout, circulation, emergency access, lighting, and pedestrian access. BETA's first round of comments was in November which he said most of those comments were addressed adequately by the applicant in terms of the garage layout. Several key issues from the site that still remain.

Emergency access: The ability of emergency vehicles, particularly the Fire Department's larger vehicles to access the site, circulate through the parking lot to be able to stage and to fight a fire is still an issue, Mr. McGrath noted. He said BETA has had some discussions with Fire Chief Eric Smith in that regard, and this is an issue that still needs to be worked through.

Birdseye Building Demolition: **Mr. McGrath** said with the coordination of the demolition of greatest importance is ensuring the demolition is done safely with the narrow streets involved and abutting buildings. He noted that the back of the Birdseye building acts as a seawall now. The demolition of the building along with the construction of the proposed seawall it is "critical" that the Fort is protected during construction and during demolition, he said. There are still coordination issues for the construction and the impact of the beach at the foot of the [sea] wall ensuring that it is stable. Pedestrian access, landscape and lighting have been well addressed to date, he added.

Planning Board Questions/Comments:

Marvin Kushner, Planning Board said this is a difficult project due to the size and location of it. He noted it is very important to make it as smooth of a transition as possible.

Mary Black asked about the dedicated fire lane and the applicant's response, on pg. 21, Item CS18 and BETA 2 "Item to be resolved by Fire Chief" of the BETA report dated January 28, 2013. **Mr. Petraglia** responded that emergency access to the building has to be through the parking lot adjacent to the building. In meeting with the Fire Chief, he said, the primary concern is that it is a "tight" site and the ability of the larger vehicles to get into the parking lot and circulate through it. In the parking lot, cars may not be parked exactly in the spaces. BETA has determined that there is a need for more space – wider aisles. BETA and the Fire Chief had discussed initially a dedicated fire lane. It may not be necessary to be required, he said, according to the Fire Chief, as long as there is adequate width in the drive aisles of the parking lot to get in. The response will be resolved by the Fire Chief which means continued coordination to have the Chief comfortable with the site that he can get his equipment into the site in an emergency, he said, which has been discussed with the developer as well. He said he hoped there would be some revisions to the width of the travel aisles in the parking layout. **Ms. Black** asked if there were any specific suggestions made, or was BETA waiting for a response. **Mr. Petraglia** said BETA was awaiting a response, but there are some specific things that can be done; but are looking in general for more width of the main aisles in the parking lot and the islands in the parking lot.

Karen Gallagher said the January 28th report by BETA shows no further response is required as to traffic, yet in the Board's first meetings on the project, suggestions were made to color the crosswalks, and a variety of things to help alleviate the traffic problems at the West End intersection. A path of traffic throughout the area was also touched upon. She said she thought they were thinking about the whole area of traffic not just the immediate site of the proposed hotel. **Mr. McGrath** said BETA made some recommendations, and the proponent came back with some promises to consider these issues. The West End intersection was suggested to need changing, but it is not changes to be made by the proponent. However, he pointed out some of these issues are City-wide issues, than the responsibility of the proponent. He said that BETA is suggesting the West End area and its accessing/feeder streets be studied by the City. **Mr. McGrath** said the impact on traffic is not from the proponent. **Mr. Cademartori** noted the initial application included some potential recommendations for improvement of the safety and operation of the West End intersection. BETA, he said, had some comment on that was proposed initially, but it was not a formal proposal for construction but is an intersection that is "ripe" for examination and safety improvements. It is something the City should consider.

Mr. Noonan recognized Councilor Cox as joining the meeting at 7:24 p.m. He then pointed out page 20 of the BETA report, Item CS16 BETA 2 on demolition, consisting of three bullet points that enumerate concerns on the demolition sequencing and asked for BETA's opinion.

Mr. Petraglia said the position of the Birdseye building is very close to Commercial Street and Fort Square and the beach behind it. There is also the building that is sited at the corner of Fort Square and Commercial Street. He said the initial discussions on the demolition were general. Some of BETA's concerns are that the building to be demolished is "fairly" tall and a fence that doesn't encroach into the street will be "fairly" close to the building. It is not known if that fence would be sufficient if stray debris falls in the direction of the street to prevent it from landing on it. As to the foundations of the building, he said that there may be a need to cut into the street to remove a part of the foundation, which would mean the roadway will have to be closed during that phase at certain times. It may be a more of a sensitive demolition, he said, noting the proximity of different properties in relation to the buildings

around the demolition site and the beach. This, he added, also brings attention to the fact it is a dense area close to the road and noted there may be a public safety issue which could indicate a need to close the road. And there is the added issue of emergency access, he said, under those conditions.

Planning & Development Committee Questions/Comments:

Councilor Hardy spoke of the turning of emergency vehicles on the site and asked if the overhang at the main entrance of the hotel is tall enough to clear emergency vehicles. **Mr. Petraglia** said the overhang was initially designed to be 12 feet from the ground, and it is now revised to a height of 14 feet at the request of BETA and the Fire Chief. **Councilor Hardy** suggested BETA and the applicant keep in mind the fact that the emergency vehicles get bigger and taller with each new unit added to the City's rescue fleet.

Attorney John Cunningham representing the applicant, Beauport Gloucester LLC said that since receiving the BETA letter on Monday the applicant's team has been working diligently with the City staff, including the Fire Chief. In that meeting the hotel team, engineers and architects and Sherrie DeLorenzo, met with the Fire Chief to go over the issues in the BETA report and in a memo the Chief had submitted earlier. The hotel team, he said, believes they have addressed the Fire Department concerns successfully. There are revisions to the relevant plans, he said, and a letter for review by the Chief. The entrance drive will be widened to provide adequate access for firefighting apparatus, in particular, he said, for the ladder truck and the type of curbing will be adjusted as well. The widening is on the easterly-most lane. He said it would reduce the width of the plantings on that side. The entrance to the parking area is also made wider to ease the turning radius. The height of the canopy has been raised to ensure the passage of fire apparatus. The Chief observed, he said, with the present fire station the Fire Department has to order the "low-slung" version of the ladder trucks but the newer ones will be higher. He expressed that the Chief is satisfied with the height of the overhang and also that all the lighting fixtures within it will be recessed. The applicant had shown on the plan the 4-inch pipe for the fire apparatus to bring water to the building. The Chief with the architects chose a site off of the loading dock on the westerly side so the pipe is out of the way but very accessible. **Mr. Cunningham** noted there will be a fire hydrant in the exterior parking area. Additionally, another stairway for egress has been added at the easterly end of the building which will provide access to the building out onto Fort Square. He noted the relocation of that staircase results in loss of two tandem [parking] spaces. The engineers will submit a plan to show all these details of the record he noted.

Mr. Cunningham said at ConCom the previous evening the applicant presented the two elements of the project: Vine Associates review of the seawall design and the stormwater management system reviewed by BETA. He said the stormwater management system complied with all standards and was an improvement over the existing situation where there is currently no stormwater management. There would be an ongoing process, he said, on the design of the seawall; and it is expected he said, there would be conditions in the Order of Conditions which will provide for the review of those plans as developed.

Mr. Cunningham noted there was a discussion at the last P&D meeting about Pavilion Beach in front of the hotel site. He assured the members of the P&D Committee and the Council the applicant heard what they said and have drafted a proposed deed, which the City's attorney now has for review. The deed grants all of Beauport's right, title and interest of the beach portion in front of the property to the City in outright ownership which he clarified is the entire beach with no excluded portions. **Mr. Cunningham** said there is a 10 foot wide part of that parcel which is zoned as HOD (Hotel Overlay District) and that portion is included in the description in the deed to the City. The deed reserves rights if needed for coastal engineering structures which may be necessary to protect upland and buildings to be built. Those [buildings and structures] can be built only if they require all the proper permits from local and state regulatory authorities. The applicant's present plans do not call for any construction of the seawall; handicapped accessible ramps and stairways (plans submitted and on file) will be located behind the line of the present wall of the Birdseye building. The applicant, he said, is not through the regulatory process; it doesn't know what is going to happen; and needs that flexibility.

Councilor Tobey said he understood the "driver" whereby the applicant would want to erect a structure within the 10 foot zone would be for regulatory compliance to stabilize the site; it would be the only basis for proceeding. **Mr. Cunningham** said they don't know what will happen in the regulatory process. **Councilor Tobey** reiterated it is a regulatory dynamic which is the only reason that the return to build something might occur. **Mr. Cunningham** said if it was observed there was a problem with the structure and went to the regulators explaining the problem and proposed a remedy, he said he didn't know if it was limited to be initiated by the regulatory authorities. On inquiry by **Councilor Tobey**, **Mr. Cunningham** said the drafted language captures that consideration. The City Attorney has the proposal, which will be submitted to the Council to review. Accompanying the deed is agreement that this deed would be signed and delivered within 30 days of a granting of a Special Council Permit to be held in escrow by the City until the issuance of the final Certificate of Occupancy for the hotel. Beauport Gloucester, **Mr.**

Cunningham said, has been supportive of the use of the beach. This, he said, will fully address the concerns of the City by putting this portion of the beach into public ownership forever.

Coordination of the City infrastructure project: **Mr. Cunningham** said the applicant's engineers have met with AECOM (City's infrastructure consultants) and will continue to do so on the Fort infrastructure project. The applicant's builder, Windover Construction, has developed a first draft of a construction management plan to address construction and safety issues which, he said will evolve as process goes along; however, the basics are in the plan. **Mr. Cunningham** said it is anticipated that plan might be condition of any permit granted.

Attorney Michelle Harrison, 27 Sayward Street working with Cunningham & Cunningham said the peer review engineer raised some parking concerns which she would address. The applicant has 141 on-site parking spaces in the garage under the building and in the open parking area. As BETA indicated, and the applicant concurs, spaces are tight but she said the spaces meet the size and dimensional requirements in GZO Sec. 1.1.4 are satisfied. It meets the required number of spaces under the HOD. Questions have been raised about a situation where there is maximum occupancy of the hotel and multiple uses of it taking place simultaneously. Beauport, she said, will provide as most city hotels do, in addition to the 141 parking spaces on site, valet parking and off-site parking options. Ms. DeLorenzo, she said, uses valet parking at Cruiseport and was involved in providing training and coordination of valet parking for large hotels prior to that. Beauport's engineer drafted 30 valet spaces in the underground garage in addition to spaces already shown to be provided. Beauport will also secure prior to the application for a foundation permit, agreements or deeds for off-site parking locations in Gloucester "promising" no fewer than 50 off-site parking spaces to augment their on-site parking spaces. She said Beauport is suggesting this condition for additional 50 off-site parking spaces requirement be included in the language that the designated lots, the locations found, will satisfy the GZO and the site plan review. The occasions, she said where these off-site parking spaces will be used will be primarily when hotel is near or at or near capacity with a function going on.

Councilor Tobey asked if those [off-site] parking spaces be publicly or privately owned. **Ms. Harrison** said they would be privately owned. **Ms. Harrison** continued by saying Beauport would use various techniques to prevent traffic potentially heavy traffic patters from occurring under capacity conditions at the hotel by staging the cars or using trolleys and other means to shuttle guests to and from their cars off-site. She suggested overnight guests could park at these off-site locations; have function guests park in the underground garage and those visiting just the restaurants would be asked to park in the outside hotel lot. Employees, she said would be required to use off-site lots during heavy use of the hotel. **Ms. Harrison** said the hotel parking lots will be monitored 24 hours a day, 7 days a week to be sure they are safe, used only by hotel guests and that cars are appropriately parked. A parking plan has been submitted, she said, and is being revised to reflect some of BETA's concerns. Documentation on the actual agreements with owners of the off-site parking lots and the number of spaces at each location on off-site parking will be given. Ms. DeLorenzo has been scouting locations for off-site parking and is employing an agent to do so was well, and **Ms. Harrison** noted they are doing their best to find these alternate sites. If the off-site parking locations were not identified before a permit is to be issued, she said that the Planning Board and the Council should obtain a complete parking management plan, including the number of spaces, the location of the spaces, the ownership agreements of the off-site parking spaces, the means of transporting employees and guests and a detailed description of anticipated public transportation to the facility to the City Building Inspector for his review and have it done by some milestone. It is, she said, a condition they are suggesting to the Board and the Council. Further, **Ms. Harrison** said the applicant agrees to a subsequent condition that prior to the request for the foundation permit; Beauport will submit a parking management plan, and it will contain the requested information BETA has recommended to the Board and the Council for no less than 50 off-site parking spaces to be given to the Building Inspector.

Ms. Harrison noted as the BETA report indicated, "While the construction of the proposed hotel as described does not in and of itself cause any significant deterioration of traffic operations." Beauport, she noted, contributed \$2 million to the City, some of it should be used for off-site improvements which include the infrastructure on Commercial Street and the design work on the West End intersection. She said from working with the Beauport team that the parking is a major component of the hotel proposal and has been addressed. In Section H of the site plan review the parking provided meets the dimensional requirements has been met, she added. **Ms. Harrison** concluded her remarks by saying that the financial contribution by Beauport towards the off-site improvements, the parking suggestions for on- and off-site, and the Special Council Permit condition all are responsive to the Planning Board concerns and the concerns of the staff, the City Council and the P&D Committee and responsive to the peer reviewer and the community.

Ms. Gallagher asked if any off-site parking agreements have been made. **Ms. Harrison** said they don't have any signed to date. An offer has been made; and this is still in process. They have identified a lot, but they are continuing to look at potential sites. **Mr. Noonan** noted that off-site parking would be a condition.

Councilor Hardy said she believed the GZO refers to employees at the heaviest peak operational periods of one space for every three employees. She asked if the zoning ordinance goes further to say if it must be on site or is it not addressed at all. **Ms. Harrison** clarified for the Councilor that is not addressed that the employee parking has to be on site by the GZO. A hotel has to have one parking space for every room and one for every three employees at the biggest shift. The HOD has modified that, she said, somewhat. They are allowed to have off-site parking. **Councilor Hardy** asked if the hotel patrons will be charged an additional fee for parking off site. **Ms. Harrison** said, "No." **Councilor Hardy** asked owner of off-site parking would they [the applicant] be required to apply to the City Council for an open air parking lot permit. **Ms. Harrison** replied that it is possible. If not, the owner would do so.

Mr. Noonan asked if Mr. Cunningham was in agreement generally with the overall BETA report. Mr. Cunningham said they are "good." **Mr. Noonan** said there is an expectation of March 5th for the City Council public hearing. From the Planning Board perspective, he said, the Board is reasonably satisfied with the responses. He then asked about meeting the timelines of the Board and the Council. **Mr. Cunningham** said they are hopeful at the next meeting of the Planning Board it would consider making their recommendation to the City Council for the Site Plan findings and anticipate there will be conditions that come out of that, along with several suggested by BETA. **Mr. Noonan** asked about the comfort level by the Planning Board in setting conditions versus a completion or resolution of the issues remaining. **Ms. Gallagher** said it was clear there will be several conditions. **Mr. Cademartori** added it was mentioned for planning revisions to satisfy the Fire Chief. He asked what the timeline is for the submission of those plan revisions. **Mr. Cunningham** indicated the engineering plans would be available on Wednesday, February 6th. **Mr. Cademartori** noted it is a tight timeline and P&D and ConCom meet that evening. **Mr. Cunningham** said if there is a need to go to a subsequent meeting it is acceptable to the applicant. There was a discussion between Mr. Cademartori and Mr. Cunningham and Councilor Tobey on the timeline.

Councilor Tobey said that this is on P&D's agenda of February 6th which will be more of an update to the Committee. He announced there will be a site visit on Saturday February 16th at 8:00 a.m. and then a regularly scheduled meeting of the P&D Committee on February 20th and a follow-up meeting if necessary on Wednesday, February 27th to have a sense of a recommendation for the full Council in order to open a public hearing as planned for Tuesday, March 5th.

Councilor Hardy said the deed to the beach is tied to the occupancy permit. If everything goes favorably, she asked what Beauport anticipates, without appeal will be the timeline for starting and ending construction and occupancy. **Mr. Cunningham** said the Building Permit date is slated for September 2013. Owner occupancy is slated for April 2015.

A motion was made, seconded and voted unanimously to adjourn the meeting of the P&D Committee at 8:03 p.m.

A motion was made, seconded and voted unanimously to adjourn the Planning Board meeting at 8:04 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS RECEIVED AT MEETING: None.