

CITY COUNCIL STANDING COMMITTEE  
**Planning & Development Committee**  
Wednesday, March 20, 2013 – 7 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
-Minutes-

**Present: Chair, Councilor Bruce Tobey; Vice Chair, Councilor Greg Verga; Councilor Joseph Ciolino (Alternate); Councilor Paul McGeary (Alternate)**

**Absent: Councilor Hardy**

**Also Present: Councilor McGeary; Councilor LeBlanc; Rick Noonan**

**The meeting was called to order at 7:04 p.m. Councilor McGeary sat in for Councilor Tobey until his arrival at 7:09 p.m. Upon Councilor Tobey's arrival there was a quorum of the City Council.**

**1. Memorandum from Mayor re: Request for Referendum Question on Designated Port Area (DPA) (Cont'd from 01/16/13)**

**Councilor Tobey** shared with the Committee that this afternoon he had a discussion with the Mayor; as the Council was advised through the last Mayor's Report, the Harbor Planning Committee voted unanimously to propose that State's Office of Coastal Zone Management (CZM) conduct a boundary review of the existing Designated Port Area (DPA) to see the extent to which some areas, particularly the East Gloucester stretch, might be considered for removal from the DPA as a matter of regulatory action by CZM. That is a matter officially filed several weeks ago and is in process and could take 6 to 10 months. He said his and the Mayor's consensus is this may be a matter to start thinking whether or how to frame a question but wait. He asked the Clerk of Committees to ask the City Clerk to compose an advisory memorandum to the P&D Committee about how long a vote by the Council for a ballot question can wait so that close to the last moment the Committee can compose a ballot question based on the input from the Harbor Planning Committee (HPC), the Administration's team.

**Rick Noonan**, Chair of the Harbor Planning Committee noted this is a parallel discussion. The HPC has a much broader charge he pointed out. Boundary review was one of several items the Council will hear a report on. He said the process is asking the questions, understanding the answers and moving forward from there. [The request to CZM] takes a big question out of the HPC's hands because this is a much larger public process than an advisory committee to the City Council.

**Councilor Tobey** also asked the Committee to think about I4-C2 and if the Committee would want to put forward an advisory question on any aspect of the DPA, he said he would want to see a question that puts I4-C2 in front of the electorate to see what their feelings are on the matter.

**Councilor McGeary**, Vice Chair of the Harbor Planning Committee said the boundary review is not in the purview of the HPC but, he said, it is an important piece of information as they look at the dimensions of the DPA. The HPC felt it would be useful to have that information as part of their process. From the HPC's perspective it is vital information. The only caution, he said he had, is that in general he believed the voters should be able to weigh in on this matter. But having looked at the harbor and the DPA rules for several months, the Committee will need to carefully craft the question, he said. **Councilor Tobey** noting CZM has a bureaucratic process, a ballot question, he said, might send a political message to certain folks.

**Councilor Ciolino** pointed out his position that sometimes there is a push to make a premature decision. He agreed the composition of and vote for a ballot question should be held off to hear what the HPC has to say; then formulate a ballot question and work together. The HPC is recognizing the City is at a tipping point on the harbor; what worked in 1970 isn't working in 2013, he said.

**Mr. Noonan** noted that Kathryn Glenn who works for CZM at the State Fish Pier (and acts as the HBC's unofficial advisor) spoke to the HPC on two separate occasions to understand the regulatory challenge the City faces. He explained in layperson's terms that there are two buckets - the DPA bucket and non-DPA bucket. The HPC has worked hard to focus the discussions around complying with the regulations of a DPA and siting their vision outside of business as usual. A very rigorous discussion was held the previous evening by the HBC, he reported, about the relationship. **Mr. Noonan** noted that the reality of boundary review is that the HPC petitions the Mayor: the Mayor writes a letter to CZM, and then the City get something back from them. There will be public hearings organized by the State to have discussion around the 30 day public hearing process. The City, from a legislative standpoint, doesn't have any input other than to show up at a meeting and speak about what you think. **Mr. Noonan** said from his perspective moving forward the City will be in the DPA. Whatever recommendations

will come out of the HPC will comply with the regulations but hopes to have a broader understanding of potential uses.

**Councilor Tobey** said he didn't think the HPC is going to tell the Council how to scope a question, which **Mr. Noonan** confirmed with **Councilor Tobey** adding that the Council shouldn't expect too much. **Councilor Ciolino** noted the last time this was done there was the 75:25 rule. That was changed to a 50:50 rule; perhaps the recommendation could be 75:25 the other way which is "a big deal." **Mr. Noonan** noted the HPC had discussed that fact. Councilor Tobey confirmed to the Committee of Mayor Kirk's intent to join the Committee's conversation in a later phase on the matter.

**This matter is continued to August 21, 2013.**

**2. CC2012-072 (Hardy/McGeary/Verga) Request City Council review Law Proposed by Initiative Petition 3 re: Zoning/marijuana dispensaries (Cont'd from 12/19/13) and to consider Planning Board recommendation of January 25, 2013**

**Councilor Verga** said when this matter was looked at the first time the Committee wasn't sure where to start. There was an interim regulation from the Planning Department which he informed the Committee he did not care for. One Massachusetts town tried to completely ban Medical Marijuana Treatment Centers (MMTC) but the Attorney General said MMTC's cannot be banned. The moratorium "route" seems to be coming forward for communities who are not completely on board with the concept. He noted he requested through the City Clerk's office the results of the election ballot question, and found the votes averages out on the ballot question to about high 60's in favor. He said he didn't think roadblocks and things of that nature do voters any good. **Councilor Tobey** asked when regulations are expected from the State. **Councilor McGeary** said it could take as much as a year or maybe less before the Department of Public Health (DPH) releases regulations.

**Councilor Verga** said Sec. 5.27.1 of the proposed moratorium ordinance that gave him pause as suggested by the Planning Department says "shall provide this opportunity to study their potential impacts on adjacent uses." He said as soon as he sees the word "study" it indicates it is a matter that one doesn't want to deal with which did not make sense to him. **Councilor Tobey** pointed out that some State legislators use the "trick" of study commissions to avoid an issue.

**Councilor Ciolino** asked why pharmacies can't handle the distribution and have to be a separate entity. **Councilor McGeary** explained the reason is marijuana is not a medicine under the Federal Food & Drug Act. Marijuana can be taken as an herb for medicinal purposes but is not regulated that way. He said pharmacies would be in the position of violating federal law as would hospitals. He said the original proposal was to keep MMTC's away from schools and churches much like liquor stores. The object is not to frustrate the will of the voters but to allow the regulations to percolate a bit, he said. Noting Councilor Verga was right in that the voters have spoken on this issue, he said having spent some time in California where it is a "free for all" it is wise to not be on the leading edge and advised the Committee to let it settle a bit. There will be a maximum of five MMTC's in Essex County, and the City will get its chance. **Councilor McGeary** also advised it would be wise to defer adoption of zoning until the City sees what the State regulations are to make sure the City doesn't do something that is in conflict with the State regulations.

**Councilor Tobey** inquired why there would be any reason the Council couldn't do the zoning ordinance with a sunset clause on it. **Mr. Noonan**, responding in his role as Planning Board Chair said he had no insight on this issue at the moment but advised that "caution is the better part of valor." He said his preference would be to maintain a moratorium until there is guidance [from the State] and then adopt zoning. **Councilor Tobey** noted that a temporary moratorium by the terms of the Attorney General's opinion is allowed and suggested to the end of the year.

**Councilor Verga** said he would be willing to compromise for a sunset clause ending at the close of the calendar year; and as that deadline closes in, the Committee and Council can revisit the matter. **Councilor Tobey** noted his intent for this moratorium to end at the close of the year did not mean he wished for this matter to be put onto the new Council on January 1, 2014. Rather, his intent is that the Council revisits this matter prior to the moratorium ending to determine whether to bring zoning restrictions forward or hold off after determining when regulations are expected from the DPH. **Councilor Ciolino** said he felt the Planning Board was on target, and that he wanted to see what the State does and then follow suit. **Councilor Verga** said didn't want to push the ordinance out too much and that the compromise is fair. **Councilor Ciolino** said he would agree to the end of the calendar year for the moratorium, and if the DPH hasn't come through with regulations, that the City Council can extend the moratorium date. **Councilor Tobey** said the Massachusetts Municipal Association is also pushing the State on coming out with regulations. The Committee further discussed the instituting date and the expiration of a moratorium.

**Mr. Noonan** said in conclusion that the Planning Board was not comfortable setting a date and had an underlying intent with their proposed moratorium to mirror receiving guidance from the State regulations and having that benefit to craft something more or less restrictive based on State regulations. **Councilor Verga** agreed the proposed sunset clause is a good compromise and that the Committee will review the moratorium mid-fall. **Councilor McGeary** said there are two kinds of dispensaries one which is a retail store with marijuana on premise, and that another is private stock where someone can grow their own marijuana. **Councilor Verga** read Sec. 5.27.2 Definition. **Councilor Tobey** told the Committee a Medical Marijuana Treatment Center could have helped his father with his Multiple Sclerosis and should he have had access to that help. The approach to this topic as a society, he said, has been counterproductive, and this was a step in the right direction.

**MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND under Zoning Ordinance Section 1.11.2(e) by adding a new definition of “Medical Marijuana Treatment Centers in GZO Sec. VI Definition as follows and ADDING a new section under GZO Sec. 5.27 Temporary Moratorium on Medical Marijuana Treatment Centers” for adoption as follows:**

**“5.27 Medical Marijuana Treatment Center Moratorium**

**5.27.1 Purpose.** This section is intended to provide restrictions that will allow the City adequate time to consider whether to allow facilities associated with the medical use of marijuana, to the extent that such facilities are permitted under state laws and regulations, and if so, where and under what conditions. Given that a law permitting the medical use of marijuana in the Commonwealth of Massachusetts is in effect since January 1, 2013, and that the Massachusetts Department of Public Health has yet to promulgate the regulations by which facilities that produce or dispense medical marijuana shall be registered and administered, a restriction on the establishment of such facilities in the City of Gloucester shall provide this opportunity to study their potential impacts on adjacent uses and on general public health, safety and welfare, and to develop zoning and other applicable regulations that appropriately address these considerations with statewide regulations and permitting procedures.

**5.27.2 Definition.** A Medical Marijuana Treatment Center shall mean any medical marijuana treatment center, as defined under state law as a Massachusetts not-for-profit entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies; or educational materials to qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations.

**5.27.3 Exclusion of Other Marijuana Uses.** Any establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures; aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers shall not be permitted if such establishment has not been properly registered and licensed in accordance with applicable state and local laws and regulations, or is not operated as a not-for-profit entity, or otherwise fails to meet the definition of a Medical marijuana Treatment Center.

**5.27.4 Exclusion of Accessory Uses.** In no case shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any use.

**5.27.5 Moratorium: Interim Restriction.** Medical Marijuana Treatment Centers shall not be permitted in any zoning district in the City of Gloucester so long as this Section 5.27 is effective, as set forth in Section 5.27.6 below. Use variances shall be strictly prohibited.

**5.27.6 Expiration.** Section 5.27 shall be effective through December 31, 2013.”

**“GZO Sec. VI, Definitions: Medical Marijuana Treatment Center shall mean any medical marijuana treatment center, as defined under state law as a Massachusetts not for profits entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies; or educational materials to qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations;” AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

3. *SCP2012-014: Mansfield Street #3/Washington Street #24, Map 6, Lots 36 & 37 re: GZO Sec. 1.8.1 and Sec. 2.3.1(7) Conversions to new or multi-family or apartment dwelling, four to six dwelling units (Cont'd from 01/16/13)*

**Councilor Tobey** announced the P&D Committee was in receipt of a letter from the applicant's attorney requesting the matter of SCP2012-014 be continued to the next regularly scheduled P&D meeting. By unanimous consent, the matter was continued to April 3, 2013.

**This matter is continued to April 3, 2013.**

4. *SCP2013-002: #7-11 Pleasant Street and #184-186 Main Street, Map 8, Lot 70, GZO Sec. 2.3.2 & Sec. 5.13 (PWSF-Sec. 5.13.2.6 Co-Location)*

**Attorney Daniel Klasnick** representing Bell Atlantic Mobile of Massachusetts Corporation Ltd., d/b/a Verizon Wireless explained his client filed an application for a Special Council Permit to install and operate a wireless facility on the roof of the “Brown’s Mall” building at the corner of Pleasant and Main Streets across from City Hall to address what is an acknowledged gap in wireless service by Verizon in the downtown area. **Mr. Klasnick** showed an enlarged version of the submitted roof plan to the Committee and described it the installation of Verizon’s facility as follows:

- There is existing wireless equipment installed on the roof top installations: Sprint/Nextel has three separate ballast mounts and their antennas that in 2012 came before the Council for a modification of their PWSF Special Council permit to add some new antennas and radio heads. Additionally AT&T Wireless has a facility that they have façade mounted to the chimney. They, too, he said, were also recently before the Council for a modification of their PWSF Special Council Permit. Verizon Wirelesses’ proposal is substantially similar to the Sprint/Nextel and AT&T installation.
- Verizon proposes to install three separate ballast mounts on the roof top of the building to provide the necessary 360 degrees of service; four antennas will be installed on each of the ballast mounts; two remote radio heads each will be mounted to the bottom. Verizon will build out an equipment room on the There is fourth floor inside the building; with two condenser units on the roof top which are necessary to maintain climate control within the equipment room which has the necessary radio equipment to operate the facility. Verizon will locate an emergency back-up generator on the roof top mounted near the ballast mounts.
- Elevation perspective (on file) was shown to the Committee of the present roof top installations. Verizon antennas will be ballast mounted extending to the same top height as the existing Sprint antennas, four each, which is about 9 feet above the top of the existing roof level. There will be three separate sectors; however, the elevation shown to the Committee only depicted two of them. The emergency back-up generator was pointed out. Another area on the elevation view indicated the equipment room on the fourth floor. Utility service will be from the ground level within the building and run up through the building.
- With the application Verizon Wireless had also submitted three separate photo simulations (on file). There is a photo location map (on file) also included in the application. There is a before view taken from the parking lot at City Hall showing the existing roof top installations. The Committee was shown a photo simulation of what the Verizon installation would appear to look like on the roof top. Coverage maps (on file) were also included along with a Radio Frequency Report.

**Mr. Klasnick** noted when he has been in the City’s downtown area he had experienced service issues, and reiterated this is a gap Verizon Wireless is trying to fill by this co-location. He reported that the application enumerates the six criteria under Sec. 1.8.3 have been met; and that Verizon has complied with the zoning ordinance with this proposal.

**Councilor Verga** confirmed with **Mr. Klasnick** this proposal is to fill a coverage gap.

**Councilor Ciolino** expressed concern that the roof top is looking like a massive facility and asked where the tipping point is; what happens when there are 10 different providers. **Mr. Klasnick** said Verizon's submitted Radio Frequency study is a cumulative study which blended in what Verizon's radio frequency output would be which showed it is less than 2 percent of the allowable rate. He said the study also concluded that fifty additional facilities on the roof would still be in compliance with the FCC regulations. He noted there are two service providers on the roof now.

**Councilor Verga** said the other providers have been allowed to upgrade their installations and this co-located facility will fill a service gap. **Councilor Ciolino** acknowledged there are Verizon service gaps on Main Street and looked forward to the improved Verizon Wireless service.

**MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant a Special Council Permit (SCP2013-002) for the construction and installation of a roof mounted Personal Wireless Communications Facility with 12 rooftop ballast antennas deployed in three (3) separate sectors of four (4) antennas with two (2) remote radio heads per sector; an equipment room on the fourth floor of the building; co-axial cable inside the rooftop mounted cable trays; two (2) rooftop mounted condensers, and a rooftop mounted emergency back-up generator. The ballast frames will extend to a maximum top height of 63 feet, three inches or no further than the existing AT&T antennas mounted on the chimney of the building or the Sprint-Nextel antennas on ballast mounts located on the rooftop. This Special Council Permit is granted pursuant to Sections 2.3.2, 5.13, and 5.13.2.6 to install at 7-11 Main Street, #184-186 Pleasant Street (Assessors Map #8, Lot #70) zoning classification CB, with the agreement of the property owner, as lessor, (Jimary Land Trust, LLC) for a portion of the rooftop and interior space of building at site location; all as shown on plans dated 12/21/12 and drawn by Dewberry Engineers, Inc., signed by Benjamin Revette, P.E. and subject to the following condition:**

- **That the collocation is not to impede use of a communication tower located at Pleasant Street #7-11 Main Street #184-186 by Gloucester public safety organizations to maintain and install hardware necessary to their communications systems.**

**5. SCP2013-003: 114 East Main Street, Map 59, Lot 54, GZO Sec. 2.3.1(7) Conversion to or new multi-family or apartment, four to six dwelling units**

**Attorney Meredith Fine**, 83 Pleasant Street representing Scott Burnham, property owner (present) who purchased 114 Main Street (multi-family next to Espresso's Restaurant) in November 2011 said they are before the Committee in hopes of clearing up a title issue. Three owners ago, M. David Christensen who bought the building in 1995 applied to the ZBA for several special permits which he obtained for variances in anticipation of renovations; it was too small, not enough parking, etc. He was also required to get a Special Council Permit for the five units approved, but never did. He did, she said, apply for a building permit and was given it in 1998. She noted the law said if a building permit is issued from an authorized municipal employee, you do what is in the building permit, nothing else; and if there are no appeals on it for six years, that building permit is final. The property was then sold two more times, and no one noticed that no Special Council permit was issued. In this case, **Ms. Fine** said, when Mr. Burnham was in the process of purchasing the property, the bank noticed there was no Special Council Permit. She noted it became more of a problem for Mr. Burnham's title insurance although he did get the title insurance in return for the promise he would try to get this Special Council Permit to fill the gap in the title.

On inquiry by **Councilor Tobey**, **Ms. Fine** informed the Committee that if the Council turns down the Special Council Permit application, it would not change anything; rather, this was a belt and suspenders type of request.

**Councilor Ciolino** noted the parking lot in front of the building and asked if it accommodates the vehicles for the tenants. It was approved, **Ms. Fine** said, by the ZBA in a special permit. **Mr. Burnham** added the lot has five parking spaces, one for each unit.

**Councilor Verga** discussed with **Ms. Fine** how the Assessors' list the property and found it was for five units and taxes were paid for those five units. **Councilor Verga** noted this happens frequently that the building has paid taxes for a certain number of units building, and said that if this has gone on all this time, then it should be handled by a Special Council Permit. **Councilors Ciolino** confirmed that the Council sees this situation all the time, mostly caught when buildings change hands. It is a situation, he said, where there is no expense to the City be it water and/or sewer, and the City needs housing.

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant Scott Real Estate LLC a Special Council Permits (SCP2013-003) for the property located at 114 East Main Street, Assessors Map 59, Lot 54, zoned NB pursuant to Sections 1.8.3 and 2.3.1(7) of the Gloucester Zoning Ordinance to continue the use of five existing residential units all as based on the plan submitted with the application entitled, "Site Plan" as drawn by Gateway Consultants, Civil Engineers dated 5/21/12.**

6. *PP2013-001: Petition of National Grid for permission for the installation of a line of underground electrical conduits re: 18 Sargent St.*
7. *PP2013-002: Petition of National Grid for installation of new pole (P2389-1) re: 18 Sargent Street*

**These public hearings are opened:**

**Those speaking in favor:**

**Peter Glynn**, representing National Grid explained that National Grid is requesting on behalf of their customer to excavate the roadway by the customer, Robert F. Murphy (present), for the purpose of installation of new underground electric siphon service through the sidewalk including the sustaining and protecting fixtures, under and across the public way at 18 Sargent Street approximately five (5) feet going into the property from existing P2385 pole on Sargent Street to the building. A new set of transformers will be placed on the existing pole and run down it to the conduit into the customer's meters for new businesses at that location. He showed photos (submitted at meeting and placed on file) of an existing pole and explained the electricians "jumped the gun" and installed the new conduit. **Councilor Verga** commented this then was for approval on something that already exists. He noted there was a memo from the DPW Director (received that day and on file) with that department's requirements. **Councilor Verga** gave a copy of the DPW Director's memo to Mr. Glynn and noted this building is the former Gloucester Engineering facility. **Mr. Glynn** said no wire has been installed and nothing will be done further until the Committee approves the Pole Petition. **Councilor Verga** asked that it be made clear to contractors who come to the City Electrician to pull a permit for this work to be reminded that no work can be done of this nature until a Pole Petition permit has been approved.

**Councilor Tobey** asked about the composition of the existing sidewalk. **Mr. Glynn** said it appears to be cement and he confirmed it would be going back to cement. **Councilor Tobey** noted the sidewalk is owned by the City and has to be returned to its original state. **Richard F. Murphy**, owner of the property said he did not know the work by his contractor had been done to disrupt the sidewalk. **Councilor Tobey** asked the sidewalk be fixed as soon as possible. **Mr. Glynn** noted the pictures (submitted for the record) were taken this afternoon.

**Mr. Glynn** spoke of the new pole to be installed which will be the same as the one across the street from the existing pole at 18 Sargent Street which will be Class 3 pole, 40 feet in height. National Grid will carry some wire across the street to the new pole to feed one of the businesses. He said the pole will be right on the edge of the sidewalk. **Councilor Verga** asked about the width of the pole and the building. **Mr. Glynn** confirmed there is enough room between the inside of the pole and the building for a wheelchair to pass through. He noted in general the pole is boxed in so in the future if the pole needs to be removed it is easy to get it out and install a new pole. He confirmed it looks neat when finished and that concrete will be installed for the pole surround.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions:**

**Councilor Verga** reiterated his concern that that the sidewalk be returned to its original condition. **Councilor Tobey** asked how Mr. Murphy's project was coming. **Mr. Murphy** said that two of the three units are leased and the remaining unit is close to being rented. **Mr. Glynn** noted there was an old electrical system behind the building with primary metering with only one metering point. This work will give the building owner multiple metering.

**These public hearings are closed.**

**MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to GRANT the petition of National Grid to excavate the public way in the vicinity of 18 Sargent Street and shown on Assessors Map 27, Lot 38, for the installation of underground electric conduits, including necessary sustaining and protecting fixtures, under and across the public way or ways herein named for the purpose of transmission of electricity which also include the installation by Richard F. Murphy, dba Sargent Willow LLC of approximately 5 feet of 2-3" conduit from Pole P2385 to a building located at that address. National Grid will take ownership after installation. Said underground**

conduits to be located substantially in accordance with the plan filed and marked National Grid, #12581800 and dated 01/03/2013 with the following conditions:

1. In the absence of a detailed construction plan, the Department of Public Works requests: all proposed conduits and appurtenances shall be placed so as to cause minimum conflict with existing underground utilities and utility services. A minimum horizontal separation of 10-feet shall be made for the entire length of the project. The only acceptable utility conflicts shall occur where the conduit enters the public way at 18 Sargent Street and where the conduit enters the property to be served at 18 Sargent Street.
2. All excavated trenches shall be patched flush with the surrounding asphalt using hot mix asphalt binder at the end of each work day. Asphalt shall be applied in two lifts of 2-inches, totaling 4-inches.
3. All final paving shall be done in consultation with the Department of Public Works and an agreed upon final paving plan executed by the applicant; provided that said final paving shall be of the same materials at the location as previously existing and shall be in place no later than 90 days after the completion of the installation.

**MOTION:** On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to GRANT the petition of National Grid to install in the vicinity of 18 Sargent Street and shown on Assessors Map 27, Lot 38, a new utility service pole, P2398-1 together with such sustaining and protecting fixtures as it may find necessary, approximately 40 feet across the street from existing utility pole P2389 Sargent Street in order to install a new service for the customer to a building located at 18 Sargent Street. Additionally National Grid is permitted to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings or distributing purposes. Said pole and attendant fixtures to be located substantially in accordance with the plan filed and marked National Grid, #12581800 and dated 01/03/2013 with the following conditions:

1. Notification to the Department of Public Works 72 hours in advance of the proposed work. A construction schedule will be prepared by the applicant for review and acceptance by the Department of Public Works.
  2. Proposed excavation may only occur during accepted road opening and construction season, 15 March – 15 November. No winter construction shall be permitted.
  3. In the absence of a detailed construction plan, the Department of Public Works requests: all proposed conduits and appurtenances shall be placed so as to cause minimum conflict with existing underground utilities and utility services.
  4. All excavated trenches shall be patched flush with the surrounding asphalt using hot mix asphalt binder at the end of each work day. Asphalt shall be applied in two lifts of 2-inches, totaling 4-inches.
  5. All final paving shall be done in consultation with the Department of Public Works and an agreed upon final paving plan executed by the applicant.
  6. National Grid agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the City of Gloucester and used by it exclusively for municipal purposes.
8. *Special Events Application re: request from Gloucester Downtown Assoc. to hold Easter Stroll & Egg Hunt on 4/7/13*

**Christine Orlando**, Gloucester Downtown Association and owner of Kids Unlimited on Main Street explained to the Committee this event is in conjunction with the merchants' Spring/Easter downtown promotion. A Bunny Hop/Easter Egg Run is proposed from 2:00 p.m. to 4:00 p.m. closing Main Street from Hancock Street to Center Street on April 7<sup>th</sup>. This event is geared to children. Plans for the event were reviewed by the P&D Committee's Special Events Advisory Committee, including the Fire and Police Department whose issues with the event plans have been addressed (on file).

**Councilor Ciolino**, noting he has a storefront on Main Street but not on the section of Main Street that will be closed but said this event worked well the previous year; and the primary purpose of the road closure is to protect the children during the event.

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the Gloucester Downtown Association to hold an Easter/Spring Promotion on Sunday, April 7, 2013 from 2:00 p.m. to 4:00 p.m. with attendant road closure on Main Street from Hancock Street to Center Street for the duration of the event. Main Street is to be marked with signage directing the public as to the duration of the closure and alternate routes. An approved road closure plan endorsed by the Police Department shall be filed with the City Clerk no later than April 1, 2013.**

**9. *Communication from Laura Benedict re: Council endorsement to the letter to Governor Patrick on Environment Massachusetts campaign to expand solar energy across Massachusetts***

The Committee discussed the information forwarded to it from the Council briefly and by unanimous consent filed the information with no further recommendation or action by the Committee.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 8:20 p.m.**

Respectfully submitted,

Dana C. Jorgenson  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- Three 8" x 10" color copies of 18 Sargent Street showing location of UG conduit and current conditions taken on March 20, 2013 by Peter Glynn, National Grid representative