



CITY OF GLOUCESTER
PLANNING BOARD
MEETING MINUTES
January 17, 2013
7:00 P.M.

Kyrouz Auditorium, City Hall, 9 Dale Avenue, Gloucester
Richard Noonan, Chair

Members Present: Mary Black, Vice Chair, Linda Charpentier, Henry McCarl, Karen Gallagher, Joe Orlando, Rick Noonan- **Absent**, Marvin Kushner-**Absent**

Staff: Gregg Cademartori, Acting Community Development Director, Pauline Doody, Recording Clerk

I. BUSINESS

- A. Call to Order with a Quorum of the Planning Board
- B. Introduction of Planning Board Members and Staff
- C. Approval of Planning Board Minutes of December 20, 2012

Motion: To approve the minutes of December 20, 2012.

1st: Henry McCarl

2nd: Linda Charpentier

Vote: Approved 4-0

II. PUBLIC COMMENT

Nathanial Mulcahey, 33 Middle Street, Representative of Port Community Alliance
Mr. Mulcahey reported that the Port Community Alliance commissioned Professor Paul Godfrey to do a survey of Pavilion Beach. The report was completed and mailed to DEP and given to members of the city. The findings of the report are important and should be made available for the public. Seawalls at Pavilion Beach have been causing the undercutting and erosion of Stacy Boulevard. The Port Community Alliance concern was to preserve the Birdseye building, however the information in the report indicates that no structure can be placed there without increasing the danger to the city business's and residents.

III. SITE PLAN REVIEW & MAJOR PROJECT SPECIAL PERMIT REVIEW

In accordance with Sections 5.7.5, 5.8 and 5.26 of the Gloucester Zoning Ordinance, the Planning Board to review the City Council Special Permit under the provisions of Major Project and Site Plan Review submitted by Beauport Gloucester, LLC for a hotel development at **47-61 Commercial Street** (Assessors Map 1, Lot 33).

Mr. Cadematori stated that the city has hired several consultants to review the submitted materials. The city hired Beta Group with a sub-consultant GZA Vine. Tonight is the response to the November 14 peer review. All the information that has been submitted is available to view on the city's website. All correspondences that have been submitted have been forwarded to the consultants to include in their review process. Tonight's information will also be submitted to the consultants.

Presenter: Attorney John Cunningham, 59 Main St

Attorney Cunningham reviewed images of the proposed site plan and design for the hotel and gave an overview of the evening's information. The focus of discussion will be on the adequacy of utilities, traffic flow, water and sewer updates. The upgrades will be for the entire Fort Square area. Beauport Gloucester donated 600,000 for the design and implementation of the

infrastructure. Beauport will also advance 1.4 million to offsite improvements. The city's attorney has a draft agreement for the voluntary contribution. . The revised set of plan dated December 14, 2012 omits those offsite improvement plans. Beauport is no longer involved. The quality of the environment; the whole site is impervious. The building has been moved back from the beach and Fort Square and there has been substantial effort to increase public access to the beach. A major component of the Beta review was the storm water management which is also under review by the Conservation Commission. There has also been a seawall design revision that will be beneficial.

Todd Morey Toddy Morey- Todd Morey, Beals Associates, Senior Professional Engineer
Mr. Morey stated he will speak to several comments that were made by Beta Group and GZA Vine. The first comment touched on the tight layout of the parking; specifically the two handicap spaces. The handicap space was moved back away from the entrance to the garage and added a slip lane that cars can pull around to continue to look for parking instead of having to back up. The storm water management plan had numerous comments. Each one noted that DEP storm water standards were met. A few changes have been made. On the original plan it was proposed the exterior parking lot would drain to the northwest and would be captured by catch basins on the entrance drive. The roof and deck structure would be collected by some liters to a larger subsurface infiltration system. Along the exit drive toward Commercial St is a trench drain discharging toward Commercial St. By the loading dock is another trench drain discharged toward Commercial St. Along the walkway inboard of the seawall there are openings in the seawall to act as scuppers. The Beta Group suggested a few revisions were to add catch basins and to discharge to a sediment removal system. Instead of trench drain discharging untreated storm water to the municipal system now it will be treated through the sediment removal chamber catch basins have been added instead of a trench drain by the loading dock which will not be attached to the sediment removal chamber but will be deep sump catch basins which provide some sediment removal and provide a way for the floatables to discharge to the commercial system. The subsurface infiltration system; an analysis was done by taking a high tide scenario, the ground water would raise up to the level of high tide, and ran the storm through the infiltration system, and found that the ground water amount was artificially raised to the bottom of the system. During the designed storm and high tide (which tends to happen) there would be no where for the storm water to go and it would be contained in the storm chambers and could back flow into the parking lot. The option looked at was to significantly reduce the size of it by half and also altered the outlet on the system. The system now contains a 1 year storm. It will not discharge to overflow and not cause the ground water to rise up to the bottom of the system. The updated storm water management report did include the ground water mounding analysis for the revised system. The other change that was suggested to make was instead of routing the overflow from the system out to Commercial St but to Fort Sq. There were scuppers to be eliminated and install drainage inlets on the walkway. The concern with that is sand being blown into them. Instead of tying to the municipal system it will be run through the sediment removal chamber. The scuppers were left in the seawall but are raised 1 inch above the grates. The original seawall design was conceptual. The top of the seawall dropped 3 feet vertically, and then 2 foot vertical drop and then another grade break. The initial design concept came out of a meeting with CZM. The concern with the design with was how the wave would come up and hit the Birdseye building, run back across the beach and that might have been responsible for the overall shape of the beach. Data has been collected and mapping has been assembled that date back to 1834. The combination of maps, USGS maps, survey plans showed that the shape of the beach has not changed. It hasn't moved and does not show erosion. The goal is to not alter how the beach to wall functioned. It has been switched to a vertical wall. The vertical wall system contains a sheet pile wall driven 30 feet down with a concrete cap. Below the beach surface will be armor stone which helps with large storm events.

Mr. Cademartori asked for the grade difference between the walkway and wall.

Mr. Morey answered 12 to 18 inches. There will be 360 degree pedestrian access around the hotel. All improvements are built within the existing building footprint.

Ms. Gallagher asked how many parking spaces were lost due to the changes.

Mr. Morey stated there are 143 parking spaces reduced from 147.

Mr. Cademartori asked for more detail on a dewatering plan, demolition, and the use of frac tanks, sheet pile installation and moving from demolition to construction.

Lee Dellicker Windhover Construction

Mr. Dellicker stated that they do not anticipate any dewatering of ground water. The expectation is the management of surface water, not ground water. The first step is to remove the hazardous material in the building. There is asbestos that will be encapsulated within the building and removed. It is regulated and will be abated first and then the building will be declared clean. Building demolition will start on the west side in middle of building and pull the building back towards the center. The new seawall is 10 feet behind the face of existing building on the beach. The building will be taken down to elevation 12. The foundation below elevation 12 will be left in place and everything behind will be removed. Then the sheet pile will be driven behind the existing foundation and cut it off high at first and then scoop out the remaining building. The control of surface water will stay toward the Commercial St side and make sure it is constantly drained into detention basin. Any dirty water will be pooled toward the detention basin and pumped to a frac tank and then it will be disposed of.

Mr. Cademartori stated there is concern that the building is performing as a costal protection structure.

Mr. Dellicker stated a structural analysis has not been done. The building has been there for 80 years. The face of the building will not be touched as how it acts as a seawall now. When tearing the building down it will be kept several feet above 12. It will be left high and then pulled down piece by piece. The wall will be high for approximately 2 weeks and then the sheet pile wall will be installed and act as the new wall.

Attorney Cunningham stated a proposed written agreement has been given to the city's attorney which stated it would deed the beach in front of the site to the city to go into escrow upon the grant of a special permit and to be recorded by the city when a certificate of occupancy for the hotel is issued. Traffic flow and safety are divided into four components; on site traffic flow and parking, off site traffic flow, traffic on Commercial St. and construction methods. A parking management plan has been submitted that shows during peak times an additional 30 spaces can be accommodated within the garage. It will be done by manage Valet parking. Two Salem hotel operations have been investigated and overflow parking has not been detrimental to their business. A condition on the special permit that would require submitted documentation to the building inspector with established legal agreements for the use of no less than 50 parking spaces off site for overflow or employee parking is agreeable. Offsite traffic flow; a study was presented and BETA confirmed that the standard methodologies were used and the findings showed that there was not a significant increase in the traffic levels. The control of the West End intersection and for the infrastructure is under the purview of the city. The contributions of 1.4 million dollars are for offsite improvements and a portion of the funds can be used for any improvements needed for the West End Intersection. The entrance and exit of the hotel is on the westerly side to minimize the traffic flow further down Commercial St. The city is designing the layout of the street and a sidewalk is being planned to be within the 10 foot setback along the building. The building height special council permit is needed because it is above 40 feet high. The request is for 61 feet high. Architectural photos of the proposed hotel are available for review on the city's website. The HOD allows a tower of 20 higher than the ridge.

Mr. Cademartori asked for height per floor.

Mr. Dellicker stated it is 12 feet floor to floor. The lobby may be higher and the first floor will be 15 feet high and 12 on the upper.

Attorney Cunningham stated that a portion of the 21 foot height arises from bringing the grade up and to creating space underneath for the parking. The mechanicals are on the third floor of the hotel. It has been moved back from the street by 10 feet and back from the beach 15-20 feet. There have been concerns about shadowing created by the hotel. The architects have developed shadow studies that are available for review on the city's website.

Social, economic and community factors:

The hotel and design are supportive of the HOD district. The hotel will serve businesses and help sustain the downtown. It is an important economic engine for tourism, the development of the marine technology and scientific uses of the harbor. It will replace a deteriorated and unused building and the public use of Pavilion beach will be retained. The fiscal impacts include real

estate taxes, job, meal & room tax revenue and the project has contributed 2 million dollars to the city for offsite improvements.

Site plan review- guidelines-section 5.8.7

Reasonable efforts have been made to preserve and protect the natural features. There are no natural features left. The hotel has reduced the footprint and has created a more pleasing building. A clear objective of the hotel is public beach access and that the public owns the beach. The evaluation of placement of structure, lighting, and traffic flow: the peer review concurred that the entrance to the site is best as is and the lighting plan is fully compliant. The specifications on pavement have been met. Parking spaces meet all size and width criteria. Utility service transmission systems; Natural gas has been placed in front of the building and National Grid has stated that the 3 phase power must remain above ground. Storm water management is under review. Chapter 91 will be will be complied with.

Motion: To continue the site plan review & major project special permit review submitted by Beauport Gloucester, LLC for a hotel development at 47-61 Commercial Street (Assessors Map 1, Lot 33) to January 31, 2013.

1st: Henry McCarl

2nd: Linda Charpentier

Vote: Approved 4-0 Mr. Orlando abstained

IV. Other Business

1. Review of City Council Order #CC2012-072 – Medical Marijuana Dispensaries

Mr. Cademartori stated that the City Council under section 1.11.3 of the zoning ordinance forwarded information to the Planning Board for a informal review regarding the medical marijuana treatment centers. It is for the distribution and growing of marijuana. Several communities in the commonwealth have banned it, some have enacted special permitting procedures, and some have done nothing. From the ballot statement there cannot be any use proposed until license and review requirement have been set up with the Department of Public Health. The recommendation from the building inspector, the city legal counsel and the health director is to enact a moratorium until specific steps have been identified that the community will take. It would be for a period of time until the Department of Public Health completes its regulations and licensing process and definitions. The Planning Board would report back to City Council when the appropriate information has been gathered to protect the city.

The board agreed that a moratorium gives the time needed to gather information.

Ms. Gallagher stated there are only going to be 5 dispensaries per county. Is Gloucester going to consider the growing aspect and is there a limitation of growers for a city or town. Would it be a benefit to Gloucester? If it is then the city should be ready to act immediately. How will it be revisited?

Mr. Cademartori stated the total number seems to be tied together. The Planning Board would hold a public hearing as would City Council. The Department of Public Health will have to issue regulations within 120 days. A reasonable approach in the amendment would be for a period of 9 months (August) or until such time that zoning regulations are enacted.

Motion: In response to Council order CC 201272, with respect to the new legislation governing the potential for marijuana treatment centers the Planning Board recommends and enactment of a zoning moratorium to allow for the development of regulations by the Department of Public Health and to make an informed on potential zoning for locations for the city.

1st:Linda Charpentier

2nd: Joe Orlando

Vote: Approved 5-0

Mr. McCarl reported that a potential meeting with PIRC will be on the next Planning Board agenda.

CPA update

Ms. Gallagher informed the board that the CPC public forum on changes in law for more money to spend on recreation. It can now be used to build for a recreation facility.

V. ADJOURNMENT

Motion: To Adjourn

1st: Henry McCarl

2nd: Joe Orlando

Vote: 5-0

VI. NEXT MEETING

Next regular meeting of the Planning Board February 7, 2013

Planning Board Members: *If you are unable to attend the next meeting please contact the Planning Office at (978)281-9781.*