

CITY COUNCIL STANDING COMMITTEE  
**Planning & Development Committee**  
Wednesday, July 17, 2013 – 6:30 p.m.  
**1<sup>st</sup> Fl. Council Conference Room – City Hall**  
MINUTES

**Present: Councilor Verga, Chair; Councilor Jackie Hardy; Councilor Joseph Ciolino (Alternate)**

**Absent: Councilor Tobey**

**Also Present: Councilor LeBlanc; Councilor Cox; Tom Keane; Noreen Burke; Max Schenk; Dr. Richard Sagall**

Meeting called to order at 6:30 p.m. Agenda items were taken out of order.

**1. Memorandum from Mayor re: Commercial Street/Fort Square Infrastructure Plan (Cont'd from 06/05/13)  
Update by AECOM, Engineering Consultants to the City of Gloucester**

**Don Chelton, Vice President, AECOM**, said there is not much to update at this juncture. Showing an aerial photograph of the Fort area to the Committee, Mr. Chelton made the following statements:

- The infrastructure project is bounded by Tally's Corner, Beach Court, Commercial Street and the Fort Square area and also includes improvements along Pascucci Court. Both Mr. Chelton were before the P&D Committee about six months ago and then a Committee walkthrough site visit was conducted thereafter in December.
- This project includes replacing the water main, sewer, drains, and rebuilding and repaving the roads. Larger new water mains will be put in around Tally's Corner around the entire loop including Beach and Pascucci Courts. The sewer will start at the intersection at Beach Court; carry through the entire length of Commercial Street and Fort Square area.
- There will be a complete reconfiguring of the layout of the sewer. Most of the sewer flows into an interceptor on Commercial Street with a small portion coming back through a very small pump station. Now with this project, everything will flow back to a pump station located at 91 Commercial Street and be pumped back to the interceptor sewer.
- The storm drainage will be replaced in kind but some drainage will be rerouted for better coverage.
- The last project component is road improvements. All the above-mentioned streets will be repaved. Commercial Street will be a full depth reconstruction with Fort Square more of a capping of the road with a reconfiguring of some of the geometry. The work is proposed to be done in two phases: Phase 1-utility, water, sewer drain work, and allowing for the trenches to settle. Should the hotel be built, when completed, the finish work will be done on the road. If there would be heavy construction vehicles on the roadways, the top finish wouldn't be put down until the hotel construction was complete.
- Costs: Another look at the 100 percent estimate for all phases is now estimated at \$8.2 million. At the 25 percent stage when the engineers were last before the Committee, the project was estimated at \$7.5 million.

**Mr. Duggan** added that \$7.5 million was for phase one. The \$8.2 million includes the additional roadwork in phase 2.

**Councilor Ciolino** asked if there is a plan in place to keep the businesses in the Fort area operating during the project construction. **Mr. Chelton** said there was a meeting two months ago with AECOM engineers and City officials with the local business owners to discuss options. Although a schedule hasn't been laid out yet, he said the most viable option will be for the Commercial Street work to be done during night hours. A questionnaire was sent out to the various industries to determine what their hours of operation were; and as a result, it was clear that in order to accommodate the necessary tractor-trailer truck traffic and construction equipment simultaneously, this work cannot be done during the day, he said.

**Doug Gove**, P.E. of AECOM, responding to a question from **Councilor Ciolino**, said the construction is anticipated for the whole project is to be done over two construction seasons. **Mr. Chelton** added that the first phase would be about 15 to 18 months; and the second phase would be about a year and a half down the road and would take about six months, primarily driven by the need to work on one utility at a time to keep the utility services up and running to the businesses and residents during the construction. Further, the pump station would be built coincident with the rest of the road work. **Mr. Chelton** spoke of lead time for the shop drawings and ordering of

construction equipment of 12 to 16 weeks. Other work would go on while the paperwork on the pump station was being done. This would be done during the first phase of construction.

**Councilor Ciolino** asked about the drain pipe that runs underneath the Mortillaro property that the City has an easement for. **Mr. Chelton** confirmed there is a drain pipe that crosses the Mortillaro property. To the best of their knowledge, he said, the City has an easement for it. He also that pipe continues on out to through the seawall.

**Councilor Ciolino** noted at high tide there is flooding. **Mr. Chelton** said water will seek its own level and will come in from all the penetration points; the water level will be consistent across the harbor and will come in from the drainage pipe off of Fort Square or anywhere else in that area. This is the one piece of the infrastructure project that remains unresolved. **Mr. Gove** added that the outfall pipe is a combination of 10-12 inches – the pipe changes sizes throughout.

**Councilor Hardy** asked if there was an estimated start date. **Mr. Chelton** said that they do not. **Mr. Duggan** added that whatever outflow for drainage is needed there would have to be a Chapter 91 license for it and that is a six to nine month process. When the okay is given construction would proceed; and it would be ideal to start in the next construction season, he said. The paperwork, he added, has not yet been submitted and it is not known at this time when the paperwork will go to the State Department of Environmental Protection. There are other factors involved; **Mr. Duggan** noted. The progress for the hotel project will have an impact on when the construction for the infrastructure project starts because so much of the subsidized funding from the developer and the MassWorks grant which was interdependent. He further added that the Administration believes it will have other subsidies coming forward for the project and that is when the paperwork will be submitted, he said. **Councilor Hardy** said the longer this project waits, the more it will cost. **Mr. Duggan** agreed that in 12 months from now the construction costs could go higher although **Mr. Chelton** said construction costs have not escalated in a major way in recent months.

**Councilor Hardy** asked if the roads will be regraded or resurfacing. **Mr. Gove** said the roads will be reshaped to address the slope of the roads. **Mr. Chelton** added said the road has many dips and spider cracks due to settlement. Commercial Street will be dug down, rebuilt and reshaped, resized with 24 foot paved surface with sidewalks on both sides up to the Fort Square area.

**Councilor Hardy** asked about any other utility work that may need to be done in the Fort Square area as she expressed concern that the electric or gas company might come in to do work after the Phase 2 work was completed. **Mr. Duggan** said that the utilities would be coordinated so that the utilities do not come in after the roadways are finished. He said that is a \$40,000 to \$50,000 for the Verizon and National Grid to do their work. **Councilor Hardy** said it was on a wish list to have utilities underground but said she understood that utilities underground would be cost prohibitive. **Mr. Chelton** said the only other utility gas main which is fairly new and will likely not need to be replaced. **Mr. Duggan** added that it wasn't cost to put utilities underground was not established by the City staff/consultant team but by the utility company themselves.

**Councilor Hardy** asked when there would be another update. **Mr. Chelton** said they are in a holding pattern waiting to see what happens. **Mr. Duggan** agreed. The Committee agreed to keep the matter open and continue it out for an update in the fall.

**Attorney Michael Faherty** asked when AECOM will go back to the Conservation Commission (ConCom), which was postponed to August 7<sup>th</sup>, for the drainage structures. Something new that he said was heard for the first time was that the drainage structures of the outlet pipes require Chapter 91 approval. Throughout the process it was said that no Chapter 91 license was needed, he pointed out. He added that it is an 8 inch pipe across the Mortillaro property, which is proposed to be larger and is what triggers the legal issue. He said the Chapter 91 application cannot be started until there is an Order of Conditions, and the original request for an Order of Conditions did not include anything related to the discharge pipes or a Chapter 91 license. **Mr. Duggan** said that there will be an internal discussion whether at ConCom on August 7<sup>th</sup> the City will ask for a continuance or whether they will withdraw the application before ConCom. **Mr. Chelton** expressed his disagreement with the size of the pipe across the Mortillaro property as described by Mr. Faherty. He said the pipe, as shown by TV inspection is variable in size with a number of different repairs. It is not one consistent size, he said and that the statement of the pipe being 8 inches is incorrect. It is not at the outlet size being disputed, he added, but that the pipe changes diameter underground.

**This matter is continued to October 16, 2013.**

**The Committee recessed at 6:48 p.m. and reconvened at 6:50 p.m. Councilor Cox** entered the meeting at 6:50 p.m.; and therefore there was a quorum of the Council.

2. ***Review & Recommendation for the Disposition of Real Property re: property located at 8 Washington Street (Legion Building) (Cont'd from 06/19/13)***

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

3. ***CC2013-017 (Verga) Amend GCO Chapter 21, Article IV (Repair of Private Ways) Sections 21-81 through 21-85 to add specific standards on what the City should require for the level of design, amount of work, and allocation of funds for permanent repairs to private ways (Cont'd from 06/19/13)***

**Councilor Verga** announced at the request of General Counsel and with the assent of the Committee, this matter is continued to August 7<sup>th</sup>.

**This matter is continued to August 7, 2013.**

4. ***Communication from Mayor to Noreen Burke, Public Health Director re: Board of Health Recommendation to Join Northeast Mosquito Control District (Cont'd from 06/19/13)***

**Noreen Burke**, Public Health Director, **Max Schenk**, Health Department Sanitarian, and Dr. Richard Sagall, Chair of the Board of Health were present for this discussion. **Councilor Verga** said joining the Northeast Mosquito Control District is done for the year but if \$80,000 suddenly was available, joining could proceed. **Ms. Burke** said it would be playing catch up for the current season, but that it is still possible to join. It would be the same amount of money in a compressed season. She reviewed that the Mayor did reject the initial joining by the City in the District. The Mayor wanted a more comprehensive review of options; she noted and said that personal protective measures are critical to mosquito control. Wearing an EPA approved DEET product, removing standing water on properties, and wearing protective clothing help contain the problem. This need is not reduced even if spraying was done.

**Ms. Burke** said the Board of Health is holding firm that the surveillance system needs to be in place for Gloucester. The only current option, after much research, is to join the Northeast Mosquito Control District. There are lots of private companies who can do individual yards, but it still doesn't reduce the need for personal protection. There are ten mosquito control districts in the State. The best surveillance information available would be gotten from joining the district, she said. In New Hampshire, as mentioned in the Mayor's memo (on file) the system is different as each town hires their own mosquito control company who are then subsidized by the State when sending trapped mosquitoes to be tested for EEE. The Massachusetts system is different and only the districts can send mosquitoes to the State for testing, whereas in New Hampshire where that state subsidizes the testing. She appreciated, she said, that the Mayor wants to come up with a Gloucester specific plan. The plan the department goes by is a surveillance plan. The plan can be tailored, but it is a complex issue. The department is promoting outreach and education. The Board of Health, she said, feels strongly that mosquitoes are not just a nuisance but a threat; and by joining the district it would be beneficial. There are 51 species of mosquito, the department doesn't know what the localized risk is because there is no surveillance or testing, she said. The department gets weekly updates from the State. The warm weather and wet spring has contributed to a vibrant breeding season, she noted. The State said it is unlikely those mosquitoes are harboring EEE, the more serious of the diseases carried by mosquitoes in the State. There were only seven cases of serious EEE last year statewide. Folks are more likely to get Lyme disease than EEE in the City, she said noting the precautions for the prevention of Lyme disease are similar to that of mosquitoes. EEE is serious but rare, she pointed out. She noted a DVD is available of the mosquito forum held in the City. **Councilor Verga** asked for a link to the recording and **Councilor Hardy** suggested that this should be posted on the City's website which she requested to Mr. Duggan.

**Ms. Burke** said the Board of Health, is still committed to surveillance which does not mean spraying. The Northeast Mosquito Districts provides other practices, and the City would have control over what is done and when, and can choose its option.

**Dr. Richard Sagall** said that he has requested that the mosquito forum be played a few more times this month on CATV to help better inform the public on preventative measures. He reiterated there are no plans to spray at this point. He said what is needed is information. **Ms. Burke** said only if they collect trap and test mosquitoes, which is \$87,000 a year for joining the district with a three year commitment, would be the way the City would get the best surveillance information. **Max Schenk** added that with the District it is all or nothing; there is no menu choice. If something changes over the summer, **Ms. Burke** assured she would update the Council. **Councilor Hardy** said that **Ms. Burke** could update the Council even if it is not an agenda item.

**Councilor Ciolino** asked Mr. Duggan's opinion, who said that the State comes out with a general plan and looks to the community to shape and mold their own plan. He noted that Salem, New Hampshire sprays as a last resort. The City needs to have thorough a written policy of what triggers using Code Red; what triggers when the fields are closed or outdoor activities are postponed. He said that needs to be in a document as well as what are the outreach efforts. Furthermore, it should include that once the threat is decreased how will be outreach efforts be conducted, he added. Ms. Burke and her team, he said are working hard to form this policy to bring the information to the public. **Ms. Burke** confirmed that is the case and that she will be working with the Board to that end. A report, she said, would be generated in the next few weeks.

**Councilor Hardy** asked if the Board had taken a vote to join the District. **Dr. Sagall** said they had. **Ms. Burke** pointed out that the Administration had asked for more information and to do their due diligence.

**No further action is required at this time by the Committee. It reserves the right to bring this matter back to its agenda should an update on the matter be deemed necessary.**

**5. Memorandum from Mayor re: Downtown Vision Plan (Cont'd from 06/19/13)**

**Councilor Verga** said the listening posts are continuing and so there is no new information at this point. **Councilor Hardy** added that Councilor Cox is now a member of the working committee as part of the Downtown Vision Plan, which had been requested by the P&D Committee at their last meeting to the Mayor.

**No further action is required at this time by the Committee. It reserves the right to bring this matter back to its agenda when more information is available.**

**6. Special Events Application request to hold Celebration of Newell Stadium on September 6, 2013 (Cont'd from 06/19/13)**

**June Steele** and **Ellen Preston** representatives from the Mayor's Dedication Committee for the Celebration of Newell Stadium reviewed the final plans for the Celebration of Newell Stadium event on September 6, 2013 with the P&D Committee. **Ms. Steele** noted there will be four officers for the game for four hours which the Chief has agreed to pay for two and four additional officers will be hired for traffic control. Blynman and Leslie O. Johnson Road will be made one way for the duration of the event. The Police also will have a number of police officers on street duty that would be available to be there. The Fire Chief has determined there is no need for an emergency services command center for the event. There will be one Fire Department ambulance on scene, however. The scoreboard has been installed, she said and the track is being worked on now and should be completed in a couple of weeks. **Ms. Steele** and **Councilor Hardy** agreed that a presentation would be made at the August 27<sup>th</sup> City Council meeting. The concession stand, according to **Ms. Preston**, will need to be ADA compliant inside and out which has to be finished for the opening night, she said. If it is not, local food trucks will be brought in, she said. The proceeds of the concession stand profits goes to the football boosters who in turn donate the funds to the high school football program, **Ms. Steele** noted, but the City, she said, owns the building. A local business will provide the concession stand building materials for free. The Building Center is underwriting the entire evening and is paying for the referees, brochure, police as well.

**Councilor Verga** confirmed the Committee was in receipt of a memo from Mr. Duggan confirming the City's insurer will cover the liability insurance for the event. He pointed out that due to the change in roadway direction for two City streets, the Committee would need to vote on a permit. **Ms. Steele** and **Ms. Preston** reviewed with the Committee the conditions of the permit prior to their vote.

**MOTION: On motion by Councilor Hardy, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the Celebration of the Renewal of Newell Stadium for the rededication of Newell Stadium on Friday, September 6, 2013 from 4 p.m. to 10:30 p.m. at Newell Stadium, Leslie O. Johnson Road with the following conditions:**

**1. Certificate of Insurance:**

A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's office on or before July 9, 2013 or a written statement from the office of the Mayor advising that the event is fully covered by the City's insurance.

**2. Traffic Plan:**

- Event organizers are to file an approved Traffic Plan with the Police Chief and the Fire Chief and with the City Clerk by July 9, 2013 detailing any road closures or changes in existing traffic patterns.**
- 3. Refuse and Comfort Stations:**  
If refuse and recycling removal and comfort stations are needed due to this event all refuse must be removed by the DPW, and any portable toilets (with two handicapped accessible) are to be provided and maintained if required by the Public Health Department.
  - 4. Emergency Services:**  
Emergency Medical Services plans are to be approved by Sander Schultz, Fire Department EMS Coordinator and filed with that department by July 9, 2013.
  - 5. Staffing:**  
Event staff is to have cell phones and be identified by distinct shirts. A list of event staff and their cell phone numbers is to be submitted to the Police, Fire and DPW Departments in advance of the event.
  - 6. Notification of Immediate Abutters and Businesses:**  
Notice shall be made by the event organizers by hand or by mail no later than 7 days in advance of the event to all abutters.
  - 8. Responsibility of the organizers of the Celebration of Renewal of Newell Stadium:**  
The organizers of the Celebration of Renewal of Newell Stadium are also required to obtain any necessary approvals from the Licensing Board, the Public Health Department and the Licensing Commission. It is the sole responsibility of the organizers of the Celebration of Renewal of Newell Stadium to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

**7. *Special Events Application request to hold "Old Magnolia Day" on Saturday, July 27, 2013***

**Catherine Hull**, 2 Ocean Avenue and **Tricia Arnold**, 33 Ocean Avenue, representing the Magnolia Historical Society explained to the Committee that the Magnolia Historical Society had a similar event last year, but has renamed it to "Old Magnolia Day," a family-oriented event from 9 a.m. to 5 p.m. on Saturday, July 27<sup>th</sup> featuring local vendors. Along Lexington Avenue it will be a set up similar to a sidewalk bazaar, and the avenue will be lined with displays.

**Councilor Verga** asked that the Certificate of Insurance be submitted to the City Clerk's office the following day which names the City of Gloucester as the Certificate Holder. It was noted that this event went before the Special Events Advisory Committee and received approval (on file) for the road closure.

**Councilor Hardy** wished the Magnolia Historical Society luck with their event and was pleased to see a revitalization of the Magnolia retail area.

**MOTION: On motion by Councilor Hardy, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the Magnolia Historical Society to hold their "Old Magnolia Day" Event on Saturday, July 27, 2013 from 9 a.m. to 5:00 p.m. Lexington Avenue is to be closed from Norman Avenue to Flume Road for the duration of the event with appropriate signage posted at either end of Lexington Avenue advising motorists of alternative routes. A Certificate of Insurance naming the City of Gloucester as Certificate Holder is to be on file with the City Clerk's office no later than July 18, 2013.**

**8. *PP2013-003: Petition of National Grid for installation of underground secondary conduit re: 129 Dennison St.***

**This public hearing is opened.**

**Those speaking in favor:**

**Peter Glynn**, Field Engineer, National Grid said that National Grid (NG) is requesting to install underground conduit to provide electrical service to 129 Dennison Street. This consists of 30 feet of underground secondary conduit encased in 2-3 inch PVC conduit in a public way from a transformer on the left-hand side of the road. The conduit would feed across the road into a small hand hole to feed the electricity to the building at 129 Dennison Street. He noted he had provided the Committee with three photographs that were in the Committee's agenda packet indicating by a white painted line where the proposed conduit would be located in the public way and pointed out where the conduit would be located. Mr. Glynn noted that the electrician doing the installation was Charlie Mahoney, who is working as a private individual and not in his role as City Electrical Inspector. **Councilor Verga** said that he

just would be unable to do the electrical inspection on this property, although he was not aware of what Mr. Mahoney's contract was with the City. **Mr. Glynn**, in response to an inquiry by **William Woldbach**, 124 Dennison Street said that it was established by the City that Dennison Street is a public way which was discovered for a prior pole petition even though it is unpaved. **Councilor Hardy** asked who is repairing the roadway. **Mr. Glynn** said the owner's contractor will install the wire and conduit. National Grid will own the conduit and wire upon the completion of the installation. It is National Grid's responsibility. The conduit, he confirmed, is in the public way and not an easement. **William Woldbach**, 124 Dennison Street noted the roadway is unpaved and private road. **Mr. Glynn** said that it was established by the City's Engineering Department that Dennison Street is a public way which was discovered for a prior pole petition about a year ago on this same road.

**Those speaking in opposition:**

**Mr. Woldbach** said he is in favor of the legal installation of electricity to this property but the property owner has been a poor neighbor to him and his wife and there were several issues that continued to be a problem. The Councilors suggested Mr. Woldbach should speak to the Building Inspector and Public Health Department on any complaints he might have about his neighbor. This public hearing was strictly on the merits of the application by National Grid to install electrical wire and underground conduit for electrical service for 129 Dennison Street.

**Communications: None.**

**Councilor Hardy** asked if the property owner had viewed the conditions by the DPW Director. The property owner was identified as Norris Marston who was present and given a copy (on file) of the DPW Director's memo on the Pole Petition.

**Councilor Ciolino** asked who the contractor was. **Norris Marston**, the property owner of 129 Dennison Street said the contractor is Chad Ketchopoulos and confirmed to the Committee Mr. Mahoney is working in a private capacity as an electrician.

**Councilor Hardy** asked that the roadway be restored and maintained to the state it is in at this time which **Mr. Marston** confirmed it would.

**This public hearing is closed.**

**MOTION: On motion by Councilor Hardy, 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 129 Dennison Street as shown on Assessors Map 115, Lot 80, for the installation of underground electric conduit, including necessary sustaining and protecting fixtures, under and across the public way or ways herein named for the purpose of transmission of electricity which includes the installation of 30 feet of 2-3 inch PVC conduit from a pad mount transformer. Said underground conduits are to be located substantially in accordance with the plan filed and marked National Grid, #13007232 and dated 04/09/2013 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, to minimize pedestrian hazards. 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.**
9. ***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 05/08/13)***

**Attorney Robert Coakley**, 64 Middle Street representing James Santo, owner of Mansfield Street #3/Washington Street #24 introduced Attorney Lisa Levine, now practicing with his office and the project architect, Joseph Luna, of Luna Design Group and a local resident. He reviewed that two P&D meetings he had come into the Special Council process late. The Zoning Board of Appeals (ZBA) relief granted in November 2012, based on the filing Mr. Santo made in December 2012, and as amended by some supplemental plans and filings to the Council,

that the ZBA relief would not have allowed the building before the Council to be built. Rather than go forward to have the Council go forward and approve something that doesn't have the subsidiary relief, he requested time to go back to the ZBA, which he and the applicant did. He explained they were scheduled in late May but in a series of misadventures, that hearing by necessity was postponed and so went before the ZBA late in June. The relief applied for was granted, he said. ZBA is very experienced, he said, and had granted six forms of relief. **Mr. Coakley** noted that upon taking up the legal representation of the applicant, applied for 12 forms of relief from the ZBA. The original filing with the ZBA for relief was not done by a zoning practitioner, he noted, and so made for the discrepancy. **Mr. Coakley** said that he received all the requisite relief applied for with one form of relief waived, he said.

The fire was on the Washington Street site and behind it on the Mansfield Street property. This plan (shown in an enlarged form to the Committee) is in the Council file done by a local surveyor showing two separate structures. In orange on the presented board plan, in looking on the City's assessor's map he pointed out the structures.

The two year window under State law and local ordinance permits for someone's property destroyed by fire is rapidly approaching. The fire was in September in 2011. They must apply in September for a building permit to reconstruct the two structures.

**Mr. Coakley** then said that this building in back had three residential units in it, and building in front had the old Donut Jim's. The Psalidas Market was in this location since the early 1950's. The business use of the front portion of the building that sides on Washington Street even though it is R-5 zoned has been continuously maintained as a business. He noted a 1966 zoning map from the Building Inspector's office which shows the whole building was a retail business and said that business use is grandfathered in as are the six residential uses. **Mr. Coakley** said they believe by constructing one single structure with the amenities that Mr. Santo and his engineer provide, is better for the neighborhood rather than reconstructing two free standing three-family structures with business use in the front. Previously with the seven uses there was only one legitimate parking space on the project which he pointed out. Not only do they believe constructing the building is better than reconstructing, even though the new building to the State building code, he said, this is a safer configuration for a new structure in a dense neighborhood.

Coterminous with that, the City Council file showed, **Mr. Coakley** said, that the plans initially filed with the application and supplemented during the process, there was a request for relief filed for a height exception. The height exception was based on building on a tabletop going up to the penthouses. The ordinance calls for average grade, and the property slopes down Mansfield Street from Washington Street. The applicant had a surveyor and engineer calculate the average grade, he said. To build the structure, in reality, the height needs to be 43 feet tall, he noted, which take into account the average grade which originally it was not.

He said that more importantly, the original application was filed for six dwelling units; but there are actually seven units. Under the zoning definition of multi-family, business qualifies under it. The seven units, **Mr. Coakley** pointed out, which were documented in the original ZBA decision, and asked for and described narratively in the Council application. He pointed out that the difference between six and seven units is a one line item in the use zoning schedule. It is from .7 to .8, it went from CC to CCS. The store is the seventh unit, he confirmed.

The lot area per unit and the open space per unit which the Council regularly grants when approving multi-family, **Mr. Coakley** said, very few parcels can provide requisite open space per dwelling unit and lot area per dwelling, and was referenced in the ZBA decision but that relief was not asked for, recognizing they would come before the Council for a Special Council permit. That, he added, is a de minimus form of relief.

**Mr. Coakley** said he wanted to submit an amended petition to the Council that gives everything that should be before the Council at this time. Nothing contained in the amended application would be anything that is new, he pointed out in that everything was set forth before, especially the same building. Showing the Committee the current site plan previously filed with the Council, he pointed the dimensional changes and what the plan was that went to the ZBA.

He noted there was a problem with the setback in the rear. The building that the ZBA approved was right on the lot line by Tedeshi's shopping plaza. Because of State building code requirements and a plan originally given to Mr. Santo by a modular company who designed the overall structure. **Mr. Coakley** said that Mr. Santo selected modular construction which has an advantage to the neighborhood; a similar modular construction to the Lorraine apartment rebuild, which will be a minimal impact and disruption to the neighborhood that once the foundation and utilities are in place it is a quick rebuild. The modular company wasn't familiar with the State building code requirements because of the windows in the back, he said. Essentially, he said it is the same structure moving forward. The jogs were deepened, but the same physical layout of the structure along Mansfield Street is the same.

**Mr. Coakley** noted several neighbors were present at the meeting. He pointed out that from the beginning Mr. Santo has tried to keep the neighbors abreast of any progress on his project. This plan, he said and a rendering

which he showed the Committee, is something that was reviewed by neighbors in a meeting that Councilor LeBlanc organized before the prior ZBA meeting. The rendering he showed the Committee had not yet been previously viewed by them (not on file). There is not, **Mr. Coakley** said, anything that is substantively new. All this, he added, the Council has in a hodge-podge fashion; he admitted which **Councilor Hardy** agreed with. She then asked if Mr. Coakley saw any value in withdrawing the current application and making a new submission to the Council with the fee waived. **Mr. Coakley** said the problem in submitting a new application, is that Mr. Santo is under enormous pressure by his insurance company to get this work done because it was part of the settlement process and has a deadline. **Councilors Ciolino** and **Hardy** pointed out it was not the Council's problem. P&D has not been the party requesting continuances on the application. **Mr. Coakley** continued that if they were to withdraw and refile the application, they won't have a final approval from the City Council in time. **Councilor Hardy** suggested this matter would have to be continued and said she had only just received an incomplete amended application this evening prior to the meeting. She said there was a value of withdrawal and resubmission. She added if the application were to move forward, the application would not receive her vote the way it is now.

**Mr. Coakley** added that the other part of the problem is that his client is running up against a timeline where Mr. Santo's rights to the two properties expire. **Councilor Hardy** said the Council has done everything they can to get this current application done. Nothing is working for the neighbors or for her she said. **Mr. Coakley** asked if this were a way that the City Council could accommodate fast tracking a new application. **Councilor Hardy** reiterated she saw value in the withdrawal. As soon as the project can be constructed everyone will be happier she said. But to try and weave this and that in with all the new information into all that has already been submitted is just too difficult.

**Councilor Verga** said if a new application is filed immediately, this matter could come back to the August 7<sup>th</sup> P&D meeting. Councilor Hardy said she would accommodate Mr. Coakley in the timing of getting in the documentation to the Council so the matter could be referred to P&D on the 23<sup>rd</sup> of July.

**Councilor Ciolino** said this at least third iteration of what has been presented to the Committee along with conceptual viewing. He said for clarity purposes this application needs to be withdrawn and that a new application needs to be submitted pointing out there is still a lot of work to do. He also pointed out there had been talk of a new drainage plan, and that they were supposed to meet with the DPW, but a new drainage plan had yet to be submitted. **Mr. Coakley** said there have been three separate meetings with Mike Hale, DPW Director together with the City Engineer. Mr. Hale, he said, has approved the revised plans that were delivered to the City Engineer. There will be another joint meeting very soon, he added. **Councilor Hardy** asked that the DPW meeting be before the next P&D. **Mr. Coakley** said Joe Luna prepared the renderings that are on file, he said. That is essentially the same ones that are the detailed architectural stamped drawings for.

**Councilor Verga** asked that this application be withdrawn and resubmitted.

**Joseph Luna**, AIA of Luna Design Group and Project Architect said that he started working with Mr. Santo, a property owner who is not a contractor, only recently. He noted a site plan was approved in November by the ZBA which should not have been filed. It did not meet building code. The building was too close to the property line, and windows should not have been included so close to a property line and fronting a public way. He said the building had to be pushed back not only regarding window area but the egress had to be adjusted on either side of the building as well and so the building had to be pushed back because of those two reasons. The units are only 1,250 square feet, he noted, and said there is not much extra square footage to work with.

**Mr. Luna** also said there were issues of the slope on Mansfield Street and the garages as proposed on the modular company plan and conceptuals early on simply didn't work. They went back and retooled it all, met with DPW and also received further the zoning relief. In terms of the height restriction there is further relief needed because of the height of the penthouses which are not excluded. He said he understood the frustration with amended plans on the Committee's part, but at this point the majority of engineering on a conceptual level, not final plans ready for building permit, are worked out from drainage to curb cuts coming in and out of the building, addressing the pedestrian walkways and vehicle access because it is a tight urban site. All that can be done has been done as to mitigate the site. At this point, he said, those involved in the project have almost all the issues managed and have confidence in what is before the Council.

**Councilor Verga** cautioned that if this matter went to the Council with a 0 to 3 vote to recommend to the Council or a 1 to 2 vote to recommend, it will be hard to convince the rest of the Council to vote in favor of the project.

**Councilors Verga and Hardy** strongly suggested to Mr. Coakley and Mr. Santo that the current Special Council Permit application be withdrawn and a new clean file be submitted. **Councilor Hardy** said it needs to start from scratch and said as Council President she will make it all happen in a timely manner but the neighbors need to be heard.



The Committee confirmed with Mr. Luna that the project would still be a modular shell project. The modular building once in place will be field trimmed, Mr. Luna said, and that the inside will be essentially done upon delivery, but the outside will be Tyvac wrapped only and windows will be installed.

**Councilor Hardy** asked that the weeds be pulled at the site. **Mr. Santo** said the weeds were pulled which Mr. Coakley confirmed. Mr. Santo was asked to secure and trim the tarpaulin on the site or put up a new, well secured tarpaulin up which he said he would do.

**Mr. Coakley** agreed with the Councilors that he would submit a letter of withdrawal for SCP2012-014 to the Council and submit a new application promptly. **Councilor Hardy** said she would accept a letter from Mr. Coakley for the withdrawal of SCP2012-014 the following day by 4 p.m. and that a letter indicating the submittal of a new Special Council Permit application must be received in the City Clerk's office by 10 a.m. Friday. The Council, she said, would waive the filing fee. The completed new Special Council Permit is due to the City Clerk's office by noon on Monday, July 22, 2013. The Committee agreed a new, clean and completely up to date application would be heard at their August 7<sup>th</sup> regularly scheduled meeting.

**This matter is continued to August 7, 2013.**

**A motion was made, seconded and voted unanimously to adjourn the meeting at 8:15 p.m.**

**Respectfully submitted,**

**Dana C. Jorgensson**  
**Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- **Final plans for Celebration of Newell Stadium event with email from Lt. John McCarthy outlining the police details for the day of event submitted by June Steele**