

Planning & Development Committee
Wednesday, July 16, 2014 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Greg Verga; Vice Chair, Councilor Paul Lundberg; Councilor William Fonvielle (Alternate) Councilor Melissa Cox

Absent: Councilor LeBlanc

Also Present: Councilor Cox; Linda T. Lowe; Mark Cole; Stephen Winslow

The meeting was called to order at 5:30 p.m. Councilor Cox sat in as alternate from 5:30 p.m. to 5:33 p.m. when Councilor Fonvielle took his place as first alternate on the Committee.

1. *Special Events Application: request to hold the Mother of Grace Fiesta on September 6 & 7, 2014*

Gus McIntosh, 26 Summer Street, Vice President of Mother of Grace Club was present. **Linda T. Lowe**, City Clerk, confirmed that Mr. McIntosh came before the Special Event Advisory Committee said that Mr. McIntosh has done all that has been asked of him to ensure a successful event. There are no issues at all, and that this event permitting is simply for road closures she noted.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the Mother of Grace Club to hold its annual Mother of Grace Fiesta on Saturday, September 6, 2014 from 6 p.m. to 10 p.m. and on Sunday, September 7, 2014 from 7 p.m. to 9 p.m. at 48 Washington Street. Additionally, the City Council hereby permits a procession by the Mother of Grace Club to commence on or around 2:00 p.m. on Sunday, August 7 and to conclude on or around 2:45 p.m. on a route from 48 Washington Street and returning to 48 Washington Street requiring street closures at Prospect and Granite Streets as directed by the Gloucester Police Department. Traffic control during the procession will be overseen by the Gloucester Police Department and no police detail is required.

2. *Special Events Application: request to hold the Waterfront Festival on August 16 & 17, 2014*

This matter requires no Committee or Council action.

3. *Special Events Application: request to hold the Gran Prix of Gloucester Cyclo-Cross Race on September 27, 28 2014 at Stage Fort Park*

Chris McKernan, Vice President of Essex County Velo (ECV), the Gran Prix of Gloucester event organization reviewed the success of last year's event held at Stage Fort Park. He said that aside from the national exposure this event brings for the city, this year there will be additional international exposure through their work with a major European bicycling brand to the extent that they sent from England a rider and photographer to do a snapshot of Gloucester. The community is their angle, and they are proud that ECV has had a part in that. He added that this two-day race has attracted additional sponsorship as well. ECV is looking to host a few events at the Gloucester Writers Center, he noted. This event will be broadcast through USA Cycling with live audio and video streaming. Overall the racecourse will be similar to that of 2013 and will address any of the concerns of the community as well as follow the same conditions set forth last year, he said. He pointed out that ECV has mitigated any concerns from last year's event in terms of the condition of the park. Mark Cole, Assistant Public Works Director, he said, sent a letter of endorsement for the condition of the park, and so the bond posted as a condition from 2013 is now released, he added.

Councilor Verga noted the race map has to be finalized by the time of the Council vote on this event, Tuesday July 22. He said that last year's course was workable and that within reason it is his understanding that ECV isn't changing any major elements of the race course. **Ms. Lowe** said that a map should be submitted to the Council showing the racecourse for 2014 as the one on file is dated for 2013.

Councilor Cox said she worked at the beer tent for the entire Sunday of the 2013 event. The feedback she received was positive, and that the event organizers were good about enforcing the rules. A police officer was on site the entire time. She pointed out that there is a need for better roping off of the area where beer was served. She

expressed her appreciation for the event organizers enforcing the rules. She also noted that vendors whom she spoke with all said they did well, and that the cyclists who she spoke with all lauded the event. She said she had received no negative feedback on the day of the event or from the after action report.

Ms. Lowe said there is Licensing Board permits needed for the serving of alcoholic beverages which is required and carries the rules as to how that is carried out. There are now new Licensing Board regulations for one-day liquor licenses, and the Licensing Board will discuss with the event organizers when they appear before the Board, she added. **Mr. McKernan** said that the beer tent is always manned by an on-duty police officer, and there are distinctive wristbands for those who have shown their I.D. It is a respectful environment, he said.

Councilor Verga said he didn't hear anything negative on last year's event until an email was received from the Friends of the Gloucester Dog Park two days ago (on file) related to access issues for dog park users during the 2013 weekend event. **Mr. McKernan** said that both he and Paul Boudreau, ECV's President, had no request to distinguish Dog Park parking or as to how many spaces were to be reserved last year and asked for clarification on that matter. **Mr. Cole** asked that the email from the Dog Park be forwarded to him. **Mr. McKernan** said there is no distinction of parking spots but a gravel area. He said it becomes a subjective situation and had been hard for the users of that space and the event organizers as to the parking. He pointed out ECV did provide a parking attendant. **Mr. Cole** said the DPW can measure 20 parking spaces and mark them off to be used only for Dog Park parking for the 2014 event. **Councilor Cox** noted that when cars pull into the parking lot and indicate they are there to use the Dog Park, event staff should point them out to the newly delineated spots. **Councilor Verga** agreed that this would be a good solution. **Mr. McKernan** said it is a matter of communication with community groups. He said that while it appears the parking lot unattended, it is just that the event parking attendant move further in as the lot fills.

Councilor Cox said she thought the event was handled well. **Mr. McKernan** said he appreciated the cooperation and assistance from the Council and city staff.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Fonvielle, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the Essex County Velo Gran Prix of Gloucester Cyclo-Cross Race event to be held at Stage Fort Park on Saturday, September 27, and Sunday, September 28, 2014 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 August 29, 2014.

2. Traffic and Road Closure Plans:

a) Memoranda from the Police Department and Fire Department giving approval of the plans for the Essex County Velo Cyclo-Cross Race to be on file with the City Clerks office on or before September 12, 2014. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Chief or his designee is to be filed with the City Clerk and the DPW Director or his designee on or before September 12, 2014. After Council permit is granted if either the Police Chief or Fire Chief or their designees determine that a substantial change(s) has been made to the route, then the applicant shall obtain City Council approval or the change.

b) Traffic Signage:

The applicant is to place signage on the roads leading in and out of Stage Fort Park to be sure it is clear to the public which access roads are closed but that the Visitor's Center is accessible.

3. Refuse and Comfort Stations:

All event refuse and recycling must be removed by the Essex County Velo, event organizer. Any portable toilets (including the two required handicap accessible) are to be provided, maintained and paid for by the event organizer and must be in place the evening before the first day of the event or early in the morning of the day of the event and removed no later than 9:00 p.m. Sunday, September 28, 2014.

4. Emergency Services:

Emergency services are as required by the Fire Department Emergency Medical Services Director, Sander Schultz.

5. Staffing:

Event staff is to have cell phones and be identified by the public with distinct shirts, and list of event staff and their cell phone numbers submitted to the Police, Fire and Public Works Departments.

6. Notification of Immediate Abutters and Businesses to Race Course:

Notice shall be made by the Essex County Velo Gran Prix of Gloucester Cyclo Cross event organizer by hand or by mail no later than 7 days in advance of the event to any function halls, motels and hotels, and other businesses along the race route and Hough Avenue.

7. Course Adjustments:

The Essex County Velo event organizers are to present a written detailed list of all activities that require the assistance of the Department of Public Works (rocks to be moved or equipment to be moved, etc.) at least 7 calendar days prior to the event.

8. On-Site City Staff:

The Public Services Superintendent, or his representative, is to be on site during the Gran Prix of Gloucester Cyclo Cross event in order to facilitate any problems that might arise during the event. The cost of this service will be covered by the event organizers.

9. Videotaping of Pre-Event Conditions:

Once the course is set up, the Essex County Velo event organizers will walk the entire course with a video camera. This video will be delivered to the Department of Public Works within 7 calendar days of the event; the video will then be used to determine prior conditions when discussing the repairs post-race.

10. Site Walk Post-Event:

On the Monday immediately following the event a group consisting of the Assistant Director of Public Works, Public Services Superintendent, a member from Essex County Velo, Ward Councilor, and the landscape contractor hired for the Stage Fort Park repairs will walk the entire course to inspect the course for damages. Any damage to the park will be documented, discussed and a solution agreed upon by the group prior to any repairs being started. A start date for repairs will be agreed upon and a follow up meeting at the site will be scheduled two weeks after the repairs have been completed. Any discrepancies will be reviewed with the help of the pre-race video.

11. Responsibility of the Essex County Velo organization:

The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health, Conservation Commission, and the Licensing Commission. It is the sole responsibility of the Essex County Velo organization 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.

12. A Performance/Surety Bond for Repairs to Stage Fort Park:

A performance/surety bond in the amount \$10,000 for repairs to Stage Fort Park will be posted by Essex County Velo and payable to the City of Gloucester submitted to the Director of Public Works by Essex County Velo to insure that repairs are made to Stage Fort Park following the Gran Prix event of September 27 and 28, 2014. Said repairs are to restore Stage Fort Park to the original or better condition of that prior to the event. The performance/surety bond is to be returned to Essex County Velo in whole if it is determined by the Director of Public Works, or his designee, that the reparations made to the park are completed by May

15, 2015. If by that date the Director of Public Works or his designee determines the reparations are not complete, Essex County Velo has 30 calendar days to cure any defects as indicated. If after the determination that reparations are found deficient by the end of that 30 calendar day period, notice will be given to Essex County Velo that the performance/surety bond will then used to take the necessary steps to complete the park reparations.

In the event that Essex County Velo cannot obtain a performance/surety bond to insure that repairs are made to Stage Fort Park following the Gran Prix event of September 27 and 28, 2014, the City shall require as an alternative, that Essex County Velo place \$5,000 payable to the City of Gloucester, in a non-interest bearing escrow account no later than 7 days prior to the 2014 event with John Dunn, City Of Gloucester CFO serving as escrow agent with Essex County Velo only liable in the event of willful default.

Said repairs are to restore Stage Fort Park to original or better conditions to that prior to the event, if it is determined by the Director of Public Works, or his designee, that the reparations made to the park are completed by May 15, 2015, the escrowed funds are to be returned to Essex County Velo in full. If by that date the Director of Public Works or his designee determines the reparations are not complete, Essex County Velo has 30 calendar days to cure any defects as indicated. If after the determination that reparations are found deficient by the end of that 30 calendar day period, notice will be given to Essex County Velo that the escrowed funds will then be used to take the necessary steps to complete the reparations.

13. Cap of Entrants:

The maximum number of entrants to this event is set at 1,000 per day for each day of the 2014 Gran Prix of Gloucester Cyclo Cross event.

14. Staking of Repaired Areas to Stage Fort Park:

Post-event, staking of the repaired areas of Stage Fort Park that require loam and seed will be erected to prevent damage to the areas by foot traffic or vehicles and shall be maintained in good order until the DPW determines the date of removal.

15. Related Costs to the Event:

Essex County Velo organization is to pay the City of Gloucester any costs for City services related to the race course and affected adjacent areas of Stage Fort Park before, during and after the 2014 Gran Prix of Gloucester Cyclo Cross event.

16. Restricted Use of Gloucester Dog Park during Gran Prix of Gloucester Cyclo Cross Event 2014:

Essex County Velo shall be restricted from use of the Gloucester Dog Park which is located in the southerly section of the Stage Fort Park parking area. Said restriction shall include but not be limited to the following:

- **That the Dog Park is not to be used as part of the event course;**
- **There shall be no parking of automobiles or storage of bicycles or other equipment or any erection of temporary structures, tents.**
- **DPW to mark off approximately 20 spaces for Gloucester Dog Park users for the duration of the event.**

17. Areas of Stage Fort Park Not to be Used in the 2014 Essex County Velo Gran Prix Race Course:

- **Half Moon Beach;**
- **The area from Lucy B. Davis Pathway, to the playground area (so called "Run up");**
- **The area surrounding the Elizabeth Smith Garden and the Gloucester Garden Club Garden;**
- **The area between the Visitors Welcome Center and the fort which is a wetlands protection area.**

18. Overnight camping or tenting in before, during and after the Gran Prix of Gloucester Cyclo Cross Event at Stage Fort Park is prohibited:

Overnight camping/tenting is expressly prohibited at Stage Fort Park before, during and after the Gran Prix of Gloucester Cyclo Cross event. Event organizer is to prominently display this fact on their website and at the event informing all participants when registering and checking in to the event of this prohibition.

19. This permit is contingent upon Essex County Velo receiving any necessary approval by the Licensing Board in order to serve alcoholic beverages during the event as needed.

**4. PP2014-001: Petition of National Grid for installation of underground electric conduit
Re: Pleasant Street**

This public hearing is opened at 5:49 p.m.

Those speaking in favor and Councilor and Committee Discussion:

Peter Glynn, National Grid representative, said that National Grid is seeking permission to put 27 feet of underground conduit in the sidewalk on Pleasant Street. He showed photographs of the poles there that would be replaced which is not a part of this permit but necessary as the poles are old and unstable. The city requires electrical service for the playground area, he said.

Stephen Winslow, Senior Project Manager with the Community Development Department explained that: This Pole Petition is necessary in order to put in a load center to the power grid in a location that it minimizes the amount of conduit in the sidewalk and is out of the way of snowplowing to ensure power for the Burnham's Field project. The poles are not being moved but are being replaced in front of the Yellow Sub Shop. They are condemned utility poles, which are to be replaced, and then the underground conduit will go from the new pole to the location within Burnham's Field. He agreed the poles were in very bad shape.

Renee Nicastro, 14 Silva Court, owner of the Yellow Sub Shop, said she was not opposed to the installation of the underground conduit, but asked that National Grid work with her because when the gas line was done in her business' immediate area, it closed her business for a year which was a hardship. The proposed replacement of the utility poles is directly in front of her business, she pointed out. She added that her business is closed on Sunday only, and asked if National Grid could work on that day.

Mr. Glynn said that he spoke with Ms. Nicastro at the site, and that in order to remove the old poles and install the new ones, National Grid will need two full days to change out the poles and then another day for transferring the equipment off the old poles onto the new poles. Ms. Nicastro and Mr. Glynn conferred as to whom she should speak with within the National Grid organization for the scheduling of the pole replacements and convey the impact on her business. **Mr. Glynn** pointed out that these poles were installed in the 1940's, and over time have been struck by motor vehicles. He explained that the power will not be down for two days. He noted that this portion of Pleasant Street is congested and narrow, and that a line truck will not allow anything to get by. **Ms. Nicastro** asked if the work can be done at night after 7 p.m., and **Mr. Glynn** said he thought that may be possible.

In response to a question from **Councilor Verga**, **Ms. Lowe** reminded the Committee of the restrictions of the noise ordinance as to time of day and limits on the decibels that can be emitted. **Mr. Glynn** said there will be chain saws used but of a short duration. He then explained the particulars of what is on each of the two poles.

Councilor Cox expressed concern that there may be power outages in this neighborhood which includes Sheedy Park. **Mr. Glynn** said they will look at what outages will be needed and will ensure that Sheedy Park stays up. **Mr. Winslow** reminded the Committee that St. Ann's School opens in September as the West Parish Swing School adding to the area's congestion and so it would be helpful to ensure that this work happens before that time. He said that right now they can work with the contractor to ensure the trucks are out of the way. Once school starts then this work will become more of a problem.

Councilor Verga said that there needs to be an answer about working on Sunday but to disrupt a business for two days is a problem, plus the other businesses on the street and the natural flow of traffic, which also Councilor Cox pointed out. Councilor Cox said she would also make calls if necessary. Mr. Winslow said the reason to move the electrical box, is that the city is looking to energize the street lights at Burnham's Field and that the newly installed bathrooms can't be operated until there is electricity. The poles are not part of this permit, only the conduit, he reminded the Committee. The sidewalk in front of the park will be closed and would be the limit, **Mr. Winslow** pointed out. **Councilor Cox** noted that the portion of the sidewalk where the conduit is to be installed has been closed for some time now because of the ongoing Burnham's Field renovations.

Those speaking in opposition: None.

Communications: Memo from Public Works Director dated 8 July 2014 expressing his approval of the project and submitting five conditions which he asked the Committee to convey.

This public hearing is closed at 6:02 p.m.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Fonvielle, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit National Grid permission to excavate the public highway and to run and maintain underground electrical conduits together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with Plan #167652650 Pleasant Street entitled, "Electric Distribution Construction Easement dated 4/30/2014, in order to install 27 feet of 3 inch underground service conduit from Pole #2088 to electrical service in the vicinity of 75 Pleasant Street, as shown on Assessors Map 26, Lot 17, a property owned by the City of Gloucester, 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.
5. *RZ2014-002: 27 Rocky Neck Avenue to be rezoned from R-10 (Medium/High Density Residential) And NB (Neighborhood Business) to NB exclusively*

Attorney Joel Favazza, 111 Main Street, Gloucester, was speaking on behalf of Two Five Three One RNA Realty, LLC, the owner/applicant of 27 Rocky Neck Avenue, the applicant. He related the following: This application is to rezone 27 Rocky Neck Avenue from R-10 (Medium/High Density Residential) and NB (Neighborhood Business) to become zoned exclusively NB. This is a single parcel which should have single zoning and its designation as NB would be appropriate for its current and historical use. Until this summer 27 Rocky Neck Avenue was four separate parcels. The plan on file with the petition is a variant of the ANR plan to combine the four parcels into one lot which was approved in June 2014. The City has had the parcels conveyed together since at least 1971. All the parcels were used as Bickford's Marina starting in 1961 until the current owners took title. Prior to that time the property was used as a boat yard. The current owners are continuing the use of the property as a marina. The last residential component on the property was a house which was removed in 1971, and since then the property has been devoid of residential use. However, the property is still zoned R-10 although the street side is NB except for a small portion on the southerly end that is R-10 straight to the street. Going further back into the Assessors' records it shows before 2000 the zoning is B1 which was an old business zoning designation. The site is being used as a marina, and the current owner is expanding its services. They want to cohabit with other businesses on Rocky Neck. Parking is at a premium on Rocky Neck and in order for other neighborhood businesses to use space on this lot for parking the parcel must also be NB which is an "avenue of opportunity" by designating the entire parcel as NB.

Mr. Favazza said zoning the entire parcel NB is the appropriate zoning for the site and is in line with its historical use. He noted the applicant has yet to appear before the Planning Board but will on August 7.

Councilor Verga confirmed this rezoning matter is on the agenda for the Planning Board's August 7 meeting. He suggested that the Committee could vote this rezoning matter forward contingent upon a recommendation of the Planning Board and move this matter to public hearing. Ms. Lowe discussed the process of putting this matter before the Council as a public hearing with the Committee and the timeline under the zoning ordinance.

J. Michael Faherty, a member of Two Five Three One RNA Realty, LLC said that city infrastructure work is scheduled to begin on Rocky Neck shortly after Labor Day which will make access and parking problems more difficult on Rocky Neck. He indicated that having this parcel's zoning changed prior to that would be very helpful to the neighborhood.

Mr. Favazza, answering an inquiry from **Councilor Fonvielle** said that the adjacent parcels heading down into Rocky Neck has NB zoning where there are galleries, restaurants, a hotel, and residential. **Ms. Lowe** pointed out the Assessors Map on file to the Committee for clarification as it shows zoning.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Fonvielle, the Planning & Development Committee under Gloucester Zoning Ordinance Section 1.11 and MGL c. 40A, §5, voted 3 in favor, 0 opposed, to recommend that the City Council amend the Gloucester Zoning Ordinance by amending the Gloucester Zoning Map and corresponding zoning districts by rezoning 27 Rocky Neck Avenue (formerly 25-31 Rocky Neck Avenue), Assessors Map 130, , Lot 5 (formerly Lots 5, 6., 7 and 8) from R-10 (Medium/High Density Residential) and NB (Neighborhood Business) to NB exclusively contingent upon the receipt of a positive recommendation from the Planning Board.

This matter will be scheduled for public hearing.

**6. SCP32014-009: Commercial Street #44, Map 7, Lot 17, GZO Sections 1.5.3 (c), 1.8.3, 2.2.1, 2.3.4 and 5.18
Re: restaurant use**

Councilor Verga explained that at the request of the applicant this matter will be continued to the Committee's next regularly scheduled meeting.

This matter is continued to August 6, 2014.

7. Cape Ann Community Cinema request for Open Air Parking Lot pursuant to GCO Sec. 22-153

Ms. Lowe briefly explained that the owner of the Cape Ann Community Cinema filed his application for an open air parking lot but that the Building Inspector said that he could not have that until he had a Special Council Permit under the zoning ordinance. The Building Inspector, she said, is firm that the applicant would need to go through that process. She discussed this matter with the Committee and suggested that if the Cape Ann Community Cinema does not charge for parking then they may not be required to get an open air parking lot permit. She said she would get a clarification from the Building Inspector before the next meeting. She also noted that the Cape Ann Community Cinema had yet to file an application for a Special Council Permit, and she will also confirm whether they still wish to go forward.

This matter is continued to August 6, 2014.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:16 p.m.

Respectfully submitted,

**Dana C. Jorgensson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Three photographs of utility poles on or around 72 Pleasant Street submitted by Peter Glynn, National Grid representative**