

CITY COUNCIL STANDING COMMITTEE
Planning & Development Committee
Wednesday, June 2, 2010 – 6:30 p.m.
1st Fl. Council Conference Room – City Hall

Present: Chair, Councilor Joseph Ciolino; Vice-Chair, Councilor Robert Whynott, Councilor Greg Verga

Also Present: Councilor Mulcahey; Peter Glynn; Sherree DeLorenzo; John Cunningham; Sarah Garcia; Jim Duggan; John Orlando; Kathy Gilson; Mr. Hastings; Members of the DDC; Doug Cook, DDC; Kenneth Lento, National Grid; Bradford Maxwell, representing National Grid; Paul Muniz, representing Star Realty; and Ms. Cuilla, Star Realty.

The meeting was called to order at 6:30 p.m. Items were taken out of order.

1. Unfinished Business

A) CC2010-016 (Verga) Request filed with City Clerk's Office on March 19, 2010 re: Lot on The corner of Concord Street and Rt. 128 (Continued from 05/05/2010).

Councilor Ciolino reported a letter has been sent to DeMoula's Market Basket requesting that a representative be present at the next meeting, which will be held in two weeks.

B) PP2010-003: Installation of 2-3" PVC conduits from an existing pole #5233 to house #76 High Popples Road

Councilor Ciolino stated he is a resident of High Popples Road; however, does not personally know the owners of the property and will be voting on this petition.

The public hearing is open.

Those speaking in favor: Peter Glynn, agent for National Grid, stated that the owners of the property being built at 76 High Popples Road contacted National Grid to discuss the possibility of underground wiring. The proposal involves constructing a line of underground electric conduits, including the necessary sustaining and protecting fixtures under and across the public way. He further stated that a police officer will be hired by National Grid during the brief work-period. The contractor and electrician for the owners of the property have been contacted.

Those speaking in opposition: No one spoke

Communications: None.

Questions: None

The public hearing is closed.

MOTION: On motion by Councilor Whynott, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend the City Council grant permission to National Grid for the construction of a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named; and, further give permission to excavate the public highways and to run and maintain underground electric conduits, together with sustaining and protecting fixtures as it may find necessary for the transmission of electricity. Said underground conduits to be located

substantially in accordance with the plan filed herewith marked National Grid UG-WR#8410911 03/20/10 for the purpose of the installation of 2-3" pvc conduits from an existing pole #5233 to house #76 High Popples Road with the following conditions:

1. Street paving shall be in accordance with DPW standard as outlined herewith:
 - a) DPW to be notified 72 hours in advance of the proposed work;
 - b) All proposed lines and /or conduits are placed so as to cause minimum conflict with other underground services and mains;
 - c) The excavated trench shall be patched flush with the surrounding asphalt using 2-inches hot mix asphalt binder, and 2-inches hot mix asphalt top, totaling 4-inches;
 - d) Install 2-inch hot mix asphalt top course pavement with emulsion sprayed on prepared surfaces, including all joints.
 2. 18-month bond to be purchased for the construction duration.
 3. No water shall be pumped from underground structures or conduits onto public streets and ways.
2. *COM2010-024: Cape Ann Farmer's Market request to change location from Gloucester Heritage Center to I4-C2*

Speaking on behalf of this request was **Sarah Garcia**, CDD Director and **Nicki Bogen**, CAFarmer's Market. Ms. Garcia commented that, during the I4C2 discussions, it was proposed that the property be utilized for civic use. Once the purchase was complete, the Farmer's Market Board looked at the site and chose to move to their location. This, she said is not a permit situation in that it will be in an off-road site. This request is to amend the venue from Harbor Loop/Heritage Center to the I4C2 property.

Councilor Ciolino and **Ms. Bogin** discussed the placement of a Port-a-Potty which will be brought in and remain for the duration of the market activities. The Harbormaster is providing power to the site; and, the Certificate of Insurance has been amended to read "City of Gloucester". The certificate was presented this evening and made a part of the permanent record. The Farmers' Market will open on June 24th.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend the City Council grant the change of venue of the Cape Ann Farmer's Market from June 24, 2010 to October 7, 2010 (Thursdays) from 1:00 p.m. to 8:00 p.m. from the Gloucester Heritage Center location at Harbor Loop to the City-owned parcel known as I4-C2 on 65 Rogers Street for the 2010 dates as stated. All other terms and conditions of the initial permit remain in effect. Any insurance certificates must be amended to reflect the change in location to City-owned property and to specifically list the City as owner of the location.

3. *SCP2010-004: Cape Ann Brewing Company re: 9-11 Rogers Street §2.3.4(8) and (9) for Restaurant*

Affidavit of Abutters list received in the Office of the City Clerk June 2, 2010 and provided to the Committee this date.

Councilor Ciolino reported that the Fee was paid on 5/12/2010; and, the Building Inspector and Planning Director signed off on the Application on 5/12/2010.

Speaking on behalf of this request was **Jeremy Goldberg**.

Mr. Goldberg stated that this request involves moving the Cape Ann Brewing Company from 27 Commercial Street to the 9-11 Rogers Street address. This is commonly known as the “Doyon building”. He reported he has received the Conservation Commission and Planning Board approvals and is currently waiting for a decision from the DEP on the Chapter 91 license. If the latter is approved, the Brewing Company would have a Pub with a kitchen. He also stated that he will have to go before the Licensing Board to obtain a liquor permit. At this time, the City Council is dealing with the restaurant only. Currently, the company serves food that does not require cooking; i.e. lobster rolls, cheese and crackers, hummus, etc.

The plan is to take one-half of the building for the brewery and the other half would be the Pub. The restaurant is 2368 square feet with a 1220 square foot patio outside. The facility fits the code for the number of restrooms. Hopefully, he stated, the menu will be increased and also, the hours of operation will be lengthened. This building is in a MI area, abutted by commercial buildings.

Mr. Goldberg feels that the Brewing Company fits into the area and will be a benefit. He also noted that the application satisfied the six requirements and the changes are the same as when the company applied for a restaurant at 27 Commercial Street. However, he feels this is a, socially, more acceptable site.

There will be parking for employees, and lobster trap storage areas will remain available. There is no decision, as of this time, whether or not to charge the lobstermen for using the dock. It was recommended by the Committee that a small charge be imposed to pay for the upkeep of the exterior where the lobster traps are now stored. He also stated that the building storage issues have been addressed in that there are areas specifically for pallet and extra keg(s) storage.

He also reported that the view will be improved with plans to renovate with glass, oak barrels, and appropriate signage. There will also be netting on the outside dock. The appearance will be welcoming. Further, bathrooms will be public as mandated by the DEP. The company plans to ask for a parking space at the edge of the walkway to allow for large trucks to back in and unload. Parking for patrons will be at St. Peter’s Park and the Municipal lot adjacent to the Gloucester House.

The Committee commented on the importance of the cleanliness and tidiness of the area and the odor that may come from the lobster pots. **Mr. Goldberg** stated that an effort will be made to keep the area clean and lobster pots will be hosed off.

Councilor Ciolino cautioned that if complaints come back to the Council about untidiness, the Brewing Company will be asked to return to the Council for further discussion and action. He also stated that this is an excellent opportunity for the company, the City, and for the building to be working again. He said that the company will be sitting at the front door to the City and will represent Gloucester; therefore, he asked that the company do what is right for the City.

Councilor Ciolino reported that the Site Plan approval was dated June 1, 2010, and received June 2, 2010; that the Cape Ann Brewing Company has addressed and satisfied the six requirements of the Special Permit:

Social, economic and community needs that will be served; traffic flow and safety; adequacy of utilities and other public services; neighborhood character and social structure; qualities of the natural environment; and potential fiscal impact.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend the City Council grant the Special Council Permit 2010-004: 9-11 Rogers Street, Map 7, Lot 15, zoning Classification MI, pursuant to Gloucester Zoning Ordinances Sections 1.8.3 and 2.3.4 (8) and (9) for a restaurant with outdoor seating or with takeout constituting more than 20% of total business or both, and Section 5.18, Marine Industrial District, applicant name of Jeremy Goldberg and Michael Goldberg d/b/a Cape Ann Brewing Company and the owner of the property, Doyon Gloucester Realty Trust. Applicants have a lease on the property with owner / purchase and sale agreement on the property with the owner.

Approval is based on the Plan endorsed by the Planning & Development Committee and prepared by Gateway Consultants for Gary Doyon dated 02/17/2010 received on 04/27/2010. Approval is based on the following conditions:

1. The restaurant will occupy 2,368 square feet in the center and water-facing portion of the 9-11 Rogers Street building;
 2. Outdoor seating is permitted on the deck all as shown on the Plan consisting of 1,220 SF;
 3. No all-alcohol license has been or will be requested by applicants or owners;
 4. Landscaping shall be as shown on the Plan;
 5. Pursuant to the Zoning Ordinance take out food shall not constitute more than 20% of the total business of the restaurant;
 6. Parking shall be provided by Municipal parking at St. Peter's Park, and the Municipal parking lot adjacent to the Gloucester House.
 7. Applicant/owners shall comply with all applicable state and local statutes and regulations governing the property. Further, that the Planning & Development Committee finds that the applicant/owner Special Council Permit application meets all six requirements of the Gloucester Zoning Ordinance, Section 1.8.3(3).
4. *SCP2010-005: Gloucester Marine Terminal, LLC re: Amendment to existing SCP pursuant to §2.3.4(8) or (9) and Section 1.8.3 (e)*

Note: The Affidavit of Notice of Abutters was received in by the City Clerk's office on June 1, 2010 in advance of this meeting.

Attorney John Cunningham and Sherree DeLorenzo spoke to this Special Permit. **Mr. Cunningham** stated that the proposed construction and appearance will be the same as that currently in place, and this amendment is requested to provide a better passage between waiting areas and expansion of existing decks, which will allow for better, more efficient operation.

Further, the Conservation Commission has approved the plan and issued a Determination of Applicability; and, once permitted, the construction will not be lengthy. Also parking on site would continue to meet standards.

The five factors under Section 5.18 were reviewed and presented in the application as follow:
The proposed amended use will not displace an existing water-related use; but, will enhance the facility for those using the marine terminal; the proposed use does not pre-empt the use of surrounding property for future development of water related uses. It will enhance the existing use as a marine terminal providing needed, modern facilities; the construction of the connection and expanded decks is supportive of the facility, thus ensuring the working waterfront character of the property; the project does not

displace berthing for commercial fishing vessels; and, the project will help surrounding properties by maintaining property values through investment.

Councilor Ciolino reported that the application was received on May 11, 2010; signed off by the Building Inspector on May 5, 2010; signed off by the Planning Director on May 6, 2010; abutters have been notified; and the proposal meets the Standard as set forth in 1.8.3. which are social, economic and community needs that will be served by the proposed use; traffic flow and safety; adequacy of utilities and other public services; neighborhood character and social structure; qualities of the national environment; and potential fiscal impact.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend the City Council grant the amendment of the Special Council Permit from June 2008: 6 Rowe Square, Map 11, Lot 4 Gloucester Marine Terminal LLC (a.k.a. Cruiseport), zoning Classification MI, pursuant to Gloucester Zoning Ordinances Section 5.18 Marine Industrial District and Section 2.3.4 (9) restaurant with outdoor seating or with takeout constituting more than 20% of total business or both all as shown on Plans dated 03/22/2010 as prepared by Dyer & Brown Associates, Inc. for Gloucester Marine Terminal LLC and endorsed by the Planning & Development Committee. Further, the Planning & Development Committee finds that the application to amend the Special Council Permit meets all the applicable requirements of Section 1.8.3 of the Gloucester Zoning Ordinances. All other terms and conditions previously required remain in effect.

5. *National Grid Site Access Agreement for Solomon Jacobs Park and Fitz Henry Lane Park (referred by unanimous consent from City Council Meeting of 5/25/2010)*

Speaking on this Agreement was **Bradford Maxwell**, representing National Grid, and **Kenneth Lento**, National Grid. It was noted that in 2008, there was discussion held on Solomon Jacobs Park and the contamination within the park that is related to the former use. This proposal will delineate the work to be evaluated. The area also includes the Harbormaster's dock. Additional work within Rogers Street will be necessary to find the extent of the contamination of those two holders.

Councilor Ciolino questioned how long it will take to determine the amount of contamination. **Mr. Lento** stated that there will be a multi-year approach in that some sites will take several years. Further, there are multiple property owners in the area, and with this additional phase, it is anticipated that the a solution will be found. This could be a year or two time frame.

Councilor Ciolino also spoke to the children using the park, and **Mr. Lento** stated that the surface is normal and contamination is at depth.

Councilor Mulcahey asked how far the contamination has gone down Rogers Street, whether as far as to Roses' Oil. **Mr. Lento** stated that this assessment involves Solomon Jacobs Park and the National Grid property, 50 feet or more. Further, the surface water is at minor contamination level and sediments have been delineated. Work plans have been submitted to the EPA in that they have jurisdiction. No work will be done until the EPA has provided feedback.

Mr. Maxwell stated that this process is just to figure out what is in the area. Further, the only thing National Grid is requesting is access. Should MGP waste be found, National Grid will clean it up.

Further, the Access Agreement is the same form as signed in 2008, and the DEP is the one requesting National Grid to do this. Should there be MGP waste on City property, then clean up will be determined.

In terms of contamination, this is a narrow scope of work. There may be some dredging in the harbor, but this is not part of this access request.

Attorney Paul Muniz, representing Star Realty, stated it is disconcerting to find there is contamination and the abutters (Star Realty) were unaware of this. He asked what, if any, steps can be taken to mitigate any further contamination. Further, he requested the abutters be notified of the results already obtained; and, notified of any anticipated mitigation of the contamination.

Mr. Lento stated that this involved public involvement, and National Grid will be happy to provide public documentation, which is also available on the Web Site. The release tracking number is RPN-3. Procedures will involve advertisement in the paper, as required by Statute. On question regarding a remedy, National Grid has to know what is there before they are able to contain.

Mr. Muniz stated he is concerned with dredging, churning up the harbor. **Mr. Lento** stated there would be a public involvement period and permits from the Conservation Commission and Army Corps of Engineers would be required. Further, the impact would be on three properties: Solomon Jacobs Park; the Maritime Heritage Center; and, the Coast Guard property. This request does not go as far as the Star property.

Ms. Cuilla commented that if there is contamination on the piece of property between Star Realty and the Heritage Center, which is the former railways, there would be contamination abutting their property. She also noted the water has not been dredged for years and used to be at 17 or 18 feet.

For the Record: Mr. Muniz requested, and the Committee agreed, that any information shared with the City, will be shared with the abutters.

It was noted that a street opening permit has been approved by the DPW; that this will be a short process; and, will begin as soon as National Grid receives approval.

On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend the City Council, under Code of Ordinances Section 2-3, approve the Site Access Agreem

ent between the City of Gloucester and the Massachusetts Electric Company d/b/a National Grid for the parcels located at Harbor Loop shown as Lots 12, 14 and 25, Map #9 and commonly known as Solomon Jacob's Park and Fitz Henry Lane Park all as shown on Plans included with the agreement prepared for National Grid by GZA EcoEnvironmental, Inc., Engineers and Scientists dated March 2010, for the purposes of environmental sampling under the Massachusetts Contingency Plan (310CMR 40.0) of the property as described in the agreement presented.

6. *Memo from Administration re: Open Air Parking During Fiesta on I4-C2 (referred by unanimous consent from City Council Meeting of 5/25/2010)*

Mr. Duggan spoke to this item, which has been AMENDED to read: **Friday, June 25; Saturday, June 26; Sunday, June 27 and Saturday, July 3, 2010.** He stated consideration was given to the Farmer's Market with possibility of inclement weather and the need to deal with ruts in the area; therefore, the request will include those days following the Thursday, June 24th Farmer's Market.

Mr. Cook DDC, submitted a plan showing 67 parking spaces with three handicapped spaces. This plan is attached and made a part of the minutes. It was noted that this area will only be used for parking when it is anticipated there will be a need for over-flow parking during special events.

A condition to the parking plan, as presented, is that it shall go to the DPW Director, Building Department, and CDD for approvals. Logistics will be worked out with Mark Cole and Mr. Parks.

Mr. Cook also stated that the plan is scaled to keep open/green space; therefore, it is not totally parking, however does provide for overflow. The circular island will be utilized; and, the plan includes space for a large tent. He also noted that the plan is sensitive to the fishermen and, through signage, areas for the fishermen's use will be indicated. Trucks servicing the Farmer's Market or the fishermen have adequate access. Bathroom facilities will be in place; however, temporary. He concluded by saying the plan is simple, to scale and, when not used for parking, there will be a sense of a green space.

Mr. Duggan questioned the location of the handicapped spaces; and, **Mr. Cook** stated they should be as close as possible to the entry. **Mr. Duggan** stated that any request for events would have to go through Mark Cole and the City.

Councilor Mulcahey commented that angle parking stops a lot of collisions; provides better visibility; and, is capable of providing more vehicle spaces. **Mr. Cook** stated that it depends on entry to the lot and whether it is attended vs not attended. He said the plan is not etched in stone, but he is trying to determine scale. When a parking plan is done, there is a minimum width of 9 feet and 18 foot depth.

Councilor Whynott questioned whether there would be a parking fee. Parking will be \$10.00 per car, however with a Gloucester beach sticker, parking is free. This mirrors Stage Fort Park parking fees.

Ms. Garcia stated that this is a good plan; however, she will take a closer look through the CDD. **Mr. Orlando** commented that it is the consensus of the DDC that they are in favor of the idea and the income. Further, there is excitement about the ability to use the lot as a parking area for special events once again.

Mr. Hastings, Chamber of Commerce, stated it is a good plan with the preservation of green space around the edges.

Councilor Ciolino explained that members of the DDC are present because they should be involved with decisions regarding the I4C2 parcel.

MOTION: On motion by Councilor Ciolino seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend the City Council approve the use of the City-owned parcel known as I4-C2 at 65 Rogers Street as a temporary/short term off street public parking lot during the St. Peter's Fiesta on Friday, June 25; Saturday, June 26; Sunday, June 27, 2010; and July 3, 2010 during the hours of 9:00 a.m. to 6:00 p.m. on each of the aforementioned dates. Approval of this temporary/short term use is based on a Plan submitted by the Department of Public Works dated June 2, 2010 drawn by Doug Cook; and endorsed by the Planning & Development Committee and/or City Council. Further, said approval does not constitute creation of a City-owned off street parking area under Gloucester Code of Ordinances, Section 22-190-22-198. The plan must be approved by DPW Director and City Departments.

ADJOURNMENT:

It was moved, seconded and voted UNANIMOUSLY to adjourn the Planning and Development Committee Meeting at 7:55 p.m.

Respectfully submitted,
Anne Marchand, Substitute Recorder

