

Planning & Development Committee
October 8, 2014 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Greg Verga; Vice Chair, Councilor Paul Lundberg; Councilor Steven LeBlanc
Absent: None.

Also Present: Councilor McGeary; Councilor Cox; Councilor Whynott; Salvatore DiStefano; Suzanne Egan; John Dunn; Tom Daniel

The meeting was called to order at 5:30 p.m. Matters were taken out of order. With the arrival of Councilors Cox and Whynott at approximately 5:50 p.m. there was a quorum of the City Council until their departure at 5:55 p.m.

1. Memorandum from Administration re: Options for the Fuller property RFP

Salvatore DiStefano, CAO, said that before the Committee is the first small step in working with the Council on a potential Fuller Request For Proposals (RFP). He said that the Administration is asking for the Council to accept the School Committee vote from last year to declare the Fuller site surplus. They are also looking for direction in the Fuller School RFP, he added. He suggested there are two ways to view the RFP construct which he said based on his previous experience with the Boston Redevelopment Authority, that a looser, less restrictive RFP is more business friendly getting the highest return and are the easiest to work with. Another way would be a narrowly constructed RFP, where the property could be subdivided for a potential Public Safety Center and municipal offices with additional restrictions on it. He pointed out the broader RFP is easier to do faster and get the city the highest return and the other would be a bit more challenging and take a little bit longer. He referred to several draft motions forwarded by General Counsel briefly related to the Mayor's memo. He noted the feasibility analysis on the safety building make it challenging to afford right now. For the Public Safety Center and municipal buildings together it is estimated to be about \$40-\$50 million. He said that is not financially feasible right now for what is being examined. He also mentioned the response time analysis which indicated that there is some give and take for moving the Fire and Police Stations. For the Police response is unchanged but for the Fire Station, he said the net was negligible. Overall, he pointed out, the Administration would like to move this effort forward and work with the Council on it.

Councilor Lundberg spoke to the cost estimate for municipal office space, and asked about what kind of capacity was costed out. **Tom Daniel**, Community Development Director said it was 50,000 square feet which encompasses offices not in City Hall and is a working square footage number that was used several years ago. **Councilor Lundberg** asked if this was solely for the City Hall Annex personnel housed at Pond Road or did it include other staff from different locations. **Mr. Daniel** reported that Pond Road is 10,000 square feet, and also included would be School Administration offices and Veterans Services. He touched upon the fact that the DPW is adding capacity at Poplar Street and so is not included in the space estimate. The cost estimate for municipal offices is a lot of space, **Councilor Lundberg** said. There has not been a cost/space analysis done for the city, **Mr. Daniel** noted, as to what is the most efficient configuration of space, what offices should be in a particular location but is using the number previously established as the base. He noted in addition to office space include are meeting rooms. **Councilor Lundberg** asked for more color on the RFP that is the more general construct which was indicated as more business friendly. **Mr. DiStefano** said such an RFP would indicate the acreage, the location, the proximity to Rte. 128, all the benefits of the site and would say something about what the municipality would like to see as well as a list the preferences to reflect the referendum as well versus a narrowly constructed RFP. **Councilor Lundberg** said that the presumption of doing an RFP with a subdivision is presuming a lot, and didn't know how that would be scoped out. **Mr. DiStefano** expressed his agreement and his concern a narrowly constructed RFP could end up with a situation similar to what the city experienced with I4-C2 RFP. He said the city would work with whoever won the RFP with a master plan.

Councilor LeBlanc asked where the city stands on the Public Safety Center feasibility study. **Mr. DiStefano** said the feasibility study was done, and has a finished response time analysis. The Administration determined that at this time based on the numbers that came back, there is no readily available funding source. The project is at a standstill and is looking to the Council for help, he said, in order to take the next steps. **Councilor LeBlanc** asked about the municipal plans for city building because the declaration of surplus would be premature when there isn't a plan for the rest of the municipal properties and suggested it is putting the cart before the horse. **Mr. DiStefano** said

that the city could keep studying the matter, but much analysis has been done already to date, he pointed out. He said they're requesting proposals and not guarantying the city will settle on anything. He pointed out the economy is lifting and that people are investing in real estate versus in a downward economic cycle.

Councilor Verga, referring to the Mayor's page and a half memo, this is a decision to unload a prime piece of real estate with no-backup information, the Council hasn't seen the response time study nor a study from the School Department analyzing their current and future school building needs, nothing has come from the CIAB on what will happen over the next 10 to 30 years. He said it would be a huge mistake to declare the Fuller School surplus without backup information. He pointed out there is no study for using the Fuller School as municipal space and has seen no independent study to renovate the building. Noting the Dore & Whittier study about reusing the Fuller School as a school which wouldn't work in their opinion based on reconfiguring the school, tearing down walls because it doesn't meet today's standards. There hasn't been a hard look at using the existing space for city purposes. There has been no independent study to find out what it would cost to renovate the building for city purposes. The seats in the auditorium were sold off from a building that hadn't been declared surplus, he reminded. He informed Mr. DiStefano he would want:

1. The response time study referenced in the Mayor's memo;
2. The draft School Department report as a result of the study regarding future use of school buildings which the Council authorized funding for;
3. The city's plan for the next 10 to 30 years for city buildings and a report as per the Charter from the CIAB to that end;
4. An additional independent evaluation of the current condition of the Fuller School building and its surrounding grounds with an eye to reuse the school for mixed use;
5. If the plan is to continue to rent private buildings to accommodate city needs, what are the anticipated yearly costs for the next 10 to 30 years? The city currently rents the former Cape Ann Medical Center for the School District Administration, and the former St. Ann's School and facilities at Pond Road.

Mr. DiStefano said he asked John Dunn, CFO, to describe how much rent is being paid now and what it means in terms of debt service. **Councilor Verga** noted he had the information from the City Auditor which he had forwarded to his Committee, he noted, and listed the properties (on file) and their cost:

3 Pond Road (City Hall Annex) - \$6,500/month, 2 Blackburn Drive (School Administration and Pre-K) - \$23,815/month, 19-21 Harbor Loop Road (Harbormaster's Office) - \$2,200/month, 19 Pond Road (repair for school buses) - \$1,050/month, 302 Washington Street (Healthy Gloucester Collaborative Office) - \$333/month, 259 Washington Street (Children's Dental Center) - \$245/month and St. Ann's School - \$14,000/month.

Mr. Dunn said his estimate is spending about \$400,000 a year, exclusive of the swing space, which he excluded unless the plan is to do schools ad infinitum. Some of the space really can't move, he pointed out, such as the Harbormaster. He said it is \$400,000 a year generally. With \$400,000 rental, that could support debt service on \$4.8 million. He said he couldn't surmise what that money would buy the city in terms of office space costs. It costs \$400 a foot, there is \$4 million and a piece of land the city owns, which comes to 10,000 square feet.

Councilor Verga said he raised this part of the issue was the Council was told Fuller needed to be closed was because it was costing \$150,000 just to keep the heat on. He said \$400,000 over the last eight years would have gone pretty far to keep the building going, and the city wouldn't be renting St. Ann's School now.

Mr. DiStefano informed the Committee that the Administration has submitted the response time studies in the next Mayor's Report to the Council. He noted he walked the Fuller building several weeks ago and said that it is in very rough shape. He pointed out that in his experience to bring such a building up to code and retrofit it could exceed the cost of building new. It is a 175,000 square foot building and is an obsolete one and be very expensive to bring it to current standards, he pointed out. He said understanding the concerns, he reiterated that the Administration is asking for the school to be declared surplus and move an RFP forward. The city can't spend the money needed to build it needs he reiterated also. It is a RFP not a Purchase and Sale agreement; he pointed out, and is an opportunity to work something out for the benefit of the city.

Councilor Verga pointed out that he has been intimately involved since 2008 when the property was studied and on the School Committee, and that this has been a secret all along. The City Council for seven years said to keep up the building's maintenance up and not to let it fall apart and was ignored, and now there is a memo to surplus the building. He said he had no intention of supporting a motion to surplus the building.

Councilor McGeary pointed out that other than the delay caused by subdividing the property for the Public Safety Center, which would leave 10 acres for development, and indicated that it may not be such a bad thing. She said should the Public Safety Center be built then Central Station and the Police Station now are available. Maybe

someday the YMCA comes up to the Fuller School, then what happens; what if the YMCA building becomes available and used that to point out that there are many moving parts to be studied. He said that in terms of issuing an RFP, it has to think about the knock on effects which means more than looking what is at Blackburn Circle. He suggested that the situation really calls for a redevelopment authority approach in order for it to be integrated and coordinating the effort which could take time, but would be time well spent. In the meantime, he said, if the Public Safety Center makes sense there and funds become available, there could be a parallel track. Echoing the sentiment of the Chair, **Councilor McGeary** said that this requires a hard look at the impact not just to this property, but also of all the other city properties being affected whether there is commercial development or non-profit development, or city ownership of the Fuller School. He said the CIAB is an important piece of this to look at what the city's capital requirements are; where does commercial come into this which would be revenue generating also. He counselled that if the Public Safety Center makes sense there, then he said that there should be a decision made to subdivide the property leaving more than enough space for commercial development, and then consider what would happen to the rest of the property rather than locking the property to something other than that 4 acre corner.

Mr. DiStefano understood the Councilor's contention. Earlier he said that when you lop off pieces and try to look for a development partner it makes it challenging to view it in that manner. An RFP could be constructed into a broad RFP. If narrowed it could become an I4-C2 type of potential he reiterated. **Councilor McGeary** said that if four acres were privately owned it wouldn't be a huge impact, the rest of the parcel could still be developed.

Councilor Cox said as representing the ward the property lays, she asked what would be prohibiting the Council from declaring the property surplus and accepting the property from the School Committee and then moving forward with an RFP. **Suzanne Egan**, General Counsel, explained that: the School Committee declared the building surplus, no longer needs the property for school purposes. That goes before the City Council to accept that. Once the Council accepts the declaration of surplus then the Council can declare the use of the building. **Councilor Verga** said before the Council accepts the School Committee's vote of declaration of surplus, the Council should see the School report on their building needs and what their plans are for the other four elementary schools and the Middle School. **Councilor Cox** reminded the Committee the Schools have said by their vote they want nothing to do with the property. The Council, she contended needs to accept the property. Councilor Verga expressed his disagreement. He said the minimum is to get the draft report on the school buildings.

Councilor Verga said the supporting materials are needed before a decision can be made by the Council. **Councilors McGeary** and **Verga** discussed accepting the building as surplus and the Public Safety Center issue. **Councilor Lundberg** said that waiting too long for an RFP response would perhaps be detrimental but rather an RFP may inform the Council's decisions moving forward. After that, the vision for what should happen up there would become more clear suggesting that an RFP would show what the market is and what ideas come forward with it. **Councilor Verga** contended that the plan for other city buildings has to come first.

Mr. DiStefano said the Administration is gathering the information from city departments to forward to the CIAB and Mr. Daniel has been working on a potential date for the CIAB to meet. There is no funding source for these great things they want to do, he reiterated. **Councilor Lundberg** pointed out that the Council hears that all the time from the Mayor but that this also is putting the cart for the horse. If studies are needed, funding will have to be found, he concluded.

Councilor Verga said he is not ready to vote on the matter of surplus having been sat on since 2008 when the last class of students went through Fuller. **Councilor Lundberg** added that the Mayor's memo was insufficient to base decisions for a 13 acre, multi-million dollar property.

Ms. Egan said that they are here to work collaboratively with the Council. She spoke to the next step to take all the information and studies and to get to the point where the Council can be comfortable to make the decision to declare the property surplus. **Councilor Verga** said he is not willing to continue to study the matter another six years. **Councilor McGeary** pointed out much of the information is available, and could be pulled together quickly, as well as a financial plan, which has to be part of it. It is not a one and done, he pointed out, when too many things have to happen.

This matter is continued to October 22.

2. Memorandum from Community Development Director re: Land Disposition Application-Varian request to purchase easement on a portion of Great Republic Drive

Mr. Daniel reviewed for the Committee regarding the Disposition Application of Varian Semiconductor Equipment Associates, Inc. (Varian) requested to purchase an easement for the purpose of the installation of a nitrogen utility line to run from Varian's property at 35 Dory Road to across Great Republic Drive to its 30

Blackburn Drive (building 4) property. The Land Disposition Committee (LDC) has recommended that the easement proceed with the one requirement that signage be erected to indicate the location of the nitrogen line under Great Republic Drive and that the signage be reviewed and approved by the Fire Chief and the DPW Director.

Attorney Joel Favazza, 111 Main Street, representing Varian Semiconductor Equipment Associates, Inc., made the following remarks: Recently the Council approved a height exception for two nitrogen gas holding tanks to be built by Varian. The gas is primarily used for cleaning equipment and for and processing wafers in an oxygen-free environment. Varian has several buildings throughout the Blackburn Industrial Park. Two main buildings that require the nitrogen gas sit on opposite sides of Great Republic Drive. This would allow the plant to service both the building it sits next to and move nitrogen gas over to the other building that also uses a lot of gaseous nitrogen in its processing. Nitrogen gas is inert and not flammable and be under mild pressure. Varian is amenable to erecting the required signage on either side of the road for dig safe purposes. Varian can build the plant without the line in place, but if this is something available to them, the way in which the plant will be built will be modified and is being held off until this matter is resolved.

The Committee, in consultation with Mr. Daniel, determined a nominal easement fee of \$1.00.

Councilor McGeary confirmed the nitrogen would be gaseous not liquid when it traverses the road. **Mr. Favazza** pointed out that the gas will flow through a copper line encased in a PVC pipe encased in concrete. If somehow it were to crack, nitrogen gas would be released but he pointed out that air is over 80 percent nitrogen.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council pursuant to GCO Sec. 2-3(2)(d) grant to Varian Semiconductor Equipment Associates, Inc. a nitrogen line easement in great Republic Drive as shown on the plan entitled, “Nitrogen Line Easement, Great Republic Drive prepared for Varian Semiconductor Equipment Associates,” and as described in the easement deed submitted with Varian’s request for the disposition of said easement for a nominal fee of \$1.00 with the following condition:

1. **Signage must be installed in Great Republic Drive indicating where the nitrogen line is located and what specifically is being carried by the line. Before signage is installed it must be reviewed and approved by the Director of Public Works and the Fire Chief.**
2. **Varian is required to assume all costs of recording said easements and to provide duly recorded copies to the City.**

This matter will come before the Council under Committee Report.

3. *SCP2014-010: Railroad Avenue #33, Map 24, Lot 58 – Modification of September 16, 2003 City Council Special Permit granted pursuant to Sections 1.4.2.2, 2.3.1(4)(b) and 3.2.1(4) of the 1999 Zoning Ordinance as amended through 2003 (GZO 2008 Sec. 1.5.3(c), 2.3.1(8) and 3.1.6(b)*

Attorney Joel Favazza, Seaside Legal Solutions, representing the Trustee of Station Place Condominium Trust, 25-33 Railroad Avenue, reviewed the following information with the Committee:

The building located at 25-33 Railroad Avenue. When the building was permitted, it was permitted for seven residential units and three commercial units. The plans placed on file for the building permit and the condominium conversion with the Registry of Deeds show the four commercial units that are distinct and separate by walls which have been that way the building was constructed. Technically the businesses on their own are not limited in number in the Neighborhood Business (NB) district as long as they meet the parking requirements. This is NB which means the upstairs residences upstairs require a permit from the City Council. The residences upstairs are predicated on the condition that there are three commercial use units on the lower floor. About a year ago when a client purchased a unit, and a zoning opinion was performed, this discrepancy was found between the written language in the decision and the final plans that were used. It raised an issue with the lender which was resolved, but the concern is that other lenders not local will be fearful of having a zoning violation, no matter how benign it seems. None of the square footage or building footprint has changed. The request is to have the city modify the Special Council permit issued in 2003 to show seven residential units and four commercial units.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve modifying a Special Council Permit in order to allow for a fourth commercial unit in place of the three commercial units granted in 2003 of the Special Council Permits (SCP2014-010) granted to David Mering, Trustee, Station

Place Condominium Trust, 33 Railroad Avenue, Gloucester Massachusetts for a Special Council Permit granted on September 16, 2003 by the City Council pursuant to Sections 1.4.2.2, 2.3.1(4)(b) and 3.2.1(4) of the 1999 Zoning Ordinance as amended through 2003 (GZO 2008 Sec. 1.5.3(c), 2.3.1(8) and 3.1.6(b) Map 24, Lot 58, zoned Neighborhood Business (NB).

This matter will be advertised for public hearing.

4. *Renewal of Special Permit pursuant to MGL Ch. 148, §56 and GCO Sec. 22-153 re: Richard Pratt Outdoor Parking Permit at 2 Beachland Avenue*

Attorney Mary Jo Montagnino, 186 Main Street, representing current permit holder, Richard Pratt, for a Parking Permit for an open air parking lot located at 2 Beachland Avenue, explained to the Committee that Mr. Pratt is seeking a three-year renewal of his Special Permit for the 2 Beachland Avenue open air parking lot which she said had been in existence since 1954. She reviewed that Mr. Pratt provides restroom and shower facilities, and cleaning of the beach and several other amenities. She asked for the approval of the Committee and Council.

Councilor McGeary said as ward Councilor he knew generally Mr. Pratt runs a good operation, but that he has heard concerns about trash overflow especially on weekends. **Mr. Pratt** offered that he can get a larger dumpster to allay that problem next year. **Councilor McGeary** noted that there is an Automated Teller Machine (ATM) on the parking lot property that is accessible all night. **Mr. Pratt** explained that the need for the ATM came about because in the last several years the younger generation comes to the parking lot with no money, just plastic to pay to park. He said the ATM is a convenience for the patrons. **Councilor McGeary** asked if the ATM could be turned off in the evening to alleviate concerns for loitering in the lot, which Mr. Pratt could do. **Mr. Pratt** added that in the last three years he has received only minor complaints about the lot, but that all have been resolved with neighbors satisfactorily.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to renew the License for Richard Pratt for an open air parking lot at 2 Beachland Avenue under GCO Sec. 22-153, with the conditions and restrictions as follows:

1. **The lot will hold no more than 225 cars as per the Site Plan submitted to the City Clerk's Office September 18, 2014 entitled Long Beach Parking Lot; and that the number of vehicles allowed by this license shall be posted;**
2. **The following information shall be posted:**
 - A) **Hours of operation;**
 - B) **Hours restroom is open;**
 - C) **Fees charged for parking;**
3. **An attendant shall be on duty for those hours that the lot is in operation;**
4. **Shrubs along the front of the property shall be maintained;**
5. **Prior to the issuance of the license by the City Clerk, the applicant shall pay over to the Cape Ann Motor Inn the sum of \$100.00 for the maintenance of the Gloucester portion of Long Beach;**
6. **Current approval of the Board of Health (toilet facilities) and the Fire Chief must be on file with the City Clerk's office;**
7. **The City of Gloucester will not be held liable for any claims incurred by the parking lot operation;**
8. **A counter is to be used to count the number of cars coming into the parking lot;**
9. **Grass to be cut in and around the parking lot at all times at the permit holder's expense;**
10. **Barrels to be brought in at the end of the day and brought out in the morning during the season of operation of the open air parking lot;**
11. **That the Automated Teller Machine (ATM) on the lot be in operation during business hours only.**
12. **License runs from 05/01/2015 to 04/30/2018.**

This matter will be scheduled for public hearing.

5. *CC2014-039 (Verga) Request P&D & O&A Standing Committees review the positions of Harbor Planning Director and the Executive Director of the Fisheries Commission*

Mr. DiStefano said he was looking into recording of minutes assistance part time for the Fisheries Commission. There is a modest budget that could cover this type of activity. There was a candidate that expressed interest for another position being filled recently in a per diem situation and expressed hope this could be arranged soon, he said.

Councilor Verga noted that the former Harbor Planning Director took the notes for the Fisheries Commission and was looking to have assistance. He said the Harbor Planning Director was in the position for two years at a cost of \$87,000 per year, and this is a logical time, now that the position is vacant to look at whether this job needs to be full-time. The Fisheries Commission says they need to bring back the position of Executive Director that can keep the ball rolling. He wanted to look at the Harbor Planning Director's position to consider splitting the roles between the two jobs.

Mr. DiStefano said whenever there is a vacancy there is a review of a position. He understood it is being looked at internally and what needs could be filled moving forward from a departmental standpoint, but there is no immediate plan to fill the position but to look at where the needs are. **Councilor McGeary** asked if there was a plan to combine the roles. **Mr. DiStefano** said there is nothing specific to fill the position of the Harbor Planning Director, but they are looking at all the needs of the city that could interact with that role.

Councilor Lundberg said that the requirements for that role while the Harbor Plan was being developed were specific but it is done. Now what needs to be accomplished needs to be assessed for that role, and suggested there needs to be a review of the job description of the Executive Director for the Fisheries Commission. There is a job description, **Councilor Verga** said, and pointed out that the fishing industry a struggling industry with a volunteer commission, but the role of Executive Director doesn't necessarily need to be a full-time job. He suggested that the Fisheries Commission job description should be forwarded to the O&A Committee for their review. **Mr. DiStefano** said that they would work closely with the Fisheries Commission if there is a need to address specific legislation. There is no plan to replace the Harbor Planner at this time, he reiterated. **Councilor Verga** noted that the \$87,000 in remuneration for the position should also be examined for the Harbor Planner's position. **Mr. DiStefano** said he has no information for the Executive Director of the Fisheries Commission and has not considered a review of the job description to date.

By unanimous consent the Committee asked the O&A Committee to examine the Fisheries Commission Executive Director position.

This matter is continued to October 22.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:30 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.