

Planning & Development Committee
February 18, 2015 – 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: Jim Destino; Chip Payson; Tom Daniel; Tom Gillett

The meeting was called to order at 5:335 p.m. Matters were taken out of order.

1. *SCP2014-012: Thatcher Road #78, Map 179, Lot 44, GZO 2.3.1.7 conversion to or new multi-family or apartment dwelling, four to six dwelling units and Sec. 5.7.1 Major Projects (Cont'd from 01/21/15)*

Councilor Verga advised that this matter is still under advisement with the Conservation Commission (ConCom) as well as the finalized Planning Board recommendations and several city department head's recommendations are pending.

Joel Favazza, Seaside Legal Solutions, Gloucester, MA, representing the applicant, 78 Thatcher Road LLC by John P. Flaherty, Manager, and reviewed the Special Council Permit under GZO Sec. 2.3.1.7 for a new multi-family or apartment dwelling, four to six dwelling units, and Sec. 5.7.1 Major Projects continued his review of the application as follows:

Since the P&D Committee's last meeting the plan was for the Applicant to be before ConCom to wrap that process up and have that Commission's recommendation before the Committee as well as the Planning Board in hopes that this Committee could finish their deliberations and move the matter forward to the Council, but due to snow both the Commission and Board failed to meet due to quorum issues and other issues with ConCom, as a consequence it is this evening that the final meeting ConCom will take place. The remaining issue with them is that they requested that all plantings for the project be only native species. The revised planting plan was submitted and it is anticipated the Commission will accept that plan this evening.

The Planning Board meets the following evening. The Board issued a draft memo on Feb. 5 through Greg Cademartori, the city's Planning Director, and based on a conversation with Mr. Cademartori and the last Board hearing it is expected the Board would issue recommendations along the lines of the Feb. 5 memo.

Mr. Favazza suggested to the Committee, given both of the issues at hand, that if the P&D Committee were willing to condition a recommendation based on positive recommendations from ConCom and the Planning Board within the next 24 hours, be willing to take a vote to recommend subject to those two conditions. He also noted that the Committee had received through the City Clerk's Office department head memoranda from the City Engineer, Health Inspector, and Fire Chief.

He advised that the Applicant is looking to build this project to specification and code and not looking for any waivers, but are expecting to be held to the same standard that any other six-unit multi-family project would be held to. He also suggested that the recommendations could be simplified by the Committee to say that the Applicant will comply with all the applicable health codes, fire codes, etc.

Mr. Favazza then highlighted some specific recommendations of Fire Chief Eric Smith in the Chief's memo that the elevator car will need to be larger than NFPA minimum size. The car must be able to accommodate a specific brand-name stretcher and accommodate four personnel in the car. He said that isn't the fire code and isn't in any codified regulation; no one else in the state would have to follow that guideline to install an elevator in new construction and didn't understand why this application was being singled out for such scrutiny. Mr. Favazza said the Applicant would be looking for recommendations that require them to follow applicable regulations, not superseding them. He reminded the Committee that the only reason this application is being considered as a Major Project is because the project across the street on Witham Street pulled it's permit within the 36 month window that the Special Council Permit for 78 Thatcher Road was submitted, otherwise this would have been just another multi-family permit that wouldn't have department heads chiming in. Having to go through the expensive process of permitting for a Major Project and having such recommendations come back and add additional cost to this project is worrisome for the property owner.

Councilor Verga said that is a good segue into the later item of the city's permitting process, that when there are things that are above and beyond it doesn't help with a uniform set of rules for folks coming to the city to start a business.

Councilor Lundberg commented that when he saw the recommendation from Chief Smith about the elevator car size that it was almost a hospital sized elevator and seemed to him to be inappropriate for what is done in the city for residential units and that they shouldn't be looking for that.

Councilor LeBlanc expressed his agreement with Councilor Lundberg.

Mr. Favazza added that the minimum guidelines do allow for a standard stretcher to be fit into the elevator. The elevator proposed will fit a stretcher, but not this specific stretcher with four personnel.

In response to an inquiry by **Councilor Verga**, the Clerk of Committees, **Dana Jorgensson** advised that in terms of scheduling, the Council had continued this Special Council Permit's public hearing to Feb. 24. She noted through the City Clerk she was to advise that the ConCom Order of Conditions is not yet received by the City Clerk's Office along with the approved recommendations from the Planning Board, and the recommendations of the Building Inspector, and the DPW Director. **Councilor Verga** asked if the Committee had no other issues other than what was outstanding could they let it go to the Council. **Ms. Jorgensson** said she was advised by the City Clerk that as this was considered a Major Project and as there are still outstanding pieces missing, it was why there was no detailed draft motion available to the Committee at this time as there are certain requirements under GZO Sec. 5.7.3 Major Projects to be met and could not be handled by her in terms of drafting such a motion as it was outside of her purview because of the Major Project status.

Mr. Favazza said he spoke with the City Clerk and the Council President, noting there is a P&D Committee meeting scheduled for the evening of March 4 when the Committee could take this matter up to complete it, and that the public hearing scheduled to open on Feb. 24 could be continued to the March 10 City Council meeting which the Applicant would agree to in that case. He pointed out that this application was filed in November 2014, and the applicant hopes to break ground in the spring. They didn't think they'd still be in the permitting process, he said.

Councilor Verga reminded Mr. Favazza that even after the Council votes on March 10, there is the adoption of the Decision, and then the 21 day waiting period for appeals that would bring the ground breaking to the end of April.

The Committee expressed that it is their desire to move this Application forward but they must await the pending necessary documentation.

This matter is continued to March 4, 2015.

2. 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 (Cont'd from 01/07/15)

Councilor Verga advised that the matter of the Fisheries Commission revised Executive Director's job description from the Fisheries Commission subcommittee has been submitted and that the P&D Committee should ask the O&A Committee to review it. The Administration is looking to try and budget for FY16 either a full- or part-time position if at all possible. Additionally, State Legislation related to the Gloucester Fisheries Commission is being looked at from an updating perspective, and said he is working with the Mayor's office to set something up with the city's state legislative delegation to address that part of the issue.

3. CC2015-005 (Verga) Request P&D and Planning Board informally review GZO Sec. 5.13 "Personal Wireless Service Facility" in order to develop proposed amendments to update and revise the ordinance so that it is in compliance with applicable recent Federal Laws and regulations

Councilor Verga said that the Committee is waiting to hear back from the Planning Board. He said based on the Board's recommendation that in turn the Committee may want to make a recommendation to the Administration to bring in a specialist to assist in crafting the ordinance which was first done about twenty years ago.

Tom Daniel, Community Development Director said that Mr. Cademartori asked that he convey that if the Committee is interested in a joint meeting with the Planning Board on this matter he can work to facilitate it. **Councilor Verga** said that the Committee members aren't cell tower experts and would look for the Board's recommendation and then see if a consultant should be brought in to craft the ordinance amendment. He thanked Mr. Daniel, but said that the Committee would not need to have a joint meeting with the Board.

This matter returns to the P&D Agenda when a recommendation is received from the Planning Board.

4. Discussion of City permitting processes (Cont'd from 11/12/14)

Councilor Verga said this is an open discussion about what can be done, noting there are some flaws in the system, and he was looking for a relatively quick but thorough discussion on the matter and glean some ideas about how to move forward.

Jim Destino, CAO, said it is agreed that the permitting process needs trimming and improvement. The Administration is here to help the P&D Committee through that process. He recalled he and CFO, John Dunn at the last P&D meeting the View Permit permitting software that will be brought in and applied to help constituents apply for permits and follow their permits through the city process, but it will also provide the city with a catalog of what permits have been issued and need to be followed up with, when they need to be renewed, etc. He noted this will also assist other city departments who issue permits as well.

Mr. Destino pointed out that the Special Council Permit process is, by law, has a certain length of time, and said it is important that process takes place and that all the recommendations are in place, in reference to not only the discussion but by the discussion under the Committee's previous agenda item. Even though they want to expedite for applicants there is still a process that must be followed that is important, he said, and that the process shouldn't be rushed just to hurry it through. He said in his opinion that the Planning Board must always weigh in and their confirmed recommendations be considered before anything leaves the P&D Committee on such projects. How the streamlining happens is the question, he said.

Councilor Lundberg recalled that this matter is on the Committee's agenda because it is an important one. He highlighted two issues – 1) who gets to review and what input do they have in terms of the city departments, boards, committees and commissions, 2) and then the timetable -- how long does it take. He said it was his sense that the Committee is trying to solve the timetable issue -- that it takes too long [to go through the permitting process], but he said he wasn't sure they should abandon the review processes as a city that the city has for all the departments, boards, committees and commissions. If they could streamline the timeline, he said it would be a good thing. But they should also consider if all the reviewing entities are necessary. He said in his opinion all the reviewing entities are necessary.

Councilor Verga said that the question is the permitting process the way it has to be or is there a better way, and if there is a better way, what is it. He pointed out also at issue is people who do business in the city that might be reluctant to sound critical of those city departments they have to work with

Councilor LeBlanc asked if other cities permitting processes have been reviewed for comparison.

Ken Riehl, Executive Director of the Cape Ann Chamber of Commerce ("Chamber"), said he has heard the permitting process in Gloucester can be difficult and time consuming. He said that from the Chamber's member's perspective they would want to see it streamline. He noted the Chamber is bringing Barry Bluestone (is the Stearns Trustee Professor of Political Economy, founding director of the Kitty and Michael Dukakis Center for Urban and Regional Policy, and the founding dean of the School of Public Policy & Urban Affairs at Northeastern University in Boston, Massachusetts.) back for a Chamber seminar to review challenges in the city and that would be one item.

Tom Gillett, Executive Director of the Gloucester EDIC, said Mr. Daniel and he met with the Planning Director of Chelsea. He noted their City Charter allows more authority at lower levels and related that the person you talk to is the person starting and ending the permitting process and okaying a project. Rather than speed per se, there is a precise prediction of how the process will move forward with no surprises. He also pointed out that Chelsea has fewer opportunities for publicly "on trial" for projects. He said there is something that can be learned from other communities' best practices. **Mr. Gillett** spoke about the documents Chelsea makes available to the public to explain their permitting processes (submitted and on file).

Attorney Meredith Fine, Chamber member, said that some of the issues can't deal with because deadlines are set by statute which dictates a process. She said that doesn't mean it can't be made easier for people who go through the permitting process. She cited the City of Peabody where when someone wants to bring in commercial development it was one-stop shopping with someone who walks an applicant through the entire permitting process. She contended that Gloucester's process is piecemeal going from one office to the next paying a fee here and there. She said she wished there was a booklet that explains why things are done the way they are and how it is done, and suggested that a business concierge or a project manager for the city for the project would be helpful also. She expressed appreciation for Councilor Lundberg's comments about citizen oversight and the need for has to be a balance but added that it needs to be user friendly. She pointed out that part of the issue is the underlying documents which are difficult. It is not a city staff issue, she said, as everyone is trying to make the process work. Mr. Gillett spoke of the documents Chelsea makes available to the public to explain their process.

Councilor Lundberg said his concern is that they have the appropriate city departments review and signing off on the process and the boards, committees and commissions that are necessary weighing in, and agreed that perhaps there should be a city entity to shepherd that process.

Mr. Daniel added that the Planning Director in Chelsea is also the Conservation Agent -- the ZBA is a three member Board pointing out that it is very different how Gloucester is structured and predictability of process. He said contrarily to Ms. Fine's comments, that there is a one-stop meeting with applicants with appropriate department staff who sit down with the applicants and review their application prior to the submittal to highlight for them any red flags and creates a map of the process as best they can. They do not tell the applicant what steps they must do first, it is their attorneys who guide them in that matter, he said. He also noted that the city departments are working within the regulatory environment and appreciated the acknowledgement of the attitude of staff that have facilitation and regulatory roles and also trying to help applicants through the permitting process. They offer suggestions to help the applicant move their project forward and it is shared by city staff. Some applications are more complicated than others, he noted, and have to go before multiple boards. He said that is unusual for some peer communities to end up before the ZBA, Planning Board and a City Council. In conversations about how does Gloucester rates, he said it is a mixed review and advised that every community can always do better on their permitting process. Mr. Daniel also noted they don't have a concise document to walk everyone through city permitting process step by step and said there is work they can do to have that information available. He reminded the Committee the information can't be directive but can be informative.

Mr. Destino offered that maybe it is time to look at the structure of the boards, committees and commissions. There are a lot of vacancies, and there aren't a lot of people stepping forward to serve. He suggested this may be an appropriate time to review the structure and how many people need to serve on any board, committee or commission.

Attorney Catherine Schlichte, Chamber member, said the Planning Department has gone through a review of the Zoning Ordinance and has started to look at places where authority can be within one permit granting authority, and gave the example of the permitting with multiple boards for a multi-family that could perhaps be with just one board. She described the permitting process as well and said that streamlining that would be helpful. She said that an applicant who has a major project has a long and expensive process. She added that good things do come out of a project that goes through a few public hearings -- projects end up coming out better with public comment, but many times the process can be hundreds of thousands of dollars in permitting. She said she wondered if authority can be reassigned amongst boards.

Mr. Daniel referencing the Downtown work process and the Railroad Avenue corridor project acknowledged that permitting is a part of those discussions. He said there is certainly a need for the public review and said that as much as applicants may grumble projects ends up being better because there was a public review. Contrasting with Chelsea which is unique with its consolidation is at one end of the continuum. He pointed out if the Beauport Hotel were being built in Salem it would not have gone before their City Council. There would be the Planning Board and ZBA review; Beverly's permitting process is different as well, he noted. He said that the authority the city has by ordinance drives the process that needs to happen and within that process they help applicants through it as best they can, and there is no guarantee of a timeline. He said they are trying to raise awareness for opportunities for facilitation within the permitting process.

Mr. Favazza, speaking as a Gloucester resident, said one of the easiest things would be to keep the regulatory scheme updated, pointing out that the Zoning Ordinance hasn't been updated since 2008 and so all the updates have not yet been incorporated. The Code of Ordinances is updated in MuniCode and he said he would like to see the same done for the Zoning Ordinance. **Mr. Daniel** agreed completely but pointed out that kind of venture takes money and that they haven't been able to secure the resources to date. **Mr. Favazza** continued that the streamlining has to be done but there is an expertise with certain boards. A three family would go to the ZBA for dimensional relief and go to the Council for height exception and that in putting it on the Council would not be appropriate because the expertise is with the ZBA. ConCom concentrates on the environmental aspects he noted. He suggested that a lot can be cured by the way parcels are zoned. There are 10 zoning districts but further suggested that there could be overlays or new districts. He gave an example of permitting an industrial machine in the Blackburn Industrial Park for an industrial company which still had to go through several city boards to be permitted.

Councilor Verga said there is no blame to be passed around, but said some of the blame has to go to the Council although he noted this and the last Council has not been such a micromanager as to permitting of projects. If a local person who goes into the process doesn't want to be frustrated by the permitting process nor does an out-of-town business looking to come to the city and in both cases not be costly. He said the Charter says there are supposed to be audits of all departments, other than the school, police and fire audits, he suggested that perhaps they ought to review all of them and should be considered with hiring an outside consultant. He said they would outline what the goals are to make the permitting system as streamlined, efficient and compatible as possible, and how would they achieve that.

Councilor Lundberg agreed that the Charter talks about the audits, but said he wasn't sure this was an audit of a department but an audit of a process. He pointed out that the Charter also says something about the Planning Board doing a review of these kinds of matters and suggested perhaps the Committee should consider.

Councilor Verga added that they would have to look at the goals is and put out an RFP. **Mr. Destino** said the Charter requires a management audit and that the audit would only touch upon a piece of what the Committee is talking about. He noted that in the 1940's and 1950's the Planning Board drove everything and the City Council was secondary. The Planning Board has now become reactive, not the driving force in the permitting process. He suggested it is time perhaps to step back and look at that situation.

Councilor Verga said bringing in an outsider for a review is important as the Planning Board is all volunteer. He suggested it should be that the Board should drive the process with the consultant who would be an expert to look at their processes and come up with a better way, and if it means zoning recommendations, it is valuable. **Mr. Daniel** and **Mr. Destino** both said it is just a matter of money. Councilor Verga added that it is money but money well spent and an investment in the city.

Peter Webber, Executive Vice President, Chamber of Commerce, suggested the Mass. Metropolitan Planning Council may be a resource that could help with either with the planning recourse or access to funding.

Councilor Verga concluded the discussion by suggested that Mr. Daniel and Mr. Cademartori review the views expressed in this meeting and come back to P&D with their suggestions and the Committee would take it from there. He asked it be kept in-house for now but said he believed it would take some outside intervention.

Councilor Lundberg thanked the Chamber for weighing in on this matter.

This matter is continued to March 18, 2015.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:25 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.