

Planning & Development Committee

April 22, 2015 – 5:30 p.m.

Kyrouz Auditorium – City Hall

-Minutes-

Present: Chair, Councilor Greg Verga; Vice Chair, Councilor Paul Lundberg; Councilor William Fonvielle

Absent: Councilor LeBlanc

Also Present: Councilor Cox; Councilor Fonvielle; Councilor McGeary; Linda T. Lowe; Jim Destino; Chip Payson; Tom Daniel; Stephen Winslow. Councilor LeBlanc, who entered the meeting at about 5:55 p.m., did not take a seat at the dais or participate in any deliberations of the Committee.

Guest of the Committee: Morgan Bell, Cape Ann District Representative for Congressman Seth Moulton

The meeting was called to order at 5:30 p.m. There was a quorum of the City Council.

1. *Special Events Application: request to hold St. Peter's Fiesta 5K Road Race on Thursday, June 25, 2015*

Barbara Berry, representing the Cape Ann YMCA and Race Director, said that this annual race for the second year will start at Stage Fort Park and will engender some road closures. She will work separately with the Police Chief regarding road closures and his staffing requirements for that hour and a half, she said. The event has been before the Special Events Advisory Committee (SEAC), and she noted that she has worked closely with the members of that Committee, especially the Police and Fire Departments to ensure that the race runs smoothly. It was pointed out by **Linda T. Lowe**, City Clerk, and member of the SEAC, confirmed Ms. Berry's information for the Committee. She also highlighted that the Police Chief had given Ms. Berry specific requirements that she is required to follow concerning crowd control especially near the St. Peter's Square.

Councilor Lundberg pointed out that last year's race started for the first time in Stage Fort Park and asked how it worked out. **Ms. Berry** said it worked out very well. She said from a safety standpoint it was much safer but that the Police Chief has indicated he wants people controlled more at the finish line area and will provide more barricades as the issue is pedestrians walking across the finish line.

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 Cape Ann YMCA on June 25, 2015 to hold the St. Peter's Fiesta 5K Road Race with the following conditions:

1. Certificate of Insurance:

A Certificate of Insurance naming the City as an additional insured party is on file with the City Clerk's Office.

2. Road Closure Plans:

Applicant must have Police/Fire Department approval of any road closure/traffic plans 30 days before event, including any police details. Applicant and its staff must comply with specific directives of the Police Chief for managing runner traffic. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. A route map must be provided to the City Council. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues will require Council approval.

3. Refuse and Comfort Stations:

All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the event or early on the day of the event and removed by 11 p.m. the day of the event.

4. Emergency Services are as determined by City EMS Director.

5. Staffing:

Event staff to have cell phones and to wear distinct shirts. A list of event staff and cell phone numbers to be submitted to Police, Fire and DPW Departments.

6. Responsibility of the Cape Ann YMCA:

The applicant is also required to obtain any necessary approvals from the Licensing Board, the Public Health Department and the Licensing Commission. It is the sole responsibility of the Cape Ann YMCA

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.

2. *Special Events Application: request to hold Mother of Grace Fiesta on September 12 & 13, 2015*

Gus MacIntosh, 26 Summer Street, Vice President of the Mother of Grace Club advised the Committee that the Mother of Grace Club Fiesta went before the Special Events Advisory Committee. It was noted that plans are unchanged from the previous year's event. **Ms. Lowe** confirmed that Mr. MacIntosh brought the event before the SEAC, and that all plans are the same as last year's Mother of Grace Club Fiesta.

MOTION: On a motion by Councilor Fonvielle, seconded by Councilor Lundberg, 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 12, 2015 from 6 p.m. to 10 p.m. and on Sunday, September 13, 2015 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, September 13 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.

3. *Discussion re: working collaboratively with the city on developmental issues and goals with Morgan Bell and Rick Jakious of Congressman Seth Moulton staff*

Morgan Bell, Cape Ann District Representative for Congressman Seth Moulton, introduced herself to the Committee saying that she has lived in Gloucester her entire life and knows the area very well. She reviewed her job as focusing on constituent case work and community outreach with a goal to represent the Congressman by covering district issues while the Congressman is in Washington, DC. She said she wanted to insure that the constituents of Gloucester get the help and support they deserve. She added that she is always willing to meet with the Councilors, and city staff to discuss specific issues that are special to them or would like the Congressman to be aware. She noted the Congressman has been nominated to the Small Business Committee. She said his membership on the Committee was great for the city and the district as a whole because that he has an abiding interest in the community's development of economic zones in its downtown and wants to focus on small businesses. She highlighted his role in aid to fishermen coming forward recently. She added that it was an honor to represent the city on behalf of Congressman Moulton.

Councilor Lundberg who had asked Ms. Bell to join the meeting in order for her to introduce herself to the Committee, the rest of the Council and city staff. He said that he was pleased to learn that the Congressman is joining the Small Business Committee because between the Congressman's membership on that Committee, and State Rep. Ann-Margaret Ferrante's membership on a like committee, it will be important for Gloucester as it continues to move forward its economic development plans.

Councilor Fonvielle suggested in furthering the mutually beneficial goals between the city and the Congressman, to sponsor occasional forums in City Hall, not unlike the meeting on commercial fishing issues held jointly by the City Council and the Gloucester Fisheries Commission which Congressman Moulton attended, to identify and explore other opportunities for federal government assistance related to small business development. **Ms. Bell** said the Congressman wants to be involved with the local issues in Gloucester as the city is important to the 5th Congressional district.

Council President McGeary also welcomed Ms. Bell and also noted that her family has a long history in the community said he looked forward to working with her and the Congressman on matters of importance to the city.

Councilor Verga said that Congressman Moulton has been present in the city since taking office which has not gone unnoticed, and that he looked forward to working with Ms. Bell moving forward.

4. *SCP2015-001: Concord Street #250, Map 248, Lot 13, GZO Sec. 5.13 Personal Wireless Service Facility (Cont'd from 04/08/15)*

Councilor Verga said that there was a balloon test the weekend of April 10-12 and that the P&D Committee and the Council is co-working on retaining outside expertise to evaluate the application and submissions subsequent to it by the applicant.

Attorney Edward Pare, Jr., Brown, Rudnick LLP, Providence, Rhode Island, representing SBA Towers V, Inc., and New Cingular Wireless PCS, LLC by and through its Manager, AT&T Mobility Corporation came before the Committee to discuss an overview of the balloon test during the weekend of April 10 related to the Special Permit application for a new cell tower proposed at 250 Concord Street (Map 248, Lot 13), the property which is owned by Pamela J. Fryklund and Carrie Fryklund, Co-Trustees of the Donald L. Fryklund Living Trust.

Submitted to the Committee prior to the meeting on April 21 and 22 placed on file: a Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report dated November 12, 2014, a Search Area Obstruction Evaluation Report dated July 23, 2014 as well as seven separate sets of photographs of the balloon tests and images representing cell tower poles of varying designs at different heights.

Mr. Pare reviewed the materials he submitted very briefly. He said there was a balloon floated at 130 feet and 150 feet and the photo simulations represent that showing all the carriers collocated and just AT&T on a tower. There was a unipole shown which he described as a monopole with all the wiring on the inside and looked like a flagpole. He noted he submitted from the Zoning Board of Appeals hearing a “mono-tree” rendering which he said are expensive to reproduce as Photosimulations. When introduced to the ZBA, he said that it was universally rejected. He said at this time the applicant is looking to receive guidance on a consultant that the city wants to retain and work through that issue to keep the matter moving forward through the permitting process.

Councilor Verga said they are not only looking for a consultant to review the cell tower application, but for the Ordinance as a whole to be updated which is over 20 years old and 18 pages long. He said a revised Personal Wireless Service Facility Zoning Ordinance for Personal Wireless Service Facility will need to reflect the federal Telecommunications Act parameters also. He added that the Council will be looking to hire a consultant to look specifically at this application and would look to the applicant to see where they could assist the Council in terms of financing the consultant. He suggested to Mr. Pare that under Section 5.13.4.3 Health Standards subsection (b) Retention of Experts which says, “The City Council retains the right to commission experts to study the existing, probable or potential RFR at a proposed site. The cost for retaining such experts shall be borne by the applicant.” Also, he noted Section 5.13.5.4 Application Filing Requirements subsection (f) Radio Frequency Radiation (RFR) Filing Requirements, says that, “The applicant shall pay for an Independent Consultant, hired by the city, to monitor the background levels of radiofrequency radiation around the proposed personal wireless service facility site....” He said while it is not specifically what the Council is looking for, but in lieu of that he said he hoped that the applicant would help to pay for some or all of the expert consultant. **Mr. Pare** said in general the applicant has no objection to someone undertaking a peer review of the submitted application and documentation on file with the Council, especially their coverage maps, and that they have this happen frequently. He said that they would need to see the qualifications of the consultant to insure that they are someone who knows what they are doing, and a scope of services and a proposed budget. He said that the applicant is not interested in being a party to the rewriting of the city’s Zoning Ordinance for Personal Wireless Service Facilities. As long as the scope of services was within parameters of the application, he said that the applicant would be amenable to the Committee’s request.

Chip Payson, General Counsel, said the Legal Department is looking into securing an attorney to rewrite the related Zoning Ordinance. He said it is a two-fold request: 1) the peer review on the application and 2) drafting a new personal wireless facility ordinance. He said the Legal Department has found someone who they think would be appropriate that has done telecommunications work for many years, and are vetting him at this time for the ordinance rewrite. As to the peer review piece, he said he was not very familiar with the qualification or procedures. He has spoken with the City Clerk and the Planning Director to that end. The Legal Department will take care of the funding of the drafting of the Personal Wireless Service Facility Zoning Ordinance rewrite, he said, and leave it to the Committee to work on the consultant for the peer review.

Ms. Lowe said in assisting the Committee, she is working with Gregg Cademartori, the city’s Planning Director, as he has experience in the area of hiring appropriate consultants for a review of a cell tower application which has been the route that’s been taken all along. **Councilor Verga** said the Committee wants to move this application along and judging by emails received recently by them there are qualified consultants available. **Mr. Pare** said he would suggest that the Committee speak with other municipalities throughout the Commonwealth that had recent cell tower permitting who used consultants for peer review of the applications indicating those communities could offer references.

At the request of the Committee Chair, Mr. Pare provided the following link which leads to the seven sets of photo renderings submitted by the applicant: <http://www.cadsims.com/1637>

The Committee recessed at 5:50 p.m. and reconvened at 5:56 p.m.

5. *CC2015-007 Request the P&D Committee, Planning Board & General Counsel informally review GZO Sec. 5.13 "Personal Wireless Service Facility" and to retain expert legal counsel in order to amend & update the ordinance so that it is in compliance with current applicable federal laws*

This matter was addressed within context of SCP2015-001 taken up as Agenda Item #4.

6. *CC2015-008 Request the P&D Committee, Community Development Director, Planning Director & the Building Inspector, in regard to City "Permitting process" work together to structure a proposal to retain a consultant on zoning in Massachusetts & review the GZO) in order to recommend revisions to the Ordinance which will facilitate permitting & request that the Administration fund the proposal*

Jim Destino, CAO said in general everyone is in favor of the streamlining of the city's permitting process but that there needs to be a discussion of how best to do this which needs to be funded to be done correctly. He said if there is any way the permitting process can be done, it should be done. He asked the Committee for more time to hold staff discussions, speak with the Mayor, and take the matter up again after the completion of the FY16 budget season.

This matter is continued to July 22, 2015.

7. *CC2015-009 Request the P&D Committee review the matter of "Farmers Markets" under the GZO & add a new definition to Section VII "Definitions" and determine with Planning Director, Community Development Department the Building Inspector and Assistant DCPW Director whether Farmers Markets shall be permitted only on public land with a permit issued*

This matter is continued to May 6, 2015.

8. *CC2015-010 Request the P&D Committee review the Special Events Advisory Committee and amend GCO Chapter 11 "Hawkers, Peddlers & Transient Vendors"*

Ms. Lowe explained for the Committee that: This concept has been before the Committee previously. Because the P&D Committee created the Special Events Advisory Committee and has worked very well now they through Council action would have more responsibility delegated to it. The decision was that those events that go before the SEAC come directly to the P&D Committee, and she likened it to the Pole Petition process which ends with the P&D Committee. Through these amendments, events wouldn't have to move on to the Council for further confirmation of permitting. The amendments before the Committee to the Code of Ordinances would accomplish that goal. She said she recommended that the Committee vote in favor of amending the GCO.

Councilor Verga said these amendments help to streamline the event permitting process for applicants and is in keeping with the Committee's move to streamlining other areas of the city's permitting processes. **Councilors Fonvielle** and **Lundberg** both added their agreement.

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 Amend the title of GCO Chapter 11, "Hawkers, Peddlers, and Transient Vendors" by DELETING the entire title and ADDING a new title, "Hawkers, Peddlers, Transient Vendors and Special Events."

MOTION: On a motion by Councilor Fonvielle, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend Chapter 11, Section 1 "Definitions" by ADDING a new definition as follows:

"Special Event means an event that is open to the general public which may be held on public or private property, including city streets and may feature entertainment, amusements, food and beverages. The event may be classified as a road race, bike ride, bike race, parade, walkathon or festival."

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 Amend Chapter 11 by ADDING a new Section 11-10(f) as follows:

“Notwithstanding subsections (d) and (e) there shall be a Special Event Advisory Committee comprised of the following city staff: the City Clerk, the Building Inspector, the Assistant Department of Public Works Director, the Assistant Chief of Police, the Assistant Fire Chief, the Emergency Medical Services Director, the Health Department Food Inspector, the Harbormaster and the Community Development Tourism Manager. The Committee shall review all Special Events applications and shall assist applicants with any necessary approvals including approvals by the City Council as referenced in Section 11-10(a)(5). If City Council approval is needed, the application shall be referred directly to the Planning & Development Committee who shall have the authority to approve the Special Event permit. The Special Event Advisory Committee shall meet monthly and shall post notices of its meetings.

These matters will be advertised for public hearing.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:05 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.