

**Planning & Development Committee**  
May 20, 2015 – 5:30 p.m.  
**1<sup>st</sup> Fl. Council Committee – City Hall**  
-Minutes-

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

**Also Present:** Councilor Stewart (5:45 p.m.); Councilor Cox (6:05 p.m.); Councilor McGeary (6:12 p.m.)  
Gregg Cademartori; Mike Hale

The meeting was called to order at 5:30 p.m. Matters were taken out of order. There was a quorum of the City Council when Councilor Cox entered the meeting.

**1. Request from St. Peter's Fiesta Committee to review and amend city Council vote of March 10, 2015 re: St. Peter's Fiesta June 24-28, 2015**

**Joseph Novello** representing the St. Peter's Fiesta Committee explained that in the first request for use of surrounding area, the dock area behind the Cape Ann Brewery was overlooked and this request is to add it into the conditions for the St. Peter's Fiesta 2015.

**MOTION:** On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council amend its vote of March 10, 2015 which permitted the St. Peter's Fiesta from Wednesday evening, June 24, 2015 through Sunday, June 28, 2015 as follows:

**That Condition #4 concerning temporary lighting near the Beauport LLC property and Condition #6 concerning the contribution of \$3,000 for added police details because of that property's use be DELETED as the Beauport property is not being used for the 2015 St. Peter's Fiesta. Further, that the revised conditions be numbered 1 through 5;**

**and by ADDING the following condition:**

**"5. That the St. Peter's Fiesta Committee has permission to use the area of St. Peter's Commercial Marina, a city-owned dock, behind the Cape Ann Brewery, for the purposed of a Fisheries Exhibit in conjunction with local fishermen and the New England Fisheries Coalition."**

**2. SCP2015-001: Concord Street #250, Map 248, Lot 13, GZO Sec. 5.13 Personal Wireless Service Facility (Cont'd from 05/06/15)**

**Gregg Cademartori**, Planning Director said introduced to the Committee David Maxson of Isotrope Wireless whom the city chose to conduct a peer review of the Special Council Permit application for Wireless Service Facility. **Councilor Verga** pointed out that the Committee was only just receiving Mr. Maxson's documentation and have not had an opportunity to review it.

**David Maxson**, Isotrope Wireless, Medfield, MA, city consultant on the SCP application said that as part of the scope of services he was charged with looking at whether there was a significant gap in telecommunication coverage which is a question under the federal Telecommunications Act of 1996, however, the provide information about coverage but don't get into the term "significant gap" because it is more of a legal term of art. The review concentrates more on a discussion of coverage standards and specifications leaving the inference of whether there is a significant gap up to the Committee. Isotrope reviewed the applicant's information on coverage and existing facilities and proposed facility, and then did their own coverage analysis and in the back of the report has a series of coverage maps starting on Page 9 replicating coverage which is consistent with the applicant's analysis is even though Isotrope uses different computer modeling which takes into account topography and vegetation which both affect radio signal. They rely primarily on the radio signal in the lower frequency band (700 MHz), and he noted that the applicant submitted data on the higher frequency band (1900 MHz). He pointed out that lower frequency bands are less effective with vegetation but has slightly better coverage. Further to the Telecommunications Act,

they looked at whether there are alternatives if the city didn't approve this application whether there was a significant gap and there are no alternatives it is possible the city is effectively prohibiting the provision of wireless services in violation of the federal act.

#### GENERAL DISCUSSION OF HEIGHT:

**Mr. Maxson** said alternatives were looked at from the perspective of could the height be reduced and would it retain coverage if reduced. As the applicant explained in their report, if the height is reduced it reduces the ability to share the facility with other carriers which potentially reduces the coverage of the facility. He said he recommends in this report, and recommends to any city or town he consults for, if there is no need to reduce the height because the visual impact study says no one can see the tower then leave the height as proposed. However, if there are six neighbors on a side street who are affected by the tower at one height but by reducing the height by 20 feet it is not something that is distasteful to the neighbors, there it is a balancing act of maximizing collocation of the tower and minimizing the visual impact on the neighborhood. He said there is a visual impact report he has yet to see, which should give an idea of where the tower would be visible from and residents have input from where it is seen and in context of being deleterious to the neighborhood.

#### DISCUSSION OF TOWER DESIGN TYPES:

Mr. Maxson reviewed various types of designs of cell towers as noted in his report starting on Page 4 showing a monopole camouflaged as a tree integrated into a tree line, although in some communities many examples in Massachusetts and New Hampshire appear quite fake. On the same page a unipole, or flagpole style, was shown as a way to hide collocated antennas inside a structure and suggested in a developed area the structure would not appear technical and mechanical. **Councilor Verga** asked that if two carriers come forward and then three more are added, can they use the unipole design to mount and house their equipment. **Mr. Maxson** said it can be designed to take additional carriers and can be modified to a certain extent. With a regular tower the antennas occupy a 10 foot vertical space. With a monopole tower there is a disadvantage for collocation is concerned, he noted, as a carrier may have to occupy two vertical spaces which takes it away from the next collocater, making a unipole disadvantageous. **Councilor Verga** suggested the unipole would have to be doubled to be at a height above the tree line in order to accommodate five collocated carriers. **Mr. Maxson** said at that point it becomes impractical, and that if they don't need it at that location, he suggested not advocating for this design.

Page 5 shows an example of a cell tower camouflaged as a "Fire Tower" hiding the cell tower in plain sight, he noted. It would start out with carriers inside the top structure and additional carriers would be added to the legs. The photograph shows two carriers, it was noted. It is designing a structure to mitigate the appearance.

He said that there is also the concept of locating the tower on another part of the parcel that is farther away from its current proposed location. The southeast corner of the parcel, he suggested, could go from 500 feet setback to 750 feet setback. The tower height would have to be manipulated higher because the topography of the site in this portion is lower than the proposed siting in the application, if the landowner is willing and there is a significant benefit.

#### OFF PARCEL ALTERNATIVES TO PROPOSED SITE:

**Mr. Maxson** reviewed his documentation of other parcels outside of the proposed site of 250 Concord Street that would be potentially more compliant with the ordinance, and of all the locations which he identified, he said 103 Bray Street was identified as large enough to comply with the 500 foot setback which the proposed site cannot. He cautioned that it isn't known of any of the alternative sites he identified are available and many questions have to be asked to be certain any alternatives named are viable in terms of coverage, accessibility, etc.

#### AT&T COVERAGE MAPS INTERPRETED BY ISOTROPE COVERAGE MAPS:

Coverage maps (Pages 9-16) are the Isotrope versions of the applicant's coverage maps of the area submitted with the application. **Mr. Maxson** said coverage, as Isotrope's computer tells them, it would be improved by the proposed facility (Page 10) as shown by their modeling as indicated by the substantial increase of "white" space particularly along the roads in the area compared to the coverage map on Page 9 in terms of providing service at the standard at the specification that the applicant is looking to provide. Each of the alternative locations was then modeled for coverage identified hypothetically by Isotrope on top of the existing coverage which he reviewed. Page 12 shows 75 Bray Street as having almost as much coverage for a facility as 250 Concord Street. It was noted that 103 Bray Street which meets the 500 foot setback but because it is farther south it has difficulty reaching the northwest and northeast portion of West Gloucester and there is below standard coverage for those areas whereas the proposed facility's coverage reaches those streets. 103 Bray Street is disadvantageous in comparison to the proposed facility, he said.

Southeast of the proposed facility shown on Page 14, 186 Concord Street has a similar height and similar characteristics of the proposed facilities. He noted that with the alternatives he posed, it has to be asked what the

reason is to pursue alternative sites and would it significantly reduce the impact on the neighborhood. A significant disadvantage to all but one of these properties is that there is a lack of access roads to them and are undisturbed sites.

He pointed out that the benefits of the proposed location at 250 Concord Street is that it is a disturbed site, so that in terms of disturbing the environment it is not the same kind of a development as it would be for alternative sites in the immediate area. Noted on Page 15, the Thomson Street model shows as not as effective. It reaches its coverage further southwest and is a tradeoff alternative site. Page 16, Thomson Street OFF, has similar characteristics to that shown on Page 15 but as a compensatory, it provides a full connection of green to the next existing cell tower facility in Essex. This would be a trade-off of benefits of street miles served and compares favorably, **Mr. Maxson** said.

#### RADIO FREQUENCY EMISSIONS:

**Mr. Maxson** said they agree the conclusions of the applicant's RF Study that the facility will be fully compliant with the state and federal safety standards and agree with the approach that the noise engineer took, that it satisfies the 50 dB threshold at the property lines.

#### COUNCILOR QUESTIONS:

**Councilor LeBlanc** said West Gloucester has an undulating topography and that 103 Bray Street has a vernal pond and wetlands which makes it unacceptable as a possible site for a facility although it was pointed out that it meets the requirements of the 500 foot setback. To get to that property would be extremely difficult and have many conservation hurdles, he pointed out. Bray Street has ridges of 50 feet on each side of the roadway, he added. **Mr. Maxson** highlighted page 11, Whale Rocks Road showing that terrain cuts the signal off to the southeast and a number of streets are in shadow because they are downhill. He pointed out that the proposed facility looks into those pockets and lights them up with a signal. He said that the computer model takes those variants into consideration.

**Councilor Lundberg** asked about Page 3, saying that constituents are in favor of improved cell phone coverage in West Gloucester but a height of 150 feet is too high. He asked for an explanation of the Isotrope observations on height. **Mr. Maxson** said the applicants provided a reliable modeling of the different tower heights and associated coverage. He said there is a pull-back in coverage as the height of the facility is lowered. He pointed out that there is a one segment of Bray Street most affected by the reductions in height because of the undulations of the topography. At about 130 feet or about 1/8 of a mile it opens up on Bray Street. Because it is only 1/8 of a mile it is slightly below the applicant's threshold but might still be useable. At 110 feet the total extent is more like 1/3 of a mile, which is a relatively short distance, but depending on whether there are residences in that area would be affected, there are variables that help to decide if it is material. He recommended that if there is a visual impact analysis that shows from important locations evidence that says that a 130 foot tower makes all the difference in the visual impact, then they would go back and look at the penalty with that height and does it matter. In terms of the number of collocators on the tower, with four major carriers in the market, they would want forty feet of tower to work with. If starting at a height of 150 feet and move it down to 120 feet there is plenty of room and the bottom collocator is at an effective height which would make it a desirable tower for the wireless carriers. He cautioned with each ten feet knocked off the bottom collocator is at 110 feet, with 20 feet off then the bottom collocator is at 100 feet making the last slot is less desirable. At 100 feet the last collocator may find acceptable from a business perspective, getting the least coverage but may tolerate that they don't get all the streets the top collocator does. That is the information provided so far, **Mr. Maxson** said.

**Councilor Verga** in reviewing the scope of services Mr. Maxson provided, **Mr. Maxson** said that he can't anticipate the Committee's needs and concerns without hearing them. He added that if there are further questions for Isotrope to follow up on, or for the applicant to follow up on and for Isotrope to review and comment on, that is the "so far." As far as providing information to the scope of services, this report answers that scope, he said.

**Councilor Verga** said that the main concern of people in that area is the height from those who object to the tower. The issue the Committee has is if they make demands about the height of the tower is the concern it will bring in the Telecommunications Act issue forward and is where the Committee is looking for some guidance on. **Mr. Maxson** said if there is consensus the height needs to be reduced, they have to look to the visual impact analysis and any input residents might provide of what the benefit is of reducing 20 or 30 feet off the top of the tower – does it significantly improve visual impact and ameliorate the concern of the neighbors. Once the height is established then it is an analysis of the impact of the height reduction. He said that the relatively minor impact of putting the antennas at 110 feet there is a small stretch of Bray Street that is impacted but otherwise the overall coverage from the proposed facility appears about the same. If that is a trade-off that the city feels is appropriate--significantly reducing the collocation potential of the structure, that the impact of the reduction in coverage, the applicant may be uncomfortable with that, but in the long run in weighing the pluses and minuses of a shortened

facility, the applicant may find it acceptable. He pointed out that the applicant is a tower company so their business model is to have as much collation as possible.

**Councilor Lundberg** pointed out that one of the core issue is does a significant gap in service exists and does 150 feet tower height mitigate that this significant gap or can 120 feet tower height still mitigate that gap. 3G LTE DATA SERVICE COVERAGE VERSUS 4G LTE DATA and VOICE SERVICE COVERAGE:

**Mr. Maxson** then reviewed 3G service coverage versus 4G broadband data service coverage was reviewed. He said that LTE technology didn't provide voice services in addition to data services over the same network, just data services. When doing both data and voice there is additional protection under the Telecommunications Act that wouldn't be given if there was a provider just doing data. He said all of that changed last year when AT&T established voice over LTE service in some of the major markets including Boston although not network-wide yet. It is not heavily used because the phones have to have that capability. The network has to be operating with the voice service before the smart phones can use the service. It is at a stage with LTE service that it is a voice service and is eligible for the same protection as 3G service was under the Telecommunications Act.

**Councilor McGeary** asked about positioning of the public safety radios recalling that the antennas would have to be located at 90 feet to be effective as noted in Fire Chief Eric Smith's memo (on file). He asked if the facility height is permitted at a lower height, what it does to the public safety antenna positioning. **Mr. Pare** said at 150 feet Public Safety is collocated at 107 feet. It is a 17 foot play between 150 and 130 feet. The minimum total height 133 and public safety would be at 90 feet tip point.

**Councilor Cox** asked if there was a difference between 107 feet and 90 feet. **Dan Goulet, C Squared Systems, LLC, Manchester, New Hampshire, retained by SBA and AT&T as a consultant,** said he talked to the city's Fire Chief who had indicated the minimum height of 90 feet because of terrain he would like as much height as he can have (memo by Fire Chief on matter on file). When the height of the facility is lowered, it puts the public safety collocation closer to the tree line which then becomes an issue of the signal getting over the next ridge that shadows the signal that has to be gotten over and with trees covering that ridge, the issue is how to get the signal to the houses on the other side of that ridge.

**Councilor Cox** expressed concern that because of the federal Telecommunications Act that a tower permitted for 130 feet could set the city up for another tower coming forward for permitting rather than putting one facility up at 150 feet, putting the city in the position of having multiple towers. **Councilor Verga** clarified that if the facility was permitted at a height that only accommodated three carriers and two can't fit, would they then move to permit another tower in the immediate adjacent area. **Mr. Pare** said other carriers could do that. This, he said, is about competition driving service. He pointed out there used to be six major carriers, now there are four. They are competing for customers which are why prices are dropping significantly. Each of the carriers come into a municipality with a gap in coverage and asks to erect a tower. It will force all the carriers to go to what is approved to a site for approved coverage. He cautioned if a major carrier such as Verizon came in behind the other carriers at a lesser height facility and be collocated at 90 feet, they could want their own pole rather than use that collocation position, and then the city would face the same issue. He suggested approving the site to its maximum which maximizes the opportunity to the carriers in order to prevent further towers being built.

**Mr. Maxson** added said they count towers and think 110 feet would be as bad as 150 feet. It is within the context of a particular area, he said. It may be two 120 foot towers on properties a half a mile apart that might have less impact on the community than a single 150 foot tower. If the visual impact study says that there isn't any place they can't get an objectionable view, that 150 feet would be better.

**Mr. Pare** said that he did review the Isotrope report. They take some exceptions with the thresholds Isotrope indicates and spoke to the frequency issue. He explained that Isotrope use a 700 MHz network for their assessment and said that the AT&T network is 1900 data/voice frequency which is a significant part of the AT&T network. The AT&T network is not being designed by anyone but AT&T. He said that the Committee will hear in the applicant's response that they have issues with the thresholds indicated by Isotrope and at 110 feet; they will not deal with the 1/8 mile gap on Bray Street, rather they are looking to do in-building signal coverage which is different. It is the AT&T network designed to use all of the frequencies.

**Mr. Maxson** suggested the applicant can do that but his conclusion is based on 700 MHz the lower frequency and based on the -103 dB which favors the city, he said, and that his conclusions still sides with the applicant and still shows area below the applicant's standard for service. He said his standards are a less stringent standard. It is the same opinion from the same point of view, he said.

**Mr. Pare** said it is all about height. They will present the information as how that height will affect coverage and who will be impacted. With the fringes they will let them know what the population is. There is a conclusion reached by Isotrope that AT&T's coverage will be substantially the same at 110 feet. That, he said, is not adequate, and the applicant will not live with it -- 110 will not do it.

**Councilor Verga** advised in terms of next steps, the Legal Department has hired an expert to review and offer a redrafting of the city's ordinance for Personal Wireless Service Facilities and to write the Committee's motion and Council decision because such expertise doesn't reside in-house.

**Mr. Cademartori** pointed out that the visual analysis and whether everything is in the record that needs to be analyzed. He said he heard about a coverage gap and then it is what is the benefit of a reduction of tower height and whether there should be a response from the applicant what that impact is. What is in the ordinance now in terms of the visual overlay, it is looking at the impact in very close proximity of the tower rather than at a distance which is more of the interest of concern. A next door neighbor with a tree line will not see it from the house and what the ordinance protects rather than distant locations where many more people can see it and if there is a response related to the delta between 150 feet to 130 feet in terms of the visual impact as well. **Mr. Pare** said that the applicant photo simulations were not given to Isotope, and that he would provide the link to Mr. Maxson for them.

The Clerk of Committees, **Dana Jorgenson**, informed the Committee the Council was in receipt of a letter dated May 20 from the applicant's attorney advising they are amenable to the opening of the public hearing on May 26 and continuing it to June 23 (on file). **Council President McGeary** confirmed that he would open the public hearing on May 26 and continue it automatically to June 23.

**This matter is continued to June 3, 2015.**

The Public Hearing scheduled for May 26 will opened and continued to June 23.

**The Committee recessed at 6:48 and reconvened at 6:52 p.m.**

**3. *Request from Planning Board re: 2014 Harbor Plan Implementation Marine Industrial District Zoning Amendments***

**Gregg Cademartori**, Planning Director reviewed the memo dated May 4 from the Planning Board (on file) entitled, 2014 Harbor Plan Implementation Marine Industrial District Zoning Amendments and acknowledged Councilors present who were a part of the 2014 Harbor Plan Implementation Committee. He explained the Board's discussion about implementation in order to leverage the implementation of the 20145 Harbor Implementation Plan, in administering the Chapter 91 regulations for the city's Designated Port Area (DPA). He noted this was reiterated in the decision of the Mass. Executive Office of Energy and Environmental Affairs related to uses that are either permitted in the city's Marine Industrial (M/I) zoning coincident with the DPA boundary that should be prohibited or be addressed in some way for consistency between the DPA and its use with state use regulations and local regulations. There are two that require amendment and a couple that can't be done locally where the DPA regulations that tell them to do one thing and the State zoning act that says they can't restrict certain uses. There is a strict prohibition of residential use in Designated Port Areas. He recounted the history of the zoning prior to the Marine Industrial designation. :

- 1) Exclude new (or conversions to) housing units or residential facilities

The Planning Board proposes to amend Section 2.3 Use Tables 2.3.1 Residential Uses by changing the used allowance of Residential Use #10 Boarding House, rooming house, lodging house or hostel, licensed by the Licensing Board from allowed by special permitted issued by the Zoning Board of Appeals (SPS) to a prohibited use (N) in the Marine/Industrial (M/I) district to be consistent with the DPA regulations. There is a strict prohibition of residential uses within the DPA. Currently it is enabled by a special permit from the ZBA and to be consistent with the DPA regulations, prohibits any type of residential use. The city doesn't have any existing within the M/I District and there is no fear if this is a prohibited use that there would push someone into becoming non-conforming. He said in the area in East Gloucester where the DPA was lifted, there will have zoning amendments coming forward after further analysis. Councilor Verga noted that if a property did fall through the cracks it would become legal, non-conforming but it would be difficult to make changes in the future. If something like this exists, with further zoning amendments put forward to address the area of East Gloucester where the DPA was lifted, it may be resolved at that time, **Mr. Cademartori** noted.

Councilor McGeary said they discussed this at the harbor planning meetings that there provisions for lockers for transient seamen and temporary housing. **Mr. Cademartori** said there are temporary quarters allowed for a 24 hour Marine Industrial operation associated as integral to a Marine Industrial Business, and is something already contemplated in the ordinance under a separate schedule and would not be disallowed. This is more of a shared

apartment. It is the concentrated boarding house/rooming house. Due to public testimony and comment about hotels/motels, other than areas outside of the DPA, the hotel overlay district, they continue to have a prohibition of hotels and motels in the M/I district. It is not something they would permit in the DPA and no action is required by the Council on that. **Councilor McGeary** said it also prohibits an overlay, in that the Harbor Plan is binding. **Mr. Cademartori** said the intention and hope they enact the zoning amendments prior to July 1, and it activates the Harbor Plan. All that was discussed with the ocean investigation piece that can be considered M/I uses is tied to this timeline. The city has the approval but must take these actions and report back to Executive Office of Energy and Environmental Affairs and Coastal Zone Management and will instruct them to indicate to the Waterways Division of the Dept. of Environmental Protection, who when receiving new applications, then this is the play book they would go by.

**MOTION: On motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GZO Section 2.3 Use Tables, 2.3.1 Residential Uses by changing the use allowance of Residential Use #10 “Boarding House, rooming house, lodging house or hostel, licensed by the Licensing Board” from allowed by special permitted issued by the Zoning Board of Appeals (SPS) to a prohibited use (N) in the Marine Industrial District.**

- 2) Bring consistency between the use allowances of the Designated Port Area (DPA) and Marine Industrial (M/I) District Zoning

**Mr. Cademartori** explained that: In recognition of the limit of the state’s jurisdiction to filled and flowed tidelands in the DPA, the Planning Board proposes to amend footnote #1 to Section 2.3 Uses Tables by striking the words “and uplands” from the first sentence so it will now read:

“(1) In the MI District, Supporting Designated Port Area (DPA) Uses, as defined in 310 CRM 9.02, shall not in the aggregate occupy more than 50% of the ground level area on filled tidelands on a lot within the DPA....”

**Mr. Cademartori** reviewed other portions of his memo with the Committee (on file). They discussed where the state jurisdiction ends and that local jurisdiction begins on the Rogers Street side of the harbor, noting that in the DPA, there is very little area that was not formally low tidelands that hasn’t been filled. North to south -- Cruiseport, Americold, and Gorton’s, have property that was never tidal which are uplands and then it is really ribbons going to the Building Center and I4-C2. As to supporting or commercial use there would be an opportunity to do 100 percent supporting use because not regulated by the state.

**MOTION: On motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GZO Section 2.3 Uses Tables by striking the words “and uplands” from the first sentence so it will now read:**

“(1) In the MI District, Supporting Designated Port Area (DPA) Uses, as defined in 310 CRM 9.02, shall not in the aggregate occupy more than 50% of the ground level area on filled tidelands on a lot within the DPA....”

These matters will be advertised for public hearing before the City Council on June 23.

4. **SCP2015-002: Eastern Avenue #210, Map 265, Lot 23, GZO Sec. 2.3.4.(7) Animal boarding, kennel – 24 hour operations**

**Attorney Ralph Pino**, 46 Middle Street, representing Paws at Play, Inc., Ryann C. Flynn Trustee of Turner Farm Realty Trust, reviewed the Special Permit Application for the property at Eastern Avenue #210, Map 265, Lot 23, under GZO Sec. 2.3.4.(7) Animal boarding, kennel – 24 hour operations as follows:

**OVERVIEW:**

Currently at Paws At Play, Inc. functions as a dog day care facility run on this property for approximately 14 years which consists of a retail store in the front and an interior dog day-care facility to the rear of the building as well as a large penned area, but has found the demand for 24-hour kenneling to be overwhelming and seeks a Special Council Permit to allow it to run as such a facility.

There extensive public support for this proposal (Note: See petition of approximately 525 signatures, 25 letters of support including letter from new abutter, Common Crow, on file) and lack of any opposition from anybody at

the prior Zoning Board of Appeals public hearing (information on file). This matter was in front of the ZBA for a variance from a provision in the use ordinance that there couldn't be an outdoor pen less than 100 feet from a lot line (in the rear of the building) towards the CATA building and Burnham property. At that hearing there were about 100 people present in support and no person spoke in opposition to the proposal.

An enlarged site plan (on file) was shown to the Committee and reviewed--the building has an existing garage at the rear of 210 Eastern Avenue will be demolished. An addition of 28 feet by 70 feet will be constructed. The area of 28 feet by 40 feet directly behind the existing Paws At Play facility will house a kennel, the rear 28 foot by 30 foot area will be a warehouse area. The kennel area will be extensively sound proofed with non-opening windows, with full HVAC, and no door opening directly to the outside (all to minimize sound). To the south will be ten 4 foot x 6 foot "outdoor" dog pens under a shed roof overhang, with walls to the east and west. These pens will be used only during the daytime operation consistent with current dog day care facility times. The kennel will be able to accommodate up to 20 dogs. The current dog day care facility is limited to three dogs for overnight kenneling. The building has three sides with an overhanging roof. There have not been one noise complaint in 14 years, it was noted.

Building designs were shown (on file) and **Mr. Pino** reviewed them with the Committee. With noise as a concern for neighbors everything that can be done has been done to mitigate sound emanating from the facility, he noted. Dog day care is more likely to create noise, it was pointed out, but the kennel will be a sound-proof facility.

He said there is a tremendous need for a 24-hour kennel in Gloucester with 2,100 licensed dogs and many more unlicensed as evidenced by the extensive public support for this proposal. (Note: dog statistics provided to the applicant's attorney by the Gloucester City Clerk). He said that area veterinarians have ceased on-site kenneling services and there is no other similar facility in the city. People want a reliable, good place for their dogs to be cared for in their absence, he pointed out.

#### SECTION 1.8.3 REVIEW:

1. Social, economic or community need served: There are 2,100 licensed dogs in Gloucester. Dogs are very important to their owners, who need a safe and reliable place to kennel their dogs while on vacation or otherwise. Veterinarians who historically provided this service have stopped kenneling. There is a great need and demand for a 24-hour dog kennel in Gloucester.
2. Traffic Flow and Safety: The dog day care business has been operating on site for 13 years without incident or complaints. The addition of 24-hour kennel will have no significant increase in traffic, as most kenneled dogs will be day care customers already. There is more than adequate parking, as primarily drop off and pick up days later.
3. Adequacy of utilities and other public services: The premises are served by municipal water and sewer. The proposed kennel area will be entirely new construction.
4. Neighborhood character and social structure: The area is primarily business and industrial. This proposal received no opposition at the Zoning Board of Appeals (ZBA) hearing and received extensive support from neighborhood and community.
5. Qualities of the Natural Environment: The proposed site has an old barn/garage building on it which will be demolished. The new addition to the existing Paws at Play building will be outside the extensive tree planted area to the south. The proposal will have no adverse effects on the natural environment.
6. Potential fiscal impact: Increased real estate taxes, and will keep business in Gloucester. Currently many residents must go to Ipswich or Topsfield to kennel their pets.

#### COUNCILOR QUESTIONS:

**Councilor Lundberg** said that this is a great idea and good use of the Paws at Play facility with the addition of overnight kenneling for up to 20 dogs. In accepting a dog for kenneling, he asked if the kennel owner is required to check/confirm that the dog is licensed in the city. One of the issues with the leash law amendments and part of that debate was that only 2,100 dogs are currently licensed and so many more are unlicensed. **Mr. Pino** said dog owners have to show their dog's shots are current. **Phil Joubert**, 210 Eastern Avenue, and an owner of the facility, said they have never had to show that a dog is licensed to accept a dog to the day-care facility or keep a dog overnight for one of the three slots but added that there was no reason why they couldn't. **Councilor Lundberg** said it is not an issue for this proceeding but is an issue in general.

**Councilor Verga** said as an owner of two dogs, he believes this kennel is a good idea. People aren't spending the money in the city to kennel their dogs, and it is better to have the service available in the community.

**MOTION: On motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a Special Council Permit (SCP2015-002) pursuant to Sections 1.8.3 and 2.3.4(7) of the Zoning Ordinance, "Animal boarding, kennel – 24 hour operation," to Paws at Play, Inc., at 210 Eastern Avenue, as shown on Assessors**

**Map #264, Lot 23, zoned GI-General Industrial, to operate a 24 hour animal kennel facility as shown on “Proposed Site Development Plan” dated 3/9/15 by Gateway Consultants, Inc., Lynnfield, MA, received by the City Clerk’s Office May 7, 2015, and that this permit application is in harmony with the general purpose and intent of the ordinance and meets with the requirements of GZO Sec. 1.8.3.**

This public hearing is scheduled to take place June 9 at City Council.

##### **5. Memorandum from Public Works re: Acceptance of Unaccepted or Private Ways**

**Mike Hale**, Director of Public Works, said that his department has listed a group of unaccepted and/or private ways and recommends that the City Council accept these ways as public ways in the City of Gloucester. With unaccepted and/or private ways, the DPW can only spend public dollars on temporary versus permanent repairs, and are not eligible for Chapter 91 funds which is state money the city receives annually for public road repair and maintenance based on the number of road miles the city has that are documented as public.

He said the city does a great deal of maintenance on private ways out of good faith, more than many other communities – plowing, brush cutting, and pot hole repair, the same as public ways. He noted that when they started their pavement management program in 2013 they had about 88 public roads, 53 miles of unaccepted and 27 miles of private. He explained that the difference between private and unaccepted roads is a fine line – many of the unaccepted roads are subdivisions that have gone through the traditional subdivision process and don’t really have any ownership. Deeds don’t refer to the rights to the way; some private roads may only be easements across parcels or completely owned in fee by people who travel across them. The department had to figure out how to reduce the number of private ways without infringing on someone’s rights to their way. To that end they made a list of unaccepted ways putting a list together of about 11 miles of private ways consisting of about 20 streets which range through all city wards.

**Mr. Hale** highlighted several roads that are already city property but were never accepted as public roadways by the City Council, such as Osman Babson Road, a school access road which also serves as frontage for some parcels but no Chapter 90 credit is given by the state and the same for Dogtown Road which serves the city’s compost facility. These types of roads are about 20 percent of the listed as unaccepted ways in the city. It means in terms of Chapter 90, there is a formula which is used to determine the distribution of funds based on city accepted road miles, which is 58.33 percent of the formula, population which is 20.83 percent and employment (people working in town) is 20.83 percent of the formula. Gloucester received for this fiscal year \$669,589 for Chapter 90 monies which is enough to do a few miles of roadway in the city. He said if he calculated the proposed 11.629 miles of roadway into the formula it only affects the road miles portion of the state formula and would increase the city’s annual funding by just over \$51,000. **Mr. Hale** said it is not enough to pave all these streets but gets the city to the point they can spend public dollars on them more freely.

He also highlighted that a few of the streets listed for the Council’s consideration for acceptance went through the public/private split on paving and won’t need resurfacing for another 20 years. He added that every year they are not resurfacing some of these roads, it is paving money they can spend on roads that are in desperate need of it. This is the first go-round of forwarding unaccepted and/or private roads for city acceptance, he said.

**Councilor Verga** said that every ward in the city is affected. He pointed out that this list is composed of unaccepted roads, which he confirmed. These are all straightforward, he said, and some have had the maintenance accepted by the city, but not the acceptance of ownership.

**Councilor Lundberg** said this was a great effort and appreciated that the DPW brought this matter forward. He noted Hough Avenue as an example of a heavily travelled byway and needs maintenance. **Mr. Hale** said to accept an unaccepted roadway by the state consists of filling out and submitted a few forms and a Certificate of Vote from the Council. **Councilor LeBlanc** added his approbation of the effort by Mr. Hale. He asked about the High Popples area that went through the 50/50 paving program. **Mr. Hale** said they are requesting that the city accept the roads, adding that Crowell Avenue was another similar situation. He noted that once the Council has accepted these ways, there is another list of approximately the same number of unaccepted ways that will also be put forward for the Council’s consideration to adopt as public ways.

**Councilor Verga** asked about private roads process to accept roadways. **Mr. Hale** said the DPW will notify all the abutters of these ways, that a vote was taken which will be done prior to the Council voting. They are dedicated to getting this process done for many more roads over the next few years, he added.

**Councilor Verga** said as a former ward Councilor this is a great start and an action that should be taken.



**MOTION: On motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept the following roadways as public ways in the City of Gloucester for a total of 11.629 miles of public roadway under GCO Section 21-1, 21-35, 21-36 to 43 and M.G.L. Chapter 85 in order to add 11.629 roadway miles to as follows:**

**Apple Street; Baker Street; Beach Road; Birch Grove Heights; Biskie Head Point; Blueberry Lane; Brierwood Street; Brightside Avenue; Colburn Street; Colonial Street; Crowell Avenue; Decatur Street; Dogtown Road; Dr. Osman Babson Road; Duley Street; Gilbert Road; Goodwin Road; Grapevine Road; Harold Court; Harriet Road; High Popples Road; Hillside Road; Honeysuckle Road; Hough Avenue; Jacque Lane; Juniper Road; Lane's Cove Road; Laurel Street; Lawndale Circle; Lincoln Avenue; Lincoln Street; Linden Road; Lisa Drive; Macomber Road; Marsh Street; Mason Court; Montvale Avenue; Morgan Avenue; Munsey Lane; North Kilby Street; Oceanview Drive; Pigeon Lane; Rockport Road; Scott Street.**

This matter will be advertised for public hearing.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:16 p.m.

Respectfully submitted,

**Dana C. Jorgensson**  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- **Peer Review of SCP2015-001 : Concord Street #250 Personal Wireless Service Facility as conducted by David Maxson of Isotope Wireless, Consultant to City on matter**

**Color copies of already submitted documentation as noted under Agenda Item #2 by Edward Pare regarding SCP2015-001**

1. AT&T FCC Licenses – Essex County
2. Petition in favor of Cell Tower signed by 80 Gloucester Residents
3. Photos from Red Rock of other visible tall structures
4. A revised RF Report and coverage maps submitted to Isotope Wireless (City consultant).
5. 700 MHz LTE and 1900 MHz LTE – Transmitter Information with frequency maps