

CITY COUNCIL STANDING COMMITTEE
Planning & Development
Wednesday, May 19, 2010 – 6:30 p.m.
1st Fl. Council Conference Room – City Hall

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

Absent: None

Also Present: Fire Chief Dench; Charlie Mahoney; Scott Hitchcock; Barbara Berry; Courtney Milligan; Peter Glynn; Matt Araneo

The meeting was called to order at 6:32 p.m. Items were taken out of order.

1. Unfinished Business

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

Councilor Ciolino stated the Planning Board has continued its deliberation on the matter, and P&D will await their recommendation.

Councilor Verga added there was conversation at the Planning Board last week suggesting trying to get Demoulas in to see what they're planning on doing with the parcel. They have not responded yet to that request to his knowledge. The neighbors who are pushing for the reversion understand what could be put in there with the old zoning.

- B) PH2010-002: Installation of concrete encased conduit across East Main Street near Gerring Road by National Grid (Continued from 05/05/2010)

This public hearing is open.

Those speaking in favor:

Peter Glynn, representing National Grid, who is seeking permission to install 42 feet of 4" conduit encased in concrete off of pole 2690 across East Main Street to end eventually down to 259A East Main Street to 'feed' that house. In the past that home had overhead service that was actually attached to the front house which is an unacceptable situation to National Grid. They believe they won't get another pole in as it would disrupt the view of the water. He introduced Mr. Araneo of Araneo Land Works, Inc., who will be doing the road work and installation of the concrete encased conduit on East Main Street.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor Ciolino asked if this work could be done in the fall feeling they want to have the minimum disturbance due to the increase in summer traffic.

Mr. Araneo explained the work would be a one day opening up of the road, digging the trench, conduit installation and concreting with the paving done on the next day.

Councilor Verga asked when they would start.

Mr. Araneo responded they are awaiting the resolution of conservation issues because the house is on the water. He knew that the homeowner had been dealing with the Conservation Commission with regard to the renovation of his home.

Mr. Glynn stated it is the homeowner's responsibility to get the conduit in. National Grid then makes the electrical connection at the top of the pole to the home.

Mr. Araneo assured the work on the street would keep one lane open to traffic for most of the work. Once they dig the trench they put a metal plate down so vehicles can drive over it.

Councilor Whynott asked if there would be a police detail.

Mr. Araneo stated there would be; and it is required. In addition, he assured the Councilors that the work would take place on a week day, preferably on a Monday, Tuesday, Wednesday, or Thursday, avoiding Friday and not on a weekend.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant permission to National Grid, Malden, MA to construct a line of electric conduits, including the necessary sustaining and protecting fixtures under and across the public way or ways hereinafter named and further given permission to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity. Said underground conduits to be located substantially in accordance with the plan filed herewith, signed and dated by the Planning & Development Committee Chair, marked National Grid, UG-WR#8285513 03/20/10 for the purpose of the installation of approximately 42' of 2-4" concrete encased conduit across East Main Street near Gerring Road in Gloucester, MA with the following conditions:

1. **Street paving shall be in accordance with DPW standard as outlined herewith:**
 - A) **DPW to be notified 72 hours in advance of the proposed work;**
 - B) **All proposed lines and /or conduits are placed so as to cause minimum conflict with other underground services and mains;**
 - C) **The excavated trench shall be patched flush with the surrounding asphalt using 2-inches hot mix asphalt binder, and 2-inches hot mix asphalt top, totaling 4-inches;**
 - D) **Install 2-inch hot mix asphalt top course pavement with emulsion sprayed on prepared surfaces, including all joints.**
2. **18-month bond to be purchased for the construction duration.**
3. **No water shall be pumped from underground structures or conduits onto public streets and ways.**

2. Memorandum from Police Chief re: July 4, 2010 Lanesville Parade and Bonfire

Councilor Ciolino updated the Committee on a meeting at the Fire Department the previous evening, attended by himself, Councilor Jacqueline Hardy the Fire Chief, Lt. Aiello of the Police Department, with the Lanesville bonfire and parade committee. There will be no bonfire this year because of last year's many incidents. Lt. Aiello of the Gloucester Police Department felt the parade should not take place; there is no bonfire so now what happens to all these people. Further, he doesn't have the manpower to police it, feeling it should be suspended for the next several years to allow the Lanesville committee to regroup and take another look at how to better organize and handle their situation. The decision to recommend a cancellation of the event was a joint decision between the Police Department and the Fire Department.

Chief Dench stated the Fire Department will not be issuing a bonfire permit.

Councilor Verga noted that the St. Peter's Fiesta Committee pull permits for their event and go through the proper permitting process. If the Lanesville committee wants to go through with the Parade, they need to go through the proper permitting which was stated in the Police Chief's memo (on file).

Councilor Ciolino confirmed that was conveyed at the meeting; that he invited the Lanesville committee to come forward if they can get the necessary documentation together: permission from the Police Chief, permission for the bonfire from the Fire Chief and a Certificate of Insurance as is required by all other

groups, in order to move it to the Council for approval. There is still time for them to come forward. However, the group at the Fire Department meeting couldn't agree on even what time of day to hold a parade. Until the Lanesville committee makes their decision as to what their plan of action is, the impression was this matter would not go any further this year. They're running out of time if they're planning on having the event this July 4th. The idea was that the parade could be in the afternoon during the daylight hours. Some of the Lanesville committee members were for it, some not.

Councilor Whynott expressed his concern that tradition is important and by not running this event this year it may not necessarily be the right thing to do. He pointed to the Fiesta as an example of an event that has grown exponentially over the years with increased police and fire presence necessary to maintain public safety.

Chief Dench responded they did speak about the Fiesta at the meeting. And while the Fiesta does have some rowdiness, it is policed and not that bad. The event has changed and grown from a neighborhood festival to what it is today; but the Fiesta Committee has gone through all the right steps with their permitting, with plenty of police protection and security which they raise money for. The Lanesville community has had a small localized neighborhood celebration mushroom into an event where it has now exceeded what the neighborhood can handle. The Lanesville committee has not been able to keep up with the size of the crowd that the event is now attracting. The Fire Department is unable to get through to handle the bonfire. He felt it was now completely out of control. The police are unable to handle the 6,000 to 7,000 people who show up. There are many out-of-towners who consume large quantities of adult beverages, compromising the City's ability to protect the citizens and police the situation. It was just a matter of time before there are attendant injuries, with his concern specific to the bonfire. Lt. Aiello spoke to the same conditions at that meeting. Last year, which was his first year dealing with these folks, they had a new change where Rick Pino came in and assured him that they were going to have a new regime out there; they were going to go through all the proper steps; they were going to have marshals taking care of everything. It was worse than the previous year. Afterward Mr. Pino came to him saying he'd have nothing further to do with the event. He explained the difficult logistics to the Councilors of deploying enough Fire and Police staff. There were 20 people from Lanesville, and with only one exception, all were against the bonfire. The suggestion was to let it go for a couple of years. Bring this back to a neighborhood event, a cookout for the kids, perhaps at the Lanesville Community Center. Give this a couple of years to calm down; then bring this event back slowly over time with all the proper permitting and plans in place.

Councilor Whynott understood Chief Dench's points, but didn't want to see everything go away, all these cherished traditions. If the Lanesville people are going along with this, then he is more comfortable.

Councilor Verga also pointed out that there is only one road feeding into Lanesville, and then there's nowhere else to go. Folks are coming in from the direction of Rockport and Gloucester [on this one road] – now what do they do? The roads are closed unofficially. The crowds narrow the road, almost blocking it totally. Chief Dench interjected that they couldn't get emergency vehicles through to access the side streets, let alone Washington Street, under these conditions.

Councilor Ciolino summarized for the Committee that the folks in attendance at the Fire Department meeting agreed that the event has grown so big that their organizational ability had not kept up. It's at the point where no one wants to take up the responsibility for the event. They never had any insurance for what they do. They've done it by themselves all along, never pulling any permits. This year the Planning & Development Committee is asking all these events that take place in the City to provide Certificates of Insurance and pull all the proper permits to have them on record. If the folks can reorganize, create and implement an appropriate action plan, the City will take up the matter once again.

3. Memorandum from Community Development Director re: grant application for the Proposed Community Wind Feasibility Study

There was no action to be taken up on this matter.

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

Councilor Ciolino noted there would be a public hearing on this matter at the June 2, 2010 meeting of P&D.

5. COM2010-023: Proposed offering of gift to City from Joseph R. Grace

Councilor Ciolino stated an email was received from Councilor Hardy asking this matter asking for a continuance (on file) until an August meeting of the Committee. She is working with the parties involved regarding all related issues to the area in question (Mr. Grace, Mr. Foley, DPW Director Michael Hale, CAO, and Jim Duggan). One of the duties of the new City Engineer who starts July 1st will be to tackle this issue. Continuing this matter would allow time for the process to begin; a progress report can then be made at that time.

This matter was continued to the August 11, 2010 meeting of P&D.

6. Cape Ann YMCA Road Races: 6/24/10 Fiesta 5K and Goose/Cape Race 9/6/10

Barbara Berry, Race Director for the Cape Ann YMCA noted that for the Fiesta 5K Road Race the work in conjunction with the Fiesta Committee to have the race be part of the Fiesta event. It's on Thursday, June 24th at 6:00 p.m. They are in the Fiesta area for only about two hours from set up to break down. Traditionally they have great cooperation with the Police Department for crowd control, starting the race, traffic control on the streets and a lead car for the runners. The race has grown every year to almost 500 runners now. It is a popular event. Many of these participants stay afterwards for the Fiesta activities. It is short and straightforward.

Councilor Ciolino noted the YMCA has the OK from the safety departments and the insurance certificate, all already on file in the City Clerk's office along with maps showing the race route.

Fiesta 5K Race, June 24, 2010:

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant permission to the Cape Ann YMCA in order to run the St. Peter's Fiesta 5K Road Race on Thursday, June 24, 2010 with the start at 6:00 p.m. to start from 33 Commercial Street in front of the Chamber of Commerce, proceeding onto Rogers Street to Harbor Loop, returning to Rogers Street, turning right onto East Main Street, proceeding to Wall Street, onto the State Fish Pier to the end, back onto Parker Street, to Rogers Street, left onto Harbor loop, returning to Rogers Street and finishing at the corner of Washington and Rogers Streets in front of the main staging area of the St. Peter's Fiesta with the following conditions:

- 1) A memorandum from Lt. Joseph Aiello be on file with this approval in the City Clerk's office seven (7) business days prior to the race delineating the role of the Gloucester Police Department before, during and after the race;
- 2) A memorandum of understanding (MOU) be on file in the City Clerk's office seven (7) business days prior to the race between the St. Peter's Fiesta Committee and the Cape Ann YMCA permitting North Shore Timing to park their work truck on the grounds of the main staging area of the Fiesta from approximately 5:00 p.m., until approximately 7:30 p.m. Also included will be permission for the YMCA to park a truck on the road at the end of the runner's finish line chute for the duration of the race from approximately 6:00 p.m. until 7:30 p.m.
- 3) All memorandums of approval shall be obtained by the YMCA and delivered to the office of the City Clerk.

Ms. Berry noted that both races, the Run the Goose 7K and the Around the Cape 25K race, are run on the same day at the same time, this year on Monday, September 6, 2010, Labor Day. They are making some changes with the race this year and are going to arrange to meet with Brian Tarr, Assistant Superintendent of Schools. Traditionally they use the Talbot Rink, but can't this year. They will work with the School Department to make those changes. The first race is the Around Cape Ann Race, the oldest 25K in the country, and probably the most difficult race course of them all. It's 15.5 miles with 16 hills on the course; it's beautiful and very, very challenging for runners. It goes from Gloucester, starting at the O'Maley School, through Rockport, back into Gloucester and ends back at the O'Maley School. There is a simultaneous start with the 7K Run the Goose road race which is much shorter but considered the 'sister' race to the Around the Cape Race. The Run the Goose was added to give families waiting for their loved ones to complete the Around the Cape Race something else to participate in which has been running for the last five years.

Councilor Verga asked about number of participants with Ms. Berry responding that about 800 to 900; 600 or so for the Cape Race and about 225 for the 'Goose' race. She noted the O'Maley School to be a good staging area for such races especially because of the ample parking. Lt. Aiello has been great with coordinating police. They work with the North Shore ham radio operators all over the course who volunteer their time. They are invaluable to their successful operation of the race. The police help them to control the traffic, especially around Cherry Street making it safer for the runners.

“Run the Goose 7K Race, Monday, September 6, 2010:

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant permission to the Cape Ann YMCA in order to run the “Run the Goose” 7K race on September 6, 2010 with the start at 10:30 a.m. to start from Cherry Street at the intersection of Cherry and the entrance to the O'Maley School, turning right onto Gee Avenue, to the end, entering Goose Cove Reservoir, right on Access Road and following that road around the Reservoir, exiting onto Cherry Street with a right into O'Maley School and turning right to finish with the following conditions:

- 1) A memorandum from Lt. Joseph Aiello be on file with this approval in the City Clerk's office seven (7) business days prior to the race delineating the role of the Gloucester Police Department before, during and after the race;
- 2) A memorandum from the Assistant School Superintendent, Brian Tarr on file with this approval in the City Clerk's office seven (7) business days prior to the race indicating permission for use of school property for the day of the race ;
- 3) Signs indicating “Runners in the Road” shall be placed at key locations along the race course for safety purposes. They are to be posted the morning of September 6, 2010 and removed by 3:00 p.m. the same day.
- 4) All memorandums of approval shall be obtained by the YMCA and delivered to the office of the City Clerk.

Around Cape Ann 25K Road Race, Monday, September 6, 2010:

MOTION: On motion by Councilor Whynott, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant permission to the Cape Ann YMCA in order to run the Around Cape Ann 25K Road Race, Monday, September 6, 2010 with the start at 9:00 a.m. to start from the O'Maley School, turning right onto Washington Street, following that street to the Rockport line, with runners returning to Gloucester streets at the Gloucester/Rockport line on Thatcher Road, continuing onto Bass Avenue

onto Main Street to Prospect Street, to Maplewood Avenue to the end, left onto Poplar Street, right onto Cherry Street, left into O'Maley School, turning right to finish with the following conditions:

- 1) A memorandum from Lt. Joseph Aiello be on file with this approval in the City Clerk's office seven (7) business days prior to the race delineating the role of the Gloucester Police Department before, during and after the race;**
- 2) A memorandum from the Assistant School Superintendent, Brian Tarr on file with this approval in the City Clerk's office seven (7) business days prior to the race indicating permission for use of school property for the day of the race ;**
- 3) Signs indicating "Runners in the Road" shall be placed at key locations along the race course for safety purposes. They are to be posted the morning of September 6, 2010 and removed by 3:00 p.m. the same day.**
- 4) All memorandums of approval shall be obtained by the YMCA and delivered to the office of the City Clerk**

Councilor Ciolino thanked Ms. Berry and the Cape Ann YMCA for coming forward to comply with the City requirements and congratulated them on their well-run races and keeping such a wonderful tradition going.

7. Other Business

- A) CC2010-020 (Hardy/Theken/Ciolino/Verga/Mulcahey/Curcuro/McGeary) Scheduling a joint meeting of City Departments and utility companies (or their agents) regarding a plan or policy on the removal of double poles throughout the City**

Mr. Mahoney submitted an updated list (on file) of double poles in the City. He's been in touch with Doug Wagner and Stan Usevicz of Verizon. If there are poles the Committee wants to see addressed they should let him know. There are 20 more poles on the list than there were before. It seems like they clean up four or five poles; and they get the same number immediately added, making it an endless list. There's a law that they are supposed to fix them after 90 days; but there's no penalty. This is State law and a City ordinance. The Superior Judicial Court removed the fines from the law. So it has no teeth.

Councilor Whynott objected to those double poles that take up the entire width of a sidewalk.

Mr. Mahoney stated if there is a double pole situation that disturbs the constituents, to let him know, then he'll let the utilities know. They're usually taken care of quickly.

Councilor Whynott noted that in the past they've had the utilities before the City Council. All parties agree they'll take care of the situation. It gets better for a while but then reverts back to more double poles.

Mr. Mahoney stated there is a bill at the Statehouse Bill 4168 which was continued to July about this very problem.

Councilor Verga understood if a pole was struck by a car there's a need to use a double pole to stabilize it until it can be replaced, but some double poles don't appear to be fine to which Mr. Mahoney replied the utility is probably just updating the pole. Councilor Verga then asked if there was a permit process for these double poles. At that point the City should say you can't put the new one in until you get the old one out.

Mr. Mahoney stated no. But if you penalize the utilities on these double poles you're also hurting people who need to get the electricity to their home. He also noted there are 15 fire alarm wired poles that need to come down. The pole alarm boxes were eliminated, but the wires are still there. They're not being used any more as it's a wireless system.

Councilor Ciolino asked if Mr. Mahoney could arrange a meeting with the utilities and City department heads in conjunction with P&D and suggested that they make their August 28th meeting a one-item agenda on the double poles and that each City Councilor could submit 5 double poles in their ward they feel are the most important to see removed to be also taken up at the meeting.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:20 p.m.

Respectfully submitted,

Dana C. Jorgenson, Clerk of Committees