

CITY CLERK  
GLOUCESTER, MA  
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GLOUCESTER CITY COUNCIL  
**Planning & Development Committee**  
Wednesday, July 22, 2015 – 5:30 p.m.  
1<sup>st</sup> Fl. Council Committee Room – City Hall  
*(Items May be taken out of order at the discretion of the Committee)*

1. *CC2015-007 Request informal review under GZO 1.11.3 with City Staff for informal review of Sections 5.13 Personal Wireless Service Facility and to retain expert legal counsel in order to amend & update the Zoning Ordinance and that the P&D Committee or its designated member work together with city Planning Director and General Counsel with outside expert legal counsel to recommend to the City Council amendments to Sec. 5.13 of the Zoning Ordinance so that it is compliance with current applicable federal laws & regulations*
2. *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 GZ) in order to recommend revisions to the Ordinance which will facilitate permitting & request that the Administration fund the proposal*
3. *Memorandum from General Counsel: grant of easement to National Grid for 10 Concord Street*
4. *Memorandum from General Counsel: acceptance of an easement for 58-60 Commercial Street*
5. *CC2015-022 (Stewart) Amend GZO Sec. VI "Definitions," Sec. 2.3.1 "Residential Uses," and Sec. 2.4.4*
6. *CC2015-023 (Verga) City Council work together with Planning Board, Conservation Commission, ZBA, BOH and Administration to develop a new city permitting guide which will facilitate the land use permitting process for residents & local businesses*

COMMITTEE  
Councilor Greg Verga, Chair  
Councilor Paul Lundberg, Vice Chair  
Councilor Steven LeBlanc

CC: Mayor Theken  
Jim Destino  
Linda T. Lowe  
Chip Payson  
Tom Daniel  
Gregg Cademartori  
Bill Sanborn

The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.



**CITY OF GLOUCESTER 2015  
CITY COUNCIL ORDER**

**ORDER: CC#2015-007**  
**COUNCILLOR: Greg Verga**

**DATE RECEIVED BY COUNCIL: 04/14/15**  
**REFERRED TO: P&D & Administration**  
**FOR COUNCIL VOTE:**

**ORDERED** that in connection with CC Order 2015-005 the Planning and Development Committee under section 1.11.2(e) of the Zoning Ordinance concerning amendments to the Zoning Ordinance work together with the Planning Director and the General Counsel under section 1.11.3 of the Zoning Ordinance on an informal review of section 5.13 “Personal Wireless Service Facility” and to retain expert legal counsel in order to amend and update the ordinance particularly as it relates to definitions of new technology and to changes in FCC regulations which apply to current federal law on wireless facilities especially as found in section 6409(a) of the Tax Relief and Job Creation Act of 2012.

**FURTHER ORDERED** that as part of the review under section 1.11.3, the Planning and Development Committee or a designated member together with the Planning Director and the General Counsel work together with the outside expert legal counsel to recommend to the City Council amendments to section 5.13 of the Zoning Ordinance so that it is in compliance with current applicable federal laws and regulations.

Greg Verga  
Councillor at Large



**CITY OF GLOUCESTER 2015  
CITY COUNCIL ORDER**

**ORDER: CC#2015-008  
COUNCILLOR: Greg Verga**

**DATE RECEIVED BY COUNCIL: 04/14/15  
REFERRED TO: P&D & Administration  
FOR COUNCIL VOTE:**

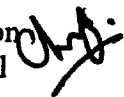
**ORDERED** that in connection with the recent Planning & Development discussions of the City "permitting process" the Planning & Development Committee, working together with the Community Development Director, the Planning Director, and the Building Inspector shall structure a proposal to retain a consultant who is an expert on zoning in Massachusetts and who shall review the Gloucester Zoning Ordinance and compare the Ordinance to those of similar communities in order to recommend revisions to the Ordinance which will facilitate permitting.

**FURTHER ORDERED** that at the conclusion of joint effort of the P&D Committee and zoning and permitting officials the Committee shall recommend to the City Council to request that the Administration promptly and proactively move to fund the proposal.

Greg Verga  
Councillor at Large

**CITY OF GLOUCESTER  
LEGAL DEPARTMENT**

**Memorandum**

**TO:** Mayor Sefatia Romeo Theken  
**FROM:** Charles J. Payson,   
General Counsel  
**RE:** Grant of Easement for 10 Concord Street  
**DATE:** July 8, 2015

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Mike Hale, DPW Director, requested that the City grant an easement to National Grid (d/b/a Massachusetts Electric Company) for the purpose of electric distribution at 10 Concord Street

Accordingly, attached hereto, for your and the City Council's consideration, please find a copy of a draft easement.

Thank you.

Attachment

Property Address: 10 Concord Street, Gloucester, MA (ESSEX SOUTH)

## GRANT OF EASEMENT

CITY OF GLOUCESTER, a Massachusetts corporation having an address of 9 Dale Street, Gloucester, Massachusetts (hereinafter referred to as the Grantor), for consideration of One (\$1.00) dollar, grants to MASSACHUSETTS ELECTRIC COMPANY, a Massachusetts corporation with its usual place of business at 40 Sylvan Road, Waltham, Massachusetts 02451 (hereinafter referred to as the Grantee) with quitclaim covenants, the perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, lines to consist of, but not limited to, two (2) poles (to designed to be removed), (which may be erected at different times) with wires and cables strung upon and from the same and all necessary anchors, guys, and appurtenances (hereinafter referred to as the "OVERHEAD SYSTEM") and "UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM" (hereinafter referred to as the "UNDERGROUND SYSTEM") located in Gloucester, Essex County, Massachusetts, consisting of lines of buried wires and cables and lines of wires and cables installed in underground conduits, together with all equipment and appurtenances thereto for the transmission of intelligence and for the furnishing of electric service to the herein described premises and others, and without limiting the generality of the foregoing, but specifically including the following equipment, namely: manholes, manhole openings, bollards, handholes, junction boxes, transformers, transformer vaults, padmounts, padmount transformers and all housings, connectors, switches, conduits, cables and wires all located within the easement area of the hereinafter described property.

Said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are located in, through, under, over, across and upon a certain parcel of land situated on the northerly side of Concord Street, being more particularly shown as City of Gloucester Assessor Map 229, Lot 21 and Map 229, Lot 22. No new boundaries were created by this document.

WR 16905744

Address of Grantees:  
Mass El. - 40 Sylvan Road, Waltham, Massachusetts 02451

After recording return to:  
David J. Aho  
National Grid  
Service Company, Inc.  
40 Sylvan Road  
Waltham, MA 02451

05 GLOUMA GEN

Said "OVERHEAD SYSTEM" is to originate from Pole P#1765, which is located on the southerly side of Concord Street, then proceed in a northerly direction from said Pole crossing Concord Street over, upon and across land of the Grantor to Pole P#7195, and Pole P#7196.

And further, said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) are approximately shown on a sketch entitled: "NATIONALGRID; WR#16905744; DATE:2/3/2015," a reduced copy of said sketch is attached hereto as "Exhibit A" and recorded herewith, copies of which are in the possession of the Grantor and Grantee herein, but the final definitive locations of said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" shall become established by and upon the installation and erection thereof by the Grantee.

Also with the further perpetual right and easement from time to time without further payment therefore to pass and repass over, across and upon said land of the Grantor as is reasonable and necessary in order to renew, replace, repair, remove, add to, maintain, operate, patrol and otherwise change said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and each and every part thereof and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of the Grantee, its successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are specifically located, as shown on the sketch herein referred to, of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may, in the opinion and judgment of the Grantee, interfere with the efficient and safe operation and maintenance of the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and other related electrical equipment. However, said Grantee, its successors and assigns, will properly backfill said excavation or excavations and restore the surface of the land to as reasonably good condition as said surface was in immediately prior to the excavation or excavations thereof.

If said herein referred to locations as approximately shown on the sketch herein also referred to are unsuitable for the purposes of the Grantee, its successors and assigns, then said locations may be changed to areas mutually satisfactory to both the Grantor and the Grantee herein; and further, said newly agreed to locations shall be indicated and shown on the sketch above referred to by proper amendment or amendments thereto. The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantee, for itself, its successors and assigns, that this Grant of Easement and the location of the Overhead System and Underground System may not be changed or modified without the written consent of the Grantee, its successors and assigns, which consent may be withheld by the Grantee in its sole discretion.

It is the intention of the Grantor to grant to the Grantee, its successors and assigns, all the rights and easements aforesaid and any and all additional and/or incidental rights needed to install, erect, maintain and operate within the Grantor's land an "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" for the transmission of intelligence and for the purpose of supplying electric service for the building, buildings or proposed buildings shown on the last herein referred to sketch or amended sketch and the right to service others from said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM".

It is agreed that the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon. Grantor agrees that the rights and easement herein granted are for the purpose of providing service to Grantor's property and the further right to service others from said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM".

For Grantor's title, see deed recorded with the Essex South District Registry of Deeds in Book 3578, Page 278.

Executed as a sealed instrument as of this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF GLOUCESTER

\_\_\_\_\_  
By:  
Its:

\_\_\_\_\_  
By:  
Its:



Commonwealth of Massachusetts

County of \_\_\_\_\_ } ss.

On this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me,

\_\_\_\_\_  
Name of Notary Public the undersigned Notary Public,

personally appeared \_\_\_\_\_,  
Name(s) of Signer(s)

proved to me through satisfactory evidence of identity, which was/were

\_\_\_\_\_  
Description of Evidence of Identity

to be the persons whose names are signed on the preceding Grant of Easement, and  
acknowledged to me that he/she/they signed it voluntarily for its stated purpose(.

as partner(s) for \_\_\_\_\_  
Name of Partnership

\_\_\_\_\_, a partnership.

as \_\_\_\_\_ for  
Title of Office

\_\_\_\_\_, a corporation.  
Name of Corporation

as attorney in fact for \_\_\_\_\_

\_\_\_\_\_, the principal.  
Name of Principal Signer

as \_\_\_\_\_ for \_\_\_\_\_  
Type of Capacity

\_\_\_\_\_, a/the \_\_\_\_\_  
Name of Person/Entity Type of Entity

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary

My Commission Expires \_\_\_\_\_

Place Notary Seal and/or Any Stamp Above

500KVA pad  
mount  
transformer,  
pad size 96" by  
84" and oil  
containment

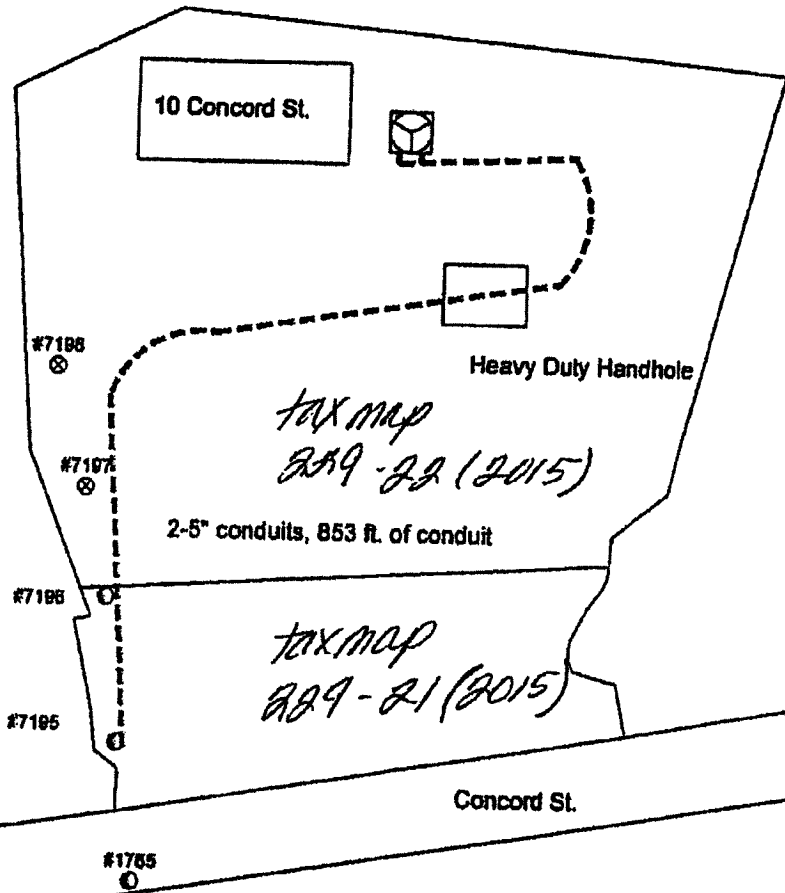


Exhibit A-Not to Scale

The exact location of said Facilities to be established by and upon the installation and erection of the Facilities thereof.

### ELECTRIC DISTRIBUTION Trench Sketch

#### LEGEND

----- 2-5" UG Conduits	Heavy Duty Handhole
⊙ Joint Owned Pole	3 Phase PAD
⊗ Pole To Remove	

**nationalgrid**

WR#16905744

Owner(s):

Address:

City of Gloucester School

10 Concord St. Gloucester MA

Sketch to Accompany Easement for:

The installation of 853ft. of 2-5" conduits, heavy duty hand-hole and pad mounted transformer.


DATE:2/3/2015

Drawn By: J.P.Glynn

**DRAWING NOT TO SCALE. DISTANCES ARE APPROXIMATE.**

**CITY OF GLOUCESTER  
LEGAL DEPARTMENT**

**Memorandum**

**TO:** Mayor Sefatia Romeo Theken  
**FROM:** Charles J. Payson   
General Counsel  
**RE:** Acceptance of Easement for 58-60 Commercial Street  
**DATE:** July 8, 2015

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Mike Hale, DPW Director, requested that the City accept an easement for the purpose of installing and maintaining a drainage pipe across the property of 58-60 Commercial Street that is currently owned by VJ & E Realty, LLC and is the site of Mortillaro's Lobster Co.

Accordingly, attached hereto, for your and the City Council's consideration, please find a copy of a draft easement.

Thank you.

Attachment

## DRAIN EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT **V J & E Realty LLC**, a Massachusetts limited liability company with its principal place of business at 60 Commercial St., Gloucester, MA 01930, owner of property at 58-60 Commercial St, Gloucester, MA, shown on a plan entitled : "Plan of Land in Gloucester, MA Property of VJ&E Realty LLC, Mortillaro, Vincent" by Donohoe and Parkhurst, Inc. dated Oct. 3, 2011. recorded in Plan Book 431 as Plan # 57 in the Essex South District Registry of Deeds, for nominal consideration, the receipt and sufficiency of which is hereby acknowledged, grant to the **City of Gloucester**, a municipal corporation with its offices at City Hall, 9 Dale Avenue, Gloucester, MA 01930, its successors and assigns the following underground easements.

**A permanent easement** fifteen (15) feet in width for the installation, maintenance, repair and replacement of a twelve (12) inch PVC drain line.

**A temporary construction easement** ten (10) feet in width in addition to the width of the permanent easement for the installation of the twelve (12) inch PVC drain line.

The proposed location of the areas of the two (2) above described easements are shown on the attached **Exhibit "A"**. Upon completion of the initial installation, an "as built" plan of the permanent Easement area and the relative location of the drain line within the Easement Area shall be prepared and kept on file in the City of Gloucester's Department of Public Works, Engineering Division. Upon completion of the initial installation and after the drainage system is on-line, the Temporary Easement referenced above shall expire and the grantee herein shall provide the Grantor with an instrument in writing, suitable for recording, evidencing the fact that the Temporary Easement has been terminated.

The Grantee, in consideration of this granted easement, covenants with the Grantor, its successors and assigns, that

1. The Grantee will not expand, enlarge or relocate the easement area or change the diameter of the pipe to be installed in the easement area without the express written consent of the grantor.
2. The Grantee will be solely responsible for the installation, maintenance, repair and replacement of the drain line, and in any event the Grantee shall restore any land disturbed by it during the course of exercise of this easement immediately after the disturbance to its pre-disturbed condition, including pavement, and to the satisfaction of the Grantor.
3. The Grantee will indemnify and hold the Grantor, its successors and assigns harmless against all claims, demands, causes of action, suits or judgments, including expenses incurred in connection therewith, for death or injuries to persons or for the loss of or damage to property arising out of or in connection with the exercise of rights granted by this easement, except if such damages or injuries are caused by the negligence or fault of the grantors, their guests or invitees.
4. The Grantee shall secure any and all necessary licenses, permits, authorizations or approvals required by municipal, state or federal agencies necessary for the installation and use of the drain line on the Grantor's property, including compliance with the regulation of excavation of land subject to the Activity and Use Limitation recorded in Book 15338 at Page 178.

The Grantor, its successors or assigns, reserve the right to fully use and to enjoy the same premises affected by this easement for all purposes, including the future construction of a paved parking and storage area over the easement area, subject to the rights, privileges and authority herein granted and conveyed, and provided that such use does not interfere with the functioning of the drain line.

For Grantor's title see deed recorded in Book 30361 at Page 198.

WITNESS its hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

V J & E Realty LLC

By \_\_\_\_\_  
Vincent Mortillaro Manager

Acceptance by the City of Gloucester as to covenants and terms.

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:

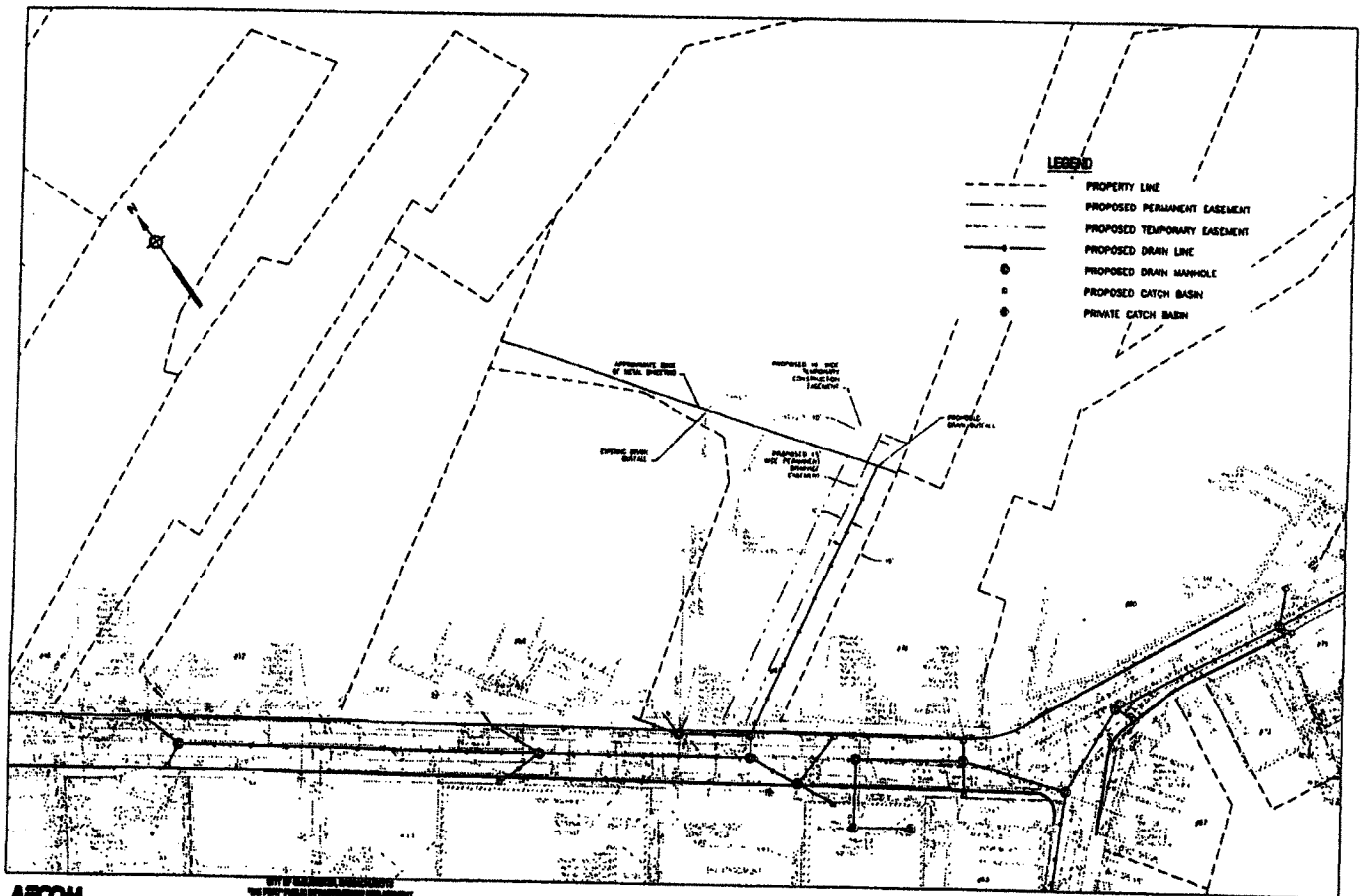
COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this \_\_\_\_\_ day of July 2015 before me, the undersigned notary public, personally appeared Vincent Mortillaro, proved to me through satisfactory evidence of identification, which was Massachusetts driver's license, to be the person whose name is signed on the within document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of said company.

\_\_\_\_\_  
Notary Public

# EXHIBIT A



- LEGEND**
- PROPERTY LINE
  - PROPOSED PERMANENT EASEMENT
  - PROPOSED TEMPORARY EASEMENT
  - PROPOSED DRAIN LINE
  - PROPOSED DRAIN MANHOLE
  - PROPOSED CATCH BASIN
  - PRIVATE CATCH BASIN

APPROXIMATE LINE  
OF NEW EASEMENT

PROPOSED 18" DIA  
UNDERGROUND  
DRAINAGE

EXISTING OPEN  
DRAINAGE

MANHOLE AT  
NEW PROPOSED  
DRAINAGE

PROPOSED  
DRAINAGE

**ARCOM**

**PROPOSED DRAIN RELOCATION AT 400 COMMERCIAL ST**





## CITY OF GLOUCESTER 2015 CITY COUNCIL ORDER

**ORDER:** CC#2015-022  
**COUNCILLORS:** Bob Stewart

**DATE RECEIVED BY COUNCIL:** 07/14/15  
**REFERRED TO:** P&D and PB  
**FOR COUNCIL VOTE:**

**ORDERED** that the Gloucester Zoning Ordinance shall be **AMENDED** as follows:

1. Section VI Definitions. "Dwelling, Multi-Family or Apartment" by **ADDING** at the end of this section a new sentence to read: "For purposes of Article I. Section 1.10.1 (a) (2) and 1.10.1 (a) (3), a three family dwelling shall not be considered a multi-family dwelling."
  
2. Section 2.3.1 "Residential Uses", the table shall be **AMENDED** as follows:
  - A. First Column:
    - i. Line 4: **DELETE AND ADD** new to read "New two or three-family dwelling"
    - ii. Line 5: **DELETE AND ADD** new to read "Conversion to or new multi-family or apartment dwelling up to three dwelling units."
  - B. Footnote number column:

In lines 4 and 5, **ADD** new reference to footnote "8"
  - C. Footnotes: **ADD** new footnote 8 to read:

"Special permit standard applies without regard to Sec. 2.4.4(a) through."
  
3. Section 2.4.4. shall be **AMENDED** as follows:
  - A. The introductory title to subparagraph (b) shall be **DELETED** and a new title **ADDED** to read "Determination by the Zoning Board of Appeals relative to single and two-family residences:"
  - B. **ADD** a new subparagraph (c) to read as follows:

"Determination by the Zoning Board of Appeals relative to Three Family Residences:  
The Zoning Board of Appeals, on a petition relating to a proposed alteration or expansion of a three family residence shall apply the Special Permit criteria without regard to Sections 2.4.4 (a) and 2.4.4 (b)."

**FURTHER ORDERED** that this matter be referred to the Planning and Development Standing Committee and the Planning Board for review and recommendation.

Bob Stewart  
Ward 4 Councillor



**MOTION:** On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council pursuant to GCO Sec. 2-3(2)(d) grant to The Trio Building, Inc., d/b/a Lobsta Land Restaurant, the easement entitled, "Easement to Trio Building" on Ye Old County Road as shown on the plan entitled, "Utility Easement Exhibit Plan" as prepared and stamped by Gateway Consultants, Inc. dated January 5, 2015 and as described in the easement submitted with The Trio Building, Inc.'s request for the disposition of said easement for a nominal fee of \$1.00. The Trio Building, Inc., d/b/a/ Lobsta Land Restaurant shall pay all costs to record said plan.

2. *CC2015-001 (Verga) Request P&D & O&A Standing Committees together and in connection with City Council Order 2014-039 regarding the position of the Executive Director of the Fisheries Commission, assure that the structure of the Fisheries Commission be consistent with the requirements of the Special Acts governing the commission particularly the requirements of Chapter 361 of the Acts of 1980 and Chapter 740 of the Acts of 1981 (Cont'd from 01/21/15): Update by Chair*

~~Councilor Verga confirmed that State Rep. Ann-Margaret Ferrante has recommended the development legislative language to amend the Special Acts surrounding the Fisheries Commission and the position of its Executive Director to make it workable, which will be submitted to her office. To that end, Mark Ring, Fisheries Commission Chair had sent draft language to General Counsel which is under review at this time.~~

3. *Discussion of City permitting processes: Report by Director of Community Development and Planning Director (Cont'd from 02/18/15)*

Tom Daniel, Community Development Director, conveyed the following information regarding customer service the city already does or has in the works with permitting: There is a pre-application meeting process available for anyone who submits a permit application. The appropriate department representatives will be in the room to learn about the project, to provide feedback and discuss what is involved in the city permitting process.

He pointed to several permitting process improvements as follows: The way abutters' lists are generated has been improved. There is new permit software coming on line in the next several months to help staff in managing and tracking projects but will also help applicants to submit their applications electronically. The software is being used mostly in this area and many local contractors will already be familiar with it. A permitting guide done some years ago had been mentioned, and he indicated that once the permitting software is implemented the permitting guide can be updated and made available to the public. The information exists currently but is in several different places, he said.

He noted that Attorney Joel Favazza brought up at the last P&D meeting, and was something he and the Planning Director and the City Clerk have been talking about for several years and budget cycles, is that the zoning code is not in the Muni-Code system and as it is now it is cumbersome to work with because the Zoning Ordinance is not a single updated document. He recounted that the past two budget cycles didn't yield funds to put the Zoning Ordinance on Muni-Code, but they've identified money to direct towards that project. These are opportunities for improvements for customers, he said, to make the process easier.

Mr. Daniel recounted that after the last P&D meeting, a definition of the problem, and an element of the issue was the customer service piece, but the overall what is the heart of the issue the Committee wants them to focus on because depending on what it is it drives different areas. He also recalled one of the matters talked about was the regulatory framework where they gave the example of the City of Chelsea which is highly consolidated which is different from Gloucester. In looking at the city's permitting process here for commercial projects, he said the bar isn't as high in terms of the process people have to go through. If looking at housing projects, a lot of relief is often sought, he noted. If the issue comes down to the Building Code or by Statute -- it is what it is and there is no flexibility which also came up in previous conversations. He said an attorney may be frustrated by it, but it isn't something that the city can change. It is not timing delay or wrong information but is what it is, he noted.

Councilor Verga read a portion of Councilor Fonvielle's email which indicated that he felt an outside consultant should be retained to aid in the review of the city's permitting process. Councilor Verga expressed his agreement with Councilor Fonvielle adding that an outside set of eyes would be helpful. Mr. Daniels asked then what would be the question the Committee is looking to focus on. He asked whether such a review should be concentrating on things like the process to apply to build a deck as opposed to a process required for building a hotel. He explained that there aren't a lot of Major Projects that come to the city and pointed out that it is a cumbersome process but highlighted that it comes back to regulations that dictate that process. He said building

permits issued for decks are far more plentiful. He reiterated he was asking for a sense of the core issues to be studied by a consultant's review.

**Councilor Lundberg** expressed his concern that in hiring an outside consultant to look at a particular problem, the Committee will have to be very specific – the permitting process for a deck is a specific -- and this sort of review has to be that specific. They would have to then educate the consultant completely as to what the Committee is looking for and what they're looking at, and such a review is a big undertaking, he pointed out. **Councilor Verga** said that is what they're looking for and likening it to some degree to the review process for the School Audit. He indicated it should be a broad review in order to determine what processes can be tossed, and learn how far beyond the regulations the city goes in its permitting process in comparison to other communities. He said the review should yield suggestions for ways to make it easier for applicants to obtain their permits. He added it was his sense that in comparison to other communities the city could be losing business to those communities where the permitting process is less cumbersome. He said he didn't think handling such a review in house was the way to go.

**Councilor Le Blanc** expressed his agreement that there are other communities with other thought processes regarding permitting and this is where an outside person would be helpful.

**Councilor Lundberg** said they need to be practical. He said he would have to see what the RFP would look like and asked who would draft it. Both **Councilor Verga** and **Councilor Lundberg** agreed this will need to be a more in depth conversation about what is necessary to be contained in the RFP and to determine what has to be contained in it.

**Gregg Cademartori**, Planning Director said anyone that looks at the city's zoning code will say that the city is much more on the facilitating side for commercial and industrial zoning than they are for residential or mixed use. He advised that if a consultant is hired, they will ask the staff what they get in terms of feedback and what is people hesitating about going through the city's permitting process. He said most importantly it goes directly back to the City Council and support of the Planning Board for a recommendation if there is an overarching goal they're driving at to facilitate commercial development but pick the use whatever it may be. In the Zoning Code, commercial uses other than a couple of tiers or thresholds once passed go to the Building Inspector for a building permit. The only addition in recent history is that potentially having a site plan review which is not for a special permit, but is designed to be a facilitating process bringing in other agencies that would otherwise grant a permit later down the road -- be it the Public Health Department or utility connections. Those, he said, are two distinct things in terms of promoting and facilitate housing or commercial development. He expressed his opinion there was a lot of room for discussion on the housing side of things. He asked the Committee what the feedback is in order to target where the review effort might be with regard to commercial/industrial permitting. **Mr. Cademartori** indicated he reviewed the previous P&D minutes on this discussion and noted the discussion was broad ranging and all over the map with no specifics offered.

He said related to residential permitting that someone building a deck might be surprised by the necessary parameters. He reiterated it is about targeting what the Committee wants to facilitate. There are a lot of suggestions the staff can offer on particular uses. He also pointed out the community engagement over hotels, shopping centers, assisted living centers and thresholds and that was put in place. There are a lot of different levels, and he said that it would be helpful to understand who's making the comment, and what is the goal? He said if the Committee wants to facilitate more commercial/industrial development, there would be some suggestions. On the housing side there are likely a lot of suggestions.

**Mr. Cademartori** said if they think there is some outside need, there may be an opportunity for language and language and crafting, but there is a depth of city staff expertise that could provide feedback if they knew exactly what they were getting at. He pointed out that "permitting" is a very broad. **Councilor Verga** indicated he agreed with **Mr. Cademartori's** assessment. **Mr. Cademartori** continued that if a lot of the feedback is dealing with smaller projects, the fact is that the Building Code is the Building Code, and there is no flexibility. He suggested that a lot of times people are caught off guard when they have to enter into that process but he said that is the same in every community. He said if they understood better where the areas are that people are talking about be it the larger projects or the smaller projects, they would know where to target that review. He urged the Committee to focus on specific areas they wish to examine rather than undertake a broad review.

**Councilor Cox** said she felt that a better use of a consultant would be to craft a survey to be sent to the last 100 permit applicants in order to determine what the perceived or actual problems are. She likened the perception of the permitting process issues to the city's downtown parking. She indicated there is actually quite a bit of parking downtown, but it depends on how far you are willing to go to get to your destination from an available parking space. She said if this is a first-time permit applicant who thought it would be one stop, a stamp for an okay and walk away with a permit, it doesn't always work that way. She said she didn't realize that by changing out a window in her home she needed a permit to do the work. She added that people may not know they have to pull

permits or a contractor doesn't give them good information. The city, she said, needs to determine what the root problem(s) is first, and such a survey would give them that information. She suggested that such a survey could be done anonymously and by being anonymous more people may be more willing to be candid. She expressed her agreement that there were things in the Zoning Ordinance that could be streamlined. But instead of having a consultant come in and watch each of the permitting steps are, they need to get to the root of the problem, which a survey would help with. **Councilor Cox** also expressed her agreement with Mr. Cademartori that the first step is to find out succinctly what the actual problems are. **Councilor Verga** said the Committee needs to reach out to Chamber of Commerce members, who were going to have to give the Committee specifics, but had yet to do so, and indicated that would have to be one of the next steps as well. **Councilor Lundberg** said he liked the idea to survey the last 100 permit applicants as a first step.

**Bill Sanborn**, Building Inspector said one of the problems in general is the nature of the different people who pull permits. People who come from outside the city are amazed by how quickly they can get a building permit with their biggest complaint is that they have to wait two days for the permit to show up. He said the biggest problems stem from homeowners who have never pulled a permit and needs one for an 8 ft. x 10 ft. deck, has to go to the Health Department for one permit, and to the Conservation Commission because they're abutting a wetland, and don't understand that there is nothing that can be done about the process because it is about codes and regulations that must be complied with. He said that it appears no one seems to be able to pinpoint the actual issues because there are so many different avenues to take through permitting. These are complaints that can't be fixed. The regulations and codes dictate those processes.

**Mr. Sanborn** told the Committee that the staff has been asking what is it that the Committee is actually asking them to fix in the permitting process and where the problem is since the last P&D meeting. He said in his opinion after listening to the discussion this evening he didn't think anyone could tell them where the problem was. He said the city permitting departments do a good job of customer service. They do tell applicants exactly what to do and yet applicants don't follow through and then look in askance at the permit granting department, he pointed out.

**Mr. Sanborn** said the biggest problem of all is the Zoning Ordinance, and the problems all come back to that. He explained that the Zoning Ordinance was originally written in 1965 and went into effect in 1969. He said in his opinion the Zoning Ordinance was written to stop not promote development and is still using that same zoning idea today. He offered the suggestion that a consultant should be retained to review the Zoning Ordinance. He noted that the Zoning Task Force some years ago who put in a great deal of effort, tried to do a good job with their review and had offered many changes to be instituted into the Ordinance, but that mistakes were made on a variety of levels and are still in place today.

**Councilor Lundberg** said that perhaps that is the area for a consultant to examine to which **Councilors Cox** and **Verga** indicated agreement – and suggested an RFP could be formatted in order to look at the city's Zoning Ordinances and some similarly-sized communities, tell us where the differences are and then to move on suggestions for improvements stemming from that review. **Councilor Verga** added that this would be a good starting point as well. He recalled a Gloucester attorney who had pointed out how inane the setbacks were for multifamily houses, and they can't count on an attorney pointing out zoning flaws once a decade.

**Mr. Sanborn** said another issue is multi-family houses -- the city has a large stock of old multifamily houses. In order for those multifamily houses to be legal they need a City Council Permit. The Zoning Ordinance only goes back to 1969 and permits weren't recorded with the Southern Essex Registry of Deeds until the 1980's. Legitimizing these multi-families is very difficult to prove because of that, and in order for them to be sold this is a very expensive process because the owners have to show that multifamily use was continuous to 1969. No one has complained about it, but there should be a way to approve these permits without going to the ZBA and the City Council where four months later now the homeowner can sell their house, he said.

The Committee expressed agreement that the zoning ordinance would be a place to start. A Council Order to start the process was suggested by **Jim Destino**, Chief Administrative Officer. The Committee indicated it would work with Ms. Lowe to craft such an Order.

**Ms. Lowe** reminded the Committee they are also looking to find a more specialized expert for the personal wireless service (cell tower) ordinance because it needs rewriting. She suggested that this should be a separate issue. She said she reviewed the Zoning Ordinances for Framingham, Newton and Salem. By way of comparison, Gloucester's cell tower ordinance is 18 pages long. The other three communities have more recent ordinances which range from four to eight pages only, and she said presumably their ordinances work. This is about refining the city's ordinance to be more modern and in line with other communities and with FCC regulations.

**Mr. Cademartori** said it will come down to uses and how they're permitted, whether As Right or Special Permit, and how it is permitted, dimensional requirements that back the density of any type of use. He made clear that if the goal is they pick community A where someone says they have an easy time or a more facilitating process

for a certain type of permitting, what they'll probably come back to the Committee is recommendations for a shift in authority. It may be, he said, relieving of Special Permits as of right, or defining standards a little bit more clearly in the ordinance with a little less discretion to whoever is administering that permit. He indicated he had been with the city 10 years and that is what will come back to them. It is going to have to be the Council support to say they're comfortable with either moving this particular use to as of right or potentially to another permit granting authority. He indicated to the Committee that they are still working towards a concrete proposal for Railroad Avenue Area Project. The public asked what the form of a new zoning for that area or other means of permitting be like, and the one question was when will be the public hearing. That is the backbone for a lot of permitting in this community. He said that he could guarantee that from the development community's standpoint exposure in a public hearing is what they would like to avoid literally at all costs. If they go through this effort, that is likely what the Committee will receive and it will be up to the Council to support that effort. **Councilor Verga** acknowledged he understood some control on the Council's part may need to be ceded in order to streamline some permitting processes.

**Ms. Lowe** added her support of Mr. Daniel getting the Zoning Ordinance into Muni-Code acknowledging that to undertake such a project costs about \$8,000 to \$10,000. She expressed her hope that the Administration would finally fund the project. She said it was well worth it as it would help staff assist people with zoning questions, and for those people able to use the internet it will allow them to search for current information easily. She added that Muni-Code will also allow the updates to the Zoning Ordinance to be easily added. **Mr. Daniel** expressed his agreement with Ms. Lowe and indicated funds had been identified in this fiscal year and it is expected that project will happen by the end of June.

**Mr. Cademartori** brought the discussion back to the personal wireless facility overlay district and associated service zoning ordinance, and reported that the Planning Board discussed it very briefly and agrees that was crafted by two attorneys and most legislation coming out related to that is being drafted by expert attorneys. He said he discussed this with General Counsel. He said he didn't know of resources that were available as it isn't something that can be funded in house (i.e. by Legal Dept. funds). He reminded the Committee this was an ordinance created to make it difficult to permit. He noted there may be some consideration from a community benefit standpoint in that there is poor wireless coverage in the city but there is not an ability to facilitate coverage. It is a two pronged issue – what do they have to do to be in compliance with the FCC rules and regulations and what is the convenience to the community and what they need to do to get it. **Ms. Lowe** added that this is a specialized issue and needs a special expert consultant. She suggested this should come from the Planning Board and that funds will need to be identified. **Mr. Cademartori** said it was informally referred to the Planning Board. There is a funding resource issue, and he wasn't sure how to fund the needed expert to craft this very technical portion of the ordinance.

**James Pope**, IT Director very briefly discussed with Councilor Verga an article the Councilor had forwarded to him related to Comcast and Google.

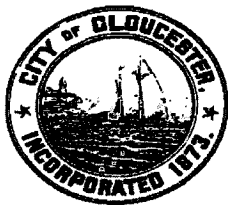
The Committee agreed that a Council Order will be developed with the assistance of the City Clerk to forward to the Administration regarding the Zoning Ordinance Review. A second Council Order would be developed to initiate a specific review of the personal wireless facility overlay district and associated ordinance with an eye to identifying a funding source to hire a technical expert to draft new ordinance language.

~~4. *Discussion on whether the Special Events Advisory Committee comprised of the City Clerk, Police and Fire Chiefs and DPW Director or their representatives as well as other relevant city staff should be permitted to approve all Special Events on behalf of the City Council*~~

~~**Ms. Lowe** reviewed with the Committee that at this time she would recommend the Special Events Advisory Committee (SEAC) be legitimized by adding it to the Code of Ordinances which would spell it out who does what and what the authority limits are. **Mr. Sanborn**, also Vice Chair of the SEAC said that in the past three years of SEAC's existence, virtually everyone coming to that committee for permitting is very satisfied appreciating the advice and having the pertinent city departments represented all in the room. The process, he said, from a city department standpoint has also worked exceptionally well in keeping everyone advised of what is happening when in the city and what resources are needed. It was noted the application fee is only charged if an applicant must appear before the Council. **Ms. Lowe** acknowledged the organizational skill of SEAC staff member Rosalie Nicastro of the Public Health Department for organizing a shared spreadsheet of all events and what the elements are involved with each of them to allow for accurate tracking and preventing overlap.~~

~~**Councilor Verga** expressed agreement that since the formation of SEAC it helps applicants to be able speak to with all necessary city departments in one room.~~

~~**Ms. Lowe** and **Mr. Sanborn** discussed with the Committee some issues related to the Farmer's Market as a "Special Event" located in season at Stage Fort Park. **Ms. Lowe** and **Mr. Sanborn** advised the Committee that an~~



**CITY OF GLOUCESTER 2015  
CITY COUNCIL ORDER**

**ORDER: CC#2015-023  
COUNCILLORS: Greg Verga**

**DATE RECEIVED BY COUNCIL: 07/14/15  
REFERRED TO: P&D  
FOR COUNCIL VOTE:**

**ORDERED** that the City Council work together with the Planning Board, Conservation Commission, Zoning Board of Appeals, Board of Health and the Administration to review previous City permitting guides and to develop a new City permitting guide which will facilitate the land use permitting process for residents and local businesses.

**FURTHER ORDERED** that the Planning and Development Committee assist with this effort to develop this means of streamlining customer service as it relates to various land use matters.

**FURTHER ORDERED** that this matter be referred to the Planning and Development Committee for review and recommendation.

Greg Verga  
Councillor at Large