

**Planning & Development Committee**  
August 19, 2015 – 5:30 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
-Minutes-

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

**Also Present:** Councilor Cox; Linda T. Lowe; Jim Destino

The meeting was called to order at 5:30 p.m.

1. *PP2015-003: Joint or Identical Pole Location by National Grid & Verizon New England to install 1 (one) Pole and Anchor on Mt. Pleasant Avenue (west side) from Pole 2600 – Public Hearing (Cont'd from 08/05/2015)*

This public hearing was continued from August 5, 2015 at the point of “Those speaking in favor.”

As the Committee is awaiting a new plan for the proposed installation and an approved easement by the city to allow placement of a pole on city property, this matter is continued to October 7, 2015.

2. *PP2015-004: National Grid & Verizon New England to install 50 ft. electrical conduit from MH123-1 at 119 Western Ave. and 1-2 Kent Circle directly across street to Stage Fort Park - Public Hearing*

**This public hearing is opened.**

**Those speaking in favor:**

**Peter Glynn**, National Grid representative, informed the Committee that this is a joint petition of National Grid and Verizon New England, Inc., to install 80 feet +/- under Western Avenue from an existing manhole (MH123-1) at 119 Western Avenue and 1-2 Kent Circle to go across to Stage Fort Park between the bocce courts and tennis courts which was requested by the City of Gloucester in order to provide electrical services to that adjacent section of Stage Fort Park on Stacy Boulevard. The purpose of this installation is to be able to light the Bocce Court and Tennis Court area as well as walkway lights which include the installation of a pad for a transformer and the transformer itself.

**Those speaking in opposition:** None.

**Communications:** None.

**Councilor Questions:**

**Councilor Verga** confirmed with Mr. Glynn that this installation of electrical conduit will not be on any abutters' property.

**Linda T. Lowe**, City Clerk, pointed out that Mr. Glynn had indicated an installation of 80 feet +/- of electrical conduit, but all the submitted documentation in National Grid's application and in their plan state 50 feet +/- of electrical conduit. She also pointed out that the recommendation from the DPW Director was based on the submitted information in the application and not on the additional 30 feet +/- that Mr. Glynn is now indicating. **Mr. Glynn** pointed out that in actuality the total length of the conduit is 80 +/- feet and explained that the installation of 50 feet +/- of electrical conduit represents the installation of conduit in the roadway from the manhole (MH123-1). There is an additional 30 feet +/- of conduit that is within city property on Stacy Boulevard (part of Stage Fort Park) once the conduit meets that side of Western Avenue to extend to a transformer that will be installed in order to provide the electrical services for lighting fixtures to be installed in that particular area between the bocce courts and tennis courts. He explained further that National Grid will seek an easement from the city in order to install the last 30 feet +/- of conduit and the pad for the transformer and the transformer on city property. It was also noted the lights to be installed will be owned by the city. National Grid is responsible only for the installation of the electrical service and the associated equipment to provide that service.

**This public hearing is closed.**

**MOTION:** On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to GRANT the petition of National Grid and Verizon New England, Inc. to install 50 feet +/- (with 80 feet total to include 30 feet +/- additional conduit for the installation of a transformer pad and transformer on city property for which an easement from the city will

be necessary) of underground electrical conduit including the necessary sustaining and protecting fixtures along and across Western Avenue from MH123-1 at 119 Western Avenue and 1-2 Kent Circle directly across the street to Stage Fort Park at a location shown on plan “Underground Petition,” dated 07/13/2015, Work Order #18176220 with the following conditions:

1. Notification of the Department of Public Works 72 hours in advance of the proposed work. A construction schedule will be prepared by the applicant(s) for review and acceptance by the Department of Public Works.
  2. Proposed excavation may only occur during accepted road opening and construction season 15 March – 15 November. No winter construction shall be permitted.
  3. In the absence of a detailed construction plan, the Department of Public Works requests: all proposed conduits and appurtenances shall be placed so as to cause minimum conflict with existing underground utility services.
  4. All excavated trenches shall be patched flush with the surrounding asphalt using hot mix asphalt binder at the end of each work day to minimize pedestrian hazards. Asphalt shall be applied in two lifts of 2-inches totaling 4-inches.
  5. All final paving shall be done in consultation with the Department of Public Works and an agreed upon final paving plan executed by the applicant.
3. *SCP2015-004: Maplewood Avenue #120, GZO Sec. 2.3.1(8) conversion to or new multi-family or apartment dwelling, seven or more dwelling units; Sec.5.7.1 Major Project; Sec.1.10.1 (a)(1) increase building height over 35 feet; Sec. 1.10.1(a)(3) &3.2.2fn (a) decrease in minimum lot area and minimum open space per dwelling unit (Cont'd from 08/05/2015)*

**Councilor Verga** noted that the Committee is in receipt of the Fire Chief’s Major Project recommendation (for a third party review to ensure that all life safety codes are met to be done at the expense of the applicant by a code reviewer of the city’s choosing). They are still waiting on several other department heads’ recommendations which are required for a Major Project permitting. **Ms. Lowe** added that there is a response from the DPW Director that said that he is not prepared to write his recommendation yet because he had advised the applicant that the plans weren’t sufficient for him to do that.

**Kirk Noyes**, representing the Gloucester Development Team, Inc. (GDT), applicants for a Special Council Permit/Major Project to develop the Maplewood School building at 120 Maplewood Avenue into a 12-unit residential building said he was unaware there was an issue with the plans and would speak with the DPW Director. He noted he would appear before the Planning Board the following evening on this project.

**Councilor Verga** reported that there was a site visit by the Committee, viewing the site on the exterior and the interior from the basement to the top floor). **Councilor LeBlanc** read to the Committee the Fire Chief’s assessment and asked that the Clerk of Committees would forward a copy to Mr. Noyes. He noted that he conducted a neighborhood meeting on August 10 which he said went well.

Questions that came out of the neighborhood meeting were:

- Parking – how many spaces on site were planned for each unit, and what accommodations would be made for visitor parking on site so as not to burden the already crowded neighborhood;
- From the time of the final vote by the Council on the Special Council Permit Decision, when is construction expected to start;
- Was the water and sewer infrastructure on Maplewood Avenue and adjoining side streets capable of taking the burden of 12 additional units;
- Where would gas service be brought in from and to which side of the building, and where would the roadway be dug up for its installation;
- A drainage plan for the property due to the regrading and resurfacing proposed;
- What will be put in place during construction to protect abutters’ property;
- What will be the hours of construction during the day and will there will be work on weekends;
- What is the plan for construction equipment parking and that of the worker vehicles;
- What is the plan for snow removal on and from the property?

These questions were asked to be transmitted to Mr. Noyes for his written response so that Councilor LeBlanc could convey the responses to the neighbors and to be placed on file for the Committee’s review and consideration.

**Mr. Noyes**, in response to the question on when construction would start, said it would be 50 days from the time the Council votes on the Special Council Permit.

**Ms. Lowe** said construction is unable to start that quickly after the vote by the Council on the Special Council Permit because there has to be a written Decision prepared by the Legal Department which can take as much as six weeks to produce, and then the Council has to vote to adopt it. Once the Council votes to adopt the Decision there has to be a 20 day appeal period, and so the start of construction would be extremely unlikely to be able to begin 50 days out from the Council's vote on the Special Council Permit. **Mr. Noyes** clarified that they had said as soon as the appeals process has run its course construction would start 20 days after that, and acknowledged his understanding of Ms. Lowe's statement.

**This matter is continued to September 2, 2015.**

**4. SCP2015-005: Friend Street #65, Map 264, Lot 39, GZO Sec. 2.3.1(4)a (GZO 2008 2.3.1(7)) to allow petitioner to maintain an existing five-unit dwelling**

**Attorney Patricia Johnstone**, representing Anthony Parco, Trustee of the 65 Friend Street Realty Trust explained the following:

The property already exists as a four family and is roughed out for a fifth unit. Permitting was already done, but due to a fire and finances subsequent to that, the project wasn't completed in time, and so they are before the Council to re-apply for a Special Council Permit for the same relief that had been sought previously to convert the four-family dwelling to a five-family dwelling.

**Councilor Verga** acknowledge a question from an abutter prior to the meeting regarding parking, and asked what were the plans in place. **Ms. Johnstone** said that all the necessary parking already exists off street with garage bays, and she noted there is a recorded parking plan that goes with the five units. Councilor Verga also asked about the plan submitted with the application entitled, "Sketch." **Ms. Johnstone** informed the Committee that the "Sketch" was recorded with the deed recorded on January 29, 2004 at the Southern Essex Registry of Deeds. She pointed out that the date, book and page is on the top of the "Sketch" on file with the application but the larger version doesn't show it. The deed shows which spaces belong to each specific unit, she noted, and said that there are more than seven parking spaces and garage space. She assured that there will be no exterior changes whatsoever. **Councilor Verga** confirmed with **Ms. Johnstone** that this is a paperwork change. The application makes this clear, **Councilor Lundberg** pointed out, saying that the space exists within the building and is just going to be finished.

**Shelia Brown**, 18 Ellery Street, said that she owns a property on an adjacent street above 65 Friend Street and expressed concern that the property she owned at 14R Sylvan Court would be blocked by any exterior changes to 65 Friend Street. **Ms. Johnstone** reiterated that there were to be no exterior changes to the structure with this permitting whatsoever.

**Councilor Verga** reviewed briefly for Ms. Brown why the matter was before the Council.

**Gordon Bowman**, Trustee of 67 Friend Street, residing at 8 Apple Hill Road, Peabody, highlighted that the boundary fence between 67 Friend Street and 65 Street noting that the fence belongs to 65 Friend Street. He asked if the deteriorated fence can be addressed. **Ms. Johnstone** said she would address that matter directly with Mr. Bowman.

**Ms. Johnstone** then reviewed the six criteria for a Special Council Permit under GZO Sec. 1.8.3:

1. Social, Economic or Community Need: There is an economic need for the property owner to renovate his fifth dwelling unit. It has been vacant for several years. Renovating it into a studio apartment will bring new tenants and provide a rental unit.
2. Traffic Flow and Safety: Traffic flow and safety will be marginally affected with the addition of a studio apartment. There is ample off-street parking for all five dwelling units which means there will be no extra cars looking to park on Friend Street.
3. Adequacy of Utilities and Other Public Services: The locus is served by municipal water and sewer.
4. Neighborhood character and social structure: The neighborhood is a high density residential zone consisting of multi-family homes. This structure is in keeping with the neighborhood.
5. Qualities of the Natural Environment: The natural environment will not be altered because there will be no external renovations done to the structure.
6. Potential Fiscal Impact: The addition of a newly renovated unit would increase property taxes and add another family to the Friend Street neighborhood.

**COMMITTEE RECOMMENDATION: 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 grant a Special Council Permit (SCP2015-005) for Friend Street #65, Anthony Parco, Trustee, 65 Friend Street Trust, owner, to allow for a five-unit residential building to remain as it stands at Friend Street**

**#65, Gloucester, Massachusetts, Map 51, Lot 21, zoned High Density Residential (R-5) pursuant to GZO Sec. 2.3.1(4)a (GZO 2008 Sec. 2.3.1(7)), Conversion to, or new multi-family or apartment dwelling, four to six dwelling units as shown on a plan, "Sketch" Registry of Deeds Book 22338, Page 174 (Southern Essex Registry of Deeds). The application is deemed in harmony with the intent and purpose of the Zoning Ordinance governing Special Council Permits under GZO Sec.1.8.3.**

**5. TWO RELATED SPECIAL COUNCIL PERMIT APPLICATIONS:**

- A) SCP2015-006: Pond Road #5, Map 264, Lot 39, GZO Sec. 2.3.5(1) for use of a Junk Yard in the GI (General Industrial) District**
- B) SCP2015-007: Pond Road #19, Map 264, Lot 36, GZO Sec. 2.3.5(1) for use of a Junk Yard in the GI (General Industrial) District**

**SCP2015-006 and -007 were taken simultaneously by the Committee.**

**Attorney Johnstone**, representing Northshore Scrap Steele, LLC, explained as follows:

These two applications are for a scrap metal junk yard -- the two applications are almost identical as the metal recycling business uses two lots. This business has been in operation for a number of years, and the business owner didn't realize there was a need for a Special Council Permit in order to operate his business. **Ms. Johnstone** expressed her personal opinion saying that she was impressed with the detail in the organization and the service that this small shop provides, and reviewed that: all precious metals are weighed; no hazardous materials are stored at the site; the propane tanks are removed to another business for preparation for disposal; cars are taken off site to be stripped and all fluids removed then returned to the property for storage at the back of the property; the metals are containerized; and the property is fenced off. This small shop and metal scrap yard provides a service to many area communities. Note: A full description of the business is on file with the SCP2015-006 and -007 applications.

**Councilor Lundberg** said that it seems like this business is passing metals through and along to other used metal purveyors and not allowing for the scrap to hang around. He pointed out that the business is located on Pond Road behind Goodwin's Party Store and then the other parcel is in the back.

**Councilor LeBlanc** said that he knows the business owner, and it is a service that the business owner provides to other businesses and municipalities where he removes their scrap metal, separates it at his place of business then moves it out to other scrap dealers.

**Ms. Lowe**, responding to a question from Councilor Verga, said that a junk yard is defined in the Zoning Ordinance very loosely. She noted the city also requires the junk business owner to obtain a license through the City Clerk's office and from the Licensing Commission, and said that the business shouldn't be operating without them. The local permits needed to be in place, said **Ms. Johnstone** and assured she would confirm whether the business owner has them in place. She noted that the city hires him to take away their scrap metal as well.

Both **Councilor Verga** and **Ms. Lowe** noted there hasn't been a permitted junk yard for many years. He then asked Ms. Lowe to contact the Health Department to ask if they could weigh in on the application so that the Committee can have it on file.

**Councilor LeBlanc** suggested the matter of junk yards/junk dealers that are actually scrap metal recycling centers should perhaps be defined by an amendment to the Zoning Ordinance as a scrap metal recycling center appears to be just enough different to warrant a review. **Councilor Verga** added his suggestion that a Council Order would be appropriate to create some new definitions for a scrap metal yard and a recycling center.

**Ms. Johnstone** then reviewed the six criteria for a Special Council Permit under GZO Sec. 1.8.3 for both SCP2015-006 and SCP2015-007 as follows:

- 1) There is an ongoing community need to have scrap metal collected and disposed of properly. This does result in employment and provides income to the owner and employees and provides an essential service.
- 2) This is a General Industrial district located off of Eastern Avenue. This business will have negligible impact on traffic flow and safety.
- 3) This locus is served by city water and sewer and is in the same location area as the City Hall Annex.
- 4) The neighborhood's character and social structure is of a general industrial sector consisting of several commercial businesses, municipal offices, auto body repair shops, landscaping contractors and storage.
- 5) The General Industrial zone possesses remoteness of location, impervious surfaces, and land designed for industrial businesses in keeping with the existing environment.
- 6) Potential fiscal impacts regards to the General Industrial zone would be increases in property taxes, increased commercial tax base, and adds another commercial business to the neighborhood.

**COMMITTEE RECOMMENDATION:** 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 grant a Special Council Permit (SCP2015-006) for Pond Road #5, Gloucester, Massachusetts, to Northshore Scrap Steele, LLC, William Goodwin, property owner, Map 264, Lot 39, zoned General Industrial (GI) pursuant to GZO Sec. 2.3.5(1) Industrial Uses, Junk Yard. The Applicant shall comply with all applicable licensing provisions of the Code of Ordinances, Section 19-15 through 19-39. The application is deemed in harmony with the intent and purpose of the Zoning Ordinance governing Special Council Permits under GZO Section 1.8.3 and Sections 4.4 and 4.5.

**COMMITTEE RECOMMENDATION:** 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 grant a Special Council Permit (SCP2015-007) for Pond Road #19, Gloucester, Massachusetts, to Northshore Scrap Steele, LLC, William Goodwin, owner, Map 264, Lot 36, zoned General Industrial (GI) pursuant to GZO Sec. 2.3.5(1) Industrial Uses, Junk Yard. The Applicant shall comply with all applicable licensing provisions of the Code of Ordinances, Section 19-15 through 19-39. The application is deemed in harmony with the intent and purpose of the Zoning Ordinance governing Special Council Permits under GZO Section 1.8.3 and Sections 4.4 and 4.5.

6. *CC2015-022 (Stewart) Amend GZO Sec. VI "Definitions," Sec. 2.3.1 "Residential Uses," and Sec. 2.4.4 (Cont'd from 07/22/15)*

The amendment to the Zoning Ordinance proposed by Councilor Stewart is still under consideration by the Planning Board, and as a result the P&D Committee continued the matter awaiting the Board's recommendation.

**This matter is continued to September 2, 2015.**

7. *Amend GZO by adding a new definition to Section VI "Definitions" for "Farmers Markets" as referred back to the P&D Committee by the City Council on June 23, 2015 (Cont'd from 07/08/15)*

Councilor Verga announced that pending input from the Stage Fort Park Advisory Committee this matter is continued to October 7.

**This matter is continued to October 7, 2015.**

Councilor Verga reconfirmed that Councilor Lundberg will act as the P&D Committee's liaison for the review and drafting of language to amend the Zoning Ordinance for Sec. 5.13 Personal Wireless Service Facility.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 6:10 p.m.**

**Respectfully submitted,**

**Dana C. Jorgenson  
Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.**