

CITY CLERK
GLOUCESTER, MA
15 SEP 30 AM 10:39



GLOUCESTER CITY COUNCIL
Planning & Development Committee
Wednesday, October 7, 2015 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
(Items May be taken out of order at the discretion of the Committee)

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 08/19/2015)***
2. ***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 (Cont'd from 09/16/15)***
3. ***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 08/19/15 and TBC to 11/04/15 pending report from Stage Fort Park Advisory Committee)***

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.

nationalgrid

July 15, 2015

City Of Gloucester

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID and VERIZON pole location(s)

If you have any questions regarding this permit please contact:

Prasand Nair 774-275-4761

Please notify National Grid's Vincent LoGuidice of the hearing date / time at 978-725-1392 or Vincent.LoGuidice@NationalGrid.com.

If this petition meets with your approval, please return an executed copy to each of the above named Companies.

National Grid Contact: Vincent LoGuidice; 1101 Turnpike Street; North Andover, MA 01845

Very truly yours,



Name: Distribution Design Supervisor
Supervisor, Distribution Design

Enclosures

CITY CLERK
GLOUCESTER, MA
15 JUL 23 PM 2:20

Questions contact – Central Design - Prasand Nair 774-275-4761

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

To: The City Council
Of Gloucester, Massachusetts

NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Mt Pleasant Ave - National Grid to install 1 Pole and Anchor on Mt Pleasant Ave. National Grid to install new Pole, down guy, and anchor with an 8 ft lead across from Pole 2600 Mt Pleasant Ave. Pole and Anchor will be labeled 2600-84 and be set on town property to the west side of Mt Pleasant Ave.

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Mt Pleasant Ave – Gloucester – Massachusetts.

No.# 19469534 June 30, 2015

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

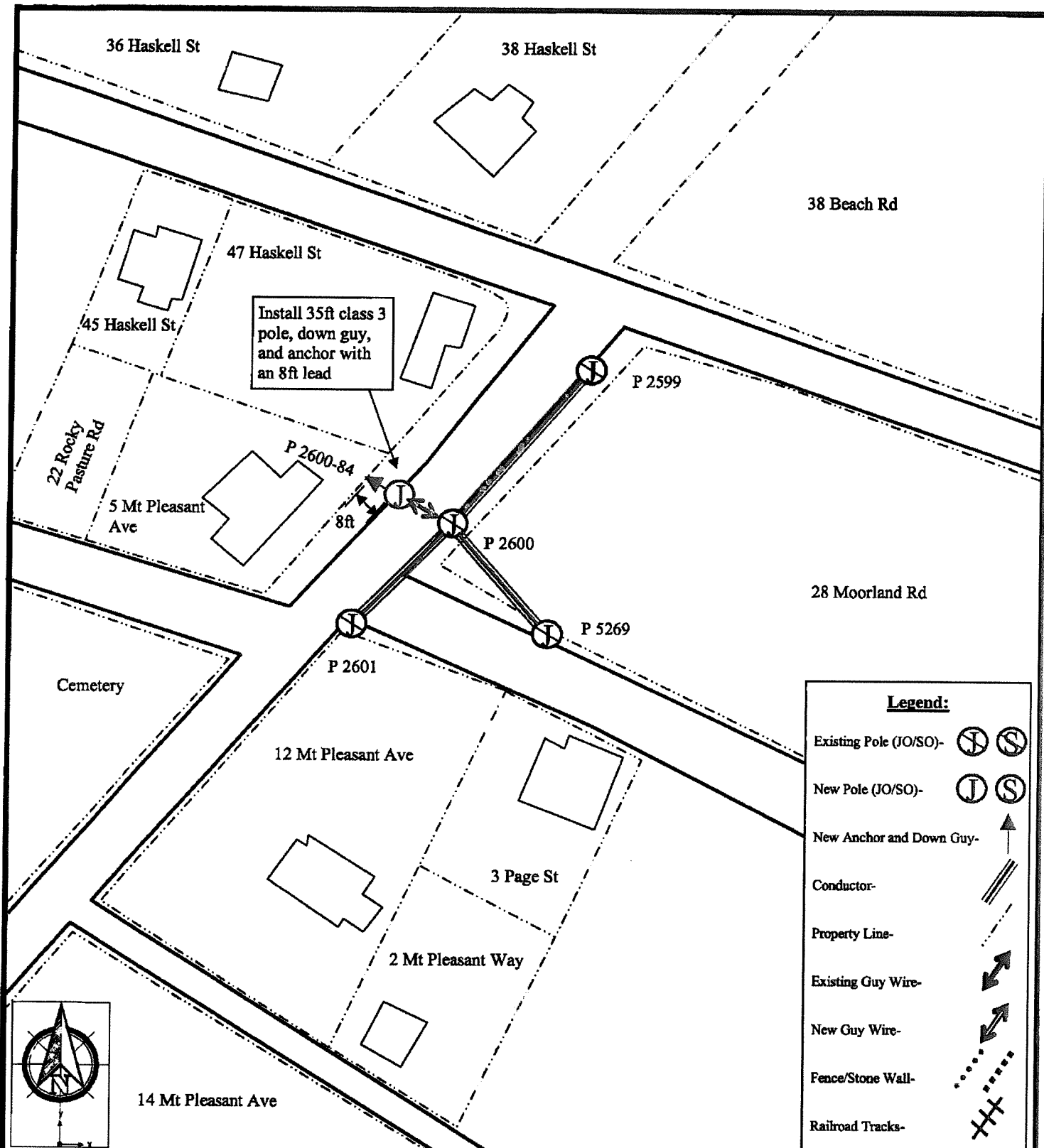
Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID
BY _____
Engineering Department

Rafael Puro

VERIZON NEW ENGLAND, INC.
BY _____
Manager / Right of Way

Robert Gault



Petition #:	Petition Sketch	nationalgrid
Designer: Prasad Nair Date: 6/30/15 Work Order #: 19469534 Town: Gloucester, MA 01930	CONSTRUCTION DETAILS: Install 35ft class 3 pole, down guy, and anchor with an 8ft lead across from pole 2600 Mt Pleasant Ave. Pole and anchor will be labeled 2600-84 and be set on town property to the West side of Mt Pleasant Ave.	Exhibit A–Not to Scale The Exact location of said Facilities to be established by and upon the installation and crection of the Facilities thereof

PAR ID	SITE ADDR	CITY	OWNER1	OWN ADDR	OWN CITY	OWN STATE	LS BOOK	LS PAGE
57 23	47 HASKELL ST	GLOUCESTER	WHITE EDWARD S & KATHERINE L	47 HASKELL ST	GLOUCESTER	MA	23595	422
57 1	5 MT PLEASANT AV	GLOUCESTER	PHILBRICK JOHN RUST	2 RED RIDGE LN	NO CONWAY	NH		C71527
74 5	28 MOORLAND RD	GLOUCESTER	BASS ROCKS GOLF CLUB	BOX 303	GLOUCESTER	MA		C668
74 43	12 MT PLEASANT AV	GLOUCESTER	HURST CLAIRE A TR	12 MT PLEASANT AV	GLOUCESTER	MA		C75575

92

Department of Public Works
28 Poplar Street
Gloucester, MA 01930



CITY CLERK
GLOUCESTER, MA
TELE (978)281-9185
FAX (978)281-3896
15 JUL 24 AM 9:25
mhale@gloucester-ma.gov

CITY OF GLOUCESTER
DEPARTMENT OF PUBLIC WORKS
MEMORANDUM

Date: 24 July 2015

To: Councilor Greg Verga, Chair
Councilor Paul Lundberg, Vice Chair
Councilor Steven LeBlanc, Member
Planning & Development Committee

From: Michael B. Hale, Director of Public Works *MBA*

Re: Application by National Grid for the installation of 1 Pole, down guy, and anchor with an 8ft lead across from Pole 2600.

Councilors:

The Department of Public Works has reviewed the above mentioned application to install 1 pole, down guy, and anchor with an 8ft lead across from Pole 2600. New pole and anchor will be labeled 2600-84. The Department of Public Works has no objections to the application. In an attempt to maintain the quality of City sidewalks, the Department of Public Works requests the following be required of the applicant.

1. Notification to the Department of Public Works 72 hours in advance of the proposed work. A construction schedule will be prepared by the applicant for review and acceptance by the Department of Public Works
2. 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.
3. All efforts shall be made to prevent double poles and excavated materials from pole set must be removed from sidewalk and/or shoulder of the road.

Should you have any questions regarding the conditions requested, please do not hesitate to contact my office.

Town

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the City Council - Gloucester, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 30th day of June 2015.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Mt Pleasant Ave - Gloucester, Massachusetts.

June 30, 2015. Filed with this order

There may be attached to said poles by NATIONAL GRID and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Mt Pleasant Ave - National Grid to install 1 Pole and Anchor on Mt Pleasant Ave. National Grid to install new Pole, down guy, and anchor with an 8 ft lead across from Pole 2600 Mt Pleasant Ave. Pole and Anchor will be labeled 2600-84 and be set on town property to the west side of Mt Pleasant Ave.

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the
of the City/Town of _____, Massachusetts held on the _____ day of _____ 20 _____ .

Massachusetts

City/Town Clerk.

20

Received and entered in the records of location orders of the City/Town of
Book Page

Attest:
City/Town Clerk

I hereby certify that on 20 , at o'clock, M
at a public hearing was held on the petition of
NATIONAL GRID and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and
that we mailed at least seven days before said hearing a written notice of the time and place of said
hearing to each of the owners of real estate (as determined by the last preceding assessment for
taxation) along the ways or parts of ways upon which the Company is permitted to erect
poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

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Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of
hearing with notice adopted by the of the City of
Massachusetts, on the day of 20 , and recorded with the
records of location orders of the said City, Book , Page . This certified copy
is made under the provisions of Chapter 166 of General Laws and any additions thereto or
amendments thereof.

Electric

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the City Council - Gloucester, Massachusetts

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Massachusetts

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at _____ a public hearing was held on the petition of
NATIONAL GRID and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and
that we mailed at least seven days before said hearing a written notice of the time and place of said
hearing to each of the owners of real estate (as determined by the last preceding assessment for
taxation) along the ways or parts of ways upon which the Company is permitted to erect
poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

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Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of
hearing with notice adopted by the _____ of the City of
Massachusetts, on the _____ day of _____ 20____, and recorded with the
records of location orders of the said City, Book _____, Page _____. This certified copy
is made under the provisions of Chapter 166 of General Laws and any additions thereto or
amendments thereof.

Verizon

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the City Council - Gloucester, Massachusetts

Notice having been given and public hearing held, as provided by law,
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Massachusetts

City/Town Clerk.
20 _____

Received and entered in the records of location orders of the City/Town of
Book _____ Page _____

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at _____ a public hearing was held on the petition of
NATIONAL GRID and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

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Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of hearing with notice adopted by the _____ of the City of Massachusetts, on the _____ day of _____ 20____, and recorded with the records of location orders of the said City, Book _____, Page _____. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Planning & Development Committee
Wednesday, July 22, 2015 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
- Minutes -

Present: Chair, Councilor Greg Verga; Vice Chair, Councilor LeBlanc; Councilor Fonvielle (Alternate)
Absent: Councilor Lundberg
Also Present: Councilor Cox; Linda T. Lowe; Jim Destino; Chip Payson; Tom Daniel, Gregg Cademartori; Mike Hale

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

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*

Chip Payson, General Counsel, advised the Committee that the City is looking to redraft Section 5.13, Personal Wireless Service Facility of the Zoning Ordinance to reflect changes wrought by the federal Telecommunications Act passed in 1999 and subsequent updates. He said he has been tasked along with assistance from Gregg Cademartori, Planning Director to bring someone on board that has expertise in this area and how to move strategically forward. As a result they asked Jeffrey L. Roelofs, a highly experienced Environmental and Land Use attorney to review that section of the Zoning Ordinance and then to speak with the P&D Committee first before undertaking substantive work on a redraft and will then work with city staff to draft a product for the review by the P&D Committee.

Jeffrey L. Roelofs, Environmental and Land Use Attorney reviewed his resume noting that he has practiced law for 20 years and did a great deal of land use and environmental work including the citing of wireless service facilities (cell towers) having worked with telecommunications companies, Cingular and AT&T Wireless which ended when he left Anderson and Krieger in 2007 and opened his own practice in Newburyport. He is doing some work for Verizon Wireless only with respect to environmental due diligence, but no citing of cell towers.

He noted since he was involved in siting towers, there have been significant changes in the federal law. He noted that one of the things that drove the city's interest in getting this review undertaken was because there are federal changes in the law that require cities to expedite the review of existing facility modifications and colocations with a 60 day time period to review for certain eligible modifications. If not approved within that time period, he pointed out, it is determined the application is incomplete but no further decision is rendered, then the application is constructively approved. There are consequences for not having a process in place to deal with these sorts of requests, he said.

Mr. Roelofs indicated to the Committee he will be looking into adopting provisions tailored to those eligible requests. The Council needs to decide what department is going to process those requests in the first instance with a 60 day time period from start to finish. He suggested that it didn't make sense those matters be retained by the Council, and so they would explore whether such matters should go to the Building Department, or whatever other Board or Commission should render these kinds of decisions. He noted it has been acknowledged that Gloucester has a burdensome process related to the permitting of new cell towers, but those are permitting are of concern to the community, and he acknowledged it is important to get it right from the outset. The ordinance has certain requirements that don't give the Council flexibility to make adjustments. Filing requirements don't make sense in all situations, he said, and again, have no flexibility as the ordinance currently stands. There are also installations in the city that might be proposed that aren't so concerning to people, concealed installations, building mounted, on roof tops and in steeples. He then asked a series of questions whether the Council wanted all aspects whether a new colocation to a tower or a new tower permitting to have the same filing requirements and whether they want all the permitting to remain with the Council or whether colocations of already existing facilities could be shifted to the Planning Board in an effort to simplify the permitting process as a few examples of what could be done depending on the judgement of the Committee. He also mentioned setback and height issues which could be addressed as well.

Mr. Roelofs concluded his remarks by saying that there are ways to simplify the process and that he will work with the Committee to set the review process up in a productive working methodology. He suggested that one of the

Councilors on P&D would be helpful in working with them in order to help facilitate the review to highlight the particular areas of concern to the Committee.

Councilor Verga said foremost the Committee wants to ensure the city is in compliance with the federal Telecommunications Act. He added that they also need to simplify the permitting process as much as possible without taking away public input. He pointed out that many surrounding communities have much less onerous Personal Wireless Service Facility Zoning Ordinances. He indicated to Mr. Roelofs that there is Council precedent on ceding permitting to other boards and commissions, and whatever can be passed on appropriately to another board or commission to make permitting easier for the end user he said is agreeable to him. **Councilor Fonvielle** added that new cell tower permitting should remain with the Council, but agreed that an additional colocation on an existing facility could be moved off to another appropriate Board.

Mr. Roelofs said he would come back with conceptual proposals and will work through the draft to ensure the comfort level of the Council. **Mr. Payson** requested that a Councilor from the P&D Committee work with Mr. Roelofs, he and Mr. Cademartori as it would be extremely helpful to have the interests of the Council expressed to them in their discussions. **Councilor Verga** expressed his agreement. **Mr. Roelofs** said if there are certain areas they want to incentivize where proposals are lacking, it is possible to draft something for that. **Councilor Verga** remarked that areas without current sited cell towers are the most sensitive to this process. He said that he wished to insure this ordinance was drafted in the right way and would give the consultant and city staff adequate time to discuss the matter and write a first draft for presentation to the Committee.

This matter is continued to September 16, 2015. ~~10/07/15~~

~~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 GZO in order to recommend revisions to the Ordinance which will facilitate permitting & request that the Administration fund the proposal**~~

~~**Jim Destino**, CAO reported that no consultant has been hired by the city as funding is not available. He pointed out that there is a difference between permitting and the review of the total Zoning Ordinance. **Councilor Verga** recalled that they were to start with a review of the Zoning Ordinance and thought they would obtain outside help in order to assist in the streamlining of the city's permitting process. **Mr. Destino** highlighting the consultant retained to review just one section of the Zoning Ordinance said this made clear how difficult it is to change the Zoning Ordinance holistically. He pointed out there has been progress made in the area of customer service for permitting with facilitation at the City Hall Annex at Pond Road in assisting permit applicants. Much of this effort will be available to potential permit applicants on line with a new software system being readied for launch, as well as a pamphlet, he said. He reminded the Committee that amendment of the Zoning Ordinance is the purview of the Council.~~

~~**Councilor Fonvielle** recalled that the starting point of the Zoning Ordinance came from the Building Inspector and that he didn't necessarily agree that an overall review was appropriate but indicated that certain sections did need to be reviewed. **Mr. Destino** said if the Council wants such a review undertaken then they will need to guide the Administration as to how it could be paid for.~~

~~**COMMITTEE RECOMMENDATION:** On a motion by Councilor Verga, seconded by Councilor Fonvielle the Planning & Development Committee voted 3 in favor, 0 opposed to recommend that the City Council permit the withdrawal of Council Order 2015-008 (Verga) related to a review of the city's Zoning Ordinance in order to assist in streamlining the city's permitting processes from Council consideration.~~

~~3. **Memorandum from General Counsel: grant of easement to National Grid for 10 Concord Street**~~

~~**Mr. Payson** said this easement is in response to a request from National Grid to provide power to the new West Parish Elementary School.~~

~~**Councilor Verga** asked were there plans for redoing the sidewalks from West Parish to Concord Street and Essex Avenue which are in poor condition. **Mr. Destino** said Mr. Hale had to leave the meeting earlier, but would make that inquiry to him in order to advise him of the Public Works Director's response.~~

~~**COMMITTEE RECOMMENDATION:** On a motion by Councilor Fonvielle, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City~~

Minutes to the Stage Fort Park Advisory Committee Meeting; September 15, 2015
Not voted or approved: for perusal of committee members, O & A and P & D committees

The regular monthly meeting of the Stage Fort Park Advisory Committee was held on September 15, 2015, at 7pm in the Community Room of the Cape Ann Savings Bank.

The following Committee members were in attendance: David Dow, chair; Steven Kaity, Fred Geisel, Donna Polizzia, David Benjamin, and Sal Frontiero. Mark McDonough represented the Cape Ann Farmers Market Board of Directors. Committee members William Fonvielle, Joe Lucido and Marie Demick were absent.

President David Dow opened with remarks describing an information packet he distributed to committee members which contained information about the history of Stage Fort Park and other documents of interest to the committee.

The Secretary's Report of the August 15, 2015 meeting were moved, seconded and approved.

New Business:

The Stage Fort Park Farmers Market was discussed. The SFP Advisory Committee was asked to report to Ordinance and Administration Committee our recommendations regarding the Farmers Market held at the park.

The committee did not have a copy of the Ordinance (cc#2015-0009). Mr. Mark McDonough gave a brief history of the event and the sponsoring organization.

Recommendations to Ordinance & Administration:

The Committee recommends delaying the ordinance until the fall, allowing for the remaining Farmers Markets to be completed (mid-October). The Committee needs more time to examine the CA Farmers Market operation and guidelines. We will continue our dialogue with them. The Committee will discuss the Farmers Market at their October 15, 2015 meeting.

Recommendations to P & D:

The Committee discussed Ordinance cc#2015-032, concerning proposed leash law changes. The committee voted to table the discussion pending review of a reported amended version of the same ordinance. We will continue that discussion at our next meeting on October 15, 2015.

The meeting adjourned at 7:30pm

Respectfully submitted,
David Benjamin, Secretary for the Stage Fort Park Advisory Committee

P&D

O&A