

**Planning & Development Committee**  
March 2, 2016 – 5:30 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
-Minutes-

**Present: Vice Chair, Councilor Melissa Cox; Councilor Valerie Gilman; Councilor Nolan (Alternate)**

**Absent: Councilor Lundberg**

**Also Present: Linda T. Lowe, Chip Payson; Gregg Cademartori**

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

**1. Advertised Public Hearings:**

- A) PP2016-001: Petition by National Grid & Verizon New England: To install new switchgear manhole & new switchgear (6'x6') with about 60 ft. of conduit between switchgear & existing manhole in front pad 7 at Harbor Loop**

**This public hearing is opened at 5:30 p.m. and recessed at 5:30 p.m. so that Item #3 on the agenda could be heard first (see Item #3 below). The public hearing was reconvened at 5:55 p.m.**

**Those speaking in favor:**

**Peter Glynn**, National Grid (NG) representative reviewed NG's and Verizon New England's application to install new switchgear in an approximately six foot by six foot paneled enclosure which will be green in color above ground. They will be installing new underground conduit from the switchgear location to an existing manhole in front of Pad 7. There will be also an installation of a new manhole for this installation. He explained that the switchgear installation will update and greatly improve reliability of electrical service to the area of Harbor Loop. He showed photographs (submitted for the record) of what a similar switchgear installation looks like to the Committee. There was a discussion of the placement of the switchgear.

**Mr. Glynn** discussed with the Committee the actual location of the switchgear, which **Councilor Cox** pointed out most of the installation would be on federal land, that of the U.S. Coast Guard station, and is not something that the City Council is empowered to permit. She suggested that Mr. Glynn would need to talk to the designers at National Grid to re-examine the location of this particular installation. **Ms. Lowe** highlighted that easements have to be gotten for the city through National Grid and should be available at the time the Pole Petition returns.

**Mr. Glynn** said he would talk with the designers as well as speak to the appropriate NG department for easements to move those requests forward.

**This public hearing is continued to March 16 pending clarification from National Grid for the placement of the new switchgear.**

- B) PP2016-002: Petition by National Grid & Verizon New England: To install beginning at a point approximately 190 ft. NE of the centerline of intersection of Rogers & Duncan Streets new switchgear manhole & new switchgear (6'x6')**

**This public hearing is opened at 5:30, recessed at 5:30 p.m., and reopened at 6:03 p.m.**

**Those speaking in favor:**

**Mr. Glynn** reviewed NG's and Verizon New England's application to install new switchgear in an approximately six foot by six foot paneled enclosure above ground off of Rogers Street on Map 8, Lot 26, a property owned by the city. In this particular instance it is a small portion of the back of the Police Station immediately adjacent to a property that has a transformer mounted on a pad to which the switchgear would be connected. The small piece of land is at the end of the driveway of the police building onto Rogers Street. A new switchgear manhole will also be installed at a point approximately 190 feet northeast of the centerline of the intersection of Rogers and Duncan Streets.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions:**

The Committee expressed concern that National Grid be sensitive to the fact that this is a main entrance and exit for emergency vehicles immediately adjacent to where the switchgear will be installed and that in no way can the

work impair the Police Department's access. It was also pointed out that this is the path of the Fishtown Horribles Parade as well as a heavily trafficked roadway especially so close to the summer season. **Mr. Glynn** assured the Committee that there will be a police detail on hand to ensure smooth traffic flow at all times.

**This public hearing is closed at 6:04 p.m.**

**MOTION: On a motion by Councilor Gilman, seconded by Councilor Nolan, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit National Grid and Verizon New England to install new switchgear on the property of Map 8, Lot 26 (6 feet by 6 feet) owned by the City of Gloucester and a switchgear manhole to be located beginning at a point approximately 190 feet northeast of the centerline of the intersection of Rogers and Duncan Streets including the necessary sustaining and protecting fixtures as shown on Plan #21121912 dated 02/01/2016 with the following conditions:**

- 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.) **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.**
- 6.) **Any disturbed greenspaces shall be reseeded and/or landscaped restoring it to original condition.**
- 7.) **This permit is conditioned upon an easement being granted to National Grid by the City Council for this installation. National Grid to prepare the easement for City Council approval.**
- 8.) **At least a week's notice be given to the Department of Public Work to approve the timing of the excavation for this project.**

**C) PP2016-003: Petition by National Grid & Verizon New England: To install new switchgear manhole and new switchgear (6'x6') & about 30 feet of conduit between switchgear & existing manhole #54 on Pleasant Street**

**This public hearing is opened at 5:30 p.m., recessed at 5:30 p.m., and reconvened at 6:11 p.m.**

**Those speaking in favor:**

**Mr. Glynn** reviewed NG's and Verizon New England's application to install new switchgear in an approximately six foot by six foot paneled enclosure above ground at the corner of Middle and Pleasant Streets, Map 8, Lot 78, a property owned by the city. The small piece of land is at the end of the Warren Street Parking Lot. A new switchgear manhole will also be installed in the parking lot a short distance from the new switchgear box. He acknowledged that an ornamental tree will need to be removed for the switchgear installation, and that National Grid is offering to plant a similar tree in another location at their expense.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions:**

**The Committee** discussed with Mr. Glynn that the city will lose the mature tree and pocket garden at the corner of Middle and Pleasant Streets at the proposed location for the installation of the switchgear. **Councilor Cox** said that because the tree must be removed that transplanting the mature tree is impractical. She said she wanted to make sure that this location is the absolute best spot for the switchgear and suggested that perhaps National Grid could see if another location could be found. She further suggested since the enclosure of the switchgear would be so highly visible that it could be painted with a scene of Gloucester to make it more acceptable or encasing it in shrubs.

**Councilor Gilman** expressed her agreement with Councilor Cox's sentiment. She said she'd appreciate National Grid rethinking the placement of the switchgear. **Councilor Nolan** suggested this may be the only site where the switchgear can go, and that parking spots will win over a green space. **Councilor Cox** asked that Mr. Glynn go back to the designers to see if another, less visible location can be found.

**This public hearing is continued to March 16 pending clarification of the placement of the switchbox.**

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 01/20/16)*

**NOTE:** The draft ordinance referred to in the following discussion can be found in the Planning & Development Committee's Agenda Packet and is on file with the City Clerk's office.

**Chip Payson**, General Counsel, advised that there is 99 percent of an ordinance drafted with P&D's input. He said there have been attempts to secure opinions of the Council, but none were forthcoming. He pointed out that there are still places where information needs to be inserted, but suggested that by putting the draft forward to the Planning Board, they can fill in the final blanks and make their recommendation. This will start the process on the overall draft ordinance and address these minor issues, he said, so that Sec. 5.13 can be made in compliance with federal law.

**Gregg Cademartori**, Planning Director, clarified that several sections of the draft ordinance section refer to the federal Telecommunications Act (TCA) and have a blank (top of page 7 Section 5.13.5.1.2(i) which is a reference within the TCA, and in several other places which he noted, where blanks were left as placeholders. He suggested that if the Council wants to amend the ordinance that the references be completed in the final draft before it is forwarded to the Board.

**Councilor Cox** said she wanted those holes patched as well prior to referral. **Mr. Cademartori** suggested it is just a conversation with the consultant to address those holes. **Councilor Cox** discussed Council process with **Mr. Cademartori** briefly. There has to be a reference in the use tables, **Mr. Cademartori** mentioned, and that has to be done as well. He said there is really no need for further vetting by P&D of the draft. **Councilor Cox** discussed with the Committee and Linda T. Lowe, City Clerk that she would prefer that all holes were filled in a final referred draft and that all zoning amendments start with the Council rather than going through the Mayor's Report which **Ms. Lowe** confirmed that is the authorized process according to the Zoning Ordinance -- coming through the Mayor's Report is not one of the methods authorized by statute.

**Councilor Gilman** said she agreed that a continuance is appropriate so that the draft is 100 percent complete. **Mr. Cademartori** and **Mr. Payson** expressed that they felt the gaps in the draft could be filled in by the time the P&D Committee drafts a Council Order to refer a draft Amendment to the Zoning Ordinance for its Tuesday, March 8 Consent Agenda so that the amendment could go to the Planning Board and P&D for recommendation.

Responding to an inquiry by **Councilor Cox**, **Mr. Cademartori** said the substantial difference is that routine allowed changes to facilities are broken out into two categories, the most basic being permitted through the Building Inspector and those that involve facilities already in place on rooftops or in church steeples, for example, would flow for permitting to the Planning Board. However, this new draft ordinance will allow a request for a new tower anywhere in the city versus a PWSF overlay district currently in the ordinance and it is a significant difference. But moreover, this draft ordinance brings Sec. 5.13 into compliance. To recap, **Mr. Cademartori** highlighted that anything other than a cell tower the Council will no longer be the permit granting authority. He said the Council could retain all the Special Permit authority, but the previous P&D wanted to move things off to other boards where appropriate.

**Councilor Cox** acknowledged that no Councilors conveyed any concerns about the draft. She said it needs to go forward to get a reaction to get in front of the Council to explain all this as it is important.

**Councilor Gilman** said they will approve a document that isn't finished and that she expressed her discomfort at taking such action. The Committee briefly reviewed the gaps in the draft that need filling in, some of which were found on Pages 6, 7, 10, 13 (3 places),

**Councilor Nolan** pointed out that there are ways of protecting the city that is contained within the draft ordinance, reviewing in brief what would be the purview of the Planning Board versus the Special Council Permit and said he found it to be much simpler and clear. **Mr. Payson** said the goal was to take the controversial matters to ensure they remain with the Council, and the small things are that which the city has no control over because of the federal law or smaller installations be distributed between the Building Inspector and the Planning Board. He commended Mr. Payson and Mr. Cademartori on their efforts.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, requests a Council Order from the Planning & Development Committee and Councilor Nolan be drawn up that the draft Zoning Ordinance Section 5.13 Personal Service be forwarded to the Council for referral to the PB & the P&D Committee.**

Mr. Payson and Mr. Cademartori spoke with the Committee regarding when a fully completed draft ordinance for GZO Sec. 5.13 would be made available, and it was agreed that a fully fleshed out copy would be available by the time the Council Order came forward through the Council Consent Agenda of March 8.

**This matter is closed.**

3. *Memorandum from General Counsel re: changes to GZO Sec. 1.3.1 "Enforcement of Zoning Ordinance; Appeals of Zoning Decisions" (TBC 04/06/16)*

**MOTION: On a motion by Councilor Gilman, seconded by Councilor Nolan, the Planning & Development Committee voted 3 in favor, 0 opposed under GZO Section 1.11.4 (b) to set the public hearing date pursuant to changes to GZO Sec. 1.3.1 "Enforcement of Zoning Ordinance; Appeals of Zoning Decisions" to be Tuesday, April 12, 2016.**

This matter is continued to April 6, 2016 pending a Planning Board recommendation.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 6:21 p.m.**

**Respectfully submitted,**

*Dana C. Jorgensson*  
Clerk of Committees

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