

Planning & Development Committee
March 16, 2016 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Lundberg; Vice Chair, Councilor Melissa Cox; Councilor Valerie Gilman
Absent: None.

Also Present: Councilor Nolan (entered the meeting at 5:38 p.m.); Linda T. Lowe

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

1. Advertised Public Hearings:

A) PP2016-004: Petition by National Grid & Verizon New England: To install a 3” underground service conduit +/- 25’ from Pole #2581 to Wall Street #11

This public hearing is opened at 5:30 p.m.

Those speaking in favor:

Peter Glynn, National Grid (NG) representative said that National Grid and Verizon New England are requesting to install about 25 feet of 3 inch underground conduit from Pole #2581 located across the street from 11 Wall Street and run it to that property. He showed the Committee a photograph of the location (placed on file) and said that given the road being so narrow, erecting a new pole was not an option and that National Grid would only add conduit from an existing pole on the street. This is for a new residential construction, he advised.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 5:32 p.m.

MOTION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit National Grid and Verizon New England to install 25 feet +/- of underground service conduit from Pole #2581 including the necessary sustaining and protecting fixtures as shown on Plan #20439742, dated 01/27/2016, 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.**

B) 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 was reconvened at 5:33 p.m. having been continued from 03/02/16.

Those speaking in favor:

Mr. Glynn, National Grid (NG) representative said that since the Committee last met he spoke to the Committee, he and the designer met at the proposed switchgear location. The design is to some degree in front of the Coast Guard property. He reported that the designer said there is enough room for the installation – at that time

they spoke to a representative of Station Gloucester Coast Guard Station, but Command hasn't gotten back to National Grid yet with their comments. He asked that this matter be continued for four weeks to give National Grid time on the matter.

This public hearing is continued to May 4, 2016.

- 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 was recessed 6:11 p.m. on 3/2/16 and reopened at 5:36 p.m.

Those speaking in favor:

Councilor Cox reviewed that at the March 2 public hearing she and Councilor Gilman had asked National Grid to find another location for their switchgear as the installation would cause a mature tree and plantings to be removed from city property in the downtown. **Mr. Glynn** advised that he, the designer and supervisor made a site visit after the last meeting of the P&D Committee and upon review determined that National Grid can keep the switchgear under one parking space in the parking lot located at Middle, Pleasant and Warren Streets. To access the installation they would install a "trapdoor" that vehicles could drive over. He said that in an emergency whatever car is parked there at the time would have to be moved for access purposes. **Councilor Cox** said that it would be possible to locate the vehicle owner with the assistance of the Gloucester Police Department, and failing that she and **Mr. Glynn** agreed in an emergency a car would have to be towed. It was suggested that should this option be accepted that appropriate signage could be posted for that utilized parking space.

Councilor Cox asked this matter be continued to give National Grid time to produce amended plans. (Councilor Nolan entered the meeting at 5:38 p.m.) **Councilor Gilman** expressed that she was pleased that National Grid was heeding the recommendation of the Committee helping the city keep a downtown green space from being lost and was encouraged by the suggested alternative.

This public hearing is continued to May 4, 2016.

2. Special Events Applications:

- A) St. Peter's Fiesta – June 22 – 26, 2016**

Joseph Novello, Chair of the St. Peter's Fiesta Committee said that all plans for the Fiesta 2016, its 89th year, are the same as last year.

Councilor Lundberg asked about the hotel on Commercial Street and its impact. **Mr. Novello** said that was his understanding that it is questionable whether the new Beauport Hotel will be open by June 22. He indicated that if construction was still underway, the hotel would cease that activity if necessary. **Councilor Cox** suggested having more police presence on the fence line at the hotel property on the beach side as a result of issues related to that area the previous year.

Linda T. Lowe, City Clerk, advised the Fiesta Committee had been before the Special Events Advisory Committee (SEAC) and said that all aspects of Fiesta 2016 were vetted by city department heads or their designees, and that the event received all the necessary departmental sign-offs.

Councilor Gilman expressed her appreciation that the city department heads have already reviewed the event through the SEAC.

MOTION: On motion by Councilor Gilman, seconded by Councilor Cox, the Planning & Development Committee voted 3 in favor, 0 opposed, to allow the 2016 annual St. Peter's Fiesta, commencing on Wednesday evening, June 22, 2016 through Sunday, June 26, 2016, the use and control of St. Peter's Park on Rogers Street; the streets and sidewalks of Rogers Street from Mansfield Way to the entrance of Commercial Street; Commercial Street up to Fort Square; and from the intersection of Main and Washington Streets to St. Peter's Park; and on Friday, June 24th, Saturday, June 25th and Sunday, June 26th on only the water side of Stacy Boulevard from "The Tavern" to the Fishermen's Memorial (to the extent allowable by law) and the Ciaramitaro/Gemellaro Playground at Fort Square for the purpose of conducting the St. Peter's Fiesta on the days and dates mentioned herein. Further, vendors are not allowed on the southwesterly side of Commercial Street nor on the streets and sidewalks from Tally's to the Chamber of Commerce (33 Commercial Street). In addition, all hawkers, peddlers, or vendors, who conduct their business on June 24th through June 26th in

these areas, must have the express consent of the St. Peter's Fiesta Committee; and with the following conditions:

1. That the kiddie rides (those restricted to children of a height of 42 inches or under) be kept at the St. Peter's Square Park;
2. That the footprint of the Fiesta be drawn on a plan showing locations of, but not limited to, comfort stations and first aid stations to be placed on file with the City Clerk by May 20, 2016;
3. That the music and the rides closest to the altar area be shut down at the opening and closing ceremonies;
4. That the St. Peter's Fiesta Committee has permission to use the area of St. Peter's Commercial Marina, a city-owned property, behind the Cape Ann Brewery (11 Rogers Street), for the purpose of a Fisheries Exhibit in conjunction with local fishermen and the New England Fisheries Coalition.
5. And that the Fiesta Committee and Fiesta Shows, Inc., comply with all regulations of the Licensing Commission including that they appear before the opening of the 2016 Fiesta to obtain carnival ride permits.

B) Cape Ann YMCA Fiesta 5K Road Race – June 23, 2016

Barbara Berry, Race Director for the YMCA, said that there are no changes from last year's successful Fiesta 5K. She reviewed briefly some of the plans (on file) such as starting the race at Stage Fort Park. She mentioned that the Blynman Bridge will be closed from 6:15 p.m. until 7:45 p.m. She noted one small route change to make it easier for runners to maneuver the course by keeping them in separate lanes as one section of runners goes up a street and another section of runners comes down it depending on where they are on the race course. The finish is still at St. Peter's Square, she said. **Councilor Gilman** discussed the particulars of runners running against traffic on East Main Street at Wall Street with police details directing traffic. **Councilor Cox** and **Ms. Berry** briefly reviewed the overall race course.

MOTION: On a motion by **Councilor Cox**, seconded by **Councilor Gilman**, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit the Cape Ann YMCA on June 23, 2016 to hold the St. Peter's Fiesta 5K Road Race with the following conditions:

1. **Certificate of Insurance:**
A Certificate of Insurance naming the City as an additional insured party is on file with the City Clerk's Office.
2. **Road Closure Plans:**
Applicant must have Police/Fire Department approval of any road closure/traffic plans 30 days before event, including any police details. Applicant and its staff must comply with specific directives of the Police Chief for managing runner traffic. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. A route map must be provided to the City Council. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues will require Council approval.
3. **Refuse and Comfort Stations:**
All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the event or early on the day of the event and removed by 11 p.m. the day of the event.
4. **Emergency Services** are as determined by City EMS Director.
5. **Staffing:**
Event staff is to have cell phones and to wear distinct shirts. A list of event staff and cell phone numbers to be submitted to Police, Fire and DPW Departments.
6. **Responsibility of the Cape Ann YMCA:**
The applicant is also required to obtain any necessary approvals from the Licensing Board, the Public Health Department and the Licensing Commission. It is the sole responsibility of the Cape Ann YMCA to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

C) Gloucester Block Parties: July 16, August 20 and September 2, 2016

Kerry McKenna, representing the Cape Ann Chamber of Commerce, the new Event Director for this year's Gloucester Block Parties, explained that the Block Parties have been before the SEAC. The hours each event are 6 p.m. to 10 p.m. this year, she noted. She said that the Chamber's Block Party Committee is open to suggestions because they want to see all three events be successful.

Councilor Cox noted that the plans for the 2016 Block Parties are the same as previous years. She asked that the music be appropriate for the anticipated crowd. She also mentioned about notices being placed on cars on Main Street well in advance of the evening of the events so that the cars are removed by the time of the Block Party starts. She offered her assistance to Ms. McKenna for any aspect of the Block Parties.

Councilor Gilman confirmed with Ms. Lowe that the Block Party event series had been vetted before the SEAC and had all the appropriate city departmental sign-offs was in place.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Cox, the Planning and Development Committee voted 3 in favor, 0 opposed, to approve a Special Events Permit to the Cape Ann Chamber of Commerce to hold the Downtown Block Party Series on Saturday, July 16, 2016; Saturday, August 20, 2016; and Friday, September 2, 2016 in order to temporarily close Main Street from the open driveway of Bank Gloucester to Washington Street for each date for three separate occasions between the hours of 5:00 p.m. and 11 p.m. with the following conditions:

1. No vendor/merchant set ups on the sidewalk blocking entrance ways to retail or residential units, hydrants, crosswalks, or handicap ramps.
2. All vendor set ups in the street are to allow for no less than a 10 foot unobstructed, drivable area along the entire route - slightly wider at the curve of the former Palazola's Sporting Goods at 85 Main Street - to maintain adequate access for emergency vehicles. Failure to provide a 10 foot unobstructed margin of drivable area may necessitate the removal or relocation of the vendor/merchant at the discretion of the Fire Department, the Police Department, or the Block Party Committee.
3. The organizers shall allow the Fire Department drive-through access with the fire engine at the convenience of the Fire Department.
4. Any restaurant/merchant set up of tables and chairs, tents, or area enclosures should extend into the street no further than the lines painted on the street for vehicular parking.
5. That all of the side streets – Short, Porter, Center, and Hancock Streets – shall not be blocked by vendors, food establishments, tables, chairs, enclosures, equipment, or vehicles, so emergency vehicles may enter and exit Main Street as needed.
6. Vendor/merchants shall be responsible for their own trash removal.
7. Signs indicating the location of comfort stations shall be the responsibility of the Block Party Committee.
8. Plumbing Codes and regulations shall be adhered to regarding use of restaurant bathroom facilities.
9. Special lighting and electrical requirements necessitate approval of the Inspector of Buildings and the Electrical Inspector.
10. The closure of the street at the intersection of Main and Short, Porter, Center, and Hancock Streets must be by means of sawhorses or the like, as directed by the Gloucester Police Department.
11. It is the responsibility of the Block Party Committee to procure any other necessary Federal, State, and local permits and approvals associated with this event.
12. That the Committee makes reasonable notification to all residents and merchants along the route that will be affected by the closure.
13. Restaurants or vendors wishing to serve food outside must notify the Board of Health 7 (seven) days in advance for approval and must obtain any necessary approval of the Block Party Committee.
14. Conditions or permitting requirements imposed by the Gloucester Licensing Board shall also apply and shall become incorporated herein as to the outdoor/sidewalk service of food and alcohol.
15. All other applicable laws, City ordinances, and/or regulations are in full force including Ordinances regarding blocking of sidewalks. The Police Department will enforce these requirements in the interest of public safety.
16. The Block Party Committee shall also adhere to any requirements expressed by the Special Event Advisory Committee including that:

(a) Written permission is to be obtained from the Assistant Public Works Director to close the public parking lot behind the Rogers Street entrance to the Dog Bar Restaurant for any performances, and (b) That a letter from the office of the Mayor be provided assuring that the event is covered by the City of Gloucester Insurance, and (c) this approval is based on the Gloucester Block Party 2016 Street Plan submitted to the Council to be filed with the Certificate of Vote.

C) Cape Ann Farmer's Market 2016 Season – Stage Fort Park

Nicole Bogin, Manager of the Cape Ann Farmer's Market (CAFM), said that they are requesting to run as they have previously from June 2 through October 13, 2016, Thursdays 3:00 p.m. to 6:30 p.m. She advised set up starts at 1:00 p.m. and breakdown is usually completed by 7:30 p.m. on market days. The 2016 Farmer's Markets have been before the SEAC, she noted.

Both Councilors Gilman and Lundberg voiced their agreement that the CAFM has the process worked out from previous years and that the organization does a great job.

Councilor Cox asked whether the Stage Fort parking lot is free parking while the Farmer's Markets were underway. Ms. Lowe said it is free parking during the events. Councilor Cox pointed out that vendors start setting up as early as 1:00 p.m. and the event doesn't start until 3:00 p.m. Ms. Lowe and Ms. Bogin confirmed that Farmer's Market vendors don't pay to park their vehicles in the lot and have placards to display on their vehicle dashboard. Councilor Lundberg said he agreed that vendors shouldn't have to pay any parking fee.

Councilor Lundberg said he understood that there was an agreement that vendors not park on the grassy spaces of the park. Ms. Bogin said that in an agreement they made with the Mayor's office that any vendor that needed to could park on the grass, and all other vendors could drive upon the grassy areas to unload and load. She said that having met with the Stage Fort Park Advisory Committee several weeks ago, it seems that the unloading and loading will cause more traffic across the park's grassy areas but that this matter has come forward again. She said that the CAFM would abide by whatever the Planning & Development Committee advises.

David Dow, Chair of the Stage Fort Park Advisory Committee (SFPAC) said that by way of his information, the Administration had advised the CAFM that they could park in the grass around the Gentile bandstand but it was limited to vehicles with refrigeration, and that all other people would park in the parking lot across the street. Ms. Bogin said in their meeting with the Mayor the CAFM was clear that they would send a list of vendors to the Mayor. She said it is more than refrigeration because some of the vending farmers need their trucks at hand to replenish their wares, and prepared food vendors need their vehicles at hand which are about 22 vendors with fresh food. By not allowing the vendors to park adjacent to where they are selling their products, she said, it causes more trips across the lawn to pull up, unload, drive to park their vehicles, and then return with their vehicles to pack up and then drive their vehicles back off the grass onto the roadway. She advised that the plan for the parking of the vendors' vehicles was also vetted by the Health Inspector and said that it is impossible for their vendors to continually walk back and forth for restocking fresh wares to the parking lot across the street.

Councilor Cox expressed concern that the Mayor was making agreements, but that it is the Council's purview to permit events. Councilor Lundberg said he agreed but that there are some logistical questions that will have to be handled, "on the ground" by city management. He said the Committee can permit the event with its conditions in place and that the Public Works Department will work out these kinds of details. Councilor Cox suggested there was a conflict between what the SFPAC is recommending and what the CAFM wants to do. Mr. Dow said it was his understanding that this was supposed to be the last year that the CAFM was going to locate vendors at the bandstand and that this year there would be refrigerated units only parked there. He added that the park needs to be respected. Ms. Bogin reiterated that it was either two trips for a vendor or one and confirmed that the CAFM was willing to do either option.

Councilor Lundberg recommended the Committee move to permit the 2016 Cape Ann Farmer's Market event, and that he would speak with the Administration to make clear what appears to be a conflict of vendor parking at the bandstand. He said he understood the number of trips back and forth for vendor vehicles as Ms. Bogin has described. Councilor Cox acknowledged Councilor Lundberg's recommendation, and Mr. Dow said he was fine with the Councilor's recommendation.

MOTION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning and Development Committee voted 3 in favor, 0 opposed, that the Cape Ann Farmer's Market (CAFM) is permitted to hold a Farmer's Market as that term is defined in Chapter 11 of the Gloucester Code of Ordinances for the 2016 season from June 2, 2016 to October 13, 2016 with hours of operation from 3:00 p.m. to 6:30 p.m. at Stage Fort Park with the following guidelines and conditions:

1. There shall be approximately fifty (50) vendors, some of whom are exempt as “farmers” fish sellers or vineyards. The remaining vendors not exempt under these categories must be licensed seasonally from the Gloucester City Clerk’s office.
 2. The locations of 2016 CAFM vendors shall be as shown on the plan filed with the City Clerk with this Special Event Permit application.
 3. Trash removal shall be the responsibility of the CAFM.
 4. CAFM staff shall be identified by T-Shirts.
 5. All vendor stands or tents shall comply with all Gloucester Building Inspector, Electrical Inspector, and Health Department regulations and licensing.
 6. The CAFM shall provide a Certificate of Insurance naming the City of Gloucester as the Certificate Holder to the City Clerk prior to the start of the 2016 opening date for the four and a half (4½) months of the 2016 CAFM season.
 7. The CAFM shall comply with all directives of the City of Gloucester Police Department and any directives of the Gloucester Fire Department/EMS, and any directives of the Gloucester Licensing Board.
 8. It is the obligation of the CAFM to obtain any necessary state permits.
 9. CAFM is responsible for complying with all Gloucester Public Works Department regulations and any charges or costs required by the Public Works Department.
3. *Memorandum from General Counsel & Assistant General Counsel re: changes to GZO Sec. 5.27 et al entitled, “Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities”* (Also referred to the Planning Board) (TBC 04/06/16)
4. *CC201-014 (Lundberg/Cox/Gilman/Nolan) Request P&D Committee review the draft proposed ordinance which creates a new wireless communication facilities ordinance Section 5.13 and amend the Zoning Ordinance accordingly* (TBC 04/06/16)

Both P&D Agenda Item #3 and #4 were noted by the Committee to still be on the agenda of the Planning Board. Agenda Item #3 had been continued by the Board to their April 7 meeting and that the Board had only received the draft proposed Zoning Ordinance amendment to Section 5.13. It was suggested that both items would likely need to be continued out to the P&D Committee’s April 20 meeting pending a recommendation on both Agenda Item #3 and #4 from the Planning Board.

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:

- Photograph of 11 Wall Street submitted by National Grid Representative related to PP2016-004

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A TRUE COPY ATTEST
Anna Lowe