

Planning & Development Committee
April 20, 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; Councilor O'Hara (at 5:53 p. m. left at 6:40 p.m., returned at 6:45 p.m.); Jim Destino; Linda T. Lowe; Mark Cole; Matt Coogan

The meeting was called to order at 5:31 p.m.

1. Advertised Public Hearings:

- A) PP2016-006: Application by National Grid & Verizon New England to install S.O. Pole at Centennial & Western Avenues re: new Blynman Canal bridge house
- B) PP2016-007: Application by National Grid & Verizon New England to install underground conduit, and handholes re: Service to new Blynman Canal bridge house

These public hearings are opened at 5:30 p.m.

Those speaking in favor:

Peter Glynn, National Grid (NG) representative, said that National Grid (NG) and Verizon New England asked that these public hearings be continued. He said they need to do another manhole survey and may take care of much of the underground conduit initially thought they would have to lie. They will resurvey. They spoke with Mike Hale, DPW Director, who indicated that they want this resurveyed as well. They want to ensure it is all correct and are looking again at the manholes and to find a design less intrusive in the public way. They have a manhole that was abandoned and look for the conduits, which are up towards the bridge itself and will look on Friday.

Jim Destino, CAO, expressed his concern that time is of the essence. This resurveying would be a delay of two weeks (to be taken up at the next regularly scheduled P&D meeting) and expressed further concern for MassDOT's plans. He also expressed concern that by waiting another two weeks to begin construction it edges into the summer tourist season as well as MassDOT's need to move their project of building a new bridge tender house forward.

Councilor Cox asked how the Verizon strike affects this project. **Mr. Glynn** said that it would not have any effect whatsoever. **Mr. Destino** briefly reviewed with Mr. Glynn the differences between what was proposed originally in the application and what changes in the design were anticipated. **Mr. Glynn** noted where NG believes there are existing conduits and an abandoned manhole that can be resurrected for their purposes. He pointed out that the S.O. pole is of the wrong height, but also may not be necessary. The idea, he said, is to make use of as much equipment that already exists under and above the roadway(s) resulting from the new survey.

Both **Councilors Cox** and **Gilman** expressed their concern for as well about the timing of this project because of summer boat and pedestrian traffic at the mouth of the Annisquam River and along Stacy Boulevard. **Councilor Cox** confirmed with Mr. Glynn that the bridge functions would not be affected in order to accomplish the project by National Grid.

After a brief discussion with **Mr. Glynn** who said he believed documentation could be provided post haste, the Committee determined would call a special meeting on Tuesday, April 26 at 6:30 p.m. to review design changes resulting from a Friday, April 22 National Grid survey with an eye to permitting the two Pole Petitions as soon as possible in order for the MassDOT bridge tender house project to move forward.

This public hearing is continued to Tuesday, April 26 at 6:30 p.m. to be held in the 1st Fl. Council Committee Room.

2. Special Events Application: Request to hold the Magnolia Farmers Market June 1-Sept. 30, 2016

Catherine Hull, 2 Ocean Avenue, representing the Magnolia Library, the organization that sponsors the Magnolia Farmers Market, highlighted some of the features of this year's Magnolia Farmer's Market which benefits the Magnolia Historical Society in that proceeds from the table fees go to the restoration of the Blynman School owned by the MHS. She noted that plans are the same for the event as last year.

Linda T. Lowe, City Clerk, reminded Ms. Hull that the organizers still need to pay the \$25 Special Events Permit Application fee and **Ms. Hull** assured they would do so promptly.

Councilor Nolan endorsed the event advising the Committee that the organization did great work during last year's Lexington Avenue Farmer's Market season. **Mr. Destino** confirmed he would provide the memo for the insurance coverage. He inquired of Ms. Hull if they were aware of any stipulation that people who are applicants to the Lexington Avenue Farmer's Market are prohibited from vending at the Cape Ann Farmer's Market or vice versa. **Ms. Hull** said that there are no restrictions that she was aware of.

Councilor Cox briefly discussed placement of trash receptacles and asked if recycling receptacles can be provided by the city. **Mark Cole**, Assistant Public Works Director said he would help to explore that possibility. **Councilor Nolan** confirmed last year there were three receptacles.

MOTION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit the Magnolia Farmer's Market on Mondays from June 1, 2016 to September 30, 2016, from 4:00 p.m. to 7:00 p.m. Lexington Avenue is to be closed from Norman Avenue to Flume Road with appropriate signage posted at either end of Lexington Avenue advising motorists of alternative routes. A Certificate of Insurance naming the City of Gloucester as Certificate Holder is to be on file with the City Clerk's office no later than May 27, 2016 or in lieu of a Certificate of Insurance a letter from the city's Chief Administrative Officer stating that the city is responsible for the insurance. The following conditions apply:

1. Applicant is to notify all abutters of the closed area of Lexington Avenue in advance of the events;
 2. Applicant is responsible for providing adequate trash receptacles and for removal of same;
 3. Applicant has agreed to make Magnolia Library bathrooms available to the public;
 4. All vendors, except those excluded by state law, are to obtain city vending permits prior to May 27, 2016 from the office of the City Clerk.
 5. That the Magnolia Farmer's Market must have two or more farmers primarily selling products grown, produced, or raised by farmers present in order to constitute a "Farmer's Market" in keeping with the Mass. Department of Agricultural Resources Policy for Mass. Farmers' Markets and with the definition in the Code of Ordinances, Chapter 11.
3. *Memo from Gloucester Clean Energy Commission re: recommendation to consider a municipal aggregation of electricity purchase*

Councilor Lundberg advised that this is a public meeting but not a public hearing. The only thing on the agenda is to hear from the Clean Energy Commission and their recommendations to the City.

The Committee heard from **Candace Wheeler**, Chair of the Clean Energy Commission who reviewed the Commission's memorandum of recommendation that the city consider a municipal aggregation of electricity purchase or community choice aggregation (CCA) (on file). The concept was described as a way to lower electricity costs to households and businesses and to reduce the community's carbon footprint. CCA plans work through a consultant to buy electricity on a quantity basis. Several years ago when the utilities were deregulated it is possible now to buy one's own electrical supply separate from the distribution of electricity. The local utility will still deliver the electricity to every residence and business as always, but a household or business can choose their supplier, and if part of a larger group there is more leverage to bargain for a lower price and a greater proportion of renewable energy in the packaged electricity bought. Currently under MGL every utility has to have at least 11 percent of renewable energy as part of their overall electricity stream sent to customers. It was indicated that other communities who've already adopted such CCA plans are able to get an electricity supply for the customers in their community that are cheaper than they are currently paying the utility and has more than 11 percent of renewable energy in the mix. There is a suggestion that if one is willing to yield on some pricing, there is a way to yield a higher percentage of renewable electricity into the main stream of electrical service provided to the community.

Ms. Wheeler said the CEC believes it would be worth the city's consideration to take a closer look at aggregation to see if this is something that would be good for Gloucester. She indicated there are concerns that the CEC wants to pursue, which is that whatever the city does that they be cognizant of the fact that there is a significant percentage of households that have special reduced rates through their utility if they fit certain low or moderate income criteria and will seek assurances that should Gloucester choose aggregation that it doesn't have an impact on these households. She urged that the best way to look into this is to have MAPC (Metropolitan Area Planning Council) lead a presentation to the group, to explain how a community joins into this process; working with a

consultant who is an expert in dealing with the volatile and complex electricity market and whose role is to assist the community in walking through all the steps.

Councilor Cox asked when the 11 percent renewable energy is required. **Ms. Wheeler** said it is now as required by law and increase one percent in each subsequent year as provided by National Grid. It is possible for a community to do more than that without causing financial hardship **Ms. Wheeler** indicated, as well as stabilizing electric rates. One of the communities the CEC watches is Melrose, who just began CCA, and she said that community will have 5 percent more over the 11 percent of renewable energy as part of their package without a negative price impact.

Councilor O'Hara joined the meeting at 5:53. Again there was a quorum of the City Council present.

Councilor Lundberg said the Clean Energy Commission is a volunteer commission appointed by the Mayor. This is a purchasing decision to be administered by the Administration. **Mr. Destino** expressed his agreement. He said the first step is to get a consultant to oversee the implementation of a program to obtain data. **Councilor Lundberg** asked whose job it is to pick this consultant. **Mr. Destino** said this is what the Administration has done - there is a vetting process which they let the city's partner, MAPC, do that vetting for the city. They came up with the consulting company, "GoodEnergy" (Norwalk, CT). He said this is a difficult, complex issue for an individual or business to go through, adding that the MAPC has done the vetting, and the city endorses this group along to the Council. He noted another group in the room who is interested in doing the same thing as GoodEnergy for the city. **Councilor Lundberg** made clear that he didn't want the Council to be involved in vetting or picking consultants. **Mr. Destino** said that through this data analysis portion to determine whether this program could work for the city and its residents, there is another bite of the apple before the contract to be signed.

Councilor Lundberg consulted with the Committee who agreed to hear from the MAPC representative in order to help the Committee better understand the Community Choice Aggregation process. He made clear he didn't wish to get into the issue of the consultants. They agreed also to hear from Matt Coogan, the city's Senior Planner.

Ani Christian, MAPC Energy Planner, introduced Philip Carr, Business Development Director for GoodEnergy, the MAPC selected consultant as part of the MAPC procurement, and then related the following information to the Committee: Electricity choice aggregation is the ability for a municipality to secure competitive electric rates on behalf of their community. The benefits are twofold -- to secure competitive pricing from a utility who secures their electricity on a six month contractual basis at a particular time and can't take advantage of price fluctuations to lock down advantageous contracts. Through an aggregation a municipality enters into longer term contracts which are especially advantageous for those households on fixed incomes and for lower income individuals. *An aggregation doesn't affect the discount that National Grid provides. Aggregation would just affect the supply rate and the discount would apply on top of that.*

The MAPC program was started with Melrose in 2014 for pilot program for hiring aggregation consultants, and helping that community through the planning process, drafting an aggregation plan, taking it to the Department of Public Utilities (DPU) for plan approval and entering into contract for electric supply. **Mr. Christian** said Melrose's program is working great and pointed out that they have added five percent above the 11 percent on renewables. MAPC does regional procurements, he advised, and said the MAPC ran another procurement process for the energy consultants abiding by MGL 30B procurement regulations (although not required) and selected GoodEnergy as their partner consultant. The piece they're pushing is adding the extra renewable energy while keeping the price in mind for all the MAPC communities. The next step is to have a motion passed at City Council that they indicate their desire to allow the city to pursue the development of a community choice aggregation plan.

Councilor Gilman asked about opting out of such a CCA program if a household or business isn't interested in participating and asked if there is flexibility should people to change their mind. **Mr. Christian** said that by default anyone who hasn't already gone out to select their supplier independently is looped into the aggregation and can leave the program at any time without penalty, whether it is before the program begins, or during the contract period of the program, they can opt out without penalty.

Matt Coogan, the city's Senior Planner and Clean Energy manager, made clear that the recommendation from CEC and his recommendation as a staff member on behalf of the Administration is to look into CCA not just general aggregation. He said that based on the Administration's recommendation, it is to have good energy and to give an overall view of what a CCA program entails. He pointed out there are different ways to do CCA, and one of the reasons why GoodEnergy was chosen over other vendors is that they partnered with MassEnergy which is producing higher add-on renewables to communities electric stream. He said that he recommends the MAPC program for three reasons: 1) Price stability; 2) Green additionality; and 3) to save Gloucester residents money. He noted that Gloucester is already a Green Energy community. He said the city has two turbines for which MassEnergy purchases the credits produced by the turbines. He advised that this program increases the amount of renewable

energy within the state for projects including the Gloucester turbines. This program increases the ability potential for more renewable energy projects to move forward in the city and state in general, he said.

Councilor Cox asked if any other consultants were vetted other than Good Energy. **Mr. Coogan** said they have a long relationship with MAPC and reminded the Committee it was through the MAPC that they secured an advantageous contract with Siemens for the city's recent LED streetlight conversion and other green initiatives. He said that the benefit of working through the program from the MAPC is that the MAPC had already pre-vetted the consultant which places the city a step ahead in the process.

Councilor Cox asked what kind of educational community outreach is planned by the consultant. **Mr. Christian** said that the prime reason GoodEnergy was selected was their consulting partner is because of their strong outreach capabilities. GoodEnergy will ensure the city has minimal work to do when it is time to inform the community about the program and field most of the questions. Mr. Christian then referred to the three page document he distributed to the Committee (placed on file), "Community Electricity Aggregation Plus" which also included a timeline

The opt-out process was questioned by **Councilor Cox**. **Linda Stout Saunders**, Clean Energy Commission said she has read through CCA contracts, state regulations and reviewed what other cities have done. Highlights of her review included her remarks on the thorough job the consultants do in educating communities of the CCA program; that households and businesses are opted in unless they're with another supplier, National Grid would be the main supplier. Billing comes from National Grid; the distribution charges remain the same and on a residential or business electric bill it will show the name of the supplier and have the rate. Under the CCA program it is a lower rate typically than charged by National Grid. Electric bill payments are made to National Grid. Should lines go down in a storm, for instance, or a car takes down a utility pole, electric customers will still call National Grid for repair of their service. If a household or business chooses to opt out of the CCA program for whatever reason, depending on the contract, it can take 30, 60 or up to 90 days before they are opted out. There is no penalty to opt out to the household or business. CCA contracts are one, two or three years. **Ms. Stout-Saunders** noted that on the Melrose website it shows the CCA program hotline number, and that there is very little involvement by the city in the program.

Councilor Gilman said while the CCA concept may be difficult to grasp, it is an easy way to be more green, save money and reduce one's carbon footprint, a the goal of the Clean Energy Commission. Responding to **Councilor Gilman's** inquiry, **Mr. Coogan** said that they'd asked the MAPC to be present to cede this off to GoodEnergy as it is GoodEnergy that would be doing all the community outreach because MAPC has completed its current portion of the process. **Mr. Christian** said this is a way to make a difference in the entire community. To change a supplier can be done by an individual now, but that the supplier garnered through this program would give the entire city the opportunity to be greener by having a much smaller carbon footprint. This is a way to get competitive price, price stability and renewables, he said, by 85 to 90 percent of the community making a choice to go for a greener solution for their electric needs. **Councilor Gilman** said the city would save money over time as well with CCA. **Mr. Coogan** advised that the city already does competitive pricing for its electricity supply, and they could continue what they do that or go with GoodEnergy. **Councilor Gilman** said the CCA program seems to be very positive for the community. **Mr. Christian** said this is the first procurement MAPC has done on behalf of all 101 member cities and towns which their organization believes will be seamless and impactful to the community. Depending on what the market looks like when they go out to purchase the electricity or enter into the contract with a provider that is something the consultant helps with, he said.

Councilor Cox highlighted the fact that this is the city making a decision for the entire community. She recounted her experience when living in Arizona in a CCA community where it was not a successful cost savings. **Mr. Christian** said the way the aggregation process works they will know the price up front, and the rate will be competitive but added that there is no guarantee the electric rate will always be lower.

Councilor Gilman reviewed the CCA process as outlined in the Community Electricity Aggregation Estimated Timeline (on file) briefly. **Councilor Cox** indicated she would prefer that outreach was accomplished first then for the Council to okay the plan. **Mr. Coogan** said the Council at this time just needs to make a simple motion to allow the city to create a relationship with Good Energy to start the process of developing a CCA plan and put in the priorities for the community and set goals. Once that plan has consensus goes to state's Dept. of Public Utilities for approval. He suggested that there could be two or three options they could put before the community and ask them which they prefer, but they would have to agree on one. It was also noted there was some time sensitivity to this matter as typically energy prices spike in winter, and that in order to stabilize pricing for the community during that season, entering into an energy contract before the end of the year would be good possible goal.

Councilors Lundberg, Cox and Gilman discussed with **Mr. Destino** the process by which the Council would be a participant in the process with input from Mr. Christian. In the end, the Committee determined it wanted to

recommend that the City Council agree to allow the city to develop a plan for Community Choice Aggregation only. Then the Committee would pursue further discussion on the subject at subsequent meetings to better educate themselves and their colleagues on the subject matter.

Councilor Gilman confirmed that the action the Committee was taking is to only vote to recommend to get a plan in front of the Council in some time in the future. In the interim the Committee will hear more about the development of the plan.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council authorize the development of a Community Choice Aggregation plan for the City of Gloucester.

The overall matter of the development community Choice Aggregation Plan will be continued to May 4. The motion voted by the Committee will be presented to the Council for its vote under the Planning & Development Committee Report by the Chair.

4. *Memo & pertinent information from General Counsel re: Blynman Canal License Agreement*

Councilor O'Hara left the room at 6:40 p.m. There no longer was a quorum of the City Council.

Mr. Destino explained that General Counsel received, reviewed and approved of the city entering into a License Agreement with the Commonwealth of Massachusetts Department of Transportation for the new bridge tender house at the Blynman Canal Bridge as it is unsafe. Future plans are to replace the Blynman Bridge, he said, pointing out that it is one of the busiest bridges in the Commonwealth for boat, vehicular and pedestrian traffic. He explained that the first step is to build a temporary bridge where the old tender house is sited, and to put the new bridge house on the other side of the street. He advised that the ward councilor had a meeting with the neighbors who are all in agreement with the plans. The situation is considered temporary, but the license is for a term of 15 years, he said, and further advised that he heard it is a high priority of MassDOT to replace the Blynman Bridge. He said that MassDOT has received from the Zoning Board of Appeals and the Conservation Commission has given MassDOT an Order of Conditions for the work that needs to be done, and that this license agreement is the last step. The Mayor's office endorsed this project, and MassDOT has spent a great deal of time, money and effort on the temporary situation, he said, and noted that this is a good solution to house the electronics and the bridge tender.

Councilor Cox confirmed that what is proposed is a more permanent structure than the current trailer in place for up to 15 years at that location but that may change sooner. **Mr. Destino** said if there was a catastrophic failure of the Blynman Bridge MassDOT would replace the bridge at that time – the first step is the temporary bridge.

Councilor O'Hara returned to the meeting at 6:45 p.m. creating a quorum of the City Council.

He advised that the bridge tender house is to be 10 feet by 24 feet, and the license agreement calls for a payment to the city of \$150,000 to be paid in full within a reasonable time after the execution of the license and \$833.33 to be paid monthly to the city by the Licensee after the expiration of the 15 year term until the institution of a new Licensing Agreement.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Cox, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve a License Agreement between the City of Gloucester and the Commonwealth of Massachusetts Department of Transportation for the purpose of the use of a portion of a property located on Map 4, Lot 1 recorded in the Essex County South District Registry of Deeds and shown as "Limits of Licensed Area 493+ or -" as shown on a plan entitled, "Blynman Canal Tender House Western Avenue (RTE. 127) Gloucester Massachusetts Essex Easement Plan" dated March 22, 2016 prepared by BSC Group and attached to the License Agreement as Exhibit A and also as described in Exhibit B further attached to the License Agreement for a term of 15 years from the execution date of said License Agreement.

5. *Memo & relevant information from General Counsel re: Access & Utility Easement & Supplemental Agreement for In Motion Wireless & the Massachusetts Bay Transit Authority*

Councilor Lundberg said this utility easement agreement is to support InMotion Wireless for the positive train control the MBTA needs to install along its right of way. He said this matter was in the interest of railroad safety.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve a License Agreement and Supplemental Agreement between the City of Gloucester and InMotion Wireless and the Massachusetts Bay Transit Authority (MBTA) for the purpose of an Access and Utility Easement under, across and over the real property at 291 Main Street, Rockport, Massachusetts as described in said agreement as Exhibit A as owned by the City of Gloucester, and the Easement Location within the Property as Exhibit B and indicated on a plan entitled, "Utility Plan E1.1" for a consideration of \$1,000 in exchange for said easement.

6. *Acknowledgement of Receipt of Documentation from Stage Fort Park Advisory Committee re: Rental Fees for Stage Fort Park and referral to DPW Director for comment*

Councilor Lundberg acknowledged the Committee's receipt of the Stage Fort Park Advisory Committee memo regarding rental fees for some activities in the park. The Committee placed the memo in its files.

This matter is closed.

7. *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) (*Cont'd from 03/16/16*) (TBC 05/04/16)

This matter is continued to May 4, 2016.

8. *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 05/04/16)

This matter is continued to May 4, 2016.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:53 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Two documents from MAPC on Community Electricity Aggregation