

Planning & Development Committee
Wednesday, May 24, 2016 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Lundberg; Vice Chair, Councilor Cox; Councilor Valerie Gilman

Absent: None.

Also Present: Chip Payson; Gregg Cademartori; Matt Coogan; Candace Wheeler

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

The agenda was taken out of order.

4. *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 04/20/16*)

Chip Payson, General Counsel, stated that this matter was discussed at length in the committee process and before the City Council in 2013 and what was passed onto the record inadvertently omitted some sections. In an effort to clean that up and include the whole matter that was discussed back then, it was reintroduced before the council. What the committee has before it is the recommendation made by the Planning Board, which is relatively straightforward.

Mr. Payson called the committee’s attention to the Planning Board’s proposal to strike Section 5.27.9, which essentially brings the special permit back to the council annually for renewal, which the Planning Board believed was onerous and a lot for the council to deal with every year. The Planning Board put in language under Section 5.27.9(3) that requires the permit holder to file an annual report with the City Council no later than January 31st.

Councilor Lundberg noted that the motion and the memo from the Planning Board are not included in the packet but were circulated to the committee members after the packet went out. **Councilor Cox** indicated she did not receive the Planning Board recommendations.

Gregg Cademartori, Planning Director, stated that the proposed amendment was discussed over three sessions at the Planning Board. He noted that a lot has changed since the ordinance was first adopted in 2013. Therefore, the Planning Board strongly recommended focusing on the purpose of the ordinance, which is to regulate a proposal should it come before the City Council. **Mr. Cademartori** indicated that there was also public testimony about the annual renewal, which is unusual for land use permits, noting that after the structure is built there is not going to be a lot of change and stating that it does not make sense to have people go through the major project special permit process every year. The amendment is now consistent with the annual renewal process that the Department of Public Health is going to go through with registered facilities, and the Planning Board believes it is appropriate that locally we have the same jurisdiction of power should anything happen that upsets the applet. **Mr. Cademartori** indicated that the Planning Board also had several meetings with the police chief through this process to gain his input and he was comfortable with the requirements for the allowance of background checking and annual reporting.

MOTION: 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 accept the proposed amendments to the Gloucester Zoning Ordinance section 5.27 and section VI related to medical marijuana treatment centers and medical marijuana cultivation facilities as is included in the Planning Board memo dated April 28, 2016 to the City Council and attached hereto by incorporation and reference.

This matter will be advertised for public hearing.

1. Advertised Public Hearing:

- 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 (Cont’d from 03/16/16)

This public hearing is opened at 5:45 p.m.

Those speaking in favor:

Peter Glynn, representing National Grid, said that the switchgear is still under construction design. He spoke to the designers earlier today and they indicated they are going to change the location of the switchgear. Mr. Glynn is not sure where the new location is going to be.

The public hearing is continued to Wednesday, May 18, 2016 at 5:30 p.m. to be held in the 1st Fl. City Council Room.

B) 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 (Cont'd from 03/16/16)

This public hearing is opened at 5:46 p.m.

Those speaking in favor:

Peter Glynn, representing National Grid, said that this will be placed underground in the sidewalk in order to save the green space. **Councilor Cox** thanked him for going back to the drawing board because she did not want to lose the entire corner of green space.

Those speaking on opposition: None.

Communications: None.

This public hearing is closed at 5:47 p.m.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Cox, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit National Grid and Verizon New England to install new sidewalk vault (underground structure) (20' x 7') between Middle Street and Warren Street. National Grid will also install about 40' of underground conduit between the sidewalk vault and existing manhole #54 on Pleasant Street including the necessary sustaining and protecting fixtures as shown on Plan #21195562 dated 04/01/2016 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 green spaces 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 is to prepare the easement for City Council approval.**
2. *Revisit of 03/16/16 Special Events Permit for the 2016 Cape Ann Farmers Market (CAFM) at the request of the Chair of the Planning & Development Committee*

Councilor Lundberg reviewed that the Planning & Development Committee approved the special events permit for the 2016 Cape Ann Farmer's Market on March 16 and conducted a site visit in April with the Mayor. The committee discussed what the conditions would be, and **Councilor Lundberg** said that he drafted and circulated an amendment to the permit and has not heard back from anyone. Therefore, he assumes it is okay.

MOTION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to AMEND its vote on the Special Event Permit for the 2016 Cape Ann Farmer's Market as voted on March 16, 2016 by adding the following condition:

“10. Vendors may drive their vehicles on the dirt access road to set up and break down their booths, but will park their vehicles in the parking lot across Hough Avenue during the Farmer's Market (“Market”). Vendors who need to access their vehicles during the Market because of refrigeration needs or to replenish fresh goods may park their vehicles adjacent to their booths, at the direction of the Cape Ann Farmer's Market management, who will use their good judgment to minimize any impact on the grass areas adjacent to the dirt road.

Councilor Cox requested that Nikki Bogin walk the area after everybody leaves the Market to collect the zip ties left on the ground.

3. *Development of Community Choice Aggregation Plan (Cont'd from 04/20/16)*

Matt Coogan, Senior Planner, introduced Philip Carr, Stefano Loretto and John O'Rourke of GoodEnergy and Patrick Roche of MAPC. **Candace Wheeler**, Chair of the Clean Energy Commission, noted that representatives of MassEnergy are also in attendance, which is part of the MAPC/GoodEnergy consortium.

Mr. Roche stated that MAPC was looking to put together a program to help municipalities move forward with aggregation in a timely manner and meet clean energy goals in order to make an impact on the grid and reduce their greenhouse gas emissions. MAPC selected GoodEnergy after looking at their qualifications, experience and ability to meet the city's clean energy goals.

Mr. Carr reviewed the benefits and risks of the program and stated that residents can opt out at any time. **Mr. Loretto** discussed GoodEnergy's successes in other cities, including the ability to translate materials into several languages so that residents are properly educated. **Mr. O'Rourke** reviewed the process of development and approval of the aggregation plan, including the public awareness and education campaign, and there was a discussion about what will be included in the public awareness campaign.

Mr. Carr stated that if the plan gets to the Department of Energy Resources (DOER) in the next couple of weeks and the public review hearing is done at the same time, he expects that the approvals will be done by the end of September and we can go out to bid in November. **Mr. Loretto** noted that the goal of the program is to get in before the rates spike up in the winter. **Mr. O'Rourke** stated that the council will have copies of the plan as it is developed. Once councilors and the community have had a chance to look at the plan and approve it, the council will vote to submit the plan to DOER.

Mr. Coogan stated that the wind turbines at Blackburn are creating electricity that goes back into the grid, as well as renewable energy credits, and that the city purchases electricity that is produced by the turbines. For every supplier that provides electricity, a portion of that power has to come from renewable energy sources. This aggregate program would increase the percentage of the city's electricity that is coming from renewable energy but the city would be purchasing the credits rather than the electricity itself. The more credits you purchase, the more demand there is for additional renewable energy for the state and the region.

Erin Taylor, a representative from MassEnergy, explained that MassEnergy has signed a 10-year contract with the Municipal Wind at Blackburn (a private-public partnership) to buy the renewable energy certificates (RECs) the two turbines generate, which is an additional funding source. She indicated that RECs represent electrons that have gone onto the grid and allow demand to be shown for renewable energy. RECs can also be sold by the developer to help fund the project. **Ms. Taylor** stated that MassEnergy can put the RECs toward the additional renewable energy that is in the aggregation supply, which means that Gloucester residents are getting a little bit more renewable energy than is mandated by the state and it is coming from the Gloucester turbines.

Councilor Lundberg recommended that the councilors read the memo that Ms. Wheeler prepared a couple of years ago explaining what aggregation means. **Councilor Cox** requested samples of materials in English, Portuguese, Italian and Spanish that she can use at her ward meeting, and **Councilor Gilman** recommended that all councilors hold ward meetings to educate the public on this program.

5. *CC2016-014 (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 (Cont'd from 04/20/16) (TBC 05/18/16)*

6. *CC2016-022 (Nolan) Request that the P&D Committee consider whether the Gloucester Zoning Map shall be amended to match Sec. 2.1.1, "Enumeration of Zoning Districts and the definitions contained therein specifically that of the BP (Business Park) (TBC 05/18/16)*

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:32 p.m.

Respectfully submitted,

Maria C. Puglisi

Substitute Recorder

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- GoodEnergy Packet entitled "Community Electricity Aggregation"