

**Special Planning & Development Committee**

Thursday, June 2, 2016 – 4:00 p.m.

**1<sup>st</sup> Fl. Council Committee Room – City Hall**

-Minutes-

**Present: Chair, Councilor Lundberg; Vice Chair, Councilor Cox; Councilor Valerie Gilman****Absent: None.****Also Present: Dan Smith; Chip Payson; Tom Daniel; Gregg Cademartori; Bill Sanborn****The meeting was called to order at 4:02 p.m.****1. *Communication from Attorney John Cunningham re: The Beauport Hotel Gloucester project and Compliance with Special Council Permit conditions & the issuance of a Certificate of Conditions Complete***

**Councilor Lundberg** said this matter, that of the Beauport Hotel Gloucester Project and Compliance with Special Council permit conditions and the issuance of a Certificate of Conditions Complete appear in the Zoning Ordinance Appendix A, Rule 25, Rules of Procedure regarding Special Council Permits, Sec. 5 “Council Action, i., The successful applicant shall be required to provide documentary evidence to the City Council proving that any and all conditions specified by the Council in the Special Council Permit issued have been complied with and there upon the Council will issue a “Certificate of Conditions Complete...” He said that the sole purpose of this Special Planning & Development Committee is to learn of the status of these conditions and then to vote to recommend that the Council issue a Certificate of Conditions Complete.

He reminded those in attendance that this was a public meeting not a public hearing. He explained the Committee will hear from city staff, and that the applicants are present and available to answer questions should the Committee ask. There has been a request by a member of the public to record the meeting which permission has been given. He advised that a member of the audience had asked permission to record the meeting and he had assented to that request.

**Councilor Lundberg** said that by a letter dated May 18, 2016 letter from John Cunningham, Attorney to the Applicant, transmitted to the city through the Administration to the City Council a packet of documents (on file) to support the issuance of a Certificate of Conditions Complete, which is long and complex. He recounted that during the process of the work since the Special Council Permit was passed in 2013 and amended 2014, and since construction started, the Applicant and various city staff have been in constant contact as the project has progressed, for the issuance of the Certificate of Conditions Complete, and read the Special Council Permit and all the conditions, reviewed all the documentation provided by the Applicant that they have completed the conditions, he said. He added that as a lay person it appears to him that the Applicant has satisfied the numerous conditions, that they have been met. However, he asked Bill Sanborn, Building Inspector for a status report.

**Bill Sanborn**, Building Inspector, said that he submitted a letter dated today’s date to the Mayor requesting that the beach deed to be recorded as all the conditions have been met for that to be accomplished. He said this was one of the better jobs to work with, that Lee Delliker, President and owner of Windover Construction, was good to work with, as were the architects and designers, as were the owners of the property. The project came out very well, he said, but it isn’t completely finished -- there are odds and ends and a few more requirements on Building Code side to be completed, but added he didn’t anticipate any issues.

**Councilor Lundberg** advised that once the Council issues a Certificate of Conditions Complete, then it is up to the Building Inspector to finalize all the necessary documents, occupancy permits. This is a step towards that, but it is not that step, he added, which **Mr. Sanborn** confirmed. He said they are talking about the Decision of the City Council dated May 7, 2013 which is the original Special Council Permit and the four appendices attached thereto: 1. Special Permit Conditions, 2. Parking Plan conditions, 3. Conservation Commission Order of Conditions #1-#78, 4. the Beach and Development Agreement. The Special Council Permit was modified on April 24, 2014 by the City Council (all documentation on file). In the submission of the Applicant as to each condition, there is a commentary or supporting documentation that the particular condition has been met.

**Councilor Cox** asked they go through the conditions and if each was met and how that has transpired, and learn what issues may still be outstanding. **Mr. Sanborn** said the final “As-Builts” for the project, which would be the site plan. A lot is on paper and filed, he advised, and has been documented but there are some final layouts to be added.

Noting she was the only member of the Committee who had been with this project from its inception, Councilor Cox, then took the Committee through all fourteen of the original conditions as follows:

- #1. Emergency generator testing and maintenance, as required by the State Building Code and NFPA 110, shall only occur between the hours of 12:00 noon and 2:00 p.m., except in cases of an emergency.** It was confirmed by **Mr. Sanborn** to **Councilor Cox** that this is in the Owner's Manual and confirmed by **Lee Delliker**, Windover Construction's President and Owner, that the generator had been moved from its originally planned site on the property.
- #2. There shall be evergreen vegetation planted and maintained at the sound board wall on Fort Square. The vegetation shall be of a species that will withstand the salt air and other environmental considerations in the area. A landscaping plan reflecting the required vegetation shall be submitted to the Building Inspector prior to the issuance of a building permit.** Councilor Cox advised there was a modification to the plan and the generator is now inside the building, which was confirmed by Mr. Delliker.
- #3. Applicant shall purchase two (2) identical decibel meters (sound meters) one of the Gloucester Inspector of Buildings and the other for the Hotel Community Liaison.** **Mr. Sanborn** this condition was changed by his request. The Applicant did purchase a sound meter that is at the hotel that they will use, but he advised that the city doesn't need another sound meter for the Building Department as they already have two, and they all have cell phones which he said were very accurate in their sound recordings. He said instead, the Building Department had a need for a light meter -- so in place of the sound meter the Applicant purchased the light meter for the Building Department. **Councilor Lundberg** advised that Mr. Sanborn did submit a memorandum to that effect (on file).
- #4. As relates to sound and odors, the applicant shall provide a Hotel staff person to act as a Community Liaison to listen to and follow up on neighbors' concerns.** **Councilor Lundberg** confirmed that the hotel's Assistant to the Human Resources Director is taking on this role as identified in the record of documentation, as well as that staff member's contact information.
- #5. There shall be no lighting at any time of Pavilion Beach by the hotel.** **Mr. Delliker** confirmed that there were no lights built into the hotel that would shine upon the beach.
- #6. There shall be bollards placed around the project's onsite hydrant, said hydrant shall remain unobstructed at all times.** This was confirmed to be in the Owner's Manual. **Mr. Delliker** confirmed the bollards are in place around the hydrant and a photograph was shown on a cell phone confirming the placement of the bollards around the project's on-site hydrant. The Windover Construction team assured the Committee the photograph would be forwarded to the Committee for the record. **Mr. Sanborn** said he would confirm as well.
- #7. There shall be public access from Commercial Street to Pavilion Beach and a walkway across the beach side of the hotel for public access as shown on the plans as part of this application.** **Councilor Cox** personally confirmed she has walked the access walkway, and that it is in place.
- #8. The applicant shall urge any and all owners or operators of overhead utility lines to work with it in order to place the utilities underground.** **Mr. Sanborn** said National Grid doesn't like their lines underground because they are subject to moisture and hard to maintain. **Councilor Lundberg** said he believed there was a note that the utility company consolidated the utility poles to one side of Commercial Street. **Mr. Sanborn** and **Councilor Cox** confirmed that was the case and that the electrical feed to the hotel is, in fact, underground.
- #9. The Beach and Development Agreement shall be incorporated herein as Appendix 4 and made a condition of this Special Permit.** The beach deed has been handed over to the city and is in the process of being recorded at the Registry of Deeds, **Councilor Cox** reconfirmed.
- #10. The City Council adopts as its own the Planning Board's recommended conditions which are incorporated herein by reference and attached hereto as Appendix I, General conditions 1-26 and Appendix 2 for conditions 1-7 as relates to the parking plan.** These conditions have all been met, **Councilor Lundberg** and **Councilor Cox** confirmed, as that the documentation is on file on all the conditions of the Planning Board and the Appendix 2 conditions 1-7.
- #11. Employees will be encouraged to car-pool, use CATA bus service and existing public off-site parking. Employees will not be allowed to park on site when there is significant hotel demand. Employees will be encouraged to not park in the local neighborhood.** **Councilor Cox** advised that during this process the Council made Fort Square resident parking only, and that if an employee doesn't have a sticker they will be subject to towing.

**Councilor Gilman** said while the employee parking conditions are enumerated in the hotel's employee handbook, but asked how those policies would be enforced. **Sherree Zizik**, Beauport Hotel co-owner, said they are shuttling employees from the hotel's off-site parking lot 99 Essex Avenue. **Councilor Gilman** asked how the hotel management will communicate times of high occupancy to their employees. **Ms. Zizik** said there is a valet and the managers will be responsible to communicate that information to their employees.

**#12. The applicant shall agree to hold the City harmless for any claim of property damage or personal injury that may arise out of the applicant's business activities on or during construction on the site. Councilor Cox** said that time has moved on and the condition is met.

**#13. Beauport Gloucester LLC shall provide pest control services for the duration of the construction and for a period of one year after the hotel opens to neighbors whose properties, as determined by the Board of Health, suffer rodent infestations as a result of the construction of the hotel. Councilor Cox** said infrastructure work going on at the same time as the hotel construction caused numerous rodent issues throughout that time but that she had not heard of complaints in the last six to eight months. **Councilor Lundberg** pointed out that Windover Construction has submitted a document hiring A-1 Exterminators, a pest/rodent control company for a term of one additional year (on file). **Councilor Cox** added that the exterminators were extremely helpful during the height of the rodent issues in that immediate area noting that it wasn't possible to discern if the rodent issues were a result of the hotel construction or the city's infrastructure project and were good partners during that time.

**#14. Applicant shall be required pursuant to the Zoning Ordinance, Appendix A, Rule 25, Part II, 5(i), to provide documentary evidence to the City Council proving that any and all conditions specified by the City Council in the Special Council Permits have been met at which time the City Council will issue a "Certificate of Conditions Complete." No occupancy permit shall be issued until said Certificate has been provided by the City Council. Councilor Cox** said some of the 14 conditions were heavy handed in the initial phase, but everything has worked out. She said the Applicant and the construction team have been great communicators with her so she in turn was able communicate accurately to her Ward constituency. With the city's Fort infrastructure project going on at the same time as the hotel was being constructed, she said it was hard on the area residents, and the open lines of communication were appreciated as was the teamwork.

**Councilor Lundberg** said there was also a Building Height Special Permit, that had a requirement that the applicant submit a surveyor's verification that the highest point of the building was within that Special Council Permit height, and that surveyor's verification is submitted as a part of the record (on file). The Off-Site, Valet and Tandem Parking Special Permit conditions have been documented and have been met valet parking SP and that those conditions have been documented and will have to be met, he advised. He further said that the Lowlands Special Permit was deleted by modification by amendment, and **Councilor Cox** added it transpired in 2014. The general conditions are boilerplate, **Councilor Lundberg** added. He read that, "The permit shall not take effect until a certified copy of this decision is recorded with the Registry of Deeds for Essex County," He noted that Applicant has provided documentation item by item for Appendix 1, the Planning Board conditions that the Council adopted as their own. **Councilor Cox** pointed out some of those conditions were duplicative to the Council's conditions but she assured that all conditions have all been documented and met.

**Councilor Gilman** asked if there will be a formal process in place so the neighbors of the hotel can continue to give feedback and what Councilor Cox's role in partnership with the hotel would be. **Councilor Cox** said if there are complaints the neighbors can call or email her, or any of the At Large councilors for assistance -- that won't change. There is also the hotel's Community Liaison out of the Human Resources office, a position created just for that purpose. There is no special procedure just for this property, she pointed out. **Councilor Gilman** asked for an expansion of the Community Liaison position, **Councilor Cox** again read condition #4 to the Committee reiterating that if the neighbors have any complaint they can go directly to the hotel or to her. She said she spoke to Ms. Zizik and has been assured if neighbors take their complaints directly to the hotel; those complaints will be shared with her, the Ward Councilor. She said she didn't foresee any special process. It is as if the hotel is now any other business in the city. **Councilor Lundberg** said if that person now in the position of Community Liaison leaves that job, another staff member will be designated by the hotel. **Councilor Cox** said they were thorough with the process at the Council level. This condition goes beyond the scope of the Council to require something like this, she said.

**Councilor Lundberg** said he was pleased Councilor Cox was a part of the Committee and was able to see this project all the way through to the opening of the hotel.

**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 issue to Beauport Gloucester LLC a Certificate of Conditions Complete as is required under the Gloucester Zoning Ordinance Appendix A: Special Permit Procedures, part 2: Council Rules on Special Permit Procedures, section 5, subsection i.**

**A motion was made, seconded and voted unanimously to adjourn the meeting at 4:35 p.m.**

**Respectfully submitted,**

*Dana C. Jorgenson*  
Clerk of Committees

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