

Planning & Development Committee
Wednesday, January 4, 2017 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

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

Absent: None.

Also Present: None.

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

1. ***PP2016-011: Petition by Comcast place a 17" x 30" vault over the existing Comcast plant at corner of Bass Rocks Road & run 2" PVC underground conduit +/- 80' to 30 Atlantic Road - To be conducted as an advertised public hearing***

This public hearing is opened at 5:31 p.m.

Those speaking in favor:

David R. Flewelling, Comcast Specialist 2, Construction, of the Woburn office, conveyed the following: Comcast is seeking permission for work associated with installation of new underground conduit to 30 Atlantic Rd. from an existing plant at the corner of Bass Rocks Rd. to run two inch PVC conduit +/- 80 feet to bring service to that address with sustaining wires and fixtures as no conduit or cable exists to that customer's property at this time. In order to undertake this project, Comcast will place under the public way a 17" x 30" vault over the existing Comcast plant as noted at the corner of Bass Rocks and Atlantic Rds., and from the vault run +/- 80 feet of underground PVC pipe conduit to service the customer at 30 Atlantic Rd.

Those speaking in opposition:

Anthony Porcello, 2 Bass Rocks Rd., advised he received notice as an abutter, and is most affected by this project as the vault installation is directly in front of his property. He advised he met with Mr. Flewelling just prior to the start of this public hearing and said he was pleased to hear the proposal is to keep the vault at ground level but that to him a 30" x 17" vault cover is excessive if the only property being serviced is 30 Atlantic Rd. He asked that Comcast install a vault that is smaller, less intrusive. He explained he had improved his property by adding pea stone directly in front of a stone border at the edge of his property. He said it appeared to him from the submitted plan that it would interfere with his property improvement which abuts Bass Rocks Rd. He asked if the vault could be put within the sidewalk adjacent to Atlantic Rd. rather than in Bass Rocks Rd. and further asked that Comcast's vault be designed to the smallest dimensions possible.

Communications: None.

Councilor Questions:

Responding to an inquiry by **Councilor Lundberg**, **Mr. Flewelling** said Comcast could investigate installing a smaller vault but that the location of the vault hinges on the existing conduit crossing the street noting it is for one customer and so the request to find smaller equipment was reasonable. **Councilor Lundberg** noted in reviewing the Comcast plan, he confirmed that the conduit and vault installation is on city property. **Mr. Porcello** said he didn't know exactly where the property line is but assumed it city property but that to him it is unclear as to where the boundary is. There is no paved walkway in front of his property and to the corner of Atlantic Rd., he noted, pointing out that the paved walkway is on Atlantic Rd. He said his family has owned 2 Bass Rocks Rd. over 30 years and has always had dirt on the corner put the stone border to where it had traditionally been sited and put pea stone in between the stone wall (about a 30" area) and the street. He asked prior to the public hearing that Comcast put back the pea stone when their project in front of his home is complete and he conveyed Mr. Flewelling confirmed that Comcast would do so. He reiterated his main concern is the dimension of the vault installation. He said he had no objection to his neighbor directly next door at 30 Atlantic Rd. needs their service as it is a brand new home.

Councilor Lundberg said he was confident Comcast would make the vault as small as possible. He advised that the Committee also wants to accommodate the rights of Comcast and that service customer, but if this is city property that Mr. Porcello has improved and worked on that the Committee also want to ensure that Mr. Porcello is satisfied that Comcast will respect the work he did that particular area in front of his property on Bass Rocks Rd.

Councilor Cox suggested if there was a concern to have a clear understanding of boundaries then a plan of the street may need to be reviewed, and noted that vault dimension will be mentioned in the permit so that the Committee will need to add language to satisfy Mr. Porcello's concerns. **Councilor Lundberg** said he is satisfied

with the plan supplied by Comcast in their application showing the route of the conduit and indicates that the work is on city property, and that clarifying language should be sufficient within the permit to be issued.

Mr. Porcello then submitted two photographs of his stone border with pea gravel adjacent to the roadway at the corner of Bass Rocks and Atlantic Rds. (placed on file) which he said showed a “telephone box” and can’t tell from his photographs where the existing conduit (vault) is. **Mr. Flewelling** pointed out the vault is not located near what Mr. Porcello is showing in his photographs but would be away from the wall and nearer to the street.

Councilor Cox said that based on the submitted photographs she would say that the proposed project is on city property because of the right of way. The Committee discussed with **Mr. Flewelling** that the vault cover will be flush with the roadway which also has a steel cover as does the 17” x 30” cover to obtain an H-20 loading so if a car or a plow was to run over the vault it would not collapse. He advised Comcast wouldn’t install a pedestal on such a corner because of its potential to be struck and damaged.

Councilor Gilman reconfirmed the vault is underground and the top lid is flush with the ground and also asked what size the smaller dimension of a vault would be. **Mr. Flewelling** said that the 17” x 30” vault is the typical size used by Comcast, and would need to learn whether Comcast still stocks smaller sizes, adding that the next vault size up is 24” x 36”. **Councilor Lundberg** reiterated that the vault is flat and flush with the ground.

This public hearing is closed at 5:43 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 Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Vermont LLC to install a 17 inch by 30 inch vault or smaller if technically possible over an existing Comcast plant at the corner of Bass Rocks and Atlantic Road and from that new vault placing one 2 inch PVC conduit 80 feet +/- to service a customer at 30 Atlantic Road including the necessary sustaining and protecting fixtures as shown on, “Proposed Comcast Underground Conduit Plan to Service 30 Atlantic Road, Plan of Land in Gloucester, MA, dated November 21, 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.**
2. *Memorandum from Planning Board re: GZO Sec. 5.27 Medical Marijuana Treatment Centers (MMTC) & Medical Marijuana Cultivation Facilities (MMCF) proposed amendment to Sec., 5.27.5 “Separation” (Also referred to Planning Board) (TBC 01/18/17)*

This matter is continued to January 18, 2017 pending a recommendation of the Planning Board.

3. *Application for Ward 5-2 Wastewater District Map amendment pursuant to GCO Sec. 23-42(H)(2) re: 650R Essex Avenue (Map 238, Lot 6) (Also referred to: Planning Board, CIAB, ConCom, Shellfish Advisory Commission & Board of Health) (TBC 02/08/17)*

This matter is continued to February 8, 2017 pending recommendations of the various Commissions and Boards as required by Ordinance to be in place before the matter is to be taken up by the P&D Committee.

4. *SCP2016-006: Warner Street #9, Map 29, Lot 22, GZO Sec. 1.8.3 & Sec. 2.3.1(7) for conversion to multi-family four units*

Drew Hale, President of Hale Design Build Corp., 17 Abbot Road, Gloucester, applicant, and representing BRM Realty LLC of Byfield, MA, relayed the following information:

OVERVIEW:

Mr. Hale's company on behalf of the property owner is seeking a Special Council Permit to make the current three unit dwelling located at Warner Street #9 that experienced a fire into a four unit dwelling. The property has been completely updated both structurally and thermally, and the owner sees the potential for a four-unit dwelling building by finishing an existing third floor of the building into a separate habitable dwelling under GZO Sec. 2.3.1(7). The new space will service as a separate dwelling unit with two bedrooms with required means of emergency egress (two) which will be installed per building codes. Proper fire protection alarm system will be installed, and the building will be sprinkled. This is completely new construction.

PARKING:

Parking will be provided to satisfy the one space per dwelling unit as tandem in the driveway with enough room on the property to keep going to be compliant with GZO Sec. 4.1 "Off-Street Parking in this particular situation does satisfy GZO Sec. 4.1.2 which says that there must be at least one off-street parking space per dwelling unit. It was pointed out the required setback from the street is 20 feet, and the lot is flat and completely paved to the rear of the property but that the spots can be pushed up. The parking is compliant as to GZO 4.1.4 (3) which says that, "Parking areas shall be designed so as to allow each vehicle to enter and leave each parking space without requiring the moving of any other vehicle (except ... a parking lot in which spaces are assigned to occupants of the building served by that lot)". **Mr. Hale** said that the parking spaces in the lot will be labelled accordingly one space per unit. If one car can back out to let another car through which is the required 20 feet it then meets the requirement.

Councilor Cox expressed concern for the tandem parking because there is a blind corner with the stop sign nearby. **Mr. Hale** addressed the issue saying that the 22 feet are the required parking spots and is larger than most average vehicles and although it is not ideal but it works. Each unit is only allowed one car, he reiterated, on the property. These units, he added, are market rate, he said and that the property will be cleaned up. **Councilor Cox** made clear that there is no parking allowed in front of this property, and it will not be tolerated.

Mr. Hale then reviewed the six criteria for a Special Council Permit under GZO Sec. 1.8.3 as follows:

1. Social, Economic or community need served by the proposal: To provide newly constructed market price four unit apartment living within close proximity to the city's downtown and commuter rail;
2. Traffic flow and safety: The existing structure has been a three-unit dwelling with off-street parking. The conversion to a four-unit dwelling should not have any effect on traffic since Water Street connects to outlets on Burnham and Prospects Streets and that cars will be able to maneuver on the property without pulling out onto Warner Street;
3. Adequacy of utilities and other public services: The water and sewer lines are completely new and were installed two years previously;
4. Neighborhood character and social structure: The neighborhood and direct abutters consists of primarily multi-family dwellings;
5. Qualities of the natural environment: Consistent with surrounding neighborhood;
6. Potential fiscal impact: Increased tax revenue; limited additional required resources; young professional housing potentially adding to the current workforce.

Councilor Cox, in whose ward this property is sited, said that what has been done with this vacant building is nice and that she looks forward to seeing the project completed.

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 grant a Special Council Permit (SCP2016-006) to Drew Hale of Hale Design Build Corp., on behalf of owner, BRM Realty LLC, Warner Street #9, Map 29, Lot 22, R-5 Zoning District, pursuant to GZO Section 1.8.3 and Sec. 2.3.1(7) conversion to multi-family, to convert an existing three-unit multi-family dwelling to a four-unit multi-family dwelling as shown on "Plan of Land prepared by American Land Survey Associates, Inc., dated September 30, 2016, signed by Kirk W. Benson, Professional Land Surveyor prepared for Robert & Jill Bouley for 9 Warner Street." This Special Council Permit is found to be in harmony with the intent and purpose of the Zoning Ordinance.

This matter will be advertised for public hearing.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:00 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Two Photographs showing landscaped area with large stones and pea gravel at the corner of Bass Rocks and Atlantic Rds. as submitted by Anthony Porcello, owner of 2 Bass Rocks Rd.