

Planning & Development Committee
Wednesday, May 17, 2017 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

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

Absent: None.

Also Present: J.D. Curley

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

1. *PP2017-002: Petition by Comcast to install one 2" PVC conduit 20'+/- across Concord St. to provide service to Concord Street #345 – To be conducted as a Public Hearing*

NOTE: The Comcast representative entered the meeting at 5:40 p.m. and so the public hearing was taken up upon his arrival.

This public hearing is opened at 5:43 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 conduit to service a customer at 345 Concord Street. He said the service will come off existing utility pole #178 across Concord Street, newly paved for a distance of 20' +/- and intercepting the customer's from that point on which is on private property. He confirmed for Councilor Cox that everything will be repaved and put back "anew." **Councilor Lundberg** noted that is a condition that would be incorporated into to the permit as per the Public Works Director's memo (on file).

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 5:44 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 Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Vermont LLC to install 2 (two) inch PVC conduit 20 feet +/- to service a customer at 345 Concord Street including the necessary sustaining and protecting fixtures as shown on, "Proposed Comcast Underground Conduit Plan to Service 345 Concord Street, Plan of Land in Gloucester, MA, dated April 20, 2017," 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.) The existing sidewalks are cast-in-place concrete and the City of Gloucester will only accept full panel pours.
- 5.) 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.
- 6.) Final paving shall be full width (curb to curb) paving in accordance with Department of Public Works specifications.

2. *Special Events Applications:*

- A. Request to hold the St. Peter's Fiesta 5K road race on June 22, 2017

Tim Short, Race Director for the Cape Ann YMCA with **Tim Flaherty**, Executive Director of the Cape Ann YMCA present, explained that this road race is the same as it has always been annually, and all arrangements are the same as in previous years. He advised that the start time is 6:30 p.m. at Stage Fort Park as done in previous years and end in St. Peter's Square. They're expecting about 1,000 runners for that race, he said.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Cox, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit the Cape Ann YMCA on June 23, 2017 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.

B. Request to hold Back Shore 5K Road Race, May 18, 2017

Councilor Lundberg said that the Committee understood there had been a change in leadership as to the Cape Ann YMCA's road race organization and that the submission of the 2019 permit will be timelier. **Mr. Short** advised that the Back Shore 5K Road Race will start at 6:30 p.m. on Nautilus Road, an area the YMCA will be utilizing for registration, the start and the finish of the road race and as such there will be a detour for all vehicles from that area. They expect 300 participants, he noted. He confirmed for **Councilor Lundberg** that all road race arrangements including the road closure and needed detour have been cleared with Interim Police Chief McCarthy.

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 to hold on Thursday, May 18, 2017 the Backshore 5 Mile 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 & Routes:**
Routes for race are as shown on maps or plans on file as approved by the Special Events Advisory Committee. Applicant must have Police/Fire Department approval of any road closure/traffic plans 30 days before event, including any police details. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. 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 9:00 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 wear distinct shirts. A list of event staff and cell phone numbers is to be submitted to Police, Fire and DPW Departments.
6. **Notification to Immediate Abutters and Businesses to Race Course:**
Written notice shall be made by event organizer at least seven days in advance of the event to function halls, motels and hotels and other businesses along the route.
7. **Responsibility of the Cape Ann YMCA:**
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. Amendment to Special Event Permit passed April 5, 2017 for the Gloucester Block Parties 2017

Councilor Lundberg, citing a memo (on file) from the City Clerk that the Dog Bar due to its location change going into effect early this summer will no longer be participating in this year's Block Parties. As a result, the last condition for the 2017 Block Parties Permit needs amending to reflect this change by removing the Dog Bar request for closure of the public parking lot behind the Rogers Street entrance to the Dog Bar Restaurant at 3:00 p.m. for any performances since they will no longer be a participant and was Condition #16(a).

MOTION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to strike Condition #16 of the Special Event Permit for the 2017 Gloucester Block Parties to be held on July 15, August 12 and September 1, 2017 and to add new Condition #16 as follows:

"16. The Block Party Committee shall also adhere to any requirements expressed by the Special Event Advisory Committee including that:

(a) A letter from the Office of the Mayor is to be provided assuring that the event is covered by the City of Gloucester Insurance, and (b) This approval is based on the Gloucester Block Party 2017 Street Plan submitted to the City Clerk's office."

3. *SCP2017-006: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.5.3(c), 5.7 "Major Project" and Sec. 5.27 "Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities" for sole purpose of Overview of Major Project by Applicant & then TBC 06/07/17 pending departmental reviews & Planning Board recommendation*

Attorney Joel Favazza, Seaside Legal Solutions, 111 Main Street, representing the applicant, Happy Valley Ventures MA, Inc. (HVV) for a Special Council Permit under GZO Sec. 1.5.3(c), Sec. 5.7 "Major Project" & Sec. 5.27 "Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities" for a site located at #38 Great Republic Drive, acknowledged abutters were noticed of the Planning & Development Committee meeting, he then conveyed to the Committee of the following overview of this Special Council Permit Major Project as follows:

- HVV had previously gone through the Special Council Permit/Major Project process and at a public hearing of the City Council on December 13, 2017 the applicant received its requested Special Council Permit/Major Project. The only steps left on that application was for the applicant to conclude the Site Plan Review and receive an Order of Conditions from the Conservation Commission. Two days after the public hearing HVV received "bad news" about the property they intended to purchase in Fitchburg for use as their main cultivation facility. At that juncture HVV reworked their design for Great Republic Drive #38 facility for a Cultivation facility and Treatment Center to house the main cultivation facility in Gloucester.
- The original plan was to seek an amendment to the Special Council Permit/Major Project from the Council but with logistical concerns and a lawsuit filed by a competitor appealing the Council's decision, it was

- more appropriate to withdraw the request for amendment and submit a new application as the design was noted to be substantially different from the previous request.
- The main differences between the previous Special Council Permit and current application before the Council:
 - A. Cultivation Facility went from 9,000 square foot (sf) Cultivation Facility to a 44,000 sf Cultivation Facility now with two floors;
 - B. The dispensary while previously was located in a building separate from the original 9,000 sf cultivation facility, this new proposal incorporates the dispensary into one overall building.

This change to consolidating services into one building is reflective of requests made by the Police Department and possibly Engineering during the previous Council permitting rather than two buildings separated by a parking lot – the dispensary was anticipated to come on line first, then the cultivation facility given that the main HVV cultivation facility was intended to be located in Fitchburg. Because both the dispensary and cultivation facility will come on line at the same time or thereabouts and because of previous city input, it is why the proposal is for one building overall.

- The dispensary despite being incorporated into the entire building will be wholly separate from the cultivation facility with its own parking, entrance, signage, and a secondary entrance and exit for fire safety reasons accessible only by employees. Patients would use the main retail entrance to the property only.
- The purpose remains the same: to bring a “best-in-class” Medical Marijuana Treatment Facility and Cultivation Facility to back it up.
- The Host Agreement between HVV and the City of Gloucester is still in effect with the potential for more revenue shared with the city much expanded due to the increase in the cultivation facility.
- The previously permitted facility would have meant 30 jobs upon the facility’s opening and then raised to 50 upon the opening of the cultivation facility whereas this new application it may require 70 jobs at the opening of the new dispensary and cultivation facility, and if demand bears out then a second shift could possibly be added.
- Processes: The applicant has completed the Conservation Commission process and now has its Order of Conditions which is on record with the Southern Essex District Registry of Deeds. The applicant is planning to be at the Planning Board meeting on June 1 for a site plan review, and that there is one final departmental review during the week of May 22. It is the expressed hope of the applicant that this application will be able to be fully reviewed by the P&D Committee at its June 7 meeting with the Order of Conditions and Site Plan Review documentation in the Committee’s hands, and move to Public Hearing on June 13.

Councilor Cox expressed concern that the Planning Board wouldn’t be able to complete a site plan review of a Major Project in one evening. **Mr. Favazza** explained that at the previous Planning Board review, concerns for the site had been stated then and have been proactively addressed in advance of the meeting with the Planning Board for this application. He said they’ve worked extensively with department heads in order to receive positive recommendations from them on the application. He noted that from a procedural standpoint that the design site plan review is not an impediment to the applicant receiving a Special Council Permit. He pointed out that a Special Council Permit can be acted upon without a completed site plan review in hand. He said the applicant would still like to proceed with the public hearing before the Council even if the Planning Board site plan review is not completed so that they can get their Special Council Permit on the 13th and return to the Planning Board two days later to finish the site plan review.

This matter is continued June 7, 2017.

4. Discussion by Committee of Double Poles proliferating in the city with a representative of National Grid and to determine process by which to respond to this issue accordingly moving forward

The Committee met with **Joe Muraco**, Community Manager, Community and Customer Management with National Grid, and **J.D. Curley** the city’s new Electrical Inspector to discuss the issue of double poles on city streets at the suggestion of Ward 3 Councilor Steven LeBlanc. A document showing the number of double poles in the city at this time totaling 124 and what was preventing the poles’ removal was reviewed with the Councilors by Mr.

Muraco (on file). He presented the Committee with a guide to the document previously filed as well as a complete listing of all double poles in the city, their location and their status. He described that a pole can't be removed by National Grid until all utility companies who have their lines on a pole remove them. He pointed out that in general that can take up to a year; even though the Code of Ordinances says the double poles need to be removed within 30 days. He said that was unrealistic. **Mr. Curley** added that he understood the utility company's issue in that he provided the Committee with his own document(s) showing 19 double poles on which the Fire Department alarm wires were still attached. He said that he is working with the DPW, as did **Mr. Muraco**, to remedy that situation and get those 19 poles removed as soon as possible once they are free of the alarm wires. Both indicated there is an excellent line of communication between the city and the utility company on this issue and that they are now working together to ensure frequent sharing of documentation and to have a conduit to open communication between the city and National Grid.

The Committee indicated it would share the documents with the Council and that Mr. Curley as the city's Electrical Inspector would be the main contact for the Council should they have issues with double poles.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:10 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Listing of double poles in the city of Gloucester from National Grid and the city's electrical inspector and guide to interpreting the list(s).**