

CITY COUNCIL STANDING COMMITTEE

**Planning & Development**

Wednesday, October 6, 2010 – 6:30 p.m.

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

**Present:** Chair, Councilor Joseph Ciolino; Councilor Greg Verga, Councilor Jacqueline (Alternate), Councilor Paul McGeary (Second alternate: see below)

**Absent:** Councilor Whynott

**Also Present:** Attorney Michael Faherty; Joseph & Mary Amicone; Howard Costa III; Attorney Mark Nestor; Mildred McCarthy; Stephen Winslow; Daniel Morris; Judy Masciarelli; Mary Lou Maraganis; Chris Raymond; David Spaulding; John McElhenny

**The meeting was called to order at 6:30 p.m.**

**1. Continued Business:**

A) SCP2010-011: 82 Hesperus Avenue, GZO Sec. 2.3.6(4) (Cont'd from 09/08/10)

**Attorney Michael Faherty**, representing the applicants Joseph & Mary Amicone for SCP2010-011, 82 Hesperus Avenue stated that the Committee asked them at their last meeting asked them to consider the height of trees and the locations of the trees and bring forward a planting plan. They submitted the site plan prepared by John Judd showing all the relevant features of the proposed house, and the access driveway coming into the property (on file). He had also given in writing a letter (on file) with a stipulation what they would agree to a condition to no trees over 25 ft. in height; they would all be deciduous. The only exception would be along the areas shown in green on the site plan to situate Autumn Lace maples on either side of the driveway, which potentially grow to a height of 40 ft. and would be restricted to that area. The area fronting on Hesperus Avenue is intended to be all lawn with mature trees “speckled” in between and trees were listed that the applicants are proposing to use throughout the site. He clarified for the Committee that the exception is 7.2 feet because the height restriction is 30 ft. Up to 35 ft. the jurisdiction is with the **Zoning Board of Appeals (as amended at the 10/12/2010 City Council Meeting)** but over 35 ft. it is the purview of the Council under the special Council permitting process. So the total height is 37.2 feet which is a variance of 7.2 feet. He noted that the calculations are on the site plan also and that he had circulated the condition to Attorney Mark Nestor. **Attorney Nestor**, representing Mr. & Mrs. Shelkrot, and Ms. Fenster, abutters, expressed their opposition to the project (letter submitted previously by hand to Councilor Ciolino and on file with attachments). He noted the ordinance states that height is only allowed to be exceeded if it is detrimental to the neighborhood because of obstruction of views and overshadowing of other properties. When they went to the site visit, Attorney Faherty pointed out the Fenster’s property and how the level of that is. He attached a copy of Ms. Fenster’s plan for her home when she did her addition. He noted this was ‘Exhibit A’, and that her house did not exceed the 30 ft. height requiring a permit and the area of the house was significantly less than the area of the proposed roof construction and less the garage. The other issue was if you looked at Ms. Fenster’s she is right to the Coastal buffer zone. One issue raised the last time was would the applicants go to the Conservation Commission (ConCom) for permission to encroach into the buffer zone for purposes of the building because the building is on a hill. The main issue is the bulk and size as it looks from Hesperus Avenue. If the proposed home moves down the hill the silhouette would be reduced. When he pulled the plan from the ConCom, the building itself is still set back from the buffer so that they can move down to the buffer zone without seeking any variance or permission from the ConCom although they would have to expand their current request that they have before ConCom to encroach into the buffer zone for the purposes of the patio and pool. Even if they bring it down 20 or 30 feet it would lower the elevation and lower the silhouette from the rear. They would suggest they do at least that. When the issue was last raised you asked if the applicants would consider going before

ConCom, especially when he represented that he thought the neighbors would support it; they're not asking the size of the building be reduced but that the building be moved down towards the buffer zone; they politely rejected that option. He understood their position was they've already done the site work and the location sited; this is where they want to build. He respectfully suggested that since the applicants knew they had to come before this Committee and also before the City Council to seek permission to exceed the height, they should have waited until they got that permission before they sited the building. Unfortunately they did not. They now have a hardship, which he submitted was a created hardship by them. If they had waited they could have sighted it down by the buffer without a problem. Then they could have done the construction and everyone would have been happy. For those reasons they would oppose it and ask if they want to have that height they move it close to the buffer zone, even if they don't move it inside the buffer zone which reduces the silhouette because it would be further down on the hill. The parties behind and to the side won't have as much as an obstruction. He did speak with Mrs. Fenster; and she didn't have any concern about moving the building down even though it would be closer to her, the nearest neighbor. He knew Windover was developing the property on the other side (of the applicants' property) but didn't know what was going in there but felt, given his knowledge of Windover developments, that it was likely a large building going there as well and doubted it would have any opposition to it. He would ask the Committee in light of the current proposed location of the house to reject this application.

**Councilor Ciolino** stated if they move the building in any direction there will still be a building of 37.6 feet.

**Attorney Nestor** replied they understood that but the land slopes down.

Councilor Ciolino stated he understood that even if they do that, they'll still have to come to the Committee and the Council for a height exception because no matter where you put it, it will still be 37.6 ft.

**Attorney Nestor** countered if they located the building further down he suspected there would be less opposition from the abutters because the silhouette they would see is further away from Hesperus Avenue and the silhouette they would see from Hesperus Avenue would be reduced. That was the main issue because they've got to push back the silhouette goes higher. If they go down the hill and drop 10-15 ft. in elevation, the whole thing drops and there is less of a silhouette. That is the major objection they have. They're not arguing the size of the building. If it was relocated he didn't believe they would not be arguing the height. It is the location, height and the size.

**Attorney Faherty** showed the Committee the site plan. In response to Attorney Nestor's 'charge', he noted if they move the house 30 ft forward without being in the buffer zone. He pointed to the buffer zone and the house. To move it forward, they can't go forward 30 ft. without being "severely" into the buffer zone. The ConCom takes the position that if you are working in a buffer zone to a coastal bank, that if you remove this building (there now), you are only allowed to substitute what was already there. The removal of this building is the compensation for this and everything else is outside the buffer zone. To Mr. Nestor's 'charge' that the building is too close to Hesperus Avenue, the building is  $\frac{3}{4}$  of the way into the lot or more. The silhouette (of the proposed home) that Attorney Nestor speaks of is largely obscured from the street by a knoll. There are four standards; one is consistency with the neighborhood. Most of the homes on the ocean side of the street, if you consider the neighborhood extending along Hesperus Avenue for any distance, all have large houses with much higher 'facements' towards the water than on the land side. He believed it to be consistent with the neighborhood. He asked was it consistent with some houses across the street, he believed it was not. He noted the McCarthy house which is a single story ranch. The other issue is does it obstruct. The ordinance talks about "substantial obstruction". He pointed out that maybe one house that the Committee looked at (during their site visit), Mr. Costa's house, was the one that would have some impact on the view. The rest of the views stand. There's no overshadowing, and there nothing to do with utilities. The reason the applicants rejected pushing the house further forward is that the area is all bedrock and coastal bank. They showed in the field what they could build if they put it up (and he pointed to the map) as a matter of right, and the Committee saw the big difference in distance, over 15 feet lower from the street than if they put it up at

the top of the hill. He thought that what the Committee asked for and suggested about the trees and the landscape restriction more than protects the neighbor(s).

**Mr. Nestor** pointed out the proposed patio and building. They're already asking for a variance for this and part of the patio. All they are saying is take the building; move the building closer and expand the request to ConCom; but it's more for the patio and not for the actual building. The building is still outside. The request is already there for encroaching the pool and patio. They're saying expand for the patio and the building can still stay outside the buffer and is still further down. For the rest, he felt Attorney Faherty and he can agree to disagree for the size and the views only.

**Mr. Faherty** felt it was a bit of a disingenuous argument for Attorney Nestor to say they'll move the house forward and then have to expand the application which then pushes this down which the Attorney Nestor was unacceptable forward and is unacceptable to ConCom. "It will not be based on what the neighbors want; it will be based on ConCom's obligations under the statute and regulations; and they will say no. What he felt they were saying was that you can have your house, and they'll support it. But there won't be anything in your front yard, and you won't be able to use it. He asked the Committee to take their vote, and they'll go from there.

**Councilor Hardy** asked when they went before ConCom did they ask to come more forward with the house.

**Mr. Faherty** stated he did not represent the applicants when they went before ConCom. The application was presented by John Judd. He had talked to John Judd, and Mr. Judd is very familiar with the process they have in terms of substitution. This was the presentation based on his knowledge, his experience, and ConCom's past rulings and current rulings of ConCom and statutory regulations. This is a coastal bank which is a protected feature.

**Councilor Hardy** noted to Chairman Ciolino that since they last met at the site, she made an inquiry to ConCom as to whether or not there was a request to build the home closer to the buffer zone. She was told that ConCom approved what was put in front of them. Nothing more was requested to come further towards the buffer area. It was neither denied nor approved. Nothing was put in front of them for an exemption.

**Attorney Faherty** stated that was gone over at the last meeting. He didn't believe it was the burden of the applicant to go to the ConCom to be rejected and then set back when you have experience and precedent.

**Councilor Hardy** contended it would have been nicer to ask and got to the step that now they're asking for the height when if they knew before that ConCom would have said no, then it would have been more of a burden. But she didn't see that the burden was created by the layout of the land right now. They probably could have come forward more. Exponentially, when they did the site visit, they looked from the picture window of the Costa home; and she agreed that the McCarthy home, no matter what they do, the McCarthy home is just not something to be brought into this. The views from the Costa home, she did believe if they got closer to the water with the home, that exponentially it would drop off even more. For every foot you get closer to the water, it's going to be that much more you'll be able to see.

**Attorney Faherty** reiterated what he had said at the last P&D meeting that the applicants were not prepared to do it. "It is nothing but blasting the whole way."

**Councilor Hardy** then stated they've already completed their blasting.

**Attorney Faherty** responded yes, they are now at grade. There was no requirement; they went to ConCom and then came to the Council. He stated that to suggest there is an obligation they push towards the water as close as they can when there really isn't any serious obstruction of view. This is fully forward. He believed the ordinance was quite clear as to what they have to look at. They are not required to make it a blasting pit out of the coastal bank to do it.

**Councilor Hardy** would have liked to have them come to the Committee first to ask how far you have to blast and then you would have known instead of it being over and now you have to come in and do that so that they could have worked some sort of compromise.

**Attorney Faherty** stated they went by standard procedures of going to ConCom first because there are restrictions that effect going to the City Council. Standard procedures were followed. This was not an exception.

**Councilor Hardy** stated they didn't ask exceptions from ConCom, not Attorney Faherty, but Mr. Judd.

**Attorney Faherty** responded the Councilor was correct.

**Councilor Verga** stated that was where he was coming from, is the issue about ConCom asked if there was anything else.

**Councilor Ciolino** stated if you look at the house there now, which is being torn down, has been eaten up by salt water and salt spray. He thought it was prudent to build it a bit further back from a building point of view. Especially if you live near the water, it is almost impossible to find insurance; and if you find it, it is prohibitive. He felt a construction point of view from his years in the building industry; the house would be the same no matter where it is situated from a height perspective. Views aren't owned and believed it is a matter of compromise. Three-fourths of the view will remain (to the neighbor across the street). He also saw it at the site visit. He recounted he had seen on a house on Starknaught Heights which walled off the view of Good Harbor Beach. He stated, "You can't protect a view". He asked is it their consideration and believed it was. The most expensive thing one owns is a home; and if you have a view you want to keep it. But these folks bought this lot and wish to make a home there too. To him, where it is sited, is probably the best place from a safety point and not to be eaten up by the salt water. Putting the pool and patio back there makes sense. It would create a hardship to ask them to put the house further down.

**Councilor Verga** felt they would be spinning their wheels by sending them back to ConCom because if they go to ConCom and they said no, he would be able to say there's the hardship. If they send them back now, they'll come back in a month and say ConCom said no; and they're be back where they started. There is still a view.

**Councilor Ciolino** stated it would still be the same height.

Councilor Verga added that they mentioned the people across the street don't own the view. He thought there was still, because they all looked through the windows, some views maybe not as great as they wanted.

**Councilor Ciolino** stated three-fourths of the neighbor's view is still open. That's why he asked for a landscaping plan. He suggested the neighbors put that plan with their deed, and then they have something if their view is blocked. This will go with the property, what they do tonight and the next owner will have the same conditions on their property. This is how it works and is a compromise to protect the view for the neighbors across the street and so that the applicants can build their home.

**Councilor Verga** continued if you stick to the spirit of the ordinance, about the significant view, in this case there really isn't it is not a significant view. It may be considered significant by the homeowner. It was difficult for the Committee with the "Solomon" decision to make. The 'by right idea' was concerning to him. If we say no, they'll just "put it here" and the Starknaught Heights situation is repeated. But he hoped there is a bit of compromise with the landscaping and hoped there was still some conversation between the applicant and the neighbors could work together as they will be neighbors. He will reluctantly support this tonight.

**Councilor Hardy** asked if there was any room for compromise in asking for 7.6 ft. Would they be willing to bring the height down a bit.

**Attorney Faherty** responded he did talk to the architect about the height and the open span construction and didn't see that they were talking about 1 ft. to 1.5 ft. maximum.

**Councilor Hardy** stated as she had said earlier, every foot or portion of a foot exponentially at the distance they are away from the home that is infringed upon is going to make a big difference.

**Attorney Faherty** stated with due respect to the Councilor, he could not believe one could tell that between 1.5 ft at a distance of 185 ft.

**Councilor Hardy** thought it could.

**Attorney Faherty** stated he would accept, then her explanation. He, however, didn't believe one can.

**Councilor Hardy** replied that when you site something on the horizon, yes.

**Attorney Faherty** pointed to the home on the plan that is looking down; and already has a vector that is going down the 1.5 ft. is going to be less on the vector horizon than perceived on the whole map.

**Councilor Hardy** responded that was a compromise she could work and willing to go for rather than moving the house closer [to the buffer zone]. She noted the large size of the lot. The house has a 155 ft. footprint.

**Attorney Faherty** interjected that was not the Committee's jurisdiction.

**Councilor Hardy** responded she was talking proportions. She continued to believe the 1.5 ft reduction would make a difference.

**Attorney Faherty** asked if they come in and amend their petition that instead of 7.2 ft. (5 ft. 8 inches overall) is that what it is going to take?

**Councilor Hardy** replied it was a compromise.

**Attorney Faherty** flatly stated that would be a redesign of the whole structure. "If that's what it is going to take they'll have to go back to the drawing board" to see if it can be done; and it may not be done.

**Councilor Hardy** stated it was an offering she would like to suggest.

**Councilor Ciolino** recalled when he became a City Councilor he tried to change the zoning ordinance to make 35 ft. by right. Now with the open floor plans, people are coming in with pre-engineered floor tresses, and it is the same with the ceiling joists. An 8 or 9 ft. ceiling requires several more feet of structural height that has to be added and you need the drain. He agreed with Attorney Faherty with regard to the height reduction not being a noticeable difference. It is the way construction is these days. It creates a hardship with open floor plans.

**Councilor Verga** reiterated that his biggest reason to support because of his concern of what the alternative is which is by right closer to the street; and nobody sees anything. He didn't feel it was a good plan to put something that big there but it was "a lesser of two evils".

**Mr. Costa** didn't agree with a lot that was said. The Committee thought the knoll in front of the home would affect the silhouette of what they thought they saw regards to the orange stake from his property. If you have a charge to look at the view or lack thereof that would be impacted on his home, he thought that 155 ft. home that  $\frac{3}{4}$  of the existing view would remain available to him. There is space down there. The view across the street blocked by the home, they're not going to consider moving the house to the buffer zone and take a cottage built in 1955, uncared for. Because the house looks like that we're allowing "a monster house with monster pool and you people across the street that's the way it is".

**Councilor Ciolino** stated that is their right, but the only thing they have in front of them is the height exception. They're talking a couple of feet. If they go to the Board of Appeals, the ZBA is 35 (ft.). It is a moot point. They're doing the best they can and protect his and his neighbors' views and trying to get these people to utilize their property also. It's hard for everybody. It's compromise. He noted the letter received by Attorney Faherty and read it to the Committee (letter on file):

"I continue to represent Joseph M. and Mary Ellen Amicone regarding their application for a Special Permit Height Exception for their proposed house at 82 Hesperus Avenue.

The purpose of this letter is to confirm in writing that my clients will accept a condition on the requested grant of a Special Permit for a height exception of 7.2 feet that

Would restrict plantings of new trees on the locus to deciduous trees with a height of less than 25 feet from base of tree provided that the condition would not apply with respect to height only to a row of Autumn Blaze maples on either side of the location of the proposed driveway in the locations shown and noted on the attached site plan.

For the Committee's general information, my clients intend to create a grass lawn around the existing mature trees similar to the Fensler lawn to the west of the locus along the Hesperus Avenue frontage and in as far as the knoll. The purpose of a requested exception along the driveway is that the clients want the "curb appeal" that will be generated by the taller maples

along the sides of the top of the driveway. My clients' preference for plantings at the site are Kousa dogwood, Newport flowering plum, white fringe tree and white and pink dogwoods."

**Councilor Ciolino** noted his familiarity with trees and knew these trees to provide a "spectacular" display in the spring. These trees don't get very big.

**Councilor Hardy** wanted to let it be known that part of the reason they're here is because they didn't ask ConCom to bring the home closer to the water so that the size could be reduced. She thought possibly part of this is a self-imposed reason to come to do this. She believed Attorney Nestor had a point that if they had gone to ConCom perhaps they could have gone closer to the buffer zone with it thereby negating the reason for coming here. That would have been a compromise that she was willing to accept. She would not vote in favor of this permit this evening.

**Councilor Verga** would reluctantly support the permit. He felt the problem they have to focus on as a Councilor; and unfortunately, they have to be focused on the points of the ordinance to approve this. He believed a no vote would not be the end of it, but a yes vote wouldn't either. He wanted to get things moving and get a compromise going.

**Councilor Hardy** asked if it was continued and they went to ConCom and showed hardship which she believed to be self-imposed; agreed that the house there now was in deplorable condition. The building materials they used then are not what they are now. She thought if they went back to ConCom they could do away with some of this hardship.

**Councilor Ciolino** stated he would support the application and understood that they couldn't consider it under this height exception; but he looked keenly at the views from across the street and felt that  $\frac{3}{4}$  of the view across the street was preserved. He understood, for instance, that the lot in front of his home would be bought some day and someone would build there and take away his view; but that is who it is and difficult to do. It is a compromise and still feels they are protecting the neighbors but are also welcoming the applicants into the neighborhood.

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee recommends to the City Council by a vote of 2 in favor, 1 (Hardy) opposed for 82 Hesperus Avenue (Map #192, Lot #14, Zoning District RC-40), to grant a Special Permit (SCP2010-011) Height Exception under Sec. 3.1.6(b) for a height of 37.6 feet, for construction of a new residential dwelling as shown on plans drawn by Integration, Jason Gove & Associates, Architects, dated 4/15/10. Further, the Committee finds that under Section 1.10.2 of the Zoning Ordinance the height exception of 7.2 feet will be in harmony with the general purpose of the ordinance with the following condition(s):**

- 1. Landscaping to be as shown on plans drawn by Gateway Consultants, Inc. dated 5/10/2010 as revised with notes concerning trees over 25 ft. in height along driveway and deciduous trees of less than 25 ft. elsewhere on plan. Owners must maintain the trees so height does not reach 25 ft.**

**Councilor Verga left the meeting at 7:08 p.m. and Councilor McGeary stepped in as the Councilor's alternate.**

- B) Creation of a Gloucester Dog Park Petition, pursuant to Sec. 9-1 "Free Petition" of City Charter  
(Cont'd from 09/22/10)

**Dan Morris**, Chair of the Open Space & Recreation Committee thanked them for allowing them to consider the dog park. It took them some time to get back to P&D. He read the motion that was passed by the Committee from their letter dated 9/23/2010 (on file with the Committee previous to the meeting). The Committee supports the idea of the park and congratulated the proponents of the dog park for putting this forward and their ability to organize the effort and was impressed. They supported this group as new

major users of the City's park and hoped they would join them in their advocacy of the City's parks. The provisions of this support are a reaction to the Committee's concern that there are a lot of parks in need around the City. This is a unique and interesting proposal coming forward, and hoped that its fruition will be worked within a broader set of priorities. Regarding the location, a subcommittee was formed to look at the six locations offered by the dog park proponents. They recommended the best were Sites #2 and #3 at Stage Fort Park. The other sites proposed are in use by sports teams or not fully adequate for the purposes of the dog park; and they're easily adaptable to other uses like sports fields. Adjacent to the south parking lot at Stage Fort Park, one in particular could be more readily adapted, and one would need more work to accommodate the dog park.

**Stephen Winslow**, Project Manager with the City stated these areas are uphill from the parking lot, between the lots and the neighboring home.

**Mr. Morris** stated #2 is in the back by Beachmont. There is an area where the park extends behind the cemetery behind Western Avenue.

**Mr. Winslow** stated in discussion with the proponents of the park, they have interest from a landscape architect who could do a preliminary design. This would be a good place to look at and to see what would look best and have community meetings to find where exactly to situate the park. They wanted it to be expansive so that through the community process they weren't tied down to one and then to whittle it down to an appropriate location.

**Councilor Ciolino** wanted to have a site visit on Saturday, October 9, 2010 at 9 a.m. to walk the two sites and then make a recommendation to the City Council. They can talk about the procedure. They have created an ordinance. This Committee will recommend a site; it goes back to the DPW Director with the Open Space & Recreation Committee to come up with a plan to govern and run the dog park. He believed all the little pieces are coming together. He will try to have someone from the DPW to be there for the site visit also.

**Judy Masciarelli** stated that Mr. Cole had recommended area #3.

Mr. Winslow stated area #1 was not the best location in SFP. Mr. Cole was concerned about the festivals that go on at SFP.

**Councilor Hardy** asked about area three, and asked if this was where people come to pay for the lot.

**Mr. Winslow** stated that would have to be worked out.

**Councilor Hardy** asked if this was a four season use.

**Ms. Masciarelli** stated it would be four season.

**Mr. Winslow** stated that during prime beach season dog owners can not bring their dogs to the beach and during the summer there isn't any place to take their dogs.

**Councilor Hardy** appreciated years ago when they didn't have a skate park, and then had one dedicated to that purpose, they're off the street. Now they'll be able to have dog owners take their dogs to the park instead of the sports fields and to the school fields which is a "no-no". Now people will be able to say they have a dog park and can use it.

**Councilor Ciolino** stated then they can "take back the Boulevard". It is certainly a need. If the community has a leash law they should have a dog park. They're getting there. It is taking some time, but they're working on it.

Mary Lou Maraganis, a dog park proponent asked for clarification on the new ordinance process.

**Councilor Hardy** explained that O&A works out the language for an ordinance, and they form a recommendation to the full City Council at the public hearing.

**Councilor Ciolino** added they are having their site visit. P&D deals in land issues. They'll make their recommendation. From there, their group and the DPW will get together and start hammering out the policy, who pays for what, etc. John Dugger (landscape architect) can be involved then and come up with some plans. There is currently interference with equipment storage in the proposed area now and perhaps the company storing equipment there can't grade some of the land there. They'll have to ask. He thanked the Open Space & Recreation Committee. This was their first test to make a recommendation to the City Council and was a great help to them. He thanked them for the P&D Committee.

**Mr. Morris** stated they enjoy great support from Mr. Winslow and Gregg Cademartori, Planning Director as well.

**This matter is continued to October 20, 2010.**

**2. SCP2010-012: Kondelin Road #16, GZO Sec. 5.13 PWSF**

**This matter is continued to October 20, 2010.**

**3. SCP2010-013: Rogers Street #127, GZO Sec. 5.13 PWSF**

**This matter is continued to October 20, 2010.**

**4. SCP2010-014: Cherry Street #32 (O'Maley Middle School), GZO Sec. 5.22 Wind Turbine**

**Councilor Ciolino** stated that this matter was continued to Wednesday, October 20, 2010 in order that the applicant, the Gloucester School Department, can make appropriate notice to the abutters about that meeting.

**This matter is continued to October 20, 2010.**

**5. Letter from National Grid re: Cherry Street and Reservoir Road**

**Chris Raymond**, agent for National Grid and a senior engineer stated his apologies that the contractor to the last day. He had been before them in February. Phil Courcy sent a letter asking to be put on the agenda, in order to amend the Pole Petition permit for the next year in the same date range, which would work well.

**Councilor Hardy** was concerned regarding the school buses and the children being dropped off and picked up also from the school. She recalled Mr. Palazzola, an abutter, who spoke at the February 24<sup>th</sup> meeting of P&D, when the matter was heard, was happy with the conditions placed on the petition. During that conversation they had people on Reservoir Road who expressed they wanted to be sure they will be able to have access to enter and exit the road.

**Mr. Raymond** stated they would have several details there and be sure to allow adequate access to the abutters.

**MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Planning & Development Committee voted 3 in favor, 0 opposed to amend the motion passed on February 24, 2010 by the Committee on the matter of a plan filed by National Grid, UG-WR#7722673-1 10/16/09 for the purpose of the installation of 4-way duct bank using six (6) inch pvc conduits encased in concrete from existing manhole 540-A to the existing riser poles 42 and 41-A via proposed manholes on Cherry Street (and Reservoir Road) in Gloucester, MA, Condition #1, as relates to Condition #1 as follows:**

- 1. Construction can only take place from July 5, 2011 to August 15, 2011.**

**A motion was made, seconded and voted by unanimous consent to adjourn the meeting at 7:36 p.m.**

**Respectfully submitted,**

**Dana C. Jorgenson  
Clerk of Committees**



**DOCUMENTS/ITEMS RECEIVED AT MEETING:**

- Letter dated 10-05-10 hand delivered to Councilor Ciolino from Attorney Mark Nestor on behalf of his clients regarding Height Special Permit – Zoning Ordinance Section 3.1.6(b) Property Address of 82 Hesperus Avenue with enclosures (file letter only; letter and attachments to SCP file)
- Site plan of Stage Fort Park submitted by Daniel Morris, Chair of the Open Space & Recreation Committee