

CITY COUNCIL STANDING COMMITTEE
Planning & Development Meeting
Wednesday, November 3, 2010 – 6:30 p.m.
1st Fl. Council Conference Rm. – City Hall

-- MINUTES --

Present: Chair, Councilor Joseph Ciolino; Vice Chair, Councilor Robert Whycott; Councilor Greg Verga

Absent: None.

Also Present: David Spaulding; Brian Tarr; Dennis Silva; Dawn Silva; Daniel Oppenheimer; Peter Glynn; Deputy Fire Chief Miles Schlichte; Firefighter Bob Francis; Amy Donnelly; Ben Baylies

The meeting was called to order at 6:30 p.m. Items were taken out of order

1. Continued Business

- A) COM2010-026: Request from 1907 LLC and Pavilion Mercato LLC re: BirdsEye Mixed Use Overlay District (“BMOD”) Zoning Proposal (Rezoning #2010-003) (Cont’d from 10/20/10)

Councilor Ciolino announced that the Committee had received an email communication (on file) from Attorney Lisa Mead, representing the applicant on the above matter asking for a continuance in order to have more information available to the Committee, as per their meeting of October 14, 2010.

This matter is continued to the November 17, 2010.

- B) Letter from Mayor re: Court Relocation Committee and Gloucester District Court (Cont’d from 09/08/10)

Councilor Ciolino stated that no information has come forward to date from the Administration and that the Committee would table the matter until they were in receipt of further information either directly or to be referred to them through a future Mayor’s Report.

- C) SCP2010-012: Kondelin Road #16, GZO Sec. 5.13 PWSF (Cont’d from 10/20/10)

Councilor Ciolino noted they would take both this and SCP2010-013: Rogers Street #127, GZO Sec. 5.13 PWSF would be discussed concurrently.

David Spaulding, USAi.net noted they were using microwave technology is part of the radio spectrum; radio frequency, millimeter waves, lower frequencies; push to talk technology would be in the MHz. It is all radio frequencies. They are proposing putting up a point-to-point microwave “shot”. It is not something that broadcasts across the City. These permits are linked together which is really one system; and there is no need to do one without the other. From the radio tower (on Kondelin Road #16) an antenna beams down to the Rogers Street address and brings internet connectivity instead of using aged Verizon wires which is subject to weather issues poles being compromised by being struck and taken down, etc.. This is why they chose wireless to bring high speed, reliable internet. The system that will exist will between Kondelin Road comes in from Boston wirelessly to the Kondelin Road site, then repeating it down to Fuller School and down onto Gorton’s. Having worked with Mike Wells, City IT Director, and Grant Harris, his counterpart in the schools, they’re aware of areas of the City that have little or no connectivity with the current technology available. They believe they can provide a greater service to the Plum Cove School, the Bay View Fire Station and Lanesville area as a prime example

which would be greater than what is being asked previously for a cash contribution. He felt this furthers USAi.net's mission as they had spoke to Senator Tarr about; and the State's Telecommunications Committee which had asked them to look at Gloucester and the region as well.

Councilor Ciolino related his conversation with Deputy Chief Miles Schlichte is that they would like to have a connection for the Bay View, Magnolia and West Gloucester Fire Station's lack of connectivity and that in lieu of a financial contribution to the Fire Department for training, He noted Mr. Spaulding submitted a proposal to raise connectivity to outlying areas with a cash value of up to \$20,000.00 for both permits. He had asked Deputy Fire Chief Miles Schlichte and Firefighter Bob Francis to attend this evening in order that they might better understand this proposal and to have them become familiar with how it works.

Mr. Spaulding stated there are two kinds of technology that they deploy. There is the point-to-point technology (T1, T3 line) with wireless and can also do a broadcast sweep of an area. In order to reach out to Plum Cove area and not have 12 antennas out there, they're proposing something that has a 60 degree swath northeast off the tower that would allow them to see that whole region which he believed was an under-served area by the wire systems.

Deputy Chief Schlichte asked where it would come from to serve that area.

Mr. Spaulding explained it would come out of Kondelin Road. With the installation at Gorton's, Gorton's Inc. saw an opportunity for USAi.net to be able to service the downtown area. He likened the "shot" from Kondelin Road to Gorton's as a "hail Mary shot" to the Rogers Street address that they can back feed across the City. This would be a back up link to City Hall which the Gorton's location would allow for. The whole business district is viewable from the Gorton's building roof. They've gone to rooftops and have done their measurements and used technology to make these measurements accurate.

Deputy Chief Schlichte stated by bringing this into the City, they'll be able to pick up the school and fire station in North Gloucester; he then assumed this also mean they'd be able to 'capture' the Magnolia, Central, and West Gloucester fire stations.

Mr. Spaulding didn't know yet but thought it would and would work with the Fire Department to make that determination.

Firefighter Robert Francis thought they would be able to capture the Magnolia and West Gloucester fire stations from Kondelin Road.

Mr. Spaulding responded USAi.net is a primary ISP business is to service large businesses for connectivity; they're a state pre-approved vendor because of the nature of their business. But he also noted his track record for giving back to communities where they are involved like in Boston and Haverhill. He stated Fire Departments can't be off line for one week. He claimed theirs is a rapid response company. He extended his offer to meet with the Fire Department to work through the issues and create a system of connectivity for their outlying and central stations as stated in his letter to the Council where they can meet their mission statement by providing internet connectivity services in lieu of the cash payment to the Fire Department training program which he asserted was more valuable than the payment of \$5,000.00.

Councilor Ciolino stated the memorandum of understanding that the training money would have been for the Fire Department. Now the in-kind contribution will be for the Fire Department, leaving the schools out of this discussion because they are focusing solely on the contribution to the Fire Department. He felt this was a good solution. He asked Mr. Spaulding sign and date an amendment to his letter dated October 26, 2010 (on file) to the City Council in which he requested in lieu of financial contribution to rather make an in-kind contribution of services of connectivity to outlying areas to say "to the Gloucester Fire Department." The Committee wants to see USAi.net to work with the Fire Department and come back before P&D in six months for an update to see where they are with regard to Fire Station connectivity. He then asked for a review of the enclosure for equipment at both locations.

Mr. Spaulding stated there is a small enclosure at the Gorton site, a 2'x2'x2' outdoor rated cabinet where the laptop that runs the system for that installation will reside because it is in a facility where this lots of moisture. They put it on the generator back feed; if power goes out in the City, they'll still be able to get

through. The Kondelin Road antennas are on the tower's generator power, battery back up plus the generator.

Deputy Chief Schlichte stated the Fire Department was on board and would support this as an excellent alternative use of the \$5,000.00 [cash payment] as it all relates back to public safety.

Councilor Whynott stated at the site visit he viewed an antenna and small microwave dish on the roof at Gorton's. He has direct TV and when it snows he has to sweep the dish.

Mr. Spaulding stated the link and frequency is different in this installation. The frequency is a higher frequency which allows for more capacity and to focus the energy and is only going only four miles instead of thousands off of a satellite. They aren't going through cloud cover. So even when snow is falling it doesn't affect them. They would have issues possibly during heavy rain events, say a few inches per hour that would affect their links but not by snow. They handle that by over engineering the link; if the manufacturer says to allow for 20 db of fade, they engineer for 40 db. Their business model is to be "the telco that never goes down".

Councilor Ciolino noted that Gorton's Inc. is behind this and is their solution to their connectivity issue and looks to be the way to solve the problem of connectivity to the outlying fire stations with Central Station. It sounded like it would be a tremendous asset to the City. He stated that the applicant, USAi.net has demonstrated that they have met the requirements of the GZO, Sec. 5.13 PWSF. Further, it is the Committee's recommendation that the requirements under Sec. 5.13.5(h) for the RFR filing required by Section 5.13.5.4 (f) be waived. Such information is not needed for a thorough review of the Kondelin Road #16 USAi.net PWSF since the information has been provided previously. They further recommend that the applicant be allowed to meet the requirements of Sec 5.13.12.1 to "contribute toward improving the adequacy of the City of Gloucester's emergency response by establishing connectivity to an outlying district of the City with a financial equivalent of up to \$20,000.00. And finally, the applicant, USAi.net has met the requirements of the Zoning Ordinance Sec. 1.8.3 and the proposed use will be in harmony with the general purpose and intent of the ordinance.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant the Special Council Permit (SCP2010-012) for a Personal Wireless Service Facility (PWSF) to USAi.net at Kondelin Road #16, Map 198, Lot 39, zoned G-I on the existing tower owned by American Tower Management with the following FINDINGS AND CONDITIONS:

- 1. In accordance with Gloucester Zoning Ordinance Sec. 5.13.5(h), the Planning & Development Committee recommends that the City Council find that the RFR filing required by Sec. 5.13.5.4(f) is WAIVED as such information is not needed for a thorough review of the Kondelin Road #16 USAi.net PWSF since the information has been provided previously; and,**
- 2. The Committee recommends that the applicant be allowed to meet the requirements of Sec. 5.13.12.1 to "contribute toward improving the adequacy of the City of Gloucester's emergency response by establishing connectivity to an outlying district of the City with establishment of such service to have a financial value of up to \$20,000.00; and,**
- 3. The Committee recommends that the applicant, USAi.net has met the requirements of the Zoning Ordinance Sec. 1.8.3 and the proposed use will be in harmony with the general purpose and intent of the ordinance.**

The Fire Department and USAi.net would appear before the P&D Committee in six months with a review of the progress made towards connectivity of the outlying stations and Central Station on or around April 2011.

D) SCP2010-013: Rogers Street #127, GZO Sec. 5.13 PWSF (Cont'd from 10/20/10)

Councilor Ciolino noted as with Kondelin Road #16, Rogers Street #127 is a similar situation in that they are adding two side-mounted antennas to a Gorton's, Inc. Building; and that the applicant, USAi.net has demonstrated that they have met the requirements of the GZO, Sec. 5.13 PWSF. Further, it is the Committee's recommendation that the requirements under Sec. 5.13.5(h) for the RFR filing required by Section 5.13.5.4 (f) be waived. Such information is not needed for a thorough review of the Rogers Street #127 USAi.net PWSF since the information has been provided previously. They further recommend that the applicant be allowed to meet the requirements of Sec 5.13.12.1 to "contribute toward improving the adequacy of the City of Gloucester's emergency response by establishing connectivity to an outlying district of the City with a financial equivalent of up to \$20,000.00. And finally, the applicant, USAi.net has met the requirements of the Zoning Ordinance Sec. 1.8.3 and the proposed use will be in harmony with the general purpose and intent of the ordinance.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant the Special Council Permit (SCP2010-013) under Gloucester Zoning Ordinance Sec. 5.13 for two antennas, side mounted Personal Wireless Service Facility (PWSF) located at Gorton's, Inc., Rogers Street #127 attached to the Gorton's Seafood Center Building with the following FINDINGS AND CONDITIONS:

1. **In accordance with the Gloucester Zoning Ordinance, Sec. 5.13.5(h), the Committee recommends that the Council FIND that the RFR filing required by Sec. 5.13.5.4 (f) is WAIVED as such information is not needed for a thorough review of Rogers Street #127, Gorton's, Inc./USAi.net PWSF since the requested information is not applicable; and,**
2. **The Committee recommends that the applicant be allowed to meet the requirements of Sec. 5.13.12.1 to contribute toward improving the adequacy of the City of Gloucester's emergency response by establishing connectivity to an outlying district of the City with the establishment of such service to have a financial value of up to \$20,000.00; and,**
3. **The Committee recommends that the Council FIND that the applicant, USAi.net has met the requirements of the Zoning Ordinance Sec. 1.8.3, and the proposed use will be in harmony with the general purpose and intent of the ordinance.**

E) SCP2010-014: Cherry Street #32 (O'Maley Middle School), GZO Sec. 5.22 Wind Turbine
(Cont'd from 10/20/10)

Amy Donnelly, Science Teacher, followed up with a citizen who expressed concern as to reflectivity of the equipment and contacted the wind turbine dealer who provided web links to show the finish of the pole and the wind turbine spinning; and that there was no sound due to rotation and no reflectivity of the finish as it was a matte finish.

Councilor Ciolino related that Councilor Hardy requests that there be a sign at ground level so that people would know the purpose of the turbine is and its function.

Ms. Donnelly and **Brian Tarr**, Assistant Superintendent agreed and thought it was a good idea from an educational standpoint.

Councilor Ciolino stated that the applicant, Gloucester Public Schools for the O'Maley Middle School, has demonstrated that they have met the requirements of Gloucester Zoning Ordinance Sec. 5.22 Wind Turbine/Land-Based Wind Energy Conversion Facilities. Further, that the applicant has also met the requirement of Sec. 5.22.6 regarding height, setbacks, visual impact, color, equipment shelter, lighting/signage, utility connections and support towers. The applicant also has shown the wind turbine will comply with the environmental standards of Sec. 5.22.7; that flickering should be non-existent. The

Committee also waived the balloon/crane test finding it not applicable. And finally, this wind turbine is to be used solely for educational purposes.

Councilor Verga thought the City should look at more of these to save money.

Mr. Tarr thought they could learn from this one to see what more they will be able to do going forward.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to grant the Special Council Permit (SCP2010-014) for a rooftop Wind Turbine to the applicant, Gloucester Public Schools for 32 Cherry Street/The O'Maley Middle School, to install a 1.2 KW vertical axis turbine mounted on a roof with overall height of 30 ft. shown on plans by the City of Gloucester Community Development Department dated September 15, 2010; the following FINDINGS AND CONDITIONS apply:

- 1. The Committee finds that the applicant, Gloucester Public Schools for 32 Cherry Street/The O'Maley Middle School has shown the wind turbine will meet the requirements of Sec. 5.22.6 concerning height; setbacks; visual impact; color (non-reflective matte finish); equipment shelter; lighting/signage; utility connections; and support towers; and further the applicant has shown the wind turbine will comply with the environmental standards of Sec. 5.22.7 to the extent applicable with particular note to flickering should be non-existent.**
- 2. The Committee recommends waiver of the balloon/crane test as not applicable;**
- 3. The wind turbine shall be used solely for educational purposes and an appropriate sign be erected at ground level for educational purposes.**

F) SCP2010-015 Kirk Road #9, Lowlands Permit, Sec. 5.5.4 Lowlands (Cont'd from 10/20/10)

Dan Oppenheimer of Mill River Consulting introduced Mr. and Mrs. Dennis Silva who are hoping to build a pier, seasonal gangway and floating dock on the Mill River. He reviewed the application with the Committee. They have been before the Conservation Commission and received their sign off (on file). The project was also reviewed by the Shellfish Warden who assented but also listed some conditions (letter on file). They're proposing to pour a concrete pad in the yard to be used as an anchoring for the gangway. There are two outcroppings of rocks that exist in the river already near the land; and they will pour concrete posts on those rocks which will minimize the impact to the clam flat and salt marsh grass that is there. The float will be used for swimming and occasionally for boat tie up. Jim Caulkett, Gloucester's Harbormaster, did not have an issue with regards to boating navigation. He pointed out on the locus map vacant land and homes to the Committee. Mr. Oppenheimer stated the project is in harmony with the Mill River.

Councilor Whynott asked if this was a tidal situation.

Mr. Oppenheimer stated it can only be used with a 2/3 tide or higher of the tide cycle, typical of the ramps and piers in the immediate area. He pointed out on the locus map vacant land, where there is a City-owned pump station, owned by the Riverdale Neighborhood Association and the location of the pier, seasonal gangway and floating dock.

Ben Baylies, 7 Kirk Road spoke in favor of the Silva's proposed pier, ramp and floating dock.

Councilor Ciolino stated the Planning and Development Committee finds that in accordance with Gloucester Zoning Ordinances, section 5.5.4 for lowlands special permit are met; the project has been designed to satisfy the requirements of the Hatch Act as there are no hazards to health and safety, and the project will be executed as to conserve shellfish and other wildlife resources of the City. In addition, the application met the six factors of Sec. 1.8.3(e) of the zoning ordinance especially in regard to the natural environment. For those reasons, the Planning & Development Committee can endorse this Special Council Permit.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant the application of Dennis Silva for a Special Council Permit 2010-015, Lowlands Permit under Gloucester Zoning Ordinance Sec. 5.5.4, at Kirk Road #9, Map 101, Lot 52, zoning district R-3, for a pier, seasonal gangway and floating dock on Mill River. The Committee further recommends that the City Council find that the requirements of the Hatch Act (M.G.L c.131 sec. 40) have been satisfied and that the project will not pose a hazard to health or safety and will be executed to conserve shellfish and other wildlife resources of the City. The Committee determines that the application has met the six (6) factors of Sec. 1.8.3(e) of the zoning ordinance especially as regards to the natural environment. Granting of the Special Council Permit shall be subject to the following CONDITIONS:

1. Applicant shall construct the project subject to the August 31, 2010 Conservation Commission Order of Conditions; and,
2. Applicant shall comply with the conditions set out in the August 15, 2010 report of the Shellfish Constable which are incorporated into the Special Council Permit; and,
3. Approval of the application and granting of the Special Council Permit is based upon the site plan drawn by Mill River Consulting dated/revised August 10, 2010.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning and Development Committee voted 3 in favor, 0 opposed to ADVERTISE FOR PUBLIC HEARING on the matter of SCP2010-015, Lowlands Permit under GZO Sec. 5.5.4, Kirk Road #9.

G) PP2010-005: Installation of J.O. Guy Stub Pole #3-84 and Anchor and Guy re: Tufts Lane

This public hearing is open.

Those speaking in favor:

Peter Glynn, agent representing National Grid stated that they were requesting the installation of a J.O. Guy Stub Pole #3-84 and Anchor and Guy re: Tufts Lane (near Bennett Street). This involved only one pole with wires which would not exceed 15 wires and two cables and all of the wires and cables will be placed at a height of not less than 20 ft. from the ground.
pole, with a diameter of 12" to 14".

Those speaking in opposition:

Communications: None.

Questions:

Councilor Ciolino asked for a picture of the pole, wanting to know if a J.O. pole is a typically sized pole. **Mr. Glynn** reviewed the map provided to the Committee and showed that the guy and anchor should have been moved "years ago". It is on pole #3 now, sticking out in the middle of the road and needs to be relocated. They want to keep going down the road to support it. In lieu of a picture, Mr. Glynn explained that a guy stub pole is a 40 ft. Class Three pole, with a diameter of 12" to 14".

Councilor Ciolino stated the Committee would appreciate that when an application is made going forward for pole petitions that involve pole installation, a picture be provided of that particular type of pole or at the very least a picture be available for viewing during the hearing for the benefit of the Committee.

This public hearing is closed.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to permit National Grid to erect and maintain

poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to as requested in petition of said Company dated the 12th day of August, 2010. All construction under this order shall be in accordance with the following conditions: Poles shall be of sound timber and reasonably straight, and shall be set substantially at the points indicated upon the plan marked National Grid No. 8800963 dated 08/09/10 filed with this order. There may be attached to said poles not to exceed 15 wires and 2 cables and all of said wires and cables shall be placed at a height of not less than 20 feet from the ground. The following are public ways or parts of way along which the poles above referred to may be erected, and the number of poles which may be erected thereupon under this order at Tufts Lane – Installation of one (1) J.O. Guy Stub Pole #3-84, Anchor and Guy.

2. *Modification to Special Council Permit granted to Nino Ciaramitaro on December 14, 2004
Re: 85-89 Bass Avenue (To be continued to November 17, 2010)*

This matter is continued to November 17, 2010.

3. *Modification to Special Council Permit granted to Cape Ann Brewing Company on July 20, 2010
Re: 9-11 Rogers Street (To be continued to November 17, 2010)*

This matter is continued to November 17, 2010.

4. *Downtown Gloucester Holiday Parade re: Request to use City Streets, Sunday, November 28, 2010 (by direction of the City Council President)*

Councilor Ciolino recused himself from the discussion and vote as he was the organizer of this annual Gloucester event.

MOTION: On motion by Councilor Whynott, seconded by Councilor Verga, the Planning & Development Committee voted 2 in favor, 0 opposed to permit the Downtown Gloucester Holiday Parade to proceed on City streets on Sunday, November 28, 2010 with a weather date of Sunday December 5, 2010. The parade will assemble at the Jodrey State Fish Pier on Parker Street with a starting time of 3:00 p.m. The route is: Jodrey State Fish Pier to Parker Street; left onto Main Street to Western Avenue and end at the Tree Lighting Ceremony at Kent Circle. The following conditions apply:

1. Certificate of Insurance, issued through the Carroll K. Steele Insurance Agency will be on file seven (7) days in advance of the parade on file with the City Clerk's office;
2. Gloucester Police Department to sign off on the proposed route seven (7) days in advance of the parade on file with the City Clerk's office;
3. Santa Clause or his designee to sign a waiver indemnifying the City of Gloucester regarding any liability as prepared by Fire Chief Phil Dench of the Gloucester Fire Department for permission to ride atop the Gloucester Fire Department's ladder truck and to be on file seven (7) days in advance of the parade with the City Clerk's office.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:36 p.m.

Respectfully submitted,
Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.