

**Planning & Development Committee**  
Wednesday, April 4, 2018 – 5:30 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
-Minutes-

**Present:** Chair, Councilor Valerie Gilman; Vice Chair, Councilor Jen Holmgren; Councilor Paul Lundberg  
**Absent:** None.

**Also Present:** Councilor Holmgren; Jim Destino; Chip Payson; Gregg Cademartori; Rick Noonan

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

1. *PP2018-001: Request from National Grid to replace pole #376 and to install 130 feet of underground conduit from 12 Beachland Avenue to pole #376 - to be conducted as a public hearing*

**This public hearing opened at 5:30 p.m.**

**Those speaking in favor:**

Sibhita Mahabier-Sheehy, Senior Designer, representing National Grid, reviewed that National Grid at the request of a customer at 12 Beachland Avenue explained that in order to facilitate service they will install approximately 130 feet of underground conduit from pole #376 to service that property and to replace the same pole. The current pole #376 was described as currently in poor condition.

**Those speaking in opposition:** None.

**Communications:** None.

**Councilor Questions:** None.

**This public hearing is closed at 5:31 p.m.**

**MOTION:** On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit National Grid to install 130 feet +/- of underground conduit beginning at a point approximately 45 feet north of the centerline of the intersection of Rockport Road and Beachland Avenue and continuing approximately 400 feet in a northerly direction. Service is from 12 Beachland Avenue to riser pole #376. National Grid is to replace existing riser pole #376, including the necessary sustaining and protecting fixtures as shown on W.R. Plan #24658339 (undated) 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 (two) inches totaling 4 (four) inches.
  6. 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. *Special Events Applications:*
    - A. Boston Wounded Veterans 5K Road Race, May 12, 2018

Marvin Pena, representing the Boston Wounded Veterans 5K Road Race explained the following: This is their third year running the race which starts by the footbridge at Good Harbor Beach on Nautilus Road then follows the Back Shore to Grapevine Road where the participants turn around and then return to the footbridge. The participants cross the beach to the parking lot where the majority of the event is held. The race event is from 8:00 a.m. to 12 noon,

but it was pointed out that race participants both runners and walkers, some of whom are disabled veterans, will be on the city roadways for about one to one and a half hours.

**Councilor Holmgren** asked if the hotels and motels have been notified about this event. **Mr. Pena** indicated that he will be notifying the hotels and motels along the race route.

**Councilor Gilman** asked if the DPW had been consulted regarding available restroom facilities for the event. **Mr. Pena** advised his intention is to reach out to the DPW. He suggested that ideally they'd like to use the bathrooms at the Good Harbor Beach concession stand rather than renting facilities for this fundraising event.

**Councilor Lundberg** noted that Councilor Cox is a co-applicant and that they can rely on her guidance in these matters.

**MOTION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit the Boston Wounded Veterans 5K Road Race to be held on Saturday, May 12, 2018 from 8:00 a.m. to 12 noon 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:**

The route for the race is as shown on a map or plan 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 3:00 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 in advance of the event.

**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 race route.

**7. Responsibility of the Boston Wounded Veterans 5K Road Race Organization:**

It is the sole responsibility of the Boston Wounded Veterans 5K Road Race organization to ensure that all required documentation is timely filed with the appropriate City departments. Failure to comply with any conditions may result in permit revocation.

**3. SCP2017-012: School House Road #2, #3 and #4, Map 262, Lots 14 & 37 and Gloucester Crossing Road #7, Map 43, Lots 4 & 5 for a Special Permit under the Mixed Use Overlay District pursuant to GZO Sec. 5.29 (including Major Project under GZO Sec. 5.7) and Sec.'s 5.29.10 and 5.11.8 - For the purpose of a Committee discussion with city staff and the Applicant on a vote taken at the 01/29/18 Special P&D meeting to refer the issue of a renegotiation of the Affordable Housing Hardship claim by the Applicant under GZO Sec. 5.11.8 and directly related matters therein**

**Jim Destino**, CAO, explained that this one particular matter of the overall major project to develop the Fuller School property was referred back to the Administration to review the Affordable Housing hardship claim by the Applicant in order to come to an accord. He advised that this was been accomplished. The Committee was referred to their agenda packet which contained a memo from the Mayor with attachments and reviewed that documentation as followed:

1) The agreement between the Applicant and City is in form of a "First Amendment to Purchase & Sale (P&S) dated September 30, 2016" and updated March 27, 2018: The Addendum states that, "Fuller Mixed Use Ventures (FMUV) agrees to conform to the provisions of Gloucester Zoning Ordinance Section 5.11 "Inclusionary Housing Requirements" and will agree to construct in the residential portion of the FMUV project and permanently deed

restrict 15% of the 200 units (30 units) as units affordable to households earning 80% of the area median income (AMI) in accordance with Section 5.11.” The provision was described as allowing the Applicant to withdraw their request for Affordable Housing hardship because they are now aligned with the Zoning Ordinance.

Within the same amendment was an agreed-upon consideration for the Premises of \$4.1 million as the purchase price. Also included is that the inclusionary housing requirements of the rider of the P&S are to be deleted in its entirety as it is now no longer necessary.

2) Brownfields Program Income Fund Grant Award Letter dated March 27, 2018: Included is an award of a Brownfields Income Grant through the city to the Applicant of not less than \$475,000 for the environmental clean-up of the Fuller property with certain codified stipulations within the Memorandum of Understanding (MOU) required for applicant to receive the grant funds. It was highlighted that the monies are through the federal government to the city which is slightly different because it’s income money that has come back to the city, giving the city greater control over the funds. The Committee was advised that the Administration has cleared this granting of funds to the Applicant with the U.S. Department of Environmental Protection for the Applicant to be eligible.

A stipulation is that at the time of transfer of property ownership from the city to the FMUV the property must have an “active” Phase 1 Assessment not more than six (6) months old (an up-to-date environmental assessment on the property completed). The Applicant can’t close until they own the property which is why there is a MOU in place. It was advised that the Applicant has already applied for the Brownfields grant and have a pre-approval letter in hand. Another stipulation in the MOU is that the portion of the property subject to the clean-up using said funds shall be owned by the YMCA during the clean-up phase. It was noted that the property has to be owned by a non-profit entity during the clean-up phase for Brownfields funding to be utilized.

3) Support Letter dated March 16, 2018: A letter of support from the Mayor to the YMCA of the North Shore is included which expresses support for the future development for affordable housing by the YMCA and Harborlight Community Partners at 71 Middle Street (site of the current Cape Ann YMCA). **Mr. Destino** conveyed that the Administration supports this development “wholeheartedly.” He explained that that this would be a complementary way for additional units of affordable housing to be built renting at 60% AMI or lower housing to support local fishermen, the elderly and veterans who need affordable housing the most in the community. The Administration through **Mr. Destino** stated its support for this project and the application when it comes through. He asked the Council to accept the letter and endorse the project although no funds are earmarked at this time because these projects don’t happen without city support. He also highlighted that this was something the Council should join the Administration in supporting. He pointed out that this is a good project with work still to be done to bring it to fruition. He reiterated that the affordable housing to be created is not only at different lower AMI levels that the city needs but also embraces the expansion of retail space at the Fuller property and sees the creation of a state-of-the-art YMCA with central parking, a great partner for the city.

**Peter Gourdeau**, Director of Project Development for Windover Construction representing the Fuller Mixed Use Ventures, LLC, thanked the Administration for their work on this matter. He requested that the Council reflect the Mayor’s letter of support as the YMCA acknowledged they have the city’s backing. He also expressed his hope that the city can move this process forward quickly and anticipates going before the Planning Board to that end. He pointed out an open item is the project sewer system and what off-site improvements need to be made in order to satisfy the Public Works Department with a price of \$3 million being expressed. He pointed out that the dollar amount is actually substantially smaller, and that \$3 million is not a correct number for the scope of work under consideration.

**Councilor Gilman** suggested, without objection from the Committee, is to accept the request to withdrawal of the Applicant’s Affordable Housing hardship claim to be brought forward to the Council. **Deborah Ellison**, Eliason Law Office, 61 Middle Street, local attorney for FMUV, LLC discussed with the Committee briefly about the withdrawal of the Affordable Housing hardship claim and suggested that after the Council accepts the Amendment to the P&S and supporting documents that the FMUV would then make its request for withdrawal of the hardship claim.

**Councilor Lundberg** conveyed that he’d appreciate a conversation at the Council on Tuesday, April 10 about the Mayor’s letter of support. Speaking to the Mayor’s endorsement, he suggested that it would be an important consideration to include the Council’s support in the Committee’s recommendation. He added his thanks to the Administration and the Applicant for solving this issue which ultimately will benefit the community and in turn gets the Fuller project moving forward.

**Councilor Holmgren** added her thanks saying she was pleased to see something positive coming out of the YMCA’s property at with 71 Middle Street with **Councilor Holmgren** adding her thanks as well.

**Councilor Gilman** noted the collaborative effort pointing out this is the definition of a partnership. She expressed her appreciation that the project is moving beyond the affordable housing hardship, which was a concern

for the community. She highlighted the positive momentum gained for moving the Major Project application forward. She noted that the Planning Board would now take up the recommendations of city department heads when received and move forward on other pertinent matters on the Major Project Application.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend that the City Council accept the documents negotiated by the Administration and Fuller Mixed Use Venture, LLC, that include an Addendum to the Purchase and Sale Agreement regarding affordable housing; a Memorandum of Understanding regarding a Brownfields grant; and a letter of support regarding the proposed development at 71 Middle Street and hereby endorses the Mayor's letter of support dated March 17, 2018 for the proposed development at 71 Middle Street.**

**Note:** All supporting documentation named in the Committee Recommendation was previously placed on file. This matter will come forward under "Committee Report" at the next regularly scheduled City Council meeting.

4. *CC2017-057 (Orlando/LeBlanc) Amend GZO by ADDING a Footnote "I" to Sec. 3.2.1, inserting into the CB column, & to ADD same footnote as Footnote "h" in the CB column for Sec. 3.2.2 re: affordable housing (Cont'd from 02/21/18)*

**Gregg Cademartori**, Planning Director, reviewed that the Planning Board recommendation (on file) by explaining that the Board opened a public hearing on February 1 and had a second session on March 1. There was an initial presentation from Attorney Joel Favazza who worked with Councilor Orlando on the Zoning amendment language. The intent portion that accompanied the proposal, as submitted, was described as inconsistent with the permitting process in the current Zoning Ordinance. As described at the Board hearing, this was a "quick fix," but **Mr. Cademartori** pointed out that adding footnotes doesn't necessarily address the larger issue (of affordable housing). He highlighted that there are a number of suggestions from the city's Housing Production Plan (HPP) that the Board would like to take up through a more comprehensive approach to address matters such as facilitating upper story development on Main Street rather than adding a footnote. Noting an item that accompanies a more streamlined approach, the intent of this proposal, is an affordability requirement not in scale with the current Zoning Ordinance as it requires 15% of total units developed to set aside as affordable which puts a high burden on a small project of one to three units. The Zoning Ordinance related to affordability needs to be reviewed carefully. **Mr. Cademartori** suggested it would be advisable to see the conclusions of that review to see what can be streamlined. He recounted that the city's housing ordinance has been in place for 50 years and that they can't accomplish housing goals with footnotes. He suggested that there are density and setback requirements that are at the root of the city's complicated permitting process. He further suggested that there needed to be more of a focus on the city's housing goals, although there are some good intentions in the amendment on the facilitation of upper story development in the downtown area. He concluded his remarks by advising that after two sessions, there was also intention by the Board to create a subcommittee to develop strategies to meet the city's HPP goals. He reported that the Board voted 0 in favor, 7 opposed, on the proposed Zoning amendment.

**Councilor Gilman** suggested that based on the Planning Board's recommendation that this Council Order would need to be withdrawn.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend that CC2017-057(Orlando/LeBlanc) Amend GZO by ADDING a Footnote "I" to Sec. 3.2.1, inserting into the CB column, & to ADD same footnote as Footnote "h" in the CB column for Sec. 3.2.2 re: affordable housing, be withdrawn without prejudice.**

**Councilor Gilman** and **Mr. Cademartori** briefly touched upon Coastal Resilience Workshop scheduled for Tuesday, April 17 at 6:00 p.m. at City Hall. They agreed that the Planning Board's review of CC2017-046 should occur after that workshop.

**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: None.**