

Planning & Development Committee
Wednesday, June 20, 2018 – 5:30 p.m.
1st 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 Sean Nolan (entered the meeting at 6:00 p.m.)

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

1. *PP2018-004: Request by Comcast to install 200 ft. +/- of underground conduit for service to 86 Main Street - To be conducted as a Public Hearing*

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

Those speaking in favor:

David Flewelling, Specialist 2 Construction, Comcast, explained the Comcast Pole Petition as follows: This is a request for the installation of 200' +/- of underground conduit for service to 86 Main Street with two vaults will be installed, each 24" by 36" in the associated sidewalks. The excavation would start on Porter Street from Utility Pole No. 69/1 and place two 3" PVC conduits 120' +/- to a proposed 24" x 36" flush mount vault located in the sidewalk on Main Street. Continuing with the excavation on Main Street to place the same for 80' +/- to another proposed flush mount vault located in the sidewalk and continues from the vault with a conduit to 86 Main Street. The total footage proposed is 200'.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Lundberg noted the memorandum from the Public Works Director (on file) with the Committee.

Councilor Gilman advised that the Public Works Director had also confirmed the work by Comcast shouldn't start before September 4, 2018 due to the active summer season in the downtown area.

This public hearing is closed at 5:32 p.m.

MOTION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit Comcast to install 200 feet +/- in total footage to service Main Street #86 as follows: Excavation would start on Porter Street from Utility Pole No. 69/1 and place two (2) 3" PVC conduits 120' +/- to a proposed 24" x 36" flush mount vault located in the sidewalk on Main Street. Continuing with the excavation on Main Street to place two (2) 3" PVC conduits for 80' +/- to a second 24" x 36" flush mount vault located in the sidewalk and continues from the vault with a conduit, including the necessary sustaining and protecting fixtures as shown on "Proposed Comcast Underground Conduit Plan to Service 86 Main Street" dated May 23, 2018 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 September 4, 2018 through November 15, 2018 (after Labor Day).
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. Request to hold Magnolia Farmers' Market on Mondays from June 25 through August 27, 2018

Councilor Nolan, representing the Magnolia Library, the sponsor of the Magnolia Farmers' Market, advised that the event is going on its third year, and that there are high expectations for its future. Nothing has changed, all factors are in place, he advised.

MOTION: On motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit the Magnolia Farmers' Market to be held on Mondays from June 25 through August 27, 2018 during the hours of 4:00 p.m. to 6:30 p.m. with the following conditions:

Lexington Avenue is to be closed from Norman Avenue to Flume Road with appropriate signage posted at either end of Lexington Avenue advising motorists of alternative routes. A Certificate of Insurance naming the City of Gloucester as Certificate Holder is to be on file with the City Clerk's office no later than June 22, 2018 or in lieu of a Certificate of Insurance a letter from the city's Chief Administrative Officer stating that the city is responsible for the insurance. The following conditions apply:

- 1. Applicant is to notify all abutters of the closed area of Lexington Avenue in advance of the events;**
- 2. Applicant is responsible for providing adequate trash receptacles and for removal of same;**
- 3. Applicant has agreed to make Magnolia Library bathrooms available to the public;**
- 4. All vendors, except those excluded by state law, are to obtain city vending permits prior to June 22, 2018 from the office of the City Clerk.**
- 5. That the Magnolia Farmer's Market must have two or more farmers primarily selling products grown, produced, or raised by farmers present in order to constitute a "Farmer's Market" in keeping with the Mass. Department of Agricultural Resources Policy for Mass. Farmers' Markets and with the definition in the Code of Ordinances, Chapter 11.**

B. Request to hold 60th Sidewalk Bazaar August 2, 3 and 4, 2018

Joseph Ciolino, Director of the Gloucester Downtown Association (GDA), owner of the Weathervane at 153 Main Street, and High Popples Road resident, assured the Committee that nothing new has been added to this year's time-honored event now in its 60th year; all arrangements are the same as in years past. The GDA will be hiring someone to act as the event coordinator for those three days and Association members will be on hand with their corps of volunteers to ensure the Sidewalk Bazaar is successful. He noted that I4-C2 will be used for parking, and the city's liability insurance will cover this event.

Councilor Lundberg asked if the GDA is different from the Downtown Development Commission (DDC). **Mr. Ciolino** advised the DDC is a Commission appointed by the Mayor under the Code of Ordinances, and the GDA is an organization comprised of downtown retailers from the Railroad Station, Flanagan Square, and Harbor Loop up Washington Street looping back to the Railroad Station. There are no dues, he noted.

Councilor Gilman asked if the GDA is all set with recycling containers. **Mr. Ciolino** advised he's already made arrangements with the DPW; their organization instituted the containers several years ago. He pointed out that Main Street remains vibrant.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit the Gloucester Downtown Association (GDA) to close Main Street from Pleasant Street to Washington Street, including Hancock, Center, Porter, and Short Streets to all vehicular traffic from 6:00 AM to 6:00 PM, Thursday, August 2, Friday, August 3, and Saturday, August 4, 2018 for the purpose of conducting the Gloucester Sidewalk Bazaar with the following conditions:

- 1. A memorandum from the City of Gloucester that shows the DGA Sidewalk Bazaar is covered under the city's insurance has been received.**
- 2. There are to be no vendor set ups on the sidewalk blocking hydrants, crosswalks, or handicap ramps; Vendor set ups are not to extend beyond the marked parking lines on the streets.**
- 3. No vendor set ups in front of the police station other than the area designated by the Police Department.**
- 4. All vendor set ups must allow for unobstructed drivable area along the entire Sidewalk Days route slightly wider at the curve of the Brass Monkey to maintain adequate access for emergency vehicles.**

- Failure to do so may necessitate the removal or relocation of the vendor at the discretion of the Fire Department, the Police Department or the event agent of the GDA.**
5. **The organizers shall allow the Fire Department drive-through access with a fire engine once each day of the event, on or about 9:00 a.m., and one random drive through to be decided by the Fire Department.**
 6. **No parking or unloading of goods on any of the above-mentioned streets after 8:50 AM until 5:00 PM on each of the days of the Gloucester Sidewalk Bazaar.**
 7. **Event staff is to have cell phones and be identified by the public with distinct shirts. A list of event staff and their cell phone numbers is to be submitted to the Police, Fire or DPW Departments in advance of the first day of the Sidewalk Bazaar.**
 8. **The GDC is also required to obtain any necessary approvals from appropriate city departments. It is the sole responsibility of the applicant to ensure that all required documentation is filed in a timely manner as indicated. Failure to comply with any conditions precedent may result in permit revocation. Applicant is also required to comply with any requirements made by departments through the Special Events Advisory Committee including vending.**
- C. Request to hold Maritime Heritage Day/Schooner Festival September 1, 2018

Michael DeKoster, Maritime Gloucester, Executive Director, and **Daisy Nell**, Board Member, organizers of the Maritime Heritage Day for Maritime Gloucester explained that this is a long-standing annual event. The request is to close Harbor Loop from #23 to #27 prior to that driveway. Vendors appealing to all ages set up 10'x10' tents. It is expected there will be 1,500 attendees in conjunction with the Schooner Festival. **Ms. Nell** added that Maritime Heritage Day has become a nice tradition for those who come to the Friday night Block Party and come back for more family events on Saturday for Maritime Heritage Day expanding the way people can see schooners this year. Everyone can enjoy the festival without having to get on a boat, she noted saying that this is about education, fun and food for families. **Councilor Lundberg** noted in the packet there was a partial list of expected vendors for the 2018 event (on file).

MOTION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit the Gloucester Maritime Center to hold Maritime Heritage Day in conjunction with the Gloucester Schooner Festival on Saturday, September 1, 2018 from 10:00 a.m. to 4:00 p.m. at Harbor Loop. Harbor Loop is to be closed to vehicular traffic with the exception of emergency vehicles from 10:00 a.m. to 5:00 p.m. with roadway signs indicating same from 23 Harbor Loop to 27 Harbor Loop. A Certificate of Insurance naming the City of Gloucester as the Certificate Holder is to be on file with the Office of the City Clerk by August 17, 2018. Traffic control during the event will be overseen by the Gloucester Police Department and no police detail is required.

2. *Memorandum from City Clerk re: request of Thomas P. Testaverde to rename Mooncusser Lane to Midnight Sun Lane per GCO Ch. 21, Sec. 21-3 Subsections (a) through (f) - Vote to refer matter per GCO for recommendations from certain city departments (GCO 21-3(3))*

Thomas Testaverde advised that the word "mooncusser" means pirates named by the former property owner, and that it is their property now with plans to build a home there soon. He asked the Committee to permit the change the name of the lane to Midnight Sun Lane which is the name of his fishing vessel.

Councilor Gilman asked for and received from the Clerk of the Committees a brief verbal summary of the findings of the Public Works Director, the Fire Chief and City Engineer, (all on file) that indicated they were not in favor of changing the name from Mooncusser Lane to Midnight Sun Lane all citing the change was not for the purpose of 911 identification, and that a name change had been made only several years ago. The Assessors advised that there is no conflict with the name Midnight Sun Lane to any other city way. She added that Mooncusser Lane was originally named for 911 identification purposes.

Councilor Gilman advised that the Fire Chief stated in his memo that he doesn't support in general street name changes unless it helps to improve the identification of a location by reducing similar names, sound-alikes or the same name being used for more than one legal way. She pointed out that the Chief's memo noted his non-support because this name was changed recently to Mooncusser Lane in the last few years; that with each change it creates an additional risk of confusion, forces emergency personnel to relearn a street change and forces name changes across

all city resources such as maps, GIS system, tax records, 911 records and signage. She summarized it is a concern for public safety overall.

Councilor Lundberg briefly touched on that when this original request to name Mooncusser Lane from 220R Magnolia Avenue, the city requested it have a name, and the previous owner chose the name, Mooncusser Lane, saying that now the new owner wants to change the name. He advised he didn't see a compelling argument to not change the name of the lane.

Councilor Holmgren asked if all the neighbors are agreeing to this name change. **Mr. Testaverde** advised that the two abutters have no issue with the name change. She asked that Councilor Nolan, who represents Ward 5, to weigh in on this matter at Council, noting he owns a business on Kondelin Road. She expressed support for sending this matter to the Council for a discussion. She conveyed she understood the safety concerns.

Councilor Gilman advised she would vote no as three of the department heads who weighed in on the matter under the ordinance were not in support of the name change. Saying that while she prefers the name Mr. Testaverde has proposed, but that safety comes first, in this case this is something she would heed the advice of certain department heads. She mentioned her appreciation for Councilor Holmgren's suggestion.

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning & Development Committee voted 2 in favor, 1 (Gilman) opposed, under GCO Ch. 21, Sec. 21-3 "Street names" to rename Mooncusser Lane to Midnight Sun Lane, Lot 207, Map 34; formerly known as 220R Magnolia Avenue.

3. Memorandum from Planning Director re: request of Gloucester Crossing LLC proposing modifications of the site layout of Phase II of Gloucester Crossing Shopping Center

Michele Harrison, 27 Sayward Street, Special Permit Project Manager for Gloucester Crossing, LLC; was present with Tim Power, Professional Engineer with Land Strategies LLC and Sam Park, owner of Gloucester Crossing. She explained the following: The Committee has before it a request from the Planning Director to confirm that the changes proposed for Gloucester Crossing are insubstantial. The Committee's recommendation goes to the Council for confirmation of Mr. Cademartori's conclusion that the changes are insubstantial. **Ms. Harrison** then conveyed the following information:

Background History on Gloucester Crossing: Gloucester Crossing was first approved by the Council in September 2007. There was a lengthy permitting and appeal and construction went forward with the opening in 2010. Phase 1 of the Gloucester Crossing project is complete which includes: Market Basket, Ace Hardware, Marshalls, Great Clips, Olympia Sports, Petco and the Lahey Urgent Care; Building G has the liquor store and AT&T and soon to be a Mike's Restaurant (moving from Railroad Avenue).

Before the Committee is Phase 2. Phase 2 consists of: Extension of Building C; Building F is located as you go around the roundabout towards Petco; Building F is on the left. The modifications for Building F consist of an extension to create a more rectangular shaped building. This takes the building from 6,600 square feet to 6,700 square feet which is very and minimal and insubstantial. Aspen Dental will go in with another tenant in that building. The second modification is the extension of Building C, Petco. The rectangular changes are per the tenants wishes to have their buildings laid out inside. They are changing minimally the footprints of Buildings F and C. This movement of the buildings creates the necessity to alter the parking field slightly. There will be better crosswalks.

As to the hotel; it was permitted by a separate Special Permit, and nothing is proposed in this insubstantial modification request, but they are preparing an amendment to the Special Permit to deal with the hotel. It was suggested that it would be replaced with retail and service. With the construction of Beauport Gloucester, the need for a hotel has been diminished. That is a special amendment to the Special Permit they will come back for. There is nothing about the hotel or assisted living facility Special Permit. This is restricted to Phase 2.

Parameters of a Determination of Insubstantial Modification:

To get to the point of determining the proposed modifications are insubstantial, the Planning Director looks at General Condition #4 which has six sub conditions that are looked at. If the six standards are met the changes are de facto, insubstantial (as noted in Mr. Cademartori's memo on file).

"4. ...

- Any change in the composition or number of uses on the Site specified in Condition No. 2 that results in an increase in traffic generation above the vehicle trips identified in the record documents --*There is no change in use -- it remains retail, service and restaurants;*
- Changes in the location of buildings, roadways, parking areas and other accessory structures that decrease the setbacks as defined in the GZO from adjoining residential areas indicated in the record documents -- *The*

proposed changes don't decrease the setbacks from residential areas, and don't abut residential areas with these buildings;

- Changes that result in a net reduction of open space or lot coverage indicated in the record documents - actually open space increases -- *Open space actually increases;*
- Changes to the buildings or grading that increase a building's height beyond that shown on the record documents and beyond that shown on the final approved plans -- *None of the buildings heights are increased but are decreased- the buildings are contained to one floor;*
- Changes to the buildings that increase the total floor area of the Project beyond that shown on the record plans -- *the retail area has stayed consistent with what was originally approved which is 195,000 square feet;*
- Changes to the architectural character of the buildings shown in the record documents -- *there are no changes to the architectural design or to the materials with what has been originally approved;*

Ms. Harrison confirmed Planning Director has determined that all criteria under General Condition #4 have been met; the Planning Director has made his review along with other certain other municipal departments under the requirements. She asked for the Committee's affirmative vote.

COUNCILOR QUESTIONS:

Councilor Lundberg recounted that they are confirming the Planning Director's decision, under the terms of the Special Permit, who has made a determination that the changes are "insubstantial and is asking the Council to confirm that determination.

Councilor Gilman spoke to the parking for Building C which she noted would decrease from 359 parking spaces to 299 parking spaces. **Ms. Harrison** advised before they had the second story on the building and now that there will be no second story to rent out; therefore, the reduction of parking is appropriate. **Councilor Gilman** pointed out that parking for Building F is decreasing from 100 parking spaces to 30 parking spaces. **Ms. Harrison** explained that parking for Building F was placed for a 99 Restaurant but when the economy took a downturn, the restaurant stepped away. This will now be a dental office. **Councilor Gilman** asked to be shown on the plans where there would be more open space. **Tim Power**, Civil Engineer with Land Strategies, LLC, showed the Committee another comparison plan on Open Space (on file) with is an addition of slightly less than 2,000 feet of green space -- either landscaping or sidewalks. They drew a line delineating specifically between Phase 1 and 2 and the increase is only in Phase 2 from what is currently approved to what is proposed. **Mr. Park** confirmed it is a nominal expansion but there is no decrease.

COMMITTEE RECOMMENDATION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council confirm the Planning Director's determination that the redesign of building footprints for Building C and Building F for Gloucester Crossing as shown on the plans submitted with the application for the modifications dated May 15, 2018 and entitled "Gloucester Crossing Phase 2, Issued for Minor Modification, prepared by Land Strategies, LLC, Stamped by Timothy J. Power, dated May 15, 2018 including the following plan sheets:

**C-100 Overall Site and Overlay Plan
C-101 Layout and Materials
C-102 Grading and Drainage Plan
C-103 Open space Comparison Plan
C-104 Firetruck Turning Radius and
Gloucester Crossing - Building Elevations (date May 15, 2018)"**

are insubstantial and are approved upon the condition that an engineered stamped plan reflecting only those changes determined to be insubstantial is submitted to the City Clerk.

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning and Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council confirm the Planning Director's determination that the minor redesign of the parking areas and sidewalk network for Gloucester Crossing as shown on the plans submitted with the application for the modifications dated May 15, 2018 and entitled:

“Gloucester Crossing Phase 2, Issued for Minor Modification, prepared by Land Strategies, LLC, Stamped by Timothy J. Power, dated May 15, 2018,” including the following plan sheets:

**“C-100 Overall Site and Overlay Plan
C-101 Layout and Materials
C-102 Grading and Drainage Plan
C-103 Open space Comparison Plan
C-104 Firetruck Turning Radius and
Gloucester Crossing - Building Elevations (date May 15, 2018)”**

are insubstantial and are approved upon the condition that an engineered stamped plan reflecting only those changes determined to be insubstantial is submitted to the City Clerk.

These matters will come forward under the P&D Committee Report at the June 26, 2018 City Council meeting.

5. *Memorandum from General Counsel re: MuniCode Ordinance Review & Recommendations for Gloucester’s General Code of Ordinances & Gloucester Zoning Ordinance*

Councilor Gilman acknowledged an email from General Counsel, reviewing that he had spoken at the June 18 O&A Committee meeting on the MuniCode legal review; given that the majority of these changes are with the O&A Committee, he discussed the process and that the matter would come back to the O&A Committee on July 16. At this time there are only three very minor changes proposed for the Zoning Ordinance found at the end of the memo (on file). P&D was advised that this matter should be continued until it could be coupled with more substantive Zoning amendments so as to conserve city resources for advertising the changes which was fiscally responsible for legal advertising purposes by grouping these changes to the Zoning Ordinance, and for making the referral to the Planning Board for their review.

This matter is continued to July 18.

6. *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 (Cont’d from 05/14/18)(TBC 06/20/18)*

This matter is continued to July 18, 2018. Councilor Gilman announced that the P&D Committee has posted a site visit to the Fuller Property for Monday, June 25th at 4:30 p.m. meeting at the main parking lot off School House Road.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:20 p.m.

Respectfully submitted,

Dana C. Jorgensson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.