

Planning & Development Committee
Wednesday, July 18, 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: Joanne M. Senos; Chip Payson; Gregg Cademartori; Jim Destino; Mike Hale; Jill Cahill;
Joanne M. Senos

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

1. *PP2018-005: Petition by National Grid to install 38' +/- of 2"-4" PVC conduits from existing MH24-1 to the property line at 417 Main Street -- to be conducted as a Public Hearing - To be conducted as a public hearing*

This public hearing is opened at 5:31 p.m.

Those speaking in favor:

Sibhita Mahabier-Sheehy, Senior Designer, representing National Grid (NG), 44 River Street, explained the NG Pole Petition as follows: This application is to bring electrical service to the new building on the property at 417 Main Street.

David Brooks, 8 Old Bray Street, representing Action, Inc., that operates a homeless shelter across the street from the Pole Petition locus, expressed concern for the timeline of work and the needs of Action's shelter guests. **Ms. Mahabier-Sheehy** advised work would begin about six weeks from the time the Committee may vote in favor of the application, saying the timeframe shouldn't be long for trenching across the roadway. If the work goes to a second day the trench will be plated, until it can be backfilled. She confirmed this is for electric connections, and that the padmount single phase transformer near the locus property can't be used as a connection due to too much of a grade issue; as well as the building needs three-phase which the transformer can't support. Mr. Brooks advised there was a similar project in the immediate area where the street was trenched and foundation pieces were found from previous fill, as they're trying to minimize the timeline for construction. He asked that National Grid keep Action, Inc. updated.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 5:34 p.m.

Councilor Holmgren offered her thanks to Mr. Brooks for bringing his concerns forward to the Committee.

MOTION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, that National Grid be permitted to install beginning at a point approximately 142 feet east of the centerline of the intersection of Main St. and Scott St. and continuing approximately 38 feet in a southerly direction for 38 feet +/- of 2" to 4" PVC conduits encased in concrete from existing MH 24-1 to the property line of 417 Main Street together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way as substantially at the points indicated on plan entitled, "National Grid, dated 05-10-2018, Work Request Number 25935221 for Sketch to Accompany Petition for installation ...417 Main Street, Gloucester, MA 01930" 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. *PP2018-006: Petition by National Grid to install approximately 30' of conduit on Rocky Neck Avenue from existing pole (P# 2971) to Rocky Neck Avenue #30 - To be conducted as a Public Hearing*

This public hearing is opened at 5:36 p.m.

Ms. Mahabier-Sheehy, NG Senior Designer, asked that the National Grid Pole Petition for Rocky Neck Avenue #30 be withdrawn, recognizing that a private customer can't go underground in a public way.

This public hearing is closed at 5:37 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 the National Grid Pole Petition PP2018-006 to install approximately 30' of conduit on Rocky Neck Avenue from existing pole (P# 2971) to Rocky Neck Avenue #30 to be withdrawn without prejudice.

3. *PP2018-007: Petition by Comcast to install conduits and flush mount faults in Great Republic Drive -- To be conducted as a Public Hearing*

This public hearing is opened at 5:37 p.m.

Those speaking in favor:

David Flewelling, Specialist 2 Construction, Comcast, explained the Comcast Pole Petition as follows: This is a request for Comcast to bring service to #54 Great Republic Drive. As Great Republic Drive isn't built out for Comcast service, Comcast will build out the entire roadway which will include 1,758 of conduit and seven (7) 24" x 36" vaults. Once complete any business on Great Republic Drive will be able to receive Comcast service, enabling Comcast to simply build out to any subject property directly from the roadway.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 5:39 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 on Great Republic Drive as follows: Starting at the existing Comcast Vault excavating in an easterly direction to place two (2) 4" PVC conduits 460' +/- to a proposed 24" x 36" vault. Continuing across the street in a northerly direction with one (1) 4" PVC conduit 50' +/- to a proposed 24" x 36" vault. Continuing in a northeasterly direction with two (2) 4" PVC conduits 365 +/- to a proposed 24" x 36" vault. Continuing in a northerly direction with one (1) 4" PVC conduit 58' +/- to a proposed 24" x 36" vault. Continuing in an easterly direction with two (2) 4" PVC conduits 305' +/- to a proposed 24" x 36" vault. Continuing in a northerly direction with one (1) 4" PVC conduit 45' +/- to a 24" x 36" vault. Continuing in an easterly direction with two (2) 4" PVC conduits 475' +/- to a proposed 24" x 36" vault. Continuing in northerly direction with one (1) 4" PVC conduit 90' +/- and on to private property including the necessary sustaining and protecting fixtures as shown on "Proposed Comcast Underground Plan of Land, Project Location: Great Republic Drive" dated June 25, 2018 with the following conditions:

1. Notification to the Department of Public Works 72 hours in advance of the proposed work. A construction schedule and resurfacing plan 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 will 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 full width paving of affected area**
4. *Planning Board Formal Review and Recommendations regarding Zoning for Recreational Marijuana Establishments (Cont'd from 06/13/18)*

Councilor Gilman announced this matter would be continued to August 8, 2018.

5. *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 07/11/18)*

Councilor Gilman recounted that at the last P&D Committee meeting there was a rigorous conversation that concentrated on four particular areas of the Special Council Permit/Major Project that needed further conversation. She noted the Administration worked diligently to amend Conditions #2, #7, #17 and #22, as well as additional matters that were discussed.

Gregg Cademartori, Planning Director, reviewed that there were suggestions by the Applicant for language amendments as well as through the P&D Committee. The final recommendation from the Planning Board included fairly general conditions, he pointed out, saying that there needed to be language that addresses regulation and creation of the affordable units that will be required under GZO Sec. 5.11 "Inclusionary Housing Requirements." He highlighted two documents he forwarded to the Committee for their review (on file): a red-line version of a 15-page document, and a second document known as a "clean copy" without redlining. The redline version showed the changes for the related conditions on Affordable Housing, he noted.

Deborah Eliason, Attorney for the Applicant, advised the Chair that there would need to be a substantive discussion of the Affordable Housing conditions from their perspective.

Mr. Cademartori then continued with the suggested changes to the Conditions as follows:

- The word "should" throughout the proposed conditions from the conditions has been changed to "shall."
- Condition #2: From a staff level on how project modification of project plans are considered, reviewed and approved or required to go through additional permitting for review, the language now captures the review process. **Councilor Gilman** then read the final draft Condition #2. **Mr. Cademartori** commented that as these larger project move to construction and tenanting, things change, so there is a process that when changes are consistent with a Special Permit decision and the plan set that are minor modifications there's an allowance for those things to be considered -- as long as the changes are consistent with the Special Council Permit approved through the construction process. Should there be a change that is more of a departure and inconsistent with the plan set, the process is already outlined in the Zoning Ordinance, and it is considered through the public hearing process as an amendment to the City Council Permit, as in this case. This condition also captures that process, he advised. **Peter Gourdeau**, Windover Construction, asked if the Building Inspector must consult with those other named parties, or is it his discretion. **Mr. Cademartori** conveyed the Building Inspector can make decisions under the Zoning Ordinance but that this is to ensure communication between city staff, pointing out it is a consultation. This language requires the consultation, **Chip Payson**, General Counsel, pointed out. **Jim Destino**, CAO, noted the Building Inspector would do it regardless.
- Condition #7: **Mr. Cademartori** reviewed as follows on Occupancy Permits issuance -- not all uses will come on line at the same time and pursue occupancy permits. This language covers the expectation of what would be required if one component of the project pursues occupancy; it is allowable even if other parts of the project are not at that same stage. The same parts remain and are not a departure from the construction review process, he noted. This condition is making clear what is required and also anticipates that everything doesn't have to be complete in order to start occupancy of parts of the site but ensures the essential utilities and things that are servicing the use are in place should the housing piece, YMCA or retail

- come on line one before the other. **Mr. Gourdeau** voiced concurrence noting this was consistent with what they asked for.
- Condition #12: **Councilor Gilman** asked that the Committee consider the addition of a new subsection “G in Condition 12 regarding construction fencing with Mr. Gourdeau and Mr. Cademartori assisting in language formulation to read, “Construction fencing of the individual elements during the construction phase of the project shall be erected and maintained for the duration of the project.” The language addition was found acceptable to the Committee.
 - Condition #18: This was agreed that this is for clarity related to if there are any sewer connection or inspection fees that what they’re talking about is related to “on-site.” **Mr. Gourdeau** advised this is the language the Applicant had asked for.

At this juncture, **Ms. Eliason** reviewed some language issues with the redline version of the P&D Committee recommendations. Note: the first seven pages in this on file document that **Ms. Eliason** was referring to was considered preamble to the Committee’s draft recommendations. Any inconsistencies of the first seven pages of the preamble were remedied in the final draft recommendations in the remaining seven pages. **Mr. Cademartori** confirmed that the recommendation section of the document the Committee and the Applicant had in hand was correct, and changes were incorporated.

- Condition #22: There was proposed language at the last meeting and this is reflective of that, in terms of not having a need for on-going job fairs when on-site businesses are looking for qualified applicants, **Mr. Cademartori** recounted. **Mr. Gourdeau** confirmed the job fair is a one-time not an on-going obligation of the Applicant.
- Condition #24: **Mr. Gourdeau** suggested an addition. He read the condition as it stood, and then offered that the phrase, “within a reasonable timeframe and subject to seasonal limitations” be added in two separate places in the condition, so that the final draft language would read: “Subject to seasonal limitations, substantially all landscaping for each building shall be installed prior to the issuance of any of the building’s occupancy permit. All plant materials shall be maintained and replaced, if damaged or killed due to snow storage or removal, or lack of maintenance within a reasonable timeframe and subject to seasonal limitations.” The Committee agreed to this change.
- Condition #26 & #27: **Mr. Cademartori** pointed out that the condition from the Planning Board was general in nature; and what is before the Committee now shows specifics. They don’t have a lot of templates or examples in creating inclusionary units because of the size of the project. He explained that there is a lot of (affordable housing) programs the city administers for which there is a different process as to how to qualify units whether using grant money, etc. Through the city’s Legal Department and Outside Counsel, Attorney John Smollett, whom they provided the city’s Zoning Ordinance which is clear in its intent to create perpetual affordability, and speaks to whether the unit is a rental model or ownership model. The other intent in the inclusionary ordinance is that these units would qualify for addition to the city’s subsidized housing inventory that the state maintains. Attorney Smollett took the city’s Zoning Ordinance and the guiding documents from the program at the state which is the local initiative program where municipal actions are creating affordable units that you want to comply with the requirements of the subsidized housing inventory. Noting that the condition is lengthy, **Mr. Cademartori** explained that the language is prescriptive based on the guidelines of DHCD requirements for creating the units, creating a regulatory agreement for the units or a restriction for the units; and also the process for the initial tenanting of those units which requires a lottery. He pointed out that Mr. Smollett does this work on a regular basis, and that the language mirrors the process of what is required when residential units are created under Chapter 40B. There is a companion program of the state with a similar set of guidelines when they’re trying to add units to their subsidized housing inventory, he added.

Ms. Eliason confirmed that the Applicant also received these final draft conditions late in the date. She advised that the Dolben Company team reviewed this Condition #26 and she then highlighted an issue in the condition: In the second sentence, “As provided under Section 5.11.4(c), the requirements of the Inclusionary Housing Ordinance shall, as a condition to the grant of this special permit, be satisfied prior to the issuance of 50% of the occupancy

permits for market-rate units....” She described that there is an issue that there will be three buildings and (the affordable) units will be interspersed amongst those three buildings. The way that this language is constructed, the Applicant would get a building and a half where all the units would have to be put in before they could issue any further certificates of occupancy. She suggested that before they get to the 50% occupancy permit, they have an allocation schedule that they would agree to with the city so that the city would know how many units they’ll get in building one and how many in building two, etc.

Councilor Lundberg advised that it appears to be consistent with the goal of the inclusionary housing Zoning Ordinance that says that the units need to be interspersed and aren’t in one building. He advised he considered this a technical modification so as construction occurs the city doesn’t hold up the whole works. **Ms. Eliason** conceded that she’d not yet had the opportunity to come up with exact language. **Andrew Dolben**, Dolben Company, explained that they would put together a schedule of units and identify which units are to be designated as affordable which would be reviewed by DHCD and the city. Once established they build a building, hold a lottery to fill those units which is 15% of units for each building which would be allocated by unit type as well: 15% of studios; 15% of the one-bedroom units and 15% of the two-bedroom units. Once that schedule is established, they lock that in, fill as the units are they are built which he noted would be ten units per building and would be delivered as affordable per building. **Mr. Cademartori** agreed that this is reasonable approach, and if that is the intention they could come up with something that relates to 50% occupancy of the units in the building. He indicated he’d rather not draft this language “on the fly.” He indicated they can come up with language that is reasonable.

In a brief discussion with the Clerk of Committees the Committee determined that the language to be developed would be able to be amended into a main motion when the Committee Recommendation is presented at the close of the public hearing on the Special Council Permit.

Mr. Destino conveyed that the Mayor’s office has no objection to moving in that direction, and suggested the schedule would work as offered by Mr. Dolben. **Councilor Gilman** expressed that she believed this was a fair change as to the distribution of affordable units amongst the residential buildings. **Ms. Eliason** suggested that there could be circumstances where every building won’t have 15%; that they could be allocated differently amongst the buildings. She put forward that what would be required is an agreed allocation schedule before the issuance of 50% of the occupancy permit so that the so that the city and applicant have agreed where the units will be -- there may be seven units in one building, 12 in another for whatever reason, rather than inserting language so strict within each building, and offered possible language. **Mr. Dolben** noted that the concern is rounding, and they want to do proportional allocation and this was discussed with **Mr. Destino** and **Mr. Gourdeau** as well briefly.

It was agreed by the Committee they would amend the main motion for Condition 26 language.

Condition 27: “A total of 30 rental units or...” should be deleted, according to **Ms. Eliason** because it will be 15% of the total number of the project units if perhaps less were built it would still only be 15% that the Applicant would be required to provide. Therefore, she indicated the statement should begin for Condition #27 as, “Fifteen percent of the total number of project units shall be developed....” The Committee expressed agreement with Ms. Eliason.

The Committee recessed at the request of the Chair at 6:19 p.m. and reconvened 6:24 p.m.

Councilor Gilman noted she had no further questions nor did the rest of the Committee and thanked the Applicant and city staff for their hard work.

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 approve the Fuller Mixed-Use Development, LLC, Special Council Permit 2017-012 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 subject to the following conditions:

In view of the particular characteristics of the Site, and of the proposed Project in relation to the Site, the Planning and Development Committee finds that siting requirements for each use have been satisfied. All references hereinafter to the “Applicant” shall be construed to also refer to successor owners of the Site and, where applicable, to all tenants and occupants of the Site. The development of the Project, at a minimum, shall be subject to the following recommended conditions, which shall be binding upon the Applicant:

General

1. **The Project shall be constructed in accordance with the following Record Plans, which are on file with the Planning Board and City Clerk's Office:**
 - **Site development plans entitled: "Fuller Mixed Use Venture, Gloucester Massachusetts, Permit Site Development Plan", dated March 29, 2018, by Meridian Associates, Inc. as revised May 30, 2018, by Meridian Associates, Inc., and,**
 - **Landscape plans entitled: "Fuller Mixed Use Venture, Gloucester, Massachusetts, Permit Site Development Plan", dated July 11, 2018 by Hawk Design, Inc.**
 - **Sewer pump station and force main design drawings entitled "Sewer Pump Station Location Plan" and "Sewer Pump Station Details" dated January 19, 2018 as revised June 11, 2018.**
2. **If the Applicant wishes to modify the approved Record Plans, it shall submit proposed modifications in accordance with this paragraph. Where such modification is deemed to be substantial in the opinion of the Building Inspector, after consultation with, including but not limited to, the Planning Director, Director of Public Works, Conservation Agent, and/or City Engineer, such modifications shall be approved according to the special permit approval process. Review of such modifications shall require recommendation by the Planning Board and public hearing(s) by the City Council. In the event the Building Inspector or other applicable staff determines that proposed modifications are not substantial or inconsistent with the approved plans and decision, such modifications may be approved by the Building Inspector without further review.**
3. **The Applicant has proposed, and the Planning and Development Committee hereby recommends, that any action by the City Council include specification of elements of the Project and responsibilities that will remain private. The City shall not have any legal responsibility for the operation, maintenance, repair or replacement of the same to the extent such features are located on the Site:**
 - **All roadways and parking areas within the Project**
 - **Stormwater management facilities, including detention basins**
 - **Trash removal**
 - **Street lighting within the Project**
 - **Building repair and maintenance**
 - **Water and sewer services within the Project. Notwithstanding, the City's water booster station and its associated water main, valves, hydrants and other elements which shall remain the responsibility of the City.**
4. **The internal driveways within the Project shall remain private in perpetuity and shall not be proposed by the Applicant for acceptance by the City.**
5. **In the event of any emergency, the Applicant shall allow the City of Gloucester DPW access to the sewer and water lines on the Site for repair purposes.**
6. **The Conservation Commission's Order of Conditions pursuant to 310 CMR 10.00, or any superseding order of the Department of Environmental Protection (DEP), if applicable, and an Order of Conditions issued under the Gloucester Wetland Ordinance regarding this property, shall be made a part of the special permit. If there is any inconsistency between the Record Plans, and the plans as may be approved by the Conservation Commission or the DEP, the Applicant shall submit an amended plan to City Council, and the Planning Board for review, and to the Conservation Commission and to DEP (if applicable) for approval in order that all approvals are consistent with one another.**
7. **Following construction of each element (retail, YMCA, residential) of the Project, the Applicant shall provide an "as-built" site plan to the City Council, the Planning Board, the Department of Public**

Works, and the Building Department prior to the issuance of the final certificate of occupancy for buildings in the Project in accordance with applicable regulations. Partial Certificates of Occupancy may be issued upon completion of individual Project buildings provided that the applicant submits an interim as-built prepared and stamped by a registered professional engineer for the building in question containing, at a minimum, the following information: foundation perimeter, sidewalks, and other hardscaping, and all underground and aboveground utilities related to the building which demonstrate the adequacy of utilities to serve the use and compliance with the Record Plans. The Applicant shall provide a separate as-built plan depicting the water mains and services and sewer mains and facilities to the Department of Public Works demonstrating compliance with the Record Plans and installation specifications. These plans shall also be submitted in electronic format.

Conditions Pertaining to the Construction Phase of the Project

8. A preconstruction conference with City departments shall be held prior to the commencement of construction of the Project. For the purposes of this report, "commencement of construction" shall occur when either the clearing and grubbing (removal of stumps and topsoil) or abatement and demolition of the existing buildings has been initiated. The contractor shall request such conference at least thirty days prior to commencing construction by contacting the Building Inspector, Planning Director and Director of Public Works in writing. At the conference, the Applicant, and municipal officials shall agree upon a schedule of inspections. The Applicant shall provide the City with emergency contact numbers as well as the name and telephone number of a designated owner's representative for all Project related communication.
9. During construction of the Project, the Applicant shall conform to all local, state and federal laws regarding noise and vibration. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Exterior construction of the Project shall not commence on any weekday before 7:00 a.m. and shall not continue beyond 6:00 p.m. except for certain operations such as concrete finishing and emergency repairs. Exterior construction shall not commence on Saturday before 8:00 a.m. and shall not continue beyond 5:00 p.m. with the same exceptions. The Building Inspector may allow longer hours of construction in special circumstances, provided that such activity normally is requested in writing by the Applicant, except for emergency circumstances where oral communication shall be followed by written confirmation. There shall be no exterior construction on any Sunday or federal legal holiday. Hours of operation shall be enforced by the Gloucester Police Department.
10. Construction monitoring shall occur as required under the Conservation Commission's Order of Conditions.
11. The City Council's agents may enter onto and view and inspect the Site during regular business hours to ensure compliance, subject to applicable safety requirements as established by the Applicant or its contractor, including signing in at the construction field office trailer.
12. Prior to the commencement of construction of the Project, the Applicant shall submit to the Director of Public Works, Building Department and the Planning Director a Construction Management Plan for the Project, which includes the following elements and requirements:
 - A. Material deliveries, contractor equipment, and material removal shall be routed off of Route 128.
 - B. Construction access/egress gates shall be located at the intersections near the uses.
 - C. Staging of equipment and material shall be located within the Project. Good faith efforts shall be made to schedule material deliveries to avoid peak traffic hours.
 - D. Blasting and excavation must be conducted according to all city and state regulations including 527 CMR. 13.00 and the Gloucester Code of Ordinances Section 13 Noise. No rock crushing operations

- may be conducted prior to 7:30AM or after 4PM Monday through Friday. Rock crushing and drilling for blasting operations shall not be permitted on Saturdays, Sundays or Federal Holidays.
- E. Sedimentation and erosion controls, as shown on the Record Plans, must be maintained and inspected by an independent erosion control monitor on a weekly basis, or as directed by the Conservation Agent, Building Inspector or Department of Public Works.
- F. Dust from construction activities must be controlled. The Applicant and its contractors shall effectuate the following practices to minimize levels dust:
- Wetting soils that are excavated from unsaturated zones
 - Wetting equipment during excavation/loading activities
 - Minimizing dust generation from areas that have been excavated through the wetting of soils, or by other means of stabilizing dust particles.
 - Stockpiles left more than 30 days shall be stabilized
 - Restricting vehicle speeds and travel routes on the Site
 - Covering truck beds transporting soils off-site/on-site to prevent dust generation.
 - Sweeping paved areas if a nuisance is created by blowing soil, dust, or debris.
- G. Construction fencing of the individual elements during the construction phase of the project shall be erected and maintained for the duration of the project.
- 13 The Applicant must be required to promptly repair any damage, which Applicant causes to sidewalks, street pavement, signs or other fixtures or features within the public right of way, after obtaining permission from the City.

Conditions Pertaining to Traffic

14. Due to the lack of available trip generation data associated with the proposed multi-use YMCA, the Applicant shall submit annual traffic monitoring reports including Average Daily Traffic (ADT) and Turning Movement counts for the (i) weekday AM/PM and (ii) Saturday midday peak periods at the following locations: Schoolhouse Road/Sargent Street/Site Drive; Gloucester Crossing Road at Site Drive. Such reports shall be submitted on November 15th of the two consecutive years following full occupancy/operation of the proposed YMCA. If such reports indicate an increase above projected traffic, the report shall include updated capacity analysis and recommendations for potential mitigation.
15. The Applicant shall work with CATA to have the Site added to CATA's bus routes and coordinate accommodations for one or more permanent bus stop(s) on-site, subject to approval by CATA.
16. The final site plans shall meet all requirements of Americans with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (MAAB), 521 CMR, In addition, the Applicant shall support but not contribute financially to the work by the City to enhance pedestrian links to the existing residential neighborhood to the south of the Site.
17. The Applicant has proposed certain modifications to Schoolhouse Road in the vicinity of the Schoolhouse Road/Sargent Street/Site Drive location southwest of the site. The City will, to the extent reasonable, cooperate with the Applicant with regard to logistics around work in the public way.

Conditions Pertaining to Water and Sewer

18. No Building Permit application for construction of any of the proposed buildings shall be approved until off-site sewer design improvements are permitted and contract awarded for construction. The Project shall be connected to the City of Gloucester sanitary sewer lines and a copy of the permit shall be provided to the City Council. The Applicant shall pay all applicable sewer connection fees related to

installation and inspection of on-site sewer infrastructure to the City of Gloucester. The schedule of fees shall be that in effect on the date hereof.

19. The Project shall be connected to the City of Gloucester for domestic water and fire flow. Final fire flows in compliance with state and local regulations shall be certified by the Fire Department.

Conditions Pertaining to Stormwater Management

20. The Stormwater Management Report Submitted with the applications includes a long-term maintenance plan. The Applicant shall submit to the Planning Director an annual report on or before November 15th of each year detailing the performance and maintenance activities associated with the stormwater management systems facilities. Due to the discussed potential need for maintenance of Basin #2 during the permitting process, no building permit shall be issued until such assessment, maintenance and reporting of maintenance activities is submitted for review.
21. Prior to the issuance of a building permit the Applicant shall be required to perform subsurface explorations in Basin #2 to determine the level of seasonally high groundwater and to verify soil conditions to ensure the Basin will achieve designed infiltration rates. Such evaluations shall be documented and submitted to the Planning Director for review.

Conditions Requiring Certain Community Benefits

22. Prior to opening, the Applicant shall actively recruit in Gloucester for all open staff positions, including making such efforts as advertising jobs in the local Gloucester newspapers and having a job fair in Gloucester for qualified Gloucester residents. To the extent practicable, local recruitment of qualified applicants, but not including job fairs, shall be an ongoing obligation of the Applicant.

Conditions Pertaining to Conservation and the Natural Environment

23. The Project shall be constructed in compliance with Order of Conditions issued by the Gloucester Conservation Commission.
24. Subject to seasonal limitations, substantially all landscaping for each building shall be installed prior to the issuance of any the building's occupancy permit. All plant materials shall be maintained and replaced, if damaged or killed due to snow storage or removal, or lack of maintenance within a reasonable timeframe and subject to seasonal limitations.

Affordable Housing Conditions

25. The Project is subject to, and shall comply with, Section 5.11 (Inclusionary Housing Requirements) of the Zoning Ordinance of the City of Gloucester (the City Zoning Ordinance) and other applicable requirements, including but not limited to, the requirements of the Massachusetts Department of Housing and Community Development (DHCD) such that the Project Affordable Units are eligible for listing, and are listed, as Affordable Units in the City's Subsidized Housing Inventory (SHI). The Applicant shall also follow the Local Action Units requirements and process established under the DHCD's "Guidelines, G.L. c. 40B Comprehensive Permit Projects, Subsidized Housing Inventory, as most recently updated December 2014, as amended (the "Affordable Housing Guidelines").
26. The Applicant shall assume all costs, and shall work with the City's Community Development Department, to prepare and submit a Local Action Units Application as well as all other supporting documentation to the DHCD's Local Initiative Program prior to the issuance of any certificate of occupancy for any unit within the Project, and shall work with reasonable diligence to ensure all Affordable Units are marketed and listed on the SHI. As provided under Section 5.11.4(c), the requirements of the Inclusionary Housing Ordinance shall, as a condition to the grant of this special permit, be satisfied prior to the issuance of 50% of the occupancy permits for market-rate units requiring the creation of an Affordable Unit in a multi-family development. All agreements with the

City of Gloucester as contemplated herein, including restrictive instruments and other documents necessary to ensure compliance with this Inclusionary Housing Ordinance, including Section 5.11.9(a) of the Gloucester City Ordinance, shall be subject to prior written review and approval by the City General Counsel, and shall be executed prior to the issuance of a Building Permit.

- 27. Fifteen percent (15%) of the total number of Project Units, shall be developed on the Property and be made available to Eligible Households whose annual income may not exceed 80% of Area Median Income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (“Affordable Units) which shall permanently remain affordable and the Project Affordable units shall remain as rental units in perpetuity or for the longest period allowed by law, so as to be binding on and enforceable against any person claiming an interest in the Property, so that the Affordable Units shall continue to serve the public purposes of Section 5.11 of the City Zoning Ordinance.**
- 28. The Applicant shall execute a Regulatory Agreement, acceptable in form and substance to City’s General Counsel, that shall also be approved as to form by the DHCD under the LIP Program for Local Action Units, and the Applicant shall submit annual reports to the DHCD in accordance with the Regulatory Agreement. A subordination by or assent to the Regulatory Agreement and the affordable and rental restrictions shall be provided by all monetary lienholders of record for the Property.**
- 29. To the extent allowed by applicable state, local and federal laws, with respect to up to 70% of the Affordable Units or the maximum allowed by the DHCD, the Applicant shall provide the following local preference categories, including eligible households: (i) who are current residents of the City of Gloucester; and, (ii) who are currently employed in Gloucester, in the initial lease up to the extent DHCD determines there is a demonstrated need for a local preference, and provided that such local preference is consistent with the Department of Housing and Community Development’s Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines, as amended, and all applicable state and federal requirements. This preference shall be implemented by the Applicant and the Applicant shall maintain records of its marketing efforts, which records shall be open to review by the City for compliance with the local preference set forth herein. The local preference shall be implemented pursuant to procedures approved by the DHCD. The costs associated with the marketing of units in the Project, including the advertising and processing for the Affordable Units shall be borne by the Applicant. The Applicant shall submit to the Community Development Department a report on marketing activity at the Project during the initial lease-up of the Project regarding the status of compliance with the local preference requirement pursuant to the plan approved by the DHCD as set forth below.**
- 30. The Applicant shall develop a marketing plan for the Affordable Units for review and approval of the DHCD, said plan to conform to any and all affirmative action requirements or other requirements as imposed by federal or state regulation and shall conform with the local preference requirement set forth above. The costs associated with the development and implementation of the marketing plan, including advertising and processing for the Affordable Units, shall be borne by the Applicant. As required under Section 5.11.5 of the City Zoning Ordinance (Requirements for Eligible Households), the affordable units must be rented or sold to eligible households, whose total income does not exceed 80% of the Area Median Income, using HUD Selection Guidelines and DHCD Affirmative and Fair Housing Marketing Guidelines, including but not limited to marketing and advertising, as administered and monitored by the Gloucester Housing Authority. Such guidelines shall be in compliance with all other applicable city, state and federal housing assistance programs. As to Maximum Rent as defined in Section 5.11.2, the rents for the affordable units, including utilities, shall not exceed 30% of the annual income of eligible households.**
- 31. The Applicant and Project shall comply with the Development Standards described under Section 5.11.7 of the City Zoning Ordinance.**

32. **As a condition of the issuance of this Decision, and prior to the issuance of a building permit for any of the residential units, the City shall work with the Applicant to set time schedules for the construction of both affordable and market-rate units.**
33. **If at any time it appears that the Applicant is in violation of any affordable housing restriction held by the City hereunder, by and through the City Council, at any time when said restriction is in effect as described above, following a hearing of which the Applicant has been given prior notice, then the City, by and through the City Council or its designee, may pursue such enforcement rights as it may have under the affordable housing restriction and/or applicable law. Notwithstanding the foregoing, to the extent there is a conflict between the City's inclusionary zoning requirements and the requirements of the DHCD under the Local Action Unit Program, the requirements of the DHCD's Local Action Unit Program shall control.**

This matter has been advertised for public hearing and will be heard on Tuesday, July 24, 2018 at the City Council meeting.

6. ***Memorandum from General Counsel re: MuniCode Ordinance Review & Recommendations for Gloucester's General Code of Ordinances & Gloucester Zoning Ordinance (Cont'd from 06/20/18)***

Mr. Payson briefly reviewed that city expended funds to have Municode which has lawyers in their employ to do a review of the city's Code of Ordinances and the Zoning Ordinance. They prepared a document submitted to the Council that showed suggested changes. The Zoning Ordinance which was the last page which showed three "innocuous" changes that were suggested. The intent of the review was to make sure the city's Code and Zoning Ordinance was up to date with state and federal statute and didn't have any extraneous material. He pointed out that out of the three potential changes, one is an obsolete reference to a subsection that doesn't exist; the second there is no ordinance codified for the language; and the third amendment is simply changing wording from "uniform building code," to "state building code."

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 Amend the Gloucester Zoning Ordinance pursuant to the recommendations of General Council in a memorandum dated June 6, 2018 entitled, "Municode Ordinance Review and Recommendations."

This matter will be advertised for public hearing.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:30 p.m.

Respectfully submitted,

Dana C. Jorgensson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.