

CITY COUNCIL STANDING COMMITTEE
Planning & Development
Wednesday, December 15, 2010 – 6:00 p.m.
Kyrouz Auditorium – City Hall

-- MINUTES --

Present: Chair, Councilor Joseph Ciolino; Councilor Greg Verga; Councilor Sefatia Theken (Alternate)

Absent: None.

Also Present: Councilor Curcuru; Attorney Ralph Pino; Fire Chief Phil Dench; Deputy Fire Chief Stephen Aiello; Jim Padgett; Charles Wear; Attorney Mark Nestor; Jeffrey Tucker

The meeting was called to order at 6:01 p.m. Items were taken out of order.

Councilor Curcuru entered the meeting at 6:11 p.m.

1. *Continued Business:*

- A) SCP2010-001: 79-99 Essex Avenue, Sec. 2.3.1(12) Hotel/Motel 30 or more guest units; Section 5.7.3 Major Project; Sec. 3.1.6(b) height excess; Sec. 5.5 lowlands; Sec. 3.2.6 lot area per two guests (Cont'd from April 2010)

Councilor Ciolino recounted that since the Committee's site visit, they have received the Planning Board recommendation on the Gloucester Hotel LLC, but they do not have the Conservation Commission (ConCom) recommendations. He understood the project has passed out of that Commission but the documentation is not yet available. They would hear a presentation that evening by the proponents on what has happened since the site visit. They will not be taking any votes and will continue the matter to January 5, 2011 when they hope to have the ConCom written order and decision documentation. The Committee would allow public comment this evening. At the Committee's January 5th regularly scheduled meeting they will invite Rick Noonan, Chair of the Planning Board; Gregg Cademartori, Planning Director; Suzanne Egan, City Solicitor; a representative of ConCom; and Attorney Mark Nestor, representing a group of abutters, will have an opportunity to ask questions especially about ConCom's recommendations. He announced that there will be no public comment on January 5th. The public hearing before the City Council will take place on February 22nd; and the Committee would be having several scheduled meetings before that date if it they need to continue the matter forward. He expressed that the Committee was not "rushing through this" and "when it was the right time" the Committee would make their recommendation to the City Council.

Attorney Ralph Pino, 46 Middle Street, representing the applicant, Gloucester Hotel LLC, for the proposed development of the former Yankee Fleet site at 79-99 Essex Avenue introduced Charles Wear from Meridian Associates, Civil Engineer; and Jeff Tucker of Siemaski & Varbridge will address landscape architectural issues. Both of those issues have changed significantly as a result of the ConCom process which has been on-going for about one year. He also introduced Jim Padgett, developer and "lead man" on the project. He noted ConCom is issuing an Order of Conditions which isn't typed yet. The Planning Board has given their "unanimous" recommendation on 12/02/10 to the project and that the Committee has that recommendation. The initial application was for a 90 room hotel. They're asking to amend the hotel to 92 rooms. There is no change in the exterior of the building; but there is a reutilization of the interior, where they will be removing some internal storage to make room for two more guest rooms. It has little effect on anything; but it requires two more parking spaces for which they have more than the count requires, as this is an approximately 50 acre site. All of the development being proposed is on 4 acres, a previously developed portion of the overall property (Yankee Fleet). All of the

construction they are proposing, in terms of roadways, parking, building, are on non-historic tidal flow lands. They have been careful to design this building so it was not in the Chapter 91 jurisdiction. The portion that is in the Chapter 91 jurisdiction has drainage, landscaping, and public pathways; not dissimilar from what the Committee had seen previously but they would review it for their changes made recently.

By way of review, the applicant is seeking permits for a greater than 30 room hotel. It would have no bar nor a restaurant. There is a breakfast type of "facility" only. Permits they are seeking are under 2.3.1(12) hotel for 30 or more guest rooms. The criterion comes under several different sections, 1.8.3 and 1.8.4. It is a major project under Sec. 5.7 and height exception under Sec. 3.1.6(b) in excess of 35 ft. They are with the grade of the first floor to 12.5 feet which comes into the lowlands; they would be at 49.9 ft. in height. They are also seeking a lowlands permit under Sec. 5.5.4. All their parking access would be "above flood." Under Sec. 3.2.6 they are seeking a dimensional on the lot area per two guest units. For that requirement for 5,000 sq. ft. per two guests rooms, they would have the area with a 50 acre site. With strict interpretation, he stated they would not count that area. He noted an aerial photo of the open space on the lot noted as "vast" open space which is associated with the property and that they fit well within that. In terms of the utilities, they have a new 20 inch water line going down the street. The City has said it is adequate. The developer has made an agreement with the City for a "very significant contribution" to the City towards that water line. The sewer is adequate according to the City's Engineering Department. The major gas line runs right out through the gas company land. They are able to tie into the gas lines. Electricity is adequate. The electric company will upgrade service and install a new transformer. They submitted a traffic study. They reviewed the traffic at the site visit. The conclusion of the traffic study showed the hotel would have no significant adverse affect on the traffic. "Common sense is that this is vastly better" than the Yankee Fleet when they had 250, 300 cars coming going at the same time. The economic benefits to the City are "enormous", which were "spelled out" in the application. Recurring revenues are approximately \$249,000 per year. One-time permitting costs are about \$109,000. The hotel will employ about 25 to 30 full and part-time employees. \$0.5 million is expected to be put into the economy [as a result of the hotel] annually. Spending by hotel guests affects the economy generally which he conjectured would be in millions of dollars. This information was submitted with the application. Attached to the application they submitted details on traffic flow and safety; the adequacy of the utilities; now they've upgraded the water line. The character of the neighborhood is that of mixed uses; marinas, gas stations, restaurants, a movie theater. It is zoned extensive business (EB). If they looked at things that could go on this site including on the Chapter 91 jurisdiction, he pointed to the congestion over the lot line stating there were numerous things, especially with the 50% supporting uses, on water dependent uses, this could be intensely used without any permits. He believed what they were doing "was reasonable".

Regarding the height issue, people who lose views between 30 ft. which is 'as of right' to their under 50 ft. height "is basically nobody". They stood across the river noting some people would lose some views up to 30 feet. But, he contented, there are not any complete protections. He pointed out an abutter, Mrs. Taormina who would gain some views because ConCom is requiring that arborvitaes along the edge will come down. There are a "couple" of areas where there are significant changes with drainage and landscaping. They have tried to keep the height under 50 ft. and still have the elevation "everyone seemed to like the most". In one rendition they had taken the peaks and flattened them out which gained several feet in height, which takes away from some of the architectural detail. The only issue that has changed with the building is that it has shifted about three feet further away from the residences so that the new drainage system would fit.

Charles Wear, Meridian Associates, Civil Engineer reviewed the drainage for the site which was redesigned. The client came to them after the first Civil Engineering firm proved unsatisfactory to the developer. Originally there were bio-filter swales which didn't work because the ground water was too high in that particular area as they are dependent upon diffusing water to the ground water. They removed the bio-filter swales. They introduced a number of water quality swales which are not dependent on recharging water to the ground water. They are called Low Impact Development (LID)

techniques which are promoted by the Stormwater Management Regulations issued by the Department of Environmental Protection (DEP). There are water quality swales all along the front as well as in the back [of the site]. Once the drainage gets into the swales, it is then directed into a stormwater structure known as “BNP” or a “pocket wetland”. The stormwater runs through that a small pond, and then runs through wetlands to another pond and then outlets into the ‘bay’. These pocket wetlands are recommended by the DEP Stormwater Regulations for treatment of stormwater where clam flats exist. Mr. Wear felt it was an ideal stormwater management technique. Based upon DEP comments, they recommended an infiltration system be incorporated into the design. They have a sub-surface infiltration system which infiltrates water from the rooftop as well as a number of impervious surfaces throughout the site; catch basins which direct the water into that as well as the water quality swales. This infiltrates the required volume of stormwater required by the regulations. The proposed infiltration system is on the southerly side (back side) of the hotel; and from there any stormwater that overtops that would drain into the pocket wetland in the northeast corner of the site. He noted the landscaping is not greatly different from what was filed originally. Now there is much more detail. What was filed originally was a concept landscaping plan; and now it is an actual detailed landscaping plan from Meridian.

Councilor Ciolino asked if he was walking by the site on Essex Avenue what would he see in the retention area, what he would see; marsh grass, manicured lawns, rocks; and where was the Chapter 91 walkway.

Mr. Wear stated there would be plantings proposed for that area so that it will be vegetated. There is a public parking graveled lot (Chapter 91 land). This area which would be landscaped is bifurcated by public walkways which go to the water. He pointed out the DeRosa Environmental submitted plans to the Council. The southeasterly area is considered to be a mitigation area. So the plantings are considered a good habitat for wildlife.

Councilor Ciolino stated they need an exact plan for what the neighborhood will be looking at.

Attorney Pino pointed out the detailed plan that was submitted to the Council December 9th filed with the City Clerk's office (on file).

Jeff Tucker, Siemaski & Varbridge, Landscape Architect spoke to the specificity of plantings. The description is high marsh, low marsh and upland or coastal meadow. There are quantities of plants and seed mixes; for the most part it is what would be found in each of the areas. There is salt marsh cord grass, rushes, conservation mixes of seed and some wildflowers. This is all native, non-invasive plants. Also being offered is a variety of topography. There are habitat for birds and nesting species. It is not just a long flat meadow. Within the bio-swale in the constructed wetland there is a specific seed mix for that and is all enumerated in the filed plan. There will be large grasses throughout. It will look as a coastal meadow. The rest of the site, the easterly side has the constructed wetland. For the rest of the site surrounding the building is a mix of native and non-invasive; a mix of evergreen and deciduous: bayberries, mugo pine, grasses, switch grass, all chosen because of the harshness of the environment that are salt tolerant. There are trees, green ash, arborvitae, and a mix of different species of holly, broad leaf to narrow leaf, including ink berry, etc. to help screen the dumpster(s) and some of the parking. There is cone flower, black-eyed Susan, etc., for perennial visual accent. The plant list was noted to be on the submitted revised plan which shows specificity of the size of the plants, quantity and location about the site.

Attorney Pino noted the black dotted lines on the plan are to show the pathways for the Chapter 91 access to the water. The section closest shows a 12 slot parking area which will remain a gravel lot leading to the pathways (Chapter 91). Along Essex Avenue they'll see an open space area fully planted with grasses and plants. There will be a few elevations. It will look out from Essex Avenue onto the river which he contended, “virtually no other development” would “give up their street frontage and put something like that all the way out the river.”

Councilor Ciolino asked for a photograph for the next meeting of some other project that represents mature plantings similar to what is proposed so they can get a better idea of what it will look like finished.

Attorney Pino stated they would try to do that. He also noted the lighting (plans on file) which was exactly as discussed at their site meeting which would be similar to Gloucester Crossing. They did an

analysis of the lighting from around the area and that their plan will make it so there is almost no light reaching beyond the general neighborhood, to any of the houses there, which they've tried to keep the lighting at the parking area and up against the sides of the building.

Councilor Ciolino asked that it was full accordance with the City's lighting ordinance.

Attorney Pino stated "it should be in full accordance with the lighting ordinance."

Councilor Ciolino asked that they have a sign off from the Engineering Department that the waste water treatment plan and the drinking water system accommodate the additional use; and that the Planning Board recommended Julian Road be repaved from shoulder to shoulder and asked how they intended to address this issue.

Attorney Pino stated they would repave it.

Councilor Ciolino thought that would be one of the conditions. Part of the Planning Board recommendations was that contaminated soil be cleaned off the site prior to construction and asked how they intended to address this issue.

Councilor Theken entered the meeting at 6:55 p.m.

Attorney Pino stated that is not an obligation [of the applicant] and was begun by the sellers. That will be taken away to the asphalt batch plant, and new clean soil brought in. They would get the Committee the details on it.

Councilor Ciolino asked about the ADA approved sidewalks. The preference would be a concrete composition especially on Julian Road. He asked they talk to the DPW Director for his sign off on that.

Everett Harlow, 105R Essex Avenue stated he is the closest abutter to the proposed hotel property stated he was not opposed to the project and thought the developers had been "fantastic" in making some changes. They had moved the employee parking which would have been 20 ft. off his bedroom door. However, he took issue with that it won't affect their view. The edge of the building, indicating the side wall of Kyrouz Auditorium would be as close as that from his back door refuting Attorney Pino's Statement.

David Anderson, 16 Middle Street, business owner stated the City is in desperate need of expanding the City's tax base. He believed this was a win:win situation. Nothing generates revenues like a hotel because it is tax for the property and tax for the rooms. He felt the area could look better believing they must have good development which is best for the City; and this is one of the better things for the City.

Susan Taormina, 115 Essex Avenue stated her biggest concern was the impact of sewer water in that area. Her home had been impacted "numerous times" by sewer in front of her home. The last time was month ago where construction on the street caused the sewer line to break and had sewer water in her basement again. She has been told "off the record" by people dealing with the construction right now that this project will not have adequate sewer [lines]. Five years ago was \$18,000 of property damage with the City unable to help her. "If this isn't corrected" or she has "additional problems, my house is worthless." Her house having been backed up by sewer water numerous times, she felt this needed correction regarding the sewer drainage; there being a problem beyond the new sewer and water line being installed. She also expressed having questions about their construction of a meadow and a place for nesting birds and the lighting. She did not wish to see the arborvitaes being taken down. However, she stated her view was secondary to the sewer problem.

Michael Favaloro, 111 Essex Avenue agreed with Mr. Anderson except that with the size of the hotel; was out of place. It is about 50 yards from his house to the back of the proposed building. He believed he wouldn't even see the sun in the morning until about 10 a.m. once it was constructed. He agreed the City needs income but that there are other projects "out there" that are moving forward feeling there are better places than this for a hotel. He claimed it is too big; a total block to his privacy. He felt the scope of the hotel at the site visit was not done properly either.

Kathleen Doane, 3 Stuart Road expressed her concern about the size of the hotel, that it was way out of proportion to the buildings that are there. She felt the planting was "a front." They (the abutters) will not see the gardens and planting. It will be a big wall of the back of the hotel. "The houses were there long before any of the businesses." They were "saddled" with the sewer plant, trash from a marina, "and now this monstrosity." She felt the site was totally inappropriate [for a hotel].

Diane Sperry, 133A Essex Avenue agreed with her neighbors and expressed that the “Pinnacle Study” done for the Council recommended the City would benefit from a hotel with fewer rooms than the proposed Hampton Inn has. There is another hotel in the works at Gloucester Crossing. She understood the City needs money. If this is started, and they run into problems they don’t anticipate, which she believed was likely at a site next to a river and marsh; and walk away, they’re (the abutters) are stuck with “a mess”. She took issue with Attorney Pino’s comments about it blocking any of the neighbor’s views. She went out to the site visit with the cranes. The only thing she would see from her second story porch is, “like a Berlin Wall”. “It will affect many people’s views, not nobody’s”.

Katarina Taormina, 115 Essex Avenue noted two other hotel/motels in the area; there is the Manor Inn now going out of business up the street due to the economy, and the Marina lodging. She would like to see how the Hampton Inn would be financially viable, that it will be full; and was questioning the need to move forward with another hotel in the City.

Attorney Mark Nestor, 45 Middle Street stated he submitted a report of preliminary objection (document received at meeting and on file) and deferred his comments until January 5th after he has an opportunity to review ConCom’s Order of Conditions of 86+ very detailed, and was significantly larger than the independent engineering consultant’s report in October. He annotated in his summary that he has retained a hydro analyst as his consultant to review the environmental and stormwater issues and at the Committee’s next meeting would be better prepared to ask questions and also would like to make a presentation.

Councilor Ciolino reiterated that Attorney Nestor was invited to participate at the January 5th meeting and reminded that at that meeting there would be no public comment.

Attorney Pino stated a clarification regarding view. He wasn’t saying this building doesn’t block some people’s views. He was saying the height from 30 ft. to 49.9 ft. doesn’t block any views. From 30 ft. down it “absolutely blocks your view”. They did an analysis when looking across the Annisquam River; if the building is 30 ft. everyone whose view is blocked is already blocked. Commenting on the economics of it, his client owns five other hotels. He stated his client is a professional, knowledgeable in the hotel business that looked at the Gloucester Crossing hotel project. It was his client’s opinion, believing it was a “learned” opinion, that the big problem with the Gloucester Crossing hotel project was that it has inadequate parking within so many feet of the door claiming that all of the national chains want “so much parking within so many feet of the door or they don’t want to do it.” Because of that, he noted it drove that project to underground parking greatly increasing costs which was uneconomic for his client to look at. “This hotel will get built if it gets permitted.” His client “not only has five other hotels but has a bank” and thought his client was eminently qualified to understand the economy of hotels. A hotel such as the Hampton Inn, he believed, would draw new people to Gloucester. This is why there has been no opposition from the hotel industry in Gloucester who view this as a “positive factor”. People will be pulled in from a much greater area, will visit and likely use the other hotels as well. He felt The Manor Inn was a restaurant that went out of business. He asked Councilor Ciolino for the right at the next P&D Committee meeting to rebut Attorney Nestor’s comments.

Councilor Ciolino assented to Attorney Pino’s request. He recounted for Councilor Theken that what was before them were two matters for the hotel; that of the height and density because the number of units, both of which require a Special City Council Permit.

Councilor Theken mentioned that if the applicants didn’t want height and didn’t want to go larger they wouldn’t need a permit. Technically if they didn’t want either the height over 30 ft. and over 30 hotel rooms, they could go forward. She would not like to look at a “plain blank wall”. She wished to see the applicants work with the neighborhood to not have a “Berlin Wall.” She understood the houses were there first, but “there is a need for compromise”. Most don’t have too much of a say when it is by-right. She saw some of the plans and heard about the height; she wanted to be able to review the ConCom recommendations. She expressed her pleasure that the Committee was taking their time in their deliberations. She expressed her regret for Ms. Taormina’s experience five years earlier. She felt the Committee would make sure the neighbors get their say as well as the City Council [at the public hearing]. She couldn’t guarantee that if they don’t do the height they’re not going to build it. She

reiterated the applicants need to work on “that wall” with the neighbors. The front of the building was nice but behind the building was also important.

Councilor Ciolino asked Attorney Pino to speak about the back of the proposed hotel and what the screening would be.

Attorney Pino responded the back of the building would look like the front of the hotel without the entryway. “It is not a blank wall.” At the next meeting they will have a rendering of the back of the hotel. “It is not true that the neighbors won’t see the landscaping.” The landscaping as they go down Essex Avenue, turning onto Julian Road on the right side to the river, is going to be open space plantings and some public walkways. Behind the building will be extensive plantings with efforts to “shield the building from the neighbors.” He noted this was where some of the larger plantings are “purposely” to screen the building. The arborvitae will be gone per ConCom but will provide better access for Mrs. Taormina’s view. “Clearly the building up to 30 ft. would block some people’s view.” They’ve moved some parking and have put in more screening. There are new trees that will be on Julian Road. It will be providing “somewhat of a public park”. He noted they have worked with neighbors for over a year now, and the Committee has the plans. After a year with ConCom, they’re happy with this design; and “they will do what they need to do.”

Councilor Ciolino expressed he knew this was the second revision of the elevation and that this new one he felt was softer. He recalled when the City Council permitted Gloucester Crossing they asked Mr. Park for samples of what the building materials would look like. He felt the neighbors had a right to see what color the bricks are; what other details the neighbors will have to look at; and if there are any choices that could be softer. He didn’t wish to complicate things further but also noted when Mr. Park brought in his samples, it was determined that a structure of that size that it would be nice to see Cape Ann granite there to make it part of the community. He asked for samples for the next meeting feeling it would be very helpful. He asked what exactly the property boundaries were and what part of the marsh was part of the property.

Attorney Pino, pointing to an enlarged aerial photograph of the site stated the property starts on Essex Avenue and runs back next to the Cape Ann Marine site and runs out into what would be the salt marsh, past that to the tidal area and comes back parallel where the presently developed site, out to the salt marsh again and out to the Annisquam River. He also pointed out on the aerial photograph the location of the “gas company” property. He noted the vacant lots behind Stuart [Road]. The property comes back behind where the garage is now and where the hotel is planned, and back to Essex Avenue. He pointed out the sections that would be a large planted area. He noted the marina complex adjacent to their property. Pointing out the white area in the photograph where the hotel was planned for on the property, he stated it was “very low congestion for a 50 acre site.” He noted the “bit stretch which was the gas company property. On inquiry by **Councilor Ciolino** if the gas line went under Julian Road, Attorney Pino stated the gas line was under there now. It is a major gas line which crosses the Annisquam River. It comes down Essex Avenue on to Julian Road. Their water line “is towards the Essex direction where the line comes in on Julian Road for the gas company.”

Councilor Ciolino asked if the hotel would be anywhere near the gas line.

Attorney Pino responded the gas line is “way over on Julian Road”. They have worked “very closely” with the gas company. They’re not digging near the gas line which is the major gas line that goes across the Annisquam River. Gas is available, and the gas company will allow them to use the gas to heat and power the hotel. The water line is a new water line, and is on the Essex side so it does not have to cross over the gas line.

Councilor Ciolino stated his client would never have to build on the marsh; that will be the view.

Attorney Pino assured “the marsh would never be built upon.” He also recounted that it was not that you couldn’t build on Chapter 91 land. You could, but you need a water-dependent use. “Not only does it have to be a water-dependent use, but you can match.” You can take all the area there and use 50% of that and build a non-water dependent use by permitting with DEP. It is done downtown in Gloucester on the DPA where you put a restaurant on half of the property with a water-dependent use on the back; the same applies to their Chapter 91 site. He believed that a developer could put a large restaurant there with

a marina with boat storage as a matter of right. He thought personally it was a great proposal. The building is tucked behind these houses. It will block some views. Anything else will block their views that can be built as a matter of right.

Councilor Ciolino asked about a previous owner, Jerry Hill who sought permission from the State to dredge at the site.

Attorney Pino expressed he understood the general scope to dredge an area to have the Yankee Fleet in on that site. He assumed he didn't get through the DEP.

Councilor Ciolino confirmed it was turned down by the State.

Councilor Ciolino asked about contamination on the site.

Attorney Pino stated he could answer the Councilor "second hand". It is in an area in front of the existing garage building there. He was told it was cadmium. It was believed it came from fill.

Jim Padgett, developer stated it is a pretty large area estimated to be 900 cubic yards at a minimum to be removed.

Attorney Pino stated it is to be removed by the seller. In speaking to the seller's counsel, "it is believed it was probably never generated on site. It probably came in at some time in the original fill." He confirmed it would be replaced with clean fill confirmed by DEP. He was also told the contamination is low enough that the contaminated fill would go to the asphalt batch plant or "something like that". He confirmed it would be trucked off site and new fill would come in. He also noted a "strip" put on this plan he was using to point out various aspects of the site to the Committee, which he indicated represented 30 ft. at the top of that strip. At a 30 ft. level there is no house behind it that can be seen. Any view is below that 30 ft. mark. The only house that can be seen is up on Bond Street.

Ms. Taormina asked if it was true there would be parking on the upland.

Attorney Pino stated there would be (some) parking there.

Ms. Taormina asked if the land would be built up because of the fill they would be bringing in.

Attorney Pino responded the current elevation was approximately 8-1/2 ft. to 9 ft. and would be brought up to an elevation of 12 ft.

Attorney Pino stated "under the lowlands" they need to be up above that so that the traffic, the parking, the hotel will not be flooded.

Ms. Taormina asked about the traffic study which she stated showed a failure at the end of Western Avenue where the [Blyman] bridge is. In the summer there is heavy traffic in the immediate area and especially when there are special events which are frequent. She noted she and her neighbors will be greatly affected by the increase in vehicle traffic because of the hotel.

Councilor Ciolino stated the Planning Board didn't feel there was a concern in that regard.

Sandy Favaloro 111 Essex Avenue felt the extra 15 feet in height was a privacy issue. That will allow viewing into neighbors' backyards. It is different when they're level with the houses but felt it was a concern.

Ms. Sperry asked about the run off of water from the hot top of the hotel.

Mr. Wear stated the stormwater management policy has strict guidelines in how to go about treating stormwater that runs off the paved surfaces; they've designed a system of different "BNP's" that include the constructed wetlands which treats the runoff before it goes into the river.

Ms. Doane rebutted Attorney Pino's comment about the Gloucester Crossing. When she drove up there she didn't see any houses that "see" Gloucester Crossing. Are there houses that actually see that?

Councilor Theken stated there were quite a few.

Councilor Ciolino also noted that they do look down on the development, and there are many that are "up high and looking down".

Ms. Doane felt it was different looking down onto a store than with their homes being closer and more in line with the hotel looking down onto their backyards.

Councilor Verga suggested that Ms. Doane drive by Perkins Street, his old neighborhood, to see the homes there with Gloucester Crossing right next to their backyards, noting it as a point of interest.

Councilor Ciolino stated the residents of Perkins Street didn't want the road to be opened up through their neighborhood turning it into a throughway. The neighbors agreed to Gloucester Crossing because

there wouldn't be any entrance there so there was a "happy medium" that was struck and everybody seems to be happy with that. When they have the public hearing there will be an opportunity to speak before the City Council on February 22nd.

This matter is continued to January 5, 2011.

B) SCP2010-016: New Way Lane #50, GZO Sec. 5.13 PWSF (Cont'd from 12/01/10)

Councilor Ciolino informed the Committee that a letter was received earlier that day by the applicant's attorney, Jacqueline Slaga, requesting a continuance to the meeting of P&D on January 5, 2011. He asked that the Committee make their own individual site visits as the placement of this antenna tower was controversial in the past.

This matter is continued to January 5, 2011.

C) Letter from Attorney Adam J. Costa re: Extension of Special Permit under the Permit Extension Act of 2010 re: 201, 205 and 253 Main Street (a.k.a. Main Street Plaza) (Cont'd from meeting of December 1, 2010): For referral back to City Council

Councilor Ciolino stated that in a communication from City Solicitor, Suzanne Egan, that this letter could be placed in the Planning & Development Committee's communication file; that the Permit Extension for the Special Council Permit for 201, 205, and 253 Main Street also known as Main Street Plaza was now extended to an expiration date of October 15, 2012 due to the Permit Extension Act of 2010 of the State of Massachusetts.

Communication placed on file with the P&D Committee for this date with City Solicitor's response.

2. *Correspondence from Deputy Chief Aiello re: revocation of tank licenses for facility formerly Known as Bickford's Marina*

Deputy Fire Chief Stephen Aiello reported to the Committee that under MGL Chapter 148, Sec. 13, the City Council has the authority to grant and revoke the licenses for the storage of flammable and combustible liquids. Under the same law, the holders of these licenses are required to exercise the licenses or risk revocation. In this case the license has gone unused for a 12 month period (copy of Deputy Chief Aiello's and the State's correspondence on file). The State Department of Fire Services has notified them that they're out of compliance with the law; therefore they are requesting the license to store flammable and combustible liquids be revoked.

Councilor Ciolino asked if this was to be a marina again and a new owner wanted to install a tank, and obtain a license, what would be the procedure.

Deputy Chief Aiello stated they would apply to the Council for a permit and then go before the Council for a public hearing where they could be granted a license for the property again.

Councilor Ciolino remarked that just because they were taking it away that evening, it didn't preclude someone else in the future who wished to have a marina at that location from applying for this permit.

Deputy Chief Aiello responded that the issue was that they can't leave the tanks abandoned in the ground. They need to be excised or removed. At this point the tanks at 31 Rocky Neck Avenue have to be taken out of the ground. Pending action from the Council he will issue an order for removal of any remaining tanks in the ground; although some of the tanks have already been removed. At one time there were four tanks; he believed there were two now that remain and need to be removed.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 2 in favor, 0 opposed to recommend to the City Council to revoke

the following Storage Tank licenses granted for 31 Rocky Neck Avenue (formerly known as Bickford Marina, Inc.) in accordance with MGL 148, Section 13 as follows:

- 1. Granted 05/16/1928: To Forrest A. Bickford: 1 – 1,000 gal. and 1 – 500 gal. gasoline;**
- 2. Granted 09/26/1951: To Alan G. Hill, Jr.: 1,000 gal. gasoline;**
- 3. Granted 05/12/1958: To Alan G. Hill, Jr. dba Bickford Boat Services: 2,000 gal. gasoline;**
- 4. Granted 06/22/1961: To Stephen O. Cluett: additional 10,000 gal. gasoline underground.**

**3. *Reapplication for License of Flammable and Combustible Liquids, Flammable Gases and Solids
Re: 54 Great Republic Drive***

Attorney Ralph Pino, 46 Middle Street representing the applicant, Bearcat Realty LLC stated that Peter Spinney is the manager of the facility; and that he and his wife, Marjorie, are the owners and live at 22 Salt Marsh Lane, Gloucester. They are seeking a license of combustible liquid, specifically liquid plastic, Class 3B, maximum of 29,000 gallons. It would not all be stored in one large tank but stored in 55 gallon drums in totes. The Spinney's have been in this business since 1979, and doing business as Anchor-Seal, Inc. since 1992. Their current facility is in Danvers, which is 12,500 sq. ft. The new facility, almost complete, is 19,500 sq. ft. They formulate (mix) a product of epoxies, urethanes, silicone and rubbers used in medical, marine and telecommunications applications. They take liquids, powders and mix them in mixing machines. He explained there are no fumes and no waste products from the production. The current site in Danvers is residential and has had no problems. The new facility is built for this process and is completely sprinkled. All of the storage will be on racks which are built into the floor also sprinkled. He then showed the Councilors pictures of their current facilities, the totes that are stored on pallets, and the 55 gallon drums and explained a bit about the process of Anchor-Seal's manufacturer. [Note: The pictures were not submitted for the record.] He explained that everything is to be stored inside, all of which is properly vented and sprinkled. The license, encompassed by the 29,000 gallons, is all empty 50 gallon containers, which figures into the total of 29,000 gallons. This has gone through the EDIC and the Fire Department. They hoped to be opened at January. They are before P&D at a late date with regards to the opening date of the manufacturing plant because they realized that the Fire Department could only issue their permit for up to 10,000 gallons. Once it is over 10,000 for that Class 3, it has to come for a license. He reiterated the manufacturing of the Anchor-Seal products is totally enclosed within the facility. They have spill containment within the building, clean-up facilities. There are no drains where anything can come out of the building. He believed it to be a safe operation using state-of-the-art technology having worked with the Fire Department and their insurance company. **Councilor Verga** asked if this is a complete relocation of the business from Danvers or was this expansion of the business and how many jobs can they expect to be created in Gloucester. **Peter Spinney**, owner of Anchor-Seal, Inc. stated this is a complete relocation of the business. The building they are currently in is up for sale. They have 11 employees and hired one person from Gloucester and hoped to hire more as needed.

Councilor Ciolino asked the Fire department if they had signed off on this application to which Chief Dench stated, "yes".

Patti Page, 3 Tidal Cove Way thought that her questions had been answers but asked for clarification Anchor-Seal had any relationship to the CAI/Arnel Company that 'exploded' [referring to the explosion of a manufacturing facility in Danversport several years ago] which was rumored to be them.

Mr. Spinney stated they were not.

Councilor Ciolino informed Attorney Pino and the applicants that there would be a public hearing on January 11th. He explained the process as proscribed by MGL which requires not only a public hearing but that the applicant must notify the abutters by registered mail in advance of that meeting at least by seven days. Further, the City Clerk, Linda Lowe, would compose language for the ad which they would then be placed by the applicant in Gloucester Daily Times, due to the short time frame, for legal notice to be placed at their expense.

Chief Dench added this has been a long process and thanked the Spinney's and Deputy Chief Aiello for their efforts and time spent to make sure everything had been done correctly. They want to see a safe operation there, and appreciated all the time they spent on making sure they go forward appropriately.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 2 in favor, 0 opposed to recommend to the City Council to grant the issuance of a License of Flammable and Combustible Liquids, Flammable Gases and Solids for the property at 54 Great Republic Drive for the storage of 29,0000 gallons of Combustible Liquids under M.G.L. Chapter 148, Section 13 and regulations hereunder as well as Gloucester Code of Ordinances, Chapter 8, Fire Prevention and Protection, Article I. In General, and sections hereunder.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 2 in favor, 0 opposed to ADVERTISE FOR PUBLIC HEARING for the Reapplication for License of Flammable and Combustible Liquids, Flammable Gases and Solids Re: 54 Great Republic Drive.

4. Request from YuKan Sports LLC to hold One Mile Road Race on April 9, 2011

Richard Morrell, Jr.; of YuKan Sports, LLC explained to the Committee his organization wishes to run a one mile road race in Gloucester on Saturday, April 9, 2011 along the Boulevard starting at 9:00 a.m. The staging area will be the parking lot of the baseball field at the intersection of Western Avenue and Hough Avenue adjacent to Stage Fort Park. They have applied to the Department of Public Works for the use of Stage Fort Park as required. The starting line is on Western Avenue just past Hough Avenue in front of the tennis courts, then proceeds heading east onto the Boulevard. At Middle Street the race turns left and turns around at the Joan of Arc Statue and back out onto the Boulevard. The runners cross over Hough Avenue to the finish line which is staged in the parking lot adjacent to the baseball field at Stage Fort Park. He noted that one half of Hough Street would be closed to vehicles; and that the Police and Fire Departments have both given their approval. He does not have it in writing but that they would provide it to the Committee.

Councilor Ciolino asked Mr. Morrell that they be sure to submit those approvals 14 days prior to the event on file in the City Clerk's office along with the Certificate of Insurance showing the City as the Certificate Holder and that signage be posted that on Western Avenue side of Stage Fort Park there will be no vehicular access and that signs should indicate to the public that they could go to the other end of the park to gain access.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 2 in favor, 0 opposed to recommend to the City Council to permit YuKanSports, LLC to run a race on Saturday, April 9, 2011 starting at 9:00 a.m. from the Stage Fort Park parking lot adjacent to the baseball field to Hough Avenue onto Stacy Boulevard to turn left onto Middle Street, around the Joan of Arc Statue, returning down Middle Street, turning right onto Stacy Boulevard, turning right onto Hough Avenue and finishing at the Stage Fort Parking Lot adjacent to the baseball field WITH THE FOLLOWING CONDITIONS:

- 1) A memorandum from Lt. Joseph Aiello be on file with this approval in the City Clerk's office 14 business days prior to the race delineating the role of the Gloucester Police Department before, during and after the race;**
- 2) A memorandum from Fire Chief Phil Dench to be on file with his approval in the City Clerk's office 14 business days prior to the race delineating the role of the Gloucester Fire Department, during and after the race;**
- 3) Signs indicating "Runners in the Road" shall be placed at key locations along the race course**

for safety purposes. They are to be posted the morning of April 9, 2011 and removed by 12 noon the same day;

4) A Certificate of Insurance naming the City of Gloucester as the Certificate Holder.

5. *Double Poles Reporting Policy: A discussion*

This will be forwarded to the City Council by way of a memo that the process of reporting problem double poles is that the location and pole number are submitted to the Electrical Inspector (Charles Mahoney) who then liaises with the utility to facilitate their removal.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:42 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Letter from Attorney Mark Nestor representing opponents for the Special Council Permit for relief from provisions/requirements of the GZO of the City of Gloucester, 9 pages with a 9 page addendum.**