

GLOUCESTER CITY COUNCIL MEETING

Tuesday, July 24, 2018 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Paul Lundberg; Vice Chair, Councilor Steven LeBlanc, Jr.; Councilor Melissa Cox; Councilor Valerie Gilman; Councilor Kenneth Hecht; Councilor Jennifer Holmgren; Councilor Scott Memhard; Councilor Sean Nolan; Councilor James O’Hara

Absent: None.

Also Present: Mayor Sefatia Theken; Joanne Senos; Jim Destino; Chip Payson; John Dunn; Gregg Cademartori; Bill Sanborn; Jill Cahill; Police Chief John McCarthy; Harbormaster T.J. Ciarametaro; Fire Chief Eric Smith; Grace Poirier

The meeting was called to order at 7:01 p.m. The Council President announced that this meeting is recorded by video and audio in accordance with state Open Meeting Law.

Flag Salute & Moment of Silence. Council President Lundberg dedicated the Moment of Silence in honor of Barbara Wilson, a community icon, a representative of the ideals of civility and grace. Councilor Nolan recounted he’d known Mrs. Wilson his entire life saying she was a woman who was involved in helping and giving to anyone that had a dream and vision of where they wanted to be; how they could better themselves. He recalled his last moments spent with her several months ago where they shared their concern for the care of the Magnolia Pier. He noted Mrs. Wilson was peaceful and on point which was how he wished to remember her.

Oral Communications:

Joseph Palazzola, 57 Western Avenue

Subject: Concern for the “dangerous” intersections at the corners of Railroad and Maplewood Avenues and Prospect Street and asked there be appropriate signage posted, “Yield” or “Stop” signs.

Amanda Kesterson, 5 Western Avenue

Subject: New City Council Civility Resolution (Draft Civility Resolution submitted) for Council vote and signature with an added sentence from one passed two years ago saying, “This includes any violence, discrimination, or harassment on the basis of gender, race, religion, sexual orientation, and political affiliation.”

Louise Palazola, 57 Western Avenue

Subject: Concern for street lights on Stacy Boulevard in the area of the Fisherman’s Statue in disrepair, noting the high cost of fixing them and suggesting a different type of streetlights be installed if it was more economical.

Presentations/Commendations: None.

Confirmation of New Appointments:

Economic Development & Industrial Corp. Tom Balf, Carl Gustin, Taylor Hedges TTE 07/01/21, 19 & 20

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Tom Balf to the Economic Development & Industrial Corp. (EDIC), TTE 07/01/21.

DISCUSSION:

Councilor LeBlanc, offered his support for Mr. Balf’s appointment, conveying that Mr. Balf has been intertwined with the city for many years and that he will help move the city forward.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Tom Balf to the Economic Development & Industrial Corp. (EDIC), TTE 07/01/21.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Carl Gustin to the Economic Development & Industrial Corp. (EDIC), TTE 07/01/19.

DISCUSSION:

Councilor LeBlanc thanked Mr. Gustin for his commitment to volunteer for the EDIC and briefly highlighted his professional history in economic development.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Carl Gustin to the Economic Development & Industrial Corp. (EDIC), TTE 07/01/19.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Taylor Hedges to the Economic Development & Industrial Corp. (EDIC), TTE 07/01/20.

DISCUSSION:

Councilor LeBlanc explained that Mr. Hedges is a local business owner who likes to give back to the community, and as a member of the EDIC, it one more way for him to do so.

Councilor Nolan added his thanks to the past EDIC members whom he pointed out did great work for the city, saying they will be missed. He endorsed Messrs. Balf, Gustin and Hedges appointments to the EDIC and thanked them for stepping forward to the city's benefit.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Taylor Hedges to the Economic Development & Industrial Corp. (EDIC), TTE 07/01/20.

Gloucester Trust Fund Commission

Karen Neva Bell

TTE 02/14/21

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Karen Neva Bell to the Gloucester Trust Fund Commission, TTE 02/14/21.

DISCUSSION:

Councilor LeBlanc noted that Ms. Bell is a seasoned grant writer and will be a good addition to the Trust Fund Commission.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Karen Neva Bell to the Gloucester Trust Fund Commission, TTE 02/14/21.

Council President Lundberg offered his thanks to all the appointees for their willingness to serve the city.

Consent Agenda:

• **MAYOR'S REPORT**

1. Reappointment: Economic Development & Industrial Corp. (EDIC) TTE 07/01/21 Bill Bramhall (Refer O&A)
2. Special Budgetary Transfer Request 2019-SBT-1 from Police Department (Refer B&F)
3. Memorandum from Police Chief re: permission to pay FY18 invoice in the amount of \$45 from FY19 funds (Refer B&F)
4. Memorandum from Police Chief re: permission to pay FY18 invoice in the amount of \$35.05 from FY19 funds (Refer B&F)
5. Memorandum from DPW Director re: permission to pay FY18 invoice in the amount of \$1,038.25 with FY19 funds (Refer B&F)
6. Memorandum from CFO re: requesting Loan Authorization in the amount of \$1.15 million for repairs to Newell Stadium (Refer B&F)
7. Memorandum from Economic Development Director re: acceptance of Essex National Heritage Commission grant in the amount of \$2,500 for the Stage Fort Park Welcoming Center (Refer B&F)

• **COMMUNICATIONS/INVITATIONS**

1. Communication regarding SCP2015-001 Decision for 250 Concord Street to allow applicant to withdraw without prejudice (FCV 08/14/18)

• **APPLICATIONS/PETITIONS**

1. SCP2018-002: Prospect Street #93, Map 13, Lot 43, GZO Sec. 1.8 "Use Table Permits" and Sec. 2.3.1(7) "Conversion to or new multi-family or apartment dwelling, four to six dwelling units" (Refer P&D)
 - **COUNCILORS ORDERS**
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: 07/10/2018 (Approve/File)
2. Standing Committee Meetings: B&F 07/19/18 (no meeting), O&A 07/16/18, P&D Special 07/11/18, P&D 07/18/18 (Approve/File)

Items to be added/deleted from the Consent Agenda:

By unanimous vote of the Council the Consent Agenda was accepted as presented.

Committee Reports:

Budget & Finance: July 19 - No Meeting

Ordinances & Administration: July 16

There are no matters under this heading for Council action.

Planning & Development: July 18

There are no matters under this heading for Council action.

Scheduled Public Hearings:

1. **PH2018-032: Loan Order 2018-007: Loan Authorization to pay costs of improvements to the Gloucester Harbormaster facilities and establish a visiting boater center in the amount of \$1,600,000**

This public hearing is opened at 7:15 p.m.

Those speaking in favor:

Harbormaster T.J. Ciarametaro recounted that a year ago a Harbormaster Feasibility Study was conducted, funded through a grant from the Seaport Economic Council to look at a variety of properties in the city for the best location for the Harbormaster's Office facilities, some commercially available and some city-owned properties. The study concluded that the current location at Harbor Loop was the best and most appropriate site. He highlighted that the current facility has a new shoreside pump out facility, a new Harbormaster's marina, and a rehabilitated park. In order to move into the next phase the city will apply for a \$1 million Seaport Economic Council (SEC) Grant in the fall to be utilized to create shoreside facilities on par with other North Shore comparable cities and towns Harbormaster/boating facilities. He touched on the city's improved services for transient boaters' waterside saying that transient moorings have been become very popular. He explained that most of the complaints he receives are due to the lack of shoreside facilities. These improvements will enhance the city's shoreside facilities which he suggested will enhance the city's tourism sector with the goal of bringing more people to the city by water rather than by land.

Jill Cahill, Community Development Director, pointed out the feasibility study also included a public input phase along with a public hearing in front of the Waterways Board. She noted that they are starting to implement some of the plans that came out of the feasibility study. She advised that this project highlights strategies brought forward in the 2014 Harbor Plan including public access to the water in ways that don't interfere with industrial uses; creating a more appealing environment for investment to insure a more vibrant use of the water's edge of the harbor; promoting change that would benefit the downtown and other areas of the city; providing infrastructure and navigation improvements that strengthens the viability of the port. She pointed out that the Harbormaster's building is a public safety building and that this investment will increase the department's capacity to respond to an increasing number of safety calls, special events, etc. The building also needs to be brought up to Code and ADA accessibility. She cited statistics that there are about 20,000 boats on the city's waterways annually. She mentioned the free four-hour tie-up dinghy dock space at the Harbormaster's marina and dock space that supports the Sail YMCA and Sail Gloucester programs. She highlighted the recreational boating industry generates about \$115 billion a year saying that these improvements would enhance the city's ability to obtain its fair share of the recreational boating money equating to about 650 transient boaters (a \$43,000 increase in FY17). Those boaters spend about \$300 per night at local businesses which comes to about \$390,000 per season -- for every dollar spent

68 cents stays locally. The SEC Grant will be applied for, she advised, and expressed confidence that the city will receive the grant funds. There is a required city match to the grant, she noted, saying that this was why the loan order is before the Council. Design costs of the project goes towards that match, she pointed out.

John Dunn, CFO, reiterated that the city typically obtains loans for the entire amount of a project, pointing out that the city won't move forward with full expenditures without receiving grant funds. He advised that the city anticipates great support from the SEC in the form of a \$1 million grant. He explained that there are also additional funds available to the city set aside in a Stabilization Fund which was a \$150,000 payment from the state for the relocation of the bridge tender station at the Blyman Bridge. Part of the city's match, he reported, would come from those set aside funds.

Tony Gross, 18 Nashua Avenue, Chair of the Waterways Board, advised this project was long in coming. This started with the Gloucester Launch as a gateway into the city. The Administration has asked them to increase their ability to increase accommodation for transient boaters who have disposable income to spend in the city. The docks are now complete at the Harbormaster's facility, he reported. He pointed out that most importantly there is no displacement of commercial fisheries with this project. This, he suggested, will be a first class facility once the shoreside work is completed, pointing out that the recreational boating sector will now work hand in hand with the commercial fisheries. He noted that the Waterways Board paid for the initial conceptual drawings for the project, and that this Administration has moved the project near to completion.

Elizabeth Carrey, Executive Director of Discover Gloucester DMO (Destination Marketing Organization), noted she recently worked with the Harbormaster to create a boater's welcome package (placed on file) given to every visiting transient boater. Noting that her office is in the Harbormaster's building, she advised that many transient boaters want information on the city to learn about it and locate nearby amenities. She conveyed that transient boaters can make a big impact economically to the city and expressed her support for the project.

Tobin Dominic, Cape Ann Marina, noted that there is a need for a landside asset to go along with the city's waterfront facilities with landside and waterside working together. She expressed support for the project.

Patti Page, 3 Tidal Cove Way, (written statement submitted) expressed support for the loan authorization funding asking there be a stipulation that there be a public conversation as a part of the design phase to develop this public asset. She highlighted that the city should work to use the waterfront for other uses, not just for transient boaters, expressing caution as to how the facility will be developed and concern for the decline of public access to the city's water sheet. She highlighted her concern for a planned boat repair "garage" noting possible toxic materials that could seep from the facility possibly endangering the environment and the public. She encouraged a dual purpose facility to broaden public use serving residents and visiting boaters alike.

Communications: None.

Councilor Questions:

Councilor Cox mentioned \$150,000 previously received by the city from the state for the relocation of the Blynman Bridge tender's house saying she believed those monies were to be used for a public restroom, and asked if the Administration is now thinking about using that money for the public restroom needs at the Harbormaster's facility. **Mr. Dunn** advised that when the state funds were received they would be directed towards public restroom facilities that are part of this project's scope. The funds were received in FY17 and closed out to Free Cash which was then technically available in one of the Stabilization Funds -- funds that can be used for the city's portion of the SEC grant match. When the city learns that they've received the grant, he explained at that time the Administration would come forward with a Supplemental Appropriation for approval to release the funds from the Stabilization Fund for the grant match. **Councilor Cox** asked if the city's SEC grant application wasn't successful would the city continue to look at using those funds. **Mr. Dunn** confirmed they would hold aside those funds for use for another project. **Councilor Cox** noted the proposed boat maintenance capability to be incorporated into the proposed project was discussed at the B&F's review and mentioned her understanding that it will be very limited, not for transient boats. **Harbormaster Ciarametaro** advised that the Harbormaster's six boats would receive their day-to-day routine maintenance on site, that it wasn't for larger repairs such as fiberglassing, as an example, which are done off site at area boat yards. He highlighted a recent breakdown of the Gloucester launch on a Saturday morning that only with a cooperative effort with the Cape Ann Marina on a busy boating day were they able to get the launch running on an emergent basis. This facility is strictly an in-house facility for the Harbormaster's office only, he assured. **Councilor Cox** asked if the department would hire a mechanic. **Harbormaster Ciarametaro** advised it would have to be reviewed on a cost analysis basis and then such a determination could be made.

This public hearing is closed at 7:38 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council authorize the following loan order:

Ordered: That the City of Gloucester appropriates One Million Six Hundred Thousand Dollars (\$1,600,000) to pay costs of improvements to the Gloucester Harbormaster facilities and establish a visiting boater center, including costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7, or pursuant to any other enabling authority. The Mayor and any other appropriate official of the city are authorized to apply for, accept and expend any grants or gifts that may be available to the City to pay costs of the projects. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

DISCUSSION:

Councilor Cox reported that B&F spent a great deal of time vetting this loan authorization, and the Committee had no unanswered questions and that the Committee will seek an update from the Harbormaster in the late fall for the Council's advice. She expressed she looked forward to seeing the plans for the upgraded facility.

Councilor LeBlanc noting he is the Council's liaison to the Waterways Board, pointed out this project has been talked about for five years. The Harbormaster's Office has come a long way in the last several years, he conveyed. He noted there are upwards of 14 boat launch areas in the city but very limited space for people to tie up their boats in order to access the city's downtown visit local eateries, browse shops or restock their vessels. He advised he had spoken with vessel owners and was told Gloucester was overlooked because the city didn't have any facilities to accommodate transient boaters. This upgrade to the Harbormaster's facilities, he highlighted, will get Gloucester back on the map as a destination port. Having visitors come by boat will help with vehicular traffic in the summer, he added. He added that critiques received from the city's on-line transient boating app, DOCKWA consistently say the city is missing a shoreside facility. He expressed his support for the loan order saying it was a win/win situation for the city.

Councilor Cox highlighted that Kay Ellis would be very proud of the Welcome packet.

Councilor Gilman, saying she is a boater, noted that there is a new heightened respect for the Harbormaster's Office and that the Councilors will continue a dialog with the community on the needs for community water access. She expressed her support and her thanks to the Harbormaster and Mr. Gross.

Council President Lundberg and **Councilor O'Hara** both expressed their support for the loan authorization.

MOTION: On a motion by Councilor Cox seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to authorize the following loan order:

Ordered: That the City of Gloucester appropriates One Million Six Hundred Thousand Dollars (\$1,600,000) to pay costs of improvements to the Gloucester Harbormaster facilities and establish a visiting boater center, including costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7, or pursuant to any other enabling authority. The Mayor and any other appropriate official of the city are authorized to apply for, accept and expend any grants or gifts that may be available to the City to pay costs of the projects. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

2. **PH2018-059: SCP2017-012 Schoolhouse Road #2, #3 and #4, Map 262, Lots 14 & 37, and Gloucester Crossing Road #7, Map 37, Lots 4 & 5, for a Special Permit under the Mixed Use Overlay District pursuant to GZO Sections 5.29 (including Major Project GZO Sec. 5.7), 5.29.10 and 5.11.8**

Council President Lundberg expressed the Council's appreciation to the Applicant and the city staff. He noted that these types of Special Council Permits are complicated especially when they include a residential component and touch on many aspects of life in the city. He pointed out that the Applicant was responsive and became a "great" member of the community, mentioning Peter Gourdeau of Windover Construction and Attorney Deborah Eliason, both representing the Fuller Mixed Use Ventures, LLC. He noted that Mayor Theken's city staff is "terrific" all of whom did whatever the Council asked, highlighting the dedication and hard work of Chip Payson, General Counsel and Gregg Cademartori, Planning Director, to see this project to fruition. He also expressed his thanks to Councilor Valerie Gilman, Chair of the Planning & Development Committee, and Committee member, Councilor Jen Holmgren whose work was in service to the Council in thoroughly vetting the Special Council Permit application. He added his approbation for the work of the Planning Board whom he recounted held eight public hearings, saying that the Board's recommendations are the basis for the Planning Director's recommendations to the Council.

This public hearing is opened at 7:48 p.m.

NOTE: The order in which the following public hearing was conducted was in accordance with GZO Appendix A-Rule 25 "Rules of Procedure", Section 4 "Public Hearing."

The Legal Notice of Public Hearing was read by **Council President Lundberg** who expressed his determination that the Public Hearing is properly held noting that appropriate materials have been submitted by the Applicant, some of which were displayed in Kyrouz Auditorium.

Those speaking in favor:

Note: *The following presentation by the Applicant is on file with the City Council as are all referenced plans and a full application unless otherwise indicated.*

Attorney Deborah Eliason, 63 Middle Street, representing Fuller Mixed Use Ventures, LLC (FMUV), reviewed a flow chart of the development group headed by Windover Construction, the development manager of the project. Legal representation is through Eliason Law Office; Civil Engineering is by Meridian Associates; Transportation is handled by MDM Transportation Consultants; Landscape Architect for the project is Hawk Design; Fort Point Associates is the FMUV environmental consultant. The YMCA of the North Shore is represented by Jack Meany, Project Leader and CEO Emeritus. The architect for the YMCA is Siemasko & Fairbridge. Sam Park, Managing Member of Sam Park & Co. is the retail FMUV partner, best known in the city for the Gloucester Crossing project. The architect for the retail portion of the project is Smook Architecture; and Andrew Dolben, Executive Vice President, Dolben Company, Inc., is the developer of the residential portion of the proposed project; their architect is HDS Architecture.

A chronology and evolution of the Fuller Project was briefly reviewed from the time the city issued an RFP in September 2015 to the City Council's review of this Special Council Permit this evening.

The Fuller property was shown totaling 10.6 acres comprising the FMUV project was touched on briefly. It was highlighted that the residential portion of the project will now include 15% affordable housing units.

Peter Gourdeau, Windover Construction on behalf of FMUV expressed thanks and appreciation to city staff, the P&D Committee, the Conservation Commission, the Planning Board and the City Administration for their expertise and time. He then reviewed the Applicant's initial due diligence starting in late 2017 covering such matters as Survey & Title; Wetlands; Traffic; Parking; Assessment of Building Demolition Costs; Investigation of Unsuitable Soils; Hazardous Materials Assessment; Cost Estimates for Site Development; Wastewater Disposal; and Other Entitlement (trip projections from proposed project triggered MEPA (Mass. Environmental Protection

Agency) thresholds; EENF (Expanded Environmental Notification Form) submitted July 2018. Wastewater Disposal was noted that a portion of the gravity system between the site and the treatment plant was deemed inadequate to meet the real time flows that are required and that the FMUV is working with the city to solve that issue.

Benefits to the City -- \$4.1 million purchase price for the Fuller property with a \$60 to \$70 million investment in the community; \$600,000 annual property and excise tax revenue expected; one-time permit fees of \$0.5 million; creation of 165 new jobs projected many coming from the YMCA and retail; local spending by 200 to 300 new residents; a state-of-the-art new YMCA; the old Fuller school's removal thereby eliminating a long-term city liability for abatement and demolition; the residential portion of the project addresses some of the goals of the city's Housing Production Plan (HPP) which calls for more than 475 new multi-family units over the next 10 years with affordable housing is addressed by bringing in 15% new affordable housing which doesn't currently exist in the city of this scale. This project was indicated to have an impact on Gloucester Crossing with **Mr. Gourdeau** highlighting the newly contracted Aspen Dental and Home Goods Stores being built currently. This is a "critical location" for the city with a major project that will be highly visible and is an adaptive reuse of surplus city property at a central location, he indicated.

Overview of the Permit Application: **Ms. Eliason** reviewed an overview of the Permit Application: The Special Council Permit requires a block model under GZO 5.7.2 of residential building which the FMUV has substituted three dimensional renderings with a "fly through" and shows all of the buildings in context. The scale of the architectural plans under the Zoning Ordinance is required to be 1/8" = one foot under GZO 1.5.3(c) ii; the retail and the YMCA plans are at 1/16" = 1 foot; and the multi-family is 3/32" = 1 foot. Under the Mixed Use Overlay District (MUOD) GZO Sec. 5.29.10 for lighting, better illumination will not be shielded and shine onto the adjacent streets. Under GZO 4.1.4(a)(6) -- this will provide better illumination at the entrances and greater pedestrian and vehicular safety. Under GZO 4.1.4(a)(7), parking will be within one foot of the sidewalks to promote walkability and ease of access to pedestrian walkways. It was noted that the FMUV had originally applied for an Alternative Method of Affordability under GZO 5.11.8 (b) (2). The requested for Alternative Method of Affordability under inclusionary housing was withdrawn and the Applicant agreed to have 15% affordable housing units at 80% AMI.

Birdseye View of Existing Conditions: **Mr. Gourdeau** reviewed that: the city-owned site is 10.6 acres, with the Fuller School covering about 187,000 square feet which closed in 2008. The Gloucester Crossing is to the east of the parcel Blackburn Rotary to the north. Several area landmarks were pointed out: The Trask, Dodge and Green Streets residential neighborhoods and the Blackburn Industrial Park. There is a water main that goes through the middle of the site, and there is an existing pump station and a 16" water line that serves water towers in the Blackburn Industrial Park. The Council was shown a 3D Massing Model (three perspectives of 3D renderings with Application) and reviewed the location of the three residential buildings comprised of 200 units on four floors in each building with a centrally located clubhouse; two retail buildings not to exceed 26,000 square feet; and a two-story, 65,000 square foot YMCA. An animation was created by the Applicant to give the sense of place and scale of architecture on the site, and was shown to the Council in the manner of a site "fly through" (on file).

Residential Architecture: **Hans D. Strauch**, AIA LEED AP, HDS Architecture, Cambridge, MA, reviewed for the Council that this is a mixed use project with a three building cluster of residential buildings; a clubhouse in the center to create a "village-type" atmosphere. The buildings have architectural elements that relate to the city -- fully opened balconies that extend out from the building with fenestration including balustrades. Units will consist of two-bedrooms, one-bedroom and some studio apartments. Every building has multiple entrances, an elevator and all buildings are four levels. Clapboard and shingles will be utilized on the exterior and at the base of the building some stone cladding. Each building will have a cupola. All three buildings have similar architectural features such as bay windows and sloped roofs. Balustrades mimicking a "widow's walk" on the roofs will act as a "shield" for the HVAC systems of each building. A plan of the clubhouse was shown containing a leasing office, a welcome center, a model unit, a great room, a kitchenette, an entertainment room, a media room and fitness center open to the project's residential community as well as a dog wash station.

Residential Market Profile: **Mr. Gourdeau** reviewed a typical profile of anticipated renters which he indicated for these types of units generally appeals to younger professionals 25-35 years old; to older "empty nesters," couples and individuals age 50+. If this was a typical project set in a residential neighborhood with nearby schools and parks it may attract families with school-aged children, about seven, he suggested. He added that given that this project's proximity to a state highway, not have adjacent parks, and other similar amenities, data shows that it is anticipated there will be about seven children residing in these units.

Retail/Commercial Architecture: **Mr. Gourdeau** noted Smook Architecture designed the retail/commercial architecture plans. There are two retail/commercial buildings - the smaller building about 3,600 square feet, and the large building approximately 22,000 square feet. He reviewed that the retail architecture will mimic the materials

and aesthetics of Gloucester Crossing to create a village scale and complement the other elements of the mixed use project. The design will incorporate gables, clapboard and shake siding exteriorly. He showed a rendering of the smaller of the two retail buildings highlighting that the high elements are approximately 29 feet with a ceiling height of approximately 14 feet, adding that the number of entrances and other elements will be amended when the tenant mix is determined. The building is anticipated to house five or six service tenants. The floor plan for the large retail building was shown with its dimension. The elevation of the small retail building was shown to be comprised of the same materials and proportions as the large retail building along with a floor plan.

Cape Ann YMCA Architectural Design, **Thaddeus S. Siemasko**, AIA, SV Design, reviewed the new YMCA commands a prominent place on the project site and is designed to be a first class facility. Parking areas for staff and YMCA members were noted on the plan. A basic diagram of the building showed the activities proposed such as the lobby, a play yard; a gymnasium; locker rooms for men, women and families, an interior pool for the first floor. There is a separate entrance for the pre-school and daycare facility also on the first floor. A detailed diagram was then shown of the 1st Floor Plan. The second floor plan was shown noting that there is an elevator in the building. The second story will feature a large fitness floor with multiple studios and a flexible floor plan for future growth. This new YMCA is about double the space of the Middle Street facility it was noted. The aesthetics of the building were noted, featuring large windows, a shingle façade with support and trim elements to indicate the look of piers with their pilings noted as a nod to other nautical-like references, such as the sail like overhang for the outdoor pool. Various drawings of aspects of the proposed building were shown to the Council

Civil Engineering: **April Ferraro**, PE, Senior Project Engineer, Meridian Associates, briefly reviewed existing site conditions noting that the Fuller school, parking areas and associated field areas were all part of their hydrologic study and conveyed the following narrative:

Existing topography was described as running from the north from the access drive at Gloucester Crossing Road in a southerly direction towards School House Road. All the stormwater from the site is either directed towards School House Road from direct overland flow or from existing structures on site. The structures within School House Road culminate at an infiltration basin across the street which was constructed as part of Gloucester Crossing started in 2007.

Utilities: There is an existing water line running through the site and the pump station. There's an existing gas line in School House Road. There are many electrical poles on the site; the main one being pointed out. There's an existing sewer from the school directed into an existing sewer pump station (pointed out) and a force main was connected to it underneath the athletic field and directed into an existing sewer manhole in Trask Street.

There are two wetlands on the site -- to the north and west. Each of those wetlands projects buffer zones onto the project site which brought the project into the purview of the Conservation Commission.

The Civil Overview Plan 1 of 2 and Plan 2 of 2 was shown for the finalized layout. It was noted that these plans took into account comments and suggestions from the city's Peer Reviewer to improve the overall layout -- there was a change to the drop off to the YMCA with a distinct queuing area and a bypass lane. Additional sidewalks and pedestrian seating areas were added throughout the site for connectivity. There is a switchback ramp behind the YMCA with a staircase running through the middle of it connecting to an existing crosswalk on Gloucester Crossing Road to provide a direct pedestrian access from the project site to Gloucester Crossing. The parking area was reconfigured to be outside of the wetland areas so there isn't any proposed filling of wetlands as part of the project.

Stormwater and grading: The proposed layout generally maintains the existing flow from the high point at the access drive at Gloucester Crossing Road in a southerly direction towards School House Road. They've included a new Best Management Practice for treatment and mitigation of stormwater before it leaves the site culminating in the existing infiltration basin. The project fully complies with the Stormwater Standards and has been reviewed by the city's peer reviewer and been approved by them.

The project went before the Conservation Commission for work in the buffer zones. They requested they have a 2:1 mitigation ratio plan for the new work. They are removing invasive species replanting with native species. The project has an Order of Conditions from the Conservation Commission.

The project will utilize utilities in a similar manner as they exist on site. The gas line ties into the existing gas main and connects at School House Road. Electric will come from an existing utility pole. The sewer on site is collected through a series of gravity sewer lines and storm manhole structures on site culminating at the bottom of the site to a proposed pump station which will have a force main that directs the flow to an existing sewer manhole on Trask Street. The main water line runs through the center of the property which will remain as well as the pump house, and will loop it through the site.

Transportation Presentation: **Daniel J. Mills**, PE, PTOE, Principal, MDM Transportation Consultants, Inc. reviewed the comprehensive traffic assessment which was in turn reviewed by the city's peer reviewer during the Planning Board process. He cited the setting of the project site. All vehicles traveling to and from the project site

gain access via School House Road and Gloucester Crossing Road onto Route 128. Existing traffic volume data was reviewed and projections were made for the different project uses. A parking study was conducted which identified access improvements along School House Road. He noted that the site is going through a state review as the Applicant needs a highway access permit from the state -- the site abuts a state highway and the improvements extend into the layout "slightly." The site has multiple access points which he pointed out saying that there's existing capacity on Route 128, and mixed use on the adjacent site with commuter traffic on Route 128. While this project is anticipated to generate traffic, there is no substantial impact in the study area, he concluded.

Trip Generation Summary - Parameters of the study were outlined for the Council. Primary core impact periods were: weekday morning peak hour; weekday evening peak hour and Saturday midday peak hour -- hours when the roadways are most heavily travelled and when the most trips would be generated by the three elements on the project site. Industry standard trip generation was relied upon as to generation rates for each site use and made projections. It was noted these weren't "isolated" uses but are uses along a heavily travelled corridor anticipated that people will stop on their way to or from work. The three uses on the site were termed by Mr. Mills as synergistic.

Three diagrams of the schematics depicting traffic flow were shown to the Council that flows to and along all the intersections -- Blackburn Circle with the site with School House Road; Gloucester Crossing Road; Gloucester Crossing itself, and Eastern Avenue. It was indicated there are about +/- 30 trips to Eastern Avenue to +/- 100 trips from the south on Route 128 during the AM peak weekday hours. A similar study was conducted identifying where vehicles are expected to come to or from dependent upon time of day, existing travel patterns, populations; work environment, etc. Weekday peak evening hours showed a slight increase in volume, it was noted, +/-140 trips to and from Route 128 from the south to +/- 50 trips on either leg to Eastern Avenue. The same study was conducted for Saturday peak hours which showed +/- 100 trips to and from Route 128 south and about +/- 20 to 30 trips on each of the legs down to Eastern Avenue. **Mr. Mills** conveyed that while there is additional traffic generated on these intersections there is "sufficient" capacity at each of the intersections with the multiple access points and with people already travelling these roadways, stopping, and going back onto Route 128. He added they don't see any significant roadway impact in the study area.

Site Parking: There is a minimum requirement as to parking capacity under the Gloucester Zoning Ordinance. There are +/- 352 parking spaces for the YMCA proposed with the requirement being 350 spaces. Weekday use analysis showed that between 11:00 a.m. and 12 noon falls within the mid-range at 302 spaces which is within the zoning requirements. On Saturdays, when use is projected at a higher rate there is anticipated heavier use for the YMCA and the retail component -- 302 parking spaces versus 331 parking spaces, but again comes in under the total spaces available of 351. This creates an appropriate impervious area; **Mr. Mills** indicated. The residential component for parking was touched on with a Zoning Ordinance requirement of 300 parking spaces and there are 326 parking spaces provided. The projection is for 292 parking spaces in use during the overnight hours. A Concept Plan was shown with a design of a left turn lane to facilitate site access and a bypass lane to allow vehicles to continue on to Gloucester Crossing.

Public Transportation: A Cape Ann Transportation Authority (CATA) bus stop will be incorporated and two potential CATA bus routes for the site were noted which CATA is taking under consideration. There will be amenities to encourage the use of public transportation including an on-site employee transportation coordinator; bicycle facilities; preferential parking for carpools and van pools; preferential parking for low-emission vehicles, etc.

Emergency Apparatus Access: A Ladder Truck AutoTURN Analysis was highlighted showing that the site is compliant and accessible to emergency vehicles.

Landscape Design: **Thomas Miner**, Principal, Hawk Design, Inc., highlighted creating a design of four season interest utilizing native and non-native non-invasive plantings supplementing with ornamental grasses and flowers. Mentioning the Zoning Ordinance requirements, he reviewed screening of utilities in two service areas with six foot high solid fences planned, mitigated with trees and shrubs. Where landscaping of this type is unable to be installed to screen certain utilities, it is planned to use evergreen trees and shrubs. Another focal point was to amend the residential community areas. The amenities of the clubhouse area were pointed out. Pedestrian circulation is considered important, and to promote it there is a ramp system and walk system that connects the various uses of the site, all ADA accessible. Each walkway has a small pocket park seating area with benches, trash receptacles, and bike rack.

Site lighting is comprised of three types -- box type fixtures on 20 foot poles for entrance illumination and parking areas (similar to Gloucester Crossing); along the retail building access and leading to the YMCA will be tear drop fixtures on 20 foot poles; and in the residential areas acorn style fixtures on 12 foot poles -- all are LED illumination with top shields to eliminate night sky disruption with many fixtures required to have back shields to

prevent light intrusion across a property line and into bedroom windows. There are no back shields on entry lighting for safety reasons.

Overview of Planning Board Recommendation: **Mr. Gourdeau** briefly reviewed that on June 27, 2018 the Planning Board voted unanimously to support the FMUV project and submitted to the Council a, "Recommendations for Fuller Mixed Use Overlay District Special Permit for the Proposed 200-unit MultiFamily Complex, 26000sf Retail Center, and Cape Ann YMCA." The Planning & Development Committee also unanimously supported the project and adopted those Conditions in a "slightly" modified form.

Mr. Gourdeau concluded the remarks for the Applicant by saying that he was prepared to enumerate to the Council why the project meets the required standards under the Zoning Ordinance relevant sections for a Special Council Permit and Major Project and why the project meets the design standards of the Mixed Use Overlay District referencing the fact that these Zoning Ordinance sections were enumerated within the documentation of the Planning Board and Planning & Development Committee's records. **Council President Lundberg** advised that unless there were objections, that when the Council moves into the conditions placed upon the Special Council Permit that are included in the P&D Committee's recommendation, all of these items will be addressed.

Public Comment in Favor:

Mayor Sefatia Theken expressed her support for the FMUV Special Permit application, thanking the Council for their support and guidance throughout the project's permitting process and urged their support for it. She highlighted that this was a team effort crediting the Council for their work; Jim Destino, CAO; the Assessors; Purchasing; Public Safety, Community Development; the Director of Public Works; the CFO and the city's Legal team. She voiced her thanks to the Applicant team: Lee Delliker and Peter Gourdeau, Windover Construction; Jack Meany, CEO Emeritus, North Shore YMCA; Sam Park, Sam Park & Co.; and Andrew Dolben, Dolben Company. She highlighted that the project will bring added tax revenue, new jobs and more housing, especially affordable housing to the city's housing rosters; a new YMCA -- a great addition to the city.

Ainsley Smith, 14 Pine Street, expressed her support for the project, especially for the affordable housing element to keep young working professionals and families in the city.

Sunny Robinson, 20 Harvard Street (written statement placed on file) mentioned gains from a resident standpoint -- new and needed city revenue, a modernized YMCA at a good location; new residential units with 30 affordable housing units for those of moderate income built on site distributed amongst three buildings. As part of this project is tied to the future redevelopment for affordable housing at the old YMCA site units of which will be available in the 30% to 60% AMI range rather than the 80% AMI at the FMUV site, she indicated this will expand the number of affordable units in the city and maintain diversity of income in the city. She suggested that if the designated affordable units at the FMUV site had been made at the 50% to 60% AMI it could have made a stronger project. She encouraged addressing the need for assisted living facility in the city that had been proposed for the Gloucester Crossing project.

The requirement that various city departments under the Zoning Ordinance weigh in on the Special Council Permit was noted, and that all reports were submitted in writing to the Council and on file, **Council President Lundberg** recounted.

Those speaking in opposition:

Joseph Palazola, 57 Western Avenue, voicing his objection to the project, he suggested that the traffic study was inaccurate, that this project will increase traffic much greater than indicated. He suggested that rather than undertake the entire project; the city should sell a piece of the Fuller property to the YMCA only and retained the rest of the property to use for other city facilities. He conveyed this project will place too much pressure on city resources.

Louise Palazola, 57 Western Avenue, added her objection for the project due to traffic volume. She expressed concern about the road permit application to the state. She expressed further concern that the size of the residential units were too small for families and only suitable for single people, and couples, and asked what the rents would be for those residential rental units. She expressed concern for the maintenance of the residential buildings. She mentioned the sewer lines going down Trask Street, and concern for receipt of the grant to assist the city's payment of it. She asked if the YMCA would be expanded in another 20 years. She urged the Council to think about the density of the project.

Karen Boyd, 38 Trask Street, expressed concern for a big project adjacent to her neighborhood and changes the project would make not only to the neighborhood but to the city suggesting that those changes would not be positive. She questioned why the Fuller building couldn't remain a school facility in light of the city looking to build

another new school. She pointed out that her neighbors are concerned about the pedestrian walkway ending at Dodge Street, and the project's proposed sewer and water lines possibly affecting Trask Street. She asked that the city require the construction be geared to recycle materials and that there is great oversight by city departments. She mentioned on-going maintenance of the site as a concern to keep it safe and clean.

Beth Brau, 9 Dodge Street, asked that the Council think about the abutting neighborhood, expressing her concern for the project's residential density. She spoke about the possibility of a drive-through facility on the project site, and the sound additional traffic may generate at night, noting her concerns about lighting were addressed.

Joshua Boyd, 38 Trask Street voiced his objection based on seven children only projected to live in the residential buildings. He pointed out that wetlands have an ecosystem; that lighting will be abutting their street and expressing concern that it will shine into the neighborhood. He voiced concern over the loss of the Fuller School playing fields, and that the jobs generated will not be career type of jobs. He also expressed concern that this type of project was going to be the "gateway to the city" saying such a project didn't belong in Gloucester, although highlighting the unsafe condition of the Fuller School as it exists now.

Mike O'Neill, 17 Traverse Street, conveyed his opinion that there weren't enough affordable housing units in the project and too many planned residential units overall. He expressed concern for the traffic study, indicating that it didn't include the impact to Grant Circle from the project site. He mentioned that the developers that built Gloucester Crossing haven't adequately addressed the community's ability to reach it by foot or by bicycle. People who walk to the YMCA now at Middle Street won't be able to access the new YMCA if they don't have a car.

Communications: **Lisa Day-Copeland**, by email dated July 20, 2018; **Tracy Mark**, 309 Essex Avenue, by email dated July 20, 2018; **Amanda Nash**, via email forwarded by Council President Lundberg.

Councilor Questions:

Councilor Cox questioned the Planning Board's "Condition #12A. "Material deliveries, contractor equipment, and material removal should be routed off of Route 128." **Gregg Cademartori**, Planning Director advised that it is a general condition, pointing out that all staging has to be routed off of Route 128, a carry-over condition from Gloucester Crossing. He mentioned a construction management plan that is associated with the permitting that will be the guideline. **Councilor Cox** expressed concern for enforcement of conditions after permitting especially those conditions that seem vague. Condition #14 pertaining to traffic was noted by **Councilor Cox**, highlighted that the Applicant has to submit annual traffic monitoring reports for two consecutive years, counts for weekday a.m., p.m. and Saturdays mid-day peak periods with specified locations, pointing out that the condition didn't indicate what time of year was to be monitored; that the reports have to be submitted by November 15 each year. **Mr.**

Cademartori reviewed that the Planning Board had a peer reviewer the city hired, CDM Smith. That condition references that while the Applicant submitted a traffic study that met the standards, there is a small discrepancy of the programming of the YMCA and trip generation estimates. This is a "belt and suspenders" condition to have a review process to see what traffic flow looks like in the built environment so that if there were a negative impact from YMCA traffic, the city will be able to ask for adjustment of the YMCA's programming to change that traffic flow. **Councilor Cox** noted if there was cause and effect the city owes it to the Applicant to be specific as the timeframe to be looked at as mitigation is to fix something that's not working, i.e. summer traffic. **Dan Murphy**, Project Manager for CDM Smith, the city's Peer Review Consultant, described traffic analyses, reporting that traffic engineers rely on statistics done by the Institute of Transportation Engineers in which certain uses by square foot or per employee are available. He pointed out that the Applicant provided statistics from each of the project components from limited projects, and advised that CDM Smith suggested the Applicant find a match, to confirm the projections they used, but the Applicant wasn't able to do that. He conveyed that the Applicant's numbers are reasonable. It was suggested there be a traffic monitoring study so that the projected traffic is what was expected and is not unusual, he noted. As to time of year, industry standard dictates the times, he added. **Councilor Cox** expressed concern that this condition seemed vague, why the industry standards weren't enumerated in the condition. After a brief discussion with the Councilor, **Mr. Murphy** suggested that the Council could add to Condition 14, "Traffic monitoring report to be done consistent with MassDOT Transportation Impact Assessment (TIA) Guideline," which he pointed out is very specific in the way it outlines the requirements.

Councilor Cox noted a public comment about a drive-through facility saying she hadn't heard anything like that was planned for this project. **Mr. Gourdeau** advised the MUOD ordinance includes the opportunity for a drive through facility. He reported project parking is not designed to accommodate a drive through but the possibility exists for a tenant in the future. Addressing concerns for noise from the project, he pointed out that the Applicant has to comply with any noise ordinances. **Councilor Cox** asked if a drive-through facility, should it be added, would trigger a Council review or if it is by right. **Mr. Cademartori** advised it is a separate matter that would come before the Council as a Special Permit and is not by right. This may be a modification that requires a site plan review by the Planning Board as well, he added.

Councilor Gilman noted in the Building Inspector, Bill Sanborn's memo that there is a water main under the clubhouse patio area. She asked had this been discussed with the Applicant or should they ensure there is an agreement with the Applicant. **Mr. Sanborn** advised his recommendation would be there should be an agreement so that if the patio needed to be removed or any hardscape to repair the water main, it was clear who was responsible to pay to put it back. He suggested that the Applicant should be responsible for the cost of replacing it. **Councilor Gilman** expressed her belief that this was laid out in the recommended Conditions.

Councilor Hecht asked how many children are anticipated to be in the YMCA's daycare center. **Mr. Gourdeau** noted about 100 children. **Councilor Hecht** asked in regard to Trask Street neighborhood and the sewer project, if the 30% preliminary design is available enumerating what streets will be affected, and if not when it might be available for review. **Bob Parsons**, Project Manager, CDM Smith, reported that CDM Smith has started the application process for the MassWorks grant and identified primarily through work of the Applicant where the sewer "upsizing" would be necessary. They're still working out where this needs to take place, he noted. A 25% design plans will be submitted with the grant application which will include utility upgrades, improvement to pedestrian and bicycle access and could include a lot of repaving. He advised that CDM Smith did receive a full property line survey from the dead end of Trask Street to Maplewood Avenue, pointing out that they are in the process of finalizing the survey and obtaining fuller information. He mentioned that there is a concept sketch which he could provide the Councilor although in rough draft form. **Councilor Hecht** requested this sketch be provided to the Council. He asked that the Council receive updated plans in its iterations through the City Clerk for the Council. **Mr. Gourdeau** added that they originally did a study of the gravity sewer system and what would need to be replaced and concluded that there is no work required on Trask Street but on Warner, Millett and Shepherd Streets, consistent with what CDM Smith is finding at this juncture.

Councilor Cox asked if there would be any electric vehicle charging stations on the project site. **Mr. Gourdeau** confirmed there would be at the YMCA and provisions on the site for others are being made.

Councilor Gilman expressed her understanding that there would be solar panels installed on the roof of the new YMCA and possibly on the retail buildings. **Mr. Gourdeau** noted the design of the YMCA doesn't have solar panels incorporated at this time but suggested it will likely occur after build out. He advised that the retail buildings' flat roofs are good for solar paneling; preparing the structures to receive solar paneling isn't that costly, but the availability of the roof is subject to the need to of the tenants. It is not precluded, he added.

Councilor Hecht asked about the landscaping installation to separate the site from the abutting residential neighborhood (along School House Road). **Mr. Miner** advised they don't know yet what the spacing is on the trees per se but shade trees they plan to install will grow to 40 to 60 feet tall. **Councilor Hecht** asked if there were recent discussions on plantings on School House Road. **Mr. Gourdeau** noted that in conversation today with Councilor O'Hara who had conversations with Trask Street residents, they raised a concern about protecting the two dwellings on the end of Trask closest to the project. He reported that the Applicant is pleased to provide some arborvitae on the opposite side of School House Road to provide screening, providing four trees on one side, four trees on the other. They had additional conversation for a plaque to be installed on the project site to commemorate Milton Fuller and Charles Thomas and will add some directional signs for bicyclists as they come across School House Road to best find their way to the YMCA.

This public hearing is closed at 10:08 p.m.

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 of 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.

Councilor Lundberg recounted that the goal of affordable housing in the Zoning Ordinance and in general is that the affordable units aren't segregated in one place within the three residential buildings but spread throughout them. There was a discussion with the Applicant at P&D on the timing of the buildings, but to ensure that the 15% affordable units will evolve in the buildings. Through a negotiation with the Applicant, General Counsel and the Planning Director, language was developed to amend Condition 26 to accomplish this. He assured this means 15% of the affordable units will appear in each of residential buildings as they are being built. He then moved to amend the main motion to delete in its entirety Condition #26 and add new Condition #26 as follows:

“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 residential portion of the Project, and shall work with reasonable diligence to ensure all Affordable Units are marketed and listed on the SHI. Prior to the issuance of a certificate of occupancy for any unit within the residential portion of the Project, the Applicant shall provide a schedule setting forth the allocation of affordable units which shall be allocated proportionally among the three residential buildings. The allocation in all but the final building shall be at least 15% per building. In the final building, the Applicant shall provide the appropriate number of units so that not less than 15% of the total units in the Project shall be Affordable Units. The schedule setting forth the allocation of affordable units (“Schedule”) shall be submitted to the City’s Community Development Department for approval, which approval shall not be unreasonably withheld, conditioned or delayed. The Schedule shall be deemed approved unless the City’s Community Development Department delivers a written notice to the Applicant on or before twenty (20) days after the Applicant’s submission of the Schedule expressly stating its objection(s) to the Schedule. As stated above, where the 15% of affordable units per building in the first two buildings results in a fraction, the number shall be rounded up with appropriate adjustment to occur within the final building. As provided under Section 5.11.4(c) and as a condition to the grant of this special permit, the Applicant shall complete construction of the affordable units in each individual building in accordance with the Schedule prior to the issuance of an occupancy permit for said building. All agreements with the City of Gloucester as contemplated herein, including restrictive instruments incorporating the Schedule 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, which approval shall not be unreasonably withheld, conditioned or delayed, and shall be executed and recorded prior to the issuance of a Building Permit for the residential portion of the Project.”

The motion was seconded by **Councilor Gilman**.

DISCUSSION ON THE MOTION TO AMEND: None.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Gilman, the City Council voted 9 in favor, 0 opposed, to AMEND the main motion by DELETING in its entirety Condition #26 and ADDING a new Condition #26 as follows:

“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 residential portion of the Project, and shall work with reasonable diligence to ensure all Affordable Units are marketed and listed on the SHI. Prior to the issuance of a certificate of occupancy for any unit within the residential portion of the Project, the Applicant shall provide a schedule setting forth the allocation of affordable units which shall be allocated proportionally among the three residential buildings. The allocation in all but the final building shall be at least 15% per building. In the final building, the Applicant shall provide the appropriate number of units so that not less than 15% of the total units in the Project shall be Affordable Units. The schedule setting forth the allocation of affordable units (“Schedule”) shall be submitted to the City’s Community Development Department for approval, which approval shall not be unreasonably withheld, conditioned or delayed. The Schedule shall be deemed approved unless the City’s Community Development Department delivers a

written notice to the Applicant on or before twenty (20) days after the Applicant's submission of the Schedule expressly stating its objection(s) to the Schedule. As stated above, where the 15% of affordable units per building in the first two buildings results in a fraction, the number shall be rounded up with appropriate adjustment to occur within the final building. As provided under Section 5.11.4(c) and as a condition to the grant of this special permit, the Applicant shall complete construction of the affordable units in each individual building in accordance with the Schedule prior to the issuance of an occupancy permit for said building. All agreements with the City of Gloucester as contemplated herein, including restrictive instruments incorporating the Schedule 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, which approval shall not be unreasonably withheld, conditioned or delayed, and shall be executed and recorded prior to the issuance of a Building Permit for the residential portion of the Project."

MOTION PASSES.

Councilor Cox moved to amend Condition #14 of the main motion by adding the sentence, "Traffic monitoring report to be done consistent with MassDOT Transportation Impact Assessment (TIA) Guideline," seconded by **Councilor Memhard**.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 9 in favor, 0 opposed, to AMEND the main motion by amending Condition #14 by adding the sentence: "The Traffic monitoring report is to be done consistent with MassDOT Transportation Impact Assessment (TIA) Guideline."

MOTION PASSES.

DISCUSSION ON THE AMENDED MAIN MOTION:

Councilor Gilman noted that the Council was prepared to discuss and vote a Special Council Permit on the MUOD pursuant to GZO Sec. 5.29 including Major Project Sec.'s 5.7, 5.29.10 and 5.11.8. All six conditions of GZO 1.8.3 as standards to be applied have been met. She advised that all Special Permit conditions have been properly vetted first by the Planning Board after 11 rigorous meetings from September 21, 2017 to June 27, 2018 under the direction of Planning Director, Gregg Cademartori and Planning Board Chair, Rick Noonan, the packet the Board turned over to the Council dated June 29, 2018 was thorough. On November 17, 2017 there was a presentation to the Planning & Development Committee; at that point there were suggestions made comprised at that time of Councilors Cox, Gilman and Lundberg. At that time, she recounted, Councilor Cox discussed at length the importance of items such as the drop-off center at the YMCA, which she cited as yet another way the Applicant listened to the recommendations of the Council working collaboratively. On January 29, 2018 the new P&D Committee, comprised of Councilors Gilman, Holmgren and Lundberg, referred to the city's Administration the matter of the Applicant's Housing Hardship Claim to renegotiate that part of the Application. Noting that this was a "significant turning point," she expressed her thanks to the leadership of Jim Destino, CAO and the Mayor's Office. On April 18, 2018 the Applicant withdrew their Housing Hardship Claim. On June 25, 2018 there was a site visit; and on July 11, 2018 after the Planning Board recommendation was received by the Council, P&D held a special meeting to vet the Special Council Permit conditions collaboratively with the Applicant. Four conditions for fine tuning were identified: #2, #7, #17 and #22 and affordable housing, #26. The conditions were finalized at the P&D meeting of July 18, 2018 excepting Condition 26 which was just finalized by the Council. She advised the Council that this Special Council Permit and conditions have been fully vetted and are now ready for a full discussion on this project after two and a half years. She added her thanks to Joanne M. Senos, City Clerk and Dana Jorgensson, Clerk of Committees for their assistance through this permitting process.

Councilor Holmgren noted she'd followed the project since 2015 saying she was pleased to be a part of the Council to vote on this decision. She expressed her confidence in the process and in the conditions as put forward now. She also expressed her gratitude for work that has been done and that all involved are and will continue to act in good faith. She advised she'd support the project.

Councilor Hecht thanked the work of the Planning Board for many months of hard labor on the details, and the work by the Administration for their negotiations, the Council, the Planning Department, and Community Development. He offered his support for the project.

Councilor LeBlanc expressed his support for the project saying that there are, “more pros than cons,” to the development. He mentioned some of the costs associated with remediation of the Fuller site: soil contaminants \$1.5 million; hazardous materials \$1.1 million; demolition \$1.4 million which he pointed out would be expensive to the city as well as the costs to the city of caring for a neglected property. He highlighted it was past the time to turn the Fuller School back into a school. Noting that he lives at the end of Gloucester Avenue, he expressed his understanding for the concerns of the Trask Street residents mentioning foot traffic which he indicated is not bothersome. As to concerns for traffic congestion, he pointed out that he was in Salem today, and it took a half hour to drive to Beverly, and gave other examples of traffic congestion on the North Shore. He added that more children entering the city’s school system is a good thing noting that they’ve seen a loss of students in recent years. He encouraged the Council to “get it done.”

Councilor Cox expressed support for the project, thanking the Planning Board for the groundwork they laid for the Council’s conditions, having held so many meetings about this application to the Administration and to the P&D Committee. She mentioned the sewer work on Warner, Millett and Sargent Streets saying that she lives on Warner Street and that while she was initially concerned about the sewer component, she expressed she was pleased to see a condition related to it. Should the city receive the MassWorks grant, she suggested she there will be more meetings with the neighborhood about walkability and infrastructure work. She noted that the sewer infrastructure is about 90 years old, and that this private/public partnership is advantageous to the city so it won’t bear the entire burden of the costs. Dodge, Trask and Millett Streets will get a proper sidewalk to allow them some mitigation without opening the roads which is an important aspect, she highlighted.

Councilor Gilman added her affirmation of support for the project noting that the added city tax revenue is about \$600,000 a year; the permit fees will be about \$500,000; a new state-of-the-art YMCA. There are 30 affordable units which she called a “tribute” to Mr. Destino and his team as well as the open-mindedness of the Applicant to whom she expressed her thanks. She advised this is a good project for the city. She encouraged the abutters to continue to work with their City Councilor on matters of concern.

Councilor O’Hara pointed out this has been a long process with several years of construction still ahead. He expressed his confidence that the Administration and the FMUV, LLC will provide a quality project, and lent his support for the project.

Councilor LeBlanc noted that a resident about recycling and encouraged the Applicant to recycle as much as they can and asking that they purchase locally and do as much as they can in good faith.

Councilor Memhard noted this has been a complicated project, a big project for Gloucester. He cited the expressed concerns about the project saying that everyone is a little “scared” for the scale of the project and the impact on the community that they all care about. He assured that the Council is respectful of that that, and that they are being careful with regards to traffic generation from the project, as well as ensuring there is a quality of construction and environment that is tied to the community. The concern of the new and different is valid, he pointed out, but this (project) is for the best.

Council President Lundberg conveyed his support for the project. He observed that as a former Chair of the Planning Board some years ago, he understood how “incredible” the work the Planning Board did as well as the work of the Planning Director to bring the Council to this point. He observed that the housing piece as well as the affordable housing units being created by the project is very important to the city; fitting into the city’s Housing Production Plan and will be a great benefit.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to 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. The Traffic monitoring report is to be done consistent with MassDOT Transportation Impact Assessment (TIA) Guideline.
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 residential portion of the Project, and shall work with reasonable diligence to ensure all Affordable Units are marketed and listed on the SHI. Prior to the issuance of a certificate of occupancy for any unit within the residential portion of the Project, the Applicant shall provide a schedule setting forth the allocation of affordable units which shall be allocated proportionally among the three residential buildings. The allocation in all but the final building shall be at least 15% per building. In the final building, the Applicant shall provide the appropriate number of units so that not less than 15% of the total units in the Project shall be Affordable Units. The schedule setting forth

the allocation of affordable units (“Schedule”) shall be submitted to the City’s Community Development Department for approval, which approval shall not be unreasonably withheld, conditioned or delayed. The Schedule shall be deemed approved unless the City’s Community Development Department delivers a written notice to the Applicant on or before twenty (20) days after the Applicant’s submission of the Schedule expressly stating its objection(s) to the Schedule. As stated above, where the 15% of affordable units per building in the first two buildings results in a fraction, the number shall be rounded up with appropriate adjustment to occur within the final building. As provided under Section 5.11.4(c) and as a condition to the grant of this *special permit*, the Applicant shall complete construction of the affordable units in each individual building in accordance with the Schedule prior to the issuance of an occupancy permit for said building. All agreements with the City of Gloucester as contemplated herein, including restrictive instruments incorporating the Schedule 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, which approval shall not be unreasonably withheld, conditioned or delayed, and shall be executed and recorded prior to the issuance of a Building Permit for the residential portion of the Project.

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.

The Council recessed at 10:56 p.m. and reconvened at 11:03 p.m.

3. PH2018-031: Draft Marijuana Establishments ordinance to replace existing GZO Sec. 5.27 "Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities" with a new Sec. 6.27 "Marijuana Establishments Ordinance"; Amend Sec. 2.3 "Use Tables"; Amend Sec. 2.3.2 "Community Services Uses"; and DELETE Sec. 5.31 "Temporary Moratorium on Recreational Marijuana (TBC 07/24/2018)

This public hearing is opened at 11:04 p.m.

Council President Lundberg announced this public hearing was continued to August 14, 2018.

This public hearing is continued at 11:05 p.m. to August 14, 2018.

For Council Vote:

1. Warrant for the 2018 State Primary Election on September 4, 2018

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to approve the warrant for the State Primary Election to be held September 4, 2018.

Unfinished Business: None.

Individual Councilor's Discussion including Reports by Appointed Councilors to Committees:

Update on the Council on Aging by City Council Representative, Councilor Valerie Gilman continued to August 14, 2018.

Councilors' Requests to the Mayor: None.

A motion was made, seconded and voted unanimously to adjourn the meeting at 11:06 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Under Oral Communications:** “Gloucester Civility Resolution” submitted by Amanda Kesterson, 5 Western Avenue
- **Under PH2018-42: Loan Order 2018-007 for Harbormaster’s Shoreside Facility:** Harbormaster’s Welcome Kit for Visiting Boaters from Elizabeth Carrey, Executive Director of Discover Gloucester DMO; Written statement by Patti Page, 3 Tidal Cove Way
- **Under PH2017-059: SCP2017-012: FMUV LLC Major Project:** Written statement by M. Sunny Robinson, 20 Harvard Street