

Planning & Development Standing Committee
Wednesday, May 6, 2020 – 5:30 p.m.
REMOTE MEETING
-Minutes-

Present: Chair, Councilor Val Gilman; Vice-Chair, Councilor Jen Holmgren; Councilor Barry Pett

Absent: None

Also Present: Councilor Scott Memhard; Councilor John McCarthy; Councilor Jamie O’Hara; Mayor Sefatia Romeo Theken; Joanne M. Senos; Grace E. Poirier; Gregg Cademartori; Vanessa Krawczyk; James Pope

Applicants/Presenters:

SCP2020-002 Essex Avenue #99A: Attorney Deb Eliason; Drew and Tobin Dominick, Dominick Holdings; John Judd, Gateway Consultants; John Peterson, Studio TROIKA
SCP2020-003 Atlantic Road #163: Attorney Deb Eliason; John Morin, Morin-Cameron Group; Andrew Sidford, Sidford Associates

This meeting was conducted remotely through Zoom
All votes were conducted by ROLL CALL
Minutes are in transcript form

Meeting called to order at 5:30 p.m.

Councilor Gilman announced, “Consistent with the governor's orders suspending certain provisions of the open meeting law and banning gatherings of more than 10 people, this meeting will be conducted by remote participation to the greatest extent possible. The public may not physically attend this meeting, but every effort will be made to allow the public to view and listen to the meeting in real time. Consistent with these remote open meeting law orders, all votes will be made by roll call. This meeting is being recorded. If you have called in via phone and you're called upon to discuss one of the two applications that are in front of us, please hit Star Nine and this will show our administrators that your hand is raised. If you're on the computer and you have a microphone and you're a panelist, there is a “Raise your hand button.”

She announced that Item #3 on the agenda, *Special Council Permit 2020-004, Folly Point Road #1, Map 146, Lot 28, GZO Section 3.1.6(b) Building Heights in Excess of 35 feet in the R20 District*; that will be continued to May 20, 2020. Item #4, *RZ 2020-001, Proposed creation of a commuter residential overlay district to all lots currently zoned extensive business in and around the Maplewood Ave and Whistlestop Way area*; that will be continued on June 17, 2020.

- 1. Special Council permit 2020-002, Essex Avenue #99A, Map 218, Lot 126, GZO Section 3.1.6(b) Building Heights in Excess of 35 Feet; Section 2.3.4(13) Marine related service, storage or repair limited primarily to the MI District to commercial fishing vessels; Section 5.5 Lowland requirements; Section 5.5.2 and 5.5.3 in the Extensive Business District (Cont. from April 22, 2020)**

Councilor Gilman declared under MGL 268A her Grady White 22 foot boat gets service at the beginning of the season and at the end by the Cape Ann Marina but she has no financial interest in the matter before the P&D Committee and can participate in the discussion and the vote.

Councilor Gilman reviewed for the committee that the following items have been met and submitted under Section 1.5.3: The check for the filing, the original executive summary application, architectural plans rendering, site plan, certified list of abutters and assessors map. One digital copy of the application, certified lists of abutters, copy of the plans and renderings. It was signed for completeness by the Planning Director and Building Inspector on February 2, 2020 and by the City Clerk on February 5, 2020. Pursuant to Statute 4598, Section 17 of Chapter 53 of the Acts of 2020, the City Council rescheduled all public hearings and

decision deadlines on permit application until after the current state of emergency has concluded in Massachusetts.

[Begin Transcript]

Eliason: For the record, my name is Deborah Eliason, Eliason Law Office 63, Middle Street, Gloucester and the applicant on this project is Dominic Holdings. The manager of that company, the managers are Tobin and Drew Dominic, they're brother and sister, and they are both participating tonight and they own the Cape Ann Marina Resort. The engineer on the project is John Judd from Gateway Consultants, and he will be also presenting tonight. And the architects are TROIKA Studios, or Studio TROIKA, and John Peterson is here tonight. And the contractor is Timberline Construction. So generally tonight, what we're going to do is go through the background of this property and the project and give you an overview of the project. The engineer will give his presentation with regard to the technical, technical engineering details, and the architect will go into detail with regard to the elevations as well as the shadow studies that have been done. And then I will wrap up by going through the legal criteria specifically so that we have on the record exactly why we believe this project is entitled to the special permits.

So first of all, what I'd like to do is orient you a little bit. And this red section here is the hotel. In blue we have the Mile Marker Restaurant. Green is where the event tent is and the fuel docks are in purple. The orange are the repair and service buildings. The blue building is where the business offices are and the yellow building is where the former Gull Restaurant was. The property that is before you tonight is this parcel 99A which includes a large parcel that juts out into the marsh and the building will be located on this property. Again, this is the assessor's map showing the property. 99A, 6 Julian Road, and 18 Stewart Avenue were purchased by Dominic Holding's very recently and the site plan shows you the relationship of this parcel to the rest of the property and a close up of the site plan shows you where this building is going to be. The building is only on 99A Essex Avenue. It's being operated as part of Cape Ann Marina Resort. However, it is under separate ownership and it has a separate SBA loan that is only for that parcel. So the two parcels are completely separate and do have to remain separate.

Tonight these are the requests that we have before the City Council: A special permit for Marine related storage under GZO 1.8.3 and 2.3.4(13); a special permit for low land requirements, GZO 5.5; and a special permit for the approval for a height over thirty five feet, GZO 3.1.6(b). And we're also seeking your concurrence with regard to a relocation of the Beauport parking within the parcels that were approved by the City Council previously. The marina has completed all its other permitting. As the chairman mentioned, the ZBA unanimously approved a right side yard variance to allow a zero variance setback along the property line that abuts the marina property. The building during that process was reduced voluntarily by 5000 square feet, and it now conforms to both front yard setbacks along Essex Avenue and Julian Road. Conservation Commission also unanimously approved the order of conditions. And there were a few special conditions that were put on that order, one being rainwater harvesting, the other an oil/water separator for drainage drains. And that was already in the plans, as well as plantings that were shown on the plans that were submitted by the applicant, and the Planning Board, lastly, unanimously approved the site plan. These are the boards in the city that look for projects like this all the time, all over the city, commercial and residential. And they understand the impact of these projects. And this project received unanimous approval from all of them. And now what I'd like to do is turn it over to Tobin to give you a brief history of the marina and to explain how we got where we are today.

Gilman: Great. Thank you. Councilors, do you have any questions to Deb before we transition to Tobin?

Pett: I just don't have any questions about the presentation to this point. I will have further questions when we get to the point, of I'm not sure who will be presenting what part - no, I do not have any questions to Deb's presentation at this point.

Gilman: OK. Thank you. So continue. That's great.

T. Dominick: Tobin Dominick. My brother, Drew Dominick, I believe, is here on the phone. We're having trouble connecting him video-wise. But anyway, I'm going to go through the slides and if anybody has any questions, obviously we'll address them. Want to sort of paint a picture, because I think it's really important

that the history of the properties are shared and why we're asking for what we're asking today. It'll all come together. So enjoy the old pictures and bear with me. So our parents, Andy and Bonnie, purchased the property from Tony Julian in 1971 and has operated as a marina and hotel for almost 50 years. In June I acquired the ownership after our father passed away in 2014, and 99A Essex, 6 Julian Road and 18 Stuart we most recently purchased from Beauport Gloucester. So it all started back with a few docks and a shell of a building. And most of you might know it as the marina lounge and then the hotel, the outdoor swimming pool, mooring docks and boat ramps, the pool, dock and boatlift, piers all started to appear. So go to the next slide. This is an old one. So you can see the marina lounge for those of you that may remember it on the right hand side there. Just take a good look around; the building in the background there is actually the gas station building.

Next slide. Again, another old one, but if you can focus sort of in the middle strip of the property, that was the first strip of property and might notice that the property to the left, more towards the top of your screen, we hadn't acquired that yet. In the bottom or to the right side of your screen, that's where the Gull and the Yankee Fleet. And so that property had not been purchased at the time of the photo. I'm not exactly sure when this photo was taken. We lost a lot of photos in a fire that we had. So I don't know the exact dates. But point being, another thing to notice in here, there's many different styles of boats. We had sport fishing vessels, commercial vessels, charter companies and dive companies. Later, the Yankee Fleet, which also brought the whale watching business to Gloucester and a lot of deep sea fishing vessels that were able to take large groups. The motel in the 80's, which I'll get to in a minute, became a hotel and we converted more into a year round operation in the accommodation world. There was also another unit that replaced the lounge. That was a 22 unit building that we constructed. And that was out of the growth, actually, of the tour business where I could take a whole tour bus and put them in those 23 units. We unfortunately lost that building. A service department was established by Enos Marine and a great partner in our history. And later we took over that lease. Our fuel dock has also changed throughout the time. High speed pumps pump out facilities. We increased our travel lifts to bigger capacities. And again, this all has grown out of the demand of the industry, both tourism attraction and boating. So next slide, please.

[Councilor Gilman announced that Councilor O'Hara joined the call resulting in a quorum of the full City Council]

T. Dominick: Next slide. So slide to slide we can now see that the property to the right hand side, that's now the Gull property or the Gull building and Yankee Fleet. They shared the same property. And then just to the right, again, more orientation of that would be 99A Essex, so just so you know where that lives. Even though we didn't acquire it until recently, the movie theater across the street and everything else is pretty much the same. We just kept growing in size of docket. So next slide. All right, so this is a snapshot of the marina today. So just to give you an idea of the full boat capacity, we are in great demand. We have a waiting list, which is a nice problem to have, although COVID, it could change that. You never know. The marina has over 265 boats slips with an upwind capacity of about 700 boats total. So that means the boat yard can handle quite a few and almost 50 percent of our summer customers. So those are the ones that are in this in the water. They go elsewhere, somewhere else, in the wintertime and winter boats storage has demand, as you know, taking them either to their backyard or to another facility because we can't accommodate them. The other thing to know is that we also accommodate, just so everybody knows that, other marinas bring boats to us, people's boats, they're in the back of their houses, on the Annisquam River, on their moorings, yacht clubs, that sort of thing. We get a lot of those boats stored with us in the winter time. So we're a resource to pretty much the North Shore. We've got a lot of Newburyport customers, Marblehead down even to Boston. So the other important thing to notice is that we are a very popular destination for boaters. So whether it's a night or a weekend or if they're transitioning from north to south, which we see quite a bit at this time of year, both directions, they're wintering somewhere else or summering somewhere else. We are definitely a place for them to stopover, get new fuel, stop, spend the night, get out of the weather. Really important for boaters. They're traveling off shore. So that takes about, you take about five hundred overnight borders during the summer on average. And that's a significant amount of people coming to our destination.

We're also a very big destination during our tuna season. And again, if the tuna are running, people are coming. Boats come all the way from New Jersey, Maine, Florida, you name it. So a big demand. We're able to accommodate them. We've invested a lot in accommodating them and they're great customers. The marina also has a hurricane hole, and this is an important piece to know because when it wants to blow, everybody

needs to get off their mooring and they need a place to go or they need to get hauled. And so we scurry like crazy because it's really important that we try to take care of everybody, especially those in our community. The boats are expensive. We want to do the best and be a resource always to go to our boats.

[Councilor Gilman announced that Councilor McCarthy joined the call, as well as Gregg Cademartori, Planning Director]

T. Dominick: One more piece on this slide. We welcome boaters to dock and dine with us at Mile Marker One that started in 2009 has become very, very popular. We hope to be able to offer that again really soon. And so we do accommodate those that are just passing through and we think it's a huge need. The food and beverage on the property and on our waterways is really important piece of what we do here and what we do for those visiting Gloucester by boat. Next slide, please.

OK, so just a little bit of summary as far as operation. So, it started as a motor inn and now more of a marina and a resort and our goals and our visions really haven't changed. It's important that we always, are providing our customers, our guests, our locals everything they need to do to enjoy their boating experience or if they're visiting. We couldn't exist without our locals, our North Shore boaters and our destination boaters, so it's important to recognize all the needs there as well as the support for the business this size of operation. The marina is also a second home for many of its boaters. So many of our boaters that are summertime boaters I'm referring to here, obviously they camp out. This is their second place to be. They love to be here. So. Just know that's a bigger capacity. All right. Next slide, please.

So with all of those visitors, they don't just visit us. They visit Gloucester and they go to our shops and they go to our stores. They eat in other restaurants. And they definitely patronize and they're big fans of Gloucester, even though you might not live here. So all of the operations we have listed here, both slips, storage, we retail parts and boat shop re-haul marine services. We sell boats, trailers, electronics, a lot of outboards. And we're a full service boat yard year round as far as hauling and launching our fuel dock and our pump out facilities. Those go year round as well based on demand. We take care of a lot of commercial boaters. Let's see, we also are home to many businesses here in at the marina. There's quite a significant charter fleet that run their businesses out of here. Our diving fleet and then some sightseeing boats as well. So the hotel and the pool and the restaurant, our bars, our music, our bed space, they're all related. It just improves our destination. And we're also open to the public. For those of you that don't know by law, chapter ninety one, we have public access pathways. We have two public picnic areas. And again, we are part of the community in that sense. So next slide.

So I just want to mention that my dad had great vision and he definitely thrived on opportunity. It wouldn't have grown in the capacity it did without a big vision and a lot of support. So when the whole family owned the Yankee Fleet, they wanted to run a deep sea fishing boat and watch facility at the marina. And dad said, let's do it. Make it happen. He worked on all the floats. He built out part of the goal to make that work. So they had a gift shop accommodating a lot of guests, out of towners and locals, diving companies, sightseeing businesses, and always supported not only the recreational guests, but the commercial boaters as well. A unique opportunity happened in the eighties when a Japanese company wanted him to build a place where they could process Bluefin tuna. He took it upon himself, figured it out, put up a building which we now call the tuna barn, and it's still here. It's the first building on the property on the right hand side. So he just sees that opportunity. And that's when a lot of fish were processed out of here and shipped overnight to Japan. He never said no to fishing tournaments and fundraisers and events for very many years, and there's a lot of tuna tournaments back in the day.

We hosted the premiere, The Perfect Storm. That was a big highlight as far as our event business. And everybody knows the Bluefin blowout has always been a very successful event here. Without these, you know, developments, you know, the city of Gloucester doesn't benefit as much from just being around in the area and being supported by all these guests and visitors as well as our locals. So next slide. So here we are today, we're looking to put up an indoor boat storage building. It's definitely a natural progression for our business. We acquired the property next door with the vision in mind. We couldn't have that vision before. We didn't have the space to put it up to make everything process and work here at the marina. So it's definitely the future of the industry and of many other marinas around the country. Again, 50 percent of our summer customers store elsewhere. A big demand because we do not have what they need here during that

off season. So we definitely think this is a unique opportunity, not only for us but also for the city. There's not another waterfront business that can offer what we offer in the capacity it is to operate such a facility where you can get the boats out of the water and put them into a building. And specifically here, the important part is that we're able to take those boats that cannot travel over the road. They're that big that they cannot travel over the road. But you need to have a big building to put him in at the same time. So next slide, I'll explain a little bit more.

So Deb already kind of gave you orientation of the property. Deb, can you point to the boat lifts? So the cursor's on the boat left. So that's where the boats come out of the water and then they travel. They'll travel to kind of your left to the big red box, which is the proposed building right there. So it's important to understand that we took them taking a lot of time to figure out the safest passage and the quickest passage to move small boats, big boats without interfering or minimal interference with safety, with traffic flow, with traffic flow at different times of the year and parking.

Next slide. I'm going to show you an example, because this will come together. So this is a current customer of ours, the vessel is about fifty seven feet long and out of the water, it's about thirty seven feet high. And this customer currently store's indoor storage at a different facility.

Next slide. So as far as operation, moving from left to right, there are lifts and the left hand side there, the straps are lowered into the water. It's ready to accept the boat. The middle picture shows a typical boat, a sailboat getting positioned into that rail, that lift area, and then another boat gets out of the way. And then on the right hand side, that's what kind of looks like with the boat out of the water. And it comes, the lift comes off its ways and comes onto the pavement area on the far bottom right. You'll see the trailer that's starting to get in position to take the boat out of the lift and then onto the trailer. A lot of times what will happen is the boat will get washed, pressure washed, and all that water is contained. And so you need a facility to kind of stage. You have to have that space in an area to do that out of the water. Next slide. So, again, moving from left to right, here is another boat. I tried to use different sizes so you could see the variation of customers we have. The trailer is moved by that yellow piece of equipment there. And the trailer is quite long. We have a couple of different sized trailers actually, and that's moved in position. The trailer comes then lowered on or the sorry, the boat then gets lowered onto the trailer, the straps get moved and then to the far right, you can see the boat now on its trailer and is movable to go to the storage location.

Next line. So, again, just a reminder, it's coming out of the travel lifts there and it's going to go to the left into that building. Now that you kind of have an idea of what that boat could look like on a trailer. Next slide. Sorry, my screen is a little delayed here. OK, so I tried to draw that pathway again, this is scaled here. Approximately between the equipment, the boat's trailer, we need approximately one hundred and thirty feet to line that boat and trailer straight into the building. So that's a significant amount of space, which is why the building is also positioned where it is. So we have kind of a runway to go in and out. The bottom two photos are pictures of that exact same boat customer, that boat. And this is a boat storage facility that's actually at Danversport, up the road from us. They're at full capacity with a waiting list also to get on to inside storage. Remembering that that boat is thirty seven feet tall and they just make it underneath the opening of the door, they are to get into that facility and then obviously the boat comes off of the trailer and onto stands, which is the bottom right photo.

Next slide. So I know that was a long process to tell you how that works, but it's really important as far as operation to safely operate marina and store boats inside. So for many years, you don't just do what we do here. Many of them and a lot of them require usage. Marina related use is really important. We talked about the public access requirement. We've always accommodated that. And again, this definitely - the need for this is definitely there. The demand is high. We know we're going to sell this out when we're able to put it up.

Next slide. So, again, many travel, many customers from our marina in the wintertime go as far as Maine and Rhode Island and then further down to Florida, many of which are Gloucester residents, resident boaters. And our goal is to definitely keep our marina boat customers here. They want to be here. They don't want to go anywhere else. It's much more convenient for them. They can come and go to boat yard, you know, year round just to check on their boat. And we really think this is an awesome opportunity for Gloucester because again, a facility like this just can't exist in the capacity that we like to run it. So. You think that's it? Next

slide. Yeah, OK. So Val, I can take questions or we can wait to the end, whatever way you're going to go with.

Gilman: Let's just take a pause. And I want to just ask Councilor Holmgren or Councilor Pett, do you have any questions to ask of Tobin? On what she has covered?

Holmgren: Not yet. Thank you.

Gilman: OK. Councilor Pett, I assume you're OK.

Pett: I don't have questions. I just wanted to comment and wanted to thank them both for the presentation to this point and will have questions at some point. I want to thank them also for meeting the needs of not only the community, but all the requirements under Chapter 91 licenses, which can be onerous to many. And I'd like to thank them for doing that.

Gilman: OK. Thank you, Councilor. So let's continue. Thank you.

Judd: Thank you, Madam Chair. For the record, John Judd, an engineer with Gateway Consultants representing the Dominick family for this project. I think while the screen is up, we can take a look at what is typically seen by the residents during the off season. Basically, it's all the shrink wrapped boats along Essex Avenue, so that's the intent of this proposed building is to accommodate in a climate controlled situation those vessels where they're not going to be shrink wrapped. And I know that Drew was going to be explaining that a little bit further in his presentation, but I just wanted to point that out while we have that screen up. So if we could go to the next - the first site plan, Deb - that might be useful. OK, so this is this is the site plan, this is the same site plan that was presented to the Zoning Board of Appeals as well as the Planning Board. This shows a two phase proposed building that each phase would be seventeen thousand square feet, plus or minus. And the proposal is to again be a climate controlled storage building. Normally, it would have a ramp on the upper end of the proposed building. You'd see the concrete ramp that would come up about a foot from the existing gravel surface up unto an elevated floor that would be situated below the building. And as part of the Planning Board process, as you indicated, Madam Chair, from your conversations with Gregg that it was without conditions approved. However, during that process, there was some back and forth as far as mitigation plantings and plantings for screening along Julian Road as well as Essex Avenue. And so we have an evergreen hedge that would be proposed, would be constructed rather, along Julian Road. All utilities would be coming in sub-surface through Julian Road. There's currently water, sewer and subsurface gas that would be servicing the structure.

The structure would also be equipped with fire protection sprinklers. So it would have an internal fire protection system and as well as the plantings that are shown on Julian Road and Essex Avenue. We did have some conditions as approved by the Conservation Commission that includes over 7000 square feet of mitigation plantings along the top of the coastal bank, which is closest to the river. So that is on the Conservation Commission, order of conditions. In addition to the Conservation Commission requiring those plantings, they also requested that a subsurface rainwater harvesting tank be installed to for the onsite plant things that are proposed. Obviously, they need irrigation and it would be a good opportunity to recycle that water coming off the roofs, and so Tobin and Andrew agreed to do that at no small expense, to put in a five thousand gallon precast concrete rainwater harvesting tank that would be equipped with a pump out structure to allow for the pumping truck to irrigate all plants, including the hotel, the planting beds around there as well. It could be irrigated with that water.

And lastly, as pointed out by Deb in her opening statement, a subsurface oil water separator for any floor drains that are going to be situated within the building would be contributing to that subset. That would be an external subsurface oil, water gas separator prior to going into the city's municipal sewer system. So that is a brief description of the engineering aspects of this project that has been approved by Paul Keane. I know Paul is retired, but this was reviewed by Paul. We do have that approval letter in the file. And I can answer any questions that the Councilors may have.

Gilman: Councilors, any questions for John Judd?

Pett: I just have a quick question. I don't know if this is the appropriate time yet to ask. You know, one of the things we're going to be looking at is the height above thirty five feet and the site plans, et cetera, that we've seen everything so far does not show the height of the building. And I was just going to ask if you would tell us what the height of the building is as proposed. And I assume that in both phases, the size is the same.

Judd: Correct. Yes. You're going to be seeing a more detailed presentation by Studio TROIKA and they'll have elevation views of that building, including heights above the existing grade. So I believe they're on deck as far as their presentation and they'll be able to do a much more thorough job.

Pett: I'm more than happy to wait out the questions.

Gilman: Thank you, John. Let's hear from our next presenter.

Peterson: OK. So I'm John Peterson. I'm representing the architects, Studio TROIKA who is representing the Dominic family. We are a Boston based design studio. Go to the next slide. So John spoke pretty in-depth about the site and so did Tobin. And this is kind of what a site looks with some 3D extrapolated images. So it's a more of an architectural view and it's our first glimpse at the height in relation to the neighboring buildings as well as the rest of the buildings that are on the Cape Ann Marina property.

Next slide. Here we have the footprint of the building. 240 by 143 is exactly what it needed to be and has been approved all the way through. You can see that we have a small employee area, there's a top left corner, small office, small restroom, and the rest is all about storage. You can see that we are right on the property line as approved prior and how far back we are off of the westerly property line.

Next. Now before we get into talking about the elevations and the way things look, we wanted to briefly get into the material palette that we're working with because we know that it is a sensitive nature because we live, we are in a residential district more or less. We wanted to keep our palette very limited. We have two types of metal, concrete and store front windows, all of which relate back to one another and then try to keep some tie to the sea and the sky because that's where we're at. So it's blues and it's grays and it's metal.

Next slide. So here's our first look at the elevations of the building. So we are fifty five feet above average grade. To answer the Councilor's previous questions, the top image we're looking at is the front elevation facing the street. So on the right side, you start to get to see some of the storefront windows for viewing in to seeing the boats. Those windows are a little larger underneath the awning that relate more to the scale of the boats. So you get a glimpse and get to see everything that's going on. You get the sign and you get the American flag out front. And then on the westerly side, we have shrunk the windows down. A little bit more of a human scale relate more to the Julian road side. So that way it doesn't quite seem as large, but still get a chance to peek in, get to see what the boats are. See the light coming through and the different striated patterns for the different colors. That way we keep things moving. So that way you don't have one flat face of any single color.

Next slide. So here we have the rear elevation and harborside elevation. So the rear elevation is really what is driving the whole project. So that rear door there is forty five feet, which has been granted, and that is really based off of numbers for the heights of boats. So Tobin spoke earlier that a fifty seven foot vessel is thirty seven feet out of the water. You had the trailer and maneuverability space. That puts us about forty five feet. And then when we had the mechanism to roll the door up, plus the structure of the roof itself, that puts us at the height we are. So everything, so far, has been designed specifically for boats and everything is very purposely built. And then on the harborside elevation, you could see the two smaller doors. Those are twenty five feet that relate back to the store fronts on the left and the canopy on above that. So everything has a nice clean line all the way through it. There is relationship from one to the other, and it's very powerful.

Next slide. This is one of the more important sites, so we actually had our point cloud scanning company scan the entire property as well as some of the adjacent properties. So some of the numbers that you're seeing here are real numbers from real scans and real items. So in the middle, we'll call that an elevation. On the far left, the height of the largest tree is thirty five feet above the ground. Yes. Fifty five feet, I'm sorry, above the ground, which is the height of our building. The average height of the neighboring houses are around thirty

five feet. Some of the masts for the sailboats are around sixty three feet. And those all vary. And then the bottom image shows that relationship all the way through from the neighbors and back to the property. So that puts the height of this building into perspective as to what the neighbors are around and what is on the property itself.

Next slide. So here's our first glimpse at looking at it from the street view as it stands facing north on Essex Avenue. So you get to see the colors, see the doors, the glass facing in and the canopy and the flag and all the plantings that John just spoke about. Also with the houses to the back and the plantings of the trees that are already there. So is their first view at the massing.

Next slide. Here's a better view of what it looks like coming down Essex Ave from the south. Noting on the evergreen trees that John just spoke about and all the plantings, a front helped to pull some of the height of the building down as it's broken up into pieces. And again, pointing back into the store front windows, being able to peek in between the trees and the front plantings. Always giving the outside user a chance to look in.

Next slide, please. We spent a lot of time analyzing with our software all of the shadow configurations through multiple times of the day, throughout multiple days of the year. We spent a lot of time looking at the four major intersections of types of the solstices and the equinoxes. So the first two are the solstices. As you can see here, there are five neighboring buildings which may come into play. But only two of which are affected by the shadow on the darkest day of the year and it's only brief.

Next, please. So in a graphic form, this is a little more easy to understand because we have the arrows for the sun, which pointed in the direction of which the sun is shining, casting the shadows and then both times of the day. And the things to keep in mind here are the catch shadows from the neighboring buildings. And more important, the neighboring trees. They often cast shadows that will, in fact, shadow all of the neighboring houses as well as catch shadows onto our building. But that's debatable.

Next slide, please. And here we're talking about the darkest day in December, again, with the shadow coming off of the building at 10:26 a.m. We are just barely touching the other foundation of the neighbor up on Julian Road. And then in the evening, everyone else is casting shadows back towards the water, so no one is in effect from us.

Next slide, please. And so now the two equinoxes. Again, with the five houses in relationship, only two are minimally affected by the shadow that we're casting.

Next slide. And here's the graphic depiction with the arrows, with the times and how that shadow is cast throughout the day. And so in doing this, we've analyzed video, we've analyzed imagery, we've analyzed everything, and these were the worst times of all the days. And this is the best image we come up with. So as you see, the houses still casting shadows at 5:30 p.m.. Back towards the property and back towards all the neighbors. And then the same thing at 8 a.m. where it's casting westerly.

Next slide, please. And then in the springtime in March, the same conditions apply where we still have minimal shadows affecting the neighboring buildings. And then in the afternoon. No shadow at all is cast.

And next slide, please. And here we have just some detailed information about the shadows summary itself. I'm not going to read all this. I believe this line will be up for viewing later on. Just to keep things rolling. But the biggest thing is that we are eighty five feet away from the residence at Julian Road. And over well over a hundred feet on Essex. So that puts our shadow very far away from the critical times of the day.

Next slide, please. From here, I think I handed over back to Deb.

Gilman: Yes. Thank you very much, John. Could I just call a time out for just a second? Councilors, do you have any questions for John Peterson? OK. Continue. Thanks, Deb.

Pett: I'm sorry. I was trying to unmute. OK. I had concerns that - this is one of my greatest concerns about this entire project is the shadowing, and I just want to make sure that the data that we've had is provided so that when it does get to the point of a public hearing, that the public does have the opportunity to, you know,

have that discussion about those who need it. It's one of the things that concerns me the most and that I've had some input from the public about. So I just want to make sure we understand that when it gets to that point, this will be a topic of further discussion.

Holmgren: I concur with Councilor Pett and I'm really happy that we are able to view this and, going back a little bit, I also appreciate all the work that has been put into this presentation. It's really very comprehensive. And I also very much appreciate the shadow study. That was proactive. So thank you very much. And it's just, it's a lot to digest and process. So thank you.

Gilman: And I will just add to what both Councilors have noted. So one of the benefits that we'll all have is when we get to have a site visit, we'll be able to get a better feel for how close this all is to the neighborhood and to the actual houses that we just looked at. And then when we come back to meet back at P&D to discuss our observations of the site visit, that will be a perfect opportunity to ask even more detailed questions of the applicant about the specifics of the shadow matter, which I think would just help us to see, to visualize it better when we get to the site. So thank you both for bringing that up. So let's continue. We're back to Deb.

Eliason: I just wanted to say that the reason we wanted to include the shadow studies at this point in time was to give the Councilors an opportunity to review them and to, if you have questions, we certainly are happy to answer them. If there is additional information that you would like provided, we can do that. As you can see, the shadow studies were very detailed. They don't come cheap to do those kind of 3D presentations. But we thought it was really necessary in this case for you to see that the impact isn't what one would as a layman think it's going to be. And that's largely because of the distance from the building, from the neighbors. So I am going to begin with the legal aspects, and the first thing that we need to show is that we meet the special permit criteria under 1.8.3 and listed here are the six criteria that we need to meet.

The first is social, economic and community needs are served by this project. The indoor storage is a great fit for the restrictions that encumbered this parcel. 99A is zoned extensive business and it is filled tidelands. So it requires a Chapter 91 license and that has limited uses that are allowed. Indoor storage meets both criteria as a qualified marine use. It meets the social, economic and community needs. It's in high demand. It will assist Gloucester and North Shore marine economy both for recreational and commercial vessels. There's a great need right here in our own community and it is met by this project. So this marina, I think, as has been explained, is that both commercial and recreational vessels are serviced by the marina. And what I'd like to do is have Drew Dominic explain how the industry has changed and why this is so important to the continued vitality of the marina. And I know that Drew was having some trouble getting on other than by the phone. Perhaps he could let us know if he was able to get on.

Gilman: So, Drew, if you are on the phone and you can hear me. What you need to do is hit Star 9 and we will see your hand raised. And that will allow us to allow you to enter. So if you are OK, we see your hands. Grace, would you mind accepting Drew?

A. Dominick: I thank you very much for hearing us. Sorry about him having a little technical difficulties, but it is what it is. I just wanted to speak briefly on how our industry's changed, especially the boats. Boats have become bigger, wider. A lot different from the 70s when we were putting boats on boat cradles.

Pett: Excuse me, Chairwoman. Could you, can you please speak as loud as you can. I'm having trouble hearing him.

Gilman: All right. Thank you. I can hear you, but Councilor Pett is having a hard time. So if you can speak a little bit louder, that would be great.

A. Dominick: You betcha, I have no problem with that. So I just wanted to briefly mention about the change in boats, in the dynamics of boats that we've serviced over the past 40 some odd years. You know, the big thing, you know, my dad was very innovative in changing over from boat cradles to hydraulic trailers. And nowadays, people are spending a tremendous amount of their income on boating, whether it be commercial or being recreational. The boats have changed. They've become bigger and most importantly, wider. So handling the boats has required changes in equipment that have, you know, we've progressed with over the past 40 some odd years being hydraulic trailers then into the travel lift. So we have the capacity to move

these things now, too. One capacity that we haven't had over the past years is the ability to put the boats inside and store them inside. Nowadays, people are trying to protect their investments as best as possible and that the ability to put a boat inside in a climate controlled building allows the depreciation of that vessel to be a lot less. So even though indoor storage is a premium and it's expensive, people will be able to resell their vessels at a higher cost, when that day comes. So the demand for, I know we've talked about a bit about it, but the demand for this storage facility in our community and with Gloucester residents is great. So I can't see the slide. So it's a little difficult, but if Tobin wants to add anymore to that. Thank you Councilors, very much, for hearing us.

Gilman: Thank you for joining us. We heard you loud and clear. Appreciated. So, Deb, are we back to you?

Eliason: Yes, sorry, I've been muting my screen before. Thanks.

T. Dominick: Deb, I can take over if you need to. There's another one there if you'd like.

Eliason: No. Well, yes, if you want to talk a little bit about the technical training, that would be great before I go on to the next part. No problem.

Gilman: OK. Can I just. Can we just do a quick time check? We've been on the presentation now for an hour or so, maybe five or 10 more minutes and then an opportunity for questions. Is that is that something that you guys can do?

Eliason: I think there is quite a bit to talk about with regard to the criteria that we don't want to miss. I can go right to that now instead of dwelling on this, if you'd like.

Gilman: I think that might be great because this other stuff is really interesting but we have the slides in the packet and we've already looked at the slides and they're very beautiful slides. So if you could do that, Deb, that would be great. Thank you. Ok. Go for it.

Eliason: Continuing with regard to the economic impact, the recreational boating, it has a significant impact in Gloucester economically and per the Waterways Board. The city's focus and investment in recreational boating has resulted in 300 percent growth in recreational mooring reservations since 2016. The city and state recognized and invested in this recreational boating and the city was awarded a grant of over 3 million dollars, which is used to make improvements to invite the recreational boater. And as you know, the harbor master facility hopes to open soon. The city businesses also benefit. They've benefited from the launch service, which makes it easier for boaters to come onshore and offshore. And it's a huge improvement as well for the recreational boaters that are now coming to Gloucester, staying longer and frequenting not only the marina, but other businesses. Discover Gloucester is the marketing organization for the city. So, again, recreational boating and visitors is a prime focus of the city. And the project that the marina is proposing helps in that regard, since it brings more people to the city.

The blue economy has a significant impact in Massachusetts and most importantly, in Gloucester. It accounts for \$4.4 billion economic impact dollars and economic impact in Massachusetts. It's outpaced other industries with job growth at a rate of 9.8 percent and it accounts for 11 percent of the jobs in the core North Shore coastal communities. Sixty five hundred blue economy jobs alone, exist in Gloucester, Salem and Beverly. Cape Ann Marina is a major contributor to this blue economy. They have three hundred full and part time employees in the summer, one hundred and fifty full and part time employees in the off season. And the new building will allow the marina to keep more of those people employed full time year round. And if there is more demand, they can expand their labor force and create more jobs.

Cape Ann Marina also helps to make Gloucester a year round destination. And when it's a year round destination it helps all of the businesses that are open during the year and during the winter when things can certainly slow down quite a bit. As you heard, 50 percent of their customers store elsewhere because there's no indoor storage. That's a significant amount of business that's being lost to other marinas and other cities. The purpose of the EB district is to encourage businesses like the marina. The marina's success is the city's success. It's a large employer in Gloucester and we're asking for the city's support. People come here because they want to be in Gloucester and they want the amenities that the marina has and can offer them. And it

allows them to spend more time here. I think one of the things that we can take from the COVID-19 situation is that businesses need to be diversified. And so this will help the marina become more diversified and expand into an area that is up and coming in the industry.

With regard to traffic flow, there will not be any increase in traffic and safety will be improved. There are no door openings on the Julian Road side of the building. The only openings are to the rear and also on the marina side. The building will be accessed from the two existing entries off of Essex Avenue. And the access to the building will not be off of Julian Road for the most part. The customers will never be moving their boats. Those boats will be moved by the marina staff and boats into entering and exiting again. We'll continue to use the same exits. There will not be any additional vehicles added to the marina property because of this building. It will be purely for indoor storage versus outdoor storage. Traffic and safety have been satisfied, according to the Planning Board and the City Engineer who again are experts in this area.

Utilities and public services: services are adequate. The onsite utilities will be updated as necessary and will be adequate to meet the needs of the storage facility. The property is serviced by public water and sewer. It will be heated by gas, existing gas line and all utilities are currently underground for clearance purposes and they will continue to be underground.

The project is consistent with the neighborhood character and the social structure. It's consistent with uses in the EB district. The proposed boat storage facility falls squarely within those uses because it's a business that services a regional clientele. And this is expressly stated as a purpose in that district. It's also it fits within Chapter 91. The neighborhood, as you know, is a mix of residential and commercial uses. The marina is surrounded on three sides by a variety of commercial uses and it's been in operation for almost 50 years. The boats have been historically stored outside along Essex Avenue, and those boats will now be inside. Moving them inside the building will present a neater and more orderly appearance along Essex Avenue abutting the residential area, and it will provide a nice gateway to the boats and the saltwater lifestyle. It's also will move a lot of the noise and activity inside the building because there are no doors or entrances on the Julian Road side. All the noise and activity will be directed away from the residential neighborhood. The building will provide a buffer also between the residential neighborhood and the marina and activities that take place on the rest of property.

There's no boat repair or servicing that will be done in the storage facility. Therefore, it will minimize any nuisance from dust or repair noise to the abutters. Drew and Tobin gave a lot of thought to where the building was going to go. Many factors went into the location, the logistics of moving boats, as Tobin discussed, the safety of the guests. The flow of the function. The architect described some of the design elements that have been added to make the building more aesthetically pleasing and to bring it down to a human scale. And even though the marina is in a business district, they design the building so as to minimize the impact on the residential neighborhood. And I think they've been successful in doing that. It's also being constructed to minimize the impact on the qualities of the natural environment. A significant portion of the property is comprised of marsh and tidal flats, which will not be disturbed. The entire property is in the flood zone and the elevations are below eight feet at many locations. These factors dictate the building's location. Further complicating the location, as Tobin explained, is the need to have the clearance to get the boats into the building. And it's vitally important to the building's location and the marina operations that to be a clear obstruction of traffic free of traffic and pedestrians outside the door.

All of these factors have been considered, too, in the location and have been considered to minimize the impact on the natural environment. It's located entirely outside of the 100 foot buffer zone from the coastal bank and it's only partially within the 200 foot riverfront area. As John just explained, actually, John did not explain this time, but there will be no increase in flooding and conservation. Those discussions were had with conservation. A variance from the right side yard setback was obtained from the ZBA, again pulling the building as far away from the residential neighborhood as possible. The building complies with its 230 foot front yard setbacks, along both as Essex Ave and Julian Road and was reduced by 5000 square feet. As I mentioned, the lot coverage will be approximately 25 percent and 50 percent. Maximum coverage is allowed in this district. Overall, the quality of the natural environment will be protected by the siting of the building.

And the potential fiscal impact is positive. The marina has been operating on Essex Ave since 1972. In 2019 they purchased this additional property to augment those facilities. The business is family owned and it

focuses on the needs of the local residents, commercial businesses and the visitors. It's a destination and it's full service, year round, as I said. The proposed building will allow the marina to store boats, both large and small, in an indoor temperature controlled facility. The facilities are highly desirable and there's a growing demand establishing this type of facility, and will make Gloucester and Rockport a permanent destination for boaters and others that might otherwise go elsewhere. More visitors to Gloucester creates more economic opportunities for all Gloucester businesses in the city as a whole. Adding this building will increase the assessed value of the property and will add to the commercial tax base. The blue economy is important to the state and important to Gloucester. The marina supports our commercial fleet with its services for storage, fuel, ice, parts and hosts many of their guests. It's always available for emergencies 24 hours a day, 365 days a year. And that's very unusual to have that and very valuable for the city to have that amenity. All of this augments the positive fiscal impact of the project.

Therefore, next, I would like to talk about the specifics of the special permit, the special permit for a Marine related storage use is at 2.3.4(13). All of the items that we have discussed above with regard to the six criteria and 1.8.3 make it clear that this property is suitable for the sport boat storage facility. [01:13:33] It's entitled to the special permit under the GZO and the EB district fully supports this type of use and approval of the project will augment the blue economy, as I said, that Gloucester seeks to encourage.

With regard to the height exception, although 1.8.3 doesn't specifically apply, there are a lot of similarities between the two ordinances. The request is for the height to be an average height of fifty five feet. The special permit is allowed in those instances where buildings have to be above the thirty and thirty five feet. The ordinance doesn't prohibit a taller building. It's not necessary to seek a variance from the ordinance. The marina is merely seeking permission under the ordinance. And that's a very big difference. Height exception is allowed under the GZO. 30 foot height should not be rigidly adhered to. This is an appropriate instance in which to grant the exception because it is commercially necessary to do so and it's consistent with the neighborhood character. We went through this in detail. And even though it does not meet the need to meet the criteria, as I said, the analysis is very similar.

It's also not substantially detrimental to the neighborhood. And remember, it has to be substantially detrimental. They can't be just a little bit of a detriment. It has to be substantial. There's no evidence of obstruction of use. The overshadowing, it minimally affects two properties on Julian Road and does not affect the remainder of the neighborhood. And the shadow study was provided clearly evidencing this. It shows the height of the buildings do not shade the abutting residential homes any more than the average height homes in the neighborhoods shade their other neighbors. That's because the building is so far away from the neighboring homes. The entire neighborhood is coming in and out of shadow at the same time unrelated to this building. Many times when the building is not casting any shadow on its neighbors, the neighbors are casting shadows on each other. As we saw it, many times in the evening and the afternoon should be noted that there are many mature trees. It also cast shadows onto the homes and those were not depicted in the shadow study.

The study shows shadowing from the building does not affect most of the neighborhood and is not substantially detrimental to the two houses because the shadowing is for a very limited time and a very limited time of year. And the fact that there's some shadowing, as I said, is not enough to support a detrimental finding. It has to be substantially detrimental to the neighborhood. And I would suggest to you that that's not the case here.

There is no impairment of utilities or other adverse impacts, which is also required when you look at the height exception.

I'd just like to make a few important points. The two houses on Julian Road are much farther away than they appear. And when we have the site visit, I think you'll see that. The building will be 30 feet from Julian Road. And Julian Road is a 40 foot wide right of way and the houses on Julian Road are additional 15 feet away. Therefore, the building's approximately eighty five feet from the residences on Julian Road. To give you a little bit of a visual, the front of the Kyrouz Auditorium all the way to the back is not eighty five feet. It's more like seventy something feet. So it's quite a distance. Also, it's over 100 feet away from the properties across the street on Essex Avenue.

It's important, I think, to remember that the houses on Julian Road will not be butting right up against the building, they're actually farther away than that. And as you saw on the site plan and the architectural plans, there'll be room for landscaping to make the building more attractive and we're certainly willing to work with the neighbors on that landscaping. And I would like to point out that you did receive a letter from the neighbor on the corner of Julian Road and Essex Avenue in support of this project. And I would suggest that you review that letter because she does raise several good points. And it's raised from the viewpoint of one of the neighbors that will be most affected by the project. There have been statements on social media that this is the biggest building in Gloucester. You'll be able to see it from everywhere in Gloucester. And that's simply not true. Beauport Hotel is bigger and taller, NOAA building is taller, waterfront there are many buildings that are larger than this, but there's no denying that it's a big building and it has to be big to fulfill its purpose. The size and height are related to function and safety. If it's reduced in size or height, it no longer functions. And if it's too small, it no longer functions at all. It's clear on the information that you have before you that the height of the building is consistent with a mixed commercial and residential nature of this neighborhood. It's not substantially detrimental because it does not obstruct views. Overshadowing is minimal and the impairment though impairment of utilities or other adverse impact.

I would like to address the lowlands permit a little bit. Also, it's warranted because the proposed building will not pose any hazard to the health or safety of the occupants. And none of the hazardous criteria that are set forth in section 5.5.3 exist under this project. Lastly, the Beauport parking easement, the City Council in 2014 found that the offsite parking requirement for Beauport Hotel was satisfied when the hotel acquired 99A Essex Avenue, 6 Julian Road and 18 Stewart Road. And since that time, the parking there has been a parking easement in the area shown in red on the sketch. The Beauport parking has only used that parking once since the marina purchased the property, but nonetheless the easement remains there. Marina will be relocating that parking to this area here, which is also on one of the three parcels that was approved by the City Council, both for it and the Building Inspector has consented to that. The Building Inspector has no objection to the new location. Excuse me. And we're seeking the City Council's concurrence out of an abundance of caution. It's our position that the original vote by the City Council is sufficient, covers all three parcels. So we are happy to answer any questions that you might have. And thank you very much for your attention to this.

Gilman: Deb, thank you. So we have the benefit of Gregg Cademartori being on the call, the Planning Director. Gregg, if you have anything that you think would be helpful for Council relative to the Planning Board and any approvals, would you speak now. If you're there.

Cademartori: Sorry, I haven't been on one of these meetings as an attendee.

Gilman: Well, we're honored to have you here. So thank you.

Cademartori: Very, very detailed presentation. I think that was actually longer than the one at the Planning Board, but a lot of different things to cover. Again, and I think the only thing I would just add at this point is that this did go through a site plan approval. The Planning Board has issued that decision. And so what remains is just in the jurisdiction of the city.

Gilman: OK. Thank you. Councilors, do you have any questions for Gregg?

Holmgren: Just looking forward to the site visit. I know we have to schedule it but I would really like to see it now that we've had the presentation and have and now that I've had some time to digest the schematics on paper. Thank you.

Gilman: Great. Yes. I would open this up for questions at this point. Go ahead.

Pett: OK. I'm sorry. I just wanted to again, state obviously Cape Ann Marina as a whole is a major portion of the economy of the city of Gloucester, of its marine economy, of its tourist economy. He said it's very important and I understand this project is very important to them. I'm very thankful for the presentation by everyone. I do look forward to, again, not only getting to the point of site visit, but also the public hearing. Again, my two biggest concerns are and again, they were somewhat addressed today, the shadowing and also the question about the usage of Julian Road for different aspects of the Marine operation, whether that's the

Beauport parking or whatever. But those can be considered later. And I would like to see the letter from the resident of Julian Road that we referred to. I didn't know I can catch that in the packet. If that's separate, I'd love to be able to see that to see what type of support. But again, many of those comments will come at the public hearing when we get to that point. So thank you to all.

Gilman: Thank you. Councilor Holmgren, any questions? OK. I do have a question. One of the matters that was mentioned is that one of the slides was that there was no evidence of obstructed view. And what we need to do is understand if that is substantially detrimental to what we consider 3.1.6(b) as a fifty five foot property. So when it comes time for the site visit, we will ask that you come up with a way to simulate fifty five feet, via poles or balloons or whatever, so we can get a good feel from some of those properties on Julian Road to see the view is also as shadowing part of 3.1.6(b). So that would be helpful in terms of planning ahead because we will have a little pause right now because we don't know when the emergency is going to end, but we'd like to be getting prepared for this because we want to move things along once the emergency order is over. And so we would appreciate that.

So I guess I would just ask at this point, any of the Councilors that are on the call, do you have a question, Councilor Memhard, Councilor McCarthy and Councilor O'Hara, questions only right now to the applicant. Any of you? Yes. OK. Well, good. Councilor Memhard says no. McCarthy or are O'Hara? OK, so typically sometimes we ask the people in the audience, the people listening if they have any questions to ask. I guess I would entertain maybe two questions, only because we are running behind and we want to cover a lot. So if you're a member of the public and you're an abutter and you have a question, not a deliberation, we will entertain two questions and then we have to move on to the next order of business. And it's important that as soon as you mention your name, you state your address. And if we don't hear a name and an address, we will need to mute you because we have to keep this moving forward. So are there any hands to be raised of any members of the public that are abutters questions only? This is not a public hearing. I don't see any hands. Grace, do you see any hands?

Poirier: There is one that I know - that I knew that he didn't speak. And I see another one.

Gilman: OK. If you've raised your hand, would you state your name and address? Name and address for the person with the hand-raised.

Poirier: We're having difficulty getting him unmuted.

Gilman: OK. Then from whomever that is please send your question to our city clerk and we will make sure in the second meeting that when we get back after the site visit that we will make sure that we answer your question because we're delighted to have forty two members of the public on this meeting, which is great. We would never be able to fit this many people into the first floor conference room. So we're delighted with the amount of public that are here. But sometimes we have some technology snafu. But OK. So we're going to move on. And the next order of business is –

Senos: Councilor Gilman, through the Chair, you still have two people who have their hands up.

Gilman: OK. One person's hand's been up the whole time. Ok. I recognize Steve Aiello. He's an abutter.

Aiello: So I'm Steve.

Gilman: Would you state your name and address and make sure that you're asking a question and not stating your opinion? That's the public hearing time. But we welcome you. Thank you. Introduce yourself and your address.

Aiello: Hey, Steve Aiello, 4 Julian Road. My question, in the past when they've had functions like the Bluefin blowout and weddings and whatever, there's been problems with parking and they do use this property 99A Essex Avenue they have used in the past for overflow parking for a lot of their events. I'm wondering if they have some sort of contingency plan for a park and or if they no longer plan on having functions. Because that would be detrimental, I think, if we had a parking problem there.

Eliason: OK. Tobin, is that something that you want to respond to?

T. Dominick: I'd be happy to. So events we've held for many years, we've existed with our events, even the Bluefin blowout in its early stages without the ownership of 99 Essex Avenue. We do have a contingency plan and we're well aware and we do not want to impact the neighbors whatsoever, but we will continue to do events and we will accommodate them and their size moving forward.

Gilman: And we have one more hand. Let's see. I'm trying to find who it is. Some phone number ending in 1978.

Poirier: I believe the hand that's still raised is for Drew Dominic.

Gilman: All right. I'm going to move on. The next order of business is *Special Council Permit SCP2020-003: Atlantic Road #163 (formerly part of #171), Map 73, Lot 41 (a portion of former Map 73, Lot 26), GZO Sec. 's 1.8.3 "Standard to be Applied," 1.10.1(a) "Jurisdiction of the City Council and Zoning Board of Appeals – City Council," 2.3.1(8) "Conversion to or new multi-family or apartment dwelling, seven or more dwelling units," 3.1.6(b) "Building Heights in Excess of 35 Feet," 3.2.2 "Dimensional Requirements for Multi-Family Dwellings and Their Accessory Uses (other than signs)" and 5.7.5 "Special Permit Criteria" in the R-20 Low/Medium Density Residential District.*

So I'd like to turn this over to the applicants and I understand that Councilor Pett would like to declare [that there is] no conflict. So Councilor Pett, would you speak?

Pett: Thank you, Madam Chairman under the Massachusetts General Law Chapter 268, I'd like to declare that a number of years ago there was a group called Save Our Shores, which worked to oppose development right across on the ocean side in this area and they did funding through the Gloucester Fund, of which I am the president. But I had no connection other than acting as a fiduciary agent for them. That was a number of years ago and I have no problem in participating in this process.

Gilman: Great. Thank you, Councilor. Okay. So I'll turn it back over to Deb again.

Eliason: OK. Thank you very much. I'm going to just get to the new presentation.

Gilman: Deb, would you just introduce who's with us and then you can transition to them just so we know who the team is representing for Special Council Permit for Atlantic Road. Thank you.

Eliason: So tonight we have the owner of the property or the manager of the LLC that owns the property, Bryan Melanson. We have the engineering firm Morin-Cameron, John Morin represents them, and Sidford Associates, architects, associate Andrew Sidford is here representing the architect.

Gilman: Terrific. Thank you. Welcome, everyone. Thank you for being patient. OK, great. We look forward to the presentation.

Eliason: It's just going to take me a moment to transition to the other one. Let me get my controls here.

Gilman: OK. We see it.

Eliason: OK. There we go. For the record, Deborah Eliason, Eliason Law Office 63 Middle Street, Gloucester. I did introduce just the applicant as well as the consultants who were going to be on this project, or this meeting. And let's see. So tonight, similar to the other project, what I'd like to do is go through some of the background and give you an overview of the project. Mr Morin will give you the engineering presentation and Mr. Sidford will give you the architectural presentation. And then I will go through the legal criteria and we'll have time for questions throughout the presentation, as you would like.

So just to give you a little bit of background, what we're requesting are special permits generally under 1.8.3 and specifically under 1.10.1(a) and 2.3.2(e) to allow principal building closer to each other than the sum of their respective heights and 1.10.1 and 3.1.6(b) to allow building heights in excess of thirty five feet and

1.8.3 and 5.7 for major project. So Bryan Melanson purchased the property, which was the former Ocean View property in 2018. And this slide shows you its old configuration of lots, which was a little unusual. You can see that some of the buildings actually straddle a lot line. So it was a little unconventional and certainly difficult to work with. The hotel building access - it was access through driveways off of Atlantic Road as it is today. These are some of the buildings at the site that are deteriorating and have been deteriorating for many years and some of them have been taken down. Now we have a current site plan. The lots were reconfigured into the four lots on the front. One, two, three, four and the fifth lot in the back, which is the lot that we are before the City Council for, for the development of that. The lots along the front are ANR lots. The applicant, Mr. Melanson, has begun rehabbing this house, which will be a single family, and it's located on the corner of Atlantic and High Popples Road.

This is a rendering of what it will look like when it's completed. And if you've been out there recently, you can see that the first duplex has also started construction. And this is a rendering of what it will look like afterwards. This is the current site plan with the proposed development on it. He intends to demolish the existing hotel buildings, there's a building here over by these properties, one along High Popples and one along Eagle Road. It's a two story building that will be taken down. And then there are one story buildings that you can't really see on here that are also on the property and will be taken down. This building will have six units in it and the building to the right will have five units in it. According to the assessor's records, when the site was a hotel, there were 28 units in the single story building on the site and seven in the two story building. And this was only on the lot five, which we're talking about. But there were a total of 68 units on the entire property. So for many years, the hotel was very active and held many weddings and other functions. Throughout the year prior, development proposals by previous owners contemplated up to 18 multifamily units and in three buildings. The current proposal, we would suggest, is much more modest and in keeping with the surrounding neighborhood and it will replace the currently abandoned structures on the site and will add to the housing stock in the city of Gloucester. It will also comply with the city's inclusionary housing requirements.

The applicant is only seeking a special permit for height and distance between the buildings. The six unit building is thirty five point eight feet high and the five unit building is thirty seven point four feet high. The sum of those two buildings is seventy three point two feet and the applicant is proposing a distance of forty feet. It complies with all other dimensional requirements and zoning requirements. And Mr. Melanson is not asking for any variances. He's only seeking special permits that are allowed under the ordinance. The proposed use is not prohibited. It's an allowed use. It just requires permission.

And it's a very common practice, as you know, to seek out and receive special permits under the ordinance. And in fact, Ms. McManus, who is a neighbor that has questioned the appropriateness of this request herself recently received a variance from the Zoning Board and a permit from the Planning Board to divide her property and turn it accessory building into a dwelling. So there's nothing being proposed by Mr. Melanson that's prohibited. It just requires permission, just like the neighbor required permission for their project. So although the project doesn't require a variance, it is allowed under the zoning. And I think that's something that you need to keep in mind as we go through this process. The site has sat fallow for many years and its redevelopment will make the site once again useful and aesthetically appealing. And so now I'd like to turn it over to Mr. Morin and to tell you a little bit about the site and the engineering aspects.

Morin: Thank you. Good evening, Madam Chair and the members of the committee. John Moore, Morin-Cameron Group. We have offices in Danvers and Haverhill. We're the civil engineers on the project. The plan that you see before you, that's the existing site conditions. As Deb has pointed out, the site has been re-divided. The lot lines have been reconfigured into five lots, lot five being the largest slot in the lot that's under consideration tonight. So the project involves the construction of two multifamily structures, the six unit building and a five unit building, and obviously access and utilities. You can go to the next page. Next one. So as you can see, what we did is we just highlighted on what, five, what you see in red. Those are the existing structures that currently sit on what is referred to as five. And the black you can see is actually existing pavement. Out on the property in the dashed black in the back behind the motel, the building is actually a large gravel parking lot. You cross a wetland is an existing culvert in that location.

You go to the next page, Deb. Next page. So. As previously stated, we're looking at two multifamily buildings, a six unit building and a five unit building. Access off of Atlantic Road. You can see it a little bit

if you look at the front building closest to Atlantic Road, you'll see it dimensioned from the corner of the building to the front lot line. That's roughly the location of the existing paved access where you can see it right there. So obviously we're moving the proposed entrance further south on Atlantic Road. And we'll come into a cul-de-sac back out and we will have emergency access to Eagle Road where there'll be a gate or bollards or an emergency gate for emergency vehicles in that location.

One of the things that we're able to do on the site, which is somewhat unique, is as previously shown on the existing conditions plane, there's a lot of impervious surface on this existing site. The proposed development actually reduces the amount of impervious surface by over a thousand square feet. And what we're allowed to do as well is we can now provide storm water mitigation, even though it's not really required, because we're actually reducing the amount of impervious surface on the site. We are now treating the runoff coming from the paved surfaces, mitigating runoff coming off the roofs and the paint surfaces, whereas currently all that runoff just sheep flows off the site into the wetlands or out into Atlantic Road. So we're now proposing drainage mitigation. We're meeting the standards under the storm water standards that currently there are no mitigation measures. And again, we are reducing the amount of impervious surface by over 8000 square feet.

The other thing that we're allowed to do or what we're proposing it wasn't required, but from an engineering standpoint, it made a lot of sense. Mike DeRosa, DeRosa Environmental, is the environmental consultant on the project and he assisted with the design of this. So as I pointed out, there's a large gravel parking lot that exists behind the existing motel building and there's a restriction, an existing culvert where you cross over to get to that gravel parking lot. Obviously we don't need that gravel parking lot for this project. And we felt it was appropriate to remove that culvert restriction which causes rain runoff, surface runoff to impound in that wetland behind the motel building and it may result in upstream flooding. So what we've done is we're proposing a large wetland restoration project behind the structure which will allow all that water to flow unimpeded into the lower wetlands still located on our lot, lot five. So we won't be having any flooding impacts on abutters. However, what it will do is it can alleviate flooding upstream by now eliminating that culvert restriction that's been there for many years.

Next slide. Actually, what you see right there in blue is the wetland mitigation that we were talking about. And we have filed with the Conservation Commission because we are within the buffer zone of the wetlands. We are slightly in the buffer zone of the coastal bank on the other side of Atlantic Road. The project site is not located within a flood zone. It's not located within a zone V or velocity zone so there's no flood alteration for the site itself. You can see on either side of the access road, those are actually the drainage mitigation areas that we're proposing. We'll be intercepting runoff from the back part of the property before it gets to lots 2, 3 and 4 as well. That'll help alleviate some of the drainage that cuts across those properties and will actually intercept that and run it over into our drainage ponds and mitigate that instead of that flowing out to Atlantic Road across those lots.

With regards to utilities, all new utilities have been installed for the development sewer, water, electric. We will be proposing a sewage pump station that will be located somewhere on the property. Currently it's shown down by Atlantic Road. There was some confusion, I believe at the Planning Board meetings, that it was a pump house, it's actually a station that's below grade, very similar. Currently, there's actually a pump station out there for this whole site. Same thing. It's below grade. There's pumps in it, the control panels for that pump station will be either located within the six unit building or the five unit building. That hasn't been decided yet. The access covers that station will be watertight. And obviously, it'll be locked tight, so there's no unauthorized access.

Next slide, Deb. So one of the parking required, so based on the zoning requirements, we need 17 parking spaces. We're actually providing twenty one. Seven of those are actually inside garage spaces, so the six unit building actually has two garages on the end units and access is from the end that's pointing out there. And then the five unit building, each one of those units has a garage. And they all come in from the front. With regards to the watt area dwelling unit calculation. So under the criteria, the zoning criteria, you need ten thousand square feet of land [unintelligible] unit. We're proposing eleven units that were roughly around 15000 square feet per unit. So under zoning, we're allowed to propose 16 units on this site.

We're actually proposing putting, with regards to what coverage, twenty five percent coverage is allowed. We're at about 9 percent lot coverage. So as Deb pointed out earlier, the only relief that we're requesting,

which is through special permits, is relief for the height. Over 30 feet, as she mentioned, building one with thirty five point eight feet. Building two, which is the five unit building was thirty seven point four feet. And we're requesting relief on the setback between the buildings, which again is allowed by special permit. And the required setback between the buildings is roughly seventy three feet. And we're proposing forty eight feet and the forty eight feet is more than enough. As you can see there, we actually have plenty of room. We've got a driveway in there. We've got parking in there. So we don't have any issues with despite space being forty eight instead of seventy three. You can see on the sheet, actually, the pump stations down by Atlantic Road, right by the entrance. That's not a final determination. We have been working with DPW and the engineering department since actually probably about a year ago on the site. They've already done one review of the drainage. No major issues and we don't expect any on the final design plans for a final review. At this point, I'd be happy to answer any questions.

Gilman: Councilor Pett and Councilor Holmgren, do you have any questions for John Morin?

Pett: I don't know if the question is appropriate here. Is this for engineering? We're going to have an architectural presentation specifically because that's where my question would come first is engineering wise.

Morin: Yes, we will.

Gilman: Councilor Holmgren do you have a question? Ok. I've got a question for John. So under 3.2.2, the distance between the principal buildings, the number that you mention of seventy four feet is the sum of the heights of the building that has five units and the building has six and if that was going to happen, you wouldn't need a Special Council Permit from us for that matter. But because you are creating a smaller width between the two buildings of forty two feet, is that the reason why this particular Special Council Permit is being brought forward, it's for that difference of the sum versus what the number is that you're putting them closer together than what this says. I'm just asking for clarification.

Morin: Yeah, that's correct. Deb could back me up on that. So again, what's required is the setback between the two buildings is the sum of the height of the two buildings. So in our case, that would be seventy three point two feet. And we're proposing a setback of 48 feet between the two buildings. And you're allowed to request that reduction under a special permit.

Gilman: OK. Thank you. That was my question. I appreciate it. I just wanted clarification. Thank you.

Morin: If there aren't any other questions, I'll continue. OK. What I'd like now to do is to have Mr. Sidford continue, the architect.

Gilman: Hey, welcome.

Sidford: Good evening, everyone. My name is Andrew Sidford. I'm an architect and my firm has two offices in Newburyport and in Boston and been practicing for 30 years and we do a lot of residential work and we've won a number of awards for design and for historic restoration. And I bring that up just to make the point that, you know, these projects are all very important to us in terms of how they function, how they look, how they feel from the inside and how they look from the outside. And this is no different. And so we're starting off of the picture of this. This is really where much of the design inspiration came from for this project is this original, historic, classic sort of New England seaside shingle style house that was in such disrepair. And the intention was to really bring it back to its original glory with a few improvements, certainly in terms of how it worked on the inside. And what I wanted to point out, of course, this is you see the classic sort of vocabulary of the traditional house on the seaside where you've got, you know, historic mutton patterns, traditional windows, large porch, masonry, fireplaces and all of a rather massive roof. And the roof is important because many times that massive roof doesn't provide much of function. It was often for the servants of the house and such. But one of its most important effects from a design standpoint is to reduce the apparent size of the house, in my opinion, and in this case, you see it turned to gable towards the front and they've got another gable facing towards the side. And in my opinion, those are the things along with the dormers which help break down the mass of the original building, and those are elements that we've used in each of the other design elements. So next slide, please.

So this shows what the building will look like when it's finished and as you can see, again, much of the, a lot of roof is being shown here and in flat elevation that often looks rather massive. But because it slopes away in the reality of seeing it in three dimensions or on site, it actually helps reduce the volume. Somewhat surprised when you would expect that that added height would make it look taller.

Next slide, please. So here's the site plan that we've already reviewed. But I want to point out a couple of critical design elements that that are used here. First of all, you'll see two sets of buildings at a strange sort of angle. And the reason that angle was used is that which again, we're always trying, whether it's a single-family house or townhouses such as this, in my opinion, it's always the intent to try and reduce the apparent volume from the outside. And yet it improves the experience of space and light from the inside. And so the reason why those angles are so important is that essentially it prevents you from which every what you're looking at, this site from seeing both buildings straight on or in the city are at the same time. And the reason why that's important is because in my opinion, that's something that may not show up in statistics, but is incredibly important here to reducing that. Again, the volume of building on the site as it's perceived by people from all vantage points.

You see on the right, that building, for instance, we put the garage on the first floor and second of all, facing the driveway side. But on the sixth unit building on the left, we put the garage doors on the back. And the reason why that's important is because in conjunction with the number of massing elements that we've got going on, we want to make that look more like a large single family house, similar to some of the, again, the classic large seaside shingle style houses instead. So we've gone through a lot of effort to try and use some of those design elements as well. So you'll notice in the design process, for instance, we had two buildings, we had a duplex down closer to the street. And the massing really looked much more like multifamily housing than we feel the plan we've got going here. In addition, then, by pulling those two buildings back in this direction, there's a view corridor from the neighbors that that we wanted to keep looking out towards the lighthouse and we'll show that later. And so in this case, going to the issue of the buildings and the distance between, in my opinion, keeping that distance to a minimum actually is a benefit to the project of the neighborhood.

Again, it keeps that, in my opinion, the reduced volume of that entire site down. So next site. Next slide, please. So here's a proposed front elevation, and I want to show a couple critical things here, this this is oh, actually, I'm sorry. This is the five unit building on site. This one shows the garage doors on this side and we have them shown here because we need the parking. And these won't be - these garage doors won't be seen from the street. And you'll see a number of other key elements. We've got a number of bay windows and we use the large cables, for instance, up in the roof to span several units, because, again, where the intention is to make this look as much as possible, as if this is the massing of an old mansion, not five singular units. But you see we've got traditional materials, we've got traditional mutton patterns and we're doing as much as we can, undulating the facade and using dormers and gables to break down that mass and keep it as residentially scale this as possible.

Next slide, please this is the back of the six unit and you'll see even from the back, the intent is to keep that volume down and to open up the glass and make it look like there are several two-story Bay windows and using the decks again to provide outdoor space, but also again to break down the mass of the long facades. And we were changing the siding patterns also to sort of accentuate the roof pattern versus the wall pattern and the roof volumes versus the base volumes. I'd also point out here that that you'll see these are that you've got some dormers up there and windows, but actually much of that space is actually back at the center of the building.

Next slide, please. So from this distance, you'll see that this is important to show. This is what I mean by the vantages from whatever height, even if you were at grade level, that whether you're coming from the north alone, the road on the ocean or looking from this view, it's very hard to see more than one building at a time. And that was quite intentional. And from here, you'll see that that we've tried to leave much more of the front yard for vegetation then if we had originally had that duplex down on that portion of the site. Again, from this view, you also see how sort of massive the roof is. That to me was a very important design element to help reduce the apparent volume of the structures.

Next slide, please. So here's the view from the front and you'll see coming up again, the five unit's structure on the right. You only see from the smallest axis and you see most of the focus is towards the six unit building in the distance. And this is where the important element. Here you'll see there are no garage doors on this facade because we again, we wanted to look as if almost there's the main living room space in the center and then sort of the adjacent wings off to the side. And you'll see again, the roof forms are such an important element, in my opinion, to help keep it in scale with the size of the of the structure below and reduce the size.

Next slide, please. So here is it. Here's a diagram that shows the difference between a 30 foot building with a flat roof and the buildings we're proposing with the gable, the taller roof form and the taller height, which is why we're here for the special permit. In essence, what we're doing here is we've added extra height on the right and the gable and that extra height doesn't provide any additional useable space. And ironically, we have actually less useable space on the third floor than a 30 foot flat roof addition and a - excuse me - 30 foot flat roof building. I also did design sketches for the previous developer and we had looked at 18 units, 30 feet tall, flat roofs. And you'll see here the difference is there's actually less room created upstairs. But in my opinion, it's much worse for the project and much worse for them for the views from all sides. Ironically, that even the shadows are not significantly different, because when you're -you'll see that outside edge of a flat 30 foot roof projects almost the same shadow as the thirty seven foot peak in the center. So in this case, in my opinion, when you're down on the ground most the time, the building will look smaller with it, with a steeper, taller roof than it would with the conforming 30 foot flat roof. And this is the case where, in my opinion, we've tried pretty hard to persuade the developer, to keep with the gable roof, because even though it's more expensive and it creates less space, it's better for this project and for the adjoining properties as well.

Next slide, please. And here are just a couple of examples, in my opinion, what we're trying to avoid, which is here, here's a flat roof addition on a three story structure. That's what I mean by the perceived volume of the building. It is can actually be much taller than the actual - than the taller building with the gable roof. And here's the reason why is because that three story flat front facade and wall feels that much taller when there's not a roof to roof line above to balance it and to ground it.

Next slide, please. This is another example of a three story structure, and sometimes people go to great efforts to try and make it look like there's a roof there, which is why in our case you'll see that that we try and keep the dormers as small as possible so that the roof volume reads as large as possible. And this is a case where, in my opinion, the volumes of the dormers and such are so large that it barely reads like a roof at all. It just looks like to me like a three story structure and you'll see on the right side and it's actually out to a full, flat roof. So the intent of keeping those original proportions of those dark structures is lost.

Next slide, please. So here are some of the elevations that are in progress. But you see that, again, intention is to keep that roof as large, volume as large relative to the lower floors. On the right, should be the upper drawing, shows the units with the garage doors and the lower elevation shows the front facade that faces the street and you'll see again, once again there are no garage doors on that facade.

Next slide, please. I think we can skip through this as well, it's just a continuation of similar. And these are just the floorplan drawings. What you see here is that if you look there are many cases where you'll see two units for instance in the center of the top drawing, you'll see where we've got two units backing up into one large block down that is the large center gable, so that it's meant to look as if it's one large unit. But in fact, as you can see, it's broken up into six units. But by the massing of the bay windows and where the elevation you see the floor plan juts out, we're trying to use decks and those windows and gables again to break up the long facade and to break up the volume. It happens on the second floor as well, where we've got decks pulling in, creating shadow lines and also outdoor space. Next slide, please. And this is the roof plan, and you'll see that with all that roof, it actually doesn't create that much useable space up there. And, you know, these are certain to be singular rooms of studies, perhaps a bedroom or unfinished attic. Again, they're not the most efficient way to do it, but it allows that that large roof to carry the day.

Next slide, please. I think we can we have these up in case of certain questions. But that's as much as I have to say for a presentation. Thank you.

Gilman: Great. Thank you, Andrew. That was very helpful. Barry – Councilor Pett or Councilor Holmgren, do you have any questions for Andrew?

Pett: I do. Andrew, I'm understanding your approach to the location of the buildings and your design criteria to make good, try to look like it is not as large as it is and make it look more like a, say, a single family residence, say, similar to what might be in other parts of the neighborhood and using the roof elements that you have, I notice especially on the five unit building, which is the even taller height, that that roof, like the windows and there are quite large up on that third floor. And I'm just wondering in this space, if a third floor is not, as you know, is useable a space, etc., why we need to go to the thirty seven foot high. Why were you not able to design something that was a couple say, a couple of feet lower?

Sidford: Well, good question. Two things. In reality, the people who did the model are terrific, but they took sketches that were in progress and to be honest, those windows aren't as big as they look in that model. And I wish we had had time to correct those. They look quite, quite large. And if you look at that in the actual elevations, they aren't that big. And what I would say is it isn't. What happens is, is if you take that roof pitch, the peak down, all you've done to it is you've produced this sort of volume of that roof. So it looks less apparent, especially when you're up closer to the building. So it wasn't to get larger windows in there, which is you see in the examples we used at the end that we don't want to do, you could get the same sized windows. It's really the proportions of the roof that improve with the extra height. I really didn't want windows that large and they don't need to be so. So the answer to your question is just that. In my opinion, the proportions of the main roof, regardless of the windows, are just that much better on that structure.

Pett: OK. Thank you.

Gilman: Any other questions from Councilors?

Holmgren: That was exactly my question. Thank you, Councilor Pett. And thank you, Andrew.

Gilman: Thank you. OK. Attorney Eliason, are you ready to continue?

Eliason: Yes.

Gilman: OK, great. Thank you.

Eliason: So, again, for the special permit, we have to once again go through the six criteria, 1.8.3. And these are the criteria and I'll go through them one at a time. In general, the special permit should be granted because this project meets these criteria in our opinion. Social, economic and community needs are served by this project. The proposal is modest and it's in keeping with the surrounding neighborhood. Prior proposals have called for 18 multi-family units in three buildings, making it a much more congested site. And it will replace the abandoned buildings. It will make it safe. It will make it useful and aesthetically appealing. The residential development will be more conforming with the zoning ordinance and more consistent with other uses in the district and the neighborhood than the prior hotel was. This is the zoning chart. John Morin spoke a bit about what our compliance and other than height and distance, again, we do comply with the zoning. So the required lot area is forty thousand square feet and we have about one hundred and sixty seven thousand square feet, which is almost four times the lot area that's required. And the maximum block coverage that is allowed is twenty five percent. And again, we have approximately 9 percent. So there really is no density issue here. It's well under the Gloucester zoning ordinance requirements, it complies with both the front side and rear yard setbacks. There's more than adequate frontage. The frontages required at one hundred twenty five feet. And we have almost six hundred thirty eight square feet of frontage. That's more than five times what's required. So we're adding to the city's housing stock. And again, we are complying with the inclusionary zoning.

With regard to traffic flow and safety, that will be greatly improved on this site. Prior use was very active. It was a year round use of a hotel function facility and conference center and it created significant traffic entering and leaving this site. The traffic from the residential use will be much more limited. And there's one access off of Atlantic Road to get into and out of the property. There will not be any need to back out onto a public way. There was a turnaround. The turnaround is sufficient for fire department vehicles. SWEPT,

what's called a SWEPT analysis has been done, and that indicates that the fire department vehicles can make that turn. There's also, as John mentioned, an emergency access which will be gated out through Eagle Road. Utilities and public services will be updated and will be adequate to meet the residential needs of the units. It is served by public water and sewer. And it's anticipated that the utility consumption will actually be less than the former use.

The project is consistent with the neighborhood character and social structure. You can see from this view that the property, the residential neighborhood in the back of the property is buffered by mature trees. This is a mixed neighborhood of residential and commercial oceanfront properties. There are many larger remodeled rooms and several large motels and hotels, and the project is designed to be consistent with those larger homes. And so this is Atlantic Road. Many of these houses are simply magnificent. When you drive down the road, the buildings capture your attention almost as much as the ocean does. And this is what Bryan Melanson is trying to accomplish with his project. The ordinance does not require that you set arbitrary restriction of 30 feet. In fact, it gives you discretion to increase it. It's entirely consistent with the zoning ordinance to have a special permit. It's not prohibited. It's not a variance. It contemplates that there will be instances where a height of over 30 feet is entirely appropriate. And I would suggest to you that this is one of those instances. Again, it's the buildings close up. You've heard the heights. The former Ocean View was 41 feet. The mansion that's being rehabilitated is thirty eight feet.

These proposed buildings are lower than that height, but they still will be consistent with the buildings along Atlantic Road. And although I don't know the heights of the other homes along Atlantic Road, it is reasonable to presume that at least some of them are over a height of 30 feet. We spoke a little bit about the View corridor, and this is what we're talking about from two houses on High People's Road, from the view from 78 High Popples and the view from 4 Eagle Road out to Thatcher Island light, we were told by the owner of that property that that was an important view for them. So Mr. Melanson was very cognizant of that and very careful of trying to preserve that view. And this slide shows you the view corridor with the buildings push back. So that view corridor remains. And this is another view that shows the view corridor with the single story buildings that used to be in here, this lower building here will also gain a view that it didn't have previously. With this second two story building being removed here, these two houses one at 84 High Popples and one at 1 Eagle Road will also have improved views.

So the property, as I said, is bounded by mature trees. The watch shield, the neighborhood behind it, the trees from the site also impede some of the views from that neighborhood. And there is very little difference between the 30 foot height and the views at the 35 something height. The buildings have also been cited as far away from the High Popples neighborhood as possible. They've been positioned quite a distance from Atlantic Road and there is a significant wetland that buffers them from the neighbors to the other side.

The quality of the natural environment will be improved by the project. It will include improvements to existing wetland areas. As John explained, they will function more efficiently and the malfunctioning drainage structure will also be repaired. The water will flow more freely into the significant wetlands. And we exceed the lot area dwelling unit and open space per dwelling unit requirements, and therefore there will be sufficient outdoor space to promote the quiet enjoyment of its residents. And it has four times the lot area requirements. So that's more than eighty thousand square feet of impervious surface will now be removed again, being replaced with vegetation and improving the natural environment.

The fiscal impact is positive and positive improvements and occupation of this long vacant site will increase its value. It will add additional residential tax income to the city. It will create a greater consumer base for local businesses and services. And it's likely to improve neighborhood property values as well. Again, adding to the city tax revenues. Based upon our review of the 1.8.3, I would suggest to you that the proposed use will be in harmony with the general purpose and intent of the ordinance and will not adversely affect the neighborhood, the zoning district or the city to such an extent as to outweigh the beneficial effects of this use.

Now, I'd like to look at some of the specific requirements with regard to the distance between buildings. The City Council may issue a special permit upon a finding that the reduction is not detrimental because of view obstruction, overshadowing surface access or visual crowding the required distance of seventy two point two feet by calculation. We are requesting forty eight feet and that is not detrimental for several reasons. As we

discussed, the building location preserves views of abutters along Eagle Road and High Popples Road, and placing the buildings farther apart would have a detrimental effect upon the existing views and place them closer to the buffer zones. So you can see here in red, if the buildings were actually moved, they would impede that view corridor. And so allowing the distance to be reduced actually preserves some of those views.

There is also plenty of distance between the buildings as proposed, as the architect explained and the engineer explained, there's no visual overcrowding and there's plenty of room for traffic, parking and garages. The buildings are far enough away from the neighboring residences that overshadowing is not an issue. Looking at the permit for height, the City Council again may allow a height increase if it is consistent with the neighborhood character and not substantially detrimental to the neighborhood because of obstruction of views overshadowing impairment of utilities or other adverse impacts. Again, I would point out to you that it's not substantially detrimental. So even if it has some impact, that's not enough. It has to be substantially detrimental. The requested height is consistent with other buildings in this neighborhood. The buildings will be compatible with and blend with the other existing buildings. The mansion at 171 Atlantic, as I mentioned, is 38 feet. The former Ocean View was 41 feet. The proposed buildings are consistent in height with other buildings in this neighborhood. Mr. Melanson worked hard to preserve the views and he did so. And as I already discussed, some of the people's views will be improved. The buildings are far enough away from the residences, again, that overshadowing is not an issue and public utilities are available and would not be impaired. Expected that there will be less consumption than former use. No other adverse impacts.

And this project will remain true to the historic architecture and will vastly improve the visual appeal of the currently abandoned properties. And as Mr. Sidford explained, you could do a flat roof and it would look something like this. It's not a very New England look and certainly not a look that Mr. Melanson wants for his project or for Gloucester. We also, in our opinion, do not think it would be best for the neighborhood at 30 feet. It would meet the setbacks, it would meet the distance between the buildings, and there would be a sacrifice of some of the neighbor's views and esthetics of the project, but it would not need any approvals for height or distance between buildings. We don't think that's the best way to go with this project. We think that what is being proposed is a much better fit for the neighborhood. GZO gives you the flexibility to allow a project that fits with the other buildings in the neighborhood, and that's why it doesn't prohibit heights over 30 feet. The maximum height of 30 feet was never meant to be rigidly applied. If it was, it would have been a variance. But it's not. It's a special permit. And so we're asking you to use your discretion to allow the project that everyone can be proud of in the manner that Mr. Melanson would like to see. The project also meets or exceeds a major project guidelines under 5.7.5. The project has direct access from a collector street, which is Atlantic Road. It is connected to municipal sewer. The site plan shows the required access points, drainage and utilities serving each building, all applicable requirements of the zoning ordinance and the building code will be satisfied. The multi-family is located in a residential zone. Therefore, 5.7.5 is not applicable and as previously discussed, it does meet the criteria under 1.8.3. So that is all that I have for the presentation. If we're happy to answer any questions that the Council may have.

Gilman: Great. Thank you so much, Attorney Eliason and team, I appreciate it. So before we open it up for Council questions, I just wanted to ask if our Planning Director Gregg Cademartori - I know you're still there. This is about your 13th hour of work today. So would you like to just kind of give us a quick and dirty summary of the Planning Board's role in this? That would be great. And thank you for staying with us. I know it's been a long day for you.

Cademartori: Hi there. Sorry. I'm doing this on a phone, a little bit different of a platform. Can you hear me?

Gilman: Yes, we can hear you loud and clear.

Cademartori: OK, so you're aware that this was at the Planning Board a couple of weeks back. Similar presentation was made to the board. I think that Attorney Eliason has really pointed out the issues that are in front of the City Council that are special permit requirements beyond the dimensional requirements for a multi-family in this district. Otherwise, there is substantial compliance with the requirements for a multi-family. Planning Board heard this presentation similar to the one that you received. This has been reviewed

by a number of departments. I know that the Council is still awaiting some of the reporting out from some of those departments, but from the perspective of the site plan review as well as the major project criteria, the Planning Board was satisfied that the applicant has presented a compelling case for the issuance of a special permit and the Planning Board recommended to the City Council the required permits that are being sought. I believe the applicant is also still in front of the Conservation Commission, so some of the outstanding issues that remain to be reviewed by other boards. Again, there's no relief request in front of the Zoning Board of Appeals, but the Conservation Commission is still re reviewing the notice of intent. With regard to conservation, the next step is to have a site visit. And because of the COVID situation, I believe that's been delayed. But there was one meeting before Conservation and John can speak more to that. But they were very pleased with the project, as I understand it. But John can talk about that a little bit, if you'd like.

Gilman: John, do you want to weigh in on that?

Morin: Sure. So we had one meeting with Conservation. They really didn't have any major questions. Everything was pretty much addressed at the first meeting. But as David pointed out, we're really just waiting to set up a site walk. The commission members just want to walk the site. Most of them agreed that they thought that the idea of removing the restriction and restoring that large allotment out in the back, moving that large gravel parking area was a great idea.

Gilman: OK, thank you. So, Councilor Holmgren and Councilor Pett - questions on the presentation?

Holmgren: No, not at this time. Thank you very much again. As with the last presentation, I am looking forward to going and visiting the site.

Gilman: Thank you, Councilor. Councilor Pett.

Pett: Yes. Again. Obviously, I'm looking forward to a site visit. And then the public hearing to get some of the input for it. But looking at some of the criteria that we're supposed to be following for, say, the excess of height over thirty five feet. It says that, you know, that we can determine that we can make that approval, that such increase is an allowable height, is consistent with neighborhood character, and will not substantially be detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, impairment of utilities or other adverse impacts. And from my basic observations at this point, the second part is all definitely met. The question comes the neighborhood character, and I think that's what's going to come out once we see the site visit. And again, as Madam Chairperson has suggested that we when we do get some site visit, I'd like to be able to see some actual, whether it's poles or balloons or whatever different heights of different parts of the building. But then I'd like to hear from the public what they're saying about the neighborhood character. And my second point is sort of a question that I'm not sure where it falls under, but they talk about - we've talked about in the engineering, the architecture and the attorney presentation about the emergency access to the Eagle Road and that being gated, obviously the Eagle Road over there. I remember the Arron's property, Clancy, whatever, all the properties out, the short numbered streets there. Who will have access to that gate? Will that be determined by the association or is that something where the keys belong to, say, the fire department or something like that? Or do we even have an answer to that question? And I'm not sure that that's a question that you're required even to answer to me.

Eliason: I think if some answer to that, the concept is that it would be emergency access to the fire department, police department would have access to it. Obviously, someone at the association would also have access. So if there was an emergency, the gate could be opened. But each resident, it's not contemplated that each resident would have a key to that gate.

Pett: OK. I think just again, that's just for me personally as a question. I don't know if that actually falls under our purview, etc. But I think many of the neighbors, maybe not only just a short number that are on Eagle Road but High Popples Road may be interested in making sure that that access is kept as an emergency access one way or another. Thank you for that.

Gilman: Thank you. So are there any questions of Ward Councilor Memhard. Would you like to ask the question?

Memhard: Yes. Thank you. Well, I just have one follow up question that I think architect Andrew Sidford could address. It was reviewed briefly, I believe, at the Planning Board presentation. But if he could clarify the interior ceiling heights of the proposed structures and clearly the idea might be that if they were less high, we could address the overall imposing scale of the structure was reduced from what is proposed. I just wanted to have him step us through the thinking there. Thank you.

Gilman: Thank you, Councilor.

Sidford: Thank you. At this point in the process we had allotted 10 feet floor to floor because we've got some pretty good spans and the project obviously isn't far enough that we've designed the structure or the mechanicals. So we've allotted that amount of space to accommodate what might be 18 inches of structure and additional space for mechanicals. And at this point, that's what we've laid out at this point.

Gilman: Great. Thank you. We have the Melansons since here, too. So I see you on the on the screen. Welcome to our call. We appreciate you being with the call. Thank you. So let's kind of bring this [back]. Anymore Councilors that are on the call who would like to ask a question? Councilor McCarthy, Councilor O'Hara? OK. All right, so let me try to summarize and bring this back to kind of summarize the process here. So there are a couple of things that I wanted to mention. First of all, I wanted to thank Attorney Eliason for doing a really good job in reaching out to the abutters in a short amount of time. By last Friday there was a letter out and that was only like a day or two after the Council voted to allow this to keep going forward, which was great. So we appreciate that. And I also appreciate the fact that the letters for both your projects, both Essex and this, you were clear about Zoom and you were clear about how people on the call could be able to get access to all the packets, which is about 350 pages, if I'm not mistaken. And everyone knows you can get that on the Standing Committee section of the city website and it's very, very helpful. So that was an important requirement and we appreciate that. I also wanted to say a couple of things and then bring up the questions that were submitted by the abutters. So the matters I just wanted to bring up to everyone here is that the we've checked the Special Council Permit application. It was signed off by the Building Inspector and the Planning Director for completeness and the City Clerk all on February 19, 2020, also pursuant to Section 17 of Chapter 53 of the Acts of 2020, the City Council through our president, Councilor LeBlanc, has rescheduled the public hearings and decision deadlines on permit applications until after the current state of emergency has concluded in Massachusetts. So I just wanted to mention that so that we're clear. So the next step for this particular project will be to have to pause, to wait until a site visit, and then we'll come back to P&D and we'll discuss what we looked at in the site visit. And then P&D will be prepared to vote in favor or oppose it, make our recommendation to the full City Council and that public hearing will occur during that time and not later than forty five days from the close of the emergency order.

And so that's the timeline. So this has been a long conversation, but I think it's been very, very helpful because there's going to be a lot of busy work we're going to have to do once the emergency order is up. And we're very grateful for how thoroughly you have been. And the fact that there still 25 participants on the call means that the neighbors are watching and people in the community are watching, which is great. And that's all part of transparency. And I think these Zoom calls, although sometimes there's a little technical glitch, I think that they're very helpful because everyone has seen these slides very clearly and understand. So I do want to just say a couple of things on the questions that were submitted. And we just looked at my notes here. It's been a long night and I've got lot of notes here. So I want to make sure that I've covered everything.

Pett: While you're looking at your notes, just want to let the Melansons know that we do see you, the two of you, or the one of you depending which camera you're on. We are seeing you here and we thank you for joining with us.

Gilman: Yes, absolutely. Thank you. OK. S our goal in P&D is to discuss, for the record the requisite criteria, and I wanted to just mention a couple of things and then we received several groups of questions from the abutters and from local residents. One of the consistent topics that I wanted to make sure that that we address clearly is that there is no requirement in the GZO for the applicant to prove hardship, to obtain the approvals of these special permits. And showing hardship is only required for variances that falls under the purview of the ZBA, and the ZBA is an independent board that has its own statutory authority that's separate and apart from the City Council. So the City Council cannot add such a requirement of hardship because it falls outside our authority given to us under the GZO. So I just wanted to be clear on that, because

that was a consistent comment that came up in all the questions, not just from one person, but kind of consistently. And it's important that everybody understands what's in front of us. The other thing that I wanted to mention is that the questions that came forward Attorney Eliason addressed them quite thoroughly. And I'm going to ask the questions be entered into the record as part of this meeting. So all the members of the public can see the totality of the questions that were submitted and answered. And I think that that's really important because, you know, we want to be transparent. And the applicant went through quite a bit of time to thoroughly answer the questions. And I think that that will just be helpful for everyone to see. We were going to review some of those questions now, but I'm kind of thinking right now where it's been kind of a long night, Councilor Pett and Holmgren, what are your thoughts? I mean, we can go through the list, there're about five or six matters that came up that are very related to what's in front of us. And then there are a lot of matters that Attorney Eliason summarized that really are just helpful for the abutters and the residents to know about. And it's all part of the document. Councilor Holmgren, you're raising your hand. What would you like to share?

Holmgren: We really ought to just look at what is in front of us. I don't want to get into the weeds and discuss some of these more subjective matters that are really within the purview of other boards and commissions and committees.

Gilman: Right. And I share that. Councilor Pett?

Pett: Yes, that's one of my points is we have to look at all these projects for those items that are under our control, in our purview, not other boards of the city. I do appreciate all of the submissions of questions by everyone. I think Deb has responded to them and that is there. Again, there's going to be a lot of, you know, agreement or disagreement from different members of the public. And you're going to have, again, when we talk about things like neighborhood character, etc. and I think if we were to get into trying to go over those questions this evening, I think we could end up spending, you know, hours more going over them. I think we have that information. It's all one public record, both the questions and the response. And hopefully we'll get some more questions from the public after what they've seen tonight and seeing the responses. And then when we get to the site visit and then when we get to the public hearings, you know, we'll get further answers. But I think we could spend hours tonight if we continue to try and go back and forth to answer them, those questions specifically.

Gilman: Agreed. OK, terrific. And so for everyone to understand right now, we will have these questions and the answers, all part of a supplementary attachment to the minutes, so you'll be able to see all of this information and they're very thorough. And we're still going to be coming back to P&D again and we can ask continuous questions once we get back. And that's really good time for asking more questions, because at that point we will have been to a site visit and a lot of the things will become even more evident to us regarding shadowing and heights and views. And it will be very helpful. So I'm comfortable with withholding on that right now. And I think, you know, I think it's important that we share this. I do know that there were a few more questions that came in after Attorney Eliason, and I think the Poulins sent some questions and that were after the initial batch, a couple of the questions were kind of opinions that would be part of the public hearing. And then there was a question that we answered tonight, which was a question about the pump house. And if I'm not mistaken, you said that the pump house was going to be underground, so it wouldn't be a house. Is that - John Morin, you're saying yes? Can you just confirm that? That is correct?

Morin: Yes, that's correct. Oh, yeah. And it'll be below ground.

Gilman: OK. So we answered that. And that was a good question that the Poulins had asked. And then there were some questions about the height of the first floor and the second floor and all those numbers are actually in the questions and answers that we've answered. So we've got all the square footage is included in the Q&A. So without further ado, I think we've exhausted our conversation tonight and I think, Councilors, if you're comfortable, I'm ready to thank the applicant and adjourn the meeting.

Poirier: Madam Chair, there are - there is one person who, actually two, who have their hands raised as attendees.

Gilman: OK. All right. So we'll take those two questions and then we will wrap up. So I appreciate that for whomever raises your hand. State your name and your address. And just keep in mind that we're asking questions only, that this is not the public hearing. And, you know, in fairness to all the Councilors, we want to wait for the public hearing when we're all back in person after the emergency order, so the first hand raiser, Grace, you could let them in and state your name and address. Thank you.

Poirier: I think they have to hit Star 6 on their phone.

Gilman: It's Star 9, I think. Right, Star 9 on the phone.

Poirier: To unmute themselves, I believe it's star 6. I'm allowing them to talk, but they're still muted because they're on the phone.

Gilman: OK. You want to try Star 6? For those of you who were on the phone.

Towne: Can you hear me?

Gilman: Yeah. We need name and address.

Towne: Yes. Good evening. Jim Towne, and I'm at 12 Links Road in Gloucester. And thank you for the presentation and for the additional information as well as answering some of the questions previously. Certainly appreciate that. One question for you is that the discussion this evening about view corridors has been from the side as well as the depictions and the pictures has been from the front and the side. Why are there no pictures shown from the view corridor from the rear? As I look at the pictures and I know it was mentioned earlier tonight that some of the depictions weren't exactly what you wanted in the modeling, the drawing, the density of the trees looks very different from the rear. And did you actually look at the study from Links Road and actually look at the corridor or going down to determine those trees if they were really blocking? And also, did you consider that those trees are seasonal, meaning that they drop their leaves? And so it, you know, at least a significant portion of the year when there's not leaves there, you can see through. So can you do a depiction from the back and look at that as a study and consideration for future meetings?

Gilman: So John Morin or Andrew Sidford do either one of you want to elaborate on that?

Morin: I'm not sure if Attorney Eliason wants to take that question. I guess when my first reactions is, you'd have to say from where?

Towne: So, for example, I'm at Twelve Links Road, I'm directly behind. Those are one story buildings right now and the trees, if I look at the pictures and the depictions, there's a significant trees shown in density there which is living behind it for the last 10 years, I can tell you there's not. And also telling you that the leaves fall off the trees. It's difficult to say that a thirty five foot plus building there, which doesn't drop its leaves and it's three stories high or more, that it's not going to obstruct the view and that there's not a view corridor problem. All of the discussion and presentation so far has been to appease the neighbors on the other side. And there are houses behind on Links Road, as you said, it's a golf course there that do have view considerations from behind. That this is a significantly larger structure than what you have there now.

Morin: I would say that, of course, that's correct. It is significantly larger. The major point I was trying to make is that the difference between what we're asking for or a 30 foot tall building of the same footprint is not as appreciably different. And in my opinion, might be - is better to look at because of the sloped roof. That's the point I'm trying to make. Not that that building isn't going to be an obstruction to that view. And we're showing the other corridor because that was a specific corridor that had been mentioned in a distant view of the lighthouse. Clearly, the buildings are going to obstruct views.

Towne: No, I understand, but Representative Eliason made representations that there was no view corridor problems, that they'd all been addressed and that the trees and other areas were already obstructing that. And so the presentation there. So I was just asking, had there been a study from behind because of the representations that were clearly made in the presentation tonight that all those areas had been satisfied? So that's what my question was about.

Eliason: I think what we would need to have is access to houses, where people have, would say that there are obstructions of views in order to do an adequate study. The difference between your area, of course, is that there are trees in between. The area on Eagle Road, it was a much clearer analysis to be made without having access to the house to do that. So if the owners would allow us that, I'd have to speak with my client to see whether that's something he would be willing to do.

Towne: OK. I appreciate that. I can say for the record, I would certainly be willing to. 12 Links Road, Jim Towne. And I'd certainly be willing to discuss that again if the developer is willing to certainly discuss that further. So thank you for that, Attorney Eliason

Eliason: OK. So we will talk about it further.

Towne: Thank you very much.

Gilman: One of the things that I liked about your letter, Attorney Eliason, is that you did put your phone number and your information down to the abutters and let them know that they can always give you a call, too, which is nice. Doesn't all have to be back to the P&D, it can be informal conversations between you all, so I think that that's really important. All right. We've got one more hand-raised and then we're ready to conclude. I see Kathy Clancy. Kathy, would you introduce yourself and your address?

Clancy: Kathy Clancy. I live at 78 High Popples Road. My question is to the chair. And my question has to do with when you do the site visit in addition to showing height, will you also ask for representation of mass of the buildings? Because according to my calculations, one building is going to be almost 17000 square feet and the other one is going to be 14000 square feet, and it would be nice to know both the height and where that height goes to and from and where the corners are and things like that.

Gilman: It's a good question. Typically, when we did Wingaersheek Road recently and all the Councilors were there and it's a huge house, it's twelve thousand square feet, all the corners were staked and then we had the 38.5 pole and we were able to visualize the view, you know, so that was helpful. So I think the stakes would be something that we would like when it comes time to the site visit so we can just have an accurate feel for, basically, it's for the height that we have to look at. For the shadowing and for the height. So I think that that's a reasonable expectation. Attorney Eliason, can you confirm that that will be something that you'll be able to do for us for the site visit?

Eliason: I think I'd have to defer to perhaps John, and Bryan Melanson with regard to what's physically able to be done. I would expect staking of the corners for sure and some representation of the height. But I'd just like them to both confirm.

Gilman: OK. Would either John or Mr. Melanson like to speak to that?

Morin: Yeah. Will. Will absolutely be able to stake the corners. The one issue that we're going to have is with the six unit building. Several - the two front corners are actually in the existing building so I've already started looking at how we're going to handle that. I'll talk to Bryan and find out what capacity or what state the roof of that building is because we could technically get on the roof of that and then set a pole up from there so that we could actually have all four corners of the building done. But we'll definitely look into that.

Gilman: Because actually at Wingaersheek one of the poles was actually on the existing structure. So they did attach it to the existing cottage. That was kind of interesting. Right. And that was helpful. So that's good. We're all thinking out of the box here.

Eliason: I think the issue would be safety is probably what Mr. **Morin** is talking about.

Gilman: Yeah, I understand completely. OK. Well, I think I think we've exhausted this meeting. But to summarize, I - oh, Councilor Pett. Yes.

Pett: Very quickly. Madam Chairperson, I had seen Bryan Melanson's been on just minute ago or so, he had unmuted. I don't know, again, we wanted to thank him for everything. And I don't know, I wanted to give him an opportunity if he'd like to say anything to P&D, to our subcommittee before we closed this evening. We heard from all his representatives, but Mr. and Mrs. Melanson we haven't heard from them. We'd love to be able to at least hear something from you.

Gilman: Would you like to unmute yourself Bryan?

Melanson: So we're happy to assist in any way, to go out back onto Links Road, to stake corners, to get heights. We've been willing all along, we've taken a lot of input from a lot of different people, from the city boards to the some of the abutters as we continue to talk to them. And we're trying to make it a Win-Win for everybody. We've been working hard for a long time. We've been trying to do what was right for the neighborhood in terms of density, in terms of not putting traffic on High Popples and Eagles Road and coming directly off of Atlantic and trying to have a quality project that everybody can be proud of. We've certainly worked hard and we're excited about it. And we're hoping that the neighborhood can be excited when it's all said and done also. So we're certainly willing to work with the neighbors.

Gilman: Great. Thank you so much.

Melanson: You're welcome.

Gilman: Councilor Holmgren, would you like to say anything before we wrap up?

Holmgren: No, I just thank you all very much. Thank you to the applicant, the presenters, for your thorough presentation, as well as for your willingness to speak with abutters and neighbors. And to abutters and neighbors, thank you for your questions and for following this whole process and for being candid with us as well. We really appreciate that. So overall, I do appreciate it. And thank you, Madam Chair, for leading our efforts here this evening. This was extremely helpful.

Gilman: Thank you so much. Thank you, everyone, for your participation for a professional presentation and thank you to the abutters for being there for us. It's been a long night and it means a lot that so many of you are still on the conference call and remind the public that the zoom meeting this will be on the city Web site tomorrow, probably midday. So anyone that's out there that perhaps didn't see it will be able to watch and wait and see. And the presentation was really clear. And I think that it's definitely transparent and it's really a good thing during this tough COVID-19 times. I think we made some great progress. And thank you. I'll do a motion to adjourn. I guess we could do a roll call.

MOTION: A motion was made, seconded and voted unanimously by ROLL CALL (Gilman, Holmgren, Pett) to adjourn the meeting at 8:25 p.m.

Submitted by Grace E. Poirier, Assistant City Clerk

Documents submitted for the record to be attached to the minutes:

Memorandum from Attorney Eliason re: Questions and Answers from Abutters and Applicant regarding SCP2020-003 Atlantic Road #163

MEMORANDUM TO CITY COUNCIL
PLANNING AND DEVELOPMENT SUBCOMMITTEE

To: Planning and Development Committee Members

From: Deborah A. Eliason, Esq., on behalf of 171 Atlantic Road LLC

Date: May 5, 2020

It is somewhat difficult to respond to questions in this format and many of the questions are more argument than questions. However, I did my best to make our responses concise and easy to follow. I have responded to each of the questions below, but I also wanted to provide you with a more general response. There appears to be a belief that Mr. Melanson is seeking to build a development that is not allowed in the Gloucester Zoning Ordinance (“GZO”). This is simply not true. The GZO allows many uses other than single family homes in the R-20 district. Table 2.3 lists those uses that are allowed and those that are prohibited. Uses that are not listed are prohibited. Some of the uses listed are allowed without a special permit and some require a special permit from either the City Council, Zoning Board of Appeals or the Planning Board. Variances are required when a use is expressly prohibited or prohibited by omission. An applicant must show hardship when seeking a variance. A showing of hardship is not required when seeking a special permit. Mr. Melanson is not seeking any variances.

QUESTIONS FROM JAMES TOWNE

- Developer representative Eliason stated that the lots are currently odd shaped. How does redesigning them create a betterment and does this have any reasonable bearing to the approval process?

RESPONSE: The information regarding lot configuration was provided for background purposes only. The reconfiguration makes more sense from an ownership perspective because buildings will no longer straddle property lines. It does not have any bearing on the approval process that is before you.

- Eliason also stated that the applicant was only seeking height and distance relief. Does this mean all else in the plan is “by right”?

RESPONSE: The Applicant meets all other dimensional requirements set forth in table 3.2 of the GZO. In fact, it far exceeds the lot area and other density requirements. Increases in height and distance between buildings are expressly allowed by special permit. Variances are not required.

- Developer representative Monin [sic] spoke about how the drainage relief will help the general area (an area conservation board had no problem with when they approved 68 High Popples and 3 Links Road but now is a problem?). Will the developer not complete any drainage work then if the variances are not approved and if not, then is there a drainage problem or not? Monin [sic] also spoke at the meeting about how they had reduced the density in the plan by eliminating a duplex on lot 5, yet the utility plan shows a drainage pond and pump house where that duplex would have been. Was the duplex removed because of density or because of drainage?

RESPONSE: Currently the impervious surfaces on Lot 5 run off directly into the street or the wetlands with no mitigation or treatment. The big improvement will be the removal of the culvert that is a restriction and may be one of the causes of the flooding up stream. By removing the culvert and opening the wetlands the restriction will no longer be there, which will allow stormwater to flow more freely into the large wetland that is located on Lot 5. This is not something Mr. Melanson is required to do it just makes sense and he is willing to do it. However, if the multi-family project does not go forward on Lot 5, Mr. Melanson may not be willing to spend the money to do all the work to eliminate the restriction as it will not be economically feasible.

It is true that a duplex was originally proposed roughly in the area where a drainage basin is now proposed to be located. If the duplex was still part of the design, the drainage basin and the location of the pump station would be moved to different locations. The density criteria were still met with the duplex. It was not removed to meet the density requirements. Mr. Melanson chose not to pursue the additional duplex because he thought it was too much massing near Atlantic Road. It may also have impeded the view corridor that he was trying to protect. In fact, if all of the original buildings had been removed from Lots 1-5, those lots could support 25 residential townhouse units under the current zoning requirements given the lot area. Mr. Melanson chose a much lower density for his development.

- Developer representative Andrew then presented but did not know the square footage of the units or ceiling heights. Can that information be provided? Is there an opportunity to go with lower ceilings to meeting height restrictions? Then when speaking on the drainage pond stated not to worry about the routine flooding at the road as it will be above the 14 foot waterline. Does this mean it will be a massive berm along Atlantic road now to retain this water?

RESPONSE: We will discuss 30' average height question at the meeting. The square footage is as follows:

Units with Garage:

First two floors combined living:

2050 sq. ft.

3rd floor +/- 550 sq. ft.

Units without a garage:

First two floors combined

2300 sq. ft

3rd floor +/- 550 sq.ft.

As you know the FEMA Zone VE (Velocity Zone) was revised by the prior owner. The new Zone VE line does not cross onto the property however everyone is aware that during large storm surges debris, including rocks/boulders, end up in Atlantic Road and on the front of Lot 5. I am not sure what point was being made as referenced above with regards to “14 foot waterline” but the proposed multi-family buildings are set back far enough so that no debris will reach them.

- Beverly Bookin suggested that a gable roof is an ideal variance as only the top is above permitted height. Is the law requirement on the average height of the building or the peak height?

RESPONSE: The GZO measures height based on average existing grade to the roof peak.

- How was it represented to Hank McCarl that the neighbors are in agreement on the plans. I have not met one neighbor who is in agreement. Can list of supporting neighbors be provided to substantiate?

RESPONSE: Mr. Melanson has not made any representations regarding whether neighbors are in favor or against the project. He cannot speak for Mr. McCarl.

- Why was the planning board not provided the materials in advance (as stated in the meeting by Jane Ramsen) and should they have reviewed them before the meeting? She noted that it was a lot to digest and that it was past her bedtime and was conflicted on how to vote. She eventually said that she will just go along with what the group wanted. Rick Noonan said that there is a ‘sense of urgency and time is money’ and wanted to move forward with the vote even though materials were not available well in advance, it was a lot to digest for certain board members, and it was late in the evening. Will the City Council have an adequate time to review this material in advance and will the meeting be scheduled so it does not conflict with bedtimes?

RESPONSE: All materials that were required to be provided to the Planning Board ahead of time were provided in the application. The slide presentation was also provided to the Planning Director several days before the meeting. Neither Mr. Melanson nor I have any knowledge of when it was disseminated to the Planning Board members. The times of public meetings are set when the agenda is posted and they are generally held at the same time from meeting to meeting. The Planning Board had a very full agenda the night our meeting was heard and it did run quite late, which does happen on occasion. Our portion of the meeting was concluded by approximately 9:45 pm if I recall correctly.

QUESTIONS FROM ZOE MCMANUS

DEFINITION FROM THE CITY ZONING ORDINANCE, Section II, 2.1 (follows)

R-20 (formerly R-2) Low/Medium Density Residential (minimum lot area: 20,000 sf)

This district is intended to accommodate single family residential development and, where appropriate, two family and multi-family development. This district *provides a transition from the rural districts to the high density districts of the city.*

RESPONSE: In order to understand the meaning of the R-20 definition, you must review the language that precedes it in the GZO. It is clear from the language below, that all uses listed in Sections 2.3 are allowed uses under the GZO. And furthermore, the table at 2.3 of the GZO takes precedence over the above definition.

2.1.1 Enumeration of the Zoning Districts

The City of Gloucester is divided into fifteen zoning districts, the broad definitions and minimum lot area of which are set forth in this Section 2.1.1. The boundaries of the districts can be determined by reference to the Zoning Map, as described in Section 2.1.2 of this ordinance; the allowed uses in each of the districts can be determined by reference to Section 2.3, Use Tables; the dimensional requirements for each of the districts can be determined by reference to Section 3.2, Dimensional Tables. The following definitions are intended for guidance only; where there is a conflict between these definitions and the Zoning Map, the map shall control; where there is a conflict between these definitions and Sections 2.3 and 3.2, the latter sections shall control: [Emphasis added]

- How does a project in this location that violates city-wide height requirements “*provide a transition from the rural district to the high density district of the city*”.

RESPONSE: The project does not violate the city-wide height requirements. The GZO expressly allows heights in excess of 35’ by special permit from the City Council. The slides showing houses along Atlantic Road clearly show how this development will blend seamlessly with the streetscape along Atlantic Road. The City has already determined that this R-20 district provides a transition from rural to high density. By remaining consistent with the other properties along Atlantic Road, the proposed development carries forward that transition.

- How can you claim that the project fits the Neighborhood Character, Scale and Social Structure when **your rendering shows how vastly out of character and scale it is with the surrounding neighborhood.** (See rendering #1 page 357/327 and 269/327 of applicant’s packet. This can also be confirmed with the GIS /maps or “Google Maps”)

RESPONSE: This is more of an argument than a question. I would point once again to the pictures that are included in the slide presentation depicting houses along Atlantic Road that are entirely consistent with the proposed development. The houses that Ms. McManus includes in her presentation are also consistent with the development. By converting the property from an intense commercial use to a residential use, Mr. Melanson is proposing a project that fits squarely with the neighborhood character, scale and social structure of the neighborhood. The property is bounded by commercial golf course, as well as nearby hotels, motels and function

facilities. These uses are much more intensive and have a far greater impact on the neighborhood than Mr. Melanson's proposed residential development.

- How can you assert that neighbors are in favor of the project when **nobody spoke in favor at the Library Presentation?**

RESPONSE: Mr. Melanson has never asserted whether the neighbors are in favor or opposed to the project.

- How is the public good served, **has anyone from the public come forward in favor?**

Public good is not a criteria for determining whether a special permit is issued. And even if it were, it is not determined by how many people are in favor or opposed to a project. The benefit to the City is determined by an examination of the six criteria set forth in GZO 1.8.3. Mr. Melanson's application addresses the six criteria in great detail. In summary, the deteriorating buildings will be removed from the site; a site that has sat fallow will be developed and improved with residential buildings that are consistent with the surrounding neighborhood; the project will comply with the City's inclusionary housing requirements; the project will maintain and may increase the value of other homes in the area; and will provide additional residential tax revenue to the City.

- Specifically, **who is being served?**

RESPONSE: There is no requirement to identify a specific person that is being served by the project. My response above addresses the general benefits to the City and the neighborhood.

- Why do you characterize this as a mixed commercial area? **The existing hotels are nearly a half mile (4,000'+-) away Atlantic Road?** One could easily argue that even these existing hotels are out of character with their surroundings.

RESPONSE: A simple drive along Atlantic Road clearly shows that this neighborhood is a mix of residential and commercial properties. The proposed development is not a commercial use, however. It will be a residential use that is consistent with the majority of the properties in the neighborhood.

- Even the distant hotels on Atlantic Road are within the 30' maximum out of respect for uphill neighbors and the Zoning Ordinance. **Why should this project be excepted?**

RESPONSE: Mr. Melanson has no information regarding the average height of any of the buildings along Atlantic Road, residential or commercial, except for those on his own property. Nor does he have any way of confirming the average heights of any of those buildings. Since Ms. McManus has made this claim, perhaps she has information that she could provide to the Committee and Mr. Melanson in this regard.

Mr. Melanson has explained in detail in his application why his project qualifies for a special permit for height. In summary, the requested increase in allowable height is consistent with neighborhood character as is evidenced by the other buildings along Atlantic Road. It will

enable the structures to be compatible with and blend in with structures in the surrounding neighborhood. The proposed buildings will be lower than the two main buildings that previously inhabited the property, while still blending with the historic architecture on the property and in the neighborhood. The Project has been designed to minimize any new obstruction of views and in some instances, views have been improved. The Project remains true to the historic architecture of the Site and will vastly improve the visual appeal of the currently abandoned Site.

- Does the number of rooms in the abandoned hotel has any **legal** bearing in this case?
The answer is **NO after 2 years no such grandfathering exists.**

RESPONSE: The number of abandoned hotel rooms does not affect the allowed density on the site, but it supports Mr. Melanson’s position that the proposed use is less intensive and will, therefore, have less of an effect on the neighborhood.

- **When will the derelict hotel rooms be removed?** Certainly before marketing of the new and renovated homes.

RESPONSE: There is no definitive timeline for the removal of the remaining buildings.

- You discuss “view corridors” when the **obvious purpose is to provide views from the proposed condominiums?** (View corridors are automatically built in to the R20 building standards. Lot sizes, front, side and rear setbacks.) See GZO section 2.3.1

RESPONSE: Dimensional lot standards do not necessarily protect view corridors. In fact, one of the reasons for seeking a special permit to reduce the distance between buildings is to preserve and create a view corridor for two of the properties on Eagle Road. Mr. Melanson has been told by the owners that that view is important to them. Therefore, he worked hard to preserve it. If the request is not granted, these views will be obstructed because the buildings will have to be moved farther apart. The removal of the existing two story building along the boundary of Lot 5 and the Eagle Road and High Popples Road properties will also improve views.

- Why do you state that all dimensional requirements have been met while you seek two “**self-created**” variances?

RESPONSE: No variances are being requested. Mr. Melanson is only seeking special permits that are expressly allowed under the GZO.

- **Please prove “Hardship”?** For excessive height and for narrowing the vistas between structures. (The added height requires added distance between structures.) **The ZBA standard for variances is “Hardship” (A legal definition) The ZBA, a lower permitting authority (as opposed to City Council) does not accept “self-created hardship”.**

RESPONSE: There is no requirement in the GZO for Mr. Melanson to prove hardship to obtain approval of the special permits. A hardship showing is only required for variances. The Zoning Board of Appeals is an independent board that has its own statutory authority separate and apart from the City Council. Each operates within its own jurisdiction and authority. Because one

must prove hardship for a variance before the Zoning Board of Appeals does not mean that hardship is a requirement when seeking a special permit from the City Council. Nor could the City Council add such a requirement, because to do so would be outside of the authority given to it under the GZO.