

CITY CLERK
GLOUCESTER, MA
11 APR 28 AM 10:03



GLOUCESTER CITY COUNCIL

9 Dale Avenue, Gloucester, MA 01930
Office (978) 281-9720 Fax (978) 282-3051

CITY COUNCIL STANDING COMMITTEE
Planning & Development Committee
Wednesday, May 4, 2011 – 6:00 p.m.
1st Fl. Council Conference Room – City Hall

AGENDA

1. Continued Business:

A) SCP2010-012: Kondelin Road #16, GZO Sec. 5.13 PWSF & SCP2010-013: Rogers Street #127
GZO Sec. 5.13 PWSF – Updates from Fire Chief & David Spaulding USAi.net (Cont'd from
04/20/11)

2. SCP2011-001: Decatur Street #14, GZO §5.2 Earth Fill and Removal Regulations

**3. SCP2011-002: Eastern Avenue #53, GZO §2.3.1.6 conversion to or new multi-family dwelling
Units; three dwelling units, §1.10.1 and 3.1.6 building height over 35', §3.2.2(a) decrease in
The minimum lot area and open space per dwelling unit**

4. Communication from Downtown Development Commission re: I4-C2 Criteria

COMMITTEE

Councilor Joseph Ciolino, Chair
Councilor Robert Whynott, Vice Chair
Councilor Greg Verga

Committee members – Please bring relevant documentation

Back-up and Supporting Documentation all on file at the City Clerk's Office, City Hall

CC: Mayor Kirk
Jim Duggan
Fire Chief Phil Dench
Bill Sanborn, Building Inspector
Gregg Cademartori



CITY CLERK
GLOUCESTER, MA
11 APR 22 AM 9:55

April 14, 2011

To: Mayor Kirk and City Councilor President and City Council Members,

The Downtown Development Commission would like to express our appreciation for the public participation of the I4-C2 schematic design submissions. We valued each of the presentation's insight, creativity and passion, which became a vital part of the schematic design process.

Many ideas that have been presented have decisive factors that are critical for what is the most important step in the process for the Request for Proposals.

The DDC recommends to the Mayor and City Council the importance of establishing the following important criterion.

- The primary objective would be to attract a scheme, which has the financial viability to bring that proposal to fruition. Proposals that enhance the current maritime industry or establish the foundation of new industries are encouraged. Also plans that attract groups or industries with the capabilities of expanding to other areas in the city should be highly regarded.
- The Commission urges the City to establish criteria outlining the goals for the long-term development of Gloucester's Downtown, incorporating the links to the Harbor, Rogers Street, Main Street and the Downtown City Campus.
- We encourage this process to include considerations outlined in the Gillham and Gander Associates Report - 1995, The Community Development Plan - 2001, The Harbor Plan - 2009, and the recent consulting findings of Mt Auburn's Harbor Economic Development plan - 2010.
- Public access and the integration of the "Harbor Walk" are essential.

We hope the Mayor and the City Council would consider these factors for the next part of the I4-C2 process.

Respectfully,

John Orlando,
Chair - Downtown Development Commission



GLOUCESTER CITY COUNCIL

9 Dale Avenue, Gloucester, MA 01930
Office (978) 281-9720 Fax (978) 282-3051

March 7, 2011

Mr. David Spaulding, President
USAi.net
143 Essex Street, 6th Floor
Haverhill, MA 01832

RE: SCP2010-012: Kondelin Road #16, GZO Sec. 5.13 PWSF & SCP2010-013: Rogers Street #127
GZO Sec. 5.13 PWSF – Updates from Fire Chief & David Spaulding USAi.net

Dear Mr. Spaulding:

As you may recall when you came before the Gloucester City Council on November 11, 2010 to receive your Special Council Permits under §5.13 PWSF for both Kondelin Road and Rogers Street that the Council asked for the Planning & Development Committee to bring you back in six months time to hear an update on the progress of the service and installation of high speed internet microwave equipment for the West Gloucester, Magnolia, Bay View and School Street Fire Station locations. This condition was in lieu of the in-kind services donation of \$10,000 in order for USAi.net to meet the requirements of §5.13.12.1 (Condition #2 of each permit).

That six months has passed and the Planning & Development Committee now asks that you appear before them with an update to that progress as noted above on Wednesday, May 4, 2011 at 6 p.m. in the first floor Council Conference Room at City Hall, 9 Dale Avenue. If you are unable to attend, the Committee asks that you have a representative from your organization who is well versed on these two permits to be present to give the Committee the requested update and to answer the questions that may be posed at that time.

Please contact our Clerk of Committees, Dana Jorgensson either via email at: djorgensson@gloucester-ma.gov or by phone 978-281-9720 and let her know as soon as possible who will be in attendance. If you have any further questions, please feel free to contact me via email at: weather.vane@verizon.net or 978-281-1227 during business hours.

Sincerely,


Councilor Joseph Ciolino
Chair, Planning & Development Committee

CC: Councilors Greg Verga & Robert Whycott
Fire Chief Phil Dench



CITY OF GLOUCESTER
GLOUCESTER, MASSACHUSETTS - 01930

307 2011-001

CITY CLERK
GLOUCESTER, MA
11 APR 20 PM 1:20

City of Gloucester
Special Council Permit - Application

6/24/11

(Public hearing to be held no later than above date)

In conformance with the requirements of the Zoning Ordinance of the City of Gloucester, the undersigned hereby applies for a Special Council Permit (CC or CCS) in accordance with Section 1.8.3 of the Ordinance and other Sections as listed below:

Type of Permit (Give specific section of Zoning Ordinance) 5.2 EARTH FILL AND REMOVAL REGULATIONS

Applicant's Name: SALVATORE BALDASSANO

Owner's Name _____
(if different from applicant)

Location 14 DECATUR ST Map # 56 Lot # 11
(Street Address)

Zoning Classification: R-10

- Attached is a list of owners (with complete addresses) of land directly opposite on any public or private street or way, direct abutters, and abutters to the abutters of land within three hundred (300) feet of the property line, as they appear on the most recent City of Gloucester Assessor's Maps and Tax list.
- Attached is a listing of criteria set forth in Section 1.8.3 of the Zoning Ordinance, including any supportive material or comments the applicant may wish to include (i.e. ZBA decisions, Order of Conditions, ect.) if necessary.
- Attached are the necessary plans as set forth in Section of 1.5.3 of the Zoning Ordinance, which at a minimum consist of an accurate plot plan (to scale) showing existing and/or proposed building or structures.

City of Gloucester - Action

Fee: 350.00 CH# 593

City Clerk (received): 4/20/11 Pms

City Council (received): 4/26/11

Public Hearing (ordered) _____

Public Hearing (opened) _____

Public Hearing (closed) _____

Final Decision _____

Disposition _____

(Approved, Denied, Approved w/conditions)

Applicant: [Signature]

Name (Signature)

14 DECATUR ST

Address

978-281-1415

Telephone

Certified for completeness:

Building Inspector: [Signature] Date: 4/20/11

Planning Director: SML Date: 4/30/11

Section 1.8.3

1. Social, economic, or community needs served by the proposal:
The project will allow better utilization of an existing oversized (20,400 sq. ft) lot, which will improve the property value. Without filling, the rear half of the lot was mostly unusable.
2. Traffic flow and safety:
The improved driveway will allow parking of all resident cars at this property to be parked of this narrow street.
3. Adequacy of utilities and other public services:
No additional utilities or public services will be utilized for this project.
4. Neighborhood character and social structure:
The neighborhood consists mostly of single family houses on smaller lots, with some condominiums. The social structure of the neighborhood is working families. The project will not alter the neighborhood character or social structure.
5. Qualities of the natural environment:
The natural environment consists of steeply sloped lots, with many ledge outcrops and limited treed areas. The project is consistent with the existing natural environment.
6. Potential fiscal impact:
The project will enhance property values.

Application For Special Permit

The undersigned applicant hereby applies for a special permit under M.G.G., Ch. 40A, § 9 as follows.

1. Applicant (includes equitable owner or purchaser on a purchase and sales agreement):

Name: SALVATORE BALDASSANO

Address: 14 DECATUR ST. GLOUCESTER, MA

Tel. #: Days 978-423-7978 Evenings 978-281-1415

Check here if you are the purchaser on a purchase and sales agreement.

2. Owner, if other than applicant:

Name: _____

Address: _____

Tel. #: Days _____ Evenings _____

3. Property:

Street address: 14 DECATUR ST.

Assessor's map: 56 Lot: 11

Registry of deeds where deed, plan, or both records:

ESSEX

Deed recording: Book _____ Page _____ CERTIFICATE # 83183

Plan recording: Plan # _____

Property is location in the R-10 zoning district.

4. Nature of relief requested:

Special permit pursuant to Article/Section 5.2 of the Zoning Ordinance / By-Law which authorizes Gloucester City Council to permit

filling and placement of earth fill in quantity greater than 200 cubic yards.

Detailed explanation of request:

Request is for After-the Fact permission to construct a boulder retaining wall and fill to create a useable yard. Additional work to be completed will include a crushed stone driveway extension, stone infiltration trenches with stormwater chambers, loaming, seeding, landscaping with trees, and fencing around the boulder retaining wall. The boulder retaining wall was not completed when construction was halted last Winter, due to the lack of permits. The retaining wall will be reinforced with existing boulders on the site, the slope of the wall will be flattened and the height of the wall will be reduced by removal of boulder lining the top of the wall.

5. Evidence to support grant of special permit:

Because of the reasons set forth below, the special permit requested will be in harmony with the intent and purpose of the Zoning Ordinance / By-Law:

Upon completion of the stormwater infiltration trenches and storage chambers, runoff from the fill area will be contained and stored on site. The boulder retaining wall is a continuation of an existing wall that has been in place for more than 30 years and is consistent with other retaining walls and fill areas in the neighborhood.

Because of reasons set forth below, the special permit requested will meet the additional requirements of the Zoning Ordinance/By-Law as follows:

1. The boulder retaining wall will be reconfigured to reduce the wall slope.
2. The infiltration system will contain 100% of the runoff from all storms including the 100-year storm from all of the fill area.
3. The fill area will be surrounded by a rail fence and Arborvitae plantings.
4. The entire fill are will be sloped towards the infiltration system to insure capture of the runoff.
5. All exposed soil areas will be loamed and seeded.

If someone other than owner or equitable owner (purchaser on a purchase and sales agreement) is the Applicant or will represent the Applicant, owner or equitable owner must designate such representative below.

Name of Representative: FREDERICK J. GEISEL, P.E.

Address of Representative: 15 STEEP HILL DR.

Tel. #: Days 978-290-1781 Evenings 978-281-8160

Relationship of representative to owner or equitable owner:

AGENT - ENGINEER

I hereby authorize FREDERICK J. GEISEL, P.E. to represent my interests before the Special Permit Granting Authority with respect to this Special Permit Application.

(Signed by owner/equitable owner) *Sheraton Baldessera*

City of Gloucester, Abutters List

Report Description:
Abutters To Parcel... Map 56 Lot 11

Please be aware that the abutters list reflects mailing addresses for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements.
 Gloucester Board of Assessors

Abutter	Street Address	Parcel No.	Mailing Address
12 56 11 BALDASSANO SALVATORE & TARANTINO JAC 14	DECATUR ST	56 11	14 DECATUR ST GLOUCESTER MA 01930
13 56 12 BALESTRACI L BALESTRACI RES L/	16 DECATUR ST	56 12	C/O BALESTRACI JAMES 145 HINCKLEY RD MILTON MA 02186
14 56 13 WONSON RUSSELL F & MARY M	18R DECATUR ST	56 13	C/O SYPHERS PAUL N PO BOX 3129 GLOUCESTER MA 01931-3129
15 56 14 WONSON RUSSELL F & MARY M	18 DECATUR ST	56 14	C/O SYPHERS PAUL N PO BOX 3129 GLOUCESTER MA 01931-3129
16 56 15 ROWLEY ALLEN E & MARY F	20 DECATUR ST	56 15	20 DECATUR ST GLOUCESTER MA 01930 0000
17 56 20 1 STEVENS CAROL A	3 BRIGHTSIDE AV	56 20 1	3 BRIGHTSIDE AV UNIT 1 GLOUCESTER MA 01930
18 56 20 2 BACH JOHN C & GRAINNE	3 BRIGHTSIDE AV	56 20 2	3 BRIGHTSIDE AV UNIT 2 GLOUCESTER MA 01930
19 56 22 REARDON KATHLEEN M	9 DECATUR ST	56 22	9 DECATUR ST GLOUCESTER MA 01930

APR 05 2011

[Signature]
 BOARD OF ASSESSORS
 CITY HALL
 9 DALE AVENUE
 GLOUCESTER, MA 01930

City of Gloucester, Abutters List

Please be aware that the abutters list reflects mailing addresses for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements.
Gloucester Board of Assessors

Report Description:
Abutters To Parcel... Map 56 Lot 11

Abutter	Street Address	Parcel No.	Mailing Address
1 55 52 MEUSE STANLEY T TBYE & ELIZABE	12 BLAKE CT	55 52	C/O WOODMAN EDWARD 11 SAWYER AV GLOUCESTER MA 01930-1119
2 55 53 LEVEILLE CLARENCE W JR & YVONN	15 BLAKE CT	55 53	15 BLAKE CT GLOUCESTER MA 01930
3 55 53 1 LEVEILLE CLARENCE W JR & YVONN	13 BLAKE CT Unit 1	55 53 1	New owner → Runnels, Eric + Suzanna 15 Blake Ct. Unit 1 Gloucester, MA 01930
4 55 53 2 LEVEILLE CLARENCE W JR & YVONN	13 BLAKE CT Unit 2	55 53 2	15 BLAKE CT GLOUCESTER MA 01930
5 55 54 MISURACA JOSEPH & MISURACA PAU	11 BLAKE CT	55 54	11 BLAKE CT GLOUCESTER MA 01930
6 55 55 SULTON JOHN JR	9 BLAKE CT	55 55	7 BLAKE CT GLOUCESTER MA 01930
7 55 56 HOUDE MARK R & JOSEPHINE	9R BLAKE CT	55 56	9R BLAKE CT GLOUCESTER MA 01930
8 55 57 HOUDE MARK R & JOSEPHINE	10A DECATUR ST	55 57	REAR 9 BLAKE COURT GLOUCESTER MA 01930 0000
9 55 58 UNIS JOSEPH TR	10R DECATUR ST	55 58	N & J REALTY TRUST 10R DECATUR ST GLOUCESTER MA 01930
10 55 59 UNIS JOSEPH J & GERRING NANCY J	10 DECATUR ST	55 59	10 DECATUR STREET GLOUCESTER MA 01930 0000
11 55 60 WONSON MARY LOUISE	12 DECATUR ST	55 60	12 DECATUR ST GLOUCESTER MA 01930



CITY OF GLOUCESTER

GLOUCESTER, MASSACHUSETTS - 01930

REQUEST FOR ABUTTER'S LIST

TO: BOARD OF ASSESSORS

FROM: *B. Smith*
Signature / Department

SUBJECT PARCEL: Map 56 Lot 11 Unit _____ Area _____

OWNER / ADDRESS: _____
(To be filled out by Assessor)

4% BETTERMENT EXTENSION Yes _____ No _____ Date _____
(To be filled out by Assessor)

LIST OF ABUTTERS:

MAP <u>56</u>	LOT <u>22</u>	UNIT _____	MAP _____	LOT _____	UNIT _____
MAP _____	LOT <u>12</u>	UNIT _____	MAP _____	LOT _____	UNIT _____
MAP _____	LOT <u>13</u>	UNIT _____	MAP _____	LOT _____	UNIT _____
MAP _____	LOT <u>14</u>	UNIT _____	MAP _____	LOT _____	UNIT _____
MAP _____	LOT <u>15</u>	UNIT _____	MAP _____	LOT _____	UNIT _____
MAP _____	LOT <u>20</u>	UNITS <u>1+2</u>	MAP _____	LOT _____	UNIT _____
MAP <u>55</u>	LOT <u>52</u>	UNIT _____	MAP _____	LOT _____	UNIT _____
MAP _____	LOT <u>53</u>	UNIT <u>1+2</u>	MAP _____	LOT _____	UNIT _____
MAP _____	LOT <u>54</u>	UNIT _____	MAP _____	LOT _____	UNIT _____
MAP _____	LOT <u>55</u>	UNIT _____	MAP _____	LOT _____	UNIT _____
MAP _____	LOT <u>56</u>	UNIT _____	MAP _____	LOT _____	UNIT _____
MAP _____	LOT <u>57</u>	UNIT _____	MAP _____	LOT _____	UNIT _____
MAP _____	LOT <u>58</u>	UNIT _____	MAP _____	LOT _____	UNIT _____
MAP _____	LOT <u>60</u>	UNIT _____	MAP _____	LOT _____	UNIT _____
MAP _____	LOT <u>59</u>	UNIT _____	MAP _____	LOT _____	UNIT _____
MAP _____	LOT _____	UNIT _____	MAP _____	LOT _____	UNIT _____

Joseph P. Cardillo & Son, Inc.

1 Melvin Street, Suite D
Wakefield, MA 01880

Invoice

Date	Invoice #
2/8/2011	19663

Bill To
Sal Baldassano 14 Decatur Street Gloucester, MA 01930

Phone #	Fax #
781-245-8095	781-245-3478

Item	Description	Amount
	Fill Delivered from Essex Ave, Gloucester, MA to 14 Decatur Street, Gloucester	
Material	Tuesday, November 2, 2010 - Delivered 2 trucks - 20 yards of fill	200.00
Material	Thursday, November 4, 2010 - Delivered 2 Trucks - 20 yards of fill	200.00
Material	Thursday, November 11, 2010 - Delivered 2 Trucks - 20 yards of fill	200.00
Material	Thursday, November 18, 2010 - Delivered 2 Trucks - 20 yards of fill	200.00
Material	Monday, November 22, 2010 - Delivered 3 Trucks - 30 yards of fill	300.00
Material	Tuesday, November 23, 2010 - Delivered 4 Trucks - 40 yards of fill	400.00
Material	Wednesday, November 24, 2010 - Delivered 4 Trucks - 40 yards of fill	400.00
Total		\$1,900.00

GATEWAY CONSULTANTS, Inc.

CIVIL ENGINEERING & PROJECT MANAGEMENT

33 FOREST HILL AVENUE
LYNNFIELD, MA 01940
OFFICE: (781) 334-4434
FAX: (781) 334-0007

February 10, 2011

Mr. William Sanborn, Building Inspector
3 Pond Road
Gloucester, MA 01930

Re: 14 Decatur Street

Dear Mr. Sanborn:

Please find the attached Site Topographical Plan, dated February 8, 2011. This plan is submitted as requested within your letter to the owner, dated January 20, 2011. We have addressed the requested items within your letter as follows:

1. An engineered certification is provided on the plan.
2. The plan shows topography as taken from the 1957 city topographical maps. We have also shown topography and spot grades as taken from a recent site survey.
3. Fill depths and calculations are included on the plan. Please note that the dates of the fill placement are unknown. According to the current homeowner, at least some of the fill was brought to the property prior to his purchase of the property. The fill added to the property since 1957 is estimated at 1,031 cu. yards.
4. We did not observe new impervious surfaces on the property. Drainage calculations typically consider the size, surface gradient and cover condition (impervious/pervious) of a property. Given that the surface slope of the lot has decreased in gradient due to the fill placement and no additional impervious areas have been added, rainfall runoff rates are not expected to increase to offsite areas.
5. A soil test pit log has been added to the plan. We did not observe any hazardous material within the test pit.
6. The owner has indicated that he will supply receipts of the fill material received from the site contractor to you separately.
7. We have inspected the boulder wall which appeared to be structurally sound.
8. The extent of the boulder wall and associated fill material are situated within the limits of the property and did not appear to adversely affect neighboring properties. We witnessed no evidence of erosion, sediments or indications of increased rainfall runoff rates to adjacent properties as a result of the wall and fill.

Should you have any questions, do not hesitate to call.

Sincerely,

GATEWAY CONSULTANTS, Inc.



John P. Judd, P.E.



FREDERICK J. GEISEL, PE

CIVIL ENGINEER

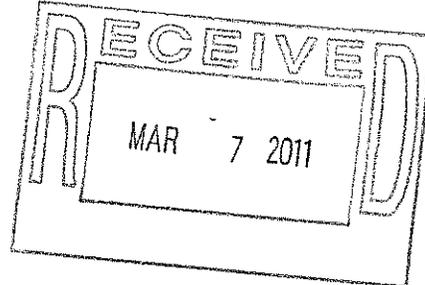
15 Steep Hill Drive

Gloucester, MA 01930-4072

Phone: (978) 281-8160

Fax: (978) 281-3920

William Sanborn
Inspector of Buildings
City of Gloucester
3 Pond Road
Gloucester, MA 01930
March 4, 2011



Re: Salvatore & Jaclyn Baldassano 14 Decatur Street Map 56 Lot 11
Fill & Building Permit

Dear Mr. Sanborn,

We have been retained by Salvatore & Jaclyn Baldassano to assist them in complying with the City of Gloucester Zoning Ordinance relating to the placement of fill and the building of a boulder retaining wall on the referenced property.

We have reviewed the letter from your office dated February 15, 2011 and the plans prepared by Gateway Consultants, Inc. and we have visited the site. At the time of our visit, the site was covered in approximately 15 inches of snow. While the snow cover has diminished, snow cover and frozen ground still hinder a detailed evaluation of the existing site conditions.

Due to the existing conditions and the probability of further Winter weather, we are requesting a three week extension of the time limit to comply with your order to file for a special permit with the Gloucester City Council. The request is to extend the time to file until April 7, 2011. The additional time will afford the opportunity to evaluate the existing site conditions, prepare detailed alterations of the property, and observe the site during a rainstorm, without snow cover, to determine any appropriate mitigation of stormwater runoff.

If you need any additional information, please call us.

Sincerely,

Frederick J. Geisel, PE

CC: Sal Baldassano



CITY OF GLOUCESTER

INSPECTIONAL SERVICES

3 POND ROAD • GLOUCESTER MA 01930

PHONE 978-281-9774 FAX 978-282-3036

February 15, 2011

Salvatore & Jaclyn Baldassano
14 Decatur Street
Gloucester, MA 01930

Re: Fill 14 Decatur Street
Map 56 Lot 11

Mr. & Mrs. Baldassano:

I received the information that I requested in my letter dated January 20, 2011 on February 10, 2011 from Gateway Consultants, Inc. After reviewing the documents submitted, it is my belief that your project is in violation of section 5.2 of the city's Zoning Ordinance regulating the moving of fill onto a property and that the boulder wall does require a building permit under section 5110 of 780 CMR, the state building code.

Therefore, it is the requirement of this office that you either apply to the City Council for special permit to allow the fill or remove the fill in violation. As to the boulder wall, upon successfully obtaining the special permit for the fill you must apply to this office for a building permit for the wall. This office requires that an application for special permit be submitted to the City's Clerks office within 30 days of receipt of this letter.

If you feel you have been aggrieved by this action, you may appeal to the Zoning Board of Appeals.

Sincerely,

William A. Sanborn
Inspector of Buildings

WS/mmg

cc: Legal
John Judd
Councilor McGeary



CITY OF GLOUCESTER

INSPECTIONAL SERVICES

3 POND ROAD • GLOUCESTER MA 01930

PHONE 978-281-9774 FAX 978-282-3036

January 20, 2011

via **Standard & Certified Mail**

Salvatore & Jaclyn Baldassano
14 Decatur Street
Gloucester, MA 01930

RE: Fill 14 Decatur Street
Map 56 – Lot 11

VIOLATION NOTICE

Mr. & Mrs. Baldassano:

This office recently became aware of the fact that you caused a large amount of fill to be placed on your property located at 14 Decatur Street (Map 56 – Lot 11) and also caused a stone retaining wall to be constructed that exceeds 4 feet in height. A review of our files did not reveal any permits for said work.

Section 5.2 of the City Zoning Ordinance regulates the moving of fill onto property. Section 1.3.2 requires building permits for any structure over 6 Foot in height.

Section 5110 of 780 CMR, state building code, requires a building permit for retaining walls that exceeds 4 Feet in height.

Therefore, I am requesting that you submit to this office no later than 20 days after receipt of this letter the following information concerning the suspected violations

- 1) A professional engineer certifies all documents and information requested.
- 2) A certified site plan, site topographical prior to fill being brought and topographical lines showing new fill.
- 3) Amount of fill brought onto site.
- 4) A drainage plan, show how drainage was changed with fill.
- 5) Soil test showing that the fill is clean fill.
- 6) Location of where fill came from.
- 7) Engineer certification as to the structural integrity of retaining wall.
- 8) Effect of fill to neighboring properties, weight loads, drainage etc.

If you feel you have been aggrieved you have the right to appeal this decision to The Board of Appeals.

Sincerely,

A handwritten signature in black ink that reads "William A. Sanborn". The signature is written in a cursive style with a prominent initial "W".

William A. Sanborn
Inspector of Buildings

WS/mmg

LAW OFFICES OF PORTER AND COAKLEY, LLC
64 MIDDLE STREET
P.O. BOX 1460
GLOUCESTER, MA 01930
(978) 281-0182
FAX: (978) 281-4908

Richard L. Porter
(1982-2004)
Robert J. Coakley
bob@porterandcoakley.com

Melissa F. Powers, Paralegal
melissa@porterandcoakley.com
Lisa A. Ciaramitaro, Legal Assistant
lisa@porterandcoakley.com

CITY CLERK
GLOUCESTER, MA
11 APR 20 PM 3:06

April 20, 2011

Linda T. Lowe, City Clerk
City Hall
9 Dale Avenue
Gloucester, MA 01930

RE: Application for a Special Permit under Section 1.5.3, Section 1.8.3, Section 2.3.1.6, Conversion to or new multi-family dwelling, three dwelling units; Section 1.10.1 and 3.1.6 for a building height over 35' and Section 1.10.1 and 3.2.2 (a) for a decrease in the minimum lot area and open space per dwelling unit, 53 Eastern Avenue, Gloucester, Assessors' Map 49, Lot 1.

APPLICANT: Ashley A. and Jackie L. Sanborn

Dear Ms. Lowe:

Enclosed please find the following for the above-requested City Council Special Permit:

1. Application with sign-offs from the Planning Director and the Special Building Inspector;
2. Copy of Decision of Zoning Board of Appeals;
3. Relevant Assessors' Maps showing locus with abutting lots;
4. Abutters' list certified by Assessors;
5. Five (5) Copies of Plans;
6. Eleven (11) 11x17 sets of Plans and supporting documentation;

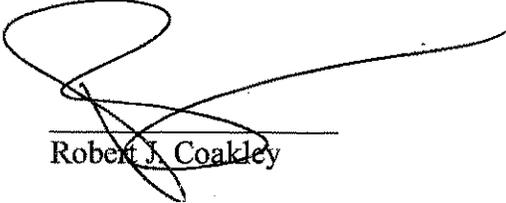
Linda T. Lowe, City Clerk
Page Two
April 20, 2011

7. Filing fee of \$350.

Please schedule this matter at your earliest convenience and contact this office if additional information is required.

Thank you in advance for your cooperation in this matter.

Very truly yours,



Robert J. Coakley

RJC/dey
Enclosures: As noted

SEP 2011-002

**City of Gloucester
Special Council Permit – Application**

CITY CLERK
GLOUCESTER, MA
11 APR 20 PM 3:06

6/24/11

(Public hearing to be held no later than above date)

In conformance with the requirements of the Zoning Ordinance of the City of Gloucester, the undersigned hereby applies for a Special Council Permit (CC or CCS) in accordance with Section 1.8.3 of the Ordinance and other Sections as listed below:

Type of Permit (Give specific section of Zoning Ordinance) Sections 1.5.3; 1.8.3 and 2.3.1.6 -- City Council Special Permit for conversion to or new multi-family dwelling; three dwelling units; Section 1.10.1 and 3.1.6 --building height over 35'; Section 1.10.1 and 3.2.2.(a) -- decrease in the minimum lot area and open space per dwelling unit [SEE

ATTACHED SUMMARY SHEET]

Applicant's Name Ashley A. Sanborn and Jackie L. Sanborn

Owner's Name _____
(if different from applicant)

Location 53 Eastern Avenue **Map #** 49 **Lot #** 1
(Street Address)

Zoning Classification: R-10

- Attached is a list of owners (with complete addresses) of land directly opposite on any public or private street or way, direct abutters, and abutters to the abutters of land within three hundred (300) feet of the property line, as they appear on the most recent City of Gloucester Assessor's Maps and Tax list.
- Attached is a listing of criteria set forth in Section 1.8.3 of the Zoning Ordinance, including any supportive material or comments the applicant may wish to include (i.e., ZBA decisions, Order of Conditions, etc.) if necessary.
- Attached are the necessary plans as set forth in Section of 1.5.3 of the Zoning Ordinance, which at a minimum consist of an accurate plot plan (to scale) showing existing and/or proposed building or structures.

City of Gloucester – Action	
Fee:	<u>\$350.00 ch # 8321</u>
City Clerk (received):	<u>4/20/11 J. [unclear]</u>
City Council (received):	<u>4/26/11</u>
Public Hearing (ordered):	_____
Public Hearing (opened):	_____
Public Hearing (closed):	_____
Final Decision:	_____
Disposition:	_____
(Approved, Denied, Approved w/conditions)	

Applicant:
Name (Signature) [Signature]
Name (Signature) Robert J. Coakley, Esq. for Ashley A. Sanborn and Jackie L. Sanborn
c/o 64 Middle Street, Gloucester
Address

Telephone: 978-281-0182

Certified for completeness:
Building Inspector: [Signature] Date: 4.15.11
Planning Director: [Signature] Date: 4/19/11

City Council Permit – Application

Section 1.8.3 – (Use additional sheets, if necessary)

A. Social, Economic, or Community needs served by the proposal:

Applicant proposes to upgrade the existing building and reintroduce a third apartment to an existing multi-family. A permit was issued in 1947 to allow for a third apartment. No exterior changes are proposed for the building beyond the installation of decks to the rear to provide a second means of egress in accordance with the State Building Code.

The Zoning Board of Appeals has granted the necessary zoning relief for this proposal.

B. Traffic flow and safety: Applicant proposes to formalize the existing parking on the site and can accommodate more than the required parking spaces on site. The Applicants worked with the surrounding neighbors to develop a parking plan that has minimal impact on the neighborhood and also are requesting permission to install a No Parking sign in front of 53 Eastern Avenue from the Traffic Commission.

The parking configuration and dimensions have also been approved by the Zoning Board of Appeals.

C. Adequacy of utilities and other public services: There are adequate utilities to the site to serve the proposal. The reintroduction of a third dwelling unit will not place additional strain on public services and is consistent with the historical use of the property.

D. Neighborhood character and social structure: The proposed three-family is consistent with the uses in the surrounding neighborhood. The proposal will not obstruct views and will not be a detriment to the neighborhood. Rather, the proposal will improve the existing building and will be an asset to the neighborhood.

NOTE: The Applicant has already added decks and stairs to the rear of the building in order to provide a second means of egress to the building in order to comply with the State Building Code. This work was done in accordance with a building permit issued to the Applicants prior to their application to the ZBA.

E. Qualities of the natural environment: There will be no impact on the natural environment by virtue of this conversion.

F. Potential fiscal impact: The proposal will add one additional unit to an existing multi-family dwelling. The addition of this unit will not adversely impact schools or public safety and will provide additional tax revenue to the City. The layout of the proposed apartment units and the lack of yard space would indicate the proposed units would be appropriate for a young professional couple or a single or an older couple looking to downsize. It is not expected that families with children would be occupying the proposed units.

The applicant is advised that City staff is available to assist the applicant in preparing the application, including the Inspector of Buildings and City Planner.

APPLICATION FOR SPECIAL PERMIT

The undersigned applicant hereby applies for a special permit under M.G.L., Ch. 40A, § 9 as follows:

1. Applicant (includes equitable owner or purchaser on a purchase and sales agreement):

Name: Ashley A. Sanborn and Jackie L. Sanborn

Address: c/o Robert J. Coakley, Esq., Law Offices of Porter and Coakley, LLC, 64 Middle Street,
Gloucester

Tel. #: Days 978-281-0182 Evenings _____

____ Check here if you are the purchaser on a purchase and sales agreement.

2. Owner, if other than applicant:

Name: _____

Address: _____

Tel. #: Days _____ Evenings _____

3. Property:

Address: 53 Eastern Avenue, Gloucester, MA

Assessor's map: 49 Lot: 1

Registry of deeds where deed, plan, or both recorded:

Essex South District Registry of Deeds

Deed recording: Book 30095 Page 452

Plan recording: Plan # _____

Property is located in the R-10 zoning district

4. Nature of relief requested: Special permit pursuant to Article/Section 1.5.3; 1.8.3; 2.3.1.6; 1.10.1; 3.1.6; and 3.2.2(a) of the Zoning Ordinance/By-law which authorizes the City Council to allow the conversion to or new multi-family dwelling, three units; a height over 35' and, due to a change in use, a decrease in the lot area and open space per dwelling unit.

Detailed explanation of request: Applicant proposes to re-introduce an additional dwelling unit to a building at 53 Eastern Avenue. Approval for the existing height of 39.6' and less lot area per dwelling unit and open space per dwelling unit than is required under the Zoning Ordinance are sought from the City Council. The Zoning Board of Appeals granted zoning relief to allow the Applicant to apply to the City Council on March 31, 2011. The Applicant believes the proposal is consistent with the surrounding neighborhood and will pose no detriment to the neighborhood and the community.

5.Evidence to support grant of special permit: Because of reasons set forth below, the special permit requested will be in harmony with the intent and purpose of the Zoning Ordinance/By-law:

The Applicant believes the upgrade to the existing building serves the social and community needs of the area; the existing parking will be formalized and upgraded to contribute to traffic and safety flow in the area; there will be no additional demands on utilities or other public services; the proposal is consistent with the surrounding neighborhood; there is no impact on the natural environment; and the proposal will add a modest third unit to an existing two-family.

City Council Permit – Application

Section 1.8.3 – (Use additional sheets, if necessary)

- A. **Social, Economic, or Community needs served by the proposal:**
Applicant proposes to upgrade the existing building and reintroduce a third apartment to an existing multi-family. A permit was issued in 1947 to allow for a third apartment. No exterior changes are proposed for the building beyond the installation of decks to the rear to provide a second means of egress in accordance with the State Building Code.

The Zoning Board of Appeals has granted the necessary zoning relief for this proposal.

- B. **Traffic flow and safety:** Applicant proposes to formalize the existing parking on the site and can accommodate more than the required parking spaces on site. The Applicants worked with the surrounding neighbors to develop a parking plan that has minimal impact on the neighborhood and also are requesting permission to install a No Parking sign in front of 53 Eastern Avenue from the Traffic Commission.

The parking configuration and dimensions have also been approved by the Zoning Board of Appeals.

- C. **Adequacy of utilities and other public services:** There are adequate utilities to the site to serve the proposal. The reintroduction of a third dwelling unit will not place additional strain on public services and is consistent with the historical use of the property.

- D. **Neighborhood character and social structure:** The proposed three-family is consistent with the uses in the surrounding neighborhood. The proposal will not obstruct views and will not be a detriment to the neighborhood. Rather, the proposal will improve the existing building and will be an asset to the neighborhood.

NOTE: The Applicant has already added decks and stairs to the rear of the building in order to provide a second means of egress to the building in order to comply with the State Building Code. This work was done in accordance with a building permit issued to the Applicants prior to their application to the ZBA.

- E. **Qualities of the natural environment:** There will be no impact on the natural environment by virtue of this conversion.
- F. **Potential fiscal impact:** The proposal will add one additional unit to an existing multi-family dwelling. The addition of this unit will not adversely impact schools or public safety and will provide additional tax revenue to the City. The layout of the proposed apartment units and the lack of yard space would indicate the proposed units would be appropriate for a young professional couple or a single or an older couple looking to downsize. It is not expected that families with children would be occupying the proposed units.

The applicant is advised that City staff is available to assist the applicant in preparing the application, including the Inspector of Buildings and City Planner.

Because of the reasons set forth below, the special permit requested will meet the additional requirements of zoning Ordinance/By-Law as follows:

The Applicant received necessary zoning relief from the Zoning Board of Appeals in order to apply to the City Council for the Special Permit pursuant to Section 1.5.3; 1.8.3; 2.3.1.6; 1.10.1; 3.1.6; and 3.2.2(a) of the Zoning Ordinance. It is the Applicant's belief that the re-introduction of a unit to the existing building which remains at 39.6' in height will result in a building that is consistent with the surrounding neighborhood, provide internal upgrades to the building, and will pose no detriment to the neighborhood or the community. The Applicant believes the height of 39.6' (which is the historical height of the building using the calculated methodology in the Zoning Ordinance, but which, when viewed from across Eastern Avenue is 36') is consistent with other buildings in the neighborhood and will not be substantially detrimental to the neighborhood due to obstruction of views, overshadowing of other properties, impairment of utilities or other adverse impacts.

If someone other than owner or equitable owner (purchaser on a purchase and sales agreement) is the applicant or will represent the Applicant, owner or equitable owner must designate such representative below.

Name of Representative: Robert J. Coakley, Esq.

Address of Representative: 64 Middle Street, Gloucester

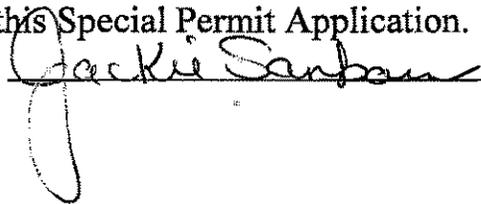
Tel. #: Days 978-281-0182 Evenings _____

Relationship of representative to owner or equitable owner:

Attorney

I hereby authorize Robert J. Coakley to represent my interests before the Special Permit Granting Authority with respect to this Special Permit Application.

(Signed by owner/equitable owner)



I hereby certify under the pains and penalties of perjury that the information contained in this application is true and complete.

Jackie Sanborn
Signature of Applicant

4-14-11
Date

Signature of Owner if other than Applicant

Date

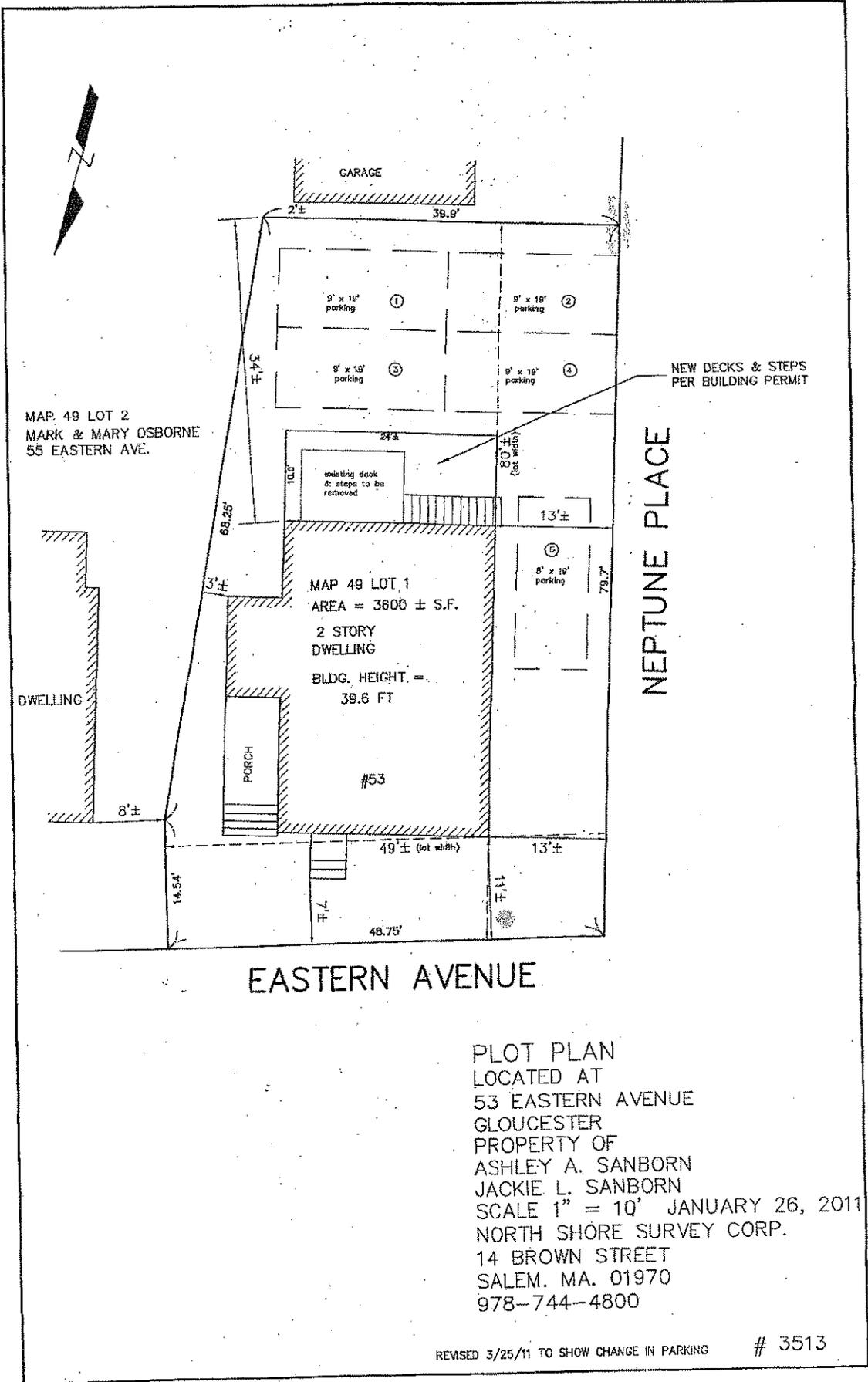
Signature of Equitable Owner who is filing Application to satisfy condition of purchase and sales agreement

Date

SUMMARY OF RELIEF REQUESTED
53 Eastern Avenue
Assessors' Map 49, Lot 1

- I.
 - a. Section 1.5.3(b): "CC" Special Permit in order to:
 - **Add a third dwelling unit to an existing two-family;**
 - b. Section 1.8.3: Standards to Be Applied in order to:
 - **Add a third dwelling unit to an existing two-family;**
 - c. Section 2.3.1.6: Conversion to or new multi-family or apartment dwelling, Three Units:
 - **Add a third dwelling unit to an existing two-family**
- II.
 - a. Section 1.10.1.(a): Miscellaneous Special Permits Granted by the City Council:
 - **Height over 35 feet: The existing structure is 39.6 (rounded up to 40') as calculated under the requirements of the Zoning Ordinance. This is the existing height of the building and will not change as a result of this Application**
 - b. Section 3.1.6 authorizing a building height over 35 feet; specifically 40 (forty) feet:
 - **Height over 35 feet: The existing structure is 39.6 as calculated under the requirements of the Zoning Ordinance. This is the existing height of the building and will not change as a result of this Application**
- III. Section 3.2.2, Fn. (a) authorizing a decrease in minimum lot area per dwelling unit and minimum open space per dwelling unit for multi-family dwellings, specifically a decrease in lot area per dwelling unit of 1200 square feet per unit, or collectively, 3500 feet and a decrease in the minimum open space per unit of 800 square feet or, collectively, 2400 square feet.
 - **Applicant requests authorization for a decrease in lot area per dwelling unit of 1200 square feet per unit or, collectively, 3600 feet. And, Applicant requests authorization for a decrease in the minimum open space per unit of 800 square feet or, collectively, 2400 feet.**

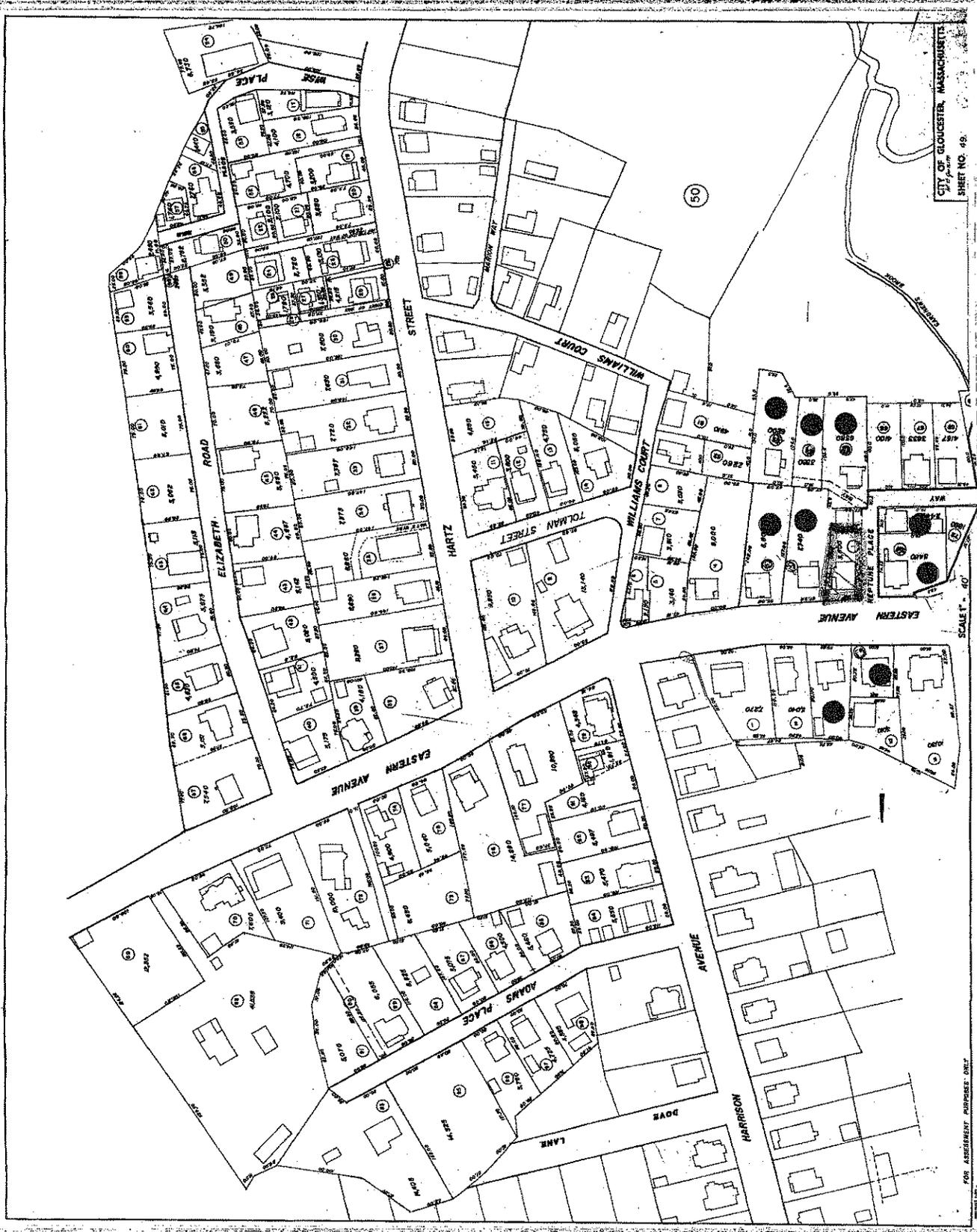
NOTE: The Zoning Board of Appeals has granted the required dimensional relief allowing this Applicant to apply to the City Council for the necessary Special Permits.



PLOT PLAN
 LOCATED AT
 53 EASTERN AVENUE
 GLOUCESTER
 PROPERTY OF
 ASHLEY A. SANBORN
 JACKIE L. SANBORN
 SCALE 1" = 10' JANUARY 26, 2011
 NORTH SHORE SURVEY CORP.
 14 BROWN STREET
 SALEM, MA. 01970
 978-744-4800

REVISED 3/25/11 TO SHOW CHANGE IN PARKING

3513



53 Eastern Avenue as situated
 in neighborhood



CITY OF GLOUCESTER
GLOUCESTER, MASSACHUSETTS

CITY CLERK
GLOUCESTER, MA
11 APR 15 AM 10:49

ZONING BOARD OF APPEALS

March 31, 2011

Petitioner: Ashley A. and Jackie L. Sanborn by Attorney Robert J. Coakley, Law Offices of Porter and Coakley, LLC.

Property Address: 53 Eastern Avenue, Assessors' Map 49, Lot 1

Zoning Classification: R-10, Medium-High Density Residential

Seeking a Special Permit to alter/expand a nonconforming structure or use, Variances for parking space design and compliance; front, side and rear yard setbacks, lot width, lot area, lot frontage, percentage of vegetative cover and frontage width to principal building to enable petitioners to apply to the City Council to reintroduce a third apartment to an existing two (2) family dwelling at 53 EASTERN AVENUE (Map 49, Lot 1)

Title Reference: Book 30095, Page 452.

The Board finds that proper notice was given by mail and advertising. The hearing was originally advertised for March 10, 2010, but was continued prior to the opening of the hearing to March 31, 2010 and was held on the time and place as advertised, 7:00 p.m., City Council Chambers, Kyrouz Auditorium, Gloucester City Hall, Gloucester, Massachusetts. The Board members present were:

VIRGINIA M. BERGMANN, VICE-CHAIR
FRANCIS S. WRIGHT, JR.
MICHAEL C. NIMON
DAVID B. GARDNER
LEONARD A. GYLLENHAAL

Appearing on behalf of the Applicant was Attorney Robert Coakley who noted that Jackie Sanborn was present in the hearing room. Her daughter, Ashley, works second shift so was unable to be present this evening.

Mr. Coakley stated that while this matter was originally scheduled for the meeting of March 10, the hearing was never opened and no testimony was taken at that time.

Ashley Sanborn is a recent college graduate who took advantage of an opportunity to purchase a property at foreclosure with the help of her parents. The property was marketed and advertised as a two-family and Ms. Sanborn felt this was a good opportunity for her to purchase a home. She works the second shift in the financial division of a company, so has somewhat odd hours. She is also a bit shy and, while encouraged to speak to her neighbors, she did not speak to them prior to the March 10 hearing. The broker who sold her the property happened to notice that two neighbors, John Bichao and Bob Burns were present in the audience on March 10, and, upon inquiry from Mr. Coakley, they indicated that they had some questions. Accordingly, Mr. Coakley requested a continuance and, in the interim Mr. Coakley met with those neighbors and their concerns have been addressed.

Mr. Coakley then went on to describe the property and what is proposed. The house was listed for sale as a two-family, but when the Applicants had the opportunity to walk through the whole building, they noticed that everything was in place for the house to be a three-family. Upon investigation it was discovered that a Building Permit was issued to add a third-floor apartment back in 1947. Mr. Coakley speculated that this probably was for housing for veterans returning from World War II. He called the Board members' attention to a copy of the 1947 Building Permit which was included in the distributed materials.

Mr. Coakley learned from speaking with neighbors that the house had historically been used for an "extended" family living in the units. Consequently, the premises has been assessed as a two-family for at least twenty (20) years, per the Assessors' records.

What the Applicants propose is to re-constitute the three-family status of the house. No exterior alterations are proposed beyond the addition of decks and stairs on the rear in order to comply with current Building Code requirements for second means of egress for the current two-family status. Mr. Coakley noted that a building permit for these decks was applied for and issued prior to the ZBA application being filed and a copy of that Permit is also included in the distributed materials. The new decks are zoning and code compliant for the current use as a two-family and will also serve for a three-family if the Applicants are successful in obtaining all necessary permits.

In 1977, the Zoning Ordinance was changed to address multi-family dimensional requirements. The side yard setbacks in the R-3 and R-4 Districts were essentially doubled. In addition, an additional requirement that for every foot above fifteen feet of height of the existing building, an additional foot of front, side, and rear yard setback was required.

The house, at its peak is thirty-six feet tall when viewed from across Eastern Avenue; however, the property slopes down on the Neptune Place side which results in a height above mean average grade of thirty-nine + feet as calculated in compliance with the requirements of the Zoning Ordinance. This height, even though representing an existing structure, imposes extraordinary setback requirements which necessitates the dimensional requests of this Application.

Indeed, when Mr. Coakley asked the Surveyor to draw a building envelope on the Plan, using the calculated height of the existing building, she observed that there would be no building area using the current requirements and characterized the setbacks as "negative."

Mr. Coakley speculated that the zoning changes done in 1977 were done to protect older neighborhoods from heavy development, making it more difficult to build a new multi-family house unless you had a very large lot. However, this change overlooked the existing housing stock and, he suggests, is analogous to the zoning changes which were enacted in other areas of the City when City sewer was extended. In order to not overburden these neighborhoods, after the dimensional setbacks were increased, the existing properties were allowed to use the previous setbacks if they wanted to alter or expand their properties. This provision is popularly referred to as the "savings provisions."

Mr. Coakley noted that the house does not have the traditional "sides." There are two frontages, one on Eastern Avenue and one on Neptune Place.

The neighbors on Neptune Place expressed concerns about the proposal, particularly related to parking on the lot and how that affects the abutting properties and the issue of snow storage on the lot.

In response to those concerns, the Applicants are submitting a slightly modified plan which shows six parking spaces rather than the originally-proposed eight. This parking configuration allows for an area to store plowed snow on site and allows for better circulation which will help to avoid impact with Mr. Bichao's landscaping. Mr. Coakley noted that the whole lot had been hot topped some time ago, so there is no decrease in impervious cover over what was there previously.

With this proposed configuration, there is still more parking than is required in the Ordinance.

Mr. Coakley stated that Mr. Bichao and Mr. Burns had expressed concerns about the previous owners of the building who were out of town owners resulting in some tenants who were disrespectful to the neighbors. Mr. Bichao's bushes were damaged by cars exiting the lot.

Mr. Coakley referred to an orange line on the revised Plan which was also distributed to the Board. This line represents an extension to an existing granite curb which is proposed

by the Applicant to promote the backing of cars in an arc away from Mr. Bichao's landscaping. In addition, the Applicant has agreed to incorporate language into the rental agreements/leases requiring tenants to be mindful of the neighboring properties.

The fact that Ashley Sanborn, who proposes to occupy the third floor apartment, will be living on the premises is also a plus to the neighbors.

Additionally, the Applicants have agreed to contract with their plowing company to store plowed snow towards the rear of the property away from Mr. Bichao's landscaping, to plow so there are no snow banks and, if there is an extraordinary winter such as the one just passed, remove the snow from the site completely.

Finally, the Applicant has agreed to approach the Traffic Commission for a No Parking sign which will improve the site lines for individuals exiting Neptune Place. Mr. Coakley pointed out the proposed location of the sign on the Site Plan. He added that the Applicant will make every effort to have this sign approved, but cannot control the actions of the Traffic Commission and thus, would request this action not be mandated as a condition of approval from the ZBA.

Mr. Coakley submitted a copy of an email he sent to Mr. Burns and Mr. Bichao containing the revised Site Plan and outlining all these items which had been verbally approved by these neighbors at their meeting.

Regarding the proposed use, the property currently has one bedroom on the first floor, four on the second floor and one on the third for a total of six bedrooms. The Applicants propose a configuration of a one-bedroom apartment on the first floor, a two bedroom apartment on the second and a one-bedroom apartment on the third for a total of four. Under this scenario, with a reduction of two bedrooms, there should be no more than five cars should be parking on the site.

In addition, because the rear yard is hot topped and there is no yard, the site would not be conducive to families, but rather an older couple who are downsizing or a young professional couple starting out. It is therefore anticipated that there will be fewer cars parked on the site than in the past.

Mr. Coakley reminded the Board that the Applicant still needs to apply to the City Council for a Special Permit for a multi-family. A Special Permit for a height over 35' will also be sought.

In response to a request from Member Wright, Mr. Coakley outlined the requested relief and distributed a handout to assist:

- A Special Permit under Section 2.4.3 to alter/expand a nonconforming structure or use;
- Dimensional Variances under Section 3.2.2 to allow the Applicant to apply to City Council to reinstate a former dwelling unit to the existing two-family dwelling;
- Parking Variances under Section 4.1.4 to allow six (6) parking spaces in the configuration and as dimensionally proposed on the submitted Plan dated January 26, 2011, revised 3/25/11.

Regarding the parking, Mr. Coakley pointed out that Ms. Sanborn will be present on the site to control the assignment of spaces and, theoretically, the tandem spaces can be assigned to a husband and wife or roommates living in one unit.

TESTIMONY IN FAVOR OF THE PROPOSAL: There was no additional testimony in favor of the proposal. Mr. Coakley noted, however, that the Applicants had spoken to their neighbors across Neptune Place, the Vadalas, who expressed support for the Applicants' proposal.

TESTIMONY IN OPPOSITION TO THE PROPOSAL: There was no testimony in opposition to the proposal.

In response to a question from Member Gyllenhaal, Mr. Coakley noted there was no written confirmation from Mr. Bichao or Mr. Burns as to their acquiescence with the agreements outlined in Mr. Coakley's email. However, Mr. Coakley pointed out that neither had contacted him, had not spoken in opposition to the Applicant, nor were they present in the hearing room to express any opposition.

DISCUSSION BY THE BOARD:

Mr. Wright stated he will recommend that the Board approve spaces 1 – 5 only and Ms. Sanborn can use the area of space #6 as she chooses. He expressed some concern about approving Space #6 due to possible sight line issues.

Mr. Gyllenhaal asked if the spaces could be moved closer to the rear of the building and Mr. Coakley responded that they would then be too close to the decks.

Mr. Coakley further stated that the two commenting neighbors liked the proposed configuration as it is now shown on the revised Plan.

Mrs. Bergmann commented that the area is tight in the rear of the building and she wondered if angle parking might be better?

Mr. Coakley responded that that configuration would defeat the purpose of the snow storage area which was a component of the agreements with the neighbors.

Mr. Wright stated he would recommend that Parking Space #6 be eliminated from any approval from the Board and Mr. Coakley replied that his clients would stipulate to the removal of the sixth parking space.

Mr. Wright stated that he was in favor of the proposal as the change in use was not substantially more detrimental to the neighborhood than the existing use. The only change to the building was the addition of the decks which is required by Code.

The Dimensional Variances recognize the historic location of an older structure which allows the proponent to apply to the City Council for the multi-family and the height Special Permits are routinely granted and he believes their grant is appropriate in this instance as well.

As to the parking, he is in favor of the grant of the Variances under Section 4.1.4 to allow the tandem parking and their location along Neptune Place and the dimensions of Spaces 1 – 5 as shown on the Site Plan submitted this evening. It is Mr. Wright's opinion that use of Space #6 could pose some safety issues related to sight lines and thus, he is recommending reference to that space be removed from any approval.

Further, the Special Permit and Variances are to be granted in accordance with the agreements with the neighbors as outlined in the submitted email.

Mrs. Bergmann concurred, and wished the Applicants good luck.

Mr. Nimon also concurred for the reasons stated, as did Mr. Gardner.

Mr. Gyllenhaal stated he was not particularly in favor of tandem parking, but if those spaces can be assigned to the same unit, the inconvenience can be mitigated. He also would prefer that neighbor acquiescence be submitted to the Board in writing. He, however, will be voting yes to all the requested relief.

The Board has carefully considered all of the information presented to it by the Petitioner including the plans and testimony relative to the criteria for the granting the requested relief.

VOTE OF THE BOARD

Therefore, upon motion duly made and seconded the following relief was granted:

- A Special Permit under Section 2.4.3 to alter/expand a nonconforming structure or use, finding that such an increase of one unit is not substantially more detrimental to the neighborhood than the existing use;
- Dimensional Variances under Section 3.2.2 to allow the Applicant to apply to City Council to reinstate a former dwelling unit to the existing two-family dwelling as follows:
 - Lot Area 16,400
 - Lot Width Neptune: 20'; Eastern 51'
 - Lot Frontage Neptune: 1'; Eastern: 32'
 - Front Yard Setback Neptune 32'; Eastern 35'
 - Left Side Yard Setback 42'
 - Rear Yard Setback: 11'
 - Percentage of Vegetative Cover 31%
 - Frontage Width to Principal Building: Neptune: N/A; Eastern: 31'
- Parking Variances under Section 4.1.4 to allow parking spaces 1 through 5 in the locations and as dimensionally proposed on the submitted Plan dated January 26, 2011, revised 3/25/11.

This Decision shall not take effect until notice thereof is filed in the Registry of Deeds of Essex County. The fee for filing such notice shall be paid by the Applicants. Prior to filing this decision with the Registry of Deeds, Petitioner shall have the Seal of the City affixed to same.

Note: The within vote is in accordance with the plans submitted and approved by the Board on March 31, 2011. The petitioner must construct according to those plans submitted and approved by the Board on March 31, 2011. This decision is granted in accordance with the Zoning Ordinance as revised through October, 2008.

IN FAVOR OF THE REQUESTED RELIEF:


 VIRGINIA M. BERGMANN,
 VICE-CHAIR


 FRANCIS S. WRIGHT, JR.


 MICHAEL C. NIMON


 DAVID B. GARDNER


 LEONARD A. GYLLENHAAL

OPPOSED: None

City of Gloucester, Abutters List

Report Description: MAP 49 LOT 1
 Abutters To Parcel...

Please be aware that the abutters list reflects mailing addresses for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowners as required. Please be sure you are complying with notification requirements.
 Gloucester Board of Assessors

Abutter	Street Address	Parcel No.	Mailing Address
1 47 3 PUCCIO MICHAEL J	58 EASTERN AV	47 3	58 EASTERN AV GLOUCESTER MA 01930
2 47 4 KORPI GEORGE O	56 EASTERN AV	47 4	56 EASTERN AV GLOUCESTER MA 01930
3 49 1 DAVIS D SCOTT	53 EASTERN AV	49 1	C/O SANBORN JACKIE & SANBORN ASHLEY 35 BRIERWOOD ST GLOUCESTER MA 01930
4 49 2 OSBORNE MARK A & MARY E	55 EASTERN AV	49 2	55 EASTERN AV GLOUCESTER MA 01930
5 49 3 JACKSON PAUL J	57 EASTERN AV	49 3	C/O GARFIELD ANDREW J & HOGAN LISA L 57 EASTERN AV GLOUCESTER MA 01930
6 50 63 GORDON PATRICIA M	6R NEPTUNE PL	50 63	6R NEPTUNE PL GLOUCESTER MA 01930
7 50 64 BURNS ROBERT J JR & LINDA M	6A NEPTUNE PL	50 64	6 NEPTUNE PL GLOUCESTER MA 01930 0000
8 50 65 BURNS ROBERT J JR & LINDA M	6 NEPTUNE PL	50 65	6 NEPTUNE PL GLOUCESTER MA 01930
9 50 73 BICHAO JOHN & BICHAO PATRICIA	5 NEPTUNE PL	50 73	5 NEPTUNE PL GLOUCESTER MA 01930
10 50 74 VADALA PETER & DECHARLES-VADALA KAREN	51 EASTERN AV	50 74	51 EASTERN AV GLOUCESTER MA 01930

4/14/2011 4:10:34PM

Mortgage Financing

BOARD OF ASSESSORS
 CITY HALL
 9 DALE AVENUE
 GLOUCESTER, MA 01930
 APR 14 2011



CITY CLERK
GLOUCESTER, MA
11 APR 22 AM 9:55

April 14, 2011

To: Mayor Kirk and City Councilor President and City Council Members,

The Downtown Development Commission would like to express our appreciation for the public participation of the I4-C2 schematic design submissions. We valued each of the presentation's insight, creativity and passion, which became a vital part of the schematic design process.

Many ideas that have been presented have decisive factors that are critical for what is the most important step in the process for the Request for Proposals.

The DDC recommends to the Mayor and City Council the importance of establishing the following important criterion.

- The primary objective would be to attract a scheme, which has the financial viability to bring that proposal to fruition. Proposals that enhance the current maritime industry or establish the foundation of new industries are encouraged. Also plans that attract groups or industries with the capabilities of expanding to other areas in the city should be highly regarded.
- The Commission urges the City to establish criteria outlining the goals for the long-term development of Gloucester's Downtown, incorporating the links to the Harbor, Rogers Street, Main Street and the Downtown City Campus.
- We encourage this process to include considerations outlined in the Gillham and Gander Associates Report - 1995, The Community Development Plan - 2001, The Harbor Plan - 2009, and the recent consulting findings of Mt Auburn's Harbor Economic Development plan - 2010.
- Public access and the integration of the "Harbor Walk" are essential.

We hope the Mayor and the City Council would consider these factors for the next part of the I4-C2 process.

Respectfully,

John Orlando,
Chair - Downtown Development Commission

Mayor Kirk stated with the fisheries they wished to touch base with a couple of companies who will be attending to make sure they're comfortable to have the meeting open but haven't been able to speak with them and assured she will try to open the meetings to the public.

Councilor McGeary applauded the Mayor's efforts. He shared Councilor Tobey's concern about the closed meetings. He didn't wish to see great talent in the City kept out of the mix, or to be unable to read about it in the paper \ particularly regarding the maritime industry. He believed a full and frank dialog would serve the City even in a public place and pointed out the I4-C2 process as an example. He asked she reconsider the closure of some of the meetings.

Councilor Mulcahey added information regarding USDA grants.

Councilor Theken asked if Councilors could go to any of the closed meetings.

Mayor Kirk stated as long as there is not a quorum of the City Council present, Councilors were welcome.

Councilor Theken asked that all the meetings be open to the public and wondered why these agencies who they've asked for years to come to Gloucester are coming now. Further, they don't want to be observed as a community that doesn't want change.

Mayor Kirk stated the impetus for this visit were the federal regulations on the fishing industry. Gloucester was one of six coastal communities selected in this tour. This is to balance the approach of economic assessment – it is also the overall economic situation of the entire community. This is through the U.S. Dept. of Commerce.

Councilor Theken expressed that on Tuesday when they take up the topic of the maritime industry she urged the Mayor make sure the people, like Richard Gaines of the Gloucester Daily Times, and the people who fought for the rights of the fishermen, the fishermen themselves and their crews are allowed into these meetings.

Councilor Hardy thanked the Mayor for the presentation.

Consent Agenda:

• **MAYOR'S REPORT**

1. Memorandum from Police Chief re: Summarization of the agreement with the Gloucester Superior Officer's Association Contract (Refer B&F)
2. Memorandum from Licensing Clerk re: Proposed increases to Licensing Board Fees for FY2012 (Refer B&F)
3. Special Budgetary Transfer Request (#2011-SBT-23) from Fire Department (Refer B&F)
4. Memorandum from Chief Administrative Officer re: Proposed amendment to GCO "Personnel Ordinance" (Refer O&A)
5. Mayoral Reappointment: Assessor TTE 02/14/2014 Beth Ann Godhino (Refer O&A)
6. New Appointments: Conservation Commission Rep to CPC TTE 02/14/2014 Steven Phillips (Refer O&A)
7. Reappointments: Licensing Board TTE 05/31/2017 Allyson O'Connor (Refer O&A)

• **COMMUNICATIONS/INVITATIONS**

1. Communication from Chairman of Essex Board of Selectmen re: support to City of Gloucester's Resolution of March 22, 2011 (File)
2. Council Support to City of Newburyport March 14, 2011 letter to MBTA re: Deterioration in Rail Service to North Shore (File)
3. Letter from Re-Precincting Coordinator of Secretary Galvin's Office re: Municipal Map from the 2010 Census (Refer O&A)
4. Communication from Downtown Development Commission re: I4-C2 Criteria (File)

• **APPLICATIONS/PETITIONS**

1. SCP2011-001: Decatur Street #14, GZO Sec. 5.2 Earth Fill and Removal Regulations (Refer P&D)
2. SCP2011-002: Eastern Avenue #53, GZO Sec. 2.3.1.6 conversion to or new multi-family dwelling units; three dwelling units, Sec. 1.10.1 and 3.1.6 building height over 35', Sec. 3.2.2(a) decrease in the minimum lot area and open space per dwelling unit (Refer P&D)

• **COUNCILORS ORDERS**

1. CC2011-019 (Tobey) Request City Auditor prepare analysis for presentation to Council re: Fire Dept. Paramedics (FCV 05/10/11)
2. CC2011-020 (Tobey/Hardy) Request compilation of documents previously posted on the old homepage of City website to Homepage of new City website (FCV 05/10/11)

• **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**

1. City Council Meeting 04/12/11 (Approve/File)
2. Standing Committee Meetings: P&D 04/20/11, B&F 04/11/11, 04/21/11 (under separate cover) (Approve/File)

A recess was called at 7:53 p.m.

The Council reconvened at 7:59 p.m.

Items to be Added/Deleted from Consent Agenda:

Councilor Tobey asked to remove Item #1 under Councilors Orders and Item #4 under Communications.

Councilor Hardy wished to remove Item #4 from the Mayor's Report, Special Budgetary Transfer Request, and the P&D minutes of April 20, 2011.

 **Councilor Tobey** stated the communication from the Downtown Development Commission is sharing the point of view of that body regarding the criteria for redeveloping I4-C2. It was noteworthy because no

one asked the Council for their views, and the Council has an important statutory role as to what happens at I4-C2. If an Request For Proposal (RFP) is issued in June for a developer for that site or for a long-term lease, the City Land Disposition ordinance and State procurement law is triggered; and the Council must approve any disposition of the property and the RFP. There is a legal need to be involved “yesterday”. If the notion is to get developers to respond they’ll want to know that they special permit granting authority is involved. He felt it needs to come before them now as well as the draft development objectives that are on the City website and noted that one word doesn’t appear in it, “jobs”.

By unanimous consent the Council referred the matter to the P&D Committee.

On the matter of Council Order 2011-019 that **Councilor Tobey** was asking the City Auditor to prepare an analysis for presentation to the Council regarding the Fire Department Paramedics then to be sent to B&F for a basic business plan of how much would it cost to open an outlying station and how much revenue is lost because the ambulance isn’t being run and what if a private ambulance was running that service. There is a sub-business element. He hoped the Auditor would engage this independently to have that before the Council by May 10th and believed through the EMS Coordinator the Auditor would be able to gain needed input as well. **Councilor Verga** asked what line items within the Fire Department are not being spent or tapped that would keep the outlying fire stations open. He expressed concern at the end of the fiscal year that money would fall to the bottom line and end up as free cash. He’d like a closer look taken at those possible line items. **Councilor Theken** asked when a budget comes through, what are the staffing criteria to keep an outlying station open. She wanted to be sure a station was fully staffed. **Councilor Tobey** noted there is a contract that has trigger levels of staffing in a substation. That is contractual. He didn’t wish to second guess that but to uphold the contract as it is law.

Councilor Hardy expressed that Item #3 of the Mayor’s Report, Special Budgetary Transfer #2011-SBT-23 for \$11,860.15 that there was a notation of the bottom of the transfer that she wished to have enlarged upon.

Jim Duggan, CAO explained that where it says “it was approved by Jim Duggan”, he believed that the Chief’s assistant put that there. That was the first time such a notation had been placed on a transfer. He and the Chief have regular conversations regarding any such transfers to be sure they’re appropriate.

Councilor Hardy noted night differential is done through the regular salary account; the FY11 budget approved 11 months ago approved a line item for night differential then. They can no longer take money from night differential but must go through salary. She asked why this money was not put back into the salary account line to keep the stations opened but instead it is this going into ordinary fixed vehicles.

Mr. Duggan would wish to have that conversation at the B&F Committee meeting as he did not have information before him at that moment. **Councilor Hardy** thought there may be another account they wish to transfer from an ordinary account to accomplish what they want to do which would negate the need to come to Council. She asked if Mr. Duggan would take the transfer back and reconcile the account and take it from a proper account as they could not track it as presented.

By unanimous consent Item #3 Special Budgetary Transfer Request (#2011-SBT-23) from Fire Department was removed from the Consent agenda.

Councilor Hardy noted on page 6 of P&D minutes of April 20, 2011, line 10 refers to, “be going from a 20 yard setback to a 10 yard setback in yards”. This was in error and should be corrected to reflect that the word should be “feet” for yard and “feet” for yards.

By unanimous consent the minutes of the April 20, 2011 P&D Committee meeting were corrected and amended.

By unanimous consent the Consent Agenda was accepted as amended.

* Standing Committee Reports: