

CITY COUNCIL AND
CITY COUNCIL STANDING COMMITTEE

Planning and Development

Wednesday, January 13, 2010 – 7:00 p.m.

1st Fl. Council Conference Room – 9 Dale Avenue, City Hall

**Present: Chair, Councilor Joseph Ciolino; Vice-Chair, Councilor Robert Whynott;
Councilor Greg Verga.**

Absent: None.

Also Present: Councilor Steven Curcuru; Councilor Jacqueline Hardy; Councilor Paul McGeary; Greg Cademartori; Mike Hale; David Smith, Vine Associates; Ralph Pino, Esq.; Miranda Gooding, Esq.; Keri Pyke-Howard/Stein Hudson; Thad Berry-Howard/Stein Hudson; Paul Donohoe-Donohoe & Parkhurst; Bob Uhlig-Halvorson Design; Mike DeRosa-DeRosa Environmental; Choen Vogt-DeRosa Environmental; Jim Padgett-Representative for Hampton Inn; Attorney Ralph Pino; Hironori Koga-Sakurabana; Manuel Quesada-East Gloucester Marine LLC;

Attorney Miranda Gooding; Justin Belliveau-Windover Properties LLC; Attorney Michelle Harrison, Attorney David Harrison

The meeting was called to order at 7:00 p.m. The new members of the Planning and Development Committee, Councilors Whynott and Verga were introduced. A Quorum of the City Council was noted to be present (Councilor Curcuru, Councilor Hardy, Councilor McGeary).

1. SCP2009-013: Stacy Boulevard, Section 5.5.4 Lowlands

David Smith, Civil Engineer of Vine Associates made a presentation to the Committee regarding the Stacy Boulevard Bulkhead Project (complete Special Council Permit documentation on file with the City Clerk's Office). The project applicant is the City of Gloucester. Vine Associates has been under contract with the Massachusetts Department of Environmental Management which is now the Department of Conservation and Recreation (DCR). This project has been on-going since 2000 to look at 4 seawalls around Gloucester – Robinson's Landing, Cripple Cove, Fort Square and Stacy Boulevard. Work started immediately with Robinson's Landing, then Cripple Cove, and Fort Square all now completed as of 2004. In 2002 on the Blynman Canal on the south side from the bridge, all the way around the peninsula was pulled out of the contract. That work was expedited and completed in 2004. Since that time they have been going back and forth with the DCR and contractors on amendments and different updates to surveys and inspection of the remainder. This is all along the western side of Gloucester Harbor. Since that time an inspection of the wall revealed a great deal of deterioration. He described the site and its current condition (on file).

They are now before the Committee to review the proposal to reconstruct the existing Stacy Boulevard walkway and seawall which requires the reconstruction/replacement of the stone masonry bulkhead, concrete sidewalk, sod and associated irrigation system and other park improvements. He noted the poor condition of the seawall, resulting in past failures all of which took place prior to Vine Associates involvement in the project. He noted large voids along the entire length of the wall. After inspecting the wall, meeting with the City, meeting with the representatives of the DCR, they came up with a solution in order to fix this wall. Cost, durability, construction conditions, minimizing disturbance to the resource areas, the aesthetic and significance of the historical site were all taken into consideration. It was determined that they would proceed in the same footprint. They are using large granite stones, and will utilize as many of those already there, possibly bringing in some additional stones. There will be a concrete footing. It will be a mortared stone wall per Massachusetts Highway standards. Work will be done by segments. It is anticipated work will start at Stage Fort Park and then end just south of the Blynman Canal. Lighting will be extended to the Stage Fort Park end. All work will be performed from land, anticipating six to nine months in duration. The Fisherman's Wives memorial was not there at the start of this work, and they can't perform the same work with it in place. The City does not want to move the memorial and reset it. The best alternative is a bump-out at that location to maintain the integrity of the memorial. All approvals are in place. They're applying for their Chapter 91 license and are seeking the special permit.

Councilor Ciolino asked if anyone wished to speak in favor or opposition to this project, and no one responded.

Councilor Whynott asked if they were paving to the Lucy Brown Path between the two pillars noting that its condition deteriorates every year.

Mr. Smith said yes they are but not the whole width. It will be 10 ft. wide concrete sidewalk down to the very end going between the two pillars. The reconstruction is a massive mortared stone wall with drainage so with the installation of the filter fabric behind it, it should help greatly and avoid those types of deterioration cycles.

Mr. Hale said there isn't footing under that seawall. So the ebb and flow of the tide pulls material from behind the wall. That's where you get sink holes. The idea is to make it so the water goes away for the wall.

Councilor Verga asked about the "bump out" and if it would be identical to the Fisherman's Statue bump out.

Mr. Hale said the bump out won't be noticeable. It has a very tight radius. It will be gradual and slight in order to stabilize the area.

Mr. Smith noted that the bump out is relatively modest. Wave refraction in the area was a concern in the design, and the easiest way was a gradual transition.

Councilor Ciolino asked if the Conservation Commission has signed off on the project.

Mr. Smith said yes they had.

Councilor Ciolino asked if the Fishermen's Wives Association had signed off on the project.

Mr. Hale stated they have been in contact with the Fishermen's Wives Association. They have the plans, and notice of intent. They discussed the issues with them especially what happens with the project in front of the Fishermen's Wives statue. There was a lot of debate as to how to handle it. The removal of the statue, even temporarily, was not well received and not an option.

It would have cost almost as much as the project itself. The seat wall around the statue isn't the best construction for it. It's all on footings versus a continuous footing around it. It has a chance to move independently which isn't good for the seawall.

Councilor Ciolino asked do we want to have the Fishermen's Wives sign off on this.

Mr. Hale said they have received all the information, and the City has their assent.

Councilor Ciolino then stated that the requirements of Gloucester Zoning Ordinances, section 5.5.4 for lowlands special permit will be met as the project has been designed to satisfy the requirements of the Hatch Act, there are no hazards to health and safety, and the project will be executed as to conserve shellfish and other wildlife resources of the City.

Mr. Smith said that if they don't do something it becomes a health hazard. They have gone through other agencies, and they have comments from the Shellfish Constable. He has approved this project. Other wildlife resources have been contacted. There are some conditions that the local Conservation Commission put on the project on their approval for it. It does meet the requirements of the Hatch Act.

Councilor Hardy asked if the railing will be replaced in the same style that is there currently.

Mr. Smith said yes, it will be the same style but in stainless steel, used in 2002 and 2003 on the Blynman project.

Councilor Hardy asked about maintenance.

Mr. Hale said the railings are galvanized steel and powder coated. They're better than the straight steel ones that were there before.

Councilor Hardy asked when the project is anticipated to start and finish.

Mr. Smith said the start of the project is going to be based on funding. Vine Associates is also working on the other side of the Blynman Canal. It is hoped the two seawall projects will be combined and have it bid as one. They're hopeful, pending funding, to start in the fall. It is probably six to nine months in duration. They would like to see this work go through the winter and be wrapped up in the spring. Vegetation and other park amenities would be ideally planted and finalized in the springtime.

Councilor Hardy asked if it would interrupt the summer revenue of the beaches and things like that.

Mr. Smith said they are very aware of the impact this has with people walking the site and of the needs of the City.

Councilor Hardy asked with regard to the Fishermen's Wives monument. She wanted to know that the City has adequate bonding.

Mr. Hale responded that the bonds will be taken out by the contractor for the value of the project; and it will be reflected in the bonds; and they will ensure that there is adequate bonding.

Councilor Hardy asked if they could have a separate piece of insurance on the monument, noting that it would be important for the community.

Mr. Hale said they could look into it.

Councilor Curcuru asked how far the walkways will be carried back, as the walkways are not only on the water side but on the road side and their condition is deteriorated as well.

Mr. Hale said this project does the walkway along the railing. The walkway along Western Avenue is sidewalk and is State owned. They can have that conversation with the district engineer.

Councilor Curcuru asked if there will be lighting changes to match the other side of the boulevard.

Mr. Hale said it is difficult to say because the ownership of the lights will be the determining factor. If they're shared with National Grid, there is a small palate of lights to choose from. If they're owned by the City, then that will be a different situation; we can do whatever we choose from a multitude of outdoor lighting.

Councilor Curcuru asked about the sod and sprinkler system and if it was a part of this project.

Mr. Smith said the contractor is going to restore the areas behind the wall and put back what's there now.

Mr. Hale added unless there is a desire to do something different, and that can be talked about. They don't have a contractor yet. The amenities can be talked about and some of the off-set costs and start expanding the scope but that will need to be looked at. The decision to expand the width of the walkways and eliminate some of the grass areas is a conversation that can be had with the community, perhaps in ward meetings.

Councilor Curcuru stated it would be a good thing to have a plaza-like area by the tennis courts with benches – a meeting place.

Mr. Hale said they may have to have some off-set costs. He is not sure if this is funded by Seaport. Certainly the walkway towards the Lucy Davis path could be. It would make sense to do it at once.

Councilor Ciolino said when the Fishermen's Wives Memorial was originally lit, a lot of the neighbors complained about the lighting.

Mr. Hale said the lighting has to be installed and handled according to current City ordinances.

Councilor Whynott asked about a requirement to put in a concrete walkway, and the length of the walkway for the Lucy Brown Path and spoke of some preference to the current composition of the pathway.

Mr. Hale said that there is a need to eliminate the dirt paths, to eliminate extensive maintenance, and ADA requirements come into play. As they get closer to the bid documents he can share them with the Committee and have discussions about it.

Councilor Ciolino said it is important to consider the handicapped members of the community whenever a sidewalk is replaced in the City and that the replacement of the sidewalks be must ADA compliant.

Councilor Whynott agreed.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant the Special Council Permit 2009-013: Stacy Boulevard Improvement Project, Map 216, Lot 140, zoning classification R-20 pursuant to Gloucester Zoning Ordinances Section 1.8.3, and Section 5.5.4 Lowlands requirement.

The Special Council Permit SCP2009-013 is to be advertised for public hearing for February 2, 2010.

- 2. SCP2010-001: 79-99 Essex Avenue, Section 2.3.1 (12), Sec. 5-7 Major Project, Sec. 3.1.6(b) height excess 35 feet, lowlands Sec. 5.5, lot area per two guest**

special permit 3.2.6

Councilor Ciolino said no decision will be made this evening on the matter of SCP2010-001: 79-99 Essex Avenue. This evening is to hear the presentation of the Hampton Inn. They will hear those people who are for this project and those who are against it. This Committee needs to hear the opinions of the Planning Board, the Conservation Commission, etc., which are not yet forwarded to this Committee in order for the Committee will make a determination. The City does have a deadline for a public hearing which is March 8, 2010. There will have a site visit which will also be an opportunity for the community to ask questions. As with this evening and at the site visit, all questions must go through the Chair of the Planning and Development Committee. It is the Committee who asks the questions of the applicant and their consultants and they will ask the questions for the community members. The Special Council Permit is for the height restrictions that the City Council can grant. The Councilor explained that it is a situation where a Special Council Permit is a discretionary permit when a developer wishes to build. It is at the discretion of the City Council. No one comes in with the right to build. The permit lasts two years. If the applicant doesn't build within two years they have to come back and explain why. And then, it is at the discretion of the Council to extend that permit. If there is a violation of the permit, the City Council can take it away. He noted that the Building Inspector has signed off on this. The application fee has been paid. The name of the applicant is Gloucester Hotel LLC.

Attorney Ralph Pino of Pino & Shea, representing the Applicant, Gloucester Hotel, LLC, made a presentation to the Committee regarding the construction of a Hampton Inn hotel at the site of 79-99 Essex Avenue (complete Special Council Permit documentation on file with the City Clerk's Office). He submitted Affidavit of Notice of Abutters. He then introduced the team of consultants who are working on the project. The site is of the former Yankee Fleet. He described the current disposition of the site and buildings on it. He described the 50 acre site – all the work, hotel, parking, drainage is on the portion that has already been developed. This is what the applicant considers a riverfront redevelopment site. Nothing is going to be done outside of the area that's already been developed. There was earlier confusion that there may be work done out in the wetlands. That is not the case. They are seeking a special permit under 2.3.1(12) for a hotel with 30 or more guest units, set forth in section 1.8.3 and 1.8.4 of the ordinance. Because of the size of the hotel it is also a major project under section 5.7 of the ordinance. They are seeking a building height in excess of 35 feet, section 3.1.6.(b). And they are seeking a lowlands under section 5.5. The last type they are requesting is lot area per two guest special permit section 3.2.6 which is the one which the applicants contend. In the definition section of the ordinance says in part, 'in calculating lot area, all other residential and non-residential buildings and only in the case of laying out of new lots', which is the critical language, ...etc.' The applicant believes it is not the laying out of a new lot. The attorney's opinion was that in the laying out of a new lot, it would be as in a subdivision. They're taking three separate lots at the moment, and combining them to create one. The ordinance doesn't say if that's a new lot. They are taking a conservative view and saying it is a new lot. The Building Inspector discussed this

with legal counsel, and Legal Council said that this was the right way to go on the application even though it could be argued they don't need it. This project is currently before the Conservation Commission under a Notice of Intent. That is currently out for 3rd party review and should be back in the following weeks. They have met with the Shellfish Constable and Harbormaster and have had many meetings with the Conservation Commission. He pointed out the description and asked the Committee to keep in mind the redeveloped site they're working on is, in part, filled tidelands. There are two Chapter 91 licenses which affect the four acre parcel, so all the hotel building and all parking areas are off of the Chapter 91 land. The Chapter 91 land is a small parking area which is not part of the hotel parking but is part of the parking for the Chapter 91 access. Everything they're doing in terms on the hotel project will not be on the historic filled tidelands. He showed the Committee a photograph of an aerial view with approximate markings where the hotel would be (a copy on file). He described what the Committee was looking over.

Michael DeRosa, DeRosa Environmental of Ipswich noted they are working with the Conservation Commission closely for the abbreviated notice for their permits for determination of the wetlands resource area on the property. They have an order of resource determination from the Commission. They're now in middle of the Notice of Intent application for the actual construction project. The property is largely salt marsh but for the upland area, which was largely filled under the Chapter 91 licenses. They did borings and sampling of soils and ground water at the site and found very low levels of metals which was expected. Nothing was above standard or background. They are very pleased with the quality of the material there. It is unconsolidated sand and gravel. They're adjacent to the marina in the 3.48 acre upland piece.

Robert Uhlig, Halvorson Design Partnership went over the site map showing the conceptual landscape site plan (bio-retention). They're looking to transform the view from Essex Avenue by planting with native wetlands plantings appropriate to the area. Where the water runs off the pavement surfaces and elsewhere, it will be pretreated before it discharges through a series of bio-retention areas. The project is providing public parking adjacent to Essex Avenue to provide access to the wetlands. It will be planted appropriately with "low mow" grasses. The bio-retention area will be walkable on a level surface. Along Julian Road some ornamental tree plantings are shown that are native tree plantings but are held back so that views to the wetlands are not obscured. They are providing buffer plantings at the site for the adjacent abutters. They will coordinate with the abutters about potential selective cutting and pruning of trees that exist along the edges to also maintain their views to the wetlands. He noted an already existing arborvitae screen which they will try to relocate some depending on their condition at that time, to help supplement that buffer.

Jim Padgett, West Gloucester Hotel Development spoke of the elevations that Hampton Inn normally uses. They use parapets. It is in three phases of the building itself. The highest point

is the access parapet at 47.1 feet. The roof parapet is 41.8 feet. The actual top of the roof is 39 feet. The decorated portion is 47.1 at the top which is the building itself. The height measurement from existing grade, the fill to base grade is 12 feet, is going to be 49.1 feet which will be the height exception. The building is 257 feet long and averages about 68 ft. wide. The building elevation will have a stucco-type finish. The coloration is shown as a gray and a white but that can be more of a subject for input from the community.

Attorney Pino noted on the board showing a photograph with a rendering of the building what it could look like viewed from across the river if it were finally built. A 30 foot height is represented. They are looking for the exception above 30 feet. They show it at four (4) stories. If a story were to be removed going to three (3) stories, it won't make a difference in terms of anyone's view behind it. If the building profile was lowered, and the applicant still tried to get close to the same number of rooms which would mean widening the building, more views would be blocked. It's a 90 room hotel to make economic sense. This is what it would look like. This is the point where you would be at the 49.1 foot height.

Keri Pyke, Howard/Stein Hudson Associates, Inc. is with the company who provided the traffic study as well as site consultants. She noted the river is to the north, Essex Avenue to the south, Rt. 133; the river is on the north side. Access to the hotel property is off of Julian Road which will have 90 rooms providing 100 parking spaces for the hotel, and 12 parking spaces in the small public parking area, previously mentioned. The parking spaces are one space per room and 10 designated for employees. In their traffic study, they're closer to Western Avenue, Rt. 127 and the beach as opposed to Magnolia Avenue and Rt. 128. The Gloucester Commuter Rail Station is on Rt. 133. They looked at the eastern and western ends of the access roads and streets. The peak traffic times for the hotel are Friday night when people are checking in and Sunday late morning to mid-day when people are checking out, which are the times they focused on for their study. They took traffic counts in August and in again in September due to equipment issues because of adverse weather conditions. They did an ATR count on Essex Avenue adjacent to the site. On a weekday Essex Avenue has 10,400 vehicles +/- on a daily basis and 8,500 vehicles in both directions on a day during the weekend. Posted speed limits are 30 to 40 m.p.h. Speed data showed a speeding issue with 43 to 45 m.p.h. being the average speed of vehicles on these roads, about 10 m.p.h. over the speed limits. They did a level of service analysis on the intersection. They found that in the existing condition that the left turn movement off of Essex Avenue towards downtown fails. You sit and wait to try to get out making a left turn onto Western Avenue. They looked at crash data for both intersections of Julian Road and Essex Avenue and in the surrounding area and didn't find a great number of crashes. The crash rate is not over Massachusetts Department of Transportation (MDOT) rates. The MDOT rate is .58 Then they looked at a 'no build condition' for this area. In the future, five years being the standard in the industry, there aren't any projects in the area that would add as background traffic and so they added a background growth rate. They used 1% per year compounded annually, and there was no change in the traffic issues. There is not an issue at Magnolia as there is lower volume. The final piece is the build conditions if it all stays the same

and site conditions are added. Rate of new trips by number of rooms and mode share (how many might come by car, transit, etc.). They presumed everyone will come by car they found daily the hotel is expected to generate +/- 422 trips in and out per day. In the afternoon on a weeknight during peak rush hour they found about 53 new trips in and out combined generated by the hotel, and on a Sunday mid-day would be 66. The public parking lot under Chapter 91 will generate a little bit of traffic, as many as 72 trips in and out per day. The distribution is based on the combination of census data for population and general traffic patterns. 57% might be coming from the Rt. 128 area to the hotel, and the remainder from the east to the hotel. There's not an issue at Magnolia Avenue or at their site's driveway at Julian Road and Essex Avenue in a peak in or out; but there is a little bit of an impact (because there is already an issue) at Western Avenue at the left turn. It should be noted this is all traffic is gradual traffic throughout the day, not like a flood of cars that came in at out all at one time with the Yankee Fleet. The developer will provide a shuttle service to and from the hotel to downtown Gloucester and to the commuter rail station. They will also be providing bicycle racks as well.

Attorney Pino noted when Yankee Fleet was there, 300 to 400 cars were releasing at once onto the streets. It was also because there were four or five Fleet boats going under the bridge both ways and compounded the traffic issues. It is 90 rooms and will not have a restaurant other than a small breakfast facility and no bar area. This means that people who are staying there will need to go out into the community to utilize its services. Gloucester has wanted a national chain hotel for the last 20 years or more. When this group first came to Gloucester, they looked up in Blackburn Industrial Park, and the concept was a business person's hotel. The Mayor's office felt it was important to have a hotel with access to the downtown and have a natural draw to it. This project would bring people to the Boulevard, Stage Fort Park, to the downtown and would be a major tourist destination. This is a mix of businesses and residences in this area. Next door is the marina which is large in scope; and the Hampton Inn would be a match to that. The coloration which is proposed is in large part based as a match to it. Under the criteria, they've attached an analysis of the social and economic impact to the City. There would be very significant revenues to the City with room tax are being estimated at \$122,000 per year, and about \$250,000 real estate taxes per year. A national chain has the ability to bring new people into Gloucester, to stay in Gloucester who will go downtown. It would be over \$4 million per year in positive economic impact to the City. He spoke about the utilities and noted regarding sewer and gas services which are available to the site, that a letter from the Sewer Department has been issued. Electric in the neighborhood is going to be upgraded for better electric service for the entire neighborhood. Regarding the water line, when the application was filed he noted the City is in the process of linking Western Avenue and Bond Street with a 10 inch line. He has now been advised by Mike Hale that it is now a 20 inch line. It is an existing problem with the City, he was told. Whether a hotel is there or not, the link needs to be put in and that is a top priority for the City; and this is consistent under the zoning. With regard to neighborhood character and social structure, he met with the owner of the marina, Andy Dominick, who supports this project. There is a movie theater and a restaurant across the street. He believes this is consistent. When you come down Essex Avenue from West Gloucester, this building will be rather hidden from the street.. It will be most visible from across the river.

With regard to the natural environment, this is currently a big parking lot with sheet flowage off of the lot into the river. With the landscaping, all of the clean up, the net result will be a significant improvement of the water quality discharging into the Annisquam River. That is being very carefully vetted with the Conservation Commission and their 3rd party review.

Under the major projects special permit, there are a couple of items they have already; and again on the lowlands permit, it is being vetted with the Conservation Commission. The project floor elevation is at 12 ft. It will pose no hazard to the health or safety of the occupants. He reiterated that no part of this building will be on Chapter 91 lands and no part of the parking of the hotel is on Chapter 91 lands. There is no work being done outside that which has already been developed. There is nothing in the salt marsh. The stakes in the wetlands were marking setbacks from the Rivers Act, but have nothing to do with the hotel construction.

Attorney Dean Harrison, 5 Rocky Pasture Road noted as a retired Community Development Director saw many major projects. He doesn't know if it will be quite as verdant as they show; how does the view look from the other side, not just on the river. He relies on the other commissions to take care of this project. The environmental issues are more complex than the applicants have suggested. He believes there are inconsistencies. This is a much more aggressive use, and the traffic study seems to be a mild view. If it is very successful it will be more of a traffic situation than they are saying. The light effect on the people that reside there could be quite a problem from a visual aesthetic and from an environmental standpoint. This is an established residential neighborhood behind this project. He wishes it were in a better place than this one. A massive building like this in this kind of neighborhood is not going to be a benefit to the neighborhood and is out of proportion to the surroundings.

Susan Taormina, 115 Essex Avenue spoke of the traffic and had photographs of traffic at the area of the entrance to the proposed hotel. She stated the Yankee Fleet is a moot item. But she does experience extra traffic from the LePage's site. She has trouble backing out of her own driveway now. Living on this street, she questioned this traffic study. Sunday afternoons there are hundreds of motorcycles going by and festivals in the area, in the summer. She has a job on Sunday mornings and has been stuck in traffic for great lengths of time. She submitted photographs (on file).

Jean Danikas, 121 Essex Avenue, a 55 year resident called Essex Avenue the second "Indianapolis Speedway". She submitted a photograph on Stuart Road showing a vehicle which crashed into her house. She believed this will bring more traffic problems. She is a resident of 55 years there.

Sam Frontiero, 11 Stuart Road said no one knows the neighborhood better than the neighbors. He noted Ms. Pyke didn't bring up the 'cut' bridge. He believed the project will create an economic obstruction to the abutters. It will devalue housing prices. It is not the right place for this development. A petition of 16 unverified signatures of abutters in opposition and a letter from Mr. Julian who is a long-time resident was handed in by Mr. Frontiero and is on file.

Kathleen Doane, 3 Stuart Road showed photographs of the land flooded taken from her backyard which showed the existing building on the property of 79-99 Essex Avenue. She said this has happened several times over the 28 years she's lived there. She showed pictures of how high water can go. The photographs she showed were submitted for the record and are on file, further saying the Annisquam River is one of Gloucester's best assets. She objected to the huge building. She is for a hotel but feels this is not the spot for it and will have an adverse affect on the neighborhood. She said the way that the water was going to drain she believed was nixed at the Conservation Commission and that they would have to resubmit it. How the water would drain down is no longer viable to her mind.

Councilor Ciolino stated that was why the Committee was waiting for their report to Planning and Development.

Jill McGlashan, 64 Bond Street doesn't understand the Chapter 91 parking. Everyone who goes to the restaurant, to the liquor store, to the movie theater is going to use that parking lot. Chapter 91 non-water dependent projects must provide greater benefits than detriments to the public's rights to the waterways. How does this fit the public's greater benefits if all those spaces are going to be used by other people. She wanted to know what the average rate of a room is at the Hampton Inn. What would be the economic profile of a Hampton Inn guest? What is the economic benefit to the City? What is the difference of those dollars? They might not spend as much as you think in our community.

Michael Favorloro 111 Essex Avenue said this is in his backyard. They don't have arborvitaes tall enough to cover what he's going to see. Just the people in the area know how big this project is going to be. They knew the risks when they bought there, but his backyard sanctuary will be gone when they build.

Attorney Pino stated they want the hotel someplace else in Gloucester. The applicants have looked for years and sites mentioned like I4-C2 can't be used for a hotel. The Concord Street drive-in site has no sewer and can't have a hotel. Everyone in Gloucester wants a national chain hotel but not in their back yard. This is the only site near downtown Gloucester where it can go. If you look at the flooding pictures, they don't disagree that the marsh floods. You couldn't drive down Essex Avenue in that last big storm. The lot itself wasn't flooded; however, he drove there on purpose to see it. The lot wasn't flooded, but all around it was. Phase I & II is done. There is no oil; and there will be no oil at the hotel; it will be gas. On the issue of the cut bridge, this is problematic. It was much worse when Yankee Fleet was on this site. They needed it every time they went in and out through there. This will be a more expensive per night than other hotels that are open year-round in Gloucester. They will be putting up \$9 million to \$10 million dollars to build this hotel and believe that there is enough business to keep this hotel running in the off season. Varian doesn't have a single person stay in Gloucester. Even in the best of times, they have them stay in Danvers and Peabody. They will come to Gloucester and staying in Gloucester. They will go downtown and go to the facilities. It has to be big enough to be economically viable. As a Council, he asks they look at the greater good of Gloucester. This is the best available place for it. They have spared no expense to blend into the site. They look to the Council's comments.

Councilor Ciolino noted that the Councilors will ask their questions now.

Councilor Whynott asked about function rooms.

Attorney Pino said that they will have a business meeting room which will hold about 80 or 90 people. There will be no kitchen, no bar, no alcohol license, no restaurant. There is a breakfast bar only.

Councilor Verga asked what has been the outreach from the developers to the neighbors.

Attorney Pino said Mr. Padgett has been around Gloucester for two years and has talked with many neighbors and the commercial neighbors as well. This will be of great economic benefit to the businesses in this area. Some of the immediate abutters have no problem with it at all.

Mr. Padgett noted an immediate abutter who is the most impacted, Lisa Van Zandt and her husband, who are the closest you can get are for the project and have no objection.

Councilor Hardy asked if they will apply for a TIF which is addressed in #4 of your application.

Attorney Pino said no, they won't be applying for a TIF.

Councilor Hardy asked to the Chair if there will be a site visit.

Councilor Ciolino said there will be a site visit.

Councilor Curcuru wondered what would happen if the height exception isn't given.

Attorney Pino said they won't build the hotel. They have the ability to make it a little bit wider not enough to make up the difference which will lower the number of rooms. On the plans submitted, the Chapter 91 line is clear. This hotel is designed completely around the Chapter 91 issue.

Councilor McGeary asked how many jobs they anticipate generating.

Attorney Pino said they anticipate 25-30 part-time jobs and 30 to 40 full-time.

Councilor McGeary said that at earlier meetings that the hotel developer said something about closing the dead-end loops. Now that the City is doing something about the sewer and water, he wanted to know if the applicant intends to contribute to the project(s).

Attorney Pino said it's not obviated. There have been the most general of discussions about whether or not the developer would discuss somehow to contribute towards that. The City is going to do it; it is extremely expensive. The developer is willing to make some contribution but

will not be able to pay for all or even a major part of it. They have not seen a number. In the not too distant future they expect to hear about it.

Mr. Padgett said he's met with Mike Hale. The last communication was a week and a half ago when he was told the DPW has an executed design contract agreement. They will then get the costs done. He has been in regular contact with Mr. Hale.

Councilor McGeary asked if they are open to the possibility of contributing.

Mr. Padgett said yes.

Councilor McGeary then asked about specifics of the traffic study trip time period studied.

Ms. Pyke said the daily trip was calculated over a 24 hour period. The numbers are hourly on the weekend and the afternoon weekday rush hour.

Councilor Verga mentioned photographic views being given to the Committee and the Council from other directions in and around the property provided by the applicant would be appreciated.

Sam Frontiero said Mr. Julian is the closest abutter; he's on the site. It is not Carol Hill. Carol Hill is selling the land. Why would she be against it? At high tide the bridge has to be open even for speed boats. He doesn't know why there is so much undeveloped land and why they need this site. Why not look at City properties.

Councilor Ciolino responded that if there was a site to sell them, the City would; but there are many properties that have open deeds, etc., which stops the City from doing this.

Attorney Pino said for a project like this you need water and sewer. There are careful requirements. It has to be off major streets that provide access. And you can't build on the

harbor because it has the designated port area. You can't build it on historic filled land under state regulation. When you take that out, there's really nothing left. He noted he lived on Rust Island and was the biggest supporter of Demoulas Market.

Ms. Taormina said that Lisa Van Zandt is going to sell her property. The people on the corner are selling; she thought about selling her property. She was told other people in the neighborhood are for it. The people by the Causeway Restaurant are getting out because of an accident in their front yard. She mentioned the Tavern closing and it's impact. The traffic is a problem. This is a great marsh in this area. She understands the question of economics, but remains disturbed over this project moving forward.

Councilor Ciolino said that the other hotel (Holiday Inn) proposal's status in the City could be in question.

Attorney Pino said they're not touching the marsh. The site will have cleaner discharge. This will provide a top-quality chain hotel. The Tavern is a function room. This will help other facilities.

Ms. Taormina said what about where you are parking people's cars – it was underwater.

Thad Berry, Howard/Stein Hudson spoke to the flood elevation stated the elevations are above water level.

Attorney Pino said to the extent they can put into signage for the Chapter 91 lot, they will do it. This is more an enforcement issue if parking is being used by the restaurant across the street.

Diane Sperry, 133A Essex Avenue would like to know if there's been a study that states how many hotel rooms this City actually needs.

When asked by **Councilor Ciolino, Attorney Michelle Harrison** who was present stated that the Holiday Inn project is on-going and not in question.

Ms. Sperry noted there are going to be 100 parking spaces for guests and employees and 12 for the public. If you have up to 40 full time employees and 90 guests you're still running out of spots to park. With regard to run off – she wonders about it. 90% of all aquatic life has its start and a great part of their life cycle, in the marshes and is concerned.

Attorney Pino said the Conservation Commission is thoroughly vetting the issue. They have paid over \$9,000 for the City's engineering firm to oversee their engineering consultants. There is no question that the run off is going to be better than what is going on now. When the discharge goes through the area it will have gone through filters and a great deal of treatment. They'll meet the parking requirements. Those employees are spread out over a 24 hour period.

Ms. Sperry asked what area chemicals being used.

Mr. Berry said that they are not using chemicals. They are using a natural treatment system that has a 20 year track record, which improves the discharge. They have to follow the design guidelines through the Massachusetts Department of Environmental Protection (MDEP) and federal guidelines must be met. They will exceed those standards. This is a combination of bio-retention and proprietary treatment which unites on the site, such as Storm-Tech. When they originally proposed the project they chose to use pervious pavement to allow the water to filter through the pavement into the filtering placed under the pavement. MDEP has requirements not to infiltrate previously paved areas. They took it out of the design per MDEP request and resubmitted the plans and then went back and put in more proprietary treatment.

Ms. Doane said when there is a storm and ocean water is very high and rain water is getting to be 3 inches of rain, it creates serious flooding.

Mr. Berry quoted statistics about storms and rain water. They ran scenarios and under conditions that they have designed there will be a decrease in pre- and post-event situations. They are able to provide for pre- and post-peak situations. He stated they will not minimize the effect of a 100-year storm event. It will have flooding, but they will not make that case any worse.

Ms. Doane contended Mr. Berry's statements.

Attorney Pino said that his client owns several hotels and that this hotel will survive and flourish at this location. His client feels he can compete.

Sandy Favaloro, 111 Essex Avenue. How many hotels do we need? If the other one goes in at Market Basket what is this going to do for the hotel going in on Essex Avenue. She noted the smell from sewer. There are quaint bed and breakfast places in our area. Let visitors utilize these places.

Attorney Pino said a national hotel chain will draw from their clientele that follow the chain and stay with the chain. They will be planting a public park basically. The wildlife will be clearly enhanced.

Deborah Olson, 103 Essex Avenue. She asked about the sewerage treatment.

Attorney Pino said there is a letter that they can tie into the sewer.

Councilor Ciolino said they are well aware of the sewer situation.

Ms. McGlashan asked what height restriction is normal for Gloucester. It doesn't appear to serve a purpose. She wonders if the abutters can build above it.

Councilor Ciolino said you can come before the ZBA for a variance.

Ms. McGlashan said is the statement about the following to the Inn of clients. Are there demographics available?

Mr. Padgett said they can give the rankings.

Ms. Taormina asked about the sewer problem. She has experienced many of these problems and has had many issues. She has a real fear about it.

Attorney Pino said that Ms. Taormina should have no impact as she is significantly uphill of the proposed project. It is not even close to her property. It will not cause any increase. This project is going to be built on pilings.

Mr. Favaloro said that when you do your site visit you will be able to ask the neighbors, a third of their property is filled.

Councilor Hardy said at the site visit she would like to see where the retention pond will be and get a crane to go 49.1 feet with a balloon and the four corners of the hotel marked with stakes.

Councilor Ciolino would like an alternate building regarding neighborhood characteristics. When they permitted Demoulas they had them put the tower with the clock on and use Gloucester granite.

Greg Cademartori, Planning Director stated that the Planning Board will be meeting on January 21st and would appreciate the site visit following that meeting.

Councilor Ciolino stated that the site visit will be on January 23, 2010 8 a.m., weather permitting. Notification to the Planning Board and Conservation Commission will be made. If the January 23rd date is canceled due to weather, the alternate date would be February 6, Saturday at 8 a.m.

The matter of SCP2010-001: 79-99 Essex Avenue was unanimously voted to be continued to the Planning and Development Meeting of February 10, 2010 at 7 p.m.

Councilor Curcuru left the meeting at 9:32 p.m.

3. SCP2010-002: 121 East Main Street, Section 2.3.4(8) restaurant without outdoor seating with takeout constituting no more than 20% of total business and Section 5.18, Marine Industrial District

Councilor Ciolino noted the specifics of the Special Council Permit as noted above. The Building Inspector and Planning Director have signed off this application. Affidavit of Notice of Abutters was submitted by Attorney Pino, and was placed on file.

Attorney Ralph Pino of Pino & Shea, representing the Applicant, American Lobster, a d/b/a of Sakurabana, Inc. (lesser), made a presentation to the Committee regarding the already existing building currently with mixed propose to use this building as a seafood restaurant at 121 East Main Street, which was used in the past as same (complete Special Council Permit documentation on file with the City Clerk's Office). East Gloucester LLC is the owner of the real estate and Manuel Quesada Operations Manager of East Gloucester Marine LLC and Mr. Hironori Koga, of Sakurabana, Inc. He noted that this used to be a restaurant, Bob's Clam Shack. Because the building is within 200 feet of the water it is in the Marine Industrial District. He submitted documents for the record, showing an abbreviated site map and described it. There will be no change to the exterior to the building, no roof line changes. The lot has sufficient parking. The center part of the building has long been vacant. This is a well used 3.2 acres for marine industrial uses. The proposal is for a 102 seat restaurant. There is a configuration which includes a sushi bar. Dining is in the rear. There will be tile floors, in this medium-scale seafood restaurant. The existing facility has a lobster company, a sushi processing facility on the back; and it also has the Yankee Fleet fishing operation located there at the left rear. Their offices are there. There is also a tackle shop. It is envisioned that Yankee Fleet clients will go immediately to the restaurant, and their catch will be cooked in the restaurant, directly off the boat and eat there. It is a very successful concept done in other areas. The Chapter 91 license for this site shows facility as a restaurant. And likewise, in the harbor plan for the City this whole building is listed as a restaurant. The whole harbor plan has talked about the limitation on uses, and more as a designated port area. East Gloucester Marine has been very

successful in being able to maintain their piers, and they were fortunate to get Yankee Fleet to come there. It has been a good mix for them. When you see that mix, you are doing what the harbor plan envisioned. The applicant would not be seeking an all-alcohol license. The applicant understands the neighborhood concerns. A neighbor, Mr. Doyle, was relieved to hear this. They may go for a beer and wine license but not go for an all-alcohol license. The planned hours of operation are 11:30 to 10:00 p.m. They would like to reserve the ability in the summer months, if economically feasible for the restaurant, to have some breakfast offered. This is contemplated as a year-round restaurant. A letter from Yankee Fleet was submitted for the record. There is a letter from Peter Bent from Brown's Yacht Yard. This is a perfect situation for this property. There have been various tenants, but these applicants are optimistic it will do well.

Joyce Perkit, 101 East Main Street noted she had a good conversation with the proponents before she came to the meeting. Because she is a residential abutter and represents several others, there was concern about food odors and wants assurances about filtration so they don't have an overwhelming odor of fish in the neighborhood. The lighting should be directed downward so that the neighbors are not further impacted. Along with the other improvements to the building, she noted the parking is wide and open to the street. It would be helpful to control traffic and appearance that there are some screenings of shrubs that would enclose that part of the parking on the street to improve the property and the area.

Attorney Pino commented that odor control is reasonable and acceptable. There is a lighting ordinance which will be complied with. The parking lot, because it is an existing paved parking area, and to dig it up and plant it would be difficult. A fence with some planters will be acceptable.

Councilor Ciolino asked for the square footage of the restaurant.

Attorney Pino said that 3,270 square feet is noted on the plan.

Councilor Ciolino confirmed the parameters of the Special Council Permit with Attorney Pino.

Councilor Ciolino commented the property appeared to be in disrepair.

Manuel Quesada, Property Manager, Gloucester Marine LLC said they do not have a specific plan right now. They only have concept drawing from an architect. They plan to paint the building and change out the windows in the back of the building. Any rotting wood will be taken out and replaced. They will clean up the image of the building. He has no problem with the planters and fencing. There are many things to be changed.

Attorney Pino said Smokin' Jim (a seasonable BBQ) is staying. There are no plans to change that.

Councilor Ciolino said he has his permit for his square footage.

Attorney Pino said he doesn't represent that gentleman's interest but does know he has that particular square footage on the right side of the building.

Councilor Hardy said that on face of the application it indicates 121 East Main Street but much of the architect's recording is noted to be 115 East Main Street.

Attorney Pino said there was a change. The plans were done, and the Assessor just merged the lots. The front page of the application is correct. He thought it was amended on the map that was filed. His application copy shows it fixed appropriately on the front page, Lot 59, Map 77 once the assessor merged them.

Councilor Hardy asked if the architect looked at 121 or 115 East Main Street.

Attorney Pino said the architect looked at 121 East Main Street, and they will resubmit the application with the corrections.

Councilor McGeary asked about parking when the boats are out and the restaurant is going is there enough parking to cover all that activity.

Attorney Pino said yes, there is stacked parking on the side of the property; and the Yankee Fleet doesn't need any parking under the ordinance. So when you do the count, they still have enough space for the restaurant. Realistically, you do have more than is shown. There is more than what is needed and more than what is required.

Councilor Hardy asked did the applicant need relief from any other Boards or Commissions.

Attorney Pino said no.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant the Special Council Permit 2010-002: 121 East Main Street, Map 59, Lot 77, zoning Classification MI, pursuant to Gloucester Zoning Ordinances Section 2.3.4(8) restaurant without outdoor seating with takeout constituting no more than 20% of total business and Section 5.18, Marine Industrial District, applicant name of American Lobster a d/b/a of Sakurabana, Inc., owner's name of East Gloucester Marine, LLC with the following conditions:

- 1. The restaurant will occupy 3,270 square feet in the center/rear portion of the 121 East Main Street building;**
- 2. No outdoor seating is permitted;**
- 3. No all-alcohol license to be requested;**
- 4. Take out constituting no more than 20% of the total business;**
- 5. A fence and planters to be erected on the East Main Street side between parking Spaces 1-10 as shown on submitted plans;**
- 6. Restaurant odor control will be in place;**
- 7. The restaurant dumpster to be fenced in.**

A public hearing will be held on February 16, 2010 at the City Council meeting.

4. COM2010-001: Letter from Attorney Harrison re: High Popples-Links Road

Sewer Project LLC

Councilor Ciolino stated that **Attorney Michelle Harrison, representing the Applicants for High Popples-Links Road Sewer Project LLC** asked the Planning & Development Committee to continue the matter to the next meeting of the Committee on January 27, 2010. A copy both the original request and the request to postpone the matter by the Committee is on file

5. COM2010-002: Planning Board re: 43D Priority Development Site and Harbor

Plan Zoning Recommendations

Greg Cademartori said the Planning Board will meet on February 4th; the independent counsel will be present at that meeting and can be here on the 10th and the public hearing at Council afterward. If you are satisfied with the amendments on the 10th, the deadline for the public hearing is similar to the others which would be early in March. It seems like an appropriate time line. The Council meeting after March 2nd would be beyond the 65 day period.

Councilor Ciolino said that since the Planning Board had yet to meet to make their recommendation, the Planning and Development Committee would continue the matter to their meeting of February 10, 2010. **The Committee further agreed that due to the time constraints that the matter will be advertised for public hearing for the City Council meeting of March 2, 2010.**

Mr. Cademartori went on to say that because this affects the Marine Industrial District, as well as certain other types of developments regardless of district that would be affected by the implementation of the administrative review; they are asking the City Council for a Waiver of Notification of the affected abutters because there's just too many. Under the ordinance, the Council can waive that requirement. They will reach out to the people who were involved in the

harbor planning process who will get the word out through the Cape Ann Chamber of Commerce and their working committees. There are 79 properties involved. It would be difficult to pick and choose to notify. Mr. Cademartori believed the notices in the newspaper of the public hearing two times; and organizations and groups following the process will create ample opportunity for appropriate notification.

Councilor Hardy asked exactly what Mr. Cademartori is asking the Planning and Development Committee to do.

Mr. Cademartori responded he is asking for P&D to recommend to the City Council to waive the requirement of notification of every individual property owner. It is in section 1.11.4(b) under public hearings on Page 20 which he read to the Councilors.

Councilor Hardy said that this is for the Council to waive. She reconfirmed that Mr. Cademartori asked the Committee to recommend a waiver to notify abutters to which he said yes.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to waive individual notice by mail to the owners of property included in and the abutting the area of the City to be affected by said pending zoning amendments as in accordance with the Gloucester Zoning Ordinance Section 1.11.4(b) as it is the Councilors determination that the proposed amendments which include Section 2.2.1 (Use Regulations), Section 2.3 (Use Tables), Section 5.5 (Lowlands), Section 5.8(New Site Plan Review) and Section 5.18 (Marine Industrial) affect so many properties as to make such notice impracticable.

6. COM2010-003: Extension of SCP2007-019 – Windover Properties, LLC, 14 Cliff

Avenue, Sec. 5.7 (Major Project) Multi-Family

Attorney Miranda P. Gooding of Glovsky & Glovsky, representing the applicant Windover Properties, LLC stated they are requesting an extension of the Special Council Permit of February 2008, at the time was proposed as a 12 unit condominium complex. It went through all

the proper permitting. Since the permits were issued for that project, the real estate market declined precipitously. As a result, the project anticipated high end condominiums were no longer feasible to be built as proposed. Windover has come up with an alternative plan. They have a revision under the Zoning Board of Appeals (ZBA). However, because of the timing, the decisions will not be final until right before the special permit expires, in order to preserve the rights to develop the property. Both projects have received significant support from neighbors of the property in Magnolia. This was a project that was well received. Although the economy is not favorable right now, Windover Properties LLC still wishes to go forward. This special permit expires by its terms in February 2010 hence the request to give them time to have final permits in place for the revised project.

Justin Belliveau, Windover Properties LLC said they took the 12 unit project and scaled it down to 6 units. It is just a matter of timing to put everything in place.

Greg Cademartori said since the project has been permitted, they have been involved with Windover. It was a unanimously approved project. In the interest of the Planning Department and the other departments who reviewed it favorably, they reached out on a variety of permits that had been granted were coming up on their expirations because of fairly obvious reasons. The project has been proposed to the ZBA and believes that decision is forthcoming. In respect to the project that was approved, they raised the possibility of the alternative; it would be something the Planning Department would support.

Barbara Fletcher, 3 Boulder Avenue stated she is a direct abutter and expressed confusion that Windover LLC was before the ZBA last month and thought that there wasn't a need another special permit. She inquired if the six unit plan was their back up plan.

Attorney Gooding noted the problem is that by the time this permit expires in February, the ZBA won't have passed on their final decision. There is also one other remaining permission from the Conservation Commission, so it may not be the case that they have everything they need by February 14th. There is no way for them to gauge the timing, so they need to be on the agenda for the City Council in order to preserve the special council permit. This is not intended as a back up plan except that they might not get all the relief that they need for the 6 unit condominium complex.

Mrs. Fletcher asked if a special permit was needed for the revised project.

Attorney Gooding said no they don't, not from the City Council.

Councilor Hardy asked Mr. Cademartori if it was known what is holding up the ZBA decision.

Mr. Cademartori didn't know why.

Attorney Gooding said they voted their decision at their December 10, 2009 meeting. Their next meeting is tomorrow when they sign the decisions, and expect that it will be signed. The appeal period is 20 days after that which bring them to the very end. It was thought it prudent to get this through.

Councilor Hardy said she was one of the City Councilors who was a part of this process. She noted the project was a beautiful one. A lot of work went into it. Windover worked with the neighbors who were happy in the end with it. It didn't block a lot of the views, at least a large percentage of it. One of the selling points on the initial project was that it was aesthetically beautiful on a large scale and high end. She asked about the storm run off and the plans for that run off.

Mr. Belliveau said it is their intention to utilize the same design that was engineered for the 12 unit project.

Councilor Hardy asked if there would still be retention ponds on the property.

Mr. Belliveau said yes they would and be in the same places on the site despite the reduction of units.

Councilor Hardy asked about the planned experimental system for sewerage and if Windover would be utilizing it for the 6 unit project as well.

Mr. Belliveau said they would be using the same originally proposed experimental system.

Councilor Hardy asked the market price of the 6 units.

Mr. Belliveau said that it is the same as the original plan at \$1 million each, with three bedrooms per unit.

Attorney Gooding said the information is in the decision regarding the number of bedrooms per unit as 36. Although there was a requirement under the original proposed number of units for one unit to be affordable housing, there is no affordable housing unit in the downsized plan which is not required for the 6 unit project.

Councilor Hardy said all you're looking for is an extension on the original 12 unit project (referred to going forward as "Plan A", with the scaled down project referred to as "Plan B").

Attorney Gooding said they are asking for extension for Plan A; and they hope that Plan B, before the ZBA, will come in on time as a fully permitted project by February 14, 2010. Since they can't be sure of that, they are requesting this extension so Plan A may remain in place with no loss of rights [to build].

Councilor Hardy asked if any of the conditions from the original approval are carrying over to the new permit.

Attorney Gooding said the applicant volunteered to carry over all the conditions except for the affordable housing which would be eliminated. There were 4 or 5 conditions that pertained to the sprinkler system that don't apply for two family structures. Parking is different because the scale down. Originally it was an underground garage.

Councilor Hardy asked if the parking configuration of the entrance and exit of the lot will stay the same.

Attorney Gooding said in the modification, Plan B, there is now one entrance on Cliff and one on Boulder depending which unit you are in.

Councilor Hardy said some of the neighbors were concerned about the flow of traffic and wanted one exit and one entrance.

Mr. Belliveau said it wasn't intended that way. Vehicle trips would be reduced presumably by half.

Councilor Hardy said there will be more concrete or hot top on this project.

Mr. Belliveau said materials haven't been selected yet for paving. They have to take into account is the amount of the impervious areas when selecting the paving materials.

Councilor Hardy stressed that drainage is very important, and there'll be more driveways and more runoff which she would like to see addressed as this is an on-going problem in Magnolia.

Mr. Cademartori said they'll need to be a new drainage plan approved by the Engineering Department. It will probably use most of the same elements. The footprint, the layout is in someway a two-sided piece consistent with the former footprint with the addition of two units in the rear. The parking area is same footprint and will have the many of the same elements that were going to be in place along Shore Road. It will probably use the same elements of the same retention area and some solutions will need to be retro-fitted for the additional area. They are satisfied that that drainage is being addressed

Councilor Hardy asked about the gazebo and plaque and if they were to stay in place and that the Olmstead Gardens will be preserved.

Attorney Gooding said yes.

Councilor Hardy asked how much time the applicant was looking for.

Attorney Gooding said 18 months.

Councilor Ciolino noted Councilor Hardy and he have had this matter two and three times before them, respectively. When the nursing home was permitted and this project was permitted, there was one aspect that the two combined which was that they built on the original footprint. Councilor Ciolino expressed his concern at the applicant is proposing to build outside the original footprint and described his concern. However, he noted that tonight he will vote for the extension of the original permit.

Councilor Whynott wondered if the project was palatable at 12 units and will it still be palatable at six units. When it was on the original footprint, the neighbors agreed to it.

Councilor Ciolino said that they are changing the view corridors, and this will not set well because it's not on the original footprint. This is permanent and ready to go; and all the neighbors are on board.

Councilor Verga said if there was no new project on the horizon, would we have an issue with extending the permit. There is this new project, and there are issues he hopes the applicant will keep in mind. He believes if you come this far, then they deserve they have this extension. There needs to be consideration of the neighbors to avoid any problems down the road.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant the Applicant's request for an extension for a Special Council Permit for a major project to Windover Properties, LLC according to section 5.7 Major Project (Multi-family dwelling involving 21 or more bedrooms, or 11 or more dwelling units) of the Gloucester Zoning Ordinance at 14 Cliff Avenue, Map 167, Lots 13 & 14; to an eighteen (18) month extension of the terms of the Special Permit to expire August 14, 2011 to allow for the completion of the project with the 19 terms of condition of the original Special Permit to still apply.

7. Other Business

None.

The meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Dana C. Jorgenson

Clerk of Committees