



CITY OF GLOUCESTER

PLANNING BOARD

MEETING MINUTES

Thursday September 9, 2010 at 7:00 PM

Senior Center, 6 Manuel F. Lewis Street, Gloucester

Richard Noonan, Chair

Members Present:

Rick Noonan, Chair

Mary Black, Vice-Chair

Marvin Kushner

Karen Gallagher

Henry McCarl

Staff:

Gregg Cademartori, Planning Director

Pauline Doody, Recording Clerk

I. BUSINESS

- A. Call to Order with a Quorum of the Planning Board
- B. Introduction of Planning Board Members and Staff

Mr. Noonan opened the meeting at 7:10pm and introduced the board members to the public. He also invited anyone in the public who would like to speak of something not on the evening's agenda.

Public Comment: None

II. CONTINUED PUBLIC HEARING

In accordance with the provisions of MGL Chapter 40A, Section 5, and the Gloucester Zoning Ordinance, Section 1.11, the Gloucester Planning Board will hold a public hearing to consider the following petition to amend the Zoning Map and Zoning Ordinance as follows:

Amend the Gloucester Zoning Map by creating an overlay district zone consisting of 3 +/- acres in the Marine Industrial district located at 33 & 47 Commercial Street, Assessor's Map 1 Lots 33 & 22, respectively, and to amend the Zoning Ordinance by adopting a corresponding new Section 25 entitled Birdseye Mixed-Use Overlay District (BMOD) governing the permitting new uses by master plan and special permit in the overlay district.

Mr. Noonan stated that this was a continuation from the August 5th meeting.

Presenter: Attorney Lisa Mead, Blatman, Bobrowski & Mead, LLC, Newburyport

Attorney Mead stated that at the end of last meeting there were a couple of items that were brought up that she would like to address. The first was a question was about the Tidal Flats and the applicability of Chapter 91 regulations to the property. The edge of the property extends into ocean to the low tide mark. On August 30, a memorandum was provided to the Board about the applicability of Chapter 91 clarifying the Chapter 91 jurisdiction on the property. Ms. Mead summarized the issue in stating there is no proposed construction within this jurisdiction and therefore the regulations will not apply.

Another question of the Board related to the conceptual plans submitted and how they related to the proposed height and building allowances: the applicants representatives are prepared to discuss this and give other examples of other taller buildings in Gloucester to demonstrate the proposal is appropriately scaled for the project location.

Richard Griffin: Griffin Architects, Salem MA.

Mr. Griffin handed out project graphics to the Board. He stated that they had a surveyor come in and survey points of tops of landmarks in Gloucester. The tops are accurate, but he cautioned the bases are harder to define so they are plus or minus two feet. There are good benchmarks near City Hall, the Birdseye building and the tall house down the Fort. (He referenced charts and computer generated models for the Board and public) Some of the height markers he mentioned were McPherson Park, St. Ann's Church, City Hall, tall house on the Fort, the Universalist Church and the Birdseye building, and everything was referenced to the sea level datum, so it shows their relative heights. The representation of

the concept building has a maximum height of 125 feet at the top represents 15% of the built area, the next tier down has a height at 108 feet representing 40 % of the built area, and the remaining 45% will be a maximum of 40 feet high.

Mr. Noonan stated that based on the drawing from the existing Birdseye tower today, the 125-foot mark above grade is about a 46' difference here. How many stories will there be?

Mr. Griffin stated that it would be nine (9) stories plus the roof, which include the 1st story which would have a higher ceiling height.

Mr. Cademartori reminded the Board that the reason for this analysis was requested is because a concept plan was submitted and there was a desire to understand how the rendering related to the proposed height allowance in the ordinance. Based on his estimate he thought the render was on the order of 80 feet and that information might be helpful to the Board in evaluating the proposed percentages at 108 and 125 feet. He asked if given the rendering, are you comfortable that it is fairly close to scale, because now having these graphics there is a greater disparity between the height of the top of the proposed building and that of the Fort building.

Mr. Griffin stated that you have to add 40 feet to what is shown in the rendering to reach the 125' maximum. It doesn't show the full nine (9) stories.

Mr. Bell stated that this is not a hard plan of what we are planning. It is still hugely subjective depending on investors and team members. The important thing is that there could be less mass if the lead investor gives us different criteria.

Attorney Mead stated that this is to give an example of what would be allowed.

Mr. Cademartori reiterated the reasoning for this exercise is to understand what the ordinance may result in remembering that the purpose and intent of the ordinance defines structures that would be compatible with the landscape. It is now clear that the rendering does not approach the proposed maximum building height and is more on the order of 80 feet.

Mr. Kushner stated that it was indicated that there would be a four-story garage. Will it be an integral part of the project?

Mr. Griffin stated it would be imbedded in the middle of the building. (Referenced plan for the Board). He stated that it is located there because it is not valuable real estate and made the most sense.

Mr. Kushner asked if they thought there would be any interference with businesses and residents in the area; for example, if someone parking on that lot, when they leave onto Commercial Street would they automatically have to make a left turn only to minimize the impact on residents and business's.

Mr. Bell stated relative to the size of the parking garage will be relative to the project and the uses it will contain. It will also change and because of the seasonality of business in Gloucester. We should be able to facilitate parking for the winter months perhaps for other uses.

Ms. Black asked about for the number parking spaces which may be provided in this parking structure.

Mr. Griffin at first stated that approximately 300-500 cars and then reduced the number to 280 cars.

Mr. Bell stated that to be on same page, the relationship of what we are given as parameters of what we have to work with will depend on who can invest. We are attempting to create an opportunity, where at present it is zero. The Birdseye building has been 50% vacant for the last 12 years. Right now we would welcome any use of that property.

Mr. Cademartori asked for the gross square footage of the proposed building.

Mr. Griffin stated that he would send the breakdown to Mr. Cademartori.

Mr. Kushner asked if studies have been done on the various uses and the amount of traffic/ cars it would create, and if it was available to the Board for review.

Mr. Griffin stated there is a parking ordinance and zoning ordinance of Gloucester that breaks down how many cars there would be for a restaurant etc. In terms of traffic counts it will be done once we are further in the process.

Attorney Mead stated that the whole part of the Master Plan is once we know what the uses will be and when we present the master plan to the City Council, we will have to do traffic plans and other related studies. They are required in the proposed ordinance, but not provided at the re-zoning.

Ms. Black stated that in regards to the cluster and basket approach that was presented at a previous meeting; do we have any data as to the number of cars that would be generated and parking required based upon the clusters open to us?

Attorney Mead stated yes, and that the clusters are for similar uses and impacts would also be similar. That was the idea behind it.

Attorney Mead back to the discussion of the building design the Board also asked for some representation of what a building might look like at the street level and Mr. Griffin and prepared a graphic. If you look at the

design/dimensional requirements the building would have to be tiered away from the property lines. All sides would have the tiered effect. It is required.

Mr. Griffin showed a detailed plan incorporating the tiered effect.

Mr. Bell stated that at 33 Commercial Street, it is important so we are not living in a shadow. We see it to be a gradation.

Mr. Noonan stated that what we are trying to grapple with is the scale, the renderings, what the uses are going to be, is there a predictable impact that we can grasp onto?

Mr. Bell stated that yesterday downtown, over 2000 people were dropped off by bus and there was an impact to the city. At what degree do we want to embrace it? Being in business in Gloucester, there are 7 months that are non-profitable and the other 5 you can be if you are on your game and you will be able to carry your business for the other 7 months. We used to say if Gloucester's greatest problem is the lack of parking and the abundance of traffic in season, as a business attempting to employ and survive it is a problem we will tackle. We are limited and restricted by many factors; from parking, to flow, to the integration of the various businesses. As someone who has been in business for 31 years, we come with a realistic approach and welcome input and ideas.

Attorney Mead stated that in the ordinance itself is like any other special permit, anyone who want to develop in town has to come to you and prove pursuant to the requirements of the ordinance that there are certain impacts that will be had and if there are unacceptable impacts. The developer has to prove that traffic impacts can be dealt with, that impacts on water or sewer are appropriate or mitigation has to happen. It is the same review process. The way the city is protected is that there are requirements in the ordinance the developer has to prove. We don't have all the answers today; it would be premature at this time. The accommodation is made in the ordinance itself to make sure the city and the special permit granting authority has a project that will work.

Mr. Cademartori asked for the percentage of the building devoted to parking.

Mr. Griffin stated it was 100,000 square feet per level; approximately 50% of the building.

Mr. Cademartori stated that in response to your comment about when you go to make a zoning change, we are in a current situation where we are defining a new zoning. If one is switching from one to another there is an assumed density based on dimensional requirements that are there are allowed and prohibited uses. In this case we are talking about 500-600 hundred thousand square feet of some space of some use. For comparative purposes; Gloucester Crossing is 195 thousand square feet and spread out over 33 acres, granted with wetlands in the interior. Just to get a sense given the road network near the locus, given a proposal with 600 thousand square feet of some use and is a reasonable expectation that that traffic impacts may be mitigated can be mitigated. It makes perfect sense at this point in the discussion to get a sense of what the appropriate density is rather than saying "we don't know what the density will be and we will answer all the questions later", and also comes in with the discussion of the height. If this is an unrealistic density which relies on an ordinance with increase height, then maybe on one level it is just not an appropriate proposed height.

Mr. Noonan stated to follow a thread, if you brought up the review tools in zoning change, more specific to site plan review, ALR's, project review, inclusionary. In previous meeting we touched on it briefly and would like to get an update on the review tools that have been exempted and whether or not they should be at a minimum included by reference.

Attorney Mead stated that this is all one permit through the city council.

Mr. Noonan asked where do we stand of the evolution of the project. What tools will available to the City Council and this Board, capturing what impact is relative to adopting this. Where are we? You have exempted yourself from the traditional mechanisms that we review a major project or site plan review or ALR's and there was some acknowledgement that even though they were exempt in the proposed zoning amendment it could be useful in moving forward and there is some consideration in making those as part of this review process.

Mr. Cademartori asked what is the petitioner's justification for the exemption from all of the other provisions currently in the zoning ordinance. One of lingering questions from the Board's perspective is what's the rationale that certain uses will be treated so differently in this district verses other locations in the city. What is it about this particular ordinance that we are going to forego?

Attorney Mead stated that we didn't totally exempt ourselves. We reduced the number of permitting processes because they are included in this review. We don't have this project going through the separate permitting process. The thought was that it would go through two reviews the master plan then special permit. It seems to be redundant for us to go through a Master Plan, a PUD special permit and then to go through an additional special permit process for a component of it that is already being reviewed for the overall submittals. Part of the idea is to know when you have your master plan approved you don't have get additional special permits aside from the PUD. The idea is to make a comprehensive approval. I don't think we are trying to shy away from any reviews.

Mr. Noonan stated that is a first time opportunity and we are bound by traditional review mechanisms.

Attorney Mead stated that the intent is not to lessen the review to make sure the project works for the city. **Mr. Cademartori** asked for clarification on the affordability component: we are talking about the introduction of uses that are not allowed currently. We are also talking about the potential for () up to one million square feet of space based on the numbers from this evening, and that is a lot of allowed additional uses. The justification has been the complexity and the economics of the project are greater, but so is the broad proposed use allowance, so where is the rational/reasoning why of those standards that exist now for those uses can't be applied such as the affordability requirements.

Attorney Mead stated that the required inclusionary is 5%.

Mr. Bell wanted to provide some clarification and stated that that the maximum square feet are between 450- 480 thousand square feet. The parking is a third to a half. The entire project that includes Beach Court and 33 Commercial St (showed plan) is a maximum of less 500,000 square feet and the parking is a third in square footage. Parking is a real problem and a minimum of 5 million and maximum of 10 million dollars worth of parking will need to be constructed. You can't have one without the other. It is in our interest to make it work. In regards to the affordable housing, we chose 5% instead of 15%, because the entire affordable housing experience of Gloucester was founded at Gloucester Mill. Our experience at Gloucester Mill was that, particularly in this economic environment the percentage requested in the city ordinance as it exists can be discussed as excessive, because our greatest challenge is fair market conditions. The fact is, we are happy to bring up and embrace some form of affordable housing. Some of the restricted deeds in Gloucester Mill resulted in them being the last to sell and the most difficult to resell.

Mr. Griffin stated that the parking represents 22,500 square feet per level. The total project is 300,000 square feet.

Attorney Mead stated that all the numbers would be submitted to the Board.

Mr. Noonan referenced a corner lot issue and asked for clarification.

Mr. Bell stated that there was an error in the initial drawing. We had a meeting with the owners of the lot and tried to include it in the plans, however there wasn't any interest.

Mr. Cademartori asked if there was any discussion or plan for changes to the existing building at 33 Commercial Street or the multifamily on Beach Court.

Attorney Mead stated that it's part of the integration of the plaza down through the middle. There is nothing structural planned at this time.

Mr. Bell explained lot ideas to the Board as a fun, functional space and referenced the drawings of spaces.

Mr. Noonan asked about plans for the Beach Court residential property.

Attorney Mead stated that nothing is being done with that property and Mr. Bell confirmed that.

Mr. Noonan asked how does it fit the area of the overlay?

Attorney Mead stated that it's the battle between what we are planning, what we know, and what the opportunity will be.

Mr. Bell asked if anyone has seen an historic photograph of the area. He stated that one of the interesting things in that photograph is the 33 Commercial St building. It used to extend to the beach, but had burned down. What used to be and what was there and what could be there is part of the process. It is an interesting aspect of where we could go.

Public comment:

Bob Ryan, 3 Blake Court, Gloucester, MA.

Mr. Ryan stated that he was in support of this proposal and has known Mac Bell for many years. He has an excellent track record and has employed many citizens of Gloucester over the years. He reminds me of George O. Stacey. Mr. Ryan told of Mr. Stacy's accomplishments in regards to development in Gloucester. He stated in looking back at Gloucester, we had 1000 hotels rooms 100 years ago and we have less than 500 today. It will increase the much-needed commercial tax base and create jobs. We need to start concentrating and increase our tax base. Perhaps in addition the business's proposed we could look at sail making and repair, lobster trap building, and fishing net repair and manufacturing.

Dennis McGurk, Concord Street, Gloucester, MA.

Mr. McGurk stated that he respects Mac Bell and what he is doing. However, I do have concerns about the logic and rational regarding the height of the property. Our iconic landmarks of the city are, City Hall, St. Ann's Church. When we compare height we are not talking mass, we are talking tower height. When I look at the scale of this, I don't know if there is anything like it in Gloucester. If we took that drawing and it will dwarf anything else in the area. I'm afraid that it will lock off the waterfront.

Sunny Robinson, 20 Harvard Street, Gloucester, MA.

Ms. Robinson stated that she had 5 specific points for the Planning Board to review.

1. Height plus mass in that area and what the affect dwarfing anything in that area and how the shadow cast in that area and have the understanding of the impact.
2. Assisted living residences-the affordability standard in the city is 20%. That is very specifically constructed that way at City Council recognizing that ALR's are senior buildings and to ensure that there were enough of them and a variety of affordable styles of senior housing available. The 20 % was larger than the amount of total affordable units.
3. Do your own review of Chapter 91 and whether or not this property is exempted.
4. If the zoning was not changed and remained MI, we would not need to build a parking garage for 300-500 cars. If it remained MI, we would not have to discuss the problem of maximizing profits for 5 months covering the other 7 months. We would have a year round Marine Industrial business.
5. Ocean Alliance has started work on its property. It takes a long time to get a project started and get going.

Suzanna Altenberger, 66 Atlantic Street, Gloucester, MA.

Ms. Altenberger stated that we have heard a broad variation of information regarding parking spaces, and exempts of permits. I have a feeling that your time is being wasted. The numbers seem to change every 15 minutes as the more probing questions are asked. After all the upfront energy, you would think there would be more distinct information instead of it will depend of uses etc. What is this ultimately all about? Ocean Crest is a privately owned company and would have instantly moved in and the building could be used as we speak. There could 40-60 jobs right now.

Vince Mortilaro, 3 Tidal Cove Way, Gloucester, MA.

Mr. Mortilaro stated that he has met with Mac Bell on a couple of occasions. He stated that Mr. Bell had asked me for help to move in to the property next door, to keep the company alive. He offered me 16,000 sq feet for 15,000 dollars a month. I am paying less than that now. The second time we met he wanted to build me a 2-story building on 65 Commercial St and stated he would give me a square building and he wanted my air rights for nothing. My corner lot is not for sale. I am doing plans of my own and will be presenting them to the Board in the near future. That corner lot represents 20% of my business. It generates 30 million dollars a year and employs 20-30 people year around and we cannot have construction stopping my business. It was told to me that he would allow me access to my own properly. This will hurt my business because we run 24/7. How do you think the neighbors will react when trailer comes in the middle of the night? There have been ordinances written just about my business only. I am not going thru this again.

Jean Gallo, 20 Harvard Street, Gloucester, MA.

Ms. Gallo stated that my question last time was about the stages and from what I understood; the last stage was getting this permit once the zoning change was approved.

What is the purpose of this meeting as far as the zoning? And then it goes through City Council? I am really confused about the process. You either recommend it or you don't. The city council takes it and gives the overlay. I have also kept hearing that there are no specific plans. Is it that the developer says I want this and then once it goes through and is approved, they can do anything they want?

Mr. Noonan referenced law where the property owner can bring a proposal to the board, and we consider zoning changes. All of which is subject to interpretation and modification. At some point this board will make a recommendation to City Council. Our charge is zoning. At that point the zoning change discussions will be held in a public process and the City Council will decide what is adopted. This is considering zoning changes that develop a path for development in a parcel within the city. This is the first step in a longer process that will find the balance between the community, the developer and the property.

Mr. Cademartori addressed Ms. Gallo and he recalled that she responded at the last meeting with a questions about the use clusters, and whether or not they would have to return to the council given that mechanism. Anything recommended hear will be further discussed by the city council before adoption. If adopted in a similar form as presented these uses would require special permits, but if in a use cluster uses may be substituted under on special permit. At this point the Planning Board is preparing for a recommendation on the zoning proposal.

Patty Page 3 Tidal Cove Way

Ms. Page stated the numbers seem to vary and want to get some kind of parameter clarification.

Mr. Bell clarified the numbers for Ms. Page.

Henry McCarl stated that we are not making a decision on this specific project. We are making decisions on whether projects of this nature would be suitable for an overlay district. The project in its final form would still have to go through the review process. Those hearings cannot be avoided. This is just one of many projects that might fit in to an overlay district. There is going to be proposal put forth and hopefully will be acceptable. We are deciding here to make an overlay district which allows uses that are not currently allowed.

Attorney Mead stated that she would like to address the corner lot issue that was brought up. It is not included and never was included in the plan. Mr. Bell met with the owner and the property boundaries would have to be respected. The second item regarding the ordinance requirement for the residential dwelling; a deed restriction would be applied as part of the ordinance for buyers to acknowledge that all of the noises, smells and truck traffic are an accepted part of the area.

Mr. Noonan stated that the Board has retained a consultant that will be making a presentation to assist the Board in further understanding the permutations of a PUD and how they are used elsewhere in the state.

Motion: To continue to September 16th; Amend the Gloucester Zoning Map by creating an overlay district zone consisting of 3 +/- acres in the Marine Industrial district located at 33 & 47 Commercial Street, Assessor's Map 1 Lots 33 & 22, respectively, and to amend the Zoning Ordinance by adopting a corresponding new Section 25 entitled Birdseye Mixed-Use Overlay District (BMOD) governing the permitting new uses by master plan and special permit in the overlay district.

1st: Henry McCarl

2nd: Karen Gallagher

Vote: All approved 5-0

III. ADJOURNMENT

Motion: To adjourn at 8:50 pm

1st: Henry McCarl

2nd: Karen Gallagher

IV. NEXT MEETING

Next regular meeting of the Planning Board is Thursday September 16, 2010

Planning Board Members: If you are unable to attend the next meeting please contact the Planning Office at (978) 281-9781.