This meeting is recorded

CITY CLERK
GLOUCESTER, MA

2017 JAN 12 AM 8:13

GLOUCESTER CITY COUNCIL
Planning & Development Committee
Wednesday, January 18, 2017 – **5:30 p.m.**
1st Fl. Council Committee Room – City Hall
(Items May be taken out of order at the discretion of the Committee)

1. ***Special Event Application:*** **Request to hold Lone Gull10K Road Race 9/24/17**

2. ***Request for renewal of outdoor parking permit from Antonio, Maria and Angela Procaccini pursuant to MGL c. 148, §56 and GCO Sec. 22-153 re: 2 Long Beach Road***

3. ***SCP2017-001: Lindberg Drive #8, Map 123, Lot 84, R-80 (Rural Residential), GZO Sec. 1.8.3 & Sec. 2.3.6(4) for Arts, crafts and sale of art or crafts if made on premises***

4. ***Memorandum from Planning Board re: GZO Sec. 5.27 Medical Marijuana Treatment Centers (MMTC) & Medical Marijuana Cultivation Facilities (MMCF) proposed amendment to Sec., 5.27.5 "Separation" (Also referred to Planning Board) (Cont'd from 01/04/16)***

5. ***Memo from the Mayor's Office to City Council re; Sale of the interest in Parcel E on the former Fuller School site***

6. ***RZ2017-001: GZO Amendment Sec. 1.11(c) re: creation of a Mixed Use Overlay District including properties #2 & #4 Schoolhouse Roade and #7 Gloucester Crossing Road***

COMMITTEE
Chair, Councilor Paul Lundberg
Vice Chair, Councilor Melissa Cox
Councilor Valerie Gilman

CC: Mayor Theken
Jim Destino
Joanne Senos
Chip Payson
Gregg Cademartori

The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

CITY CLERK
GLOUCESTER, MA

2016 DEC 28 PM 12:07

CITY OF GLOUCESTER – SPECIAL EVENTS PERMIT

NAME OF EVENT: Lone Gull 10K Road Race DATE OF EVENT: September 24, 2017

Special Events

Permitting is required for most types of special events. A "Special Event" is an event open to the general public; it can be held on public or private property; it may feature entertainment, amusements, food & beverages; it may be classified as a festival, road race, parade or walk-a-thon. A special event in the City of Gloucester, depending on the size and nature of the event, may require a number of permits or approvals from various departments within the City before it is officially approved and is granted a "special event" permit. Furthermore, special events are also governed by the Gloucester Code of Ordinances §11-8 and §11-10.

In order to assure that the City, as well as the special event applicant, has as much information as needed before beginning the permitting process, the City requires the applicant to come to the **City Clerk** first to arrange to be placed on the Special Events Advisory Committee agenda. The applicant **must complete** a Special Events Application form in advance which includes:

- Date of Event; hours of Event; Rain Date;
- A detailed site plan or map of the area showing all locations for the following: all American with Disabilities Act (ADA) accessibility; pedestrian and fire access; dimensions of stages & tents; type of equipment or generators and the placement of any vendors and any portable toilet facilities; site plan/map must be 8-1/2 x11 inches and be legible – capable of copy reproduction;
- If the site of the event is privately owned, a letter from the landlord or property owner giving the applicant the right to use the property is required;
- If the event is featuring entertainment, you need to list all performances;
- If the event is featuring amusements, you need to list **all** rides & games;
- If this is the "first year" of your event, please attach any letters of support from local community and business organizations;
- A list of all vendors including food and if propane is to be used. Vendors will need state or city vending license before date of event and Health Department approvals unless they are excluded under state laws or regulations;
- Certificate of Insurance listing City as the insured (Certificate Holder).

After the Applicant presents the application to the Special Events Advisory Committee, and if the Committee determines City Council approval is necessary, the applicant is to submit the completed permit form (download at: gloucester-ma.gov or available in City Clerk's office) signed and dated with cash or check made payable to the City of Gloucester: $25.00 for non-profit organizations, $50.00 for for-profit organizations, at the City Clerk's office. At that time, an appointment for a review prior to the submission of the permit to the City Council process must be made at the convenience of the City Clerk, in order to begin the approval process. **All first time applicants must file completed application and finalized at least 60 days in advance of their event; annual event applicants must file completed application and finalized at least 45 days in advance. Non-compliance with these filing deadlines may result in denial of the application.**

Most applicants will appear before the Council's Planning & Development Committee who will give the applicant a list of conditions which **must** be met. If the completed application doesn't require the P&D Committee approval, then the application including the checklist should be considered complete upon the applicant's appearance before the Special Events Advisory Committee.

Joanne M. Senos, City Clerk
Gloucester City Hall, 9 Dale Avenue
Gloucester, MA 01930
PHONE: 978-281-9720x8
EMAIL: jsenos@gloucester-ma.gov

Hours of Service:
Monday through Wednesday: 8:30 a.m.-4:00 p.m.
Thursday: 8:30 a.m. to 6:30 p.m.
Friday: 8:30 a.m. to 12:30 p.m.

Completed copy filed: Date: 12/27/16 Initial: JMS Copy to Applicant: Date: _____ Initial: _____
Fee Paid: $ 25.00 Not Applicable: _____ Date: _____ Initial: _____

Revised: 09/28/2016

CITY OF GLOUCESTER SPECIAL EVENT APPLICATION

SPECIAL EVENTS
City Clerk's Office: 978-281-9720 Fax: (978) 282-3051

Name and Type of Event Lone Gull 10K Road Race

1. Date: September 24, 2017 Time: from 9:00 to 11:30

   Rain Date: October 1, 2017 Time: from _____ to _____

2. Location: Nautilus Road

3. Description of Property & Name of Owner: _____
   Public X Private ____

4. Name of Organizer: CCCBSD City Sponsored Event: Yes__ No X
   Contact Person: Len Femino
   Address: One School Street, Beverly, MA Telephone: 978-921-1990
   E-Mail lff@alexanderfemino.net Cell Phone: 978-578-3086
   Day of Event Contact & Cell Phone: Len Femino 978-578-3086
   Official Web Site: Lonegull10Kroadrace.com

5. Are street closures required: X Yes ____ No If yes, where: Nautilus Road, Eastern Point

6. Number of Attendees Expected: 100 Number of Participants Expected: 1000

7. Is the Event Being Advertised? Yes ? Where? Newspaper, magazines
7. (a) Is there a fee charged for tickets/attendance for event participation? Yes X No__ List all fees if yes.
   $30.00 each
8. What Age Group is the Event Targeted to? 18-99

9. Have You Notified Neighborhood Groups or Abutters? Yes X No ____, Who? Eastern Point Neighborhood Assn.
   Attach a copy of the notification to the abutters to this application.

10. Are you or Profit Organization: __ Non-Profit Organization: X Who will benefit financially from this event? The Children's Center for Communication

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Activities: *(Please check where applicable.)* Subject to Licenses & Permits from Relevant City Departments:

A. Vending: Food X Beverages X Alcohol_____ Goods_____Total No. of Vendors*_____
   (*Local or State license required)
B. Entertainment: (Subject to City's Noise Ordinance) Live Music _____ DJ _____ Radio/CD _____
   Performers _____ Dancing _____ Amplified Sound X Stage _____
C. Games/Rides: Adult Rides _____ Kiddie Rides _____Games _____ Raffle (requires City permit*) ____
   Other: _____ Total No. _____
   Name of Carnival Operator (requires permit and inspection of rides): _____
   Address: _____
   Telephone: _____
D. Tents: X Yes _____ No. If yes, how many ____ What are the tent sizes: 20 x 20 (May require permits)
E. Clean Up: No. of additional trash receptacles required ____ No. of additional recycling receptacles required ___
   (To be provided by and removed by applicant at their expense.)
F. Portable Toilets: (To be provided by and removed by applicant at their expense. Each cluster of portable toilets must include at least one ADA accessible toilet)
   No.: 20 standard No.: 1 ADA accessible plus bathhouse

FOR PARADES, ROAD RACES, BIKE RIDES AND WALK-A-THON EVENTS ONLY

PARADE _____ **ROAD RACE** X **WALK-A-THON** _____

1. Name, land line & cell phone number of contact person on the ground Day of Event:
   Len Femino, 978-921-1990 978-578-3086

2. Name, Address & 24/7 telephone number of person responsible for clean up if different from above:

3. Locations of Water Stops (if any): Corner of Atlantic & Grapevine (2), Niles Beach & Finish Line

4. Will Detours for Motor Vehicles be required? X If so, where and what length of time:
   Eastern Point Road atthe Gate.

4A. Are street closures required? X (This is determined by t he Police Department)
   Where? Nautilus and Eastern Point Blvd.

5. Start Location & Time for Participants: Nautilus Road 9:00 AM

6. Dismissal Location & Time for Participants: Good Harbor Beach Parking Lot 11:30

7. Number of Participants: 1,000

8. Additional Parade Information:
   - Number of Floats: _____
   - Location of Viewing Stations: _____
   - Are Weapons Being Carried(If "Yes", Police approval may be required: Yes:__No __
   - Are Parade Marshalls Being Assigned to Keep Parade Moving: Yes: __No __

8. Name and Address of Insurer: USATFNE and CCCBSD

9. Attach or Provide a Certificate of Insurance naming the City of Gloucester the Certificate Holder.

CITY APPROVAL (FOR COMMITTEE MEMBERS USE ONLY):

NAME OF EVENT: Loan Gull 10K Road Race DATE OF EVENT: September 24, 2017

You will need to obtain all necessary approvals, permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event and others may request payment in advance. NOTE: Applicants must comply with the Code of Ordinances, Ch. 11 (Vendors) as applicable and as required by City Clerks and/or Licensing Commission and all other applicable ordinances.

Approvals Required: Written approvals below should be submitted by time of applicant's appearance before the Planning & Development Committee by this form (below) and if necessary by memorandum or email from the appropriate City staff to the Office of the City Clerk.

Initials of Dept. Head/ Designee	Notes by Department Head or Designee
JMK	1. **Special Events Advisory Committee** _____
_____	2. **Planning & Development Committee** _____
JL	3. **Gloucester Police Department** _____
	Is Police Detail Required? Yes **No. of Details** Some
	Traffic, Parking & Transportation _____ **Street Closure:** Yes
_____	4. **Health Department** _____
RN	5. **Building Inspector** yes
_____	6. **Electrical Inspector** _____
MC	7. **Department of Public Works:** ✓
	Use of City Property: Yes/No Location if yes: GHS **Permits:** _____
SRS	8. **Gloucester Fire Department** _____
	Is a Fire Detail Required? ____ **No. of Details** ____ **EMS** ____ **Use of Propane:** ____
	(Attach EMS Memo)
_____	9. **Licensing Commission (includes vendors) (Through City Clerk:** _____
_____	10. **Licensing Board (Alcohol):** _____
RC	11. **Harbormaster:** _____
_____	12. **Tourism:** _____

The Departments or Committees listed above may have their own separate permit/application process. Applicants are responsible for applying for and obtaining all required permits & certificates from the various individual departments.

Signature of Applicant _____ 12/23, 2016

RESPONSIBILITIES OF APPLICANT

1. All members of the organizing committee and performers/concessionaires/vendors must adhere to the rules and regulations set forth by all applicable departments.

2. The applicant and concessionaire/vendor are responsible to pay all applicable fees required by applicable ordinances and State law. Any non-payment of fees to any City department will result in the denial of the application or revocation of permits.

3. The applicant is responsible to ensure that there is no illegal activity on the areas under their supervision during the event.

4. All concessions must be stationary and placed in such a way to not hamper the access of pedestrians. They must be placed tight against curbs, not block fire hydrants or sidewalk ramps. Concessions must be moved if in the opinion of City officials on-site they pose a problem for access or public safety. Concessions utilizing compressed gas or generators or propane must comply with the regulations of the City of Gloucester Fire Department and receive approval through the Licensing Commission. Concessions using tents must have Building Inspector approval.

5. Federal & State law requires a minimum of 4 ft. of clear unobstructed sidewalk be available at all times for pedestrians. The applicant must keep sidewalks, ramps and curb cuts clear of any interference from their vendors or their event participants. No storage is allowed on the sidewalk.

6. Any items to be sold must be listed with their prices. All beverages in cans and plastic bottles and must be recycled according to the City of Gloucester recycling guidelines. The use of any type of glass containers is prohibited unless prior approval is granted by the *Department of Public Works.*

7. **All applicants are responsible for filing their applications in a timely manner: First time applicants must file completed application 90 days in advance and have finalized all necessary approvals at least 60 days in advance of their event. Annual event applicants should file completed application 75 days in advance and have finalized at least 45 days in advance. Non-compliance with these deadlines may result in denial of the application.**

8. The applicant **shall indemnify and hold harmless the City of Gloucester and its employees** from any damage it may sustain or be required to pay by reason of said event, or by any reason of any act or neglect by the applicant or their agent relating to such event or by reason of any violation of the terms and condition of this license. The applicant is responsible for any damage to public property caused by the event. Applicant shall also provide a **Certificate of Insurance** at the time of approval by the Special Events Advisory Committee.

10. **The City of Gloucester reserves the right to deny the application at any time.**

I/We fully understand and agree to all the terms set forth in this application. The information that I/We have provided is truthful and accurate. I/We accept all responsibility related to this event.

[signature] 12 23, 2016

Signature of Applicant

CITY CLERK
GLOUCESTER, MA
2016 OCT 18 AM 11:31

October 18, 2016

Angela Procaccini
9 Seneca Dr.
Danvers, MA 01923
angelaprocaccini@hotmail.com
Tel.: 978-283-0754
Cell: 978-407-7635

Paul Lundberg, Chairman
City of Gloucester City Council Planning and Development Committee
Clerk's Office
9 Dale Ave.
Gloucester, MA 02930

Dear Chairman Lundberg:

RE: Procaccini Outdoor Parking Permit 2017 Review/2 Long Beach Road

Permittees Antonio, Maria, and Angela Procaccini, request a Planning and Development review date.

This review is required as per October 22, 2014 Planning and Development and October 28, 2014 City Council meetings, which stipulate renewal in 2017. The present permit expires on April 30, 2017 and was last reviewed in 2012.

The Procaccini permit has been issued on a continuous basis for forty-five (45) years. Vehicular capacity is twenty-three (23) and includes a van-accessible parking space. This small, family-owned and operated parking lot provides Long Beach and Good Harbor Beach public access and is in compliance with permit conditions.

Best regards,

Angela Procaccini

ap:ap

Enc.: Procaccini Outdoor Parking Permit 2016, Planning and Development Committee Minutes October 22, 2014, City Council Minutes October 28, 2014

cc: R. Scott Memhard, Ward I City Councilor

The City of Gloucester Clerk's Office holds the Procaccini file containing copious past review materials, photographs and a current certificate of insurance. 2017 documents will address new information only.

Procaccini Outdoor Parking Permit Review/Renewal 2017
2 Long Beach Road/Permittees Antonio, Maria, and Angela Procaccini
Planning and Development Committee Meeting January 18, 2017

CITY CLERK
GLOUCESTER, MA
2017 JAN -5 PM 1:55

The following parking plan amendment and trash policy request are posed:

1. The placement of a new restroom with ADA ramp reduces vehicular capacity from twenty-three (23) to twenty (21) vehicles. A new plan has a capacity of twenty (21) vehicles, is known as the Griffin Concept B Plan with 1 (one), vehicle in the aisle as per by Mr. Sanborn, Building Inspector, and Mr. Smith, Fire Chief. Procaccini Parking capacity is now twenty-one (21) vehicles including a van-accessible parking space. Sanborn memo dated 12/29/16 and Griffin Concept B plan are enclosed.

2. Procaccini patrons are trending to carry-in/carry-out due to experiences at Gloucester beaches. The City's "Carry-In/Carry-Out" trash policy is appropriate societal behavior in recreational areas. Elimination of trash receptacles improves esthetics for abutters in a commercial-residential milieu. A request is respectfully made to replace Condition #11 with a Carry-In/Carry-Out" trash policy.

On behalf of Antonio and ~~Maria~~ Procaccini, Permittees, and myself,

Angela Procaccini

Angela Procaccini, Permittee,
January 5, 2017
Procaccini Outdoor Parking Permit
ap/ap

City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit **180-1**

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

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 180 Lot 1 as further shown on the attached map dated 12/20/2016.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
180-1 PROCACCINI MARIA & ANGELA TRS C/O PROCACCINI ANGELINA TR	2 LONG BEACH RD	180-1	PROCACCINI MARIA & ANGELA TRS C/O PROCACCINI ANGELINA TR 9 SENECA DR DANVERS, MA 01923 0000
180-36 DESIMONE WILLIAM A & CONSTANCE	3 LONG BEACH RD	180-36	DESIMONE WILLIAM A & CONSTANCE 3 LONG BEACH RD GLOUCESTER, MA 01930
180-37 AIRASIAN JOHN S	17 ROCKPORT RD	180-37	AIRASIAN JOHN S 43 BAILY RD WATERTOWN, MA 02172 0000
180-38 HAYES VERONICA PAULINE	21 ROCKPORT RD	180-38	HAYES VERONICA PAULINE 21 ROCKPORT RD GLOUCESTER, MA 01930
180-39 HAYES DONALD O KENNETH M & WAYNE B TRS	23 ROCKPORT RD	180-39	HAYES DONALD O KENNETH M & WAYNE B TRS 23 ROCKPORT RD GLOUCESTER, MA 01930
178-31 SASSO NICOLA & MARIA TRS THE 24 SASSO FAMILY REALTY TRUST	24 ROCKPORT RD	178-31	SASSO NICOLA & MARIA TRS THE 24 SASSO FAMILY REALTY TRUST 59 HANCOCK ST EVERETT, MA 02149
178-28 PROCACCINI MARIA & ANGELA TRS C/O PROCACCINI ANGELINA TR	28 ROCKPORT RD	178-28	PROCACCINI MARIA & ANGELA TRS C/O PROCACCINI ANGELINA TR 9 SENECA DR DANVERS, MA 01923
180-2 CINCOTTA MARK J & PAOLILLO LISA A	6 TWILIGHT AV	180-2	CINCOTTA MARK J & PAOLILLO LISA A 118 BLAKE RD LEXINGTON, MA 02420-3214
180-3 CINCOTTA MARK J & PAOLILLO LISA A	8 TWILIGHT AV	180-3	CINCOTTA MARK J & PAOLILLO LISA A 118 BLAKE RD LEXINGTON, MA 02420-3214

CITY CLERK
GLOUCESTER, MA
2016 DEC 21 AM 9:13

City of Gloucester Abutters Report

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Gloucester Board of Assessors.

Abutters to Parcel: Map-Lot-Unit **180-1**

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 180 Lot 1 as further shown on the attached map dated 12/20/2016.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS

The Gloucester Board of Assessors certifies that the Abutters Report program written to create a list of the names and addresses of property owners from the applicable tax list has been reviewed. To the best of our knowledge and belief the Abutters Report program generates an accurate list from the most recent tax list of the assessed owner of record and the mailing information of the parties in interest as defined within and required by the law and therefore the within document constitutes a certified abutters list.

Nancy A. Papows, MAA
Gary I. Johnstone, MAA
Bethann B. Godinho, MAA
GLOUCESTER BOARD OF ASSESSORS

City of Gloucester Assessors' Office, City Hall, 9 Dale Avenue, Gloucester, MA 01930

12/20/2016

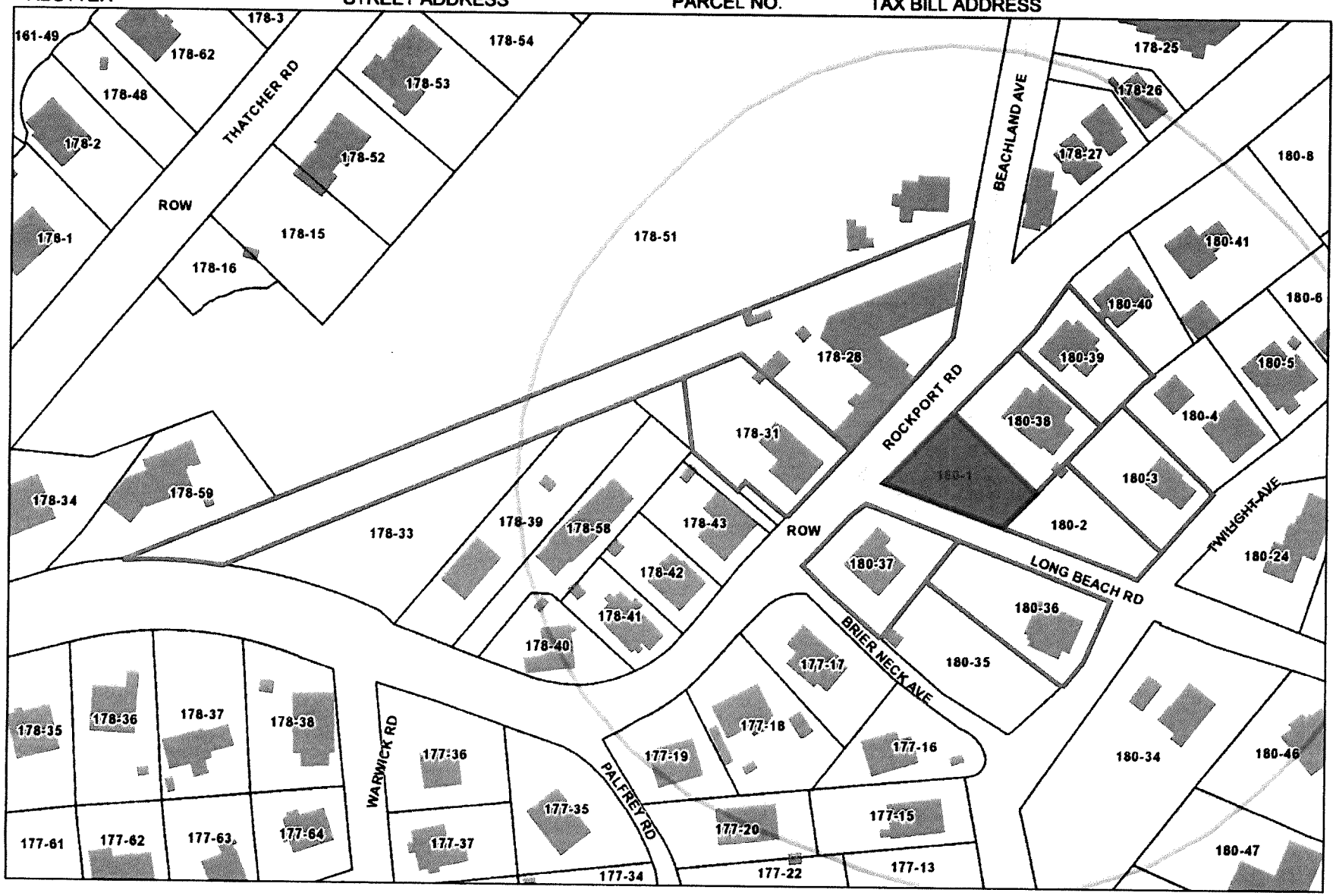
City of Gloucester Abutters Report

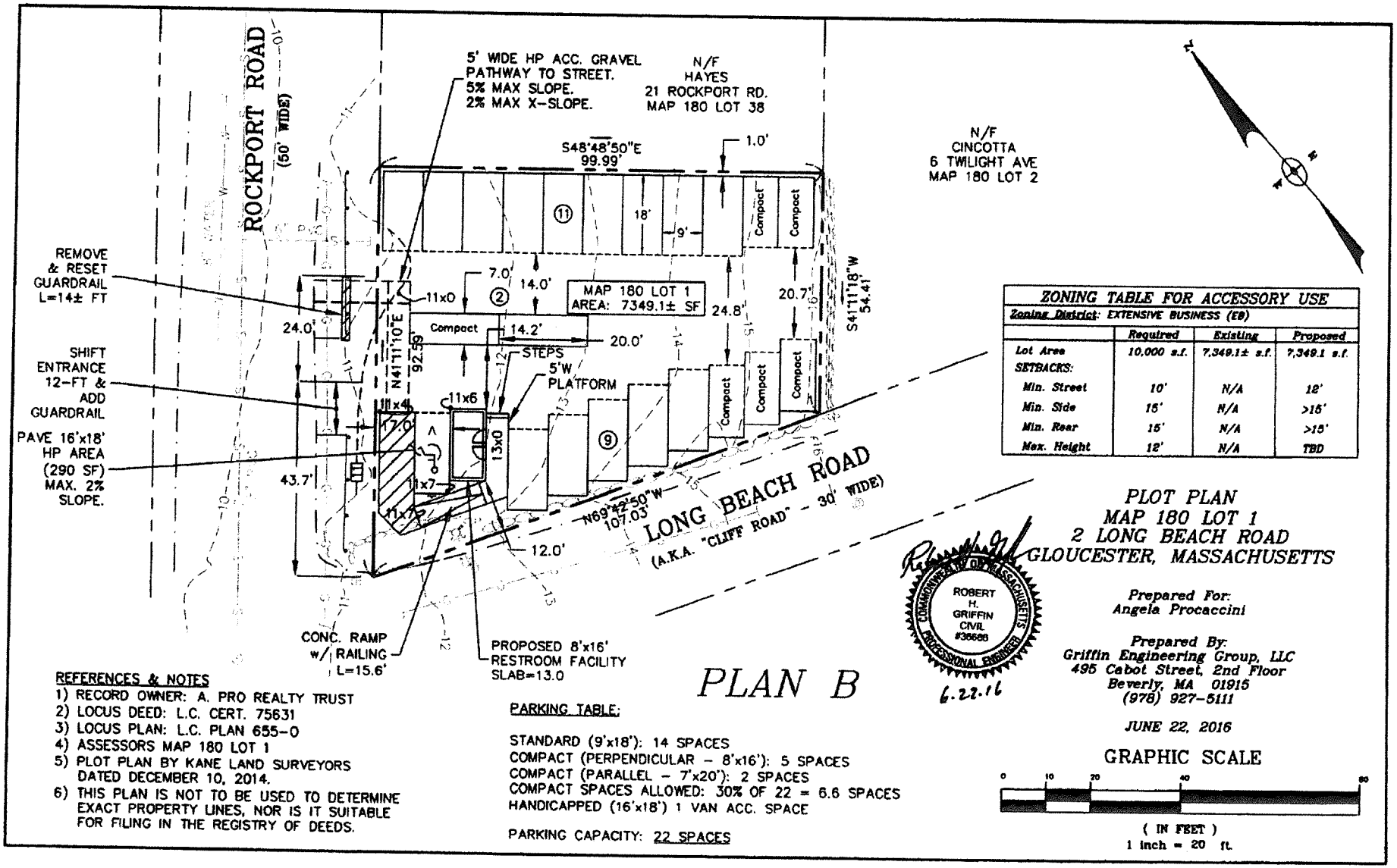
Abutters to Parcel: Map-Lot-Unit **180-1**

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

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 180 Lot 1 as further shown on the attached map dated 12/20/2016.

ABUTTER STREET ADDRESS PARCEL NO. TAX BILL ADDRESS





ZONING TABLE FOR ACCESSORY USE

Zoning District: EXTENSIVE BUSINESS (EB)

	Required	Existing	Proposed
Lot Area	10,000 s.f.	7,349.1± s.f.	7,349.1 s.f.
SETBACKS:			
Min. Street	10'	N/A	12'
Min. Side	15'	N/A	>15'
Min. Rear	15'	N/A	>15'
Max. Height	12'	N/A	TBD

PLOT PLAN
MAP 180 LOT 1
2 LONG BEACH ROAD
GLOUCESTER, MASSACHUSETTS

ROBERT H. GRIFFIN CIVIL #36666 COMMONWEALTH OF MASSACHUSETTS PROFESSIONAL ENGINEER

6.22.16

Prepared For:
Angela Procaccini

Prepared By:
Griffin Engineering Group, LLC
495 Cabot Street, 2nd Floor
Beverly, MA 01915
(978) 927-5111

JUNE 22, 2016

GRAPHIC SCALE

0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

PLAN B

REFERENCES & NOTES
1) RECORD OWNER: A. PRO REALTY TRUST
2) LOCUS DEED: L.C. CERT. 75631
3) LOCUS PLAN: L.C. PLAN 655-0
4) ASSESSORS MAP 180 LOT 1
5) PLOT PLAN BY KANE LAND SURVEYORS DATED DECEMBER 10, 2014.
6) THIS PLAN IS NOT TO BE USED TO DETERMINE EXACT PROPERTY LINES, NOR IS IT SUITABLE FOR FILING IN THE REGISTRY OF DEEDS.

PARKING TABLE:

STANDARD (9'x18'): 14 SPACES
COMPACT (PERPENDICULAR - 8'x16'): 5 SPACES
COMPACT (PARALLEL - 7'x20'): 2 SPACES
COMPACT SPACES ALLOWED: 30% OF 22 = 6.6 SPACES
HANDICAPPED (16'x18') 1 VAN ACC. SPACE

PARKING CAPACITY: 22 SPACES

3 Pond Road
Gloucester, MA 01930

Ph# 978-281-9774

Fax# 978-282-3036

CITY OF GLOUCESTER

Memo

CITY CLERK
GLOUCESTER, MA
2017 JAN -3 AM 11:57

To: Paul Lundberg, Chair P & D

From: Bill Sanborn, Inspector of Buildings

Date: December 29, 2016

Re: Open Air Parking Lot
2 Long Beach Road
Map 180 Lot 1

Chairman Lundberg,

I have reviewed the plan submitted to me dated June 22, 2016, labeled PLAN B drawn by Robert H. Griffin, Civil Engineer. The plan shows the location of proposed bathrooms, that have been permitted, which are handicapped accessible, one handicap parking spot as required and 22 parking spaces. Two of the spaces are located in the middle of the lot. These two spaces do not comply with section 4.1.4 (9C) of the City Zoning Ordinance. This section requires that the travel line be 14 feet wide, although there is 14 feet on the left side, the right side by the bathroom only appears to have 12 feet on the plan. It does appear that one space being placed in that area may allow for compliance with the ordinance.

Mrs. Procaccini has managed this parking area for a long time, and I have always found her easy to work with and very concerned with complying with the rules and regulations. Therefore, I would recommend approving this renewal of her license to operate the parking lot.

Cc: Antonia & Mary Procaccini
Fire Chief Smith
Mayor's Office

Gmail by Google

Dana Jorgensson <djorgensson@gloucester-ma.gov>

Open Air Parking lot 2 Long Beach Rd

1 message

Eric Smith <esmith@gloucester-ma.gov> Wed, Jan 4, 2017 at 12:59 PM
To: Paul Lundberg <plundberg@gloucester-ma.gov>
Cc: Joanne Senos <jsenos@gloucester-ma.gov>, Dana Jorgensson <djorgensson@gloucester-ma.gov>, Bill Sanborn <bsanborn@gloucester-ma.gov>, Jim Destino <jdestino@gloucester-ma.gov>

Councilor Lundberg,

I received Building Inspector Sanborns's memo re the Open Air Parking lot plan for 2 Long Beach Rd dated 12/29/16. In addition the applicant has request I provide my opinion regarding the plan to the City Council, it was her impression this was something Council wanted.

I concur with Inspector Sanborn's recommended approval contingent on the applicant adjusting the plan date June 22, 2016 by Griffin Engineering to meet the required 14' travel lane. If you have any questions please let me know.

Best Regards,

Eric

Eric L. Smith
Fire Chief
City of Gloucester Fire Department
8 School Street
Gloucester, MA 01930
(W) 978-281-9780 (option 4)
(C) 978-491-9854

Sec. 22-153. - Privately owned open-air parking spaces.

(a) *Authority to grant license and compliance with zoning.* The city council is authorized to grant licenses for the conduct or maintenance of open-air parking spaces, pursuant to M.G.L. c. 148 § 56 following a public hearing as specified in subsection (e) of this section. Applicants for a license under this section must first obtain any necessary zoning relief required by section 2.3.6 (1) or (2) of the zoning ordinance for parking lots or obtain certification from the building inspector that no such relief is needed. Any applicant who does not own the premises shall provide written permission of the property owner with the application.

(b) *Contents, limitations, suspension and revocation of license.* Every license issued under this section shall specify the premises to be occupied by the licensee as shown on a plan to be submitted to the city council and shall be subject to all the provisions of M.G.L. c. 148 § 56. The license may be suspended or revoked by the city council and the fire chief after notice and a public hearing. Licenses shall be nontransferable.

(c) *Penalty for engaging in business without a license.* Any person or entity who engages in the business of conducting an open air parking space without the license required herein shall be subject to the penalty of $300.00 as provided in M.G.L. c. 148 § 56.

(d) *Fee for open-air parking.* The fee for the initial license granted shall be $100.00 plus an additional $10.00 for each parking space and said license shall expire each year on April 30th and be renewable on a yearly basis for the same fee.

(e) *Review by city council and public hearing.* The city council shall hold a public hearing every five years to determine if the license shall be reissued for another five year term with seven days' notice to abutters to be given by the parking lot applicant/operator.

(Code 1970, §§ 21-187—21-189; Ord. No. 13-1993, § I, 11-16-1993; Ord. of 5-16-2006(03); Ord. No. 2015-018, 1-13-2015)

— SCP2017-001

CITY OF GLOUCESTER
GLOUCESTER, MASSACHUSETTS 01930

CITY CLERK
GLOUCESTER, MA
2016 DEC 28 AM 10: 19

CITY OF GLOUCESTER
Special Council Permit – Application

March 03, 2017
(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)

Art, crafts and sale of arts on crafts

Applicant's Name: HONGWEI JIN

Owner's Name: HONG WEI JIN
(if different from applicant)

Location: 8 LINDBERG. Dr Map # 123 Lot # 84
(Street Address)

Zoning Classification: R-80

- 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 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
City Clerk (received): 12-28-16
City Council (received): 1-10-17
Public Hearing (ordered) _____
Public Hearing (opened): _____
Public Hearing (closed): _____
Final Decision: _____
Disposition _____
(Approved, Denied, Approved w/conditions)

APPLICANT:
HONGWEI JIN
Name (Signature)

Address
8 Lindberg Dr.
Telephone
617 401 6566

Certified for completeness:
Building Inspector: BR Date: 12/27/16
Planning Director: MC Date: 12/27/16

Section 1.8.3 (Use additional sheets, if necessary)

1. Social, Economic, or community need served by the proposal: This gallery will enrich varieties of local art market, boost local art economy, attract more tourist and enhance art & culture exchange between Western and China. This gallery will also provide a free once a year Chinese fine art history exhibiti for local middle and high school. This gallery will also provide a scholarship for local high school student to learn Chinese Art in China during every summ

2. Traffic flow and safety:
LINDBERG Dr is private drive now. Traffic flow is very low. It is very safe.

3. Adequacy of utilities and other public services:
National Grid provide electricity. city water. and our own septic system.

4. Neighborhood character and social structure:
Only one neighborhood is within 100ft distance. Other three are all above 500 feet away. most of are senior, white and friendly person.

5. Qualities of the natural environment:
100 feet distance to Goose Cove, beautiful view. fresh air. great natural environment.

6. Potential fiscal impact:
This gallery will generate noteable tax revenue. Significant further work would be required to understand the impacts more fully.

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: HONGWEI JIN

Address: 8 LINDBERG DY

Tel.# Days 617 401 6566 Evenings 617 401 6566

✓ 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: 8 LINDBERG Dr

Assessor's Map: 123 Lot: 84

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

_____

Deed recording: Book _____ Page _____

Plan recording: Plan #_____

Property is located in the R-80 zoning district.

4. Nature of relief requested:

Special permit pursuant to Article/Section _____ of the Zoning Ordinance/By-Law

which authorizes HONGWEI JIN to permit

Art Gallery

Detailed explanation of request:

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:

There are two art gallerys near my house
One which is Wennizer Cottage Galley at 70 holly st
another is Hatrocks gallery at 77 Langsford st.

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

Section 2.3.6 other Principal uses
Line # 4 Arts, crafts and sale of Arts
or crafts if made on the premises

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:_____

Address of Representative:_____

Tel. # Days_____ Evenings_____

Relationship of representative to owner or equitable owner:

I hereby authorize_____ 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.

Hoyner Tri 12/12/2016 _____

Signature of Applicant Date

Hoyner Tri 12/12/2016 _____

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

City of Gloucester
Board Of Appeals, Zoning

CITY HALL • GLOUCESTER • MASSACHUSETTS • 01930

CITY CLERK
GLOUCESTER MASS.
JUL 28 10 23 AM '87

June 25, 1987

Decision: ZONING BOARD OF APPEALS

Petitioner: Richard Isaacs, 67 Hesperus Avenue, Gloucester, Massachusetts.

Petition: Seeking a variance for side yard setbacks to enable petitioner to erect a garage at R67 Holly Street.

(Assessors Map 123, Lot 84)

The Board finds that proper notice has been given by mailing and advertising. The hearing was held at the time and place as advertised: 7:30 p.m., June 25, 1987, City Hall Auditorium, Gloucester, Massachusetts.

Board Members Present: JAMES P. MOVALLI, CHAIRMAN
CAROLYN J. FUCHS

Alternates: WILLIAM R. FRAGA
GEORGIA GADBOIS

The zoning classification of the property under consideration is R-2. (Low density residential)

Speaking for the petition was Richard Isaacs, 67 Hesperus Avenue, Gloucester, petitioner, who addressed the following aspects of the proposal: Mr. Isaacs explained to the Board that he proposes to build an expanded garage so as he may continue to operate his alfalfa sprout business.

Speaking in favor of the petition was James Taliadoros, 67 Holly Street.

A petition was received by the Board signed by seven (7) residents who expressed support of the proposal.

No one spoke in opposition to the proposal.

There were no petitions or communications received by the Board signed by residents who expressed opposition to the proposal.

The Board has carefully considered the petitioner's reqeust and finds that owing to soil conditions, shape, topography of the land and especially affecting such land a literal enforcement of the provisions of the zoning ordinance would involve substantial hardship to the petitioner. The Board also finds that desirable relief can be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning ordinance.

Decision: ZONING BOARD OF APPEALS

Petitioner: Richard Isaacs, 67 Hesperus Avenue, Gloucester, Massachusetts.

Petition: Seeking a variance for side yard setbacks to enable petitioner to erect a garage at R67 Holly Street. (Assessors Map 123, Lot 84)

THE PETITIONED VARIANCE FOR SIXTEEN (16) FEET RIGHT SIDE YARD IS HEREBY GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

The afore granted variance shall not take effect until such notice is filed in the Registry of Deeds for Essex County. The fee for such notice shall be paid by the owner. Prior to registering of this decision with the Registry of Deeds, the petitioner shall have the Seal of the City affixed to same.

VOTE OF THE BOARD

In favor:

James P. Movalli

JAMES P. MOVALLI, CHAIRMAN

Carolyn J. Fuchs

CAROLYN J. FUCHS

William R Fraga

WILLIAM R. FRAGA

Opposed: NONE.

City of Gloucester Abutters Report

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

Abutters to Parcel: Map-Lot-Unit **123-84**

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 123 Lot 84 as further shown on the attached map dated 12/12/2016.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
123-31 CUTLER BRIAN A & KRISTEN	89 DENNISON ST	123-31	CUTLER BRIAN A & KRISTEN 89 DENNISON ST GLOUCESTER, MA 01930
123-34 SCOPPA THOMAS G SCOPPA BARBARA	57 HOLLY ST	123-34	SCOPPA THOMAS G SCOPPA BARBARA 57 HOLLY ST GLOUCESTER, MA 01930
123-33 CLARKE JEANNE	59 HOLLY ST	123-33	CLARKE JEANNE 59 HOLLY ST GLOUCESTER, MA 01930
123-74 CUTLER EMMY RES L/EST	65 HOLLY ST	123-74	CUTLER EMMY RES L/EST 65 HOLLY ST GLOUCESTER, MA 01930
123-83 COMEAU DOUGLAS & COMEAU PHYLLI	67 HOLLY ST	123-83	COMEAU DOUGLAS & COMEAU PHYLLI 67 HOLLY ST GLOUCESTER, MA 01930
123-32 STACY SUZANNE I C/O SIEGEL ANNE C & BRUCE H	73 HOLLY ST	123-32	STACY SUZANNE I C/O SIEGEL ANNE C & BRUCE H 73 HOLLY ST GLOUCESTER, MA 01930
123-30 GRACE JOSEPH R & GEORGINA A	75 HOLLY ST	123-30	GRACE JOSEPH R & GEORGINA A 75 HOLLY ST GLOUCESTER, MA 01930 0000
123-85 TALIADOROS JULIE C & TALIADOR	6 LINDBERG DR	123-85	TALIADOROS JULIE C & TALIADOR 6 LINDBERG DR GLOUCESTER, MA 01930
123-84 ISAACS RICHARD A	8 LINDBERG DR	123-84	ISAACS RICHARD A 8 LINDBERG DR GLOUCESTER, MA 01930-1780

City of Gloucester Abutters Report

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Gloucester Board of Assessors.

Abutters to Parcel: Map-Lot-Unit **123-84**

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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS

The Gloucester Board of Assessors certifies that the Abutters Report program written to create a list of the names and addresses of property owners from the applicable tax list has been reviewed. To the best of our knowledge and belief the Abutters Report program generates an accurate list from the most recent tax list of the assessed owner of record and the mailing information of the parties in interest as defined within and required by the law and therefore the within document constitutes a certified abutters list.

Nancy A. Papows, MAA
Gary I. Johnstone, MAA
Bethann B. Godinho, MAA
GLOUCESTER BOARD OF ASSESSORS

City of Gloucester Assessors' Office, City Hall, 9 Dale Avenue, Gloucester, MA 01930

12/12/2016

City of Gloucester Abutters Report

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

Abutters to Parcel: Map-Lot-Unit **123-84**

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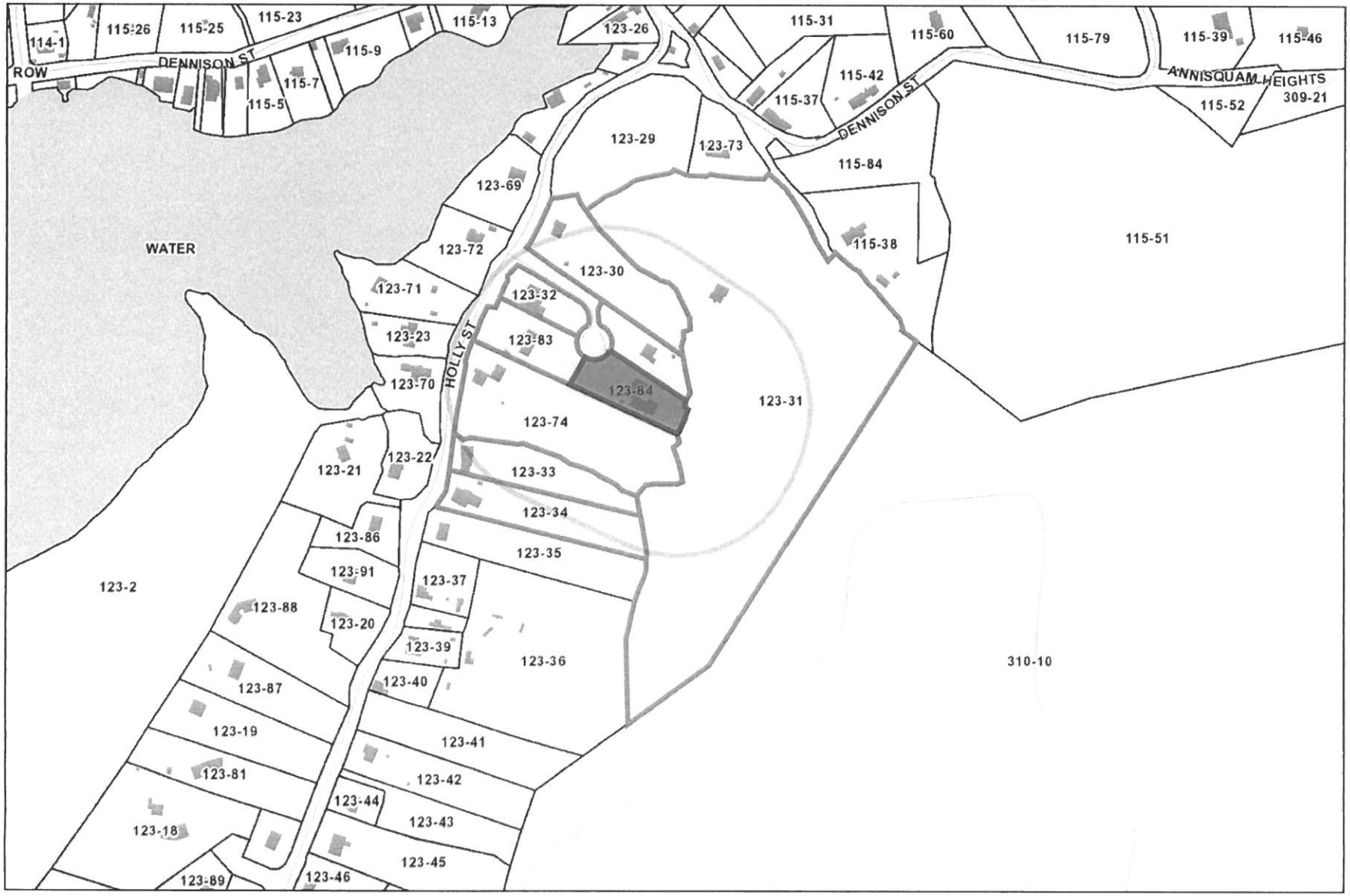
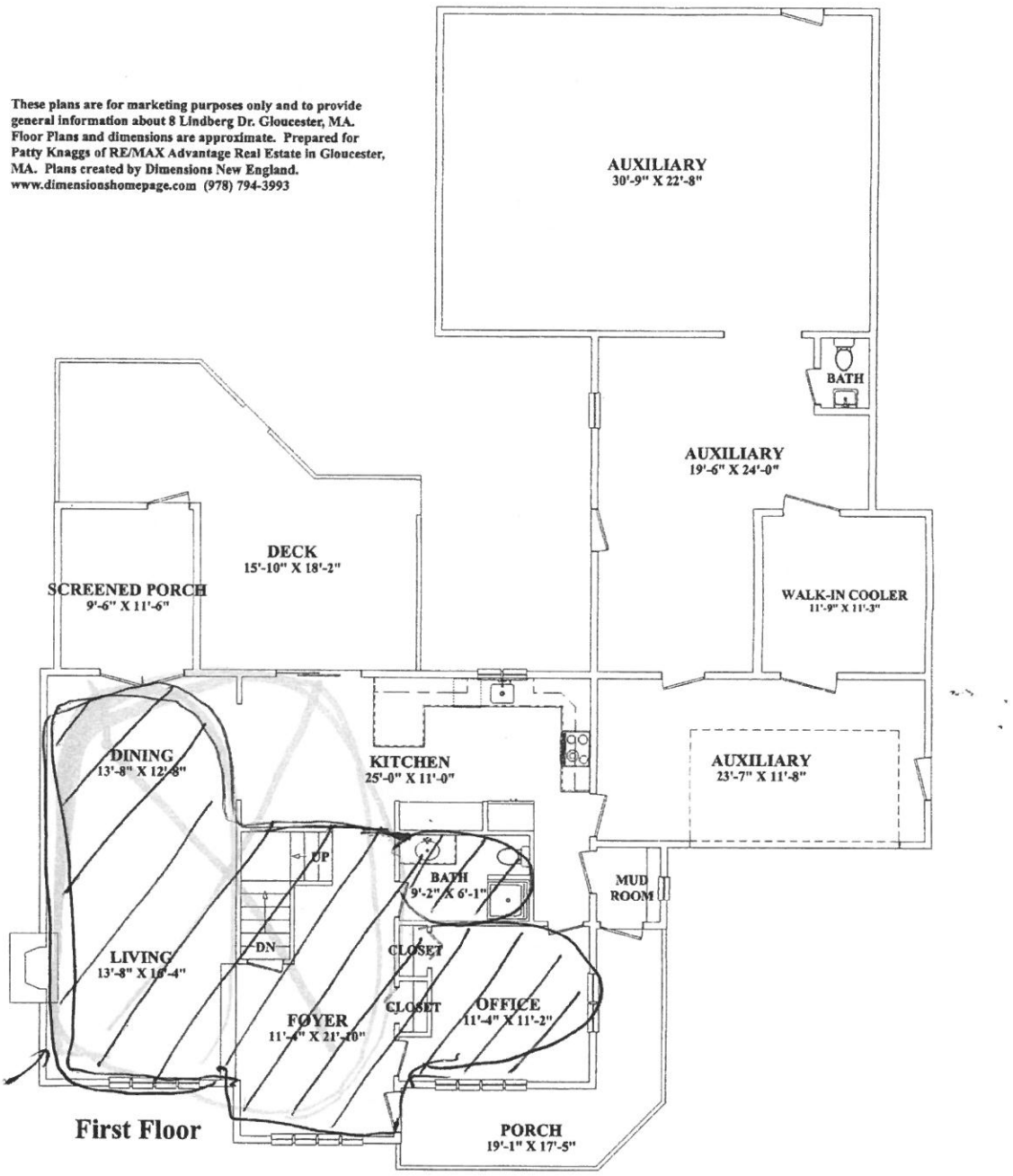
ABUTTER STREET ADDRESS PARCEL NO. TAX BILL ADDRESS



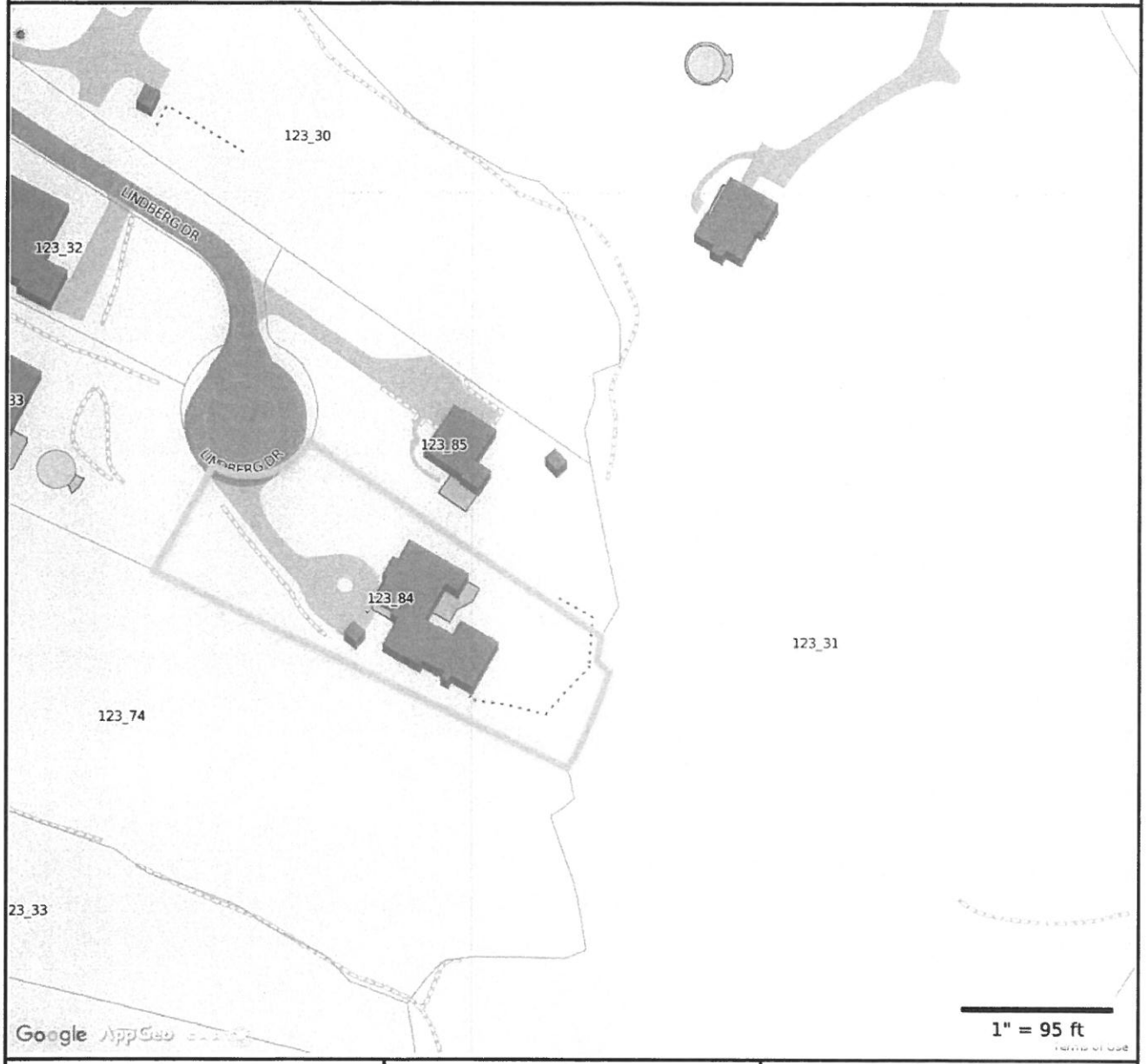
These plans are for marketing purposes only and to provide general information about 8 Lindberg Dr. Gloucester, MA. Floor Plans and dimensions are approximate. Prepared for Patty Knaggs of RE/MAX Advantage Real Estate in Gloucester, MA. Plans created by Dimensions New England. www.dimensionshomepage.com (978) 794-3993



First Floor

City of Gloucester, MA December 12, 2016

8 Lindberg Dr



Property Information

Property ID	123-84
Location	8 LINDBERG DR
Owner	ISAACS RICHARD A

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Gloucester, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 03/30/2015
Properties updated 01/15/2016

FOOTNOTES TO SECTION 2.3.5, INDUSTRIAL USES

(1) In the MI District, Supporting Designated Port Area (DPA) Uses, as defined in 310 CMR 9.02, shall not in the aggregate occupy more than 50% of the ground level area on filled tidelands on a lot within the DPA. Such uses shall also be subject to dimensional requirements of 310 CMR 9.0. Within the water-dependent use zone, as defined in 310 CMR 9.02, in the MI District no use shall be permitted unless it provides access to water-borne vessels.

(2) See Section 5.12.

(3) No trailer truck park shall be located within 100 feet from the lot line of an established residence in a residential zone, and such potential development must be assessed in terms of its impact on the environment.

(4) With the exception of the MI District, no self-storage service facility may be permitted on land with an elevation less than 13 relative to the North Atlantic Vertical Datum (NAVD).

2.3.6 OTHER PRINCIPAL USES

		Former Designations:														
		R-RB	*R-RA*	*R-1*	*R-2A*	*R-2*	*R-3*	*R-4*								
		R-80	*R-40*	*RC-40*	*R-30*	*R-20*	*R-10*	*R-5*	*CCD*	*CB*	*VB*	*NB*	*EB*	*MI*	*GI*	*BP*
	FN. #													*1*		*2*
1 Parking of motor vehicles to service a use permitted in the same district		CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC
2 Parking of motor vehicles to service a use located and permitted in the NB District		N	N	N	CCS	CCS	CCS	CCS	CCS	Y	N	Y	Y	Y	N	N
3 Temporary structures or temporary uses not conforming to this ordinance		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
4 Arts, crafts and sale of arts or crafts if made on the premises		CC	CC	N	CC	CC	CC	CC	CC	Y	Y	Y	Y	Y	Y	Y
5 Commercial radio transmission		N	N	N	N	N	N	N	N	N	N	N	SP	SP	SP	SP

City of Gloucester, MA

December 12, 2016

8 Lindberg Dr

Red color : Visit Parking

blue color: home Parking

Property Information

Property ID	123-84
Location	8 LINDBERG DR
Owner	ISAACS RICHARD A

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

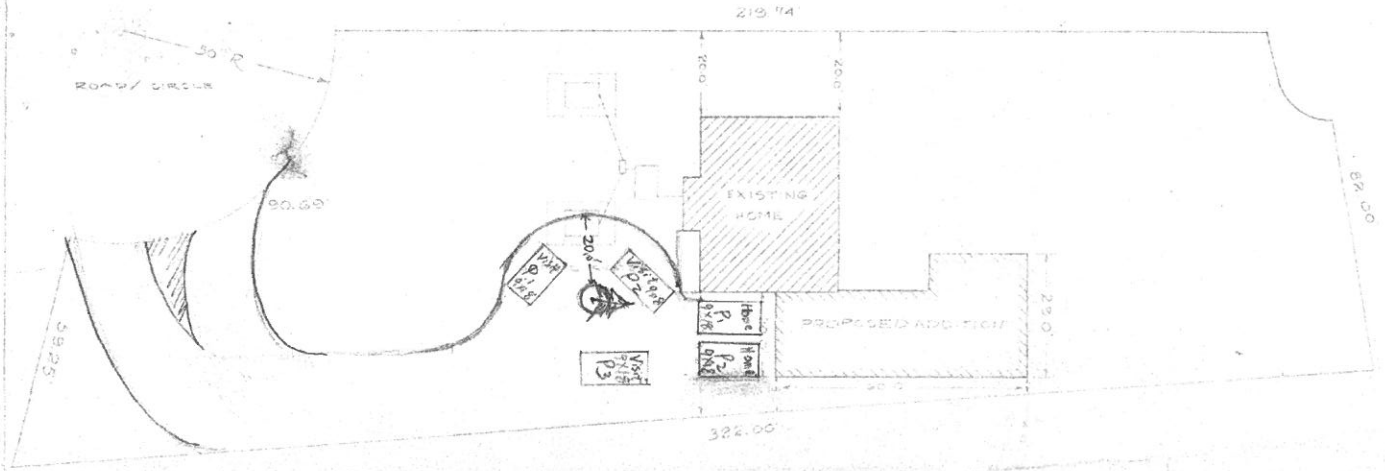
City of Gloucester, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 03/30/2015
Properties updated 01/15/2016

SIDE VIEW
SCALE 1/4" = 1'

PROPOSED ADDITION FOR
MR. & MRS. RICHARD ISAACS
HOLLY STREET
GLOUCESTER, MA
JUNE 1987

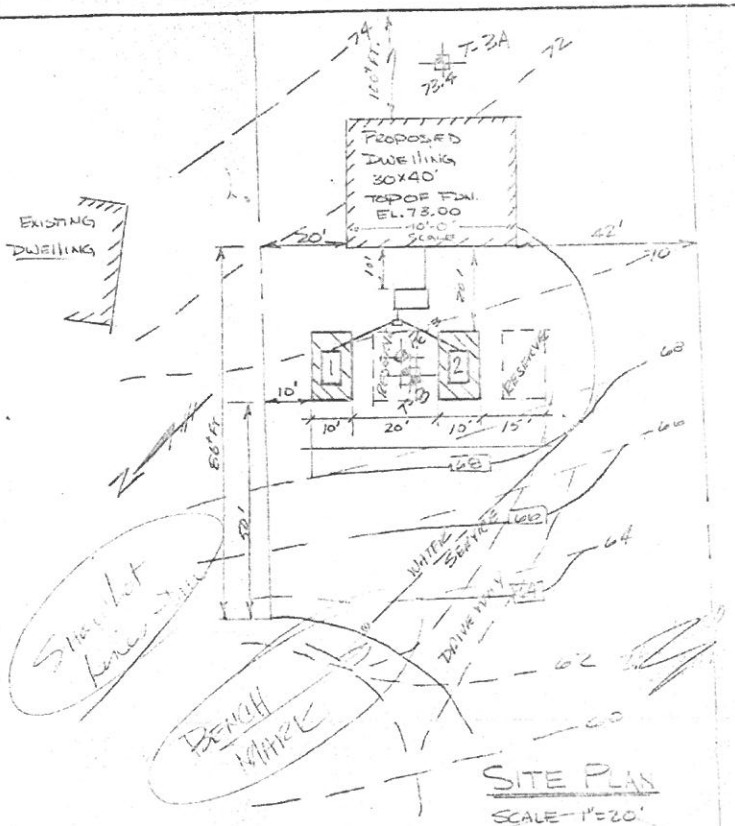
B. BIGELOW

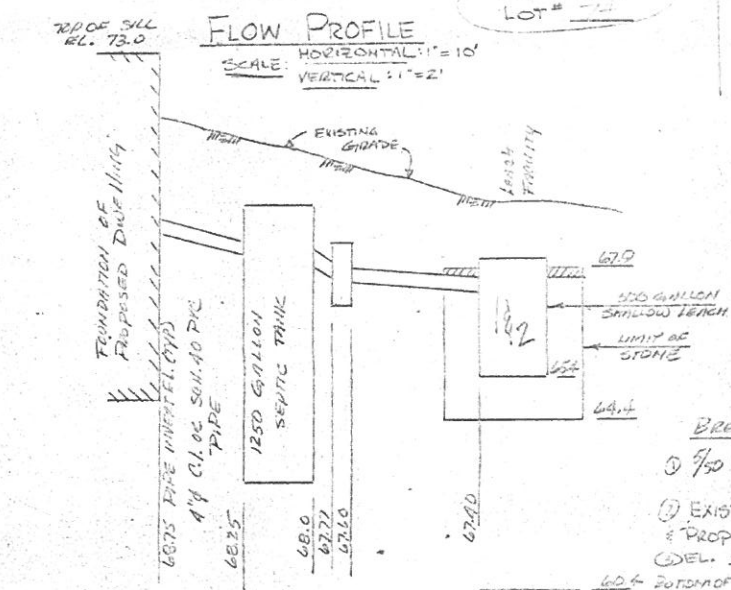


PLOT PLAN
BASED ON EXISTING PLANS

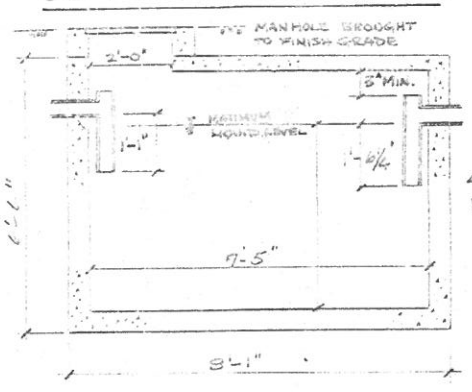
SCALE 30'=1"

PROPOSED ADDITION FOR
MR. & MRS RICHARD SANCS
HOLLY STREET
GLOUCESTER, MA.
JUNE 1981
B. Bigelow

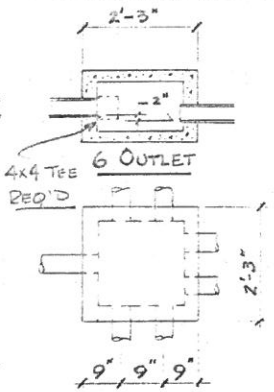




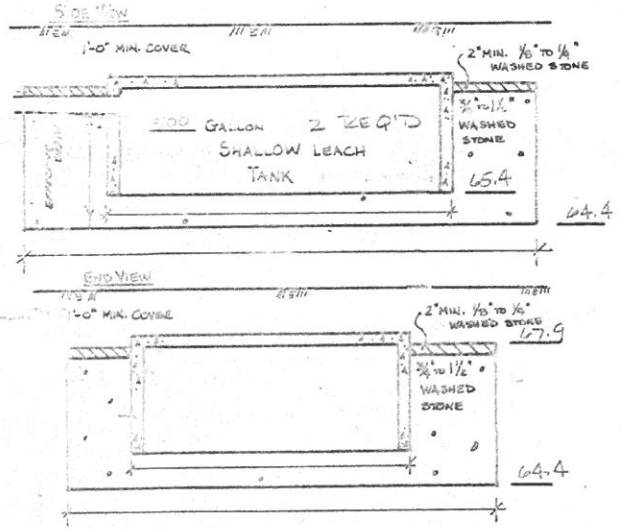
SEPTIC TANK DETAIL (1250 GAL.)



DISTRIBUTION BOX:



LEACH FACILITY DETAIL: LEACH PITS



BREAKOUT CALC

① 7/50 USED) = 15.0 FT.

② EXISTING & PROPOSED. 16.0 FT.

EL. 67.9

SOIL TEST DATA

TEST BY: C.A. MORIN

IN PRESENCE OF: F. DECOSTA C. STEPHENS

DATE: 5-14-86 5-2-86

PERC. RATE: 6 MIN/IN

DEEP OBSERVATION HOLE

	T-3	T-3A
GRADE EL.	69.4	73.4
GRD. WATER EL.	—	—
BOTTOM EL.	60.4	64.3

SOIL DESCRIPTION:

T-3: 0"TOP SOIL, 0-108" PIN GRAVEL WITH M/STONE. NO G.W. NO LEDGE

T-3A: 0-29" FILL, 29"-57" T/S SOILS 57"-109" MED/COARSE SAND & PEA STONE. NO G.W.

DESIGN DATA

1. BUILDING TYPE RESIDENTIAL
2. NO. OF BEDROOMS 4 BEDROOMS
3. DESIGN FLOW 440 GPD
4. DESIGN PERCOLATION RATE 6 MIN/IN
5. GARBAGE DISPOSAL YES NO
6. LEACH AREA REQUIREMENTS SQ.FT. PER GALLON BOTTOM — SIDE —
7. TOTAL LEACH AREA REQUIRED
   LOCAL CODE — SQ.FT. - TITLE 5 — SQ.FT.
   PROVIDED:
   BOTTOM: 320 SQ.FT. x 0.63 GAL./SQ.FT. = 202 G.
   SIDE: 312 SQ.FT. x 1.25 GAL./SQ.FT. = 390 G.
   TOTAL 632 SQ.FT. - 592 GAL.
8. LEACH FACILITY: 2 - 500 GAL. LEACH TANKS EACH WITHIN A 10'x16' EXCAVATION. EFFECTIVE SIDEWALL 3'-0".

GENERAL NOTES

1. ALL CONSTRUCTION AND MATERIALS SHALL CONFORM TO MASS. D.E.Q.E. CODE TITLE 5, AND THE GLOUCESTER BOARD OF HEALTH.
2. THERE SHALL BE NO CHANGES MADE IN THIS PLAN WITHOUT THE WRITTEN PERMISSION OF THE GLOUCESTER BOARD OF HEALTH.
3. ALL ERRORS, OMISSIONS, AND CHANGE OF CONDITIONS AT THE SITE SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO PERFORMING THE RELATED WORK.
4. NO WELL IS TO BE LOCATED WITHIN 100 FEET OF THE LEACH FACILITY.
5. THIS PLAN IS FOR DESIGN AND CONSTRUCTION OF THE SEPTIC SYSTEM ONLY.
6. THE SEPTIC TANK SHALL BE INSPECTED ANNUALLY AND PUMPED AS REQUIRED.
7. WATER SAVER TOILETS AND SHOWER HEADS SHOULD BE USED WITH THE SYSTEM.
8. THIS SYSTEM HAS BEEN DESIGNED FROM DATA REVIEWED AND ACKNOWLEDGED BY THE MASS. D.E.Q.E. AND THE GLOUCESTER BOARD OF HEALTH
9. THE ISSUANCE OF A CONSTRUCTION PERMIT AND/OR A CERTIFICATE OF COMPLIANCE SHALL NOT IMPLY AS A GUARANTEE THAT THE SUBSURFACE SEWAGE DISPOSAL SYSTEM WILL FUNCTION SATISFACTORILY.

ENGINEER: CLAYTON A. MORIN, P.E.
P.O. BOX 982
ESSEX, MASSACHUSETTS 01929

PROPOSED SUBSURFACE SEWAGE DISPOSAL SYSTEM

AT: LOT , Holly ST.
GLOUCESTER, MA.

FOR: DOUG BENDER

DATE: 7-29-86

REVISION:

DWG: C.A. MORIN

CITY OF GLOUCESTER

Commonwealth of Massachusetts
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
CITY HALL ANNEX
2ND FLOOR
3 POND ROAD
PHONE: 978- 281-9781 FAX: 978-281-9779

CITY CLERK
GLOUCESTER, MA
2016 DEC -2 AM 11:03

Date: December 2, 2016
To: City Council
From: Planning Board
RE: Proposed Amendment to Section 5.27 Medical Marijuana Treatment Centers (MMTC) and Medical Marijuana Cultivation Facilities (MMCF)

The Planning Board has reviewed two MMTC applications with projects proposed to be located within 1,500 linear feet of one another in the Blackburn Industrial Park, Business Park Zoning District. Section 5.27.5 currently prohibits such facilities from being located within such proximity of one another. The Board advises that such setback is arbitrary and may limit the introduction of compatible uses to the Business Park district.

As per Chapter 40A Section 5 and Section 1.11 of the Gloucester Zoning Ordinance, at a meeting of the Planning Board on November 17, 2016, the Planning Board voted unanimously (7-0) to submit to the City Council the following proposed amendment to the Zoning Ordinance:

Amend Section 5.27.5 Separation by eliminating the fifteen hundred (1,500) liner foot setback requirement of a siting of Medical Marijuana Treatment Facility or Medical Marijuana Cultivation Facility from another by specifically striking the following language from 5.27.5, "3. Any other Medical Marijuana Treatment Center or Medical Marijuana Cultivation Facility; or" and renumbering items 4 and 5, accordingly.

City Hall
Nine Dale Avenue
Gloucester, MA 01930

TEL 978-281-9700
FAX 978-281-9738
stheken@gloucester-ma.gov

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

MEMORANDUM

January 4, 2016

To: City Council President Ciolino and Members of the City Council

Fr: Mayor Sefatia Romeo Theken

Re: Sale of the interest in Parcel E on the former Fuller School site

---

As you are aware, in 2015 the City Council voted to dispose of the former Fuller School property (10.63 acres) through the request for proposal (RFP) process. In response to the City's RFP, Fuller Mixed Use Ventures, LLC (FMUV), the only bidder, was selected to purchase the property.

In the past several months, the Administration has worked with FMUV to draft a purchase and sale agreement for the Fuller property. During this process, FMUV has indicated the need to purchase the City's interest in Parcel E (see the attached map). Such a sale, should it be approved, must be conditioned upon the sale of the Fuller property to FMUV.

On December 19, 2016, the Land Disposition Committee met and voted to recommend disposition of the City's interest in Parcel E to the City Council. Because the assessed value of the property is under $35,000, the interest in Parcel E will be disposed of through a purchase and sale agreement, and not the RFP process, which will be executed at the closing of the purchase of the Fuller property.

The objective of the sale is to promote the following purpose: a mixed use development that may include a mix of commercial, industrial, residential and/or community service uses benefitting the residents of Gloucester.

Establishing a minimum sale price is consistent with the requirements of the Code of Ordinances.

I am now requesting that the City Council vote to dispose of the interest in the property by declaring it surplus and establishing the minimum sale price.

TO: Sefatia Romeo Theken – Mayor

FROM: Daniel G. Smith – Community Development Director

RE: Land Disposition Committee Recommendation
Parcel E/Community Host Agreement

DATE: December 28, 2016

The Land Disposition Committee met on December 19, 2016 to discuss a request regarding the city's future interest in a parcel of land adjacent to the Fuller School Property. The *Fuller Mixed-Use Venture, LLC* has entered into a purchase and sale agreement with the City to buy the Fuller School site and would also like to acquire an adjacent 31,659 (+/-) square foot parcel. The City does not own this abutting property; it is scheduled to be released to the city in accordance with the terms of the Community Host Agreement signed by the City and Gloucester Commons LLC:

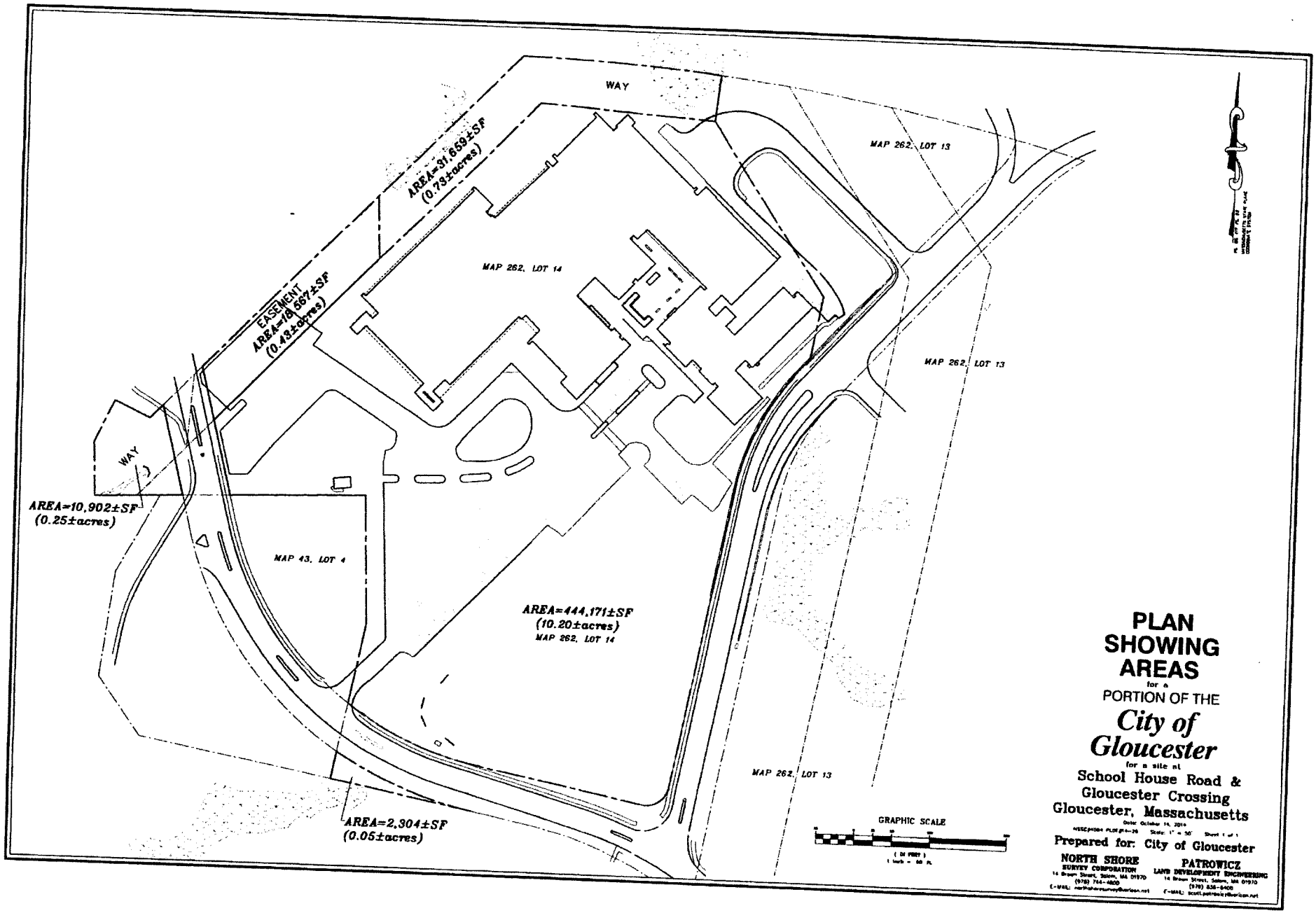
> 5. Gloucester Commons shall convey Parcel E, as shown on Exhibit D, to the City in fee, subject to a reservation of rights for utilities and drainage, and further subject to a restriction that there shall be no vertical construction on said Parcel without the prior approval of Gloucester Commons, which shall not be unreasonably withheld. This conveyance shall be recorded immediately upon the release, by Gloucester Commons' lender, of currently recorded construction mortgage liens on said Parcel E, if the Director of Public Works has certified, by date of such release, that the roadways, shown as "PROP. ROADWAY R.O.W." on said Exhibit D, have been completed to the City's satisfaction; otherwise the conveyance shall be recorded no more than 60 days after such certification.

The committee discussed the request and concluded that since the parcel does not have frontage on an approved right of way and is of insufficient size to be developed, retaining the property would not serve a municipal purpose.

A motion was made to recommend that the City's interest in real estate described in the Community Host Agreement with Gloucester Commons LLC, subsection #5 be deemed surplus for the purpose of entering into a purchase and sale agreement with the *Fuller Mixed-Use Venture LLC.*, provided that the purchase and sale agreement includes language that allows the city to retain all rights they currently own in the event the pending sale of the Fuller Property does not occur.

Seven members voted in favor of this motion, with none opposed. The motion passed unanimously.

CC: John Dunn – Chief Financial Officer
Nancy Papows – Principal Assessor
Gregg Cadamatori – Planning Director
Chip Payson – General Counsel
Krisna Basu – City Attorney
Michael Hale – Director of Public Works


WAY
AREA=31,659±SF
(0.73±acres)
EASEMENT
AREA=18,667±SF
(0.43±acres)
MAP 262, LOT 14
MAP 262, LOT 13
MAP 262, LOT 13
WAY
AREA=10,902±SF
(0.25±acres)
MAP 43, LOT 4
AREA=444,171±SF
(10.20±acres)
MAP 262, LOT 14
MAP 262, LOT 13
AREA=2,304±SF
(0.05±acres)
GRAPHIC SCALE
PLAN
SHOWING
AREAS
for a
PORTION OF THE
City of
Gloucester
for a site at
School House Road &
Gloucester Crossing
Gloucester, Massachusetts
Prepared for: City of Gloucester
NORTH SHORE
SURVEY CORPORATION
PATROWICZ
LAND DEVELOPMENT ENGINEERING

September 26, 1962 on Certificate of Title 33987 and shown on the Easement Plan attached hereto as "Exhibit D," retaining its right to install, maintain and repair utilities and drainage systems on said Parcel A. An easement modification reflecting this change in easement rights shall be recorded no more than 60 days after the Director of Public Works certifies that the roadways, shown as "PROP. ROADWAY R.O.W." on said Exhibit D, have been completed to the City's satisfaction.

5. Gloucester Commons shall convey Parcel E, as shown on Exhibit D, to the City in fee, subject to a reservation of rights for utilities and drainage, and further subject to a restriction that there shall be no vertical construction on said Parcel without the prior approval of Gloucester Commons, which shall not be unreasonably withheld. This conveyance shall be recorded immediately upon the release, by Gloucester Commons' lender, of currently recorded construction mortgage liens on said Parcel E, if the Director of Public Works has certified, by the date of such release, that the roadways, shown as "PROP. ROADWAY R.O.W." on said Exhibit D, have been completed to the City's satisfaction; otherwise the conveyance shall be recorded no more than 60 days after such certification.

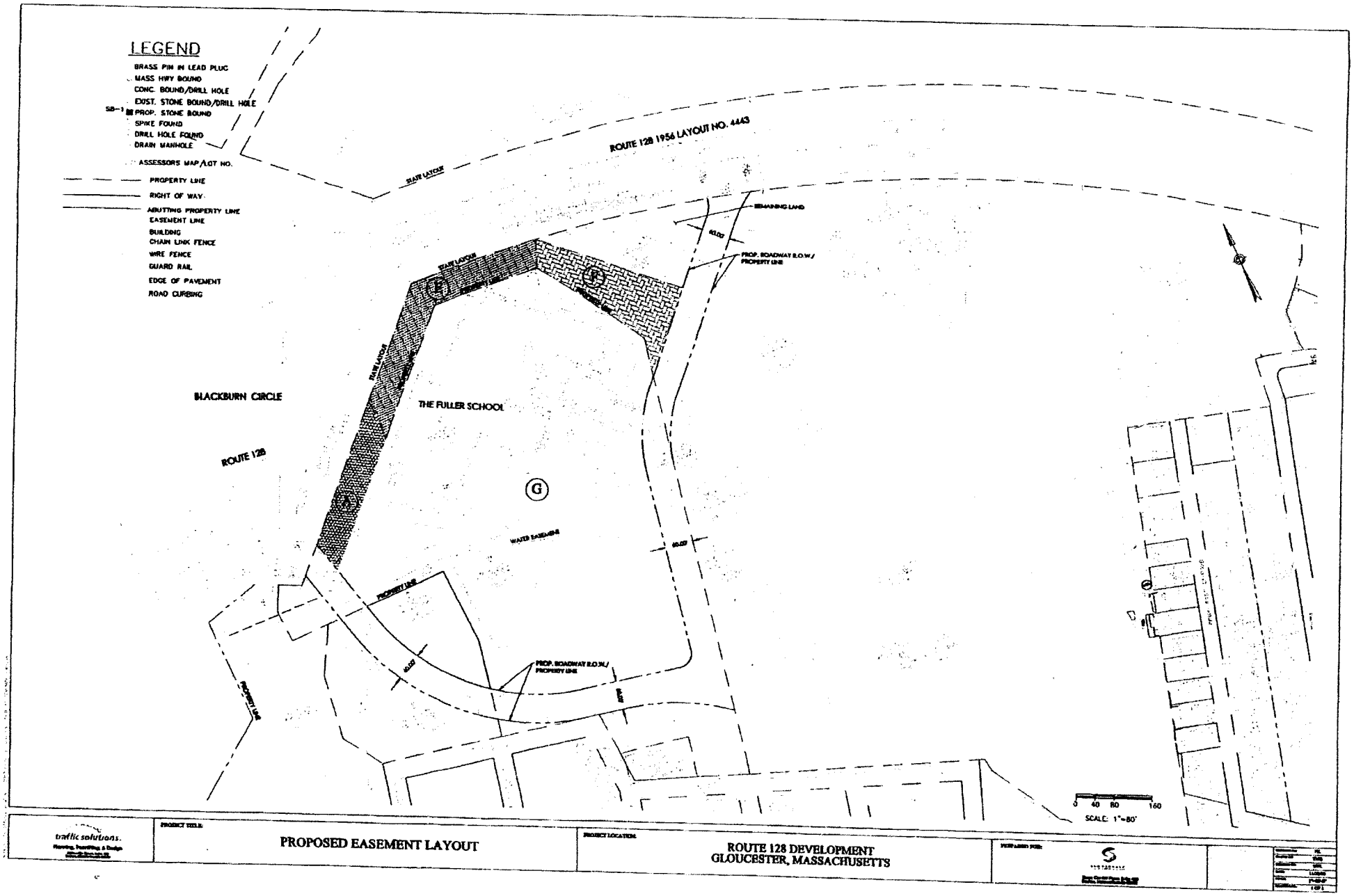
6. Gloucester Commons shall convey an easement to the City authorizing the City to use Parcel F, as shown on Exhibit D, for access and parking purposes for the benefit of Parcels E and G, as shown on said Exhibit D. This conveyance shall be recorded immediately upon the release, by Gloucester Commons' lender, of currently recorded construction mortgage liens on said Parcel F, if the Director of Public Works has certified, by the date of such release, that the roadways, shown as "PROP. ROADWAY R.O.W." on said Exhibit D, have been completed to the City's satisfaction; otherwise the conveyance shall be recorded no more than 60 days after such certification.

7. On or before December 31, 2009, SPC shall purchase and install a new back-up generator for the water pumps supplying the water tower in Blackburn Industrial Park. The back-up generator shall be adequate to provide high-pressure water supply to the tenants and industries located in the Blackburn Industrial Park in the event of electrical failure.

8. On or before July 1, 2010, and annually thereafter on or before July 1 of each year for fourteen (14) additional years, SPC shall pay to the City the sum of $16,667.00 to be used by the City to pay a portion of the cost of purchasing or financing the purchase of an ambulance by the City.

9. On or before December 31, 2009, SPC shall replace 275 feet of the sewer main on Staten Street.

10. No parcel of land within the Gloucester Crossing Economic Opportunity Area shall be conveyed to a tax-exempt entity unless: (i) such entity agrees that the parcel will be subject to real estate taxation under *M.G.L.* c.59, without any claim of exemption on the basis of the entity's tax-exempt status; or (ii) such entity enters into an agreement for Payment in Lieu of Taxes ("PILOT Agreement") that provides for payments in lieu of taxes and/or other benefits to the City not less than the amount


LEGEND
BRASS PIN IN LEAD PLUG
MASS HWY BOUND
CONC. BOUND/DRILL HOLE
EXIST. STONE BOUND/DRILL HOLE
PROP. STONE BOUND
SPIKE FOUND
DRILL HOLE FOUND
DRAIN MANHOLE
ASSESSORS MAP/LOT NO.
PROPERTY LINE
RIGHT OF WAY
ABUTTING PROPERTY LINE
EASEMENT LINE
BUILDING
CHAIN LINK FENCE
WIRE FENCE
GUARD RAIL
EDGE OF PAVEMENT
ROAD CURBING
ROUTE 128 1956 LAYOUT NO. 4443
STATE LAYOUT
REMAINING LAND
PROP. ROADWAY R.O.W./ PROPERTY LINE
BLACKBURN CIRCLE
THE FULLER SCHOOL
ROUTE 128
WATER EASEMENT
PROPERTY LINE
0 40 80 160
SCALE: 1"=80'
traffic solutions.
PROJECT TITLE:
PROPOSED EASEMENT LAYOUT
PROJECT LOCATION:
ROUTE 128 DEVELOPMENT
GLOUCESTER, MASSACHUSETTS

or lessee, except that the use be legal and conform to local zoning requirements. In that case, you would not specify a reuse restriction. However, if you were leasing only part of a school building, M.G.L. c. 40, §3 would require you to specify that the reuse be compatible with the functioning of the school.

Step 2: Determine the value of the property

You must determine the value of the interest you propose to dispose of before you can dispose of any property. Chapter 30B requires that you determine the property's value by using procedures customarily accepted by the appraising profession as valid. You may hire an appraiser, although you are not required to do so. You may also rely on the municipal assessment of a property's value if it is current, if the municipality is assessed at 100 percent, and if the assessment is determined through valid procedures. For a lease, you may use market rent data or even advertised rental rates, if there are sufficient number of similar properties on the market to determine the lease value.

Step 3: Develop the RFP

Your RFP provides interested parties with the information they need to decide whether they want the property you are selling or leasing and to submit a responsive proposal. The major components of a disposition RFP are:

- description of the property and interest in the property you plan to sell or lease (the "property description") and any reuse restrictions,
- evaluation criteria,
- proposal submission requirements, and
- the contract terms and conditions.

Property description. The property description must be detailed enough for interested parties to understand what you are offering. Be sure to identify reuse restrictions established by your jurisdiction. If the property is being offered for sale, include a reference to a deed or survey. Also identify in the property description the buildings and structures included in the disposition and any restrictions on their use, such as

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RZ2017-001

ELIASON
LAW OFFICE LLC

January 3, 2017

BY HAND
Joanne M. Senos
City Clerk, City of Gloucester
Gloucester City Hall
9 Dale Avenue
Gloucester, MA 01930

CITY CLERK
GLOUCESTER, MA
2017 JAN -3 AM 11:26

Joseph Ciolino, President
Gloucester City Council
Gloucester City Hall
9 Dale Avenue
Gloucester, MA 01903

RE: Amendment to Zoning Ordinance - Mixed Use Overlay District

Dear Ms. Senos and President Ciolino:

Pursuant to Section 1.11 of the Zoning Ordinance of the City of Gloucester (GZO), a revised proposed Amendment to the GZO to create a Mixed Use Overlay District is hereby submitted, together with a check for the application fee in the amount of $350.00 made payable to the City of Gloucester. The Amendment has been initiated by ten registered voters pursuant to Section 1.11 (c) of the GZO. Please place this on the City Council agenda for January 10, 2016.

Very truly yours,

Deborah A. Eliason

DAE/arr
Enclosures
cc: Fuller Mixed Use Ventures, LLC
Gregg Cademartori, Planning Director
Charles J. Payson, General Counsel

DEBORAH A. ELIASON, ESQ
63 Middle Street
Gloucester, MA 01930

TEL 978-283-7432
FAX 978-283-9966
deliason@eliasonlawoffice.com
EliasonLawOffice.com

RZ2017-001

CITY OF GLOUCESTER PETITION

DATE and TIME received by CITY CLERK'S OFFICE: CITY CLERK GLOUCESTER, MA 2017 JAN -3 AM 11:26

Insert here the Name and description of the Petition:

Petition to amend the Gloucester Zoning Ordinance by adding a Mixed Use Overlay District.

The undersigned hereby petition the Gloucester City Council to amend the zoning ordinance to include a new Mixed Use Overlay District including properties located at 2 and 4 School House Road and 7 Gloucester Crossing Road in order to provide for a combination of retail, commercial/business, non-profit, municipal and residential structures and uses, all as set forth in the attached Application for Rezoning and proposed terms of the Mixed Use Overlay District (also attached).

Designated Filers:

Name: FREDERICK H DOUCETTE JR
Address: 100 MAPLEWOOD AVE

Name: JOHN C. CONNORS
Address: 28 BEACH RD

Name: Paul Simon
Address: 72 Eastern Ave

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in GLOUCESTER and your signature should be written substantially as registered.

	✓	Signature	Address	Name Printed
1	✓		100 MAPLEWOOD AVENUE	FREDERICK H DOUCETTE JR
2	✓		41 Western Ave	John Neilson Gloucester, MA
3	✓		28 BEACH RD	JOHN C. CONNORS
4	✓		7 KEYSTONE ROAD	MARK HUBBARD
5	✓		6½ Stanwood St	Jamie Vega

ONLY REGISTERED VOTERS OF GLOUCESTER MAY SIGN THIS PETITION

	✓	Signature	Address	Name Printed
6	W	Chris Wheeler	5 Pooles terrace Rockport	Chris Wheeler
7	✓	Lawrence White	15 Chestnut St	Larry White
8	✓	Joanne Moore	1 Taylor St. Gloucester	Joanne Moore
9	S	[illegible]	9 [illegible]	[illegible]
10	✓	Lindsay Carroll	8 East Main St Glou, Ma	Lindsay Carroll
11	✓	[illegible]	15 Long Hill Rd	Jeremy Westor
12	✓	[illegible]	72 Eastern Ave	Paul Simon
13	✓	Elizabeth A O'Connor	138 Main St #2	Elizabeth A O'Connor
14	✓	[illegible]	138 Main St #2	Kevin P. Burke
15	✓	Allie McCarthy	7 Madison Ave	Allie McCarthy
16	✓	Donald Reed	28 Dennison ST	DONALD REED
17	N	[illegible]	17 MIDDLE ST	MICHAEL MCKINNON
18	✓	Linda D Cook	9 Woodward Ave, Glou.	LINDA D COOK
19	✓	[illegible] Sousa	12 Clarendon St	Nancy Sousa
20	W	Barbara Fournier	13 Pennyn Way Rockport	Barbara Fournier
21	✓	Susan K. Bell	9 Hickory St Gloucester	Susan K. Bell
22	N	Salvatore Ciolino	20 granite street	Salvatore Ciolino
23	N	[illegible]	17 Madison Ave	Steve Karabaic
24	N	[illegible]	17 Madison Ave	Anna Macan
25	✓	L Caron	19A Old County Rd	Lisa Caron

CHECK TABLE: N: No such registered voter at that address, or address is illegible
S: Unable to identify signature as that of voter because of form of signature, or signature is illegible
W: Wrong district or community
T: Already signed for this petition

CERTIFICATE OF NAMES:

We certify that: 18 Eighteen

on this date: January 3, 2017

above signatures checked thus ✓ are names of qualified voters from GLOUCESTER, for which this petition is made.

At least three registrars names must be signed or stamped below

Judith A. Peterson

[illegible]

[illegible]

Registrar's of Voters

BY HAND
Joanne M. Senos
City Clerk
City Hall
9 Dale Avenue
Gloucester, MA 01930

RE: Zoning Amendment Petition Certification

Dear Ms. Senos:

In accordance with G.L.c. 43, §38, we the undersigned hereby notify you that the filing of signatures for the attached "Petition to Amend the Gloucester Zoning Ordinance by adding a Mixed Use Overly District" is complete.

Designated Filers:

Name: FREDERICK H DWELLEY JR
Address: 100 MAPLEWOOD AVE

Name: JOHN C. CONNORS
Address: 29 BEACH RD.

Name: Paul S. mon
Address: 72 Eastern Ave

Dated: 11/31/2017

APPLICATION FOR REZONING

App. No. 2017-001
Date 1/3/2017

TO THE CITY COUNCIL OF THE CITY OF GLOUCESTER, MASSACHUSETTS:

I (We), the undersigned, do hereby respectfully make application and petition the City Council to amend the Zoning Ordinance of the City of Gloucester as herewith requested, and in support of this application of the following facts are submitted:

1. The Property sought to be rezoned is located at:

   Street: School House Road and Gloucester Crossing Road

   On the Northerly and Westerly side of the street, known as lot number 2 & 4 School House Road and 7 Gloucester Crossing Road

   It has a depth of see attached and Frontage of see attached

2. Present Zoning Classification R-10

3. Proposed Zoning Classification R-10 with Mixed Use Overlay District

4. The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear, and the property in front of (across the street from) the property to be rezoned:

NAME	STREET	CITY OR TOWN
see attached		

(Please attach extra sheets for more names, if needed)

5. It is proposed that the property will be put to this use:
   see attached

6. It is proposed to construct the following buildings:

   see attached

7. Attached is a copy of the required map which shows the property and surrounding area, with all abutters circled.

Attorney for Petitioners

SIGNATURE AND ADDRESS OF OWNER: Deborah A. Eliason

Eliason Law Office, LLC

63 Middle Street, Gloucester MA 01930

SIGNATURE OF PETITIONER: Petition of 10 Registered Voters
See Attached

APPLICATION FOR REZONING
Re: 4 Schoolhouse Road, Parcel ID: 262-14
Continuation Page

1. The parcels in the Mixed Use Overlay District are identified as follows:
   4 Schoolhouse Road: Assessor's Map 262, Parcel 14
   2 Schoolhouse Road: Assessor's Map 43, Parcel 4 and 5
   7 Gloucester Crossing: Assessor's Map 262, Parcel 37

   The shallowest depth of the parcels from Gloucester Crossing Road is approximately 549 feet, 2 inches.

   The depth of the parcels from School House Road is approximately 1012 feet, 2 inches.

   The proposed Mixed Use Overlay District has frontage on School House Road of approximately 915 feet and frontage on Gloucester Crossing Road of about approximately 1034 feet.

5. The Mixed Use Overlay District proposes a combination of retail, commercial, business, residential, recreational and/or community service uses benefiting the residents of the City of Gloucester.

6. The following are the proposed buildings to be constructed:

   3 residential 4-story apartment buildings comprising approximately 200 units;

   1 retail/commercial building of approximately 20,000 square feet;

   1 retail/commercial building of approximately 3,500 square feet; and

   YMCA building of approximately 45,000 square feet.

City of Gloucester Abutters Report

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

Abutters to Parcel: Map-Lot-Unit **43-5**

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 43 Lot 5 as further shown on the attached map dated 12/29/2016.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
43-5 GLOUCESTER COMMONS LLC C/O DSM REALTY	2 SCHOOL HOUSE RD	43-5	GLOUCESTER COMMONS LLC C/O DSM REALTY 875 EAST ST TEWKSBYURY, MA 01876
262-14 GLOUCESTER CITY OF	4 SCHOOL HOUSE RD	262-14	GLOUCESTER CITY OF 9 DALE AV GLOUCESTER, MA 01930

The Gloucester Board of Assessors certifies that the Abutters Report program written to create a list of the names and addresses of property owners from the applicable tax list has been reviewed. To the best of our knowledge and belief the Abutters Report program generates an accurate list from the most recent tax list of the assessed owner of record and the mailing information of the parties in interest as defined within and required by the law and therefore the within document constitutes a certified abutters list.

Nancy A. Papows, MAA
Gary I. Johnstone, MAA
Bethann B. Godinho, MAA
GLOUCESTER BOARD OF ASSESSORS

City of Gloucester Assessors' Office, City Hall, 9 Dale Avenue, Gloucester, MA 01930

12/29/2016

City of Gloucester Abutters Report

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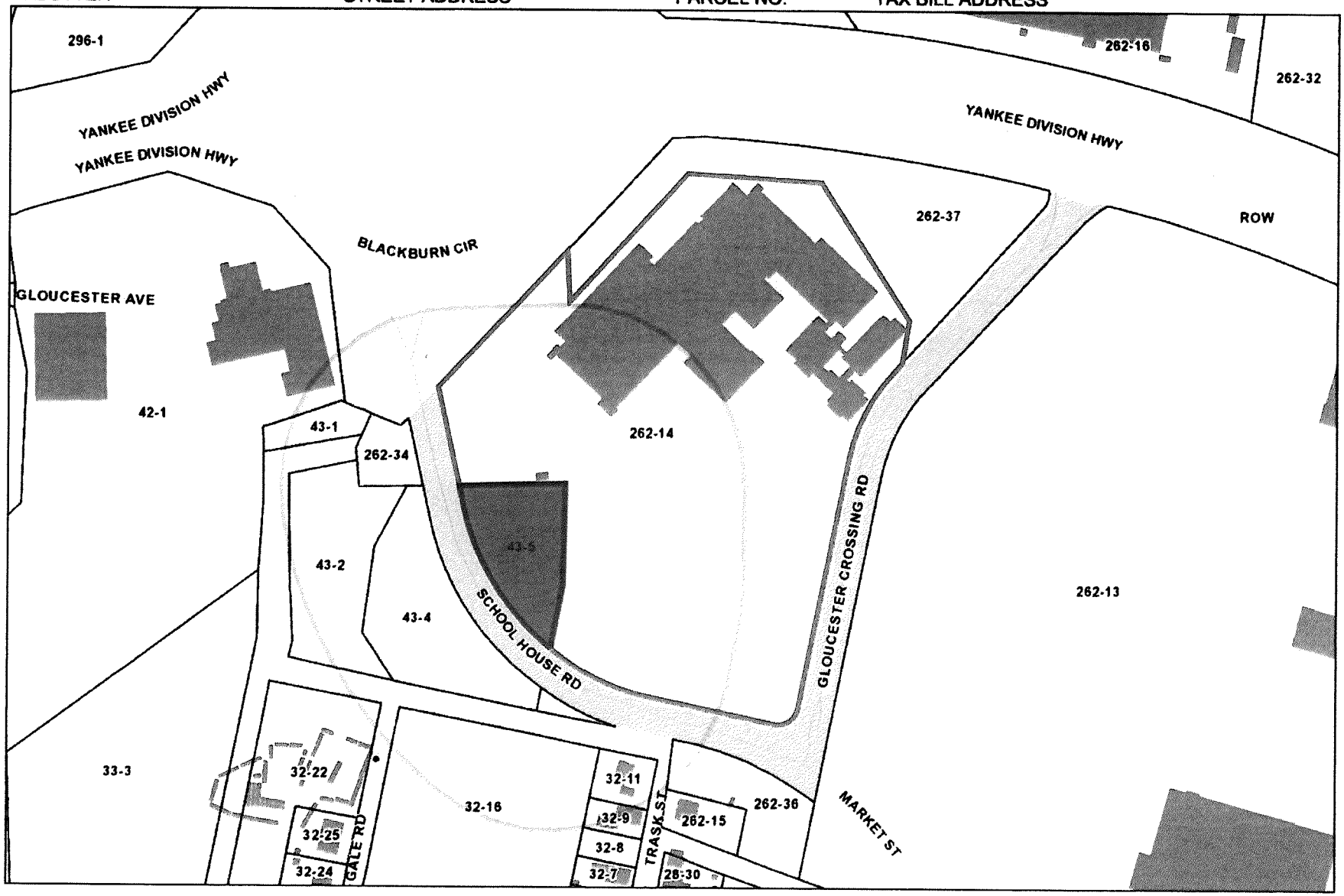
ABUTTER STREET ADDRESS PARCEL NO. TAX BILL ADDRESS



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Gloucester Board of Assessors.

Abutters to Parcel: Map-Lot-Unit **43-4**

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 43 Lot 4 as further shown on the attached map dated 12/29/2016.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
32-16 GLOUCESTER CITY OF	11R ESSEX ST	32-16	GLOUCESTER CITY OF 9 DALE AV GLOUCESTER, MA 01930
32-22 SARGENT STREET CORP C/O LINSKY	10 GALE RD	32-22	SARGENT STREET CORP C/O LINSKY PO BOX 761 GLOUCESTER, MA 01931-0761
43-2 SARGENT ST CORP C/O LINSKY	18 GALE RD	43-2	SARGENT ST CORP C/O LINSKY PO BOX 761 GLOUCESTER, MA 01931-0761
43-1 SARGENT ST CORP C/O LINSKY	131R GLOUCESTER AV	43-1	SARGENT ST CORP C/O LINSKY PO BOX 761 GLOUCESTER, MA 01931-0761
262-34 GLOUCESTER CITY OF	1 SCHOOL HOUSE RD	262-34	GLOUCESTER CITY OF 9 DALE AV GLOUCESTER, MA 01930
43-4 GLOUCESTER COMMONS LLC C/O DSM REALTY	3 SCHOOL HOUSE RD	43-4	GLOUCESTER COMMONS LLC C/O DSM REALTY 875 EAST ST TEWKSBURY, MA 01876
262-35 GLOUCESTER CITY OF	5 SCHOOL HOUSE RD	262-35	GLOUCESTER CITY OF 9 DALE AV GLOUCESTER, MA 01930

City of Gloucester Abutters Report

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Gloucester Board of Assessors.

Abutters to Parcel: Map-Lot-Unit **43-4**

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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS

The Gloucester Board of Assessors certifies that the Abutters Report program written to create a list of the names and addresses of property owners from the applicable tax list has been reviewed. To the best of our knowledge and belief the Abutters Report program generates an accurate list from the most recent tax list of the assessed owner of record and the mailing information of the parties in interest as defined within and required by the law and therefore the within document constitutes a certified abutters list.

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Gary I. Johnstone, MAA
Bethann B. Godinho, MAA
GLOUCESTER BOARD OF ASSESSORS

City of Gloucester Assessors' Office, City Hall, 9 Dale Avenue, Gloucester, MA 01930

12/29/2016

City of Gloucester Abutters Report

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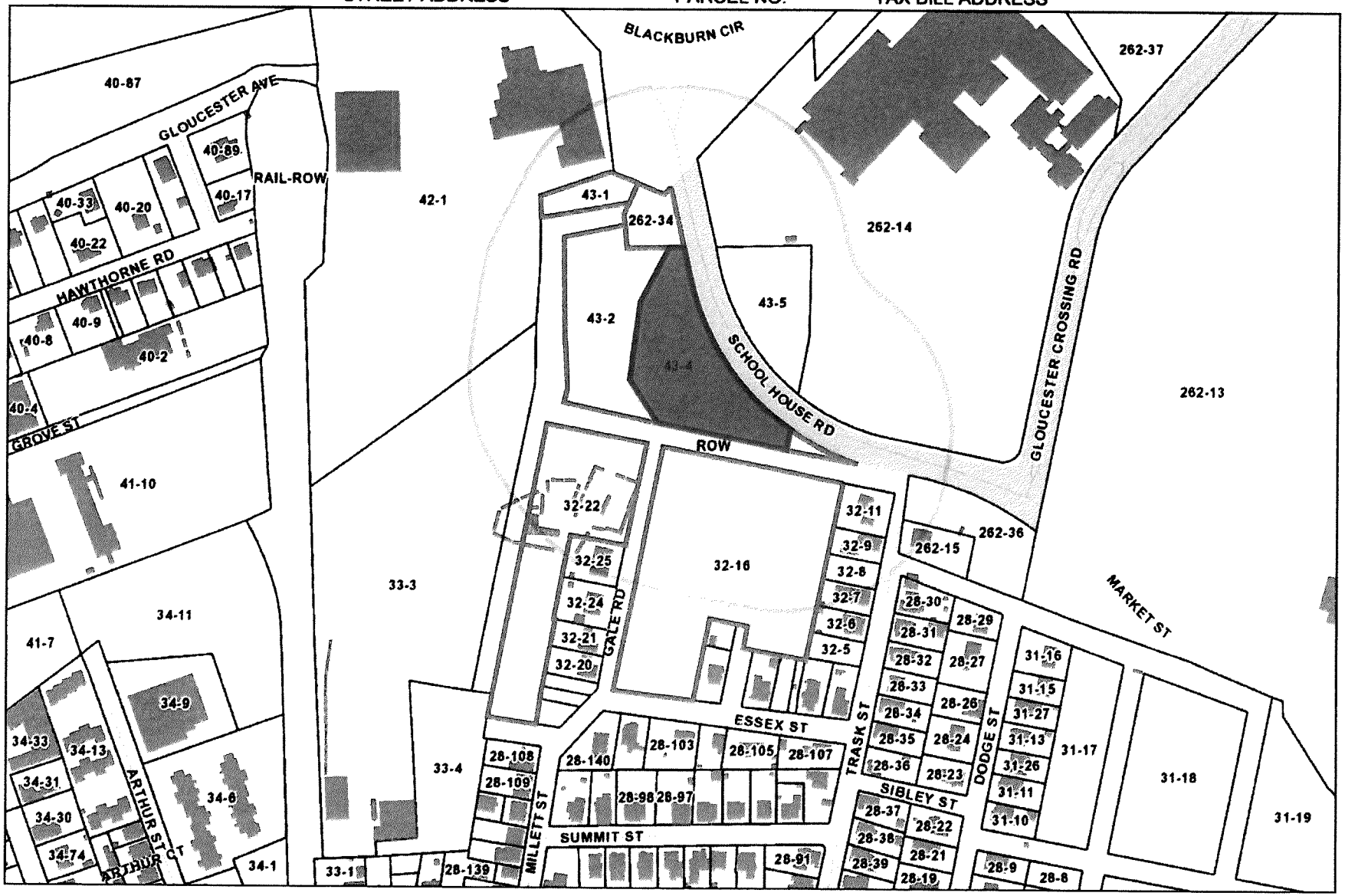
ABUTTER STREET ADDRESS PARCEL NO. TAX BILL ADDRESS



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Gloucester Board of Assessors.

Abutters to Parcel: Map-Lot-Unit **262-37**

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 262 Lot 37 as further shown on the attached map dated 12/29/2016.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
262-37 GLOUCESTER COMMONS LLC C/O DSM REALTY	7 GLOUCESTER CROSSING RD	262-37	GLOUCESTER COMMONS LLC C/O DSM REALTY 875 EAST ST TEWKSBURY, MA 01876
262-14 GLOUCESTER CITY OF	4 SCHOOL HOUSE RD	262-14	GLOUCESTER CITY OF 9 DALE AV GLOUCESTER, MA 01930

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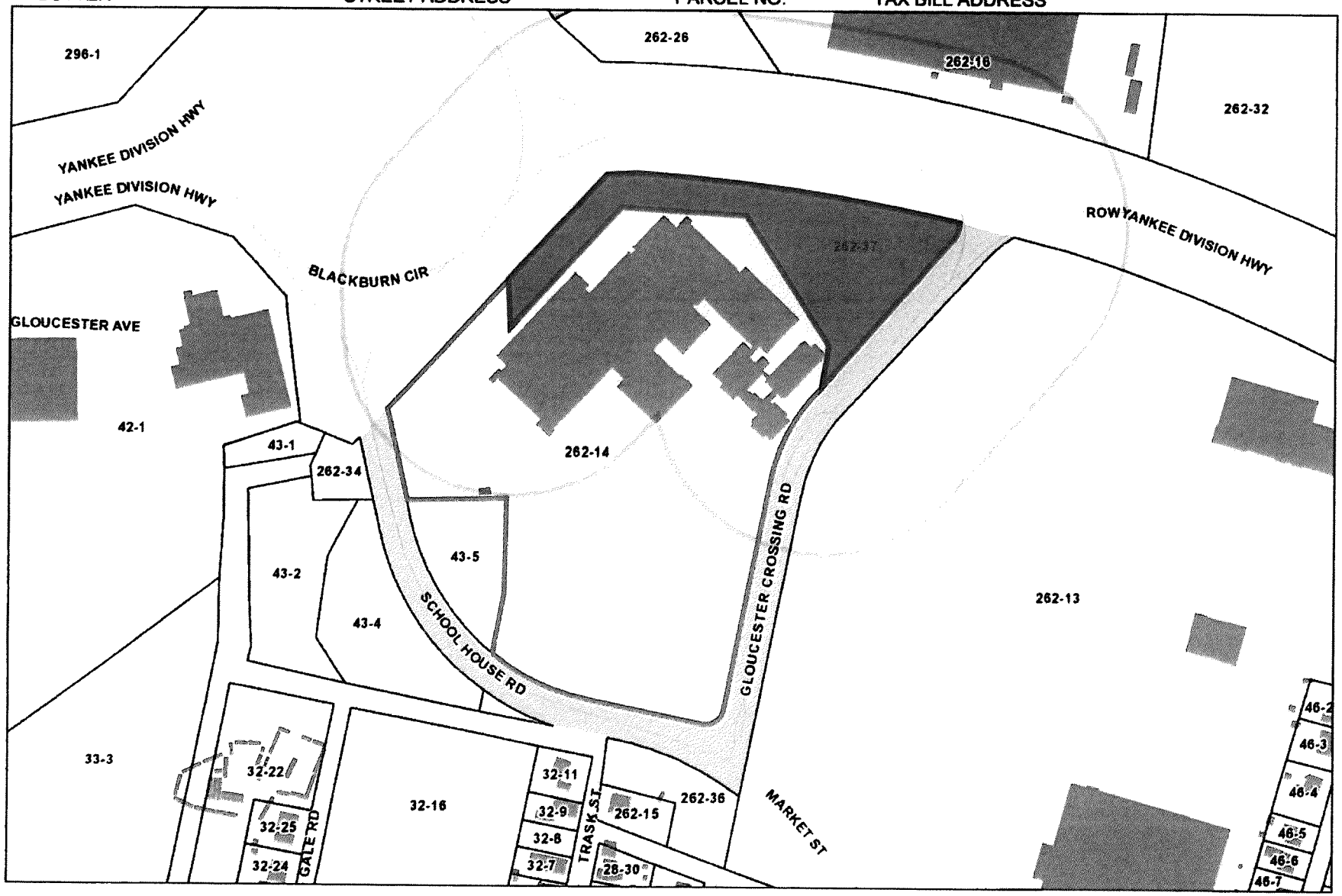

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Gloucester Board of Assessors.

Abutters to Parcel: Map-Lot-Unit **262-14**

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 262 Lot 14 as further shown on the attached map dated 12/29/2016.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
262-37 GLOUCESTER COMMONS LLC C/O DSM REALTY	7 GLOUCESTER CROSSING RD	262-37	GLOUCESTER COMMONS LLC C/O DSM REALTY 875 EAST ST TEWKSBURY, MA 01876
43-5 GLOUCESTER COMMONS LLC C/O DSM REALTY	2 SCHOOL HOUSE RD	43-5	GLOUCESTER COMMONS LLC C/O DSM REALTY 875 EAST ST TEWKSBYURY, MA 01876
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GLOUCESTER BOARD OF ASSESSORS

City of Gloucester Assessors' Office, City Hall, 9 Dale Avenue, Gloucester, MA 01930

12/29/2016

City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit **262-14**

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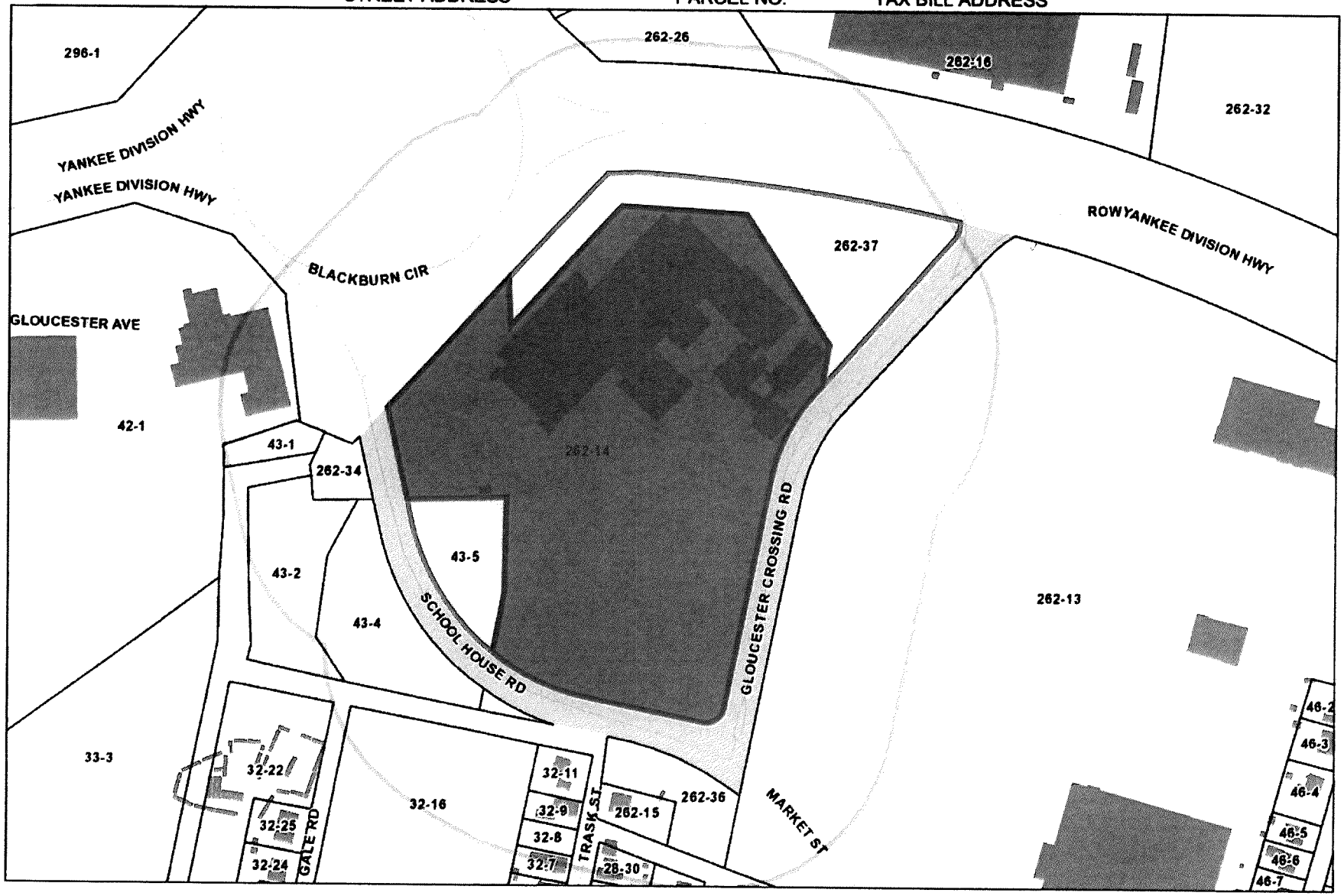
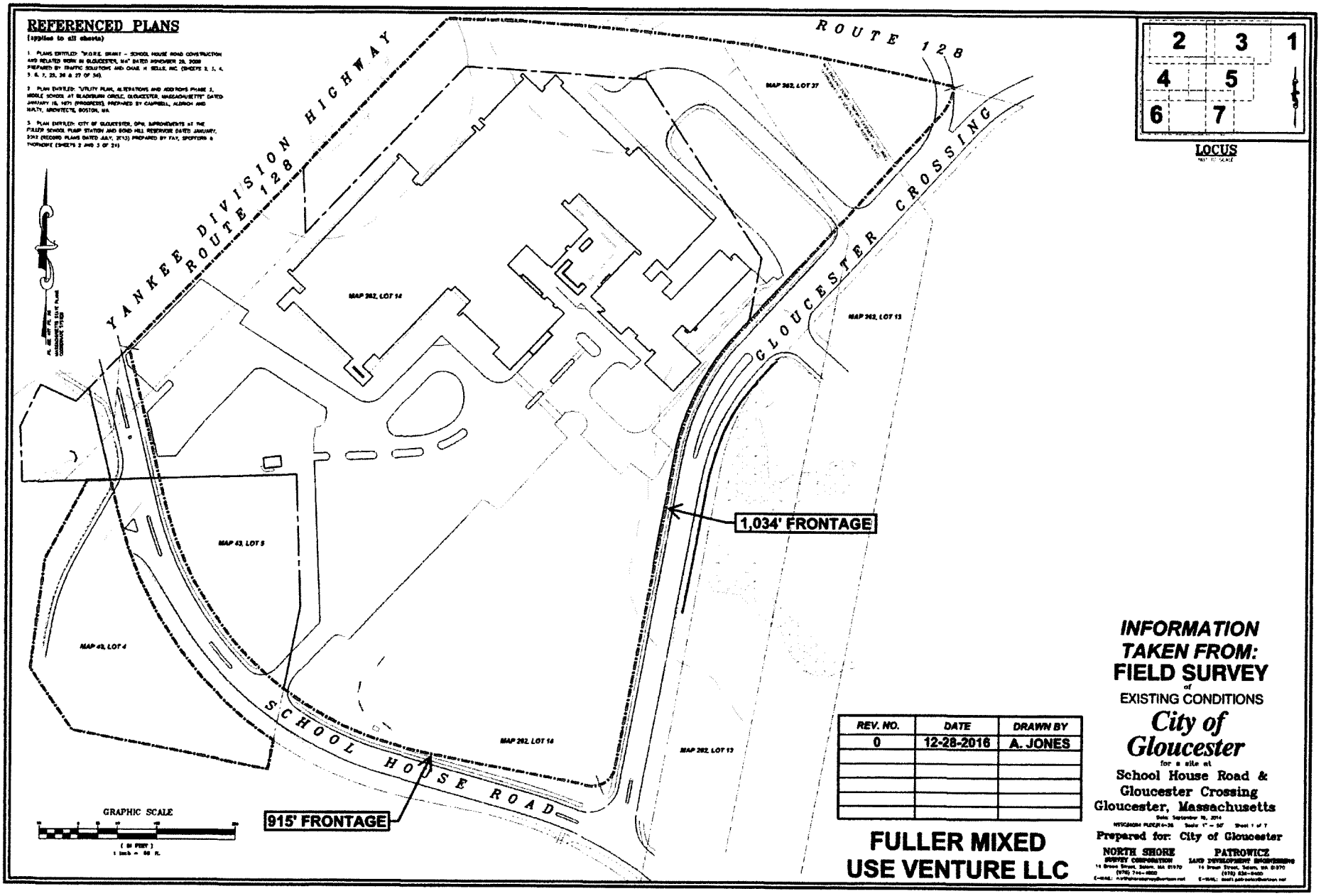
ABUTTER STREET ADDRESS PARCEL NO. TAX BILL ADDRESS




REFERENCED PLANS
(applies to all sheets)
1. PLANS ENTITLED: "R.O.R.E. GRANT – SCHOOL HOUSE ROAD CONSTRUCTION AND RELATED WORK IN GLOUCESTER, MA" DATED NOVEMBER 20, 2008 PREPARED BY TRAFFIC SOLUTIONS AND CHAS. H. SELLS, INC. (SHEETS 2, 3, 4, 5, 6, 7, 25, 26 & 27 OF 34).
2. PLAN ENTITLED: "UTILITY PLAN, ALTERATIONS AND ADDITIONS PHASE 3, MIDDLE SCHOOL AT BLACKBURN CIRCLE, GLOUCESTER, MASSACHUSETTS" DATED JANUARY 16, 1971 (PROGRESS), PREPARED BY CAMPBELL, ALDRICH AND NULTY, ARCHITECTS, BOSTON, MA.
3. PLAN ENTITLED: CITY OF GLOUCESTER, OPW, IMPROVEMENTS AT THE FULLER SCHOOL PUMP STATION AND BOND HILL RESERVOIR DATED JANUARY, 2012 (RECORD PLANS DATED JULY, 2013) PREPARED BY FAY, SPOFFORD & THORNDIKE (SHEETS 2 AND 3 OF 24)
YANKEE DIVISION HIGHWAY
ROUTE 128
ROUTE 128
GLOUCESTER CROSSING
SCHOOL HOUSE ROAD
MAP 262, LOT 37
MAP 262, LOT 14
MAP 262, LOT 13
MAP 43, LOT 5
MAP 43, LOT 4
MAP 262, LOT 14
MAP 262, LOT 13
1,034' FRONTAGE
915' FRONTAGE
GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.
2
3
1
4
5
6
7
LOCUS
REV. NO.
DATE
DRAWN BY
0
12-28-2016
A. JONES
FULLER MIXED
USE VENTURE LLC
INFORMATION
TAKEN FROM:
FIELD SURVEY
of
EXISTING CONDITIONS
City of
Gloucester
for a site at
School House Road &
Gloucester Crossing
Gloucester, Massachusetts
Prepared for: City of Gloucester
NORTH SHORE
SURVEY CORPORATION
PATROWICZ
LAND DEVELOPMENT ENGINEERING

5.29 MIXED USE OVERLAY DISTRICT

5.29.1 Purpose

It is the purpose of the Mixed Use Overlay District (MUOD) to encourage the use of property within its boundaries for mixed use development, including profit, non-profit and municipal uses. More specifically, the MUOD is designed to promote retail, commercial, business, residential, recreational and/or community service uses benefiting the residents of the City of Gloucester ("MUOD Purposes"). Among the objectives of the MUOD are:

(a) To facilitate development in the MUOD that will create a cohesive sense of place consistent with the MUOD Purposes, create connections among uses, and that accommodates pedestrian traffic yet remains sensitive to vehicular traffic needs by providing efficient parking, including shared parking, on and off site, when appropriate and for the purpose of reducing impervious surfaces;

(b) To encourage the appropriate use of land by balancing a variety of uses that are compatible with the predominate surrounding uses and areas in terms of scale, activities, appearance and site design, with sensitivity to other uses in the area;

(c) To create a compact and efficient design where working, shopping, living, and recreating can co-exist to ensure long term self-sufficiency and financial return to the City;

(d) Shared parking is encouraged; and

(e) To stimulate the general economy of the City by creating jobs and generating real estate and other tax revenue.

5.29.2 Overlay District

5.29.2.1 Definitions

For the purposes of the MUOD the definitions set forth in this ordinance shall apply except as follows:

Lot Area: The horizontal area of a lot, exclusive of any area in a street or way open to public use. In calculating lot area for multi-family residential dwellings, not more than ten percent (10%) of the area required by Section 3.2 shall be a brook, stream, river, pond, water-filled quarry, lake, estuary, bank, fresh water wetland, coastal wetland, beach, dune, flat, marsh, wet meadow or swamp, or any land subject to tidal action, coastal storm flowage, flooding or inundation, as defined at Section 12-11 of the City of Gloucester Code of Ordinances. In calculating lot area for all other residential and non-

residential buildings, and only in the case of the laying out of new lots, not more than twenty-five percent (25%) of the lot area required by Section 3.2 shall be a brook, stream, river, pond, water-filled quarry, lake, estuary, bank, fresh water wetland, coastal wetland, beach, dune, flat, marsh, wet meadow or swamp, or any land subject to tidal action, coastal storm flowage, flooding or inundation, as defined at Section 12-11 of the City of Gloucester Code of Ordinances. Notwithstanding the provisions of this section, any area denoted as FEMA "Special Flood Hazard Zone" or "Flood Zone X" shall be included in the lot area calculation without limitation.

5.29.2.2 Map

The MUOD is an overlay district which encompasses land shown on Gloucester Assessors' Map 262, Lot 14; Map 262, Lot 37; Map 43, Lot 4; and Map 43, Lot 5. The land in the MUOD is shown on the map entitled "Exhibit to Accompany an Amendment to the Gloucester Zoning Ordinance Mixed Use Overlay District" dated December 28, 2016 incorporated herein by reference and hereby made a part of the City's official zoning map. A copy of said map is on file with the City Clerk's Office and the Community Development Department.

5.29.2.3 Establishment

The MUOD is an overlay district superimposed on the underlying zoning district and the land affected thereby. The underlying zoning and all permitted uses existing on this date, whether by permit or as of right, shall remain in full force and effect, except as otherwise stated herein. To the extent that any provision in this Section 5.29 is in contradiction or conflicts with any other provision of this ordinance, the provisions of this Section 5.29 shall control. Nothing in the MUOD shall restrict the rights of any owner who elects to utilize the existing underlying zoning district regulations to develop and redevelop land.

5.29.2.4 Applicability

The City Council shall be the special permit granting authority for special permits granted pursuant to this Section 5.29, and such special permits shall satisfy the criteria set forth in this Section 5.29.

Notwithstanding anything to the contrary contained in this ordinance, in any instance where the City Council has jurisdiction to issue a special permit pursuant to this Section 5.29, it shall also be the sole special permit granting authority for all other special permits required by this ordinance for such use and/or development, including site plan approval under Section 5.8 of this ordinance. Within fourteen (14) days of receipt of an application for a special permit under this MUOD, the City Council shall refer the application to the Planning Board for review and recommendation, which recommendation shall be made no later than forty-five (45) days after the City Council's referral.

The Planning Board shall not be required to hold a public hearing on the Application.

5.29.2.5 Standard to be Applied

Except as otherwise set forth herein, Special Permits under this Section 5.29 shall be granted under the standards of Section 1.8.3 (Special Permits); Section 3.1.6 (Height); Section 4.1 (Off-Street Parking); Section 4.3 (Signs); Section 5.7.5 (Major Projects); and Section 5.17 (Drive-through facilities).

5.29.2.6 Design Standards

In its grant of a Special Permit under this Section 5.29, the City Council shall consider the following in its decision making:

1. Overall layout and design that creates a cohesive sense of place consistent with the MUOD Purposes, connections among site uses, and that accommodates pedestrian traffic in a manner that is consistent with the proposed project.

2. Provision of efficient parking, including shared parking, on and off site, when appropriate and to reduce the number of impervious surfaces.

3. Compact and efficient site design with clearly articulated and marked building entrances, as well as public spaces within the site that promote the connection of uses within the site.

4. Design of landscaping elements that present a pleasant, well-designed appearance during all seasons, such as plantings of different types and sizes to create an attractive landscaping consistent with native New England character.

5. Use of landscape design to minimize the appearance of electrical transformers, site mechanical equipment and loading/service areas.

6. Use of underground utility feeds whenever economically feasible.

7. Employment of high quality and durable building materials consistent with comparable buildings of the similar type and use.

5.29.3 Uses

5.29.3.1 Uses Allowed by Right

Uses allowed by right in the underlying zoning districts shall be allowed by right in any portion of the MUOD except for the following uses that shall be prohibited:

New or conversion to one-family or two-family dwelling with or without changes to the exterior dimensions of the building.
Open Space Residential Development (See Section 5.15)
Golf Course, standard or par-three

5.29.3.2 Uses Allowed by Special Permit in Underlying Zoning District

All uses allowed by special permit in the underlying zoning districts shall be permitted in the MUOD subject to the issuance of a special permit issued by the City Council in accordance with the provisions of this Section 5.29 or by utilizing the existing underlying zoning districts' regulations to develop and redevelop land, except that the following uses are prohibited:

Conversion to or new multi-family or apartment dwelling with less than twenty-five dwelling units
Conversion to or new mixed-use building with less than twenty-five dwelling units
Cluster Development
Boarding house, rooming house, lodging house or hostel, licensed by the Licensing Board
Mobile home park
Campground
Village Development Project (See Section 5.16)
Cemetery
Riding school, stable
Land based wind energy conversion facilities and temporary monitoring facilities related thereto
Airport, Heliport
Outdoor Golf Driving Range, Drive-in Theater, Amusement Park, race track or other similar commercial outdoor recreation
Junk Yard

5.29.3.3 Additional Uses

In addition to the uses permitted under Section 5.29.3.1 and 5.29.3.2, the following uses shall be permitted in the MUOD subject to the issuance of a special permit issued by the City Council in accordance with the provisions of this Section 5.29:

Golf driving range – indoor only
New or conversion to office building
Bank, automatic teller machines
Restaurant w/ or w/o outdoor seating and w/or w/o takeout
Feed or building materials establishment
Laundry, laundromat or dry cleaning establishment
Shopping Center
Automatic amusement devices
Drive-through facility

Philanthropic institution or other non-profit organization, such as a YMCA or other similar organization.
Retail, consumer service or other non-industrial business use, other than those listed in Section 2.3.4, Use Nos. 1-24
Personal Wireless Service Facility

5.29.3.4 Prohibited Uses

Any use not specifically allowed by right or by special permit within the MUOD as provided in Section 5.29.3.1, 5.29.3.2, 5.29.3.3 or in the underlying zoning districts is prohibited, and any such prohibited use can only be authorized by a use variance issued by the City Council.

5.29.4 Dimensional Requirements

5.29.4.1 Dimensional Table

All buildings and structures permitted pursuant to the MUOD shall conform to the following dimensional requirements, which requirements shall be deemed to be a part of Section 3.2.6 under an MUOD designation:

ALL USES ALLOWED IN MUOD DISTRICT[i]	
Minimum lot area (sf)	40,000 SF[j]
Minimum Lot width (ft)	50 Feet
Minimum frontage (ft)	80 Feet[k]
Minimum front yard (ft)	20 Feet
Minimum side yards (ft. each)	7.5 Feet
Minimum rear yard (ft)	7.5 Feet
Maximum building height	45 Feet[l]
Distance between principal buildings	15 Feet
MULTI-FAMILY	
Minimum lot area per dwelling unit (sf)	1,000 SF
Minimum open space per dwelling unit (sf)	0 SF
Maximum building height	55 Feet[l]
SHOPPING CENTERS	
Minimum open space per 1,000 sf of gross floor area (sf)	0 SF
PHILANTHROPIC INSTITUTION OR OTHER NON-PROFIT ORGANIZATION, SUCH AS A YMCA OR OTHER SIMILAR ORGANIZATION	
Minimum open space per 1,000 sf of gross floor area (sf)	0 SF

DRIVE-THROUGH	
Min. Lot Area (sf)	15,000 SF
Min. Frontage (ft)	80 Feet
Min. Front Yard (ft)	20 Feet
Min. Side Yard (ft)	7.5 Feet
Min. Rear Yard (ft)	7.5 Feet

(i) In the MUOD District, notwithstanding any other provision of the Ordinance, more than one principal building may be constructed on one lot as of right. All other dimensional requirements of the MUOD shall be complied with.

(j) In the MUOD District, Lot Area shall be defined as the horizontal area of a lot, exclusive of any public way, but inclusive of parking and other travel lanes.

(k) In the MUOD District, Lot Frontage shall be defined to include the width of any parking or other travel lanes that divides the Lot.

(l) In the MUOD District, Building Height shall be defined as follows: The vertical height from the finished grade at the center of the front of the building to the highest point of the roof surface, if a flat roof; to the deck line for mansard roofs; and to the mean height between eaves and ridges for gables, hip, and gambrel roofs. Not included in the determination of height (a) mechanicals, (b) other non-habitable rooftop structures or (c) non-habitable towers or other architectural features which do not exceed the ridge height of a building or structure by more than 20 feet.

5.29.5 Height Requirements

Notwithstanding the provisions of Section 3.1.6 (Height) of this ordinance, building heights in excess of the limits set forth in Section 5.29.4 of the MUOD may be authorized pursuant to the following special permit procedure; provided, however, that in no case shall such increase in allowable height be greater than allowed by the State Building Code and other state and municipal regulations.

Building heights in excess of the requirements set forth in Section 5.29.4 of the MUOD may be authorized by special permit issued by the City Council. Said permit shall contain such conditions as the City Council deems necessary, and shall only issue upon a written determination by the City Council that such increase in allowable height is consistent with neighborhood character and will not be substantially detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, impairment of utilities or other adverse impacts.

5.29.6 Off-Street Parking and Loading Requirements

5.29.6.1 Off-Street Parking Requirements

The parking requirements within the MUOD shall be as set forth in section 4.1 of this ordinance except as follows:

(a) Residential: minimum of 1.50 spaces for each dwelling unit;

(b) All other uses allowed as of right or by special permit in the MUOD under this section 5.29: Minimum of 1.00 space for each 325 SF of floor area exclusive of basement.

The parking requirements in the MUOD may be met through shared parking on or off-site. No additional parking shall be required for any use determined by the City Council to be accessory to a use allowed in the MUOD.

If a proposed use within the MUOD does not conform with any parking provision in this ordinance, the City Council may authorize such nonconformance by the grant of a special permit under the standard set forth in Section 4.1.2. Without limiting the generality of the foregoing, the City Council may grant a special permit to authorize valet and/or tandem parking, on and off-site, regardless of the distance of the off-site parcel from the principal use and to modify the design and layout standards of Section 4.1.4.

5.29.6.2 Off-Street Loading Requirements

Notwithstanding the provisions of Section 4.2 of the Ordinance, in the MUOD for any retail or commercial building with gross floor area of more than 5,000 SF but not more than 40,000 SF one (1) loading bay will be required and may be used to service all uses within that building regardless of the number of uses and/or tenants. The loading bay may be located within the building or outside and adjoining any opening in the building. Notwithstanding the provisions of Section 4.2 of the Ordinance, in the MUOD no loading bay shall be required for any building utilized for residential or YMCA type uses.

5.29.7 Signs

Section 4.3 of this ordinance shall govern signage in the MUOD.

5.29.8 Drive-through Facilities

Notwithstanding the provisions of Section 5.17 of this ordinance, the dimensional requirements for a drive-through in the MUOD shall be as set forth in the Dimensional Table above in Section 5.29.4.1.

5.29.9 Submissions

5.29.9.1 Contents

Any application for a special permit under the MUOD shall include a plan or plans with the information required by Section 1.5.3(c) and 1.5.3(d) of this ordinance, being the submittal requirements for "CCS" special permits and for a Major Project (See Section 5.7.1). In addition, any other special permits required pursuant to this ordinance, for which the City Council is designated under this Section 5.29 as the special permit granting authority, shall include the information required in this ordinance, unless otherwise exempted under this Section 5.29. Review of an application for a special permit shall comply with the procedural requirements of Section 1.5 of this ordinance as applicable to City Council special permits, including the requirements of notice and a public hearing and deadline for the same and for the issuance of decision thereon.

5.29.10 Relief by Special Permit

Except as provided in Section 5.29.3.4, in any instance where a use, including any uses determined by the City Council to be accessory uses, does not comply with any provisions of this Section 5.29, including the dimensional provisions of Section 5.29.4, or with respect to any provision of this ordinance other than those contained in Section II of the Ordinance, regulating use, the City Council is authorized to issue zoning relief for such non-compliance by the issuance of a special permit. In granting a request for a special permit, the City Council may condition its grant on the provision of certain open space, or traffic or pedestrian improvements or other amenities.