

**Planning & Development Committee**  
Wednesday, February 6, 2019 – 5:30 p.m.  
**1<sup>st</sup> Fl. Council Conference Room - City Hall**  
-Minutes-

**Present:** Chair, Councilor Valerie Gilman; Vice Chair, Councilor Jen Holmgren; Councilor Paul Lundberg  
**Absent:** None.

**Also Present:** Councilor Cox (entered the meeting at 6:14 p.m.); Joanne Senos; Jim Destino; Chip Payson; Gregg Cademartori; Jill Cahill; Donna Compton; Gary Johnstone; Mike Hale; Vanessa Krawczyk

The meeting was called to order at 5:30 p.m. Matters were taken out of order.

4. *SCP2019-001: Chestnut Street #6-#8, Map 13, Lot 53, GZO Sec. 2.3.1(7) "Conversion to or new multi-family or apartment dwelling, four to six dwelling units"; Sec. 3.1.6(b) "Building Heights in Excess of 35 feet"; Sec. 3.2.2(a) & (b) "Dimensional Requirements for Multi-Family Dwellings and Their Accessory Uses (other than signs)" (Cont'd from 01/16/19)*

**Attorney Joel Favazza**, Seaside Legal Solutions, 123 Main Street, representing owner, Red Blazer Rentals, LLC, #301, Gloucester, for the property at Chestnut Street #6-#8, Map 13, Lot 53 explained as follows: The building at #6-#8 Chestnut Street is an existing three-family apartment building that the owner now wants to convert the majority of the basement into a fourth dwelling. Citing a picture of the building in the application, it was pointed out that about three to four feet of the basement is above grade giving natural light for the new unit create good light; and there is over seven feet of head clearance.

The four areas of relief needed under this Special Council Permit were reviewed: A use permit is needed for the increase to four units. There is a height permit - the building is at 36 feet above grade now and will remain at 36 feet above grade but because of the change in use, any previous non-conformities as to dimensional requirements are erased and relief must be granted. There is also relief needed in order to reduce lot area per dwelling unit -- the Zoning requirement is 2,500 sq. ft. per unit and is being reduced to 1,097 sq. ft. per dwelling unit. For open space per dwelling unit the Zoning requirement is 1,500 sq. ft., and it too is being reduced to 1,097 sq. ft. by the introduction of the fourth unit. This property is unique for the district in that it has more than adequate parking on site for the entire number of units.

Touching on GZO Sec. 1.8.3, the six criteria for a Special Council Permit, **Mr. Favazza** reviewed the following:

1. Social, economic and community need: There is a housing deficit in the city and a lack of affordable apartments/units for purchase in the city, and this project will help to work towards that. It is expected this unit will list in the mid-\$200,000 range with two bedrooms, a full bath and kitchen and one parking space.
2. Traffic flow and safety: There is adequate on-site parking for four cars without anyone being blocked in; during a snow emergency the driveway can fit up to seven cars. Municipal parking was also noted as nearby.
3. Adequacy of utilities: This is a downtown area. Utility service to the apartment will be adequate to service the proposed fourth unit.
4. Neighborhood character and social structure: This building is "technically" in the CB district but is treated as R-5 as it abuts it (R-5 is a high density residential district). It was noted that there are multi-family dwellings of four or more units along Chestnut, Elm and Prospect Street and the east end of Main Street.
5. Qualities of the natural environment: The entire site is improved and will remain as such.
6. Potential fiscal impact: A fourth condominium unit is another taxable housing unit for the city.

**Councilor Gilman** expressed her appreciation that the owners are developing affordable housing units.

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a Special Council Permit (SCP2019-001) to Red Blazer Rentals, LLC, for a property at Chestnut Street #6-#8, Map 13, Lot 53, zoned CB (Central Business) to add a fourth dwelling unit in an existing three dwelling unit building under GZO Sections 1.8.3, 2.3.1(7) Conversion to or new multi-family or apartment dwelling, four to six dwelling units to increase from three dwelling units to four dwelling units; 3.1.6(b); and 3.2.2(a) Minimum lot area per dwelling unit of 2,500 from current 1,462 feet to 1,097 feet and (b) Open space per dwelling unit of 1,250 from current 1,462 feet to be reduced to 1,097 feet pursuant to a plan submitted with the application, rendered by American Land Survey Associates, Gloucester, MA (J-2290)

signed by Kirk W. Benson, PLS dated November 1, 2018. This Special Council Permit is in harmony, intent and purpose of the Zoning Ordinance.

**1. Special Events Applications:**

A. Request to hold the YMCA Back Shore 5K Road Race on May 16, 2019

Carol Meyer, 131 Rantoul Street, Beverly, representing the North Shore YMCA, reviewed that the Back Shore 5K Road Race saying that this annual race has been changed from a five mile to a 5K road race. She noted the editewd directions for the race were submitted today to the City Clerk. All the rest of the plans are the same as last year excepting that the race is shortened.

**MOTION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit the Cape Ann YMCA to hold on Thursday, May 16, 2019 the Backshore 5K Road Race with the following conditions:**

**1. Certificate of Insurance:**

A Certificate of Insurance naming the City as an additional insured party is on file with the City Clerk's Office.

**2. Road Closure Plans & Routes:**

Routes for race are as shown on maps or plans on file as approved by the Special Events Advisory Committee. Applicant must have Police/Fire Department approval of any road closure/traffic plans 30 days before event, including any police details. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues will require Council approval.

**3. Refuse and Comfort Stations:**

All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the event or early on the day of the event and removed by 9:00 p.m. the day of the event.

**4. Emergency Services are as determined by City EMS Director.**

**5. Staffing:**

Event staff is to have cell phones and wear distinct shirts. A list of event staff and cell phone numbers is to be submitted to Police, Fire and DPW Departments before race day.

**6. Notification to Immediate Abutters and Businesses to Race Course:**

Written notice shall be made by event organizer at least seven days in advance of the event to function halls, motels and hotels and other businesses along the route.

**7. Responsibility of the Cape Ann YMCA:**

It is the sole responsibility of the Cape Ann YMCA to ensure that all required documentation is timely filed with the appropriate City departments. Failure to comply with any conditions may result in permit revocation.

B. Request to hold the YMCA Fiesta 5K Road Race on June 27, 2019

Ms. Meyer reviewed that the Fiesta 5K Road Race is a traditional annual event. The only difference with this year's race is that there is a change to the route to take it "around and down" versus "down and around," which is shown on the submitted map (on file). They've been in touch with the Harbormaster and the Coast Guard to requested that they keep the Blyman Bridge in the closed position for 15 minutes at the start of the race

**MOTION: On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit the Cape Ann YMCA on Thursday, June 27, 2019 to hold the St. Peter's Fiesta 5K Road Race with the following conditions:**

**1. Certificate of Insurance:**

A Certificate of Insurance naming the City as an additional insured party is on file with the City Clerk's Office.

**2. Road Closure Plans:**

**Applicant must have Police/Fire Department approval of any road closure/traffic plans 30 days before event, including any police details. Applicant and its staff must comply with specific directives of the Police Chief for managing runner traffic. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. A route map must be provided to the City Council. Any substantial changes, as determined by either the Police or Fire Chief or their designees, to the route or related to safety issues will require Council approval.**

**3. Refuse and Comfort Stations:**

All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the event or early on the day of the event and removed by 11 p.m. the day of the event if applicable.

**4. Emergency Services are as determined by City EMS Director.**

**5. Staffing:**

Event staff is to have cell phones and to wear distinct shirts. A list of event staff and cell phone numbers to be submitted to Police, Fire and DPW Departments before race day.

**6. Responsibility of the Cape Ann YMCA:**

It is the sole responsibility of the Cape Ann YMCA to ensure that all required documentation is timely filed with the appropriate City departments. Failure to comply with any conditions may result in permit revocation.

**C. Request to hold the Lone Gull 10K Road Race on September 22, 2019**

**Attorney Leonard F. Femino**, Race Director of the Lone Gull 10K Race, now in its thirteenth year benefitting the Children's Center for Communications. He noted the course was altered last year and this year's route will be the same as last year's route (on file). There are no changes regarding any aspect of the 2019 race, he assured.

**MOTION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit the Lone Gull 10K Road Race sponsored by the Children's Center for Communication to be held Sunday, September 22, 2019 with the following conditions:**

**1. A Certificate of Insurance naming the City of Gloucester as an additional insured party has been filed with the City Clerk's office.**

**2. Road Closure Plan:**

Approvals of the Special Events Advisory Committee giving approval of the plans for the Lone Gull 10K Road Race have been given. Roads to be closed on the Back Shore are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Chief or his designee is to be filed with the City Clerk and the DPW Director or his designee on or before September 13, 2019.

**3. Refuse and Comfort Stations:**

All event refuse and recycling must be removed by the organizer. If any portable toilets (with two handicapped accessible) are to be provided and maintained by the organizer, they are to be placed the evening before the day of the event or early in the morning of the day of the event removed by 1:00 p.m., Sunday, September 22, 2019.

**4. Emergency Services:**

Any EMS requirements of the City EMS Director must be met.

**5. Staffing:**

Event staff is to have cell phones and be identified by the public with distinct shirts. A list of event staff and their cell phone numbers is to be submitted to the Police, Fire, or DPW Departments.

**6. Notification of Immediate Abutters and Businesses to Race Route:**

Notice shall be made by the event organizer by hand or by mail no later than 7 (seven) days in advance of the event to any function halls, motels and hotels, and other businesses along the race route.

**7. Responsibility of the Children's Center for Communication:**

It is the sole responsibility of the Children's Center for Communication to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply

**with any conditions precedent may result in permit revocation. Any changes to the route must receive prior approval from the Police and Fire Departments.**

**2. Memorandum from Community Development Director re: Land Disposition Committee Recommendation - Ram Island (Cont'd from 01/16/19)**

**Jill Cahill**, Community Development Director, and Chair of the Land Disposition Committee explained that the Land Disposition Committee (LDC) met on November 6, 2018 to discuss the disposition of Ram Island (Assessors Map 245, Lot 1) as a city property, and what the future of the island should be: The committee determined that the appropriate use for Ram Island was to lease it for the purpose of a recreational camp that could take advantage of the natural environment to include education on the environment with team building. The LDC worked with the Director of Public Works, the Planning Director, the Harbormaster, the Building Inspector and Health Department to take a look at what was on the island and how best to use it. They made a recommendation to the Mayor who agreed they should move forward with a lease. An RFP was submitted through the Mayor. It was highlighted that any camp that comes before them has to have all their necessary permits; most of the specifics for camp permits are through the state regulations. The city's Health Department and Board of Health is in charge of enforcement and issuing the camp permit. There are current structures and docks on the property, and the lease requires that the camp have the buildings and docks inspected and meet any safety requirements as well as begin the Chapter 91 process for the permitting of the dock structures.

**Councilor Lundberg** asked about the valuation of the property. **Gary Johnstone**, Assessor, reviewed the following: Ram Island as a camp is unique because the main structure can't be used as a house; it can't be slept in overnight; there is no running water or septic facilities; and no land access. In searching for comparables, other municipal assessors were contacted to see if they knew of similar properties and there was nothing similar for use as a camp because of the access issue and the fact that there is no staying overnight. It was valued as if someone owned the island with carrying costs and created a range for it -- \$7,880.81 to \$13,470.84 annually. It was noted that the range is what a *taxable* entity would be paying for taxes annually.

**Councilor Lundberg** inquired as to how the Committee would place a valuation on the property for the purpose of the lease. **Councilor Gilman** suggested that the Committee leaves the suggested range for the lease of the property RFP a range so that there is better competition for the lease. **Ms. Cahill** reminded the Committee that they must recommend the minimum bid. **Councilor Gilman** highlighted that in the RFP notes 105 CMR 430.000 which dictates the summer camp season which must close as of September 30 which was confirmed by **Ms. Cahill**.

The Committee agreed to a minimum bid of \$8,000.00. **Councilor Gilman** thanked **Ms. Cahill** and all city staff involved for their significant contributions.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve the disposition by means of a lease as provided in the Request for Proposal 19054 for Property Located on Ram Island, Assessor's Map 245, Lot 1 for the purpose of leasing six acres to promote the public purpose of an experienced youth organization to provide a recreational camp for local children with a minimum bid of \$8,000.00 pursuant to the terms and conditions as stated therein. Said term is to be a five-year term with an option to renew for an additional five (5) years.**

**3. Special City Council Permits returned to P&D Committee by City Council from 1/22/19 meeting for the purpose of reviewing conditions to three Special Council Permits i.e. Conditions #38 & #39**

- A. SCP2018-007: Gloucester Crossing Road #1 & #7, Map 262 Lots 13 & 37, GZO Secs. 1.5.3(c) "CCS" Special Permits" & (d) "Major Projects" and 5.7 "Major Projects" in the EB district
- B. SCP2018-005: Gloucester Crossing Road #1 & #7, Map 262, Lots 13 & 37, GZO Secs. 1.5.3(g) "Drive-Through Facilities" (retail drive-through facility) and 5.17 "Special Regulations; Drive-Through Facility" in the EB district (Cont'd from 01/02/19)
- C. SCP2018-006: Gloucester Crossing Road #1 & #7, Map 262 Lots 13 & 37, GZO Secs. 1.5.3(g) "Drive-Through Facilities" (coffee shop drive-through facility) and 5.17 "Special Regulations; Drive-Through Facility" in the EB district

**Councilor Gilman** expressed her appreciation that the Applicant and the Administration got together right away after the January 22 City Council meeting and came to an agreement as to the suggested modifications to Conditions #38 (pedestrian walkway) and #39 (road maintenance agreement). She then reviewed the amendments to four

conditions for SCP2018-007 as follows: Under Condition #1 the updated plan set for this Major Project will need to be inserted. Under Condition #33, subsection “D.” is now added to remedy the omission of the acknowledgement that the Applicant would provide two preferred site locations for Level 2 Electric Vehicle (EV) charging stations, and is something that the Applicant had already planned for. These Conditions will be amended at Council to the Committee Recommendation already on the table before the Council.

**Mr. Destino** observed they were asked to review those conditions and speak with the Applicant and came up with a reasonable compromise for Conditions #38 and #39 and conveyed that the Administration is in favor of both those conditions as revised.

**Michele Harrison**, Special Permit Project Manager, representing Sam Park & Company, LLC, Samuel Park Manager; Gloucester Commons, LLC, Samuel Park owner, (“Applicant”) who was also present, expressed that coming to these negotiated terms, Conditions #38 and #39; was a positive example of how the Council, the Administration and the Applicant can work together to encourage development especially commercial development in Gloucester which sees an increase in the city’s tax base and increases consumer services. She conveyed the Applicant looked forward to the amendments being forwarded on to the Council for their approval.

The following conditions and the amendments to them are shown below:

**CONDITION # 1:**

1. The Project shall be constructed in accordance with the following Record Plans, or as subsequently approved by the City Council through minor modification or amendment, which are on file with the Planning Board and City Clerk’s Office:

“Proposed Development- MA Route 128, Gloucester, MA- Issued for Permit Review: 2018.10.01., revised 2018.12.17 **and revised on 2019.2.1.** – Prepared for: Gloucester Commons, LLC- Prepared by: Land Strategies, 333 School Street Suite 200, Mansfield, MA 02048 – 24 sheets – Stamped by Timothy J. Power, P.E. (hereinafter referred to as the “Record Plans”).

**CONDITION #33:**

33. In accordance with the Order of Conditions issued by the Gloucester Conservation Commission, the Applicant shall be responsible for monitoring the vernal pools for water quality mid habitat impacts for a period of five (5) years. Any required mitigation for wetland impacts shall be initiated or constructed prior to the issuance of a Certificate of Occupancy.

A. Applicant agrees to plant sufficient trees at the agreed upon locations as noted in the record plans to mitigate the littering and blowing trash from the two drive through locations.

B. All landscaping for each building shall be installed not less than one year from date of issuance of any of the building occupancy permits in Phase 2. All planting material shall be maintained and replaced due to mortality or damage by snow storms or snow removal, droughts or lack of maintenance.

C. Any project major modification shall be constructed in compliance with the order of conditions issued by the Gloucester Conservation Commission. A certificate of compliance shall be issued prior to the final occupancy permit for Phase 2.

**AMENDMENT TO CONDITION #33 BY ADDING:**

*“D. Applicant will provide two preferred site locations for Level 2 Electric Vehicle (EV) charging stations at Gloucester Crossing.”*

**CONDITION #38**

38. Within twelve months of the full buildout and first issued occupancy permits for Gloucester Crossing, the YMCA, and housing units located within the adjacent Fuller Site, Sam Park and Company shall fund a study by an

independent traffic engineer to evaluate the need for a second sidewalk on the north side of Gloucester Crossing's access road as noted above. At a minimum, said study shall evaluate pedestrian utilization during both winter and summer conditions. If the findings reveal a documented need for the second sidewalk, Sam Park and Company will finalize the completion of the sidewalk within six months from said determination.

- A. The pedestrian accommodations described in Condition #2 of this Special Permit, including the accessible ramps and crosswalks across Gloucester Crossing Road and Gloucester Crossing access drive, and the pedestrian walkways leading up to the Gloucester crossing site at the main entrance shall be installed prior to the issuance of a certificate of occupancy for either of the C2 or E buildings.
- B. All crosswalks will be painted in a highly visible color prior to the issuance of a certificate of occupancy. All crosswalks will have adequate signage for pedestrian passage.

**AMENDMENT TO CONDITION #38:**

38. Prior to the issuance of an occupancy permit for Building E, the applicant shall construct all sidewalks, ramps, crosswalks and signage as depicted on the Record Plans which includes the addition of a 5' sidewalk on the northern side of the Gloucester Crossing access drive as depicted on the plan entitled, "Proposed Development MA Route 128, Gloucester issued for Permit Review 2018.10.01 revised 2019.2.1" prepared by LandStrategies LLC.

- A. The pedestrian accommodations described in Condition #2 of this Special Permit, including the accessible ramps and crosswalks across Gloucester Crossing Road and Gloucester Crossing access drive shall be installed prior to the issuance of a certificate of occupancy for Building E.
- B. All crosswalks will be painted in a highly visible color prior to the issuance of a certificate of occupancy. All crosswalks will have adequate signage for pedestrian passage.

**CONDITION #39:**

39. The City will enter into a Road Maintenance Agreement with the Applicant for School House Road and Gloucester Crossing Road.

**AMENDMENT TO CONDITION #39:**

*Beginning July 1, 2019 Sam Park & Company LLC agrees to pay to the City of Gloucester the amount of twenty thousand dollars (\$20,000.00) per year for five (5) consecutive years for maintenance and road improvements to Gloucester Crossing Road and/or School House Road in Gloucester.*

The Committee expressed their thanks to all involved for their partnership, good work and due diligence.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council amend the first motion of the Planning & Development Committee's recommendation of January 16, 2019 as follows: by amending Condition #1, adding Condition 33D., and deleting conditions #38 and #39 and adding new conditions #38 and #39.**

This matter will return to the City Council on February 12, 2019.

**5. SCP2019-003: Washington Street #742, Map 116, Lot 33, GZO Sec. 5.5.2 Lowlands Requirement", in the NB district**

**Rick and Elisabeth Accardi**, property owners of Washington Street #742, and **Robert Gulla**, Architect, conveyed the following information: There is an existing seasonal +/-1,000 sq. ft. building on the property that will be taken down that is in "difficult" shape, and a new home built in the scheme of the neighborhood, with a new structure to be built. **Mr. Gulla** conveyed the following: All permitting from all other necessary boards has been obtained. About half the property is under Elevation 10. The lowland portion will not change as to topography or

any kind of flood issues. By these changes it will actually create flood capacity. The construction is moving the building back by three feet from the water towards the landward. They had a preconstruction and second meeting with Waterways and had to reconstruct the plans for them over a four month period. Because of the current structure's instability, there is a concern that should a substantial storm event occur the building could come down. This new construction will have no effect to the waterway, and to flooding; that by taking volume out it should increase flood capacity. It was suggested that a new home would be a nice addition to the neighborhood versus the current building in a dilapidated state, and economically it will help the neighborhood by increasing valuations and from a visual perspective. There is the creation of more off-street parking, an additional spot -- there is an existing one car parking space and by building a retaining wall at Elevation 15 the wall creates another parking space for the property owners off the road, a rarity in this neighborhood.

**Councilor Lundberg** noted the GZO Sec. 5.5.2 says that: "No building permit for a principal shall be issued for construction on land less than 10 feet elevation above U.S.G.S. datum expect on approval of a Special Permit for an exception by the City Council. Such Special Permit shall be issued only if it is demonstrated by the applicant that the proposed development will pose no hazard to the health or safety of the occupants thereof." **Mr. Gulla** confirmed for that the four subsections of Sec. 5.5.3 conditions do not exist with the new construction and enumerated on each subsection as follow:

(a) *Floor level of any structure for human occupancy less than 12 feet elevation.* There is nothing less than 12 feet elevation for human occupancy on this site

(b) *Individual sewage disposal systems subject to inundation in the event of coastal flooding to ten feet elevation.* It is a sealed system, and not a septic system; it is a step sewer system.

(c) *Methods of filling or excavation subject to displacement by coastal flooding to ten feet elevation.* There will be excavation, but that there will be a decrease in volume not an increase.

(d) *Water supplies subject to interruption or contamination in the event of coastal flooding to ten feet elevation.* There is no well and the property is on public water.

**Councilor Gilman** asked about that there was originally a taller structure proposed but it was reduced. **Mr. Gulla** explained they went to ZBA for side setback and asked for a height exception so as not to have clipped eaves on the second floor because of the process with FEMA with the flood elevations is taking buildings higher even though the grade is the same below. One of the neighbors expressed concern about both the side setback and the height exception. The Applicant suggested a compromise, that they would reduce the height of the structure to less than 30 feet. The Chair, David Gardener indicated that this was a fair compromise and now the structure is under 30 feet. **Councilor Gilman** advised she read that when the project is under construction it needs to be dry because of the tides, and assumed some work would be done from a barge. **Mr. Gulla** indicated it is "typical" waterfront which is anticipated to move quickly as it is for only four piles that are in the water now and will be moved closer to the shore that will either be pile driven or dropped onto concrete platforms. The problem is that the Conservation Commission doesn't allow work done at high tide because that's when debris gets dragged out and things get dredged up, and that before the tide goes out it all has to be "buttoned up." He indicated it shouldn't be more than a couple of days to complete this work from the water. The procedure has been submitted to the Conservation Commission (ConCom) as to how the barge gets in and out. **Councilor Gilman** confirmed that the Applicant had spoken with the abutters and worked on the height issue and asked if there have been any other conversations. **Mr. Gulla** touched on the ZBA proceedings and advised they did reach out about the change in height. In general once they got past the ZBA they didn't hear from any abutters, and have gone to the Conservation Commission and Waterways. Councilor Gilman noted that there is one side that is wider by one foot than it was initially, noting the house is currently 700 sq. ft. and will be 2,000 sq. ft. upon completion and mentioned that the left side goes out an additional foot but is close to what it is right now. **Mr. Gulla** showed the Councilors the on file plans of the locus and indicated, "There is no issue here," and advised this was the existing side setback that was nonconforming and they pulled it back. It is not a foot wider, but "jumps back a foot," and there is no breach of the setback. The work will be done at low tide, **Councilor Gilman** noted, and asked how that will affect neighbors close by abutters particularly those who have boats there. **Councilor Lundberg** pointed out that the only work done on low tide is piling work. **Mr. Gulla** explained that the piling work will be done from land and there is no construction on the water and shouldn't interrupt the water sheet. **Mr. Accardi** noted that the next-door neighbor has a "marina" and is "way beyond." **Mr. Gulla** advised that initially it was going to be a water approach but now they will be coming from the land side. He showed the Committee the land path to the worksite suggesting an earthen ramp through the Applicant's property, and it will be utilized to move equipment and building materials. **Mrs. Accardi** pointed out that they are trying to ensure that the work won't interfere with their neighbors for the spring and summer season.

**Paul Hadley** and **Diane Papows**, 740R Washington Street, asked if there were any changes to the construction plan/design. Both **Mr. Gulla** and **Mr. Accardi** advised there are no changes.

**Councilor Cox** conveyed her concern for the possible redundancy of GZO Sec. 5.5 Lowlands Special Council Permits.

**Mr. Gulla** then reviewed GZO Sec. 1.8.3, the six criteria of a Special Council Permit as follows:

1. Social, economic or community need served by the proposal: existing structure has deferred maintenance for an extended period of time to which the building could be considered unsafe and a hazard to the neighborhood. The new home will be moved three feet closer to shore and should, although minimally, improve water access and navigation. Existing structure is in the flood zone and the new structure will now be lifted out of the flood zone and improve flood capacity for the area. All areas under Elevation 12 shall remain at their existing contours.
2. Traffic flow and safety: One new off-street additional parking space is provided for a total of two parking spaces.
3. Adequacy of utilities and other public services: Electricity, gas, water and sewer are on site and adequate to service the proposed home.
4. Neighborhood character and social structure: The new, relatively small architecturally designed home fits with the style and character of other homes in Lobster Cove. Removal of existing structure and improvements with construction of a new home and property upgrades should enhance existing social structure.
5. Qualities of the natural environment should improve with a new building being “pulled away” from the water while increasing flood capacity. Additionally, the removal of the existing, decaying structure will remove some existing materials used years ago now deemed hazardous from the environment.
6. Potential fiscal impact: Removal of the existing decayed structure and construction of new architecturally designed home should increase the value of this property and local adjacent properties. Any fiscal impacts should be a positive to the neighborhood.

**Councilor Holmgren** thanked the Applicants for their diligence in going through all the necessary permitting authorities’ processes.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a Special Council Permit (SCP2019-003) to Rick and Elisabeth Accardi, 1 Fair Street, Newburyport, MA, pursuant to GZO Sec. 5.5.2 Lowlands Requirement for a property at Washington Street #742, Map 116, Lot 33, owned by Rick and Elisabeth Accardi for the purpose of constructing a principal building on less than 10 feet elevation above U.S.G.S datum to be built at Elevation 10 pursuant to a plan set (A1, A-3, A-4, A-5) submitted with the application dated January 16, 2019 rendered by Robert Gulla Architecture, signed by Robert S. Gulla, RA, dated 12/20/18. This Special Council Permit is in harmony, intent and purpose of the Zoning Ordinance and poses no hazard to the health or safety of the occupants thereof.**

This matter will be heard at public hearing on February 26, 2019.

6. *CC2019-003 (Gilman): refer MGL Ch. 40, §8J to the P&D & O&A Committees to consider the establishment of a Disabilities Rights Commission and members to be appointed by the Mayor (TBC 02/20/19)*

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:25 p.m.

Respectfully submitted,

*Dana C. Jorgenson*

Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

Conditions as Approved by the Planning & Development Committee for SCP2018-007:

**SCP2018-007: Gloucester Crossing Road #1 & #7, Map 262 Lots 13 & 37, GZO Secs. 1.5.3(c) ““CCS” Special Permits” & (d) “Major Projects” and 5.7 “Major Projects” in the EB district**



**Recommendation by the Planning & Development Standing Committee of the City  
Council Dated January 16, 2019 and as amended February 6, 2019**

**CONDITIONS**

The Special Permit(s) is/are subject to the following conditions:

1. The Project shall be constructed in accordance with the following Record Plans, or as subsequently approved by the City Council through minor modification or amendment, which are on file with the Planning Board and City Clerk's Office:

“Proposed Development – MA Route 128, Gloucester, MA – Issued for Permit Review: 2018.10.01, Revised 2018.12.17 and revised on 2019.2.1 – Prepared for: Gloucester Commons, LLC – Prepared by: Land Strategies, 333 School Street Suite 200, Mansfield, MA 02048 – 24 sheets – Stamped by Timothy J. Power, P.E. (hereinafter referred to as the “Record Plans”)”.

2. The Project shall be limited to the buildings and improvements shown on the Record Plans: a Shopping Center (composed of Buildings A, B, C1, C2, D, E and F), an Assisted Living Facility (Building H), and Two Drive-Through Facilities (Buildings C2 and E). Due to the concerns regarding storm water generation, any proposed changes which would result in an increase in the “footprint” of the Project should be reviewed following the procedures outlined further in these conditions.

3. If the Applicant wishes to modify the approved Record Plans, it shall submit proposed modifications in accordance with the provisions of this paragraph. Where such modification is deemed substantial, the same standards and procedures applicable to an original application for a special permit approval shall apply to such modification and review and recommendation by the Planning Board and public hearing by the City Council; provided, however, that the Planning Director may determine that a proposed modification is insubstantial and approve the same.

4. The Planning Director in consultation with the Community Development Director, Building Inspector, City Engineer, Conservation Agent and Director of Public Works shall determine whether any modifications to the Project are substantial or insubstantial. In making such determination, the following shall be presumed to constitute substantial modifications, subject to confirmation by the City Council by majority vote at a public meeting:

- Any change in the composition or number of uses on the Site specified in Condition No. 2 that results in an increase in traffic generation above the vehicle trips identified in the record documents;
- Changes in the location of buildings, roadways, parking areas and other accessory structures that decrease the setbacks as defined in the GZO from adjoining residential areas indicated in the record documents;

- Changes that result in a net reduction of open space or lot coverage indicated in the record documents;
- Changes to the buildings or grading that increase a building's height beyond that shown on the record documents and beyond that shown on the final approved plans;
- Changes to the buildings that increase the total floor area of the Project beyond that shown on the record plans;
- Changes to the architectural character of the buildings shown in the record documents; and
- Authorization to modify the Record Plans shall be obtained prior to any substantial modification in the field.

5. The City shall not have any legal responsibility for the operation, maintenance, repair or replacement of the following to the extent such features are located on the Site:

- All roadways and parking areas within the Project;
- Storm water management facilities, including detention basins;
- Snow plowing of internal roads and parking areas, and cost of plowing Gloucester Crossing Road and School House Road as determined in the City's acceptance of the layout of Gloucester Crossing Road and related documents;
- Landscaping within the Project except for landscaping in the layout of Gloucester Crossing Road and School House Road after the expiration of the Applicant's maintenance responsibilities as determined in the City's acceptance of the layout of Gloucester Crossing Road and related documents;
- Trash removal;
- Street lighting within the Project, except for lighting in the layout of Gloucester Crossing Road and School House Road after the expiration of the Applicant's maintenance responsibilities as determined in the City's acceptance of the layout of Gloucester Crossing Road and related documents;
- Building repair and maintenance; and
- Water and sewer services within the Project.

6. The internal driveways within the Project shall remain private in perpetuity and shall not be proposed by the Applicant for acceptance by the City.

7. In the event of any emergency, the Applicant shall allow the City of Gloucester Department of Public Works (DPW) access to the sewer and water lines on the Site for repair purposes.

8. The Conservation Commission's Order of Conditions issued May 24, 2007 pursuant to 310 CMR 10.00 and an Order of Conditions issued May 24, 2007 under the Gloucester Wetlands Ordinance regarding this property are a part of this Special Permit. If there is any inconsistency between the Record Plans, and the plans as may be approved by the Conservation Commission or the Department of Environmental Protection (DEP), the Applicant shall submit an amended plan to City Council and the Planning Board for

review, and to the Conservation Commission and to DEP (if applicable) for approval in order that all approvals are consistent with one another.

9. Following construction of the Project, the Applicant shall provide an “as-built” site plan to the City Council, the Planning Board, the Engineering Department, and the Building Department prior to the issuance of the final Certificate of Occupancy for buildings in the Project in accordance with applicable regulations. Partial Certificates of Occupancy may be issued upon completion of various phases of the Project. The Applicant shall provide a separate “as-built” plan depicting the water mains and services and sewer mains and facilities to the Engineering Department demonstrating compliance with the Record Plans and installation specifications. These plans shall also be submitted in electronic format.

***Conditions Pertaining to the Construction Phase of the Project***

10. A preconstruction conference with City departments shall be held prior to the commencement of construction of the Project. For the purposes of this Decision, “commencement of construction” shall occur when the clearing and grubbing (removal of stumps and topsoil) has been initiated. The contractor shall request such conference at least thirty (30) days prior to commencing construction by contacting the Planning Director, Inspector of Buildings, Chief of Police, Chief of Fire Department, Conservation Commission agent, and Engineering Department in writing. At the conference, the Applicant and municipal officials shall agree upon a schedule of inspections. The Applicant shall provide the City with emergency contact numbers as well as the name and telephone number of a designated owner’s representative for all Project related communication.

11. During construction of the Project, the Applicant shall conform to all local, state and federal laws regarding noise and vibration. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Exterior construction of the Project shall not commence on any weekday before 7:00 a.m. and shall not continue beyond 6:00 p.m. except for certain operations such as concrete finishing and emergency repairs. Exterior construction shall not commence on Saturday before 8:00 a.m. and shall not continue beyond 5:00 p.m. with the same exceptions. The Building Inspector may allow longer hours of construction in special circumstances, provided that such activity is requested in writing by the Applicant, except for emergency circumstances where oral communication shall be followed by written confirmation. There shall be no exterior construction on any Sunday or state or federal legal holiday. Hours of operation shall be enforced by the Gloucester Police Department as a city ordinance violation.

12. Construction monitoring shall occur as required under the Conservation Commission’s Orders of Conditions GWO-07-2 and DEP No. 28-1857, both issued May 24, 2007.

13. The City Council’s agents shall be allowed to enter and view and inspect the Site during regular business hours to ensure compliance, subject to applicable safety

requirements as established by the Applicant or its contractor, including signing in at the construction field office trailer.

14. Prior to the commencement of construction of the Project, the Applicant shall submit to the Engineering Department, Inspector of Buildings, and the Planning Director a Construction Management Plan for the Project, which includes the following elements and requirements:

- A. Material deliveries, contractor equipment, and material removal shall be routed off of Route 128 once the access is established.
- B. Construction access/egress gates shall be located at the intersections in the vicinity of the proposed ALR.
- C. Construction fencing shall be erected for the duration of construction within the buffer zone along abutting parcels to the south and along the boundary of the Fuller School, as shown on the Record Plans. Fencing shall be six (6) foot wire fencing with fabric screen.
- D. Staging of equipment and material shall be located within the Project. Good faith efforts shall be made to schedule material deliveries to avoid peak traffic hours. This condition is subject to stricter time constraints if in the opinion of the permit granting authority said good faith efforts have become relaxed.
- E. Blasting and excavation shall be conducted according to all city and state regulations including 527 CMR 13.00 and the Gloucester Code of Ordinances Section 13 Noise, and shall be conducted within the hours set forth in Condition #11. No rock crushing operations will be set up within one hundred (100) feet of residential dwellings. No stump grinding or tree chipping apparatus shall be permanently installed or operated within such one hundred (100) foot buffer; provided, however, that this condition shall not be construed to prevent tree removal, tree chipping, or tree stump grinding in place within such buffer.
- F. Sedimentation and erosion controls, as shown on the Record Plans, shall be maintained and inspected by an independent erosion control monitor on a weekly basis, or as directed by the Conservation Agent or Engineering Department and said inspections shall be reported in writing to Conservation and Engineering Departments.
- G. Dust from outside activities shall be controlled. The Applicant and its contractors shall effectuate the following practices to minimize levels dust:
  - Wetting soils that are excavated from unsaturated zones;
  - Wetting equipment during excavation/loading activities;

- Minimizing dust generation from areas that have been excavated through the wetting of soils, or by other means of stabilizing dust particles;
- Stockpiles left more than thirty (30) days shall be stabilized;
- Restricting vehicle speeds and travel routes on the Site;
- Covering truck beds transporting soils off-site/on-site to prevent dust generation; and
- Sweeping paved areas if a nuisance is created by blowing soil, dust, or debris.

15. The Applicant shall be required to promptly repair any damage, which Applicant causes to sidewalks, street pavement, signs or other fixtures or features within the public right of way, after obtaining permission from the City.

***Conditions Pertaining to Traffic***

16. Prior to the issuance of the final Certificate of Occupancy, the Applicant shall make (either itself or through payment to third parties) roadway and infrastructure improvements for the Project as follows:

- A. Adjustments, including reconstruction of the hardware and phasing modifications at the intersection of Eastern Avenue and Route 128. This shall be initiated after Massachusetts Highway Department (Mass Highway) approval and upon issuance of a building permit.
- B. The installation of a traffic signal at the intersection of Route 128 and Gloucester Crossing Road shown on plan entitled: Figure 8 - Signalized Intersection included in the TIAS, if the traffic signal is approved by Mass Highway.
- C. Striping and lane improvements at Grant Circle, Blackburn Circle and Route 128 Extension subject to the approval of Mass Highway.
- D. If the traffic signal is approved by Mass Highway, the Applicant shall purchase and install the following transponders free of charge to the Municipalities: six (6) transponders to the Gloucester Police Department (one for each cruiser on the road), twelve (12) transponders to the Gloucester Fire Department, and two (2) transponders to the Town of Rockport for their emergency ambulance use.

17. Within one hundred and twenty (120) days of the issuance of an occupancy permit for the Shopping Center, the Applicant shall implement the outlined Transportation Demand Management (TDM) Strategies, identified in the Traffic Impact and Access Study including:

- A. Ridesharing Programs. Ridesharing refers to encouraging commuters to ride in vehicles with other commuters rather than drive alone to work. Given the number of people employed in the area, a coordinated rideshare program could be very successful. The most common forms of ridesharing are carpool and vanpools. The benefits of such programs include less congestion, reduced fuel consumption, and better air quality.
  - B. Preferential parking, within designated employee parking, for employee carpoolers to the Project detailing the location of reserved parking spaces as proximate as possible to the various building entrances.
  - C. Establish Gloucester Crossing as a part of CATA's Yellow Line bus route and coordinate accommodations for permanent bus stops on-site, subject to approval by CATA.
  - D. Sell CATA and MBTA passes at the Shopping Center if permitted by CATA and MBTA.
  - E. Establish a shuttle service from the proposed ALR to the retail center.
  - F. Establish Bicycle Facilities, including exterior bicycle racks and bicycle storage in a reasonably accessible location.
  - G. Establish pedestrian links to the existing residential neighborhood to the south of the Site.
18. A Transportation Coordinator shall be appointed and responsible for managing the TDM program for three (3) years after the full buildout. Newly hired Transportation Coordinators must be introduced to the Planning Director and Building Inspector within 30 days of their appointment. The Transportation Coordinator's duties will include ensuring that the shuttle bus service will run from the Site on a schedule that coincides with employee schedules for arriving and departing the Site according to their scheduled shift changes, so that this service can provide employees with a useful alternative to automobile access. The Transportation Coordinator shall report annually for three (3) years to the City Council on February 1st summarizing the effectiveness of the TDM program. The City Council may suggest adjustments to the TDM program based on such report.
19. Once signalized, all deliveries and truck traffic must enter and leave the Site via Gloucester Crossing Road in the built condition.

***Conditions Pertaining to Water and Sewer***

20. The Project shall be connected to the City of Gloucester sanitary sewer lines and a copy of the permit shall be provided to the City Council. The Applicant shall pay all applicable sewer fees, including connection and inspection, to the City of Gloucester.

21. The Project shall be connected to the City of Gloucester for domestic water and fire flow. Final fire flows in compliance with state and local regulations shall be certified by the Fire Department.

***Conditions Pertaining to Storm Water Management***

22. Although further soil evaluations are not mandated at this time, City Staff from the Health Department and Engineering Department shall be present during installation of infiltration components to ensure the drainage system will function as proposed. Should soil conditions be observed during construction that do not match design assumptions, revised plans which address such issues shall be submitted to the Engineering Department for review and approval.

23. The Applicant shall follow the Operation and Maintenance Plan dated November 21, 2006, revised April 18, 2007, for the Project's storm water management system. In the event that the Applicant fails to maintain the on-site storm water management system in accordance with such Plan, the City shall give written notice of such failure and the Applicant shall have twenty (20) days to repair the cited failure. In the event of an emergency and an inability to contact the Applicant or its successor in interest, the City may conduct such emergency repair and the Applicant shall permit entry onto the Site to make such emergency repair. In the event the City conducts such emergency repair, the Applicant shall promptly reimburse the City for all reasonable expenses associated therewith; if the Applicant fails to so reimburse the City, the City shall place a lien on the Project or any improvement therein to secure such payment. No entry by the City shall be made without prior written notice to the Applicant and without affording the Applicant a reasonable opportunity of not less than twenty (20) days as aforesaid to cure the maintenance or repair problem.

***Conditions Pertaining to Site Safety and Security***

24. Following issuance of a Certificate of Occupancy for the Project, the Applicant shall provide and maintain private security service as needed.

25. Prior to the issuance of a Certificate of Occupancy, the Applicant shall prepare and submit detailed fire suppression and detection plans for review by the Fire Department and the Building Department.

26. Each building within the Project shall contain a fire alarm system with central station monitoring. The operation of the alarm and the method of connection shall be approved by the Fire Department and the Building Department.

27. All fire hydrants shall be located where indicated by the City of Gloucester Fire Chief, including any additional fire hydrants requested by the Fire Chief, said hydrants shall be protected by bollards and shall not be blocked or hidden from view by any vegetation or dumpsters or anything obstructive in nature.

28. Dumpsters shall be screened from view by vegetation and/or fencing and shall be locked when not being accessed by the owner of record.
29. Prior to implementation, the Applicant shall provide a Security Plan for review and comment by the Gloucester Chief of Police and Chief of the Fire Department. To the extent permissible under law, for security reasons, such plan shall not be considered a public document.
30. The applicant shall be responsible for Site security during and following construction. The Applicant shall pay for public safety details when required during the construction period when site equipment and material deliveries affect public roadways adjacent to the Site, as directed by the Gloucester Police Department.
31. The Applicant shall cooperate with the Gloucester Police and Fire Departments and periodically conduct scheduled mock exercises to address mutual concerns, such as searches for missing persons, intruders and potential evacuation.
32. The Applicant shall annually request that the Gloucester Police and Fire Departments provide to the City Council on February 1st the actual number of emergency 911 calls to the Gloucester Police and Fire Departments during the prior calendar year.

***Conditions Pertaining to Open Space and Conservation***

33. In accordance with the Order of Conditions issued by the Gloucester Conservation Commission, the Applicant shall be responsible for monitoring the vernal pools for water quality mid habitat impacts for a period of five (5) years. Any required mitigation for wetland impacts shall be initiated or constructed prior to the issuance of a Certificate of Occupancy.
  - A. Applicant agrees to plant sufficient trees at the agreed upon locations as noted in the record plans to mitigate the littering and blowing trash from the two drive through locations.
  - B. All landscaping for each building shall be installed not less than one year from date of issuance of any of the building occupancy permits in Phase 2. All planting material shall be maintained and replaced due to mortality or damage by snow storms or snow removal, droughts or lack of maintenance.
  - C. Any project major modification shall be constructed in compliance with the order of conditions issued by the Gloucester Conservation Commission. A certificate of compliance shall be issued prior to the final occupancy permit for Phase 2.



- D. Applicant will provide two preferred site locations for Level 2 Electric Vehicle (EV) charging stations at Gloucester Crossing.

***Conditions Relating to Community Benefit***

34. The Applicant shall actively recruit in Gloucester for all open staff positions, including making such efforts as advertising jobs in the local Gloucester newspapers and having a job fair in Gloucester for Gloucester residents.

35. The Applicant has agreed to make a voluntary contribution toward the enhancement of downtown economic development by providing the opportunity for interested downtown merchants to be included in Gloucester Crossing advertising material, by providing a kiosk or information stand with information about interested Gloucester retail, restaurants, and attractions, mid agrees to work with the Downtown Development Commission and the retail section of the Chamber of Commerce, contributing professional resources toward the improvement of downtown Gloucester.

36. Understanding the importance of sustaining and encouraging a vibrant downtown, the Applicant has voluntarily agreed to match twenty-five (25%) percent of the City's annual contribution to the Downtown Development Fund, a fund collected from parking meter revenue whose proceeds are distributed by a designated group of downtown merchants. This contribution shall not exceed five thousand (\$5,000.00) dollars per year, shall begin one (1) year after the issuance of a Certificate of Occupancy for the Shopping Center, and shall continue for five (5) consecutive years.

***Conditions Relating to Traffic and Safety***

37. The Applicant shall provide at the Applicant's cost and expense a special detail for traffic management during peak holiday events if, in the opinion of the Police Department, vehicular congestion warrants such additional police detail, acknowledging that any detail on the state highway requires prior Mass Highway approval.

***Conditions Relating to Pedestrian Circulation and Road Maintenance***

38. Prior to the issuance of an occupancy permit for Building E, the applicant shall construct all sidewalks, ramps, crosswalks and signage as depicted on the Record Plans which includes the addition of a 5' sidewalk on the northern side of the Gloucester Crossing access drive as depicted on the plan entitled, "Proposed Development MA Route 128, Gloucester issued for Permit Review 2018.10.01 revised 2019.2.1" prepared by LandStrategies LLC.

A. The pedestrian accommodations described in Condition #2 of this Special Permit, including the accessible ramps and crosswalks across Gloucester Crossing Road and Gloucester Crossing access drive shall be installed prior to the issuance of a certificate of occupancy for Building E.

B. All crosswalks will be painted in a highly visible color prior to the issuance of a certificate of occupancy. All crosswalks will have adequate signage for pedestrian passage.

39. Beginning July 1, 2019 Sam Park & Company LLC agrees to pay to the City of Gloucester the amount of twenty thousand dollars (\$20,000.00) per year for five (5) consecutive years for maintenance and road improvements to Gloucester Crossing Road and/or School House Road in Gloucester.

### ***General Conditions***

40. In granting this Special Permit, the City Council has relied upon the oral and written representations made by the Applicant in documents submitted in support of its application and in its appearances at the Committee meetings and before the City Council for this application. Any failure by the Applicant to honor any material representation made to the City Council shall constitute just cause for revocation of this Special Permit.

41. Each finding, term and condition of this Decision is intended to be severable. Any invalidity in any finding, term or condition of this Decision shall not be held to invalidate any other finding, term or condition of this Decision.

42. This Permit shall not take effect until notice is filed with the Registry of Deeds for Essex County by the recording of a copy of the Decision. The fee for such notice shall be paid by the owner. Prior to the filing of the Decision with the Registry of Deeds, the Petitioner shall have the seal of the City affixed to same.