

Planning & Development Committee
Wednesday, April 3, 2019 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Valerie Gilman; Vice Chair, Councilor Jen Holmgren; Councilor Sean Nolan (Alternate)

Absent: Councilor Lundberg

Also Present: None.

The meeting was called to order at 5:30 p.m.

1. ***RZ2019-001: Rockport Road #28, Map 178, Lot 28 from EB (Extensive Business to R-10 (Medium/High Density Residential) - Also referred to the Planning Board (Cont'd from 03/06/19 & TBC 04/17/19)***

This matter is continued to April 17, 2019.

2. ***SCP2019-004: Fuller Street #35, Map 168, Lot 14, GZO Secs. 1.9, 3.1.6, 3.2.2 & 1.7 for a special permit to exceed the maximum allowable building height; decrease the minimum lot area per dwelling unit, and decrease the minimum open space per dwelling unit in the NB/R-20 district***

Attorney Mark Nestor, 45 Middle Street, representing the applicant, Beauport Shores, LLC, managers: Frank Rossetti, Tom Ciulla and John Frassica, who were present, made the following presentation with the managers' assistance:

This application is to raise the permissible height to 40 feet, and to reduce the open space and lot area per dwelling unit. Pointed out in submitted documentation on file was the status of the current condition of the structure that burned four years ago. At this location was a pizza take-out and eat-in restaurant at street level, and an office, and second and third floor apartments and a small shed on the property used for storage. There was a septic system at the back of the property along with some parking spaces. The applicants are seeking to rebuild the structure.

The prior plan had no off-street parking; a Zoning Board of Appeals decision allowed on-street parking for commercial and no off-street parking for residential. There was a ZBA decision from about 15 years ago that allows for the commercial space to utilize on-street parking and residential. The Board of Health proposed a complete renovation of the septic system which has been approved by the Board. The applicants went before the ZBA about two years ago and received permission to rebuild the premises with four condominium units above and two commercial spaces at street level. What is now proposed under a new plan is 12 parking spaces off street at the back of the property which will address all the parking for tenants and for the employees of the commercial business. There will still be on-street parking for customers, but access will be limited which means less pressure on Fuller Street parking.

The proposed structure will be a mixed use building. It was recounted that there was a meeting two months ago with the neighbors where the applicants presented their plan. A concern was expressed that the building should fit in with the historical nature of the area. As a result, before the Committee is a new rendering of the exterior of the building which showed recessed balconies on the Fuller Street side of the building (front elevation) with a new ADA compliant access. The left elevation of the building is on Norman Avenue which will have the take-out access for the pizza shop, whereas before there was only one access to the pizza shop from Fuller Street for both sit-down and take-out. It was suggested that this will reduce some of the traffic issues for pizza pick-up. Tony's Pizza was confirmed as returning to the ground floor of the new building to be a 20 seat restaurant. The ground floor now has one retail unit which is the restaurant. Instead of the former office space on the ground floor on the Fuller Street side of the building it will be replaced with two one-bedroom condominium units, about 600 square feet (sq.ft.) each. The first floor has two, two-bedroom units, about 1,300 sq.ft. with recessed balconies. There is a common stairway and an elevator. The second floor has two, two-bedroom units of about the same size as the first floor.

The Zoning Ordinance calls for 30 ft. height in that area, and it was pointed out that the building was previously on or about 35.8 feet. The applicant is seeking to have the new structure's height raised to a maximum of 40 feet. An issue raised by the neighbors was that they didn't want the building to appear "boxy." It is now an elevated, clear roof line. The former building, constructed about 1900 had lower ceilings, according to what was known, and so ceilings are raised to accommodate current heights. The building will have a new sprinkler system.

Tom Ciulla, contractor and applicant, advised the rendering (on file) shows a 40 ft. height with a pitched roof, making a better quality building for weather and aesthetics. At the former height, he suggested, it would likely force

them to use a flat roof in a signature area. **Mr. Nestor** conveyed that the applicant's engineer, John Judge, shot the current church behind the 35 Fuller Street, viewing from the corner of Norman Avenue and Fuller Street. The base elevation was 32.44 ft.; the peak elevation of the chapel was 77.47 ft. The new Fuller Street structure will come to 72', 44" when complete which is below the roofline of the church. He further conveyed for clarity sake at the request of **Councilor Gilman** that there is an accessory building which is being torn down per the 2018 ZBA decision. The building will go from the corner of Norman Avenue and Fuller Street to approximately the center of where that accessory building was located. He recounted that the project has the approval of the Board of Health, and the Planning Board. The number of dwelling units is increasing from four to six units which can be done by right, and the applicant is asking for some small relief for the lot area and open space per dwelling unit.

Frank Rossetti, Partner, noted that this building will be six to eight feet lower in height than the church which suggesting it will be a nice view for the people who will live in the building. **Mr. Nestor** noted that as a result of the neighborhood meeting their comments were taken into consideration and that this building now is more in conformance with the neighborhood.

Mr. Ciulla advised they see this location as important to Magnolia saying that they want to do this project right which is why they are asking for the relief through the Special Council Permit. By building a "hard lot" above the septic system designed to take vehicle weight, although costlier, it will be better for the neighborhood, he noted.

Mr. Nestor highlighted that this project will remove blight in a key intersection in Magnolia and a building will be built in conformance with the historic area, and adding six residential units in Magnolia.

Councilor Gilman asked how the applicant plans to limit the access to the parking on Fuller. **Mr. Nestor** noted under the old building there was one entrance on Fuller for the retail and take outs. Parking would be fought for on Fuller Street and so now they redesigned to channel take-out customers onto Norman Avenue and residents and retail won't compete with take-out parking. That traffic flow will now be on Norman Avenue. When Magnolia House of Pizza first opened, there were two 15-minute parking spaces. The problem is that the new owners of the variety store have significant customer traffic especially in the summer, and the customers are jockeying with Fuller Street residents for parking. It also causes issues with the turning radius for fire apparatus. Locating the dwelling units' parking at the rear of the Fuller Street property will help to reduce the struggle for on-street parking on Fuller Street as well as help minimize the impact of the restaurant parking. **Councilor Gilman** questioned the parking plan. **Mr. Nestor** advised that the dwelling units parking will be behind the building, entering and existing at Norman Avenue. The variety store customers "live park" on Fuller Street. He pointed out there are two 15-minute parking spaces. The nearest neighbor at 33 Fuller Street, about 300 ft. down the street, he noted, and they have a large yard on the left hand side of the building.

Mr. Nestor highlighted that the pizza shop will now contain 16 seats for customers in keeping with the limits of the Board of Health approved septic system. The septic permit expires in 2022, **Councilor Gilman** noted, and is enough for 12 bedrooms. **Mr. Rossetti** pointed out that it is 10 bedrooms and the restaurant's 16 seats. It was also pointed out that the plan was approved by the ZBA with no parking on the lot at all, and not with the septic system replaced. The changes were a decision of the partners, he conveyed. Parking over the approved septic system is allowed, designed to handle the weight of trucks, he noted. **Mr. Nestor** noted that the off-street parking went from four spaces to 12 spaces. There were a lot of questions asked but not a lot of concerns were expressed at the neighborhood meeting, he reported, on an inquiry by **Councilor Gilman**. The majority of the neighbors' concern was that the exterior design be in keeping with the historic nature of this Magnolia area. They changed the exterior and changed the roof line which is different from when they presented to the neighbors; the balconies are not overhanging but recessed, and architectural details such as molding and trim have been added to create more of a craftsman style look.

At the request of **Councilor Gilman**, **Mr. Nestor** reviewed the six criteria under GZO Sec. 1.8.3 of a Special Council Permit:

Social, economic and community needs: There will be six new residential units; the Magnolia House of Pizza will return to its former location;

Traffic Flow and Safety: There will be no impact on traffic flow as all parking will be off street which is a positive improvement over the former building's configuration which only had on-street parking;

Adequacy of Utilities and Public Services: The septic system will be new and improved and the building will be sprinkled;

Neighborhood Character & Social Structure: There are six new residential units to the neighborhood. The building is designed to complement the neighborhood character and will bring back the Magnolia House of Pizza (Tony's);

Qualities of the Natural Environment: With an improved drainage system and off-street parking it will improve the environment;

Fiscal Impact: Six additional dwelling units with the tax impact that goes with that, and a commercial restaurant which will also bring the city tax revenue, sales and excise tax.

Councilor Gilman asked if there had been a consideration to make one of the dwelling units affordable. **Mr. Nestor** noted he was an advocate for veterans' housing but that they are not required to create affordable housing units due to it being six units. He briefly touched on some of the affordable housing projects in the city, saying that the city really needs downtown veterans' housing units.

Councilor Gilman then allowed members of the public to ask questions only to the applicant through the Chair, reminding those in attendance this was not a public hearing.

QUESTIONS FROM THE PUBLIC IN ATTENDANCE:

Attorney Meredith Fine, 46 Middle Street, representing Jerry McCarthy, owner of 31 & 33 Fuller Street, asked if the applicant would compare the square footage of the old building to the square footage of the new building. Counting the accessory building being removed, it is about another 3,000 sq. sf., and they addressed the issue of the project being too close to his property line. He conveyed it is 100 ft. from the new building to the property line and another 120 ft. from Mr. McCarthy's boundary line. The applicant agreed to provide arborvitae as screening at six ft. in height at installation and that will grow at least one ft. per year, which was Mr. McCarthy's preference over a stockade fence, he recounted. Parking would now be at the back of the building and as previously noted vehicles will enter and exit on Norman Avenue. **Ms. Fine** clarified her question to learning what the square footage of the original main building was. She asked to learn about the reduction of the minimum lot size per unit, and the application recounts that the proposed lot area per dwelling is 10,000 sq.ft. and the proposal is for 9,583 sq.ft. **Mr. Nestor** responded that was on the advice of the Building Inspector as what he needed for their calculations in requesting the reduction of square footage of lot space per dwelling unit, and the Building Inspector reviewed the application before submittal. **Ms. Fine** asked if the Committee would consider following up on that estimate suggesting it was a questionable calculation. She then asked if this were a new restaurant what would the required minimum parking for it.

The Committee recessed at 6:10 and resumed at 6:15 p.m.

Mr. Nestor conveyed that the best estimate for all three floors of the former building was 5,611 sq. ft. and the developers plan on taking out the accessory building of 282 sq. ft. Therefore, to answer Ms. Fine's previous question, the prior existing building was approximately 6,000 feet in total. The square footage for the new building is approximately 8,400 sq. ft. He then addressed the parking for the restaurant. He advised they are only required to have parking for one space per dwelling unit. The restaurant will be 18 seats. They are grandfathered in a ZBA decision of May 26, 1983 which allowed them to have on-street parking to service the restaurant. There is no requirement to calculate the restaurant for off-street parking, he pointed out.

Isabella Jackson, 4 Norman Avenue, asked how much bigger the footprint is than the previous building. **Mr. Ciulla** noted the original dwelling was approximately 6,000 square feet and was 35.8 ft. in height. **Frank Rossetti**, partner, noted the former footprint is about 1,870 sq. ft. is the footprint plus the 282 sq. ft. of the accessory building which is 2,152 sq. ft. **Mr. Ciulla** advised the old footprint would have been 40 ft. deep on Norman Avenue and 50 feet on Fuller Street. The new building will be 70 ft. on Fuller Street and on Norman Avenue the footage remains unchanged at 40 ft. on Norman Avenue, making it an overall 20 ft. increase to the footprint to the building at the front elevation. **John Frassica**, partner, with **Mr. Ciulla**, advised while the building extends 20 ft. further, it only extends part way through the existing accessory building that is being removed. While the length of the building is increasing, the total length from the Norman Avenue side to the right-hand side of the existing elevation of the accessory building on Fuller Street will be shortened. The additional 20 ft. is from a gap that existed to the left-hand elevation of the still existing accessory building and that building would extend 20 ft. approximately to its right-hand elevation on Fuller Street. The new building will only go an additional 20 ft. from where the prior building was, only partially of the way through the footprint of the existing accessory building that will be removed. Overall the length is actually shrinking about 7-10 ft. **Ms. Jackson** asked if there would be two or one entrances to the parking lot. The entrance and exit to the parking lot will be from Norman Avenue and is the only access to it.

Susan Dalton, 5 Norman Avenue, submitted to the Committee a 8½" picture from her property towards 35 Fuller Street and asked why the building has to be higher than it formerly was suggesting the new building will shadow her house and compromise her view. **Mr. Nestor** noted the Dalton residence is on Norman Avenue. The Congregational Church is between the proposed building on the corner of Fuller Street and Norman Avenue. The Church when shot from the street is standing 77 feet so that the new building is less the height of that building and it is the Church that would shadow Ms. Dalton's property which is two lots past the applicants' property. He conveyed that normally in dealing with shadowing, it is for a building right next to the subject building is two lots down, about

100 feet from Ms. Dalton's dwelling. He suggested that shadowing of Ms. Dalton's residence two lots "down" would be an issue.

Jean McCafferty, 26 Fuller Street, asked for the elevation of the church to be pointed out in comparison to the elevation of the new proposed building. **Mr. Ciulla**, using a laser pointer, highlighted the Church roof elevation and noted a rough estimate for the height of 35 Fuller Street would be just above the gutter line of the Church. **Mr. Nestor** noted the elevation of 35 Fuller Street to be 5.47 feet lower than the peak of the Union Congregational Church. The Congregational Church "looms over" the proposed building. The original building height was about 35.8 ft., it was noted, and the difference to the new height of 40 feet is then a difference of 4.2 ft. **Mr. Rossetti** noted the roof line will show sky above the building. If lowered to 35 feet they would see trees and have no view other than the top of the tree. It is not much of a change, he noted.

Leslie Hickey, 1 Magnolia Avenue, noted that there six dwelling units, of which are two bedroom, and asked if there any stipulation that the restaurant will always be Tony's, and are they accommodating all the take-out of the restaurant with on-street parking. **Councilor Gilman** advised no one can make a firm commitment it will always be Tony's. **Mr. Nestor** noted the property is zoned Neighborhood Business. He confirmed it is their expectation that it will be Tony's that goes into the commercial restaurant space.

Councilor Holmgren noted that if at some point Tony's closes, will the current restrictions apply to another restaurant in the current space. **Mr. Nestor** conveyed that the 1983 ZBA decision allowed for on-street parking for the restaurant. **Ms. Hickey** asked that because of where the take out is, would they expect that the Kettle Cove parking lot be affected. **Mr. Nestor** suggested it wouldn't because they are diverting take-out parking away Hesperus Avenue and Kettle Cove parking; the amount of standing traffic is only there for five to ten minutes. They are trying to divert traffic as much as they can to keep the front of Fuller Street for sit-down retail customers. He highlighted that they are down to 16 seats for the restaurant, which is a 25% drop in seats from the former restaurant installation. **Lisa DiMecurio**, 8 Bradley Road, Danvers, co-owner of the pizza restaurant, noted that the parking where the take out will restrict parking for take-out traffic only. Previously those parking spaces were taken up by employees who parked in them all day and suggested this situation would be much better than before.

Ms. Fine asked for clarification of the number of seats of the restaurant. **Mr. Nestor** advised a schematic of the restaurant (on file) shows 16 seats, with eight tables. **Ms. Fine** asked when the number of dwelling units was increased from two to four units. She conveyed that Mr. McCarthy researched the building records it was his impression the previous building was only permitted for two dwelling units. **Mr. Nestor** advised it was his understanding there were always four dwelling units in the building on the first and second floors. He recounted that when they went before the ZBA in 2016 they converted those dwelling units into condominiums and then in conversation with the Building Inspector because they are under the seven dwelling unit limit, the applicant by right can go from four to six dwelling units per the Building Inspector.

Ms. Dalton, noting the 12 parking spaces, asked if there is any consideration for run off from the paving of the new parking area. **Mr. Nestor** advised that they went before the Planning Board and addressed that issue. The Board was satisfied that the applicants were addressing all the run-off from the property which is incorporated into the plan, and so received the Board's approval for it (on file).

COUNCILOR QUESTIONS AND DISCUSSION:

Councilor Nolan advised he was listening to the new questions from residents dealing with height and other concerns, saying that he has had no calls expressing concerns from constituents of Ward 5 about this project. He expressed his opinion that this will be a better situation with more off-street parking, noting that Fuller Street and Norman Avenue are 24 hours a day on-street parking which has always worked. He conveyed he didn't see that this will cause more traffic than a function at the Church. Speaking to the concern of Ms. Dalton about her view, he noted he grew up at 8 Norman Avenue, even if the building went to 35 ft. which the ZBA could approve, Ms. Dalton is losing a view that she only had since the building burned. With the four ft. difference that could be the difference of seeing the flat roof of Ocean Terrace or from something that is architecturally consistent with the area. He pointed out he met with neighbors and has spoken with the developers and had no further questions. Councilor Holmgren offered her agreement with Councilor Nolan's expressed view.

Councilor Gilman expressed she would appreciate a site visit in order to better view the subject property and the requested relief, including observing the neighborhood character. The Committee agreed there would be a Site Visit on Thursday, April 11 at 3:00 p.m., meeting at the corner of Norman Avenue and Fuller Street, rain or shine.

Councilor Gilman noted that the Committee would not be deliberating at the site visit, only asking questions of the applicant for clarification. She welcomed members of the public to join the site visit if there was an interest.

This matter is continued to April 17, 2019.

3. *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 (Cont'd from 03/06/19)*

Councilor Gilman noted she spoke with Councilor Lundberg regarding her Council Order, advising that at the last O&A Committee meeting progress was made, and to continue this matter on the P&D agenda is a duplication of effort. She advised they agreed that this matter will now go forward to be solely vetted by the Ordinances & Administration Committee.

This matter is closed.

4. *CC2019-013 (Lundberg): Establishment of an Ad Hoc Advisory Committee re: Assisted Living Residence at Gloucester Crossing*

Councilor Gilman advised that Councilor Lundberg asked that his order be withdrawn.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Nolan, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2019-013 (Lundberg): Establishment of an Ad Hoc Advisory Committee re: Assisted Living Residence at Gloucester Crossing without prejudice.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:53 p.m.

Respectfully submitted,

Dana C. Jorgensson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- 8½" x 11" photographic rendering from 5 Norman Avenue towards 35 Fuller Street submitted by Susan Dalton, of 5 Norman Avenue