

**Planning & Development Committee**  
Wednesday, August 7, 2019 – 5:30 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
-Minutes-

**Present:** Chair, Councilor Valerie Gilman (left the meeting at 6:01 p.m.); Vice Chair, Councilor Holmgren; Councilor Sean Nolan (Alternate)

**Absent:** Councilor Lundberg

**Also Present:** None.

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

**1. Pole Petition Public Hearings:**

- A. PP2019-005: Request by Comcast to install new underground conduit system to provide Comcast Service to 393R Main Street

**This public hearing is opened at 5:31 p.m.**

**Those speaking in favor:**

**David Flewelling**, Specialist 2 Construction, Comcast, explained that Comcast has been asked to provide service to 393R Main Street to excavate from an existing 70+/- feet to install one 4" PVC underground conduit.

**Stacy Anastosopoulos**, 352 Main Street, General Manager of the Speedway gas station asked when this project was scheduled and where the digging would take place.

**Those speaking in opposition:** None.

**Communications:** None.

**Councilor Questions:**

**Councilor Nolan** confirmed with **Mr. Flewelling**, based on the question posed by the Speedway manager and noting there are is an entrance and exit to the business, that this project will have one trench dug across Main Street, and the road will be open at all times during the installation.

**This public hearing closed at 5:33 p.m.**

**MOTION:** On a motion by Councilor Holmgren, seconded by Councilor Nolan, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit Comcast locating from the existing Comcast conduit on Main Street and excavating to place a 17" x 30" vault over the conduit. From the newly placed vault excavating to place one (1) 4" PVC conduit 70' +/- to service 393R Main Street, Gloucester, MA including the necessary sustaining and protecting fixtures as shown on a plan, "Proposed Comcast Underground Conduit Plan to service 393R Main Street, Gloucester, MA" dated June 18, 2019 with the following conditions:

1. Notification to the Department of Public Works 72 hours in advance of the proposed work. A construction schedule will be prepared by the applicant for review and acceptance by the Department of Public Works.
2. Proposed excavation may only occur during accepted road opening and construction season, 15 March - 15 November. No winter construction shall be permitted.
3. In the absence of a detailed construction plan, the Department of Public Works requests: all proposed conduits and appurtenances shall be placed so as to cause minimum conflict with existing underground utility services.
4. All excavated trenches shall be patched flush with the surrounding asphalt using hot mix asphalt binder at the end of each work day to minimize pedestrian hazards. Asphalt shall be applied in two lifts of 2 inches, totaling 4 (four) inches.
5. All final paving shall be done in consultation with the Department of Public Works and an agreed upon final paving plan executed by the applicant.

- B. PP2019-006: Request by Comcast to install from existing Comcast vault new underground conduit system to provide Comcast Service to 374 Main Street

**This public hearing is opened at 5:34 p.m.**

**Those speaking in favor:**

**Mr. Flewelling** explained that Comcast has been asked to provide service to 374 Main Street with the installation of a 2" PVC underground conduit.

**Those speaking in opposition:** None.

**Communications: None.**

**Councilor Questions: None.**

**This public hearing closed at 5:35 p.m.**

**MOTION:** On a motion by Councilor Nolan, seconded by Councilor Holmgren, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit Comcast to excavate from a Comcast vault located in front of 370 Main Street and place one (1) 2" PVC conduit 78' +/- to service 374 Main Street, Gloucester, MA including the necessary sustaining and protecting fixtures as shown on a plan, "Proposed Comcast Underground Conduit Plan to service 374 Main Street, Gloucester, MA" dated with dated July 17, 2019 with the following conditions:

1. Notification to the Department of Public Works 72 hours in advance of the proposed work. A construction schedule will be prepared by the applicant for review and acceptance by the Department of Public Works.
  2. Proposed excavation may only occur during accepted road opening and construction season, 15 March - 15 November. No winter construction shall be permitted.
  3. In the absence of a detailed construction plan, the Department of Public Works requests: all proposed conduits and appurtenances shall be placed so as to cause minimum conflict with existing underground utility services.
  4. All excavated trenches shall be patched flush with the surrounding asphalt using hot mix asphalt binder at the end of each work day to minimize pedestrian hazards. Asphalt shall be applied in two lifts of 2 inches, totaling 4 (four) inches.
  5. All final paving shall be done in consultation with the Department of Public Works and an agreed upon final paving plan executed by the applicant.
2. *SCP2019-005: Chestnut Street #6-#8, Map 13, Lot 53, GZO Sec. 3.2.2(a) for the decrease in minimum open space per dwelling unit (Cont'd from 07/15/19)*

**Councilor Gilman** confirmed that the Applicant noticed abutters on the Certified Abutters List of this public meeting. **Attorney Meredith Fine**, a substitute attorney for Attorney Joel Favazza of Seaside Legal Solutions, 46 Middle Street, highlighted the following information for the Committee:

- This application was previously before the Council to convert a residential 3-unit to a 4-unit building which received all its approvals; but in the process of drafting one of the decisions, Attorney Favazza discovered a scrivener's error – a transposition of the numbers under the heading of Lot Area per Dwelling Unit having moved the same numbers to the Open Space per Dwelling Unit – therefore, both sets of numbers were the same.
- This application is to correct the scrivener's error. The request is asking for relief under GZO Sec. 3.2.2(a) of 4,422 square feet from the Council.
- Criteria under GZO Sec. 3.2.2(a) is whether the relief is in keeping with the neighborhood character and structural density: Chestnut Street is a very dense neighborhood. There are no exterior changes to the building; there is parking space for the unit.
- Special Permit Criteria, under GZO 1.8.3: There is no meaningful effect on traffic, utilities, and environment. The project fills a community need for housing; fits into the neighborhood character and is in harmony and intent with the general purpose of the Zoning Ordinance.

**Ms. Fine** asked at the request of Attorney Favazza on behalf of the Applicants that the Special Council Permit be granted.

**Councilors Nolan** and **Councilor Holmgren** expressed agreement this appeared to be a straightforward scrivener's error correction.

**Councilor Gilman**, referring to the Special Council Permit application, noted that #4 in the application needs updated numbers that are consistent with the table. She asked for a recitation of the dimensions. **Ms. Fine** recounted that the Zoning Ordinance would require 1,250 square feet. Today the property has 171.5 square feet per dwelling unit. The proposed Open Space per dwelling unit is 128 square feet. This was confirmed as the amendment to #4 in the Application by **Councilor Gilman**.

At the request of **Councilor Gilman**, **Ms. Fine** further reviewed GZO Sec. 1.8.3:

1. Social, economic & community needs: This project adds housing and property tax base with no cost at all; no effect on the environment or utilities.
2. Traffic flow and safety: Only one car is added.
3. Adequacy of utilities & other public services: Termed as a marginal effect.
4. Neighborhood character & social structure: This is a very dense multi-family dwelling neighborhood.
5. Qualities of the natural environment: There is no effect.
6. Potential fiscal impact: There is a benefit.

**Councilor Holmgren** expressed appreciation for the recitation of GZO Sec. 1.8.3.

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Holmgren, seconded by Councilor Nolan, 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 Section 3.2.2(a) Minimum open space per dwelling unit of 1,250 square feet from current 171.5 square feet to be reduced to 128 square 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.

This matter is advertised for public hearing.

3. *SCP2019-006: East Main Street #116, Map 59, Lot 53, GZO Sec. 2.3.1 (8) & 1.8 for conversion to 8-unit residential dwelling; Sec. 3.2.2 fn (e) distance between principal buildings; Sec. 3.2.2 fn (a) minimum lot area per dwelling unit; Sec. 3.2.2 fn (a) minimum open space per dwelling unit*

**Councilor Gilman** advised she would be turning the meeting over at 6:00 p.m. to Vice Chair, Councilor Holmgren. She indicated her request to conduct a Site Visit for the City Council to take place the following week. She explained that there are a lot of questions about this project, and it would be beneficial to have the Council present to visualize the project. The Site Visit, she explained, is open to the public but that the Council will only be allowed to ask questions; there will be no deliberation and no questions taken directly from the public, although the public is invited to attend. She also announced that there will be no Committee discussion this evening on the application, just a presentation by the Applicant.

**Attorney Salvatore Frontiero**, Frontiero Law Office, P.C., 46 Middle Street, representing the Bevilacqua Company, Inc., a buyer under a Purchase & Sale agreement to purchase the parcel from the current owner, Son LLC (subject to obtaining the necessary permits). Notice to Abutters was acknowledged as being served. In a brief discussion with **Councilor Gilman** parameters for the review of the Special Council Permit were touched on and **Mr. Frontiero** conveyed the following information:

- The subject property is zoned Neighborhood Business (NB) surrounded by R-10 (medium/high density) and across East Main Street is Marine/Industrial (MI). The petitioner proposes to raze the existing restaurant and construct eight two- or three-bedroom residential units in two detached structures each containing four units located towards the rear of the lot. Four of the units will have a 3<sup>rd</sup> bedroom option; therefore, the project won't exceed 20 bedrooms (20+ bedrooms triggers a Major Project).
- One residential unit will be subject to the inclusionary zoning requirement; it will have a deed restriction assuring affordability in perpetuity.
- Each unit has amenities such as: a two-bay garage; outdoor recreational area to the rear of the property; formal plantings planned with a wildlife habitat planting area next to the wetlands.
- There will be guest parking spaces and also an electric vehicle parking space; the property will have a total of 23 parking spaces including the drive-under two-bay garages.
- The nearest structure of the project will be 68 feet from East Main Street.
- The Zoning Board of Appeals (ZBA) granted three forms of dimensional relief which was appealed. The appeal was disposed of in the applicant's favor.
- Special Permit requests: To allow the construction of an eight-family project; reduce the space between buildings from 57 feet to 16.9 feet; to reduce the lot area per dwelling unit from 5,000 feet to 3,809 feet and to reduce the requirement for open space per dwelling unit from 3,500 feet to 1,479.5 feet. **GZO Sec. 1.8.3**, the six criteria of a Special Council Permit was reviewed by **Mr. Frontiero** as follows:
  1. Social, economic and community needs: The city's Housing Production Plan (HPP) identified the need for multi-family housing in the city, and that there is a need for more affordable housing. This project addresses both of those needs. The Applicant's calculations show this project provides about 2% of the required units were suggested under the HPP; as well as one deed restricted affordable housing unit in perpetuity. It was noted this project will replace a difficult restaurant use that has experienced high turnover and appears not to be an economically viable use.
  2. Traffic flow and safety: The Institute for Transportation Engineers data used to analyze vehicle trips during peak times for restaurants calculates 4.5 trips per 1,000 square feet of restaurant use which

comes to about 23 vehicle trips during peak hour. With the residential use the calculation at peak hour is about .52 trips. The proposed project would significantly cut down the amount of vehicular traffic in and out of the property. The project will also eliminate the concerning cross-over of vehicles in and out of the adjacent gas station/convenience store property. Also eliminated by the project are spaces against the current building that caused backing out of vehicles onto East Main Street. Backing out of vehicles onto Main Street would be eliminated. With the proposed project vehicles will enter forward and exit facing forward.

3. Adequacy of utilities and other public services: This site is already served by city water and sewer services, with gas and electricity provided through National Grid. It was suggested that the proposed use is less intensive use of water than a restaurant as well as eliminate grease trap issues. There will be a stormwater collection and drainage system installed on the property to connect with the city system; approval for this system is in hand. Utilities are termed, "more than adequate."
4. Neighborhood character and social structure: The neighborhood is a mixture of diverse uses -- retail, function rooms, marinas, single-family and multi-family homes. The project will fit into the broad array of uses and rid the neighborhood of a vacant restaurant site.
5. Qualities of the natural environment: The parcel currently is comprised of asphalt, much of which will be removed. There will be about 4,000 sq. ft. less of pavement on the site than it is now. The project will add more green space and will comply with the vegetative cover requirement. The wetland in the area will be protected as the matter will go before the Conservation Commission with the anticipation there will be restrictions on construction as a result. It was suggested the qualities of the natural environment would be improved by this project.
6. Potential fiscal impact: Short term construction jobs will be created; the taxable value of the property will be much higher than it is currently; there is a positive fiscal impact to the city anticipated.

**GZO Sec. 3.2.2 fn (e) Spacing Between Principal Buildings** was also reviewed by **Mr. Frontiero** as follows: The zoning requirement is that principal use buildings are spaced apart in an amount equal to their combined respective heights. The proposed buildings would need to be 57.2' part to comply with this requirement. It is proposed there two buildings be spaced 16.9' apart. The reduction in this space requirement can be authorized under a Special Council Permit provided the Council finds that the lesser space isn't detrimental as to view obstruction, overshadowing, service access or visual crowding.

1. **Visual Obstruction:** Immediately behind the parcel is a large cliff with the nearest home behind the parcel is about 450 feet away and about 75 feet higher in elevation. The other property to the rear is the East Gloucester Elementary School, about 270 feet away with the land about 30 feet, also at a higher elevation. No other obstructions or views are noted as the views are looking at the ocean. Any properties behind the subject property will see over the project/property.
2. **Overshadowing:** The closest structures to the project are a convenience store to the west at 77 feet away; a four-family dwelling to the east of the project at 27.8 feet away and is approximately 42 feet in height. Based on the proximity of the buildings on the site at sunrise and sunset, any shadowing would be cast to the rear or front of the property and not to the sides.
3. **Service Access:** Each unit will have easy access by a two-bay garage and ample room in the parking area for service, and turnaround, of large vehicles. No issues are anticipated with large vehicles coming onto the property such as emergency vehicles. There is no impact on service access. This project is not set up for access between the two buildings. There is one designated space for electric vehicle parking and the rest is open area eliminating the need for access between buildings.
4. **Visual Crowding:** The buildings will be staggered somewhat. Reference was made to a submitted schematic (on file), and the buildings on site won't appear visually overcrowded. The westerly of the two buildings will be relatively out of view from the street as it will be located in the "dog-leg" shaped area of the lot, mostly behind the convenience store.

**GZO Sec. 3.2.2 fn (a) Reduction of Required Lot Area per Dwelling Unit:** Required by the Zoning Ordinance is 5,000 sq. ft. per dwelling unit. Footnote (a) provides that lot area per dwelling unit may be reduced further by a Special Council Permit upon the determination the reduction is in keeping with neighborhood character and structural density: Most of the area's lots are undersized and have lower lot area per dwelling unit – this lot is 30,000+ square feet, 1.5 times the required minimum size for multi-family dwellings. A map in the Application showing the surrounding lots to the project locus (on file) was referenced. This project would see a higher average of lot space per dwelling unit than the neighborhood in general. The neighborhood average was 1,308 feet, and the project proposes a lot area per dwelling unit of 3,809 sq. ft.

**GZO Sec. 3.2.2 fn (a) Open Space Per Dwelling Unit:** The requirement under the Zoning Ordinance requires open space per dwelling unit of 3,500 sq. ft. Footnote (a) provides that the lot area per dwelling unit can be reduced with the same parameters as Lot Area per Dwelling Unit. The Applicant proposes to provide 1,479.5 sq. ft. per dwelling unit. The current configuration of the lot provides 9,996 square feet of open space and the project proposes 11,836 square feet of open space. The method of calculation was briefly reviewed, and the neighborhood average was 1,101 square feet. The structural density saw the same analysis by the Applicant for lot area per dwelling unit which equally applies to open space per dwelling unit – structural density is consistent and better than most of what is seen in the neighborhood. It is still below the maximum lot area allowed (30%).

**Mr. Frontiero** asked that for the reasons conveyed to the Committee that the Special Council Permit requests be permitted.

**Councilor Holmgren** thanked Mr. Frontiero for his presentation and in consultation with him set the date of a Site Visit as Thursday, August 15, 2019 at 9:30 a.m., meeting at the property of 116 East Main Street. There is no rain date.

This matter is continued to August 21, 2019.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 6:03 p.m.**

Respectfully submitted,

*Dana C. Jorgensson*

Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.**