

**Planning & Development Committee**  
Wednesday, August 21, 2019 – 5:30 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
-Minutes-

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

**Also Present: Councilor O’Hara; Councilor LeBlanc; Vanessa Krawczyk**

**The meeting was called to order at 5:30 p.m. There was a quorum of the City Council.**

**1. *Special Events Applications:***

A. Request to hold the American Legion Dedication Ceremony on Monday, September 2, 2019

**Mark Nestor**, Commander, American Legion Post #3, 8 Washington Street, explained the following:

- Legion Post 3 is celebrating its Centennial on Labor Day (Sept. 2<sup>nd</sup>) and requests to hold a dedication ceremony in front of 8 Washington Street;
- The ceremony will require the road to be closed in front of the 8 Washington Street property to the Joan of Arc Statue; and Washington Street from its intersection with Western Avenue to its intersection with Middle Street (map of road closures on file);
- Expected are local and state dignitaries and in all about 200 attendees;
- It is anticipated streets will be blocked for approximately 1 ½ hours for the duration of the ceremony;
- The DPW and Police Department are apprised of this event and will be assisting;
- In the case of rain the entire ceremony will move into the Legion building.

**MOTION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning and Development Committee voted 3 in favor, 0 opposed, to approve a Special Events Permit to hold the American Legion Dedication Ceremony on Monday, September 2, 2019 from 8:30 a.m. to 12 noon. Road closures are anticipated to be approximately 1.5 hours and roads are to be closed according to a map on file, under the direction and at the discretion of the Gloucester Police Department.**

B. Request to hold the Mayor’s Halloween Party, Sunday, October 27, 2019

**Roseanne Cody**, representing the Mayor’s Office for the annual city-sponsored Halloween Party at City Hall advised that the event is from 1:00 p.m. to 3:00 p.m. She gave the following description of the event:

- Fire and Police will be on scene; a fire engine will be on display at the front of City Hall;
- Road closures: Warren Street in its entirety; Dale Avenue closed and parking will be banned on Dale Avenue and Warren Streets for their entire length and Middle Street to its intersection with Pleasant Street will be closed and will have no parking from 8:00 a.m. to 6:00 p.m. the day of the event;
- While the event runs from 1:00 p.m. to 3:00 p.m., set up at City Hall starts about 12:00 p.m. with cleanup finished by about 4:00 p.m.;
- Hayrides will run the same route as always leaving City Hall onto Dale Avenue to Middle Street to Pleasant Street, back onto Warren Street into the City Hall parking lot run by Mass Mudders and the Police Department;
- There are children’s activities inside City Hall as in previous years; with entertainment in the auditorium, and food set up is the same from year to year.

**MOTION: On motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit the Mayor’s Halloween Festival on Sunday, October 27, 2019 from 12:00 p.m. to 4:00 p.m. There will be no parking on Dale Avenue, Middle Street from its intersection with Dale Avenue to Pleasant Street and on Warren Street from 8:00 a.m. to 5:00 p.m. the day of the event. Those streets or portions thereof as named will be closed the day of the event at the specified time.**

C. Request to hold the Gran Prix of Gloucester on Saturday & Sunday, October 5 & 6, 2019

**Paul Boudreau**, Event Director for the Gran Prix of Gloucester Cyclo-Cross Event, noted this is the 21<sup>st</sup> year the event is held at Stage Fort Park. He advised the following:

- The Lucy Davis Pathway and the Rose Garden areas of Stage Fort Park are not utilized;
- This is the seventh time to seek permitting for the event since the 19 conditions were imposed as agreed upon by the Planning & Development Committee after the 2012 Gran Prix;
- There are no changes from the previous year including the course (maps on file).

**Councilor Lundberg** expressed his concern that the event monopolizes Stage Fort Park for at least two days, maybe more excluding most public use. Speaking to the reparations to the Park, he expressed further concern that the Park after the event, even with reparations, never really is the same afterwards. **Mr. Boudreau** expressed his understanding that the Park is restricted for public use but pointed out accommodations are made for use of the Dog Park and the Visitor's Center. It is only two days that the Park can't be completely utilized, but can before and after the event. Responding to the quality of the grass remediation of the Park, he advised the following: The Park is greenest where remediation work has been done as of today. It was highlighted that their landscapers are in the Park a day or two after the race and start reparations right away. Working in concert with the DPW, they are aggressive in their reparations to the Park. **Mr. Boudreau** highlighted that they must also weigh the impact of the event versus the economic benefit of 40% of the event's 1,100 race participants per day staying in the city and eating in local restaurants. He advised they don't deviate from the conditions that are set by the Committee and are in constant consultation and collaboration throughout the whole (remediation) process with Mark Cole, Assistant Public Works Director. He cited that he goes back in the spring, and if further remediation is needed as determined by the DPW they do it. While the DPW wants the whole growing season to show the (remediation) work, he advised he can come before the Committee earlier in the year. He added that his organization respects the 19 conditions set for the event.

**Councilor Holmgren** advised she'd like to see an earlier application made for this special event. **Mr. Boudreau** explained that one of the event conditions is to get the bond released before they get approval for the new event permit. He suggested to the Committee if they want a special agreement that they approve the event pending the release of the bond he could then come before them earlier in the year for permitting.

**Councilor Gilman** advised she would amend the Performance Bond, Condition #12 to request hydroseeding to occur on or before October 31<sup>st</sup>, recounting that last year it was too cold to hydroseed which was an issue. She pointed out that for nine months a year they can see the tracks of what occurs over one weekend. She added that the city is preparing for its 400<sup>th</sup> anniversary, and wants the Park to be in great condition. Getting the seed on early would be a major improvement, she added. **Mr. Boudreau** expressed his agreement offering further language to enhance the amendment. **Councilor Gilman** asked that Mr. Boudreau come forward for event permitting right after the start of the New Year. She noted that if for some reason the permit isn't approved, the event organizers will still have time to seek an alternate venue.

**MOTION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 2 in favor, 1 (Lundberg) opposed, to permit the Gran Prix of Gloucester Cyclo-Cross Race event to be held at Stage Fort Park on Saturday, October 5 and Sunday, October 6, 2019, with the following conditions:**

**1. Certificate of Insurance:**

**A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's Office on or before September 20, 2019.**

**2. Traffic and Road Closure Plans:**

- a) Memoranda from the Police Department and Fire Department giving approval of the plans for the Gran Prix Cyclo-Cross Race to be on file with the City Clerk's office on or before September 20, 2019. Roads to be closed 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 20, 2019. After the race permit is granted if either the Police Chief or Fire Chief or their designees determine that a substantial change(s) has been made to the route, then the applicant shall obtain City Council approval or the change.**

- b) **Traffic Signage:** The applicant is to place signage on the roads leading in and out of Stage Fort Park to be sure it is clear to the public which access roads are closed but that the Visitor's Center is accessible.

**3. Refuse and Comfort Stations:**

All event refuse and recycling must be removed by the Gran Prix, event organizer. Any portable toilets (including the two required handicap accessible) are to be provided, maintained and paid for by the event organizer and must be in place the evening before the first day of the event or early in the morning of the day of the event and removed no later than 9:00 p.m. Sunday, October 6, 2019.

**4. Emergency Services:**

Emergency services are as required by the Fire Department Emergency Medical Services Director, Jonathan Sanger.

**5. Staffing:**

Event staff is to have cell phones and be identified by the public with distinct shirts, and list of event staff and their cell phone numbers submitted to the Police, Fire and Public Works Departments prior to the first day of the event.

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

Notice shall be made by the Gran Prix Gran Prix of Gloucester Cyclo Cross event organizer by hand or by mail no later than 7 days in advance of the event to any function halls, motels and hotels, and other businesses along the race route and Hough Avenue.

**7. Course Adjustments:**

The Gran Prix event organizers are to present a written detailed list of all activities that require the assistance of the Department of Public Works (rocks to be moved or equipment to be moved, etc.) at least 7 calendar days prior to the event.

**8. On-Site City Staff:**

The Public Services Superintendent, or his representative, is to be on site during the Gran Prix of Gloucester Cyclo Cross event in order to facilitate any problems that might arise during the event. The cost of this service will be covered by the event organizers.

**9. Videotaping of Pre-Event Conditions:**

Once the course is set up, the Gran Prix event organizers will make a video record of entire course. This video will be delivered to the Department of Public Works prior to the event; the video will then be used to determine prior conditions when discussing the repairs post-race.

**10. Site Walk Post-Event:**

At a mutually agreeable date and time immediately following the Gran Prix event the Public Works Operations Manager-Public Properties of the city's Public Works Department and the Gran Prix event organizer will inspect Stage Fort Park together to review necessary remediation to it to the Public Works Department's satisfaction. Any discrepancies will be reviewed with the help of the pre-race video.

**11. Responsibility of the Gran Prix organization:**

The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health, Conservation Commission, and the Licensing Commission. It is the sole responsibility of the Gran Prix organization 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.

**12. A Performance/Surety Bond for Repairs to Stage Fort Park:**

A performance/surety bond in the amount \$10,000 for repairs to Stage Fort Park will be posted by Gran Prix and payable to the City of Gloucester submitted to the Director of Public Works by Gran Prix to insure that repairs are made to Stage Fort Park following the Gran Prix event of October 5 and 6, 2019. Said repairs are to restore Stage Fort Park to the original or better condition of that prior to the event. The performance/surety bond is to be returned to Gran Prix in whole if it is determined by the Director of Public Works, or his designee, that the hydroseeding or appropriate landscaping alternative, occurs on or before October 31, 2019 and all additional reparations made to the park are completed by May 15, 2020. If by that date the Director of Public Works or his designee determines the reparations are not complete, Gran Prix has 30 calendar days to cure any defects as indicated. If after the determination that reparations are found deficient by the end of that 30 calendar day period, notice will be given to Gran Prix that the performance/surety bond will then be used to take the necessary steps to complete the park reparations.

In the event that Gran Prix cannot obtain a performance/surety bond to insure that repairs are made to Stage Fort Park following the Gran Prix event of October 5 and 6, 2019, the City shall require as an alternative, that Gran Prix place \$5,000 payable to the City of Gloucester, in a non-interest bearing escrow account no later than 7 days prior to the 2019 event with John Dunn, City of Gloucester CFO, serving as escrow agent with Gran Prix only liable in the event of willful default.

Said repairs are to restore Stage Fort Park to original or better conditions to that prior to the event. If it is determined by the Director of Public Works, or his designee, that the reparations made to the park are completed by May 15, 2020 the escrowed funds are to be returned to Gran Prix in full. If by that date the Director of Public Works or his designee determines the reparations are not complete, Gran Prix has 30 calendar days to cure any defects as indicated. If after the determination that reparations are found deficient by the end of that 30 calendar day period, notice will be given to Gran Prix that the escrowed funds will then be used to take the necessary steps to complete the reparations.

**13. Cap of Entrants:**

The maximum number of entrants to this event is set at 1,100 per day for each day of the 2019 Gran Prix of Gloucester Cyclo Cross event.

**14. Staking of Repaired Areas to Stage Fort Park:**

Post-event, staking of the repaired areas of Stage Fort Park that require loam and seed will be erected to prevent damage to the areas by foot traffic or vehicles and shall be maintained in good order until the DPW determines the date of removal.

**15. Related Costs to the Event:**

Gran Prix organization is to pay the City of Gloucester any costs for City services related to the race course and affected adjacent areas of Stage Fort Park before, during and after the 2019 Gran Prix of Gloucester Cyclo Cross event.

**16. Restricted Use of Gloucester Dog Park during Gran Prix of Gloucester Cyclo Cross Event 2019:**

Gran Prix shall be restricted from use of the Gloucester Dog Park which is located in the southerly section of the Stage Fort Park parking area. Said restriction shall include but not be limited to the following:

- That the Dog Park is not to be used as part of the event course;

- There shall be no parking of automobiles or storage of bicycles or other equipment or any erection of temporary structures, tents;
- DPW to mark off approximately 20 spaces for Gloucester Dog Park users for the duration of the event.

**17. Areas of Stage Fort Park not to be used in the 2019 Gran Prix Race Course:**

- Half Moon Beach;
- The area from Lucy B. Davis Pathway to the playground area (so called “Run up”);
- The area surrounding the Elizabeth Smith Garden and the Gloucester Garden Club Garden;
- The area between the Visitors Welcome Center and the fort which is a wetlands protection area.

**18. Overnight camping or tenting before, during and after the Gran Prix of Gloucester Cyclo Cross Event at Stage Fort Park is prohibited:**

Overnight camping/tenting is expressly prohibited at Stage Fort Park before, during and after the Gran Prix of Gloucester Cyclo Cross event. Event organizer is to prominently display this fact on their website and at the event informing all participants when registering and checking in to the event of this prohibition.

**19. This permit is contingent upon Gran Prix receiving any necessary approval by the Licensing Board in order to serve alcoholic beverages during the event as needed.**

2. *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 (3) 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 (Cont'd from 08/07/19)*

**Councilor Gilman** introduced SCP2019-006 citing the approved minutes from the last P&D Committee meeting now posted and on file, and a Site Visit by the Committee to 116 East Main Street (Thursday, Aug. 15<sup>th</sup>). She noted that all three members of P&D attended the Site Visit as well as Councilors Memhard and O’Hara. She advised that there has been no discussion by the Committee since the Site Visit. She conveyed that at the previous meeting the general information of the project, the requests of the Applicant and the six criteria for a Special Council Permit were reviewed by the Applicant’s representative.

**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) was present to represent the Applicant. Addressing several questions from the Site Visit, **Mr. Frontiero** offered the following:

- “Hardship”: Hardship isn’t before the Council; rather hardship was addressed at the Zoning Board of Appeals (ZBA). The Zoning Ordinance for multi-family properties regarding setbacks is set at 15 feet plus one foot for every foot beyond 15 feet in height. These buildings are 29 feet in average height, and applying those setbacks it be 34 feet. If applying the 34 foot setbacks to the lot, the Applicant would be left with 7,794 square feet of buildable lot which is 25.5% -- the lot coverage maximum for this zone is 30%. On the dogleg portion if the 34 foot setback was applied, that leaves a 16 foot wide area, rendering that portion useable. Deducting that, it comes to 7,794 square feet of useable lot area or 18% of the lot, where the maximum lot area is 30% -- that is what the hardship is based upon.
- Uses of the property by right: For a two-family dwelling, up to a 10,000 square foot lot is required. This property is three times that lot size. Sixty-five feet of frontage is also required. It was indicated there was enough frontage to meet that requirement. The Applicant possibly install two dwellings for a total of six units. The Applicant could also, with a Special Permit, create two lots, each with a three-family dwelling. **Mr. Frontiero** pointed out that what the Applicant is asking for is not much beyond what can be done by right with the property, highlighting this is for a Special Permit, not a variance process. He conveyed that the Applicant is asking for two more units to make the project more viable. With the requested configuration, there will be a unit subject to the city’s Inclusionary Housing requirement, thereby creating an affordable unit.
- Flow of traffic to and from subject property: As the property is sited today, there is considerable open paved area. A shared right of way was noted. With a restaurant, cars were backing onto East Main Street; large trucks were pulling in for deliveries and there were intersecting vehicles between restaurant deliveries and

the convenience store/gas station deliveries as well as vehicles pulling in for gas across the shared paved area. The project moves the entrance/exit to the left of the site creating a safer travel path with less vehicles entering and exiting the subject property per day versus a restaurant.

**Councilor Holmgren** expressed her understanding that the hardship was decided at the ZBA level. She mentioned reading the minutes of the ZBA (on file with application), and the text of the Zoning Ordinance on the hardship definition. She briefly touched on the original application and site visit when 10 dwelling units were proposed. Gaining good input through that process, the developers took that into consideration. She indicated she wanted to send this Special Council Permit up to the Council for a public hearing.

**Councilor Lundberg** expressed agreement with Councilor Holmgren saying the Council is being asked to look at the four permit request and plans to see if they comply with the nature of the neighborhood and components that go into it in their judgement. The Committee has good records, recounting what briefly what was on file and indicated they had clear explanations from the Applicant. At the public hearing the Council will hear about the neighborhood character and those matters pertaining to a Special Council Permit, he added.

**Councilor Gilman** engaged with **Mr. Frontiero** in a brief discussion on alternative uses of the property. **Councilor Lundberg** advised that speculation on alternative uses isn't before the Council. He clarified that the developer made a comment at the Site Visit about possible use of the property, but that they are focused on what is before them as to the Special Council Permit application.

**Councilor Gilman** asked of the overview of the benefits of the project. **Mr. Frontiero** reviewed that the project is:

- Adding eight units of multifamily housing units with one designated as affordable housing;
- Eliminating an abandoned restaurant;
- Eliminating the large trucks, vehicle trips associated with a restaurant onto the subject property;
- Adding buildings that fit in with the street façade;
- Adding green space and enhancement of the wildlife habitat next to the wetlands;
- Providing 23 parking spaces; the ordinance has two spaces per unit and two each are in the garage under each unit, and seven visitor parking spaces;
- Adding construction jobs short term;
- At the request of the neighbors not blasting but using a chipping method of blasting instead;
- Not overshadowing any buildings as most of the residences are not close by. There are recreational areas that will be added to the back of the buildings and not be visible from the front.

**Councilor Gilman** allowed for brief questions only to be taken from members of the public:

**Rev. Richard Emmanuel**, 153 East Main Street, stating that there were drawings presented at the ZBA meeting depicting alternative positioning, asked if that was available for them to see. **Councilor Holmgren** pointed out that the drawing presented now (with the application) is what they are considering that is part of the Special Council Permit, not what was shown at the ZBA (meeting).

**James Hand**, 36 Rocky Neck Avenue, asked the Committee to clarify what hardship the developer and his attorney were claiming noting he heard about dimensions and difficulties in building. **Councilor Gilman** advised that hardship was reviewed and discussed at the ZBA. The Committee is following the rules under their purview.

**Amy Bell**, 11 Pilot's Hill, noted the building of eight units with one unit to be designated as affordable housing and asked which unit would be designated and would it's appearance be different. **Mr. Frontiero** responded, "No." **Councilor Holmgren** noted that the affordability of the unit is made on a calculation of 80% of area median income of the Boston Metro Area which equates to about \$90,000 a year for a family of four.

**Pamela Steele**, 10 Pilot's Hill, asked about the public speaking about their concerns on the project and when they'd have that opportunity. **Councilor Gilman** advised that opportunity is during the public hearing. She noted that the public hearing is scheduled for August 27<sup>th</sup> at City Council, and the public can speak for up to three minutes either in favor or opposed. If they can't attend, they are encouraged to send an email to [jsenos@gloucester-ma.gov](mailto:jsenos@gloucester-ma.gov), and she will send them to all nine Councilors.

**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 (SCP2019-006) to The Bevilacqua Company, Inc., for a property owned by Son, LLC at East Main Street #116, Map 59, Lot 53, zoned NB (Neighborhood Business) to build two buildings on the property consisting of four dwelling units each, for a total of eight dwelling units, under GZO Sections 1.8.3; Conversion to or new multi-family or apartment dwelling, seven or more dwelling units for an 8-unit residential use, Sec. 2.3.1(8); Distance between principal buildings,**

**Sec. 3.2.2 fn (e) for two buildings to be spaced at 16.7 square feet apart; Minimum lot area per dwelling unit, Sec. 3.2.2 fn (a) from 5,000 square feet to 3,809 square feet; and Minimum open space per dwelling unit, Sec. 3.2. 2 fn (a) to be reduced from 3,500 square feet to 1,479.5 square feet pursuant to a plan submitted with the application, rendered by Mill River Consulting, Gloucester, MA signed by Raymond L. Willis, P.E., entitled, "Development Plan for 116 East Main Street, Gloucester Massachusetts, Map 59, Lot 53 dated April 4, 2018. This Special Council Permit is in harmony, intent and purpose of the Zoning Ordinance.**

3. *SCP2019-007: Gloucester Crossing Road #7 & School House Road #2 & #4, Map 43, Lots 4 & 5, Map 262, Lots 37 & 14, GZO Sec. 1.5.13, 5.29 & 5.7.5 – Modification to SCP2017-012 with further modification under SCP2019-002 (FMUV) (TO BE CONTINUED TO 09/04/19)*

This matter is continued to September 4, 2019.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:22 p.m.

Respectfully submitted,

*Dana C. Jorgensson*

Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- Written communication from Rev. Richard Emmanuel, 153 East Main Street in opposition to SCP2019-006