

Planning & Development Committee
Wednesday, November 6, 2019 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

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

Also Present: Councilor Nolan

The meeting was called to order at 5:31 p.m.

1. **SCP2019-008: Fuller Street #35, Map 168, Lot 14, GZO Secs. 1.8.3 “Standard to be applied,” Sec. 2.3.1(7) “Conversion to or new multi-family or apartment dwelling, four to six dwelling units”, and 3.2.2 “Dimensional requirements for multi-family dwelling and their accessory uses (other than signs)” by increasing the number of residential units from two 3 bedroom units to four 2 bedroom units and two 1 bedroom units for a total of six units**

Councilor Gilman announced that this is a public meeting, and not a public hearing. She added that there will be a site visit to be scheduled. She explained the reason for the site visit was that there have been a number of changes made by the Applicant since the last site visit, expressing that the Committee wanted to be fair to all parties. The site visit scheduling will be discussed at the end of the Applicant’s presentation for a time that is acceptable to both the Committee and the Applicant, she added.

Attorney Mark Nestor, 45 Middle St., #1, Gloucester, was present representing Beauport Shores LLC, Boston, MA, owner of 35 Fuller Street, for a new Special Council Permit application to rebuild a structure located at Fuller Street #35 destroyed by fire. **Councilor Gilman** expressed that the Committee wanted to hear the merits of the application including the six factors of a Special Council Permit. **Mr. Nestor** then conveyed the following information based on the Chair’s request:

The Applicant is asking to increase the number of residential building units from two 3-bedroom residential units to four 2-bedroom residential units, and two 1-bedroom residential units -- these will be condominium units. The Applicant also seeks to decrease the minimum lot area per dwelling unit and to decrease the minimum open space per dwelling unit.

He then reviewed corrections to the SCP2019-008 application as follows:

- Pg. 4 shows GZO Sec. 1.3.8 and should be corrected to GZO 1.8.3.
- Pg. 4 nature of relief, “5. Evidence to support grant of special permit”... “(See continuation sheet)” – the number of units are confirmed under “1. INCREASE IN USE”.
- Page 1 of Continuation Sheet under, “TYPE OF PERMIT:” §3.2.2.1;” should have read, “§3.2.2(a)” and to remove the reference to “§1.7” in the same paragraph.

The Clerk of Committees confirmed the Committee was in receipt prior to the meeting of documentation from Mr. Nestor of proof of Notice to Abutters from the Certified Abutters List (on file) of this public meeting.

Mr. Nestor then showed three photographs: of the building prior to the fire at 35 Fuller Street, during the fire, and a present-day view of the site with an out building (282 sq. ft. shed on the side of the property).

- A new septic system approved by Board of Health (letter from BOH on file) will be installed.
- The site plan (on file) shows planned 12 off-street parking spaces at the rear of the proposed building only for the residential units; the requirement is 1.5 spaces per unit per residential unit.
- There is a new stormwater management plan to prevent stormwater run-off from the lot which was noted to be a vehicular hazard on surrounding streets, especially during the colder weather. The approved new system will be self-contained, and the water will go to a catch basin. These plans were approved by the Conservation Commission.

An artist’s rendering of the proposed building was shown from Fuller Street (main entrance to the building) and Norman Avenue (side door for restaurant take-out) (on file).

- The original ZBA application was for a 40’ building comprised of three stories – commercial unit(s) on the first floor with two 1- bedroom units on the south side along the right side of Fuller Street. The second floor will contain two 2-bedroom units and the same for the third floor. Based on neighbors’ input, the Applicant reduced the height of the building to 35 feet which was the height of original roof line (approved by ZBA).

Noting that the plans being viewed were stamped and signed by an architect (on file), a plan was shown of the first floor layout:

- Seating of the commercial unit (restaurant) was reduced from 32 seats to 16 seats. On the right-hand side of the building along Fuller Street are the two one-bedroom condominium units.
- The Applicant has dedicated one of the 1-bedroom condominium units as a deed-restricted affordable housing unit in perpetuity which was part of the ZBA Decision which will be up to the Planning Director as to how that will be facilitated. This was volunteered by the Applicant and is not a requirement of the Zoning Ordinance.
- The second and third floors, in addition to stairs, an elevator will be installed. The layout of the condominium units are: one 2-bedroom unit to the left (to the west) on the Fuller Street side and to the right (to the east) is another 2-bedroom condominium unit. The third floor has the same layout.

Dimensional Comparisons (On file as Exhibit 7):

Attorney Nestor then reviewed Exhibit 7, a columned document showing columns titled: “Current” – Pre-fire; “2016 Approved Plan” (for comparison only); “2019 Initial Proposal” (Submitted 6/5/19); and “Amended Proposal” (Submitted 8/1/19) with a final column entitled, “Difference”. It was noted square footage for the 1st Floor Footprint was per Assessors Card, including a 282 ft. separate building, and the notation on the commercial area under the Current column was shown to include the same. He touched briefly on the history of the application with the ZBA and approved plans, past proposals and changes to bring the Committee to the current proposal. It was pointed out that the current proposal will take away the shed and expand the footprint of the new building, equating to about 275 sq. ft. increase in mass.

Mr. Nestor then reviewed GZO Sec. 1.8.3 as follows:

1. Social, Economic or community need served by the proposal: There will be six residential condominium units with homeownership assuring maintenance, and will increase housing opportunities for Gloucester. One 1-bedroom unit is to be deed restricted as an affordable housing unit in perpetuity. This designation was voluntary on the part of the Applicant. A large vacant lot eyesore will be removed. Changes have been made to the exterior of the proposed building based on community input at an April 2019 meeting to blend in better with the village. The proposed retail space will bring back the Magnolia House of Pizza, a decades-old part of the village square.

Referring to Exhibit 7A (on file), he gave the Committee a revised Exhibit 7A (placed on file) showing property comparisons -- 33 Fuller, 31 Fuller, 3, 4, 6, 7, 9 Norman Avenue, 2 and 3 Raymond Avenue, 1, 2, 4 Magnolia Avenue and 35 Fuller Street. The revisions were to the “Required” columns only to be reflective of the Zoning Ordinance. He pointed out that almost all surrounding properties are non-conforming lots with non-conforming buildings. It was noted that the document highlighted in red how the properties/buildings are non-conforming. He conveyed that 35 Fuller Street wouldn’t be the only building and property in the vicinity that was non-conforming.

Referencing back to #1 under Sec. 1.8.3, **Mr. Nestor** added that this project will create short-term construction jobs, eliminate water flow onto Norman Avenue, and bring a significant increase in taxes.

2. Traffic flow and safety: There will now be off-street parking, and only one business in the building. The off-street parking entrance will be from Norman Avenue. Commercial units are reduced from three to one. It was pointed out that the commercial units surrounding 35 Fuller Street rely on on-street parking. A few commercial units were noted as a health center, a variety store and gas station. Restaurant seating is reduced to 16 seats which is suggested as reducing customer vehicle parking on-street. The restaurant take-out service entrance will be on Norman Avenue which has parking, and was indicated as not impacting traffic or parking. A large portion of businesses patrons are from pedestrian traffic in the village, especially during the summer months. Over time businesses have closed in this area, and with those closures, traffic has reduced, and it was put forward the traffic generated from the building would be accommodated due to the area’s decreased traffic flow. Safety is enhanced with the entire building sprinkled and its proximity to the Magnolia Fire Station, now open full time.

3. Adequacy of utilities and other public services: The utilities and other public services that serviced the prior building are considerably improved. There will be a new on-site wastewater system approved by the Board of Health, a Stormwater Management System as well as a sprinklered building and will not be impactful

4. Neighborhood character. Design to blend in with surrounding buildings and is in keeping with what was previously on the spot. The restaurant will bring more activity and social interaction to Magnolia Square. It was noted there was a variety of residential and commercial units/buildings in the area.

A petition with 130 signatures was submitted by **Attorney Nestor** (placed on file), in addition to petitions attached as exhibits to the application, and noted that these signatories are mostly of the Village of Magnolia which he asked be taken into consideration.

5. Qualities of the natural environment: With a new on-site wastewater system and a new Stormwater Management System, the qualities of the natural environment will improve.

6. Potential fiscal impact: There will be an increase to the real estate tax base and employment opportunities with the new restaurant.

Mr. Nestor conveyed that the Applicant seeks to increase the number of residential units from two to six; build in a quality manner and to have a condominium association that will maintain the building, rather than having apartment dwellers who would have to reach out to landlord(s) for maintenance. Costs are increased through installation of a new parking lot; and new wastewater and stormwater systems.

He touched on the dimensional requirements: The Council can decrease by Special Permit minimum lot size and open space only after finding the lesser lot area and/or open space is in keeping with the neighborhood character. Minimum lot area is 10,000 sq. ft. per dwelling unit and minimum open space is 7,500 sq. ft. per dwelling unit. Open space was defined as remaining lot area after excluding buildings, driveways and parking. Citing Continuation sheet 1, he conveyed that the open space area of the building is reduced because of the paved parking at the rear of the building plus the square footage of the building which is why there is only 4,000 sq. ft. of open space. Parking wasn't included in Exhibit 7A, he pointed out, but for 35 Fuller Street he included the parking in the back along with the entrance to the parking, so that's why the open space appears as it does. He highlighted that this property is in a mixed-use, diverse neighborhood – a church, market, professional offices with attached apartments, multi-family and single family dwellings. The proposal is for six units totaling 10 bedrooms; prior was two units with six bedrooms. The proposed building is in keeping with the density of the neighborhood and addresses the two criteria of the Council for dimensions.

Councilor Gilman inquired on the reasons for the Revision of Exhibit 7A. She confirmed that the Property Comparisons has dimensional information from the Assessor's Office. **Mr. Nestor** pointed out that no numbers that were from the Assessor's Office were altered, only numbers under the "Required" columns to reflect the Zoning Ordinance to ensure accuracy which he touched on briefly. **Councilor Gilman** asked that this revised document be referred to as "Exhibit 7A, Revision #1).

DISCUSSION OF SITE VISIT:

Councilor Holmgren asked that the retention areas locations be delineated to show where it is located on the site. She mentioned a possible balloon for showing the height of the building. A brief discussion ensued on the use of balloons to depict the proposed building height at a site visit with **Mr. Nestor** and **Councilor Gilman**. **Councilor Lundberg** pointed out that the matter of building height was not before the Committee and asked why they were discussing a depiction of height. He suggested it will be helpful to see the minimum lot area per dwelling unit/minimum open space per dwelling unit and to use the comparison (Revised Exhibit 7A) at the site visit. **Councilor Gilman** offered her agreement. She then asked that the lot be staked showing the former footprint and new footprint of the building. **Councilor Gilman** confirmed that the boundaries are to be marked out. She then framed for the Committee what they'll be looking for when they go to the site as follows: GZO Sec. 2.3.1 (7) conversion to or new multi-family or apartment dwelling, four to six residential units, Neighborhood Business (NB), R-20 (low/medium residential). The property is located in a NB district and the residential use follows the nearest residential standard, in this case, it is R-20. Under GZO Sec. 3.2.2(a) to decrease the minimum lot area per dwelling unit, and that is 10,000 sq. ft. and the applicant is requesting 9,572 sq. ft. When the Committee returns, in discussion they will talk about if this proposal is in keeping with the neighborhood and structural density. Under the same section is the request to decrease the minimum open space per dwelling unit, and the minimum open space of 7,500 sq. ft.; the applicant is asking for 4,835 sq. ft. The Zoning Ordinance defines Open Space as the remaining lot areas after excluding driveways, buildings and parking areas. The Committee will also want to consider at the site visit to better understand how this fits into the decision.

When questioned by two members of the public, one of whom identified herself as in opposition to the project about what was being asked to be depicted at the Site Visit, as well as submissions to the Committee of models, **Councilor Gilman** reminded both that they can state their concerns at the public hearing. If there was documentation they wished to convey to the Council they were urged to do so in advance of that advertised public hearing for the Council's consideration. **Councilor Lundberg** advocated a concentration on the Zoning Ordinance citing that the two specific areas of zoning, and Sec. 1.8.3 which speaks to neighborhood character.

At the request of an audience member, **Councilor Gilman** reviewed the parameters of a Site Visit briefly highlighting that before the Committee were adding that at the next P&D meeting she advised the Committee will discuss their findings

The Site Visit was set by agreement of the Committee and the Applicant for Saturday, Nov. 16th at 9:00 a.m., meeting at the corner of Norman and Fuller Street, rain or shine.

This matter is continued to November 20, 2019.

2. *Renewal of Special Permit pursuant to MGL Ch. 148, §56 and GCO Ch. 22 “Traffic and Motor Vehicles”, Sec. 22-153 “Privately owned open-air parking space” re: Richard Pratt Outdoor Parking Permit at Beachland Ave. #2—a revote in order to correct renewal months and days*

Councilor Gilman, noting per the Code of Ordinances this license should have started on May 1st and expired on April 30th and as a result Condition #12 needs to be amended to be consistent with the ordinance.

As voted on October 16, 2019:

COMMITTEE RECOMMENDATION: On motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council renew the License for Richard Pratt for an open air parking lot at 2 Beachland Avenue under GCO Sec. 22-153, with the conditions and restrictions as follows:

1. The lot will hold no more than 225 cars as per the Site Plan on file with the City Clerk’s Office dated October 31, 2014; and that the number of vehicles allowed by this license shall be posted;
2. The following information shall be posted:
 - A) Hours of operation;
 - B) Hours restroom is open;
 - C) Fees charged for parking;
 - D) A sign that says “Parking Lot Full” is to be placed at the corner of Thatcher and Rockport Roads;
3. An attendant shall be on duty for those hours that the lot is in operation;
4. Shrubs along the front of the property shall be maintained;
5. Prior to the issuance of the license by the City Clerk, the applicant shall pay over to the Cape Ann Motor Inn the sum of \$100.00 for the maintenance of the Gloucester portion of Long Beach;
6. Current approval of the Board of Health (toilet facilities) and the Fire Chief must be on file with the City Clerk’s office;
7. The City of Gloucester will not be held liable for any claims incurred by the parking lot operation;
8. A counter is to be used to count the number of cars coming into the parking lot and a daily log be signed and maintained by the applicant to be made available to city officials upon request;
9. Grass to be cut in and around the parking lot at all times at the permit holder’s expense;
10. Barrels to be brought in at the end of the day and brought out in the morning during the season of operation of the open air parking lot;
11. That the Automated Teller Machine (ATM) on the lot be in operation during business hours only.
12. This license runs from 01/01/2020 to 12/31/2025.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning & Development Committee voted 3 in favor, 0 opposed, to amend Condition #12 on a vote taken by the Planning & Development Committee on October 16, 2019 Council renew the License for Richard Pratt for an open air parking lot at 2 Beachland Avenue under GCO Sec. 22-153 to DELETE Condition 12 and to ADD Condition #12 as follows: “12. This license runs from 05/01/2020 to 04/30/2025.”

NOTE: Motion at public hearing will be presented as whole with the corrected Condition #12.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:30 p.m.

Respectfully submitted,

Dana C. Jorgensson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **From Attorney Mark Nestor re: SCP2019-008:**
 - A) **Exhibit 7A, Revision #1**
 - B) **Petition in Support of Special Council Permit with 130 signatures**