

Planning & Development Committee
Wednesday, November 20, 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 O’Hara; Chip Payson; Jill Cahill; Gregg Cademartori; Vanessa Krawczyk

The meeting was called to order at 5:33 p.m.

1. *Special Event Application: Request to hold the Lobster Trap Lighting on December 14, 2019*

Shawn Henry, co-organizer of the Lobster Trap Tree Lighting Ceremony, 14 Pleasant Street, conveyed that the event is held each year on the Police Department’s property, and runs the same as always. Traps are donated by Three Lanterns once again, and they’ll start to build the tree the weekend after Thanksgiving. The Police Department closes Main Street from Elm Street to Duncan Street, and reopens the streets after the tree is lit.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Holmgren the Planning & Development Committee voted 3 in favor, 0 opposed, to permit the Lobster Trap Tree Lighting to take place at 197 Main Street adjacent to the Gloucester Police Station from about 4:30 p.m. to 6:00 p.m. on Saturday, Dec. 14, 2019 with a rain date of Sunday, Dec. 15, 2019. Sign-offs from city departments is on file. As this is a sanctioned event by the city of Gloucester, it falls under the city’s General Liability Insurance.

2. *Memoranda from Community Development Director re:*

A. Land Disposition Committee recommendation – 206 Main Street

Jill Cahill, Community Development Director, explained that 206 Main Street (and 5 Elm Street, Map 113, Lots 23 and 24), known as Harbor Village (by 206 Main Street Limited Partnership, c/o North Shore Community Development Coalition for low-income housing). The Land Disposition Committee through the Mayor is recommending an air easement. The ZBA had recommended a design review and this was a recommendation that came out of the review because of bay window bump outs.

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 perpetual easement to 206 Main Street Limited Partnership to construct and maintain bay windows, cornices and canopies which will be part of the mixed use building to be constructed at the Property at 206 Main Street over the easement area. It is the responsibility of the Grantee to file the granted easement at their expense with the Essex South Registry of Deeds.

B. Land Disposition Committee recommendation – 32 Harbor Loop

Ms. Cahill reviewed that the city was approached by the Cape Ann Chamber of Commerce looking to relocate to Harbor Loop. In order to do so they need handicap access to the building which requires space across public land to build out that ramp, which totals 48 sq. ft. The easement is conditioned that it will expire if the building is no longer used as a Chamber of Commerce. She pointed out this easement has a public use in that it will see the addition of more public bathrooms to the downtown area, and have a centrally located visitor’s center.

Councilor Lundberg highlighted that this area of the downtown will be a better neighborhood with the renovations to the Harbormaster facility and now the addition of the Chamber of Commerce along with Maritime Gloucester. He noted that this will be the P&D Committee’s recommendation to the Council only; it is the Council that votes to grant Land Disposition matters. **Councilor Holmgren** expressed she was pleased the Chamber offices will be closer to the city’s hub.

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 an easement at 32 Harbor Loop, Assessor’s Map 9, Lot 24 Loop Realty trust for the purpose of accessing the renovated building across a five (5) foot by eight (8) foot strip of city-owned land. This easement

is granted on the condition that the easement shall expire if the building is no longer used for the purpose of housing the offices of a Chamber of Commerce. It is the responsibility of the Grantee to file the granted easement at their expense with the Essex South Registry of Deeds.

3. *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 (Cont’d from 11/06/19)*

Councilor Gilman recounted the Committee’s proceedings to date reviewing that before the Committee are three components of a Special Council Permit application as follows

- GZO 2.3.1(7) “Conversion to or new multi-family or apartment dwelling, four to six dwelling units” for which the applicant is asking for four 2-bedroom and two 1-bedroom residential units;
- The property, Fuller Street #35, is in the Neighborhood Business (NB) district, R-20 (low/medium residential);
- GZO Sec. 3.2.2(a) to decrease minimum lot area per dwelling unit, 10,000 sq. ft. per unit is required; applicant is requesting 9,792 sq. ft. in total.
- GZO Sec. 3.2.2(a) to decrease minimum open space per dwelling unit, 7,500 sq. ft. per unit is required; and the applicant is asking for 4,835 sq. ft. in total. The related definition from the Zoning Ordinance on open space was noted.

She pointed out that at the site visit (conducted Saturday, Nov. 16th) that seven out of nine City Councilors attended with about 25 members of the Magnolia community. She then opened the Committee discussion up for comments on matters resulting from the site visit.

Councilor Lundberg mentioned the criteria under GZO Sec. 1.8.3 and the two areas of relief sought by the Applicant under GZO 3.2.2(a) is neighborhood character and structural density. He cited the of importance at the site visit of the discussion about abutting properties in this zone, and the Applicant’s comparisons of minimal lot area and dwellings in relation to the rebuilding of 35 Fuller Street and its siting. He offered his impression that when they looked at some abutting properties, noting 2 Magnolia Ave. (Magnolia Health Center) and the Magnolia Variety Store (at 2 Raymond St.) to name two, there were significant variances on those properties from minimum lot area per dwelling unit as is being proposed in this application. He conveyed that as the Council decides if the relief sought is appropriate, an important factor is what it’s like in the surrounding neighborhood, saying that to him that was helpful. He asked if the applicant would review some of those property comparisons for the record (referring to Exhibit 7A, Revision 1 as submitted on 11/06/19)

Review of Exhibit 7A, Revision 1:

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. He advised that the only changes made to the original submission of Exhibit 7A was the required dimensions, not the actual dimensions of the named properties. **Mr. Nestor** the reviewed as follows:

- The area surrounding 35 Fuller St. is a mixed-use area
- 2 Raymond Street, Magnolia Variety Store, a single-story building, is required to have 20,000 sq. ft. minimum lot area and has 3,970 sq. ft.; required is 10,000 sq. ft. of open space and only has 3,970 sq. ft. of open space. It has no off-street parking; and is a busy variety store. Deliveries were termed more significant that those that would be experienced by the commercial unit at 35 Fuller St. (House of Pizza). It was noted there is more customer turnover at that location than at 35 Fuller St.
- 2 Magnolia Avenue, the Magnolia Health Center is an office building with two attached apartments along Magnolia Ave. The minimum is 20,000 sq. ft. lot area requirement and the building actual is 3,970 sq. ft. It is 30,000 sq. ft. for three dwelling units, and the property has 3,970 sq. ft. dwelling unit; and 1,917 sq. ft. of actual footage for minimum open space.
- 4 Magnolia Avenue is a garage noted for lot size versus open space;
- 33 Fuller Street is to the east of 35 Fuller St., which was termed a three-apartment complex; the Minimum lot area required is 20,000 sq. ft., with 9,583 sq. ft. in actual; minimum lot area/dwelling unit required is 30,000 sq. ft. and actual is 9,583 sq. ft.; minimum open space required is 15,000 sq. ft. and actual is 8,645 sq. ft.

- 3 Norman Avenue, the Union Congregational Church property was also reviewed. The church property has close to the required minimum lot area; more for minimum lot area per dwelling unit and minimum open space per dwelling unit. It was pointed out that the church has a lot of off-street parking. It was also noted that the majority of vehicles parked at the church is on Sunday mornings at a time when (the commercial unit for) 35 Fuller St. would be closed for business; and the six condominium (condo) units have off-street parking. The church holds an AA meeting on Saturdays in the evening. It was pointed out that there isn't as much parking demand for that event as there is for the church's Sunday morning services and has minimal impact to 35 Fuller Street.
- Also shown on Exhibit 7A, Revision 1 were other single- and multi-family homes and apartments. The lot sizes, minimum open spaces were all noted to be smaller than required under the Zoning Ordinance; almost every building is non-conforming as are the lots.

Councilor Gilman pointed out 35 Fuller St. as shown at the bottom of Exhibit 7A, Revision 1, and repeated the information conveyed at the start of the Committee discussion for the relief requested under the Zoning Ordinance. She asked for a revision of Exhibit A and be labelled Revision 2 for 35 Fuller Street so that there would be a slash mark to indicate that the numbers reflect per dwelling unit. **Councilor Gilman** expressed that the Exhibit was a useful example of structural density and what is in keeping with the neighborhood and seen at the site visit. **Councilor Lundberg**, recounted that the Council is the Special Permit granting authority, and that this information is an important part of the Council's evaluation of the application.

Review of Exhibit 15, Gateway Consultants, Inc., Existing Conditions Plan Sheets 1 of 3, 2 of 3 and 3 of 3:

Councilor Gilman asked to review Exhibit 15 (Gateway Consultants, Inc. Existing Conditions Plan Sheet No. 1 of 3) saying that a question arose as a result of the site visit of the rendering of the parking spaces. **Tom Ciulla**, Partner, Beauport Shores, asked that they view Sheet 2 of 3, and **John Frassica**, Beauport Shores, clarified that these drawings are by their engineer. The site plan, as well as the septic system, was drawn by John Judd, P.E., a Civil Engineer (on file), **Mr. Nestor** pointed out. He highlighted that the septic system was approved by the Board of Health (letter of approval on file). He cited that the Planning Board had required that Mr. Judd make changes to the septic plan, and the plan on Sheet 2 of 3 was the plan approved by the Planning Board. He noted that the plan lays out the parking, with some of the landscaping. He advised one change is going to be made based on a suggestion by Councilor O'Hara as to where the disposal system will be located. He pointed out that the plan now is that the handicap parking space is next to Norman Avenue, and instead of 10 full-sized and two compact car parking spaces, there will now be four compact and eight full-sized parking spaces on site. As the plan is presented, now, the space indicating a handicap parking space will be the location of the dumpster, he added. He noted that the Applicant is required to have 1.5 parking spaces per unit, and only needs nine spaces total, but they are providing three additional parking spaces. It will be the responsibility of the Condo Association to manage the dumpster. **Councilor Holmgren** confirmed the dumpster is for the restaurant and the condos. **Mr. Ciulla** noted that it is typically twice weekly (trash removal) for the commercial (unit) and the condos (residential) will be private trash removal once a week. The screening (of the dumpster) will be by a stockade fence, **Mr. Nestor** advised. Maintaining the dumpster will trash removal is managed.

Councilor Holmgren asked about the septic system and had it been approved by the Conservation Commission and Board of Health. The septic system is a specially reengineered system, **Mr. Ciulla** confirmed, for a parking lot above it approved by the Conservation Commission and Board of Health. He read a statement by John Judd, P.E. as follows: "The septic system has been designed in accordance with 310 CMR 15.020 Title V and has been approved by the Gloucester Board of Health, same daily flow as previously existing building and the parking lot is in accordance with the Gloucester zoning requirements and has been approved by the Planning Board and the City. **Councilor Lundberg** reiterated that the Board of Health letter of approval for the septic system is in the Special Council Permit file signed by the City Sanitarian, Craig LoPiccolo.

Overview of Planning Board Process:

At **Councilor Gilman's** request, **Gregg Cademartori** Planning Director, reviewed that this wasn't a typical permitting path for such a project because this was a structure damaged by fire. They saw folks in (the) preapplication (process) as to (the building's) restoration and redevelopment. He expressed there was a desire for additional residential and to provide parking for it. He noted that was one of the suggestions that was worked through earlier in the process ensuring that they could build over a leeching field if designed appropriately, thereby creating more opportunity for the site as opposed to restoring something with no parking.

The applicant had gone through several iterations with the Zoning Board of Appeals (ZBA) on extending some rights for when a structure burns (which can be restored within two years) and also started to modify the proposal. By the time the project reached the Planning Board, the height of the structure and the number of units were resolved by the ZBA; the building use is now in front of the Council.

Mr. Cademartori pointed out that the Planning Board focused on the project's mechanics -- drainage design and parking layout. There were modifications to what was originally proposed to have the maximum width of an apron to the street in order to preserve as much of the sidewalk access as possible which was "necked" down from the original proposal. The design is now compliant for a parking lot with movement in both directions at 24 ft. There will be restoration of the handicap accessible ramping on both sides. A major point worked through with the Engineering Department was stormwater runoff making sure that as much of the volume generated from the site is retained on site. To that end there were some grading changes to the parking lot as well as the addition of a catch basin and another collection infrastructure near the intersection of Norman Avenue. He expressed this is consistent with the ZBA decision; there were screening requirements to ensure that they were memorialized on the Planning Board site plan. The Board granted its approval on March 19, 2019. **Councilor Gilman** questioned a new 26 ft. wide curb cut. **Mr. Cademartori** clarified that it was 24 ft., not 26 ft., and it is for the purpose of two-way traffic. **Councilor Gilman** asked if the vehicles will have to back out onto Norman Avenue. **Mr. Cademartori** pointed out that there is a low wall protecting the walkway, and the parking lot is laid out to allow appropriate "aisle width" for vehicular turning movements, typically as seen in any lot such as this for mixed use.

Councilor Holmgren, speaking to the planned catch basins, asked what happens to the retained runoff. **Mr. Frassica** explained that much like the leeching field, the runoff either evaporates or perks through the soil. In drawing up the septic system design, perk tests are conducted to ensure there is proper drainage disbursement. Typically, they're filled with crushed stone or rip rap which cleans debris out and stay operable. **Mr. Nestor** noted that the test pits revealed it was gravel under the top soil, and it will leech down appropriately. He conveyed that another issue raised by one of the Councilors at the site visit was where the HVAC for the building was going to be located, as initially it was to be on the right side of the building. The ZBA told them it should be behind the building. The HVAC system condenser(s) has just been reengineered and will now be located above the third floor under the roof. He pointed out this will alleviate the noise factor and will be out of sight.

Councilor Gilman asked about snow accumulation and its removal. **Mr. Ciulla** advised that would be up to the Condo Association. **Mr. Nestor** added that it would be mandated in the condo documents that snow be removed, saying that is standard language -- the Condo Association would be responsible. It will move, he assured.

Councilor O'Hara asked if there is a snow storage area planned if there is a large snow event. **Mr. Nestor** suggested that the front area of the Fuller Street property, not covered by the building, will have plantings, and behind that are two spots that can be used temporarily where snow can be pushed into and can remain until the snow can be removed off site.

Councilor Gilman suggested that the Committee may wish to consider the addition of several conditions to the Special Council Permit such as that the dumpster should be permanently screened and maintained, and that the HVAC condensers will be above the third floor under the roof. **Mr. Ciulla** informed the Committee that the HVAC condensers will be housed above the third floor outside out of view permanently screened and maintained. It was agreed between the Committee and the Applicant that these two conditions were reasonable and acceptable.

Councilor Gilman noted GZO Sec. 1.8.3 was reviewed at the P&D meeting on Nov. 6th. **Mr. Nestor** conveyed that from the last meeting when there was a discussion of the six factors, and the review at the site visit in looking at the surrounding buildings, the six factors have been addressed. A number of questions were fielded at the site visit, he pointed out, and these concerns were addressed -- citing the new location of the HVAC condensers and the dumpsters which are to be permanently screened and maintained, as well as assuring regular trash removal. He conveyed that with a Condo Association, he suggested the owners will be more concerned with maintenance or their (property) values will fall. He added that the size of the restaurant is reduced in half and will be more take out and walk out patrons.

Mr. Nestor, in response to a prompt by **Councilor Gilman**, recounted that the second one-bedroom unit will be a permanently designated low income housing, deeded in perpetuity which the ZBA has directed that this is coordinated with the Planning Director as to the language. **Councilor Holmgren** asked what was the basis for the calculation for low incoming housing, as low income versus affordable can be different. **Mr. Nestor** advised this went with the median low income for the Greater Boston Metro Area. **Councilor Holmgren** advised that definition is technically not low income. **Mr. Nestor** reiterated he got that from the Planning Director, and pointed out the developer is under no obligation to create an affordable housing unit, but they are doing so regardless, in perpetuity with Mr. Ciulla also adding his confirmation of their commitment.

Councilor Holmgren advised she appreciated the sprinkler system, insulation and the elevator for the building, because things like that allow people to age in place, which in turn adds to community character. She expressed her assumption the Applicant will follow the Stretch Codes and Building Code to keep the building green. **Mr. Ciulla** assured that everything will be built to appropriate standards or exceed them. **Councilor Holmgren** added that in doing so that the HVAC system will have to work less often keeping the building envelope more secure and green.

Councilor O’Hara asked if fryolators will be used in the restaurant and will there be a grease dumpster; and will the commercial unit be a restaurant in perpetuity. **Mr. Nestor** advised that unit is going to be a commercial unit. As to the dumpster, there are grease traps built into the kitchen system which is supposed to address that issue. **Councilor Holmgren** pointed out the grease trap location on the plan which was confirmed as connected to the septic tank which **Mr. Nestor** also confirmed (See Engineering Plans 1 of 3 and 2 of 3).

Attorney Meredith Fine, representing Jerry McCarthy, owner of 31 and 33 Fuller Street, expressed concern that Exhibit 7A Revision 1, was misleading and inaccurate. **Councilor Gilman** advised that if Ms. Fine has information to the contrary of what is part of the application as presented, she should forward it in advance of the public hearing so that the Council can review it.

Councilor Lundberg reviewed that after the P&D Committee acts on this matter, it goes to a public hearing before the City Council which will be open for public comment and questions in favor or against the application. He highlighted that the application submitted did have a petition in favor of the application with 130 signatures which is in the record. He added that the Council will take into account, and consider, all the evidence on neighborhood character. He highlighted that the Council will focus on what is before them, that is, the relief sought and the criteria and is what the Council will be listening for. He cautioned speakers should not venture too far from what will be in front of the Council for its consideration.

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 (SCP2019-004) to Beauport Shores, LLC, for a property at 35 Fuller Street, Map 168, Lot 14, zoned NB/R-20 (Neighborhood Business/Low-Medium Density Residential) to erect a structure under GZO Sections 1.8.3, Sec. 2.3.1(7) “Conversion to or new multi-family or apartment dwelling, four to six dwelling units consisting of four (4) two-bedroom and two 1 bedroom residential condominium units, with one of the 1- bedroom condominium units in perpetuity a deed restricted affordable housing unit; under Sec. 3.2.2(a) minimum lot space per dwelling unit and Sec. 3.2.2(a) minimum open space per dwelling unit as follows:

	<u>Total Allowed</u>	<u>Total Proposed</u>	<u>Granted</u>
Minimum Lot Area per dwelling unit:	10,000 sq. ft./ea. unit	9,792 sq. ft.	50,208+/- sq. ft.
Minimum Open Space per dwelling unit:	7,500 sq. ft./ea. unit	4,835 sq. ft.	40,165+/- sq. ft.

pursuant to amended plans received by the Gloucester City Clerk dated October 29, 2019, rendered by Gateway Consultants, Inc., Gloucester, MA, as signed by John Judd, P.E. and Red Barn Architects, Ipswich, MA signed by Ryan McShera, R.A. This Special Council Permit is deemed to be in harmony with the intent and purpose of the Zoning Ordinance with the following conditions:

1. The dumpster should be permanently screened and maintained.
2. HVAC condensers will be housed above the third floor permanently screened and maintained.

This matter had been duly advertised for a public hearing which was opened on Nov. 11th and continued to Nov. 26th. There was a brief discussion prompted by Mr. Nestor as to whether due to the City Council meeting of Nov. 26th falling during the week of Thanksgiving should the public hearing be continued to Dec. 10th. The Committee responded it was ready to have the Council consider the application and that all agreed the date of Nov. 26th was appropriate.

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: None.