

Planning & Development Standing Committee
Wednesday, May 20, 2020 – 5:30 p.m.
REMOTE MEETING
-Minutes-

Present: Chair, Councilor Val Gilman; Vice Chair, Councilor Jen Holmgren

Absent: Councilor Barry Pett

Also Present: Councilor James O’Hara; Mayor Sefatia Romeo Theken; Joanne M. Senos, Grace E. Poirier

Applicants: Attorney Joel Favazza, Seaside Legal Solutions for SCP2020-004

*This meeting was conducted remotely through ZOOM
All votes by ROLL CALL*

Meeting called to order at 5:30 p.m.

Councilor Gilman announced, “This meeting is recorded by video and audio in accordance with state open meeting law. Consistent with the Governor’s orders, suspending certain provisions of the open meeting law and banning gatherings of more than 10 people, this meeting will be conducted by remote participation. If you are calling in on a phone, you can press Star 9 to request to speak. If you’re watching on a computer a device, there is a raised hand button that you can tap or press to request to speak. Please use either these options to be recognized, to speak.”

She also advised those in attendance that the meeting was an information meeting, not a public hearing, but if anyone wanted to ask a question of the committee or the applicant’s attorney pertaining to SCP2020-004, she would entertain such questions at the appropriate time.

The following items were taken out of order:

Agenda Item #2. PP2020-004: Request by New Cingular Wireless PCS, LLC d/b/a AT&T, in agreement with National Grid, to install a wireless small cell facility, including telecommunication wires and wireless attachments and appurtenances on a replacement utility pole in the public right of way – Pole #2337 – near Salt Island Road #2 (TBC 6/3/2020)

This matter was continued to June 3, 2020.

Agenda Item #3. Special Events Permit Application: request to hold the DES & GFC Club Religious Procession on June 7, 2020 (Cont. from 4/22/2020 – to be withdrawn)

This application was withdrawn by the applicant.

MOTION: on a motion by Councilor Gilman, seconded by Councilor Holmgren, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 absent to accept the withdrawal.

Agenda Item #4. Special Events Permit Application: request to hold the Cars, Cops and Cruisers Car Show on June 7, 2020 (Cont. from 4/22/2020 – to be withdrawn)

This application was withdrawn by the applicant.

MOTION: on a motion by Councilor Gilman, seconded by Councilor Holmgren, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 absent to accept the withdrawal.

Agenda Item # 1. SCP2020-004: Folly Point Road #1, Map 146, Lot 28, GZO Sec. 3.1.6(b) "Building Heights in Excess of 35 Feet" in the R-20 District

[This portion of the minutes is in transcript form]

Councilor Gilman: I just wanted to mention, first of all, that this permit that's in front of us is a special permit for building heights in excess of - Section 3.2 Limits, Section B - is building heights in excess of thirty five feet may be authorized by special permit issued by City Council. Said permit shall contain such conditions as the Council deems necessary and shall only issue upon a written determination by the Council that such increase in allowable height is consistent with neighborhood character and will not be substantially detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, impairment of utilities or other adverse impacts.

So that is what is in front of us. I also wanted to just note that the name of the applicant is Seaside Legal Solutions, of which Attorney Favazza is representing. The owner is Barry Goldman. We received this permit, or this request for Special Council Permit in the City Clerk's Office on March 30 of 2020. The City Council received it on April 14th, 2020. The Building Inspector approved it for completion on March 25th, 2020, and on March 26, it was confirmed via email by the Planning Director, Gregg Cademartori that it was confirmed for completeness. The abutters have been noticed and we're ready to turn the meeting over to Attorney Favazza. So thank you very much. Welcome.

Attorney Joel Favazza: For the record, my name is Joel Favazza, I am an attorney at Seaside Legal Solutions, with an address of 123 Main Street here in Gloucester. I'm here on behalf of Barry Goldman and his wife, Margaret Franklin. They are the owners of 1 Folly Point Road. And with the Chair's permission I would like to share my screen so I can present via PowerPoint.

[There was a brief pause while the host gave Attorney Favazza screen sharing access. PowerPoint presentation is on file.]

Attorney Joel Favazza: So the proposed work here is the renovation and reconstruction of a single family home with attached garage. This is one of those funny quirks of the zoning ordinance where I end up at the City Council asking for relief that is kind of insignificant compared to some of the stuff that usually goes to the Zoning Board, and it's strictly just a numerical issue where it's more than 35 feet tall in height in one section. You'll see from tonight that the request for relief is pretty minimal. It's not your typical City Council type permitting. This is just the site plan for reference if we need it, the closer view of the site plan. Going back one, you can see it, this is a large five plus acre lot and this is the existing - this is the proposed footprint, which is sitting on top of the existing footprint.

And you can see this whole improvement is being made centered on the lot; it's kept from the street, it's kept from the neighboring property owners, it's kept from the ocean and just kind of sits in the middle of this lot. And it's going to continue to sit there after the renovation and rebuild. Here are just some north and south elevations for your reference of the proposed rebuild. East and west elevations. And again, at any point if you have any questions, we can certainly circulate back to these for reference. And these are just some artistic renderings, again showing more of a offset angle from each of the sites. You get a full understanding of what this house is going to look like as you approach it.

So this is the existing single family house. It was constructed in 1991. It's kind of a yellow/lime green stucco, early 90s funky design and it's, you know, all beauty being in the eye of the beholder aside, it's also structurally having some issues. There's insufficient insulation, there's some rot in some of the framework and so it needs a major overhaul. So the idea is to renovate whatever is salvageable. You'll see [unintelligible] this is the garage studio area. This is some pretty good bones, and so it's going to get renovated, not really replaced. Portions toward the right side of your screen, where my mouse is now, have more of a replacement. But again, the idea will be that at the end of the day, this house will be efficient, up to modern code, properly insulated and safe.

So I want to focus on this slide, because we're here for a height permit and height permit only relates to the portion of the structure that is exceeding 30 feet in height and it's 35 feet to trigger the City Council. So everything that's in green is allowed by right. You pull a building permit and construct all of the green stuff by right because it's all 30 feet or less above average grade. This purple line running through the house shows where average grade is, and as you may recall, average grade is a funny calculation where you take the elevation of the ground at every corner of the building and then divide that number by that sum, by the number of corners you have. Average grade floats right through here. It's a little below the garage, just above the first - the lowest - level only on the far side. What's important to note is [it's] the only portion of the house that requires this special permit we're requesting.

And so what you're looking to give us relief from is permission to build this. This is a peak, a slightly peak roof on top of a view room and then an observatory that's going to be capped with a permanent roof. And that will have the ability to be sealed off from the elements as weather requires. So as we go through this, I just want to make sure that we don't lose sight of the fact that we're just here asking for this last little top part for the observatory and a bit of the roof.

As the Chair rightfully noted, we have a two part test here for your findings. We find that it's consistent with the neighborhood character. And you also have to find that it's not substantially detrimental to the neighborhood based on three criteria: obstruction of views; overshadowing the properties; and the impairment of utilities or other adverse impact. Quickly, I'll succinctly go through each of these standards to show you why this project is deserving of the relief requested.

So the neighborhood character. So this is five acres of R20 zoned land. And I want to bring this comparison out, not in any way to threaten and say that if my clients don't get, you know, the permit they want they're going to redevelop the whole property. My clients actually purchased this property and won the opportunity to purchase this property going up against several other would be buyers because they were the one buyer who expressed to the owner that they had no interest in becoming a developer, and they really want to preserve the land and preserve the property as a single family situation. But, you know, the reality is to entice property owners like my clients here, to be willing to conserve and preserve large estates like this. They're going to want to be able to build something that's beautiful, build something that's kind of grand, build something that, you know, provides them the full useful enjoyment of their property that they're looking for.

And so if you look at the neighborhood surrounding this area, you have a bunch of more standard R20 lots closer to Washington Street. And then as you get down to Folly Point Road, you open up into these large estates and my clients are hoping to keep it that way. That's why I want to give you give a little perspective. Again, the fact they're just asking for a height relief on this observatory compared to if in the hands of someone else, you know, what you might be having to look at right now for some relief. It's quite different. And this is a quick comparison. Some of those other, you know, kind of grand estates that are out there. These are all, you know, lots that are, you know - 30 Folly Point Road is a bigger lot. The rest of these, 27, 29, 41 are all smaller lots, but they're all very beautiful, very large homes. They have

multiple levels that take full advantage of a beautiful view. Folly Point Road, lots of glass, you know, lots of tower like structures to make sure you can really capitalize without having to cut down a bunch of trees.

And this is of course the current house which sits among them and, again, is in line with this flavor that's out in this particular neighborhood. So it's not your typical R20 neighborhood, but the rest of the R20 neighborhood isn't typical either. This is a really unique, beautiful place up in Gloucester. So if you could agree that it's in keeping with the neighborhood character, you go, OK, well, is this going to obstruct views? And as you hopefully saw from your packet, the architect was kind enough to go out – thorough enough to go out - and shoot multiple angles and accurately superimpose the replacement structure, and so I'm just going to kind of go through these. And again, if they go too fast, slow me down, if I miss something and you want me to go back, let me know.

This is the view from 2 Folly Point Road of the existing house. And this is the new house on top. And again, the only part requiring the height permit is being circled on a mouse currently. It's just the observatory, which is mostly see through anyway. This is being shot from 6 Mason Square, big houses buried here. And this was done obviously in the winter to make sure you can even see the house. When this all fills in, as it pretty much has already, the house becomes pretty much invisible for most of these locations. But to show you in the dead of winter what this will look like, you know, there's a new one, no real change that you can see from here thanks to these trees. This is from 10 Folly Point Road; that's the after. 12 Folly Point Road; that's the after. Now we're at 25 Folly Point Road. Again, the house is tucked down here in between some of the foliage that does not lose its leaves, that's vines. There's the new one. Now we're at 27 Folly Point, the house is just kind of up here on the hill.

And again you can sort of see a little bit of the observatory from behind that tree. 1236 Washington Street, this one's a little closer than some of the other ones that have been shown. That's the after. And now we're out on Washington Street itself, shot from 1245, before and after. 1255 a little further down the road, before and after.

Again, all we're looking for would be this observatory, which, as you can see, is primarily see through. 457, before and after – that's the before again, that's the after. It's behind these trees. And so I would argue that from all of that, it's pretty clear there's no views that are going to be obstructed for a large portion of the year. When these trees fill in you won't really see any of the house at all. When the trees do drop the leaves, there's no view being obstructed. A little bit of sky view. But again, most of it is see through anyway. So there's a lot of blue coming through the observatory itself.

So you have to go into overshadowing of other properties. Is there substantial detriment to the overshadowing? This is the MapGeo map. I can toggle back and forth between the satellite imagery and just the structures laid out. And I use this because this house is nowhere near any other house. And so even on the shortest day of December, with the longest shadows being thrown, you know, it's not going to reach anybody's house. And additionally, because there are so many trees on the property and my clients have committed to preserving many of them and actually adding to the net total as part of their Conservation Commission permitting, even if you had a long shadow stretching out toward a neighboring property, these trees are going to be the culprit for any shading that you find going on outside the property lines.

So then lastly, you say, well, is there going to be an impairment of utilities or other adverse impacts? That's a funny standard because again, we're talking about a height permit. We're talking about whether this little guy up here is going to impair utilities or other adverse impacts. There's no overhead wires that are being impaired. There is no additional living space or density for the property, so it's not like there's going to be additional traffic or additional production or increase in resource consumption or to impair,

again, phone lines or electric lines or anything like that. It's just an observatory on top of their view room. And so I don't think you'll be able to find any impairment, utilities or other adverse impacts. So at the end, you know, what the conclusion is, I don't think you'll find any overshadowing. There's no obstructed views. There's no impairment of utilities. The theme of this building itself is in keeping with the character of the neighborhood. And so all the standards have been met. And I would hope that we'll be able to, you know, when the subcommittee deems appropriate, move this forward. And again, obviously I appreciate the position the City Council has taken.

I would suggest that this particular permit in front of you is far different and far smaller in scope than what you're wrestling with, with the marina on Essex Ave and the redevelopment of the Ocean View on the back shore. This is just the height permit. The Zoning Board's giving out height permits that radius with this. You know, you're welcome to schedule an impromptu site visit and check the property on your own. But again, I don't know that there's any information to be gleaned that you don't get from what the architect provided. If you stand out there in Washington Street with a set of plans in your hand, I don't know that it'll be more effective than reviewing the digital plans that were sent over. And so although I don't expect you to make that decision tonight, if as P&D continues to get comfortable with this Zoom format and realize that this really isn't a significant enough permit request, that it really needs to be held off until we're back in Kyrouz, we'd be happy to be the first baby step back toward public hearings if you'd be so kind as you move forward.

[End Transcript]

Councilor Gilman asked if there were any questions from members of the Committee, other Councilors in attendance, the Mayor or attendees. There were no questions. The Committee thanked Attorney Favazza for his presentation.

MOTION: on a motion by Councilor Gilman, seconded by Councilor Holmgren, the Planning & Development Committee voted by ROLL CALL 2 in favor, 0 opposed, 1 absent to adjourn the meeting at 5:58 p.m.

Submitted by Grace E. Poirier, Assistant City Clerk