

Planning & Development Standing Committee
Wednesday, August 19, 2020 – 5:30 p.m.
REMOTE MEETING
-Minutes-

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

Also Present: Mayor, Sefatia Romeo Theken; Acting CAO, Vanessa Krawczyk; Assistant City Clerk, Grace E. Poirier, City Council President Steve LeBlanc, Councilor John McCarthy, Planning Director, Gregg Cademartori

Applicants: 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.

There was a quorum of the full City Council present.

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 25 people, this meeting will be conducted by remote participation to the greatest extent possible. The public may not physically attend this meeting, but every effort will be made to allow the public to view and listen to the meeting in real time. Persons who wish to do so are invited to view the meeting and you have the information that was on the posting. If you are calling in on a phone, you can press *9 to request to speak. If you are 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.”

Councilor Gilman stated that there would be no Public Hearing at tonight’s meeting, but it will be open to any questions regarding the agenda items.

1. RZ2020-001: Proposed creation of a commuter residential overlay district to all lots currently zoned extensive business in and around the Maplewood Avenue and Whistlestop Way area (Cont. from 7/22/2020)

Councilor Gilman announced that this matter has been continued to October 21, 2020.

- 1. City Council vote of August 22, 2017 re. COV2017-166 re. GZO Sec. 5.30.1 “Purpose” regarding the sunset clause (Cont. from 7/8/2020)**

Summary of Discussion: Planning Director Gregg Cademartori provided the committee with an update from the August 6, 2020 Planning Board Meeting.

- A Public Hearing was held during the meeting on this matter that was referred to the Planning Board by the City Council.
- This ordinance was developed in an effort to provide a permitting path for apartments that may have come into existence in a variety of ways. There was the possibility that there were times back before most of the current form of the zoning ordinance was in place that there were districts or areas that multi-family units were allowed as a right.

- Over the years, there have been discrepancies between a property's documented use on public record versus how it is actually used.
- It was also an effort to examine units that may have been created without permits that fell under an umbrella of trying to create safe housing, so in the event that someone wanted to come forward to utilize this ordinance, they would have to make the necessary health & safety upgrades to their units to ensure they are safe, perhaps one of the reasons it hasn't been utilized more extensively.
- Part of the purpose and goal was to address affordability. The units created under this would have to comply with the inclusionary requirements for affordability.
- The Planning Board received some testimony when the ordinance was created as to whether or not this may be an impediment to actually utilizing this process because a lender may be wary of an additional encumbrance on a property being used as an income property, or not being counted for the number of units that the property is being used for.
- At the opinion of the Planning Board, it was originally designed to have a sunset clause, a period of time provided as an incentive so that anyone who wanted to come forward and legalize these units would have to do so within a specific window of time, however, only a couple of proposals have been submitted over the last 3 years.
- The Planning Board would prefer to focus on some of the current discussions around the creation of accessory units, and streamlining the creation of multi-family rather than promoting and extending this underutilized ordinance that creates a high burden on a property to accept a unit deed restriction, and the management and follow-through to put that deed restriction in place is also a cost that would have to be borne by an applicant.
- He stated that he cannot speak to the feedback provided by someone who might have one of these units who have not moved forward, but the expression of the use of the ordinance and actual filed permits is limited.

Councilor Pett asked how the committee recommendation would be worded, and what action the Planning and Development Committee would be taking regarding this sunset clause. **Mr. Cademartori** explained that this recommendation was advertised to continue for an unspecified time period, so he believes if the committee agreed to a clause extension, that stipulation would be required. He stated that the first paragraph and the purpose would designate an expiration date if the committee wanted to create one, however, he does not believe it would be sensible for the ordinance to remain permanent because it does not promote the creation of legal units. It does the opposite and allows someone who is not obeying the laws to receive a streamlined review process instead of a thorough investigation. He explained that the Planning Board's recommendation was written positively, however, all seven members voted in opposition. The sunset clause is due to expire on August 22, 2020 if no further action is taken.

In response to **Councilor Pett's** reiteration that this clause has been in effect since 2017, allowing plenty of time to utilize the opportunity although only a couple of people have, and that it allows people to skirt the law instead of following the guidelines, the **Planning Director** elaborated that there are other contributing factors to this situation. There is construction activity, units originally created to assist a family member or friend, as well as cases where there are discrepancies between the permanent versus assessing perspectives or related to property transfer. When property is sold a lender requires a zoning opinion and public records are viewed, it is then that inconsistencies can be discovered between the recorded use of a property and its actual use. Building code issues that need to be resolved to promote safe housing are also discovered in some cases. There was some original outreach provided, however, he is not sure of the extent, with the exception of a few information sessions provided at the inception, and local realtors and attorneys being notified, some were even involved with the clause's creation.

Councilor Gilman referenced a point she discovered while listening to last week's Planning Board Zoom meeting, that banks are not thrilled about setting deed restrictions if they are financing those units. The

Planning Director explained that there was not specific testimony, it was more of an individual conversation, however, these are the compliance standards for this inclusionary ordinance, these units that would be recognized through this streamlined permitting process would then have a 30-year deed restriction placed on the property, requiring that they provide income-eligible affordability. Particularly in the case of smaller projects (such as a three or four-family), an additional restriction placed on a building that is already mortgaged creates concern from a lender's perspective since their objective is to make sure that nothing will affect collateral or inhibit timely repayment.

Councilor Holmgren asked the **Planning Director** if the sunset clause is continued, would it in any way negatively affect the implementation of the housing production plan. She feels that this Council Order was an unconventional way of examining this problem, however, she does not want to derail the housing production plan implementation since that possibility was not considered in 2017. He answered that the merits of the approach of trying to create affordability of units is a noble one, he thinks it is just the context of how they would come into compliance. This restriction raises the question of whether that might be too heavy of a burden on smaller properties with a limited number of units.

He explained that it is probably not a case of larger multi-family projects not being appropriately counted for or divided, it usually occurs in situations where a three-family unit becomes a four, or a four becomes a five-family unit. If a property about to transfer is not in compliance, there is a means to do that right now. The Planning Board is currently discussing ways of facilitating three-family units, looking at the dimensional requirements in the higher-density districts, which may resolve some of the issues in the "as of right matter". He thinks it may be just a mix of requirements in this ordinance that possibly led to extremely low utilization of it, and he is unsure if utilization would increase if an extension was provided.

Chairperson Gilman stated that there is nothing prohibiting the City Council from considering less than another three-year sunset clause. She mentioned the possibility of suggesting a one-year extension, which would not interfere with the upcoming housing production plan. She said that depending on the Public Hearing and the views of the Councilors at the next City Council meeting, there was a range of options from allowing the clause to sunset, or to extend it for a period of time ranging from one to three years, depending on the consensus. She also wanted to make sure that the determination of the Planning Board is taken into consideration.

Councilor LeBlanc stated that after consulting with **Mr. Cademartori** and Planning Board Chair Rick Noonan, he agreed with **Councilor Gilman** that the City Council should consider extending the sunset clause for at least a year because former City Councilor Orlando put a lot of work into this with the Planning Board, and by then, the housing production plan should be in progress. He asked what the negative effects of it being continued for another year would be, to which the **Planning Director** responded that if an extension is considered, it should be for a limited time. He explained that this is a three-pronged ordinance intended to create a simpler path, promote safe housing, and provide affordability. He stressed the importance of safe housing, so if there are units in situations where they don't have all life, health, and safety measures in place (such as smoke and carbon dioxide detectors, proper egress, along with any other necessary corrections), the ordinance needs to hold people accountable for being proactive. He stated that people are reluctant to announce that they are in this situation, especially at a Public Hearing.

Councilor McCarthy stated that it was his understanding under this sunset clause that any property converted had to come up to code. The **Planning Director** advised that Building Inspector Bill Sanborn be consulted as far as the inspection requirements for different types of projects was concerned. It was decided that he and Mr. Sanborn will be asked to be present at the next City Council meeting to answer questions. **Councilor Gilman** advised the committee that five-days advanced notice is provided to any administration members who are requested to attend. **Councilor McCarthy** expressed agreement with

Councilors LeBlanc and Gilman in considering a one-year extension since it was a well-intentioned ordinance created by Councilor Orlando, and it could be improved so that it can be a more useful tool to help accomplish the shared goal of providing affordable housing.

The **Mayor** provided insight based on community feedback she has received as to why people have not come forward. Parking is a permit requirement that may hinder people even if the unit is safe. Betterments are paid by residents for each bathroom installed or other home improvement that is made, so people who cannot afford to pay them would not come forward. She stated that there are a lot of things that are not being looked at in this situation. She elaborated that a unit can be safe, however, it depends on what the criteria is. For example, a house could have the required means of egress, however, if one is a garage, it is not accepted. She mentioned that rent cannot be claimed as taxable income if the units do not meet the criteria. Anyone who comes forward needs to be able to apply, and it is not fair to the residents who come forward and pay the required betterments. She recommended that the criteria and intent be considered before a decision is made, and that the **Building Inspector** be consulted. She also mentioned that it is possible that betterments were waived for units that now need to be connected to the sewer, so that needs to be investigated.

Councilor Gilman stated that this is up for Public Hearing at the next City Council meeting on August 25, 2020. As of right now, the motion before them does not have an effective date, so they need to create a motion in the affirmative. She proposed the possibility of adding a year to the sunset clause, so that it would expire August 22, 2021 instead. Once the standing committee vote is reached, the members will develop questions to ask the Building Inspector, and she suggested that they all review the Planning Board Zoom meeting so that they are prepared to fully discuss this with the full Council next week.

All members of the Planning and Development Committee agreed that this matter should be brought before the full City Council for a discussion involving public input, and a vote. **Councilor Holmgren** stated that she was not yet sure how she would vote at the City Council meeting because she gives credence to the Planning Board, she feels very strongly that they are the experts on this. **Councilor Pett** expressed agreement, stating that the City Council needed to take into consideration the Planning Board's decision, the guidance the Planning Director provided during this meeting, the feedback from the **Mayor** and the administration, and be aware of the situations created by this matter that can be life-threatening. He would like this matter to receive more publicity so that the public can be provided with answers to any questions they may have. He also recommended that General Counsel Chip Payson be consulted as well to determine the legalities of the matter.

MOTION: on a motion by Councilor Gilman, seconded by Councilor Holmgren, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council amend the City Council vote of August 22, 2017 re. COV2017-166 re. GZO Sec. 5.30.1 "Purpose" permitting of certain pre-existing multi-family uses regarding the sunset clause and adding "with a sunset clause of August 22, 2021".

2. 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 (Cont. from 5/20/2020)

[This portion of the minutes is in transcript form]

Councilor Gilman: Welcome Joel Favazza, who is representing the applicant as the attorney. Just for a quick update, since we had our last meeting where we planned the site visit, we had two very successful site visits doing social distancing for the first time at a site visit on August 12th.

Councilor Holmgren: He had his hand raised.

Councilor Gilman: Oh, I'm sorry. I was looking at my notes, Councilor Pett.

Councilor Pett: Yes. I just wanted to say, you know, I was unable to make it to the site visit for a medical reason, and I wanted to apologize to the applicant for not being able to make it there, but I have looked at the plans and I've looked at the questions that are being asked, so I'd like to be able to participate, but again, I just wanted to apologize for not being able to make the site visit.

Councilor Gilman: Thank you. So we had seven city councilors attend and five of the abutters, which was nice that we were able to get some of the abutters aligned into our site visits. We also had the architect there, Chris Humphrey, and Attorney Favazza, as well as the two property owners, Barry Goldman and his wife, Margaret Franklin. What we did was, and actually I want to credit Grace for this idea, because I think it was awesome, because we have to limit the amount of abutters that can attend site visits, because we have to keep the numbers to ten each. Her idea was to, for me, the chair, or someone acting on my behalf to take down very specific questions that any member asked, either an abutter or members of the City Council so we could bring those back to tonight's meeting and review them as a group. So that would mean that if an abutter wasn't able to get into a group, that we had to limit to ten for social distancing reasons, they would still be able to have their questions answered on a screen where we could show examples of the photographs from the initial presentation, which Joel showed us back on May 20th. I really thought that was a really good compromise to let the public know, so I just wanted to mention that. Before we go through those questions, I want to just ask the applicant if he has anything that he wants to bring up to us right now before we take a look at those questions and begin the discussion. So Attorney Favazza...

Attorney Favazza: Thank you. Again, for the record, Joel Favazza, Seaside Legal Solutions, here on behalf of Barry Goldman, the owner of One Folly Point Road. So, you know, I agree. I think the site visit went really well. However, after the site visit, I went back and I started looking at the demonstration we had provided at the site visit versus the slides presented back in May, and I started thinking, you know, these don't quite seem to be jiving. So we went back and asked the architects hey, you know, I don't think these can both be correct. Which one is correct? Unfortunately, the answer we got was that neither were perfectly correct. The renderings that I submitted when I showed you back in May, for the most part, overstated the height of the proposed building, in some instances quite significantly, and I have a revised set to show you today. However, at the site visit, we underestimated, there was a mathematical calculation error made in calculating the height of the existing stucco chimney versus the height of the proposed top of the top level versus the bottom of the top level, and so the demonstration that we all enjoyed out there was not correct, and so I want to show you the pictures today. First off, recognizing that I understand there's a difficulty in me having to say the pictures that I showed you the first time weren't quite right, the site visit meetings we just did weren't quite right, but I promise you, what I have today is correct. If you were present for the conversations that our team was having after this revelation, you would understand that no one was going to tolerate anything but accuracy coming forward again. So, you know, I am going to try not to dwell on the past. It's unfortunate this happened, however, I've been made confident, and even talking to the people who have put these designs, these demonstrations together for me, insofar as the processes they went through this time around versus the previous time to really make sure that these weren't just a rough estimate. They really are accurate to the degree that you can be accurate in a photo representation, an accurate representation of what is coming forward. So if that's okay, I think I want to first go through the pictures that we have corrected and then put it out to the subcommittee to see whether you'd like to have a repeat site visit, or whether you're satisfied with the corrected pictures. Does that make sense? OK, let me get my slide show going. I'll share my screen. Ok, I need someone to enable screen sharing, Grace or Val, one of you can do that.

Assistant City Clerk: Joel, are you able to now?

Attorney Favazza: Yes, I'm good to go, thank you. OK, is everyone able to see my slide? OK, so what I'll do is I will quickly scroll through to the comparisons. So first off, let's make sure we are clear that all of these plans provided in the site plan, the elevation plan, these are all accurate and correct. So there's no issue with the actual requested relief, that sort of thing, all of our numerical requests were correct, all the plans that were submitted were correct. It was our attempts to provide additional visualization that we fell short on, all of these prospective shots are OK. It's really when we get into these shots where we have to kind of go back through. So this is a shot to Folly Point Road that you see in the top left, the red pen shows you kind of the locus where you are in orientation to the existing house. So this would be after you kind of take a left off Washington, and come up Folly Point a little bit. So this is the existing house, this is what we showed you originally was going to be the effect of the new rebuild, which is incorrect, and upon getting this properly put into perspective, that's actually going to be the rebuild. However, I do need to note that at the top of that chimney is here, it is going to be taller than that chimney from this perspective, and at the time we walked around, the balloons would have indicated otherwise. So definitely smaller than we showed you back in May, but, you know, taller than what the house is currently. Same thing, this is out from the corner of Folly Point and Washington, this is where you really can't see the existing house too much. The garage where we all met is over to the left here. This is the old rendering, the new rendering, no real difference, and the existing house, so again, the tallest tower point is tucked behind these trees from this viewpoint. This is over at 10 Folly Point Road, so a little further down, directly across the street, basically from the house. So the existing house is being shown, that's the original representation we had thought, turns out it's going to be more like this, but again, taller than that stucco chimney we had been using as a guide point, so it's getting taller, but again, not as much taller as we thought it was back in May. This is from 12 Folly Point, so now we've gone a little past. This is the entrance where everyone who came to visit drove through to get to the garage where we all met. This is the current house; this is what we thought it was going to be back in May. This is the more accurate representation of what it will be, but again, there's that stucco chimney that we thought on the site visit we referred to as the height. Now we are at 25 Folly Point, this is to the north of the house looking southward toward the house. That's the rendering that we've given you, this is the correct rendering, and that's the existing house, and again, there's the stucco chimney, and there is the portion that is above the stucco chimney.

This is 27 Folly Point Road, so now we're northeast looking southwest. That's the old rendering, that's the new rendering, and that's the existing house, so again, we're a little bit above the chimney from this angle. This is the neighbor at 1236 Washington Street, but if you look here at the locus, you actually see, the house for 1236 Washington Street is, I'm guessing, 30 feet away. This is a little stream that divides the property, and obviously when these pictures were taken back in the winter, no one wanted to do any trespassing, so this is just taken from the shared property line of these two properties, looking northwest up the hill at the house. So as we came down on our tour, we came down to the first side yard in this direction, then walked down the slope toward the cove in this direction, then reconvened on that side of the house. Here's the original rendering we showed you, that's the corrected rendering that we calculated out this week, and again, that is the existing house, so it is taller than the house from this viewpoint. Now we're out on Washington Street itself, as you can see, we're looking straight north at the house from across the street. This is the existing house, this is the rendering we showed you in May, this is the corrected rendering with the proper perspective applied, but there we have the current stucco chimney, which is lower than even the corrected version. Then 1255 going a little further down Washington Street, and we're looking back and left up at the house, still a northwest direction. Existing house, previous rendering, corrected rendering, existing house superimposed, so we are still taller. And this will be the last one I have, 1257. We've gone past the house and we're looking almost westerly at the house from Washington Street. That's the existing, that was the previous rendering, that is the corrected rendering, but that is the existing house itself, which is shorter than what is being proposed. I'll pull out of the screen share right now so we can have a conversation to see, you know, in the end. You know what? Well, I'll go right back, only one more thing. I changed my mind, sorry.

Attorney Favazza: Hold on one more second, so I just want to show you one more thing while I have you. So again, this is the locus map, this is it with the satellite imaging. So we met in this driveway, we walked down into this lawn, and around the building on the eastern side, paused in the meadow down here to look up at the house, came up into the upwind portion of the corner of the garage, into the shade and spoke here again. So the lap we did was within this little circle itself, and the views you just looked at were all simulated from beyond the property line to make sure that is clear, and given that we have the dense vegetative cover in August that we did not have for the winter slides, any site visit we do would need to be kind of contained again to doing this little lap because you really can't see much from beyond the property line at this time of year. And so, again, it's, you know, the discussion of this subcommittee, whether they think they need to get back out there for corrected balloon test or whether the revised renderings represented tonight is sufficient to give you comfort to move forward. Either way, I don't think a public hearing is happening until September 22nd, so we have time if you want to get back out there, I'd be happy to host again, but I also don't want to put you back out there if you don't want to come back out there. It's up to you.

Councilor Gilman: So I want to throw this out to our standing committee, before we do that, I do have a question Joel. How many feet short was the balloon that was there representing the height on that particular day?

Attorney Favazza: We're estimating that it was at least six, potentially eight feet short.

Councilor Gilman: OK, all right, that's helpful. So Councilor Holmgren, you had your hand raised. What are your thoughts about requesting a site visit with the new height?

Councilor Holmgren: I really appreciate Joel the attention that you have put into this. I think it probably would be a good idea for us to go back. This is our first Special Council Permit site visit in quite a long time, and I want to make sure the abutters are aware and involved as well.

Councilor Gilman: Councilor Pett?

Councilor Pett: Again, I obviously didn't go on the first, so I would defer to those who were in attendance. Obviously, it's the committee that this was being held for, but there were abutters and other councilors there, and if as Councilor Holmgren is saying it, as you seem to be indicating, that, you know, we should take another look, I would want to. I totally appreciate Joel's coming forward and showing all those corrections, but I wouldn't want to leave anything where sometime in the future, there ended up being a legal issue that came up saying that, you know, I was at this hearing or this site visit even though I wasn't part of it, and they had the wrong information. You know, I would rather see us see it corrected and spend the time and go back and make sure we're on solid ground.

Councilor Gilman: I agree. I really think that particularly for the abutters, you know, it would be good to make sure that the abutters knew about the changes. And, you know, I think all of us need to get the updated slides into our packet immediately, you know, maybe as backups. Grace, when we do today's meeting, let's make sure we add these slides as attachments to the minutes.

Attorney Favazza: So, I'll send the PDF over to Grace directly.

Assistant City Clerk: You want to attach the slides that Joel just showed to the minutes tonight?

Councilor Gilman: I'd like them to be available to the public. That's the most important thing. So I think, you know, you. We see our minutes, right. And we have to approve. Then we vote them, which we will do. But I want them to be put up on the website. Maybe it's a supplemental document right where it says

Standing Committee P & D Minutes when they approved. I'd like to see the additional slides right there for the public so the public doesn't feel like we saw something that they didn't see, and I think that would be really helpful because just watching the Zoom call, they'll understand what the changes are, but I want people that don't watch the Zoom call to understand what it is. Councilor Holmgren's raising her hand.

Councilor Holmgren: There are a couple people with their hands up, including Council President LeBlanc.

Councilor Gilman: Oh, OK.

Councilor LeBlanc: Thank you. I switched off, I had to switch devices. I think this is a good step, bringing it back and having a site visit because of the subtle changes. So I think this is going to be good because I was at the site visit, and I think that first one of the abutters or one of the attendees at the site visit being under the presumption that one thing was presented to them at the site visit, and there was something else presented at the P & D level tonight, so I think bringing it back is an excellent idea.

Attorney Favazza: We're happy to accommodate, you know, my clients were obviously mortified when they found out that the error had been made and, you know, I think this is a good project. So we certainly would not recommend replied trying to hide anything, but this one would be, you know, silly. It's a good project, and I think, you know, getting you back out there is fine. We can get an accurate demonstration put together and you can see that even though it's higher than we were last time we were there on site. It's still negative views over properties. You know, here the standards that we have to judge the site.

Councilor Gilman: We have someone named Prataap with a hand raised. Grace, can you enter them into the conversation? Would you state your name and your address, and understand that this is not the public hearing, but we are asking for questions on this conversation, so welcome.

Prataap Patrose: Thank you, my name is Prataap Patrose, I'm at 1245 Washington Street, one of the addresses that was shown. The reason I'm actually speaking today is to ask if you could make sure that there's a little bit more lead time given for the notices to be sent out, because I got the last notice on the day of the walk-through, so I was not able to attend. So if you could, given that it took me a week to get the mail, if you could give a little bit more notice so I can hopefully attend the next one? I would appreciate that.

Councilor Gilman: OK, thank you.

Prataap Patrose: I have one more point to ask, a view that's not being studied as of yet, which I think might be helpful, the view is from Folly Cove, which is a public resource. So I think a location like Folly Cove is an important view because that's a point for investors. Building location is very dominantly visible more than any of the other abutting properties in Folly. So the focus on Folly Point Road I think is good, but it's not the most public part of the building. The public building portion really faces Washington Street and Folly Cove, so I'd appreciate some views of Folly Cove.

Councilor Gilman: And I will refer that to our attorney, Chip Payson, because I'm not sure if that affects 3.1.6(b) in terms of overshadowing view, etc., because it's from a whole different viewpoint of the beach for Folly Cove, so I think I'd like to get an interpretation on that, but your point is respected and well taken, but I would ask if you agree with me, Councilors Holmgren and Pett, then I'd like to get Chip's take on that, OK?

Councilor Holmgren: I agree. I think it's a very good point. But yes, I certainly would not want to do anything outside the purview of the current ordinance.

Councilor Gilman: OK, great, so we have two questions, the public hearing was going to be on the 22nd, which does give us adequate time to have a new site visit and to get these minutes approved at next Tuesday's meeting. We'll have the additional slides on the website to direct people to, and then we need to invite people, the abutters again to a new site visit and also, obviously, the Councilors, the most important part of that is if any Councilors that want to come back. As I mentioned at our last site visit, site visits are not public meetings. They are the meetings really for us to look at a site and we don't have to post these visits. But we were sensitive to our tradition that we've had to allow the public to attend, and as long as the applicant agrees that, that's OK, we're going to continue with that. So we appreciate that opportunity to bring as many of abutters in, however, respecting social distancing and saying that every meeting can only have up to 10 participants right now. So we stay six feet apart and we're careful for everyone's sake by wearing masks, as we did at the site visits last week.

So my question is, we also have the public hearing on September 22, 2020 for 105 Wingersheek Road, and I guess I'll put Council President LeBlanc on the spot. Is it too much to have a public hearing for both 1 Folly Point Road and 105 Wingersheek Road on the same night on the 22nd, or should we continue this public hearing until October 13th for 1 Folly Point Road?

Councilor LeBlanc: Madam Chair?

Councilor Gilman: I mean, this one, I'm sorry, this is one Folly Point. Yes, thank you.

Councilor LeBlanc: Yeah, so we have the public hearing scheduled for this for Tuesday evening, correct?

Councilor Gilman: No, this is not going to be scheduled until September 22nd because we had to get this duly advertised in the newspaper.

Councilor LeBlanc: So being at the site visit and reading the you know, all the material for this, if we do this one and 105 in the same evening, I don't think it's gonna be that big of an issue from my perspective. Not a problem.

Councilor Gilman: OK, great, so we'll stick with September 22nd, Attorney Favazza, what I will ask is that you work with me to come up with a date or two with your architect.

Attorney Favazza: Can we choose that date right now? I have my calendar, and so are you back to P & D for Wednesday the 16th, then the week of September 7th would be a good time for a site visit if it's a good week for P& D, my schedule is fairly open.

Councilor Gilman: So let's look at our calendars. OK, so it's gonna be back on the 16th, so why wouldn't it, it wouldn't, our next site, our next P & D meetings are the first and third meetings of the month.

Councilor Favazza: Right, which would be Wednesday the 2nd, and then Wednesday the 16th, and then City Council on Tuesday the 22nd.

Councilor Gilman: OK. Right. OK, so the week of the 7th.

Councilor Pett: Remember for the site visit, the 7th is Labor Day.

Councilor Gilman: Ok, thank you.

Attorney Favazza: So, does the 9th work, the Wednesday between your meetings?

Councilor Gilman: It sounds OK, so September 9th, should we do the same time that we did the last time, we'll do one at 5:00 and one at 5:30?

Attorney Favazza: Sure.

Councilor Gilman: OK, and if you get an overflow of interested abutters you will need to put my name on it this time because the City Clerk's office needs to stay 100 percent focused on the election right now, so you can put my contacts. Contact me. Abutters should contact me, and I will first get the City Council scheduled with allocated spots in the first two sessions. And if we need to do an overflow meeting, the third meeting of just abutters, I will attend that one as well. So Wednesday, September 9th, 5:00-5:30, a possible one at 6:00 for extra abutters. But we can accommodate some of the abutters in the first two sessions, so I will be the contact. You can put my city email and my cell phone if they want to call me, and I'll schedule that.

Attorney Favazza: So neighbors should contact you to get on the list.

Councilor Gilman: So I don't think that there's a need to rush going through the questions right now, Councilors, because I think that I'd like to just add to them when we go to the site and just do it all at one meeting. Thumbs up that you agree with me, OK, great.

Councilor Gilman: So, Joel, thanks for being forthright and transparent. We appreciate that, and I think we have a backup plan. We're going to move forward. I really like our agreed upon decision to have another site visit. And note that balloon will be flying a little bit higher this time, and we're going to make these slides available as a supplement to our minutes, and they'll be posted on P & D Standing Committee documents for this meeting,

Attorney Favazza: Does P & D use the shared Google Drive like the Zoning Board does?

Councilor Gilman: Yeah, we do, but we also, I also like to make it a lot of people don't do Google Docs, so I like to make the PDF available as a supplement to the minutes as well.

Attorney Favazza: Ok, I'll try to make it a smaller file size that's not going to swamp anybody if they go to view it.

Councilor Gilman: All right, that's great, so I think that this is, I think that we've covered everything. I don't see any more questions from any attendees. Councilors, do you have anything to add before we adjourn?

Councilor LeBlanc: Hold on, Madam Chair, can you hear me? Councilor LeBlanc.

Councilor Gilman: Yes, go ahead.

Councilor LeBlanc: So what would I recommend for the site visit, as I know, there was quite a few Councilors that attended it last time, so why don't we open up the spots for the public the first session and then see what we have for signs up for the second session? So we should put, I mean, Planning and Development obviously on the front end of this, but any other councilors that want to attend, let's put them on, that's just my recommendation, and I respect what you guys want to do, but maybe backload the councilors so that way the public who wants to come, they get the first shot at it, that's just my thoughts.

Councilor Holmgren: I think that's a good idea.

Councilor Gilman: OK, that's fine, so Joel, will it just be you for the site visit, or will you have your architect with you, or just you?

Attorney Favazza: They're will probably be me and one other, but again, the architect and the owners don't have to circle around with us, if there's room, they'll come hang out.

Councilor Gilman: OK.

Councilor Gilman: So, Barry, Jen and I were both there. We can have six abutters attend the first session, and then we'll backload the rest of the Councilors in a second session at 5:30, and if there are more that want to come, I'll be glad to be the note taker for the third session and walk around with people.

Councilor Gilman: It was really quite a lovely place to be doing this, walking around. I have to say, I was just really eager to run down to the water and take a swim, it was really a beautiful sight. Councilor Holmgren.

Councilor Holmgren: I know this is going to sound kind of weird, but after not being in places for such a long time, I felt like I was looking at the whole thing with fresh eyes. I mean, it was really quite something, and it is an absolutely stunning property, which helps.

Councilor Gilman: It sure was.

[End Transcript]

MOTION: on a motion by Councilor Holmgren, seconded by Councilor Pett, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed to adjourn the meeting at 6:39 p.m.

Respectfully submitted,
Brianna Komi
Administrative Support
City Clerk's Office