

Planning & Development Standing Committee
Wednesday, September 16, 2020 – 5:30 p.m.
REMOTE MEETING
-Minutes-

There is a link to this meeting available on the city website at https://gloucester-ma.gov.zoom.us/rec/play/48HW8xdFmqjPptelveDBqpt9DNWf_mZKdM1IABRjDXtd4U1DgGLngB1p pfG9v_plo3TlelfniUuEkGwg.p8BjouTiiMgKLqs6

A transcript of this meeting will be filed with the minutes as soon as possible.

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

Also Present: Senator, Bruce Tarr; State Representative, Ann-Margaret Ferrante; Mayor, Sefatia Romeo Theken; Acting CAO Vanessa Krawczyk; School Committee Chair, Jonathan Pope; Assistant City Clerk, Grace E. Poirier; CFO, John Dunn; General Counsel, Chip Payson; DPW Director, Mike Hale; Community Development Director, Jill Cahill; Planning Director, Gregg Cademartori; Councilor Steve LeBlanc; Councilor John McCarthy; Councilor Scott Memhard

Applicants: Seaside Legal Solutions, P.C. representing SCP2020-004; Eliason Law Office LLC representing SCP2020-003

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 City Council at 5:33 p.m.

Chairperson 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.”

Summary of Discussion: Chairperson Gilman stated that when the Special Council Permits being considered tonight (Agenda Items 2 and 3) are discussed, questions only will be allowed from members of the public (not discussions). She described the agenda for the evening, and informed attendees that the Special Event Permit applications for the Backshore 5 Mile Road Race, Backshore 5K Road Race, and Fiesta 5K Road Race, that were scheduled to be held simultaneously on November 14th, have been withdrawn by the applicant, so the motion for those will be moved later in the meeting (listed under Agenda Item 4).

1. Memorandum from Community Development Director re. Land Disposition Committee Recommendation- 11 Webster Street

Summary of Discussion: Chairperson Gilman expressed her gratitude to have so many members of the city staff present to answer any questions that may be addressed. **General Counsel Chip Payson** began the discussion. He stated that he would be brief because he thinks the issue before the committee is a narrow one. He explained that on January 22, 2020, he submitted a memo to the City Council that, among other things, laid out a process to use a parcel of land at Veterans Memorial Elementary School for a combined school project. Consistent with that process, on July 31st, the city received relief from any Article 97 claims that could be made on that parcel of land. Pursuant to the applicable statute, the **Department of Public Works Director, Mike Hale**, (who has care, custody and control of the parcel) submitted a memo to the **Mayor** stating that the parcel was no longer needed for its current purpose. As is consistent with the administration's process, the Land Disposition Committee met and voted to approve the parcel transfer. The **Mayor** accepted that recommendation, and submitted it to the City Council for consideration, and that is the matter before the Planning and Development Committee tonight. He clarified that the matter that the committee is deciding on is limited to whether or not the parcel of land at Veterans Memorial School, that currently houses Mattos Field, be transferred to the School Committee for use for school purposes. He reiterated that he, along with a number of other administration staff members, were available to answer any questions.

Chairperson Gilman referenced the September 8, 2020 City Council meeting packet documents (available on the city website), explaining that they summarize what **General Counsel Payson** had mentioned.

She asked **Community Development Director Jill Cahill** to read and describe the Land Disposition Committee recommendation. **Ms. Cahill** explained that she is the Chair of the Land Disposition Committee that is required to meet four times a year. She shared that the **Mayor** could make these decisions on her own, however, she chooses to consult with this informal advisory committee comprised of her administrative staff members (**Acting CAO Vanessa Krawczyk, Planning Director Gregg Cademartori, DPW Director Mike Hale, Director of Public Health Karin Carroll or Assistant Director Max Schenk, as well as Principal Assessor Nancy Papows or her designee**) before she decides whether or not the matters need to be brought before the Planning and Development Committee.

Ms. Cahill read the memo that she sent to the **Mayor** on September 4, 2020:

The Land Disposition Committee met on September 3rd, 2020 to review the memo issued by Director of Public Works, Michael Hale, and to discuss the transfer of land known and numbered as 11 Webster Street, which includes Mattos Field, Assessors Map 47, Lot 13, to the Gloucester School Committee for municipal school purposes.

As referenced in Mr. Hale's memo, and in the Article 97 legislation, the intent of this transfer is for the purpose of constructing a new elementary school. Also referenced in said documents is the intent to ensure a no-net-loss of lands protected for conservation and recreation purposes, and the construction of a new softball field at another location in the city.

Taking all the above information into consideration, it is the recommendation of the Land Disposition Committee that the care, custody, and control of certain municipal land comprising approximately 2.7+/- acres, known and numbered as 11 Webster Street, which includes Mattos Field, Assessors Map 47, Lot 13, and is held by the City pursuant to the deeds recorded at Book 2599, Page 151 and Book 2867, Page 34 in the Southern Essex District Registry of Deeds, be transferred to the Gloucester School Committee for municipal school purposes.

Please forward this memo and attachments to the City Council for review and action. Staff is available to answer any questions.

Ms. Cahill explained that the Land Disposition Committee felt comfortable with this decision, so they recommended that the **Mayor** move it forward to the Planning and Development Committee. On behalf of the Land Disposition Committee, she expressed hope that the Planning and Development Committee will move it from here to the full City Council.

She thanked **Senator Bruce Tarr, State Representative Ann-Margaret Ferrante**, and members of the General Court who passed the Article 97 legislation this summer, as well as **Mr. Cademartori** (who is also a School Building Committee member), and stated that he has been particularly helpful during discussions regarding the no-net-loss open space agreement.

DPW Director Mike Hale read the memo that he sent to the Mayor on September 1, 2020:

Under the City Charter, Chapter 2, Section 283, the Director of Public Works has the charge and control of all the public lands belonging to the city. The Gloucester School Department and School Committee have proposed to erect a new, combined elementary school, replacing East Gloucester Elementary School and Veterans Memorial Elementary at the site that currently holds Veterans Memorial Elementary School and Mattos Field.

The proposed new school will require the disposition of land of the current Mattos Field. The site selection took many factors into account, and the recommendation of the site selection committee has been weighed. The highest and best use of this site is the construction of a new elementary school.

While there is no question the need for green space and recreation ball fields are critical to a community. The same can be said about a modern elementary school, which would replace two out-of-date elementary schools. With the loss of one field comes an opportunity to design and construct a modern complex for softball.

With the opportunity to introduce a new softball complex to the community, it is within my authority to determine that Mattos Field is no longer needed for its current purpose and this location would be better suited for a new school.

Mr. Hale explained that the Land Disposition Committee weighed the Selection Committee's recommendation, and the DPW is well aware that the use of the current athletic field is not well-received, but this is certainly the best and highest use for this, and there is an opportunity for the City to construct something better than the current Matto's softball field at a nearby city-owned piece of land located off of Green Street.

Chairperson Gilman explained that the final packet document was the approval by Governor Baker.

General Counsel Payson summarized The Commonwealth of Massachusetts Chapter 152 of the Acts of 2020 (An Act Authorizing the City of Gloucester to Use Certain Lands for Municipal School Purposes):

1. Section One allows the city to transfer the care, custody and control of Mattos Field to the School Committee.

2. Section Two is the consideration section. If the council decides to transfer Mattos Field to the School Committee, then the School Committee shall transfer the care, custody, and control of another piece of property at East Gloucester Elementary School back to the city to be used for municipal park and open space purposes, so a deed restriction has to be placed on that land to protect it under Article 97.

3. Section Three is “in addition” language. In addition to Section One and Two, the city shall upgrade softball field facilities and accommodations at another city-owned space on Green Street prior to the discontinuance of the use of Mattos Field associated with the commencement of school construction.

4. Section Four is language that says Section One is contingent upon Section Two. He stated that he thinks the intent here was a process that once this is started in Section One, the city is legally obligated to fulfill the rest of the requirements of this legislation, which obviously means a new ball field at Green Street as well as no-net-loss open space at East Gloucester Elementary.

5. Section Five places a time restriction, work must be started within four years of the land transfer, otherwise, there is a reversion.

6. Section Six is standard language that the act takes effect upon its passage.

Chairperson Gilman reiterated to the committee that those are the documents currently before them, and part of their job tonight was to make a recommendation to the full City Council. She stated that in the interest of time at this evening’s meeting, the questions should be limited to Planning and Development Committee members since two Special Council Permits are also on this evening’s agenda that need to be covered.

She informed attendees that a public hearing on the matter will be held during a Special City Council meeting on September 29, 2020 at 6:00 p.m., at which point, the Council will listen to the public in support and/or opposition, and any questions from other councilors or members of the public will be addressed during that time. She requested that the public submit any questions they may have to one of the City Councilors before the September 29th meeting.

Chairperson Gilman asked if any city staff members wanted to add anything to the discussion. **CFO John Dunn** stated that part of the issue might be the reason why the city is proposing this right now. He explained that the Massachusetts School Building Authority (MSBA) voted on August 25th to approve this project, and the letter that the city received from them the following day mentioned three times in four paragraphs that before Gloucester enters into a finance and project development agreement with them, the city needs to control the entire site where the school might go. It is a major requirement, and the city has 120 days after the August 25th MSBA vote to put all of these things together, so that is why the recommendation is that the City Council take appropriate action to move this along.

Councilor Pett thanked everyone for the work they have done to get the project to this point. He sought a complete understanding of the two potential decision outcomes that the Planning and Development Committee could create tonight. An affirmative vote would send the matter before the full City Council, and if it is approved by the Council, then the citizens of Gloucester would vote on the presidential election ballot on November 3, 2020 to determine if the project gets approved.

He stated that he understands that it took awhile for the Article 97 language to go through because the city was insistent on the previously mentioned project components, not just one piece, but creating the new replication, and wanted that as part of the legislation. He thanked the city, along with **Senator Bruce Tarr** and **State Representative Ann-Margaret Ferrante** for doing that. He reiterated the information that **CFO Dunn** had shared, and explained that it was his understanding that as far as why this is coming before the Planning and Development Committee (and full City Council if tonight’s motion passes) now is so that if the vote passes on the November 3rd ballot with the community’s support, then the School Committee can have the contract in place and be ready to proceed. Waiting until after the election to see whether it is passed by the City Council could delay that.

School Committee Chair Jonathan Pope explained that there is a very tight timeframe for this project, and there are many conditions that are contingent on others that need to mesh together and fall into place for it to proceed. The matter before the committee tonight is just one of them, with one vote triggering another two possible votes. He stated that the most logical sequence of upcoming events should be the matter going before the City Council. If the land transfer is approved by the Council and the majority of voters in the city, the land should be transferred immediately so that the project can enter the next phase.

CFO John Dunn explained that the work on this project achieved up to this point would need to be undone in the event that it is not approved by the City Council, or by the majority of voters on the November 3, 2020 presidential election ballot. He stressed the time sensitivity, and mentioned that as the city approaches the end of this calendar year, there are many things that need to happen before the matter comes before the City Council during the September 29th meeting that will include a public hearing. There needs to be a distribution of free cash and specification of the tax rates. He shared that he would very much like to be able to take advantage of the incredibly low interest rates that are available right now on debt, so he encouraged all involved to move the project forward, which would put the city in the position to move quickly if needed to secure a low rate.

Councilor Pett thanked **School Committee Chair Pope** and **CFO Dunn** for verifying what he believed to be the order of events that should take place to move the project forward.

Chairperson Gilman asked **Representative Ferrante** to provide background on the final vote leading to Governor Baker's approval on August 7, 2020. **Representative Ferrante** explained that she and **Senator Tarr** worked with **General Counsel Chip Payson**, and developed some language to create an Article 97 transfer that requires legislature approval as well as the governor's signature. The bill was passed by both the House and the Senate on the governor's desk, and the governor has signed it, so that piece of the project has been completed. There is some question about the timing as to whether or not a replacement field has to be built, and she explained that they are continuing to work on that issue, however it is not seen as being insurmountable, the project appears ready to proceed.

Councilor Holmgren thanked **Senator Tarr** and **Representative Ferrante** for taking the time to attend tonight's meeting, and **Chairperson Gilman** acknowledged the awareness of how busy they both are, and that it is great to have them in attendance.

Chairperson Gilman asked **Senator Tarr** to share his thoughts on leading the charge regarding this matter. He thanked her, everyone on the call, and everyone who is working to advance the project. He explained that it was a good team effort, and that the Article 97 petition received by the City Council was filed and pursued based on what was considered to be the mandate of the City Council and the **Mayor** on behalf of the people of the city. Article 97 requires a two-thirds vote of the legislature, which was received; in fact, there was no opposition to this petition. A fair amount of time was spent working with General Counsel Payson as well as Senate and House counsel to make sure that the language of the law that passed made it clear that there is no Article 97 issue remaining with regard to this particular project. He stated that they wanted to leave no stone unturned, and he believes they achieved that.

Senator Tarr reiterated that as Representative Ferrante had mentioned, the language does prescribe that there needs to be a replacement field, and stated that they are aware that there are concerns about the logistics of creating that replacement field prior to the commencement of construction of the new school, and they want to work through that with everybody involved to make sure. One thing there is no question about is that the project cannot be ultimately accomplished without the creation of a replacement field, so there should be no question in anyone's mind about that. He explained that the only question is about the timing, about how that commitment is kept, so they can work through that with the City Council. He stated that their best advice is to move forward with the process, to gain the approval of the city by virtue

of the override vote that needs to be taken, and then the logistical matters can be worked through after the fact.

He clarified that they do not believe that any modification that may need to happen would follow the same requirements of an Article 97 petition (requiring a two-thirds roll-call vote). He explained that even if a modification was needed, they are in a unique situation due to the pandemic where they have the extended ability to have a formal session through the first week in January 2021, so they are not constrained by the rules of the House and the Senate, which would normally dictate that right now as we speak, a formal session could not be held. It is now possible, and he mentioned that they are holding them judiciously for very few matters, but if one was necessary to accomplish a modification to the original petition, they could do that. He said that he feels that he can safely speak for **Representative Ferrante** as well when he says that they have achieved the goal that is most important here, which is to eliminate any issues relative to Article 97 encumbrances on the land on which the school is to be built, and what they now have to do is make sure that they are faithful to the details of the arrangement, which may or may not require some follow-up, but they are committed to continuing to work with everyone to do what needs to be done.

The Mayor explained that all potential sites for the new school were reviewed, and this was not her choice location, however, she wanted to do what is best for the students and everyone else involved, so the consensus reached was that this would be the best location. She contacted the original fundraisers for Mattos Field, and gave them her word and that of the City Council that it will be put in writing, and money will be borrowed to make sure that they have a playing field, and they can choose the name of that new field. The rock, flag, and medal dedicated to Army Veteran Joseph S. Mattos, Jr. will remain in the present location. Every Gloucester school playground is named in honor of a veteran. **The Mayor** expressed love, pride, and support of our veterans.

She understands that some people are questioning why the land needs to be transferred before the vote, and why everything cannot just be done with one vote, to which she responded that during her last conversation with the MSBA, they wanted to ensure that everything is in place and ready to go. She expressed concern over the city being able to accomplish this so they can satisfy the MSBA requirements and take advantage of the low interest rates. She stated that she did not want to discuss the net-zero-loss open space agreement now because it is part of the loan order that will go before and be discussed at the Budget and Finance Committee meeting. The East Gloucester Elementary School will come down, and will be open space since it is what needs to be done to make everyone in the city comfortable and happy. If the debt exclusion override vote is not passed, she asked the City Council to request that the School Committee return the land. She stated that the city does not want something forever, or something that does not belong, if the majority of Gloucester citizens vote no because they are hearing the wrong information out there, then it is a no. She asked them to remember that with the building of the new West Parish School, not one of them saw a tax hike, \$1.2 million dollars was invested in St. Ann's School, and no one said anything or came forward. The city paid rent to St. Ann's School during the two years of use. The Pole's Hill debt exclusion is now going to be gone, and CFO Dunn informed everyone at last night's joint City Council and School Committee meeting that there is currently a one percent interest rate, so we should all be remortgaging.

Chairperson Gilman thanked the **Mayor** and asked if the Planning and Development Committee members had any questions before they moved forward. **Councilor Holmgren** responded that she did not have a question, she wanted to thank everybody for doing this enormous amount of work over these past few years. She stated that she believes the information discussed tonight has been discussed extensively in meetings past and has been fully accessible on all conduits of information including the city website and School Committee website. She shared that **Senator Tarr** and **Representative Ferrante** have been very transparent about where they have stood as far as representing our community, so she was ready to vote

this up tonight, and a deeper discussion about it can take place during the Special City Council meeting if need be.

Councilor Pett stated that he had all the comments that he wanted to make verified by everyone supporting the same type of feeling that **Councilor Holmgren** has said and what **Chairperson Gilman** had brought forward. He thanked **Senator Tarr, Representative Ferrante, the Mayor,** and the entire administration for all the work that has gone into the steps moving along with this. He shared that he also would be ready to move this forward at this point.

Chairperson Gilman asked for 100% clarification, that if for some reason, the November 3rd vote does not get through, the process would be reversed, and the School Committee authorized field would return to the city. The **Mayor** explained that if that is the will of the people, there is the 120-day MSBA time restriction, and the only stipulation is open space in exchange for open space. **General Counsel Payson** stated that the **Mayor** is right and elaborated that the intent behind this is a transfer of land for a project, and if that project gets derailed, then the actions taken need to be unwound to return things back the way that they were.

Chairperson Gilman thanked everyone and stated that she thought this has been really helpful, and she appreciated everybody being on the call tonight, the committee's ability to ask questions was great.

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 transfer the care, custody, and control of land known and numbered as 11 Webster Street, which includes Mattos Field, Assessor's Map 47, Lot 13 to the Gloucester School Committee for school purposes.

This matter has been advertised for a public hearing at a special City Council meeting on Tuesday, September 29, 2020.

Summary of Discussion: **Chairperson Gilman** thanked **School Committee Chair Jonathan Pope** for the committee's hard work, as well as everyone on the Building Committee who has done a fabulous job. She also thanked the **Mayor**, who shared an update she had just received from the Gloucester Board of Health indicating that the city is still in the green (meaning that there are currently a low number of active COVID-19 cases).

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 8/19/2020)

Summary of Discussion: **Chairperson Gilman** shared that there have been two site visits, one recently on September 9th, and one back in early August. She asked **Attorney Joel Favazza**, who is representing the applicant, to provide the committee with an update, and explained that after that, questions from the site visit will be answered. She announced that there were some abutters on the call who would be allowed to ask questions only, not discuss.

Attorney Joel Favazza explained that during the first site visit, the proposed height marking was actually lower than it was supposed to be. The second site visit was correct, and he is now back before the committee because the proposed rebuild/renovation of the existing single-family home is going to have a cupola that will be 42 feet, 4 inches above average grade. It is going to be 40 feet, four inches tall, but the way average grade works out, the relief needed is actually 42 feet, four inches. Otherwise, the entire rebuild and renovation is compliant with all the zoning ordinance requirements and would not otherwise require special permitting.

He then presented the questions from the first site visit:

Q1. What is the footprint of the cupola?

A1. It is 11 feet 9 inches x 26 feet 11 inches. At the site visit, we were using 12 feet x 27 feet to keep it easy, but 11'9" x 26'11" is exact, and again, there is kind of a three-sided edge to it, but this is the rectangle we reformed to build this.

Q2. Is that shorter width on the ocean side?

A1. Yes, the side facing the cove is the 12-foot side.

Q3. How close are the nearest abutters?

A1. To the north, which is 25 Folly Point Road, they are over 140 feet away building to building. To the southeast, which would be 1236 Washington Street, they are over 200 feet building to building, and to the southwest, which is 10 Folly Point Road, over 215 feet building to building, and that little triangle touches the three closest buildings to this building.

Q4. What is the relationship of the height extension (basically the finished tower) to the weather station that is located on the roof?

A1. The tower will be taller.

Q5. What is average grade?

A1. Average grade is approximately elevation 62, the front door in the driveway where we met at the first site visit, it is approximately elevation 64. The lowest corner of the building, which is likely the easternmost corner is an elevation 50. The average grade is by taking all of the corners, summing the grade of each of those, and then dividing by the number of corners. This existing building, those buildings have numerous corners, so when you do the math, it comes out to elevation 62.

Q6. How does the 27-foot length of the proposed cupola compare to what is already on the top floor of the current structure?

A1. The current building is 58 feet wide at that location, so the top level of this would be about half as wide as the existing building is currently. Of course, the existing building is not as high up as this tower will be.

Q7. Is the proposed new height of the building equivalent to the stucco on the existing chimney, or the attachment from above the stucco?

A1. It is taller than both.

Q8. Will the proposed new height of the addition be higher than what is there currently?

A1. Yes.

Q9. What is the actual height from the lowest point?

A1. 52 feet, 4 inches.

Summary of Discussion: Councilor Holmgren asked Attorney Favazza to show a diagram of the property while he was answering questions for the benefit of the audience. He apologized for not displaying it sooner.

Attorney Favazza stated that everything in orange on the diagram is the requested height exception, everything in green is allowed as of right, so 42 feet 4 inches is needed. He highlighted the average grade on the slide in comparison to where the site attendees had stood outside the garage, and provided the example that if you stood here and had to, you know, flap your wings and fly straight up to be eye level

with the top of this, you'd go up 40 feet, 4 inches, but you'd be 42 feet, 4 inches above average grade, and then if you were standing at the lowest point, which would be down here at the eastern side of the property, and again, you stood there at the ground and you flapped your wings and floated straight up, you'd go up 52 feet, 4 inches to get eye level with the top of this roof.

Q10. Right now, the 12 x 27 cupola is open. If the applicant decided to cover it, or wanted to enclose that for four-season use in the future, what would the process be for that?

A1. So the process would begin by going to the Building Inspector, whether it's dirt construction or whether it was after the construction was completed, and they had already received their occupancy permit, to modify it they would have to go to the Building Inspector and get his opinion as to whether the modification was substantial enough to warrant modification of the underlying permit that authorized the construction, or whether it was minor enough that it was within the scope and spirit of what had been applied for and what had been granted.

Summary of Discussion: Chairperson Gilman mentioned that Question 10 was asked by abutter Prataap Patrose, who was in attendance at tonight's meeting. She asked him if he had any additional questions, and he responded that he did not have any. She thanked him, and stated that she appreciates when abutters get involved with their neighborhood. She also asked if **Councilor Memhard**, along with any other abutters or members of the public had any questions, and received no response.

Attorney Favazza provided this example at the site visit, stating that if his clients wanted to enclose a knee wall instead of a railing, or put some screen or glass in, he is unsure as to whether the Building Inspector would send him back before the committee for a modification, however, his instinct is that if the owners wanted to create a conventional wall with windows, it would appear to be another room, and would no longer be in the spirit of what they were originally presenting. The amount of light that would get through it would be different and the sight-views from other properties would change.

He elaborated that it is at the discretion of the **Building Inspector** whether or not an applicant would need to appear before the Planning & Development Committee to modify a permit. If the permit needs to be modified, once a recommendation from the Planning and Development Committee is received, it will go before the City Council. It is usually open for a public hearing, at which time neighbors are able to provide testimony.

Q11. Is the balloon below the tree line?

A1. Yes.

Summary of Discussion: Councilor Holmgren explained that Councilor Cox asked the only question at the second site visit, and Attorney Favazza had confirmed it.

Chairperson Gilman stated that there had been a motion and a second, and before the Roll Call vote was taken, she wanted the committee to discuss 3.1.6 (b). The City Council must find an increase in height, and determine if the height is consistent with neighborhood character.

Councilor Holmgren shared that she was appreciative of the question about whether the cupola would be above the treeline, and it will not be. The trees are incredibly thick on this property, the whole neighborhood is verdant, and she does not believe this modification will be detrimental to the neighborhood character.

Councilor Pett explained that this neighborhood is extremely varied in the types of structures that are on the property. He reiterated that as the abutter had mentioned, all of the zoning aspects being reviewed are subjective. He stated that he believes this is within the character of the neighborhood, and he elaborated

that there do not appear to be any issues when there is foliage on the trees, and again, as **Councilor Holmgren** had previously mentioned, the properties are spread far enough apart that no views are obstructed. **Chairperson Gilman** agreed. She stated that the next part of the requisite criteria of 3.1.6(b) is making sure it is not substantially detrimental to the neighborhood because of obstruction of views.

Councilor Holmgren replied that the applicant said they will not be splitting up the lot, which is very helpful to keeping the views intact. The applicant has clearly done their due diligence, they have been waiting a long time to get this done, and the two site visits made it apparent to her that this building modification will not adversely affect neighborhood character because of height or size. **Councilors Pett** and **Gilman** agreed with **Councilor Holmgren**, they do not see any negative view obstructions.

Chairperson Gilman moved on to the next requirement, whether it is substantially detrimental to the neighborhood because of overshadowing of other properties.

Councilor Pett felt that it was irrelevant in this case because the only overshadowing is on other parts of their own home. **Councilor Holmgren** agreed, stating that any overshadowing comes from trees and natural landscape, which she does not see as a problem.

Lastly, **Chairperson Gilman** questioned whether it was substantially detrimental to the neighborhood because of impairment of utilities or other adverse impacts.

Councilor Pett referred to the DPW Director's determination that this is not detrimental in any way, shape or form, and he and **Councilor Holmgren** expressed agreement with the determination.

Chairperson Gilman added that there will be no additional traffic, there will probably be a reduction in resource consumption, and mentioned she did not see any other issues that she is personally concerned with.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the Planning and Development Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council grant to Barry Goldman and Margaret Franklin a Special Council Permit, Special Council Permit (SCP2020-04) for the property located at Folly Point Road# 1, (Assessor's Map 146, Lot 28) zoned R-20 pursuant to Gloucester's Zoning Ordinance Section 3.1.6(b) for a building height in excess of 35 feet, for a home to be 42 feet, 4 inches (for a total height increase of 7 feet, 4 inches over 35 feet). This permit is made on the basis of plans and elevations dated March 17, 2020, submitted to the City Clerk on March 30, 2020 and August 19, 2020, entitled "Permit Site Plan 1 Folly Point Road for Barry Goldman and Margaret Franklin." Subject to new information and/or debate that results from the public hearing, this Special Council Permit is deemed to be in harmony with the intent and purpose of the Zoning Ordinance.

This matter has been advertised for a public hearing on Tuesday, September 22, 2020.

Summary of Discussion: Chairperson Gilman stated that this has been noticed for public hearing to be held on September 22, 2020. She asked **Attorney Favazza** to notify the abutters, and he responded that they were already sent a notification about tonight's meeting that he believed also notified them about the public hearing. He stated he would check to make sure and would notify them again if necessary.

Chairperson Gilman thanked **Attorney Favazza** for his helpful slides. She acknowledged that one of the owners of One Folly Point Road, Margaret Franklin, was on the call. She also thanked Prataap Patrose for attending, along with any other abutters, stating that it is wonderful that they are participating in the Zoom call.

3. SCP2020-003: Atlantic Road # 163 (formerly part of #171), Map 73, Lot 41 (a portion of former Map 73, Lot 26), GZO Sec.'s 1.8.3 "Standard to be Applied," 1.10.1(a) "Jurisdiction of the City Council and Zoning Board of Appeals-City Council," 2.3.1(8) "Conversion to or new multi-family or apartment dwelling, seven or more dwelling units," 3.1.6(b) "Building Heights in Excess of 35 Feet," 3.2.2 "Dimensional Requirements for Multi-Family Dwellings and their Accessory Uses (other than signs)" and 5.7.5 "Special Permit Criteria" in the R-20 Low/Medium Density Residential District INCLUDING modified plans received 8/11/2020, and scheduling of site visit (Cont. from 9/2/2020)

Summary of Discussion: Attorney **Deborah Eliason** of Eliason Law Office, 63 Middle Street, Gloucester, Massachusetts appeared before the committee to represent the applicant 171 Atlantic Road, LLC, and introduced the team that had joined her in attendance at tonight's meeting; Owner **Bryan Melanson**, Engineer **John Morin** from Morin-Cameron Group Inc., along with Architect **Andrew Sidford**. Mr. Melanson and Mr. Morin experienced technical difficulty, however, were able to attend most of the meeting.

Attorney Eliason explained that they had last been before the Planning and Development Committee in May. Her objective for this evening was to answer the site visit questions, and provide a brief summary of the project, go through the legal criteria, and answer any questions that may be addressed.

She stated that tonight, they were seeking a favorable recommendation from the Planning and Development Committee for a Special Permit for a New Multi-family with 7 or more units, and a Major Project involving multi-family with 11 or more units. The applicant has withdrawn the request for Special Permits for a Height Over 35 Feet and Distance Between Buildings, and all other zoning requirements are met. A site visit was conducted on Friday, September 11, 2020, during which time the team showed attendees where the buildings would be located, and confirmed that the distances that are shown in the renderings are accurate, and are sited as far away from the High Popples Road neighborhood as possible.

Q1. How many hotel rooms were there at the site when it was in operation?

A1. On the Lot 5, which is the only lot that we're dealing with tonight, there were 28 hotel units in the single-story buildings that you saw when we were out there, and 7 in the two-story building that is also still there. This is only Lot 5, so 35 units on that lot. There were a total of 68 units when you look at all of the parcels that comprise that property.

Q2. How has the applicant reached out to the abutters?

A1. Before the plans were even submitted, and while they were still in development, Mr. Melanson reached out to the neighbors and asked to hear their concerns, and told them what he was planning to do at every step of the process before the ANR plan, before ZBA approval of the mansion, and the City Council approval of the mansion, before he submitted plans to this City Council with regard to Lot Five, and when he submitted the modifications, he again reached out to the neighbors to get their input. He had two neighborhood meetings, one in person, which was pre-COVID, and a second Zoom meeting where the modification was discussed. He's met with numerous individuals and immediate abutters and neighbors that have reached out to him. He has set up a meeting for next week with one of the neighbors from High Popples that was unable to attend the formal site visit, and so he hopes to discuss any concerns she may have. Out of these discussions with the neighbors came the modified plan, and that reduced the height and adjusted a building to preserve the neighbor's view. He is doing, had done all of these meetings to allay any concerns that the neighbors might have.

Q3. Back at P and D, since this plan is a modification of the initial plan, is it recommended that the applicant does an update of the entire plan on 9/16/20?

A1 (Eliason) That was my question, and the committee decided it made sense to go through things again.

Q4. So, how many single-family homes or units can be placed on the parcel of land if this permit is not approved?

A1. The lot could be sub-divided into 5 lots, which would be able to house 5 buildings with 2 units in each building, so there would be 10 units. The problem with doing that is those buildings would be, there would be many more buildings on the site, and also they would be positioned such that the Eagle Road neighbors would be impacted in that the property, the building would be much closer to their home, as well as one of the properties on High Popples, so although that had been looked at throughout some of the process, it was determined that what is actually being proposed is a lot better for the neighborhood and this property.

Q5. Is the stonework fixture being removed?

A1. The pillar that is out front on Lot 4, not this lot, they are hoping to be able to keep. The other stonework will have to be removed.

Q6. What is going in front of the 5-unit building?

A1. As shown on the plan, this is this part, the 5-unit building. There will be a drainage retention area, and then there will be a lot of landscaping.

Q7. Do the two end units with garages on the 6-unit building have tandem or single garages?

A1. Those are, these two end units have garages that come off at the ends, as we discussed. They are single-car garages, 24 feet in length, I believe, and they will have, there will be no tandem parking.

Q8. Does the first stake near Atlantic Road fence represent the center of the entrance road?

A1. That answer was yes, this was right where the stake was, a little bit in, but yes, it represented that entrance.

Q9. What is the diameter of the landscape island?

A1. I believe I recall that John said that that was 50 feet. I can't expand this. Oh, yes, I can. Yes, it is 50 feet.

Q10. What will the city do with the remnants of the old utility wires, et cetera?

A1. That is usually the jurisdiction of the utility company, and not the city or the project, so they will determine what happens with the remnants from that, from the utilities.

11. When will the demolition begin?

A1. The demolition cannot begin until the permits have been issued, so once the permits have been issued, it is Mr. Melanson's desire to proceed expeditiously, and to remove the remaining buildings.

12. Is there another basement being dug out on Lot 4?

A1. Yes.

Attorney Eliason provided a brief history of the project:

Mr. Melanson purchased the property (which was the former Oceanview Inn property) in 2018, and what you see here is the current site plan. Lot 5 is the parcel that is being developed. It is the largest parcel, and when **Mr. Melanson** purchased the property, the buildings that were on-site were, and some of them still are, in a deteriorated state. Since that time, several buildings have been removed. The mansion that is on

the corner of Atlantic and High Popples is essentially complete. There are other buildings that are going up on the other lots that are next to it. Some changes have been made since the team first presented this to the committee, so her presentation showed in red the former proposed plans, and the current plan was highlighted in black. The 5-unit building, has shifted a bit at the request of the neighbors, allowing a view corridor to be preserved for a neighbor on Links Road. The height of the buildings were also reduced down to 30 feet, which is allowed under the ordinance. Her presentation showed the 6-unit building prior to the reduction in height, and an image of the end result. It is now a little bit shorter, however she stated that she thinks the architect has done a good job in trying to preserve the character of the building.

She covered the special permit criteria, and discussed why the team believes that this does meet all of them. The social, economic, and community needs are served by this project. The new use will significantly reduce the number of units on the site: 35 motel units will be down to 11 multi-family units. For many years, the hotel was very active, and held many weddings and other functions throughout the year, and the proposal offered is modest, and in keeping with the surrounding residential neighborhood. Prior proposals have called for 18 multi-family units and 3 buildings, making it a much more congested site. The abandoned buildings will be replaced, making the site once again safe, useful, and aesthetically appealing. It's a residential development, which is also more conforming with the zoning ordinances, and more consistent with other uses in the district and the neighborhood than the prior hotel and function facility.

She displayed the zoning chart, and reminded the committee that these numbers have been discussed before, the project complies with all dimensional requirements and density requirements. It does add multi-family housing stock to the city's housing, which is consistent with the housing production plan, and it will comply with the inclusionary zoning ordinance. Traffic flow and safety will also be greatly improved. The prior use was active year-round, and the hotel, function facility, and conference center created traffic entering in and out, and leaving the site at many locations. The traffic from the residential unit will come in only one way, and it will leave the project the same way. It is a 20-foot driveway with a turnaround, so there will be no backing out into the public way, all traffic will head straight out. There is a 16-foot gated access over Eagle Road for emergencies, and there is a requirement of 17 parking spaces, and **Mr. Melanson** is proposing 21. There are garages on the 5-units, two garages on the 6-unit building with parking in front, and there are seven parking spaces for guests.

Utilities and other public services will be updated, and are currently served by public water and sewer, and it is anticipated that the utility consumption will be less than the prior use. The project is consistent with the neighborhood character and social structure. The presentation provided photos of other Atlantic Road properties, representing the mix of residential, commercial, oceanfront properties, many larger, remodeled homes, there are several motels, hotels, and function halls. The project is designed to be consistent with these, and even though the architect has reduced the height, he did a very good job in maintaining the historic essence of the property and the building, and to keep it consistent with the other neighborhoods. **Mr. Melanson** worked hard to preserve the existing view corridors that are located on the property. The view from the Eagle Road properties has a view to Thatcher Island and the Twin Lights, and that has been preserved. Also, the view from the single-story has been improved because this single-story building that now obstructs any views is gone, and so it also benefits from the preservation of the Eagle Road view. These two properties in this building, which is now right on the property line, will be gone, and so they will have a lot more open space in front of those properties. Also, the view from a property on Links Road has been preserved.

The quality of the natural environment will be improved by the project. It includes improvements to the wetlands area. There were some issues with drainage that will be fixed, there was a malfunction in the drainage structure that will be repaired, and the water will flow more freely into the large wetland area to the east. There is sufficient outdoor space to promote the quiet enjoyment of the residents. The lot area

per dwelling and the open space per dwelling are more than adequately met. There is four times the lot area requirement, and much of the existing pavement is going to be removed and replaced with vegetation. With regard to the fiscal impact, it is positive, improvement and occupation of this long-vacant site will increase its value, will add residential tax income to the city, and create a greater consumer base for local businesses and services, and likely improve the neighborhood property values, again adding to the city tax revenue. She suggested to the committee that the general permit requirements have also been met.

The major project criteria has also been met. The project has direct access from Atlantic Road, which is a collector street, also a requirement. It is connected to the municipal sewer, and the site plan shows the required access points, the drainage, and the utilities that are serving each building. All applicable requirements of the zoning ordinance and the building code will be satisfied, and the multi-family is located in a residential zone. Therefore, 5.7.5(e) is not applicable, and as they discussed previously, it will meet all of the requirements of the special permit criteria. She also suggested that this project does meet the requirements, and that it is appropriate for the committee to give a favorable vote and recommendation to the full City Council on this project. She stated that the team would be happy to answer any questions, and shared that **Mr. Melanson** and Engineer John Morin were back on as attendees.

Chairperson Gilman commented that she thought the site visit was very helpful. She wanted the public to be aware three sessions were held in order to be able to accommodate any abutters that were interested in attending. She shared that 7 City Councilors attended, along with **Attorney Eliason, Engineer John Morin, Owner Bryan Melanson**, and three abutters.

Councilor Pett thanked the applicant for working with the neighbors. He stated that it is obvious that they have spent significant time listening to their abutting neighbors, and he believes they have responded well. He commented that he is personally happy with the way the changes have been made, and the appearance of it at this point.

Councilor Holmgren agreed with **Councilor Pett**, and thanked the design team for taking into consideration all of the concerns that the abutters had brought up, and working to find creative solutions that it seems they will feel more comfortable with.

Chairperson Gilman asked for details regarding the Conservation Committee meeting. She stated that the Planning and Development Committee did receive a recommendation and support from **Conservation Agent Adrienne Lennon**, however, the letter with conditions will not be available until Thursday, September 17, 2020.

Engineer John Morin shared that he met with the Conservation Commission, and they closed the public hearing, and will be issuing an order of conditions for the project. There were no outstanding items that were out of the ordinary. He explained the project has a wetland replication area, so there is a growing season associated with that, just like any other type of project, but the Conservation Committee did not have any additional conditions that they were going to implement on this project.

Chairperson Gilman mentioned that she received this communication from Planning Director **Gregg Cademartori** today that she wanted to read for the record:

Val, I was copied on the staff reporting for the Conservation Commission's review, which in many ways validates the applicant's assertion in addressing the qualities that the Natural Environment Guidelines of Section 1.8.3 of the zoning ordinance. The Conservation Commission has approved the project as revised, and in the same form it is now in front of the Council. It is a permit that is enforceable through the

commission and its agent, but you may wish to make reference to the commission's approval. I do not believe that there is a need to enumerate the conditions outlined in the commission's order of conditions.

Chairperson Gilman thanked the **Assistant City Clerk** for collecting the letters from the department managers, and shared that she believes the committee has now received all of them, with the exception of the one from the Conservation Commission that is in process. She read the Planning Board's recommendation from **Mr. Cademartori** that she also received today:

The Planning Board reviewed and positively recommended the initial application, as referenced. On August 11th, 2020. The Planning Board received notice from Deb Eliason from Eliason Law Office, LLC, attorney representing the applicant, that the application and plan has been revised in several distinct ways, including:

- 1. Reduction in the building heights and modifications to the architectural design to bring the proposal into compliance with the multi-family dimensional requirement of the R-20 zoning district.*
- 2. Buildings were also modified by reduction in footprints in rotation of the easternmost building, eliminating the needed relief request for the required distance between buildings, and*
- 3. Associated parking adjustments in modification of the alignment of the access drive in central turnaround.*

The full application, as revised, was reviewed at the Planning Board remote meeting held on August 20th, 2020. At the meeting, a full presentation was made by Attorney Eliason, attorney for the applicant; John Morin, Morin-Cameron Group Inc., Design Engineer; and Andrew Sidford, Andrew Sidford Architects. Project Architect. Based on the presentation application materials including but not limited to Special Permit Application SCP2020-003, architectural plans titled "Melanson Townhouses Atlantic Road, Gloucester, MA." prepared by Andrew Sidford dated June 16, 2020 revised through August 11th, 2020, several plans titled "Multi-family Site Redevelopment in Gloucester, MA Lot 5-163 Atlantic Road, Assessor's Map 73, Lot 4", 7 sheets prepared by John Morin dated August 6, 2020, and landscape and lighting plans titled "Townhouse Community Three Sheets" prepared by Rahner Design Associates Inc. dated February 14, 2020 revised through August 6, 2020. The Planning Board voted 7 in favor, 0 opposed to recommend to the City Council the granting of the Major Project special permit for the proposed 11-Unit Multi-family Project at 163 Atlantic Road.

Architect Andrew Sidford added that the main reason for the revisions were to lower the height at the neighbors' request, and in addition to lowering the height, the depth was reduced by 4 feet to keep the proportions along with the appearance of a sloped roof. He also mentioned the change in access between the buildings to improve the sightlines.

Chairperson Gilman thanked **Mr. Melanson**, and expressed the committee's appreciation that he became their point person during the site visit, assisting holding up flags, and patiently waiting for Councilors who were a few minutes late.

Mr. Melanson thanked city staff and the committee for collaborating on the site visits. He also thanked the neighborhoods for their input and compromise, and stated that they implemented as many changes as possible to address the concerns of abutters. He expressed optimism that the project can go before the City Council and receive a favorable vote so they can get the site cleaned up created something the team and city will be proud of.

Councilor Pett checked in with **Ward Councilor Memhard** to see if he had any questions or comments.

Councilor Memhard thanked **Councilor Pett** and the committee. He stated that to his knowledge, everything has been addressed, with the exception of **Mr. Melanson** indicating that he is meeting with one remaining abutter who was unable to attend the site visits to try to address any questions that she may have. He expressed appreciation regarding the team efforts to address neighborhood concerns, to reduce the height and the mass, and address sightlines. He opined that if this project is allowed to move forward, he thinks it will be a dramatic improvement to the neighborhood in many ways. **Chairperson Gilman** thanked **Councilor Memhard** for attending the meeting.

Summary of Discussion: **Chairperson Gilman** stated that before the committee took a ROLL CALL vote, she wanted to discuss special permit criteria under 5.7.5. As **Attorney Eliason** mentioned, it excludes Item 5, which is where a multi-family residential or assisted-living facility is used as proposed in a non-residential district. One of the matters **Chairperson Gilman** wanted the committee to weigh in on was Item A, which is major project should have access from an arterial or collector street via ways, serving not more than 10 single-family homes.

Councilor Pett opined that it meets that criteria because the applicant has shown that the entrance and exit will be off of the collector Street, Atlantic Road, and it will be done via two-directional traffic, people will not be backing out onto the street. **Councilor Holmgren** agreed.

Chairperson Gilman also requested that the committee discuss Item C, which states that the site plan shall include the following requirements: access, drainage, and utilities serving each structure meet functional standards equivalent to those established in the Gloucester Planning Board's adopted subdivision regulations, access via a minor street servicing single-family homes and avoided parking areas or screen from public ways by building location, grading, screening, lighting of parking areas, avoids glaring on adjoining properties, egress does not require backing into any public way, major topography changes or removal of existing trees are avoided. **Councilor Holmgren** stated that it seems as though the applicant has met all the criteria. **Councilor Pett** added that the applicant has a proposal for a retention pond, they're improving the drainage in that area, and the emergency access over towards High Popples Road just south of Eagle Road is going to be gated, and access is going to be provided for emergency vehicles. The committee agreed that it meets all the requirements as specified. **Chairperson Gilman** mentioned that she thinks a nice development has occurred through this process, that the applicants have tried to be compassionate, listening to and accommodating the needs of as many abutters as possible, including view corridors, which she thinks was appreciated.

Lastly, she read the requirements of 1.8.3, and asked the Councilors if they had any comments about traffic flow, safety, adequacy of the utilities, neighborhood character, qualities of natural environment, fiscal impact, social, economic, and community needs. **Councilor Holmgren** shared that she can only see this as an improvement over both the current situation, and the former busy inn, which in its heyday was a benefit to the community, however it is time to move forward. **Councilor Pett** thanked the applicant and the whole team for working with the neighbors, and reiterated what **Chairperson Gilman** had said, that in this project, there was a great sense of compassion, it was about just being neighbors, and said that he thinks it is going to work very well, be a great improvement to the neighborhood, and to the city tax base, so he is looking forward to supporting this project. **Councilor Memhard** nodded in agreement. **Chairperson Gilman** verified with **Attorney Eliason** one of the units will be a metropolitan-based affordable unit.

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 grant to 171 Atlantic Road, LLC, a Special Council Permit (SCP2020-003) for the property located at Atlantic Road #163 (formerly part of #171), Assessor's Map 73, Lot 41 (a portion of former Map 73, Lot 26) zoned R-20 pursuant to Gloucester Zoning Ordinance Section 2.3.1(8)

Conversion to or new multi-family or apartment dwelling, seven or more dwelling units and 5.7.5 Major Project for eleven or more dwelling units, to construct multi-family housing containing eleven units divided between two buildings. This permit is made on the basis of plans and elevations dated February 14, 2020 and submitted to the City Clerk on February 19th, 2020, entitled, "Multi-Family Site Redevelopment in Gloucester, Massachusetts, Lot 5-163 Atlantic Road, prepared from Melanson Development, "Townhouse Community 161, 165, 171 Atlantic Road Gloucester, MA," and "Melanson-Townhouses, Atlantic Road, Gloucester, MA, 01930;" and amended plans and elevations dated August 6, 2020 and submitted to the City Clerk's office on August 11th, 2020, entitled "Multi-Family Site Redevelopment in Gloucester, Massachusetts Lot 5-163 Atlantic Road," "Townhouse Community, 161, 165, 171 Atlantic Road Gloucester, MA," "Melanson-Townhouses, Atlantic Road Gloucester, MA 01930." Subject to new information and/or debate that results from the public hearing, this Special Council permit is deemed to be in harmony with the intent and purpose of the Zoning Ordinance.

This matter has been advertised for a public hearing on Tuesday, October 13, 2020.

Summary of Discussion: A motion to adjourn was moved and seconded, and a ROLL CALL vote was taken at 7:26 p.m. The motion was amended by **Chairperson Gilman** when the **Assistant City Clerk** reminded the committee that the withdrawal of the Special Permit Applications (Item 4 on this evening's agenda) needed to be formally accepted.

4. Special Event Permit Applications

- **Request to hold the Backshore 5 Mile Road Race on November 14, 2020 (Cont. from 7/22/2020) (To Be Withdrawn)**
- **Request to hold the Backshore 5K Road Race on November 14, 2020 (Cont. from 7/22/2020) (To Be Withdrawn)**
- **Request to hold the Fiesta 5K Road Race on November 14, 2020 (Cont. from 7/22/2020) (To Be Withdrawn)**

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 accept the withdrawal of the special event permit applications: the request to hold the Back Shore Five Mile Race on November 14th, 2020, the request to hold the Back Shore 5K Road Race on November 14, 2020, and the request to hold the Fiesta 5K Road Race on November 14, 2020.

MOTION: on a motion by Councilor Pett, seconded by Councilor Holmgren, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed to adjourn the meeting at 7:27 p.m.

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