

**Planning & Development Standing Committee
Wednesday, October 21, 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/0zHeLAKfL2qx8DjJvO0oWa2eJSJ8yzDLTyECUrNPNSxVfn3LhzECzUDE55MSLZ4CWE01-e3O4EAel20.x3T-px23PwK2rNkS>

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: Acting CAO, Vanessa Krawczyk; Assistant City Clerk, Grace E. Poirier

Applicants: Seaside Legal Solutions, P.C. representing SCP2020-005

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

Meeting called to order at 5:30 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 of these options to be recognized to speak.”

1. RZ2020-001: Proposed creation of a Commuter Residential Overlay District (CROD) to all lots currently zoned EB in and around Maplewood Avenue and Whistlestop Way (Cont. from 8/19/20)

This matter has been continued until Wednesday, December 2, 2020.

2. SCP2020-005: Rocky Neck Avenue #37, Map 130, Lot 4A, GZO Secs. 2.3.1.7 “Conversion to or new multi-family or apartment dwelling, four to six dwelling units,” and 3.2 “Dimensional Tables,” reduction in minimum lot area and open space per dwelling unit to create a fourth unit, in the NB zone (Cont. from 10/7/20)

Chairperson Gilman stated that this application was received by the City Clerk on September 16, 2020. It was certified for completeness by the Building Inspector on September 14, 2020, and the Planning Director on September 15, 2020. The abutters have been notified. She allowed **Attorney Favazza** to begin his presentation on the proposed project, and informed the committee members that at any time, they could raise their hands and interject with questions since this was an informal introduction session.

Attorney Favazza began to share his screen. He introduced himself as an attorney at Seaside Legal Solutions located at 123 Main Street in Gloucester, there on behalf of the Goetemann family, the owner of

37 Rocky Neck Avenue Unit A since it is a condominium. He explained that the proposed work is pretty basic, to add skylights and a dormer to an existing mixed-use condominium building in order to add an additional dwelling unit.

By way of background, the property is located in the Rocky Neck neighborhood business district, so for residential purposes, the project must adhere to the R-10 dimensional requirements. He stated that the lot and existing structure are non-conforming in almost every way. The presentation listed the lot as undersized with inadequate lot width, and disclosed that the existing structure has setback penetrations and nonconforming lot coverage. Both the lot and structure were permitted by "special exceptions" in December 1989, which he said sat buried in the zoning ordinance. It is currently configured as a condominium, with three residential units and three commercial units throughout the building. It is mixed use that is classified as a three-family property since it does not fit in one specific zoning ordinance category.

The impetus behind this project is that the Goetemann family is looking to honor the memory of their recently-deceased parents, Judy and Gordon, who were active members involved in contributing to and preserving America's oldest working art colony, Rocky Neck Art Colony. They want to take the gallery space that is on the first floor, and rather than trying to rent it at market rates to create the kind of revenue they need to maintain the building, they are going to give it to the Rocky Neck Art Colony to use. In order to make that financially viable, they need to be able to rent two residential units to sustain ongoing maintenance costs on the entirety of that unit. Although they will have the retail unit down below, they are going to eliminate the income that would otherwise come from it in order to do this for the art colony.

Attorney Favazza mentioned that this proposed project appeared before the Zoning Board of Appeals, and by a unanimous board vote, was granted relief on May 28, 2020. There was no opposition present at the meeting, and several neighbors spoke in favor. He explained that the zoning ordinance is usually in conflict with the housing production plan developed in 2017. The plan determined that the City needed about 600 more units of housing as soon as possible. However, he shared that the last major overhaul to the zoning ordinance occurred in 2008, which further restricts by district the process for projects that exceed 2-3 units. He stated that this has created a two-step process that required this project to appear before the ZBA for dimensional relief (with the exception of the two items before the Planning & Development Committee this evening), and then appear before the City Council for a permit for the change in use from 3 residential units to 4, and reduction in lot area and open space per dwelling unit. Relief has been requested for 2,823.5 square feet of lot area (since there is currently 2,176.5 square feet, and 5,000 square feet are needed) and 1,750 square feet of open space since there is currently 1,750 square feet, and 3,500 square feet are needed.

The next few slides showed copies of the plan that were submitted, both existing condition plans, and then the renovation plans. He mentioned that they were provided as reference materials if there were any questions. The dormer would be visible from Smith's Cove, and neither the dormer nor the skylights would be visible from the street. He mentioned that these are both small units that contain a kitchen, bathroom, and sleeping quarters, and reminded the committee members that the standard to be applied in order to grant the special permit under Gloucester Zoning Ordinance Section 1.8.3 was to determine if the proposed use is in harmony with the intent and purpose of the GZO, and not detrimental to the neighborhood so as to outweigh any benefit from it. There was then the 6-part test that he said he wanted to cover quickly but not callously:

- (a) The social, economic, and community needs that would be served by the proposed use are that the opportunity to preserve a historic art colony and add a unit of needed housing per the 2017 Housing Production Plan would be provided.
- (b) Traffic flow and safety included off-street parking for up to 4 cars and a large municipal lot located 500 feet away.

(c) Adequacy of utilities and other public services would be maintained and not negatively impacted in this developed neighborhood.

(d) Neighborhood character and social structure would be preserved by continuing America's oldest artist colony, and would be consistent with several other condo units currently located throughout Rocky Neck mixed in with galleries. The building itself contains the Judythe Evans Meagher Gallery, John Nesta Gallery, and the Goetemann Gallery, each of those currently has one residential unit above each of those galleries, and the Goetemann Gallery has the biggest footprint containing enough space on the upper levels for two to be created.

(e) For qualities of the natural environment, no appreciable (noticeable) negative impact is anticipated, and improved public access to waterfront will be provided per the ZBA. There is a public access to Smith's Cove located on this property. Based on feedback received from a neighbor who mentioned that the existing sign was in need of repair or replacement, and did not advertise that access down to the waterfront was available to the public, the Goetemann family has agreed to improve the sign.

(f) Potential fiscal impact would be increased tax revenue, and the owner would be able to maintain gallery space on the first level while still being able to make the upkeep of the entire property financially sustainable.

Under GZO 3.2.2(a), the Planning & Development Committee would need to determine that the reduction in lot area or open space is in keeping with neighborhood character and structural density. Rocky Neck is a dense, mixed-use neighborhood, with buildings crowded at the sidewalk on Rocky Neck Avenue. The proposed density is similar to many other properties, and the increased unit count is not likely to be noticed. Although there is not a lot of open space necessarily in terms of grass or gardens, selective vegetation is located throughout the neighborhood. Full water sheets behind most properties also provide open space through Smith's Cove. **Attorney Favazza** explained that this particular property does not have a full water sheet, it is truncated and tucked close to the end of the building, and a neighboring parcel's water sheet then comes in behind it. So that is why it does not meet the open space or lot area requirements that might otherwise exist in that location.

Councilor Pett thanked **Attorney Favazza** for his presentation, and asked about the proposed parking of up to four spaces. Knowing that available parking is an issue on Rocky Neck, he stated that it was his understanding that there was a zoning ordinance that required one and a half parking spaces per new unit. If there would be four dwelling units on the property, he asked what the requirements would be, and if the committee would be asked to waive some part of a requirement.

Attorney Favazza clarified that in terms of parking requirements, any relief requests would appear before the ZBA. He had discussed this matter with the Building Inspector in the spring, and the fact that he was not directed to appear before the ZBA to ask for parking relief indicated to him that this was covered under the 1989 special exception. That was his recollection of the conversation based on the permits granted by the ZBA.

Councilor Pett requested to **Chairperson Gilman** that the committee receive written clarification from the Building Inspector to ensure that a special exception had been granted, and that there were no additional parking requirements. He asked that the correspondence from the Building Inspector be attached to the committee meeting information packet.

The second question asked by **Councilor Pett** was since this project is being proposed to provide the art colony with commercial space in honor of their parents, whether the agreement would be written in perpetuity to prevent future repurposing of the property. **Attorney Favazza** suggested that if this special council permit is granted by the City Council, that the permit be documented as conditioned on the use of the first floor gallery space by the Rocky Neck Art Colony, and that at such time it begins being utilized for market commercial use that the permit shall either lapse, or need to be reviewed by the City Council.

He also asked whether written support for the project had been received from abutters or other neighbors. **Attorney Favazza** shared that two supportive letters had been submitted prior to the ZBA hearing, and one neighbor had also spoken in favor at the meeting. Neighbors had reached out, and the biggest concern that had been expressed was whether the Goetemann's intended to put four units in their section of the property. That is not the case, there would be a total of 4 units across the entire building.

Councilor Holmgren wondered if a site visit would be scheduled, and **Chairperson Gilman** replied that she believed it would be important to do so. It was agreed that a visit would be conducted on Thursday, October 29, 2020. Committee members and **Attorney Favazza** will attend the first session at 4:45 p.m., and then if enough responses are received, any interested abutters and members of the public will be scheduled to attend at 5:15 p.m. **Chairperson Gilman** agreed to attend both sessions, and record all questions asked so that they can be answered at the next Planning & Development meeting scheduled for Wednesday, November 4, 2020.

Chairperson Gilman asked **Attorney Favazza** to notify the 13 listed abutters of the 5:15 p.m. site visit session, and he agreed to send them a letter that also reminded everyone to wear masks, and that hand sanitizer and extra masks would be provided by the City Council.

Attorney Favazza requested an advance advertisement be placed in the Gloucester Daily Times so that the public hearing on this matter can be scheduled for the City Council meeting on Tuesday, November 10th. **Chairperson Gilman** asked the City Clerk's office to check with Council President LeBlanc to see if it was possible to have the matter go before the Council on that date. While November 10th was preferred, a consensus was reached that in the event that the matter could not be advertised and appear before the Council on November 10th, that it would be scheduled for the following Council meeting scheduled for Tuesday, November 24th.

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 5:58 p.m.

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