

**Planning & Development Standing Committee**  
**Wednesday, December 2, 2020 – 5:30 p.m.**  
**REMOTE MEETING**  
**-Minutes-**

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

**Also Present: Councilor John McCarthy; Councilor James O'Hara`**

**Also Present: Senator Bruce Tarr; State Representative Ann-Margaret Ferrante; Mayor Sefatia Romeo Theken; Acting CAO Vanessa Krawczyk; Assistant City Clerk Grace E. Poirier; DPW Director Mike Hale; Community Development Director Jill Cahill; Planning Director Gregg Cademartori; School Committee Chair Jonathan Pope; Superintendent Ben Lummis; School Committee Member Kathy Clancy; CFO John Dunn; General Counsel Chip Payson**

**Applicants: Attorney Deb Eliason of Eliason Law Office, LLC representing SCP2020-002, Attorney Joel Favazza of Seaside Legal Solutions, P.C. representing SCP2020-006**

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

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

**At 5:30 p.m. there was a quorum of the City Council.**

**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 10 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. Memorandum from General Counsel re: proposed amendments to Article 97 Home Rule legislation related to East Gloucester/Veterans Memorial Elementary School Combined School project

**Summary of Discussion: General Counsel Chip Payson** provided the committee with a brief procedural overview. He recalled that on February 25, 2020 the City Council approved a request to file a Home Rule Petition regarding relief from any Article 97 protection of the land located at 11 Webster Street. The legal office, in coordination with other city offices, drafted the petition, and it was subsequently amended by the Department of Energy and Environmental Affairs, and by the Legislature. He explained that these types of amendments are common, and the legislation was passed and signed into law by Governor Baker on August 7th. That legislation is now known as Chapter 152 of the Acts of 2020. On September 8th, the City Council referred the request to Planning & Development to transfer Mattos Field to the School Committee for school purposes. On September 16<sup>th</sup>, during that meeting, the need to amend Chapter 152 was raised in detail, but it was advised that the City wait before requesting any amendments from the legislature until the outcome of the November debt exclusion vote was determined since if the vote failed, the amendments would not be needed, so there was no reason to act prematurely. After conducting its review, the Planning & Development Committee voted to send the transfer request to the full City Council, who voted to approve it on September 29th. A detailed review of Chapter 152

revealed that it included the transfer of Mattos Field to the School Committee for school purposes, the transfer of the East Gloucester Elementary School to the City for open space and park purposes, the creation of a new softball field at Green Street, and the recording of an Article 97 deed restriction on the East Gloucester Elementary School site. These all had timing requirements attached to them that ensured the successful progress of the combined school project. It had now become necessary to propose some minor changes to Chapter 152 that was originally discussed during the September 16<sup>th</sup> Planning & Development meeting. He clarified that these changes only affect how and when the transfers will take place (not whether they will take place).

This evening, there was a Home Rule Petition request before the committee that contained two parts. The first part requested a legislative amendment of Chapter 152 Section 3 to allow for the creation of a softball field at Green Street as soon as reasonably practicable after the discontinuance of Mattos Field. The City remains committed to providing a location for the Gloucester Women's Softball League to play next year. While there are several location options, it became evident that the Green Street site would not be ready until 2022 to allow time to grow the adequate turf necessary to accommodate the long-term use of the new softball field. The second part requested a legislative amendment of Chapter 152 Section 4 to allow for the transfer of the East Gloucester School site to the City once the school is no longer being utilized for school purposes.

He recalled that Mattos Field had to be transferred to the School Committee earlier this year so the City could qualify for the millions of dollars in funding it was fortunate enough to receive from the Massachusetts School Building Authority (MSBA). Despite the transfer, the East Gloucester Elementary School will remain in use until June 2023, so this amendment would help clarify that issue. After that time, the site will be transferred by the School Committee to the City, and the Department of Public Works (DPW) will be responsible for the school demolition and site remediation. Lastly, the Article 97 Section 4 deed restriction would be recorded at the Essex County Registry of Deeds in Salem as soon possible. Deed restriction recording depended upon the clearing of the land and the creation of open space, which cannot happen until the transfer of the school occurs.

On September 22<sup>nd</sup>, the City Council approved a \$4.2 million dollar loan order to provide funding for both the ball field construction and the East Gloucester Elementary School site demolition and remediation. He stressed that the City and this administration remained committed to carrying out its proposed transfer of certain parcels of land, and the protection of others, as outlined in Chapter 152. He explained that Home Rule requests are procedural in nature, and was not a request to have the City Council amend Chapter 152, as they are not authorized to do so. The petition before Planning & Development this evening requested that the petition language be narrow and specific. Since it was his understanding that the legislature would be in session until the end of December or early January, he stressed the importance that this proposal be approved and filed as soon as possible.

**Chairperson Gilman** requested that the **Assistant City Clerk** present Attorney Payson's proposed language changes on the video screen so that it could be viewed by all attendees. The information was also available in the packet for this evening's meeting located on the City website. The proposed changes were as follows:

#### **Home Rule Petition (Gloucester)**

##### **Objective:**

1. The City of Gloucester (City) is seeking to amend Section 3 of Chapter 152 of the Acts of 2020 (S. 2628) to allow for reasonable flexibility to construct new softball facilities and accommodations at another City open space to take the place of the current Mattos Field as the use of Mattos Field has been

approved by the Legislature to be used for school purposes in building a new combined school at that site. The City remains committed to finding an alternative site prior to relocating Mattos Field permanently at the Green Street location and we anticipate that the alternative site will be at Gloucester High School.

The City proposes the following amendment of the aforementioned Chapter 152 as follows:

*SECTION 3. In addition to the transfer pursuant to in section 2, the department of public works of the city of Gloucester shall upgrade softball field facilities and accommodations at another city-owned open space located at 6 Green street and 18A Beckford street as soon as is reasonably practicable after the discontinuance of use of Mattos Field associated with the commencement of school construction.*

2. The City of Gloucester (City) is seeking to amend Section 4 of Chapter 152 of the Acts of 2020 (s. 2628) to allow for reasonable flexibility in the timing of abandoning the East Gloucester Elementary school site which cannot happen until the City is ready to open the new consolidated elementary school. We anticipate at this time that the current East Gloucester Elementary school site will be abandoned in June of 2023.

The City proposes the following amendment of the aforementioned Chapter 152 as follows:

*SECTION 4. The transfer of land in section 1 shall be contingent upon the transfer of land in section 2 once the land in section 2 is no longer needed for school purposes and the transfer of land in section 2 shall be contingent upon the recording of a deed restriction as soon as is reasonably practicable on the land placing it under the protection of Article 97 of the Amendments to the Constitution of the commonwealth to be preserved for municipal park and open space purposes.*

#### **Draft Home Rule Petition Language**

Section 1. The General Court may make clerical or editorial changes of form only to the bill, unless the City Council approves amendments to the bill before enactment by the General Court. The City Council is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

Section 2. Notwithstanding any general or special law to the contrary, section 3 of Chapter 152 of the Acts of 2020 is amended by striking Section 3 in its entirety and replacing it with the following:

In addition to the transfer pursuant to Section 2, the department of public works of the City of Gloucester shall upgrade softball field facilities and accommodations at another city-owned open space located at 6 Green street and 18A Beckford street as soon as is reasonably practicable after the discontinuance of use of Mattos Field associated with the commencement of school construction.

Section 3. Notwithstanding any general or special law to the contrary, section 4 of Chapter 152 of the Acts of 2020 is amended by striking Section 4 in its entirety and replacing it with the following:

The transfer of land in section 1 shall be contingent upon the transfer of land in section 2 once the land in section 2 is no longer needed for school purposes and the transfer of land in section 2 shall be contingent upon the recording of a deed restriction as soon as is reasonably practicable on the land placing it under the protection of Article 97 of the Amendments to the Constitution of the commonwealth to be preserved for municipal park and open space purposes.

Section 4. The act shall take effect upon passage.

She announced that there were currently 13 attendees present. She then explained that the proposed changes were that the words “*prior to*” be replaced with “*as soon as it is reasonably practicable*”. A recommendation had been made to address a timing issue in Section 3, and other matters located in Section 4.

**Chairperson Gilman** stated that the matter before the committee that evening was the consideration of adding “*once the land in Section 2 is no longer needed for school purposes.*” She reiterated that as **Attorney Payson** had mentioned “*as soon as it is reasonably practicable*” should be added, along with a slight wording change that would be discussed.

**Attorney Payson** shared that several members of the City administration present at this evening’s meeting had attended a conference call earlier this week along with **Senator Bruce Tarr** and **Representative Ann-Margaret Ferrante**. During that call, **Senator Tarr** had suggested that the verbiage be changed to “*no longer being utilized for school purposes*”. This evening’s committee recommendation contained that verbiage change.

**Senator Tarr** stated he was pleased to attend tonight’s meeting, and to continue to work with Planning & Development and **Representative Ferrante** so that this piece of legislation could be perfected to allow the project to proceed. He explained that his suggested verbiage change was due to the fact that when the legislature considered matters of this nature, it was always best that subjectivity be as limited as possible to provide a degree of certainty. The phrase “*the land may be no longer needed for school purposes*” created confusion as to who would make that determination, and how a degree of finality would be determined. His proposed change “*no longer being utilized for school purposes*” provided objective clarity.

He reiterated **Attorney Payson’s** reference that normally this type of legislation would not be considered at this time of year, however, due to the pandemic, rules relative to holding formal sessions had been suspended, so this matter could now be entertained. If it were to be interpreted by Senate and House Council as being an Article 97 issue, the matter could still be taken up until January 1, 2021. In his experience, the legislative committee in the past had worked to move the legislation through the process in its first iteration, so he anticipated they would be similarly helpful with regard to corrective amendments. **Representative Ferrante** echoed **Senator Tarr’s** statements.

**Superintendent Ben Lummis** thanked **Chairperson Gilman** and the committee for their consideration, along with **Senator Tarr** and **Representative Ferrante** for their support. He expressed appreciation for **Senator Tarr’s** assistance to clear up the ambiguous language, and stressed the importance that public transparency be provided throughout the project to make sure that everyone be notified of when each phase would be started and completed on the schools, open space, and additional recreation space.

**School Committee Chair Jonathan Pope** thanked everyone that had worked so hard to get the project to this point. He stressed that while the timing of the project phases could change, all of the proposed work remained the same, and would be completed at the appropriate time.

**Councilor Pett** reminded everyone of the collaboration between this committee, the full City Council, City administration, the School Committee, the City’s General Counsel, **Senator Tarr**, and **Representative Ferrante**, whose shared goal was public transparency regarding the specific details of each project phase. He reiterated **Chair Pope’s** comment that all phases of the work would be completed, and stressed that one of those work phases was the Cape Ann Women’s Softball League being provided with a field to play on until the Green Street softball complex became available. He thanked everyone, including the citizens of the community, for their support to bring this project to fruition.

**DPW Director Mike Hale** clarified that regardless of the East Gloucester School demolition, the City was currently under contract for the Green Street softball fields design, so that aspect of the process had progressed. He shared that Mattos Field would still be playable from the Spring of 2021 until the end of that school year, and that a Zoom meeting would be held later this week with the Cape Ann Women's Softball League to discuss the need for 2021 field space.

**Senator Tarr** stressed that he and **Representative Ferrante** believed that it was critical that there be no displacement of the multiple women's softball leagues during the transition. **Mayor Romeo Theken** and the administration had agreed. He shared that **Mr. Hale** was working hard to accommodate the varying schedules, and this would remain a priority for all involved as the legislation moved forward. **Representative Ferrante** expressed the need to ensure that the accommodations provided to the women's softball leagues be equitable to those received for male sports teams.

**COMMITTEE RECOMMENDATION: 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 request that the State Legislators file a petition on behalf of the City of Gloucester requesting that the General Court AMEND Section 3 and Section 4 of Chapter 152 of the Acts of 2020 (S. 2628) as follows:**

**Section 3: Strike the words "prior to" and insert the words, "as soon as is reasonably practicable after" so that the section reads: "SECTION 3. In addition to the transfer pursuant to in section 2, the department of public works of the city of Gloucester shall upgrade softball field facilities and accommodations at another city-owned open space located at 6 Green street and 18A Beckford street as soon as is reasonably practicable after the discontinuance of use of Mattos Field associated with the commencement of school construction."**

**Section 4: Insert the words "once the land in section 2 is no longer being utilized for school purposes" and "as soon as is reasonably practicable" so that the section reads: "SECTION 4: The transfer of land in section 1 shall be contingent upon the transfer of land in section 2 once the land in section 2 is no longer being utilized for school purposes and the transfer of land in section 2 shall be contingent upon the recording of a deed restriction as soon as is reasonably practicable on the land placing it under the protection of Article 97 of the Amendments to the Constitution of the commonwealth to be preserved for municipal park and open space purposes."**

2. Memorandum from Community Development Director requesting extension of temporary zoning relief to businesses during COVID-19 through December 30, 2021 (Cont. from 11/18/2020)

**Summary of Discussion: Community Development Director Jill Cahill** explained that the temporary zoning change had been implemented in the spring in response to the pandemic to allow Gloucester businesses (not just those on Main Street) to serve their customers outdoors for social distancing. She had received a lot of positive feedback from restaurants and patrons. She proactively appeared before the committee this evening so that the change could resume as soon as weather permitted in the Spring of 2021 with the support of the state and **Mayor Romeo Theken**. The request had been unanimously approved during the Planning Board public hearing, so she expressed hope that the committee would also support the request this evening. She shared that other potential supportive resources were also being reviewed for the spring.

**Councilor Holmgren** was thankful that the previous use of the temporary zoning change had been successful, and stated that she was happy to support it. **Councilor Pett** thanked **Ms. Cahill**, the DPW, and the entire administration for all of their efforts to accommodate and support business owners in the midst of the pandemic.

**Planning Director Gregg Cademartori** stated that some confusion had developed due to the fact that there had been two similar applications before the City Council at the same time whose Sections only differed by one number. The first one is 5.32 (and the matter before the council this evening had been advertised as such in the Gloucester Daily Times). He clarified that the matter on this evening's agenda should actually be 5.33 (and should therefore be listed in tonight's committee recommendation that would appear before the full Council if it is approved.).

**A public hearing for this matter has been scheduled for the 6:00 p.m. City Council meeting that will be held on Tuesday, December 8, 2020.**

**COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed, in accordance with MGL Ch. 40A, Sec. 5, and GZO Sec. 1.11.2(e), to recommend that the City Council amend the Gloucester Zoning Ordinance by AMENDING Sec. 5.33 "Temporary Zoning Relief to Businesses during COVID-19 Pandemic" as follows:**

**1. Purpose and Duration: STRIKE the words "December 1, 2020" and insert the words "December 31, 2021"**

**2. Purpose and Duration: AMEND the last two sentences by adding the words, "in streets or public spaces beyond November 30th of any calendar year. Structures and uses on private property may remain"; and STRIKING the words "after the" and inserting the words "until the" so that the sentences read, "Such structures and uses shall not remain in streets or public spaces beyond November 30th of any calendar year. Structures and uses on private property may remain on site or in use until the expiration of this Section, unless otherwise permitted by law."**

**3. 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 10/21/2020)**

**Summary of Discussion: Chairperson Gilman** shared that since this matter would not appear before the Planning Board until the beginning of January.

**This matter has been continued until Wednesday, January 20, 2021.**

**The following items were taken out of order:**

**5. SCP2020-002: Essex Avenue #99A, Map 216, Lot 126, GZO Sec. 3.1.6(b) "Building Heights in Excess of 35 Feet," Sec. 2.3.4(13) "Marine related service, storage or repair, limited primarily in the MI District to commercial fishing vessels," Sec. 5.5 "Lowland Requirements," Sec. 5.5.2 and Sec. 5.5.3 in the EB District Status Update & Schedule Site Visit (Cont. from 5/6/2020)**

**Summary of Discussion: Attorney Deb Eliason** announced that her clients, applicants Drew and Tobin Dominick from Dominick Holdings, LLC (owner/operators of Cape Ann's Marina Resort) were also present at this evening's meeting.

Gateway Consultants Engineer John Judd explained that the proposed project had been originally approved by the Conservation Commission earlier this year, however, once the commission issued an order of conditions, the Environmental Protection Agency (EPA) representative Pam Merrill had requested that some additional items be added that pertained to ensuring that the proposed building would be designed to accommodate flooding since it occasionally happened on this property. Flood vent installation was also added to the construction plan.

An email dated October 22, 2020 from Ms. Merrill was received that indicated that the EPA had no further issues with the project subject to the approval from the local Conservation Commission. This matter appeared before the Gloucester Conservation Commission on November 18<sup>th</sup>, and the commission affirmed its original decision based on the revisions requested by the EPA on a plan dated October 19<sup>th</sup>.

**Chairperson Gilman** asked **Attorney Eliason** to provide a copy of that email so that it could be added to the packet available on the City website for tonight's meeting.

**Mr. Cademartori** shared that he had spoken this afternoon to Conservation Agent Adrienne Lennon, who confirmed that she was in the process of issuing the orders of conditions from the last meeting. It was his understanding that it had been drafted, would receive the necessary commissioner signatures, and then would be issued to the applicant.

**Councilor Holmgren** asked if the flood vents would affect the overall design of the building. Mr. Judd explained that would not be the case since the vents had always been part of the design, however the EPA had required the vent details for their case file.

**Chairperson Gilman** suggested that the Councilors watch the May 6, 2020 Planning & Development Committee Zoom meeting prior to the site visit. The link for this meeting is available on the City website at:

[https://us02web.zoom.us/rec/play/uZItdu\\_8qDs3S9KW5gSDB\\_JW43pKfms0yRN\\_6cExEe2ViNVMwD3MLFGYeM5n0zxiKtNWZwW1OdnC1Aq](https://us02web.zoom.us/rec/play/uZItdu_8qDs3S9KW5gSDB_JW43pKfms0yRN_6cExEe2ViNVMwD3MLFGYeM5n0zxiKtNWZwW1OdnC1Aq)

She asked Mr. Judd if there were any buildings on the North Shore of similar structure to the one being proposed for this project. He suggested that although the building itself is not similar, Great Marsh Brewing Company in Essex had similar flood vents that are extremely visible within the concrete structure. In terms of similar boat storage buildings, he recommended the one located at Danversport Yacht Club. **Attorney Eliason** agreed to investigate other possible venues with her clients, and notify the committee if any are determined.

**Chairperson Gilman** requested that all interested attendees (City Councilors, abutters, and any other members of the public) contact her in advance to confirm session availability. Three sessions will be held, the first two will be a combination of Councilors and abutters, and the last one will accommodate any additional attendees. As Committee Chair, she planned to attend all three sessions to record any questions that were asked so that they could be answered on January 6<sup>th</sup> in the interest of transparency. Since the sun currently sets at 4:20 p.m.

**Councilor Pett** suggested that two possible dates should be agreed upon in the event of December inclement weather. He also requested that the proposed location be staged prior to the site visit with some form of marker that would indicate the height of the boat storage facility's top 4 corners. The fact that visual impediments could be created by boats currently being stored in the facility was addressed by **Attorney Eliason**. Tobin Dominick shared that the height would be close to 50 feet, and the facility currently had 3 pieces of equipment that could reach that height. Weather and wind were also factors that needed to be considered. She felt that **Councilor Pett's** suggestion of having two selected site visit dates would be helpful, and Drew Dominick agreed since it was an active boatyard. He explained that the lifts located in the proposed space should be able to achieve the height in order to allow the site visit attendees to visualize what the top 4 corners and peak would look like.

**Chairperson Gilman** announced that 4 members of the public were currently in attendance.

**Councilor Pett** mentioned that to save the Dominick's the expense of requiring that all 4 corners be marked, he would be willing to accept just having the 2 corners on Essex Avenue and the one facing Julian on the riverside marked. **Attorney Eliason** confirmed those corners would be the ones closest to residential homes. That would leave the corner closest to the rest of the marina facility unmarked. **Councilor Holmgren, Chairperson Gilman, Attorney Eliason, and Mr. Judd** all agreed that the 3 marked corners would be acceptable.

**Since it was the hope of all involved parties that this matter be able to appear before Planning & Development on Wednesday, January 6th, 2021, a site visit was scheduled for two consecutive Thursdays, one on December 10<sup>th</sup>, with a back-up date of December 17<sup>th</sup>.** Three socially-distanced sessions (hand sanitizer and masks would be provided) were scheduled for 3:00p.m, 3:30p.m, and 4:00p.m. **Chairperson Gilman** explained that she planned to attend all 3 sessions to record any questions that were asked, so that they could be answered during the January 6<sup>th</sup> meeting.

4. SCP2020-006: School House Road #2-4, Map 262, Lots 37 & 38, modification of SCP2017-012 pursuant to GZO Secs. 5.29.3.3 "Additional Uses," 5.29.6.1 "Off-Street Parking Requirements," 5.29.10 "Relief by Special Permit," 5.17 and 5.29.8 "Drive-through Facilities," and 4.3 "Sign Regulations," to allocate parking spaces, obtain a new drive-through permit, and relief from signage requirements in the R-10/Mixed Use Overlay District

**This matter is scheduled to appear before the Planning Board on Thursday, December 17, 2020.**

**Summary of Discussion: Chairperson Gilman** noted that there were currently 3 attendees, including **Cape Ann Savings Bank President Bob Gillis. A quorum of the City Council was also still present.**

**Attorney Joel Favazza** from Seaside Legal Solutions P.C. explained that he was before the Council this evening on behalf of the applicant, Cape Ann Savings Bank, and also in a limited capacity on behalf of GX-PH4, LLC (the owner/landlord of 4 Schoolhouse Road) and YMCA of the North Shore (which owned 2 Schoolhouse Road).

There is a link to these slides available on the City website in the Planning & Development Committee Archive Center.

He began to present a slide show, and thanked Attorney Michele Harrison for her involvement in the original Gloucester Crossing project, along with **Attorney Deb Eliason** for her work with Fuller Mixed Use Venture, LLC (FMUV).

The proposed project before the committee this evening was to construct a full-service bank branch with drive-thru capabilities. After the project title slide, he showed two renderings of what the building would look like outside. This property is located in the R-10 (medium/high density)/Mixed Use Overlay District (MUOD). While the building construction itself was limited to 4 Schoolhouse Road, the modification in the parking lot that is shared with 2 Schoolhouse Road required the permit to be applied to both. The parcel began as one piece of property that had since been divided into three sections: the retail portion, the YMCA of the North Shore portion, and the residential portion which was not affected by this request (and therefore, that property permit would not require an amendment).

Founded May 9, 1846 with \$1,355.00, Cape Ann Saving Bank (CASB) had expanded to approximately \$700 million dollars during its almost 175-year existence. Currently offices are located in Gloucester, Rockport, and Manchester-by-the Sea. In addition to the site plans and elevations, **Attorney Favazza** shared the following information on the presentation slides:



- Drive-through facilities only at “Granite” branch in Rockport
- Pre-pandemic, demand for drive-through in Gloucester was high, and had increased due to recent events.

**Details on the requested relief were provided on the slides:**

- Modify existing City Council Special Permit 2017-012 (GZO § 5.29)
- Allow for retail bank with drive-through; modify parking lot; alter footprint of retail buildings
- Obtain new drive-through permit (GZO § 5.17)
- Receive relief from signage requirements (GZO § 4.3)
- Modify existing City Council Special Permit 2017-012 (GZO § 5.29)
- Obtain new drive-through permit (GZO § 5.17)
- GZO § 5.17.2 – Drive-through facilities are allowed by special permit in only the following districts: Central Business (CB), Neighborhood Business (NB), Extensive Business (EB), Village Business (VB), Marine Industrial (MI), General Industrial (GI), and Business Park (BP).
- Drive-through facility is proposed in the R-10 zoning district.
- GZO § 5.17.3(b) –The applicant shall submit to the City Clerk twelve (12) copies of an application for a special permit which shall include a site plan in accordance with the requirements as set forth in Section 5.17.5(b).
- Only two copies + digital copy submitted.
- GZO § 5.17.5(g)(1) –A landscape plan, prepared by a Landscape Architect, shall show all existing natural land features and all proposed changes to these features.
- Applicant is not using landscape architect as site has already been permitted for development and green space surrounding drive-through facility is not substantial enough to warrant involving a landscape architect.
- Modify existing City Council Special Permit 2017-012 (GZO § 5.29)
- GZO § 4.3.1(9) – Detached Sign Setbacks. Signs shall be located within the required front yard, but not within a required side yard, rear yard or within or over any street either public or private.
- Monument sign location will be further back from School House Road than the R-10 front yard setback area extends.
- GZO § 4.3.4 – Regulations Applicable to Signs in Residential Districts.
- Maximum total allowable square footage for sum of all signs is 10 square feet; the proposed signage is approximately 150 square feet.

**HOUSEKEEPING**

- Traffic Report overstated square footage
- Based calculations on reduction from 26,000 SF of retail to 23,440 SF of retail plus 2,560 SF drive-through bank branch
- The 2,560 is actually included in the 23,440 SF figure
- Should not be an issue; if anything, even less traffic
- Shift in parking space striping eliminated
- Wanted to widen 24’ drive aisle to 28’
- Traffic islands have already been constructed and wired for lights at original 24’ spacing per initial permit

**STANDARDS TO BE APPLIED**

**All Relief Requested -GZO § 1.8.3 / 5.29.10**

**1.8.3 – Council must find proposed use:**

- Will be in harmony with purpose and intent of GZO
- Will not adversely affect neighborhood to outweigh benefits

**5.29.10 – Council must find nonconformity:**

- Is consistent with the MUOD character
- Will not be substantially detrimental to the MUOD

**All Relief Requested -GZO § 1.8.3 / 5.29.10**

**Council must consider:**

- (a) The social, economic and community needs that will be served by the proposed use;
- (b) Traffic flow and safety;
- (c) Adequacy of utilities and other public services;
- (d) Neighborhood character and social structure;
- (e) Qualities of the natural environment;
- (f) Potential fiscal impact.

**All Relief Requested -GZO § 1.8.3 / 5.29.10**

**Council must consider:**

- (a) The social, economic and community needs that will be served by the proposed use
- Original Gloucester Crossing SP called for drive-through bank facility
- CASB expects to add to workforce
- CASB has proven track record of being excellent corporate citizen on Cape Ann

**All Relief Requested -GZO § 1.8.3 / 5.29.10**

**Council must consider:**

- (b) Traffic flow and safety
- City Council Special Permit 2017-12 approved of site design, layout, and traffic
- Updated traffic report showed nominal impact; recommended no mitigation
- Drive-through facility itself complies with all requirements for stacking, spacing, by-pass, etc.

**Council must consider:**

- (c) Adequacy of utilities and other public services
- City + FMUV worked out extensive upgrades to utilities along with original permitting
- No increase to demand on utilities or public services as result of modification

**All Relief Requested -GZO § 1.8.3 / 5.29.10**

**Council must consider:**

- (d) Neighborhood character and social structure
- FMUV is in an overlay district that has been designed for mixed use with a YMCA, standard retail, and a bank.

**All Relief Requested -GZO § 1.8.3 / 5.29.10**

**Council must consider:**

- (e) Qualities of natural environment
- Was already permitted as impervious / improved building + parking
- CASB employing green technologies where feasible, including solar panels

**All Relief Requested -GZO § 1.8.3 / 5.29.10**

**Council must consider:**

- (f) Potential fiscal impact
- CASB customer base being drawn to School House Road helps YMCA and retail
- Is not expected to result in closure of any existing CASB locations
- Encourages residents of new apartment complex to keep money local

**CONCLUSION**

- Sounds like a lot – but is actually pretty simple
- All dimensional requirements for drive-through have been satisfied
- Signage relief may be large request but makes sense in context
- All standards for relief have been met

During the presentation, **Attorney Favazza** referenced the reduction in required parking spaces based on the reduction in retail space, and notified the committee that there would be an 8-parking space shortage on the YMCA parcel. However, due to an easement that had been granted between the owners already, the YMCA had full use of the parking lot. Therefore, when the parking required for 4 Schoolhouse Road was combined with that of 2 Schoolhouse Road, the standard is met as allowed under the MUOD. He also made it clear that fewer project changes were currently required than those outlined in the original proposal.

**He also noted that there was a typo on Slide 35 of his presentation.**

When **Attorney Favazza** discussed the potential fiscal impact of this project, he referenced that a couple of YouTube videos under 5 minute in length existed that explained the importance of keeping money local, and how the entire community benefitted versus putting it into national chain banks.

**Chairperson Gilman** thanked him for his helpful overview and visuals. She stated for the record that Building Inspector Bill Sanborn and **Planning Director Gregg Cademartori** had certified this for completion on November 4th, 2020. The City Clerk had received the Special Council permit on November 18th, 2020, and it had been submitted to the City Council on November 24, 2020. All abutters had been noticed.

**Attorney Favazza** asked if the committee would still like to perform a site visit, given the familiarity in recent use of the site. It was agreed that after the **December 17<sup>th</sup> Planning Board meeting scheduled to be held from 5:00p.m-8:00 p.m.**, the Planning & Development Committee would receive a recommendation from the board on the matter prior to scheduling a site visit. **Mr. Cademartori** verified that is when the matter would first appear on the Planning Board agenda. Staff reviews would also be provided. He stated that he was glad that this application came forward since preliminary drawings and potential modifications to the special permit that governed the entire project had appeared before the board last spring. He wanted it to be reviewed as quickly as possible, since he believed it would be a good addition to the existing property uses. It was also agreed that this matter would be placed on the agenda for the **Wednesday, January 6, 2020 Planning & Development meeting.**

**MOTION: On a motion by Councilor Pett, seconded by Councilor Gilman, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to adjourn the meeting at 7:01 p.m.**

There is a link to this Zoom recorded meeting available on the city website at

<https://gloucester-ma>

[gov.zoom.us/rec/play/NgCp5g4UQzn8ZP8JIMto0BEGvXtJcttSSc72FbU7pQkb2puSZJLRnxx7rar1yTjNvvwGCwlvvbO-GVl.mcf4mGjZPORrJBMs](https://gloucester-ma.gov.zoom.us/rec/play/NgCp5g4UQzn8ZP8JIMto0BEGvXtJcttSSc72FbU7pQkb2puSZJLRnxx7rar1yTjNvvwGCwlvvbO-GVl.mcf4mGjZPORrJBMs)

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

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

