

**Planning & Development Standing Committee**  
**Wednesday, January 6, 2021 – 5:30 p.m.**  
**REMOTE MEETING**  
**-Minutes-**

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

**Other Councilors Present: Councilor Steve LeBlanc; Councilor Sean Nolan; Councilor Jamie O’Hara; Councilor John McCarthy**

**Also Present: Grace E. Poirier; Vanessa Krawczyk**

**Applicants: Attorney Deb Eliason, John Judd, Patrick Hurd and John Peterson for SCP2020-006**

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

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

**Councilor Gilman** announced that the meeting was being 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, the meeting would be conducted by remote participation. The public may not physically attend the meeting but every effort would be made to allow the public to view and listen to the meeting in real time. Persons wishing to do so were invited to view the meeting via the information that was on the posting. If calling on a phone, press \*9 to request to speak. If watching on a computer a device, there is a raise hand button that can be tapped or pressed to request to speak. Either option can be used to be recognized to speak.

**Councilor Gilman** read the names of the attendees signed in to the meeting, and announced the presence of a quorum of the City Council.

1. **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 *To Review the recommendation of the December 17, 2020 Planning Board Meeting, and to schedule a site visit* (Cont. from 12/2/2020)**
2. **RZ2020-001: Proposed creation of a Commuter Residential Overlay District (CROD) to all lots currently zoned EB in an around Maplewood Avenue and Whistlestop Way TBC 1/20/2021**

**Councilor Gilman** took the above matters out of order and advised the Committee that SCP2020-006 and RZ2020-001 were currently before the Planning Board and a Planning Board recommendation had not been made for either application yet.

These matters were continued to January 20, 2021.

3. **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 (Cont. from 12/2/2020)**

**Councilor Gilman** asked **Attorney Eliason** to begin the presentation by reviewing the Q&A from the recent site visits.

**Attorney Deborah Eliason, Eliason Law Office, 63 Middle Street, Gloucester** shared her screen and read the Q&A from the December 10 & 11, 2020 site visits. **Councilor Gilman** allowed the Committee to ask questions throughout the reading of the Q&A. For the purpose of these minutes, their questions will be shown following the Q&A below.

**December 10 & 11, 2020 Site Visit Q&A**

**Q:** Please explain the borders? **A:** the building is a rectangle, two corners along Essex Ave, and the rear two corners toward the river side of the lot. **Q:** What is the height at corners and the height of the peak of the roof?

**A:** Overall corner heights are 40’ and peak of roof 55’

**Q:** What is the length and the width?

**A:** 240’ x 143’(width is parallel to Essex Ave)

**Q:** What influenced the decision to select the location for this proposed boat storage facility?

**A:** The Dominicks gave a lot of thought to the building location and there are many factors that dictate the location of the building. For example, there is a need and a desire to minimize disturbance of environmentally sensitive marsh and tidal flats; and in order to properly load and unload the building there needs to be a clear path of travel free of obstruction, traffic and pedestrians. To make the project work operationally and fiscally, Dominick Holdings LLC purchased 99A Essex for boat storage purposes. The building must be sited so as not to not interfere with the existing and abutting property owned by a separate entity, Dominick Unlimited LLC, which includes a marina, restaurant, hotel and boat yard. Each of those uses have their own existing operational requirements for traffic flow, fire lanes etc. So that the new building does not interfere with the 75 Essex Ave existing operations, the building needs to be 2 entirely on 99A Essex Ave. In order to move the boats to and from the building to the boat yard without interfering with existing traffic flow and safety, the proposed location is the only realistic option.

The size and height of this building is driven by two factors: 1. the overall footprint is necessary to make the project economically feasible; and 2. operationally, the building must be of a sufficient size and height to accommodate interior movement and storage of the boats that it will house. If the building is too small, it will not support the expense, investment and purpose of offering indoor storage. The existing customers that cannot be accommodated for indoor winter storage at the Marina go elsewhere outside of Gloucester. Most of their boats are too large or tall to travel over land to an inland storage facility and do not fit in the average size garage. A building of less size and height, will not meet the local demand and will not be economically feasible. Even though the building’s foot print is 240’x143’.....to make it work there needs to be a straight line “runway” of ~ 130’+ to load large boats on trailers, including equipment, outside the main door. The length required to load into a free span building with minimal turning of the vessel then expands the outside footprint by 130’ of unobstructed exterior space. Thus, operationally you need 240’+130’ for it to work. The main door placement, needs to be at the peak of the roof, not the side, to accommodate the heights of boats seeking interior storage and for ease of function to move boats throughout the building. Once inside, the boats are placed end to end in a straight line, side by side as shown in the attached image. Turning boats, once they are inside is not easy and has physical restrictions. The main door placement was chosen to be least intrusive to the neighborhood and Essex Ave. Placement closer to the salt marsh and coastal buffer zones raises more environmental concerns as well as not being functional to get in and out of the building.

**Q:** Are their easements and zoning restrictions?

**A:** 99A Essex Avenue is within the City's Extensive Business Zoning District and is comprised largely of filled tidelands that requires any use to obtain a state issued chapter 91 license. Both of these severely restrict the uses that are allowed on the property. In general, residential uses are not allowed in the EB district. Business, service and retail uses serving a regional clientele are allowed. The proposed use fits squarely within the purposes of this district. Chapter 91 further restricts the allowed uses by favoring water dependent uses. Water dependent projects are presumed to have a proper public purpose.

There is also an easement benefiting the Beauport Hotel that allows parking for up to 50 cars located on 99A Essex Avenue and 6 Julian Road. See the further explanation below.

**Q:** Can you explain why the aerial lift machines were used to indicate the height as opposed to balloons?

**A:** Equipment and cranes were used with marking flags because they signified corner and peak height more precisely. With balloons there would have been deflection due to wind, which would not have given an accurate view of the height.

**Q:** Can you highlight what abutters may see in regard to the new building including the views from remote neighborhoods?

**A:** The neighbors at the corner of Essex Ave and Julian Rd at 101 Essex Ave, will be closest to a north west corner where there will be glass windows that wrap the corner of the building. However, because of the large frontal setback and the angle of the neighbor's house, the side of the building will be a very small portion of an overlap to their house. Currently the neighbors' trees block that angle in which the 3 building could be seen, resulting in minimum impact if any. The neighbors at 4 Julian Road have ~85' from the front steps to the edge of the building. From their side windows and back yard there will be the same view to the river that there is now, due northeast. That view is not obstructed by the building. Looking out from their property to the east, the corner of the building will be in their right side view.

It is hard to determine what effect, if any, the building will have on more distant neighborhoods. Neighborhoods behind the commercial buildings across Essex Avenue are quite a distance from the site and are at a much higher elevation. They are also surrounded by a large area of mature trees. It would be mere speculation to answer this question regarding distant neighborhoods.

**Q:** Where is the main door of the building? What is the height of the main door?

**A:** The Main door where the majority of the boats will enter and exit is on the north end closest to the water. The door is in the middle of the building to maximize the height under the peak. When the door is open, height will be max at 45' **Q:** Where are the two smaller doors? **A:** There are two smaller garage doors along the length of the building facing the boat yard. There are no garage doors on Julian Rd. **Q:** Can you illustrate how the transport carrier will maneuver the largest size boat into the storage facility? **A:** There is an illustration at slide 24 in the presentation that was made to P&D in May, 2020. We will also show you a clip of how the boat on the trailer with equipment is used during the upcoming P&D meeting. To understand more about what is involved for boat transport from water to the building start at slide 21 through 24 in the presentation. (see further down, at end of Q & A). Shown here is a close up of slide 24. The pink is a 60' boat. The blue outline around the boat, is the travel lift that takes the boat out of the water and also able to move around on land. The black is the hydraulic trailer. The yellow is the tractor. Total in this scenario it measures about 130'. Together it has a small 4 area of turning radius with as much as 60 tons over 5-6 axles. Therefore, the illustration at the top left shows the amount it has to backup before heading straight into the building at that length.

**Q:** Can you explain the functions of the three doors?

**A:** Main door takes boats and large equipment in and out. The smaller doors on the sides allows for smaller boats on trailers to be maneuvered in and out to allow for greater flexibility in operation. Smaller trailer boats are generally more maneuverable than large tall boats.

**Q:** Where are the windows going to be placed on the southwest sides of the proposed building facing Essex Ave and Julian Road?

**A:** The windows are facing Essex Avenue. On the southwest corner of the building, the windows will wrap the corner and return to make the building more appealing and interesting to see in upon the approach from the west on Essex Avenue.

**Q:** What is the height of the Boat Works Building with the rounded dome?

**A:** 40' to height of the peak

**Q:** How many feet away is the proposed building from the actual houses on Julian Road?

**A:** The building with setback to Julian Road is 30'. Julian Road is a private way that is ~40'. The distance to the front door of 4 Julian Road is approximately 15'. Making the total distance ~85'. The distance to the side of the house at 101 Essex Ave slightly farther away.

**Q:** What are the dimensions of Julian Road?

**A:** Julian Road is a private way ~40' wide

**Q:** Were their conditions to the Zoning Board of Appeals decision?

**A:** There is a special condition in the Zoning Board of Appeals decision prohibiting the storage of boats in either front yard setback.

**Q:** What are the lighting plans for the exterior of the building on the side facing Julian Road?

**A:** Down lighting for security and walking areas is planned for Julian Road, there is no flood lighting needed or planned. On the parking lot side, there may be some down lighting, but it will be lit mostly from the existing light poles.

**Q:** Where is the space in the parking lot reserved for the overflow parking of the Beauport Hotel?

**A:** See plan at slide 74 in the May 2020 presentation – parking is proposed to be moved towards the coastal bank to accommodate the Beauport parking agreement. Under the terms of the easement, the parking easement can be relocated by the parties. The easement area is currently located on 99A Essex Avenue and 6 Julian Road. It will be relocated entirely onto 6 Julian Road. In April 2014 the City Council found that the parking requirement for the Beauport Hotel was met by its acquisition of 99A Essex Avenue, 6 Julian Road and 18 Stuart Road. The relocation is within the area previously approved by the City Council. The easement has only been utilized once by the Hotel since ownership was acquired by the Dominicks. The Hotel and the Building Inspector are satisfied with the proposed location.

**Q:** When will the City Council and general public be able to see the shadowing study?

**A:** The Shadow study was included in the May 2020 presentation at slides 41-48. We intend to provide a 5 moving shadow study at the next P&D meeting by sharing the computer screen and will answer any questions at that time.

**Q:** What type of power is required for the boat transport equipment? How loud is it?

**A:** Electric or propane depending. Not too loud. All hydraulic trailers are Battery powered and have only a faint hum from an electronic motor. The tractor to move the trailers is gas. Or if moved by a forklift, propane.

**Q:** Can you illustrate how the boat transport trucks will navigate into the large boat entrance door?

**A:** This is in the May 2020 presentation, as an illustration. Slides 21-24 show images and illustration of the path from water, lift to building. We intend to have another small video clip to show you as well

**QUESTIONS FROM THE COMMITTEE REGARDING THE Q&A**

**Q. (Gilman)** Will the building be built in two phases, and when will each phase occur?

**A. (Eliason)** It will depend on finances. If done in two phases, the back of the building (the northeast side, closest to the river) will be done first, and the front part section will be done in phase two.

**Q. (Pett)** Was there any change to the setbacks on the Julian Road side of the building?

**A. (Eliason)** The Zoning Board asked the applicants to move the building closer to the marina property. Both Julian Road and Essex Avenue meet the frontage requirements of the 30 feet front yard setbacks.

**Q. (Pett)** Is the marina allowed to use the Beauport Hotel's designated off-site parking area when Beauport is not using it?

**A. (Eliason)** According to the agreement, the marina has the unilateral right to relocate the parking temporarily, and there is nothing in the agreement that prohibits the marina from using the space when it's not being used by the hotel. Since the marina purchased the lot, it has only been used once.

**Q. (LeBlanc)** When City Council voted on the special council permit for the Beauport Hotel, the lot was included in the special council permit. Will this change affect the permit that the council issued?

**A. (Eliason)** The City Council voted to approve parking on any of the areas listed in the conditions of the Special Council Permit, and the Building Inspector determined exactly what area it would be in (which was the 99A Essex Avenue/Julian Road location).

**Councilor LeBlanc** said he will be requesting an opinion on this matter from the City's General Counsel, and **Councilor Nolan** said he wanted to see what the condition was in the Special Council Permit regarding the off-site lot, and not just go by the permission that the Building Inspector gave.

**Q. (Pett)** Would the people who store their boats in the facility be able to work on their boats there? If not, why are there restroom facilities?

**A. (Eliason)** Anyone entering the facility will be required to be accompanied at all times by a staff member. The restrooms are for staff members.

**Moving Shadow Study**

**John Peterson, Architect at Studio Troika** uploaded a moving shadow study to the screen, with a simulation of the proposed building casting the shadows on Julian Road. He and **Patrick Hurd, General Manager of the Cape Ann Marina**, explained the time lapse of the shadows cast on Julian Road for the winter and summer solstice and fall and spring equinox, each beginning at 7:30 a.m. The shadowing was most significant during the winter solstice. **Mr. Peterson** and **Mr. Hurd** told the Committee that the houses and trees on Julian Road also cast shadows onto neighboring properties, and based on the simulation the shadows would not be solely cast by the proposed structure. They said that the house at 4 Julian Road was the most affected by the shadowing from the proposed structure.

**Q. (Nolan)** Asked if they could show the current shadowing without the proposed structure.

**A. (Peterson)** The model does not allow for that and a new model would have to be produced.

**Q. (McCarthy)** Asked if the model could show the shadowing of the building if built to 35', which is allowable without a Special Council Permit, or 30' feet, which is allowable by right.

**A. (Peterson)** It is possible to create a model that shows that.

**Councilor Nolan** said he will want to see a moving shadow model of what the neighborhood looks like right now, without the proposed structure, when the application is brought to City Council for a public hearing. **Mr. Hurd** said he was concerned that a new model would not be accurate, as it would not be able to capture the buildings on the boulevard that also cast shadows in the area. He asked if timestamped photographs of the neighborhood would suffice. **Councilor Gilman** asked the Committee for their opinion and **Councilor Pett** said that wouldn't suffice for him as the fall equinox has already passed, and no photos would be obtainable for that time. **Councilor Holmgren** agreed.

**Mr. Hurd** reminded the Committee that he did make note of the shadows at 8:30 a.m. during the site visits, and offered to visit the site with them again to show them. **Councilors Gilman** and **Holmgren** said they would visit the site at 7:30 a.m. on Friday morning to observe the shadowing.

**Councilor Gilman** asked the applicant to please work on creating shadow models showing the area without a building, a building at 30', and a building at 35'. **Councilor Gilman** then allowed members of the public in attendance to ask questions.

## QUESTIONS FROM MEMBERS OF THE PUBLIC

### **Susan Hedman, 86 Bond Street**

**Q.** Ms. Hedman asked about flooding.

**A. Councilor Gilman** advised Ms. Hedman to look at the May 6, 2020 Zoom presentation to P&D, as issues of flooding were addressed at that time.

### **Peter Cannavo, 103 Essex Avenue**

**Q.** Mr. Cannavo asked if a balloon, laser or drone study could be conducted to better gauge the height of the proposed structure.

**A. The P&D Committee** was not agreeable to this due to balloons not being accurate if there is wind, and the liability of using drones around the boats. They felt that the structures erected during the site visit gave an accurate picture of what the building height would be.

## **Legal Criteria**

**Attorney Eliason** reviewed the legal criteria for a Special Council Permit under the Gloucester Zoning Ordinance Section 1.8.3. She displayed slides on the screen and reviewed the following information:

**Social, Economic & Community:** Needs are met with indoor storage; indoor boat storage is in high demand; it assists the Gloucester and North Shore Marine economy recreationally and commercially; there is a need in the Gloucester community; creates jobs.

**Traffic Flow and Safety:** Needs are met with no openings onto Julian Road; the building will be access from two existing entrances off Essex Avenue away from residences; a customer will never move their boat in and out of the building, this will always be done by an employee; boats entering and leaving the marina will continue to use the existing entrances – no intention of using Julian Road.

**Utilities and Public Services:** Needs are met with onsite utilities being updated as necessary and will be adequate to meet the needs of the storage facility; the property is serviced by public water and sewer; the building will be heated by gas, and there is an existing gas line; all the utilities are underground at the marina for clearance of marina boat operation.

**Neighborhood Character and Social Structure:** Needs are met by being consistent with the uses allowed in the EB District; contemplated in the EB District and by Chapter 91; it is a business and service that serves a regional clientele; the neighborhood is a mix of residential and commercial uses; the marina is surrounded on 3 sides by a variety of commercial uses that have been in operation for a long time; boats have been historically stored outside in this area; moving the boats inside will present a neater appearance; less noise and activity because it will be inside and doors are directed away from the neighborhood; the building will provide a buffer between the residential neighborhood and the other activities taking place on the marina property; aesthetic design elements have been added; the building is designed to minimize the impact of the residential neighborhood

**Qualities of the Natural Environment:** Needs are met by the building being located entirely outside of the 100' buffer from the coastal bank; only partially within the 200' riverfront area; will not increase flooding; ZBA granted variance from right yard setback pulls the building as far away from the residential neighborhood as possible; building complies with its two 30' front yard setbacks along Essex Avenue and Julian Road; building has been reduced by 5,000 sf from the original proposal so that setback needs could be met; lot coverage will be approximately 25%-50% of the maximum lot coverage allowed in the EB district; overall quality of the natural environment will be protected

**Potential Fiscal Impact:** The marina has been operating on Essex Avenue since 1972; in 2019, 99A Essex Avenue was purchased to augment existing facilities and uses; family owned and operated business; focuses on the needs of the local residents, commercial business and may visitors; it is a destination by land and sea, and a second home for many of its boaters; a full service and year-round marina; the resort is an amenity to the city – draws many visitors; building will allow the marina to store boats both large and small in a heated facility – such facilities are highly desirable; growing demand in Gloucester and the industry; such a facility will make Gloucester a more permanent destination for boaters; more visitors to Gloucester creates more economic opportunities; increased assessed value for the marina and adds a commercial tax revenue to the city; the marina supports local commercial fleet with its services, storage, fuel, ice and parts.

In order to have the time to gather information on the Beauport parking easement and for the applicant to procure additional shadow modules, **Councilor Gilman** continued this matter to January 20, 2021.

**MOTION:** on a motion by Councilor Gilman, seconded by Councilor Pett, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed to adjourn the meeting at 7:19 p.m.

**Submitted by Grace E. Poirier, Assistant City Clerk**

**Documents submitted at the meeting: None.**

**Meeting Recording: <https://www.gloucester-ma.gov/1136/January-2021-Past-Meetings>**