

Planning & Development Standing Committee
Wednesday, January 20, 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 John McCarthy; Councilor Jamie O’Hara

Also Present: Grace E. Poirier; Mayor Theken; Chip Payson

Applicants: Attorney Deb Eliason, Patrick Hurd and John Peterson for SCP2020-002; Joel Favazza for SCP2020-006 and RZ2020-001

*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 announced the names of the P&D Committee members in attendance (Councilors Holmgren, Pett and herself) as well as the members of the City Council and city staff who were attending via Zoom. She announced the presence of a quorum of the City Council.

Matters were taken out of order.

- 1. 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 (Cont. from 1/6/2021)**

Attorney Joel Favazza, Seaside Legal Solutions, 123 Main Street, Gloucester advised the Committee that his client was requesting the withdrawal of the application without prejudice, as he will seek permitting through a 40B.

COMMITTEE RECOMMENDATION: On a motion by Councilor Holmgren, seconded by Councilor Pett, the Planning and Development Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council accept the withdrawal of 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, without prejudice.

- 2. 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 1/6/2021)

Councilor Gilman asked the Assistant City Clerk to read aloud an email (on file) from Planning Director Gregg Cademartori, in which he advised the Committee that the Planning Board reviewed the project relative to the standards of GZO Sections 5.29, 5.17 and 5.8 and unanimously recommended the City Council’s approval of the project as submitted, and unanimously approved the associated site plan submission. A formal recommendation will be forthcoming.

The Committee and Attorney Favazza discussed dates and times for a site visit. It was decided that a site visit would be conducted on Saturday, January 30, 2021 at 8:00 a.m., and a second session at 8:30 a.m., if necessary. Attorney Favazza will notify the abutters in advance of the site visit.

This matter has been continued to February 3, 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 1/6/2021)

Councilor Gilman reviewed for the Committee that this matter was continued from the last meeting in order to see additional shadow studies, and to discuss the easement for the Beauport Hotel parking.

Chip Payson, General Counsel advised the Committee that he reviewed the Beauport Hotel easement for 99A Essex Avenue, and the request in the application to move the designated parking area for the Beauport Hotel from 99A Essex Avenue to 6 Julian Road. He reviewed that in the conditions of the 2013 Special Council Permit, the City Council ceded its authority to determine whether the condition was satisfied to the Building Inspector, and further conditioned that the Building Inspector’s determination that the condition was satisfied shall be conclusive. In 2014 the City Council issued a modified Special Council Permit, in which it stated that the condition that Beauport Hotel have 50 overflow spaces is satisfied by the use of 99A Essex Avenue, and is satisfied by the applicant’s acquisition and proposed use of the property at 99A Essex Avenue, Assessors Map 218, Lots 126 and 1. **Atty. Payson** informed the Committee it is his opinion that the City Council has satisfied that Beauport met its obligation to secure a location for 50 overflow parking at Assessors Map 218, Lots 126 (99A Essex Avenue) and 1 (6 Julian Road). **Atty. Payson** said that the overflow parking area is under the authority of the Building Inspector.

Questions from the Committee pertaining to the easement:

Q. (Pett) Is it necessary for the City Council to concur with the Building Inspector?

A. (Payson) Concurring and supporting the Building Inspector’s recommendation is fine. Disagreeing with the recommendation might result in a challenge.

Attorney Deb Eliason, Eliason Law Office, 63 Middle Street advised the Committee that there was an error in interpreting the plans for the height calculation of the eaves at the last site visit. The staging depicted the eave height at 40’ high, and should have been set at 49’. The peak was set at 55’ and should have been set at 53’6”. The roof is flatter than what was depicted at the site visit. All of the buildings shown in the presentation and the shadow studies had the correct configuration of the building.

John Peterson, Studio TROIKA, and Patrick Hurd, General Manager for the Cape Ann Marina, showed the Committee updated shadow studies for the proposed project. The slides (and a moving shadow study) illustrated shadowing during the summer and winter solstices and the fall and spring equinoxes beginning at 7:30 a.m. through sunset. The slides depicted shadows cast with the property as is, shadows cast with a 30' (by right) building, and shadows cast by the proposed 55' building. At the request of the Committee, a moving shadow study was shown for all three scenarios for the dates of January 30, 2021 and August 30, 2021.

The Committee determined it would be necessary to conduct an additional site visit showing the staging at the correct height. After a discussion about the date and time for the site visit, it was decided that it would be conducted on Saturday, January 30, 2021 at 9:00 a.m. Attorney Eliason will notify the abutters in advance of the site visit. **Councilor Gilman** requested an additional session at 9:30 a.m. if needed.

Questions from the Committee pertaining to the shadow study:

Q.1 (Pett) At the last site visit, three elevations were shown (two at 40' and one at 55'). Were those elevations above sea level or the slab?

A. (Eliason) It was above slab. 40' was a mistake, and should have been 49' above slab. The peak was at 55' and should have been 53'6".

Q.2 (LeBlanc) There have been social media posts suggesting that the proposed building will be viewable from East and West Gloucester, downtown, and coming over the bridge. What is the viewpoint of the building throughout the city?

A. (Eliason) It would be difficult to say what the viewpoint would be without going to those locations. The proposed building would be visible from anywhere that the marina can be viewed now. The proposed building is not the largest or tallest building in the city.

A. (Hurd) The marina stores boats this time of the year with masts that are taller than the proposed building.

Q.3 (Pett) Asked about the height of the building in comparison to other buildings in the city, such as the condominium building on Lexington Avenue.

A. (Eliason) The heights of the Beauport Hotel and the LePage building are both taller than the proposed building. The condominium building on Lexington Avenue and the McPherson and Sheedy Park buildings are shorter than the proposed building.

Q.4 (Nolan) Why are such large boats shown in the "as is" shadow studies? He has never seen boats that large stored at the facility.

A. (Peterson) Stripping the site of all boats would not do the shadow study justice because there are always boats on the lot. The lot does service large vessels, and they could be stored on the lot.

Q.5 (Pett) What happens to the proposed boat storage building if the marina sells it? For example, could a movie studio buy it and use it as a studio?

A. (Eliason) Because of the Chapter 91 status, it would be very difficult for this building to be turned into anything other than what it is currently permitted for. A change of use would also require the applicant to go before City Council for a permit.

Councilor Gilman opened up the meeting to questions only from the twelve members of the public in attendance pertaining to the project. Only one comment was made by a member of the public, and it was determined by the Committee that since it was an observation and not a question, the comment needed to be addressed at the Public Hearing, not at the Committee level.

This matter is continued to February 3, 2021.

MOTION: on a motion by Councilor Holmgren, seconded by Councilor Pett, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed to adjourn the meeting at 7:03 p.m.

Submitted by Grace E. Poirier, Assistant City Clerk

Documents submitted at the meeting: Cape Ann Marina Shadow Study

Meeting Recording: https://gloucester-ma.gov.zoom.us/rec/play/qZ1tlo6BG8T7iY1w73WqtHhiXU8PVbIIXP_YeKU7QAwEWPGUTaLxgMwMf9Pz7h87k1ojIhfH43k-YmAb.ZUCUj_P6ZOIyOaUI