

Planning & Development Standing Committee
Wednesday, April 6, 2022 – 6:00 p.m.
REMOTE MEETING
-Minutes-

Present: Chair, Councilor Jason Grow; Vice Chair, Councilor Val Gilman; Councilor Tracy O’Neil

Also Present: Clerk of Committees, Sherry Karvelas

Applicants: Officer Joe Parady for Community Safety Day; Sara Bowen for Gloucester Block Parties; Len Femino for Lone Gull 10K Road Race; John Williams for the Gloucester Cinema; Attorney Meredith Fine and Steven Martin for SCP2022-002

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

Meeting called to order at 5:31 p.m.

Councilor Grow announced: “Consistent with Chapter 20 of the Acts of 2021 this meeting will be conducted by remote participation. 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 and participate when necessary. If you are calling in on a phone, you can press Star 9 (*9) to request to speak. If you are watching on a computer or 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.”

Councilor Grow announced the names of the P&D Committee members in attendance (Councilors Gilman, O’Neil and himself), and City staff who were attending via Zoom.

Matters were taken out of order. Minutes reflect the order in which matters were taken.

1. *Special Event Application: Request for street closures re: Community Safety Day on September 17, 2022*

Summary of Discussion: **Officer Joe Parady** explained that the event would be the same as in past years. He stated that Harbor Loop would be closed after the Building Center on one end and after the Chamber of Commerce on the opposite side. He stated that business and property owners on Harbor Loop would still have access to their property.

MOTION: On a motion by Councilor Gilman, seconded by Councilor O’Neil, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to approve the road closure of Harbor Loop on Saturday, September 17, 2022 (rain date Sunday, September 18, 2022) from 9:00 a.m. until 2:00 p.m. Vehicular traffic will be managed in a “bottleneck” manner as directed by the Gloucester Police Department. This event is covered under the City’s general liability insurance. Due to the COVID-19 pandemic, the City reserves the right to cancel any permitted event up to and including the day of the event.

2. *Update on the March 22, 2022, Public Hearing continuation process for RZ2021-003: In accordance with GZO Sec. 1.11.2(a), amend GZO Secs. 2.3.1 “Residential Uses”; 3.2*

“Dimensional Table”; 3.2.2 *“Dimensional Requirements for Multi-family Dwellings and Their Accessory Uses (other than signs)”*; and 3.1.6(b) *“Building Heights in Excess of 35 Feet”*

Summary of Discussion: Councilor Grow explained that due to a scheduling conflict with the Planning Director/Interim Community Development Director the proposed zoning amendments originally scheduled to be heard tonight would be continued until the April 20, 2022, P&D Committee meeting. He further explained that the Public Hearing for these proposed zoning amendments scheduled for April 26, 2022, would be continued until the May 10, 2022, City Council meeting. Councilor Grow also explained that the proposed zoning amendments originally scheduled for Public Hearing at the April 12, 2022, City Council Meeting would be continued until the April 26, 2022.

3. Special Event Application: Request for street closures re: Gloucester Block Parties on July 16, August 13 and September 2, 2022 (Cont. from 3/16/22)

Summary of Discussion: The Events Director at the Greater Cape Ann Chamber of Commerce, Sara Bowen, explained that the street closures for the Gloucester Block Parties would be the same as in previous years with street closures from Pleasant and Duncan, down to Main Street, ending at Washington Street. She added that there would be performers and vendors throughout Main Street. Ms. Bowen confirmed that the event had been approved by the Special Events Advisory Committee.

MOTION: On a motion by Councilor Gilman, seconded by Councilor O’Neil, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to approve the road closure of Main Street, from Duncan Street to Washington Street, in order for the Cape Ann Chamber of Commerce to hold the Downtown Block Party Series on Saturday, July 16, 2022; Saturday, August 13, 2022; and Friday, September 2, 2022 between the hours of 6:00 p.m. and 10:00 p.m. (road to be closed between the hours of 5:00 p.m. and 11:00 p.m.) with the following conditions:

1. No vendor/merchant set ups on the sidewalk blocking entrance ways to retail or residential units, hydrants, crosswalks, or handicap ramps.
2. All vendor set ups in the street are to allow for no less than a 10 foot unobstructed, drivable area along the entire route - slightly wider at the curve at 85 Main Street to maintain adequate access for emergency vehicles. Failure to provide a 10-foot unobstructed margin of drivable area may necessitate the removal or relocation of the vendor/merchant at the discretion of the Fire Department, the Police Department, or the Block Party Committee.
3. The organizers shall allow the Fire Department drive-through access with the fire engine at the convenience of the Fire Department.
4. Any restaurant/merchant set up of tables and chairs, tents, or area enclosures should extend into the street no further than the lines painted on the street for vehicular parking.
5. That all of the side streets – Short, Porter, Center, and Hancock Streets – shall not be blocked by vendors, food establishments, tables, chairs, enclosures, equipment, or vehicles, so emergency vehicles may enter and exit Main Street as needed.
6. Vendor/merchants shall be responsible for their own trash removal.
7. Signs indicating the location of comfort stations shall be the responsibility of the Block Party Committee.
8. Plumbing Codes and regulations shall be adhered to regarding use of restaurant bathroom facilities.
9. Special lighting and electrical requirements necessitate approval of the Inspector of Buildings and the Electrical Inspector.
10. The closure of the street at the intersection of Main and Short, Porter, Center, and Hancock Streets must be by means of sawhorses or the like, as directed by the Gloucester Police Department.

11. It is the responsibility of the Block Party Committee to procure any other necessary Federal, State, and local permits and approvals associated with this event.
12. That the Committee makes reasonable notification to all residents and merchants along the route that will be affected by the closure.
13. Restaurants or vendors wishing to serve food outside must notify the Board of Health 7 (seven) days in advance for approval and must obtain any necessary approval of the Block Party Committee.
14. Conditions or permitting requirements imposed by the Gloucester Licensing Board shall also apply and shall become incorporated herein as to the outdoor/sidewalk service of food and alcohol.
15. All other applicable laws, City ordinances, and/or regulations are in full force including Ordinances regarding blocking of sidewalks. The Police Department will enforce these requirements in the interest of public safety.
16. The Block Party Committee shall also adhere to any requirements expressed by the Special Event Advisory Committee including that:
 - (a) That a letter from the office of the Mayor be provided assuring that the event is covered under the City of Gloucester Liability Insurance, and
 - (b) That this approval is based on the Gloucester Block Party Street Plan on file in the City Clerk's office from previous years.
17. Due to the COVID-19 pandemic the City reserves the right to cancel any permitted event up to and including the day of the event.

4. *Special Event Application: Request for street closures re: Lone Gull 10K Road Race on September 25, 2022*

Summary of Discussion: Mr. Len Femino of the Children's Center for Communication (formerly the Beverly School for the Deaf) stated that the Lone Gull 10K Road Race would take place on September 25, 2022. He stated that it was the fifteenth year of the race and that it was the tenth year that the school had participated in the race. He stated that the funds raised from this race would help support a parent/infant program (that was not covered by insurance) at the school where teachers from the school go to homes that are in crisis with deafness, either parents with hearing children or deaf/hearing impaired children. He also stated that the Lone Gull 10K was a championship race and that he expected a smaller field of runners due to COVID-19.

There was a brief discussion about possibly having some members of the school community come to the City for an event to teach interested residents some basic signs to interact with members of the cast from CODA.

MOTION: On a motion by Councilor Gilman, seconded by Councilor O'Neil, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to approve the road closure of Nautilus Road from 7:30 a.m. until 10:00 a.m. on Sunday, September 25, 2022, with a rain date of October 2, 2022, for the Lone Gull 10K Road Race sponsored by the Children's Center for Communication to be held on Sunday, September 25, 2022, from 9:00 a.m. until 10:45 a.m., with a rain date of October 2, 2022, with the following conditions:

1. A Certificate of Insurance naming the City of Gloucester as an additional insured party has been filed with the City Clerk's office.
2. Road Closure Plan:
Approvals of the Special Events Advisory Committee giving approval of the plans for the Lone Gull 10K Road Race have been given. Roads to be closed on the Back Shore are to be marked with signage directing the public as to the duration of the closure and alternate

routes. Traffic and parking plan and police detail information by the Police Chief or his designee is to be filed with the City Clerk and the DPW Director or his designee on or before September 15, 2022.

3. **Refuse and Comfort Stations:**

All event refuse and recycling must be removed by the organizer. If any portable toilets (with two handicapped accessible) are to be provided and maintained by the organizer, they are to be placed the evening before the day of the event or early in the morning of the day of the event and removed by 1:00 p.m., Sunday, September 25, 2022.

4. **Emergency Services:**

Any EMS requirements of the City EMS Director must be met.

5. **Staffing:**

Event staff is to have cell phones and be identified by the public with distinct shirts. A list of event staff and their cell phone numbers is to be submitted to the Police, Fire, or DPW Departments.

6. **Notification of Immediate Abutters and Businesses to Race Route:**

Notice shall be made by the event organizer by hand or by mail no later than 7 (seven) days in advance of the event to any function halls, motels and hotels, and other businesses along the race route.

7. **Responsibility of the Children's Center for Communication:**

It is the sole responsibility of the Children's Center for Communication to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation. Any changes to the route must receive prior approval from the Police and Fire Departments.

8. **Due to the COVID-19 pandemic the City reserves the right to cancel any permitted event up to and including the day of the event.**

5. *Renewal of Special Permit pursuant to MGL Ch. 148, §56 and GCO Ch. 22 "Traffic and Motor Vehicles," Sec. 22-153 "Privately owned open-air space" re: Minuteman Cinemas Inc. d/b/a Gloucester Cinema Outdoor Parking Permit at Essex Avenue #74*

Summary of Discussion: The owner of the Gloucester Cinema, **Mr. John Williams**, stated that he was requesting renewal of the Gloucester Cinema's outdoor parking permit at 74 Essex Avenue. He explained that there was 25 spaces that he charges \$5 each for. **Councilor Gilman** added that there are no complaints on file from either the Police Department or Building Inspector over the last five years.

This matter will be advertised for Public Hearing for the April 26, 2022, City Council meeting.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor O'Neil, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council renew the license for Minuteman Cinemas, Inc. d/b/a Gloucester Cinema, John Williams, Owner, at 74 Essex Avenue, Map 218, Lot 118, property owned by Tally's Trust, for an open air parking lot, under GCO Sec. 22-153, for 104 parking spaces with a parking space designated as reserved for Fire Dept. connection, for a total of 103 parking spaces of which 4 (four) are designated as handicapped parking spaces, based on a parking plan by Jonathan Poor Architectural Design & Restoration, 965A Washington Street, Gloucester, MA 01930, dated 12-12-90. The license runs from May 1, 2022 through April 30, 2027.

6. *SCP2022-002: Main Street #222, Map 13, Lot 17, GZO Secs. 2.3.1(8) "Conversion to or new multi-family or apartment dwelling, seven or more dwelling units" to convert from a three-family to a seven-family dwelling in the CB Central Business district (Cont. from 3/16/22)*

Summary of Discussion: **Attorney Meredith Fine**, joined by **Steven Martin (manager of 222 Main Street Holdings, LLC)**, explained that at the last P&D meeting it was determined to continue the matter to get an opinion from the Building Inspector, the Interim Community Development Director/Planning Director and the City’s Legal Department on whether the ordinance for inclusionary housing applied to this matter. **Councilor Grow** explained that the **Building Inspector** and the **Assistant General Counsel** had determined that the inclusionary housing ordinance was applicable only to the creation of six (or more) units and that under this special permit only four units were being created.

Councilor Grow explained that his position on the matter was that this special permit would create seven legal units as, he believed, currently there were not any legal units based on the documentation that the City has on file. **Attorney Fine** disagreed and explained that there were three legal units allowed by-right in the Central Business District and stated that she had previously presented documentation from previous owners of the building about the existence of the additional four units and stated that the property had been seven units for a long time. **Councilor Grow** stated that it was his belief that the inclusionary housing zoning ordinance should apply but that it did not and that in the special permit application the applicant specifically stated that “the owner intends to maintain the units as affordable.” He stated that affordable housing had a specific definition and that he felt that there should be an intention by the owner to act on the creation of a dedicated affordable unit. **Councilor Grow** explained the reasoning behind his belief by stating that the property owner could sell the building or renovate and sell as luxury condos once the seven-unit permit was received which could affect the social, economic or community need served by the proposal [under the requirements of Sec. 1.8.3 Standards to be Applied]. He stated for the applicant to receive his support the applicant would need to dedicate one of the seven units to be affordable voluntarily. **Attorney Fine** stated that the approval on the special permit could not be conditioned on making a unit affordable. **Attorney Fine** asked to share her screen.

Income Limits

	Household Size							
	1 person	2 people	3 people	4 people	5 people	6 people	7 people	8 people
50% AMI Minimum Income	\$44,800	\$51,200	\$57,600	\$63,950	\$69,100	\$74,200	\$79,300	\$84,450
80% AMI Maximum Income	\$67,400	\$77,000	\$86,650	\$96,250	\$103,950	\$111,650	\$119,350	\$127,050

Fair Market (“Affordable”) Rents:

- Studio: \$1,715
- 1BR: \$1,900
- 2BR: \$2,311
- 3BR: \$2,880
- 4BR: \$3,131
- 5BR: \$3,601
- 6BR: \$4,070

The **Planning Director** stated that Gloucester is included in a metropolitan statistical area developed by Housing and Urban Development that includes more than 100 communities around the Boston metro area. Therefore, in the eyes of the State, when affordable units are created pricing was based around the median income for that region which was \$119,000. The median income in Gloucester was \$65,000. The State and HUD definition of affordability is sales prices or rental incomes available to households making 80% of the area median income, but that is equating back to that \$119,000. The screenshot shows that the rents are below that amount.

Attorney Fine explained that the above screenshot was from a presentation given by the **Interim Community Development Director/Planning Director** to P&D and the full City Council showing what the rent would be for a designated affordable unit in accordance with the state requirements in the City’s region. She stated that almost all of the units for the property were already under these amounts. **Attorney Fine** further explained that the building was four stories with no elevator, small apartments, no parking and no view, and stated that in the current “hot” real estate market the applicant had no intention of turning the apartments into condos and that the units were currently being rented to people from Action, Inc. and stated that the applicant had no history of flipping multifamily buildings. She explained that the building was not a likely candidate for gentrification.

Attorney Fine explained that the building that the applicant purchased did not have a deed restriction and that deed restrictions affected the financing of a building and the assessed value of a building, as well as affected the marketability of a building, and stated that the owners would prefer not to have a deed-restricted unit in the building. **Councilor Grow** stated that he appreciated that the rents were sub-affordability in terms of the graphic and asked why the applicant was seeking a special permit as there were already seven units. **Attorney Fine** explained that the lender wanted the building to be legal and made the permit a condition of the mortgage and stated that the building met all the requirements of a special permit. **Councilor Grow** reiterated that he thought a number of factors could potentially change, including the character of the neighborhood, if the property was sold and renovated and turned into individual condos.

Councilor Gilman stated that when she originally looked over the application she had noticed where the applicant had stated that the owner intends to maintain the units as affordable. She explained that if the applicant decided to sell the property the City Council did not have an assurance that a new potential owner could have the same good intentions of the current owner (affordable units, working in collaboration with Action, Inc.). **Councilor Gilman** stated that she understood the legal definition of the word “create.” She stated that she was unsure of her position on this matter and that she would appreciate if the applicant would offer one unit as a deed-restricted unit for principle as the applicant had mentioned in the application about maintaining the units as affordable. **Attorney Fine** stated that a consequence of the applicant not receiving the special permit could be a default on the mortgage. **Councilor O’Neil** stated, and **Attorney Fine** again confirmed, that the bank had made it a condition of the mortgage. **Councilor O’Neil** further stated that she agreed with the sentiments of **Councilor Grow**.

Councilor Gilman offered a motion, seconded by **Councilor O’Neil**, to recommend that the City Council grant a special permit to 222 Main Street Holdings, LLC for the property located at 222 Main Street to convert the property from a three-family to a seven-family dwelling.

Councilor Gilman reviewed the high points of Sec. 1.8.3 Standards to be Applied regarding this matter. She stated that it had been shared with the P&D Committee that there would not be any effect on traffic as the seven units were already existing and that it appeared that there had been no harm to the natural environment. She stated that the applicant was seeking to certify the building configuration that has existed for decades, which is a mixed commercial/residential property. She explained that if the units remained as affordable for future owners then it would increase the City’s affordable rental housing stock, with this predicated on what a new owner might decide to do. She explained that she thought the applicant was noble in offering rental units which were affordable in the current market. She stated that she would support the matter at the P&D Committee level but that she was on the fence based on what came forward for the Public Hearing at City Council on April 12, 2022. **Councilor O’Neil** stated that she would not be supporting this matter as she knew the area of the property well and due to the proposed zoning changes coming forward. **Councilor Grow** reiterated that he would support the matter if the applicant voluntarily dedicated one unit as an affordable deed-restricted unit which would be following up on the applicant’s intentions to maintain the units as affordable.

COMMITTEE RECOMMENDATION: On a motion by **Councilor Gilman**, seconded by **Councilor O’Neil**, the Planning & Development Committee voted by ROLL CALL 1 (Gilman) in favor, 2 (Grow, O’Neil) opposed, to recommend that the City Council grant to 222 Main Street Holdings LLC, a Special Permit (SCP2022-002) for the property located at Main Street #222, Assessors Map 13, Lot 17 in the Central Business (CB) district, pursuant to Gloucester Zoning Ordinance Sec. 2.3.1(8) “Conversion to or new multi-family or apartment dwelling, seven or more dwelling units,” to convert from a three-family to a seven-family dwelling. This permit is made on the basis of plans and elevations dated November 14, 2020, and submitted to the City Clerk on February 9, 2022 entitled, “Floor Plans for 222 Main Street Gloucester;” and Plan dated June 24,

2020 and submitted February 9, 2022 entitled, “Mortgage Inspection Plan located at 222 Main Street Gloucester.” Subject to new information and/or debate that results from the public hearing, this Special Permit is deemed to be in harmony with the intent and purpose of the zoning ordinance.

The Public Hearing on this matter has been scheduled for the City Council meeting of April 12, 2022. There was a brief discussion regarding a scheduling conflict regarding **Attorney Fine’s** appearance for the Public Hearing on this matter at the April 12, 2022, City Council meeting.

MOTION: On a motion by Councilor Gilman, seconded by Councilor O’Neil, the Planning and Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to adjourn the meeting at 6:30 p.m.

Submitted by: Sherry Karvelas, Clerk of Committees

Documents submitted at the meeting: None.

Meeting Recording: <http://gloucester-ma.gov/1097/Past-Remote-Public-Meetings>