

**Planning & Development Standing Committee**  
**Wednesday, May 4, 2022 – 5:30 p.m.**  
**REMOTE MEETING**  
**-Minutes-**

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

**Other Councilors Present: Councilor Jamie O’Hara; Councilor Jeff Worthley**

**Also Present: Clerk of Committees, Sherry Karvelas**

**Applicants: Attorney Deborah Eliason and Tessa Browne for SCP2022-003**

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

**Meeting called to order at 5:34 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.

1. *SCP2022-003: East Main Street #115, Map 59, Lot 77, GZO Sec. 2.3.4(9) “Restaurant, with outdoor seating or with takeout constituting more than 20% of total business, or both” and Sec. 5.18 “Marine Industrial District” for a restaurant with outdoor seating in the MI District*

**Summary of Discussion:** **Attorney Deb Eliason, Eliason Law Office, 63 Middle Street,** addressed the questions asked at the site visit that took place on May 3, 2022 at 2:00 p.m. as follows.

**Q1.** Is there appropriate parking for the restaurant and the other purposes on the premises?

**A1. (Eliason):** Stated, for additional details, she had filed a parking table with the application. In general, she explained that there were 61.5 spaces plus 3 handicap spaces required for all of the uses on the site. She added that there were 50 spaces plus 3 handicap spaces required for the restaurant and stated that there a total of 86 spaces available.

**Q2.** Is the building going to be changed/exterior changes?

**A2. (Eliason):** Stated that all of the exterior changes to the building have been made; some cosmetic items might need to be completed, but the footprint of the building would not change and interior renovations have not been completed yet.

**Q3.** What will the hours of operation be? How late? Is it seasonal? Will there be any entertainment?

**A3. (Eliason):** Stated that the restaurant would be serving lunch and dinner. Stated, after a discussion with the applicant after the site visit, the restaurant would not open any earlier than 10 a.m. and would be

open no later than 10 p.m. on weeknights and Sundays and open no later than 11 p.m. on Fridays and Saturdays. Stated that the restaurant would begin with seasonal operations, but may expand to year-round in the future. Stated that the restaurant would not have any live entertainment, amplified music or loudspeakers outside, and was not seeking an entertainment license.

**Q4.** Where is the outside seating? How many seats?

**A4. (Eliason):** Stated that the outside seating is on the outside deck to the right of the building as you are facing the building from the street. Stated that there were 40 seats total; all other dining would be inside.

**Q5.** Will there be off season work on the premises?

**A5. (Eliason):** Stated that, yes, the commercial kitchen will service the existing seafood and lobster business and that food would be prepared for sale year-round.

**Q6.** Where will the trash be located?

**A6. (Eliason):** Stated that the trash is expected to be located to the left rear of the lot, but that needs to be confirmed with the landlord.

**Q7.** What will be done for pest control?

**A7. (Eliason):** Stated that the applicant has an ongoing pest control program for the seafood/lobster business and that will continue and will include the restaurant. Stated that the treatment is every two weeks.

**Q8.** How will the owner outreach to the neighbors?

**A8. (Eliason):** Stated that the owner has agreed to set up a dedicated email address for the neighbors to reach out to her directly if there were any concerns about her compliance with the special permit requirements or with any City rules or regulations. Stated if the applicant was granted the permission to open the restaurant, the applicant will mail that information to all of the legal abutters. Stated that the applicant was onsite almost every day and would be available if there were any issues that the neighbors would like addressed.

**Councilor Grow** explained the requirements of Sec. 5.18, "Marine Industrial District." He stated the following:

- The proposed use does not result in any adverse impacts to the primary character of the area as a working waterfront in the Marine Industrial District;
- The proposed use will not displace an existing water-dependent use with a non-water-dependent use;
- The proposed use will not, by virtue of its location, scale, duration, operation, or other aspects, pre-empt or interfere with existing or future development of water-dependent uses of the project site or surrounding property;
- The proposed use is compatible with the working waterfront character of the zone;
- The proposed project will not displace existing commercial fishing vessel berthing in Gloucester Harbor.
- The proposed use will not adversely affect the preservation of water-dependent uses on surrounding properties.

In exercising its power under this section, the Special Permit Granting Authority may impose reasonable modifications, conditions, or limitations as are necessary or appropriate to ensure that the presence of the proposed development does not result in any of the above adverse impacts or otherwise adversely affect the primary character of the area as a working waterfront.

**Councilor Grow** further stated that the requirements of Sec. 5.18 were satisfied for this application. **Councilor Gilman** agreed.

**Attorney Eliason** outlined the legal requirements for the special permit under GZO Sec. 1.8.3. She explained that the social, economic and community needs would be served by the project in that the restaurant was a natural offshoot of the successful retail and wholesale lobster seafood business operated by Cape Ann Lobstermen at this location. She stated that the lobster business is a prime example of a traditional Gloucester fishing business that brings not only employment to its workers, but supports the industry as a whole by purchasing products from local fishermen and lobstermen, and explained that it would be a true ocean-to-table operation. She stated that the restaurant would serve as an additional outlet for the sale of Cape Ann Lobstermen's products and would help serve the economic needs of the local fishing economy and small businesses that will supply goods and services to the restaurant. She further stated that it would help serve the social and community needs by offering another option for local seafood dining. She explained that the traffic flow and safety would be served by a parking lot that is approximately 3.27 acres in size with adequate ingress and egress on either side of the building with adequate parking that met the zoning requirements. She also explained that the lobster seafood business would be moving some of its operations to 427 Main Street with the anticipation that the amount of truck activity would be reduced on the property.

She explained that the building was being renovated which would accommodate any needs for utilities. She stated that National Grid is doing work to upgrade the service to the entire site. She stated that the property is currently served by municipal water and sewer. She stated that the property would be consistent with the current neighborhood character and social structure which is zoned Marine Industrial and that the property met all dimensional zoning requirements and would not require any zoning relief. She also explained that the property abutted the R-10 residential zone and that the exterior renovations had been designed to blend in with the New England style of architecture and character of the area. She explained that the quality of the natural environment would not change because the building is already constructed and the lot is fully paved and used for parking currently. She stated that the potential fiscal impact was positive with increased tax revenue from restaurant sales and would support the marine industry and the local fishermen and lobstermen, as well as would increase local job opportunities. **Attorney Eliason** added that the applicant expected to add approximately 25 employees to the employment records.

**Councilor O'Hara joined the meeting at 5:45 p.m. Councilor Grow stated that there was now a quorum of the City Council.**

**Councilor Grow** offered a motion, seconded by **Councilor Gilman**, to recommend that the City Council grant the special permit with the following conditions:

1. The restaurant will occupy the first floor of the building numbered 121 at 115 East Main Street;
2. Outdoor seating is permitted on the deck as shown on the Plan of Land entitled "Site Plan" prepared on March 11, 2022, and submitted to the City Clerk on April 6, 2022;
3. Applicant is seeking a seasonal liquor license for the restaurant use;
4. Pursuant to the Zoning Ordinance, take-out food may constitute more than 20% of the total business of the restaurant;
5. Applicant/owners shall comply with all applicable state and local statutes and regulations governing the property. Further, that the Planning & Development Committee finds that the conditions of Gloucester Zoning Ordinance, Section 1.8.3 have been satisfied;
6. Dumpster or trash container area to be permanently screened and maintained;
7. Hours of operation are to be from no later than closing at 10 p.m. Sunday through Thursday and 11 p.m. on Fridays and Saturdays;
8. There will be no use of loudspeakers, amplified music or live entertainment.

The Rules of Procedure were suspended, without objection, to allow **Attorney Eliason** to comment on the Committee Recommendation. **Attorney Eliason** requested, with regard to the loudspeakers and live entertainment, that those conditions be restricted to the outside. She stated that the applicant could possibly have events inside the restaurant with music. She also stated that the applicant's anticipated hours of operation were as stated but requested that they not be a condition of the special permit. She explained that other restaurants in the area did not have those same specific conditions on hours and that the applicant would prefer that the hours of operations be in accordance with the law.

**Councilor Gilman** suggested that an amendment be made to the Committee Recommendation to change condition #8 to further explain that it pertained to outside entertainment. She further suggested that the hours of operations should not be a condition of the permit. **Councilor Grow** stated that he had concerns regarding the hours of operations. He explained that there was a possible high potential for conflict if the restaurant was open later than the anticipated hours. **Councilor O'Neil** stated that she believed that the applicant should not be tied into the anticipated hours and that the applicant should have the same option of the same hours as other establishments have in the Rocky Neck area. There was additional discussion regarding the hours of operations.

**Councilor Gilman** offered an amendment to the Committee Recommendation, seconded by **Councilor O'Neil**, to remove condition #7 (hours of operation) and to amend condition #8 to include no use of loudspeakers, amplified music or entertainment outside.

**MOTION TO AMEND: On a motion by Councilor Gilman, seconded by Councilor O'Neil, the Planning & Development Committee voted by ROLL CALL 2 in favor, 1 (Grow) opposed, to amend the Committee Recommendation by removing condition #7 and to amend condition #8 to include no use of loudspeakers, amplified music or entertainment outside.**

**Councilor Gilman** stated that the P&D Committee had reviewed the components of Sec. 5.18, "Marine Industrial Uses" and that the application satisfied those requirements. **Councilor Gilman** also thoroughly reviewed Sec. 1.8.3 "Standards to be Applied" and stated that the application satisfied the requirements and that she would be supporting this matter. **Councilor O'Neil** stated that this project would be a benefit for the neighborhood, as well as for the restaurant and fishing industries. She stated that she would be supporting this matter. **Councilor Grow** stated that he was looking forward to supporting the restaurant once it opens.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Grow, seconded by Councilor Gilman, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council grant to Rocky Neck Lobster Company II, Inc. d/b/a Cape Ann Lobstermen (property owner: Jimary Land Trust, LLC, Trustee of East Gloucester Marine Realty Trust), a Special Permit (SCP2022-003) for the property located at East Main Street #115, Building No. 121, Map 59, Lot 77 in the Marine Industrial (MI) District pursuant to Gloucester Zoning Ordinance Sec. 2.3.4(9) "Restaurant, with outdoor seating or with takeout constituting more than 20% of total business, or both" and Sec. 5.18 "Marine Industrial District". This permit is made on the basis of the plans and elevations dated March 11, 2022, and submitted to the City Clerk on April 6, 2022 entitled, "Site Plan"; and Plan dated February 15, 2022 and submitted April 6, 2022 entitled, "Floor Plans." Subject to new information and/or debate that results from the public hearing, this Special Council Permit is deemed to be in harmony with the intent and purpose of the zoning ordinance. Approval is based on the following conditions:**

1. The restaurant will occupy the first floor of the building numbered 121 at 115 East Main Street;
2. Outdoor seating is permitted on the deck as shown on the Plan of Land entitled "Site Plan" prepared on March 11, 2022, and submitted to the City Clerk on April 6, 2022;

3. Applicant is seeking a seasonal liquor license for the restaurant use;
4. Pursuant to the Zoning Ordinance, take-out food may constitute more than 20% of the total business of the restaurant;
5. Applicant/owners shall comply with all applicable state and local statutes and regulations governing the property. Further, that the Planning & Development Committee finds that the conditions of Gloucester Zoning Ordinance, Section 1.8.3 have been satisfied;
6. Dumpster or trash container area to be permanently screened and maintained;
7. There will be no use of loudspeakers, amplified music or live entertainment outside.

**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 6:15 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>