

**Planning & Development Standing Committee**  
**Wednesday, July 20, 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**

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

**Applicants: Mark Nestor for Fishbox Derby; Alana Horne and David Kelley for MagTober Fest; Attorney Joel Favazza for SCP#2022-005**

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

**Meeting called to order at 5:32 p.m.**

**Councilor Grow** announced: “Consistent with Chapter 107 of the Acts of 2022 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. Special Event Application: Request for Street Closures re: Fishbox Derby on September 18, 2022 (rain date September 25, 2022)***

**Summary of Discussion:** **Mark Nestor**, on behalf of the **Fishbox Derby, Inc.**, stated that this year’s Derby will essentially follow the same format as in prior years. He explained that the request is to shut down a portion of Rogers Street from Manuel F. Lewis Street to Flanagan Square, and turn Main Street into a two-way street in that same area. He stated that he has reached out to Gorton’s who has granted permission to use their parking lot on both sides; he stated that he also reached out to Americold and received permission to place the dumpsters, which will be provided by the DPW, in their lot. Insurance has been obtained that names both Gorton’s and the City as insured parties, he stated, and that about a week before the event he will be sending out fliers to abutters on both sides of Main Street and Rogers Street to inform them of the event.

**Councilor Grow** stated that a memo was received from the **City Clerk** stating that this event has been reviewed and approved by the Special Events Advisory Committee.

**MOTION: 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 permit Fishbox Derby, Inc. on Sunday, September 18, 2022 with a rain date of Sunday, September 25, 2022, to hold the Fishbox Derby (“Soapbox Car” Race) closing Rogers Street from**

**Manuel F. Lewis Street to Flanagan Square that day from 6:00 a.m. to 3:00 p.m. with the following conditions:**

- 1. Certificate of Insurance:** An updated Certificate of Insurance naming the City of Gloucester as an additional insured party is on file with the City Clerk's Office.
- 2. Road Closure Plans:** Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues will require Council approval.
- 3. Refuse and Comfort Stations:** All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with one handicap accessible) are to be provided and maintained by the organizer, placed the evening before the event or early in the morning of the day of the event and removed by 5:00 PM, September 18, 2022 (or September 25, 2022 if event is on rain date).
- 4. Emergency Services:** Emergency services shall be as determined by Emergency Medical Services Director, Philip Harvey.
- 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 to be submitted to the Police, Fire or DPW Departments.
- 6. Notification of Immediate Abutters and Businesses to Race Course:** Notice shall be made by the event organizer by hand or by mail no later than 7 days in advance of the event to any businesses along the race route.
- 7. Responsibility of the Fishbox Derby, Inc.:** The applicant is also required to obtain any other necessary City Board or Commission approvals. It is the sole responsibility of Fishbox Derby, Inc. to ensure that required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.
- 9. Please note that given the on-going national response to COVID-19, circumstances may require the Special Events Advisory Committee to modify your event and can include canceling your event.**
- 10. That this event is approved by the Special Events Advisory Committee on July 7, 2022.**

**2. Special Event Application: Request for Street Closures re: MagTober Fest 2022 on October 9, 2022**

**Summary of Discussion:** Mr. David Kelley explained that the request is to close down a portion of Lexington Avenue from Flume Road to Norman Avenue for MagTober Fest 2022 on October 9, 2022. He explained that the event will have food trucks that will be self-powered with generators. Ms. Alana Horne further explained that the Magnolia 525 has granted permission to use their parking lot for an antique car show. She stated that there will be a beer garden hosted by Notch Brewery and explained that the cordoned-off area for the beer garden is being expanded from last year to extend the length of the library, and that there will also be a vendor called the Bubble Bar, which is an old-fashioned truck that serves mimosa-style beverages out of the truck window which will be situated on the backside of the beer garden.

**Councilor Grow** confirmed the date of the event as October 9, 2022, as there is a scrivener's error in the date on the memo received from the City Clerk stating that this matter has appeared before the Special Events Advisory Committee and has been approved.

**Councilor O'Hara** joined the meeting at 5:44 p.m. He stated that the MagTober Fest is a great community event. **Councilor Gilman** stated that she attended last year and is looking forward to this year's event.

**MOTION:** 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 permit a street closure on October 9, 2022, for the MagTober Fest during the hours of 10:00 a.m. – 6:00 p.m., which includes event setup and breakdown, with the following conditions:

1. Lexington Avenue is to be closed from Norman Avenue to Flume Road with appropriate signage posted at either end of Lexington Avenue advising motorists of alternative routes;
  2. Applicant is to notify all abutters of the closed area of Lexington Avenue in advance of the event;
  3. Lexington Avenue will be closed at 10:00 a.m. for event set up and reopen by 6:00 p.m.;
  4. A Certificate of Insurance naming the City of Gloucester as Certificate Holder is to be on file with the City Clerk's office no later than September 30, 2022;
  5. Applicant is responsible for providing adequate trash receptacles and for removal of same;
  6. Due to the current situation, all vendors, except those excluded by state law, are to obtain City vending permits from the Office of the City Clerk 10 days prior to the start of the event;
  7. Please note that given the on-going national response to COVID-19, circumstances may require the Special Events Advisory Committee to modify your event and can include canceling your event.
3. *SCP#2022-005: Granite Street #58, Map 5, Lot 25, GZO Secs. 2.3.1(7) "Conversion to or new multi-family or apartment dwelling, four to six dwelling units" and 3.2.2 n(a) "Dimensional Requirements for Multi-family Dwellings and Their Accessory Uses (other than signs)" for the conversion of a two-family to a four-unit multi-family in the R-5 District*

**Summary of Discussion:** Councilor Grow stated that a site visit was held on July 11, 2022, attended by Councilors Gilman and O'Neil where a number of questions were asked by councilors and members of the public.

Attorney Favazza, Seaside Legal Solutions, 123 Main Street, stated that he is representing 58 Granite Street, LLC for a request of relief for 58 Granite Street. Attorney Favazza explained that he appeared before the ZBA on July 14, 2022, who voted unanimously to grant the requested relief. Attorney Favazza provided answers to the questions asked at the site visit as follows:

**Q1.** What is the footprint?

**A1.** Stated that the footprint, as a measurement, is approximately 1,200 ft<sup>2</sup> and explained that the footprint will be essentially the same as what is there currently. Stated that there is currently two open porches on the left and right-hand side (Granite Street side) that will be enclosed and that the current bay windows will change slightly.

**Q2.** What is the roof height?

**A2.** Stated that the roof height as measured by average grade is technically 33.5 ft. From the Granite Street side, it will appear to be approximately 26 to 27 feet. From the Gaffney Street side, it will appear taller than 40 feet, but the official legally defined height is 33.5 feet and that the ZBA granted relief for the height.

**Q3.** What will happen to the front entrance wall in regard to parking?

**A3.** Explained that currently there is a retaining wall at the right-of-way off of Granite Street which will be repaired and replaced and then a new retaining wall that can be backfilled will be added to create one parking space on the Granite Street side.

**Q4.** Will there be additional parking allowed in the Granite Street right-of-way?

**A4.** Stated no, the applicant is not seeking to have any parking in front of the house on the Granite Street side.

**Q5.** How will this renovation affect pest control?

**A5.** Stated that as a condition of a demolition permit being issued, the applicant is going to be required to hire a pest control company to bait and/or trap the property to ensure any rodents or other species of pests that are on the property are remediated prior to the demolition beginning.

**Q6.** How does this renovation affect fire suppression?

**A6.** Stated that currently there is an old building without any significant fire safety protocols in place. Stated that the new building will comply with all fire codes including firewalls and will be fully alarmed with a third-party monitoring company, as well as being fully sprinkled with a dedicated water service for the sprinkler system.

**Q7.** How does this affect asbestos and mold? Will the owner remove asbestos?

**A7.** Stated that there is asbestos on both the interior and exterior of the current building. Stated that much of the interior asbestos has already been remediated by a licensed specialist. On the outside, there is asbestos shingling that will also be remediated by a licensed specialist.

**Q8.** What is the parking per unit?

**A8.** Stated that the required parking is 4 spaces and that the provided parking is technically 6 compliant spaces with room for up to 10 cars off the street if the cars are allowed to block each other in.

**Q9.** How many spaces are in the front versus out back?

**A9.** Stated that there will be 1 parking space on the Granite Street side, with the other 5 compliant spaces, as well as the 4 overflow spaces off the Gaffney Street side.

**Q10.** What are the details of the easement on 10 Gaffney Street? Are they removing the shed? The tree?

**A10.** Stated that there is an executed P&S for the easement, which will come in across where the shed currently stands and that the tree will not be affected with no intention to remove it. Stated that the relief, if granted by the City Council, could be conditioned on the occupancy permit only being issued upon written evidence to the Building Department that the easement has been fully purchased and is no longer pending.

**Q11.** Assuming all of the ZBA and City Council permitting moves forward as planned, when do the owners hope to begin the renovation?

**A11.** Stated that the hope is to begin demolishing sometime in September.

**Q12.** What side of the house will stage the demolition?

**A12.** Stated that it is anticipated that the house will be “knocked into itself” and then hauled away via the Gaffney Street side.

**Attorney Favazza** explained that the relief being requested is for the Council to grant a use permit to convert the property from a two-family to a four-unit multifamily structure and that the use permit requires compliance with the Standards to be Applied under Sec. 1.8.3. For social, economic and community needs, he stated that two unsafe dwelling units will be replaced with four code-compliant modern dwelling units and addresses the need for additional housing and also addresses the need to remove unsafe housing units from circulation in the City. For traffic flow and safety, he stated that there will be 150% of the required parking that the R-5 district requires. He added that Gaffney Street has easy

access to the property. For adequacy of utilizes and other public services, he stated that all necessary utilities and infrastructure are already in place. For neighborhood character and social structure, he stated that the property is in the R-5 high density residential district and is designated for multifamily uses with the surrounding neighborhood being composed of many multifamily structures. For qualities of the natural environment, he stated that there will be some loss of green space to balance out the parking need. For potential fiscal impact, he stated that this building is converting from a two-family structure to a four-unit multifamily structure and will need extensive remediation so by allowing four units it provides a financial incentive for the applicant to remediate, demolish and construct a code-compliant multifamily dwelling. He also stated that creating four units instead of keeping the current two will help depress what the final purchase and/or rental price will be and it will also increase the tax revenue of the existing property and provide new tax growth with the two additional units. He stated that he is of the belief that the intended use of the property is in harmony with the zoning ordinance.

**Attorney Favazza** stated that the applicant is seeking two additional components of relief including a reduction in the lot area per dwelling unit and open space per dwelling unit and stated that the only finding that Council needs to make is that the reduction in the two figures is consistent with the neighborhood character which, he stated, was addressed under Sec. 1.8.3. and added that it is a very dense neighborhood. **Attorney Favazza** asked that P&D make a favorable committee recommendation to the full City Council on this matter.

#### **Questions from Councilors**

**Q1. (O'Neil):** Asked for **Attorney Favazza** to clarify the height of the property and asked if the proposed height is the same as the current height.

**A1. (Favazza):** Stated the height is 33.5 feet above average grade. Stated that the building from floor to roof is still going to be 57 feet.

**Q2. (O'Neil):** Asked if the tree referenced in the site visit questions is a public shade tree. Suggested including a condition that the applicant does not remove the tree.

**A2. (Favazza):** Stated that he is not of the belief that it is a public shade tree as it is about 75 feet from the street on private property. Stated that he did not think that the applicant has an obligation relating to the tree for public benefit.

There was a brief discussion regarding public shade trees. **Councilor Grow** asked **Councilor O'Neil**, who agreed, to research the regulations regarding public shade trees prior to the July 26, 2022, public hearing.

**Councilor Gilman** requested that **Attorney Favazza** provide a document from the ZBA confirming a certified favorable vote in support for the relief granted at their meeting last week.

**Q3. (O'Neil):** Asked if the property would have water views.

**A3. (Favazza):** Confirmed that the top floor would have water views.

**Q4. (Grow):** Asked if the intention of the applicant is to rent or sell the property.

**A4. (Favazza):** Stated that he is of the belief that they will be sold, but could be rented.

**Councilor Grow** offered a motion, seconded by **Councilor Gilman**, to recommend that the City Council grant 58 Granite St, LLC, a Special Permit (SCP2022-005).

**Councilor Gilman** stated that at the site visit she felt that the conversation amongst the abutters was supportive of the project and highlighted that the parking is going to be increasing significantly from what

it is currently. She stated that she would be supporting the matter. **Councilor Grow** stated that he agreed that the conditions of Sec. 1.8.3 have been satisfied and stated that he will be supporting the matter.

**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 58 Granite St, LLC, a Special Permit (SCP2022-005) for the property located at Granite Street #58, Assessors Map 5, Lot 25, in the R-5 (High Density Residential) district, pursuant to Gloucester Zoning Ordinance Sec. 2.3.1(7) “Conversion to or new multi-family or apartment dwelling, four to six dwelling units” for the conversion of a two-family to a four-unit multi-family in the R-5 District and pursuant to GZO 3.2.2 n(a) “Dimensional Requirements for Multi-family Dwellings and Their Accessory Uses (other than signs)” for minimum lot space per dwelling unit and minimum open space per dwelling unit as follows:

	<u>Required Dimension</u>	<u>Existing Dimension</u>	<u>Proposed Dimension</u>	<u>Granted</u>
Minimum Lot Area per dwelling unit (sf):	2,500	1,848 +/-	924 +/-	1,576 +/-
Minimum Open Space per dwelling unit (sf):	1,250	1,848 +/-	924 +/-	326 +/-

This permit is made on the basis of plans and elevations dated April 6, 2022, entitled “Existing Plot Plan of Land” and June 1, 2022, entitled “Proposed Plot Plan of Land,” and proposed floor plans and elevations submitted to the City Clerk on June 22, 2022. 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.

**Councilor Grow** stated that the public hearing for this matter will be at the City Council meeting of July 26, 2022.

**MOTION:** On a motion by Councilor O’Neil, seconded by Councilor Gilman, the Planning and Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to adjourn the meeting at 6:12 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>