

Planning & Development Standing Committee
Wednesday, May 3, 2023 – 5:30 p.m.
Harbormaster’s Conference Room, 19 Harbor Loop
And via Zoom
-Minutes-

Present (in person): Chair, Councilor Jason Grow; Councilor Tracy O’Neil; Councilor Scott Memhard (as alternate)

Absent: Vice Chair, Councilor Val Gilman

Also Present (in person): Clerk of Committees, Sherry White / Applicant: Attorney Joel Favazza

This meeting was conducted in person and remotely through ZOOM

Meeting called to order at 5:37 p.m.

Councilor Grow announced: “If you are calling in on a phone, you can press Star 9 to request to speak. If you are watching on a computer or a 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 (Councilor O’Neil, Councilor Memhard and himself), and City staff who were attending both in-person and remotely.

- 1. SCP2023-004: Modification of SCP2019-006: East Main Street #116, Map 59, Lot 53, GZO Sec. 5.11.4 “Basic Requirements” to amend the current City Council Permit to pay fee in lieu of required affordable housing unit in the NB district (Cont. from 4/19/23)**

Summary of Discussion: Attorney Joel Favazza, Seaside Legal Solutions, 123 Main Street, requested a two-week continuance on behalf of the applicant as he is working with the City’s General Counsel ironing out what provisions of the zoning ordinance are to be applied to the review of this matter.

- 2. SCP2023-005: Modifications of SCP2020-004: Folly Point Road #1, Map 146, Lot 28, GZO Sec. 3.1.6(b) “Building Height in excess of 35 Feet” to increase height by 3’-2” in the R-20 district**

Summary of Discussion: Councilor Grow read the following narrative to summarize the matter thus far: “The application was submitted on March 22, 2023, SCP2023-005 for modification of SCP2020-004: Folly Point Road #1, Map 146, Lot 28, GZO Sec. 3.1.6(b) “Building Height in excess of 35 Feet” to increase height by 3’-2” in the R-20 district. Under GZO 1.5.13 “Compliance with Approved Plans - Modifications of Plans” which states that ‘...at the request of the [A]pplicant, the City Council ... may make substantive changes to the plans it has approved or the conditions, safeguards or limitations it has imposed, provided that the interests of the neighborhood and the city are not impaired, and only after due notice and a public hearing, and only for good cause shown.’

Included in the application was a list of duly noticed abutters and abutters to abutters. Sec. 3.1.6(b) gives the City Council approval for buildings over 35’ above average grade. April 5th was the first presentation of the application, during which Attorney Favazza outlined the reasons for the requested modification of the height by 3’-2” over the previously granted relief that allowed a building height of 42’-4”. Applicant is asking for a modification that would allow for the final height to be 47’-4”, which, because of site and building design changes as explained by the attached narrative, would only be about 3’ taller than the

currently permitted structure. The application was continued to April 19th. On April 13th, a duly noticed site visit was held to view the existing structure and attended by Councilors Grow, Gilman and Memhard. The applicants were there, as well as Attorney Favazza. Neighbors were noticed of the site visit but none attended. On April 19th, because Attorney Favazza was not in attendance, the application was continued to May 3rd. In the application, Attorney Favazza has outlined that there are no impacts relevant to 1.8.3 that would be impacted by this request for modification.” **Attorney Favazza** pointed out that **Councilor Grow** misspoke and that the actual height is 47’-1”.

Councilor Memhard stated that he has attended both site visits (the one on April 13th as well as the site visit back when the application first came before the City Council). He stated that the building is in the middle of the five acre parcel and that there are no adverse impacts to the City or surrounding residences as they exist. He added that the project is in compliance with the requirements.

Councilor O’Neil stated that the project is already 42’ in height and that she is “afraid it is going to set a precedent so that other people will just keep building higher and higher.” **Councilor Grow** reminded **Councilor O’Neil** that others simply cannot build and would need to seek a special permit as well. **Councilor Grow** noted that no communications in opposition to this matter have been received. **Councilor Grow** offered a motion to approve the modification, seconded by **Councilor Memhard**.

Councilor Grow stated that there is no change to any of the conditions under Sec. 1.8.3 and that only Sec. 3.1.6 (b) for the height increase is before the Council. He said that it is an exceptionally large building and reminded the Committee members that there is a lack of opposition from any abutters and stated that there are no obvious reasons as to why the modification should not be granted despite its size. **Councilor O’Neil** stated that she will not be supporting this matter as it will encourage others to build “higher and higher.” **Councilor Memhard** stated that he believes that the building will be a local landmark and an icon for that neighborhood and that it is not unlike other buildings already in existence within the City.

COMMITTEE RECOMMENDATION: On a motion by Councilor Grow, seconded by Councilor Memhard, the Planning & Development Committee voted 2 in favor, 1 (O’Neil) opposed, to recommend that the City Council grant to Barry M. Goldman a Special Permit (SCP2023-005) for the property located at Folly Point Road #1, Map 146, Lot 28 in the R-20 zoning district, to allow an amendment to SCP 2020-004, under GZO Sec. 3.1.6(b) “Building Height in excess of 35 feet,” to increase the height by 4 feet-9 inches from 42 feet-4 inches to 47 feet-1 inch. This permit is made on the basis of plans and elevations (five) dated September 29, 2022, entitled “Basement Floor Plan,” “First Floor Plan,” “Second Floor Plan,” “Third and Fourth Floor Plans” and “Building Elevations” and submitted to the City Clerk on March 22, 2023. 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 Clerk of Committees, Sherry White, stated that the Public Hearing will be held for this matter on May 9, 2023; that it was opened at the City Council meeting of April 25, 2023, and continued to the City Council meeting of May 9, 2023. **Councilor Grow** invited members of the public to submit correspondences until close of business on Friday, May 5, 2023.

MOTION: On a motion by Councilor Memhard, seconded by Councilor O’Neil, the Planning & Development Committee voted 3 in favor, 0 opposed, to adjourn the meeting at 5:51 p.m.

Submitted by: Sherry White, Clerk of Committees

Documents submitted at the meeting: None.

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