

CITY COUNCIL STANDING COMMITTEE

Planning and Development

Friday, February 12, 2010 – 8:00 a.m.

1st Fl. Council Conference Room – 9 Dale Avenue, City Hall

Present: Chair, Councilor Joseph Ciolino; Vice-Chair, Councilor Robert Whynott; Councilor Greg Verga.

Absent: None.

Also Present: Gregg Cademartori; Joe Novello

The meeting was called to order at 8:00 a.m. Items were taken out of order.

1. Unfinished Business:

A) SCP2010-001: 79-99 Essex Avenue, Section 2.3.1(12) Hotel, motel motor inn under 30 guest units, Section 5.7 Major Project, Section 3.1.6(b) height excess 35 feet, Section 5.5 Lowlands, Section 3.2.6 lot area per two guests (Continued from 01/14/2010)

Councilor Ciolino noted that the P&D Committee is awaiting a letter from Attorney Ralph Pino whereby the applicant will agree to an extension of the timeline for the Special Council Permit application process.

Letter from Steven Goldin regarding property fill was received and is made a part of the SCP2010-001 file, with a document from 1965 being requested. This letter was also received by the Conservation Commission and the Planning Board according to Gregg Cademartori.

By unanimous consent his matter will be continued to March 10, 2010 awaiting the Planning Board and Conservation Commission reports.

B) COM2010-002: Planning Board re: 43D Priority Development Site & Harbor

Plan Zoning Recommendations (Continued from 01/13/2010)

Gregg Cademartori gave the Councilors the February 4th presentation to the Planning Board (on file) and a one page recommendation memo from the Planning Board (on file). He then reviewed this documentation. There was a request by the City Council last year to accept the priority development grant from the State which was a partnership with the Paint Factory and the City to designate the Paint Factory as a priority site which has to meet certain threshold criteria for potential industrial or commercial development. In accepting that grant, the City would look at the Code of Ordinances, zoning codes; anything that is applicable to that site, and potentially that district and try to look at ways of streamlining the permitting so that once they file the complete application they will give all local approvals within 180 days. They were given a certain amount of time to review and the utilization of funds for certain activities. They partnered with them because they have particularly fairly limiting permitting process surrounding that site given the proposed use. They also anticipated using the grant to look at the Marine Industrial (MI) as a whole in the context of the Harbor Plan in the context of zoning as well. Once they started discussing the site plan review, they went to a broader context than just within 43D and zoning recommendations. The reason why the Paint Factory was selected was because of it's simplicity of permitting. It's in the MI. It's not within the Designated Port Area (DPA). You have to go through the same requirements as Chapter 91. They hope for some of this process that the Chapter 91 and MI special permitting will go a little smoother; but they haven't said they'll do that within 180 days. In comparison to other communities, he felt that due to the professional staff on board, the open lines of communication between Boards, the timeline process for permitting goes at an appropriate rate. He went into detail about Designated Port Area processes as well as Marine Industrial usage. Because it is an "as of right" use, it will require permitting. It has its associated reviews with the Engineering Department for drainage. There is conservation jurisdiction and the lowland special permit of the City Council depending upon exactly what they propose to do with the structure. If the alterations only concern above-ground issues, they may not require a lowlands permit. They've talked about some foundation work and berthing of a research vessel which would fall under the lowland special permit

criteria. They also looked at recommendations on MI as relates to special permit criteria; site plan criteria for lowlands permits. Aside from the zoning issues, some of the funding was used to look at internal processes of routing a permit with an eye to create the optimum linear process. They will utilize the financial software, Revenue Sense which has modules that has routing to the departments for review and can be modified to help with the streamlining. It will all be available to City employees to see where the applicant is in the process and what is pending. Eventually an applicant will be able to go through the City website to see the status of their permitting process. They looked at the height, which is now 40 Ft. is how the top height in the M.I. district. It didn't seem appropriate to meddle with that and appears to be adequate. There is a good case for variances based on flood plane issues which is what a zoning board looks at. They haven't seen many requests for this, and no change was recommended. They looked at the lowland provisions in depth. It has not been consistently applied. In the last five years there's been more activity of those coming forward. The recommendation is to put that exemption back in place for the inner harbor as this is an area the City is looking to promote redevelopment and maintenance of bulkhead structures that are typically required to go through the lowland process. And there's already a conservation process, Chapter 91. The relationship to the Harbor Plan; the reason this came as a package this year and not last year is because they were still completing the approval process of the Harbor Plan. When the Harbor Plan was coming through for endorsements, there was concern raised by the public regarding the permitting process itself. Through the process of the comment to the State and our consultation with them on the final approved Harbor Plan, the strategy they have proposes some change in percentage of use without changing too much of the zoning process as it stands. The City Council is still the special permit granting body on the MI. They are proposing a step that could be integrated into the process to allow for a 50% increase from 25% usage. And that is what the State is requiring for the allowance of the 50% for properties on the harbor. He noted the actual text of the proposed changes (previously on file for City Council, December 29, 2009) and went through the itemized list. Some items will be removed because they are not allowable in a DPA. If any of these uses are currently in existence, they will be grandfathered in. 2.3.4-26 is proposed new, as current zoning ordinance is 'silent' on this use - for the potential for a ferry terminal; water transportation loading and off loading. If the zoning is silent on it, it is not allowed to stay that way. The biggest piece of the change is to 2.2.1, the footnote that applies to the MI district for the 25% to move to the 50% increase. The State said if you have a text change that says you're going to restrict to that on a ground level area to 50% supporting use, and also have a process to review it, a proposed site plan review, then that will be allowed within the context of the Harbor Plan. This is a straightforward equation, making it more predictable. There are some setback requirements in the Chapter 91 process, the edge of piers, things of that nature. At least it gets away from the inside and outside the filled tidelands and being able to look at the site as a whole. Site Plan review ordinance is the largest portion of the changes. The purpose of these discrete modifications is to streamline the process. It is important to note it is for commercial and industrial projects. If there was a significant redevelopment of a residence within the inner harbor, that would still require the lowland permit. When you start getting into what is a site plan review process and how is it going to be implemented and how are we going to look at it, that's a much broader discussion. They utilized assistance from John Whitten who will be at the City Council public hearing. They had several working meetings with the Planning Board to decide the types of discretion do you want associated with this; and again because it is proposed to help the process along, they didn't want to introduce another kind of special permit.

This will be an administrative site plan review. The Process would be the comments of all staff and a recommendation to the Planning Board and a shortened review period of 45 days. It would appear on the Planning Board agenda and would appear within one or two meetings of the Board. It applies to certain uses that we don't have a review process for. If it's a by right use, it triggers this threshold. This is to gather all the comments of the Departments in one place. This is the kind of thing they're looking for. He referred to the document enumerating the proposed Review Guidelines and Approval process. That takes care of the Commercial/Industrial properties on the harbor. The last three is regarding residential property. There may be other means of regulating that, with regard to curb cuts. He referred to the storm water issue. It is one of the few tools they have to look at the issue. Multi-family already has a special permitting process in place. It is something more administrative and a way to encourage departments to make their recommendations to the Council. He believed it can be done in the existing process. He noted some of the history behind these items regarding two-family use. They want to look at some of the potential impacts associated with them. How do we want to potentially regulate that? Some may say it is more about the use; is it about the driveways and safety issues; it can be looked at in this process. It is one of those things that have the most consideration. People are seeing this as just one more step in a long process before they can have an as of right use. There is no ability for the Planning Board to deny a site plan. They can put conditions on them, how things should be arranged on a site, but they're not ruling on the use itself. If something requires a special permit, it still goes to either the ZBA or the City Council for those permits. If it's an as of right use, this is the kind of tool that allows us to look at other impact for commercial and industrial projects that just require a building permit right now. Section 5.8 relates to transportation and freight terminals. It says they can't be within certain distance to residential districts so that is proposed to go back into the use table as a footnote.

Councilor Whynott wanted to be sure a ferry terminal use wouldn't interfere with the Fort area.

Mr. Cademartori continued by noting the MI criteria with factors to be considered to meet the MI requirements in the Major Project special permitting. The current section talks about guidelines. In this case, these are really things that should be required – to move from factor to finding.

Councilor Whynott noted the proposal of 5.18-2 seemed exclusionary as it is so all-encompassing for future development.

Mr. Cademartori referred him to some of the current language.

Councilor Verga felt it was straightforward.

Councilor Ciolino said he had a concern regarding the site plan review which is another step in the process; you have to go before the Planning Board. Will there be a fee to do this.

Mr. Cademartori said that is usually tucked into an ordinance that it can be identified in rules and regulations. Someone already has to get a drainage plan associated with a plan which has a fee. The input from that process is assumed into this. Because of no public hearing required, there's no fee for public notice. He doesn't see that this should be particularly onerous. This is something that they do on a weekly basis that just isn't described. It is not an additional cost to the City to do this. The City could look at a fee, but he did not feel if instituted it should be significant. You could make a recommendation to do this.

Councilor Whynott agrees that there was a rule that if you had to go to the ZBA and then you had to go to the City Council for the same thing there would only be one fee. Now there is two. They don't want to see three. He'd like to see some protection in there. If this is a new step, then there shouldn't be a fee.

Mr. Cademartori said they're already making their plans and it's not cheap to propose something. That this is something we already do, the only addition is routing to the Planning Board which is done electronically.

Councilor Ciolino stated if you want to do a curb cut, you want people to go to a site review plan.

Mr. Cademartori said if they're doing multiple curb cuts on a lot – access from multiple points, yes. Sometimes people have circular drives; they're creating two 24 ft. openings within 100 ft. From a public safety perspective it is something that can be looked at.

Councilor Whynott felt a circular driveway was safer. Legally you're never supposed to back out onto a street from a driveway.

Councilor Ciolino referred to Item #D, three or more units of expansion on multi-family structures, and noted that they're saying you're going to a site review, going to ZBA after that, and then go before the Planning Board, then to P&D and then to City Council. You're adding another layer. Like years ago with the height, if you want to go three or more, go to ZBA and eliminate coming to City Council altogether.

Mr. Cademartori said that type discussion has come and gone as to whether there is a threshold for multi-family use that is kept to the ZBA. It could be a recommendation that it could be looked at in another way rather than including it here at this point. If that is something that is supported by the Council, then this should be discussed further. They could look at both ways and encompass dimensional requirements and for smaller projects have it handled at the ZBA.

Councilor Ciolino said you might do something like going from two to three you go to ZBA; four and above go to City Council, which are more infrequent. Most are existing buildings and are parking issues.

Councilor Whynott didn't have a problem with new multi-family residential construction of three or more units. If you're looking at an existing situation and you're just adding one more unit, there isn't much at issue.

Councilor Ciolino asked for Mr. Cademartori to come back to the Committee with some changed language on the residential area.

Mr. Cademartori said if the Committee wants to recommend that – it can be the recommendation. He didn't think there was much more he could provide to the Committee. There are things that could be resolved through a staff review process, but they don't have anything that starts the discussion. The Committee has raised a good point on some of the problems with the permitting process for multi-family use. The recommendation could be is that it is looked at through the zoning requirements for multi-family use rather than a site plan review ordinance. Two-family is something that has been raised frequently about the in fill on a new two-family lot in a neighborhood that is seeing it as a new use and whether there are things that can be looked at associated through a site plan review or a zoning issue. Fifty percent of people say it's the use and fifty percent of the people say that's just how they do it. Multiple curb cuts – is it a huge concern, those three again, he would look to the Committee to make a

recommendation to streamline the residential side of it, just the process to delegate to zoning board and what remains with the Council.

Councilor Ciolino expressed concern about Marine Industrial and that residential drifted in.

Mr. Cademartori said site review around the State is a laundry list of what can be looked at so that it covers as much as possible. This is a mechanism to start looking at it and how it can be improved upon.

Councilor Ciolino said you want us to move forward with the exceptions of 5.8.2 with the removal of item D and item E.

Mr. Cademartori noted in 5.8.2, Item E is for brand new two-family structures.

MOTION: On motion of Councilor Whynott, seconded by Councilor Verga, the Planning and Development Committee voted 3 in favor 0 opposed to recommend to the City Council to accept the Planning Board Report on Proposed Zoning Amendments to Sections 2.2.1, 2.3, 5.5, 5.8 and 5.18 relating to the 43D Priority Development Site and 2009 Harbor Plan Recommendations with the removal of Section 5.8.2 paragraphs D and E.

2. COM2010-005: Request from St. Peter's Fiesta Committee for Use of City Land

Joe Novello, St. Peter's Fiesta Committee presented his letter to the Committee asking permission to have the same set up for the St. Peter's Fiesta 2010 being held from June 23rd to June 27th in the same area.

Councilor Ciolino said he spoke with Lt. Joseph Aiello of the Gloucester Police Department who stated the Department doesn't have any issues with the plans. The only issue in the previous year was with a herring vendor. There were changes in ordinance regarding the peddler's license(s) for that week.

Councilor Whynott noted that was always the case. When that was first put into the ordinance, that particular spot on the ‘corner’ could be used all year long except during the St. Peter’s Fiesta. If they wanted it during the Fiesta, they have to make arrangements with the Fiesta Committee.

Councilor Ciolino said they had to get out for the Fiesta. Now it starts on Wednesday. So now we say they must move for the whole week.

Councilor Ciolino said Ambie Scola is once again selling his sausages, and Mr. Novello noted there has never been a problem with Mr. Scola.

Councilor Whynott said as its part of Fiesta, he gets to go.

Mr. Novello said the St. Peter’s Fiesta Committee can’t control private property, of course. If a vendor who has their proper permits with the city and has permission to set up on private property, they can do so.

Councilor Whynott said the only complaints were about having vendors too close to the Fishermen’s Statue. He noted Mr. Novello does a fine job of handling the Fiesta.

Mr. Novello said they don’t have that many vendors on the Boulevard, and their letter states only within 50 feet of the Fisherman’s statue on the Tavern side of the Boulevard.

Councilor Verga said he supports the Fiesta.

MOTION: On motion of Councilor Whynott, seconded by Councilor Verga, the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to allow the 2010 annual St. Peter’s Fiesta commencing on Wednesday evening, June 23 through Sunday, June 27, use and control of St. Peter’s Park on Rogers Street, the streets and sidewalks of Rogers Street, from Mansfield Way to the entrance of Commercial Street, Commercial Street up to the Chamber

of Commerce Building, and from the intersection of Main and Washington Streets to St. Peter's Park; and on Friday, June 25, Saturday, June 26, and Sunday, June 27, only, the water side of Stacey Boulevard from the Tavern, to the Fishermen's Memorial (to the extent allowable by law) and the Ciaramitaro/Gemellaro Playground at Fort Square; for the purpose of conducting the St. Peter's Fiesta on the days and dates mentioned above. Further that vendors not be allowed on the right-hand side of Commercial Street nor on the streets and sidewalks from Tally's to the Chamber of Commerce and in addition, that all peddlers, canvassers, solicitors and others who encroach upon or occupy in any way these areas without the express consent of the St. Peter's Fiesta Committee are to be considered trespassers and to be in violation of Gloucester City Ordinances, Chapter 14, Section 14-6; Trespass.

3. CC2010-006 (Hardy) Review Fee Structure under Sec. 5.7.3 of the Gloucester Zoning Ordinance on Major Projects and to review obligations of applicant to provide reproducible plan(s) and to review the application forms for all special permits

By unanimous consent this matter will be continued to at the next meeting on February 24, 2010.

4. Mayor's Report Addendum dated February 2, 2010 re: Facilities Management Report

Councilor Ciolino would like to have someone from the school district to tell the Committee where they are on their plans for the school buildings which should be Ms. Gilman.

The Committee briefly discussed some of the issues pending regarding facilities

By unanimous consent the matter was continued to February 24, 2010.

5. Other Business

None.

It was moved, seconded, and voted UNANIMOUSLY to adjourn the meeting at 9:07 p.m.

Respectfully submitted,

Dana C. Jorgenson

Clerk of the Committees