

CITY COUNCIL STANDING COMMITTEE
Planning & Development Committee
Wednesday, July 18, 2012 – 7:00 p.m.
1st Fl. Council Conference Room – City Hall
-MINUTES-

(Items May be taken out of order at the discretion of the Committee)

Present: Chair, Councilor Bruce Tobey; Vice Chair, Councilor Greg Verga; Councilor Jackie Hardy

Absent: None

Also Present: Gregg Cademartori; Jim Duggan

The meeting was called to order at 7:02 p.m. Councilor Tobey entered the meeting at 7:41 p.m.

1. CC2012-012 (Tobey) General Counsel & Planning Director re: legal constraints governing the redevelopment of the I4-C2 parcel and measures Council would need to initiate to seek lifting those constraints

Jim Duggan, CAO stated they wish to propose a phased-in development approach for I4-C2 starting with the right-hand portion of the property close to the Building Center (the left side of I4-C2 when viewed from Rogers Street), and put out an RFP to see what kind of interest there would be with a water dependent use that is eligible within the DPA, what would be applicable for there, and look for proposals to come to the City. They would present a draft RFP to the Committee approximately in September. **Councilor Tobey** stated that proposal would not only speak to that piece, but would give the Committee a sense of what is expected regarding the phase-in of the balance of the property. **Mr. Duggan** stated it would depend on what kind of proposals come in; would it be a matter of something that would warrant a quicker development process for the remaining portion, “absolutely”. But he also stated that it may require a more strategic phasing in approach. He wished to not commit them; rather they would like to be able to propose further the remaining portion over a series of months and let the process continue. **Councilor Tobey** commented he, Mr. Duggan and the Administration have tried efforts to get cooperation and feedback on the I4-C2 RFP parameters from New Bedford. **Mr. Duggan** stated they’re disappointed with the lack of collaborative effort in trying to get some input to help with the challenges of drafting the RFP with the challenges of the DPA. They haven’t had cooperation on that end. He thanked the Chair for his efforts in that regard. **Councilor Verga** assumed, because of the size of the parcel, that there would not be multiple developers due to the size of the lot. **Mr. Duggan** couldn’t answer that. There may be multiple developers in a phased-in approach, or one or two. They want to start the process and evaluate the development proposals put before them. If it warrants additional developers for other phases they will do so. They are looking at a land lease or a possible sale. They want the greatest amount of flexibility but to be sure there is the water dependent use. On inquiry by **Councilor Tobey**, **Mr. Duggan** said the Administration remains committed to the DPA. Not committing to a lease and selling it off may be an option. **Mr. Duggan** expressed agreement. **Councilor Tobey** asked about minimum financing; that there was some suggestion that the minimal annual returns with private developers; and was there any sense of that. **Mr. Duggan** did not have that as yet and would appreciate the committee’s input as they present the draft RFP to assist them in crafting that language. **Councilor Hardy** pointed out that whatever the proposal is it would come back to the City Council whether it is a sale or lease. This is the beginning to get everything structured to see the continuity and progress on this particular parcel. She asked when this would be taken up again at this level. **Mr. Duggan’s** goal was to have a draft RFP to them in September for review. **Councilor Hardy** noted they’re looking at least at October before the RFP will be put out to the street. They all want to see progress and not see the development of the property remain stagnant. **Mr. Duggan** stated they worked hard to get ownership and now want to develop the property properly.

2. Application for Further Modification for a Special Council Permit previously modified 12/7/10 originally granted July 7, 2010 re: Rogers Street #9-11, GZO Sec. 2.3.4(8) and Sec. 2.3.4 (9)(Cont’d from 06/20/12)

Attorney Catherine Schlichte, representing the applicant, Cape Ann Brewing Company (CABC), for their petition to modify their Special Council Permit to operate a restaurant in the MI district stated there are a lot of different permitting bodies that regulate this property. On the front of it is the brewing company, which is a permitted use in the MI district; and at the rear is the 2,300 square foot restaurant operation with a 1,200 square foot outside dining area. That is what was permitted by the City Council in July 2010. The CABC then sought a modification of that permit in order to install a grain silo in December of 2010 at the left front of the building (as viewed from Rogers

Street) to assist with the brewery operation. The applicant is asking to erect two awnings over the outside dining area; one awning 17 feet x 33 feet over the dining area, and a 17 feet x 10 feet awning over an outside bar there now. The outside bar was permitted by the Licensing Board. The physical structure of the bar is moveable. The Building Inspector didn't feel it needed permitting because of it being seasonal. It will come in during the cold months. It is allowable under the previously modified special permit. **Councilor Tobey** asked Mr. Duggan to obtain for the Committee a written opinion from the Building Inspector that the outside bar which is portable is allowable under the terms of the special permit as previously modified before the public hearing scheduled for July 24th. **Councilor Hardy** stated the application that was filed on April 17th, the applicant stated they were requesting permission to put an outside bar on a harbor side deck and agreed with Councilor Tobey's request. **Ms. Schlichte** noted Jeremy Goldberg; owner of CABC prepared the application on his own and did not believe he had a discussion with the Building Inspector about the bar. The original permit was to operate a restaurant in an MI district, and is still doing so. The seating capacity, exterior or size of the restaurant has not changed. The change is to add the awnings to the outdoor seating areas. She would not have put the information about the bar on the application were she preparing it for submission. **Councilor Hardy** asked if they were intensifying by expanding to an outside bar. **Ms. Schlichte** stated they are not changing the capacity; they're serving the same number of patrons with the same seating capacity.

Ms. Schlichte pointed out that the standard for modifying a special permit under 1.85 of the zoning ordinance and that it is not subject to the initial six point test. The question is would this modification of an awning over an existing outdoor seating area be in the interest of the City and the neighborhood. The dumpster screening and the signage has been rectified as verified in her letter to the Committee dated July 12, 2012 (on file) which had photographs showing that the screening had been installed and the notice of public bathrooms posted. **Councilor Verga** stated since their last meeting he visited the site several times; and that the sign for public bathrooms do not jump out. **Councilor Hardy** thought that it needed to be posted so it could be seen easily by passersby. **Ms. Schlichte** stated that Chapter 91 does not indicate how the signage should be posted only that it should be prominently displayed. **Councilor Verga** commented any passerby may not see it on the doors as it is a simple printed notice. **Mr. Goldberg** stated the requirements are that he posts the notice of bathrooms available during business hours on the door. **Councilor Tobey** pointed out it should be a prominent broad posting for the public. While it is not their job to enforce Chapter 91, it is their job to make sure the use is compatible in a balanced way; they could add the specificity on the posting of the signage. **Ms. Schlichte** stated it needs to be done for Chapter 91 compliance and read aloud some of that language to the Committee. **Councilor Verga** added that what the applicant has done by posting a note on the doors of the restaurant is adequate but signage has to be more prominent, which is what is indicated in the Chapter 91 language.

Ms. Schlichte then spoke to the awning is over the dining area and one that should be over the bar area. She didn't think it needed to be permanent; but the Building Inspector felt because there are metal posts permanently affixed to the building and lighting, the awnings needed to be permitted. If umbrellas were over the tables there would be no need to come for a modification, although the awning over the dining area is already installed.

Councilor Tobey understood requirement of Chapter 91 just less than 5,000 square foot being set aside for water dependent use. **Ms. Schlichte** stated it is difficult for them to fill that requirement. When the City amended the DPA seeking relief for some pieces of property (used to be 25% of uplands could be used for non-water dependent uses). Gloucester got approval from the Department of Environmental Protection (DEP) to move it to 50% of upland use to be water dependent. When this property was originally permitted with the DEP, less than 50% of the upland space was being used for non-water dependent use. This proposal, because of the silo added up front, 9 x 9 square feet, and with some added landscaping under the sign and on the side of the building. That is taking up some of the area on the property that had been designated as temporary use for lobster pot storage, small boat storage and repair of nets, for whatever use they could get related to water dependent use. It brings it now to just less than 50%. A request for modification has been filed with the DEP to allow for those changes. There will be 50% for water dependent uses and 50% for the upland uses which complies with the Gloucester DPA standards. **Councilor Tobey** asked if the same amount of square footage will still be available set aside under the modification. **Ms. Schlichte** stated it had to be. They hadn't used up all of the 50% before. There was more than 50% for the land under temporary uses under the water dependent use. They're now going to reduce it to just 50%. **Jeremy Goldberg**, owner of the Cape Ann Brewing Company informed the Committee that previously they were using 42% and 48% was temporary use for marine dependent use. Their request is to decrease the supporting use to 47.1% and decrease the temporary use to 52.9%. They expect to learn of the judgment by the end of the month. It was noted for a modification of this kind there is not a public hearing.

On inquiry by **Councilor Tobey**, **Ms. Schlichte** confirmed that Sarah Garcia, Harbor Planning Director had confirmation of payment for mitigation funds submitted to the Clerk's office in writing as to the CABC status which

shows they are up to date. **Ms. Schlichte** commented this is a difficult property to find people to use this property, and will work to get the word out to make use of the property. It is part of the marketing plan the DEP is asking Mr. Goldberg to develop. The Committee discussed the frontage piece of the property where it is difficult because it is directly on Rogers Street to get lobstermen to store pots on that available area. **Councilor Verga** stated it has been solicited by Mr. Goldberg, however.

Councilor Hardy stated at the last meeting they asked to have the dumpster screened. She noted that the gates appear to be left wide open at all times. She asked the gate be closed after each delivery. **Mr. Goldberg** stated they get deliveries 20 to 30 times and is where the back door is. **Councilor Tobey** agreed they want the gates closed when the area is not active. **Ms. Schlichte** stated they could do a better job being aware of the gates. She also noted she placed a call to Dr. Gonzales who was not there at that time. The partners did call her back to say they have no problem at all with the Brewery in any way and appreciated the screening. **Councilor Verga** expressed the application appeared to be ready to move forward to public hearing. **Councilor Hardy** was encouraged that the gates will be closed when they are not being used and appreciated it. **Councilor Tobey** encouraged Mr. Goldberg to make every possible effort to see that all space available for water dependent use be utilized by commercial fisheries.

MOTION: On motion by Councilor Verga, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to GRANT a modification of the Cape Ann Brewing Company Special Council Permit 2010-004 for 9-11 Rogers Street, Gloucester MA to operate a restaurant in a Marine/Industrial Zone to permit the applicant to install an outdoor bar on the premises outdoor harbor side deck with an awning and framework for the purpose of covering the middle section of said deck in accordance with the plans provided by the applicant to the Planning & Development Committee on July 18, 2012 and as signed by the applicant.

3. Memorandum from CFO re: Loan Order for purchase of Brierneck Crossing

Mr. Duggan stated the Administration supports this loan order for what has been a sensitive issue with the existing owner for the property on Thatcher Road known as Brierneck Crossing. The group that has come forward has shown tremendous interest and has done a great job to negotiate the sale of the property, Friends of Good Harbor Beach (FOGHB); represented by Denton Crews who was in attendance. The loan order that is before them and B&F is that there is no cost to the City. **Councilor Tobey** asked why this is true, as there is CPA money that is applied for and if granted will be used as well towards the purchase of this property which is a taxpayer subsidy. **Mr. Duggan** stated it is not out of the General Fund. He explained that if the LAND grant is approved it would be out of state tax funds. In terms of the City needing to budget funds to be applied to the general debt, it will not be affected by the loan as it is based on a reimbursable LAND grant which they've experienced recently with the green roof repair, for instance, and they had a loan authorization for it up front. If the LAND grant falls through the purchase doesn't go through. And, if the LAND grant isn't awarded, the CPA funds go back to the process and are then voted towards another project in their next appropriation cycle. **Councilor Verga** asked what the breakdown is for the funding of the purchase, or is the grant to cover all of it.

Denton Crews, FOGB member, and an abutter to the property at Old Nugent Farm explained funding is in three parts for the total of the loan amount of \$750,000 (\$720,000 is the actual purchase price): 1/3 from the state (LAND grant), 1/3 from the City (CPA) and 1/3 the FOGB are responsible to raise the funds. The CPA is coming in at \$150,000, and so they made an adjustment to the proposal. The ConCom agent increased the LAND grant application amount to \$375,000. The State grant would compensate for the lower CPA amount. The proposed loan order makes it possible to be reimbursed for the LAND grant. The \$375,000 which they will learn if it is awarded on October 1st has to be expended by the City and is then reimbursed by the LAND grant; and likened it to a bridge loan. **Councilor Verga** stated the City bonds the money, and they don't spend money until the grant is received. The commitment has to be there to front the money. **Mr. Duggan** agreed. **Councilor Hardy** asked if they could condition the motion to that fact, which was done for the Newell Stadium LAND grant application. She asked what assurances do they have, once they notify the state that the loan authorization is approved, that the Mayor won't just say the City will front the money, and eventually it will be met (by other means). What guarantees that the City will get the money back? **Mr. Crews** explained there is an issue of sequence. The Friends portion will come first for \$250,000. In order to secure \$250,000 locally, they asked the owners of the property to contribute \$125,000, which they did. They are dealing with the investors, not the developer, who put up the money for the property. The owners are primary represented as James Grimponi for Brierneck Realty as listed on the State website. They negotiated directly with the investors and have evidence of the exact members, but they do deal with the principal of

the developers, Mr. Steven Goodman is a representative and runs an investment firm, and also Ed Huminick (sp). **Councilor Tobey** asked who the FOGHB were which Mr. Crews did not respond directly to. He did state the FOGHB would be raising \$50,000 in two phases –first asking individuals and now have \$21,000 of the \$25,000 slated for the first phase and expect to reach their goal by the end of July. This would used as a deposit on the property. A second \$25,000 would come next fall. They are a non-profit group and applying for a 501C3 status to the IRS. There are five board members with 12-15 active members. www.goodharbor.org is their website. Their goal is \$75,000 from private foundations. The Dusky Foundation has pledged \$50,000. They expect to reach that goal also. The City, by the CPA making the recommendation for funding, has taken a step in good faith. Those funding are dependent to putting the rest of the funding in place, so the City is not vulnerable. The State funding becomes key to this.

Councilor Tobey asked for an explanation as to how and why there is an arrangement now to purchase this property. **Mr. Crews** explained this property is across the entrance to Good Harbor Beach. Twenty to thirty years ago this parcel was marsh. **Councilor Tobey** stated that was not the case. In 1970 there was a building there that burned down. This is filled land that had been built on that supported commercial uses, jobs and taxes. **Councilor Hardy** knew that Sam-Ann's was at that location, a restaurant with mini-golf in the rear. Both she and Councilor Tobey attested to that fact having grown up and lived in East Gloucester, which Mr. Crews expressed his disagreement with the Councilors. **Councilor Verga** pointed out that the Assessors records (on file) show that fact going back to 1950. **Councilor Tobey** asked why they should take this off the tax roles. **Mr. Crews** stated this property is located on the corner Witham Street and Thatcher Road is the beginning of a marsh; six acres, four acres of which is marsh; 1.9 acres is filled. Records show it was filled at some point regardless of the date. When they approach the Good Harbor marsh from the Rockport line, that marsh is crowded into a short window where there is continued commerce, residential areas as well, not natural use of open space. It can be restored as a marsh or be made a gateway to a marsh. They wish to see this property returned back as marsh. They visualize that Good Harbor marsh and beach are no longer what is left over, that it become a conservancy. The same can happen from the other end. A conservation restriction would be placed on the property. **Councilor Tobey** reiterated this was filled and built upon land and in productive economic use. But for the fact of disputes going back to the late 1970's, it would have been built on 30 years ago. **Mr. Crews** responded that having the space as a gateway to the marsh can make a difference both for the appearance and use with a walkway along Thatcher Road which they have evidence of risk to public safety there, and connecting one end of the marsh to the other – open space that has discrete signs for educational and environmental breakouts rather than putting up a restaurant or other commercial use. **Councilor Tobey** stated they still have to pay bills. **Mr. Crews** believed the public would stand behind this vision.

There was a discussion of the surrounding properties in the area immediate areas which are not under any obligation to have open space or conservation. Mr. Crews encouraged the Committee to view the marsh as an area of estuary. There are studies on going which give them reason to believe the marsh is deteriorating and is not getting attention. **Councilor Hardy** noted that there are several ponds that are neglected in that immediate area, in greater need of remediation from invasive growth, than the Brierneck Crossing. She pointed out really it is interconnecting three ponds. Ward 4 has many areas that need attention too. The City doesn't have the money to address all of them. If they do it, there should be some kind of maintenance program.

Councilor Tobey noted they do have an open space plan, and this parcel is not listed there directly for acquisition and would come under a catchall. **Gregg Cademartori**, Planning Director agreed with the Councilor's statement. The open space effort completed in 2010, a daunting task to ask of a volunteer group, to look at 13,000+ plots in Gloucester and their conservation values. They took a strong focus on better managing the existing open spaces. There was no less a priority to continue to evaluate the inventory for some assets they may want to acquire more cooperatively through easements or stewardships. They included that they can't contemplate opportunities that may arise due to exactly something like this. In this particular case, he expected they would also avoid targeting particular properties that already have approved development proposals on them, and this is one such property. Looking towards the contiguous open space the City has from a resources value of the margins of marsh areas which are so important, they also make general statements about those large contiguous areas and enhancing them. This fits into those generalizations. This opportunity was not something pursued by the City to begin to try to negotiate with the property owner. But there is an opportunity to leverage funds.

Councilor Hardy noted the documentation that was presented to her for review was the Good Harbor Gateway Project the CPA proposal. The numbers have changed for funding in at least two of the categories. Are they going to submit an addendum so that everyone will know what they're looking for? **Mr. Crews** explained they're doing so with status reports; and have been asked for a site visit but not to revise the proposal. **Councilor Hardy** asked what the Council can look at for the up-to-date funding status. **Mr. Crews** expressed they would provide a status

report to the Council. **Councilor Hardy** also noted their project schedule for the sequence of events seems to be behind schedule and asked for an updated schedule as well.

Councilor Hardy noted the loan order language that will be before the B&F Committee and pointed out several areas of concern that she would seek clarification on as well as amendments to it. She asked Mr. Duggan to take some of these concerns to Bond Council to see if the loan language could be amended. That matter would be taken up the following evening at the B&F Committee meeting. **Councilor Tobey** asked what the deadline for the LAND grant application is which **Mr. Duggan** informed him was July 12th and would hear by October 1st.

On inquiry by **Councilor Hardy, Mr. Cademartori** understood one of the requirements if they utilize LAND grant funding; they also look for a “belt and suspenders” conservation restriction on the property as well usually held by another entity. Essex County Greenbelt would be willing to be the holder of a conservation restriction. The City would own the property in fee. **Councilor Tobey** noted there are other tools; that it is not the only way. The City Council and the Mayor could collaborate in instituting a conservation restriction under Article 91 of the amendments of the State constitution which is very difficult to undo. **Mr. Cademartori** responded this was the particular entity that said they would participate. **Councilor Tobey** stated the City could do it as they did on the 80 acres they already own. **Mr. Cademartori** explained this is not a transfer of ownership. It is a conservation restriction. The City would still own the fee. **Councilor Tobey** added it is still an interest in real estate that the City would be conveying. It is an easement. He pointed out this was more than just a matter of borrowing money. **Councilor Hardy** still needed to know what guarantees the City has that they won't be left on the hook paying some money; if they don't come through. **Mr. Crews** stated they will transfer the monies at the closing, as the owners will, and the private foundations will as well. That leaves the CPA funding which needs to be worked out. The last piece is the State on October 1st awards \$375,000 with the commitment of the loan order would be used to complete the transaction. Referring to the loan language, **Councilor Verga** stated it sounds like in the last sentence there is nothing that stops the Mayor from spending the money to buy the land if the grant doesn't come through and asked if they could put in language to assure there is no bonding if the grant does not come through. He expressed he'd be more comfortable if that sort of language was included. **Councilor Tobey** added his agreement it would be a better motion building that safeguard into it. **Councilor Verga** reiterated he likes the concept but wants to be sure that it is clear that the City is not on the hook for the whole amount. Councilor Tobey suggested a better focus would be on parcels of land in their natural condition and under threat. An approved project is in place for Brierneck Crossing; this is not a wise use of taxpayer dollars. **Mr. Crews** mentioned that the Town of Rowley did a similar, but larger project, and had federal grants; they are investigating federal funding as a result of that project's funding sources. The anticipated closing date on the property is January 23, 2013. **Councilor Hardy** asked what the next step is that the FOGHB after this is might be approved; and what is the City further obligated to do. **Mr. Crews** stated they've begun a limited feasibility study regarding the walkway; but is not an immediate priority.

Note: Councilor McGeary submitted a statement via email 7/18/12 in support of the Brierneck Crossing loan authorization and acquisition of the property by the City.

4. SCP2012-008: Maplewood Avenue #89, GZO Sec. 2.3.1 (7) Conversion to or new multi-family or apartment dwelling, four to six dwelling units

Attorney Salvatore Frontiero, representing the applicant, Woodnut LLC explained that Woodnut LLC owns a property at 89 Maplewood Avenue which has been a school, a business and a mixed use residential property. The applicants now wish to convert the property to a four family apartment dwelling. The first floor which has been for commercial use is currently vacant with the second floor having two apartment units. The Special Permit permission appears to have lapsed with regard to mix use, but it was a bit of a gray area. He showed the Councilors colored photographs of the property (submitted and placed on file). The first floor facing the street has a commercial-like façade on it and doesn't lend itself to any other use the way it is currently configured. The owners would reconfigure the first floor into two apartments, and the upstairs would continue with two apartments. There are no changes to the right side of the building. They are increasing the size of three windows of the left side for egress compliant for the bedroom, but they are making no other changes to that façade. The back side of the building is unchanged. They will get rid of the plate glass façade on the front of the building to make it more residential, matching the second floor. The building has parking out back. There is a currently door leading to the sidewalk on the front of the building which will be eliminated. The alcove will be squared off with no change to the building's footprint. These are very minimal exterior changes to the building.

Prior to coming to P&D, they applied and received all dimensional relief ask for from the ZBA. There are two dimensional issues before the Council which is open space per dwelling unit and the other is lot area per dwelling unit.

Mr. Frontiero spoke to the six criteria for a Special Council Permit under Sec. 1.8.3: Social, Economic or Community Needs – This is commercial use in a residential area. This application if approved changes it to completely residential. A direct abutter to the right of the property expressed they were pleased with this conversion to all residential at the ZBA hearing. The application also has a note of support from the Building Inspector who found this four family conversion to be a less intensive use of the property. Also, it would add two new quality dwelling units to the downtown area with parking. There are five legal spaces. The requirement is one per dwelling unit. They could probably fit more spaces as these spaces are particularly large. However, they want to ensure that the tenants have the ability to turn around so they are not backing out of the property. There are no hydrants on the property. There is plenty of room for access by emergency vehicles in the driveway and parking area. Traffic Flow and Safety – There is plenty room for turn around and for parking of tenant vehicles. The alleyway is also plenty wide enough. They are eliminating the commercial use which during certain times of day is a more intensive use; a residential use would be less intensive. And Maplewood Avenue is already a major City thoroughfare. Adequacy of Utilities and Public Services – the property is served by municipal water and sewer. Two more units will not place a strain on the public utilities. Neighborhood character and social structure – The neighborhood is a mix of multi-family and single family dwellings in this immediate area. The proposal would fit in with the residential character and will eliminate the commercial façade. They are not keeping the brick on the façade either. With the train station nearby, this is a great apartment building for commuters. There are many other amenities within walking distance. Qualities of the Natural Environment - There are no resource areas nearby. It is an urban environment. Potential Fiscal Impact - This will be better real estate tax wise and provide much needed apartment units in the City. By applying these elements, Mr. Frontiero stated, this application meets the Special Council Permit standards.

Councilor Hardy asked if there was a plan in place as to where the tenants would put their trash on the exterior of the building. **Mr. Frontiero** explained there is plenty of room to place trash receptacles in the off-street parking area. **Councilor Hardy** asked that the trash barrels be screened in some way and, further, did not wish to see trash placed out onto the sidewalk stretching the length of the building. **James McSweeney**, 5 Cross Street, Stowe, MA, and principal of Woodnut LLC, stated they can buy roll-out barrels (one per unit) which have a cleaner, neater appearance. He would be sure they have recycle bins which they have there now. **Mr. Frontiero** reiterated the neighbors have expressed they are pleased with the change of use.

The applicant is seeking some dimensional relief a decrease in the required lot area per dwelling unit from 2,500 square feet is required per dwelling unit; they are proposing to reduce it to 1,443 square feet per dwelling unit which is reduction of 1,057 overall reduction; and a reduction of open space per dwelling unit with 1,250 square feet is required and they are proposing a reduction to 912 square feet, a 338 square foot reduction overall. The standard is whether the relief to be granted is in harmony with the intended purpose of the zoning ordinance. They are eliminating a potential non-conforming use; eliminating a commercial-like structure and turning it to all residential use. **Mr. Frontiero** expressed that is in harmony with the intent of the ordinance. These things are put in place for density purposes; and they are not changing the density of the lot. The volume of the building is staying the change except for the alcove. Even though they are changing the number of units, they're not increasing the coverage of the lot. He reiterated that the Building Inspector did write a letter stating his opinion that the proposed use is less intensive. This lot is 5,773 square feet which is larger than some lots in the immediate area.

Councilor Hardy asked how many bedrooms there were in the apartments upstairs and downstairs and was informed there were two two-bedroom apartments on each floor of approximately the same square footage. **Joseph Taormina**, 6 Vine Street, architect for the project, stated that the units will be about 900 square feet each. **Mr. Frontiero** added they would be hiring local contractors also. **Councilor Verga** commented he knew that rental units are tight at this time and these units would be a good addition to the City's rental stock. This is not out of character for the neighborhood and is an appropriate use of the property. **Councilor Hardy** noted she has driven by this property frequently over the last 30 years. Changing this to a residential property is beneficial to the neighborhood and the City, with nothing detrimental to the City whatsoever. She would support the Special Council Permit application.

MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the Planning & Development Committee voted 2 in favor, 0 opposed to recommend to the City Council to grant a Special Council Permit (SCP2012-008) to Woodnut LLC, 5 Cross Street, Stow, MA to convert an existing two unit multi-family dwelling located at Maplewood Avenue #89, (Assessors Map #34, Lot #66) zoned R-5 (High Density

Residential), pursuant to Sec. 1.8.3 and Sec. 2.3.1(7), to a four unit multi-family and under Sec. 3.2.2 (a) a decrease in the required lot area per dwelling unit from 2,886 square feet to 1,443 square feet and a reduction of open space per dwelling unit from 1,824 square feet to 912 square feet as shown on Plan A-1 and A-2 "Renovations to 89 Maplewood Avenue, Gloucester MA drawn by JPT, March 29, 2012 and Boundary Retracement Exhibit dated January 6, 2012 by County Land Surveys, Inc., received by the City Clerk's office dated June 6, 2012; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

The Committee recessed at 7:33 p.m. and reconvened at 7:41 p.m.

Councilor Verga advised the applicants for road race permits and road closures for their events to please check with the City Clerk to learn whether their event needs to be brought before the Licensing Commission for further permitting, not to be confused with the Licensing Board, a liquor control board.

5. Request & Application for road closures to hold the Lone Gull 10K Road Race on September 16, 2012

Len Femino, Thoreau Circle, Beverly, representing the Children's Center for Communications, the primary beneficiary of the event, explained in brief the plans for the Lone Gull 10K race, and is a fundraiser for their non-profit organization. He is the new race director. All documentation has been received by the City Clerk's office including a Certificate of Insurance naming the City of Gloucester as the certificate holder. They will have ambulance at the finish line from the City of Gloucester and Lyons Ambulance will have a vehicle at the 3 mile marker. **Councilor Hardy** asked if there are any changes since their last race. **Mr. Femino** assured that the course is the same; parking will be at Good Harbor Beach; it is the same weekend, same time and all other plans are the same as the last six years. **Councilor Hardy** asked if there had been problems with folks trying to access the beach. **Mr. Femino** stated there were no issues as they're done by 10:30/11:00 a.m. There is enough parking.

MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the Planning & Development Committee voted 2 in favor, 0 opposed, to recommend to the City Council to permit the Lone Gull 10K Road Race sponsored by the Children's Center for Communication to be held Sunday, September 16, 2012 with the following conditions:

1. Certificate of Insurance:

A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's Office on or before August 31, 2012.

2. Road Closure Plans:

Memoranda from the Police Department and Fire Department giving approval of the plans for the Lone Gull 10K Road Race to be on file with the City Clerks office on or before August 31, 2012. Roads to be closed 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 August 31, 2012. After City Council approval if either the Police Chief or Fire Chief or their designees determine that a substantial change(s) has been made to the route, then the applicant shall obtain City Council approval for the change.

3. Refuse and Comfort Stations:

All event refuse and recycling must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the first day of the event or early in the morning of the day of the event and removed by 1:00 p.m., Sunday, September 16, 2012.

4. Emergency Services:

A signed, visible and staffed first aid station must be in place in an accessible location in the area of the race course throughout the event.

5. Staffing:

Event staff is to have cell phones and be identified by the public with distinct shirts, and a list of event staff and their cell phone numbers 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 function halls, motels and hotels, and other businesses along the race route.

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

The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health and the Licensing Commission. 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.

6. Request & Application for Essex County Velo to hold Gloucester Grand Prix Cyclo Cross Race on September 29-30, 2012

Paul Boudreau, 776 Cabot Street, Beverly, President of Essex County Velo, a 501C3; explained that this was a two-day event which has been held in Stage Fort Park for several years now. Councilor Hardy asked if there were any changes from previous years. Mr. Boudreau confirmed the two-day event will be the same as in previous years. It is highly organized and well run. It was noted all documentation has been submitted to the City Clerk's office including the Certificate of Insurance. **Councilor Hardy** asked were there any changes from last year to which **Mr. Boudreau** stated there were none. **Councilor Hardy** noted the only complaint she had heard in the past was that the park surface was left in poor condition and asked how they had been repaired. Former City Councilor Steven Curcuro explained that they hire a private contractor to repair any damage (see memo from the DPW Assistant Director on file). On inquiry by **Councilor Hardy**, **Mr. Boudreau** stated this is not an event which benefits charity; and in fact in the last few years they've actually lost money; they are a 501C3, a non-profit; whatever money they get is turned back into running their other events along the North Shore. **Mr. Curcuro** pointed out that this event takes place there are quite a few spectators for this international event who stay in the immediate area which benefits the City. **Councilor Verga** had a complaint that at the entrance of the park signage and access information was confusing at the entrance to Western Avenue, and the policeman on detail, not from Gloucester, did not have clear instructions for roadway access or lack thereof. **Mr. Boudreau** stated they've had issues with police details before the Essex Velo organization will have a meeting with Mr. Duggan, CAO regarding this matter. That end of Hough Avenue road is open for the Visitor's Center with a turnaround at the parking lot. **Councilor Verga** stated there should be signage posted indicating there is no through traffic.

MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the Planning & Development Committee voted 2 in favor, 0 opposed to recommend to the City Council to permit the Essex County Velo Cyclo-Cross Race event to be held at Stage Fort Park on Saturday, September 29, and Sunday, September 30, 2012 with the following conditions:

1. Certificate of Insurance:

A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's Office on or before September 14, 2012.

2. Road Closure Plans:

Memoranda from the Police Department and Fire Department giving approval of the plans for the Essex County Velo Cyclo-Cross Race to be on file with the City Clerks office on or before September 14, 2012. Roads to be closed 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 14, 2012. After

Council approval if either the Police Chief or Fire Chief or their designees determine that a substantial change(s) has been made to the route, then the applicant shall obtain City Council approval or the change.

3. Refuse and Comfort Stations:

All event refuse and recycling due must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the first day of the event or early in the morning of the day of the event and removed by 9:00 p.m. Sunday, September 30, 2012.

4. Emergency Services:

A signed, visible and staffed first aid station must be in place in an accessible location in the area of the race course throughout the event.

5. Staffing:

Event staff is to have cell phones and be identified by the public with distinct shirts, and list of event staff and their cell phone numbers 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 function halls, motels and hotels, and other businesses along the race route.

6a. Traffic Signage:

That the applicant places signage on the roads leading in and out of Stage Fort Park to be sure it is clear to the public access roads are closed but that the Visitor's Center is accessible.

7. Responsibility of the Essex County Velo organization:

The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health and the Licensing Commission. It is the sole responsibility of the Essex County Velo organization 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.

7. *Request from Magnolia Historical Society for road closure to hold Magnolia Roadshow on August 25, 2012*

A member of the Magnolia Historical Society (MHS) explained to the Committee that all the appraisals and yard sales are inside the library. Along Lexington Avenue will be like a sidewalk bazaar and the avenue lined with antique cars. The Committee asked that a Certificate of Insurance be submitted to the City Clerk's office ten day prior to the event naming the City of Gloucester as the Certificate Holder.

MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the Planning & Development Committee voted 2 in favor, 0 opposed to recommend to the City Council to permit the Magnolia Historical Society to hold their "Magnolia Roadshow" Saturday, August 25, 2012 from 8 a.m. to 5:00 p.m. closing Lexington Avenue from Norman Avenue to Flume Road for the duration of the event. A Certificate of Insurance is to be on file with the City Clerk's office no later than August 10, 2012.

8. *Request & Application for road closure to hold the Magnolia Annual 5K Road Race on August 30, 2012*

J.D. McEachern, representing the Magnolia Road Race organization explained this is their annual race with literally no changes from any of the previous years. All documentation is in place with the exception of the Certificate of Insurance which is in process.

MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the Magnolia Annual 5K Road Race to benefit the Magnolia library on Thursday, August 30, 2012 with the following conditions:

1. Certificate of Insurance:

A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's Office on or before August 16, 2012.

2. Road Closure Plans:

Memoranda from the Police Department and Fire Department giving approval of the plans for the Magnolia Annual 5K Road Race to be on file with the City Clerks office on or before August 16, 2012. Roads to be closed 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 August 16, 2012. After City Council approval if either the Police Chief or the Fire Chief, or their designees, determine that a substantial change(s) has been made to the route then the applicant shall obtain City Council approval for the change(s).

3. Refuse and Comfort Stations:

3. All event refuse and recycling must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the first day of the event or early in the morning of the day of the event and removed by 9:00 p.m. Thursday, August 30, 2012.

4. Emergency Services:

A signed, visible and staffed first aid station must be in place in an accessible location in the area of the race course throughout the event.

5. Staffing:

Event staff is to have cell phones and be identified by the public with distinct shirts, and a list of event staff and their cell phone numbers 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 function halls, motels and hotels, and other businesses along the bike route.

7. Responsibility of the Magnolia Annual 5K organization:

The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health and the Licensing Commission. It is the sole responsibility of the Magnolia Annual 5K organization 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.

9. Request & Application for road closure to hold a 5K Road Race from North Shore Habitat for Humanity on September 30, 2012

Sharon Lourie, representing Habitat for Humanity stated this is their second year for their 5K race in Gloucester. All documentation required by the Committee has been submitted previous to her appearance. The Certificate of Insurance naming the City as the certificate holder is in process and will be filed prior to the race. They have hired the City of Gloucester's Fire Department ambulance. The race benefits the North Shore Habitat for Humanity to build affordable housing on the North Shore, which includes Gloucester.

MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the Planning & Development Committee voted 2 in favor, 0 opposed to recommend to the City Council to permit the North Shore Habitat for Humanity 5K Road Race on Sunday, September 30, 2012 with the following conditions:

1. Certificate of Insurance:

A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's Office on or before September 21, 2012.

2. Road Closure Plans:

Memoranda from the Police Department and Fire Department giving approval of the plans for the North Shore Habitat for Humanity 5K Road Race are to be on file with the City Clerks office on or before August 16, 2012. Roads to be closed 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 21, 2012. 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 event refuse and recycling must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the first day of the event or early in the morning of the day of the event and removed by 9:00 p.m. Thursday, August 30, 2012.

4. Emergency Services:

A signed, visible and staffed first aid station must be in place in an accessible location in the area of the race course throughout the event.

5. Staffing:

Event staff is to have cell phones and be identified by the public with distinct shirts, and a list of event staff and their cell phone numbers 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 function halls, motels and hotels, and other businesses along the bike route.

7. Responsibility of the North Shore Habitat for Humanity organization:

The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health and the Licensing Commission. It is the sole responsibility of the North Shore Habitat for Humanity organization 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.

Councilor Hardy asked that they put on the agenda to put in place an advisory committee to do the approving of the Special Events for the application form so that it only comes to the Committee completed and ready to be approved by them. An advisory board or commission, for instance, in support of a Standing Committee is under the City Charter Sec. 2-9 (C), and pointed out that O&A has a Traffic Commission to advise them on their many ordinance matters. **Councilor Tobey** asked that the City Clerk to align the requirements of an advisory board with people/City staff to create a framework as to who would sit on this advisory board.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:06 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Two 8x10 pages of color photographs of Maplewood Avenue #89 showing exterior views by Attorney Salvatore Frontiero**
- **Two enlarged plans of an awning structure related to the modification of the Special Council Permit for the Cape Ann Brewing Company, 9-11 Rogers Street by Jeremy Goldberg**