

CITY COUNCIL STANDING COMMITTEE  
**Planning & Development Committee**  
Wednesday, August 7, 2013 – 6:30 p.m.  
**1<sup>st</sup> Fl. Council Conference Room – City Hall**  
MINUTES

**Present:** Chair, Councilor Greg Verga; Vice Chair, Councilor Jackie Hardy; Councilor Joseph Ciolino (Alternate)

**Absent:** None

**Also Present:** Councilor LeBlanc; Councilor Cox; Councilor McGeary; Mike Hale

The meeting was called to order at 6:30 p.m. Items were taken out of order. There was a quorum of the City Council. Upon departure of Councilor Hardy from the meeting at 6:47 p.m., Councilor McGeary, second alternate for the P&D Committee sat in for her to the conclusion of the meeting.

Councilor Cox entered the meeting at 5:38 p.m. and departed at 7:20 p.m. Upon the departure of Councilor Cox there was no longer a quorum of the City Council.

**1. Review of site visit re: Condition of Stage Fort Park related to the Essex County Cyclo-Velo Event of September 2012**

Councilor Verga said that the Committee conducted a site visit to Stage Fort Park on Saturday, July 27<sup>th</sup>; a review of that site visit and a discussion on whether to permit a 2013 Essex County Velo Cyclo-Cross event will be taken up at a special meeting of the P&D Committee on Thursday, August 15<sup>th</sup> beginning at 6:00 p.m.

**This matter is continued to August 15, 2013.**

**2. SCP2013-005: Mansfield Street #3/Washington Street #24, Map 6, Lots 36 & 37 re: GZO Sec. 1.8.3, 2.3.1.8 new multi-family dwelling, 7 or more units and Sec. 1.10.1; 3.1.6 building height over 35'; 1.10.1; 3.2.2(a) decrease minimum lot area & open space per dwelling unit**

Councilor Hardy explained that this new Special Council Permit application was received, SCP2013-005, when a previous Special Council Permit for the same property (SCP2012-014) was withdrawn. This new application was submitted to the City Clerk on July 22, 2013. The \$350 fee was waived by the P&D Committee; and the Council received the Special Council Permit application on the 23<sup>rd</sup> with a public hearing scheduled for August 13<sup>th</sup>. There has been a sign off by the Building Inspector and the Planning Director. Everything that is recording in the application is on file and has been submitted. There is an amendment to the plan Proposed Elevation for Mansfield Street (E1) was amended and received by the Committee previously and will replace the old E1, E2 and E3. Councilor Hardy asked Attorney Coakley to get a ZBA sign off on the E1-E3 plans before the City Council public hearing. She said while the plan is the same the ZBA needs to recognize that the Council received those changes and didn't know if they take the height of the building in any of their formulas. Mr. Coakley said he would address it. Councilor Hardy also noted in the application the Assessors have provided an abutters list that had handwritten changes on it which were made by the Assessor's Office; and the abutters were notified of the scheduled public hearing appropriately. Additionally an Affidavit of Notice to Abutters about this P&D meeting was submitted by Attorney Coakley for the record prior to the meeting.

Attorney Robert J. Coakley, 64 Middle Street, representing the applicant, James Santo, Trustee, a local business owner who owns the properties at the corner of Mansfield and Washington Streets (as noted above). He said also present was Attorney Lisa Voisine of his office; Joseph Luna, Architect for the project were present also. Mr. Santo, he said, is here in two capacities - as trustee of the Santo Family Trust that originally purchased the Donut Jim property in 1987 and has owned it continuously since.

Lots and Retail Unit Descriptions:

After the fire and destruction of the Trust's property and the property immediately behind it, Mr. Santo purchased 3 Mansfield Street as James Santo, individual, he said. Mr. Coakley also pointed out that there is no merger of the property titles. Based on advice given to Mr. Santo before Mr. Coakley represented him, Mr. Santo went before the Planning Board who endorsed a consolidation plan of the properties and filed a request with the City Assessors, again, not on his advice. Mr. Coakley said he told the City Assessor, in a letter which said not withstanding the approval of the plan, the plan has never been recorded and no deeds from two respective separate

entities into a common entity; and he requested the estimated characterization of the lots be reinstated as two lots to preserve Mr. Santo's rights. He reiterated that there has been in fact no merger of the two side-by-side lots. The Assessor, he noted, will not be able to change this until later on. The property is described as two pre-existing lots, he said.

He showed the Committee an aerial photograph of the lots. What Mr. Santo is not, **Mr. Coakley** said, is the hat of an ordinary developer. The use of the Donut Jim site has been in existence as a business for 26 years. If it hadn't been a fire caused by one of his tenants that destroyed the building, and ordered torn down and destroyed the building to the rear, the business and rental units would still be there. He was left with an empty site, he said. The business and the apartment house he owned and managed are gone. **Mr. Coakley** said Mr. Santo has a good team now consisting of a civil engineer, Sean Malone; and a good architectural firm, Luna Design Group, and is looking to restore the site as to what it was before by using local assistance.

**Mr. Coakley** showed an enlarged original plan for two structures to the Committee which he described. There were structures added which show on elevation plans he pointed out. Mr. Luna, the project architect, put together neighborhood elevation shots (on file) which **Mr. Coakley** showed also to the Committee. He reiterated there was the business use on the first floor which is long standing. He said this may be R5 but many years back this was a business district that went much further down Washington Street. He spoke of a previous small family market at the 24 Washington Street which had above it 3 apartments; 3 Mansfield Street also had 3 apartments. There were a total of six apartments and one commercial use. Under the new definition of multi-family in the City, the mixed use is by definition is a multi-family. This is under the seven or more under multi-family.

#### Roof Lines:

**Mr. Coakley** said he had stressed the separate ownership, as well as asking the Assessor's correcting their records, because under MGL 40A and City zoning ordinances, Mr. Santo, in each of his capacities, has the right within two years of the date of the fire to rebuild on the same footprint, the same structure that was there before, subject to not increasing the floor area. He noted by estimation of Mr. Santo there were two roof lines on the front building closest to Washington Street which was approximately 35 feet tall; and the rear roof line was 31 feet; both over the 30 foot limitation. The property to the rear also by estimation from Mr. Luna was about 35 feet tall. There are tall pre-existing buildings there, he said, and by using that as the height, Mr. Santo can rebuild to those heights. In comparison, **Mr. Coakley** said, Gina Ciamartaro, owner of 5 Mansfield Street, her property shows in a 1927 atlas as rectangular, with that structure growing through the years with four different additions as it grew. It is a multi-family like that of Mr. Santos which has a height estimated to range from 35 to 37 feet. There is one peak from Washington Street that is 37 feet. The elevation shot done in a fly over by the City shows all the buildings prior to the fire done by the City. Mr. Santo retains the right to pull permits for these two buildings up to September 2013, he noted.

#### Parking:

**Mr. Coakley** said that Mr. Santo's front lot of Donut Jim's one of the two lots, was the only parcel that had any parking under the old configuration, and it was only one legal parking spot. Three Mansfield Street had no parking at all, he pointed out. To reengineer something attractive and advantageous to the neighborhood, he said, Mr. Santo bought the building to the rear (3 Mansfield Street) that would work better for the neighborhood. He said the main complaint he heard from neighbors was the great lack of parking in the neighborhood, so Mr. Santo didn't want to have a new building that didn't have parking. Mr. Santo and his architect, **Mr. Coakley** noted, along with a modular company came up with a design to create parking under the units. Because of the commercial unit and the proximity to the corner of one residential unit, that unit doesn't have parking. There are a total of 10 spaces under the building of two spaces each to serve five of the six residential units. He noted that in 1987 when Mr. Santo went to the ZBA to open his business he asked permission not to not have required parking for seats in the donut and bagel shop. The ZBA exempted him in 1987 from having seats. He said it was recognized then that there was an urban structure in place, and not a residential neighborhood – the buildings come right to the street line, and do not have front lawns as with other spots on Washington Street and along Mansfield Street. He pointed out the commercial unit along Washington Street.

**Mr. Coakley** said when he went before the ZBA for required zoning relief he explained this is new construction and so not grandfathered for parking; but there are 10 spaces that are being created which is four more required in the R5 district for six apartments. One of the apartments does not have parking, and so the ZBA gave Mr. Santo relief for one parking space for one unit which will not have a garage in it. There cannot be different families living in different units parking one behind another in the garage.

**Councilor Hardy** said she understood there would be tandem parking in the garages. **Mr. Coakley** said there is but not for the #1 residential unit which is smaller and so has no parking. It is cut in above the commercial space, he noted. It is all tandem parking except the unit without parking; and the exemption is continued for having

parking under the current situation for a retail non-food service unit. Under parking regulations it is a different requirement. There is no plan for a seated food service but just a retail unit only, **Mr. Coakley** said. There is no seating. If there were to be a food operation they would have to seek relief from ZBA for seating. Previously there was seating but it didn't apply to the new building. His client doesn't want an exemption for seats but for a store serving walk-in traffic.

Discussion of Height and Modular Construction:

**Mr. Coakley** said there are three sections along the façade on Mansfield Street that jut out which he showed the Committee in an enlarged lot plan pointing out texture and detail, not a flat surface. He pointed out that Mansfield Street slopes down. When average grade calculations were done to determine height and height relief, was based on a surveyed average grade by a registered land surveyor, he noted. **Mr. Coakley** said that design before the Committee shows that the façade along Mansfield Street, the height of the parapet of the roof to be 33 feet; and that is what will be seen. The stairwell structures allowing the unit owners/tenants access to the roof are set back closer to the middle of the structure, set back from both streets and Tedeshi's parking area, but it is slightly closer to the Ciamartaro property. The height is shown on amended plans to the peak is 45 feet and ½ inch. He has asked, he said, for relief from the Council for a height exception of 15 feet, six inches above the allowed 30 feet. After the discrepancy was pointed out, it was noted a letter with the change requested for height was submitted and received by the City Clerk's office (on file). The plans, he said, have not changed, nor has the precise calculation as now shown on the Luna Design Plans, but the request for relief changed.

**Mr. Coakley** then showed a board with cut away figures (4 on one board), and said that Mr. Santo contacted a modular company because Mr. Santo concluded this should be a similar construction to the Lorraine Apartments rebuild after a fire to set in the boxes quickly so there is minimum impact on the City in building the structures.

Reference to rear of Mansfield Street, distance and State Code:

When Mr. Luna came on board, **Mr. Coakley** said, he knew the state building code requirements which the modular company did not. He noted the property line along the Tedeshi's property cannot be built on. The original ZBA relief was for a building that could not be built. There is now a five foot corridor along this area between 3 and 5 Mansfield Street which does comply, he said, with State Code. It provides for rear egress for the units and it was suggested it provides a corridor to the Ciamartaro's property in the event of another fire, which Mr. Coakley said is a concern of the abutter there. He showed a picture of the existing house and a fence which is on the property line and a space to the rear on the corner of the strip mall. There is additional width which widens out beyond that immediate area. **Mr. Coakley** said there is room for the Fire Department to bring their hoses and other emergency equipment which can go into that area of the property. When meeting with the neighbors, he said the applicant is now proposing a gate so it can go through into the area where the Ciamartaro property is.

**Councilor Ciolino** inquired if there was an agreement with Ms. Ciamartaro on the gate. It would be Mr. Santo's gate, **Mr. Coakley** said. If they put a fence up at that juncture it is a fence Mr. Santo would put up with a gate in it. **Mr. Coakley** said previously these buildings were so tight that also noted that the exterior staircases on the rear of the structure on #3 Mansfield Street and on the rear of 24 Washington Street were actually joined together, not as a common access but for support. After the fire those structures were taken down in 2011.

Utilities and Drainage:

**Mr. Coakley** mentioned that Sean Malone is the civil engineer of record. He has helped the architect and Mr. Santo who all met with the DPW Director because the CSO project is coming there, along with the Washington Street corridor improvement; and the team needed to learn how this building would tie in with sewer, water and drainage. He said that Mr. Hale upon reviewing the set of plans submitted with the application, he had said the plans were significantly improved over a previous civil engineer, and Mr. Hale referred them onto the City Engineer. Mr. Malone met with the City Engineer as to how to tie in with the City infrastructure; and that has been a productive series of meetings. He said there will be one water line coming in with a meter room in the building for distribution.

**Councilor Ciolino** asked about drainage from the roof. **Mr. Coakley** said that is going into the City drains.

**James Santo**, property owner and applicant said that they talked about connecting on Washington Street. Mr. Hale, Mr. Keane, City Engineer and Mr. Malone have agreed that the building should connect 100 feet on Mansfield Street and putting in two manholes.

**Councilor Verga** pointed out that aspect of the process is not the purview of the Council's permitting process for a Special Council Permit. Stormwater plans are a part of what needs to be done before a building permit is issued.

Discussion of Amended Building Plans:

**Councilor Hardy** noted that the parking lot outside of the garages, would there be one huge curb cut. **Mr. Luna** said there would the DPW agreed with it. He added that would be the only tangible solution that would work

with the garages. He said as the property slopes up Mansfield Street and with every two modules there shift in the floor height to follow the contour of the property, he said. Rather than doing individual access and have ADA sidewalks, this is simpler, he said, in order to work with the topography and sidewalk slope. This also creates more maneuvering room on Mansfield Street which is narrow. The garages are 35 feet deep inside. Standard car is 12 to 14 feet long and will have room for tandem parking.

**Councilor Hardy** confirmed with Mr. Luna that he is a Certified Architect and that she did not see his stamp on the revised plans which he said he would provide before the public hearing on August 13<sup>th</sup>.

**Councilor Hardy** asked about Plan E1 as it relates to the Mansfield Street view of the building regarding the residential doors that when two doors side by side open simultaneously will they hit. **Joseph Luna**, Certified Architect, Luna Design Group, architect for the project said the doors would swing in. These will be lower garage door entries and will not be screened. He pointed out the garage doors have vision panels on the garage doors for safety so cars coming to and from will be able to see out; there is a factor of safety because of the curb cut, he added. He noted this is a tight urban site. The photographs have shown there was a lot on this site as well prior. While the building by right can be built in the original footprint, that structure could not be built new anymore, he pointed out. **Mr. Luna** said this design gives the same amount of density (six residential units plus one commercial space), solves the off-street parking; it has a modulated façade; the roof line and cornice lines are straight even though the building is stepped. This is an appropriate solution for these two lots and a strong addition to the neighborhood, he said.

**Councilor Hardy** said the law says within two years of the fire the owner can rebuild on the same footprint. There was a distance between the two buildings before, and she asked how much that was before the fire. **Mr. Coakley** said it was less than five feet on a plan done by Kurt Benson which is on file. **Councilor Hardy** said more of the land is being encompassed for the square footage of the residential and commercial units than before. **Mr. Luna** said it is roughly about five feet. **Mr. Coakley** said both buildings were along the property line by Tedeshi's. It is now five feet wide by 105 feet long which is open space now that didn't exist before. They didn't do a comparison from open space from what existed before, but he said it was pretty close because of the five feet and of the openness on Mansfield Street of the new facade. **Mr. Luna** added that there cannot be windows on the back line nor share an egress. It is subject to all building code requirements, **Mr. Luna** said. The fire damaged building would fall under what is called a Level 3 alteration was more restricted under the requirements of the new code. This project is doing more than the 50 percent of the assessed value of the building and so that building is subject to a number of egress, fire and energy, accessibility and conservation codes.

**Mr. Luna** then described the composition of the fire walls between the individual units as follows:

- By building code the walls are multiple one and two families, as it is townhouse construction meaning that each one of the units which are one module 15 feet x10 feet wide are individual structures. The building is to be sprinklered regardless; but these units are rated assemblies that are all independent. If there was a fire in one, it would be isolated from one hour fire separation from the other but the structure collapse onto itself before taking the rest of the building.
- The exterior rear wall closest to 5 Mansfield Street has no windows allowed by Code. It will be rated at either a one or two hour fire wall. The entire complex will be sprinklered.
- Building materials would be wood frame structure and exteriorly cement fiber board or heavier shingles of a vinyl material. Trim will be cellular PVC (shingle submitted to Committee).

**Councilor Hardy** asked about the curb cut being the entire length of the five units with garages. She said it was reported to the Committee that Mr. Hale had approved it. **Mike Hale**, DPW Director said he has not approved anything yet as it was submitted to his office in concept. Council has to approve the concept. He has had conversations as how pedestrians would be alerted as vehicles are exiting the garages. He noted the line of sight is difficult in this location with the daily in and backing out of cars across a public sidewalk which is a concern. Mansfield Street is considered a busy road, he said.

**Councilor Ciolino** asked if it has to be signed off on the project before a building permit can be issued which **Mr. Hale** confirmed. A utility plan has been submitted to Paul Keane, City Engineer for sewer, water hook ups and drainage plans which he must sign off on. He noted there are a number of technical issues to be worked out but in concept it appears manageable. He said that Mr. Coakley had offered some sort of potential alarming system like is seen in Boston for coming out of a blind drive but that may be disturbing to neighbors. **Mr. Luna** said an example is over by Gorton's where there is a pedestrian sign that lights up on Rogers Street when a pedestrian needs to cross the street. He said it is a matter of what is considered safe. He pointed out the team is trying to accommodate safety factors with common sense solutions, like the larger curb cut, the vision panels, depressing the garage doors further to get more backing distance and but they have to a more tactile audio visual device and have to view it for an alternative.

**Councilor Hardy** asked what addresses these residential units on Mansfield Street will have. **Mr. Coakley** said that is up to the Engineering Department to assign numbers to the property. No one will be forced to change their addresses he assured the Councilor. **Mr. Luna** said this is also up to the post office. Right now post boxes for the units will be slots in the unit doors.

Discussion of Amended Plans:

**Councilor Hardy** also pointed out City ordinances on lighting and asked Mr. Luna to please be sure that no lights from the residential units shine into others. She then addressed Item 5 on Plan C-01 regarding all materials scheduled to be removed to become the property of the contractor unless otherwise specified..." She asked if there was any property owned by the City of Gloucester like the granite curbing and sidewalks. **Mr. Hale** said that is returned to Public Works as it is City property. **Councilor Hardy** said it should be amended to read, "with the exception of property owned by the City of Gloucester." That, Mr. Luna said, would be incorporated into the final design plans and would be itemized there, he assured. **Councilor Hardy** also noted on C-01 #7 which addressed property damaged or disturbed or disrupted by demolition activity shall be replaced or repaired to match original conditions by the contractor at no additional cost to the owner, and she wanted added "or the City of Gloucester". On C-02 site notes #5, Coordinate Construction of all Walks, Stairs, Fencing and other site improvements with the architectural drawings, **Councilor Hardy** commented about fencing. **Mr. Coakley** said if there was a fence separating #3 and #5 Mansfield the applicant would make sure there was a gate on the corridor on the Tedeshi's side for fire access which is a condition he said he is offering. She noted on the same page #6 which referred that the contractor will submit an as built plan. She asked that the City Building Inspector and the DPW get a copy of the "as built plan". **Councilor Hardy** also pointed out she didn't see any legends in the plans explaining what all the different marks were. She asked for a copy of the legends for Plan C-02A and C-03. **Mr. Luna** confirmed he would submit it. He also noted for the Councilor that the closest hydrant is off the corner five feet on Mansfield. The driveway clears it. **Councilor Hardy** said Plan C-03 showed a drain clearing a chimney connection which **Mr. Hale** explained that is the drop connection to the main drain.

**Councilor Hardy** asked about the current parking restrictions on Mansfield Street. **Regina Ciamartaro**, 5 Mansfield Street said parking is allowed parking is on the easterly side of the street opposite the garages of 3 Mansfield Street. **Mr. Luna** confirmed there is an adequate turning radius for vehicles exiting the garages. The curbed ramp on the sidewalk on the corner of Washington Street and Mansfield Street corner is required, Mr. Santo said.

**Councilor Ciolino** said there shouldn't be a gate, just a fence. **Mr. Luna** said the second means of egress off the back of the units is to Washington Street. There is a walkway on the back and is not on an adjacent property.

**Mr. Coakley** said Councilor LeBlanc had had a meeting at City Hall several months ago with several neighbors, and that is where the gate came from. He then submitted a document "Proposed Votes" to the Committee. **Councilor LeBlanc** said he did not recall the gate being a part of that discussion. **Councilor Ciolino** said this would cross another property owner's property, and that owner has not agreed to this gate. **Mr. Coakley** said he would strike the gate if it was a concern that it would become a walkway for shortcuts. He reviewed the submitted document, regarding screening, utilization of the rooftop decks, no open flames for chiminarias and grills, etc., and that the provisions that would be put into any property leases and condo rules and regulations.

**Councilor Hardy** said as in accordance with GZO Sec. 1.8.3: Social economic and community needs served, she said she saw no objections to this requirement. This will not disrupt the community once the project is complete. Economic needs of the community will be best served by the retail unit and residential units to the tax base. It was a social neighborhood regardless and nothing is changing, she said. Traffic flow and safety discussed has no additional impact to traffic flow and safety. It is the same number of residential and retail units were there before the fire, **Councilor Hardy** noted. The safety would be enhanced, she noted, because of five parking garages taking 10 cars off the street. Adequacy of utilities: Utilities are in the street and the applicant is working with DPW; electric and sewer is already in the street and saw no disruption to the utilities. Neighborhood structure and character is unchanged, she noted as the neighborhood is mixed use-residential and commercial. Qualities of the natural environment: This is improving the neighborhood and is an improvement over the downtown entrance compared to what has been there since the fire. The tax base will generate more income than the previous units and bring more people to the downtown. For those and other reasons **Councilor Hardy** said she would support the motions.

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant James Santo, Trustee of Family Realty Trust and James Santo individually, Special Council Permits (SCP2013-005) for the property**

located at 3 Mansfield Street and 24 Washington Street, Assessors Map 6, Lots 36 & 37, zoned R-5 pursuant to Sections 1.8.3 and 2.3.1.8 (new multi-family dwelling, 7 or more units) of the Gloucester Zoning Ordinance to replace six (6) residential units and one (1) commercial unit (all destroyed by fire) with same for a total of seven (7) units. This permit is made with the plans approved by the Zoning Board of Appeals dated May 1, 2013 and revised May 20, 2013 drawn by Sean P. Malone, P.E., PLS, Oak Consulting Group, Newburyport, MA and dated May 23, 2013; and "Elevation Plans" dated May 20, 2013 by Luna Design Group, Danvers, MA all as incorporated in the July 26, 2013 ZBA Decision, and as approved with these special permits and with the following conditions:

1. That a fence on the Tedeshi's side of the property will not have any gate to permit access to #5 Mansfield Street; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

**Councilor Hardy** said this proposal under GZO Sec. 3.2.2(a) is in keeping with neighborhood character; and she agreed with the ZBA; that the project is consistent with the previous buildings, the density and open space. The proposal has been reviewed and approved by the ZBA and is in writing although she has stated she would like it confirmed in writing on the approved plan (E-1) that the formula is not predicated on the revised height exception. There is no expanse of the urban landscape which is the same as before the fire. The proposal is in keeping with the structural density of the surrounding neighborhoods. This is more aesthetically with the same number of units, and is to be built to the proper current building codes, she said, and would support this motion on that basis.

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant James Santo, Trustee of Family Realty Trust and James Santo individually, Special Council Permits (SCP2013-005) for the property located at 3 Mansfield Street and 24 Washington Street, Assessors Map 6, Lots 36 & 37, zoned R-5 pursuant to Sections 1.8.3, 10.10.1 and 3.2.2(a) (decrease minimum lot area and open space per dwelling unit of the Gloucester Zoning Ordinance to replace six (6) residential units and one (1) commercial unit (all destroyed by fire) with same for a total of seven (7) units. The reduction of minimum lot area per dwelling unit is from 2,500 square feet to 1,736 square feet for a total reduction of 764 square feet. Minimum open space per dwelling unit is to be reduced from 1,250 square feet to 486 square feet for a total reduction of 764 square feet. This permit is made with the plans approved by the Zoning Board of Appeals (ZBA) dated May 1, 2013 and revised May 20, 2013 drawn by Sean P. Malone, P.E., PLS, Oak Consulting Group, Newburyport, MA; "Elevation Plans" dated May 20, 2013 by Luna Design Group, Danvers, MA, all as incorporated in the July 26, 2013 ZBA Decision, and as approved with these special permits AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**Councilor Hardy** said that criteria under 3.1.6(b) that the applicant is looking for a height exception of 15 feet, six inches. This, she said, is consistent with neighborhood character, with the heights of previously destroyed buildings and other buildings in the surrounding neighborhood. She also noted that the penthouses might have a foot or two differences by appearance. There is no substantial increase of view obstruction she said. There was view obstruction before and will not substantially different with this proposed project, she said. **Councilor Hardy** noted the proposed side of the building is not as tall as previously, as reported in the application. She said there was obstruction of views before so this is consistent. The proposed façade is not as tall as previously and so there is the same overshadowing as before. She pointed out that the penthouses are set back, and it is the same amount of overshadowing before and are not substantially detrimental as it is the same as before. The overshadowing on Mansfield Street is minimal compared **Councilor Hardy** pointed out the applicant could have applied for another floor. And so with the height exception the overshadowing is minimal compared to any increase that could have gone there noting the applicant could have gone up another floor. There is no impairment of utilities, she said, and it is in conformance with the improvement with the downtown corridor. There will be no drain flow onto the street and the DPW will continue to monitor the plans and so she said she would be supporting the height variance.

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant James Santo, Trustee of Family Realty Trust and James Santo individually, Special Council Permits (SCP2013-005) for the property located at 3 Mansfield Street and 24 Washington Street, Assessors Map 6, Lot 36 & 37, zoned R-5 pursuant to Gloucester Zoning Ordinance Sections 1.8.3 and Sec. 3.1.6(b) for a building height in excess of 30 feet, with a height for the building located at #3 Mansfield Street/24 Washington Street to be 45 feet and six inches (for a total height increase over 30 feet of 15 feet, 6 inches). This permit is made with the plans approved by the**

**Zoning Board of Appeals dated May 1, 2013 and revised May 20, 2013 drawn by Sean P. Malone, P.E., PLS, Oak Consulting Group, Newburyport, MA; and Elevation Plans” dated May 20, 2013 by Luna Design Group, Danvers, MA, all as incorporated in the July 26, 2013 ZBA Decision and as approved with these special permits; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**Councilor Ciolino** remarked that this second iteration presented to the Council is a better project overall.

**Mr. Coakley** then asked the Committee to consider a technical correction for Mr. Santo to be named individually as well as a Trustee in all three motions. **By unanimous consent all three motions were amended to reflect that fact that Mr. Santo be listed as a Trustee of Family Realty Trust and James Santo individually**

**Councilor Ciolino** remarked that this second iteration presented to the Council is a better project overall.

**Councilor Hardy**, speaking directly to Mr. Santo reminded him not to do anything on the property without the Building Inspector’s expressed approval. She asked he work with the neighbors as much as possible as well.

**Councilor Verga** said the vote of P&D and the Council does not indicate DPW approval for certain systems and that must be obtained as well outside of the Special Council Permitting process. The public hearing will be August 13<sup>th</sup>, he said.

**The Committee recessed at 6:47 p.m. and reconvened at 6:55 p.m. Councilor Hardy departed the meeting at 6:47 p.m. and Councilor McGeary stepped in to take her place as second alternate.**

**3. Memorandum from General Counsel re: City Council acceptance of a Private Property Easement Taking at 40 Mt. Vernon Street for Phase III CSO Control Plan Project 3**

**Mike Hale, DPW Director** said this easement is related to the CSO project and described the project as follows: In this instance, this is a particular common sewer that comes off of Green Street to Mt. Vernon Street. There are more of those that have been abandoned but in this case, this cannot be done. This is where Ledgemont comes down to Green Street in a no-man’s land on the unfinished portion of it. There is a new home listed as 19 Ledgemont Avenue; 21 Ledgemont is off of Green Street. This is a common sewer that the City has maintained for years. There is an access agreement and the work has been done; so an easement should be recorded so that prospective buyers will know that there is an easement in place. There are two homes that will access this sewer. This property was previously owned by Lady of Good Voyage Church. This plan was wrapped up when the church still owned it. The church closed with this fact being disclosed to the new owners. There was a condition that the new owners of 40 Mt. Vernon Street wanted paving done. There is an agreement that will be satisfied; the driveway is paved already. This goes between the two homes. He also reviewed the lot plan with the Councilors to their satisfaction.

**MOTION: On motion by Councilor Ciolino, seconded by Councilor McGeary, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend pursuant to MGL c. 40, §14 to accept a grant by owners Elizabeth M.P. Etrie, John R. Etrie, and Carol P. Etrie of a sewer and drain easement of 15 feet wide and 92.81 feet long +/- for a total of 1,392 square feet for the public purpose of repairing or replacing existing drain pipe and to install a new sewer pipe and manholes located at 40 Mt. Vernon Street as shown on a plan drawn by Hancock Survey Associates dated March 20, 2013 entitled “Exhibit Easement Plan of Land in Gloucester, MA” with nominal consideration to be paid as damages to the owners of 40 Mt. Vernon Street.**

**4. PP2013-004: Petition #2 by National Grid re: Atlantic Road #149 for installation 65 additional feet of underground conduit and 1 heavy duty hand hole**

**This public hearing is opened.**

**Councilor Verga** said that this applicant needs to go to the Conservation Commission on September 4<sup>th</sup> for a determination from that Commission regarding a natural resource buffer zone before the P&D Committee can vote on this matter.

**This public hearing is continued to September 18, 2013.**

**5. Review & Recommendations for the Disposition of Real Property, RFP #31338 re: 6 Stanwood Street**

**Councilor Verga** said that there is a request by the Administration that this matter be continued at least 30 days so that a request received separately by an abutter for a portion of this property may be addressed by the Land

Disposition Committee, who will need to make a recommendation to P&D, and clear up that matter before the RFP for 6 Stanwood Street can be considered.

**This matter is continued to September 4, 2013.**

**6. *Special Events Application Request from Magnolia Road Race Committee for road closures for 1K & 5K Road Races on August 24, 2013***

**James O'Hara**, 55 Lexington Avenue representing the Magnolia Library said that the memo stated that there are no changes to any plans for this year's 37<sup>th</sup> running of the Magnolia Road Race which benefits the Magnolia Library. All approvals have been obtained from City departments and a Certificate of Insurance naming the City of Gloucester as the Certificate Holder is on file. There is one short road closure from the corner of Lexington and Hesperus Avenues to Norman Avenue. This is a change from a Thursday to Saturday to bring more people into Magnolia and raise more funds for the library. Mr. O'Hara asked that Lexington Avenue be closed once the races are over for the duration of the afternoon. As this was not in the original request for a permit, the Committee asked Mr. O'Hara to obtain a memo from the Police Chief or his designee prior to the City Council meeting of August 13<sup>th</sup> indicating approval for a road closure of Lexington Avenue after the completion of the races and to submit it to the City Clerk's office for the Council's files.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the Magnolia Annual 1K and 5K Road Races to benefit the Magnolia Library on Saturday, August 24, 2013 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, 2013.

**2. Road Closure Plans:**

Memoranda from the Police Department and Fire Department giving approval of the amended plans for the Magnolia Annual 5K Road Race, including road closures, to be on file with the City Clerks office on or before August 13, 2013. 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 13, 2013. 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:**

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. Saturday, August 25, 2013.

**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 easily identified by the public, 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.



**7. Memorandum from Stephen P. Winslow, Sr. Project Manager to City Clerk re: New Balance Track & Field, Dedication Sign #1**

The Committee acknowledged receipt of Mr. Winslow's memorandum, and by unanimous consent placed it on file.

**8. Capital Improvement Advisory Board's Annual Report (CIAB) – FY13**

**Councilor Verga** said at the request of Councilor Tobey, who could not be at this evening's meeting, he would continue this matter for discussion to the August 21<sup>st</sup> regularly scheduled meeting of the Committee.

**This matter is continued to August 21, 2013.**

**9. CC2013-022 (Cox/McGeary) Whether there shall be a parking lot and amend GCO Sec. 22-291, Sec. 22-288, Sec. 22-210, Sec. 22-212 and Sec. 22-216 re: 65 Rogers Street (14-C2)**

**Dana Jorgensson**, Clerk of Committees relayed information from City Clerk, Linda T. Lowe, who was not available to attend the meeting this evening, saying that there is a system in place under the Code of Ordinances for all off street parking lots. If the Council varies from that system, then each section of Chapter 22 "Traffic" of the Code of Ordinances must be amended that the Councilors wish to vary. If a particular section is not amended, then any parking tickets issued for that parking lot will be invalid. According to Ms. Lowe, she said, there is no need to change Sec. 210 "Definitions" or Sec. 212 "Parking Meters" as these two sections had previously been amended by the Council for kiosks in both sections. As to hours of operation, hours of lots are controlled by Sec. 22-216. If the Councilors wanted something different for a newly created Rogers Street lot, then Sec. 22-216 must be amended. She added that Sec. 22-194 already prohibits parking in parking lots from December 15 to March 15 overnight, midnight to 6:00 a.m. She also pointed out that Sec. 191 needed to be amended because while the lots listed in Sec. 22-288 total seven, Sec. 191 was never updated from "six" to "seven", and this would simply be correcting an oversight in the ordinance. **Ms. Jorgensson** gave the Councilors copies of GCO Chapter 22, Sections 22-212 and 22-216 as well as DPW Director's submission of a parking lot plan along with an explanation of the minimum number of accessible parking spaces for handicapped parking which showed that four spaces is an appropriate number for the number of spaces proposed of 74 regular vehicle parking spaces and 4 handicapped parking spaces for a total of 78 parking spaces (all on file).

**Councilor McGeary** noted the determination of a parking rate to be charged at this lot comes to B&F the following day.

**Councilor Verga** noted although he did not vote to purchase this lot for use as a parking lot, he said it made sense to keep this all uniform and expressed his approval by adding that as long as the property is in a holding pattern it might as well be a parking lot for a limited time.

**Councilor Ciolino** asked how the lot would be prepared. **Mr. Hale** said it will be paint on gravel. The lot's composition will stay the way it is, as packed earth beneath the gravel. He noted the lot has been graded twice since it was originally done after the City cleaned up the property on its purchase. He added that there is limited liability to the City for this lot, according to General Counsel.

**Councilor McGeary** said with the numbers that Mr. Hale has provided, with only 75 percent utilization for two-thirds of the year, the City makes back what it owes on the note, so this is a break even proposition. He said he hoped this was not a long-term situation; but that this seems to be a reasonable short-term solution.

**Councilor Cox** asked about 14 tenant spaces on the lowland portion of the property and attendant signage. **Mr. Hale** assured there are signs that already indicate tenant parking for the wharf spaces with three separate signs. The parking lot, he pointed out, responding to a Councilor's inquiry, will be a similarly set up as to what is done in the City's beach parking lots.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-191 "Established" (Off Street Parking Areas) by DELETING "six" and ADDING "eight"; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-288 "Off**

**Street Parking Areas” by ADDING “Rogers Street Parking Lot at #65 Rogers Street” and a description of the lot as 74 parking spaces and 4 handicapped parking spaces for a total of 78 parking spaces; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**10. CC2013-020 (Hardy) Amend Gloucester Zoning Ordinance under Sec. 1.11.2(e) by repealing Sec. 5.5.4 Lowlands**

**Councilor Verga** said that the Planning Board is not meeting to review this matter in order to make a recommendation to the P&D Committee until August 15<sup>th</sup>. Therefore, this matter will be continued to August 21<sup>st</sup>.

**This matter is continued to August 21, 2013.**

**11. CC2013-030 (Whynott/Hardy) Request City Council investigate double pole situation**

**Councilor Verga** said he spoke to Charlie Mahoney, City Electrical Inspector, who forwarded an email from Daniel Cameron from National Grid (on file), that had a listing of double poles that were waiting on being taken down. The issue is, he said, all the different wires from cable, telephone, and City of Gloucester Fire Department alarm wires. There is a pecking order of who takes the wires off, he explained, and the last entity that takes the wires off the double poles then removes what is termed the dead wood. **Councilor LeBlanc** said there are sixteen double poles in his neighborhood alone. **Mr. Hale** said he believed that 162 double poles, as noted on documentation forwarded to the Committee through the Electrical Inspector from National Grid, was a low number. He also explained that he knew the number of poles to be greater because when staff is on limited duty; this is one of the things he has done, counting the number of double poles to keep a clearer list for the DPW’s use. He said a pole is replaced when it is damaged, say in a motor vehicle accident, or it is old. He said the transfers of wires are then made. When the double poles are removed, the utilities leave a spoils pile adjacent to the new pole forever.

**Councilor LeBlanc** said the utilities are attached to the double poles up against the first pole. Both poles typically have utilities attached. In his immediate neighborhood there are 16 double poles that have been in place for quite some time, and he expressed his concern about finally getting them removed.

**Councilor Verga** asked that Mr. Hale give his department’s number of double poles to National Grid’s Manager of Community & Customer Management, Daniel Cameron, and work to get a more accurate number reflected. The Committee discussed with Mr. Hale some possible options.

The Committee concluded its discussion by requesting the input of the Fire Chief regarding the Fire Department alarm wire and just how many poles it is believed those wires still impact. The Committee also asked Councilor LeBlanc to obtain the pole numbers of the double poles he spoke of; and that the utilities will be contacted to see what the hold up is for their removal and use this as a test example. **Mr. Hale** confirmed he would verify that there are no City wires on those double poles which Councilor LeBlanc brings forward.

**This matter is continued to September 4, 2013.**

AGENDA ITEMS TO BE CONTINUED TO AUGUST 21, 2013:

- A) *CC2013-017 (Verga) Amend GCO Chapter 21, Article IV (Repair of Private Ways) Sections 21-81 through 21-85 to add specific standards on what the City should require for the level of design, amount of work, and allocation of funds for permanent repairs to private ways (Cont’d from 06/19/13)*
- B) *CC2012-049(Tobey/Verga) Council review of matter of self-storage service facilities and determine whether they should be restricted or regulated (Cont’d from 06/05/13)*

**A motion was made, seconded and voted unanimously to adjourn the meeting at 7:41 p.m.**

**Respectfully submitted,**

**Dana C. Jorgensson**  
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Vinyl Shingle from Joseph Luna, Luna Design Group

- **Proposed votes from Attorney Robert Coakley**
- **Photo titled Assumptions of Construction Phasing of 5 Mansfield Street by Joseph Luna**
- **Four photo composite entitled, “Arial Photographs of Existing Structures prior to 2011 Fire Prepared August 7, 2013 by Joseph Luna**
- **Copy of Affidavit of Service**
- **Copy of Letter from Attorney Coakley asking for amended height variance submitted with amended Luna Design Group Plans to the City Clerk’s Office.**