

Planning & Development Committee
December 10, 2014 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Greg Verga; Vice Chair, Councilor Lundberg; Councilor Steven LeBlanc
Absent: None.

Also Present: Councilor Fonvielle; Linda T. Lowe; Suzanne Egan

The meeting was called to order at 5:30 p.m. Councilor Fonvielle left the meeting at 5:36 p.m.

1. *Special Events Application: Request to hold Lexington Lights – Community Event on December 7, 2014*

Councilor Verga explained that due to the lack of time between inception of this new event and the timing of it, along with the schedule of the Council, this permitting happened unconventionally, in that the event is now being permitted after the fact, being that it was held December 7 and that the Council has given its permission for this Committee to have the final approval.

Councilor Fonvielle reported to the Committee it was a well-run and well-received inaugural event. **Linda T. Lowe**, City Clerk, added that the Magnolia Lights plans were reviewed by the Special Events Advisory Committee the week prior to the event and that as reported, all parameters recommended by the Special Events Advisory Committee were adhered to – this event just required a partial closing of Lexington Avenue for only four hours.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, at the behest of the City Council, to permit the Lexington Lights Event from 4:00 p.m. to 8 p.m. on Sunday, December 7, 2014. Sign offs from the Fire and Police Departments as well as written documentation of the area to be closed off to traffic are on file in the City Clerk’s Office in conjunction with the review by the Special Events Advisory Committee. The requirement for the liability insurance coverage for the four hour duration of the Lexington Lights event has been waived for this first year of the event.

This matter is considered closed.

2. *Memorandum from General Counsel re: acceptance of donation of land located at 123 Hesperus Avenue*

Suzanne Egan, General Counsel, explained this is the donation of a one acre parcel of land at 123 Hesperus Avenue from Barry and Bruce Gradwohl (Map 190, Lot 14). The property abuts city open space, she noted, and that the Community Development Department reviewed the donation and determined this action would be beneficial to the city as it would add to the city’s open spaces stock. The net total assessed value of the parcel is approximately \$17,200 according to current City of Gloucester Assessor’s data, and it is \$230 a year in taxes which is not a tremendous loss in tax dollars to the city, she pointed out. She said that the Administration urges the city to accept this donation. It was noted that Barry Gradwohl is a member of the city’s Conservation Commission.

The Committee all expressed their agreement that accepting the donated property was a good thing for the city to do. **Councilor LeBlanc** offered the suggestion this parcel could become a good parking area in order to allow better accessibility the shoreline by the public. **Councilor Verga** added his agreement.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council pursuant to General Law Chapter 40, §3, to accept the donation of the one acre parcel of land with the property address of 123 Hesperus Avenue, Gloucester, described in the deed recorded with the Essex South Registry of Deeds at Book 4023, Page 392.

3. *Memorandum from Administration re: Options for the Fuller property RFP (Cont’d from 10/22/14)*

Councilor Verga explained that the final report on the Public Safety Building/Response Times is expected to be forwarded to the Council through the Mayor's Report, and that the Committee would therefore postpone its discussion until January 21.

This matter is continued to January 21, 2015.

4. SCP2014-013: Mt. Pleasant Avenue #125, Map 79, Lot 17, GZO Sec. 1.10.1(a)(1) and Sec. 3.1.6(b) building height in excess of 35 feet

Attorney Joel Favazza, Seaside Legal Solutions, 111 Main Street, Gloucester, representing Marc and Melissa Cunningham, owners of Mt. Pleasant Avenue #125, Map 79, Lot 17, explained the following regarding the Special Council Permit application of the Cunningham's who are seeking a height exception:

OVERVIEW:

The house has been in Mr. Cunningham's family for many years and the current owners purchased the family home 10 years ago and began renovations which are now completed. An addition is now being completed will seat a second unit which they are moving into with a prospective owner having moved into the first unit, with an eye one permitted that the two units will be made into a two-unit condominium. The site is almost 49,000 square feet which is about five times the minimum lot size. It has less than 20 feet in actual frontage and the house is in such a position that subdividing the property would not be appropriate.

Mr. Favazza reviewed the site plan with the Committee (on file).

ZONING ORDINANCE TRIGGER:

The entire addition is less than 35 feet in height. The highest part is 34 feet, 3 inches above average grade which normally is handled by the Zoning Board of Appeals (ZBA). However, the city measures average grade for a structure is by taking measurements at all corners; and because this is technically a two-family building, although it appears as two distinct units, it is one building per the zoning ordinance. Although the main house (unit) hasn't moved and not physically altered, its height is going from 37 feet, 3 inches to 38 feet, 8 inches due to the average grade calculations. It was pointed out that the height of the new addition is actually about 4 feet, 4 inches shorter than the existing house.

GZO SEC. 1.8.3 and 3.1.6 (b) COMPLIANCE:

Mr. Favazza acknowledged that the application six requirements of GZO Sec. 1.8.3 for a Special Council Permit have been met as enumerated in the application (SCP2014-013). He also expressed that under Sec. 3.1.6(b) which is criteria for a Special Permit for Building Heights in Excess of Sec. 3.2 Limits that the height must be in keeping with neighborhood character. The tall portion of the project was described as having been in existence for 100 years. The addition, although it is above 35 feet, it is not out of place in the neighborhood, it was noted. The height is not substantially detrimental as there is no obstruction of views, overshadowing, impairment of utilities to neighboring properties or other adverse impacts.

Mr. Favazza described the residence as being centered of a large lot and neighboring residences are closer to the shared property line than either the existing building or the new addition would be. He put forward that there was no detriment to the neighborhood. He pointed out that the applicant went before the ZBA to obtain the permit for a two-family dwelling and permission to alter a non-conforming structure. The neighborhood put forward of their own volition a petition containing 19 signatures in support of the Cunningham's application which **Mr. Favazza** then submitted a copy of for the Committee's records. He said the project has strong neighborhood support, meets the various zoning ordinance factors to grant a Special Council Permit for a height exception and asked that the Committee recommend the application favorably to the Council.

COUNCILOR QUESTIONS & COMMENTS:

There were no Councilor questions. **Councilor Verga** commented that the design looks as if the building has always been there and is well situated on the property, and there is no overshadowing or blocking of views, which is clear from the plans with the application.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant to Marc Cunningham and Melissa Cunningham a Special Council Permit (SCP2014-013) for the property located at Mt. Pleasant Avenue #125 (Assessor's Map 79, Lot 17), zoned R-10, pursuant to Gloucester Zoning Ordinance Sections 1.10.1(a)(1) and 3.1.6(b) for a building height in excess of 35 feet, for a residential building to be 38 feet, 8 inches (for a total height exception of 3 feet, 8 inches over 35 feet). This Special Council Permit is made on the basis of the plans and elevations dated 10/18/14 by Jason Gove, Architect, 5 Autumn Lane, Gloucester, MA, as submitted to the

City Clerk on November 12, 2014, and on the Zoning Board of Appeals Decision dated November 4, 2014 for conversion to a two-family residential building.

This matter will be advertised for public hearing.

5. Discussion whether the Special Events Advisory Committee should be permitted to approve all Special Events in the city on behalf of the City Council

Councilor Verga said there has been a good track record of handing special events such as the Magnolia Lights off to the Special Events Advisory Committee (SEAC). **Ms. Lowe** said it has been almost two years that the number of events taking place in the city had been increasing dramatically in a relatively short period of time, and out of concern for the city's services and populous, the Council commissioned the creation of this advisory committee consisting of appropriate city staff. The SEAC consists of: Building Inspector, Bill Sanborn, Assistant DPW Director, Mark Cole; EMS Coordinator, Sander Schultz; Assistant Fire Chief, Tom Aiello; the Assistant Police Chief, John McCarthy; Health Inspector, Rosalie Nicastro; Harbormaster Jim Caulkett; and Carol Thistle, Community Development Senior Project Manager-Tourism. The only events that come forward from the SEAC to the Council for approval are those that require major street closure or have a large impact overall to city services due to the large number of participants. There were about seven events that have come to the Council annually now. Smaller events with small road closures don't really require Council attention, it was noted. She reported that the SEAC is enthusiastic about their role on the advisory committee which now helps city staff to track all the events. A spread sheet on all approved events is kept up to date on an annual basis and is accessible to all city departments involved on a shared computer drive. She reported that Ms. Thistle will work on a survey so that each time a group comes forward for permitting they will be encouraged to take a survey to determine the tourism impact to the city.

Councilor Lundberg said it makes sense to let the Council step aside. **Councilor Verga** suggested that there is no need for the few events that need Council approval to have the extra step of coming to P&D when they could realistically bypass P&D and go directly from the SEAC review to the Council for approval. **Ms. Lowe** said an ordinance amendment would have to be carefully crafted if this was the route P&D wished to pursue as SEAC is not like most other committees because it is comprised solely of city staff. With that clarifying amendment, it would also help to clarify the Council's purview over city streets except for emergency powers. She suggested that she and the rest of SEAC review the matter further and draft something defining the group and what things in general need to go to the Council for their approval.

This matter would come back to the Committee when the SEAC forwards their ordinance suggestion for discussion.

6. SCP2014-012: Thatcher Road #78, Map 179, Lot 44, GZO 2.3.1.7 conversion to or new multi-family or apartment dwelling, four to six dwelling units and Sec. 2.7.1 Major Projects (TBC to 01/07/15)

This matter will be continued to January 7, 2015.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:02 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **From Attorney Joel Favazza, a petition of 19 signatures previously submitted to the Zoning Board of Appeals in support of the project at 125 Mt. Pleasant Avenue related to SCP2014-013.**