

Planning & Development Committee
January 7, 2015 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Greg Verga; Councilor Steven LeBlanc; Councilor William Fonvielle (alternate)

Absent: Councilor Lundberg

Also Present: Councilor Cox; Linda T. Lowe

The meeting was called to order at 5:30 p.m. Matters were taken out of order.

1. *Special Events Application: Request from The Children’s Center for Communication to hold Lone Gull 10K Road Race on September 20, 2015*

Attorney Leonard F. Femino, Race Director of the Lone Gull 10K Race, now in its ninth year benefitting the Children’s Center for Communications said that there are no changes to last year’s race plans – that all will be the same. The event was presented to the Special Events Advisory Committee and received all the necessary sign offs. He said that he is expecting 1,300 runners, and the race has been chosen for the New England championship with some star international runners expected to compete.

Councilor Fonvielle citing the number of participants along with spectators who might attend, he asked how revenue might be generated for local businesses from the event. **Mr. Femino** said that the event organizers employ the services the Gloucester Fire Department Ambulance Service and have a police detail, food and other service providers are local, whenever possible, he assured. He pointed out that on the race website they tout the amenities of the area including a listing of accommodations.

Linda T. Lowe, City Clerk added that the Special Events Advisory Committee member Carol Thistle with the city’s Community Development Department is working to establish a requirement for all events taking place in the city create links to the city’s website, to local sites of interest and amenities which will enable Ms. Thistle and will be able to gauge each event’s impact on the local economy.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Fonvielle, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the Lone Gull 10K Road Race sponsored by the Children’s Center for Communication to be held Sunday, September 20, 2015 with the following conditions:

- 1. A Certificate of Insurance naming the City of Gloucester as an additional insured party has been filed with the City Clerk’s office on or before August 31, 2015.**
- 2. Road Closure Plan:**
Memoranda from the Police Department and the Fire Department or approvals through the Special Events Advisory Committee giving approval of the plans for the Lone Gull 10K Road Race on or before September 14, 2015. 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, 2015.
- 3. Refuse and Comfort Stations:**
All event refuse and recycling must be removed by the organizer. Any portable toilets (with two handicapped accessible) are to be provided and maintained by the organizer, placed the evening before the day of the event or early in the morning of the day of the event and be removed by 1:00 p.m., Sunday, September 20, 2015.
- 4. Emergency Services:**
Any EMS requirements of the City EMS Director must be met.
- 5. Staffing:**
Event staff is to have cell phones and be identified by the public with distinct shirts. A list of event staff and their cell phone numbers is to be submitted to the Police, Fire, or DPW Departments.
- 6. Notification of Immediate Abutters and Businesses to Parade Route:**

Notice shall be made by the event organizer by hand or by mail no later than 7 (seven) 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 Health Department, 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. Any changes to the route must receive prior approval from the Police and Fire Departments.

2. CC2014-039 (Verga) Request P&D & O&A Standing Committees review the positions of Harbor Planning Director and the Executive Director of the Fisheries Commission (Cont'd from 11/22/14)

This matter is continued to February 18 pending information being forwarded from the Fisheries Commission.

3. Memorandum from DPW Director recommending acceptance of a private sewer extension for Eagle Road/Nicolette Van Stigt

Nicolette Van Stigt, 4 Eagle Road, the owner of the private sewer on Eagle Road was present. Councilor Verga explained there was a memorandum from the DPW Director with a recommendation to accept this private sewer extension dated October 31, 2014, on file, which indicated that it only services one home, has been in place since 2006.

MOTION: On motion by Councilor Fonvielle, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council that the City of Gloucester accept ownership of and full responsibility for the sewer extension and all existing laterals based on submitted "as built" that lay within the streets known as Eagle Road in its entirety constructed by Jim Ketchopoulos and Sons, 40 School Street, Rockport, MA, and as shown on the plan entitled "As-Built Sewer Extension Plan" prepared by Gateway Engineering, 33 Forest Hill Avenue, Lynnfield, MA, dated 9/28/08 with the following conditions:

1. That the existing, current DPW Rules and Regulations pertaining to the city's acceptance of private sewers are adhered to;
2. That the homeowner residing at Eagle Road #4 represented by Nicolette C. Van Stigt of Eagle Road and the City of Gloucester by its appropriate Administrative staff coordinates the execution and exchange of all documents deemed necessary by the City of Gloucester's legal office to effectuate the transfer of ownership and control of the as-built sewer project to the City of Gloucester.
4. *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 (Cont'd from 12/10/14)*

This matter is continued to January 21, 2015 at the request of the applicant (letter on file).

5. *SCP2014-014: Pleasant Street #48, Map 14, Lot 20, GZO Sec. 2.3.1(6) conversion to 3-unit multi-family; Sec. 3.1.6(b) height in excess of 35 feet; Sec. 3.2.2fn(a) decrease in minimum lot area per dwelling; 3.2.2 fn (a) decrease in minimum open space per dwelling unit*

Attorney Deborah Eliason, 63 Middle St., representing Foghorn Properties, Inc., Cynthia & John Bjorlie (applicant) explained the requests for a conversion to a three-family dwelling from a commercial property at Pleasant St. #48 and submitted an Executive Summary of information previously on file with the Committee. She reviewed the application as follows:

Ms. Eliason oriented the Committee to the property's location from a displayed map of the lot (on file). The building was constructed in the 1900's. Both the building and lot area are preexisting and non-conforming.

The Applicant has been before the Historic District Commission (HDC) receiving favorable comments on the proposed design and its sensitivity to the historic character of the building, although the applicant doesn't have final

approval from the HDC yet. In addition the Applicant has received the requested zoning relief from the Zoning Board of Appeals (ZBA) (on file). Aesthetic modifications have been made to the exterior of the building since appearing before the ZBA to accommodate the requests of the HDC. The height of the attached garage has also been reduced by approximately one foot per the HDC request (plans show this on file). It is expected that the HDC final approval at their next meeting.

The Applicant intends to perform significant interior and exterior renovations to bring the building back to its former glory. The Applicant has a strong sense of the community and a commitment to the neighborhood wanting the project to fit in and preserve its history.

Orienting the Committee to a displayed building plans (on file), **Ms. Eliason** reviewed that the proposal is to construct two additions to an existing building, including an attached two-car garage on the Franklin Square side of the building and an addition to the rear of the building, abutting the Post Office, adding floor space to all levels of the building, including the basement. The building will be converted from a professional office building to three residential condominium units with the required off street parking (“Project”) is included plus.

She noted that Special Permits are required to allow such a conversion as well for exceeding the height of 35 feet. The existing height of the building is 35 feet, 8 ½ inches which will not be exceeded. Additionally, the request before the Council is a decrease in minimum lot area per dwelling 1,808 square feet per unit per lot area and to decrease the minimum open space per dwelling unit to 962 square feet.

Ms. Eliason reviewed that the legal standard is to determine that the proposed use will not have adverse effects which overbalance the effects to the city. With that, she reviewed the Project’s compliance with GZO Sec. 1.8.3:

1. Social, economic and community needs: The applicant is trying to bring the building back to its original purpose which was an historic residential use. The proposed design remains true to the historic residential architecture of the existing building. The renovations will improve both the inside and outside of the building. The change in use is consistent with the neighborhood. It was pointed out that properties adjacent to 48 Pleasant Street (on file) are residential uses, some recently converted, and are also professional offices and business uses which lends vitality to the downtown supporting local businesses.
2. Traffic flow and safety: There is currently one parking space on site. One off-street parking space is required per unit is required under the Zoning Ordinance, which would mean three spaces with one already existing. The Project proposes four spaces compliant with dimensional zoning requirements. Two additional spaces which don’t meet the zoning requirements will consist of one tandem space and one for a smaller car. The entrances to the parking will be off of Franklin Square, which generally services only immediate neighborhood traffic.
3. Utilities and other public services: Existing utilities for the three units are adequate to serve the units. No additional demand for utilities is anticipated to service the change in use.
4. Neighborhood character and social structure: The Project is appropriate for the neighborhood and is consistent with its character and social structure of the neighborhood. The additions have been designed to minimize the impact on the neighborhood. The garage is low profile, and has been lowered in height by one foot. The main addition is to the rear of the building and abuts the post office rather than its residential neighbors. The design remains true to the historic architecture, and like many other historic buildings in this area there is a building constructed on a small lot taking up most of it, and is unlikely that it would meet the minimum lot space and open space requirements. In order to preserve the historic nature through renovation of the building there would be a need to make zoning concessions in order to preserve these historic buildings to ensure their useful life.
5. Qualities of the Natural Environment: Currently 51 percent of the frontage is vegetated. The total vegetated coverage within the frontage under the proposed plan will be increased to 67 percent which is compliance with the zoning ordinance. There is a large gravel surround which currently takes up much of the lot area. The Applicant will remove the gravel surround and will be increasing the vegetative coverage on the entire lot from 42 percent to 53 percent.
6. Potential fiscal impact: The three new residential units will add residential tax income to the city’s tax base. It is expected that the units will be occupied by older residents and is expected to likely have minimal impact on the public school system. An increased residential presence in the downtown will help to revitalize downtown businesses as previously stated.

Ms. Eliason informed the Committee that the Applicant held a meeting attended by about 20 neighbors. She then submitted two letters of support for the application (placed on file)

Jonathan Poore, Poore & Company, 315 Washington Street, Project Designer, noted the gravel surround and showed a photograph of the building being perched on a mound similar to many downtown structures, and are using this to revert the gravel surround to landscaping. By digging into the mound, the garages were able to be installed

“semi-below” grade thereby minimizing the garages’ presence on the side of the building. The other garage is in the back of the building.

As to open space, above each of the garages, which are at grade, they will essentially be green roofs, landscaped and which replicates open space, **Mr. Poore** said. For the multi-storied building addition they stayed inside the setback requirements, and anything outside of that is dug into the grade, and has a hardscape element and tucked in behind the building. The front of the building is a straight restoration replicating the dormers on two sides. The rear of the building is where most of the changes were made which is visible from the back side of the Post Office building. The outdoor parking is nestled between the two garages. They have been able to leave all the roof lines, decorative features of the building and preserve the building’s original volume.

Councilor Fonvielle asked if the garages connect with an interior access. **Mr. Poore** said that they will and also connect to an elevator which is not required but is an amenity to the owners providing additional interior access. **Councilor Fonvielle** asked if all or some of the units are American with Disabilities Act (ADA) compliant given the anticipation that these units will appeal to an older demographic. **Mr. Poore** said the units are not specifically ADA compliant but are designed with the spirit and intent of accessibility. **Councilor Fonvielle** asked about vehicle turning radius related to access to the garages. **Mr. Poore** said that the turning radius was studied and assured there is appropriate room to exit and enter the garages by a normal sized vehicle, not SUV’s. Franklin Square has very light traffic on it, he pointed out.

Councilor Cox noting that a light post is greyed out on a drawing of the rear of the building, but it exists. **Mr. Poore** said it was for the clarity of the presentation and assured that the parking spaces are all unfettered, and briefly discussed the garage access which was deemed appropriate. **Councilor Cox** said she appreciated that the applicants had a neighborhood meeting saying she had received comments of concern prior to the meeting but after the meeting the presentation laid to rest many of the neighborhood’s concern especially related to the off-street parking plans.

Councilor LeBlanc noted the Council has done a few of these similar open space decreases recently and didn’t see any negative impact to the neighborhood. He added that this renovation and revitalization of an historic building will be an asset to the downtown. **Mr. Poore** offered that there was a conscience pulling back on the addition to tuck it in away from the corner of the property to keep it at grade to honor as much as possible open space.

Councilor Fonvielle expressed he was impressed with the design and plans for the Project.

Councilor Verga said this is a great project and will be an asset to the city’s downtown.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Fonvielle, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a Special Council Permit (SCP2014-014) to allow for a three-unit residential building to be converted from a commercial building at 48 Pleasant Street, Gloucester Massachusetts, Map 14, Lot 20, zoned Civic Center District (CCD), pursuant to Sections 2.3.1(6) conversion to a 3-unit multi-family dwelling; 3.1.6(b) height in excess of 35 feet by 8 ½ inches for a total of 35 feet, 8 ½ inches, Sec. 3.2.2 fn(a) decrease in minimum lot area per dwelling unit from 2,500 square feet to 1,808 square feet for a total reduction of 692 square feet; Sec. 3.2.2. fn(a), decrease in minimum open space per dwelling unit from 1,250 square feet to 962 square feet for a total decrease of 288 square feet. The application under GZO Sec. 1.8.3 is deemed in harmony with the intent and purpose of the zoning ordinance governing Special Council Permits.

This matter will be advertised for public hearing.

6. SCP2014-015: Centennial Avenue #21, Map 5, Lot 50, GZO 1.10.1(a)(1); 3.1.6(b) height in excess of 35 feet; 2.3.1.7 conversion to or new multi-family or apartment dwelling; four to six units

Attorney Joel Favazza, Seaside Legal Solutions, 111 Main Street, representing Katherine L. Richmond (“Applicant”) for a Special Council Permit for a building exceeding 35 feet in height pursuant to Sec. 1.10.1(a)(1) and 3.1.6(b) Multi-family Special Permit pursuant to Sec. 2.3.1.7 for an existing multi-family dwelling at 21 Centennial Avenue, explained the following:

The Applicant is seeking to take an existing structure in its current configuration since 1994 to get it the proper zoning relief as a six unit multi-family building. The date of 1994 is when the current owner purchased the property and when purchased the building was configured as six units. He noted that in anecdotal discussions with some city officials, he was told the building was six units well before that time as well.

However, the city has the building on record as permitted for five unit multi-family dwelling, and that the Applicant is looking to add the sixth unit to satisfy the Applicant’s lender. The Applicant has recently applied for and received the necessary relief from the Zoning Board of Appeals (ZBA) to allow for parking in the front of the

building. The ZBA went through this in 2000, and 2006, and the Applicant received the necessary relief but did not follow up with the City Council to complete the permitting process. Therefore the relief being sought from the City Council is to declare this a six unit multi-family dwelling, and that there be a height exception as the building height is 37 feet.

Mr. Favazza advised the Committee that the application addresses GZO Sec. 1.8.3, the six criteria of a Special Council Permit. He reiterated that no changes are being made to the exterior or interior of the building and will remain as is, but that the Applicant seeks to be in compliance with the Zoning Ordinance.

Councilor LeBlanc noted he was very familiar with the building.

Linda T. Lowe, City Clerk, explained that in discussion with Mr. Favazza that he will seek to get better proof of the height of the building demonstrating the actual height of 37 feet. She advised that although it is not required for this application to have a surveyor's or engineer's signed plan, a plan needs to demonstrate the height of the building, not just by a notation on a drawn plan. It is expected that Mr. Favazza will provide something that reflects the height prior to the Council's public hearing which at that time the Chair can sign that written evidence of the height at that time, she added.

COMMITTEE RECOMMENDATION: On a motion by Councilor Fonvielle, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a Special Council Permit (SCP2014-015) for 21 Centennial Avenue to Karen L. Richmond, to allow for a six-unit residential building to remain as it stands at 21 Centennial Avenue, Gloucester, Massachusetts, Map 5, Lot 50, zoned High Density Residential (R-5) pursuant to Sections 1.10.10(a)(1) and 3.1.6(b) height in excess of 35 feet for a total of 37 feet (2 feet above 35 feet), and Sec. 2.3.1.7, Conversion to, or new multi-family or apartment dwelling, four to six dwelling units. The application is deemed in harmony with the intent and purpose of the Zoning Ordinance governing Special Council Permits under GZO Sec.1.8.3.

This matter will be advertised for public hearing.

7. Committee discussion on recent FCC rules establishing regulations around co-location of wireless communications equipment

Councilor Verga said this matter is before the Committee because of an article from an MMA publication the City Clerk forwarded to him on recent changes in FCC regulations. **Ms. Lowe** explained that cell towers are highly regulated, and there isn't a lot of flexibility for municipalities who must do what the federal regulations state which has now been narrowed even more recently. She said that the city's collocation ordinance has been in place for 20 years, drafted by an expert consultant in the field. She noted now federal regulations state that since collocation is favored even in the industry that the timeframe from receipt of a collocation application is narrowed to 60 days and must be approved. She suggested that the city ordinance may need some minor amendments to say that the city recognizes that collocation is favored and that the timeframe to permitting is shortened to 60 days.

Councilor Fonvielle said he read the proposed regulations, and it contains a provision that essentially says in case of a collocation "event" that the operator of the tower can request a height increase of up to 10 percent of the existing height and the municipality must approve that request. He pointed out the operator could come back annually to make that request and the municipality must comply. It is a request but the municipality doesn't have the right to say no, **Ms. Lowe** pointed out.

Councilor Verga suggested that a Council Order could be put forward by the P&D Committee to explore and suggest changes to the cell tower collocation ordinance. He also suggested the \$5,000 contribution for training should also be reviewed.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:15 p.m.

**Respectfully submitted,
Dana C. Jorgensson, Clerk of Committees**

DOCUMENTS/ITEMS RECEIVED AT MEETING:

- **Two letters of support of the Project for SCP2014-014, 48 Pleasant Street by Attorney Eliason with an Executive Summary of the Project**