



GLOUCESTER CITY COUNCIL
Planning & Development Committee
Wednesday, February 18, 2015 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
(Items May be taken out of order at the discretion of the Committee)

1. *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 01/21/15)*
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 01/07/15)*
3. *CC2015-005 (Verga) Request P&D and Planning Board informally review GZO Sec. 5.13 "Personal Wireless Service Facility" in order to develop proposed amendments to update and revise the ordinance so that it is in compliance with applicable recent Federal Laws and regulations*
4. *Discussion of City permitting processes (Cont'd from 11/12/14)*

COMMITTEE
Councilor Greg Verga, Chair
Councilor Paul Lundberg, Vice Chair
Councilor Steven LeBlanc

CC: Mayor Theken
Jim Destino
Linda T. Lowe
Tom Daniel
Gregg Cademartori
Sal Di Stefano
Tom Gillett/Meredith Fine

The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.



GLOUCESTER CITY COUNCIL
Planning & Development Committee
Monday, February 23, 2015 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
(Items May be taken out of order at the discretion of the Committee)

THIS MEETING WILL TAKE PLACE ONLY IF THE WEDNESDAY, FEBRUARY 18, 2015
P&D MEETING NOT TAKE PLACE

1. *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 01/21/15)*
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November 10, 2014

CITY CLERK
GLOUCESTER, MA
14 NOV 12 PM 3:13

City of Gloucester City Council
c/o Linda T. Lowe, City Clerk
City Hall – Nine Dale Avenue
Gloucester, MA 01930

RE: 78 THATCHER ROAD, LLC – MULTI-FAMILY PERMIT APPLICATION

Dear Councilors:

This office represents 78 Thatcher Road, LLC, the owner entity of 78 Thatcher Road (the "Site"). As you may recall, the Site is currently home to the now-closed Olivia's By-the-Sea restaurant, and was previously home to Amelia's restaurant.

In May of this year, the City Council approved a request from my client to rezone the Site from EB (Extensive Business) to R-10 (Medium / High Density Residential) to enable my client to seek the necessary permits to construct a residential building on the Site. After several months of work, a final design was completed. In September, my client petitioned the Zoning Board of Appeals to grant dimensional variances and a special permit for building height and was granted the requested relief.

The last permitting step in this process is a multi-family special permit from the City Council. However, due to the fact that another multi-family permit has been recently issued on an abutting piece of property (known as the "Brierneck Crossing at Gloucester"), the Major Project standards have been triggered. Please note, however, that this project is in no way connected to Brierneck Crossing and, if not for Brierneck Crossing's recent permit acquisition, would not trigger the Major Project standards on its own.

The proposed building will house six condominium units, which will each contain between 2,150 and 2,450 square feet of gross floor area. Each unit will contain two bedrooms, at least two bathrooms, and will have at least two deeded parking spaces. Due to the fact that the Site sits in a flood plain, the first level cannot be used for habitable space and has been instead reserved for use as garages. The second and third level will both contain three single-level units located and laid out almost identically on both levels.

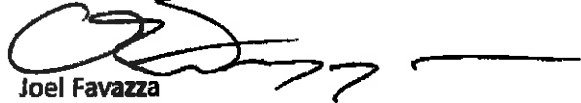
The building will take advantage of the views from the Site with several decks while providing privacy both to the units within the building as well as the neighbors. The placement of the building on the Site and the configuration of the rooms and decks for each unit have been designed to make sure that there is no overcrowding or obstructing of the neighboring properties.

The landscape design has been tailored to fit the natural features of the nearby beach and salt marsh. What is now comprised mostly of flat lawn and paved parking lot will be transformed to undulating grassy swales that will not only add aesthetic value to the Site but also contribute to storm water management.

The entire team behind this project has remained connected with the neighborhood by hosting neighborhood meetings at the Site through each step of this process. We anticipate holding the third neighborhood meeting on November 22, 2014, to go over the plans submitted herewith. So far, meeting attendance has been impressive and we hope that the support shown by the neighborhood thus far continues as we make our way through the multi-family permitting process.

I look forward to discussing this project further at an upcoming P&D subcommittee meeting and, hopefully, at the full City Council not too long thereafter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joel Favazza', with a long horizontal line extending to the right.

Joel Favazza

JF/fea

CITY CLERK
GLOUCESTER, MA
14 NOV 12 PM 3:07



CITY OF GLOUCESTER
GLOUCESTER, MASSACHUSETTS - 01930

City of Gloucester
Special Council Permit - Application

January 16, 2015

(Public hearing to be held no later than above date)

In conformance with the requirements of the Zoning Ordinance of the City of Gloucester, the undersigned hereby applies for a Special Council Permit (CC or CCS) in accordance with Section 1.8.3 of the Ordinance and other Sections as listed below:

Type of Permit (Give specific section of Zoning Ordinance) Special Permit to build a 6-unit multi-family building pursuant to § 2.3.1.7 & Major Project pursuant to § 5.7.1

Applicant's Name: 78 Thatcher Road, LLC

Owner's Name _____
(if different from applicant)

Location 78 Thatcher Road Map # 179 Lot # 44
(Street Address)

Zoning Classification: R-10

- Attached is a list of owners (with complete addresses) of land directly opposite on any public or private street or way, direct abutters, and abutters to the abutters of land within three hundred (300) feet of the property line, as they appear on the most recent City of Gloucester Assessor's Maps and Tax list.
- Attached is a listing of criteria set forth in Section 1.8.3 of the Zoning Ordinance, including any supportive material or comments the applicant may wish to include (i.e. ZBA decisions, Order of Conditions, ect.) if necessary.
- Attached are the necessary plans as set forth in Section of 1.5.3 of the Zoning Ordinance, which at a minimum consist of an accurate plot plan (to scale) showing existing and/or proposed building or structures.

City of Gloucester - Action

Fee: \$ 1000 / 000.00

City Clerk (received): 11/12/14

City Council (received): 11/18/14

Public Hearing (ordered) _____

Public Hearing (opened) _____

Public Hearing (closed) _____

Final Decision _____

Disposition _____

(Approved, Denied, Approved w/conditions)

Applicant:

Name (Signature) _____

78 Thatcher Road, LLC
by John P. Fiaherly, Manager

Address _____

c/o Seaside Legal Solutions, P.C.,
PO Box 1172, Gloucester, MA 01931

Telephone _____

978-627-4500

Certified for completeness: _____

Building Inspector: DN Date: 11/12/14

Planning Director: MC Date: 11/12/14



CITY OF GLOUCESTER
GLOUCESTER, MASSACHUSETTS - 01930

City of Gloucester
Special Council Permit - Application

(Public hearing to be held no later than above date)

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City of Gloucester - Action

Fee: _____

City Clerk (received): _____

City Council (received): _____

Public Hearing (ordered) _____

Public Hearing (opened) _____

Public Hearing (closed) _____

Final Decision _____

Disposition _____

(Approved, Denied, Approved w/conditions)

Applicant:
John P. Flaherty
 Name (Signature)
 78 Thatcher Road, LLC
 by John P. Flaherty, Manager

Address
 c/o Seaside Legal Solutions, P.C.,
 PO Box 1172, Gloucester, MA 01931

Telephone
 978-627-4500

Certified for completeness:
Building Inspector: _____ Date: _____

Planning Director: _____ Date: _____

Section 1.8.3 (Use additional sheets, if necessary)

1. Social, Economic, or community needs served by the proposal :

The proposed six-unit multi-family building would replace the current restaurant use on the site, which would bring the site into uniformity with the residential character of the neighborhood, increase the tax revenue generated by the property, and transform the appearance of the site into a more attractive and aesthetically pleasing piece of property.

2. Traffic flow and safety:

The existing site has two curb cuts, which are not being altered, to keep familiarity of traffic flow on and around the site. However, the intensity of vehicular traffic is expected to decrease substantially from the amount of traffic generated by patrons of the former restaurants on site to that of six two-bedroom dwelling units. The site has more than sufficient parking and will not require any "backing out" onto the abutting roadways.

3. Adequacy of utilities and other public services :

The site sits among a developed residential neighborhood and the existing restaurant is already connected to public utilities, which will be relocated to the proposed building. There will be upgrades to the on-site stormwater drainage, which is expected to lower the volume of runoff entering the City's storm drain system. The site is readily accessible by emergency vehicles from either Thatcher Road or Witham Street.

4. Neighborhood character and social structure :

The neighborhood is residential in nature and zoned R-10. The proposed building adheres to the density limits set in the Zoning Ordinance and is a more appropriate use of the site than the existing restaurant.

5. Qualities of the natural environment :

Currently, the property contains large areas of impervious surfaces and some basic landscaping. The proposed site plan will increase the amount of pervious surfaces, use more natural-looking building materials, and add more green space and vegetation to the site than currently exists. There will be a net benefit to the qualities of the natural environment found at the site.

6. Potential fiscal impact :

The improvement of the site and addition of six dwelling units is likely to increase the value of the surrounding properties as well as the site itself.

The applicant is advised that City staff is available to assist the applicant in preparing the application, including the Inspector of Buildings and City Planner.

Application for Special Permit

The undersigned applicant hereby applies for a special permit under M.G.L. Ch. 40A, 9 as follows.

1. Applicant (includes equitable owner or purchaser on a purchase and sales agreement):

Name: 78 Thatcher Road, LLC

Address: c/o Seaside Legal Solutions, PO Box 1172, Gloucester, MA 01931

Tel. #: Days 978-627-4500 Evenings _____

_____ Check here if you are the purchaser on a purchase and sales agreement.

2. Owner, if other than applicant:

Name: _____

Address: _____

Tel. #: Days _____ Evenings _____

3. Property:

Street address: 78 Thatcher Road

Assessor's map: 179 Lot 44

Registry of deeds where deed, plan, or both records:

Southern Essex District Registry of Deeds

Deed recording: ~~Book~~ ~~Page~~ Certificate No. 85495

Plan recording: Plan # _____

Property is location in the R-10 zoning district.

4. Nature of relief requested:

Special permit pursuant to ~~XXXX~~Section 2.3.1.7 of the
Zoning Ordinance/~~Bylaw~~ which authorizes the City Council to permit
a 6-unit multi-family building
+ Major Project pursuant to § 5.7.1

Detailed explanation of request:

The owner is seeking to demolish the existing commercial building and parking lot in order to build a
six-unit multi-family condominium building with associated parking and accessory features such as a
plunge pool and decorative landscaping. The proposed building meets all multi-family requirements
for the R-10 district except for height and setbacks, for which relief has been granted previously by
the ZBA. Please also see attachments submitted herewith for additional information.

5. Evidence to support grant of special permit:

Because of reasons set forth below, the special permit requested will be in harmony with the intent
and purpose of the Zoning Ordinance/~~Bylaw~~:

The property was recently rezoned R-10 to fit in better with the residential neighborhood in which it is
located. This project aims to construct appropriate residential use on the newly rezoned site. The
proposed six units are within the density limits prescribed by the Zoning Ordinance and the few non-
conformities in design have already been examined and given the necessary relief by the Zoning
Board of Appeals. Please also see attachments submitted herewith for additional information.

Because of reasons set forth below, the special permit requested will meet the additional requirements of the Zoning Ordinance ~~by law~~ as follows:

The building has already received the necessary dimensional variances and height special permit from the Zoning Board of Appeals (see recorded decision attached hereto). Otherwise, the proposed building meets or exceeds all requirements of the Zoning Ordinance.

If someone other than owner or equitable owner (purchaser on a purchase and sales agreement) is the Applicant or will represent the Applicant, owner or equitable owner must designate such representative below.

Name of Representative: Joel Favazza

Address of Representative: Seaside Legal Solutions, PO Box 1172, Gloucester, MA 01931

Tel. #: Days 978-627-4500 Evenings _____

Relationship of representative to owner or equitable owner:

Attorney

I hereby authorize Joel Favazza to represent my interests before the Special Permit Granting Authority with respect to this Special Permit Application.

(Signed by owner/equitable owner) _____

78 Thatcher Road, LLC
by John P. Flaherty, Manager

Because of reasons set forth below, the special permit requested will meet the additional requirements of the Zoning Ordinance ~~by DCA~~ as follows:

The building has already received the necessary dimensional variances and height special permit from the Zoning Board of Appeals (see recorded decision attached hereto). Otherwise, the proposed building meets or exceeds all requirements of the Zoning Ordinance.

If someone other than owner or equitable owner (purchaser on a purchase and sales agreement) is the Applicant or will represent the Applicant, owner or equitable owner must designate such representative below.

Name of Representative: Joel Favazza

Address of Representative: Seaside Legal Solutions, PO Box 1172, Gloucester, MA 01931


Tel. #: Days 978-627-4500 Evenings _____

Relationship of representative to owner or equitable owner:

Attorney

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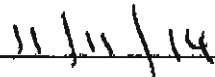
(Signed by owner/equitable owner)


78 Thatcher Road, LLC
by John P. Fiherty, Manager

I hereby certify under the pains and penalties of perjury that the information contained in this Application is true and complete.



Signature of Applicant



Date

Signature of Owner, if other than Applicant

Date

Signature of Equitable Owner Who is filing Application to satisfy condition of Purchase and Sales Agreement

Date

Major Project Standards:

In addition to meeting the multi-family requirements (partially by way of relief granted by the ZBA), the proposed project also meets the Major Project standards set forth in the Zoning Ordinance. The project has access from both an arterial and a collector street, parking areas are screened from public ways, lighting avoids glare on adjoining properties, egress does not require backing onto any public way, and the topographical changes are not major in scope but will have significant positive impact on the site and will add additional green space to the site.

The following pictures illustrate the premises in relation to the adjoining structures (of which there are only two) and to natural features.

**SCP2014-013
Thatcher Road #78**

**Special Council Permit to build a 6-unit multi-family building
Pursuant to GZO Sec. 2.3.1.7 and Sec. 5.7 Major Project**

To view a complete application, please go to:

<http://gloucester-ma.gov/ArchiveCenter/ViewFile/Item/4061>

**or during business hours in the City Clerk's Office,
City Hall, 9 Dale Avenue**



Office of the Fire Chief
Eric L. Smith
CITY OF GLOUCESTER FIRE DEPARTMENT
8 School St.
Gloucester, MA 01930
978-281-9760 office



Memorandum

TO: City Council
FROM: Chief Eric Smith
RE: Proposed 78 Thatcher Rd. Condos
DATE: 2/5/15
cc: Linda Lowe, Greg Cademartori

The Fire Department has reviewed the very basic set of plans for the proposed 78 Thatcher Rd Condos. This review and list of requirements from the Fire Department is a basic review and a final review in conjunction with a third party code review is required with the submission of a full set of construction drawings and plans to ensure compliance with are building and life safety codes.

The following is a preliminary list of requirement's:

- Flow testing to support required fire flow/fire suppression system demands.
- Complete fire protection construction documents (automatic fire alarm and sprinkler), stamped by a registered professional engineer.
- Fire Department Connection will be a 4" storz at the rear corner of the building closest to Witham Rd. The specific location will be designated by the Fire Chief when complete documents are provided for review before construction.
- New Hydrant installed in the right of way in front of 76 Witham Rd.
- Exterior remote fire alarm panel location to be determined by the Fire Chief when complete documents are provided for review before construction.
- Red strobe for Fire Alarm activation on the front of the building visible when approaching from either direction on Thatcher Rd. A second red strobe to be placed over the FDC.
- Orange Fire Alarm "trouble signal" strobe located just below the red strobe on the front of building



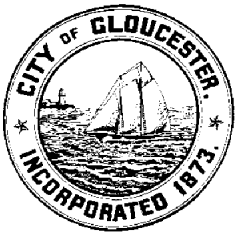
**Office of the Fire Chief
Eric L. Smith
CITY OF GLOUCESTER FIRE DEPARTMENT
8 School St.
Gloucester, MA 01930
978-281-9760 office**



- Elevator car will need to be larger than NFPA minimum size. The interior must allow the full length of a Stryker Power-PRO™ XT stretcher to fully enter straight into elevator without having to run diagonal from corner to corner. In addition it must accommodate 4 personnel in the car along with a patient on the stretcher in the flat “transport” position.
- Knox box –authorized purchase through Fire Prevention office
- Radio master box to transmit Fire Alarm to FD Dispatch is highly recommended.

A handwritten signature in black ink, consisting of a stylized 'E' and 'S' followed by a horizontal line.

Fire Chief Eric L Smith



CITY OF GLOUCESTER



Public Health
Prevent. Promote. Protect.

Health Department
3 Pond Road, City Hall Annex
Gloucester, Massachusetts 01930
PHONE: 978-281-9771 · Fax: 978-281-9729
EMAIL: healthdept@gloucester-ma.gov
WEBSITE: www.gloucester-ma.gov

Memo

To: Linda T. Lowe, City Clerk

From: Max Schenk, Manager - Environmental Health Services, Health Department

Date: February 5, 2015

Subject: Site plan proposal – 78 Thatcher Road – MAP 179/ LOT 44

Applicants: 78 Thatcher Road, LLC

Dear Linda Lowe:

Per section 5.7.3 of the Gloucester Zoning Ordinance, the Gloucester Health Department has reviewed the preliminary site plan for the above referenced project and has the following comments/recommendations:

- The proposed redevelopment plan for the property reduces the amount of impervious surface and increases the ability to retain stormwater onsite.
- Per State Sanitary Code 105 CMR 435.00 – “Minimum Standards for Swimming Pools”, the proposed pool is defined as a semi-public swimming pool and therefore required to have a shower for bathers to rinse-off before and after use. In addition, per section 435.03(12)(b) the pool must be enclosed by a fence. The fence must be approved and inspected by the Gloucester Building Inspector, per City Code of Ordinances section 5.2. The applicant must be in compliance with all other sections of 105 CMR 435.00 relevant to the construction, operation and maintenance of a semi-public swimming pool.
- Given the environmental sensitivity of the area, the Health Department recommends that there be a restriction on the use of chemical fertilizers, herbicides and deicers.
- The Health Department also recommends that there is a pet waste control plan in place that is enforced through the condominium association.

(Continued next page)



CITY OF GLOUCESTER



Public Health
Prevent. Promote. Protect.

Health Department
3 Pond Road, City Hall Annex
Gloucester, Massachusetts 01930
PHONE: 978-281-9771 · Fax: 978-281-9729
EMAIL: healthdept@gloucester-ma.gov
WEBSITE: www.gloucester-ma.gov

- Per City Code of Ordinances section 9.2, for buildings with 5 or more units the owner is required to have private collection of trash and recyclables. The trash hauler is to be licensed by the Health Department and both parties are to meet the requirements of Board of Health regulation for the use and licensing of trash dumpsters.

The Health Department reserves the right to review any substantial changes to the proposed plan for the purpose of ensuring regulatory compliance.

Please let me know if your office has any further questions.

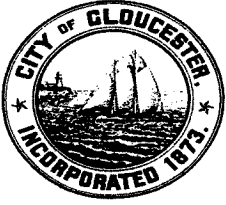
Respectfully,

Max Schenk

Manager – Environmental Health Services
Gloucester Health Department
978-282-8025

Cc: File

Cc: Gregg Cademartori, Planning Director



**CITY OF GLOUCESTER 2014
CITY COUNCIL ORDER**

ORDER: CC#2014-039
COUNCILLOR: Greg Verga

DATE RECEIVED BY COUNCIL: 09/23/14
REFERRED TO: P&D & O&A
FOR COUNCIL VOTE:

ORDERED that the City Council Planning & Development and Ordinances & Administration Standing Committees review the recently vacated position of Harbor Planning Director together with the position of Executive Director of the Fisheries Commission, which has been dormant for many years, to determine whether one or both of these positions should go forward as full or part time positions and if they should go forward, what are the future development needs of the City which these positions would be structured to meet;

FURTHER ORDERED that the O&A, following this review, should as appropriate, add these revised positions to the Personnel Ordinance Compensation and Classification schedules; and

FURTHER ORDERED that the matter be referred to the Planning & Development and Ordinances & Administration Standing Committees for review.

Greg Verga
Councillor at Large



**CITY OF GLOUCESTER 2015
CITY COUNCIL ORDER**

**ORDER: CC#2015-005
COUNCILLOR: Greg Verga**

**DATE RECEIVED BY COUNCIL: 02/10/15
REFERRED TO: P&D and Planning Board
FOR COUNCIL VOTE:**

ORDERED that the Planning and Development Committee under section 1.11.2 of the Zoning ordinance(e) concerning amendments to the Zoning Ordinance work together with the Planning Board under section 1.11.3 of the Zoning Ordinance on an informal review of section 5.13 "Personal Wireless Service Facility" in order to develop proposed amendments to update and revise the ordinance particularly as relates to definitions of new technology and as to recent changes in FCC regulations which apply to and interpret the federal law on wireless facilities found at section 6409(a) of the Tax Relief and Job Creation Act of 2012.

FURTHER ORDERED that following the review under section 1.11.3, the P&D and Planning Board together recommend to the City Council a motion to amend section 5.13 of the Zoning Ordinance so that it is in compliance with applicable federal laws and regulations.

Greg Verga
Councillor at Large