

Planning & Development Committee
January 21, 2015 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

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

Also Present: Councilor McGeary; Councilor Fonvielle; Linda T. Lowe; Jim Destino; Salvatore DiStefano, Sr.; Tom Daniel;

The meeting was called to order at 5:30 p.m. There was a quorum of the City Council until Councilor Fonvielle left the meeting at 5:50 p.m.

1. Memorandum from Administration re: Options for the Fuller property RFP (Cont'd from 12/10/14)

Councilor Verga explained that the Council had anticipated receipt of a report from the Safety Committee after the last P&D meeting. **Salvatore DiStefano**, Director of Economic Development, said the final copy was received in the Mayor's office after having been returned to the consultant for final revisions. He informed the Committee that the report had yet to be forwarded to the Council as it is under review by the Mayor now. He reported the document is complete.

Jim Destino, CAO, confirmed that the final report is in the Mayor's hands and expressed that the Administration hopes to be able to offer further information and options for the Fuller property ("property") use to the Council soon, highlighting the Council's important role in crafting the Request for Proposal (RFP). If one of the options is to set aside a portion of the Fuller property for future city use and sell the other piece, the property will need to be subdivided ahead of the RFP being issued, he pointed out, if the decision is to sell a part of the Fuller property. **Councilor Verga** said he recalled that there had been a conversation with the Committee to start looking at subdividing the property. **Mr. Destino** said it is premature as options are not firmed up yet. He suggested that there should be a workshop with the Administration and Council to review options for the property and what can be done in the short term. He said that with the city bumping up against its debt limit for borrowing and the West Parish borrowing coming on line, it will be difficult inside the operating budget to do much for the city, and various financial tools to fund the options will also have to be examined.

Councilor McGeary suggested that the Public Safety Center is a conceptual decision that needs to be made perhaps five to ten years from now. He further suggested that if that is the best use of a portion of the property it is something that should be included in the RFP. He asked was it possible to craft the RFP to say city will want to use "X" number of square feet for a purpose but is willing to work with a developer to locate it to their mutual advantage, and then subdivide the property. **Mr. Destino** said it is also about identifying the best access on the property for the Public Safety Center and subdivide the property so the city holds onto the portion for its future needs. Without completely finishing the review of the Public Safety Report and the Response Time Studies which shows response times aren't really improved at this property's location to where they are today. He pointed out there is a need for the Fire Department's current and future needs expressing that the fire apparatus is nearly too large to fit into Central Station bays now. He said that public safety is paramount in the decision making process, but reiterated that the Administration is not yet ready to make a proposal and that he would like to work with the Mayor and the Council to arrange the workshop, but they're not ready yet. He also pointed out that the city has no General Counsel at this time, and said many of the questions coming forward need to be run through General Council and advised it would be appropriate to wait until position is filled. **Councilor McGeary** said he is either for or against the Public Safety Center on the property, but if the decision is to do that, then the decision should be made before the RFP is issued even if the city isn't ready to move forward with the project for several years. **Mr. Destino** said whether it is for office space or the city's pre-school center it will all be considered when the decision is made how to proceed with consensus.

Councilor LeBlanc pointed out the property has been surplus by the School Committee for some time, and asked when the Council could move forward to accept the vote of the School Committee. **Councilor Verga** advised that there are three things referring to former Mayor Kirk's original memo which asked that not only for the Council to accept the School Committee vote to surplus the property, and get the RFP out, and then to put forward the conditions on which the Council would find the RFP acceptable to be released. He acknowledged that the Administration proffered a motion for the Council to accept the School Committee vote which he agreed should be done saying that without the acceptance of the declaration nothing can move forward.

The Committee expressed their agreement that the property would not be used as a school again or that a school be rebuilt on that location and that the Council should accept the School Committee's vote.

Mr. Destino added said part of the analysis he's undertaking is looking at the leases the city holds for private property to house city departments, and noted that \$280,000 is being spent for the pre-school to lease space plus the \$40,000 for its utilities, as well as the Pond Road City Hall Annex lease need addressing. He said the matter of the leasing and what to do about it will be put forward at a later time during the discussion as options for the Council's consideration.

Councilor Verga said he would like information on the Linsky property, that if the property is set aside for a Public Safety Center, the Linsky property which is now for sale would be good for the city to possibly have for fire and police access from the property. **Mr. DiStefano** said he has asked for information on that property in relation to the Councilor's ask and would present that as part of the Administration's information package. **Mr. Destino** said it is the Administration's intent to tackle the project this year, and that the property as it stands is a public safety hazard and the city needs to move forward as quickly as possible.

Councilor Lundberg reminded the Committee of the non-binding referendum on last year's ballot where the voters made it known they preferred a multi-use option for the property. **Councilor McGeary** also reminded the Committee and Administration representatives of the domino effect or "knock on" in removing the Fire Station to the property and the Annex moving elsewhere -- that the study should include knock on effects -- what is positive and negative. **Councilor Verga** said there will need to be a discussion about the Police Department building if the police move to the property -- and that a conversation needs to be had with the District Court system.

Councilor LeBlanc pointed out that they're talking about the YMCA, the Public Safety departments and the City Hall Annex moving to the property, but cautioned that the Council should remember there is a need to keep the downtown vibrant and viable as well which is another potential knock on effect.

MOTION: On a motion by Councilor Lundberg, seconded Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend that the City Council accept the vote of the Gloucester School Committee to declare the property located on Schoolhouse Road and known as the Fuller School property being approximately 13.3+/- acres as surplus school property which is no longer needed for school purposes. This vote shall not serve as an authorization by the Council to dispose of this land under GCO c. 2, Sec. 2-3(a) or Under MGL c. 30B.

This matter is now considered closed by the Committee.

2. 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 01/07/15)

Councilor Verga said this matter is still under advisement with ConCom who has been pushed out further their deliberations on the project, and other city departments who need to submit information to the Committee have yet to conclude their review on the project. He said this would be an introductory review of the project.

Joel Favazza, Seaside Legal Solutions, Gloucester, MA, representing the applicant, 78 Thatcher Road LLC by John P. Flaherty, Manager, and reviewed the Special Council Permit under GZO Sec. 2.3.1.7 for a new multi-family or apartment dwelling, four to six dwelling units, and Sec. 2.7.1 Major Projects presented an overview of the applicant's project as follows:

OVERVIEW OF PROPERTY AND ZONING:

The P&D Committee is waiting at this time to hear from the Planning Board, city staff and the Conservation Commission (ConCom). The project would have had to go before ConCom because the property is situated in buffer zone. ConCom has already suggested changes to the landscaping plan, and that the Fire Chief and the City Engineer have asked for changes and are working with the project's architect to firm up plan amendments and are not yet ready.

One of the reasons the Committee is waiting for the information from the Planning Board and city staff technical reports is because the property on the opposite corner of Witham Street and Thatcher Road pulled a permit for a twelve-unit condominium project within 36 months of this application being received by the Council and thereby forces this applicant into a Major Project review project standard -- otherwise this would have come before the Council as a multi-family project as the scale of the project would not have reached the Major Project threshold. The property at 78 Thatcher Road is better known as the site of Amelia's Restaurant adjacent to Good Harbor Beach. It was noted by **Mr. Favazza** that the 78 Thatcher Road project is in no way related to the project at 74 Thatcher Road, also a condominium development by Briernack Realty LLC.

The process has been ongoing since May 2014. The property at 78 Thatcher Road is on a corner of Witham and Thatcher Road. The parcel was zoned Extensive Business which didn't allow residential use. The owner, 78 Thatcher Road LLC, John Flaherty as manager of the LLC who proposed to put residences on the property, it necessitated that the parcel be rezoned which went through the Council and Planning Board and was changed to R-10, matching the neighboring properties.

HEIGHT AND FLOOD PLAIN CONSIDERATIONS:

The applicant went to the Zoning Board of Appeals (ZBA) for dimensional relief. At a multifamily level setbacks are driven in part by the height of the building – the building height will be 34 feet, 6 inches which places the building 20 feet above the arbitrary 15 foot height limit, which means that there is a need to add 20 feet of setback to all of the project's setbacks. The project had been designed initially with setbacks from a 30 foot height. But the fact that the property is in a flood plain that requires that the first habitable level is above the flood plain. The flood plain is about 6 to 7 feet above level the existing parking lot. If the first level is started 6 to 7 feet up it creates an awkward space under the building which can't be used for any purpose so the architect made the decision to go up a few more feet in order to create garages underneath the six units which makes practical use of the uninhabitable area and it adds significant parking to the project. This then brings the height of the building to 35 feet which is measured to the building peaks, as well as the railings of roof decks centered on the roof.

The ZBA process put through the requested dimensional relief determining that the building is sufficiently set back so that it doesn't create overshadowing or towering conditions. Different building materials, moving the attached units forward and as recessed, and roof styles will be used to break up the visual effect as viewed from the street.

Plan CS-1 (on file and displayed to the Committee) shows the footprint of the proposed building with the shape of the building being driven by the setbacks and the shape of the lot. After receiving zoning relief the Special Council Permit application was submitted for a multi-family dwelling, and under the Major Project review.

NEIGHBORHOOD MEETINGS ON PROJECT:

Before each of the filings, both the rezoning and the ZBA, three informational neighborhood meetings were held at the site attended by 24 to 36 neighbors for each meeting that had the plans on display with informal question and answer sessions. It was Ward 1 Councilor, Paul McGeary, was present at all three meetings. There have been no vocal opponents, although some concern was expressed regarding off-street parking and flooding issues, which Mr. **Favazza** said that all concerns appear to have been adequately addressed.

FLOOR PLANS:

The project calls for two levels of three flats so that each unit is a single level living space. Each unit has a dedicated parking garage under the building and there is also on-site parking.

LANDSCAPING & STORMWATER:

Councilor McGeary inquired about the planned landscaping. **Mr. Favazza** noted if one drives to the site now they would see neatly trimmed grass extending from the legal way through the property line which shows the improved portion of Thatcher Road. He noted that the architect using grading techniques to create undulations on the property to simulate dune shapes to be planted with dune grasses fitting into a coastal beach area and to help to shield the first level parking garages with decorative walls. It is anticipated the building will appear as a two story structure from the street making it more pleasing to the eye. ConCom pointed out that the planting plan had some non-native species that would have survived, but had advised that all native species would be more appropriate, and that plan is being revised currently and will be submitted for ConCom's approval.

Mr. Favazza also spoke of the stormwater controls on further inquiry by **Councilor McGeary**. He explained the following: The applicant's site engineer and the city engineer have been working collaboratively on the project's stormwater management. Standards require that a stormwater system plans for "the big event." The entire parcel is a flood plain, and when such a big event happens, there will be standing water on the site. The garages are being built to all flood plain regulations to ensure that water is able to pass through but at the same time maintaining the proper separation of garage bays to meet fire codes, which have been worked out.

The rest of the planning is based on what transpires during normal rain events. The plan is to reuse some components of the on-site stormwater containment system and upgrading what remains on site if it is needed, and installing some new components to the stormwater system.

Plan C3-Grading and Drainage on the site was displayed (on file). It was noted that the units will be hooked up to city sanitary disposal. For stormwater disposal, before water meets public drains, run-off is directed to multiple bio-retention beds for natural sediment control. Within the underground pipes will be sediment traps/separators, and described the bio-retention areas for the Committee based on the Grading and Drainage plan on file. The plan was described is to store as much of the snow on site as possible, and when the bio-retention area is passed and two of

the guest parking spaces on the northerly side of the building, the snow will have to be removed off of the property. It was noted the applicant is committed to not piling snow along the roadways and the drives.

PUBLIC SAFETY ASPECTS OF PROJECT:

Another issue being worked out is fire apparatus access to the property and proposed structure. The openings for both driveways are the existing curb cuts which were proposed at 18 feet, but per the suggestion of city staff the curb cuts will be widened to 24 feet. This widening of the curb cuts will mean that even the Fire Department's ladder truck will be able to make all of the turns on the property without having to mount curbs or lawn. The Fire Department is also working on the location of the "Siamese" connection for the fire hoses which is anticipated being located the western side of the building (to be determined by the Fire Department). The Fire Department has acknowledged to the applicant that in case of an issue in the building, their equipment would be staged on Witham Street, and therefore that is the side of the property where the connection would be and is preferred.

Councilor McGeary confirmed that he did attend all three neighborhood meetings well attended by the neighbors, and the response to the project was generally positive.

This matter is continued to February 18, 2015.

- 3. CC2015-001 (Verga) Request P&D & O&A Standing Committees together and in connection with City Council Order 2014-039 regarding the position of the Executive Director of the Fisheries Commission, assure that the structure of the Fisheries Commission be consistent with the requirements of the Special Acts governing the commission particularly the requirements of Chapter 361 of the Acts of 1980 and Chapter 740 of the Acts of 1981**

Councilor Verga said he put in an order for O&A Committee to look at the job description of Executive Director of the Fisheries Commission late last year, which is under review with the Fisheries Commission at this time. It was brought to his attention that the composition of the Commission didn't comply with the Special Acts which governed it and so he put forward this current order so that there could be clarity on that and several other possible issues related to the Fisheries Commission.

Ms. Lowe noted that in the last iteration of special acts (on file) some years ago it says the Fisheries Commission is composed of 13 members which she termed as unwieldy, as did **Councilor Verga**. She said she spoke prior to the meeting with the Chair, and that a Pier Advisory Board created in under the Special Acts of 1981 for the development of the city's State Fish Pier under MGL c. 740. That Board was created to oversee the building of the State Fish Pier, and in reading through that Act, Ms. Lowe said she learned that it is the Pier Advisory Board that is charged with appointing the Executive Director of the Fisheries Commission that position reports to that Board. She said she spoke to Jim Caulkett, Harbormaster, which led her to a division of MassDevelopment's executive for the State Fish Pier who said that the Pier Advisory Board hasn't existed for years and is defunct. **Ms. Lowe** suggested that another Special Act should be put forward acknowledging that the Pier Advisory Board is defunct and that there is a need for clarification not only for the Fisheries Commission's Executive Director position, but whom and redefining that position, as well as the Commission's composition.

Councilor Lundberg said the Fisheries Commission is a creature of the state law but the Mayor is the appointing authority of it. **Ms. Lowe** said it is an oddity and doesn't know why it was in a special act, but noted it is not a standard local board, and that state law authorized the Commission's creation. Changes such as those which are suggested are always by Special Acts of the Commonwealth legislature.

Councilor Verga said the city isn't handling the Fisheries Commission correctly in relation to the Special Acts, it appears and to that end he would place a call to State Representative Ann-Margaret Ferrante to work on a Special Act to make the Commission and its position of Executive Director more realistic. He noted as the Commission is composed now, it is hard to get a quorum with nine active members.

This matter is continued to March 18, 2015.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:13 p.m.

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

DOCUMENTS/ITEMS RECEIVED AT MEETING: None.