

**SPECIAL JOINT MEETING OF THE
CITY COUNCIL STANDING COMMITTEE**

**Planning & Development
And**

Planning Board

Thursday, July 15, 2010 – 7:00 p.m.

Kyrouz Auditorium – City Hall

Present for Planning & Development: Chair, Councilor Joseph Ciolino, Vice Chair, Councilor Robert Whynott; Councilor Greg Verga

Absent: None

Present for the Planning Board: Chair, Rick Noonan; Mary Rudolph Black; Henry McCarl; Karen Gallagher; Marvin Kushner; Gregg Cademartori

Also present: Councilor Hardy; Councilor Curcuru; Councilor Theken; Councilor McGeary; Councilor Mulcahey; Linda T. Lowe; Jim Duggan; Attorney Lisa L. Mead; Mac S. Bell; Maggie Rosa; Joseph Rosa; Bob Hastings; Sunny Robinson; David Anderson; Richard W. Griffin; Sandra A. Martyn; Gregory Gibson; Erika Hansen; Timbah Bell; Ann Molloy;

The Planning Board called their portion of the meeting under the Joint Meeting to order at 7:10 p.m. reconvening from a recessed meeting started earlier at 6:30 p.m.

The Planning & Development Committee called their meeting at 7:10 p.m. Councilor Ciolino noted there was a quorum of the City Council present. He noted the presences of Councilors Hardy, Curcuru, Mulcahey, and McGeary. He also noted that the Planning Board is having a public hearing and they are having a public meeting.

NOTE: This meeting contains content of the Planning Board Hearing on the matter below in conjunction with the joint meeting between the Planning Board and the Planning & Development Committee. The Planning Board minutes of this meeting are separate from these minutes and will be made a part of the file as they become available. There is no public hearing on this matter by the Planning & Development Committee or the City Council at this time but will take place at another date.

1. COM2010-026: Request from 1907 LLC and Pavilion Mercato LLC re: Birdseye Mixed Use Overlay District (“BMOD”) Zoning Proposal (Rezoning #2010-003)

Councilor Ciolino and Rick Noonan welcomed all to their special joint meeting to hear the particulars of the Birdseye Mixed Use Overlay District (“BMOD) Zoning Proposal and the Planned Unit Development Master Plan (“PUD”). Mr. Noonan read the procedures of a public hearing to those gathered. Mr. Noonan opened the Planning Board public hearing. He reviewed the process of the public hearing under Massachusetts General Law for the benefit of those gathered. He reiterated they were gathered in the joint meeting to hear both sides of the matter. This hearing was to determine whether to amend the Gloucester Zoning Map and Ordinance as follows: Amend the Zoning Map by creating an overlay district consisting of 3 +/- acres in the Marine Industrial District located at 33 and 55 Commercial Street, Assessors Map 1, Lot 33 and 22 and to amend the Zoning Ordinance by adopting a corresponding new Section 25 entitled, the Birdseye Mixed Use Overlay District (BMOD) governing the permitting new uses by a Master Plan and Special Permit in the Overlay District.

Attorney Lisa Mead, of Blatman, Bobrowski & Mead, LLC, Newburyport representing the applicants 1907 LLC (Mac Bell, Manager) and Pavilion Mercato LLC for the properties at 33 and 55 Commercial

Street, gave the 'Developer's Presentation'. Pursuant to Section 1.11.12 of the Zoning Ordinances and M.G.L. Chapter 40A, Section 5, the property owners have submitted a request for a zoning change, which would be an overlay district under M.G.L. Chapter 40A, Sec. 9, Planned Unit Development. As the proponent of the change they would present their concept behind the plan, the intended results, the need for the adoption of additional zoning for this area and an overview of the actual proposed zoning.

Mac S. Bell of 1907 LLC stated he wished to proceed in a relationship of positive effort. He was proud to represent this opportunity for Gloucester; for their neighborhood; for his family; and, he believed, for many families. He quoted the saying in the auditorium, "to build not for today alone, but for tomorrow as well" which he noted was the highest priority.

Richard W. Griffin, Architect, 37 Turner Street, Salem; (full remarks made by Mr. Griffin, including power point slides are on file as part of these minutes) took the Committee and the Board through the vision of the 1907 LLC and Pavilion Mercato LLC for the Birdseye property. He reviewed the property's history, its dimensional description and the properties of the former manufacturing facility and freezer plant; the existing 33 Commercial Street building and property; and the 2-1/2 story building at 10 Beach Court, an area slightly over three acres. In order to alleviate traffic congestion, they propose:

1. Widen Commercial Street at their building by setting the building back 12' from the street to allow clearance for maximum vehicle heights;
2. Remove utility poles from the Birdseye side of the street;
3. Eliminate shipping/receiving intensive businesses from the project;
4. Provide adequate off-street loading for the shipping and receiving required;
5. Provide a parking structure sufficient for all Birdseye parking.

Adequate capital investment in the project, enabling them to make the property viable coupled with a significant residential component, they contend, will be another key to the project's viability, providing jobs, goods and services for the public domain. Another recommendation was the creation of a multi-use public function space. This is the "see through the building area". It is proposed to feature an open market place convertible to public uses. In summation of their mixed-use portfolio, they are targeting:

1. Artisan industries and start up businesses; which would include small and medium sized industries such as our local brewery and distillery; Ocean- and water-related technology such as free-flow power and Cape Ann Business Incubator (CABI) a business that helps new start-up businesses get started.
2. A retail marketplace, the Pavilion Mercato; shops that will sell fresh foods and specialty foods; and retail shops in an open marketplace environment;
3. Health, wellness and fitness services and water-related sports facility;
4. Dining and cafes and other drop in businesses
5. Residential uses to include combination live and work units, owner occupied and rental dwellings, and overnight lodging;
6. A public function hall or space, a parking garage, and extensive public beach access.

Parking is proposed to be in the middle of the property. The first two floors will be dedicated recreational industrial and commercial use. Explaining the first two floors usages, this would come to approximate height of the existing manufacturing parapet at 27 ft. above Commercial Street. The third level would be the start of residential use, owner-occupied and rental apartments, overnight accommodations, dining, and observation decks. The proposal included harvesting of natural energy and solar, wind energy by taking advantage of planted flat green roofs; and engineering the building(s) to take advantage of winds in cooling and to take advantage of rain water. "They are committed to do whatever it takes to partner with the City. They believe they can become a prototype for a green community development for business as well." The design of the upper levels of the building will be based on light penetration which can't be more than 60' to 70' in width. Their proposal asks for a peak height of 125 feet, covering about 15% of the built area; second highest height of 108 feet covering a maximum additional 40% of the built area. The remaining 45% of the built area would be 40 ft. He concluded that the guidelines to be presented that evening will be the most viable method for marketability and for the advantage to the community of their project.

Gregory Gibson, 76 Langsford Street, writer, antiquarian book dealer (full remarks of Mr. Gibson are on file and a part of these minutes) spoke of his efforts in preserving the history of Gloucester and training is a preservationist. He believed the Birdseye property development is inevitable. It is likely to be a complicated process between developer, neighbor and City. He noted the history of the City being one of constant change and ceaseless development. He believed the property would be developed and that Mr. Bell would be the one the City would want to work with for a better Gloucester.

Sandra Martyn, 33 Commercial Street, property manager for Mr. Bell (full remarks of Ms. Martyn are on file and a part of these minutes); since she has worked with him, Mr. Bell has wanted to develop the property. She spoke of 'island' economics and that it makes for a difficult business environment. Population density numbers are not high enough to be attractive to businesses. Rents that they can charge fall short of the cost to build the structure to house them. She stated no one wanted to put a strictly residential development on this location. She advocated for flexible zoning to provide the necessary ability to build it for live/work use with the residential development as an essential part of the development.

Erika Hansen, President of Cape Ann Business Incubator (CABI) (full remarks by Ms. Hansen are on file and a part of these minutes) spoke of how businesses are built and new job creation; 98% are created by small businesses. She advocated for the project stating it would be a good place for light industrial, lab facilities for marine research, and commercial and business space for offices, meeting space as well as a possible shared commercial kitchen to develop new projects for ocean products. She pointed to all the advantages that would be available to support new businesses.

Timbah Bell, 33 Dolliver's Neck (full remarks by Mr. Bell are on file and a part of these minutes) spoke of his family's five generations who came to Gloucester from Eastern Europe. They manufactured oilskins on their Commercial Street property. He spoke of the potential of Birdseye development, listing many reasons asking those present to imagine it's many uses: training at a gym at the property in the place where the GFAA Triathlon begins; the beach access and use of the function hall to be built. He spoke of the development of wellness centers; a mid-sized green grocer, markets. He spoke to the green building aspects. They believe in the 40-60 room hotel, a "boutique hotel" with choice restaurants; an artisan center. He spoke of the CABI being imbedded in the business area of the property. He noted the observation tower that would give a 360 degree vista from the Birdseye tower. He concluded that in challenging times for new construction; that this project has the potential for an innovative framework which will come under PUD.

Attorney Lisa Mead (full remarks by Ms. Mead that follow are on file and a part of these minutes) gave a general overview of a Proposed Mix use Overlay District and listed the uses of the BMOD:

- to facilitate development of a mix of uses including manufacturing, research/development, retail, office, restaurant and "Live/Work Residences" (all outlined uses in the zoning);
- to provide more mixed-use investment opportunities, to maximize the development potential of the BMOD;
- to stimulate the general economy of the City and Gloucester Harbor;
- to promote the historic assets of the BMOD and the natural environment, while improving infrastructure and introducing high-quality design and development;
- to create view corridors and to provide more and enhanced public access to the waterfront;
- to provide a range of housing choices for individuals and households of diverse incomes.

The site is approximately 3 acres and is listed on Assessors Map 1, Lot 22 and Map 1, Lot 33. The BMOD is an overlay district, and the underlying zoning would remain the same. This proposal was not spot zoning, according to Attorney Mead. It is an overlay district that the underlying zoning remains unchanged. This is called Planned Unit Development (PUD) and is specifically allowed (if locally adopted) under Paragraph 4 of Section 9 of Chapter 40A (Mass Zoning Law). Additionally, she noted the courts have found it is not spot zoning where a zoning amendment is "in accordance with a well considered plan for the public welfare" (Board of Appeals of Hanover v. Housing Appeals Committee, 363 Mass. 339, 362, (1973) and that you should not necessarily consider the "potential economic benefit

to the owner of the rezoned parcel, especially where the general public is benefited or where, due to changes in the character or use of the surroundings, the public health, morals, safety and welfare will be promoted”, Leahy v. Inspector of Bldgs. of New Bedford, 308 Mass. 128, 132-33 (1941). It was very rare that spot zoning would occur where the rezoned parcel(s) exceeds an area over two acres. She noted 10 other communities who have adopted Planned Unit Development (PUD) zoning (see Power Point presentation on file), but there were many more; and that it was not an unusual tool. It is not a part of the Gloucester Ordinances now. The City Council would have “two bites of the apple”; and be able to participate in the forming of the overall design. The Master Plan is submitted for review showing:

- the area of land proposed to be developed as a PUD;
- the uses proposed and whether said uses require “PUD Special Permits”; the underlying uses would include some by-right uses; including the dimensions and infrastructure shown on the plan;
- notice and a public hearing by the City Council on whether to issue an approval or not;
- Approval of the PUD Master Plan, if:
 - it is consistent with the purposes of the BMOD
 - the uses are compatible within the plan being proposed
 - the dimensional standards, parking requirements and design standards are satisfied.

In this day and age it is important because there is an issue with financing major developments. The City Council wants to see what the concept is; but the developer needs to know something is going to be permitted in order to get financing for the development. This enables both the City Council to understand what the parameters are; but for the developer to at least have a concept to go out and say they have the overall permit; that if they build within this permit, they’d be OK to move forward which is much more attractive to investors. The second step is to permit the Special Permits. The special permits can be done overall or within sections in the PUD. Again, notice of public hearing for the City Council is provided.

The PUD would be approved if it:

- is of economic benefit to the community;
- provides live/work housing;
- shows consistency of building design as outlined in the ordinance;
- provides adequate parking;
- offers pedestrian connections to other PUD uses

This was an overview and much more detail was provided in the prior submittal of the proposed ordinance (on file in the Agenda Packet). It would also have to comply with regular Special Permits, Sec. 1.8.3. She noted the Council could hear both the Master Plan and an application for PUD Special permit at the same time or combinations of it. The third portion of this process is what happens after a special permit is granted:

- by right uses and those granted PUD special permits may be developed;
- To facilitate retenuing and development, changes of use are permitted by right, without further review or approval, where gross square footage is not increased and no exterior changes to the building(s) occur;
 - from a use permitted by right and approved as part of a PUD Master Plan to any other use permitted by right within the same “Use Cluster” (like uses as presented in the ordinance);
 - from a use issued a PUD Special Permit to any used allowed by right or by PUD Special Permit within the same Use Cluster.

They did not propose any new by right uses in this district. These all exist in the Marine Industrial district. She listed by right uses (on file in presentation) which are allowed currently by ordinance. She also noted the by PUD Special Permit with existing special permit uses and added some new special permit uses (on file in presentation) which they felt would allow for the growth and flexibility to make the project work. In addition to the accessory uses authorized by Section 2.2 of the Zoning Ordinance, they added two uses: Structured Parking and Drive-through facility to also be permitted by PUD Special

Permit.. Retenancing is permitted within their proposed use clusters. (See documentation previously on file). They believe all those uses are compatible with each other and fall within the heading they've provided. Their full Master Plan Dimensional Standards were reviewed:

- Area of land shown on PUD Master Plan minimum of 80,000 sq. ft.
- Width of land shown on PUD Master Plan measured perpendicular to its frontage, minimum: 100 ft. Ms. Mead commented these were actually more restrictive than exists in the underlying zoning.
- Frontage of land shown on PUD Master Plan (over which access provided minimum: 100 ft.
- Building height, maximum: 125 ft., including tower(s) and roof structure(s), subject to limitations on maximum percentages and tiering requirements. Ms. Mead commented here that no more than 15% of the building structures can be 125 ft. No more than 40% can be 108 ft. Everything else can't be more than 40 ft. which is the standard height in the district currently.
- Gross floor area of Project maximum: For a Hotel, Motel or Motor Inn, not more than 1/3 of the combined gross floor area of the buildings within the PUD or 125,000 square feet, whichever is greater, for Live/Work Residences, not more than 40,000 gross square feet of floor area within the PUD. Ms. Mead commented this is to control the size of any hotel or unique housing facility and assures this would not be a "giant hotel"; it would be automatically limited by the ordinance.
- Building coverage on land shown on PUD Master Plan, maximum: 100%, subject to compliance with the "Design Criteria" of the BMOD. Ms. Mead expressed that there wouldn't really be 100% coverage because of access issues and view corridors.

She felt the most important part of this proposal was that in the design review of the City Council, the Special Permitting authority, the developer would have to show the Council that the building height has to be tiered; so that the lower portion of the buildings are found closest to the boundaries of the land on the Master Plan, and the higher portions would have to be found on the interior. That is a specific requirement in the dimensional table they provided for in the ordinance. The design would have to be tiered towards the middle of the site.

- Off street parking will comply with Sect. 4.1 of the Zoning Ordinance. PUD's must provide off-street parking. It is specifically limiting within the ordinance itself on the exemption for businesses.
- PUD's must provide off-street parking; the exemption for business and municipal uses within 400 ft. of a municipal parking area in Section 4.1.1 of the Zoning Ordinance is not applicable to uses within the PUD. Ms. Mead commented this development may not take advantage of that exemption. It must provide for its own parking.

She gave examples of combined facilities, shared parking and phasing:

- Where feasible, parking for two or more buildings or uses shall be provided in combined facilities;
- When uses within a PUD have significantly different parking demand patterns, (by time-of-day, by day of week, seasonal), shared parking is recommended.
- Parking shall be phased consistent with project phasing, or, alternatively temporary parking may be provided for phase(s) while permanent parking is under construction.

A PUD shall be designed in a manner consistent with the following design criteria:

- Buildings shall be sited and designed so as to:
 - preserve and/or recreate the historic character thereof;
 - be in harmony with the character of the neighborhood;
 - vertically integrate uses;
 - provide windows on the Ground Floor, where retail uses are proposed;
 - locate equipment and service areas away from public view
- Parking shall be located within 400 ft. of entrance to building(s) it serves; adequate access shall be provided to Structured Parking, where applicable;
- Appropriate landscaping, both natural and artificial shall be provided;

- Contiguous open space shall be provided within a PUD, to the extent feasible;
- Pedestrian connections shall be established between major points of pedestrian access, including between: residential and non-residential uses; streets, ways and parking area(s) and the uses within a PUD; streets, ways and parking area(s) and the waterfront;
- Multiple view corridors shall be provided between Commercial Street and Gloucester Harbor;
- Adequate access shall be provided, year-round, between a PUD and the waterfront.

She reiterated this was an overview of a very complicated zoning proposal but believed it “hit the high points”, in particular with regard to controls that are important for the City Council.

Those speaking in favor:

Stacey Randell, 8 Haven Terrace, (full remarks by Ms. Randell are on file and a part of these minutes) **Director, Wellspring**, believed the Birdseye property development was an important development for Gloucester.

David Bianchini, resident of Fort Square spoke of the derelict lot and how he would like to see thoughtful development feeling that Mr. Bell was trustworthy and that his development has been sensitive to the community, and supports the project.

Christopher Costello, President Timberline Enterprises, 4 Pond Road stated he believed the project will produce construction jobs in a hard hit industry and tax revenues. He spoke of Mr. Birdseye and felt he would appreciate the builder, the eco-friendly design and other aspects of the proposal.

Andrew Cardone, 156 Porter Street, East Boston who was in the process of moving back to Gloucester, an artisan, spoke in favor of the proposed development and its live/work artist spaces.

Peg Leeco, 21B Riggs Point Road, stated she was a third generation Gloucesterite and from a fishing family. She noted her son, Andrew Cardone spoke before her. She asked for an opening of minds to accept a mixed use project. She contended change was difficult. She felt the overlay zoning was a great thing for the City with a lot of opportunities for a lot of different residents.

Ruth Mordecai, 4 Terrace Lane spoke as an artist who was invited to help imagine the artisan space in the Birdseye property. Art is good for the community stating economic statistics that show art drives a community, and that the Ford Foundation supports it wholeheartedly. She noted many communities who have artists who have space in downtowns. She felt the potential to be great.

David Anderson, 16 Middle Street, business owner stated that Mr. Bell’s proposal is the most exciting thing that has happened in 25 years and commended Mr. Bell for his vision and love of the City. He felt Mr. Bell was taking this step at a time when no developer would be willing to do so; and contended that without the overlay district financing would not come forward. He noted Salem and Beverly’s development as well as New Bedford’s effort to revitalize their cities because that was where the future lies. He felt the City needs growth and tax revenue in order to revitalize. He supported the project. “Change is the law of life. Those who only look to the past will not see the future.”

Peter Van Ness, 11 Magnolia Avenue asked that the Board and Committee what would be the alternative. He felt this is a wonderful integrated project. He asked them to think about the alternative before you vote no.

Sydney Falghzik, 10 Beach Court stated his apartment will look over the Birdseye development. He’s known Mr. Bell since 1978 and has the utmost respect for his vision. There are two key ingredients, 1) Community, 2) Communication. Change is inevitable. His life will be changed directly by what happens to the Birdseye property and was in support of the project.

Sebastian Moceri, Gloucester resident completely supported the project. He grew up in a fishing family. He felt a site like this sitting with no development was a shame, and this would be a wonderful thing to have Mr. Bell develop the property and flow right into the rest of the community and a huge asset.

Those speaking in opposition:

Ann Molloy, 88 and 73 Commercial Street and 48 Fort Square, Neptune’s Harvest/Ocean Crest Seafood, Inc. (full remarks by Ms. Molloy are on file and a part of these minutes) stated the Fort is thriving. She expressed surprise at being back so soon since the backing away of the rezoning of the Fort. She didn’t understand why anyone thinks they can do whatever they want to the neighborhood because it

was completely rejected before by the neighborhood. A developer outbid an industrial business when they were looking to expand their fertilizer business. She felt there was plenty that could be done within the MI District without rezoning. She noted the difficult traffic situation and possible conflicting uses. She felt the height proposal is not appropriate. If they can go to 125 ft. in height, why not others. This doesn't fit together; doesn't fit the character and will not improve it. It's adding more residential in the MI district. She contended they were squeezing out true Marine/Industrial jobs. There was something already special there. She noted the odors, noise and vehicles every day at the Fort. They're loading fish, lobsters, fertilizer. The proposal doesn't fit in the neighborhood. She further questioned how to suppress a fire at 125 ft.

Leonard McCollum, 88 Commercial Street; Ocean Crest Seafoods spoke of his hope that Mr. Bell would not rezone and go for height exceptions. He would never support the BMOD, but would support what would co-exist with the current MI district. He spoke of other communities where condo owners who live in MI districts trying to restrict the businesses. He was against the proposal.

Bill Johnson, 26R Fort Square (full remarks by Mr. Johnson are on file and a part of these minutes) asked the Board and Committee to deny the BMOD request of Mr. Bell. His main concern is the development of residential units on the site. The Fort is a working class neighborhood. He noted a mix of luxury residences are in conflict with the neighborhood. They also need more opportunities for young people and noted all the defunct industrial businesses. He felt there was a need to maintain an industrial space within the community. Residences do not mix well with industry. The neighborhood has reached an understanding. The introduction of luxury condominiums will change that. He spoke of proposed deed restrictions on the condos. He was concerned about the live/work spaces. He questioned the overlay at all and wondered why Mr. Bell needed the Birdseye property when he had other properties. MI district is fairly flexible as it is. He pled not to gentrify the neighborhood. He supported the alternative energy proposal for the site, however. This is about money for the proposal.

Sunny Robinson, 20 Harvard Street believed this was spot zoning. Overlay districts have tighter requirements designed to protect sensitive resources and thought this is how it should be viewed. There should be tighter restrictions rather than looser. This was not a village center. If approved this would be destroying a viable MI district and ought not to happen. The City was awaiting final recommendations of the Mt. Auburn Group and their proposals for moving forward for development in the City. To move a project ahead such as this should not do so without a fully fleshed plan. The timing was out of "whack" for what they're trying to do with a more comprehensive, unified view for what they're trying to do for the City. MI districts are among the most flexible. It should remain so. No one opposes development or change. But appropriate MI and commercial development in a district allows a wide range of commercial uses and not an addition of all the housing development. There are many good proposals that would fit into the marine/industrial siting but not with the amount of the residential units proposed. It should have 50% MI uses built into it. It was seeking approval for everything so they can do whatever they want in a variety of categories. She urged not to give away power to such open ended proposals and that a final proposal was far more specific. She noted the variety of options that could be built and thought them inappropriate that there should be no residential at all. Any housing for that size ought to be a minimum of 50% affordable. You don't just build assisted living apartments. It was a very specific model with State and Federal regulatory requirements, and at least 20% must be affordable. This was a lack of awareness on the part of the developer. Birdseye is not downtown. We have the live/work opportunity elsewhere. She objected to the height issues as well. There are two adult day care/health centers already in the City; a third was unrealistic. She urged rejection of the proposal, and that it be in limited uses. She felt there were many that didn't want Gloucester to become Newburyport.

Suzanne Altenberger, 66 Washington Street spoke against the proposal. She felt there was no connection with the active Fort industries; there was always Marine/Industrial.

Valerie Nelson, 77 Sunset Point Road felt there were overarching elements of the project that was so open-ended and imprecise. It's a signature location and what gets done there can have significant impact on the City as a whole. She thought a lot sounded good but what had changed. She noted Lanesville became a lovely village after the granite industry died. She felt the City needs to spend a great deal of

time on whether this is the only and best use of the property, “or is it the seeds of a destruction of the working waterfront.” Keep your working waterfront. Gloucester as a bedroom tourist community may happen but many believe that you can have a community with a working waterfront. There were many ideas in the community dialogs. Where are the financing plans for a vibrant research and jobs activities. Was a financing plan ever developed? The danger of residential and hotels in this spot, leads to a tipping, unraveling of the working waterfront. This was why you have zoning. MI districts do not operate on the highest and best use. What are the guarantees that this signature project will not lead to problems with the working waterfront and businesses already there. What were the financing plans assembled. She never heard any support for the residential uses. She asked for more review of alternatives.

Steven Goldin, 14 Hodgkins Street commended Mr. Bell’s knowledge and enthusiasm. They’ll need to go back to the drawing board and more consultation with the neighborhood. Something good can come out of it but will need the involvement of the Planning Board and City Council. There is nothing about numbers here. All they’ve heard is that they need incentives and flexibility. He suggested that they need to get business consultants to talk about the financials. He found that if this proposal was passed would increase the value of the property by \$2 million which will have vast implications for the whole neighborhood. This is an unfair proposal. The losers are the people of the Fort. It is gentrification. The Fort was a blue collar area with affordable housing. If this proposal was passed by the City Council you would have the immediate affect of raising rents, homeowners would be property rich but their taxes would go up and be forced out. Then you get the North End and Newburyport as it is now. For the neighborhood businesses in the MI, there is enormous pressure. There doesn’t seem to be a will to protect it. He spoke of the previous MI district parameters. He then spoke to the new parameters. As the economic value goes up the MI will disappear. He spoke to the height. 30-40 feet in the downtown is on a human scale, pleasant and is what the downtown is now. You can get that horizontally. You don’t have to put in high rises. You can do it with intelligent use of land. He asked they think this through. Why is this any different and why is it special. What was the need for mixed use? Keep the present height and by intelligent use of the land it can be developed fairly and appropriately. There are good elements to the proposal but the issues have to be faced such as gentrification. A higher percentage of the residences should be affordable. He spoke of linkage to a mitigation fund. The alternative energy is great and they need to contribute to the costs to the City for water and sewer.

Rebuttal:

Attorney Mead felt the use cluster was misunderstood. The City Council would approve a set of uses. The use clusters would not come into effect until later. Also, she believed the residential unit deed restrictions for anyone who bought a residence on this site, has been done successfully on another site developed by Mr. Bell and would be in place here and successful as well.

Mr. Bell stated there has been no water access to this property in its history. It was currently only accessible by truck. They went and offered Ocean Crest Neptune any portion of the property to rent or buy, that they required water access and that the property did not. He thought that they would put their money on adjacent properties on either side of them. They went to neighbors on the other side of the street and offered to work with them. They worked for a year and a half to facilitate a communication process and will continue to do so. The reality was the side of Commercial Street is landlocked. It’s an incredible opportunity to link it directly to downtown. The real estate taxes are now \$20,000.00. As of this January it will drop by 15%. This property can produce taxes of somewhere about \$200,000.00 to \$400,000.00 per year, like the Gloucester Mill that he renovated. There was an opportunity that what they did in creating this zoning process would be an open checkbook to the City. They believe the property can produce significant income to the City; employment and creativity to think outside the “obsolete dysfunctional box.” They’re here to work with everyone.

Rebuttal:

Ann Molloy noted Mr. Bell outbid them (Neptune’s Harvest/Oceancrest Seafood, Inc.) and then wanted to rent to them. They created jobs.

Bill Johnson spoke to the change issue. He was not against change. He wants to see the property productive. The City needs more jobs; they don't need luxury spas. He urged that kids have a chance to earn an income to pay rent.

Questions: Planning & Development

Councilor Ciolino asked about the expectation on the public beach and the infrastructure (water and sewer) that would be needed for this development.

Mr. Bell spoke to the Beach issue which was part of their key design in the concept. They like the idea of Pavilion "piazza" and commit that the gravel area to the side of 33 Commercial Street would be public access to the beach. The beach was a key element and totally for the public; the beach is public. It would be a legitimate use for the community.

Councilor Ciolino stated they couldn't block access of the beach.

Mr. Bell stated they are committed to opening it up as much as possible.

Councilor Ciolino asked about the infrastructure.

Mr. Bell stated the resources are there, but there needs to be improvement. The CSO project was going down Rogers Street and Commercial Street. He has met with Mike Hale, DPW Director on that issue; and hopes to use grant resources to collaborate together with the City to improve the infrastructure. There was a plan in the works and asserted there was a lot of opportunity here.

Site Visit Announcement: There is a combined Planning & Development and Planning Board site visit for July 17, 2010, Saturday morning, 8:30 a.m. The public is invited but only the Councilors and the Planning Board will ask the questions. When they are done, the public can ask questions through the chair.

Recommendation by Planning & Development: They will take the matter up when the Planning Board makes their written recommendation to them.

A motion was made, seconded and voted unanimously to adjourn the Special Joint Planning & Development Meeting at 9:54 p.m.

The Planning Board continued their meeting on this subject to their July 29, 2010 and reopened their regular meeting agenda.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

LIST OF SUBMITTED DOCUMENTS/STATEMENTS:

Birdseye Project Presentation:

Mac Bell – Introduction

Richard Griffin – Architect

Gregory Gibson – History

Sandra Martyn – Property Manager

Erika Hanson – Cape Ann Business Incubator

Timbah Bell – Family and "Possibilities"

Attorney Lisa Mead – Presentation of BMOD Proposal

Members of the Public at Public Hearing:

Stacy Randell – 8 Haven Terrace

Ann Molloy, Neptune's Harvest Fertilizer/Ocean Crest Seafood, Inc., 88 and 73 Commercial Street and
48 Fort Square

Bill Anderson, 26R Fort Square