

**Planning & Development Committee**  
December 9, 2015 – 5:30 p.m.  
**1<sup>st</sup> 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 Ciolino; Councilor McGeary (left the meeting at 5:50 p.m.); Councilor Stewart; Linda T. Lowe; Gregg Cademartori; Matt Coogan; Councilor-Elect Sean Nolan; Councilor-Elect Val Gilman; Councilor-Elect Jamie O’Hara; Councilor-Elect Scott Memhard

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

**1. Memorandum from the Community Development Director re: Essex County Greenbelt Association and a proposed conservation restriction at 72 Coles Island Road**

The Essex County Greenbelt Association (ECGA) has requested via a November 10 letter from Christopher LaPointe, Director of Land Conservation the review, recommendation and municipal certification of a proposed conservation restriction at 72 Coles Island Road from Chris and Bonnie Covington.

**Mr. LaPointe** reviewed that the pending Conservation Restriction for 72 Cole’s Island Road consists of an 18.61 acre property with a three acre reserved building envelope, extinguishing one house lot. There are soil test results and adequate frontage to create two lots and are in essence reducing it to one, he said. He explained that this would be a gift of a Conservation Restriction before the end of 2015 to the ECGA. It was pointed out by **Mr. LaPointe** that Conservation Restriction has been reviewed by the state; it has gone before the Conservation Commission, who voted unanimously to endorse the conveyance of the Conservation Restriction (email from Conservation Agent dated November 25 on file), the City Council and the Mayor. He asked that the Committee recommend that the Council endorse the Conservation Restriction.

**Councilor Verga** said he spoke with Mr. Covington about this matter over the last several months and expressed that he was pleased to see the Conservation Restriction coming before the Council.

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve a Conservation Restriction from Christopher and Bonnie Covington for a property of 18.61+/- acres at 72 Coles Island Road, Map 252, Lot 18, to the Essex County Greenbelt Association, Inc., for the purpose of the preservation of a natural resource of the city and being in the public interest pursuant to M.G.L. c. 184, §32.

**2. CC2015-007 Request informal review under GZO 1.11.3 with City Staff for informal review of Sections 5.13 Personal Wireless Service Facility and to retain expert legal counsel in order to amend & update the Zoning Ordinance and that the P&D Committee or its designated member work together with city Planning Director and General Counsel with outside expert legal counsel to recommend to the City Council amendments to Sec. 5.13 of the Zoning Ordinance so that it is compliance with current applicable federal laws & regulations (Cont’d from 10/21/15)**

**Councilor Lundberg** highlighted the draft ordinance from Jeff Roelofs, the city’s consultant, in the P&D Committee’s agenda packet. He described the draft ordinance as a sensible approach to the issue of personal wireless facilities. He described the three basic sections as:

- By right -- a certification is required from the Building Inspector for those facilities mounted in places like a church steeple and the like;
- A facility that requires a Special Permit from the Planning Board -- for facilities with intrusive construction;
- A facility that requires a Special Council Permit -- for new towers.

He said that the draft ordinance is a common sense approach to all three aspects. The ordinance details steps that have to be taken under each of the three headings. He noted that the sections are well defined in the proposed ordinance as well as the steps applicants have to take under each heading. He said the draft ordinance does what the Committee had hoped it would do which is to make a sensible ordinance people can follow and know what to do.

**Councilor Verga** said that as the result of a recently permitted cell tower in West Gloucester, the Committee plainly saw the need for a review of the 20 year old ordinance, especially in light of the federal Telecommunications Act. The city hired an outside consultant and the result is the draft that is in the agenda packet.

**Gregg Cademartori**, Planning Director, reviewed that at the last P&D meeting Mr. Roelofs provided the Committee with a walkthrough of the way different technologies will be treated -- it would no longer be just the City Council's purview for a Special Council Permit for every type of technology. He said that the ordinance would now break it down into some as of right situations for certain technologies such as under the federal Telecommunications Act the applicants have the right to slight modifications. Those facilities that would be of concern to the community -- facilities contained within an existing structure, or mounted on a building or other type of structure such as a water tower would go before the Planning Board. The Council would retain the permitting body for the larger facilities such as new cell towers. He advised there were a few aspects that will continue to be worked on, some standards for design considerations for building mounted facilities, but the tower piece and the as of right, or concealed pieces are straightforward.

**Councilor Lundberg** said that the draft ordinance does clarify and simplify the procedures that people have to go through when they're dealing with the city to permit a project. He pointed out this coincides with the Committee's goal of streamlining and simplifying city permitting processes. He said Mr. Roelofs did a good job. He suggested that there should be a presentation to the Council on the "nuts and bolts" of the draft ordinance to the Council.

**Councilor Verga** said while the draft ordinance simplifies the permitting processes, it doesn't take away public participation and input. He advised that when the federal Telecommunications Act passed it trumped local ordinance, and this new draft ordinance addresses that situation, and that this is headed in the right direction.

This matter is continued to January 20, 2016.

3. ***CC2015-039 (McGeary) Amend GZO Sec. 5.5 "Lowlands Requirements" (Also referred to Planning Board) (Cont'd from 10/22/15)***

**Note:** In the following discussion two terms are used and are generally defined as:

- "VE Zone": Areas that will be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year and have the greatest potential risk of damage due to the added threat of high waves in addition to increased water levels.
- "A Zone": areas with a high risk of flooding, just not as exposed to as severe wind and wave energy.

Both zones are considered by definition FEMA special flood hazard areas.

**Councilor McGeary** gave the following explanation of his Council Order to amend the Zoning Ordinance: This proposal arose out of building a house on the city's Back Shore, after review with city staff; he said he thought the city needed to take some action to at least have oversight building in federally declared flood zones, especially in velocity (VE) zones. He explained that the distinction between a velocity zone and a flood zone is that a flood zone is subject simply to rising water and a velocity zone is subject to rising water but also to wind and wave action. Maps have been produced by the Planning Director that show what the city's A and VE zones are. This draft Zoning Ordinance was heard before the Planning Board three times. The original proposal was that anything to be built in what would be deemed a VE or A zone would be subject to a Special Council Permit. This was to close a loophole created when the Council did away with the Lowlands Permit several years ago.

**Councilor McGeary** said at the time the Council set aside their purview over Lowlands Permits, the thought process was that it was an undue burden on homeowners who wanted to put a dock on their property to have to come before the Council for a Special Permit to do so when they already had to go to other city boards to accomplish the same thing. He pointed out that no one ever envisioned the kinds of parcels that are on the Back Shore or Ipswich Bay, or Magnolia Shore would ever be buildable, but there is now a prospect that it is possible. Language was drafted that said that any construction in a VE zone or an A zone of a principal residential structure is subject to a Special Council Permit. He said through the various iterations of the Planning Board, that body decided to table the matter of A zones. This amendment doesn't deal with commercial properties or the commercial harbor - both are exempt of this provision. He explained that the Planning Board decided to shelve the matter of A zones, as they were deemed less urgent at this time. He said there was near unanimity of the Board that the VE zones needed to be dealt with that these were places that building a house made no sense. He said he agreed with that. He said he was still looking for a Special Council Permit. He noted that at the last hearing Kathryn Glenn, North Shore Regional Coordinator for Coastal Zone Management who spoke as private citizen, and said that if a Special Council

Permit is going to set the bar so high that it is unlikely there will be building in these zones, she suggested to just ban it altogether. He said that logic seemed to appeal to Planning Board, and it changed what was a Special Council Permit requirement to an absolute ban in a VE zone. He noted that the language recommended says you can't construct a principal residential structure in a velocity zone as defined by the federal government. The idea behind Special Council Permit is that in the permit process the Council can take into account matters of public safety which the Zoning Board of Appeals, the Conservation and other boards that do have jurisdiction cannot as it is not in their purview. He said it was pointed out that it was not only the safety of residents but the safety of neighbors, and public safety personnel. By going to the Special Council Permit, the Council could look at those implications of any proposed construction, he said, and that was the original logic.

**Gregg Cademartori**, Planning Director reviewed that: Between the second and third public hearing of the Planning Board some members had concern on how significant the impact geographically would be in the community. Referencing his memorandum dated December 3, 2015 (on file) to the Planning Board, he provided them with an analysis of the exiting lots in the community of creating a Special Permit process for both the A and VE zones. Then because of some discussions focusing on the potential for prohibition originally proposed in the Atlantic Rod Overlay District, he looked at how many lots completely encompassed by VE zone floodplain. If this proposed draft ordinance amendment is enacted, he said nothing can come forward for new residential structures on those lots. In the V zone from original 13,250 lots to 833 that have even a square foot of floodplain on them, then pare it down again to lots entirely in the VE zone and it comes to 71 lots -- 33 of which are contained within the proposed Atlantic Road Overlay District with several dozen more beyond that contained in the ordinance that would not have ability move forward with any type of new residential application or use. He advised that in combination with some testimony at the Board's third hearing it appeared compelling that there are very few of these lots that would be limited and limited for good reason. Using the online map-geo the city has to see what these lots are like - some are tidal lots. He said it is not a widespread area that is impacted and that these are areas extremely vulnerable and not have special proposals come forward. **Councilor McGeary** added that an outright prohibition has been upheld by Gove vs. Chatham (Roberta Gove vs. Zoning Board of Appeals of Chatham) and that the Committee had a memo from the Assistant General Counsel on that case (on file).

**Councilor Verga** expressed his concern that before the Committee were two reactionary pieces of legislation. **Councilor McGeary** said that while the proposal for the Back Shore may have raised the issue, it doesn't take away from the fact it is a real issue that has to be dealt with. **Councilor Lundberg** said that the Assistant General Counsel's memo did say that her reading was that while the Council has the authority to pass such legislation, it comes down to a case-by-case basis. This story isn't over but each property owner that feels they would like to build and the ordinance shouldn't apply to them then they would have to make their case, he said. **Councilor McGeary** added that the court upheld that as long as there is some value retained in the property it is not a "taking," which was the case in Gove vs. Chatham. He added that he would be amenable if it was the will of the Committee to either stick with his original proposal for a Special Council Permit just for VE zone only, or the outright ban. He clarified for the Committee that the full Council was the acting agency for this initiative, and that it was he who precipitated it through his Council Order.

At the request of **Councilor Verga**, **Councilor McGeary** briefly reviewed a vote of the Council the previous evening at a Special Council meeting that under the Zoning Ordinance, Sec. 1.11.4 when a change in the Zoning Ordinance would affect so many people and that noticing that many people would make it impractical to duly notice each one by registered mail, the Council can vote to waive that requirement and is what the Council did last evening. Mr. Faherty at that time pointed out that the literal reading of the Zoning Ordinance they should have taken that vote at the time the meeting was posted and announced. The intent is clear of the ZO and it is a timing issue, and that it involved over 800 parcels in the city, he said, and was a procedural vote with a vote of 4 in favor, 3 opposed.

**Councilor McGeary left the meeting at 5:50 p.m.**

**J. Michael Faherty**, 83 Pleasant Street, said that it was his opinion that both the Floodplain and Atlantic Road Overlay District (AROD) have to be read in concert with each other. Councilor Ciolino's proposal that went before the Planning Board said that instead of outright ban it would require a special permit for those lots on the Back Shore that Councilor Ciolino had identified. He noted they don't identify all properties that are on the ocean and the VE zone, but a select group between two certain markers, and so doesn't affect all properties in that area. This, he said, raises the specter of spot zoning challenge.

The recommendation from the Planning Board for GZO 5.5 Floodplain Requirement would be an outright prohibition for everyone in the VE zone. The vote the Council took last evening waived notice to any of the people who now under the revised wording from the Planning Board if that is accepted final version that says the rest of the city who is in a VE zone gets no notice other than what appeared in the paper already, and people on the Back Shore

got notice and only have a Special Permit. To be a property owner subjected to a Special Permit is one thing, he said, but it is another to find one's property under a building ban and not be given notice.

He then highlighted language in the proposed Floodplain draft ordinance as rewritten by the Planning Board that didn't make sense under subsection 5.5.2 and 5.5.3., and said there are a number of flaws with the whole process. He expressed his opinion that the Planning Board dealt with two hastily thought out proposals. He said that the language talks about no building permit for a principal residential structure, but that it didn't discount an accessory building such as a studio, workshop or guest cottage which is not included (in the ban) and are not principal residential structures. He has no interest in that project, but the way process has gone. Accessory is defined customarily on same lot with principal use except when it gets to a certain size. He contended that there are over 2,000 projects affected in the A zone. Pointing out that the room was not completely filled, he said that people aren't at the meeting because they don't know what the impact of this proposal will do. He urged this matter be tabled and brought forth properly.

**Meredith Fine**, 85 Eastern Avenue, representing James Harwood (proposed purchaser of waterside property on Atlantic Road), highlighted proposed language in GZO subsection 5.5.3 that talks about, "without limiting foregoing, the following are presumed to be hazardous to health or safety," said it came from the original proposal and that it now makes no sense at all. She said by making the language say no building permit for residential use, there would be uses still allowed: public/religious or other non-profit school buildings or uses, public utilities, nursery schools, day care, golf courses, greenhouses and gardens, building/tradesmen or contractors storage. She contended that just banning residential use doesn't do what was intended. She also highlighted that Councilor Ciolino's proposal says two different things – that in the purpose section it says, "The purpose is to protect the coastline from any development," and said that she didn't know what that means, and that later in the draft language it says a building permit for residential use. She said it makes no sense, and if the Council were to pass both initiatives they would make no sense altogether as to what would be allowed and not allowed.

She addressed the case of Gove vs. Chatham saying that while she had not reading Assistant General Counsel's memo, but pointed out that the Town of Chatham had a conservation district which the subject property was in and then put forward a proposal. She said Chatham had already done what Gloucester has not done. In Chatham there are factual differences between the proposal turned down there and what is now in front of the city. The ordinance in Chatham is different in that it lays out a standard, and the proposed ordinances lay out none, she pointed out. A court will not uphold this language or this kind of process, she said. She advised that the Zoning Ordinance doesn't allow retroactive waiving of notice, that there is no language that says that in the Zoning Ordinance. The notice has to go to the people directly affected by the amendment and there is there is no reason why 71 property owners can't be noticed. She said they should let ConCom do their job and let the process work its way out.

**Mr. Cademartori** clarified as originally proposed the ordinance would affect all properties within the floodplain is impractical as it encompasses 3,300 properties to be noticed based on elevation. It is more limited in the case of the proposal for an Atlantic Road Overlay District which is achievable with 41 lots. He also pointed out that a big distinction between the two proposals in terms of notice. **Councilor Verga** expressed concern for the kind of notification that had been made to date and whether it had covered the different variations.

**Councilor Ciolino** said that waiving notice is not unprecedented and is not out of the ordinary, citing an example of a zoning situation that occurred in Lanessville of the past several years where the Council had voted to waive notice. He reconfirmed that at one time the Council had a Lowlands Special Council Permit, but in an effort to make the city's permitting process more customer friendly it was removed, and now the Council is putting it back into the Zoning Ordinance under their purview. This is taking back the right to oversee this process with his proposal. He pointed out that the owner of the Back Shore property whom Ms. Fine's client is intent upon purchasing did receive notice of the public hearing of the AROD, but that her client didn't receive notice because he doesn't own the property. He advised this information is on file in the City Council documentation.

**Councilor Stewart** said the Chatham vs. Gove case was a standard case that falls under the U.S. Supreme Court doctrine set forth in Palazzolo vs. Rhode Island which is the standard in the United States of what constitutes an unconstitutional taking in this kind of a taking. He explained it is an objective test depending on what the property was worth at the beginning and how much a bath property owner took when it was over. The Palazzolo case makes it clear that if there is an unreasonable reduction in the property value, for example, a 95 percent reduction, that is a taking. He said if you make a taking of that sort you have to provide compensation to bring the property value back to where it was. That is the law, and the case that sets the standard and that the Gove case was a recitation of that standard under a very particular set of circumstances was not an unconstitutional taking. He added that it is not a test that says you can pass any regulation you want to as long as it has a reasonable purpose, and is not the law of taking which has to be taken into consideration. He said also to be considered is what is the result – what will the value of these kinds of parcels be after implementation of the Planning Board proposed absolute ban. He

said that he didn't think that an outright ban was appropriate. He said why place a ban when you can have a process by which under a set of factors to be considered the Council has to approve for construction in these kinds of lots. he highlighted that there are six standards in the Zoning ordinance for Special Council Permits, as well as height standards and that this is a precedent for adding standards for a Special Council Permit. There is a great deal to be said for a Special Permit for these kinds of areas and very little to recommend an absolute ban, he said..

**Councilor LeBlanc** expressed concern as to what the Council would set them up for in the future with an absolute ban. **Councilor Verga** said the Back Shore property that triggered all this was always considered "unbuildable." He said the 3,300 other parcels perhaps may be hurt by this proposal as they may be paying taxes on buildable lots. He said he didn't recall the Lanesville zoning matter the same way as Councilor Ciolino and taking a vote to waive notice which remains a concern for him on this matter. He said his main concern for both proposals were put forward in reaction to one proposal and is setting the Council up for quite a bit. He said had he attended last evening's Council meeting he wouldn't have voted to waive notice. It was noted that his fellow P&D Committee members did not vote in favor of the waiver of notice. He said he thought they should do their homework and have a unified proposal. The last thing he wanted to see is a house on the water side of the Back Shore, he said, and that what is before the Committee wouldn't achieve what they wanted and cause a bigger problem.

**Councilor Lundberg** said he wasn't sure why the Planning Board decided a prohibition would be a good idea, whereas a Special Council Permit process in this area, gives the city protection it needs, as well as landowners.

**Councilor Ciolino** reminded the Committee it is within their purview to change the proposed language.

**Councilor Lundberg** said the way the Planning Board drafted the floodplain requirements to say prohibition and then list requirements makes no sense, although the listing of the safety requirements does make sense and should be able to be taken into account. He said if they had the Special City Permit among the 4 other criteria they have something to work with. Councilor Verga and Councilor Lundberg agreed they shouldn't be drafting such changes that evening to present to the Council the following week.

**Councilor LeBlanc** said he is still in favor of notice, that in this case a legal advertisement is not enough. It is their duty to notify someone especially if they are paying taxes on a lot that it is in their best interest. He pointed out that the previous evening the only person in the audience when the Council took up the issue of waiving notice was Mr. Faherty. **Councilor Verga** declared should the Committee vote on the matter this evening he would vote no.

The Committee briefly discussed its possible options on the matter, consulting with Mr. Cademartori.

**Councilor Lundberg** said when the Committee report is given on the matter Councilor Verga will give an explanation of the Committee's feelings on the matter. He expressed he would vote against the current proposal.

**COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 0 in favor, 3 opposed, to recommend that the City Council Amend the Gloucester Zoning Ordinance by ADDING a new Section 5.5 "Floodplain Requirements" as follows:**

### **5.5 Floodplain Requirements**

**5.5.1 Sections 5.5.2 and 5.5.3 shall not apply to non-residential structures on lands bordering Gloucester Harbor north and east of a line from the mouth of the Blynman Canal to the intersection of Farrington Avenue and Eastern Point Boulevard.**

**5.5.2 No building permit for a new principal building for residential use shall be permitted in special flood hazard areas within the City of Gloucester as VE zone (flood zones) as identified in the most recent Essex County Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management (FEMA) and adopted by the City of Gloucester.**

**5.5.3 Without limiting the generality of the foregoing, the following are presumed to be hazardous to health or safety:**

- (a) Floor level of any structure for human occupancy less than the base flood elevation displayed on the FIRMs.**
- (b) Individual sewerage disposal systems subject to inundation in the event of coastal flooding in the flood zones.**
- (c) Methods of filling or excavation subject to displacement by coastal flooding in the flood zones.**
- (d) Water supplies subject to interruption or contamination in the event of coastal flooding in the flood zones.**

This matter was advertised for public hearing.

**4. CC2015-040 (Ciolino) Amend GZO to create an “Atlantic Road Overlay District” (Also referred to PB) (Cont’d from 10/22/15)**

**Mr. Cademartori** explained the following: That out of the original Atlantic Road Overlay District (AROD) proposal that had language that clearly identified the area and intention what was drafted was a refining of the purpose including original Council Order language. A map (on file) was created that identified the parcels rather than description of road intersections. This is a proposed prohibition in the areas highlighted on the map. The one just voted on by the Committee was a Special Permit Process that the Planning Board pared back to consideration the VE zones only and having a prohibition. The one the Committee is now considering was initially a prohibition that was initially recommended by the Planning Board to be a Special Council Permit process.

**Councilor LeBlanc** asked if the AROD proposal would require a Special Council Permit. **Mr. Cademartori** explained that as drafted it would be a prohibition and the Planning Board recommended a Special Council Permit process.

**Councilor Ciolino** said that an overlay district has to have three components -- to define a purpose of the district; identify the areas that make up the district; and develop separate rules that apply to the district. He advised that notification of all the property owners involved was made and is contained within the Council’s files. He highlighted the monetary issue of property values of the water side of Atlantic Road, and in the case of a particular property under consideration for building on the water side of that roadway, it is officially assessed unbuildable and has been taxed as such which he pointed out is no loss of value. He indicated that the difference between the previous proposal and the AROD is that the AROD is only concerned with the water side of Atlantic Road and not affecting anything on the landward side. He said it is a neat, clean proposal that gives the City Council control of what happens there, as well as the city and its citizens. He said that no one is hurt by this proposal and everyone has been notified, and that legally it is a perfect fit. He reminded the Committee that there already is a Hotel Overlay District on Atlantic Road’s landward side.

**Councilor Verga** said he personally looked up the precipitating parcel, and found that the parcel is assessed as unbuildable. He confirmed with **Councilor Ciolino** that all properties encompassed in the AROD are all assessed as unbuildable. **Councilor Ciolino** added that a unique quality of the AROD is that said that all the properties are similar and continuous and that no one parcel is treated differently than another.

**Mr. Cademartori** said the original proposal was a prohibition or outright ban on building, but that the Planning Board recommended a Special Council Permit process. **Councilor Ciolino** said it gives people the opportunity to put a proposal before the Council and see what happens. **Councilors Lundberg** and **Verga** confirmed that their draft motion reflects the Planning Board version of the AROD.

**Councilor Verga** expressed a small concern about the potential for accusations of spot zoning, but said that he heard the same concern in the creation of the Hotel Overlay District in the Fort and the Back Shore Overlay District. Referring to the parcels encompassed in the proposed AROD, **Councilor Verga** said that all the parcels are assessed as unbuildable; the property owners all get the opportunity to come forward for a special permit the way this Zoning Ordinance amendment is written to which Councilor Ciolino added that no lot will be treated differently, he pointed out.

**Councilor Stewart** said he is pleased that this proposal requires a Special Permit rather than an outright ban. Just because property is assessed as unbuildable doesn’t mean it has much more value than that, citing that someone wants to build a house on one of the parcels listed as unbuildable on the Back Shore. Councilor Verga said that if someone had been paying taxes on a buildable lot and was suddenly told now it was assessed as unbuildable, that would be a different story.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend the Gloucester Zoning Ordinance by ADDING a new Section 5.28 “Atlantic Road Overlay District (AROD) as follows:**

**Section 5.28.1 Purpose**

**The purpose of the Atlantic Road Overlay District is to protect the coastal shoreline known as Gloucester's Back Shore from any development, and in order to minimize potential loss of life, destruction of property and environmental damage inevitably resulting from storm, erosion, and current and future flooding.**

#### **Section 5.28.2 Map**

**The Atlantic Road Overlay District is an overlay district that encompasses land on the water side of Atlantic Road from the intersection of Grapevine Road (including Assessor's Map 76, Lot 57) to the intersection of Bass Rocks Road (including Assessor's Map 69, Lot 1). Such land is also shown on the map entitled, "Atlantic Road Overlay District, Located in Gloucester, MA," dated November 3, 2015, incorporated herein by reference and hereby made part of the city's official zoning map.**

#### **Section 5.28.3 Uses**

**No building permit for residential use shall be issued for construction in the AROD except on the approval of a Special Permit issued by the City Council. Special Permits granted under this section shall be subject to the procedural requirements and standards in Section 1.8 and to any other sections of the Zoning Ordinance which the Council may determine applies.**

This matter has been advertised for public hearing.

#### **5. *Acceptance of Private Ways as Public Roadways – Returned from CCM PH 10/27 at the Request of the Administration***

**Councilor Verga** said he had received an email from the DPW Director saying the DPW wasn't ready to report on this matter and asked that it be continued.

This matter is continued to January 6, 2016.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 6:40 p.m.**

**Respectfully submitted,**

**Dana C. Jorgenson  
Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.**