

CITY COUNCIL STANDING COMMITTEE
Planning & Development
Wednesday, August 11, 2010 – 6:30 p.m.
1st Fl. Council Conference Rm. – City Hall

Present: Chair, Joseph Ciolino; Vice Chair, Robert Whynott; Councilor Greg Verga

Absent: None

Also Present: Councilor McGeary; Mark Cole; Peter Van Ness; Mary Ann & Mace Wenniger; Joseph Grace

The meeting was called to order at 6:31 p.m. Items were taken out of order.

1. Continued Business

- A) CC2010-019 (Hardy/Verga) Process of shifting appropriate private streets onto the public street ledger and to establish process et. al. (Continued from May 5, 2010)

Councilor Ciolino noted this matter would be continued when Councilor Hardy could be available to present findings on the matter with the Committee.

2. 2010-2015 Draft Open Space and Recreation Plan: Plan Summary & Action Plan

Councilor Ciolino stated in conversation with Sarah Garcia, Community Development Director that she will be doing a full presentation to the City Council on the Draft Open Space and Recreation Plan. Therefore, the Committee will continue the matter until after the City Council presentation and schedule their discussion accordingly.

3. SCP2010-009: 70 Holly Street Gloucester Zoning Ordinance, Sec. 2.3.6(4)

Councilor Ciolino noted they were hearing the SCP2010-009 for 70 Holly Street for GZO 2.3.6(4) which involves permitting arts and crafts sale and having a gallery. The applicants are Mace and Mary Ann Wenniger. The property was noted to be Map #123, Lot#70. The submitted documentation was current. All the neighbors have been duly notified.

Mace Wenniger noted both he and his wife are artists and plan to exhibit their artwork in their house. The application for the Special Council Permit is to have a small room to display their work, and for people who come by invitation only to view their artwork. He explained it is a home occupation. They provide parking with two spaces. However, the Building Inspector, Mr. Sanborn, told them to change the site map which they did and gave to him and thought they had submitted a second parking plan. (There was no full scale map on file with the Council).

Councilor Ciolino noted that the only parking plan that they have submitted was the initial one that went with the application. He asked about the planned studio

Mary Ann Wenniger stated this was not going to be a “shop”. It would be a ‘by appointment only’ gallery, with art on the wall. She also submitted a letter from a neighbor endorsing the gallery (submitted at the meeting and on file). She described the artwork that would be on display explaining while they worked in a medium that used a print-like process, it was not like a printing shop or anything of that nature. She showed pictures of the interior of the home with the room that she and her husband proposed to be a gallery (Photographs were submitted and made a part of the Special Council Permit file).

Councilor Ciolino stated that if they changed this to a storage room, and if they initialed the plan of the house, then it would be acceptable to the changes, according to the Building Inspector, Mr. Sanborn. The Building Inspector said they had a display room and the studio; and the display room has to be changed to a storage room. That will be the official plan.

Mrs. Wenniger noted Mr. Sanborn told them they should consider the parking for the studio. She doesn't have people come to the studio who are just coming off the street.

Councilor Whynott stated the studio would be where they do their painting; and the gallery would be where you display your art.

Mrs. Wenniger confirmed that and stated they will have a sign that says "Private Art Studio".

Councilor Verga asked about the signage being clear to prevent people pulling in without an appointment.

Mrs. Wenniger assured the Councilor they would.

Councilor Ciolino clarified that this 2.3.6 which is other principal uses in section 4, that arts and crafts or sale of such if made on the premises would be permitted under that section. Arts and crafts is generally the person who runs it, it is their crafts. A commercial gallery is that which sells others artwork. They can only sell the artwork made in this gallery.

Mrs. Wenniger noted her understanding and confirmed that would be the case.

Joseph Grace, 75 Holly Street asked if there was any signage proposed for this place.

Mr. Wenniger stated one small sign and that they're allowed to do a sign.

Councilor Ciolino noted the Committee will do a site visit. He asked the Wennigers to consider what size sign they want to do and what it would look like which would be incorporated into the conditions of the Special Council Permit. It was noted by the Committee that it was to be no larger than two square feet.

Mr. Grace was against the sign as he felt it may lead to more people parking at the property believing it would be dangerous. He further believed that the representation of the parking on the submitted maps were erroneous; that, in fact, the cars shown on the street side of the property would end up on the public way.

Mr. Grace reiterated his belief that the actual parking for 'guests' was not on their property.

Councilor Ciolino asked if their property boundaries were marked.

Mr. Grace showed the Committee a City map and showing the property lines on it pointing out the differences between the maps submitted with the application and the one he presented to the Committee.

Councilor Ciolino felt there was more room for them to go further into their property in order to park the vehicles.

Mrs. Wenniger thought there was room for four cars because it was quite a long property.

Councilors Verga stated the plan was drawn by a licensed engineer, and suggested they slide the proposed spaces up into the property to make them appropriate.

Mrs. Wenniger noted the erosion of the roadway that may have made an issue.

Councilor Verga stated they need to determine where the four spaces can be completely on their property. That particular matter would need to be proven (to the Committee).

Councilor Ciolino asked for an engineering drawing and the markings to show the property lines feeling it had to be clear for the Committee to see it.

Mrs. Wenniger spoke to the issue regarding the Building Inspector's memorandum (on file) that they should have 3.5 parking spaces not four which was predicated on the fact that the studio is a display space open to the public, stating it was not. The only thing they're concerned about is 100 square feet and believed they had sufficient parking space.

Councilor Whynott noted when it was originally presented to the Building Inspector this was what the situation was. They need to go back to the Building Inspector.

Mrs. Wenniger stated if the difficulty is they have a garden which was very important to them on the front of the property. They're willing to put in one more space in case they say they have to but would not wish to disturb the mature plantings already in place.

Councilor Ciolino noted that according to what the Building Inspector said it is two spaces. Plus the residence is 1.5 spaces.

Councilor Whynott stated the display area is only 100 square feet, and thought the studio was 400 square feet.

Councilor Verga stated they want to make sure they're totally legal.

Councilor Ciolino reiterated that their studio is part of the display area.

Mrs. Wenniger stated in no way could the studio be used as a display area.

Councilor Ciolino wanted to continue the matter to allow Mr. & Mrs. Wenniger to go back to the Building Inspector to reassess the parking places and the studio versus the display space. Then they can go to their engineer to redo the drawing to move the parking spaces further into the property according to the Building Inspector's determination. Then the Committee will have their site visit. They also need to look into the sign, and what it would say and how big it would be.

Councilor Whynott suggested the Councilors research the same information and would make that effort for the Committee.

At the request of the applicants and the agreement of the Committee, the matter is continued to September 22, 2010.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed, to advertise for public hearing on the matter of SCP2010-009, 70 Holly Street, GZO Sec. 2.3.6(4).

4. I4-C2 "Celebrate Gloucester" Concert, September 5, 2010

Peter Van Ness, Co-Producer, Celebrate Gloucester and owner of Van Ness Group, Inc., told the Committee of the plans for the upcoming "Celebrate Gloucester" Concert (press release on file) to take place on Sunday, September 5, 2010 (Schooner Festival Sunday) on I4-C2, City-owned property, which was duly permitted through the Department of Public Works. He discussed the idea with the Mayor prior to the purchase of I4-C2, and she endorsed the idea of it even at that time which he promised he would produce an even better concert if they bought I4-C2. The Liquor Licensing Board the previous evening had approved a one-day liquor license for the event. Mark Cole, Operations Manager, DPW, signed off on a contract for the use of the property. The Mayor also submitted a memo to the Committee of endorsement (on file). The plan is to use the concert as a fund raiser, and will ask the public decide who should receive the funds. BankGloucester, one of the sponsors, suggested that during August people could go to CelebrateGloucester.com to nominate a charity that helps to revitalize Gloucester. Beginning September 1st - 30th they can return to the website to vote for the top three charities, and they will split the money. The entity that will receive the net proceeds is the Gloucester Fund. They distribute almost 100% of the proceeds that they get. The net proceeds from beer and wine sales will also be put in as well. **Mark Cole, DPW Operations Manager** explained the plans for the site itself during the Celebrate Gloucester event and was behind it 100%.

Councilor Ciolino noted the DPW has the responsibility over the property. He asked if Mr. Van Ness had conversations with the Police and Fire Departments regarding their plans for the event.

Mr. Van Ness stated he had spoken with the Fire Chief and Lt. Aiello of the Police Department who will help determine how many police should be at the event. Beauport Ambulance will be parked on site. There will be food served as well as a seafood throw down. They've applied for a permit for the tent, which will be 30' x 40'. They have liquor licensing insurance because the Gloucester Fund is receiving the proceeds which name the City of Gloucester as the insured. The Van Ness Group has also obtained insurance and named the City as the insured.

Mr. Cole asked to have a copy of the Van Ness Group insurance and was assured he would receive it.

Councilor Whynott asked the hours, which were 3 p.m. to 10 p.m. He also asked if the servers were TIPS trained and certified.

Mr. Van Ness stated all the servers were TIPS certified. He distributed a venue plan to the Committee (on file).

Councilor Verga asked about the security plans for the venue.

Mr. Van Ness noting the design of the stage which had its back to Rogers Street. "You can't see the concert for free." The music to be played is blues and jazz; and because it's not that loud, he believed it

probably won't be heard very well from the street. They'll use saw horses and police tape around the perimeter. If people cross the line, they will be asked to pay admission. The vast majority, he believed, will pay to get in because it's a benefit. There is an inside perimeter where the adult beverages (beer and wine) will be served. At that perimeter police will prevent people from leaving that area with liquor. Their system for liquor purchase will be that patrons will buy tickets to get drinks and before you get that far, they will be carded. Then they get a wrist band. "No wrist band, no adult beverages". They can only purchase five tickets per person at a time and are permitted only two drinks at a time to take away from the point of purchase. He assured the Committee they have a lot of volunteers to ensure that there are not any drinks distributed to underage concert goers.

Councilor Ciolino noted the ability of fishermen to gain access throughout the day according to their site plan.

Mr. Van Ness stated presented his plan to the Waterways Board and adjusted his plan to fit their needs. He asked permission to use the power, which they control. Ringo Tarr will set that up for them.

Councilor Ciolino noted there is a memo from the Mayor endorsing the event and on file.

[**Councilor McGeary** entered the meeting at 6:48 p.m.]

Councilor Whynott asked Councilor McGeary if he knew how the neighbors as well as those who live across the water felt about the noise anticipated from the concert.

Councilor McGeary informed the Committee that the neighbors agreed that the music playing until 10:30 p.m. was acceptable (He left the meeting immediately following his statement at 6:50 p.m.).

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to endorse the Van Ness Group, Inc. production of the event known as the "Celebrate Gloucester" Concert to take place on Sunday, September 5, 2010 at 65 Rogers Street (also known as I4-C2) between the hours of 3 p.m. to 10 p.m., with net proceeds to benefit the Gloucester Fund which satisfies the requirement for public benefit.

Councilor Ciolino noted his receipt of a letter from Angela Sanfilippo, GFWA President and asked that it be passed on to the City Council by the Clerk of Committees.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:30 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

LIST OF SUBMITTED DOCUMENTS/STATEMENTS AT MEETING:

- Letter of Endorsement of SCP2010-009 submitted by Mary Ann Wenniger (Placed on file in the SCP file)
- Set of color photographs of the interior of the Wenniger residence at 70 Holly Street as relates to SCP2010-009 (Placed on file in the SCP file)
- Site map of the plan for the "Celebrate Gloucester" Concert of September 5, 2010 on I4-C2, 65 Rogers Street (Placed in P&D 08/11/2010 file)

- Memo to City Council from Angela Sanfilippo, GFWA President regarding the “Birdseye” property on Commercial Street regarding the proposed development and rezoning matter (To be copied to the City Council and placed in the Birdseye Rezoning Communications File)

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