

Planning & Development Committee
Wednesday, June 8, 2016 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Lundberg; Vice Chair, Councilor Cox

Absent: Councilor Gilman

Also Present: Joanne Senos; Gregg Cademartori

The meeting was called to order at 5:30 p.m.

1. Special Events Application Requests:

A) Fishtown Horribles Parade Committee to hold Fishtown Horribles Parade July 3, 2016

Councilor Lundberg noted that this great Gloucester tradition, the Fishtown Horribles Parade has gone before the Special Events Advisory Committee. **Al Kipp** and **Dave Tucker**, of the Fishtown Horribles Parade Committee, explained the parade route is unchanged; that their Certificate of Insurance; the map and list of the streets of the parade route, is now submitted. The list of vendors and their assigned spots will be filed with the City Clerk's office before the date of the parade, **Mr. Kipp** assured the Committee. **Joanne Senos**, Interim City Clerk advised the Committee that the list of vendors and their locations has to be forwarded by her to the Assistant Police Chief and the Building Inspector upon receipt in her office.

MOTION: On a motion by Councilor Cox, seconded by Councilor Lundberg, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Gilman) absent, to permit the Fishtown Horribles Parade Committee to hold the Fishtown Horribles Parade on Friday, July 3, 2016, and to close affected City roadways from 6 p.m. to 9 p.m. with the following conditions:

1. Certificate of Insurance:

A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's office on or before June 20, 2016.

2. Road Closure Plan:

Police Department and the Fire Department approvals of the plans for the Fishtown Horribles on July 3, 2016 have been received through the Special Events Advisory Committee. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Department to be filed with the Police Chief. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues may require City Council approval.

3. Refuse and Comfort Stations:

All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicapped accessible) are to be provided and maintained by the organizer, placed the evening before the event or early in the morning of the day of the event and be removed by 9:00 a.m., July 4, 2016.

4. Emergency Services:

All requirements of the Gloucester Fire Department EMS must be met.

5. Staffing:

Event staff is to have cell phones and be identified by the public with distinct shirts. A list of event staff and their cell phone numbers is to be submitted to the Police, Fire or DPW Departments.

6. Notification of Immediate Abutters and Businesses to Parade Route:

Notice shall be made by the event organizer by hand or by mail no later than 7 (seven) days in advance of the event to function halls, motels and hotels, and other businesses along the parade route.

7. Responsibility of the Fishtown Horribles Parade Committee:

The applicant is also required to obtain any necessary approvals from the Licensing Board, the Health Department and the Licensing Commission. It is the sole responsibility of the Fishtown Horribles Parade Committee to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may

result in permit revocation. Applicant is also required to comply with any requirements made by departments through the Special Events Advisory Committee.

B) Gloucester Fund to hold Stacy Boulevard Concert July 3, 2016

Brent “Ringo” Tarr, 18 Timberview Drive, chief organizer of the Boulevard Concert scheduled for the evening of July 3, which takes place in between the Fishtown Horribles Parade and the fireworks. He said that the concerts have grown to the point where they have to block off intermittently, upon the advice of the Police, the water side of Stacy Boulevard on the island side of the Blynman Bridge, but otherwise there are no changes.

Councilor Cox confirmed with **Mr. Tarr** that because this was a city-sponsored event, that the concert fell under the city’s insurance through MIIA.

MOTION: On a motion by Councilor Cox , seconded by Councilor Lundberg, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Gilman) absent, to permit the Gloucester Fund to hold one free concert on Stacy Boulevard in the vicinity of the Blynman Bridge on July 3, 2016 on the condition that the Gloucester Fund obtains all necessary approvals from the Licensing Board, the Board of Health and the Licensing Commission and to ensure that all required documentation and insurance is timely filed with the appropriate City departments. Failure to comply with any conditions precedent may result in revocation of Council approval.

C) Request to hold Maritime Heritage Day Gloucester Schooner Festival on September 3, 2016

Tom Balf, Director of Maritime Gloucester, explained that Maritime Heritage Day is Saturday, September 3. He said the difference this year is that Maritime Heritage Day is normally done on their pier and driveway, but because as a result National Grid on August 1 will be tearing down their pier because of that remediation project, Maritime Gloucester is requesting for the first time to close Harbor Loop. There will be a big tent on the front of the Maritime Center’s property where the vendors will be located, and various artisans and craftspeople located directly on Harbor Loop. **Councilor Cox** suggested it was akin to the Farmer’s Market set up when it was located there. The request is that Harbor Loop be closed from 23 Harbor Loop to 27 Harbor Loop or in other words from the Coast Guard Station driveway to the entrance at Captain Carlos’ Restaurant property, **Mr. Balf** said, adding that will enable access to the Coast Guard Station and the Harbormaster’s facility.

Councilor Cox discussed the location of the road closure and possibly enlarging the Harbor Loop’s closed area or adjusting it, but **Mr. Balf** said he is satisfied that their plans meet their needs for the event.

MOTION: On a motion by Councilor Cox , seconded by Councilor Lundberg, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Gilman) absent, to permit the Gloucester Maritime Center to hold Maritime Heritage Day in conjunction with the Gloucester Schooner Festival on Saturday, September 3, 2016 from 8:00 a.m. to 4:00 p.m. at Harbor Loop. Harbor Loop is to be closed to vehicular traffic with the exception of emergency vehicles from 8:00 a.m. to 4:00 p.m. with roadway signs indicating same from 23 Harbor Loop to 27 Harbor Loop. A Certificate of Insurance naming the City of Gloucester as the Certificate Holder is to be on file with the Office of the City Clerk by August 19, 2016. Traffic control during the event will be overseen by the Gloucester Police Department and no police detail is required.

2. *SCP2016-001: Mt. Vernon Street #31, Map 30, Lot 57, GZO Sec. 3.1.6. & 3.2.2fn (c) Maximum height and Sec. 3.2.2fn (a) Minimum lot area per dwelling unit*

Attorney Joel Favazza, Seaside Legal Solutions, 111 Main Street, representing HSBC Real Estate Ventures Series, LLC, the owner of 31 Mt. Vernon Street is seeking a Special Council Permit for the purpose of allowing a building height in excess of 35 feet above average grade and a reduction in minimum lot area per dwelling unit by adding a new dormer and expanding an existing dormer on a long-standing 3-family home. Currently the third floor has an access dormer out of the right-hand side (viewing the property from the street). It will be expanded to a full-length dormer and the new dormer will mirror the expanded dormer directly on the other side of the building. The goal is to provide headroom on the third floor. He said there are no bedrooms or units or people being added to the third floor, it is just to make the third floor a more comfortable living space. He noted the recent addition of decks on every level with cable railing, which he cited as the kind of quality of work the owners are putting into the building.

He advised that the matter came before the Zoning Board of Appeals (ZBA) a few weeks prior and received variances for front and side yard, lot width, lot area, lot frontage, vegetative cover and a special permit to alter and expand but that the applicant is before P&D for a decrease in the minimum lot area per dwelling unit and for a building height in excess of 30 feet. The latter two are the purview of the Council, he noted.

Mr. Favazza reviewed from a submitted plan (on file) with the Committee the elevation of the property and the proposed new height of the building and said that from the west elevation at the street level the building appears as a 2-1/2 story building which is considered a three story house. From the back, the lot slopes down so steeply, a 30 foot difference between the front and back of the lot, there is actually a small walk-out basement. He said the average grade calculation the three stories are 38 feet tall. He cited that over 35 feet puts this matter before the Council.

The two standards that the applicant must meet, he said, for the lot area per dwelling unit is whether it is in keeping with the density of the neighborhood, and pointed out that three dwelling units in this building is in keeping with the density as the building has always been a three family residence.

As to the height, **Mr. Favazza** said that the applicant is sure not to be of detriment to the neighborhood by overshadowing and view obstruction. He noted that the dormers don't increase the height of the building. He said the peak of the roof will still be the tallest point, so any overshadowing is being cast based on the peak of the existing roof. He advised that the applicant has gone through the neighborhood and spoken with the residents, of which about eight lent their support to the project at the ZBA hearing and no one spoke in opposition.

Councilor Lundberg confirmed with **Mr. Favazza** that in terms of capacity, they are just adding some square footage on the third floor with the dormers; that there are no additional units or people, just improvements of what already exists which doesn't increase the height of what already exists.

Councilor Cox offered that she drives by this property every day and made note of what she termed, the nice improvements. She said many homes in that area are being renewed.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Lundberg, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Gilman) absent to recommend that the City Council grant a Special Council Permit (SCP2016-001) to HSCB Real Estate Ventures Series, LLC, pursuant to GZO Section 3.1.6 Building Heights in Excess of 30 feet for a total height of 38.5 feet for a difference of 8.5 feet above average grade and GZO Sec. 3.2.2 fn (a) for a decrease in the minimum lot area per dwelling unit from 2,500 square feet of 2,152 square feet per dwelling unit to a lot area of 1,255 square feet per dwelling unit for a total difference of 348 square feet open space per dwelling unit for an existing three-unit dwelling located at 31 Mount Vernon Street, Gloucester, Massachusetts, as shown on Assessors Map 30, Lot 57. The applicant has met the six criteria of GZO Sec. 1.8.3 and the two criteria under GZO Sec. 3.2.2(a) concerning neighborhood character.

This matter is to be advertised for public hearing.

3. SCP2016-002: Essex Avenue #74, Map 218, Lot 118, GZO Sec. 2.3.6(1) Parking of Motor Vehicles to service a use permitted in the same district

John Williams, owner of Minuteman Cinemas, Inc. dba Gloucester Cinema, explained he is seeking a Special Council Permit for his business under **GZO Sec. 2.3.6(1) Parking of Motor Vehicles to service a use permitted in the same district**. He explained that they are asking permission to allow parking at the cinema for those people who are not going to the cinema and be able to charge them a small fee for parking their vehicles in his theater's parking lot. He said the reason they are making this request is that there isn't enough parking in that area and on a daily basis people use the lot to park their cars, and on a daily basis he has to turn them away. He noted that when there are festivals on adjacent properties there are a lot of people who want to make use of his parking lot, and they also have to turn them away. He said by doing this, it should help to remove many of the cars that park off on either side of Essex Avenue and would make a safer situation overall.

Tobin Dominick, owner, Cape Ann Marina, 75 Essex Avenue, inquired if this Special Council Permit would give Mr. Williams the ability to charge for parking. **Councilor Cox** said it would. **Councilor Lundberg** advised there were several privately owned parking lots in the city, both located in the area of Long Beach that is re-permitted every five years. Under the ordinance in order to have paid parking on private property, a permit must be issued by the city through a Special Council Permit process. **Ms. Dominick** said she was in favor of the Special Council Permit for Mr. Williams. She noted that a restaurant across Essex Avenue from her property cause vehicles to try and park in her parking lot which is a problem for her as well. **Councilor Cox** advised Ms. Dominick that she

can go through the same process to charge for parking in her lot as well as she does have a need for all her parking giving the multi-faceted business she runs.

Brent Tarr, owner of 74 Essex Avenue said it is not just the overflow parking from the restaurant, or the marina, but from festivals taking place at Stage Fort Park and other city events that cause the parking along Essex Avenue. He said it is a safety issue, and this Special Council Permit will help to alleviate some of the problems.

Councilor Cox expressed her concern about the festivals held at the Mile Marker Restaurant and that there no parking allowed on the sides of Essex Avenue. She encouraged the area businesses try and come up with a better way to handle their overflow parking. **Ms. Dominick** advised that the most recent event will utilize a parking area that will be rented for the purpose of handling overflow parking at the restaurant.

Councilor Cox said this application is a good step forward in the right direction. She inquired as to how much will be charged for parking. **Mr. Williams** said that he would likely charge \$5 per vehicle and that for cinema goers parking will be free.

Councilor Lundberg noted that included in the application materials is a letter from Tally's Trust (on file) saying that their tenant has their approval to seek this Special Permit and charge for parking.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Lundberg , the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Gilman) absent to recommend that the City Council grant a Special Council Permit (SCP2016-002) to Minuteman Cinemas, Inc. dba Gloucester Cinema, John Williams, Owner, at 74 Essex Avenue, Map 218, Lot 118, property owned by Tally's Trust, pursuant to GZO Sec. 2.3.6 Parking of Motor Vehicles to service a user in the same district, for 104 parking spaces with a parking space designated as reserved for Fire Dept. connection, for a total of 103 parking spaces of which 4 (four) are designated as handicapped parking spaces, based on a parking plan by Jonathan Poor Architectural Design & Restoration, 965A Washington Street, Gloucester, MA 01930, dated 12-12-90. The applicant has met the six criteria of GZO Sec. 1.8.3.

This matter is to be advertised for public hearing.

4. *CC2016-014 (Lundberg/Cox/Gilman/Nolan) Request P&D Committee review the draft proposed ordinance which creates a new wireless communication facilities ordinance Section 5.13 and amend the Zoning Ordinance accordingly (Cont'd from 05/18/16)*

Councilor Lundberg recounted that this proposed Zoning Ordinance amendment was put forward because the existing Zoning Ordinance section on Wireless Communication Facilities was insufficient, and didn't meet the standards of the federal law which was uncovered when the Council had to deal with the most recent permitting of a cell tower in West Gloucester on Concord Street. He said the city retained a consultant, Attorney Jeff Roelofs, who specializes in crafting this type of Zoning Ordinance. A committee was convened with Gregg Cademartori, Planning Director; Chip Payson, General Counsel, Bill Sanborn, Building Inspector and he represented the City Council and worked with Mr. Roelofs over the last six months to develop a model ordinance which is what is now before the Committee to recommend to the City Council, he said.

Mr. Cademartori explained that there was notice to municipalities as well of the changes that had been made by the FCC proposed to put them on notice to revisit these because decisions have to be made in a timely manner which is not reflected in most of the Zoning Ordinances that deal with these types of technologies in Massachusetts. He mentioned that during the latest permitting of a cell tower, the lawyer representing the cell tower company pointed that fact out to the Committee. The Zoning Ordinance section amendment doesn't really change the process that the Council would have the authority to review the larger installations but does break down the technologies into several different categories: Those that are benign that look like a simple antenna or are "concealed," inside a building, the city doesn't have a lot to say about it. He said the goal of this ordinance amendment is also to differentiate so that they do facilitate certain technologies that could result in better coverage without a lot of the issues that come with these macro solutions.

Councilor Lundberg pointed out that an installation that is benign, a cell module within a church steeple, those kinds of things are "by right" and can be approved by the Building Inspector now. He noted the next level are those facilities that are more obtrusive, like those installed on the rooftop, which would be permitted through the Planning Board for Special Planning Board Permit. New cell towers and extensions of existing towers which exist because of a Special Council Permit must go before the City Council, he said, and so the Council retains the same amount of control that the Council has today.

Mr. Cademartori added that through the Planning Board public hearing process some of the usual providers and attorneys who represent them were afforded a copy of this proposal to give it another set of eyes. He said it sends the message for certain installations that if it is concealed or camouflaged (visible but gets a lesser review process) as well. Mr. Roelofs did some of that outreach, he advised, and received no negative feedback. He said they are comfortable saying that they have the rigorous process the city needs for a community-wide impact or neighborhood wide impact versus the allowance of certain as-of-right uses in the M/I district. He mentioned that several years ago Gorton's of Gloucester was looking to go to a point-to-point solution for internet services which they did which looks like an antenna. He said he challenged the Planning Board to view this antenna and identify what was permitted by the City Council, and added it is those types of technologies they clearly want to encourage to allow the business and industrial community to meet their needs quickly to resolve that issue rather than as the ordinance reads which is a ponderous and long process. The draft dated June 7, 2016 the only thing he would amend, he said, in Sec. 2.3.2 they will be replacing the title with Wireless Communication Facility. The schedule reads CCS across the board; the suggestion is that entire row will read: Y, PB, CCS, See Sec. 5.13.

Councilor Lundberg said having reviewed the proposed draft ordinance and with his familiarity with the Zoning Ordinance from his days on the Planning Board, it codifies the processes, the application procedures for each step in a much more appropriate way. **Mr. Cademartori** said he had no doubt the city will still need outside technical assistance for some of the applications when they are submitted and described those certain situations briefly and discussed them with the Committee.

Councilor Lundberg said that the staff/Council committee did a great job, as did P&D in the vetting of this Zoning Ordinance amendment.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Lundberg, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Gilman) absent, to recommend that the City Council to adopt the proposed amendments to the Gloucester Zoning Ordinance Section 5.13 pursuant to Wireless Communication Facilities as is included in the Planning Board memo dated June 7, 2016 to the City Council and attached hereto by incorporation and reference.

This matter is to be advertised for public hearing.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:17 p.m.

Respectfully submitted,

Dana C. Jorgensson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.