

**Planning & Development Committee**  
Wednesday, February 8, 2017 – 5:30 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
-Minutes-

**Present:** Vice Chair, Councilor Cox; Councilor Valerie Gilman

**Absent:** Councilor Lundberg

**Also Present:** N/A

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

1. *Special Event Application: Request to hold St. Peter's Fiesta from June 21 through June 25, 2017*

**This matter is continued to March 22, 2017.**

2. *SCP2017-001: Lindberg Drive #8, Map 123, Lot 84, R-80 (Rural Residential), GZO Sec. 1.8.3 & Sec. 2.3.6(4) for Arts, crafts and sale of art or crafts if made on premises (Cont'd from 01/18/17)*

**HongWei Jin**, owner and applicant for a Special Council Permit (on file), Lindberg Drive #8, Map 123, Lot 84, and zoned R-80 asked that he be permitted to create an art gallery on his property, and to realign the parking configuration on this property to accommodate the proposed art gallery. He introduced his wife Na Li, saying that they wish to use their residence for a home-based business -- an art gallery. He recounted that they came to Gloucester some time ago to be married at an inn on the Back Shore and returned to Gloucester having fallen in love with the natural beauty of the area and as the right place for their home and art gallery business.

**Councilor Cox** cited the six criteria under GZO Sec. 1.8.3 that must be met in order for a Special Council Permit to be granted by the City Council. **Mr. Jin** reviewed the six criteria as follows:

1. Social, Economic or community need serviced by the proposal: This gallery will enrich the varieties of local art markets, boost the local art economy, attract more tourism and enhance art cultural exchange between the West and China. This gallery will provide a free, once a year, Chinese Fine Art History exhibition for local middle and high school students. The gallery can also provide a scholarship for a local high school student who wishes to study Chinese fine art in the summertime.
2. Traffic flow and safety: Lindberg Drive is a private drive, and traffic flow is very low. It is very safe.
3. Adequacy of utilities and other public services: Electrical service and city water are already in place, and the private septic system is already in place.
4. Neighborhood character and social structure: There is only one neighbor that is within 100 foot distance at 6 Lindberg Drive. Other three neighbors are about 500 feet away. It was mentioned that the neighborhood is comprised of seniors, with a clarification that the use of the word "white" as a descriptor of the composition of the neighborhood was used as a demographic description specifically by Mr. Jin. He described his neighbors as all being friendly.
5. Qualities of the Natural Environment: The area is wooded near Goose Cove with a good natural environment.
6. Potential fiscal impact: This gallery will generate notable tax revenue, but that further work will need to be undertaken to understand that full impact.

**Councilor Gilman** expressed her appreciation for Mr. Jin clarifying the use of the word "white" on page two of the application under GZO 1.8.3 indicating the use of the word as a demographic statement. She indicated that she and Mr. Jin had spoken about it that morning. She asked if Mr. Jin had looked at another location to house his art gallery highlighting there are several in Ward 4. She expressed her understanding that the Jin's love the area but that there are many places where art can be displayed as Gloucester has a large art community and asked if that option has been considered. **Mr. Jin** said it is an option but they have not yet done so. **Councilor Gilman** asked if they had spoken with various cultural and art community members to consider joining them cooperatively expressing that she understood that Mr. and Mrs. Jin are new in the community. She asked if he had spoken to any of his neighbors about the gallery. **Mr. Jin** said he has spoken to his immediate neighbor of the neighbor. **Councilor Gilman** shared that she had driven by 8 Lindberg Drive and had taken photographs (on file) of it which she conveyed to the Committee that showed the house and of the cul-de-sac.

**Councilor Cox** noted that she had also driven by 8 Lindberg Drive to view it for herself. She said this area is clearly residential and confirmed with Councilor Gilman that the area is in a residential zone. She and **Councilor Gilman** briefly discussed the permitting of the Wenniger Gallery at 70 Holly Street contained on one residential

property and its history with information on the conditions that were placed on that Special Council Permit from the Clerk of Committees.

**Councilor Cox** asked if parking for the gallery would be on the street. **Mr. Jin** said it would be contained within the property and reviewed the plan (on file) for parking submitted with the application. The gallery will not be in a proposed addition as shown on the plan; **Mr. Jin** clarified, but will be in the existing residence, and that an addition indicated on the plan is for temporary storage but is not as yet planned fully.

**Councilor Cox** noted the Committee is in receipt of two letters of opposition (on file) to the Special Council Permit application which she said she understood given the residential environment of the neighborhood which was why at this time she was expressing her hesitation in voting in favor of the application. She pointed out that where a precedent has been set with another gallery positioned in the same residential zone and was a cause for concern.

**Councilor Gilman** said the Councilors vote on how they believe that the applicant has met the standards of the Zoning Ordinance and the concerns of the public.

**Councilor Gilman** then reviewed the Standing Committee and City Council process for Special Council Permitting with Mr. Jin. She expressed her concern that as a the Ward 4 Councilor that the Jin's home is in a residential neighborhood, and with a business comes traffic, trucks, detracting from the peaceful nature of the neighborhood. She suggested the Committee will vote how they feel on the applicant meeting the six factors and that this matter will be heard again and judged on its merits at the City Council hearing. She expressed her appreciation for Mr. Jin's sincerity in offering a scholarship.

**Mr. Jin** expressed his understanding of the concerns as outlined by Councilor Gilman and his neighbors' opinions but that one of the reasons they chose this location was the peaceful nature of the residential neighborhood. He pointed out that most of the gallery business is through internet sales and is not like a retail store. He said visitors will visit the gallery by appointment only, and with two parking spaces, they can only have two vehicles for visitors at a time regardless, he assured. The art gallery is not a supermarket, he said. He conveyed to the Committee that the peaceful nature of the residential neighborhood will not be disturbed by visitors reiterating they will only be allowed to visit the gallery by appointment which will control traffic flow. He reconfirmed the majority of business will be over the internet and said was why he could guarantee that his neighbors would not be disturbed.

**Councilor Cox** said that she will research the previous permitting of the other neighborhood gallery and advised that there may be changes made to the motion at the time the Council votes at the closing of the public hearing. She asked if it was Mr. Jin's intention to post a sign indicating a gallery at 8 Lindberg Drive, and was the art solely produced by Mr. Jin and/or his family. **Mr. Jin** said, "No." He said that there are no plans for any signs to be posted indicating a gallery on the property, and reiterated the art that will be sold is created by his family.

**Councilors Cox** and **Gilman** confirmed that they are placing four conditions on the application and reviewed the four conditions with Mr. Jin who indicated he understood the four conditions.

**Councilor Cox** said that having read the letters of opposition (on file) from two abutters, but knowing that there is a similar type of gallery permitted nearby in a similar setting, she would vote at this time in favor of the application because of a precedent set by a prior Special Council Permit. She expressed that she understood the opposition to the application, and expressed her hope that the neighborhood character will be maintained, and as the applicant stated that the majority of the business will be on line. Speaking to members of the audience, some of whom were from the Lindberg Drive neighborhood, she said that if there is ever a problem with the function of the gallery, they are welcome to reach out to their Ward Councilor and/or file a complaint with the Building Inspector. She said she is taking the application at face value in addition to her having viewed the property's location.

**Councilor Gilman** said she would not be able to vote in favor of the application because of concerns for increased traffic; because of the other art gallery's traffic issues with the neighborhood, and the historical issues of past businesses at the 8 Lindberg Drive location which created extra traffic flow on the cul-de-sac. She noted that this application will be again fully vetted at the Council meeting and that there are seven other Councilors that will be part of the vote at the conclusion of that public hearing. She advised she will remain open minded, but cited that she has an entire neighborhood whom she represents as a Ward Councilor and has to be empathetic to the residents of the area.

**COMMITTEE RECOMMENDATION: On motion by Councilor Gilman, seconded by Councilor Cox, the Planning & Development Committee voted 1 in favor, 1 (Gilman) opposed, 1 (Lundberg) absent, to recommend that the City Council grant a Special Council Permit (SPC2017-001) under the Gloucester Zoning Ordinance, Section 2.3.6(4), Other Principal Uses, for Arts, crafts and sale of art or crafts if made on premises, for 8 Lindberg Drive, Assessors Map 123, Lot 84, Zoned R-80, to the owner and applicant, Hongwei Jin, to operate a gallery for the sale of art objects with a plan, and found to be in harmony and purpose of GZO Sec. 1.8.3 with the following conditions:**

- 1) **The art gallery is to be located on the residential premises of 8 Lindberg Drive where the applicant resides and within the structures currently in existence;**
- 2) **The art to be offered for sale at the gallery shall be limited to the artwork created by the family of HongWei Jin;**
- 3) **The parking for gallery visitors shall be entirely off-street as shown on plans submitted to and approved by the City Council;**
- 4) **The granting of this permit is restricted to the applicant and current owner Hongwei Jin and shall expire when the applicant ceases to operate this gallery as approved.**

This matter is advertised for public hearing.

3. *Application for Ward 5-2 Wastewater District Map amendment pursuant to GCO Sec. 23-42(H)(2) re: 650R Essex Avenue (Map 238, Lot 6) (Also referred to: Planning Board, CIAB, ConCom, Shellfish Advisory Commission & Board of Health) (TBC 02/22/17)*

This matter is continued to February 22, 2017.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:01 p.m.

Respectfully submitted,

*Dana C. Jorgenson*  
Clerk of Committees

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