

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

**Present:** Chair, Councilor Paul Lundberg; Councilor Valerie Gilman; Councilor Sean Nolan (Alternate)

**Absent:** Councilor Cox

**Also Present:** Councilor O’Hara; Joanne Senos; Grace Poirier

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

**1. *Special Events Applications:***

A. Application to hold Concert on the Boulevard July 3, 2017 & September 2, 2017

**Joanne Senos**, City Clerk, speaking on behalf of Brent “Ringo” Tarr, concert organizer who was unable to attend due to a family matter, explained that the arrangements for both Concerts on the Boulevard, July 3 and Sept. 2 are unchanged from last year. The applicant went before the Special Events Advisory Committee (SEAC), she said, and that staff committee approved the two events. She spoke to some of the details of crowd control and timing of the concert(s) breakdown with the Committee briefly. She noted there is a memo (on file) about the liability insurance coverage from the CAO indicating that the event falls under the city’s insurance through MIIA, she added..

**COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Nolan, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit the Gloucester Fund to hold a free concert on Stacy Boulevard in the vicinity of the Blynman Bridge on Monday, July 3, 2017, on the condition that the Gloucester Fund obtains all necessary approvals 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.**

**COMMITTEE RECOMMENDATION: On a motion by Councilor Nolan, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit the Gloucester Fund to hold a free concert on Stacy Boulevard in the vicinity of the Blynman Bridge on Monday, September 2, 2017, on the condition that the Gloucester Fund obtains all necessary approvals 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.**

B. Application to hold Gloucester Block Parties July 15, August 12 & September 1, 2017

**Kerry McKenna**, representing the Cape Ann Chamber of Commerce, the Event Director for the Gloucester Block Parties, explained that this is the second year the Chamber is acting as the event coordinator. She reviewed that the details are the same as last year, and had gone before the SEAC and were approved by that committee.

**Ms. Senos** reported that members of SEAC discussed the issue of the closure of the municipal parking lot behind the Dog Bar Restaurant (entrance on Rogers St.) and that the lot will now be closed at 3:00 p.m. on the days of the events. She said in speaking with the Assistant DPW Director he confirmed the DPW will take care of signage on event days. It was the Mayor’s recommendation for the 3:00 p.m. closure, she noted. Last year there were complaints that the municipal lot was closed too early, and this action is in response to those complaints. **Ms. McKenna** pointed out that the Chamber has no association with the Dog Bar setting up and using the municipal lot and that business entity has permission to use the lot just for the purpose of the evenings of the Block Parties from the city. **Ms. Senos** pointed out that the Dog Bar Restaurant owner must provide a letter from the DPW to be placed on file for the use of the municipal parking lot (see event conditions below).

**Councilor Gilman** discussed using recycling receptacles on Main Street during the Block Parties and asked what the Chamber’s plans were. **Ms. McKenna** said that their experience last year with recycling bins was unsuccessful, that there was as much trash in the recycling bins as recycling items. She indicated the Chamber doesn’t have the capability now for recycling. She noted that the trash barrels on Main Street are city owned and emptied by the city. **Councilor Gilman** suggested the DPW be contacted to see if they were able to provide a type of recycling receptacle that has a small opening to fit glass and plastic items that discourages use as a trash bin. She

informed the Committee she would place a Request to the Mayor through the DPW before each Block Party regarding such recycling containers being placed on Main St. and emptied along with the municipal trash bins.

**MOTION: On a motion by Councilor Gilman, seconded by Councilor , the Planning and Development Committee voted 3 in favor , 0 opposed, to approve a Special Events Permit to the Cape Ann Chamber of Commerce to hold the Downtown Block Party Series on Saturday, July 15, 2017; Saturday, August 12, 2017; and Friday, September 1, 2017 in order to temporarily close Main Street from Pleasant Street at the Main Street to Washington Street for each date for three separate occasions between the hours of 5:00 p.m. and 11:00 p.m. with the following conditions:**

1. No vendor/merchant set ups on the sidewalk blocking entrance ways to retail or residential units, hydrants, crosswalks, or handicap ramps.
  2. All vendor set ups in the street are to allow for no less than a 10 foot unobstructed, drivable area along the entire route - slightly wider at the curve of the former Palazola's Sporting Goods at 85 Main Street - to maintain adequate access for emergency vehicles. Failure to provide a 10 foot unobstructed margin of drivable area may necessitate the removal or relocation of the vendor/merchant at the discretion of the Fire Department, the Police Department, or the Block Party Committee.
  3. The organizers shall allow the Fire Department drive-through access with the fire engine at the convenience of the Fire Department.
  4. Any restaurant/merchant set up of tables and chairs, tents, or area enclosures should extend into the street no further than the lines painted on the street for vehicular parking.
  5. That all of the side streets – Short, Porter, Center, and Hancock Streets – shall not be blocked by vendors, food establishments, tables, chairs, enclosures, equipment, or vehicles, so emergency vehicles may enter and exit Main Street as needed.
  6. Vendor/merchants shall be responsible for their own trash removal.
  7. Signs indicating the location of comfort stations shall be the responsibility of the Block Party Committee.
  8. Plumbing Codes and regulations shall be adhered to regarding use of restaurant bathroom facilities.
  9. Special lighting and electrical requirements necessitate approval of the Inspector of Buildings and the Electrical Inspector.
  10. The closure of the street at the intersection of Main and Short, Porter, Center, and Hancock Streets must be by means of sawhorses or the like, as directed by the Gloucester Police Department.
  11. It is the responsibility of the Block Party Committee to procure any other necessary Federal, State, and local permits and approvals associated with this event.
  12. That the Committee makes reasonable notification to all residents and merchants along the route that will be affected by the closure.
  13. Restaurants or vendors wishing to serve food outside must notify the Board of Health 7 (seven) days in advance for approval and must obtain any necessary approval of the Block Party Committee.
  14. Conditions or permitting requirements imposed by the Gloucester Licensing Board shall also apply and shall become incorporated herein as to the outdoor/sidewalk service of food and alcohol.
  15. All other applicable laws, City ordinances, and/or regulations are in full force including Ordinances regarding blocking of sidewalks. The Police Department will enforce these requirements in the interest of public safety.
  16. The Block Party Committee shall also adhere to any requirements expressed by the Special Event Advisory Committee including that:
    - (a) Written permission is to be obtained from the Assistant Public Works Director to close the public parking lot behind the Rogers Street entrance to the Dog Bar Restaurant at 3:00 p.m. for any performances, and
    - (b) That a letter from the office of the Mayor be provided assuring that the event is covered by the City of Gloucester Insurance, and
    - (c) this approval is based on the Gloucester Block Party 2017 Street Plan submitted to the City Clerk's office.
2. *RZ2017-001: GZO Amendment Sec. 1.11(c) re: creation of a Mixed Use Overlay District including properties #2 & #4 Schoolhouse Road and #7 Gloucester Crossing Road (TBC 04/19/17)*

This matter is continued to April 19, 2017 pending a Planning Board recommendation.

**3. Special Council Permit Applications:**

- A. SCP2017-003: Commercial Street #44, Map 7, Lot 17, GZO Sec. 2.3.6.1 for parking of motor vehicles to service a use permitted in the MI District & GCO c. 22, Sec. 153 “Privately owned open-air parking spaces”

**William Mondello**, 60 Western Avenue, Essex, MA, applicant for a Special Council Permit to operate a privately owned open-air parking lot in the MI District, at 44 Commercial Street conveyed that he is seeking to have an Open Air Parking Lot at 44 Commercial Street to what is a perceived need for just such a parking facility. He said this is leased property with many parking spaces, pointing out that there is a great deal of improperly parked vehicles on the private property now, and that the permitted lot would hinder that sort of use by vehicle owners. He advised that the warehouse on the property is a lobster company that needs limited spacing for three parking spaces, plus one space for a box truck whose hours of operation is 5:00 a.m. to 5:00 p.m. The proposed hours of this open air parking lot would be 8:00 a.m. to 11:00 p.m. each day.

**Councilor Lundberg** pointed out that there wasn't an accurate map of the parking lot layout that shows specifically the designated spaces reserved solely for the proposed Open Air Parking Lot for which patrons will pay as well as those spaces that will reserved for the tenant of the warehouse on site. **Ms. Senos** added that the locus map with the application was uncertified, pointing out that the plan of land was dated 1980 and doesn't show all the parking spaces and what portion of that lot is designated for the Open Air Parking Lot. **Councilor Lundberg** explained that the Committee can make a recommendation to the Council by their vote on the application but that at the public hearing there has to be a locus map of the Open Air Parking Lot showing the number of spaces, handicap spaces, location of attendant and any other related details, that the Council can sign off on. **Councilor Lundberg** asked that the applicant confirm the number of spaces to be utilized on the property that will be solely used for the Open Air Parking Lot. **Mr. Mondello** confirmed it is 40 parking spaces which includes two handicap parking spaces, one of which is to be handicap van accessible. **Councilor Lundberg** pointed out that the parking spaces reserved for the warehouse tenants are over and above the 40 spaces for the Open Air Parking Lot and don't figure into the formula.

**Councilor Gilman** asked that the applicant point out where the tenants park on the submitted plot plan. **Mr. Mondello** said that the parking is directly adjacent to the left corner of the building.

**Councilor Lundberg** pointed out that in the application says, "...I would like to operate a business offering 40 spaces for public parking for a fee;" and that the applicant did say 40 spaces. It was noted that that in the Parking Space Count in Attachment A was a contradictory statement about the number of parking spaces, but that Mr. Mondello will have a total number of parking spaces for public parking for a fee at 40 and that two of those spaces out of the 40 will be designated for handicap parking. **Councilor Gilman** reiterated that the permit will be subject to a certified locus map of the Open Air Parking lot being presented to the City Council by the time of the public hearing.

**Ms. Senos** explained to the applicant that when an Open Air Parking is approved it is the applicant's responsibility of the applicant to come forward every year to the City Clerk for a license to operate to be issued as per GCO Chapter 22, Sec. 153. She noted the base fee is \$100 for the lot, and for 40 spots if approved, it is \$10 per parking space which would be a total of \$500 for the annual license; the applicant would have to renew the overall open air parking lot permit every five years with the Council via a public hearing. She advised she would give a copy of the pertinent section from the Code of Ordinances for the applicant for their guidance moving forward.

**Councilor Nolan**, noting that in Attachment A (on file) in the Special Council Permit application there would be a chain for a gate. He requested that the chain be made highly visible and not be able to be sat upon or be difficult for drivers to see.

**COMMITTEE RECOMMENDATION: On motion by Councilor Gilman, seconded by Councilor Nolan, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a Special Council Permit (SPC2017-003) under MGL c. 148, §56, GZO Section 2.3.6.1, "Parking of motor vehicles to service a use permitted in the MI District, and GCO Sec. 22-153 for an open air parking lot located at Commercial Street #44, Assessors Map 7, Lot 17, Zoned MI, to William Mondello, applicant, through owner of property at Commercial Street #44, Mac Bell for Cove Harbour, LLC, for the purpose of operating an open air parking lot which is found to be in harmony and purpose of GZO Sec. 1.8.3 with the following conditions:**

1. That this License shall be valid from April 30, 2017 to May 1, 2022 upon payment of appropriate fees to the City Clerk;

2. That the number of cars allowed to park on the public accessible lot and not reserved for an existing industrial warehouse by tenant or owner use at any one time is limited to forty (40) with two (2) spaces designated as handicap parking, one (1) of which is to be handicap van accessible;
3. That the individual parking spaces shall be delineated and be in accordance with the lot plan approved by the Building Inspector and on file in the City Clerk's office upon adoption of decision of the City Council;
4. That any grassed and/or landscaped area(s) in the parking lot be kept neat and regularly maintained;
5. That an attendant shall be on duty at all times during hours of operation;
6. That the parking lot maintains a carry-in/carry-out trash policy and assures such a policy is adhered to by its paying patrons;
7. Signage: the following shall be posted on a sign to be erected by the applicant, The size and location of said sign to be agreed with the Building Inspector:
  - a. Fee for parking;
  - b. Number of cars allowed by the permit;
  - c. Hours of operation;
  - d. Specify for which businesses and places patrons may utilize parking lot for;
  - e. Parking lot trash policy of carry in/carry out;
8. That the Permit Fee is to be paid yearly to the City Clerk on April 30. The application is to be reviewed by the City Council in five years unless it deems there is a cause to review the Permit sooner due to any violations of conditions herein.
9. The City of Gloucester shall not be held liable for any claims incurred by the parking lot operation;
10. That the applicant obtain a certificate of insurance in the aggregate amount of \$1 million naming the City of Gloucester as the Certificate Holder and that the coverage run for the duration of the yearly permit;
11. And that the applicant have prepared and present a certified locus map of the Open Air Parking Lot showing all designated public parking spaces for a fee, indicate the location of the parking attendant, handicap spaces, and those spaces reserved for tenant parking, by a Professional Engineer to the City Council at the time of the public hearing.

- B. SCP2017-004: Commercial Street #33, Map 1, Lot 22, GZO Sec. 2.3.6.1 for parking of motor vehicles to service a use permitted in the MI District & GCO c. 22, Sec. 153 "Privately owned open-air parking spaces"

**Councilor Lundberg** asked for confirmation that the number of spaces of the Open Air Parking Lot is 40, that two of the 40 spaces will be reserved for handicapped parking. **Mr. Mondello** reconfirmed that fact and added that nine (9) spaces will be reserved for evening classes run by Endicott College two to three times per week depending on the college's schedule as this Open Air Parking Lot will only be open to the public during evening hours -- weekdays 6:00 p.m. to 8:00 a.m. and weekends from Friday 6:00 p.m. to Monday 8:00 a.m. He assured that the tenant parking is a priority.

**Councilor Gilman** confirmed with Mr. Mondello that the parking spaces that need to be reserved for tenant parking, the attendant would ensure those spaces are reserved. He assured that the lot attendant would have in hand updated information as to the schedule of tenant parking needs that would be adhered to. **Councilor Gilman** then asked about Attachment A (on file) questioning the number of spaces for the open air lot as there seemed to be contradictory statements. **Councilor Lundberg** pointed out the application says 42 total spaces, and **Mr. Mondello** confirmed that the total number of spaces for 33 Commercial Street Open Air Parking Lot is 40 overall, and out of those 40 spaces two will be designated for handicap parking, one of those spaces will be handicap van accessible. **Ms. Senos** briefed the Committee as to why the maps for the open air parking lots requirement is different for the Council than what the Building Inspector and the Planning Director review when signing off on the information contained in the Special Council Permit application for Open Air Parking Lots.

**Councilor Gilman** asked if abutters were noticed of this public meeting by Mr. Mondello who confirmed that the abutters had a letter sent to abutters on Wednesday, March 29. **Ms. Senos** confirming a copy of the letter sent to abutters by the applicant was placed on file and that the same is on file for the previous Special Council Permit application for 44 Commercial Street.

**COMMITTEE RECOMMENDATION:** On motion by Councilor Nolan, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a Special Council Permit (SPC2017-004) under MGL c. 148, §56, GZO Section 2.3.6.1, "Parking of motor vehicles to service a use permitted in the MI District, and GCO Sec. 22-153 for an open air parking lot located at Commercial Street #33, Assessors Map 1, Lot 22, Zoned MI, to William Mondello, applicant, through owner

of property at Commercial Street 44, Mac Bell for 1907, LLC, for the purpose of operating an open air parking lot which is found to be in harmony and purpose of GZO Sec. 1.8.3 with the following conditions:

1. That this License shall be valid from April 30, 2017 to May 1, 2022 upon payment of appropriate fees to the City Clerk;
  2. That the number of cars allowed to park on the public accessible lot and not reserved for an existing commercial building by tenant and/or owner use at any one time is limited to 40 with two (2) spaces designated as handicap parking, one (1) of which is to be handicap van accessible;
  3. That the individual parking spaces shall be delineated and be in accordance with the lot plan approved by the Building Inspector and on file in the City Clerk's office upon adoption of decision of the City Council;
  4. That any grassed and/or landscaped area(s) in the parking lot be kept neat and regularly maintained;
  5. That an attendant shall be on duty at all times during hours of operation;
  6. That the parking lot maintains a carry-in/carry-out trash policy and assures such a policy is adhered to by its paying patrons;
  7. Signage: the following shall be posted on a sign to be erected by the applicant, The size and location of said sign to be agreed with the Building Inspector:
    - a. Fee for parking;
    - b. Number of cars allowed by the permit;
    - c. Hours of operation;
    - d. Specify for which businesses and places patrons may utilize parking lot for;
    - e. Parking lot trash policy of carry in/carry out;
  8. That the Permit Fee is to be paid yearly to the City Clerk on April 30. The application is to be reviewed by the City Council in five years unless it deems there is a cause to review the Permit sooner due to any violations of conditions herein.
  9. The City of Gloucester's shall not be held liable for any claims incurred by the parking lot operation;
  10. That the applicant obtain a certificate of insurance in the aggregate amount of \$1 million naming the City of Gloucester as the Certificate Holder and that the coverage run for the duration of the yearly permit;
  11. And that the applicant have prepared and present a certified locus map of the Open Air Parking Lot showing all designated public parking spaces for a fee, indicate the location of the parking attendant, handicap spaces, and those spaces reserved for tenant parking, by a Professional Engineer to the City Council at the time of the public hearing.
4. *CC2017-009 (Orlando) Request that the Zoning Ordinance be amended by ADDING new Sections 1.5.4.1 "Zoning Administrator" and 5.29 "Certain Pre-Existing Multi-Family Use;" and AMENDING Sections 1.5.1, 1.8.1, 1.8.2, 2.2.1, 2.3.1 re: "Administration and Procedures" and "Use Regulations" (TBC 04/19/17)*

This matter is continued to April 19, 2017 pending a Planning Board recommendation.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:13 p.m.

Respectfully submitted,

*Dana C. Jorgensson*  
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.