



**CITY OF GLOUCESTER
ZONING BOARD OF APPEALS
3 POND ROAD, GLOUCESTER MA 01930**

ZONING BOARD OF APPEALS
Remote Participation Special Meeting Minutes
December 17, 2020

Board Members Present:

Joseph Parisi III, Chairman
Catherine A. Schlichte, Esquire, Vice Chair
Adria Pratt, Esquire, Secretary
Michael C. Nimon
Peter Cannavo

Also in Attendance:

Bill Sanborn, Building Commissioner
Alison Battle, Clerk

The Chair introduces the members and gives the public an overview of the proceedings that pertain to all open hearings.

Continued Business:

71 Middle St.

Petition of Young Men's Christian Association of the North Shore seeking Special Permit Comprehensive Permit Pursuant to M.G.L. c. 40 B, secs 20-23. Variance Comprehensive Permit Pursuant to M.G.L. 40B, sects 20-23 to allow demolition of the building and construction of a new building with 44 apartments for seniors age 62 years and over.

The Chair and Atty. Eliason agree that going through the redline waivers should be the next step in the process.

Atty. Deborah Eliason of Eliason Law Offices, 63 Middle St. shares her screen and goes through the waver list with the members.

Page 1, Chapter 21, Article 1, section 21-17, they have incorporated the request that the awning that projects over the sidewalk be consistent with the comprehensive permit and project plan.

Stephanie Kiefer of Smolak & Vaughan, LLP, 21 High St., North Andover, MA, who is representing the City of Gloucester, suggests that they be more specific and add that the awning hang no more than 2' over the sidewalk near Hancock St.

Jen Hockerman of S.V. Design, 126 Dodge St. agrees that allowing some room for changes would be best.

The Chair states that they must come back before the Board if they go more than 2' over the property line.

There currently is no gutter system on the awning, but it can be added at Mr. Sanborn's request.

Atty. Eliason states that she has updated the square footage on page 2 to match the most current submitted plans and Jen Hockerman confirms that the latest square footage is correct.

Atty. Eliason questions if the dimensional requirements on page 2, under 3.2.2 needs to be waived or not requested and the Chair asks Atty. Kiefer to go through her comments on each line of the following dimensional requirement waivers.

1. Density

Waiving to allow 44 dwelling units in a single building on the property as depicted by the site plan and governed by the comprehensive permit decision.

2. Open space

These numbers will need to be confirmed.

3. Lot width

A waiver is not necessary.

4. Frontage

A waiver is not necessary.

Front yard setback

A waiver is necessary for Middle and Hancock Streets.

5. Side yard setback

A waiver is necessary.

6. Rear yard setback

A waiver is not necessary.

7. Building height

A waiver is necessary.

8. Vegetative coverage

A waiver is necessary.

9. Off street parking

A waiver is necessary.

10. Signage regulations

The Board would like 2 temporary 4 x 8 job site signs.

11. Major projects

Which would usually require Special Permits from City Council as they accede the allowable dwelling units.

12. Inclusionary housing requirements

Atty. Kiefer states that the 6 units of affordable housing wouldn't be in compliance with the 40B and suggests that the waiver state that this issue be dealt with in the Comprehensive Permit.

Atty. Eliason informs the Board that the language Atty. Kiefer is referring to is what was first proposed and has been changed. Per the letter sent to the Board this week, they agree to the 80% AMI in perpetuity but that the remanded would remain the same to comply with the 40B. The remaining restrictions that they are putting on are for 50 years or in the event of foreclosure.

Foreclosure laws and Mass Docs Affordable Housing Restrictions are discussed.

Tara Mizirahi of Affirmative Investments, 33 Union St. Boston, MA discusses attachment B of the conditions to regularity agreements that the Board received from Chris Lovasco this week.

Ms. Mizirahi shares her screen and discusses the foreclosure piece and reads the rights and restrictions from 206 Main St. Affordable Housing Restrictions as they are using the same restrictions.

Preference for City residents is waived and will be 70%.

13. City fees, bonds and security requirements

No waivers are being requested except for the bond requirements required by the Planning Board. It has been added that they can be requested later in the project.

The Chair calls for questions by the Board and there are none.

Atty. Eliason shares her screen and Atty. Kiefer goes through the draft decision that she wrote and Atty. Eliason has added comments to earlier in the week.

The Submission of plans is discussed and Mr. Sanborn states that he would like the elevation plans and floor plans, but that a whole set of construction project plans is not required.

The waiving of fees are discussed. The Chair feels that this project should be treated as any other project of this size. He is not in favor of waiving any fees and that leaving it open to the city departments to decide leads to them being pressured into doing so.

Mayor Theken state that no fees were waived for the Cameron's project.

Changes are requested to be made to the Affordable Housing Restrictions section. It is requested that they mirror the language that is used in the Affordability Housing Restrictions.

Eligibility of the applicants and residents is discussed. The Chair would like it added that this will be overseen by the Community Development department.

Working with Veteran's affairs and the American Legion is discussed. The Chair would like to see them work with all Veterans groups in the city and not just the American Legion. They will change it to a more general terms to include all local Veterans.

Mayor Theken would like to see 5 units put on hold for all Veterans.

Entrances and curb cuts are discussed.

Third party fees are discussed.

Job site parking is discussed and should be part of their Construction Management Plan.

Trash bins and their collection schedule is discussed.

Ms. Schlichte moves to continue this hearing to December 21, 2020 at 7:00 PM.

Mr. Nimon seconds

All in favor, 5-0

Motion to adjourn was made at: 10:03PM

Motion by: Ms. Schlichte

Second by: Mr. Nimon

All in favor, 5-0