



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

ZONING BOARD OF APPEALS
Remote Participation Special Meeting Minutes
December 21, 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
Stephanie Kiefer, Esq. Attorney for the City of Gloucester

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 confirms that the members have all received the sewer flow capacity study from Meridian that stated that there is enough capacity for the project.

The Chair recognizes Attorney Stephanie Kiefer who is representing the City, who goes over the conditions for approval.

Atty. Deb Eliason, Eliason Law Office, 63 Middle St. makes a correction of a statement made during a previous meeting. There are services at the temple across the street on Saturday evenings. Due to this new information, they will change the condition and construction will be stopped at 71 Middle St. by 4:00 PM on Saturdays instead of the previously decided time of 5:00 PM.

Atty. Kiefer exchanged revised draft decisions with Atty. Eliason prior to the meeting and worked out most of the language regarding what the Board agreed upon up to page 14, except for the following item.

Atty. Eliason shares her screen for Atty. Kiefer can discuss page 9 paragraph 2, paragraph (g) third party code review payment is read and discussed.

The Chair states that the only time the members wants to see something come back before this Board is if they want something changed that is written in the decision, or if the change request required 3rd party engineering advise. He suggests keeping the information in the decision but include the Building Department in evidence of payment.

Mr. Nimon concurs.

Atty. Eliason addresses the issues of having money in an escrow account for years. The Chair agrees, but would like added that if such review is necessary, before any work can be done, the funds will be deposited to an escrow account. The other members agree.

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Traffic Building and Safety Requirements.

The exception of trim board on the wall closest to another building was discussed. The Board has no objections to this.

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The Closure of Hancock St.

Any closure of Hancock St. will require notification of the Fire Department, Police Department and DPW. The Board is in agreement.

Construction fencing must be secured.

Tree Removal and Parking Meters

Applicant will consult with the Tree Warden if any trees need to be removed on the sidewalk of Middle St. and will replace any parking meters that were temporarily make unusable during construction.

Page 15 1(i) Final architectural plans

Architectural plans including exterior walls are required to meet fire protection requirements and building code including brick and cement board, siding and trim must be noted on the approve plans and consistent with the approved plans by the Board.

The wording for the surety and covenants section is discussed regarding the bonding requirements to connect to public utility and the like.

Atty. Eliason discusses the large general bond that they will need to put in place which is required when working on a public way and does not see the need to have an additional smaller bond put in place. They are only requesting that the bonding requirement in 2158A be waived, not the insurance.

The builders bond vs. the performance bond is discussed.

Planning Director, Greg Cademartori discusses who oversees the bond requirements.

Tara Mizarahi discusses the 2 ways this is picked up during closing. One being the Permit process and the other being MassDocs.

The Mayor states that the City is not a partnership with the YMCA and the City's attorneys will look over the decision to insure that the bonding issues will be dealt with correctly.

Atty. Eliason states that they are fine with adding the language in the decision that if the City determines that the bond that they are supplying is insufficient, they will be required to get an additional bond.

Atty. Kiefer asks the Building Inspector to state the language that he would like in the decision regarding bonds and Mr. Sanborn states that usually in a project, the bond goes to completing the building. If this bond that is presented to the Board doesn't cover utilities, drainage, street work and sidewalk work, they must provide a bond that does prior to issuing a building permit.

Atty. Eliason and Tara Mizarahi discuss the issues with the language "prior to issuing a building permit" and requests that it be changed to "the start of construction" as to allow the closing process to happen in the proper order. They will need the Building Permit in hand when they close.

Mr. Sanborn is concerned that the City will not have a way to know that this has been done and would like to issue the Building Permit and not the Demolition Permit.

he Mayor states that she and the City Solicitor will work with the Applicant to work this out and insists that they be able to issue both permits as they will be able to suspend the construction if necessary.

DHCD Affordable Housing Restrictions are discussed.

General provisions are discussed along with adding specific language to this section.

Speaking in favor: None

Speaking in opposition: None

The Mayor states that the City does work with MassDocs.

The Chair asks for questions by the Board.

The Members each share their positivity for this project and are prepared to vote.

Ms. Schlichte moves to approve the waivers that were most recently revised this evening subject to the final decision.

Mr. Nimon seconds
All in favor, 5-0

Ms. Schlichte moves to approve the application of the Middle Street Housing, LLC for a Comprehensive Permit under 40B with the conditions discussed and presented for its project at 71 Middle St. in Gloucester.

Mr. Nimon seconds
All in favor, 5-0

Motion to adjourn was made at: 8:15 PM
Motion by: Ms. Schlichte
Second by: Mr. Nimon
All in favor, 5-0