



CITY OF GLOUCESTER

PLANNING BOARD

MEETING MINUTES

Thursday July 15, 2010 at 6:30 PM

Kyrouz Auditorium, City Hall, 9 DALE AVE

Richard Noonan, Chair

Members Present:

Richard Noonan, Chair

Mary Black, Vice-Chair

Marvin Kushner

Henry McCarl

Karen Gallagher

Staff:

Gregg Cademartori, Planning Director

Pauline Doody, Recording Clerk

I. BUSINESS

A. Call to Order with a Quorum of the Planning Board

B. Introduction of Planning Board Members and Staff

C. Update and Discussion with Plan Implementation Review Committee (PIRC)

Bill Fonvielle, PIRC

Mr. Fonvielle gave an update of the PIRC activities to the board. Mr. Fonvielle stated that there was a timeline with respect with the actions we expect to take. We are keeping to the schedule; we have as a committee reviewed the document and have discussed our thoughts. We have broken ourselves down into sub-committees to begin to put together some draft text of our recommendations. Our next meeting is on August 12 and we will continue to refine our ideas. In the fall we hope to have some form of a rough draft for the Planning Board. It will bring together progress of 10 years of the since the adoption of the current plan.

Mr. McCarl stated that it was his understanding that we are not working from scratch, we have three major initiatives already undertaken that should be incorporated.

Mr. Noonan stated that there was a meeting in the spirit of better the communication between us to get a clear understanding of what work is being done and to have a better idea of what is happening. The work of a subcommittee of the Planning Board has to be clear to the members of the Planning Board.

Mr. Fonvielle stated, for the last year we have been pressing the board to appoint a liaison. I do understand that the Planning Board is down some members, but this would help with communicating the PIRCs progress. We are open to any thoughts you have.

Mr. McCarl stated, that as a member of PIRC he should continue to communicate the work to the Board and do a better job at that. At one point we had two members working with the committee and as we recruit our two new members we may want to consider adding an additional person

Mr. Noonan stated that the idea is to better understand what you folks are doing; to bring us up to date vs. adding additional resources. Henry McCarl; as the liaison will give regular updates to the board..

Mr. McCarl stated that this group of people of the PIRC have been very loyal and have served for many years. We know each quite well. I appreciate the skills and talents that are there.

Mr. Noonan stated if there is current data or information need, or any thought of outreach efforts to attain it, we want to develop a means so it is brought forward to the Planning Board and fully supported by the Planning Board before the PIRC acts on behalf or as a subcommittee of the Planning Board.

II. PUBLIC COMMENT-

Marsha O'Brien 19 Stanwood Point

Ms. O'Brien stated that this ANR is to divide 4 lots and I am very concerned that we going to go forward before we find out who owns the roads.

Katherine Hines 38 Stanwood

Ms. Hines also stated concern about the ANR proposed. When do street concerns come in? The roads are only 12 feet wide. It is adjacent to the marsh, which is very fragile and there will be more runoff. The land means a lot to residents. A group of artists from Cambridge almost purchase the property and we worked very hard to subsidize and to get a lot of money together to help them purchase it. It is beautiful land. Please pay careful attention to the ANR.

III. CONSENT AGENDA

A. Approval Not Required Plans

- *John Austin to divide one lot into two one being unbuildable to be conveyed to adjacent property at 1016 Washington Street (Assessors Map 141 Lot 7).*

Mr. Cademartori stated that he had provided a memo outlining the conveyance of a small parcel to an abutting property. There is some existing non-conformity; however this division does not increase any of the non-conforming nature of the lots. There are no outstanding issues of the ANR.

Motion: That the subdivision control law does not apply to the division of one lot into two, one being unbuildable to be conveyed to adjacent property, at 1016 Washington Street (Assessors Map 141 Lot 7).

1st: Henry McCarl

2nd: Karen Gallagher

Vote: All approved 5-0

- *Bernard and Phyllis Sova to divide one lot into four at 1 Stanwood Point (Assessors Map 230 Lot 51).*

Attorney Katherine Henry representing Bernard & Phyllis Sova

Attorney Henry stated that at this stage we are here for and ANR. We have frontage and ample lot area. There will be a public hearing in front of the Conservation Commission for the development of the lots. Issues raised concern the extent of wetlands will be viewed at Conservation meetings. On the question of access, we have documentation and have the right.

Mr. Cademartori read to the Board a memo that was provided referencing both the subdivision standards and the zoning requirements for the R-20 district.

Mr. Cademartori stated there is a lingering concern of the accuracy of the wetland resource area depiction and whether the lots (lot 3 in particular) contain the required lot area for the district.

Attorney Henry stated the topographical features are on the plan. This is an ANR. All of those issues come before the Conservation Commission. We are simply here for an ANR to put lots on the ground. Putting that amount of upland is not a required for an ANR.

Mr. Cademartori stated that it is a requirement and referenced Page 7 of the Planning Board's Rules and Regulations for plan submission standards.

Attorney Henry stated the mapped wetlands are on there and she had a copy with here. She asked if he was asking about the floodplain.

Mr. Cademartori stated that the floodplain is a resource that needs to be identified on the plan.

Attorney Henry stated she would be happy to add it on the plan, but didn't know if it was needed to create a lot only develop a lot. These lots have the required square footage. This plan meets all the requirements. She asked if the Board would consider approving the ANR with the condition of including the amount of uplands on the plan.

Mr. Cademartori stated that he would leave it to the Board's discretion.

Mr. Noonan stated his concern about creating a lot that may or may not be buildable. There is a representation that there is adequate footage. We must make sure of the facts to make the decision are black and white.

Attorney Henry stated that people are allowed to create lots and the intention is for the lots to be buildable. They cannot go seek relief from any body until they have lots on the ground. You need to show adequate access, frontage and footage for an ANR. You may like to add all kinds of information, but it is not a requirement for an ANR. We don't know if they are not unbuildable. It is the Conservation Commission jurisdiction. The plan will go before them to make those decisions.

Mr. Cademartori asked Attorney Henry given that this is a division creating new lots, is it not in the best interest of your client to create a compliant lots? The depiction of calculating and displaying the amount of upland lot area is a submission standard.

Attorney Henry stated that she believes her client meets all the requirements.

Mr. Cademartori state if the applicant is confident that the lots meet the standards, and it is a submission standard, simply file a revised plan showing the required information.

Mr. McCarl stated that this discussion isn't going anywhere and suggested to Attorney Henry to come back to the board with a revised plan to act on.

Motion: To continue the ANR application of Bernard and Phyllis Sova to divide one lot into four at 1 Stanwood Point (Assessors Map 230 Lot 51) in anticipation of receiving a revise plan compliant with the Board's submission standards.

1st: Karen Gallagher

2nd: Henry McCarl

Vote: All approved 5-0

Site Plan Reviews

- *JaJo Realty Trust to construct new commercial building at 146-148 Eastern Avenue (Assessors Map 160 Lots 39 & 48). (Continued from June 17th and Continued to July 29th)*

Motion: To continue JaJo Realty Trust to construct new commercial building at 146-148 Eastern Avenue (Assessors Map 160 Lots 39 & 48) to July 29, 2010.

1st Karen Gallagher

2nd: Marvin Kushner

Vote: All approved 5-0

- *Cape Ann Medical Office Building LLC to install modular units and modify parking lot at 2 Blackburn Drive (Assessors Map 262 Lot 21). (Modified Site Plan)*

Tom Minetta, representing Cape Ann Medical Office Building LLC, stated that the plan has been revised taking into account suggestions by the board.

- The modular units have been revised to contain individual bathrooms for each classroom.
- The configuration has been changed (referenced plans to the board). It is the same size but a better layout.
- A green area has been created for recreation. It will be fenced in and secure.
- The parking area has been changed creating enough space for the modulars. The construction area has been designated so it is not around the students. There is excessive parking.
- Additional signage is now on site plan for access and parking indicating temporary area..
- A construction schedule is in place.
- Flow of traffic direction changed (referenced on plan) entering on Blackburn and leaving on Dory Road allowing drop-off on the building side of buses.
- Parking lines have been changed to perpendicular parking. 6 parking spaces were gained
- Board of Health/Engineering have signed off on sewer connection.

Mr. Cademartori stated the only conditions left are the review from the Fire Department and school transportation having received access.

Motion: To approve the revised site plan Cape Ann Medical Office Building LLC to install modular units and modify parking lot at 2 Blackburn Drive (Assessors Map 262 Lot 21).

1st: Marvin Kushner

2nd: Mary Black

Vote: All approved 5-0

IV. PUBLIC HEARING (Jointly held with Planning and Development Standing Committee)

In accordance with the provisions of MGL Chapter 40A, Section 5, and the Gloucester Zoning Ordinance, Section 1.11, the Gloucester Planning Board will hold a public hearing to consider the following petition to amend the Zoning Map and Zoning Ordinance as follows:

Amend the Gloucester Zoning Map by creating an overlay district zone consisting of 3 +/- acres in the Marine Industrial district located at 33 & 47 Commercial Street, Assessor's Map 1 Lots 33 & 22, respectively, and to amend the Zoning Ordinance by adopting a corresponding new Section 25 entitled Birdseye Mixed-Use Overlay District (BMOD) governing the permitting new uses by master plan and special permit in the overlay district.

Present for Planning & Development: Chair, Councilor Joseph Ciolino, Vice Chair, Councilor Robert Whynott; Councilor Greg Verga

The Planning Board opened the Public hear on the above advertise matter at 7:10pm.

The Planning & Development Committee called their meeting at 7:10 p.m. Councilor Ciolino noted there was a quorum of the City Council present. He noted the presence of Councilors Hardy, Curcuru, Mulcahey, and McGeary. He also noted that the Planning Board is having a public hearing and they are having a public meeting.

Councilor Ciolino and Rick Noonan welcomed all to their special joint meeting to hear the particulars of the Birdseye Mixed Use Overlay District ("BMOD) Zoning Proposal and the Planned Unit Development Master Plan ("PUD"). Mr. Noonan read the procedures of a public hearing to those gathered. Mr. Noonan opened the Planning Board public hearing. He reviewed the process of the public hearing under Massachusetts General Law for the benefit of those gathered. He reiterated they were gathered in the joint meeting to hear both all sides of the matter.

Attorney Lisa Mead, of Blatman, Bobrowski & Mead, LLC, Newburyport, representing the applicants 1907 LLC and Pavilion Mercato LLC.

Attorney Mead addressed the Board and Council subcommittee and gave a quick overview of what she and the applicant would like to accomplish this evening.

Mac Bell thanked the boards and audience. Mr. Bell stated that he was proud to be here to represent this opportunity for the neighborhood and for Gloucester. He stated, "It is best summed up to build not for today alone but for tomorrow as well" which he noted was the highest priority.

Richard Griffen, Architect, 37 Tuner St Salem, MA.

Mr. Griffen stated he is seeking to move forward with the regulatory framework and gave a brief description of the architectural vision of the project. He stated that it is a neighborhood community that would be exciting for both business and residential. It could be a handsome addition to the tax base and is only limited by one's imagination. It is the best way to work these assets into the community. We recognize that the key asset is the harbor views. It is important that from the front there is awareness of major beach access. There will be direct access from Beach Court and through the Birdseye property. In the past road ccess to the Fort has been congested. It has been hazardous at best. Since the freezer has been down it has been better. In order to alleviate traffic congestion they propose:

- Widening Commercial Street at their building by setting the building back 12'

- Remove utility poles from the Birdseye side of the street
- Eliminate shipping and receiving,
- Provide adequate off street loading
- Provide adequate parking.

The purpose of the multi-use property is for public domain and not for a gated community. We have attempted to assign the appropriate uses to the right sections of the building. The first floor will be dedicated to Community, Industry and Recreation use. The second floor will have a continuous mezzanine along the ocean and may have some workspace. This will bring it to the approximated height of the building as it is now. The third floor will be the start of residential use. It is also set aside for dining, recreation and the upper floors will be dedicated to harvesting natural energy. We will take advantage of the flat roof, and the building will take advantage of prevailing winds. No part of the upper level can be greater than 70-80 feet in width and the building will be in context of the surrounding land and buildings. It will be in character with the Gloucester skyline. The Birdseye project is dedicated to becoming a net zero energy project. It is the ideal time for Gloucester. What we have here is a global site of significance. It has great potential. To summarize the project vision: Artisan Industry and start up business.

Gregg Gibson, 76 Langford St,

Mr. Gibson is a historian who specializes in old maps and prints of Gloucester. He stated he is a preservationist. Mr. Gibson gave a history of his past historical work he has done for Gloucester. Mr. Gibson stated, "I am here tonight because the development of the Birdseye building is inevitable. Change is coming. Based on my experience with Mac Bell. I trust him more than any other developer. Mr. Gibson gave a history of the Birdseye building and community.

Sandra Martyn 33 Commercial St,

Ms. Martyn is a leasing agent for Mac Bell. She stated that Mr. Bell has been looking out the window and dreaming as to what the Birdseye building could be. She spoke of 'island' economics and that it makes for a difficult business environment. Population density numbers are not high enough to be attractive to businesses. Rents that they can charge fall short of the cost to build the structure to house them. She stated no one wanted to put a strictly residential development on this location. She advocated for flexible zoning to provide the necessary ability to build it for live/work use with the residential development as an essential part of the development.

Creating a symbiotic environment is important. The mixed use can help offset the construction costs. Thriving economics where small businesses are the cornerstone to commerce. The residential portion of the project is indispensable. Including living spaces is key to develop a balanced project.

Erica Hanson, CABI

Ms Hanson President of Cape Ann Business Incubator (CABI) spoke of how businesses are built and new job creation; 98% are created by small businesses. She advocated for the project stating it would be a good place for light industrial, lab facilities for marine research, and commercial and business space for offices, meeting space as well as a possible shared commercial kitchen to develop new projects for ocean products. She pointed to all the advantages that would be available to support new businesses. She stated that CABI will soon celebrate 7 years in Gloucester and is looking forward to its future vitality. Our goal is attaching business to vacant spaces in Gloucester. We have the capacity to reach to new business, once here we know they will want to stay.

Timba Bell 33 Dollivers Neck

Mr. Bell displayed pictures of his Great Grandfathers working and creating in Gloucester and explained how fond he was of Gloucester. He stated that the Birdseye project is to serve the people of Gloucester. I can see a hub of activity, a place to congregate with friends. Birdseye is focused on wellness. Mr. Bell asked us to imagine public access to Pavillion Beach, looking for solutions to health challenges, a mid size green grocer, art work from Charba lining the walls, students having kiosks describing green energy, choices of restaurants, a 40-60 room boutique hotel, artists and craft people who share galleries, CABI with all the necessary tools to help businesses get on their feet, friends and families to visit the lofty business tower to get a 360 degree view of Cape Ann. He concluded that in challenging times for new construction; that this project has the potential for an innovative framework, which will come under PUD.

Attorney Lisa Mead gave the boards and public a overview of the Birdseye Mixed Use Overlay District (BMOD)

The document is available for review at the Community Development Office at 3 Pond Rd.

- to facilitate development of a mix of uses including manufacturing, research/development, retail, office, restaurant and “Live/Work Residences” (all outlined uses in the zoning);
- to provide more mixed-use investment opportunities, to maximize the development potential of the BMOD;
- to stimulate the general economy of the City and Gloucester Harbor;
- to promote the historic assets of the BMOD and the natural environment, while improving infrastructure and introducing high-quality design and development;
- to create view corridors and to provide more and enhanced public access to the waterfront;
- to provide a range of housing choices for individuals and households of diverse incomes.
-

The site is approximately 3 acres. The BMOD is an overly district, and the underlying zoning would remain the same. This proposal was not spot zoning. It is an overly district that the underlying zoning remains unchanged. This is called Planned Unit Development (PUD) It was very rare that spot zoning would occur where the rezoned parcel(s) exceeds an area over two acres. She noted 10 other communities who have adopted Planned Unit Development (PUD) zoning (see Power Point presentation on file), but there were many more; and that it was not an unusual tool. It is not a part of the Gloucester Ordinances now.

The City Council wants to see what the concept is; but the developer needs to know something is going to be permitted in order to get financing for the development. This enables both the City Council to understand what the parameters are; but for the developer to at least have a concept to go out and say they have the overall permit; that if they build within this permit, they’d be OK to move forward which is much more attractive to investors. The second step is to permit the Special Permits. The special permits can be done overall or within sections in the PUD. Again, notice of public hearing for the City Council is provided. The PUD would be approved if it:

- is of economic benefit to the community;
- provides live/work housing;
- shows consistency of building design as outlined in the ordinance;
- provides adequate parking;
- offers pedestrian connections to other PUD uses

She felt the most important part of this proposal was that in the design review of the City Council, the Special Permitting authority, the developer would have to show the Council that the building height has to be tiered; so that the lower portion of the buildings are found closest to the boundaries of the land on the Master Plan, and the higher portions would have to be found on the interior. She reiterated this was an overview of a very complicated zoning proposal but believed it “hit the high points”, in particular with regard to controls that are important for the City Council.

Mr. Noonan asked for a show of hands of anyone in opposition to the project (approximately 6-8 people raised their hands). Mr. Noonan asked for anyone in favor of the project to come up and speak first.

In Favor of the Birdseye Project:

Stacy Randell 8 Haven Terrace

Ms. Randall stated that she has been a resident of Gloucester for the past 13 years, is the director of Cape Ann Wellness and is on the Board of Cape Ann Television. She stated she is very involved with the community and truly believes that this project is a tremendous opportunity for Gloucester.

The Birdseye site represents historic innovation, risk, faith and invention that changed the world and the community Birdseye succeeded and generations have benefited from his creativity and vision. Mac Bell is asking for a similar act of fate from the City of Gloucester, because the citizens deserve the best. He is trying to make a difference with lasting impact and is not solely focused on making money. The project is not about the accumulation of personal wealth but about the generation of community wealth that is measured in far more than dollars and cents. Ms. Randall gave a brief history of Walla Walla, Washington and its vision of enterprise and how it was achieved. She asked the board to approve expansive zoning permits.

David Bianchini , Fort Sq

Mr. Bianchini stated he is always looking at the dilapidated building and believes something has to be done there. He stated he has known Mac Bell for 30 years and everything he has done has been sensitive to the community needs.

Chris Costello, Timberline Enterprises. 4 Pond Rd

Mr. Costello stated he is in favor of this project because it will produce construction jobs and will provide the city with tax revenue. He stated that if he could solicit the opinion of Clarence Birdseye he believes that Clarence Birdseye would appreciate the multi use of this building. Mr. Costello stated that as a President of a company he could appreciate the forward vision of the project.

Andrew Cardone 156 Porter St

Mr. Cardone stated that as an Artisan, he was in favor of this project. Gloucester is a great place for artists to reside and Birdseye is a great venue for this.

Peg Leeco, 21 Riggs Point Rd

Ms. Leeco stated that she is a long time resident of Gloucester and sees the need to open our minds of the viability of a mixed-use project like this one. Change is hard, but it will provide a lot of opportunities for a lot of different residents of this community. Ms. Leeco asked the board to consider approving the overlay zoning.

Ruth Mordecai, 4 Terrace Lane

Ms. Mordecai thanked Mac Bell for asking her, as an artist to participate in this. She stated that she has dreamed of an artist live workspace. Art is good for cities and having a space for artists and for new artists to come in and bring to energy will benefit the public.

David Anderson 16 Middle St

Mr. Anderson commended Mac Bell for his courage to pursue this project in our current economic environment. He stated that no one has walked the streets more than Mac Bell. He stated that at a Budget and Finance meeting it was stated that Gloucester has had zero growth. Salem and Beverly has sunk money to revitalize their city. New Bedford is also revitalizing. The city is faced with 240 million dollars of work that must be done. We need growth and tax revenue. Change is the law of life.

Peter Van Ness 11 Magnolia Ave

Mr. Van Ness asked the boards to think when hearing the opposition. He stated that they need to compare what Mac Bell is proposing and what is realistically is the alternative. Think about the alternative before you vote no.

Sidney Falghzik, 10 Beach Court.

Mr. Falghzik stated that his apartment would be looking over the Birdseye building. He stated that he has known Mac Bell since he moved to Gloucester and has the utmost respect for him. He stated there are two key ingredients about Mac Bell and this project. One is community and the other is communication. Mac Bell has encouraged others to share what they want and what they want to see. We have to change. I see Mac's vision as an opportunity to tap in to the unique quality of Gloucester and Cape Ann.

Sebastian Mocerì

Mr. Mocerì stated that he completely supports the project and believes Mac Bell is the best person for the job. Back in 80's the area was thriving and it has since dried up. It's a shame that this site has fallen by the wayside.

In Opposition to the Birdseye Project:**Ann Malloy, 43 Fort Square**

Ms. Malloy stated that the Fort is not drying up and couldn't believe that we are here again after the city agreed it does not make sense to rezone. We have just gone through this. We do not want the area rezoned. A developer outbid an industrial business when they were looking to expand their fertilizer business. She felt there was plenty that could be done within the MI District without rezoning.. As we feel now, it is hard enough doing business down the Fort and to add what has been described here tonight will not help. The Ferris wheel height was out of scale for

the neighborhood. I like the idea, but it is not the place for it. Our quality of life will not be better if this project gets approved. It doesn't fit in there. It is a waterfront district.

Leonard McCullon, 88 Commercial St Ocean Crest Seafood's

Mr. McCullon read a letter to Mr. Bell. He stated that he had hoped you would renovate the building with rezoning. He stated he would not support this plan but will support what is now allowed for the site. Mr. McCullon brought up the issue of condominium owners and their inevitable complaints with the noise and smells. He also stated that a 125-foot tall building is out of place down the Fort and it will make the area more congested than it is now.

Bill Johnson 26 Rear Fort Sq

Mr. Johnson asked the boards to please decline Mac Bell's proposal as it is written. He stated that this is a working class neighborhood. Work is what Gloucester needs. People have to look to other communities for work and he believes that we need to maintain a level of industrial space. Residences and industry do not mix well together. Mr. Johnson stated bringing in luxury condominiums would bring litigation. The deed restriction for the units sold will not provide adequate protection for the boats and trucks, which operate on commercial st at all hours of the day. The Live-Work space seems to be a front for large floor space condominiums. What qualifies as work? How many hours of work qualifies a space for that? Would the building inspector have to drop in to each unit from time to time and collect a time sheet? I do not see it as enforceable in the real world without unnecessary increases in manpower for inspections. After speaking to many of my neighbors we know this is a productive step in this process to make suggestions for this type of property. The space is zoned MI, which is fairly forgiving use-wise, not a lot you can actually add to it other than housing and hotels. This building needs to be productive, we know that and want that—please encourage productive, community enriching uses for this parcel. On the brighter side I fully support the spirit of the proposal, which includes alternative energies. If there is anything that we do need, it's development proposals that take into account the upcoming energy issues in the world. Please do not support the proposal as written.

Sunny Robinson 20 Harvard St

Ms. Robinson stated this is a zoning proposal. We need to make sure we look at this proposal as an overlay district. Overlay districts are much larger than this and not spot zoning, which I think this is. It is a sensitive area and we should have tighter restrictions. This is not a village center. If it is approved as such it will be destroying a viable industrial center. The city is awaiting a proposal from the Mt. Vernon Group and to move forward with this before we have a comprehensive plan the city is out of whack with the timing of the project. This is a marine industrial district and should remain so. We do not oppose change; we want to make it appropriate for the area. I encourage you in working with this proposal that it has 50% marine industrial. It is very dangerous in that it is seeking approval for everything so the developer can do what he wants. I urge you not to give away power to such an open ended kind of proposal, so in fact you know what you are approving. In my opinion there shouldn't be any residential units. I would also like to point out that there should be 5% affordable units. Any housing proposal with those kinds of needs should be affordable. In looking at this proposal it shows the lack of awareness. We already have 2 Adult Day centers in the area. Ms. Robinson urged to reject this proposal and require the development of a proposal that specifies things that he is going to pursue. We do not want Gloucester to become Newburyport.

Susanna Altenberger, 66 Washington St

Ms. Altenberger stated her opposition to the project. She stated that she didn't understand the proposal and the different elements of the project and the connection with Marine Industrial.

Valerie Nelson, 7 Sunset Rd

Ms. Nelson stated that the community at large would like to see caution and care for this project. It is so open-ended and lacks specificity. It is one of the biggest projects coming up for the city and is a signature location. She stated the city should think about if this is the only use of this property or a destruction of part of the working waterfront. Please keep the working waterfront. Many believe that this community can continue as a waterfront community. Ms. Nelson asked to see some reconsideration of what this site should become. We need more waterfront jobs and more review of what the alternatives could be.

Steven Golden 14 Hogkins St

Mr. Golden stated we need to go back to drawing board. We need to justify this project. Something good can come out of it but will need the involvement of the Planning Board and City Council. There is nothing about numbers here. All they've heard is that they need incentives and flexibility. He suggested that they need to get business

consultants to talk about the financials. He found that if this proposal was passed would increase the value of the property by \$2 million which will have vast implications for the whole neighborhood. This is an unfair proposal. The losers are the people of the Fort. That working class neighborhood would disintegrate. Some fairness and recognition is needed. Height issue: three stories is a good height. We don't have to put in high rises. We can get intense use horizontally and can get it on this site. What would stop another developer in coming in and put in high rises. What kind of precedent is this? Keep it at a human height. Fairness is linkage for mitigation.

Rebuttal:

Attorney Mead felt the use cluster was misunderstood. The City Council would approve a set of uses. The use clusters would not come into effect until later. Also, she believed the residential unit deed restrictions for anyone who bought a residence on this site, has been done successfully on another site developed by Mr. Bell and would be in place here and successful as well.

Mac Bell stated there has been no water access to this property in its history. It was currently only accessible by truck. They went and offered Ocean Crest Neptune any portion of the property to rent or buy, that they required water access and that the property did not. He thought that they would put their money on adjacent properties on either side of them. They went to neighbors on the other side of the street and offered to work with them. They worked for a year and a half to facilitate a communication process and will continue to do so. The reality was the side of Commercial Street is landlocked. It's an incredible opportunity to link it directly to downtown. The real estate taxes are now \$20,000.00. As of this January it will drop by 15%. This property can produce taxes of somewhere about \$200,000.00 to \$400,000.00 per year, like the Gloucester Mill that he renovated. There was an opportunity that what they did in creating this zoning process would be an open checkbook to the City.

Ann Malloy

Ms. Malloy stated that Mac Bell out bid us and then called us up and asked us if we wanted to rent.

Bill Johnson:

Mr. Johnson clarified that he is in support of change and is sick of looking at that property. We need more jobs in town. I believe in opportunities for young people. Give kids chance to pay a mortgage or a rent. This should be about productivity not consumption.

Questions Planning & Development

Councilor Ciolino asked about the expectation on the public beach and the infrastructure (water and sewer) that would be needed for this development.

Mr. Bell spoke to the Beach issue, which was part of their key design in the concept. They like the idea of Pavilion "piazza" and commit that the gravel area to the side of 33 Commercial Street would be public access to the beach. The beach was a key element and totally for the public; the beach is public. It would be a legitimate use for the community.

Councilor Ciolino stated they couldn't block access of the beach.

Mr. Bell stated they are committed to opening it up as much as possible.

Councilor Ciolino asked about the infrastructure.

Mr. Bell stated the resources are there, but there needs to be improvement. The CSO project was going down Rogers Street and Commercial Street. He has met with Mike Hale, DPW Director on that issue; and hopes to use grant resources to collaborate together with the City to improve the infrastructure. There was a plan in the works and asserted there was a lot of opportunity here.

Site Visit Announcement: There is a combined Planning & Development and Planning Board site visit for July 17, 2010, Saturday morning, 8:30 a.m. The public is invited but only the Councilors and the Planning Board will ask the questions. When they are done, the public can ask questions through the chair.

Recommendation by Planning & Development: They will take the matter up when the Planning Board makes its written recommendation to them.

A motion was made, seconded and voted unanimously to adjourn the Special Joint Planning & Development Meeting at 9:54 p.m.

Motion: To continue the public hearing on Amending the Gloucester Zoning Map by creating an overlay district zone consisting of 3 +/- acres in the Marine Industrial district located at 33 & 47 Commercial Street, Assessor's Map 1 Lots 33 & 22, respectively, and to amend the Zoning Ordinance by adopting a corresponding new Section 25 entitled Birdseye Mixed-Use Overlay District (BMOD) governing the permitting new uses by master plan and special permit in the overlay district to July 29, 2010.

1st: Karen Gallagher

2nd: Henry McCarl

Vote: All approved 5-0

V. OTHER BUSINESS

VI.

A. Pre-Application Discussion - Potential Subdivision at 23-27 Silva Court.

Attorney Meredith Fine representing the Locaino Companies

Attorney Fine handed out a current copy of the site plan. She stated she and the applicant had a meeting with the Planning Director to discuss the subdivision process, which was very helpful. Some of the main issues discussed were:

- Quality of the road
- Structure of drainage
- Board of Health sign off of sewage system

Attorney Fine stated they are continuing to work with the City's attorney for an easement and is hoping to get some sense of the Silva Court matter to this discussion. John Judd who is doing the engineering for this project stated that a catch basin might be able to be put in. The drainage will be addressed. Attorney Fine stated that they are appealing the board's decision of the ANR. There are differences in the legal interpretation and the appeal is making sure Mr. Locaino rights are preserved. We are here to get a sense of how much of the road there is that we need to deal with.

Mr. Kushner asked if it was appropriate with this project with it pending in court to discuss anything relating to this issue. He believes it be appropriate to discuss it with the City attorney first.

Ms. Black stated that since the city solicitor represents the Board, she agrees the Board should speak to Suzanne Egan first to make sure it is okay to discuss this project.

Ms. Gallagher concurred with Ms. Black and pointed out that the applicant can speak with Gregg Cademartori. Ms. Gallagher stated she was not sure what this body would add to the subject.

Attorney Fine stated that the appeal is about the ANR process and this is a separate question and potential application.

Ms. Black stated she recognized the appeal was to preserve the rights of your client and we have a legal right to preserve the rights of the city.

Attorney Fine stated she was following Suzanne Egan's suggestion in coming here tonight and asked if she should get something from Ms. Egan.

Mr. Cademartori stated it was an issue of timing and sequence and how the appeal is processed. Pre-application is the only means of discussion a project prior to submission. However, this is a difficult context to do so. He pointed out that the subdivision process was the only means of addressing the concerns raised in the ANR process, however by making the point he also advised that does not mean that all issues could be addressed in compliance with the standards.

Mr. Kushner stated the issue to be resolved with counsel approval. If you are putting together a request for a subdivision and the Board has counsel approval then we can move forward. But at this time I don't know if we can discuss it with you.

Attorney Fine stated there was a limited amount of time to file with the courts and one of the things the city has asked us to do is to come in to have a discussion. We will make a proposal.

Mr. Noonan stated that it is appropriate for us to seek counsel before we discuss this matter further.

Mr. Cademartori stated that he would facilitate an executive session with Suzanne Egan if at all possible at or prior to the Boards next meeting.

Attorney Fine stated it would be great if before August 13.

VII. ADJOURNMENT

Motion: To adjourn at 10:30pm

1st: Mary Black

2nd: Karen Gallagher

Vote: All approved 5-0

VIII. NEXT MEETING

Next regular meeting of the Planning Board is Thursday July 29, 2010

Planning Board Members: If you are unable to attend the next meeting please contact the Planning Office at (978)281-9781.