

GLOUCESTER CITY COUNCIL MEETING

Tuesday, January 14, 2020 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councillor Steven LeBlanc, Jr.; Vice Chair, Councillor Valerie Gilman; Councillor Melissa Cox; Councillor Jennifer Holmgren; Councillor John McCarthy; Councillor Scott Memhard; Councillor Sean Nolan; Councillor James O’Hara; Councillor Barry Pett
Absent: None.

Also Present: Joanne Senos; Mayor Sefatia Romeo Theken, Jim Destino; Chip Payson; Vanessa Krawczik, Mike Hale, Jaimie Corliss, Bill Sanborn, James Pope, Gregg Cademartori

The meeting was called to order at 7:01 p.m. The Council President announced that this meeting is recorded by video and audio in accordance with state Open Meeting Law.

Flag Salute & Moment of Silence.**Oral Communications:**

Name: Mayor Sefatia Romeo Theken
Address: Office of the Mayor, 9 Dale Avenue
Subject: Offered congratulations to the City Council on their reelection; welcomed new Councillors McCarthy and Pett; and recognized the late Peter Anastas

Name: Mary Ann Albert Boucher (written statement on file)
Address: 93 Mount Pleasant Avenue
Subject: Requested a public hearing on the possible Gloucester School District consolidation and also a public hearing be scheduled before any vote is taken by the City Council pertaining to the possible East Gloucester/Veterans’ Memorial School consolidation and in reference to the two properties, the possible regionalization with Rockport, and the future of Beeman and Plum Cove Schools.

Name: Patty Amaral
Address: 14 Myrtle Square
Subject: Requested protection for the Joseph S. Mattos Memorial Field from being built on by a new school.

Name: Rev. Richard Emanuel (written statement on file)
Address: 149-153 East Main Street
Subject: Requested a response to his oral communications on November 10, 2019 pertaining to creating a requirement for 3-D White Model for any special council permit/major project.

Name: Mary Lou Tierney
Address: 5 Hesperus Circle
Subject: Thanked last year’s City Council for helping her better understand the government process.

Conformation of New Appointments:

Human Rights Commission

Amanda Kesterson

TTE 02/14/21

COMMITTEE RECOMMENDATION: On a motion by Councillor LeBlanc, seconded by Councillor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Amanda Kesterson to the Human Rights Commission, TTE 02/14/21.

Amanda Orlando Kesterson, 43 Mount Vernon Street, gave a statement regarding her appointment and addressed the accusations made by those opposing her appointment. She requested that the discussion on her appointment be sent back to O&A. (Written statement on file.)

MOTION TO AMEND: On a motion by Councillor Nolan, seconded by Councillor O’Hara, the City Council voted 9 in favor, 0 opposed to refer the appointment of Amanda Kesterson to the Human Rights Commission back to O&A to a future date for further review.

Presentations/Commendations: None.

Consent Agenda:

• **CONFIRMATION OF REAPPOINTMENTS**

Affordable Housing Trust	Joseph Bertolino, Mary-John Boylan, George Sibley	TTE 02/14/22
Animal Advisory Committee	Dianne Corliss, Beth Klinefelter, Alicia Pensarosa, Jennifer Schmorrow	TTE 02/14/23
Archives Committee	Stephanie Buck, Sarah Dunlap	TTE 02/15/23
Board of Health	Fred Cowan, Claudia Schweitzer	TTE 02/14/23
Board of Registrars	Lucia Sheehan	TTE 02/14/23
Capital Improvements Advisory Board	Jason Hakes	TTE 02/14/23
City-owned Cemeteries Advisory Committee	Carol Kelly (alternate member)	TTE 02/14/23
City Hall Restoration Commission	Craig Herrmann	TTE 02/14/23
Clean Energy Commission	Debra Darby, Linda Stout-Saunders, Candace Wheeler	TTE 02/14/22

• **MAYOR’S REPORT**

1. New Appointments:

Capital Improvements Advisory Board	TTE 02/14/22	J. Mark Olsen (fulfilling unexpired term)	(Refer O&A)
Dogtown Preservation Commission	TTE 02/14/23	Cindy Dunn	(Refer O&A)
	TTE 02/14/22	Leslie Nicholson	(Refer O&A)
Zoning Board of Appeals	TTE 02/14/23	Catherine Schlichte (full member)	(Refer O&A)
	TTE 02/14/22	Peter Cannavo (alternate member)	(Refer O&A)
- Reappointments:

Community Preservation Committee	TTE 02/14/21	Jennifer-Lee Levitz Aronson	(Refer O&A)
	TTE 02/14/23	Henry McCarl, Robert Whitmarsh	(Refer O&A)
Council on Aging	TTE 02/14/23	Roseanne Cody	(Refer O&A)
Fisheries Commission	TTE 02/14/23	Al Cottone, David Leveille, Joseph Orlando, Mark Ring	
		Angela Sanfilippo, Paul Vitale	(Refer O&A)
Gloucester Cultural Council	TTE 02/14/23	Shayla Kaufmann Swigart	(Refer O&A)
Historic District Commission	TTE 02/14/23	Charles Nazarian, David Porper	(Refer O&A)
Historical Commission	TTE 02/14/23	Sandy Barry, David Rhineland (full member)	
		Jude Seminara	(Refer O&A)
Magnolia Pier Advisory Board	TTE 02/14/23	Howard “Ted” Costa	(Refer O&A)
Magnolia Woods Oversight & Advisory Committee	TTE 02/14/23	Alexander Monell	(Refer O&A)
Open Space & Recreation Committee	TTE 02/14/23	Charles Crowley, Jerome Goulart, Jr.	(Refer O&A)
Planning Board	TTE 02/14/25	Henry McCarl, Jane Remsen	(Refer O&A)
Tourism Commission	TTE 02/14/23	Caitlyn Pzenny	(Refer O&A)
Waterways Board	TTE 02/14/23	Anthony Gross, Russell Sherman, Peter Yung	(Refer O&A)
2. Memorandum from the Archives Committee re: request acceptance of a donation in the amount of \$500 (Refer B&F)
3. Memorandum from Veterans Services Director re: request acceptance of donations in the amount of \$2,850 (Refer B&F)
4. Memorandum, Grant Application & Checklist from Council on Aging Director re: request approval of FY20 State Formula
 - **COMMUNICATIONS/INVITATIONS**
 - **INFORMATION ONLY**
 - **APPLICATIONS/PETITIONS**
 1. Group Petition under City Charter Sec. 9-1 “Free Petition” Subsection (b) “Group Petition” re: expand surf access at Good Harbor Beach (Refer City Council)
 2. Special Events Application: request to hold the Lone Gull 10K Road Race on September 20, 2020 (Refer P&D)
 - **COUNCILLORS ORDERS**
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 1. City Council Meeting: 12/10/2019 (Approve/File)
 2. Special City Council Meeting 1/1/2020
 3. Standing Committee Meetings: B&F 1/9/2020 (under separate cover), O&A 1/06/2020, P&D 1/8/2020 (no meeting) (Approve/File)

Unanimous Consent Calendar:

1. City Council Commendation to the Grace Center (FCV 1/28/2020)
2. City Council Civility Resolution (FCV 1/28/2020)

Items to be added/deleted from the Consent Agenda & Unanimous Consent Agenda:

Council President LeBlanc removed Item #1 under Applications/Petitions, “1. Group Petition under City Charter Sec. 9-1 “Free Petition” Subsection (b) “Group Petition” re: expanded surf access at Good Harbor Beach”. Under Charter Sec. 9-1 the Council has up to 90 days to hold a public hearing under subsection (b) “Group Petition;” City Council will hold the public hearing based on the Group Petition on Tuesday, February 25, 2020 which is within the 90-day limit.

By unanimous consent of the City Council, the Consent Agenda and Unanimous Consent Calendar was accepted as amended.

Committee Reports:

Budget & Finance: January 9

COMMITTEE RECOMMENDATION: On a motion by Councillor Memhard, seconded by Councillor McCarthy, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a private grant through the FY2020 MED Project LLC and in partnership with the Commonwealth of Massachusetts approved MED-Project drug stewardship program in the amount of \$650 for the purpose of the management and disposal of unwanted household generated opioids and benzodiazepine medications, as regulated by the Massachusetts Department of Public Health. There's no local matching requirements for the private grant.

MOTION: On a motion by Councillor Cox, seconded by Councillor Memhard, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A, a private grant through the FY2020 MED Project LLC and in partnership with the Commonwealth of Massachusetts approved MED-Project drug stewardship program in the amount of \$650 for the purpose of the management and disposal of unwanted household generated opioids and benzodiazepine medications, as regulated by the Massachusetts Department of Public Health. There's no local matching requirements for the private grant.

COMMITTEE RECOMMENDATION: On a motion by Councillor Memhard, seconded by Councillor McCarthy, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A a U.S. Dept. of Justice FY2019 Bullet Proof Vest Program Grant passed through the Massachusetts Executive Office of Public Safety & Security in the amount of \$12,716.86 with a grant expiration date of 08/31/2021 for the purpose of purchasing 13 ballistic vests for Gloucester Police Department officers.

MOTION: On a motion by Councillor Cox, seconded by Councillor Memhard, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A a U.S. Dept. of Justice FY2019 Bullet Proof Vest Program Grant passed through the Massachusetts Executive Office of Public Safety & Security in the amount of \$12,716.86 with a grant expiration date of 08/31/2021 for the purpose of purchasing 13 ballistic vests for Gloucester Police Department officers.

COMMITTEE RECOMMENDATION: On a motion by Councillor Memhard, seconded by Councillor McCarthy, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a state grant from the Massachusetts Executive Office of Public Safety and Security, a FY2020 State 911 Department Training Grant Program for \$80,827.65. The grant period of this grant is from November 22, 2019 through June 30, 2020.

MOTION: On a motion by Councillor Cox, seconded by Councillor Memhard, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A, a state grant from the Massachusetts Executive Office of Public Safety and Security, a FY2020 State 911 Department Training Grant Program for \$80,827.65. The grant period of this grant is from November 22, 2019 through June 30, 2020.

COMMITTEE RECOMMENDATION: On a motion by Councillor Memhard, second by Councillor McCarthy, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council under MGL c. 44, §53A, accept a cash donation of \$250 from The Peter and Elizabeth C. Tower Foundation to amend the Tower Foundation Healthy Communities Grant for a new grant total of \$110,250. This \$250 honorarium is for the purpose of supporting any needs that arise for the Gloucester Youth Leadership Council.

MOTION: On a motion by Councillor Cox, second by Councillor Memhard, the City Council voted 9 in favor, 0 opposed, under MGL c. 44, §53A, to accept a cash donation of \$250 from The Peter and Elizabeth C. Tower Foundation to amend the Tower Foundation Healthy Communities Grant for a new grant total of \$110,250. This \$250 honorarium is for the purpose of supporting any needs that arise for the Gloucester Youth Leadership Council.

COMMITTEE RECOMMENDATION: On a motion by Councillor Memhard, seconded by Councillor McCarthy, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2020-SA-9 in the amount of \$250,000.00 (Two Hundred Fifty Thousand Dollars) from the General Fund, Undesignated Fund Balance (“Free Cash”), Account #0001-359000 to the Other Post-Employment Benefit (OPEB) Trust Fund, Transfer in from General Fund, Account #84004-497001 to partially fund the City’s OPEB unfunded liability.

MOTION: On a motion by Councillor Cox, seconded by Councillor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2020-SA-9 in the amount of \$250,000.00 (Two Hundred Fifty Thousand Dollars) from the General Fund, Undesignated Fund Balance (“Free Cash”), Account #0001-359000 to the Other Post-Employment Benefit (OPEB) Trust Fund, Transfer in from General Fund, Account #84004-497001 to partially fund the City’s OPEB unfunded liability.

COMMITTEE RECOMMENDATION: On a motion by Councillor Memhard, seconded by Councillor McCarthy, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2020-SA-10 in the amount of \$958,824 (Nine Hundred Fifty Eight Thousand Eight Hundred Twenty Four Dollars) from the General Fund, Undesignated Fund Balance (“Free Cash”), Account #0001-359000, to Capital Projects Stabilization Fund, Transfers from the General Fund, Account #760001-497001 per the Capital Plan Funding and Free Cash Distribution Policy.

MOTION: On a motion by Councillor Cox, seconded by Councillor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2020-SA-10 in the amount of \$958,824 (Nine Hundred Fifty Eight Thousand Eight Hundred Twenty Four Dollars) from the General Fund, Undesignated Fund Balance (“Free Cash”), Account #0001-359000, to Capital Projects Stabilization Fund, Transfers from the General Fund, Account #760001-497001 per the Capital Plan Funding and Free Cash Distribution Policy.

COMMITTEE RECOMMENDATION: On a motion by Councillor Memhard, seconded by Councillor McCarthy, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2020-SA-11 in the amount of \$479,412 (Four Hundred Seventy Nine Thousand, Four Hundred Twelve Dollars) from the General Fund, Undesignated Fund Balance (“Free Cash”), Account #0001-359000 to the Building Maintenance Stabilization Fund, Transfers in from the General Fund, Account #770001-497001 per the Capital Plan Funding and Free Cash Distribution Policy.

MOTION: On a motion by Councillor Cox, seconded by Councillor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2020-SA-11 in the amount of \$479,412 (Four Hundred Seventy Nine Thousand, Four Hundred Twelve Dollars) from the General Fund, Undesignated Fund Balance (“Free Cash”), Account #0001-359000 to the Building Maintenance Stabilization Fund, Transfers in from the General Fund, Account #770001-497001 per the Capital Plan Funding and Free Cash Distribution Policy.

COMMITTEE RECOMMENDATION: On a motion by Councillor Memhard, seconded by Councillor McCarthy, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2020-SA-12 in the amount of \$239,706 (Two Hundred Thirty Nine Thousand Seven Hundred Six Dollars) from the General Fund, Undesignated Fund Balance (“Free Cash”), Account #0001-359000 to the General Stabilization Fund-Transfers In from General Fund, Account #75004-497001 per the Capital Plan Funding and Free Cash Distribution Policy.

MOTION: On a motion by Councillor Cox, seconded by Councillor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2020-SA-12 in the amount of \$239,706 (Two Hundred Thirty Nine Thousand Seven Hundred Six Dollars) from the General Fund, Undesignated Fund Balance (“Free Cash”), Account #0001-359000 to the General Stabilization Fund-Transfers In from General Fund, Account #75004-497001 per the Capital Plan Funding and Free Cash Distribution Policy.

Ordinances & Administration: January 6

COMMITTEE RECOMMENDATION: On a motion by Councillor Gilman, seconded by Councillor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend the September 25, 2018 City Council Rules of Procedure by ADDING to “Rule 1: Meetings” a new subsection “(F)” as follows:

“F. Use of Cell Phones Prohibited.

The Council’s use of cell phones, during a City Council meeting, may lead to the public’s perception that a Council member is not paying attention to the subject matter at hand or that a Council member is receiving information relative to the subject matter at hand that other Council members and members of the public are not receiving, either one of which is harmful to good government and transparency. Therefore, the Council’s use of cell phones is prohibited during Council meetings.”

DISCUSSION:

Councillors raised the following concerns regarding the prohibition of cellphones at City Council meetings:

- Cellphones are used to take pictures at meetings
- Cellphones are used as a database to access information during a meeting
- Cellphones are needed to access the agenda and packet during a meeting
- Access is needed to cellphones in case of an emergency phone call

Councillor Cox moved to strike “Therefore, the Council’s use of cell phones is prohibited during Council meetings.” No second to the motion.

Councillor Gilman moved the matter be referred back to O&A for a further discussion on appropriate verbiage.

MOTION: On a motion by Councillor Gilman, seconded by Councillor Nolan, the City Council voted 9 in favor 0 opposed to refer the matter back to O&A for a further discussion on appropriate verbiage.

Planning & Development: December 4, 2019

Note: This matter was omitted from the Committee Report at the December 10, 2019 City Council meeting inadvertently and is now being brought forward.

COMMITTEE RECOMMENDATION: On a motion by Councillor Holmgren, seconded by Councillor Gilman, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Lundberg) absent, to recommend that the City Council Amend GZO Appendix A – Rule 25: Rules of Procedure as follows:

- Under “GENERAL PROCEDURE:” STRIKE 1.4.2.2 in paragraph 1, where it appears twice and ADD “1.5.5 Planning Board; Application Form and Content” in place of 1.4.2.2;
- Under “DECISION:” STRIKE 1.4.2.2(e) and ADD “1.5.5 Planning Board; Application Form and Content”;
- Under “PART II: COUNCIL RULES ON SPECIAL PERMIT PROCEDURES”, “Application for Council Special Permits” “b.” STRIKE 1.4.2.2(e) and ADD 1.5.5 Planning Board; Application Form and Content” AND under the same heading, section “d.” STRIKE 1.4.2.2(b) and ADD “1.5.5 Planning Board; Application Form and Content”;
- Under “PART II: COUNCIL RULES ON SPECIAL PERMIT PROCEDURES “5. Council Action d.” STRIKE 1.4.2.2(e) and ADD “1.5.5 Planning Board; Application Form and Content”.

DISCUSSION:

Councillor Gilman clarified that the section numbers were wrong and wanted to be consistent with our zoning ordinance.

MOTION: On a motion by Councillor Gilman, seconded by Councillor Holmgren, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to Amend GZO Appendix A – Rule 25: Rules of Procedure as follows:

- Under “**GENERAL PROCEDURE:**” STRIKE **1.4.2.2** in paragraph 1, where it appears twice and ADD “**1.5.5 Planning Board; Application Form and Content**” in place of 1.4.2.2;
- Under “**DECISION:**” STRIKE **1.4.2.2(e)** and ADD “**1.5.5 Planning Board; Application Form and Content**”;
- Under “**PART II: COUNCIL RULES ON SPECIAL PERMIT PROCEDURES**”, “**Application for Council Special Permits**” “b.” STRIKE **1.4.2.2(e)** and ADD **1.5.5 Planning Board; Application Form and Content**” AND under the same heading, section “d.” STRIKE **1.4.2.2(b)** and ADD “**1.5.5 Planning Board; Application Form and Content**”;
- Under “**PART II: COUNCIL RULES ON SPECIAL PERMIT PROCEDURES** “5. **Council Action** d.” STRIKE **1.4.2.2(e)** and ADD “**1.5.5 Planning Board; Application Form and Content**”.

Planning & Development: January 8, 2020 – No Meeting.

Old Business:

1. P&D Minutes 12/4/2019 Council action to amend motion re: correction of scrivener’s errors

Councillor Gilman moved that the phrase be struck from the motion, “...to grant the City of Gloucester and...” The motion is regarding the Sewer Force Easement Main Motion and needed to strike adding the City of Gloucester to the motion.

MOTION: On a motion by Councillor Gilman, seconded by Councillor Holmgren, the City Council voted 9 in favor, opposed, to strike the phrase “...to grant the City of Gloucester and...” from the motion pursuant to the Inter-Municipal Agreement on page one of the December 4, 2019 P&D Committee minutes.

Councillor Gilman moved to correct the December 4, 2019 P&D Committee minutes to strike the statement on page 2 “This matter is to be advertised for public hearing” (regarding the amendment to GZO Appendix A – Rule 25: Rules of Procedure).

MOTION: On a motion by Councillor Gilman, seconded by Councillor Holmgren, the City Council voted 9 in favor, 0 opposed to strike the phrase on page 2 of the December 4, 2019 P&D Committee minutes, “This matter is to be advertised for public hearing.”

Scheduled Public Hearings:

1. PH2019-058: SCP2019-008: Fuller Street #35, Map 168, Lot 14, GZO Sec. 1.8.3 “Standard to be applied,” Sec. 2.3.1(7), “Conversion to or new multi-family or apartment dwelling, four to six dwelling units,” Sec. 3.2.2(a) “Minimum lot area per dwelling unit (sf)” and Sec. 3.2.2(a) “Minimum open space per dwelling unit (sf)” to increase the number of residential condominium units from two (2) three-bedroom units to four (4) two-bedroom units and two (2) one-bedroom units for a total of 6 units in the NB/R-20 District

Councillor Pett: Under Massachusetts Law 268A I would like to declare that attorney Mark Nestor, the proponent of this project, is a tenant of mine and I have not had any discussions with him about this matter since the election and also that I have no financial interest whatsoever. I’ll be able to participate in this action.

Councillor LeBlanc: Our Council Rules of Procedure say that the proponent gets fifteen minutes, opposition gets fifteen minutes and everybody else after that gets three minutes. These are our Council Rules of Procedure; this is what we are going to follow this evening. I’m going to hold up a timer here so everybody is aware of their time and we are going to be strict and keep everything to the fifteen minutes.

This public hearing is opened at 7:52 p.m.

Those speaking in favor:

Attorney Nestor: It appears that I have a problem with the PowerPoint so I will refer to the handouts that you have already which essentially I am going to repeat what you have in all the various handouts and the application. For the record, my name is Mark Nestor. I am an attorney, 45 Middle Street, Gloucester Massachusetts. I represent the applicants Beauport Shores, LLC. There are only three requests before the City Council and I would ask that you

concentrate on the same. One is a special permit to convert to new multi-family four to six dwellings under 1.8.3 to increase the number of residential units from two (2) three-bedroom units to four (4) two-bedroom units and two (2) one-bedroom units, now with a deed restricted affordable housing unit. The second is a special permit to decrease minimum lot area per dwelling unit per point 3.2.2(a) from 60,000 square feet to 9,792 square feet. And third is a special permit to decrease minimum open space per dwelling unit from 3.2.2(a) from 45,000 square feet to 1,358 square feet. These the only matters that before the City Council; only statements referring to same should be considered.

The prior building was built around 1900. It was destroyed by fire in October 24, 2014. Currently it is a vacant underutilized resource within the village of Magnolia. The owners are currently maintaining the lot by removing trash, cutting back the overgrowth and clearing the sidewalks of snow. However it still exists as an empty lot. The ZBA on August 8, 2019 granted the petitioners certain relief, among them a special permit to exceed a 30 foot height to 35 feet; a special permit to alter and expand a nonconforming structure; and to grant it certain dimensional setback variances. The purpose of the application is to construct four (4) two-bedroom condominium units, two (2) one-bedroom condominium units and one (1) commercial unit with a sprinkler system and elevator. This is a condominium building. It will have a condominium association for the management of the building and the property. It is not an apartment building. It will replace six (6) bedrooms with ten (10) bedrooms, it will reduce three (3) commercial units to one (1), it will remove a 282 square foot shed and it will construct twelve (12) off street parking. It will have a new onsite wastewater system which has been approved by the Board of Health; construct a new stormwater management system as designed by an engineer and approved by the City of Gloucester Planning Board and Engineer; it will install an elevator and will provide a ZBA mandated screening along the boundary. The site plan which is in your packet which I believe is Exhibit 4, contains twelve (12) parking spots in the back with exits off Norman Avenue (previously had no onsite parking). Twenty-four (24) foot space between parking space and the building which will allow cars to turn around within the property. This was designed by an engineer and approved by the Planning Board and meets all the requisite codes. It provides retention of stormwater runoff and drainage within the lot due to increased subsurface stormwater facility. The design which is in the package we wanted to present an appealing site to visiting residents when entering Magnolia, from Magnolia Avenue to Raymond. Rear facing the church would have additional screening. Snow management, trash, recycling, Fire Department, ambulance access, new sewage disposal, new stormwater management system, all are considered and incorporated into the design. The HVA system was relocated to the top of the third floor under the 35 foot maximum to address concerns of abutters and City Council. The footprint of the current building that was destroyed was 2,390 square feet, and that's in Exhibit 7, which has a handout, which is 2,108 square feet for the building and 282 for the shed. The proposed square footprint is 2,665 square feet including removing the shed. So it is an increase of fifteen percent or 275 square feet. The height of their original building was 35.8, was initially proposed as 40 feet and the ZBA reduced it based on information from abutters and others to 35 feet.

The six special permit standards: number one is the social economic and community needs will it be served by the proposed site. This site will be six condominium units, not apartments, home ownership will ensure a higher level of maintenance and increased housing availability in Gloucester. Further, one of the one-bedroom units will be affordable housing, which is not required under the ordinances but my clients volunteered, and it will be deed restricted which will run with the property, not with the unit. We also will remove a large vacant lot eyesore and nuisance that currently occupies Magnolia. The design was enhanced to comport with the surrounding architecture in Magnolia. As you will see in Exhibit 7A the location has always been nonconforming, a nonconforming lot and a nonconforming building similar to all of the ones in the square. If you look at Exhibit 7A, which unfortunately we can't show there [projector screen] you will see that almost all the buildings on the area, the minimum lot size, the minimum lot area per open space is under it and the open space is under. Approximately eighty-percent on the same situation as our proposal. It is located in Magnolia Square which is an area that includes many commercial entities i.e. Magnolia Variety, Magnolia Health Center, Magnolia Service Station and the rear is Union Congregational Church. It is located near all surrounding buildings that are located in the same nonconforming lots. Three story building has always been there. This approval creates short-term construction jobs, eliminates recent current water flow onto Fuller Street and Norman Avenue and provides significant increase in real estate taxes. In regards to the second criteria, traffic flow and safety, off-street parking for all residences unlike the old building where there is only on-street parking for the apartments will reduce the parking on the square. Off-street parking will be off Norman Avenue to the rear of the building. The parking lot which was designed by a licensed engineer is sufficient for motor vehicles to turn around within the parking lot and not have to move back into the street. The business units are reduced from three to one. I note that the commercial establishments surrounding it as well as the abutting church and some residences do not have off-street parking and completely or partially rely on the use of Norman

Avenue, Fuller, Raymond and Magnolia Avenues for the owners, employees, customers and tenants' parking. The restaurant seating has been reduced from twenty-four to sixteen which reduced the customer vehicle parking. Take-out entrance will be located to Norman Avenue which will [be] suitable parking for quick stop grab and go and will not have an impact on the parking of the traffic. A large portion of business is pedestrian from within the village, the boaters and Magnolia Beach. For decades Magnolia Square has been able to handle the traffic flow from the landing: Magnolia House of Pizza, the Surf Restaurant, which did have on and off street parking but increased traffic coming and going, the Edgewater Café and the adjoining Bradley's Liquor Store and Union Congregational Church without an impact. Given the loss of the Surf Restaurant, the Edgewater Café and the liquor store, traffic should be reduced, not increased. Entrance and exit for the residents to buildings off Norman Avenue to help alleviate traffic and in the square. Boat traffic landing has always been there but it remains very seasonal. Safety is enhanced by both having the entire building outfitted with sprinklers as well as the proximity of the fire station which is now open year round.

In regards to criteria three, adequacy of utilities and other public services, the utilities and other public services are more than adequate. The building will have a brand new onsite wastewater system that has been approved by the Board of Health. The Planning Board has approved new subsurface sub-storm water facility and new sprinkler system. Number of units should not have a detrimental impact on the social school system. In regards to neighborhood character, previously I submitted to the City Council petition postcards signed by 192 residents. As I understand there have been more emails of support sent to the City Council since that time. Clearly a number of residents do not have concerns regarding this building having a negative impact on the neighborhood quality and social characters. They want the building. In regards to qualities and natural environment, with the new approved stormwater management system and the new approved onsite wastewater system the qualities of the natural environment will actually improve. Stormwater will now be collected onsite and retained rather than be allowed to pour down into the square which can only have a negative impact especially in the winter on the steep grades of Raymond Street. In regards to potential financial fiscal impact, approval will increase the real estate tax base provide increased real estate revenues to the city. This building is commensurate with the neighborhood. In regards to the dimensional special permits under 3.2.2(a) allows minimum lot area per dwelling unit or minimum open space per dwelling unit or both to be decreased by special permit from the City Council criteria. Only on finding the lesser lot area open space is in keeping with the neighborhood character and structural density. Minimum lot area is 10,000 square feet. The minimum open space is 10,000 square feet per dwelling unit; minimum open space is 7,500 square feet per dwelling. Open space is defined as the remaining lot area after excluding buildings, driveways and parking. This ordinance is guided by the principles set out of Mass General Law chapter 40A, zoning act; the act in its introduction set out with having minimum lot sizes namely to protect important resources and landscapes. However, included within chapter 40A is section 9, special permits, which clearly authorize the zoning authorities to grant special permits for just the type of relief that the applicant is seeking. This site does not increase congestion, overburden the site or reduce light or air. Magnolia Square and surrounding are a mixed use and diverse neighborhood including a church, a market, a professional office with attached apartments, a garage, multifamily apartment buildings, single family residences, including residences. In Exhibit 7A you will see that when I did the comparison in 7A I didn't decrease the open space parking for driveways or things like that, I only did that for 35 Fuller. This is the neighborhood character the applicant wants to be part of. The proposed building is consistent with the criteria. Many of the current buildings are located in undersized lots which don't meet the minimums for open space. Many are more densely configured than what the current zoning would allow. Very low increase in actual lot area the open space from the prior building. It is therefore submitted that the proposed building is consistent with the structural density and the neighborhood character. We have all come to face with the ruins of 35 Fuller Street for more than five years. This is what visitors and residents see when they first enter the village. My clients see a chance to revitalize the square to provide something that comports with the neighborhood at the same time provide needed housing. They have addressed the matters that are before the City Council. I ask you not to be swayed by issues that are not before you; instead I ask you to focus on the specifics requests that are before you. It is submitted for the scope of review that the City Council has in this project the applicants have complied and their application should be approved.

The following spoke in favor of the permit as proposed:

- Mike Fallman, 14 Cliff Avenue
- Noreen Gillis, 28 Lake Road
- Chris Doe, 22 Magnolia Avenue
- Ted Costa, 97 Hesperus Avenue

Those speaking in opposition:

Attorney Fine: Good evening. Meredith Fine, 46 Middle Street in Gloucester, representing Jerry McCarthy who grew up on this square and is with me tonight and owns two of the abutting properties. Our concerns are about the mass of the building and the parking, fundamentally. Your question is before you, how does this project affect the neighborhood? The applicant is seeking 8,400 square foot building more or less and what I'm showing you is a picture [one file] by way of comparison of what a three story 8,400 square foot building looks like in Gloucester. This is Rogers Street, this is Lat. 43, and this is a building that's mostly occupied by Rockport Mortgage. It's the same size. I'm not saying it looks the same as this building would look but when we talk about mass, this is what we're talking about. This is a neighborhood business district, not a commercial district. So for example East Gloucester Square is a neighborhood business district, and I seriously doubt that any of you would vote to put this in East Gloucester Square. Captain Hooks is in the neighborhood business district. The Little River Variety is in the neighborhood business district. I don't think you would ever consider such a large building in a neighborhood business district. A lot of the people who favor this project don't live right in this neighborhood. Some of them don't live anywhere near this neighborhood. Of course they have the right to express their opinion, but it should say something to the Council that most of the people who live right around this property don't want this. This will not be the same as what was there before, as I read in some of the emails that have been submitted. This building will be a third larger than what was there and be essentially built out to the property lines. It will have ten bedrooms, and a takeout restaurant on the first floor. The original building had two residential units, was permitted for two residential units and had commercial on the first floor. And what exactly are you proving here in terms of parking? So tonight we hear that the twelve spaces are back. The last time we were here the applicant said that it was just going to be 11 spaces. When the applicant was in front of P&D it was twelve spaces. At that time the applicant realized that the dumpster couldn't fit with twelve spaces. And so first they proposed to change the ratio of cars to increase the number of compact cars. But then when it was pointed out to them that that violated the zoning ordinance. Then they said they were going to have eleven spaces with eight full size cars and four compact cars. Apparently that doesn't work either; they're back to twelve cars. The point that I'm trying to make here is that parking lot does not work. It is too tight, they know it, and is going to be congestion at the entrance into that parking lot. There's going to be congestion in Magnolia Square. And also I would note that I don't know where an applicant gets to move around the parking spaces without any review. And bear in mind, that if this project were starting from scratch, which is what the zoning requires, that it was supposed to start from scratch, it should have had 18 spaces, and it's only got either 11 or 12. It is the job of the Zoning Board and the Planning Board and the Board of Health to look at very specific elements of a plan. But it is your job as the City Council to look at the big picture. That's why you get this bite at that apple. To look at the big picture. Your job is to protect this neighborhood. The applicant himself noted that the commercial heart of Magnolia is on Lexington Avenue not in Magnolia Square. This is a neighborhood, it is zoned for neighborhood business. What the applicant is entitled to is what he had before. And that's what Mr. McCarthy supports, not this. I urge you to turn this down.

The following spoke in opposition to the project as proposed:

- Mary Lou Tierney, 5 Hesperus Circle
- Dave Morrow, 26 Long Hill Road
- Robert Duncan, 3 Hesperus Circle (written statement on file)
- Keith Zoman, 28 Woodward Avenue and the church moderator of Union Congregational Church (written statement on file)
- John O'Hara, resides at 9 Butler Avenue Manchester and also resides at 55 Lexington Avenue Magnolia
- Marco Lane, 33 Fuller Street
- Sandy Ronan, 5 Magnolia Avenue (written statement on file)
- Gerald McCarthy, owner of abutting properties 33 and 31 Fuller Street (written statement on file)
- Carol Dirga, 7 Norman Avenue (written statement on file)
- Brenda Malloy, 43 Rocky Neck Avenue
- Steve Bouchie, 5 Hesperus Circle
- Dan Shatford, 22 Flume Road
- Rev. Richard Emanuel, 153 East Main Street (written statement on file)

Email Communications received from November 26, 2019 to date:**Support:**

- 192 individuals who signed petitions and postcards
- Christopher Doe, 22 Magnolia Avenue
- Brad Gilliss, 28 Lake Road
- Alana Horne, 163 Magnolia Avenue
- Andrea Bent, no address given
- Cathy & Stephen Doe, 26 Lake Road
- Dawn & Steven Caraway, no address given
- Donna Ardizzoni & Richard Moore, 5 Strawberry Cove
- Jamie Hyland, no address given
- Jason Stanley, no address given
- Kathleen Unis, 25 Whittemore Street
- Kerriane Gallant, no address given
- Kiley Davis, 22 Magnolia Avenue
- Mark Kurtz, no address given
- Melissa Dudney, no address given
- Mikaela Rodgers, no address given
- Noreen Gilliss, 28 Lake Road
- Peter Van Ness, 11 Magnolia Avenue
- Rachael Karpowich, no address given
- Roland Dudney, 30 Lake Road
- Stephanie O'Neil, 12 Norman Avenue
- Stephen Doe, 26 Lake Road
- Amy Hustad, no address given
- Jack Scola, 15 Ryan Road
- Kathy Scola, 15 Ryan Road
- Rose Cominsky & Christian Dysthe, no address given

Opposition:

- Bob Duncan, 3 Hesperus Circle
- Carol Dirga, 7 Norman Avenue
- Christine Silverstein, 4 Cliff Avenue
- Clifford Amero, 4 Fuller Lane
- Ellen Sonis, no address given
- John Ronan, no address given
- Mary Lou Tierney, no address given
- Phil Muller, 3 Flume Road

Rebuttals:

Attorney Nestor: I will be brief but I will stick with the facts. Everybody here that is in favor and support of 35 Fuller Street, please stand up. [A count totaling 39 was taken by Councillor Pett] And just for the record when I was listening to the communications my count was between 20-25 in favor and approximately 8 opposed. Let me clarify another fact. We submitted a petition for a hundred and ninety-six names after we reduced the height to 35 feet. The 140 names that Mr. McCarthy is talking about were collected when our original application was for 40 feet. When we reduced it to 35 feet Attorney Fine attempted to introduce that same set of petitions. Attorney Michael Nymon asked is this based on a 40 foot or is this based on the 35 foot reduction. She acknowledges it is the 40 foot. So I would submit those are inaccurate. Let me give another fact that's not accurate. A number of people stood up here and say that they would rather go back to the 2016 plan that was approved, which didn't go forward. You've got Exhibit 6 in your packet which shows the footprint for the 2016 plan was 3,175 feet. The footprint for our proposed plan is only 2,665 feet. 500 square feet less that they seem to support. Another fact: The septic system as approved by the Board of Health; the parking lot was approved by the Planning Board. The stormwater drainage was approved by the Planning Board. There were six bedrooms in the old building; they are only increased four bedrooms. It's the same flow because the size of the restaurant was reduced from 32 seats to 16 seats. Hence the offset. And no it's not going to go flowing down the road into the harbor. The same thing applies to the mass of the building. Yes, I understand that most of the buildings there are grandfathered but I'm still pointing out that the opposition is complaining about density and mass – 80% of the buildings there are over dense for the lot; most of them have less

green space than we will still have. Yes, it's a larger building but yes it conforms with the other things, it conforms with the traffic. When the old building was there, there was no off-street parking, there was two apartments, they had the traffic, we have put all that off-street. Again I would submit, the Surf Restaurant is gone, the Edgewater Café is gone, Bradley's Liquor Store is gone. Please tell me how adding 6 condominium units increases the traffic over what was there with three commercial units. And yes, I feel the pain for the Congregational Church but the same issue becomes the Congregational Church has no parking, they park on both sides of the street, both Sunday and Saturday and so they're against us for putting all our cars on a parking lot. And I would just leave it at that. I would submit that the application complies with all the six criteria; the application complies with the dimensional and just for the record I briefly looked at the photograph that Attorney Fine provided for 17 Rogers Street, I'm trying to look on the Assessors database but I'm willing to bet the farm that that footprint is larger than 2,665 square feet, which is what we're looking for. So I would say that you cannot take that as proof positive that this is what the building is going to look like. You've seen what the building is going to look like. You've seen the drawings, it looks clearly nothing like that. It fits more in with this community, it fits more with the village it brings back more housing which we need, and it fits right in to Magnolia Square. I never said Lexington Avenue was the biggest. Magnolia Square has the businesses. And I would submit this is another business. Thank you.

Rebuttal to the Rebuttal:

Attorney Fine: So my understanding of rebuttal is to comment on the testimony that you've heard and not to repeat the same arguments that I made the first time. I don't envy the position that you all find yourselves in. You've got people with strong feelings on both sides, people have come out to multiple meetings. I do agree with what Carol said, that if you're torn, lean toward no. So many times it's been my experience that public officials approve something and then when it goes up, often they say sometimes aloud 'I wish I had that one back.' If you approve this for this square you're going to change the square forever and you're not going to be able to get it back. I think there've been a lot, every application that's been submitted has been incorrect. Incorrect in big ways, incorrect in material ways. The numbers have kept changing, the parking numbers keep changing, now we find out that the septic system has questions. There are too many questions here for you to approve this. And so again I would ask you to turn this down, let the developers go back to the drawing board. They've never submitted any evidence at all that this is uneconomic. Not at all. They've never submitted a shred of evidence that this parking works. They've never submitted a single document that proves that the Magnolia House of Pizza is going to open there. Not once, even though this comes up meeting after meeting. We've asked for evidence and have gotten zero. So trust yourselves, trust your gut, I hope you're hearing what the people who actually live in that neighborhood say and vote it down.

Councillor Questions:

Councillor Holmgren: I'd like to clarify the statement that opponent Mary Lou Tierney made regarding the septic tanks. Could somebody please tell me whether or not the old septic tanks are going to be reused or whether they are going to install new ones?

Attorney Nestor: They are installing a new leaching field and essentially new piping but they are keeping the old tanks which have been approved by the Board of Health.

Councillor Cox: Attorney Nestor, one of your claims in the application is a considerable improvement for utility and other public service. Can you define that?

Attorney Nestor: Number one, we have a new septic system. Number two, we have a new stormwater system to allow the stormwater to be contained within the lot versus the runoff down Norman Avenue across the square down Raymond Street which gets treacherous in the wintertime which is why one of the things was done about ten years ago - initially they put stop signs on all four corners of Magnolia Square but because the water was freezing on Raymond Avenue right by the Magnolia Variety, they changed that from a stop sign to a yield so they can continue to move rather than getting stuck on that. We have a sprinkler system and I would submit we have off-street parking so that takes care of the utilities. It's a brand new system, brand new electrical system, brand new plumbing system, and I would submit that's enough to those issues.

Councillor Cox: And you've been granted Board of Health approval of not having to change out the septic?

Attorney Nestor: Yes, I believe it's Exhibit 8 in the packet which is the letter from the Board of Health granting us for ten bedroom unit and 25 seats; we're only going to have 16 seats in the restaurant. So we are going below what they granted.

Councillor Cox: There's been a lot of questions about parking and the number of parking spots. I always understood that it's one and half parking spots per unit.

Attorney Nestor: That's correct.

Councillor Cox: So that would be a total of nine parking spots required...

Attorney Nestor: Correct.

Councillor Cox: ...nine parking spots required for the housing and no parking spots are required for the restaurant?

Attorney Nestor: The ZBA has granted the variance so that we can have or continue to have on-street parking. We only need nine, we've got twelve.

Councillor Cox: Twelve or eleven?

Attorney Nestor: Twelve. The issue was raised regarding whether we do trash barrels along the side of the building or if we do a dumpster. Number one is the restaurant. It's paper so you're not going to have a lot of large bulks type of situation. When the suggestion was made, and we would accept it as a special condition of the City Council, if they would rather use have a dumpster, instead of twelve have eleven and have one for the dumpster and eleven for the parking, we would accept it but right now the plan that was approved by the Planning Board was for twelve although it's three more than we actually need. Because we're talking about doing barrels on the side with regular trash pickup there was some issues raised about potentially doing a dumpster. If we did a dumpster we would agree if the City Council could make a special condition and we'd put it where the handicapped is and move the handicapped over one. So it would be in the corner for easier access. But that we would defer to the will of the Council.

Councillor Cox: Explain to me again where you are putting the trash barrels if you don't get a dumpster.

Attorney Nestor: Part of them would be on the back between the restaurant and the other part probably would be for the residents around the corner. We haven't fixed out where they especially would go and if we did anything like that we'd have a fence around them so you wouldn't see them. They'd be passive type of situation. Again, it's paper, it's commercial pickup, we're not going to take purple bags and drop them on the street every Friday."

Councillor Cox: Well I would hope not seeing that you're over four units.

Attorney Nestor: Right, so, no, it's getting picked up. We may in fact have daily pickup. That's to be determined.

Councillor McCarthy: I have a question for Gregg Cademartori. Several times it's been brought up in these hearings about the pizza parlor. If we approve this permit as it stands right now, it would be a commercial space. To change that from a commercial to, say, a residential, they would have to come before who to change that?

Gregg Cademartori: Before the City Council.

Councillor McCarthy: So the way the permit will be approved, there will be a commercial space - we can't say whether it's a pizza parlor - but we can say it's a commercial space the way this permit, if approved, would be.

Gregg Cademartori: Yes. So there are some parameters that were included in the Zoning Board's relief for the commercial use as was pointed out by Attorney Nestor regarding the amount of seating. The parking relief and again the use category that's being applied for is a new or conversion of a six unit residential mixed use building. If there were additional units that were going to be proposed they'd be moved into another use category and have to come back to the City Council for a special permit.

Councillor O'Hara: Dealing with the original fire and as far as the time period where the building could be rebuilt, seeing it was a total loss, to where we are today.

Bill Sanborn: Our ordinance allows us up to three years to replace a building. However, during that time it's also considered that you have to go through process to change things that you've already started the rebuilding. You just had to start your process of permitting within the three years, which this did, it went back to the Zoning Board, applied for permits within the three years so that kept the grandfather in place. So we're still working under that same building that was destroyed by the fire.

Councillor Pett: This question is about the affordable housing unit that's going to be included. Personally I like to think of affordable housing as workforce housing, you know, as people that are working here, have grown up here, live here, can still stay here. We're thrown into the Boston area for you income. Is there any specific proposal?

Attorney Nestor: We fall under the Greater Boston Metro Area which I discussed with Gregg Cademartori before we started it, which is why the condition was that we would deal with the Planning Board to determine what affordable housing would go in there based on the criteria for income. I will concede it's higher because it's in the Greater Boston Metropolitan.

Councillor Pett: This is going to be deeded, it can't be changed when the unit is sold.

Attorney Nestor: No, it's deed restricted in perpetuity unlike other ones where you put a ten year time frame and then it can revert. This unit will stay with the building as long as the building is standing.

Councillor Pett: We're talking about the traffic and traffic increase. I'm just wondering, where is the data? I'd just like to hear what the numbers are, you know where we're getting data or something to do that.

Attorney Fine: What we're picturing here is not a one night event like they had for the pier. What you have to picture is what the residents who live there are picturing is that corner where the take-out is going to be, so there's a lot that's going to be happening in that corner and the more successful that restaurant is the worse it's going to get.

You're going to have people going in and out of that parking lot, you're going to have people running in and out of their cars, leaving their cars there to run in to get their pizza, run out. You've got people going around the circle. You've got a bus stop there, you've got four lanes of traffic, you've got people parking on both sides of the street. I wish there were data. I wish somewhere, at some point along the way, somebody had said 'prove this', 'show this' to the applicant which I think should be expected of an applicant of a project this size. But what the neighbors are telling you and what I'm privileged to communicate to you on their behalf is that corner is going to be real tough the more successful that restaurant gets.

Councillor Gilman: Can you just describe briefly just a little bit about the dimensional setbacks and also about the parking spaces in terms of the Planning Board's role in those approvals for us.

Gregg Cademartori: The dimensional relief that has been requested there's two kind of bodies that are reviewing it, the Zoning Board reviewed certain relief and then the Council has some purview over two specific dimensions related to this project. So I'm not sure exactly what you want me to evaluate in terms of dimension relief that's required, but the Planning Board was referred the application under site plan review because of the mixed use nature of it. That meets a threshold of greater than 2,000 square feet of commercial space and did review it kind of as a new application, and specifically reviewed the aspects of compliance with the zoning ordinance. The extent that there wasn't other relief granted really relates to the parking that's been proposed as well as storm water management system that was also reviewed by the Engineering Department. There's confidence that they've done what they can do to collect storm water drainage on the site which may otherwise not be contained. At this point it does introduce new impervious surface but that, again, is being collected in the system. The Board of Health obviously has the purview over onsite septic systems so I'm confident that whatever is constructed will meet their requirements. Relating to the parking, again the design engineer is here as well, John Judd, who made the presentation to the Planning Board about the functional design meeting the compliance of aisle width as well as stall width for the parking that will provide for those folks using that lot which, to my understanding, is a private lot for the folks that might live there. They will be able to enter and exit by heading out onto Norman Avenue.

Councillor Holmgren: I just want to clarify with a project of this scope does there need to be statutorily a traffic impact study or an environmental impact study?

Attorney Payson: Not that I'm aware of statutorily.

Councillor Cox: Attorney Nestor, there was a request made for a public bathroom in this facility because it's primarily take-out with some seating. Are they going to offer a public restroom? Highly unlikely? Possibly?

Attorney Nestor: I don't envision a sign being put up saying private only but I don't anticipate we're going to be encouraging public because it is a private facility and not to mention it's the traffic because we have six units of housing with residents there, so I'm sure that they don't want to have a massive troop of the public going through it.

Councillor Cox: Is the parking in back for the residents only?

Attorney Nestor: Yes.

Councillor Cox: So the commercial space, for the people attending to the commercial space, they were not going to be using the parking lot.

Attorney Nestor: It's private parking private lot, residents only.

Councillor Cox: Staff parking, again, that's just residents?

Attorney Nestor: Just the residents. Staff parking will be on the street like it always has been and I would suspect there will be reduced amount of staff because we've shrunk the size of the restaurant.

Councillor Cox: And the only other thing that came up in conversation that hasn't been addressed is retail always being the restaurant.

Attorney Nestor: Yes.

Councillor Cox: The retail space is going to be designed for a restaurant?

Attorney Nestor: Designed for a restaurant. The layout of the plans are for a restaurant. When you look at the overlay it shows a layout of the first floor for a restaurant which reduces the number of seats to 16. If we want to change that for any reason we'd have to come before the City Council for change of use.

Councillor O'Hara: Mark, could you explain as far as the roofline is that the top of it is flat roof?

Ryan McShera (Red Barn Architecture): With the massing of the building what will show from the street side is a pitched roof on all four sides. There is a flat spot on top where we have recessed a piece of it so we can put HVAC equipment up there but for all intents and purposes the building from the street view will look like a sloped roof.

Councillor O'Hara: So the air conditioners go on the rooftop?

Ryan McShera: Correct.

Councillor Cox: I was told that residential units are not allowed on a bottom floor of a commercial mixed use building. Can you clarify?

Gregg Cademartori: There isn't language like that in neighborhood business district, which allows both commercial and residential uses. There are some neighborhood business lots that are single family homes; there are

some that are two families. We do have a specific standard for the central business district that requires that there's commercial use on the first floor. That's the downtown area.

Councillor Gilman: Exactly how many feet extra from the existing location is the new width of the building? I know that you're going to dig into that area where that little house is.

Attorney Nestor: We're taking away that. I think we go thirty feet?

Councillor Gilman: Was it sixteen feet? From the existing building.

Attorney Nestor: Sixteen feet. When you saw it, it was going to be on the far left hand side of that shed that's going away.

Councillor O'Hara: I have a question for Meredith Fine. This picture that you gave to all of us, can you explain again how this relates to the project please?

Attorney Fine: That's a picture I took this afternoon. That building is on Rogers Street, it's next to Minglewood Tavern, 17 Rogers Street. And the reason I'm showing it to you is that it's the same floor plan, 8,400 square feet of floor plan on three floors. In my opinion it has the same mass. Of course it doesn't look same that this building would look. It is going to be a big building and so I looked through the city's records to find a building that was comparable in size and so that's why I brought it tonight.

Councillor O'Hara: So square footage wise, length width, height...

Attorney Fine: The one on rogers street has 36 square feet more. It's essentially the same 8,400 square feet of floor space. They are essentially the same size and three floors and so that's what I was trying to represent with that photograph is that people keep saying it's going to be the same as it used to be and it's really not.

Councillor O'Hara: So in your estimation what was the square footage of the building that burned?

Attorney Fine: It was 6,774 and the new building will be 8,411 that's so that's the gross floor plan inside the building.

Councillor LeBlanc: I just looked up on our city website and it says the total living area at 17 Rogers Street is 19,257 square feet.

Attorney Fine: I was looking at the property card for 17 Rogers Street.

Councillor LeBlanc: I have it right here on the city website and I have the same building and it says 19, 257 square feet.

Attorney Fine: So just for the tape, I still do think that the front of the building represents what the size of this building would look like. I recognize that it may go further back than I had realized and I apologize for my mistake.

Councillor Pett: You're talking about a pitched roof that has a space that is basically covering all the air conditioning units so you would not be able to see anything. It's not a flat roof, it's a pitched roof.

Ryan McShera: I would agree with that, yes, correct.

Attorney Nestor: I just want to clarify something based on Councillor O'Hara's questions. I have been told that the dimensions of 17 Rogers street is 126 by 64. Our dimensions are 70 by 30.

Councillor LeBlanc: I'm going to close the public hearing and ask for the committee report.

[This public hearing is closed at 9:39 p.m.]

[COMMITTEE RECOMMENDATION:] On a motion by Councillor Holmgren, seconded by Councillor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a Special Council Permit (SCP2019-004) to Beauport Shores, LLC, for a property at 35 Fuller Street, Map 168, Lot 14, zoned NB/R-20 (Neighborhood Business/Low-Medium Density Residential) to erect a structure under GZO Sections 1.8.3, Sec. 2.3.1(7) "Conversion to or new multi-family or apartment dwelling, four to six dwelling units consisting of four (4) two-bedroom and two 1 bedroom residential condominium units, with one of the 1- bedroom condominium units in perpetuity a deed restricted affordable housing unit; under Sec. 3.2.2(a) minimum lot space per dwelling unit and Sec. 3.2.2(a) minimum open space per dwelling unit as follows:

	Total <u>Allowed</u>	Total <u>Proposed</u>	<u>Granted</u>
Minimum Lot Area per dwelling unit:	10,000 sq. ft./ea. unit	9,792 sq. ft.	50,208+/- sq. ft.
Minimum Open Space per dwelling unit:	7,500 sq. ft./ea. unit	4,835 sq. ft.	40,165+/- sq. ft.

pursuant to amended plans received by the Gloucester City Clerk dated October 29, 2019, rendered by Gateway Consultants, Inc., Gloucester, MA, as signed by John Judd, P.E. and Red Barn Architects, Ipswich, MA signed by Ryan McShera, R.A. This Special Council Permit is deemed to be in harmony with the intent and purpose of the Zoning Ordinance with the following conditions:

1. The dumpster should be permanently screened and maintained.
2. HVAC condensers will be housed above the third floor permanently screened and maintained.

Councillor Gilman: I'd like to make two amendments. This is consistent with what was discussed at our November 26 meeting:

I move to amend the minimum open space per dwelling unit by STRIKING "Total Proposed 4,835 square feet and Total Granted 40,165 +/- square feet" and by ADDING "Total Proposed 1,358 square feet and Total Granted 43,642 +/- square feet"

Councillor Gilman: This revised open space calculation of 1,358 as opposed to the 4,835 square feet was requested in the letter from Applicant's Attorney, Mark Nestor, on November 26, 2019. The initial application of 4,835 square feet included the side parking lot in its calculation of the dimensional Special Council Permit requirement to decrease the minimum open space per dwelling unit per 3.2.2 (a).

MOTION: On a motion by Councillor Gilman, seconded by Councillor LeBlanc, the City Council voted 9 in favor, 0 opposed, to amend the main motion to STRIKE "Minimum Open Space per dwelling unit "Total Proposed 4,835 square feet and Total Granted 40,165 +/- square feet" and ADD "Total Proposed 1,388 square feet and Total Granted 43,642 +/- square feet".

MOTION PASSES

Councillor Gilman: I move to STRIKE Conditions #1 and #2 and ADD Condition #1 "1. Owner shall screen, contain, maintain and repair the dumpster and HVAC equipment.

Councillor Gilman: The narrative is this modified wording was acceptable to the City Council and the administration after the final P&D Committee meeting on Nov. 20, 2019.

[MOTION: On a motion by Councillor Gilman, seconded by Councillor Holmgren, the City Council voted 9 in favor, 0 opposed, to amend the main motion to STRIKE Conditions #1 and #2 and ADD Condition #1 as follows: "1. Owner shall screen, contain, maintain and repair the dumpster and HVAC equipment."

MOTION PASSES]

Councillor Gilman: Here's a narrative. It's a little bit long so bear with me. It's a little bit long particularly in fairness to the new councillors who were not part of this last year although you were at most of the meetings which we appreciate. At P&D on November 6, 2019 the applicant discussed dimensional setbacks; parking lot approved with adequate turn around depth (approved by Planning Board); height reduction from 40 – 35 feet on August 8, 2019 (approved by ZBA); onsite waste water system approved by Board of Health on January 22, 2019 and on file; landscape screening between the borders of #35 and #33 Fuller Street; a provision for storm water run/off drainage system on file and approved by Conservation Commission and Planning Board. The Applicant then reviewed the Special Council Permit matters that are in front of the Council. Attorney Nestor summarized GZO sec. 1.8.3 "standards to be applied" Sec. 2.3.1 (7) Conversion to a new multi family or apartment dwelling, four to six dwelling units. Also discussed was the decrease in both minimum lot size and open space, covered under the SCP 3.2.2(a) dimensional requirements. We agreed that a site visit would be useful, with the goal of observing the structural density and neighborhood character of this 35 Fuller Street in its Magnolia Square surroundings was warranted. Site visit was held on November 16, 2019. It was well attended by seven of nine City Councillors in addition to close to 25 Magnolia neighbors. Councillors looked closely at the lot and open space of the abutting properties as well as the dimensions of the proposed building. It was noted that 35 Fuller Street is located in a Neighborhood Business District, the residential use follows the nearest residential standards, in this case, it is R-20.

At our next November 20, 2019 P&D meeting, we asked the Applicant to further review the open space and lot area, per dwelling unit, of the abutting properties in this mixed-use village area, as referenced on Revision 7A. We noted that the majority of the abutting properties, were built on non-conforming lots, for BOTH open space and dwelling unit. We also heard from our Planning Director, Gregg Cademartori. Gregg clarified numerous modifications related to mechanics of the project, however matters outside of the purview of City Council. This included stormwater runoff and grading changes in the parking lot.

At that time, P&D voted unanimously that this special permit meets the requisite criteria of GZO Sec. 2.3.1. for a multi-family project of six (6) units. The standards to be applied, as required by GZO Sec. 1.8.3 for the proposed use of the property located at 35 Fuller Street, will be in harmony with the general purpose and intent of this ordinance and that the proposed use by this special permit will not adversely affect the neighborhood, the zoning district or the city to such an extent as to outweigh the beneficial effects of said use as highlighted in these six factors including:

Social, Economic or Community Need: This project will provide increased housing opportunities for Gloucester, including a one-bedroom deed restricted affordable housing unit in perpetuity and allow for the potential reestablishment of a popular commercial business in Magnolia Square.

Traffic Flow and Safety: The proposal provides for off-site parking for eleven (11) cars for the proposed residential use and reduces the ground floor use to one commercial business unit in the building as restaurant use with limited seating to minimize the intensity of use.

Adequacy of utilities and public services: The proposed use is predominantly served by private utilities and features a new on-site wastewater system approved by the Board of Health; a Stormwater Management System approved by the Planning Board; and the proposed building will have a fire suppression sprinkler system. There is adequate public water supply and the applicant proposes improvement to the adjacent sidewalks with ADA compliance.

Neighborhood character: This project has been designed to blend in with the mixed use and diverse character of Magnolia Square.

Qualities of natural environment: This project will be improved with the new systems.

Potential fiscal impact: This project will see an increase to the real estate tax base, potential meals taxes, and employment opportunities with a new commercial use.

Our P and D vote also affirmed that the decrease of two-dimensional requirements under GZO Sec. 3.2.2 (a), minimum open space per dwelling unit AND minimum lot area per dwelling unit was in keeping with the structural density and neighborhood character. Our new councillors are up to speed on this Special Council Permit, have read the minutes and visited the site. They have read all the documents provided by Attorney Nestor. Councillors, you also have in front of you 1.8.3, 3.2.2(a) and we've all looked at exhibit 7A as revised and presented on November 26, 2019 and at this point with the permission of our council president I'd like to walk councillors through the discussion part of the special council permit.

So tonight we are going to have a rigorous discussion on whether we believe that the special permit for 35 Fuller Street meets the requisite criteria of GZO Sec. 2.3.1 for multifamily project of six units. I encourage councillors to focus in this discussion on what is in front of us today, tonight, not what has already been approved by Planning Board and ZBA. It's our first charge as councillors to determine if the proposed use of this property required by GZO Sec. 1.8.3 will be in harmony with the general purpose and intent of this ordinance. I do not wish that we begin discussing if we approve it or not at this point, I want to make sure that we have a good conversation about these factors. So based on the applicant's testimony and public hearing process I'd like to see us comment on each of these six factors if you feel comfortable.

#1 Social, Economic or Community Need.

Councillor Holmgren: I'd just like to speak to the affordable piece. Sandy, I do appreciate your sentiments and I share them. I understand that the applicant does not have to build any affordable units based upon the number of units that are being built so I do appreciate that they are trying to address a community need. They are not required to build any affordable units and the fact that they are willing to take this step will hopefully help some family or individuals in the neighborhood, and I also want to thank the applicant for installing sprinklers because the building will be safer.

Councillor Pett: I would like to thank the applicant for including the affordable housing unit. I would hope that along the way it would be what I feel is truly affordable, but just the fact that it's being included in the current standards and not required to be included in this application, I think it's tremendous. We need that in the community. I'm also happy just to see a project to go forward to, number one increase taxes not only on the residential but on the business side from meals tax and obviously to gain some employment back in the community, so I want to thank the applicant for that.

Councillor Nolan: I believe that with a space for people to eat and meet it's going to create more housing opportunities. I do love the idea of one being more affordable forever, and jobs. There's going to be a few extra jobs there for some kids that are in school that are going to get a job. They don't have to travel to Gloucester if they want

to work at a counter, the sandwich shop or whatever comes out of it. I think there's a good social economic and community need there.

Councillor McCarthy: All through the election process we talked about needing more housing. This is more housing, this is six units of more housing, one deeded affordable perpetually. Many times during the election I said that we need to be able to facilitate our aging population. The fact that this building is going to have elevators in it and sprinkler systems - I think it is a perfect fit for people moving into retirement years and the fallout of that might be that Gloucester people buy the houses and it creates more on the market houses for people moving forward.

Councillor O'Hara: I grew up in that building. Many years ago that building was known as Doc's. Doc lived on the second floor, typically his son lived on the third floor. Again I grew up in that neighborhood, I live in that neighborhood. We are now talking about six units additional above the restaurant. I am truly concerned for the character of the neighborhood. Yes we need housing, or that's the claim, but we also have to look at the reality of what was there and how this will impact the neighborhood.

Councillor Memhard: At this point we're looking at a business and housing in Magnolia square that was lost in a fire. It was an important part of the community at that time. I think we've suffered long enough with the vacant lot that is there today. Following up on what Councillor McCarthy spoke about, the housing, really any new housing, that we're building here is going to take some pressure off the housing shortage and it's going to address a need and demand. I think from a social, economic and community need this project advances the community and the neighborhood.

Councillor Cox: Six units, one affordable. Home ownership doesn't mean that the home ownership won't turn into rentals. I could see some problems there but we have a shortage of housing. But, if the housing is going to be at a value in which most can't afford, is it really useful housing? So I mean there's a lot of different ways to look at social, economic and community needs on this one. I'm for more housing, but having it attainable is another question.

Councillor Gilman: One of the things I wanted to add to this factor is when I went to the housing symposium and we talked a lot about the need for housing in the \$250K - \$500K ballpark. I think at that point Ruth Pino, who's here, who's a real estate agent, there's like seven properties in all of Gloucester right now and that's it. So I'm delighted that this particular unit would bring six new condominiums for people that are looking for that starter house or retirement place with an elevator. I think that this particular need is well satisfied.

Councillor LeBlanc: I'm going to echo my fellow councillor with the housing. The commercial space is going to bring a couple of jobs. I'm going to paint a quick picture of the neighborhood. You know we have Sherri's Café up the street which is doing fantastic for the neighborhood; it's bringing people from all over the city. Her social media presence is bringing people into downtown Magnolia. A forgotten burrow for the longest time is becoming a lot more vibrant over the past couple of years than it has in the past. I have a friend that has just taken over Magnolia 525. I follow his social media account and what he's trying to do with his restaurant. I have a friend that just opened a little florist shop and a little boutique on the same street. We have the farmer's market that has been implemented in Magnolia over the past couple of years. It's vibrant. We have a beach, we have a couple restaurants in the neighborhood, we have a store in the neighborhood, so I think that the economic and social impact is going to benefit the surrounding neighborhood and the surrounding restaurants and the surrounding stores and have that additional housing. I know that my daughter is looking for a home and she's probably going to have to move out of town because we don't have enough housing in Gloucester. That's my point.

#2 Traffic Flow and Safety

Councillor Pett: I'm not sure that I'm understanding where the traffic issue is a problem. I think again, just like Council President has said, it's good for neighborhood to become more vibrant and things happening. If there's a couple of extra cars that are coming through and maybe supply vehicles or something, I don't see any safety issue and I'm very happy to see that the building is going to have that fire suppression system that will make quite a bit of difference for safety issues in my opinion.

Councillor Holmgren: I don't have much to add beyond emphasizing that, again, there did not need to be a traffic study and I sympathize with people's concerns. Traffic is a problem everywhere, traffic safety is a problem everywhere, but the building that burned down unfortunately did not have any off street parking whatsoever, so any residents had to find on street parking like everybody else and now there will at least be private off street parking for those residents.

Councillor Nolan: I see ultimately no change in traffic on this. I grew up there, I live there, I drive through the square maybe ten to fifteen times a day on test drives going in and about the neighborhood. With the off street parking of twelve spots, or eleven spots, I really don't see it being an issue. I think it might even be safer than before because we had multiple people living in the building with no off street parking besides one spot, and now there's

access for people to have a parking lot for people residing there and to be able to turn around in the parking lot and drive out. The only traffic issues that we actually have in that area are larger events at the library or the Saturday night AA meetings which is great, it's perfect, but I don't see any real change due to this and I don't think the traffic and flow will have any bearing on the community in this.

Councillor McCarthy: I personally want to say that I took a site visit at the invitation of Councillor Nolan yesterday. I do frequent Magnolia quite a bit. I own property in Magnolia and I'm over there at least once a week and I don't see this causing any issue with traffic. If anything, I think reducing from 3 commercial units to 1 commercial unit in all probability the traffic impact will be less than what was there before. I've spent a lot of time patrolling that area. I just finished a long career in law enforcement here in Gloucester and I don't really remember any issues with traffic in that area. I think the off street parking supplied by this project will alleviate the residents as compared to what was there before.

Councillor O'Hara: Compared what's there now and what was there, there can't help but to be increased traffic. You would hope that there wouldn't be but with ten bedrooms, six units, typical homes today have minimum two cars. You have employees of the restaurant that will be there and you also have the patrons of the restaurant so to say that there's not going to be increased traffic I think is a fallacy. There will be increased traffic; as in all parts Gloucester you deal with it. And is that any way that we the city should be facing increased traffic, by just saying deal with it? I don't know. I don't think that's right. I think we have to look at the reality. We have to manage traffic. We have to be responsible councillors and a responsible city and we have to look at ordinances and look at traffic flow how that will impact everybody and our city.

Councillor Memhard: Magnolia Square is certainly a busy locale, but it's no more or less busy than other intersections in the community. We're delivering ice to Magnolia Variety across the street from that location and we park on the street. I remember attending many events for the Gloucester Fisheries Association over the year at the Surf Restaurant. It's a big social center for Gloucester and for Magnolia. Communities change, live changes a little bit year by year. I don't think that this is going to be an adverse impact. With no Surf Restaurant there's a beautiful park there instead. There's off street parking there this is just a change, it's not something that I think is going to cause hardship on the community.

Councillor Cox: I think the traffic flow is definitely going to increase just based on the obvious reasons of the higher units, but when an applicant comes before you and offers more parking than what is required that's the cost of open space. You have to respect that at least for providing enough parking for the units even if there's two cars per unit - six units, twelve spots and that would be the max that they could afford in regards to their space. I live downtown. My neighbor has an extremely large fence that divides our two driveways. There are four cars in my parking area alone because the house behind mine also uses my driveway. We have to approach the sidewalk in a very slow manner in order to make sure that we're not impeding anybody walking around. It happens every single morning and every single night and so far we haven't run over anybody. It's a matter of how you approach the intersections and everything else and I would hope the neighborhood and the people driving in your neighborhood would be respectful as they are in mine, in most cases. As far as delivery trucks and stuff like that, yes, there's going to be an increase. Anybody that's ever driven downtown is also feeling impact. The loading zones that we have currently don't fit the type of vehicles that are delivering so in most cases they are not even in the loading zone because they're too big. What happens is people slow down, they take turns and you know, sure, there's probably record of some accident somewhere and people rushing to and fro but it typically slows down the traffic not increases the speed of it. I'm very pleased to see what's been done and I do hope that we do not see any failures from this.

Councillor Gilman: I have nothing to add.

Councillor LeBlanc: We have several beaches in our town, one of them is Stinky Beach. It's going to be discovered. People are going to end up going over to Magnolia Beach. Like I stated earlier, we have the store across the street. We have a church without any parking. This off street parking is essential to this building. We have restaurants in the neighborhood, we have a yoga studio in the neighborhood. As one of the councillors said, there's traffic everywhere. I know we're not trying to just say 'deal with it.' I did a job on Hartz Street where they shut Bass Avenue down. Talk about a nightmare. So Hartz Street and Bass Avenue and we had a detail out there. It's inevitable no matter where we go and I hate to say that we have to deal with it, but we're going to have to figure something out in the future with traffic.

#3 Adequacy of Utilities and Public Services

Councillor Pett: The only thing I have is a comment that according to the Board of Health and the Zoning Board and the Planning Board the proponent has met the needs for everything for their utilities and public services, and I appreciate that, even though I guess apparently they're using the old tanks, it's totally new systems that are being put

in. Within utilities I include that fire suppression system, that makes a big difference for response time. Councillor O'Hara worked for years to make sure that we had an open fire station in Magnolia. Response times save lives and fire suppression systems also do, so I just want to make sure that we acknowledge that.

Councillor Holmgren: I have nothing further to add.

Councillor Nolan: I think that as far as the supply by city water which is adamant, private power which is adamant, fire protection is excellent. They have a suppression system plus the fire department down the street which is now open thanks to a lot of work by a lot of good people. The new and improved septic system, the drainage plan with the retention area makes a big difference and I think that as far as utilities and other public services, this meets and exceeds the expectations. It actually does exceed what the allowable water rate is on the sewer system.

Councillor McCarthy: I have nothing to add, I think it's all been covered.

Councillor O'Hara: Likewise.

Councillor Memhard: It appears to be that the proponent adequately addressed the adequacy of utilities on the site.

Councillor Cox: What he said.

Councillor Gilman: I'd just like to add that the applicant proposes improvement to the adjacent sidewalks with ADA compliance.

Councillor LeBlanc: I'd just like to echo the councillors. I think the fire suppression, the city utilities and the ADA compliance is going to be a benefit to the neighborhood.

#4 Neighborhood Character

Councillor Pett: I would just say that I would like to leave that commentary more to councillors Nolan and O'Hara that have lived there all their lives.

Councillor Holmgren: Echoing Councillor McCarthy, aging in place certainly belongs in neighborhood character as well as social structure, so I will say that making sure that the building is ADA compliant and the addition of elevators as I had said at a P&D meeting last year definitely applies to Standard D. Hopefully if all goes well with the Magnolia House of Pizza the reestablishment of some traditions in the neighborhood will occur.

Councillor Nolan: On the neighborhood character, we look around the whole entire neighborhood, not to mention just the examples that we've put up there. There's so many large buildings in the area. The building that was there is going to be relatively the same height. I don't see too much change in the neighborhood other than the fact that we're going to be filling a void of something that's been missing for a long time. We're blessed with so many large buildings in Magnolia. Different living situations, some larger apartments, buildings closer than people might even think. I think it's going to fit and I think the social structure and criteria is going to be met with this.

Councillor McCarthy: I'd just like to say that after looking at Exhibit 7A that was presented to us all the nonconforming abutting properties in the area, I think that this new building will blend in to an already diverse setting.

Councillor O'Hara: Growing up in the neighborhood the size of what was there to what is being proposed, and the number of units, I don't think in fairness I can say that it is even relatively close to fitting what was there. I just can't support the fact and say that you had two units and six units is the same character. Again I grew up there. We're talking two units to six units and a restaurant, so it definitely isn't in place with what was there or the character of the neighborhood. The neighborhood of the square it's going to be a building which is much larger than anything in that immediate area.

Councillor Memhard: This is a mixed neighborhood business district. We have certain established residences which have abundant green space around them. We also have businesses that have no off street parking. There's been a tradeoff here to take a back yard that was undeveloped and make it into parking for off street access for the uses of this parcel. I think that makes sense. I don't think we're pushing the limits here too much. It is a mixed neighborhood business district, and residences, and it's a balance.

Councillor Cox: There's no way around this, it is definitely a bigger unit than what was there before but I don't think based on the other buildings and the listing we received regarding the nonconforming lots that this is going to be anything more than another nonconforming lot. There was a lot of comment about things that couldn't be built, what was built in the 70s couldn't be built today, and that's part of our process, to go through and have the ability to ask for relief and that is what this applicant and what a lot of our city properties do because most of them are nonconforming.

Councillor Gilman: I was impressed with seeing that the roof had changed so instead of it being a flat roof it became more consistent to how the neighborhood looks. I thought that was positive. I also just want to note that even though it's two units to six units it really is six units to ten bedrooms so the structural density of the amount of units that are there are not as broad as two units to six units.

Councillor LeBlanc: I just want to acknowledge that at this day and age you can drive around in Beverly. They're erecting duplexes downtown and they're cookie cutters like they have up in Lynnfield market place and like they have all over the place. They're just a box with a flat roof so I think that the characteristics of the building is going to blend very well. The architect did a really good job on designing this building to kind of fit into the neighborhood.

#5 Qualities of Natural Environment

Councillor Pett: Stinky Beach. I guess that's the environment. My understanding always was that the smell was really coming from the seaweed but I'm not the decider of that. I think there's a great improvement to all of the systems not only the septic systems, the storm water system, etc. So I think that's only going to be a plus. Again, total number of persons or people using the facilities is not a large increase and I think the new systems that are being proposed will be a plus for the environment.

Councillor Holmgren: I have nothing further to add.

Councillor Nolan: I, too, feel with all the modern draining and septic issues it's going to be better for the natural environment and it's going to help retain everything in the property better than it does now.

Councillor McCarthy: I would just echo Councillor Nolan and Councillor Pett that the new installation of a Title V system and the onsite drainage system certainly is a protection for the environment in that area.

Councillor O'Hara: We live on a rock here in Gloucester. You dig down and you hit rock whether you have a new leaching field or an old leaching field. The law of physics: you pull liquid into the ground it goes down, and Gloucester hits that rock. Councillor Pett, and I think Councillor LeBlanc, has referenced Magnolia Beach as Stinky Beach and I can tell you, living 58 years that beach has stunk for many many many years and it hasn't smelled recently. Can't attribute that to a building that's no longer there but there could be some relationship to that. I do have some concerns that it will come back, but you know, we have to live with our engineering plan that has been approved and we'll see if Stinky Beach comes back.

Councillor Memhard: Stinky beach notwithstanding, I feel comfortable deferring to the review and the judgements of our Board of Health addressing the adequacy of the impact that this building is going to have on the neighborhood.

Councillor Cox: I can attest to the fact that over the last three year it has smelled at the beach when I've gone to photograph the sunsets. I was always told it was from the algae. Or we'll just blame Manchester. I think that there's been extensive steps taken to protect the natural environment of the property and the surrounding area to the new sewage disposal the new stormwater disposal and the fact that we're moving twelve cars off the street into a parking lot is huge.

Councillor Gilman: Nothing to add.

Councillor LeBlanc: This is a public service announcement. If anybody sees any raw sewerage or any stormwater running down the street I advise you to call the Board of Health plain and simple. If you see raw sewerage please notify the Board of Health immediately, it's a public safety hazard.

#6 Potential Fiscal Impact

Councillor Pett: Fiscal impact: taxes, whether that's real estate, meals tax, whatever. Positive. Employment. People. Therefore all sorts of fiscal benefits. Simple.

Councillor Holmgren: I agree with Councillor Pett.

Councillor Nolan: Same here.

Councillor McCarthy: Same here.

Councillor O'Hara: I'm ok.

Councillor Memhard: Compared to an empty lot which is there now, with those concrete steps, we're looking at a new restaurant, new services, new jobs, new taxes, new housing, an affordable unit and housing. It seems like a pretty clear fiscal gain for the community and the neighborhood.

Councillor Cox: What he said.

Councillor Gilman: Nothing to add.

Councillor LeBlanc: I'm going to agree with my fellow councillors on this, I don't think there's going to be any fiscal impact of the neighborhood seeing the surrounding areas have stores, shops, restaurants, churches and whatever else is in the neighborhood that we don't know about that are there I agree that there's not going to be any fiscal impact on the neighborhood.

DISCUSSION ON THE DECREASE OF TWO DIMENSIONAL REQUIREMENTS UNDER GZO SEC. 3.2.2(a) "Minimum open space per dwelling unit" and "Minimum lot area per dwelling unit"

Councillor Gilman: Finally, I want to discuss the decrease of two dimensional requirements under GZO sec. 3.2.2(a) minimum open space per dwelling unit and minimum lot area per dwelling unit. The applicant has demonstrated through oral and written testimony and the City Council finds that this proposal is in keeping with the structural density and neighborhood character. I'd like us all to discuss that factor.

Councillor Pett: I think that discussion has been had by the previous council and I know we're starting afresh here. I think that it does fit within the neighborhood character in the sense that when you look at the data that is in front of us for the entire neighborhood area in that density I think this works just fine.

Councillor Holmgren: I believe we have vetted this aspect of the special council permit application for me to be comfortable voting for it as is.

Councillor Nolan: I believe we've been through the density requirement through all the committee meetings and we've looked at it and we've heard explanations from the Planning Board and the Planning Department and I'm totally comfortable with the changes to this.

Councillor McCarthy: It's very similar to a lot of the housing apartment buildings in the area and we are sacrificing some open space for parking, but it seems to be that the parking is more a requirement than the open space with this type of unit.

Councillor O'Hara: I'm concerned with the zoning. I guess I have to come to the reality we have zoning regulations on our books that we're supposed to adhere to that were created whether by prior council. Clearly prior councils, but eventually someplace along the way those were put there for a reason. This project was vetted by prior boards years ago and didn't come out favorable. Here we are again reinventing the wheel again. We clearly have become more dense as far as population of our city and we continue to just let things slide and when the visitors arrive in the summer and we have traffic all over creation and people continue to complain, who can we blame but the nine of us that sit here at this table that vote on these projects. We have to take responsibility, we have to look at the rules of the road that are in place and those are the rules of the road that we have to follow, and to continue to turn a blind eye isn't responsible and we were voted by the people to do a job I'll leave it at that.

Councillor Memhard: I would just say that I do not believe that this proposed project is inconsistent or out of character with a mixed neighborhood business and residential district that is being built in so I think that it's an appropriate and in character development.

Councillor Cox: I think this project is vetted on its own merits. I think it has done well I take umbrage with your reference to letting things slide. We do have a zoning ordinance and we do have a zoning ordinance relief system and I think we as councillors should be taking them on a case by case basis and addressing the pros and cons to each and every one. I agree with Meredith on a couple of points she made. This would not be in character over in East Gloucester but I think it is in character in the place that it's being built and being proposed and I also challenge all the residents whether this is your neighborhood or not if you see some things that can be improved after this building is place reach out to a councillor if you think that the speed limit needs to be changed or that there needs to be a no parking area or such to accommodate this new building reach out to your councillor. We're not going to know these things until after it's built but I do believe that this structure is in character with the neighborhood and it's done more than address some of the issues at hand so I think that the communication is key. You know what, if there's speeding, call the police department, call your councillor, stuff like that. We will address things as they come along, we always do.

Councillor Gilman: We spent a lot of time on the site visit and also when we went back to P&D talking about revision or appendix 7A revision 3. And one of the things that we learned on this is that about 70-75% of all these different properties have similar larger size house per the lot or less open space per the lot and those are the two matters of structural density that we're looking at right now in this permit. Based on those site visits and the conversations I feel that we are definitely applying the requisite criteria for GZO 3.2.2(a) for both minimum open space per dwelling space dwelling unit and minimum lot area per dwelling unit.

Councillor LeBlanc: I would like to echo Councillor Gilman and Councillor Cox. Those were excellent points. I feel the same so great job.

Councillor Gilman: So I would like to amend our motion by summarizing what we've just discussed and I move to amend special council permit 2019-008 by:

ADDING and inserting after "signed by Ryan McShera, R.A." as follows:

This special permit meets the requisite criteria of GZO Sec. 2.3.1. for a multi-family project of six (6) units. The standards to be applied as required by GZO Sec. 1.8.3 for the proposed use of the property located at 35 Fuller Street, will be in harmony with the general purpose and intent of this ordinance. This allowance of the proposed use

by this special permit will not adversely affect the neighborhood, the zoning district or the city to such an extent as to outweigh the beneficial effects of said use as highlighted in these six factors including:

Social, Economic or Community Need: This project will provide increased housing opportunities for Gloucester, including a one-bedroom deed restricted affordable housing unit in perpetuity, an elevator and allow for the potential reestablishment of a popular commercial business in Magnolia Square.

Traffic Flow and Safety: The proposal provides for off-site parking for eleven to twelve (11-12) cars with a required nine (9) for the proposed residential use and reduces the ground floor use to one commercial business unit in the building as restaurant use with limited seating to minimize the intensity of use.

Adequacy of utilities and public services: The proposed use is predominantly served by private utilities and features a new on-site wastewater system approved by the Board of Health; a Stormwater Management System approved by the Planning Board; and the proposed building will have a fire suppression sprinkler system. There is adequate public water supply and the applicant proposes improvement to the adjacent sidewalks with ADA compliance.

Neighborhood character: This project has been designed to blend in with the mixed use and diverse character of Magnolia Square.

Qualities of natural environment: This project will be improved with the new and modern systems including an onsite drainage system

Potential fiscal impact: This project will see an increase to the real estate tax base, potential meals taxes, and employment opportunities with a new commercial use.

This special permit allows for the decrease of two-dimensional requirements under GZO Sec. 3.2.2 (a), minimum open space per dwelling unit and minimum lot area per dwelling unit. The applicant has demonstrated through oral and written testimony and the City Council finds that this proposal is in keeping with the structure density and neighborhood character.

Councillor Gilman: I just want to summarize by saying that the summary of our discussion tonight focuses on all the requisite criteria of the special council permit in front of us and this amendment captures the highlights of our determinations and findings.

MOTION: On a motion by Councilor Gilman, seconded by Councillor Holmgren, the City Council voted 9 in favor, 0 opposed, to Amend the Main Motion by ADDING and inserting after “signed by Ryan McShera, R.A.” as follows:

“This special permit meets the requisite criteria of GZO Sec. 2.3.1. for a multi-family project of six (6) units. The standards to be applied as required by GZO Sec. 1.8.3 for the proposed use of the property located at 35 Fuller Street, will be in harmony with the general purpose and intent of this ordinance.

This allowance of the proposed use by this special permit will not adversely affect the neighborhood, the zoning district or the city to such an extent as to outweigh the beneficial effects of said use as highlighted in these six factors including:

Social, Economic or Community Need: This project will provide increased housing opportunities for Gloucester, including a one-bedroom deed restricted affordable housing unit in perpetuity, an elevator and allow for the potential reestablishment of a popular commercial business in Magnolia Square.

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This special permit allows for the decrease of two-dimensional requirements under GZO Sec. 3.2.2 (a), minimum open space per dwelling unit and minimum lot area per dwelling unit. The applicant has demonstrated through oral and written testimony and the City Council finds that this proposal is in keeping with the structure density and neighborhood character.”

Councillor LeBlanc: So this was a process and we took our time making sure that this was followed by the letter of the law.

MOTION: On a motion by Councillor Gilman, Seconded by Councillor Holmgren, the City Council voted by ROLL CALL 8 in favor, 1 (O’Hara) opposed to grant a Special Council Permit (SCP2019-009) to Beauport Shores, LLC, for a property at 35 Fuller Street, Map 168, Lot 14, zoned NB/R-20 (Neighborhood Business/Low-Medium Density Residential) to erect a structure under GZO Sections 1.8.3, Sec. 2.3.1(7) “Conversion to or new multi-family or apartment dwelling, four to six dwelling units consisting of four (4) two-bedroom and two 1 bedroom residential condominium units, with one of the 1- bedroom condominium units in perpetuity a deed restricted affordable housing unit; under Sec. 3.2.2(a) minimum lot space per dwelling unit and Sec. 3.2.2(a) minimum open space per dwelling unit as follows:

	<u>Total Allowed</u>	<u>Total Proposed</u>	<u>Granted</u>
Minimum Lot Area per dwelling unit:	10,000 sq. ft./ea. unit	9,792 sq. ft.	50,208+/- sq. ft.
Minimum Open Space per dwelling unit:	7,500 sq. ft./ea. unit	1,358 sq. ft.	43,642+/- sq. ft.

pursuant to amended plans received by the Gloucester City Clerk dated October 29, 2019, rendered by Gateway Consultants, Inc., Gloucester, MA, as signed by John Judd, P.E. and Red Barn Architects, Ipswich, MA signed by Ryan McShera, R.A. This special permit meets the requisite criteria of GZO Sec. 2.3.1. for a multi-family project of six (6) units. The standards to be applied as required by GZO Sec. 1.8.3 for the proposed use of the property located at 35 Fuller Street, will be in harmony with the general purpose and intent of this ordinance.

This allowance of the proposed use by this special permit will not adversely affect the neighborhood, the zoning district or the city to such an extent as to outweigh the beneficial effects of said use as highlighted in these six factors including:

Social, Economic or Community Need: This project will provide increased housing opportunities for Gloucester, including a one-bedroom deed restricted affordable housing unit in perpetuity, an elevator and allow for the potential reestablishment of a popular commercial business in Magnolia Square.

Traffic Flow and Safety: The proposal provides for off-site parking for eleven to twelve (11-12) cars with a required nine (9) for the proposed residential use and reduces the ground floor use to one commercial business unit in the building as restaurant use with limited seating to minimize the intensity of use.

Adequacy of utilities and public services: The proposed use is predominantly served by private utilities and features a new on-site wastewater system approved by the Board of Health; a Stormwater Management System approved by the Planning Board; and the proposed building will have a fire suppression sprinkler system. There is adequate public water supply and the applicant proposes improvement to the adjacent sidewalks with ADA compliance.

Neighborhood character: This project has been designed to blend in with the mixed use and diverse character of Magnolia Square.

Qualities of natural environment: This project will be improved with the new and modern systems including an onsite drainage system

Potential fiscal impact: This project will see an increase to the real estate tax base, potential meals taxes, and employment opportunities with a new commercial use.

This special permit allows for the decrease of two-dimensional requirements under GZO Sec. 3.2.2 (a), minimum open space per dwelling unit and minimum lot area per dwelling unit. The applicant has demonstrated through oral and written testimony and the City Council finds that this proposal is in keeping with the structure density and neighborhood character.

This Special Council Permit is deemed to be in harmony with the intent and purpose of the Zoning Ordinance with the following conditions:

- 1. Owner shall screen, contain, maintain and repair the dumpster and HVAC equipment.**

MOTION PASSES

RECESS at 10:39 p.m. RECONVENED at 10:43.

For Council Vote: None

Unfinished Business: None.

Individual Councillor's Discussion including Reports by Appointed Councillors to Committees:

Update on the Housing Production Plan by City Council Representative, Councillor Jen Holmgren:

The group has not met in several months but will be meeting again soon.

Councillors' Requests to the Mayor:

Councillor O'Hara: request snow plowing of sidewalks particularly for the handicapped also request that the school committee and council have a joint meeting as soon as possible to discuss many issues associated with our schools.

Councillor LeBlanc: Request to Councillor Pett: the 15 minute parking sign directly across from Caffé Sicilia or Short and Main needs to be lowered for easier viewing.

A motion was made, seconded and voted unanimously to adjourn the meeting at 10:48 p.m.

Respectfully submitted,

Grace E. Poirier

Assistant City Clerk

DOCUMENTS/ITEMS/COMMUNICATIONS SUBMITTED AT MEETING:

- Rev. Richard Emmanuel (two communications)
- Carol Dirga (communication)
- Gerald McCarthy (communication)
- Sandra Ronan (communication)
- Keith Zellman (communication)
- Robert Duncan (communication)
- Patty Amaral (communication)
- Mary Ann Albert Boucher (communication)
- Attorney Meredith Fine (statement and photo)
- Amanda Kesterson (statement)