

GLOUCESTER CITY COUNCIL MEETING
Tuesday, October 13, 2020 – 6:00 p.m.
REMOTE MEETING
-Minutes-

There is a link to this meeting available on the City website at <https://gloucester-ma.gov.zoom.us/rec/play/6xx053iU4ml4HbeiR6pqHyeUk9lmq4v4223ojDLNfQoQojhEO00ryq912EiMeuJ80D2oS6R6PPxQOLie.Ikd5SjjFTXsjfohs>

A transcript of this meeting will be filed with the minutes as soon as possible.

Present: Council President, Councilor Steve LeBlanc; Council Vice President, Councilor Val Gilman; Councilor Melissa Cox; Councilor Jen Holmgren; Councilor John McCarthy; Councilor Sean Nolan; Councilor James O’Hara; Councilor Barry Pett

Also Present: Mayor, Sefatia Romeo Theken; Acting CAO, Vanessa Krawczyk; City Clerk, Joanne M. Senos; Police Lieutenant, Jeremiah Nicastro; Planning Director Gregg Cademartori

Absent: Councilor Scott Memhard

Applicants: Eliason Law Office LLC representing SCP2020-003

This meeting was conducted remotely through Zoom, All votes were ROLL CALL votes

Meeting called to order at 6:00 p.m.

Council Vice President Gilman announced, “This meeting is recorded by video and audio in accordance with state Open Meeting Law. Consistent with the Governor’s orders suspending certain provisions of the Open Meeting Law and banning gatherings of more than 25 people, this meeting will be conducted by remote participation. Additionally, all votes taken by the City Council during this and future remote meetings will be by roll call vote. If you are calling in on a phone you can press Star 9 (*9) to request to speak. If you are watching on a computer or device there is a “raise hand” button that you can tap or press to request to speak. Please use either of these options during oral communications to be recognized to speak.”

ORAL COMMUNICATIONS: None.

CONFIRMATION OF NEW APPOINTMENTS:

Human Rights Commission Hannah Kimberley TTE 2/14/23

Summary of Discussion: **Hannah Kimberley** shared that she has been a Gloucester resident since 2012. She is an educator in Wenham, the current President of the League of Women Voters, and a founding member of WECANN (Women's Equality Cape Ann) group. She explained that the League of Women Voters has organized debates and forums on ballot questions, and WECANN has participated in many community-driven activities such as helping newly-arrived immigrants to Cape Ann to holding silent vigils for Black Lives Matter, and they have given informational forums as well.

Councilor Gilman shared that **Ms. Kimberley** is her neighbor that she has known for 6-7years, and that it was a pleasure to have someone so knowledgeable, objective, and dedicated to the community on the Human Rights Commission.

Councilor Cox told **Ms. Kimberley** that she was so happy that she stepped up to be part of this committee since she does not think a better person in Gloucester could be found for this position. She thanked her for volunteering.

Councilors Nolan and **Holmgren** expressed agreement with what **Councilors Gilman** and **Cox** had mentioned.

Council President LeBlanc echoed the sentiments of the other Councilors, and told her he thought she would do a great job. He mentioned that it is nice to see her volunteer since the volunteers assisted with all of the City's boards, commissions, and committees to help the administration and City Council do a better job. He encouraged her to reach out to the City Council if the Human Rights Commission needs anything.

COMMITTEE RECOMMENDATION: on a motion by Councilor Nolan, seconded by Councilor O'Hara, the Ordinances & Administration Standing Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council appoint Hannah Kimberley to the Human Rights Commission, TTE 2/14/23.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent (Memhard) to appoint Hannah Kimberley to the Human Rights Commission, TTE 2/14/23.

Summary of Discussion: The **Mayor** announced that the Human Rights Commission is now full, and explained that Hannah Kimberly was the last appointed member to complete this committee. She thanked everyone, and encouraged anyone interested in joining in the future to not give up because the members' terms end at different times. She explained that members were chosen based on their diversity and experience to ensure that everyone in the community is represented. The **Mayor** shared that she has known **Ms. Kimberley** for a while, not because of the things that she does, but because of the wonderful, compassionate human being she is. The **Mayor** asked to have a City Councilor volunteer to become a liaison for the committee as well so that the administration and City Council can assist with the process.

Councilor Cox asked when the commission will begin meeting. The **Mayor** explained that now that **Ms. Kimberley** has been sworn in, they can begin the process of selection for positions such as Chair, Vice Chair, etc. with the help of **Acting CAO Vanessa Krawczyk** and **HR Director Holly Dougwillo**. Activity including commission Zoom meetings should begin within the next couple of weeks.

CONSENT AGENDA:

- **CONFIRMATION OF REAPPOINTMENTS**

- **MAYOR'S REPORT**

1. Memorandum from Veterans Services Director re. request acceptance of donations totaling \$2,100 (Refer B&F)
2. Memorandum, Grant Application, & Checklist from the Public Health Director re. request acceptance of a 9-month extension on the Substance Abuse Prevention Collaborative Grant in the Amount of \$75,000 (Refer B&F)
3. Memorandum, Grant Application, & Checklist from the Public Health Director re. request acceptance of a 9-month extension on the Massachusetts Opiate Abuse Prevention Collaborative Grant in the Amount of \$75,000 (Refer B&F)
4. Special Budgetary Transfer Request (#2021-SBT-1) from the Fire Department (Refer B&F)
5. Special Budgetary Transfer Request (#2021-SBT-2) from the Mayor (Refer B&F)
6. Memorandum from Community Development Director re. Community Preservation Committee Off-cycle funding recommendation of \$80,000 to support the Stage Fort Park Advisory Committee's landscape construction design project (Refer B&F)
7. Memorandum, Grant Application, & Checklist from the Police Chief re. request acceptance of the FY21 State 911 Support & Incentive Grant in the amount of \$102,983 (Refer B&F)
8. Health Department Flyer with tips for a safer Halloween (Info Only)

- **COMMUNICATIONS/INVITATIONS**

- **INFORMATION ONLY**

- **APPLICATIONS/PETITIONS**

1. PP2020-007: Request by National Grid to install 1 JO pole and all appurtenances on Lawrence Mountain Road beginning at a point approximately 1,300 feet northwest of the centerline of the intersection of Essex Avenue (Refer P&D)

- **COUNCILLORS ORDERS**

- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**

- 1. City Council Meeting: 9/22/2020 (Approve/File)
- 2. Special City Council Meeting: 9/29/2020 (under separate cover) (Approve/File)
- 3. Standing Committee Meetings: B&F 10/8/20 (under separate cover), O&A 10/5/2020 (cancelled), P&D 10/7/2020 (under separate cover) (Approve/File)

Items to be added/removed from the Consent Agenda: None.

Summary of Discussion: Councilor Pett requested that Item 6 on the Consent Agenda-*Memorandum from Community Development Director re. Community Preservation Committee Off-cycle funding recommendation of \$80,000 to support the Stage Fort Park Advisory Committee’s landscape construction design project* be pulled for discussion (not removed) when the time came.

As a point of information, Councilor Pett explained that he had attended the committee’s in-person meetings when they were still being conducted, and that the \$80,000 is for a landscape construction project that he is very much in support of. Stage Fort Advisory member David Dow had assured him that he would keep him updated on the project.

MOTION: On a motion by Councilor Cox, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 6 in favor, 1 absent (Memhard), 0 opposed, 2 technical difficulties (McCarthy, Pett) to accept the Consent Agenda.

Summary of Discussion: Councilor Cox asked Council President LeBlanc to review how many councilors are required to be present at a City Council meeting in order for matters to be heard and motions to be voted on. He explained that there is a council of nine. A quorum (minimum numbers of members who must be present) of 5 present members is required to accept regular motions. To accept a special council permit or ordinance change, 6 or more members must be present. There were 6 Councilors present, which is why the Consent Agenda was accepted. Councilor McCarthy had notified Council President LeBlanc that he was attempting to rejoin the meeting.

Council President LeBlanc also shared that the meeting currently had 20 attendees and 14 panelists, most of whom would be presenting information on the items listed on the agenda. He explained that attendees are provided the opportunity to speak during Oral Communication and public hearings. He also advised the attendees of the process to request to speak depending on which device they were using.

COMMITTEE REPORTS:

• Budget & Finance – October 8th

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent (Memhard) to accept the Consent Agenda.

Summary of Discussion: Councilor Cox mentioned that several donations were received for Cape Ann Veteran’s Services, and asked the Councilors to reach out and thank any of the donors that they know personally on the extensive list.

Committee Recommendation: On a motion by Councilor Cox, seconded by Councilor McCarthy, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council accept various cash donations under MGL c. 44, §53A, to support Cape Ann Veteran’s Services in the amount of \$1,295 from the following members and business partners within our community:

Patty Wall	\$100.00
Gardner Garrett	\$100.00
Shirley Silva	\$25.00
Bette E. Brooks	\$20.00
Ann G. Young	\$25.00
Giacomo Lombardo	\$50.00

West Gloucester Trinitarian Congregational Church	\$500.00
Trinity Congregation Church	\$250.00
Jane M. Klenk	\$25.00
Kory Curcuru	\$50.00
Nancy Dempsey-Reiher	<u>\$150.00</u>
Total	\$1,295.00

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Giacomo Lombardo	\$ 50.00
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Jane M. Klenk	\$ 25.00
Kory Curcuru	\$ 50.00
Nancy Dempsey-Reiher	<u>\$150.00</u>
Total	\$1,295.00

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor McCarthy, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council approve under MGL c. 30B, §12B a term of contract to permit the procurement officer to award a five-year lease agreement and payment schedule to Axon Enterprise Incorporated for the purchase of tasers and expenses related thereto for the Gloucester Police Department for a total of \$61,030.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent (Memhard) to approve under MGL c. 30B, §12B a term of contract to permit the procurement officer to award a five-year lease agreement and payment schedule to Axon Enterprise Incorporated for the purchase of tasers and expenses related thereto for the Gloucester Police Department for a total of \$61,030.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor McCarthy, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, § 53A, a private grant for \$11,767.50 from the Center for Tech and Civic Life for the purpose of planning and operationalizing safe and secure election administration in the City for the 2020 election. The grant period is from June 15, 2020 through December 31, 2020, and there is no local match for this grant.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent (Memhard) to accept under MGL c. 44, § 53A, a private grant for \$11,767.50 from the Center for Tech and Civic Life for the purpose of planning and

operationalizing safe and secure election administration in the City for the 2020 election. The grant period is from June 15, 2020 through December 31, 2020, and there is no local match for this grant.

Summary of Discussion: Councilor Cox mentioned that the *Memorandum from Grants Administrator re. request to accept Affordable Housing Trust's recommendation to fund \$200,000 to the YMCA of the North Shore for an affordable housing development project at Middle Street # 71* has been continued until **Thursday, October 22, 2020.**

• **Ordinance & Administration-October 5th**-No items under this heading

• **Planning & Development-October 7th**

1. Special Events Permit Application: Request to hold the Halloween Walk Thru on October 29, 2020.

Summary of Discussion: Councilor Gilman requested that Councilor Holmgren present the Committee Report since Councilor Gilman was not present at that meeting.

COMMITTEE RECOMMENDATION: On a motion by Councilor Holmgren, seconded by Councilor Pett, the Planning & Development Committee voted by ROLL CALL 2 in favor, 0 opposed, 1 absent (Gilman), to recommend that the City Council approve a Special Events Permit to the Gloucester Police Community Impact Unit to hold the Halloween Walk Thru on Thursday, October 29, 2020 between the hours of 2:00 p.m. and 4:00 p.m., with closures of Main Street from the corner of Pleasant Street and Main Street (Bank Gloucester) to 2 Main Street (Tonno Restaurant), with the following conditions:

- 1.No merchant set ups on the sidewalk blocking entrance ways to retail or residential units, hydrants, crosswalks, or handicap ramps.
- 2.The organizers shall allow the Fire Department drive-through access with the fire engine at the convenience of the Fire Department.
- 3.That all of the side streets (Short, Porter, Center, and Hancock Streets) shall not be blocked so that emergency vehicles may enter and exit Main Street as needed.
- 4.Merchants shall be responsible for their own trash removal.
- 5.Plumbing codes and regulations shall be adhered to regarding the use of restaurant bathroom facilities.
- 6.Special lighting and electrical requirements necessitate approval of the Inspector of Buildings and the Electrical Inspector.
- 7.The closure of the street at the intersection of Main and Short, Porter, Center, and Hancock Streets must be by means of sawhorses or the like, as directed by the Gloucester Police Department.
- 8.It is the responsibility of the Gloucester Police Community Impact Unit to procure any other necessary local approvals associated with this event.
- 9.That the Unit makes reasonable notification to all residents and merchants along the route that will be affected by the closure.
10. All other applicable laws, City ordinances, and/or regulations that are in full force including Ordinances regarding blocking of sidewalks. The Police Department will enforce these requirements in the interest of public safety.
11. The Gloucester Police Community Impact Unit shall also adhere to any requirements expressed by the Special Events Advisory Committee including that:
 - (a)That a letter from the Office of the Mayor be provided assuring that the event is covered under the City of Gloucester Liability Insurance, and;
 - (b) That this approval is based on the Gloucester Police Community Impact Unit plan submitted to the City Clerk's Office;
 - (c) Must follow the guidelines of the CDC and the local board of health for social distancing. Masks are required for people walking on Main Street.
12. Signs will be posted at all parking meters downtown to notify of the event 24 hours in advance from

12:00 noon on October 28 thru 12:00 noon on October 29.

Summary of Discussion: Councilor Holmgren provided the committee report, and explained that a 30-minute meeting was held regarding this event. **Gloucester Police Department Community Impact Unit Lieutenant Jeremiah Nicaastro** coordinated this event with the **Mayor** and the Chamber of Commerce. During the presentation, social distancing requirements were discussed, which is especially important due to the unfortunate recent increase in local COVID-19 cases.

Councilor Holmgren proposed an amendment to the motion to indicate that the event may be cancelled up to 48 hours in advance of, or on the day of the event. It was seconded by **Councilor Nolan**.

Councilor Pett stated that he supported the amendment, however, he shared that both **Lieutenant Nicaastro** and the **Mayor** had indicated during the Planning and Development Committee meeting that they would provide advance notice if the event needed to be cancelled. **Councilor Gilman** expressed support for the amendment, and stated that it is consistent with other Special Events Advisory Committee verbiage, and good information to include in the conditions for this motion.

Council President LeBlanc also expressed support for the amendment, and shared concerns with **Councilor Holmgren**. He believed the event coordinators had a grasp on the event, and the event will be cancelled if there are any great concerns prior to the event. He mentioned that no one should have to worry about the community and the children of the City knowing that the event will be managed by the Police Department, Health Department, and administration.

AMENDED MOTION: On a motion by Councilor Holmgren, seconded by Councilor Nolan, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent (Memhard) to amend the original motion by adding into the motion verbiage that the event may be canceled up to 48 hours in advance of, or on, the day of the event.

Summary of Discussion: Lieutenant Nicaastro stated that he believed **Councilor Holmgren** had accurately described the plans for the event. He shared that parking will be available in the following locations: St. Peter's Park, I4, C2, and Harbor Loop to prevent grouping in order to maintain social distance. Police School Resource officers will be located near Bank Gloucester, one will be located near Tonno Restaurant, and he will be located in the middle. Candy and gift bags will be distributed by the officers so that crowds do not gather.

Councilor Cox asked about the wording in Condition 12 listed in the Committee Recommendation for the Walk-Thru event that stated: *Signs will be posted at all parking meters downtown to notify of the event 24 hours in advance from 12:00 noon on October 28 thru 12:00 noon on October 29.* Since the event is not scheduled to begin until 2:00 p.m., she asked why the signs would not be posted through the event time. She asked **Lieutenant Nicaastro** if the signs will be removed at noon on the day of the event. He explained that the roads will be closed at noon, and the signs will remain up until 4pm when the event is scheduled to end and the roads are due to reopen.

Councilor Gilman inquired why Main Street would be closed at noon if the event does not start until 2:00 p.m., and asked if the Main Street business owners had been notified. **Lieutenant Nicaastro** said that the Main Street business owners are aware that an event is being planned, however no fliers have been distributed, and details have not been provided to the business owners yet because the event is pending approval at this evening's meeting. He explained that two hours provides enough time to safely close the streets once the cars have exited the parking spaces, and that some families will probably begin arriving by 1:30 p.m.

The **Mayor** explained that some of the shops have already been contacted, and they chose Thursday, October 29, 2020 since the weekends create more difficulty. The original suggested time from 2:00-4:00 p.m. is agreeable since that is traditionally when the toddler parade beginning at Harbor Loop is held (although it is cancelled this year due to COVID-19). Main Street business owners are aware that tables will be set up outside so that people are not trying to crowd into the shops. She clarified that people not participating in the event will be allowed to walk and shop on Main Street during that time, they will just not be able to park there until the event ends. Children up to 5th grade are welcome to attend. The event has been sponsored by the Gloucester Education Foundation, Addison Gilbert Hospital, and Cape Ann Savings Bank. Street closures allow more room for social distancing. She encouraged the City Councilors to volunteer in costume if they are able to attend.

Although the annual **Mayor's** Family Halloween event at City Hall will not be held this year (because it is not allowed in the current phase of Governor Baker's re-opening plan), the Gloucester Health Department is being consulted regularly, and precautions are being taken to make sure that the community remains as safe as possible. She made it known that the current uptick in Gloucester was the result of a cluster from a single gathering. She stated that she understands that this is scary and emotional, and the administration has been working around the clock to assist the community. She thanked Governor Baker for providing the City with **Free COVID-19 testing (Drive through at Stage Fort Park Thursday, October 15th and Friday, October 16th from 9:00 a.m.-3:00 p.m.)**. She warned that the number of cases may jump as more people besides those who may be part of that cluster are tested.

Under normal circumstances, Halloween celebrations and trick-or-treating is at the discretion of parents, the City does not issue any time or other restrictions. However, if COVID cases continue to rise, she encouraged the Councilors to consider establishing specific times for trick-or-treating after feedback from parents is received so that at a certain point in the evening, it will be known that children and their families will be home safe.

Councilor Gilman expressed support for this event. She commended **Lieutenant Nicastro** and the **GPD Community Impact Unit** of the police for the great work they do for the community, and for working closely with the **Mayor's** office and Health Department to plan a safe, structured event. She shared that although she was unable to attend the Planning and Development Committee meeting, she viewed the Special Events Advisory Committee Zoom meeting on the City website.

Councilor Holmgren agreed with **Councilor Gilman**, and shared that she also supported the event. She expressed appreciation for **Lieutenant Nicastro**, the rest of the **Community Impact Unit**, and the **Mayor's** office for their drive to give the children of this community something to look forward to while also being focused on safety and social distance.

Councilor Nolan expressed appreciation for the **GPD Community Impact Unit** for all that they do for everyone in the city, we are lucky to have them. He shared that he supported this event, and believed it will be a wonderful event if allowed.

Councilor O'Hara agreed with the comments shared by the other City Councilors, expressed his support for the event, and stressed the importance of trying to maintain some normalcy, especially for children.

Councilor McCarthy expressed his support for the GPD, and stated that the community should keep attempting to hold events, and if they get cancelled, at least an attempt was made.

The **Mayor** commended **Councilor McCarthy** for his work with the Kops N' Kids program during his time as Acting Police Chief, along with current Police Chief Ed Conley, who has encouraged his officers and engaged them in different programs where they can excel. She said that in response to anyone who believes

we should defund the police, Gloucester does not defund, we educate. The GPD has received a variety of trainings covering social issues such as mental health, addiction, and Alzheimer's. She said that as a community, we are fortunate that we are able to educate, react, be proactive, and work together to make sure that we have everything we need. She thanked the City Council for their teamwork and support, specifically **Councilor Cox** as **Chair of the Budget and Finance Committee** for making it possible for the City to afford the things that it needs.

Council President LeBlanc mentioned that although he felt conflicted due to COVID-19 concerns, he chose to support this event. He expressed trust in the judgement of the administration, Health Department, and Police Department that they will make an educated decision as to whether it will be safe to hold the event. He stressed that safety starts at home, encouraged people to take care of themselves by taking precautions, since that is the only way to stop novel coronavirus infections.

Lieutenant Nicaastro credited several Main Street storefronts who contacted Kops N' Kids and requested that they coordinate the Halloween Walk-Thru. He reiterated that he would be present at the event, and that the police department did not intend to prevent anyone from shopping during that time or tow any vehicles that needed to remain, he just wanted to do what was needed to maintain public safety. Council President LeBlanc thanked him for having attended tonight's meeting, and encouraged him to contact the Council if he needed anything, or if anything changes regarding the event so that the Councilors can spread the word to their constituents.

MOTION: On a motion by Councilor Holmgren, seconded by Councilor Gilman, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent (Memhard), to approve a Special Events Permit to the Gloucester Police Community Impact Unit to hold the Halloween Walk Thru on Thursday, October 29, 2020 between the hours of 2:00 p.m. and 4:00 p.m., with closures of Main Street from the corner of Pleasant Street and Main Street (Bank Gloucester) to 2 Main Street (Tonno Restaurant), with the following conditions:

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- 5.Plumbing codes and regulations shall be adhered to regarding the use of restaurant bathroom facilities.**
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- 8.It is the responsibility of the Gloucester Police Community Impact Unit to procure any other necessary local approvals associated with this event.**
- 9.That the Unit makes reasonable notification to all residents and merchants along the route that will be affected by the closure.**
- 10. All other applicable laws, City ordinances, and/or regulations that are in full force including Ordinances regarding blocking of sidewalks. The Police Department will enforce these requirements in the interest of public safety.**
- 11. The Gloucester Police Community Impact Unit shall also adhere to any requirements expressed by the Special Events Advisory Committee including that:**
 - (a)That a letter from the Office of the Mayor be provided assuring that the event is covered under**

The City of Gloucester Liability Insurance, and;

(b) That this approval is based on the Gloucester Police Community Impact Unit plan submitted to The City Clerk's Office;

(c) Must follow the guidelines of the CDC and the local board of health for social distancing. Masks are required for people walking on Main Street.

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13. The event may be canceled up to 48 hours in advance of, or on, the day of the event.

SCHEDULED PUBLIC HEARING

1. PH2020-011: SCP2020-003: Atlantic Road # 163 (formerly part of #171), Map 73, Lot 41 (a portion of former Map 73, Lot 26), GZO Secs. 3.1.6(b) "Building Heights in Excess of 35 Feet," 3.2.2 fn.(e) "Dimensional Requirements for Multi-family Dwellings and Their Accessory Uses (other than signs)-reduction in distance between buildings," 2.3.1(8) "Conversion to or new multi-family or apartment dwelling, seven or more dwelling units," 5.7.5 "Special Permit Criteria" for Major Project and 1.10.1(a)(1)(2) "Jurisdiction of the City Council" in the R-20 Low/Medium Density Residential district (Cont. from 9/8/20)

The public hearing opened at 6:48 p.m.

Summary of Discussion: Council President LeBlanc explained that the applicant would be given 15 minutes to speak in favor, and then those in opposition would receive 15 minutes. If the applicant goes over the allotted time, the opposition will receive that amount of additional time as well. After that, 3 minutes each will be given to members of the public to express their opinions.

Attorney Deborah Eliason from Eliason Law Office located at 63 Middle Street introduced herself and stated that she represented the applicant, 171 Atlantic Road, LLC. She also introduced property owner **Bryan Melanson, Engineer John Morin** of the Morin-Cameron Group, and **Architect Andrew Sidford**. She began her presentation.

She explained that tonight's team objective was to cover the general background of the project, provide an engineering and architectural presentation, go through the legal criteria, and then answer any questions that the Councilors may have.

The buildings have been lowered to 30 feet at the request of the neighbors, and the 5-unit building has been slightly rotated to preserve and augment a Links Road abutter's distant view. Due to both of these changes, a special permit is no longer required for height or distance between buildings, so the requests for New Multi-Family and Major Project remain.

In 2018, **Mr. Melanson** purchased the Ocean View Inn property. She showed a slide with a picture of the old configuration that featured several oddly-shaped lots with buildings set across lot lines, which she explained is unusual. Visitors to the hotel accessed the site via several roads and driveways off of Atlantic Road. The buildings are in disrepair and continue to deteriorate.

Attorney Eliason explained that since the current site plan has been modified, Lot 5 five, the largest lot, is the matter before the Council tonight. The remaining lots are Approval Not Required (ANR) lots separate from the project currently being discussed.

Mr. Melanson has completed the rehab of the mansion that is on the corner of Atlantic and High Popples Road, and has begun the construction of the first duplex on Atlantic Road. Lot 5 will be the third duplex.

Attorney Eliason showed a rendering of the new site, and stated that there will be 6 units in this building that faces Atlantic Road and 5 units in the one diagonal to Atlantic Road. Assessor's records indicate that the

Ocean View Inn contained 68 hotel units on the entire property: including 28 in the single-story building, and 7 units in the two-story building. She mentioned that the inn was active for many years, and held many weddings and other functions throughout the year. Prior development proposals by previous owners contemplated up to 18 multi-family units in 3 buildings across the entire site, so the current proposal is more modest and in keeping with the surrounding neighborhood. The site's long-abandoned structures will be removed, and redevelopment will make the site once again safe, useful, and esthetically appealing. Housing stock will be added to the city, and the project will also comply with the City's inclusionary zoning requirement to offer one affordable housing unit. The applicant is not seeking any dimensional relief since the project complies with all dimensional zoning requirements. Mr. Melanson is not asking for any variances, only the two special permits that are allowed under the ordinance. She stressed that the proposed plan is an allowed use that requires the permission of the City Council.

Civil Engineer John Morin from the Morin-Cameron Group located at 66 Elm Street in Danvers introduced himself, and explained that on the existing conditions plan of Lot 5, the area in purple is the perimeter of Lot 5. It is an Approval Not Required (ANR) lot that contains frontage on Atlantic Road, along with the required lot area. The red and black dashes indicate existing driveways and existing buildings on the Lot 5 property.

He showed the site plan with the grading and the drainage. Melanson Development had asked the engineers what the zoning allowances are to determine what could be done with the property. The allowable uses are defined under Multi-Family units, and determine how many units are allowed. A maximum of 10% of wetland area on a property is allowed to be used. A viable project has been proposed that will meet the intent of Melanson Development. Although using the drainage on this property to alleviate some neighborhood drainage issues was not a requirement, and actually complicated the requested Conservation Commission permitting, it could have been left alone and designed around. However, since **Mr. Melanson** recognized his ability to provide assistance, and it also made sense from an engineering standpoint, Derosa Environmental Consulting, Inc. was hired to assist in the wetland mitigation.

The area behind the building abuts the golf course property. On the wetland limits, there is a culvert (tunnel carrying a stream or open drain under a road) that goes under the gravel driveway from the paved surface out to a little gravel area in the back. The restriction could potentially cause flooding on abutting properties because of the amount of water coming through there. What we are able to do is open up that area, remove all the fill, connect those wetlands with a large swale (shallow, depressed land) instead of a culvert, eliminating the restriction caused during larger storm events.

The project has received approval from the Conservation Commission, and they have issued an Order of Conditions. The project does meet the required parking for zoning under the zoning by-law, 17 spaces are needed, and 21 will be provided. It is a combination of interior spaces for garages and exterior spaces. The 6-unit building almost parallel to Atlantic Road has parking in the front, and the two end units have a garage. All units located in the 5-unit building will have garages. An overflow parking area required to meet the zoning criteria will provide 5 additional spaces for guests.

The project complies with all zoning requirements. The existing site has no drainage mitigation whatsoever, so there is a lot of impervious surface that does not allowing fluid to pass through, a lot of roof area that just directly discharges into the wetland with no treatment. He explained that there have been a lot of changes in the last 20 years with regards to stormwater management. This project resulted in a net decrease of 90,400 square feet of impervious surface on the property, which allowed the amount of stormwater mitigation required to be minimized. During the team's discussions with the City, the project was designed to comply 100% with the currently existing stormwater mitigation standards even though it was not required.

Architect Andrew Sidford, who has offices in Newburyport and Boston, introduced himself, and began his presentation with a slide that showed the historic mansion that was renovated and restored. He shared that the

classic seaside architecture of the large mansion, with its large gabled roof that buries most of the top floor to keep the mass down, was the inspiration for the design of the remainder of the buildings.

In addition to the mansion and the 11 units on Lot 5 located in the back, the entire property will also consist of a new, single-family home with a new duplex next to it. He explained that the intent from the beginning was to try and make the project as harmonious, aesthetically pleasing, and small in volume as possible for a multi-family dwelling in order to conform with the neighborhood and coastline. Trying to create historical accuracy, a taller, deeper building was originally designed, not to create more space, but because they thought a taller roof would look better. However, Gloucester zoning incentivizes a flat roof, so that is the direction the project moved in.

He showed the current version where gables span multiple units to be cohesive in appearance with the mansion. They intentionally designed the 6-unit building so that no garage doors face the road. Parking is located at the end units on the right and left. They are not visible from the back corner. Bay windows, gabled porches, and balconies were also used to try to reduce the mass. The 5-unit building has garage doors that are not visible from the street.

A slide of the higher version was shown, and then moved on to the existing one at 30 feet that was lowered at the request of neighbors. He mentioned that they had incorporated as many neighbor requests into the project as possible. He showed a slide of the elevations for anyone who may have specific questions, but explained that the models provide more details and are easier to see.

The last slide that he described showed the elevations before and after the height reduction. Highlighted in red was their height allowance they originally requested, and then the reduction in floor-to-floor height and attic space was also shown.

Council President LeBlanc informed **Attorney Eliason** that the presentation was slightly over the 15-minute mark at that point. He asked if there was anything else she would like to present, and told her she could have all the time she needed. She thanked him for the opportunity, told him that she felt that it was necessary to go through the legal criteria, and presented the following slide labeled as Slide 37:

**GENERAL SPECIAL PERMIT CRITERIA-
PROJECT MEETS THE 6 SPECIAL PERMIT CRITERIA OF GZO SECTION 1.8.3**

- Social, Economic, and Community Needs are served by the project
- Traffic Flow and Safety Will Be Greatly Improved
- Utilities and Other Public Services will be updated and will be adequate to meet the residential needs of the units
- Project is consistent with Neighborhood Character and Social Structure
- Quality of the Natural Environment will be improved by the project
- Potential Fiscal Impact is positive

She stated that social, economic and community needs are served by this project for many reasons. The proposal is modest and in keeping with the surrounding neighborhood. There are only 11 units, prior proposals included many more. The abandoned buildings will be replaced, making the site safe, useful, and aesthetically appealing, resulting in a residential development which is more conforming with the GZO consistent with other uses in the district and neighborhood than the prior hotel and function facility was. It also meets all density and dimensional requirements of the ordinance. She showed a copy of the zoning chart that is on the plans.

She reiterated what **Mr. Morin** had said about wetland use, and explained that 90% of the wetlands were excluded from the lot area calculation. Excluding the unused portion, the lot area is 167,000 square feet,

making it four times the 40,000 square feet of lot area required. The City ordinance has a lot of density controls covered under it. In addition to lot area, open space per unit, lot area per unit, and lot coverage are accounted for. This project exceeds all those standards. For required lot area per unit, approximately 10,000 is required, 15,000 is being proposed for this project, meaning each unit is 5,000 square feet more than required, which is twice the size of most houses. Open space is similar, approximately 7,500 square feet is required, while 12,000 is being proposed, resulting in 4,300 square feet more per unit. Allowed lot coverage is 25% as of right, and this project requires only 8.4%. The ordinance allows up to 16 units on this site, and the proposed plan is for 11 units.

It also complies with all the frontage, front side, and rear yard setbacks. It is also adding to the city's housing stock, and it will have to follow the inclusionary zoning under the housing production plan for the city. The plan suggests that the community needs more diverse and multi-family housing, and explains that a diverse housing stock is advantageous because it gives a variety of products available at numerous price points. Current housing in the city consists of 57% single-family homes, 31% two and four-family homes, and 3% of multi-family housing with 10-19 units.

As **Mr. Morin** had mentioned, since there is a circular drive, and only one entrance and exit (so no one will be backing out into the public way), traffic flow and safety will be improved. There will also be less traffic created by this proposed use than it did when the site acted as an inn, function facility, and conference center. In terms of the Major Project, it does have the required adequate access to a collector street, Atlantic Road.

The driveway is 20 feet wide, and it was determined by a Swept Path Analysis (simulation of a vehicle moving within a digital design) that it has an adequate turnaround to accommodate the Gloucester Fire Department. A 16-foot gated access will also be provided for emergency access. Utilities and public services will be updated, adequate to serve the residential development, and the consumption of them is anticipated to be less than the former use. The buildings will be connected to the municipal sewer, the site plan shows the access points for the required drainage and utilities serving the buildings, and there will be no access to the project from minor streets serving single-family residences. The parking areas are screened as required when practical, the lighting of the parking area is designed to avoid glare onto the adjoining properties and will comply with the ordinance. There are no topographical changes being made, a cohesive landscape plan has been provided as part of the application, which will incorporate trees, shrubbery, grass, and other landscaping throughout the development.

The project is consistent with the neighborhood and social character since it consists of mixed residential and commercial oceanfront, larger remodeled homes, and several large motels and hotels. **Mr. Melanson** was very concerned with preserving existing views, which is why he moved the 5-unit building to preserve a distant neighbor view on Links Road, was also considerate of the view of Thatcher Island from 78 High Popples Road, and also improved some other views, specifically for one property on High Popples Road and one on Eagle Road since the abandoned buildings will be removed, and the new buildings are better-aligned with the neighborhood.

As previously mentioned, the natural environment will be improved, sufficient outdoor space will be provided to promote the quiet enjoyment of its residents. Potential fiscal impact is certainly positive, as the improvement and occupation of this long-vacant site will increase its value and add residential tax income to the city, create a greater consumer base for the local businesses and services, and likely improve neighborhood property values.

For all of the reasons listed, **Attorney Eliason** suggested that the criteria of 1.8.3 has been met for this project, and that based upon that criteria, the proposed use will be in harmony with the general purpose of the ordinance, and will not adversely affect the neighborhood or zoning district of the city to such an extent as to outweigh the beneficial effects. The Multi-Family Major Project 5.7.5 criteria has also been met. Based on the

information provided, she asked the City Council to grant the two permits. She also offered to have the team answer any questions.

Jim Towne, 12 Links Road

He thanked the Council for the opportunity to share his support of this project. He stated that if Gloucester had more developers like **Mr. Melanson** and his team, we would be a much better community for it. As previously mentioned, this property has been through a number of changes over the last few years, and has remained derelict since there have been some challenges regarding the potential density and other uses of the of the land. He explained that **Mr. Melanson** came in with a totally different approach, and as a developer, looked to not only satisfy the need to make money, but also to make sure that he was doing it in character with the neighborhood and in partnership with the neighbors, and he believed that he had done an excellent job of that. He stated that the city seemed to often have limited resources in terms of planning and development and working with the neighbors, there have certainly been other properties in this area where things have fallen short, however, Mr. Melanson has gone out of his way to meet with neighbors on a number of occasions to present information and try to work with everyone as much as possible. He mentioned he thought water mitigation project is severely overdue. He mentioned that he spoke to Planning Director Gregg Cademartori, and the water issues have been a problem for years, and were also noted on other development project in the area by the Conservation Committee. He believed those type of activities really set this project apart. He shared that his wife also supports it, and he hoped the Council would as well.

Mark & Pam Poulin, 84 High Popples Road

He stated that he and his wife live there with their two children. They expressed support for this project because they feel that it is the least impactful, most likely outcome for developing the site. He said that while it is not an ideal scenario in all areas, it does leave a good amount of open space, while preserving and creating ocean views for direct abutters and beyond. The neighbors appreciated the fact that use of Eagle Road and High Popples Road will be for emergency access only. He and his wife felt that Melanson Development Group is committed to quality work, work practices, and has been open with neighbors about their intentions. He mentioned concerns that background lighting will be kept to a minimum, and that the overall feel of a multi-family complex will be kept as subtle as possible, and not become a grand spectacle that will detract from the beautiful ocean view. He knows that R-20 zoning allows for duplexes, and that this property could accommodate up to five. He questioned how density is determined, is it about how many duplexes you can cram in with garages, outbuildings and swimming pools, or how many units should be in one large structure? He said that he supposed there was a balance, and that it is up for the Council to decide, however, at the moment, he and his wife were happy with what they see in front of them,

William Muniz, 8 Links Road

He stated that he fully supported this development since Mr. Melanson has been nothing but helpful by meeting with the neighbors. He shared that he lived here when the Ocean View Inn was on the property, and mentioned that he is happy with the new project, that people will be living on the Back Shore in this housing, and he is satisfied with the way that the project looks.

Phil Puma, 1 Eagle Road

He said that he and his family are direct abutters and expressed definite support for this project. He mentioned that the site had been an eyesore for years. He shared that the original contractors had so many different plans and were unpleasant to work with. He felt that **Mr. Melanson** presented a really nice project that they are happy to see move forward.

Those Speaking in Opposition:

Council President LeBlanc reminded all meeting attendees of how to call in and use the raise hand button if they were on a laptop or device in order to be heard.

Kathy Clancy, 78 High Popples Road

She stated that she has lived for 26 years with her husband and son right behind the Ocean View Inn property, and also owns 4 Eagle Road, which directly abuts the property. She expressed feeling conflicted on how to approach her comments to the Council, because as her neighbor Mark Poulin had expressed, neighbors with homes close to this property are faced with two less-than-ideal prospects. She felt that it was awkward speaking in opposition when, if this project is turned down, a large two-family house could be built in front of both of her properties, which she believed would destroy everything she loves dearly about where she lives. She explained that she used the word conflicted because the siting of this proposal is the most favorable for her homes, but preserving the character of the Atlantic Road, High Popples Road, and Harriet Road neighborhood is of concern to her. She felt that approval of an 11-unit condo development anywhere on Atlantic Road would set a troubling precedent.

She said that if this development was proposed anywhere else along Atlantic Road, she still would have attended this meeting to express her concern for this type of proposal that she believed would set a troubling precedent. The two structures proposed are approximately 15,000 square feet each, which is almost double in size to most of the other homes in the neighborhood. She mentioned that homes along High Popples and Harriet Road are generally modest, single-family homes, with a few newer two-family homes. She reminded the Council of the wording paraphrased from the Gloucester zoning ordinance R-20 low/medium density zoning district that it is intended to accommodate single-family residential development, and where appropriate, two-family and multi-family development. The intent of this district is to provide a transition from the rural districts to the high-density districts of the city. She felt that this proposal was a drastic departure from that zoning definition, and was anything but modest or similar to the neighborhood. She stated that she does understand why it is being proposed by **Mr. Melanson**. She reiterated what the other neighbors have shared about him, that he is a nice businessman who has been very professional, and that the neighbors have enjoyed the work he has done in the neighborhood. She wished this project was on a smaller scale with less units and square feet overall, with more green space. She expressed hope that the Council would consider her additional concerns during their discussion. She mentioned that light pollution was a big issue with a development like this. The dark sky movement across the world advocates for a precautionary approach to outdoor lighting design, and she hoped Gloucester has considered this aspect of the project, since it would be a shame to not be able to see the amazing stars and other fascinating sights of the night sky since this is an area on Atlantic Road where people come to view eclipses and meteor showers. Another safeguard she requested was that no additional parking or paving be allowed in the future given the wetland implications, and the added impact that additional cars would bring. She thanked the Council for the opportunity to express her concerns, and stated that she knew that the Council takes awarding special permits very seriously.

Council President LeBlanc told Ms. Clancy that the Councilors were taking notes, and would ask some of the questions that callers had mentioned.

Bill Casden, 30 Links Road

He thanked the Council for the opportunity to speak, and shared that he has lived above the Ocean View Inn property for years, and both of his daughters were married and had their receptions there. He shared that he walks Atlantic Road regularly, and has heard favorable comments about the developer and the work has put in. He stated that he appreciated that, and understands that it is every developers intent to maximize the return on investment. He said that the issue he has was similar to what Kathy Clancy mentioned, Gloucester Zoning

Ordinance Section 3.1.6(b) “Building Heights in Excess of 35 Feet,” whether the project was consistent with neighborhood character. He mentioned that it is not a residential and commercial area, Atlantic Road is almost entirely single-family homes, some large and stately, some more modest. He believed that the scale of what is being proposed is out of character with the neighborhood. He felt that is just one great big gob-smacking building, and while he respected **Architect Andrew Sidford’s** efforts to divide up the front elevation and make it look less imposing, it is still a great big structure. He wondered if it might be possible to reduce the scale to make it more consistent with what is in the neighborhood around it. He also said that he guessed that **Attorney Eliason** was a little tongue-in-cheek about this project adding diversity to the community.

Council President LeBlanc offered the applicant the right to a rebuttal. **Attorney Eliason** addressed lighting concerns, and explained that a lighting plan was submitted for this project that was determined to be in compliance with the very detailed requirements outlined in the zoning ordinance. The intention was to provide dark sky lighting. She stated that **Mr. Melanson** has addressed all neighbor concerns including lighting, and would be willing to continue to do so if new concerns were brought to his attention. She pointed out that the ordinance does not apply to single and two-family homes, so there are a lot more restrictions on multi-family lighting than there are in other developments.

She stated that the Supreme Judicial Court, the highest court in Massachusetts, recently decided that the zoning ordinance requirements are applied to determine scale and density. This project met all of the set-back requirements concerned with crowding. She explained that if smaller buildings were added, Which a previous developer had proposed, there would be less opportunity to preserve the views, And the site would look more crowded than it does now. She said that the site visit clearly showed how far away from Atlantic Road and High Popples Road the buildings are. **Mr. Melanson** has worked within the ordinance and created development than what would have benefitted him the most economically.

Council President LeBlanc asked the **City Clerk** if any communications had been received. She shared that one in opposition to the special council permit had been received around 3:00 p.m. this afternoon from **Robert Parsons of 39 Harriet Road.**

Councilor Pett thanked the applicant for the presentation, and everyone who participated in the commentary in support and opposition.

Councilor Questions

Q1 (Pett) One of the opposition questions that came up during the site visits and presentations was: What pledges will be made in terms of language in the development documents that will prohibit additional parking spaces from being added in the future?

A1 (Melanson) If the Council wants to put in anything that they think is appropriate to alleviate that concern, they are welcome to. Our pledge is not to add additional parking spaces, however once the buildings are sold, I will no longer own the property, and that responsibility would belong to a building association. Any language that you would like to put into the permit stating that extra parking would be prohibited unless the matter is brought before the City Council would be fine with me.

Summary of Discussion: Councilor Pett thanked **Mr. Melanson**, and stated that as with his team’s entire presentation and the City’s communication with them, it seemed that he and the team have been willing to do whatever was necessary. **Councilor Pett** remarked that he would like that requirement added to the permit.

Councilor Gilman expressed her appreciation for **Planning Director Gregg Cademartori** attending this evening’s meeting. She stated that she knows that the City Councilors have all read the minutes from the September 16, 2020 Planning & Development meeting where the committee recommendation was made for this matter.

Regarding the Section 5.7.3 Major Project department reviews, the Council has received letters of support from the City Building Department, Engineering Department, Public Works, Public Health, and the Planning Board. Verbal approval was received from the Conservation Committee.

Q2 (Gilman) I was hoping Gregg Cademartori could elaborate on the verbal approval since I do not believe we have received the written approval yet.

A1 (Cademartori) I think at the last Planning & Development Committee meeting, the plans that were presented to the committee were consistent with the ones that were recommended by the Planning Board back in August. I think the committee received the Planning Board report on September 16th. The plan was revised, and the Conservation Commission has since issued an Order of Conditions for the project, so I think that is effectively their response and report out to you that they are in approval of that project.

Q3 (Gilman) I would like an explanation from Attorney Eliason on the affordable housing unit and how that would work. I know that we have gently touched upon that, but if you could just enlighten us briefly on how that would be handled, that would be wonderful.

A1 (Eliason) Certainly. There is a requirement in the ordinance for inclusionary housing, and there is a requirement for this multi-family that one of the units be affordable. I believe it has to be at 80% of the area median income, and **Mr. Melanson** is going to do that. He is not going to seek any sort of waiver or payment in lieu or anything like that, he is going to provide the unit.

Q4 (O'Hara) Thank you. In speaking with a constituent who was very pleased with the design and being able to work with Mr. Melanson and his team, the question asked was: Does Mr. Melanson have any plans on putting curbing along Atlantic Road?

A1 (Melanson) We have not had any discussion about that with anyone from the Department of Public Works. We have met with Engineering and Public Works, that has never come up. I know we have talked about drainage, and how we are going to build swails along Atlantic Road. So John Morin might be able to address that a little bit more accurately, but I'm not sure that would work with the design we have. Not that I would be opposed to it, if it was something that made sense to Public Works. I am sure we would incorporate that somehow, but none of the plans, none of the drainage swails, none of the conversations we have had up to date with any Department Head that is included or talked about anything to do with curbing.

A2 (Eliason) I think just if I might add, that would all be under the control of the Department of Public Works. It is not something that we could propose or do without their permission.

A3 (LeBlanc) I was going to say the same thing, and I think the property line stops before the actual street starts because I know a lot of the properties out there have the boulders out front that are kind of in the public space, so I think the answer is no Jamie.

Q5 (Gilman) Attorney Eliason, I had the benefit of being on all three site visits, and one abutter question was regarding the alternatives to what could happen on the five individual sites. You showed us very specifically where some of those sites were. I was wondering if you would explain where those five properties are and how those five lots are buildable to a two-family, if that is possible.

A1 (Eliason) In this area, there could be 5 subdivision lots that could each hold a duplex with two units, so that would be 10 units, and the way it would have to be laid out is, first of all, they would be much more spread apart than the multi-family units. Two of the buildings would be directly in front of the properties off of High Popples Road and Eagle Road, which I believe is what Ms. Clancy was referring to. The others would be sprinkled along the back and wetlands side. So we do believe that even though that alternative was looked at, it was not the best alternative for this site or the neighborhood because it would more unduly infringe upon the neighbors and their existing views and privacy than the multi-family would.

The public hearing closed at 7:43 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council grant to 171 Atlantic Road, LLC, a Special Council Permit (SCP2020-003) for the property located at Atlantic Road #163 (formerly part of #171), Assessor's Map 73, Lot 41 (a portion of former Map 73, Lot 26) zoned R-20 pursuant to Gloucester Zoning Ordinance Section 2.3.1(8) Conversion to or new multi-family or apartment dwelling, seven or more dwelling units and 5.7.5 Major Project for eleven or more dwelling units, to construct multi-family housing containing eleven units divided between two buildings. This permit is made on the basis of plans and elevations dated February 14, 2020 and submitted to the City Clerk on February 19th, 2020, entitled, "Multi-Family Site Redevelopment in Gloucester, Massachusetts, Lot 5-163 Atlantic Road, prepared from Melanson Development, "Townhouse Community 161, 165, 171 Atlantic Road Gloucester, MA," and "Melanson-Townhouses, Atlantic Road, Gloucester, MA, 01930;" and amended plans and elevations dated August 6, 2020 and submitted to the City Clerk's office on August 11th, 2020, entitled "Multi-Family Site Redevelopment in Gloucester, Massachusetts Lot 5-163 Atlantic Road," "Townhouse Community, 161, 165, 171 Atlantic Road Gloucester, MA," "Melanson-Townhouses, Atlantic Road Gloucester, MA 01930." Subject to new information and/or debate that results from the public hearing, this Special Council permit is deemed to be in harmony with the intent and purpose of the Zoning Ordinance.

Summary of Discussion:

Councilor Holmgren thanked **Mr. Melanson** and his team for all of their efforts during this time. She expressed support for the project, and stated that although she knows some neighbors are upset by the number of proposed units, she would rather see an 11-unit multi-family complex than 5 duplexes on that property. She believed over these past few months, **Mr. Melanson** has shown his commitment to the community, and to work with people in the neighborhood to the best of his ability.

Council President LeBlanc thanked **Councilor Holmgren**, and reminded the Councilors that the logistics outlined under Section 1.8.3(b) are what is being voted on this evening. He asked them to state and explain their position on the matter.

Councilor Pett expressed support for this project, and thanked **Mr. Melanson** and the whole group for working with the neighbors. He believed the project met the criteria for neighborhood character, and that it would benefit the community. He stated that he would like to make an amendment, and asked when the appropriate time would be to do so.

Council President LeBlanc commented that he thought that with everything **Mr. Melanson** has done with the neighborhood, making sure that the height and density were reduced, and everything else that has been done, he did not believe trying to add additional parking spots would be an issue, however, he encouraged **Councilor Pett** to create an amendment if that is what he felt needed to be done.

Councilor Pett explained that while **Mr. Melanson** has done a wonderful job, if the project is approved, once it is completed, he will no longer be there to make decisions. He proposed an amendment that 21 parking spaces will be provided (although the requirements is for 17). If this special council permit is approved, 21 parking spaces would be the limit going forward, and that they would not be able in the future to ask for more. **Councilor Holmgren** seconded.

FIRST AMENDMENT: If this special council permit is approved, 21 parking spaces would be the limit for this housing development, and it would not be possible for anyone to appear before the City Council in the future to ask for more.

Councilor Cox disagreed with the language that stated that additional parking spaces cannot be asked for, since asking is a right in the process. She believed the word adding would be more appropriate language.

Councilor Pett thanked **Councilor Cox** for the clarification, and stated that he would be happy to change it to that wording.

Council President LeBlanc stated that an amendment had been proposed and seconded. In order to amend the amendment, another amendment needed to be made that stated that it would be permitted if someone wanted to come before the City Council requesting to add more parking spots.

Councilor Cox proposed another amendment to change **Councilor Pett's** wording from ask to add. **Councilor Holmgren** seconded.

SECOND AMENDMENT: If this special council permit is approved, 21 parking spaces would be the limit for this housing development, and it would not be possible for anyone to appear before the City Council in the future to attempt to add more.

Council President LeBlanc stated that there was an amendment to an amendment. He called for discussion on the amendment to the amendment. He said that he agreed with the amendment on the amendment, and expressed support for both amendments. He also stated that he believed that it was **Mr. Melanson's** right to be allowed to come before the City Council again to ask to have more parking spots. The **Council President** called for a ROLL CALL vote.

Councilor McCarthy requested that the **Council President** provide a read-back on what the amendment is.

He stated that the amendment to the amendment has been moved and seconded. **Council President LeBlanc** said that the amendment of the amendment would be that anybody who wanted to ask for any additional parking spaces on the site in the future must come before the City Council. He asked if that was everyone's correct understanding.

AMENDED MOTION: On a motion by Councilor Cox, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent (Memhard) to amend the original amendment by changing the verbiage by striking the word "ask" and replacing it with the word "add."

Summary of Discussion: Councilor Nolan thanked **Mr. Melanson** for the work he had done with the neighbors. A project handled incorrectly could have been devastating to the looks and the character of the neighborhood. In this case, time was taken to consider the lighting, the building was moved to preserve as many neighbor views as possible. He believed they did a great job, and wished the Council could work with more people like **Mr. Melanson** and his team on projects in Gloucester. He stated that he was very happy with the project, thought it fit neighborhood character, and intended to vote in support of the project.

Councilor Gilman commented that looking at the requisite criteria for granting the special council permit, under 5.7.3, the Council received supporting evidence from all the departments indicating that they were comfortable with this, and that is criteria for special council permit for a major project. Next, the Planning Board reviewed it, and on August 20th, they voted 7 in favor, 0 opposed.

Then under 5.7.5, the Major Project criteria has been met, including the direct access from Atlantic Road, which is a collector street. It is connected to the municipal sewer. The site plan indicates that the required access points, drainage, and utilities serving each building is appropriate, that there is no access from minor streets, and that the lighting avoids glare, that the multifamily is located in a R-20 residential zone, and the project complies with all dimensional and density requirements.

Under 1.8.3, she emphasized that it is a residential development in a R- 20 zone neighborhood which is more consistent with a residential neighborhood than the previous motel and function hall usage. Traffic flow will enter in only one way and leave the project the same way. It includes a 20-foot driveway with a turnaround. So there is no backing out onto the public way, and there is a gated access over Eagle Road for emergencies. Public service and utilities will be updated, and the utility consumption is anticipated to be less than prior use. The quality of the natural environment, improvements to the wetlands which were discussed at length, drainage issues will be repaired and the water will flow more freely into the large wetland areas to the east. The fiscal impact will increase value and add residential tax income to the city. She mentioned that although Councilor Memhard was not present at tonight's meeting, during the September 16th meeting, he expressed appreciation regarding the team efforts to address neighborhood concerns to reduce height and mass and address sightlines, and stated that he thought it would be a dramatic improvement to the neighborhood. He also sent us all an email several days ago asking us to make sure that we made that commitment as Ward 1 councilor. He wanted to make sure that we shared that. So those are the reasons that I felt compelled to discuss in terms of my opinion of this project. And I just wanted to be clear with the requisite criteria.

Councilor McCarthy stated that **Mr. Melanson** has done a great job with the neighbors. He had some initial opposition, and was able to resolve concerns such as height for the most part. This plan was approved by Planning Board, and has been vetted by all required City agencies. He repeated the fact that 11 units will replace 35 hotel units. There is major access from Atlantic Road, it exceeds the zoning requirements for the area, as well as the lot area requirements. He does not see that it would cause any adverse traffic to the area. Utilities are more than adequate, drainage is going to improve. It will be more aesthetically appealing. He does not think it affects neighborhood character, and it will have potential increased tax revenue for Gloucester. He expressed support for the project.

Councilor Cox stated that everything that has been said tonight has been spot on as to why she supported this project. She gave credit where it was due to the team for hiring a great attorney who knew the city and the special council permit process. As a developer, she applauded **Mr. Melanson's** willingness to cooperate and change things. She mentioned that is really important to the Council and the entire city, and was appreciated that. So it's important to the entire city. The improved drainage, improved traffic flow, the height change, everything. She did not feel like this was going to stand out any more than any of the other bigger houses along this route, and stated that there is a definite mix of commercial and residential on this road.

Councilor Pett reiterated that this has become the most pleasant experience for a development because of their willingness to meet not only all the criteria the Council is required to judge by, but because they worked with their neighborhood.

Councilor O'Hara thanked **Council President LeBlanc, Mr. Melanson**, and his team for all of their efforts. He expressed support for this project since he believed it has met not only the special permit requirements, but most importantly, the acceptance of the neighborhood as a whole. He shared that the constituents he has spoken to have been able to work with **Mr. Melanson**, and most of them are happy with the development.

Council President LeBlanc agreed with all of the Councilors, and expressed support for the project. He believed **Mr. Melanson, Attorney Eliason**, and their team have done a great job, and stated that it was a pleasure working with them, and that the Council looked forward to working with more developers like them.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent (Memhard) to grant to 171 Atlantic Road, LLC, a Special Council Permit (SCP2020-003) for the property located at Atlantic Road #163 (formerly part of #171), Assessor's Map 73, Lot 41 (a portion of former Map 73, Lot 26) zoned R-20 pursuant to Gloucester Zoning Ordinances Section 2.3.1(8) Conversion to or new multi-family or apartment dwelling, seven or more dwelling units and 5.7.5 Major Project for eleven or more dwelling units, to construct multi-family housing containing eleven units divided between two buildings. This permit is made on the basis of plans and elevations dated February 14, 2020 and submitted to the City Clerk on February 19th, 2020, entitled, "Multi-Family Site Redevelopment in Gloucester, Massachusetts, Lot 5-163 Atlantic Road Gloucester, MA," and "Melanson-Townhouses, Atlantic Road, Gloucester, MA, 01930;" and amended plans and elevations dated August 6, 2020 and submitted to the City Clerk's office on August 11, 2020, entitled "Multi-Family Site Redevelopment in Gloucester, Massachusetts Lot 5-163 Atlantic Road," "Townhouse Community, 161, 165, 171 Atlantic Road Gloucester, MA," "Melanson-Townhouses, Atlantic Road Gloucester, MA 01930." Subject to new information and/or debate that results from the public hearing, this Special Council permit is deemed to be in harmony with the intent and purpose of the Zoning Ordinance. Anyone who may want to add any additional parking spaces on the site in the future must come before the City Council.

2. PH2020-010: SCP2020-002: Essex Avenue #99A, Map 216, Lot 126, GZO Sec. 1.8.3 "Standard to be applied," Sec. 3.1.6(b) "Building Heights in Excess of 35 Feet," Sec. 2.3.4(13) "Marine related service, storage or repair, limited primarily in the MI District to commercial fishing vessels," Sec. 5.5 "Lowland Requirements," Sec. 5.5.2 and Sec. 5.5.3 in the EB District (Cont. from 9/8/20)

This matter has been continued to Tuesday, October 27, 2020.

Summary of Discussion: Council President LeBlanc shared that there were currently 12 panelists and 11 attendees that he anticipated having in attendance for the remainder of the meeting.

FOR COUNCIL VOTE

1. CC2020-012 (Pett/Cox/LeBlanc): Ordered that the City Council request that the State Legislators file a Home Rule Petition; and based on said Petition, the General Court enact a Special Act re. seasonal alcoholic licenses

Summary of Discussion: Council President LeBlanc read the following information:

Home Rule Petition (Gloucester)

Objective:

The City of Gloucester (City) is seeking temporary relief from the requirements of MGL Chapter 138, Sections 12, 15, and 17 so that, as a result of the ongoing state of emergency as declared by the Governor on March 10, 2020, those establishments within the City who have been issued (1) seasonal section 12 licenses authorizing the sale of alcoholic beverages to be drunk on the premises may continue to sell alcoholic beverages pursuant to their seasonal licenses from January 16, 2021 through March 31, 2021.

Draft Home Rule Petition Language

Section 1: The General Court may make clerical or editorial changes of form only to the bill, unless the City Council approves amendments to the bill before enactment by the General Court. The City Council is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

Section 2: Notwithstanding any general or special law to the contrary, the city of Gloucester may temporarily extend the issuance of seasonal section 12 licenses authorizing the sale of alcoholic beverages to be drunk on the premises from January 16, 2021 through March 31, 2021.

Section 3: Notwithstanding any general or special law to the contrary, the city of Gloucester may temporarily extend the issuance of seasonal section 15 licenses authorizing the sale of alcoholic beverages not to be drunk on the premises from January 16, 2021 through March 31, 2021.

Section 4: The act shall take effect upon passage.

Councilor Cox explained that **Councilor Pett** had approached Senator Tarr with the great idea of trying to get the Governor to do it on a statewide basis, and it did not pass through the legislation that it was included with, so it was left up to the local municipalities to do what is being done now, which is to create a Home Rule petition to ask them to take up the matter. The legislature has until January 15th, 2020 to pass or deny the request.

She shared that she felt conflicted since year-round businesses pay a lot of money for their licenses. As **Councilor LeBlanc** said, we all need to try to bail out each other's boats, because we are definitely in the same storm, but we are not in the same boat. She said she thought we should help each other in this time of crisis.

She explained that she wrote the measure specifically stating that it would only be from January 16th, 2021 through March 31st, 2021 so it would have no long-term effect on the marijuana licenses since they are tied to liquor licenses. It would be a temporary measure that would not provide seasonal license holders a year-round license by any means. They would need to close from January 16th through March 31st, and would receive a seasonal license the following year.

Councilor Pett shared that he had tried to speak to as many seasonal liquor license holders and year-round license-holders as possible. He received comments from 3 year-round license holders who expressed support of doing this for this one year to help other businesses. Some communications were also received in support.

Councilor Holmgren stated that she is very happy to support the petition, and thanked **Councilors LeBlanc, Pett, and Cox**. She shared that she was asked by a temporary license-holder what the House number for this petition would be when it goes to the state. She clarified with the Council that the number is not available until it goes to the legislature, and said she will provide her constituent with that information.

Councilor Gilman said that she liked this in concept very much. She asked what the fee was for a year-round license.

Councilor Cox answered that there is no fee for year-round licenses, and she sought clarification from **Councilor Gilman** as to whether she was referring to a seasonal license or year-round license. **Councilor Gilman** clarified that she meant the year-round license that the seasonal license-holder would not need to pay because of this Home Rule petition.

Councilor Cox explained that is not how it worked. A year-round license is an asset that is purchased, while the seasonal license is a flat fee. She offered to look up the exact cost.

Council President LeBlanc shared that **Licensing Board Chairperson Melissa Teixeira Prince** was on the phone. He asked if she knew the answer to **Councilor Gilman's** question.

Ms. Teixeira Prince explained that licenses are renewed every year. She said that the renewal process begins next month. There is a different fee for seasonal versus a year-round license. There is an annual renewal fee.

Year-round licenses are owned. She clarified that it is the renewal fee that needs to be referred to in order to determine the price difference. There are 4 different kinds of licenses since the beer and wine licenses differ from the full-alcohol licenses. She reviewed the list, and shared that a full-alcohol annual license costs about \$2,300 with a common victualler, a seasonal license is \$2,000, a seasonal malt and wine license is \$1,000, and an all-year license is \$1,980.

Councilor Gilman thanked **Ms. Teixeira Prince** for her assistance. She asked if with the Home Rule petition, the seasonal business owners taking advantage of it would not pay a fee.

Councilor Cox explained that they have already paid a fee to obtain the original license, however, there would be no additional expense. **Councilor Pett** clarified that they have already paid the fee for their seasonal license. This one-time addition to cover what would be their off-season would not cost an additional fee.

Ms. Teixeira Prince elaborated that annual licenses are renewed every year in November and December to start the new year. It seemed to her that if the months of January through April were added to the seasonal licenses, that would be on next year's licenses. She did not believe that if the Council voted in favor of this petition that it should be assumed that they have already paid since the fees that have already been paid would expire in December. She stated that anyone who wanted to renew their license has to do it by the end of this year for next year. She also told the Council that if this petition passed, the Licensing Board would need guidance since it the license-holders would be operating for 8 months instead of 12, and it would depend on whether the Council viewed the matter based of what type of license was held, or how long they would be operating.

Councilor Cox opined that since the fee is based on the license type, that is how she would like to see it referred to. She shared that the Alcoholic Beverages Control Commission had no objection to the petition. Since the petition would be proposed by the Governor, the legislative rules and policing would still be in effect. She asked if this is passed at the state level, when seasonal license-holders should appear before the Licensing Board.

Ms. Teixeira Prince answered that they would need to apply no later than November 30th, 2020, which will probably be before the decision is made at the state level.

Council President LeBlanc suggested that the seasonal licenses be extended to March 31, 2021 since it was not reasonable to expect business owners to apply for an application when a decision has not been reached yet. He asked any seasonal license holders to pass the information on to other business owners, and stated that the Council would do their best to communicate it to business owners as well.

Councilor McCarthy sought to clarify that the Home Rule would asking for the extension of the 2020 license to go until March of 2021. Next year's licenses would still be renewed as required, however the petition would legally just extend their license to March 31st, as opposed to giving them a new license starting in January. **Council President LeBlanc** confirmed that was also his understanding. **Councilor McCarthy** expressed his support since he has not received any negative communications from year-round license-holders, and he recalled that exceptions for year-round license-holders have also been made in the past. He thought that everyone was just trying to do what they could to ensure that these businesses do not fail.

Council President LeBlanc stated that the Council does not want to see business owners lose everything, so he wanted to see the licenses extended out a little more to help.

Ms. Teixeira Prince clarified that all licenses would expire on December 31, 2020. Business owners have November 30th to apply to renew them, and the **Licensing Board** will renew them before December 31st. To

her, it sounded like the Council did not want to extend the seasonal licenses from this year to extend into next year, but instead wanted to allow next year to start early since regardless of what is decided, all licenses by law expire on December 31st, and their renewal paperwork needs to be received no later than November 30th.

Councilor Cox agreed to review the Home Rule petition objective to ensure that the legal verbiage indicates that it is not an extension of the 2020 seasonal license, but rather an early beginning to the 2021 license. She stated for the record that the draft language did not specify 2021 versus twenty 2020, it only said that the City of Gloucester may temporarily extend the issuance of Section 12 seasonal license that authorized the sale of alcoholic beverages to be drunk on the premises from January 16th, 2021 through March 31, 2021.

Council President LeBlanc clarified that if this petition was passed this evening, the Council would be asking the state legislation to give an advance on the 2021 license. He expressed support since he thought it was great for the businesses. He thanked **Ms. Teixeira Prince**, and expressed his appreciation for her taking time out of her busy evening to guide the Council through the process and teach them a little about liquor licenses.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent (Memhard) to request that the State Legislators file a Home Rule Petition; and based on said Petition, the General Court enact a Special Act substantially as follows:

Home Rule Petition (Gloucester)

Objective: The City of Gloucester (City) is seeking temporary relief from the requirements of MGL Chapter 138, Sections 12, 15, and 17 so that, as a result of the ongoing state of emergency as declared by the Governor on March 10, 2020, those establishments within the City who have been issued (1) seasonal section 12 licenses authorizing the sale of alcoholic beverages to be drunk on the premises may continue to sell alcoholic beverages pursuant to their seasonal licenses from January 16, 2021 through March 31, 2021.

Home Rule Petition Language

Section 1: The General Court may make clerical or editorial changes of form only to the bill, unless the City Council approves amendments to the bill before enactment by the General Court. The City Council is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

Section 2: Notwithstanding any general or special law to the contrary, the city of Gloucester may temporarily extend the issuance of seasonal section 12 licenses authorizing the sale of alcoholic beverages to be drunk on the premises from January 16, 2021 through March 31, 2021.

Section 3: Notwithstanding any general or special law to the contrary, the city of Gloucester may temporarily extend the issuance of seasonal section 15 licenses authorizing the sale of alcoholic beverages not to be drunk on the premises from January 16, 2021 through March 31, 2021.

Section 4: The act shall take effect upon passage.

2. Warrant for November 3, 2020 State Election

Motion: On a motion by Councilor Cox, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent (Memhard), to adopt the warrant for the November 3, 2020 State Election.

Councilor's Requests to the Mayor: None.

Councilor's Ward Updates & Community News

Councilor Cox asked anyone who sees election signs on public property to please report it to the **Department of Public Works Director Mike Hale**.

Councilor's Thanks and Acknowledgements

Councilor Holmgren thanked **Councilor Nolan** for the incredible work he has done over the past couple of weeks with regard to the West Gloucester train station. She also thanked Senator Tarr and his aide Ted Costa for being so approachable to the neighborhood. She also thanked Police Chief Ed Conley and **Councilors Cox** and **Nolan** for their outreach work on the West Gloucester firing range. She understood it has been a busy time for everyone, and expressed appreciation for the teamwork.

Council President LeBlanc expressed kudos to **Councilors Cox** and **Nolan** for their outreach work this week. He also encouraged any business owners who may need assistance to reach out to the Council, and **Councilor Cox** agreed to contact the Gloucester Daily Times to request that they provide information to readers regarding the Home Rule petition.

MOTION: on a motion by Councilor Cox, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent (Memhard) to adjourn the meeting at 8:32 p.m.

Respectfully submitted,
Brianna Komi
Administrative Support
City Clerk's Office