

**GLOUCESTER CITY COUNCIL MEETING**

**Tuesday, April 26, 2022 – 6:00 p.m.**

**REMOTE MEETING**

**-Minutes-**

**Present: Council President, Councilor Val Gilman; Council Vice President, Councilor Sean Nolan; Councilor Tony Gross; Councilor Jason Grow; Councilor Frank Margiotta; Councilor Scott Memhard; Councilor Jamie O’Hara; Councilor Tracy O’Neil; Councilor Jeff Worthley**

**Also Present: CAO, Jill Cahill; City Clerk, Joanne Senos; CFO, John Dunn; Auditor, Kenny Costa; Interim Community Development Director, Gregg Cademartori; Director of Constituent and Communication Services, Pam Tobey**

*This meeting was conducted remotely through Zoom*

*All votes were ROLL CALL votes*

**Meeting called to order at 6:01 p.m.**

**Councilor Gilman** announced in the interest of government transparency with regards to deliberations and decisions made by the City Council and according to open meeting law, since this meeting was posted as a Zoom meeting, this meeting is recorded by video and audio and 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 “raised hand” button that you can tap or press to request to speak. Please use either of these options during oral communications and the public hearing to be recognized to speak.

**Councilor Gilman** introduced the City Council members and City staff in attendance.

**ORAL COMMUNICATIONS:** None.

**Councilor Worthley** joined the meeting at 6:07 p.m.

**PRESENTATIONS/COMMENDATIONS:** None.

**CONFIRMATION OF NEW APPOINTMENTS:** None.

**CONSENT AGENDA:**

- ***CONFIRMATION OF REAPPOINTMENTS***
  - ***MAYOR’S REPORT***
1. ***New Appointments***

Stage Fort Park Advisory Committee	Adrienne Gilardi Sweet	TTE 2/14/25	(Refer O&A)
------------------------------------	------------------------	-------------	-------------
  - Reappointments***

Board of Commissioners of Trust Funds	Barry Weiner	TTE 2/14/25	(Refer O&A)
---------------------------------------	--------------	-------------	-------------
  2. Memorandum from Asst. DPW Director re: Changes to beach and Stage Fort Park regulations (Refer O&A)
  3. Memorandum from Veterans Services Director requesting donations in the amount of \$766 (Refer B&F)
  4. Memorandum from Public Health Director requesting acceptance of a MA Dept. of Public Health and MA Health Officers Association COVID-19 response award in the amount of \$22,718 (Refer B&F)
  5. Memorandum and #2022-SA-28 from the CFO regarding school building repairs/renovations, in the amount of \$500,000 (Refer B&F)
  6. Memorandum from CFO re: Loan authorization request in the amount \$2.4 million for the purchase of Fire Dept. vehicles (Refer B&F)
  7. Memorandum from Public Health Director re: Seasonal installation of Greenhead control boxes in select areas of Gloucester (Info Only)
  8. Press release regarding the new online reservation system for non-resident beach parking (Info Only)
    - ***COMMUNICATIONS/INVITATIONS***
    - ***INFORMATION ONLY***

1. Notification letters to voters of ward/precinct changes in accordance with the City of Gloucester 2020 Reprecincting Plan (Info Only)
- **APPLICATIONS/PETITIONS**
1. PP#2022-002: National Grid: Crafts Road – National Grid to install beginning at a point approximately 300’ west of the centerline of Biskie Head Point and continuing approx. 100’ in a NW direction. Installation of 100’ +/- 2, 3” concrete encased PVC conduit and all appurtenances from P#7719 continuing approx. 100’ NW to DOT state owned heavy duty handhold (Refer P&D)
- **COUNCILORS ORDERS**
  - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: 4/12/2022 (Approve/File)
2. Standing Committee Meetings: B&F 4/21/2022 (under separate cover), O&A 4/18/2022 (no meeting), P&D 4/20/2022 (Approve/File)

**ITEMS TO BE ADDED/REMOVED FROM THE CONSENT AGENDA:** Councilor Memhard removed: *Memorandum from Public Health Director re: Seasonal installation of Greenhead control boxes in select areas of Gloucester.* He asked for the **CAO, Jill Cahill**, to provide background on the Board of Health’s decision to reenter into the mosquito control program for the greenheads. The **CAO** clarified that the City was not joining the mosquito district and explained that this program was strictly for the greenhead boxes. She explained that a resident, Tom Quinn, brought this matter before the Board of Health who in turn made the recommendation that the City should join the program. She stated that she, as well as the Mayor, reviewed the materials based on the recommendation of the Board of Health and that it was Administration’s recommendation for the City to join the greenhead boxes program. She explained that in order for the City to join the program the City must submit the signed document by June 1, 2022. In terms of payment, for FY23, she explained that payment for the program would be part of the Board of Health’s budget. **Councilor Gilman** explained that information regarding the program could be found in tonight’s City Council packet and that the Board of Health remote meeting concerning this matter was available via Zoom. **Councilor Gilman** suggested that the public can speak in public comments on this initiative, at any upcoming City Council meeting, as it will not be on the agenda. **Councilor Gilman** placed this matter back on the Consent Agenda for approval.

**Councilor Gilman** removed two matters: *Memorandum from Asst. DPW Director re: Changes to beach and Stage Fort Park regulations* and *Memorandum from Veterans Services Director requesting donations in the amount of \$766.* **Councilor Gilman** explained that information regarding the beach and Stage Fort Park regulations could be found beginning on page 20 in the packet. One of the proposed changes, she explained, was expansion of the surfing at Good Harbor Beach which could be found on page 24 in the packet.

**MOTION: On a motion by Councilor Gilman, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to refer Memorandum from Asst. DPW Director re: Changes to beach and Stage Fort Park regulations to O&A.**

**Councilor Gilman** explained that the matter, *Memorandum from Veterans Services Director requesting donations in the amount of \$766*, needed to be referred to be B&F; she offered a motion.

**MOTION: On a motion by Councilor Gilman, seconded by Councilor Grow, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to refer Memorandum from Veterans Services Director requesting donations in the amount of \$766 to B&F.**

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Worthley, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept the Consent Agenda as amended.**

**ITEMS TO BE ADDED/REMOVED FROM THE UNANIMOUS CONSENT AGENDA:** None.

**Councilor Gilman** explained that there are two amendments to the Mayor’s Report on the Unanimous Consent Agenda, including a memo from the CFO requesting an amendment to Loan Order 2018-003 for the Police Station/Courthouse renovation project from \$675,000 to \$1.1 million, as well as a memo from the CFO and

Supplemental Appropriation-Budgetary Request (#2022-SA-29) in the amount of \$300,000, both to be referred to B&F.

**MOTION: On a motion by Councilor Grow, seconded by Councilor Worthley, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept the Unanimous Consent Agenda.**

### **COMMITTEE REPORTS**

#### **• Budget & Finance – April 21, 2022**

**Summary of Discussion:** Councilor Memhard thanked Councilor Gilman, the CFO, John Dunn and the Auditor, Kenny Costa, as well as the councilors who participated in the last B&F Committee meeting which included a budget process overview workshop.

***1. Memorandum from Gloucester Public Schools CFO, and Special Budgetary Transfer Requests (#2022-SBT-1) in the amount of \$60,000 and (#2022-SBT-2) in the amount of \$420,452***

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council approve Special Budgetary Transfer #2022-SBT-1 in the amount of \$60,000 from Account #S1102505-511101, School General Fund, Salary – GHS Principal Professional to Account #0121151-513000, City General Fund, Police Uniform, Overtime, for the purpose of funding the Gloucester High School Resource Officer.

**Summary of Discussion:** Councilor Gross explained that the school resource officer is paid out of the Police Department's budget so this transfer would make the Police Department's budget whole. Councilor O'Hara stated that he would be supporting this matter. He stated that the school resource officers do amazing work at both the high school and middle school. Councilor Nolan stated he would be supporting this matter. Councilor Gross stated that the Police Department has done an excellent job of selecting officers that are a good fit within the school system.

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Worthley, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Special Budgetary Transfer #2022-SBT-1 in the amount of \$60,000 from Account #S1102505-511101, School General Fund, Salary – GHS Principal Professional to Account #0121151-513000, City General Fund, Police Uniform, Overtime, for the purpose of funding the Gloucester High School Resource Officer.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council approve Special Budgetary Transfer #2022-SBT-2 in the amount of \$420,452 from Account #S4193992-530100, School General Fund, SPED-Tuition Non-Public School District Wide Prof. & Tech. to Account #0182052-565004, City General Fund, School Choice Sending Tuition, for the purpose of funding the School Choice – Special Education Out-of-District Tuition costs.

**Summary of Discussion:** Councilor Memhard stated that this matter was the balancing of the City's school choice budget. Councilor Gross explained that this transfer of funds was the School Department reimbursing the City for lost Chapter 70 money. Councilor Memhard explained that the School CFO had explained at the prior B&F meeting that the costs for out-of-district placements had increased dramatically over the past few years. Councilor Gross added that there was little cost control over out-of-district placements.

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Worthley, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Special Budgetary Transfer #2022-SBT-2 in the amount of \$420,452 from Account #S4193992-530100, School General Fund, SPED-Tuition Non-Public**

**School District Wide Prof. & Tech. to Account #0182052-565004, City General Fund, School Choice Sending Tuition, for the purpose of funding the School Choice – Special Education Out-of-District Tuition costs.**

**2. Memorandum from Assistant DPW Director requesting a price increase for non-resident parking at Stage Fort Park**

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council approve the proposed change to the DPW Beach & Stage Fort Park Regulations Appendix A, “Parking and Rental Fees Established” pursuant to the beach parking fees for Stage Fort Park to be raised for certain subheadings as noted below to be the new rates and are hereby amended based on the amendments of the Beach & Stage Fort Park regulations Appendix A dated April 26, 2016 and which shall be filed permanently in the City Clerk’s Office as DPW Regulations as approved by the City Council and pursuant to Sections 7-16 of the City Charter and to carry a new effective date of April 28, 2022 as follows:

Parking Fees		Current	Proposed
Stage Fort Park	Passenger car, SW, mini-van, SUV	\$15.00	\$20.00
		\$20.00	\$25.00
	Motorcycle	\$5.00	
		\$10.00	
	Van (8+ seats)	\$20.00	
		\$25.00	
	Bus (13+ seats)	\$25.00	
\$30.00			
Bus (26+ seats)	\$30.00		
	\$35.00		
Guest Voucher	\$5.00		

**Summary of Discussion:** Councilor Memhard explained that this matter was for a price increase of \$5 in the parking fees at the Stage Fort Park. He explained that the proposed cost for weekday parking at Stage Fort Park was \$20 and the proposed cost for weekend parking was \$25. He thanked Assistant DPW Director, Mark Cole, for his presentation to the B&F Committee. Councilor Gilman added that it has been six years since the rates have increased.

**MOTION:** On a motion by Councilor Memhard, seconded by Councilor Worthley, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve the proposed change to the DPW Beach & Stage Fort Park Regulations Appendix A, “Parking and Rental Fees Established” pursuant to the beach parking fees for Stage Fort Park to be raised for certain subheadings as noted below to be the new rates and are hereby amended based on the amendments of the Beach & Stage Fort Park regulations Appendix A dated April 26, 2016 and which shall be filed permanently in the City Clerk’s Office as DPW Regulations as approved by the City Council and pursuant to Sections 7-16 of the City Charter and to carry a new effective date of April 28, 2022 as follows:

Parking Fees		Current	Proposed
Stage Fort Park	Passenger car, SW, mini-van, SUV	\$15.00	\$20.00 Weekdays
		\$20.00	\$25.00 Weekends, Holidays
	Motorcycle	\$5.00	Weekdays
		\$10.00	Weekends, Holidays
	Van (8+ seats)	\$20.00	Weekdays (Permit Required)
		\$25.00	Weekends, Holidays
	Bus (13+ seats)	\$25.00	Weekdays (Permit Required)
\$30.00		Weekends, Holidays (Permit Required)	
Bus (26+ seats)	\$30.00	Weekdays (Permit Required)	
	\$35.00	Weekends, Holidays (Permit Required)	
Guest Voucher	\$5.00	discount off the full daily rate	

**3. Memorandum from Interim Community Development Director requesting acceptance of a Seaport Economic Council Grant for St. Peter’s Landing and HarborWalk improvements in the amount of \$100,000**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Memhard, seconded by Councilor Worthley, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council accept a state grant, under MGL c. 44, §53A, a Massachusetts Seaport Economic Council Grant, for a total grant award of \$100,000. The purpose of this grant is to conduct a feasibility evaluation and design improvements to St. Peter’s Landing and HarborWalk improvements. This grant is through June 30, 2023 and the local grant match is \$25,000.

**Summary of Discussion:** Councilor Memhard explained that this matter was regarding a grant award of \$100,000 from the Seaport Economic Council for St. Peter’s Landing and HarborWalk improvements.

**MOTION:** On a motion by Councilor Memhard, seconded by Councilor Worthley, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept a state grant, under MGL c. 44, §53A, a Massachusetts Seaport Economic Council Grant, for a total grant award of \$100,000. The purpose of this grant is to conduct a feasibility evaluation and design improvements to St. Peter’s Landing and HarborWalk improvements. This grant is through June 30, 2023 and the local grant match is \$25,000.

- **Ordinances & Administration – April 18, 2022 (no meeting – holiday)**
- **Planning & Development – April 20, 2022 (no items under this heading)**

**Summary of Discussion:** Councilor Grow announced that there would be a site visit on Tuesday, May 3, 2022, at 2:00 PM regarding SCP2022-003, East Main Street #115, Map 59, Lot 77, GZO Sec. 2.3.4(9) “Restaurant, with outdoor seating or with takeout constituting more than 20% of total business, or both” and

Sec. 5.18 “Marine Industrial District” for a restaurant with outdoor seating in the MI District. He stated that the site visit would take place outside and face coverings are optional.

#### **SCHEDULED PUBLIC HEARINGS**

1. **PH2022-010: RZ2021-003: Amend GZO Sec. 2.3.1 “Residential Uses”; Sec. 3.2.1 “Dimensional Requirements for Single, Two-Family and Three-Family Dwellings”; Amend Sec. 3.2.2 maximum building heights to 35’ in zoning districts R-30, R-20, R-10 and R-5; Amend the maximum building height to 45’ in zoning districts CCD and CB; Amend Sec. 3.2.2 “Dimensional Requirements for Multifamily Dwellings and their Accessory Uses (other than signs)”; Amend Sec. 3.1.6 “Special Permit for Building Heights in Excess of Section 3.2 Limits.” All amendments as reflected in the draft proposal. (TBC 5/10/2022)**

**The Public Hearing was opened at 6:36 p.m. and continued until the May 10, 2022, City Council meeting. Councilor Gilman encouraged members of the public to view the P&D minutes and the Zoom recording from the April 20, 2022, Planning & Development meeting regarding this matter.**

2. **PH2022-011: Review of the “Open Air Parking Space Permit” issued to John Williams at Essex Avenue #74 pursuant to MGL Ch. 148, §56 and GCO Ch. 22-153**

**The Public Hearing was opened at 6:37 p.m.**

**Those speaking in favor:** John Williams of the Gloucester Cinema stated he was here to renew his license that was first received five years ago.

**Those speaking in opposition:** None.

**Written communications:** The City Clerk, Joanne Senos, stated that there were no written communications.

**Questions from Councilors:** None.

**The Public Hearing was closed at 6:42 p.m.**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Gilman, seconded by Councilor O’Neil, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council renew the license for Minuteman Cinemas, Inc. d/b/a Gloucester Cinema, John Williams, Owner, at 74 Essex Avenue, Map 218, Lot 118, property owned by Tally’s Trust, for an open air parking lot, under GCO Sec. 22-153, for 104 parking spaces with a parking space designated as reserved for Fire Dept. connection, for a total of 103 parking spaces of which 4 (four) are designated as handicapped parking spaces, based on a parking plan by Jonathan Poor Architectural Design & Restoration, 965A Washington Street, Gloucester, MA 01930, dated 12-12-90. The license runs from May 1, 2022 through April 30, 2027.

**Summary of Discussion:** Councilor Grow explained that this permit was renewed every five years and that the license was renewed and fee paid annually. He stated that there was no complaints registered against the Gloucester Cinema and that he supported this matter.

**MOTION:** On a motion by Councilor Grow, seconded by Councilor Gilman, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to renew the license for Minuteman Cinemas, Inc. d/b/a Gloucester Cinema, John Williams, Owner, at 74 Essex Avenue, Map 218, Lot 118, property owned by Tally’s Trust, for an open air parking lot, under GCO Sec. 22-153, for 104 parking spaces with a parking space designated as reserved for Fire Dept. connection, for a total of 103 parking spaces of which 4 (four) are designated as handicapped parking spaces, based on a parking plan by Jonathan Poor Architectural

**Design & Restoration, 965A Washington Street, Gloucester, MA 01930, dated 12-12-90. The license runs from May 1, 2022 through April 30, 2027.**

3. **PH2022-012: Review of the “Open Air Parking Space Permit” issued to William Mondello at Commercial Street #44 pursuant to MGL Ch. 148, §56 and GCO Ch. 22-153**

**Councilor Worthley** recused himself from the discussion regarding this matter as he is related to the applicant.

**The Public Hearing was opened at 6:46 p.m.**

**Those speaking in favor:** **Bill Mondello**, accompanied by **Carol Mondello**, stated that he was seeking to renew the permit for the 44 Commercial Street open-air parking lot. **Ms. Mondello** stated that the parking lot was adjacent to the St. Peter’s parking lot.

**Those speaking in opposition:** None.

**Written communications:** The **City Clerk, Joanne Senos**, stated that there were no written communications.

**Questions from Councilors:** None.

**The Public Hearing was closed at 6:49 p.m.**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Gilman, seconded by Councilor O’Neil, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council grant a license under MGL c. 148, §56, GZO Section 2.3.6.1, “Parking of motor vehicles to service a use permitted in the MI District, and GCO Sec. 22-153 for an open air parking lot located at Commercial Street #44, Assessors Map 7, Lot 17, Zoned MI, to William Mondello, applicant, through owner of property at Commercial Street #44, Mac Bell for Cove Harbour, LLC, for the purpose of operating an open air parking lot which is found to be in harmony and purpose of GZO Sec. 1.8.3 with the following conditions:

1. That this License shall be valid from May 1, 2022 to April 30, 2027 upon payment of appropriate fees to the City Clerk;
2. That the number of cars allowed to park on the public accessible lot and not reserved for an existing industrial warehouse by tenant or owner use at any one time is limited to forty (40) with two (2) spaces designated as handicap parking, one (1) of which is to be handicap van accessible;
3. That the individual parking spaces shall be delineated and be in accordance with the lot plan approved by the Building Inspector and on file in the City Clerk’s office upon adoption of decision of the City Council;
4. That any grassed and/or landscaped area(s) in the parking lot be kept neat and regularly maintained;
5. That an attendant shall be on duty at all times during hours of operation;
6. That the parking lot maintains a carry-in/carry-out trash policy and assures such a policy is adhered to by its paying patrons;
7. Signage: the following shall be posted on a sign to be erected by the applicant, the size and location of said sign to be agreed with the Building Inspector:
  - a. Fee for parking;
  - b. Number of cars allowed by the permit;
  - c. Hours of operation;
  - d. Specify for which businesses and places patrons may utilize parking lot for;
  - e. Parking lot trash policy of carry in/carry out;

8. That the Permit Fee is to be paid yearly to the City Clerk on April 30. The application is to be reviewed by the City Council in five (5) years unless it deems there is a cause to review the Permit sooner due to any violations of conditions herein;
9. The City of Gloucester shall not be held liable for any claims incurred by the parking lot operation;
10. That the applicant obtain a certificate of insurance in the aggregate amount of \$1 million naming the City of Gloucester as the Certificate Holder and that the coverage run for the duration of the yearly permit;
11. That the applicant have prepared and present a certified locus map of the Open Air Parking Lot showing all designated public parking spaces for a fee, indicate the location of the parking attendant, handicap spaces, and those spaces reserved for tenant parking, by a Professional Engineer to the City Council at the time of the public hearing.

**Summary of Discussion:** Councilor Nolan stated that the Mondello's parking lot was a valuable resource that helped with parking in the fort area. He stated he would be supporting this matter.

**MOTION:** On a motion by Councilor Grow, seconded by Councilor O'Neil, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Worthley) recused to grant a license under MGL c. 148, §56, GZO Section 2.3.6.1, "Parking of motor vehicles to service a use permitted in the MI District, and GCO Sec. 22-153 for an open air parking lot located at Commercial Street #44, Assessors Map 7, Lot 17, Zoned MI, to William Mondello, applicant, through owner of property at Commercial Street #44, Mac Bell for Cove Harbour, LLC, for the purpose of operating an open air parking lot which is found to be in harmony and purpose of GZO Sec. 1.8.3 with the following conditions:

1. That this License shall be valid from May 1, 2022 to April 30, 2027 upon payment of appropriate fees to the City Clerk;
2. That the number of cars allowed to park on the public accessible lot and not reserved for an existing industrial warehouse by tenant or owner use at any one time is limited to forty (40) with two (2) spaces designated as handicap parking, one (1) of which is to be handicap van accessible;
3. That the individual parking spaces shall be delineated and be in accordance with the lot plan approved by the Building Inspector and on file in the City Clerk's office upon adoption of decision of the City Council;
4. That any grassed and/or landscaped area(s) in the parking lot be kept neat and regularly maintained;
5. That an attendant shall be on duty at all times during hours of operation;
6. That the parking lot maintains a carry-in/carry-out trash policy and assures such a policy is adhered to by its paying patrons;
7. Signage: the following shall be posted on a sign to be erected by the applicant, The size and location of said sign to be agreed with the Building Inspector:
  - a. Fee for parking;
  - b. Number of cars allowed by the permit;
  - c. Hours of operation;
  - d. Specify for which businesses and places patrons may utilize parking lot for;
  - e. Parking lot trash policy of carry in/carry out;
8. That the Permit Fee is to be paid yearly to the City Clerk on April 30. The application is to be reviewed by the City Council in five (5) years unless it deems there is a cause to review the Permit sooner due to any violations of conditions herein;
9. The City of Gloucester shall not be held liable for any claims incurred by the parking lot operation;
10. That the applicant obtain a certificate of insurance in the aggregate amount of \$1 million naming the City of Gloucester as the Certificate Holder and that the coverage run for the duration of the yearly permit;



- 11. That the applicant have prepared and present a certified locus map of the Open Air Parking Lot showing all designated public parking spaces for a fee, indicate the location of the parking attendant, handicap spaces, and those spaces reserved for tenant parking, by a Professional Engineer to the City Council at the time of the public hearing.**
4. **PH2022-008: SCP2022-002: Main Street #222, Map 13, Lot 17, GZO Secs. 2.3.1(8) “Conversion to or new multi-family or apartment dwelling, seven or more dwelling units” to convert from a three-family to a seven-family dwelling in the CB Central Business district (Cont. from 4/12/2022)**

**The Public Hearing was opened at 6:54 p.m.**

**Councilor Gilman** explained that the Public Hearing is continued from the City Council meeting of April 12, 2022, as during the first eight minutes of the April 12, 2022, City Council meeting there were technical difficulties with Zoom. She welcomed any member of the public that wished to speak on this matter to do so.

**Those speaking in favor/opposition: Lisa Rigsby, 3 Taylor Court**, stated she was not speaking for or against the matter and that she wished to find out about parking for the property. Her question was deferred until the Questions from Councilors portion of the Public Hearing.

**Written communications:** The **City Clerk, Joanne Senos**, stated that there was one written communication from Sunny Robinson who urged the applicant to voluntarily declare one of the units as formally affordable in an ongoing deed-restricted manner.

**Questions from Councilors:**

**Q1. (Gilman):** Asked Attorney Fine to address the issue of parking.

**A1. (Fine):** Stated that there was no parking associated with the building under the zoning ordinance as the building is close enough to a City parking lot. Stated the current situation was not changing.

**Q2. (Worthley):** Stated that the building was not new construction, that it was not a new project and there was not going to be the creation of any additional units. Asked if the applicant was simply seeking confirmation of an existing use.

**A2. (Fine):** Confirmed that **Councilor Worthley** was correct.

**The Public Hearing was closed at 6:58 p.m.**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Gilman, seconded by Councilor O’Neil, the Planning & Development Committee voted by ROLL CALL 1 (Gilman) in favor, 2 (Grow, O’Neil) opposed, to recommend that the City Council grant to 222 Main Street Holdings LLC, a Special Permit (SCP2022-002) for the property located at Main Street #222, Assessors Map 13, Lot 17 in the Central Business (CB) district, pursuant to Gloucester Zoning Ordinance Sec. 2.3.1(8) “Conversion to or new multi-family or apartment dwelling, seven or more dwelling units,” to convert from a three-family to a seven-family dwelling. This permit is made on the basis of plans and elevations dated November 14, 2020, and submitted to the City Clerk on February 9, 2022 entitled, “Floor Plans for 222 Main Street Gloucester;” and Plan dated June 24, 2020 and submitted February 9, 2022 entitled, “Mortgage Inspection Plan located at 222 Main Street Gloucester.” Subject to new information and/or debate that results from the public hearing, this Special Permit is deemed to be in harmony with the intent and purpose of the zoning ordinance.

**Summary of Discussion:** **Councilor Grow** provided the following narrative: *“The applicant is coming before the City Council for a City Council Special Permit under 2.3.1(8) “Conversion to or new multi-family or apartment dwelling, seven or more dwelling units” to properly permit and legalize the status of a seven-unit multifamily building at 222 Main Street in the Central Business District. Attorney Fine presented some*

inspection documents from 1989, 1990 and 2008 that indicate that the units have been existing for at least this long but were never properly permitted. The applicant's bank is requesting the permit to formally legalize the building as seven residential units and three existing commercial ground floor properties. Attorney Fine outlined the current rental rates and indicated that four of the seven were currently being subsidized by Action Inc. and that there was no intention to turn the property into condos. In the application for the permit, it is stated the owner intends to maintain the units as affordable. There was discussion as to whether this application would trigger Sec. 5.11 of the Zoning Ordinance, the Inclusionary Housing ordinance, since the building was seven units. Attorney Fine disagreed stating that there was no creation of any new units, only the legal recognition of four existing units that were in addition to the three previously constructed units. Councilor Grow disagreed with the interpretations of 5.11 arguing that the special permit was in fact creating a seven-unit multifamily. Guidance from the Building Inspector and the Assistant City Solicitor was sought to clarify the intent to the Zoning Ordinance and the applicability in this instance. The discussion was originally continued for two weeks. In a determination issued by the Building Inspector and Assistant City Solicitor, they concurred that the Inclusionary Housing Ordinance 5.11 is not triggered until there is a net creation of six new units, so 5.11 wouldn't apply in this particular application. The Chair of P&D then explained his concerns with his position and indicated that given that this was a conditional permit that in order to show commitment to maintaining the units as affordable the applicant should voluntarily deed-restrict 1 unit in the building. Further, it was discussed that without the deed restriction there was nothing legally compelling the current owner or any future owner of the property from abandoning the affordability and renovating the units in order to bring them into market rates or sell as individual condos also at market rate. Concern was raised that this is a potential foothole for gentrification and this potential would negatively impact Sec. 1.8.3 Standards to be Applied, #4, Neighborhood Character and Social Structure. Attorney Fine disagreed and stated the current owner had no intention of flipping the property and the property was not a good candidate for gentrification given that it was made up of small apartments, four stories tall and had no elevator, no parking and no view. She further stated that adding the deed restriction would potentially affect the financing and value of the property. Seeking the permit was a requirement of the lender. Other councilors expressed concern of the potential loss of affordable units should the current owner decide to sell the property, indicating that a new owner may not have the same intention to maintain affordability. The Standards to be Applied as outlined by the applicant were read and I will read them now very quickly:

**Sec. 1.8.3, #1. Social, economic or community need served by the proposal:** The applicant is seeking to certify a building configuration that has existed for decades. The building is mixed commercial/residential with three retail units on the first floor and seven residential units above. The additional residential units would increase the City's affordable rental housing stock. The applicant who purchased the building seeks to confirm the existing configuration.

**#2. Traffic Flow and safety:** There will be no effect on traffic, flow and safety.

**#3. Adequacy of utilities and other public services:** There will be no noticeable effect on utilities and other public services.

**#4. Neighborhood character and social structure:** This is a dense downtown neighborhood. There have been 4 additional units onsite for many years with no harm.

**#5. Qualities of the natural environment:** This is a dense downtown neighborhood. There would be no effect on the natural environment.

**#6. Potential fiscal impact:** There would be no net benefit or cost. The building has been assessed at four to eight units for many years."

**Councilor Grow** stated that there had been a vigorous discussion at P&D regarding this matter resulting in the vote being 1 in favor, 2 opposed. He stated that the City had an inclusionary housing ordinance that is designed to increase dedicated affordable housing and that he originally believed that this matter would trigger that ordinance, to which the City's **Building Inspector** and **Assistant General Counsel** disagreed. He stated that he had concerns regarding two points in the application including that the owner intended to maintain the units as affordable and further stated that the word "affordable" has a specific definition. He referenced #4 under 'Application for Special Permit' and explained that the rents for the seven units were currently below market

rate but stated that once a special permit is issued there was nothing that stated the owner, or any future owner, was required to maintain the units as affordable. He then referenced #4 under Sec. 1.8.3 on the application, "Neighborhood character and social structure," and explained that if these units are renovated or sold in the future to be renovated and brought up to market rate the very nature of doing that would impact the neighborhood character and social structure. He stated that it was his contention that even though the City Council was not bound by Sec. 5.11 to require a committed affordable unit, it was written in the application so he believed that it needed to be in writing in the permit with a defined affordable unit available in perpetuity for the property. **Councilor Grow** stated that also within the application under Sec. 1.8.3 Social, Economic, or community need served by the proposal, the applicant states that the additional residential units would increase the City's affordable rental housing stock. He stated that this was a conditional permit and that the condition of an affordable unit was warranted by the applicant's own wording in the application.

**Councilor Worthley** stated that he disagreed with **Councilor Grow** and that he believed that the City Council should be moving this matter forward expeditiously. He stated he did not see any reason why the City Council would be trying to hang up the process to make the applicant deed restrict a unit that should have been permitted correctly years ago. He further stated that he viewed the matter as the City Council cleaning up a mistake made previously in terms of paperwork. He stated this project should be supported. **Councilor Nolan** stated that he understood both sides of the matter but that he did not believe that City could impose a deed-restricted unit by law. **Councilor Gross** stated that he agreed with the thoughts of **Councilor Nolan** and added that he understood the point of **Councilor Grow**. He stated that the **Building Inspector** and the **Assistant General Counsel** had determined that the Sec. 5.11 Inclusionary Housing ordinance would not be triggered in this matter. Both **Councilors Nolan** and **Gross** suggested that the language in the Inclusionary Housing zoning ordinance, as well as the parking regulations for buildings without parking near City lots, be reviewed. **Councilor O'Neil** asked what the consequences would be if the City Council did not vote in favor of the permit. **Councilor Memhard** requested that **Attorney Fine** speak to why the applicant would choose not to voluntarily make one unit deed-restricted. **Councilor Gilman** explained that the **Assistant General Counsel** had been clear that it was her legal interpretation of the Inclusionary Housing ordinance.

**Councilor Gilman** stated that she believed that the building was in harmony with the Central Business zone and the building is exactly as it was in 2008 when the City performed an inspection that showed seven residential units and has been taxed as such since then. She explained that in 2020 the new owner learned that the building was only permitted for three residential units by-right and four units were never approved by the City Council which is why the matter is before the City Council for proper permitting. She explained that she was also concerned in that the application clearly said that it addresses a need by having more affordable housing.

The Rules of Procedure were suspended to allow **Attorney Fine** to answer questions. **Attorney Fine** addressed the question of **Councilor O'Neil** regarding the consequences if the special permit was voted down. She explained that she was of the belief that the **Building Inspector** would have to declare the 4 units as uninhabitable. **Attorney Fine** then addressed the question of **Councilor Memhard** as to why the applicant would not choose to voluntarily make one unit deed-restricted. She explained that the lender strongly preferred not to impair their collateral with a deed restriction and she stated that deed restrictions are expensive and lower the value of a property. She further stated that the lender loaned the money on the basis of how the building is today and did not loan the money on the basis of having a unit that was deed-restricted.

**Attorney Fine** then addressed the points of **Councilor Grow**. She stated that she respected the points and concerns of **Councilor Grow** regarding gentrification and the idea that the building could be torn down and renovated or renovated without tearing the building down. She explained that the value of the building was in the revenue stream (rents) and explained that the apartments themselves were tiny. She stated that the cost to renovate the building into high-end apartments or condominiums would not be cost-effective or economical.

**Councilor O’Neil** stated that she had originally voted against this matter. She explained that she rewatched the previous P&D meeting and has since changed her mind, as she stated that she believed that the law required that the City Council vote in favor of the matter. **Councilor Worthley** reiterated that he would be voting in support of this matter and further stated that by not supporting this matter would be in contradiction to the City’s belief in affordable housing, as voting this matter down would essentially make four units uninhabitable. **Councilor Margiotta** asked **Attorney Fine** to better describe the size of the units. **Attorney Fine** stated that the biggest unit has 825 ft<sup>2</sup>; she stated that there were three 1-bedroom units, three 2-bedroom units and one 3-bedroom unit. **Councilor Memhard** stated that he would be supporting this matter, but stated that he thought there was a burden on the owner and the lender to continue in good faith with the current type of occupancy and availability of housing at affordable pricing that is reflected under the current configuration.

**MOTION: On a motion by Councilor Grow, seconded by Councilor Gilman, the City Council voted by ROLL CALL 8 in favor, 1 (Grow) opposed, to grant to 222 Main Street Holdings LLC, a Special Permit (SCP2022-002) for the property located at Main Street #222, Assessors Map 13, Lot 17 in the Central Business (CB) district, pursuant to Gloucester Zoning Ordinance Sec. 2.3.1(8) “Conversion to or new multi-family or apartment dwelling, seven or more dwelling units,” to convert from a three-family to a seven-family dwelling. This permit is made on the basis of plans and elevations dated November 14, 2020, and submitted to the City Clerk on February 9, 2022 entitled, “Floor Plans for 222 Main Street Gloucester;” and Plan dated June 24, 2020 and submitted February 9, 2022 entitled, “Mortgage Inspection Plan located at 222 Main Street Gloucester.” Subject to new information and/or debate that results from the public hearing, this Special Permit is deemed to be in harmony with the intent and purpose of the zoning ordinance.**

5. PH2021-032: RZ2021-003: In accordance with GZO Sec. 1.11.2(a), amend GZO Secs. 2.3.1 “Residential Uses”; 3.2 “Dimensional Table”; “Dimensional Requirements for Multi-family Dwellings and Their Accessory Uses (other than signs)”; and 3.1.6(b) “Building Heights in Excess of 35 Feet” (Cont. from 4/12/22)

**The Public Hearing was reopened at 7:39 p.m.** **Councilor Gilman** explained that the Public Hearing at the March 22, 2022, meeting concluded by discussing that the Public Hearing would continue from the point of the correspondence and then technical questions asked of the Planning Director.

**Councilor O’Hara** stated that he believed that the public commentary portion of the Public Hearing was not closed and stated that he felt that the public should have the opportunity to continue to voice their support or opposition on the matter. He stated that he was challenging the Council President’s decision to continue the Public Hearing at written communications.

**Councilor O’Hara** offered a motion, seconded by **Councilor Worthley**, to appeal the decision of the Council President regarding at what point to continue the Public Hearing. **Councilor Gilman** explained that at the March 22, 2022, City Council meeting there was a vote at 11:00 p.m., as required per the Council’s governing rules of procedure, that a roll call vote was needed to continue the meeting. She stated that the roll call vote was 6 in favor, 3 opposed (O’Neil, O’Hara, Gross). She stated that members of the public were still giving commentary on the matter. At approximately 11:25 p.m. at the March 22, 2022, meeting, she stated she looked at the list of attendees and there was one hand raised of a constituent who had previously spoken. At that point, she stated that **Councilor Memhard** offered a motion to continue the discussion to the next meeting and then as part of the conversation **Councilor Grow** and herself both stated that the Public Hearing would continue at the next meeting at the point of where the Council left off, which was at the written correspondence part of the Public Hearing and then move onto the technical questions component. She stated that the Council voted 9 in favor, 0 opposed to support **Councilor Memhard’s** motion to continue the Public Hearing until the next meeting. She asked her fellow councilors to sustain her ruling.

**Councilor Grow** stated that he was in agreement with **Councilor Gilman's** recollection. He stated that a decision was made in which the Council voted on and it is very clear that ample opportunity has been given for members of the public to give input on the matter both during the Public Hearing, as well as with written correspondence. He said that he would be supporting **Councilor Gilman's** determination. **Councilor Nolan** stated that he specifically voted on March 22, 2022, to continue the Public Hearing at the point of written communications and councilor questions and that he was of the belief that public input on the matter had ended. **Councilor Worthley** stated that he was of the belief that the Council should allow members of the public to speak if they wished to do so. **Councilor O'Neil** stated that it was her understanding that at least two people who had their hands raised at the prior meeting would have a chance to speak tonight. **Councilor Memhard** stated that he would be supporting the decision of the Chair. He stated that he believed that the Council had done an unprecedented job as councilors to solicit and hear public comment. He further stated that the Council needed to follow the Orders of Procedure and continue at the point of written communications. **Councilor Margiotta** stated that he believed that the public should be able to speak again. **Councilor O'Hara** stated that it was the Council's job as elected officials to listen to their constituents. **Councilor Gross** stated that he left the March 22 meeting believing that the public comment portion of the Public Hearing was still open. He stated he rewatched the end of the March 22, 2022 City Council meeting and realized that his vote was to continue the Public Hearing at the next meeting starting at the written communications section. He stated that he believed that the public should be able to offer additional commentary if they wished to do so. **Councilor Nolan** was allowed to speak on the matter again, without objection, and stated that if the vote is to overrule the chair to allow the public to continue to provide commentary then the Public Hearing needed to be readvertised as much of the public believes that they were not invited to speak at tonight's meeting.

**Councilor Grow called a Point of Order at 8:03 p.m.** to dispense with the motion currently in front of the Council so that the Council could discuss making a motion on what to do about the Public Hearing afterwards, if needed. **Councilor Gross** disagreed with **Councilor Grow's** Point of Order and stated that the ramifications of the vote was integral to the discussion. **Councilor Memhard** clarified that the intention of his motion at the March 22, 2022, meeting was to end the public comment period of the Public Hearing and move onto the written communications. **Councilor Gilman** stated that if the vote is to overrule her decision, then her recommendation would be that the City Council would allow the public to speak now and then would allow them to speak again on May 10<sup>th</sup>, as members of the public might have heard, or read the minutes, stating that the public commentary section of the Public Hearing ended at the March 22, 2022, meeting.

**MOTION: On a motion by Councilor O'Hara, seconded by Councilor Worthley, the City Council voted by ROLL CALL 5 in favor, 4 (Margiotta, O'Hara, O'Neil, Worthley) opposed, to sustain the decision of the Chair.**

**MOTION: On a motion by Councilor Margiotta, seconded by Councilor Grow, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to take a recess.**

**The City Council took a recess at 8:09 p.m. The City Council reconvened at 8:21 p.m.**

**Councilor Gilman** announced the continuation of the Public Hearing at the written communications section.

**Written communications:** The **City Clerk, Joanne Senos**, summarized the written communications. She stated that communications received by the March 17, 2022, deadline, included in the March 22, 2022, City Council packet, were 28 in favor and 140 in opposition. She stated that there was specific opposition of 8 to RC-40; 7 in specific opposition to height. She stated that there were 4 communications regarding the MBTA. She explained that there were 4 petitions submitted with the following language: *"The Gloucester Planning Board has recommended to the City Council nine motions to amend current zoning ordinances. The City Council is scheduled to vote on this recommended proposal on February 22, 2022. The upzoning will drastically change the look and feel of the whole City. By-right building height in the Civic Central District*

(CCD) and Central Business (CB) and Village Business (VB) will be 45 feet. These districts will be allowed building heights up to 60 feet (five stories) by special permit if further state zoning is evoked. Residential district height will rise to 35 feet from 30 even along shore lines. Allowing single family homes to convert to two or three units will legalize needed "in-law apartments" for many residents; however, these changes are more directed to intense overdevelopment by investors. These changes are intended to create as many as 6,966 new housing units. Gloucester is now considered a regional urban center as part of Greater Boston. Under state emergency law, Gloucester is designated as an MBTA Transit-Oriented Development (TOD) community. If these nine amendments go into effect, they lay groundwork necessary to qualify for the MBTA TOD Overlay. Within feet of the train station, there will be a minimum requirement of 750 units and within ½ mile there is potential for 2,270. We, the undersigned, petition the councilors to vote no on the nine Planning Board motions as presented." The **City Clerk** further explained that 4 petitions were presented for a total of 517 signatures. She stated that the signatures had Gloucester addresses, but that the names and addresses were not certified as either a registered voter or as a resident. She stated that there was 1 communication withdrawn from comments of 1/5/2022. She stated that there were 3 communications in favor or some opposed to some of the amendments; neutral had 2 communications; and that there were 3 nonresident communications.

**Councilor Grow** asked if the language of the 4 petitions that were signed had been brought to the City Council for any sense of factual-based information. He added that there were a number of falsehoods in the language of the petition and he questioned their validity as they relate to this particular set of zoning ordinances. The **City Clerk** stated that the petitions were received by the City Clerk's office at different times and were not brought to the City Council; she added that they were received as petitions that were uploaded with the other communications that had been received by the deadline. **Councilor Gilman** stated that the actual number of communications received in opposition should be 129, as there were 7 received in specific opposition to height and 4 received in specific opposition to the MBTA, as those specific amendments were not in front of the City Council this evening. She stated that all written communications that were received could be found starting on page 250 in the March 22, 2022, City Council packet. **Councilor Nolan** pointed out that councilors also received many emails and calls regarding this matter that would not be on the record as well, as they were received after the deadline.

#### **Questions from Councilors:**

**Q1. (Nolan):** Stated in his ward there were residents that relied on wells for water. Asked, when a well is tested to determine if it is ample enough for a home or a second addition to a home, if it could be done any time of year or if it needed to be during dry times.

**A1. (Cademartori):** Stated he could not speak to the standards for water supply and wells as it was under the Board of Health's jurisdiction. Stated there would be capacity limitations for whether or not somebody could add additional bedrooms.

**A1. (Gilman):** Stated there was a summary presented as part of a packet for P&D from Mike Hale on drinking water system supply and wastewater systems.

**A1. (Grow):** Stated it was his recollection that the document was germane to water and sewer supply systems and not well water.

**Q2. (Grow):** Asked **Mr. Cademartori** to address the question posed at the 1/19/2022 P&D meeting by **Councilor Worthley** regarding whether or not the amendments by default create affordable housing. Further, he asked **Mr. Cademartori** to take the Council through the process by which the Planning Board reviewed the Housing Production Plan (HPP) and came up with the amendments and what the thinking process was in advance of voting for them and sending them to the City Council.

**A2. (Cademartori):** Stated the strategies identified in the HPP from 2017 relates to the proposed zoning amendments in broader terms. From the HPP, the City applied for a Technical Assistance Grant from the Mass Housing Partnership and the City was partnered with a zoning consultant and formulated a working group, which had representation from the City Council, the Zoning Board, the Affordable Housing Trust and the Planning Board. He stated this working group took the strategies from the HPP and started to discuss them

further and flush them out to start to develop them into proposals. He stated as a part of the process a broader look was taken to determine the housing needs, not just affordable housing. He stated there were many families that were looking for housing that do not qualify for state-defined affordable housing or low income housing. He stated, for example, the amendment to the Accessory Dwelling Unit ordinance to create potential rental housing was born from the HPP.

**Q3. (Grow):** Asked if the intention of the Planning Board with this particular set of nine amendments that were sent forward was not specifically for affordable, deed-restricted housing, but was, in fact, just an effort to increase housing stock in an attempt to make houses more affordable.

**A3. (Cademartori):** Stated that the intention of the effort was to look at how the City permits housing specifically, asking the questions of are there barriers to the creation of housing and specifically are there barriers to the housing options that the community identified that they are in need of.

**Q4. (Memhard):** Asked **Mr. Cademartori** to comment on the length of the community input process by the Planning Board and many citizens.

**A4. (Cademartori):** Stated the matter has run full circle; stated the issue has not gone away in terms of housing need from back when Ruth Pino was on Mayor Bell's Community Housing Coalition.

**Q5. (Gilman):** Asked **Mr. Cademartori** to speak about the approximately 80% of nonconforming lots.

**A5. (Cademartori):** Stated he tried to provide data about potential and limitations in his presentations. Added that other jurisdictions come into play with an ordinance that has allowances, specifically with the proposals surrounding two families and conversions.

**Q6. (Worthley):** Asked, in the case of someone having a nonconforming property who wishes to convert to a two-family dwelling, if the Council votes this evening to make two family by-right and it is nonconforming, would the neighbors or anyone in opposition have an opportunity to discuss the two family issue or would they only be discussing the variance request for the side yard setback (if that was the nonconformance), for instance.

**A6. (Cademartori):** Stated the standards for a variance is different than a standard for a special permit. Suggested that if a use is allowed, then typically the focus would be on what is potentially varying from the zoning ordinance. From the use perspective, stated the zoning board would not be ruling on that issue, but would be ruling on whether or not if someone was asking for relief from a setback or parking, for instance.

**Q7. (Gilman):** Asked if the standards **Mr. Cademartori** was referring to were Sec. 1.8.3 "Standards to be Applied."

**A7. (Cademartori):** Answered affirmatively and stated Sec. 1.8.3 was for use table special permits.

**Q8. (Memhard):** Referenced proposed amendment #1 and asked **Mr. Cademartori** to confirm that the proposed amendment was removing an obstacle and making the process by-right. Stated that the amendments were not creating new opportunities, but were lowering the barrier in terms of permitting and the application process for the property owner.

**A8. (Cademartori):** Answered affirmatively. Also stated that the amendments would treat property owners similarly.

**Q9. (Memhard):** Asked if the notification to abutters process would be different with the proposed amendments.

**A9. (Cademartori):** Answered affirmatively. Stated if relief is not required from a permitting board, then a property owner would pursue the building permit process as somebody would otherwise if they complied with all of the dimensional requirements.

**Q10. (Gross):** Asked if proposed amendment #1 was the only amendment that pertains to the uniformity argument.

**A10. (Cademartori):** Answered affirmatively.

**Q11. (Gross):** Asked **Mr. Cademartori** to explain uniformity (ch. 40A, Sec. 4).

**A11. (Cademartori):** Stated use within the same district should not be held to two different sets of standards.

**Councilor Gross** added that in R-5 and R-80, as long as the lot and structure are conforming within the boundaries of the lot by setbacks, for instance, then the project could move forward. He stated that he found inequity in that downtown is being treated differently than the rest of the City.

**Q12. (Margiotta):** Asked what the fee for the ZBA was and asked how long the process took for someone to get through the extra step.

**A12. (Cademartori):** Stated the fee would be approximately \$350. Stated there would be advertisement requirements (twice noticed in the newspaper), as well as a notice to abutters. Stated all zoning and special permit processes follow the same outline that comes from the ch. 40A, the State Enabling Act. Stated the process took no less than three months.

**Q13. (Memhard/Grow):** Asked regarding legal representation and engineering costs.

**A13. (Cademartori):** Stated that typically if someone was pursuing a project, the submission standards for construction are uniform; sometimes there is a question of additional surveying needed, for instance, for setback variance which requires accurate measurements. Stated he was unsure of the legal costs if someone represented themselves versus hiring legal representation.

**Q14. (Gross):** Asked if any of the zoning amendments being discussed this evening had anything to do with land surveying, legal representation or engineering costs.

**A14. (Cademartori):** Stated legal costs, time costs and the potential for appeal costs were the variables from a standard building permit process.

**Q15. (Gross):** Asked if a property owner was seeking just a special permit to go to a two family with exterior changes that are not encroaching on any of the setback, then the property owner would not be required to have surveys, etc.

**A15. (Cademartori):** Stated the applicant would still need to present a plan that showed that they are complying with the setbacks so they may have to perform a survey.

**Q16. (Gross):** Asked if that would need to be done for the building permit, so that would not be an added cost.

**A16. (Cademartori):** Answered affirmatively.

**Councilor Gross** asked if the councilors would be able to ask the opponents questions who had provided presentations at the previous City Council meeting on this matter (Lisa Rigsby, Sylvie Corey and Patti Amaral).

**Councilor Gilman** confirmed that the councilors could. **Councilor Gross** stated, regarding proposed amendment #1, that he did not hear any particulars as to what the opposition is on in the opponents' presentation. **Councilor Gilman** asked if any of the three opposition presenters would like to speak to the particulars as questioned by **Councilor Gross**; no one raised their hand to speak. He stated, evidenced by the communications received by the City Council, there are misconceptions regarding the proposed zoning amendments.

### **Sylvie Corey, 28 Pine Street**

Asked to see a study how the City is going to deal with the increased density and population. **Councilor Gilman called a Point of Order at 9:19 p.m.** She explained to **Ms. Corey** that the question period is for the City Councilors and that she was allowed to speak as she had previously presented for the opponents. **Councilor Gilman** reiterated **Councilor Gross'** question and asked **Ms. Corey** if she had any comments in terms of what her objection is to amendment #1, which is the by-right conversion of a unit from one to two



family with exterior modifications of an existing property. **Councilor Gross** further explained that the only purpose of the change with amendment #1 is to allow property owners who have a conforming lot to build a two family without having to get a special permit where in R-5 there is no special permit required, but in R-80 there was. **Ms. Corey** declined to answer the question.

**The Public Hearing was closed at 9:22 p.m.**

**Amendment #1, Motion #1:**

**Councilor Grow** read the following: *“The intent of amendment #1, as presented by the Planning Board, was to remove the ZBA Special Permit requirement on otherwise fully conforming properties for property owners seeking to convert from a single-family to a two family with exterior modifications in R-10, R-20, R-30, & R-40 (they are currently allowed uses in both R-80 and R-5) and to allow for the creation of two-family or conversion of an existing single-family to a two-family in RC-40 with a ZBA Special Permit. It was decided that, because these were significantly different enough in their treatment of the existing ordinances, that we separated this amendment into two separate motions. While they both dealt with conversion to two-family, the first part of the proposed amendment dealt with removing existing ZBA processes, while the second part of the amendment dealt with creating an altogether new use classification in a zoning district that has previously been exclusively single-family zoning. The separation of these motions creates clarity and flexibility for the Council to consider them on their own merits.”*

**Councilor Grow** provided the following narrative: *“Only fully conforming properties are affected by this amendment. P&D discussed the current disparity that exists in the treatment of otherwise similar property owners wishing to convert their single-family homes into two-family units involving exterior modifications on otherwise conforming lots. Currently a property owner wishing to build a new two family on vacant land can do so by-right, including the option of tearing down an existing property and building anew. Similarly, an otherwise conforming property can be converted internally, by-right. Also, we discussed that chapter 40A, Section 4: Uniform Districts states, in the MGL, that any zoning ordinance or by-law which divides cities and towns into districts shall be uniform within the district for each class or kind of structures or uses permitted. It was discussed that this would create an avenue for increased in-fill housing on an equal legal footing with other two-family construction or conversion, as well as bring the ordinance into conformity with MGL. The committee voted affirmatively 2-1 to recommend the motion to the City Council. This motion requires 6 votes to pass.”*

**Councilor Grow** further stated: *“As the amendment only applies to fully conforming properties, any property that is nonconforming must still go through the ZBA process. He stated that there are two key issues to keep in mind with this amendment; firstly, and for no other reason, we should vote to approve this motion as it brings our zoning ordinance into compliance with MGL ch. 40A, Sec. 4, requiring properties in the same zoning districts to be treated uniformly. Currently, anyone wishing to expand their building footprint needs to go through the ZBA process when equally conforming new construction or internal conversions do not. This is legally unfair. In the HPP under strategy 5.2, there is a recommendation that we “review zoning regulations and explore changes that would encourage redevelopment and in-fill as a result of the lack of undeveloped residentially zoned land. This amendment not only works to fulfill this, it does so without actually changing the potential number of new units that might be built in any given zoning district. As Planning Director Cademartori has explained this in multiple presentations, for instance in R-30 he identified a figure of 814 lot size conforming properties that could be converted to two-family units. With an affirmative change in the amendment, there would remain 814 potential conversions. Nothing changes other than rectifying the legal route by which a property owner can convert their otherwise conforming property. This is a benefit to existing property owners who wish to create in-fill housing for any number of reasons, including accommodating family, the need for rental income or aging in place. It is a sensible, low impact means to facilitate some in-fill housing and should be supported by the Council.”*

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor O'Neil, the Planning and Development Committee voted by ROLL CALL 2 in favor, 1 opposed (O'Neil) to recommend to the City Council to amend the Zoning Ordinance Sec. 2.3.1 "Residential Uses", uses #2 and #3, to allow conversions of one-family and new two family dwellings by-right in the R-40, R-30, R-20 and R-10 Zoning Districts, and renumbering uses #5(a) and #5(b) to #4 and #5 as reflected in the drafted proposal. Subject to new information and/or debate that results from the public hearing, this Zoning Amendment is deemed to be in harmony with the intent and purpose of the zoning ordinance.

**Summary of Discussion:** Councilor Worthley stated he sees value in helping the applicant with the application by including the opposition. He further stated that residents/abutters should not be cut out of the ability to shape what is happening in their neighborhood. He stated that by-right eliminates the ability for abutters to have some input over what happens in the community. For that reason, he stated, he was not in support of this amendment. Councilor O'Neil stated she would not be supporting this amendment as she believed that neighbors should have a say in what happens next door. Councilor Memhard stated that this amendment, generally speaking, leveled the playing field. He referenced the previous comments of Councilor Gross and stated that this amendment created equity between neighbors. Councilor Gross stated that the City's true crisis is affordable housing and stated that he was disappointed that the amendments do not specifically address that. He explained that it was his understanding that this amendment did not have a great impact as there was a limited amount of conforming lots.

The Rules of Procedure were suspended, without objection, to allow Mr. Cademartori to speak. Mr. Cademartori stated he had tried to make it clear that the proposed amendments were not about deed-restricted affordable housing and stated that there are needs beyond that. He stated that the thrust about this proposed amendment is about fairness within a district of how people are treated.

Councilor Gilman stated that this amendment gave property owners an opportunity to add an addition with exterior modifications that look similar to the current house. She stated that if someone tore a property down to rebuild, many times the house is not as close to the neighborhood character. She stated in her ward there were very few conforming lots.

Councilor Grow stated, in response to the comments given by Councilor Worthley on this amendment, that two-thirds of the potential building owners in that situation do not have to go to their neighbors to get approval which, he stated, was where the inequity lies. He explained that you could have exactly the same three buildings constructed and only one of the buildings would have to go through the ZBA permitting process, two would not, and added that that was fundamentally unfair because property owners were being treated differently. Councilor Worthley stated that he believed the fairness argument fell short because one could just as easily offer an amendment to make two-family by-right not available on a vacant lot or new construction. Councilor Grow answered by saying the Housing Production Plan was designed to try to find those nominal areas where you want to ease the process, not create more impediments which was what Councilor Worthley was suggesting. Councilor Worthley stated that he was not recommending more impediments if the option could be just to go the opposite way to make it fair.

Councilor Gilman reiterated that the proposed zoning amendments were about housing stock and not affordability.

**MOTION:** On a motion by Councilor Grow, seconded by Councilor Gilman, the City Council voted by ROLL CALL 3 in favor, 6 (Gross, Margiotta, Nolan, O'Hara, O'Neil, Worthley) opposed, to amend the Zoning Ordinance Sec. 2.3.1 "Residential Uses", uses #2 and #3, to allow conversions of one-family and new two family dwellings by-right in the R-40, R-30, R-20 and R-10 Zoning Districts, and renumbering uses #5(a) and #5(b) to #4 and #5 as reflected in the drafted proposal. Subject to new information and/or

**debate that results from the public hearing, this Zoning Amendment is deemed to be in harmony with the intent and purpose of the zoning ordinance.**

**The motion failed.**

**Amendment #1, Motion #2:**

COMMITTEE RECOMMENDATION: On a motion by Councilor Grow, seconded by Councilor O'Neil, the Planning and Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend to the City Council to amend the Zoning Ordinance Sec. 2.3.1 "Residential Uses", uses #2, #3 and #4, to allow the creation of two family dwellings or conversion of a single family to a two-family dwelling in the RC-40 Zoning District, with a permit issued by the ZBA. Subject to new information and/or debate that results from the public hearing, this Zoning Amendment is deemed to be in harmony with the intent and purpose of the zoning ordinance.

**Summary of Discussion:** Councilor Grow provided the following narrative: *"P&D discussed that this motion creates the opportunity for the construction of, or conversion from an existing single-family to two-family with a permit by the ZBA in the RC-40 district. Currently this district is the only exclusively single-family zoned district in the city. The P&D Committee discussed the fact that the Housing Production Plan calls for the creation of housing opportunities across all levels. Further it was clarified that any such construction/conversion would require ZBA approval, as well as all the other requisite engineering, Conservation Commission, septic/sewer compliance etc. It was also discussed that Gloucester's housing crisis is a city-wide issue that requires that the entire city share in the responsibility for accommodating incremental changes in potential housing creation. Also discussed was the fact that there remained a number of existing undeveloped lots as well as numerous properties that could be subdivided and developed into single-family units by-right and it didn't make sense, nor was it equitable that RC-40 should be exempt from potential two-family construction. The committee voted unanimously to support this motion. This motion requires 6 votes."*

**Councilor Grow** further stated: *There is no neighborhood in the city that is more precious to its residents than any other neighborhood and I feel that the people who live on Eastern Point view their property and their homes as very precious. The people who live in R-5 view their homes as precious and important, and I feel like there is a contentious approach here that somehow there is a district within the city that deserves special treatment in terms of its zoning. No single district should be exempt from contributing to our city-wide goal, just as no single district should bear the full weight of solving this problem and I think that the push to constantly drive development downtown greatly impacts people in a far more rigorous way than the mere possibility of a potential two-family conversion in a district that has substantially large lots and can adequately absorb a nominal amount of potential growth. The Planning Board, utilizing the recommendations of the Housing Production Plan, proposed that the most modest of changes in putting forward the allowance of two-family construction or conversion in the RC-40 district with ZBA special permit recognizing even if it contributes only a relatively few new units, it works to advance the common goal of providing housing opportunities to property owners in all districts. Again, RC-40 is the only district that prohibits all but single-family construction and if this is passed it will still remain the most stringently zoned residential district in the city. A lot of the objections that came across from folks were that they objected to the ecological impacts, traffic, rising sea levels, that residents in this district pay high taxes and "get little for it." No one has suggested, however, that we should put a blanket moratorium on construction in the RC-40 district. There is no discussion about not allowing new building or anything that would otherwise contribute to the same issues that they are bringing up in terms of their impact on traffic and ecological impacts. There is building that can happen right now. There are lots that are available that people can build on by-right. Again, no one is suggesting that those projects not be allowed, nor has anybody to my knowledge objected to the raising of existing structures and the creation of altogether brand new larger houses, and we have one going on right now at the corner of Eastern Point and Farrington Road, which demolished a 100-year old house and it is substantially bigger in size and impact on that corner than what was previously there. I would point out that*

*the concern over the ecological impact is no different than any other district in the city. The Conservation Commission would be ruling on any aspect of the environmental impact and potential harm. Eastern Point alone has more than 100+ acres of preserved land, as well as some of the largest single-family properties. Traffic: RC-40 roads are about the same as every other private road that affects 40% of the rest of the city. We all have narrow roads. They do maintain them, they plow it, but that is actually a decision that they've made as a group. They are permissive private ways. They are private resident-only roads. We are legally not allowed to spend city money on that. My guess would be that if they decided that they would like to open those roads up as general rights-of-way that the city would begin plowing them. They wouldn't maintain them like they don't maintain the other 40% of private roads in the city. I do think that we have to be thoughtful about rising sea levels. I don't think the construction of a few houses on Eastern Point is going to contribute rising sea levels, but if the concern is that we shouldn't be building in rising levels then maybe we need to be concerned with enacting a coastal zone management where we don't allow certain construction in areas that are subject to flooding and velocity zones. Finally, this is one that gets me a little bit, and that is that "we pay a lot of taxes but we don't get anything for it." Again, while you do in RC-40 tend to pay a lot higher amounts of taxes, you pay the same tax rate that people in R-5 do, the people in R-10 do, the people in R-30 and 40 do. You are blessed to have much more expensive properties but that doesn't mean that your access to city services is any less. This still requires a ZBA process. This still requires abutter notification and public hearing. All of the limitations and the limiters that otherwise exist for the process, it's the only district in the city does not have this option and I think that in light of the HPP that there is no real justifiable reason why RC-40 can't join the rest of the city in helping to accommodate some level of assistance in producing housing stock, even if that housing stock is expensive."*

The Rules of Procedure were suspended, without objection, so that **Councilor Worthley** could ask **Mr. Cademartori** a question. **Councilor Worthley** asked how an individual or a neighborhood could change the zoning for their own district. **Mr. Cademartori** stated that Sec. 1.11 of the Zoning Ordinance identifies the process for proposing a zoning amendment. He stated that there are a number of categories that could be initiated by the Planning Board, by the City Council, or a property owner themselves, as well as a ten-citizen group. **Councilor Worthley** asked that if a unit of housing is built in RC-40 and is expensive what would that do to the percentage as it relates to ch. 40B in trying to get the 10%; asked if it was a question of value that changes that percentage. **Mr. Cademartori** stated it would be solely housing stock as a percentage and would not be related to value in any way.

**Councilor Gilman** stated that she listened long and hard to the public commentary of March 22, 2022, and some of the specific comments made from the residents of Eastern Point were concerns about rising seas and coastal resilience issues, as well as septic issues in terms of the amount of work that would need to be done. She stated she had voted in favor of this matter at Committee level but that she didn't feel as if it was the right thing to do at this point in time. **Councilor Memhard** stated that while he appreciated **Councilor Grow's** passion for fairness and equity, the residents of Eastern Point have been consistent in their objection for a variety of valid reasons, including a unique sensitive environment that they are concerned about sustaining. He stated that he did not think that this was a material enough opportunity for addressing the City's housing needs and stated that he would not be supporting this matter. **Councilor O'Neil** stated that she initially voted in favor; however, after listening to the residents she stated that she would be changing her vote to no. **Councilor Grow** stated his fellow councilors needed to consider if the Council is being fair and is the Council treating all residents throughout the City fairly. **Councilor O'Hara** stated that he agreed with the sentiments of **Councilor Grow** but added that the Council needed to look at the reality of the net effect of what will happen. **Councilor Worthley** stated the residents of Eastern Point have made it clear that they oppose this amendment and stated that he would not be supporting this matter.

**MOTION: On a motion by Councilor Grow, seconded by Councilor Margiotta, the City Council voted by ROLL CALL 1 in favor, 8 (Gilman, Gross, Margiotta, Memhard, Nolan, O'Hara, O'Neil, Worthley) opposed, to amend the Zoning Ordinance Sec. 2.3.1 "Residential Uses", uses #2, #3 and #4, to allow the**

**creation of two family dwellings or conversion of a single family to a two-family dwelling in the RC-40 Zoning District, with a permit issued by the ZBA. Subject to new information and/or debate that results from the public hearing, this Zoning Amendment is deemed to be in harmony with the intent and purpose of the zoning ordinance.**

**The motion fails.**

**Amendment #2:**

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Neil, seconded by Councilor Gilman, the Planning and Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council amend Zoning Ordinance Sec. 2.3.1 "Residential Uses," use #6, Conversion to or new multifamily or apartment dwelling, three dwelling units, by allowing such use in the R-30 Zoning District by special permit issued by the Zoning Board of Appeals. Subject to new information and/or debate that results from the public hearing, this Zoning Amendment is deemed to be in harmony with the intent and purpose of the zoning ordinance.

**Summary of Discussion:** Councilor Grow provided the following narrative: *"The intent of this proposed amendment was to facilitate the creation or conversion of existing residential units into 3-family homes either "by-right" in the R-5 zone or with a ZBA Special Permit in the R-30 district. The P&D Committee decided that they were substantially different, again changing not necessarily the net result, which is the creation of three-unit buildings, but the process by which you get there. So, we separated them into two different amendments and we will deal with the second amendment in the next Public Hearing. So, what this does is this motion is a change in the permitting authority from City Council to ZBA and the discussion on the matter focused on the fact that this still required a special permit, with the requisite abutter notice and it should be noted that in all other districts where 3-family units are allowed, the permitting authority is the ZBA. This motion requires 6 votes."*

**Councilor Grow** stated that this was a fairly straightforward matter in that there is already a requirement for a special permit in R-30 for the creation of a three-family, so it is not a by-right issue and it is a question of who is the issuing authority. He stated that in R-20, R-10 and R-5 districts, which are also three-family allowed, were granted by the Zoning Board of Appeals. He stated that the R-30 zones required a City Council special permit. He stated this brings the ordinance into alignment with all the other zoning districts that allow three-family.

**Councilor Worthley** stated that he would supporting this matter. He stated that the City Council should not be both the legislative body and, in some cases, the judicial body. **Councilor O'Neil** asked for the definition of multifamily. The Rules of Procedure were suspended, without objection to allow **Mr. Cademartori** to answer **Councilor O'Neil's** question. He stated that the definition of multifamily is three or more units and stated that the three families are also treated differently than four or more. He explained that there were line items in the use table that relate to the number of units in a multifamily and stated that multifamily began at three units.

**Councilor Grow** asked if the intent of the amendment would change if the language in the motion was changed to read "Conversion to or new three family." **Mr. Cademartori** explained that the City treated three-families differently than those projects that include more units based on past amendments. There was additional discussion regarding three families as it relates to the Use Table. **Mr. Cademartori** stated that if there was any concern that we are only proposing an amendment to the use allowance of three families in that district, then he stated that he thought the proposal was very clear.

**Councilor Gilman** stated that she would be supporting the matter. She stated that the permitting process would still be collaborative and the special permitting authority just becomes the Zoning Board of Appeals.

**Councilor Nolan** stated that there are instances where it would be better for City Council to maintain control. **Councilor Grow** stated that R-30 was the only place where the City Council asserts this authority.

**MOTION: On a motion by Councilor Grow, seconded by Councilor Gilman, the City Council voted by ROLL CALL 8 in favor, 1 (Nolan) opposed, to amend Zoning Ordinance Sec. 2.3.1 “Residential Uses,” use #6, Conversion to or new multifamily or apartment dwelling, three dwelling units, by allowing such use in the R-30 Zoning District by special permit issued by the Zoning Board of Appeals. Subject to new information and/or debate that results from the public hearing, this Zoning Amendment is deemed to be in harmony with the intent and purpose of the zoning ordinance.**

**Amendment #3:**

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor O’Neil, the Planning and Development Committee voted by ROLL CALL 2 in favor, 1 (O’Neil) opposed, to recommend to the City Council to amend the Zoning Ordinance Sec. 3.2.1 “Dimensional Requirements for Single, Two-Family and Three- Family Dwellings,” by amending the minimum lot area per dwelling unit (sf) by zoning district as follows: R-80 – 40,000; R-40 – 20,000; RC-40 – 20,000; R-30 – 15,000; as reflected in the drafted proposal. Subject to new information and/or debate that results from the public hearing, this Zoning Amendment is deemed to be in harmony with the intent and purpose of the zoning ordinance.

**Summary of Discussion:** **Councilor Grow** stated that this motion required 5 votes to pass; he explained that the state changed the threshold for zoning that would potentially create multifamily construction in areas that previously were not multifamily and lowered the threshold to 5. He added that according to the **Assistant Legal Counsel** the threshold for density was reduced and, therefore, the potential for greater density. He added that he believed it applied mostly to R-30.

**Councilor Grow** provided the following narrative: *“This amendment is to remove the requirement, in zoning districts R-80, R-40, RC-40 and R-30, for a property to have double the amount of land per unit than is otherwise required by a conforming lot in each district for the construction of a two-family (and in R-30, also a three-family). Currently if a property owner in R-80 wishes to construct, or convert to, a two-family (which is an allowed by-right usage) they would need 160,000 ft<sup>2</sup> in order to be compliant with the law. There is to be no change in the overall lot size required to be a conforming lot in each district, nor would any other requisite standard be changed. While three-family construction isn’t currently allowed in R-80, 40 or RC-40, if the amendment is approved, a three-family construction in R-30 would still need 15,000 ft<sup>2</sup> per unit for an overall lot size of 45,000 instead of the current 90,000. The committee passed this amendment by a vote of 2-1 with Councilor O’Neil dissenting.”*

**Councilor Grow** added that this amendment would not be reducing the size of lots in each zoning district; it is simply reducing the number of square feet you need per unit. He stated that he would be supporting this matter. **Councilor Worthley** stated that he would be supporting this matter. He stated that this amendment would not be adding any burden or taking any neighborhood rights. **Councilor Memhard** stated that he was in agreement with **Councilors Grow** and **Worthley** and that he would be supporting this matter. **Councilor Gross** stated this change was long overdue and that he would be supporting this matter.

**MOTION: On a motion by Councilor Grow, seconded by Councilor Worthley, the City Council voted by ROLL CALL 8 in favor, 1 (Nolan) opposed, to amend the Zoning Ordinance Sec. 3.2.1 “Dimensional Requirements for Single, Two-Family and Three- Family Dwellings,” by amending the minimum lot area per dwelling unit (sf) by zoning district as follows: R-80 – 40,000; R-40 – 20,000; RC-40 – 20,000; R-30 – 15,000; as reflected in the drafted proposal. Subject to new information and/or debate that results from the public hearing, this Zoning Amendment is deemed to be in harmony with the intent and purpose of the zoning ordinance.**

**Amendment #4:**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Gilman, seconded by Councilor O’Neil, the Planning & Development Committee voted by ROLL CALL 2 in favor, 1 (O’Neil) opposed, to recommend to the City Council to amend the Zoning Ordinance Sec. 3.2.1 “Dimensional Requirements for Single, Two-Family and Three-Family Dwellings”, by amending the minimum lot width (ft) by zoning district as follows: R-80 – 100, R-40 – 100, RC-40 – 100, R-30 – 80, R-20 – 80, and R-10 – 65, as reflected in the drafted proposal. Subject to new information and/or debate that results from the public hearing, this Zoning Amendment is deemed to be in harmony with the intent and purpose of the zoning ordinance.

**Summary of Discussion:** Councilor Grow provided the following narrative: *“The intent of this amendment is to eliminate the need to create a lot with a minimum lot width for the siting of the structure that is 50% higher than the required frontage necessary for the property to be otherwise compliant. The existing requirement creates oddly shaped lots that necessitate a greater width than frontage confounding both conformity for existing lots that would otherwise be conforming because of square footage, odd structure siting and difficulty in subdividing larger lots. There didn’t appear to be any clear understanding as to why the existing zoning was like this other than to discourage future construction. It was discussed that changing this would be friendlier for property owners and remove unnecessary constraints on otherwise conforming lots. The Committee voted 2-1 with Councilor O’Neil dissenting. This motion requires 6 votes.”*

Councilor Grow stated the current zoning was “messy” as it created odd sitings, weird divisions of subdividing properties and pushing houses sometimes further away from the street. He stated that by creating a uniform lot with minimum width for siting there would be more opportunity for placement of the house within the property lines. He stated that he would be supporting this matter. Councilor Worthley stated that he would be supporting this matter as it would create more uniform lots. Councilor Gross stated that he would be supporting this matter. Councilor Margiotta asked for the number of lots would be affected by this amendment. He further asked if this amendment passed could a property owner tear down their house and rebuild using the parameters of the new amendment. The Rules of Procedure were suspended, without objection, to allow Mr. Cademartori to answer. He stated that the amendment was mostly for the creation of new lots. He added that if there was a vacant property that did not have the lot width before the amendment, then the property owner may not have to pursue relief for the siting of a structure to get relief from the lot width requirement. He also added that it was more applicable when one goes to potentially divide a larger piece of property. Councilor O’Neil stated that a significant amount of width was being taken away. Councilor Gross stated that the current zoning has created odd lots within the City. Councilor Gilman stated that she would continue to support this matter as it would be a correction to zoning that had created odd lot configurations.

**MOTION:** On a motion by Councilor Grow, seconded by Councilor Worthley, the City Council voted by ROLL CALL 8 in favor, 1 (O’Neil) opposed, to amend the Zoning Ordinance Sec. 3.2.1 “Dimensional Requirements for Single, Two-Family and Three-Family Dwellings”, by amending the minimum lot width (ft) by zoning district as follows: R-80 – 100, R-40 – 100, RC-40 – 100, R-30 – 80, R-20 – 80, and R-10 – 65, as reflected in the drafted proposal. Subject to new information and/or debate that results from the public hearing, this Zoning Amendment is deemed to be in harmony with the intent and purpose of the zoning ordinance.

**Amendment #6:**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Gilman, seconded by Councilor O’Neil, the Planning and Development Committee voted by ROLL CALL 2 in favor, 1 (O’Neil) opposed, to recommend to the City Council to amend the Zoning Ordinance Sec. 3.2.1 “Dimensional Requirements for One, Two-Family and Three-Family Dwellings”, by amending footnote a. to read “This requirement pertains to one, two and three-family dwellings. For multifamily dwellings of four or more units, see Section 3.2.2,” as reflected in the drafted proposal. Subject to new information and/or debate that results from the public hearing, this Zoning Amendment is deemed to be in harmony with the intent and purpose of the zoning ordinance.

**Summary of Discussion:** Councilor Grow provided the following narrative: *“Currently the language of the footnote only stipulates “multi-family” which is defined as three or more units, but the zoning allows for three-family units subject to the Use Table 3.2.1 in specific circumstances. Multi-family houses with four or more would be subject to the Use Table 3.2.2. The committee voted 2-1 with Councilor O’Neil dissenting. This amendment requires 6 votes.”*

Councilor Grow stated that the purpose of this amendment was to clarify that this specifically addresses one, two and three-family units to that Use Table, 3.2.1, and any multifamily houses of four or more would be subject to the Use Table of 3.2.2. He stated that he would be supporting this “housekeeping” matter.

**MOTION: On a motion by Councilor Grow, seconded by Councilor Worthley, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to amend the Zoning Ordinance Sec. 3.2.1 “Dimensional Requirements for One, Two-Family and Three-Family Dwellings”, by amending footnote a. to read “This requirement pertains to one, two and three-family dwellings. For multifamily dwellings of four or more units, see Section 3.2.2,” as reflected in the drafted proposal. Subject to new information and/or debate that results from the public hearing, this Zoning Amendment is deemed to be in harmony with the intent and purpose of the zoning ordinance.**

Councilor Grow explained that the City Council would be taking up the rest of the amendments at the Public Hearing on May 10, 2022.

6. PH2022-009: Amend GCO Ch. 21 “Streets, Sidewalks and Other Public Places,” Sec. 21-19 “Removal of snow from sidewalks” and Sec. 21-20 “Removal or covering of ice on sidewalks” by DELETING Sec. 21-19 and Sec. 21-20 and ADDING Secs. 21-19-21-20. “Reserved” (Cont. from 4/12/22)

**The Public Hearing was opened at 10:53 p.m. Councilor Gilman** noted that the Public Hearing is being continued from April 12, 2022.

**Summary of Discussion:** Councilor Nolan offered a motion to send this matter back to the O&A Committee as Councilor O’Hara had brought forward additional information and to seek additional information from the Department of Public Works.

**MOTION: On a motion by Councilor Nolan, seconded by Councilor O’Hara, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to send CC#2022-003 (O’Hara/O’Neil): Amend GCO Ch. 21 “Streets, Sidewalks and Other Public Places,” Sec. 21-19 “Removal of snow from sidewalks” and Sec. 21-20 “Removal or covering of ice on sidewalks” by DELETING Sec. 21-19 and Sec. 21-20 and ADDING Secs. 21-19-21-20. “Reserved” back to the O&A Committee.**

7. PH2022-013: Amend GCO Ch. 22 “Traffic and Motor Vehicles” Sec. 22-270 “Parking prohibited at all times” and Sec. 22-291 “Tow-away Zones” by ADDING “Webster Street, easterly side, from a point 160’ from its intersection with Sadler Street Extension, in a southerly direction for a distance of 45’ (in front of number 27 Webster Street)”

**MOTION: On a motion by Councilor Grow, seconded by Councilor Worthley, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to extend the City Council meeting until 11:30 p.m.**

**The Public Hearing was opened at 10:57 p.m.**

**Those speaking favor:** Councilor O’Neil stated that Chris Silva, Gloucester Fraternity Club President, asked if a “Parking Prohibited at all times” and “Tow-away Zones” signs could be placed in front of 27 Webster Street. She explained that Mr. Silva had relayed to her that cars and trucks have been parking on the sidewalk in front of the Club so close to the steps that wheelchairs or walkers cannot get by the truck.



**Those speaking in opposition:** None.

**Written communications:** The City Clerk, Joanne Senos, stated that there were no written communications on this matter.

**Questions from Councilors:**

**Q1. (Gilman):** Asked if the matter was vetted through the Traffic Commission and asked Councilor O'Neil to explain the Traffic Commission's findings.

**A1. (O'Neil):** Stated that Bob Ryan, the Traffic Commissioner, had vetted the request.

**A1. (Nolan):** Stated the Traffic Commission has voted in favor in this request.

**The Public Hearing was closed at 11:01 p.m.**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor O'Hara, seconded by Councilor Margiotta, the Ordinance & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council amend GCO Ch. 22 "Traffic and Motor Vehicles," Sec. 22-270 "Parking prohibited at all times," and Sec. 22-291 "Tow-away zones" as follows:

Amend Sec. 22-270 "Parking prohibited at all times" by ADDING Webster Street, easterly side, from a point 160' from its intersection with Sadler Street Extension, in a southerly direction for a distance of 45'. (In front of number 27 Webster Street.)

Amend Sec. 22-291 "Tow-away zones" by ADDING Webster Street, easterly side, from a point 160' from its intersection with Sadler Street Extension, in a southerly direction for a distance of 45'. (In front of number 27 Webster Street.)

**Summary of Discussion:** Councilor Gilman stated that she would be supporting this matter. She stated that this particular enforcement matter is consistent with other properties that are on Webster Street. Councilor Grow stated he would support his matter but stated he would like the DPW to determine whether or not the curbing could be reinstalled in front of the Club.

**MOTION:** On a motion by Councilor Nolan, seconded by Councilor O'Hara, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to amend GCO Ch. 22 "Traffic and Motor Vehicles," Sec. 22-270 "Parking prohibited at all times," and Sec. 22-291 "Tow-away zones" as follows:

Amend Sec. 22-270 "Parking prohibited at all times" by ADDING Webster Street, easterly side, from a point 160' from its intersection with Sadler Street Extension, in a southerly direction for a distance of 45'. (In front of number 27 Webster Street.)

Amend Sec. 22-291 "Tow-away zones" by ADDING Webster Street, easterly side, from a point 160' from its intersection with Sadler Street Extension, in a southerly direction for a distance of 45'. (In front of number 27 Webster Street.)

Councilor Gilman pointed out that ordinances become effective 31 days after the vote.

**FOR COUNCIL VOTE:**

1. City Council discussion and vote on resuming 7:00 p.m. start time beginning at the May 24, 2022 City Council hybrid meeting in accordance with City Council Rules of Procedure Rule #1: Meetings, Sec. A

**Summary of Discussion:** The **City Clerk** stated that this matter was for information only and that no action was needed. She explained that in order for the Council to discuss and vote to resume a 7:00 p.m. start time beginning at the May 24, 2022, City Council meeting, every measure has to appear once agenda before the Council before a vote can be taken at the May 10, 2022, City Council meeting.

**INDIVIDUAL COUNCILLOR'S DISCUSSION INCLUDING REPORTS BY APPOINTED COUNCILLORS TO COMMITTEES:** Update on the Human Rights Commission by City Council representative, **Councilor Jason Grow**.

**Summary of Discussion:** **Councilor Grow** stated that there was a meeting on April 25, 2022, where the Commission discussed upcoming Juneteenth and the Gloucester Coalition for the Prevention of Domestic Abuse events happening in the coming months. He stated that they were looking at a City-wide ordinance for nondiscrimination, as well as updating the ordinance to provide for a liaison from the Council. He further stated that there was discussion regarding the role the Human Rights Commission (HRC) has in terms of the City as a whole. He added that the HRC was still working on the Civility Resolution. He stated that the next meeting would be at the end of May.

**Councilor Gilman** stated that the HRC is there for people to reach out to when they feel a need.

**COUNCILORS' REQUESTS TO THE MAYOR:**

The **CAO, Jill Cahill** explained that she, as well as the Director of Constituent Services and Communication, were now working on a spreadsheet to update the Councilors on the status of the requests.

- **Councilor O'Neil** requested through the Mayor to the Public Works Department to clean up the footpath from Myrtle Square to Whistlestop Way that runs alongside of the Manchester Athletic Club. **Councilor Gilman** stated that generally those types of cleanups are organized by a neighborhood group and suggested that **Councilor O'Neil** reach out to the One Hour at a Time team to help organize a cleanup. **Councilor Gilman** also offered her help to **Councilor O'Neil** in organizing this effort.
- **Councilor Gilman** requested through the Mayor to the Public Works Department that they consider fixing potholes in front at 375 Washington Street, 456 Washington Street, 569 Washington Street, 584 Washington Street and 704 Washington Street.

**COUNCILORS' THANKS AND ACKNOWLEDGEMENTS:**

- **Councilors Memhard** and **Nolan** thanked **Council President Gilman** and **P&D Chair Grow** for their excellent work. He also thanked all of his fellow councilors for their respect and participation and hard work on behalf of the City.
- **Councilor O'Hara** thanked the P&D Committee, **Councilors, Gilman, Grow** and **O'Neil**, for their hard work and efforts put forth on the zoning amendment motions.
- **Councilor Gilman** thanked her fellow councilors for their work on the zoning amendments.
- **Councilor Gilman** thanked the Planning Board and **Mr. Cademartori** for their work and dedication for a job well done.
- **Councilor Worthley** thanked **Councilor Gilman** for her work in managing the zoning amendment process.
- **Councilor Gilman** thanked the **City Clerk** and her staff for their support and work of the zoning amendment process.

**COUNCILORS' WARD UPDATES AND COMMUNITY NEWS:**

- **Councilor Nolan** stated that there was an ongoing fundraising effort in support of the Horribles Parade.

**MOTION: On a motion by Councilor Nolan, seconded by Councilor Grow, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to adjourn the meeting at 11:21 p.m.**

**Submitted by: Sherry Karvelas, Clerk of Committees**

**Items submitted at the meeting:** None.