

Planning & Development Committee
Wednesday, March 8, 2017 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Paul Lundberg; Vice Chair, Councilor Melissa Cox; Councilor Valerie Gilman

Absent: None.

Also Present: Gregg Cademartori; Matt Coogan

The meeting was called to order at 5:30 p.m.

1. Memorandum from Senior Planner re: approval of final draft of the Housing Production Plan (HPP)

Matt Coogan, Senior Planner, introduced the city's Housing Production Plan consultant, Ralph Willmer, FAICP, Principal Planner, with the Metropolitan Area Planning Council (MAPC) who provided technical assistance for the drafting of the city's Housing Production Plan (HPP). He conveyed that the Council will need to adopt the HPP before it goes to the state's Department of Housing & Community Development (DHCD). He reviewed the two public forums in January and October 2016 briefly as well as a working group comprised of Councilor Paul Lundberg, city staff from the Planning and Grants divisions of the Community Development Department, representatives of the Affordable Housing Trust (AHT), the Planning Board, and a member of the Community Preservation Committee. The HPP is available for viewing on the city's website, he noted. He mentioned demographic information and how the city's housing stock accommodates what will happen in the city's future both for market rate and affordable housing needs as well as addressing the state affordability requirements.

Mr. Coogan noted that the HPP was pointed out as a way to address 40B* requirements. If there is a HPP that outlines how a municipality is going to reach its 10% affordable housing goal and if reached that is considered "Safe Harbor" which means that if a 40B project came in, the ZBA has more leeway in approving or denying that application because the city has that plan. The Community Development Dept. has been focused on housing based on the Downtown Work Plan of 2013, all the CDBG projects, and a market TOD study done recently for the Railroad Avenue transit area. This Plan is a continuation of where the market is right now, whether there needs to be calibrations in the city's Zoning Ordinance to accommodate the city's future that goes beyond 40B and what the state requirements are.

**NOTE: The Comprehensive Permit Act is a state law which allows developers of affordable housing to override certain aspects of municipal zoning bylaws and other requirements. It consists of Massachusetts General Laws (M.G.L.) Chapter 40B, Sections 20 through 23, along with associated regulations issued and administered by the Massachusetts Department of Housing and Community Development. Chapter 40B was enacted in 1969 to address the shortage of affordable housing statewide by reducing barriers created by local municipal building permit approval processes, local zoning, and other restrictions. Its goal is to encourage the production of affordable housing in all communities throughout the Commonwealth. For the purposes of this statute, affordable housing is defined as a unit which could be purchased or rented by a household making up to 80% of the median income of the area. Such housing must be subject to affordable housing restrictions to preserve affordability in the long term.*

Mr. Willmer highlighted were the following items from the city's Housing Production Plan (HPP) (on file) as excerpted from a presentation document from the March 2 Planning Board Meeting (on file):

- This is a final draft out for review; the Planning Board adopted the plan last Thursday; then the Plan goes to Council, and the Council needs to adopt it, and then it goes to the state Department of Housing & Community Development for its review and approval.
- There are more than 100 communities that have approved on-the-books HPP's. This helps the city figure out how to get to the 10% goal but also what the real housing needs are for the city.
- **HPP:** Guides the production of housing -- A comprehensive housing needs assessment; establish affordable housing goals and objectives; analysis of development constraints (zoning and infrastructure were mentioned) as well as identify opportunities, and implementation strategies.
- Data came from the US Census Bureau and the MAPC on population trends. In 2010 the city's total population was just under 29,000 and, is expected to fall under 28,000 by 2030. In 2030 Gloucester will likely have a smaller population based on population decline by nearly 5% between 2000-2010 and is expected to decline further through 2030. Additional decrease in population between 2010-2030 is projected to be 4% but number of households is expected to grow 6% (12,500 to 13,218 in 2030). The average household size has declined from 2.38 persons/household in 2000 to 2.27 in 2010; and it is projected to

- further decrease to 2.13 persons/household in 2020 and 2.05 in 2030. This means 434 more housing units will be needed.
- Charts on Age of Householder, Age of Housing Stock (Note: about 50% of the city's housing stock was built before 1939) which leads to a focus on housing rehabilitation, and Types of housing units (less single family households and dwellings in Gloucester compared to local areas municipalities) were touched upon and that the city has more multi-family dwellings; 62% of households are owner occupied and 38% are renters; 1/3 of all households are comprised of renters over 65 years old. These trends are being seen across the country not just the Commonwealth. A 2014 market study for downtown Gloucester projected a need for additional for multi-family units in the range of 266 and 533 additional units, and is consistent with the 434 units projected in the HPP, which is designed to promote urban living among smaller households for which there is a higher demand which jives with the decrease in household size.
 - Gloucester's median household income is just over \$60,000; according to census data about 10% of the city's population is living in poverty -- that meets federal poverty guidelines.
 - Housing Cost Burden: A household is cost burdened if they pay more than 30% of their household income on housing. If households pay more than 50% then they are considered severely cost burdened. For Gloucester 43% of all households are cost burdened; 19% are severely cost burdened; 41% of owner-occupied households are cost burdened and 45% of renters are cost burdened; 65% of all low-income households (less than 80% Area Median Income or AMI) are cost burdened and 35% are severely cost burdened and 48% of households with people over 62 are cost burdened. Low income households and a significant number of households with head of household are over 62 need of some affordable housing than what is being seen now.
 - Housing Need by MAPC estimate for the city production: 434 new multi-family units and 192 new single family units are needed and are more significant in production than seen since 2010. Since 2010 there have been built 67 new multi-family unit and 168 new single-family units in actual production.
 - Subsidized Housing Inventory: The city sits at 7.2% now. The DHCD wants to see the city demonstrates it is producing additional housing units that get closer to the 10% goal for "Safe Harbor" to have more control over 40B projects – and need to see that progress either equal to ½ % a year or 1% every year. The ½ % number represents 66 units per year or 1% would be 133 units per year that would be affordable and are the target numbers for the city to strive for moving forward.
 - Rental and sales prices are in the plan; median sale prices. Rental costs: Gloucester is part of the Greater Boston Statistical Metropolitan Area. The numbers are skewed because it includes the higher cost market areas within this statistical metropolitan area. The figures show fair market rent and anecdotal data was also considered and is shown in comparison which gives the Plan benchmarks.
 - The HPP goes over in detail as to what the city is doing now, and the city has a strong housing plan which should be capitalized on and made aware to the public, in providing assistance to residents for financial or physical assistance – housing rehab programs, lead hazard control program, first-time home buyer programs; inclusionary housing; loan programs; and other resources available through the city and regional area non-profits and foundations.
 - DEVELOPMENT CONSTRAINTS: Zoning; Sewer/Water; Wetlands/Floodplain/Conservation/Coastal Vulnerability: It is a lengthy process for developers to build multi-family housing. Water and sewer infrastructure issues are more significant in some parts of the city than in others. There are some areas because of wetlands or conservation land can't be built upon, and be aware of climate change and future vulnerability.
 - There were two public forums were briefly touched upon, one last January, where they reviewed goals and objectives such as constraints. There is a list of comments received at that forum in the presentation documentation. At the second public forum in October 2016 they went into specifics of demographics and looked at strategies of the plan and identified people's priorities to identify specific sites for housing. Housing opportunity sites includes school sites being redevelopment, the downtown area, around the mass transit hub in city.
 - Zoning 5.2 Identifies and minimizes barriers to housing in the Zoning Ordinance which will entail a review of zoning regulations and complex special permit process; look for ways dimensional requirements could be tweaked to make it more friendly and parking requirements. Looking for ways to encourage mixed use to specifically encourage housing as an option in mixed use structures and looking at more ways to encourage accessory apartments; Explore modifications to the inclusionary housing ordinance to create incentives of the production of more inclusionary units while discouraging payments in lieu of building units; review

formula for how fee charged in lieu of construction of ownership and rental dwelling units is calculated. How the Affordable Housing Trust and CPA funds can be better used to leverage with other funds to figure out how that money should be used proactively going forward to either rehab units or help with financing of first homes or help developers finance Affordable Housing projects.

Responding to an inquiry by **Councilor Cox**, **Mr. Coogan** reviewed that at the Planning Board meeting, the Board approved adoption of the HPP, but that the Board asked to make clear that the city falls within the Greater Boston area and that the median income of Boston is \$98,500, significantly higher than Gloucester's median income which skews the city's numbers to some degree. He conveyed that one of the strategies is to hit the city's 10% goal which are all based on the Boston AMI and if the city meets that there are benefits to it -- the city can then dictate where 40B projects can go. They also want to make sure the HPP shows local need that goes beyond what Boston is showing. They should also look at 80% of the city's median income is in the \$40,000 range and the rentals are significantly higher for affordable. **Councilor Cox** mentioned this was a large part of the discussion at the second forum as to how skewed this number was for Gloucester. **Gregg Cademartori**, Planning Director, said they found examples that are calculated differently across the state, statistical areas are done individually and have found several communities that are in the same statistical range as Gloucester. While they may be compliant for the 10% mandate they may have a deeper need than is identified in that plan.

Councilor Gilman noted she attended at the March 2 Planning Board meeting. She expressed concern as to why they are looking at rates with the 80% that are so much higher than what the community is able to pay. She said they have a good sense of how the MAPC operates and asked if they have opportunities to influence how those rates could be adjusted so that it takes into account greater consideration for municipalities like Salem and Gloucester. The rates, she pointed out, are skewed. If the rates aren't considered realistic, this will lose its luster and forward movement. She asked if that 80% can be further adjusted so that Gloucester and Salem can have the right market rate for the local income. **Mr. Willmer** said those numbers are set by the federal Housing and Urban Development Department (HUD) and is what the numbers are associated. They try when doing these plans to fall within that same Boston/Cambridge/Quincy Metro Area. That number is usually reported, but frequently they try to tweak the plan to ensure that the analysis for Gloucester will include what the numbers should be for this city as opposed for numbers for the federal guidelines. They need to report it because those are the benchmarks that HUD uses, he pointed out. **Councilor Gilman** said if staying true to the city's actual numbers and not the 80% numbers because they're trying to be fair and reasonable, she asked how does that affect the city with Salem if they're doing Gloucester's adjustment to be true and Salem isn't. So a builder who is looking to put in, for example, a 40 unit development, and has to choose between the two cities, and following the true rate, she expressed her supposition that the developer will want to build in Salem because they won't make as much money in Gloucester. **Mr. Willmer** said he didn't have a good answer how to deal with that given these numbers come out of HUD and that drives the financing. **Mr. Cademartori** said as to competitiveness to site selection, Gloucester doesn't have policy in place right now that requires that, and so both communities are on the same playing field at this time, but it will depend on what direction policy wise the city chooses to take. He noted that Fitchburg is fairly close to Gloucester statistically, and they'd be talking about fair market rent for a one bedroom in the high \$700's versus what's the current FY17 data for Gloucester which is around \$1,350, a significant difference and would have to be carefully weighed in defining affordability. He cited that there are recommendations to look at the impact of an inclusionary ordinance to how to best serve the community but also looking at how it is being dealt with in other communities. The stronger the housing markets in general, the greater ability to have inclusionary. The example of the city of Cambridge was touched upon, a community that is able to dictate a lot more of the rental market and have requirements for 80% median as well as 120% median income, which in essence is rent control. It goes back to the strength of the local housing market, he added. **Mr. Willmer** said that other option incentives can be offered in the inclusionary ordinance so that there are density bonuses if there are more units that are provided to address some of those lower income needs. This may lead a developer to do projects in the city. He noted that the MAPC urges that the city take a hard look at their inclusionary ordinance and make it attractive to developers.

Councilor Gilman asked that in all other municipalities MAPC works do municipalities won't accept Affordable Housing Trust contributions in lieu of building affordable housing units, is it common; and how does that affect the HPP goals. **Mr. Willmer** said they've been doing several projects doing these comprehensive reviews of by-laws and inclusionary ordinances. Many have an option to make a payment in lieu of development of units. The formula that's used to calculate that payment varies widely. Gloucester's it is pretty lenient and so it acts as an incentive for developers to make the contribution rather than develop units because it costs them less. The payment is so low compared to what they think it should be because it doesn't give the city the tools financially to do something significant. So while this may see several hundred thousand dollars go into an Affordable Housing fund, that won't subsidize the cost of building one affordable housing unit. If the will is there, the preference is to eliminate the

alternative and leave it to either build on site or build off site concurrent with the rest of the development of market rate units. If for some reason there is still a desire to create a third alternative where pay into a fund, that dollar figure has to be more realistic – that it be based on construction costs not on the delta of the market and the affordable rent or the building of a market unit versus an affordable unit. If the developer is constrained by the site parameters, if they make a payment into the fund it is a more realistic number or else if it is such a disincentive, then the developer finds the way to build the affordable housing on site. Another way if the developer is to offer a density bonus rather than paying into a fund to incentivize. A density bonus is that for every affordable unit built, a developer gets to build another market unit which helps subsidize an affordable unit. Another approach would be that the project moves forward by right if built on site but becomes a special permit if the in-lieu-of option is chosen. That alone could be an incentive to build units, he suggested

Councilor Lundberg said these are questions that could be addressed by the housing goals and strategies of the 10 goals. After this the HPP is adopted by the Council and it goes to the DHCD and is approved he asked who is responsible to seeing the HPP goals are addressed. **Mr. Cademartori** said this is a policy document, and the city hasn't had a good snapshot of the city's needs in quite some time. It is recommended to be adopted. A lot of the zoning piece in terms of impediments and creating an environment of incentives and holding developers accountable to meeting the city's needs and goals is a part of it. He explained that the Planning Board has adopted the HPP, and the ZBA, with the Mayor taking it very seriously on the provisions identified to create a policy that is consistent with this effort. They have the arms of the CPA and AHT whom they will meet with in the coming weeks and are part of the implementation process. He touched upon possible use of CPA funds more proactively more than Affordable Housing Trust funds, and suggested they could move forewarned with soliciting project to come forward to be tailored more along the lines of suggested within the HPP. He said the responsibility will fall to the Community Development Department, and will involve all aspects of the city to implementation. **Mr. Willmer** said the working group should get together and parse out who should be the responsible parties to deal with it. **Councilor Lundberg** said doing something about the in-lieu-of contribution is a great idea but is complicated but suggested that the working group could make some proposals. He said given what the Council is facing with the Fuller Mixed Use Project in the offing that would be something great to have as a tool and would be high up on the list. **Councilor Cox** commented it didn't seem they'd have it in place in time for that particular project.

Councilor Gilman said she liked the idea of going back to the Housing Work Group and fine tuning the action items for them all, and suggested they should come up with smart goals for the Council that they'll have to tackle and push forward. She suggested that she'd like to see things identified and broken out that the Council is responsible for and by function who else is responsible and that Councilor Lundberg bring back the Council goals and work forward from that there and have the same accountability for all groups. She pointed out the document was "wonderful" with an a high level of buy in, a lot of good process and wants to assure that it is a good document that is utilized.

Councilor Cox said pointed out that the Council will see that with the CPC recommendations coming forward next year for applications to try to do more housing if they utilize recommendations from the HPP to try to do more housing.

Councilor Lundberg said there are strategies that may require changing the Zoning Ordinance, and that would be where the Council comes in, but mostly this is driven by Community Development. Having the 10 goals is a good place to start, he said. They've just begun with the other groups, **Councilor Cox** pointed out. This is the document that starts to help set policy and acts as the basis for it, **Mr. Cademartori** reminded the Committee. He said it is something they're all recognizing this plan's importance to the city and its goals. **Councilor Cox** said the biggest step is to adopt this plan and to put the Council's weight behind the Community Development Department and to check in with the Planning Director as to any forward movement. **Mr. Cademartori** said there may be people who don't want to see change in their neighborhood but he pointed out that this is about creating housing to serve the needs of the entire community not just pockets within it. He advised that most of the recommendations the Council can expect to see will be about density, where that density will be positioned, and the processes.

The Committee lauded the HPP and the diligence of the Housing Production Plan Working Group, but especially Mr. Cademartori and Mr. Coogan.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council adopt the February 2017 Draft of the Gloucester Housing Production Plan, prepared for the City of Gloucester by the Metropolitan Area Planning Council.

2. *SCP2017-002: Wingersheek Road #105, Map 261, Lot 31, GZO Sec. 1.5.3(b); 3.16(b) and 3.2 for building height over 35 feet*

Attorney Wilhelmina Sheedy, 76 Main Street, Rockport, representing Lawrence P. Costa, applicant and purchaser of Wingersheek Road #105, for a Special Council Permit for a height exception for a dwelling to be demolished at that address and reconstructed, that the new structure will be taller in excess of 35 feet in height triggering the need for this application reviewed the Special Council Permit application under GZO Sections 1.5.3(b); 3.1.6(b) and 3.2 as follows:

OVERVIEW OF NEIGHBORHOOD:

The neighborhood area where Wingersheek Road #105 is sited extends from the gatehouse off of Atlantic Avenue and extends beyond the end to the "Castles." The area is mix of small cottages to larger contemporary residences. The area is now subject to FEMA (Federal Emergency Management Agency) regulations which require any new buildings must be built upon pilings. It was conveyed that the applicant's, "hands are tied," and has to go up 9½ feet before even beginning construction. Regardless of the size of the property, it is the height that is the requirement under the FEMA regulations.

SITE DESCRIPTION:

The property is a double lot that could be subdivided with two larger homes on it. The applicant was concerned by subdividing the property it have a higher impact on the neighborhood and the environment with additional utilities, septic systems, driveways, cars, utilities and more people and so opted to develop property into a single residence. This will be a five bedroom home on the property now and the proposed new residence to be built will also proposed be a five bedroom home. The applicant is a Gloucester native and graduate of Gloucester High School who wants to come back and build this home. The home is designed to utilize geothermal, solar and other green initiatives with many considerations for the environment including the planning of 13,000 square feet (s.f.) of dune grass; building of a boardwalk to cross over the dunes (for access to Coffin's Beach) so the dunes aren't impacted by people. This proposed building meets all the city's zoning regulations. The applicant is allowed to build over 25 % of the site and the proposed building only covers 7.5 % of the site.

PERMITTING THROUGH OTHER PERMITTING AUTHORITIES:

The proposed building has gone through a Conservation Commission (ConCom) review on siting of the property and received an Order of Conditions. The Board of Health approved the septic system design, and the city's Engineering Department approved the drainage and grading plan for the property.

REVIEW OF ELEVATION PLAN:

Ms. Sheedy explained that despite meeting all the zoning regulations and approvals, because of the federal regulations, the height of the proposed residence has to go up 9.5 feet in order to make up for the increase that they have to start with. She then reviewed the elevation plan with the Committee (on file) as follows:

Sea level is considered at 00.00'; average grade is at 13.00'. Because the property is sited in a FEMA Flood Elevation, the applicant must start at 19.00' elevation. FEMA regulations also require that there can be no building within two feet of a FEMA Velocity Zone which raises the base height to 21.00', and then a steel girder has to be put in place with crossbeams before anything can be built. Therefore from 13' to 22' the building comes up 9½ feet. From that point, the 30' structure that would be built would reach the 39' 6" height. If the applicant went by right 30' from the 13' elevation at the bottom, they would be at the roof line.

Ms. Sheedy added that rather than building a structure that was bunker-like with a flat roof, it would be more traditional and in character with the neighborhood to put in a multi-gabled (hip) roof. Therefore the applicant is before the Council for the 9½ feet height differential. She conveyed it is the feeling of the applicant that he doesn't believe there is any obstruction of views by the height of the proposed structure or the overshadowing of abutting properties. She pointed out that in the design of the building there are two wings incorporated to help promote the views of the abutters. The abutters will see out of the front of their house and that isn't affected by this proposed project.

She then reviewed the six criteria found under GZO Sec. 1.8.3 as follows:

1. Social, Economic or community need served by the proposal: The property is located in an area of homes which are now required under FEMA regulations to be built on pilings. The residential structure will be consistent with the existing neighborhood and has been designed so that it will not impact any abutters' views. The project will limit future development and potential subdivision of the lot which would result in an additional house and more impact to the neighborhood and the environment.
2. Traffic flow and safety: There is no traffic flow and safety concerns as the building will be replacing an existing single family home.
3. Adequacy of utilities and other public services: There are adequate utilities and there will be no additional burden on other public services as it will remain a single family home. Already has city water and the BOH has approved the septic design.

4. Neighborhood character and social structure: This project is consistent with the character of the surrounding neighborhood and social structure. City Council has permitted several other properties in that neighborhood to exceed 35 feet.
5. Qualities of the natural environment: There will be no adverse impact to the natural environment. An Order of Conditions has been obtained from the Conservation Commission. The additional height will not affect the environment.
6. Potential fiscal impact: The construction of this house will not adversely impact schools or public safety and will provide tax revenue to the city as well as significant permitting fees.

Councilor Lundberg said that the Committee and Council is just the height exception and that the other dimensions under the Zoning Ordinance are met by right in terms of this proposal. He asked for the applicant's comment that the FEMA regulations have come in and require that the bottom of the structure be up that doesn't really require the city to require a height exception but has to come within the Special Council Permit process. Because of the FEMA flood maps, he added, they'll start seeing these types of residential proposals more frequently because it significantly changes what could have been built prior to the current federal FEMA regulation.

Ms. Sheedy added that under the FEMA regulations that if more than 50% of the building value is affected by renovation, the FEMA regulations requires that a house be placed on piling. **Mr. Cademartori** said this application is one of the more extreme cases. The ZBA has already ruled on several cases of a zone construction where the delta between ground surface and where a foundation has to end and where the habitable space can begin is on the order of several feet, but he reiterated that this is one of those cases where it is fairly extreme.

Rob Gulla, Architect for the applicant, 593 Essex Avenue, reviewed that: the property is sited in a valley which causes this extreme situation where anyone's "tabletop" starts at 21.00' FEMA Velocity Zone. They are forced to go up for 9½ feet and asked that the Council take into consideration this action is being taken because it is being driven by the FEMA regulations, and so they are taking the 9½ feet at the top. He said he suggested that his client build up more than out, that by stacking the floors there is an environmental efficiency and that the environmental impact is less. He noted that this is very linear structure giving the client better views by pulling the structure's "wings" back which was a consideration.

Councilor Gilman asked if the proposed new structure is in the same position as the existing house. **Mr. Gulla** said it is but that the new structure is being pulled further by 11 feet away from the existing footprint of the house from the ocean which was pointed out on the large plan to the Councilor. **Councilor Gilman** asked that by moving the house it would benefit the views of the neighbors. **Mr. Gulla** said, "Yes," that the impact is de minimus, and gives the neighbors a little bit more of an angle of view and will see piers to a deck but it wouldn't be two story structure to the edge which is the same principal as why the wings of the home are pulled back.

Councilor Gilman asked if they have consulted with the neighbors. **Mr. Gulla** said he had consulted with one neighbor who expressed concern to him about the project. He said met with the gentleman at ConCom when this matter was before that body for which he had to recuse himself because he serves on the Commission. The issue this gentleman had was the closeness to their property. He asked the neighbor if they could do vegetation or fencing to help with that neighbor's privacy at the ConCom level and explained the basic principles. He said the neighbor was still concerned. **Ms. Sheedy** said she spoke with an abutter who contacted her several days prior who expressed concern about looking at piers, and she advised she offered that perhaps the applicant could put up breakaway walls so they're not looking at piers. The gentlemen, she said, indicated he didn't want to look at anything at all and asked if the applicant would be interested in purchasing his property for \$2 million. This abutter said his property is right up against the property line because it is preexisting non-conforming, but that the applicant meets the zoning setbacks she said, and there is nothing more she said she could suggest or that the neighbor offered to address his concerns. **Councilor Gilman** pointed out it isn't the purview of the Council to speak to the size of the structure but only to its height. **Councilor Lundberg** added that the applicant is well within their right to be within the footprint of the Zoning Ordinance as it exists.

Councilor Gilman said before the public hearing she would like to visit the site. **Councilor Lundberg** said he was there today and viewed the site and suggested the Councilor do the same as he found it helpful. **Ms. Sheedy** pointed out that if they built a flat roof it would be offensive to those who pass by it either by water or by land. The attic is uninhabitable, **Mr. Gulla** said. **Councilor Gilman** confirmed it is basically the roof that is 9½ feet up. **Mr. Gulla** framed it as building a 30 foot house but then FEMA requires it be higher and be built on pilings and are asking for relief for what FEMA took away from the applicant. If you are an abutter, **Councilor Gilman** said they could see through the house. **Mr. Gulla** confirmed one abutter would likely see under the house as that particular abutter's home also is sited in the same valley, and another abutter sited slightly higher will be viewing a high dune.

Councilor Cox said a view is not by right. The Council tries to be respectful of that but is not something they can govern, she said. Across the street is Essex County Greenbelt land, **Ms. Sheedy** noted. **Councilor Gilman**

asked how many houses are on pilings in the Wingaersheek vicinity. Over 35 foot the Council has already permitted, **Mr. Gulla** said 25, 27 Wingaersheek Road is situated on piers, and there are several more in the immediate area. He reiterated that anyone who spends more than 50% of their home's value to renovate will fall under the FEMA regulations, and that the FEMA regulations are pushing everything higher. He also mentioned preservation of dunes, why boardwalks are important to preserve barrier beaches versus footpaths through the dune barrier area and described the situation of storm erosion in the area in the past.

Councilor Gilman said she would vote in favor of the application at this time and will go to view the site carefully, listen to those in favor and in opposition to the Special Council Permit and reserves the right to possibly change her vote at the close of the public hearing on the matter. **Councilors Lundberg** said this is the Committee's recommendation and reconfirmed there will be an advertised public hearing.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Cox, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant to Lawrence Costa, through owners, William S. Hathaway, Craig H. Hawley and Virginia H. Raylean, Manager of 1928 Coffin's Beach Cottage LLC, for the property located at Wingaersheek Road #105 (Assessor's Map 261, Lot 31), zoned R-20, pursuant to Gloucester Zoning Ordinance Sections 1.8.3, 1.5.3(b), 3.1.6(b) for a building height in excess of 35 feet, and 3.2, for a home to be 39 feet 6 inches (for a total height increase of 4 feet 6 inches over 35 feet) for a Special Council Permit (SCP2017-002). This permit is made on the basis of the plans and elevations dated 2/22/17 by Robert Gulla Architecture, R.A., Gloucester, MA, submitted to the City Clerk on February 23, 2017. This Special Council Permit is in harmony pursuant to the governing Zoning Ordinances.

This matter will be advertised for public hearing.

3. *RZ2017-001: GZO Amendment Sec. 1.11(c) re: Creation of a Mixed Use Overlay District including properties at #2 and #4 School House Road and #7 Gloucester Crossing Road (Cont'd from 02/22/17)*

Councilor Lundberg advised that the Planning Board continued their public hearing on the rezoning matter and that the P&D Committee hasn't yet received the Board's recommendation and as such this matter is continued to March 22.

This matter is continued to March 22, 2017

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:00 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.