

CITY COUNCIL STANDING COMMITTEE
Planning & Development
Wednesday, September 24, 2003 at 7:00 p.m.
Third Floor Conference Room

Attendance:

Councilor Alphonse Swekla, Chairperson, Councilor Abdullah Khambaty, Councilor Christine Rasmussen

Absent: Councilor Astrid afKlinteberg and Councilor Jeffrey Worthley

Also Present: James and Jeanne Alvarez, Mark Glovsky, Attorney, Suzanne Egan, Assistant City Counsel, Gary Johnstone, Assessor's Office, Patricia Johnstone, Attorney.

The meeting was called to order at 7:00 p.m.

- 1. **SCP – James and Jeanne Alvarez – Height Exception – 7 Aileen Terrace**
Mark Glovsky, Attorney representing James and Jeanne Alvarez stated his clients acquired this property in November 2002. This home was built in the late 1880's and over time was winterized, but the building no longer maintains its architectural integrity and the owners intend to rehabilitate the building. They plan to live in the house year round.
Councilor Khambaty asked why they had to go before the ZBA?
Mr. Glovsky stated his clients originally wanted to build a garage but after negotiations with the neighbors it was decided they were too close to the side lot line and the garage was eliminated. They still required a special permit for a non-conforming property. The ZBA determined that the proposed construction would not have a significant affect on any other properties (the house is 150' from the houses on either side), would not impinge any further on water views, and the project meets the criteria set for a Special Council Permit under section 1.4.2.2(e).
Councilor Rasmussen asked if all abutters were notified?
Mr. Glovsky replied that all abutters were notified.
Councilor Rasmussen asked if this is an accessory building?
Mr. Glovsky replied yes, it is an apartment over a garage.
Councilor Rasmussen asked for the height of the existing house?
Mr. Glovsky replied the existing house is 36.4'.
Councilor Rasmussen questioned if in the past the City has amended applications for non-conforming structures to allow for the whole building to be over the height limit.
Mr. Glovsky replied that the existing building is grandfathered and his clients are only asking for permission to do the roof extensions at 36.4'.
Suzanne Egan, Assistant City Counsel stated it is her understanding that the applicant is correct in terms of what he would need for relief. She did not know procedurally what was done before.
Mr. Glovsky stated this special permit would be tied to the ZBA plans, which are for this project only.
Councilor Rasmussen asked what is the elevation of the lot?
Mr. Glovsky stated the average grade at the corners of the building is 23.1'.

Councilor Rasmussen referred to Exhibit A (4) "The neighborhood character and social structure are appropriate for this height exception as it is a neighborhood with large gracious homes many of which were constructed at a height in excess of the existing building height limits." She stated she is concerned when blanket statements like this are made and asked about the height of the abutting houses?

Mr. Glovsky replied that there are many homes of the same stature in this neighborhood and that the Miller and Robbins homes are probably about the same height.

Councilor Rasmussen stated a site visit would not be scheduled for this property and that this proposal meets the criteria necessary for a Special Council Permit under section 1.4.2.2(e):

- (1) Social, economic and community needs are served by the proposal by allowing the restoration and improvement of the existing single-family dwelling in accordance with the accompanying plans. The granting of the height exception allows the appropriate restoration of a significant historic dwelling on Gloucester Harbor.
- (2) Traffic flow and safety are not adversely affected, as the additional height will have no impact on traffic flow or safety, as the proposed structure remains a single-family dwelling.
- (3) Utilities are available and adequate as there will be no additional demand on existing municipal services created by the allowance of this height exception.
- (4) The neighborhood character and social structure are appropriate for this height exception as it is a neighborhood with large gracious homes many of which were constructed at a height in excess of the existing building height limits. The home will be a restored "shingle-style" dwelling more architecturally compatible with other homes in the neighborhood.
- (5) The natural environment has been considered in the placement of this structure given the proximity to the ocean and the protection of vegetated area on the site.
- (6) The potential fiscal impact will be positive, as the investment in the restoration of the building will significantly enhance property values.

* **MOTION:** On motion of Councilor Khambaty, seconded by Councilor Rasmussen, the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council that pursuant to Section 3.2 the SCP for a building height exception of 6.4' be granted to the applicants James and Jeanne Alvarez for 7 Aileen Terrace, that this proposal meets the criteria set forth under section 1.4.2.2(e) and that the applicants will comply with the plans submitted and **ADVERTISE FOR A PUBLIC HEARING.**

2. Pebworth Land

Suzanne Egan, Assistant City Counsel stated the intent of this is to convey any interest the City has in this parcel back to the Pebworths. There was originally a tax taking in 1932 that was redeemed and in 1953 there was another tax taking. The Pebworths have been assessed and continued to pay taxes on this property.

Patricia Johnstone, Attorney representing the Pebworths stated there was a tax taking in 1932 that was redeemed and a 1953 taking that was not redeemed on record.