



CITY OF GLOUCESTER

PLANNING BOARD

MEETING MINUTES

Thursday February 3, 2011 at 7:00 PM

Kyrouz Auditorium, City Hall, 9 Dale Avenue, Gloucester

Richard Noonan, Chair

Members Present:

Rick Noonan, Chair
Mary Black, Vice-Chair
Marvin Kushner
Karen Gallagher
Henry McCarl

Staff:

Gregg Cademartori, Planning Director
Pauline Doody, Recording Clerk

I. BUSINESS

- A. Call to Order with a Quorum of the Planning Board
- B. Introduction of Planning Board Members and Staff

II. PUBLIC COMMENT - None

III. APPROVAL OF MINUTES

- A. Meeting of December 16, 2010
The board continued the approval of minutes to the February 17th meeting.

IV. CONSENT AGENDA

- A. 1993 Dollivers Neck Realty Trust to divide one lot into three at 33 Dollivers Neck Road (Assessors Map 201, Lot 66). **Continued from January 20, 2011.**

Mr. Cademartori stated to hold the discussion on this until the public hearing on the driveway special permit and to move on to the second ANR.

Motion: To continue to the application from 1993 Dollivers Neck Realty to divide one lot into three at 33 Dollivers Neck Road (Assessors Map 201, Lot 66) to March 3, 2011.

1st: Henry McCarl

2nd: Karen Gallagher

Vote: All approved 5-0

- B. Ginny Blackwolf to divide one unbuildable lot into two for the purposes of conveying land to an abutter at 4 Overlook Avenue, Assessor Map 236 Lot 49.

Mr. Cademartori stated that he had provided the Board memo that the division it will not affect the buildability of any of the lots on the plan and it is to create two unbuildable lots. There are no issues.

Motion: The division of land at 4 Overlook Avenue, Assessor Map 236 Lot 49 does not require approval under the subdivision control law.

1st: Karen Gallaher

2nd: Marvin Kushner

Mr. Cademartori stated that there is one note; one misprint that has to be corrected

Vote: All approved 4-0

V. CONTINUED PUBLIC HEARINGS

In accordance with MGL Chapter 40A, Section 9, and City of Gloucester Zoning Ordinance, Sections 1.5.5 and 5.21, GLOUCESTER PLANNING BOARD will hold a public hearing to consider the application from 1993 Dollivers Neck Realty Trust for a **Common Driveway Special Permit** at 33 Dollivers Neck Drive (Assessors Map 201, Lot 66). **Continued from January 20 2011.**

Mr. Cademartori stated that this is in conjunction with the other ANR application and that was continued to this date.

Presenter; Lisa Mead, Blatman, Brobrowski, & Mead

Attorney Mead presented an overview of plan for the board because there are two applications. She stated she would go over the ANR criteria and then the special permit criteria. This all started because of the desire to carve out one lot. The entire piece of property is one piece of property. It is a preexisting non conforming lot. Therefore, if the lot lines are changed and the rest remains the same, the other would be an illegal lot. So it needs to be divided up into an ANR in order to make legal lots. The two residential structures need to be separated and have one lot for each. Lots 4 & 5 would not be buildable because they are wet. Lot 1 has a setback issue and we are in the process of resolving that issue now. Each of the to-be created lots has the required frontage on Dollivers Neck road.

Lot 1 and lot 83 they have a combined 1.45 acres and are situated with a single family residence with garage.

Lot 2 is 3.7 acres and has a single family residence with pool and bath house.

Lot 3 is 2.95 acres

Lot 4 is 2.95 acres. This lot is not buildable.

Lot 5 is 1.99 acres

Lot 1 & 2 is served by a common driveway. Attorney Mead reviewed the driveway plan with the board.

Lot 1, 2, & 3 has approved septic designs.

Attorney Mead read from the subdivision control law for an ANR. She stated that each of the 5 lots have the 80 feet of frontage and more. The Dollivers Neck road was in existence before the subdivision control law became effective in Gloucester which was December 8, 1960. It has adequate access and the required frontage. The road is suitable for vehicular traffic. It will continue to have sufficient width and grade and is paved. Utilities are already available to the properties. Also consistent with the 2.25 regulations is that there is direct access to the lots. Instead of providing 3 separate drives, we are proposing that lots 1, 2 & 3 use a common driveway. For the issues of frontage, area and access we request the approval for the ANR plan.

As to the criteria for the special permit: In accordance with section 1.8.3 we believe the proposal for a common driveway is in harmony with the general purpose and intent of the ordinance and the plan would not adversely affect the neighborhood.

Under section 5.2.1;

- Shows the common drive does not accommodate more than 4 lots.
- All lots satisfy the frontage requirements, access is over the approved lot frontage and all lots satisfy the dimensional requirements. The driveway is located entirely within the lot served.
- Each lot will have one dwelling unit.
- Ample parking on each lot
- Covenant between the owner and city prohibiting the sale of lots until driveway is constructed. The driveway already exists and would ask that it is grandfathered in.

- Construction standards are not met; it's been in existence and request that it be grandfathered in.

There is a letter that was received 2-3 weeks ago from John Judd that suggests that the driveway is of adequate width and construction to serve the three lots. If the board had a concern, the applicant is amenable to the condition that the Applicant would have to provide plans for improvements to the board prior to the issuance of a building permit.

Mr. Cademartori stated that a correction needs to be made in the zoning table. It should read R20 not R2. One of the things that is typically included in the common driveway easement is a delineation of the easement that would bound the common driveway should it change over time, improvements needed or utility work to be done. The standards that are in the ordinance is a minimum of 20 feet.

Attorney Mead stated that the easement went 5 or 10 feet on either side

Mr. Cademartori stated that it should be more defined. He also stated to draft language to describe what the maintenance and operation is. Mr. Cademartori also stated that he provided an ANR analysis to the board. If there are any suggestions from engineering between now and March 3, it may be a condition on the special permit.

Mr. Noonan asked if the ownership of lot 4&5 is remaining with the original property owner.

Attorney Mead stated yes.

Mr. Cademartori requested a waiver for the 20 day period for the ANR.

Motion: To continue to the application from 1993 Dollivers Neck Realty Trust for a Common Driveway Special Permit at 33 Dollivers Neck Drive (Assessors Map 201, Lot 66) to March 3, 2011.

1st: Henry McCarl

2nd: Karen Gallagher

Vote: All approved 5-0

In accordance with MGL Chapter 40A, Section 9, and City of Gloucester Zoning Ordinance, Sections 1.5.5 and 5.21, Gloucester Planning Board will hold a public hearing to consider the application from Christopher F. Nash for an amended Common Driveway Special Permit at 89, 103, & 109 Cole's Island Road (Assessors Map 258 Lot 13, and Map 253 Lots 23 & 24). **Continued from December 16, 2010.**

Mr. Cademartori stated that the engineer requested on additional continuance. There was an auction and sale of the property. With the withdrawal of the common driveway and with the fact that the plan has differential owners, I don't see the ANR being recorded even though it was approved as it had to be approved. We should anticipate at the next meeting to have a formal withdrawal.

Motion: To continue the application from Christopher F. Nash for an amended Common Driveway Special Permit at 89, 103, & 109 Cole's Island Road (Assessors Map 258 Lot 13, and Map 253 Lots 23 & 24) to February 17, 2011.

1st: Henry McCarl

2nd: Marvin Kushner

Vote: All approved 5-0

VI. OTHER BUSINESS

A. Planner's Report

Mr. Cademartori stated that there are two noticed public hearings. One is the mixed use overlay for the Birdseye property and the other may continue to the March 3 meeting. Mr. Cademartori proposed to open both meetings on February 17 and then continue them to March 3 so we have a full board on hand. We will post on agenda that they will be opened and continued. Mr. Cademartori stated that a packet with the chronological order of events for the Birdseye project will be sent out to everyone.

Mr. Noonan asked the board to please refresh your memories with the information for March.

B. Chairperson's Report

Mr. Noonan stated that he had attended the last PERC meeting. Several issues were addressed and the questions that arose were handled. We would like to open a line of discussion on the PIRC level. More of an administrative review opposed to a rewriting of the plan. The administrative issues have been rectified. The discussion is whether or not there is a plan review or whether or not the living document will stay.

C. Election of Chair and Vice-Chair

Motion: Henry McCarl made a motion to re-elect Rick Noonan as Chair and Mary Black as Co-Chair of the Planning Board.

2nd: Karen Gallaher

Vote: All approved 5-0

Ms. Gallagher stated that she had forwarded the board the copies of the 10 projects that the CPC forwarded to City Council for the first rounds of CPA funds. Of the 10 presented nine were accepted. One proposal for the Gloucester City Hall Restoration was referred back to us for us to reconsider the structure of the bonding. City Council did not want a bond for 20 years. They are hoping the CPC would utilize funds more on an annual basis to pay the debt service off sooner.

We met with Jeff Towne who gave us several proposals and we settled on one. It was to do a 16 year bond and instead of allocating \$185,000 dollars a year to the debt service, we increased it to 215000 a year to reduce the debt service quicker. It was presented to B&F this evening and they approved it and it will be forwarded to City Council for next Tuesday.

The second round will begin in April and will be looking for proposals.

Mr. Cademartori stated that Ms. Gallagher had mentioned that she was open to continuing with the CPA.

Ms. Gallagher stated that the first appointments were staggered and my term is ending. The option from this board will be a 3 year term. Ms. Gallagher stated that she would put her hat in the ring and is willing to accept one more 3 year term.

Motion: Mr. Noonan made a motion for Karen Gallagher to be appointed for a three year term for CPC.

2nd: Henry McCarl

Vote: All approved. 4-0

VII. ADJOURNMENT

Motion: To adjourn

1st: Henry McCarl

2nd: Marvin Kushner

Vote; All approved 5-0

VIII. NEXT MEETING

Next regular meeting of the Planning Board is Thursday, February 17, 2011

Planning Board Members: If you are unable to attend the next meeting please contact the Planning Office at (978)281-9781.