



CITY OF GLOUCESTER
PLANNING BOARD
MEETING MINUTES
August 2, 2012

Kyrouz Auditorium, City Hall, 9 Dale Avenue, Gloucester
Richard Noonan, Chair

Members Present: Rick Noonan, Chair, Mary Black, Vice Chair, Linda Charpentier, Marvin Kushner, Karen Gallagher, Joe Orlando, Henry McCarl- **Absent**
Staff: Gregg Cademartori, Acting Community Planning Director, Pauline Doody, Recording Clerk

Planning & Development: Councilor Greg Verga, Councilor Joe Ciolino, Councilor Jackie Hardy

The meeting was opened at 7:00pm

Planning & Development joined the Planning Board meeting at 7:08 pm. Councilor Verga called Planning and Development to order.

I. BUSINESS

- A. Call to Order with a Quorum of the Planning Board
- B. Introduction of Planning Board Members and Staff
- C. Review of Planning Board Minutes of July 19, 2012

Motion: Approval of minutes for July 19, 2012

1st: Mary Black

2nd: Marvin Kushner

Vote: Approved 6-0

II. PUBLIC COMMENT - None

III. CONSENT AGENDA

Pre-Application

Discussion of potential two lot subdivision located at **134 Concord Street** (Assessor's Map 242 Lot 13), owner Conrad Vitale, TR.

Presenter: John Judd, Gateway Consultants

Mr. Judd explained the site to the board. It is 58,000 square feet and encompasses a paper road. He stated he would like to get thought and ideas from the board. The proposal would be to divide the property into two lots and construct residential units. There would be on site sewerage. There are sufficient soils to meet Title 5. At this time there are drainage issues which are being addressed. Both lots will be serviced by city water.

Mr. Cademartori stated this is a preliminary plan. He asked Mr. Judd what the maximum proposed grade is going to be.

Mr. Judd stated it is 9.6 % and is an exaggerated scale. It is less than the 12% maximum. He explained the grade of the property and how it would communicate with the proposed driveways etc.

Mr. Cademartori asked if coming off of Fenley for the development was explored.

Mr. Judd stated yes, but there is a precipitous drop that is a concern. He explained the thought process of the design.

Mr. Cademartori stated the way the subdivision improvement within that right of way was laid out- does it meet the frontage length for the lot?

Mr. Judd stated the required frontage for the R-20 is 80 feet and can be extended as necessary. There will be a 16 foot paved width on the road. The intent is allowed for the turning movement for a fire truck.

Mr. Cademartori suggested the next appropriate step would be consultation with the fire chief and engineering staff.

ANR Applications

Farm Creek Holdings to re-divide three lots into five at 91-103 Coles Island Road (Assessor's Map 253 Lots 23 & 24 and Map 258 Lot 13). (Continued)

Motion: The ANR application for Farm Creek Holdings to re-divide three lots into five at 91-103 Coles Island Road (Assessor's Map 253 Lots 23 & 24 and Map 258 Lot 13) continued to October 4, 2012.

1st: Karen Gallagher

2nd: Joe Orlando

Vote: Approved 6-0

Stephen P. Cohen and Esther Barmak to divide one lot into two porkchop shaped lots at 126 Eastern Avenue (Assessor's Map 264 Lot 59) and reconfigure 130 Eastern Avenue (Assessor's Map 264 Lot 7).

Motion: To approve the ANR at 126 Eastern Avenue (Assessor's Map 264 Lot 59) and reconfigure 130 Eastern Avenue (Assessor's Map 264 Lot 7).

1st: Karen Gallagher

2nd: Linda Charpentier

Vote: Approved 6-0

Howard W. Coon et.al to adjust lot lines at 273, 275 and 279 Concord Street (Assessors Map 249 Lots 15,18, 42, 43, 44 & 45)

Mr. Cademartori stated these properties are currently under a conservation restriction that is held by Essex County Greenbelt. They are re-dividing the property to accurately reflect the area that is restricted in the form of an easement. It will not create any new building lots.

Motion: The Subdivision Control Law does not apply to the division at 273, 275 and 279 Concord Street (Assessors Map 249 Lots 15,18, 42, 43, 44 & 45)

1st: Marvin Kushner

2nd: Linda Charpentier

Vote: Approved 6-0

Arial W. and Carolyn A. George to adjust lot lines at 11 Old Salem Path (Assessors Map 190 lot 56).

Mr. Cademartori stated there are four lots that will be annexed to two properties. The frontage and lot area is not affected.

Motion: The Subdivision Control law does not apply to 11 Old Salem Path (Assessors Map 190 lot 56)

1st: Mary Black

2nd: Karen Gallagher

Vote: Approved 6-0

IV. CONTINUED PUBLIC HEARINGS

1. Amend the Gloucester Zoning Map by creating an overlay district zone in the R-20 Zoning District located at 107 and 125 Atlantic Road, Assessor's Map 72 Lots 1 and 3, respectively, and to amend the Gloucester Zoning Ordinance by adopting a corresponding new Section 5.26 entitled **Existing Hotel Overlay District (EHOD)** governing the permitting of alterations of, additions to, and/or replacement of existing hotel(s) and/or new hotels with accessory uses as of right or by special permit of the City Council.

Mr. Cademartori stated a revised draft has been received, which includes a number of revisions and suggested alternatives. One focus of discussion is the title of the ordinance itself which is "existing hotel overlay district". It seems like this may be a misnomer as new hotels could also be permitted under this ordinance. It may be more appropriate to have a title that defines the area of the overlay such as backshore or Atlantic Road. Discussion at the last meeting left the following questions:

- if there was some relationship between density and lot coverage that exists now or potential future lot coverage;
- the dimensional requirements and whether or not they are appropriate; We have to look back to whether or not in looking at these lots as if they have no use on them because it is a permitting path under the ordinance.

After reviewing many ordinances around the region there is a common thread for maximum lot coverage for hotels in residential districts and the number typically used is 35%.

The existing lot coverage is 21.7% and 28%, respectively. When looking at the dimensional requirements that have been set up with front, rear, side and height limitation, in combination with the provision of 35% of lot coverage are appropriate. It gives the sense of both density of a brand new hotel if proposed and it would be similar in the amount of use of the property as it is now. Also defined is the new density standard. When the existing requirements in the R-20 district for a hotel are combined and then to start layering on the different setbacks that are related to height and also applying density standards- you are not building a hotel. A design is pushed towards the center of the site by height requirements and limited by the density requirements that are pointed toward residential medium density standards.

As proposed, given that both properties are approximately 1 ½ acres, they could each have a maximum density of approximately 85 units if they otherwise complied with the dimensional standards. The issue that is outstanding is the "as of right provisions". The parameters that have not been clarified are what are the thresholds of intensity of use, number of rooms, or size of expansion that would trigger a special permit process. Examples of other ordinances that have dealt with minor increases or that have allowed "as of right" expansion has not been found. Also discussed was percentage vs. number of room thresholds.

Attorney Michael Faherty;

Attorney Faherty commented on Mr. Cademartori's memo.

1. Existing Overlay name- has been the named used from the beginning and stated he believed that Mr. Cademartori would like to see the named changed to something like The 107-125 Atlantic Road Overlay District which would identify the property opposed to the existing uses.
2. Attorney Faherty emphasized that this is not for a new hotel.
3. 5.26.24- Intentional requirement for the substantive standards for review not the procedural standards. The process would be the same.
4. 5.26.25 and 5.26.31 to be discussed later.

Mr. Cademartori has been provided with a synopsis of how surrounding towns have handled the issues being discussed. In areas that did allow hotels they weren't done by special permit but controlled by dimensional requirements however these were in commercial districts.

Attorney Faherty stated that the owners of the two hotels are looking for no more than 10 units at to meet the dimensional requirement in the ordinance. It would fit within the parameters, setbacks, and density and be on top of the existing footprint. One thing to note on the dimensional requirement 5.26.4; Mr. Cademartori's comments stated that based on 1 ½ acres and application could be made to go up to 85 units. There are other constraints that would mitigate against that. What was discussed is the lot coverage requirement. Lot coverage requirements are in the ordinance for 1 or 2 family situations. In larger structures it is handled by open space land area per unit. In doing the measurements, the 35% lot coverage is acceptable. It will be an additional requirement that isn't in the schedule now.

Footnote II would not apply to the hypothetical new construction.

Footnote IV- there will not be any more buildings on these lots that currently exist.

Height Issue: Leave it at 30 and keep the procedure in place.

As of Right: If the Board is not ready to make a recommendation, it could be segregated from the application. It is very important. We have a right to have the decision made by the City Council. If the dimensional relief is granted, it cuts down on what the possibilities are and when those are shown diagrammatically or on plans, opinions could change. The "as of right" has to comply with the dimensional relief. That is the strength of the proposal.

Attorney Ralph Pino:

Attorney Pino asked the boards to go back to basics. This proposal is selectively taking two parcels from the city and giving them special treatment from the rest of the city. They will avoid the process that everyone else has to go through.

This overlay shouldn't be allowed because the neighbors and the city should know what is being built. There is a process in place that has worked for years. This is a blank check.

Councilor Ciolino agreed with Attorney Pino. He stated that this proposal circumvents the process and takes away peoples rights. After speaking with many people in the area and no one is against the expansion, however, they would like to see the plans first. There is no reason for a Hotel Overlay District.

Ms. Gallagher stated she support the relief of the setbacks and the 35% maximum lot coverage, support the permitting granting authority but did not support the "as of right".

Mr. Noonan stated the Board wants to create a path for the applicant to go down to have the discussion for plans and zoning. We set the boundaries and the ordinance, which allows an applicant to come forward.

Councilor Hardy agreed with Mr. Noonan about having a path for applicants to travel and believed it is with the Special City Council permit. She stated she is not opposed to granting an overlay but without the "by right". Councilor Hardy stated to Attorney Faherty that the revised the amendment is coming through with the agreement to allow City Council to review certain items that the ZBA normally does. She asked why is it that you aren't you relinquishing the height from 30 feet up. If you are doing one stop shopping, perhaps all of it should come to the City Council.

Attorney Faherty stated that at the initial stages we were asked why we should be treated differently, so we decided to be treated the same.

Councilor Hardy asked if it would be agreeable to incorporate the 30 feet and higher to City Council approval, instead of sending it to the ZBA.

Attorney Faherty agreed as long as it is one consolidated hearing.

Councilor Verga stated he does not see a problem with the dimensional relief, but is uncomfortable with "by right".

Mr. Orlando stated he was in support of the concept for the hotels to make improvements, but was not comfortable with the "as of right". They should go through the process that is in place.

Ms. Charpentier stated she is in support of the proposal and supports a process that accelerates and facilitate a business expansion. The dimensional requirements would put some control on the "as of right" issue.

Mr. Cademartori stated aside from the as of right discussion. The memo provided to the Board provides a blueprint for the revisions that has been discussed.

Motion: To close the public hearing and to recommend to the City Council the adoption for the proposed overlay district with revisions as outlined, which will promote the continued appropriate use of the land within the bounds and provide a thoughtful streamline and predictable review process for future use.

1st: Karen Gallagher

2nd: Mary Black

Vote: Approved All

Planning & Development

Motion: to adjourn P&D

1st: Councilor Hardy

2nd: Councilor Ciolino

Vote: Approved 3-0

2. In accordance with MGL Chapter 40A, Section 9, and City of Gloucester Zoning Ordinance, Sections 1.8.3, 5.20 and 5.21, Gloucester Planning Board will hold a public hearing to consider the applications of Stephen Cohen and Esther Barmark for a Common Driveway Special Permit and two Pork Chop Shaped Lots, Zoning Ordinance to serve four (4) lots at **126 Eastern Avenue (Assessors Map 264, Lot 59)**.

John Judd, Gateway Consultants

Mr. Judd stated modified plans have been submitted which include.

- An additional hydrant.
- At the turnaround there was an abrupt slope, which has been proposed to be shaved off and the profile will reduced to 11%.
- Five foot trimming of the bituminous curve
- 12 foot turnout
- Guest parking has been added at the top

Public Comment;

Attorney Ralph Pino stated he does not represent the petitioner but Larry Kline owner of one of the lots. He is in support of the proposal and gave a history of the property.

Ms. Gallagher asked if the lots would be only allowed to have two duplexes in total build and if there was any further consideration of a conservation restriction on the large parcel of land that was mentioned on the site visit.

Attorney Pino explained the history of the unbuildable lot. He stated his client does not want a conversation restriction on it, but a driveway that comes up on the right and not have legal access to build on that lot.

Mr. Cademartori asked Mr. Judd what the feasibility is that the structures will be single or two families and if there is adequate room for parking.

Mr. Judd stated it would probably be duplexes. There is room for parking.

Motion: To close the Public Hearings

1st: Karen Gallagher

2nd: Mary Black

Vote: Approved 6-0

Motion: To approve the special permit for two Pork Chop Shaped Lots, dividing at 126 Eastern Avenue (Assessors Map 264, Lot 59).

1st: Marvin Kushner

2nd: Linda Charpentier

Vote: Approved 5-0 with Mr. Orlando abstaining.

Motion: To approve amending the Common Driveway Special Permit serving one additional lot 122,124,126 128 Eastern Ave to serve 4 lots

1st: Mary Black

2nd: Marvin Kushner

Vote: Approved 5-0 with Mr. Orlando abstaining.

V. NEW PUBLIC HEARING

In accordance with the provisions of MGL Chapter 40A, Section 5, and the Gloucester Zoning Ordinance, Section 1.11, the Gloucester Planning Board will hold a continued public hearing to consider the following petitions to amend the Zoning Map and Zoning Ordinance as follows:

Amend the Gloucester Zoning Map by reclassifying 76 Prospect Street (Assessor's map 26 Lot 45) from the R-5 Residential Zoning District to the Neighborhood Business (NB) Zoning District.

Attorney Meredith Fine stated she represents Beach Gourmet that is a tenant at 76 Prospect Street. Beach Gourmet had to go to the zoning board to get a use variance. The Zoning Board feels there should be a neighborhood business and the neighborhood is in favor of it.

Kathleen Erickson, Owner of Savour, LLC

Ms. Erickson stated there has been tremendous support in trying to move on.

Public Comment: None

Mr. Cademartori stated that that it is a rational zoning change for the area that is supported by the purpose and Neighborhood Business zoning district designation which promotes local business and mixed use in appropriate locations. This is such a location that has long had this development mix but for unknown reasons was not designated as such.

Councilor Ciolino gave a brief history of the area and lot and stated it was a real business district and was surprised to learn that this parcel was staked as residential. It is an asset to the neighborhood.

Councilor Hardy asked to see the communications from Holy Family Parish and St. Ann's School showing they hold no objections to Savour, LLC operating at 76 Prospect Street. She stated she would like to see if before it gets to City Council public hearing.

Motion: To close the public hearing and recommend to the City Council to Amend the Gloucester Zoning Map by reclassifying 76 Prospect Street (Assessor's map 26 Lot 45) from the R-5 Residential Zoning District to the Neighborhood Business (NB) Zoning District.

1st Karen Gallagher

2nd: Joe Orlando

Vote: approved 6-0

VI. ADJOURNMENT

Motion: To Adjourn

1st: Mary Black

2nd: Karen Gallagher

Vote: Approved

VII. NEXT MEETING

Next regular meeting of the Planning Board August 16, 2012