



CITY OF GLOUCESTER
PLANNING BOARD
MEETING MINUTES

March 21, 2013 - 7:00 P.M.

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

Members Present: Rick Noonan, Chair, Mary Black, Vice Chair, Henry McCarl, Linda Charpentier, Joe Orlando, Marvin Kushner, Karen Gallagher

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
- C. Approval of Planning Board Minutes of March 7, 2013

Motion: To approved the minutes of March 7, 2013

1st: Mary Black

2nd: Karen Gallagher

Vote: Approved 7-0

II. PUBLIC COMMENT - None

III. CONSENT AGENDA

IV. Continued PUBLIC HEARINGS

In accordance with MGL Chapter 40A, Section 9, and City of Gloucester Zoning Ordinance, Sections 1.8.3 and 5.21, the Planning Board is to consider the application from Kathleen Stavis as Trustee for Fort Hill Avenue Realty Trust, for a Common Driveway Special Permit at 48 Fort Hill Avenue (Assessors Map 136, Lot 47).

The applicant requested a continuance to April 4, 2013

Motion: To continue the Public Hearing for Kathleen Stavis as Trustee for Fort Hill Avenue Realty Trust, for a Common Driveway Special Permit at 48 Fort Hill Avenue (Assessors Map 136, Lot 47), to April 4, 2013.

1st: Henry McCarl

2nd: Linda Charpentier

Vote: Approved 7-0

In accordance with MGL Chapter 40A, Section 9, and City of Gloucester Zoning Ordinance, Sections 1.8.3 and 5.21, the Planning Board is to consider the application from Stoneleigh Gardens, LLC for two Common Driveway Special Permits at 215 Magnolia Avenue (Assessors Map 207, Lot 17).

The applicant requested a continuance to April 4, 2013

Motion: to continue the Public Hearing for Stoneleigh Gardens, LLC for two Common Driveway Special Permits at 215 Magnolia Avenue (Assessors Map 207, Lot 17), to April 4, 2013.

1st: Karen Gallagher

2nd: Henry McCarl
Vote: Approved 7-0

Ms. Black recused herself.

In accordance with MGL Chapter 41 Section 81-S and the Planning Board's Rules and Regulations Governing the Subdivision of Land in Gloucester, the Planning Board shall review a Preliminary Subdivision Plan for the land located at **41 Whittemore Street** (Assessors Map 21 Lot 7) submitted by The McNiff Company, LLC.

Presenter: David Biancavilla, BSC Group, 15 Elkins St, Boston, MA.

Mr. Biancavilla explained the site to the commission stating the parcel is 3.3 acres and is currently a vacant lot. The proposed project is for a 5 lot subdivision and 450 feet public street. The proposed roadway, designed with Lane requirements, is 40 feet with 10 or less homes on the subdivision. They will be either single family or duplex homes. There will be a 5 foot sidewalk, and public sewer, water and drainage. Access to the shoreline is provided for the public. There will be two service connections for each lot. The lots are for sale. An Order of Conditions from the Conservation Commission required public access, shore stabilization and improved water drainage.

Mr. Bianavilla stated there are two issues with the current plan. The lane requirements for the road design prefer two sidewalks on the street. There is one proposed and on one side a 10 foot retaining wall with tree plantings. Regulations for a lane do not allow commercial uses/ access onto a lane for the street. There is an existing commercial business whose driveway comes through the existing lot and to Riverside. The request is to maintain that access onto the new lane. A waiver request will be submitted. **Mr. Biancavilla** explained the current storm water conditions and the proposed storm water management plan as well as parking.

Mr. Cademartori asked what the requested waiver would be under: the residential subdivision road or non residential subdivision road standards. He stated concern with the storm water management requirements if it is under commercial industrial. He asked for further detail regarding a potential easement issue, and potential nonconformity issues with parking access for the building.

Mr. McCarl asked if hazardous material was on site.

John McNiff Jr.

Mr. McNiff gave the history of the site to the board stating the site has been tested, mitigated, and cleaned up. There was a petroleum spill that was cleaned up in 1975. Proposed in the residential development plan is that each basement will have a vapor barrier installed to prevent any intrusion of vapor. There is no limitation for residential use.

Mr. Cademartori stated the plan needs to provide the ability to provide a subdivision from an existing public way. The existing travelled way is outside the public way. The board cannot approve a plan that is proposing subdivision road improvements on private property. Further documentation is needed. **Mr. Cademartori** also commented that the boundary line not coincident with the property line. There is a portion of the industrial area that is in the layout that is proposed. Documentation for the proposed easement is needed.

Mr. McNiff explained the grading plan from the Conservation Commission Order of Conditions. 75% of fill has been brought in. Another 1800-2000 cubic yards is needed. Home elevations will be at 20 feet. The roadway has been brought up to sub grade. The Annisquam River side is stabilized with rip rap

Mr. Cademartori stated questioned whether or not this might be considered a commercial subdivision if some of the land that is accessed is commercially zoned. If this were the case a whole host of waivers may need to be requested.

Motion: To continue the review of the application for the Preliminary Subdivision Plan for the land located at 41 Whittemore Street (Assessors Map 21 Lot 7) submitted by The McNiff Company, LLC, to April 4, 2013.

1st: Henry McCarl

2nd: Karen Gallagher
Vote: Approved 6-0

Ms. Black rejoined the board

In accordance with MGL Chapter 41 and the Planning Board's Rules and Regulations Governing the Subdivision of Land in Gloucester, the Planning Board shall review a Definitive 2-Lot Subdivision Plan for the land located at **Dornell Road** (Assessors Map 242 Lot 13) submitted by Dornell Vitale Realty Trust.

Presenter: John Judd, Gateway Consultants

Mr. Judd stated the board's drainage concern has been revisited and a revision has been submitted. The Board of Health has approved the septic systems. The requested waivers have been submitted in writing.

1st waiver: to avoid installation of granite curbing because of drainage solution plans

2nd: avoid storm water management plan because of size of the project

3rd waiver: avoid a water shed plan due to size of project

4th waiver: Section 4.32 – submitted a 18 foot wide pavement and leveling area of 64 feet where a 20 foot wide pavements and a 75 foot leveling area is required

5th waiver: Section 4.62 to substitute a high density polyethylene pipe for drainage instead of reinforced concrete

6th waiver: to waive sidewalks

Mr. Cademartori stated the only comments received were from the Fire Department review: There is satisfaction with the demonstration of the turning movements. One comment received was in regard to the operations of maintenance i.e. plowing; the concern is whether or not, on the western side, the width of the driveway could be carried further down. The current design shows the driveway tapering in. Mr. Cademartori asked if the detectable pad for the sidewalk had been revised.

Mr. Judd stated the width could be extended up to the property line. The detectable pad was placed on one side and Paul Keene would like another placed on the other side. It will be added.

Motion: To close the public hearing

1st: Marvin Kushner

2nd: Karen Gallagher

Vote: Approved 7-0

Motion: To approve the Definitive 2-Lot Subdivision Plan for the land located at Dornell Road (Assessors Map 242 Lot 13) submitted by Dornell Vitale Realty Trust, with the incorporated waiver list and with a finding that the granting of the waivers are in public interest.

1st: Henry McCarl

2nd: Linda Charpentier

Vote: Approved 7-0

V. Other Business

CPA Update

Ms. Gallagher reported that the 1st of the hearings for CPA applications have been completed and the 2nd round of public hearing will be on 4-2. There are no community housing applications.

Mr. Noonan reported on the Harbor Planning Commission meeting. There was a discussion on whether to have a ballot question relative to the designated port area. A letter was sent to the Mayor's office requesting a boundary review. It would be a non binding referendum question.

VI. ADJOURNMENT

Motion: To Adjourn

1st: Henry McCarl

2nd: Mary Black

Vote: Approved 7-0

VII. NEXT MEETING

Next regular meeting of the Planning Board April 4, 2013

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