



**CITY OF GLOUCESTER  
PLANNING BOARD**

**January 17, 2019**

**6:00 P.M.**

**Kyrouz Auditorium 9 Dale Ave, Gloucester  
Richard Noonan, Chair**

**MINUTES**

**Present Members:** Rick Noonan, Chair, Doug Cook, Henry McCarl, Jane Remsen, Jonathan Pratt, and Shawn Henry.

**Absent Members:** Beverly Bookin

**Staff:** Gregg Cademartori, Planning Director & Jeremy Price, Staff Planner.

**I. BUSINESS**

**A. Public Comment**

Attorney Debora Eliason, 63 Middle Street, introduced the pre-application ANR for the Fuller Property. Attorney Ellison indicated the land will be divided by the 3 members.

**II. CONSENT AGENDA**

**A. Form A - Approval Not Required**

Application submitted by Sal Frontiero for Joel Ribeiro, 24 Overlook Avenue (Map 236, Lot 64) for the purpose of conveying said parcel to the abutting parcel owner.

Staff discussed the applications conformance with applicable dimensional standards and Approval Not Required requirements as outlined in the Board's Rules and Regulations Governing the Subdivision of Land.

**Motion to endorse the ANR made by Mr. Cook, seconded by Mr. Pratt, and unanimously approved (6-0).**

**B. Form A – Approval Not Required**

Application submitted by Gloucester Crossing Commons LLC., 2 & 3 School House Road (Map 43, Lots 4 & 5) to subdivide Lot 1 into Lots 2 & 3.

Attorney Michelle Harrison requested to continue the item to the next regularly scheduled meeting of the Planning Board.

**Motion to continue the item made by Mr. Henry, seconded by Mr. Cook, and unanimously approved (6-0).**

### **C. Form A – Approval Not Required**

Application submitted by Gloucester Crossing Commons LLC., 1 & 7 Gloucester Crossing Road ( Map 262, Lot 13 and 37) to subdivide Lot 1 into Lots 24 & 25.

Staff discusses the procedural history of the project, and identifies the projects conformance with respect to frontage and other applicable dimensional standards.

**Motion to endorse the ANR made by Mr. Pratt, seconded by Ms. Remsen, and unanimously approved (6-0).**

#### **1. Form A – Approval Not Required**

Application submitted by Diane Rule to create one (1) additional lot at 5 Haskell Street (Assessor's Map 58, Lot 24).

The Applicant's Attorney, Brian Levey, requested to withdraw the application without prejudice based on the failed motion to allow the Pork Chop Lot Special Permits. The ANR and PCL Special Permit discussions were held concurrently.

**Motion to accept the Applicant's request to withdraw the ANR application made Mr. Henry, seconded by Ms. Remsen, and unanimously approved (6-0).**

### **III. PUBLIC (HEARING OR MEETING)**

#### **A. Form C – Definitive Subdivision Wolf Hill Way**

Application submitted by Seaside Legal Solutions for William Friend to consider a five (5) lot definitive subdivision at 12R, 57 and 59 Wolf Hill Way (Assessors Map 88, Lots 22,23,24,25).

Staff notes that the Applicant has submitted a request for continuation in writing.

**Motion to continue the item to the next regularly scheduled meeting made by Ms. Remsen, seconded by Mr. McCarl, and unanimously approved (6-0)**

### **IV. CONTINUED PUBLIC MEETING or HEARING**

#### **A. Pork Chop Lot Special Permit**

In accordance with GZO Section 5.20, the Planning Board shall evaluate Diane Rule's application for two (2) Pork Chop lots at 5 Haskell Street, against Gloucester's special permit standards (GZO 1.8.3).

John Judd, Gateway Consultants Inc., notes the he did not create the plan of land; however, Mr. Judd developed the conceptual site plan for the proposed Pork Chop Lot (PCL) without an existing structure (Lot 2B). Mr. Judd discusses the plan's conformance with the dimensional requirements of GZO 5.20., and highlights the proposed driveway and extensive stairs and footpath connecting the driveway to a structure which would satisfy zoning setbacks.

The Board asked Mr. Judd to discuss the elevation of the proposed residence, and to confirm the contour intervals. Mr. Judd indicated pointed out the site's challenging topography.

The applicant's Attorney, Brian Levey, discusses that based on his review of the submitted public comment, the stormwater issues and those related to blasting would be managed through their respective channels (e.g. DPW and GFD).

The Board provides the following comments based on the abutters' testimony, presentations by the applicant's engineer and attorney, and information from city staff:

Pork Chop Lots (PCL) are a privilege granted through a special permit process. PCLs may only be granted after a finding by the Planning Board that the proposed use--in this case, construction of new housing as indicated on the application--will not adversely affect the neighborhood to such an extent as to outweigh the beneficial effects of said use, as outlined by GZO 5.20.1 and GZO 1.8.3.

In particular, the majority of the Board found that the development of the site is significantly constrained by the rocky ledge outcrop composition, challenging topography, and geometry. Because of the site's unique lot characteristics, members of the Board noted that although the dimensional standards of GZO 5.20 were satisfied, the interpretive standards under Section 5.20.1 were not. Specifically, members indicated that the site would not be an appropriate location for the residential use as indicated by 5.20.1(a), and the applicant failed to show that the character of the adjoining residential uses would not be adversely affected. Other points were raised concerning the ability to provide safe and adequate vehicular access from the street frontage to the principal building on the lot as required by 5.20.1(c). The significant limitations of the ledge outcrop inhibit the applicant's ability to provide direct vehicular access from the street frontage to the principle building.

Furthermore, members indicated that the application does not satisfy the City's special permit standards, and that the granting of the special permit would:

- 1) Lead to the degradation of the site's rich natural amenities, including the ledge outcrop (GZO 1.8.3 e);
- 2) fail to address the social, economic, and community needs that the development is proposed to solve (GZO 1.8.3 a). Specifically, based on the site's geographic location, it is unlikely that any construction on the lot would be affordable to the full range of Gloucester's socioeconomically diverse population (GZO 1.8.3 a);
- 3) conflict with existing neighborhood's architectural character and existing social structure (GZO 1.8.3 d).

While the property would yield and fiscal benefit to the City, the small additional revenue would not outweigh the overall negative impacts to the site and neighborhood as outlined above (GZO 1.8.3 f).

Oppositely, members of the Board indicated they believed that the project as presented, meets the intent of the ordinance, and that the potential development of the site is not in the Board's purview as long as the application meets the dimensional requirements. These opinions were challenged other members, noting that although the dimensional requirements under GZO 5.20.1 were satisfied, the interpretative standards under GZO 5.20.1, as well as GZO 1.8.3 were not.

Staff indicates the validity of the Board's comments addressing both the dimensional criteria as well as the interpretive standards under GZO 5.20.1, and GZO 1.8.3.

The Board asked Mr. Judd to explain the exclusive view easement. Mr. Judd notes the easement prohibits from this area being built upon, or obstructing the view of the house above. Mr. Noonan articulates that as

the area of the view easement is included in the lot's area calculation, the Applicant is unfairly benefiting from this as the potential development would be relegated to a smaller footprint of the site that otherwise would not meet the dimensional lot area requirement of GZO Section 5.20.

**Mr. Noonan opened the public record.**

**Testimony of those in favor:**

None

**Testimony of those opposed:**

Lien Hartzel, 10 Hammond street, notes that a two-family house could be constructed by-right, and does not feel that the site can adequately manage additional vehicles associated with such a use. Ms. Hartzel, is concerned with disruptions related to construction.

Mary Ellen Lepionka, 17 Hammond Street, lists several potential impacts of the proposed project including traffic, road closures, and loss of natural and historic amenities.

Michael Salmon – 4 Haskell Street, reiterates the project does not meet many of the standards outlined in GZO 5.20 and 1.8.3.

William Heasley, 3 Haskell Street, indicates that the house would provide views into his home, and believes the development would not be conducive to the neighborhood.

Preston Curtis, 21 Haskell Street, is concerned that the building's aesthetics would not be in keeping with the neighborhood.

Mr. Cox, 5 Haskell Court – believes that his issues have addressed with the Planning Board members, adequately represents his concerns.

Mr. Noonan closes the public hearing.

**Motion to close the public hearing made by Mr. McCarl, seconded by Mr. Pratt, and unanimously approved (6-0)**

**Motion to approve the two (2) Pork Chop Lots indicated on the submitted plan of land as Lot 2A and 2B, made by Mr. Cook, seconded by Mr. Pratt, three (3) in favor, three (3) opposed. Motion Failed.**

Attorney Levy requested to withdraw the ANR application without prejudice.

**Motion to grant the request to withdraw the ANR application [without prejudice?] made by Ms. Remsen, seconded Mr. Henry and unanimously approved (6-0).**

## **V. OTHER BUSINESS**

1. Release of Covenant – Eastern Point Boulevard

Roy Tiarro, presented the progress of the project before the Board. Mr. Tiarro explained the project's road has been brought to binder. The DPW Director issued a memo about the advancement of the construction, and indicated his comfort with releasing the lots upon the completion of utility testing.

**Motion to conditionally release of Lot 1 and 2, contingent upon a positive recommendation from the Department of Public Works concerning the adequacy of the utilities (i.e. pressure testing), made by Mr. Cook, seconded by Ms. Remsen, and unanimously approved (6-0).**

A. Dogtown National Register Petition – Discussion

Mary Ellen Lepionka, Gloucester's Historical Commission co-chair, presents a prepared memorandum outlining her understanding of the potential implications and benefits associated with adding Dogtown to the National Register of Historic Places.

Ms. Lepionka indicated she believed the City Council's vote on April 11, 2017 to accept a federal of \$15, 000 to fund a study to undertake the archeological review of Dogtown indicated the Council's approval for the Historical Commission to move forward with the designation process.

The Board voiced their concerns with the accuracy of Ms. Lepionka's submitted documentation, particularly surrounding the Historical Commission's statutory authority, and potential limitations that the designation may place on the City's and/or landowners' ability to manage and/or use the their land.

The Board noted that as the item was referred to the Planning Board by the City Council, the Board would continue the item until a suitable public process was developed to field stakeholder testimony.

**Motion to continue the item until the Board, with staff support, has determined the proper pathway for soliciting public testimony, made by Mr. McCarl, seconded my Ms. Remsen and unanimously approved (6-0).**

B. Approval of Outstanding Minutes

**Motion to approve the outstanding Minutes made by Mr. Henry, seconded by Mrs. Henry and unanimously approved (6-0).**

**VI. ADJOURNMENT**

**Motion to adjourn made by Mr. McCarl, seconded by Mr. Cook, and unanimously approved (6-0)**

**VII. NEXT MEETING**

*Next regular meeting of the Planning Board February 7, 2019*

*Planning Board Members: If you are unable to attend the next meeting please contact the Planning Office at (978)325-5235.*