



CITY OF GLOUCESTER
PLANNING BOARD

March 7, 2019

6:00 P.M.

Kyrouz Auditorium - 9 Dale Ave, Gloucester
Richard Noonan, Chair
Minutes

Present Members: Shawn Henry (Acting Chair), Beverly Bookin, Jane Remsen, Jonathan Pratt

Absent Members: Rick Noonan, Doug Cook, Henry McCarl,

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

I. BUSINESS

- 1. Call to Order with a Quorum of the Planning Board**
- 2. Introduction of Planning Board Members and Staff**
- 3. Public Comment**

Attorney Mark Nestor, 45 Middle Street indicated that the submitted Form A Application for 68 High Popples Road varied from what was presented before the Conservation Commission.

II. CONSENTAGENDA

1. Form A

Paul Belivacqua, BTWE Development LLC, 68 High Popples Road, to create an additional building lot (Assessor's Map 73, Lot 22).

Mr. Price introduced the ANR application and noted its compliance with frontage and lot area requirements. Mr. Price discussed that the existing garage would need to be razed, or the applicant would need to request a variance from the ZBA. Mr. Price continued that each of the lots are each comprised of less than the allowed 25% resources areas.

Questions were raised from the Board with respect to a potential zoning violation which could be created. Mr. Cademartori highlighted that if the plan were recorded and the applicant did not raze the structure or obtain a variance, the City's Inspectional Services would cite the owner and enforce the violation as necessary.

Motion to endorse the ANR Plan made by Mr. Pratt, seconded by Ms. Remsen, and unanimously approved (4-0).

2. Site Plan Review

Application submitted by Gateway Consultant Inc., for Site Plan Review pursuant to GZO Section 5.8 at 35 Fuller Street (Assessor's Map 168, Parcel 14).

Mr. Price highlighted the issues in the original submission, including but not limited to the drainage and infrastructure design, landscaping screening, and ADA accessibility. Mr. Price noted that the City's Engineering Division memo outlined the conformance of the submission dated December 18, 2018 with revisions through March 4, 2019. The applicant increased the capacity of the retention infrastructure, added a trench drain, and crowned the roadway to avoid the flow of stormwater onto Norman Ave. Moreover, the vegetative screening the property boundary as required in the ZBA's decision was added to the plans.

Motion to approve the Site Plan made by Ms. Bookin, seconded by Mr. Pratt, and unanimously approved (4-0).

III. CONTINUED PUBLIC MEETING

1. Road Improvement Plan

Application submitted by Gateway Consultant Inc., on behalf of Richard Souza & Cynthia Geary to consider a Road Improvement Plan for 148 Bray Street (Assessor's Map 247, Lot 44).

Ron Horvitz represented the applicant in John Judd's absence. Mr. Horvitz indicated his concern with the emergency access to East Gloucester during storm events, and identified Bray Street as a potential evacuation corridor.

Mr. Cademartori discusses the memorandum submitted to the Board which includes comments from Gloucester's Director of Public Works and the City Clerk as outlined below:

Mr. Cademartori noted the Planning Board received the referenced plan without the benefit of any pre-application review, therefore significant research needed to be performed regarding aspects of the application's eligibility and compliance with the Planning Board Rules and Regulations Governing the Subdivision of Land in Gloucester.

Approval Not Required (ANR) plans, when filed, must demonstrate that no new ways are being created, and that all lots in the proposed division have frontage and adequate access from a public or private road. Additionally, the lots must satisfy the dimensional requirements for the zoning district in which they fall. The road from which frontage is derived must be of "sufficient width, suitable grades and site distances, adequate clearances, and adequate construction to provide for the needs of vehicular traffic." By the submission of this application, the applicant concurs that the current way does not meet these standards.

In cases where a way is deemed not adequate, the Planning Board has adopted provisions (**Section 2.2.7 Proving Adequate Access to Existing Lots**) for the improvement of ways to serve existing lots with frontage on public or private ways in existence prior to the adoption of the Subdivision Control Law in Gloucester (December, 1960). Mr. Cademartori indicated the filing of the application is indicative of the road's inadequate condition.

Furthermore, in accordance with the Board's Subdivision Regulations, 148 Bray Street must have frontage on the way, and have existed prior to the establishment of Gloucester's adoption of the Subdivision Control law (December, 1960).

148 Bray Street was created by the Definitive Subdivision titled "Essex Bay Estates at Coles Island, Gloucester Mass" recorded on February 21, 1991 in Plan Book 267, Plan 54 at the Essex South Registry of Deeds. The bounds of 148 Bray Street were further modified by an ANR plan approved by the Planning Board on June 9, 1997, which was recorded on October 15, 1997 in Plan Book 320 Plan 79. Based on this fact alone, the application is not an eligible ANR because 148 Bray Street was not in existence prior to December 1960.

With regard to frontage, if one examines the referenced Essex Bay Estates plan, another factor is very clear. As part of the 1997 subdivision review and approval, the applicant provided land for the further development of public ways in the vicinity of Coles Island Road, namely Concord Street and Bray Street. Specifically, a lot labeled "1A" was created paralleling the east side

between the Bray Street layout and 148 Bray Street. A note on Sheet 2 of 4 of the Essex Bay Estates plan reads: Lot 1A is “not to be considered a separate building lot” and is “to be deeded to the City of Gloucester for roadway layout purposes”. Therefore, 148 Bray Street does not even front on Bray Street at present. It is important to note that the filed Road Improvement Plan dated December 13, 2018, erroneously depicts 148 Bray Street abutting the Bray Street layout.

Lastly, Mr. Cademartori notes that aside from the project’s disqualification with respect to adequate frontage on a way that was established prior to December 1960, in accordance with Section 2.2.7 and Section 2.2.8, the applicant failed to submit a letter from the City Clerk certifying that the lot has “frontage on a way which... is used as and maintained as a public way by the City.” Mr. Cademartori summarized the memoranda submitted from the City Clerk, Joanne Senos, and the Department of Public Works Director, Michael Hale.

Mr. Horvitz indicated that he was not aware that lot 1A was to be deeded to the City, and asked for more time to review the application.

The applicant, Cynthia Geary, noted that when she purchased the property, the seller indicated that the lot deeded to the City (Lot 1A), would be used by the City to improve Bray Street.

Attorney Deborah Eliason, 63 Middle Street, stated that she was representing a potential buyer of 148 Bray Street, and requested that Board allows the applicant to review the memorandum and appear before Board at a later meeting.

Mr. Cademartori stressed that he believed even if additional time were awarded, it would not change the fact that the submitted application is not eligible to be reviewed.

The Board agreed on a 45-day extension from the expiration of the Board’s allotted review period. Additionally, they decided to resume this discussion at the Board’s April 4th meeting.

Motion to accept the applicant’s request to extend the Board’s review time 45 days from the expiration of the Board’s review period made by Mr. Pratt, seconded by Ms. Bookin, and unanimously approve (4-0).

Motion to continue the item to the Board’s meeting on April 4, 2019 made by Ms. Bookin, seconded by Mr. Pratt, and unanimously approved (4-0).

IV. OTHER BUSINESS

1. Approval of Outstanding Minutes

Motion to approve February 7 minutes made by Ms. Remsen, seconded by Ms. Bookin, and unanimously approved (4-0).

Motion to approve February 21 minutes made by Ms. Bookin, seconded by Ms. Remsen, and unanimously approved (4-0).

V. ADJOURNMENT

Motion to adjourn made by Ms. Bookin, seconded by Mr. Pratt, and unanimously approved (4-0).

Next regular meeting of the Planning Board March 21, 2019.