



GLOUCESTER CITY COUNCIL
Planning & Development Committee Meeting
Wednesday, November 8, 2023 – 5:30 PM
Harbormaster's Conference Room
19 Harbor Loop, Gloucester, MA 01930
AGENDA

(Items may be taken out of order at the discretion of the Committee)

CITY CLERK
GLOUCESTER, MA
2023 NOV - 1 AM 10: 03

The public is welcome to attend in person. Zoom link to access the meeting remotely is also available:
Join from Computer, Smart Device: <https://gloucester-ma-gov.zoom.us/j/87875987001>
Join via Phone: 1-646-931-3860 or 1-929-205-6099
Meeting ID: 878 7598 7001

Please note that the in-person meeting will not be suspended or terminated if technological problems interrupt the remote connection.

- 1. Special Events Application #23-71: Request for street closures: Middle Street Walk on December 9, 2023**
- 2. Special Events Application #23-73: Request for street closures: Gloucester Holiday Parade & Tree Lighting on November 26, 2023 with a rain date of December 3, 2023**
- 3. Communication from Seaside Legal Solutions on behalf of DLM Properties, LLC, owner of 24 Kondelin Road re: Request for referral to Planning Board pursuant to GZO Sec. 1.11.3 for an informal review of a proposed amendment to add a “transfer station” use to the GZO (cont. from 10/4/23)**

COMMITTEE
Chair, Councilor Jason Grow
Vice Chair, Councilor Val Gilman
Councilor Tracy O'Neil

CC: Mayor Greg Verga; Jill Cahill; Joanne M. Senos; Suzanne Egan; Gregg Cademartori
The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Special Event Permit Application

#EVNT-23-71

Applicant: Gloria-Jean Parsons

Event Sponsored by City: No

Middle Street Walk

General Details

Organizer: Middle Street Walk Committee through the Gloucester Fund

Non-Profit Tax Exempt #: 04-3521016

Contact Person

Name: Gloria Parsons
Phone: 978-790-2274
Email: schtruant@verizon.net

Contact Person "Day of Event"

Name: Gloria Parsons
Phone: 978-790-2274

Event Date(s)

Date	Start Time	End Time
12/09/2023	10AM	4:30PM

Rain Date(s)

Date	Start Time	End Time
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Event Type: Concert Stroll/Walk-Through Other: hay ride

Location: Temple Achmin Avahvat, Trinity Congregational Church, Sargent House Museum, Universalist Unitarian Church, 46 Middle Street, St. John's Episcopal Church, City Hall and Cape Ann Museum.

Will Use Private Property Owned By: Temple Achmin Avahvat, Trinity Congregational Church, Sargent House Museum, Universalist Unitarian Church, 46 Middle Street, St. John's Episcopal Church

Requested Street Closures (Noon to 3PM)

Middle Street from Trinity Congregational Church to Washington Street

Requested Motor Vehicle Detours

intersection of Middle Street and School Street

Primary Age Group:	All ages	Abutters Notified:	No
Estimated # Workers/Staff:	0	Neighborhood Groups Notified:	No
Estimated # Attendees:	200		
Event Advertised to Public:	Yes (Social Media) (Newspaper) (Website) (Posters/Flyers)		

Vendor Details (0 Locations in Total)

Vendor Name	Contact Person	# Stations
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Entertainment Details

The event will include all of the following: Live Music

Game Details (0 Games in Total)

Game Name	How Many?
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Raffle Details (0 Raffles in Total)

Raffle Prize	How Many?
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Tent Details (0 Tents in Total)

Tent Length	Tent Width	How Many?
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Extra Receptacles

Trash: # Recycling: To Be Paid For By:

Portable Toilets

Standard:

ADA:

To Be Paid For By:

Requests for City Services

1 Traffic Control Signs

1 Traffic Control Cones

Special Event Permit Application

#EVNT-23-73

Applicant: Joe Ciolino Ciolino

Event Sponsored by City: Yes

Gloucester Holiday Parade & Tree Lighting Ceremony

General Details

Organizer: Gloucester Merchant Association

Non-Profit Tax Exempt #: 04-1148820

Contact Person

Name: Joe Ciolino
Phone: 978-281-1227
Email: weathervane153@gmail.com

Contact Person "Day of Event"

Name: Joe Ciolino
Phone: 978-281-1227

Event Date(s)

Date	Start Time	End Time
11/26/2023	3:00 pm	6:00 pm

Rain Date(s)

Date	Start Time	End Time
12/03/2023	3:00 pm	6:00 pm

Event Type: Parade Other: tree lighting ceremony

Starting Location: State Fish Pier - Parker Street

Requested Street Closures

Parker Street to Main Street to Western Ave ending at Kent Circle

Requested Motor Vehicle Detours

Primary Age Group:	All ages	Abutters Notified:	No
Estimated # Workers/Staff:	10	Neighborhood Groups Notified:	Yes
Estimated # Participants:	200		
Event Advertised to Public:	Yes (Social Media) (Newspaper) (Posters/Flyers)		

Fee Information (\$)

Special Event - Parade 25

Vendor Details (0 Locations in Total)

Vendor Name	Contact Person	# Stations
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Entertainment Details

The event will include all of the following: Live Music

Game Details (0 Games in Total)

Game Name	How Many?
-----------	-----------

Raffle Details (0 Raffles in Total)

Raffle Prize	How Many?
--------------	-----------

Tent Details (0 Tents in Total)

Tent Length	Tent Width	How Many?
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Extra Receptacles

Trash: # Recycling: To Be Paid For By:

Portable Toilets

Standard: 2 # ADA: 1 To Be Paid For By: Will request the City to provide them

Starting / Dismissal Details

Start Time for Participants: 3:00
Start Location: Parker Street

Dismissal Time for Participants: 6:00
Dismissal Location: Kent Circle

Event Clean-Up Details

Person Responsible: Joe Ciolino / Ringo Tarr
Email: weathervane153@gmail.com

Phone: 978-281-1227

Parade Details

# Floats:	6	Insurer:	City of Gloucester
# Marshalls:	6	Contact:	City of Gloucester
Weapons Carried?	No	Email:	1

Phone: 1

Planned Viewing Stations: Parker Street - Main Street - Western Ave

Requests for City Services

4 Trash Receptacles

2 Standard Portable Toilets

1 ADA Portable Toilets

January 10, 2023

City of Gloucester City Council
Valerie Gilman, President
c/o City Clerk's Office
Nine Dale Avenue
Gloucester, MA 01930

2023 JAN 11 AM 8:39
CITY CLERK
GLOUCESTER, MA

**RE: REQUEST FOR REFERRAL TO PLANNING BOARD
PURSUANT TO GZO § 1.11.3**

Dear Councilor Gilman:

This office continues to represent DLM Properties, LLC, owner of 24 Kondelin Road (Map 197, Lot 13). As you know, it is my client's intention to convert its current permitted junk yard use into a safer, cleaner, and more modern transfer station use. My client is simultaneously in the process of obtaining the necessary licensure from the Department of Environmental Protection and is working with the City of Gloucester Board of Health on this aspect of the project. So far, the feedback from both DEP and the Board of Health has been positive and my client is optimistic about the potential to modernize their operations at 24 Kondelin Road.

In order to complete such a conversion, my client must be able to build the necessary buildings and be permitted to make use of its property as a transfer station under the local zoning regulations. Unfortunately, there is currently no defined "transfer station" use in the Gloucester Zoning Ordinance. And, unless a use is specifically authorized by right or by special permit in the use tables in Section 2.3 of the GZO, the GZO states such uses are "prohibited" by default. Therefore, in order for my client to comply with the GZO, the GZO must be first amended to define a "transfer station" use and set forth the conditions in which—and where—such use may be allowed.

After consultation with both the City Planning Director and Chair of the Planning and Development Standing Committee, I believe the best course of action would be for the City Council to first request an "informal review" of this matter by the Planning Board pursuant to GZO § 1.11.3. This section of the GZO is specifically designed to allow the Council to seek a recommendation from the Planning Board on "whether or not to initiate formal action on a proposed amendment to [the GZO]."

Specifically, this would allow the Planning Board to consider, among other things, whether my client's desire to include a "transfer station" use in the GZO would be better handled as a proposed overlay district specific to my client's property or as an amendment to the industrial use table that would be applied uniformly across the City.

Per the language of the GZO, my client is unable to initiate an informal review by the Planning Board by itself; the request must come from the City Council. As such, I am hereby requesting that the City Council make a request of its own pursuant to GZO § 1.11.3 as outlined above. Additionally, it would be my hope that, in such a request, the City Council would ask the Planning Board to permit my client to

participate in such informal review process. Specifically, my client seeks an opportunity to explain its specific goals in requesting the GZO amendment in the first place and provide an example of how such an amendment could be utilized. The informal review process is not otherwise a public hearing at which testimony must be solicited but, as with all regular matters, the Chair of the Planning Board will have discretion to entertain participation by outside contributors.

Lastly, and just to be clear: even if the Planning Board undertakes such an informal review and provides a recommendation, that would not replace or eliminate any of the normal review process that comes with a formal application for an amendment to the GZO. It would simply provide pre-filing guidance as to how the formal application should be made.

I thank you in advance for helping my client navigate this somewhat complex process of modernizing the GZO in order to then hopefully modernize its operations. Please let me know if you need anything further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joel Favazza', written over a horizontal line.

Joel Favazza

JF/fea
cc: Hiltz

August 1, 2023

City of Gloucester Planning Board
Rick Noonan, Chair
c/o Gregg Cademartori
via email to: gcademartori@gloucester-ma.gov

**RE: REQUEST FOR REFERRAL TO PLANNING BOARD
PURSUANT TO GZO § 1.11.3 – UPDATE TO PROPOSED GZO CHANGES / LANGUAGE**

Dear Chairperson Noonan:

This office continues to represent DLM Properties, LLC, owner of 24 Kondelin Road (Map 197, Lot 13). As you will recall, it is my client's intention to convert its current permitted junk yard use into a safer, cleaner, and more modern transfer station use. In order to do so, the Gloucester Zoning Ordinance must be updated to provide for such a use. Several months ago, my client petitioned the City Council to refer this matter to the Planning Board pursuant to GZO § 1.11.3 for informal review and advice; and I presented on this matter to the Planning Board after such referral was made by the Council.

In the intervening months, my client has continued the simultaneous process of obtaining the necessary licensure from the Department of Environmental Protection. Additionally, my client has met with several City of Gloucester department heads as well as representatives from Mayor Verga's office. The feedback from these local meetings was somewhat in alignment with the feedback my client received from the Planning Board previously. This feedback, as I understand it, put in the simplest terms: permitting a transfer station processing "C&D" (construction and demolition) materials only, rather than a comprehensive transfer station that also processed "MSW" (municipal solid waste) is probably the only viable path forward for my client at this time.

As such, my client would like to update its proposed changes and new language for the GZO and, in place of any previous drafts, submits the following for your consideration:

- I. Add the following two definitions to Section VI:
 - a. Transfer Station, C&D Only – An indoor or otherwise enclosed handling facility where "Recyclable Material" and/or "Construction and Demolition Waste" as defined by 310 CMR 19.000^{1,2} is brought, sorted, temporarily stored, and transferred from one vehicle or container to another vehicle or container for transport off-site to a recycling and/or solid

¹ 310 CMR 19.006 defines "Recyclable Material" as "a material that has the potential to be recycled and which is pre-sorted. Recyclable material includes biodegradable paper but does not include: (a) organic materials that will be composted or converted; or (b) construction and demolition waste unless it has been separated, and kept separate, into at least the following categories: asphalt, brick and concrete; wood; metals; plaster and wallboard; roofing materials; and carpet.

² 310 CMR 19.006 defines "Construction and Demolition Waste" as "the waste building materials and rubble resulting from the construction, remodeling, repair or demolition of buildings, pavements, roads or other structures. Construction and demolition waste includes, but is not limited to, concrete, bricks, asphalt pavement, masonry, plaster, gypsum wallboard, metal, lumber and wood.

waste treatment, processing, or disposal facility. There shall be no loading or storing any containers of solid waste outside of a principal or accessory structure; any containers used for receiving or storing recyclable materials not stored within a principal or accessory structure must be covered and secured outside of business hours or otherwise when not in active use during business hours. Any such facility must, at all times of operation, maintain a valid license from the Massachusetts Department of Environmental Protection; any violation of such licensure shall also be considered a violation of this Ordinance subject to the provisions of Section 1.3.1.

- b. Transfer Station, including MSW – An indoor or otherwise enclosed handling facility where “Recyclable Material” and/or “Municipal Solid Waste” as defined by 310 CMR 19.000³ is brought, sorted, temporarily stored, and transferred from one vehicle or container to another vehicle or container for transport off-site to a recycling and/or solid waste treatment, processing, or disposal facility. There shall be no loading or storing any containers of solid waste outside of a principal or accessory structure; any containers used for receiving or storing recyclable materials not stored within a principal or accessory structure must be covered and secured outside of business hours or otherwise when not in active use during business hours. A Transfer Station, including MSW, shall be considered a Major Project and shall comply with all requirements as set forth in Section 5.7 pertaining to Major Projects. Any such facility must, at all times of operation, maintain a valid license from the Massachusetts Department of Environmental Protection; any violation of such licensure shall also be considered a violation of this Ordinance subject to the provisions of Section 1.3.1.

II. Add the following two use lines to the use table in Section 2.3.5 and fill in the respective zoning district columns as follows:

a. “Transfer Station, C&D Only”

- | | | |
|----------------|---------------|---------------|
| i. R-80 – N | vi. R-10 – N | xi. MI – N |
| ii. R-40 – N | vii. R-5 – N | xii. GI – Y |
| iii. RC-40 – N | viii. CCD – N | xiii. BP – PB |
| iv. R-30 – N | ix. CB – N | |
| v. R-20 – N | x. EB – PB | |

b. “Transfer Station, including MSW”

- | | | |
|----------------|---------------|---------------|
| i. R-80 – N | vi. R-10 – N | xi. MI – N |
| ii. R-40 – N | vii. R-5 – N | xii. GI – CCS |
| iii. RC-40 – N | viii. CCD – N | xiii. BP – N |
| iv. R-30 – N | ix. CB – N | |
| v. R-20 – N | x. EB – N | |

I want to be clear that it is my client’s intention to permit its proposed facility as a “Transfer Station, C&D Only” facility at the outset and operate it as such for the time being. However, given the direction the waste industry and regulations pertaining thereto are headed, my client believes it would be short-sighted to not at least make sure a path is also laid out for the potential expansion of its facility (or the creation somewhere within the City of a separate facility) to someday handle MSW as well.

³ 310 CMR 19.006 defines “Municipal Solid Waste” as “any residential or commercial solid waste.”

Based on the feedback from both the Planning Board and city staff, that path has been intentionally designed to result in maximum scrutiny. Any application for a "Transfer Station, including MSW," would be limited to a General Industrial property only and made to the City Council in compliance with the heightened CCS submission standards (as opposed to the less stringent CC submission standards). It would also be treated as a Major Project, which would ensure such an application would be referred out for departmental review by City Staff and to the Planning Board for a public hearing and an advisory vote, before going through additional vetting by the Planning & Development Standing Committee for a second advisory vote, and ultimately ending up at the full City Council for another public hearing and final vote.

Conversely, the proposed "Transfer Station, C&D Only" permitting path has been designed to enable creation of such facilities as a matter of right in the General Industrial district as well as with only a Planning Board Special permit in the Extensive Business and Business Park districts.

The General Industrial district already allows many uses as a matter of right that are likely to generate considerably more traffic and/or deal with considerably more hazardous materials than a "Transfer Station, C&D Only" facility will, including: industrial training centers, office buildings in excess of 6,000 SF, car dealerships, fuel establishments (other than gas stations), laundry and dry cleaning plants over 4,000 SF, undefined warehousing, undefined industrial manufacturing, processing, and research, and marijuana cultivation and manufacturing.

While many of those same uses are also allowed as a matter of right in the Extensive Business and Business Park districts, when reading the definitions for these districts in Section 2.1 as compared to the definition of the General Industrial district, it seemed prudent to add a layer of discretionary permitting from an SPGA. And, because, in all instances, a "Transfer Station, C&D Only" will trigger Site Plan review and all applicants will need to come before the Planning Board to vet their proposal, we believe the Planning Board is therefore the logical choice as the SPGA for these facilities.

I look forward to discussing this revised proposal at an upcoming Planning Board meeting and hopefully receiving a positive recommendation from the Board so that my client can head back to the City Council and initiate the formal GZO amendment process. I will wait to hear from you as to when this will be placed on a future agenda. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joel Favazza", with a horizontal line extending to the right.

Joel Favazza

cc: Hiltz



**CITY OF GLOUCESTER
PLANNING BOARD
September 7, 2023
5:00 P.M.**

**Conducted via Zoom; Meeting is Recorded
Richard Noonan, Chair**

MINUTES

Present Members: Rick Noonan/Chair, Hank McCarl/Vice Chair, Doug Cook, Shawn Henry, Jane Remsen, David Rosen

Present Staff: Gregg Cademartori/Planning Director, Erik Hinderlie/Senior Planner, Catherine McNiff/Recording Clerk

Absent Members/Staff: Beverly Bookin

BUSINESS

1. Call to Order
2. Introduction of Planning Board Members and Staff
3. Pursuant to Gloucester Zoning Ordinance Section 1.11.3 the City Council requests an **informal review** as to whether or not to initiate formal action on a proposed amendment to introduce a new definition for “**transfer stations**” and associated amendments to the use tables to identify which district(s) they may be permitted in.

Director Cademartori explains that there are some definition issues in the Gloucester Zoning Ordinance (GZO). The purpose of the proposed amendment is to make clear two definitions of transfer station: 1) Transfer Station, Construction and Demolition (C&D) Only and 2) Transfer Station, including Municipal Solid Waste (MSW).

Attorney Favazza, Seaside Legal Solution, is present on behalf of DLM Properties. Mr. Favazza explains that the GZO has out-of-date language that needs to be fixed and lacks a clear permitting path for his client. The current owner is looking to construct a modern facility that will handle C&D only. Mr. Favazza goes over the proposed definitions and the Use Table changes. The existing business operated as a transfer station for years before the lack of proper permitting came to light. At that time, use was downgraded from transfer station to recycling hub. Now DLM LLC wants to make their current business compliant as a transfer station.

Director Cademartori shows a zoning map depicting General Industrial (GI) use areas.

Chair Noonan expresses concern about taking on this discussion at this time; it is unknown if these changes reflect the needs of the community.

Director Cademartori explains that a public process has begun via the City Council that will generate further discussion and information.

Board members express sympathy for the client’s situation, most agree that the issue of a transfer station needs to be addressed, and all agree that more information is welcome and

necessary. Suggestions include highlighting this as part of the Comprehensive Plan process and prioritizing transparency.

Director Cademartori will draft a letter that includes the major points of the Board's discussion for further review at the next scheduled meeting.



I. CONSENT AGENDA

1. Approval Not Required (ANR) filed by Paul and Ellen Clancy to combine two lots at **4 and 6 Wilson Road** (Assessors Map 256, Lots 1 & 2).

Attorney Deborah Eliason is present on behalf of the applicants. Ms. Eliason explains that is a straightforward combination of an undersized lot (#4) with a larger lot (#6) in order to build a new house that is out of the flood zone. The new house will have an address of 4 Wilson Road.

The Board expresses approval for the applicant's intention to proactively move their house out of the flood zone.

Member Remsen makes a motion to approve the above ANR, Vice Chair McCarl seconds, unanimous approval via roll call.

2. Preliminary Subdivision Plan (Form B) "Miriam Way" submitted by Robert and Patricia Callan to be located at **22, 28 and 39 Pew Avenue, and 17 Pine Road** (Assessors Map 219 Lots 175, 130, 126, 131)

Attorney Favazza is present on behalf of the applicants and explains that the lots are on paper roads and need to be reconfigured in order to be made usable. Mr. Favazza presents two options, each with its own pros and cons. Option one involves a greater loss of trees in the construction of a new road, Miriam Way, while option two would require two hammerhead turnarounds. Mr. Favazza is looking for guidance/input from the Planning Board before coming back with a final subdivision plan.

Members ask clarifying questions and discuss possible waivers. The Board would like to get input from the Fire Department and would like to schedule a Site Visit.

Member Remsen makes a motion to continue the Preliminary Subdivision Plan above to the next scheduled meeting on September 21, 2023, Vice Chair McCarl seconds, unanimous approval via roll call.

PRELIMINARY SUBDIVISION PLAN IS CONTINUED TO SEPTEMBER 21, 2023.

II. PUBLIC HEARINGS

1. Definitive Cluster Development Plan filed by James M. McKenna, Esq., on behalf of How-Mag LLC, to permit a 26 unit residential development at **171 and 281R Magnolia Avenue and 607 Western Avenue** (Assessors Map 206, Lot 9, Map 198 Lot 20, and Map 199 Lots 11 & 13).

City Hall Annex
Three Pond Road
Gloucester, MA 01930



TEL 978-325-5242
gcademartori@gloucester-ma.gov
GREGG M. CADEMARTORI
Planning Director

CITY OF GLOUCESTER PLANNING BOARD

2023 OCT -6 AM 10: 22
CITY CLERK
GLOUCESTER, MA

Date: October 5, 2023
To: City Council
From: Planning Board
Re: Pursuant to Section 1.11.3 “Informal Planning Board Review” of potential amendments to the Gloucester Zoning Ordinance at the request of the City Council regarding “Transfer Stations”

The Planning Board held several meetings as a part of its “Informal Planning Board Review” per General Zoning Ordinance (GZO) Section 1.11.3 in consideration of proposed amendments to the GZO regarding the permitting and definition of transfer stations. DLM Properties (dba Eastern Waste Services), represented by Attorney Joel Favazza of Seaside Legal Solutions, is the owner of 24 Kondelin Road (Map 197, Lot 13), and plans to build an indoor waste transfer facility on their site; however, the GZO does not contain a definition or permitting path for transfer stations. Attorney Favazza proposes to add definitions for “Transfer Station, Construction and Demolition Waste” and “Transfer Station, Municipal Solid Waste” to Section VI Definitions, as well as amend Section 2.3 Use Tables to allow transfer stations to be permitted in certain zoning districts.

Since the initial referral from the City Council on August 11, 2023, DLM Properties has filed a “Site Suitability Application” with the state Department of Environmental Protection (DEP) for a Construction and Demolition Transfer Station to be located at 24 Kondelin Road. The submission contains an extensive amount of information that will be reviewed by DEP, and a review and approval of the Gloucester Board of Health will also be required to advance. The Gloucester Board of Health may hire outside consultants to assist in its review, which will provide a better understanding of transfer stations and any potential impacts that may need to be mitigated by zoning.

In considering draft language provided by Attorney Favazza to add to Section VI definitions “Transfer Station, Construction and Demolition Waste Only” and “Transfer Station, Municipal Solid Waste” as well as the zoning districts where this use would be permitted, the Planning Board determined that there was not enough information to recommend proceeding with a zoning amendment process for these uses. The Planning Board advises that the City Council await the outcome of the Board of Health review. Based on the above the Planning Board voted unanimously to recommend the City Council take no action relating to the zoning of transfer stations at this time.