



**CITY OF GLOUCESTER**  
**PLANNING BOARD**  
MEETING MINUTES  
**September 19, 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, Joe Orlando  
Henry McCarl, Karen Gallagher, Linda Charpentier, Marvin Kushner- **Absent**  
**Staff:** Gregg Cademartori, Planning Director, Matt Coogan, Senior Planner, 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 Minutes of September 5, 2013

**Motion: Approval for the Planning Board minutes of September 5, 2013.**

**1<sup>st</sup>: Karen Gallagher**

**2<sup>nd</sup>: Linda Charpentier**

**Vote: Approved 4-0 with Ms. Black & Joe Orlando abstaining**

**II. PUBLIC COMMENT - None**

**III. CONSENT AGENDA**

**Approval Not Required Plans**

Planning Board to consider the Approval Not Required Plan submitted by Michael Ceppi at **15 & 17 Ocean Avenue and 6 Lake Road** (Assessors Map 171, Lot 12, 13, and 24).

**Presenter: Issac Rowe Mill River Consulting**

**Mr. Rowe** explained to the board that the site was owned by the Roman Catholic Church, was sold, and the new owner would like to create 2 new buildable lots. One lot would combine 15 & 17 Ocean Ave. The lot line defining 17 Ocean Ave and 6 Lake Road would be moved over. The lot line is being moved to accommodate a septic system. An unbuildable lot is also proposed. It is to address an existing encroachment of the existing dwelling at 4 Lake Road. The access for Lot 2 will be off of Maple Road.

**Mr. Cademartori stated** that the lots will continue to have the required lot area for the district. The subdivision control law does not apply.

**Motion: The Subdivision Control Law does not apply to 15 & 17 Ocean Avenue and 6 Lake Road** (Assessors Map 171, Lot 12, 13, and 24).

**1<sup>st</sup>: Karen Gallagher**

**2<sup>nd</sup>: Joe Orlando**

**Vote: Approved 6-0**

**IV. NEW PUBLIC HEARINGS**

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 public hearing on to consider the following petition to amend to the Zoning Ordinance as follows:

**#1** Amend the Gloucester Zoning Ordinance by Amending the Gloucester Zoning Map by changing the zoning district designation of **18 Norman Avenue**, Assessors' Map 170, Lot 43 from Low-Medium Density Residential (R-20) to Village Business (VB).

**Presenter: Attorney Robert Coakley**

**Attorney Coakely** explained that the lot is located across the street from the traditional village business. The applicant co - founded a software company in Norway called “Opera” It is like Google here. Attorney Coakely gave a brief history of the applicant, explaining that Mr. Von Tetzchner would like to create a “Innovation House”. It will be a place for people to come and stay for free while they work, create, network, and inspire one another. It is for small start up tech businesses. People from all over the world will be invited to stay at the house. Because it is a business atmosphere it does not fit into the residential zoning district. The general attitude of the neighborhood is favorable. The building footprint will not be changed.

**Jon S. Von Tetzchner, 18 Shore Road**

**Mr. Von Tetzchner** explained his history with his previous company Opera. He stated his goal is to help start up companies. He also already has an “Innovation House” established in Iceland.

**Attorney Coakley** stated the actual utilization of the site would not increase the traffic. It is a good utilization of the site and good for the city.

**Public Comment: In favor**

**Walter Kolenda 14 Harvard St #2.**

**Mr. Kolenda** stated that the business that is proposed does not seem that different than what is there now. He stated he was in favor of the project, but there is a concern as to what will happen if Mr. Von Tetzchner decides to leave and the new owners decide to build condos.

**Tom Gillette, 5 Howard Road.**

**Mr. Gillette** stated he is the director of the EDIC. He stated he is in favor of the project and it is an opportunity for local business such as “Over the Bridge” to be able to work with someone like Mr. Von Tetzchner.

**Richard Willson**

**Mr. Willson** stated that he was in favor of the project. The area will benefit from it.

**Amanda Nash, Current owner of the Magnolia Inn, 18 Norman Ave.**

**Ms. Nash** stated she was in favor of the project hoping it will increase the winter population for the area. It will be an improvement.

**Corey Curcuro, 7 Williams Court**

**Mr. Curcuro** stated he was a co founder Over the Bridge. It is the new wave of a Chamber of Commerce meets Facebook. This project will help with the awareness of Cape Ann. It will be an incredible opportunity for Gloucester.

**Public Comment: Opposed**

**Charles Marcous 20 Ocean Ave**

**Mr. Marcous** explained that he was in favor of the project, but was concerned with what will happen after Mr. Von Tetzchner leaves and the property gets sold. The setbacks would have been changed etc. There are significant differences once it is approved as a VB district. The business does not serve the people in the neighborhood. It is not a direct benefit to the neighborhood. Mr. Marcous asked the board if there was another pathway to give the applicant to give him what he wants but maybe turn the zoning back to its prior use if he leaves.

**Dave Elms 18 Ocean Ave**

**Mr. Elms** agreed with Mr. Marcous’s statement. He also asked if there was a different avenue that can be pursued. He stated concern that the property could be turned into a commercial property at a later time.

**David Girard, 7 Dalton Ave**

**Mr. Girard** stated concern if Mr. Von Tetzchner leaves the property as well as setback and septic issues.

**Peter Goodwin 22 Norman Ave**

**Mr. Goodwin** stated the business sounds great, but is concerned with what would happen after Mr. Von Tetzchner leaves.

**Mr. Cademartori** summarized points that were of concern: the use of the property once the zoning is changed. The site is constrained in some ways. It is served by two septic systems; one for the main house and one for the addition, which may constrain the footprint and layout of any future use of the property. Other potential uses allowed in the VB zoning are only allowed by special permit and some require a site plan review by the Planning Board, where concerns may be addressed. Very few things could happen overnight if there was a change in ownership. A project or change in use would have to follow the same special permit process for more intense uses whether zoned R-20 or VB. The setbacks and commercial uses, however, are treated more liberally in the VB district.

**Mr. McCarl** stated that there are limitations on the property, and believes the concerns can be worked out.

**Ms. Black** asked if the business will still have the Bed and Breakfast flavor.

**Mr. Von Tetzchner** stated it would not be a bed and breakfast. It will have a retreat atmosphere for businesses.

**Mr. Noonan** stated that what is before the board is a zoning change. The nature of use of the property is subject to change. The board cannot tell the future of what will happen to the property. There is still a P & D and City Council discussion where this can be explored further, but the Board is requested to make a recommendation on the zoning at this time, not a specific project.

**Motion: To recommend to City Council to change the zoning district designation of 18 Norman Avenue, Assessors' Map 170, Lot 43 from Low-Medium Density Residential (R-20) to Village Business (VB).**

**1<sup>st</sup>: Karen Gallagher**

**2<sup>nd</sup>: Linda Charpentier**

**Vote: Approved 6-0**

**#2** Amend the Gloucester Zoning Ordinance by Deleting section 5.27 "Temporary Moratorium on Medical Marijuana Treatment Centers" in its entirety. And by Adding a new section 5.27 "*Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities*" and by Adding a new definition of "Medical Marijuana Cultivation Facility" to Section VI and by Amending Table 2.3.2 to include the allowance of Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities in the CCD, CB, VB, NB, EB, MI, GI, and BP zoning districts by special permit issued by the City Council.

**Mr. Cademartori** informed the board that the City Council amended the original draft of the moratorium at the P&D level. At the last meeting, legal counsel provided a memo to the City Council that referenced different types of ordinances that had been passed in other communities. Councilor McGeary put forward a proposed amendment at the meeting. There are a number of setback requirements that are needed. When applied there is little or no opportunity for the use in the community. The intent is to allow the use, but by special permit. The recommendation that will come from planning staff will be that a number of the districts will be removed and some additional changes will be made to the proposal. An interdepartmental meeting is scheduled for next week, to determine the recommendations for the board.

**Motion: To continue the Public Hearing to 2 Amend the Gloucester Zoning Ordinance by Deleting section 5.27 "Temporary Moratorium on Medical Marijuana Treatment Centers" in its entirety. And by Adding a new section 5.27 "Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities" and by Adding a new definition of "Medical Marijuana Cultivation Facility" to Section VI and by Amending Table 2.3.2 to include the allowance of Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities in the CCD, CB, VB, NB, EB, MI, GI, and BP zoning districts by special permit issued by the City Council to October 3, 2013**

**1<sup>st</sup>: Henry McCarl**

**2<sup>nd</sup>: Joe Orlando**

**Vote: Approved 6-0**

## **V. CONTINUED PUBLIC HEARINGS**

In accordance with MGL Chapter 40A, Section 9, and City of Gloucester Zoning Ordinance, Sections 1.8.3 and 5.21, **GLOUCESTER PLANNING BOARD** to consider the application from Mary Godwin, for a Common Driveway Special Permit at 18 & 20 Keystone Road (Assessors Map 237, Lots 106 & 115).

**Presenter: Michael Faherty**

**Attorney Faherty** informed the board that the required signoff from engineering has not been obtained yet. He requested a continuance to the October 3, 2013 meeting.

**Motion: To continue the application from Mary Godwin, for a Common Driveway Special Permit at 18 & 20 Keystone Road (Assessors Map 237, Lots 106 & 115) to October 3 2013.**

**1<sup>st</sup>: Henry McCarl**

**2<sup>nd</sup>: Joe Orlando**

**Vote: approved 6-0**

## **VI. Other Business**

1. Harbor Planning Update

**Mr. Noonan** reported that the Harbor Planning had a meeting with the hired consultant company. The presentation delved into what makes Gloucester tick. Statistics were presented and there will more to come. They tell what a business needs to grow. There will be a public hearing on September 25.

CPA Update

**Ms. Gallagher** reported that the required documents are before City Council.

2. Discussion of PIRC Submission

**Mr. McCarl** informed the board that the PIRC committee is looking for direction on what to do next. Specifically; what additional work needs to be put in and what additional information is needed. It will be an update of an existing plan.

**Mr. Cademartori** stated one of the questions for the board is whether or not to have a limited process with this document. It is one of the expressed concerns. An update might require some significant study. It is not an opportune time to do that. One of the consistent messages received is that the objectives, goals and strategies haven't changed. The question is; should it be accepted as an advisory document until a comprehensive plan is taken by the department. At this time areas are being addressed by specific area plans.

**VII. ADJOURNMENT**

**Motion: To adjourn**

**1<sup>st</sup>: Henry McCarl**

**2<sup>nd</sup>: Karen Gallagher**

**Vote: Approved 6-0**

**VIII. NEXT MEETING**

*Next regular meeting of the Planning Board October 3, 2013*