



CITY OF GLOUCESTER

PLANNING BOARD

MEETING MINUTES

November 7, 2013 - 7:00 P.M.

Kyrouz Auditorium, City Hall, 9 Dale Avenue, Gloucester

Richard Noonan, Chair

Members Present: Rick Noonan, Chair, Mary Black, Co-Chair, Linda Charpentier, Marvin Kushner, Henry McCarl, Karen Gallagher, Joe Orlando- **Absent**
Present: 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 Minutes of October 3, 2013

Motion: To approved the minutes of October 3, 2013

1st: Marvin Kushner

2nd: Karen Gallagher

Vote: Approved 6-0

II. PUBLIC COMMENT - None

III. CONSENT AGENDA

Approval Not Required Plans

Planning Board to consider the Approval Not Required Plan submitted by Turner Farm Realty Trust at **210 Eastern Avenue** (Assessors Map 246, Lot 23).

Mr. Cademartori stated the lot has the required lot area and frontage for the district.

Motion: The subdivision control law does not apply to 210 Eastern Avenue (Assessors Map 246, Lot 23).

1st: Henry McCarl

2nd: Mary Black

Vote: Approved 6-0

Planning Board to consider the Approval Not Required Plan submitted by J. Michael Faherty at **73 Essex Avenue** (Assessors Map 217, Lots 219 and 22).

Presenter: Attorney Michael Faherty

Attorney Faherty distributed pictures of the site and explained the history of the property. The building was originally built too close to property line. The neighbor gave them a piece of land; Parcel T. Zoning has since changed. Property owners have changed. The easement is no longer useful and would like to give the parcel back to new owner.

Motion: The subdivision control law does not apply to 73 Essex Avenue (Assessors Map 217, Lots 219 and 22).

1st: Henry McCarl

2nd: Linda Charpentier

Vote: Approved 6-0

Planning Board to consider the Approval Not Required Plan submitted by David H. and Nancy Leaman and Marie E. and Michael Strauss at **Leaman Drive and 12 Great Hill Road** (Assessors Map 240, Lots 36 and 64).

Mr. Cademartori stated that no new building lots will be created. Boundaries are being redefined. Parcel C is not to be considered a building lot. There are no issues with frontage and access.

Motion: The subdivision control law does not apply to Leaman Drive and 12 Great Hill Road (Assessors Map 240, Lots 36 and 64).

1st: Mary Black

2nd: Linda Charpentier

Vote: Approved 6-0

Planning Board to consider the Approval Not Required Plan submitted by Benjamin Lagare at **6 & 10 Shepherd Street** (Assessors Map 26, Lot 10 and 11).

Presenter: Dan Ottenheimer, Mill River Consultants

Mr. Ottenheimer explained the site to the board. It is in the R 5 zoning district. The proposal is for a slight adjustment to the lot line. The proposed does not make the parcel any more non-conforming.

Motion: The subdivision control law does not apply to 6 & 10 Shepherd Street (Assessors Map 26, Lot 10 and 11).

1st: Linda Charpentier

2nd: Karen Gallagher

Vote: Approved 6-0

IV. NEW 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 Benjamin Lagare, for a Common Driveway Special Permit at 6 & 10 Shepherd Street (Assessors Map 26, Lot 10 and 11).

Presenter: Dan Ottenheimer, Mill River Consulting

Mr. Ottenheimer explained that the parcels have historically shared a driveway. He explained the site to the board. The existing curb cut will be maintained. The DPW director and City Engineer have reviewed and support the application.

Mr. Cademartori explained the common driveway plan although not meeting all of the Board's design guidelines does provide off street parking in a congested area. Granting of the requested waivers will no be detriment or inconsistent with the intent of the Zoning Ordinance, the subdivision control law or Planning Boards rules and regulations. The plan has been reviewed with the Fire Chief and he is comfortable with the proposal as the structures may be accessed by the existing street.

Public Comment: None

Motion: To approve the Common Driveway Special Permit at 6 & 10 Shepherd Street (Assessors Map 26, Lot 10 and 11).

1st: Henry McCarl

2nd: Marvin Kushner

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: Attorney Michael Faherty

Attorney Faherty stated that a revised plan has been submitted. The city engineer has reviewed the plan and submitted favorable comments. Attorney Faherty explained the revisions of the plan to the board. He explained that the board is approving what is shown on the plan and the cross section only.

Mr. Cademartori prepared a draft conditions that mirrored the intent of the project plans implementation. He read the draft to the board and Attorney Faherty for his consideration. Mr. Faherty agreed it was consistent with the project and that they were accepting of the conditions.

Public Comment: None

Motion: To approve the Common Driveway Special Permit at 18 & 20 Keystone Road (Assessors Map 237, Lots 106 & 115) dated 10-21-13.

1st: Karen Gallaher

2nd: Marvin Kushner

Vote: Approved 6-0

VI. Other Business

1. Restoration Capital LLC request unit releases at The Village At West Gloucester 36 Atlantic Street.

Mr. Cademartori clarified that the application request is under the name; West Gloucester Capital LLC for The Village at West Gloucester

Attorney Jack Malclaney, West Gloucester Capital, LLC

Attorney Maclaney requested release from the covenant for units 31-34. There are 23 units completed and sold and 9 out of 10 units are now under agreement. The infrastructure and landscaping are complete with the exception of the topcoat of the driveway. The one remaining unit #27 which has not been sold, will serve as security for the remainder of the completion of the work. Re-covenant is requested for Unit 27.

Mr. Cademartori reported that a site visit was held, any discrepancy noted at the time has been resolved.

Motion: To release the covenant for unit 31-34 at West Gloucester Capital LLC for The Village at West Gloucester

1st: Karen Gallagher

2nd: Linda Charpentier

Vote: Approved 6-0

Motion: To approve the new covenant not to convey for unit 27 to be used as security for completion of work at West Gloucester Capital LLC for The Village at West Gloucester

1st: Mary Black

2nd: Karen Gallagher

Vote: Approved 6-0

2. Restoration Capital LLC request lot releases for sale at The Village At Magnolia Shores, Kennedy Road.

Presenter: Attorney Jack Maclaney, West Gloucester Capital, LLC

Attorney Maclaney informed the board that Phase One of the projects infrastructure is complete. The request is for the release of 4 lots.

Mr. Cademartori informed the Board that a phased approach for the project has been discussed. In the fall there was a request for a release of lots for construction after certification was received from the Board's independent consultant. Most of the work has been done and more work will continue over the next several weeks.

Motion: To release the covenants for units 16-19 at the Village at Magnolia Shores, Kennedy Road

1st: Marvin Kushner

2nd: Linda Charpentier

Vote: Approved 6-0

Riverdale Place Partners LLC request lot release at Riverdale Place AKA Lupine Lane.

Mr. Cademartori stated that the release is for Lot 8.

Motion: To release the covenant for Lot 8 at Riverdale Place AKA Lupine Lane.

1st: Mary Black

2nd: Linda Charpentier

Vote: Approved 6-0

3. Harbor Planning Update

Mr. Noonan reported that the next meeting will be held November 13, 2013.

4. CPA Update

Ms. Gallagher reported that all projects are still before the City Council and are waiting for the DOR to certify the fund that Gloucester will receive.

5. Discussion of PIRC Submission

Mr. Fonvielle stated that the PIRC is requesting the Planning Board/Community Development to review the document and give guidance/feedback so the committee does not veer off into the wrong track. The plan is a living document and is a continuous process.

Mr. McCarl reiterated the statement that the Planning Board needs to give the PIRC guidance so the document can be brought up to date. There should be a subcommittee working on the plan to keep it up to date, or it should be abandoned completely.

Ms. Charpentier expressed her confusion stating that if a body of work has been done, that has been mandated by the state to be done; why hasn't someone in city government driving it to completion? She asked "what is the importance of the plan? Why isn't there a drive to get it done? How do the plans within Community Development integrate with the plan from the PIRC? If it is required by city charter, why aren't there city resources to complete it?"

Mr. Cademartori stated there is not a specific time frame to initiate a new community development plan. Some area plans have been conducted in parallel. The reason this discussion came forward was because it came to the 10 year anniversary of the plan. The PIRC asked if there was a need for a new plan. It concluded that the basis of the plan, its goals and strategies were still valid and this was not necessary. There was also no commitment from the department to direct staff to support such an effort at that time. The PIRC then outlined that they would conduct a review and provide an update. This document is very varied contains questions, comments, observations and new content. The Director has already stated he does not believe this is the process to update the plan and that it becomes a new document. As well staff is currently working on many fronts and this effort has not been programmed at this time.

Mr. Noonan stated the Planning Board charge is to determine what to do with the submission. How does this board view this document? Is it the basis for a much bigger public hearing process or accept the document as an advisory document?

Ms. Gallagher asked if the document should be reviewed a section at a time and have public input regarding each section.

Mr. Noonan was not sure of the board authority to start a public hearing process built around each section of the document.

Mr. McCarl stated that community input should be received through an online posting and the document could be continually integrated and posted on the City website.

Ms. Gallagher stated that she does not think the group should be disbanded. She expressed concern as to how the process would be implemented on a website to begin a review process. Is the document adequate to be placed on the website?

Ms. Black stated that if the document was to be placed on the website that it must be closer to a final draft. Then a protocol must be created to before moving forward. She asked Mr. Cademartori how Community Development would manage the plan.

Mr. Cademartori stated that all the questions just posed are part of the issue. The department's other efforts are the priority at this time. There is no desire of the department to be the author of the plan update.

One of the first questions that was asked before deciding what to do next or to continue on with the effort was; "is the plan still current in terms of it goals and identified strategies?" And the answer was "yes". It is a guiding document. There is a big difference of opinion of how to deal with the current plan and how to update it.

Ms. Black stated that the plan update could be kept as a document on file. As resources become available the document can be reviewed by staff.

Ms. Charpentier asked how the Planning Board could receive the resources to support the PIRC work. Can it be placed as a budget item?

Mr. McCarl stated that it is simply a matter of this board saying okay, and putting it on the website along with the annual reports. The direction of Planning Board is to bring the document current. The PIRC is looking for a consensus to which direction the board wants to go.

Mr. Kushner asked like Ms. Black and Ms. Charpentier how the document could be explored and updated.

Mr. Noonan asked Mr. Cademartori to compile the reports for the board to review.

Mr. Cademartori stated that the PIRC is asking for specific input on the document from the board; what would it take for this document to be in a place so it can be available on the website for public comment, how much time the board will need to review it, what public process the board will want to have on its review and commentary, etc. The board will be devising a process for potentially adopting a document that will be an update of a snapshot in time.

Ms. Black asked why it couldn't be a report along with the Planning Board's comments and opinions.

Mr. Noonan stated the board could accept it as an advisory documentary with the annual updates.

Mr. Fonvielle stated he believes it should be fully adopted. It is something the public should be able to use in a constructive manner. It would be used as planning document is to be used opposed to mere commentary

Liz Steel, Vice President, PIRC

Ms. Steel stated that she would need the original native document back from Mr. Cademartori so she could edit it if additional changes are made.

VII. ADJOURNMENT

Motion: To adjourn

Vote: Approved 6-0

VIII. NEXT MEETING

Next regular meeting of the Planning Board November 21, 2013