



# CITY OF GLOUCESTER

## PLANNING BOARD

### MEETING MINUTES

**May 15, 2014 - 7:00 P.M.**

**Kyrouz Auditorium, City Hall, 9 Dale Avenue, Gloucester**

**Richard Noonan, Chair**

**Members Present:** Rick Noonan-Chair- **Absent**, Mary Black-Vice Chair, **Absent**, Joe Orlando, Linda Charpentier, Doug Cook, Shawn Henry, Henry McCarl- **Absent**

**Staff:** Gregg Cademartori- Planning Director, Matt Coogan- Senior Planner, Pauline Doody- Recording Clerk

**Motion: Nominate Joe Orlando as Chair for the May 15, 2014 meeting**

**1<sup>st</sup>: Linda Charpentier**

**2<sup>nd</sup>: Shawn Henry**

**Vote: Approved 4-0**

#### **I. BUSINESS**

A. Approval of Minutes of May 1, 2014

**Motion: Approve the minutes of May 1, 2014**

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

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

**Vote: Approved 4-0**

#### **II. PUBLIC COMMENT - None**

#### **III. CONSENT AGENDA**

Planning Board to consider the *Approval Not Required* Plan submitted by 1 Stanwood Point Trust to divide one lot into three at **6 Stanwood Point** (Assessors Map 230, Lot 163).

**Mr. Cademartori** informed the board that he received a request for a withdrawal of the application.

**Motion: To accept the withdrawal of the application for 1 Stanwood Point Trust to divide one lot into three at 6 Stanwood Point (Assessors Map 230, Lot 163).**

**1<sup>st</sup>: Doug Cook**

**2<sup>nd</sup>: Shawn Henry**

**Vote: Approved 4-0**

#### **IV. PUBLIC HEARINGS**

In accordance with MGL chapter 40A, Section 9, and City of Gloucester Zoning Ordinance, Section 1.11, the Gloucester Planning Board will hold a public hearing to consider the following:

Rezoning of property located at Thatcher Road and Witham Street on the north side of Thatcher Road known as 78 Thatcher Road (Assessors Map 179, Lot 44) from EB (Extensive Business) to R-10 (Medium/High Density Residential).

**Attorney Joel Favazza, 111 Main Street**

**Attorney Favazza** stated meetings have been held regarding the rezoning and the public response has been positive. He explained the history of the site which has been zoned business starting in 1947 with stables and a dairy farm. In 1984 there was mini-golf and in the late 90's Amelia's Restaurant. The use of the site has been business because it has always been so, instead of the appropriate use of the site. There are many business uses that are allowed which are not in line with the neighborhood. Turning it to residential properties will result in low impact to the site. The initial proposal is a 6 unit structure, 3 over 3 units, which has been positively received by the neighborhood.

**Public Comment: None**

**Mr. Coogan** informed the board what the rezoning of the site entails. He explained that the zoning district would conform and is within the character of the neighborhood. Based on the current lot layout, it will require a City Council Special Permit. Any new construction will have to comply with flood construction standards. Currently the site falls outside the zones; however the new FEMA Flood Maps have this parcel within a flood zone. The building permits would have to be filed prior to July 16<sup>th</sup> to be under the current flood maps. He stated it is important for the Planning Board to understand the impact of a change to a zoning district for future uses. An R10 zoning district prohibits any business uses. There are other alternatives. There is the ability to have a Neighborhood Business District, which allow some business use as of right, residential use, and/or mixed uses. The planning staff recommends that the rezoning of 78 Thatcher will introduce compatible uses with the existing R10 residential districts with the option of retaining some business use capabilities.

**Mr. Henry** asked if the option of going neighborhood business may require subsequent applications for ANR to divide the lot to utilize the property to get three units, but it would not permit to keep one lot as one lot with a dwelling up top.

**Mr. Coogan** replied that if the parcel stayed with the existing dimensions, in a neighborhood business district, you are allowed one to one "as of right".

**Mr. Cademartori** stated the extensive business allows 2 above and neighbor business allows one above. It is up to the applicant to consider that, otherwise any residential project that fell under multi family would follow the abutting residential district. If the project does not progress as a residential project, neighborhood business would allow the continued use of the restaurant "as of right" and any alteration without requiring the Board of Appeals.

**Attorney Favazza** stated the application before the commission is for R10. This sends a strong message to the neighborhood to the intent for the use as residential.

**Motion: To close the public hearing.**

**1<sup>st</sup>: Linda Charpentier**

**2<sup>nd</sup>: Doug Cook**

**Vote: Approved 4-0**

**Motion: To recommend to City Council to rezone the property located at Thatcher Road and Witham Street on the north side of Thatcher Road known as 78 Thatcher Road (Assessors Map 179, Lot 44) from EB (Extensive Business) to R-10 (Medium/High Density Residential).**

**1<sup>st</sup>: Linda Charpentier**

**2<sup>nd</sup>: Doug Cook**

Further board discussion:

**Mr. Henry** asked that if the recommendation went forward and the alternative went to Neighborhood Business opposed to R10 to allow for future flexibility; Does that enable the applicant through special permit process with city council to do the 6 unit condo building that would have the flexibility to have a first level business and then 2<sup>nd</sup> level residential.

**Mr. Cademartori** stated that one thing that could complicate things would be if the structure was raised. The first floor elevation will need to meet the new FEMA requirements. The neighborhood business would allow more options. It would enable the ability to apply for City Council Special Permit for multifamily use while using the dimensional requirements of the R10 surrounding district. If the use continued on as a restaurant it would also be allowed in the NB District. If the district is change to R-10 the restaurant will be a considered an existing non- conforming use and require relief from the Zoning Board of Appeals if altered.

**Mr. Henry** asked of the 2 alternatives does either of them have an increased hurdle?

**Mr. Cademartori** stated if they wished to pursue a density neutral 6 units using this the parcel as a multifamily there are indifferent. If they were to pursue a two-family the NB requires a special permit for a two family. If a multifamily special permit runs into any issues and there was the desire to yield 6 units a special permit from the Board of Appeals for a two family in the NB whereas an R10 would require an ANR and as-of-right use for two families. If they want to promote residential reuse of the property the most flexibility would be in the R-10 district.

**Attorney Favazza** stated the applicant prefers the R10 as does the neighbors and is not asking for any preservation for business use.

**Vote: Approved 4-0**

**V. Other Business**

1. Release of Covenant for Common Driveway at 126 Eastern Ave

**John Judd - Gateway Consultants.**

**Mr. Judd** explained the project was permitted 2 years ago and the construction is complete. The driveway is installed except for the top coat.

**Mr. Cademartori** reported that the as built plan was received on 12-9 13. The width of driveway is wider than proposed and all utilities are done. All 4 units are scheduled to close. Mr. Cademartori stated concern that the end of the driveway seems to fall off and that some markings should be placed on site. He also questioned the stability of the side slopes.

**Mr. Judd** took Mr. Cademartori's suggestion to mark the end of the drive and stated that the slopes are stable and will be landscaped over time.

**Mr. Cademartori** read the draft to release the covenant to the board.

**Motion: To approve the release of covenant for Common Driveway at 126 Eastern Ave with one more application of topcoat to be applied.**

**1st: Doug Cook**

**2nd: Shawn Henry**

**Vote: Approved 4-0**

**2. Harbor Plan Update**

**Mr. Cademartori** informed the board that a public hearing will be held next Tuesday on the revised draft. The committee was brought up to speed with the potential changes.

### **3. Planning Division Update**

**Mr. Cademartori** updated the board on the Railroad Ave project stating planning has been working MAPC to connect Railroad Ave to downtown Gloucester. There is a strong likelihood that funding will be received for railway and sidewalk improvements. MAPC came out and had outreach meeting to see where the needs and upgrades are desired.

**Mr. Coogan** reported that there would be a walk audit starting at the railroad station on Wednesday at 10:00.

### **VI. ADJOURNMENT**

**Motion: To Adjourn**

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

**2<sup>nd</sup>: Doug Cook**

**Vote: Approved 4-0**

### **VII. NEXT MEETING**

*Next regular meeting of the Planning Board June 5, 2014*