



CITY OF GLOUCESTER
PLANNING BOARD
MEETING MINUTES - **DRAFT**
March 19, 2015
7:00 P.M.

Kyrouz Auditorium, City Hall, 9 Dale Avenue, Gloucester
Richard Noonan, Chair

Members Present: Rick Noonan – Chair, Mary Black - Vice Chair, Shawn Henry, Henry McCarl, Joe Orlando

Members Absent:

Staff Present: Gregg Cademartori - Planning Director, Matthew Coogan – Senior Planner, Courtney Karcher - Recording Clerk

I. BUSINESS

Chairman Noonan opened the meeting at 7:08 p.m.

Planning Board Minutes from February 19, 2015 - Not approved due to unavailability.
Planning Board Minutes from March 5, 2015 – Continued to April 1, 2015 meeting.

Public Comment: None

II. CONSENT AGENDA

Planning Board to consider the *Approval Not Required* Plan submitted by Chris McCarthy to create one new lot at **378 Washington Street** (Assessors Map 103, Lot 17).

Presenter: Chris McCarthy - 6 Point Road, Gloucester, MA

Mr. McCarthy stated that he intends to buy the property and wishes to sell Lot 2 to a neighbor.

Mr. Cademartori informed the Board that Mr. McCarthy included, with his application, the variances granted by the Board of Appeals.

Motion: The subdivision control law does not apply to the division at **378 Washington Street (Assessors Map 103, Lot 17).**

1st: Ms. Black

2nd: Mr. McCarl

Vote: Approved 5-0

Planning Board to consider the *Approval Not Required* Plan submitted by Robert J. Buchanan and Teresa Moore Buchanan to create one new lot at **24 Overlook Avenue** (Assessors Map 236, Lot 64).

Presenter: Robert Coakley, Porter and Coakley - 64 Middle Street, Gloucester, MA – Attorney for Applicant

Mr. Coakley presented that Mr. and Mrs. Buchanan live at 9 Outlook Avenue, a 3000 square foot lot they purchased in 1978 that does not meet their amenity needs. The Buchanan's intend to buy a 2000 square foot lot from a neighbor in order to create more room.

Mr. Cademartori reported that the Planning staff has no issue with the proposed plan.

Motion: The subdivision control law does not apply to the division at 24 Overlook Avenue (Assessors Map 236, Lot 64).

1st: Mr. Henry

2nd: Ms. Black

Vote: Approved 5-0

Planning Board to consider the *Approval Not Required* Plan submitted by Summer House Associates to create four (4) lots at **7A, 7B and 17 Hutchins Court** (Assessors Map 125, Lot 99 and Map 115 Lot 30).

Presenter: Deborah Eliason, Eliason Law office – 63 Middle Street, Gloucester, MA

Ms. Eliason presented the Applicants plan to sell 27 acres of land to Essex County Greenbelt Association. The applicant will retain 4 lots, which total 4 acres. The division of the remaining 4 acres is necessary for the completion of the sale whose closing is scheduled for April 30, 2015.

Ms. Eliason explained that the intention for the retained land has changed from a cluster development to 4 single-family units. The previous ANR filed by the Applicant in 2008, that was approved and vetted, has the same frontage as the current ANR plan. The plan was filed with the Registry of Deeds and is still legally viable.

Ms. Eliason stated she had sent a memorandum to the Board detailing the plan.

Mr. Noonan confirmed he had received the memorandum and mentioned there was some concern regarding access on the 2008 approved plan and asked Mr. Cademartori to elaborate.

Mr. Cademartori explained there was an action taken by the Board in 2008, which had associated improvements related to a much denser project, i.e. the cluster development. He stated that it is in the Planning Board's best interest to insure future adequate access, which would be best achieved by the intended improvements to Hutchins Court.

Mr. Noonan asked Ms. Eliason to speak to the improvements.

Ms. Eliason stated that the improvements planned are similar to the 2008 ANR plan. Changes to the improvements include detail of the proposed road shown by Ms. Eliason on a map filed with the Board. The turn into the 2008 ANR lots

will be removed and at the end of the road will be a parking lot allowing sufficient turn around for a fire truck. Any road drainage will be dealt with in the lot approvals as per the requirement to keep all drainage on the lot.

Ms. Eliason stated that the Applicant would be willing to consider a condition that would require that the improvements for this portion of the road be completed before any lots are released.

Mr. Noonan requested clarification, on the filed map, where the 2008 ANR approved road is versus the improved road on the current ANR plan.

Presenter: Michael Carrigan – developer of the property - 44 School Street, Rockport MA addressed the Board to point out details on the filed map.

Mr. Noonan requested clarification on the extension of Hutchins Court to the parking area such as proposed water line extension, wells, and fire suppression.

Ms. Eliason requested the developer, Mr. Carrigan, to give an overview of what the plans are.

Mr. Carrigan stated that the improvements are essentially the same as the approved 2008 ANR plan. There will be a 16-foot wide path that will create the turnaround. There will be wells, as opposed to water lines. The houses will be sprinkled and Mr. Carrigan would accept that as a Condition.

Mr. McCarl stated that he was involved with the 2008 ANR plan and is much happier with the current ANR plan.

Mr. Noonan stated his concern over approving the division of land with an approved plan, but without a road improvement plan.

Ms. Eliason responded that the questions and decisions being put forth by the board were decided by the approved 2008 ANR plan and that they are legally binding. The frontage was approved and adequate access was determined.

Mr. Henry pointed out that the Applicant's willingness to condition the current ANR with road improvements required for the 2008 ANR plan, which included a cluster development, even though the cluster development is no longer in the plan, should be sufficient to address concern over adequate access. He also stated that he is in agreement with Mr. McCarl that he is happier with the current ANR plan than with the 2008 ANR plan.

Mr. Cademartori stated that to his understanding the Applicant's representative is suggesting that the Board is compelled to approve the plan that is submitted because of the prior action. The Applicant is electing to condition the application and the Board is not responsible for the improvements that are made.

Ms. Eliason agreed that the Board would not be responsible for the improvements.

Motion: The subdivision control law does not apply to the division at 7A, 7B and 17 Hutchins Court (Assessors Map 125, Lot 99 and Map 115 Lot 30).

1st: Mr. McCarl
2nd: Mr. Henry
Vote: Approved 5-0

III. NEW PUBLIC HEARING

In accordance with MGL Chapter 41 and the Planning Board's Rules and Regulations Governing the Subdivision of Land in Gloucester, the Planning Board shall review a Definitive 1-Lot Subdivision Plan for the land located at **12 and 12R Cole Ave** (Assessors Map 213 Lots 24 and 25) submitted by Chris and Carlene Melanson.

Presenter: Kevin Fleming - Cypress Design, Inc., 1501 Main Street, Suite 24, Tewksbury, MA

Mr. Fleming presented that the property is a 40 foot wide private way. There is a building on the property that is falling down. Cole Avenue ends at the private way and turns into a gravel road that ends at the building. Currently, the site has no drainage controls. The applicant is proposing a single-family home in place of the dilapidated building. The current 18 ft gravel road will be extended approximately 100 feet to a proposed driveway and garage area. There is sewer and water on Cole Avenue that the Applicant intends on connecting to the proposed home.

Mr. Fleming stated that the grades on Cole Avenue are currently 15% and they are proposing to maintain it. The Applicant conducted soil testing, and found an appropriate area for drainage infiltration, which will be placed along Cole Avenue.

Mr. Fleming recounted that the Applicant has witnessed a history of fire safety vehicles accessing the property as it is, but is willing to create a turn around at the end of the private way. Applicant would prefer to define an existing gravel area for this purpose.

Mr. Fleming outlined that the proposed project will increase the impervious area by 1000 square feet, and will infiltrate 2700 square feet to improve drainage.

Mr. Noonan, after receiving clarification from **Mr. Fleming**, pointed out that a 15% grade is pushing the limit for normal access.

Mr. Fleming agreed and stated that the Applicant would be seeking a waiver.

Mr. Cademartori corroborated that the waiver is included in the plan and recommends a meeting be set up with the City Engineer, Fire Chief and Applicant to discuss the best approach in dealing with the grade as well as the drainage structure. He also recommended a site visit for further understanding of lot.

Mr. Noonan requested a site visit from the applicant. **Mr. Melanson** addressed the Board to discuss the condition of the lot.

Presenter: Chris Melanson, 22A Birch Grove Heights, Gloucester, MA

Mr. Melanson stated that it is possible to drive up to the lot at the end of Cole Avenue as the property has been plowed. Cannot access the whole plot.

A site visit was set for April 9, 2015, 5:00pm

Motion: To Continue the Public Hearing for Definitive 1-Lot Subdivision Plan for the land located at 12 and 12R Cole Ave (Assessors Map 213 Lots 24 and 25) to April 16, 2015.

1st: Mr. McCarl

2nd: Mr. Henry

Vote: Approved 5-0

IV. PRELIMINARY SUBDIVISION APPLICATION

In accordance with MGL Chapter 41 Section 81-S and the Planning Board's Rules and Regulations Governing the Subdivision of Land in Gloucester, the Planning Board shall review a Preliminary Subdivision Plan for the land located at **4 – 6 Eastern Point Boulevard** (Assessors Map 133 Lots 10 & 16) submitted by J&J Realty Nominee Trust.

Presenter: **Michael Faherty - Attorney - 111 Main Street, Gloucester, MA**

Mr. Faherty reviewed the subdivision plan for the two lots that total an excess of 97,000 square feet with 160 plus feet of frontage on Eastern Point Boulevard. There is a wetland on the northeast corner of the property that serves as a drainage area for the easterly side of Grapevine Road. There will be no alterations to the wetland/drainage area.

Mr. Faherty outlined changes to the plan that include a proposal that the right of way will be 30 feet and they will observe all of the requirements of a Lane. The 18 feet of pavement included in the original plan will now be 20 feet and the turnaround has been redesigned to meet the Fire Departments requirements.

Mr. Faherty discussed a sewerage pump station near Beacon Marine on East Main Street that he described as very congested. Weather permitting he has plans to meet there with the DPW and City Engineering to confirm where drain lines are located before drawing up definitive plans for drainage design.

Mr. Faherty discussed the orientation of the houses, which was discussed at a previous meeting. A change in the plan proposes to re-configure the entrances to the houses to create ample parking as well as an area to plow snow.

Mr. Faherty mentioned that testing is planned, in compliance with Mr. Keane, City Engineer, for drainage. Applicant will concentrate on dry wells for roof and perimeter drainage.

Presenter: Rick Salvo - Project Engineer - Engineering Alliance, 194 Central Street Saugus, MA

Mr. Salvo discussed the change in the proposed plan to widen the right of way and pavement, which allows greater flexibility in placing utilities. The plan proposes an 8-inch water main with hydrants, whose placement will depend upon the Fire Department recommendations. The sewer line will be an 8-inch gravity sewer line, with manholes and a drop structure at the end.

Mr. Salvo stated that during testing, test pits were very conducive for infiltration. In order to comply with treatment standards, catch basins are to be moved to the end of the street to catch all of the flow off of the street.

Mr. Salvo discussed that utilities will be underground with the phone/cable being run up one side of the road, gas being run up the other, and sewer and water in the middle of road with the required 10 foot separation.

Mr. Salvo mentioned more planned survey work with the DPW and City Engineering.

Mr. Faherty pointed out to the Board that the proposed plan would require a **Waiver** to make the right of way from 40 feet to 30 feet.

Mr. Faherty requested the Board make a **Finding** that a sidewalk is not necessary based upon the fact that there will be a 5 foot grass apron on either side of the road.

Mr. Cademartori and **Mr. Coogan** pointed out a consideration of setting up for connection to the infrastructure in the future by including a sidewalk.

Motion: to continue the review of a Preliminary Subdivision Plan for the land located at 4 – 6 Eastern Point Boulevard (Assessors Map 133 Lots 10 &16) to April 16, 2015.

1st: Mr. McCarl

2nd: Mr. Henry

Vote: Approved 5-0

V. Other Business

1. In accordance with MGL Chapter 41 and the Planning Board's Rules and Regulations Governing the Subdivision of Land in Gloucester, the Planning Board shall review a Definitive 5-Lot Subdivision Plan for the land located at 52 Whittemore Street (Assessors Map 21 Lot 7) submitted by Cape Ann Forge Trust.

Ms. Black recused herself.

Mr. Cademartori reviewed the discussion of the application that occurred at the last meeting on March 5, 2015 where the Public Hearing was closed. The Planning Staff had prepared and distributed a draft decision for the Board to review. Information enclosed includes, but is not limited to; documentation of the Public Hearing process, in the Findings section - submissions that are the basis for the Boards' deliberations, and twenty-three conditions associated with potential subdivision approval. Attachments include, but are not limited to; a report from the Board of Health, Waivers required.

Questions from Board: None

Motion: To approve the Definitive 5-Lot Subdivision Plan dated September 18, 2014 with revisions through February 10, 2015 for the land located at 52 Whittemore Street (Assessors Map 21 Lot 7) submitted by Cape Ann Forge Trust.

The Planning Board approves of the subdivision and the off-site improvements to Whittemore Street, and waives strict compliance with its Rules and Regulations Governing the Subdivision of Land in Gloucester, MA finding that such waivers referenced are in the public interest and are not inconsistent with the intent and purpose of the subdivision control law.

1st: Mr. Orlando

2nd: Mr. McCarl

Vote: Approved 5-0

Ms. Black rejoined the Board.

2. CPA update - None

3. Announcements - None

VI. ADJOURNMENT

There being no further business the Chair adjourned the meeting at 8:47 pm.

Next regular meeting of the Planning Board is scheduled for April 16, 2015.