



CITY OF GLOUCESTER
PLANNING BOARD
MEETING MINUTES
June 18, 2015
7:00 P.M.

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

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

Staff Present: Gregg Cademartori - Planning Director, Courtney Karcher - Recording Clerk

I. BUSINESS

Chairman Noonan opened the meeting at 7:03 p.m.

Motion: To approve the Meeting Minutes from **June 4, 2015**.

1st: Ms. Black

2nd: Mr. McCarl

Vote: Approved 6-0

Motion: To approve the Meeting Minutes from **June 9, 2015**.

1st: Mr. Orlando

2nd: Ms. Black

Vote: Approved 4-0

Mr. McCarl and Mr. Henry abstained due to nonattendance.

Public Comment: None

II. CONTINUED 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.

Mr. Cademartori noted the Applicants request for a continuance. He noted the applicants' intention to pursue a reasonable driveway standard as well as communication with the Zoning Board of Appeals.

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 July 16, 2015.

1st: Mr. McCarl

2nd: Mr. Cook

Vote: Approved 6-0

In accordance with the provisions of MGL Chapter 40A, Section 5, and the Gloucester Zoning Ordinance, Section 1. 1.11.2(a) of Zoning Ordinance, the Gloucester Planning Board will hold a public hearing to consider the following petition to amend the zoning ordinance as follows:

Add a new definition to Section VI for “Farmers Market”.

Mr. Cademartori reviewed the Council Order from Councilor Verga supported by the balance of the City Council. Mr. Cademartori summarized the discussion held by Planning and Development in regard to a policy of the Massachusetts Department of Agriculture related to whether or not specificity that Farmers Markets be a non-profit corporation is necessary. Mr. Cademartori noted the conclusion of there being no reason to define the entity, and therefore the P&D department proposed removing the requirement.

Mr. Cademartori stated he and Mr. Coogan had met with Mark Cole - Assistant Director of Public Works, Linda Lowe – City Clerk, Bill Sanborn – Building Inspector, and Rosalie Nicastrò –Food Inspector, with the intention of clarifying why the Amendment was proposed. He noted each of their departments in turn licenses or permits the existing Cape Ann Farmers Market at Stage Fort Park in Gloucester as well as the new Magnolia Farmers Market.

Mr. Cademartori noted the aforementioned parties discussed the wording “Farmers Markets are not included under Zoning Ordinance use Scheduled Open Uses” as the Planning Board recommends defining by what is, not what is not.

Mr. Cademartori summarized the proposal is to add a definition that reflects the existing State definition for Farmers Markets under a policy of the Massachusetts Department of Agricultural Resources through the Zoning Board. He noted there are already mechanisms in place to regulate Farmers Markets on Public Property.

Mr. Cademartori noted the existing Farmers Market has been treated as a Special Event in the past. It is temporary, not permanent which is addressed in Section 11 of the Code of Ordinances. He noted it was not clear to him why a clarification would need to be added to the Zoning Ordinance.

Mr. Henry stated once all necessary language is taken away, and given the state already has an adequate definition of what a Farmers Market is, it seems unnecessary for Gloucester to duplicate that definition into the Zoning regulations. He noted there is no need to amplify any regulations for Farmers Markets as there are already mechanisms in place such as the Events Committee, a permit from the DPW, and health and safety issues being dealt with by the Health Inspector. Mr. Henry stated his opinion that this is unnecessary.

Mr. Orlando and **Mr. Cook** agreed with **Mr. Henry**.

Ms. Black questioned the motivating factor for the Amendment. Mr. Cademartori noted he did not have a detailed record as to why it came from

P&D. He noted the possibility of operational issues arising when the existing Cape Ann Farmers market had been reviewed.

Ms. Black agreed with Mr. Henry, noting no evidence of issues with the existing event when usually that would be the case if an amendment were proposed.

Mr. Henry stated if there were legitimate concerns with where the Farmer's market is to be located, then there could be a discussion for an Amendment. No one has come forth with a legitimate issue. He noted the Cape Ann Farmers Markets success and that if there were an application to hold Farmers Markets somewhere else in the city, the City should embrace it. He stated a problem should be addressed when there is a problem.

Mr. Orlando noted the potential to create a conflict with the State Regulation.

Mr. Cademartori noted the difficulty in making a recommendation to the City Council based on a Public Hearing with no public input as no one was there and he had not received anything in writing for or against the proposal.

Public Comment: None

Motion: To not recommend, due to lack of clear purpose, adding a new definition to Section VI for "Farmers Market".

1st: Mr. Henry

2nd: Mr. Orlando

Vote: Approved 6-0

III. Other Business

1. Covenant Release for remaining units in Phase 1 Village at Magnolia Shores

Presenter: Jack Maclinney – Attorney representing West Gloucester Capital, LLC

Mr. Maclinney reviewed when West Gloucester Capital, LLC purchased the property out of foreclosure the original infrastructure work had not been done to plan or spec. The Applicant undertook a three-phase process to re-design and complete the needed work. Mr. Maclinney stated the Applicant was requesting a Covenant Release for Phase 1 of the work which includes Lots 1, 2, 4, 20, and 21. He noted the Applicant has another 11 units under agreement. They have been working to complete Phase 2 work including re-engineering of the Ryan Road water line.

Mr. Cademartori noted Lots 1, 2, 4, 20, and 21 were released for construction and have varying levels of construction completed. He questioned the Applicant's paving schedule as the Phase 2 site is being used for construction staging, stockpiling of equipment while Phase 1's existing roadway is binder, not yet having been paved.

Mr. Maclinney noted very recent work within Phase 1 of patching the road as well as final paving coats on some driveways. Final paving is scheduled to be complete when the project is complete. Phase 2 is scheduled to be complete within 60 days.

Mr. Cademartori stated his concern with residents driving on binder for a number of years and urged the Applicant to keep in mind a practical timeline in regard to the integrity of the existing roadway.

Mr. Maclinney will report back to the Board on the paving timeline when in front of the Board requesting release for Phase 2 of the project.

Motion: To release the Covenant for the remaining units in Phase 1 of the Village at Magnolia Shores.

1st: Mr. McCarl

2nd: Mr. Cook

Approved 6-0

2. Extension for time to complete improvements to Village at West Gloucester

Presenter: Jack Maclinney – Attorney representing West Gloucester Capital, LLC

Mr. Maclinney noted when West Gloucester Capital, LLC sold the last unit at the Village at West Gloucester there was a small amount of infrastructure work remaining that could not be completed due to the time of year. The Applicant posted a passbook account to finish paving and address drainage issues. It was concluded the drainage needed to be re-designed. Mr. Maclinney requested an additional 60 days from the original deadline of June 30, 2015.

Mr. Cademartori asked if the language in the passbook agreement was consistent, or if any adjustment needed to be made to passbook on order for the Board to extend the deadline. Mr. Maclinney replied the language and scope of work was broad enough that it would be sufficient.

Mr. Cademartori asked if there had been documentation for work, other than the aforementioned, submitted to the engineering department.

Presenter: Larry Smith - Managing Director, West Gloucester Capital, LLC, 1012 Massachusetts Ave, Arlington MA

Mr. Smith stated all work has been completed except for the revised plan for drainage, which was reviewed by the Engineering Department. Comments received from the Engineering Department have been incorporated into the design, and the work will be completed within a few weeks.

Motion: The remaining items to be completed for the completion of all the requirements of the Cluster Development Special Permit for the Village at West Gloucester will be extended until August 31, 2015.

1st: Mr. Orlando

2nd: Doug Cook

Approved: 6-0

3. Endorsement of Anchorworks Riverside/Whittemore Subdivision plans

Ms. Black recused herself.

Mr. Cademartori reviewed the subdivision approval with the conditions that the Applicant provided two easements. The first for existing utilities at 44 Whittemore Street, and the second for utility and access for the connection at Riverside Avenue and Whittemore Street. He noted the easements were reviewed for acceptance and will be sent to the City Council on June 23, 2015 for acceptance.

4. Coastal Resilience Working Group update

Mr. Noonan stated the second Public Meeting of the Coastal Resilience Working Group was held at Maritime Gloucester. The presentation covered methodology, risk assessment of impacts to municipal assets.

Mr. Noonan summarized some structures would be considered at risk such as betterments, streets, pump stations, and seawalls. Although, nothing extraordinary such as the High School, City Hall, wastewater treatment are considered at risk. He stated although the sea levels are rising there are manageable ways to mitigate. He noted the problems presented were manageable.

Mr. Cademartori noted the study specifically evaluated municipal infrastructure, not private property located seaward on shoreline roadways. The mapping showing potential impacts in 2030 and 2070 will be available on the City of Gloucester website.

5. Announcements - None

IV. ADJOURNMENT

There being no further business the Chair adjourned the meeting at 7:52 pm.

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