

CITY OF GLOUCESTER  
PLANNING BOARD  
MEETING MINUTES

**September 17, 2015**

**7:00 P.M.**

**Kyrouz Auditorium, 9 Dale Ave, Gloucester**

**Richard Noonan, Chair**

**Members Present:** Rick Noonan – Chair, Mary Black – Vice Chair, Henry McCarl, Ken Hecht

**Staff Present:** Gregg Cademartori – Planning Director, Matt Coogan – Senior Planner

**I. BUSINESS**

A. Planning Board Chair Rick Noonan opened the meeting at 7:00 PM.

B. The Chairman introduced the new member of the Board, Ken Hecht

**II. CONSENT AGENDA**

Planning Board to consider the *Approval Not Required* Plan submitted by Stanwood Point Development LLC and Stanwood Point Realty Trust to reconfigure 2 building lots and create an additional building lot at **2, 4, and 6 Stanwood Point** (Assessors Map 230, Lots 69 & 163).

**Mr. Cademartori** reminded the Board that the applications were originally filed on August 20<sup>th</sup> and first heard on the Planning Board Agenda on September 3<sup>rd</sup>. The applications were continued at the September 3<sup>rd</sup> meeting for a site visit that occurred on September 10<sup>th</sup>. He mentioned that there was testimony by the applicant at the 9/3 meeting and an hour of conversation between the Board and the applicant at 9/10 site visit. He mentioned that planning staff had done background research and provided to the Board pre-application material for the dashed right of way on all three plans and how it came to be through a court action. The applicant indicated that no frontage would be derived from that. In addition, much of the engineering information pertained mostly to that section and thus not germane to what the Board has to consider for the ANR applications. All three applications derive frontage of Stanwood Pt paved section, which has municipal services. There are also homes beyond the proposed divisions that use this roadway for access. It was existence prior to 1960, and although it is narrow and does not comply to today's standards, it is a consistently traveled way that the City paved and improved in the past 10 years.

There was discussion on which structures were to remain and which ones would be razed in the application. Mr. Cademartori also mentioned that there may be additional zoning relief needed for the proposed new lots that would fall outside the purview of the Planning Board.

**Mr. Noonan, Mr. McCarl, and Mr. Hecht** all stated that they had reviewed audio recording of the September 3<sup>rd</sup> 2015 Planning Board meeting and therefore were eligible to vote on the applications, as stipulated in MGL c. 39, Sec. 23D and the City of Gloucester Code or Ordinances, Sec. 2-400 portion MGL 23D in Gloucester Ordinance.

**Mr. Hecht** asked Mr. Cademartori about the shape of the lots and approval of the ANR. Mr. Cademartori mentioned that the current geometry and configuration of the lots each provide the required frontage but there may be other issues with the geometry and configuration of the lots, although these would need to be addressed through the Zoning Board of Appeals

**Motion:** The subdivision control law does not apply to the reconfiguration of two lots and the creation of one new lot at **2, 4, and 6 Stanwood Point** (Assessors Map 230, Lots 69 and 163).

**1st: Ms. Black**

**2<sup>nd</sup>: Mr. Hecht**

**Vote: Approved 4-0**

Planning Board to consider the *Approval Not Required* Plan submitted by Stanwood Point Development LLC and Stanwood Point Realty Trust to reconfigure two building lots and create two additional building lots at **2, 4, and 6 Stanwood Point** (Assessors Map 230, Lots 69 & 163).

There was a discussion about the adequacy of access to frontage for lot 4 on the 4 Lot plan. The relocated right of way through court order in the dashed lines on the plan had been labeled as unconstructed on previous plans. The applicant has completed test pits for this portion of roadway that were included in the application. The entire area of Lot 4 was not constructed, and a vehicle cannot loop around Stanwood Point to reach Lot 4. The gravel drive within the relocated way does provide access to Lot 4 on the gravel drive, but that right of way is not currently located within a layout. The current conditions show access to frontage from a driveway or easement outside of a layout and the Board has no purview over a driveway. All the engineering data for the right of way that was not in existence prior to 1960 that has been constructed since the court order should not be considered by the Board for this type of land division process.

**Joseph Pelich, Manager of Stanwood Point LLC at 21 High Street, North Andover MA**

**Mr. Pelich** explained that there is evidence that the relocated roadway was in existence prior to 1960, and that the test pits and engineering analysis illustrates that the gravel way is adequate and can be accessed by large vehicles, including a ladder truck.

**Mr. Cademartori** explained the Board must consider current conditions as witnessed at the site visit. To access Lot 4, a vehicle would drive around the loop of Stanwood Pt, come to a dead end where the pavement ends. There's also a building foundation within the paper layout. There's been improvement beyond the foundation on the tail end of the layout, but that section of roadway can only be accessed through a gravel roadway in the relocated way that is an easement, and this is something that the Board can't contemplate as adequate access to frontage. The frontage of lot 4 is a mix of unconstructed and an improved portion that can't be accessed without an easement. There are other permitting vehicles to create access to frontage to create buildable lots. But the Board can only consider what is currently on the ground. The suggested improvements, including the fire access turnaround would be good for neighborhood, but Board can only contemplate existing conditions. The intent of the subdivision regulations is whether the Board is comfortable with access for residents and public services.

**Mr. Pelich** questioned whether the only access being considered is the paved portion of Stanwood Point that wraps around and goes terminated before the the slope. He also noted that the Board could approve the plan with conditions according to Section 81R.

**Mr. McCarl** explained that an ANR is a yes or no decision. If there are improvements to be done he suggested the applicant file a subdivision plan. The ANR process approves what exists on the ground currently. And there needs to be practical access to the lot.

**Mr. Cademartori** stated that there has to be access without an easement. The court decided that parties had rights to dashed area in plan and had rights to build out and utilize it. But the decision also contemplates that something has to be built. Aerial imagery of 2002, 2007, 2009, and 2011 shows the area being used as campground and there had been a fence. The dashed area needs to go through a local process to create a layout, which is not the ANR process. There are multiple ways to improve

ways such as Subdivision and Road Improvement Plan. In an ANR filing it is the present condition that has to be considered. In addition, there's no process in the ANR plan for the review of the submitted engineering documents.

**Mr. Pelich** stated that the 1904 loop was confirmed by a court in 1997. The subdivision process would be feasible, but there are multiple property owners in the area who don't want the road built.

**Mr. Hecht** stated that an ANR should be obvious and simple. The current application is not clear and does not appear to meet the standards. There's an opportunity for a great project on this land through the correct process.

**Mr. McCarl** reiterated that the subdivision process is the way to go and the 5 lots could be feasible in that process.

**Mr. Noonan** stated that the Board is not comfortable with the access and suitability of frontage for lot 4 on the 4 Lot Plan.

**Motion:** The subdivision control law does not apply to the reconfiguration of two lots and the creation of two new lots at **2, 4, and 6 Stanwood Point** (Assessors Map 230, Lots 69 and 163).

**1st: Ms. Black**

**2<sup>nd</sup>: Mr.**

**Vote: 0 in favor, 4 opposed**

**Motion fails**

Planning Board to consider the *Approval Not Required* Plan submitted by Stanwood Point Development LLC and Stanwood Point Realty Trust to reconfigure two building lots and create three additional building lots at **2, 4, and 6 Stanwood Point** (Assessors Map 230, Lots 69 & 163).

**Mr McCarl** stated that the 5 Lot plan has the same issues as the 4 Lot plan as far as adequacy of access.

**Brian Vaughan, Smolak and Vaughan, 21 High Street North Andover MA**

Mr. Vaughan stated that the dotted way is adequate access.

Mr. Noonan had the same concern in the 5 Lot plan as the 4 Lot plan.

**Motion:** The subdivision control law does not apply to the reconfiguration of two lots and the creation of three new lots at **2, 4, and 6 Stanwood Point** (Assessors Map 230, Lots 69 and 163).

**1st: Mr. Black**

**2<sup>nd</sup>: Mr. Hecht**

**Vote: 0 in favor, 4 opposed**

**Motion fails**

### **III. OTHER BUSINESS**

- A. Acceptance of request for Release of Performance Bond by West Gloucester Capital, LLC for the Village at West Gloucester Subdivision.

**Mr. Cademartori** reminded the Board that there were outstanding items to be resolved and a surety had been posted for the developer complete those items. The developer has completed these items and has submitted information to the City Engineering Department for review. It is still under review by the Engineering Department. The Board does not need to take any action at this time.

**Motion:** To continue the acceptance of request for Release of Performance Bond by West Gloucester Capital, LLC for the Village at West Gloucester Subdivision.

**1<sup>st</sup>: Mr. McCarl**

**2<sup>nd</sup>: Ms. Black**

**Vote: Approved 4 - 0**

B. CPA Update

Mr. McCarl stated that the CPA applications have been sent to City Council. The St. Ann's application for structural improvements was withdrawn as requested by the applicant. Acceptance of withdrawal was made last Tuesday's CPC meeting.

C. Mr. Coogan explained that planning staff would present a report to the Board at the next scheduled meeting on potential Railroad Ave zoning.

**IV. ADJOURNMENT**

The Chair adjourned the meeting at 8:00 PM.

**V. NEXT MEETING**

*Next regular meeting of the Planning Board October 1, 2015*

**Planning Board Members: *If you are unable to attend the next meeting please contact the Planning Office at (978)281-9781.***