

**CITY OF GLOUCESTER**  
**PLANNING BOARD**  
**MEETING MINUTES**  
**December 3, 2015**  
**7:00 P.M.**  
**Kyrouz Auditorium**  
**9 Dale Ave, Gloucester**  
**Richard Noonan, Chair**

**Members Present:** Rick Noonan- Chair, Mary Black- Vice Chair, Joe Orlando, Doug Cook, Henry McCarl, Ken Hecht, Shawn Henry

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

**I. BUSINESS**

Motion to approve the November 19, 2015 minutes was made by Mr. McCarl , seconded by Mr. Henry and unanimously approved.

Public Comment: None

Mr. Noonan reopened the public hearing.

Mr. Cademartori stated that Mr. Henry has listened to the recorded Planning Board meeting of November 19, 2015.

Ms. Black recused herself.

**II. CONTINUED PUBLIC HEARINGS**

In accordance with the provisions of MGL Chapter 40A, Section 5, and the Gloucester Zoning Ordinance, Section 1.11, the Gloucester Planning Board to consider the following petition to amend to the Zoning Ordinance as follows:

- A. Delete Section **5.5 Lowland Requirements** and Add newly titled Section **5.5 Floodplain Requirments** which will add special permitting requirements in Sections 5.5.1, 5.5.2, and 5.5.3 for principal structures for residential use in special flood hazard areas.

Mr. Cademartori explained to the board that at the last meeting the discussion raised concerns on the potential impact in the community by adding special permitting requirements for residential structures in a flood hazard area. It covers both the A zones and V zones. He reported that there are 13,150 lots in the communtiy; 833 have some portion of a velocity zone on the property and only 71 lots are entirely encompassed in the V flood zone. 15 of the lots are undersized for any type of development and less than 10 are completely intertidal lots. The number of properties that would be affected is limited if a prohibition was put in place. Many are in the back shore and are included in the previous proposal. Modification and upkeep for properties may or may not require any special permitting, but could be warranted for projects that entail substantial improvements or new construction.

The A zone is much more complicated. There are 2350 lots that are in some kind of A zone and under the proposed ordinance there are approximately 750 that would require special permitting.

Mr. McCarl voiced his concern about having a prohibition. He stated that if there is an ability for some type of review that it should be considered. The board must remain conscience of the flood plain changes in the future.

The question of how flood insurance premiums are affected when communities participated in the states National Flood Insurance Program was discussed.

Mr. Cademartori informed the board that the state looks at communities that participate in the National Flood Insurance Program and city's can see as much as a 15% premium reduction. The city would have to document steps to what it is doing to reduce risk. Restriction in a V zone is one of the first areas the state would look at. If the city started to participate in the program any citizen with flood insurance would start to see the benefit. Currently Gloucester complies with the minimum standards.

Mr. Noonan stated that insurance is another issue where more information is needed and research needs to be done to be able to move forward so the changes that are made are correct and in the best interest of the city and its residents.

Mr. Orlando raised concern of taking property rights away from citizens and urged the board to be clear of what the motivation is. He stated he does not want to give more power to the government.

Mr. Noonan stated that what this board has been asked to consider has become bigger than imagined. It has a bigger impacts and doesn't feel compelled to make a recommendation this evening.

Mr. Henry stated that the larger issues are long term and the board should continue to monitor them. The impetus behind both these proopals is to fix an unintended consequence of a prior zoning change that opened the city up to development in areas that were unsuitable for that kind of development. The best course of action is to focus attention on the V zones because it does impact a smaller number of lots and those are the lots that are most likely to be greatly impacted by storms. The best approach is a city wide overlay redrafted to limit it to V zones. Then a review of the A zones should be done. He stated that the city is looking to having the flood zones re-evaluated. The A zones are in a state of flux at this time.

Mr. McCarl agreed with the special permit for the V zones.

Mr. Hecht concurred with Mr. Henry and Mr. MccCarl, and requested for more specificity regarding what the special permit process would entail. He stated he would want to make very detailed recommendation to the City Council.

Councilor McGeary stated that the impetus for this ordinance is public saftey and would be amenable not to include A Zones at this time. There is a clear and present hazard in building in a velocity zone. There is an urgency to this. The special council permit does allow for the exception to build a house safely in a velocity zone. The potential is there. A city wide V Zone Special Council permit is a better solution.

Mr. Orlando stated he was not convinced that a decision had to made tonight without further information. There is too much speculation on what the flood insurance might be or what global warming might be.

Mr. Hecht stated that the insurance companies have a risk management assesment and doing research on this program may help this board and be a guide in terms of determining risk. There is a correlation of what Councilor McGeary is trying to achieve with public safety and what the insurance companies are trying to do. It is a protection of life and property.

Mr. Henry stated that the City Council special permit process would get into the details that have been raised this evening. The specifics would factor into their decision. The board could

recommend where it would stop; new construction, remodels etc. The specifics should be left to the process of the special permit and not to overly craft the ordinance.

Mr. Orlando concurred with Mr. Hecht.

**Public comment in favor:**

Hazel Hewitt -16 Haskell St

Ms. Hewitt asked for clarification on the discussion on the special permit process proposal.

Mr. Cademartori clarified the evenings discussion for Ms.?

Kathryn Glenn 96 Prospect St

Ms. Gunn stated that she works for Coastal Zone Management but that is not why she is there is speaking. She stated that when the house proposal came up her first reaction was this house is being put in a place that is going to get wrecked. She informed the board that after a storm she goes out and documents the storm impacts on the community. The first thing that should be thought of is “should we be placing new residential homes in velocity zones”. Currently there are people who are already at risk and people have to go out and take care of these places. It is not going to get better, but worse. The sea level is rising. It is documented. We have an responsibility to try and keep our people safe in Gloucester. She urged prohibition in the V zone. It is easier for people to know what they cannot do instead of going through a lengthy and costly process and then find out they can't do it. The property will get hit with storm waves. With the A zones there is more work to be done and more information is needed. Do not underestimate how much impact there can be to a home in the V zone.

Bob Bilgate, 7 Seaview Road, Gloucester

Mr. Bilgate spoke of the tourists and citizens who take in the view of Atlantic Road. He stated that building a house as proposed will affect the economy of the city and urged the council to approve the proposal.

Mike Faherty 83 Mount Pleasant St

Mr. Faherty stated his opposition to the amendment. He stated that his concern that the city is not following proper procedure in implementing an ordinance. An ordinance change cannot come from an individual but from City Council. Mr. McGeary has stated that he is prepared to make changes to the amendment. It is not his amendment. It comes from the City Council which is 9 elected people. City Council needs to come back with a with a real proposal and not leave it up to the Planning Board to structure it. Mr. Cademartori is here to assist and to make sure the language is appropriate. The board should send it back and not recommend the proposal as presented. The City Council can still vote it in and is not bound by the Planning Boards recommendation. There is a time limit to submit a report and it is not the Planning Boards responsibility to craft this. Invite the council to send you a request that the Planning Board can look at this action to determine whether its needed and to determine the parameters to be in effect.

Mr. Henry stated that the proposal was brought out by the entire City Council and the City Solicitor has ruled on that fact and it was done appropriately. He also corrected Mr. Faherty by stated that the Planning Board is empowered by the City Charter to do what is being done this evening. We are doing the job that we have been appointed to do.

Hazel Hewitt -16 Haskell St

Support the gentleman that spoke about the impact of the house if its allowed to being built. And also supports the proposal that no one should build in a velocity zone.

Mr. Orlando stated that a recommendation could be drafted between now and the next meeting and then a clear recommendation can be sent to City Council.

Mr. Hecht stated no new construction should be allowed in a V zone. It could be worded to say; No new construction on any portion of a lot within a velocity zone.. There may have to be a caveat for homes that are currently in a V Zone and there may have to be language to say “In case of a total loss there is an ability to rebuild”.

Mr. Noonan stated that the sense of the board is that no new principal residential construction should be allowed in the V zone.

Mr. Henry stated that buiding in the V shouldn't happen. The clearest message is to prohibit it. The realty is that the council should consider a prohibition of new residential construcion in a V zone

Kathryn Glenn 96 Prospect St

Ms. Glenn asked what would the Cty Council condtions of approval be to allow a home to be built in a velocity zone? Does it only look at the occupants and not the emergency personnel, abutters who could be at risk if the house comes apart. Other factors need to be included.

If there is a permit process it will open the city up to litigation. If someone wants it badly enough they will fight for it if they have enough resources. Total prohibition might be the direction for the board to go in.

Motion to close the public hearing was made by Mr. McCarl, seconded by Mr. Henry and unanimously approved.

Motion was made by Mr. Henry, seconded by Mr. Cook and unanimously approved, that the Plannign Board recommended to the City Council the adoption of revised proposed amendment language to the propsoed zoning amendment, which would remove the consideration of regulating construction and A zone flood hazard areas, and enact a prohibition on new residential construction in VE zones.

Ms. Black rejoined the meeting

### **III. REFERRAL FROM ZONING BOARD OF APPEALS FOR COMPREHENSIVE PERMIT APPLICATION (MGL Chapter 40B)**

Planning Board to review a proposal for a 30 unit, mixed use development submitted by 206 Main Street Limited Partnership at **206 Main Street** (Assessor's Map 13, Lots 23 & 24).

Mr. Cademartori reported to the board that there is a peer review in place looking at the project from a site and architectural perspective, engineering is also reviewing. It is the old Cameron's site. North Shore CDC and Action Inc. formed an LLC and purchased the property. There has been staff review of the project that discussed code review, layout, fire rating of walls, the height of the building and trash management. It will be mixed use that will include 3 commercial units on Main Street. The zoning board is struggling with the height of the building.

### **IV. OTHER BUSINESS**

A. Covenant release for Phase 2 in the Village at Magnolia Shores, Restoration Capital, LLC

Mr. Cademartori informed the board that originally design plan was not being followed. Corrective measures have been done and are completed for Phase 2.

A motion for release of Covenant for lots 7, 9,10,11,12,13,14,15 as show on the definitive subdivision plan entitled Village at Magnolia Shores Condominium Woodlands was made by Mr. McCarl, seconded by Mr. Cook and unanimously approved.

B. CPA Update

Mr. McCarl reported that there is a proposal by the city to fix the restrooms at Stage Fort Park. The discussion is revolving around as to why this project been sped up and why does City Council need to have an answer now.

V. **NEXT MEETING**

*Next regular meeting of the Planning Board December 17, 2015*

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