



CITY OF GLOUCESTER
PLANNING BOARD
MEETING MINUTES
March 17, 2016
7:00 P.M.
Kyrouz Auditorium
9 Dale Ave, Gloucester
Richard Noonan, Chair

Members Present: Rick Noonan- Chair, Mary Black- Co Chair, Doug Cook, Henry McCarl, Ken Hecht, Joe Orlando, Shawn Henry
Staff: Gregg Cadmartori- Planning Director, Matthew Coogan, Senior Planner

Mr. Noonan opened the meeting at 7:05 pm.

I. BUSINESS

A. Review of Planning Board Minutes of March 3, 2016

Motion to approve the minutes of March 3, 2016 was made by Ms. Black, seconded by Mr. Cook and unanimously approved.

B. Public Comment- none

II. CONSENT AGENDA

Planning Board to consider the *Approval Not Required* Plan submitted by Stoneleigh Gardens LLC to adjust lot lines at **245, 247 and 249 Magnolia Avenue** (Assessors Map 207, Lots 17, 43 and 44).

Shawn Malone

Mr. Malone explained that this is a lot line adjustment on Magnolia Ave. The middle lot extends to Wallace Pond. The lot will be cut and the land given to the lots on either side. There is an approved common driveway, does not affect the center lot.

A motion that the Subdivision Control Law does not apply to the Approval Not Required Plan submitted by Stoneleigh Gardens LLC to adjust lot lines at 245, 247 and 249 Magnolia Avenue (Assessors Map 207, Lots 17, 43 and 44) was made by Mr. McCarl, seconded by Mr. Hecht and unanimously approved.

Planning Board to consider the *Approval Not Required* Plan submitted by North Shore CD & Action Inc. to consolidate two lots into one at **200 to 206 Main Street** (Assessors Map 13, Lots 23 and 24).

Mr. Cademartori stated that this combining two lots into one.

A motion to approve the Approval Not Required Plan submitted by North Shore CD & Action Inc. to consolidate two lots into one at 200 to 206 Main Street (Assessors Map 13, Lots 23 and 24) was made by Mr. McCarl, seconded by Ms. Black and unanimously approved.

III. PUBLIC HEARING

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

Amend the Gloucester Zoning Ordinance by revising Section 5.27 “Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities” by striking “licensing” from 5.27.2; adding regulations 5.27.3 through 5.27.10; adding a “Medical Marijuana Cultivation Facility” definition to Section 6; and cross referencing “ Medical Marijuana Cultivation Facility and Medical Marijuana Treatment Center” with Section 5.7.1. *Continued to April 7th meeting.*

Motion to continue the petition to amend the Gloucester Zoning Ordinance by revising Section 5.27 “Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities” by striking “licensing” from 5.27.2; adding regulations 5.27.3 through 5.27.10; adding a “Medical Marijuana Cultivation Facility” definition to Section 6; and cross referencing “ Medical Marijuana Cultivation Facility and Medical Marijuana Treatment Center” with Section 5.7.1. to April 7, 2017 was made by Mr. Orlando, seconded by Mr. McCarl and was unanimously approved.

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

Amend the Gloucester Zoning Ordinance by revising Section 1.3.1 “Enforcement of Zoning Ordinance; Appeals of Zoning Decisions”.

Bill Sanborn- Building Inspector- City of Gloucester

Mr. Sanborn explained that a ticket can be written and will be sent certified mail to the individual. The property owner will be liable for any offenses. If the ticket is not taken care of, the next step would be court. This is an additional process to the current ticketing process.

Mr. Henry brought up wording in the proposed ordinance “shall” & “may” and was concerned that it could open up the door for inconsistent treatment of the offense.

Mr. Sanborn stated that the wording was suggested the city’s legal department. The individual would have the right to appeal to the zoning board. If they don’t appeal it means that they concede that they are in violation.

The board concurred that it is very important that individuals must know that they can dispute the ticket with the city.

Public comment: None

Motion to recommend the petition to amend the Gloucester Zoning Ordinance by revising Section 1.3.1 “Enforcement of Zoning Ordinance; Appeals of Zoning Decisions” to City Council from the memorandum of February 9, 2016 was made by Mr. Orlando, seconded by Ms. Black and unanimously approved.

IV. OTHER BUSINESS

A. Continued discussion of 2014 Harbor Plan zoning recommendations

Mr. Coogan explained that the planning staff has been working with Utile to determine whether the calculation of building height should be redefined within the DPA. The work stems from recommendations in the 2014 Harbor Plan and DPA Master Plan in response to new regulations related to the 2014 FEMA flood plain maps and regulations.

The present height standard of 40 feet may have to be revised given the need to meet floodplain/storm surge elevation requirements. All properties in the DPA are at a flood plain elevation of 10-14 feet depending on the location. The result is that any new buildings or reconstruction of current buildings will lose 3-5 feet of allowable height due to FEMA regulation. The current definition of building height limits the ability to construct contemporary industrial building of suitable height within the DPA.

Mr. Cademartori stated the current zoning penalizes what someone can do. This will raised the allowance.

Mr. Hecht stated concern that it is less restrictive by allowing the height limit to be raised. He questioned if the public would be in favor of it. It could be to the detriment to the existing properties downtown that already need help.

Mr. Orlando stated that the board must be aware of jobs and tax revenue that this change would encourage. It allows for flexibly for businesses and doesn't really impact parts of the city where people are worried about views.

Mr. Cademartori stated that the MI district regulations are very relaxed. It is makes sense then it will go to Public Hearing to be vetted.

Mr. Cook asked for more information regarding existing building heights in the DPA. He stated that the harbor has great economical potential, but don't want to destroy it aesthetically

Mr. Hecht stated he would like to see something more concrete coming in before changing it so anyone can build a 40 foot high metal box. Real need has to be presented

Mr. Henry stated that the properties are tide restrictive and now the new FEMA flood plain regulations restrict it again. The community has a real interest in ensuring that it is a working harbor and continues to exist and changing the height allowance does that.

Mr. Noonan stated that the crafted language allows uses to be interpreted. We now have created room in the regulation. A boundary review has been done. There are very few lots that are acceptable for redevelopment. The city should appear to be aware of what a potential applicant might want to encourage businesses to come here.

Sonny Robinson- Board of Directors- Community Development Corporation

Ms. Robinson stated that should has a sense of what the board would say; that nothing should be built on the waterfront that doesn't need water and not closing any doors to marine industrial development. Height adjustments to accommodate the new regulation and business needs would be reasonable. There are many property owners that are looking to contain and sustain their businesses. Don't close the door to the possibility

Mr. Henry stated that the city should do anything it can to help promote the working waterfront

Mr. Hecht stated he would like more information on the lots before moving forward with a vote.

Notice of License Application pursuant to M.G.L. Chapter 91 Waterways License Application Number W16-4599

Applicant: West Wharf Condominium Trust, William Karim- 58 Rocky Neck Avenue, Gloucester

Mr. Cademartori stated that this is a private dock. The Planning Board looks at the whether it serves a proper public service and is not detrimental to the tidelands. It has been approved by the Conservation Commission and has an Order of Conditions. The Harbormaster has also reviewed the application.

Comment: The Waterways License Application Number W16-4599 to remove existing pilings and debris to maintain a new work pier at 58 Rocky Neck Ave in and over tidelands of Gloucester Harbor.

Motion: It serves a proper public purpose and is not detrimental to the publics rights tidelands of Gloucester Harbor. 1st: Ms. Black, 2nd: Mr. Cook, and unanimously approved.

Notice of License Application pursuant to M.G.L. Chapter 91 Waterways License Application Number W16-4598

Applicant John Adam, 95 Riverview Road, Gloucester, MA. 01930

Mr. Cademartori stated that this application has been approved the Conservation Commission, Shellfish, and Harbormaster.

Gregg; same scenario

Motion; It serves a proper public purpose and is not detrimental to the publics rights tidelands of Gloucester Harbor. 1st Mr. McCarl, 2nd Mr. Cook and unanimously approved.

B. CPA Update

Mr. McCarl stated preliminary applications have been received. April 15th is the final date.

Mr. Cademartori stated that the board approved a 2 lot subdivision off Cedar Road. The applicant did most of the construction and grading in the fall of last year. There are still some outstanding issues to be addressed. The applicant is requesting the release of one of the lots.

Motion to release of covenant for lot B in the Dornell subdivision was made by Mr. Cook, seconded by Mr. Henry and unanimously approved.

V. ADJOURNMENT

Motion to adjourn was made by Mr. McCarl, seconded by Mr. Cook and unanimously approved.

VI. NEXT MEETING

Next regular meeting of the Planning Board April 7, 2016

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