



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

**Members Present:** Rick Noonan, Chair, Mary Black, Vice Chair, Doug Cook, Henry McCarl, Ken Hecht, Shawn Henry, Joe Orlando- **Absent**  
**Staff:** Gregg Cademartori, Planning Director

**I. BUSINESS**

A. Review of Planning Board Minutes of March 17, 2016

Motion to approve the minutes of March 17, 2016 was made by Mr. McCarl, seconded by Ms. Black and unanimously approved.

B. Public Comment-

Martha Bowen

Ms. Bowen stated that she has a petition with 79 signatures in favor for preserving the backshore from development.

**II. CONSENT AGENDA**

Planning Board to consider the *Approval Not Required* Plan submitted by Janet Rice and Daniel Shay to adjust lot lines at **15 Starknaught Road and 13 Oxford Road** (Assessors Map 161, Lots 118 and 32).

Mr. Cademartori stated the applicant made adjustments on the land between the two structures.

**Motion that the subdivision control law does not apply to the Approval Not Required Plan submitted by Janet Rice and Daniel Shay to adjust lot lines at 15 Starknaught Road and 13 Oxford Road (Assessors Map 161, Lots 118 and 32) was made by Mr. Henry, seconded by Mr. Cook and unanimously approved.**

Planning Board to consider the *Approval Not Required* Plan submitted by Leslie Pope and Lee Roberts to create two new lots at **495 Essex Avenue** (Assessors Map 228, Lot 71).

Dale Pope 50 Mount Pleasant Ave

Mr. Cademartori reported that the applicant wants to divide an additional 2 10,000 square foot lots. There are no issues.

**Motion that the subdivision control law does not apply to the Approval Not Required Plan submitted by Leslie Pope and Lee Roberts to create two new lots at 495 Essex Avenue (Assessors Map 228, Lot 71) was made by Mr. Hecht, seconded by Mr. McCarl and unanimously approved.**

Planning Board to consider the ***Approval Not Required*** Plan submitted by Seaside Legal Solutions, P.C. to adjust a lot line at **24 Wonson Street** (Assessors Map 129, Lot 9).

Attorney Joel Favazza, Seaside Legal solutions

Attorney Favazza stated that the plan is to relocate where the division line was.

Mr. Cademartori stated that it is very similar to the division that the board already approved. There are no issues.

**Motion that the subdivision control law does not apply to the Approval Not Required Plan submitted by Seaside Legal Solutions, P.C. to adjust a lot line at 24 Wonson Street (Assessors Map 129, Lot 9) was made by Mr. Cook, seconded by Mr. Hecht 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 from 3/3/2016 meeting.*

Mr. Cademartori summarized points from the March 17th meeting which revolved around annual renewal requirements and language of the ordinance. He stated that a meeting occurred with the police chief regarding the type of reviews that would happen locally versus by the state. The current language is broad enough to allow the police to do more. In 5.27.4 the language as it stands is adequate.

Mr. Henry stated that he believes section 5.27.9 looks good and addresses the concerns that folks have. Regarding “the purpose” in 5.27.2; he stated that it does not seem like zoning language, but more like editorializing and is a skewed perspective on the facilities themselves. It is not factual. He asked that it be stricken from the language.

Mr. McCarl concurred with Mr. Henry.

Ms. Black pointed out several areas where the language should be clarified. The board discussed the language at length.

Mr. Hecht suggested that the board line up the city ordinance with the state regulations to come up with better language.

Bruce Tobey- 16 Montvale Ave

Mr. Tobey concurred with Mr. Henry and Mr. McCarl. He stated that he was on the city council when the language was written because of the strong resistance from the public. The facilities are very secure. It is about medical care and there is complete transparency in the procedures. The preamble is wrong. He urged the board to advance the ordinance, but to take the time and do it right.

**Motion to continue the petition; 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 21, 2016 was made by Ms. Black, seconded by Mr. McCarl and 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 deleting Section 5.13 “Personal Wireless Service Facility” and replacing with a new Section 5.13 “Wireless Communications Facilities” to regulate wireless communication facilities; amending Use Tables Section 2.3.2 “Community Services” by deleting from #3 “Personal Wireless Service Facility” and replacing with “Wireless Communications Facilities”; and amending the Gloucester Zoning Map by deleting the “Personal Wireless Service Facilities” overlay district.

Mr. Cademartori explained that this was initiated by the P&D standing committee. There have been changes to telecommunication act that made most ordinances non-compliant and changes need to be made. Attorney Jeff Rolaff was hired to help draft an ordinance to comply with telecommunication act and meet the city goals.

**Public Comment: None**

**Motion to continue the petition: Amend the Gloucester Zoning Ordinance by deleting Section 5.13 “Personal Wireless Service Facility” and replacing with a new Section 5.13 “Wireless Communications Facilities” to regulate wireless communication facilities; amending Use Tables Section 2.3.2 “Community Services” by deleting from #3 “Personal Wireless Service Facility” and replacing with “Wireless Communications Facilities”; and amending the Gloucester Zoning Map by deleting the “Personal Wireless Service Facilities” overlay district to April 21, 2016 was made by Mr. Hecht, seconded by Ms. Black and unanimously approved.**

#### **IV. OTHER BUSINESS**

A. Continued discussion of 2014 Harbor Plan recommendations

Mr. Hecht stated that upon further review regarding the height in the MI district that there seem to be only two properties that could be impacted and is not sure that a change to increase the height is imperative. It doesn't seem to be critical to the development of what the city wants to happen. He suggested leaving the height at 40 and then taking each application as they come in.

Mr. Cademartori brought up the point that the city may not be approached by an application because of the height restriction as it is written now. As it stands if an application came in it would go to the ZBA to receive relief and the planning board would receive a site plan review. The control would not be with the planning board.

Mr. Henry asked if the language could be crafted so that height exception could be part of the site plan review process. He stated he believes the zoning regulations should be adjusted to make it easier for applicants who want to invest in the waterfront and also be aware of the impact on the city's landscape if potentially large buildings could be built as of right if the regulations are changed.

Sonny Robinson

Ms. Robinson stated she appreciates the the thoughtfulness of the harbor plan and this amendment that how planning board is taking steps that unduly restrict MI development. The Marine Industries along the harbor are a significant economic contributor to the community. The larger issue to keep in mind is the changes that have happened to a building site because of the FEMA flood plain and not doing something that would leave marine industrial development with a restriction.

B. CPA Update

Mr. McCarl stated that the CPC had money in open space to offer support for the activity on the back shore. They offered funding to the group so they could negotiate a price for the property.

**NEXT MEETING**

*Next regular meeting of the Planning Board April 21, 2016*

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