



CITY OF GLOUCESTER
PLANNING BOARD
MEETING MINUTES
June 2, 2016
7:00 P.M.
Kyrouz Auditorium
9 Dale Ave, Gloucester
Richard Noonan, Chair

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

I. BUSINESS

A. Public Comment- None

II. CONSENT AGENDA

Planning Board to consider the *Approval Not Required* Plan submitted by Sarah Campbell, Kitteredge Annisquam LLC to adjust a lot line at **92 Leonard Street** and **71 Norwood Heights** (Assessors Map 182 Lots 2 and 42).

Ms. Black motioned that the subdivision control law does not apply to the Approval Not Required Plan submitted by Sarah Campbell, Kitteredge Annisquam LLC to adjust a lot line at 92 Leonard Street and 71 Norwood Heights (Assessors Map 182 Lots 2 and 42), seconded by Mr. Hecht and unanimously approved.

III. CONTINUED 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 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. *Continued from 5/5/2016 meeting.*

Mr. Cademartori reported that the only issue was the definition of uses identified for amateur radio as a separate use and not as a wireless communication facility. The goal is to bring the ordinance into compliance and facilitate some of uses that are benign but expand coverage.

The board discussed the requirements of camouflaged sites.

Public comment: None

Mr. Henry stated that MI should be added. Mr. Hecht and Ms. Black concurred.

Motion to recommend to the City Council the adoption of the wireless communication facility ordinance section 5.13 dated June 2, 2016 and to delete the personal wireless facilities service ordinance, delete Use Tables Section 2.3.2 Community Services and replace with Wireless Communication Facility was made by Mr. Hecht, seconded by Mr. Henry and unanimously approved.

IV. NEW 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 shall consider the following petition to amend to the Zoning Ordinance as follows:

To amend the Gloucester Zoning Map to match Section 2.1.1 “Enemartion of Zoning Districts” and the definitions contained therein specifcatlly that of the BP Business Park as it is defined as “districts located off Blackburn Circle and Kondelin Road.”

To amend the Gloucester Zoning Ordinance Use Table Section 2.3.2 Couminity Sevice Uses, Use Numbers 15 and 16 by ADDING the allowance of in the GI (General Industrial) to CCS, and amending footnote #4 by ADDING a second sentence as follows: “Such use allowance in the General Industrial District shall be limited to the Kondelin Road GI District.”

Councilman Nolan stated that he does not support this amendment and it should remain General Industrial. Mr. Cademartori discussed the issue of the discrepancy of the zoning map and the allowance in the business park district; there is a section that describes the business park. The districts weren’t well described and there was an effort in 2008 to make the ordinances more user friendly. Inadvertently Kondolin Road was added to that business park description and it is actually in a General Industrial District. There would be some broad changes that would affect the area if it were changed. Mr. Cademartori suggested to strike “and Kondelin Road” from the definition of a business park.

Public Comment: Opposed

Attorney Mark Nestor, 45 Middle St. Gloucester, MA.

Attorney Nestor concurred with Councilman Nolan. The area has been GI for over 35 years. There are several businesses would be grandfathered out and of significant concern is the land area increase would have significant impact over what could be used. Please vote it down.

Steve McGinnis, Saugus MA.

Mr. McGinnis stated he purchased the Rule building because of the zoning and is in opposition.

Mr. McCarl motioned to strike “and Kondelin Road from section 2.1.1 in the definitions contained therein specifically that of the BP Business Park as it is defined as “districts located off Blackburn Circle and Kondelin Road.”, Mr. Cook seconded the motion and it was unanimously approved.

Councilman Nolan stated that this will give the availability for a Marijuana Dispensary. It does not change the zoning of the road but allows a petition for the sale of marijuana.

Public Comment:

David Disegna-Mayflower Medicinal

This is to allow dispensaries an opportunity to be able to put a dispensary on the road.

Nadina Wilke 5 Briarwood St

Ms. Wilke stated she owns business on Kondelin Road and would like to develop the site and a medical cannabis facility. She requested that both parks be treated equally so both have the opportunity and a fair chance.

Opposed to amendment

Attorney Joel Favazza- Seaside Legal Solutions

Attorney Favazza stated he was speaking to remind the board of Chapter 40A section 4. There is a process that must be followed and not by adding a footnote to a specific area.

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Thomson Webster

Mr. Webster stated that he has not had time to digest this information and what that will be mean for me living in the area. Ask for more time so that he and other neighbors have more time to understand what is happening.

Ms. Black asked how the language would be brought into conformity.

Mr. Cadematori stated that once you designate the where; the broader question is the area itself and then how do you do it. The first question was the appropriateness of the site- the first was Blackburn and now Kondelin Road is being discussed. The proposal is to extend this area particularly. There are footnotes to the use table but not sure if there is one to the geography.

Ms. Black asked if Kondelin Road had the footnote, would the area be treated the same as Blackburn regarding a dispensary being able to open. Is an overlay needed after?

Mr. Cademartori stated they would be treated the same and have to go through the same process.

Mr. Noonan asked that a closer analysis is needed.

Mr. Henry stated that the change should be made to allow a medical marijuana facility in a GI district.

Then it is up to the applicant to navigate the process. It will eliminate the unfair treatment. Any applicant will have to go through the same rigorous process. Make the change in the use table. The requirements are already well spelled out.

Mr. Cook stated he believes that it should be a good opportunity for others in the GI.

Mr. McCarl concurred with the general feeling it should be treated the same as others. It should be treated as equal.

The board discussed at length on allowance or non- allowance throughout all GI districts in the city. The board also discussed the proper notice process for the public.

Mr. Hecht stated that the board can pass the modified verbiage and then let City Council take of it.

Mr. Henry stated that the board is making a recommendation to the City Council and if this passes and anyone comes forward and there will be numerous occasions to speak. We are recommending to City Council that the footnote not be added.

Ms. Black stated that this is not an appealable event.

Mr. Henry made a motion to recommend to City Council to amend the To amend the Gloucester Zoning Ordinance Use Table Section 2.3.2 Community Service Uses, Use Numbers 15 and 16 by ADDING the allowance in the GI (General Industrial) to CCS, seconded by Mr. McCarl and unanimously approved.

V. OTHER BUSINESS

A. Decision to Adopt – Daventry Lane Subdivision Approval, 4-6 Eastern Point Blvd.

Motion to approve the Daventry Lane Subdivision Approval, 4-6 Eastern Point Blvd was made by Mr. McCarl, seconded by Mr. Cook and unanimously approved.

Mr. McCarl reported that 17 proposals were submitted with 16 applicants attending. The next stage is to approve the funding.

The meeting adjourned at 9:30 p.m.