



CITY OF GLOUCESTER

PLANNING BOARD

MEETING MINUTES

Thursday August 19, 2010 at 7PM
Kyrouz Auditorium, 9 Dale Avenue
Richard Noonan, Chair

Members Present:

Rick Noonan, Chair
Mary Black, Co-Chair
Marvin Kushner
Henry McCarl
Karen Gallagher

Staff:

Gregg Cademartori, Planning Director
Pauline Doody, Recording Clerk

I. BUSINESS

- A. Call to Order with a Quorum of the Planning Board
- B. Introduction of Planning Board Members and Staff
- C. Discussion with Plan Implementation Review Committee Regarding Health Needs Outreach

Frederick Cowan 60R Washington Street

Mr. Cowan spoke of the outreach for PIRC project. I can't defend for you the strategy that was adopted from Janice Stelluto's efforts in 1999 and 2000. My heart is no longer in using this strategy for this project. I misjudged my public health director for using this strategy and have since had several discussions that have produced a very workable strategy that will produce a document for your review. Since 2006 I have been responsible for writing the annual review for the city performance in the area of goals for the health service section.

Mr. Noonan asked Mr. Cowan to encapsulate where we are today and what are the next steps.

Mr. Cowan stated at this time we are in cease and desist. I have received some communication from the people involved in the social services component. There is a meeting tonight with PIRC where I will be reporting back the findings here. The strategy is we will sit down with Jack Vondras and work with a professional writer to come up with a workable section and it will be given to the planning board and then it will be open for public review. He stated he was sorry to have missed the opportunity to raise public interest in this.

Mr. Noonan stated he would like to hear from the health director.

Jack Vondras Public Health Director, City of Gloucester

Mr. Vondras stated that the PIRC section would be rewritten. We recently performed a health needs assessment and did finish it and surveys were sent out and we received a 70% response. With the federal government we have some grants in the process and looking at some new need assessments and in the next year or two, we may be required to do some other new evaluations.

Mr. Noonan stated that the end game is the focus of this effort that this is a Board of Health issue more than a subcommittee of the planning board.

Mr. McCarl stated that as a member of the planning board, I would like to say that if there were any misunderstandings of this it is unfortunate because that was not the idea. The PIRC has worked very hard to assist and utilize the information that has been available. We have several plans and of these things at PIRC are to pull it all together. We appreciate your corporation of this. We appreciate you taking time to come this evening and look forward to the document and working together.

We are one of the rare places that have a plan that functions. It is our job to see if it is all in line and if it works for us. The PIRC felt that it was time to update that and have made a great deal of progress. We have also tracked the implementation of this plan.

Mr. Vondras stated that we look at the two systems working side by side. Any gaps that we identify in our needs assessment is where most of the grant writing is done. We have our hands full. We will incorporate those initiatives.

Motion: To recommend that the initiative from the PIRC relative to health and needs assessment cease and desist, for the record and that any such implementation effort move forward as a joint effort between Board of Health and the Health Department.

1st: Karen Gallagher

2nd: Marvin Kushner

Vote: All approved 5-0

II. APPROVAL OF MINUTES

A. Meeting of July 29, 2010

Ms. Black referenced page 4 where it stated, “Ms Black stated, she would like it changed to “inquired if it is” regarding the height issue. Also on the same page questioned the wording of “if once the 125 feet is allowed, is it allowed”.

Mr. Noonan commented on a misspelled name on page 6 above public comment. It should say, “Rick”

Motion: To approve the Planning Board minutes of July 29, 2010.

1st: Mary Black

2nd: Henry McCarl

Vote: All approved 5-0

B. Meeting of August 5, 2010

Motion: To approve the Planning Board minutes of August 5, 2010.

1st: Mary Black

2nd: Marvin Kushner

Vote: All approved 4-0 with Karen Gallagher abstaining.

III. PUBLIC COMMENT

Susanna Altenberger 66 Atlantic Street

Ms. Altenberger stated that after reading the minutes of the last Planning Board meeting regarding my comments I found that only a few lines were recorded. She stated that in the future she would submit her comments directly to the board.

Mr. Cademartori stated that the minutes are not verbatim and submitting comments in writing is welcome.

CONSENT AGENDA

A. Site Plan Reviews

- JaJo Realty Trust to construct new commercial building at 146-148 Eastern Avenue (Assessors Map 160 Lots 39 & 48). (**Continued from July 15th**)

Marcy Pregent Macomber Rd, Gloucester

Don Fryklund, Fryklund Construction Co. 240 Concord Street

Ms. Pregent stated that this project entails constructing a new building on Parcel 146 only for a tenant fit out - Sears Hometown store. It is 6,600 square feet, one level store.

Mr. Cademartori stated that this application was first filed two months back and was missing a civil engineering plan with drainage design, but since has been filed and forwarded to engineering department for review. The engineering department has yet to complete this review. Contact has been made with their site engineer and there are a number of things that are not clear on the plan or potentially contrast that prior plan. We will not discuss the

drainage design until we hear from engineering. Mr. Cademartori stated that in the rear there is an area that is currently gravel and it is not clear what the limit of work is in this area.

Mr. Fryklund stated that it is the footprint, the current gravel area will be paved. Most of the area will be designated with grading. All the grading doesn't change the hydrological flow. The bank area will remain vegetated. We are not increasing the impervious footprint that is already there. It should stay the same. We will end up adding infiltrator systems to reduce runoff for the site.

Mr. Cademartori stated that there is an existing slope that is vegetated and there are some mature trees along that roadway. If that is pinched back we may hit the root system of the trees.

Mr. Fryklund stated that the landscaping would be done very well and fill in with new planting between the existing trees.

Ms. Pregent showed the plan to the board describing the area in question. She stated we would make sure it is nice and mulched.

Mr. Cademartori stated that at this point there is typically a landscape plan that will show what is happening and when it will happen.

Ms. Pregent stated that it will depend on when the work starts, but by spring it will be all done

Mr. Cademartori questioned the median strip in the front of the property that has both sidewalk and grass strip. It looks like that dimension is going to be continues with the closing down of the broad apron that is there now. The prior plan included street tree planting and this one doesn't. Again, it is not clear what is intended?

Ms. Pregent stated that we got feedback that it was a concern that we were on city property. We had to make changes to the plan fairly quickly to get it back to you. So we decided to just put the grass there. We don't know if it is accurate or not.

Mr. Cademartori questioned the detail regarding a fence on the plan.

Ms. Pregent stated that there wasn't a fence on the plan.

Mr. Cademartori stated that zoning ordinance requires parking to be screened.

Mr. Fryklund stated that there may have a small picket fence

Mr. Cademartori reiterated that the plan needs more details. We have four plans of record at this point.

Mr. Noonan stated that the site plan review process is new and hopefully will help move projects forward.

Public Comment:

Roland Lemieux 23 Old County Road

Mr. Lemieux stated that he was in favor of the project, however believes the engineering needs to be redone and that there should be an existing condition plan. There is no pedestrian sidewalk on the left of the property. One of the entrances will add to the traffic congestion. There is about 600 feet that is not Mass highway. The city engineering department should hit at least minimum standards. There are multiple problems. The engineering plans are weak. We would like the project to move forward as long as it is done right. At least submit a better engineering plan so the board can make better decisions. It should include landscape, topographical, drainage plan, etc.

Attorney Mary Jo Montagnino, 22 Way Rd 144-148 Eastern Ave

Attorney Montagnino stated that this project is a matter of right under the extensive business zoning. For Eastern Ave, we have the widest curb cuts than any property on Eastern Ave. Some of the concerns that have been raised- we have reviewed the letter from Attorney Mark Nester which we gave to our architect. He reviewed and modified the things of concern. Some of these issues we cannot address because we are not exiting on Old County Road. Behind us is Old County Rd the area is business all around. The city council gave a special council permit to Meineke to relocate from Bass Ave; in fact, I do believe the city gave them a curb cut to come in on that corner. They are going out onto Old County Rd. The city council said they could not take up County Rd, because it wasn't on the agenda. We are not going to be using County road at all. I understand about the concerns about County Rd. The City Council decided they would take up it under traffic ordinances. We will definitely screen in the back. We are just asking for the opportunity to upgrade and renovate this parcel. This project will be another asset to the city. It will give opportunity to shop locally; I hope to satisfy the neighborhood with the project.

Mr. Lemieux stated that he was not asking the developer to fix Old County Road but to look it as safety issues and their entrances. There is no place to walk. It is a safety issue. There has to be some way to fix it I suggest to have a traffic engineer to look at the safety aspect. I believe a site walk would be beneficial.

Ms. Black asked for clarification as to where the pedestrians are coming from and going to.

Mr. Cademartori stated that the sidewalk switches sides.

Mr. Lemieux stated that the entrance they are proposing is too close to Old County roads entrance.

Mr. McCarl stated that he owns property at 112 Eastern Ave. and there is a curve and no one follows the speed limit. The speed limit should be reduced. People think it is 35 mph both ways. I am one that shares the safety concern of the area.

Attorney Montagnino stated that these safety issues were brought up during the special council. My issue is this, is that we have a sidewalk and the landscaping will be done, and the screening will be low. Our access will be very safe. I appreciate the comments tonight; however it is not in our jurisdiction for this evening. As to our plan, I hope the Planning Board supports the plan.

Mr. Noonan stated that there has been a lot of input and in true spirit of site plan review. It is difficult to make a decision with one set of plans. A site visit should be scheduled soon and then the things outlined can be addressed at that time. Pedestrian safety could be resolved. We need to understand that the issue to be addressed for public safety. We need to get on the site with the plans.

Motion: To continue JaJo Realty Trust to construct new commercial building at 146-148 Eastern Avenue (Assessors Map 160 Lots 39 & 48) to September 2, 2010.

1st: Henry McCarl

2nd: Karen Gallagher

Vote: All approved 5-0

Mr. Cademartori stated that the Building Inspector did review the file and didn't make any determinations. On point of clarification the proposed building is on a separate lot from the existing building, so it is not more than 10,000 square feet of proposed space on one lot. There seems to be a slight excess for required parking.

Mr. Noonan and the board will conduct a site visit on August 30th at 6:00pm

IV. 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 will hold a public hearing to consider the following petition:

Amend the Gloucester Zoning Map by creating an overlay district zone consisting of 3 +/- acres in the Marine Industrial district located at 33 & 47 Commercial Street, Assessor's Map 1 Lots 33 & 22, respectively, and to amend the Zoning Ordinance by adopting a corresponding new Section 25 entitled Birdseye Mixed-Use Overlay District (BMOD) governing the permitting new uses by master plan and special permit in the overlay district.

Mr. Cademartori stated that there was a mutual agreement with the petitioner to continue to September 9th.

Motion: To continue; Amend the Gloucester Zoning Map by creating an overlay district zone consisting of 3 +/- acres in the Marine Industrial district located at 33 & 47 Commercial Street, Assessor's Map 1 Lots 33 & 22, respectively, and to amend the Zoning Ordinance by adopting a corresponding new Section 25 entitled Birdseye Mixed-Use Overlay District (BMOD) governing the permitting new uses by master plan and special permit in the overlay district to September 9, 2010.

1st: Henry McCarl

2nd: Marvin Kushner

Vote: All approved 5-0

V. OTHER BUSINESS

A. Release of Covenant, 124-126 Eastern Avenue Common Driveway

Attorney James McKenna

Attorney McKenna asked for a release of covenant for the second unit of a 2-unit condominium. The developer has completed the punch list of items for the completion of the drive. The contractor has completed the work. And the plans have been submitted and to our understanding it depicts what is on the ground.

Mr. Cademartori stated that he has received a letter dated August 18 from John Judd certifying the completion of the plan and engineering has looked it at. The only things to note are the maintenance of the catch basin that is the responsibility of the condominium association. It is to be made clear to the owners that they are responsible for maintenance and plowing of the common driveway as well as the drainage system. The interim as-built that was submitted for the release of the first unit included the final dimensions of the common driveway, as well as a small change in the parking plan, since that time the final paving and the setting of the grades has been completed.

Motion: To approve the Release of Covenant, 124-126 Eastern Avenue Common Driveway

1st: Marvin Kushner

2nd: Karen Gallagher

Vote: All approved 5-0

Mr. Cademartori stated that he has a copy of release of covenant for one of the lots that were approved from Riverdale Place. It was discussed with Michael Faherty representative for the applicants and approved prior. Mr. Faherty was comfortable with coming forward with individual releases as purchase and sales agreement into fruition.

B. Planner's Report

Mr. Cademartori stated that at the recent City Council meeting the Community Development Department made a public presentation of the draft June 2010 Open Space and Recreation Plan. There is an excerpt of the highlights available and it will be distributed it to everyone, and the full draft is on the city website for review. It's about 200 pages. The planning board is an agency is required to make recommendations on it. Please read through the executive summary; it highlights the elements of this plan. It has a new great component, it not just about preserving habitat or open spaces or for the scenic nature, it is also about maintaining and expanding as needed our passive and recreational facilities including parks and playgrounds. The committee has broad representation. There is something in the plan for everyone. The committee in particular wanted to both develop and implement the plan. We are actually operating as having an open space plan in place; we just need to have public comment. It affords the community to be able to apply for grants.

Ms. Gallagher stated that the CPC has reviewed all the grants for the last meeting. They will continue the deliberation to their next meeting and make recommendations to the city council.

Mr. Noonan commented on the newspaper article regarding the Charter School and that has been stopped by the Building Inspector. There are a host of issues. There is a 230,000-volt power line that goes over the trailer. The specification is that there is a minimum clearance of 10 feet and it is only about 7 feet. There are other issues regarding modular design and educational use. He stated that his point in bringing it up is that if we can spend one hour to make sure what we are seeing on paper is accurate by going on a site visit, it is worthwhile to schedule site visits. I think as a group we are trying to ensure the applicants do their jobs.

Mr. Cademartori stated that he was first approached with the project prior to the site plan review submission. He and the Building Inspector outlined the permitting process needed. They made specific changes in hopes of saving time in permitting to construction. However, if they just followed the site plan review ordinance and process, many of the issues being faced now would have been resolve. The ordinance as written strives to facilitate the review process.

VI. ADJOURNMENT

Motion: To Adjourn.

1st: Henry McCarl

2nd: Mary Black

Vote: All approved 5-0

VII. NEXT MEETING

Next regular meeting of the Planning Board is Thursday September 2, 2010

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