



**CITY OF GLOUCESTER
PLANNING BOARD
March 16, 2017
6:00 P.M.**

**Kyrouz Auditorium
9 Dale Ave, Gloucester**

Richard Noonan, Chair

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

I. BUSINESS

A. Approval of Outstanding Minutes – May 5, 2016 and March 2, 2017

Motion to approve the minutes of May 5, 2016 was made by Mr. Hecht, seconded by Mr. McCarl and unanimously approved.

Motion to approve the minutes of March 2, 2017 was made by Mr. Hecht, seconded by Mr. Cook and unanimously approved.

B. Public Comment- None

II. PUBLIC HEARING

In accordance with MGL Chapter 40A, Section 9, and City of Gloucester Zoning Ordinance, Sections 1.5.5, 1.8.3 and 5.21, the Gloucester Planning Board to consider the following application:

The McNiff Company, LLC for a Common Driveway Special Permit, Section 5.21, to serve four lots at 12 Causeway Street (Assessors Map 234, Lot 47).

Bob Griffin Griffin Engineering
Jay McNiff
Deb Eliason

The project is to install a common driveway for 3 single family homes on 36 acres of land. There is frontage on Concord St and Causeway Street. The common drive would provide access on Concord Street which has better drainage and is a better maintained street. The ZBA has granted a variance for the common driveway. Two waivers are being requested; length of common drive is 825 feet long with a teardrop turnaround area, offset distance from the common driveway to the nearest property line is only 18 feet instead of the required 25 feet. It will serve t 4 house. An existing home will be moved onto Concord St. Drainage detail calculations were provided to the board and good septic system locations have been tested for. The driveway will be 16 feet wide with shoulders on either side. Water lines will be run to the back of the teardrop for a fire hydrant and water usage.

Mr. Cademartori stated that clarification is needed between the DPW and the fire department. There are some conflicting regulations regarding common driveways.

Public comment:

Christine Sherman 95 Concord St

Mr. Sherman stated that he was in favor and that it will be a good addition to the neighborhood.

Kathy Hulbert 6 Causeway St.
Ms. Hulbert stated she was in favor of the project

Joe Profetto 50 Causeway St
Mr. Profetto stated he was in favor and that it is good for the neighborhood

Motion to continue The McNiff Company, LLC for a Common Driveway Special Permit, Section 5.21, to serve four lots at 12 Causeway Street (Assessors Map 234, Lot 47) to April 6 2017 was made by Mr. Orlando, seconded by Mr. McCarl and unanimously approved.

III. 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 will consider the following petition to amend to the Zoning Ordinance:

Add Section 5.29 “Mixed Use Overlay District (MUOD)” for the purpose of allowing a combination of retail, commercial, business, residential and/or community service uses benefiting the residents of the City of Gloucester. Such uses shall only be allowed by the issuance of a Special Permit granted by the Gloucester City Council.

And by amending the Gloucester Zoning Map by creating the Mixed Use Overlay District over the following area:

- 4 Schoolhouse Road, Assessor’s Map 262, Lot 14,
- 2 Schoolhouse Road, Assessor’s Map 43, Lots 4 & 5, and
- 7 Gloucester Crossing Road, Assessor’s Map 262, Lot 37.

Debra Eliason 63 Middle St

Attorney Eliason stated she would go through the provision of each section.

Purpose provision; the purposes included were in line with the RFP.

Mr. Cademartori stated the reservation for municipal use was in question.

Attorney Eliason stated that it was put in to allow for the future. It can be removed if the board feels it is unnessesary.

Overlay district definitions; 2.1

Lot area definition is the same as in the zoning ordinance except for one change; the special flood hazard zone and flood zone have been accepted out of the ordinance. It is a minimal flood hazard.

Mr. Cademartori stated that the concern would be if it could have a broader implication of the areas that do have the designation in the city. The definition of this area is of minimal flood risk. In this case because of the minimal flood risk there isn’t a significant issue and don’t see a problem with have a specialized definition in this area. The site conditions are poor and will have to mitigated in the site proposal.

Map: 2 properties owned by Gloucester Commons; one will be acquired. It is across School House Road. The parcel provides drainage for the site.

2.3- underlying zone; all uses are allowed except the one prohibited by the overlay

2.4: City Council is the special permit granting authority regarding the overlay. There is a required referral to the Planning Board for the special permit. The request is to keep the review under the purview of the City Council. After discussion the site plan review will remain with the Planning Board. A 45 day time frame is included for the board to act. It is important to have a deadline and will agree to 90 days, but a time frame deadline is important to keep. No hearing is required.

Mr. Orlando stated that the 90 days should be the maximum for a decision to be made.

2.5- The standards are the same as set forth in the ordinance.

2.6- Design standards were drawn from the RFP. Each use is in its own area and are segregated for legal reasons. It is easier to construct and finance. It commercial and residential are mixed it is not cost effective. The utilities will be underground if possible.

Mr. Cademartori needs to be some relief provided if the utility itself has a limitation on it. Want to make sure we will understand the finance during the permitting process. In other projects there has been post permitting and in construction determinations made so we want to make sure there is a strong rationale if something has to deviate from the process.

Attorney Eliason stated that the determination will be known during the permitting process.

Mr. Hecht asked about parking and cross easements and how does that come into play. Cross easements should be added. It is very important. This is a zoning amendment and the board has to think about what the effects will be in changing the zoning of this land.

Attorney Eliason stated that there will be a reciprocal easement amongst parties that will address issues such as parking and shared utilities and access easements so all parties have a permitted right going forward and will be recorded at the Registry of Deeds.

Mr. Hecht asked that satisfactory cross easements agreements be added. The minimum use of impervious surfaces but added to the language should be “provide adequate parking for the contemplated uses”.

#6- should be emphasized more, but not sure how.

Attorney Eliason- 3.1 Allowed uses; All uses are allowed unless prohibited in the overlay. Some of them are prohibited because they are not consistent with the RFP. It is the same with special permit uses. Uses were added that are consistent with the RFP and the use of the project. It was requested by the Planning Director that the YMCA be specifically defined. The YMCA can fit into three classifications philanthropic, public religious nonprofit and consumer services. All are allowed uses.

3.4 Any use that is not allowed is prohibited unless there is a use variance. The City Council has the authority to grant these variances.

Mr. Hecht asked about the 25 dwelling units

Attorney Eliason stated that the idea is if there is going to be built it should be a larger structure and not have several smaller multi-families.

Section 4; Dimensional tables. The dimensional tables have been compared to the non- residential zones. These are the most comparable for a mixed use district.

Mr. Gourdeau-Windover Construction

Mr. Gourdeau reviewed the dimensional tables with the board.

Mr. Hecht stated that a 40,000 foot lot size is concerning because on a 10 acre site it could be a commercial park and would like to consider making the minimum lot size larger. The entire lot would be adjusted from there.

Mr. Gourdeau stated he understood the concern and believes there is flexibility for an increase.

Attorney Eliason stated that a special permit would be required.

Mr. Hecht discussed lot lines, density of the apartments, multifamily density, and questioned several dimensional requirements for the different mixed use areas; drive through, 80 feet/ ingress and egress.

Appropriate setbacks should be reviewed. Mr. Hecht also asked about the open space requirements of the project. He asked that it be more specific other than “0” as it currently reads.

Mr. Gourdeau stated that this is conceptual and there is room for expansion.

Mr. Gourdeau explained that there is a fair amount of the parcel that qualifies as open space as defined by the ordinance.

Mr. Hecht asked about ‘i’ more than one principal building constructed on one lot as of right.

Mr. Gourdeau stated that one reason is the residential complex is three building and one parcel; retail is two buildings and 1 parcel.

Mr. Hecht asked about ‘L’; the vertical height is from the finished grade is from the center point of the building to the highest roof surface-.

Mr. Cademartori stated that all four corners of the building are used to determine height.

Mr. Gourdeau stated that it would be from the finished grade. This was discussed with the building inspector.

Mr. Hecht questioned other height definitions in the proposal.

Mr. Gourdeau stated that it is in the language of the current ordinance.

Mr. Cademartori stated that height allowance in this district treats commercial uses different than in other commercial districts. All other uses are at 30 feet and this proposal is at 45 feet.

Mr. Gourdeau stated that it is to be consistent with numbers at Gloucester Crossing Height. In regards to parking; after hearing the board concerns parking spaces for retail and recreation can be set at 3.75 spaces per thousand. The conceptual plan shows 700 parking spaces.

Attorney Eliason explained 6.2 loading requirement; 1 loading bay will be for retail and commercial. Signage will be accordance with the existing ordinance.

Mr. Hecht stated he would like to make sure the loading docks would not be in front of the building but to the side or back.

Attorney Eliason stated that the submissions will be the same as with the City Council Special Permit and major project permit. Section 10 was taken from the hotel overlay. A line should be added to say "use allowed by right or by special permit in the MUOD". It will be consistent with what this board has done in the past.

Mr. Hecht stated that the list of uses should be reviewed. It seems limited.

Mr. Orlando stated that the uses should be specific and not keep it open ended.

Mr. Hecht stated that he would like to discuss a few facts from the Housing Production Plan;

- Share of householders 38% in 2010 were 60 or over
- 2030 58% of householders will be over 60
- 40% of householders are cost burdened spending more than 30% of income on housing.
- 20% of householders are spending 50% of income

If we don't have some affordable housing with this proposal or some other mechanism we will fall below 7%. The state requires 10%. The city will be going backwards. Request to see how we can make affordable units to bring units this project.

Mr. Orlando stated that affordable housing issues will be addressed at City Council. The issue is being dealt with. There is a lack of housing. Until we can increase the stock of housing there will never have enough housing. This is a project will give housing that this community needs. If we burden this project in a way that doesn't make it profitable then the project doesn't happen. Let's pull back and look at the bigger picture. There are solutions being proposed

Attorney Eliason stated we would oppose any different standard put on that would change the overlay. The ordinance will be followed and will seek a payment in lieu.

Mr. Delacour stated that he agrees with Mr. Orlando. It is unfortunate that this becomes a discussion about affordable housing. We do believe in affordable housing. We came into this meeting the criteria of the RFP. We have tried to find a solution that the administration is in agreement. If there is another way to keep the economics viable we are open to discuss.

Mr. Gourdeau stated that an evaluation of economic hardship was presented to the board for a better understanding of the projects costs, investments and value.

Public Comment:

Rev Richard Emanuel 1453 East Main St Gloucester

A strip mall is a mistake. It is a cancer. People come to see Gloucester for its history and natural beauty. This proposal is at the entrance to the city. It will change the density of the zoning and will have ramifications to Rocky Neck, the beaches, a brick and mortar store etc. This is not for the audience of Gloucester. The feeling out there is that there this is a done deal. This is a mistake. The density change sets a precedent of land development. I am here to represent spiritual detachments. We learn through

losses. We only learn when we see the transformation. Does Gloucester want to be suburbanized? This is a spiritual crisis. Let's not starve the land.

Attorney Joel Favazza stated he represented the surrounding abutters of the MUOD whose concern is that the general industrial nature of the parcels won't be affected.

Motion to continue the public hearing; Add Section 5.29 "Mixed Use Overlay District (MUOD)" for the purpose of allowing a combination of retail, commercial, business, residential and/or community service uses benefiting the residents of the City of Gloucester. Such uses shall only be allowed by the issuance of a Special Permit granted by the Gloucester City Council.

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To April 6, 2017 was made by Mr. Hecht, seconded by Mr. McCarl and unanimously approved.

IV. OTHER BUSINESS

1. Housing Production Plan Update

Mr. Cademartori stated that the Housing Production plan will be presented to City Council.

East Gloucester Zoning update

Mr. Coogan informed the board that an email with a link with all pertinent information has been sent for their review.

Motion to adopt the Grace Hope Realty, LLC for a Common Driveway Special Permit, Section 5.21, to serve two lots at 130 Eastern Avenue (Assessors Map 264, Lots 7 and 8) was made by Mr. Hecht, seconded by Mr. Cook and unanimously approved. Mr. McCarl abstained.

Motion to adopt Grace Hope Realty, LLC for a Pork Chop Lot Special Permit, Section 5.20, at 130 Eastern Avenue (Assessors Map 264, Lots 7 and 8) was made by Mr. Hecht, seconded by Mr. Cook. Mr. McCarl abstained.

2. CPA Update.

Mr. McCarl reported that 11 projects have been approved. New projects are coming in.

ADJOURNMENT

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

V. NEXT MEETING

Next regular meeting of the Planning Board April 6, 2017

Planning Board Members: If you are unable to attend the next meeting please contact the Planning Office at (978)325-5235.