



CITY OF GLOUCESTER
PLANNING BOARD
MEETING MINUTES
November 3, 2016
7:00 P.M.
Kyrouz Auditorium
9 Dale Ave, Gloucester
Richard Noonan, Chair

Members Present: Richard Noonan, Chair, Mary Black, Vice Chair, Henry McCarl, Joseph Orlando, Doug Cook, Ken Schafer, Shawn Henry
Staff: Gregg Cademartori, Planning Director, Matthew Coogan, Senior Planner

I. BUSINESS

A. Public Comment-

John Judd- Gateway Consultants

Mr. Judd stated he represents David Arnold of 8 Sanderson Court. He explained that in 1979 lots were divided. The road serves the existing dwelling on the Hodgkin's Cove side and Mr. Arnold is looking for a signoff for access to build the dwelling. All other signoffs have been acquired

Mr. Cademartori reported that there is an unusual layout. In the 1970's the ZBA issued a covenant not to construct any of the lots to be served. The lots are still in that covenant. There is subdivision road improvement plans from 1979 that was never done and the covenant is still out there.

Mr. Judd there is no agreement or specifications in the covenant and are looking for direction from the board as to what we should do regarding the extent of the improvements; looking for adequacy of access.

Mr. Noonan stated that the board will need to do a site visit.

II. CONSENT AGENDA

Planning Board to consider the *Approval Not Required* Plan submitted by Kathleen Purdy to create 3 new lots at **42 Dennison Street (map 115, lot 23)**.

Attorney Joel Favazza- Seaside Legal Solutions 111 Main St

Attorney Favazza explained that 42 Dennison St is a large lot with an existing dwelling. The ANR is to create two new buildable lots.

Mr. Coogan reported that this just taking 1 lot and dividing into 3 lots that conform to the local zoning district.

A motion that the subdivision control law does not apply to Approval Not Required Plan submitted by Kathleen Purdy to create 3 new lots at 42 Dennison Street (map 115, lot 23) was made by Mr. Orlando, seconded by Mr. Henry and unanimously approved.

Planning Board to consider the *Site Plan* submitted by AB Trinity Realty LLC for new a new commercial use and parking at **5 Cleveland Street** (Assessors Map 34, Lot 1).

Mr. Henry recused himself.

Attorney Katherine Schlichte explained to the board that 5 Cleveland St. was purchased and is currently a vacant lot. AB Trinity Realty would like to build a 40x60 corrugated steel building for a landscaping business. A number of waivers have been submitted.

Mr. Coogan reported that the site plan has been reviewed by all city departments. Drainage has been approved, and existing utilities are on site. Currently the sidewalk terminates at the lot and the applicant has agreed to install a sidewalk past the lot. It will be a benefit to the community.

Motion to approve the site plan Site Plan submitted by AB Trinity Realty LLC for new a new commercial use and parking at 5 Cleveland Street (Assessors Map 34, Lot 1) with the condition that the sidewalk improvements to be made by the applicant within the Cleveland Street layout conform with ADA Gloucester Department of Public Works standards was made by Mr. McCarl, seconded by Mr. Hecht and unanimously approved.

Mr. Henry rejoined the board.

Chapter 91 Recommendation

Waterways License Application #W16-4772 to change the use of a previously authorized uncovered dining patio to a partially covered seasonal dining deck with a 300 square foot expansion and removal of a 90 square foot existing pile-supported timber platform and other minor adjustments at 75 Essex Avenue in and over flowed tidelands of the Annisquam River; Assessors Map 217, Lot 23.

Mr. Coogan explained the site to the board and stated that a letter of recommendation is being sought to move forward with the project. Plans have been approved by the Conservation Commission.

Mr. Orlando stated that he encourages the work as it is beneficial to the community. Mr. Hecht concurred.

Motion for a positive recommendation to change the use of a previously authorized uncovered dining patio to a partially covered seasonal dining deck with a 300 square foot expansion and removal of a 90 square foot existing pile-supported timber platform and other minor adjustments at 75 Essex Avenue in and over flowed tidelands of the Annisquam River; Assessors Map 217, Lot 23 was made by Mr. Hecht, seconded by Mr. Orlando and unanimously approved.

III. MAJOR PROJECT SPECIAL PERMIT REVIEW

In accordance with the City of Gloucester Zoning Ordinance, Sections 5.27 and 5.7.4, the Planning Board to review the following application:

Mayflower Medicinals, Inc. for a Major Project Special Permit to construct a Medical Marijuana Treatment Center at **41 Great Republic Drive** (Assessors Map 263, Lot 58). *Also being reviewed by Planning Board under Section 5.8, Site Plan Review. Continued from 10/24/16 meeting.*

Attorney Adam Levine reported to the board that after the site visit significant changes have been made to the plan. Concerns with the accessibility of parking were addressed by flipping the entrance into the building.

Mr. Noonan stated that the board appreciates the re-work of the plan. He noted that the dispensary lost 1000 s.f. of space in the new plan. At the last special meeting concerns were raised that there is a second tenant in the building and from a public safety standpoint there is an inherent conflict of use for the building. Ease of access is important as well as the primary access in relation to the parking lot.

John Henderson, Mayflower Medicinals, CEO.

Mr. Henderson stated that the square footage of the dispensary does not change. The changes are in the storage area only.

Mr. Hecht asked why the side door is near the parking and not the front door.

Brian Anderson, Anderson Design, Cambridge MA

Mr. Anderson stated that the design was in keeping with the park and also to be respectful of the landlord and current operations of the building. The entrance was kept the same. However, the building can open to the parking lot if that's the board's desire.

Mr. Henry stated that it makes sense to reorient the entryway so it more accessible to handicap parking.

Mr. Noonan asked where the product would be delivered.

Mr. Anderson stated that deliveries will be made from small vans prior to business hours and through the front door.

Mr. Henry asked regarding security concerns; if the gate/ chain-link fence can be extended to the back side/ top corner for deliveries if the entrance is flipped the parking side.

Attorney Levine stated that: there haven't been any issues with security in the Commonwealth. The state regulations have accommodated security concerns.

Mr. Hecht stated that from an aesthetic point, he preferred not see a gate if it's not a security concern. The facility should look clean, professional, and logical. The entrance issue is important.

Mr. Orlando asked if buildings of this nature are in more industrial or retail zones

Mr. Levine stated it is a mix

Mr. Orlando stated that did not believe this site to be optimal because of the location. As it becomes busier, safety concerns are an issue. There are security issues with two businesses within one building and the 1500 foot ordinance is something that has to be considered.

Mr. Henry stated that the board can propose a change in the zoning law. It is not within our purview to weight one application against another. The applicants come before and meet all the guidelines they can both move forward. It is not for us to say which one is better than the other. Our reality is that the regulations that the board helped propagate are hurting the city for business. Our regulations prohibit the applicant to use retail space. This board sited that these facilities can only be located in this industrial area. It is the board's problem to fix.

Mr. Orlando stated that there are other locations within the park that the facility can be sited. There are a series of problems with this facility; dealing with the 18 wheelers, the entrance, access, and security. There is a conflict regarding the entrance of vehicles for both businesses.

Mr. Cademartori stated that at the second meeting time was spent discussing the bay door and people walking past; some solutions discussed were sidewalk separation further from the building, and detection for the door. More discussion is needed for exiting the side of the building.

Louise O'Neil

Ms. O'Neil spoke to the other businesses in the building; Cape Seafood & SwanNet East Coast Services and how they operate within the building regarding deliveries, use, and frequency to address the traffic and safety concerns in relation to Mayflower Medicinals.

Ms. Black stated that there are two significant issues to discuss and variables with this project that cannot be controlled. There is the combination of ill individuals and large trucks and it cannot be excluded. The other issue is the fact that when the factors are weighed regarding the feasibility of this plan, right now there is a certain amount of traffic and that does not mean that won't change. The landlord at some point could have a large tenant occupy the building which could increase traffic on the site. It is a concern.

Mr. Henry stated that every 18 wheel truck has passed by what was the Charter school & preschool and the Cape Ann Medical Center by design of our city regulations. The truck issue is by the city's design. It seems a bit hard pressed to place too much emphasis on the industrial traffic in an industrial park.

Mr. Henry made a motion for the planning board to reconsider the regulations for medical marijuana treatment facilities in Gloucester.

Ms. Black stated that there is a small but significant issue with Mr. Henry's comment is that there is a difference between passing by something and passing into something.

Mr. Henry stated that without a complete reconfiguration of the lot- the applicants are addressing it the best they can with the situation we have place them in.

Mr. Noonan asked the Mr. Henry withdraw his motion so the board so the board can focus on the present application without adding a third dimension of reconsidering the ordinance.

Mr. Cook stated he was not concerned with the entrance as long as it met the ADA requirements. The biggest issue is the combination of the buildings uses and the interaction of peoples entering the building

and tractor trailers. There is an opportunity to really define these spaces using sidewalks and landscaping to keep the tractor trailers away from the entrance of the site.

Mr. McCarl stated he did not think there is a problem to have more than one facility in close proximity to each other. Safety issues are the concern at this point.

The board discussed at the length the merits of the current zoning ordinance.

Mr. Noonan stated that the board should consider only the merits of the application and focus on traffic issues and safety issues. The 1500 foot regulation does need to be relooked at but at mid-point in the application process.

Mr. Henry stated as this process moves forward, the city is asking both applicants and by default one of them will be eliminated to spend and to play by arbitrary rules which the city set up and which will exclude them and negate their entire investment. If the 1500 foot rule was removed the applicants would know that they can pursue this business. Right now the city can drag this out for months because of this one arbitrary rule. It is an expensive game that the applicants have to play by and it is wrong.

Ms. Black asked if there other sites within the park.

Mr. Cademartori stated that there are others but they have limitations. This rule was specifically designed to allow a limited number of applications. That was the will of the City Council and the Planning Board at the time. If the sentiment has changed and the city now looks at this type a business as a benefit to the community then it can be accordingly addressed.

Motion to continue the major project special permit review for Mayflower Medicinals, Inc. to construct a Medical Marijuana Treatment Center at 41 Great Republic Drive (Assessors Map 263, Lot 58) to November 17, 2016 was made by Mr. McCarl, seconded by Mr. Orlando and unanimously approved.

OTHER BUSINESS

1. CPA Update

Mr McCarl reported that the proposal of the committee has gone to council and B &F. It will then go back to City Council.

2. East Gloucester rezoning update

Mr. Cademartori reported that a draft has been received of alternatives for the East Gloucester area. The working group will gather before thanksgiving.

3. Housing Production Plan update

Mr. Coogan reported that a public meeting was held and recorded by CATV and is posted on webpage. There was good feedback from attendees. The consultant is compiling the data and has met with the public works department. A new draft should be done in a month and will be opened up to the public. In January it should come to the planning board and then to council for final approval.

II. ADJOURNMENT

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

III. NEXT MEETING

Next regular meeting of the Planning Board November 17, 2016 (may be subject to change).

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