



**CITY OF GLOUCESTER**  
**PLANNING BOARD**  
**MEETING MINUTES**  
**April 21, 2016**  
**7:00 P.M.**  
**Kyrouz Auditorium**  
**9 Dale Ave, Gloucester**  
**Richard Noonan, Chair**

Members Present: Rick Noonan- Chair, Mary Black- Vice Chair, Henry McCarl, Ken Hecht, Shawn Henry

Staff: Matt Coogan, Senior Planner, Gregg Cadamartori, Planning Director

**I. BUSINESS**

A. Review of Planning Board Minutes of April 7, 2016

**Motion to approve the minutes of April 7, 2016 was made by Mr. McCarl, seconded by Mr. Hecht and unanimously approved.**

B. Public Comment- None

C. Complete Streets Policy and Prioritization Plan

Steve Winslow- City of Gloucester- Mass & Motion Cape Ann Program

Working to make Gloucester active and to have people has access to healthy food. Part of this is to promote walking and bicycle transportation. What is being proposed is the safe and accessible street policy. There is a new state program where the city can get up to \$400,000 to help implement this. Mr. Winslow discussed key areas that need to be addressed. Want to address safety issues, the gaps where sidewalks/bicycle lanes are needed to accommodate all the citizens of Gloucester.

Mr. McCarl asks who paints the crosswalks in the city. Some are very faded and those areas are dangerous to cross.

Mr. Winslow stated some are the city's jurisdiction and some is the under the state. There are budget restrictions.

Mr. McCarl asked who handles speed level signs. He stated concern near the Shaw's supermarket on Eastern Ave that needs to be addressed.

Mr. Winslow stated that is under the state jurisdiction.

Mr. Noonan asked if the grant can be revisited after it is issued.

Mr. Winslow stated it will depend on how it is received; however there will be other opportunities in the future.

Mr. Cademartori spoke to the draft referendum that was distributed to the board stating that the process involves a discussion at the Planning Board level and then the intent is to have the Mayor adopt the safe and accessible street policy. The board would make a recommendation to the mayor to adopt and institute the policy as drafted.

**Motion to adopt the Complete Streets Policy and Prioritization Plan as drafted from the memo dated March 21, 2016 was made by Mr. McCarl, seconded by Mr. Hecht and unanimously approved.**

## II. CONSENT AGENDA

Planning Board to consider the *Approval Not Required* Plan submitted by John Cunningham to adjust a lot line at **126 -130 Dennison Street** (Assessors Map 15 Lots 85 and 86).

Mr. Cademartori stated that a request was received from Mr. Cunningham to withdraw the application without prejudice.

**Motion to accept the withdrawal without prejudice of the application submitted by John Cunningham to adjust a lot line at 126 -130 Dennison Street (Assessors Map 15 Lots 85 and 86) was made by Ms. Black, 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 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 4/7/2016 meeting.*

Jeff Roelof gave an overview of the draft after reviewing the city’s current ordinance. The structure of the ordinance was changed. The key areas Mr. Roelofs discussed with the board included: the purposes section, uses section, permitting, and the city council review process. Categories of facilities are proposed are;

allowed by right facilities; camouflaged facilities which include general industrial, business industrial, marine industrial districts- it is allowed at this time, mounted on existing facility located in general industrial and business only, amateur radio license by the FCC. Mr. Roelofs reviewed the entire draft with the board.

Mr. McCarl asked if 40A enabling ordinance has been reviewed where amateur antennas of 35 feet. It is currently in the ordinance that an antenna can go within 10 feet of an existing canopy or nearest building. As written it is in violation of state and local law. He asked for this section to be reviewed and reconsidered.

Mr. Roelofs replied that the section says that if an amateur facility falls under that category as a matter of right it is allowed to go to 35 feet. It can be looked at again.

Mr. McCarl offered his services to help with this section.

The discussion continued to include “by right” allowances. The Federal Government is trying to promote and expand facilities. People want broadband and the government is trying to make it easy for people to be able to do it. The marine industrial district was a point of discussion for the board regarding whether it should be allowed by right. Mr. Roelofs suggested that this section could be removed and any application made for the MI district would have to come in front of the Planning Board for a special permit.

Ms. Black asked what would be the implications of taking the MI district out of the application process at this time.

Mr. Cademartori stated that it would be testing the waters a bit; right now applications for the MI district go to the city council. If the board after reviewing a few applications felt that that it is “matter of fact” then it could be amended again to expand the camouflage section to include the district as well. He asked Mr. Roelofs if any municipality restrict the height in any part of town.

Mr. Roelofs stated that towns cannot prohibit carriers to provide service where there is a significant gap.

Mr. Cademartori stated that the onus is on the carrier to prove that the tower is needed to provide service to the area where the “significant gap” is.

The board will receive a final draft of the ordinance with all changes as discussed and will make a recommendation at the next meeting

**Public comment: None**

**Motion to continue 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 May 5, 2016 was made by Mr. McCarl, seconded by Mr. Hecht and unanimously approved.**

In accordance with MGL Chapter 41 and the Planning Board’s Rules and Regulations Governing the Subdivision of Land in Gloucester, the Planning Board shall review a Definitive 3-Lot Subdivision Plan for the land located at **4 – 6 Eastern Point Boulevard** (Assessors Map 133 Lots 10 and 26) submitted by Jan Bordinaro. *Continued from 3/3/2016 meeting.*

Attorney Joel Favazza- Seaside Legal Solutions

Mr. Cademartori stated that a site visit was held. A recommendation from the Board of Health and City engineer Paul Keene was received.

Attorney Favazza reported that the Conservation Commission has issued an order of conditions allowing the road and a proposed structure on lot 2. There are a few issues to be worked out;

- The lot line on lot 1- it will be pulled back 1 foot and the Mylar set will be changed.
- Trees along the road- 2 /12 inch diameter trees can be planted or the board can find that there are enough trees being left along the road. The conservation commission has addressed this issue.
- Sidewalks- there is no need to have sidewalks in the subdivision. There are only 3 lots. Mike Hale of the DPW stated that the sidewalk problem in the area would have to be addressed on a larger scale from the city. It will affect drainages and other issues. We don’t want to do work to the sidewalk if the city doesn’t want us to.
- Street light-there are adequate street lights within the area.
- Site line question- when pulling out to the left there is 240 feet of visibility. To the right there is much longer site line and visibility
- Drainage report has been approved
- The subdivision is subject to a Homeowner Association

**Public Comment:**

Lillian Olstead, 10 Eastern Point Blvd

Ms. Olstead read letter to the board. She stated her opposition and for the planning board to deny the entire application. The traffic is concern for safety and will impact quality of life.

Joanne Daly 8 Eastern Point Blvd

Ms. Daley asked for clarification regarding a homeowners association; she asked if the home are duplex or singles.

Mr. Cademartori stated that it doesn’t matter if it is 2 family or single in regards to having a homeowners association.

Mr. Favazza stated that the application is for two family homes and the homes will have one vote per lot for the homeowners association.

Mr. Cademartori stated that the drainage issue has been resolved and roadway design. The board has to have a finding in the variation of the subdivision because it is in the public interest and for the road width, right away width and street trees. A discussion should be had regarding the Homeowners Association responsibilities.

Mr. Henry asked if there should be an easement for the maintenance truck to pull on the property to service the pumping station when we did the site visit the control box is near what would be a continuation of sidewalk; has there been discussion regarding the possibility of writing it into the easement of moving or pushing back the control box so it is not in a 'sidewalk area' and into the maintenance area.

Attorney Favazza stated that the parking area easement configuration will stay as is. To move public property onto private property brings up other issues.

Mr. Hecht asked if there could be a compromise on making the sidewalk are more aesthetically pleasing since the city does not walk sidewalk work to be done at this time.

Michael Faherty

Attorney Faherty gave the history of the sidewalk and the pump station. The project meets the city's standards.

Mr. Cademartori stated that if the applicant is requesting a waiver that the standard has not been met. Attorney Favazza agreed to make the "sidewalk area" to improve the area but not as a sidewalk.

**Public comment:**

Gregg Omstead

10 Eastern Point Blvd

Mr. Olmstead stated concern about the sidewalk and public safety issue; 6 homes are permitted and each home will have 2 cars or more in the summer. It is a public safety issue.

?? (did not state her name)

Woman stated that the area is very busy in the summer; dory races, harbor swim, scuba divers, ice cream trucks. The area has an enormous amount of traffic and adding that many more cause is a safety issue. That many homes is an overdevelopment of the lot.

Attorney Favazza stated it is actually an underdevelopment of the lot.

Motion to close the public hearing was made by Mr. Henry and seconded by Mr. Hecht and unanimously approved.

Mr. Cademartori stated that the conditions will include good cross referencing and verification of responsibilities of the homeowners association, boiler plate conditions as normal for a subdivision, clarity of the sidewalk/ repair with the DPW

**Motion to approve the Definitive 3-Lot Subdivision Plan for the land located at 4 – 6 Eastern Point Boulevard (Assessors Map 133 Lots 10 and 26) was made by Ms. Black, seconded by Mr. Hecht 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 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 4/7/2016 meeting.*

Mr. Cademartori circulated a redline version in response to the discussion from the last meeting. Highlighted concerns were surrounding the purpose section and the licensing section. Additionally, the section pertaining to background checking

should be extended to all those working or associated with the facility. There also was concern related to the annual renewal. While there was still concern to have an annual check in on the status and operation, it was not the will to continue to require a new special permit filing each year. This would be far too onerous of a requirement. There was also a final point to ensure that the ordinance was consistent with the language contained in the state Department of Public Health regulations.

Shawn Henry questioned whether or not there should be a requirement of the filing a new special permit if there is going to be a transfer one entity to another. For instance, restaurants are licensed but if a new operator takes over they do not necessarily have to revisit any special permit they may have been issued.

Mr. Cademartori indicated that this is mirroring the state process that occurs at the transfer of a state license. There could be issues that you may wish to revisit and understand the new entity that is looking to operate in the community. The new entity may also wish to modify the site and operation. This is also how other communities have addressed this in a similar way.

Mr. Noonan announced that this was a continued public hearing and asked if anyone wished to speak in favor of the proposed ordinance amendments.

Joel Favazza, Seaside Legal Solutions, representing Happy Valley Ventures Massachusetts Inc., appreciates all the board's work on this ordinance to bring this more in line with the standards applied to these businesses use and operation of these facilities and he hopes as this becomes more of a normal thing he hopes the board might take a step back and consider some of Mr. Henry's comment and treat this more like medical dispensaries, so that it wouldn't be any different than like a CVS wanting to go into a Walgreen's location without having to file a Major Project special permit for the transfer of a corporate entity.

Mr. Noonan asked if there was anyone else that wished to speak in favor. There were none. He then asked if there was anyone wishing to speak in opposition. There were none. On motion of Member McCarl and seconded by Member Hecht, a unanimous motion was made to close the public hearing.

Motion made by Member Hecht and seconded by Member Henry the Planning Board voted unanimously to recommend to the full City Council the adoption of the proposed amendments to Section 5.27 Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities as drafted with revisions through April 21, 2016.

#### **IV. NEXT MEETING**

*Next regular meeting of the Planning Board May 5, 2016*

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