



CITY OF GLOUCESTER PLANNING BOARD *REVISED*

June 1, 2017

6:00 P.M.

**Kyrouz Auditorium
9 Dale Ave, Gloucester**

Richard Noonan, Chair

Members Present: Rick Noonan, Joseph Orlando, Doug Cook, Henry McCarl, Shawn Henry, Ken Hecht

Staff: Gregg Cademartori, Planning Director, Matthew Coogan, Senior Planner

I. BUSINESS

A. Public Comment- None

II. CONSENT AGENDA

Planning Board to consider the *Approval Not Required* Plan submitted by Maureen Stafford to adjust a lot line at 56R Castlevue Drive (Assessors Map 254, Lot 90).

Mr. Cademartori stated the adjustment is to create a buildable lot.

Motion to approve the Approval Not Required Plan submitted by Maureen Stafford to adjust a lot line at 56R Castlevue Drive (Assessors Map 254, Lot 90) was made by Mr. Orlando, seconded by Mr. Hecht and unanimously approved.

Planning board to consider the *Approval Not Required* Plan submitted by The McNiff Company, LLC to create 3 lots at 12 Causeway Street (Assessors Map 234, Lot 47).

Bob Griffen, Griffen Engineering

Mr. Griffen stated that no changes have been made to the plans

Motion to approve the Approval Not Required Plan submitted by The McNiff Company, LLC to create 3 lots at 12 Causeway Street (Assessors Map 234, Lot 47) was made by Mr. McCarl, seconded by Mr. Hecht and unanimously approved.

Planning Board to consider the *Site Plan* submitted by Energy North, Inc. for an expansion of an existing commercial use and parking at **65 – 73 Essex Avenue** (Assessors Map 217, Lots 20 and 22). *Continued from May 4th meeting.*

Mr. Cademartori stated that Attorney Sal Frontiero requested a continuance to July 20, 2017.

Motion to continue the Site Plan submitted by Energy North, Inc. for an expansion of an existing commercial use and parking at 65 – 73 Essex Avenue (Assessors Map 217, Lots 20 and 22) was made by Mr. Orlando, seconded by Mr. Hecht and unanimously approved.

Planning Board to consider the *Site Plan* submitted by Taylor Hedges for the construction of a new addition at **212 Magnolia Avenue** (Assessors Map 207, Lot 31).

John Judd Gateway Consultants

Mr. Judd explained that the site has been purchased for a 15 person event tent company. The plan has been worked on with city engineer for the current layout. It is a 8400 s.f. addition.

Mr. Cademartori stated that the trigger as a site plan review is because it is over 2000 s.f. It complies with zoning and has received approval from engineering.

Motion to accept the Site Plan submitted by Taylor Hedges for the construction of a new addition at 212 Magnolia Avenue (Assessors Map 207, Lot 31) was made by Mr. Orlando, seconded by Mr. Hecht and unanimously approved.

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

Add Section 1.5.4.1 “Zoning Administrator, and amend Sections 1.8.1, 1.8.2, 2.2.1, and 2.3.1 accordingly; and amend Section V to add a new section 5.29 – Certain Pre-Existing Multi-Family Use.

Joe Orlando Jr. City Councilor

Councilor Orlando stated this is born from a lot of discussion from city officials. The basic premise is Gloucester’s housing problem. This a proposal to partially solve the problem. Affordable housing in Gloucester is \$1372 and 2 bedroom \$ 1500. This idea is a way to ensure counting all of our affordable housing to see what is available. An example would be an existing apartment that is already rented out. The Landlord will need relief of some kind but cannot afford it and the process is too costly. This is to help streamline the process and in exchange for the relief we get a deed restriction for it to be an affordable housing unit. It will be up to code and be able to count it. Amending the zoning ordinance and adding a zoning administer- vested with powers from the ZBA- will be able to grant relief with those powers. The process goes through the zoning administrator instead of the ZBA, giving zoning and permitting relief in exchange for deed restriction. There are currently 600-900 people on a waiting list for affordable housing. It is a win win situation for everyone. The owner would have to provide evidence to the administrator; the qualifications of the property needed to comply were read to the board. This would be for a limited period of time to add a significant amount of housing to our stock.

Mr. Noonan asked is the enticement of the requirement enough for a owner to want to do this.

Councilor Orlando this will open up an avenue for landlords to make that decision where they don’t have that option at this time.

Mr. Wright stated that on a number of occasions we have been able to give out variances without paying to legal requirements because it has to through city council. Any attempt of increasing housing is a great thing to pursue. The mechanical concern relates to things like public input and transparency. Full public notice should be added to the draft. One individual to be a permitting granting authority may not be the way to go. Someone else should be involved to make a recommendation to the board of appeals

Bill Sandborn- Building Inspector

There are not a lot of zoning administrator and those that do does have the authority to grant and if it is appealed it goes directly to the ZBA. It’s just a process to make it easier. People can come in and deal with one person. They only deal with small issues.

David Gardner

If deed restriction is going to be placed on the property then the mortgagee will have to agree with it. It will be complicated. He asked how it would be enforced and if the special permit could be revoked.

Councilor Orlando stated it is up to the landlord to figure that out with the mortgage company It is not the cities problem If they want to do they will. Enforcements tools are available through the building inspector office and provisions can be built in.

Michael Nimon

Bothers me in principal. Many people in the city are already renting below rent value. There are a lot of units in the city that are already affordable and feel that it doesn't have to be done.

Kris Howard-

Not sure if I can see units being tied to a deed restriction.

Joel Favazza- 28 Middle St

The ZBA can delegate some of its power to the zoning administrator. There is limited power-and a checklist will be vetted. A judgement call will not be made by the administrator. That would go to the ZBA. Zoning opinions are required by banks only if there is a problem is when a bank would stop the process. A sunset clause can be written in to get the work done if needed. There is plenty of incentive for people to do this- give a time frame for the work to be done. In favor of this because there are controls that be put in place to entice the landlords and to get the affordable units counted that the city needs.

Bill Sanborn:

A sunset clause will help to bring units into compliance. Illegal apartments can be fined \$300 a day. That will be the starting process. There are others issues that would be caught also.

Councilor Orlando stated that a sunset clause should be added to give people time to come into compliance.

Mr. Wright asked what are the criteria is to make something legal.

Attorney Favazza stated that all records are checked to make sure it is consistent with departments across the board. This is where inconsistencies show up and an opinion can be written.

Mr. Gardner agreed with Attorney Favazza. The record keeping is not always accurate.

Mr. Noonan asked if this a hunt to find legal apartments or to find affordable apartments.

Mr. Henry stated that this is a great start to the process and would like to see more time spent in a working group environment and would like to see easing of some of the permitting restrictions. 85% of units do not comply at this time. The first thing to address is to create an easier process for people to build a legal apartment from the beginning. One way to do that and keeping it in front of the ZBA is to create a process; check boxes that was predefined and then schedule a meeting. As a body it is looked at and the applicant can move forward. It would help limit the power of the one individual. The Deed restriction can be an issue: rather than require a deed restriction tie it into a CRD so the owner has to provide evidence to the city. The goal is to reach the 10% number. In the last 30 years there have been 2 40 b projects. The threat is the city having affordable housing. 45% of Gloucester citizens are housing stressed. If owners know up front that if they meet certain criteria then it will encourage the same thing. The next step is to come up a way to legalize units that are currently out there.

Councilor Orlando stated that he supports the concept however that is not what the changes are made to do. This is for existing units not new units.

IV. MAJOR PROJECT SPECIAL PERMIT REVIEW

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

Happy Valley Ventures MA, Inc. for a Major Project Special Permit to construct a Medical Marijuana Treatment Center and Cultivation Facility at **38 Great Republic Drive** (Assessors Map 263, Lot 64). *Also being reviewed by Planning Board under Section 5.8, Site Plan Review.*

Joel Favazza- Seaside Legal Solutions

Attorney Favazza stated that 38 Great Republic Drive is the correct address. There have been changes to the project. A special permit has been received from city council. However 2 days later client got bad news about the cultivation facility in Fitchburg and the decision has been made to move it to Gloucester. A redesign is necessary. The newer part of the building is 40,000 s.f. which is the warehouse and production. The cultivation facility will have to up and running before dispensary would open. This would also feed Amherst and Boston. Formal approval from the EDIC is pending.

Changes have been made from the plan:

1. Two way traffic on westerly side will be eliminated
2. The entrance is in the back for patient privacy.
3. Increase in footprint in production which means more employees and 70-100 employees. All employees have to be vetted and safe certified.

John Judd Gateway Consultants

Mr. Judd explained that on the westerly side, Chief Smith asked for an angle for 1 way through the parking lot. Additions include:

1. 4 foot sidewalk will be added to walk and enter the building.
2. 26,000 sf is total footprint of building.
3. Additional hydrant has been added per the request of Chief Smith.

Mr. Cademartori stated that Mr. Judd is working with Larry Durkin on the waste water stream, Fire Chief concerns are being addressed. Inconsistencies are being worked out. The concern is adequate parking and traffic impacts..

Attorney Favazza stated that the site has adequate parking. The facility will be closely watched and everyone is aware of that. Operationally, Happy Valley understands that they can't be problematic.

Mr. Noonan stated that the board has already endorsed the project and now the site is maxed out. As things mature we want to identify as many issues as we can.

Attorney Favazza stated that he will provide more details as they become available at the next meeting.

Motion to continue Happy Valley Ventures MA, Inc. for a Major Project Special Permit to construct a Medical Marijuana Treatment Center and Cultivation Facility at 38 Great Republic Drive (Assessors Map 263, Lot 64) to June 15, 2017 was made by Mr. McCarl, seconded by Mr. Orlando and unanimously approved.

V. OTHER BUSINESS

A. CPA update

Mr. McCarl reported that 10 projects have been submitted and will be reviewed on the 20th.

B. Form M Release of Covenant, Phase III, The Village at Magnolia Shores AKA The Woodlands. Attorney Jack Macaleny requested the release for building permits for the 3,4,6,8. A letter from engineer Bill Ross stating key structures are in place. All of the homes are under agreement.

Motion to release Form M Release of Covenant, Phase III, The Village at Magnolia Shores AKA The Woodlands lots 3, 4, 6, & 8 was made by Mr. Orlando, seconded by Mr. Cook and unanimously approved.

C. East Gloucester Zoning

D. Gloucester Green

Mr. Coogan stated that this is a campaign that the mayor began. A grant from national grid encourage residents to complete the mass save energy assessment. Residents can visit Gloucestergreen.org to sign up.

VI. ADJOURNMENT

VII. NEXT MEETING

Next regular meeting of the Planning Board June 15, 2017

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