

**Planning & Development Committee**  
Wednesday, October 4, 2017 – 5:30 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
-Minutes-

**Present: Chair, Councilor Paul Lundberg; Vice Chair, Councilor Melissa Cox; Councilor Gilman**

**Absent: None.**

**Also Present: Chip Payson**

**The meeting was called to order at 5:30 p.m.**

**1. RZ2017-002: Rust Island Road #4, Map 233, Lot 72, from R-10 (Medium/High Density Residential) to EB (Extensive Business) (Cont'd from 09/20/17)**

**Corey Grammas**, 141 Western Avenue, owner of the parcel at Rust Island Road #4, Map 233, Lot 72, zoned R-10 (Medium/High Density Residential) asked that the parcel be rezoned as EB (Extensive Business) explained Lobsta Land, a restaurant he owns at 84 Causeway Street, was operating with a failed septic system, and in the process of replacing that failed system underground under the restaurant, it turned out to be an overly large and complicated system. In the process of financing the project, it was learned Rust Island Road #4 was available for purchase which he bought it for the sole purpose of solving the restaurant's septic system issue. The property perked and the restaurant is now operating with a viable system that was professionally re-engineered with two lines going to and from Rust Island Road #4. When the leaching field was being designed, there was an opportunity to place vehicles on the property whether for employee parking from the restaurant or overflow patron parking, so the system was engineered to be able to tolerate vehicles being driven over it and parked on it, he recounted. The restaurant season being the inverse of the boating season, **Mr. Grammas** said he observed that it made sense in the off-season to use the property for winter boat storage. In light of the fact that the septic system was engineered to be driven and parked on, Mr. Grammas explored how his Rust Island property might be used for boat storage. He was told by his contractor that the system could support the weight of boats, he said, and his engineer confirmed that to be the case also. A neighbor, and only abutter within eyesight of Rust Island #4, who was a supporter of the leaching field being installed, conveyed he had no issue with boat storage on the property. Other area neighbors were contacted about the plan who voiced to Mr. Grammas they had no objection. He said an attorney he contacted advised him that it could be done as the system was engineered to deal with such situations but that the zoning was R-10, a residential designation, and as such the property wasn't zoned to enable its use for parking cars or boat storage.

**Mr. Grammas** said that the boat storage wasn't a "make or break" situation but a way to help to off-set the financial burden of the installation of the septic system. He observed that Lobsta Land is zoned EB (Extensive Business) at 84 Causeway Street. He pointed out that both the restaurant property and Rust Island Road #4 are inextricably joined by the septic system, and that by rezoning the property it would make it consistent zoning that would allow him legally to store boats on Rust Island #4. He also pointed out that because Rust Island Road #4 is not currently zoned for business, should there was an insurance claim, the insurance company would have cause to not support a claim. He observed that Sudbay's, Modern Heat, Lobsta Land, the residential portion, and then to Grand Banks and Nichols Candy, this is a mix of businesses and residential activity in the immediate area.

**Councilor Lundberg** said that the Committee had a recommendation of the Planning Board who voted 6 in favor, 0 opposed, for the rezoning of Rust Island Road #4.

**Chip Payson**, General Counsel, explained that he looked at this rezoning in conjunction with Max Schenk, Assistant Health Director and Thor Ackerley, Sanitarian of the city's Health Department. He said from a legal standpoint, Mr. Grammas came to the Council to install the leaching field there were easements granted, and wanted to ensure that the easements weren't being interfered with which "is fine" from his perspective. He explained that he, Mr. Schenk, Mr. Ackerley and Mr. Grammas visited the site today with an eye to see if the leaching field was able to sustain the weight of boats. He recounted they saw several boats on the property on trailers, 15 ft. up to a 21 ft., smaller boats shrink wrapped. Mr. Schenk and Mr. Ackerley were satisfied that the infrastructure in the ground can sustain the weight of the boats, he reported. Mr. Grammas agreed, he said, that boats in cradles (braces) would not be appropriate due to their weight and size. He noted that Mr. Grammas had indicated he was working with Brown's Yacht Yard, and Brown's does all the winterizing maintenance on these trailered boats, draining fluids from the engines at their site, shrink wrapping them and then are backed onto the property on trailers. He said the

proposed property use makes sense from the legal standpoint, which as Mr. Grammas observed, the site and Lobsta Land are linked and that, in his opinion, is the stronger argument to rezone Rust Island Road to the EB designation.

**Councilor Cox** observed that the septic system must undergo yearly inspections by the Health Department. She said with boats parked on the property during the winter, if something failed in the septic system during that timeframe, there are checks and balances. She said she wouldn't have necessarily thought of the insurance issue and expressed appreciation for Mr. Grammas's position. She said the rezoning makes sense. **Mr. Grammas** pointed out that this is an unbuildable lot and no building will be erected on it, he assured.

**Mr. Payson** said he observed today that the front of the property has a slight incline but the center and back portion of the property is level with the center of the lot having a manhole which allows for inspection of the septic system. He said the manhole won't be covered by a vehicle or a boat on a trailer, noting that Mr. Grammas had made that suggestion even before the Health Department did.

**Councilor Lundberg** pointed out that the boats on trailers are easily moved. **Mr. Grammas** added that this is an unbuildable lot and no building will be erected.

**Councilor Gilman** reviewed with Mr. Grammas the location of 4 Rust Island Road in relation to Lobsta Land at 84 Causeway Street on the map on file. **Mr. Grammas**, in response to an inquiry by **Councilor Gilman**, said the abutters were noticed about the Planning Board public hearing and that there'd been no negative feedback.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee under Gloucester Zoning Ordinance Section 1.11 and MGL c. 40A, §5, voted 3 in favor, 0 opposed, to recommend that the City Council Grant the proposed rezoning petition of the owner of Rust Island Road #4 to change the zoning designation for Rust Island #4 (Assessors Map 233, Lot 72 with a property depth of 80 +/- feet, a frontage of 500 +/- feet and a lot area of 18,540 +/- square feet, from R-10 (Medium/High Density Residential) to EB (Extensive Business) and the Zoning Map is to be changed accordingly.**

This matter has been advertised for public hearing which will return to the City Council's agenda on October 10, 2017.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 5:43 p.m.**

**Respectfully submitted,**

*Dana C. Jorgensson*  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.**