



**CITY OF GLOUCESTER
PLANNING BOARD
September 7, 2017
6:00 P.M.**

**Kyrouz Auditorium
9 Dale Ave, Gloucester
Richard Noonan, Chair**

Members Present: Rick Noonan (Chair), Joseph Orlando, Jonathan Pratt, Doug Cook, Henry McCarl, Shawn Henry, Shawn Henry
Staff Present: Gregg Cademartori, Planning Director, Matt Coogan, Senior Planner, Paul Keane, City Engineer

Mr. Noonan opened the meeting at 6:02,

Motion to approve the Planning Board minutes of the August 17, 2017 meeting with the suggested revisions was made by Mr. Hecht, seconded by Mr. McCarl, and approved 6 – 0, with one absention.

There was no public comment.

II. CONSENT AGENDA

Planning Board to consider the *Approval Not Required* Plan submitted by Riverdock Cottage, LLC to create two new lots with existing dwelling units at 740 and 740R Washington Street (Assessors Map 116, Lot 30).

Motion that the Approval Not Required Plan submitted by Riverdock Cottage, LLC to create two new lots with existing dwelling units at 740 and 740R Washington Street (Assessors Map 116, Lot 30) was made by Mr. Henry, seconded by Mr. Hecht, and unanimously approved.

Planning Board to consider a *Site Plan Review* submitted by Homeport Development Corporation for an expansion of a commercial use at 10 Witham Street (Assessors Map 161, Lot 114).

Motion to continue the Site Plan Review submitted by Homeport Development Corporation for an expansion of a commercial use at 10 Witham Street (Assessors Map 161, Lot 114) to the October 5, 2017 meeting was made by Mr. McCarl, seconded by Mr. Hecht, and unanimously approved.

Planning Board to consider a *Site Plan Review* submitted by William Mondello for an existing parking lot at 33 Commercial Street (Assessors Map 1, Lot 22)

Adam Costa of Mead, Talerman & Costa, LLC, Newburyport MA
Mr. Costa represents Bill Mondello. He provided the history of the proposed parking plan, including the City Council Special Council permit application. The applicant had submitted a Special Permit application for both 33 and 44 Commercial St for the operation of a parking lot at each property. The City Council has already granted the special permit for 44 Commercial Street. At 33 Commercial Street is an existing commercial building with adjacent parking used during daytime hours for current

building uses. During evening hours the lot is vacant and could be used for outdoor open air parking lot.

Mac Bell, 33 Commercial Street, Gloucester Ma

Mr. Bell has been outright owner since 1986 of building. He recognized a need to improve property management at 33 Commercial Street last summer with dealing with tenants and their parking needs. There's also a consistent desire for visitors to use the parking lot to access Pavilion Beach. Mr. Bell referred to an easement for parking with the Beauport Hotel that can be exercised upon a transfer of property from the applicant. There are issues of how the easement takes place. Bill Mondello is a property manager employed by Mac's management company and saw an opportunity for paid public parking at 44 and 33 Commercial Street. He reiterated that Mr. Mondello has already gone through the permitting process for the parking lot across the street at 44 Commercial Street.

Mr. Costa reviewed the narrative submission. The parking lot currently exists and there's no proposal to make substantial modifications. He referenced off street parking regulations in the zoning ordinance. He stated that the Planning Board has right to waive some of the requirements, and this would be appropriate for the Planning Board to grant in this situation. It's applicant's desire for the surface of the lot to remain pervious.

John Cunningham, 59 Main Street

Mr. Cunningham is an attorney representing Beauport Gloucester, LLC, and abutter to 33 Commercial Street. In his reading of ordinance, the application requires site plan approval because change of use in an MI district with Special Permit.

Mr. Costa responded that in Section 5.8.2 of the Site Plan Review the applicability refers to new industrial or commercial additions, change in use, or a project requiring a special permit or variance. The Planning Board has the ability to waive guidelines. Section 5.8.7 refers to new building construction or site alteration. There are no such changes in the application.

Mr. Pratt stated that there's a need for parking. There's an opportunity to re-utilize existing spaces. It appeared that the application is not creating an issue for commerce.

Mr. Costa further discussed the history of the dispute and pending litigation relative to the use of the parking area. Regardless of dispute between neighbors, the issue for the City is parking. And it's consistent with existing uses.

Mr. Cunningham stated that it's a complex matter with litigation. The special permit would intensify the use and violate his client's rights of the easement. He is advocating that the Planning Board adhere to the proper process through site plan review.

Mr. Henry questioned how the proposal would be an intensified use, since the Lot was being used at night before gate was installed.

Mr. Cunningham explained that there are a number of spaces on a plan, but not physically striped onsite. The purpose of the application is to increase parking on lot. Under zoning ordinance, accessory use is fine, but a public pay lot is a new category and new use.

Mr. Hecht asked if, in the case Mr. Cunningham's client prevails in litigation, will the client utilize the parking lot?

Mr. Cunningham stated that it is a parking lot and ultimately is used as a parking lot, and the Hotel would go through the proper permitting.

Mr. McCarl stated that he was in support of the application.

Mr. Orlando stated his desire to eliminate the politics and cost to permitting, and asked Mr. Bell about the politics of this application.

Mr. Bell stated that the City Council was influenced by the Mayor or City Solicitor to delay and slow down permitting process for 33 Commercial Street. He stated that Beauport Gloucester LLC wants to stall the applicant's right to use the parking lot as they see fit.

Mr. McCarl stated that the Planning Board consists of political appointees, but it is isolated enough to make objective decisions.

Mr. Noonan requested that Angelina Procaccini provide testimony as an operator of a permitted parking lot.

Angelina Procaccini, 2 Long Beach Road

Ms. Procaccini is the owner and operator of a pay lot. She is a supporter of parking. She operates her lot under jurisdiction of parking ordinance and is willingly compliant of the set of conditions associated with her special permit. Her lot has capacity for 21 cars, and she has nearly completed the construction of ramped handicap restrooms that are required for beach parking patrons. She requested that the ordinance be uniformly applied for those who wish to obtain a permit for pay parking.

Mr. Costa stated that the applicant is not asking for shortcuts to operate a parking lot. The applicant has submitted an application for a City Council Special Permit. And the applicant did not need Site Plan Review for 44 Commercial Street, which received a special permit. There are conditions on the Special Permit for 44, and they anticipate the same for 33. He asks that the Board acknowledge that this is an existing facility.

Motion that given the nature of the site and the proposed use requires no additional development, Site Plan Review is not needed for the proposed use of existing parking at 33 Commercial Street was made by Mr. Henry seconded by Mr. Henry. The motion was withdrawn by Mr. Henry.

Motion to approve the Site Plan Review submitted by William Mondello for an existing parking lot at 33 Commercial Street (Assessors Map 1, Lot 22) was made by Mr. Pratt, seconded by Mr. Hecht, and unanimously approved.

III. NEW 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 proposed zoning amendments:

To Amend the Gloucester Zoning Ordinance by adding a new definition to Section VI for "Recreational Marijuana Establishments" and to add a new Section 5.31 Temporary Moratorium on Recreational Marijuana Establishments.

Mr. Noonan opened the public hearing.

Mr. Cademartori explained that the moratorium would allow the City additional time to decide how to regulate this use locally while the state formulates its regulations. The moratorium has a timeframe and sunset clause.

Pam Sweet, 45 Wheeler Street.

Ms. Sweet stated it would be good to go forward with moratorium. He is concerned with what the state has put forth so far. There's lots of confusion. Cities and Town have the right to home rule. She leaves it up to experts to help with information.

Motion to recommend to City Council to amend the Gloucester Zoning Ordinance by adding a new definition to Section VI for "Recreational Marijuana Establishments" and to add a new Section 5.31 Temporary Moratorium on Recreational Marijuana Establishments was made by Mr. Orlando, seconded by Mr. McCarl and unanimously approved.

IV. 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 to consider the following petition to rezone one parcel of land:

Amend the Gloucester Zoning Map and corresponding zoning districts in the Zoning Ordinance by rezoning approximately 0.43 acres in the Medium/High Density Residential (R-10) District to the Extensive Business (EB) District at 4 Rust Island Road (Assessors Map 233, Lot 72). *Continued from 8/17/2017 meeting.*

Motion to continue the petition to amend the Gloucester Zoning Map and corresponding zoning districts in the Zoning Ordinance by rezoning approximately 0.43 acres in the Medium/High Density Residential (R-10) District to the Extensive Business (EB) District at 4 Rust Island Road (Assessors Map 233, Lot 72) to the next scheduled Planning Board meeting was made by Mr. McCarl, seconded by Mr. Hecht, and unanimously approved.

V. CONTINUED 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. Continued from August 17th meeting.*

Joel Favazza, Seaside Legal Solutions, 111 Main Street.

Mr. Favazza represents Happy Valley Massachusetts, Inc. He presented a slide presentation to the Board (attached). John Judd, Gateway Consultants, also presented on the civil engineering of the application.

Upon Mr. Hecht's request, Mr. Judd reviewed the lighting plan. Mr. Judd and Mr. Favazza also reviewed the fire access.

At Mr. Noonan request, Mr. Favazza reviewed the EDIC covenant. Mr. Favazza also reviewed the proposed artwork on the exterior walls.

Mr. Cademartori and Mr. Keane both stated that, due to the recent date of submission, City staff had not yet fully reviewed the updated plans and could not provide a recommendation to the Board.

Mr. Favazza reviewed the applicants critical path for permitting. He stated the need for the applicant to get through permitting in order to break ground before winter.

Motion to continue Happy Valley Ventures MA, Inc. for a Major Project Special Permit and Site Plan Review to construct a Medical Marijuana Treatment Center and Cultivation Facility at 38 Great Republic Drive (Assessors Map 263, Lot 64) to an off-cycle Planning Board meeting on September 14, 2017 was made by Mr. Pratt, seconded by Orlando, and unanimously approved.

VI. OTHER BUSINESS

- DEP Chapter 91 license for a Dock and Float at 95 Wheeler Street.

Motion that the project as proposed for 95 Wheeler Street would serve a proper public purpose and would not be detrimental to the public's rights in the tideland of the Annisquam River was made by seconded by Mr. Pratt, and unanimously approved.

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

VII. NEXT MEETING

Next meeting of the Planning Board, September 14, 2017

Next regular meeting of the Planning Board September 21, 2017

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