

**CITY OF GLOUCESTER
PLANNING BOARD**

February 1, 2018

6:00 P.M.

Kyrouz Auditorium 9 Dale Ave, Gloucester

Richard Noonan, Chair

MINUTES

Members Present: Rick Noonan- Chair, Doug Cook, Shawn Henry, Jane Remsen Absent: Mary Black- Vice Chair, Henry McCarl, Jonathan Pratt

Staff: Gregg Cademartori- Planning Director, Jacquelyn Rose- Recording Secretary

Chair Rick Noonan opened the meeting at 6:04pm

I. BUSINESS

A. Approval of Outstanding Minutes of December 7, 2017 and December 21, 2017 were continued to the next meeting.

B. Public Comment: None.

II. CONSENT AGENDA

Planning Board to consider the *Approval Not Required Plan* submitted by John & Vickie Bourneuf, to eliminate a lot line at 19 Nashua Avenue (Assessors Map 186, lots 14, 15) (Re-sign of ANR 2730, failure to record).

Mr. Cademartori provides the Board with a map of this lot. Mr. Cademartori explains that this was endorsed a year ago and that this home was destroyed by a fire. The owners have since rebuilt the structure and are now looking to eliminate a lot line. Ms. Remsen asks Mr. Cademartori about the frontage of the lot. Mr. Cademartori answers that it is nonconforming, but elimination of the lot line will make it conforming.

Motion to approve the *Approval Not Required Plan* submitted by John & Vickie Bourneuf, to eliminate a lot line at 19 Nashua Avenue (Assessors Map 186, lots 14, 15) (Re-sign of ANR 2730, failure to record), was made by Mr. Cook, seconded by Mr. Henry and unanimously approved.

III. PRELIMINARY CLUSTER DEVELOPMENT APPLICATION

In accordance with MGL Chapter 41 Section 81-S, the Planning Board's Rules and Regulations Governing the Subdivision of Land in Gloucester, and Section 5.9 of the Gloucester Zoning Ordinance, the Planning Board shall review a Preliminary Cluster Development submission for

land located at **186 Concord Street** (Assessors Map 248 Lots 14) submitted by Carrigan Development LLC.

Deborah Ellison, representative for Carragin Development, LLC, explains to the Board that the proposed Cluster Development will have access off of Bray Street, and that she would like to show the Board how they have come from a Conventional Development to a Cluster Development, and how a Cluster Development is better fitted for this lot. Ms. Ellison continues that the Cluster Development will conserve open space and wetland areas. Ms. Ellison explains that there are three plans being discussed: a Conventional Subdivision Plan, Preliminary Cluster Plan, and a Revised Preliminary Cluster Plan, which was revised after meeting with City Staff. Ms. Ellison asks for the Boards input on the Revised Preliminary Cluster Plan before official submission. Ms. Ellison explains that the Conventional Plan is composed of seven lots and 13 units, which are a mix of Conventional and Pork Chop Lots, and many are far from the roadway. Having the units farther away from the roadway would result in a disturbance of the natural landscape, and would create a more isolated and independent housing lots. Ms. Ellison continues that there are existing trails abutting the end of the lots. Ms. Ellison explains that with a Conventional Development the public trails would most likely be removed, whereas with a Cluster Development, they would remain.

The Conventional Plan would also require strict compliance with the Subdivision Rules and Regulations, which are not conducive to create a development that is consistent with this rural area. This area is a rural setting, and the Subdivision Rules and Regulations would require things such as sidewalks, conventional street signs and lights, etc, which do not fit in this area. Mrs. Ellison continues that it would also not allow the preservation of open space and the environmentally sensitive areas, or keep rural character. The resource areas would be privately owned, so they would not have any protection under the conservation restriction. Mrs. Ellison then shows the Board the Cluster Development Plan that was submitted. The Zoning Ordinance 5.9 allows a Cluster Development for the purpose of encouraging the efficient and creative use of land, to preserve open space where appropriate, and to provide recreational opportunities where appropriate. Ms. Ellison explains that this Cluster Plan does include all of these allowances.

This unit has 21 acres of land, which is approximately five times the size required for this Cluster Development. Ms. Ellison continues that by the GZO formula, 21 units would be allowed, and they are only building 12. The houses are a mix of unites will range from 2,000 - 2,500 square feet in size. Under the Cluster, 30% of land must be dedicated to open space and the remaining 70% can be developed. Ms. Ellison explains that Mr. Carrigan is flipping that formula, and will be preserving approximately 70% of the land as common open space while only developing 30%. The ownership will be condominium, each unit will be served by a private well, and a residential sprinkler system. Ms. Ellison clarifies that they are at a preliminary stage, and they would like feedback from the Board to come back with a definitive plan. Ms. Ellison continues

that originally there was a turnabout at about 500 feet with the road continuing to the back of the division. There would be nine units in front and three in the back, with two shared leaching fields. There are two pump tanks and four septic tanks that are located at the entrance of the subdivision. The shared septic tanks will be maintained by the condominium association.

Ms. Ellison explains the changes made to the original plan after meeting with the Staff. The property is now accessed by a 25 foot driveway, the houses have been moved 140 feet farther away from Bray Street. The turnaround will now loop. The houses will be more evenly distributed by having six in the beginning and six at the end of the cluster. There will now be one shared leaching field, and there is reservation for a second which is located outside of the buffer zone. The leaching field will be maintained by the condominium association. Each unit will have its own regular pump and tank which will be maintained by the individual owner. There will also be a 6,000 gallon pump tank which will service the first six units. The remaining units will be serviced by gravity.

Ms. Ellison continues that this plan shows common open space and only a small portion of the lot will actually be developed. Ms. Ellison explains that Mr. Carrigan has done similar developments before, including selling two buildable lots to the Essex County Greenbelt to add parking to the Thompson Reservation. The existing trails abutting this lot will remain and new trails will be developed which will be open to the residents of the cluster, as well as the public. Ms. Ellison continues that the houses will be located close to the driveway which will eliminate some disturbances that would have occurred in the Conventional Plan. There is also a 50 foot setback from the surrounding properties. The 25 foot driveway is efficient and adequate for safety vehicles including fire trucks. Each home will have a two-car garage, two outside parking spaces, and each section will have 16 guest parking spaces. Ms. Ellison invites Mr. Robinson to the stand.

Gordon Robinson, representative for Hayes Engineering, explains that Ms. Ellison misspoke and that each individual house will have their own pump inside the septic tank, and that there will not be a 6,000 gallon pump chamber at the beginning of the property. Each house having their own pump will contain everything and allow access to all 34 bedrooms in the unit.

Mr. Noonan asks Mr. Robinson if he can speak on the variance from the ZBA for the proximity the buffer zone. Mr. Robinson answered that other than the detention area located at the southwest portion of the property, everything is outside of the 100 foot buffer zone. Mr. Robinson explained that they wanted to stay as outside of the buffer zone as possible.

Tony Cappacinni explains that they are going to work with the Conservation Commission on what is inside the buffer zone. If there is a concern, Mr. Cappacinni explains that they can pull the road back and reposition the houses.

Ms. Remsen asks Mr. Cademartori if he has vetted the Conventional Subdivision Plan and confirmed how many units are allowed. Mr. Cademartori answers that this location has rough terrain associated with it, so the proposed Cluster Development entrance is coincident with the Conventional Plan. Mr. Cademartori continues that typically they would need to vet the design and go through the feasibility of the subdivision, but in this case, they have provided a conventional dimension plan which would not require potential for the need for special permitting for pork chop lots. Otherwise the lot area for the district and frontage requirements are satisfied.

Ms. Remsen asks Mr. Robinson if he has gone through the process of determining whether wells can be had at each of the lots. Mr. Robinson answers that they have not yet tested on each individual lots, but they do have an area which could be used as a common septic system for the individual house lots. Ms. Remsen asks Mr. Robinson if they can clarify the trails on the plan to see where they connect to. Mr. Robinson clarifies that they would connect existing trails to new trails which would connect to the Thompson Reservation parking lot. Ms. Remsen asks Mr. Robinson if each home will be two family units. Mr. Robinson answers that they are actually single family homes, but they could be used as two family units.

Mr. Noonan asks Mr. Robinson if the six units closest to the road are going to be pressurized so gravity will lead to the leaching field. Mr. Robinson answers that that is correct. Mr. Noonan asks if there are any septic added to the high point or if it is just pressurized. Mr. Robinson answers that it is going into a manhole and then gravity the rest of the way down. Mr. Noonan asks if the individual houses closest to the road will have a 1,200 gallon septic tank. Mr. Robinson answers that each tank will have a composed 2,000 gallon septic tank with two compartments. One compartment holds 1,500 gallons and the other is a 500 gallon pump tank. There will be no pumping of raw sewage, it will be a clarified system.

Ms. Remsen comments that the purpose of cluster is to promote open space and a lot of the lot is rocky and not useful to people as open space, so going forward asks to see how they will promote open space. Ms. Ellison answers that open space is not defined as recreational, and they are using the cluster to preserve the landscape. Mr. Noonan invites anyone to come forward and speak.

Kerry Franklin, resident of 250 Concord Street, addresses her concern that the area is detrimental with wildlife. Ms. Franklin explains that in recent years she has seen new developments in the area. Ms. Franklin continues that the untouched land and quietness is being taken away with every new house and will permanently change the environment. Ms. Franklin explains that there is a beaver pond cuts through Mr. Carrigans property and she is concerned that putting more

houses in the area will hurt the beaver pond and existing ecosystem. The streams and ponds collect the runoff from the surrounding area which goes into the marsh and oceans.

Mr. Cademartori clarifies that this plan has not been reviewed by department staff and it starts to address concerns that were raised in a preliminary way. One item that has not been addressed yet is the fire access, not only for navigating through the site but the project in its entirety to be served by wells and there is no fire suppression or hydrant.

Mr. Cappacinni explains that the preliminary testing shows the wells move 100 gallons per minute. There is a tank system in the basements of the individual homes with a pressure pump which will provide time for residents in case of a fire.

Mr. Henry proposes a site visit to the property. Ms. Ellison asks if it could be before the next regular meeting. Mr. Noonan proposes a site visit at 4:00 pm on Thursday February 8, 2018. Neighbors of the property are invited to join.

Ms. Ellison asks if the third plan that was not yet formally provided is the plan that they should proceed with. Mr. Cademartori summarizes that some issues raised by staff were that the functionality of the turnaround, and to what standard would this access the units and emergency vehicles. The Engineering Department raised concerns that a number of moving parts were commonly collected systems that are not universal across any kind of development. The original proposal has a series of holding tanks that serve the units were being split in half with two separate leaching fields. Some suggestions are to simplify and minimize the structure needed. The Health Department commented that they need to fully vet and reserve an area that has to be available to be used and limit the the construction to one field.

Ms. Ellison asks if there should be another meeting with the Staff. Mr. Cademartori answers that they could meet at the beginning of the next week if necessary.

Motion to continue to the next regular meeting on February 15, 2018 is made by Mr. Cook, seconded by Ms. Remson and unanimously approved.

IV. PUBLIC HEARING

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 follow petition to amend the Zoning Ordinances:

Provide for amendments to 2.3.1, 3.2.1, 3.2.2, and 3.2.3, and any other necessary section of the GZO, as well as any necessary footnotes in the sections of the GZO, to enable the building of

and/or use of multi-unit, mixed use properties in the CB district by right, in the event the property owner provides at least one affordable residential unit on site.

Motion to open a Public Hearing was made by Mr. Noonan.

Joel Favazza, resident of 28 Middle Street, explains that prior to Counsellor Orlando's term on the Council, he reached out and asked if there are any issues with the Zoning Ordinances that would be eligible with a quick fix. Mr. Favazza explains that the use table for the CB district seems to encourage the use of properties on Main Street for residential units in addition to retail on the first floor. Mr. Favazza continues that the issue is that the Zoning Ordinance, as currently written, explains that once you put one residential unit into one of these buildings, it goes from the standard CB setbacks, which are essentially zero, must include R-5 setbacks. If you have one of these buildings and wanted to exercise the right in the use table to add two or three residential units, you have to go to the Zoning Board. The footnotes that Mr. Favazza sent to Counsellor Orlando say that as long as the first floor remains nonresidential, if you put residents above that you do not have to comply with the residential R-5 setback requirements, but with the CB setback requirements.

Mr. Favazza continues that the use table is limited to conversion of these properties without exterior changes. These footnotes would not allow people to add additional stories to make different looking buildings. The footnotes explain that if an owner wants to put in residential units in to help with the costs of upkeep, they would be able to go to the Building Department and get a Building Permit to do so. Mr. Favazza continues that an owner must dedicate at least one of the residential units to Affordable Housing stock in Gloucester. In connection to the advantage of the 80% AMI, it would be economical for these owners on Maine Street to put in a nice unit, restrict it affordable, and still be able to charge rent.

Mr. Cook asks Mr. Favazza if he owns a building on Main Street and wanted to put one single residential unit in, would he have to put two in to just get a Building Permit from the Building Department. Mr. Favazza answers that if one is on top of the retail unit it would be a mix-use building which would be acceptable.

Mr. Cademartori asks Mr. Favazza if whether or not right now you can put one, two, or three residential units above a commercial unit. Mr. Favazza says you can't do one by itself. Mr. Cademartori explains that as long as there is a commercial space on the first floor in the CB district, conversion to multi-family or apartment of either one, two, or three units above are permitted. So if you have a commercial unit building you use commercial use policies so that if there are two or three residential units only one would have to be dedicated affordable.

Mr. Cook asks if only one residential unit can be placed. Mr. Cademartori answers that you can put only one but this Draft says it would have to be above a retail. Mr. Favazza answers that Board can vote to eliminate that and change it so if someone wanted to put residential units they could, but it is a way to entice people to add to the stock. Ms. Remsen adds that it would be good to try it and see if people get used to it this way and if not it can be changed.

Mr. Cademartori explains that there are issues around density in the downtown area based upon our dimension table, so it doesn't make sense that you want add a unit to an existing building, which then the setbacks are increasing in relation to the height of the building. One issue that needs to be addressed is without converting exterior alteration. Mr. Cademartori continues that there is a footnote that relates to the conversion that requires that the units comply with technical requirements. If the goal is to streamline to go to the Building Department and get a Permit, then there may still be variances that they still need to go to the Zoning Board for, like parking. The bigger issue is the dimensional table of downtown.

Mr. Favazza explains that there is a form that the City of Gloucester has whereby properties owners can record a restriction saying they are going to make an affordable unit for the benefit of the City. Mr. Favazza continues that this form should be what is used when restricting a unit affordable. Mr. Favazza asks if that is restricted to 20 years.

Mr. Cademartori explains that if the goal is to create units that would comply with what needs to be restricted to count on the City's subsidized inventory, it would have to be restricted to 30 years.

Ms. Remsen asks what would be put on the deed restriction. Mr. Cademartori explains that it makes reference to the rental rates that are updated annually that identify rent and utility for people who are in the 80% or lower income.

Mr. Noonan adds that there are disincentives to making a unit affordable, especially if the building is going to be sold. Mr. Favazza explains that because you do not deed restrict the unit, then you are stuck with the R-5 dimensions. From there you would go to the Zoning Board and if you have one abutter who is fighting you, you're going to get a variance form the Zoning Board that will not survive an appeal, and this would allow protection.

Mr. Henry adds that if this is being worked on they will most likely remove the affordable requirement. Mr. Henry continues that it still goes a long way in encouraging more residential lots downtown.

Ms. Remsen asks what the process to get this amendment approved is. Mr. Cademartori answers that it starts with the Planning Board holding a Public Hearing and makes a recommendation.

Mr. Cademartori continues that the bigger issue is that most of the intent is not relevant to the proposed ordinance and the some discussion of what the intentions may have been some languages refers to a process that is associated with an amendment that was made last year for apartments coming into complies so process would be administrator, then to the Zoning Board, but what Mr. Favazza is promoting may alleviate some permitting.

Mr. Henry suggests that rather than making a recommendation, it should be workshopped so there is a more fleshed out proposal to show what was initially presented and then show what we have come up with as our recommendation. Mr. Cademartori adds that the Board should continue to keep this in sight and come back with a different proposal, and that by keeping this on the Agenda we cannot lose sight of it.

Mr. Noonan asks if any person would like to come and speak on this, which no one does.

Motion to continue to the next regular meeting on February 15, 2018 was made by Mr. Cook, seconded by Mr. Henry and unanimously approved.

Motion to form a subcommittee consisting of Mr. Noonan, Mr. Cook, and Mr. Henry was made by Ms. Remsen, seconded by Mr. Cook, and unanimously approved.

Motion to close the Public Hearing was made by Mr. Cook, seconded by Mr. Henry and unanimously approved.

V. 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 application submitted by Fuller Mixed Use Ventures, LLC at:

School House Road #2, #3, and #4, Map 262, Lots 14 & 37, and Gloucester Crossing Road #7, Map 37, Lots 4 & 5, for a Special Permit under the Fuller Mixed Use Overlay District pursuant to GZO Sec. 5.29 (including Major Project GZO Section 5.7) and Secs. 5.29.10 and 5.11. Also reviewed by the Planning Board under GZO Section 5.8 Site Plan Review. *Continued from 12/21/17 meeting.*

Mr. Cademartori explains that he received correspondence from Deborah Ellison, a representative for Fuller Mixed Use Ventures, LLC, requesting to continue to February 15, 2018, a 30 day extension of the Planning Board review period.

Motion to continue to the next regular meeting on February 15, 2018 was made by Mr. Cook, seconded by Ms. Remsen, and unanimously approved.

VI. OTHER BUSINESS

- Request for Release of Covenant - Village at Magnolia Shores Magnolia Reach Capital, LLC

Jack Mackaly, attorney for Magnolia Reach Capital, LLC, is requesting a Release of Covenant for an additional six units at the project of lots 5, 6, and 8. These lots are in the 'phase three' area. Mr. Mackaly explains that he has provided to the Board communication to Bill Ross, the City's Consulting Engineer, estimating the value of the site work to be done which totals \$150,000. Approximately half of that is covering the paving of Kennedy Road, a common driveway. Mr. Mackaly continues that with the release of these three lots there would remain one lot and two units which are under agreement that they remain a subject to the covenant as collateral to those remaining obligations. With the release of these lots, they will have completed sales of 37 of the total 45 units. Everything is now under agreement. Mr. Mackaly explains that their expectation is to be done by the end of this calendar year. Mr. Mackaly has provided a form of release for the Board's consideration.

Mr. Cademartori explains that he has been in contact with Mr. Ross and the remaining lot is at the entrance of the common driveway so it is important to have new construction completed and the way this lot has been constructed makes it the last lot in the 'phase three'. Mr. Cademartori continues that the Staff is fairly comfortable with where things are, but the access road and common driveway is not fully constructed at this point. That needs to be addressed and the next step is to close out the project.

Mr. Mackaly explains that they have transferred management and responsibility for the common area to the homeowners association in September which has gone smoothly, but they want to make sure that everything is in place. They have a number of specific requirements about reserve funds to cover infrastructure. Mr. Mackaly asks for a signature, and Mr. Noonan signs.

Motion to approve Request for Release of Covenant - Village at Magnolia Shores Magnolia Reach Capital, LLC made by Mr. Henry, seconded by Mr. Cook and unanimously approved.

- 36 Bennett Street Pork Chop Lot Special Permit - Planning Board Decision to Adopt

Mr. Cademartori explains that there is a decision to adopt with no special conditions.

- Review of Council Order: Informal Review and Recommendation Re: Coastal Development

Mr. Henry and Mr. Noonan participated in the Coastal Resilience group that was part of a vulnerability study. The City has been awarded a grant from the executive office of Energy and Environmental Affairs to conduct a stakeholder meeting in the Spring centered around other areas that are not as forward in our vulnerability assessment and building community resilience.

There will be an initial meeting on Friday February 9, 2018, and a larger meeting will be in the Spring. The state had trained 250 different entities and individuals to help facilitate. The City has agreed to work with NPC. Mr. Henry and Mr. Noonan will be the group from the Board to participate. Councillor Gilman is present. There was a motion from the last Counselor Meeting related to Coastal Development to discuss more direction from Council members. This came in the wake of applications the Council had seen related to flood plain construction and height. Mr. Cademartori is going to start providing information on properties that have been impacted by the remap.

- Municipal Vulnerability Preparedness Program Update

VII. ADJOURNMENT

Motion to adjourn was made by Ms. Remsen, seconded by Mr. Cook, and unanimously approved.

VIII. NEXT MEETING

Next regular meeting of the Planning Board February 15, 2018

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