

**CITY OF GLOUCESTER  
PLANNING BOARD**

**December 7, 2017**

**6:00 P.M.**

**Kyrouz Auditorium 9 Dale Ave, Gloucester**

**Richard Noonan, Chair**

**MINUTES**

Members Present: Henry McCarl, Doug Cook, Jonathan Pratt, Shawn Henry, Jane Remsen-

Absent: Rick Noonan- Chair

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

As acting Chair, Mr. McCarl opened the meeting at 6:05 PM.

**I. BUSINESS**

A. Introduction of Planning Board Members and Staff: Mr. McCarl acknowledged the resignation of Board members Ken Hecht and Joe Orlando, and also welcomed new Board member Jane Remsen

B. Approval of Outstanding Minutes of October 5, 2017, October 19, 2017, and November 16, 2017

**Approval of Outstanding Minutes of October 5, 2017 was continued to the next meeting.**

**Motion to approve the October 19, 2017 Minutes was made by Mr. Cook, seconded by Mr. Pratt and unanimously approved.**

**Motion to approve the November 16, 2017 Minutes was made by Mr. Cook, seconded by Mr. Pratt and unanimously approved.**

C. Public Comment- None

**II. CONSENT AGENDA**

Planning Board to consider the *Approval Not Required* Plan submitted by Sarah Campbell, Kittredge Annisquam LLC, to move an existing lot line at 71 Norwood Heights, and 92 Leonard St. Map 182, lots 2, 42.

Mr. Cademartori explained to the board that the lot that is being reconfigured has a number of issues including a conservation restriction. Applicants have revised the

concept of the lot once more. This lot has adequate frontage and there are no issues with the lot area.

Mr. McCarl asks the audience if there is anyone present to represent the project, which no one is.

Mrs. Remsen asks Mr. Cademartori if they would be creating additional lots. Mr. Cademartori answers that they are not, and that there is fairly limited development based on prior conservation restriction and the applicants are just reconfiguring for a lot. Mrs. Remsen asks Mr. Cademartori if proposed lot A's frontage is on South Circle or Leonard St. Mr. Cademartori explains that it meets technical requirement on Leonard St., but has existing access to the building on South Street. Mrs. Remsen asks if the 80 feet are on South Circle, and Mr. Cademartori clarifies that it meets the requirement for Leonard St. Mrs. Remsen asks if this is going to turn into a non conforming lot, and Mr. Cademartori answers that it most likely already has some non conforming, and explains that he has 21 days from today to get clarification on Mrs. Remsens question.

Mr. McCarl asks Mrs. Remsen if she would like Mr. Cademartori to get clarification, she answers no.

**Motion to approve the Approval Not Required Plan submitted by Sarah Campbell, Kittredge Annisquam LLC, to move an existing lot line at 71 Norwood Heights, and 92 Leonard St. Map 182, lots 2, 42 was made by Mr. Henry, seconded by Mr. Pratt and unanimously approved.**

Planning Board to consider the *Approval Not Required* Plan submitted by Jeremiah Nicastro & Lisa Leahy, to create an additional lot to be known as 36 Bennett St. (Assessor's Map 115, lot 56). To be considered with Pork Chop Lot Special Permit.

### **III. PUBLIC HEARINGS**

In accordance with MGL Chapter 40A, Section 9 and 11, and City of Gloucester Zoning Ordinance, Sections 1.55, 1.8.3 and 5.20, the **Planning Board** to consider a Pork Chop Lot Special Permit application from Jeremiah Nicastro and Lisa Leahy at 36 Bennett Street (10R Tufts Lane) (Assessor's Map 115, Lot 56).

**Motion to enter into a public hearing was made by Mr. Pratt, seconded by Mr. Henry and unanimously approved.**

Jeremiah Nicastro, owner of lot, explains to the board that he has an idle lot that he wants to make it into a pork chop lot, and each lot will be approximately 2.5 acres each. Mr. Nicastro continues that the pork chop lot will not impact the neighborhood and the lot

already has sewer and water. The lot is big enough for a single family home. Mr. Nicasro has received clearance from the zoning board of appeals and fits all criteria.

Mr. McCarl invites anyone to speak on this project.

Janet Dickinson, resident of 32 Bennett St. North, asks about her sewer and utilities that run underneath this lot. Ms. Dickinson is concerned that if a house was built on the proposed lot it would be on top of her sewer and utility lines. Mr. Nicasro clarifies that he is not building a house on the lot and that he cannot put a foundation on top of the sewer and utility lines. Mr. Nicasro clarifies that the water and sewer runs behind another lot. Mr. Nicasro has documentation of where the utility lines run through.

Mr. Cademartori asks why any easements are not shown, and explains that typically you must show all easements that would potentially affect a lot. Mr. Nicasro explains that he does not know why the easement is not shown, but there is a water and utility easement running through the lot. Mr. McCarl asks Mr. Nicasro to record the easement.

Richard Crandall, resident of 30 Bennett St. North, shows that he has a documentation of the easement. Mr. Crandall explains the history of this lot. Mr. Crandall says that this lot was an underdeveloped road. The previous owner, Paul Kenyon, wanted access to his property and developed a roadway on the proposed lot. The roadway was abandoned by Mr. Kenyon because it was too steep. Mr. Crandall continues that when Stan Poole was developing the area cut into the utilities along the roadway.

Mrs. Remsen asks for clarification on which roadway, and Mr. Crandall answers Bennett St. Mrs. Remsen asks if it is an easement and Mr. Crandall says yes and explains that the utilities were placed in the easement when the roadway was created. Mr. Crandall continues that the lot was then filled in to be level and not to be a building site. The easement shown on Mr. Crandall's map is 15-20 feet down in the roadway, so if there were to be a house in the area, the easement would be below. Mr. Crandall continues that the area was not filled in properly, and was not done by Massachusetts ordinances.

Mr. Cook asks Mr. Nicasro if he is going to tap into that utility line, and Mr. Nicasro says yes. Mr. Cook continues that it needs to be identified properly. Mrs. Remsen says that wherever a house is placed is an issue for a building inspector. Mr. Crandall explains that Mr. Nicasro's map does not show any contours. Mr. Nicasro explains that he has a topographic map, and that the lot has been filled back in after Mr. Kenyon realized the roadway would run through wetlands.

Mr. Cademartori clarifies that some of the concerns being brought up need to be identified by building inspectors and not the Board. Mr. Cademartori continues that the issue with the easement will be taken care of by the Board. Mr. Cademartori explains that what the Board is being asked to do is to address the property division and access of the pork chop lot.

Mr. Crandall asked if there will be another public hearing on this issue, and Mr. Cademartori answered no unless the proposed development is within 100 feet of wetland site that would require conservation. Mr. Crandall explains that he was there when the roadway was being built and when the lot was filled in and that he saw what they put in it. Mr. Cademartori asks when those events occurred. Mr. Crandall explains that he has lived there since 1986. Mr. Cademartori asks for clarification on if Mr. Crandall's concern is that there is unsuitable material for a building site. Mr. Crandall says that yes, and if there is going to be a new potential lot, the lot would be for some sort of development, and he is concerned about the utility access and that it is unconventional because Bennett St is solid granite. The lot is a deep trench that was leveled off for a roadway, then the utility was put in, and then more dirt was put in so utilities cannot be accessed from the street and it is set in very deep so it would be difficult to access if you put a house on this lot. Mr. McCarl says that would be an issue for a building inspector or wetland conservation.

Mr. Cademartori explains that what Mr. Crandall is asking is beyond the Board, but they do need information on the utility easement. Mr. Cademartori asks if the easement is private or if the City has an easement. Mr. Nicastro says he has requested copies of the private easement but the city does not have a record of it. Mr. Crandall says the city does have a record of it because he has a copy. Mrs. Remsen clarifies that this Board can only review somebody's right to create a lot, and whether or not it is buildable is another area.

Mr. Nicastro explains that he has an easement from 13 years ago that shows that he could put a house there, but not on top of an easement. Mr. Cademartori clarifies that the primary purpose of identification of the easement on the plan is so that if someone buys this lot, they understand where the easement and fill is.

Mr. Pratt clarifies that there are two easements: sewer and utilities, including electricity. Mr. Nicastro clarifies there is no electricity easement because it comes from the telephone pole, and there is no wetlands affecting where a house could go. Mr. Cademartori explains to Mr. Nicastro that they need the easements on the plan, and that he can retrieve them from the Energy Department.

Mrs. Remsen asks Mr. Cademartori if this meets all requirements under pork chop laws. Mr. Cademartori answers that this is a peculiar one in that the access is not coming from Bennett St but there is information on the relief that was granted by the Zoning Board of Appeals. It is potentially feasible because the stem of the pork chop lot does not exceed 250 ft. Mr. Cademartori explains that for the buildable portion is 30,000 square feet so there is a potential limitation to a single family home.

Mrs. Remsen explains that there are criteria for pork chop lots to be covered under special permit, most are dimensional requirements but one is that the site is an appropriate location for the proposed use and that the character adjoining uses will not be adversely affected. Mrs. Remsen continues that the adjoining uses are residential, so they will not be adversely affected.

Mr. Crandall asks if anyone has gone to see the fill, in regards to frontage and setbacks and if there would be enough room for a building. Mr. McCarl explains that the Board has to wait for the construction of a building. Mr. McCarl continues that each Board considers different aspects of a project, and this Board considers dimensional and size and other areas that come up may need to be discussed by other Boards.

**Motion to continue this hearing to the next regular meeting is made by Mr. Henry, seconded by Mr. Pratt and unanimously approved.**

**Motion to close this Public Hearing is made by Mr. Pratt, seconded by Mr. Henry and unanimously approved.**

#### **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 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 10/19 meeting.*

Mr. McCarl explains that the representatives for this project have asked to continue to the next regular meeting.

**Motion to continue to next regular meeting is made by Mr. Henry, seconded by Mrs. Remsen and unanimously approved.**

**V. OTHER BUSINESS**

Motion to express gratitude to Ken Hecht and Joe Orlando for service on the Planning Board was made by Mr. Cook, seconded by Mr. Henry and unanimously approved.

**VI. ADJOURNMENT**

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

**VII. NEXT MEETING**

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*Next regular meeting of the Planning Board December 21, 2017*

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