

**CITY OF GLOUCESTER
PLANNING BOARD**

June 21, 2018

6:00 P.M.

Kyrouz Auditorium 9 Dale Ave, Gloucester

Richard Noonan, Chair

MINUTES

Members Present: Rick Noonan- Chair, Doug Cook, Jonathan Pratt, Henry McCarl, Shawn Henry, and Beverly Bookin -- Absent: Shawn Henry

Staff: Gregg Cademartori, Planning Director & Jeremy Price, Staff Planner

Councilors Present: Paul Lundberg, President, Jen Holmgren, Melissa Cox, and Valerie Gilman

I. BUSINESS

A. Approval of Outstanding Minutes –

Motion to approve Outstanding Minutes (4/5/18) was made by Mr. McCarl, seconded by Mrs. Bookin and unanimously approved.

Motion to approve Outstanding Minutes (4/19/18) was made by Mr. McCarl, seconded by Mr. Pratt and unanimously approved.

B. Public Comment:

No Public Comment

II. CONSENT AGENDA

Planning Board to consider the *Approval Not Required Plan* submitted by Leslie Roberts Pope to create an additional lot 795 Essex Avenue (Assessors Map 228, lot 72).

Mr. Price explained that the proposed ANR conforms to the GZO, with the exception of the movable greenhouse which would need to be moved further away from the new property line to adhere to the setback requirements.

Mrs. Remsen asked how the City could ensure that the greenhouse would be relocated. Mr. Cademartori responded that City enforces zoning requirements through the Department of Inspectional Services, and the applicant would be subject to penalties if they failed to so.

Motion to accept the *Approval Not Required Plan* submitted by Leslie Roberts Pope to create a lot and adjust a lot line at 795 Essex Avenue (Assessors Map 228, lot 72) was made by Mr. Noonan, seconded by Mr. Cook and unanimously approved.

III. Continued Public Meeting

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 Mixed Use Overlay District pursuant to GZO Sec. 5.29 (including Major Project GZO Section 5.7) and Secs. 5.29.10 and 5.11.18. Also being reviewed by the Planning Board under GZO Section 5.8 Site Plan Review. *Continued from 6/7/18 meeting.*

Mr. Cademartori provided an update to the projects progress, particularly with regards to the sewer and utility. Staff will look to post an agenda for the special meeting early next week.

Mr. Gourdeau of Windover Construction thanked Mr. Cademartori for his assistance to-date, and hoped they'd be able to still appear before the CC as initially planned.

Motion to continue the meeting at a Special Meeting on Wednesday, June 27, 2018 at 5:00 PM was made by Mr. Noonan, seconded by Mrs. Remsen and unanimously approved.

Planning Board to consider the *Common Driveway Special Permit* submitted by Nathaniel Levie, for 3 lot access at 588-592 Essex Avenue, Map 237, lots 24,31,71,102.

Mr. Judd presented an overview of the project and identified fire, signage and parking modifications. Mr. Judd responded to the memo provided by Paul Keane. Mr. Judd asked how the board felt about the pavement, as opposed to the crushed milling design. Mr. Judd will be going before the Conservation Commission to present this project.

Mr. Noonan asked about the adequacy of the water service. They are proposing the a 3" pipe to avoid stagnant water as approved by DPW. Mr. Cademartori asked what the maximum grade was, Mr. Judd indicated no more than 6%, yet are allowed up to 12% grade. Mr. Noonan confirmed there are a lot of things that need to be addresses within Paul's memo. Mr. Judd would be happy for a drainage plan to be

included as a condition; however, he indicated that the final plan is not yet ready to be shown on the plan. A drainage plan for each lot will be prepared.

Mrs. Bookin asked if the owners will have a mutual maintenance agreement. Mr. Judd explained the owner will enter into a covenant which will be filed with the registry.

Mr. Cademartori specified that the Fire Chief did not specify between pavement or the gravel, and highlighted the predictability of pavement versus gravel. Mr. Noonan asked Mr. Judd to explain the length of the Common Driveway.

Mrs. Remsen asked if permeable pavement was something the board would like to require as a condition. Mr. Judd noted that a drainage plan would be required in the building process. Mrs. Remsen asked if the wetlands were being crossed, Mr. Judd noted they were not. Mr. Cademartori voiced concerns around safety and access, particularly around permitting the driveway as impacts would need to be addressed based on the pitch of the driveway and runoff heading down towards Essex Ave.

Motion to approve the Common Driveway Special Permit creating 3 lot access (3) at 588-592 Essex Avenue (Map 237, lots 24,31,71,102) made by Mr. Cook, seconded by Mr. Pratt, unanimously Approved.

Planning Board to consider the *Pork Chop Lot submitted* by Nathaniel Levie, for 2 (2) pork chop lots-592 Essex Avenue, Map 237, lots 24,31,71,102.

Mr. McHenry asked if there was any opposition to the project.

Motion to approve the Pork Chop Lot to create two (2) pork chop lots at 588-592 Essex Avenue (Map 237, lots 24,31,71,102), made by Mr. Noonan, seconded by Mrs. Bookin and unanimously approved.

Planning Board to consider the *Definitive subdivision plan* submitted by Patrick Titus Jr for a 3 lot subdivision located at 602-606 Washington Street Map 112, lots 25,93.

Mr. Judd provides a project background, and discusses how the project went before the Conservation Commission the previous night. The Conservation Commission asked for the 24" culvert to be replaced with a box culvert, as well as snow dumping prohibition signage.

Mr. Cademartori explained that he spoke to Ken Whittaker (Conservation Agent), and asked if there was any further discussion as whether or not the condition of the culvert should be further investigated. Mr. Judd thought the inlet should be cleaned, but had not investigated the condition of the culvert. Mr. Judd is open to any condition the board may have pertaining to the crossing and further comment from the Conservation Commission concerning the City culvert under Washington Street.

Mr. Judd explained that he didn't have a chance to look at Paul's memo. Mr. Cademartori highlighted areas where the project would require waivers. Mr. Judd explained that he's not looking for any waivers; the road is

a court so it would be treated as such. Mr. Judd explained the only modification he would be making was adding a box culvert to the plan.

Mrs. Bookin asked what the development process within a wetland was like, and was hoping there'd be assurances to reduce impacts to natural resources. Mr. Cademartori asked what type of design the culvert would be. Mr. Judd explained this would be a similar to Westbrook, a corrugated metal open box.

Barbara Lambert, 27 Vine Street, provided a history of the lot as a larger part of the historic Riggs Landscape. Ms. Lambert explained these properties are the missing key to preserving the entire landscape. This documentation was submitted to the Planning Board as requested by Mr. Noonan and can be available by the Community Development Department.

Motion to continue the for a 3 lot subdivision located at 602-606 Washington Street Map 112, lots 25,93 made by Mr. McCarl for July 19, seconded by Mrs. Booking and unanimously approved.

Mr. Noonan requested for a three-minute recess.

IV. PUBLIC HEARING

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

Presentation by Attorney Deborah Eliason, 63 Middle Street, Gloucester MA. Mike Carrigan could not attend this meeting.

Attorney Eliason explained the following plans would be referenced: approved preliminary plan, proposed definitive cluster, and revised cluster development plan. Attorney Eliason discussed that traditional subdivision requirements (e.g. lighting) would not be in keeping with the existing nature of the neighborhood. Eliason continued there are two clusters, 7 units in the front, 5 in the back cluster.

Attorney Eliason referred to Section 5.9 of GZO to discuss open space requirements, and continued that only 12 units are being proposed, yet 7 duplexes for a total of 14 units would be allowed. Under the current plan, approximately 78% of the land will be preserved open space (including riprap areas). The revised plan shows modifications of slopes from 2:1 to 1.5:1 with riprap. Essex County Greenbelt is not willing to accept the land until the approved plan has been developed. At the last hearing the board required a no-touch zone; across the street Mr. Carrigan sold property to be used as parking for the Thompson Reservation system, illustrating the pre-existing relationship between Mr. Carrigan and the Essex County Greenbelt.

A guest parking area originally suggested was removed and the road was widened to accompany guest parking. Attorney Eliason compared the Village of West Gloucester to this development in terms of housing units. Carrigan Development was confident that all of the well and septic systems are adequate for the development. Private wetland consultants will ensure none of the homes or septic systems will be sited within sensitive units.

Attorney Eliason briefly addressed the opposition memo submitted by Attorney Heney, and believed that any valid issues are not insurmountable. 1) they have already identified open space; 2) developers can provide a development schedule as permitting process moves forward; 3) no requirements for housing agreements need to be in place, until 50% of building permits are issued; 4) Attorney Eliason believes that the project doesn't warrant further traffic analysis; or a second means of access on account of the loop.

Tony C., Hayes Engineering, discusses changes that have been made:

- 1) Road Adjustments to accommodate the natural features of the site (e.g. ledge). With the exception of the entrance, they've tried to avoid the need to cut and fill.
- 2) 2:1 to 1.5:1 riprap slope. Carrigan Development will utilize the ledge pulled from development, and it will look like a smooth large boulder face as opposed to more traditional rip rap.

Mr. Cademartori asked Attorney Eliason to submit the updated waivers from the preliminary subdivision.

Ms. Bookin validated that parking needs for these types of developments are fairly low and supports that a traffic study is not warranted.

Mrs. Remsen asked if there were any specific trees or natural features that are going to be preserved in the buildable area. There are a lot of trees that would be difficult to save, yet prioritized where feasible. They didn't see any specimen trees on the property. Mrs. Remsen had another question about trails, and ownership of trails.

Attorney Eliason discussed trails will be owned by the property owner, ideally whomever holds the conservation restriction. The project does not receive a density bonus as the project does not go above the minimum thresholds.

Mr. Cademartori asked what other design alternatives were available as opposed the riprap, and asked for a cross-section of this area. Tony C. explained that the riprap could be tightened to 1:1.

Mr. McCarl also concurred that there are not any traffic issues with the cluster development based on his own experience living in a similar community.

Speaking against the project:

Attorney Bill Heney, representing Carry Frycland, confirmed that he does not represent the entire neighborhood. Attorney Heney submitted the opposition memo at 3:00 PM. Heney claims that the application is missing several parts to be voted on tonight. According to his calculations, 64% of housing will be added to the Bay Street area. Mr. Heney referred to Bray Street as a cart path and was unsure whether what they have proposed is actually allowable by right, voicing concerns about an additional means of access and egress.

References to Attorney Eliason's missing required documents with submission: 1) information about the detailing of resources; 2) information as to how and who will be managing these resource areas; 3) missing an explanation of how the layout is "superior to the conventional design" (5.9.5); 4) development schedule; 5) master deed or declaration of trust (Condo Association).

Attorney Heney reiterated the importance of what can be done by-right as opposed to what may require a variance or waiver.

Attorney Heney references Section 5.9.8 of the GZO, stating that units can be increased by 20%, yet identifies that a required covenant must be in place (5.11.4). Heney introduces the impact on the neighboring areas concerning traffic. Heney discusses traffic concerns related to a subdivision in Hamilton. Additionally, he highlights the potential impact of the wells on surrounding natural resources, and questions the ability of the wells to provide adequate water pressure.

Grant Clark, 279 Concord Street, highlights Gloucester's motto (Build Not Only For Today...) for the vision of West Gloucester. Clark believes that there will be much more traffic (e.g. service and delivery) in addition to each household having more than one car. If this is to be approved, Mr. Clark believes that many cluster developments will follow.

Alexander Delos, 232 Concord Street, believes the multi-home development is inconsistent with the neighborhood. Development has been single family homes. Mr. Delos explained that one car had to essentially pull over into someone's driveway to allow for traffic to flow, and you have to drive down the middle of the street based on its condition.

Bob Edwards, 66 Bray Street, asks the board to push the decision until further evaluation can be undertaken.

Nicholas Holland, 11 Jevica Lane, asked for the audience to raise their hand who are in opposition to the project. Mr. Holland believes the cluster development will be dropped in the middle of the largest undeveloped block of West Gloucester, and there's no public benefit. Mr. Holland would prefer to see seven multifamily houses if affordable housing was the true intent of the proposal in alignment with Gloucester's Comp Plan.

Carrie Fryceland, 250 Concord Street, explained she's lived in west Gloucester her entire life, and identified the following issues: noise, degradation of ecosystems, and traffic. Runoff from local development has allegedly lead to flooding of an abutter's basement who was not present.

Dennis McGirck, 283 Concord street, explains neither options are suitable. McGirck believes the "Village" nature of neighborhood is a misrepresentation as opposed to single family neighborhoods. McGirck would like to see more study of the fiscal impact and whether or not it outweighs the costs and references the City's Com. Plan stating that the development is contradictory.

Jeff Thomas, 65 Sumner Street, believes it doesn't fit, and wanted to know where the reserve area is in case the primary field fails. Mr. Thomas asked whether or not a school bus would be able to fit down the street.

Chris, 126 Colzile Road, had in the past conserved 90% of a 200 Acre parcel into conservation. Chris discusses the dangerousness of the area, particularly concerning "deadmans curve" 100 yards up the street.

Jerry Turello, 127 Bray Street, moved to the area based on its privacy and rural nature. Turello explains the increased runoff is a result of new construction. Mr. Turello walks and drives the street every day. In full disclosure, he purchased a one-acre lot from Carrigan. Public safety issues in the area are especially pronounced during the winter months. Mr. Turello provides an example: recently a truck stuck in the roadside ditch blocked the road for two and a half hours. Mr. Turello asked what happens if emergency response vehicles needs to get to a house and the road is blocked. Mr. Turello would be happy to show the PB. the areas of concern he noted.

Pete Rinocha, 259 Concord street, is concerned with runoff primarily. He's seen more water flow over the years.

Roman Hadley, 257 Concord Street, estimates half million gallons of water over his property every storm. Mr. Hadley believes the 100 ft. buffer is really a 200 ft. buffer.

Attorney Eliason addresses a few comments:

Attorney Eliason believes no requirement for master deed, or affordable housing restriction is required at this time. Attorney Eliason supports that the neighborhood doesn't want any development period, and that the cluster by nature does not make a difference compared to a traditional development. Eliason continues Gloucester is not a bedroom community, but a working community. By right, these could be duplexes as opposed to single family houses. Attorney Eliason identifies that there are other mechanisms to preserve the character of their neighborhood other than disallowing development permanently.

Tony C., Hayes Engineering, touches on wells --- test wells have been drilled, flow in excess of 100 gallons per minute. Peak flow is between 8 & 12 gallons per minute.

The proposal of cascade grates allows for roughly 150% of the capacity compared to typical grates which could be a positive waiver to the regulations. Tony does not believe the flooding experienced by the residents is as severe as discussed, solely by the introduction of three single family homes.

Mrs. Remsen – reiterates that since an owner has the right to develop their property, the only way to keep this development from happening would be for someone else to buy the parcels and put a conservation restriction on it. Mrs. Remsen ask the audience to raise their hands as to whether or not they'd prefer a conventional subdivision instead of a cluster. Mr. Noonan reiterated questions must be brought through the chair.

Grant Clark, 279 Concord Street, addresses Mrs. Remsen's question and believes the room can't accurately answer that question without knowing what the by-right baseline is. Mr. Clark states that a duplex requires 8,000 sq ft. with percable septic. They have retained an engineer to review the proposal.

Motion to continue the Definitive Cluster Development submission for land located at 186 Concord Street (Assessors Map 248 Lots 14) submitted by Carrigan Development LLC was made by Mr. McCarl, seconded by Mr. Cook and unanimously approved.

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 Ordinances:

- 1) Replace existing Section 5.27 Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities with a new Section 5.27 Marijuana Establishments Ordinance, which will govern the allowance of medical and recreational marijuana establishments in the City.
- 2) Amend Section 2.3 Use Tables by adding the following new uses and allowance:
2.3.4 (#25) Recreational Marijuana Retailer, allowed by Planning Board Special Permit (PB) in the Extensive Business (EB) district. 2.3.4 (#26) Conversion of a Medical Marijuana Treatment Center to a Recreational Marijuana Retailer, allowed (Y) in the Business Park (BP) district. 2.3.5 (#8) Marijuana Cultivator, allowed (Y) in the BP and General Industrial (GI) districts. 2.3.5 (#9) Marijuana Product Manufacturer, allowed (Y) in the GI and BP districts. 2.3.5 (#10) Marijuana Testing Facility, allowed (Y) in the EB, GI and BP districts. Other than as designated these uses are prohibited (N) in all other zoning districts. Existing use 2.3.4 (#25) shall be renumber (#27) and read as follows (#27) Retail, consumer service or other non-industrial business use, other than those set forth in Section 2.3.4, Uses #1 thru #26. Existing Use 2.3.4 (#26) to be renumber to (#28).
- 3) Amend Section 2.3.2 Community Service Uses by changing the allowance of 2.3.2 (#15) Medical Marijuana Treatment Center from allowance by City Council Special Permit (CCS) to allowance by Planning Board Special Permit (PB) in the BP district. And by deleting 2.3.2 (#16) Medical Marijuana Cultivation Facility.

- 4) And by deleting Section 5.31 Temporary Moratorium on Recreational Marijuana Establishments.

Mr. Pratt recused himself from this discussion prior to the opening of the public hearing.

Mr. Noonan opens the Public Hearing.

Mr. Cademartori provided a background on the process, explaining that the board has worked on its recommendations to the City Council over the course of several meetings to-date. Additionally, the proposed modifications to the ordinance were highlighted.

Councilman Gilman clarified the formula for determining the total number of permits shall now state that for determination purposes, a number ending in .5 or greater would be rounded up, less than .5, or previously .4, would be rounded down.

Mr. Noonan ask if anyone wanted to speak in favor of the Zoning Amendment

Joel Favazza, 123 main street, spoke in favor representing Happy Valley Ventures. Mr. Favazza explains that the Commonwealth will provide a limited number of permits based on projected supply and demand of the market and suggested that if Gloucester did not move forward with finalizing this process soon, the City may miss out on the opportunity altogether.

Mr. Noonan asked if anyone would like to speak against the Zoning Amendment

Alice Morris, 2 Kent Road, suggested that the 200 ft. buffer around the schools was too close and she would like to see the buffer be at least 1,000.

Kent Morris, 2 Kent Road, echoed the comments of Alice Morris and would like to see at least a 500 ft. buffer.

Kathy Clancy, 78 High Popples Road, is a member of the school committee and also was on the Recreational Marijuana Task Force. Kathy voiced her concern about education of marijuana, compared to that of alcohol or other drugs. Other concerns included the glamorization of the stores, as well as public health issues in respect to the potency of the products. Kathy believed CC should be the granting authority based on their visibility.

Tom Deadman, 2 Cross Street, expressed his own familiarity with the Commonwealth's regulations, and highlighted how the standards are indeed strict, and not anyone can walk into these stores. Mr. Deadman provided an example of Police Details checking IDs in different parts of the country.

End of Public Comment

Mrs. Bookin congratulates Director Cademartori on translating the board's discussion into the proposed amendment.

Mrs. Remsen proposed aligning the ordinance with the Commonwealth's 500 ft. buffer zone from schools.

Motion to recommend the proposed zoning amendment for City Council's adoption of the Draft Marijuana Establishments Ordinance as amended with additional reference to Medical Marijuana Treatment Centers made by Mr. McCarl, seconded by Mrs. Bookin for discussion.

Motion to modify the amended draft further by altering the buffer zone from 250 to 500 concerning proximity to pre-K – 12 schools in accordance with 935 CMR 500, made by Mrs. Remsen, seconded by Mrs. Bookin on the main motion to recommend the Marijuana Establishments Ordinance to the City Council.

V. Adjournment

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

VI. Next Meeting

Special Meeting - Wednesday, July 27, 2018