

**CITY OF GLOUCESTER
PLANNING BOARD**

May 17, 2018

6:00 P.M.

Kyrouz Auditorium - 9 Dale Ave, Gloucester

Richard Noonan, Chair

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

Staff: Gregg Cademartori- Planning Director, Jeremy Price – Staff Planner, Jacquelyn Rose- Recording Secretary

Councillors: Lundberg & Gilman.

Chair Rick Noonan opened the meeting at 6:01 pm

I. BUSINESS

- A. Approval of Outstanding Minutes was continued to the next regular meeting.
- B. Public Comment- None.

II. CONSENT AGENDA

Form A application submitted by Herbert and Margaret Hollander at 7-9 Ships Bell Road to adjust lot line to provide zoning relief for lot deficiency. Map 144, lots 19, 20

Mr. Favazza, Attorney at Seaside Legal Solutions, explains that the houses were a sufficient distance apart from each other with room to construct a garage while still maintaining the minimum setbacks. One of the property lines was too close to one of the houses so the property line was redrawn to make it so that the garage could be constructed without violating the setbacks. The ZBA approved this change.

Mr. Cademartori explains that the lots comply and there are no other issues.

Motion to approve the Form A application submitted by Herbert and Margaret Hollander at 7-9 Ships Bell Road to adjust lot line deficiency was made by Mr. Henry, seconded by Mr. McCarl and unanimously approved.

Form A application submitted by Maplewood Grove LLC, 47 Grove Street to add a lot line. Map 41 lot 9.

Mr. Cademartori explained that this application is located within the General Industrial District, and will not require the creation of a new building lot. Ms. Remsen asks for clarification. Mr. Cademartori explained that there is a portion of this property that has had remedial activity. They are segregating for the purpose of having remaining land that is not restricted. Ms. Remsen asks if this is an ANR. Mr. Cademartori replies that it is.

Motion to approve the Form A application submitted by Maplewood Grove LLC, 47 Grove Street to add a lot line was made by Mr. Pratt, seconded by Mr. Henry and unanimously approved.

Form A application submitted by Donald Smith Jr. 1 Whites Mountain Road, to adjust a lot line to create a conforming lot. Map 234 lots 52.

Mr. Cademartori explains that this was approved before but not recorded. There are existing structures on the lot with a potential location for a garage.

Motion to approve the Form A application submitted by Donald Smith Jr. 1 Whites Mountain Road, to adjust a lot line to create a conforming lot was made by Mr. Cook, seconded by Mr. Pratt and unanimously approved.

III. 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:

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.

Mr. Cademartori explains that since September, the Board has reviewed the Peer Review presentation, and the Applicant has provided a series of responses. One response was related to some of the sewer issues. Since that time, there has been response from CDM Smith with dates ranging from May 8- May 10, which included 3 submissions on the matrix, pump station, sewer use, and a summary about areas that are still under discussion.

Mr. Peter Gourdeau, Windover Construction, explains that they have had a productive peer review process with CDM Smith and that most of the design related issues raised have been addressed. One of the open items is the sewer system, which has two components, including the pump station and a gravity system that would feed into the City sewer. The applicant has conducted a study, indicating approximately 900 feet of pipe would need to be replaced. Mr.

Gourdeau continues that they met with the administration on May 6, 2018 and had a conversation about the City applying for a MassWorks Grant for a gravity sewer replacement design.

The updated plan from April 2017 shows the current Site Plan with a better sense of place, a designated YMCA drop off, a number of new paths connecting places, landscaping areas, and an improved ramp and stairway connecting to Gloucester Crossing. The residential part of the plan has relocated dumpsters and parking areas. The ADA parking has been enhanced. CATA has been willing to run a bus route through the site, and they are waiting for a written response. All areas exceed the minimum lot size. Mr. Gourdeau continues that they have withdrawn their hardship request and will be constructing the affordable units onsite.

Mr. Bob Parsons, CDM Smith representative, explains that they have been working on addressing comments and responses from the Applicant. Wastewater is the most behind in design. CDM Smith extended a Meridian study. Mr. Parsons continues that they are going to prepare a letter stating where they are with comments.

Mr. Cademartori explains that it is important for the applicant to talk about the comments that have been made and opportunities explored to-date. The Board now has to make a recommendation to the City Council, ensuring that the development fits the Overlay District. Mr. Cademartori continues that there are pieces that have progressed well, and most of the environmental concerns have been alleviated. Stormwater issues need to be further clarified.

Mr. Henry explains that a key issue, on page 19 item 10, is the intersections at Gloucester Crossing and School House Road. The response to the issue had to do with realignment, which has been set aside for potential remediation in the future. Mr. Henry continues that an alternative solution presented previously is to improve the area before starting construction. Another key issue, on page 14 item 3, is bicycle facilities. The location abuts Route 128 on one side, so there can be no construction of a bicycle lane on that side. With the increased residential use from the property, a bike lane would help to better integrate the Site with the downtown community via the Green Street neighborhood.

Ms. Remsen explains that the Board needs more time to receive a new Site Plan or a detailed rendering of the YMCA drop off area. Mr. Cademartori explains that he sent the Board an updated Site Plan beforehand.

Mr. Noonan explains that in order to move the Site Plan forward, the sewer issues need to be taken care of. Mr. Noonan continues that the Board can either hold off on making a recommendation, or condition an approval based on the development design.

Mr. Cademartori responds that the next steps is understanding more about the length of the design process.

Ms. Remsen asks for a copy of the presentation.

Mr. Gourdeau asks the Board for a week to prepare.

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

IV. FORM C -DEFINITIVE SUBDIVISION

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. John Judd, representing Patrick Titus, explains to the Board that this is a 6.5 acre parcel that is currently two lots. The proposal seeks to reconfigure the property and divide it into three lots. Mr. Judd approached Mr. Cademartori with a three lot ANR plan and decided to show it to the board as a Form C. It is a 450 foot roadway that has access from Washington Street. There is a 24 foot wide driveway with a turnaround for fire trucks. The property is served by a sewer manhole that the City put in. Mr. Judd continues that they will accept water service proposals.

Mr. Cademartori asks Mr. Judd asks if there is an extension for a subdivision. Mr. Judd replies that they met with Director of Public Works, Mike Hale, who prefers not to have stub with a short road due to water quality issues.

Mr. Cademartori explains that the application for the ordinance and subdivision have been forwarded as well as the necessary reviews.

Mr. Noonan invites people in favor and those against.

Ms. Margaret Leeco, resident of 21 Riggs Point Road, explains to the Board that she is in favor of this development because she hopes they build something tasteful and to protect the Oak trees. Ms. Leeco continues that the developers have been reasonable.

Mr. Robert Welsh, resident of 31 Vine Street, explains that his concern is about water runoff onto his property. Mr. Welsh requests the developers build something that does not add to the water runoff to his property.

Ms. Lila Frederick, resident of 620 Washington Street, asks if the developers are building two townhouses. Mr. Noonan replies there will be three sold individually. Ms. Frederick is in favor because it is a respectful use of the land.

Ms. Jody Sundquist, resident of 21 Vine Street, explains there is wildlife and a wetland that has to be accommodated. Previous development on this property has affected Ms. Sundquists home, resulting in cracks from dynamiting the boulders.

Mr. Judd explains that he will be hearing from the Conservation Commission on June 20, 2018 and the wetland questions will be answered at that point. There will be an eight foot crossing from the wetlands. The property will not have access to Riggs Point Road.

Ms. Remsen asks if a cluster development was considered for this location. Mr. Judd answered that it had been previously but it did not work best.

The Board will conduct a site visit on May 31, 2018 at 5:00 pm.

Motion to continue to the regular meeting on June 21, 2018 is made by Mr. Pratt, seconded by Mr. Cook and unanimously approved.

V. COMMON DRIVEWAY SPECIAL PERMIT APPLICATION

Common driveway special permit application submitted by Nathaniel Levie, for 3 lot access at 588-592 Essex Avenue, Map 237, lots 24,31,71,102.

The Common Driveway Special Permit and Pork Chop Lot discussion were held concurrently.

VI. PORK CHOP LOT SPECIAL PERMIT APPLICATION

Pork chop lot special permit application submitted by Edward & Holly Levie for 2 pork chop lots at 588- 592 Essex Avenue, Map 237, lots 24,31,71,102.

Mr. John Judd, engineer with Gateway Consultants, explains to the Board that the property is five acres and currently consists of four lots, some of which are nonconforming. They are proposing two Pork Chop lots and one conventional lot. They are looking to reconfigure the lot lines. All lots will have access to the common driveway. There will be a turnaround that meets the fire department standards, as well as subdivision standards. Mike Hale approved of the application, and they have also gone before the Conservation Commission.

Mr. Cademartori asks if the existing sewer will accommodate two homes. Mr. Judd replies that it is a six inch line that has the capacity to serve both.

Mr. Noonan invites anyone to speak in favor or opposition.

Motion to continue to the next regular meeting is made by Mr. Cook, seconded by Mr. Henry and unanimously approved.

VII. OTHER BUSINESS

- Common Driveway Partial Release of Covenant – McNiff Companies Estuary Way/ Concord Street/ Causeway Street

Mr. John McNiff Jr, 11 Blackburn Circle, explains that he has previously approached the Board with a Form A application and a Common Driveway application for three individual residential lots. The Form A application and Common Driveway application were approved. Mr. McNiff continues that they installed infrastructure, including a four inch water line, an eight inch water line and hydrant, and culvert. Mr. McNiff asked the Board to approve an underground system for the electric in August 2017. Mr. McNiff is asking the Board to consider releasing two of the three lots so he can pull the building permits on the lots. The third lot would be replaced as partial security. The first lot will have a house located on it, with a guardrail and an underground cable wire.

Mr. Cademartori explains that the other utilities installed are satisfactory. Mr. Cademartori asks Mr. McNiff to clarify if he is looking for partial or full release of the lots. Mr. McNiff replies that he would prefer releasing both lots because once approved he will be able to finish installation.

Motion to approve was made by Mr. Pratt, seconded by Mr. McCarl and unanimously approved.

- Informal Discussion of Recreational Marijuana Zoning

Councillor Lundberg updates the Board to other information being reviewed to guide this process. The Council will entertain an ordinance that in accordance with state law, licenses for recreational facilities can be up to 20% of the total liquor licenses within the City—roughly 3 to 4. Councillor Lundberg indicated that Councilman Gilman would like to see the total number limited to one. Reducing the allowable licenses to one would require voter approval. The City Council is ready to review recommendations from the Board that will generate public comment on the issue, and help the City focus on where to put the retail facilities.

Mr. Cademartori asks Councillor Lundberg if a recommendation is made during this meeting and reported through the Clerk's office, would it be on the Council's agenda for the next meeting. Councillor Lundberg replies it would be under the Council's Consent Agenda.

Mr. McCarl adds that a main concern for where to put retail facilities is having substantial parking. Councillor Lundberg replies that that issue is a concern for the Council as well.

Mr. Cademartori explains that the subcommittee consisting of Mr. McCarl, Mr. Henry, and Ms. Bookin met to discuss four different categories to be identified within the ordinance including, retail, cultivators, manufacturers, and testing facilities. The subcommittee excluded the conversion of medical treatment to recreational retail because there is already one treatment center established and they have the right to transition. Recreational retail will be limited to the EB District by special permit process. Cultivation centers and testing facilities will be allowed in EB, GI, and BP Districts.

Mr. Cademartori continues that there was a substantial amount of revision to the draft ordinance. The marijuana establishment section was unchanged, with one exception concerning the total number of permit. The purpose section is unchanged. Additional filing requirements explains the parking requirement. The special permit findings section was unchanged. There is a host community agreement package to show what the applicant submitted to the state. License renewal is required after five years. During this process, the Cannabis Control Commission reviews what an establishment is collecting, and if it is being used for the intended purposes.

Ms. Remsen asks if \$300.00 per day is enough for violations. Mr. Cademartori replies that that is all they can collect. The State issues additional fines for violations.

Mr. McCarl adds that better locations for recreational establishments are Gloucester Crossing and the East Gloucester Plaza.

Mr. Henry asks if it is possible to produce a map to send to City Council to show where these facilities will go. Moving forward, the Board should bring the medical ordinance in-line with the recreational ordinance.

Mr. Joel Favazza, Seaside Legal Solutions, explains if a second recreational facility is constructed it has to be within 1500 feet from a medical marijuana treatment facility. It

would be nonsensical to have recreational products being cultivated but no medical products being cultivated at the same location. There will not be a big influx of purely medical dispensaries, but solely retail dispensaries.

Mr. Cademartori explains that the Board is open to eliminating or revising section 5.27 of the Ordinance for medical facilities. There were a number of setbacks in the original Ordinance including 1500 feet from a dispensary or cultivation facility, which has been revised.

Mr. Favazza explains that the last information received from the state highlights that Massachusetts will allow facilities to use the same plant to be used for both medical and recreational production.

Mr. Henry responds that the current sections states that a medical growing facility cannot be more than within 1500 feet of a recreational facility.

Mr. McCarl adds that the Board still has to keep in mind the parking situation.

Mr. Henry explains that the Board should add language to the Ordinance to deal with medical marijuana growing facilities because it was separate from the recreational growing facilities.

Mr. Cademartori explains that the Board is moving in the right direction. A short-term solution could be striking cultivation facility from 5.27 and changing its use allowance in the Use Tables.

Motion to submit the review of the Recreational Marijuana Zoning Ordinance and associated amendments with recommendations, including comments and a map of the districts, was made by Ms. Remsen, seconded by Mr. McCarl and unanimously approved.

- CPA Update- Mr. McCarl explains that they have received 10 applications and are beginning the review process. Mr. McCarl will give the Board an update in June.

VIII. ADJOURNMENT

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

IX. NEXT REGULAR MEETING

_____ *Next regular meeting of the Planning Board June 7, 2018*

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

