

**CITY OF GLOUCESTER
PLANNING BOARD
September 6, 2018
6:00 P.M.
Kyrouz Auditorium 9 Dale Ave, Gloucester**

MINUTES

Members Present: Rick Noonan – Chair, Doug Cook, Jonathan Pratt, Jane Remsen, Henry McCarl, Shawn Henry, Beverly Bookin.

Staff: Gregg Cademartori- Planning Director, Jeremy Price- Senior Planner,

I. BUSINESS

A. Approval of Outstanding Minutes

Motion to approve outstanding Minutes (7/19/18) as amended was made by Mr. Cook seconded by Mr. McCarl and unanimously approved.

Motion to approve outstanding Minutes (8/16/18) was made by Mr. McCarl seconded by Ms. Bookin and unanimously approved.

B. Public Comment

No Public Comment

II. Consent Agenda

Site Plan Review

Applied Materials 35 Dory Road, (Map 263 lot 30) for a Site Plan Review pursuant to GZO Section 5.8.

Joel Favazza, 123 Main Street, Gloucester MA, presents the project on behalf of Applied Materials (Applicant). Attorney Favazza provides a background of the Applicant and the project. Attorney Favazza notes that the size of the cafeteria renovation and expansion triggers Site Plan Review by the Board under Section 5.8.7 of Gloucester's Zoning Ordinance (GZO).

Mr. McCarl recuses himself from the discussion as he owns stock in Applied Materials.

Mr. Noonan provided an opportunity for individuals to speak in support or opposition to the project. - (No Testimony Provided)

Staff notes that prior to tonight's meeting, the Applicant had met with City Staff twice to discuss the project. Staff reiterates several waivers are requested from the Board, including the provision of complete utility, architectural, and lighting plans, as well the submission of a written estimate showing in detail, the costs of all site improvements.

The Board looked to hear more information regarding the position of the Board of Health, and Conservation Commission.

Motion to continue the Public Hearing on the Site Plan Review to the September 20th meeting made by Mr. Pratt, seconded by Ms. Bookin. Six (6) in Favor, one (1) Abstention.

III. New Public Hearing

Watershed Protection Overlay District (WPOD) Special Permit

Applied Materials 35 Dory Road, (Map 263 lot 30) for Special Permit pursuant to GZO Section 5.10.

The Site Plan Review and Watershed Protection Overlay District (WPOD) Special Permit are discussed concurrently.

Motion to continue the Public Hearing on the Watershed Protection Overlay District Special Permit made by Ms. Remsen, seconded by Mr. Cook

IV. Continued Public Meeting

Cluster Development Special Permit – Deliberation Only

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 special permit for land located at 186 Concord Street, Map 24, Lot 14, submitted by Carrigan Development LLC.

Staff reiterates that the final decision will address specific conditions of approval. The Board is in agreement that the Applicant's submission is complete for the purposes of its review.

To better understand exactly what must be considered in regard to the evaluation of the Special Permit, as well as what's within the Board's jurisdiction, the Board reviews GZO § 5.9 (Cluster Development Ordinance), specifically the criteria outlined in § 5.9.5(b), and the Special Permit criteria (GZO 1.8.3) outlined below:

- (a) The social, economic and community needs that will be served by the proposed use;
- (b) Traffic flow and safety;
- (c) Adequacy of utilities and other public services;
- (d) Neighborhood character and social structure;
- (e) Qualities of the natural environment;

(f) Potential fiscal impact.

Staff highlights the various forms of open space protection and indicates the disadvantages and advantages of each strategy. Members of the Planning Board find that the proposed cluster development incorporates and satisfies the goals of the Cluster Development Ordinance and Special Permit criteria. As required by the Cluster Development Ordinance, the Applicant will, in perpetuity, conserve approximately 78% of the parcel as public open space for passive and active recreation--a benefit that would not otherwise have occurred under a conventional subdivision. It is the preference of the Board that the conservation restriction be held by a local land trust.

Ms. Bookin believes that the neighborhood has not provided sufficient evidence that would permit the denial of this Special Permit.

Additionally, Ms. Bookin recommends the following language for Finding 13, "Scenic Vistas": "The Applicant's preservation of open space preserves the scenic vistas of this naturally wooded area. The existing trail on the Site will be preserved and open to use by the general public. An easement for reasonable public access shall be included in the conservation restriction or deeded-fee-simple agreement."

Staff notes that there are still regulatory factors outside of the Board's control that will dictate how this project will progress.

Motion:

A motion, in accordance with Section 5.9 of the Gloucester Zoning Ordinance and the Gloucester Planning Boards Rules and Regulations Governing the Subdivision of Land in Gloucester, to approve the Definitive Cluster Development Plan for 186 Concord Street (Assessors Map 248 Lot 14) prepared by Hayes Engineering, Inc, dated May 3, 2018 with Revisions Through July 12, 2018, Submitted by Carrigan Development LLC for a 12-unit Cluster Development, subject to development of a decision with conditions pertaining to:

- the construction and operation and maintenance of the roads, storm-water management system and infrastructure,
- Section 5.11 Inclusionary Housing Requirements, restricting two units as affordable,
- the conservation by restriction or deed of the open space in a form subject to the approval of the Planning Board,
- the approval of a final septic system design by the Board of Health,
- and the incorporation by reference any Final Order of the Conservation Commission,

and the approval of the following Waviers from the Planning Board's subdivision regulations, finding that such action is in the public interest and not inconsistent with the Subdivision Control Law:

- Section 4.3.1(h) centerline radius

- Section 4.3.2(2) right of way width
- Section 4.3.7 street lighting
- Section 4.7.1 sidewalks

Motion to approve the Cluster Development Special Permit made by Mr. Henry, seconded by Ms. Bookin and unanimously approved (7-0).

V. OTHER BUSINESS

I. CPA Update

Mr. McCarl notes only one of the 12 applications received by the CPA has been approved thus far.

II. Request for release from Covenant

John McNiff, McNiff Company LLC, requests a release of covenant for construction and sale for both lots two and three of the Estuary Way subdivision.

Mr. McNiff notes that the Planning Board has already released lot one for construction. Mr. McNiff states that National Grid's lockout has impacted his ability to finish the utilities. Based on a recent site visit, staff notes that aside from the utilities, there are a number of items that have not been finished such as the erection of the detention basin at the bottom of the Common Driveway, and other site work (e.g. paving). Mr. McNiff explains that the detention basin has not yet been constructed in an attempt to keep heavy machinery and equipment off Concord Street. Mr. McNiff states that the existing access point to the Site via Causeway Street will be closed and restored prior to the end of the building season.

Mr. McNiff refers to a document outlining the projected timeline for the completion of thirteen remaining tasks. Mr. McNiff explains that most of the tasks will be completed within 60 days. Mr. McNiff will look to pave the Common Driveway during the spring of 2019. Mr. McNiff understands that he will not receive a final Certificate of Occupancy for his own residence (lot 1) until each outstanding task is completed. Mr. McNiff will provide a progress update to the Board in person within 60 days.

Motion to approve the Release of Covenant for construction and sale on lots two and three was made by Mr. McCarl, seconded by Mr. Henry and unanimously approved.

VI. ADJOURNMENT

Next regular meeting of the Planning Board September 20, 2018