

**CITY OF GLOUCESTER
PLANNING BOARD**

October 18, 2018

6:00 P.M.

**Kyrouz Auditorium 9 Dale Ave, Gloucester
Richard Noonan, Chair**

MINUTES

Members Present: Richard Noonan, Hank McCarl, Beverly Bookin, Jonathan Pratt, and Jane Remsen.

Absent: Shawn Henry & Doug Cook.

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

Mr. Noonan opens the meeting at 6:03 PM

I. Business

a. Public Comment

City Council President Paul Lundberg, 5 Bridgewater Street, thanked the Planning Board in regards to its consideration and review of the Fuller mixed-use Special Permit and Marijuana Establishments Ordinance.

II. Consent Agenda

- 1- **Form A** – Approval Not Required submitted by Heath and Heather Ritchie, to remove a lot line and join parcels at 1269R Washington Street (Map 146 lot 23 and Map 148, lot 25).

Heath Ritchie, Woodbury Hill – Rockport, explains that the purpose of the ANR is to increase the area of the lot, so that an addition to their home will meet the required setbacks.

Mr. Cademartori notes this is a unique application as the property is located within both Gloucester and Rockport. Additionally, there is no impact to the required frontage resulting from the lot line adjustment, which results in an overall net increase in total lot area.

Motion to approve the ANR application as was made by Mr. McCarl, seconded by Mr. Pratt and unanimously approved (5-0).

- 2- **Form A** – Approval Not Required submitted by B. Melanson, to eliminate interior lot lines and create 5 new lots at 171 Atlantic Road LLC (Map 73, Lots 26, 36, 37).

John Morin, 66 Elm Street, Danvers, discusses that applicant plans to raze most of the structures on the proposed lots. The applicant already has been granted a variance for the side yard setback on lot 1. As the dwelling on lot 1 has a height of more 38ft., the applicant has also met with the City Council Planning and Development Subcommittee to discuss the requested special permit for building height in excess of 35 feet. The applicant will appear before the full City Council in regards to this matter on November 13, 2018.

The Board raises questions regarding the sequencing of the recording of the ANR and the demolition of the structures. Mr. Cademartori discusses that if the applicant recorded the ANR plan and the applicant did not receive the height special permit from City Council, the building would need to be razed. Additionally, if the proposed applicant failed to raze the proposed buildings the ANR plan would be invalidated and the applicant would not be able to obtain a certificate of occupancy if they decided to keep the structures.

Motion to approve the ANR application made by Ms. Bookin, seconded by Mr. Pratt, and unanimously approved (5-0).

- 3- **Form A** – Approval Not Required submitted by Wigwam RT., John and Sarah Perry, to create an additional lot at 35 Norwood Heights (Map 181, lot 8).

Ms. Remsen recuses herself, indicating that she is a family friend of the applicant.

Attorney Mark Glovsky, 8 Washington Street, Beverly, discusses that the applicant has been before the Zoning Board of Appeals, and has received a variance for minimum lot area in addition to several other setbacks requirements (e.g. rear yard and side yard). Mr. Cademartori notes that lot #2 satisfies the City's lot upland and frontage requirements.

Motion to approve the ANR application made by Mr. Pratt, seconded Mr. McCarl, and unanimously approved (4-0).

III. New Public Hearing

In accordance with the provisions of MGL Chapter 40A, Section 5, and Section 1.1 of the Gloucester Zoning Ordinance (GZO), the Planning Board will consider the following amendments:

- 1- Section 5.31.4 - Use Allowance and Special Permit Procedures - in the first sentence delete "medical marijuana treatment centers"; in the first sentence of the second paragraph after the words "...Site Plan Approval for..." insert the words "a medical marijuana treatment center as defined in M.G.L. c. 94I or"

Mr. Pratt Recused himself from the discussion.

Mr. Noonan opens the public hearing

Mr. Cademartori explains that the proposed amendment seeks to clarify that both medical treatment centers and retail centers require special permitting and Site Plan Review.

Mr. Noonan closes the public hearing.

Motion to recommend the amendment as read, made by Ms. Remsen, seconded by Ms. Bookin, and unanimously approved (4-0)

2- Section 1.2 - Purpose, Interpretation, Conflict, Definitions, delete Section 1.2.5 Definitions.

Mr. Noonan opens the public hearing

Mr. Cademartori explains that Municode conducted a review of the City's Code of Ordinances and Zoning Ordinance. The proposed amendment was suggested through this review. As discussed in Municode's memo, GZO Section 1.2.5 is obsolete.

Mr. Noonan closes the public hearing

Motion to recommend the amendment as read, made by Ms. Bookin, seconded by Mr. Noonan, and unanimously approved (5-0).

3- Section 5.1 - Mobile Homes, Trailers and Campers delete subsection 5.1.2 (d).

Mr. Noonan opens the public hearing

Staff notes the recommendation to strike 5.1.2(d) was also included in Municode's provided recommendations.

Mr. Noonan closes the public hearing

Motion to recommend the amendment as read, made by Ms. Remsen, seconded by Ms. Bookin, and unanimously approved (5-0).

4- Section 5.23 - Residential Land-based Wind Energy Conversion Facilities, in subsection 5.23.3(g) delete the words "Uniform Building Code" and in their place insert the words "state building code."

Mr. Noonan opens the public hearing

The Board revised Municode's modifications as follows:

In the title of the subsection 5.23.3(g) replace "Uniform Building Code" with "Massachusetts State Building Code", and in the fourth sentence, replace "Uniform Building Code" with "the latest edition of the Massachusetts State Building Code".

Mr. Noonan closes the public hearing

Motion to recommend the amendment as modified, made by Ms. Remsen, seconded by Ms. Bookin, and unanimously approved (5-0).

IV. OTHER BUSINESS

1- Request for Release from Covenant – Village of Magnolia Shores

Attorney Jack McElhinney, on behalf of the developer requests a release of covenant for unit 15 B. McElhinney notes the developer hopes to request a release from covenant for last remaining unit (15 A) in the next 30 to 45 days. Unit 15 A & B are the last remaining duplex within the 46-unit development. Attorney McElhinney indicates the final paving of the subdivision road was completed on October 18, 2018.

Mr. Cademartori notes that he hoped the applicant was further along, and provides a brief background of the project. Cademartori discusses that the final as-built will reflect whether the designed crowned roadway will effectively convey stormwater to each side of the roadway as designed, which should drain to the basin located at the bottom of the development. When the roadway was originally constructed, the initial binder and paving did not meet the width or design of the approved plan. Additionally, Mr. Cademartori explains additional resources may need to be obtained from the applicant to ensure the remaining stabilization efforts, site work, and any potential road work is completed during the next growing and construction season.

The board inquired as to the cost of the unit, the Applicant's attorney noted unit 15 B is under agreement for \$700,000.

The Board highlights they are concerned about releasing half of the collateral without knowing the full extent of the remaining work to be completed. Attorney McElhinney suggests that the completion of the project will require no more than \$25,000. McElhinney reassures the Board the as-built plans, which will be provided to the Board by the end of the week (October 26, 2018).

The Board's release of the covenant is conditional upon the receipt of the final as-built plans, and a good faith estimate of less than \$500,000 for the remaining site work.

Motion to release the covenant, conditional upon the receipt of a good faith estimate indicating the remaining work does not equal more than \$500,000, as well as the provision by the of the final as-built plans by October 26, 2018, made by Mr. Pratt, seconded by Mr. McCarl, and unanimously approved (5-0).

2- Approval of Outstanding Minutes

Motion to approve the outstanding minutes (9/20/18) as amended made by Ms. Bookin, seconded by Mr. Noonan, and unanimously approved (6-0).

V. ADJOURNMENT

Motion to adjourn was made by Ms. Remsen, seconded by Mr. Pratt, and unanimously approved (5-0)

Next regular meeting of the Planning Board November 1, 2018

