

CITY OF GLOUCESTER
PLANNING BOARD
MEETING MINUTES
December 18, 2014
7:00 P.M.

Kyrouz Auditorium, City Hall, 9 Dale Avenue, Gloucester
Richard Noonan, Chair

Members Present: Rick Noonan, Chair; Mary Black, Vice Chair; Henry McCarl; Linda Charpentier; Doug Cook - **Absent**; Joe Orlando - **Absent**; Shawn Henry-**Absent**;
Staff: Gregg Cademartori, Planning Director; Matt Coogan, Senior Planner

Mr. Noonan opened the meeting at 7:00

PUBLIC COMMENT – None

I. CONSENT AGENDA

Planning Board to consider the *Approval Not Required* Plan submitted by Tally Farm Trust to divide one lot into two at **88 Essex Ave** (Assessors Map 218 , Lot 94).

Presenter: John Judd, Gateway Consultants

Mr. Judd explained that the proposed lot would be 0.5 acres divided from an existing 7.5 acre lot. The proposed lot would have frontage on Essex Ave and is in the R-20 zoning district and meets frontage and area requirements.

Motion: To approve the ANR plan to divide one lot into two at 88 Essex Ave (Assessors Map 218, Lot 94). The subdivision control law does not apply.

1st: Linda Charpentier

2nd: Mary Black

Vote: Approved 4-0

Planning Board to consider the *Site Plan* submitted by Braga Ventures Four, LLC. for the construction of a single commercial building and parking lot at **3 Lexington Ave** (Assessors Map 168, Lot 52).

Presenter: John Judd, Gateway Consultants

Mr. Judd stated that the former building on the site that housed a printing company had been razed to allow for site preparation, including the exploration of the subsurface for drainage and waste disposal. The proposed free standing building would be 38 feet by 51 feet and would be accompanied by a proposed 15 lot parking area. Mr Judd stated that the required parking for the use of the site is 6 spaces, and that all spaces comply according to the Zoning Ordinance with the exception of 3 in the SW corner of the lot, which would be dedicated employee parking. Mr. Judd stated that the proposed off street parking lot would provide a benefit to the Village of Magnolia. The proposed drainage plan has City Engineer approval and the proposed septic system has been approved by the Health Department . The proposed also includes new landscaping, including a bench.

Mr. Noonan asked why the drawing shows a building with a 25 seat restaurant on the drawing, while the chart on the plans indicate 16 seats.

Mr. Judd explained that 25 seats had reduced to 16, and that the discrepancy was an oversight.

Ms. Charpentier asked whether vehicular traffic would drive over leaching field.

Mr. Judd explained that the proposed H2O system is designed to withstand weight of vehicles.

Ms. Black asked if the access to the parking lot is both for vehicles entering and exiting.

Mr. Judd confirmed that it was.

Mr. Noonan had a delivery question of whether 53 foot delivery trucks would be required to enter proposed parking for deliveries or be allowed to access lot from Lexington Ave.

Mr. Judd stated that deliveries of donuts would be by box trucks, and the lot layout allows for a box truck to access the lot and make a 3 point turn exiting the lot.

Mr. Coogan stated that the Planning Board has a complete application from the applicant with a drainage approval from the City Engineer and septic approval from the City Health Sanitarian. The staff comments are focused on 2 issues: circulation of parking lot and layout and position of building. In Section J of 5.8.7 review guidelines for site plan review, any proposed project should “minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places”. To maintain the character of the neighborhood, staff recommends that an entranceway for the proposed building be placed along the frontage, allowing pedestrian access to the building from the Lexington Ave sidewalk. For circulation, the SW corner of the parking lot does not comply with the minimal aisle width for 2 way circulation. The staff recommends that lot be reconfigured to comply with parking regulations in the Zoning Ordinance. Mr. Coogan also mentioned that the handicap parking space had been relocated to improve on vehicle circulation, as recommended by City staff. Mr. Coogan also expressed concerns for vehicles maneuvering in and out of the parking lot.

Mr. Noonan asked if there is an impediment to having 2 entrances and have an entrance on Lexington Ave.

Mr. Judd stated that the entrance was positioned to allow handicap access more conducive to parking area. The entrance was also designed to incorporate standard business modal requirements for Dunkin Donuts for circulation prohibit an entrance onto Lexington Ave. There will also be a sidewalk connecting the Lexington Ave sidewalk to the entrance of the new proposed building.

Noonan asked whether there was reasonable effort and focus to minimize unreasonable departure of the scale of the vicinity of the neighborhood, since normally customers look to walk through a front door to enter a business from Lexington Ave.

Mr. Braga discussed the queuing of customers for business at the proposed Dunkin Donuts. Both an additional entrance and an entrance on Lexington Ave were not feasible.

Mr. Cademartori explained that staff had met with applicant to review and made suggestions. He stressed that it is always useful for an applicant to meet with staff and review a potential project before the design is completed, and that collaboration between the City and the applicant can lead to a better project. The proposed building is 3 feet closer to the Lexington Ave compared to neighboring facades and staff recommended that the proposed building be set back an additional 3 feet to match the existing street front on Lexington Ave. In addition due to the discrepancy with seat count, the plan may or may not be in compliance with parking requirements. The ordinance may be requiring more spaces depending on interpretation. Staff is also not entirely sure an employee parking spot designation relieves parking requirements defined in zoning ordinance.

Mr. Noon asked whether a second means of egress is required for customers.

Mr. McCarl stated that 3 to 4 Dunkin Donuts he has visited do not have a 2nd means.

Mr. Judd explained that they considered the entranceway onto Lexington Ave but it did not work due to the planned layout and the need for handicap accessibility. He also stated that the Applicant is meeting all zoning requirements.

Mr. Judd stated that the applicant is invested in the neighborhood, has had met with local residents.

Mr. McCarl stated that due to handicap accessibility it is not necessary to have front entrance onto Lexington Ave for the proposed building.

Mr. Noonan requested more information on potential deliveries to the property.

Mr. Braga explained that there would be one tractor trailer delivery per week, and daily box truck deliveries from 2 AM to 3 AM. The large tractor trailer, approx. 53 feet in length, would park on street while the box truck would make deliveries within the proposed parking lot.

Motion to approve *Site Plan* submitted by Braga Ventures Four, LLC. for the construction of a single commercial building and parking lot at 3 Lexington Ave (Assessors Map 168, Lot 52).

1st Mr. McCarl

2nd: Ms. Charpentier

Discussion: Conditions from the 12/17 staff memo to be included as part of the approval: to preserve the trees along Lexington Ave, the trees shall be monitored for a period of 3 years and replaced if there's mortality. If there's an issue with the parking we would see revision and have to be presented to Board again.

Mr. McCarl compliment the Braga organization for the plantings and flowers and appearance of their operations.

Vote: Approved 4-0

II. CONTINUED PUBLIC HEARING

In accordance with MGL Chapter 41 and the Planning Board's Rules and Regulations Governing the Subdivision of Land in Gloucester, the Planning Board shall review a Definitive 5-Lot Subdivision Plan for the land located at **52 Whittemore Street** (Assessors Map 21 Lot 7) submitted by Cape Ann Forge Trust.

Mr. Cademartori explained that received correspondence from Jay McNiff of Cape Ann Forge Trust with the request to continue until the Jan. 15th meeting.

Motion to continue the public hearing for Definitive 5-Lot Subdivision Plan for the land located at 52 Whittemore Street (Assessors Map 21 Lot 7) submitted by Cape Ann Forge Trust.

1st : Mr. McCarl

2nd: Ms. Charpentier

Vote: Approved 4-0

III. MAJOR PROJECT REVIEW

In accordance with Sections 5.7.4 and 5.7.5 of the Gloucester Zoning Ordinance, the Planning Board to review the City Council Special Permit under the provisions of Major Project submitted by Seaside Legal Solutions for a multi-family development at **78 Thatcher Rd** (Assessors Map 179, Lot 44).

Mr. Cademartori explained that the Planning Department received the request from Seaside Legal Solution continue until to the Jan. 15th meeting.

Motion to continue the Major Project Review for a multi-family development at 78 Thatcher Rd (Assessors Map 179, Lot 44) submitted by Seaside Legal Solutions.

1st: Ms. Black

2nd: Ms. Charpentier

Vote: Approved 4-0

IV. Other Business

1. Request for Release of Covenant - Village of West Gloucester Cluster Development

Presenter: Jack McElhinney of Winchester Mass, on behalf of the developer Restoration Capital LLC

Mr. McElhinney requests the release of covenant for final unit that is scheduled to be closed on Jan 8. As built plans have been submitted and vetted by City staff. Three items of work remain to be completed in the spring, including the reshaping of pavement at an intersection and drainage issues identified by City Engineer. The quote for the remaining work is \$19,000. The developer has been working with Planning Director and City Engineer to set up a bond and pass book account to ensure that the work is completed.

Mr. Cademartori stated that the Board received correspondence on Dec. 3 with the request for the release of the last unit. The final work will reduce potential icing situations through regarding of road to the catch basins. Additional work will also sure up temporarily stabilized slopes. The shift from a covenant to pass book approach with City has access to account will ensure that the work will be completed. Once the final unit is sold Restoration Capital LLC will retain a right to complete the final work. In addition, Restoration Capital LLC has a period of 3 years to go back and correct items. The board will have adequate security. Final as-built plans are required to be submitted after improvements have been completed.

Motion to release the Covenant for the Village of West Gloucester Cluster development.

1st: Ms. Black

2nd: Ms. Charpentier

Vote: Approved 4-0

Motion to accept a surety in the form of a passbook in the amount of \$40,000 from Restoration Capital, LLC to ensure the completion of outstanding improvements to the Village of West Gloucester.

1st: Mr. McCarl

2nd: Ms. Charpentier

Vote: Approved 4-0

2. Request for Release of Covenant - Lupine Lane Subdivision

Mr. Cademartori stated that the board received a Dec. 4 correspondence from Mike Flaherty on behalf of the developer to release lot 5A and lot 4A for sale. One final lot is still secured through covenant.

Motion to release lot 4A and 5A from covenant for Lupine Lane Subdivision

1st: Ms. Black

2nd: Ms. Charpentier

Vote: Approved 4-0

3. Announcements

89, 93, and 97 Cole Island Rd Common Driveway Special Permit

Mr. Cademartori reminded the Board that on May 1st the Board released lots from covenant due to the completion of the common driveway on Coles Island Rd. The plans approved by the Board showed the future dwellings to have fire suppression systems. However, there was not enough ground water capacity for suppression systems and instead a water main was extended and fire hydrants were installed. The Fire Chief submitted correspondence to the Board stating that there is adequate hydrant flow for fire suppression. Since the Board was not notified of the change in the plans for fire suppression for the lots, the applicant, Farm Creek Holdings, has requested a certificate of vote from the Board indicating that the applicant does not have to satisfy the condition of supplying fire suppression systems because of the adequate nearby water supply and hydrants.

Motion confirming that the applicant , Farm Creek Holdings, has demonstrated that the installation and extension of water service and hydrants to serve the Common Driveway 89,93,and 97 Coles Island Rd will provide adequate water supply for fire suppression and that the Common Driveway Special Permit condition #9 (C-E) has been satisfied.

1st: Mr. McCarl

2nd: Ms. Charpentier

V. **ADJOURNMENT**

The meeting was adjourned at 7:52

Next regular meeting of the Planning Board February 5, 2015