Planning Board Meeting Wednesday, April 14, 2021

Public Hearing on Articles 13,14 and 15 for ATM

Board attendance:

In Person: Westley Burnham Bill French

Online: Kim Drake Skip Crocker Matthew Greco

Michael McConnell Lisa O’Donnell

There were many members of the public in attendance remotely.

The chair called the meeting to order at 7:36 pm.

**ARTICLE 13**

**Essex Downtown Zoning District**

Chairman Burnham opened the Public Hearing on the Essex Downtown District at 7:41pm

The Chair reviewed the information that had been posted with the Town Clerk, on the Town website and Planning Board page.

Why town needs this- This would allow mixed use properties in the proposed Downtown District.

There are several buildings with mixed use now that are nonconforming.

The purpose is to reduce the current existing requirements.

Harriman Study, completed in May of 2018, included several recommendations to achieve this district.

Study revealed that 84% of the properties in this area are nonconforming.

Creating the district would bring 50% or more into conformity. The Chair stated he was not sure of the

Exact percent/number but will have that for the ATM.

Industrial A businesses will not be allowed in the Downtown district.

This will not increase use but will allow businesses and residence on the same piece of property.

Harriman Study suggested sidelines that were more drastic than what is being proposed. The board is proposing six feet to better use what we have available.

Economic Development Committee and the Ad Hoc housing / CHAPA are on board with this.

Chairman Burnham called on BOS Chairman Ruth Pereen to open the Board of Selectman’s meeting at 7:45 PM

Public response and questions:

Lynne Havighurst, 10 Winthrop St asked why Winthrop, Maple, Pickering Streets and Western Ave were added to the district.

Kim Drake responded – This is to reduce the number of nonconformities and ease the ability to permit. Many houses are on undersized lots.

Lynne Havighurst asked why there was only one opportunity for people in this area to have input.

Kim Drake- There was a Public Hearing prior to the 2020 ATM. The District was discussed at several meetings prior to the hearing.

Wes Burnham - responded that several forums and workshops were held where the Downtown District was discussed and time allowed for public input. The map was finalized in the fall of 2019 through April 2020 prior to the ATM.

Lynne Havighurst asked if there would be another opportunity for those who could not attend tonight.

Kim Drake responded that all meetings are open to the public.

Wes Burnham stated he would be happy to meet and discuss this article with anyone. And will do his best to answer all emails.

John Guerin 16 Belcher St, read a statement (email) that he had provided to the Board with an accompanying map.

Wes Burnham responded - to John Guerin’s statement that there could be 14 new 4 story buildings built in this district. This cannot happen. This would involve a vote by Town Meeting, Gloucester City Council and State legislation to increase the sewer flow.

Wes Burnham asked if there were any questions or comments.

Shelly Bradbury, 79 eastern Ave, asked what the difference was between Class A and Class B businesses.

Wes Burnham – read the definitions from Section 6 of the town By-laws.

John Havighurst commented

Wes Burnham stated the Planning Board can decide if something will be more nonconforming

Lisa Lunnen, 20 Winthrop St asked why the height of a one story accessory building went from 25ft to 15ft.

Wes Burnham said he agreed it should be higher. This was not part of the original intent. The Board will review prior to ATM.

Michael Dyer, 9 Indian Rock Lane stated that he was in support of Article 13. He feels that it offers flexibility to business people and housing options for people in town.

There was discussion of additional sewer flow. Wes Burnham stated that was up to the DPW not Planning board. Additional sewer flow is only available to existing entities.

Michael Dyer asked if this was a planning issue moving forward.

Town Administrator Zabricki stated the next contract with Gloucester signed Spring of 2020. Flow will remain the same for the next 25 years

Shelly Bradbury stated the need for a better, clearer map. Wes Burnham stated they were working on it.

Mark Renzi offered to make maps for the Town Meeting.

Lisa O’Donnell made a motion to close the hearing on Article 13 the Downtown District

Kim Drake seconded the motion

Vote:

Skip Crocker aye Lisa O’Donnell aye

Kim Drake aye Bill French aye

Michael McConnell aye Wes Burnham aye

Matt Greco aye

The hearing on Article 13 closed at 8:41pm.

**ARTICLE 14**

**Temporary Moratorium on Business and Industrial Conversions**

Chairman Burnham called on BOS Chairman Ruth Pereen to open the Board of Selectman’s meeting

The Chair opened the hearing on Article 14 at 8:43 pm

This article is being presented by the Board of Selectmen. The Chair turned to the meeting over to BOS Chairman Ruth Pereen.

Chairman Pereen read article 14 in its entirety.

This article will not affect existing businesses. It is a pause button for the town to study the impact of development and determine how to best address it in the future. The BOS is not looking to discourage home occupation or make any changes to current commercial businesses. Chairman Pereen reiterated the fact that this will be a joint effort of the BOS and Planning Board as well as other Town officials.

Lisa O’Donnell asked to have BOS clarify if they would support hiring a Planning Consultant should this article pass.

Chairman Pereen stated yes. She stated all boards would be included in the discussion.

Mike Dyer, 9 Indian Rock, asked if the moratorium had been reviewed by legal counsel. Chairman Pereen answered yes.

Kim Drake read an email from Charles Storey, 143 John Wise Ave.

The Planning board stated that they are in favor of Article 14. They understand the need and will work together with other departments to improve the community if this passes.

Kim Drake made a motion to close the hearing.

Lisa O’Donnell seconded the motion

Vote:

Lisa O’Donnell aye Michael McConnell aye

Kim Drake aye Bill French aye

Skip Croker aye Wes Burnham aye

Matt Greco aye

The hearing on Article 14 closed 8:58 pm

**ARTICLE 15**

**Telecommunications Tower Bylaw – Requested by Citizen’s Group**

The Chair opened the hearing on Article 15 at 9:00 pm.

Chairman Burnham asked Shelly Bradbury to present this article.

This article is presented by a citizens group to update the regulations to be more in line with current technology. Shelly Bradbury stated the current Bylaw was written in 1997. She stated Special Permitting powers exist. Board members change all the time. They do not know FCC regulations. This would create an effective solid set of bylaws.

Shelly Bradbury introduced the group’s lawyer, Peter Mello who she stated is an expert in these matters.

Peter Mello stated that the proposed bylaw has incorporated language, from other communities, that has been approved by the Attorney General’s Office. One of the purposes of this proposed bylaw is to give decision makers clear standards that can be applied when reviewing applications.

Kim Drake asked if Town Counsel had reviewed this article. Town Administrator, Brendhan Zubricki, stated that Town Counsel had reviewed the article and currently has only communicated the findings with the BOS.

Wes Burnham asked, when drafting the bylaw did you check/compare with the bylaws of other towns. Mr. Mellow stated that the bylaws of other towns had been looked at. Language that had been approved by the Attorney General’s office had been used.

Mr. Burnham stated that there were several items that appear to have errors. He also stated that there were technical problems as well as inconsistencies.

Mr. Mellow refuted the premise that there are inconsistencies, he stated if there is a difference the more restrictive item requirement will prevail. He also stated that he does not think this would prohibit the Town from passing the bylaw as is.

Kim Drake said if we accept this bylaw, as currently written, we own it and would have to deal with any inconsistencies. She stated that the inconsistencies should be cleared up before the Town Meeting.

Mr. Mellow said he does not see inconsistencies. He also stated that it is possible that the numbering sequence changed after submittal, and that adjustments can be made.

Kim Drake stated that this is a public hearing and is only for comment. Changes cannot be made.

Brett Prince, 7 Essex Reach Road, stated he appreciates all the efforts that has gone into the proposed bylaw. He is in favor of this proposed bylaw.

Lynne Havighurst, 10 Winthrop, is in favor of this proposed bylaw.

Diane Gallagher, 77R Eastern Ave., supports this proposed bylaw.

Ingrid Renzie, 86R Southern Ave., Part of citizen’s petition. Believes that the town needs to be protected and that the cell tower could have possible detrimental effects.

Jack Gale, Pond Street, is in favor of the proposed bylaw. He feels that the town needs protection from cell towers.

The Chair asked for a motion to close the Public Hearing on Articles 13,14,15 for ATM.

William French made a motion to close the Public Hearing on Articles 13,14,15 for ATM.

Michael Mc Connell seconded the motion. The vote was as follows:

Lisa O’Donnell Aye

Kim Drake Aye

Michael McConnell Aye

Matt Greco Aye

S.Stugis Crocker Aye

William French Aye

Westley Burnham Aye

The Chair declared the meeting adjourned at 9:47PM