

APPENDIX B - INTERIM ORDINANCES

I. WEST GLOUCESTER INTERIM PLANNING OVERLAY DISTRICT (Adopted 5/30/00)

A. INTENT AND PURPOSE

This Section is adopted pursuant to the provisions of M.G.L. C. 40A and the Home Rule Amendment, Article 89 of the Massachusetts Constitution. This Section is in anticipation of the City of Gloucester and the Town of Essex entering into an intermunicipal agreement to install sewer lines in West Gloucester and the completion of the sewer construction required by the agreement that threatens the City's current capacity to service and keep pace with subsequent increased demands upon municipal infrastructure, environmental quality and services necessary to accommodate growth and preserve quality of life, including fire protection, water, sewer, schools, transportation, recreation, and/or police protection, preservation of open space, water quality, wildlife habitat and prevention of congestion and sprawl.

This Section therefore has the following purposes:

- (1) to ensure that growth within this district occurs in an orderly and planned manner, consistent with recent average growth rates, while avoiding large year-to-year variations in the development rate;
- (2) to provide the City with time to study the effects of this sewerage on residential growth and on the municipality's infrastructure, including as well community character, natural environment and municipal services, to prepare a comprehensive plan to address those effects and to implement such a plan;
- (3) to relate the timing of residential development to the city's ability to provide adequate public safety, schools, roads and municipal infrastructure, and human services at the level of quality which citizens expect, and within the City's ability to pay under the financial limitations of Proposition 2-1/2;
- (4) to preserve and enhance the existing community character and value of property;
- (5) to allow the city time to determine which areas other than those specifically referenced in the intermunicipal agreement will need sewer construction and develop a plan for that construction;
- (6) to provide the City with time to study the environmental impacts of any additional sewer construction on environmentally sensitive areas and provide environmental safeguards for them, including but not limited to the Essex Bay/Parker River Area of Critical Environmental Concern;
- (7) to implement the recommendations of the comprehensive plan developed for the area.

B. INTERIM PLANNING OVERLAY DISTRICT BOUNDARIES

The interim planning district to be created is located within Ward 5-2 and is approximately bounded as follows: From the intersection of the R-RB and R-3 zoning districts located approximately 800 feet southwest of the intersection of Essex Avenue and the Essex Town line northeast on a line 2.8 miles to the Gloucester section of Castle Neck, southeast approximately one mile along Coffin and Wingaersheek Beaches to the Annisquam River, southwesterly 3.8 miles on a line extending to the northeast end of Lily Pond and including the southeast side of Laurel Street plus a two hundred foot buffer, northeast on a line approximately 200 feet northwest of Laurel Street to Essex Avenue, then west along the boundary between the R-2 and R-2A Zoning Districts, roughly parallel to Essex Avenue, and further west along the northern boundary of the R-RB Zoning District and the southern boundary of the R-3 Zoning District to the Essex Town Line.

A Gloucester Zoning Map, dated October 12, 1999, showing the boundaries of the Interim Planning Overlay District will be on display at the Community Development Office, 22 Poplar Street and the City Clerk's office, City Hall, and will be incorporated into this ordinance.

Public and Private Ways located in the West Gloucester Interim Planning Overlay District including all or parts of the following:

Abbey Road, Anderson Way, Andrews Court, Atlantic Avenue, Atlantic Street, Bayberry Lane, Bayle Lane, Becker Lane, Biskie Head Point, Boynton Island, Bray Street, Brookfield Drive, Brooks Lane, Brooks Road, Bungalow Road, Cabot Lane, Castle Hill Road, Causeway Street, Chickadee Road, Clover Lane, Cole's Island Road, Concord Street, Cove Way, Crafts Road, Crane Way, Digby Lane, Dune Circle, Dune Lane, Elmo Lane, Elva Road, Essex Avenue, Eveleth Road, Fenley Road, Fernald Street, Forest Lane, Great Hill Road, Great Ledge Lane, Gull Lane, Hidden Way, Hilltop Road, Hunter Road, Jebeka Lane, Jer Jean Circle, Jones River Road, Julie Court, Kent Road, Keystone Road, Landing Road, Larose Avenue, Laurel Street, Lawrence Court, Lawrence Mountain Road, Leaman Drive, Lily Road, Lincoln Street, Longview Road, Longview Terrace, Massachusetts Avenue, Mathieu Hill Road, New Way Lane, North Landing Way, old Bray Street, Overlook Avenue, Pebble Path, Point Road, Presson Point Road, Ridgewood Lane, Russ Road, Rust Island Road, Sand Dollar Circle, Sandy Way, Saville Road, Skipper Way, Skipper Way Terrace, Sleepy Hollow Road, Sumner Street, Totten Lane, Two Penny Lane, Valley Road, Walker Court, Walker Street, Waterman Road, Wauketa Road, West Wingaersheek Road, Winterhaven Road, Woodman Street, Wyoma Road, Ye Olde County Road, Castle View Drive, Cedarwood Road, Ram Island, Roberts Court, Salt Marsh Lane, Schooner Ridge Lane, Sea Fox Lane, Sea Rule Lane, Thompson Street, Becker Circle, Welch Lane.

C. REGULATIONS AND USE RESTRICTIONS

To accomplish the intents and purposes of Section "A" as enumerated in Sections One through Seven (1-7),

- 1) For five (5) years from the date of enactment, and no later than July 1, 2005 (unless extended), all applications for:

a) Approval Not Required parcels resulting in the creation of four or more lots within the interim overlay district; and

b) any divisions of a parcel of land within the interim overlay district which would cumulatively result in the development of four (4) or more lots, within the interim overlay district, shall require a Special Permit from the Planning Board. Any extension of this five (5) year period shall require a two thirds (2/3) vote of the City Council and shall be for no more than one year (July 1, 2006).

2) During the period that the overlay district is in effect, no approval shall be granted and no building permit issued unless each resulting lot can be permitted under the provisions of the requirements of the Gloucester Board of Health for a Title V system and 310 CMR 15.00. The Planning Board shall note this requirement on all approved plans which are subject to this section.

3) The issuance of a Special Permit for subdivisions of four (4) or more lots and cluster developments of four (4) or more units shall be subject to the Subdivision Rules and Regulations of the Gloucester Planning Board and Section 5.9 of the Gloucester Zoning Ordinance for cluster developments. The Special Permit may also include but not be limited to conditions as to the layout of lots, the design and location of public improvements, and the establishment of permitted building envelopes, so as to minimize potentially adverse effects on the environment and its scenic integrity.

4) Construction of private sewer lines is prohibited in the overlay district until such time as this ordinance is amended by a two-thirds (2/3) vote of the City Council to specifically allow private sewage lines and treatment facilities within the overlay district or until such time as this ordinance section expires.

5) The effective period of the Interim Overlay District may be extended or reduced by a two-thirds (2/3) vote of the City Council following the procedures established in Section 1.5 of the Gloucester Zoning Ordinance, but under no circumstances may the total extension period exceed one (1) year (July 1, 2006).

II. THE COMMONWEALTH OF MASSACHUSETTS: AN ACT RELATIVE TO CERTAIN SUBDIVISIONS OF LAND IN THE CITY OF GLOUCESTER.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the city of Gloucester may adopt an ordinance providing that no subdivision of more than 3 lots shall be approved in an overlay district in the city until July 1, 2005, provided that each resulting lot can be permitted under the provisions of the requirements of the board of health of the city for a Title V system and 310 CMR 15.00. The issuance of a special permit for subdivisions and cluster developments greater than 3 lots or units shall be subject to the subdivision rules and regulations of the planning board of the city. The special permit may also include, but not be limited to, conditions as to the layout of lots, the design and location of public improvements, environment and its scenic integrity.

(1) Private sewer lines are prohibited in the overlay district until such time as this ordinance is amended by a 2/3 vote of the city council specifically to allow private sewage treatment facilities within the overlay district.

(2) During the period that the interim planning district is in effect all applications for approval not required parcels resulting in the creation of 3 or more buildable lots within the interim overlay district and 1 or more divisions of a parcel of land within the interim overlay district which would cumulatively result in the development of more than 3 lots, or cluster developments within the interim overlay district greater than 3 units, shall require a special permit from the planning board.

(3) The interim planning district to be created is located within Ward 5-2 and is approximately bounded as follows: From the intersection of the R-RB and R-3 zoning districts located approximately 800 feet southwest of the intersection of Essex Avenue and the Essex Town line northeast on a line 2.8 miles to the Gloucester section of Castle Neck, southeast approximately 200 feet northwest of Laurel Street to Essex Avenue, then west along the boundary between the R-2 and R-2A Zoning districts, roughly parallel to Essex Avenue, and further west along the northern boundary of the R-RB Zoning District and the southern boundary of the R-3 Zoning District to the Essex Town Line. Public and Private Ways located in the West Gloucester Interim Planning District and including all or parts of the following: Abbey Road, Anderson Way, Andrews Court, Atlantic Avenue, Atlantic Street, Bayberry Lane, Bayle Lane, Becker Lane, Biskie Head Point, Boynton Island, Bray Street, Brookfield Drive, Brooks Lane, Brooks Road, Bungalow Road, Cabot Lane, Castle Hill Road, Causeway Street, Chickadee Road, Clover Lane, Cole's Island Road, Concord Street, Cove Way, Crafts Road, Crane Way, Digby Lane, Dune Circle, Duane Lane, Elmo Lane, Elva Road, Essex Avenue, Eveleth Road, Fenley Road, Fernald Street, Forest Lane, Great Hill Road, Great Ledge Lane, Gull Lane, Hidden Way, Hilltop Road, Hunter Road, Jebeka Lane, Jer Jean Circle, Jones River Road, Julie Court, Kent Road, Keystone Road, Landing Road, Larose Avenue, Laurel Street, Lawrence court, Lawrence Mountain Road, Leaman Drive, Lily Road, Lincoln Street, Longview road, Longview Terrace, Massachusetts Avenue, Mathieu Hill Road, New Way Lane, North Landing Way, Old Bray Street, Overlook Avenue, Pebble Path, Point Road, Presson Point Road, Ridgewood Lane, Russ Road, Rust Island Road, Sand Dollar Circle, Sandy Way, Servile Road, Skipper Way, Skipper Way Terrace, Sleepy Hollow Road, Sumner Street, Totten Lane, Two Penny Lane, Valley Road, Walker Court, Walker Street, Waterman Road, Wauketa Road, West Parish Lane, Whale Rocks Road, Whipple Woods Road, Wyoma Road, Ye Ole County Road, Castle View Drive, Cedarwood Road, Ram Rule Lane, Thompson Street, Becker Circle, and Welch Lane.

SECTION 2. The provisions of this act shall expire on July 1, 2005. The effective period of the interim overlay district may be extended by 2/3 vote of the city council of the city of Gloucester following the procedures established in section 1.5 of the zoning ordinances of the city, but under no circumstances may the total extension period exceed 1 year.

SECTION 3. This act shall take effect upon its passage.

House of Representatives, December 10, 2001.

III. MORATORIUMS IN ALL WARDS, 1998 and 1999

City of Gloucester Zoning Ordinance Issued June 1, 2002

- A. Adopted November 10, 1998: To declare a one-year building moratorium for new residential subdivisions of three or more lots including Special Permits for cluster developments of three units or greater, in Wards Four and Five only.

- B. Adopted May 25, 1999: To declare a one-year building moratorium on the issuance of building permits for Wards One and Three for all residential subdivisions of three or more lots, including Special Permits for cluster developments of three units or greater.

- C. Adopted August 10, 1999: To institute a one-year building moratorium on the issuance of building permits for Ward Two for all residential subdivisions of three or more lots, including Special Permits for cluster developments of three units or greater.