

Planning & Development Committee
Wednesday, December 7, 2016 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Paul Lundberg; Vice Chair, Councilor Cox; Councilor Valerie Gilman

Absent: None.

Also Present: Councilor Ciolino; Councilor LeBlanc; Joanne M. Senos; Jim Destino; Chip Payson; Donna Compton; Gary Johnstone; Gregg Cademartori; Jim Hafey; Matt Coogan; Mike Hale

The meeting was called to order at 5:30 p.m. There was a quorum of the City Council.

1. *PP2016-010: Joint Pole Petition by National Grid & Verizon New England to remove and reinstall a J.O. Pole 13' northeast from its current location near Woodward Avenue, #66 - To be conducted as an advertised public hearing*

This public hearing is opened at 5:31 p.m.

Those speaking in favor:

Peter Glynn, National Grid representative, 44 River Street, explained that National Grid is requesting to remove and relocate a J.O. Pole 13 feet northeast from its current location near Woodward Avenue #66, and that is literally the entire project with sustaining wires and fixtures in support of the moving of the pole. This current pole is now in the middle of a driveway for a new garage. The overhead lines will be taken down, he reported and will be installed via a syphon on the pole so no wires will be visible.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 5:32 p.m.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Cox, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit National Grid and Verizon New England to remove and relocate Pole #410 to new location at property line between 66 and 70 Woodward Avenue, 13 feet in a northeasterly direction and connect Underground Conduit service at new Pole for 66 Woodward Avenue including the necessary sustaining and protecting fixtures as shown on WR# 22905303 dated 10/21/16, with the following conditions:

- 1.) **Notification to the Department of Public Works 72 hours in advance of the proposed work. A construction schedule will be prepared by the applicant for review and acceptance by the Department of Public Works;**
 - 2.) **Proposed excavation may only occur during accepted road opening and construction season, 15 March – 15 November. No winter construction shall be permitted.**
 - 3.) **In the absence of a detailed construction plan, the Department of Public Works requests: all proposed conduits and appurtenances shall be placed so as to cause minimum conflict with existing underground utility services.**
 - 4.) **All excavated trenches shall be patched flush with the surrounding asphalt using hot mix asphalt binder at the end of each work day, to minimize pedestrian hazards. Asphalt shall be applied in two lifts of 2-inches, totaling 4- inches.**
 - 5.) **All final paving shall be done in consultation with the Department of Public works and an agreed upon final paving plan executed by the applicant.**
2. *Memorandum from Planning Director re: proposed conservations at 952R, 966, 966R Washington St. & 8 Sanderson Ct. (Cont'd from 11/16/16)*

Chris LaPointe, Essex County Green Belt Association Director of Land Conservation, related to the Committee that David B. Arnold, III as Trustee of the Musterfield Realty Trust has worked with the Essex County Greenbelt Association (ECGA) to develop a plan for the long-term preservation of landscape and coastal resources at 952R, 966 and 966R Washington Street and 8 Sanderson Court. Such a restriction also requires the endorsement

of the City Council, he said. This would protect three of the five acres of the properties. There would be a provision for an additional house on a tennis court, than what is there now. This will protect the coastal bank, forested and vegetative areas and extinguishes two additional house lots. He said this is a donation from the land owner with a proposed closing in January.

Councilor Lundberg pointed out that in a memo (on file) from the Planning Director it was conveyed that the plan and proposed conservation restriction was reviewed and recommended by a vote and Municipal Certification of the Gloucester Conservation Commission (ConCom) at its Oct. 19 meeting that such a proposal is in the public interest.

Councilor Gilman asked if there was feedback from the abutters on this proposal. **Mr. LaPointe** said that ECGA heard from no abutters. There are components of the Conservation Restriction that allows a neighbor to retain a garden. The grantor has had conversations with the abutters, he noted.

Mr. LaPointe at **Councilor Cox's** request showed the committee a rendering of the properties (on file) to point out the tennis court where the proposed new dwelling will be located and the four existing dwellings are on the property now and are to remain.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve a Conservation Restriction from David B. Arnold, III as Trustee of the Musterfield Realty Trust and as Trustee of House of Commons Realty Trust for properties known as 952R Washington Street, Assessors Map 139, Lot 21; 966 Washington Street, Map 139, Lot 32; 966R Washington Street, Map 139, Lot 16; and 8 Sanderson Court, Map 139, Lot 12, to the Essex County Greenbelt Association, Inc., for the purpose of the preservation of a natural resource of the City of Gloucester and being in the public interest pursuant to M.G.L. c. 184, §31-33.

This matter will come forward under the Planning & Development Committee Report.

3. Memorandum from Purchasing Dept. re: Request for Proposal for a lease of a city-owned property located at 8 Washington St. (Cont'd from 11/16/16)

Councilor Cox said that if the Administration wants to put on the record answers to her questions she would be satisfied. Nothing has changed, she noted. She recounted her concerns she had for locating a satellite Visitors Center in the Legion building that she had expressed at the previous P&D meeting. **Jim Destino**, CAO, said that in talking to the Mayor that her proposal is to open up some sort of satellite tourism office staffed by volunteers, giving tourists better direction in the city. He said that the set-up has an added benefit of opening up public restrooms in the downtown which is very much needed. There will be public bathrooms added at the new Bridge Tender's House and in the newly renovated Harbormaster's complex at Harbor Loop, but those locations won't be on line by the start of the summer, so this will help. He added the Mayor understand the Councilor's concerns that when the hall is rented there could be a conflict, but he advised that most of the time the hall is rented in the evening hours, and noted the hall is not rented that much. He said they believe they can make it work; that they've heard the Councilor's concerns but believe this satellite Visitor's Center is worth a try.

Councilor Cox said after her discussion with Mr. Destino she will support the RFP as presented, but let it be known she still had reservations for advertising for a tourist information location due to concern that tourist could become frustrated to not find the space open all the time, and didn't want the city to be set up to fail. It is worth trying, she said.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Cox, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve RFP #17070, Disposition by Lease of City-owned land for property located at 8 Washington Street, Gloucester, Mass., as put forward by the City of Gloucester Administration with the terms and conditions as presented and as incorporated in this approval.

This matter will come forward under the Planning & Development Committee Report.

Councilor Lundberg conveyed to those present that the following two Special Council Permit/Major Project (SCP2016-004 Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.5.3(c), Sec. 5.7 "Major Project" & Sec. 5.27 "Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities" and SCP206-005 Great

Republic Drive #41, Map 263, Lot 58, GZO Sec. 1.5.3 (c), Sec. 2.3.2, Sec. 5.7 “Major Project” & Sec. 5.27 “Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities. He pointed out that both these applications are coming forward under the newly enacted Zoning Ordinance Sec. 5.27 Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities.

He noted that the applications were both received by the Council referred to Planning & Development and were opened by P&D and then referred to the various city department. The Council will evaluate each application as they relate to the Zoning Ordinance and not to each other. While the applicants think they are in a competition, the city doesn’t think this is a competition -- each application will be looked at independently to the Zoning Ordinance and vote on a particular application as it relates to the Zoning Ordinance.

Councilor Lundberg reported the Committee has reviewed various correspondences from counsel on both sides to the extent that those correspondences relate to a particular application, but comments from one applicant about another’s application the Committee will disregard those comments. He said that all that the applicants can speak to is their own application.

4. SCP2016-004: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.5.3(c), Sec. 5.7 “Major Project” & Sec. 5.27 “Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities” (Cont’d from 11/16/16)

Attorney Joel Favazza, Seaside Legal Solutions, 111 Main Street, representing the applicant, Happy Valley Ventures MA, Inc. (HVV) for a Special Council Permit under GZO Sec. 1.5.3(c), Sec. 5.7 “Major Project” & Sec. 5.27 “Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities” for a site located at #38 Great Republic Drive, acknowledged abutters were noticed of the Planning & Development Committee meeting, He then presented a Power Point Presentation to the Committee of the following information:

CORPORATE OVERVIEW: Happy Valley Ventures MA, Inc. is seeking to be permitted for a Registered Medical Marijuana Dispensary (RMD) at 38 Great Republic Drive. Introduced to the Committee were: Corey Ravelson and Sam Tracy of 4Front Ventures; David Hunt, American Alarm and Communications, Inc.; John Judd, Gateway Consultants; and Michael Reardon, Chairman of the Board and Founder of Happy Valley MA, Inc. HVV is looking to become a member of the Gloucester community. Mr. Reardon’s background is in Real Estate development, he noted, and he foresees serving as a leader in the community through outreach activities and is seen as a good neighbor and serving as an example of a responsible service provider. HVV is a not-for-profit corporation which is required under Mass. Dept. of Public Health (MDPH) regulations for RMD’s. The team is experts in running non-profits, private and public companies. The CEO/Founder is an experienced business owner and manager of multiple companies and he reviewed the composition of the rest of the corporate board briefly. An LLC will purchase the property and own it, and the non-profit will run the facility. HVV is looking to cite facilities in Amherst, Boston, Gloucester and a central grow facility cultivating the majority of their project is slated for Fitchburg.

HVV HISTORY WITH GLOUCESTER:

- o Feb. 2016 -- HVV met with the city’s CAO, Community Development Director, Planning Director and former Chief of Police.
- o March 2016 -- Present to Planning Board; hire and host experts from 4Front Ventures; in depth review of state regulatory process was touched upon noting that the applicant has to go through a rigorous state process before getting to the local permitting process. This now allows for a business to come and provide service to the community.
- o April 2016 -- Host Community open house at The Tavern to explain details and benefits of RMD’s to interested residents attended by about 40 people.
- o May 2016 -- The HVV team met again with Jim Destino, CAO; Gregg Cademartori, Planning Director and Chip Payson, General Counsel to discuss what the city’s Administration was looking for in an RMD. A Letter of Non-Opposition was needed from the Administration and in listening to concerns of the city staff, a Host Community Agreement (HCA) was then negotiated and both the HCA and the Letter of Non-Opposition were signed. It was noted that the HCA allows for the city participating in a growth revenue sharing plan receiving five percent gross revenue by year three of a minimum of \$100,000 a year in addition to any assessed real estate taxes, etc. The Council then formerly enacted GZO Sec. 5.27 as edited by the Planning Board in the previous months.
- o Over the summer the HVV team met with the Police and Fire Chief, Engineering, the Planning Director presenting plans for review and revise them based on departmental input.

- o September 2016 -- The Special Council Permit application was filed with the City Clerk; multi-department review continued; the Planning Board process was begun and there was a brief presentation to P&D.
- o October 2016 -- There was a Planning Board Site Visit; neighborhood meeting on site, and the Planning Board unanimously recommend the HVV application.

BENEFITS TO THE CITY:

HVV will endeavor to do the following:

- o Develop a vacant parcel of ground that will remain fully taxable including equipment and fixtures. It was posed that Mr. Reardon preference is to use local contractors wherever possible during construction.
- o Work closely with the Police, Building and Planning Departments on protocols, code compliance and public safety.
- o To be an active corporate member supporting local Gloucester charities and community organizations.
- o The facility when completed is anticipated to hire 50-60 full time employees, and the company will do its best to hire local people subject to DPH approval.
- o To assist patients in the community by providing medicine at low costs to those patients who have limited financial means. At this time Salem has the closest RMD.

BUILD OUT:

- The design is a “purpose built” RMD insuring a high quality experience for patients in a state-of-the-art safe and secure facility.MD, and to do this service. It shows the commitment HVV is willing to make to the city – to do the site work, build. The design was said to be “rare” among the RMD’s having a garage in both buildings for the secure and discrete delivery of product and subsequent pick up of cash. There is sufficient floor space where care givers can meet privately with clients. The site has been designed to have excellent access, ample parking, room for shuttle service and handicap parking.

ECONOMIC BENEFITS FOR GLOUCESTER:

- Under the Community Benefit Agreement by year 3, HVV must contribute 5 percent of gross sales, quarterly to the city with a \$100,000 minimum.
- Real Estate Development & Construction Investment:
 - Dispensary with limited cultivation = \$1.5 million
 - Cultivation/Processing Facility = \$2.0 million
- TOTAL INVESTMENT: \$3.5 million
- Employment/jobs: Dispensary with limited cultivation = Approximately 30 employees
Cultivation/Processing Facility = Approximately 20 Employees for a total approximate of 50 employees

38 GREAT REPUBLIC DRIVE – EXISTING SITE: The site was shown in current conditions from the northern side and was described. Topographical plans (on file) were noted; the Site Plan was shown for the easterly side of site which is where is the first building proposed consisting of 7,500 square feet split 55 percent cultivation/45 percent processing dispensary. The westerly half of site will house the second building which will be strictly a commercial/industrial building, with some processing, manufacturing and/or cultivation. The exact amount of those three potential avenues, divisions within the building will bear out over a series of months or a year as the market stabilizes. This comes overall to roughly 9,000 square footage of building.

An alternative site plan was reviewed highlighting the southeast portion of the site and it was noted that the only difference on the lower portion of the parking lot is a second access for emergency vehicles and personnel only. Mr. Favazza advised there had been conflicting commentary from the Fire and Interim Police Chiefs. The HVV team met over the summer with Interim Police Chief McCarthy, and from a security standpoint, he asked for one point of access, and Fire Chief Smith wanted a second access to get the fire trucks in through a dedicated path to the first building. A swept path analysis shows the longest fire truck can navigate the drive, it was reported. The second entrance will be gated for emergency access only. No patients, visitors, or employees will be able to use that gate.

Renderings of the site with both buildings were shown and described briefly. The second building was described is a standard metal building. The dispensary building is the client facing building and the majority of people will interact with that. Architectural slides were shown briefly (on file).

Cory Ravelson, Operations Expert, 4Front Ventures Boston, MA, said he has five years of cannabis experience in Colorado focused on compliance and patient consultation. He will be one of the operational experts working with HVV for oversight and employee training to insure proper compliance with all state mandated regulations. The firm is leading firm with expertise in the cannabis industry to ensure the highest operational and best practices in the

industry, developed from some of the country's most successful retail chains including Old Navy and Einstein Bagels and tailored to the cannabis industry. The 4Front team has a successful track record to establishing most respected retail dispensaries in California, Arizona, Washington, DC, Illinois and Mass.; helping clients to obtain 44 operational licenses across the country. HVV and 4Front have a 10 year agreement to insure long-term viability. Of importance is that hiring practices are based on DPH regulations. The state implemented a comprehensive hiring process which blends with 4Front's core values. He advised that the state requires dispensary agents and employees in cultivation to renew their license with the state every year to ensure criminal background is checked and staying up to code/DPH regulations.

A list of patient ailments treated with Medical Marijuana was touched upon such as: cancer, ALS, Epilepsy, Chronic pain; MS, PTSD, glaucoma and MD. There are about 40,000 Medical Marijuana patients in Mass., and is increasing 1,000 to 2,000 patients a month on average. Medical Marijuana was described as an "exciting" medicine with many potential benefits. As these medical practices roll out, different strains of the medical marijuana meet the medical needs of the patient, and they work with the HVV employees to ensure which strains treat the different ailments.

Mr. Ravelson said that compliance is the foundation of his company. They will provide policies and procedures to maintain compliance in inventory tracking; patient record-keeping; reporting practices to local agencies, medicine testing, patient education and staff licensing. There is direct communication with DPH and specific compliance officer from DPH will work with HVV as well. He touched upon the optimal dispensary design, comprehensive staffing charts and job descriptions, employee handbooks, operations manuals and operations tools for each department. He touted that the custody protocols will account for every gram of Medical Marijuana for every time medicine transfers hands making diversion virtually impossible.

The Floor Plan was reviewed by Mr. Ravelson describing where the patient will enter and must have a Registered Medical Marijuana Card issued by a physician and approved by the DPH in their possession and show it to gain entry. There is a "man trap," an area where the patient will show the card to a camera or to a security officer before entering the vestibule and being admitted into the lobby. Once in the lobby they sit, and when patient consultant is available, they will come out and have direct one-on-one interaction with the patient. The left side of the showroom is a patient consultation area showing the product in display cases available and any specific questions will be answered by the patient consultant as to what medicine will work best for their ailments. The cashier area was noted, and the pick-up of inventory, which is prepackaged at HVV's cultivation facility. He said there was small cultivation on the site. The sale will be fulfilled from the prepackaged inventory storage room after the transaction is completed with the cashier. The exit is on the top side of the floor plan and is a one-way exit as requested for security purposes. The doors are security controlled. Only when the door behind the patient shuts and locks will the patient be able to access the outside of the facility. The floor plan is designed for the patients and employees to feel comfortable and secure.

MJARDIN: This company is the HVV partner for marijuana cultivation, and are one of the industry leaders for medical marijuana cultivation with no violations to date, it was pointed out. Their team is composed of Medical Marijuana experts and general horticulturalists that bring best practices from more corporate environments, Mr. Ravelson reported. The company manages over 600,000 square feet of marijuana cultivation space across 28 facilities in AZ, CO, and NV, producing several metric tons of medical cannabis flower products every year. They will consult on design and construction of HVV's cultivation facility.

SECURITY:

- HVV has engaged Agoge Compliance Management (ACM) to provide security design services for the HVV operations. Partners are former DEA Special Agents, Police Chiefs, and the company has over 50 years of combined law enforcement experience, with very intimate knowledge of all facets of the day-to-day operations of a RMD. **Mr. Favazza** announced that in addition to HVV protocols, HVV is willing to offer training for local law enforcement through ACM.

David Hunt, American Alarm and Communications of Arlington, MA, said the company has been in business for 41 years, and that he has 34 years in specialized design and installation of security systems for these facilities. He described briefly a four-pronged approach to security, saying there are very rigid state requirements that are very detailed. They will adhere to ACM's design and try to ensure the building is not a target by expansive security inside and out of the building so that HVV assets are protected as well. American Alarm 111 trucks on the road and can respond faster than most and has designed an integrated solution with high definition computer based video. He noted some police stations ask for a view and link with access control system and only people who are supposed to get into the facility do. There are cameras at work inside and outside, which gives detailed information for faces and license plates, how many visits by a particular patient and they have the ability to review those visits. He assured his company can work with the Police Department to design what they believe meets their needs.

LEGAL STANDARDS UNDER GZO Section 5.27:

Section **5.27.3** Requires Special Council Permit for use and triggers: Sec. 5.7 Major Project review and 5.8 site plan review; 5.27.4 discusses criminal background checks, all taken care of at DPH level; **5.27.5** Separation of facilities: 1,500 feet from schools, churches, playgrounds and other RMD's, etc.; and 500 feet from residentially zoned property; **5.27.7** that signage must comply with sign ordinance; **5.27.8** Medical Marijuana infused production must be attached to cultivation or treatment facility and **5.27.9** an annual report must be sent to the city. The state goes through everything annually, and they want the same level reporting at the city level and are prepared to do.

LEGAL STANDARDS UNDER GZO Sec. 1.8.3:

This was termed as such, a Special Permit, "...shall be granted only upon a written determination by the Special Permit Granting Authority that the proposed use is in harmony with the general purpose and intent of this ordinance and not adversely affect the neighborhood, the zoning district or the city to such an extent as to outweigh the beneficial effects of said use." and six criteria:

1. Social, economic and community needs: HVV will provide a needed medical service to the community, provide construction jobs for local contractors and ongoing employment opportunities for residents.
2. Traffic Flow and Safety: The site is specifically designed as an RMD based on input from city department heads. The site is connected to a well-maintained, large road via purpose built access point(s). It was noted that the DPW Director sees no issues with this aspect.
3. Adequacy of utilities and other public services: The site is located in the Blackburn Industrial Park among other manufacturing facilities, and all needed utilities are waiting in the road for the development of this dirt lot.
4. Neighborhood character and social structure: The Industrial Park is a mix of commercial and industrial facilities and is the only zoning district which RMD's are currently allowed.
5. Qualities of the Natural Environment: Currently the site is a dirt lot with some scrub vegetation and no drainage. There will be no notable expansion on the existing fill. There will be the addition of significant green space and plantings; and a comprehensive stormwater drainage system to handle on-site demands will be installed. The wall of the upland drops off precipitously, and no make any significant changes to the upland part is anticipated. A portion of the project is located in a wetland buffer zone which will require prior to pulling a building permit that HVV appear before the Conservation Commission (ConCom), where it was noted it is expected ConCom will require significant planting of native species at the rear of the property.
6. Potential fiscal impact: A minimum \$100,000 a year to the city via the HCA; and site and buildings remain fully taxable and HVV is investing \$3.5 million into the site which assumes will bring up the property's assessed value.

LEGAL STANDARDS UNDER GZO Sec. 5.75 Major Project review was noted to not be geared towards what HVV is are doing but that several standards do apply:

1. Access form arterial or collector street which Great Republic Drive qualifies as a collector street pursuant to subdivision rules and regulations.
2. Site Plan requirements: screened parking areas; lighting avoids glare; cars backing onto public ways avoided and major topographical changes avoided. At the southern portion of the site the last few spaces are relatively close to the road but otherwise the rest of the parking for staff and patients and delivery trucks is screened by plantings and buildings. Lighting fixtures are facing downwards with no glare to adjacent properties. Buildings are sparse and less likely refracting light on adjacent properties. No backing will be allowed onto the road, and major topographical areas will be avoided in that only a smoothing out of edges will occur leaving the uplands unchanged.

Mr. Favazza said the rest of the standards in this section don't apply.

Mr. Favazza said that HVV had begun site plan review with the Planning Bard which has technical review requirements which were halted midway because those details haven't been decided on until HVV knows they are moving forward with the project. The level of detail required to get through ConCom are financially prohibitive, he advised, at this stage and so HVV is at the Special Council Permit stage and why the Planning Board Site Plan Review and ConCom are outstanding.

COUNCILOR QUESTIONS:

Councilor Lundberg left the meeting at 6:36 p.m. and returned at 6:39 p.m. During his absence there was no quorum of Council.

Councilor Gilman noted in the Public Works Director's Nov. 28 letter he stated he can't concur that there is adequate access to public utilities for the proposed use of the site at 38 Great Republic Drive. **Mike Hale**, Public Works Director, conveyed that the Blackburn Industrial Park has water, sewer and drains so there's already utilities there. Specific wastewater generated from the facility has to be permitted through the state and Public Works, he noted. He advised in reaching out to the Department of Environmental Protection today for their guidance on cultivation of marijuana, any wastewater from marijuana growing and/or processing is considered non-sanitary,

meaning it is industrial waste; and there is a permitting process for it. He said he recognized it is early to have an industrial pre-treatment plan, but without knowing the flows of water for the facility being used which aren't discussed in the application; what is used in the cultivation or the processing -- it isn't described in the application or how water is recycled or reused -- all of which will play into how the DPW manages the facility's industrial pre-treatment permit. He said it may not be required, but in looking at the guidance from the state it likely would. Adequacy of utilities as to how it will connect to industrial pretreatment can be a significant process, he pointed out.

Mr. Hale, responding to a comment by Councilor Gilman said that this is a relatively new industry in the state and is looking to the DEP for guidance on the management of the industrial wastewater generated from such a facility, and noted that a retail establishment is different. Cultivation and processing is where the change is. From a Public Works standpoint access is well addressed. Not knowing the quantity of the industrial wastewater to be generated from the facility, he reiterated, he can't define it at this time.

Councilor Gilman confirmed with **Mr. Reardon** the HVV facility will ultimately employ 50 full time (in shifts) employees. **Councilor Cox** said she would like to do a site visit before the public hearing and it was determined she would do so individually as **Councilor Lundberg** noted he'd already visited the site on his own.

Councilor Gilman asked for more information on the relationship with ConCom in view of the Council permitting process. **Chip Payson**, General Counsel, said the Committee has standards under GZO Sec. 1.8.3 and evaluate those standards against the application; one of those standards deals with the environment, given wetlands involved adjacent to the site which will require some action with ConCom and is a determination of standards and the Committee can act accordingly. **Mr. Favazza** expanded on this theme for the Councilor by describing the northerly or rear portion of the property is uplands is in a buffer zone to wetlands down beyond a steep slope -- it is the buffer zone it triggers ConCom review. The main concern is what is done in the buffer zone impacts the wetland resource area which ConCom is charged with protecting. In this permitting situation, not only is the Council looking at the environmental issues, but also the backup that even if the Council said this looks good from an environmental standpoint, but missed something, ConCom will find it and will require remediation, like requiring native plantings in the buffer zone, he suggested. He said from an environmental overview what will be on the site will be an improvement of what is there now, and catch basin storm water will now get trapped rather than be run off during storm events and is also an improvement.

Councilor Lundberg conveyed that under GZO Sec. 5.7 they gather reports from various departments and the Council has to decide that the entire project is in compliance with the Zoning Ordinance rules and regulations and that is the Committee's role at this point. When the Committee votes on these motions they have to be convinced there's enough information in the record to satisfy the Councilors there is all this compliance. He suggested that after they conclude their deliberations they can vote on the motion whether they feel there is enough information in the record may influence how they vote on it even if it comes out not recommended but will be presented to the Council, which he said is the best result. **Councilor Cox** expressed her agreement.

Councilor Lundberg expressed concern for sufficient information, that although Mr. Favazza had given a verbal dissertation what he thought ConCom would do, but the Committee doesn't have anything from ConCom at all for the Council. The second important factor is the management of the industrial wastewater, not the stormwater runoff, from the cultivation facility for which there is nothing in the record that speaks to it, how it works, how it interfaces with the city's sewer. What goes into those utilities is a question they don't have answers to, he pointed out. **Mr. Favazza** equated the industrial wastewater pretreatment situation to the fact that the applicant hasn't provided the exact sprinkler plan yet, but they need the Fire Department to sign off on it. If they don't get the Fire Department to sign off then there is no building. They need a sign off from the DPW, and they'll have to tackle the technical details for industrial wastewater pretreatment, and if pretreatment isn't handled they don't get their sign off from the DPW. The standard review they are tasked with falls under GZO Sec. 18.3, and Sec. 5.7 for which the applicant has supplied that information. He said it is up to the Council whether to approve the project and rely on the specialized departments and boards to deal with the technical issues to be found after going forward from a Special Council Permitting. He pointed out it costs six figures in design work just for what Mr. Hale has spoken about and to have that months before a Special Council use permit, and not knowing if they get further is not appropriate. He said that the Council can take comfort in that can have comfort that state and local regulations will cover these outstanding issues. **Councilor Cox** said she agreed and that is why they have conditions they can add to Special Council Permits, saying she has never seen a Special Council Permit come fully vetted to Council. She explained that Mr. Favazza has a point that they have regulation items that have to have ConCom and industrial wastewater pretreatment before HVV can open their doors. **Councilor Lundberg** said there will have to be conditions.

Councilor Gilman noted that on Nov. 10 the Planning Board voted 6-0 to recommend that the Council grant a Major Project Special Permit with a stipulation of a site plan per 5.8 for Zoning Ordinance and is that extra to

ConCom evaluation. **Gregg Cademartori**, Planning Director said that the Site Plan Review ordinance was enacted in 2010. It applies to threshold-sized projects including Medical Marijuana Treatment Centers and Cultivation Facilities. The ordinance is specific that there is a decision made by the applicant either to pursue the Site Plan Review prior to or after a Special Council Permit is granted. Many of these things are chicken and egg in terms of the sequence an applicant chooses for review, and what a jurisdiction might require. In this case filing was made, overseen by Planning Board and that review was suspended up to a certain level of detail and HVV will have to return to that process in order to pursue a building permit in order to receive a Special City Council Permit. There are some additional standards that have to be adhered to and are almost in realm of building permit review level of detail prior to the issuance of the site plan. There is the ability to come back for that permit. There are instances where someone might take a different path to pursue Planning Board and ConCom approval and then pursue a Special Council Permit. He said it is not a linear path that the SCP standards are broad and it becomes a matter if the Committee feels they have enough information available at that time on the permit to make a determination. There are unique aspects that they may want more information on. Industrial wastewater is an issue but the Zoning Ordinance has latitude. As to the ConCom review the chicken and egg statement applies here also. Under the state statute ConCom functions under, could say they could want them to make a filing before they make a determination. The Commission hasn't had a filing in front of them and so there is no feedback from them. **Councilor Gilman** said the applicant suspended their Site Plan Review and asked why. **Mr. Favazza** said there is a certain level of detail to comply with Site Plan Review requirements. It is tantamount to building permit level plans such as where are beams to be placed through the auspices of a structural engineer and the like. Special Permit plans don't go to that level of detail. The Council votes in favor, and then before the building permit is issued, the applicants hire a team to do ahead and put the details into that plan that was approved. The same applies here, he pointed out. They did what they could at the Site Plan Review with the level of detail that is required, but he imparted that the applicant has provided more than sufficient detail as required under the Zoning Ordinance for a Special Council use permit. To move forward for the next round of plans to put together, is a huge expense to the company at around \$500,000 and to do so now they'd be uncertain as to what is needed. If they get the use permit then they can get those detailed plans put together and go back to the Planning Board to wrap up for the site plan review that requires a higher level of detail than for a Special Council Permit.

Councilor Cox said that the Council has tried to be more user friendly for permitting. She said by allowing this applicant to pause with the Planning Board Site Review and to come to the Council through this path she conveyed she was pleased with what has been presented noting the good questions about secondary industrial wastewater treatment and ConCom. They have the ability to put conditions on the Special Council Permit.

Councilor Lundberg noted HVV is the applicant and that 4Front Ventures is their operational consultant and asked where the accountability lies. It is with HVV, **Mr. Favazza** confirmed, to ensure that what the protocols are being used comply with state law and local regulations and that HVV is the ultimate responsible corporate entity. He said HVV is the applicant, will hold the license and will run the dispensary. He explained that 4Front will train HVV's employee, hire the right people, and for next 10 years be HVV's support. It provides better experience for the patient and the community, he added, and the team has industry leaders training their staff and setting the standards for them.

Councilor Lundberg asked about the Patient Consultant who would advise the patient on the appropriate product to purchase noting that when patients enter the facility they have a prescription and further asked where is the patient's physician stop and Patient Consultant start. **Sam Tracy**, 4Front Ventures, said physician certifies to the state their patient has an ailment that could be treated with Medical Marijuana; the state confirms this with medical documentation showing the condition has been debilitating and that Medical Marijuana could work for the patient. The card comes from DPH which the patient brings to the dispensary. Since this is all relatively new doctors don't have training in this, he pointed out. He explained that the patient comes in and a patient consultant says these products are appropriate and in what form for delivery. .

Councilor Gilman asked further about AMD's services. Mr. Reardon explained that 4Front trains operational staff MJARDIN handles all cultivation growing in Gloucester and elsewhere in their Mass. facilities and trains their horticultural employees. AMD was hired specifically to train their security personnel who will ascertain that a person has appropriate credentials to enter the facility and on possible events taking place. He said HVV are not believers in firearms and is not the stance they feel is appropriate. This is purpose built, he pointed out. The relationship with the city is to ensure right communications are set up locally and is all part of the vetting they did to ensure their investment is protected.

Councilor Cox asked if clients actually use on site. It is prohibited **Mr. Favazza** confirmed.

Council President Ciolino advised that when issuing a Special Council Permit, it is a discretionary permit, and that there needs to be issued a certificate of completion before an Occupancy Permit by the Building Inspector can be

issued, which goes through the checklist on conditions. If there holes in the Special Council Permit conditions it becomes problematic, he advised. Procedurally they can come back with the industrial wastewater plan, and the ConCom Order of Conditions but HVV will have to come back to amend the Special Council Permit. He cautioned that if the Council leaves gaps in the conditions it has the potential to cause problems down the road.

Councilor LeBlanc expressed that he agreed that some of the conditions require a great deal of money, and they can take care of this at Council with conditions at a later date which he pointed out has been done before. **Councilor Cox** said they didn't leave any holes with the Beauport Hotel permitting. She said she agreed with the Councilor that leaving holes is not good. The Industrial Wastewater Treatment and the ConCom Order of Conditions are two potential conditions to be placed on this Special Council Permit.

The Committee voiced their agreement that there could be other conditions placed on the Special Council Permit at the Council meeting on Tuesday, Dec. 13.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council issue a Major Project Special Council Permit (SCP2016-004) for a Medical Marijuana Cultivation Facility and Treatment Center to Happy Valley Ventures MA, Inc. (applicant), Map 263, Lot 64 at Great Republic Drive #38 pursuant to Sec. 1.5.3(c), Sec. 5.7 "Major Project" & Sec. 5.27 "Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities" and 1.8.3 of the Zoning Ordinance.

This matter has been previously advertised for public hearing.

The Committee recessed at 7:13 p.m. and reconvened at 7:20 p.m.

5. SCP2016-005: Great Republic Drive #41, Map 263, Lot 58, GZO Sec. 1.5.3 (c), Sec. 2.3.2, Sec. 5.7 "Major Project" & Sec. 5.27 "Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities (Cont'd from 11/16/16)

Attorney Bruce Tobey, Partner, Pannone Lopes Devereaux and West, White Plains, NY, representing Mayflower Medicinals, Inc., (MMI) for a special Council Permit under GZO Sec. 1.5.3 (c), Sec. 2.3.2, Sec. 5.7 "Major Project" & Sec. 5.27 "Medical Marijuana Treatment Center only, for a site located in part of a pre-existing building at #41 Great Republic Drive, along with CEO, John Henderson and Adam Fine, Chief Compliance Officer; Co-Counsel Attorney David Ullian and Jeremy Shaw, Vicente & Sederberg who also represent Mayflower; and Brian Anderson, a registered Mass. architect, founding partner of Anderson Porter Design, the firm which designed the proposed MMI dispensary; April Ferraro, Meridian Associates, MMI's engineering consultant for this project.

He expressed the view of the applicant that this is an important process which needs to feature comprehensive unified project review, with no use permits (Special Council Permits) issued until the full scope and impact of any medical marijuana proposal is thoroughly vetted understood and appropriately mitigated. Whether and how our community engages the emerging medical marijuana industry is important to Gloucester and the future of Blackburn Industrial Park, which is one of our city's key economic engines for growth and prosperity. MMI's proposed dispensary is a health care facility that will occupy approximately 1,870 square feet of the eastern corner of the existing Swan Net building. He noted that the MMI plan is now different from that was shared with the Committee at its October 5 meeting because MMI has undergone a comprehensive and very detailed Site Plan Review before the Planning Board, which has made the MMI proposal better than it was and ready for the Committee's review.

He said that the plan still measures up to the same key standard as MMI's earlier proposal did -- other than for a different configuration of doors and windows and a small and discrete sign, as this summary of MMI's plan shows, the building will look no different to those who pass by it than it does today.

Mr. Tobey explained that he wouldn't be reviewing DPH regulations and operational considerations as it applies to MMI's application as such regulations were gone over in great detail by the previous applicant's team, and the foundation was reasonable and accurate to this application. **Councilor Lundberg** stated that the application (on file) submitted by MMI also covers that information, and is there for anyone to read.

Mr. Tobey then reviewed that previously there was concern expressed about the fact MMI would be in the back (southeast) corner of the Swan Net building; concerns for cross traffic considerations, pedestrians and trucks. Their landlord, represented by Attorney Liam O'Connell, whom **Mr. Tobey** indicated was present, worked hard to mitigate those considerations and come up with a plan to mitigate those concerns that the Planning Board expressed. It means that Swan Net will reconfigure their operations so MMI could reconfigure their placement in the under-

utilized building. MMI is now positioned in the front (east) corner. A rendering of the façade as one drives by it was displayed (on file) with the new entranceway which runs parallel to the roadway heading towards the National Fisheries Service building.

He described that patients will come in through a secure entry, a sally port into an area which displays product; an area for patient consultation with on-site technician guidance, can then choose his or her medicine under the terms of his or her state-issued and doctor-sanctioned license, an area for dispensing the product and transactional area – there is a secure vault. The MMI team met with city staff and had conversations with the Interim Chief of Police who was satisfied with the security system that MMI will have in place. He pointed out a break room, office areas, and some small storage areas. He said the facility is small, discrete but responsive to patient service which is the goal that they need to serve the city. The facility is designed to provide the highest level of safety and security for patients, employees, neighbors, and the surrounding community. It will utilize state-of-the-art security technologies on both the interior and exterior of the building.

Mr. Tobey pointed out what he described as a key fact as he would convey an overview of how this proposal complies with the six special permit criteria of GZO Section 1.8.3 that Mayflower's proposed dispensary will occupy underutilized commercial space in the existing Blackburn Industrial Park commercial Swan Net warehouse. That fact, he noted, is critical as the Committee considers three of the six criteria:

- **Traffic flow and safety** – MMI's dispensary does not envision a significant increase in traffic or parking requirements beyond that of current uses in Swan Net warehouse or for which the Business Park Zoning District was designed and built. MMI will provide ten parking spaces (which was pointed out), one of which is ADA accessible, thereby surpassing the requirement of the Zoning Ordinance for one space for each 300 square feet of office space use.
- **Adequacy of utilities and other public services** - This commercial property is fully functional, has existing utilities, and is adequately served by public services, including but not limited to wastewater flows. No cultivation or processing of medical marijuana will occur at this location, and it will not require utilities or public services beyond the current uses of the Swan Net tenants.
- **Qualities of the natural environment** - Except for expanding the parking lot with a permeable surface adjacent to the existing building and, as certified by the City Engineer, well within the limits of the existing stormwater management and drainage system that services the property, all improvements and renovations will be confined to the interior of the building. No negative impact on the qualities of the natural environment or drainage is anticipated as compared its current use given the scope of the site's as-built drainage capacity. It was noted there is no ConCom or any other necessary review of the project.
- **Potential fiscal impact** – MMI's operation of a dispensary in Gloucester will have a positive fiscal impact for the city. MMI signed the same arrangement and will generate the same revenue has entered into a Community Benefit Agreement with the city, in which it will make significant annual donations consisting of set amounts plus percentages of gross revenues, which the city can use to address any public needs or programs. Although MMI is required to operate as a Mass. statute as a non-profit corporation under MGL c. 180, the Community Benefit Agreement also requires that MMI pay all applicable property taxes which would otherwise be required if it were a for-profit company. Finally, the Community Benefit Agreement provides that residents of Gloucester will receive preferential treatment in Mayflower's hiring process. It was noted that MMI will generate 15 to 20 jobs which is anticipated to be done quickly that the project requires remodeling work and installation of security systems and is not a build out. The facility will be up and running within a year, it was pointed out.
- **Neighborhood character and social structure** – MMI's dispensary will occupy underutilized space in the existing Swan Net facility. Its use of that space for dispensing medical marijuana, providing educational materials and counseling patients is similar to the overall use of the building as a commercial property and fits well within the commercial character of the Business Park Zoning District. It was reported that MMI received full approval from the EDIC as the landlord manager of the Industrial Park. MMI's operation of the proposed facility will help to revitalize the site and restore a thriving business park, employing local Gloucester residents and contributing tax and other financial benefits to the City. All of these benefits will enhance the neighboring area. This represents a first step into a new and emerging segment of the health care industry tucked discretely in the midst of two businesses that are federally regulated and nearby to a federal regional headquarters site.
- **The social, economic and community needs that will be served by the proposed use** – In 2012, Massachusetts voters legalized the medical use of marijuana for qualified patients suffering from debilitating medical conditions. As of August 31, 2016, there were 30,000 active medical marijuana

patients, and approximately 2,000 new patients are registered each month. As of today there are only seven dispensaries that are currently operational in the entire state, and the supply and variety available at these dispensaries is not meeting patient demand.

Mr. Tobey relayed that he had been approached by locals who have been certified through the medical process of the DPH with a proven medical need, and are asking for a RMD closer to home. There is a need, he said, that can be served. MMI will serve social, economic and community needs in several different ways:

- Meeting the medical needs of Gloucester patients by providing high-quality medical marijuana, educational materials, and patient counselling.
- Strengthening the local economy by providing new use to underutilized commercial space with a business,
- Through a Community Benefit Agreement, providing the City of Gloucester with monetary contributions and offering hiring preference to qualified Gloucester residents for its dispensary employees.
- Accomplishing all this in a sensible and discrete first-step way which meets the needs of Gloucester patients for medical assistance with a small footprint operating a dispensary only, thereby carefully managing our community brand, and the future of Blackburn Industrial Park, which is one of our City's key economic engines for growth and prosperity.

Mr. Tobey then touched upon Major Project Special Permit Criteria are concerned, with a reminder that the Mayflower dispensary will occupy underutilized space in the existing Swan Net building, and noted the following considerations which demonstrate Mayflower's compliance:

- The dispensary will be served by an existing network of roadways built to accommodate the loads of the Business Park Zoning District, and that the requirement regarding an arterial or collector street via ways serving not more than ten single-family homes is not applicable.
- The existing Swan Net facility is connected to the municipal sewerage system.
- MIMI's Site Plan accompanies the submittal has met all of the applicable requirements set forth in Section 1.5.3 (c) and 5.7.5(c).
- The proposed dispensary project meets all relevant requirements, criteria and standards in the Gloucester Zoning Ordinance, the Subdivision Control Law is not applicable to it, and MMI will obtain all required building and occupancy permits prior to occupancy of the facility.
- The project in no way proposes multi-family residential, assisted living facility or shopping center uses.

The project, he said, in no way proposes multi-family residential, assisted living facility, or shopping center uses. In looking at the check list of the Zoning Ordinances, he pointed out that this application meets them all. He concluded his remarks by saying MMI hopes the Committee will agree with these proposed findings and will favorably recommend MMI's dispensary proposal to the City Council.

COUNCILOR QUESTIONS:

Councilor Gilman, noting that the MMI facility is only required to have one handicapped parking space, will it be a temptation from the other two companies that share the building and is it planned to have the space reserved for the use of MMI. **Mr. Tobey** said handicapped spaces for the other tenants are in the back and that the handicapped space in their plan as shown will be only for their facility. **Councilor Gilman** noted that the Blackburn Industrial Park is primarily zoned for mixed use, not just retail – is this application just considered retail. **Mr. Cademartori** said it is not considered retail. It is enabled by the specific use in GZO Sec. 5.27 and is deemed a medical office use. That is why the EDIC check off is so important, **Mr. Tobey** said. She said she appreciated the changes to the plans offered by MMI, as she was at the Planning Board meeting where the discussion on the layout took place, and that to her it seems that there is a good layout.

Councilor Cox asked if 10 parking spaces would be adequate. **Mr. Tobey** said 10 will be plenty. **Councilor Cox** pointed out that the handicapped space can be used by anyone with a placard, she noted. **Councilor Lundberg** proffered that the practicalities are such that it likely won't be an issue.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Cox, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council issue a Major Project Special Council Permit (SCP2016-005) for a Major Project for a Medical Marijuana Cultivation Facility and Treatment Center for Mayflower Medicinals, Inc. (applicant), Map 263, Lot 58 at Great Republic Drive #41 pursuant to Sec. 1.5.3(c), Sec. 5.7 "Major Project" & Sec. 5.27 "Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities" and Sec. 1.8.3 of the Zoning Ordinance

This matter has been previously advertised for public hearing.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:45 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Two color photographs of 66 Woodward Drive submitted by Peter Glynn, National Grid re: PP2016-010**
- **Power Point Presentation by Attorney Joel Favazza re: SCP2016-004**