

GLOUCESTER CITY COUNCIL MEETING

Tuesday, September 26, 2017 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Joseph Ciolino; Vice Chair, Steven LeBlanc, Jr.; Councilor Paul Lundberg; Councilor Valerie Gilman; Councilor Sean Nolan; Councilor James O'Hara; Councilor Joseph Orlando, Jr.
Absent: Councilor Memhard; Councilor Cox
Also Present: Joanne Senos; Jim Destino; Kenny Costa; Chip Payson; John Dunn; Larry Durkin; Chris Sicuranza; Grace Poirier; Brian Hamilton; Matt Coogan

The meeting was called to order at 7:00 p.m. The Council President announced that this meeting is recorded by video and audio in accordance with state Open Meeting Law.

Flag Salute & Moment of Silence.**Oral Communications:**

Sunny Robinson, 20 Harvard Street, representing the Coalition for the Prevention for Domestic Abuse, extended an invitation to the Council to join her organization, the Mayor, the city's Police Department, the School Committee, and other city officials and other civic and religious organization's on the steps of City Hall, Tuesday, October 3 for the annual October Domestic Violence Awareness Month starting at 12:30 p.m. She advised this is the 17th year of making this commitment. The direct links between gun violence and domestic violence were touched upon by Ms. Robinson as well as some concerning statistics. She thanked the Council for their support and said she looked forward to seeing them all at the event on October 3.

Presentations/Commendations: None.

New Appointments:

Community Development Director

Jill Cahill

TTE 02/14/20

Jill Cahill, resident of Gloucester, and candidate for the appointed position of Community Development Director introduced herself to the Council, thanking them for the opportunity to serve the city.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Jill Cahill as Community Development Director, TTE 02/14/20.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to appoint Jill Cahill as Community Development Director, TTE 02/14/20.

Shellfish Constable

Tamela Cominelli

No TTE

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Tamela Cominelli as Shellfish Constable, retroactive to August 30, 2017.

DISCUSSION:

Ms. Cominelli noted she's been the Assistant Shellfish Constable for the past 12 years working with just retired Shellfish Constable, David Sargent. She noted she was appointed by the Mayor as of August 30th. **Councilor LeBlanc** conveyed that he's known Ms. Cominelli for some time. He noted Mr. Sargent was a great Shellfish Warden and said he knew Ms. Cominelli, having been trained by him would do a great job.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to appoint Tamela Cominelli as Shellfish Constable, retroactive to August 30, 2017.

Community Preservation Committee

Helen "Holly" Clay

TTE 02/14/20

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Helen "Holly" Clay to the Community Preservation Committee, TTE 02/14/20.

DISCUSSION:

Councilor LeBlanc, noting that Ms. Clay had been before the Council just recently having been made a full member to the Historical Commission from an alternate member, said that Ms. Clay couldn't appear at this meeting due to a conflict. He advised that the O&A Committee supported her appointment.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, appoint Helen "Holly" Clay to the Community Preservation Committee, TTE 02/14/20.

Licensing Board

Brian Hamilton

TTE 05/31/18

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Brian Hamilton to the Licensing Board, TTE 05/31/18.

DISCUSSION:

Council President Ciolino asked if Mr. Hamilton had worked in the restaurant industry. **Mr. Hamilton** explained that although he works for the city's IT Department for about seven years he was the Assistant Manager for a local restaurant with a full alcohol license. In response to the Council President's inquiry, he advised that when the Dog Bar, whom he worked for, came up for an alcohol license before the Licensing Board that he would recuse himself.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 7 in favor, 0 opposed, 2 (Memhard, Cox) to appoint Brian Hamilton to the Licensing Board, TTE 05/31/18.

Consent Agenda:

• **MAYOR'S REPORT**

1. Memorandum, Grant Application & Checklist from Assistant to the Gloucester Emergency Management Director re: acceptance of the 2017 Citizens Corps Program Competitive Grant in the amount of \$3,500 (Refer B&F)
2. Memorandum, Grant Application & Checklist from Assistant to the Gloucester Emergency Management Director re: acceptance of Emergency Preparedness Performance Grant (EMPG) in the amount of \$6,460 (Refer B&F)
3. Memorandum, Grant Application & Checklist from Interim Police Chief re: acceptance of FY18 State 911 EMD & Training Grant in the amount of \$12,433 (Refer B&F)
4. Memorandum, Grant Application & Checklist from Board of Health Director re: acceptance of FY18 Public Health Preparedness Grant (PHEP) in the amount of \$10,166 (Refer B&F)
5. Invitation from Gloucester Health Department and Healthy Gloucester Collaborative to "A Conversation: Marijuana & Youth" on September 28, 2017 (Info Only)
 - **COMMUNICATIONS/INVITATIONS**
 - **INFORMATION ONLY**
 - **APPLICATIONS/PETITIONS**
 - **COUNCILORS ORDERS**
1. CC2017-039 (Orlando/Nolan/LeBlanc): Request an ocean skimmer be purchased for the purpose of eradicating marine pollution in Gloucester Harbor and that the city enters into an MOU with Cape Ann Maritime Partnership for its general maintenance (FCV 10/10/17)
2. CC2017-040 (Cox/Orlando): Amend GCO Ch. 22, Sec. 22-274 "Two-hour-parking-Between certain hours," and Amend GCO Ch. 22, Sec. 22-277 "One-hour-parking-Generally" re: Commercial Street, for a distance of 27 feet from its southerly intersection with Beach Court (Refer O&A & TC)
3. CC2017-041 (Nolan): Amend GCO Ch. 22, Sec. 22-267 "One-way streets-Generally" by ADDING Park Lane from Norman Avenue to Linden Road (Refer B&F)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**

1. City Council Meeting: September 12, 2017
2. Executive Session Minutes: 9/22/2009
3. Standing Committee Meetings: B&F 09/21/17 (under separate cover), O&A 09/18/17, P&D 09/20/17

(Approve/File)
(Approve/File)
(Approve/File)

Items to be added/deleted from the Consent Agenda:

Councilor Orlando asked to remove Item #3 under the Mayor's Report, "Memorandum, Grant Applicant & Checklist from Interim Police Chief re: Acceptance of FY18 State 911 EMD & Training Grant in the amount of \$12,433 for the purpose of correcting the record and to also remove under Approval of Minutes under #3, B&F 09/21/17 to amend the B&F Committee meeting minutes.

Councilor LeBlanc asked to remove under Approval of Minutes, Item #1, City Council Minutes of 9/12/17.

Councilor Orlando explained that the grant amount stated in the Mayor's Report of "\$12,433" is in fact \$121,239.63 and then asked the corrected matter be referred to the B&F Committee. **By a unanimous vote of the Council, the matter of the "Memorandum, Grant Application & Checklist from Interim Police Chief re: Acceptance of FY18 State 911 EMD & Training Grant in the amount of \$121,239.63" was referred to the B&F Committee.** He then explained that in the minutes of the B&F Committee's September 21 meeting that the dollar amount was left out of the motion to accept a state grant for the FY18 Coastal Resilience Grant Program on page 2 of the minutes. **Councilor Orlando moved that the minutes be amended by ADDING "\$97,500" after the words Coastal Zone Management on page 2 of the B&F Committee's September 21, 2017 minutes, seconded by Councilor Nolan, and by a unanimous vote of the Council the B&F minutes of September 21, 2017 was amended.**

Councilor LeBlanc explained that on page 13 of the September 12 City Council minutes some language was left out of the motion to refer a matter back to the O&A Committee and **moved, seconded by Councilor Nolan, and voted unanimously that the motion be struck and be added as follows:**

"MOTION: On a motion by Councilor Orlando, seconded by Councilor O'Hara, the City Council voted 8 in favor, 0 opposed, 1 (Ciolino) recused, to return the matter of amending GCO Ch. 9, "Trash, Recycling and Litter" Sec. 9-12 and Sec. 9-13 (reserved) by adding a new section 9-12, which prohibits the use of plastic checkout bags, and ADDING a new section 9-13 regarding penalties for violation of new section 9-12 to the O&A Committee." The motion was seconded by Councilor and by a unanimous vote of the Council the 9/12/17 City Council minutes were amended."

By unanimous consent the Consent Agenda was accepted as amended.

Committee Reports:

Budget & Finance: September 21

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Memhard, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Orlando) absent, to recommend that the City Council accept a federal grant for the Library Services and Technology Act (LSTA) Grant under MGL c. 44, §53A from the Institute of Museum and Library Services (IMLS) passed through the Massachusetts Libraries Board of Library Commissioners in the amount of \$4,200 for Fiscal Year 2018. The purpose of this grant is to fund a consulting archivist to perform a Preservation Assessment of the City of Gloucester municipal archives and special collections including those held at the Gloucester Lyceum and Sawyer Free Library. The grant term is from October 1, 2017 to September 30, 2018.

DISCUSSION:

Councilor Orlando relayed that this is an acceptance of a Library Services & Technology Act grant through the Massachusetts Board of Commissioners for \$4,200. The grant, "Preserving Gloucester's History, A Collaborative Preservation Assessment between the Sawyer Free Library and the Gloucester City Archives" enables the contracting of a preservation specialist to perform a local history assessment of the archives of the Library and the municipal archives, generating a report that will highlight collection risks and make recommendations as to the next steps for preserving each of the collections. There is no match.

MOTION: On a motion by Councilor Orlando, seconded by Councilor Nolan, the City Council voted 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to accept a federal grant for the Library Services and Technology Act (LSTA) Grant under MGL c. 44, §53A from the Institute of Museum and Library Services (IMLS) passed through the Massachusetts Libraries Board of Library Commissioners in the amount of \$4,200 for Fiscal Year 2018. The purpose of this grant is to fund a consulting archivist to perform a Preservation Assessment of the City of Gloucester municipal archives and special collections including those held at the Gloucester Lyceum and Sawyer Free Library. The grant term is from October 1, 2017 to September 30, 2018.

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Memhard, 1 (Orlando) absent, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Orlando) absent, to recommend that the City Council accept a state grant for the Healthy Summer Youth Jobs Grant Program under MGL c. 44, §53A from the Office of the Massachusetts State Attorney General for \$3,696. The purpose of this grant is to fund healthy summer jobs for local low-income youth. There is no local match for this grant. The grant term is from July 19, 2017 to September 15, 2017, and the grant term has been extended to December 31, 2017.

DISCUSSION:

Councilor Orlando briefly explained that the city's Public Health Department in collaboration with the Cape Ann YMCA has received a Healthy Summer Youth Jobs grant for \$3,696 from the Office of the State's Attorney General. This grant supported the YMCA's hiring seven local low-income youth to assist in running their Mobile Parks program. This successful pilot program brought the YMCA to neighborhoods with no membership or camp fee. The seven youth were employed through the summer totaling 1,050 hours. This program complemented the Health Department's strategic plan to combat childhood obesity and inactivity in Gloucester which is well above the state average. It should be noted that the YMCA paid the youth out of their budget, and that the grant will serve to reimburse the YMCA which was a condition of the partnership. The grant deadline was extended to the end of the year to allow for the late acceptance of these funds.

MOTION: On a motion by Councilor Orlando, seconded by Councilor Nolan, the City Council voted 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to accept a state grant for the Healthy Summer Youth Jobs Grant Program under MGL c. 44, §53A from the Office of the Massachusetts State Attorney General for \$3,696. The purpose of this grant is to fund healthy summer jobs for local low-income youth. There is no local match for this grant. The grant term is from July 19, 2017 to September 15, 2017, and the grant term has been extended to December 31, 2017.

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Memhard, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1(Orlando) absent, to recommend that the City Council accept a state grant for the FY18 Coastal Resilience Grant Program from the Office of Energy and Environmental Affairs, Coastal Zone Management for \$97,500 to fund the redesign of five of the City of Gloucester's most vulnerable wastewater pump stations located in flood prone areas. This is a reimbursement grant and all scheduled work must be completed no later than June 30, 2018. There is a 25% required match for the total project cost.

DISCUSSION:

Councilor Orlando noted that the city is in receipt of a \$97,500 grant from the Executive Office of Energy and Environmental Affairs, Coastal Zone Management for a FY18 Coastal Resilience Grant Program to fund the redesign contract for five of the city's most vulnerable wastewater pump stations located in flood-prone areas. This was before the Council on June 27 for permission to apply. The Community Development Department is working with the DPW to co-manage this grant effort which aligns with infrastructure improvements that the city has to do which is in essence implementing the vulnerability assessment completed about a year ago for those projects identified as priorities. There is a 25% match which will come out of the Sewer Enterprise Fund FY18 budget of the total project cost for \$30,000.

MOTION: On a motion by Councilor Orlando, seconded by Councilor Nolan, the City Council voted 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to accept a state grant for the FY18 Coastal Resilience Grant Program from the Office of Energy and Environmental Affairs, Coastal Zone Management for \$97,500 to

fund the redesign of five of the City of Gloucester's most vulnerable wastewater pump stations located in flood prone areas. This is a reimbursement grant and all scheduled work must be completed no later than June 30, 2018. There is a 25% required match for the total project cost.

Ordinances & Administration: September 18

There are no matters for Council action from this meeting under this heading

Planning & Development: September 20

There are no matters for Council action from this meeting under this heading

Scheduled Public Hearings:

1. **PH2017-045: RZ2017-002: Rust Island Road #4, Map 233, Lot 72, from R-10 (Medium/High Density Residential) to EB (Extensive Business)**

This public hearing is opened at 7:21 p.m.

Council President Ciolino opened the public hearing and continued it to October 10, 2017.

This public hearing is to be continued to October 10, 2017 at 7:21 p.m.

2. **PH2017-049: Loan Order: Amend Loan Order 2016-002, in the amount of \$1,300,000 by increasing it to \$1,570,000 to pay costs of improvements to the Gloucester Avenue & Breezy Point Sewer Pump Stations**

This public hearing is opened at 7:21 p.m.

Councilor Orlando declared under MGL c. 268A that there is an appearance of a conflict of interest as he lives on Breezy Point Road, and this is the pumping station directly next to his home but it will not affect his vote.

Those speaking in favor:

John Dunn, CFO, explained this is a proposal to amend a loan order passed in July 2016 that was for \$1,300,000 and to increase it by \$270,000. He relayed that as the project moved forward, and the city put it out to bid, bids came in much higher than projected -- the city is facing continued inflation for infrastructure construction - not only for this amended loan order but for the next loan order that will come before the Council. He said the city received bids; the low bidder was the same in the first and second round of bids, a very competent construction firm. He noted that the bids came in about 10% to 20% higher than the actual anticipated construction costs. As a result, he said the loan order needs increasing by \$270,000. Larry Durkin, the city's Environmental Engineer was present to respond to Councilor inquiries, he advised.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Gilman suggested that the city was very low in its cost estimation on this project and asked what increased by \$270,000 from what was initially estimated. **Mr. Durkin** advised there was a lot of bidding this past spring and noted that this is a state revolving fund project. In trying to have the project bid this summer, the city only got one bid in the first go-round. In the second round prices came in higher. He pointed out in the second bidding round that they had to account for the fact that the Gloucester Avenue pump station is a 1950's era building which is in a substantive deteriorated condition, more than expected by the engineer, and was also reflected in the prices over the estimate. He reiterated there was more of a building component than the original estimate and prices are elevated overall.

This public hearing is closed at 7:26 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Memhard, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Orlando) absent, to recommend that the City Council authorize the following Loan Order:

Ordered: That Loan Order 2016-002, Certificate of Vote 2016-129 of this Council approved July 12, 2016 authorizing the borrowing of \$1,300,000 to pay costs of improvements to the Gloucester Avenue and Breezy Point Sewer Pump Stations is amended in its entirety to provide as follows:

That the City of Gloucester appropriates One Million Five Hundred Seventy Thousand Dollars (\$1,570,000) to pay costs of improvements to the Gloucester Avenue and Breezy Point Sewer Pump Stations, including costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7(1), or pursuant to any other enabling authority. The Mayor and any other appropriate official of the city are authorized to apply for, accept and expend any grants or gifts that may be available to the City to pay costs of the projects. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

DISCUSSION: None.

MOTION: On a motion by Councilor Orlando, seconded by Councilor Nolan, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to authorize the following Loan Order:

Ordered: That Loan Order 2016-002, Certificate of Vote 2016-129 of this Council approved July 12, 2016 authorizing the borrowing of \$1,300,000 to pay costs of improvements to the Gloucester Avenue and Breezy Point Sewer Pump Stations is amended in its entirety to provide as follows:

That the City of Gloucester appropriates One Million Five Hundred Seventy Thousand Dollars (\$1,570,000) to pay costs of improvements to the Gloucester Avenue and Breezy Point Sewer Pump Stations, including costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7(1), or pursuant to any other enabling authority. The Mayor and any other appropriate official of the city are authorized to apply for, accept and expend any grants or gifts that may be available to the City to pay costs of the projects. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

- 3. PH2017-050: Loan Order: Amend Loan Order 2015-003, in the amount of \$555,500 by increasing it to \$884,500 to pay costs of improvements to the Heritage Way Pump Station; construction of a new pump at station servicing Blackburn Industrial Park and Harrison Ave. sewer force main extension to Eastern Ave./Neptune Place**

This public hearing is opened at 7:29 p.m.

Those speaking in favor:

Mr. Dunn explained that as with the Breezy Point and Gloucester Avenue pump stations loan order just amended, when bids came in for the Heritage Way Pump Station project they came in higher than expected. The difference with this project, he pointed out, is that the city received a \$555,500 federal grant that is involved which the city doesn't want to let go. He said they want to complete the project which will still be funded 40% through the

grant money from the federal government. He reiterated that bids came in higher than expected because of construction inflation.

Those speaking in opposition:

Deborah Schwendiman, 40 Quarry Street, noting the Council's previous decision and with this loan order she was expressing concern that somehow the engineer didn't see this building the same way they might have seen it to begin with and was part of the (loan) increase. She asked about the labor costs, engineering costs and other costs that were "inflated." She said she believed this is a 40% increase over the original bid over the course of two years, and questioned it saying it appeared to her as unrealistic.

REBUTTAL:

Mr. Durkin noted the increase is 20% not 40% which he said he confirmed with Mr. Dunn. There was an alternate to this which is cast-in-place lining for a 1948 clay sewer and explained the process briefly. He said that not only will the city get a new sewer pump station at the Blackburn Industrial Park, but the whole discharge line to the city main interceptors will be improved. This loan seeks to fund those projects. He said they had hoped the prices would "come in good" within what was budgeted.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 7:34 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Memhard, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Orlando), to recommend that the City Council authorize the following Loan Order:

Ordered: That Loan Order 2015-003, Certificate of Vote 2015-090 of this Council approved June 9, 2015 authorizing the borrowing of \$555,500 to pay costs of improvements to the Heritage Way Pump Station, construction of a new pump station servicing the Blackburn Industrial Park, and Harrison Avenue sewer force main extension to Eastern Avenue/Neptune Place, is amended in its entirety to provide as follows:

That the City of Gloucester appropriates Eight Hundred Eighty Four Thousand Five Hundred Dollars (\$884,500) to pay costs of improvements to the Heritage Way Pump Station, construction of a new pump station servicing the Blackburn Industrial Park, and Harrison Avenue sewer force main extension to Eastern Avenue/Neptune Place, including costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7(1), or pursuant to any other enabling authority. The Mayor and any other appropriate official of the city are authorized to apply for, accept and expend any grants or gifts that may be available to the City to pay costs of the projects. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

DISCUSSION: None.

MOTION: On a motion by Councilor Orlando, seconded by Councilor Nolan, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to authorize the following Loan Order:

Ordered: That Loan Order 2015-003, Certificate of Vote 2015-090 of this Council approved June 9, 2015 authorizing the borrowing of \$555,500 to pay costs of improvements to the Heritage Way Pump Station, construction of a new pump station servicing the Blackburn Industrial Park, and Harrison Avenue sewer force main extension to Eastern Avenue/Neptune Place, is amended in its entirety to provide as follows:

That the City of Gloucester appropriates Eight Hundred Eighty Four Thousand Five Hundred Dollars (\$884,500) to pay costs of improvements to the Heritage Way Pump Station, construction of a new pump

station servicing the Blackburn Industrial Park, and Harrison Avenue sewer force main extension to Eastern Avenue/Neptune Place, including costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7(1), or pursuant to any other enabling authority. The Mayor and any other appropriate official of the city are authorized to apply for, accept and expend any grants or gifts that may be available to the City to pay costs of the projects. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

- 4. PH2017-023: SCP2017-004: Commercial Street #33, Map 1, Lot 22, GZO Sec. 2.3.6(1) for parking of motor vehicles to service a use permitted in the MI District & GCO Ch. 22, Sec. 22-153 "Privately owned open-air parking spaces" (Cont'd from 07/11/17)**

By a unanimous vote of the Council, the Rules of Procedure were suspended and the City Council reopened the public hearing from its beginning having received a recommendation from the Planning Board that the Site Plan Review on a use permitted in the MI District was conducted on this application.

Council President Ciolino acknowledged that the Council was only consisting this evening of seven Councilors, two being absent, and that in order to permit a Special Council Permit six votes in favor are required. He gave the applicant the option to continue this public hearing, prior to its opening, to the Council's October 10 meeting or to proceed. The applicant's representative indicated they wished to move forward this evening.

This public hearing is opened at 7:37 p.m.

Those speaking in favor:

Attorney Adam Costa, Mead, Talerman & Costa LLC, representing 1907, LLC, owner of the 33 Commercial Street property and Bill Mondello, applicant, noted in early spring 2017 the applicant had submitted two applications for privately-owned open-air parking spaces at 44 Commercial Street, which was previously permitted by the Council, and for 33 Commercial Street. He recounted that there was hesitancy by the Council to move forward on this application because of objections raised by the Beauport Hotel, an immediate abutter. He conveyed that the Beauport Hotel raised objections based on certain title issues, alleging that the Hotel had certain rights to use the 33 Commercial Street via an easement to use portions of that property, and expressed concern that granting the Special Council Permit would improperly impede their rights. He said he had proffered at Council that he didn't think it was a matter that was rightly before this body -- that matters of title are in general not matters that are before permitting boards, but are matters of the court. He and the Beauport Hotel representative advised this would proceed to litigation, and is now a matter on a variety of issues before the court. His offered that his position then as now is that the application is for open-air parking spaces which isn't inconsistent with the use that the Hotel it is alleging it has of a portion of this parking lot. He said if the Hotel is successful in land court, and have a certain right to use a certain number of spaces, that has no effect to this permit.

He noted that at the early July Council meeting this application was forwarded by the Council to the Planning Board for Site Plan Review which transpired, and it was approved with one vote against by the Board to approve the site plan as presented. One issue presented by the Hotel's counsel was that the plans didn't meet zoning requirements. He said he told the Board that that it is questionable whether these requirements of the Gloucester Zoning Ordinance speak to standards for off-street parking even applied to self-contained open-air parking lots. He pointed out that the city's off-street parking requirements are noted in the start of GZO Sec. 4.1 apply to parking meant to be pertinent to buildings or structures or principal uses and importance of spaces being located appropriately. He also pointed out that this is an existing parking lot for 33 Commercial Street in place for many years. He said that the suggestion that the owner and applicant make improvements to the parking lot, mentioning to the pertinent uses under the Zoning Ordinance that are met. He also noted there are several standards not met – the concept of paving the lot, striping it. He said there's never been a complaint of dust, other environmental

contaminants resulting from a parking lot not paved. He cited that the Conservation Commission expressed a preference that the lot not be paved which would make it into an impervious surface. He said there is no issue of vehicle circulation on a rectangular lot with parking on either side of it, and is a simple layout with direct access on and off the Commercial Street. He suggested that the Hotel was before the Planning Board for the same reason they were before P&D and the Council twice, which was to object to the general use. He offered that the use is consistent to any easement the Hotel may ultimately have, and that in the end, the easement is a matter for the courts not for the Council. He further proffered that the Hotel's suggestion is that in some way the Council shouldn't grant a Special Council Permit because they are entitled to a certain use of a certain number of spaces in connection with their adjacent hotel facility. He reminded the Council that the Hotel was permitted within a Hotel Overlay District (HOD), and the HOD Zoning Ordinance section requires that parking either be on site or located off-site, that it be located in a district that allows hotel use by right or by permit. He pointed out that this proposal is in the MI District which doesn't allow a hotel use by right or Special Permit. He advised even if the Hotel prevailed in court, they would need to come back before the Council to obtain a rezoning of his client's property for the purposes making it available in connection with parking for the hotel.

Mr. Costa reviewed the requirements under **GZO Sec. 5.18:**

1. The proposed use will not displace an existing water-dependent use with a non-water-dependent use: This is a use that preexists and no water-dependent use is being displaced.
2. The proposed use will not...pre-empt or interfere with existing or future development of water-dependent uses of the project site or surrounding property. It has been a parking lot for years and continues as such. There is nothing about this use that is new and doesn't interfere with development of water-dependent uses.
3. The proposed use is compatible with the working waterfront character of the zone: It was suggested that the availability of further parking in the waterfront zone will attract visitors to the city's waterfront and utilize the area and have immediate benefit.
4. The proposed project will not displace existing commercial fishing vessel berthing in Gloucester Harbor without providing equivalent space and draft at a suitable alternative site not already used by commercial fishing vessels. This project doesn't displace any existing water dependent uses or commercial fishing vessels.
5. The proposed use will not adversely affect the preservation of water-dependent uses on surrounding properties. It was reiterated that the proposed use will not adversely affect surrounding properties but rather will encourage residents and visitors alike to come to the waterfront area.

Mr. Costa then reviewed under as follows:

- (a) Social, economic and community needs served by the proposed use: This will be a boost to the economy to provide parking in an area "desperate" for off-street parking, especially in light of the Fort area parking challenges. Even when 33 Commercial Street is fully tenanted, there are additional parking spaces available. The use is limited in hours, and that tenants do take up certain parking in the lot during certain hours.
- (b) Traffic flow and safety: This is a rectangular lot and there are no issues with vehicular circulation in the lot, and entering and exiting onto Commercial Street.
- (c) Adequacy of utilities: There is no need for utilities.
- (d) Neighborhood character and social structure: This is the same use as it has been -- a parking lot.
- (e) Qualities of the natural environment: The applicant will maintain the dirt lot rather than paving it which is beneficial to the environment.
- (f) Potential fiscal impact: This will have a positive impact financially on the city's waterfront to bring individuals to the area and provide parking for them.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor LeBlanc asked when the parking lot is full where cars will be directed. **Bill Mondello**, applicant, said there is the permitted parking lot at #44 Commercial Street. If that lot is full, drivers will be told there is no parking available.

This public hearing is closed at 7:54 p.m.

COMMITTEE RECOMMENDATION: On motion by Councilor Nolan, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a Special Council Permit (SCP2017-004) under MGL c. 148, §56, GZO Section 2.3.6.1, "Parking of motor vehicles to service a use permitted in the MI District, and GCO Sec. 22-153 for an open air parking lot located at Commercial Street #33, Assessors Map 1, Lot 22, Zoned MI, to William Mondello, applicant, through owner of property at Commercial Street #44, Mac Bell for 1907, LLC, for the purpose of operating

an open air parking lot which is found to be in harmony and purpose of GZO Sec. 1.8.3 with the following conditions:

1. That this License shall be valid from April 30, 2017 to May 1, 2022 upon payment of appropriate fees to the City Clerk;
2. That the number of cars allowed to park on the public accessible lot and not reserved for an existing commercial building by tenant and/or owner use at any one time is limited to 40 with two (2) spaces designated as handicap parking, one (1) of which is to be handicap van accessible;
3. That the individual parking spaces shall be delineated and be in accordance with the lot plan approved by the Building Inspector and on file in the City Clerk's office upon adoption of decision of the City Council;
4. That any grassed and/or landscaped area(s) in the parking lot be kept neat and regularly maintained;
5. That an attendant shall be on duty at all times during hours of operation;
6. That the parking lot maintains a carry-in/carry-out trash policy and assures such a policy is adhered to by its paying patrons;
7. Signage: the following shall be posted on a sign to be erected by the applicant, The size and location of said sign to be agreed with the Building Inspector:
 - a. Fee for parking;
 - b. Number of cars allowed by the permit;
 - c. Hours of operation;
 - d. Specify for which businesses and places patrons may utilize parking lot for;
 - e. Parking lot trash policy of carry in/carry out;
8. That the Permit Fee is to be paid yearly to the City Clerk on April 30. The application is to be reviewed by the City Council in five (5) years unless it deems there is a cause to review the Permit sooner due to any violations of conditions herein.
9. The City of Gloucester shall not be held liable for any claims incurred by the parking lot operation;
10. That the applicant obtain a certificate of insurance in the aggregate amount of \$1 million naming the City of Gloucester as the Certificate Holder and that the coverage run for the duration of the yearly permit;
11. And that the applicant have prepared and present a certified locus map of the Open Air Parking Lot showing all designated public parking spaces for a fee, indicate the location of the parking attendant, handicap spaces, and those spaces reserved for tenant parking, by a Professional Engineer to the City Council at the time of the public hearing.

Councilor Lundberg requested to make a small amendment to the main motion without Council objection to strike the words, "through owner of property at Commercial Street 44," and in its place add the word, "owner."

Upon that small amendment, seconded by Councilor Gilman, the City Council voted unanimously to accept the amendment to the main motion.

DISCUSSION ON THE MAIN MOTION:

Councilor Lundberg said that the Council was waiting for the Site Plan Review to be done and that it is now complete and that the Special Council Permit can move forward.

Councilor Orlando reminded the Councilors to stay away from questions on easements and address the question of the use of the lot.

Councilor LeBlanc said that Ward 3 comes down Commercial Street going down to Beach Court. He noted he gets nearly weekly calls on parking issues on Beach Court and Commercial Street from constituents. He recounted that he and Councilor Cox, Ward 2 Councilor in whose ward a lot of the Fort falls in, have talked about parking issues in the Fort. He said in that particular small area it is very congested. He said his constituents on Beach Court feel that that this parking lot, based on the six criteria under GZO 1.8.3, would contribute to traffic flow and safety negatively and that people not allowed into the two lots will overflow into what little parking there is the Fort area. He said at the request of his constituents he will not support the application.

Council President Ciolino said one of the reasons an applicant must defend their application for a Special Council Permit under GZO Sec. 1.8.3, is that the Council must confirm that the applicant has done all that is asked under the Zoning Ordinance. Any added parking, especially to accommodate beachgoers and visitors to local sights

will be a good thing, he pointed out. He said he goes to the Fort area in the evening and on weekends, and knows that its biggest problem is parking. Any additional parking to the neighborhood is an improvement, he said.

Councilor Lundberg said he understood Councilor LeBlanc's constituents' stance, but more parking is better to help to ameliorate the issues of parking in that area. He extended his support.

Councilor Orlando also extended his support for the permitting of an open-air parking lot. He recounted that having grown up in Ward 3, he understood that the whole downtown area is congested and parking is important. He noted a precedent was set across the street at 44 Commercial Street and that fact should weigh in the Council's decision.

MOTION: On motion by Councilor Lundberg, seconded by Councilor Nolan, the City Council voted by ROLL CALL 6 in favor, 1 (LeBlanc) opposed, 2 (Memhard, Cox) absent, to grant a Special Council Permit (SCP2017-004) under MGL c. 148, §56, GZO Section 2.3.6.1, "Parking of motor vehicles to service a use permitted in the MI District, and GCO Sec. 22-153 for an open air parking lot located at Commercial Street #33, Assessors Map 1, Lot 22, Zoned MI, to William Mondello, applicant, owner, Mac Bell for 1907, LLC, for the purpose of operating an open air parking lot which is found to be in harmony and purpose of GZO Sec. 1.8.3 with the following conditions:

1. That this License shall be valid from April 30, 2017 to May 1, 2022 upon payment of appropriate fees to the City Clerk;
2. That the number of cars allowed to park on the public accessible lot and not reserved for an existing commercial building by tenant and/or owner use at any one time is limited to 40 with two (2) spaces designated as handicap parking, one (1) of which is to be handicap van accessible;
3. That the individual parking spaces shall be delineated and be in accordance with the lot plan approved by the Building Inspector and on file in the City Clerk's office upon adoption of decision of the City Council;
4. That any grassed and/or landscaped area(s) in the parking lot be kept neat and regularly maintained;
5. That an attendant shall be on duty at all times during hours of operation;
6. That the parking lot maintains a carry-in/carry-out trash policy and assures such a policy is adhered to by its paying patrons;
7. Signage: the following shall be posted on a sign to be erected by the applicant, The size and location of said sign to be agreed with the Building Inspector:
 - a. Fee for parking;
 - b. Number of cars allowed by the permit;
 - c. Hours of operation;
 - d. Specify for which businesses and places patrons may utilize parking lot for;
 - e. Parking lot trash policy of carry in/carry out;
8. That the Permit Fee is to be paid yearly to the City Clerk on April 30. The application is to be reviewed by the City Council in five (5) years unless it deems there is a cause to review the Permit sooner due to any violations of conditions herein.
9. The City of Gloucester shall not be held liable for any claims incurred by the parking lot operation;
10. That the applicant obtain a certificate of insurance in the aggregate amount of \$1 million naming the City of Gloucester as the Certificate Holder and that the coverage run for the duration of the yearly permit;
11. And that the applicant have prepared and present a certified locus map of the Open Air Parking Lot showing all designated public parking spaces for a fee, indicate the location of the parking attendant, handicap spaces, and those spaces reserved for tenant parking, by a Professional Engineer to the City Council at the time of the public hearing.

MOTION PASSES.

5. PH2017-048: SCP2017-011 Colburn Street #1, Map 157, Lots 72 & 39, GZO Sec. 3.1.6(b) and Sec. 3.2 for a building height in excess of 35 feet (Cont'd from 09/12/17)

The City Council put forward to suspend its Rules of Procedure to open this public hearing at its beginning and by unanimous vote of the Council this public hearing was allowed to proceed from the beginning.

This public hearing is opened at 8:03 p.m.**Those speaking in favor:**

Frederick J. Geisel, P.E., 15 Steep Hill Dr., Gloucester, representing Sam Avola, applicant of 9 Trueman Dr., Malden, MA, regarding an application (and purchaser of 949 Washington Street and 1 Colburn Street) for a Special Permit for Building Heights in Excess 35 feet, under GZO Sections 1.8.3, 3.1.6(b) and 3.2, as purchaser of Colburn Street #1 utilizing and Washington Street #929 in order to access and build a duplex at Colburn Street #1 (addendum to Purchase & Sale Agreement for both properties on file with application) was offered by **Council President Ciolino** to either proceed this evening with seven Councilors present understanding that in order to pass a Special Council Permit six votes were needed or to continue this public hearing to the Council's October 10 meeting. **Mr. Geisel** opted to have the public hearing continued.

The Council voted unanimously to permit this public hearing to be continued to October 10, 2017.

This public hearing is continued to October 10, 2017 at 8:04 p.m.

6. PH2017-051: Initiation of Zoning Amendments to GZO Sec. VI "Definitions" – "Recreational Marijuana Establishments" and Sec. 5.31 "Temporary Moratorium on Recreational Marijuana Establishments"**This public hearing is opened at 8:05 p.m.****Those speaking in favor:**

Joshua Ulrich, 7 Grandview Road, said he and his wife, a school nurse, have raised their family here, and noted his involvement with law enforcement as a homicide investigator with the State Police, and has been a coach of youth sports in Gloucester. He said he was speaking as a private citizen. He advised the Council he is in favor of the moratorium but wasn't in favor of any recreational marijuana retail establishments in the city. He said a lot of people who support having recreational marijuana retail outlets will say there is no violence involved with the sale of marijuana, that it's not a drug that leads to more dangerous drugs. He said they'll say alcohol is worse than marijuana. He recounted that they'll say there are many "upright citizens" that recreationally use marijuana and that a lot of revenue can be brought into the city and all will be fine. He conveyed it was his opinion that there is a lot of data that can be manipulated, citing the history of cigarettes, and genetically modified organisms. He explained that through his personal experience which has brought him into homes with suicides, accidental deaths, drug overdoses, homicides, speaks to the contrary of those claims. As for no violence, he said that he's personally been involved (investigating) murders and attempted murders related to situations that came about because of drugs. He pointed out that marijuana dealers are a target for gangs looking to score more drugs or rob people in Essex County. He said people say marijuana isn't a gateway drug but in speaking with heroin addicts, he said they've told him that what got them started in drug use was marijuana. As for the "upstanding, good citizens," some folks may be harmless that smoke marijuana, he said that this is a drug that has people involved in crime that aren't hardworking people in the community. There is enough to manage with alcohol and prescription drug abuse, he said. He mentioned the issue with opiates which he touched upon. Alcohol is bad, he said, and asked if they want to bring in another drug into the city, pointing out that many towns and cities are banning (recreational marijuana) retail outlets in their communities. He asked if they want a proliferation of this substance among the city's youth, expressing concern for them. Recreational marijuana is getting to younger and younger children, he advised. As adults and responsible members of the community, he said they should stand up and say it is legal to smoke if one is an adult, but that it should not be a place where retail marijuana outlets should be allowed. He said this is a risk for the health and psychological wellbeing of the city's children.

Leora Ulrich, 7 Grandview Road, expressed she was in favor of a moratorium.

Lisa Groleau, 598 Western Avenue, said that the city isn't ready for retail (recreational) marijuana yet. She said she understood that recreational marijuana comes in a liquid form and expressed concern for children ingesting that substance by vaping, and for law enforcement being able to do their jobs appropriately. She said they don't need to add something that will cause harm to the city's children and the city's reputation.

Brian Hamilton, 6 Lawrence Mountain Road, said the Council should pass a moratorium as the Cannabis Control Commission hasn't completed state regulations and won't complete that until sometime next year. He cited that the city would then only have a couple of months to figure this out if the regulations come out. He said the moratorium is the only responsible thing to do.

Joseph Giacalone, 16 Gould Court, said he supported the moratorium as the state isn't ready to provide guidance yet, and there will be many issues – enforcement, zoning, to name two, and that it is important to ensure this is done correctly.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 8:16 p.m.

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 Amend the Gloucester Zoning Ordinance, Section VI "Definitions" by ADDING a definition for Recreational Marijuana Establishments as follows:

"Recreational Marijuana Establishment: A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business, subject to regulation under Chapter 94G of the Massachusetts General Laws (MGL c. 94G); provided, however, that a Registered Marijuana Dispensary shall not be deemed to be a Recreational Marijuana Establishment."

DISCUSSION: None.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Gilman, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to recommend that the City Council Amend the Gloucester Zoning Ordinance, Section VI "Definitions" by ADDING a definition for Recreational Marijuana Establishments as follows:

"Recreational Marijuana Establishment: A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business, subject to regulation under Chapter 94G of the Massachusetts General Laws (MGL c. 94G); provided, however, that a Registered Marijuana Dispensary shall not be deemed to be a Recreational Marijuana Establishment."

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 Amend the Gloucester Zoning Ordinance by ADDING new Section 5.31 "Temporary Moratorium on Recreational Marijuana Establishments to prohibit the establishment of a Recreational Marijuana Establishment on a temporary basis through December 31, 2018 as follows:

"Section 5.31 Temporary Moratorium on Recreational Marijuana Establishments

Section 5.31.1 Purpose.

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes. The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018.

Currently under the Zoning Ordinance, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment") as defined by MGL c. 94G, is not specifically addressed in the Gloucester Zoning Ordinance. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of Recreational Marijuana Establishments raises novel legal, planning, public health and public safety issues, and the City requires time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Ordinance regarding regulation of Recreational Marijuana Establishments and other uses related to the regulation of recreational marijuana. The City adopts this temporary moratorium on the use of land and structures in the City for Recreational Marijuana Establishments so as to allow sufficient time to engage in a planning process to address the effects of such structures and uses in the City and to amend the Gloucester Zoning Ordinance in a manner consistent with sound land use planning, and the goals and objectives of the community.

5.31.2 Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through December 31, 2018, or six months from the date that final regulations are issued by the Cannabis Control Commission, whichever date is later. At any point prior to the referenced timeframes the City Council may amend the Zoning Ordinance to regulate Recreational Marijuana Establishments and terminate the moratorium. During the moratorium period, the City shall undertake a planning process to address the potential impacts of recreational marijuana use in the City, consider the regulations established by the Cannabis Control Commission regarding Recreational Marijuana Establishments and related uses, and shall consider amending the Gloucester Zoning Ordinance in response to these new issues.”

DISCUSSION:

Councilor Lundberg said that the current state of towns and cities proposing a temporary moratorium was found by the Attorney General to be reasonable and why most cities and towns are adopting such a moratorium.

Councilor Gilman requested to suspend the Rules of Procedure, which was voted unanimously by the Council to allow for the Planning Director, Gregg Cademartori and Karin Carroll, Public Health Director to make statements.

Mr. Cademartori said that the Planning Board heard very few people speak at its public hearing on the moratorium but the Board was the “initiator” of the (moratorium) amendment. He recounted that the Council has been through several presentations on the different actions the community can take to regulate these types of uses. He noted there are other steps the Council can take as to how this may be present and permitted in the community. He said the city is waiting to learn more on how the state will act on these potential uses in the community which was why the Board proposed this period of time which sunsets. He advised that provided there isn’t a ban on the ballot that’s approved, they will have to identify where in the community they will permit these uses. It is something, he explained, that will take much more discussion through the summer into the fall to make a decision whether to engage with the community through a ballot process to consider a ban. He noted there may be an opportunity to do that again in the next election (Note: not the municipal election Nov. 7, 2017). Barring that, the city will have to identify where in the community these uses will exist, he said. Communities have either banned recreational marijuana retail establishments or have put in a temporary moratorium, he advised, to determine parameters where these establishments may be permitted in their city or town. After the public hearing held by the Planning Board on the temporary moratorium, it was by a unanimous vote that the Board is recommending this moratorium be enacted as originally proposed.

Ms. Carroll reiterated that the Mayor’s Task Force on Recreational Marijuana comprised of several city departments as well as representation from the Council and the School Committee unanimously voted in favor of a moratorium given the information they had after meeting and working for a year on this matter.

Council President Ciolino said he will take the advice of the Task Force and Board and vote in favor of the temporary moratorium noting the state isn’t ready (with regulations) nor is the city ready, so this is the best path for the city at this time.

Councilor Orlando said a moratorium makes sense whether you are for or against the establishment of recreational marijuana facilities in Gloucester. He explained that this isn’t just about whether there are such facilities in the city, but is about where they are sited, and how they will be governed. He pointed out that since this has never been done in the city, there isn’t much precedent. He said he will support the moratorium.

Councilor Lundberg offered his commendation to the Task Force, Ms. Carroll and Councilor Gilman as the Council’s representative to the Task Force, for their work -- particularly the Ward hearings that were held during the summer, one in Wards 1-3 and 5 and two in Ward 4. He said out of those meetings there was great input which gave the sense from the community that a moratorium was important.

Councilor Gilman mentioned several folks that were strong advocates of retail establishments for medical marijuana were also supportive of a moratorium so that the community can be “thoughtful” as to how many and where (establishments to be allowed), and if the Council will decide to put this out to a vote to the citizens of Gloucester. The moratorium will give the city time to set up their Zoning Ordinance parameters, she said, and expressed her support for the moratorium.

Councilor LeBlanc added his support for a moratorium. He pointed out there are many different ways to use recreational marijuana -- there are edibles and liquid recreational marijuana forms for vaping that can go undetected, and that they need to “put the brakes on” and figure things out first.

Councilor O'Hara said he would support the moratorium. He said the state needs to figure out regulations first and then the city should take steps based on the regulations.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Orlando, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to Amend the Gloucester Zoning Ordinance by ADDING new Section 5.31 "Temporary Moratorium on Recreational Marijuana Establishments to prohibit the establishment of a Recreational Marijuana Establishment on a temporary basis through December 31, 2018 as follows:

"Section 5.31 Temporary Moratorium on Recreational Marijuana Establishments

Section 5.31.1 Purpose.

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes. The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018.

Currently under the Zoning Ordinance, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment") as defined by MGL c. 94G, is not specifically addressed in the Gloucester Zoning Ordinance. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of Recreational Marijuana Establishments raises novel legal, planning, public health and public safety issues, and the City requires time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Ordinance regarding regulation of Recreational Marijuana Establishments and other uses related to the regulation of recreational marijuana. The City adopts this temporary moratorium on the use of land and structures in the City for Recreational Marijuana Establishments so as to allow sufficient time to engage in a planning process to address the effects of such structures and uses in the City and to amend the Gloucester Zoning Ordinance in a manner consistent with sound land use planning, and the goals and objectives of the community.

5.31.2 Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through December 31, 2018, or six months from the date that final regulations are issued by the Cannabis Control Commission, whichever date is later. At any point prior to the referenced timeframes the City Council may amend the Zoning Ordinance to regulate Recreational Marijuana Establishments and terminate the moratorium. During the moratorium period, the City shall undertake a planning process to address the potential impacts of recreational marijuana use in the City, consider the regulations established by the Cannabis Control Commission regarding Recreational Marijuana Establishments and related uses, and shall consider amending the Gloucester Zoning Ordinance in response to these new issues."

7. PH2017-029: SCP2017-006: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.8.3, 1.5.3(c), and 5.7 "Major Project" and 5.27 "Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities" (Cont'd from 09/12/17)

This public hearing is opened at 8:32 p.m.

Councilor Orlando disclosed under MGL c.268A that he is a member of the local BNI, a local networking organization much like the Chamber of Commerce or the Rotary Club. He said that Attorney Favazza, the lawyer for Happy Valley Ventures, MA, Inc. is also a member of BNI with him. He added that while he has occasionally

done business with Attorney Favazza in the past, he has no financial interest in the matter before the Council this evening. He advised he can be fair and objective in his analysis of this issue and vote accordingly and will not recuse himself.

Councilor LeBlanc disclosed under MGL c.268A that he, too, is a member of BNI, and acknowledged he has done occasional business with Attorney Favazza. He pointed out he has no financial interest in the matter before the Council now and will vote on this matter also in a fair and objective manner.

Councilor Nolan disclosed under MGL c.268A saying that he was a former member of BNI and had business dealings with Attorney Favazza in the past. He noted that he can, also, be fair and objective in his review of the issue at hand and that this won't affect his decision.

Councilor Gilman disclosed under MGL c.268A that Attorney Favazza represented her in a personal real estate transaction that has completed and that there is no financial gain to her from this matter and subsequent decision of the Council.

Those speaking in favor:

Joel Favazza, Seaside Legal Solutions, 111 Main Street, representing Happy Valley Ventures MA, Inc. ("HVV") for a Major Projects Special Council Permit for a Medical Marijuana Treatment Center ("MMTC") and Cultivation Facility ("MMCF") at 38 Great Republic Drive offered the following through a Power Point Presentation (on file):

The HVV team was introduced to the Council: Michael Reardon, Chairman of the Board; Sam Tracy with 4Front, a consulting group; David Hunt with American Alarm and Communications, Inc.; John Judd, Gateway Consultants.

REVIEW OF PROJECT:

- HVV is a Mass. not-for-profit corporation compliant with state statutes governing such corporations.
- People behind HVV have strong backgrounds in running non-profit corporations as well as in real estate development.
- DPH Provisional Certificates of Registration have been issued for RMDs (Registered Marijuana Dispensary) at the following locations for HVV: Amherst, Boston and Gloucester at Great Republic Drive #38. It was noted that since the last time an HVV application was before the Council that 38 Great Republic Drive was going to be one of three dispensaries with an adjunct cultivation facility, but now this proposed development is at the cusp of becoming the flagship cultivation facility for the entire of HVV's dispensaries throughout the state, as well as a state-of-the-art dispensary.
- HVV History was reviewed: February 2016 – Initial outreach with city staff; Spring 2016, worked with Planning Board and City Council (work to re-write deficient GZO section); April 2016, hosted a community open house at The Tavern to explain details and benefits of RMDs to interested residents; May 2016, negotiated with the city administration and drafted Host Community Agreement (HCA) and Letter of Non-Opposition signed May 23, 2016); Fall through Winter 2016, Applied for and received a Special Council Permit to construct and operate a RMD; early 2017, having received news that the HVV selected site in Fitchburg that was intended for their main cultivation facility with unexpected issues with the building HVV was going to repurpose, the decision was it would be more appropriate and beneficial to custom build a facility to meet HVV's and the state regulatory needs as well as patients. HVV made the decision to relocate their cultivation center to Gloucester; April 2017, official Special Council Permit application was submitted to the Council; Summer 2017 saw the incorporation of feedback from city: Planning, Engineering Fire, Public Works Departments and others, and all of which produced memoranda for the city okaying the project as now presented.
- Received approvals: May 2017: Conservation Commission (ConCom) Order of Conditions; September 2017, Planning Board Site Plan Approval by unanimous vote and a Planning Board positive recommendation; a Planning & Development Committee positive recommendation this past week; and an EDIC (Economic Development Industrial Corporation which governs the Blackburn Industrial Park) waiver of certain covenants and project approval to operate the proposed project.
- Benefits to Community: HVV will develop a vacant parcel in the "second half" of the Blackburn Industrial Park turning it into a functional piece of property that will remain fully taxable despite the fact that the entity running the RMD is a non-profit -- the entity that owns the property is for profit LLC (Limited Liability Corporation) which is why the property remains fully taxable; HVV "is

- committed” to using local contractors during construction whenever possible; anticipates being an active corporate member; it is anticipated that the facility will employ approximately 97 employees at full capacity -- HVV has made a commitment to local hiring of qualified individuals. It was noted that anyone who is hired must be approved by the Mass. Dept. of Public Health also. The main goal of the HVV facility is to provide medical treatment currently lacking to Cape Ann residents.
- Custom RMD Designed for Gloucester: HVV’s RMD will be purpose-built MMCF and MMTC that engineers, architects and other professionals studied the site, and all its aspects in order to custom design this building for this particular location. Highlighted was a secure garage for the facility. It was noted there is an EDIC covenant that says an entity is supposed to have an open loading dock that an 18-wheeler can back into. HVV had to receive a waiver from the EDIC related to that covenant as HVV uses cargo vans that will enter a fully secure garage where credentials will have to be shown and verified; a door opens up and the vehicle pulls in entirely into the bay, and then the door shuts before the van loads or unloads. The dispensary floor is designed with room for private consultations; room for security for cameras and monitoring devices to ensure there are no blind spots to secure the entire facility at all times. It was pointed out that not only will this facility bring jobs to the city but “21st century jobs” -- highly technical agriculture, research and development, as well as other types of positions.
 - Economic Benefits for Gloucester: Host Community (Benefit) Agreement – by year 3 the agreement requires HVV must, in addition to any real estate taxes being assessed, contribute 5% of gross sales, quarterly to the city (minimum \$100,000/year) and that with gross projected sales, it is estimated the city will receive over \$250,000 per year; Real Estate Development and Construction Investment projected construction cost at \$12 million; Employment/jobs of 97 (maximum 60 per shift).
 - Projected Revenues and Patients Serviced (retail only) were briefly reviewed: Gross Potential Retail Revenue: \$6,860,155; Average transaction volume per patient: \$100.00; Number of patients served per year: 68,602; Number of patients serviced per month: 5,717; Number of patients serviced per day: 188. It was suggested that it will be more like \$340,000 to the city annually based on these numbers.
 - Photograph of Existing Conditions shown (on file).
 - Site Plan: certain access points were highlighted and that all city departments necessary to sign off on this plan all expressed approval. The patient entryway and employee entryway is through a “lower entrance.” Patient parking was pointed out on the northeasterly side of the building as well as parking spaces with employee parking on the southerly and westerly boundary of the property. It was reiterated that the site plan was thoroughly vetted and received approval from city departments.
 - Topological Site Plan was briefly shown.
 - 38 Great Republic Drive – Rendering shown with the northern and southern faces of the building were shown. A caveat of site plan approval: When HVV was before the Planning Board for Site Plan Review, there was “push-back” from the Board about a large (approximately 330 feet long) white sheet metal building. The applicant pointed out to the Board that the building is in an industrial park and that across the road, over one parcel is an approximately 350 feet long building also white sheet metal. It was reported that certain members of the Board said that there was potential to support the city’s arts and that HVV agreed to install 1,000 square feet of murals on the taller portion of the new building. It was recounted that the EDIC understood the Planning Board’s initiative, but the EDIC maintains the aesthetic control of the Industrial Park and conveyed that the mural would be inappropriate for an industrial park. It was pointed out that the sheet metal is thermodynamic as it exists in white. As the EDIC, which governs the Blackburn Industrial Park, was not approving of the 1,000 foot mural on the side of the HVV building, **Mr. Favazza** asked that the condition related to the façade artwork be struck from the Special Council Permit as recommended by the Planning Board and incorporated in the P&D Committee’s recommendation to the Council.
- Sam Tracy**, 4Front Ventures, Director of Government Relations, conveyed the following information:
- 4Front Ventures is a consulting firm that works country-wide, based out of Phoenix, AZ, and Boston, MA. 4Front Ventures has won a total of 55 licenses for clients, all Medical Marijuana licenses in seven jurisdictions, six states and in Washington, DC. The company is assisting HVV through the licensing process and run a successful operation that serves patients in compliance with state law.

- Touched on were services provided such as training modules, job descriptions for all positions and operational support, employee training and compliance with state law.
- Certain patient ailments treated with Medical Marijuana: In Massachusetts the decision is left up to and is between the patient and their doctor. Some ailments treated listed were: cancer, ALS (Lou Gehrig's disease), Epilepsy in various forms; Chronic Pain; MS, PTSD; Glaucoma; Muscular Dystrophy to name some. There are many different forms of cannabis which can be ingested, applied transdermally, and isn't necessarily to be ingested by smoking.
 - Employee Hiring Practices: It was reiterated that this is "highly regulated by the state." In order to work in a facility whether a MMTC or MMTTC. Employees must be registered with the state to be a dispensary agent or cultivation agent, managed by the Mass. Dept. of Public Health (MDPH). A brief description of what is required by the state for potential "agents" was given -- verifies that employees have clean criminal history, that employees understand DPH regulations regarding transportation and sale of medical marijuana; verifies that employees understand DPH protocols regarding dispensing and storage.
 - Operations: Compliance is the "highest priority." Inventory tracking (seed to sale) to prevent diversion, for batch control was briefly described; practices are reported to local agencies and are regulated by the state; working with local law enforcement and other (city) departments; third-party testing labs test all the products sold in the facility -- for potency, how much THC, CBD or other cannabinoids are included but also ensures that there no deleterious matter is contained in the product; patient education; staff licensing was again recounted.
 - 4Front assists in optimizing dispensary design; comprehensive staffing charts and job descriptions; development of employee handbooks, operations manuals, and operation tools for each department; medicine and product mixture organization; patient service programs by utilizing best practices.
 - Dispensary Floor Plan was reviewed for the dispensary (plan on file) noted as open to the patients and staff, not the general public. He described the "man trap" where a patient shows their registration card, that when cleared the patient moves into the lobby where staff assists them and where they can wait. The number of patients on the floor of the showroom is tightly controlled where patients are assisted by staff to figure out what product is best for the patient's treatment. This is a medical facility, it was pointed out and so there are private consultation rooms available speak in depth about patient's individual situation and gain an understanding of what products would be best for their particular situation. Cashiers are located off of the showroom and are a restricted area. Aside from the vestibule and patient areas, staff areas aren't open to the patients. A dedicated patient exit was noted. A highlighted security feature was that there is video surveillance both inside the facility and externally; there is a secure vault where medicine is held and sealed within when the dispensary is closed in compliance with state regulations.

CULTIVATION SERVICE:

Mr. Favazza noted that in addition to employing 4Front as a lead consultant, HVV has retained the services of Mjardin, experts in the field of the science and cultivation of medical marijuana. HVV is looking to build a "top-of-the-line" facility and have teamed up with industry leaders, including Mjardin. Additionally, HVV has engaged Agoge Compliance Management (ACM) to provide security design services for HVV's operations; Agoge was founded and staffed by former Special Agents with DEA, people who understand law enforcement, security protocol and have offered if the city were interested, to provide training to local police departments so if there were there any questions as to how to deal with MMTC and MMCF issues they will be available.

SECURITY SYSTEMS:

David Hunt, Government Contracts Team -- Commercial Sales with American Alarm and Communications, Inc., advised that their company will be designing and installing and providing monitoring services. **Mr. Hunt** said they record "every inch of the facility," and track movement of people in and outside of the building. He advised the state inspects before, during and after installation of security systems. He said he will meet with the Police Chief and answer any of his questions he might have.

LEGAL STANDARDS FOR THE SPECIAL COUNCIL PERMIT AS A MAJOR PROJECT:

Mr. Favazza then reviewed the legal standards under which this Special Council Permit fell as follows:

GZO Sec. 5.27:

Sec. 5.7.3 - Application triggers requirement of a Special Council Permit from City Council for use which triggers GZO Sec. 5.7 Major Project Review and GZO Sec. 5.8 Site Plan Review which has been completed.

Sec. 5.7.4 - Discusses criminal background check(s); all taken care of at the MDPH level.

Sec. 5.7.5 - Separation of facilities – must be 1,500 feet from schools, churches, playgrounds, other RMDs, etc.; 500 feet from residentially-zoned properties – both requirements are met by this facility.

Sec. 5.27.7 - Signage must comply with sign ordinance and is no issue for HVV.

Sec. 5.27.8 - Medical marijuana-infused production must be attached to a cultivation or treatment facility which the HVV facility is in this redesign.

Sec. 5.27.9 – Annual reports must be sent to the city. As there is extensive annual reporting to the state, HVV will copy the city on these reports.

GZO Sec. 1.8.3:

- (a) Social, economic, and community needs: provide needed medical service to the community; provide construction jobs for local contractors, provides ongoing employment opportunities for residents.
- (b) Traffic flow and safety: Site is specifically designed for use as an RMD with “extensive” input from city department heads; connected to Great Republic Drive laid out intentionally for an industrial park.
- (c) Adequacy of utilities and other public services: Located in the Blackburn Industrial Park among other manufacturing facilities; HVV has been actively communicating with National Grid to ensure there will be no issues obtaining the electrical demand for the facility.
- (d) Neighborhood character and social structure: The industrial park is a mix of commercial and industrial facilities; this is the only zoning district where RMDs are currently allowed in the city by Special Permit;
- (f) Qualities of the natural environment: Currently a dirt lot with some scrub vegetation and no drainage with no notable expansion beyond existing fill; addition of significant green space and plantings (noted as being done by Annisquam Landscaping of Gloucester). It was noted that the applicant has reached out to the Public Works Department and General Counsel as intending to landscape all the way to the back of the existing sidewalk. The parking spaces are very close to the southerly lot line leaving little room for “lush” screening. By offering to take over maintenance of the grounds leading to the existing sidewalk HVV will be able to make a lush landscaping design for the southern face of the property (Note: Slide also showed that there is a comprehensive stormwater drainage system to handle on-site demands).
- (g) Potential fiscal impact: Minimum of \$100,000/year to city via Host Community Agreement; site and buildings will remain fully taxable.

- **GZO Sec. 5.7.5 – Major Project Standards:**

- (a) Access from arterial or a collector street: Great Republic qualifies as a collector street.
- (b) Relates to septic systems which were noted as non-applicable for this application.
- (c) Site Plan requirements; screened parking areas; lighting avoids glare -- noted as being high mounted and avoids spilling onto neighboring parcels, with no residents nearby; there is ample parking and turnaround with 46 parking spaces for a project of this size is called for but the site provides 75 parking spaces; not expanding beyond footprint of existing fill – it was noted that a portion in the northerly edge of the site there is a retaining wall at an angle and the pitch will be adjusted to allow for the city’s largest fire trucks to be able to access;
- (d) Compliance with all other sections of the GZO: Addressed previously above.
- (e) Multi-family; (f) Shopping Center and (g) Assisted Living were all noted as not applicable to this application for a Special Council Permit.

Those speaking in opposition:

Leora Ulrich, 7 Grandview Road, said although she doesn’t have a “complete understanding” of medical marijuana, that the potential is that this facility is that it could potentially become a recreational marijuana facility expressing her hope that the moratorium pertains to this applicant. She asked why the city needs a marijuana facility at all.

Lisa Groleau, 598 Western Avenue, said that 588 cars a day coming to this facility a day is a lot of traffic with 588 people with medical marijuana on the city streets and the North Shore, and will create a hub where close to 600 people a day can come to buy as much medical marijuana as their prescription allows. She asked how the city would regulate “600 drug dealers” per day to ensure they are not “hitting the streets of Gloucester.”

REBUTTAL:

Mr. Favazza said pursuant to the transition potential, regardless of the moratorium or the eventual zoning ordinance, HVV has accepted a condition as a part of the site Plan Review and as part of the recommendation of the Planning & Development Committee, that any attempt to transition from a RDC to a recreational or adult use facility requires HVV to return to the City Council for a minimum modification of the Special Council Permit and also require a Planning Board minimum modification of its Site Plan Review approval. He said that the city will eventually have an ordinance that will require the exact same permitting process HVV has just been through, or more. He proffered that even if the city said that by right HVV can open up a recreational outlet, HVV would still be required to return to the Council to seek a Special Permit. He clarified that a speaker in opposition said there were 588 patients per day estimated to visit the HVV RMD, when in fact, it was previously stated by him in his presentation that it is estimated that there will be 188 patients per day not 588 patients per day. He said the number will have a negligible impact on the Industrial Park's traffic. People seeking to utilize this facility are people who have legitimate medical ailments and are seeking treatment, he pointed out.

REBUTTAL OF THE REBUTTAL:

Joshua Ulrich, 7 Grandview Road, expressed concern saying that when he was living in California a doctor would open an office next to a dispensary to give out prescriptions. He said this will put pressure on the Council to support this industry and will end up possibly where the social costs will outweigh the benefits of such a facility. While some (patients) will have legitimate reasons to obtain medical marijuana cards, he said that there are people who just want to get high. At a minimum he said, the Council should require more research before a decision is made.

Communications: None.

Councilor Questions:

Councilor Gilman asked how it is envisioned for checking of the authenticity of the medical cards. **Mr. Tracy** described the multi-step card verification process as follows: a patient has to show their patient card in the vestibule, which looks similar to a driver's license, having a scanable bar code; in the lobby a receptionist scans the card to check the state registry to verify legitimacy. There are restrictions as to how much (medical marijuana) can be purchased in a 60-day period and the state system confirms how much the patient can receive. There is a final verification at the point of sale again in the state system to ensure what is selected is within the limit of the 60-day window and then the transaction is completed. The first step is visual but the second two steps check with the state registration database. **Councilor Gilman** said typically a doctor would write a prescription for "some type of" cannabis for MS, cancer, or whatever the medical issue is. At that point the card is the opportunity to purchase medical marijuana, she noted, and said it seems like a more open-ended situation versus a conventional medical drug prescription. **Mr. Tracy** said this process in some ways is similar to the prescription drug system, except that this is a recommendation rather than a prescription because of federal law, noting that 29 states allow medical marijuana. The doctor reviews the patient's medical history; and unlike what was seen in California in the early days which he called the "wild west" saying that the reputation for getting cards for any ailment was well earned, but that other states have learned from that and regulations are much more strict. There are restrictions how much can be purchased, but unlike a prescription for a pill with an exact quantity, for an example, a cancer patient is able to be assisted by medical staff to find what product works for the patient and guide them to specific products versus a doctor prescribing one particular prescription drug for one particular medical issue. He said doctors don't receive the proper training for this sort of thing in medical school, so that they are best able to guide the patient to what products would meet their medical needs.

Councilor Orlando pointed out that the Council heard there are opposing issues of the murals from the Planning Board to decorate a side of the HVV building and the EDIC that says there can't be artwork, "murals" on the building. He said HVV's attorney conveyed they'll have to return at some point for further review assumed to be at the Planning Board level related to this. He asked if procedurally the Council can strike such a condition and would that be appropriate given that the EDIC controls the covenant. **Chip Payson**, General Counsel, said that the Council is the ultimate decision maker, and if they decide there is a problematic issue, they have the power to make changes.

This public hearing is closed at 9:21 p.m.

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 (SCP2017-006) for a Medical Marijuana Cultivation Facility and Treatment Center to Happy Valley Ventures MA, Inc. (HVV) (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 as shown on the Plans as submitted to the City Clerk's

Office on April 19, 2017 and Supplemental Plans submitted to the City Clerk's office on August 3, 2017 and Existing Conditions Plan by Gateway Consultants, Inc., Gloucester, MA dated 3/20/17 with revisions through 9/13/17 consisting of four sheets and Landscaping Plan by Annisquam Landcare, Inc., Gloucester, MA, dated 8/22/17. This Special Council Permit is in harmony pursuant to the governing Zoning Ordinance with the addition of the following conditions:

1. Façade: At least 1,000 square feet of the southern face of the proposed building be covered in tasteful artwork such as murals, the selection process for which must be initiated within 30 days of receiving a Special Council Permit for the proposed facility. An as-built certification by a licensed architect or engineer stating this condition has been complied with shall be provided to the city prior to receiving an occupancy permit.
2. Planting Plan: HVV must enter into a written agreement with the City satisfactory to the Director of Public Works and General Counsel to perpetually maintain the plantings proposed in the public way prior to receiving an occupancy permit.
3. Potential Future Use: Any proposed change in use of the facility to dispense non-medical marijuana products shall require the modification of the City Council Major Project Special Permit and the Planning Board's Site Plan Review Approval.
4. Snow-Related Debris: HVV must maintain a landscaping and/or site maintenance agreement that includes an annual (on or before April 30 of each year) cleaning of the northern stone wall to remove any debris deposited during snow removal efforts from the prior winter.
5. Dedicated Patient Parking: Parking spaces numbered 11 through 27 on the Site Plan are to be reserved solely for patient parking (with the exception that staff requiring handicap parking be permitted to use such spots) and that, should HVV staff require use of more than two (2) of the existing handicap accessible parking spots, HVV will designate additional spots in the eastern parking field for handicap employee use.
6. Safety Fence: A safety fence is to be erected atop the proposed retaining wall along the northern portion of the upland.
7. Compact Car Parking: Parking spaces numbered 8, 9 and 10 on the Site Plan be designated compact car parking only in an effort to prevent interference with fire apparatus access while those spaces are in use.
8. 80,000 lb. Vehicle Load: HVV must produce a certification from a licensed engineer that the northern fire access lane will be able to handle an 80,000 lbs. vehicle load prior to receiving an occupancy permit.

DISCUSSION:

Councilor Orlando moved to amend the main motion by striking Condition #1 and that the conditions are renumbered appropriately, given the fact the EDIC who controls the Blackburn Industrial Park has said that a mural is inappropriate. The motion to amend was seconded by **Councilor Nolan**.

By a vote of 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, the main motion was amended to strike Condition #1 of the Committee Recommendation and to renumber the conditions appropriately.

DISCUSSION ON THE MAIN MOTION:

Councilor Orlando said that the city needs two new schools, a public safety building, public infrastructure improvement, and pointing out areas that don't have city sewer in Wards 4 and 5 -- projects the city can spend revenue on that would improve the lives of its citizens. He said he has seen "nothing but professionalism" from the applicants, who are willing to invest in the community and having the level of cooperation with all the city's boards and commissions. He pointed out these are manufacturing jobs being created are important to the city. He said he has complete trust with the city's "excellent" Police Department to become well versed in any issues that arise to be handled appropriately. Placing this facility in an industrial park and the benefits and revenues and jobs for the community, he termed as a "no brainer" and expressed his support for the application.

Councilor LeBlanc said this isn't just about "smoking pot," that there are medicinal products that don't have THC in them; there are tinctures, salves, lip balms, patches and many ways in which the beneficial aspects of medical marijuana can enter a person's system to alleviate pain and medical symptoms without "getting high." There is a need for the city and residents of surrounding communities to have prescriptions fulfilled for medical marijuana, he pointed out. He said that the people of HVV are leaders in the industry, and that the Council heard about the layers of security on this property which are impressive. The staffing will be with the right people to do the right thing to supply patients in need, he added, and lent his support to the application.

Councilor Lundberg said the voters approved this, and that this has been vetted more extensively than any issue during his Council tenure – during the zoning of Medical Marijuana Treatment Centers and Cultivation Facilities and now through this Special Council Permit Major Project. He recounted that the city has been working for some time with the applicant, whose professionalism and responsiveness has been excellent, he said. This means new jobs and revenue for the city, and said the Council has protected the city. He said that he will vote in favor.

Councilor Gilman said she didn't vote for this (medical marijuana) law but spending time talking to the folks in the community especially in her ward, she learned that people going through chemotherapy find medical marijuana to be a tremendous help to them. She said it's hard to ask a person that is ill to drive to Salem to get their prescription filled. She noted she's gone by the site to view it and said that the Blackburn Industrial Park is isolated as is the parcel in it. She highlighted that security matters have been reviewed with Interim Chief McCarthy and said that the security is very strong. She said she liked the fact that the applicant would have to come back if they wished to purvey recreational marijuana. She said in consideration of people who need medical marijuana now she said she would support the application. She expressed her appreciation to the Administration, Planning Division and city department heads and other city staff who did an "excellent job."

Councilor Nolan offered his thanks to the Administration and HVV, saying he didn't think anything was missed. He also cited the work of the Planning & Development Committee. He said he's watched family members and friends fight and die from cancer. He said his friends who've had cannabis to get them through that situation had made their quality of life better. It is important for people to have this treatment recommended from a doctor and that the Blackburn Industrial Park is the right place for a MMTTC and MMCF he said, and lent his support for the Special Council Permit.

Councilor O'Hara offered that he, too, has had friends with cancer who used cannabis to alleviate their pain and symptoms. He said he also understood the enforcement issues highlighting an incident this year when a person left a medical marijuana facility and killed a state trooper in Massachusetts. People who need medical marijuana have to go to Salem or Boston now to get their prescription to ease their pain, he pointed out. He said the security systems are in place, and mentioned while he was torn, he would support the Special Council Permit.

Council President Ciolino said he was pleased to see the mural condition struck down. He pointed out that beauty is in the eye of the beholder, and noted that the EDIC has the role to protect the Industrial Park. He said that the Council is approving a (medical marijuana) growing facility and an RMD, by the same owner but are two different things. He pointed out there is always abuse no matter the situation. He mentioned a Gloucester resident, Ernie Morin, who lives with constant pain and had made his comments at an earlier public hearing on medical marijuana. He said Mr. Morin is needful of just such a facility in the city. He said the majority of people who use the facility, if they are ill and the prescription helps, then it is worthwhile. Addressing the growing facility, he pointed out it is completely enclosed. He noted the 97 "good paying" jobs and said he hoped the jobs would increase. He said when he goes by the city's wind turbines, which people objected to at first he was reminded that each year the city gets a check from National Grid which pays for the electrical expenses of the city's facilities. He said it is hoped this facility will exceed expectations. He said this is sited in an industrial park where it belongs although this took a while to put together. He offered his congratulations to the Community Development Department and all department heads involved.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Gilman, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to issue a Major Project Special Council Permit (SCP2017-006) for a Medical Marijuana Cultivation Facility and Treatment Center to Happy Valley Ventures MA, Inc. (HVV) (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 as shown on the Plans as submitted to the City Clerk's Office on April 19, 2017 and Supplemental Plans submitted to the City Clerk's office on August 3, 2017 and Existing Conditions Plan by Gateway Consultants, Inc., Gloucester, MA dated 3/20/17 with revisions through 9/13/17 consisting of four sheets and Landscaping Plan by Annisquam Landcare, Inc.,

Gloucester, MA, dated 8/22/17. This Special Council Permit is in harmony pursuant to the governing Zoning Ordinance with the addition of the following conditions:

1. **Planting Plan:** HVV must enter into a written agreement with the City satisfactory to the Director of Public Works and General Counsel to perpetually maintain the plantings proposed in the public way prior to receiving an occupancy permit.
2. **Potential Future Use:** Any proposed change in use of the facility to dispense non-medical marijuana products shall require the modification of the City Council Major Project Special Permit and the Planning Board's Site Plan Review Approval.
3. **Snow-Related Debris:** HVV must maintain a landscaping and/or site maintenance agreement that includes an annual (on or before April 30 of each year) cleaning of the northern stone wall to remove any debris deposited during snow removal efforts from the prior winter.
4. **Dedicated Patient Parking:** Parking spaces numbered 11 through 27 on the Site Plan are to be reserved solely for patient parking (with the exception that staff requiring handicap parking be permitted to use such spots) and that, should HVV staff require use of more than two (2) of the existing handicap accessible parking spots, HVV will designate additional spots in the eastern parking field for handicap employee use.
5. **Safety Fence:** A safety fence is to be erected atop the proposed retaining wall along the northern portion of the upland.
6. **Compact Car Parking:** Parking spaces numbered 8, 9 and 10 on the Site Plan be designated compact car parking only in an effort to prevent interference with fire apparatus access while those spaces are in use.
7. **80,000 lb. Vehicle Load:** HVV must produce a certification from a licensed engineer that the northern fire access lane will be able to handle an 80,000 lbs. vehicle load prior to receiving an occupancy permit.

For Council Vote:

1. **Special Speed Regulation #7957 from the MassDOT re: Hartz Street**

MOTION: On a motion by Councilor Orlando, seconded by Councilor Nolan, the City Council voted 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to adopt pursuant to MGL c. 90, §18, Special Speed Regulation #7957 to impose the following speed limits in which motor vehicles may be operated on Hartz Street as follows:

HARTZ STREET – NORTHBOUND

Beginning at the junction of Bass Avenue (Route 127A), thence northerly on Hartz Street 0.24 miles at 20 miles per hour ending at the junction of Eastern Avenue (Route 127); the total distance being 0.24 miles.

HARTZ STREET – SOUTHBOUND

Beginning at the junction of Eastern Avenue (Route 127), thence southerly on Hartz Street 0.24 miles at 20 miles per hour ending at the junction of Bass Avenue (Route 127A); the total distance being 0.24 miles.

Unfinished Business: None.

Individual Councilor's Discussion including Reports by Appointed Councilors to Committees:

Update on the Poet Laureate Selection Committee by City Council Representative, Councilor Paul Lundberg who highlighted the following:

- The Code of Ordinances established a Poet Laureate, appointed by the Mayor, and confirmed by the City Council. There is a Selection Committee comprised of: Judith Hoglander representing the Committee for

the Arts; the Mayor or a representative of the Mayor appointed by her, Rufus Collinson (former city Poet Laureate); a member of the City Council or representative of the Council (Councilor Lundberg), and two members chosen by the Committee for the Arts who have demonstrated substantial expertise and knowledge of poetry and reside in the city. They are: Amanda Cook from the Gloucester Writers Center and Chris Anderson from the Eastern Point Literary House.

- A meeting of the Selection Committee is scheduled for next week for the purpose of reviewing the applications and make a recommendation to the Committee for the Arts who then forwards its recommendation to the Mayor and it then comes to the Council for approval.

Councilors' Requests to the Mayor:

Councilor Nolan thanked a great friend, artist and contributor to many of the non-profits in Gloucester, Dan Diamond who is the artist who created and painted the Cape Ann Brew Company's mural and wished him his best on his adventures in California.

Councilor Orlando wished Councilor Nolan a very happy birthday.

Councilor Gilman noted that Thursday, Sept. 28, at 6:00 p.m. there will be a conversation on Marijuana & Youth that will be held in the Gloucester High School Library, featuring Dr. Kevin Hill, author of "Unbiased Truth about Marijuana" which is open to the public. She noted that this past Saturday night, Avis Murray, her former tennis coach when she was a young teen who has taught three generations of her family held a celebration on the occasion of her 80th birthday at Bass Rocks Country Club. She advised that in the nearby the Council will have before them a request for a possible dedication of the tennis courts on the Boulevard in Ms. Murray's honor.

Councilor O'Hara thanked the 40 people who contributed to the Red Cross Blood Drive at the Magnolia Library recently and advised another Blood Drive is scheduled for Wednesday, Nov. 29.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:50 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.