

**Planning & Development Committee**  
Wednesday, September 6, 2017 – 5:30 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
-Minutes-

**Present:** Chair, Councilor Val Gilman, Vice Chair, Councillor Joe Ciolino (alternate)

**Absent:** None.

**Also Present:** Rick Noonan, Planning Board

The meeting was called to order at 5:30 p.m.

1. *RZ2017-001: Rust Island Road #4, Map 233, Lot 72, from R-10 (Medium/High Density Residential) to EB (Extensive Business) (Cont'd from 08/02/17 & TBC 09/20/17)*

This matter is continued to September 20, 2017.

2. *SCP2017-006: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.5.3(c), 5.7 “Major Project” and Sec. 5.27 “Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities” (Cont'd from 08/02/17)*

**Councillor Gilman** announced that Sub Committee Chair Paul Lundberg was unable to attend the meeting as well as Sub Committee Vice Chair Melissa Cox. She was grateful that Council President Ciolino was able to attend short notice so we could proceed as a quorum.

She conveyed a request from the P&D Chair Councillor Paul Lundberg, that the committee would not be making a recommendation based on the information received tonight, as recommendations have not been received from all required departments heads, as well as the site plan. She expressed that the Committee has viewed the letter from Karin Carroll, Board of Health Director, as well as a letter from the Fire Chief which was received today. **Councillor Ciolino** advised the Committee that the Fire Chief is not on board with the permitting as of now. **Councillor Gilman** asked that Atty. Favazza please give the Committee an update to see where he stands in the process up to this point.

**Joel Favazza**, Seaside Legal Solutions, 111 Main Street, representing Happy Valley Ventures Massachusetts INC. for a Major Projects Special Council Permit for a Medical Marijuana Treatment Center and Cultivation Facility at 38 Great Republic Drive conveyed the following information to the Committee:

Through email communication with Councillor Lundberg, it was determined that the full presentation would wait until after the site plan review is completed. As a result, there are no slides to show at this time. Councillor Lundberg asked Atty. Favazza to touch upon each of the requirements in GZO Sections 5.7.3, 5.7.4, 5.7.5, and 5.8 (Site Plan Review). Atty. Favazza reviewed the following:

*GZO Section 5.7.3 Departmental Reviews [Building Department; Conservation Commission; Engineering Department; Fire Department; Public Works Department; Public Health Department]*

The Building Department has not raised any issues at this time. They have received copies of updates through Community Development. Atty. Favazza has been submitting updates to Acting Community Development Director and Planning Director, Gregg Cademartori.

The Conservation Commission is not done with their departmental review. The secondary letter giving “ok” has not been given yet. They issued an order of conditions, and there have been minor tweaks to the site plan since that order was issued. It is likely that the applicant will ask Conservation Commission Agent Ken Whittaker for a minor modification. There is no change to the impervious surface or the direction of surface runoff near the wetland. Atty. Favazza does not see it as being of any impact to what was proposed.

Paul Keene, City Engineer [Engineering Department], issued a detailed memorandum, which raised some points on incongruity in the plans (e.g. elevation in plumbing plan vs. site plan). The concerns have been addressed, but it is still a work in progress.

The Fire Department has an outstanding issue regarding two parking spaces that the City's largest ladder truck would have trouble circumventing if large vehicles were parked in those spaces. Atty. Favazza said that John Judd, project engineer for Happy Valley Ventures, is going to try to rework those parking spaces. One idea is that the spaces will be designated as compact vehicle spaces only. Other than those spaces in question, Atty. Favazza believes that the site is large enough to accommodate the largest fire apparatus that the Gloucester Fire Department has. **Councillor Gilman** wanted clarification that if the permitting went through as is, and if the two spaces discussed remained just as they are, that the Fire Department's requirements would be met as the project stands right now. Atty. Favazza answered in the affirmative; it is not a requirement, rather discretion. The ladder truck *can* get around the building. This is a requirement. But, the truck might have difficulty if something big is parked in those spaces. The spaces are conforming, and the Swept Path Analysis functions. The plan has not been signed off by the Fire Chief yet. **Councillor Ciolino** reiterated that the signoff is part of the Major Project, and at this time, the Fire Chief is not comfortable doing so because of the ladder truck and other variable associated with that.

According to Atty. Favazza, the Public Works Department is confident that the ongoing work to permit the sewer connections will go through (sanitary and pretreatment sewer connections). Happy Valley Ventures has received approval from Environmental Engineer Larry Durkin to enter into the pretreatment program for the City of Gloucester. In a memo provided to Community Development from the Director of Public Works, Mike Hale, Mr. Hale said he is confident that the project will be all set to get the building tied in. However, there is no formal approval from the DPW at this time. Atty. Favazza said right now they do not need anything further from the DPW. **Councillor Ciolino** asked if the DPW *needed* to sign off. Atty. Favazza said that once the final recommendations are submitted, the DPW will submit a recommendation.

Speaking to the various communications from department heads, **Councillor Gilman** reiterated that the only documentation that the Planning & Development Committee has seen in preparation for this meeting is a letter from the Board of Health and a preliminary letter from the Fire Chief.

The Public Health Department issued a letter about concerns with the kitchen. The question is whether the facility needs a full commercial grade kitchen because of the limited cooking that will be happening at the facility. The facility is not a restaurant or food service establishment, but it is preparing edible items. The Health Department has asked the applicant to provide them with an answer. The applicant's consultants are of the opinion that a non-commercial grade kitchen meets the requirement. Atty. Favazza does not feel that this aspect of the building process is vital to what the Major Project is permitting; rather that they get a permit subject to the condition that the kitchen meets the requirements that the Health Department sets forth.

**Councillor Gilman** asked if this is Happy Valley's first cultivation facility in Massachusetts. Atty. Favazza answered in the affirmative. Further, it is a custom designed building specific to the site. **Councillor Gilman** pointed out that the kitchen is an outstanding item that needs more clarification. Atty. Favazza stated that he would expect the applicant to ask the Board of Health to get through the City Council permitting process with the type of kitchen being left undetermined. The Board of Health and the applicant might not have a decision by the time City Council takes the matter up. He advised that this is standard that City Council might not be aware of appliances that are going into a kitchen prior to approving a project. **Councillor Gilman** requested that Atty. Favazza find out if other medicinal marijuana cultivators in Massachusetts determined appliances prior to permitting, and what those facilities are using for appliances. **Councillor Ciolino** added that he needs to know the layout of the building, including a commercial kitchen. He doesn't want the applicant to come back saying that there is no space for a commercial kitchen. Atty. Favazza confirmed that he will get information as to what other facilities are using, and will provide a statement from the architect certifying that space is able to fit what the Board of Health has determined is necessary for the kitchen. **Councillor Ciolino**

expressed concern over the loose ends in the project. **Councillor Gilman** said that she will talk to City Attorney Chip Payson to see if he has suggestions.

#### *GZO Section 5.7.4 Planning Board Review*

To Atty. Favazza's understanding, this is running concurrently with the Site Plan Review; the Planning Board recommendation is being tied to the Site Plan Review. If the Site Plan Review is successful, the recommendation will follow.

**Councillor Gilman** asked Rick Noonan, Chair of the Planning Board (who stated he was attending the meeting for informational purposes only), if he could update the Committee on the next step of the process, from his position. Mr. Noonan was reticent to go into detail as he was not here to testify on the progress of the application. He conveyed that the applicant has submitted more information yesterday, answering some of the questions Planning Board had, but the board is still waiting for the public hearing tomorrow to see if those questions have been responded to. There is concern on the parking issues and the board is waiting for a response. There has been a lot of response to the questions, but that have not been substantiated. The Planning Board will move the project forward once the applicant can prove that they comply and submit an executive summary as to how the compliance has come forward. At this time, the board has not heard the answers that they expect. When they hear the answers, they will make a recommendation.

#### *GZO Section 5.7.5 Special Permit Criteria*

As stated in the initial filing, the three criteria that apply to the project [GZO Sec. 5.7.5(a), (c), and (d)] have been met.

#### *GZO Section 5.8 Site Plan Review*

This is ongoing. There has been some back and forth and time was spent over the summer ironing out how the building was going to function. On August 3, 2017 Atty. Favazza supplied a supplement to the plans. After receipt of feedback, the applicant provided responses to the feedback. The most recent response to Paul Keene's feedback was submitted yesterday and hard copies were delivered to Community Development today. It appears that the major, repetitive issues have pretty much been ironed out. There are some small kinks that they are working through (parking spaces, proper clearance for snow removal, etc.). **Councillor Gilman** questioned if the handicap parking spaces are sufficient. Atty. Favazza answered in the affirmative.

In regards to landscape, the applicants reached out to Mike Hale for permission to extend the landscaping to the back of the sidewalk, between the sidewalk and Great Republic Drive. Mr. Hale said in order to do so they would have to enter into a perpetual maintenance agreement with the City. Atty. Favazza did not see that there would be any objections to this from the DPW.

#### *GZO Section 5.8.7 Review Guidelines and Approval*

GZO Section 5.8.7 (a) thru (l) have been met, except for one which does not apply and addressed in writing on the original Site Plan submission.

**Councillor Gilman** asked if the Police Department needs to submit a recommendation based on security, and if Atty. Favazza has reached out to that department. Atty. Favazza explained that they feed through the Community Development Department, which in turn reaches out to various department heads to seek review. However, he has not received anything from the Chief of Police or Mr. Cademartori suggesting that there are outstanding issues. **Councillor Gilman** asked the Assistant City Clerk to reach out to Mr. Cademartori to get follow-up as to whether or not he has requested a recommendation from the Police Chief. She also asked Atty. Favazza to have one of the business heads of Happy Valley Ventures attend the presentation at the September 20<sup>th</sup> Planning & Development meeting. **Councillor Ciolino** asked that the Mr. Cademartori formalize a list of

what has come in and what has not come in, and that the checklist be provided to the City Councillors for the September 20<sup>th</sup> Planning & Development meeting.

**Councillor Gilman** asked that Atty. Favazza provide material two or three days in advance of the next meeting so that it can be reviewed. Atty. Favazza advised that the reason it has not been received yet is because the matter was not being taken up formally tonight.

**Councillor Ciolino** advised Atty. Favazza that, as there are pending issues and questions to be answered, he can ask for an extension if necessary.

**Councillor Gilman** commented it is the sub committee's responsibility to make sure that this special permit is done by the books because this is unchartered territory.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 6:14 p.m.**

**Respectfully submitted,**

*Grace E. Poirier*  
**Assistant City Clerk**  
**Substitute Recorder**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**