

CITY COUNCIL STANDING COMMITTEE
Planning & Development Committee
Wednesday, December 19, 2012 – 7:00 p.m.
SAWYER FREE LIBRARY-FRIEND ROOM
-Minutes-

Present: Vice Chair, Councilor Greg Verga; Councilor Jackie Hardy; Councilor Paul McGeary (Alternate)
Absent: Councilor Tobey
Also Present: Councilor LeBlanc; Councilor Cox; Joseph Rosa; Noreen Burke; Joan Whitney

The meeting was called to order at 7:00 p.m. There was a quorum of the City Council. Items were taken out of order.

1. *SCP2012-010: Application of Beauport Gloucester LLC under Sec. 5.25 Hotel Overlay District; GZO Sec. 5.5.4 Lowlands; Sec. 5.7 Major Project (Cont'd from 12/05/12)*

Councilor Verga stated that this matter would be continued as there was nothing new to report. City departments and the Committee are awaiting the applicant's response to the peer review. He spoke to the attorney for the applicant that day who indicated that is moving forward and should be in place for the Committee's next regularly scheduled meeting. The Councilor made mention of a site visit which took place Saturday, December 15th to examine the proposed City infrastructure project for the Fort area.

This matter was continued to January 16, 2013.

2. *Memorandum from Mayor re: Request for Referendum Question on Designated Port Area (DPA)*

Councilor Verga stated the Mayor was unable to join the Committee this evening for a discussion on the matter. **Councilor Hardy** moved, and **Councilor McGeary** seconded to continue this matter to January 16, 2013. **Councilor McGeary** noted both he and Councilor Verga are members of the Harbor Planning Commission. At their meeting on Monday, December 17th, one of the matters the Commission was tasked with was to look at whether or not the Commission should recommend as part of their charter the boundaries of the DPA which is separate and distinct from anything they do with the Harbor Plan. **Councilor Hardy** noted the Mayor, in her October 3rd memo to the Council requesting a referendum question on the removal of 65 Rogers Street from the DPA, had also offered some draft language for a non-binding ballot question to gauge public sentiment. She suggested the City Council should consider its own draft language for a non-binding ballot question reminding her fellow Councilors that it is the City Council that formulates and votes on the actual questions that go on the ballot, with the exception of the question the School Committee is allowed. She said she would welcome the Councilors' suggestions at the January 16th meeting for such draft language.

This matter is continued January 16, 2013.

3. *PP2012-003: Application by National Grid for the installation of underground electric conduits located substantially at Atlantic Road #149 – Public Hearing (Cont'd from 12/05/12)*

This public hearing is opened.

Councilor Verga pointed out that by City regulations, roadways for this type of construction cannot be opened between November and March by ordinance, and as recommended by the DPW Director in his November 30th memo to the Committee.

Peter Glynn, National Grid (NG), 44 River Street, Beverly stated his and the property owner understands that the roadway would not be opened during that timeframe. He related that the DPW Director spoke to the property owner/contractor to make him aware of the recommended conditions to be put in place by the P&D Committee.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor McGeary asked if there were still issues outstanding needing to be resolved. **Mike Hale**, DPW Director stated if the Council approval would include the six recommendations he had he would have no issues with the

application. **Councilor McGeary** asked had Mr. Glynn seen the six conditions proposed by the DPW Director. **Mr. Glynn** indicated he had not. **Mr. Hale** added that this is a unique application where NG is listed as party to the applicant; the developer is the applicant. The applicant has a copy of the conditions. He read some of these conditions to Mr. Glynn after the December 5th P&D meeting and met with the owner of the property the day after that meeting and gave him a copy of these conditions. **Mr. Hale** said he couldn't speak to whether the applicant(s) agree or disagree with the conditions. But in the absence of a defined construction plan, he said these were the best the department can do to assure a good product and project for the City. **Councilor McGeary** stated if the Committee passes this motion with the conditions it is what the applicant(s) have to live with or not do the project. **Mr. Hale** said he didn't see a lot of "wiggle room." There a serious number of conflicts of existing utilities and wanted to avoid that. He expressed his belief NG would want the City to avoid conflicts with their own utilities as well as the City's. This is a traditional request as far as putting the road back to its previous condition. He pointed to the example of the recent NG conduit work on Cherry Street; and NG had to ensure that the road was put back to the condition it was at the start of the project. **Councilor Hardy** noted the face page of the application from NG, the last paragraph states, "The Atlantic Road customer is to install 850 feet of 2" x 3" conduit also two heavy duty hand poles. National Grid will take ownership thereafter." She asked what NG would take ownership of. **Mr. Glynn** responded they take ownership of the primary wire in the conduit and the equipment that is out on the road. **Councilor Hardy** asked about the integrity of the structure of the road; the shoulder they are laying the conduit in; who takes responsibility of the road and will they are maintaining it. **Mr. Glynn** responded that they are now out in the in the roadway, not the shoulder any longer. **Councilor Hardy** asked why NG is not doing the installation; why is the property owner/contractor doing the installation. **Mr. Glynn** stated it is part of the company's agreements they have. He explained that if it is manhole and duct it is NG's responsibility and does the work. **Councilor Hardy** expressed concern that should the property owner flip the property, the new property owner won't realize their responsibility if the original construction was found faulty and asked if NG would stand, "over their shoulder" stating what meets code, etc.. **Mr. Glynn** stated NG has a trench inspector will inspect the primary line to be installed. When the work is completed NG accepts responsibility for all the work was done and the property owner won't be held liable. NG takes ownership of the equipment and primary wire; and therefore, holds the liability. The project has to meet all NG's conditions before they will sign off on such a project. **Councilor Hardy** asked if the City is looking for something to be repaired after the fact NG would be the responsible party doing the maintenance on the underground installation; if there is a pipe break, a road failure. **Mr. Glynn** reiterated NG would own it and be responsible for it. **Councilor Hardy** added if the City has to charge back anybody for emergency work they would be charging back NG such as road failure, can't get through the road, a pipe bursts as a result of something NG might have done, a sewer pipe. The City would have to do the work. NG would accept charge back; the work can't be put on the taxpayers of the City. **Mr. Glynn** noted these were hypothetical situations and could not answer firmly one way or the other. **Councilor Hardy** stated she would vote yes to the plans but there should be someone before the Committee who could answer her questions. She said she would also vote yes if the plans were approved by the DPW Director and only if the work is done by National Grid. She noted the NG plan submitted with the application shows the proposed work to be done but doesn't show the current layout of the infrastructure in the street. She asked if the DPW Director had received anything showing the correlation between what is in the street and what is proposed. **Mr. Hale** stated the memo he sent to P&D on the 30th of November (on file), his item #3 noted the absence of any detailed plan. The plan the Committee has is the same that he has. His department had to do their due diligence on their part to delineate the existing utilities; NG's gas main; the City's drain line, sewer main and water main to make sure they had a satisfactory corridor for this conduit and is why they recommended a 10 foot offset to the pavement versus further to the shoulder. As there was no plan submitted, they had to look at the DPW's existing information and predicated the list of conditions on that information. **Councilor Hardy** asked if the applicant had gotten back to him expressing their agreement with Mr. Hale's conditions. **Mr. Hale** stated he has nothing formal from either NG or the property owner/contractor that they are in agreement with his conditions. **Councilor Hardy** moved the Committee continue the public hearing until the applicant can present to the DPW Director the plans of the layout of the road so that they are in agreement. There have been issues on this stretch of roadway with brown water for years which has only just been corrected and said she didn't want the water, sewer and gas lines interrupted. **Councilor Verga** seconded the motion to continue the public hearing. **Councilor McGeary** asked if the information Mr. Hale referred to was readily available; could more be done. **Mr. Hale** stated the information is available in the Engineering Department which National Grid is welcome to. Electronic copies, CAD files, GIS files are all available. NG is familiar with that type of due diligence with utility work. His department works in conjunction with NG frequently. But this application is different than in the past where there is a lack of information as to existing infrastructure. The City doesn't want to create further conflicts with utilities or have there be any chance of any disruption of gas, water or sewer service to any customers whether

they are NG customers or City customers. **Councilor McGeary** stated the information is available; and in the past when NG has been the contractor they have typically had a plan that shows their new construction relative to any infrastructure in the street. **Mr. Hale** commented the NG applications have varied over time. He called this particular application “thin,” as far as the plan. The plan is a general locus map showing the location of a conduit. The line thickness of the conduit shown on the plan could represent anywhere in the right of way in Atlantic Road. They specified it be 10 feet from the nearest utility for a safe corridor in which to lay their conduit. The shoulder is very congested. There is a good deal of conflict in the shoulder already with the existing utilities there. He expressed he would be more comfortable seeing a formal, more detailed, precise plan showing the conduit in relation to the existing utilities. He said this was fair to the applicant and the property owner/developer as well as to why he requests this plan of a 10 foot separation from existing utilities. He expressed his sense was that the property owner was surprised by the level of conditions he placed on this application. He explained there is a huge expense attached to them, but they are for the betterment of everyone who uses this stretch of road whether they drive on it or are a beneficiary of the utilities. The City just paved the roadway, and the road surface is a consideration as would a disruption to utilities which has to be a consideration as well. **Councilor McGeary** asked if it was possible if the applicant did the requisite amount of research found where the other utilities were they might actually save some money in the construction in the laying of the conduit. **Mr. Hale** commented the applicant would have gone into the project knowing what the costs would be but said the costs are not likely to change from what they are now. Running on the shoulder is a quick and less expensive way to do this project which is likely the preferred route; but from a utility management perspective it would not. **Councilor Verga** added ground would not be able to be broken on this project until March 15th regardless. He asked that the applicant submit their plans to the DPW; and there is time to get it to the P&D Committee by their next meeting. **Councilor McGeary** asked whose responsibility to produce this plan. **Councilor Verga** stated traditionally it would be the applicant. This is, as Mr. Hale pointed out, a unique situation because the applicant is not actually doing the work. **Mr. Hale** commented he could not recall where a contractor installed primary lines like this; typically this has always been NG’s work. This is considered a long run of electrical wire at 850 feet within a public way. It is a big burden, he said, to put on a property owner. Perhaps, he said, NG has changed their policy. The applicant will be the owner of the utility in the end. The burden is on NG to submit a thorough application showing the existing utilities at the least their own gas service, The City’s water and sewer [mains] are important as well as the drain line and by including them in a plan it would “paint a better picture” for the developer/contractor. **Councilor Hardy** concluded by saying the property owner/developer needs to be a part of the process and needs to have a full understanding of what he is signing onto.

The Committee voted unanimously to close and continue this public hearing to January 16, 2013.

4. *Petition for road repairs in accordance with GCO Article IV “Repair of Private Ways” Sec. 21-83 and Sec. 21-84 re: Stewart Avenue (Cont’d from 12/05/12)*

Councilor McGeary stated that there were some abutters present this evening. They approached the Councilor last summer about the poor repair of the road who said they were willing to partner with the City to improve the road to the level that the City requires to accept the street as public. The abutters understand they would share the cost with the City of approximately \$58,000 which is the estimate from the DPW Director who has recommended the project for the City. There was a question at the last P&D Meeting as to the obligations by abutters to the right of way known as Stewart Avenue but to the paper road portion of Stewart Avenue. These abutters’ addresses are on Edgemoor Road and had no access from Stewart Avenue. There is a memo (on file) from the City Solicitor dated December 19, 2012 that says the parcel at 20R Edgemoor which abuts the unfinished portion of Stewart Avenue, is not be obligated to pay into the cost of the paving of Stewart Avenue [as is another property on the paper road at #19 Stewart Avenue]. **Lauren Johnson**, 10 Stewart Avenue, representing abutters of Stewart Avenue, confirmed to the Committee there are two properties have no access to Stewart Avenue which she said was an unfair burden to those property owners. She also thanked Councilor McGeary for his work on the Stewart Avenue abutters’ behalf as well as the assistance of the DPW Director. **Councilor Verga** noted the Stewart Avenue petition states the cost of the paving project is not to exceed \$55,000. However, the estimate by the DPW Director’s is \$58,000. There is a \$3,000 difference. **Ms. Johnson** stated the \$58,000 was a number the abutters were familiar with. **Councilor Hardy** stated asked for a show of hands of abutters present to show their agreement with the estimated cost of \$58,000. Four abutters present raised their hands to show agreement with the estimate of \$58,000. **Councilor McGeary** pointed there is no funding at this time to pay for the paving of the street. **Mr. Hale** responded that this is bigger paving project than he would have budgetary funds for in place. The Highway Force Account which funds small paving projects rarely reaches this amount. If that fund had sufficient monies for this project, his department

could do it. If not, he suggested he would recommend it roll through a loan order for other projects for private road paving for which there are a number of applications before the Council at this time. Further, if the Administration is willing to entertain his suggestion, it may make sense to do a single borrowing for those projects. **Councilor McGeary** commented the funding could possibly be built into the next fiscal year. **Mr. Hale** said he could present that if the Administration was amenable to his including it as an operating cost in the FY14 DPW budget. **Councilor McGeary** stated in the past the City has bonded for these kinds of projects. As there are several of these projects coming forward, if the Administration was willing they could go to bond; and these projects would not begin until the late spring. **Mr. Hale** stated there is no road construction planned until around May and through November. **Councilor McGeary** added it is within the purview of the Council to approve such projects subject to funding.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council under Sec. 21-83 of the Gloucester Code of Ordinances that the City repair/repave the private way of Stewart Avenue. The abutters agree to provide all easements, rights of way, designs, permits and legal certifications necessary for said improvements. The cost resulting from said improvements to be carried out is based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$58,000.00; fifty percent of the costs shall be borne by the abutters and assessed as betterments.

5. *Petition for road repairs in accordance with GCO Article IV "Repair of Private Ways" Sec. 21-83 and Sec. 21-84 re: High Popples Road, Jacque Lane and Mayflower Lane (Cont'd from 12/05/12)*

Councilor McGeary explained he was approached by the residents of Jacque Lane which has had serious drainage issues for years. High Popples Road, Michael's Lane and Mayflower Lane are all also in need of roadway repair. The residents of Michaels Lane opted to not partner with the City. The residents of High Popples Road, Jacque and Mayflower Lanes all voted to proceed with the project. Total cost for the three road paving project is estimated at \$297,324; and will be treated by the City as one project although they are viewed as three separate streets. He noted there was a question about striping and lines on the road. **Mr. Hale** explained the width of the travel way determines whether it is a single or double center line. Typically his department prefers a double yellow line; a yellow line indicates the left-hand travel way traffic and for two-way traffic there would be double lines which indicate each side's left edge. White lines designate the right edge to any way. High Popples Road would be too narrow to include white lines with the fog lines; and in some places too narrow for a double line; and in some places too narrow for single yellow lines towards the northerly side of High Popples, even with the new road. It may vary along the way. **Mark Poulin**, 84 High Popples Road understood there might be some code involved. He expressed his hope there would be no painted roadway lines. He said with yellow lines there is a tendency to speed on such roads. He also stated the abutters never talked about the striping. He said he understood this followed the template of the St. Anthony's Lane paving and taking; and that there are no yellow lines there. He knew of no one who wanted these painted street lines. **Councilor Verga** asked if there were basic guidelines. **Mr. Hale** stated from a public works perspective they would include striping. A local road, cul-de-sac may not be appropriate for lines. As for a through street, he could not recall one did not have a center line. Fog lines are difficult to put in on narrow roads he said. The estimate includes the striping because on parts of this way it needs to be done. If the roads are to become public they need to define the center line. If the rural nature is to be retained an application like this is not what the abutters are looking for then. There are places there will be no lines as to the north, but between Grapevine Road and Michaels Lane, there is an opportunity to define the lane width. **Councilor Hardy** stated since all three ways are being comingled it would be cheaper to do with lines than later to become a public way. **Mr. Hale** stated whenever the DPW can bundle streets into one project it is more cost effective. They want to mobilize a contractor once. If they divide the project into three separate streets it would be a higher estimate. Mayflower Lane, he said, would not receive striping nor could he say whether Jacque Lane would also be striped; but he reiterated the beginning of High Popples Road from Grapevine towards Michaels Lane would receive striping. **Councilor McGeary** stated this is a two step process; one is to improve the road, then ideally, the City then takes it public so that the abutters don't have the problem to maintain the road. For the City to consider taking a road public, it would need to be up to the standards required which would include a center line where feasible. **Mr. Hale** explained his understanding of the process they are going through is to get these roads into the condition in which the City would entertain taking these roads as public roads which he expressed his understanding was the aim. **Mr. Poulin** stated Atlantic Road was paved and lined months after it was paved. He said he contested the scale of economy of the striping being included at once with the paving project. He asked if they could table the line discussion for the part

when the road is taken to go public. **Councilor Verga** stated the package put forward by the DPW is for paving and striping. If they are asking them to cut a piece out, he didn't know if it was feasible. **Councilor McGeary** answering an inquiry by Councilor Verga confirmed the estimate showing the striping was circulated amongst the abutters. He expressed he was clear that they would be upgrading the road to a condition where the City would accept it. If the City is going to take it, then they want the safety features which include a percentage of road striping. **Councilor Hardy** stated Item #18 in the DPW estimate indicates pavement markings in the amount of \$2,400. That added into the total totals \$297,324.

The Committee recessed at 7:49 p.m. and resumed at 7:54 p.m. while the abutters present met to discuss the issue on striping.

Barry McKay 26 High Popples Road explained the abutters never discussed the specific line item of striping. The abutters do understand the value of the street lining for this project; and looking down the road to a potential application to take the roads public, they have no objection of the four abutters present, of which three were High Popples Road residents, to accept project as laid out in the DPW Director's estimate. **Councilor McGeary** noted the DPW Director's memo (on file) which favored the project and recommended and approved the project; but that the funding is not in place and will need to be found. **Councilor Hardy** stated normally they motion each individual street and would be voted that way. The DPW Director and the City Solicitor, with whom she discussed this matter, have informed her that this could be considered one project for the three private ways. The Committee will vote each street separately for tracking and clarity purposes, and will note in each motion the project cost is \$297,324.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council under Sec. 21-83 of the Gloucester Code of Ordinances that the City is to repair/repave the private way of High Popples Road. The abutters agree to provide all easements, rights of way, designs, permits and legal certifications necessary for said improvements. The cost resulting from said improvements to be carried out is based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$297,324.00; fifty percent of the costs shall be borne by abutters and assessed as betterments.

Councilor Hardy stated that this is approved as a total project but this motion is being made separate.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council under Sec. 21-83 of the Gloucester Code of Ordinances that the City is to repair/repave the private way of Jacque Lane. The abutters agree to provide all easements, rights of way, designs, permits and legal certifications necessary for said improvements. The cost resulting from said improvements to be carried out is based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$297,324.00; fifty percent of the costs shall be borne by abutters and assessed as betterments.

Councilor Hardy again noted that this is approved as a total project but that the motion is being made separate by street; and asked if Mayflower was a through way and was told by the abutters present it was not.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council under Sec. 21-83 of the Gloucester Code of Ordinances that the City is to repair/repave the private way of Mayflower Lane. The abutters agree to provide all easements, rights of way, designs, permits and legal certifications necessary for said improvements. The cost resulting from said improvements to be carried out is based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$297,324.00; fifty percent of the costs shall be borne by abutters and assessed as betterments.

Councilor Hardy offered into the record that Michaels Lane submitted a petition to have a road paving project go forward. **Councilor McGeary** added that at a meeting of the Michael's Lane abutters they voted not to proceed with the petition and voted to opt out. **Councilor Hardy** stated that petition was never formally submitted to the DPW, and so it is not being taken up by the City Council.

5. *CC2012-049(Tobey/Verga) Council review of matter of self-storage service facilities and determine whether they should be restricted or regulated by City ordinance or Zoning Ordinance*

Councilor Verga stated this was put forward after the conversation about a certain parcel in East Gloucester where it was suggested self-storage units might be placed should that parcel's use meet the expectations of the owner; and so the Committee was looking for a way to prevent "spite" building. The Committee agreed this matter needs to be forwarded to the Planning Board for their review and to receive their recommendation on whether the zoning ordinance should be amended; and if so whether proposed language is adequate.

This matter is continued to February 6, 2013 pending receipt of a recommendation from the Planning Board.

6. CC2012-072 (Hardy/McGeary/Verga) Request City Council review Law Proposed by Initiative Petition 3 re: Zoning/marijuana dispensaries

Councilor Verga stated before the election he had met with Councilor McGeary on this matter as well as the City Clerk to explore draft ordinance language. They will discuss the next steps for what is now law; and the City needs to be ready for it. **Councilor Hardy** explained she filed the order and once she knew of the other Councilors were doing the same and asked them to sign on to her order. Within the language of the law it says the cities and towns must take action. She expressed her anticipation this is the action they will begin with will allow the City to find out through zoning what zones will be acceptable in the City to possibly house a marijuana dispensary. This Council Order was also referred to the Planning Board, and this Committee would look for recommendations from that Board before any votes to amend the zoning ordinance. **Councilor Verga** agreed the Committee would await feedback from the Planning Board, but would hear a brief overview from the Health Department this evening. **Councilor McGeary** suggested that they have heard anecdotally that once a city starts the process of assessing its zoning for marijuana dispensaries and growing that it put any applications on hold until the zoning matter is resolved. **Ms. Lowe** stated that comes out of State zoning law. When a zoning amendment is before a legislative body, no matter the subject, applications related to that subject are frozen. But they don't have an amendment before them. Right now the Committee is just discussing the matter. They would not have a freeze or protection of looking at it until there is an amendment in front of them.

Noreen Burke, Health Department Director and **Joan Whitney** Director of Healthy Gloucester Collaborative (HGC) were in attendance with **Joseph Rosa**, Board of Health Chairman. **Ms. Burke** stated because they get guidance and resources through the Department of Public Health, they were asked to attend by the Administration and would add information to the Council's discussions. The Board of Health will be waiting for regulatory guidance by the Mass. Department of Public Health (MDPH or DPH). The board does not feel banning outright is an option. They need to try to make it work the best they can for Gloucester. They have no regulations and will not be likely until April 1, 2013. The law goes into effect on January 1st which creates a challenge. Mass. Municipal Association (MMA) has been very active on this issue, and that organization is having a workshop at their upcoming annual meeting on this topic. MMA has also asked the State legislature to delay implementation until the DPH has regulations in place. MDP will regulate 60 day supply of marijuana, permission slips from physicians, some of the roles of towns and cities and fees for dispensaries and controlling hours when medical marijuana dispensaries might be open. She spoke with Cindy Donaldson of Addison Gilbert Hospital, and discussed with Howard Grant, its new CEO, and learned the hospital is not interested in medical marijuana clinic under their auspices. She said Ms. Whitney is an active leader in youth in changing culture of substance abuse prevention and she would speak to the impact on youth in the City. The law allows for no more than 35 dispensaries per county. The Mass. Medical Society chose to advocate for tighter protections for physicians but not impose implementation of the law. Noting the department has been tracking the chronology in events, the cities of Melrose and Wakefield have outright banned marijuana dispensaries. **Joan Whitney**, Director of the Healthy Gloucester Collaborative (HGC) stated the Collaborative looked at this issue over a year ago as a result of the student health survey of 2011. While some trends went down, there was an uptick in marijuana use, not unlike other communities in the State. In 2008 the State decriminalized the use of marijuana allowing up to ounce; and they saw a reduction of perception of harm which shows an increase in use. Medical research confirms for youth use that the high THC level of today's marijuana is not the marijuana of the 1960's. It is at least 5 times stronger which impacts the brain development of youth. The THC disrupts brain development in middle school and high school. It causes not only physical issues for young people but impacts their social and emotional development. When young people use marijuana on consistent basis can lower their IQ. She thanked Councilor McGeary who serves on a policy committee for the Coalition to reduce alcohol and marijuana access. They brought this issue to State Sen. Tarr who did a late filing of a bill to be refilled in January aimed at youth who possess marijuana under the age of 21, similar to alcohol possession, to send a message marijuana use is not good for them. That came from the work of their Coalition efforts. The Coalition is unified in their objection to marijuana which harms youth. The Coalition has serious concerns about the referendum

which now will become law. She indicated a timeline by Attorney Sheift (submitted and placed on file) who works with the D.A. on substance use. She added that the 2011 student survey of high school students showed 25 percent use of marijuana at home. What the norms are impacts the young people. Many know someone who has benefitted from medical marijuana; but the referendum has a lot of loopholes for communities. The DPH is the entity to make the regulations to define what a 60 day supply is; how permission slips are obtained; what the age restrictions are and what constitutes a doctor/patient relationship. They don't know any of this yet. There are 35 dispensaries for able to be permitted for the State. Essex County has 750,000 and a treatment center located in Gloucester could serve over 17,000 individuals. From a zoning perspective there is safety and diversion issues which she said are best left to safety officials. The HGC is concerned about youth norms of use, and are also concerned what DPH will come out with for ages of use for medical marijuana. She noted the North Shore community of Peabody is moving forward with a ban. However, she said, the good work happening now will put Gloucester ahead of the curve. **Councilor Verga** asked what percentage were yes votes in the City to the question #3. **Ms. Lowe** stated that it was a clear majority of voters. **Councilor Verga** stated he wouldn't support a ban and that the matter deserves serious consideration. **Councilor Hardy** asked about the permission slips and was it different from a prescription. **Ms. Whitney** stated it is not a drug as it hasn't gone through the FDA and so is not a prescribed drug. The permission slip comes from a doctor giving permission for marijuana use if they feel it is related to diseases which have been identified. **Councilor Hardy** asked if any municipality in Essex County has said yes to a dispensary. **Ms. Lowe** stated there is one that has said yes to a dispensary located in a hospital in the greater Boston area. **Ms. Whitney** said many communities are putting in restrictions. **Ms. Lowe** added communities are restricting locations but are still permitting them. **Councilor Hardy** stated if one community steps up and says yes, the minimum by the law is met per county. **Councilor McGeary** stated no one knows what DPH regulations will come down; but they could then have control as to the location in the City. **Ms. Whitney** stated Salem has looked at restricting dispensaries close to medical facilities. **Councilor Hardy** suggested she would like to see a dispensary restricted to a zone where police department is in close proximity. **Ms. Whitney** stated a dispensary in that type of location would not be part of the social norm of the City. **Councilor McGeary** suggested that if they get an ordinance change in the works it would freeze the applications. If they would offer this as a zoning ordinance would they then be in the process under MGL Chapter 48. **Councilor LeBlanc** asked if there are one to five dispensaries in the county and a sixth asks to be permitted, is there a "higher power," who decides to allow that sixth dispensary. Would the City have the right to decline its application? **Joseph Rosa**, Board of Health stated the sixth wouldn't be allowed until the law is changed. **Councilor LeBlanc** asked if the City is obligated to do create this process. **Councilor Verga** stated that there must be at least 1 dispensary per county; and it is only for the first year the law is in place; those numbers may rise going forward. **Ms. Lowe** expressed agreement that the DPH could then increase it the following year.

This matter is continued to February 6, 2013.

7. *Special Events Application re: Request to hold Camp Calumet Walk-A-Thon on May 11, 2013*

Joanne Peterson, 18 Wallace Road, Rockport representing St. Paul's Lutheran Church of Lanesville explained to the Committee the church has held this walk-a-thon for 13 years but had not realized they needed to come before the Committee and Council for approval; and are doing so now. The May 11th walk is five miles around the Back Shore. This fundraiser helps to provide scholarships for deserving campers to this summer camp in New Hampshire. The event organizers had submitted memoranda from the Fire Chief, Police Chief and DPW Assistant Director all approving of their plans for the Walk-A-Thon; and had also submitted to the City Clerk's office their Certificate of Insurance naming the City the certificate holder. **Councilor Hardy** asked a series of direct questions to Ms. Peterson who assured the Committee through her responses that all plans were in order and all necessary arrangements for public safety and convenience were in place. She noted the event goes off rain or shine.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the Camp Calumet Walk-A-Thon to benefit the Camp Calumet Fund for Campership on Saturday, May 11, 2013 with the following conditions:

1. Certificate of Insurance: A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's Office on or before April 19, 2013.

2. Road Closure Plans: Memoranda from the Police Department and Fire Department giving approval of the plans for the Camp Calumet Walk-A-Thon to be on file with the City Clerks office on or before April 19, 2013. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Chief or his designee is to be filed with the City Clerk and the DPW Director or his designee on or before April 19, 2013. After City Council approval if either the Police Chief or the Fire Chief, or their designees, determine that a substantial change(s) has been made to the route then the applicant shall obtain City Council approval for the change(s).

3. Refuse and Comfort Stations:

All event refuse and recycling must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the first day of the event or early in the morning of the day of the event and removed by 3:00 p.m. Saturday, May 11, 2013.

4. Emergency Services: A signed, visible and staffed first aid station must be in place in an accessible location in the area of the route throughout the event.

5. Staffing: Event staff is to have cell phones and be identified by the public with distinct shirts, and a list of event staff and their cell phone numbers submitted to the Police, Fire or DPW Departments.

6. Notification of Immediate Abutters and Businesses on Walk-A-Thon Route: Notice shall be made by the event organizer by hand or by mail no later than 7 days in advance of the event to any function halls, motels and hotels, and other businesses along the route.

7. Responsibility of the Camp Calumet Walk-A-Thon organization: The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health and the Licensing Commission. It is the sole responsibility of the Camp Calumet Walk-A-Thon organization to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:36 p.m.

Respectfully submitted,
Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Time Line for Medical Marijuana If Governor & Legislature Do Not Delay Implementation of Question 3 produced by Bellotti Group, PC submitted by Joan Whitney, Director-Healthy Gloucester Collaborative