

CITY CLERK  
GLOUCESTER, MA  
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GLOUCESTER CITY COUNCIL  
**Planning & Development Committee**  
Wednesday, February 3, 2016 – 5:30 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
*(Items May be taken out of order at the discretion of the Committee)*

1. ***Memorandum from General Counsel & Assistant General Counsel re: changes to GZO Sec. 5.27 et al entitled, “Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities” (Also referred to the Planning Board)***
2. ***Special Events Application: Request to hold the 10K Lone Gull Road Race on September 25, 2016***

COMMITTEE  
**Chair, Councilor Paul Lundberg**  
**Vice Chair, Councilor Melissa Cox**  
**Councilor Valerie Gilman**

CC: Mayor Theken  
Jim Destino  
Linda T. Lowe  
Chip Payson  
Gregg Cademartori

**The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.**

**CITY OF GLOUCESTER  
LEGAL DEPARTMENT**

**Memorandum**

**TO:** Sefatia Romeo Theken  
Mayor

Jim Destino  
Chief Administrative Officer

**FROM:** Charles J. Payson  
General Counsel

Krisna Basu  
Assistant General Counsel

**RE:** Changes to Gloucester Zoning Ordinance 5.27 et al. entitled "Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities"

**DATE:** January 19, 2016

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The Legal Department was asked to review Gloucester Code of Ordinance section 5.27 et al. entitled "Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities" as it has been suggested that section 5.27 et al. contains errors and is not representative of what was passed by the Council on November 12, 2013.

Upon review, it was determined that there was in fact a grammatical error in the version passed by the City Council and that several critically important sections were omitted from the Certificate of Vote.

Accordingly, the following changes are proposed:

First, that Section 5.27.2, entitled "PURPOSE", of the Gloucester Zoning Ordinance be amended by **deleting** the word "licensing" in the fourth sentence.

"It is the purpose of this ordinance to establish specific standards and procedures for local ~~licensing~~ permitting of medical marijuana dispensaries, medical marijuana infused products, manufacturers and medical marijuana cultivation operations."

Second, that section 5.27, entitled "Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities", of the Gloucester Zoning Ordinance be amended by **adding**:

**“5.27.3 General.**

Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities may be authorized by Special City Council Permit as set forth in Table 2.3.2 (Community Service Use). An application for a Medical Marijuana Treatment Center or Medical Marijuana Cultivation Facility shall follow the procedural requirements and standards of Section 5.7 Major Project and such application shall be required to obtain a Site Plan Approval from the Gloucester Planning Board pursuant to Section 5.8 of the Gloucester Zoning Ordinance. The following regulations shall also apply to Medical Marijuana Treatment Centers as defined in this Ordinance.

**5.27.4 Prohibition.**

No permit for a Medical Marijuana Treatment Center or Medical Marijuana Cultivation Facility shall be issued to any person convicted of violating the provision of G.L. c. 119, s. 73, or G. L. c. 94C or similar laws in other jurisdictions. Any applicant for permit under this Ordinance must allow for a criminal background check, which includes jurisdictions beyond the Commonwealth of Massachusetts.

**5.27.5 Separation.**

No Medical Marijuana Treatment Center or Medical Marijuana Cultivation Facility shall be located within fifteen hundred (1,500) linear feet of:

1. Any school or child care establishment; or
2. Any area where large numbers of minors regularly congregate; or
3. Any other Medical Marijuana Treatment Center or Medical Marijuana Cultivation Facility; or
4. Any church or other structure used in whole or in part all the time or part of the time for religious or spiritual services; or
5. Any establishment licensed under the provisions of G. L. c. 138, s. 12.

No Medical Marijuana Treatment Center or Medical Marijuana Cultivation Facility shall be located within five hundred (500) linear feet from the property line of any residentially zoned property. Distances shall be calculated by direct measurement from the nearest property line of the land used for purposes described above to the nearest portion of the building in which the Medical Marijuana Treatment Center or Medical Marijuana Cultivation Facility is located, using a route of direct pedestrian access.

**5.27.6 Conflict of Laws.**

In the event of any conflict between the provisions of this Ordinance and any other applicable state or local law, the stricter provision as deemed by the City Solicitor, shall control.

**5.27.7 Signage.**

Any permitted Medical Marijuana Treatment Center or Medical Marijuana Cultivation Facility shall comply with the requirements of the city sign ordinances at all times. In addition, no permitted medical marijuana distribution site shall use any advertising material that is misleading, deceptive, or false or that is designed to appeal to minors upon penalty of permit revocation.

**5.27.8 Manufacturing.**

A local permit for medical marijuana infused product manufacturing may be issued in any location where commercial manufacturing of products is permitted by the zoning ordinance.

Any such facility must be directly attached to the Medical Marijuana Treatment Center or Medical Marijuana Cultivation Facility with which it is associated.

**5.27.9 Term of Special Permit.**

Any local permit issued pursuant to this ordinance shall be valid for a period of one year from the date of issuance. Any renewal of the permit shall be governed by the standards and procedures set forth in this Ordinance and any regulations adopted pursuant thereto by the City Council, the Department of Public Health or the Licensing Board.

**5.27.10 Notification.**

Any new application sought under this Ordinance must be publically advertised for a period of no less than fourteen (14) days. Abutters within four hundred (400) feet must be notified in writing of said application, and include any and all dates for public hearings on said application.”

Third, that Section VI, entitled “DEFINITIONS”, of the Gloucester Zoning Ordinance be amended by **adding**:

“Medical Marijuana Cultivation Facility. When separated from a Medical Marijuana Treatment Center, a facility for the cultivation and harvesting of medical marijuana that meets the requirements set forth in 105 CMR 725.105(B)(1) (a-f).”

Fourth, that Section 5.7.1, entitled “MAJOR PROJECTS”, of the Gloucester Zoning Ordinance be amended by **adding**:

“A Medical Marijuana Cultivation Facility and a Medical Marijuana Treatment Center shall be considered a Major Project and shall comply with all requirements as set forth in Section 5.7 pertaining to Major Projects.”

CITY CLERK  
GLOUCESTER, MA

<sup>15 DEC 3 3:02</sup>  
CITY OF GLOUCESTER - SPECIAL EVENTS PERMITS

NAME OF EVENT: Lone Gull 10K Road Race DATE OF EVENT: September 25, 2016

**Special Events**

Permitting is required for most types of special events. A "Special Event" is an event open to the general public; it can be held on public or private property; it may feature entertainment, amusements, food & beverages; it may be classified as a festival, road race, parade or walk-a-thon. A special event in the City of Gloucester, depending on the size and nature of the event, may require a number of permits or approvals from various departments within the City before it is officially approved and is granted a "special event" permit. Furthermore, special events are also governed by the Gloucester Code of Ordinances §11-8 and §11-10.

In order to assure that the City, as well as the special event applicant, has as much information as needed before beginning the permitting process, the City requires the applicant to come to the City Clerk first. The applicant **must complete** a Special Events Application form in advance, including written approvals, (as provided in the application) which includes:

- Date of Event; hours of Event; Rain Date;
- A detailed site plan or map of the area showing all locations for the following: all American with Disabilities Act (ADA) accessibility, pedestrian and fire access, dimensions of stages & tents; type of equipment or generators & the placement of any vendors and any portable toilet facilities (Site plan/map must be 8-1/2 x11 inches and be legible – capable of copy reproduction);
- If the site of the event is privately owned, a letter from the landlord or property owner giving the applicant the right to use the property is required;
- If the event is featuring entertainment, you need to list all performances;
- If the event is featuring amusements, you need to list all rides & games;
- If this is the "first year" of your event, please attach any letters of support from local community and business organizations;
- A list of all vendors including food and if propane is used. Vendors will need state or city license before date of event and Health Department approvals;
- Certificate of Insurance listing City as the insured (Certificate Holder).

After the Applicant presents the application to the Special Events Advisory Committee, the applicant is to submit the completed permit form (download at: [gloucester-ma.gov](http://gloucester-ma.gov) or available in City Clerk's office) signed and dated with cash or check made payable to the City of Gloucester: \$25.00 for non-profit organizations, \$50.00 for for-profit organizations, at the City Clerk's office. At that time, an appointment for a review prior to the submission of the permit to the City Council process must be made at the convenience of the City Clerk, in order to begin the approval process. All first time applicants must file completed application and finalized at least 60 days in advance of their event; annual event applicants must file completed application and finalized at least 45 days in advance. Non-compliance with these filing deadlines may result in denial of the application.

Linda T. Lowe, City Clerk  
Gloucester City Hall, 9 Dale Avenue  
Gloucester, MA 01930  
PHONE: 978-281-9720  
EMAIL: [llowe@gloucester-ma.gov](mailto:llowe@gloucester-ma.gov)

Hours of Service:  
Monday through Wednesday: 8:30 a.m.-4:00 p.m.  
Thursday: 8:30 a.m. to 6:30 p.m.  
Friday: 8:30 a.m. to 12:30 p.m.

Paul McGeary, City Council President & Councillor Greg Verga, Chair, Planning & Development Committee

Completed copy filed: Date: 11/30/15 Initial: LTL Copy to Applicant: Date: 12/3/15 Initial: LTL  
Fee Paid: \$ 25 Date: 11/30/15 Initial: LTL

15 DEC 3 3:02  
CITY CLERK  
GLOUCESTER, MA

CITY OF GLOUCESTER SPECIAL EVENT APPLICATION

SPECIAL EVENTS

City Clerk's Office: 978-281-9720 Fax: (978) 282-3051

Name and Type of Event Lone Gull 10K Road Race

1. Date: September 25, 2016 Time: from 9:00 to 11:30 A.M.

Rain Date: October 16, 2016 Time: from 9:00 to 11:30 A.M.

2. Location: Good Harbor Beach

3. Description of Property: Road Race - Back Shore Public X Private

4. Name of Organizer: CCC BSD City Sponsored Event: Yes No X

Contact Person: Len Femino

Address: One School Street, Beverly, MA Telephone: 978-921-1990

E-Mail lff@alexanderfemino.net Cell Phone: 978-578-3086

Day of Event Contact & Cell Phone: Same

Official Web Site: lonegull10krace.com

6. Number of Attendees Expected: 100 Number of Participants Expected 1,000

7. Is the Event Being Advertised? Yes? Where? New England Runner Magazine

7.(a) Is there a fee charged for tickets/attendance for event participation? Yes X No List all fees if yes.

8. What Age Group is the Event Targeted to? 19-85

9. Have You Notified Neighborhood Groups or Abutters? Yes X No Who? Attach a copy of the notification to the abutters to this application.

10. For Profit Organization: Non-Profit Organization: X Who will benefit financially from this event?

Children's Center for Communication

6 Echo Avenue, Beverly, MA 01915

Activities: (Please check where applicable.) Subject to Licenses & Permits from Relevant City Departments:

A. Vending: Food X Beverages X Alcohol Goods Total No. of Vendors\* (\*Local or State license required)

B. Entertainment: (Subject to City's Noise Ordinance) Live Music DJ X Radio/CD Performers Dancing Amplified Sound X Stage

C. Games/Rides: Adult Rides N/A Kiddie Rides Games Raffle (requires City permit) Other: Total No.

Name of Carnival Operator (requires permit and inspection of rides):

Address:

Telephone:

D. Clean Up: No. of additional trash receptacles required 10 No. of additional recycling receptacles required (To be provided by and removed by applicant at their expense.)

E. Portable Toilets: (To be provided by and removed by applicant at their expense. Each cluster of portable toilets must include at least one ADA accessible toilet)

No.: 20 standard No.: 2 ADA accessible

**FOR PARADES, ROAD RACES, BIKE RIDES AND WALK-A-THON EVENTS ONLY**

PARADE \_\_\_\_\_

ROAD RACE X

WALK-A-THON \_\_\_\_\_

1. Name, land line & cell phone number of contact person on the ground Day of Event:  
Len Femino, 978-921-1990, 978-578-3086
  
2. Name, Address & 24/7 telephone number of person responsible for clean up if different from above:  
Same
  
3. Locations of Water Stops (if any): Corner of Atlantic/Grapevine (2) Niles Beach
4. Will Detours for Motor Vehicles be required? No If so, where and what length of time:  
Nautilus Rd.
- 4A. Are street closures required? Yes (this is determined by the Police Department)
  
5. Parade Formation Location & Time for Participants: \_\_\_\_\_
6. Dismissal Location & Time for Participants: 9:00 A.M. Start
7. Additional Parade Information:
  - Number of Floats: \_\_\_\_\_
  - Location of Viewing Stations: \_\_\_\_\_
  
  - Are Weapons Being Carried(If "Yes", Police approval may be required: Yes: No
  - Are Parade Marshalls Being Assigned to Keep Parade Moving: Yes: No
8. Name and Address of Insurer: USATF NE and Philadelphia Ins. Co.
9. Attach or Provide a Certificate of Insurance naming the City of Gloucester the Certificate Holder.

CITY APPROVAL (FOR COMMITTEE MEMBERS USE ONLY):

You will need to obtain all necessary approvals, permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event and others may request payment in advance. **NOTE: Applicants must comply with the Code of Ordinances, Ch. 11 (Vendors) as applicable and as required by City Clerks and/or Licensing Commission and all other applicable ordinances.**

**Approvals Required:** Written approvals below should be submitted by time of applicant's appearance before the Planning & Development Committee by this form (below) and if necessary by memorandum or email from the appropriate City staff to the Office of the City Clerk.

Initials of Dept. Head/ Designee	Notes by Department Head or Designee
<u>12/3x</u>	1. Special Events Advisory Committee _____
<u>  </u>	2. Planning & Development Committee _____
<u>  X</u>	3. Gloucester Police Department _____ Is Police Detail Required? <u>Yes</u> No. of Details <u>4-6</u> Traffic, Parking & Transportation _____
<u>  ✓</u>	4. Health Department <u>Rosalie Nicastro</u> <u>12-3-15</u>
<u>  ✓</u>	5. Building Inspector _____
<u>  </u>	6. Electrical Inspector _____
<u>  NE</u>	7. Department of Public Works: <u>man Cee</u> Use of City Property: Yes/No Location if yes: <u>GHS LOT</u>
<u>QA X 5/5</u>	8. Gloucester Fire Department _____ Is a Fire Detail Required? <u>Yes</u> No. of Details <u>2</u> EMS <u>  </u> Use of Propane: <u>  </u> (Attach EMS Memo)
<u>  </u>	9. Licensing Commission (includes vendors) (Through City Clerk: _____)
<u>  ✓</u>	10. Other <u>TOURISM</u> _____

The Departments or Committees listed above may have their own separate permit/application process. Applicants are responsible for applying for and obtaining all required permits & certificates from the various individual departments.

  
Signature of Applicant


Nov 5 , 2015



**RESPONSIBILITIES OF APPLICANT**

1. All members of the organizing committee and concessionaires/vendors must adhere to the rules and regulations set forth by all applicable departments.
2. The applicant and concessionaire/vendor are responsible to pay all applicable fees required by applicable ordinances and State law. Any non-payment of fees to any City department will result in the denial of the application.
3. The applicant is responsible to ensure that there is no illegal activity on the areas under their supervision during the event.
4. All concessions must be stationary and placed in such a way to not hamper the access of pedestrians. They must be placed tight against curbs, not block fire hydrants or sidewalk ramps. Concessions must be moved if in the opinion of City officials on-site they pose a problem for access or public safety. Concessions utilizing compressed gas or generators or propane must comply with the regulations of the City of Gloucester Fire Department and receive approval through the Licensing Commission.
5. Federal & State law requires a minimum of 4 ft. of clear unobstructed sidewalk be available at all times for pedestrians. The applicant must keep sidewalks, ramps and curb cuts clear of any interference from their vendors or their event participants. No storage is allowed on the sidewalk.
6. Any items to be sold must be listed with their prices. All beverages in cans and plastic bottles and must be recycled according to the City of Gloucester recycling guidelines. The use of any type of glass containers is prohibited unless prior approval is granted by the *Department of Public Works*.
7. The applicant will be responsible for any damage to public property caused by the event.
8. All applicants are responsible for filing their applications in a timely manner: First time applicants must file completed application 90 days in advance and have finalized all necessary approvals at least 60 days in advance of their event. Annual event applicants should file completed application 75 days in advance and have finalized at least 45 days in advance. Non-compliance with these deadlines may result in denial of the application.
9. The applicant shall indemnify and hold harmless the City of Gloucester and its employees from any damage it may sustain or be required to pay by reason of said event, or by any reason of any act or neglect by the applicant or their agent relating to such event or by reason of any violation of the terms and condition of this license. Applicant shall also provide a Certificate of Insurance prior to approval by the Planning & Development Committee.
10. The City of Gloucester reserves the right to deny the application at any time.

*I/We fully understand and agree to all the terms set forth in this application. The information that I/We have provided is truthful and accurate. I/We accept all responsibility related to this event.*

  
Signature of Applicant

NOV 5, 2015

