

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

Present: Chair, Councilor Paul Lundberg; Vice Chair, Councilor Cox (entered meeting at 5:36 p.m.); Councilor Valerie Gilman

Absent: None.

Also Present: Joanne Senos; Gregg Cademartori

The meeting was called to order at 5:33 p.m.

1. *Memorandum from Assistant General Counsel re: Donation of a parcel of land located at R Englewood Road*

Councilor Lundberg recounted for the Committee that it was in receipt of a memo dated September 15, 2016 from Assistant General Counsel, Krisna Basu (on file) advising that Messrs. Barry & Bruce Gradwohl have offered to donate their property located at R Englewood Road to the city of Gloucester. The property is approximately 7.5 acres surrounded by land already owned by the city. This offer has been reviewed by the Community Development Department and the Conservation Commission who concur that ownership of this parcel will serve a public interest, he noted.

Councilor Gilman indicated she reviewed the background information and agreed with the acceptance of the donation.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Lundberg, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Cox) absent, to recommend that the City Council, pursuant to Massachusetts General Law Chapter 40, §3, accept the donation of an approximately 7.5 acre parcel of land with a current assessment value of \$28,400.00 with the property address of R Englewood Road, Gloucester, Mass., described in the deed recorded with the Essex South Registry of Deeds at Book 9093, Page 438.

2. *SCP2016-004: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.5.3(c), Sec. 5.7 “Major Project” & Sec. 5.27 “Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities” – An overview by the Planning & Development Committee Chair and the Attorney for the Applicant on the Permitting Process (Cont’d from 09/22/16)*

Councilor Lundberg conveyed that the determination of the record for Special Council Permits that are treated as a Major Project, as with SCP2016-004: Great Republic Drive #38, is dependent on input from city departments -- Building, Fire, Public Works, Public Health, and in particular the Police Chief as advisory, as well as a review by the Planning Board and Conservation Commission. The two presentations the Committee will hear are from the applicant for this Special Council Permit as well as the second, SCP2016-005: Great Republic Drive #41 in an overview discourse. Both matters, he advised, will be continued to P&D’s next regularly scheduled meeting of Oct. 19 when it is hoped that the Committee will have the substantive documentation from the department heads in order to be able to begin its deliberation on both applications.

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

Happy Valley Ventures MA, Inc. is seeking to be permitted for a Registered Medical Marijuana Dispensary (RMD) at 38 Great Republic Drive. HVV will take a vacant lot in the Blackburn Industrial Park and improve it by constructing two buildings. Phase 1 will be a combination retail and production facility; Phase 2 will be an ancillary production facility. The site, in addition to building construction, will be graded, parking installed, access improved, etc. The project when it first opens will employ about 20 people in the first building. When the second phase comes on line, HVV will likely hire another 35 people, anticipated to be two years out from the initial building opening.

The property will remain taxable property. The city is benefitting from a Host Community Agreement with certain monetary amounts paid each year to the city on an increasing scale up to the third year.

PERMITTING PROCESS: The applicant needs a use permit from the Council; a Site Plan Review by the Planning Board, and an Order of Conditions from the Conservation Commission (ConCom). There are three interconnected Zoning Ordinance sections that are applicable: Sec. 5.27 “Medical Marijuana Treatment Centers (MMTC) & Medical Marijuana Cultivation Facilities (MMCF),” Sec. 5.7 Major Project review, and Sec. 5.8 Site Plan Review.

GZO Sec. 5.27: In July 2013 the Council issued a moratorium to prevent any applicants coming forward for MMTC’s or MMCF’s which governs RMD’s. In November 2013 language was voted upon but the full text not enacted as there was a clerical error in the vote by the Council. In early 2016 the full 2013 text was being proposed to insert into the Zoning Ordinance and at that time HVV was already in the process of seeking a permit. HVV worked for several months with the Planning Director to assist in crafting an Ordinance that was more in keeping with the current Mass. Dept. of Public Health (MDPH) recommendations and create a more appropriate permitting process. HVV also met with the Police Chief on security concerns as well as providing experts in the state regulatory process to advise as to what the full process is on state level. After the Planning Board process was complete the Council formalized its ordinance language for GZO Sec. 5.27.

Officers of the corporate entity must submit to background checks; comply with distance requirements from churches, areas where children congregate, schools, residential areas, other MMTC’s or MMCF’s; provide a detailed annual report (all reflective of MDPH regulatory provisions) to the city.

GZO Sec. 5.7 Major Project and Sec. 5.8 Site Plan Review: Both sections are triggered by Sec. 5.27 which places additional scrutiny and standards on the HVV application. Sec. 5.7 asks for input from certain city departments, which need to be in hand before the Council can vote on the application. It also calls for additional input from the Planning Board and ConCom which the Council can rely on these advisory recommendations in its deliberations. **Mr. Favazza** recounted that the department heads have, “21 days to respond,” noting that the application was filed with the City Clerk’s office on Sept. 7, but to date only the Fire Department has responded with its recommendation. The Planning Board has, “35 days to provide its report,” and he noted that the applicant will go before that Board the following day, he noted. He also pointed out that Sec. 5.7 has additional criteria relating to Assisted Living Facilities, Shopping Centers, and other large construction projects but are not applicable to this application.

He indicated that under Sec. 5.8 Site Plan Review, that the process will either be completed prior to the next P&D meeting depending on the level of detail the Planning Board requires, or will they do the Site Plan Review after the use permit is taken care of. He advised there are a lot of detailed requirements in a Site Plan Review but explained that it didn’t make sense for an applicant to invest in and provide highly detailed plans for a not-yet-built facility for that process. Rather, it was more appropriate that with a use permit in hand to move forward with a Site Plan Review. He said the Council could issue the Special Council Permit, “subject to Site Plan Review.” He conveyed that under Sec. 5.8.6 the Planning Board, with a written request of the applicant...may waive any of the submittal or technical requirements of Sec. 5.8.5 where the project involves relatively simple development plans.” He contended that although what is going on inside the proposed buildings is somewhat complex and new, the site will be a parking lot and some commercial buildings and that the documentation provided in the application should be adequate for a Site Plan Review to be conducted.

He further conveyed that if HVV is successful in receiving its use permit from the Council, then HVV will seek an Order of Conditions from ConCom. Although ConCom is asked to make a recommendation as part of the Major Project review, it is not a full Notice of Intent filing or deliberation by ConCom that results in an Order of Conditions. He advised there are wetlands on the site, and some of the proposal will be in the buffer zone, and the ConCom process will be the applicant’s last permitting in the overall process. He briefly touched upon the public hearing process of the Council, and pointed out, in his estimation, that by the next P&D meeting the time limit to hear from department heads under Sec. 5.7 will have lapsed meaning that the P&D Committee can either take what it has in hand to deliberate or ask for a continuance through the applicant until the recommendations are in hand. He indicated it is hoped that the Planning Board process will be concluded by the next P&D meeting as well.

Councilor Cox, noting that the applicant had heard back from the Fire Department, she asked who the applicant was waiting to hear from. **Mr. Favazza** explained that the applicant is not waiting on any department head, but that Sec. 5.7 requires that the department heads are to provide recommendations to the P&D Committee, but advised that the applicant is flexible and will do what the P&D Committee deems appropriate.

This matter is continued to October 19, 2016.

3. *SCP2016-005: Great Republic Drive #41, Map 263, Lot 58, GZO Sec. 1.5.3 (c), Sec. 2.3.2, Sec. 5.7 “Major Project” & Sec. 5.27 “Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities – An overview by the Planning & Development Committee Chair and the Attorney for the Applicant on the Permitting Process*

Councilor Lundberg asked if the applicant for SCP2016-005: Great Republic Drive #41 had noticed abutters of the Planning & Development Committee meeting. **Attorney Bruce Tobey**, Pannone Lopes Devereaux and West, White Plains, NY, representing Mayflower Medicinals, Inc., (MMI) for a special Council Permit under GZO Sec. 1.5.3 (c), Sec. 2.3.2, Sec. 5.7 “Major Project” & Sec. 5.27 “Medical Marijuana Treatment Center only, for a site located in part of a pre-existing building at #41 Great Republic Drive, along with Attorney David Ullian, Vicente & Sederberg who also represents MMI and is MMI’s Chief Compliance Officer, advised that abutters were noticed.

Mr. Tobey then recounted for the Committee an overview MMI’s application and permitting process (full text of remarks was placed on file and found in part here) as follows:

MMI is a Mass. non-profit corporation currently applying to the DPH for licensure to dispense medical marijuana pursuant to 105 CMR 725.00 et seq. Its Executive Management Team and Board of Directors represent a broad range of expertise not typically seen in the medical marijuana industry, with an extensive background in medical marijuana cultivation and manufacturing and in dispensary operations as well as with proven expertise in healthcare delivery, regulatory compliance, and security. MMI’s mission in coming to Gloucester is to provide a state-sanctioned form of medical care to approved patients seeking needed relief. MMI has already been granted a Provisional Certificate of Registration from the state’s Department of Public Health to dispense medical marijuana in Gloucester. It has received a Letter of Non-Opposition from the City of Gloucester and has executed a Community Benefits Agreement with the city.

MMI’s proposed dispensary illustrates three elements which **Mr. Tobey** indicated are critical to the success of a venture of this nature:

1. **Scale** – The project is limited in scope and impact, fitting within an existing building and intended to meet local patient needs with product transported from a cultivation center in Holliston, Mass. Mayflower will neither grow marijuana nor process medical cannabis products in Gloucester. But while the facility is small, it will still generate ten jobs spread over two shifts.
2. **Site** – The facility is discretely located entirely within an existing building, thereby putting an under-utilized facility to greater use and placing no new stress on the environment of Blackburn Industrial Park.
3. **Sensitivity** – Mayflower’s Executive Management Team has recognized the concerns of the Gloucester community, respected them, and acted upon them, finding and working within the terms and site parameters of the Zoning Ordinance, thereby providing the community with a project that is a sensible and discrete first step into a new and emerging segment of the health care industry.

This will be a health care facility occupying 2,500 square feet of the southeastern corner of the existing Swan Net building. Other than a different configuration of doors and windows and a small, discrete sign, the building will look no different to those who pass by it than it does today. Pointing to a composite pictorial of the site and its building features, **Mr. Tobey** referred to MMI’s summary plan (see application on file), which he indicated is site-specific and code-compliant and shows:

- As the facade currently looks to a passerby;
- As a small segment of the larger Swan Net building;
- As the interior space will be laid out, and pointing out the portion of the building used by Swan Net, described as a two-deck office and utility area that will be unchanged, remaining as part of that company’s operation; and the only changes will be a door being moved for the electrical control and a door moved for sprinkler access, and
- As the revised facade will appear.

The interior will include: a secure entry; spaces for secure storage; office and support areas, and areas for information, patient consultation and viewing of alternatives from which a patient, with on-site technician guidance, can than choose his or her medicine under the terms of his or her state-issued and doctor-sanctioned license. The facility is designed to provide the highest level of safety and security for patients, employees, neighbors, and the surrounding community. It will utilize state-of-the-art security technologies on both the interior and exterior of the building.

Mr. Tobey expressed his belief that MMI’s application will be the simplest Major Project application to be considered in this Council’s term. He advised that MMI will go before the Planning Board as well, to the EDIC because all the Blackburn Industrial Park sites have restricted covenants attached to their deeds, and the EDIC has rights to review and approve as well. This site has no considerations under the purview of ConCom, he advised. He

conveyed that MMI looks forward to continuing the process with P&D and the Council to answer questions and respond to concerns in order to obtain approval so as to provide Medical Marijuana to qualified patients in the Cape Ann area.

This matter is continued to October 19, 2016.

A motion was made, seconded and voted unanimously to adjourn the meeting at 5:58 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Affidavit of Notice to Abutters under SCP2016-004 submitted by Attorney Favazza