



CITY OF GLOUCESTER
PLANNING BOARD
MEETING MINUTES
January 5, 2017
6:00 P.M.
Kyrouz Auditorium
9 Dale Ave, Gloucester
Richard Noonan, Chair

Members Present: Rick Noonan- Chair, Doug Cook, Ken Hecht, Shawn Henry, Henry McCarl-
Absent, Mary Black- Vice Chair, Joe Orlando- **Absent**
Staff: Gregg Cademartori, Planning Director, Matt Coogan, Senior Planner

I. BUSINESS

A. Public Comment- None

II. PUBLIC HEARINGS

In accordance with the provisions of MGL Chapter 40A, Section 5, and the Gloucester Zoning Ordinance, Section 1.11, the **Gloucester Planning Board** will hold a public hearing to consider the following petition to amend to the Zoning Ordinance as follows:

Amend the Gloucester Zoning Ordinance by revising Section 5.27 “Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilites” by striking “Section 5.27.5 (3) Any other Medical Marijuana Treatment Center or Medicial Marijuana Cultivation Facility; or” and renumbering items (4) and (5), respectively.

Mr. Cademartori stated that the original restrictions were put in place to control the amount of facilities in the city. The question that has been posed by the board members is; Is there really a need for setbacks since this is a medical facility. He read the current Section 5.27.5 Setbacks of the ordinance to the board.

Public comment: In favor

Attorney Bruce Tobey

Attorney Tobey stated that he was representing his clients Mayflower Medicinal and they have no opposition to the proposal. The unintended outcome of the current language is the creation of the monopolistic system. Patients need free access to the medical benefits of these facilities. The hard reality is; each facility has its own products, strains and own character. These facilities are being seen for what they are; a medical facility. The zoning ordinances are to help the common good of the community. To delete this section is for the good. For this change to occur it shows that the City of Gloucester finally gets it. The city, its people, and its patients will be better served.

Public Comment: In opposition

Attorney Joel Favazza- Seaside Legal Solutions

Attorney Favazza stated that he represents Happy Valley and recently received a vote to build and operate a facility. He stated that his clients are in the process to increase the building to a 30,000 manufacturing facility which will create 50 jobs and is a 6 million dollar investment. This is only possible if the 1500 foot buffer remains. The buffer creates a hospitable environment. If removed, it's bad for the city in general; there is a false illusion that more facilities will be better all around. This type of facility is a long term investment and in the city because the zoning ordinance as written allows it to happen. If you change the market and open the flood gates, transient facilities would be allowed. In addition; small dispensaries have no real investment. There is no long term relationships with the patients. The host community agreement will have to be renegotiated. Around the Commonwealth, buffers are a local control. Boston's is a ½ mile, Cambridge has a 1500 buffer, Dartmouth has 4000 feet, Attleboro has 1000 feet between dispensaries. The city took that into consideration in 2013 and again in 2016. The ordinance as written encourages business to come here and make their investment. Mr. Henry stated that there are other suitable locations for a facility in the park. He asked Attorney Favazza; if there are multiple locations in the industrial park that are outside the 1500 buffer would your client still have a problem with the limit.

Attorney Favazza stated that the risk becomes more intensified if the buffer goes away. It remaining gives Happy Valley enough assurance to move forward. It has been a difficult process.

Mr. Henry stated that the 30,000 processing facility is the bigger piece of the investment and there is no restrictions to the processing side. The numbers will work either way. As to the overall medical distribution that has been presented, the processing part is the bigger part of the investment and will generate revenue down the road.

Attorney Favazza stated that there are cheaper places to build this type of facility or to retrofit an existing building. If dispensing isn't part of the business, it doesn't make sense to build here.

Ms. Black stated that during the board discussions it was decided that it is inequitable to compare one facility against another because of its size. Your model is go big or go home. That is your decision.

Mr. Hecht stated that things change all the time. Happy Valley has the opportunity to be the first one to build the grand facility. Recreational sales will follow.

Mr. Henry stated that this is the only medical facility that we require a buffer; doctors offices, drug stores do not have to be 1500 feet away from each. It should be treated as any other medical facility. The motivation is to make the ordinance more welcoming and friendly and not to unfairly treat anybody.

Ms. Black stated that the board has not bent over backward to any one applicant. We want to make the language fair and equitable. There is no agenda. The board wants to make things clear.

Mr. Cademartori stated for clarification that when the original ordinance was drafted it was very protective and conservative, it was not about luring the maximum investment.

Mr. Noonan closed the public hearing.

Motion to recommend to Amend the Gloucester Zoning Ordinance by revising Section 5.27 "Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities" by striking "Section 5.27.5 (3) Any other Medical Marijuana Treatment Center or Medical Marijuana Cultivation Facility; or" and renumbering items (4) and (5), respectively was made by Mr. Hecht, seconded by Mr. Cook and unanimously approved.

II. OTHER BUSINESS

1. Modification of Common Driveway Easements, The Woodlands Subdivision, AKA The Village at Magnolia Shores, Kennedy Road, Plans Prepared by Meridian Associates, Submitted by Restoration Capital, LLC

Attorney Jack Macaleny stated there is a minor change to the subdivision; 2 common driveways to serve lots in the last phase. The driveway has been made shorter and also widened to accommodate fire trucks. This eliminated the need for a wetland crossing. The Plan was prepared

by Meridian Associates. It is 20 feet wide and ends in a cul-de-sac and serves 8 lots. Paul Keene has reviewed the design. Another small drive has been widened and serves two lots.

Mr. Cademartori stated that it is consistent to what has been discussed over the last couple of months. The improvements that have been made are in the same general layout. The paper trail has to be clear.

Motion to accept the modification common driveway easements, of 12-22-16; The Woodlands Subdivision, AKA The Village at Magnolia Shores, Kennedy Road, Plans Prepared by Meridian Associates, Submitted by Restoration Capital, LLC was made by Mr. Hecht, seconded by Mr. Cook and unanimously approved.

2. Planning Division Update

Mr. Cademartori stated that on the upcoming agenda is the housing production plan. The draft is being finalized. It will be a good supporting document. East Gloucester and TOD after that.

Mr. Hecht asked if at least two things could be placed on the agenda that the board is working towards. He stated he would like to be proactive in moving forward with the projects. The board discussed at length on how to look at the entire community and being proactive in meeting city/community goals.

III. NEXT MEETING

Next regular meeting of the Planning Board January 19, 2017

Planning Board Members: If you are unable to attend the next meeting please contact the Planning Office at (978)325-5235.