

**Planning & Development Committee**  
Wednesday, June 6, 2018 – 5:30 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
-Minutes-

**Present: Chair, Councillor Valerie Gilman; Vice Chair, Councillor Jen Holmgren; Councillor Paul Lundberg (entered the meeting at 5:51 p.m.)**

**Absent: None.**

**Also Present: Jim Destino, CAO; Rick Noonan, Planning Board Chair; Jamie O’Hara (6:00 arrival), Councillor at Large; Joanne M. Senos, City Clerk**

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

Councillor Gilman announced that Councillor Lundberg would be arriving a little late to the meeting.

**1. *Special Events Applications:***

A. Request to hold the Around the Cape 25K Road Race, August 26, 2018 (Cont’d from 05/16/18)

**Andrew Fortini**, Director of Operations at the Cape Ann YMCA and **Carol Meyer**, Special Events Director for the Y of the North Shore came to speak on behalf of the application. Mr. Fortini requested approval for the use of roads and the main courtyard of the O’Maley School/Talbot Rink for the 85<sup>th</sup> running of the “Around Cape Ann 25K” road race. (This is on the same day as the YMCA’s “Run the Goose 7K”\*, which was previously permitted by the committee on January 2018). (Letter, map and application on file). The following information was highlighted:

- The YMCA is seeking access to those roads from 8:00 a.m. to 1:00 p.m. All signage will be removed by 3:00 p.m.
- The application was approved by the Special Events Advisory Committee in April, 2018.
- A police detail has been requested. The response is pending and the YMCA will follow up.
- There will be no access to the Talbot Rink during the events.

\*Although the matter was not on the agenda, the committee requested that the YMCA promote tick prevention awareness to “Run the Goose 7K” participants due to the large amount of ticks in the Goose Cove area.

**MOTION: On motion by Councilor Holmgren, seconded by Councilor Gilman, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Lundberg) absent to permit the Cape Ann YMCA to hold on Sunday, August 26, 2018 the 25K Around the Cape Road Race with the following conditions:**

**1. Certificate of Insurance:**

**An updated Certificate of Insurance naming the City as an additional insured party is on file with the City Clerk’s Office.**

**2. Road Closure Plans & Routes:**

**Routes for races are as shown on maps or plans on file as approved by the Special Events Advisory Committee. Applicant must have Police/Fire Department approval of any road closure/traffic plans 30 days before event, including any police details. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues will require Council approval.**

**3. Refuse and Comfort Stations:**

**All refuse and recycling due to this event 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 event or early on the day of the event and removed by 9:00 p.m. the day of the event.**

**4. Emergency Services are as determined by City EMS Director.**

**5. Staffing:**

**Event staff is to have cell phones and to wear distinct shirts. A list of event staff and cell phone numbers is to be submitted to Police, Fire and DPW Departments.**

**6. Notification to Immediate Abutters and Businesses to Race Course:**

**Written notice shall be made by event organizer at least seven days in advance of the event to function halls, motels and hotels and other businesses along the route.**

**7. Responsibility of the Cape Ann YMCA:**

**Failure to comply with any conditions above and any conditions placed on these events by the Special Events Advisory Committee may result in permit revocation.**

**2. Application of DML Properties LLC for the storage of diesel at 24 Kondelin Road, Assessors Map 197, Lot 13, per MGL Ch. 148, §13 & GCO Ch. 8, Sec. 8.1 “License for Storing Inflammables” (Cont’d from 5/16/18)**

**John Favazza**, General Manager of Eastern Disposal (formerly Hiltz Disposal) requested a license for the storage of diesel. The tanks would be used in the same capacity in which they were used by Hiltz Disposal. The people involved with testing reached out to neighboring abutters as well as the Fire Department.

The committee confirmed this is a new license and that the renewal is annual at a cost of \$100.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Holmgren, seconded by Councilor Gilman, the Planning & Development Committee 2 voted in favor, 0 opposed, 1 (Lundberg) absent to recommend that the City Council grant a license under GCO Ch. 8 “Fire Prevention and Protection,” Sec. 8-1 “License for storing inflammables,” MGL. Ch. 148, §13 and 527 CMR 1.00 for storage of inflammables at 24 Kondelin Road, Assessors Map 197, Lot 13, owner DLM Properties LLC, specifically to store Diesel, Class 16, (UST) for a total quantity of 10,000 gallons.**

This matter will be advertised for public hearing.

**3. Memorandum from City Clerk re: request of Thomas P. Testaverde to rename Mooncusser Lane to Midnight Sun Lane per GCO Ch. 21, Sec. 21-3 Subsections (a) through (f) - Vote to refer matter per GCO for recommendations from certain city departments (GCO 21-3(3))**

As the applicant was not in attendance at the meeting and not all of the departmental recommendations had yet been received, the committee continued this matter.

This matter will be continued to June 20, 2018

**4. SCP2017-012: School House Road #2, #3 and #4, Map 262, Lots 14 & 37 and Gloucester Crossing Road #7, Map 43, Lots 4 & 5 for a Special Permit under the Mixed Use Overlay District pursuant to GZO Sec. 5.29 (including Major Project under GZO Sec. 5.7) and Sec.’s 5.29.10 and 5.11.8 (Cont’d from 05/14/18) (TBC 06/20/18)**

At 5:44 p.m. the committee moved to take a five minute recess to allow for Councillor Lundberg to arrive prior to moving forward on the agenda. The recess ended upon Councillor Lundberg’s arrival at 5:52 p.m.

**5. Planning Board Informal Review and Recommendations regarding Zoning for Recreational Marijuana Establishments**

Prior to beginning the discussion the review and recommendations from the Planning Board, **Councillor Gilman** relayed the following information to the committee:

- 164 communities have implemented moratoriums on recreational marijuana establishments, according to the June 2018 MMA newsletter
- 15% of Massachusetts cities and towns have adopted zoning changes
- The Mayor’s Task Force zoning sub-committee (of which she was the City Council representative) recommended that the city not allow recreational retail establishments in areas heavily trafficked by, or routinely visible to, youth.
- The Mayor’s Task Force zoning sub-committee recommended a zoning ordinance in the form of an overlay district in Extensive Business, Commercial Business and Village Business with language pertaining to parcel size and parking

- Highlighted Sec. 5.31.1 – Purpose, which states “The purpose of this ordinance is to allow state-licensed marijuana establishments to exist in the city in accordance with applicable state laws and regulations and impose reasonable safeguards to govern the time, place and manner of marijuana establishment operations and any business dealing in marijuana accessories in such a way as to ensure public health, safety, well-being, and undue impacts on the natural environment as it relates to the retailing, cultivation, processing, manufacturing or testing subject to the provisions of this Zoning Ordinance” [*Draft Marijuana Establishments Ordinance of 5/18/18* (on file)]

**Councillor Gilman** relayed that, due to unforeseen circumstances, Gregg Cademartori, Planning Director, was unable to attend the meeting. She requested that **Rick Noonan**, Planning Board chair, give the committee some background on the proposed draft ordinance and Use Table amendments. Mr. Noonan relayed the following:

- The Planning Board was focused on *where* and *when*.
- They used a Bubble Map with a 500-foot radius and used it to overlay different areas such as Lanesville, the downtown and Kondelin Road. The downtown might have yielded one or two potential locations.
- Good feeder roads, turn around and access points for a retail outlet were important. The facility would need to be a reasonable size with square footage and parking, which makes downtown an unlikely place for a retail establishment.
- In the state guidelines, the only mandate is that an adult use medical marijuana dispensing facility is prohibited from being within 500 feet of a grade school, K thru 12. A local community is allowed to adopt an ordinance that reduces the requirement.
- The Board removed the cultivation energy efficiency sections of the CCC guidelines because they felt that other non marijuana businesses do not have that requirement.

The committee then reviewed and discussed the individual sections of the proposed draft ordinance as well as the Use Table amendments. After review, the following issues and requests were identified and put forward by the committee for clarification from the administration:

- Request the administration provide the committee with the document that the Planning Director and the City Solicitor presented to the Planning Board on March 1, 2018. NOTE: Prior to tonight’s meeting, Chairperson Gilman had requested the red lined working document from Planning Director, Gregg Cadamartori. Mr. Cadamartori had replied that the changes from the 3/1/18 original draft were significant and that a red lined document was not available.
- Request clarification on whether the CCC’s energy specifications for marijuana cultivators are operational recommendations or regulations
- Modify the third paragraph in Sec. 5.31-Marijuana Establishments to reflect the most current language – it should say *less than .5*.
- Request clarification in regards to what would happen if the City Council was made the permit granting authority (instead of the Planning Board, as stated in Sec. 5.31.4-Use Allowance and Special Permit Procedures), and how that section would work if it were changed to make the City Council the permit granting authority.
- Modify the fifth paragraph in Sec. 5.31.4-Use Allowance and Special Permit Procedures to say 500 feet to be consistent with the CCC regulations.
- Request clarification on Sec. 5.31.9-Host Community Agreement as to what department the CCC contacts after a license application is made to the CCC, who writes the agreement and how it works in the approval process.
- Requested zoning maps be available for the committee at the next committee meeting.

It was determined by the committee that a special meeting would be beneficial between now and the next regularly scheduled Planning & Development meeting in order to further discuss the proposed amendments with the Planning Director, Planning Board Chair and City Solicitor.

This matter was continued to a special meeting tentatively scheduled for June 13, 2018.

**Councillor Gilman** opened the floor for questions from those in attendance at the meeting and the committee answered a couple of questions asked regarding definitions in the Use Table and the process for adopting changes to the zoning ordinance.

**6. Memorandum from Mayor re: Recreational Marijuana Recommendations: That the Council adopt the requisite ordinances and zoning requirements necessary in that regard currently at the Planning Board (Cont'd from 04/18/18)**

The committee determined this item was no longer necessary as the committee was currently reviewing the recommendation through the Planning Board's Informal Review and Recommendations regarding Zoning for Recreational Marijuana Establishments.

This matter was withdrawn.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 7:10 p.m.**

**Respectfully submitted,**

*Grace E. Poirier*

**Assistant City Clerk & Substitute Recorder**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.**