

**CITY OF GLOUCESTER
PLANNING BOARD
Special Meeting - April 19, 2018
6:00 P.M.
Kyrouz Auditorium 9 Dale Ave, Gloucester
Richard Noonan, Chair**

MINUTES

Councillor Holmgren and Councillor Lundberg are present.

Members Present: Rick Noonan- Chair, Doug Cook, Jonathan Pratt, Jane Remsen, Hank McCarl, Shawn Henry, Beverly Bookin

Staff: Gregg Cademartori- Planning Director, Jacquelyn Rose- Recording Secretary

Chair Rick Noonan opened the meeting at 6:10 pm

I. DISCUSSION OF RECREATIONAL MARIJUANA ZONING

Mr. Cademartori recaps that the Board is focusing on areas that have the capacity for the retail use potential, and the industrial and commercial districts for the majority of the uses: cultivation, testing, and production. Mr. Cademartori shows a map generated from GIS resource to give a picture of the impact of some of the proposed sensor receptors that could potentially exclude areas. Several EB Districts could potentially be available for retail operations, and GI Districts and business parks could be available more for cultivation and production. A setback guided by the State is 500 ft or less. Mr. Cademartori explains the different receptors, which include all K-12 schools and daycare facilities, churches and parks. Business parks and GI areas such as Pond Road and Kondelin Road are suitable areas for production spaces.

Ms. Remsen explains that requiring a certain number of parking can be used to self limit the areas for retail spaces. Mr. Cademartori replies that it may be self limiting but there needs to be other boundaries applied.

Mr. Noonan adds that there are specific zoning requirements that are limiting on lot size.

Mr. Cademartori explains that the way language is written at the time of submission is important so it states the receptors, and businesses will be able to see where they are and are not allowed to go.

Mr. Cook asks if the Board is trying to decide on where three retail spaces will go. Mr. Cademartori replies that there should be activity with the City Council on that issue in the coming weeks. The State allows local adoption of regulation to allow 20% of retail liquor establishments. The law and regulations talk about marijuana establishments, which include retail, cultivation, production, and testing fall into, but only retail is limiting. That could allow the potential of three retail uses, but there needs to be consideration for the other uses that can be licenses as long as there is zoning for it. Mr. Cademartori continues that the Ordinance will be reflective of what that is determined to be, whether it is three or fewer. It seems from the States perspective that you can limit to three and the Council will be discussing that in the coming weeks.

Mr. McCarl asks if the three is the minimum number of retail spaces. Mr. Cademartori answers that City Council can limit three as the minimum or maximum. Mr. McCarl asks if City Council has the authority to screen and decide who gets the licenses. Mr. Cademartori answers that the licences come from the State, but depending on the framework for permitting, it rests with what the Board is determined to oversee as Special Permit.

Ms. Bookin explains that if the mindset is that marijuana is negative then there are going to be restrictive rules. As recreational marijuana has become a more acceptable choice of people, we have a choice to treat it as a class more restrictive than other activities like alcohol. Ms. Bookin continues that some of the receptors like daycares and churches do not seem appropriate. A simpler way to look at this is to say that it is appropriate in these zones with these restrictions, such as lot size and parking.

Mr. Henry adds that churches and daycares are a moralistic decision rather than practical. By looking at the 500 ft exclusion zone, two of the best prospects of retail space, the East Gloucester Shaws Plaza and Gloucester Crossing, are being crossed off. The Board has to distinguish between the cultivation, manufacturing, testing and retail because there can be distinct areas where each of those could insert itself in the fabric of the City without being impactful. Having retail facilities in shopping areas will not have a negative impact. The uses must be separated and show what areas suit each use best. Mr. Pratt agrees with Mr. Henry.

Mr. Cademartori explains that there is some impact with Gloucester Crossing because of the Green Street playground. The medical marijuana Ordinance already has these restrictions, and at the time the Ordinance was created City Council was looking for limitations. The Board can identify areas that are most appropriate for retail spaces.

Mr. McCarl explains that the Board should look at cultivation and manufacturing should be treated as any manufacturing facility. An Industrial Park is an appropriate place for a manufacturing facility, including cultivation and testing. There is a retail outlet for medical marijuana in an Industrial Park already. This kind of economic opportunity should be encouraged, and this manufacturing operation should be treated like any other.

Mr. Cook agrees with Mr. McCarl in regards to manufacturing. Mr. Cook continues that as far as retail goes, the Board should identify three or four spots that are obvious such as Gloucester Crossing. Mr. McCarl adds the Sears building. Mr. Pratt adds Pond Road. Mr. Cook continues that it would be nice to have it strategically placed off of the highway, possibly somewhere near where Lobsta Land and Sudbays are located. Mr. Cook continues that the Board should pick locations that can handle the traffic.

Ms. Bookin asks if State law requires pre-k through high school as a receptor, can we decouple daycare from pre-k. Mr. Cademartori adds that the Board can set a requirement for distance. Ms. Bookin continues that in regard to medical marijuana, it is acceptable in industrial zones to have limited retail uses. The requirement is limited in the number of square feet as a percentages, only able sell products that are produced on site, and there must be a demonstration of adequate parking for that piece of the business. There could be a possibility to sell medical and retail in the same building as production. Mr. Noonan adds that in business parks, there are restricted second level covenants, which could pose a problem to an applicant to have the retail.

Mr. Cademartori replies that if there is a limitation set there is an opportunity to use the potential uses differently. Business parks are set aside for larger industrial uses, and if there is an opportunity where there is vacancy and we expect them to have high utilization, that can have a positive impact on the businesses around them.

Mr. McCarl asks if there is evidence that a retail marijuana establishment will have more traffic than a retail liquor establishment. Mr. Pratt replies that it is dependent on supply and demand, and the more retail establishment the less traffic there will be. Mr. McCarl continues that limiting to three retail establishments will not be best due to traffic issues.

Ms. Bookin explains that by identifying specific locations and using the overlay tool, people will be able to look at the sites and see that it is a reasonable distance from sensitive uses.

Mr. Henry agrees with Ms. Bookin, and adds that the State regulations state K-12 schools and not Pre-k. The Board is not mandated to create a zoning ordinance for that type of use. If the Board is happy to accept any new manufacturer in the community, they just

have to comply with the regulations. Mr. Henry continues that in the proposed Ordinance section 5.3.1.7 Application Procedure and Submission Requirements through section 5.3.1.8 Special Permit Findings, duplicates what is mandated within the State license application. The Board is permitting the construction of marijuana facilities, and by changing those sections to say that the applicant must provide an approved license application from the State, the next step will be to find an approved location. If the applicant has approval from the State, and the proposed use and location fall within the current Zoning Ordinance, they can move forward, excluding retail sales, and it will be approved.

Ms. Bookin explains that the Board should relook at the medical marijuana ordinance and propose liberalization so the Council can reconsider that. Mr. Henry agrees and adds that the Board's recommendation should be that the medical minimum should mirror recommendations for retail. Mr. McCarl agrees and adds that medical marijuana should not be more restricted than retail.

Mr. Cademartori explains that if the recommendation is to edit the proposed Ordinance and take out everything other than what the State mandates in terms of what buffers or setbacks needed, and if this spills over to a streamline recommendation for medical uses, we'd restrict those as well and potentially expand other districts that might not included retail marijuana. It comes down to the parking requirements, and the size of the buildings that have been established through the EI District are the ones that mirror appropriate locations. Include all of the uses in the Ordinance and have a check list and identify it as uses explicitly that require Site Plan Review and that may be a minimal submission if it is inside an existing building.

Ms. Remsen asks what covenants in business parks prevent retail operations. Mr. Noonan replies that retail sales are prohibited in business parks under the EIC Covenant. If there is manufacturing facility associated with retail sales, that would be a footnote in the EIC Covenant saying that if you manufacture it there you can sell it the retail area if a reasonable size. Mr. Noonan adds that it may be good to discuss if medical retail should be joined with recreational retail. Mr. Pratt agrees that that would be an appropriate step. Mr. Noonan continues that the Board should write in the Ordinance that medical should have more availability.

Mr. Henry explains that on Page 5 of the proposed Ordinance says that if you are mixing the types of establishments they have to be walled off from one another, and that in the case of licensing, retail is different from medical. The State does not require there being a physical wall between the two, but the proposed Ordinance does.

Mr. Cademartori adds that if the Board is going to go through the exercise for establishing retail, there should be no reason why both should be allowed. Ms. Bookin adds that if the Board comes up with a set of criteria for the appropriate locations for retail.

Mr. Noonan adds that manufacturing has a different scale than retail, and asks if there is a Zoning Use Table that says any manufacturing for recreational marijuana that has to be greater than or less than a set requirement. Ms. Bookin replies that most Industrial Zoning Regulations do not have those requirements. Mr. Cademartori adds that the Board can do that by lot size as well. The idea of a 7,000 square foot lot abutting residential, but is zoned industrial may require different criteria to avoid issues with residents.

Mr. Pratt agrees with Mr. Cademartori and suggests the language be broader and nondiscriminatory. Mr. Cademartori adds that the Board has to look at Zoning decisions from before to see if it is still appropriate or not. Mr. Pratt replies that if the Board does not believe manufacturing should happen in certain Industrial Zones, the Ordinance should be changed. Mr. Cademartori adds that there may be some areas Zoned for General Industrial or Commercial Industrial District that may be in a neighborhood that has a single family home on it which could cause problems.

Mr. Noonan asks how would you attempt to encourage retail out of a manufacturing operation. There must be a distribution license and then they would have to tease out the difference between retail and manufacturing. Mr. Henry replies that would be more of a wholesale. Mr. McCarl adds that considering the value of the crop a small manufacturing facility could be profitable. These operations will be cash only, and would only be able to bank with State driven local banks. Ms. Remsen adds that there is a retail marijuana specific point of sale systems we could encourage or require people to use that takes away the cash issue and makes a record of revenues for the City. Mr. Noonan adds that the tax and revenue is audited by the State by monthly sales.

Mr. Cademartori suggests creating a subcommittee to make the proposed changes to the Ordinance. The subcommittee will consist of Ms. Bookin, Mr. Henry, and Mr. McCarl and will meet on Wednesday, May 25, 2018 at 3:00 pm.

V. ADJOURNMENT

Motion to adjourn was made by Mr. McCarl, seconded by Mr. Henry and unanimously approved.

VI. NEXT MEETING

Next regular meeting of the Planning Board May 3, 2018

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