

Planning & Development Committee
Wednesday, September 5, 2018 – 5:30 p.m.
1st Fl. Council Committee Room - City Hall
-Minutes-

Present: Chair, Councilor Valerie Gilman; Vice Chair, Councilor Jen Holmgren; Councilor Paul Lundberg
Absent: None.

Also Present: Gregg Cademartori; Chip Payson; Police Chief John McCarthy; Joanne M. Senos;
Jim Destino; Jill Cahill

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

1. Special Events Applications for Approval

A. Request to hold a Community Safety Day on Saturday, September 29, 2018

Police Chief John McCarthy advised the committee that he is before them to request permission to partially close Harbor Loop (businesses will still be accessible) for the Community Safety Day event. The purpose of closing the street is mainly due to pedestrian traffic at the event.

The event's focus is public safety; it is geared for children and is similar to the Touch-a-Truck event. He gave a brief description of the activities, which will include:

- Coast Guard Station will be open and tours will be given of boats
- Harbormaster will allow boats to come in and take part in the tours
- North Shore Police Departments (and beyond), the DPW and the Fire Department will bring equipment to the event
- Civic groups will be bringing motorcycles and vintage cars

The proceeds from the event will go to *Cops for Kids with Cancer*.

NOTE: As this is a city-sponsored event, there is a memo on file from the Mayor's office which indicated that the event is covered under the city's liability insurance.

MOTION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit the Community Safety Day on Saturday, September 29, 2018 from 10:00 a.m. to 2:00 p.m. with a rain date of Sunday, September 30, 2018. Harbor Loop is to be closed to vehicular traffic with the exception of emergency vehicles from 10:00 a.m. to 2:00 p.m. with roadway signs indicating same from 23 Harbor Loop to 27 Harbor Loop.

2. Memorandum from City Clerk re: request of Patrick Titus, Jr., to rename 602-606 Washington Street to Seaglass Lane per GCO Ch. 21, Sec. 21-3 "Street names" subsections (a) through (f) - Vote to refer to certain department heads under GCO Sec. 21-3(e) for their recommendation

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning & Development Committee voted 3 in favor, 0 opposed, to request recommendations from certain department heads pursuant to the request of Patrick Titus, Jr., to rename 602-606 Washington Street to Seaglass Lane per GCO Ch. 21, Sec. 21-3(e).

3. Planning Board Formal Review and Recommendations regarding Zoning for Recreational Marijuana Establishments (Cont'd from 08/08/18)

Gregg Cademartori, City Planner and **Chip Payson, General Counsel**, walked the committee through their recommendations for proposed revisions to the *Planning and Development Draft Marijuana Establishments Ordinance: 9/5/2018* (on file):

- Sec. 5.31 "Marijuana Establishments" paragraph 3: regarding the rounding language, language has been clarified so as to read "less than .5"

- Sec. 5.31.4 “Use Allowance and Special Permit Procedures” paragraph 2: regarding who will be the Special Permit permitting authority, language has been changed so as to remove the Planning Board as the permitting authority and replace with the City Council as being the permitting authority, and adding the Planning Board as the permitting authority for Site Plan Approvals.
- Sec. 5.31.4 “Use of Allowance and Special Permit Procedures” paragraph 5: regarding the location of a marijuana retail establishment being prohibited within 500 feet of a pre-existing public or private school providing Kindergarten thru 12th grade, the language “or any playgrounds” has been added.
- Sec. 5.31.4 “Use Allowance and Special Permit Procedures” paragraph 5: the following language has been added “The Applicant shall submit proof to the City Council that it has provided notification in writing to all churches, libraries, schools and licensed daycares within one thousand (1,000) feet of its proposed location to provide them with notice and the opportunity to comment at the hearing before the City Council.”
- Sec. 5.31.5 “Additional Filing Requirements and Standards” Sub-Sec. 1(c): regarding a written description stating how the proposed marijuana establishment will meet the minimum requirements of 935 CMR 500.105, language was modified to give more leeway and discretion to City Council on policies and procedures for energy efficiency and conservation.
- Sec. 5.31.5 “Additional Filing Requirements and Standards” Sub-Sec. 7: this section was added as additional standards for retail establishments beyond what is required to be in the EB (extensive business) district.
- Sec. 5.31.8 “Special Permit Findings”: changes were added to clarify and maintain consistency of terms.
- Sec. 5.31.10 “Unlawful Acts” Sub-Sec. 4: this section was added to address the display of tobacco and marijuana paraphernalia and accessories.

The Committee and staff discussed certain sections of the proposed revisions in more detail. Concerning **Jim Destino, CAO**, pointed out two areas of concern to the committee:

- Speaking to the proposed revision to Sec. 5.31.4 which added playgrounds to the 500 foot buffer zone, he read the following from the Cannabis Control Commission (CCC) recommendations for municipalities: State Law establishes a 500 foot buffer zone around K-12 schools. A municipality may choose to reduce that size of the buffer. It is unclear whether buffer zones around other uses such as parks are legally permissible. The Commission suggests that the additional buffer zones and separation requirements may not be necessary and cautions communities against acting arbitrarily.
- Speaking to providing notice to certain abutters within 1,000 feet, he advised the committee that the CCC’s guidance on Host Community Agreement has a stipulation that requires that the applicant host a community outreach meeting, the notice of which must be published in the newspaper 7 calendar days prior to the meeting, and a copy of the notice be filed with the City Clerk, Planning Board and contracting authority and the licensing authority. A copy of the notice must be mailed to abutters and parties of interest identified in the regulations. A Host Community Agreement will not be signed until he has attended a meeting hosted by the applicant.

Mr. Payson advised the committee that the CCC’s recommendation is on buffers generally. He added that buffer zones are important and he does not feel that adding playgrounds to the buffer zone is arbitrary.

Councilor Lundberg requested that the special notice stipulation in the revision (requiring an applicant to notify churches, libraries, schools and licensed daycares within 1,000 feet of the establishment) be removed. He also disagreed with playgrounds being included in the 500 foot buffer zone.

Councilor Gilman clarified that if the playground was attached to a school, it would be in the 500 foot buffer zone; therefore, “playground” does not need to be added. She further requested that notification to certain institutions within 1,000 feet of the establishment remain in the revision.

Councilors Lundberg and Holmgren pointed out that abutters will almost certainly be notified through social media conversations and newspaper articles that will be stimulated from any proposed project, as well as the required notices to abutters which will be mailed for any Host Community Agreement or Special Council Permits.

Councilor Lundberg suggested that that portion of the revision to Sec. 5.31.4 be left out of the P&D motion, allowing **Councilor Gilman** to discuss it at City Council and propose an amendment there.

The committee was in agreement that “playground” be removed from the revision.

A question was posed by the committee as to how the city would deal with current establishments that have visible exterior advertising for paraphernalia and accessories (referencing Sec. 5.31.10 “Unlawful Acts”, Sub-Sec. 4, which prohibits a marijuana establishment from clearly displaying, and making visible from the exterior of the establishment, marijuana advertising, products, paraphernalia or accessories, including any of the same that have multiple uses, one of which is for marijuana), **Mr. Payson** advised the following:

- Current shops should not be grandfathered
- Enforcement will further be discussed with General Counsel and the Police Chief as to enforcing the ordinance on establishments that already have visible exterior advertising prior to the passage of the ordinance

A question was posed by the committee as to what happens to the moratorium if the proposed ordinance is adopted. **Mr. Cademartori** advised, per all the recommendations, there would be a sunset of the moratorium if the ordinance is adopted. The current Sec. 5.31, which is the moratorium, would be repealed and replaced with the new Sec. 5.31, which is the ordinance, and would go into effect immediately at the time of adoption.

Councilor Gilman thanked the committee and the staff for their work on the ordinance.

The committee waived the reading of the *Planning and Development Draft Marijuana Establishments Ordinance*.

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve the Planning and Development Draft Marijuana Establishments Ordinance, dated September 5, 2018.

COMMITTEE RECOMMENDATION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the City Council the repeal of the existing GZO Sec. 5.31 Temporary Moratorium on Recreational Marijuana Establishments.

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to adopt the Planning Board recommendation Use Tables regarding Marijuana Establishments, dated June 21, 2018.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:41 p.m.

Respectfully submitted,

Grace E. Poirier

Assistant City Clerk & Substitute Recorder

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None