

HEARING BEFORE THE CITY COUNCIL, MARCH 12, 2018

Hearing opened at 6:45 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present.

Present at the hearing were Attorney Peter Campobasso, Counsel to Integrative Middlesex Medicine (MIM); Nancy Koury, Executive Director of Middlesex Integrative Medicine; Ed Bartlett, CEO of Middlesex Integrative Medicine; Peter Reynolds, McKenzie Engineering, Steve Bukowski with Safer Places, Security Consultant; Ryan Roy, Middlesex Integrative.

34-18 Middlesex Integrative Medicine, Inc.: Grant a Special Permit for a registered marijuana cultivation site located at 25 Mohawk Drive.

Attorney Campobasso said as they go through their presentation he thinks they will see that the site at 25 Mohawk Drive is a good site and meets all the requirements for the Special Permit to be issued.

Mr. Peter Reynolds referred the Councillors to the map they had prepared for the hearing and indicated the proposed facility is located in the middle of the existing building. It takes up about 13,000 square feet. He said everything is within the building; nothing will be going on outside of the building as far as any security issues and deliveries. He indicated on the map the areas for the growing facilities and the processing areas. He also pointed out the areas depicted on the map that show the abutters within 500 feet and also 1,000 feet of the proposed facility to show that they meet the zoning requirements.

Attorney Campobasso pointed out that under the City Ordinance, one condition is that the site not be within 500 feet of a residential zoned church or other religious use and 1,000 feet from a school or child care facility, a family child care home, park, playground or other registered marijuana dispensaries (RMD).

Mr. Reynolds said the main office area is being upgraded and there is nothing that will be open to the public, it's only for employee access.

Councillor Chalifoux Zephir asked Attorney Campobasso about their application referencing cultivation but the requested Special Permit is being issued for a RMD. She asked if this is for a dispensary.

Attorney Campobasso said that the Special Permit is for cultivation use only. One of the things that is probably confusing that may need to be clarified is that in the City's Ordinance it states that a Registered Marijuana Dispensary should be limited to one or more of the following uses: cultivation, processing/packaging, and retail. So, there's been confusion on how you identify this, as a RMD or cultivation. He doesn't believe that State has made a clarification on this either. For this particular site and project it is strictly going to be cultivation, there won't be any retail sales.

Councillor Bodanza suggested the petitioner may want to address their required findings in the criteria they need to determine to issue the Special Permit. He is speaking specifically to 105.6.3 and 105.6.4 of the City's Ordinance.

Attorney Campobasso said within the Special Permit application that they filed, the names and the addresses of the owner of the facility is listed which is Kevin Crowley, Mohawk Drive Corp. The required license by the Commonwealth was submitted and is part of the Special Permit application filing. The lease is also part of the submittal that evidences they have control over and the ability to use the site. He said there is a statement by Nancy Koury who identifies the owners of the corporation. In addition, the abutters list they received from the Assessors Office is attached to the Special Permit filing. Mr. Campobasso supplied a summary of the proposed security measures to include with the petition. He said they didn't want to file the actual plans for security reasons, but the summary easily describes the measures they plan to undertake.

Councillor Bodanza asked Attorney Campobasso about the host agreement that is required as part of this process. It was his understanding that there is a proposal on part of the petitioner.

Attorney Campobasso said their community host agreement was submitted back when they were going through the non-opposition letter process and that there have been some preliminary discussions with the Mayor.

Councillor Bodanza pointed out that Section 105.6.7 provides the permit holder shall enter into a host community agreement with the City of Leominster. He asked if it would be objectionable, if in fact the Council sought fit to issue this Special Permit, to issue it conditionally upon that event occurring.

Attorney Campobasso said no. They are not adverse to this condition.

Councillor Freda asked how they were going to handle cash only transactions.

Mr. Edward Bartlett said that in this facility there won't be any cash, it will all be in Norwood. We have a relationship with Century Bank which is really the only bank in the State that is doing banking for medical marijuana so they have their own security and armored cars and they do all the handling of the cash transactions through that bank.

Councillor Freda asked if all of the financial pieces would be in Norwood.

Mr. Bartlett said correct, there will be no cash here.

Mr. Ryan Roy from Raymond, Maine provided a presentation of the cultivation process that would be taking place inside the facility. He said he is a co-director of cultivation for MIM. It would be his job along with his partner Joe Peppin to make sure MIM is producing clean, safe, effective and consistent medicine for their retail RMD in Norwood. The facility will grow, process and package medical marijuana. Inside the building they will create 15 different rooms to achieve this full process. Plants are grown in 3 different types of grow rooms during their life. They will start in a propagation room or clone room where they will take cuttings from stock plants or mother plants and put them in a medium and root them. This takes about 2 weeks before the plant has a good root mass. Then they will be transplanted and placed into one of two veg rooms. In the veg rooms, the plants will start to gain in size and develop more root mass. This process will take between 21 and 31 days. After this, they will be placed in 1 of 6 flower

rooms and at that point, they will start to flower which takes about 63 days before they are ready for harvest. Once they harvest them, they will be de-leaved and hung in one of two drying rooms for about 2 weeks. At that point, they will be placed in a curing room for another two weeks. Upon completion, the product is then ready to be packaged and stored in their inventory storage room. This room won't boarder any of the exterior walls in the building for extra security and they will only be a few employees that will have access to that room. So, all in all, it takes about 135 days from the cutting to having finished product. They anticipate having 40 employees; 30 will be full-time and 10 part-time. They will be responsible to feed the plants, moving them between grow rooms, to harvest and package the material. He said one of the concerns is odor control and he is working with Rick Hillman from DE Corporation on a plan. In the past, they have used negative air pressure and carbon filtration and they have been successful using this in their other cultivation facilities across Maine.

Councillor Dombrowski asked him to provide an idea of the daily traffic that will result from this facility as far as deliveries.

Mr. Roy said product exiting the building would be no more than 1/day. When it comes to growing mediums or material to grow the plant, he would estimate 1/week. Cleaning supplies would be one every couple weeks or once a month.

Councillor Dombrowski asked what the hours of operation would be.

Mr. Roy said right now it looks like they will open around 8 a.m. and potentially be open until 8:00 p.m.

Councillor Dombrowski asked if there were any options to expand within the building.

Mr. Bartlett said they do have an option to acquire additional space if it becomes available.

Councillor Bodanza said there is a provision in their ordinance that requires a minimization of adverse visual or economic impacts on abutters and he wanted to know what they were thinking for signage.

Attorney Campobasso said that there are a couple of the requirements, signage and hours of operation, that he wasn't sure how the Council wanted to deal with them. The way the ordinance reads, the hours of operation would be imposed if it was a dispensary for retail, but if it's cultivation it doesn't seem necessary. As far as signage, this involves language typically required for the patients that need to come in to display their card in order to make entrance. So, other than maybe a sign that states the name of the company for identification, they don't plan to have any other signage.

Councillor Bodanza said that to the outside world, assuming the odor is controlled, no one would know what was going on inside the facility.

Attorney Campobasso said correct, that's how it needs to be.

Councillor Feckley asked when they plan to be fully operational.

Mr. Roy said it's going to take about 6 months from when they start building to finish the build, then another 135 days after that until they have product ready to sell. Once they have product ready to sell, it will be more consistent.

Councillor Dombrowski asked if they could provide the total capital improvement cost that they are anticipating.

Attorney Campobasso said that the projection is somewhere in the vicinity of \$4.5 to \$5 Million dollars for site improvements in order to get the facility up to all the requirements.

Councillor Ardinger asked for clarification on what Attorney Campobasso mentioned about patients coming to the site to pick up their prescriptions.

Attorney Campobasso said that one of the things that distinguishes the cultivation from the retail is in the Ordinance. In many of the State requirements, if someone wanted to go to the facility to make access, they need a special identification card. There needs to be signage displayed to make folks aware that they cannot make access without the card.

Councillor Ardinger asked who this card is for.

Attorney Campobasso said for patients.

Councillor Ardinger asked if patients would be coming to the facility.

Attorney Campobasso said no. Not at this site because it is strictly cultivation. The only people that will have entrance are the workers and certain state officials upon proper notice.

Councillor Chalifoux Zephir asked if the product that they cultivated in Leominster is solely for their dispensary in Norwood.

Mr. Roy said yes.

Councillor Chalifoux Zephir asked if the plan down the road is to sell to other retail dispensaries.

Mr. Roy said potentially down the road if they got a license in another City for another retail operation.

Councillor Marchand asked if there are any other tenants in the building where this facility will be located.

The property manager, Kevin Crowley, was invited in to answer this question.

Mr. Crowley said that the building is approximately 100,000 square feet. It consists of what they call warehouse 1, 2, 3, and 4 which came about from the series of buildings that added over the years. Each separate numbered warehouse is a standalone concrete block with fire doors in-between them. MIM will be renting the entirety of warehouse #3 and they will be putting up a new demising wall and taking over a portion of warehouse #2. There will be concrete block demising walls with no interior access between sections of the building. The other uses in the building consist of Aaron Industries who currently rents approximately 40,000 square feet and store some of their excess product; New England Cable and Wire rents about 18,000 square feet; Cutting Edge Granite and Stoneworks; and towards the front of the building they have a variety of tenants from an employment agency, construction company, A&G towing, Synergy Electric, Blue Knife Computers, and a Psychiatry and Family Counseling office which was determined to not be a part of the same building during the letter of non-opposition.

Councillor Marchand asked about a safety plan for the fire department if a fire breaks out on the property and whether the facility will be self-contained so they don't have to worry about the smoke affecting the firefighters.

Attorney Campobasso said the building is required to have sprinkler system.

Mr. Bartlett said each room is self-contained.

Mr. Reynolds said if there was smoke in one of the rooms, it could not get out of the room. The only thing in this whole building that is flammable is the plant itself and these are being constantly drip-fed with water. You would have a hard time catching it on fire. Someone would have to bring in a substance to start a fire.

Attorney Campobasso said it's a legitimate question and a good point. Obviously, there will be certain fire code requirements that must be implemented during the build out. The building plan details have not been provided to the fire department yet, but they will have a conversation to see if there are any additional requirements they want in the building.

Mr. Steve Bukowski provided a summary of the building security. His company was brought on board to design the security system for MIM really referring to the 105CMR. They also met with the Chief of Police to see what requirements he may have. He said they have 3 levels of security being put in place for the property and it's all electronic based. You have a perimeter or intrusion alarm system, an access control system which is primarily key fobs eliminating hard keys to be distributed, and video surveillance. The intrusion side is the biggest piece for after-hours. If there's a breach on the perimeter of the building, they are contacted. Every area has motion detectors, including the roof. It's very difficult to get into the space, and if you do, there are corridor motion detectors. In addition to this, they have redundant digital communicators. So, you have 2 communicators which you also have to have 2 separate central monitoring stations. It's complete redundancy. It's completely secure from an electronic perspective. With the cameras, they have their space covered. There isn't a space except for restrooms where there aren't cameras. The servers that host the footage is in its own secure space with special access to it. The key fobs are issued to employees and they can restrict access to where they can and can't go. They also have intercom systems in place in the event there is a visitor to the building. Before they are allowed in, they have to be granted access into the front office where the security guard will be. From there, they can sign in and be walked around.

Councillor Marchand asked about the transport component and whether the vehicles would be leaving during the regular working hours.

Mr. Bartlett said it would probably be between the hours of 8:00 a.m. and 6:00 p.m. They have a secure area where the vehicle will be loaded. There have to be 2 dispensary agents on the vehicle and it has to be unmarked and will be taking different routes.

Councillor Freda asked if Mr. Bukowski has done security consulting for a facility like this yet.

Mr. Bukowski said yes. He's worked with several of them. He has been brought on board to commission many of the systems for a couple of similar type places, including dispensary, which this site doesn't have.

Councillor Bodanza asked what communication they have had with the Chief of Police.

Mr. Bukowski said he had an initial meeting where they went over the preliminary plans and he seemed very pleased with it. Mr. Bukowski said he thinks they are in excess of what the requirements are as far as technology and so forth.

Attorney Campobasso summarized their compliance with the requirements for a RMD. He said the RMD must be located in an industrial zone and all cultivation is contained within the building, which they meet. It also cannot be located in a building that has a doctor's office or a medical provider that would have the ability to prescribe medical marijuana. It was determined earlier that the medical building referred to was located in a separate building in the rear of this facility. With respect to the hours of operation, cultivation will be taking place 24 hours/day in the sense that the plants will be growing, but they will have traditional business hours were they will operate primarily during the day and try to complete their business within a normal business cycle. There will be no patients accessing the site, so there will be no potential for administering, smoking, or burning of the product in the facility. The site is not located inside a building containing residential units. He doesn't believe the signage is a requirement because this is not a dispensary. Once they know the names of who will be at the site, all of this information will be provided to the Police Department. With regards to the distances, he thinks they have established that the facility is within the 500 and 1,000 foot requirements. He said the only thing they were not able to submit as part of their application was the summary of the security, which he had that evening. He would like to submit this so the application filing will be complete. With this, he feels that their application is complete and they would request they grant the Special Permit with the condition of the community host agreement.

Councillor Cormier mentioned one of the security issues that concerns him is someone piggybacking on an employee entering the building. He asked if there were two separate entrances where an employee would have to pass security.

Mr. Bukowski said they would come in the main entrance that consists of an outer door that opens into a lobby and then there is a second door to enter the facility. In the lobby is where the security officer would be located, so it would be difficult for this type of situation to occur.

HEARING BEFORE THE CITY COUNCIL, MARCH 12, 2018, Continued

Councillor Dombrowski read the following recommendations into the record: Traffic, Zoning Board of Appeals, Assessors, Planning Board, and the Treasurer.

He mentioned that they are still awaiting a recommendation from the Health Department and asked Attorney Campobasso what relationship a cultivation site would have with this department and whether they will be reporting at all to the department or if they are governed by the State.

Mr. Bartlett said both. If they process or make edibles at the site, they would have to get a permit from the Health Department.

Councillor Dombrowski asked Councillor Freda if she wanted to continue the hearing until they receive the recommendation from the Board of Health.

Councillor Freda said she thinks they need it, so she would be in favor of continuing the hearing.

Councillor Dombrowski asked the same of Councillor Bodanza.

Councillor Bodanza said he would be inclined to move forward since this is so regulated on the State level. He pointed out that the Health Director has been out, otherwise, they would have it.

Attorney Campobasso said there have been discussions between members of the company and the Health Director at different times. He feels that he has always expressed favorability and understands there is going to be a working relationship. His comments have been positive and that he was looking forward to working with the company.

Councillor Dombrowski said given the intense regulations, he is inclined to go forward.

Kevin Crowley of 204 Old Farm Road spoke in favor of the petition. No one in the audience spoke in opposition of this petition.

HEARING ADJOURNED AT 7:41 P.M.

Lynn A. Bouchard, City Clerk and
Clerk of the City Council

HEARING BEFORE THE CITY COUNCIL, MARCH 12, 2018

Hearing opened at 7:42 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present.

This hearing is continued from February 12, 2018.

Present at the meeting were Ms. Dorothy Rouleau and Mr. John Bulger.

14-18 John P. Bulger & Dorothy Rouleau and ten (10) registered voters: Rezone the following parcels on Pleasant Street and Lowe Street from Residence B to Residence A:

- **Pleasant Street West Side**
 - Map 481, Lots 19 & 20
 - Map 521, Lot 1 & 39
 - Map 488, Lots 1, 5, 6, 7, 8
 - Map 494, Lots 18, 3A, 3-1A, 3-2A, 3-2B, and 3-2C
- **Pleasant Street East Side**
 - Map 561, Lots 35A, 36A, 37A
 - Map 340, Lots 1 & 2
 - Map 410, Lots 1, 2, 3, 4, 5, 22, & 23
 - Map 496, Lots 1, 2, 3 & 7
- **Lowe Street**
 - Map 488, Lot 5

Mr. Bulger said they went to the Planning Board hearing on March 5th and they unanimously did not recommend it. It was confusing. There were some concerns brought up from some of the folks that are opposing it that if it got changed from a B to an A they would have to get rid of an existing apartment. There were other questions about grandfathering and if the properties were sold it wouldn't be grandfathered in. He said he believed the property would be grandfathered in not the person that owns the property. He said he can fully realize concerns about zoning changes. He said they would like to keep it the same not necessarily put restrictions but keep it as it is. Mr. Bulger said he went through the Zoning Ordinance and the frontage for Residence A is 80 feet where Residence B is 50 feet. The width for Residence A is 100 feet and Residence B is 80 feet. The side setback for Residence A is 15 feet and Residence B is 10 feet. The rear setback for Residence A is 30 feet and Residence B is 20 feet with front setback on both being 20 feet. He said overall most of the properties that are now Residence B which would be turned into Residence A would still pretty much be able to do what they could do now but also we would be protecting that area and keeping it the same.

Ms. Rouleau said they came before the Council in 2004 and almost won but lost by one vote and that small portion of land remained a B. Now we have a construction that is inappropriate in a single family neighborhood and someone said to her when she

drives by she turns her head. There are some of us that are accosted every day. We can't turn our head. We have to look at that construction. It just doesn't belong there. During the ordinance we came forward and presented our chart and request in front of the Planning Board. Now, we are in a neighborhood with inappropriate construction and it is only a small part that we are trying to ask your plea to grant our petition. She said it is a small part of Leominster we would like to protect our neighborhood. It's an important part. She said there are probably other departments that disagree with us but we live in that neighborhood and we ask for your help. We also know that even though other departments feel a certain way the buck stops here and you can make our neighborhood what we would like it. There are a majority of people that want to keep our neighborhood and protect our neighborhood.

Mr. Bulger said it's not just about us, it's the pathway to Sholan Farms something people enjoy.

Speaking in favor of the petition were: Candice Fry, 38 Lowe Street; Michael Antonucci, 41 Woodside Avenue; Carolyn Saulner, 122 Lowe Street; Nona Ojala, 320 Pleasant Street; Marie Turmaine, 44 Sylvan Avenue; Dana Ramos, 30 Lowe Street; Helen Payson, 37 Woodside Avenue; Ron Dupre, 20 Sylvan Avenue; Peter Latchis, 22 DiMassa Drive; Joyce Gosselin, 25 Lowe Street; Fran Chassen, 270 Pleasant Street; and Susan O'Donnell, 100 Union Street.

Speaking in opposition to the petition were: Bob Bell, 74 Kendall Hill Road; Joanne Petricca, 326 Pleasant Street, and Dave Franciosi, 162 Lowe Street.

Councillor Dombrowski said when the petition came down to the Council there were a significant number of lots that were included in the petition. What ended up happening is that the petition was amended to exclude some of those lots. So when it first came down, we asked for recommendations from the different department heads so they could weigh on the petition. It was amended enough that the Council felt they should get new recommendations because the area that was being asked to be rezone was smaller.

Councillor Dombrowski read the March 6, 2018 Planning Board recommendation that stated the Planning Board voted unanimously to recommend keeping the existing zoning of the above referenced parcels as Residence B and to not rezone them to Residence A.

Councillor Freda said people have to realize that a zoning change is going to affect their property and it does go to the garage area, does go to an expansion of the property and that has to be understood. She said she doesn't like that fact that Ms. Petricca can't get an answer to her question about zoning. It's not a difficult question for the right people.

Councillor Bodanza said a lot of the properties that are listed on the petition and on the map, Mr. Bulger provided, are multi-family houses so if you rezone those properties to Residence A they become what is called a nonconforming use or grandfathered. The use that's no longer permitted because more restrictive zoning Residence A is allowed to continue because it exists. It can continue through a sale or a transfer so if you convey your property to another party that non-conforming status stays with the property. If the property burns to the ground, is a loss, the property can be restored on the prior footprint provided that the nonconforming use isn't abandoned. By abandonment you need to demonstrate there is an intent for a period of two years not to use the property for the prior non-conforming use. More significantly, with respect to a nonconforming use, the properties affected by the more restrictive zoning that are now nonconforming (i.e. the apartment buildings) will not be able to change or alter their use without obtaining a Special Permit from the Planning Board. What that means is for example if a party that owns one of those multi-families now rezoned to Residence A wants to put on a new deck, wants to put a garage, wants to do anything that is going to change the building, they would have to go to the Zoning Board of Appeals and they would have to convince the Zoning Board of Appeals by a majority vote that the proposed new use is not substantially more detrimental to the neighborhood than the existing use. So if they were going to put a deck of the back that is not there, now they can do it with just with pulling of a permit if it doesn't interfere with the dimensional requirements. But now they would have to come to City Hall and file an application with the Building Inspector, he would reject it, they would have to fill out an application to the Zoning Board and they would have to notify all the abutters and appear at the hearing and convince the super majority of the Zoning Board of Appeals, they would have to wait the appeal period, they would have to get the decision and record it at the Registry of Deeds before they can get their building permit. Typically doable depending what's involved but certainly adds another layer to the whole equation. This is what would happen to these properties.

Councillor Chalifoux Zephir said she doesn't understand, it's not a change in use.

Councillor Bodanza said it's any alteration.

Councillor Chalifoux Zephir said it's an alteration of the property but it isn't a change in use, it's still a 2 family and they are adding a garage.

Councillor Bodanza said the Zoning Board gets to pass judgement whether the alteration is going to be substantially more detrimental to the neighborhood than the existing non-conformity.

Councillor Freda asked if we know these have always been Residence B.

Councillor Bodanza said he doesn't have the answer to that. He thinks it predates zoning.

Councillor Feckley said someone that owns a single family home now in that area and they decide they want to turn it into a multi-family or two family home, what would be their process be?

Councillor Bodanza said it can't happen.

Councillor Bodanza said there was one comment about a general rezoning for the City and just for information that occurred in 2012. We spent a substantial amount of money and time and he happened to be a member as a consultant to the City Council on the zoning. Most of the time was spent on the language or text of the Zoning Ordinance and not the map. There was, however, considerable amount of time also spent on the map and there were map changes. He said it is his understanding from his predecessor that in fairness to the petitioners there was an attempt through the Planning Board to bring to the attention of the City Council this particular area with concern for the particular project with ultimately occurred. That slipped through the cracks and I

HEARING BEFORE THE CITY COUNCIL, MARCH 12, 2018, Continued

am not sure how but I can tell you as the consultant to that committee that map change was never brought before us. There were about a 12 to 15 map changes that were recommended and many of them adopted but that wasn't one of them. There was a wholesale sort of look at the city both in terms of the textural part of the zoning as well as the map. This one unfortunately fell through the cracks. No one would disagree what was built there is an abomination. As the Ward Councillor he met with the Planning Director twice, met with the Building Department, spoke with the Mayor on multiple occasions, spoke with the Fire Chief, he tried to get a fire truck test up there only to find that the regulations didn't provide for that in a residential setting. He questioned the frontage with the Building Inspector, and the Council repealed the common driveway ordinance. Largely as a result of this particular project. He said he checked the height with the Building Inspector, we did everything possible to find something to affect or leverage what was constructed there and ultimately it was determined that they were building every part of those structures by right. That is very unfortunate and we hear the result of it today.

Councillor Bodanza said we have a negative recommendation from the Planning Board which we should at least take into account and we don't have to follow it. We heard this evening from two of the people that are on the east side of the street. Mrs. Petricca's concerns are hopefully addressed. All in all in a perfect world he would prefer that the east side of the street be included in this but it is not my petition. He said if he is forced to take a position on this he would grant.

Councillor Dombrowski said he was disappointed in KP Law's response to this because they focused on spot zoning which really wasn't an issue. He said he is concerned that people don't truly understand the consequences of this. He said maybe a second updated letter from KP Law so it will be spelled out the property rights.

Councillor Freda said she agrees with both Councillors and it is a very difficult situation. She said maybe getting another follow up opinion letter from KP Law with more of a discussion would be the way to go.

Councillor Bodanza said your saying, without taking a position on the petition, an updated letter would be able to offer people affected a clear announcement of what is going to happen. He recommends to move forward.

Councillor Dombrowski said the meeting will be continued and said the only reason that we are doing this is to get a supplemental letter from KP Law that may be of assistance to people.

HEARING ADJOURNED AT 8:54 P.M. AND CONTINUED TO APRIL 9, 2018 AT 6:15 P.M.

Lynn A. Bouchard, City Clerk and
Clerk of the City Council

REGULAR MEETING OF THE CITY COUNCIL, MARCH 12, 2018

Meeting was called to order at 7:31 P.M.

Attendance was taken by a roll call vote. All members were present.

The Committee on Records reported that the records from February 26, 2018 were examined and found to be in order. The records were accepted.

A recess was taken at 7:32 P.M. to conduct a hearing and hold a public forum.

Meeting reconvened at 9:05 P.M.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE and referred to the FINANCE COMMITTEE. Vt. 9/0. Upon recommendation of the FINANCE COMMITTEE the COMMUNICATION was GRANTED. Vt. 9/0

C-41 Relative to the appropriation of \$500,000.00 to the Snow & Ice Expense Account; same to be transferred from the Stabilization Fund.

ORDERED: - that the sum of Five Hundred Thousand Dollars (\$500,000.00) be appropriated to the Snow & Ice Expense Account; same to be transferred from the Stabilization Fund.

The following COMMUNICATION was received, referred to the FINANCE COMMITTEE and given REGULAR COURSE.

C-42 Relative to the appropriation of \$83,420.00 made to the Police Department Expense Account; same to be transferred from the Stabilization Fund.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Planning Board, Building Department, Zoning Board of Appeals, Police Department, Fire Department and the Director of the Health Department. A hearing was set for April 9, 2018 at 6:30 P.M. Vt. 9/0

39-18 Prime Wellness Centers: Grant a Special Permit to build a medical marijuana cultivation facility located at 1775 Lock Drive.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Planning Board, Building Department and Zoning Board of Appeals. A hearing was set for April 9, 2018 at 6:45 P.M. Vt 9/0

40-18 Kristen Kelly, Planning Director: Amend Article XVIII, Section 22-105 of the Leominster Zoning Ordinance to include language regarding recreational marijuana facilities.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Planning Board and Building Department. A hearing was set for April 23, 2018 at 7:00 P.M. Vt. 9/0

41-18 Kristen Kelly, Planning Director: Amend Article XI, Section 22-60 of the Leominster Zoning Ordinance to add language requiring Deep Observation Hole Testing for storm water infiltration/detention areas.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Police Department/Traffic Division.

42-18 Gail P. Feckley: Install a stop sign at King Avenue against westbound drivers at Stuart Avenue.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Department of Public Works, Mayor, City Solicitor, Planning Board, Zoning Board of Appeals, and the Police Department.

43-18 Jim RePass, SVP and Mike Stanley, CEO of Transit X: Grant an easement to Transit X, LLC for the construction of a Podway along municipal rights of way.

The following APPOINTMENT was received, referred to the WAYS AND MEANS AND VETERANS AFFAIRS COMMITTEE, and given REGULAR COURSE.

Emergency Management – Volunteer – Katherine Kusza

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was AMENDED. Vt. 9/0. PETITION amended to remove Map 496, Lot 7. Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was given FURTHER TIME. Vt. 8/1. Councillor Bodanza opposed. (Hearing continued to April 9, 2018 at 6:15 P.M.)

14-18 John P. Bulger & Dorothy Rouleau and ten (10) registered voters: Rezone the following parcels on Pleasant Street and Lowe Street from Residence B to Residence A:

- **Pleasant Street West Side**
 - Map 481, Lots 19 & 20
 - Map 521, Lot 1 & 39
 - Map 488, Lots 1, 5, 6, 7, 8
 - Map 494, Lots 18, 3A, 3-1A, 3-2A, 3-2B, and 3-2C
- **Pleasant Street East Side**
 - Map 561, Lots 35A, 36A, 37A
 - Map 340, Lots 1 & 2
 - Map 410, Lots 1, 2, 3, 4, 5, 22, & 23
 - Map 496, Lots 1, 2, & 3
- **Lowe Street**
 - Map 488, Lot 5

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was given FURTHER TIME. Vt. 8/0 (Hearing set for March 26, 2018 at 6:45 P.M.)

33-18 Dean J. Mazarella: Change the zoning of eight lots of land from the Residence B zoning district to the Commercial zoning district located along the north side of Mechanic Street and the south side of the unimproved portion of Glendale Street and also the unimproved Milton Street and adjacent portion of Glendale Street, all as shown on a plan entitled “Plan to Accompany Petition for Zoning Change – Leominster, Mass. Prepared for Dean J. Mazarella”, dated January 10, 2018, by Whitman & Bingham Associates, LLC.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was GRANTED with a CONDITION. Vt. 9 “yeas”.

The Special Permit is conditioned upon Chapter 22, Article 18, Section 105.6.7 of the Revised Ordinances of the City of Leominster. A host agreement shall be in place before the Special Permit is utilized.

34-18 Middlesex Integrative Medicine, Inc.: Grant a Special Permit for a registered marijuana cultivation site located at 25 Mohawk Drive.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was given LEAVE TO WITHDRAW WITHOUT PREJUDICE. Vt.6/3. Councillors Freda, Arding, and Feckley opposed.

35-18 Claire M. Freda: Adopt a moratorium for the City of Leominster regarding recreational marijuana until December 1, 2018.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 9/0

36-18 Mark C. Bodanza: Delete the one hour parking restriction on Central Street (westerly side), beginning at a point one hundred twenty feet south of Union Street southerly for a distance of two hundred five feet.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 8/1. Councillor Freda opposed.

37-18 Mark C. Bodanza, Richard M. Marchand, David R. Cormier, Gail Feckley, Susan Chalifoux Zephir, and Pauline Cormier: Delete Chapter 14, Section 21 of the Leominster Revised Ordinances and replace with a new section relative to the Consumption of Marijuana or Tetrahydrocannabinol (THC).

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 8/1. Councillor Freda opposed.

38-18 Mark C. Bodanza, Richard M. Marchand, David R. Cormier, Gail Feckley, Susan Chalifoux Zephir, and Pauline Cormier: Accept local option pursuant to M.G.L. Chapter 64N Section 3(a) to impose a local sales tax on marijuana or marijuana products sold by a marijuana retailer in the City to anyone other than another marijuana establishment at

Councillor Bodanza, Chair of the FINANCE COMMITTEE, read the Financial Report for the City into the record. Account balances are as follows:

Stabilization Account: \$10,031,165.00

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 9 "yeas".

C-39 Relative to the appropriation of \$2,000.00 to the Cemetery Perpetual Care Overtime Account; same to be transferred from the Cemetery Perpetual Care Income Account.

ORDERED: - that the sum of Two Thousand Dollars (\$2,000.00) be appropriated to the Cemetery Perpetual Care Overtime Account; same to be transferred from the Cemetery Perpetual Care Income Account.

C-40 Relative to the appropriation of \$6,050.00 to the Health Department Expense Account; same to be transferred from the Stabilization Fund.

ORDERED: - that the sum of Six Thousand Fifty Dollars (\$6,050.00) be appropriated to the Health Department Expense Account; same to be transferred from the Stabilization Fund.

Under new business, Councillor Chalifoux Zephir asked for an update on free cash. Councillor Bodanza said that until they finish the audit, they won't be able to certify free cash.

Councillor Feckley announced that there is a Ways & Means Subcommittee Meeting on March 22, 2018 at 5:00 P.M.

Councillor Chalifoux Zephir requested a letter be sent to the Mayor requesting information on ALICE training and whether there is a plan to roll this training out to all city departments.

MEETING ADJOURNED AT 10:07 P.M.

Lynn A. Bouchard, City Clerk and
Clerk of the City Council