

**City of Salem Zoning Board of Appeals**

**Meeting Minutes**

**Wednesday, June 6, 2018**

A meeting of the Salem ZBA of Appeals (“Salem ZBA”) was held on Wednesday, June 6, 2018 in the third floor conference room at 98 Washington Street, Salem, Massachusetts at 6:30 p.m.

**Peter Copelas (Vice- Chair) calls the meeting to order at 6:30 pm.**

**ROLL CALL**

Those present were: Rebecca Curran- Cutting (Chair) Peter A. Copelas (Vice- Chair), Mike Duffy, Jimmy Tsitsinos, Paul Viccica, Chris Drucas. Absent: Jim Hacker. Also in attendance - Erin Schaeffer - Staff Planner, Building Commissioner- Tom St. Pierre

**REGULAR AGENDA**

Project            A public hearing for a petitioner seeking a special permit per Sec. 3.3.5 Nonconforming Single and Two Family Structures, of the Salem Zoning Ordinance, to allow the petitioner to alter and expand the existing structure.

Applicant        **RICHARD H. TURNER**

Location        **8 CROSS STREET COURT (Map 36 Lot 88) (R-2 Zoning District)**

Documents and Exhibitions

- Application dated April 25, 2018 and supporting documentation

Mr. Richard Turner- Applicant presents the petition.

Mr. Turner - I am the owner of the property, and I live on 30 Crescent Avenue, Beverly Ma. I'd like to tear this building down, I've already gotten the approval from the Historic Commission to waive that delay of demolition, and I want to build it up as a two-story structure, with a steeply-pitched roof, and a dormer on the 3<sup>rd</sup> floor. In addition, I'd like to do a driveway on the right-hand side, and farmer's porch on the west side. The original drawings were redone due to the influence of the Historical Commission. They wanted me to just make it look a little nicer from the street, and have an entryway from the farmer's porch to Cross Street Court, and to size the dormer down in width.

Ms. Curran- Do you have the revised plan?

Mr. Turner – Yes, It was submitted a few days ago.

*Ms. Curran and the Board review the full size plans*

Ms. Curran - You're going from a one-and-a-half story cape to a two and a half story?

Mr. Turner - Yes

Ms. Curran - It's being expanded, and in the relief it looks like you are staying within the footprint?

Mr. Turner - What I'd like to do is just reuse the existing foundation, it's a poured concrete foundation, it's in good shape, no cracks, and the basement is dry. It's ready to go.

Ms. Curran - So you're not increasing the front yard setback or the side yard setback?

Mr. Copelas - I had a question about that, actually. It appeared that with the dormer, the bay window, you were decreasing the front setback on Cross Street court from nine-and-a-half to seven. However, the other documents don't say that. They're keeping that at nine-and-a-half, but it appears from the drawing that it becomes seven-and-a-half, with that bay window, which is two feet by eight feet. I'm not sure if that changes anything in terms of the petition.

Ms. Curran- You are increasing the nonconformity there, and you're also requesting to do two-and-a-half stories as opposed to two, so you need a special permit?

Mr. St. Pierre - It has to be three stories.

Ms. Curran - Three stories, instead of two-and-a-half is allowed. Any questions?

Mr. Tsitsinos - What's on the third floor?

Mr. Turner - Two bedrooms. It's a dormer on the front half only. The dormer wall is approximately six feet tall and goes up to the ridge from there. I plan a cathedral ceiling and I intend to install a bathroom up there also.

Mr. St. Pierre - That constitutes a story under our zoning.

Mr. Tsitsinos - So it's actually four-bedroom?

Mr. Turner - Yes, it will be, it's a family neighborhood, so I figure that the whole house could accommodate a family.

Mr. Copelas - Well that's what I'm wondering, is if the petition is proper, based on both the number of stories and the increase in nonconformity. Would that change what he's asking for?

Mr. St. Pierre - My opinion, as we looked at 3.3.5, nonconforming single and two-family residential structures. It says 'In the event the building commissioner determines that nonconforming nature of the structure would be increased, by the proposed reconstruction, extension, alteration or change, the board of appeals may, by special permit, allow such reconstruction, extension, alteration or change, where it determines the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.' So it allows you to look at the project in whole, in my opinion.

Ms. Curran - The bay window is increasing the nonconformity, and you're already under size. I wonder if you would consider, I don't know how others feel, eliminating that. We try to minimize the number of nonconformities.

Mr. Turner - I could consider removing that box bay window. I think it adds a nice dimension inside the kitchen and dining area.

Ms. Curran - Tom if that were cantilevered would it still count?

Mr. St. Pierre – Yes.

Ms. Curran - It would? Okay.

Mr. St. Pierre – The thing to consider though is that just two feet out by the width of the window, which is, what'd you say, eight feet?

Mr. Turner - Eight feet.

Mr. St. Pierre- At the minimum.

Ms. Curran - I see, it's not touching the ground. Does anybody have any comments on this property at 8 Cross Street Court before I open it up to see if there's anyone here from the public?

*No members of the public spoke for or against the petition.*

Mr. Curran- The two items that you're asking for are an increased side yard and going above the two-and-a-half story requirement.

Mr. Copelas- And to increase the front yard. I think that bay window is technically on the front.

Ms. Curran – Yes, the door is on the side, and the farmer's porch doesn't create any new nonconformity.

Mr. Viccica - Is the driveway curb cut existing?

Mr. Turner - There are no curbs on either side of the street, and this particular property sits the farthest back of any house on the street. Most are on the sidewalk directly, and I'm only six inches away from the street, from the ten-foot setback requirement.

Ms. Curran - Is there any vehicular access now, onto the property?

Mr. Turner - There is. On the west side, by the farmer's porch, there's a dilapidated blacktop area.

Ms. Curran - So you'd be redoing that. You don't say what the dimension is, of the driveway.

Mr. Turner - No, that was the existing one, I didn't know, I should have put it on the plan. I'm asking for one the East side.

Ms. Curran - The other side, and what's the dimension of that? Approximately twelve feet?

Mr. Turner – Yes, in that range. There's a telephone pole there, so it makes it difficult to maneuver, I was planning on making it a little wider than what would be typical.

Mr. Viccica - So I'm not sure if this is oriented right, but is there a very large tree that's right where you're speaking of?

Mr. Turner - There was a large tree there, a pine, that no longer exists. This past winter, a very large branch fell across the street and onto my neighbor's house, and took out our electrical service, so she was happy to see the tree gone, since it made maneuvering into that new parking area, possible.

Ms. Curran - And what do we need, we need a two foot from the driveway to the..."

Mr. St. Pierre - Any surfaced, paved area, needs a two-foot setback.

Ms. Curran – So the property is thirteen-three, and the house is eleven-three, is there a reason you're not putting the driveway by the door?

Mr. Turner - At the end of the driveway, if one turns to the left, one would be able to walk up the stairs to the covered porch, which is drawn on the newer set of plans.

Ms. Curran - Right here?

Mr. Turner – That is the farmer's porch, it would be in front of these double doors. It's drawn on this newer set.

Ms. Curran - I see. So you'd just go in that way, into the kitchen?

Mr. Turner - Yes, that places one in the back hall. I refer to it as the back hall, where the coat closet is.

Mr. Copelas -Can that qualify as a legitimate driveway, though?

Ms. Curran - Yeah, then it would be only 11.3 feet.

Mr. St. Pierre - That works.

Ms. Curran - Alright.

Mr. Copelas - I drove down there but I forgot to look, is there even a sidewalk there?"

Mr. Turner - No.

Mr. Copelas - There's no sidewalk or curb cuts?

Mr. Turner - Correct. There's nothing, on that side of Cross Street Court.

Mr. Viccica - You're not proposing any work on the small outbuilding? Is that your outbuilding in the backyard?

Mr. Turner - There's a shed there that was existing, I just put siding on it, that was it.

Ms. Curran - So we asked, there are certain criteria that we need to look at. Could you provide us with the following: the socio economic impact, the community needs, the traffic flow and safety including parking and loading, the adequacy of utilities, the impact on the natural environment including drainage and the fiscal impact.

Mr. Turner – I believe that the residence at 8 Cross Street Court serves the community in several ways increasing the City tax revenue. In building this home after 8 years of vacancy I believe it will bring new life to this dead end street on which this house sits. I do not believe that the added height will impact the pattern of sunlight to any abutters in this safe and energy efficient house as the daylight shadows will fall mainly on this property. Furthermore, this neighborhood already contains multi-story structures. Parking on a narrow dead end street has always been a challenge. The completion of a two off street parking driveway should alleviate parking concerns adding a short, adequate clearance for emergency vehicles. In addition, the landscaping, which has been deferred for nearly a decade will be rejuvenated by adding retaining walls and gardens to reduce the current pattern of hillside erosion. The historic character of the surrounding neighborhood will be enhanced by the removal of a rotted post World War II cape and the creation of a pictorial structure of pronounced colonial details built by a builder with historic preservationist mindset. This new 4-bedroom home should attract owners to make use of the City's amenities, new transport hub, restaurants and cultural sites that Salem has to offer.

Mr. St. Pierre – If I could add to the record too, Mr. Turner has a solid record with the building department on previous projects with high quality and good construction.

Ms. Curran – So, we're adding two (2) non-conformity's but also eliminating a non-conformity by adding off street parking, I don't have a particular problem with that, I think it will be a nice addition.

**Motion and Vote: Mr. Duffy makes a motion to approve a special permit per Sec. 3.3.5 Nonconforming Single and Two Family Structures, to allow the petitioner to alter and expand the existing structure subject to standard conditions. The motion is seconded by Mr. Drucas. The vote was unanimous with five (5)(Rebecca Curran, Peter A. Copelas, Jimmy Tsitsinos, Chris Drucas, and Mike Duffy) in favor and none (0) opposed to the petition.**

Project	A public hearing for a petitioner seeking a special permit per Sec. 3.3.3 Non-conforming Structures, of the Salem Zoning ordinance, to allow the petitioner to alter and expand the existing structure.
Applicant	<b>NORTH VENTURES, INC</b>
Location	<b>12 MALL STREET (Map 35 Lot 103)</b>

## **Documents and Exhibitions**

- Application dated April 25, 2018 and supporting documentation

Attorney Tom Alexander, 1 School Street, Beverly, MA - presents the petition.

Attorney Alexander – Thank you Madame Chair. I am here representing North Ventures Inc. which has an office at 198 Loring Avenue in Salem. I have with me the principal and only owner of the property at 12 Mall Street who also doubles as a plan and sign guy for this presentation. What we have at 12 Mall Street is a three family structure built sometime in the 1830's. The records show that it was originally owned by a Timothy Brexwith who I believe was a grocer. Unfortunately this property has been neglected for a number of years and is not in good shape. Mr. Potter bought this property through his corporation at foreclosure and is seeking to rehab it, and bring it back to its original glory, I've set out the plans in the application which I will go through briefly.

Mr. Potter is seeking a special permit to remove the existing second floor one window dormer on the back roof. On the front of the building there's an existing single dormer that he would like to turn into a double dormer. Also, in the back there's an existing one story that Mr. Potter would like to make into a two story, he would like to replace the vinyl siding with wood by using some of the existing clapboard depending on how good it is. This will bring it back to its historic look. The 3 units are a good size; there are 2 two bedroom units and 1 three bedroom unit each with 2.5 bathrooms. Unit A has a kitchen and living room in addition to the two bedrooms. Unit B has a kitchen, living and dining room as does unit C. The footprint of this property will remain the same, and there will be no impact on the intensity because it is and will remain a three family structure. There's evidence that this was used illegally in the past by tenants as a five family, so in many ways this plan will greatly improve the aesthetics of the building, in addition the character of the neighborhood will improve because this is a gut rehabilitation, the units will be brought up to code. This will be a much safer building, the property value of this particular building will dramatically increase as its Mr. Potters intent to convert these units to condominiums and the potential buyers will have a stake in the neighborhood which is good for the neighbors. All in, this is substantially better and not at all detrimental to the neighborhood and I would respectfully request that you would find your way to voting for this tonight. Myself and Dave Potter are available for any questions you may have.

Ms. Curran – Thank you, so, the use, footprint and the actual number of parking spaces are staying the same?

Mr. Potter – Yes.

Ms. Curran - How many square feet are you netting?

Mr. Potter –With the second floor, approximately an additional 250 square feet.

A Board Member – This is adding to something that's already there, correct?

Mr. Potter – Yes, adding approx. 250 square feet to an existing building. If you look at the photograph you will see there was a second floor addition that looks it was a mobile home added on ...that makes it work better for the overall plan to get three townhouses.

A Board Members – The purpose of increasing the dormer on the front is?

Mr. Potter – If you look at the existing photographs, you will see that the dormer is somehow offset to the side, and the other dormer serves no purpose. I want them here so that I can put in stairs here to the third floor. It will make it look much better and the units will stay the same size.

Ms. Curran – Is there anyone here that would like to comment on the property at 12 Mall Street?

Kerry Murphy residing at 10 ½ Mall Street – I live in the property directly to the right of this property, if you look at the plans put forward, you would actually see my house. The builder came to me over the weekend and showed me the plans and that extension runs right up to my property line and runs right through the end of the property line. There's a three story apartment building on the other side of my house. I would like to appeal the second story of this plan and just have it one story because I feel like my property will be walled in with two tall buildings on either side.

Ms. Curran – Did you think about an addition that was dormered so it brought it down on the second floor and not appear so looming?

Mr. Potter- This is on the north side of her house and the house she's referring to is on the south side, so it would have no effect on sunlight.

Ms. Murphy – It's just that it's claustrophobic.

Mr. Potter – If you look at the plans, Kerry, here's your side. We would actually lower this, and become a dormer come the roof right along here?

Ms. Murphy – And bring it down? Ok that would work.

Ms. Curran – If you could speak through the chair please. If you decide to go through with it, you can speak separately.

Mr. Potter – We have numerous options, which I sent over, but we there was an email snafu and we didn't get a chance to discuss.

Ms. Murphy – I was told that you cannot have windows on the side?

Ms. Curran – If it's three feet from the property line.

Mr. Potter – What about the windows that are already there?

Mr. St. Pierre – Building codes are constructive codes, going forward, so anything new has to be further than three feet from the other property.

Mr. Potter – So it'll just be a blank wall? We had discussed a couple of options, such as opaque glass with a boarding behind it, somehow , so that we could get some insulation in there, so it would have the look of a window, but you could never use it.

Ms. Curran – Is there anyone else who would like to speak?

Andrew Gregory, 14 Mall Street – On the other side, first of all, the property is in extreme distress and I want to reiterate how glad I am that you are improving it. We talked about replacing some of the fences and we thought that was a good idea. The one thing I wanted to talk about is parking; will there be any changes there?

Mr. Potter – No changes with the parking.

Ms. Curran – I believe that it is a good addition and a good project. I would like to look at reducing the mass of the second story, and it is so close to the property line. You should meet with the building commissioner. You may have some problems with windows anyway. Other than that I do not have any problem with that. I would request that you do a continuation in order for you to do a redesign and have you come back. It seems like it's easily achievable.

Attorney Alexander – The big concern is losing construction time. Dave if you're committed to doing a redesign the Board will need to see that, and if you are just going to go with what you have you will not get four votes here, so, you should just go with a continuance, then you can meet with your abutter to see if we can get a design that works.

Attorney Alexander - I would respectfully request a continuance.

**Motion and Vote: Mr. Duffy makes a motion to continue the hearing to the regularly scheduled meeting on June 20th, 2018 at 6:30pm. The motion is seconded by Tsitsinos. The vote was unanimous with five (5) (Rebecca Curran, Jimmy Tsitsinos, Jim Hacker, and Mike Duffy) in favor and none (0) opposed to the petition.**

Project                      A public hearing for all persons interested a petition seeking a special permit per Sec. 3.3.2 Nonconforming Uses, to allow an extension of a non-conforming use in order to discontinue the first floor commercial unit and allow two additional dwelling units. The petitioner is also seeking Variances from the provisions of Sec. 5.1.5 and Sec. 5.1.6 Off-Street Parking to allow six (6) nonconforming 8' x 16' parking spaces, and for those six (6) nonconforming parking spaces to be within two (2) feet from the lot line.

Applicant                      **71 BRIDGE STREET LLC**



Location            **67-71 BRIDGE STREET(Map 36 Lots 339, 340)(B-4 Zoning District)**

Documents and Exhibitions

- Application dated April 24, 2018 and supporting documentation

Attorney Lovely presents the petition.

Ms. Curran – For the record, Peter Copelas has rejoined the group.

Attorney Steve Lovely – We have a revised parking permit, and we have increased the size of the proposed parking area. Before we begin I would like to introduce the petitioners, Michael Bonfiglio and Azar Abhoud, both Salem residents and are both business people. Michael is a public safety officer with the Salem Fire Department and has done numerous projects in Salem, most recently 85 Bridge Street, where they took an existing building and converted it into four condominiums which sold in less than a week - not surprising for Salem as the market is hot right now. The previous plan you have in your package shows the parking spaces to be 8 feet x 16 feet, these are now going to be 8' x 19' deep. The reason for the variance is the requirement to be 2 feet from the property line. In this case the neighbor at 4 Lathrop Street, was very pleased to see something going on in the property that faces her house and when my client approached her for an easement to allow traffic to flow through to get to the back of 71, she offered a larger easement in exchange for enhanced landscaping and putting a fence on her property. There are now 9 spaces and the 3 of them conform behind #71. The 12 foot right of way for the flow of traffic into the back of #71, those parking spots 7, 8 & 9, and the other six spots are one foot short of the width. Most cars are not that wide; 9 foot is pretty ample although the code does ask for nine, so we're asking for a variance at that location. Currently at that location there is no parking, all the parking is on the street. #69 is occupied and there's a business that's closing on the first floor. There are two apartments on the second and third floor. It's a B4 zone and these are grandfathered as you are probably aware. In #71, there were three units, 2 legal and one illegal on the 3<sup>rd</sup> floor. All the utilities were on all three floors. That building has been vacant and they have currently demolished the interior and are preparing to put the three units back in with all the modern amenities that buyers want. This is the variance with a sizeable lot and locations of the building would indicate a hardship in order to reach these parking spots. Otherwise we could make these spaces a little wider, but we'd have less spaces for the number of units we have, so that's the variance aspect and why we are asking for a variance to put 9 parking spaces in an area behind two buildings that currently have no parking.

The other item is to extend a non-conforming use, that being a residential use in the B4 zone. As I pointed out there were 5 residential units. One is not legal and there was a businesses on the first floor. We accept a contingency that the variance would be granted in regards to any building permit being issued. Also there's a garage in back of 69 which is in the Historical Commission jurisdiction. We will be looking for a waiver of demolition delay permit there if we are successful this evening.

Schaeffer asked that I provide some elevations which you have. I have some more elevations that are little bit smaller that you can take a look at, and there's been a little change that does not require a special permit. There's going to be a dormer on number sixty seven (67) and sixty nine (69) that was not included in the pictures but was included in the drawing. Currently there are two buildings with

the new plan. The buildings will be joined with a common hallway to allow access to the six units in the rear. The plan was done by Richard Griffin, Derby Street Architecture. I did give relative to the hardship and relative to the special permit the reasons for the decreased parking on Bridge Street. It's a much better use of the property. The City of Salem has invested a lot in Bridge Street, from the time we built the Salem/Beverly Bridge and the traffic flow is decidedly better on Bridge Street, so it's a better place to live. My clients have completed a project on 85 Bridge Street and I've been before this board on the Planters Street project where the old Salem Plumbing is. My clients will use local contractors, so that will be a boost for the local economy, and it will increase tax revenue and beautify Bridge Street. One of the things the architect took into consideration was the former structure itself and the other properties along Bridge St. He has tried to incorporate this into the period design. The windows are going to be six over six, which is compatible with the street. That being said, my clients and I are available to answer any questions that you may have.

Ms. Curran – How many units are in the building in total?

Atty. Lovely – there are six units, one commercial, four residential and one third floor apartment that is not legal.

Mr. Copelas – So Seventy one (71) has two units according to the City but in actuality there is three. Sixty nine (69) has a business and two residential units.

Atty. Lovely – Yes, what does not require a special permit or variance is an increase in height for the B4 zone. The buildings can be forty five feet in height. We're not going that high. We are adding a dormer Sixty nine (69) to replicate the dormer on building Seventy one (71).

Ms. Curran – You are proposing six units?

Atty. Lovely – Yes, the elimination of the business use to legalize the third floor apartment and convert the business to a residential.

Ms. Curran – So five residential and one business to go to a total of six residential. With respect to parking, how do you access spaces seven, eight and nine? Have you put together a template to see how this works? Space nine seems difficult to access.

Atty. Lovely – There's going to be a twelve foot easement to get in and out. Vehicles would have to reverse a little bit to get out; we can certainly minimize the number of spaces, although we'd rather not.

Ms. Curran - Well you could certainly minimize the number of units as well.

A Board Member- It would make the other six legal also, if you didn't have the six over here, or three over here. You could potentially have these be as wide as they need to be.

Atty. Lovely – But currently there is no parking at all. I was at the Register of Deeds today, and those spots are very close; they're probably six and a half feet wide. It's a busy parking lot, but people are careful and I think homeowners will be very sensitive to other people's cars.

Ms. Curran- Yes, but when we are doing an actual variance, there has to be a hardship. So we are adding a unit and we recognize that you are doing improvements, but we have to recognize that as well. I'm afraid that spaces eight and nine, especially nine, I do not see how that is a usable spot. How big are the units in here?

Atty. Lovely- They're going to be two bedroom, two bathrooms and between 850 and a 1,000 square feet. I suppose on the alternative the six units makes the project work financially and as opposed to the board could not see clear to grant those nine, we could come back with a variance to have eight spaces or whatever the board desires, given that we are adding all these parking spaces and adding one unit as well as taking the cars of Bridge Street and of the abutting streets. That's an alternative, but the six units are already there despite the fact that the third floor is not a legal unit. However, the piping is there, which indicates it's been there for a long time

Ms. Curran – How many square feet is the connection between 67 and 71?

Atty. Lovely – Approximately 240 square feet, 12 x 20.

A Board Members – Does 4 Lathrop Street have any issue with a rear yard setback. The easement is not simply to make the six parking spaces here deeper,?

Atty. Lovely – No, this belongs to 71 Bridge Street, it goes all the way back. This is the easement to allow a twelve foot lane. There is going to be fencing. The shed will be removed and landscaping will be done. We thought that having parking spaces was a good idea, they're valuable and people like them.

A Board Member – Spaces seven, eight and nine go up to the property line at number 6?

Atty. Lovely – Yes, there's room to draw back, its 30 feet from there to the building.

A Board Members – Yes, but that just exacerbates the problem getting into 9. There is an alternative, to just have one less unit, and to remove 2 parking spaces.

Atty. Lovely – That seems like quite a price to pay, where there was no parking currently.

A Board Member – But the logic is if I can't move the snow, I can't park in my space, most people will end up on the street. It defeats the purpose to have onsite parking if you cannot move the snow, putting 9 spots where 7 fit properly and then exacerbating it five months of the year where there's a pile of snow and not a two foot setback or not even close to a two foot setback. All those cars are going to be on the street and with a snow emergency I don't know where they are going to go.

A Board Member – So if we had five units and you had five proper parking spaces, you'd have space to move the snow

Atty. Lovely – I spoke with the Building Commissioner and I think currently there are 4 units without having any parking so trading off having more units making more use of the building and giving people a chance to have a home in Salem is a good trade off. I would like to get six units in there, where currently there are five. I guess we could have five units and not any parking.

Ms. Curran – You could have the business and four units. I think that one less unit is the solution. Then you could have a more usable space. It is very tight and if it doesn't work. People are not going to use it. This deck is coming out 7 feet. I just don't see how that would work.

Mr. Copelas - I don't think they work in reality or legally in respect to turning radius's how they would get in and out of there. Even though they meet the dimensions of 9 x 19, I don't think they meet other requirements of being a legal spot.

Ms. Curran – *Opens to the public – no comment*

Ms. Curran – On another project on Bridge Street, I know that there is no problem with the height of your building. However we did show the third floor, the front of the roof so that it was a dormer, so if the roof connects here and even if the windows are above this roof line and acts as an actual dormer visually, it's more consistent.

Mr. Copelas – There are discrepancies between that drawing which raises the height and this drawing. Is that the existing condition? Are there floor plans?

Atty. Lovely – No, we do not have floor plans. But yes, that's the existing condition. These plans were requested by the Planning Department. The height limit is 45 feet in the district and this is considerably less. I did point out earlier that the building to the left, number 69, the architect did not draw the dormer, but it is in the plans. It does appear on the drawing.

Mr. Copelas - So if it went to five units, it would be hard to tell where the fifth unit is because there's no floor plan, and whether or not there needs to be some height adjustment. It would be helpful to have floor plans

Atty. Lovely – My clients are very good listeners, and they realize the Board will not grant the 6 units and are willing to do five units as they have considerable money invested in this project. I believe they would add a larger unit to 71 and make that a two story complex. The other point mention about raising the dormer, you are talking about adding a little raise?

A Board Member – Your architect is very skilled. I think that instead of having a flush three-story façade to allow the eaves to continue across and move the wall of the dormer back two feet so that it can be some articulation, I'm sure the architect can do that.

Atty. Lovely – We would accept that as a condition.

Mr. Copelas - With the number of modifications to this plan, I think that we would need to see these adjusted plans.

Atty. Lovely – My clients are quite pleased that there is movement, especially the back of the building. I understand we have five units there now, one which is commercial and not endemic to the project. If the Board feels comfortable with five units, and we still have the parking spaces and we eliminate the ninth parking space and make them double, there really are no variance or special permits required for that. I guess I'm trying to accelerate the project as quickly as I can, because my clients are willing to take the five units.

Mr. Copelas – I understand your reasoning for wanting to move forward, but given the changes in layout and parking and how this will be designed also, the fact that the drawings aren't completed. I think there are enough changes in the plans to make it very difficult for us to act tonight

Atty. Lovely – Is there a preference relative to the parking that the Board would like to see, so that I can show the parking engineer?

Ms. Curran - I think five units and eight parking spaces will work, if you consult with a traffic engineer to see if it works even if it means changing it around a little. What I would like to see is something that works. By eliminating the ninth parking space, it gives you a little more room and you said it also gives you an opportunity for a bigger easement.

Mr. Copelas – One more question. If they come back with five units and eight parking spaces, does that mean there are no variances? Because if there is, I would come up with a variance of one space short, seven versus eight, making it wide enough to use, asking for one space less than having all the spaces be too small.

Atty. Lovely – It makes sense to head in the direction that Mr. Copelas suggested. Now that we are down to five units, I'm assuming that number seventy-one will now be a three bedroom unit.

Ms. Curran – So if you would reduce to five units and make the parking change, and change the roof line, so that it's a true dormer. So the next meeting will be July 18<sup>th</sup>. If you could get the plan changes to Erin a week prior, that would be good.

Atty. Lovely – Yes, we will get that to her, Erin has as always been very helpful to this process and I don't think she gets enough credit.

**Motion and Vote: Mr. Duffy makes a motion to continue the hearing to the regularly scheduled meeting on July 18, 2018 at 6:30pm. The motion is seconded by Mr. Copelas. The vote was unanimous with five (5)( Rebecca Curran, Peter A. Copelas, Jimmy Tsitsinos, Jim Hacker, and Mike Duffy) in favor and none (0) opposed to the petition.**

**Project** A public hearing for all persons interested in a petition seeking a Special Permit per Sec.3.3.2 Nonconforming Uses to allow a change from a non-conforming service station to a twelve (12) unit multi-family dwelling above a first floor retail use. The petitioner is requesting the following dimensional variances per Sec. 4.1.1 Table Of Dimensional Requirements of the Salem Zoning Ordinance: to exceed lot area per dwelling unit, maximum lot coverage, front yard, side yard, and rear yard setbacks, building height and building number of stories. The petitioner is also requesting dimensional variances from the provisions of Sec. 5.1.5 Parking Design, to vary the design and size of parking spaces, a variance to vary the size and location of the new curb cut proposed, and a variance per Sec. 5.1.8 Table of Required Parking Spaces.

**Applicant** **GREGORY INVESTMENT GROUP, LLC**

**Location** **84 CONGRESS STREET (Map 34 Lot 218)(R-3 Zoning District)**

Documents and Exhibitions

- Application dated April 25, 2018 and supporting documentation

Attorney William Quinn- Tinti, Quinn, Grover and Frey- Presents the petition.

Atty. Quinn – I represent Mr. Gregory, who is a student at Salem State and has done a number of projects in Salem and has roots in the community. He is looking to do something nice for the city and his project on 84 Congress Street which he would like to convert from the old Michaud Raymond gas station into multi-unit family residence. The station has been there for a long time and precedes any zoning laws in Salem and has continued as a non-conforming use ever since. I do want to tell you the background of how we came to be applying for a twelve unit with a business office space on the first floor. In the Spring we applied to the City for a permit for a 10 unit building with no office or retail on the ground floor and intentionally tried to avoid having to do any kind of variance, and the reason we could do that is that the building had 15 first floor enclosed parking spaces that met the City's dimensions for indoor parking. So 10 units require 15 parking spaces. We filed that quickly because we were under pressure on a Purchase & Sales agreement that had deadlines. When we started to get feedback on the process by activists in the community who were upset that we did not do some outreach with the community and that was basically my fault as we were in a hurry to get it in and overlooked that. We also met with the Mayor and City Planner and we were encouraged to start again and do some outreach as this is what is expected in Salem. We again met with the Mayor, did community a outreach meeting with Lucy Carchado and her neighborhood association, met with Mickey Northcutt of the CDC, created an abutters list of 500, notifying them and made sure that all of their tenants were notified as well. A month ago an outreach meeting was held at Espacio on Congress Street, as part of a neighborhood association meeting. I, the Architects, and the owner talked with people about their concerns and to answer any questions. Then we refiled, and in that feedback from the community we were told we needed to have two affordable units if we were going to develop in that neighborhood. The economics

worked as long as we had twelve units. We also had input from the City Planner who said that the first floor should have a neighborhood public space and not just a wall of units. We added a community organization space which we have agreed to convey for a dollar the first floor corner to the Latino Leadership Coalition, a non-profit organization. We went from a conforming building that would only need dimensional relief to a non-conforming building because of the two additional units in response to the neighborhood request. We need one additional parking space, for that business office, assuming that there will be one full time employee there in accordance with the zoning bylaw. So in response to these requests from the community and the City basically left us out of compliance, and left us where we are, which is a building with 12 units, two affordable housing units, a space for the LLC, and 15 enclosed regulation parking spaces. In terms of the development itself, this is the building over here. It's a four story building that exceeds the height restrictions in that neighborhood, the height allowance is 3.5 stories. It's going to contain 12 two bedroom units that will vary from 1,100 to 1,200 square feet. We have not yet designated which two will be affordable housing. They will all have at least one parking space. This is the site plan drawn out by my engineer. This is Congress Street right here, this is the gas station, which will be taken out as well as extensive amounts of fill. I filed a letter with Erin that I believe she circulated with you indicating that we were facing \$100,000 in fill alone, not including testing or other fees related to the project regarding the soils. The building faces Congress Street and there's an entrance into the parking lot on Dow Street. There is an abutter, Mr. Smith, who attended the neighborhood meeting and I have spoken to him again this evening. He understands that if we come all the way to our property line, he and another tenant at a two-unit condo building will have a hard time getting in and out, so we have agreed to give him an easement and not put up a fence, to give these people adequate egress to their properties, this will be drawn out by an engineer. The location for the dumpster which we have discussed with concerned neighbors, we have turned it sideways and move it closer to the building, which gives six feet of space. It's going to be fenced in and capped, and whatever other sanitary requirements are necessary. This is the only place to put it, but all around here are public sidewalks. So that is a summary as to where we are. We are available to answer any questions.

Ms. Curran – I do not think the board can approve this, with the amount of variances involved. I don't think there are grounds or a hardship. With the addition of the affordable units, why do you not do this as a friendly 40B, which we just did this year? In which case, we could approve it. As none of the zoning applies, it would be very easy for this Board to grant you approval with various tweaking. I don't see how these variances can be granted, and I am not saying it is a good or a bad project.

Atty. Quinn - It takes too long and is too expensive to do it. This is a small project relatively speaking to what you are talking about.

Ms. Curran – I still don't see how we can approve this. I guess the other Board members should discuss this. I don't want to get into a big thing, but if no one else agrees with this then you could take your chances with it.

Mr. Copelas – This is related to what Rebecca said. It's frustrating for you that you were encouraged by the City to make these changes that requires variances, if the feeling amongst the city is that 1.5 units is too many, then they need to change the ordinance. What you relayed to us is that you were

encouraged by the City to make changes that require variance when you didn't require variances before.

Atty. Quinn – You mean 1.5 parking spaces per unit? I could ask you today to consider without the office and affordable housing space, and the only variances I would need would be dimensional which can be allowed on de-minimis findings of a hardship.

Ms. Curran – I don't agree with that, if you were going from an existing building, sure, but if you are creating them, I don't agree and I know that we have had this discussion before.

Atty. Quinn – I think there are case laws which I cited and brought that indicate that economic hardships that are caused by soils conditions on a site can constitute a variable hardship

Ms. Curran – True, but we would need to see the pro forma numbers, once you say it's a financial hardship, then that's what we need to look at, to make a decision

Atty. Quinn – I don't have the numbers I know that my client advised me that they were minimal at 10. Purchasing the property at the price the seller was asking, plus doing all the soils work, plus building a decent structure.

Ms. Curran – I did not see an additional case cited here in your cases of grounds

Atty. Quinn – I filed an additional two page memo of findings and fact.

Ms. Curran – We received that today and have not had time to review, is this a new plan?

Atty. Quinn – Yes, but there are de-minimis changes to it, the dumpster and the addition of the two affordable housing units

Ms. Curran – So we received this today, June 6<sup>th</sup>. Does anyone else have anything to contribute?

My Name is John Sieger, Senior Architect, representing the Owner Mr. Gregory, I would like to show the plans, as far as context, the building is located on Dow and Congress Streets. Shetland Park is north, east is Salem Harbor, and Palmer Cove Park is south, also Mary Jane Lee park is directly adjacent to it. Here is a view along Dow street. The main entrance is here keeping a public façade. Most of the design was based on the existing street as it is now. Basically if you follow Dow Street there is a very strong urban edge there that we want to keep consistent with our building. We have introduced some commercial space on the first story which includes the community room. The main entrance located here is keeping it a very public façade with a fitness center for the units. On Dow Street, the traffic is controlled in and out, on a one-way street, plus it's more pedestrian controlled. There is a four and a half story building on Dow Street that is a little bigger than ours. Here we have a view from the corner. As you go down the street there is a number of four story buildings, so there is a precedence and context for a four story building. The building's main entry has a lobby and stairs. It is a platform construction, where the first floor is surface level parking and



commercial. One story of the building is pushed back. It's a unique neighborhood that's up and coming. Where its located the building really carries the street edge and basically is in the spirit of the Point.

Ms. Curran – Is the concept for sale or rental? And what is the square footage of the existing building there?

Mr. Sieger – It's for sale, and probably about 2,800 square feet, two story building.

Atty. Quinn – The only thing this zoning would allow for, is a single family house, which is ridiculous on this site in the context of the neighborhood surrounding it.

Ms. Curran – Or you could go from one non-conforming use to another in the existing building.

Atty. Quinn – It isn't a gas station. This is a wonderful opportunity for the Point neighborhood to have marketable and affordable housing units. We got a letter of support today from Lucy Carchado indicating that this is the only structure in the neighborhood to offer affordable units.

Ms. Curran – I am only objecting to the way you are going about it, as I am not sure the Board can approve it. We could approve it if you were to go with the 40B application that I have suggested to you, but you chose not to do so.

Atty. Quinn – It's not that I object to it, it's that we are under pressure from the seller and the 40B application would take months longer, going through the State and hiring professional consultants to get this done, it is not financially feasible. It won't happen that way, because we can't afford to buy it. I feel strongly that this is a great project and you do have adequate grounds to apply hardship and approve these dimensional variances. Put it in the character of the rest of the neighborhood, it's bigger, it's got more parking it's attractive for the people that live there, stimulate the economic opportunity. I just think that to get hung up on technicalities on a variance is not the way to go.

Ms. Curran – Ok, thank you, is there anyone else before I open it up to public comment?

Atty. Quinn – Could I make a suggestion, if you were to ask the City Solicitor to weigh in if there are adequate grounds for a variance from a legal standpoint?

Ms. Curran - I don't think we need to do that, but we will look at what you applied here.

Mr. Copelas - To go through the process that would allow us to do them without variance.

Atty. Quinn – We didn't create the hardship

Mr. Copelas - You have created it because you created a building that requires three or four variances, under the auspice of trying to accommodate everybody's desire, which is a good thing.

Unfortunately, it puts you in a very precarious position in front of the Board, and, theoretically this should not be part of our deliberation. The special permit is not the problem.

Atty. Quinn – I’m just saying that I don’t think you should kill a project like this on a technicality—that is all. I think you should be more broad minded about grounds for variance.

Ms. Curran – I don’t think it’s a technicality. We have been fairly consistent on this point. If you are creating your own variances, we did something very similar two blocks away through a different process and it works.

Mr. St. Pierre – Might I make a suggestion? I think we should ask the City Solicitor to weigh in on this. I think it is advisable as a point of law, which might have some cases to it.

Atty. Quinn - I don’t think we are creating a variance. We are creating a building for which we have a hardship, economically and because of the soils condition on the site and we want to replace it. Anybody that comes to you requires a variance if they want to move their deck. Add an addition they’re asking to create a situation for something that requires a variance.

Ms. Curran – Yes, but that’s if it’s a single family house or two family it is a special permit. Submit your pro forma, we will get a legal opinion and we’ll keep it an open public hearing.

Owner Mr. Gregory – I would like to summarize where we are at this point what we have done. Originally it was an 18-unit structure in keeping with the portfolio. We went through every avenue and due diligence, including speaking to the Mayor and to the community and City Planner and followed every channel. We paid attention to the feedback. At this point I have thousands of dollars invested in this project, I would not have invested thousands of dollars if we didn’t feel there was a hardship grounded for variance. There is contaminated soil on this site that has to be reported to the DEP. There is nothing you can do even if I walk away from this deal. If we can’t move forward with variance, you can’t do anything with the service station. So at the end of the day, we are not here because we think that it is good. We know that it is good for the community.

Ms. Curran – Is there a motion to continue this public hearing to July 18<sup>th</sup>?

**Motion and Vote: Mr. Duffy makes a motion to continue the hearing to July 18, 2018 meeting at 6:30pm. The motion is seconded by Tsitsinos. The vote was unanimous with five (5) (Rebecca Curran, Peter A. Copelas, Jimmy Tsitsinos, Jim Hacker, and Mike Duffy) in favor and none (0) opposed to the petition.**

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Project	A public hearing for all persons interested in the petition seeking a Special Permit per Sec. 6.10.4, of the Salem Zoning Ordinance, to operate a licensed retail marijuana establishment.
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Applicant **ATLANTIC MEDICINAL PARTNERS, INC.**

Location **297 HIGHLAND AVE (Map 8 Lot 130)(B-2 and ECOD)**

Documents and Exhibitions

- Application dated April 25, 2018 and supporting documentation

Attorney Jesse Alderman - presents the petition

Attorney Jesse Alderman, an attorney at Foley Hoagg, representing Atlantic Medicinal partners. we submitted a petition for a special permit on April 20<sup>th</sup> and you received a supplement on May 18<sup>th</sup> which included an updated floor, parking plan and traffic plan. We had a community outreach meeting consistent with regulations and the Salem zoning ordinance on May 2<sup>nd</sup> at the Knights of Columbus we did receive a security letter following our submission of a security plan from Chief Butler last week.

With us tonight, is the Atlantic Medicinal partners team. Jeffrey Perkins is a Salem resident and all the members are local their entire lives. Steven Perkins is the Chief Executive Officer and Frank Seri is the Chief Financial Officer, with his wife and daughter who are part of the team in Marketing and Customer Service. We also have Ron Mueller, professional traffic engineer, Architect John Cavity and Civil engineer Andrew Street.

Atlantic Medicinal Partners (AMP) are an existing registered Medical Marijuana dispensary who are licensed and vetted by the Department of Public Health. A cultivation facility for adult use or recreational cannabis product as well as the medical product is under construction as we speak in Fitchburg Massachusetts, where they also operate both in an adult use and medical retail facility. I want to mention that with a cultivation center that will be open and operational prior, if we are fortunate to receive a special permit in this City, there will be vertically integrated product of sufficient supply for several years of a shortfall supply in the commonwealth until the industry reaches maturity. That maximizes revenue in the form of property taxes and community agreement payments to the City.

Some unique attributes of this site, there are no residential abutters to this property on either side, the closest being a residence across Highland Avenue. There is a drive-in secure garage bay for locked interior delivery. What's also unique about this property is from a traffic impact standpoint, as it is an existing business, the traffic flow will only be slightly busier than it is now, and the traffic engineer is here to answer your questions. Currently there are tractor trailer deliveries which can be dangerous when they turn into the property; this will no longer be the case. The zoning ordinance for parking requires no more than 14 spaces on the site; we have 19 spaces for customers with 3 employee spaces in the rear of the facility. Offsite the partners are currently securing a lease for 10 more employee spaces abutting the property. The structure itself is a 1,400 feet of retail in yellow, 545 square feet of office space and here is the garage bay. The rest of the facility is boarded up and is only accessible by senior management for storage space. At the request of the City Planner from our previous meeting, we have bumped out the waiting area. This is age verification occurs with a 50

state ID scanner , to make sure that only adults or registered patients get through the vestibule out front. That's 225 square feet with 15 person occupancy of the building code. And as I have said, the 7,000 square feet is closed and simply put I really liked the site for the variety of benefits it had, some of which I mentioned, and some are in the petition before you. The interior design is being done by Simply Design Studios, who also designed the Ledger restaurant in Salem. We are really excited to have a unique and luxurious boutique type experience which will amplify Highland Avenue. I believe you do have an updated copy of the Landscaping design. Other than that, the entire team looks forward to answering your questions.

Ms. Curran - Thank you. Would you run through how the drop off occurs?

Atty. Alderman – Yes, the delivery van will pull into the site. An employee RF ID secure card will be in the storage area only. This is monitored 24/7 with both exterior and interior cameras. The door will be opened and a delivery will come in and will be taken to the vault which is immediately next door, inside a highly secure drop off. We have gone through these plans with Chief Butler

Ms. Curran – What is the size of the waiting area, how many will the area accommodate?

Atty. Alderman – 15 people in the waiting area.

Ms. Curran - How long does it take? Is there a set amount of people you let into the dispensary area?

Atty. Alderman – The dispensary area can accommodate approximately 40 people, with 15 in the waiting area for a total of 55 people. We've looked at some propriety data from some existing dispensaries in the Commonwealth and this is for medical where there is an additional ID verification patient. That is typically a 12 minute timeframe per transaction, we believe that with a steady flow in and out, in the event that we had the need to hold people in the waiting area, we can accommodate more than a sufficient amount of people. The age verification process is thorough and we've committed to the 50 State ID scanners. So it's a 12 minute turnaround is what we are projecting from a person leaving his car, entering the premises and then exiting.

Mr. Copelas – Did I read that you are planning in the future to expand the use to medicinal also.

Atty. Alderman – AMP is a registered medical marijuana, and we have planned extra parking we think would be sufficient for it. Based on the feedback from this board, from the Mayor and the City Planning staff, we would certainly consider it if the City wanted us to do it.

Mr. Copelas - The reason for my question is two-fold. Does it materially impact your occupancy numbers and transportation and two, would you need to come back for additional permits?

Atty. Alderman - Ms. Schaeffer advised us that we would need to come back for a special permit for medical clinic which is what we would do. And the traffic numbers would be the same either for retail or medical dispensary.

Mr. Copelas – So would it ever be your intention to come back and lease the additional space?

Atty. Alderman - Never, you can put that in the host agreement as a condition.

Ron Mueller (Traffic Engineer) – We have prepared the traffic assessment for the project, I believe you all have a copy. Specifically from a traffic perspective this site is ideal because you don't have a left turn in or out of the site. Traffic flow is very well defined, easy to make right turns of Highland. Total traffic generation will be eleven (11) cars in the morning rush hour, twenty two (22) cars in the afternoon rush hour. Those will be cars going to the facility and leaving again in that same hour, Saturday will be the highest generation with thirty seven (37) cars during that time period. As Jesse mentioned before, the site is currently occupied by a hardware store that's already generating traffic, so the actual increase will be far less. The manual provides the information for Saturday as this is the peak traffic.

Mr. Copelas – If I'm heading towards Lynn, how would I access the site?

Mr. Mueller – You can come down through Marlborough road intersection, or you could come through Swampscott road and make a make a U turn.

Ms. Curran – Would you anticipate people taking a left on Traders Way going down Swampscott Road and making a turn?

Mr. Mueller - I do not believe so as it would take too long. It is legal to take a U turn at this location.

Atty. Alderman - At the request of the Police Department and in the interest of the abutters, we are going to install a gate in the rear and keep it closed, so we will just have the right turn in.

Ms. Curran opens it up to the public – ***No comments***

Ms. Curran read a letter from Police Chief Butler supporting the security measures. Curran also read a letter from from Susan Spellani at 1 Dipietro Ave., indicating approval.

Mr. Copelas – You mentioned additional parking, could you point out where that is and why it is needed?

Atty. Alderman – It might not be needed; we were trying to err on the side of caution in case the Board required us to have more parking. We have negotiated a lease that has not been activated for 10 spots. There are fourteen (14) striped spots; we will put 19 in front of the facility with the existing handicapped spot. Three (3) employee parking spots can be put in the rear of the building before you reach the gate. The 10 parking spots are for employees, they would drive in the "Instant Alarm" entryway and take the sidewalk on Highland Avenue.

Mr. Duffy – Have you heard from some others like the MBTA and or Uber.

Atty. Alderman – The T Stop is right outside the facility and we have employee incentives with MBTA and/or Uber credits. We can have that as a condition.

Ms. Curran – How many employees per shift? So the employee overflow parking would be leased?

Atty. Alderman – Seven (7) to eight (8) employees, and yes, the employee overflow parking would be leased.

Mr. Copelas – I would ask that you lease the parking space until such time that you no longer require the spaces.

Mr. St. Pierre – You would place a condition on the parking and they can come in at any time, if they demonstrate that they do not need it anymore they could ask for a modification.

Ms. Curran – Asked that Atlantic Medicinal Partners, Inc. to go through the statement of grounds.

Atty. Alderman – ***Reads a summary statement from their initial application.***

Ms. Curran - ***Special conditions*** – The Planning department recommends the following special conditions for this type of use. The applicant, Atlantic Medicinal Partners, Inc., will not operate until the issuance and submission of a copy of the issued State license by the Commonwealth and all other State and local conditions are met. The Community Host agreement shall be executed with the City within six months of issuance of this special permit and filed at the City Clerk's Office. A six-month extension can be granted by the Board of Appeals if good cause is shown. The applicant will be issued a State license within six months of issuance of this special permit.

Mr. Copelas – For the record there is also a letter from notifying the daycare center of your application.

Ms. Curran – As far as this location goes, the fact that it does not abutt any residence is a good thing and because it has an interior drop off, and the size seems adequate. It is superior in this respect.

Mr. Copelas – I would feel comfortable if one of the conditions is that the extra space in the building should not be leased to anyone else.

Atty. Alderman – Absolutely, and with respect to signage, we will work with the Sign Review Board to get the acceptable signage. Under state law the use of the words cannabis, marijuana or anything like that is prohibited.

Ms. Curran – We are required to make the following findings:

1. the applicant demonstrates that the marijuana establishment will meet all the permitting requirements of all applicable agencies to operate in the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations but not limited to Mass General Law or 94 G Section 12 General Marijuana establishment operations.
2. The applicant has satisfied all of the conditions and requirements for this section and all applicable sections of the zoning laws and any applicable zoning ordinances of the City and to

provide adequate security measures for direct threats for the safety and security of the employees and members of the public.

**Motion and Vote: Mr. Duffy makes a motion approve a special permit per Sec. 6.10.4 of the Salem Zoning Ordinance, to operate a licensed retail marijuana establishment. Subject to the following conditions:**

Standard Conditions:

1. The Petitioner shall comply with all city and state statutes, ordinances, codes and regulations.
2. All construction shall be done as per the plans and dimensions submitted to and approved by the Building Commissioner.
3. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. Petitioner shall obtain a building permit prior to beginning any construction.
5. Exterior finishes of new construction shall be in harmony with the existing structure.
6. A Certificate of Inspection shall be obtained.
7. A Certificate of Occupancy shall be obtained.
8. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.

Special Conditions:

1. The applicant shall not operate until the issuance and submission of a copy of the issued state license by the Commonwealth and all other state and local requirements are met.
2. A community host agreement shall be executed with the City within six (6) months of issuance of this special permit. A six (6) month extension can be granted by the Board of Appeals if good cause is shown.
3. The applicant shall be issued a state license within six (6) months of the issuance of this special permit. A six (6) month extension can be granted by the Board of Appeals if good cause is shown.
4. The applicant shall lease the ten (10) additional parking spaces on the adjacent property with a condition subject to being eliminated by an amendment submitted to the Zoning Board of Appeals that these parking spaces are not required to serve the use.
5. The remaining square footage of the building not be lease or transferred to another use.
6. The three (3) rear employee parking spaces shall be signed as such.

The motion is seconded by Peter Copelas. The vote was unanimous with five (5) (Rebecca Curran, Peter A. Copelas, Jimmy Tsitsinos, Chris Drucas, and Mike Duffy) in favor and none (0) opposed to the petition.

Project A public hearing for all persons interested in the petition seeking a Special Permit per Sec. 6.10.4, of the Salem Zoning Ordinance, to operate a licensed retail marijuana establishment.

Applicant **TERPENE JOURNEY, LLC**

Location **376 HIGHLAND AVE (Map 3 Lot 63)(B-2 and ECOD)**

#### Documents and Exhibitions

- Application dated April 25, 2018 and supporting documentation

My name is Attorney Steven Slogus here to present the petition on behalf of Terpene Journey.

These are consolidated plans we provided for the board, the landscaping plan and a plan that is slightly revised with new crosswalks and stop signs at the 3 different entrances and exits.

This property is located at 376 Highland Avenue and the location meets the buffer requirement of 500 feet in the package it provides a radius circle in Google maps that shows there are no schools, houses, funeral homes within 500 feet, and there are no universities or colleges within a 1,000 feet. Terpene Journey will provide jobs within the City and beautification and provide for green areas on the entrance corridor and shrubs to shield parking areas from Highland Avenue itself. Additionally they will work with local police force and schools to educate and raise awareness of drug abuse. As for the traffic Impact, this is a B2 entrance corridor district. There will be 3 entrances and exits from this facility. Two on Highland Ave., one dedicated entrance and one dedicated exit, and one on the rear of the property on Savona Street which will provide an additional entrance or exit, depending on which way you will be coming or heading to and will alleviate the traffic coming from Lynn. From Salem, they can use Ravena or Highland Avenue.

Scott is the traffic engineer, Scott's study shows there will be 506 trips expected on a weekday and 520 trips expected per weekend. We have parking on the plan, a total of 35 spaces, three (3) for the owner of the property, Puleo's ice cream, thirty-two (32) to Terpene. They span around the building, and onto a part of a neighboring area separated by a natural buffer zone. All of these thirty-two (32) spaces will be enough to satisfy the customer rates. The peak travel will be morning and evening weekday and midafternoon weekend day. Thirty six (36) trips per hour on a Saturday mid peak, so the thirty-two (32) spaces will be adequate parking to supply all of these people as most visits will be fifteen (15) minutes. We have permission to submit to the board from owner Chuck Puleo to use all of these spaces for that purpose and he has also given us permission to create a rear entrance onto Savona, which is a private way. As we learned the from the Community Outreach meeting, there is concern about traffic and Scott will provide an additional analysis which if a Dunkin Donuts or a Seven Eleven were to move there the traffic generated by any of those entities would surpass what



we expect from Terpene Journey business. With regards to safety, there will be three points of ID check: one at the main entrance, one as you enter the facility itself and one more at the point of exit. There will be a mantrap entering security at the front, glass on the interior for the ID check, and like everyone else described in their applications the front door will be open and the second interior door locked. There will be security guards hired and additionally there will be security at the loading area where the delivery truck comes in. There will be eight (8) or nine (9) deliveries per week. This will be done at random times in an unmarked truck. The security enclosure will be twelve (12) feet high and will connect to the main building with the aid of micro mesh which will prevent anyone from climbing on it and there will be barbed wire affixed at the time. There will be two locking doors which will unlock for delivery which can only be accessed by staff with ID badges. There will also be cameras both inside and outside with full perimeter view. This will be shared with the Salem Police Department and there will be a live feed if necessary and we can keep it for ninety (90). We also met with Chief Butler with the safety and emergency response plan and the meeting went well, and we have the letter of support from her this week. We also received from the Fire Department approval for our emergency plan. The property will be shared by Terpene and Puleo's ice-cream. However, there will be no access between the two businesses other than the entryway of Highland. With respect to hours of operation, it will be Monday through Saturday 10am to 8pm)and Saturday will be 12pm to 8pm. Terpene Journey is committed to being a green business. They are renovating the building and will install led lighting.

**Motion and Vote: Mr. Duffy makes a motion to continue the hearing to the July 18, 2018 public meeting at 6:30pm. The motion is seconded by Copelas. The vote was unanimous with five (5) (Rebecca Curran, Peter A. Copelas, Jimmy Tsitsinos, Chris Drucas, and Mike Duffy) in favor and none (0) opposed to the petition.**

Project        A public hearing for all persons interested in the petition seeking a Special Permit per Sec. 6.10.4, of the Salem Zoning Ordinance, to operate a licensed retail marijuana establishment

Applicant    **MEDERI, INC.**

Location     **250 HIGHLAND AVE (Map 8 Lot 118)(B-2 and ECOD)**

Ms. Curran- Let the record show that Mike Drucas has returned

#### Documents and Exhibitions

- Application dated April 25, 2018 and supporting documentation

**Motion and Vote: Mr. Duffy makes a motion to continue the hearing to the July 18, 2018 public meeting at 6:30pm. The motion is seconded by Copelas. The vote was unanimous with five (5)( Rebecca Curran, Peter A. Copelas, Jimmy Tsitsinos, Chris Drucas, and Mike Duffy) in favor and none (0) opposed to the petition.**

## MEETING MINUTES

**Motion and Vote:** Mr. Viccica makes a motion to approve the April 18, 2018 meeting minutes. Seconded by Mr. Tsitsinos. The vote was unanimous with five (5) in favor and none (0) opposed.

Draft meeting minutes from March 28, 2018 are held.

## OLD/NEW BUSINESS

Zoning Board of Appeal Application- Review and approval of revised application forms and petitioner requirements are tabled.

## ADJOURNMENT

**Motion and Vote:** Mr. Duffy makes a motion to adjourn. The motion is seconded by Drucas. The vote was unanimous with five (5)( Rebecca Curran, Peter A. Copelas, Jimmy Tsitsinos, Chris Drucas, and Mike Duffy) in favor and none (0) opposed.

The meeting ends at 11:10 p.m.

*For actions where the decisions have not been fully written into these minutes, copies of the Decisions have been posted separately by address or project at:*

<http://www.salem.com/zoning-board-appeals>

Respectfully submitted,  
Erin Schaeffer, Staff Planner

Approved by the Board of Appeals on October 17, 2018