

City of Salem ZBA of Appeals

Meeting Minutes

Wednesday, March 28, 2018

A meeting of the Salem ZBA of Appeals ("Salem ZBA") was held on Wednesday, March 28, 2018 in the third floor conference room at 120 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: Peter A. Copelas (Vice- Chair), Mike Duffy, Jimmy Tsitsinos, Paul Viccica, Chris Drucas. Also in attendance - Erin Schaeffer - Staff Planner and Building Commissioner- Tom St. Pierre
Rebecca Curran (Chair) arrived late.

REGULAR AGENDA

Project A continuation of a petition requesting a Variance per Sec. 3.2.4 Accessory Buildings and Structures to allow the petitioner to exceed the maximum floor area of an accessory structure.

Applicant **THEODORE and BARBARA WARREN**
Location **5 HARDY STREET (Map 41 Lot 26)(R-2 Zoning District)**

Ms. Schaeffer- The Board will be hearing this petition out of order from the posted agenda. If you are here for 5 Hardy Street, the petitioner has requested a continuation to the next regularly scheduled meeting on April 18, 2018.

No testimony by the petitioner was presented.

Motion and Vote: Mr. Duffy makes a motion to approve the requested continuation to the next regularly scheduled meeting on April 18, 2018 at 6:30pm. The motion is seconded by Mr. Viccica. The vote was unanimous with five (5)(Peter A. Copelas, Jimmy Tsitsinos, Chris Drucas, Paul Viccica, and Mike Duffy) in favor and none (0) opposed to the petition.

Project A petition requesting a Special Permit per *Sec. 3.3.3 Nonconforming Structures and Sec. 3.3.5 Nonconforming Single and Two Family Residential Structures*, of the Salem Zoning Ordinance, to construct a shed dormer and increase the building height from two and a half to three stories.

Applicant **JOHN CAMIRE**
Location **160 BRIDGE STREET (Map 35 Lot 35)(R-2 Zoning District)**

Documents and Exhibitions

- Application dated January 29, 2018 and supporting documentation

Attorney Bill Quinn presents the petition. At the last public meeting on February 28, 2018, the Board of Appeals requested that the petitioner reconsider the design and size of the proposed dormer. The property is an existing two- family structure and the petitioner is not proposing any new additional dwelling units. The petitioner has submitted revised plans with several alternative designs.

Mr. Copelas- Requests that the petitioner present the changes to the design.

Mr. Camire- In the beginning, we had a dormer that ran along the whole length of the building, and the side of the building went up and the Board decided that this looked like a big flat wall that did not look good. So we pushed in the side of the dormer. On this side, we pushed in the dormer 11 ft. and also left the roofline to create a separation, to make it look like a dormer instead of one three (3) story wall. The only problem we had was we needed to move the windows. When you look at the floor plan, it is not possible to line up the second and third floor windows because the third floor windows would not line up with the required egress areas for the proposed bedrooms. The egress windows would be in the staircase. The whole purpose of this addition is to add a staircase. Right now there is a winding staircase that is not to code. The new staircase will be up to code and adequate for a living space. Mr. Camire presents three (3) different option window placements on the dormer.

Mr. Copelas- We are only talking about the window configuration up here? Mr. Copelas confirms that all other windows on the building will remain.

Ms. Schaeffer- Clarifies that the Board is looking at the size and massing of the dormer and the petitioner has presented the same dormer size and massing with three (3) different window configurations.

Mr. Camire- The dormer has been pushed in to the recommended three and a half feet. The dormer is also setback along the north elevation to allow the roof detail to remain as recommended by the Board.

Mr. Copelas- Are you giving us three (3) different options and letting the Board decide?

Mr. Camire- Like I said, I am willing to do any version of this.

Attorney Bill Quinn- I think to allow the Board to deliberate, the petitioner would prefer this version.

Mr. Viccica- Did you ever look at three (3) separate dormers?

Mr. Camire- The problem with that design is that I need the whole middle section to be open to allow for head height in the proposed interior stairwell. I could come a little further this way. However, these rooms have very little headroom, so the full dormer is providing the headroom for the bedrooms as well.

Mr. Copelas- Opens public comment for the petition. No members of the public speak in support or opposition to the petition. Mr. Copelas- requests that the petitioner restate the special permit criteria and findings.

Attorney Quinn- The proposed expansion of the non-conforming structure is not more detrimental than the existing non-conforming structure to the neighborhood. The petitioner is not proposing any additional dwelling units or adding parking or cars to the location. There are no negative impacts in terms of traffic or parking. The petitioner is trying to maintain the character of the existing house while trying to make a better economic use of the property and construct in accordance with modern health and safety codes. If we succeed with this improvement, we will have much safer code compliant housing in the second and third floor of the building, which will serve the public interest. The utilities are adequate. There is no environmental impact or drainage implication as a result of the proposed dormer.

Mr. Copelas- We need to specify, which option we are deliberating.

Mr. Camire- If the Board has no preference, I would prefer Option #3.

Attorney Quinn- That is the option with fewer windows.

Mr. Copelas- Does the Board have any comments?

Mr. Viccica- That is the least preferable. Either the first or second works. Mr. Viccica has some design specific suggestions on the placement and window type. Mull these two (2) center windows together and you can decide whether you want to move these or keep these.

Mr. Camire- I have no problem doing it that way as long as I do not have to resubmit new plans to do it. I think the reason why we didn't do that was that these windows are in a hallway and we did not want operable windows there. Visually, it was nicer to just put a row across the top just to let the natural light in.

Mr. Viccica- you asked our preference.

Mr. Camire- I said, I'll do whatever you want. Okay.

Attorney Quinn- Requests that this design change be described.

Ms. Schaeffer- Takes in a hand drawn sketch from the Board member.

Motion and Vote: Mr. Duffy makes a motion to approve a Special Permit per *Sec. 3.3.3 Nonconforming Structures and Sec. 3.3.5 Nonconforming Single and Two Family Residential Structures*, of the Salem Zoning Ordinance, to construct a shed dormer and increase the building height from two and a half to three stories. The motion is seconded by Mr. Tsitsinos. The vote was unanimous with four (4) (Peter A. Copelas, Jimmy Tsitsinos, Jim Hacker, and Mike Duffy) in favor and none (0) opposed to the petition.

Project

A petition of seeking a Special Permit per Sec. 6.10.4 of the Salem Zoning Ordinance, to operate a licensed retail marijuana establishment in a portion of the building in dual use with the existing licensed medical marijuana dispensary.

Applicant

ALTERNATIVE THERAPIES GROUP, INC.,

Location

50 GROVE STREET (Map 16 Lot 238)(BPD/ECOD)

Documents and Exhibitions

- Application dated January 29, 2018 and supporting documentation

Attorney George Atkins presents the petition and requests that planning staff read a letter into the record from the Salem Chief of Police.

Mr. Schaeffer- Reads the letter into the record.

Attorney Atkins- This application deals with this first application under a brand new ordinance for the City of Salem Section 6.10, which is in response to the state statute that was voted upon by the voters of the Commonwealth. I think it is appropriate to say through the efforts of the Mayor and City Council, Legal Department and through the efforts of your staff planner, Erin Schaeffer, this ordinance was developed in order to get ahead and deal with these issues within the City limits. Since that time, the state Cannabis Control Commission has issued a series of regulations 186 pages long. Of course, there is the original statute as well. This is a highly regulated matter. We want to present to you tonight a company that has been operating in Salem for close to three (3) years. This Board granted a special permit in 2014 for the operation of medical dispensary. ATG has been operating since that time without any incident or problem. The company also has a community host agreement associated with the operation of the medical dispensary and has paid the city more than \$300,000 in the course of those three (3) years. The City is currently working on a community host agreement that will be separate from the current host agreement, which ATG will sign and will provide for the maximum payment to the City that is allowed under the statute, which is 3% of gross sales. I also want to mention, if it ever becomes available, which it is not currently available, to have on site consumption. ATG has no interest in on-site consumption and will not be proceeding at any time with this kind of business. One of the requirements in order to apply for a state license for this use is a community meeting. The petitioner held a community meeting last Thursday at the Moose Hall, which is part of the complex where ATG is located.

Attorney Atkins- Basically, what ATG will be doing here is more of what they currently do. In two (2) aspects it will be a little bit different. The clients will be a little different. As you may know, the customers of ATG are medical patients and are all registered with the state. This [retail marijuana] is a little different, but is the same as a package store and the customer has to provide identification in the form of a license. One of the things that came out of a meeting with the Salem Police Department, was the suggestion that ATG needs to be more careful with identities and detecting false identification. The Salem Police Department requested that ATG have a license scanner to verify licenses. ATG has agreed to proceed to use this kind of scanner.

Attorney Atkins- Security is important to the community and the applicant. ATG has provided a security plan to the Salem Police Department for review. For security purposes, the security plan is not provided to the public or the Board. However, from the Chief's letter, you know that the Salem Police Department is satisfied with the security plan. And more importantly, ATG has been operating there for close to three (3) years. The operation for retail marijuana will not be too different. ATG is proposing to grow from ten (10) employees, to fourteen (14) employees. The retail marijuana sales will also require an increase in the number of points of sale. The staff at ATG have become very efficient at processing customers and patients. There may be more customers, but the staff can move customers through efficiently. Concerns that we have heard are the same concerns as 2014: Are there going to be lines out the door? Are there going to be people using products in the parking lot? Well not only are there regulations about that, the Salem Police Department and ATG are concerned about this and its landlord is concerned. This kind of thing is prohibited. ATG is prepared for these concerns and if necessary, will hire Salem Police Department detail officers to control these problems, if it arises. What happened in the medical dispensary business was that there was a rush at the beginning because it was the first location one in the state. Now there is something like twenty-two (22) medical dispensaries that are open. There was also not as much product at the time, so the dispensary was only open three (3) days a week as a result, crowds were a little larger. The Board of Appeals approved ATG's operating hours for the medical dispensary from 9am to 6:45pm six (6) days a week. These hours spreads out the customer base as you would expect. There will also be a number of other businesses before the Board requesting special permits for this use. There will only be four (4) additional stores in Salem. Additional stores will also spread out the customer base along with stores being established in nearby communities. ATG believes that even though there may be an initial number of customers, this will decrease and customers will spread out over time.

Attorney Atkins- Everything will take place inside of the building. There are multiple uses in this existing building and these uses are physically separated from one another. The dispensary and adult use sales are separated at the point of sale so different products can be tracked and the appropriate payment can be made. The question of traffic in parking, as was indicated in the Chief's letter, ATG has secured twelve (12) off-site parking spaces that will take care of almost all employee parking at any given one time to free up parking on-site for customers. There are a total of eighty-six (86) on-site parking spaces and five (5) handicapped parking spaces for the entire building. There is a lot of parking available for customers. The experience of the employees is an important point to repeat.

All members of the Zoning Board of Appeals are present including Rebecca Curran. The regular members of the Board of Appeals will vote.

Chris Edwards- Executive Director of Alternative Therapies Group Inc. – One of the more sensitive aspects of this project and we want to be responsive to this concern. I want to go into more detail about how our operations are proposed to change from 2014 to now and get ahead of concerns and minimize our impacts. Our hours of operation have greatly expanded since 2014. Initially, the business was by appointment only three (3) days a week. There were eight (8) hour shifts at that time and all of the traffic was concentrated. Now we have ten (10) hour shifts seven (7) days a week. Mr. Edwards presents the interior plans. Operationally, at this time, we have five (5) registers open. What you are seeing here are three (3) additional registers that are specific to retail marijuana facilities and we will retrofit some of the current office space to be a consultation space for medical patients. Medical patients generally have more questions and ATG generally spends more time with this kind of customer comparatively to recreational customers, who order quickly, pick up their product, do not have as many questions and are in and out. When a patient or customer arrives at the facility, they are greeted by a security guard. The full time security guard is responsible for scanning the parking lot and guiding people on where to go and doing a cursory review of ID cards. Then customers come into an area called a “man trap” where there is a bullet proof vestibule and customers have their identification scanned by an employee and also checked to make sure that the person has a valid registration, the doctor’s certification is not expired, not exceeded their 60 day purchase allowance or any other reason why they are not allowed into the facility. We know everything about the patients who come in. With adult use (recreational marijuana) sales, the only thing the company knows about the customer is that they are 21 years or older. We will be relying on technology to weed out any counterfeit identification cards and ensure that they have the proper credentials to get inside of the facility. Whether you are a medical patient or adult use customer, customers walk through a metal detector and a second security guard is located here. Once a customer passes through this area, they then come into the main sales floor area and are directed to the right line or area.

Another thing that has changed over the last few years is that there are twenty-two (22) dispensaries and the clientele who are coming here are mostly local and are generally in and out of the facility in five (5) minutes or so. We expect that as we get to know our new customers, we anticipate that the turn-around time for adult use transactions will be less than five (5) minutes. We do have an express lane that is very popular and the turn-around time for this kind of transaction could be less than a minute. We have also implemented a lot of automation in our systems. When we first began operations, we had to record every transaction in the state seed to sale tracking system. It was difficult to automate, but we have done that and this has cut down our transaction time by about fifty percent. This is another tool that we have to maximize the through put. All of this is important because it comes down to how quickly we can turn over the parking spaces that we have. Something that Attorney Atkins was not aware of is that ATG has secured twelve (12) parking spaces for staff and an additional five (5) across the street, for a total of seventeen (17) off-site parking spaces.

Attorney Atkins- Something that I failed to mention earlier is that the state statute for a medical dispensary and the new Salem ordinance requires facilities to be at least 500’ feet from schools. In addition to that, the Salem ordinance requires a 500’ ft buffer from a funeral home or church and 1,000 square feet from a place of higher education. If you know the area, we double checked it again

and we are not violating any of those parameters. There may also be concerns about signage. There are extensive regulations around packaging and product warnings. This business and its products are highly regulated from seed to product. The signage is not allowed outside. We have a 10" x 14" sign that identifies Alternative Therapies Group currently, and there will be not changes to the existing sign.

I would like to go through the ordinance to look at some of the requirements: 6.10.6 General Provisions, under ordinance, we have talked about the security plan, operation and management plans have been developed and will be submitted. The use is located in a building with other uses and is sufficiently divided from other uses. ATG meets the requirements of a dispensary. No odor will cause a public nuisance. It will be managed by Chris and the petitioner has provided names and contact information for persons responsible for this facility. As for the standard criteria for a special permit, the first criteria are related to community needs. The Commonwealth voted for this use as well as the majority of Salem residents. ATG currently serves the medical marijuana need and will continue to satisfy the need of the community. We have taken steps already to prevent any potential problems with this use and have three (3) years of experience dealing with those kinds of issues. Utilities and drainage do not change on this site. There is not cultivation on site and there is no need for an expansion of utilities. The use will operate entirely within the building so there is no impact on the neighborhood. We will closely monitor what goes on outside and address any issues should there be any. Since everything takes place inside the building, there is no impact on the natural environment. The community host agreement will be executed. ATG has committed the maximum allowable payment to the City of 3% gross sales and the current medical marijuana facility has a community host agreement and has already paid \$300,000 to the City. This is more than a lot of non-profits pay in the City of Salem. There are additional employees as well. This is a state statute and there are some people who do not agree with the product being sold, but it is a state statute to allow the sale of this product and is a highly regulated industry with an operator with an existing positive track record with the City as an existing medical marijuana dispensary.

Ms. Curran- Opens questions to Board. What is loading and delivery like?

Mr. Edwards- I will try not to be evasive because some of this information is sensitive.

Ms. Curran- I understand. I am looking for the number of deliveries a day. Number of trucks and if there are conflicts between the parking lot and deliveries.

Mr. Edwards- There is never more than one (1) in a day and is typically two (2) times per week and done at a time where a delivery would not interfere with customers or customer parking.

Ms. Curran- How does disposal work?

Mr. Edwards- Disposal is much more applicable to the cultivation side. However, disposal at a dispensary is applicable in the event that a patient returns a product that we felt was contaminated. The procedure for the dispensary is to send the product back to the cultivation center where it would be properly disposed there.

Ms. Curran- Trash is just a normal dumpster like and other business?

Mr. Edwards- yes.

Ms. Curran- What are your hours of operation?

Mr. Edwards- We would like to keep the same hours of operation. Currently, we are operating from 9am to 6:45pm seven (7) days per week.

Ms. Curran- You described how identification and security work with medical, including scanning and ID, how does it work for retail customers? Is it through the same area?

Mr. Edwards- Yes. The flow of customers is identical. However, when we take in a medical patient we are looking at a medical ID card and looking up the person in the DPH system. For adult use customers, we will be using an ID scanner to ensure that it is a valid ID. There is software now in real-time that can validate whether an ID is valid and can detect a counterfeit ID.

Ms. Curran- If you go to a liquor store, and you are an adult and bring your kids with you, they can enter. However, for this facility, you must be 21 years or older to enter.

Mr. Edwards- This is an important distinction. You must be 21 years old to enter. However, there is an exception for medical patients. The age cut off for a medical license is 18 years old.

Ms. Curran- confirms the customer circulation and confirms that staff will individually help customers.

Mr. Edwards-Yes. Sometimes more resources are allocated to medical patients to review medical history, provide education in a semi-private area and spend more time with medical patients. It is not to say that staff will not spend time with retail customers. However, in general, retail customers have fewer questions, less of a conversation and less time.

Ms. Curran- Will your product be on display?

Mr. Edwards- Yes, but there are strict requirements on how products can be displayed and how displays need to be secured. For example, all product has to be in lockable containers. There will be a secure product display, and digital menus and monitors that show pictures and information about the products.

Ms. Curran- You were the first medical dispensary. Percentage wise, how is that going to change, because I assume that you will have a lot more customers initially than you will in five (5) years or so

Mr. Edwards- We will definitely anticipating an increase in traffic. It is very difficult to draw a box around that. On our busiest days, which are generally Saturdays, we have no problem cycling people through over a ten (10) hour shift. Salem is a relatively mature market meaning that there is a higher

percentage of registered patients here than locations that do not have an RMD available to them. People do not take the time to register until there is an option for them. So we are starting at a high point. So the leap to serve both medical and adult use clients is not as much of a leap as for other communities that do not currently have an RMD. Our best guess is that we will probably double our traffic in general. We expect that initially this demand may put a temporary strain on the facility, staff and parking, but we will place as many measure as possible to deal with this temporary situation.

Attorney Atkins- Additional locations for adult use marijuana will be coming to Salem fairly quickly.

Mr. Drucas- Is that the current footprint?

Mr. Edwards- This plan is 89% of the current layout. What is different is that this transaction counter will be extended with three (3) additional check-out lanes. Currently this block is a series of three (3) offices and a medical transactional counter will be here with four (4) points of sale. This is a security station, manager's office, POS area, packaging area, vault, kitchen/break area, bathrooms, mechanicals and storage area.

Mr. Drucas- You said on your busiest days, on a Saturday, you serve 350 people. How many people do you serve a week?

Mr. Edwards- About 1,200-1,500 per week.

Mr. Drucas- And you are expecting double?

Mr. Edwards- There are a whole range of possibilities here.

Mr. Drucas- I am asking what you expect.

Mr. Edwards- I am not trying to be elusive here. Yes, that is what we are expecting. We are planning for double, but we think that it could be more or less than that.

Mr. Drucas- With the medical people you are expecting that they are in and out within five (5) minutes. You must have some idea in the industry of how long it takes for non-medical customers to make a purchase.

Mr. Edwards- To be clear, a brand new medical patient who has never been to the facility before is required to participate in an educational program. Those visits are 15 to 20 minutes depending on how many questions the patient has. Repeat patients, who have been in the facility before can generally be in and out of the facility in about five (5) minutes. They are familiar with the menu and familiar with the staff and they know what they want. The adult use side, we think customers will be in the facility for five (5) minutes or less.

Mr. Drucas- How many new medical patients do you see a week?

Mr. Edwards- It really varies. Lately, 50-60 per week.

Mr. Drucas- Will you be selling edibles as well?

Mr. Edwards- We have a limited array of what the state refers to them as MIPS (Marijuana Infused Products). There are no baked goods. We only will have non-perishable items, including capsules, tinctures, chocolates. There is a very conservative array of "edibles."

Mr. Drucas- Will you accept a limitation on edibles?

Mr. Edwards- The state has limited them considerably already. The state has adopted a five (5) milligram maximum dosage. Which is considerably lower than the national standards? You cannot go much lower to be quite honest.

Mr. Copelas- What types of identification are acceptable to be able to enter into the facility?

Mr. Edwards- Generally, it is a government issued ID. The list is pretty short and includes a driver's license, non-drivers' license state ID, a passport, or military ID.

Mr. Copelas- And it can be identification for any state?

Mr. Edwards- For the adult use program, yes, for a medical patient, it is state specific. You must be a Massachusetts resident to participate in that program.

Mr. Copelas- And the scanning device works with all state government issued identification.

Mr. Edwards- Yes. Mr. Edwards goes on to say that ATG is looking at a specific option that was recommended by the Salem PD.

Mr. Viccica- Did you represent them in 2014?

Attorney Atkins- Yes I did.

Mr. Viccica- So the ordinance is relatively new, was there a restriction on the distance between the property and schools and other places at that time?

Attorney Atkins- No. That was done based on the state regulations and there was no local ordinance done specifically for medical dispensaries.

Mr. Viccica- Would you mind? I know you said that you are 500' ft from houses of worship, but Harmony Grove? Is Harmony Grove within or out of the 500' ft of the chapel and crematorium?

Attorney Atkins- That was an issue at the time, and I believe that was resolved at the time.

Mr. Viccica- I think it would be reasonable to confirm that Harmony Grove is outside of the buffer or is not viewed as a funeral home or house of worship. I know that it specifically says that in the ordinance.

Attorney Atkins- I would point out to you that the state regulation only deals with education through grades K-12. There is no reference to funeral homes, churches, or universities

Mr. Viccica- But the ordinance...

Attorney Atkins- Yes, but I am not sure that that is valid under the state law.

Mr. Viccica- We are sworn to uphold the zoning ordinance.

Attorney Atkins- Well, I would argue strongly that what happens at Harmony Grove is not a church or a funeral home. Even if we are within the 500', which I don't think we are, Harmony Grove does not meet that standard.

Mr. Edwards- Last week at our community outreach meeting there was a representative from Harmony Grove, who stated that Harmony Grove is not a house of worship or a funeral home. In fact, I just saw a hand go up here.

Ms. Curran- We haven't opened the public comment yet.

Mr. Viccica- But there are two (2) issues here.

Ms. Curran- Any Board members have questions before I open public comment?

Mr. St. Pierre- In my conversations with Vickie Caldwell, Assistant City Solicitor, the validity of this ordinance has come up and it is likely that our ordinance will not prevail. They will get a ruling on that. They are talking to a state.

Mr. Viccica- Do you think we could rule in favor or not on the basis of an anticipated challenge?

Mr. St. Pierre- I think you would have been advised, if Vickie felt that there was a reason to by our ordinance. I think she would have made that clear to the Chair.

Ms. Curran- I think we go by our ordinance because this is what is written now until we hear otherwise.

Attorney Atkins- confirms that he has talked to Attorney Caldwell as well.

Ms. Curran- This is the Board of Appeals and we are looking at the use of this which is allowed by special permit and reviewing criteria related to a special permit including traffic flow and these kinds of things. I know there is a lot of interest in this issue. What is not relevant to this Board is whether this use is legal federally or about money. This is not relevant. What is relevant is traffic flow, utilities, neighborhood character. I want to say that and please state your name and address for the record. There is someone here from Harmony Grove.

Johnathan Reardon- Harmony Grove- We are neither a funeral home or a house of worship. We have had no problems with this business in the neighborhood and are an asset to the neighborhood.

Gary Gill- I was just at a meeting recently in Amesbury where Chris was asking for... he was adamant about a traffic study. Are you going to require a traffic study? Because cars will increase. The entrance that he is talking about, we asked him to have a separate entrance for medical patients once the business starts serving medical and retail customers. He suggested up in Amesbury, for a lady that is going in there, by reservation only, an hour consultation with each person that comes in as a client, that they would see approximately 2,000 cars per day. If she is going to open a business RVSP, by appointment only, she will be able to keep track of how many cars are coming per day. She is going to have a traffic study, but I am wondering if you are going to require a traffic study from Chris as well.

Beth Gerard- Ward 6 Councillor- I wish I could say that I know how Chris would handle a situation when things come up, but I have been the Ward 6 Councillor the whole time that they have been open and I haven't had a single complaint. The constituents who do utilize this facility have nothing but really positive things to say about the whole experience. I am pleased that they are our first retail applicant we know ATG and we know how they are and exactly what was written in Chief Butler's letter was exactly what I heard in the town of Ellsworth, ME when they were first coming here. The Chief there echoed the same sentiments that the company had an adequate security plan in place and ATG requires more of itself than what the police were asking for. This is a good thing for the neighborhood and I haven't heard any complaints from the neighbors and I am in support of this proposal.

Celeste Rivero-Meyers- North River Canal LLC- 282 Bennington Street- East Boston- We represent North River Apartments and have another development on Boston Street (Flyntann). We want to represent a hard no in opposition to the proposal. We are cultivating a family friendly development and investing millions in the neighborhood and anticipate a negative impact to the City. I think you can anticipate thousands of people pulling up, the traffic will be overwhelming and also the usage. I think a lot of us know that the second that the use of recreational marijuana was legalized, we have been inundated with it. You smell it on people, you see it wafting out of cars, you see it walking down the street, and that is not something that we want to have in our development. I do have a very specific question for the owner and attorney. How do you intend to keep your product out of the black market? I ask this as a parent. I have here a couple of packages that were confiscated from a 17 year old. And let me explain that this is from your facility.

Ms. Curran- Through the Chair please...

Ms. Rivero-Meyers- What I want to explain about the black market, the new black market, the medical patients, that medical market is going to shrink to the 18-20 years old. I confiscated this from my 17 year old, step-daughter, who received it from her friend who is an 18 year old patient. With the limits in the Commonwealth is five (5) ounces per patient per month. That is about 100 joints and this is a pretty robust enterprise for any 18-20 year old. That is something that concerns me as a parent.

Ms. Curran- Okay. So one of the things that I know you have to have is a plan for the City informational meeting is to have a plan in place to monitor not having product go to minors. Ms. Curran asks the petitioner to speak to monitoring illicit diversion of product.

Mr. Edwards- There are a few aspects of anti-diversion plan. We do not want our products getting into the wrong hands and we go through great lengths to make sure that our products go to qualified medical patients. Part of this process is through education and the penalties are severe in Massachusetts. A diversion of medicine from a patient, even to another patient, is a punishable offense and up to five (5) years of prison. We include this information in our education session with our patients, and we require our patients to sign paper stating that they understand all of the rules and regulations. Can I stop every patient from diverting medicine when they leave this facility? No. But education is a key component. Under the adult use program, and adult who diverts medicine to a minor it is punishable and up to one (1) year in prison and a \$2,000 fine.

Gary Gill- To follow up and give Chris a little credit, if her daughter got that product, they are breaking the law. They can go do jail time right now just by having that product without a license to carry that product. There are scenarios that are and will play out, but we are trying to kill the black market. That is the name of the game. We are trying to kill the black market. If you hand off this product to some in a parking lot, you can do jail time and they can do jail time and they can lose their medical card. There will be people not being able to get back into dispensaries.

Ms. Rivero-Meyers- My goal is to point out the flaw in the existing process with these young people having access. If you go to their website, one of the top links is "how do I become a patient" with advise to google finding a marijuana doctor and you and your friends can go get a license and have a great time. That's pretty much what is happening.

Kevin Caperty- 44 Bellvue Ave. Worked with Mr. Edwards at ATG- I can actually speak directly to that experience. Their accounting system is very intense and tracks every package. The package that was shown today was actually a package for an electronic pens and not marijuana products. They do track their products very very vigorously. They track every package and I have been there when there was a package that was not reconciled, and they spent hours working through the inventory to reconcile and account for the package. I give kudos to their security and their tracking measure that they have used over the years. Speaks in support of petition.

Ms. Curran- Let's talk a little bit about traffic and parking. Loading is not an issue, but talk about traffic flow a little bit more and how that works?

Attorney Atkins- I don't think you can separate the traffic and parking. This is 85 spaces and I challenge any of these applicants to have more parking spaces than 85. Obviously, some of these are occupied by other users of the building, but that is a substantial number of parking spaces. With the spreading out of the services we do not expect there to be an overflow of traffic spilling onto the streets. We anticipate hiring a police detail pre-emptively just in case these things develop. Some people question traffic studies and what their value is as you well know. In this case, I don't know what they can compare it to. Maybe they can compare it to Colorado or California, but it is pretty hard to get comparative values and know exactly what is going to happen here since this is a first.

We have a small window to apply as an existing medical facility ahead of others registered as medical dispensaries. That window requires us to submit to the state very shortly, at the beginning of April and take into consideration the testament that you have heard tonight that the operations by this applicant over the last three (3) years, have proven that they can operate this kind of facility safely and to the benefit of the community.

Ms. Curran- What are the other uses in the building that surround this?

Attorney Atkins- A law office, regular office space, a non-profit organization and the Moose Lodge.

Mr. Viccica- I think there has to be data or could be on how many people you could service and any given time. I don't think that arguing that you have to do something really quickly is relevant to the special permit. The relevancy is the issue of the special permit is that the use will not be more detrimental to the neighborhood. If there is a traffic detriment to the neighborhood, without requesting some sort of information that would prove or disprove or the fact that there is an expectation that this will grow... I would be careful to assume that there would be no exponential growth within the traffic that will come to the site. And of the 86 spaces, you have no data that says how many of the parking spaces will be used by the other uses.

Attorney Atkins- I did indicate to you that the number of employees, which is the standard of the zoning ordinance that the number of spaces required is about approximately 30 spaces out of the 86. Removing the ten (10) spaces that were allotted to ATG for employees reduces it to twenty (20)...

The parking requirements of the ordinance... not the marijuana ordinance.

Schaeffer- To the petitioner, could you please speak about your experience when you first opened your doors as the first medical dispensary. I know you had some growing pains when you first open your doors. Could you speak to traffic flow and your process as you were first opening, expansion of hours and your expectations for this proposed new use?

Mr. Edwards- We were the only medical dispensary in the state for about three (3) months. During that time we were only open for three (3) days per week. At that time for three days a week, the restrictions at that time only allowed no more than one patient in at a time which is why we had the lines, fortunately we got traction with the regulators to modify that rule, the biggest nuisance that we had at the time was the media, and fortunately we had the police detail to keep them at bay across the street as it made patients uncomfortable.

To not have traffic problems, even then when we were the only ones in the state and there was always a space, part of our system with a guard stationed outside, if there was no handicap space available. If it ever is, overly crowded, we can suggest go get a cup of coffee and come back in 10 minutes, enjoying flexibility with our clientele, being accommodating during extremely busy times, which doesn't happen at all now, if you go by on any given day we have an average 3 or 4 patients in the facility at any given time a steady trickle during the day. Even on our busiest days on Saturdays, 35 clients an hour in a 10 hour shift an hour with the average visit being 5 or 10 minutes.

It's an extrapolation for sure but there is massive redundancy excess capacity documented.

Ms. Curran – So, when you were the only facility in the state, everything was by appointment only, when did you switch?

Mr. Edwards – Yes, it was by appointment only at that time, we switched a couple of months after other dispensaries opened because geographically there a lot of separation between other locations and us, that system worked well at the time, I do not think there are any dispensaries that are by appointment at this point just because the demand has been evenly distributed.

Mr. Tsitsinos - Is there a limit for the amount of people you can have in there at one time?

Mr. Edwards - Per state regulation, no, I think there'll be a fire code regulation, I can't think of the number of the top of my head but I can certainly find out.

Board Member: It's in the building code Jimmy, we would set a number of occupants.

Ms. Curran – Just walk through the other steps you have to go through with the City other than this, what else do you have to do?

Attorney Atkins - We have to sign a host agreement, which is being developed by Vicky Caldwell that will contain the maximum payment to the City according to the statute, it will also, I believe she's considering including in that a restriction to prohibit on-site use of the product which ATG will agree to, other than that we need to meet with the other departments other than the Police department to go through the various plans for operations and security

Ms. Curran - And you are required to do the Planning, Police and Fire through the Ordinance

Attorney Atkins - Yes,

Ms. Curran – And you will meet with the Board of Health to discuss the edibles?

Attorney Atkins – I'm not sure of the answer to this, it's not in the Ordinance.

Ms. Curran – Okay

Attorney Atkins – We can invite them when we meet with the other department heads if they're interested.

Ms. Curran – Then you'll have your informational meeting and then the State?

Attorney Atkins – The informational meeting was held last Thursday, and then the State.

Ms. Curran – And the State will issue you the license?

Attorney Atkins – That's right; you'll see an example in your package of an existing registration and licensure from the State for the Medical Dispensary. This is different, that was done by the Dept. of Public Health, and this will be done by the Cannabis Control Commission.

Mr. Drucas - Using the estimate that he had, that business will double, that's my opinion, if it doubles on Saturday, and you have 70 people an hour visiting the facility I know that you talked about the willingness to have a police detail, how would you write that in there as to how we make a determination, because more than a car a minute will significantly impact that area.

Attorney Atkins - A lot of this is unknown, I would suggest if you want to write a condition that we have a police detail particularly on a Saturday and Sunday there for a month so that we could collect the data to see how it works out, that would be an acceptable approach.

Ms. Curran - Yes, we could word it in such a way that's it required for the first three months and then leave it to the Police to decide if it's needed for a longer period, in the other traffic study, I noticed that Sunday is another busy day, I think maybe for the first three months a detail is necessary on Saturday and Sunday.

Attorney Atkins – Although the expectation is for a substantial number of people using this product, you have to remember that this is also highly taxed product, Chris what is the state regulation in terms of taxation on the product?

Mr. Edwards— Yes, there is a 20% tax on Adult use in addition to that there are community fees of 3%, so it's 23% , the tax may very well weed out a number of people who may be interested in this product. (No pun intended)

Ms. Curran – So, I would suggest a police detail on Saturdays and Sundays during hours of operation for the first three months is required, and based on usage if it's determined by the police that it's not needed or as other facilities open in the state.

Mr. Copelas – As well as any other time that the police determine it's needed.

Mr. St. Pierre - If I could, I would suggest maybe loosen that up as the traffic lieutenant should make that determination.

Ms. Curran – Yes, but for the first three months, it is required, and then after that the traffic lieutenant can do this.

Mr. Viccica - Is it my understanding that there's a condition that no outside consumption allowed for owners, is that a condition that needs to be written

Ms. Schaeffer - it is a requirement of the ordinance currently and it will be reiterated in the committee host agreement and can also be reiterated as a special condition of this board.

Mr. Viccica - Does this special permit ever carry over to a sign for sale? Is it done? If you were to sell to another entity is the special condition, and at that point do they need to come back to the board?

Attorney Atkins – I think that would be determined by the state regulations if there's a change in ownership.

Mr. Copelas – Doesn't our ordinance speak to change in ownership, can we make it not transferable and also doesn't your previous special permit also speak to that, I thought it says in permit, it says - A special permit issue for Marijuana retail establishment is not transferable or signable to a different location or a different type of marijuana establishment, it does not say that if it stays in the location it is assigned to the property and that's from the ordinance, the issue is can we condition that it's not transferable to a new owner without coming back to this board.

Mr. Viccica- The previous dispensary decision, you are right Peter it says as follows “ This special permit shall have a term limited to the duration of the applicant control of the premises at 50 Grove Street as a medical marijuana facility , this special permit is not transferable to other entities other locations or other uses. Would your client be amenable to continuing with that language?

Attorney Atkins – I think this would have to go before the state licensing authorities to do any of these things, in any event, yes is the answer.

Ms. Curran - I think a lot of the special conditions that we adopted and issued with the original decision when it was medical marijuana are relevant to this and I suggest we adopt them again with the signage, the security , the police department and the building commissioner

Attorney Atkins- There was no ordinance dealing with this particular type of special permit.

Ms. Curran – right. Although, they are still in effect because the medical is still there as well. I remember we had a discussion on landscaping to make sure the foliage for people to conceal themselves from sight.

Ms. Curran - You say the 12 parking spaces and then the 5; they are for employee parking, is that right?

Attorney Atkins – Yes currently parking on the side.

Ms. Curran – So we would designate that as another condition, we do have to go through the section 6.10.8 to do the findings.

Attorney Atkins - And the 9.4 the general requirement of standards

Ms. Schaeffer - I do have three special conditions to suggest as well.

Ms. Curran - Ok and do we have any letters that need to be added to the record?

Ms. Schaeffer - Chief Butlers' which has been recorded into the record, in support of the security plan.

Ms. Schaeffer – To the Board and also the Applicant from the City Planning Department, these are the special conditions that I would like to suggest to the board for consideration.

1. The applicant demonstrates that the marijuana establishment will meet all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations, including, but not limited to M.G.L c.94G, Section 12 General Marijuana Establishment Operations.
2. The applicant has satisfied all of the conditions and requirement of this section and other applicable sections of the Zoning Ordinance and any applicable city ordinances.
3. The facility provides adequate security measures to ensure that there are not direct threats to the health or safety of employees, staff, or members of the public.
4. The applicant shall be issued a state license within six (6) months of issuance of this special permit, and then a six month extension can be granted by Board of Appeal if good cause is shown.

At this time the state is still working out their procedures and licensing, and they are relying on local cities and towns to start the process and to be forward thinking we want to make sure the special permits are granted and that the locations have licenses that are issued by the Commonwealth before they start but also that special permits issued at the local level are acted upon within a certain timeframe hence the six months, which coincides with the community host agreement but also the State license process.

Attorney Atkins – I have another comment on the Community host agreement, this is not a complicated document, we have one in place and Vickie is working on this one and we have agreed to the terms verbally so I expect that can be done very soon.

Mr. Duffy – I guess I'll start with the standard findings, in the interest of residences, traffic flow and safety will be taken care of by having a police detail the accuracy of the utilities and public services we find no changes than what has already been used, we find no changes to the impact environment, we find no changes there will be positive fiscal impact for the City through tax on product, an increase in employment.

As to the required findings under section 6.10.8 the applicant has indicated that they have and will meet all the requirements by the commonwealth to get a license be issued and retained prior to operation, it appears that all other conditions for zoning have been met and city ordinances and we have the letter from the Police Chief that speaks to security measures and she's satisfied.

Motion and Vote: Mr. Duffy makes a motion to approve a Special Permit per Sec. 6.10.4 of the Salem Zoning Ordinance, to operate a licensed retail marijuana establishment in a portion of the building in dual use with the existing licensed medical marijuana dispensary subject to standard and special conditions; 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) This Special Permit shall have a term limited to the duration of the applicant's control of the premises at 50 Grove Street as a dual licensed retail marijuana establishment and licensed medical marijuana dispensary. These special permits for either use are not transferrable to other entities, other locations, or other uses. 5) The special conditions of the Zoning Board of Appeal decision dated April 4, 2014 and amended decision dated March 1, 2017 related to the existing medical marijuana establishment shall be incorporated in this special permit by reference. 6) The applicant shall provide a police detail on Saturdays and Sundays during the hours of operation for the first three (3) months of operation, subject to being continued based on the usage and at the determination of the Salem Police Department. The motion is seconded by Mr. Tsitsinos. 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 Petition seeking a Special Permit per Sec. 6.10.4 of the Salem Zoning Ordinance, to operate a licensed retail marijuana establishment.

Applicant **NS ALTERNATIVES**

Location **207 HIGHLAND AVE (Map 13 Lot 2)(B-2 Zoning District)**

Attorney Mike Ross- Prince Lobel, Boston, represents Brandon Banks of NS Alternatives. Dan Linskey- Security Consultant with Kroll, Douglas Okun & Associates of Cambridge, MA.

Attorney Mike Ross- Introduces Brandon Banks of NS Alternatives. Mr. Banks has ten (10) years in this industry in Colorado. This project represents his first equity stake. He is in the process of moving to Massachusetts and is extremely active in the advocacy for equity licenses. To qualify for this type of license, an applicant has to live in Massachusetts for a number of years. His application is not an equity license. He is extremely active with a group of equity applicants to advocate for minority business owners.

The location that we are seeking to permit is located at 207 Highland Avenue and is located in the B-2 Zoning District. We have had a series of meetings and discussions over the last few months with the Ward Councillor, City officials, and a community meeting at the site. The petitioner has submitted a draft community host agreement with the City and reflects a 3% contribution. We invite comments from the administration to add more to it, but we think it is a good proposal. We have also agreed to not pursue on-site consumption at 207 Highland Ave. The applicant is not interested in doing and prefers to stay with the sale of cannabis and not the service. We have thirty (30) parking spaces on site that are dedicated to the exclusive use. We also have a traffic study that was conducted by Hayes Engineering, which we did in anticipation of many questions that may come up around transportation and access. We anticipate about twenty (20) to twenty-two (22) employees. We anticipate at the lowest, wages will be \$15.00 per/hr and higher. We think these are very good jobs and we will offer a preference to Salem residents and local people. We are within the five-hundred (500') foot setback.

Attorney Ross- Presents the proposed plans. The building is a beautiful mid-century modern building that currently houses other uses including a kidney dialysis center and church. The petitioner is proposing to take the space of the church. There is also a food pantry. The church is actively looking for a new site. Based on the local setback requirement, we obviously cannot locate here if the church is still here so we cannot move in until they move out. It is still unclear whether the food pantry will stay there. We do not know if the church has made a decision on that. However, we can be here whether the food pantry stays or goes. We want to be supportive of the food pantry. The food pantry only operates during a limited period of time on Saturday and we have offered not to be open during such time to avoid confluence of traffic and activity.

Attorney Ross- Presents interior floor plans. There have been some changes to the original application proposal. The petitioner is proposing a drive-in loading area recommended by Salem Police Chief Butler. This will provide more secure access and loading. This is the food bank in the back. Attorney Ross presents the elevation plans. Visually, the building will look the same with the exception of changes to the existing windows for security and security cameras. This is our proposed right and left side elevation. The only substantial difference to the building will be an access door to allow for internal deliveries and a corresponding physical door. We have a more detailed landscaping plan and there will be very minimal signage. The only sign that will be on this site is a very small understated sign NS Alternatives sign right there. The windows will be frosted and treated so there is some opaqueness to them. Our architect is playing with different window treatment types.

Ms. Curran- how many square feet are you proposing?

Attorney Ross- We are proposing approximately 4,600 square feet. I sent a follow up letter. Doug do you have the exact number?

Doug Okun- 4,816 square feet.

Attorney Ross- This square footage has been increase from 4,277 to 4,800 to accommodate the interior loading dock.

Ms. Curran- Explain this. So the truck drives in and deliveries are internal?

Mr. Linskey- Yes. The vehicle will leave the cultivation facility on a pre-determined route and have a GPS tracking system. We will know that it is coming and we will coordinate with local authorities to let them know it is coming. When the vehicle gets to the property, the garage door will open, the vehicle will drive in, the garage door will close and there will be no ability to get into the space until that garage door is closed similar to a police sally port. It is the same way to leave.

Ms. Curran- How often will this occur?

Mr. Linskey- That depends on the volume. I would think that there is no more one trip a day and I think every other day.

Mr. Banks- Based on the number of customers that we are expecting, which is four to five hundred a day, we shouldn't have more than one, two deliveries at most per day, or five per week.

Attorney Ross- As for the hours of operation, we are proposing to be open from 8am-8pm Monday through Saturday and on Sunday 10am-8pm, but we are flexible on those hours. The benefit of a twelve (12) hour day is that the spread out activity across that entire day.

Ms. Curran-In looking at your traffic study, it looks like Sunday is your busiest day followed by Saturday is that right.

Mr. Banks - it's not a traffic study per say, it is anecdotal, may be Saturday and Sunday but I would say typically Friday followed by Saturday would be our busiest days. Let me back up a little, I have about ten (10) years of experience in the cannabis industry both on the cultivation and retail side. I currently serve as a the Chief Operating Officer of a Colorado company, Natural Selections, and I am expanding out here. As far as the number of expected customers and traffic, Friday is typically our busiest day followed by Saturday are typically our busiest sales days. As a business owner, we try to spread out the number of customers throughout the day to spread out traffic flow, but we expect a typical retail traffic flow.

Ms. Curran - So you have thirty (30) dedicated spaces, and then what do you have, shared space? The site seems to have a lot more than thirty (30) spaces.

Mr. Banks- Exactly, the site has north of seventy (70) spaces, the food bank is rarely occupied so we would use that for employee parking, of course we will have security access around the entire building. We do have options to get more spaces as the landlord is pretty willing to work with us.

Ms. Curran – So can you talk about the traffic impact, as it's on the side Highland there is only one point of access heading towards Salem, but assuming one is coming from town, they would go up to the traffic light and go down First Street, correct?

Mr. Banks – Potentially, we heard that's a sore point as far as the intersection goes and we've also heard that this is also under the jurisdiction of Mass Highway, we tossed around a couple of ideas, creating a separate entrance, but we hope to not have a big impact on traffic.

Attorney Ross – Part of the security plan is to work with Salem officials and DOT as they develop that roadway to try to see if we can alleviate the problem of illegal U-turns and some of the infrastructural solution.

Mr. Copelas - Is there a legal access to the property from First Street? I know we've been up and down but it's somewhat ill-defined, is there a legal access, so anybody coming down First Street would have to take a right onto Highland Ave

Mr. Banks – No, there is currently no access from First Street.

Ms. Curran- So there's just one access from the right, anyone coming from town, would have to turn around. Talk about the operations, what goes on inside.

Mr. Banks – Presents the interior layout and floor plans. Very similar to ATG, there's going to be a security station, check ID with scanner. We currently use a scanner at other facilities and it works really well. The customer will then be buzzed into secure area, sales floor secure area, seating for overflow, along with digital menus, Ipads, things of that nature to learn more about products while you are waiting to be served. You do exit the same way you come in. The rest of this area is storage, a vault and ADA compliant bathrooms. One thing that I am used to doing as a COO, is to make sure that our employees are doing a second ID check. So we do our first ID check by our security scanner and receptionist. Before you are sold any marijuana or marijuana product, we do a second ID check just to make sure. Compliance is the utmost importance. These licenses are extremely valuable and we can't have any slip ups with any IDs. We do a second ID check to make sure before the point of sale.

Mr. Linskey-It's great to have a scanner that tells us that you have a valid ID, but is it your brother's ID? We need to have staff trained to make sure that we are matching the faces. We are asking questions and making sure that the owner of the ID is the owner of the valid ID. We do on-site training, on-site checks, and testing with our staff. It is great to have on-site policies and procedures, but if no one is verifying, they can be worthless. My staff at Kroll will run a very robust compliance training program.

Mr. Drucas- How many cash registers?

Mr. Banks – Approximately ten.

Ms. Curran – And there is no medical, it's just recreation?

Mr. Banks- It's one hundred (100) percent adult use.

Attorney Ross- Brandon is going to offer twenty percent discount to medical patients. We will have to verify medical patients with existing medical registration cards.

Mr. Banks- We do something similar in Colorado, where if you are a medical customer and can show your medical card and registration we will give you a twenty percent discount because there is a big difference between the taxation on the retail vs. medical side. The retail recreational tax kind of prices some of the medical patients out of the market. At this point, about 80% of our customers are adult use (recreational) customers, but we do have about twenty (20%) medical customers who come in and take advantage of the valid medical discount.

Mr. Drucas – How would you track these people?

Mr. Banks- It's going to be a little tough to implement here because as a retail business, we may not have access to the patient medical registry. We are working out the details now. I am not sure if we will just verify the card, or verify the doctor's prescription, but we will do whatever it takes to offer that discount where it is needed.

Mr. Drucas- You are expecting 400- 500 customers a day?

Mr. Banks- Yes.

Mr. Drucas- Your traffic study doesn't say that.

Ms. Curran- So, they seem to use the code for specialty retail. You have more knowledge, so what's your peak time on a weekday?

Mr. Banks- Friday after work is the peak time. I am drawing a comparison to our other businesses in Colorado because I think it is a pretty good comparable. There are five (5) licenses in the community where I work and here there will be four (4) licenses and the populations are pretty similar. It's a pretty good apples to apples comparison, but I don't know how it will all shake out, but I think it is a pretty good comparable. At any given time, we will have ten (10) people waiting, fifteen (15) people at most.

Ms. Curran-You are also on the bus route.

Attorney Ross- The traffic study does not necessarily consider people walking, using the bus or bicycling to the site. The traffic study really focuses on cars. The other thing that the applicant has pointed out is that this use does not exist in the state of Massachusetts yet. So traffic engineers are using available traffic comparisons. It is always nice to have someone with many years of experience in this to tell Boards like you exactly what they anticipate. Traffic engineers are in a slightly different position because they base their information on the available standards that are available.

Mr. Curran- So Highland Avenue is a major route and can obviously handle this capacity, but my concern is that the site can only be accessed from one direction since there is not access from First Street. You can't do a U-turn... I am not sure how the flow works?

Attorney Ross - We have heard that there's a Mass DOT, project coming with regard to this area and we want to be helpful. We are self-motivated to want to be helpful to because we want people to have the ability to turn around. Dan Linsky and myself have contacts in the world of MassDOT, and Salem does as well and we know that the Ward Councillor is focused on this issue. We are hoping to get some better answers from MassDOT on where that turn is going to be made, when that turn will be made. We are pretty sure there will be a turn, but we are not exactly sure where the turn is going to be. But we want to be helpful in contributing toward that effort whether it be sitting down and helping with some planning, sharing our traffic study, or even maybe helping with some of the costs. We are not sure where the turn will be. It might still be being worked out.

Mr. Drucas – How many parking spaces do you have?

Attorney Ross- We have 30 parking spaces and room to grow. As Brandon mentioned, there is a food pantry in the back that is only open on Sundays so there are a lot of spaces back there that are no being used, including on Saturday.

Mr. Drucas- How many employees do you have at one time?

Mr. Banks- I would say eight (8) to ten (10) employees at any given time.

Mr. Drucas – So you have 10 employees. That is potentially ten (10) cars and potentially 45 people an hour, doesn't sound like you have enough parking.

Mr. Linsky- There is an incentive for employees. We pay for public transportation for employees. We are also looking a supplemental parking off-site. We are looking to have employees park off-site to allow maximum space for customer parking. A lot of our employees today are not our typical. They don't own their own cars and use alternative transportation.

Mr. Banks- We do have an express lane and we do have an App. As the team from ATG mentioned, the medical experience and retail experience are different as far as the amount of time staff are spending time with a customer. With certain measures that we can put in place, we try to turn around quickly. It is in our best interest to make sure that there is enough parking for all of our customers.

Mr. Drucas- So you will have 10 registers you said?

Mr. Banks- Correct.

Mr. Viccica - So does that mean you would consider augmenting the parking now? Instead of waiting until you have an issue or are you willing to do so?

Attorney Ross - We feel good with 30 spaces that are dedicated exclusive use of this operation, and it's good to know that we have the ability to grow and would look to monitor it with your transportation department and if need be, look for additional spaces.

Mr. Viccica- Would you mind going to the site plan to see where these additional spaces might be? While you are doing that, so the traffic study did recommend some mitigation pieces. I assume that you are aware that the traffic study recommended a subsidy for T passes for employees.

Attorney Ross- Yes. We have offered 100% subsidy to our employees.

Mr. Viccica- And other than bike racks and lockers, etc.. The study also recommends that the company provide and maintain information on the website and distribute materials teaching customers that there are alternatives to driving. Will that be a part of your education?

Mr. Banks- Absolutely.

Mr. Viccica- Are you adopting the traffic study recommendations for mitigation?

Mr. Banks- Yes we are.

Attorney Ross – There are some obvious areas that we can improve in order to be good tenants, lines painted, directional signing, to make people feel comfortable when they come in to our facility. There are things we can do to improve the physical structure. Some of it may be striping and signage of the parking spaces. There will probably need to be some wayfinding as well. Not advertising signage, but signage to let people know where they need to go. We don't want people coming in through the back. We want people to enter through the front. Mr. Ross pointed out on the site map where the additional parking would be, that he believes they could access once they know what is going on with the food pantry. We're anticipating that 30 additional spaces, we have some additional possible capacity to get more spaces, once the church vacates the area.

Ms. Curran- So is that in addition to the thirty (30) spaces

Attorney Ross- No, these would be extra, we will know more about what's happening with the Food pantry

Mr. Copelas – There seems to be some inconsistency with the S2 land survey, you have parking on the left hand side of your building, which in that picture you just pointed out, there isn't any parking on the left hand side, I'm wondering when you are counting your spaces, I am unclear as to where you are counting?

Attorney Ross – So the S2 is a land survey that our architect will speak better to the actual conditions on the ground versus the land survey

Architect Doug Okun- This is a survey by the surveyor and this is what he put on his drawing. I am not really sure.

Mr. Copelas – Are you counting the spaces on the left? Because, on some of your drawings there aren't spaces visible. As you face the building to the left.

Ms. Curran- The aerial pictures seem to indicate that there are spaces there.

Mr. Copelas- The current use of the space seems to show that this is a service area where the dumpsters are located and I guess I'm a little skeptical as to whether there is parking there, and some of your pictures show that there is and some of them don't.

Attorney Ross – there's existing striping there, this is a landscape plan, it might be what we are suggesting here, is that those spaces won't be practical, especially when we have the entry so I think they were removed, we haven't exactly identified the thirty (30) spaces, we anticipate that we probably will, as it is in our interest and is something we need to work out with the landlord, if this is something that the board would like we are happy to identify them, and add that as a condition to have actual spaces identified as natural selection spaces, but I think this landscape survey here is an attempt to clean up the space, adding greenery making it more welcome and we do not want people parking back here.

Mr. Viccica – I think your survey is incomplete because the light poles to the far right are spaces So the issue is can you stipulate a number of spaces for the endeavor, and have your landlord agree to those designated spaces? Because whether the food pantry stays or goes, you could have a new tenant come in and look for those spaces, we're going to run out of spaces if your landlord doesn't agree to dedicate spaces, I don't recall when the dialysis group came in a couple of years ago whether there was an agreement with the landlord to dedicate those spaces.

Ms. Curran- That might not have been a special permit use.

Ms. Schaeffer - It was a special permit use, but I don't recall a special condition stipulating the location of parking spaces.

Attorney Ross- That is exactly why we can't stand here before you and say sure, make it fifty (50) but we can say thirty (30) and if we have to identify the thirty (30) spaces, I think we can get through our landlord I think that is a reasonable condition and should be no problem at all, going beyond thirty (30) we'd have to go back and check for the reason you point out.

Mr. Copelas- Can we go back to the traffic study again for a moment? On page 4 of the traffic study and I am not an engineer or anything but the numbers that seem to be indicated here, the total customers for the month and then in the lower table the number of trips per day, week day, Saturday they seem to be inconsistent with what you have indicated what the amount of customers would be and they are off by a lot so I am just wondering how valid this traffic study is vis a vis your use and the amount of customers you have stated that how many you anticipate.

Attorney Ross - So you are referring to the table?

Mr. Copelas – Yes, that is what I am referring to, also in bold above where it says 2200 to 3600 customers per month.

Ms. Curran- yes, I think you are saying anything from 2800 to 3,000

Mr. Copelas- There just seems to be an inconsistency there

Attorney Ross - There might very well be below what the practical knowledge that Brandon is walking around with in his head, I don't think that Hayes can take his numbers and stamp it I think he has to with his closest model and present that. I think there was a comment made earlier about traffic studies, there are limits to what they can do I think to just running these types of places for 10 years we feel comfortable with 30 spaces to put through about 400 to 500 customers over the course of 12 hours we think that's going to work

Mr. Copelas - There's a difference between traffic taking advantage of the existing roadways, the parking aspect and the traffic aspect although they're related, they are not the same thing.

Attorney Ross - It refers to one (1) space per one hundred and fifty (150) square feet, which is the ordinance for any business.

Mr. Viccica- - You've increased the gross square footage to forty-eight thousand (48,000) which calculates to 32 spaces, in line with ordinances for any business.

Ms. Curran – Now that you have increased your square footage you will need a special permit for less than the required parking.

Attorney Ross – We have a carport that would match the ordinance for 32 spaces, so if it's 32 we'd be happy to clarify that with the board.

Ms. Curran- Yes, that would be a condition.

Mr. Drucas – there seems there was a request that you would provide a letter from a Religious organization that they were in fact seeking to relocate, did we receive that?

Ms. Schaeffer - Yes, we did receive it from the applicant. Thank you for asking. Can I read it into the record?

Mr. Drucas – Once it's written into record, that's fine.

Mr. Tsitsinos- Can you drive into the overhead garage area?

Mr. St. Pierre-Yes. That was the old Chevy dealership.

Ms. Schaeffer - I do have a question regarding the traffic and use of the food pantry, when you opened earlier you had mentioned you were willing to cut back your hours of operation so you will not coincide with the operations of the Food Pantry. Could you speak to that and maybe anticipated your traffic impacts?

Mr. Banks- Yes, the Food Pantry is only open on Saturdays for a few hours while employees are there and while customers are picking up their food. We will not be open during those times. The impact as far as traffic goes, our roads are probably a little less empty on Saturdays, but yes, that is something that we are committed to not impacting the community. That is something that we don't want is to have customers from the food pantry with their kids in tow wondering what the hubbub is about here.

Mr. Viccica – Could you reiterate the operating hours?

Attorney Ross- Yes, the operating hours, I think that on Sundays there's an ordinance to comply with liquor license, so on Sunday 10:00am to 8.00pm, and the rest of the days would be 8:00am to 8.00pm, except for when the food pantry is in operation. We'd be happy to discuss this if there are concerns.

Mr. Drucas- Do we have a requirement on handicapped spaces?

Mr. St. Pierre - It's covered by the AAB regulations for Massachusetts.

Mr. Drucas- The other handicap spaces that are there seem to belong to the Dialysis center and are a fair distance from the doors of this facility

Mr. St. Pierre - The handicap code talks about the number of spaces that need to be handicapped compared to the overall spaces in the lot.

Mr. Viccica - But is there a requirement on distance for these spaces?

Mr. St. Pierre - We can look into that and I am sure that this gentleman will work with us on that.

Ms. Curran- Are these shared handicapped spaces with the Dialysis Center? Do you have access to those spaces or do you have to designate your own?

Mr. St. Pierre - I don't think you can dedicate them.

Mr. Viccica- As a lot there is a 5% requirement of spaces I think at the time with a single entrance the spaces needed to be X number of feet away but now that there are multiple entrances I do not think that applies, it may be, of the thirty-two (32) spaces, two (2) would need to be handicapped spaces.

Mr. Copelas – There does seem to me to be a lot of confusion about the number of spaces, where they are, etc. I'm wondering if there needs to be a lot more defining of the number of spaces and where they are.

Attorney Ross – I think one thing we are willing to offer is coming back with mapping out exactly where our spaces are and signing them either on the ground or a wayfinder.

Ms. Curran- Then perhaps you could look at any opportunities for employees to park in the rear.

Mr. Drucas - I'd appreciate that, because I'm not inclined to vote at this time.

Ms. Schaeffer - I have a couple of traffic mitigation comments that I would like to share, looking at your traffic study here, I do want to reference that traffic mitigation suggestions A-E are important. The Planning Department requests that the applicant also install pedestrian striping on First Street and it be handicap accessible on both sides. This is a recommendation of your traffic study here. However, knowing this site and how wide those curbcuts are I would like to request that a treatment be done to allow for safe access across those driveways and also a sidewalk to provide safe access to the bus stop.

Ms. Curran- So you are talking about on their site?

Ms. Schaeffer - On their site, like a rumble strip where there are entrances onto the site across the existing driveways.

Mr. Copelas- In looking at the picture's, is that gray area a sidewalk that continues all the way up to the lights, does it continue to your right adjacent to the Market Basket building?

Attorney Ross - Yes

Ms. Schaeffer - Yes, but there it is not really connected across First Street. There is no pedestrian crosswalk at First Street.

Mr. Viccica – Just to understand your operations side, the goods that you are selling, are those goods locked away at night?

Mr. Linskey- Yes, the state requires a safe, but we will have a vault. The state recommends that everything that goes into a display case gets RFID swiped so everything is tracked from the display case to and from the vault. Everything is tracked.

Ms. Schaeffer - Could you speak a little more to your usage of technology? You mentioned Apps, and how they interact with the community, with traffic, I'm wondering if there are other positive impacts in the use of said technology and traffic.

Mr. Banks- The most impactful thing is the express lane, you go to our website, there is a link to verify that you are 21 and up, select your product under your name, once you get to the premises, you still have to go through the identification process, we use Flowhub, which is a big technology firm, we'll tell you to pick up in 10, 20 or 30 minutes, we'll have that package waiting for you, check your ID twice and you are on your way. I think this is the most impactful when it comes to alleviating traffic, and we our security system is going to be top state of the art, which exceeds the standards in Colorado our security contractor works for very large casinos. I think at this point 60 days of camera footage retention. We will be doubling the camera footage retention to 120 days.

Mr. Linskey – We are going to offer the Salem Police Department that we would purchase Mutual link, which is a system the Police department can have and gain access and control of our cameras at any time. Once the Salem Police have this system, they can take over any cameras so if the hospital needs them, any private industry or if there is an event at a school, the Salem Police can have access and the technology exists so they can push it to their police cars so they can see the video as they are on their way. It also allows security personal who are on 800 base megahertz walkie talkies to speak with Police Officers who are on a 1600 megahertz system to talk directly to each other with a push of a button and that is controlled by the police department.

Ms. Schaeffer - You also said there is a seating area, can you tell me more about the waiting time for customers?

Mr. Banks– Yes, the most wait time would be is 15 minutes, and that would usually be on Fridays after work. I try to monitor that, our we'll have a grading color system, gray is over, yellow if waiting 8 minutes, red is approximately 10 or 15 minutes, we want to keep that in the gray zone. We want to encourage people to get in and out you know with parking and sensitivity to traffic. So it is monitored and we will add extra staffing, more registers, whatever it takes to keep us in customer territory.

Mr. Drucas- Can we get updated drawings?

Ms. Curran-Yes, we will get updated drawings' of the designated parking.

Mr. Viccica- So, that would be thirty-two (32) spaces to include two (2) handicap spaces within two hundred (200) feet of the establishment.

Mr. St. Pierre- I would say they would have to follow the handicap code; I wouldn't set any conditions with the Board. You can set the number of spaces.

Attorney Ross-We'll comply with that and will notate the accessibility also.

Ms. Curran addresses the public: If you were here before I would ask that you keep the comments relevant to this Boards land use decision and provide your name and address for the record.

Public Comment:

Gary Gill, Ward 3, Salem, MA – the most important thing I can bring to the Board is that this is an opportunity.....and Mr. Ross and his client knows that that this is offered to people who live in the Commonwealth of Massachusetts, at this time the applicant is not a resident of the Commonwealth, it states here that the applicant needs to be a resident for a whole year before qualifying for any kind of marijuana license at all.

Ms. Curran – That is true but that is for other things and that is not true for a special permit,

Gary Gill- But you are still required to be a resident to qualify.

Ms. Curran –That will be true for the State license and this is not the only thing that he needs there's other processes.

Gary Gill- I just wanted to put that on record

Ms. Curran – Yes, Thank you

Gary Gill - You're welcome

Josh Turiel, Ward 5 Councilor - This is not my ward, but I did attend an informational session last week, I was impressed by the scale and breadth of the plans this board has done a pretty good job thus in asking what might be the potential flaws in it, and some of the questions that are not quite answered yet, the one thing I would say about the process so far is that the ATG special permit was pretty much a no-brainer because they were entitled by right to their license, I know and I've been impressed by the plans, as I said, I went to their presentation , as did many of here today, but I know at the same time this Board has a number of other businesses with proposed locations and probably between when I got up this morning and when I got here there were 8 or 9 of them filed as there is a rush is on to secure the very limited number of permits we have available. So I would encourage that before we make a decision on the discretionary special permits which will be on final State interpretations either three or four additional ones, that we take the time to see what emerges for the market and let the applicants come in with their proposals, locations and plans before we start issuing them, I don't want this to turn into a first come first served period, and even though these guys are in right away and there are two more coming in for the next meeting if they are all approved, that is your four right there, and done deal I'd like us to take a chance to look at where the sites are, what the traffic implications will be what other impacts will be And I don't have a personal problem with any of them but to make sure they're not all clustered in one area. All the discretionary powers you have are the ZBA. I've been through you folks for a number of topics and I know you folks use this power very wisely, so I hope we get everybody in we'll see what's going to come and make our decisions from there, thank you.

Ms. Curran- So I'm not sure we're limited ,there can only be so many in the city, 20% of the package stores, that's 4 or 5 but this Board isn't limited, if someone comes in under Chapter 40A we have a timeframe that you ask information so we must come in within that timeframe, make a decision, we can't wait and see, it is a first come first served but then there are other permits that have other

things the host agreement and the State so those things have to happen as well. We may in fact issue more than four because if someone comes in with one, we have to hear it.

Jeff Perkins, 16 Nichols St, Ward 4- I am here tonight as a resident of Ward 4 and also speaking as a COO of an RMD that's currently sighting in two different locations in the Commonwealth as a property owner and as a resident of Salem, not only do I want the best for my City, but I would also like an adequate amount of time for the company to present our option for a proposed location. We will soon be ready to present a plan for both medical and retail adult use location that will provide a very robust community benefit and most importantly fewer impacts on traffic and residential neighborhoods. We will not have any residential abutters.

Ms. Curran- Sir, are you speaking on this? So we are going to hear each one that comes into us and act accordingly.

Jeff Perkins- I just have some concern that first in first out.

Ms. Curran- Again, when they come in, we are under Chapter 40A, which we operate, the Zoning Act, when a petition comes in, we have so many days to act. So that is what we do.

Jeff Perkins- I'm concerned because some of the applicants rushed in without answering all the questions while others are taking time and they could possibly get shuffled because of this, I am a local resident and have a concern about outside money flowing in and taking hold in the City.

Ms. Curran- Well they also have to go through the state process and all of that. So there are other things other than us. We can't say let's hold off on this one because we heard a better one is coming. There is a parallel process.

Jeff Perkins- You might issue twenty (20) special permits.

Ms. Curran- We might.

Mr. Perkins- Asks whether Mr. Banks and NS Alternatives plans to file a license with the state as a priority applicant.

Ms. Curran- So let's talk about the impacts that this particular proposal has.

Mr. Perkins- Okay. So this one has abutters a few hundred residential apartments and I didn't hear that yet.

Ms. Curran- The Board is in the process of listening to public comment now from residents.

Mr. Viccica- Will these recommended special conditions apply to all recreational adult use facilities.

Ms. Scheaffer – Yes, the Planning Department recommends that the three special conditions be standard conditions across all recreation adult use decisions.

Rachel Doherty, First Street, Salem – Regarding the traffic studies that you speak of, have you looked at First Street? You have Cloister Condominiums, Highland Apartments, Pequot Highlands and the Whalers Lane a mile from this facility, all the kids walk by this facility on their way to and from High School and Middle school, I'm concerned about security, the building is wretched, how are these children going to be affected.

Attorney Ross- We will provide the emergency plan and the facility plan that was discussed with Chief Butler.

Ms. Doherty- Also the traffic study you have, have you studied the conditions of our traffic currently? Are you talking about the automobiles that go down the street right now?

Ms. Curran – They are required to provide both, the existing condition and what is proposed
The only access they have is via Highland Avenue

Ms. Doherty- Yes, but they can use First Street to exit, I just want you to make note that there are 450 homes within one tenth of a mile of this facility.

Councilor Peterson- I had a chance to meet with these guys before and at the public meeting. A lot of people brought up great questions I was pretty impressed by the security piece, and the proposal came across strong, in general I want to echo my colleagues wish to spread these permits across the City, which would be ideal. As a stand-alone proposal I think it works and I am impressed by their commitment and they would make good neighbors.

Kevin McCarthy, 45 Bellevue Avenue, Salem - One thing I think we all are in agreement is that we are new to this , I think the wealth of knowledge that Colorado and California companies brings to us is a wealth of knowledge that we really need to tap into. I recognize that there are people who are concerned about outside money and businesses coming into Salem. I think it is just the opposite, that these companies have been in operation for so long and have been through the issues and support and benefit the community. I am in favor of outside companies showing the City how this should be done.

Ms. Curran – So we are going to speak to each one that comes in and act

Tim Flynn, Ward Councilor – I was also at the presentation last week and I have some concerns about traffic impact, and the study, if you consider that there may be a new development going up on Traders Way, have you encountered that and what's going on there, they had planned on 200 apartments going up there, and some retail, which will impact the traffic and Town Fare Tire , that was also coming with a daycare, I just want to make sure you consider that along with the security and proximity to children and the people in the community. I do want to echo what my colleagues are saying to not have a cluster of these facilities in the surrounding one or two wards. I think that's really important to consider.

Ms. Curran – I think we are going to keep the public hearing open, sounds like we are going to ask for some other information, before we do that, there is something I want to put into the record a letter from the Pastor from the church East Gate at 207 Highland Ave, this letter is relevant because the statutes of the ordinance says that it cannot be within five hundred (500) feet of a church and the Owner also certified that they've been leasing to East Gate and the church is actively seeking a new location. In addition to more detail on the parking and handicap parking, the addition of the two (2) spaces, I think that if the traffic study could be updated to suggest the pattern of traffic usage and also the numbers you are projecting for the neighborhood. I think it would be really helpful to have an opinion from the City Solicitor as to whether the presence of the church limits this Board.

Mr. Copelas- Coming from Salem proper, what is the path you expect to get to your property, because it's really unclear to us how you would get there?

Mr. Drucas- Do we want to have the traffic expert here?

Ms. Curran- Yes, it would also be helpful to have Hayes the traffic expert here.

Mr. Copelas – Can we vote on this if the church is still there?

Ms. Curran – Why don't we get an opinion on that.

Mr. St. Pierre – the solicitor is actively investigating whether our ordinance is legal, it's in the process.

Mr. Drucas - Will we have an answer by the next meeting?

Mr. St. Pierre - I would hope so, it's a hot button issue

Ms. Curran- Whether or not the fact that the church is presently there limits this Board.

Mr. Tsitsinos- or maybe if we had a lease in hand...

Attorney Ross- We do have a lease both from the tenant and the landlord that they will not be there when we are present.

Mr. Drucas– When would you anticipate opening, if everything went the way you wanted?

Attorney Ross – Probably a year or so if everything went the way we wanted, but we would never be there if the church was there because that is our space, you also have an ordinance, we're willing to live by that, but I think to ask that through the deciding process..

Ms. Curran- Yes, we are just asking that of our Attorney if there were a problem

Mr. Tsitsinos- The special permit would have to stay with that property.

Yes.

Mr. Copelas – My question is; the timing of this and other proposals we will need to look at this in and of itself, we need to determine the merits of it. But as we are going to be faced with other proposals going forward, I guess this comes to your question Becky about how many, we could conceivably approve more than the four because of other processes these applicants have to go through to get approved.

Mr. St. Pierre - That has come up, we cannot limit the number of applicants going through the ZBA process. It is not first come first serve. We are just one piece.

Ms. Curran asked if there was a motion to continue, next meeting is April 18th at 6.30pm.

Motion and Vote: Mr. Drucas makes a motion to continue the public hearing to the next regularly scheduled meeting on April 18th at 6:30pm. The motion is seconded by Mr. Duffy. 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 continue the petition to the next regularly scheduled meeting.

Project Petition seeking a Special Permit per Sec.3.3.2 Nonconforming Uses to allow a change from a non-conforming service station to a ten (10) 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 a variance from the provisions of Sec. 5.1.5 Parking Design, to vary the design and size of parking spaces, 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)**

Attorney Quinn- Requests to withdraw the petition without prejudice to allow the petitioner to hold a neighborhood community meeting. There was a lot of neighborhood concern from the neighborhood association and some of the non-profit developers in the neighborhood. It doesn't make sense for us to go forward. We have withdrawn the application and set up a community meeting with the Point Neighborhood Association for April 23rd and go through the whole process that we should not have rushed as much. So our whole intention is to go through the community outreach process and re-filed in the next month or so with the same application, except we may make changes based on the community outreach. We are asking to withdraw without prejudice.

Ms. Curran- And you are asking for a series of variances?

Attorney Quinn- Yes. We are trying to put a good size building next to some good sized buildings around that.

Ms. Curran- So there are some other regulatory ways that you might be able to do that. You will go through the process and work with the Planning Department.

Attorney Quinn- We have done that a couple of times already talking to Tom and his staff. Like I said, we left out the neighborhood. We should not have left out the neighborhood. We apologize for that and we want to go back to the neighborhood and get their input.

Motion and Vote: Mr. Duffy makes a motion to allow the petitioner to withdraw without prejudice. The motion is seconded by Mr. Drucas. 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 allow the petitioner to withdraw without prejudice.

MEETING MINUTES

Motion and Vote: Mr. Viccica makes a motion to approve the January 30, 2018 meeting minutes. Seconded by Mr. Tsitsinos. The vote was unanimous with five (5) in favor and none (0) opposed.

Draft February 28, 2018 meeting minutes are held.

ADJOURNMENT

Motion and Vote: Mr. Viccica makes a motion to adjourn. Seconded by Mr. Tsitsinos. The vote was unanimous with five (5) in favor and none (0) opposed.

The meeting ends at 9:40pm

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

