

City of Salem ZBA of Appeals

Meeting Minutes

Wednesday, June 20, 2018

A meeting of the Salem ZBA of Appeals (“Salem ZBA”) was held on Wednesday, June 20, 2018 in the large first floor conference room at 98 Washington Street, Salem, Massachusetts at 6:30 p.m.

Chair Curran calls the meeting to order at 6:30 pm.

ROLL CALL

Those present were: Acting-Chair Peter Copelas, Mike Duffy, James Hacker (Alternate), Jimmy Tsitsinos, Chris Drucas and Paul Viccica. Those not present were: Chair Rebecca Curran. Also in attendance: Tom St. Pierre - Building Commissioner, Erin Schaeffer - Staff Planner, and Colleen Brewster – Recorder.

REGULAR AGENDA

Project A public hearing for a petition requesting a Special Permit per Sec. 3.3.5 Non-conforming Single and Two-Family Structures to construct a full third floor on the existing non-conforming structure.

Applicant **FRANKLIN and ANGELA QUINTIN**

Location **4 RICE STREET (Map 36, Lot 208)(R-2 Zoning District)**

Documents and Exhibitions

- Application dated May 10, 2018 and supporting documentation

Franklin and Angela Quintin, owners, were present to discuss the project.

Ms. Quintin stated that they purchased the home in May 3006 and have 4 children. As a family of 6 the home has 3 bedrooms, 2 of which don't have closets. The attic is unfinished, and they'd like to convert to living space and add two bedrooms and one bathrooms, and a home office for his wife. Ms. Quintin noted that 3-family homes do exist on their street and next door, and there will be no privacy concerns. Mr. Quintin stated that the new raised roof will not exceed 35 feet which is the maximum height requirement.

Acting-Chair Copelas asked if there will be changes to the exterior. Mr. Quintin replied that there will be no change in materials, only an increase in height. The existing proposed roof pitch will be 4/12 pitch and the existing roof pitch is approximately 8/12.

Ms. Schaeffer stated that there are no existing conditions. Mr. Quintin stated that he photos has photos, the height will be below 35 feet, and the existing interior height in the Attic in the is approximately 7-feet high.

Acting-Chair Copelas asked if they will remove roof and raise the wall height. Mr. Tsitsinos asked if there will be a new bathroom. Mr. Quintin replied yes. Acting Chair Copelas stated that the proposal calls for a 29-foot long x 10-foot wide addition and the existing plan is 29-feet long x 20- Ms. Schaeffer replied that the addition will be 29-feet long x 10-feet wide.

Mr. Drucas requested more information. Acting-Chair Copelas stated that they've only provided 2 sides of the house and asked if the rear will be identical. Mr. Quintin replied that the rear is the same and the right elevation will be different. Acting-Chair Copelas stated that the missing information is the existing conditions and all 4 proposed elevations that need to be submitted to the Board and part of the presentation. Mr. Drucas requested photos of other houses, existing and proposed conditions, and the existing and proposed heights to compare. Mr. Quintin stated that the chimney will also be removed. Mr. Drucas replied that all changes, including the removal of the chimney, must also be indicated.

Acting Chair Copelas opens public comment.

No one in the assembly wished to speak.

Acting-Chair Copelas closes public comment.

Motion and Vote: Mr. Drucas makes a motion to continue to regular July 18, 2018 meeting. The motion is seconded by Mr. Tsitsinos. The vote was unanimous with six (6) in favor and none (0) opposed.

Project	A public hearing for a petition requesting a Special Permit per Sec. 3.3.5 Non-conforming Single and Two-Family Structures to construct a 40' X 8' two-story porch on the front of the structure.
Applicant	DONALD and KYLIE REYNOLDS
Location	22 LORING AVE. (Map 32 Lot 86)(R-1 Zoning District)

Documents and Exhibitions

- Application dated May 29, 2018 and supporting documentation

Don and Kylie Reynolds, owners, were present to discuss the project.

Mr. Reynolds stated that on the plot plan, the East side is only 6-feet from the property line and the side setback is 10 feet. The porch will extend the non-conformity by 8-feet and the existing staircase is already non-conforming. The porch will move the stair 4-feet into the front setback. Many improvements have been done in the neighborhood. The original porch was a full 8-foot deep wrap around porch that was demolished, and what exists is a minimalist structure that is not in keeping

with the structures in the neighborhood. The West neighbor has a wrap around porch and the East neighbor has a more extended deck. This will have no traffic or safety impacts, no impacts on drainage or the natural environment. This is a Federal style home and the existing porch doesn't reflect its potential beauty. The fiscal impact is that these improvements including an interior renovation, fence, and landscaping will prove the neighborhood

Ms. Schaeffer stated that the original petition had plans that didn't show the existing dormer and the petitioner submitted revised plans showing the proposed condition. Mr. Reynolds stated that they are not proposing a wraparound porch but will give them the same square footage as the original porch. Acting-Chair Copelas stated that the original porch also didn't have a second story. Mr. Drucas asked if natural materials would be used. Mr. Reynolds replied yes. Acting-Chair Copelas noted that left driveway belongs to them and asked if the driveway on the right belonged to the neighbor. Mr. Reynolds replied yes.

Acting-Chair Copelas asked if the proposed work will increase the side setback. Mr. Reynolds replied that the porch does not encroach; however, the front stair does, there will be no encroachment into the side yard setback. Mr. Viccica asked if there were any records that show how far the previous porch extended towards the street. Mr. Reynolds replied no, all their information was antidotal from neighbors with similar homes.

Mr. Viccica asked if this project goes forward that the architect call for proper columns that flair at the base be used instead of the more modern columns with a continuous diameter. Acting-Chair Copelas noted that several second-floor windows would change to doors and asked how the second-floor façade would change at either end of the new deck. Mr. Reynolds replied that the bay windows were once stacked above the roof of the deck, and the architect recommended extending the bays down into the deck to maintain the consistency of the façade and so the bay windows doesn't create an overhang. Acting-Chair Copelas asked if there was enough room to make the deck usable even when creating a bay window. Mr. Reynolds replied yes, the bay window will only protrude 18-inches.

Acting-Chair Copelas opens public comment.

Sandra Prowler, 16-18 Loring Avenue. Asked to see the proposed plans which she was impressed with.

Acting-Chair Copelas closes public comment.

Mr. Duffy stated that a Statement of Grounds was issued that touched on all the points required for the issuance of a Special Permit.

Motion and Vote: Mr. Duffy makes a motion to approve the Special Permit per Sec. 3.3.5 Non-conforming Single and Two-Family Structures to construct a 40' X 8' two-story porch on the front of the structure. Mr. Viccica added that they consider the emphasis on the use of flared columns. The motion is seconded by Mr. Drucas. The vote was unanimous with five (5) in favor and none (0) opposed.

Project A continuation of a public hearing for a petition requesting a Special Permit per Sec. 3.2.8 Accessory Living Areas, to construct a 670 SF accessory living area.

Applicant **JAMES M. MARSHALL**

Location **33 PICKMAN ROAD (Map 22 Lot 16)(R-1 Zoning District)**

James Marshall, owner, was present to discuss the project.

Acting-Chair Copelas stated the items the Board previously requested have been provided including; proof of ownership and plot plan. Mr. Marshall stated that no new construction is required, the building has been in place for 45 years. His request is to allow his wife's foster sister to move into the accessory living area. Ms. Schaeffer noted that an interior plan showing the access was previously provided. She added that the petitioner provided the letter that was requested to explain the relationship of the person to occupy the space, a sister of the family, and they provided the missing deed required by the ordinance. Mr. St. Pierre stated that he spoke with the City Solicitor who agreed with how Massachusetts definition of families is very broad and falls underneath the ordinance's definition of family.

Acting-Chair Copelas opens public comment.

Councilor Steve Dibble, Ward 7. He met the family when they moved in, was good friends with the previous owner and has been in the home many times, the in-law apartment has existing for 2-3 decades. Helping family members and allowing them to occupy these types of spaces is the reason why this ordinance was passed. If no neighbors are in opposition of it he is in favor of approving this petition.

No one else in the assembly wished to speak.

Acting-Chair Copelas closes public comment.

Motion and Vote: Mr. Duffy makes a motion to approve a Special Permit per Sec. 3.2.8 Accessory Living Areas. The motion is seconded by Mr. Drucas. The vote was unanimous with five (5) in favor and none (0) opposed.

Mr. St. Pierre stated that since this is an existing and previously illegal structure, a building permit should be pulled so the petitioner can be given a Certificate of Inspection to legitimize the structure.

Project A public hearing for a petition requesting a Special Permit per *Sec. 3.5.5 Non-conforming Single and Two-Family Structures* and a Special Permit per *Sec. 3.2.8 Accessory Living Area* to allow the construction of a 612 sq. ft. accessory living area.

Applicant **BREANNAH FORTEY**

Location **42 MEMORIAL DRIVE (Map 42, Lot 34)(R-1 Zoning District)**

Documents and Exhibitions

- Application dated May 22, 2018 and supporting documentation

Breannah Fortey and Josh Fortey, owners, and her grandmother Patricia, were present to discuss the project.

Ms. Fortey stated that they are proposing to convert the existing one-car garage into one-bedroom accessory structure for her maternal grandmother to live in. The existing garage is 288 square feet and the proposed addition would add an additional 324 square feet, totally 612 square feet. They are seeking relief for the side yard setback where the addition will be located, at 7.76' from the side property line. Mr. St. Pierre noted that the side property line is also at an angle. Acting-Chair Copelas noted that at the front of the garage the addition is 11-feet from the property line and at the rear of the garage the addition is just over 7-feet from the property line, and the addition continues down the line of the garage. Ms. Fortey replied yes, the existing garage door is recessed from the front of the house and the proposed addition would be flush with the front of the house. Acting-Chair Copelas list asked for the exterior finishes. Ms. Fortey replied vinyl siding with a new front window and a new side entry door. Mr. Fortey added that the existing cedar exterior is the deteriorating and will also be replaced with vinyl siding. Mr. Drucas asked if there will be 2 means of egress and if the back door was associated with this addition. Ms. Fortey replied that the back door is to the main house.

Mr. Viccica asked they will be expanding the garage approximately 3-feet. Ms. Fortey replied yes. Mr. Drucas Asked if the garage was on a concrete slab and if there was a basement. Ms. Fortey replied yes there is a concrete slab but no basement.

Acting-Chair Copelas opens public comment.

No one in the assembly wished to speak.

Acting-Chair Copelas closes public comment.

Acting-Chair Copelas stated that the statement of grounds that was submitted

Motion and Vote: Mr. Duffy makes a motion to approve a Special Permit per *Sec. 3.5.5 Non-conforming Single and Two-Family Structures* and a Special Permit per *Sec. 3.2.8 Accessory Living Area* to allow the construction of a 612 sq. ft. accessory living area. The motion is seconded by Mr. Drucas. The vote was unanimous with five (5) in favor and none (0) opposed.

Project	A public hearing for a petition requesting a Special Permit to operate a licensed retail marijuana establishment in a portion of an existing shopping plaza.
Applicant	SANCTUARY MEDICINALS, INC.
Location	400 HIGHLAND AVENUE (Map 3 Lot 5)(B-2 and ECOD Zoning Districts)

Attorney William Quinn of Tinti, Quinn, Grover & Frey of Salem, MA, was present to discuss the project. He represented Non-Profit Massachusetts Corporation owned and operated by Mr. Jason Sidman, CEO of Sanctuary Medicinals. Mr. Jimmy Alex of Sanctuary Medicinals, Chief Allen a retired NH Police Chief, and Dan Mills of MDM, Traffic Consultant, were also present.

Atty. Quinn stated that at the end of the previous meeting the public hearing was closed, however; the Board Had questions on if the delivery method could be changed. They have conferred with the Salem police chief and she has provided an email response where she has approved their security plan. They've also provided protection, police details, parking and traffic studies, operating plans, security plans for a Special Permit. The Principals are present to answer any additional questions.

Atty. William DeBear, representative for Highland Condominium and Trust behind this site, questioned why the Public Hearing is closed and the petitioner is still able to present new information. He asked if there was a requirement to provide notice that the public hearing is reopened. Mr. St. Pierre replied that the notice that the meeting was continued and that is a question the City Solicitor would have to answer.

Motion and Vote: Mr. Drucas made a motion to reopen the public hearing. The motion was seconded by Mr. Tsitsinos. The vote was not unanimous with four, Acting-Chair Copelas, Mr. Drucas, Mr. Duffy, Mr. Hacker (4) in favor and one, Mr. Viccica (1) opposed.

The public hearing was reopened.

Atty. Quinn asked that the security consultant present the changes to their security plan. Chief Allen stated that at the last meeting concerns were raised about the transport and delivery process of product to the dispensary facility with the rear door being the primary delivery location. His updated security plan calls for the consideration of a front door delivery to satisfy the we're delivery concerns that would be isolated from public view. He is spoken with the Salem police chief and provided an emailed response. She was fine with a front door delivery and their pre-delivery precautions. They

will ensure that there is no one in the common area where customers make their purchases during a delivery. There outside security were put in place and they will notify the Salem Police Department that a delivery will be made, that the Salem Police Department will also have live video coverage of. He inquired about how deliveries are made in the state to other medicinal dispensaries with the Department of Public Health, as well as any incidents that have occurred during a delivery since 2015 when the laws have been in place, and the response was that there have been no incidents. That is important information given number of concerns regarding delivery methods.

Acting-Chair Copelas stated that at the previous meeting he also made a request That's the issue of neighborhood character be thoroughly addressed, since the neighborhood is more than just the business district along Highland Avenue. Atty. Quinn agreed that this is a mixed-use neighborhood and this portion Including the retail mall that has existed for over 20 years with a variety of vendors including those that serve alcohol. Their proposal is to move into one of the vacated space within that mall. The character within their immediate area is a retail use mall where this use is allowed by the state. The Board has its own duty to follow the procedures and review the elements including whether this use is more detrimental to the neighborhood. The neighbors can't pick and choose what retail moves into the areas and this use is allowed by the state with a Special Permit; however, they can only express their legitimate concerns. Nothing has been submitted to the Board other than people negative concerns and opinions about possible negative impacts. Many of those concerns have been addressed and he believes the daycare concerns disappear with front of the building deliveries as well as eliminating any spillover into the residential neighborhood if an incident were to occur at the rear of the building. They've submitted a traffic report with photos showing the unrebuted adequate parking 7 days a week which can accommodate the needs of this facility any day or time. They will work with neighbors on legitimate complaints of people wandering onto their property, noise, odors, etc. and want to be a good neighbor, but he believes there is no evidence that this use will be detrimental to the neighborhood. Acting-Chair Copelas stated that he takes issue with the fact that they do have discretion even though this a legal and approved use for the space and there is judgement involved regarding how it effects the neighborhood character. It seems that the vast majority of the objections in Atty. DeBeers' letter, mostly in regard to the rear delivery, would no longer be the case given the changes made, although traffic was also a concern.

Mr. Viccica asked Chief how they would control consumption and sharing of products in the parking lot, and what the security would look like, since he had previously mentioned walking around and looking into cars. Chief Allen replied that there will be 2 security staff on site, one at the interior and the other patrolling the exterior, who will make rounds and watch for individuals consuming on site. They have done everything they can from a crime prevention through environmental design and this patrolling and the surveillance cameras will be added security. Mr. Tsitsinos asked if the guards will be armed and in uniform. Chief Allen replied, unarmed and they will call the police and take down license plates. Mr. Viccica noted that this location has other customers to the retail spaces in the mall that can come and go freely. He is uncomfortable at this site where other customers will be approached or watched by security which will impact the quality of their lives. Acting-Chair Copelas noted that the Grove Street facility is also shared but with a less intense use. Chief Allen stated that this will be a training and policy issue for their security staff. They will look for obvious violations since it is illegal to consume marijuana in a public place and there will be signage that indicates the law for this product and what is a violation.

Mr. Viccica asked for Chief Allen's future involvement with this establishment if the Board were to approve it. Chief Allen replied that he will continue to consult, he will hire and train the staff moving forward, and will be in Salem weekly. Mr. Drucas noted that this use was approved at 207 Highland Avenue and compared this use to that of a package store which has no security and he sees this the opposite way. Mr. Viccica replied that their previous explanation was not about protecting the civil liberties of others. Mr. Drucas if the use of rear door could be restricted or emergency only since deliveries will no longer be made there. Chief Allen replied that the door will have electronic Access, staff will not be allowed to use it, and the proposed rear security cameras will still be installed. Mr. Drucas stated that he'd like to make it a condition that the rear door be used for emergencies only.

Acting-Chair Copelas opens public comment.

Atty. DeBear stated that he hasn't be able to review the front delivery proposal. It does slightly alleviate some of his clients concerns about deliveries but that may make other people using the strip mall uncomfortable. The rear delivery had safety and security concerns and continuing to include the rear security cameras would be a good thing. Their front delivery security methods should also be addressed. The petitioner stated at the last meeting that they would pay for a police detail during delivery which hasn't been addressed at this meeting, but he doesn't believe the need for that police detail is alleviated with a front delivery, and someone could still go around the rear to create a situation. He asked if they want to create a situation where product is not being delivered through a sally port or is delivered in the way of regular commerce. He questioned how deliveries will be made at Grove Street if it is also a shared property. His client had concerns about neighborhood character and feels that it wasn't properly addressed by Atty. Quinn. This is an unusual situation in Salem with a large residential community behind a dispensary, and this is one community and one neighborhood. This particular site is problematic since it shares an entire boundary with the condominiums, and other sites are less residential in nature. The Board should consider neighborhood character, traffic and parking concerns. There may be a traffic study that shows this use may increase the level of congestion. Those concerns and a front delivery are all problematic and in practice he believes this will be a problem and they ask that the application be denied.

Pat Lombardi, Board of Trustee member and strip mall employee. Elderly use the strip mall and their common wall is within 20 feet of the strip mall. She objects to it being in her neighborhood but not the use. The other sites aren't surrounded by residential properties. They received a letter from the Mayor that the ZBA would investigate the character. There are 140 homes in that area and one of the last neighborhoods like this. Other sites seeking approval are free standing and this should be looked at closely.

Leanne Ziolli, 388 Highland Avenue. This is the third time this application has come before the board. It is within 500-feet of a daycare within the mall, the zoning ordinance stated it can't be that close to K-12 but not daycares, and other businesses have expressed concerns. After the last public comment Atty. Quinn made a derogatory comment about their feelings but no other retailer has said something negative about them. Their next step is a community host agreement. Other retailers received approval, but they picked the right location. In a strip mall this use will be disruptive, but banks are at the ends of strip malls for deliveries, their deliveries should be after 5pm is when it's not

crowded. Parking is at capacity between 8AM-5PM and she believes their traffic study is flawed. Salem is moving ahead faster than other cities and towns.

No one in the assembly wished to speak.

Chief Allen stated that deliveries are random by state regulation and they don't have an option on that for safety reasons. A police detail is in the plan and at the discretion of the police chief and they will do what she feels is appropriate. They don't have a sally port because they can't install one but they aren't the only location approved without one, ATG received approval.

Mr. Viccica asked if they would install a sally port if they had a different location. Chief Allen replied yes, but a delivery with no sally port is just as susceptible to crime. Mr. Viccica asked if they would you have preferred a non-shared space Chief Allen replied that this location lends itself to this use and he doesn't think it makes a difference with their crime prevention standards put in place is what is most important.

Acting-Chair Copelas closes public comment.

Mr. Tsitsinos stated that the petitioner has covered everything they've asked of them. Mr. Drucas stated that 207 Highland was approved and it has a greater residential neighborhood. City Councilor for Ward 3 and 4 raised the issue that there are a lot of these applications for Highland Avenue but it's the Board's job to permit the is only 1 step in the process. He understands the concerns of many on Highland Avenue, but it is their responsibility is to make a judgement on what's been presented to them, and the Board is going their job. When comparing a liquor store to a dispensary, a liquor store could go in without this review or requirements. The proposed security plan makes it more regulated. There won't be 6 even if they may approve 6, and each one so far has meet the required standards.

Mr. Viccica stated that security is his biggest concern and all the security requirements makes this a requirement, unlike at a liquor store. It's an establishment that required this level of security Under that premise that is another business it requires a higher level of safety. He would oppose this location because he believes it doesn't warrant enough to meet the traffic and their security concerns. He will reluctantly vote in favor of it despite his personal reservations.

Mr. Duffy stated that this use is legal and there is an ordinance that allows it to be approved. He asked how much consideration can be put into the fact that it's marijuana. Whether the evidence shows that the criteria have been satisfied is the balance.

Acting-Chair Copelas asked Atty. Quinn to review their findings.

Atty. Quinn stated that this wasn't a popularity contest and that three findings are required to grant a Special Permit.

1. They must meet all the requirement of City bylaw and the State law requirements. His client has obtained three licenses in MA and two in NH, so they should be able to meet these requirements as they have before.

2. In terms of site control, they've submitted a Letter of Intent to the landlord, a security plan, parking study, letters from Chief Butler, and held a community meeting.
3. They must provide adequate security as specified and verified by the Police Chief and this has been reviewed and approved by Chief Butler twice. Chief Allen is also a great security resource for them in terms of planning and employee training.

Atty Quinn added that the other general standard zoning requirements have also been met. This use is within the public interest and meets a social or economic need which was established through a state and local vote, a detailed traffic report and parking study were provided and there is adequate parking most of the time and even during their busiest times. Pedestrian access is in their favor and they will provide a better landing area on Highland Avenue. The utilities already exist at the strip mall, so no new utilities are required, it will have no negative impact on the natural environment and all the construction will be at the interior of an existing property. The character with the neighborhood is mixed but this is a vacant space available to this tenant with a legal use. There is significant tax revenue generated and they will hire local residents as much as possible.

Motion and Vote: Mr. Duffy makes a motion to approve the application for a Special Permit to operate a licensed retail marijuana establishment in a portion of an existing shopping plaza, with the three standard conditions for marijuana retailers 1) The applicant shall not operate until the issuance and submission of a copy of the issued state license by the Commonwealth and all other state and local requirements are met 2) A community host agreement shall be executed with the City within six (6) months of issuance of this special permit. A six (6) month extension can be granted by the Board of Appeals if good cause is shown 3) The applicant shall be issued a state license within six (6) months of the issuance of this special permit. A six (6) month extension can be granted by the Board of Appeals if good cause is shown. The following special conditions; the rear door must be emergency only, all traffic and safety improvements as recommend by the traffic study shall be implemented prior to a certificate of occupancy, signage stating the rules and regulations and safety requirements shall be installed at the entrance, and a police detail will be provided. The motion is seconded by Mr. Drucas. The vote was approved with four (4) Acting-Chair Copelas, Mr. Drucas, Mr. Tsitsinos, and Mr. Duffy approved and one (1) Mr. Viccica opposed.



Project	A continuation of a public hearing for a petition requesting a Special Permit per Sec. 6.10.4 and Sec 6.10.9 <i>Requirements Specific to Cultivation Facilities</i> to operate a licensed marijuana establishment and marijuana cultivation facility. Accessory Living Areas, to construct a 670 SF accessory living area.
Applicant	WITCH CITY GARDENS
Location	38 JEFFERSON AVENUE (Map 25 Lot 388)(B-4 and ECOD Zoning Districts)

Attorney James McMann, represented Witch City Gardens, Tim Haigh, Elizabeth Childs, Kevin Talbot the Owners of Witch City Gardens, Dan Ricciarelli of Seger Architects, Art Crowe the Security Consultant, and Scott Thorton of Vanasse and Associates, were present to discuss the project.

Atty. Mr. McMann stated that all solar power references have been removed from the revised application although its feasibility is still being explored and a letter has been submitted to the Board stating their exploration of it until other items are certain.

Mr. Haigh stated that they've complied with the energy usage demands based on square footage for cultivation lighting and water usage. They will be growing product in 5,000 square feet of cultivation space making them a Tier 2 facility with 133 1,000 watt light fixtures lighting their cultivation flowering rooms. Each of the 1,000 plants will be potted and will occupy approximately 3-4 square feet. Each plant requires approximately 2 quarts of water every 4 days equaling 130 gallons of water. The power consumption will require 133,000 kW Hours, producing 4.14 BTU's requiring a 40 Ton HVAC system to run at 50% usage burning the equivalent of 20 Tons of electricity totaling 29.12 Watts per square foot. Massachusetts cannabis regulations require that they use less than 50 watts which they will be well below. Atty. McMann stated that this information is in the updated lease and cultivation space. They also submitted additional letters from the landlord, Police Chief Butler, and the Fire Department of their security and operations plan.

Acting-Chair Copelas questioned the "non-binding" verbiage in the LOI that was submitted regarding their control of the property. Atty. McMann replied that it is an escape clause and if an issue were to arise the parties would not be bound by these terms, but if everything goes according to plan it will be executed. It is not meant for either side to implement last minutes changes with the use of boiler plate language and solely a letter of intent.

Mr. Viccica stated that the two 25-ton units equal one 50-ton and asked if it is residual for another part of the building. Mr. Haigh replied 50% of the lights will be on for a 12 hours period and the other 50% of the lights the other 12 hours, so only 20-tons will be needed at one time. Mr. Viccica asked about the height and decibel levels of those two units. Mr. Ricciarelli replied that the decibel levels are unknown and the units are 7-8-feet tall, will be set far back and are attenuated but not screened. Mr. Viccica stated that the units will have a visual aspect and sound that could affect the abutting residential neighborhood that doesn't want to see or hear them. Mr. Haigh noted that the trees between this building and the residences are 50-60-feet high. Mr. Ricciarelli replied that they can provide the decibel reading, model number, and acoustical packages. Atty. McMann noted that he was a similar facility with the same units that could not be heard when more than 10 feet away from them. Mr. Viccica replied that as an architect, a 25-ton units has a fairly significant decibel level so they will make noise, residents will see them, and they will be higher when installed on dunnage. Kevin Talbot stated that the adjacent homes are 35-feet higher than grade at this building. Mr. Viccica stated that he wants evidence of the height difference or screen the units. Mr. Ricciarelli stated that they can also change the unit locations, which will probably be 8-9 feet high when mounted to dunnage. Atty. McMann replied that they will comply with any screening conditions and noted that they will use the highest efficiency units possible for overall efficiency, not just energy efficiency.

Acting-Chair Copelas asked for clarification of the square footage in the Basement where 8-10,000 square feet is indicated on the plan and he calculated over 11,000 square-feet including Basement. Mr. Ricciarelli stated that the First Floor is 8,000 square feet, the basement is 3,000 square feet, totaling 11,000 square feet. Mr. Haigh noted that the actual cultivation space will be less than 5,000 square feet. The tier scheme for determining cultivation size is based on the canopy, and the canopy is the actual green growing areas, which doesn't include any corridors through the room. Cultivation canopy can include shelving. Have an LOI to lease the space and the actual square footage will change.

Art Crow, of Oppaset Security Consulting. He stated that he met with Chief Butler to discuss the security plan and transportation and will exceed some of those security requirements. There will be dual factor identification; an access card and pin pad, in case a card is lost and picked up. Five areas will have dual security; the marijuana cultivation area, where money is stored, the retail door, the vault, and the office, so a total of 5 doors will have that dual security. Lock and key control will also be enhanced. The requirements of 935-500 require commercial locks but they will use high security locks. The employees will receive a master key but there will be one available along with an access card in a knox box for the fire department. The access control system and burglar alarm are one system and both security companies being considered have experience in the medical marijuana industry. They are leaning towards IP cameras with a higher resolution for the product storage areas which are in accordance with Massachusetts guidelines. Inventory will be done before and after each work day, in both the retail store and cultivation facility. The production and delivery transportation will also be within the same 935-500 guidelines. They've submitted all documents to the Fire Department for emergency plans, and with over 25 years of security experience, will meet or exceed both the State and Federal guidelines.

Atty. McMann stated that they will have tight security, professional security staff, and they've submitted that they have no prior convictions. This building will have a separation from neighboring pre-school, Mighty Mights, which they've confirmed is not licensed as a kindergarten but a daycare. That facility is 407-feet from property line to property line and a notice was mailed to them 3 times and delivered in person once, and they've received no comment or response from them. Both Collins Middle School (668-feet from property line to property line) and the Phoenix School (1,080-feet away from property line to property line) are well buffered with no sightlines through the trees and other existing buildings.

Mr. Ricciarelli stated that in response to the Boards previous concerns the HVAC unit are set back from the street and the emergency generator will be located at the rear of the site, as indicated on the site plan. The retail parking has 12 spaces and a 20-foot drive aisle with a 20 foot curb cut at the street. The employee parking has a 20-foot drive aisle with a 23-foot curb cut. There are three tenants in the main building including; an existing office space to remain requiring two parking space, the warehouse cultivation area, and tenants C at the rear will be a contractor type use.

Mr. Ricciarelli stated that the front retail building will have a security vestibule and a waiting area that can hold three people where their identification will be checked. The customers can enter the sales floor and will exit the same way their entered. There will an area for support staff, restroom, and an office also in the 1,430 square foot retail building. The exterior will be painted, install decorative tile

inlays in the infilled windows, add vines to three sides of the building, and the existing landscaping will be redone and the missing street trees will be added.

Parking Study: Mr. Ricciarelli stated that there will be 1 space for every 150 square feet of retail, 9 spaces will be provided in the front with 3 overflow spaces. For tenant C, 2 parking spaces will be provided. After calculating the parking space requirements for each use, 32 spaces are required and they will provide 36. Mr. Viccica asked about the employee count and required parking, which he read as 8. Mr. Haigh replied yes; however, the retail employees aren't factored into the parking ordinance. An additional 9 parking space are required for the cultivation area square footage, but the number of employees will differ during at different times of the week. Scott Thorton, of Vanesse and Associates, stated that the total for the facility from 8AM-5PM is 10-12 employees. Between 5PM-8PM during the week and weekends there will be 5 employees. 12 employees is their maximum including their security personal. For cultivation, retail and security during the day from 8AM-5PM there will be 6 employees. Between 5PM-8PM and weekends there is only a parking need for the retail and security personnel, totaling is 5 employees. Mr. Haigh noted that there are 36 available parking spaces. Mr. Viccica replied that the parking will also be shared with an existing office and an unidentified contractor. 9 will be used by the other tenants leaving a 25 for their use, 12 of which will be used by employees.

Mr. Drucas noted that the square footage totals don't add up correctly. Mr. Haigh stated that they will have 2 leases, one for each space, and the 3,000 square foot Basement space will be used as storage and wouldn't be included in this count but they will have control over it. Acting-Chair Copelas stated that they Board needs to know the true proposal and use. Atty. McMann stated that the principals can reflect the actual as-built conditions and update the lease for the Board.

Ms. Schaffer asked what the sally port would look like and where it would be located. Mr. Haigh replied that they've designated an area and Chief Butler will determine if it was necessary. If it's not required it will not be included, but if it is included it won't affect the parking. Acting-Chair Copelas stated that the ZBA could require it. Mr. Haigh noted that the sally port would be chainlink fence with no cover and it would remain open unless it was in use. Mr. Crow added that the chainlink fence would have 9 gauge galvanized wire with 2" openings and the metal posts would extend 4-feet into the ground due to the frost line sunk into concrete. There would be either twisted selvages or galvanized pipe to top and bottom for stiffening. The bottom of the fence can be no more than 2" above grade. Mr. Viccica asked if their security plan require a sally port. Mr. Crow replied that all deliveries would either be through a fenced in area or the loading dock which is an exposed area. Mr. Haigh stated that he is not opposed to making the sally port a condition. Mr. Ricciarelli replied that depending on the vehicle and a sally ports are generally 25-feet long x 10-feet wide. Atty. McMann noted that U.S. Army security guidelines are what they are using. Mr. Crow noted that the fence will be 8 feet high with no wiring at the top.

Mr. Haigh stated that the same operating procedures will be used moving the product to the retail space as they would use during a vehicle delivery. The product will be in a locked metal box with GPS and will remain monitored and under surveillance at all times. Two people will be in custody of it at all times and the manager at the retail space will be told of the delivery times. Mr. Crow stated that the product will be transported in a metal container bolted to a cart to move it back and forth and there will be a GPS tracking device and locks that managers will have keys to, not the two

delivery personnel. Atty. McMann noted that the product will be logged before and after its delivered, as well as weighed, inventoried on video that is kept for 90 days for the Cannabis Control Commission audits which follows the rigorous state delivery procedures.

Mr. Drucas asked about the security measures in the cultivating warehouse. Mr. Haigh replied that all areas where marijuana may be present are covered under security cameras with dual authentication at the doors, motion sensors throughout the facility as well as above any drop ceilings, vibration sensors in the wall and ceilings, and panic alarms. Atty. McMann stated that areas with marijuana are limited access areas by badged employees, keypads and pin pads, 100% security coverage, perimeter coverage, and security cameras in front of each door with a high enough resolution to verify faces to verify their authorization. Mr. Crow added that the restricted access a person will only be granted access to an area based upon a verifiable business need, and those restrictions within the facility will go through management. Retail employees will not have access to the cultivation area. There are also three audible alarmed doors at the cultivation facility and two doors for personnel. The door at the loading dock will have keycard access and can only be opened from the inside. Those doors will also be monitored by CCTV cameras. The marijuana products and regular business operations will be kept separate. Atty. McMann added that the monitoring will be done by two independent redundant security systems monitored by two off-site security systems.

Mr. Viccica if the cultivation and retail had the same hours and what happens when an alarm goes off. Mr. Haigh replied that the hours will be 9AM-6PM, Monday-Friday and only management will have cultivation access over the weekend. The alarm goes to the monitoring station which will contact management to determine how to respond. Duress or panic alarms will go to the Police Department who will have 24/7 access to the CCTV system and cameras. Management can use an app and log in remotely to see what has occurred on the security camera and the police are also down the street. Atty. McMann stated that all alarms get reported to the Cannabis Commission within 24 hours. Mr. Haigh noted that they have provided an operating plan for each type of incident that may occur. Mr. Tsitsinos asked if the police would show up anyway. Mr. Haigh replied that if management can't be reached the police will be dispatched.

Mr. Drucas asked what will occupy the 8,000 square foot space. Mr. Haigh replied storage space, office, vault, drying rooms, mother room the mother plants, 1,000 square feet of nursery for vegetative growth and flowering rooms. There is 5,000 square feet of cultivating space and 3-4,000 square feet of canopy. Acting-Chair Copelas asked if products would be exclusive from their facility. Mr. Haigh replied yes, other non-edibles may be sold within a couple years and they will sell other people's products as well. Acting-Chair Copelas asked if those uses were shipments were calculated into that traffic study. Mr. Haigh replied yes, they used retail numbers from Washington state, and using their products would greatly diminish the number of incoming deliveries. Mr. Drucas asked where they think they will be within a year in terms of product coming and/or going. Mr. Haigh replied that there is one delivery license available in Massachusetts, similar to alcohol deliveries. They could place an order and have it arrive in one delivery. Deliveries could be 1-3 a week or a month, but it's difficult to say. Atty. McMann noted that other items associated with the growing marijuana are available through Amazon. Mr. Haigh added that all marijuana products will come through the loading dock and when the loading dock door is open the doors to the facility will remain locked.

Security: Mr. Crow noted that the security system is an integrated system that communicates with each other and real time images with a view from the specific camera showing where the alarm occurred will be available before the alarm went off and up to 5 minutes after. All cameras will show what has occurred. Mr. Haigh noted that he will comply with all state regulations for the cultivating rooms. Mr. Viccica asked for a description of exterior lighting and if there will be any bleed out over property lines. Mr. Crow stated that there is a 35-foot high ledge near Jefferson Avenue. Mr. Talbot added that ledge surrounds the building and the existing lights are not cut off but they also don't bleed onto the neighboring site but they will change the exterior lights for security purposes.

Traffic Study: Scott Thornton, Traffic Engineer from Van Ness and Associates. They conducted traffic counts, reviewed crash history, site distances, did projections out to 2025, developed trip generation estimates, and parking calculations. Their traffic counts from early June counted 17,000 vehicles during weekday evenings and Saturday mid-day on Jefferson Avenue. Peak hour traffic flow in the evening was 1,400 vehicles per hour and 1,040 vehicles on mid-day Saturday. The crash history from 2011-1025 at Jackson and Jefferson Avenues and any that occurred at site driveways, equaled 1.8 crashes per year, with a crash rates of .21 crashes per million vehicles, and the state average .456, which is less than half of the district average for un-signalized intersection.

Traffic volume: Mr. Thornton stated that the site generates 13 vehicular trips per day, 4 entering and 9 exiting during the evening and 7 during the mid-day that entered but did not exit within that hour. The sites previous activity had 50 vehicles moving on and off-site regularly and they moved the majority of their operations to Salisbury in 2017, and the trip generation reduced. At the moving company storage facility they observed 1-2 minute traffic stop when trucks or tractor trailers, 40-80-foot in length, need to back-up and they needed to use the Northbound lane to back into the site.

Mr. Thornton stated that in terms of the project generation four uses were categorized; office, contractor, cultivation, and retail. Using the ITE trip generation source which has a marijuana facility use and those four uses generated 50 trips during the weekday evening, 22 in and 28 out and on Saturday mid-day 56 trips were generated, 27 in and 29 out. That is an increase between 37-49 trips exiting and entering. That created an incremental traffic increase on Jefferson between .8 and .17% . The level of site analysis for service at Jefferson and Jackson Avenues saw no change. The driveway delays, vehicles waiting to make a left turn onto Jefferson Avenue, are between 8-15 delay increases that are felt on site.

Parking Analysis: Mr. Thornton noted that the parking was calculated by the uses on site. Mr. Drucas reiterated the 1-2,000 square foot discrepancy on plan. Different parking space numbers would be calculated based on the correct square footage breakdown, which currently don't add up. Ms. Schaeffer asked about the expected queuing on site due to time it will take to get out of the parking area and if there is enough room for that that queue. Mr. Thornton replied that their calculations indicate a queue of less than 1 car. Acting-Chair Copelas asked about mitigation entering and exiting the site. Mr. Thornton replied that the South driveway is approximately 28 feet wide, there is a sidewalk along the frontage and the North driveway curb cut is 115feet. They are proposing new sidewalk along the entire frontage, narrowing the South curb cut to 20-feet and narrowing the North curb cut to 23-feet. All new vegetation will also be below 24" high to improve pedestrian and vehicular visibility and they will construct the new sidewalks that currently don't exist. Mr. Viccica asked if the proposed square footage was supposed to be overall amount of usable

space. Mr. Haigh replied that they have spoken to the landlord about using the Basement for storage. Mr. Viccica noted that the plans need to be accurate in order to correct the parking and cultivation space.

Acting-Chair Copelas asked if they have the appropriate buffer at the parking and if there is an easement in place to the right of building. Kevin replied that there was a separate piece of property, a railroad right of way, was purchased and some was sold back a portion to North Shore Marine that their building was sitting on, and it is available to them for parking.

Acting-Chair Copelas requested that they identify the documents that need to be clarified and any missing information. Mr. Viccica noted the two 25 ton units, sound attenuation, screening, accurate heights on drawings of the buildings and the equipment. Acting-Chair Copelas noted the accurate square footage needs to be clarified in the LOI. Mr. Drucas noted dimensions of the sally port. Mr. Haigh replied that the sally port has no design requirements, the requirement is for access control only. Mr. Crow stated that he used the US Army requirements as a basis which he went above and beyond but can provide a photo of what he is proposing.

Chair Curran opens public comment.

Mike Ouellette, 20 Calabrese Street. Concerned with the location, potential smells, filtration, traffic on Calabrese Street, and the compost dumpster which also smell and could be a public nuisance.

Linda Whiter, 20 Calabrese Street. Believes that cut-through on their side streets will be used.

Seth LeJoy, 131 Essex Street. This is a good location and fits the character of the neighborhood.

Jeff Cohen, 12 Hancock Street. Has spoken to the operators about doing sustainability on site and they were the only operators that reached out to him about making their retail store fully sustainable. He knows the operators personally; they are Salem residents, parents to Salem students, businesses owners that contribute to the community, and model operators.

Amy McHan-Believes this will be good for the community, the owners have kids in Salem, this is a great location, it's walkable from the downtown, and a good fit.

Wendy McCallum, Calabrese Street. Has no issue with the business owners but disagrees with this site as a location since part of that land is R1. The plot is split down the middle but the ingress will be on the residential side of the building. Bigger business means more traffic and the building will be visible during the winter from Calabrese Street. The compost and other smells will be a nuisance. This use has been compared to a liquor store but there are a limited amount of them in the City and they should find another spot for this.

Lisa Peterson, Ward 3 City Councilor. Heard from neighbors who were opposed to this use at this location. The feedback at the neighborhood meeting has also been positive. She takes no potions in either direction. The proprietors want to be good neighbors and she believes they will meet all the concerns of the Board and neighbors.

Public hearing to stay open.

Atty. McHann stated that in terms of odor control, the property will be inspected twice a month by the Cannibus Control Commission to address environmental concerns. There are multiple layers of infiltrations with charcoal filters and they use UVB and UVC lights to destroy the smell and prevent any odor from leaving the facility. The light and temperature is controlled so there will be no air gaps and light getting through. The compost has state guidelines and is ground to a powder and mixed with un-used soil, and placed in a lidded dumpster. It smells like earth, is removed once a week, and the dumpster will be located towards the rear of the building at the South. Mr. Viccica noted that it has no fence and asked if the two were labeled. Mr. Haigh noted that it travels through a chute from an electric grinder inside and is mixed with soil before it leaves the building to the 90 gallon compost dumpster. Atty. McMann added that when mixed with dirt it is considered uncontrolled waste. Mr. Viccica asked if the unit to control that has ventilation. Mr. Haigh replied no, the ventilation for the cultivation rooms, HEPA filters removes the particles only and the CO2 will be ejected. Mr. Viccica asked if there was anything else that makes noise. Mr. Haigh replied that the cooling systems would be similar to a large walk-in refrigerator.

Mr. Thorton stated that the majority of traffic to the site will come from Jefferson Avenue and approximately 20% will come from Jackson Street not Calabrese Street. Jefferson to Jackson is the much faster route. Atty. McMann added that the clients educational material will also inform their customers of which route to take and informed about not using the products on site will also be posted. They will coordinate it with the police and anyone who doesn't follow those rules will be added to a banned purchaser list. Mr. Haigh asked if it would possible to receive approval for the special permit. Acting-Chair Copelas replied that he didn't want to break up the approval since it was filed as a joint proposal and it can be continued to July 18th pending the submission of the missing items.

Councilor at Large Sargent. Concerned with the use of charcoal filters since auto body shops use them and neighbors still complain about the smell. Also wanted to ensure sound muffling would be used at the HVAC units so maintain the quality of life of neighbors and neighborhood. He questioned the zoning since this is site neighbors an R1 use. Mr. Haigh replied that the two neighboring properties are both businesses and there is less than a 30 foot encroachment.

Motion and Vote: Mr. Duffy makes a motion to continue to the regular July 18, 2018 meeting. The motion is seconded by Mr. Tsitsinos. The vote was unanimous with five (5) in favor and none (0) opposed.

Project	A continuation of a public hearing requesting a Special Permit per Sec. 3.3.2 <i>Nonconforming Uses</i> to change the existing non-conforming function hall into a multi-family residential use. The petitioner is also requesting Variances from Sec. 3.3.4 and Sec. 4.1.1 <i>Table of Dimensional Requirements</i> for lot area per dwelling unit, number of stories, height, front yard and side yard setbacks to allow a two-story addition to the existing one-story rear structure.
Petitioner	SPIRE INVESTMENTS, LLC
Location	94 WASHINGTON SQUARE EAST (Map 35, Lot 536)(R-2 Zoning District)

Documents and Exhibitions

- Application dated April 18, 2018 and supporting documentation

Attorney Scott Grover of Tinti, Quinn, Grover & Frey of Salem, MA, was present to discuss the project. Peter Pitman and Richard Thorton, Architects, and Brigitte Fortin of Pitman & Wardley, Dick and Jay Goldberg of Spire Investments, and Scott Cameron Civil Engineer of Cameron Morin Group.

Atty. Grover stated that there have been significant changes in response to the neighborhood and Board comments. They've conducted another neighborhood meeting and incorporated all of those changes into the revised plans. There has been a reduction in building height at the addition, the original proposed was 40-feet high and it is now down to 35-feet which is required in the R2 zoning district. They neighbors felt that the addition was too large. They've eliminated the side yard setback and moved the building back to existing footprint with no new encroachment. The previous 20-units have been reduced to 18-units. These changes resulted in a reduction in the relief requested. The parking has been reduced to 27 spaces and they've eliminated 3 spaces from within the travel lane. The trash shed that was within 3-feet of side lot line has been moved further away from the side yard. They are still going from one non-conforming use to another, from a function hall to multi-family. The addition is still 3-stories and they will still need a variance for going over the 2 ½ story limit. A variance for lot area per dwelling unit is need and with two less units the low area per dwelling unit increases from 1,251 square feet to 1,391 square feet with two less units. They also provided a density analysis of the neighborhood and the neighboring lot per dwelling unit is typical with other properties. The Board requested a Pro Forma, which they've provided, and a literal enforcement would create a project not economically feasible. Those documents were submitted to the Board last week.

Mr. Pitman stated that the red-line diagram indicates the buildings relationship to the buildings across the street. They have a higher roofline at the mechanical equipment and top of the elevator shaft. They've lowered the massing and included a well on the 3rd floor to house the mechanical equipment. They brought back the third floor even more to create a greater break-up of the elevations, and the exterior wall has moved inward from the edge to allow for the drip edge overhang. Acting-Chair Copelas asked if the new plain match the line of the foundation. Mr. Pitman noted that they've added more landscaping, the mansion will still be restored, the elevator

shaft won't be visible from the street, and the brick façade mid-span to break-up the façade, will pushed back even further from the street. They also reviewed sun-angles on the neighboring properties. Atty. Grover noted that the addition is much smaller to make it a better fit for the neighborhood. Mr. Pitman noted that their mansion is smaller than the one across the street.

Acting-Chair Copelas asked if the floors were still aligned. Mr. Pitman replied 1st floor yes, the second floor has an internal ramp, but they've lost accessibility to mansion attic.

Mr. Pitman stated that they've reduced the number of windows facing the neighbors, created a well for the mechanical equipment which will be screened for sound and aesthetics. Mr. Viccica asked the two infilled windows at the front of the mansion were pre-existing. Mr. Pitman replied that they were an historic infill at an existing elegant library with built-in casework that will be preserved along with the critical details of the interior. Atty. Grover noted that preservation of the mansion was driving this project and five units are still proposed in that building. Acting-Chair Copelas asked if the square footage of the units in the addition was reduced. Mr. Pitman replied yes.

Mr. Viccica asked if this project will be reviewed by the Planning Board or Historic Commission. Atty. Grover replies yes, a site plan review by the Planning Board and they've already volunteered for a review by the Historic Commission and ended up including many of their requests.

Mr. Drucas asked if the board fence was along the neighboring properties and the proposed metal picket fence was to be installed everywhere else. Mr. Pitman replied yes. Atty. Grover noted that the Planning Board will weigh in on the type and style of fences.

Atty. Grover stated that they are now requesting 1 special permit and 2 variances and they aren't as dramatic as the previously requested 7, including more lot area per dwelling unit and reducing the addition height to 35-feet. Acting-Chair Copelas asked if the elevator was also below 35-feet. Mr. Pitman noted that the architectural element of the church spire doesn't count in terms of height.

Acting-Chair Copelas opens public comment.

Sharon Crigan, 6 Brigg Street. Said the project has undergone an amazing improvement and requested clarification on the new Briggs Street elevation. Mr. Pitman replied that the balcony depth is 4-feet, thin brick will be used on top of the foundation, the brick at middle section of the addition is try to match the Federal Period brick with a tinted mortar. They are proposing approximately 8 light posts around the property that will thoroughly be reviewed by the Planning Board. She asked who makes sure that what is built is what was on the plans. Mr. St. Pierre replied that he will receive an affidavit from the architect of the project who legally ensures that the plans match what was built.

Mike Redfurn, 4 Andrews Street. Noted that they've reduced the height, added interesting architectural details, and stated that most of their complaints have been answered. There is a better site plan and landscaping and he is in favor of it being a residential use. He asked if they could add brick to other side that faced the parking lot to also break it up. Mr. Viccica reiterated that the Planning Board will review those details.

Kate Vernadder, 71 Webb Street. Thanked the Board for their comments that have progressed the project forward. She still wishes there were less units but the overall new design is much improved.

Ms. Cregan asked why there were a church steeple element at the roof. Mr. Pitman replied that it is a penthouse for the elevator and it won't be visible from the street.

Acting-Chair Copelas read a letter dated June 18th letter from Richard and Rosemary McMullan. Atty. Grover replied that the Planning Board may require a traffic peer review and that's where it would be done. Mr. Cameron noted that the reviewed will be for vehicular traffic and pedestrian, and both will be vetted by the Planning Board.

No one in the assembly wished to speak

Acting-Chair Copelas closes public comment.

Acting-Chair Copelas asked if the driveway will be one way in and out. Mr. Jay Goldberg replied yes, and there is a turning radius for a fire truck.

Atty. Grover stated that the variance request is due to the uniqueness of the structure. The hardship is that a literal enforcement would only allowing 2 units in the 20,000 SF building within an R2 zoning district. Without a special permit you'd be at 3-units but lot area per dwelling unit reduces the unit count to 2. He believes there are sufficient grounds for a hardship. The proposed project doesn't derogate from the intent of the zoning ordinance and isn't creating something detrimental to the public good. They are making a commercial use into a residential one and their requests have been reduced to what is necessary.

Mr. Drucas stated that in regard to their Special Permit requests, he found in the two locations sited as examples, in one they found that there wasn't a hardship and in the second they reversed their decision. Atty. Grover replied that the propositions was what he felt was important when applied to this case. For a special permit he believes have all been met and the new use is not more detrimental than the existing use, it will meet social and economical community need to provide housing in Salem, traffic flow safety and parking have been addressed. The parking proposed meets the requirements for parking and traffic flow and will also be dealt with by the Planning Board.

Motion and Vote: Mr. Duffy makes a motion to approve a Special Permit per Sec. 3.3.2 Nonconforming Uses to change the existing non-conforming function hall into a multi-family residential use. The petitioner is also requesting Variances from Sec. 3.3.4 and Sec. 4.1.1 Table of Dimensional Requirements for lot area per dwelling unit, number of stories, height, front yard and side yard setbacks to allow a two-story addition to the existing one-story rear structure. The motion is seconded by Mr. Tsitsinos. The vote was with four (4) in favor and one (1) Mr. Drucas opposed.

Project	A continuation of a public hearing for a petition requesting a Special Permit per Sec. 3.3.3 Non-Conforming Structure to allow the petitioner to alter and expand the existing structure
Applicant	NORTH VENTURES, INC.
Location	12 MALL STREET (Map 35 Lot 103)(R-2 Zoning Districts)

Attorney Tom Alexander of Beverly was present to discuss the project.

Atty. Alexander stated that this structure was built in 1836 for the grocery Timothy Brooks. It fell into a dilapidated condition and his client purchased it while in foreclosure. It was being illegally used as a five-unit but it is a legal three-unit building. Several improvements are proposed including; Removing the single window dormer at the rear of the house, Converting the single window dormer in the front to a double window dormer, and constructing a one-story addition on top of the existing single-story structure at the rear of the house. The zoning relief requested for allow his client to make significant upgrades to the property, so it can work closely resemble its historic appearance including; removing the vinyl siding, restoring two enclosed porches to open air porches as they were historically.

Atty. Alexander stated that at their previous meeting the two adjacent neighbors spoke about the proposed project. The left abutter spoke in favor of it and corroborated that the structure has previously been used illegally as a five-unit building. The Right about her was concerned about the proposed second story height with possible windows. Mr. Potter, the principle of North ventures LLC, met with her after the previous meeting and as a result a new plan was generated that lowered the proposed elevation and added no windows on the side that faces her property. Atty. Alexander presented those revised plans to the Board and stated that the revisions should satisfy the requirement that the proposed project is not substantially more detrimental to the neighborhood, but an improvement and bring back the historic nature of this property. By continuing to be a 3 family there will be no traffic impacts to the neighborhood, existing utilities are more than adequate to service it, there will be no increase in footprint and therefore have no impact on the natural environment, the neighborhood character would be affected in a positive way and the property values improved, and increased taxes.

Acting-Chair Copelas stated that he was absent at their previous hearing but listened to the recording and is eligible to act on this petition. Mr. Drucas noted that he missed part of the previous presentation and listened to the recording.

Acting-Chair Copelas asked how the rear addition would be used especially because it will have no windows. David Potter, President of North Ventures, replied that it will be used as a bedroom and bathroom and the three flats will be turned into townhouses for better resale value. The addition is only 10 or 11-feet wide so the windows will be on the side and look onto the parking area and haven't changed from the original plans. There will be shed dormer style second floor. Mr. Drucas asked if that increases this side yard setback and how much lower the building height will be. Mr. Potter replied no, the roofline location will remain the same, and the height will be 1-foot lower than

previously proposed. Atty. Alexander stated that they submitted an email from the neighbor stating that she liked the revisions. Ms. Schaeffer noted that the e-mail from the neighbor was submitted.

Mr. Viccica ask how many parking spaces will be provided. Atty. Alexander replied 4-5 and two of the spaces will be tandem. The same number of spaces will be provided.

Acting-Chair Copelas opens public comment.

No one in the assembly wished to speak.

Acting-Chair Copelas closes public comment.

Motion and Vote: Mr. Duffy makes a motion to approve a Special Permit per *Sec. 3.3.3 Non-Conforming Structure* to allow the petitioner to alter and expand the existing structure. The motion is seconded by Mr. Tsitsinos. The vote was unanimous with five (5) in favor and none (0) opposed.

OLD/NEW BUSINESS

ADJOURNMENT

Motion and Vote: Mr. Duffy made a motion to adjourn the June 20, 2018 regular meeting of the Salem ZBA of Appeals, seconded by Mr. Tsitsinos, and the vote was unanimous with five (5) in favor and none (0) opposed.

The meeting ends at 10:50PM.

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://salem.com/Pages/SalemMA_ZoningAppealsMin/

Respectfully submitted,
Erin Schaeffer, Staff Planner