

City of Salem ZBA of Appeals

Meeting Minutes

Wednesday, May 9, 2018

A meeting of the Salem ZBA of Appeals (“Salem ZBA”) was held on Wednesday, May 9, 2018 in the Large 1st Floor Conference Room at 98 Washington Street, Salem, Massachusetts at 6:30 p.m.

Peter Copelas calls the meeting to order at 6:30 pm.

ROLL CALL

Those present were: Peter A. Copelas, Mike Duffy, Chris Drucas, Jimmy Tsitsinos, and Paul Viccica. Also in attendance: Tom St. Pierre - Building Commissioner

REGULAR AGENDA

Project A public hearing for all persons interested in the petition of seeking a Special Permit per Sec. 6.10.4 and Sec. 6.10.9 *Requirements Specific to Cultivation Facilities* of the Salem Zoning Ordinance, to operate a licensed retail marijuana establishment and marijuana cultivation facility.

Applicant **WITCH CITY GARDENS**

Location **38 JEFFERSON AVENUE (Map 25 Lot 388)(B-4 and ECOD Zoning Districts)**

Documents and Exhibitions

- Application dated March 28, 2018 and supporting documentation

James McMahon - Representative-This property is located in the B-4 and Entrance Corridor. Witch City Gardens intends to diversify the uses within this zone, increase tax revenue to the City and make quality of life improvements along the entrance corridor requirements that apply to this section of Jefferson. To talk a little bit about the operational overview of the facility, there will be two (2) facilities on the site. One will be a retail facility and the other will be a cultivation facility. This is essentially a vertically integrated model where products are made in the rear and retailed out of the front. This building here is an existing office space and would be facility “A”, which would be the retail space that is roughly 1,400sq. ft. This area back here, an 8,000 sq. ft. portion would be used as cultivation space. It is a unique use and great utilization of the existing floor plan without having to add any additional square footage. The facility will serve as a model of discrete and secure cannabis development. The current site will not be expanding or have any exterior alterations aside from aesthetic improvements and security installations. Facility “A” is the retail space and is design to meet the highest industry standards of class A retail spaces and secure retail sites. The states’ security for cannabis retail sites are about 50 pages long. These facilities are incredible secure and incredibly well controlled and well-regulated without the need to make it look like a prison or the need to change the envelope of the building. Facility B is the cultivation space and totally separate from Facility “A” so there is never a chance for a retail customer to enter into the cultivation facility.

Employees are tracked between the two (2) facilities there will be no ability to cross between the two (2) sites without the expressed permission within job descriptions. The way that this is achieved is through the use of access control measures including security key pads and RFID cards that can be tagged into the employee job functions so that way a retail employee that doesn't need to be in the cultivation space does not need to have access. A cultivation employee does not need to have access to the retail facility. You can control the security and access through an electronic security means. No customers or visitors are allowed in the limited access areas. These limited access areas include the back of the retail space and the entire production floor. Employees will be thoroughly vetted through background checks. They will receive employee training as well as eight (8) hours of supplemental training per year. You have an incredibly secure facility staffed by incredibly well trained people. This is a world class establishment.

In facility "A" no products will be grown processed or packaged and there will never be any on site consumption allowed within the entirety of the facility. In facility B this is where all of the cultivation, processing and packaging takes place.

Dan Ricciarelli- Seger Architects- Presents plans. This building is the T.E. Anderson building. This is not a heavy architectural project. There are no changes to the foot print of the building. There are minor exterior changes including new paint and exterior repairs to the existing structure. All parking will be on-site for employees and visitor parking. There is some small office space inside that will remain under the original owners. Mr. Ricciarelli presents photographs of the current site. There are trucks that are on site currently that will no longer be parked here. The proposed retail store will be gutted and become the retail use. The existing warehouse will be reused for the cultivation facility. The storage space back here will remain as it is for now. The site plan includes retail here along Jefferson Ave. Trees will be planted along Jefferson Ave. Parking for the retail will be here to the south (12) spaces for that and employee parking and some parking for existing office space for a new tenant. All waste will be on site- there is a composter here and trash dumpsters here. Mr. Ricciarelli presents the interior floor plans and interior customer circulation. The building is a plain white masonry building. The building will be repainted and cleaned up, the planter in front will be refurbished, new trees will be planted, new roofing and sprinklers in the building. There are four (4) window opens here, they will remain closed up. There will be no windows due to security and we will probably do inlay panels here. For a little color here, we may add a living wall, which is a stainless steel grid with plants that grow inside of it. This is to bring color and interest to the building. We are looking to paint the building a gray or dark gray and have some kind of growing feature on the exterior of the building.

Scott Thorton- Van Ness and Associates- We have prepared a traffic review associated with the development. Traffic conditions, look at the likely differences between existing use and proposed use. It is likely that the proposed use will have an increase in overall vehicle traffic compared to what is there now. But it is likely to be less disruptive than what is there now. As James McMahon, Tim, Dan have mentioned there is a moving company that currently occupies the building. There are two (2) existing curbcuts to the North and South. The one on the south is about 28 feet wide. The one to the north is about 100 ft wide and stretches to the north east corner of the building to the sidewalk. The opening is over 100 ft long, but is about 100 ft along the subject property. Jefferson Ave. is about 40 feet wide and is posted for no parking, although people do park along the road. The road is posted for 25 miles per hour, a little south of the side the speed limit is 35 miles per hour. In terms of the type of traffic, there is a good mix of car traffic and truck traffic. One thing that we were

brought in late to the process. We were out there and made observations last week. Some of the movements that occur with the moving company. In general, the loading docks, for trucks to utilize these take up the entire width to allow these smaller trucks to back up. The moving vans 80-90 foot long vehicle back into the site and is a very involved process and the movement closes both sides of Jefferson and obstructing traffic flow for 1-2 minutes at a time. With this new use, there will not be an obstruction of traffic. The petitioner will be improve the frontage along Jefferson Avenue. The curbcut to the south will be reduced from 28- 24 feet and the curbcut to the north that is currently 100 ft + will be reduced to 20-24 feet. That will improve conditions for pedestrians and vehicles coming in and out of the site with better definition and access for the proposed facility. In terms of traffic flow we looked at counts that were done for the Northshore medical center expansion and in general what they found was that the traffic flow on Jackson Street is split 1/3 right turns 2/3 left turn. The left turn out has some substantial delay and stretch back toward the cider house, but would clear out rapidly. This is a known uncivilized intersection. In terms of the proposed site operation, I would expect that this use will generate a little more traffic than the current use, but we were not able to get out to take traffic counts so we are not able to definitely say how much more or less it would generate. We have had a conversation with representatives of the moving company and they indicated that at times they have had 50- 75 employees for the moving company moving in parking and taking trucks out. So there is a lot of traffic here over the course of a day. Some of that is truck traffic, employee traffic and vehicles dropping materials off for storage. These are all additional vehicle trips. As it relates to the proposed site there is some data that indicates that vehicle trip generation could be 30-50 peak hour trips. This is approximately a quarter of vehicle trips of a fast food restaurant, so this use is not a large vehicle trip generator at all. There are some proposals to improve the sidewalk in this area. Currently, the sidewalk is a mess so that is proposed to be improved along with better definition of the curbcut for vehicles entering and exiting. The removal of the moving trucks is key to this site.

James McMahon- We have heard a lot of the information covered, but I would like to review the criteria for a special permit. Item number one, social, economic or community needs served by the proposal is that the City of Salem voted favorably to allow retail marijuana establishments and is now permitted by the City as an allowed use. This use stands to significantly benefit the City. This use is an intensely local operation as you can see from the name "Witch City Gardens" this is focused on Salem first and foremost. As a way of actualizing those goals, in addition to signing a community host agreement with the City to include a 3% gross revenue share impact fee, designed specifically to offset and mitigate any possible deleterious effect of our operations. Witch City Gardens is proud to offer numerous other benefits to the City of Salem and residents in light of their long standing connections to the area. One of the benefits that I am excited to announce is the development of a Community Cannabis Action Board made up of members of Witch City Gardens, local residents, and invited stakeholders from City government to provide a forum to address any local concerns and provide an open and unfettered flow of information and provide a forum for Salem residents to meet and create ties with other Salem residents. Witch City Gardens expects to create 10-12 full time jobs. As current residents and business owners within the City of Salem, the partners are proud to announce a hire local strategy where all open positions will be advertised within immediate circulation within Salem prior to greater distribution and in light of all economic empowerment concerns. Using Talbot's long standing experience within the trade community, the partners intend to bid as much work as possible to local companies during the build out phase and for future maintenance needs. Witch City Gardens looks forward to close and transparent collaboration with the Salem Police Department and other public safety officials. They have met

with the Chief of Police and Fire Department, with no objections to the plans. Using Ms. Childs's extensive experience and family knowledge, they do not have to learn as they go. They are able to use existing models of operation in other states, to come in and still run an intensely local facility.

For item number two (2) traffic flow and safety, I believe that was fairly comprehensively addressed. This is a significant improvement over traffic conditions of the site, including improvements to the sidewalk. If it is two (2) minutes for each of these trailers to back onto the site, that is 24 minutes of blocked traffic along Jefferson Avenue, that will not occur with Witch City Gardens use. So Witch City Gardens will never have a delivery truck like that in there. Deliveries will take place through vans and have a very low intensity and low traffic impact in an area that already has high traffic counts from existing businesses. Adequacy of existing utilities and other public services- The applicant does not expect to require any additional public services or utilities beyond any other non-cannabis retail facility for facility "A" (retail facility). Essentially, this is simple class A retail. For the cultivation facility, the only update to the utilities will be to the electrical service, which will be an upgrade to 800 AMPs.

To further decrease any further impacts to utilities, the applicant is looking into installing solar energy generation systems and looking into a solar car port system. This business has been designed from the ground up with sustainability in mind. We are currently looking at the balance of security features and energy efficiency features to see exactly how the Cannabis Control Commission comes down. If there is an opportunity to increase the on-site renewable energy generation, that is something that we fully intend to explore, and explore seriously. Witch City Gardens will use Mr. Talbot's utilize his knowledge in the energy industry to maximize the use government incentives and energy efficiency programs including installing batteries that will allow the operation to run on 100% renewable energy once those systems are in place. The other great thing about the battery systems is that it provides a backup to security features in the event of power loss. Batteries can run for up to 48 hours per state code and that provide ample time for someone like Mr. Talbot's to either get the system working or find a generator to get the system working again. Witch City Gardens is also working with energy companies to design a sanitary and energy efficient system to ensure the highest and purest grade of cannabis. By sanitary, I mean that this system not only has in-built filtration, but also has few bends as possible to not allow reservoirs for bacteria to form.

As for neighborhood character this is a fairly mixed-use commercial and industrial district. This use fits with the Jefferson Avenue corridor, which is typically street facing retail uses. The applicant chose this location for its proximity to the central business district. They will improve the character of the neighborhood by updating and refurbishing an existing building. Right now the building is a plain and unappealing building and the petitioner is proposing repainting the building, cleaning up the site, adding foliage, and sidewalks. These will be fantastic improvements and fit with the goals modernization and aesthetic improvement of the Entrance Corridor Overlay District. Witch City Gardens is prepared to accentuate the features of the building with Salem appropriate paint colors, coordinated landscape style, and careful design to ensure discretion of security features. As part of the Community Cannabis Action Board, these are fantastic questions to put in front of them including exactly what types of plantings and design would go on these and allow some outreach. Obviously, nothing that would be within your purview, but smaller aesthetic concerns to go to the community action board and have great feedback from the community as to what the design of the project would be. Witch City Gardens also plans to designate a community outreach coordinator to coordinate community events that would benefit the neighborhood including charity drives and

neighborhood clean-up days. Again this business is an intensely local business with a focus on the Jefferson Avenue corridor as much as possible.

As for proposed environmental impacts including drainage, the retail facility and cultivation facility are located within existing buildings and does not require any change to the natural environment from existing conditions. For the cultivation operation, all marijuana will be grown in soil and through careful composition of the soil itself with the use of perlite and other things like that you can measure out your water usage to ensure that there is no left over water. All water that is introduced into the cultivation facility is absorbed by the plants and then processed through the HVAC system. Black Earth Compost LLC will compost any used soil or organic waste. For the retail space, the only waste will be office waste. Those of will be disposed by a private waste hauling service. All waste disposal at a minimum meet the requirements of the state and city requirements to prevent public exposure or create a nuisance. The Cannabis Control Commission requirements are very extensive and tightly controlled waste removal requirements. Everything is clean going in and everything is clean going out of the facility. The commitment to solar energy would further reduce any impact on the environment and natural resources.

Finally, the potential impact to the City tax base and employment. This is an expanded economic use of an underutilized facility. The most direct means of providing a beneficial fiscal impact includes a signed community host agreement, which is a 3% revenue share as a community impact fee. There will be a separate community agreement signed for the cultivation facility and retail facility. This is the only facility of its kind offering this. Witch City Gardens expects to have 10-12 full time jobs and the company will advertise and hire local to keep the employment in Salem. And again, using Mr. Talbot's connections in the trades in Salem, the petitioner will bid as much construction work out to Salem trades men and women. This is really designed to be an economic engine that is contained within Salem and benefit Salem. Thank you to the Board for your time. Happy to answer any questions.

Mr. Copelas- What is the square footage of the retail proposal?

Mr. Ricciarelli-1,409 square feet.

Mr. Copelas- We were given some documents tonight that appear to be different from the original package. Am I reading that right?

Tim Haigh- Yes. That is correct. I apologize for giving those to you tonight. Up until a few days ago we were trying to do as little as possible to this site, but as this project has been developed we have been made aware that we need to do some upgrades to the site especially to the sidewalk and curbcuts, to bring it up to code for safety reasons and we have added more parking to have thirty-six (36) parking spaces depicted on that latest drawing including two (2) ADA spots closest to the retail door. We also eliminated at third means of egress from the retail establishment.

Mr. Copelas- In your original drawing, it did not appear that in your original drawing that those parking spaces, especially to the right of the building were workable spaces.

Mr. Haigh- Correct.

Mr. Copelas- Is it true now that the way that this has been drawn, that these are workable spaces with the ability to back out and pass over a common.

Mr. Haigh- We were trying to do this without getting a survey conducted. We had a survey conducted recently and the surveyors worked with the architect to ensure that they are valid spots.

Mr. Copelas- In your application package you provided a letter of intent to lease and it only covers facility 'A'. It is a requirement that you provide proof to us that you have control over the second facility also and that was not provided to us.

James McMahon- Representative- Correct. Up until a short while ago, Witch City Gardens was still negotiating the exact square footage that would be taken out of the space. So the letter of intent is 99% ready to go as soon as we have it signed.

Mr. Copelas- Typically we have received, from the Police Department, their acknowledgement that they approve of your security plan. We understand the confidentiality of your security plan and changes to the plan in conjunction with the Police Department. The Board has not heard from the Police Department have we?

Mr. St. Pierre- I don't have anything.

Mr. Haigh- I will follow up with Chief Butler.

Mr. Copelas- We will not be able to go forward until we have that assurance.

Mr. Viccica- I think there are several issues here about what we do not have in your application package that are required for us to make a decision. The parking report...there is no traffic report. Granted, you have explained your traffic and parking, but it is not included in a report. Please provide a traffic report, a letter from the fire and police. There has been no security discussion as to retail layout or cultivation facility. You are not he are you?

No. Our security consultant is in Indiana.

Mr. Viccica- I would suggest that your security consultant come to the next meeting because there are a lot of questions on the safety of deliver, movement, retail and cultivation. I also want to understand how the 500' feet is calculated from the High School. I assume that it is property line to property line and not building to building. You said in your report that the High School is within 500' feet of the buffer, but you did not provide evidence that it is, and I don't think it is. But this is going to be paramount...

Mr. Copelas- There is a pre-school down the street that is completely within, and it is not uncommon for pre-schools to include kindergartens. The ordinance does not speak directly to pre-schools, but it does speak directly to kindergartens So if that pre-school facility provides services...

James McMahon- There is no kindergarten at that pre-school and we have provided notice to them that is required under Salem Zoning.

Mr. Viccica- Have you submitted proof that you notified these locations by certified mail so they could attend the meeting?

James McMahon- Yes.

Mr. Viccica- Have you provided it in your package?

Tim Haigh- No.

Mr. Viccica- I think the application is somewhat incomplete and needs to be augmented in terms of requirements to even make a determination under the requirements of the zoning ordinance.

James McMahon- If you don't mind re-capping, it was a traffic report, a letter from police and fire, documentation on setbacks... certified mail receipts.

Mr. Viccica- No not setbacks. Where the 500' feet is measured from. I am assuming from my perspective it is property line to property line and not building to building. And whether the pre-school has kindergarten or not. How many employees are in the cultivation facility?

Mr. Haigh- Five (5) and three to five (3-5) in the retail.

Mr. Tsitsinos- How would you deliver your cultivated product from the cultivation facility to the retail facility?

Mr. Haigh- We will be using the same delivery process as a vehicle delivery, which is used while transporting a vehicle to an establishment.

James McMahon?_ It is an extraordinarily small distance between buildings. It is about three (3) to four (4) feet. That area would be video controlled and have an intercom system to allow and know when the passengers to come through and let them know that the area is cleared. All packages will be brought through with two (2) individuals using the two (2) man inventory control system.

Mr. Tsitsinos- Into the office?

James McMahon- No. Into the back area of the retail facility. Not the customer facing area. The product will never be delivered through the customer facility area, just the controlled area.

Mr. Tsitsinos- Show me where?

James McMahon- Comes down along the wall of the building and coming into the rear. The area is not enclosed.

Mr. Haigh- Maybe I should provide a little more information about the overall project, which may answer some of your questions.

Mr. Viccica- I have a couple of things and want to make sure they are taken care of in the traffic study. The existing conditions have been well versed, the new conditions of truck deliveries, size of truck, number of vehicle trips expected coming in and out of the facility, hours of operation, all of those things should be documented in the traffic report as well as calculations for parking demand and vehicle trips for the retail piece. We should have all of this by the next meeting, if we continue this to the next meeting so we can properly assess the information.

Mr. Haigh- So that is a full traffic study?

Mr. Viccica- Yes. We have to judge that there is not an impact on the neighborhood as well as safety.

Mr. Haigh- It seems like... I have been to many of these Zoning Board and community meetings. It seems like there is a lot of panic about this industry and misconceptions. It is extremely regulated. To transport our product to a store is almost as regulated as moving plutonium in Massachusetts. This is quoted from the Boston Globe, "there needs to be a GPS affixed to the locked container that the cannabis is transported in." I want to say that there is going to be less than \$5,000 dollars worth of cannabis in the locked container.

Mr. Viccica- I appreciate it, but I am not talking about the safety issues surrounding the delivery, I am interested in the numbers and facts of how many trips are going in and out of the facility so we can really determine that the increased curbcut and trips coming in and out, and what kind of vehicles. You are the first cultivation facility to come before the Board. We have heard other applicants about the retail side, I think the Board is getting a better understanding of those kinds of movements in and out. However, for the cultivation facility, we really need to understand the literal safety of traffic moving in and out of the site, potential disruption to the neighborhood etc. So that is why I am asking the question.

Mr. Haigh- It will be two (2) pallets a month.

Mr. Copelas- Is it your plan to only cultivate for your own facility?

Mr. Haigh- We intend to wholesale and retail.

Mr. Copelas- You do? In your presentation, you did not discuss this or talk about any truck deliveries coming in and out of here, which would be required for selling to others. I was not aware of that intent, and this seems like new information. That was not clear.

Mr. Haigh- The delivery vehicle will be a mid-size vehicle and will make a delivery one day a week or one trip every other week.

Mr. Copelas- Can you clarify on your drawing what the access points are for the cultivation facility?

Mr. Haigh- The main employee access is within the proposed sallyport area and there is an emergency egress on the southside of the building.

James McMahon- Those entries would be controlled by keypad entry and have access control features including cameras inside and outside of the door to make sure that the people coming in are the people who are supposed to be coming in.

Mr. Haigh- It's a two (2) point authentication on all exterior doors plus any controlled areas where cannabis may be present within the facility and that will be through a proximity card and a Knox Box will have three cards and sets of pins and the Police Department is fully aware of that.

Mr. Drucas- This door now is an emergency exit only? I thought that you said that they would come out here and go out here, but that says that it is an emergency egress only.

Mr. Haigh- Can I see that real quick?

Mr. Haigh- Clarifies and corrects. Employees are carrying cannabis around that way.

Mr. Drucas- Can I get a clarification on how many hours you plan to be open? Seven days a week?

Mr. Haigh- 8am to 8pm Monday through Saturday and 10am to 8pm on Sunday and as the City changes the requirements on that we will adapt.

Mr. Drucas- How are you going to have three (3) to five (5) employees with all of those hours?

Mr. Haigh- Three (3) to five (5) at any given time.

Mr. Drucas- That's not the total number of employees?

Mr. Haigh- No. We hope to create about twelve (12) to fifteen (15) jobs.

Mr. Drucas- I don't know how you are going to have twelve jobs in all of those hours?

James McMahon- Well it's going to start out slow and ramp up to a larger capacity. So, what we don't want to say is that we are going to hire fifty (50) people on day one. But we do expect to grow into the capacity business and hire to that point. I think the three (3) to five (5) is a starting point as the business develops.

Mr. Haigh- Cannabis cultivation is very low maintenance.

Mr. Drucas- I'm not talking about that. You said that you will have three (3) to five (5) employees on the retail end and if you have 3-5 retail employees and all of those hours ten (10) hours a day, six (6) days a week, plus Sunday, that is a lot of hours there will not be a lot of people in there. There has to be some security personnel there as well doesn't there?

Mr. Haigh- Yes.

James McMahan- There will be security inside of the mantrap entry here and in the vestibule area here. The security will be checking ID as they come in and also the ability for a security guard to do randomized sweeps of the area to ensure the security of the perimeter of the building. This vestibule has a small window for the security guard to ID checks and this area is on the secure employee side of the store.

Mr. Drucas- So when you are saying three (3) to five (5) employees you are not counting security?

Mr. Haigh- No. That is a contracted position.

Mr. Viccica- Is there an existing tenant in the office space remaining and not leased?

Mr. Haigh- Yes, there is currently Andreson's office space and I do believe that they intend to maintain that office space.

Mr. Viccica- Can we find out how many employees they have?

Mr. Haigh- I believe that they have two (2).

Mr. Copleas- Are they also the tenant of the rear building or will they continue to occupy the rear building?

Mr. Haigh- We are currently unsure of who the tenant is going to be there. It is currently used as storage and may be maintained or may not be.

Mr. Drucas- And these uses are going to be wholly separated.

James McMahan- Yes.

Mr. Drucas- How many cash registers will you have?

Mr. Haigh- We currently have three (3) proposed, but we may go up or down.

Mr. Copelas- How many customers do you anticipate? Typically and how much capacity do you have at one time for the retail facility?

Mr. Haigh- I would imagine that we would have three to five customers at our busiest time in the facility. We would want to limit that for security reasons, hence having the vestibule and interior waiting area. Our entrance to the facility is on the rear of the building, so if a line does develop, it will not impede with foot traffic on the sidewalk.

James McMahon- One of the great things that Ms. Childs's has been able to leverage from her family experience in the cannabis business is not only good customer service but also expert knowledge of the cannabis plant itself. The two of those in conjunction to the high level of training required for employees really will do a lot to reduce the dwell time inside of the establishment. The goal is really to get people into the facility and out. No loitering, no additional time on site.

Mr. Haigh- We are hoping to cultivate about 6,000 pounds of cannabis in the cultivation facility and we are hoping to retail 2,000 pounds of that through the store. This is consistent with what a store of this size has been doing in Colorado, California and Oregon state. Liz's grandmother has owned a store for four (4) years and we have access to the data and counts of order increments over four (4) years. We kind of have access to what we are going to anticipate. There will not be a line from this facility going all the way down to Salem State. We anticipate 100-300 customers a day with Monday being a slow day being about 100 guests and an extremely busy Saturday being around three (300) hundred. When spread out over a ten (10) hour work day, it is very very low impact. People will not be going to these stores and spending hundreds of dollars and leaving with high valued products. Its going to be a \$15, \$20, \$30 dollar check out ratio per transactions.

Mr. Drucas- Well there is a limit on how much can be sold to a customer at one time.

Mr. Haigh- Well, there is a limit of what you are allowed to have on you in public including an ounce of flower or 5 grams of extract. There is no daily, weekly or monthly limit. It is a per transaction limit. So if you are a customer you could buy an ounce, go home, store it safely, come back and buy another ounce. It would be like putting a limit on how much alcohol you could buy in one transaction and how much you can publically have on you. An ounce of flower is about \$350 dollars. The facility will be selling about an eighth of a flower in a 4oz jar and be selling for \$30-\$50 dollars. There will not be products for sale for less than \$15 dollars we will not have a line of vagrants and spend change to buy products. If you were to equate it to a liquor store, there is not going to be Natty Ice for 50 cents a can.

Ms. Childs- The main demographic that we are expecting are mainly women over 55 years old. This is who we are expecting as our customer space

Mr. Haigh- We run a restaurant and get liquor deliveries with \$9,000 worth of product. The semi-truck stops outside, they raise the rolling gate, leave the tailgate open for thirty minutes while they make deliveries. There is \$100,000 worth of product in the back of the truck. We will be transporting \$5,000 worth of flower or less between two (2) points, 50 yards apart under 100% security coverage. We are a few hundred yards away from the Salem Police Department station. We are in a low crime area and will be extremely vigilant. Currently, if someone wanted to illegally smoke marijuana you can probably do that, but when we are open, we will be watching for that an totally discourage any public consumption because it is going to be a reflection on our operation.

James McMahon- And in fact every customer will have to sign a written attestation that they will comply with local and state laws including public consumption.

Mr. Tsitsinos- Each time?

James McMahon- Yes, each time. It is a one second delay to sign an acknowledgement and attestation that they comply with all regulations.

Mr. Duffy- Maybe I missed it? Do you know the transaction time per customer?

Mr. Haigh- It will be a couple of minutes. Most people know what they want. The same as going to a liquor store. You know what you are going to get. This product will not be accessible to customers. Product will be in a secure enclosure behind the counters. Most people know what they want and want to get in and out as quickly as possible. If there is a long line at any of these stores, the stores are going to lose business because customers are going to go to a more efficient store to get in and out. Obviously, there are going to be more inquisitive customers that will have questions. We will have printed paper menus with our products and educational information.

Mr. Drucas – Will you have edibles?

Mr. Haigh- We hope so.

Mr. Drucas- Will you make them at your facility?

Mr. Haigh- No. Actually, we are not allowed to manufacture or process. That would have to be in a business park or industrial zoning. We would love to do that.

Mr. Drucas- So you will be bringing product in from some place else?

Mr. Haigh- Yes. So we either purchase product from another manufacturer, or we can sell our flower to a processor that would in turn sell it back to us.

Mr. Copelas- So the flow of traffic in and out of the site, in addition to customers and employees, will also involve your trucks delivering your product to other locations and the purchase of some of your salable items delivered to you?

Mr. Haigh- Flower is generally transported in passenger vehicles that have been fitted with a lock box in the back of the vehicle. It is a very small volume and discrete.

Ms. Childs- It's a Prius or a very small discrete delivery vehicle.

Mr. Haigh- We are anticipating one (1) delivery from our cultivation facility once a week or once every other week.

James McMahon- We should say too, that this is a craft producer. This is not looking to put out immense quantities of low grade cannabis with constant deliveries in and out. This is a specialty producer. This is an exclusive vineyard that is producing a highly sought after small quantity product that will be delivered on an intermittent basis. The company is not looking to get as much flower out of the facility and driving it all over the state. That is not the intention by any means.

Mr. Haigh- Receiving deliveries for us includes two (2) pallets of soil per month. We will have about 4,000 square feet of canopy, which is the actual growing area within the facility. A plant takes about four square feet. Plants are in three (3) gallon pots. Plants take a two month growth cycle. We are going to harvest once a month. So we are going to have two (2) growth cycles going at any given time. So that is less than two pallets coming into the facility a month. The truck traffic will be extremely minimal. In addition to that we will have a small amount of packaging with a paper supply coming in, nutrient delivery once every three months which will be a couple of 55 gallon barrels. We have next to nothing coming in and again going out, we will have a Prius or other small car making external deliveries.

James McMahon- The other thing about have access to the granular sales data is that they can schedule those deliveries during non-peak hours.

Mr. Haigh- I think you have heard from other proposal before you that delivery vehicles are unmarked, they use a randomized route and have a GPS in the vehicle. A radio check is performed before it leaves and the GPS is checked every 30 minutes.

James McMahon- Another important feature is that the people transporting the marijuana do not have keys to the case. The keys are possessed by the manager who released the marijuana to be delivered and the manager who received the marijuana.

Mr. Copelas- In some of the other facilities there are vault type of facilities within the retail space and that it is common to lock up the product when not in the locked retail area. Where is the vault?

James McMahon- The vault is in facility "B" in the cultivation facility. So at the end of each work day, the product would be transported from facility "A" to "B". We did not show the location of the vault for security purposes.

Mr. Copelas- So you will be removing all of the product everyday from the retail facility?

James McMahon- Sorry, my mistake. That was an older version of the plan.

Mr. Haigh- So we have a large vault inside the cultivation facility. The retail product will stored in three (3) safes inside of the office area that will be secured to the floor with its own video monitoring system.

Mr. Drucas- where are you going to put the car ports?

Mr. Haigh- We have only had a few conversations about that. We are currently planning to make the store 100% renewable energy. We have the ability to put 11,000 square feet of solar panels on the roof.

Mr. Copelas- Of the two facilities combined?

Mr. Haigh- Jeff Cohen of Endless Energy can answer those questions.

James McMahon- and before Jeff, the car port is one of the reasons why we have delayed on that. Security is that we are waiting for security feedback on the Cannabis Commission. We can't have anything on site that an individual can obscure themselves.

Mr. Drucas- You have the other problem of the R-1 District. You can only go thirty feet into the R-1 Zoning District.

Mr. Haigh- If we do it, we might do it on the north side of the building.

Jeff Cohen- 12 Hancock Street- I ran the solarized program in Salem in 2014. I ran Safe Solar and was the Northshore Realtor Association solar expert in 2016. I work for Endless Energy to put solar panels on schools at the Bentley School and Witchcraft Heights School. We have extensive experience working through permitting. The carport... The amount of electricity that these guys will consume is pretty large. This building, just a rough estimate, because we have not done the structural engineering that is required when you do solar, would produce approximately 174 kilowatts of solar power and does not include the carport. The reason why I recommended the carport is that there is a new solar program called SMART that includes an enhanced rebate. We would not estimate the amount of electricity produced from the carports, because that would include working with the City on setbacks. For example when you have a flat roof because of the fire and other regulations, the setbacks are larger than if it were a residential building. The concept is that through commercial HVAC you can have reverse heat pumps to capture some of the heat from heat lamps, which can be stored. The retail store can be 100% sustainable. Obviously, we cannot produce enough power for the entire facility, to offset that, but it would be a significant amount of solar.

Mr. Drucas- Just roughly where were you thinking about placing the carport and how large?

Mr. Cohen- We would recommend that a carport can be placed anywhere where there is parking. But it is up to the City to determine how big the carport can be and how far it needs to be from the adjacent properties.

Mr. Duffy- Has there been any analysis on whether the roof of this building can accommodate the amount of solar that you are proposing?

Mr. Cohen- Any solar project requires a structural engineer wet stamp. We would probably not do that until this project got the okay. The school projects were a unique situation where the School Committee required us to use a third party engineer and not one we would have used as part of our

process. We have structural engineers on staff. That was a little difficult, because as Mr. St. Pierre knows, they didn't have as much experience so there were some issues that happened.

Mr. Copelas- Just so you are aware, you are making representations of what you can provide to improve energy efficiency it is likely that we will condition any approvals on that. If it is not doable, then we have made a condition, then you will not be able to go forward.

Mr. Cohen- Okay. I am not correcting you. The normal process is that a structural engineer has to substantiate that it can support 40lbs per square foot with the panels and the ballasted roof system and weighting it down. The system that we used on the Witchcraft Heights is pretty unique. Instead of using cinder blocks, we used north south panels that created a perfect triangular structure that achieved a lot with less weight. On a building like this, it would be more of an issue of how much work needs to be done to structurally support and meet that guideline. This was a preliminary review to show them how much power they could produce.

Mr. Viccica- That would be great, but it is assumptive. In the meantime, if you don't do that, are you going to have an emergency generator on site and where is that located on the site plan?

Mr. Talbot - Yes, it would be located on the north side. It could go on the south side where the service is now, but that is a National Grid thing that would have to up the power coming in.

Mr. Viccica- And the source is?

Mr. Talbot- Natural gas.

Mr. Viccica- Okay, can we see that on the site plan please with your proposed location.

Mr. Talbot- Again, the location may vary.

Mr. Viccica- Yes, we just want to understand. They test, you run, you are close to other people.

Mr. Drucas- Is there gas in the building now?

Mr. Talbot- No.

Mr. Viccica- So the generator will run on diesel?

Mr. Talbot- I'd like to go natural {gas}.

Mr. Haigh- I'd like to add that our emergency generator will be just for security systems. It would not be for operating the lights, cultivation lighting or any other part of the building.

Mr. Viccica- So when the power goes down in the middle of the winter, and there is no heat, you will lose an entire crop?

Mr. Haigh- no we would rent a large portable generator.

Mr. Talbot- That line that goes down Jefferson Avenue that feeds circuit B for Salem Hospital. It's a real line. I live off of Jefferson Avenue.

Mr. Viccica- Again, I am trying to look at all of the issues of the submittal that may have an impact on the City and surrounding neighborhood.

Mr. Haigh- The staff planner requested information on water and power consumption expected. Do you have an interest in this information?

Board- Yes.

Mr. Haigh- You are probably familiar with this that a 2 Tier Cultivation Facility is anything less than 5,000 square feet of canopy space and has an energy use requirement of not more than 50 watts per square foot. Tier 3 or above, which is 5,000-10,000 square feet of canopy coverage does not allow more than 36 watts per square foot. So there is a huge step there. Our current lighting layout will consume 29.32 watts per square foot. So even though we are under the 5,000 square feet of cultivation space, that places us at a Tier 2, we are already planning a lighting equipment schedule that will use significantly less than the maximum requirement for a large size facility. Water consumption, we are going to use 138.2 gallons per day. The average adult in the U.S. uses 80 to 100 gallons per day. It's pretty amazing that we can grow over 1,000 plants with the amount of water that one of us would use in a day.

Mr. Drucas- Can you provide this information in writing to us please?

Mr. Haigh- Absolutely.

Mr. McMahon- With the production figures, it still allows us to sell about 2,000 pounds of cannabis through the Witch City Gardens retail site. To speak a little bit about traffic concerns, there was a study that was done in Brookline, for the New England Treatment Associates Dispensary. It was based off of pounds sold on a per annual basis and how many trips that generated. That study said for every thousand pounds of annual sales, you can expect 86 visits per day (one in and one out). If Witch City Gardens expects to sell about 2,000 pounds per year, double those numbers would be 172 cars per day. 175 is a little easier to work with. So, I'll say 175 cars per day at the absolute maximum use rate under those 1,000 pound figures. If you break that down, 175 cars per day, an average work day, that is 14 visits per hour. So this fits well within the parking capacity and 14 visits per hour is well within the capacity of Jefferson Avenue as well.

Mr. Haigh- On the busiest day, if we double that, it is still far less customers that visit either of our restaurants on a given day and we have zero parking spaces at both restaurants.

Mr. McMahon- And those 14 cars per hour will not be doing a two (2) minute delay per back-in that we saw with the 18-wheelers that were there. Not only will the traffic be a smaller amount, there will also not be these significant delays that we saw from the large moving vehicles. There will be an extraordinarily low impact facility when it comes to traffic in the area. They have done everything they both with the selection of the site, layout of the site, and parking arrangements in addition to these pedestrian safety features to really make traffic concerns first and foremost because we know that has really been an issue with the Board. So, that has been our concern on our end as well and using those figures that were accepted by the Department of Public Health in Brookline, we feel that this is a really reasonable increase in traffic that we will see at this facility, but an overall decrease in blocked time on Jefferson Avenue from the removal of those 18 wheelers.

Mr. Drucas- Others that have come before us that have said that on a Saturday they expect 300-350 people.

Mr. Haigh- Yes. They are much larger facilities at around 4,000 square feet. I also don't believe them based on what I have seen in other states.

Ms. Childs- I agree with ATG saying that they are planning on doubling when the switch to recreational, but in the past in other states, I think sales have gone up about 14%. If we got that many customers, great, but from what we have seen, it is not expected.

Mr. Haigh- There is also a misperception that it will be extremely busy when this industry first rolls out with a decline in business over a period of time. I can't understand how people get to that assumption. If we are lucky enough to get a permit and we open in January or February of next year, there is going to be extremely limited supply of cannabis within the state. ATG, when they first opened, were only open a few hours a week. In those few hours, there were huge lines of traffic, and as some of you have heard concerns that we are seeing in that area. As more and more cultivators come on line in the next few years, that is when sales are really going to peek.

Ms. Childs- We saw in my grandma's store in Washington State, they started off slow and it took a year to build and peak off. It was really a gradual increase and what we are planning on.

Mr. Haigh- We have heard the Board conditions for the other applicants and we would be more than happy to have a police detail or traffic officer, if it is necessary for the first few months during the busiest times, but we don't really see a need for that. If that was needed, we would be happy to oblige.

Mr. Viccica- Thank you. So you asked about a summary of things and from my perspective you can add assuming again that this is continued and the public comment period is opened. 1) proof of the notification in writing to all churches, libraries, institutions. We have identified a daycare center within 500'ft. I don't know what else is within 500' ft. That should give them an opportunity to provide comment to the Board of Appeals.

Mr. Haigh- It was the Planning Department that...

Mr. Viccica- I am reading the requirements of the Salem Zoning Ordinance. “The petitioner shall submit proof that it provided notification in writing to all churches, libraries, institutions of higher education, licensed daycares, nursery schools, or playgrounds within 500 feet of its proposed location to provide them with the opportunity to comment at the Board of Appeals.”

Mr. Haigh- Okay.

Mr. Viccica- The second piece was proof from a licensed surveyor to demonstrate that your property line from the facility is more than 500’ feet from the High School. That should be done by a surveyor. 3) Submit a formal traffic report that also addresses deliveries, employee and retail parking spaces, just so we understand the expected number of employees and the required parking for that. 4) A letter from the Chief of Police to determine whether the safety plan has been reviewed. I would also strongly recommend that your security consultant attend so they can go through all of the security pieces because again, we are determining the safety and impacts of this proposal on the surrounding neighborhood. 5) generator to be located on a site plan along with the location of the fuel source 6) carport solar location

Mr. Copelas- 7) Letter of intent to demonstrate proof of site control. Anything else from the Board?

Mr. Drucas- 8) We need the structural analysis of whether they can put the solar panels on.

Mr. McMahon- Well, that’s not being proposed.

Mr. Copelas- In your proposal, you have been touting that. There is a good likelihood that we will condition your approval based on that.

Mr. McMahon- Than absolutely.

Mr. Duffy- So, if I understood it, you would be doing the structural work that would make it possible to install solar.

Mr. Talbot- We would have to look at those numbers to see if it was feasible.

Mr. Viccica- Alternatively, they could not do that.

Mr. Copelas- But then they need to demonstrate the special permit requirement of adequacy of utilities and impact on the natural environment. They were using the proposal of solar panels to answer special permit requirements. If that is not going to be the case, you will have to make that argument.

Mr. McMahon- We will have to look at what the structural analysis comes back with. If it is feasible, we will absolutely intend to move forward. If it becomes non-feasible, would amend the petition as required.

Mr. Viccica- If the power is in the street because it is serving the hospital... You said 800 amps. I suspect that it will be way more than an 800 amp service that is going to be required.

Mr. Talbot- It will be less. We have a mix of LED's.

Mr. Viccica- The assumption is that you would like to do that, but it is not required. So the condition may be, if you should chose to do that you will have to come before the board again for approval, but you are not required, its just a nice thing to do for you.

Mr. Talbot- We may have to rebuild the building to support solar.

Mr. Drucas- 9) you will give us the anticipated energy usage and water usage. Let us know that you will be using LED's.

Mr. Haigh- We will probably not be using LEDs. LED's consume more energy than high discharge lighting. So that is another misconception in the industry.

Mr. Drucas- Are you using high-pressure sodium lighting?

Mr. Drucas- How many plants will you have?

Mr. Haigh- We will be using double ended plasma lights. The number of plants will change over time. We will do a 30 square foot five by six foot canopy. We are estimating 1,000 plants, one (1) plant per four (4) square feet. Some varieties of plants grow bigger and bushier, some plants like to grow smaller and skinnier. We will have the same square footage (canopy) and less plants.

Mr. Copelas- I think you should consider more fully explaining the nature of the operation. We are sort of discovering things that were not clear in your filing and I think that these things should be made explicit. Things like that you will be not only be servicing your own retail facility, but also other retail facilities, the receiving of processed items and transport of items from one place to another. A lot of this should be more clear.

Mr. Haigh- We have redacted drawings for our cultivation facility so if there is a benefit of having a closed meeting we would be happy to share the layout and security plan.

Mr. McMahon- A lot of that information is also valuable trade information which is why it wasn't presented.

Mr. Copelas- Know the simple fact that you will be selling to other facilities is not special trade information. We are not asking for your delivery routes and we are certainly not going to go into a closed session to review confidential security measures. We are going to leave that up to the Police Department.

Mr. Drucas- We are more interested in whether you will have a single layer cultivation facility or racks and stacks?

Mr. Haigh- We will have a single layer. We will not be growing hydroponically. We will be growing in organic soil. We are a fully organic process. We will be using organic pesticides and an integrated pest management program using neem oil and oil that is extracted from chrysanthemums. Predatory mites and beetles will be used to keep any infestation down. We will be using ultraviolet air scrubbers to help mitigate any spores of mold. That is one of the biggest challenges for cultivators is powdery mildew and mold growing on plants.

Mr. Viccica- So does that mean you have air circulation and mechanical systems on the roof?

Mr Haigh- We are currently looking at a water chiller, these cultivation facilities are almost hermetically sealed. We do not want any air circulating into the flowering rooms to help prevent.

Mr. Viccica- So there will be an air handling unit on the roof of substantial size?

Mr. Haigh- We are looking at a fifty (50) ton unit.

Mr. Viccica- I think you should show that in your plans.

Mr. Drucas- How are you handling waste?

Mr. Haigh- So we are going to have two (2) waste receptacles. One will be used for soil and organic waste disposal. That is a compost dumpster and there is a procedure that we have for rendering any unusable plant matter. We are going to use a grinding process. There will also be a regular waste dumpster for regular office/administrative waste.

Mr. Drucas- So you show a compost dumpster and an office dumpster.

Mr. Haigh- There are no requirements to secure those dumpsters. The compost is really used soil.

Mr. Copelas- Anything else from the Board before I take comment from the public?

No further Board comment.

Mr. Copelas- I am going to start the public comment portion by reading some letters into the record and then there will be an opportunity for those here to speak.

Caraustar Recycling – Chris Paquette- 53 Jefferson Ave- In support of the petition.

Kevin Selsby- In support of the petition.

Salem BP Station- In support of the petition.

Robyn Katy Knights- Giannopolo- 15 Bertuccio Ave- In support of the petition.

Al Snape- Far From the Tree Cider- In support of the petition.

Nancy Gilberg, 15 Aurora Lane- in support of the petition.

The Board also received a petition with eighty (80) names in opposition to the proposal.

Seth Lejoy- 131 Essex Street- in support of the petition.

David Coates- 15 Hathorne Street- in support of the petition.

Linda White -16 Calabrese Street- In opposition to the petition due to concerns about cut-through neighborhood traffic.

Mr. Cohen- 12 Hancock Street- Just a couple of things. Regarding staffing, one of the things that is attractive to these guys is that they own a restaurant and understand staffing. I have been to a lot of these meetings and people just throw out how many people will show up and how many people will staff the building. Another thing is, I serve on another Board. It used to be the Renewable Energy Task Force. It is now the Sustainable Energy Task Force. It is now the Sustainability, Energy and Resiliency Committee and we were the first community in Massachusetts to pass a 100% clean energy resolution in 2016. I am really grateful, Mr. Copelas, for your idea the more sustainable the better. The reason why I bring this up is because I have interacted with a bunch of operators and we don't have a contract with them. The idea is that they came and wanted to be sustainable and I'll work with them on structural integrity reports and stuff like that. A couple of operators have expressed the desire to be sustainable, but this is the only group that has said to me that we have a goal and a plan. The last thing, on a personal level I am not only friends, but we are really grateful customers. My wife has a bed and breakfast and Kevin has done some amazing restoration work and obviously I eat too much at the restaurant. But I just wanted to say that having an organization with owners who are Salem residents and business owners should mean a lot.

Councilor Lisa Peterson- Ward 3- I believe I received four (4) outreach letters to oppose the petition due to concerns about the use and traffic. But for the most part, I have had the opportunity as you probably have gathered, as a lot of the proposal have come, there is a lot of interest in Ward 3, so I have worked on a number of these. Their neighborhood meeting was very unique in that people were raising their hands and asking how can we help bring this to the neighborhood. So there was generally a positive reception from the neighbors. I would like to see some of these questions answered as well. But I do think that this stretch of roadway is a little run down and this could spruce it up a bit. As to the schools in the area and kids walking by, the entrance to this facility is on the backside of the building, and there would not be exposure to people walking by.

Lisa Hanson-Damato- 53 Hathorne Street- Speaks in support of the petition and recognizes the Board's need for more information.

Elaine Milo- Speaks in support of the petition. It is important for us to weigh in at these public meetings because basically our job is done with the ordinance. In terms of the community meetings, I went to this community meeting and stood up and said that this was the most professional, comprehensive, community meeting out of all of them that I have been to at this point. Tim spoke about things like respecting the building, which blew my mind because that was not something that I would expect necessarily from this type of business person, but it is clear that these three (3) local business people have taken their skills and transferred it to this endeavor. I understand that there are gaps in this petition, but I am confident that this will be addressed. This is the way that this business should work in Salem. I understand that everyone has to be treated equally and all of the criteria need to be met, but all things being equal, let's give the local people a chance. If everything is equal, let's give the local people who live and volunteer in our community a chance to profit from this business. We know that it will be profitable. We have people from outside of our City and State come propose this kind of business. I have asked to have coffee with a couple of them, I am pretty sure that they are now back in Colorado now and won't have coffee with me. I am expressing my support for the group. I am not going to make a judgement on whether we should or shouldn't have marijuana. The City voted for it and now it is here. It is up to you folks and other Boards to deal with it. Thank you for your time.

Dan Welch-143 Loring Ave- Speaks in support of the petition and in frustration about the state delay in opening.

Wendy Mercado- 21 Calabrese Street- Speaks in opposition to the proposal.

Councillor Sargent- Ward 7- It is my opinion that we should have had better buffer zones, but we didn't. I proposed going from 500 feet to 1,000 feet from schools and playgrounds, but I was outvoted on the Council. But we did get a 1,000 foot buffer for college aged kids around the university and for dead people in a funeral home, which doesn't make a lot of sense. But we have to live with what we have. I do like that the Board is reading the ordinance and going by the letter of the law so I thank you for that. A couple of points. In my opinion it is approximately 700 feet from property line to property line from Collins Middle School. The state law requires 500 ft. So in my opinion it looks like they meet that. It is 465 ft from property line to property line from the daycare on Bertuccio Ave. and that requires that they daycare be notified, which I am sure that they have. I wonder if we can clarify the capacity of the waiting area vestibule? How many people will be allowed to wait in the waiting area before going into the retail store? Clarify the 3% community benefit? Is that just for the store itself or a tax on products as well?

Mr. Copelas-They mentioned that there are two (2) separate community host agreements.

Councillor Sargent- Ward 7- I missed that, I am sorry. So it looks like, I think it would be 6,000 pounds grown, selling 2,000 pounds through their retail store, so 2/3rds of what is grown at the cultivation facility will be sold to other retailers. Lastly, I voted against marijuana, but I was clearly out voted. I have been a ward councilor here for 25 years, it is a hard argument. We may disagree, but if anyone is going to get a permit in Salem, I am not saying that this is a good location, but if anyone is going to get a permit in Salem, these folks should. Three months ago I met with another company from Colorado looking in Vinnin Square. These guys are local. They care about the City. I

am not a fan of this store, but if we are going to give it to someone, we should give it to the local guys.

Councilor Sargent- I understand that this was voted on in Massachusetts and the City of Salem. I am looking at it as accepting the vote and not so much glorifying it. We also have to listen and look at the quality of life in our neighborhood, proximity to schools, churches, foot traffic and put this all into play. The one thing that I learned from some of the other meetings is that this is a cash business so that is another worry also. I believe that there was a robbery of a medical marijuana facility and the bad guy was running through the neighborhoods and the police were chasing him. I just didn't know that this was a cash industry that's where all of the security comes in. Not just for the marijuana product, but for the amount of cash that will be on hand. I trust the Board to keep all of those things in mind.

Fawaz Abusharkh (Fuzzi)-4 Harrison Road – I am not going to speak for or against because there are a lot of missing squares here. I am sorry to say that this was one of the most least explained proposals, which makes it hard to pass a judgement when you don't have the full picture. So I hope that they can come up with more clear information. Being local is a plus, but in this business there needs to be more information and pluses on the security. The other concern is the proximity of the site to the Phoenix School.

Mr. Copelas- The proximity to the Phoenix School will be considered. I think that is a little bit further.

Mr. McMahon- Yes, it is significantly further.

Joyce Kenny- It is 900 feet from that facility.

Mr. Copelas- Anyone else tonight?

Jane Tricomi-52 Winthrop Street- Speaks in support of the petition.

Gary Gill-Ward 3 I have one question about the design. The big piece on the back half is that the scooter warehouse?

Mr. Haigh- No. That is a separate building?

Gary Gill-Ward 3 What is that large back building?

Mr. Haigh- It is currently a storage facility, but I believe that it is under negotiation for another potential tenant.

Gary Gill- Ward 3- And the dispensary piece is all up front? Speaks with concern about exterior on site transport of product from the cultivation facility to the retail location.

Mark- Calabrese Street- There are two (2) existing tenants of the building?

Mr. Copelas- my understanding is that Anderson will continue to occupy 1,800 square feet of a building and the separate rear building will have a separate tenant.

Mark-Calabrese Street- Will the tenants continue to be located on this site?

Mr. Viccica- We don't know that. That is why we have requested additional information to understand who the tenants are currently, we want a copy of a letter of intent or lease agreement, just to provide that information so there is no ambiguity.

Mark-Calabrese Street- Will this be continued to another meeting?

Mr. Copelas- Yes, but there will not be another mailing with a notice.

Mark- Calabrese Street- Is that what happened at the last meeting?

Mr. Copelas- Yes, but at the last meeting, the public hearing was not even open and no testimony was heard.

Mark- Calabrese Street- A lot of the old timers went to sleep and didn't know that it had continued. We were traveling... So we didn't hear about it.

Mr. Copelas- Before we move on, could we clarify a few things? Can we talk briefly about the capacity of the waiting area?

Mr. Ricciarelli- Based on the square footage, maybe three people, but probably less than that.

Mr. Haigh- I visited probably 60 cannabis retail locations last year. Only in Colorado did I see facilities that even have vestibules. Many did not even have them. It's the same as walking into a bank. We are proposing the vestibule, we will be using it, but if we have more people than 3-4 people can wait outside of the door.

Mr. Copelas- Can you clarify the community host agreement? There will be two (2) of them?

Mr. Haigh- We need to speak to the City, we believe it will be two (2) , but whatever it is, there is a 3% tax on the gross revenue of the business.

Mr. McMahon- I want to add one more point. As to cash, there are some electronic fund payments that are allowed systems so although it has traditionally been a cash business and the acceptance of the traditional banking system grows by the day. It is not intentioned to remain a cash only or cash forward business.

Mr. Drucas- Can you use debit cards?

Mr. McMahon- Right now you can't use credit cards because it is over state lines, but you can use debit cards depending on the issuing bank.

Mr. Haigh- So I think you have heard that we are a small group of people from the local area. We are not coming into Salem with a million dollars in the bank. We are really trying to avoid a traffic study. Our consultant didn't think we needed a traffic study based on the information that we provided about our operation. That is four months salary for an employee who will be a local resident if that is the way that the Board wants to go with the issuance of a full traffic study.

Mr. Viccica- It is.

Mr. McMahon – Maybe we could compromise on the full traffic study...

Mr. Viccica- I just want things written down and submitted to the board as a matter of record. Everything that was asked for needs to be written and submitted to the Board. You have done a really great sales job, now focus on submitting the information that becomes the reason by which we can judge your petition on the requirements of the ordinance, the special permit criteria and safety. These are the minimum requirements whether you are a marijuana retailer, gas station, commercial business. Everyone needs to submit this information if you are before the Board.

Mr. Copelas- I would encourage you to submit this as quickly as you can. It is always problematic to receive a 15 page document as we arrive to the meeting. This makes it very difficult to read, absorb and make a judgement on that. It is in your best interest to get this to us. It is clear that we need more information here do you want to continue? Our next meeting is on June 20th.

Mr. McMahon- Absolutely.

Mr. Drucas- To Tom St. Pierre- if someone wanted to put a liquor store in this location in the B-4 can someone do that by right?

Mr. St. Pierre- The lot has a split zone, so I wouldn't be that quick to render an opinion on that.

Mr. Copelas- The zoning that we are looking at is for retail marijuana use.

Mr. Drucas- I understand that, but I am just talking about the fact that if someone wanted to put a liquor store in that location, they wouldn't have to come and see us.

Mr. St. Pierre- I don't know. Where it is partially in B-4 it is possible that it is a non-conforming building/use. So I am not sure that they wouldn't be before the Board. You just asked me a question without me looking into it, but if the building was entirely within B-4, you would be correct yes.

Motion and Vote: Mr. Duffy makes a motion to allow the petitioner to continue to the next regularly scheduled meeting of the Board of Appeals on the June 20, 2018 meeting at 6:30pm. The motion is seconded by Mr. Tsitsinos. The vote was unanimous with five (5) in favor (Peter A. Copelas, Chris Drucas, Mike Duffy, Jimmy Tsitsinos, and Paul Viccica and none (0) opposed to continue the petition to the next regularly scheduled meeting.

ADJOURNMENT

Motion and Vote: Mr. Drucas made a motion to adjourn the 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 8:40.

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://saalem.com/Pages/SalemMA_ZoningAppealsMin/

Respectfully submitted,
Erin Schaeffer, Staff Planner