



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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June 13, 2022

Decision

City of Salem Board of Appeals

2022 JUN 13 AM 9:44
CITY CLERK
SALEM, MASS

The petition of 2 BRIDGE, LLC at 2 BRIDGE STREET(Map 37, Lot 58) (B2 Zoning District), for a Special Permit per Section 6.10.6 *General Provisions* of the Salem Zoning Ordinance to operate a marijuana cultivation facility.

A public hearing on the above petition was opened on May 25, 2022 and was closed on May 25, 2022.

On May 25, 2022, the following members of the Salem Board of Appeals were present: Mike Duffy(chair), Carly McClain, Paul Viccica, Peter Copelas and Steven Smalley.

Statements of Fact:

The petition is date stamped March 28, 2022. The petitioner seeks Special Permit per Section 6.10.6 *General Provisions* of the Salem Zoning Ordinance to operate a marijuana cultivation facility.

1. 2 Bridge Street is owned by 2 Bridge, LLC.
2. The petitioner was 2 Bridge, LLC.
3. 2 Bridge Street was represented by attorney Bill Quinn.
4. 2 Bridge Street is located in the B2 zoning district. (Map 37, Lot 58)
5. The requested relief, if granted, would allow the Petitioner to operate a marijuana cultivation facility.
6. On May 25, 2022, attorney Bill Quinn, presented to the board.
7. Attorney Quinn reviewed the granting of a Special Permit to operate a retail marijuana facility of approximately nine hundred (900) sq. ft. in October of 2021.
8. The current petition is for the basement of the building to be licensed as a marijuana cultivation facility under Section 6 the City's Zoning Ordinance.
9. Attorney Quinn reviewed the transportation impact study and parking plan that went along with the earlier petition for the marijuana retail facility. There are currently nine (9) legal parking spaces at the property.

10. Attorney Quinn explained that they have met with neighbors and had addressed their concerns. Also, Mr. Quinn stated that they are not within five hundred (500) feet of a school.
11. The petitioner wants to use more of his space to assist in the building of his business. The petitioner wants to cultivate marijuana at his property to sell in his retail facility. None of the product would leave the premises.
12. Peter Copelas inquired about the cultivated marijuana. He looked to clarify that none of the cultivated marijuana at the location of 2 Bridge Street would be sold as wholesale to other facilities/ retailers.
13. Attorney Quinn stated that was correct. They cultivated marijuana would only be sold on premises.
14. Peter Copelas also inquired if this would this be the last time that they could expect to see the petitioner because, at this point, they have used all of their square footage of the facility.
15. Attorney Quinn stated that was incorrect. There was still quite a significant amount of square footage that is currently not being used. His client has filed documents with the state to open a restaurant and docking facilities at the property to serve boat traffic and travelers in the area.
16. Peter Copelas asked Attorney Quinn to share with the board approximately how much square footage was being used currently, and how much was still vacant. Attorney Quinn responded that there was approximately 890 sq ft for retail space on the first floor and they were using almost all of the 2000 sq. ft in the basement for the cultivation area. This leaves approximately 1110 sq. ft of vacant space in the building.
17. Chair Duffy asked about the cultivation facility and the retail facility and how they are operated and owned. Attorney Quinn said that they do not need to be the same owner, however, the names of the owners need to be made public and the different areas do need to be separated and locked. This is mandated by the State of Massachusetts' Cannabis Control Commission.
18. Tim Haigh, the petitioner, spoke to the board. He stated that fifty percent (50%) of the plants that are in the vegetative stage will be in separate room from the plants that are in the flowering stage. These rooms will also have different lights for the different stages. LED lights will be for the vegetative plants while ceramic metal halide lights will be in the flowering room. They have followed the sustainability guidelines for energy use for the cultivation area.
19. Mr. Haigh also stated that this is the smallest cultivation area in the state and can only produce roughly four times (4x) the amount that someone could legally grow in their home for personal consumption. Due to the size, they do not anticipate any negative impacts on the neighborhood from the cultivation facility in the basement.
20. Paul Viccica asked how have LED lights evolved and how does that impact someone who is a cultivator. Mr. Haigh stated that the best practices in cultivation are a combination of both LED lights and metal halide lights. This is because of the different light spectrums required for the stages of proper plant growth.
21. Chair Duffy opened the meeting up to public comment.

22. Jeff Cohen, 12 Hancock Street, expressed his support for the granting of the Special Permit.
23. Caroline Watson-Felt, 2 Beacon Street, stated that she has attended many meetings regarding the business at 2 Bridge Street. She was impressed by Mr. Haigh's knowledge and transparency regarding his marijuana retail facility. She supports the granting of the Special Permit.
24. Chair Duffy read for the public record a letter in support of the petition from Amy and Shawn Mckeehan, 6 Cromwell Street.
25. Another letter from Flora Tonthat, 30 Northey Street, was read in support of the petition.
26. Chair Duffy addressed the Special Permit criteria.
27. Paul Viccica made a motion to approve the petition.
28. Due to the ongoing COVID-19 pandemic and related precautions and Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, the May 25, 2022 meeting of the Board of Appeals was held remotely, via the online platform Zoom.

Special Permit Findings:

The Board finds that the proposed modifications will not be substantially more detrimental than the existing nonconforming use to the neighborhood and that the adverse effects of the proposed use will not outweigh its beneficial impacts to the City and the neighborhood:

1. Social, economic, or community needs were served by this petition.
2. Traffic flow and safety, including parking and loading: there will no impact on traffic or parking.
3. Adequate utilities and other public services: The petition will not impact utilities or public services.
4. Impacts on the natural environment, including drainage: No negative impact would be expected.
5. Neighborhood character: The project will not have a negative impact on the residential neighborhood character.
6. Potential fiscal impact, including impact on City tax base and employment. There will be a positive fiscal impact on the city or its tax base.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Mike Duffy (chair), Carly McClain, Paul Viccica, Steven Smalley and Peter Copelas) and none (0) opposed to grant 2 Bridge, LLC a Special Permit per

Section 6.10.6 *General Provisions* of the Salem Zoning Ordinance to operate a marijuana cultivation facility.

Receiving five (5) in favor votes, the petition for a special permit is approved.

Standard Conditions:

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

Special Conditions:

1. One hundred percent (100%) of the cultivated product will be used on site only. No transportation of cultivated product off site is permitted.
2. All requirements of Section 6.10.9 specific to marijuana cultivation facilities will be addressed and complied with.

A handwritten signature in black ink that reads "Mike Duffy" followed by a stylized "DL" monogram.

Mike Duffy, Chair
Board of Appeals

A COPY OF THIS DECISION HAS BEEN FILED WITH THE PLANNING BOARD AND THE CITY CLERK.

Appeal from this decision, if any, shall be made pursuant to Section 17 of the Massachusetts General Laws Chapter 40A, and shall be filed within 20 days of filing of this decision in the office of the City Clerk. Pursuant to the Massachusetts General Laws Chapter 40A, Section 11, the Variance or Special Permit granted herein shall not take effect until a copy of the decision bearing the certificate of the City Clerk has been filed with the Essex South Registry of Deeds.