

**JEFFREY L. ROELOFS, P.C.**

**ENVIRONMENTAL AND LAND USE LAW**

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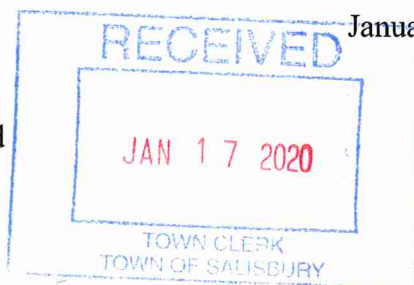
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January 17, 2020

**BY HAND (16 Copies)**

Salisbury Planning Board  
Salisbury Town Hall  
5 Beach Road  
Salisbury, MA 01952



RE:   Applicant:   Alternative Therapies Group, Inc.  
         Property:   107 Elm Street, Salisbury, MA (Map 9, Lot 24)  
         Subject:    Request for Renewal of 4/27/2018 Special Permit for  
                      Medical Marijuana Dispensary

Dear Planning Board Members:

I write on behalf of Alternative Therapies Group, Inc. ("ATG") to request renewal of the Special Permit Approval issued by the Planning Board on April 27, 2018 to ATG pursuant to Article XXIII of Salisbury's Zoning Bylaws authorizing ATG's proposed medical marijuana dispensary at 107 Elm Street, Salisbury, MA. A copy of the April 2018 Special Permit is enclosed. This request is submitted pursuant to Special Permit Condition V.17 (p. 6), which provided for an initial 2-year term that could be extended by way of a renewal request.

**I. ENCLOSURES**

In support of this renewal request, I enclose a check in the amount of \$200 for the special permit renewal application filing fee and 15 copies of this letter and the following enclosures:

- Special Permit Application Form;
- Special Permit Approval dated April 2018 for ATG's medical marijuana dispensary;
- Site Plan Sheet 1, rev. August 22, 2018 – reflecting the site plan approved by the Planning Board in the April 2018 special permit and the Planning Board's subsequent Special Permit and Site Plan Approval dated August 29, 2018 for ATG's adult use medical facility currently being operated at the same property;
- Letter from ATG to the Salisbury Board of Selectman (submitted Nov. 7, 2019) providing an update as to ATG's continued interest in operating a medical marijuana dispensary at this property, as well as a small cultivation and product manufacturing

facility – which will be the subject of a separate application to be submitted shortly;  
and

- Certified Abutter's List (original provided separately).

## **II. BACKGROUND AND GROUNDS FOR RENEWAL**

As the Planning Board is aware, ATG is currently operating an Adult Use Medical Facility at the 107 Elm Street property pursuant to a Special Permit and Site Plan Approval issued by the Planning Board in August 29, 2018. Prior to commencing those operations, in April 2018, ATG had secured the enclosed Special Permit from the Planning Board authorizing ATG's operation of a medical marijuana dispensary at this property. ATG had also secured a provisional license from the Massachusetts Department of Public Health (DPH) for the medical dispensary operation.

To date, ATG has not yet secured a final license for its medical dispensary operation – which will ultimately be issued by the Cannabis Control Commission (“CNB”) pursuant to the 2019 changes in state law (rather than DPH). ATG is continuing to pursue the CNB license, but that process has been delayed by ATG's pending sale of its Amesbury cultivation and product manufacturing licenses. As discussed in the enclosed November 2019 letter to the Salisbury Selectmen, the CNB will not approve ATG's requested medical marijuana license for this property unless it is a “vertically-integrated” organization. To accomplish that ATG is proposing to develop a small cultivation and product manufacturing facility inside the building at 107 Elm Street. That proposal will be the subject of a separate application to the Planning Board, which will be submitted shortly.

In the meantime, while ATG continues to pursue the approvals necessary to secure a final license from the CNB for a medical dispensary at this location, ATG requests that the Planning Board renew the April 2018 special permit for an extended 2-year term. The findings made by the Board in support of the April 2018 special permit remain valid today and support this renewal request.

Sincerely,



Jeffrey L. Roelofs

Enclosures

cc: Daniel Talbot, ATG (by email)  
Craig Deschene, Trustee of CD Realty Trust

# Salisbury Planning Board

Please check off the applicable application:

- ☒ **Special Permit-check all that apply** - Request to Renew  
4/27/2018 Special Permit
- ☐ **Open Space Residential Development (OSRD)**
- ☐ **Water Resource District**
- ☐ **Planned Office Development**

- ☐ **Motel Reuse**
- ☐ **Wireless Communication Facility**
- ☐ **Village Center District**

☐ **Repetitive Petition**

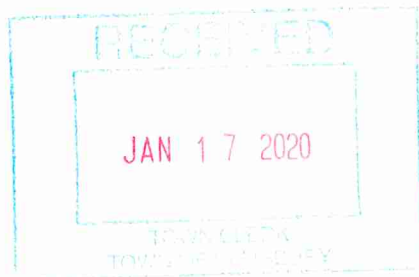
☒ **Other**  
(Specify) \_\_\_\_\_

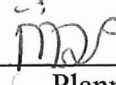
Medical Marijuana Dispensary

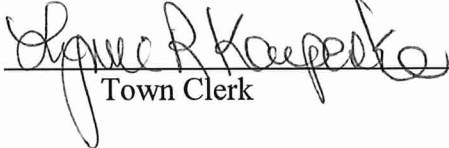
*Applications will not be stamped in at the Town Clerk's office for the Planning Board, until the Planning Department determines that the following items are included with the application:*

1. Application must be filled out completely and correctly.
2. Special Permit filing fee. Checks payable to the Town of Salisbury.
3. Plan drawn in accordance with the requirements listed in the Town of Salisbury's Zoning By-Laws. (8 COPIES).
4. Abutters List
5. Treasurer's Office signature to ensure all Taxes are paid up to date on the property in question and any applicable betterments are paid in full.
6. A complete submittal checklist **must** be submitted along with copies of plans.

IMPROPER OR INCOMPLETE FILINGS WILL RESULT IN A DELAY IN DECISION, TOWN CLERK WILL SIGN AND STAMP AFTER PLANNING DEPARTMENT SIGNS OFF.



  
\_\_\_\_\_  
Planning Department

  
\_\_\_\_\_  
Town Clerk

**A REGISTERED PLAN MUST BE FILED WITH THIS APPLICATION FORM**

# Salisbury Planning Board

Date January 16, 2020

Applicant: Alternative Therapies Group, Inc., 24R Pleasant Street, Unit 2, Newburyport MA 01950, Tel: 617-549-8575

Applicant's Attorney: Jeffrey Roelofs, Law Offices of Jeffrey L. Roelofs, P.C. 44 Merrimac St., Newburyport, MA  
Applicant's E-mail Address: jlroelofs@roelofslaw.com (counsel to Applicant, Attorney Jeffrey Roelofs) 01950, tel: 978-462-7600

Owner: CD Realty Trust, Craig Deschene, Trustee, 107 Elm Street, Salisbury MA  
Full name Address phone number

Lessee: Alternative Therapies Group, Inc. (see contact info above)  
Full name Address phone number

Tax Map # 09 Lot # 024

1. Location of Premises: 107 Elm Street, Salisbury, MA (with leased additional parking on 111 Elm Street)
2. Zoning District: Medical Marijuana Overlay District
3. Parcel Size: 1.12 acres (48,787 sq. ft.)
4. (OSRD applications only): Applicable Land Area: \_\_\_\_\_ Open Space Percentage: \_\_\_\_\_
5. Number of existing buildings on parcel: one
6. What is the existing use of the subject premise? Adult Use Marijuana Facility
7. Provide a detailed description of the proposed use of premises, including # of proposed structures (attach additional pages if necessary):  
The applicant is requesting renewal of the April 27, 2018 special permit allowing the previously-proposed, but not yet commenced, medical marijuana dispensary use - in addition to the existing adult use marijuana facility. For further details see the cover letter submitted with this application, the April 27, 2018 special permit, and other attachments.
8. Zoning by-law provision under which application is made: \_\_\_\_\_  
Zoning Bylaw Sections 300-35 (special permits) and 300-148 (Article XXIII-Medical Marijuana Overlay District)
9. State grounds for this application, please be specific. Special permit criteria can be found in the Zoning Bylaw §300-35 (attach additional pages if necessary):  
This renewal request is supported by the same special permit findings that supported the Planning Board's April 27, 2018 special permit (copy attached).
10. Other Permits Required and Status of Applications: Alternative Therapies Group has a provisional certificate from the Massachusetts Cannabis Control Commission (CNB), but requires a final CNB license prior to operating the medical marijuana dispensary.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Owner

# Salisbury Planning Board

As a special permit renewal request, the applicant does not believe these filing requirements apply. See relevant materials enclosed - as listed in cover letter.

## REQUIREMENTS AND WAIVER REQUEST FORM

Map and Parcel # 09 Project Address 024

Plan Requirements	Included in Application	Requesting Waiver
A. Plans drawn by registered professional	_____	_____
B. Existing site conditions:		
1. All waterbodies	_____	_____
2. Wetland and Boundaries	_____	_____
3. Topography	_____	_____
4. Vegetation types	_____	_____
5. Other natural features	_____	_____
C. Location of:		
1. Proposed landscaping	_____	_____
2. Existing landscaping and open space	_____	_____
D. Use Plan indicating locations of		
1. Proposed building and additions	_____	_____
2. Parking	_____	_____
3. Service and loading areas	_____	_____
4. Curbing and driveway locations	_____	_____
5. Trash and receptacles or dumpsters	_____	_____
6. Lighting	_____	_____
7. Other site alterations	_____	_____
E. Architectural plans of all proposed buildings		
1. Floor plans	_____	_____
2. Elevation plans	_____	_____
F. Utility Plans showing		
1. Water and sewer connection	_____	_____
2. Stormwater Drainage Plan	_____	_____
G. Luminaire Plan showing		
1. Foot Candles	_____	_____



# Salisbury Planning Board

## TAX AND BETTERMENT PAYMENT CERTIFICATION

Date 1/16/2020

Map 09 Parcel 024

Owner's Name: CD Realty Trust

Property Address: 107 Elm Street, Salisbury, MA

I, JOANNE CROWIN, certify that all taxes and applicable betterment's have been paid in full for the property located at Map 09 Parcel 024. The next billing date is FEBRUARY 2020

Signature: Joanne Crowin (cc) Date: 1-17-20  
Treasurer or Treasurer's Clerk



# Salisbury Planning Board

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## Special Permit Submittal Checklist

*Before any Special Permit application can be filed at the town clerk's office, the following departments must receive the specified information and sign below that the information has been received. Departments have 14 days within which they may comment on the proposed plan.*

### **Board of Health**

(1 Sets of Plans) Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
(1 copy of special permit application)

### **Fire Department**

(1 Sets of Plans) Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
(1 copy of special permit application)

### **Department of Public Works**

(1 Sets of Plans) Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
(1 copy of special permit application)

### **Building Department**

(1 Sets of Plans) Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
(1 copy of special permit application)

### **Conservation Commission**

(1 Sets of Plans) Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
(1 copy of special permit application)

### **Police Department**

(1 Sets of Plans) Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
(1 copy of special permit application)

### **Assessor's Department**

(1 Sets of Plans) Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
(1 copy of special permit application)

### **Planning Department**

(1 Sets of Plans) Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
(1 copy of special permit application)

# 107 & 111 ELM STREET ABUTTERS 300'

01/14/2020



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of Salisbury & MassGIS. MVPC AND THE TOWN OF SALISBURY MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF SALISBURY AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.



- ☐ Municipal Boundary
- ☐ Major Road
- ☐ 100 Year Floodplain

- ☐ Parcel Labels
- ☐ Local Road
- ☐ 500 Year Floodplain

- ☐ Legend
- ☐ Parcels
- ☐ Hydrographic Features
- ☐ Wetlands

- ☐ Roads
- ☐ Streams

- ☐ Interstate
- ☐ Floodplain

CERTIFIED ABUTTERS' LIST

Parcel ID	Location	Owner Name/Address
09-024	107 ELM ST	DESCHENE CRAIG CD REALTY TRUST 14601 SUNSET PINES DR DELRAY BEACH, FL 33445-3857
-----		
A B U T T E R S		
=====		
09-015	121 ELM ST	CAPOLUPO WAYNE 98 ELM ST SALISBURY, MA 01952
09-062	123 ELM ST	WALDOT REALTY LLC 98 ELM ST SALISBURY, MA 01952
09-065	117 ELM ST	WALDOT REALTY LLC 98 ELM ST SALISBURY, MA 01952
10-181	118 ELM ST	CLOUTIER STEVEN A CLOUTIER JOANNE L PO BOX 5332 SALISBURY, MA 01952
10-182	122 ELM ST	JOWETT TABITHA L C/O SANDRA L SCHOLTZ 122 ELM ST SALISBURY, MA 01952
10-188	120 ELM ST	MOFFAT KEVIN F MOFFAT LISA M 120 ELM ST SALISBURY, MA 01952
10-189	116 ELM ST	HARTMAN DONNTODD T 116 ELM ST SALISBURY, MA 01952
17-001	98 ELM ST	DPW REALTY LLC 98 ELM ST SALISBURY, MA 01952
17-114	4 WALDOT RD	DPW REALTY LLC 98 ELM STREET SALISBURY, MA 01952
17-117	101 ELM ST	CAPOLUPO & GUNDAL INC C/O SPSNE 98 ELM ST SALISBURY, MA 01952

CERTIFIED ABUTTERS' LIST

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09-024	107 ELM ST	DESCHENE CRAIG CD REALTY TRUST 14601 SUNSET PINES DR DELRAY BEACH, FL 33445-3857

-----  
A B U T T E R S  
=====

17-118	105 ELM ST	RPD-SALS, LLC 105 ELM ST SALISBURY, MA 01952
17-121	114 ELM ST	COHEN,DOROTHY J (TR) S/O C & R REALTY, LLC 110 ELM ST SALISBURY, MA 01952
17-122	112 ELM ST	WALDOT REALTY LLC, S/O C & R REALTY, LLC 110 ELM ST SALISBURY, MA 01952
17-123	110 ELM ST	C & R REALTY, LLC 110 ELM ST SALISBURY, MA 01952
17-124	106 ELM ST	DELUCA CHRISTOPHER 106 ELM ST SALISBURY, MA 01952
17-178	100 ELM ST	DELUCA RALPH C TR DELUCA PASQUALINA A TR 100 ELM ST SALISBURY, MA 01952
17-183	108 ELM ST	STANLEY RICHARD PORTER STANLEY SUSAN 108 ELM ST SALISBURY, MA 01952
17-194	103 ELM ST	DPW REALTY LLC 98 ELM ST SALISBURY, MA 01952

19 parcels listed

CAPOLUPO WAYNE  
98 ELM ST  
SALISBURY, MA 01952

WALDOT REALTY LLC  
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SALISBURY, MA 01952

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