

17-281-X

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY *

PETITION OF: PINE RIDGE COMMUNITY ASSOCIATION, *
et. al. *

RECEIVED
JUN 25 2018
BALTIMORE COUNTY
BOARD OF APPEALS

FOR JUDICIAL REVIEW OF THE DECISION OF: *

THE BALTIMORE COUNTY BOARD OF APPEALS *
105 W. Chesapeake Ave. *
Suite 203 *
Towson, Maryland 21204 *

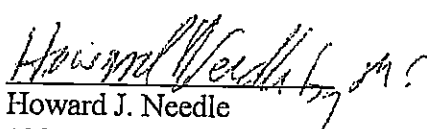
Civ. Action No.:
03-C-18-001935

IN THE CASE OF: *
Village Greenwood, LLC (legal owner) *
Temescal Wellness of Maryland, LLC (lessee) *
3rd Election District *
2nd Councilmanic District *
Case No. 17-281-X *

* * * * *

NOTICE OF DISMISSAL OF PETITION FOR JUDICIAL REVIEW

Petitioners, Pine Ridge Community Association, Arnold Simon, Linda Halpert, Ruth Hoffman,
and Revanne Aranoff, hereby dismiss their Petition for Judicial Review in this matter.


Howard J. Needle
1321 Harden Lane
Pikesville, Maryland 21208
(410) 484-8701


Michael R. McCann
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(410) 825-2150

Attorneys for Petitioners

*So ordered
John F. Jack
6/15/2018*

~~FILED MAY 11 2018~~

FILED JUN 21 2018

True Copy Test

JULIE L. ENSOR, Clerk


Assistant Clerk

FILED MAY 12 2018

*IC-1
3/5/2018
B. L. L.*

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY *

PETITION OF: PINE RIDGE COMMUNITY ASSOCIATION, *

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JULIE L. ENSOR, Clerk

Per JL
Assistant Clerk

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Attorneys for Petitioners

So Ordered
John F. Jach
6/15/2018

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FILED JUN 21 2018
Emat

cc: M. McCann 11 at 11:20 18 000

FILED MAY 18 2018

JG
131 000-1
131 000-1

Michael R. McCann, P.A.

118 W. Pennsylvania Avenue

Towson, Maryland 21204

Phone: (410) 825-2150

Facsimile: (410) 825-2149

michael@mmccannlaw.net

May 10, 2018

Circuit Court for Baltimore County
Civil Division
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204-0754

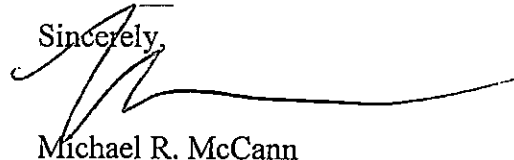
Re: *In re: Petition of Pine Ridge Community Association et al.*
03-C-18-001935

Dear Clerk:

Enclosed for filing in the above-referenced matter please find a Notice of Dismissal of Petition for Judicial Review..

Thank you for your assistance. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'Michael R. McCann', written over a horizontal line.

Michael R. McCann

Enclosure

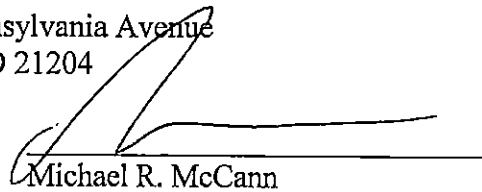
13,500-3

CERTIFICATE OF SERVICE

I HERE BY CERTIFY that, on this 10th day of May 2018, a copy of the foregoing
Notice of Dismissal was mailed, via first-class mail, to:

Lawrence E. Schmidt
Smith, Gildea & Schmidt
600 Washington Avenue, Suite 200
Towson, MD 21204

Adam Rosenblatt, Esq.
Venable, LLP
210 W. Pennsylvania Avenue
Towson, MD 21204



Michael R. McCann

13,0002



to WCR
Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

RECEIVED

APR 27 2018

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

April 26, 2018

VIA HAND-DELIVERY

Civil Clerk
Circuit Court for Baltimore County
401 Bosley Avenue
Towson, Maryland 21204

RE: In the matter of: Village Greenwood, LLC – Legal Owner
Temescal Wellness of Maryland, LLC – Lessee
Civil Action No.: 03-C-18-001935
Board of Appeals Case No.: 17-281-X

Dear Clerk:

Enclosed for filing please find the Proceedings before the Administrative Law Judge and the Board of Appeals for Baltimore County. Additionally, please allow this letter to reflect the filing of one accordion folder containing the entire Board of Appeals case file, exhibits, and transcript pursuant to Maryland Rule 7-206.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Tammy A. Zahner
Legal Secretary

Enclosures

c: Lawrence E. Schmidt, Esquire
Richard S. Wolman/Village Greenwood, LLC
Edward T. Rebholz, Jr./Temescal Wellness of Maryland, LLC
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

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Howard J. Needle, Esquire
Arnold Simon
Linda Halpert
Ruth Hoffman
Revanne Aronoff
Pine Ridge Community Association
Pikesville Communities Corporation
Eleven Slade Apartment Corporation

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF:
PINE RIDGE COMMUNITY ASSOCIATION, *et al.*

FOR JUDICIAL REVIEW OF THE OPINION OF
THE BOARD OF APPEALS
OF BALTIMORE COUNTY
JEFFERSON BUILDING – ROOM 203
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

CIVIL ACTION
NO. : 03-C-18-001935

IN THE MATTER OF:
VILLAGE GREENWOOD, LLC – LEGAL OWNER
TEMESCAL WELLNESS OF
MARYLAND, LLC – LESSEE
FOR PROPERTY LOCATED AT
1636 REISTERSTOWN ROAD

3RD ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

BOARD OF APPEALS CASE NO.: 17-281-X

* * * * *

**PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW JUDGE
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY**

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the original papers on file in the Department of Permits, Approvals and Inspections and the Board of Appeals of Baltimore County:

**ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND
DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
OF BALTIMORE COUNTY**

April 18, 2017	Petition for Special Exception pursuant to Section 4D-102 of the Baltimore County Zoning Regulations for a state licensed medical cannabis dispensary to be located in the Pikesville Commercial Revitalization District, and for such further relief as the Administrative Law Judge may require.
April 26, 2017	Entry of Appearance filed by People's Counsel for Baltimore County.
May 3, 2017	Notice of Zoning Hearing
May 27, 2017	Certificate of Posting
May 30, 2017	Certificate of Publication in newspaper
June 14, 2017	ZAC Comments
June 20, 2017	Hearing held before the Office of Administrative Hearings.
June 22, 2017	Letter to ALJ Beverungen from Howard J. Needle, Esquire enclosing a scholarly paper entitled "From Medical to Recreational Marijuana Sales: Marijuana Outlets and Crime in an Era of Changing Marijuana Legislation" to be placed in the record.
June 23, 2017	Opinion and Order issued by the Administrative Law Judge wherein the Petition for Special Exception for a state licensed medical cannabis dispensary to be located in the Pikesville Commercial Revitalization District was DENIED.
June 27, 2017	Motion for Reconsideration filed by Adam M. Rosenblatt, Esquire on behalf of Village Greenwood, LLC, Owner/Petitioner, and Temescal Wellness of Maryland, LLC, Lessee.
June 29, 2017	Opinion and Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Petition for Special Exception to operate a state licensed medical cannabis dispensary, within the 0.30 acre special exception area shown on the site plan marked as Exhibit 1 was GRANTED.
July 25, 2017	Letter to ALJ Beverungen from Howard J. Needle, Esquire requesting a reconsideration of the Opinion and Order dated June 23, 2017, and of the June 29, 2017 Order granting the Petitioner's Motion for Reconsideration.

July 28, 2017	Response to Motion for Reconsideration filed by Adam M. Rosenblatt, Esquire on behalf of Village Greenwood, LLC, Owner/Petitioner and Temescal Wellness of Maryland, LLC, Lessee.
August 2, 2017	Opinion and Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Motion was GRANTED, and the Order dated June 29, 2017 was amended to include certain conditions.
August 31, 2017	Notice of Appeal filed by Michael R. McCann, Esquire on behalf of Pikesville Communities Corporation, Eleven Slade Apartment Corporation, Ruth Hoffman, and Revanne Aronoff, Protestants.
September 1, 2017	Appeal filed by Michael R. McCann, Esquire received by the Board.
September 1, 2017	Notice of Appeal filed by Howard J. Needle, Esquire on behalf of The Pine Ridge Community Association, Arnold Simon, and Linda Halpert, Protestants.
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September 6, 2017	Supplementation of Notice of Appeal filed by Howard J. Needle, Esquire providing addresses of Appellants.
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September 13, 2017	Letter to counsel from Board regarding hearing time change.
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September 18, 2017	E-mail to counsel from Board advising postponement has been granted and providing additional hearing dates.

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September 21, 2017 Notice of Postponement and Reassignment issued by the Board.

October 4, 2017 Letter to Board from People's Counsel for Baltimore County.

October 17, 2017 Board convened for a Hearing, Day 1.

October 19, 2017 Subpoena issued by the Board to Carl Richards, Chief, Zoning Review, and to Gary Hucik, Zoning Review, at the request of Michael R. McCann, Esquire.

October 24, 2017 Board convened for a Hearing, Day 2.

Exhibits submitted at Hearings before the Board of Appeals:

Petitioner's Exhibit No.

- 1 – Site Plan
- 2 – Pikesville Community Revitalization District Map
- 3 – Ted Rebholz Curriculum Vitae
- 4 – Print-out of Temescal Website/Cannabinoids
- 5 – Video (thumb drive)
- 6 – June 19, 2017 Pikesville Chamber of Commerce letter in support
- 7 – Mitchell J. Kellman Curriculum Vitae
- 8 – Aerial Photograph
- 9(a) – (i) – Photographs by M. Kellman
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 - (b) Former dress shop window, close to Reisterstown Road
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 - (g) Looking at Reisterstown Road
 - (h) Looking south from site
 - (i) Looking north along Reisterstown Road
- 10 – Print-out from Google Maps from/to witness R. Aranoff of site
- 11 – 6/12/17 SHA comment about entrance
- 12 – Riverwatch/Two Farms Opinion after Remand from Circuit Court – *NOT ADMITTED*

- 13 – Letter from owner as to when building and parking were configured, 10/23/17
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- 16 – Aerial Photograph with Zoning Classifications

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WITHDRAWN
- 4 – Business Entity Search print-out, Temescal Wellness LLC – in Florida – parent company
- 5 – Medical Marijuana Commission Website, Identification of Licenses
- 6 – Marked-up Petitioner's Exhibit 1 (Site Plan)
- 7 – BCZR Section 409.6. Required number of parking spaces.
- 8 – Baltimore County Interoffice Memorandum, May 1, 2017, Case No. 2017-0292-X
- 9 – BCZR Section 409.8. Design standards.
- 10 – BCZR Section 409.4. Access to parking spaces.
- 11 – BCZR Section 409.11. Off-street loading.
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- 14 – Letter from Community Association to speak on behalf of Community Association
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- 15 – Resolution of Pine Ridge Association
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- 18 – October 24, 2017 Letter from Kennedy to Board
- 19 – Pikesville Communities Corporation 9/17/2017 Resolution (2 pages)
- 20 – Copy of definition of "Office" in BCZR Section 101.1

- 21 – Letter from J. Fernando to L. Schube dated 2/27/2017 –
7458 West German Hill Road
- 22 – Petition for Zoning Hearing – 7458 West German Hill
Road
- 23 – Baltimore County Zoning Commissioner’s Policy Manual,
Amended May 13, 1992 – page 4-33
- 24 – BCZR Section 409.1. Applicability.
- 25 – Sign-in sheet, 10/24/2017 hearing
- 26 – Christopher N. Jakubiak Curriculum Vitae
- 27 – Jakubiak Site Characteristics

October 30, 2017	Memorandum on Behalf of Pine Ridge Community Association filed by Howard J. Needle, Esquire.
October 30, 2017	Protestants’ Post-Hearing Memorandum filed by Michael R. McCann, Esquire.
October 30, 2017	Post-Hearing Memorandum filed by Adam M. Rosenblatt, Esquire on behalf of Temescal Wellness of Maryland, LLC, Petitioner.
October 31, 2017	Board convened for Public Deliberation.
January 25, 2018	Opinion and Order issued by the Board wherein the Petition for Special Exception, as revised, was GRANTED, with conditions.
February 23, 2018	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Howard J. Needle, Esquire and Michael R. McCann, Esquire on behalf of Pine Ridge Community Association, Arnold Simon, Linda Halpert, Ruth Hoffman, and Revanne Aranoff, Petitioners/Appellants.
March 1, 2018	Copy of Petition for Judicial Review received from the Circuit Court for Baltimore County by the Board of Appeals.
March 8, 2018	Certificate of Compliance sent to all parties and interested persons.
March 13, 2018	Strike/Entry of Appearance filed entering the appearance of Lawrence E. Schmidt, Esquire as counsel for Respondents, Village Greenwood, LLC, Legal Owner, and Temescal Wellness of Maryland, LLC, Lessee, and striking the appearance of Adam Rosenblatt, Esquire.

7

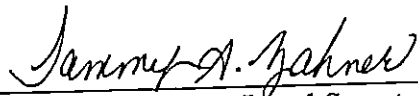
In the Matter of: Village Greenwood, LLC – Legal Owner
Temescal Wellness of Maryland, LLC – Lessee
Board of Appeals Case No.: 17-281-X
Circuit Court Civil Action No.: 03-C-18-001935

March 13, 2018 Response to Petition for Judicial Review filed by Lawrence E. Schmidt, Esquire on behalf of Village Greenwood, LLC and Temescal Wellness of Maryland, LLC, Respondents.

April 26, 2018 Transcript of testimony filed.

April 26, 2018 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.



Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
appealsboard@baltimorecountymd.gov

c: Lawrence E. Schmidt, Esquire
 Michael R. McCann, Esquire
 Howard J. Needle, Esquire
 Richard S. Wolman/Village Greenwood, LLC
 Edward T. Rebholz, Jr./Temescal Wellness of Maryland, LLC
 The Pine Ridge Community Association
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Board of Appeals of Baltimore County

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FAX: 410-887-3182

April 26, 2018

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Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Tammy A. Zahner".

Tammy A. Zahner
Legal Secretary

Enclosures

c:	Lawrence E. Schmidt, Esquire	Michael R. McCann, Esquire
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IN THE MATTER OF:
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FOR PROPERTY LOCATED AT
1636 REISTERSTOWN ROAD

3RD ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

BOARD OF APPEALS CASE NO.: 17-281-X

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FILED
2018 APR 26 PM 2:30
CIRCUIT COURT
BALTIMORE COUNTY

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October 31, 2017	Board convened for Public Deliberation.
January 25, 2018	Opinion and Order issued by the Board wherein the Petition for Special Exception, as revised, was GRANTED, with conditions.
February 23, 2018	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Howard J. Needle, Esquire and Michael R. McCann, Esquire on behalf of Pine Ridge Community Association, Arnold Simon, Linda Halpert, Ruth Hoffman, and Revanne Aranoff, Petitioners/Appellants.
March 1, 2018	Copy of Petition for Judicial Review received from the Circuit Court for Baltimore County by the Board of Appeals.
March 8, 2018	Certificate of Compliance sent to all parties and interested persons.
March 13, 2018	Strike/Entry of Appearance filed entering the appearance of Lawrence E. Schmidt, Esquire as counsel for Respondents, Village Greenwood, LLC, Legal Owner, and Temescal Wellness of Maryland, LLC, Lessee, and striking the appearance of Adam Rosenblatt, Esquire.

In the Matter of: Village Greenwood, LLC – Legal Owner
Temescal Wellness of Maryland, LLC – Lessee
Board of Appeals Case No.: 17-281-X
Circuit Court Civil Action No.: 03-C-18-001935

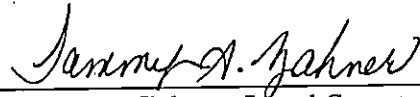
7

March 13, 2018 Response to Petition for Judicial Review filed by Lawrence E. Schmidt,
Esquire on behalf of Village Greenwood, LLC and Temescal Wellness
of Maryland, LLC, Respondents.

April 26, 2018 Transcript of testimony filed.

April 26, 2018 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said
Board acted are hereby forwarded to the Court, together with exhibits entered into evidence
before the Board.



Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
appealsboard@baltimorecountymd.gov

c: Lawrence E. Schmidt, Esquire
 Michael R. McCann, Esquire
 Howard J. Needle, Esquire
 Richard S. Wolman/Village Greenwood, LLC
 Edward T. Rebholz, Jr./Temescal Wellness of Maryland, LLC
 The Pine Ridge Community Association
 Arnold Simon
 Linda Halpert
 Ruth Hoffman
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 Office of People's Counsel
 Lawrence M. Stahl, Managing Administrative Law Judge
 Andrea Van Arsdale, Director/Department of Planning
 Arnold Jablon, Deputy Administrative Officer, and Director/PAI
 Nancy C. West, Assistant County Attorney/Office of Law
 Michael E. Field, County Attorney/Office of Law

Tammy Zahner

From: Tammy Zahner
Sent: Tuesday, March 20, 2018 9:28 AM
To: 'Michael McCann'; 'hjneedle@comcast.net'
Subject: Temescal Wellness of Maryland Appeal

Counsel,

The transcript of the hearings held before the Board of Appeals are due by April 23rd. Our records indicate that the October 17, 2017 hearing has been transcribed and the Board is in receipt of the original. However, we have no record that the October 24, 2017 hearing has been ordered and/or transcribed.

Please let me know if the transcript has been ordered, and if not, do we have your authority to order it?

I look forward to hearing from you.

Tammy A. Zahner, Legal Secretary
Board of Appeals of Baltimore County
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
(410) 887-3182 (Fax)

Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. This information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

* IN THE
*
* CIRCUIT COURT
*
* FOR
*
* BALTIMORE COUNTY

CIRCUIT COURT
FOR
BALTIMORE COUNTY

*
*
*
* **Case No. 03-C-18-001935**



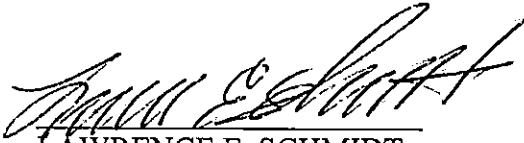
Certificate of Service

I hereby certify that on this 12th day of March, 2018, a copy of the foregoing Response to Petition for Judicial Review was mailed first class, pre-paid postage to:

Michael R. McCann
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, MD 21204

Howard J. Needle
1321 Harden Lane
Pikesville, MD 21208

County Board of Appeals
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204


LAWRENCE E. SCHMIDT

* * * * *

*
*



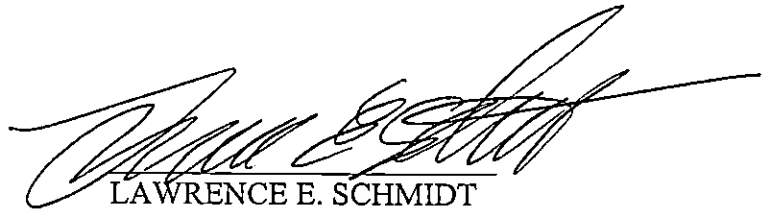
Certificate of Service

I hereby certify that on this 13th day of March, 2018, a copy of the foregoing Strike/Entry of Appearance was mailed first class, pre-paid postage to:

Michael R. McCann
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, MD 21204

Howard J. Needle
1321 Harden Lane
Pikesville, MD 21208

County Board of Appeals
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204



LAWRENCE E. SCHMIDT

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF:
PINE RIDGE COMMUNITY ASSOCIATION, *et al.*

FOR JUDICIAL REVIEW OF THE OPINION OF
THE BOARD OF APPEALS
OF BALTIMORE COUNTY
JEFFERSON BUILDING – ROOM 203
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

IN THE MATTER OF:
VILLAGE GREENWOOD, LLC – LEGAL OWNER
TEMESCAL WELLNESS OF
MARYLAND, LLC – LESSEE
FOR PROPERTY LOCATED AT
1636 REISTERSTOWN ROAD

3RD ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

BOARD OF APPEALS CASE NO.: 17-281-X

CIVIL ACTION
NO. : 03-C-18-001935

FILED
2018 MAR -8 AM 11:40
CIRCUIT COURT
BALTIMORE COUNTY

* * * * *

CERTIFICATE OF COMPLIANCE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

Howard J. Needle, Esquire
1321 Harden Lane
Pikesville, MD 21208

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, MD 21204

Adam M. Rosenblatt, Esquire
Venable LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, MD 21204

Edward T. Rebholz, Jr.
Temescal Wellness of Maryland, LLC
1 East Pratt Street, Suite 904
Baltimore, MD 21209

In the Matter of: Village Greenwood, LLC – Legal Owner
Temescal Wellness of Maryland, LLC – Lessee
Circuit Court Case No.: 03-C-18-001935
Board of Appeals Case No.: 17-281-X

2

Richard S. Wolman
Village Greenwood, LLC
c/o MFI, Inc., Suite 300
2800 Quarry Lake Drive
Baltimore, MD 21209

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Howard J. Needle, Vice President
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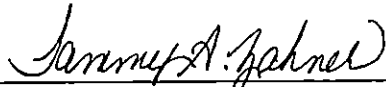
Michael E. Field, County Attorney
Baltimore County Office of Law
The Historic Courthouse
400 Washington Avenue
Towson, MD 21204

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

In the Matter of: Village Greenwood, LLC – Legal Owner
Temescal Wellness of Maryland, LLC – Lessee
Circuit Court Case No.: 03-C-18-001935
Board of Appeals Case No.: 17-281-X

3

I HEREBY CERTIFY that on this 8th day March, 2018 a copy of the foregoing Certificate of Compliance has been mailed to the individuals listed above.



Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
appealsboard@baltimorecountymd.gov



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

RECEIVED

MAR 08 2018

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

March 8, 2018

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Adam M. Rosenblatt, Esquire
Venable LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

Howard J. Needle, Esquire
1321 Harden Lane
Baltimore, Maryland 21208

RE: Petition for Judicial Review
Circuit Court Case No.: 03-C-18-001935
In the Matter of: Village Greenwood, LLC – Legal Owner
Temescal Wellness of Maryland, LLC – Lessee
Board of Appeals Case No.: 17-281-X

Dear Counsel:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed on February 23, 2018 by Howard J. Needle, Esquire and Michael R. McCann, Esquire on behalf of Pine Ridge Community Association, Arnold Simon, Linda Halpert, Ruth Hoffman, and Revanne Aranoff, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response with the Circuit Court for Baltimore County within 30 days after the date of this letter, pursuant to the Maryland Rules.

In accordance with the Maryland Rules, the Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review within 60 days. Mr. Needle and Mr. McCann, having taken the appeal on behalf of their clients, are responsible for the cost of the transcript of the record and the transcript must be paid for in time to transmit the same to the Circuit Court within the 60 day timeframe as stated in the Maryland Rules. There were two days of hearings held in this matter, with one hearing transcript complete.

In the Matter of: Village Greenwood, LLC – Legal Owner
Temescal Wellness of Maryland, LLC – Lessee
Circuit Court Case No.: 03-C-18-001935
Board of Appeals Case No.: 17-281-X

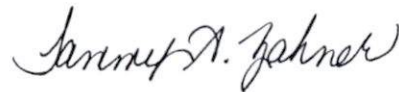
2

Courtsmart was the official record of the hearings before the Board. The disk(s) will be copied by this office and provided to you for transcription. The transcriptionist must meet the requirements set forth in Maryland Rule 16-406d(B) which states: “*a stenographer, court reporter, or transcription service designated by the court for the purpose of preparing an official transcript from the recording.*” The Board of Appeals can assist in obtaining a qualified transcriptionist upon request.

Please be advised that the ORIGINAL transcript must be provided to the Board of Appeals no later than APRIL 23, 2018 so that it may be transmitted to the Circuit Court with the record of proceedings, pursuant to the Maryland Rules.

A copy of the Certificate of Compliance has been enclosed for your convenience.

Very truly yours,



Tammy A. Zahner
Legal Secretary

Multiple Original Cover Letters
Enclosure

c: Richard S. Wolman/Village Greenwood, LLC
Edward T. Rebholz, Jr./Temescal Wellness of Maryland, LLC
The Pine Ridge Community Association
Arnold Simon
Linda Halpert
Ruth Hoffman
Revanne Aronoff
Pikesville Communities Corporation
Eleven Slade Apartment Corporation
Office of People's Counsel
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Michael E. Field, County Attorney/Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
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TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 8, 2018

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Towson, Maryland 21204

Adam M. Rosenblatt, Esquire
Venable LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

Howard J. Needle, Esquire
1321 Harden Lane
Baltimore, Maryland 21208

RE: Petition for Judicial Review
Circuit Court Case No.: 03-C-18-001935
In the Matter of: Village Greenwood, LLC – Legal Owner
Temescal Wellness of Maryland, LLC – Lessee
Board of Appeals Case No.: 17-281-X

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In the Matter of: Village Greenwood, LLC – Legal Owner
Temescal Wellness of Maryland, LLC – Lessee
Circuit Court Case No.: 03-C-18-001935
Board of Appeals Case No.: 17-281-X

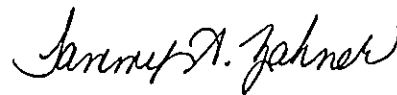
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A copy of the Certificate of Compliance has been enclosed for your convenience.

Very truly yours,



Tammy A. Zahner
Legal Secretary

Multiple Original Cover Letters
Enclosure

c: Richard S. Wolman/Village Greenwood, LLC
Edward T. Rebholz, Jr./Temescal Wellness of Maryland, LLC
The Pine Ridge Community Association
Arnold Simon
Linda Halpert
Ruth Hoffman
Revanne Aronoff
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Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
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March 8, 2018

Michael R. McCann, Esquire
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118 W. Pennsylvania Avenue
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Adam M. Rosenblatt, Esquire
Venable LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

Howard J. Needle, Esquire
1321 Harden Lane
Baltimore, Maryland 21208

RE: Petition for Judicial Review
Circuit Court Case No.: 03-C-18-001935
In the Matter of: Village Greenwood, LLC – Legal Owner
Temescal Wellness of Maryland, LLC – Lessee
Board of Appeals Case No.: 17-281-X

Dear Counsel:

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Temescal Wellness of Maryland, LLC – Lessee
Circuit Court Case No.: 03-C-18-001935
Board of Appeals Case No.: 17-281-X

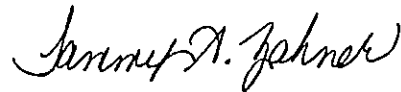
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A copy of the Certificate of Compliance has been enclosed for your convenience.

Very truly yours,



Tammy A. Zahner
Legal Secretary

Multiple Original Cover Letters
Enclosure

c: Richard S. Wolman/Village Greenwood, LLC
Edward T. Rebholz, Jr./Temescal Wellness of Maryland, LLC
The Pine Ridge Community Association
Arnold Simon
Linda Halpert
Ruth Hoffman
Revanne Aronoff
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Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF:
PINE RIDGE COMMUNITY ASSOCIATION, *et al.*

FOR JUDICIAL REVIEW OF THE OPINION OF
THE BOARD OF APPEALS
OF BALTIMORE COUNTY
JEFFERSON BUILDING – ROOM 203
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

IN THE MATTER OF:
VILLAGE GREENWOOD, LLC – LEGAL OWNER
TEMESCAL WELLNESS OF
MARYLAND, LLC – LESSEE
FOR PROPERTY LOCATED AT
1636 REISTERSTOWN ROAD

3RD ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

BOARD OF APPEALS CASE NO.: 17-281-X

* * * * *

CERTIFICATE OF COMPLIANCE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

Howard J. Needle, Esquire
1321 Harden Lane
Pikesville, MD 21208

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, MD 21204

Adam M. Rosenblatt, Esquire
Venable LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, MD 21204

Edward T. Rebholz, Jr.
Temescal Wellness of Maryland, LLC
1 East Pratt Street, Suite 904
Baltimore, MD 21209

In the Matter of: Village Greenwood, LLC – Legal Owner
Temescal Wellness of Maryland, LLC – Lessee
Circuit Court Case No.: 03-C-18-001935
Board of Appeals Case No.: 17-281-X

2

Richard S. Wolman
Village Greenwood, LLC
c/o MFI, Inc., Suite 300
2800 Quarry Lake Drive
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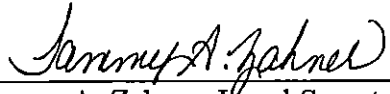
Michael E. Field, County Attorney
Baltimore County Office of Law
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400 Washington Avenue
Towson, MD 21204

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

In the Matter of: Village Greenwood, LLC – Legal Owner
Temescal Wellness of Maryland, LLC – Lessee
Circuit Court Case No.: 03-C-18-001935
Board of Appeals Case No.: 17-281-X

3

I HEREBY CERTIFY that on this 8th day March, 2018 a copy of the foregoing Certificate of Compliance has been mailed to the individuals listed above.



Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
appealsboard@baltimorecountymd.gov

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF:
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FOR JUDICIAL REVIEW OF THE OPINION OF
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JEFFERSON BUILDING – ROOM 203
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TOWSON, MARYLAND 21204

IN THE MATTER OF:
VILLAGE GREENWOOD, LLC – LEGAL OWNER
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FOR PROPERTY LOCATED AT
1636 REISTERSTOWN ROAD

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BOARD OF APPEALS CASE NO.: 17-281-X

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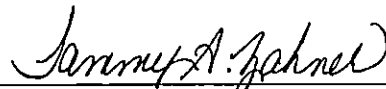
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Towson, MD 21204

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

In the Matter of: Village Greenwood, LLC – Legal Owner
Temescal Wellness of Maryland, LLC – Lessee
Circuit Court Case No.: 03-C-18-001935
Board of Appeals Case No.: 17-281-X

3

I HEREBY CERTIFY that on this 8th day March, 2018 a copy of the foregoing Certificate of Compliance has been mailed to the individuals listed above.



Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
appealsboard@baltimorecountymd.gov

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF: PINE RIDGE COMMUNITY ASSOCIATION,
et. al.

FOR JUDICIAL REVIEW OF THE DECISION OF:

THE BALTIMORE COUNTY BOARD OF APPEALS
105 W. Chesapeake Ave.
Suite 203
Towson, Maryland 21204

Civ. Action C-18-1935

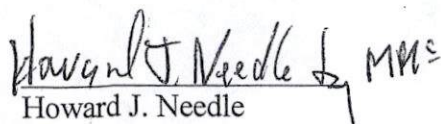
IN THE CASE OF:

Village Greenwood, LLC (legal owner)
Temescal Wellness of Maryland, LLC (lessee)
3rd Election District
2nd Councilmanic District
Case No. 17-281-X

FILED
2018 FEB 23 PM 12:41
CIRCUIT COURT
BALTIMORE COUNTY

PETITION FOR JUDICIAL REVIEW

Petitioners, Pine Ridge Community Association, Arnold Simon, Linda Halpert, Ruth Hoffman, and Revanne Aranoff, pursuant to Maryland Rule 7-201 *et al.*, file this petition for judicial review of the Opinion and Order of the County Board of Appeals of January 25, 2018. Petitioners were parties to the proceedings below and are aggrieved by the Board's decision.


Howard J. Needle
1321 Harden Lane
Pikesville, Maryland 21208
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Michael R. McCann
Michael R. McCann, P.A.
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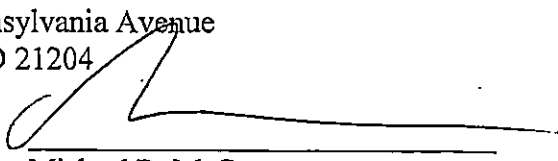
Attorneys for Petitioners



CERTIFICATE OF SERVICE

I HERE BY CERTIFY that, on this 23rd day of February 2018, a copy of the foregoing Petition for Judicial Review was mailed, via first-class mail, to:

Adam Rosenblatt, Esq.
Venable, LLP
210 W. Pennsylvania Avenue
Towson, MD 21204



Michael R. McCann



Board of Appeals of Baltimore County

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January 25, 2018

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RE: In the Matter of: *Village Greenwood, LLC – Legal Owner*
Temescal Wellness of Maryland, LLC – Lessee
Case No.: 17-281-X

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,


Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Multiple Original Cover Letters

c: Richard S. Wolman/Village Greenwood, LLC
Edward T. Rebholz, Jr./Temescal Wellness of Maryland, LLC
The Pine Ridge Community Association
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

Ruth Hoffman
Revanne Aronoff
Pikesville Communities Corporation
Eleven Slade Apartment Corporation
Arnold Simon
Linda Halpert
Office of People's Counsel

IN THE MATTER OF	*	BEFORE THE
VILLAGE GREENWOOD, LLC - LEGAL	*	BOARD OF APPEALS
OWNERS AND TEMESCAL WELLNESS	*	OF
OF MARYLAND, LLC, LESSEE	*	BALTIMORE COUNTY
PETITIONERS FOR SPECIAL	*	
EXCEPTION ON THE PROPERTY	*	
LOCATED AT 1636 REISTERSTOWN ROAD	*	
3 rd Election District	*	CASE NO: 17-281-X
2 nd Councilmanic District	*	
* * * * *		

OPINION AND ORDER

This case comes to the Board following appeal from the Administrative Law Judge Opinion and Order, dated June 23, 2017, and the related Opinion and Order on Motion for Reconsideration, dated June 29, 2017, ultimately granting the Petition for Special Exception.

A *de novo* hearing was held on October 17 and October 24, 2017. The parties were represented by counsel: Adam Rosenblatt, Esquire, represented Petitioners; Michael McCann, Esquire, represented most of the Protestants, particularly, Pikesville Communities Corporation, Eleven Slade Apartment Corporation, Ruth Hoffman, and Revanne Aronoff; and Howard Needle, Esquire, represented the remainder, including Pine Ridge Community Association, Arnold Slade, and Linda Halpert.

Petitioners called two (2) witnesses in their case-in-chief and on rebuttal: Ted Rebholz, CEO of Temescal Wellness of Maryland, LLC, who was called as a fact witness and also as an expert witness in the legal cannabis industry, and Mitchell Kellman, an expert witness in land use and zoning. Protestants called numerous residents from the surrounding communities, including Revanne Aronoff, Linda Halpert, Dr. Herman Brecher, Arnold Simon, Theresa John, Bernard Stokes, Ruth Goetz, Jane Barrett, Roberto Lizano, and Mr. Needle, as well as witnesses with business interests within the subject area, particularly Rebecca Hodnot, the property manager of

the nearby Pomona Park and Pomona Square, and Gregory Kennedy, Corporate Counsel for Southern Management Corp. Protestants also relied on the testimony of two expert witnesses, Bruce Doak as an expert in property line surveying, land planning, and Baltimore County special exception matters, and Christopher Jakubiak, an expert in land development and zoning. A pressing deadline related to the Petitioners' licensing necessitated an accelerated schedule for the parties' post-hearing memoranda and the Board's public deliberation.

At the deliberation, held on October 31, 2017, the Board concluded that Petitioners presented sufficient evidence to grant their Petition, but imposed several conditions to address concerns and issues raised by Protestants and their supporting witnesses that arose during the course of the two-day hearing.

Background

In 2013, Maryland enacted legislation to establish a medical marijuana program, one that is heavily regulated and requires certain licensing, classified as processor, grower, and dispensary, though as Mr. Rebholz testified, there are up to fifteen state-wide licenses that permit a licensed grower to also have a licensed dispensary. State law restricts the number of dispensary licenses to two per legislative district, which, as per Mr. Rebholz, results in a maximum of ninety-four total licenses, but that is independent of the even more limited hybrid grower-dispensary license. As such, it is possible to have three dispensaries within a legislative district.

In 2015, Baltimore County, envisioning the related zoning issues on the horizon, enacted regulations regarding the operations of medical marijuana facilities. While petitions had been filed by other parties for other locations, this is the first case regarding medical cannabis zoning matters in front of this Board and therefore, is a case of first impression.

It is generally assumed that medical cannabis products are the same as the marijuana perhaps available for purchase and/or use in various college dorms, alleyways, and/or coffee shops in Amsterdam. Unbeknownst to most, not all medical cannabis products cause the euphoria associated with marijuana. Many of the products that will be available onsite will have different chemical composition and properties so that consumption of many of the dispensaries' cannabis products will not result in the psychoactive effects of tetrahydrocannabinol (THC). See Petitioner's Ex. No. 4.

The property at issue is located at 1636 Reisterstown Road, which is at the intersection of Reisterstown Road and Naylor's Lane. The property is .54 acres and was developed in the 1960s, such development consisting of one building with parking spaces running adjacent to Naylor's Lane, and continuing at the intersection with additional parking spaces facing Reisterstown Road, as well as spaces facing the building, with some additional parking spaces past the Reisterstown Road entryway to the property facing the adjacent Seasons grocery store. In addition to Seasons, the Pomona development to the north (which includes residential and commercial uses), St. Mark's on the Hill, Druid Ridge Cemetery and Sunrise of Pikesville are within close proximity. Formerly, this property had been leased to a dress store on one side and a 7-Eleven on the other, but more recently, had simply been vacant for the last several years.

The property is snugly situated within the Pikesville Commercial Revitalization District. Baltimore County, as reflected in its Master Plan 2020, recognizes the value of and importance in reinvesting and reanimating these formerly vibrant commercial areas, and as such, has created and adopted several policies geared toward that end:

1. Retain and attract quality retail, office, service, residential, entertainment, and institutional uses that create well balanced and economically vital mixed-use.

2. Improve the appearance and walkability of the [Commercial Revitalization] Districts.
3. Market Commercial Districts to potential businesses and patrons.

(Master Plan 2020, Economic Vitality, p. 137-141).

Had the matter been located outside of the Commercial Revitalization District, there would be no need or requirement for a hearing. Baltimore County permits medical cannabis dispensaries in the BL Zone by right. BCZR §4D-102(A)(1). The County Council, presumably to further the policies aiding commercial revitalization districts, required a special exception approval for medical cannabis dispensaries seeking to be located within BL-zoned areas within such districts. BCZR §4D-102(A)(2). The significance of the property's location within the Commercial Revitalization District gives rise to the need for the subject petition and hearing.

While the regulations governing medical cannabis facilities (Article 4D) do not expressly identify BCZR "Section 502 Special Exceptions," the reference to "special exception" is well understood to trigger review under BCZR Section 502. Section 502, entitled, "Special Exceptions," contains eleven subsections enumerated §502.1-§502.10 (with separate subsections designated as §502.5 and §502.5A). The only subsections within Section 502 applicable herein are §502.1, with its own nine factors for consideration, and §502.2, which concerns the imposition of conditions as "necessary or advisable for the protection of surrounding and neighboring properties." BCZR §502.2. Under BCZR §502.1, before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;

- F. Interfere with adequate light and air;
- G. Be inconsistent with the purposes of the property’s zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.

As noted above, the Petition concerns a medical cannabis dispensary, which the BCZR defines as a “person or entity licensed by the state that acquires, possesses, transfers, sells, dispenses, or distributes products containing medical cannabis and related supplies and products pursuant to COMAR 10.62.01 to 10.62.35.” BCZR §4D-101. To that end, Mr. Rebholz testified that the facility at issue would be strictly limited to dispensary operations and would not serve as a grower or processor of cannabis products.

Mr. Rebholz testified at length regarding the strict statutory and regulatory requirements. Seemingly, all facets of the business are heavily controlled and monitored, including: the registration of physicians who can provide cannabis recommendations to patients; the tracking of patients and their purchases to limit how much any patient can purchase per month; security matters; product handling; and dispensary agent registration, among other issues. See, e.g. Health Art. §§13-3301-3316; COMAR 10.62.01-10.62.35.

Decision

A “special exception is presumed to be in the interest of the general welfare, and therefore a special exception enjoys the presumption of validity.” Attar v. DMS Tollgate, LLC, 451 Md. 272, 286; 152 A.3d 765, 774 (2017) citing, Schultz v. Pritts, 291 Md. 1, 11; 432 A.2d 1319, 1325 (1981). A petitioner in a special exception case has both the burden of proof and burden of persuasion. Attar, 451 Md. at 286; 152 A.3d at 774. Petitioners must persuade the Board “by a

preponderance of evidence that the special exception will conform to all applicable requirements.” Id., quoting People’s Counsel for Balt. Cty. v. Loyola Coll. In Md., 406 Md. 54, 109; 956 A.2d 166, 199 (2008). Therefore, though presumed valid, Petitioners in a contested case are required to present evidence to establish a *prima facie* case irrespective of the presumption. Id. Put another way, in Schultz v. Pritts, the Court of Appeals stated:

[T]he applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide.

291 Md. at 11; 432 A.2d at 1325. To overcome the presumption, Protestants need to present evidence that reveals that the adverse effects from the subject matter at issue in the special exception go “above and beyond those inherently associated with such use under the Schultz standard.” Attar, 451 Md. at 287; 152 A.3d at 774, citing, Schultz, 291 Md. at 15; 432 A.2d at 1327.

Therefore, Petitioners, in this *de novo* hearing, had the burden of proof to present sufficient evidence that the petition will meet the requirements set forth in BCZR §502.1. As stated earlier, BZCR §502.1 identifies nine factors for consideration before any special exception may be granted. It must appear that the use for which the special exception is requested will not violate or compromise any of the factors.

Protestants focused their arguments upon the parking, “unsafe conditions” and/or potential crime, and inconsistency with the Master Plan. See, e.g., Protestants’ Post-Hearing Memorandum,

at p. 2. Several of the BCZR §502.1 factors are not disputed and/or are not at issue. Particularly, factors:

- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air;
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; and
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.

are not contested and can be quickly dispensed with from this discussion. The Board finds that, based on the evidence presented and/or inapplicability (as relevant) of D, E, F, H, and I, the proposed dispensary does not appear to violate or compromise those factors, leaving only four §502.1 factors for discussion.

Protestants though characterize their arguments in a manner that blurs the distinct lines that separate one factor from the next. In particular, Protestants identify the possibility of an increase in crime and raise onsite parking issues, as well as the on and off-site negative effects resulting from those issues. Rather than try to place the issues within an ill-fitting §502.1 category and/or address the same general topic over multiple §502.1 categories, Protestants' issues will be addressed with the understanding that multiple categories apply to the matters raised.

1. Potential for an Increase in Criminal Activity

The primary concern raised by Protestants was the possibility that those inclined to engage in criminal activity may be attracted to the dispensary, which may further result in an increase in criminal activity in the general area.

Mr. Rebholz provided comprehensive testimony that the proposed security measures address the concerns raised. For example, entry to and exit from the dispensary will be controlled. All employees of the dispensary are required to undergo a background check and then, once hired, have some security training. Some of those employees will actually function as security. Security will meet patients prior to the front door entrance. For entrance, patients are required to show to a camera a government-issued identification card that permits them to be onsite. Once the door is opened, the identification card will be checked by staff and confirm via state registry that the patient is presently registered to use medical cannabis. Once confirmed, a second door will open. The entryway system will only permit one of the two doors to be open, creating what Mr. Rebholz referred to as a “Man Trap.” The patient’s identity will be examined and verified a third time just prior to purchasing products. Once the transaction (limited to cash or debit cards) is complete, the patient will be escorted to the exit door, which is different from and not attached to the exterior entry door. Under no circumstances will onsite consumption of products be permitted.

The proposed dispensary will have numerous cameras on site, depicting the interior and exterior of the facility. The amount cash contained within the registers will be limited, with regular storing of the cash in an onsite vault. Similarly, the onsite storage of cannabis products will also be limited and stored in a vault. The vault is required to be made of high-grade materials and not touch any exterior walls. The vault will be equipped with a dual authentication process for access and not all employees will have access. Deliveries will be made via unmarked vehicles, which will also have transport manifests. The exterior lighting will be equipped with motion sensors. The interior, as can be expected, also will be equipped with motion detectors and an alarm system.

Numerous Protestants and their witnesses expressed general concerns that the presence of marijuana may result in an increase in crime. For example, Mr. Simon, Ms. Hodnett, Ms. John,

Ms. Barrett, and Mr. Lizano all presented testimony to this effect. The general public's association between marijuana and crime is understandable. For nearly a century, marijuana has been criminalized and, more frequently than not, has been characterized in a negative light (e.g. "Reefer Madness"). These statements are not to serve as commentary on the complicated history of marijuana in the United States, but rather acknowledgement of the challenge presented by society's evolution in its perception of marijuana and the medical uses for cannabis products in light of the generally, and sincerely, held beliefs about marijuana and the association of marijuana with negative societal effects.

This negative association implicit in such testimony is not evidence upon which the Board can find that Protestants effectively rebutted the presumption attendant to special exception uses. Protestants have not presented evidence upon which the Board may reasonably conclude that there is a reasonable likelihood or probability that medical cannabis dispensary operations at this subject location would cause an increase in criminal activity in the surrounding area. See, e.g., Lyon v. Campbell, 120 Md. App. 412, 437; 707 A.2d 850, 863 (1998), citing, Myers v. Bright, 327 Md. 395, 399; 609 A.2d 1182 (1992); Fowler v. Smith, 240 Md. 240, 247; 213 A.2d 549 (1965); Bethlehem Steel Co. v. Jones, 222 Md. 54, 58; 158 A.2d 621 (1960); Reeves Motor Co. v. Reeves, 204 Md. 576, 581; 105 A.2d 236 (1954).

A mere possibility or other speculative evidence is insufficient. Id. Even then, in this context, Protestants would have to present evidence that the risk in increased criminal activity in the surrounding area is greater with medical cannabis dispensary operations at this subject location than another BL-zoned property within the revitalization district. No evidence has been presented to support a finding that this location is particularly problematic for these operations.

Protestants attempted to introduce an academic article through the testimony of Mr. Simon. The article concerned statistics and/or other findings and opinions as to increased criminal activity within the general area in the vicinity of recreational marijuana establishments in Colorado. Upon objection by counsel for Petitioners, the Board ruled that the article and related testimony were inadmissible.

Mr. Simon, without expertise in the subject matter of the article, read the article and drew conclusions therefrom. Therefore, the testimony presented was a lay person's understanding and opinion about a possible expert witness' findings, conclusions and opinions. To be clear, this is not a criticism of Mr. Simon. To the contrary, it was more than evident that the subject matter of the article greatly assisted Mr. Simon in becoming more informed on the subject matter and in his advocacy. However, introducing such evidence in this manner presents numerous problems even with the more relaxed evidentiary rules utilized by the Board in these cases. Baltimore County Board of Appeal Rule 7(A) sets forth (as is relevant):

Any evidence which would be admissible under the general rules of evidence applicable in judicial proceedings in the State of Maryland shall be admissible in hearings before the county board of appeals. Proceedings before the board being administrative in nature, the board will not be bound by the technical rules of evidence but will apply such rules to the end that needful and proper evidence shall be most conveniently, inexpensively and speedily produced while preserving the substantial rights of the parties.

Protestants sought to use this evidence to establish that there was causation, or at least a correlation, with the increase in criminal activity in the area within the vicinity of one or more recreational marijuana facilities in Colorado. As such, from Protestants' perspective, it was reasonable to conclude that a similar result will be experienced in Pikesville.

First, for Protestants to introduce this evidence through Mr. Simon, cross examination for Petitioner would be limited to Mr. Simon's understanding of the article, rather than cross examination of the underlying findings, conclusions, opinions, methodologies, and potential biases within the article and of its authors. Relatedly, fairness dictates that the subject matter of the article presented would require either advance notice to the opposing party or a continuance to permit Petitioner time to review and investigate the article and decide whether an expert would be needed to rebut the opinions set forth in the article, though oddly directed to Mr. Simon. Important for this matter in particular, a continuance was not an option for Petitioner in light of state-mandated deadlines to achieve certain events in order to keep its license (which is what prompted the condensed schedule for post-hearing briefs and deliberation). Because the Board's Rules do not compel production of the article in advance of the hearing and a continuance was not a reasonable option, fundamental fairness requires this Board to exclude the article from evidence for this reason as well.

Second, the Board recognized basic, but important, differences that precluded equating the circumstances giving rise to the data, conclusions and opinions from an article to the matter at hand. The subject matter of the article concerned certain effects experienced in Colorado that were attributed to the presence of recreational marijuana facilities, not that of effects experienced more locally (i.e. application of the same or at least similar statutory and regulatory framework) that may be attributed to the operation of medical cannabis dispensaries or other such circumstances to where introduction of the evidence would actually be of help in resolving the issues in this matter.

Third, while hearsay evidence may be received by the Board, there must still be some circumstances that permit a conclusion of trustworthiness and/or reliability to be competent evidence for this Board. Parham v. Dep't of Labor, Licensing & Registration, 189 Md. App. 604,

618; 985 A.2d 147, 155 (2009) (“if [hearsay] is to be relied upon as the basis of an administrative decision, the hearsay ‘must be competent and have probative force.’”), citing, Kade v. Charles H. Hickey School, 80 Md.App. 721, 725; 566 A.2d 148 (1989). Here, there are multiple levels of hearsay at issue. Particularly, neither the parties, nor the Board, would have access to review the source materials or any other articles or studies cited by and/or relied upon that are referenced in the article Protestants sought to introduce and no one present for cross examination. In short, the article is essentially hearsay all the way down.¹

Though Mr. Rebholz identified many of the required security features and ones Petitioners are otherwise undertaking, it was apparent that some improvements to the security plan would help address the concerns raised by the surrounding community and such improvements would be advisable to better protect the neighboring properties. Two aspects of the security plan stood out -- one is the lack of any onsite presence or other active monitoring of the premises at night time; the second concerns the plan to have one security guard present during the day. Mr. Rebholz’s testimony revealed that the guard will not only be greeting patients in the parking area, but also escorting patients inside. Moreover, there is likely to be a higher relative volume of cash transactions and cash on hand, no matter how secure internally, at the dispensary than other area businesses. The testimony revealed that, at certain points, there will be no exterior security presence for brief periods of time and, importantly, the patients are particularly vulnerable individuals. Testimony from Ms. John and Ms. Hodnot revealed that the adjacent residences at Pomona Park have a lot of senior citizens, some of whom are also vulnerable individuals.

¹ Echoing the concept of infinite regress, e.g. “turtles all the way down.” See, e.g. Rapanos v. United States, 547 U.S. 715, 754; 126 S.Ct. 2208, 2233 (2006) (plurality opinion); see also, Hawking, Stephen, A Brief History of Time, Ch. 1. Our Picture of the Universe, (1988).

While a conclusion that the presence of medicinal cannabis will lead to increased crime is speculative, additional reasonable measures can be undertaken to decrease the attraction to and opportunity for criminal activity in and near the dispensary, which, in turn, will help protect residents at Pomona Park, the surrounding neighborhoods and businesses. Pursuant to the authority bestowed upon the Board in BCZR §502.2, the Board will impose conditions, identified in more detail below, related to the security plan.

Otherwise, the measures identified by Mr. Rebholz (and that required by law and/or regulation) and Mr. Kellman are sufficient to permit this Board to conclude that it does not appear that this dispensary will be more detrimental to the health, safety and/or general welfare in this location than elsewhere within the BL-zoned parts of the Pikesville Commercial Revitalization District. Therefore, Petitioners have met their burden on this point.

2. Insufficient Parking Spaces, Deficient Layout and Related Issues

Protestants assert two arguments that the Board will address under this factor: (1) there is an insufficient number of parking spaces; and (2) the insufficient parking and its limited layout create unsafe conditions for motorists and pedestrians.

Petitioners presented Mitchell Kellman, an expert in land use and zoning and notably, a former employee of the Baltimore County Office of Planning and Zoning, to discuss the factors under §502.1, which included testimony about the site's parking spaces and layout. It was Mr. Kellman's opinion that the proposal met each of the factors under §502.1. With respect to the parking, Mr. Kellman stated that the County requires thirty (30) parking spaces and this property (the entire property) provides for thirty-one spaces.

Mr. Kellman testified that the total area for the site amounted to 6,533 sq. ft., but only 3,713 sq. ft. of the total were within the special exception area. Baltimore County Zoning Regulation

§409.6 provides the number of parking spaces required based on the type of use. Section 409.6(a) classifies numerous uses and, as can be imagined, a medical cannabis dispensary is not specifically provided for by the regulation. Rather, the uses are more generic, first classifying the use under a wide umbrella, *e.g.* residential and lodging, commercial and service, etc. and then by type, *e.g.* hotel, bank, office, retail, etc.

Based on information provided by Mr. Rebholz, Mr. Kellman determined that 2,122 sq. ft. of the 3,713 sq. ft. within the special exception area would be used as office space and the remaining 1,591 sq. ft. was reserved as retail space. Under §409.6(a)(2), the minimum number of spaces required for office (general) use is 3.3/1000 sq. ft. of gross floor area and the minimum number of spaces required for retail use is 5/1000 sq. ft. of gross floor area. As such, Mr. Kellman concluded that only fifteen parking spaces (attributing eight for the office area, seven for the retail) were required.²

Bruce Doak, Protestants' expert with familiarity in the Baltimore County process regarding development plans, special exceptions and variances, disagreed. Mr. Doak never submitted or had approved a parking plan with a split use. Mr. Doak believed that the dispensary should not be considered as office space, relying on BCZR §101.1, which defines office as "a building or portion of a building used for conducting the affairs of a business, profession, service, industry or government, including a medical office. The term 'office' does not include a bank, a post office, a veterinarian's office or an establishment where merchandise is stored on or sold from the premises." It was Mr. Doak's opinion that the dispensary use was most like that of a pharmacy,

² The calculation for the retail space actually computed to 7.0026 (3.3/1000 sq. ft., 2122 sq. ft.). Section 409.6(a) states "If the number of spaces calculated in accordance with this section results in a number containing a fraction, the required number of spaces shall be the next highest whole number." Therefore, if the Board were to agree that the proper classification of use is the office/retail hybrid, as identified and proposed, it would require, based on Mr. Kellman's testimony, 16 spaces (eight for the office area and eight for the retail), not 15.

like CVS, which is considered retail. As such, Mr. Doak concluded that nineteen parking spaces were required.

Both Mr. Kellman and Mr. Doak have more than ample experience regarding development plans and other matters that concern the parking issues raised. Their collective testimony revealed that the County's approach to classifying a use and therefore, calculation of parking spaces, may be wholly contingent upon which County employee one speaks to about a proposal.³ In physics, the Observer Effect recognizes that phenomena are changed by the act of observation. In zoning, the classification of use and the number of parking spaces should not be so mutable based on the identity of the zoning office employee.

There are a couple options potentially applicable. The Board finds that Petitioners' hybrid, as proposed, is not one of them. Though there may be office space present and an area from which the public is excluded, that does not render the use of the property as "office" for purposes of the parking regulations any more than the presence of any edible products would convert the use into a carry-out restaurant.⁴ What matters is the principal use at issue. The Board considers Mr. Doak's analogy to come the closest. The principal use for this dispensary is like a pharmacy, and therefore, is properly classified as retail.⁵

As noted by Petitioners, this location formerly was a dress shop and a 7-Eleven convenience store, the use, for purposes of BCZR §409.6, was also considered retail. The evidence

³ Compare testimony from Mr. Kellman (October 18, 2017, p. 195-203) with that of Mr. Doak (transcript for October 19, 2017 unavailable at time of this Opinion).

⁴ BCZR §101.1 defines carry out restaurant as "An establishment whose principal business is the sale of ready-to-consume food and beverages to customers who order their food and beverages over the counter, by telephone or by fax machine and whose principal characteristic is that food and beverages are consumed off the premises."

⁵ It was suggested by Protestants during the hearing that the use could be considered a medical office. Under BCZR §101.1, a medical office requires treatment from one or more medical practitioners. The evidentiary record establishes that none of the dispensary employees will be medical practitioners, leaving aside the question of whether the dispensary can fairly be considered as a place for treatment.

of the history of this site reveals that it has only ever been for retail use. Moreover, the property was developed in the 1960s and the building and parking lot that exist today are that which were constructed originally.⁶ (Petitioner's Ex. No. 13). In the Baltimore County Zoning Commissioner's Policy Manual (designated as an "Administrative Supplement to the Baltimore County Zoning Regulations), Section 409.1(g) states (as relevant):

If the property use is nonconforming with regard to parking and the use expands or changes, no credit will be given for the existing deficiency, even if the new requirement is less than the old one. The only exception to this would be that if the principal use has been determined to be non-conforming and the use doesn't change, credit would be given for the parking existing at that time...

As noted, the use has not changed or expanded. The use is retail, as it has been, and therefore, the County Policy Manual suggests that credit be given for the parking that exists. This general principle is well established in Maryland law. For example, a change in zoning law or building code does not mandate that all existing buildings or structures, or those with substantial construction completed, come into conformity with the new law or code. See, e.g., Trip Assocs., Inc. v. Mayor & City Council of Baltimore, 392 Md. 563; 898 A.2d 449 (2006); Prince George's Cty., Md. v. Sunrise Dev. Ltd. P'ship, 330 Md. 297; 623 A.2d 1296 (1993); Sizemore v. Town of Chesapeake Beach, 225 Md. App. 631, 648; 126 A.3d 225, 235 (2015); Town of Sykesville v. West Shore Commons, 110 Md.App. 300; 677 A.2d 102 (1996). In short, to require the parking come into conformity with the existing code, evidence of a change, intensification or expansion of use, or other circumstances warranting such a requirement, is necessary. No such change, intensification, expansion or other circumstances are present here.

⁶ To be clear, there are handicapped spots available, along with curb cuts which may not be original, but those accommodations do not consist of a change that warrants reconfiguration of the entire parking area apparently at that time of the accommodations (and there is no evidence as to when those accommodations were made) or, for that matter, today.

Protestants also raise the issue that the parking lot aisles/lanes and setbacks are deficient. More specifically, the parking lot aisle along Naylor's Lane, which is at a 90 degree angle relative to the parking aisle/lane is only 18± feet (and at one point just over 15 feet) when 22 feet is required by BCZR §409.4(C). The parking spots facing Reisterstown Road presently provides only a setback of eight feet from the right of way, when ten feet is required. The parking spots along Naylor's Lane appear to have zero setback and may even encroach on the right of way. BCZR §409.8(A)(4); see also, Petitioner's Exhibit No. 1. While initially proceeding with a proposal to keep parking conditions static, Petitioners, during the course of the hearing, submitted a revised plan illustrating that the parking facing Reisterstown Road could and would be moved back a couple of feet to provide the minimum setback required while at the same time still be compliant with the minimum space required by BCZR §409.4(C). Petitioner's Exhibit No. 14. To do so, Mr. Kellman testified all that is needed is to re-stripe the parking spaces and add landscaping, which the Board orders as part of this approval.

As to the deficiencies that cannot be so easily addressed, particularly the parking area facing and adjacent to Naylor's Lane, in light of the finding that the use has not changed, Petitioner will not be required to have that parking area come into conformity at this time. Obviously, if the use changes, intensifies or expands, the non-conformity of the parking area may be revisited.

Protestants also identify the parking entrance/exit to and from Reisterstown Road as a potential hazard that, in their opinion, creates unsafe conditions for motorists and pedestrians. Protestants, via Mr. Jakubiak, contend that the width and length are insufficient and fail to comply with the State Highway Administration Access Manual requirements. The State Highway Administration conducted a field inspection earlier this year and determined that an entranceway consistent with the current guidelines is not required. Petitioner's Exhibit No. 11. As such, SHA

did not object to approval of the Petition. Id. Once again, Petitioners' revised plan reflects that the entranceway can and will be widened to twenty feet. Petitioners' Exhibit No. 14. The Board orders that the entranceway be widened as proposed by Petitioners. Given the existing conditions, the use, and deference to SHA's determination, the Board concludes that no modifications to the entranceway from Reisterstown Road beyond those set forth in Petitioners' Exhibit No. 14 are required at this time.

With the above in mind, the Board finds that Petitioners' revised plan (Exhibit No. 14) satisfies Petitioners' burden of proof to the extent that the parking spaces and lot issues contemplated fall under one or more of §502.1(A), (B), (C) and/or (G).

3. Commercial Revitalization District

Because BCZR §4D-102 requires a special exception for a medical cannabis dispensary within a BL Commercial Revitalization District, the Board concludes the County Council intended to engraft the policies supporting Commercial Revitalization District upon the analysis of the special exception factors. In other words, because this property is so situated, the Board is required to review whether the medical cannabis dispensary is inconsistent with the property's zoning classification, including specifically its location within a BL-Commercial Revitalization District property, and whether the proposal is inconsistent with the spirit and intent of the Zoning Regulations. BCZR §4D-102(A)(2), §502.1(G).

Baltimore County Master Plan 2020 recognizes the struggles certain former commercial hubs, typically located within the Baltimore Beltway, have with respect to maintaining existing retail business and attracting new business. As such, the County has established several policies and related actions to implement such policies. As noted, the County's requirement of a special exception for approval of a medical cannabis dispensary with a revitalization district indicates the

Council's value judgment, that is, the dispensary must help revitalization efforts and not deter or hinder them.

The Master Plan, as one of its policies, seeks to have well-balanced and economically vital mixed uses within the revitalization districts. It recognizes the importance of the appearance of the businesses within the District, further noting that a "commercial center or corridor with attractive curb appeal and stable and desirable uses may encourage people to invest in the community." As yet another policy, the Master Plan prioritizes improving the appearance and walkability of the Districts, which includes streetscape programs and beautification efforts.

Protestants take great pride in being Pikesville residents and as such, have embraced the Pikesville Commercial Revitalization District. Mr. Needle, in conjunction with the Friends of Pikesville, Inc., developed what appears to be a very well-thought out, forward-looking, and comprehensive plan for the District (the 100-page Pikesville Revitalization Plan was discussed in detail in his testimony, though not submitted into evidence). It is Mr. Needle's, and other Protestants' concerns, that the presence of the medical cannabis dispensary within the District would detract from attracting investment in the District and would otherwise cause the District to fall into disrepair, and that it may derail their Plan.

The Board finds that presence of a medical cannabis dispensary within the Pikesville Revitalization Commercial District is not inconsistent with the property's zoning classification and is not inconsistent with the spirit and intent of the zoning regulations. First, the zoning regulations permit the existence of the dispensary by right in a BL zone. Therefore, the only matters for evaluation are its presence within the revitalization district and the zoning regulations.

The addition of the dispensary furthers the policy of having well-balanced and economically vital mixed uses. As it stands the property is vacant. Previously, the property had

been used for retail, with the last tenants being a dress shop and a convenience store. If the analysis is hyper-focused on the use as a medical cannabis dispensary, certainly, it is the first of its kind, but also the first in the area. Also, given the limited number of licenses, it is expected to result in additional people traveling to the District to avail themselves of the dispensary's services and perhaps other area businesses. If the focus is pulled back so that the operations are viewed more generally, as noted above, it is akin to a pharmacy. Obviously, the presence of a pharmacy within a revitalization district is not inconsistent with the purposes for the revitalization district. The revised proposal (Petitioners' Exhibit No. 14) addresses some of the existing non-conforming parking lot issues and in doing so, helps bring into conformity the landscaping and buffer area along Reisterstown Road. No variances are sought by Petitioners. Therefore, the Board finds that the Petition is not inconsistent with its location within the Pikesville Commercial Revitalization District and is also not inconsistent with the spirit and intent of the zoning regulations. At the same time, improved landscaping will help the appearance, walkability and other matters that will assist with beautification and revitalization efforts.

4. Conditions Imposed

To help enhance the Pikesville Commercial Revitalization District and further the policies and goals in the Master Plan 2020, as well as allay certain concerns raised and improve upon the proposal, the Board imposes certain conditions to provide additional measures of protection for the surrounding area, properties and residents:

- a. Petitioners' revised proposal (Petitioners Exhibit No. 14) is approved and adopted, requiring, *inter alia*, Petitioners to restripe the parking lot for the parking area along Reisterstown Road which will create a ten-foot setback from the right of way for the creation of a landscaped buffer area.
- b. Within the ten-foot setback referenced in (a), Petitioners shall provide landscaping/streetscaping beyond the minimum County design requirements.

Petitioners shall further provide landscaping/streetscaping that enhances and ties into the surrounding area and any existing plans in place or underway for other landscaping/streetscaping along Reisterstown Road. The Board encourages Petitioners, Protestants, and others within the Revitalization District to work together on a plan that helps provide an attractive curb appeal, as well as enhance and beautify the general area. Petitioners are also directed to consult the Comprehensive Manual of Development Policies, with particular reference to Division VI, Section H “Crime Prevention Through Environmental Design” and utilize the principles set forth therein and other sections as necessary when designing the landscaped buffer area.

c. All signage and lighting shall conform to the Baltimore County Zoning Regulations. Petitioners’ sign shall not depict any logo or any content suggestive of the presence of cannabis products onsite or the consumption of cannabis.

d. Petitioners are required to provide a minimum of two trained security officers during hours of operation. Petitioners are also required to undertake proactive security measures when the dispensary is not open for business. Such measures, at the discretion of Petitioners, may consist of one and/or or some combination of: security/surveillance cameras with a person actively monitoring the surveillance video feed; randomly timed but multiple vehicular patrols of the property; the presence of security officers on site; and/or other such measures so that the dispensary is actively monitored outside of the hours of operation and particularly overnight.

e. In the event that recreational or “adult” use of cannabis becomes legal in Maryland and Petitioner(s) wish for this location to sell, provide, and/or furnish cannabis and/or cannabis products for recreational use or to permit recreational/adult consumption of cannabis and/or cannabis products onsite, the Petitioner(s) at that time shall be required to file a new Petition identifying the change(s) in use sought. Such Petition shall be the subject of a public hearing, requiring public notice consistent with the public notice requirements for this hearing, and at such public hearing, the Petitioner(s) at that time shall be required to satisfy the special exception requirements of BCZR Section 502 and/or as otherwise required by law at the time of the Petition.

f. Nothing in this Opinion and Order is intended to indicate any approval of the expansion of use to include the sale, provision, or furnishing of cannabis and/or cannabis products for recreational/adult use. Nothing in this Opinion and Order is intended to indicate any approval of the expansion of use to permit the recreational/adult consumption of cannabis and/or cannabis products onsite. Nothing in this Opinion and Order shall be interpreted in a manner that conveys any approval for this location to operate via special exception in any manner other than as a medical cannabis dispensary, with conditions, as ordered.

Conclusion

In light of all of the above, this Board finds that Petitioners have met their burden of proof to permit the subject property to operate, by special exception and subject to conditions, a medical cannabis dispensary.

ORDER

THEREFORE, IT IS THIS 25th day of January, 2018, by the
Baltimore County Board of Appeals,

ORDERED that Petitioners' Petition for Special Exception, as revised, be GRANTED, subject to the following conditions:

- a. Petitioners' revised proposal (Petitioners Exhibit No. 14) is approved and adopted, requiring, *inter alia*, Petitioners to restripe the parking lot for the parking area along Reisterstown Road which will create a ten-foot setback from the right of way for the creation of a landscaped buffer area.
- b. Within the ten-foot setback referenced in (a), Petitioners shall provide landscaping/streetscaping beyond the minimum County design requirements. Petitioners shall further provide landscaping/streetscaping that enhances and ties into the surrounding area and any existing plans in place or underway for other landscaping/streetscaping along Reisterstown Road. The Board encourages Petitioners, Protestants, and others within the Revitalization District to work together on a plan that helps provide an attractive curb appeal, as well as enhance and beautify the general area. Petitioners are also directed to consult the Comprehensive Manual of Development Policies, with particular reference to Division VI, Section H "Crime Prevention Through Environmental Design" and utilize the principles set forth therein and other sections as necessary when designing the landscaped buffer area.
- c. All signage and lighting shall conform to the Baltimore County Zoning Regulations. Petitioners' sign shall not depict any logo or any content suggestive of the presence of cannabis products onsite or the consumption of cannabis.
- d. Petitioners are required to provide a minimum of two trained security officers during hours of operation. Petitioners are also required to undertake proactive security measures when the dispensary is not open for business. Such measures, at the discretion of Petitioners, may consist of one and/or or some combination of: security/surveillance cameras with a person actively monitoring

the surveillance video feed; randomly timed but multiple vehicular patrols of the property; the presence of security officers on site; and/or other such measures so that the dispensary is actively monitored outside of the hours of operation and particularly overnight.

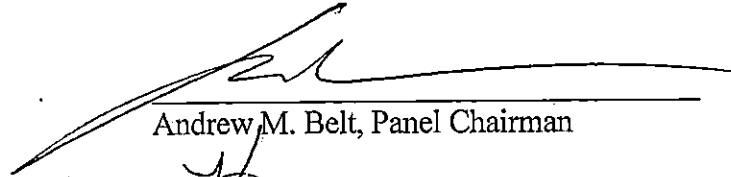
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f. Nothing in this Opinion and Order is intended to indicate any approval of the expansion of use to include the sale, provision, or furnishing of cannabis and/or cannabis products for recreational/adult use. Nothing in this Opinion and Order is intended to indicate any approval of the expansion of use to permit the recreational/adult consumption of cannabis and/or cannabis products onsite. Nothing in this Opinion and Order shall be interpreted in a manner that conveys any approval for this location to operate via special exception in any manner other than as a medical cannabis dispensary, with conditions, as ordered.

In the matter of: Temple Wellness of Maryland, LLC.
Case No: 17-281-X

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

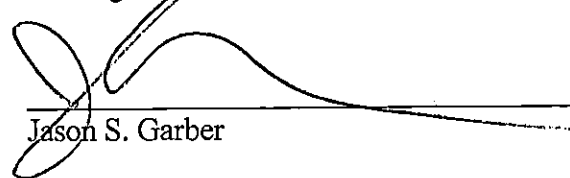
**BOARD OF APPEALS
OF BALTIMORE COUNTY**

A handwritten signature in black ink, appearing to be 'A. Belt', written over a horizontal line.

Andrew M. Belt, Panel Chairman

A handwritten signature in black ink, appearing to be 'K. Jolivet', written over a horizontal line.

Kendra Randall Jolivet

A handwritten signature in black ink, appearing to be 'J. Garber', written over a horizontal line.

Jason S. Garber



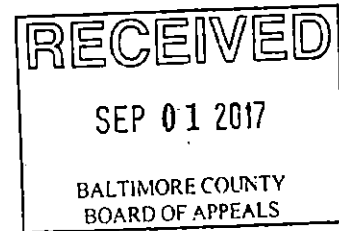
KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

September 1, 2017

Adam Rosenblatt, Esq.
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Exception
Case No. 2017-0281-X
Property: 1636 Reisterstown Road



Dear Mr. Rosenblatt:

Please be advised that an appeal of the above-referenced case was filed in this Office on August 31, 2017. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Beverungen".
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

c: Michael McCann, Esq., 118 W. Pennsylvania Avenue, Towson, Maryland 21204
Linda Halpert, 1 Vacluse Lane, Baltimore, Maryland 21208
Debbie Patterson, 1309 Sudvale Road, Baltimore, Maryland 21208

Mark Alexis, 1324 Church Hill Drive, Baltimore, Maryland 21208
Arnold Simon, 2 Peachtree Court, Baltimore, Maryland 21208
Howard and Sue Needle, 1321 Harden Lane, Baltimore, Maryland 21208
Baltimore County Board of Appeals
People's Counsel

APPEAL

**Petition for Special Exception
(1636 Reisterstown Road)
3rd Election District – 2nd Councilmanic District
Legal Owner: Temescal Wellness of Maryland, LLC
Case No. 2017-0281-X**

Petition for Special Exception (April 18, 2017)

Zoning Description of Property

Notice of Zoning Hearing (May 3, 2017)

Certificate of Publication (May 30, 2017)

Certificate of Posting (May 27, 2017) by SSG Robert Black

Entry of Appearance by People's Counsel (April 26, 2017)

Petitioner(s) Sign-in Sheet – 1 page

Citizen(s) Sign-in Sheet – 1 page

Zoning Advisory Committee Comments

Petitioner(s) Exhibits -

1. Plan
2. Map-Pikesville Commercial Revital. District
3. Rebholz-CV
4. Temescal Wellness Brochure
5. Letter June 19, 2017 Pikesville Chamber of Commerce
6. Kellman CV
7. Aerial Photo
8. Photos of site

Protestants' Exhibits –

1. Letter-from A. Simon

Miscellaneous – Letter from Howard J. Needle, Esq and e-mail from Judge Beverungen

Administrative Law Judge Order and Letter (DENIED, June 23, 2017)

Motion for Reconsideration Received June 27, 2017 from Adam Rosenblatt, Esq.

Administrative Law Judge Order and Letter on Motion for Reconsideration (GRANTED, June 29, 2017)

Motion for Reconsideration from Howard J. Needle, Esq. on July 25, 2017

Response to Motion for Reconsideration from Adam Rosenblatt, Esq. on July 28, 2017

Administrative Law judge Order and Letter on Motion for Reconsideration for (Pine Ridge Community Association, Howard L. needle, Esq.) GRANTED August 2, 2017

Notice of Appeal – August 31, 2017 by Michael McCann, Esq. for Protestants

APPEAL

**Petition for Special Exception
(1636 Reisterstown Road)
3rd Election District – 2nd Councilmanic District
Legal Owner: Temescal Wellness of Maryland, LLC
Case No. 2017-0281-X**

Notice & Receipt of Appeal – September 1, 2017 from Howard J. Needle, Esq.

All materials relative to this case were delivered to BOA on September 1, 2017 with Mr. McCann's appeal.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 30, 2017 Issue - Jeffersonian

Please forward billing to:

Adam Rosenblatt

410-494-6271

Venable

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0281-X

1636 Reisterstown Road

SW/s Reisterstown Road at the SE corner of Naylor's Road

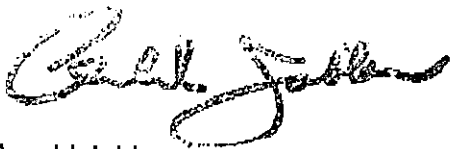
3rd Election District – 2nd Councilmanic District

Legal Owners: Village Greenwood, LLC

Contract Purchaser: Temescal Wellness of Maryland, LLC

Special Exception for a state licensed medical cannabis dispensary to be located in the Pikesville Commercial Revitalization District. Also, for such further relief as the Administrative Law Judge may require.

Hearing: Tuesday, June 20, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1636 Reisterstown Road which is presently zoned BL
Deed References: 22155/79 10 Digit Tax Account # 0 3 2 3 0 5 0 9 2 8
Property Owner(s) Printed Name(s) Village Greenwood LLC

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. X a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
SEE ATTACHED
3. a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

SEE ATTACHED

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Adam M. Rosenblatt, Esquire

Name- Type or Print

Adam M. Rosenblatt

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6271 amrosenblatt@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SEE ATTACHED

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Adam M. Rosenblatt, Esquire

Name - Type or Print

Adam M. Rosenblatt

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6271 amrosenblatt@venable.com

Zip Code Telephone # Email Address

CASE NUMBER 2017-0281-X Filing Date 4/18/2017

Do Not Schedule Dates: Reviewer *rw*

ORDER RECEIVED FOR FILING
REV. 10/4/11

Date 6/23/17

By Sen

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

**1636 Reisterstown Road
Pikesville, MD 21208**

Requested Relief:

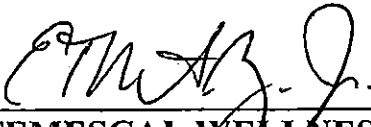
1. Special exception pursuant to Section 4D-102 of the BCZR for a state licensed medical cannabis dispensary to be located in the Pikesville Commercial Revitalization District.
2. Also, for such further relief as the Administrative Law Judge may require.

2017-0281-X

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

**1636 Reisterstown Road
Pikesville, MD 21208**

Contract Purchaser/Lessee:



**TEMESCAL WELLNESS
OF MARYLAND, LLC**

By: Edward ("Ted") T. Rebholz, Jr.
Authorized Representative

Address:
Suite 904
1 East Pratt Street
Baltimore, MD 21209

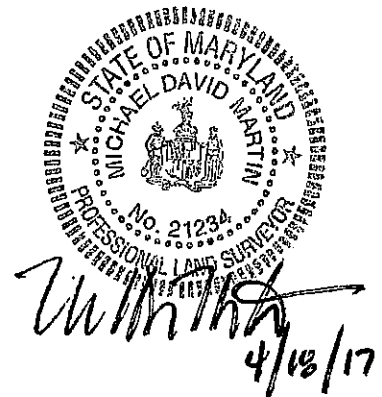


Description
To Accompany Petition
For a Special Exception
Reisterstown Road
3rd Election District 2nd Councilmanic District
Baltimore County, Maryland

Beginning for the same at a point on the southwestern right of way of Reisterstown Road, said point being at the end of the following two courses and distances: (1) Southeasterly 64 feet, more or less, along the centerline of said Reisterstown Road from the point formed by the intersection of the centerline of Naylor Road with centerline of Reisterstown Road; thence (2) Southwesterly 33 feet, more or less, to the said southwestern right of way line of Reisterstown Road; thence running with and binding on a portion of said right of way; (1) South 41 degrees 39 minutes 16 seconds East 126.27 feet; thence leaving said right of way and running (2) South 49 degrees 59 minutes 41 seconds West 164.93 feet; thence (3) North 41 degrees 29 minutes 21 seconds West 69.52 feet; thence (4) North 49 degrees 03 minutes 57 seconds East 138.31 feet; thence (5) North 40 degrees 38 minutes 47 seconds West 53.06 feet; thence (6) North 46 degrees 48 minutes 00 seconds East 25.44 feet to the point of beginning; having an area of 13,061.90 square feet or 0.300 acres of land, more or less, as described by by Daft-McCune-Walker Inc. THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

April 18, 2017

Project No. 17008 (L17008)



№ 150390

Date:

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
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001	FD6	0000		6150				500.00

Total:

For:

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

END RECEIPT

BUSINESS	ACTUAL	TIME	TERM
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4/18/2017 4/18/2017 09:23:13

REG W501 WALKIN LJR

>>RECEIPT # 716395 4/18/2017 GFLN

Sept 5 528 ZONING VERIFICATION

CR NO. 150390

Receipt Tot \$500.00

\$500.00 CK \$.00 CA

Baltimore County, Maryland

**CASHIER'S
VALIDATION**

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2017-0281-X
Property Address: 1636 Reisterstown Road
Property Description: _____

Legal Owners (Petitioners): Village Greenwood LLC
Contract Purchaser/Lessee: Temescal Wellness of MD, LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: Adam M. Rosenblatt, Esquire
Company/Firm (if applicable): Venable LLP
Address: 210 W Pennsylvania Ave, Suite 500
Towson, MD 21204
Telephone Number: 410-494-6271

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 6/13/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-281

INFORMATION:

Property Address: 1636 Reisterstown Road
Petitioner: Temescal Wellness of Maryland, LLC
Zoning: BL
Requested Action: Special Exception

The Department of Planning has reviewed the petition for a special exception to use the property for a state licensed medical cannabis dispensary.

A site visit was conducted on May 1, 2017. The site has been vacant for a period of more than a year and the Department found the site to be in disrepair. The site is located within the Pikesville Commercial Design Review Area (DRP) and the Pikesville Commercial Revitalization District (CRD).

The Department does not object to granting the petitioned zoning relief provided the following conditions are met:

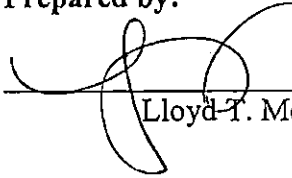
- No temporary freestanding signs, feather flags, banners or streamers are to be placed along the Reisterstown Road and Naylor's Lane frontages. All signage shall comply with BCZR § 450 and the Pikesville Commercial Revitalization Guidelines.
- The width of the landscape buffer along Reisterstown Road be increased to 10' and install landscaping via a landscape plan approved by the Baltimore County Landscape Architect that continues the landscaping pattern of street trees established on the Pamona Park site to the north and the commercial and institutional use to the south. The 10' landscape should continue on the south side of the entrance on Reisterstown Road. Sight distance should be considered when developing the landscape plan.
- Any future exterior building improvements will need to comply with the Pikesville Commercial Revitalization Guidelines and the Comprehensive Manual of Development

Policies (CMDP) and may be subject to review by the Design Review Panel (DRP) pursuant to BCC§ 32-4-203.

- The site has been vacant for some time and could use some general maintenance, particularly in the parking lot, sidewalks and brick walkways and the building exteriors.

For further information concerning the matters stated herein, please contact Lloyd T. Moxley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Bill Skibinski

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Adam M. Rosenblatt, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



Duplicate

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: April 28, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0281-X
Address 1636 Reisterstown Road
(Temescal Wellness of Maryland,
LLC Property)

Zoning Advisory Committee Meeting of **May 1, 2017**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

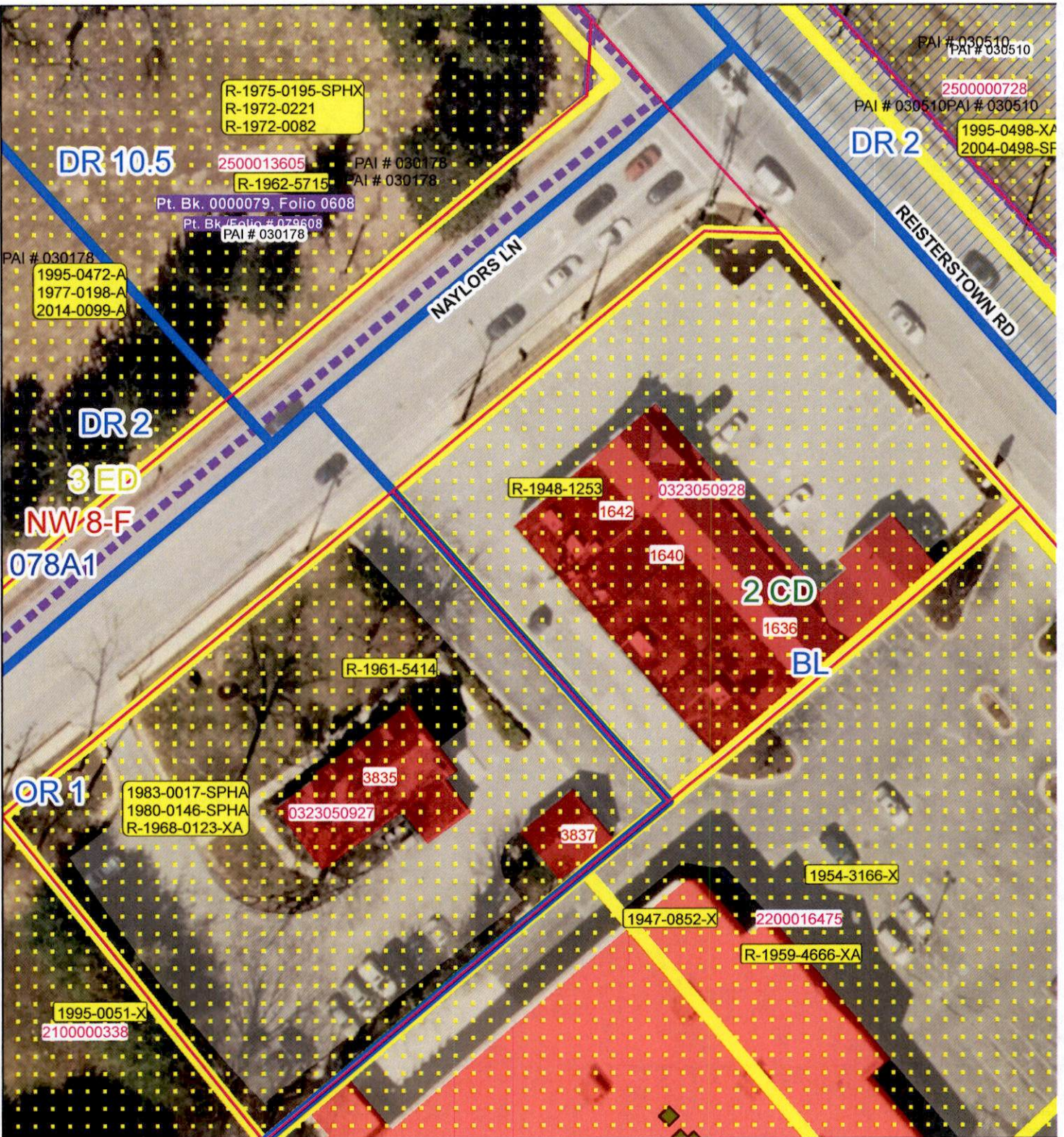
Reviewer: Steve Ford Date: 4-28-17

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption				View GroundRent Registration			
Account Identifier:			District - 03 Account Number - 0323050928							
Owner Information										
Owner Name:		VILLAGE GREENWOOD LLC			Use:		COMMERCIAL			
Mailing Address:		MFI INC STE 340 2800 QUARRY LAKE DRIVE BALTIMORE MD 21209-			Principal Residence:		NO			
					Deed Reference:		/22155/ 00079			
Location & Structure Information										
Premises Address:		3837 NAYLORS LN BALTIMORE MD 21208-2845			Legal Description:		.5434 AC 3837 NAYLORS LN SW COR REISTERSTOWN			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0078	0002	0455		0000				2016		Plat Ref:
Special Tax Areas:				Town:		NONE				
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
						23,670 SF		14		
Stories	Basement	Type	Exterior	Full/Half Bath		Garage	Last Major Renovation			
Value Information										
			Base Value		Value		Phase-in Assessments			
					As of		As of		As of	
					01/01/2016		07/01/2016		07/01/2017	
Land:			461,700		461,700					
Improvements			40,300		42,300					
Total:			502,000		504,000		502,667		503,333	
Preferential Land:			0						0	
Transfer Information										
Seller: HABER LISA WOLMAN/WOLMAN RICHARD S				Date: 06/30/2005				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /22155/ 00079				Deed2:		
Seller: HABER LISA WOLMAN/WOLMAN RICHARD S				Date: 02/03/2005				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /21374/ 00116				Deed2:		
Seller: WOLMAN MURRAY L				Date: 11/23/1999				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /14168/ 00126				Deed2:		
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2016		07/01/2017				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00		0.00 0.00				
Tax Exempt:				Special Tax Recapture:						
Exempt Class:				NONE						

2J17-0281-X



Publication Date: 4/18/2017



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

IN THE MATTER OF
RIVERWATCH, L.L.C. – Legal Owner
TWO FARMS, INC. – CP/Lessee
118 Mount Carmel Road
Parkton, MD 21120

7th Election District, 3rd Councilmanic District

RE: Petition for Special Hearing per BCZR §405.2.B.2,
405.E.1 and 405.E.10 for fuel service station in
combination with a convenience store and carryout
restaurant; Approval of illuminated signage per BCZR
§259.3.C.7; and Limited Exemption approval per BCC
§32-4-106(b)(8)

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY

* Case No. 14-131-SPHXA

* * * * *

OPINION AFTER REMAND FROM CIRCUIT COURT

This case comes to the Board from an Order of the Circuit Court for Baltimore County (Stringer, J.) dated June 8, 2016 remanding to the Board for further proceedings: (1) to allow the testimony of Petitioner's expert witness, Christopher Jakubiak, and give his testimony the weight that the Board considers appropriate; (2) to receive in evidence the Petition signed by members of the community (marked as Protestants' Exhibit 77), upon authentication satisfactory to the Board (which shall not require authentication by the 1,300 signatories themselves), and to give the Petition the weight the Board considers appropriate; and (3) to consider the duplication of availability of services and products in the area in making the Board's determination of whether there is a "need" for the proposed development under BCZR, §259.3.E.1 (the "Remand Issues").

A hearing on the Remand Issues was held before this Board on March 27, 2017. The Petitioner, Riverwatch, L.L.C., the legal owner, and Two Farms, Inc., the contract purchaser/lessee a/k/a "Royal Farms" (hereinafter "Royal Farms") were represented by David H. Karceski, Esquire, Christopher D. Mudd, Esquire and Venable, L.L.P. The Protestants, Sparks-Glencoe Community

PETITIONER' S

EXHIBIT NO.

12

Planning Council, Tom Graul, Ken Bullen, Jr. and Ruth Mascari were represented by Michael McCann, Esquire. A public deliberation was held on April 13, 2017 on the Remand Issues.

This Board previously issued an Opinion and Order dated October 20, 2015 which is incorporated herein in its entirety as if fully set forth herein (the "Opinion and Order").

REMAND ISSUES

1) Christopher Jakubiak.

As directed by the Remand Order, the Board accepted, without voir dire on qualifications, Christopher Jakubiak, as an expert in the areas of land use planning and zoning, master plans, community plans, and zoning regulations. (T., 3/27/17, p.13).

When this Board originally declined to have Mr. Jakubiak testify at the hearing on March 9, 2015 (Day 6 of 8), we stated that an expert would need to be able to assist this Board in understanding an issue(s) that the Board would not otherwise be capable of understanding without such testimony. Our Ruling to exclude Mr. Jakubiak's testimony at that hearing was based on the common law standard regarding the necessity of expert testimony as follows:

It is well settled that expert testimony is required "when the subject of the inference is so particularly related to some science or profession that it is beyond the ken of the average layman."

Hartford Accident and Indemnity Comp. v. Scarlett Harbor Assoc. Limited Partnership, 109 Md. App. 217, 257, 674 A.2d 106 (1996), *aff'd*, 346 Md. 122, 695 A.2d 153 (1997) (citing *Virgil v. "Kasha N' Kerry" Service Corp.*, 61 Md. App. 23, 23, 484 A.2d 652 (1984), *cert. denied*, 302 Md. 681, 490 A.2d 719 (1985)).

Additionally, we knew, at that time, that Rule 7 of this Board's Rules of Practice and Procedure permits us to look to the Maryland Rules of Evidence to determine admissibility of evidence:

**Board of Appeals
Rule 7. Evidence**

A. Any evidence which would be admissible under the general rules of evidence applicable in judicial proceedings in the State of Maryland shall be admissible in hearings before the county board of appeals.

(BCC, Appendix B).

In regard to expert testimony, the MD Rule 5-702 reiterates the common law standard set forth above:

Rule 5-702. Testimony by experts.

Expert testimony may be admitted, in the form of an opinion or otherwise, *if the court determines that the testimony will assist the trier of fact to understand the evidence or to determine a fact in issue*. In making that determination, the court shall determine (1) whether the witness is qualified as an expert by knowledge, skill, experience, training, or education, (2) the appropriateness of the expert testimony on the particular subject, and (3) whether a sufficient factual basis exists to support the expert testimony.

Mr. Jakubiak began his testimony by reading verbatim the contents of Baltimore County Zoning Regulations ("BCZR"), §230.1, concerning whether fuel service stations are permitted in a business-local ("BL") zones. He then read BCZR, §405.2A and stated that the proposed fuel service station is not permitted by right as it was not in a planned shopping center nor was it in a planned drive-in cluster. This testimony was needless to the Board because Royal Farms has never asserted that §405.2.A applies here. Instead, Royal Farms requested relief under §405.2.B.2.

Mr. Jakubiak then proceeded to read BCZR, §405.2.B.2 and explained that a special exception was required for this fuel service station. He pointed out that Royal Farms had to satisfy

Case No. 14-13

BCZR, §

and \$405.4 as well as \$259.3. Toward this end, he prepared a flow chart which assist the Board in understanding the applicable BCZR sections and the various was therein. (Prot. Ex. 88). However, his recitation of those Code sections and his flow it provide this Board with any new information, or explain any issue that we did not understand. Our Opinion and Order already identified each of these sections and facts forth in support thereof.

(A) Mr. Jakubiak's "Neighborhood."

Next, in addressing the Compatibility Standards set forth in BCC, §32-4-402, Mr. Jakubiak delineated his "neighborhood." Toward that end, he offered an aerial photograph with a blue shaded area the boundaries of which end in the east at York Road, include the properties located to the north and south of Mt. Carmel Rd., and ended in the west immediately before the Grauls and Exxon in the Hereford Shopping Center. (Prot. Ex. 81).

It was his opinion that the Hereford Shopping Center (including the Grauls and Exxon) had to be excluded from his neighborhood because that shopping center was a "significant change in character or land use." (T., 3/27/17, p.28). The definition of "neighborhood" in BCC, §32-4-402(a)(2) does encompass that phrase. He emphasized that the standards set forth in the Hereford Plan would also exclude the shopping center. (T., 3/27/17, p. 85-86). Yet, in cross examination, Mr. Jakubiak conceded that the BCC does not actually require compliance with standards in the Hereford Community Plan. (T., 3/27/17, p. 86).

In defining his neighborhood, he alleged that the Grauls and Exxon were a significant change in character or land use because they oriented toward I-83. He explained that it was not the orientation of the building facades, but rather the orientation "...in terms of land use relationship with the highway." (T., 3/27/17, p. 92). Having removed that Shopping Center from his

"neighborhood," he described the rest of Mt. Carmel Rd., as the "historical traditional town of Hereford" which he said resembled a "village." (T, 3/27/17, p. 28-29, 94). He made this statement while agreeing that there are no historic structures on Mt. Carmel Rd. between York Rd. and I-83. (T., 3/27/17, p.94). He acknowledged that the historic structures are located along York Rd. and agreed that the Hereford Plan confirms this fact. (*Id.*).

We find Mr. Jakubiak's "neighborhood" to be contrary to the testimony of Protestant's witness, Lynne Jones, and the photographs she presented. (Prot. Ex. 47). Her testimony and photographs confirm that the "historical town of Hereford" is not located along Mt. Carmel Rd. but in a north/south direction along York Rd. (*Id.*). To be clear, based on the evidence, we find that there is nothing historic or rural about the stretch of Mt. Carmel Rd. where the Royal Farms is proposed to be located. To state that the Grauls and Exxon were oriented in "land use relationship" toward I-83, is nothing short of circular double-talk, without any logical reason to substantiate his conclusion.

We find, based on the Protestants' photographs of the properties along Mt. Carmel Rd., that the Grauls and the Exxon in the Hereford Shopping Center are not "change[s] in character or land use." Rather, the Grauls and Exxon are commercial uses just as the businesses along Mt. Carmel Rd., are commercial uses. Mr. Jakubiak even agreed to this on cross examination, but then attempted to rationalize his opinion by stating that the other businesses already existed and were designed to be compatible with the historic town of Hereford because of "good site design." (T., 3/27/17, pp. 87-91)

To be clear, the evidence showed that the following businesses are located along Mt. Carmel Rd.: 12 Mt. Carmel Rd. – physical therapy and accountant; 14 Mt. Carmel Rd. – eye doctor; 106 Mt. Carmel Rd., - hair salon; Village Plaza (107 Mt. Carmel Rd. which includes a

Subway and the Backwater Angler); 108 Mt. Carmel Rd., - dentist; 110 Mt. Carmel Rd., - insurance company; Mt. Carmel Center, (111 Mt. Carmel Rd. which includes a pharmacy, an eye doctor and insurance company); 112 Mt. Carmel Rd., - insurance company; 115 Mt. Carmel Rd., contractor; PNC Bank, 201 Mt. Carmel Rd.); 211 Mt. Carmel Rd.; and Rittenhouse Fuel Company, 316 Mt. Carmel Rd. (Prot. Ex. 47). Accordingly, we find that all of these businesses, as well as the Grauls and Exxon, are of the *same* character and land use as the Royal Farms.

That evidence notwithstanding, Mr. Jakubiak then opined that his defined "neighborhood" was consistent with the Hereford Community Plan. We disagree. In fact, the Hereford Community Plan recommends that "no commercial expansion be permitted to the north or south along York Rd" (*i.e.* where these historic structures are located), but that "the western boundary of commercial expansion should continue to be the I-83 interchange." (Prot. Ex. 14, p. 15). Consequently, to be consistent with the Hereford Plan, Mr. Jakubiak's neighborhood should have included the Grauls and Exxon. Indeed, our definition of "neighborhood" was consistent with the Hereford Plan in that it had boundaries of: "I-83 to the west, the commercial zoning to the north and south and the rear property lines of properties bounding on York Rd. to the east." (Opinion and Order, p. 44).

In addition, we fail to see how the Grauls and Exxon are changes in "land use" when the Royal Farms Property and the Hereford Shopping Center are both located in business zones. (Pet. Ex. 4). All the properties surrounding the Grauls and Exxon are Business-local (BL) or Business-Roadside (BR). (*Id.*). Since there is no change in land use, his theory is flawed.

Our defined "neighborhood" has not changed after hearing from Mr. Jakubiak. Mr. Jakubiak could not articulate any rational basis for excluding these two properties. He could not provide any logical reason why he excluded adjacent commercial properties from his neighborhood but included all the other Mt. Carmel Rd. businesses. In our view, his

“neighborhood” is self-serving and was designed to eliminate comparable properties. Accordingly, we assign no weight to his “neighborhood.”

(B) BCC, §32-4-402(d)(1) – Arrangement and Orientation of Royal Farms.

Mr. Jakubiak next opined that the Plan was not compatible with BCC, §32-4-402(d)(1) – in that the proposed Royal Farms store was not oriented or aligned in a way similar to other properties on Mt. Carmel Rd. Mr. Jakubiak prepared another exhibit which was entitled “Evaluation of Compatibility Objectives in Immediate Neighborhood”. (Prot. Ex. 84). He described his exhibit as a “very crude example or crude drawing....which was “roughly to scale.” (T. 3/27/17, p. 38).

On that exhibit, Mr. Jakubiak superimposed boxes to approximate the location of both the Royal Farms store and the gas station canopies, as well as an orange line which was intended to represent his measurement of the “general location for the setback” to Mt. Carmel Rd. (T. 3/27/17, p. 38, 100). He explained that, *in Montgomery County*, the orange line is known as the “build-to-line” Although he acknowledged that the exhibit was not to scale, he testified that the orientation of the Royal Farms store was not compatible with the orientation of the other Mt. Carmel businesses. (T, 3/27/17, pp. 100-101).

Given that the basis for his Opinion is a rough sketch using a Montgomery County planning concept, we find his analysis specious at best. Even if his Exhibit had precise measurements, his exclusion of the Exxon gas station undermines this Exhibit. The Protestants’ photographs of the Exxon show that both the Exxon store and its gas pumps are situated away from Mt. Carmel Rd. (Prot. Ex. 57). Likewise, the Royal Farms store, and its gas pumps, have been designed at a similar distance to Mt. Carmel Rd. It is obvious to us that the most comparable property for Compatibility evaluation under BCC, §32-4-402(d)(1) is the Exxon.

It is also evident that this issue hinges on the prescribed Baltimore County setbacks, not Montgomery County planning concepts. We previously found, based on the evidence, that no setback variances were being requested. (Opinion and Order. p. 4). In this case, the required setbacks are found in BCZR, §259.3.C.2 and the Baltimore County Zoning Commissioner's Policy Manual (Pet. Ex. 5).

In our review of the Plan and the testimony of Petitioner's expert, David Woessner, PE, the setback from Mt. Carmel Rd. to the Royal Farms' gas pump island under the canopy will equal 57 feet. (Pet. Ex. 1B). The setback had to be less than 65.8 feet which was the average setback for the adjoining properties (T., 7/22/14, p. 34). The Baltimore County Zoning Commissioner's Policy Manual, §303.2.d directs that gas pump islands are considered as "structures" and used in determining the average setbacks. (Pet. Ex. 5). Mr. Jakubiak interpreted §303.2.d of the Zoning Commissioner's Policy Manual as only applicable if an existing fuel service station was located next to an unimproved site that is to be developed. (T. 3/27/17, pp. 41-42). Yet, a plain reading of §303.2.d does not restrict it to existing fuel service stations. (Pet. Ex. 5).

Mr. Jakubiak insisted that the setbacks would not be at issue if Royal Farms had proposed that the fuel canopies be located on the side or in the rear of the Royal Farms store. (T. 3/27/17, p. 96). On cross examination, Mr. Jakubiak admitted that he did not actually know whether any fuel service stations in Baltimore County had fuel pump canopies located on the side or rear of their buildings. (*Id.*). He further conceded that the Hereford Plan did not specify where a fuel pump canopy needs to be located. (T. 3/27/17, p. 96-97). Thus, we assign no weight to his opinion regarding BCC, §32-4-402(d)(1).

(C) BCC, §32-4-402(d)(4) – Open Space.

We also disagree with Mr. Jakubiak's opinion that the proposed open space is not consistent with the existing open space along Mt. Carmel Rd. under BCC, §32-4-402(d)(4). (T. 3/27/17, pp. 44-45). He testified that the Royal Farms parking lot is a "big open space in front along a highway that is large and there is a great deal of open space in the back." (T. 3/27/17, p. 45). Mr. Jakubiak then admitted that the parking for both the PNC bank, and the Hereford Shopping Center each have parking in the front of those stores. (T. 3/27/17, p. 97).

Mr. Jakubiak's opinion in this regard reemphasizes for us why the exclusion of the Grauls and Exxon was improper. The parking layout for the Royal Farms is consistent with the Exxon parking lot which also has parking in the front and on the side. (T. 7/22/14, p. 41 (Pet. Ex. 7). The Grauls and the Hereford Pharmacy both have parking on the front and side. (*Id.*). For the Royal Farms store, the required and proposed parking spaces is 32. No parking variance is needed. Even with the required parking, the evidence was clear that the Royal Farms store is providing even more green space than either the Grauls or the Exxon. Accordingly, we cannot assign any weight to Mr. Jakubiak's unsupported conclusion as to the open space or the location of the parking.

(D) BCC, §32-4-402(a)(8) – Scale, Proportion and Detail of Royal Farms.

Finally, he contended that the Plan failed to meet BCC, §32-4-402(d)(8) in regard to the scale, proportion, massing and detailing of the Royal Farms as compared to those existing in the neighborhood. He based this opinion on the fact that the front façade of both the Village Plaza (107 Mt. Carmel Rd.) and the Mt. Carmel Center (111 Mt. Carmel Rd.) buildings face east toward York Rd, and not toward Mt. Carmel Rd. He then concluded that orienting the smaller part of these 2 buildings toward Mt. Carmel Rd. reinforced the "residential nature" of this community. (T.

3/27/17, p. 46). He made that statement before admitting that commercial uses comprise all of Mt. Carmel Rd. . (T., 3/27/17, pp. 87-91).

Based on the photographs submitted by the Protestants (Prot. Ex. 47, 57), and the aerial photographs submitted by the Petitioner (Pet. Ex. 7), we find the exact opposite to be true. On the South side of Mt. Carmel Rd., the following buildings face Mt. Carmel Rd., namely: PNC Bank (201 Mt. Carmel Rd.); 208 Mt. Carmel Rd. (former bank building); 116 Mt. Carmel Rd. (business). Likewise, on the north side of Mt. Carmel Rd., the following buildings face Mt. Carmel Rd., namely: 14 Mt. Carmel Rd.; 39 Mt. Carmel Rd.; 100 Mt. Carmel Rd.; 104 Mt. Carmel Rd.; 106 Mt. Carmel Rd.; 108 Mt. Carmel Rd.; 110 Mt. Carmel Rd.; 112 Mt. Carmel Rd.; and 114 Mt. Carmel Rd. Mr. Jakubiak admitted that the Exxon faced Mt. Carmel Rd. (T. 3/27/17, p. 92).

Village Plaza was built in 2007; Mt. Carmel Center was built in 1997. (Prot. Ex. 47, p. 18-19). Both are strip-shopping centers. Neither matches the orientation of the older buildings on the north side of Mt. Carmel Rd. which buildings were described by the Protestants as "bungalows and cottages." (Id.). All of the bungalows and cottages have been converted to businesses as is clear from the commercial signs in the front yards of those properties. (Id.) (T., 3/27/17, pp. 87-91). Accordingly, we find that the orientation of Village Plaza (107 Mt. Carmel Rd.) and Mt. Carmel Center (111 Mt. Carmel Rd.) located on the south side of Mt. Carmel Rd. are exceptions, not the rule. As we see it, his conclusion that the orientation of two (2) smaller sides reinforces the "residential nature" of the community is inconsistent with his acknowledgement Mt. Carmel Rd. is commercial.

(E) Master Plan and Hereford Community Plan.

The next part of Mr. Jakubiak's testimony centered around the Master Plan. He spent a good amount of the Remand Hearing generally describing how Master Plans are created by local governments, why he believed such plans are generally important government planning tools and how he felt it was a good idea for County regulations to follow those Plans. (T. 3/27/17, pp. 49-50). Toward that end, he offered (over objection), the last three (3) Baltimore County Master Plans for the periods 1989-1999 (Prot. Ex. 85), 2000-2010 (Prot. Ex. 86) and 2010-2020 (Prot. Ex. 87). He then read sections of those plans to the Board and described his view of Baltimore County's general planning trend for rural areas. (T. 3/27/17, pp. 53-56).

Specifically, he highlighted a section in Master Plan 2020 that reads:

(9) For properties along **scenic routes** or within **scenic viewsheds**, variances, amendments and special exceptions should be granted sparingly.

(Id. at p. 101). (Emphasis Added). Mr. Jakubiak opined that this particular section of Master Plan 2020 applies to Mt. Carmel Rd. because from his perspective, it is a "scenic route" and "scenic viewshed." Therefore, he reasoned, the Royal Farms store would be inconsistent with the general concept of protecting rural areas. (T., 3/27/17, p. 55). On cross examination, Mr. Jakubiak admitted that he did not actually know the difference between a State designated "Scenic Byway" and a County "Scenic Route." (T. 3/27/16, pp. 84-85).

We find Mr. Jakubiak's opinion to be contrary to the testimony of Protestants' witness, Terry Maxwell, the Scenic Byways Coordinator for the State Highway Administration ("SHA"), whom they subpoenaed to testify prior to Mr. Jakubiak. Through Mr. Maxwell's earlier testimony, it was established that Mt. Carmel Road is not a "scenic route" or a "scenic viewshed."

At the hearing on March 9, 2015 (Day 6), Mr. Maxwell explained that Mt. Carmel Road is a segment of the State of Maryland "Horses and Hounds, Maryland Scenic Byway." It is not designated as a national scenic byway. (T. 3/9/15, p. 77). The Horses and Hounds Scenic Byway begins at Hampton National Historic site, extends out to Cromwell Bridge and then up into My Lady's Manor, through Hereford, and ends at Shawan Rd.. (T. 3/9/15, p. 75, 77).

Mr. Maxwell verified a January 28, 2015 letter from SHA to Michael Gesell, P.E. (professional engineer for proposed Royal Farms' plan) (Prot. Ex. 66) which describes the State program as one which works with developers. Mr. Maxwell further described the section of Mt. Carmel Rd. where the Property was located, as one that has *undergone development* as follows:

MD 137 adjacent to this project is a segment of the Horses and Hounds State Scenic Byway. The Scenic Byways Program works with developers to build awareness and understanding of the byway's character-defining features in an effort to maintain the byway and its surrounding resources. Because this segment of the byway has undergone development that has altered much of [the] its character, the Scenic Byway's Program is working to maintain and enhance the traveler's experience wherever possible.

The Maryland Scenic Byways Program suggests that the Royal Farms Store be designed and constructed in a manner which reduces ground-level visual clutter of the site's circulation, parking and service areas, and which emphasizes the architecture and corporate identity of the project. OED requests the applicant to submit the architectural, grading, landscaping, and other applicable drawings, so that OED may better understand the visual appearance of the project. This information will be used to suggest possible enhancements to landscaping, etc. consistent with this byway.

(*Id.*). (Emphasis Added).

Mr. Maxwell described the section of Mt. Carmel Rd. where the Royal Farms will be located as "a commercial area." (T. 3/9/15, p. 102). Mr. Maxwell provided the Board with the SHA Maryland Scenic Byways map which discusses each of the 19 scenic byways. (Prot. 64). He

made clear for the Board that the purpose of the Scenic Byways program was not to halt development but to work with developers on the architecture, landscaping and design to enhance the byway for travelers. (T. 3/9/15, p. 76). The desired end-result of the program is to bring drivers off the highways and to promote economic tourism. (T. 3/9/15, p. 74). Toward that end, he provided the Board with excerpts from another SHA document regarding design strategies for development along scenic byways. (Prot. Ex. 65).

In this particular case, SHA reviewed the proposed Plan for the Royal Farms. (T. 3/9/15, p. 78). Mr. Maxwell clarified that, because Mt. Carmel Rd. is a scenic byway, an acceleration/deceleration lane would not be required for entry into the access point of the Royal Farms store as explained in the SHA approval letter dated October 16, 2014. (Pet. Ex. 43). (T. 3/9/15, p. 84-85). We note that the Department of Planning also recognized the Scenic Byway designation and described Mt. Carmel Rd. as "scattered commercial with large parking lots." (Pet. Ex. 14). Additionally, Protestant Kirsten Burger testified that Hereford was "the center of commercial activity in the area." (T. 11/06/14, pp. 71-72).

With regard to Mr. Jakubiak's reliance upon the Master Plan and the Hereford Community plan, these plans are only mentioned in the Statement of Legislative Findings and Policies in BCZR, §405.1.D. Neither Plan rises to the level of a required regulation. Mr. Jakubiak even conceded that the Hereford Plan states that it is an advisory guide when a proposed project meets the Bulk Regulations of BCZR, §259.3.C. (T. 3/27/17, pp. 73-74). (Prot. Ex. 14, p. 38). On that point, Mr. Jakubiak acknowledged that this particular Plan meets all of the Bulk Regulations. (*Id.*). Even if those Plans rose to the level of restrictions, we do not find the Royal Farms store violates either Plan.

Mr. Jakubiak went further to opine that the Royal Farms Plan was not consistent with the *Statement of Legislative Intent for CR Districts* as set forth in BCZR, §259.2.A. While BCZR §259.2.A mentions the needs of “tourists,” it was Mr. Jakubiak’s view that the “tourists” referred to in that Section are “not those driving on I-83 past Baltimore to Virginia and stopping off in Hereford.” (T. 3/27/2017, pp. 60-61). We are not persuaded that the County Council, in enacting BCZR, §259.2.A, intended to distinguish between types of tourists. For that matter, any type of tourist that stops at the Royal Farms, or the Grauls, or the Exxon, or the various other businesses is within the purview of “tourists.” In our view, there is no basis in fact for Mr. Jakubiak’s classification of tourists and his opinion on this point is nothing more than conjecture.

Finally, Mr. Jakubiak testified that the Royal Farms gas station was not among the acceptable uses listed in the Hereford Community Plan. (Prot. Ex. 14, Appendix E, p. 75). He testified that because Appendix E lists “service station” in the singular tense, that term must refer specifically to the Exxon. While never having prepared a Community Plan in Baltimore County, and while he was not one of the drafters of the Hereford Community Plan, he surmised the drafters were referring to the Exxon when they used the singular tense because the Exxon existed when the Plan was drafted. The only foreseeable conclusion for us to reach from his opinion was that if another gas station were built, it would not be consistent with the Hereford Plan. (T. 3/27/17, p. 63, 64, 67-68).

On cross examination, when asked about the singular tense of the word “restaurant” on the same Appendix of Acceptable Land Uses, he admitted the same logic did not apply as there was more than one (1) restaurant in Hereford. (T. 3/27/17, p. 71-72). Mr. Jakubiak also admitted that he was not familiar with the section in the Hereford Community Plan (*Prot. Ex. 14*, p. 19) which directs that Acceptable Uses listed in Appendix E “are to be encouraged.” (T. 3/27/17, pp.72-73).

Accordingly, Mr. Jakubiak's opinion regarding the Master Plan and Community Pla will be assigned no weight.

Having heard the testimony of Mr. Jakubiak, the Board unanimously agrees that Mr. Jakubiak's testimony, and the exhibits he provided, did not persuade the Board to change any of the factual findings or decisions contained in our Opinion and Order. Additionally, none of Mr. Jakubiak's testimony assisted the Board in understanding any issue that we did not already understand.

2. To receive in evidence the Petition signed by members of the community (Prot. Ex. 77), upon authentication satisfactory to the Board (which shall not require authentication by the 1,300 signatories themselves), and give the petition the weight the Board considers appropriate.

As instructed by the Remand Order, this Board admitted into evidence the Petition (Prot. Ex. 77) (the "Petition"). This document, which had been previously marked for identification as Prot. Ex. 77 on March 25, 2015 (Day 8), was admitted without authentication by the alleged signers. The Petition consists of one (1) form, reproduced onto 278 pages, containing entry lines for a person's name, address and signature. At the top of *nearly* every page reads, in part, as follows:

Action petitioned for:

We, the undersigned, are concerned citizens who urge the County Board of Appeals to deny the special exception request because, among other reasons, we believe (1) there is no need for the products and services that would be provided by the Royal Farm at the proposed location, (2) the products and services that would be provided are available elsewhere in Hereford or within reasonable distance, (3) the products and services that would be provided are not customarily or frequently needed by the rural residential or agricultural population or tourists, and (4) the proposed store would not be convenient, useful, appropriate, suitable, proper or conducive to the public.

(Prot. Ex. 77). The language in the Petition form, which is derived in part from the Statement of Legislative Intent for CR Districts (BCZR §259.2.A.1) was selected by Counsel for the Protestants. (T., 3/27/17, p. 143).

By way of background, on March 11, 2015, (Day 7), the Protestants called their last witness and closed their case. (T. 3/11/15, pp. 137-138). Prior to the Petitioner calling a rebuttal witness, the Protestants attempted to move into evidence the original Petition which their Counsel indicated contained 1,283 signatures of area residents who were allegedly opposed to the Royal Farms. (T. 3/11/15, p. 139). When it was offered, the Board was told that a **“vast majority” of the 1,200 people who signed were from Hereford and that the Petition was not duplicative of the Protestants’ fact witnesses who already testified:**

MR. McCANN: I don't think it's duplicative at all. If it was 30 signatures yes. 1,200 signatures. There's only 2,000 people in Hereford. So, **we have 1,200. And all these people are from Hereford.** But you look at the, the addresses a vast majority of them are from this area. 1, 200 people say there's no need.

(T., 3/11/15, p. 143). (Emphasis Added).

One of the Petition drives occurred at the Grauls on January 18, 2015. At the Board hearing on March 9, 2015 (Day 6), we accepted a photograph of Sharon Bailey at the Grauls’ Petition drive. (Prot. Ex. 63). Apparently, there were multiple Petition drives, on separate dates, at various locations. (See Prot. Proffer of Testimony and other Evidence Regarding Petition Filed 4/13/15).

At the hearing on March 25, 2015 (Day 8), this Board excluded the Petition on the basis that the Petition contained multiple levels of hearsay, could not be authenticated, and was repetitive and duplicative of the testimony of not only the Protestants’ expert, Richard Garrettson, but of the many facts witnesses from each party who testified about whether or not a Royal Farms store is

"needed" in Hereford. The Petition was offered for the truth of the matter asserted; *i.e.* that the Royal Farms was not needed because 1,283 citizens from Hereford were against the Plan.

First, a "petition of citizens" for or against a particular project that is the subject of a hearing before this Board is not appropriate evidence for the Board to consider, even if "need" for the proposed store/station is a factor for the Board to consider. This applies equally to petitioners and protestants. While a Petition may be useful for a Councilperson to consider when passing laws or regulations, or changing a property's zoning classification, or in understanding the number of voters for or against a particular issue, this Board - unlike legislators - does not represent the voters of Baltimore County, nor should this Board ever make a decision based on popular vote. Rather, similar to a court of law, this Board is charged with hearing evidence that is relevant to legal standards applicable to the specific case before it.¹

Even if one of the requirements that must be met under BCZR, §259.3.E.1 in this case is the "Petitioner's obligation to document the need for the development at the proposed location," the Board does not interpret that section as being satisfied by the majority vote among "concerned citizens." It is not the same as a homeowner's association vote or a community association vote. If that were true, than §259.3.E.1 requirement would be reduced to a popularity contest; the party with the most votes would win.

The intended purpose of submitting this Petition was to impress upon the Board that there were 1,283 more people from Hereford than those who had testified, or would be testifying, who were opposed to the Plan. Mr. Jakubiak made this same point when he testified that he saw the Petition and that he thought it was "worth mentioning" that "1,300 people from the community" did not want the Royal Farms store:

1. MD Code Ann., Article 25A, known as the "Express Power Act" directs that this Board hold hearings and file written opinions including Statements of Fact and grounds for the decision.

MR. JAKUBIAK: Through the, the petition, I saw the petition, I saw all those signatures, **thirteen hundred people from the community** said this is not needed. They looked at the same standard that we're referring to and said it's not intended for this or it's not needed, we don't want it. Worth mentioning.

(T., 3/27/17, p. 100). (Emphasis Added).

Second, admitting this type of evidence eliminates the ability of the other party to cross examine the signers. This problem, in turn, eliminates the Board's ability to judge the credibility of the signers, to assess their understanding of the Plan, to verify their age of majority, to judge their competency, intent, motive(s), bias, relationship to the Protestants, relationship to the person conducting the Petition drive(s) and/or coercion, if any. We have found in other cases and also find here that a Petition of signatures is not compelling evidence when weighed against the live testimony of witnesses who are making the same point. In our view, accepting this Petition is no different than being handed 1,283 form letters signed by different people. This Board will never learn the facts that occurred when each person signed. It is also unduly burdensome for the Board and the Parties to have 1,283 witnesses testify. Indeed, the Remand Order directs that the signers not be required to testify.

Third, we note the timing for the collection of these signatures affects the weight that we will assign to it as discussed in more detail below. As written on the Petition, the earliest date that a signature was collected was November 20, 2014. By that point, this Board had already held three (3) days of hearings (July 22, 2014; November 5, 2014 and November 6, 2014). Moreover, by November 6, 2014 (Day 3), witnesses for the Protestants had already testified namely: Kirsten Burger, Andrew Alcarese, Adam Collins, Theaux LeGardeur, Nedda Pray and expert John Koontz.

Fourth, the only way to assign weight to this Petition per the Remand Order is for the Board to scrutinize each signature for genuineness, duplication, address location, correctness,

completeness, and age of majority. Having insisted on the Board's receipt of this Petition, the Protestants cannot now be heard to complain that the Board should blindly accept it and not actually read it. Indeed, this Board is now obligated to review the information provided by each signer. To ignore the contents of the Petition would be arbitrary and capricious on our part.

In analyzing each signature, we will apply the MD Rules of Evidence (Board Rule 7, BCC, Appendix B. *supra*), and specifically MD Rule 5-201. Under MD Rule 5-201, this Board may take judicial notice of the mileage from the Royal Farms store to each address listed. Under that Rule, mileage is both "generally known" and "capable of accurate and ready determination." *Sugarloaf Citizens Ass'n v. Dept. of Env.*, 103 Md. App. 269, 279 (1994) (judicial notice of proximity of appellant's property to determine standing).²

To do so, we consider the mileage of each signer's location to the Royal Farms property. Determining a maximum boundary area is necessary to assess weight to this Petition because, if the signers were to testify, the Board would need to know whether each witness is a "person aggrieved." To be "aggrieved," the Court of Appeals defined the requirement, at least in the context of appeals from zoning decisions, as follows:

[A] person aggrieved by the decision of a board of zoning appeals is one whose personal or property rights are adversely affected by the decision of the board. The decision must not only affect a matter in which the protestant has a specific interest or property right but his interest therein must be such that he is personally and specially affected in a way different from that suffered by the public generally.

Bryniarski v. Montgomery County, 247 Md. 137, 144 (1967).

² Protestant Lynn Jones testified on January 22, 2015 (Day 5) that she measured and recorded the mileage for former gas stations. Other Protestants and fact witnesses who testified also identified the mileage from their home/business to the proposed Royal Farms. The Board accepted this testimony without requiring further verification of mileage.

The Court of Appeals defined “aggrievement” as whether a property owner may reasonably be thought to be “specially damaged if the application is approved.” *Sugarloaf* at 279. The Court in *Sugarloaf*, citing *Bryniarski* categorized property owners as such:

* * * *

(2) An adjoining, confronting, or nearby property owner is deemed, prima facie, to be specially damaged and, therefore, a person aggrieved. The person challenging the fact of aggrivement has the burden of denying such damage in his answer to the petition for appeal and of coming forward with evidence to establish that the petitioner is not, in fact, aggrieved.

(3) A person whose property is far removed from the subject property ordinarily will not be considered a person aggrieved unless he meets the burden of alleging and proving by competent evidence--either before the board or in the court on appeal if his standing is challenged--the fact that his personal or property rights are specially and adversely affected by the board's action.

In our Opinion and Order, we found the Petitioner’s expert, Joseph Cronyn’s analysis using a maximum 4 mile radius to be more persuasive on determining the trade or “need” area. On this point, we recall the testimony of Kirsten Burger, President of Sparks-Glencoe Community Association who testified on November 6, 2014 (Day 3) that she personally lived within that 4 mile radius. (T. 11/6/14, p. 63). In fact, she testified that she thought it was important to hear from citizens who will live in the area and will be affected by the proposed development:

MS. BURGER: I think the community would benefit and I think the County as a whole would benefit by having the **input of the people who live in the area and are affected by it.** I think whenever there is a development, **the more input from the people who are affected,** the better. And the more transparent the process is, the more confidence the whole community will have in the outcome.

(T. Nov. 6, 2014, p. 93). (Emphasis Added).

Indeed, we found in our review of the testimony of the Protestants’ witnesses, that each witness who testified, identified their address as being within a 4 mile radius of the Mt. Carmel

Rd. property. At the time of the hearings, the Board accepted (and still accepts) as truthful and sincere, the sworn testimony of the Protestants' witnesses as to the mileage of their homes to the proposed store. By way of example, Andrew Alcarese testified truthfully on November 6, 2014 that his home is within the 4 mile radius:

MR. McCANN: -- and where is that?...Where is it that you live, rather?

MR. ALCARESE: Oh, I live ah, 4 miles from there. That's going the back way, which I consider the back way. So really, it's less than 4 miles if I take the standard way.

MR. McCANN: Okay. And what do you mean by back way?

MR. ALCARESE: It's a prettier - - it's a nice drive down Monkton Road. Big Falls Road. I clocked it yesterday from the exact - - I started, I started my odometer at the exact point where the proposed site is to be built, and right when I pulled into my driveway, it was 4.0 on the odometer.

MR. McCANN: And your address again for the record?

MR. ALCARESE: 1346 Wiseburg Road.

Consequently, given that the witnesses who testified before the Board live within a 4 mile radius, we find that those are the residents living in that designated area are the ones who would be "affected by" the proposed Plan. During the 8 days of hearings, we allowed each fact witness for the Protestants to testify and did not exclude any of them. On the issue of whether each signer is personally "aggrieved," we would extend the maximum mileage to 4.5 miles, based on the testimony of the Protestants' own expert, Richard Garretson..

On this issue, we reviewed again Mr. Garretson's "Needs Analysis" for a gas station and a convenience store/carryout within 1, 1.5, 2, 3, 4 and 4.5 miles of the Mt. Carmel location. (Prot. Exs.73, 74). In explaining his Needs Analysis, Mr. Garretson testified that the local demand will be found between a 1 mile - 4.5 mile radius because that is the "typical trade area:"

Concepts that I would recommend using for needs analysis for, for this particular station using my own methodology. It looks at local demand for several different radiuses and comes up with a, a conclusion on multi—based on multiple areas. And it, one of the things it, it develops demand in a , in a different methodology....A four mile area for a convenience store is actually - - the typical trade area for a convenience store in the industry is about a three mile area. But since this is a rural area it could be a little bit bigger than that. What, what I recommend for, for my clients is if you want the best return on investment find a site where there's a *local demand* that's unmet and a *greater demand* that unmet.

(Emphasis Added). (T. 3/11/2015, p. 58).

Mr. Garretson continued to explain the importance of selecting the 1 – 4.5 mile radii to find *local* demand:

I used a one mile, a mile and a half and two miles to measure *local* demand.

(Emphasis Added). (T. 3/11/2015, p. 59). To find the “greater demand,” he testified that a 4.5 mile radius would take into consideration the B.P. gas station which is located 4.3 miles away from the Mt. Carmel Royal Farms. (T. 3/11/2015, p. 63).

In order to determine whether another convenience store/carryout restaurant is needed in Hereford, Mr. Garretson analyzed the “same market area”:

And then for purposes of my C-store analysis I looked at the, the same market area one mile, a mile and a half, two miles for the *local area*, three miles, four miles and four and a half area for the, for the *greater demand* to come up with a conclusion.

(Emphasis Added). (T. 3/11/2015, p. 64).

Toward that end, Mr. Garretson used a survey prepared by Kirsten Burger to compare the products and services sold by Royal Farms with the products and services sold by the following 6 stores which stores he verified were within 4.5 miles of the Mt. Carmel location:

1. 7-11 - 16956 York Rd.
2. Grauls Market - 220 Mt. Carmel Rd.

3. Meadowcroft Exxon - 300 Mt. Carmel Rd.
4. Michael's Pizza - 16952 York Rd.
5. Subway - 107 Mt. Carmel Rd.
6. Wally's Country Store - 19200 Middletown Rd.

(T. 3/11/2015, p. 66). (Prot. Ex. 74). We note that from Mr. Garretson's Exhibit which is entitled "Hereford Area C-Store & Quick Serve Restaurant Options" lists **July of 2014** as the time period during which the survey was conducted. That date is nearly 6 months prior to the first Petition Drive.

Based on timing of that information, we find that the Protestants knew, or should have known, *prior to obtaining signatures for their Petition in November of 2014*, that their expert defined the "need" area as 4.5 miles from the site. Further, if the Protestants were unaware of the 4.5 mile radius, then after Mr. Garretson testified on March 11, 2015, they should have redacted all signatures which were beyond that radius prior to offering it as an Exhibit. Accordingly, to be consistent with the Protestants' expert, this Board will only consider the signatures of people who live within that 4.5 mile area to determine who is "aggrieved."

Having said all of that, this Board was initially informed by the Protestants that there were 1,283 signatures of people living in Hereford who signed this Petition. (T. 3/11/15, p. 138).³ The Remand Order states that there were 1,300 signatures. When the Petition was first offered into evidence on March 25, 2015 (Day 7), Counsel for the Protestants acknowledged that there were residents from Pennsylvania who signed but qualified it by stating that there were "not a lot" [of signers] from PA who crossed into Maryland to go into Hereford:

MR. McCANN: And, and by the way, by the way, the fact that somebody comes from Pennsylvania down to Hereford that's exactly what Hereford is all about. We've heard testimony, may be the most accurate is from Lynn Jones about why people come to Hereford. From, they cross state line to come down into the village.

³ In their Proffer of Testimony and Other evidence Regarding Petition filed 4/13/15, they stated that the Petition contains over 1,300 signatures.

So, the fact that someone is in P.A., and there's not a lot. I mean, take a look at them yourself. These folks are from Parkton, from Whitehall, from Monkton. You know, he just picks a page. Yes, there's people from P.A. I'm sure there's people from Owings Mills and Baltimore City in here. But the vast - -

(T., 3/11/15, p. 146).

In their Proffer of Testimony and Other Evidence Regarding Petition filed on April 13, 2015, the Protestants justified the out-of-state signatures as belonging to customers of the Backwater Angler, 107 Mt Carmel Rd., a fly fishing store, owned by Theaux Le Gardneur. (See Prot. Proffer of Testimony and Other Evidence Regarding Petition, ¶3). In our review of these signatures, those out-of-state signatures were not only from Pennsylvania, but were from as far away as California, Utah, Montana, Illinois, Ohio, New York, and New Jersey.

We weigh this discovery of out-of-state signatures against the Protestants' insistence that they did not want drivers exiting off I-83 to buy gas or items from Royal Farms because it would increase crime in Hereford: Theaux LeGardeur testified that:

Mr. McCann: And do you have anything to add on, on a personal level, that is, as a local businessman, other than what you said, about the need? Is there anything?

Mr. LeGardeur: Well, I've certainly seen a lot of crime, in the past few years, in the Hereford area, ramp up. I typically don't hear about it. I usually just hear a helicopter above my building, which is County owned, above - you know, just in front of the library. So, we've had quite a few smash and grabs. We had one in my parking lot just six months ago. We've also had some holdups at the bank. I don't know if they've been armed or unarmed, but the bank tellers have been locking the doors. And now we have security guards at all the banks within, you know, a couple 100 yards of the station - -

Mr. McCann: Okay.

Mr. Le Gardeur: - - or proposed station.

Mr. McCann: Well, why, why does Royal Farms concern you in that regard?

Mr. Le Gardeur: I think it would draw more folks from the interstate. The interstate seems to be a very easy way for folks to leave upon committing a crime.

(T., 11/6/14, pp. 186-187).

Even putting aside again whether a vote of any citizen should be considered in determining "need," we see no compelling reason why an out-of-state fact witness should be permitted to express any viewpoint on whether or not a proposed gas station/store is needed in any area of Baltimore County. Those signers are not "affected" by the Royal Farms in Hereford. If offered to testify live before the Board, we would not allow the out-of-state fact witness to testify on the issue of "need." As a result, the Protestants should have redacted these signatures before offering this document as evidence. The failure to do so emphasizes why a petition of signatures is not trustworthy evidence in a quasi-judicial proceeding. For these reasons, we assign no weight to these out-of-state signatures.

In our continued review, the Petition revealed more credibility problems. Not only did the Protestants collect signatures from out-of-state residents to support their cause, but they collected signatures from residents who live in counties other than Baltimore County. These included residents from Baltimore City, Prince George's County, Harford County, Howard County, Anne Arundel County, Montgomery County. Again, if offered to testify as to the need of the proposed store, a non-Baltimore County resident would not be permitted to do so.

By way of example, a Baltimore City resident residing over 19 miles from the proposed store at 6914 Lachlan Circle, Apt. B, Baltimore 21239, signed this Petition. Likewise, a resident of Prince George's County at 9202 Fairlane Place, Laurel which is at least 49 miles away, signed this Petition. A third resident was from Anne Arundel County, 1308 Antrim Drive, Millersville, MD 21108 which is over 40 miles from the proposed location. A fourth resident was from

Montgomery County, lives at 13612 Colgate Way, Apt 415, Silver Spring, MD which is over 47 miles from the proposed store. In our view, whether these signers were customers of Backwater Angler, or exited off I-83 to buy pizza from Michael's Pizza, or stopped at the Exxon for gas, these activities do not change their lacking of standing in this case.

As with the signers from out-of-state, we reiterate that a collection of signatures from residents living outside Baltimore County on the issue of "need" should never have been collected by the Protestants, and, if collected inadvertently, should have been redacted by the Protestants prior to offering it as evidence. We find that failure to do so negatively impacts the credibility of this entire Petition. Accordingly, the signatures of out-of-County residents will be assigned no weight.

Next are the signatures from inside Baltimore County, but well beyond Mr. Garretson's 4.5 mile maximum radius. If the Protestants support their own expert's designation of the "need area," then signatures of residents beyond 4.5 miles should not have been collected, or should have been redacted prior to offering the Petition into evidence.

Taking judicial notice of the location of signers within Baltimore County, we found signers from Essex, Arbutus, Owings Mills, Reisterstown, Middle River, White Marsh, Pikesville, Lutherville, Randallstown, Cockeysville, Towson, Parkville, Timonium, Phoenix, Ruxton, Manchester, Jarrettsville, Baldwin, Hydes, Nottingham, Rosedale and Gwynn Oak. These areas are between 10-30 miles from Royal Farms site. We find that these signers are not "affected by" the proposed store.

Not only is the mileage too far, but the Protestants made clear during their testimony that they disapproved of the proposed Royal Farms store because it would turn Hereford into

Cockeysville. Adam Collins, 1115 Wiseburg Rd. whose home is 2 miles from the proposed site, testified that:

Mr. McCann: And what if any concerns do you have about the proposal?

Mr. Collins: Ah, one of my major concerns is, which has been stated already, is urban sprawl.

Mr. McCann: Okay.

Mr. Collins: I'm afraid that the new Royal Farms is going to entice more people to move into the area, which then entices more commercial buildings, which entices more people to move in

Mr. McCann: Right.

Mr. Collins: So I, I think it's just another step towards turning Hereford into Cockeysville.

(T. 11/6/14, p. 146).

Additionally, Nedda Pray testified on cross examination of her concern that the Royal Farms store in Hereford would be the same as the Royal Farms store in Rosedale:

Mr. Karceski: Okay. And you testified that the people that would come to the Royal Farms are gonna throw trash everywhere.

Ms. Pray: Um, this is what I have heard about the Royal Farms Store in Rosedale. That people come and throw their trash on the ground, and it blows on the next door neighbor's property and then it attracts rats. And that the owner has asked them to stop and they haven't responded at all to his requests that they do something about the trash problem.

Mr. Karceski: So, you're basing what happens in - - and you're - what happens in Rosedale is what you're basing your opinion on?

Ms. Pray: Right. Because I know that it's not a franchise. It is a - it's owned by a - one company and the fact that they're not responsive to concerns raised by their neighbors is troublesome. Because I would hate to see a company that is not responsive in Hereford because we have never had that problem in Hereford. And

we have one grocery store and I really wouldn't like to find that we have a lot of trash in Hereford from people coming in from 83, getting chicken for lunch, throwing their trash and then having a rat problem in Hereford. That would really be disgusting.

Mr. Karceski: Have you been to the Royal Farms in Rosedale?

Ms. Pray: I personally have not. Although, I would like to, now that I have a little more free time, make a site visit and see what the situation is.

Mr. Karceski: What, what is it about the people that are gonna come to the Royal Farms, that they're gonna trash and the people at the other - - that. That patronize the other establishments are not going to?

Ms. Pray: Well, people from 83 may be truck drivers or something, in a hurry, you know, might come in, eat and get the chicken, order it, eat it quickly and toss the trash. I don't know why they would do that, but it's been happening in Rosedale and it could happen, it could happen in Hereford too, with the traffic from 83. And this is something that currently does not happen now in Hereford and this is what we don't want to start happening in Hereford.

Mr. Karceski: People don't come off 83 to use the Exxon?

Ms. Pray: Um, they might, but we have not had a trash problem yet.

(T. 11/6/14, pp. 225 -227).

In light of this testimony, and in weighing the signatures from other areas of Baltimore County, we find it contradictory that the Protestants on the one hand, garnered support from residents of Cockeysville and Rosedale to support their cause, but, at the same time testified that they did not want Hereford to become a Cockeysville or a Rosedale. We find that while these signers may visit or drive through Hereford, they are not residents of Hereford and their signature that Royal Farms is not needed does not change our opinion. Accordingly, we assign no weight to these signatures from other parts of Baltimore County.

Next, we reviewed the signatures of residents who signed the Petition and lived within northern Baltimore County, but still outside of Mr. Garretson's 4.5 mile radius. In considering these signatures, it was not simply a matter of considering specific zip codes or certain towns because some parts of the zip code or town were within the 4.5 mile radius while others were not.

We also discovered in our review that it is not as simple as including signers who have a Mt. Carmel Rd. address because Mt. Carmel Rd. has 3 different zip codes (21120, 21155, 21074); and not all of these zip codes are within the 4.5 mile radius. Additionally, we could not assume that a Parkton address was within Mr. Garretson's 4.5 mile radius. Similarly, not all Upperco or Whitehall addresses are within this radius.

The Petition signatures from northern Baltimore County which are outside the 4.5 mile radius include the areas of Freeland, Manchester (Millers), Parkton, White Hall, Hampstead, Upperco, and Armacost. Even though these addresses are in northern Baltimore County, some of these addresses are just as far, if not farther than, the addresses in Hunt Valley, Cockeysville, Towson and Rosedale. Consequently, we find that these signers live too far from the Mt. Carmel property to be "affected by" the proposed store.

Having gone through each of the 1,283 signatures, Mr. Garretson's 4.5 radius includes some (but not all) parts of Parkton, Monkton, Hereford, Sparks, Glencoe and White Hall. The total number of addresses which were located within a 4.5 mile radius (less signatures which were disqualified as set forth below) was 370. (Appendix A lists each address within the 4.5 mile radius).

Unfortunately, however, our review did not end with the signers within the 4.5 mile radius. We were disappointed to discover that Ruth Mascari, 17210 Whitely Rd. Monkton, MD 21111, signed this Petition on three (3) separate dates: Dec. 4, 2014; Dec. 27, 2014; and Jan. 30, 2015.

She is a named Protestant in this case. She was also the person(s) running the Petition drive held at Grauls. (See Protestants' Proffer of Testimony and Other Evidence Regarding Petition filed with BOA 4/13/15).

Moreover, Ms. Mascari signed this Petition twice before, and once after, she testified on January 21, 2015. The only reason that we can find why the same person would sign more than once is to increase the total number of signatures. Because of this, the entire Petition loses credibility and this duplication makes the entire Petition drive process circumspect. It was only through the Board's review under the Remand Order that these multiple signatures were even discovered. Thus, we excluded her signatures.

We also found that, in addition to Ruth Mascari, another person, April Owens, 619 Monkton Rd., Monkton, MD 21111, signed the Petition on December 21, 2014 and then again January 17, 2015.⁴ As with Ms. Mascari, we see no compelling reason why the same person is signing the Petition twice. The fact that she did, and her second signature was not redacted by the Protestants, further contaminates this Petition. Moreover, it is entirely disingenuous to represent to this Board that 1,283 people from Hereford were against the Royal Farms when multiple signatures by the same person were allowed, and not redacted. We excluded Ms. Owens' signatures.

Next, we found that certain fact witnesses for the Protestants who testified live before the Board also signed the Petition namely: Theaux LeGardeur, Nedda Pray, Patrick Meadowcroft and Michael Newmeyer. Both Mr. LeGardeur and Ms. Pray testified on November 6, 2014 (Day 3) and then signed the Petition on December 4, 2014 and November 30, 2014 respectively. Patrick Meadowcroft, the owner of the Exxon station, signed on December 24, 2014 (or December 25,

⁴ The address of 619 Monkton Rd., Monkton, MD 21111 was left on Appendix A as another person residing at that address also signed the Petition.

2014 as there are two Patrick Meadowcrofts signing). Mr. Meadowcroft testified on March 11, 2015 (Day 7). Michael Newmeyer of Michael's Pizza, 16952 York Rd., signed the Petition on December 17, 2014 and testified on January 21, 2015 (Day 5). We find that these signatures, which were included within the 1,283 total, are duplicative evidence of the live testimony. Therefore, we will exclude those signatures.

Finally, we found problems with other signatures in that some addresses were missing entirely or were incomplete. For example, one address simply listed "7-11" but had no town, city or state. Signatures with PO Box addresses had to be excluded because PO Boxes can be located at any Post Office chosen by the signer and need not be in Hereford. Some lines had handwriting which was completely illegible. Since the Protestants did not redact these, we must exclude these signatures from the total.

Lastly, several names and signatures appear to belong to minors based on the letter formation, elementary signature styles, and having the same address as one for an adult who signed on same page. By way of example, two signatures with addresses at 16317 Yeoho Rd, Sparks, MD 21152 for Sarah and Katelyn Ogburn appear to be signatures of minors as compared to Vivian Ogburn's signature on the same date (1/18/15) for the same address. Another example was a printed name and elementary, cursive type signature of "Jackson R" (no last name written) at 810 Castlebridge Ct., Monkton, MD 21120. This signature was written underneath Marlene Reinartz at the same address.

As we see it, these missing, incomplete and questionable signatures lead us to question again the veracity of the Petition drive. It further leads us back to the observations we made *supra* about the problem with accepting Petitions in a quasi-judicial hearings. The discoveries made here

highlight why Petitions are more prejudicial than probative and support our reasoning for excluding it.

All of these disqualified signatures are particularly galling in light of the fact that the Petition was handed to the Board after the Protestants' case was closed on March 11, 2015 (Day 7), and the Protestants insisted that we accept it, based on proffers made at the time. After objection by the Petitioner, the Protestants reserved the right to call witnesses who would testify that they allegedly saw each signer sign on particular dates. (T., 3/11/15, p. 148). Even if those witnesses had testified as such, it would not change the lack of aggrievement, or the duplicate signatures, or the missing and incomplete information, or the PO Box addresses, or the lack of adult capacity. That testimony would not change our inability to judge credibility, competency, understanding, bias, or motive of each signer. Thus, the observations we made when we excluded the Petition 2 years ago have come to fruition.

Finally, of the 370 signatures which we did not exclude which were within the 4.5 mile radius, less the disqualified signatures as above, a more accurate number of signers is approximately 352. However, the existence of 352 signatures does not lead us to any different conclusion about "need" for all the reasons set forth herein. Accordingly, our Opinion remains unchanged.

3. Consider the Duplication or Availability of services and products in the area in making the Board's determination of whether there is a "need" for the proposed development under BCZR, §259.3.E.1.

In our Opinion, we summarized the Protestants' collective opposition to the Royal Farms gas station and convenience store. We wrote that witnesses for the Protestants testified that the Royal Farms is not 'needed' because everything that Royal Farm sells – from gas to convenience store items - is already available from existing businesses in Hereford. From their point of view,

if a new business offers some categories of the same products, they want to be able to vote on whether or not the business should be allowed in Hereford.

Our Opinion and Order discussed in detail how the evidence supported another gas station in Hereford. (Opinion and Order, pp. 55-64). As we have already incorporated our Opinion and Order herein, we will not repeat here why another gas station is needed.

We based our decision on “need” for products and services not on the number of people for or against the proposed Plan but rather on the Court of Appeals definition of “need” set forth in *Neuman v. Mayor and City County of Baltimore*, 251 Md. 92, 98-99 (1968). The Court of Appeals in *Neuman* said:

Need for the services of a physician likewise must be considered as elastic and relative. Clearly, it does not mean absolute necessity. Need has been judicially held to mean ‘expedient, reasonably convenient and useful to the public

We emphasize that *Neuman* has not been overruled and is still good law.

At the hearings on the merits, both parties had marketing analyst experts (Joseph Cronyn and Richard Garretson) present evidence on the need (or not) for the development at the proposed location as required by BCZR, §259.3.E.1. We found more persuasive Mr. Cronyn’s opinion that there was an abundant demand for products and services within the 4 mile radius of the Mt. Carmel location. We have not changed our Opinion that the BP gas station located 4.3 miles away on Middletown Rd. is in an entirely different neighborhood, to the north off I-83 and would not be ‘convenient’ for the same patrons of the Exxon or the proposed Royal Farms’ gas station. (Opinion, p. 63).⁶

⁶ Our decision to use Mr. Garretson’s 4.5 mile radius for the purpose of “aggrievement” does not change our decision.

As for the food and other convenience store items proposed to be sold at Royal Farms, we re-reviewed the Royal Farms carryout menus. (Pet. Ex. 54). A well-known item sold is Royal Farms Famous Fried Chicken and steak fries. Other items sold at Royal Farms include breakfast sandwiches, specialty avocado-bacon burgers, chicken slider sandwiches, meatball subs, tuna salad, chicken salad, vegetable sandwiches, baked beans, corn, potatoes, spinach, mac n'cheese, and green beans in ham sauce. (*Id.*).

We looked again at photographs of items typically sold inside a Royal Farms store. (Pet. Ex. 53). These items include snacks like chips, pretzels, Tastecakes, nuts, donuts, Lunchables, energy bars, cookies, premade lunches, boxes of desserts to bake, specialty health snacks, and candy. .

Royal Farms also sells a wide variety of drinks including many different brands and sizes of each category such as: individual bottles of water and cases of bottled water; sports drinks; dairy; juices; teas; fountain sodas; liters of soda; F'REALS; Smoothies with acai berries and other fruit; condiments; and Royal Farms brand coffee, to name a few. They also sell frozen dinners; ice cream by the gallon and by the quart; and individually wrapped frozen desserts. In addition to food/drink items, Royal Farms also sells gift cards; phone cards; medicine; toothpaste; health care products; automotive items; household cleaners; lightbulbs; batteries; and even pet food.

From the Protestants' perspective, if Grauls sells fried chicken, the Exxon sells chips, 7-11 sells bottles of soda, and Michael's Pizza sells deli sandwiches, then those products are exactly the same as the ones sold by Royal Farms. The Protestants are only looking to the category of food or convenience store item and concluding that it is duplicated because it already exists in some way, shape or form. We disagree.

By way of example, when Protestants' witness, Andrew Alcarese was asked who sells the best fried chicken, he responded that the chicken sold at Prettyboy Market on Middletown Road is as good as or better than Royal Farms chicken. (T. 11/6/14, p. 128). When Carolyn Gittings was asked the same question, she said that Grauls "serves great fried chicken." (T. 1/21/15, p. 144). Short of conducting a taste-testing on every food product and drink sold at both Royal Farms and all other stores in Hereford, we find, based on the evidence presented, that the food prepared by Royal Farms on their premises is different than the food prepared at Prettyboy Market, Grauls, Michael's Pizza, Subway or 7-11. We find that each food item prepared at Royal Farms has an individual taste, a distinctive quality, a specific presentation and price. Each of these factors makes the Royal Farm products different than those sold at other places in Hereford. Simply put, not all chicken salads taste the same; and not all coffee tastes the same.

We also find that the availability and combination of food prepared at Royal Farms, plus the selection of grocery and convenience store items, plus the availability of gas, makes the Royal Farms gas station and convenience store "needed" in Hereford. The evidence shows that there are no other convenience store/gas station/carryout restaurants in Hereford that offer all of the products and services that Royal Farms sells at one place.

The Exxon station sells gas and some of the items that Royal Farms sells, but it does not prepare food on the premises. A customer needing medicine, food for dinner and windshield wiper fluid can buy all those items at Royal Farms. While the same bottle of soda or F'REAL could be sold at both the Royal Farms, the 7-11 and the Exxon, this fact does not mean Royal Farms is not needed. A customer buying that bottle of soda at Royal Farms can also purchase chicken, a breakfast sandwich and a F'REAL while at the same time filling their tank with gas. This is expedient, convenient and useful to the public. *Neuman*, at 98-99.

As set forth in our Opinion, we still find that the duplication of services is not a criteria for determining whether a use is 'needed.' As we previously wrote, not only does the *Neuman* definition defy that position, but County Council Bill 103-88 which created the CR district, specifically deleted proposed language that would have required the duplication of services to be considered as a factor. (Pet. Ex. 32).

For all these reasons, we are persuaded by the evidence produced by Royal Farms, that the products and services sold by Royal Farms are not available or otherwise duplicated in Hereford.

ORDER

THEREFORE, IT IS THIS 21st day of July, 2017, by the Board of Appeals of Baltimore County, and in accordance with the Remand Order from the Circuit Court in Baltimore County,

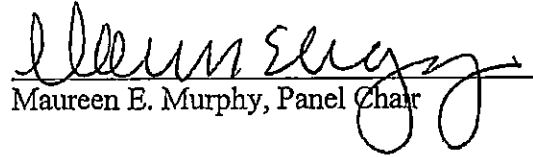
ORDERED, that the testimony of Protestant's expert witness, Christopher Jakubiak, has been assigned no weight for the reasons set forth herein and the Opinion and Order of this Board dated October 20, 2015 remains the same; and it is further,

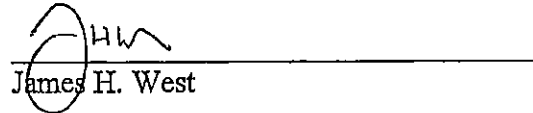
ORDERED that the Petition signed by members of the community (Prot. Ex. 77) was admitted into evidence and has been assigned no weight for the reasons set forth herein and Opinion and Order of this Board dated October 20, 2015 remains the same; and it is further,

ORDERED that the Board considered the issue of duplication or availability of services and products in the area in making the Board's determination of whether there is a "need" for the proposed development under BCZR §259.3.E.1 and found, based on the evidence, that the products and services offered and sold by Royal Farms are neither duplicated nor available in the area and therefore, the Royal Farms gas station, convenience store and carryout restaurant is "needed" in the area.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Panel Chair


James H. West

Board Member Benfred B. Alston served on the panel for the above referenced matter at the hearing on remand from the Circuit Court for Baltimore County on March 27, 2017 and participated at the public deliberation on April 13, 2017. He was not reappointed to the Board and his term expired on April 30, 2017.

APPENDIX A

ADDRESSES WITHIN 4.5 MILES OF PROPOSED LOCATION

1. 1007 Glencoe Rd., Glencoe, MD 21152
2. 1303 Blue Mount Rd., Monkton, MD 21111
3. 2115 Mt. Carmel Rd., Parkton, MD 21120
4. 17224 Masemore Rd., Parkton, MD 21120
5. 16421 Cedar Grove Rd., Sparks, MD 21152
6. 1615 Corbett Rd., Monkton, MD 21111
7. 16339 Falls Rd., Monkton, MD 21111
8. 16911 Big Falls Rd., Monkton, MD 21111
9. 1339 Corbett Rd., Monkton, MD 21111
10. 16217 Corbett Village Lane, Monkton, MD 21111
11. 600 Cromwell Whye Lane, Monkton, MD 21111
12. 18126 York Rd., Parkton, MD 21120
13. 2335 Benson Mill Rd., Sparks, MD 21152
14. 17417 Masemore Rd., Parkton, MD 21120
15. 1447 Corbett Rd., Monkton, MD 21111
16. 17114 York Rd., Monkton, MD 21111
17. 1412 Magers Landing, Monkton, MD 21111
18. 16407 Cedar Grove Rd., Sparks, MD 21152
19. 17103 York Rd., Parkton, MD 21120
20. 2528 Mt. Carmel Rd., Parkton, MD 21120
21. 16720 Hereford Rd., Monkton, MD 21111
22. 16912 Flickerwood Rd., Parkton, MD 21120
23. 17307 Prettyboy Dam Rd., Parkton, MD 21120
24. 18713 Middletown Rd., Parkton, MD 21120
25. 9 English Saddle Ct., Parkton, MD 21120
26. 1628 Corbett Rd., Monkton, MD 21111
27. 17912 York Rd., Parkton, MD 21120
28. 1513 Mt. Carmel Rd. Parkton, MD 21120
29. 1036 Monkton Rd., Monkton, MD 21111
30. 1100 Armacost Rd., Parkton, MD 21120
31. 1321 Glencoe Rd., Sparks, MD 21152
32. 1152 Monkton Rd., Monkton, MD 21111
33. 427 Piney Hill Rd., Monkton. MD 21111
34. 2200 Monkton Rd., Monkton, MD 21111
35. 18311 York Rd., Parkton, MD 21120
36. 302 Stable View Ct., Parkton, MD 21120
37. 1717 Mt. Carmel Rd., Parkton, MD 21120
38. 1237 Piney Hill Rd., Monkton, MD 21111

Appendix A

39. 17731 Backbone Rd., Parkton, MD 21120
40. 329 Everett Rd., Monkton, MD 21111
41. 701 Indian Spring Ct., Sparks, MD 21152
42. 1118 Piney Hill Rd., Monkton, MD 21111
43. 1744 Monkton Farms Dr., Monkton, MD 21111
44. 1316 Bernoudy Rd., White Hall, MD 21161
45. 803 Maplehurst Lane., Monkton, MD 21111
46. 1015 Falls Rd., Parkton, MD 21120
47. 423 Piney Hill Rd., Sparks, MD 21152
48. 813 Corbett Rd., Monkton, MD 21111
49. 806 Cold Bottom Rd., Sparks, MD 21152
50. 18918 Hillcrest Rd., Parkton, MD 21120
51. 910 Everett Rd., Monkton, MD 21111
52. 1127 Wiseburg Rd., White Hall, MD 21161
53. 1105 Molesworth Rd., Parkton, MD 21120
54. 1115 Bernoudy Rd., White Hall, MD 21161
55. 17422 Masemore Rd., Parkton, MD 21120
56. 16308 Matthews Rd., Monkton, MD 21111
57. 17752 Big Falls Rd., White Hall, MD, 21161
58. 16937 Flickerwood Rd., Parkton, MD 21120
59. 525 Monkton Rd., Monkton, MD 21111
60. 1226 Blue Mount Rd., Monkton, MD 21111
61. 2012 Blue Mount Rd., Monkton, MD 21111
62. 16832 Wesley Chapel Rd., Monkton, MD 21111
63. 16260 Falls Rd., Monkton, MD 21111
64. 18103 School House Rd., White Hall, MD 21161
65. 1104 Molesworth Rd., Parkton, MD 21120
66. 16501 Garfield Ave., Monkton, MD 21111
67. 811 Wiseburg Rd., White Hall, MD 21161
68. 25 Chesterfield Ct., Monkton, MD 21111
69. 1 Caribou Ct., Parkton, MD 21120
70. 16133 York Rd., Sparks, MD 21152
71. Hillcrest Ave., Parkton, MD 21120
72. 16914 Daisy Dell Ct., Monkton, MD 21111
73. 1104 Bernoudy Rd., White Hall, MD 21161
74. 16704 Singletree Lane, Parkton, MD 21120
75. 623 Haileys Ct, Parkton, MD 21120
76. 17637 Backbone Rd., Parkton, MD 21120
77. 1102 Mt. Carmel Rd., Parkton, MD 21120
78. 1921 Monkton Rd., Monkton, MD 21111
79. 18603 York Rd., Parkton, MD 21120

Appendix A

80. 921 Monkton Rd., Monkton, MD 21111
81. 1931 Bluemount Rd., Monkton, MD 21111
82. 16912 Millers Lane, Parkton, MD 21120
83. 2212 Monkton Rd., Monkton, MD 21111
84. 18007 York Rd., Parkton, MD 21120
85. 621 Gifford Lane., Monkton, MD 21111
86. 1010 Bernoudy Rd., White Hall, MD 21161
87. 1132 Wiseburg Rd., White Hall, MD 21161
88. 18701 Middletown Rd., Parkton, MD 21120
89. 16947 Gerting Rd., Monkton, MD 21111
90. 1402 Magers Landing Rd., Monkton, MD 21111
91. 1600 Mt. Carmel Rd., Parkton, MD 21120
92. 17814 Bacon Rd., White Hall, MD 21161
93. 908 Cold Bottom Rd., Sparks, MD 21152
94. 525 Monkton Rd., Monkton, MD 21111
95. 1115 Piney Hill Rd., Monkton, MD 21111
96. 18019 Bacon Rd., White Hall, MD 21161
97. 1109 Bernoudy Rd., White Hall, MD 21161
98. 18202 Bunker Hill Rd., Parkton, MD 21120
99. 1025 Wiseburg Rd., White Hall, MD 21161
100. 3 Kampman Ct., Sparks, MD 21152
101. 18375 Kings Rd., White Hall, MD 21161
102. 1309 Mt. Carmel Rd., Parkton, MD 21120
103. 16203 Corbett Village Lane, Monkton, MD 21111
104. 1400 Magers Landing Rd., Monkton, MD 21111
105. 47 Bush Cabin Ct., Parkton, MD 21120
106. 17304 Big Falls Rd., Monkton, MD 21111
107. 17417 York Rd., Parkton, MD 21120
108. 1443 Piney Hill Rd., Monkton, MD 21111
109. 16301 Yeoho Rd., Sparks, MD 21152
110. 507 Fieldstone Ct., Parkton, MD 21120
111. 920 Lower Glencoe Rd., Sparks, MD 21152
112. 15121 York Rd., Sparks, MD 21152
113. 23 Manor Brook Rd., Monkton, MD 21111
114. 15 Manor Brook Rd., Monkton, MD 21111
115. 147 Maplehurst Rd., Monkton, MD 21111
116. 1430 Wiseburg Rd., White Hall, MD 21161
117. 18315 Peters Ave., White Hall, MD 21161
118. 18918 Calder Ave., Parkton, MD 21120
119. 16949 York Rd., Hereford, MD 21111
120. 16308 Yeoho Rd., Sparks, MD 21152

121. 16401 Falls Rd., Monkton, MD 21111
122. 932 Upper Glencoe Rd., Glencoe Rd., 21152
123. 232 Everett Rd., Monkton, MD 21111
124. 18014 York Rd., Parkton, MD 21120
125. 16640 Cedar Grove Rd., Sparks, MD 21152
126. 17119 Evna Rd., Parkton, MD 21120
127. 14 Grace Ridge Ct., Monkton, MD 21111
128. 18600 York Rd., Parkton, MD 21120
129. 2301 Mt. Carmel Rd., Parkton, MD 21120
130. 16620 Cedar Grove Rd., Sparks, MD 21152
131. 17209 Prettyboy Dam Rd., Parkton, MD 21120
132. 17351 Big Falls Rd., Monkton, MD 21111
133. 18014 York Rd., Parkton, MD 21120
134. 17405 Bushland Rd., Parkton, MD 21120
135. 17748 Big Falls Rd., White Hall, MD 21161
136. 16923 Flickerwood Rd., Parkton, MD 21120
137. 623 Piney Hill Rd., Monkton, MD 21111
138. 1408 White Hall Rd., White Hall, MD 21161
139. 1603 Coachmans Way, Parkton, MD 21120
140. 3 Falls Glen Ct., Parkton, MD 21120
141. 1018 Belfast Rd., Sparks, MD 21152
142. 9 Pheasant Wood Ct., Parkton, MD 21120
143. 16250 Falls Rd., Monkton, MD 21111
144. 525D Monkton Rd., Monkton, MD 21111
145. 10 Chesterfield Ct, Monkton, MD 21111
146. 1003 Wiseburg Rd., White Hall, MD 21161
147. 17401 Bushland Rd., Parkton, MD 21120
148. 16912 Daisy Dell Ct., Monkton, MD 21111
149. 1005 Wiseburg Rd., White Hall, MD 21161
150. 1313 Blue Mount Rd., Monkton, MD 21111
151. 1705 Mt. Carmel Rd., Parkton, MD 21120
152. 619 Monkton Rd., Monkton, MD 21111
153. 1146 Monkton Rd., Monkton, MD 21111
154. 1316A Mt. Carmel Rd., Parkton, MD 21120
155. 16304 Matthews Rd., Monkton, MD 21111
156. 17318 Big Falls Rd., Monkton, MD 21111
157. 1514 White Hall Rd., White Hall, MD 21161
158. 16956 York Rd., Monkton, MD 21111
159. 16996 York Rd., Monkton, MD 21111
160. 1219 Wiseburg Rd., White Hall, MD 21161
161. 16906 Flickerwood Rd., Parkton, MD 21120

Appendix A

162. 7 Grace Ridge Ct., Monkton, MD 21111
163. 9 Pheasant Wood Ct., Parkton, MD 21120
164. 534 Belfast Rd., Sparks, MD 21152
165. 18910 Bernoudy Rd., White Hall, MD 21161
166. 1718 Mt. Carmel Rd., Parkton, MD 21120
167. 819 Upper Glencoe Rd., Sparks, MD 21152
168. 3 Grace Ridge Ct., Monkton, MD 21111
169. 17836 Bacon Rd., White Hall, MD 21161
170. 16306 Yeoho Rd., Sparks, MD 21152
171. 17408 Masemore Rd., Parkton, MD 21120
172. 16515 Garfield Ave., Monkton, MD 21111
173. 1134 Piney Hill Rd., Monkton, MD 21111
174. 7 Falls Glen Ct., Parkton, MD 21120
175. 16620 Cedar Grove Rd., Sparks, MD 21152
176. 16412 Falls Rd., Monkton, MD 21111
177. 9 Grace Ridge Ct., Monkton, MD 21111
178. 16916 Hereford Rd., Monkton, MD 21111
179. 534 Belfast Rd., Sparks, MD 21152
180. 17421 Masemore Rd., Parkton, MD 21120
181. 32 Bush Cabin Ct., Parkton, MD 21120
182. 412 Buedel Ct., Sparks, MD 21152
183. 17418 Big Falls Rd., Monkton, MD 21111
184. 901 Hillside View Rd., Parkton, MD 21120
185. 9 English Saddle Ct., Parkton, MD 21120
186. 18917 York Rd., Parkton, MD 21120
187. 17314 Big Falls Rd., Monkton, MD 21111
188. 933 Monkton Rd., Monkton, MD 21111
189. 1737 Falls Rd., Parkton, MD 21120
190. 10 Henderson Hill Rd., Monkton, MD 21111
191. 16916 Flickerwood Rd., Parkton, MD 21120
192. 2637 Mt. Carmel Rd., Parkton, MD 21120
193. 1002 Hillside View Rd., Parkton, MD 21120
194. 16940 Flickerwood Rd., Parkton, MD 21120
195. 2335 Benson Mill Rd., Sparks, MD 21152
196. 2100 Blue Mount Rd., Monkton, MD 21111
197. 1 Grace Ridge Ct., Monkton, MD 21111
198. 15801 York Rd., Sparks, MD 21152
199. 16623 Hereford Rd., Monkton, MD 21111
200. 750 Monkton Rd., Monkton, MD 21111
201. 414 Buedel Ct., Sparks, MD 21152
202. 1615 White Hall Rd., White Hall, MD 21161

Appendix A

203. 17404 Evna Rd., Parkton, MD 21120
204. 2313 Benson Mill Rd., Sparks, MD 21152
205. 1515 Hunter Mill Rd., White Hall, MD 21161
206. 17715 Backbone Rd., Parkton, MD 21120
207. 16655 Millers Lane, Parkton, MD 21120
208. 908 Cold Bottom Rd., Sparks, MD 21152
209. 1001 Bernoudy Rd., White Hall, MD 21161
210. 17900 Bacon Rd., White Hall, MD 21161
211. 4 Falls Glen Ct., Parkton, MD 21120
212. 16625 York Rd., Monkton, MD 21111
213. 1018 Belfast Rd., Sparks, MD 21152
214. 1317 Blue Mount Rd., Monkton, MD 21111
215. 2210 Benson Mill Rd., Sparks, MD 21152
216. 531 Montclair Ct., Parkton, MD 21120
217. 11 Lauriann Ct., Parkton, MD 21120
218. 710 Upper Glencoe Rd., Sparks, MD 21152
219. 16411 Matthews Rd., Monkton, MD 21111
220. 2018 Falls Rd., Parkton, MD 21120
221. 1 Hunt Farms Ct., Sparks, MD 21152
222. 15804 Ensor Mill Rd., Sparks, MD 21152
223. 613 Cascade View Ct., Parkton, MD 21120
224. 16008 Baconsfield Lane, Monkton, MD 21111
225. 614 Monkton Rd., Monkton, MD 21111
226. 1 Prettyboy Garth, Parkton, MD 21102
227. 17300 Evna Rd., Parkton, MD 21120
228. 16626 Cedar Grove Rd., Sparks, MD 21152
229. 1404 Wiseburg Rd., White Hall, MD 21161
230. 16339 Falls Rd., Monkton, MD 21111
231. 8 Lantern Circle, Parkton, MD 21120
232. 24 Mt. Carmel Rd., Parkton, MD 21120
233. 16924 Flickerwood Rd., Parkton, MD 21120
234. 15114 York Rd., Sparks, MD 21152
235. 741 Monkton Rd., Monkton, MD 21111
236. 1207 Piney Hill Rd., Monkton, MD 21111
237. 534 Belfast Rd., Sparks, MD 21152
238. 2014 Blue Mount Rd., Monkton, MD 21111
239. 17502 Bunker Hill Rd., Parkton, MD 21120
240. 17300 Evna Rd., Parkton, MD 21120
241. 1101 Maplehurst Lane, Monkton, MD 21111
242. 1122 Piney Hill Rd., Monkton, MD 21111
243. 1429 Falls Rd., Parkton, MD 21120

- 244. 9 Henderson Hill Ct., Monkton, MD 21111
- 245. 16932 Flickerwood Rd., Parkton, MD 21120
- 246. 16626 Remare Rd., Monkton, MD 21111
- 247. 16904 Flickerwood Rd., Parkton, MD 21120
- 248. 16317 Yeoho Rd., Sparks, MD 21152
- 249. 16527 Garfield Ave., Monkton, MD 21111
- 250. 910 Maplehurst Lane, Monkton, MD 21111
- 251. 15423 York Rd., Sparks, MD 21152
- 252. 623 Monkton Rd., Monkton, MD 21111
- 253. 16833 Yeoho Rd., Sparks, MD 21152
- 254. 17701 Masemore Rd., Parkton, MD 21120
- 255. 18103 School House Rd., White Hall, MD 21161
- 256. 16603 York Rd. Monkton, MD 21111
- 257. 16503 Garfield Ave., Monkton, MD 21111
- 258. 538 Monkton Rd., Monkton, MD 21111
- 259. 16114 Cedar Grove Rd., Sparks, MD 21152
- 260. 17709 Backbone Rd., Parkton, MD 21120
- 261. 1322 Mt. Carmel Rd., Parkton, MD 21120
- 262. 28 Bush Cabin Ct., Parkton, MD 21120
- 263. 1409 Mt. Carmel Rd., Parkton, MD 21120
- 264. 7 Little Falls Ct., Parkton, MD 21120
- 265. 17419 York Rd., Parkton, MD 21120
- 266. 1701 Mt. Carmel Rd., Parkton, MD 21120
- 267. 16820 Hereford Rd., Monkton, MD 21111
- 268. 1400 Corbett Rd., Monkton, MD 21111
- 269. 800 Bacon Hall Rd., Sparks, MD 21152
- 270. 720 Miller Rd., Parkton, MD 21120
- 271. 18692 Middletown Rd., Parkton, MD 21120
- 272. 17344 Masemore Rd., Parkton, MD 21120
- 273. 1614 Monkton Rd., Monkton, MD 21111
- 274. 6 Hunt Farms Ct., Sparks, MD 21152
- 275. 16745 Wesley Chapel Rd., Monkton, MD 21111
- 276. 18805 Fox Chase Ct., Parkton, MD 21120
- 277. 15609 Yeoho Rd., Sparks, MD 21152
- 278. 905 Monkton Rd., Monkton, MD 21111
- 279. 810 Castlebridge Ct., Monkton, MD 21111
- 280. 3 Falls Glen Ct., Parkton, MD 21120
- 281. 3 Prettyboy Garth, Parkton, MD 21120
- 282. 619 Giffords Lane, Monkton, MD 21111
- 283. 625 Piney Hill Rd., Monkton, MD 21111
- 284. 2224 Tracey Store Rd., Parkton, MD 21120

- 285. 1916 Monkton Rd., Monkton, MD 21111
- 286. 4 Middlewoods Ct., Parkton, MD 21120
- 287. 16913 Daisy Dell Ct., Monkton, MD 21111
- 288. 2220 Benson Mill Ct., Parkton, MD 21152
- 289. 14 Prettyboy Garth, Parkton, MD 21120
- 290. 16507 Garfield Ave., Monkton, MD 21111
- 291. 18805 Fox Chase Ct., Parkton, MD 21120
- 292. 11 English Saddle Ct., Parkton, MD 21120
- 293. 609 Cascade View Ct., Parkton, MD 21120
- 294. 18815 York Rd., Parkton, MD 21120
- 295. 18603-A York Rd., Parkton, MD 21120
- 296. 17104 Wesley Chapel Rd., Monkton, MD 21111
- 297. 4 Bush Cabin Ct., Parkton, MD 21120
- 298. 19 Manor Brook Rd., Monkton, MD 21111
- 299. 16326 Matthews Rd., Monkton, MD 21111
- 300. 12433 Wesley Chapel Rd., Monkton, MD 21111
- 301. 16820 York Rd., Monkton, MD 21111
- 302. 7 Henderson Hill Ct., Monkton, MD 21111
- 303. 18825 York Rd., Parkton, MD 21120
- 304. 15900 York Rd., Sparks, MD 21152
- 305. 421 Everett Rd., Monkton, MD 21111
- 306. 16112 Baconsfield Lane, Monkton, MD 21111
- 307. 2307 Mt. Carmel Rd., Parkton, MD 21120
- 308. 3 Kampman Ct., Sparks, MD 21152
- 309. 813 Castlebridge Ct., Monkton, MD 21111
- 310. 505 Fieldstone Ct., Parkton, MD 21120
- 311. 620 Corbett Rd., Monkton, MD 21111
- 312. 17907 Bunker Hill Rd., Parkton, MD 21120
- 313. 1624 Millers Lane, Parkton, MD 21120
- 314. 3 Single Tree Lane, Parkton, MD 21120
- 315. 17209 Prettyboy Dam Rd., Parkton, MD 21120
- 316. 17014 Big Falls Rd., Monkton, MD 21111
- 317. 1018 Maplehurst Lane, Monkton, MD 21111
- 318. 1222 Corbett Rd., Monkton, MD 21111
- 319. 1020 Bernoudy Rd., White Hall, MD 21161
- 320. 17500 Bushland Rd., Parkton, MD 21120
- 321. 1231 Armacost Rd., Parkton, MD 21120
- 322. 1933 Blue Mount Rd., Monkton, MD 21111
- 323. 1801 Mt. Carmel Rd., Parkton, MD 21111
- 324. 1614 York Rd., Sparks, MD 21152
- 325. 2400 Mt. Carmel Rd., Parkton, MD 21111

Appendix A

- 326. 416 Everett Rd., Monkton, MD 21111
- 327. 24 Lauriann Ct., Parkton, MD 21120
- 328. 17509 Prettyboy Dam Rd., Parkton, MD 21120
- 329. 603 Coachmans Way, Parkton, MD 21120
- 330. 2101 Mt. Carmel Rd., Parkton, MD 21111
- 331. 18916 York Rd., Parkton, MD 21120
- 332. 16351 Matthews Rd., Monkton, MD 21111
- 333. 16906 Big Falls Rd., Monkton, MD 21111
- 334. 616 Gifford Lane, Monkton, MD 21111
- 335. 2224 Tracy's Rd., Sparks, MD 21152
- 336. 333 Everett Rd., Monkton, MD 21111
- 337. 1431 White Hall Rd., White Hall, MD 21161
- 338. 1208 Brandy Springs Rd., Parkton, MD 21120
- 339. 16102 Baconsfield Lane, Monkton, MD 21111
- 340. 931 Maplehurst Lane, Monkton, MD 21111
- 341. 2144 Monkton Rd., Monkton, MD 21111
- 342. 17343 York Rd., Parkton, MD 21120
- 343. 17303 Prettyboy Dam Rd., Parkton, MD 21120
- 344. 1610 Mt. Carmel Rd., Parkton, MD 21111
- 345. 1600 Hicks Rd., White Hall, MD 21161
- 346. 2234 Shepperd Rd., Monkton, MD 21111
- 347. 16718 Hereford Rd., Monkton, MD 21111
- 348. 1535 Mt. Carmel Rd., Parkton, MD 21120
- 349. 1921 Blue Mount Rd., Monkton, MD 21111
- 350. 1034 Corbett Rd., Monkton, MD 21111
- 351. 8 Caribou Ct., Parkton, MD 21120
- 352. 17008 Evna Rd., Parkton, MD 21120
- 353. 17618 Prettyboy Dam Rd., Parkton, MD 21120
- 354. 17212 Masemore Rd., Parkton, MD 21120
- 355. 15 Henderson Hill Ct., Monkton, MD 21111
- 356. 202 Old Belfast Rd., Sparks, MD 21152
- 357. 7 Middle Woods Ct., Parkton, MD 21120
- 358. 612 Gifford Lane, Monkton, MD 21111
- 359. 13 Lauriann Ct., Parkton, MD 21120
- 360. 801 Maplehurst Lane, Monkton, MD 21111
- 361. 415 Buedel Ct., Sparks, MD 21152
- 362. 8 Hunt Farms Ct., Sparks, MD 21152
- 363. 6 Hunt Farms Ct., Sparks, MD 21152
- 364. 14 Hunt Farms Ct., Sparks, MD 21152
- 365. 609 Miller Rd., Parkton, MD 21120
- 366. 18044 Bacon Rd., White Hall, MD 21161

Appendix A

- 367. 621 Gifford Lane, Monkton, MD 21111
- 368. 3 Bush Cabin Ct., Parkton, MD 21120
- 369. 17500 Bushland Rd., Parkton, MD 21120
- 370. 16907 Daisy Dell Ct., Monkton, MD 21111

1636 Reisterstown Rd, Pikesville, MD 21

11 Slade Ave, Pikesville, MD 21208

Leave now

OPTIONS

Send directions to your phone

2:30 PM–2:34 PM

4 min

89

2:30 PM from REISTERSTOWN RD & NAYLORS LN fs

sb · 8 min late

3 min

DETAILS

via Reisterstown Rd

4 min

Fastest route, despite the usual traffic

1.0 mile

via Old Ct Rd and Park Heights Ave

4 min

1.7 miles

SCHEDULE EXPLORER

The map displays a route starting at 1636 Reisterstown Rd, Pikesville, MD 21 and ending at 11 Slade Ave, Pikesville, MD 21208. The route is highlighted in blue and red, passing through Reisterstown Rd and Irving Pl. The map includes labels for various streets, landmarks like Druid Ridge Cemetery and The Suburban Club, and a scale bar at the bottom.

PETITIONER'S

EXHIBIT NO. 10

Larry Hogan, Governor
Boyd K. Rutherford, II, Governor

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Pete K. Rahn, Secretary
Gregory Slater, Administrator

Date: 6/12/17

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 4/26/17. A field inspection and internal review reveals that an entrance onto MD140 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Exception, Case Number 2017-0281-X.

*Special Exception
Temescal Wellness of Maryland LLC
Edward 'Ted' T. Rebbholz, Jr.
1636 Reisterstown Road MD140*

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

**Petitioner
CBA Exhibit**

11

Maryland Department of Transportation
State Highway Administration

320 West Warren Road, Hunt Valley, MD 21030
410.229.2300 | TTY 800.735.2258 | roads.maryland.gov
My telephone number/toll-free number is 866.998.0367

**Village Greenwood, LLC
1636-1642 Reisterstown Road
Pikesville, MD 21208**

October 23, 2017

Baltimore County Board of Appeals
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

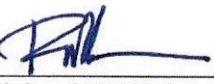
Re: Petition for Special Exception
Case No. 2017-0281-X

Members of the Board:

Village Greenwood, LLC is the owner of the property known as 1636-1642 Reisterstown Road in the Pikesville area of Baltimore County (the "Property"). The existing building and parking area were originally constructed in the 1960's. To the best of our knowledge, there have been no expansions or reconfigurations of the building or parking lot since that time.

Very truly yours,

Village Greenwood, LLC

By: 
Richard S. Wolman
Authorized Representative
c/o Maryland Financial Investors, Inc.
2800 Quarry Lake Drive, Suite 340
Baltimore, MD 21209

PETITIONER' S

EXHIBIT NO. 13

**Petitioner
CBA Exhibit**

13

Board of Appeals

Case No: 17-281X

Case Name: TEMPERLEY WILSON, LLC

Exhibit List

Party: PETITIONER

Date: 10/17/17

Asm

Exhibit No:	Description:
1	Site Map.
2	Pikeville Can. Reimbursement Dist Map
3	Rebulet CV.
4	Painted Tension Worsing / Cannabinaids
5	Video (thumb drive)
6	June 19, 2017 Pikeville Commission of Cannacee Ltr in Support.
7	Mitch Keenan CV.
8	Aerial photograph
9(a)-(i)	photographs by M. Keenan
	(a) Front of Bus, Farm 7-11
	(b) Farm 7-11 Dross Supr window / Cuso to Farm 7-11
	(c) Dross up window, Cuso to Farm 7-11
	(d) Front Bus Front

VERIFIED BY KC DATE: 10/18/17

Board of Appeals

Case No: 17-281X

Case Name: TORONTO WARDEN

Exhibit List

Party: PETITIONER

Date: 10/12/17

Exhibit No:	Description:	
✓ 9(e)	Class Bung Panon turn and full	✓
✓ (v)	Rear of Bung, Access Drive to Sossers	✓
✓ (g)	Looking @ ROSTERSTOWN Rd.	✓
✓ (h)	Looking South from Site	✓
✓ (i)	Looking North Along ROSTERSTOWN Rd.	✓
✓ 10	Printout from Google Maps showing witness R. Aronoff + SITE	✓
✓ 11	6/12/17 SNA Comment About entrance	✓
✓ 12	Riverwatch / two forms opinion About Rowing from Circuit Court	✓ over Aronoff
✓ 13	Letter from Aronoff about Bung + printing into Congression, 10/23/17	✓
✓ 14	Model plan by Kerwin IF SITE has to be updated. (Arbitration)	✓
VERIFIED BY <u>KC</u> DATE: <u>10/25/17</u>		

KC
10/18/17

10/24/17

Arms

over Aronoff

Board of Appeals

Case No: 17-281X

Case Name: Temecula Wireless LLC

Exhibit List

Party: Notman

Date: 10/29/17

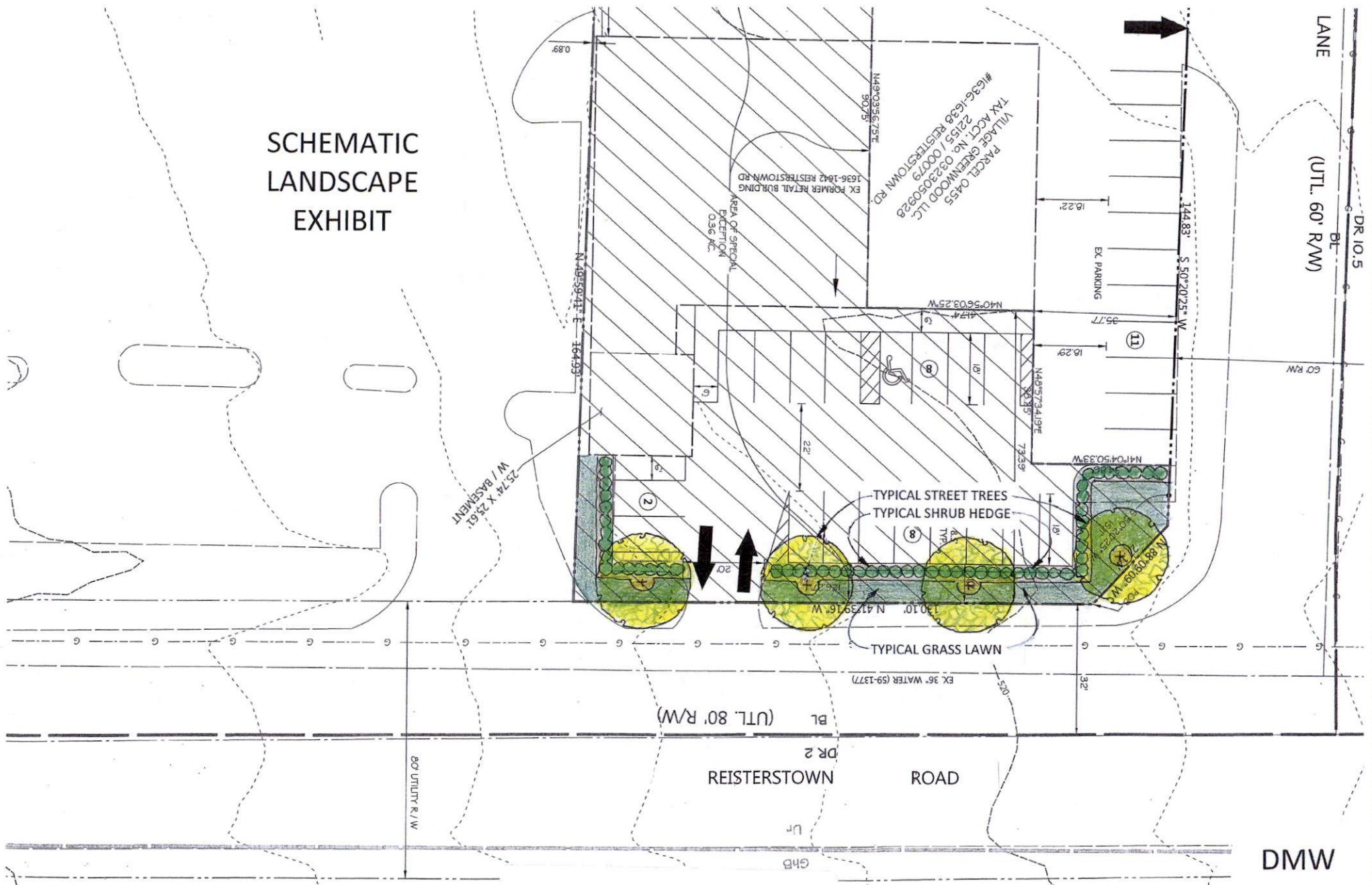
[illegible]

Ar4

✓

✓

SCHEMATIC
LANDSCAPE
EXHIBIT

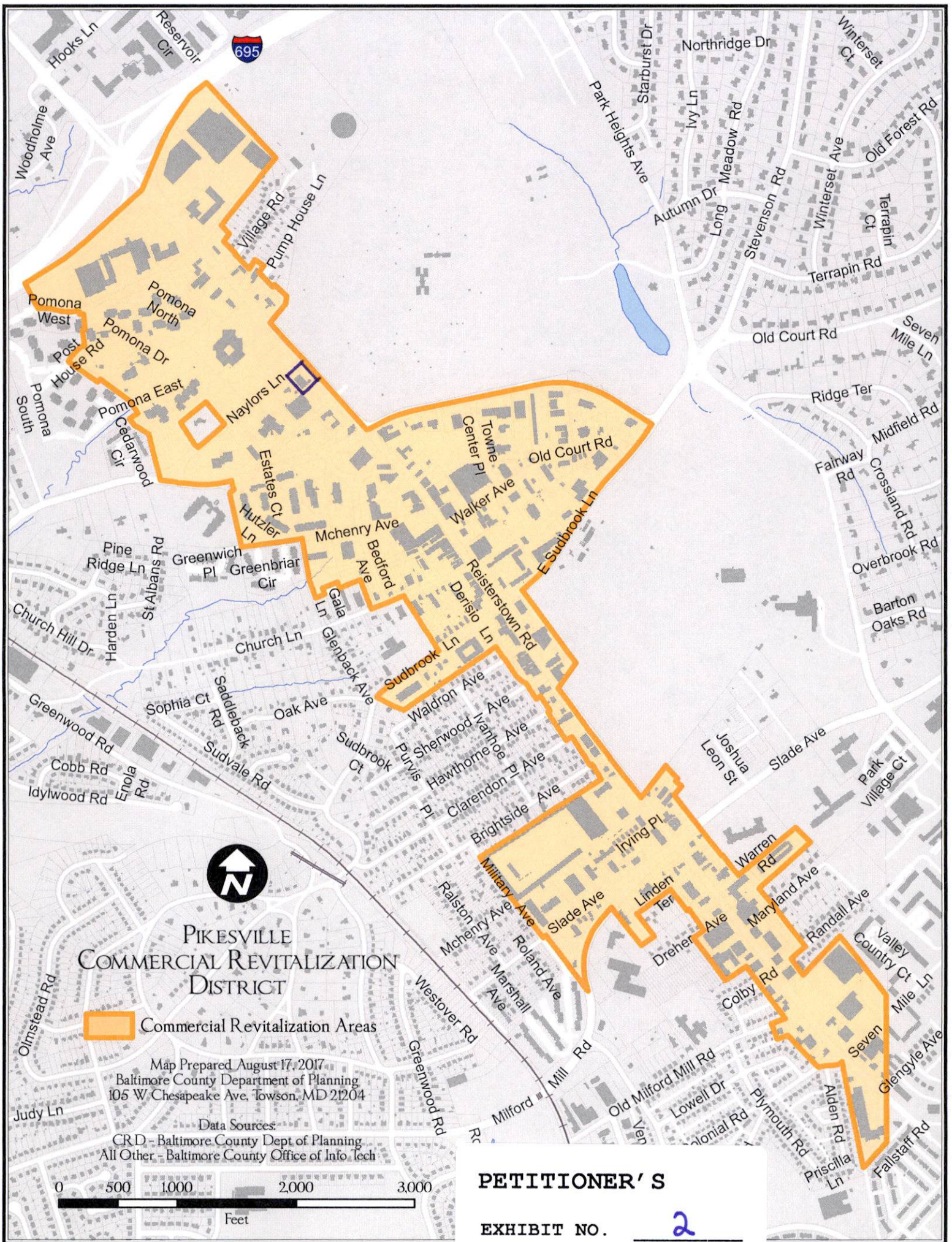


PETITIONER' S

EXHIBIT NO.

15

DMW



PIKESVILLE
COMMERCIAL REVITALIZATION
DISTRICT

Commercial Revitalization Areas

Map Prepared August 17, 2017
Baltimore County Department of Planning
105 W Chesapeake Ave, Towson, MD 21204

Data Sources:
CRD - Baltimore County Dept of Planning
All Other - Baltimore County Office of Info Tech

0 500 1000 2000 3000
Feet

PETITIONER'S

EXHIBIT NO.

2

TED REBHOLZ

ted@temescalwellness.com / +1.650.438.7698

PROFESSIONAL EXPERIENCE**TEMESCAL WELLNESS****Baltimore, MD****Founder; President****Jan/15-present**

- Temescal's mission focuses on Patient Wellness; Product Quality; and Responsible Community Involvement. We treat patients with respect and knowledgeable care; we provide to them consistently high-quality cannabis products; and we hire from, and give back to, the communities of which we are a part.
- Temescal's management team includes veterans of the legal cannabis industry and subject matter experts ensuring best practices in security, training, compliance, marketing, product development, cultivation, manufacturing and retail.
- As of February 2017, Temescal Wellness:
 - Serves patients in New Hampshire, where it holds two of four licenses and operates an all-organic production site
 - Is building-out three dispensaries in MA, including an all-organic, cultivation-and-manufacturing facility
 - Is building-out one dispensary in MD, including a cultivation-and-manufacturing facility
 - Owns and manages two cannabis-infused product companies that currently earn revenue in NH, MA and CA

HARBORSIDE HEALTH CENTER, world's largest medical cannabis dispensaries**Oakland, CA****Chief Financial Officer (consulting)****2010-Jan/15**

- Start-ups: oversee teams to plan, ramp-up and integrate new businesses, and provide ongoing oversight to ensure compliant and financially-sustainable operations, focusing on site selection, organizational design, government and community relations, product mix and pricing
- Systems, Processes & Controls: design comprehensive policies, work flows and controls, and help evaluate systems
- Accounting & Cash Management: design Chart of Accounts, KPIs and oversee cash positions and month-end close
- Investor Relations: cultivate relationships among potential equity and debt investors; structure and close financings. Raised \$7.25 million total over three different projects, all for non-profit medical cannabis companies.

BEYOND MEAT, vertically-integrated food start-up (funded by Bill Gates, Kleiner Perkins)**El Segundo, CA****Chief Financial Officer****Mar/12-Jun/13**

- Systems, Processes & Control: configure new enterprise-wide inventory and production tracking software; design policies, work flows and controls; migrate from legacy system and manage third-party Systems Integrator
- Accounting: design Chart of Accounts and oversee month-end close, inter-departmental expense allocations and calculations of accruals, charge-backs, commissions and royalties
- Strategy, Planning & Analysis: conduct departmental budget reviews, variance analyses, product profitability analyses, and long-range cash forecasting for internal and Board-level reporting
- Pricing & Contracts: review and approve contracts with customers, brokers and vendors, including pricing strategy
- Investor Relations: communicate regularly with investors and lenders, including for equipment leasing facility
- Cash Management: oversee payroll, vendor payables, and collections
- Audit, Tax and Insurance: recruit, negotiate with and manage key vendors

WHIPTAIL TECHNOLOGIES (Sold to Cisco \$415M all cash), enterprise storage hardware**Whippany, NJ****Chief Financial Officer****Apr/10-Mar/11**

- Accounting: improved Quickbooks-based info into an "investor-ready" condition, and approved monthly closings
- Strategic Planning / Financial Modeling: forecast demand and sales; project cost trends for inputs, OpEx and research; develop product and pricing strategies; assess competitive pressures; and identify staffing and cash needs
- Fundraising / Investor Relations: prepared materials, presented to investors, managed due diligence, and negotiated term sheets; closed \$1.5 million from institutional investors, family and friends
- Lender & Vendor Negotiations: secured better pricing and payment terms with suppliers
- Partnership Development: negotiated contracts with several sales channel partners to accelerate customer adoption

PORTS AMERICA, private equity-backed seaport terminal operator (\$2 billion rev)**San Francisco, CA****Director, Corporate Finance****Oct/07-Mar/10**

- Recruited by PE owners, reported to CFO, with project reporting to CEO, COO, CIO and business unit leaders.
- Financial Planning & Analysis: improved week-by-week P&L and Cash Flow forecasting tool for largest business asset (\$200 million revenue), communicating projections and results to executives, owners, lenders and auditors.
- Corporate Strategy & Development
 - Led all seven operating units in identifying and quantifying all growth opportunities and risks over five-year timeframe. Built financial model and presented results to guide strategic planning.
 - Negotiated a new JV with the world's fourth-largest marine carrier, to jointly own and operate several subsidiaries.
- Sample Transactions & Capital Investments

- Secured \$30 million lease financing facility for wide range of new equipment units, working with operations, maintenance and technology staff, and evaluating bids from seventeen lessors.
- Led the valuation for the winning bid on a \$3.2 billion, 50-year seaport terminal concession. Developed and evaluated investment scenarios, worked with advisors, and led discussions with executives, lenders and investors.

PARSONS BRINKERHOFF, advisory services to public infrastructure operators

Washington, DC

Principal Consultant

Jun/06-Oct/07

- Analysis & Team Management. Led 3- to 27-person diligence teams responsible for evaluating macro, customer, competitor, capital investment, regulatory and operations issues. Managed client projects up to \$1+ million.
- Business Development. Cultivated leads, winning two new clients. Negotiated contract terms.

VISA U.S.A., INC., Technology / Financial Services

San Francisco, CA

Senior Manager, Strategy & Corporate Development

Jan/00-Feb/02

- Evaluated market opportunities for potential payments-related investments, focusing on technological capabilities, potential customer adoption, regulatory environment, competitors and potential targets.
- Developed business case to create a new joint venture with several global banks. Performed financial analysis of start-up costs, revenues and investor returns. Resulted in founding of new cross-border financial services company.
- Built financial modeling tools to illustrate incremental revenue and costs impacts of new product to banks and retailers. Performed sales staff training efforts. Led to adoption of new financial services product by major banks and retailers.

MITCHELL MADISON GROUP, Strategy consulting

San Francisco, CA

Business Analyst

Oct/98-Jan/00

- Supported project teams with research and analysis into market size and operational issues in multiple industry sectors.
- Managed a 10-person client team to on-time implementation of new customer service program for a cellular provider.

FELLOWSHIPS & INTERNSHIPS

WASHINGTON, DC, Department of Transportation (DDOT)

Washington, DC

Public Finance Consultant

Summer 2005

- Evaluated the impact of a pilot project (\$8.5M in public spending) to rejuvenate blighted neighborhood retail corridors.

WHITE HOUSE, Office of Management and Budget

Washington, DC

Graduate Assistant, International Affairs Division

Summer 2004

- Evaluated \$1 billion in federal anti-narcotics spending, resulting in performance measurement improvements.
- Negotiated with agencies to rationalize U.S. presence overseas, resulting in shift of 200 FTEs to lower-cost locations.

KREDITANSTALT FÜR WIEDERAUFBAU (KfW), Bi-lateral development bank

Frankfurt and Ankara

Fellow, Robert Bosch Foundation, Program for Future American Leaders

Aug/02-Aug/03

- Selected for the Robert Bosch Foundation's one-year fellowship program on international relations and commerce.
- Developed recommendations for private sector participation in water sector development projects.
- Managed launch of €20 million fund to support small business lending in Turkey, resulting in on-time start and EU ambassador approval for doubling fund.

EDUCATION

THE WHARTON SCHOOL, UNIVERSITY OF PENNSYLVANIA

Philadelphia, PA

Master of Business Administration

May 2006

- Academic: GMAT 720 (96th percentile); Teaching Assistant for Management Communications
- Awards: Frederick Banks Fellowship; Morgenthau Fellowship; Symonds Scholarship; Boren Fellow (U.S. DoD)
- Activities: Organizer, Social Impact Management Conference (Net Impact)

SCHOOL OF ADVANCED INTERNATIONAL STUDIES, JOHNS HOPKINS UNIVERSITY

Washington, DC

Master of Arts, International Relations, concentration in Southeast Asian Studies

May 2006

- Academic: GPA 3.6/4.0; Research Assistant, 2005 Asian Studies Crisis Exercise
- Awards: Freeman Foundation Scholarship; W. John Keeney Scholarship; and Walter Mode Scholarship
- Activities: Organizer, SAIS-Wharton Joint Program 25th Anniversary; Participant, 2005 Crisis Simulation Program

COLUMBIA UNIVERSITY

New York, NY

Bachelor of Arts, Economics-Philosophy

May 1998

- Academic: GPA 3.6/4.0; Dean's List (seven of eight semesters)
- Awards: Harold Korzenik Scholarship; bronze medal, '95 EARC men's lightweight freshman crew
- Activities: Resident Advisor; worked various part-time jobs throughout school year

PATIENTS DESERVE TO KNOW WHAT ARE CANNABINOIDS?

Cannabinoids (THC, CBD, THCV, etc.) are chemical compounds derived from the cannabis plant. Each cannabinoid provides relief for a variety of symptoms. When cannabis is ingested, these cannabinoids bind to receptors throughout the body. Each cannabinoid produces different effects depending on which receptor they bind to, and where in the body it is.



TOP CANNABINOID BENEFITS*:

CBG	CBC	CBGA	CBCA	THCA	...	✓	Anti-Inflammatory (Reduces inflammation)
THC	CBD	CBN	CBC	CBGA	...	✓	Analgesic (Relieves pain)
CBD	CBG	CBC	THCA	CBDA	...	✓	Anti-Proliferative (Inhibits tumor cell growth)
THC	CBD	CBN	THCA		...	✓	Antispasmodic (Suppresses muscle spasms)
CBD	CBG	CBC	THCV		...	✓	Bone Stimulate (Promotes bone growth)
CBD	CBG	CBGA			...	✓	Antibacterial (Kills/slows bacteria growth)
THC	CBD				...	✓	Antiemetic (Reduces vomiting/nausea)
CBD	THCV				...	✓	Anti-Epileptic (Reduces seizures)
THC					...	✓	Appetite Stimulant (Increases appetite)
CBD					...	✓	Neuroprotective (Protects Nervous System)

Temescal Wellness promotes the responsible use of therapeutic cannabis for patients registered in accordance with New Hampshire law. Patients should use cannabis only under the advice of a certifying provider.

Sources:

* These statements have not been validated by the FDA and are a summary of current therapeutic cannabis research and patient anecdotal experience. Therapeutic cannabis may have associated health risks.

Sign Up For Our Newsletter!

✉ Go to www.temescalwellness.com

Contact Us:

Temescal Wellness LLC
www.temescalwellness.com
Email: info@temescalwellness.com
603-285-9383

Lebanon ATC: 367 Route 120, Unit E-2
Dover ATC: 26 Crosby Road, Units 11-12



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PETITIONER'S

EXHIBIT NO. 4

PATIENTS DESERVE TO KNOW DELIVERY METHODS

*As a patient, you can use cannabis therapeutically by inhaling vapors (vaping), ingesting cannabis that is infused in food or drinks, taking liquid extracts such as tinctures or oil concentrates under the tongue, applying cannabis lotions, salves, or transdermal patches to the skin, or by inhaling smoke (smoking**).*

DELIVERY METHODS WE OFFER*:

CAPSULES

A more traditional delivery method that may prove popular with patients who are new to cannabis.



TINCTURES

An increasingly popular delivery method, tinctures are discrete and their enhanced bioavailability reduces the time-to-onset, thereby enabling the patient to more-effectively self-titrate. We offer a variety of tinctures in regular and extra strength.



TOPICAL LOTIONS AND BALMS

Especially useful for patients suffering from joint pain, including arthritis. Typically, topicals contain two ounces of total product, including approximately 10 mg of active cannabinoids (e.g., CBD, THC).



LOZENGES

Hard candies that dissolve in a patient's mouth, infused with varying doses of cannabinoids.



CHEWABLES

Softer than lozenges, these candies may be appropriate for older patients and those who have limited appetites.



SUBLINGUAL TABLETS

Like capsules, sublingual tablets are also a more traditional delivery method, but dissolve in the mouth, thereby increasing bioavailability and decreasing time to onset.



PATIENTS DESERVE TO KNOW PROPER DOSING

Finding the proper doses with cannabis products for your symptoms can be very difficult. **ALWAYS START SLOW.** Depending on your symptoms and/or desires for effects, knowing the cannabinoid (See "What Are Cannabinoids?" form) content of your cannabis products is crucial for providing the optimal relief.

WHAT ARE SOME IMPORTANT CANNABINOIDS?

<25mg
THC

Cancer (Pain)

Trials suggest using a combination of THC and CBD strains may be more effective for your pain management than using THC alone. Doses of THC (even when divided over the course of a day) that are higher than 25mg may be poorly tolerated by patients.

10-18mg
THC

Cancer (Nausea and Vomiting)

Studies from 1970 had patients with chemotherapy-induced nausea and vomiting using 10 to 18 mg of THC starting an hour or two before chemotherapy initiation. Patients then repeated the dose every 2 to 4 hours for an additional 2 to 4 doses over a 12 to 24-hour period.

10-15mg
THC

Cancer (Cachexia/Wasting)

Small early trials suggested doses of 10 to 15 mg of THC 3 to 4 times daily during days of chemotherapy infusion.

5-25mg
THC

Glaucoma

CBD may not be effective at lowering intraocular pressure (IOP). However, some evidence suggests even low single doses (5 mg) of THC may reduce IOP for 4 to 5 hours before returning to baseline. Larger single doses (20 to 25 mg) may reduce IOP longer (10 hours), but increases the risk of undesired side effects.

<25mg
THC

Amyotrophic Lateral Sclerosis (ALS)

Two small trials used dronabinol (synthetic delta-9-THC). In the first trial, patients started 2.5 mg of dronabinol daily and capped the maximum daily dose at 10 mg. The second trial used 10 mg daily in two divided doses. Even though patients tolerated the doses of dronabinol well, the effectiveness of the doses had little to no evidence.



Patients must always remember - **start slow**. Higher doses do not translate to greater relief, and may lead to side effects.

CONTINUED

PATIENTS DESERVE TO KNOW WHAT IS VAPORIZATION?

Vaporization delivers therapeutic cannabinoids with far less harmful carcinogens than in smoking. Also known as "vaping", it raises the temperature just high enough to release the therapeutic molecules of the cannabis plants (aka "cannabinoids"), but not so high that it unnecessarily releases other carcinogenic substances

BENEFITS OF VAPING:

LESS HARM ON LUNGS



FEWER HARMFUL TOXINS



FEWER SIDE EFFECTS



MORE EFFICIENT



*Temescal Wellness promotes the responsible use of therapeutic cannabis for patients registered in accordance with New Hampshire law.
Patients should use cannabis only under the advice of a certifying provider.*

Sources:

<http://www.canorml.org/healthfacts/Second-Study-Shows-Vaporizers-Drastically-Reduce-Toxins-in-Marijuana-Smoke>
<http://www.ncbi.nlm.nih.gov/pubmed/16637053>

Contact Us:

Temescal Wellness LLC
www.temescalwellness.com
Email: info@temescalwellness.com
603-285-9383

Sign Up For Our Newsletter!

✉ Go to www.temescalwellness.com

Lebanon ATC: 367 Route 120, Unit E-2
Dover ATC: 26 Crosby Road, Units 11-12



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PATIENTS DESERVE TO KNOW SMOKING vs. VAPING

Vaping (aka "vaporizing") is a far healthier way to ingest cannabis, compared to smoking (aka "combusting"). To help patients choose the healthier alternative, Temescal Wellness sells a variety of industry leading vaporizers. Ask your Patient Treatment Advisor today!

SMOKING

BAD

COMBUSTED SMOKE CONTAINS

12%

CANNABINOIDS

COMBUSTED SMOKE CONTAINS

88%

NON-CANNABINOIDS

VAPING

GOOD

VAPORIZED GASES CONTAIN

95%

CANNABINOIDS

VAPORIZED GASES CONTAINS

5%

NON-CANNABINOIDS

HOW HOT A
CIGARETTE CAN
BURN

2,012°

F°

CANNABIS BEGINS
TO **COMBUST**

392°

338° OPTIMAL TEMP.
FOR **VAPORIZATION**

285° CANNABINOIDS
BEGIN TO **VAPORIZE**



PETITIONER' S

EXHIBIT NO. 6

June 19, 2017

Office of Administrative Hearings
105 West Chesapeake Avenue
Towson, MD 21204

Re: Temescal Wellness Special Exception Hearing

To Whom It May Concern,

On behalf of the Pikesville Chamber of Commerce, I submit this letter of support for the Temescal Wellness request for a zoning exception allowing them to locate their dispensary within the Pikesville Revitalization District, at the corner of Reisterstown Road and Naylor's Lane.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark E. Pressman'. The signature is fluid and cursive, with a large initial 'M' and a long, sweeping underline.

Mark E. Pressman
President
Pikesville Chamber of Commerce



MITCHELL J. KELLMAN
DIRECTOR OF ZONING SERVICES

EDUCATION

Towson University, BA, Geography and Environmental Planning, Urban Planning
 Towson University, Masters, Geography and Environmental Planning, Urban Planning

PROFESSIONAL SUMMARY

Mr. Kellman has over 25 years of experience working in zoning, subdivision, and development regulations for the public and private sector; 12 of those years were with the Baltimore County Office of Planning and Zoning. His responsibilities included review, approval and signatory powers on behalf of the Director of Final Development Plans and Record Plats. He represented the Zoning Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and the public on development project matters, and made determinations regarding developments and their compliance with county regulations. In working for DMW, he has extensive experience in testifying before the Baltimore County Zoning Commissioner, Hearing Officer, Administrative Law Judges, and Board of Appeals. He also regularly represents the company at the Baltimore County Development Review Committee meetings. He is also a member of Baltimore County's Design Review Panel and Landmarks Preservation Commission which formulates recommendations to the Planning staff and Administrative Law Judges.

PERSONAL AND PROFESSIONAL PARTIAL LIST OF PROJECTS

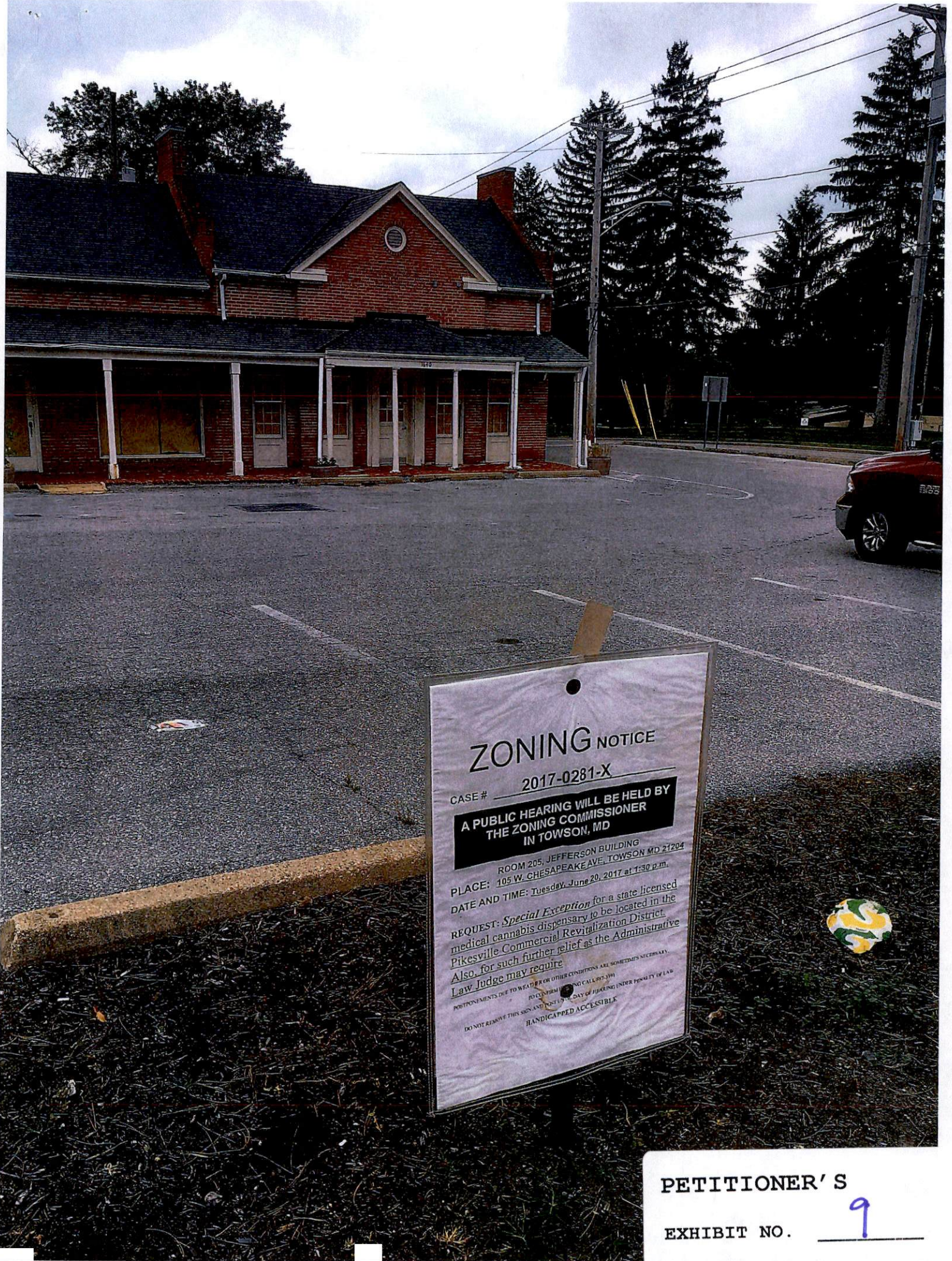
Delight Quarry, Baltimore County, MD
 Hunt Valley Business Community, Baltimore County, MD
 Hunt Valley Towne Centre, Baltimore County, MD
 Charlestown Retirement Community, Baltimore County, MD
 GBMC, Baltimore County, MD
 Goucher College, Baltimore County, MD
 Greenspring Quarry, Baltimore County, MD
 Hopewell Point, Baltimore County, MD
 Loveton Business Center, Baltimore County, MD
 Notre Dame Preparatory School, Baltimore County, MD
 Oakcrest Village Retirement Community, Baltimore County, MD
 Sheppard and Enoch Pratt Hospital, Baltimore County, MD
 Sparks Corporate Center, Baltimore County, MD
 Towson Town Center, Baltimore County, MD

MEMBERSHIPS AND ASSOCIATIONS

Baltimore County Design Review Panel, 2012, 2013, 2014, 2015, 2016
 Baltimore County Landmarks Preservation Commission 2014, 2015, 2016
 Greater Towson Committee, Government Relations Sub-Committee Chair, 2013, 2014
 Greater Towson Committee Board of Directors - Secretary 2014, 2015, 2016
 Leadership Baltimore County, 2013

PROFESSIONAL EXPERIENCE

Daft-McCune-Walker, Inc., Towson, MD 2000-Present
 Baltimore County Office of Planning and Zoning, Permits and Development Management – Zoning Office, Development Control, 1988-2000



ZONING NOTICE

CASE # 2017-0281-X

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: Tuesday, June 20, 2017 at 1:30 p.m.

REQUEST: Special Exception for a state licensed
medical cannabis dispensary to be located in the
Pikesville Commercial Revitalization District.
Also, for such further relief as the Administrative
Law Judge may require.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CANCEL OR POSTPONE CALL 410-338-3300.
DO NOT REMOVE THIS SIGN AND POST UP TO DAY OF HEARING (UNDER PENALTY OF LAW)
HANDICAPPED ACCESSIBLE

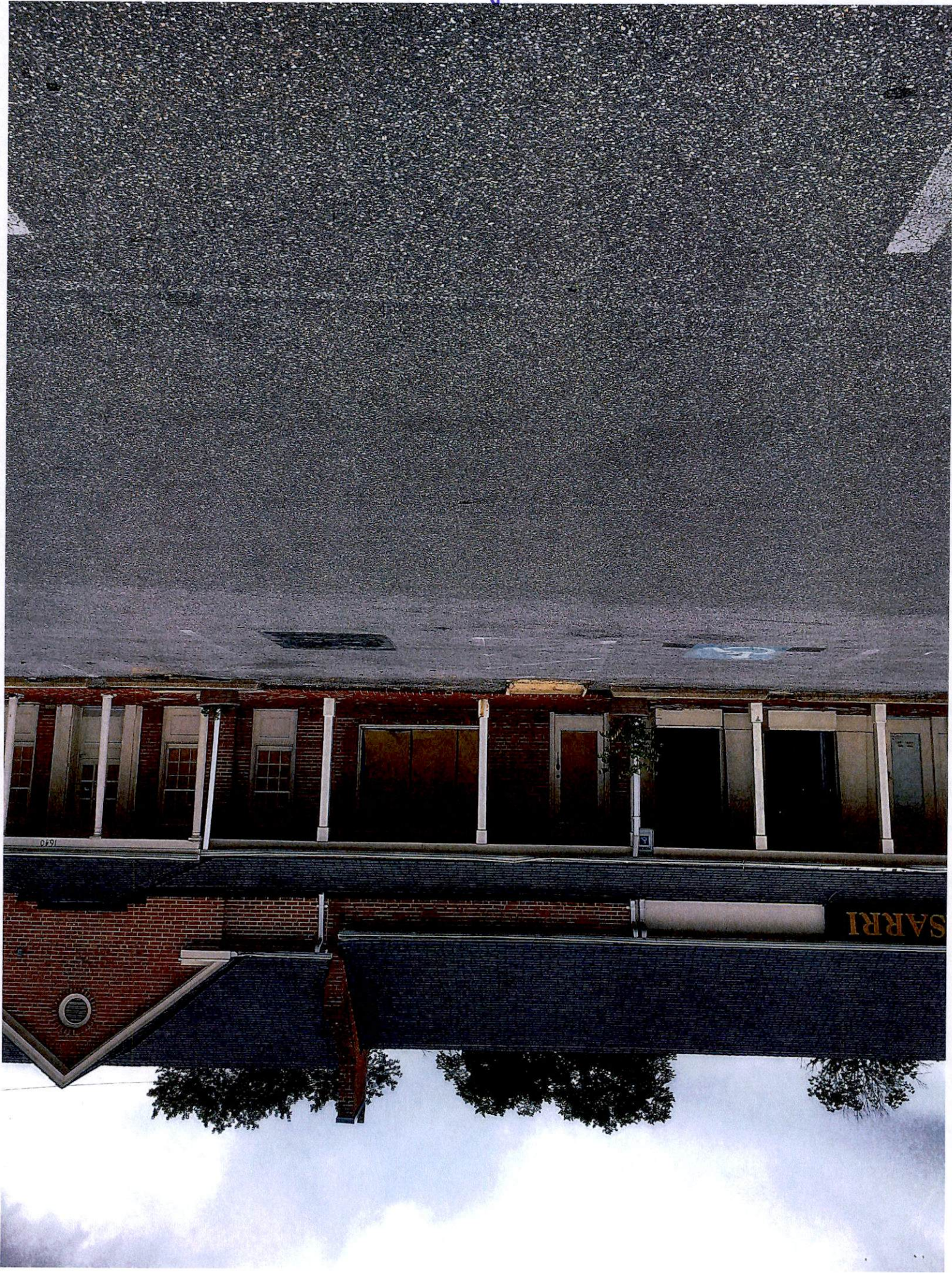
PETITIONER'S

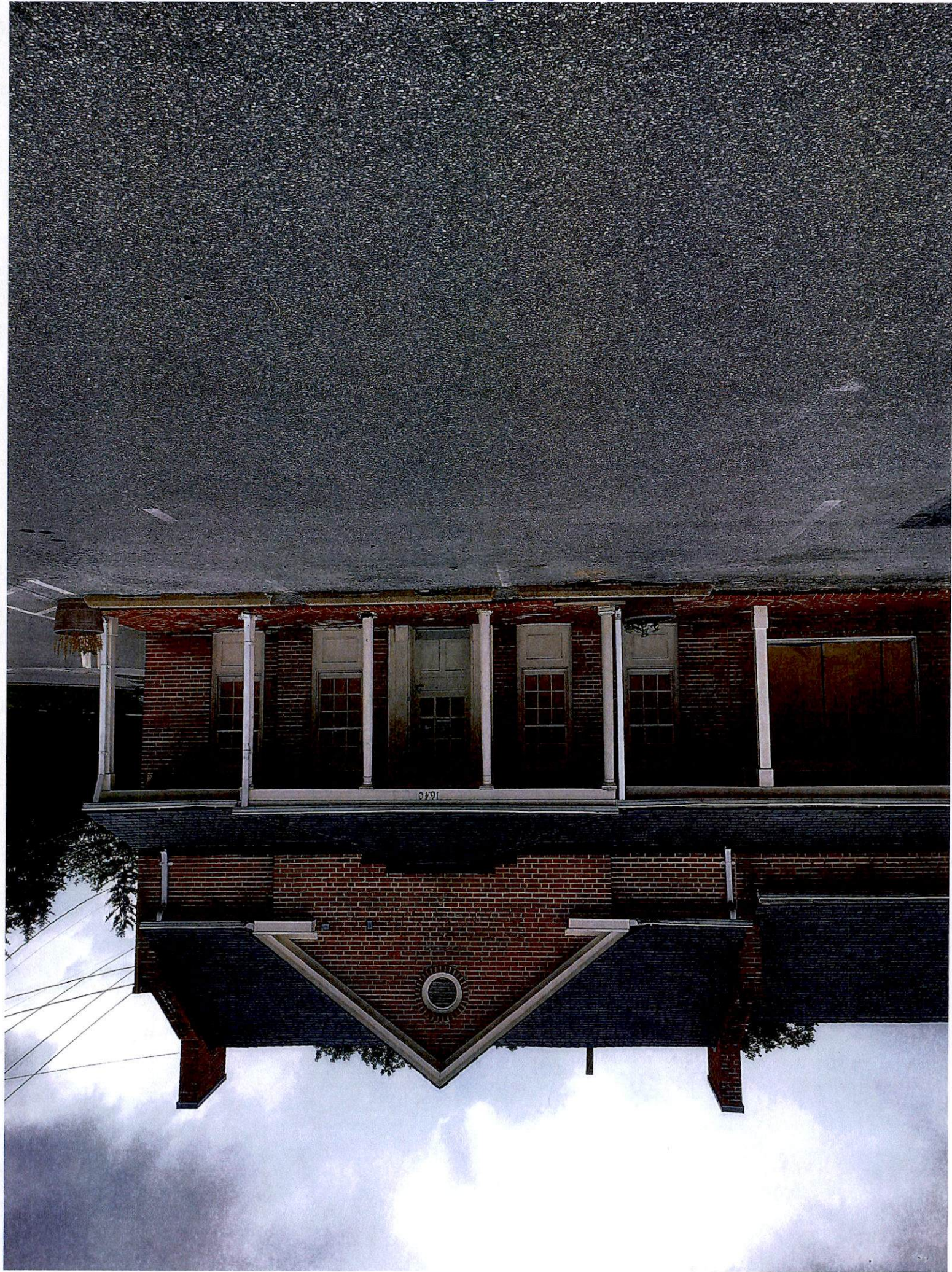
EXHIBIT NO.

9



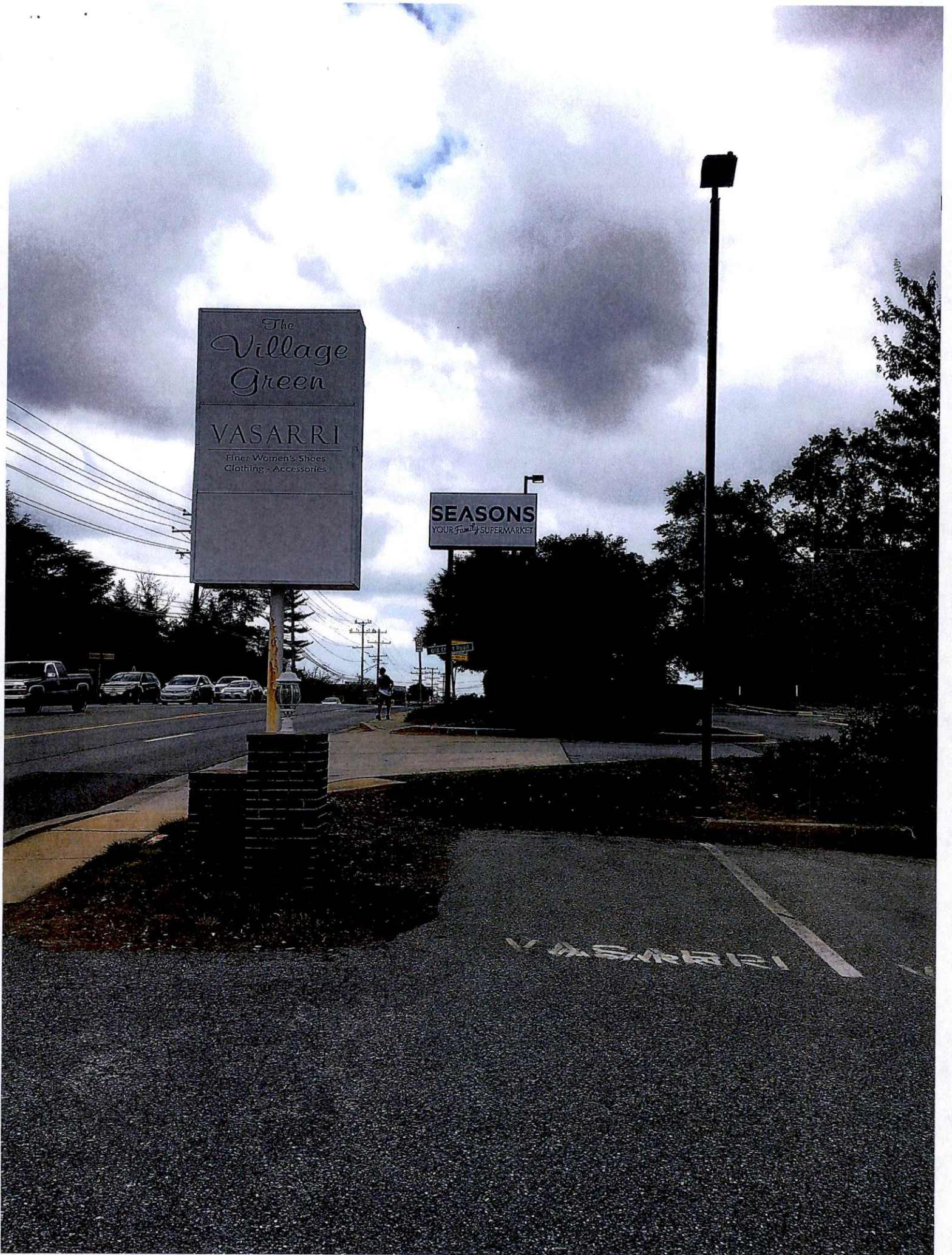












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Green

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Clothing • Accessories

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Case No.: 2017-0281-X

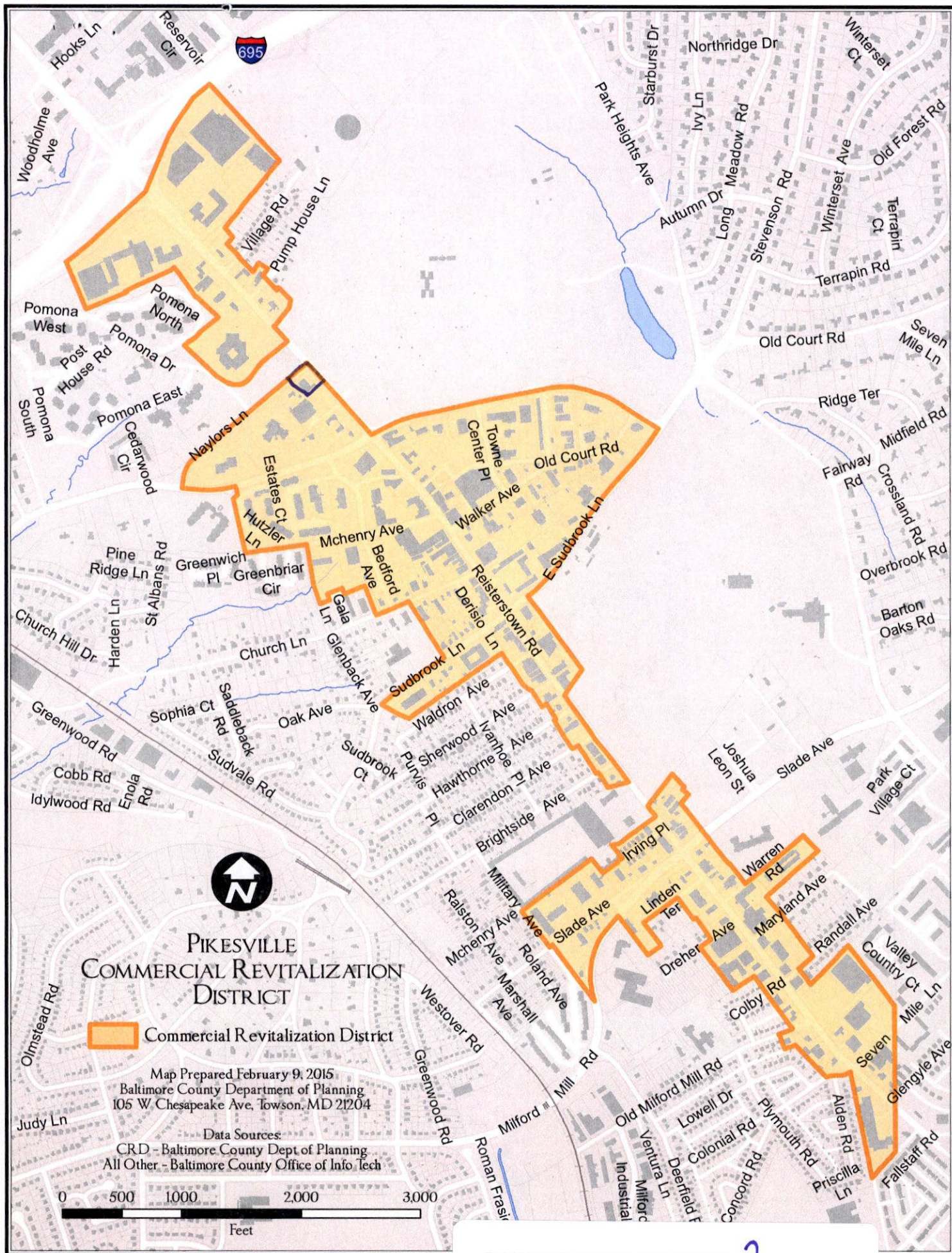
Exhibit Sheet

Petitioner/Developer

Protestants

Sen
6-23-17

No. 1	Plan	Letter - from A. Simon
No. 2	Map - Pikesville Commercial Revital. District	
No. 3	Rebholz - CV	
No. 4	Temescal Wellness Brochure	
No. 5	Letter June 19, 2017 Pikesville Chamber of Commerce.	
No. 6	Kellman CV	
No. 7	Aerial photo	
No. 8	Photos of site	
No. 9		
No. 10		
No. 11		
No. 12		



TED REBHOLZ

ted@temescalwellness.com / +1.650.438.7698

PROFESSIONAL EXPERIENCE

TEMESCAL WELLNESS

Baltimore, MD

Founder; President

Jan/15-present

- Temescal's mission focuses on Patient Wellness; Product Quality; and Responsible Community Involvement. We treat patients with respect and knowledgeable care; we provide to them consistently high-quality cannabis products; and we hire from, and give back to, the communities of which we are a part.
- Temescal's management team includes veterans of the legal cannabis industry and subject matter experts ensuring best practices in security, training, compliance, marketing, product development, cultivation, manufacturing and retail.
- As of February 2017, Temescal Wellness:
 - Serves patients in New Hampshire, where it holds two of four licenses and operates an all-organic production site
 - Is building-out three dispensaries in MA, including an all-organic, cultivation-and-manufacturing facility
 - Is building-out one dispensary in MD, including a cultivation-and-manufacturing facility
 - Owns and manages two cannabis-infused product companies that currently earn revenue in NH, MA and CA

HARBORSIDE HEALTH CENTER, world's largest medical cannabis dispensaries

Oakland, CA

Chief Financial Officer (consulting)

2010-Jan/15

- Start-ups: oversee teams to plan, ramp-up and integrate new businesses, and provide ongoing oversight to ensure compliant and financially-sustainable operations, focusing on site selection, organizational design, government and community relations, product mix and pricing
- Systems, Processes & Controls: design comprehensive policies, work flows and controls, and help evaluate systems
- Accounting & Cash Management: design Chart of Accounts, KPIs and oversee cash positions and month-end close
- Investor Relations: cultivate relationships among potential equity and debt investors; structure and close financings. Raised \$7.25 million total over three different projects, all for non-profit medical cannabis companies.

BEYOND MEAT, vertically-integrated food start-up (funded by Bill Gates, Kleiner Perkins)

El Segundo, CA

Chief Financial Officer

Mar/12-Jun/13

- Systems, Processes & Control: configure new enterprise-wide inventory and production tracking software; design policies, work flows and controls; migrate from legacy system and manage third-party Systems Integrator
- Accounting: design Chart of Accounts and oversee month-end close, inter-departmental expense allocations and calculations of accruals, charge-backs, commissions and royalties
- Strategy, Planning & Analysis: conduct departmental budget reviews, variance analyses, product profitability analyses, and long-range cash forecasting for internal and Board-level reporting
- Pricing & Contracts: review and approve contracts with customers, brokers and vendors, including pricing strategy
- Investor Relations: communicate regularly with investors and lenders, including for equipment leasing facility
- Cash Management: oversee payroll, vendor payables, and collections
- Audit, Tax and Insurance: recruit, negotiate with and manage key vendors

WHIPTAIL TECHNOLOGIES (Sold to Cisco \$415M all cash), enterprise storage hardware

Whippany, NJ

Chief Financial Officer

Apr/10-Mar/11

- Accounting: improved Quickbooks-based info into an "investor-ready" condition, and approved monthly closings
- Strategic Planning / Financial Modeling: forecast demand and sales; project cost trends for inputs, OpEx and research; develop product and pricing strategies; assess competitive pressures; and identify staffing and cash needs
- Fundraising / Investor Relations: prepared materials, presented to investors, managed due diligence, and negotiated term sheets; closed \$1.5 million from institutional investors, family and friends
- Lender & Vendor Negotiations: secured better pricing and payment terms with suppliers
- Partnership Development: negotiated contracts with several sales channel partners to accelerate customer adoption

PORTS AMERICA, private equity-backed seaport terminal operator (\$2 billion rev)

San Francisco, CA

Director, Corporate Finance

Oct/07-Mar/10

- Recruited by PE owners, reported to CFO, with project reporting to CEO, COO, CIO and business unit leaders.
- Financial Planning & Analysis: improved week-by-week P&L and Cash Flow forecasting tool for largest business asset (\$200 million revenue), communicating projections and results to executives, owners, lenders and auditors.
- Corporate Strategy & Development
 - Led all seven operating units in identifying and quantifying all growth opportunities and risks over five-year timeframe. Built financial model and presented results to guide strategic planning.
 - Negotiated a new JV with the world's fourth-largest marine carrier, to jointly own and operate several subsidiaries.
- Sample Transactions & Capital Investments

- Secured \$30 million lease financing facility for wide range of new equipment units, working with operations, maintenance and technology staff, and evaluating bids from seventeen lessors.
- Led the valuation for the winning bid on a \$3.2 billion, 50-year seaport terminal concession. Developed and evaluated investment scenarios, worked with advisors, and led discussions with executives, lenders and investors.

PARSONS BRINKERHOFF, advisory services to public infrastructure operators

Washington, DC

Principal Consultant

Jun/06-Oct/07

- Analysis & Team Management. Led 3- to 27-person diligence teams responsible for evaluating macro, customer, competitor, capital investment, regulatory and operations issues. Managed client projects up to \$1+ million.
- Business Development. Cultivated leads, winning two new clients. Negotiated contract terms.

VISA U.S.A., INC., Technology / Financial Services

San Francisco, CA

Senior Manager, Strategy & Corporate Development

Jan/00-Feb/02

- Evaluated market opportunities for potential payments-related investments, focusing on technological capabilities, potential customer adoption, regulatory environment, competitors and potential targets.
- Developed business case to create a new joint venture with several global banks. Performed financial analysis of start-up costs, revenues and investor returns. Resulted in founding of new cross-border financial services company.
- Built financial modeling tools to illustrate incremental revenue and costs impacts of new product to banks and retailers. Performed sales staff training efforts. Led to adoption of new financial services product by major banks and retailers.

MITCHELL MADISON GROUP, Strategy consulting

San Francisco, CA

Business Analyst

Oct/98-Jan/00

- Supported project teams with research and analysis into market size and operational issues in multiple industry sectors.
- Managed a 10-person client team to on-time implementation of new customer service program for a cellular provider.

FELLOWSHIPS & INTERNSHIPS

WASHINGTON, DC, Department of Transportation (DDOT)

Washington, DC

Public Finance Consultant

Summer 2005

- Evaluated the impact of a pilot project (\$8.5M in public spending) to rejuvenate blighted neighborhood retail corridors.

WHITE HOUSE, Office of Management and Budget

Washington, DC

Graduate Assistant, International Affairs Division

Summer 2004

- Evaluated \$1 billion in federal anti-narcotics spending, resulting in performance measurement improvements.
- Negotiated with agencies to rationalize U.S. presence overseas, resulting in shift of 200 FTEs to lower-cost locations.

KREDITANSTALT FÜR WIEDERAUFBAU (KfW), Bi-lateral development bank

Frankfurt and Ankara

Fellow, Robert Bosch Foundation, Program for Future American Leaders

Aug/02-Aug/03

- Selected for the Robert Bosch Foundation's one-year fellowship program on international relations and commerce.
- Developed recommendations for private sector participation in water sector development projects.
- Managed launch of €20 million fund to support small business lending in Turkey, resulting in on-time start and EU ambassador approval for doubling fund.

EDUCATION

THE WHARTON SCHOOL, UNIVERSITY OF PENNSYLVANIA

Philadelphia, PA

Master of Business Administration

May 2006

- Academic: GMAT 720 (96th percentile); Teaching Assistant for Management Communications
- Awards: Frederick Banks Fellowship; Morgenthau Fellowship; Symonds Scholarship; Boren Fellow (U.S. DoD)
- Activities: Organizer, Social Impact Management Conference (Net Impact)

SCHOOL OF ADVANCED INTERNATIONAL STUDIES, JOHNS HOPKINS UNIVERSITY

Washington, DC

Master of Arts, International Relations, concentration in Southeast Asian Studies

May 2006

- Academic: GPA 3.6/4.0; Research Assistant, 2005 Asian Studies Crisis Exercise
- Awards: Freeman Foundation Scholarship; W. John Keeney Scholarship; and Walter Mode Scholarship
- Activities: Organizer, SAIS-Wharton Joint Program 25th Anniversary; Participant, 2005 Crisis Simulation Program

COLUMBIA UNIVERSITY

New York, NY

Bachelor of Arts, Economics-Philosophy

May 1998

- Academic: GPA 3.6/4.0; Dean's List (seven of eight semesters)
- Awards: Harold Korzenik Scholarship; bronze medal, '95 EARC men's lightweight freshman crew
- Activities: Resident Advisor; worked various part-time jobs throughout school year

PATIENTS DESERVE TO KNOW DELIVERY METHODS

*As a patient, you can use cannabis therapeutically by inhaling vapors (vaping), ingesting cannabis that is infused in food or drinks, taking liquid extracts such as tinctures or oil concentrates under the tongue, applying cannabis lotions, salves, or transdermal patches to the skin, or by inhaling smoke (smoking**).*

DELIVERY METHODS WE OFFER*:

CAPSULES

A more traditional delivery method that may prove popular with patients who are new to cannabis.



TINCTURES

An increasingly popular delivery method, tinctures are discrete and their enhanced bioavailability reduces the time-to-onset, thereby enabling the patient to more-effectively self-titrate. We offer a variety of tinctures in regular and extra strength.



TOPICAL LOTIONS AND BALMS

Especially useful for patients suffering from joint pain, including arthritis. Typically, topicals contain two ounces of total product, including approximately 10 mg of active cannabinoids (e.g., CBD, THC).



LOZENGES

Hard candies that dissolve in a patient's mouth, infused with varying doses of cannabinoids.



CHEWABLES

Softer than lozenges, these candies may be appropriate for older patients and those who have limited appetites.



SUBLINGUAL TABLETS

Like capsules, sublingual tablets are also a more traditional delivery method, but dissolve in the mouth, thereby increasing bioavailability and decreasing time to onset.



*Some products may not be immediately available
**We *never* recommend smoking.

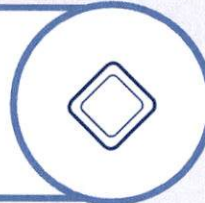
... CONTINUED

PATIENTS DESERVE TO KNOW DELIVERY METHODS

DELIVERY METHODS WE OFFER*:

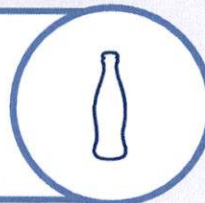
TRANSDERMAL PATCHES

Transdermal patches allow patients to discreetly receive extended release low dose therapeutic cannabis.



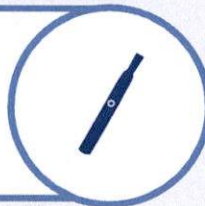
EDIBLE BAKED GOODS + INFUSED BEVERAGES

Though not traditional delivery methods, these cannabis-infused products are popular with therapeutic cannabis patients in other markets.



VAPORIZER PENS

This is a product that uses disposable oil-based cannabis cartridges and has proven very popular in other therapeutic cannabis markets. Vaporizing cannabis oil is a significantly healthier alternative to smoking.



ONSET AND DURATION LENGTHS:

<u>TINCTURES</u>	<u>TOPICAL (USE ON SKIN)</u>	<u>INGESTION</u>	<u>INHALATION</u>
Onset: within 5-30 minutes Duration: 1-6 hours	Onset: Variable Duration: Variable	Onset: within 1-2 hours Duration: 6-8 hours	Onset: within 1-5 minutes Duration: 1-4 hours

Temescal Wellness promotes the responsible use of therapeutic cannabis for patients registered in accordance with New Hampshire law. Patients should use cannabis only under the advice of a certifying provider.

Sources:

<http://integr8health.com/resources/patient-handbook/>

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Email: info@temescalwellness.com
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PATIENTS DESERVE TO KNOW PROPER DOSING

Finding the proper doses with cannabis products for your symptoms can be very difficult. **ALWAYS START SLOW.** Depending on your symptoms and/or desires for effects, knowing the cannabinoid (See "What Are Cannabinoids?" form) content of your cannabis products is crucial for providing the optimal relief.

WHAT ARE SOME IMPORTANT CANNABINOIDS?

<25mg
THC

Cancer (Pain)

Trials suggest using a combination of THC and CBD strains may be more effective for your pain management than using THC alone. Doses of THC (even when divided over the course of a day) that are higher than 25mg may be poorly tolerated by patients.

10-18mg
THC

Cancer (Nausea and Vomiting)

Studies from 1970 had patients with chemotherapy-induced nausea and vomiting using 10 to 18 mg of THC starting an hour or two before chemotherapy initiation. Patients then repeated the dose every 2 to 4 hours for an additional 2 to 4 doses over a 12 to 24-hour period.

10-15mg
THC

Cancer (Cachexia/Wasting)

Small early trials suggested doses of 10 to 15 mg of THC 3 to 4 times daily during days of chemotherapy infusion.

5-25mg
THC

Glaucoma

CBD may not be effective at lowering intraocular pressure (IOP). However, some evidence suggests even low single doses (5 mg) of THC may reduce IOP for 4 to 5 hours before returning to baseline. Larger single doses (20 to 25 mg) may reduce IOP longer (10 hours), but increases the risk of undesired side effects.

<25mg
THC

Amyotrophic Lateral Sclerosis (ALS)

Two small trials used dronabinol (synthetic delta-9-THC). In the first trial, patients started 2.5 mg of dronabinol daily and capped the maximum daily dose at 10 mg. The second trial used 10 mg daily in two divided doses. Even though patients tolerated the doses of dronabinol well, the effectiveness of the doses had little to no evidence.



Patients must always remember - **start slow**. Higher doses do not translate to greater relief, and may lead to side effects.

CONTINUED

PATIENTS DESERVE TO KNOW PROPER DOSING

WHAT IS THE PROPER DOSING FOR:

Seizures

Two out of three trials had adults using 200 or 300 mg of CBD daily successfully reducing their seizure severity. A survey of parents with epileptic children indicated a variety of daily doses, but the lack of standardization of the CBD preparations used are hard to interpret.

.....

(Adults)
200mg - 300mg
CBD

HIV/AIDS

Three trials that had cannabis users suggest that current cannabis users can tolerate higher doses of THC at around 20 to 40 mg daily in divided doses.

.....

(Experienced Users)
20-40mg
THC

Muscle Spasms

THC as a single agent (dronabinol) or in combination with CBD in various ratios has been used in average dosages of 20 to 25 mg per day in divided doses. Patients had normally started at low doses and slowly increased depending on symptom reduction and appearance of side effects. Effectiveness of treatment can normally be determined within a few weeks.

.....

10-15mg
THC

Crohn's Disease

Currently, there are no clear guidelines for effective dosing. However, there are two trials awaiting results that emphasize the use of CBD.

.....

? mg
CBD



Unfortunately, unlike most medications out there, cannabis cannot be recommended for specific dosing amounts and frequencies simply based on age and body weight. What is important to remember is that different dosages will work for different people. It is crucial for all patients to **start off at lower doses** and make adjustments depending on the effectiveness for reducing symptoms.

Temescal Wellness promotes the responsible use of therapeutic cannabis for patients registered in accordance with New Hampshire law. Patients should use cannabis only under the advice of a certifying provider.

Sources:

<http://www.health.state.mn.us/topics/cannabis/practitioners/compdosagerpt.pdf>
<http://integr8health.com/resources/patient-handbook/>

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PATIENTS DESERVE TO KNOW WHAT IS VAPORIZATION?

Vaporization delivers therapeutic cannabinoids with far less harmful carcinogens than in smoking. Also known as "vaping", it raises the temperature just high enough to release the therapeutic molecules of the cannabis plants (aka "cannabinoids"), but not so high that it unnecessarily releases other carcinogenic substances

BENEFITS OF VAPING:

LESS HARM ON LUNGS



FEWER HARMFUL TOXINS



FEWER SIDE EFFECTS



MORE EFFICIENT



Temescal Wellness promotes the responsible use of therapeutic cannabis for patients registered in accordance with New Hampshire law. Patients should use cannabis only under the advice of a certifying provider.

Sources:

<http://www.canorml.org/healthfacts/Second-Study-Shows-Vaporizers-Drastically-Reduce-Toxins-in-Marijuana-Smoke>
<http://www.ncbi.nlm.nih.gov/pubmed/16637053>

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PATIENTS DESERVE TO KNOW SMOKING vs. VAPING

Vaping (aka "vaporizing") is a far healthier way to ingest cannabis, compared to smoking (aka "combusting"). To help patients choose the healthier alternative, Temescal Wellness sells a variety of industry leading vaporizers.

Ask your Patient Treatment Advisor today!

SMOKING

BAD

COMBUSTED SMOKE CONTAINS

12%
CANNABINOIDS

COMBUSTED SMOKE CONTAINS

88%
NON-CANNABINOIDS

VAPING

GOOD

VAPORIZED GASES CONTAIN

95%
CANNABINOIDS

VAPORIZED GASES CONTAINS

5%
NON-CANNABINOIDS

HOW HOT A
CIGARETTE CAN
BURN

2,012°

F°

CANNABIS BEGINS
TO **COMBUST**

392°

338°

OPTIMAL TEMP.
FOR **VAPORIZATION**

285°

CANNABINOIDS
BEGIN TO **VAPORIZE**



PATIENTS DESERVE TO KNOW

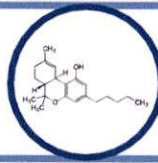
WHAT ARE CANNABINOIDS?

Cannabinoids are something every patient should become familiarized with. Cannabinoids are chemical compounds that provide therapeutic benefits of the cannabis plant. Every cannabinoid (at least 85 in the plant) provides some sort of relief for qualifying conditions and symptoms.

WHAT ARE SOME IMPORTANT CANNABINOIDS?*



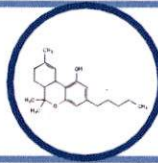
THC Tetrahydrocannabinol



THC is a **psychoactive** cannabinoid that may provide relief for patients with severe pain, nausea, poor appetite, and muscle spasms.

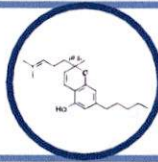


CBD Cannabidiol



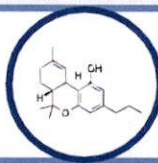
CBD is a **non-psychoactive** cannabinoid that may provide relief for patients with severe, persistent muscle spasms, severe pain, and agitation of Alzheimer's Disease.

CBC Cannabichromene



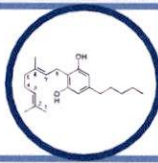
CBC is a **non-psychoactive** cannabinoid that may help relieve severe pain, inhibit cell growth in tumors, promote bone growth, and reduce inflammation.

THCV Tetrahydrocannabivarin



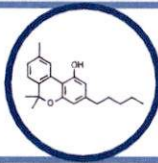
THCV is a **psychoactive** cannabinoid that may help suppress appetite, reduce seizures, and may promote bone growth.

CBG Cannabigerol



CBG is a **non-psychoactive** cannabinoid that may help slow bacteria growth, inhibit cell growth in tumors, promote bone growth, and reduce inflammation.

CBN Cannabinol



CBN is a **non-psychoactive** cannabinoid that may provide relief for patients with agitation of Alzheimer's Disease, severe pain, and muscle spasms.



= Most dominant cannabinoids

+ MANY MORE!

PATIENTS DESERVE TO KNOW WHAT ARE CANNABINOIDS?

Cannabinoids (THC, CBD, THCV, etc.) are chemical compounds derived from the cannabis plant. Each cannabinoid provides relief for a variety of symptoms. When cannabis is ingested, these cannabinoids bind to receptors throughout the body. Each cannabinoid produces different effects depending on which receptor they bind to, and where in the body it is.



TOP CANNABINOID BENEFITS*:

CBG	CBC	CBGA	CBCA	THCA	...	✓	Anti-Inflammatory (Reduces inflammation)
THC	CBD	CBN	CBC	CBGA	...	✓	Analgesic (Relieves pain)
CBD	CBG	CBC	THCA	CBDA	...	✓	Anti-Proliferative (Inhibits tumor cell growth)
THC	CBD	CBN	THCA		...	✓	Antispasmodic (Suppresses muscle spasms)
CBD	CBG	CBC	THCV		...	✓	Bone Stimulate (Promotes bone growth)
CBD	CBG	CBGA			...	✓	Antibacterial (Kills/slows bacteria growth)
THC	CBD				...	✓	Antiemetic (Reduces vomiting/nausea)
CBD	THCV				...	✓	Anti-Epileptic (Reduces seizures)
THC					...	✓	Appetite Stimulant (Increases appetite)
CBD					...	✓	Neuroprotective (Protects Nervous System)

Temescal Wellness promotes the responsible use of therapeutic cannabis for patients registered in accordance with New Hampshire law. Patients should use cannabis only under the advice of a certifying provider.

Sources:

* These statements have not been validated by the FDA and are a summary of current therapeutic cannabis research and patient anecdotal experience. Therapeutic cannabis may have associated health risks.

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June 19, 2017

Office of Administrative Hearings
105 West Chesapeake Avenue
Towson, MD 21204

Re: Temescal Wellness Special Exception Hearing

To Whom It May Concern,

On behalf of the Pikesville Chamber of Commerce, I submit this letter of support for the Temescal Wellness request for a zoning exception allowing them to locate their dispensary within the Pikesville Revitalization District, at the corner of Reisterstown Road and Naylor's Lane.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark E. Pressman'. The signature is fluid and cursive, with a large initial 'M'.

Mark E. Pressman
President
Pikesville Chamber of Commerce



MITCHELL J. KELLMAN
DIRECTOR OF ZONING SERVICES

EDUCATION

Towson University, BA, Geography and Environmental Planning, Urban Planning
Towson University, Masters, Geography and Environmental Planning, Urban Planning

PROFESSIONAL SUMMARY

Mr. Kellman has over 25 years of experience working in zoning, subdivision, and development regulations for the public and private sector; 12 of those years were with the Baltimore County Office of Planning and Zoning. His responsibilities included review, approval and signatory powers on behalf of the Director of Final Development Plans and Record Plats. He represented the Zoning Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and the public on development project matters, and made determinations regarding developments and their compliance with county regulations. In working for DMW, he has extensive experience in testifying before the Baltimore County Zoning Commissioner, Hearing Officer, Administrative Law Judges, and Board of Appeals. He also regularly represents the company at the Baltimore County Development Review Committee meetings. He is also a member of Baltimore County's Design Review Panel and Landmarks Preservation Commission which formulates recommendations to the Planning staff and Administrative Law Judges.

PERSONAL AND PROFESSIONAL PARTIAL LIST OF PROJECTS

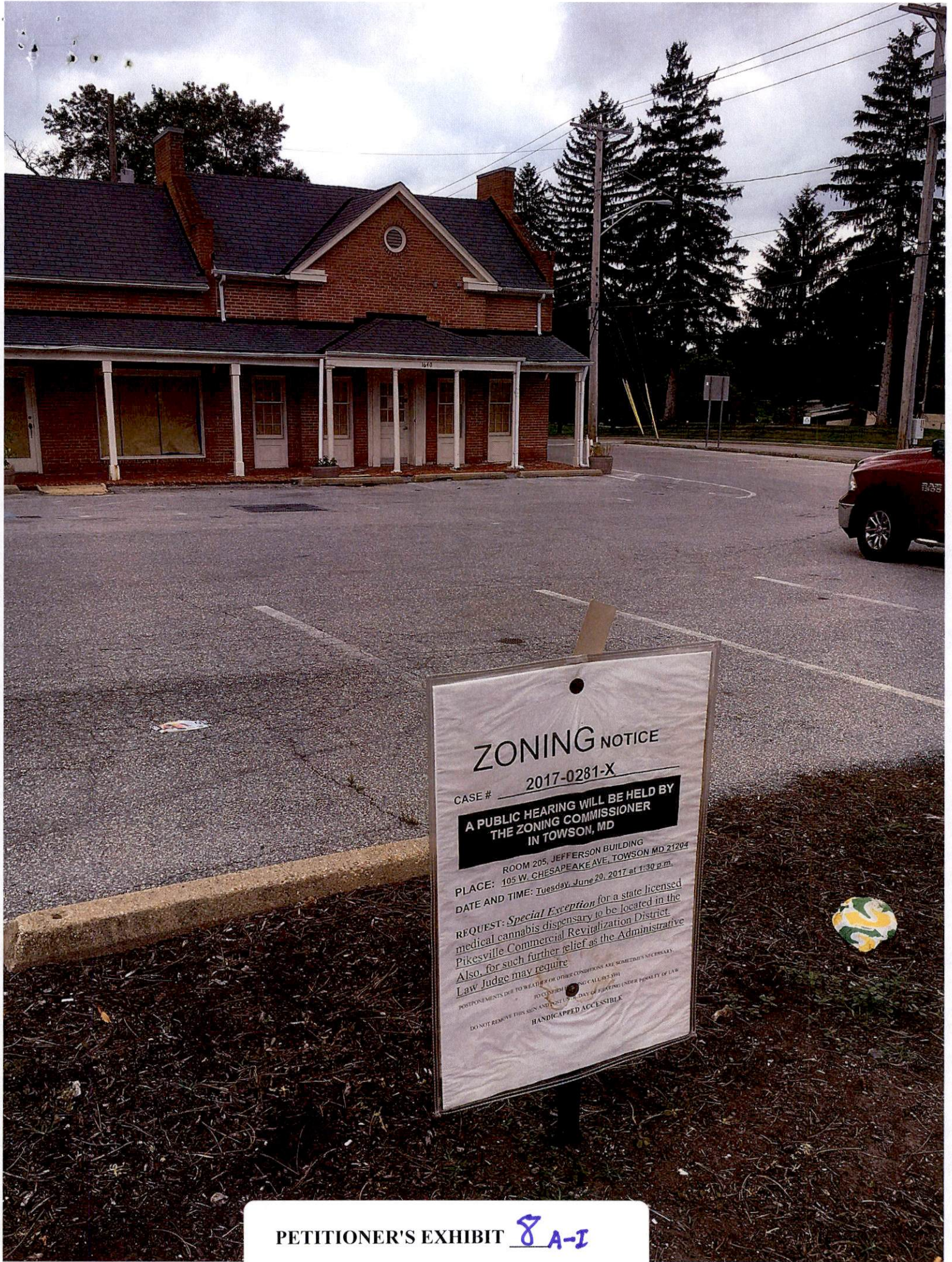
Delight Quarry, Baltimore County, MD
Hunt Valley Business Community, Baltimore County, MD
Hunt Valley Towne Centre, Baltimore County, MD
Charlestown Retirement Community, Baltimore County, MD
GBMC, Baltimore County, MD
Goucher College, Baltimore County, MD
Greenspring Quarry, Baltimore County, MD
Hopewell Point, Baltimore County, MD
Loveton Business Center, Baltimore County, MD
Notre Dame Preparatory School, Baltimore County, MD
Oakcrest Village Retirement Community, Baltimore County, MD
Sheppard and Enoch Pratt Hospital, Baltimore County, MD
Sparks Corporate Center, Baltimore County, MD
Towson Town Center, Baltimore County, MD

MEMBERSHIPS AND ASSOCIATIONS

Baltimore County Design Review Panel, 2012, 2013, 2014, 2015, 2016
Baltimore County Landmarks Preservation Commission 2014, 2015, 2016
Greater Towson Committee, Government Relations Sub-Committee Chair, 2013, 2014
Greater Towson Committee Board of Directors - Secretary 2014, 2015, 2016
Leadership Baltimore County, 2013

PROFESSIONAL EXPERIENCE

Daft-McCune-Walker, Inc., Towson, MD 2000-Present
Baltimore County Office of Planning and Zoning, Permits and Development Management – Zoning Office, Development Control, 1988-2000



ZONING NOTICE

CASE # 2017-0281-X

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: Tuesday, June 20, 2017 at 1:30 p.m.

REQUEST: Special Exception for a state licensed
medical cannabis dispensary to be located in the
Pikesville Commercial Revitalization District.
Also, for such further relief as the Administrative
Law Judge may require.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMAS NECESSARY.
TO CANCEL OR POSTPONE A PUBLIC HEARING UNDER PENALTY OF LAW
DO NOT REMOVE THIS SIGN AND POST IT ON THE DAY OF HEARING UNDER PENALTY OF LAW

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Naylor's

Judge John E. Beverungen:

I am appearing here today to speak in regard to the proposed medical cannabis dispensary which is requesting a zoning exception to allow it to locate at 1636 Reisterstown Road, Baltimore County, Maryland; Case Number: 2017-0281-X. I want to formally state that I **oppose** locating a medical cannabis dispensary at that location or any location with-in 2 miles of the my home located at 2 Peachtree Court, Pikesville, Maryland.

There is current research on crime in relation to medical cannabis dispensary locations that show an increase in property crime in the immediate vicinity of medical cannabis dispensaries. [*From Medical to Recreational Marijuana Sales: Marijuana Outlets and Crime in an Era of Changing Marijuana Legislation*, published in *The Journal of Primary Prevention*, June 2017, Volume 38, Issue 3, pp 249–263. A link to that study is at <https://link.springer.com/article/10.1007/s10935-017-0472-9>.]

Although the study showed that crime at the dispensary locations and adjacent properties was less than the norm in the area their finding showed that property crime in the immediate adjacent areas did rise. [Their findings showed that was because most dispensaries in Colorado have high security because most operated in cash at the time of the study.]

In addition the location is in close proximity to several residential properties with vulnerable and elderly populations: Sunrise Senior Living at 350 feet; Weinberg Gardens at 850 feet. This location is only 780 feet from the Pomona condominium homes, a general population community.

I would like to point out that the owners of this facility made **NO** attempt to outreach to educate the residential neighbors as to their plans to locate this facility in our neighborhood and how this would affect us. Basically from our point of view it was kept a **secret** until to county required zoning sign appeared the required 15 days before this hearing.

I appeal to the Baltimore County Zoning Commission to not grant an exception and not allow the location of this or any other cannibals dispensary in an adjacent area to residential properties.

20 June, 2017
Arnold Simon
2 Peachtree Court
Pikesville, Baltimore County, Maryland 21208
arnoldsimon@comcast.net

Prot. #1

Board of Appeals

Case No: 17-281X

Case Name: TEMESCA WARRNESS LLC

Exhibit List

Party: PROTESTANTS

Date: 10/17/17

Exhibit No:	Description:
✓ 1	BUSINESS ENTITY SORREN PRINTS - TEMESCA WARRNESS LLC
✓ 2	BUSINESS ENTITY SORREN PRINTS - TEMESCA MANAGERS LLC
✓ 3	BUSINESS ENTITY SORREN - TEMESCA INVESTING LLC
✓ 4	BUSINESS ENTITY TEMESCA WARRNESS LLC IN FLORIDA. PROTECTO.
✓ 5	MOB. MANIPULATION COMM. WORKSHEET IDENTIFICATION OF LICENSERS (RICHARD)
✓ 6	MANEUVER UP POT. EX. 1
✓ 7	PARKING / LEARNING REGULATIONS 8409.6
✓ 8	BART. CANY INSURANCE MOMO, MAY 1, 2017 CASE NO. 2017-0292X.
VERIFIED BY <u>KC</u> DATE: <u>10/18/17</u>	

ARM

✓

✓

W/O.
BY
McLennan

✓

PROTECTO
10/18/17
ARM
McLennan
will
RESUBMIT
WITH
REMARKS

✓

✓

PROTECTO
W/O.
10 only
FOR
NEW

↓
ARM
McLennan
10/18/17

Board of Appeals

Case No: 17-281X

Case Name: TEMESON WELLNESS LLC

Exhibit List

Party: PRESTANTS

Date: 10/17/17

Exhibit No:	Description:	Appl
✓ 9	BCZNS 409.8 - Design Standards	✓
✓ 10	BCZNS 409.4 ACCESS TO Private Space	✓
✓ 11	BCZNS 409.11 OFF STREET PARKING	✓
✓ 12	BCZNS 409.9 Unimcapped parking	✓
✓ 13	Bar City public works Design Manual, 8-12 -	✓
✓ 14	Ltr from Comm. Assoc. to Speaker on Board of Comm. Assoc.	CBS Sustaining
✓ 15	Resolution Pine Ridge Assoc.	✓
KC 10/18/17 ✓ 16	Agreement Pine Ridge Assoc.	✓
✓ 17	Article - from Manual to Recreation Marginalia Sheets: Marginalia notes	CBS Sustaining
✓ 18	CRMO ... Banker Kristin, OAC. Oct. 24, 2017 Ltr from Kenney to Board	Apr. 17. ✓
VERIFIED BY <u>KC</u> DATE: <u>10/25/17</u>		

CHRISTINE R. LEARY
LEGAL TRANSCRIPTIONIST
8200 Featherhill Road, #204
Perry Hall, Maryland 21128
(443) 622-4898
Crleary1@comcast.net

INVOICE

April 9, 2018

TO: Michael McCann, Esquire
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Howard J. Needle, Esquire
1321 Harden Lane
Pikesville, Maryland 21204

IN THE

Case No.: 17-281-X

MATTER OF

Hearing Date: 10/24/2017

VILLAGE GREENWOOD, LLC – Legal Owner
TEMESCAL WELLNESS OF MARYLAND, LLC – Contract Purchaser/Lessee

To transcribe 243 pages @ \$3.50 per page = \$850.50

BALANCE DUE

\$850.50

Payment should be made payable to "Christine R. Leary".



Board of Appeals

Case No: 17-281X

Case Name: JAMESON WOODS LLC

Exhibit List

Party: PRESTANTS

Date: 10/24/17

Exhibit No:	Description:	Amount
✓ 19	PIKESVILLE Comm. Corp 9/17/17 Resolution (2 pages)	✓
✓ 20	Copy of Definition of "office" in BCR §101.1	✓
✓ 21	Ltr from J. Fernando to L. Schuch 2/27/2017 - 7458 W. Gorman Ave No.	✓
✓ 22	Petition for zoning Map. 7458 West Gorman Ave No.	✓
✓ 23	Rept. Comm, zoning Commission's Policy Manual, Amendment May 13, 1992	✓
✓ 24	BCR §409.1 Appearance.	✓
✓ 25	Sign-in Sheet	✓
✓ 26	C-TAKUSIAK Curriculum VITAE.	✓
✓ 27	TAKUSIAK SITE CHARACTERISTICS EXHIBIT	✓
VERIFIED BY <u>KC</u> DATE: <u>10/25/17</u>		

MARYLAND BUSINESS EXPRESS **Maryland Business Express**[Home](#) [Log In / Create Account](#)**Business Entity Search, Certificate of Status &
Document Order****TEMESCAL WELLNESS OF MARYLAND, LLC: W16836090**[Order Documents](#)[General Information](#) [Filing History](#) [Personal Property](#)**General Information****Department ID Number:**

W16836090

Business Name:

TEMESCAL WELLNESS OF MARYLAND, LLC

Principal Office:SUITE 904
1 EAST PRATT ST.
BALTIMORE MD 21209**Resident Agent:**CRAIG R. SCHULMAN
SUITE 904
1 EAST PRATT ST.
BALTIMORE MD 21209**Status:**

ACTIVE

Good Standing:**Protestant
CBA Exhibit**

THIS BUSINESS IS IN GOOD STANDING

» Order Certificate of Status

Business Type:

DOMESTIC LLC

Business Code:

ENTITIES OTHER THAN CORPORATIONS

Date of Formation/ Registration:

10/19/2015

State of Formation:

MD

Stock Status:

N/A

Close Status:

N/A

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TEMESCAL WELLNESS OF MARYLAND, LLCARTICLES OF ORGANIZATION

Temescal Wellness of Maryland, LLC (the "LLC") hereby certifies:

1. Recital. The members of the LLC have designated Craig R. Schulman, Eric Radz, and Edward T. ("Ted") Rebholz as "authorized persona" as that term is defined in § 4A-101(c) of the Maryland Limited Liability Company Act (the "Act"), for purposes of executing and filing these Articles of Organization, and any other documents or certificates that may be required to be filed on behalf of the LLC with the State of Maryland, State Department of Assessments and Taxation, from time to time.

2. Name. The name of the LLC is:

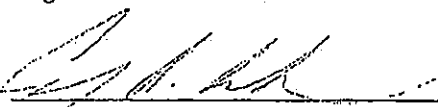
TEMESCAL WELLNESS OF MARYLAND, LLC

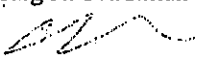
3. Purposes. The purpose for which the Limited Liability Company is filed is as follows: To own, manage, and/or operate a business involving any and all legal business activity.

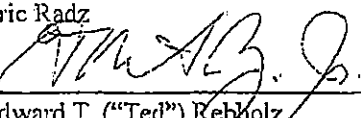
4. Principal Office and Resident Agent. The principal office and mailing address of the LLC is 1 East Pratt Street, Suite 904, Baltimore, Maryland 21209. The resident agent of the LLC is Craig R. Schulman, 1 East Pratt Street, Suite 904, Baltimore, Maryland 21202.

5. Pursuant to § 4A-401(a)(3) of the Act, no member of the LLC shall be an agent of the LLC solely by virtue of being a member, and no member shall have authority to act for the LLC solely by virtue of being a member.

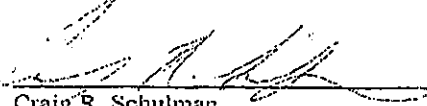
IN WITNESS WHEREOF, the undersigned have executed these Articles of Organization on this 10th day of October 2015.


Craig R. Schulman


Eric Radz


Edward T. ("Ted") Rebholz

I hereby consent to the designation of Resident Agent in the above-referenced Limited Liability Company.


Craig R. Schulman

CUST ID:0003325840
WORK ORDER:0004542420
DATE:10-22-2015 08:03 PM
AMT. PAID:\$150.00

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**Business Entity Search, Certificate of Status &
Document Order****TEMESCAL MANAGEMENT SERVICES, LLC: Z18008102**[Order Documents](#)[General Information](#)[Filing History](#)[Personal Property](#)**General Information****Department ID Number:**

Z18008102

Business Name:

TEMESCAL MANAGEMENT SERVICES, LLC

Principal Office:114 HOMELAND AVENUE
BALTIMORE MD 21212**Resident Agent:****Protestant
CBA Exhibit****2**

EDWARD T REBHOLZ, JR.
114 HOMELAND AVENUE
BALTIMORE MD 21212

Status:

ACTIVE

Good Standing:

THIS BUSINESS IS IN GOOD STANDING

» **Order Certificate of Status**

Business Type:

FOREIGN LLC

Business Code:

ENTITIES OTHER THAN CORPORATIONS

Date of Formation/ Registration:

05/11/2017

State of Formation:

NV

Stock Status:

N/A

Close Status:

N/A

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State Department of Assessments and Taxation

LIMITED LIABILITY COMPANY REGISTRATION

(FEE \$100.00)

(For non-Maryland Limited Liability Company)

This document must be accompanied by written proof of existence from the home state, equivalent of a Certificate of Good Standing.

1) Full legal name in home jurisdiction: Temescal Management Services, LLC

2) Name it will use in Maryland if different from above:

(Must include "Limited Liability Company" or "LLC")

3) State of Formation: Nevada

4) Date of Formation: 11/1/2011

5) Principal Office Address: 114 Homeland Avenue, Baltimore, MD, 21212

6) Nature of Business in Maryland: To provide management consulting services to other companies.

7) Name and Address (No P.O. Boxes) of Resident Agent for Service of Process in Maryland:

Edward T Rebholz, Jr.

114 Homeland Avenue, Baltimore, MD, 21212

If no Resident Agent in Maryland is named or if the Agent cannot be found or served, this Department is appointed as Resident Agent of this Limited Liability Company.

Has this Limited Liability Company done business in Maryland prior to this registration?

Yes ☐ No ☒

(If yes, an additional **\$200 Penalty** Must accompany this registration)

Edward T. Rebholz, Jr.

(Signed: Authorized Person)

I hereby consent to my designation in this document as resident agent for this Limited Liability Company.

Edward T Rebholz, Jr.

(Signed: Resident Agent)

SECRETARY OF STATE



CERTIFICATE OF EXISTENCE WITH STATUS IN GOOD STANDING

I, Barbara K. Cegavske, the duly elected and qualified Nevada Secretary of State, do hereby certify that I am, by the laws of said State, the custodian of the records relating to filings by corporations, non-profit corporations, corporation soles, limited-liability companies, limited partnerships, limited-liability partnerships and business trusts pursuant to Title 7 of the Nevada Revised Statutes which are either presently in a status of good standing or were in good standing for a time period subsequent of 1976 and am the proper officer to execute this certificate.

I further certify that the records of the Nevada Secretary of State, at the date of this certificate, evidence, **TEMESCAL MANAGEMENT SERVICES, LLC**, as a limited liability company duly organized under the laws of Nevada and existing under and by virtue of the laws of the State of Nevada since November 1, 2011, and is in good standing in this state.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of State, at my office on May 11, 2017.

Barbara K. Cegavske

Barbara K. Cegavske
Secretary of State

Electronic Certificate
Certificate Number: C20170511-1735
You may verify this electronic certificate
online at <http://www.nvsos.gov/>

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Business Entity Search, Certificate of Status & Document Order**TEMESCAL INVESTORS, LLC: W18129676**[Order Documents](#)[General Information](#)[Filing History](#)[Personal Property](#)**General Information****Department ID Number:**

W18129676

Business Name:

TEMESCAL INVESTORS, LLC

Principal Office:

1829 REISTERSTOWN ROAD
SUITE 440
BALTIMORE MD 21208-8591

Resident Agent:**Protestant
CBA Exhibit****3**

MAYER E. GUTTMAN
C/O LEVIN & GANN, P.A.
502 WASHINGTON AVENUE, 8TH FLOOR
TOWSON MD 21204

Status:

ACTIVE

Good Standing:

THIS BUSINESS IS IN GOOD STANDING

» Order Certificate of Status

Business Type:

DOMESTIC LLC

Business Code:

ENTITIES OTHER THAN CORPORATIONS

Date of Formation/ Registration:

07/11/2017

State of Formation:

MD

Stock Status:

N/A

Close Status:

N/A

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ARTICLES OF ORGANIZATION
OF
TEMESCAL INVESTORS, LLC

The undersigned, desiring to organize a limited liability company under and pursuant to the provisions of the Maryland Limited Liability Company Act (hereinafter referred to as the "Act"), hereby forms a limited liability company for the purposes and on the terms and conditions hereinafter set forth (the "Company"), and hereby certifies to the Maryland State Department of Assessments and Taxation as follows:

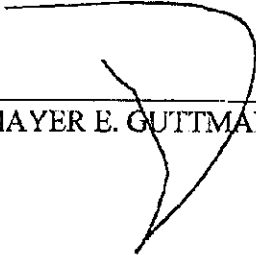
1. The name of the Company is "TEMESCAL INVESTORS, LLC".
2. The purposes for which the Company is formed are as follows: (a) engage in any activity authorized by the Act; and (b) to do any and all things necessary, convenient or incidental to the foregoing.
3. The address of the principal office of the Company is 1829 Reisterstown Road, Suite 440, Baltimore, Maryland 21208-8591. The name and address of the resident agent of the Company is Mayer E. Guttman, c/o Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, Maryland 21204.
4. The affairs of the Company may be governed by an operating agreement (the "Operating Agreement") which may be amended from time to time by the members of the limited liability company.
5. The duration of the Company shall be perpetual.

IN WITNESS WHEREOF, the undersigned acknowledges that he is authorized to file these Articles of Organization and that these Articles are his act, and further acknowledges, under penalties

of perjury, to the best of his knowledge, information and belief, that the matters and facts set forth herein are true in all material respects and that he has executed these Articles under seal this 11th day of July, 2017.


_____(SEAL)
MAYER E. GUTTMAN

The undersigned consents to serve as Resident Agent of the above entity.



MAYER E. GUTTMAN

MARYLAND BUSINESSEXPRESS**➔ Maryland Business Express**[Home](#)[Log In / Create Account](#)**⚠ Scheduled Maintenance**

On Tuesday, October 17th, between 5:00pm and 6:00pm EST, we will be making enhancements to serve you better. During this time the service will not be available, but we look forward to continuing to provide you with time-saving and streamlined services when you return.

**Business Entity Search, Certificate of Status &
Document Order****TEMESCAL WELLNESS LLC: Z18004895**[Order Documents](#)[General Information](#)[Filing History](#)[Personal Property](#)**General Information****Department ID Number:**

Z18004895

Business Name:

TEMESCAL WELLNESS LLC

Principal Office:1625 SE 14TH STREET
FORT LAUDERDALE FL 33316**Resident Agent:****Protestant
CBA Exhibit**

4

EDWARD T REBHOLZ, JR.
114 HOMELAND AVENUE
BALTIMORE MD 21212

Status:

ACTIVE

Good Standing:

THIS BUSINESS IS IN GOOD STANDING

» **Order Certificate of Status****Business Type:**

FOREIGN LLC

Business Code:

ENTITIES OTHER THAN CORPORATIONS

Date of Formation/ Registration:

05/11/2017

State of Formation:

DE

Stock Status:

N/A

Close Status:

N/A

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Maryland Department of Assessments & Taxation

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State Department of Assessments and Taxation

LIMITED LIABILITY COMPANY REGISTRATION

(FEE \$100.00)

(For non-Maryland Limited Liability Company)

*****This document must be accompanied by written proof of existence from the home state, equivalent of a Certificate of Good Standing.*****

1) Full legal name in home jurisdiction: Temescal Wellness LLC

2) Name it will use in Maryland if different from above:

(Must include "Limited Liability Company" or "LLC")

3) State of Formation: Delaware

4) Date of Formation: 2/6/2015

5) Principal Office Address: 1625 SE 14th Street, Fort Lauderdale, FL, 33316

6) Nature of Business in Maryland: To make investments.

7) Name and Address (No P.O. Boxes) of Resident Agent for Service of Process in Maryland:

Edward T Rebholz, Jr.

114 Homeland Avenue, Baltimore, MD, 21212

If no Resident Agent in Maryland is named or if the Agent cannot be found or served, this Department is appointed as Resident Agent of this Limited Liability Company.

Has this Limited Liability Company done business in Maryland prior to this registration?

Yes ☐ No ☒

(If yes, an additional **\$200 Penalty** Must accompany this registration)

Edward T. Rebholz, Jr.

(Signed: Authorized Person)

I hereby consent to my designation in this document as resident agent for this Limited Liability Company.

Edward T Rebholz, Jr.

(Signed: Resident Agent)

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE CERTIFICATE OF FORMATION OF "TEMESCAL WELLNESS LLC", WAS RECEIVED AND FILED IN THIS OFFICE THE SIXTH DAY OF FEBRUARY, A.D. 2015.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID LIMITED LIABILITY COMPANY CEASED TO BE IN GOOD STANDING ON THE FIRST DAY OF JUNE, A.D. 2016, BY REASON OF NEGLIGENCE, REFUSAL, OR FAILURE TO PAY AN ANNUAL TAX, BUT REMAINS A DOMESTIC LIMITED LIABILITY COMPANY FORMED UNDER CHAPTER 18 OF TITLE 6.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "TEMESCAL WELLNESS LLC" WAS FORMED ON THE SIXTH DAY OF FEBRUARY, A.D. 2015.



5688461 8300X

SR# 20173390047

You may verify this certificate online at corp.delaware.gov/authver.shtml

A handwritten signature of Jeffrey W. Bullock in black ink, written over a horizontal line.

Jeffrey W. Bullock, Secretary of State

Authentication: 202526463

Date: 05-11-17

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Cannabis Industry Information**Licensed Growers**

- Curio Cultivation LLC (Baltimore County)
License No.: G-17-00004
5 W. W. Aylesbury Road
Lutherville, MD 20193
- ForwardGro LLC (Anne Arundel County)
License No.: G00001
5000 Sands Road
Lothian MD 20711
- Freestate Wellness (Howard County)
License No.: G-17-00006

Protestant
CBA Exhibit

5

- 7221 Montevideo Road
Jessup, MD 20794
- Green Leaf Medical LLC (Frederick County)
License No.: G-17-00008
6797 Bowman's Crossing
Frederick, MD 21703
 - Grow West MD LLC (Garrett County)
License No.: G-17-00009
111563 National Pike
Grantsville, MD 21750
 - Harvest of Maryland (Washington County)
License No.: G-17-00003
35 South Street
Hancock, MD 21750
 - HMS Health LLC (Frederick County)
License No.: G-17-00012
4106 Harvard Place, Unit B2
Frederick, MD 21703
 - Holistic Industries INC (Prince George's County)
License No.: G-17-00005
9220 Alaking Court
Capital Heights, MD 20743
 - Kind Therapeutics USA LLC (Washington County)
License No.: G-17-00013
504 E. First Street
Hagerstown, MD 21740
 - Maryland Compassionate Care and Wellness (dba as Grass Roots) (Carroll County)
License No.: G-17-00002
5300 Taneytown Pike
Taneytown, MD 21787
 - Shore Natural Rx LLC (Worcester County)
License No.: G-17-00011
11903 Peerless Road
Bishopville, MD 21813
 - SunMed Growers LLC (Cecil County)
License No.: G-17-00010
127 Worsell Manor Road
Warwick, MD 21912
 - Temescal Wellness (Baltimore City)
License No.: G-17-00007
1 E. Pratt Street,
Baltimore, MD 21202

Licensed Processors

- AFS Maryland LLC (Worcester County)
License No.: P-17-00010
310 E. Market Street
Snow Hill, MD 21863
- Blair Wellness Center (Worcester County)
License No.: P-17-00001
12010 Industrial Park Road, Unit 6
Bishopville, MD 21813
- Chesapeake Alternatives LLC (Queen Anne's County)
License No.: P-17-00005
152 Comet Drive
Centerville, MD 21617
- Curio Wellness LLC (Baltimore County)
License No.: P-17-00003
5 W. Aylesbury Road
Lutherville, MD 20193
- Holistic Industries, INC (Prince George's County)
License No.: P-17-00002
9220 Akaking Court
Capital Heights, MD 20743
- Kind Therapeutics USA LLC (Washington County)
License No.: P-17-00007
504 E. First Street
Hancock, MD 21750
- Maryland Compassionate Care and Wellness
(dba as Grass Roots) (Carröll County)
License No.: P-17-00004
5300 Taneytown Pike
Taneytown, MD 21787
- Pharmaculture Corporation (Allegany County)
License No.: P-17-00008
11201 PPG Road
Cumberland, MD 21501
- Pro-Green Medical LLC (Frederick County)
License No.: P-17-0000657
11 Industry Lane
Frederick, MD 21703
- Rosebud Organics LLC (Montgomery County)
License No.: P-17-00009
9404 Fox Hollow Drive
Potomac, MD 20854

Licensed Dispensaries

- Cannabus LLC dba Potomac Holistics (Montgomery County)
License No.: D-17-00003
1408 Physicians Lane, Suite 211
Rockville, MD 20850
- K & R Holdings INC dba Kannavis (Frederick County)
License No.: D-17-00002
3362 Urbana Pike
Ijamesville, MD 21754
- Wellness Institute of Maryland (Frederick County)
License No.: D-17-00001
4606 Wedgewood Boulevard
Frederick, MD 21703

Registered Independent Testing Laboratories

Please go to the [Independent Testing Laboratories](#) Page for the list.

The MMCC has issued 15 pre-approvals to companies to grow medical cannabis, 15 pre-approvals to companies to process medical cannabis, and 102 pre-approvals to companies to dispense medical cannabis.

The pre-approved entities are currently working through Stage Two of the approval process, which includes undergoing criminal background investigations, completing regulatory requirements, securing local zoning approvals, as well as constructing their facilities. Each name on the list below will be added to the list of licensees once a company has completed compliance with the regulatory requirements and the Commissioners have voted on licensure. All votes will take place in a public meeting.

[See Map of Agricultural Regions](#)

Pre-Approved Growers

- Curio Cultivation LLC (Baltimore County)
- Doctors Orders Maryland LLC (Dorchester County)
- Forward Gro LLC (Anne Arundel County)
- Freestate Wellness LLC (Howard County)
- Green Leaf Medical LLC (Frederick County)
- Grow West MD LLC (Garrett County)
- Harvest of Maryland LLC (Washington County)
- HMS Health LLC (Frederick County)
- Holistic Industries LLC (Prince George's County)
- Kind Therapeutics USA LLC (Washington County)
- Maryland Compassionate Care and Wellness LLC (Carroll County)

- MaryMed LLC (Dorchester County)
- Shore Natural Rx LLC (Worcester County)
- SunMed Growers LLC (Cecil County)
- Temescal Wellness of MD LLC (Baltimore City)

Pre-Approved Processors

- AFS Maryland LLC (Wicomico County)
- Blair Wellness Center LLC (Worcester County)
- Chesapeake Alternatives LLC (Queen Anne's County)
- Curio Manufacturing LLC (Baltimore County)
- Doctors Orders Maryland LLC (Dorchester County)
- FGM Processing LLC (Charles County)
- Holistic Industries LLC (Prince George's County)
- Kind Therapeutics USA LLC (Washington County)
- Maryland Compassionate Care and Wellness LLC (Carroll County)
- MaryMed LLC (Dorchester County)
- Pharmaculture Corporation (Allegany County)
- Pro Green Medical LLC (Frederick County)
- Rosebud Organics LLC (Montgomery County)
- Seven Points Agro-Therapeutics LLC (Prince George's County)
- Temescal Wellness of MD (Baltimore City)

Pre-Approved Dispensaries

- Advanced Alternative Therapies LLC (District 30: Anne Arundel County)
- AGG Wellness LLC (District 42: Baltimore County)
- Allegany Medical Marijuana Dispensary (District 1: Allegany, Garrett & Washington Counties)
- Alternative Medicine Maryland LLC (District 32: Anne Arundel County)
- AltPharm LLC (District 26: Prince George's County)
- AmediCanna Dispensary LLC (District 12: Baltimore County & Howard County)
- B1 Earthgroup Inc. (District 14: Montgomery County)
- Bethesda Biomedical Inc. (District 22: Prince George's County)
- Blair Wellness Center LLC (District 43: Baltimore City)
- Bloomworks Wellness LLC (District 3: Frederick County)
- Blu Pharms LLC (District 21: Anne Arundel & Prince George's Counties)
- Blue Mountain LLC (District 34: Harford County)
- Blue Ridge Wellness LLC (District 8: Baltimore County)
- Budding Rose LLC (District 16: Montgomery County)

- Cannabus LLC (District 15: Montgomery County)
- CannaMD LLC (District 45: Baltimore City)
- CannaPharmacy Maryland LLC (District 47: Prince George's County)
- Cannavations MD LLC (District 11: Baltimore County)
- Charm City Medicus LLC (District 6: Baltimore County)
- Charm City Relief Partners LLC (District 44: Baltimore City & Baltimore County)
- Chesacanna Inc. (District 11: Baltimore County)
- Chesapeake Alternatives LLC (District 16: Montgomery County)
- Chesapeake Apothecary (District 28: Charles County)
- Chesapeake Health Sciences (District 7: Baltimore County & Harford County)
- Chesapeake Integrated Health Institute LLC (District 40: Baltimore City)
- Columbia Care MD LLC (District 18: Montgomery County)
- Compassionate Herbal Alternatives Inc. (District 25: Prince George's County)
- CWS LLC (District 42: Baltimore County)
- DLD Enterprises Inc (District 5: Carroll County)
- Durjaya LLC (District 33: Anne Arundel County)
- Euphoria Wellness Maryland LLC (District 4: Carroll & Frederick Counties)
- Evolution Wellness LLC (District 30: Anne Arundel County)
- Farmalogics Health & Wellness LLC (District 9: Carroll & Howard Counties)
- Four Green Fields LLC (District 35: Cecil & Harford Counties)
- Freestate Partners LLC (District 13: Howard County)
- G&J Pharmaceuticals LLC (District 29: Calvert & St. Mary's Counties)
- Gina Dubbe (District 12: Baltimore County & Howard County)
- GPD LLC (District 32: Anne Arundel County)
- GreenLabs Inc. (District 46: Baltimore City)
- GreenMart of Maryland (District 6: Baltimore County)
- GTI Maryland LLC (District 20: Montgomery County)
- H&G Maryland LLC (District 41: Baltimore City)
- Hallaway LLC (District 45: Baltimore City)
- Herbiculture Inc. (District 14: Montgomery County)
- Hippocratic Growth LLC (District 36: Caroline, Cecil, Kent & Queen Anne's Counties)
- Jenny's of Maryland I LLC (District 24: Prince George's County)
- Jova Wellness Center (District 26: Prince George's County)
- K&R Holdings Inc. (District 4: Carroll & Frederick Counties)
- LinLar LLC (District 24: Prince George's County)
- LMS Wellness BLLC (District 8: Baltimore County)
- Maryland Alternative Relief Inc. (District 19: Montgomery County)
- Maryland Earthworks Inc. (District 28: Charles County)
- Maryland Health & Wellness Inc. (District 2: Washington County)
- Maryland Medical Cannabis Co. LLC (M2C2 HerbaFi) (District 20: Montgomery County)
- Maryland Natural Treatment Solutions LLC (District 31: Anne Arundel County)
- Maryland Physician Partners LLC (District 31: Anne Arundel County)
- Maryland Wellness Access LLC (District 13: Howard County)

- MaryLeaf LLC (District 39: Montgomery County)
- MCNA Wellness LLC (District 27: Calvert, Charles & Prince George's Counties)
- Medical Products and Services Inc. (District 43: Baltimore City)
- Meshow LLC (District 7: Baltimore County & Harford County)
- Metropolitan Medicinals LLC (District 25: Prince George's County)
- MGTM LLC (District 33: Anne Arundel County)
- MI Dispensary (District 39: Montgomery County)
- Mikran LLC (District 15: Montgomery County)
- Mission Maryland LLC (District 44: Baltimore City & Baltimore County)
- MMRC (District 10: Baltimore County)
- MyBond LLC (District 5: Carroll County)
- Nature's Care & Wellness LLC (District 35: Cecil & Harford Counties)
- OC Botanicals LLC (District 38: Somerset, Wicomico & Worcester Counties)
- Our Community Wellness & Compassionate Care Center Inc. (District 23: Prince George's County)
- PalliaTech Maryland LLC (District 10: Baltimore County)
- Peake ReLeaf LLC (District 17: Montgomery County)
- Peninsula Alternative Health LLC (District 37: Caroline, Dorchester, Talbot & Wicomico Counties)
- PharmaCann LLC (District 18: Montgomery County)
- PharmKent LLC (District 36: Caroline, Cecil, Kent & Queen Anne's Counties)
- Positive Energy LLC (District 38: Somerset, Wicomico & Worcester Counties)
- Premium Medicine of Maryland LLC (District 19: Montgomery County)
- Pure Hana Synergy LLC (District 21: Anne Arundel & Prince George's Counties)
- Pure Life Medical Inc. (District 46: Baltimore City)
- Revolution Maryland Retail LLC (District 34: Harford County)
- Southern Maryland Relief LLC (District 29: Calvert & St. Mary's Counties)
- Sugarloaf Enterprises (District 17: Montgomery County)
- The Apothecary LLC (District 1: Allegany, Garrett & Washington Counties)
- The SENTEL Group LLC (District 23: Prince George's County)
- Three Creeks Dispensary (District 27: Calvert, Charles & Prince George's Counties)
- Tilstar LLC (District 37: Caroline, Dorchester, Talbot & Wicomico Counties)
- Time for Healing LLC (District 22: Prince George's County)
- Town Center Wellness LLC (District 47: Prince George's County)
- Trilogy Wellness of Maryland LLC (District 9: Carroll & Howard Counties)
- WadeWomen LLC-Dr. Dot's (District 40: Baltimore City)
- Wellness Institute of Maryland (District 3: Frederick County)

Pre-Approved Growers Granted Dispensary Pre-Approvals

- Curio Dispensary BC LLC (District 42: Baltimore County)
- Doctors Orders Maryland LLC (District 46: Baltimore City)

- Freestate Wellness LLC (District 13: Howard County)
- Harvest of Maryland (District 16: Montgomery County)
- HMS Health LLC (District 17: Montgomery County)
- Holistic Industries LLC (District 18: Montgomery County)
- Kind Therapeutics USA LLC (District 30: Anne Arundel County)
- Maryland Compassionate Care & Wellness LLC (District 17: Montgomery County)
- MaryMed LLC (District 21: Anne Arundel & Prince George's Counties)
- Temescal Wellness of Maryland LLC (District 11: Baltimore County)

Senatorial Districts in Maryland

NUTRIENT MANAGEMENT GUIDANCE DOCUMENT FOR MEDICAL CANNABIS GROWERS

If you are a pre-approved Grower, please refer to the [Nutrient Management Guidance](#). It contains many helpful resources and links for pre-approved Growers who are designing a nutrient management plan, as required by the Regulations. The Guidance also contains a link to the Maryland Department of Agriculture-University of Maryland Extension's publication, "[Writing Nutrient Management Plans for Nursery and Greenhouse Operations](#)".

[Contact Us](#)

[Privacy](#)

[Accessibility](#)

849 International Drive, 4th Floor, Linthicum, MD 21090

Contact us at: mdh.providerinfo@maryland.gov or 1-844-421-2571

Baltimore County, MD
Tuesday, October 17, 2017

ARTICLE 4. Special Regulations

SECTION 409. Off-Street Parking and Loading

§ 409.6. Required number of parking spaces.

- A. General requirements. The standards set forth below shall apply in all zones unless otherwise noted. If the required number of off-street parking spaces is not set forth for a particular type of use, the Director of Permits, Approvals and Inspections shall determine the basis of the number of spaces to be provided. If the number of spaces calculated in accordance with this section results in a number containing a fraction, the required number of spaces shall be the next highest whole number.

[Bill Nos. 124-1993; 136-1996; 144-1997; 122-2010; 37-2015]

1. Residential and lodging uses.

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Boarding- or rooming house	1 per tenant bed plus 2 if owner resides on property. [Bill No. 124-1993]
Dormitory	1 per 4 beds.
Elderly housing facilities	For housing for the elderly, Class A, at least 1 usable off-street parking space shall be provided for each 2 dwelling units in a town center or for each 1 1/2 dwelling units elsewhere. For housing for the elderly, Class B, at least 1 usable off-street parking space shall be provided for each dwelling unit. However, if the development is supported substantially or in part by any type of rent subsidy, the developer may petition for a hearing before the Zoning Commissioner for a decrease in the number of spaces to be provided. For continuing care facilities, at least 1 usable off-street parking space shall be provided for each dwelling unit and at least 1 usable off-street parking space shall be provided

Protestant
CBA Exhibit

Type of Use	Minimum Number of Required Off-Street Parking Spaces
	for each 2 assisted living beds and for each 3 convalescent or nursing beds.
	For assisted living facilities, at least 1 usable off-street parking space shall be provided for each 3 beds.
	[Bill No. 188-1993]
	In R.A.E.1 and R.A.E.2 Zones and in all business and industrial zones, all parking requirements of the underlying zone must be met for any commercial or office use which is contained within the elderly housing facility.
	For housing for the elderly, at least 0.75 usable off-street parking spaces shall be provided for each dwelling unit in the C.T. District of Owings Mills for a state-designated transit-oriented development.
	[Bill No. 16-2015]
	In the case of any type of elderly housing facility, the Zoning Commissioner may allow the provision of fewer parking spaces, after a public hearing at which evidence has been given regarding use of rent vouchers certificates or other subsidies or the availability of developer-sponsored van service or other ride-sharing for the prospective residents of the housing, and after the Director of Planning has furnished information regarding the availability and accessibility to the elderly of public mass transportation to the site. In no case, however, may the facility provide less than 1 parking space for each 3 dwelling units.
	For assisted-living facilities, at least 1 usable off-street parking space shall be provided for each 4 beds in the C.T. District of Owings Mills for a state-designated transit-oriented development.
	[Bill No. 16-2015]
Fraternity or sorority house	1 per 2 beds.
Group house (or townhouse), apartment building, garden apartment building and other apartment buildings (i.e., multiple-family rental or condominium dwellings)	In a C.T. District or R.A.E.2 Zone:

Type of Use	Minimum Number of Required Off-Street Parking Spaces
	1 per apartment with no separate bedroom, 1.25 per apartment with 1 or 2 separate bedrooms, 1.5 per apartment with 3 or more separate bedrooms; except that in the C.T. District of Towson 1 per apartment with no separate bedroom, or 1 bedroom or 2 bedrooms, if located in an apartment building with a pedestrian entrance located within 300 feet of an entrance to a structured parking facility open to the public. [Bill No. 67-2015]
	Elsewhere: 1.25 per apartment with no separate bedroom, 1.5 per apartment with 1 or 2 separate bedrooms, and 2 per apartment with 3 or more separate bedrooms.
Hotel, motel	1 per guest room or suite; no spaces required for ancillary uses.
Mobile home	2 per unit.
One-family detached or semi-detached house, one-family group house (or townhouse), patio house, side-and-back attached house, two-family house	2 per dwelling unit.
Tourist home	1 per guest room. [Bill No. 124-1993]
	No parking spaces are required for residential buildings contributing to the historic character of an area, if such buildings have been designated on the National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District.

2. Commercial and service uses.

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Automotive service station	See Section 405.
Bank	3.3 per 1,000 square feet of gross floor area.
Beauty shop or barbershop	5 per 1,000 square feet of gross floor area.
Car wash	See Section 419.
Carry-out restaurant	5 per 1,000 square feet of gross floor area. [Bill No. 110-1993]

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Fast-food and standard restaurants: general rule	16 per 1,000 square feet of gross floor area with at least 10 spaces required in all cases, except that no parking spaces are required for restaurants in the C.T. District of Owings Mills for a state-designated transit-oriented development, or for buildings contributing to the historic character of an area, if such buildings have been designated on the National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District and if such buildings will be adapted for reuse for a restaurant. [Bill Nos. 110-1993; 3-2003; 16-2015; 49-2016]
Standard restaurants in revitalization districts	In the Arbutus, Catonsville and Pikesville revitalization districts, 5 spaces per 1,000 square feet are required for a standard restaurant. However, a minimum investment of \$100,000 in interior and/or exterior improvements is required. The improvements shall be made within 6 months of the filing of the parking plan and verified by the Director of Permits, Approvals and Inspections. [Bill Nos. 3-2003; 122-2010;]
Fast food, drive-through only	14 per 1,000 square feet of gross restaurant floor area, plus spaces for outdoor seating area in accordance with the requirement for fast food and standard restaurants. A minimum of 10 spaces is required. [Bill No. 110-1993]
Furniture or carpet store	2.5 per 1,000 square feet of gross floor area.
Health-care and surgery center	4 per 1,000 square feet of gross floor area. [Bill No. 37-2015]
Medical office or clinic	4.5 per 1,000 square feet of gross floor area. In the C.T. District of Owings Mills, 3.3 per 1,000 square feet of gross floor area for a state-designated transit-oriented development. [Bill No. 16-2015]
Neighborhood car rental agency	3 per 1,000 square feet of gross floor area (excluding any enclosed vehicular preparation area) plus 1 for each rental vehicle [Bill No. 122-2005]
Nightclub, tavern, striptease business, catering hall or drive-in restaurant	20 per 1,000 square feet of gross floor area with at least 10 spaces required in all cases, except no spaces required for buildings contributing to the historic character of an

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Office — general	area, if such buildings have been designated on The National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District and if such buildings will be adapted for reuse for a nightclub, tavern or striptease business. [Bill Nos. 137-1990; 110-1993; 49-2016^[1]] 3.3 per 1,000 square feet of gross floor area. No parking spaces are required for buildings contributing to the historic character of an area, if such buildings have been designated on the National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District and have been adapted for reuse for office space. [Bill No. 49-2016]
Passenger rail station	As determined by the Zoning Commissioner upon the recommendation of the State of Maryland Mass Transit Administration. [Bill No. 91-1990]
Personal service establishment, except beauty shop and barbershop	3.3 per 1,000 square feet of gross floor area.
Residential art salon	See Section 402C.4.
Retail — general	5 per 1,000 square feet of gross floor area. No parking spaces are required for buildings contributing to the historic character of an area, if such buildings have been designated on the National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District and have been adapted for reuse for retail space. In the Pikesville Commercial Revitalization District, 3 per 1,000 square feet of gross floor area are required for retail use. However, a minimum investment of \$2,000,000 in interior or exterior improvements is required. The improvements shall be made within six months of the filing of the parking plan and verified by the Director of Permits, Approvals and Inspections. [Bill Nos. 49-2015; 49-2016]
Shopping center (less than 100,000 square feet of gross leasable area)	The required number of spaces shall be calculated according to the particular types of tenants in the shopping center, i.e., each tenant shall be considered as a separate use.

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Shopping center (100,000 square feet or more of gross leasable area)	5 per 1,000 square feet of gross leasable area, including any area devoted to restaurants, but excluding any area devoted to theaters and warehouses, in which case the theaters and warehouses shall be considered as separate uses. [Bill Nos. 57-2009; 49-2016]
Transit center or transit facility	As determined by the Baltimore County Zoning Commissioner upon the recommendations of the State of Maryland Mass Transit Administration. [Bill No. 91-1990]
Transit storage or repair yard	1 per employee on the largest shift. [Bill No. 91-1990]
[1] <i>Editor's Note: Bill 49-16 intended to delete "nightclubs or taverns for" in Section 409.6.A.2 in the "Nightclub, tavern, striptease business, catering hall or drive-in restaurant" section for Type of Use. The County Attorney and the Counsel Secretary/Legislative Counsel have ordered the publisher to delete this language in this 10-01-2016 Supplement and inform the reading public that references to "nightclubs or taverns for" should not be considered a part of this section. Legislation will be submitted to the County Council to correct this error.</i>	

3. Industrial uses.

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Manufacturing wholesale or warehouse	1 per employee on the largest shift.
Research institute or laboratory	2.5 per 1,000 square feet of gross floor area.
Trucking facility, Class I	5 plus 1 per 2 employees in the largest shift.
Trucking facility, Class II	1 per 2 employees in the largest shift or 1 per 3,000 square feet of total area devoted to parking of truck tractors, truck trailers or tractor-trailers (not including truck maneuvering area or loading area), but in no case less than 10.

4. Recreational and institutional uses.

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Athletic club or health spa	10 per 1,000 square feet of gross floor area, excluding any area devoted to

Type of Use	Minimum Number of Required Off-Street Parking Spaces
	tennis/racquetball courts or other similar courts in which case there shall be 3 per court, except that 3 parking spaces per 1,000 square feet of gross floor area are required for athletic clubs or health spas in the C.T. District of Owings Mills for a state-designated transit-oriented development. [Bill Nos. 136-1996; 11-2008; 16-2015; 49-2016]
Bowling alley	4 per lane.
Church, house of worship or religious assembly	1 per 4 seats in the principal place of worship. [Bill No. 144-1997]
Funeral home or mortuary	10 per 1,000 square feet of floor space available for use by the public, plus 1 per 2 employees, plus 1 per each vehicle used in connection with the business; unless located in the R.C. 6 Zone where a total of only 7 per 1,000 square feet of floor space available for use by the public is required. [Bill Nos. 136-1996; 11-2008]
Golf driving range or miniature golf	1.5 per tee. [Bill No. 136-1996]
Golf course	8 per hole.
Group child-care center or nursery school	1 per employee on the largest shift, but in no case less than 2.
Hospital	1.5 per bed, except for separate standing hospital-related facilities, in which case the minimum requirement shall be the number of spaces otherwise required for such facilities.
Marina, boatyard or yacht club	1 per 2 slips or boat storage spaces in an out-of-water storage facility unless the owner can certify that the out-of-water storage space is used only for the winter storage or repair of boats moored in the water; half of the spaces required for slips may be counted towards the parking required for any other use on the premises of a yacht club. Notwithstanding any other provision of these regulations, if located within the Chesapeake Bay Critical Area and subject to the approval of the Directors of Environmental Protection and Sustainability, Fire and Public Works, a durable and dustless parking surface and striped spaces need not be provided. [Bill Nos. 149-1992; 136-1996; 122-2010]

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Nursing home	1 per 3 beds.
Pool hall or arcade	4 per 1,000 square feet of gross floor area. [Bill No. 136-1996]
Schools:	
Elementary or middle school	1 per employee, plus visitor spaces as determined by the Zoning Commissioner.
High school	1 per employee, plus visitor spaces and student parking as determined by the Zoning Commissioner.
College, university, business, trade or technical school	1 per employee, plus visitor spaces and student parking as determined by the Zoning Commissioner.
Skating rink	5 per 1,000 square feet of gross floor area.
Swimming pool:	
Community	1 per 7 persons permitted in the pool at one time by the Department of Health.
Commercial	1 per 4 persons permitted in the pool at one time by the Department of Health.
Tennis, handball, or racquetball courts and other similar courts	3 per court.
Theater, auditorium, arena or stadium	1 per 4 seats. [Bill No. 136-1996]

B. Adjustments to general requirements.

1. Transit adjustment.
[Bill No. 45-2011]
 - a. The required number of off-street parking spaces for any office or industrial use may be reduced by 5% if a pedestrian entrance to the building is located within 1,000 feet walking distance of a transit stop on a Mass Transit Administration route with scheduled peak-period headway of 20 minutes or better. The number of spaces may be reduced by an additional 10% if the office or industrial use is located in a Commercial Revitalization District, subject to the approval of the Director of Permits, Approvals and Inspections pursuant to the procedure specified in Section 409.13 of the Baltimore County Zoning Regulations.
[Bill No. 36-2013]
 - b. The required number of off-street parking spaces for any plan of development with a minimum of 750,000 square feet of gross leasable area in a C.T. District may be reduced by 25% if served by a transit stop on a Mass Transit Administration route with scheduled peak-period headway of 20 minutes or better.
- c.

The required number of off-street parking spaces for any transit-oriented plan of development may be reduced up to 40% if served by a Mass Transit Administration Metro Rail station.^[2]

[2] *Editor's Note: Former Section 409.6.B.1.d, regarding offices in the C.T. District of Towson, which immediately followed this subsection, was repealed by Bill No. 49-2016.*

2. Ridesharing adjustment. The required number of off-street parking spaces for any office or industrial use with 100 or more employees may be reduced by 10% for participation in a continuous, personalized ridesharing assistance program.
[Bill No. 49-2016]
 - a. Conditions for approval. To qualify for a 10% reduction, the owner or lesser shall meet the following requirements:
 - (1) Actively participate in the regional ridesharing program, as administered by the State of Maryland or Baltimore County.
 - (2) Assign an on-site ridesharing coordinator to periodically interact with the regional ride-sharing program and promote the program internally to employees.
 - (3) Establish an in-house carpool promotion and matching program and provide such maps, displays and materials as are necessary to inform employees of its availability.
 - (4) Reserve a minimum of 10% of all parking spaces for carpools or vanpools and have those spaces so designated by appropriate signage.
 - (5) Demonstrate to the satisfaction of the Zoning Commissioner that, in the event of future noncompliance, it will be feasible to either construct or lease the additional required parking spaces.
 - (6) Certify annually to the Zoning Commissioner that these criteria are being met.
 - b. Penalties for noncompliance. If the criteria for the reduction in the required number of off-street parking spaces are no longer being met, the owner or lessee shall be required to construct or lease additional parking spaces equal in number to the reduction granted. Failure to construct or lease the required additional parking spaces is a violation of these Zoning Regulations.
3. Shared parking adjustment. Two or more uses shall be permitted to share their off-street parking spaces in a common parking facility if the hours or days of peak parking for the uses are so different that a lower total will provide adequately for all uses served by the facility, without conflict or encroachment. To assure that no conflict or encroachment occur, shared parking spaces for such uses shall be provided according to the following table.
[Bill Nos. 5-1989; 49-2016]

	Weekday		Weekend		
	Daytime (6:00 a.m. to 6:00 p.m.)	Evening (6:00 p.m. to midnight)	Daytime (6:00 a.m. to 6:00 p.m.)	Evening (6:00 p.m. to midnight)	Nighttime (Midnight to 6:00 a.m.)
Church, house of worship or place of religious assembly*					
Hotel or motel	75%	100%	75%	100%	75%
Office or industrial	100%	10%	10%	5%	5%
Restaurant	50%	100%	100%	100%	10%
Retail	60%	90%	100%	70%	5%
Shopping center with 100,000 square feet or more of GLA	60%	90%	100%	70%	5%
Theater, commercial recreation, nightclub or tavern	40%	100%	80%	100%	10%
Other uses	100%	100%	100%	100%	100%

* The Director of Permits, Approvals and Inspections shall determine the percentage of parking spaces required for each of the five time periods on a case-by-case basis, depending on the existing and planned weekday and weekend activities.

[Bill Nos. 144-1997; 122-2010]

a. Method of calculation.

Step I — For each of the five time periods, multiply the minimum number of parking spaces required for each use (including any transit or ride-sharing adjustments) by the corresponding percentage in the table.

Step II — Add the results of each column. The required number of parking spaces shall equal the highest column total.

b. Conditions for approval.

- (1) Reserved or otherwise restricted spaces shall not be shared.
- (2) The land uses served by the shared parking facility shall be in single ownership or permitted for multiple ownership by the Director of Permits, Approvals and Inspections upon satisfactory guarantees of the continued operation and proper maintenance of the shared parking facility.

[Bill Nos. 144-1997; 122-2010]

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: May 1, 2017
TO: Administrative Law Judge

FROM: Gary Hucik

SUBJECT: Case 2017-0292-X
5512 Ebenezer Road

A petition was filed by Neil Thupari the attorney representing the owner of 5512 Ebenezer. It is the opinion of this office that use of the property and parking calculation of this property should be same as a retail (5 parking spaces per 1000).

Protestant
CBA Exhibit

8

Baltimore County, MD
Tuesday, October 17, 2017

Baltimore County, MD

ARTICLE 4. Special Regulations

SECTION 409. Off-Street Parking and Loading

§ 409.8. Design standards.

- A. Requirements for parking facilities in all zones. All off-street parking facilities shall be subject to the following requirements:
 1. Design, screening and landscaping. Design, screening and landscaping shall be provided in accordance with the Landscape Manual and all other manuals adopted pursuant to § 32-4-404 of the Baltimore County Code. [Bill No. 137-2004]
 2. Surface. A durable and dustless surface shall be provided and shall be properly drained so as not to create any undesirable conditions.
 3. Lighting. Any fixture used to illuminate any parking facility shall be arranged as to reflect the light away from residential lots and streets. Light standards shall be protected from vehicular traffic or landscaping.
 4. Distance to street line. No parking space in a surface parking nonresidential use shall be closer than 10 feet to the right of public street, excluding vehicle overhang. [Bill No. 49-2016]
 5. Dead ends. All dead-end aisles shall be designed so that all parking spaces must be striped. Striping shall remain visible.
 6. Business or industrial parking in residential zones. Upon application, the Zoning Commission shall determine the use of land in a residential zone. The requirements of Section 409.8 shall apply to the use of land in a residential zone.
 - a. On the property, the permit shall be filed with the filing of the application.
 - b.
- e. For deny
 - (1) His
 - (2) The character and impact of
 - (3) The manner in which the use is conducted and whether it is otherwise applicable
 - (4) Any additional requirements of the Zoning Commission in order that the use be detrimental to the health, safety and surrounding community and the objectives of Section 502.
2. In addition to all other applicable requirements, the use shall be subject to the following conditions:
 - a. The land so used must adjoin or be across from a business or industry involved.
 - b. Only passenger vehicles, excluding buses, may use the facility.
 - c. No loading, service or any use other than parking shall be permitted.
 - d. Lighting shall be regulated as to location, direction, illumination, glare and intensity, as required.
 - e. A satisfactory plan showing parking arrangement and vehicular circulation must be provided.
 - f. Method and area of operation, provision for maintenance and permitted hours of use shall be specified and regulated as required.
 - g. Any conditions not listed above which, in the judgment of the Zoning Commission, are necessary to ensure that the parking facility will not be detrimental to adjacent properties.

<https://ecode360.com>

1. 1990年12月25日，在《人民日报》发表署名文章《中国要实行“三权分立”》，主张在中国实行“三权分立”和“多党制”。

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains.

Figure 1. The effect of the concentration of the Fe^{2+} solution on the adsorption of Fe^{2+} by the Fe^{2+} -loaded adsorbent. The concentration of the Fe^{2+} solution was 0.01, 0.02, 0.05, 0.1, 0.2, 0.5, 1.0, 2.0, 5.0, 10.0, 20.0, 50.0, 100.0, 200.0, 500.0, 1000.0, and 2000.0 mg/L. The adsorption was carried out at 25 °C for 24 h. The adsorbent was 0.1 g. The adsorption solution was 10 mL. The adsorption solution was stirred at 150 rpm. The adsorption solution was filtered by a 0.45 μm filter. The adsorption solution was analyzed by ICP-AES.

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[illegible]

1. *For the purpose of this study, the term "cognitive" refers to the mental processes of perception, attention, memory, and reasoning. It is used to describe the mental processes that underlie the development of a cognitive map.*
 2. *The term "cognitive map" refers to a mental representation of the spatial environment. It is a map that is stored in the mind and is used to navigate the environment.*
 3. *The term "spatial environment" refers to the physical space that surrounds the individual. It is the environment that the individual is navigating.*
 4. *The term "navigation" refers to the process of moving from one location to another. It is the process of using a cognitive map to find the way from one place to another.*
 5. *The term "cognitive map" is used to describe the mental representation of the spatial environment. It is a map that is stored in the mind and is used to navigate the environment.*
 6. *The term "spatial environment" refers to the physical space that surrounds the individual. It is the environment that the individual is navigating.*
 7. *The term "navigation" refers to the process of moving from one location to another. It is the process of using a cognitive map to find the way from one place to another.*
 8. *The term "cognitive map" is used to describe the mental representation of the spatial environment. It is a map that is stored in the mind and is used to navigate the environment.*
 9. *The term "spatial environment" refers to the physical space that surrounds the individual. It is the environment that the individual is navigating.*
 10. *The term "navigation" refers to the process of moving from one location to another. It is the process of using a cognitive map to find the way from one place to another.*

Baltimore County, MD

LE 4. Special Regulations
N 409. Off-Street Parking and Loading
Access to parking spaces.

elways in off-street parking facilities where the parking sp
king bays or parking lanes shall be divided into driveways,
to parking spaces, and aisles, providing direct access to a
g spaces.

- A. Driveways shall be at least 12 feet in width for one-way movements and 20 feet in width for two-way movements.
- B. All parking spaces shall adjoin and have direct access to an aisle, except in the following cases:
1. In cases where vehicles will be parked by an attendant, the Commissioner may approve a parking facility in which up to 50 parking spaces do not adjoin and have direct access to an aisle.
 2. In office buildings less than 5,000 square feet, the Zoning Commr may approve a plan in which spaces designated for employee use not have direct access to an aisle.
- C. The permitted parking angles and the minimum required widths of aisles shall be as specified below. Parking angles and aisle widths which vary from those specified below may be approved by the Zoning Commissioner for any parking facility based upon the written findings of the Director of Public Works that the design of the particular parking facility involved will provide for the safe and efficient circulation and maneuvering of vehicles.

Parking Angle	One-Way Aisles (feet)	Two-Way Aisles (feet)
90°	22	22
75°	18	20
60°	16	20
45°	14	20
30°	14	20
0°	14	20

D.

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10

10/17/2017

*Baltimore County, MD
Tuesday, October 17, 2017*

ARTICLE 4. Special Regulations

SECTION 409. Off-Street Parking and Loading

§ 409.11. Off-street loading.

For any building used for commercial or industrial purposes, adequate space for off-street parking to accommodate the loading and unloading of materials shall be provided, consistent with the size and proposed use of the building. Such space, whether inside or outside a building, shall be in addition to the parking spaces required by Subsection 409.6 and shall be located and designed so as not to impede normal vehicular circulation.

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CBA Exhibit**

11

*Baltimore County, MD
Tuesday, October 17, 2017*

ARTICLE 4. Special Regulations

SECTION 409. Off-Street Parking and Loading

§ 409.9. Provisions for physically handicapped.

Parking spaces for handicapped persons shall be provided in accordance with the standards specified in the Maryland Building Code for the Handicapped, as contained in the Code of Maryland Regulations, Section 05.01.07.

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12

An effort shall be made to avoid the placing of horizontal curves along over-vertical curves. Where such design is unavoidable, the sight distance of the vertical curve shall not be less than the horizontal curve sight distance, and the limits of the horizontal curve shall extend beyond the limits of the vertical curve.

L. Top Curb Grade at Tee Intersections

To facilitate smooth curb rollouts at tee intersections, the tangent top curb grade of the side traffic way shall be pulled into the low curb P.I. of the through traffic way when the side traffic way is on a descending grade into the intersection. When the side traffic way is on an ascending grade into the intersection, the tangent top curb grade of the side traffic way shall be pulled into the high curb P.I. of the through traffic way. The remaining curb of the side traffic way shall be rolled with a smooth curve to meet the remaining curb P.I. of the through traffic way.

The maximum grade into a tee intersection shall be 6%, except for minor streets which may connect to through traffic ways at 8%.

In extreme cases, where the tee street is on a steep grade and distance for flattening as described under Grades, is severely limited, the design engineer may elect to warp both top curb grades into the intersection.

M. Underdrains

To drain free water from subgrades, underdrains shall be incorporated into the design of traffic ways wherever there is a possibility of water undermining the traffic way subgrade. See **Standard Detail Plate R-22**, Typical Underdrain for Paved Streets. The design engineer shall review underdrain location in the field with the BCBECE prior to final submission of contract drawings.

N. Guard Fence

Traffic Barrier W-Beam guard rail or equivalent shall be erected on thoroughfares at points of extreme hazard to a vehicle leaving the traveled portion of the traffic way. Generally, this potential hazard develops at fills over 8' in vertical depth from the edge of the shoulder to the toe of the slope. Guard rail or equivalent shall be placed at the edge of the normal shoulder, and the shoulder shall be widened 3' to provide backing. Refer to *MdSHA Book of Standards for Highway and Incidental Structures* for Standard Detail Plates showing acceptable guard rail structures.

Where traffic way construction ends in fill areas, temporary barricade posts shall be erected. See **Standard Detail Plate R-27**.

O. Sidewalks and Pedestrian Ramps

Sidewalks are required in the urban areas of the County, and may be required in rural centers. Required sidewalks may be waived by DPW upon demonstration that no foot traffic will need to be accommodated by the proposed use, or to connect the proposed use to the surrounding area. However, if the construction

of a required sidewalk is waived, a graded, unobstructed right-of-way area for the sidewalk and street trees must still be provided, in the event the sidewalk is needed in the future. Use of this area for other purposes, including placement of outside utilities and/or County traffic appurtenances shall be subject to review for purposes of maintaining the sidewalk area for its intended purpose.

Areas of sidewalk disturbed by construction shall be repaired by the agency responsible for the disturbance in a timely manner, in accordance with the County Standard Details and Specifications, and applicable permit requirements.

Sidewalks shall usually be detailed to be built "by others," since they normally are not a part of the traffic way contract. Sidewalk design shall be coordinated with DPW. New sidewalks shall be 5 feet wide, except as otherwise directed by DPW. Replacement for existing 4 foot wide sidewalks shall be 4 feet wide except where additional right-of-way is being acquired by the County to expand sidewalk width to 5 feet. The designer is referred to "Guide for the Planning, Design and Operation of Pedestrian Facilities" published by AASHTO.

All sidewalks that intersect with traffic ways, curbed driveways and crosswalks shall have pedestrian ramps for accessibility in accordance with ADA regulations. Consideration shall be given to the location of existing and proposed power poles, fire hydrants, street light and traffic signal supports and hardware and storm drainage inlets when locating proposed pedestrian ramps. Minimum ADA clearances shall be observed, and DPW shall be advised of the need for any additional right-of-way to provide these clearances at the earliest possible time. See **Design Plate R-T** and **Standard Details R-36A through R-36E**.

P. Cross Sections and Quantities

When required by the BCBEC, cross sections for special traffic ways and thoroughfares shall be taken at least every 25', at all noticeable terrain breaks, at all existing driveways and at private sidewalks. The centerline and profile grade line shall be stationed based upon their respective stationings. BCBEC shall be provided with review copies of the cross-sections with each submittal of plans.

When required by the BCBEC, the design engineer shall provide quantity estimates for special traffic ways and thoroughfares. These estimates shall include all quantities for grading, paving, curb and gutter, etc., and shall be tabulated as directed by the BCBEC.

Q. Valley Gutters

Valley gutters, as shown in the Standard Details shall be used only where approved by BCBEC but will normally be permitted where the approach road is a cul-de-sac or minor street providing access to less than 8 lots.

The Board of Eleven Slade Corporation supports the appeal opposing the potential Pikesville location of a medical cannabis dispensary.

Revanne Aronoff, as representative to Pikesville Community Corporation, and I, as president of Eleven Board of Directors, are authorized to represent Eleven Slade at any hearing pertaining to the above appeal.

A handwritten signature in cursive script, appearing to read "Herman Brecher M.D.", written in black ink.

Dr. Herman Brecher, President

RESOLUTION

The Pine Ridge Association, pursuant to a notice of the meeting and its stated purpose, which was placed in the mailbox of every home in the neighborhood association, met at the home of Sue and Howard Needle at 1321 Harden Lane, Pikesville, Maryland, 21208, on October 5, 2017 at 7:00 p.m.

The meeting was convened by Howard Needle, Vice President, in the absence of Nancy Paige, President. The announced subject of the meeting was the pending appeal of the grant of a special exception for a medical cannabis dispensary at the corner of Reisterstown Road and Naylor's Lane. After a full discussion of the issue, at which every person had an opportunity to speak, and many spoke more than once, several motions were made.

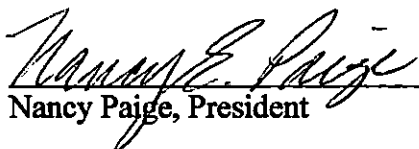
By motion passed, it was decided that the Association opposes the proposed location for the medical cannabis dispensary.. Howard Needle, Linda Halpert and Arnold Simon were elected as a zoning committee to represent the Association at the hearing on appeal of the special exception for the medical cannabis dispensary.

It is, therefore, RESOLVED:

That responsibility for review and action on all zoning matter shall be placed in the Board of Directors or a duly elected zoning committee, and

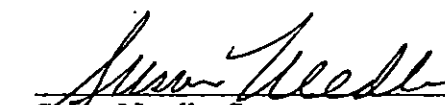
That the Pine Ridge Association opposes the proposed location for the medical cannabis dispensary, and

That Howard Needle, Linda Halpert and Arnold Simon are authorized as a zoning committee to represent the Pine Ridge Association at the hearing on the appeal of the grant of a special exception for a medical cannabis dispensary at the corner of Reisterstown Road and Naylor's Lane.


Nancy Paige, President


Howard Needle, Vice President

Attest:


Susan Needle, Secretary

RESOLUTION

The Pine Ridge Association, pursuant to a notice of the meeting and its stated purpose, which was placed in the mailbox of every home in the neighborhood association, met at the home of Sue and Howard Needles at 1321 Harden Lane, Pikeville, Maryland, 21208, on October 2, 2017 at 7:00 p.m.

The meeting was convened by Howard Needles, Vice President, in the absence of Nancy Paige, President. The announced subject of the meeting was the pending appeal of the grant of a special exception for a medical cannabis dispensary at the corner of Reisterstown Road and Naylor's Lane. After a full discussion of the issue, at which every person had an opportunity to speak, and many spoke more than once, several motions were made.

By motion passed, it was decided that the Association opposes the proposed location for the medical cannabis dispensary. Howard Needles, Linda Halper and Arnold Simon were elected as a zoning committee to represent the Association at the hearing on appeal of the special exception for the medical cannabis dispensary.

It is therefore RESOLVED:

That responsibility for review and action on all zoning matter shall be placed in the Board of Directors or a duly elected zoning committee, and

That the Pine Ridge Association opposes the proposed location for the medical cannabis dispensary, and

That Howard Needles, Linda Halper and Arnold Simon are authorized as a zoning committee to represent the Pine Ridge Association at the hearing on the appeal of the grant of a special exception for a medical cannabis dispensary at the corner of Reisterstown Road and Naylor's Lane.

Nancy Paige, President

Howard Needles, Vice President

Susan Needles, Secretary

Witness:

AFFIDAVIT

I, Nancy Paige, hereby affirm,

That I am the President of the Pine Ridge Association

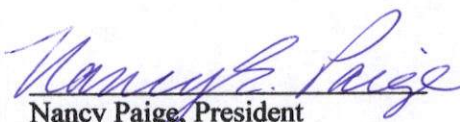
That a special meeting was convened, in my absence and with my authority, by Howard Needle, Vice President, on October 5, 2017, at the home of Howard and Sue Needle, 1321 Harden Lane, for the purpose of considering the pending appeal of the grant of a special exception for a medical cannabis dispensary at the corner of Reisterstown Road and Naylor's Lane.

That Howard Needle is a member of the Board of Directors of the Pine Ridge Association and that he and the following persons, elected as a zoning committee for that purpose, are authorized to represent the Pine Ridge Association at any hearing respecting the above-described appeal:

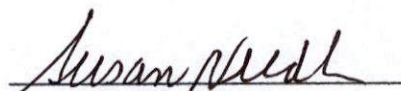
Arnold Simon, 2 Woodling Way

Linda Halpert, 1 Vacluse Lane

I solemnly affirm under the penalties of perjury that the foregoing affidavit is true to the best of my knowledge, information, and belief.


Nancy Paige, President
Pine Ridge Association

Attest:


Susan Needle, Secretary
Pine Ridge Association

October 10, 2017

From Medical to Recreational Marijuana Sales: Marijuana Outlets and Crime in an Era of Changing Marijuana Legislation

Bridget Freisthler¹ · Andrew Gaidus² ·
Christina Tam³ · William R. Ponicki² ·
Paul J. Gruenewald²

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Abstract A movement from medical to recreational marijuana use allows for a larger base of potential users who have easier access to marijuana, because they do not have to visit a physician before using marijuana. This study examines whether changes in the density of marijuana outlets were related to violent, property, and marijuana-specific crimes in Denver, CO during a time in which marijuana outlets began selling marijuana for recreational, and not just medical, use. We collected data on locations of crimes, marijuana outlets and covariates for 481 Census block groups over 34 months ($N = 16,354$ space–time units). A Bayesian Poisson space–time model assessed statistical relationships between independent measures and crime counts within “local” Census block groups. We examined spatial “lag” effects to assess whether crimes in Census block groups adjacent to locations of outlets were also affected. Independent of the effects of covariates, densities of marijuana outlets were unrelated to property and violent crimes in local areas. However, the density of marijuana outlets in spatially adjacent areas was positively related to property crime in spatially adjacent areas over time. Further, the density of marijuana outlets in local and spatially adjacent blocks groups was related to higher rates of marijuana-specific crime. This study suggests that the effects of the availability of marijuana outlets on crime do not necessarily occur within the specific areas within which these outlets are located, but may occur in adjacent

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17

areas. Thus studies assessing the effects of these outlets in local areas alone may risk underestimating their true effects.

Keywords Marijuana outlets · Violent crime · Property crime

Introduction

The legalization of marijuana for medical or recreational use continues to generate controversy, particularly around potential adverse effects related to crime (California Police Chief's Association Task Force on Marijuana Dispensaries, 2009). Changing norms around marijuana use have culminated, most recently, in the legalization of cannabis for recreational use in seven states and the District of Columbia. Law enforcement officials continue to cite concerns about increases in crime rates due to the rising number of dispensaries, although limited empirical evidence suggests that this might not be the case in the local areas in which marijuana outlets are located (as measured within Census tracts; Kepple & Freisthler, 2012), but may be the case in adjacent neighborhood areas (as measured within smaller Census block groups; Freisthler, Ponicki, Gaidus, & Gruenewald, 2016). The passage of medical marijuana laws does not appear to have increased crime at the state level in at least one study (Morris, TenEyck, Barnes, & Kovandzic, 2014). However, concerns around possible deleterious effects of marijuana distribution on communities are magnified as access to marijuana for the general population continues to increase due to legalization, and as more people report being in favor of legalization (54%; Pew Research Center, 2014). Hence, the increased commercial sales of marijuana will further fuel the controversy surrounding whether they are associated with more marijuana-related crimes.

In November 2000, with the passage of Amendment 20, known as the "Medical Use of Marijuana Act," Colorado became the fourth state to allow marijuana use for specified medical conditions. Amendment 64 "Use and Regulation of Marijuana" was enacted in 2012 making Colorado the first state to legalize marijuana for recreational use. On January 1, 2014, the first outlets began selling marijuana for recreational use. The effects of this changing legislation on social problems, including crime, is unknown. However, as three additional states also allow recreational sales and public support for marijuana legalization is increasing (Pew Research Center, 2014), a better understanding of the relationship between marijuana availability and outcomes such as crime is important for assessing the public health costs of such legislation. Information obtained from such assessments can be used to inform policy as additional states consider allowing marijuana for medical or recreational use.

Marijuana Outlets and Crime

Current concerns about links between marijuana sales and crime are motivated by community and police concerns that this largely for-cash market with high demand will increase criminal activity. Greater numbers of suitable targets of crime,

motivated offenders, and limited enforcement resources combine to lead to greater crime rates (routine activity theory, Cohen & Felson, 1979). Medical marijuana dispensaries are said to be magnets for crime as they are largely a cash-and-carry business selling a substance considered illicit for non-medical users (California Police Chief's Association Task Force on Marijuana Dispensaries, 2009).

While there is a paucity of research on the association between marijuana retail outlets and crime, it is possible that marijuana consumers are likely to become targets of crime. Recent studies suggest that offenders will travel some distance to participate in crime at locations (Tita & Griffiths, 2005) such as medical marijuana dispensaries, and surges in violence, particularly in relatively safe areas, will create adverse effects on businesses in the area (Greenbaum & Tita, 2004). Colorado is currently seeing an influx of marijuana-related tourism adding to the number of customers largely unaware of local neighborhood conditions (Blevins, 2015). Jean (2008) observed that crime "pockets" are often located in and adjacent to places that support cash economies (e.g., liquor stores, check-cashing outlets), whose patrons may be distracted. That is, they may be suitable targets as they may carry more cash than the average customer and may not focus on their surroundings, which may make them "easy marks" for those wishing to perpetrate crime (Glensor & Peak, 2004).

In line with routine activity theory, more dispensaries become targets for motivated offenders. The increased physical availability of marijuana through dispensaries (in states allowing medical use) and in retail outlets (in states allowing recreational use) has been a concern of police officials who worry about higher crime in these areas due to the increased traffic in and around the dispensaries (California Police Chief's Association Task Force on Marijuana Dispensaries, 2009). In particular, as marijuana use remains illegal at the federal level, outlets that sell marijuana have few banking options; thus many marijuana outlets continue to rely primarily on cash sales (California Police Chief's Association Task Force on Marijuana Dispensaries, 2009). Because the majority of transactions in medical marijuana centers involve cash, they become attractive targets for violent crime such as robberies (Wright & Decker, 2011). Add to that a product attractive for possible re-sale on the streets (i.e., marijuana), dispensaries and their patients appear to be a prime target for crime.

Very few studies have assessed the relationship between these marijuana outlets and crime. Kepple and Freisthler (2012) found that the density of medical marijuana dispensaries in Census tracts for Sacramento, California was not related to rates of property or violent crimes. However, this study had a small sample size, used Census tracts (a unit of analysis that may be too large to assess this relationship), and was cross-sectional in nature, limiting its power to fully assess a potential link between dispensary and crime. Using data from smaller geographic units (Census block groups) in Long Beach, California, that they tracked over a time when marijuana dispensaries were rapidly opening and closing, Freisthler et al. (2016) found that higher densities of medical marijuana dispensaries in adjacent areas were related to higher rates of both violent and property crime. These results suggest that geographic scale may be an important consideration for the study of effects of medical marijuana dispensaries on crime. Notably, the latter study was conducted

over the course of 24 months when police in Long Beach increased enforcement efforts aimed at ensuring dispensaries complied with a local ban on storefront dispensaries within city limits.

Finally, no studies have examined how marijuana-specific crime may be related to the density of these outlets. Marijuana-specific crimes involving marijuana and licensed marijuana outlets include those committed against the licensed outlets, or where marijuana constitutes the primary target of these crimes but is not related to a specific outlet. Such crimes may include street-dealers purchasing large quantities of marijuana (e.g., quarter of a pound) and re-selling on the streets or burglary attempts at the outlets. Areas of communities with more of these drug market activities have been related to higher rates of assault, independent of many other environmental, social and demographic characteristics of communities (also at the Census block group level; Banerjee, LaScala, Gruenewald, Freisthler, Treno, & Remer, 2008).

The observation that some state-level studies of laws that decriminalize marijuana sales do not indicate relationships with crime and other health outcomes does not, at this time, support the argument that marijuana decriminalization is without adverse community effects. Measured at the state level, one study of changes in medical marijuana laws found lower rates of arrests for homicides and assaults after the enactment of medical marijuana laws (Morris et al., 2014). However, at these large geographic units aggregation bias generally leads to deflation of effects (e.g., averaging across areas with and without greater access to marijuana), which makes the detection of the resulting effect sizes statistically difficult (and, of course, local effects impossible). In addition, state level arrest records do not fully capture all crime reported to the police and a general assessment of the passage of laws does not provide information on how aspects of those policies or features of implementation may affect crime (Pacula, Powell, Heaton, & Sevigny, 2015). These individuals may also be committing other crimes in the areas adjacent to where dispensaries are located.

To date, no studies have assessed the effects of the physical availability of marijuana on crime for areas that have legalized marijuana for recreational use. A movement from medical to recreational marijuana use allows for a larger base of potential users and easier access to marijuana, as a user does not have to visit a physician before using marijuana. In sum, our policy context of changing availability of marijuana from only medical to recreational purposes changes the physical availability of marijuana through outlets as well as the likely clientele of those outlets. Similar to previous studies, we hypothesize that the density of marijuana outlets in adjacent Census block group areas will be related to higher rates of violent, property, and marijuana-specific crimes.

Methods

We analyzed data from 481 Census block groups that constitute the city of Denver over 34 months (January 2013–October 2015). In January 2014, the first marijuana outlets were able to sell marijuana to the general public throughout the city. Thus,

our study covers the transition from when marijuana could only be sold to medical users to when it could also be sold to those who use it recreationally. The sample size is 16,354 space–time units (481 Census block groups $\times$ 34 months).

We obtained crime incident data from the city of Denver police department. These data include location, dates, and types of crime. Data were geocoded using x, y coordinates provided in the data files. Due to the largely cash nature of marijuana outlets, we examined three types of crime related to: (1) violence, (2) property, and (3) specific marijuana outlets. Violent crime refers to those incidents that involve force or the threat of force and included murder, rape, robbery, and aggravated assaults. Property crime is defined as those events that involve the taking or damage of property and includes burglary, larceny, automobile theft and arson.

Marijuana-specific crimes were identified by the Denver Police Department in an effort to identify whether crimes committed around marijuana outlets could be attributed to the locations of these marijuana retail venues (Reed, Hilkey, Smith, & English, 2016). According to documentation by the police, marijuana-specific incidents were determined to have a clear connection or relation to marijuana, but excluded violations concerning restrictions on the possession, sale, or cultivation of marijuana. These crimes include those that involve marijuana and licensed marijuana facilities such that the crime incident (1) was committed against the licensed industry or by the industry itself; or (2) where marijuana was the primary target in the commission of these crime but the marijuana was not related to a specific outlet. In 2014, 64% of marijuana-specific crimes were related to the industry (e.g., burglary of a marijuana outlet). Burglaries made up 66% of industry related marijuana-specific crimes but only about 40% of non-industry related marijuana-specific crime. In contrast, robbery constituted more than 25% of non-industry marijuana-specific crime compared to only about 4.0% of industry marijuana-specific crime.

We obtained data concerning marijuana outlets from a variety of sources. The Colorado Department of Revenue Enforcement Division, which licenses all outlets for the state of Colorado and reports those data monthly, provided the data on licensed medical and recreational marijuana outlets. We supplemented these data with monthly downloads of data from several websites where outlets advertise their location, hours of operation, and products available. These included Weedmaps (<http://weedmaps.com>), Medical Marijuana Locators (<http://medicalmarijuanalocators.com>), Sticky Guide (<http://stickyguide.com>), Puffpuff411 (<http://puffpuff411.com>), Yelp (<http://yelp.com>), and Weedtracker (<http://weedtracker.com>). Using data from weedmaps.com, we confirmed that the dispensaries were largely cash only businesses. During the study period, only 25% of Denver marijuana outlets reported accepting credit card payments in February 2014 and less than 20% accepted credit cards in October 2015. These data were geocoded to a street address, and files were de-duplicated across location and month to provide monthly numbers of marijuana outlets in Denver. Density of marijuana outlets was created by aggregating the point-located addresses to Census block groups and dividing by area. We used outlet density per square mile because it is a better measure of physical availability of outlets to residents. Adding more people to an area would not decrease the availability of outlets to the existing population, but spreading the same number of outlets over a larger physical area

would generally reduce availability by increasing the average resident's travel distance to reach an outlet. We did not differentiate between recreational or medical marijuana licenses. Over 90% of recreational marijuana outlets share an address with a medical marijuana outlet, due to initial licensing requirements which allowed existing medical marijuana outlets to obtain recreational marijuana licenses before other applicants.

Over half (53%) of all Denver marijuana retailers have a geocoded location within 50 feet of an adjacent block group's boundary; thus a crime that occurred across the street is likely to be in an adjacent spatial unit. Given that some stores employ security personnel, crimes might well be more common some distance from the store itself. Therefore, we created spatially lagged variables by averaging the densities of marijuana outlets for all adjacent block groups.

We obtained sociodemographic estimates for the 481 Census block groups yearly from Geolytics for 2013, 2014 and 2015 (Geolytics, Inc., 2015). These data include block group estimates for a variety of control variables used in our analyses, which included population density (per square mile), percent of one person households, male to female ratio, median household income, percent of families in poverty, percent of adults unemployed, percent of owner-occupied housing units, percent of vacant housing units, percent of residents who were Asian, Black, and Hispanic, and percent of residents between the ages of 15 and 24.

Parcel level land use data was obtained from the City of Denver. Parcels with a commercial land use were identified as those that had one of the following land use descriptions: commercial, retail, restaurant, shopping, gas station, supermarket, and hotel/motel. GIS was used to overlay these data with block groups to calculate the percent of block group area in a commercial land use. Presence of a highway ramp was calculated by extracting highway ramp road segments from the Census TIGER/Line roads Shapefile (Feature Class Code S1630) and overlaying these ramp locations with Census block groups.

Alcohol license data for 2015 was obtained from the city. Data included the location of the alcohol outlets, type of alcohol license, and x, y coordinates. License categories were classified into off-premise outlets (e.g., liquor and convenience stores), restaurants that serve alcohol, and bars or pubs. Block group area densities were calculated in each of these three categories.

Variables were chosen to loosely represent the tenets of routine activities theory, where a suitable target is represented by percent of adult males aged 15–24 and percent single person household, as it may indicate neighborhood areas where people spend more time outside the home (Cohen & Felson, 1979). Absence of capable guardians available to prevent crime is represented by vacant housing, owner-occupied housing and population density. Motivated offenders (e.g., people who are likely to participate in criminal behaviors) is measured using percent poverty and percent unemployment (Cohen & Felson, 1979). Finally we included structural characteristics of neighborhoods (e.g., alcohol outlet density, presence of highway ramps) shown to be related to crime in previous studies of medical marijuana dispensaries and crime (Kepple & Freisthler, 2012; Freisthler et al., 2016).

Data Analysis Procedures

Data were analyzed using Bayesian Conditional Autoregressive (CAR) Poisson models to assess statistical relationships between density of marijuana outlets and monthly counts of violent, property, and marijuana crime incidents in each Census block group. The use of CAR procedures adjusted for the loss of statistical independence among adjacent spatial units due to spatial autocorrelation (Besag, York, & Mollié, 1991; Carlin & Louis, 2004). In addition to the random effect related to spatial similarity (i.e., correlated heterogeneity), a second random effect accounted for non-spatial block group differences (i.e., uncorrelated heterogeneity). The Bayesian approach helps to deal with small area problems by allowing estimates in each region to borrow strength from those of neighboring areas, and have also been shown to allow for overdispersion (Lord, Washington, & Ivan, 2005; Waller & Gotway, 2004). The model is specified as follows:

$$Y_{i,t} | \mu_{i,t} \sim \text{Poisson} (E_{i,t} \exp(\mu_{i,t}))$$

where $Y_{i,t}$ represents the observed count of crimes in block group i during month t , and $E_{i,t}$ denotes the expected number of the crimes under the assumption that study-wide criminal incidents are distributed in direct proportion to block group population. $\exp(\mu_{i,t})$ may be interpreted as the relative crime risk of residing in block group i at month t such that regions with $\exp(\mu_{i,t}) > 1$ will have greater crime counts than expected based on their population, and regions with $\exp(\mu_{i,t}) < 1$ will have fewer crime incidents than expected.

The log-relative risk, $\mu_{i,t}$, is modeled as a linear combination of fixed covariate effects and random effects to take into account spatial correlation:

$$\mu_{i,t} = \alpha + \lambda \cdot t + X'_{i,t}\beta + \theta_{i,t} + \varphi_{i,t} + \omega_t$$

Parameter α is an intercept, and $\lambda \cdot t$ is a city-wide linear time trend across the 34-month period. Matrix $X'_{i,t}$ contains space- and time-specific independent variables (local and spatially-lagged marijuana outlet densities) as well as control variables, and β is a vector of fixed-effects estimates of the effects of those covariates. The terms $\theta_{i,t}$ and $\varphi_{i,t}$ denote the pair of random effects capturing spatially unstructured heterogeneity and CAR spatial dependence, respectively. A temporal random effect ω_t allows for unexplained variance in risks across months. Models were estimated using WinBUGS 1.4.3 software (Lunn, Thomas, Best, & Spiegelhalter, 2000). Non informative priors were specified for all fixed and random effects. Analyses were allowed to converge (burn-in) for 40,000 Markov Chain Monte Carlo (MCMC) iterations. Posterior estimates were then sampled for an additional 40,000 iterations.

Results

Table 1 presents the descriptive statistics for all the study variables. On average, each Census block group has .48 violent crimes, 3.0 property crimes, and .04 marijuana-specific crimes per month. Block groups also had about 2.5 marijuana outlets per square mile in local and spatially lagged (adjacent) areas.

Table 1 Descriptive statistics for study variables

Variable name	Mean	SD	Min	Max
Violent crimes per month	0.48	1.04	0.00	16.00
Property crimes per month	3.00	5.26	0.00	102.00
Marijuana crimes per month	0.04	0.25	0.00	5.00
Marijuana outlets per square mile	2.47	6.09	0.00	57.69
Spatially-lagged marijuana outlets per square mile	2.50	3.10	0.00	24.17
Bars and pubs per square mile	4.19	14.46	0.00	204.81
Restaurants (that serve alcohol) per square mile	14.22	44.63	0.00	687.58
Off-premise alcohol outlets per square mile	5.30	9.70	0.00	87.78
Population density (1000s per square mile)	8.62	5.62	0.00	38.79
% One-person household	36.46	16.78	7.86	82.40
Male/female ratio ($\times 100$)	100.94	17.55	36.59	192.73
HH income (\$1000s in 2015)	5.49	3.24	0.00	21.90
% Families in poverty	17.80	17.58	0.00	92.57
% Unemployment	7.78	8.42	0.00	100.00
% Owned housing	48.71	23.55	0.00	94.14
% Vacant housing	12.94	7.72	0.00	96.01
% Asian	1.83	3.33	0.00	40.24
% Black	7.61	12.53	0.00	67.05
% Hispanic	32.06	29.23	0.07	97.38
% Age 15–24	10.02	4.46	0.00	24.70
% Zoned commercial	4.27	6.59	0.00	67.34
Any highway ramps	0.19	0.39	0.00	1.00
Block group population	1352.90	887.42	0.00	12,950.00
Block group area (square miles)	0.32	1.95	0.03	42.29

Violent Crime

Density of marijuana outlets (local or spatially lagged) was not related to rates of violent crime during the 34 month study period (see Table 2). The density of bars and off-premise alcohol outlets was related to higher rates of violent crimes. Census block groups that had lower population densities, median household incomes, percent of owner-occupied housing, percent of unemployed adults, and percent of young adults aged 15–24 had higher rates of violent crime. Having a higher percent of vacant housing and percent of land zoned for commercial uses was also related to higher rates of violent crime. Violent crime also had a statistically significant positive linear time trend. The Moran's I coefficient was measured at .813 (z value = 29.99, $p < .001$) indicating the presence of significant positive spatial autocorrelation.

Table 2 Bayesian space–time models of relationship between medical Marijuana dispensaries and crime ($n = 16,354$)

Variable name	Model 1: Violent crime		Model 2: Property crime		Model 3: Marijuana-specific crime	
	Relative rate	95% credible interval	Relative rate	95% credible interval	Relative rate	95% credible interval
Intercept	1.85	(0.56, 6.40)	1.37	(0.45, 2.43)	0.45	(0.02, 14.53)
Marijuana outlets per square mile	1.01	(1.00, 1.02)	1.00	(1.00, 1.01)	1.08	(1.06, 1.10) ^a
Spatially-lagged marijuana outlets per square mile	1.00	(0.98, 1.02)	1.02	(1.01, 1.03) ^a	1.08	(1.02, 1.14) ^a
Bars and pubs per square mile	1.01	(1.00, 1.02) ^a	1.00	(1.00, 1.01)	1.01	(0.99, 1.03)
Restaurants (that serve alcohol) per square mile	1.00	(1.00, 1.00)	1.00	(1.00, 1.00)	1.00	(0.99, 1.00)
Off-premise alcohol outlets per square mile	1.01	(1.00, 1.02) ^a	1.01	(1.00, 1.02) ^a	1.01	(0.99, 1.04)
Population density (1000s per square mile)	0.93	(0.91, 0.94) ^a	0.95	(0.94, 0.96) ^a	0.87	(0.83, 0.91) ^a
% One-person household	1.00	(0.99, 1.01)	1.00	(0.99, 1.01)	1.00	(0.97, 1.03)
Male/female ratio ($\times 100$)	1.00	(1.00, 1.01)	1.00	(1.00, 1.01)	1.01	(1.00, 1.02)
HH income (\$1000s in 2015)	0.92	(0.88, 0.96) ^a	0.95	(0.93, 0.98) ^a	0.84	(0.75, 0.94) ^a
% Families in poverty	1.00	(0.99, 1.01)	1.00	(0.99, 1.00)	1.02	(1.00, 1.03) ^a
% Unemployment	1.00	(1.00, 1.01)	1.00	(1.00, 1.01)	1.00	(0.98, 1.02)
% Owned housing	0.99	(0.98, 0.99) ^a	0.99	(0.99, 1.00) ^a	1.00	(0.98, 1.01)
% Vacant housing	1.01	(1.00, 1.02) ^a	1.01	(1.01, 1.02) ^a	0.99	(0.97, 1.01)
% Asian	1.02	(0.99, 1.04)	1.00	(0.98, 1.02)	0.98	(0.93, 1.03)
% Black	1.01	(1.00, 1.02)	0.99	(0.99, 1.00)	0.99	(0.97, 1.01)
% Hispanic	1.00	(1.00, 1.01)	0.99	(0.99, 1.00) ^a	1.00	(0.99, 1.02)
% Age 15–24	0.95	(0.91, 0.99) ^a	1.00	(0.98, 1.02)	1.02	(0.91, 1.12)
% Zoned commercial	1.03	(1.02, 1.04) ^a	1.03	(1.02, 1.04) ^a	1.01	(0.98, 1.04)
Any highway ramps	1.20	(0.98, 1.48)	1.35	(1.15, 1.56) ^a	1.46	(0.95, 2.30)
Linear time trend	1.01	(1.00, 1.02) ^a	1.01	(1.00, 1.01) ^a	1.00	(0.99, 1.01)
SD (correlated heterogeneity/CAR random effect)	1.01	(0.73, 1.39)	0.52	(0.36, 0.69)	0.80	(0.08, 1.60)
SD (uncorrelated heterogeneity/non-spatial random effect)	0.46	(0.23, 0.58)	0.47	(0.42, 0.53)	1.04	(0.74, 1.29)

Table 2 continued

Variable name	Model 1: Violent crime		Model 2: Property crime		Model 3: Marijuana-specific crime	
	Relative rate	95% credible interval	Relative rate	95% credible interval	Relative rate	95% credible interval
<i>SD</i> (month random effect)	0.14	(0.10, 0.19)	0.13	(0.10, 0.17)	0.06	(0.02, 0.15)
Proportion spatial	0.83	(0.63, 0.97)	0.55	(0.34, 0.73)	0.37	(0.01, 0.80)

^a Credible interval does not include 1

Property Crime

The number of marijuana outlets per square mile within the Census block group was not related to rates of property crimes. However, the density of marijuana outlets in spatially adjacent block groups was positively related to property crime. Off-premise alcohol outlets, percent of vacant housing, percent of area commercially zoned and the presence of highway ramps were positively related to property crime rates. Population density, median household income, percent of owner-occupied housing, and percent of Hispanic residents was negatively related to rates of property crime. The linear time trend was also positive and statistically significant. Spatial autocorrelation was positive and statistically significant (Moran's I .890, z value = 32.79, $p < .001$). Figure 1 shows the model obtained posterior estimates by Census block group for the effects of lagged marijuana outlets on property crime. Using these estimates, marijuana outlets are related to 84.8 more property crimes per year.

Marijuana-Specific Crime

Having higher densities of marijuana outlets within the Census block group and in spatially adjacent block groups was related to higher rates of marijuana-specific crime. Similar to both violent and property crime, higher rates of marijuana-related crime occurred in block groups with lower population densities and lower household incomes. A higher percent of families living in poverty was related to higher rates of marijuana-specific crime. Unlike violent and property crime, the linear time trend was not significant. Significant positive spatial autocorrelation was present as evidenced by the Moran's I statistic equaling .922 (z value = 33.78, $p < .001$). The posterior values for the local and spatially-lagged marijuana outlets on crime can be found in Fig. 2. These outlets are related to 12.2 higher marijuana-specific crimes in each year.

Several specification tests were conducted. In the first we added a dummy variable that indicated the change from medical to recreational availability, to assess whether crimes increased with the opening of recreational marijuana outlets. This variable was not supported in any of our models insofar as the findings related to

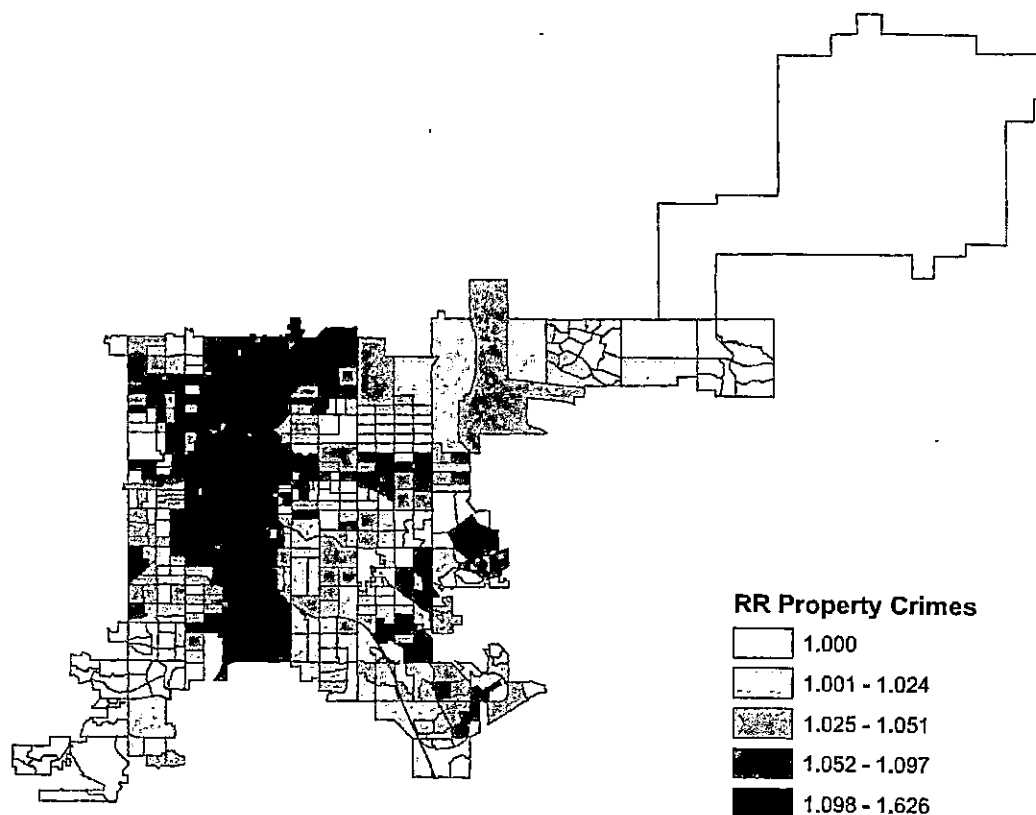


Fig. 1 Posterior relative incidence rates of property crimes in Denver, October 2015 due to marijuana outlet effects. The *lightest shaded* block groups have no local or adjacent-area marijuana outlets and thus no outlet contribution to predicted property crime rates. The *darkest shaded* block groups are estimated to have at least 9.8% higher property crime rates related to their local and adjacent-area marijuana outlet densities

marijuana outlets did not change. In the second specification test, we included the rate of other drug crimes as a control variable in the analysis. We found that the variable was well supported and positive for property and violent crimes, but was not related to marijuana-specific crimes. The inclusion of this variable did not change the findings related to marijuana outlets.

Discussion

Across the United States, individual states are debating and considering legislation that would legalize medical or recreational marijuana use. Yet the long term consequences of such legislation remain largely unknown. Policy researchers are attempting to assess the early impact of marijuana legalization upon public health outcomes related to marijuana use. These outcomes go far beyond crime to include rising levels of marijuana dependence and related hospitalizations (Mair, Freisthler, Ponicki, & Gaidus, 2015). There is concern that previous state level studies have been too global and imprecise to identify public health impacts. Simple measures of legalization that do not recognize critical elements of the social mechanisms by

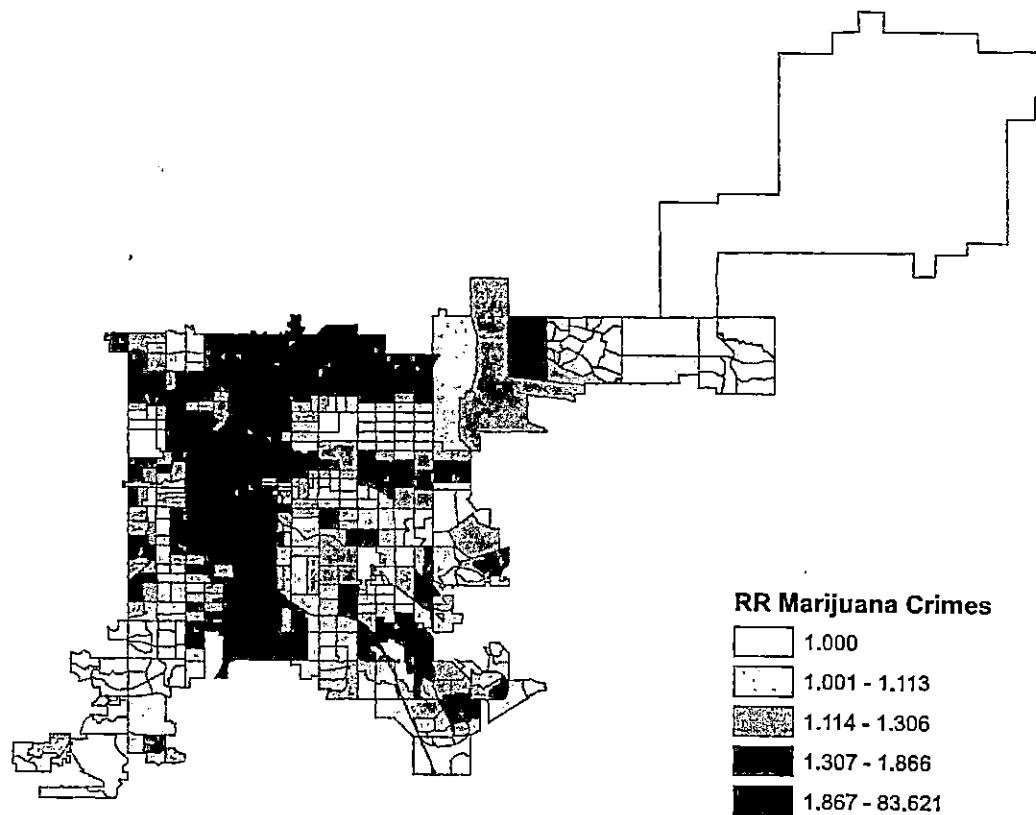


Fig. 2 Posterior relative incidence rates of marijuana crimes in Denver, October 2015 due to marijuana outlet effects. The *lightest shaded* block groups have no local or adjacent-area marijuana outlets and thus no outlet contribution to predicted marijuana crime rates. The *darkest shaded* block groups are estimated to have at least 86.7% higher marijuana crime rates related to their local and adjacent-area marijuana outlet densities

which problems related to marijuana sales and use arise flounder on imprecision; the critical measure is availability, which pertains to where and how easily consumers can obtain marijuana. Global measures of crime and other health outcomes are noisy in the extreme and poorly represent the great heterogeneity in local risks related to marijuana outlets. Our study assessed the relationship between the densities of marijuana outlets and violent, property, and marijuana-specific crime in Denver, Colorado using very highly resolved spatial and temporal units. The study period covered the time during which marijuana moved from being sold only for medical purposes to being sold for recreational purposes. It is at this level of resolution that we are most likely to see effects.

Similar to previous longitudinal work, we found that the density of marijuana outlets was related to higher rates of property crime in spatially adjacent areas (Freisthler et al., 2016), neighborhoods around those where marijuana outlets opened. However, unlike our previous work, we found no relationships between the presence of local marijuana outlets and violent crime. The density of medical marijuana outlets in local and spatially adjacent areas were related to higher rates of marijuana-specific crime. These types of crimes may be of concern to neighborhood

residents and may represent an opportunity for place management around marijuana outlets.

This study (along with previous research) suggests that the effects of the physical availability of marijuana outlets on crime do not necessarily occur within the specific block groups within which outlets are located, but are occurring in adjacent areas. Thus studies assessing the effects in local areas underestimate their true effects. Colorado legislation specifies security measures dispensaries must take in order to reduce crimes. These measures may mitigate any problems related to crime close to the dispensaries (Freisthler, Kepple, Sims, & Martin, 2013).

The effects of outlets on crime may occur in adjacent areas as people move in and out of the areas where these marijuana outlets are located. Interpreting these findings within the framework of routine activities theory, the property (e.g., automobiles) of dispensary customers, particularly those who may be tourists, may be suitable targets for those wishing to commit crimes (Glensor & Peak, 2004), as their owners may not secure their belongings before visiting a dispensary. Properties in surrounding areas may also prove to be ideal targets as they may have less security (e.g., lack of suitable guardians) than the areas local to the marijuana outlets. Motivated offenders may also be those who use these marijuana outlets who become familiar with the adjacent areas as they pass through them regularly.

Interestingly, the density of marijuana outlets in local or spatially adjacent areas was not related to rates of violent crime. As marijuana markets move from illegal to legal in Colorado, less ‘enforcement’ may be needed to ensure illegal drug transactions occur (Goldstein, 1998). In other words, the presence of retail marijuana markets may obviate some violence used to ensure that illicit drug market transactions occur (e.g., buyer pays the seller for the purchase of illegal drugs).

This study has several limitations. As an ecological population-level study, we are unable to assess the exact social mechanisms by which the density of marijuana outlets is related to crime. Density of marijuana outlets does not provide information about how much marijuana is being sold or is available on the streets. Having data on sales by each outlet would provide a better estimate of the effects of these outlets on crime as they would allow us to distinguish before more or less highly trafficked venues. We chose Census block groups because, in part, of the availability of demographic and economic data. However, these administrative units may not be ideal for linking marijuana availability to crime. Other studies should examine this relationship using different geographic specifications to see if these findings occur at other spatial scales.

Our study only assessed crime rates in relation to marijuana outlets. Marijuana is currently also available through individual cultivation and delivery services, but their relationship to crime remains unknown. Marijuana-specific crimes were identified by the Denver police department. We were unable to independently verify whether these crimes were actually related to marijuana outlets. Police officials may be biased when determining marijuana-specific crimes. For example, higher marijuana-specific incidents may allow a police department to advocate for more resources to combat crime or advocate against legalization. Thus it would be in the department’s interest to identify marijuana-specific crimes. However, in each year of the study, fewer than 300 crimes were classified as marijuana-specific, suggesting

that this may be a conservative estimate. Finally, the study only included spatially-lagged, and not temporally-lagged, variables in our analysis. The level of collinearity between current and prior month density of marijuana outlets was quite high (.982) which would have adversely affected model fit.

Conclusions and Implications

The regulation, location, and marketing of marijuana through marijuana outlets remains a controversial topic and practice, particularly for those living near these outlets. Our findings have important implications for debates concerning legalization across the country. In particular, as states legalize marijuana for recreational use, property crime in adjacent areas may increase. Studies that only assess the local effects of marijuana outlets may miss the actual relationship of these outlets to crime. As marijuana increases in popularity and use and as outlets proliferate, research should continue to assess and understand how greater availability may affect crime rates and other public health problems.

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Compliance With Ethical Standards

Conflict of Interest The authors declare they have no conflicts of interest.

Human and Animal Rights This article does not contain any studies with human participants or animals performed by any of the authors.

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October 24, 2017

Baltimore County Board of Appeals
The Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

**RE: Opposition to approval of Petition for Special Exception to allow Temescal Wellness of Maryland, LLC marijuana dispensary to be located in the Pikesville Commercial Revitalization District.
Special Exception Case No.: 17-281-X**

Dear Honorable Board Members,

Please accept this letter as Southern Management Corporation's opposition to the Temescal Wellness of Maryland, LLC ("Temescal") petition for Special Exception to allow placement of a marijuana dispensary at 1636 Reisterstown Road within the Pikesville Commercial Revitalization District.

Background

Southern Management Corporation ("Southern") is a Maryland corporation, which manages approximately sixty-five residential apartment communities and a number of commercial properties and hotels throughout the State of Maryland. In Baltimore County, Southern manages six apartment communities with over 2,300 apartment homes housing nearly 4,000 residents.

The Residences at Pomona Park, owned by SMC Pomona Apartments, LLC, is a 63-acre gated apartment community of 438 garden-style residential apartment homes with mature trees and open green spaces located at the intersection of Naylor's Lane and Pomona Drive. Pomona Square, owned by SMC Pomona Commercial, LLC, is a 79,000 square foot commercial development situated on 6.83 acres located on Reisterstown Road and Naylor's Lane. Southern has managed both of these properties since 2013 when they were purchased and became part of the Southern portfolio of apartment communities. Since that time, over \$20MM has been invested in improvements and upgrades to take a once neglected property and transform it into a beautiful place to live and conduct business.

Conflict with Baltimore County Master Plan 2020 and CRDs

Southern strongly opposes the grant of the Special Exception and the location of a marijuana dispensary at the proposed location because it is in direct conflict with the purpose and policies of Baltimore County Commercial Revitalization Districts (CRDs) as stated in the

Baltimore County Master Plan 2020 adopted by the Baltimore County Council on November 15, 2010 ("Master Plan 2020").

The Master Plan 2020 "is an effort to create and maintain safe and sustainable communities to achieve a sensible balance of economy, equity, and a healthy environment for people to reside, pursue careers, raise families, and enjoy the amenities of Baltimore County." (Baltimore County Master Plan 2020 County Executive and County Council Statement). Including the Pikesville CRD, the Master Plan 2020 identifies fourteen officially designated CRDs within Baltimore County. The Economic Vitality section of the Master Plan 2020 provides three policies with regard to CRDs with the purpose to revitalize and strengthen the existing base of small business and to attract new and different uses:

1. *Retain and attract quality retail, office, service, residential, entertainment, and institutional uses that create well balanced and economically vital mixed-use.*
2. *Improve the appearance and walkability of the districts.*
3. *Market Commercial Districts to potential businesses and patrons.*

The Master Plan 2020 states that "attaining a sufficient and balanced mix of quality uses is an important goal that should be accompanied with creating a safe, attractive, and walkable environment" (*Master Plan 2020*, Page 139). In addition:

"The districts . . . should be the "front door" to the residential neighborhoods, and help establish the overall image of a community. The appearance of the CRD is important to the business and residential communities, and is both a private and a public responsibility. . . . A commercial center or corridor with attractive curb appeal and stable and desirable uses may encourage people to invest in the community. (*Master Plan 2020*, Page 140).

Allowing a marijuana dispensary at the location of Reisterstown Road and Naylor's Lane directly conflicts with Master Plan 2020 policies. The appearance of the dispensary, according to Temescal, will include exterior surveillance cameras and a security guard on the exterior of the building. If the video presentation made part of the record by Temescal on October 17, 2017 is any indication, the dispensary store front will include frosted window glass to obscure any activity that may be taking place inside the building. The proposed dispensary is not open to foot traffic, meaning that it will not allow for walk-in clientele. As such, it is in direct opposition to the stated policy to improve the attractiveness and walkability of the district.

Marijuana dispensaries are all-cash businesses dealing in controlled dangerous substances (CDSs) as listed by the U.S. Department of Justice Drug Enforcement Administration. Such a business in a high traffic area is a cause of great concern for the safety of the surrounding community. Temescal advocates for placement of the marijuana dispensary at the proposed location by presenting business plans of how the location of the dispensary will be kept safe with security guards, double-safety protective doors, and video surveillance. Leaving aside the



concerns that crime at an all-cash business with controlled substances is likely to take place on site at the dispensary, it is more likely that crime in the area surrounding the dispensary will increase. Anecdotally, a rise in crime has occurred in the surrounding community in cities such as Denver, Colorado, when allowing medical marijuana dispensaries in residential areas.

Conclusion

Temescal is engaging in an all-cash business of controlled substances that is not safe, is not attractive, and is not walkable. It definitely does not project the "front door" image that citizens of Pikesville expect nor as envisioned by the Baltimore County Master Plan 2020.

The Residences at Pomona Park is the apartment community in closest proximity to the proposed marijuana dispensary location. Like many of the surrounding apartment communities, The Residences at Pomona Park is home to a vibrant population of local residents, many of whom are quite vulnerable to crime in the area. An increase in crime is of utmost concern and any endeavor that will cause an increase of crime will be vigorously opposed. As such, the residents at The Residences at Pomona Park stand with Southern in firm opposition to a marijuana dispensary in the neighborhood and in the CRD.

Locating a marijuana dispensary within the Pikesville CRD is in conflict with the stated purposes and policies of the Master Plan 2020. Temescal conducts a business that is not safe, it is not attractive, and it is not walkable. Such a business is incompatible with the purposes of Baltimore County CRDs and, as such the Petition for Special Exception should be denied.

If you need additional information, please contact me at (703) 902-9521.

Sincerely,



GREGORY JAMES KENNEDY, Esq.

Corporate Counsel

Southern Management Corporation, SMC Pomona
Apartments, LLC, and SMC Pomona Commercial,
LLC



Pikesville Communities Corporation

7919 Long Meadow Road
Pikesville, Maryland 21208
410 484-5047

apzuk@msn.com / www.Pikesvillecc.org

Officers

Alan P. Zukerberg,
President
Howard Moffett,
Treasurer
Revanne Aronoff,
Secretary

Directors

Revanne Aronoff
Evan Feldman, Esq.,
Ruth Hoffman
Richard Kreiss
Charlie Levine
Joanna Levy
Howard Moffett
Mark M. Sapp
Barbara Sindler
Ellyn Soypher
David Young
Alan P. Zukerberg,
Esq.

Exec. Director
Mike Pierce

RESOLVED: That at the regular Board of Directors meeting of the Pikesville Communities Corporation held on August 8, 2017, it was decided by the Corporation that the following members of the board and officers are hereby authorized to testify concerning the appeal of the granting of the Special Exception for a cannabis dispensary at 1636 Reisterstown Rd on behalf of the Association before the County Board of Appeals or other duly constituted zoning agency, body, or commission.

Pikesville Communities Corporation does not consist of or have a general membership that is responsible for decision making or authorizing the board to take action. All decisions are entrusted to the appointed Board by the corporation's bylaws.

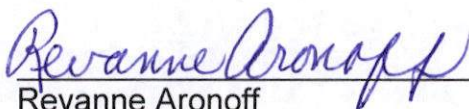
Whereas the President, Alan Zukerberg, has recused himself from this matter, the meeting of August 8, 2017 was presided over by the undersigned, Michael Pierce, the Executive Director.

Revanne Aronoff
Ruth Hoffman
Joanna Levy
Howard Moffett
Barbara Sindler
Ellyn Soypher
Richard Kreiss
Mike Pierce

AS WITNESS OUR HANDS AND SEAL THIS 17th day of September 2017

ATTEST:

Pikesville Communities Corporation



Revanne Aronoff
Secretary



Michael Pierce
Executive Director

**Protestant
CBA Exhibit**

19

ANNEN WOODS MAINTENANCE CORP • AVALON EAST COMMUNITY ASSC, INC.
COLONIAL VILLAGE NEIGHBORHOOD IMPROVEMENT ASSC, INC. • DUMBARTON IMPROVEMENT ASSC
11 SLADE CONDOMINIUM • FIELDS OF STEVENSON HOA, INC. • GREENE TREE HOMEOWNERS' ASSC, INC.
GREY ROCK MAINTENANCE CORP. • LONG MEADOW ASSC, INC. • SLADE VILLAGE
VALLEY GATE HOMEOWNERS' ASSOCIATION., INC. • VILLAGES AT WOODHOLME

Pikesville Communities Corporation

7919 Long Meadow Road
Pikesville, Maryland 21208
410 484-5047

apzuk@msn.com / www.Pikesvillecc.org

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Ruth Hoffman
Richard Kreiss
Charlie Levine
Joanna Levy
Howard Moffett
Mark M. Sapp
Barbara Sindler
Ellyn Soypher
David Young
Alan P. Zukerberg,
Esq.

Exec. Director
Mike Pierce

RESOLVED: That at the regular Board of Directors meeting of the Pikesville Communities Corporation held on August 8, 2017 at which a quorum was present, it was decided by the Corporation that its position on the matter of the cannabis dispensary at 1636 Reisterstown Rd is as follows:

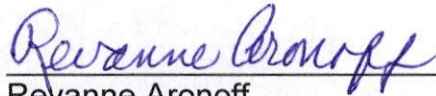
The organization opposes the granting of a Special Exception for a cannabis dispensary at this location.

Whereas the President, Alan Zukerberg, has recused himself from this matter, the meeting of August 8, 2017 was presided over by the undersigned, Michael Pierce, the Executive Director.

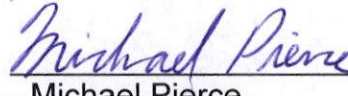
AS WITNESS OUR HANDS AND SEAL THIS 17th day of September 2017

ATTEST:

Pikesville Communities Corporation



Revanne Aronoff
Secretary



Michael Pierce
Executive Director

OFFICE

A building or portion of a building used for conducting the affairs of a business, profession, service, industry or government, including a medical office. The term "office" does not include a bank, a post office, a veterinarian's office or an establishment where merchandise is stored on or sold from the premises.

[Bill Nos. 13-1980; 167-1980; 37-1988; 186-1994]



KEVIN KAMENETZ
County Executive

February 27, 2017

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

Lindsay C. Schube
Gammage & Burnham, P.L.C.
Two North Central Avenue, 15th Floor
Phoenix, Arizona 85004-4470

Re: Zoning Verification, 7458 West German Hill Road, 12th Election District
Tax ID No. 12-12-060-182

To whom it may concern:

Your recent letter to this office regarding the above referenced property was forwarded to me for reply. Based upon the information provided and my review of the available zoning records, the following has been determined.

The subject property is currently zoned B.L. (Business Local) and DR 10.5 (Density Residential – 10.5 dwelling units per acre) as shown on the official 2016 Baltimore County zoning map 103C1 (copy enclosed). The property is not located within a Commercial Revitalization District. A medical cannabis dispensary is permitted by right in the BL zone as per Section 4D-102.A.1 of the BCZR. The north half of the property is zoned DR 10.5. The use of medical cannabis dispensary in the DR 10.5 is not permitted and commercial parking in residential zone need a petition for Special Hearing. Off-street parking for a medical cannabis dispensary is calculated as 5 parking spaces per 1000 sq. ft. gross floor area of the building. On street parking does not count towards the required off-street parking.

The Division of Code Inspections and Enforcement has indicated that there are no current or outstanding violations associated with the subject address at this time. If you require additional information regarding code violations, you may call 410-887-3351. Provided the property was developed and occupied in accordance with a Baltimore County approved development plan, and all subsequent construction permit applications adhered to the approved development plan, then all current uses, parking, and structures meet the requirements of the BCZR and the present uses and structures on the property are in compliance with the applicable zoning regulations. Please contact Mr. Glen Berry at 410-887-3953 regarding Certificate of Occupancy.

Pursuant to Section 104 and Section 305 of the BCZR, any structure damaged to any extent or destroyed by fire or other casualty may be restored within two years after such destruction. In the event that the building is non-conforming, then the structures can be rebuilt as was but may not be enlarged.

The foregoing is merely an informal opinion; it is not an expert or legal opinion. It is not intended to be relied on as expert or legal advice, and is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

I trust that the information set forth in this letter is sufficiently detailed and responsive to your request. If you need further information or have any questions, I can be reached at 410-887-3391.



Sincerely,

Jun R. Fernando
Planner II
Zoning Review

JRF/kIB Enclosure

Zoning Review | County Office Building
111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3041
www.baltimorecountymd.gov

Protestant
CBA Exhibit

21

**ATTACHMENT TO PETITION
FOR
SPECIAL HEARING AND VARIANCE**

7458 West German Hill Road
12th Election District

Special Hearing Relief:

1. To permit use of land in a residential zone (DR 10.5) for a business parking facility pursuant to BCZR § 409.8.B.1.
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

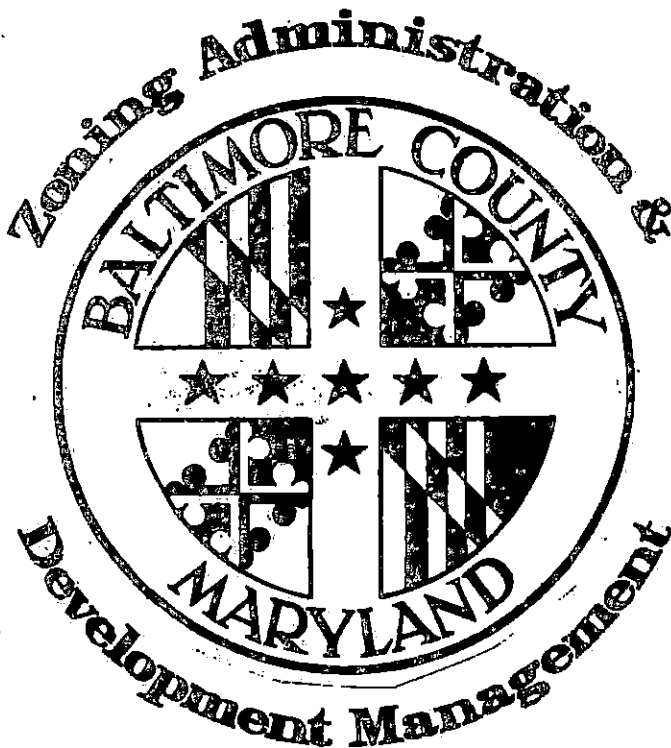
Variance Relief:

1. To provide a two-way drive aisle with a width of ¹⁴18' in lieu of the required 22' for the existing parking spaces pursuant BCZR § 409.4.C.
2. To provide design, screening, and landscaping to the extent possible where it is not able to conform to Landscape Manual pursuant to BCZR § 409.8.A.1.
- ~~3. To permit the proposed nonresidential parking facility to have a setback of 0' in lieu of the required 10' to the right-of-way line of a public street pursuant to BCZR § 409.8.A.4.~~
- 3-4. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County



1992 Edition

Baltimore County Zoning Commissioner's Policy Manual



Protestant
CBA Exhibit

23

amended May 13, 1992

adopted May 21, 1991

Administrative Supplement to the Baltimore County Zoning Regulations

SECTION

409.1 APPLICABILITY

- D. If a parking variance has been previously granted and the use is the same and an expansion in the use/building is proposed, credit will be given for the previous variance whether or not a new variance is required.
- E. If a variance has been granted for parking for a particular use on a property and the use changes (with no expansion in the use area):
 - 1. If the parking requirement does not increase, or if it increases and the new requirement can be met, another variance wouldn't be required.
 - 2. If the new requirement cannot be met, credit will not be allowed for the previous variance and the total deficiency will have to be variances. The previous variance would be taken into consideration at the new hearing.
- F. If a parking variance has been previously granted; the use changes and there is an expansion in the building or the area of use:
 - 1. Even if the parking requirement doesn't increase, or if it increases and it can be met, a special hearing may be required to determine if the new use and expansion could receive credit from the old variance. Also, a new variance may be required in the judgement of the Zoning Supervisor and/or the Zoning Commissioner.
 - 2. If the new parking requirement cannot be met, see E.2 above.
- G. If the property use is nonconforming with regard to parking and the use expands or changes, no credit will be given for the existing deficiency, even if the new requirement is less than the old one. The only exception to this would be that if the principal use has been determined to be non-conforming and the use doesn't change; credit would be given for the parking existing at that time, provided that the additional spaces for any expansion or addition wouldn't interfere with the existing parking or usurp the parking potential on the site.

409.3 PARKING SPACE DIMENSIONS

A standard angled parking space may contain a portion of a planting diamond per the standards set forth in Section 409.8.A.1.a ZCPM, Page 4-40E

*Baltimore County, MD
Monday, October 23, 2017*

ARTICLE 4. Special Regulations

SECTION 409. Off-Street Parking and Loading

§ 409.1. Applicability.

- A. All structures built and all uses established hereafter shall provide accessory off-street parking and loading in accordance with the following regulations. When an existing structure or use is enlarged, accessory off-street parking and loading shall be provided in accordance with the following regulations for the area or capacity of such enlargement.
- B. Those projects which have County Review Group (CRG) approval prior to the effective date of these regulations may modify their plans to satisfy these regulations or may proceed under the regulations in effect at the time of said approval.
- C. Those projects for which a building permit has been submitted but not approved may modify their plans to satisfy these regulations or proceed under the regulations in effect at the time of said submittal.

**Protestant
CBA Exhibit**

24

Case Name:

Tenessee Wellness

Case Number:

2017-0281-X

Date:

10/24/17

NAME

ADDRESS

CITY/ZIP

PLEASE PRINT CLEARLY		
Herman Brecher	11 Slade Ave 21208	Baltimore 21208
Theresa John	2 Pomona North 21208	Pikesville 21208
Sue Needle	1321 Harden Lane 21208	Pikesville, MD 21208
Rebecca Hodnett	1 Pomona North Pikesville, Md. 21208	Pikesville MD 21208
Roberto Lizaro	110 Sherwood 21208	Pikesville MD 21208
Arnold Simon	2 Peachtree Ct. 21208	Pikesville MD 21208
Pamela Wood	Baltimore Sun 501 N. Calvert, Baltimore	21278
Ted Rebholz	Baltimore, MD 21212	
Mitch Kellman	501 Fairmount Ave, Ste 300 Towson, MD 21286	
JANE BARRETT	8 Pomona N #2 Pikesville MD 21208	Pikesville MD 21208
BERNARD Stokes	13 Pomona S #10 Pikesville, MD	Pikesville MD 21208
Mike Pierce	7448 Bradshaw Rd Kingsville 21087	
FRANK Storch	3209 FALLSTAFF Road - Bldg 21215	
Gregory Kennedy	15000 Galloway Rd. 9658 Baltimore Ave College Park, MD	

Protestant
CBA Exhibit

25

Christopher N. Jakubiak, AICP

Mr. Jakubiak consults with communities seeking expertise in town planning and zoning. He has 25 years of experience preparing zoning ordinances, comprehensive plans, subarea master plans, land use studies, and economic/market studies, and negotiating development agreements on behalf of Maryland municipalities. He has administered zoning ordinances as the appointed Zoning Administrator and town planner for jurisdictions throughout Maryland including the City of Westminster and the Towns of Centreville, Chésapeake Beach, Church Hill, Emmitsburg, Mount Airy, and Thurmont. In 2010, he served as an instructor in the Graduate School of Architecture and Planning at Catholic University in Washington, D.C. in urban design.

Recognized / Accepted as an Expert in Planning and Zoning

Administrative Hearing Officer and Board of Appeals, Anne Arundel County
Administrative Law Judge and Board of Appeals, Baltimore County
Board of Zoning and Municipal Appeals, City of Baltimore
Board of Appeals, City of Annapolis

Education

Master's Degree in Urban Planning, University of Illinois, College of Fine and Applied Arts, Urbana-Campaign, IL. Practicum: Comprehensive Neighborhood Revitalization Plan, East St. Louis
Bachelor of Arts in Political Science, University of Maryland, Baltimore County
Executive Certificate Program in Advanced Public Sector Negotiation, Harvard University

Professional Experience

President and Principal, Jakubiak & Associates, Inc. (2000 - present)
Principal Planner, Calvert County Department of Planning and Zoning (1996 - 2000)
Principal Planner, Southeastern Wisconsin Regional Planning Commission (1992 - 1996)
Urban Planning Instructor/Teaching/Research Assistant, University of Illinois (1990 - 1992)

Professional Accreditation and Affiliation

American Institute of Certified Planners (AICP) since 1997
American Planning Association, Planning and Law Division

Recent Speaking Engagements

"Sustainable Urban Planning: Oresund Region, Scandinavia", U.S. Green Building Council, Baltimore Maryland and Washington, DC. Feb. 2014 and Dec 2013.
"Due Process and Effective Decision Making", MD Planning Commissioners Association, Nov. 2013
"Climate Change Adaptation in Maryland (Cambridge)", Gulf of Mexico, COCP, New Orleans, LA, 2012
"Development Proposals: The Role of Negotiation" Maryland Municipal League Conf., 2011
"Protecting the Municipal Tax Base Through Good Planning", MD Municipal League Fall Conf., 2009
"Approaches to Addressing Compatible Infill" Maryland Municipal League Conf., 2008
"Changing Zoning and Annexation Law in Maryland" Maryland Municipal League Fall Conf., 2006
"Negotiating Design Concepts for New Development", Maryland Municipal League Conf., 2004
"Toward a Walkable Downtown, Rebuilding La Plata", International IMCL Conference, Carmel, CA, 2003

Characteristics of the Site That Force Impacts of the Proposed Use to be Uniquely Adverse at 1636 Reisterstown Road

Characteristics of the Site that Mean Impacts are Uniquely Adverse	Description	Impact	Added Complications for the General Welfare Related to the Use
1. Not enough on-site parking	Applicant is providing only 15 spaces. The BCZR requires 19 spaces for the proposed use.	Congestion on-street at entrances as cars stack waiting to enter. Congestion on-site as cars block traffic aisles waiting for a space. Patients park off-site and walk to the entrance.	There are no pedestrian paths on the site leading from the sidewalks. Aging, frail and disabled populations are especially vulnerable.
2. Aisle width is too narrow	Along Naylor's Ln. the width of the travel aisle between the parking spaces and the building is only 15.3 feet to 18 feet, though the BCZR requires 22 feet.	Conflicts between passing vehicles and between parking and passing vehicles. No space for a safe pedestrian / walking zone.	The cut-through nature of this site facilitates two-way traffic. This also provides a pathway for avoiding the signalized intersection.
3. Insufficient Parking setback from Naylor's Lane	The setback ranges from 0 feet to 2 feet, the BCZR require 10 feet	Glare. Because cars park perpendicular to Naylor's Ln., headlights shine directly into the cars stacked at the intersection.	
4. Insufficient Throat Width of Entrance at Reisterstown Road	The minimum width for a commercial 2-way entrance should be 25 feet, per SHA.	Turning into and out of the site requires blocking the path of oncoming vehicles. This blocks traffic on the public street. There is no room for pedestrians to safely enter the site.	While the posted speed limit is 30 MPH, I witnessed speeds much higher which adds to the safety problem. Pedestrians entering the site are especially vulnerable. Aging and infirm drivers are vulnerable and more liable to be in accidents at poorly designed intersections.
5. Insufficient Throat Length of Entrance onto Reisterstown Road	This is the distance from the edge of street to the first conflict point on the site. The site provides space for only 13 feet. The minimum throat length should be 30 feet per the MD State Highway Administration.	Vehicles entering the site immediately encounter conflicts forcing collision avoidance, which backs up traffic onto the public street. Congestion occurs at the entrance.	While the posted speed limit is 30 MPH, I witnessed speeds much higher which adds to safety problem.
6. No pedestrian pathways from public sidewalks to the building entrance.	Self-explanatory.	Pedestrians, including disabled persons, must maneuver through the vehicle entrance into site without any sidewalk or on-site safe pedestrian zone.	Aging and infirm populations are particularly vulnerable. The overall deficiencies of the site make pedestrian movements unsafe compared to a site that is designed for the proposed use.

Christopher N. Jakubiak, AICP

Protestant
CBA Exhibit
27

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Temescal Wellness of Maryland, LLC

17-281-X

DATE: October 31, 2017

BOARD/PANEL: Andrew M. Belt, Panel Chairman
Kendra Randall Jolivet
Jason S. Garber

RECORDED BY: Sunny Cannington/Administrator

PURPOSE: To deliberate the following:

1. Petition for Special Exception pursuant to BCZR § 4D-102 for a state licensed medical cannabis dispensary to be located in the Pikesville Commercial Revitalization District.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board acknowledged that this is the first appeal of a medical cannabis dispensary heard by this Board. The Board discussed the statute and that if this property were located in, strictly, a BL zone, this dispensary would be allowed by right. Due to the location of the subject property in the Pikesville Commercial Revitalization District, a Special Exception is required. The Board conducted two days of hearings and requested Closing Memos from the parties. The issues in this matter are delineated in BCZR § 502, including particularly §502.1 (a) through (i).
- The Board determined that as to subsections (c) through (i), the proposed use of the property as a medical cannabis dispensary will have no bigger impact on the surrounding community than any other similar proposed use would.
- The Board reviewed concerns of the Protestants, who live in the community. The primary concerns of the residents in the area are possible crime, safety, and traffic; subsections (a) and (b).
- The Board sympathizes and empathizes with the Protestants' concerns.
- The Board reviewed the issue of parking spaces, streetscapes, and landscapes. The use of the property has bearing on the required parking, streetscaping, and landscaping. The Board discussed that there was some confusion for everyone regarding the classification of the dispensary. Even the experts and County Zoning Advisory Committee (ZAC) couldn't agree on whether the dispensary classifies as a retail use, a retail and office use, or some other use. The Board likened the dispensary to a pharmacy which would qualify as a retail use. The property was previously used as a convenience store, so the retail use of the property as a retail use would be grandfathered.
- The Board discussed the Protestants' concern about the future use of the property if cannabis is ever legalized for recreational or "adult" use. The Board determined that if cannabis is ever legalized for recreational or adult use, the Petitioner would be required to request a change of use and have the case reviewed anew at that time. The Board mentioned that if cannabis were legalized the dispensary would be more like a liquor store than a pharmacy, while still retail, the parking, traffic, and potential crime elements may be different than in the present matter.
- The Board discussed that to the extent that there are dangers that may be associated with the medical cannabis dispensary, those dangers would be the same regardless of where it is located. It's location within a revitalization district doesn't create more of a danger. The Board reviewed the Petitioner's

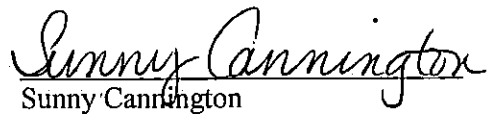
intention to have a trained security officer on site who will escort patrons inside and outside the store as well as guard the parking area. The Board expressed concern with the time it would take the one guard to do these duties and the potential for someone to take advantage of that. The Board required as a condition, having at least two trained security officers on site during operational hours.

- The Board also expressed concern about the lack of proactive security measures afterhours. The Board determined that Petitioners are required to have someone monitor the property afterhours and be available for immediate response, which can be achieved by, e.g., having a security guard on site, by monitoring real time camera feed, random drive-bys of the property, or other proactive measures.
- The Board reviewed the Protestants' concerns about advertising and signage. The Board determined that while the County will address the specific size and shape of the signs, there should be a restriction on the content. Again, this property is in the revitalization district and therefore this business needs to blend in with the neighboring businesses. The Board decided to prohibit the use of a specific identifying plant leaf on any signage or advertisement by Petitioners.
- The Board required, as a condition, certain changes to the parking lot and spaces that face Reisterstown Rd. that would provide, for example, more of a setback from Reisterstown Rd and other improvements.
- The Board stated that the County's Comprehensive Manual of Development Policies (CMDP) addresses how landscaping may help eliminate criminal activity. Landscaping should go beyond the County's minimum requirements and should be designed in a manner to enhance the area.
- The Board recognized the importance of the revitalization area, emphasizing the need for the business to tie into the surrounding area, and be designed and maintained in a manner to enhance the appearance of the area, help with walkability, and to otherwise further the purposes for revitalization districts.
- The Board encouraged the Petitioners and Protestants to work together on the final design, appearance and outcome of this matter. By working together, the community can have a new business that looks nice, enhances and ties into the surrounding community consistent with their goals for the area. The Board determined the Petitioners must exceed the County minimum expectations and requirements of the Revitalization District and the Comprehensive Manual of Development Policies.

CONCLUSION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT the Petition for Special Exception with certain conditions imposed.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Sunny Cannington



**IN THE MATTER OF:
TEMESCAL WELLNESS
OF MARYLAND, LLC**

*** BEFORE THE
* BOARD OF APPEALS**

(1636 Reisterstown Road)

*** FOR BALTIMORE COUNTY**

**3rd Election District
2nd Council District**

*** Case No. 17-281-X**

**Temescal Wellness of Maryland, LLC
*Petitioner***

**Village Greenwood, LLC
*Legal Owner***

* * * * *

POST-HEARING MEMORANDUM

Petitioner, Temescal Wellness of Maryland, LLC, by undersigned counsel, hereby submits this Post Hearing Memorandum and states as follows:

INTRODUCTION

This case is about the fear of the unknown for the Protestants. They are nervous because medical cannabis dispensaries are a brand new concept in Baltimore County. Many of the Protestants acknowledged that they are not against medical cannabis, they just do not want to see it happen here, in their neighborhood. The Board might sympathize with their testimony on some level, but as a matter of law, fear, speculation, and a “not in my backyard” mentality are insufficient to defeat a petition for special exception.

The Board is bound by well settled case law establishing as recently as this year that a special exception use “is presumed to be in the interest of the general welfare, and therefore a special exception enjoys a presumption of validity.” *Attar v. DMS Tollgate, LLC*, 451 Md. 272, 285 (2017) (*citing Schultz v. Pritts*, 291 Md. 1, 11 (1981)). According to the Court of Appeals:

[T]he appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

Attar, 451 Md. at 285-286. While the Protestants conveyed their general fears related to medical cannabis dispensaries, they did not present any evidence to support the conclusion that the use would have more of an adverse impact here than in other locations in the same zone. Accordingly, this petition for special exception must be approved.

BACKGROUND

This matter came before the Board as a petition for special exception for the property known as 1636 Reisterstown Road in the Pikesville area of Baltimore County (the “Property”). The Property is located at the southwest corner of Reisterstown Road and Naylor’s Lane and contains .54 acres of land zoned Business, Local (“BL”). The Property is improved with an existing commercial building (the “Building”) and parking lot area that was constructed in the 1960’s and has remained in the same configuration since that time. *See* Petitioner’s Exhibit 13. Petitioner is proposing to lease a portion of the Building to operate a state licensed medical cannabis dispensary on the Property.

Pursuant to Section 4D-102.A of the Baltimore County Zoning Regulations (“BCZR”), medical cannabis dispensaries are permitted by right in the BL zone, but require a special exception for property located within a commercial revitalization district. As the Property is located within the Pikesville Commercial Revitalization District, a special exception is required for this use. *See* Petitioner’s Exhibit 2.

The Board held public hearings on October 17 and October 24, 2017. The Petitioners presented testimony from two witnesses: (1) Ted Rebholz, the co-founder and CEO of Temescal Wellness of Maryland, LLC, who was accepted as an expert in the legal cannabis industry with particular knowledge of the requirements for medical cannabis dispensaries in the State of Maryland and Baltimore County; and (2) Mitch Kellman, a professional planner who prepared the site plan for the Petitioner and was accepted as a land use and zoning expert with particular knowledge of the BCZR as they relate to petitions for special exception. The Protestants presented testimony from a

number of community members who expressed their concerns regarding medical cannabis dispensaries, Bruce Doak, a property line surveyor, and Chris Jakubiak, a land planner with extremely limited experience in Baltimore County.¹ At the conclusion of the case, the Board requested post hearing memorandums in lieu of closing argument.

FACTS

In November 2016, Petitioner submitted a 900-page application to the State of Maryland for licenses to grow, process and dispense medical cannabis. The process took thirteen months and the Petitioner was successful in obtaining all three licenses. Petitioner has been approved to grow and process cannabis in Baltimore City, and is proposing to open a dispensary on the Property.

The Property was originally improved in the 1960's with the Building and associated parking area and has remained in the same configuration since its original construction. *See* Petitioner's Exhibit 13. A series of retail tenants have occupied the Building over time, most recently a 7-11. For several years, the Property, which is located in the center of the Pikesville Commercial Revitalization District, has been vacant. As Mr. Rebholz testified, the Property was particularly attractive to the Petitioner because of its dual access to both Reisterstown Road and Naylor's Lane, a signalized intersection, and because of its location in the center of a highly traveled commercial corridor. The Protestants are citizens of various neighborhoods in Pikesville that are concerned about the relief.

¹ While Mr. Jakubiak was permitted to testify in this case, he confirmed on cross examination that he is not an engineer, traffic engineer, registered surveyor, or property line surveyor. He has never filed for a special exception in Baltimore County, has never filed any zoning petition in Baltimore County, has never filed for or obtained a building permit in Baltimore County, had no involvement in the creation of the Pikesville Commercial Revitalization District, has never been the Zoning Administrator or held any other position with Baltimore County that involves petitions for special exception, and has no work experience of any kind that required him to interpret the BCZR. Based on his lack of relevant experience, his opinion was not accepted in a prior special exception case until the Circuit Court ordered the Board to hear his testimony. On remand, the Board referred to Mr. Jakubiak's testimony as "nothing short of circular double-talk, without any logical reason to substantiate his conclusion." *See* Petitioner's Exhibit 12. The Board further held that his testimony was "self-serving" and his analysis was "specious at best." *Id.* Finally, the Board concluded that "none of Mr. Jakubiak's testimony assisted the Board in understanding any issue that we did not already understand." *Id.* The same was true in this case.

ARGUMENT

I. THE REQUEST MEETS THE REQUIREMENTS OF SECTION 502.1 OF THE BCZR AND SHOULD BE GRANTED.

A. The medical cannabis dispensary will not be detrimental to the health, safety or general welfare of the locality involved.

A substantial portion of the testimony presented by the Petitioner concerned this requirement. As this is the first medical cannabis case presented to the Board, Mr. Rehbolz initially went to great length to explain the process by which a patient obtains a recommendation for use of medical cannabis from a licensed physician (with whom the patient must have a bona fide medical relationship). Patients can only enter a medical cannabis dispensary if they have obtained a physician recommendation and have registered with the State of Maryland. This substantially limits the number of trips to and from the proposed dispensary. The State database manages not only the list of patients that have been approved, but the purchasing history of each patient to ensure that patients are not exceeding the amount of medical cannabis that can be legally purchased each month. The State also inspects all medical cannabis products for purity, potency, and safety.

Mr. Rehbolz proceeded to explain the typical experience for patients of the proposed dispensary. Security personnel will meet patients in the parking area to escort them to the front door of the facility. Before the exterior door will open, the patients must present a government issued identification card to an exterior camera that monitors the entranceway. After a patient's identity is confirmed, the first door will open and the patient will be asked by a receptionist to present his/her identification. The receptionist will verify that the identification is authentic and confirm electronically that the patient is registered with the State of Maryland for use of medical cannabis. A second door to the sales floor area will then open if and only if the exterior door is completely closed. Mr. Rehbolz explained that both the entrance and the exit will employ this two-door security system so that anyone trying to enter the facility uninvited, or even just attempting to open both doors at the

same time, will be caught in a “trap.” A trained sales representative will provide any needed consultation to the patient, and will complete the transaction after re-verifying the patient’s identity and registration. Contrary to the Protestants’ assertions, payment will be accepted in the form of cash or ATM/debit card from any bank. Mr. Rebholz testified that, based on his experience with dispensaries, he expects debit cards to account for approximately half of all sales on the Property.

As shown on the video marked and accepted into evidence as Petitioner’s Exhibit 5, the facility will be clean, appear similar to a medical office with a pharmacy counter, and will be equipped with extensive security features. Much of the security is regulated and required by the State, such as the installation of in/exterior cameras, storage of product and currency in a vault that does not touch any exterior walls, and training of security personnel. The Board will likely not encounter any other proposed use that involves security as substantial as the Petitioner will have on the Property.

With respect to the surrounding area, testimony revealed that the Property is located to the west of Druid Ridge Cemetery, north of Seasons Kosher Grocery Store, east of a commercial property that was recently purchased by Seasons, and south of Pomona. The portion of Pomona closest to the Property consists of open space. There is a mix of commercial uses in Pomona along Reisterstown Road with apartments farther west that are accessed off of Naylor’s Lane. Unlike a comparable BL property identified by Mr. Kellman in the southern half of the Pikesville Commercial Revitalization District, the Property does not directly abut any residential uses and has a buffer on all four sides of the Property. The residential uses are all located farther west along Naylor’s Lane or farther south down Reisterstown Road.

The Protestants conceded that the safety features on site are substantial, and that they are not concerned about the patients using the facility (several witnesses admitted that they might end up using the facility if it is approved). Instead, the citizens are primarily concerned with people “hanging around” the site looking to commit crimes in and around the surrounding neighborhood. Mr. Rebholz

confirmed that the Petitioner will have a zero tolerance policy for loitering on the Property, and will direct security personnel to control the parking lot of the Property as well as the inside of the facility.

While the Board might be sympathetic to the concerns of certain neighbors, this testimony did not amount to anything more than unsubstantiated fear and speculation. As the Property has a buffer on all four sides, the dispensary will occupy tenant space that has remained vacant for some time, the dispensary accepts debit cards, and there will be extensive security on site, there is no reason to believe that the use will have any impact on the health, safety, and welfare of the surrounding community. There is certainly no reason why the use would be more harmful in this proposed location than it would be in any other BL-zoned location in the Pikesville Commercial Revitalization District.

B. The proposed use will not tend to create congestion in roads, streets or alleys therein.

The Property is located at a signalized intersection and has access to both Reisterstown Road and Naylor's Lane. The Basic Services Maps show that the Property is not located anywhere near a failing traffic shed, and there is no history of accidents or traffic deficiencies in or around the Property.

Testimony confirmed that the Property has been occupied by various retail uses such as a 7-11 store and a bridal dress shop. According to Mr. Rehbolz, the Petitioner anticipates 3-5 patients will visit the site per hour, which is substantially fewer trips than would be generated by a 7-11, a dress shop, or virtually any other retail use. The clean traffic history of the site, combined with the fact that the number of citizens that can use the dispensary are limited by State law, confirm that the proposed use will not tend to create any congestion in the roads, streets or alleys therein. Additionally, while the Protestants attempt to point to certain "deficiencies" with respect to the drive aisles on the Property, these are existing conditions that would be in place regardless of the use on the Property. They are simply not related to or affected by the proposed use.

C. The proposed use will not create a potential hazard from fire, panic or other danger.

As Mr. Kellman confirmed, interior alternations are being performed on the Property and the Building will comply with current building and fire codes. The Building will contain all of the security mechanisms referenced above, and will meet all building and life/safety codes.

D. The proposed use will not tend to overcrowd the land and cause undue concentration of population, will not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements, and will not interfere with adequate light and air.

For the sake of brevity, Section 502.1 D-F are treated together here. This use does not create any density, has no impact on public infrastructure, and will take place in the existing Building.

E. The proposed use will be consistent with the purposes of the property's zoning classification and consistent with the spirit and intent of these Zoning Regulations.

The Property is zoned BL, and medical cannabis dispensaries are permitted by right in the BL zone. The Property was previously used for a variety of retail uses, and the proposed use is consistent with the regulations and the prior use of the Property.

Additionally, this tenant space has remained vacant for a number of years and the Petitioner consists of local residents that live in Pikesville and are reinvesting in the Property to bring a small business with a “new and different use” to the area. *See* Baltimore County Master Plan 202, p. 139. This is consistent with the County’s stated goals for Commercial Revitalization Districts. *Id.*

F. The proposed use will not be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor will it be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.

These requirements are grouped together because they do not have any application to the proposed use. No new development is proposed and the use will take place inside of an existing Building that is not in the vicinity of any R.C. zones.

G. The proposed use will not have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the BL zone:

As an initial matter, the Protestants did not present any evidence confirming that the proposed dispensary will have any impact *at all* on the surrounding area. They expressed their general fears, but did not provide any concrete example of how this low-traffic use with countless security measures will negatively impact the Pikesville community.

The Protestants also did not present any evidence demonstrating that the use would have adverse effects *in this location* beyond those inherently associated with a medical cannabis dispensary. Some of the Protestants did attempt to suggest other locations for the dispensary. The two examples raised were: (1) the shopping center property in the Pikesville Town Center District that contains a Giant food store, and (2) the medical office complex located north of the beltway and beyond the limits of the Pikesville Commercial Revitalization District. As Mr. Kellman confirmed, the Giant food store is located in the C.T. District, which is a different zoning classification than the B.L. zone that governs the Property. Substantially different development is permitted in the C.T. district when compared to the BL zone, and the case law requires the Board to compare the impact of the proposed use to other locations within the same zone. Additionally, the suggested medical office complex is zoned B.M. and is not located within the Pikesville Commercial Revitalization District. Thus, neither example provides a proper comparison for the Board.²

Mr. Jakubiak prepared the incorrect analysis for the Board. He attempted to argue that a dispensary in this location would have more of an impact than other permitted uses because the dispensary would be frequented by an elderly population that might struggle with the parking area.

² In his memo, Mr. Needle mentions “the six-story Beacham Square at 3655 Old Court Road near Sudbrook Lane” (in the C.T. district), “the ground level medical offices, also known as part of Beacham Square, at 3655 A and 3655 B Old Court Road” (C.T. district), “Woodholme Medical Center, 1838 Greene Tree Road, in Pikesville just above the Beltway” (zoned OR 2 and outside of the revitalization district), and “the huge four multi-story medical office building complex at McDonough Road and Reisterstown Road in which there are hundreds of medical office spaces (outside of the revitalization district).

In *Gowl v. Atlantic Richfield Co.*, Md. App. 410 (1975), the Court of Special Appeals held that it was proper, in considering a petition for special exception, to compare the negative impacts of the proposed use with other uses permitted in the zone in question. In *Schultz v. Pritts*, the Court of Appeals held that “the standard articulated in *Gowl* is inappropriate,” and indicated that the applicable test is the one set forth above, as re-stated in *Attar*. 291 Md. at 22. The only other location mentioned by Jakubiak was an ice cream parlor in Centreville, Maryland, which has no application to this case. His testimony should be completely disregarded by the Board.

To the contrary, Mr. Kellman identified a specific BL-zoned property within the Pikesville Commercial Revitalization District to evaluate the impact of the proposed dispensary at other locations in the same zone. The comparison property is located at the corner of Reisterstown Road and Waldron Avenue, is thin-shaped, and is immediately bordered by a large, existing residential community. See Petitioner’s Exhibit 16. Mr. Kellman explained that the proposed use would have a greater potential to impact the surrounding community in that location because the intersection is not signalized and there is no buffer between the BL-zoned property and the immediately adjacent residential neighborhood. This was the only proper comparison presented to the Board.

There was no testimony that the proposed use “would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.” See *Attar*, 451 Md. 272, 285 (2017); see also *Schultz*, 291 Md. 1, 11 1981. Accordingly, the relief should be granted.

II. THE PROPERTY IS GRANDFATHERED AND THE PROPOSAL DOES NOT REQUIRE THE PARKING AREA TO BE BROUGHT INTO COMPLIANCE WITH THE CURRENT BCZR REQUIREMENTS

Like many properties in Pikesville, the Building and parking area on the Property were constructed many years ago and the parking space setbacks and drive aisles widths do not comply with the current parking regulations outlined in Section 409 of the BCZR. There was no mention of

the alleged parking setback and drive aisle deficiencies when: (1) the County's Zoning Review office reviewed and accepted the site plan for filing, (2) the Development Plans Review Bureau and Department of Planning made their Zoning Advisory Comments for the case, and (3) the State Highway Administration reviewed the entrance to the Property off of Reisterstown Road. *See* Petitioner's Exhibit 12. In fact, this issue was never raised throughout the entire proceeding before the Administrative Law Judge. Nevertheless, the Protestants made this argument before the Board, so it is addressed below.

This is a dangerous argument. It is dangerous because it could result in a massive increase in parking and drive aisle variances that would leave the owners of older shopping centers unable to fill vacant spaces without first obtaining zoning relief that in certain circumstances will be impossible to obtain. Indeed, Mr. Doak testified that although the Property has been filled with a series of retail uses since the 1960s, he believes a variance would be required before any retail uses could locate in the Building. Mr. Kellman confirmed that is not the way that the BCZR have ever been interpreted.

Section 409.1.A of the BCZR, entitled Applicability, provides as follows:

All structures built and all uses established hereafter shall provide accessory off-street parking and loading in accordance with the following regulations. When an existing structure or use is enlarged, accessory off-street parking and loading shall be provided in accordance with the following regulations for the area or capacity of such enlargement.

As Mr. Kellman testified, this section has consistently been interpreted to mean that if a property has an existing commercial building and the owner is replacing a tenant without changing or expanding the footprint of the building, the Property is governed by the regulations in effect at the time the building was constructed. On the other hand, if the building footprint is changed or expanded, the current regulations govern the portion of the building that has been changed/expanded.

Mr. McCann also pointed to a section of the Zoning Commissioner's Policy Manual stating that if "the property use is nonconforming with regard to parking and the use expands or changes, no

credit will be given for the existing deficiency, even if the new requirement is less than the old one.” See Protestants’ Exhibit 23, p. 4-33. This section is referring to the number of off-street parking spaces required for a use, and is not directed to setbacks or drive aisle widths. Petitioner is not requesting that the number of required parking spaces be considered under the regulations in effect at the time the Building was constructed. Even if this section is directed to all aspects of Section 409, the Protestants admitted that there is no “expansion or change” of use in this case. Accordingly, the Policy Manual section does not require the Petitioner to make changes to the parking space setbacks and drive aisles on the Property, which have existed since the 1960s.

As the proposed use is in the same category of the uses that have previously existed on the Property, and there is no expansion of the use beyond an existing tenant suite, the Applicability language in Section 409.1 does not govern this case. To the contrary, the Property is governed by well settled legal principles providing that substantial construction of a development vests the existing conditions unless the existing construction is changed or expanded. *See Town of Sykesville v. West Shore Communs.*, 110 Md. App. 300, 316 (1996) (holding that the vested right doctrine, which has a constitutional foundation, rests upon the legal theory that when a property owner obtains a lawful building permit, commences to build in good faith, and completes substantial construction on the property, his right to complete and use that structure cannot be affected by any subsequent change of the applicable building or zoning regulations).

III. IF THE BOARD IS CONVINCED THAT THE USE REQUIRES COMPLIANCE WITH THE CURRENT BCZR, THE ALTERNATE SITE PLAN BRINGS THE SPECIAL EXCEPTION AREA INTO COMPLIANCE WITH ALL CURRENT REGULATIONS.

In the event the Board determines that the proposed dispensary is a “use established hereafter” within the meaning of BCZR Section 409.1, and that the special exception area must comply with Section 409, Mr. Kellman prepared an Alternate Site Plan that brings the “use” area into compliance with the regulations. *See* Petitioner’s Exhibit 14. The Alternate Plan: (1) increases the setback of the

parking spaces along Reisterstown Road from 8 feet to 10 feet consistent with BCZR Section 409.8.A.4, (2) widens the entrance off of Reisterstown Road to 20 feet consistent with BCZR Section 409.4.A, (3) maintains a drive aisle of 22 feet throughout the special exception area consistent with BCZR Section 409.4.C, and (4) sets the parking spaces back 6 feet from the Building consistent with the Landscape Manual. The Alternate Plan also adds excess parking spaces that are above and beyond those required for the proposed use, and includes the existing handicapped parking space on the Property.³

Mr. Kellman submitted a schematic landscaping exhibit demonstrating the type of landscaping that could be installed if the Alternate Plan is approved. *See* Petitioner's Exhibit 15. This proposed layout would alleviate any concerns that the Protestants expressed with regard to the overall appearance of the Property, which is now vacant and does not contain any landscaping. The Board could grant the special exception with the condition that the Petitioner adjust the layout of the parking area to comply with the Alternate Plan.

It is anticipated that the Protestants will argue that the Alternate Plan should not have been accepted by the Board. However, the plan does not cause any prejudice whatsoever as it does not increase the impact of the proposed use in any way. Specifically, the Alternate Plan does not increase the size of the proposed dispensary, and does not even require an amendment to the relief sought in this zoning petition. Indeed, Mr. Kellman confirmed that the sign posting and newspaper

³ There is no parking space requirement in the BCZR for medical cannabis dispensaries. The number of spaces proposed for this use (15) was calculated by dividing the use into a retail and an office component and totaling the number of spaces required for the two components of the use (and rounding the fraction up consistent with BCZR Section 409.6.A). The entrance, waiting area, consultation rooms, bathrooms, and any area related to the sale of cannabis was calculated as "retail" space. Mr. Rebholz confirmed that Petitioner will maintain office space used for running the company on site, which was classified as "office" space for the parking calculation. Unlike a typical retail use, patients are legally prohibited from entering any other portion of the tenant space. He also confirmed that no merchandise will be stored or sold in the office space, which is consistent with the BCZR definition of "office" space. Mr. Kellman confirmed that 15 spaces is sufficient to serve the proposed use.

advertisement would not change at all as they simply described this case as a “petition for special exception for a medical cannabis dispensary at 1636 Reisterstown Road.”⁴

If the Protestants do attempt to argue that it was “unfair” to submit the Alternate Plan, it should also be noted that the Protestants broke for lunch on the final day of the hearing stating that they had one expert witness, Mr. Jakubiak, and then returned with a second expert witness, Bruce Doak, who had not spent even one minute inside of the hearing room prior to his testimony. This just highlights the difficult nature of administrative proceedings, where there is no discovery and both sides are often forced to react throughout a case.

The Protestants spent the majority of their case questioning the layout of the parking spaces on the Property instead of focusing on the use itself and whether the use would have more of an adverse impact in this location than medical cannabis dispensaries would inherently have in the BL Zone. If the Protestants are truly concerned with the conditions of the site, they should be pleased with the Alternate Plan because it addresses any deficiencies under the BCZR.

CONCLUSION

For the reasons stated herein, Petitioner respectfully requests that the petition for special exception be granted.

Respectfully submitted,



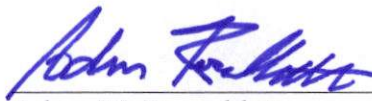
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Attorney for Owner/Petitioner

⁴ Mr. Doak admitted on cross examination that, as shown on Protestants’ Exhibit 22, zoning relief is often amended during a zoning hearing. In his Exhibit, the variance relief was actually increased at the hearing and the Petitioner was permitted to proceed. Here, the relief does not need to be amended, and the Alternate Plan simply addresses the concerns that were raised by the Protestants at the hearings.

CERTIFICATE OF SERVICE

I hereby certify on this 30th day of October, 2017, that a copy of the foregoing Post-Hearing Memorandum was emailed and mailed to:

- Michael McCann, 118 W. Pennsylvania Avenue, Towson, MD 21204
- Howard Needle, 1321 Harden Lane, Baltimore, MD 21208


Adam M. Rosenblatt



IN RE: PETITION FOR SPECIAL EXCEPTION *
(1636 Reisterstown Road) *

3rd Election District *
2nd Council District *
Temescal Wellness of Maryland, LLC *
(Lessee) *

BEFORE THE COUNTY
BOARD OF APPEALS
Case No.: 2017-0281-X

* * * * *

PROTESTANTS' POST-HEARING MEMORANDUM

Protestants, by and through their attorneys, Michael R. McCann and Michael R. McCann, PA, submit this post-hearing memorandum in opposition to the petition for special exception.

ARGUMENT¹

A. The Impacts Of This Dispensary At This Location Are Greater Than Those Inherently Associated With A Dispensary

Under *Shultz v. Pritts*, “the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect, and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.” *Schultz v. Pritts*, 291 Md. 1, 22-23 (1981). The Board is charged with determining “whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan.” *Id.* at 11. “These standards dictate that if a requested special exception use is properly determined to have an adverse effect upon neighboring properties in the general area, it must be denied.” *Id.* at 12.

¹ Protestants concur with and incorporate herein the recitation of facts forth in the memorandum filed by the Pine Ridge Community Association.

Here, Protestants identified several impacts of this proposed medical cannabis dispensary that are greater than those inherently associated with a dispensary, namely (1) the proposed parking lot violates several of the parking regulations in section 409 of the BCZR, (2) as a result of these violations and other aspects of the layout of the parking lot and the surrounding road network, the lot will create unsafe conditions for motorists and pedestrians, (3) the products sold at the dispensary and the cash-nature of the business create the potential for crime which would have a greater and unique impact at this location because the area surrounding the site includes neighborhoods with mostly elderly residents, and (4) a dispensary at this location is inconsistent with and violates the community plan and the Master Plan.²

1. Impact no. 1: The proposed parking lot violates the regulations in section 409 of the BCZR

a. There is an insufficient number of parking spaces

Section 409.6 prescribes the number of parking spaces required for various categories of uses. Mr. Doak testified that the appropriate use category for a medical cannabis dispensary is “retail” and thus Petitioner must provide 5 spaces per 1000 feet of gross floor area. (Protestants’ Ex. 7). Assuming that only the 3713 square foot self-described “special exception area” is to be considered, the required parking spaces for this dispensary is 19. Petitioner’s plan provides for only 15 spaces.

In concluding that the appropriate use category is “retail,” Mr. Doak relied upon his 30 years of experience in submitting parking plans to the County for review and approval. He explained that he has never submitted for review, nor had approved, a parking plan that had a “retail/office” mix within the same use, as proposed by Mr. Kellman in this case. He compared

² Notably, Petitioner did not identify the inherent impacts of a dispensary or make any effort, at least not explicitly, to address whether the impacts of this dispensary would or would not be greater than such inherent impacts.

dispensaries to pharmacies such as CVS, which he testified are always considered exclusively “retail.”

Further, Mr. Doak pointed to the fact that the County has treated dispensaries as “retail” establishments in the other dispensary cases.³ In two of these cases, the Zoning Review Office stated, in no uncertain terms, that dispensaries are to be considered “retail” when determining the number of parking spaces required. (See Protestants’ Ex. 8 (Interoffice Memorandum from G. Hucik); Ex. 21 (letter from J. Fernando)).

Finally, Mr. Doak pointed to the definition of “office” in section 101.1 of the BCZR, which states:

A building or portion of a building used for conducting the affairs of a business, profession, service, industry or government, including a medical office. The term “office” does not include a bank, a post office, a veterinarian’s office or an establishment where merchandise is stored on or sold from the premises.

(Emphasis added).

This definition clearly refutes Mr. Kellman’s retail/office split. An “office” does not include *any establishment* (as opposed to “an area of” within an establishment) where merchandise is stored or sold. A dispensary, therefore, is plainly not an “office,” nor is any part of it an office.⁴ Moreover, an “office” is limited to places where the affairs of a business are conducted and thus cannot include the broader, more amorphous area “where the public cannot go” that Mr. Kellman used as the basis for his “retail/office” split.⁵

³ These cases are *In re: 5512 Ebenezer Road, LLC*, case no. 2017-0292-X, *In re: CGX Life Sciences, Inc.*, case no. 2017-0302-SPHA, and *In re: Mahe Properties, LLC*, case no. 2018-0048-SPHXA.

⁴ The deficiency in the number of parking spaces at the property could actually be much worse than 4 spaces since the remaining part of the building is vacant and the use of that building in the future is unknown. The square footage of the remaining building is 2820 square feet.

⁵ Mr. Kellman testified that his application of a retail/office split “was the result” of his meeting with Carl Richards. (Transcr., pp. 197-98). This was the extent of what Mr. Kellman said about this meeting. He did not explain what exactly he told Mr. Richards, what he showed Mr. Richards, or what exactly Mr. Richards said to him. (See Transcr.,

b. *The widths of the parking lot aisles and the setbacks of the parking spaces from the public right-of-way are insufficient*

Section 409.4.C. requires two-way parking lot aisles to be 22 feet wide. (Protestants' Ex. 10). Here, the parking lot aisle on the northwest (Naylors Lane) side of the property ranges between 18.22 feet and 15.31 feet, considerably narrower than the required width.⁶

Section 409.8.A.4 requires parking spaces for nonresidential uses to be "no closer than 10 feet to the right of way line of a public street, excluding vehicle overhang." Here, the parking spaces along the northeast (Reisterstown Road) side of the property are only 8 feet from the public right-of-way. The parking spaces along the northwest or Naylors Lane side are either *on top of* the right-of-way line or, for at least seven of the spaces, *over* that line.⁷

These violations of sections 409.6 (parking spaces), 409.4 (aisle widths) and 409.8 (right-of-way setback) are impacts that are unique to this location, above and beyond those inherently associated with a dispensary. Indeed, they are *per se* impacts that require, as a matter of law, the denial of special exception relief.

2. There is no support for Petitioner's contention that it does not need to comply with the regulations in section 409

Petitioner offered two justifications for its failure to request a variance from the provisions of 409.4, 409.6, and 409.8: (1) the aisle width and setback violations on the Naylors Lane side of

pp. 195-197). Mr. Kellman's testimony, therefore, should not be accepted by the Board as some sort of approval by the County of a "retail/office" split, either generally or in this specific case. In any event, Mr. Richards does not have the authority to make such a determination unilaterally. Section 409.6.A. states that, "[i]f the required number of off-street parking spaces is not set forth for a particular type of use, the *Director of Permits, Approvals and Inspections* shall determine the basis of the number of spaces to be provided." (Emphasis added).

⁶ A variance of this aisle width may be approved by the Administrative Law Judge "based on written findings of the Director of Public Works determines that the design of the particular parking facility involved will provide for the safe and efficient circulation and maneuvering of vehicles." § 409.4.C.

⁷ The location of the violations of sections 409.4 and 409.8 are highlighted in yellow and orange on a copy of Petitioner's plan, which was introduced as Protestants' Ex. 6.

the property are outside the self-described “special exception area” and (2) the violations are “pre-existing conditions” and there has been no “change in use” of the property because the prior use (a dress shop) was likewise “retail.” Each of these justifications is entirely without merit.

First, it is plainly obvious that the “special exception area” in Petitioner’s plan was massaged, if not fabricated, in order to avoid these issues with the parking lot. The plan itself demonstrates that Petitioner intends for customers of the dispensary to use the Naylor’s Lane ingress/egress (*see* the black directional arrows) as well as the area of the parking lot along Naylor’s Lane. There is no physical separation of the parking spaces or parking aisles to be used for the proposed dispensary from those that will be used for the unidentified other use on the property. Customers of the dispensary would obviously use *all* areas of the parking lot and *both* entrances to the property. Mr. Doak testified that he has never, in his 30 plus years, filed a plan that excluded parking areas in the way that Petitioner has done in this plan.

Second, there is no support whatsoever for Petitioner’s contention that the violations do not need to be addressed because they are “pre-existing conditions,” whatever that means. Those words do not appear anywhere in section 409, and Petitioner has cited no other legal authority for the position that a zoning violation may continue simply because it already exists. This issue, in fact, is fully addressed by the introductory provision of the parking regulations, which states:

§ 409.1. Applicability.

- A. All structures built and *all uses established hereafter* shall provide accessory off street parking and loading *in accordance with the following regulations*. When an existing structure or use is enlarged, accessory off street parking and loading shall be provided in accordance with the following regulations for the area or capacity of such enlargement.

(Protestants’ Ex. 24) (emphasis added).

Section 409.1 of the Zoning Office's Policy Manual (Protestants' Ex. 23) buttresses this point by delineating the circumstances under which a variance from the parking lot regulations is not required (*see* subsection D, E, and F) and when a variance is required (*see* subsection G). Subsection G makes clear that if a parking variance was not previously granted (and thus the parking lot is nonconforming), a variance is required if the use "expands or changes." (Ex. 23). Here, there clearly has been a change in use.

Petitioner's contention that there has been no change of use because the prior use of this building (a dress shop) was also "retail" is based on the incorrect assumption that the use categories in section 409.6 (which address only the required number of parking spaces) also apply to the other provisions of 409, namely 409.4 and 409.8. There is no support for this broad application of 409.6. There is no reference to 409.6 in either 409.4 or 409.8 or in the Policy Manual. And there is no logical connection between the aisle width and setback provisions and the use categories identified in 409.6. The obvious purpose of the aisle width and right-of-way setback provisions is to protect the safety of vehicular and pedestrian traffic. These concerns exist regardless of the type of use under 409.6 or the square footage of that use. Whether the driver or pedestrian is visiting a dress shop, a 7-11, or a dispensary, the safety concerns are the same. Moreover, the obvious purpose of requiring conformity with the parking regulations whenever a new use is established (409.1) is to bring deficient parking lots into compliance. This is akin to the purpose served by the regulations pertaining to nonconforming uses and structures. *See County Council of Prince George's County v. E.L. Gardner, Inc.*, 293 Md. 259, 267, 268 (1982) ("nonconforming uses pose a formidable threat to the success of zoning. They limit the effectiveness of land use controls, contribute to urban blight, imperil the success of the community plan, and injury property values.... Thus, zoning regulations are 'strictly construed in order to effectuate the purpose of eliminating

nonconforming uses’); *see also* BCZR 104.3 (prohibiting the extension of nonconforming structures by more than 25% of the ground floor area of the building). Requiring compliance with 409.4 and 409.8 for this dispensary would fully serve this purpose, particularly since the building has been vacant for several years.

Finally, it should be noted that it does not actually matter, technically speaking, whether variances are required or not for the violations of sections 409.4, 409.6, and 409.8. For purposes of the special exception analysis, the violations exist, which is an impact unique to this property and greater than inherently associated with a dispensary.

3. Impact no. 2: The violations of section 409 and other aspects of the layout of the parking lot and the surrounding road network create unsafe conditions for motorists and pedestrians

In addition to the violations of section 409 and the safety concerns raised by those violations, Mr. Doak and Mr. Jakubiak identified several other aspects of this parking lot and the surrounding roads that create unsafe conditions for motorists and pedestrians. These include:

- Insufficient throat *width* of entrance onto Reisterstown Road. Mr. Jakubiak explained that the State Highway Administration’s Access Manual requires a 25 foot wide entrance for commercial uses. Petitioner’s plan provides only 17.66 feet; its “Alternate Plan” provides only 20 feet. As he explained, this limits the ability of cars to enter and exit the parking lot, but it also affects the ability of pedestrians to safely cross the entrance and/or enter the site.
- Insufficient throat *length* of entrance onto Reisterstown Road. Mr. Jakubiak explained that the SHA’s Access Manual requires a throat *length* (i.e., the distance from the street to the first conflict point) of 30 feet. Petitioner’s plan provides only 8 feet between Reisterstown Road and the first conflict point,

which he identified as the point when incoming traffic will reach a vehicle attempting to back out of the three spaces located on the southeast (Season's Market) side of the parking lot. Petitioner's "Alternate Plan" provides only 12 feet. This insufficiency increases the likelihood of a collision or pedestrian accident at the conflict point, creates congestion on the parking lot, and backs up traffic on Reisterstown Road.

- Lack of pedestrian pathways from sidewalks to building entrance. Mr. Jakubiak explained that there is no crosswalk or other pathway for a pedestrian to access the building from the public sidewalks along Naylor's Lane and Reisterstown Road, or from the bus stop in front of the building on Reisterstown Road. Access from Naylor's Lane is particularly unsafe because of the narrow parking aisle width and the lack of sidewalk along the northwest face of the building. Access from Reisterstown Road is particularly unsafe because of the three different directions from which vehicles will be leaving the parking spaces and conflict point at the entrance described above. (Protestants' Ex. 27).

As Mr. Jakubiak explained, these aspects of the parking lot are uniquely impactful at this location because of the age and infirmity of both (i) the average or typical customer of the dispensary, and (ii) the individuals who live in the neighboring residential developments, namely Pomona Park, The Estates, Pine Ridge, and Sunrise Assisted Living Home.

4. Impact no. 3: The products sold at the dispensary and the cash-nature of the business create the potential for crime which would have a greater and unique impact at this location because the area surrounding the site includes neighborhood with mostly elderly residents

It cannot seriously be disputed that a business that sells drugs and does so, in large part, by means of cash transactions is less safe, perhaps considerably less safe, than the other retail establishments. A criminal has three incentives that don't exist with other types of retail businesses: (i) the availability of cash, which is non-traceable, (ii) the availability of the drugs themselves, and (iii) a subset of more vulnerable (elderly and disabled) potential victims. Criminals are attracted to cash businesses, drugs, and to locations where vulnerable potential victims might be. The Board does not need scientific or empirical proof of these undeniable facts.

Here, the unsafe conditions generated by a dispensary are particularly and uniquely impactful at this location because of the residential nature of the surrounding neighborhood and elderly residents who live there. These neighborhoods are Pomona Park (to the immediate north), Sunrise Assisted Living Home (to the immediate west), Pine Ridge community (to the west), and the Estates at Pikesville apartments (to the immediate south/southwest).⁸ **With the exception of the Pine Ridge community, each of these communities is located within the Commercial Revitalization District. Indeed, this is the only area within the boundaries of the District that includes residential communities.** (See Petitioner's **Exs. 2, 8, 16**). Several witnesses from these neighborhoods testified regarding their concerns about safety and the impact of a dispensary on this residential area of Pikesville. These witnesses explained, compelling, how a dispensary at this location would impact their willingness to walk and enjoy the neighborhood as they presently do

⁸ St. Mark's Church is just a few hundred feet south of the property.

and their ability to feel safe and secure in their homes. They expressed concern for themselves but also the patients or customers of the dispensary.⁹

5. Impact no. 4: A dispensary at this location is inconsistent with and violates the policies and purposes of the Commercial Revitalization District and the Master Plan.

There are eighteen Commercial Revitalization Districts in the County. According to the Office of Planning's website, they are intended to be the "front doors" to the County's established communities. The County's Master Plan identifies the policies and purposes sought to be achieved by the designation of these District, which include:

- Retain and attract quality retail, office, service, residential, entertainment, and institutional uses that create well balanced and economically vital mixed-use.
- Improve the appearance and walkability of the districts.
- Market Commercial Districts to potential businesses and patrons.

(Master Plan, pp. 139-41).

While it may be true that any business that brings tax dollars to the County and to Pikesville is beneficial, it cannot seriously be contended that a medical cannabis dispensary will "attract quality" residential and commercial uses or contribute to a "well-balanced" set of mixed uses. The dispensary will not be open to the general public and, by all accounts, will generate more of a fortress-like appearance and feel rather than one that is welcoming to new businesses and residences. A dispensary in this location will be particularly unsuccessful in improving the "appearance and walkability" of this District. As several witnesses testified, it will have the exact opposite impact on this part of the District, which is more residential than any other part.

Notably, the Pikesville Revitalization Plan identifies this part of the District as being the "gateway" to the Urban Village part of the District (south of Old Court Road). The gateway

⁹ Many, if not all, of the witnesses also expressed their belief that medical cannabis is beneficial to patients and that they are not opposed per se to dispensaries.

“should present a warm welcome to Pikesville.” (Pikesville Revitalization Plan, p. 4). Putting aside the beneficial uses of medical cannabis, it can hardly be said that a dispensary at this locations presents such a welcome.¹⁰

6. Petitioner’s Belatedly Filed “Alternate” Plan

Protestants objected to the introduction of Petitioner’s “Alternate Plan.” It was patently unfair to submit this plan at the end of the case.

Even if the Board considers the Alternate Plan, it does not correct most of the deficiencies identified above. Specifically, (1) the number of parking spaces is still insufficient,¹¹ (2) the aisle width on the Naylor’s Lane side of the property is still insufficient, (3) the setback from the right of way at Naylor’s Lane is still insufficient, (4) the throat width and length of the entrance on Reisterstown Road are still insufficient; and (5) there are still no means of pedestrian access to the building entrance.

¹⁰ Pikesville is also both a designated Community Enhancement Area and a Community Conservation Area. (Master Plan, pp. 26-30, 32-37). Similar to the purposes and policies underlying the Commercial Revitalization District, Community Enhancement Areas are intended to promote compact development and walkability. (*Id.*, pp. 33, 34). Mr. Kellman was unaware that this property was in a Community Enhancement Area and a Community Conservation Area.

¹¹ Even if we assume that a retail/office breakdown used by Mr. Kellman is appropriate, his math is wrong. In his rebuttal testimony, Mr. Kellman explained how he determined that only 15 spaces are required. He first applied the 5 spaces per 1000 square feet ratio to the 1591 square feet of “retail” space and came up with 7.955 spaces required for that space. He then applied the 3.3 spaces per 1000 square feet ratio to the 2122 square feet of “office” space and came up with 7.0026 spaces required for that space. Cleverly, instead of rounding up and determining the required number of spaces independently for each use category separately, he added 7.955 and 7.0026 together and came up with 14.95 or 15 spaces. By adding these numbers together before rounding up, Mr. Kellman is mixing apples and oranges and skewing the numbers. The more appropriate, mathematically correct, way to do the math is to round up for each category of use. This would mean that 8 spaces are required for the “retail” space and 8 spaces are required for the “office” space or 16 total spaces (assuming, again, that a retail/office mix is even appropriate).

B. The Impacts Of The Proposed Dispensary Are Greater At This Location Than They Would Be Elsewhere Within The BL Zone Or The District

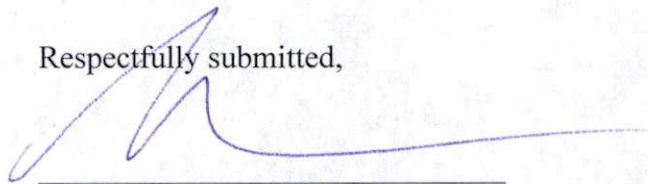
As mentioned above, the subject property is located in the only part of the District that is residential in nature. The impacts described above, therefore, are uniquely impactful when compared to other locations within the District.

Mr. Kellman testified pointed to two other areas within the District that are zoned BL. These areas are easily distinguishable. The first one – near the Giant on Old Court Road east of the intersection of Old Court and Reisterstown Road – is not adjacent to any residential neighborhoods. The second area identified by Mr. Kellman – adjacent to the Suburban Golf Club – has residential properties to the west, but those properties are not within the District.

CONCLUSION

For the reasons stated, Protestants respectfully requests that the Board deny the requested special exception.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT, on the 30th day of October, 2017, a copy of the foregoing
Post-Hearing Memorandum was email and mailed via first-class mail, postage prepaid, to:

Adam Rosenblatt, Esq.
Venable, LLP
210 W. Pennsylvania Avenue
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Attorneys for Petitioner



Michael R. McCann

IN THE BOARD OF APPEALS FOR BALTIMORE COUNTY



In Re the Petition for Special Exception
1636 Reisterstown Road
3rd Election District
2nd Councilmanic District
Temescal Wellness of Maryland, LLC,
Petitioner

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Case No. 2017-0281-X

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MEMORANDUM

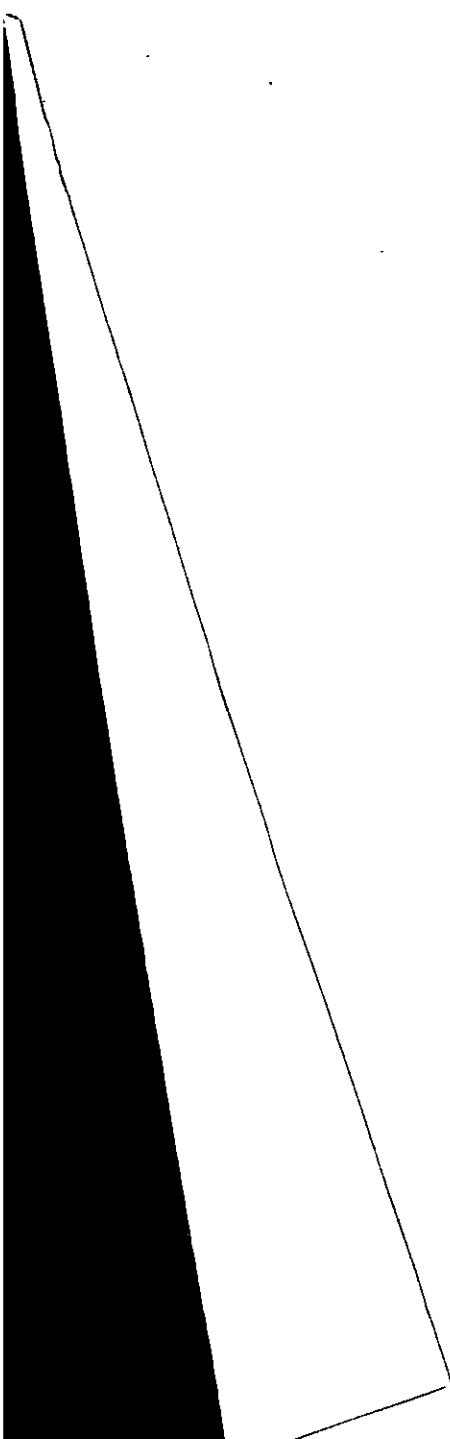
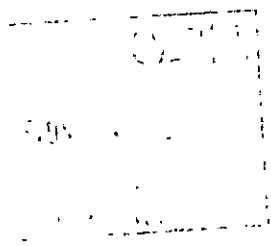
ON BEHALF OF PINE RIDGE COMMUNITY ASSOCIATION

The Pine Ridge Community Association submits this Memorandum to the Board of Appeals in support of its opposition to the Petition for Special Exception for a medical cannabis dispensary at 1636 Reisterstown Road in Pikesville, Maryland.

Note: The issues of the deficiency of parking and traffic issues at the proposed site will be addressed in a Memorandum filed on behalf of Pikesville Communities Corporation, and will therefore not be addressed herein.

PERTINENT FACTS

The Pine Ridge Community Association, which is about one quarter mile from the subject site, held a meeting at the home of Sue and Howard Needle on October 5, 2017 to consider the Petition for Special Exception for a medical cannabis dispensary at 1636 Reisterstown Road, in Pikesville, Maryland. With only one dissenting vote, the members voted to oppose the petition; but if the special exception is to be granted then it requested that two conditions be adopted as part of that decision. The first was that the dispensary not be allowed to become a recreational marijuana dispensary, and the second



was that signage at the location be as limited as possible. At the hearings held by the Board on October 17 and 24, 2017, Linda Halpert, Arnold Simon and Howard Needle spoke on behalf of the Association, and expressed the feelings of those attending the October 5th meeting. Rule 8 was strictly complied with, and the Board accepted their testimony on behalf of the Association.

Linda Halpert, 1 Vacluse Lane, related what a "sweet" neighborhood she has lived in for many years, but fears its deterioration as a result of potential crime to be generated by the very nearby medical cannabis dispensary. She related how vulnerable the patients/customers would be as they would carry large amounts of cash from their cars into the facility, and would carry valuable amounts of medical cannabis from the dispensary to their cars, or in some instances as they walked to their homes in Pomona or elsewhere.

Arnold Simon, 2 Peachtree Court, also a long-term resident, expressed the same sentiments, and stated that he based his fears, at least in part, upon a scholarly study or learned treatise, "From Medical to Recreational Marijuana Sales: Marijuana Outlets and Crime in an Era of Changing Marijuana Legislation," (Protestants' Ex. 17). performed by five researchers at three universities. As the title indicates, the study analyzed crime generated in the immediate vicinity of such medical cannabis dispensaries in Colorado (It increased modestly.), as well as crime in residential areas surrounding the dispensaries (It increased there more.). The study also addressed the phenomenon of a substantial increase in crime, both in the immediate area of dispensaries and in surrounding neighborhoods, after the medical cannabis dispensaries were allowed to dispense recreational cannabis, concluding that there was a great increase in crime, both in the

immediate area of the dispensaries and in the surrounding neighborhoods. "Medical marijuana dispensaries are said to be magnets for crime as they are largely cash-and-carry licensees selling a substance considered illicit for non-medical users." (Protestants' Ex 17, page 251.)

Howard Needle, 1321 Harden Lane, Vice-President of the Pine Ridge Community Association, who has lived in his home for 54 years, expressed the fears of crime at this location so near the Association, as stated by all but one member of the Association attending the meeting.

Mr. Needle spoke about the battle to maintain the viability of inner suburbs in the face of stiff competition from newer outer suburbs such as Owings Mills New Town, Quarry Lake, and Towson. He testified that a new Revitalization Plan for Pikesville was currently being undertaken by the Department of Planning. He expressed satisfaction and support for the planning being conducted by the Department of Planning, which he characterized as forward thinking. He opined that a mere streetscape of Reisterstown Road would not do the job for Pikesville, and that bold and creative thinking was necessary. Along those lines, he spoke about a proposed Pikes Peak, a pedestrian-only promenade, with commercial establishments on both sides, from the Giant to the Library/Senior Center, moving those facilities to buildings on the Armory property.

He expressed the hope that the former National Guard Armory property, 14 acres with the Armory building of 35,000 square feet, less than a mile from the subject site, which has been declared excess property by the State, will become an arts and cultural campus. There are 100 of the original stables of the old cavalry in a "U" shape in the back of the property, which 1,000 Friends of Pikesville, Inc., (now over 1,200 strong) of

which Mr. Needle is President, would like to develop into artists' studios, artists' residences, artists' galleries, with a few compatible commercial uses interspersed. It would make quite an attractive and exciting artist colony. The Armory building is planned to be a multi-use structure for the community, with a stage for theatrical and musical performances, basketball courts and soccer fields on the ground level, and classrooms, meeting rooms, dance studios, musical instrument practice rooms, and workspaces, etc. upstairs. The first third of the property, open and facing on Reisterstown Road, would be a sculpture garden, an inviting entrance into the arts and entertainment venue. This development of the Armory property is thought to be the gem, the magnet that will attract people to Pikesville who support the arts, who will buy some art or crafts, and hopefully shop in Pikesville and eat at our restaurants.

Mr. Needle showed the Board of Appeals a 100-page report prepared by 1,000 Friends of Pikesville, Inc., a section 501(c)(3) non-profit tax-exempt corporation, which was presented to the County Executive and Baltimore County Council of November 7, 2016, entitled "Suggestions for Improving Livability and Business in Pikesville, Maryland." It is thought that this report was a major factor encouraging Baltimore County's current preparation of a new Revitalization Plan for Pikesville.

This new Pikesville Revitalization Plan currently under study by the county Planning Department will culminate in a report outlining proposed steps to be taken to revitalize Pikesville, expected in the spring of 2018. Mr. Needle explained that the revitalization effort is designed to upgrade Pikesville generally, and the medical cannabis dispensary, thought to be a magnet for crime and illicit activity, would unquestionably be counter-productive, downgrading the area.

These speakers on behalf of the Pine Ridge Community acknowledged the efficacy of a medical cannabis dispensary for those who suffer intractable pain without any other hope of relief. They, and all other speakers opposed to the location at 1636 Reisterstown Road, said that they would support the relocation of the dispensary to the Town Center, somewhere near the Giant and away from residential neighborhoods, or to any of several medical office buildings in the vicinity that are more suited, such as the six-story Beacham Square at 3655 Old Court Road near Sudbrook Lane, the ground level medical offices, also known as part of Beacham Square, at 3655 A and 3655 B Old Court Road, Woodholme Medical Center, 1838 Greene Tree Road, in Pikesville just above the Beltway, or at the huge four multi-story medical office building complex at McDonough Road and Reisterstown Road in which there are hundreds of medical office spaces. In fact, this dispensary could move into one of those buildings as a matter of right, avoiding any zoning battle.

Dr. Herman Brecher, President of the large 11 Slade Ave. condominium building, spoke alarmingly as a physician about the dangers of marijuana, causing his opinion that this drug should be dispensed only by pharmacists, and not lay clerks as is proposed.

Ruth Aronoff (sp?), another condo owner in 11 Slade, testified about her fears of crime generated from this use in the heart of Pikesville.

There was very impressive testimony on behalf of the 6.68 acre commercial Pomona Square, and the 68 acre Residences at Pomona, which are directly across Naylor's Lane from the subject site. Becky Hodnett, the Manager of the Residences at Pomona, has recently turned it into a 100% occupied mixed high rise and garden apartment complex with 439 residents. This is a particularly attractive development,

which just received a \$20,000,000 improvement upgrade. She, and Theresa John, one of several residents of Pomona who spoke, related how the residents are mostly elderly and like to stroll the manicured and peaceful grounds of their compound and often walk to and along nearby Reisterstown Road. In fact, Ms. John said, her physician prescribed walking as an important exercise good for her health. That is commonly known to be true, especially for seniors, who may be limited in their ability to comply with medical orders if they fear a medical cannabis dispensary nearby and where they often walk on Reisterstown Road. These representatives of Pomona's residents expressed dire concerns that their tranquil lifestyle will be threatened by the crime that they fear will be generated by the medical cannabis dispensary, saying that the combination of substantial cash and marijuana will inevitably result in crime. It is common knowledge that "crime pockets" are often located in and adjacent to places that support cash economies and/or illicit drugs. "Properties in surrounding areas may also prove to be ideal targets as they may have less security than the areas local to the marijuana outlets." (Protestants' Ex. 17, p. 261)

Mrs. Hodnett did her research and testified that Temescal Wellness' dispensaries in New Hampshire are not surrounded by residences as is the subject site in Pikesville. Thus, testimony on behalf of the Petitioner that crime has not increased at its dispensaries in New Hampshire is misleading, as they are not comparable to the location that it seeks to utilize in Pikesville. That point was not rebutted by Ted Rebholz, when he testified during Petitioner's rebuttal.

Gregory Kennedy, Esq., Corporate Counsel for Southern Management Corporation, which manages the Pomona property, testified about management's concern

that the proposed use of the subject property will threaten the safety of Pomona's residents, the appearance of the property, and undermine the substantial investment that was recently made at Pomona. He went on Temescal's website and found that it markets itself as appealing to young people. Specifically, it advertises that its Dover, New Hampshire dispensary has "AC/DC, Sativa ("These strains are known to be uplifting, creative and cerebral."), Billy Club, C99, Indica ("Frequently used in the evening, Indica strains have been known to provide a more calming, relaxed body effect."), Alpine Exodus, G.G.#4, Hybrid, Pre-Rolls, C.B.C. Premium, Sativa Blend Cold Brew, Bubble Hash ("A potent concentrate created by an ice water extraction method. Try adding it to your flower for a stronger dose."), THC Hybrid Bubble, Hash ½ gram, ... sold as Freedom Pen Cartridges, Capsules, Tinctures, Transdermal Patches, Gummies, Lozenges, Cookies, Chocolate, and Coconut Butter." (The printout from that website is attached hereto.) That belies Mr. Rebholz' testimony that the patients/customers will largely be seniors, and not young people. In addition, such advertisements appear not to be addressing those patients needing medical marijuana for intractable pain. Without a doubt, they are more directed to the recreational or personal use user. That most justifiably stokes opponents' concerns that the greatest hope of Petitioner is to use the subject site for the sale of recreational marijuana. Mr. Rebholz did not deny that when asked. Expressing it memorably, Mr. Kennedy concluded, "We don't want a sheep in wolf's clothing."

Ruth Goetz, 3504 Slade Ave., expressed her concerns about crime and traffic issues on Reisterstown Road that will be aggravated by this proposed use at the proposed location.

Bernard Stokes, 13 Pomona South , #10, a 17-year resident of Pomona, who had difficulty expressing himself, nonetheless made an impression with his concern that loitering at the medical cannabis dispensary would be even worse, and with more unsavory types, than was the problem with loiterers around the 7-11 which recently occupied the adjacent portion of this small shopping strip. That deterred him from walking past the 7-11, and he will be even more afraid after the site dispenses marijuana.

Jane Barrett, a resident of Pomona for two years, confirmed the testimony on behalf of Pomona, and said that she was concerned that criminals will know that patients/customers would be coming to the dispensary with large amounts of cash. She also expressed fears of the increased traffic to be generated by a dispensary selling marijuana.

Robert Lizans (sp?), an immigrant living on Sherwood Drive, about four blocks away from the subject site, who is admirably trying to live the American dream with his family, spoke of his perceived threat to his "beautiful neighborhood" by virtue of the crime he feared that would emanate from this use of the property in question.

Bruce Doak, an expert called by the Protestants to address good land planning (That issue will be addressed in a memorandum submitted on behalf of Pikesville Communities Corporation.), also related that he lived on Old Court Road and Naylors Lane, and now worships at St. Marks on the Hill, a church on Reisterstown Road less than 500 feet from 1636 Reisterstown Road, on the south side of and immediately adjacent to Seasons market. Obviously, he knows the area, and his concern that this proposed use will downgrade the community is deserving of much credence.

Christopher Jacubiak, an expert on urban planning and special exception standards, called by the opponents, testified repeatedly that, for the many reasons that he expressed (Also to be addressed in the memorandum submitted on behalf of Pikesville Communities Corporation.), that "The impacts of the uses are uniquely adverse." to the community. Some of his stated reasons were (1) that the five lanes of traffic on Reisterstown Road will be an even greater traffic hazard for northbound vehicles turning left into Naylor's Lane after the medical cannabis dispensary opens, (2) that the clientele in the intended use is different and creates a different impact than otherwise in that they are old and frail and would have problems ambulating and negotiating the traffic on the parking lot of the site as well as driving in difficult conditions on that parking lot, (3) the bus stop in front of the site complicates traffic issues, (4) that the three parking spaces on the left of the entrance to the dispensary and very near to the Reisterstown Road entrance to the parking lot creates dangers, especially for the elderly, (5) that there is not enough space at the entrance from Reisterstown Road to maneuver, especially for the elderly, possibly causing backups on already overloaded and dangerous Reisterstown Road, (6) that some traffic eastbound on Naylor's Lane will cut through the parking lot to go south on Reisterstown Road, in order to avoid the light at Reisterstown Road and Naylor's Lane, and (7) that seniors would have difficulty maneuvering the entrance to Seasons, with no sidewalks. In total, the dangers associated with so many pedestrian, parking, and traffic conflicts create what he repeated were "uniquely adverse" to the community, and must be satisfied for a special exception to be granted.

ISSUE

Should a special exception be granted to a medical cannabis dispensary in a Commercial Revitalization District when the overwhelming evidence indicates that it will have unique adverse effects and be detrimental to the District and the residential communities around it?

LAW

People's Counsel for Baltimore County, Peter Max Zimmerman, Esq., while not entering his appearance in the case, wrote a comprehensive letter to Board Chairman Andrew Belt, Esq., dated October 4, 2017, presumably part of the file, with pertinent attachments and copies to all counsel, setting forth what he perceived as the unique issue in this case. "...The question arises as to the meaning and implementation of the CRD dimension. This may be the only special exception use legislatively linked to CRDs, thus a matter of interpretive first impression."

The letter continues, "Having considered the matter, we respectfully suggest the parties be prepared to address the extent to which the proposed location fits, or should fit, the function or purpose of the Pikesville Revitalization District here. Otherwise stated, given the Master Plan description and the DOP (Department of Planning) interpretation, is the location compatible with the CRD or are there particular problematic adverse impacts along the lines of settled special exception standards? Schultz v. Pritts, 291 Md. 1 (1981); People's Counsel v. Loyola College, 406 Md. 54 (2008); Atar v. DMS Tollgate, 451 Md. 272 (2017)." (Conclusion of People's Counsel letter.)

These issues will now be addressed.

The Baltimore County Council passed in 2015 section 4D-102 A. 2 of the Baltimore County Zoning Regulations, requiring that medical cannabis dispensaries which seek approval to locate in a Commercial Revitalization District (CRD hereinafter) in Baltimore County must obtain a special exception in order to do so. Obviously, the Council wanted for there to be a high bar for medical cannabis dispensaries to hurdle when they seek approval for their business in a location in the county where there is a concerted effort to upgrade the commercial area. That being the case in this instance, the question is whether the Petitioner met that high burden, a very heavy lift, in proving that its proposed medical cannabis dispensary complements and improves the CRD and the surrounding area in Pikesville. Clearly, and frankly, easily, the Petitioner has not met that burden of proof. In fact, its case is devoid of any such proof, and the Protestant testimony exclusively and repeatedly proved that this proposed use in this location would be a serious detriment to revitalization efforts and the health, safety and welfare of its immediate area and the surrounding residential communities.

Baltimore County adopted Master Plan 2020 in 2010, saying that it "...is an effort to create and maintain safe and sustainable communities to achieve a sensible balance of economy, equity, and a healthy environment for people to reside, pursue careers, raise families, and enjoy the amenities of Baltimore County." (Emphasis added.) (Baltimore County Master Plan 2020, County Executive and County Council Statement.)

"...Attaining a sufficient and balanced mix of quality uses is an important goal that should be accompanied with creating a safe, attractive, and walkable environment."... "The districts (CRDs), like community enhancement areas, should be

the “front door” to the residential neighborhoods, and help establish the overall image of a community...” (Emphasis added.) (Baltimore County Master Plan 2020, pages 139-140, attached hereto.)

Without doubt, these statements indicate that efforts to improve those commercial areas are, in large part, undertaken to enhance and improve residential areas that surround and support the commercial areas. Without viable and vibrant residential support for the commercial areas those commercial areas could not succeed. That is, successful and attractive commercial areas beget successful and attractive residential areas, and successful and attractive residential areas beget successful and attractive commercial areas. One cannot thrive without the other thriving. They must complement each other.

In this case, Temescal Wellness wants to create a fortress at 1636 Reisterstown Road, one not available to the public generally, protected by at least one armed guard outside, and frosted windows to hide from the public the sensitive activity inside. Those who may enter the business must have a “recommendation” (prescription) from a physician, and carry a debit card or a large wad of cash from his/her car to the front door, and then exit with medical marijuana and somehow get to his/her vehicle, hoping to negotiate this entry and exit dance without a theft and/or assault being inflicted upon them. It should be common knowledge that criminals will know that this location will generate such activity outside of the guarded dispensary with large amounts of cash and marijuana, and the senior citizen victims will be “easy marks” for attacks going into and/or coming out of the marijuana dispensary.

That is, plainly, crime at this medical cannabis dispensary is not only incompatible with the surrounding residential neighborhoods, it is destructive of them.

Heaven forbid, that this proposed medical cannabis dispensary “should help establish the overall image of the community.”

“The duties given the Board (Board of Appeals in this case.) are to judge whether the *neighboring properties in the general neighborhood would be adversely affected* and whether the use in the particular case is in harmony with the general purpose and intent of the plan.” (Emphasis in original.) Schultz v. Pritts, 291 Md. 1, at 11, (1981). As the facts stated above enumerate, Pomona Square (commercial) and the Residences at Pomona (residential), and the Pine Ridge Community Association presented strong testimony that the use of this medical cannabis dispensary would seriously adversely affect those commercial and residential adjacent and neighboring properties and the many hundreds of residents living in them. In addition, the proposed use is hardly in harmony with the general purpose and intent of the plan. The “plan” in the instant case is the Master Plan 2020 and the Pikesville Revitalization Plan. As the aforesaid quotes from the Master Plan 2020 indicate (“...healthy environment for people to reside...,” etc., “...safe, attractive, and walkable environment...,” ...front door to the residential neighborhoods, and help establish the overall image of a community...”), the proposed medical dispensary is totally out of sync with the harmony and general purpose and intent of the plan. As Mr. Needle explained, there is currently a new Pikesville Revitalization Plan under study and development, intended to upgrade and enhance existing and future commercial establishments in Pikesville, highlighted by the new “magnet” to draw people to Pikesville, the arts, cultural and entertainment campus at the 14-acre Armory site.

The Schultz case concludes, after discussing that proof of adverse effects compels a denial of the special exception, “These standards dictate that if a requested special

exception use is properly determined to have an adverse effect upon neighboring properties in the general area, it must be denied.” (Emphasis added.) *Id.*, at 12.

Another element appears to be added to the test in Schultz.

“These cases establish that a special exception use has an adverse effect, and must be denied, when it is determined from the facts and circumstances that the grant of the special exception use would result in an adverse effect upon adjoining and surrounding properties unique and different from the adverse effect that would otherwise result from the development of such a special exception use located anywhere within the zone. Thus, these cases establish that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.” Schultz, *Id.* at 15. Though this element added by Schultz is not necessary to address (See the discussion below regarding People’s Counsel for Baltimore County v. Loyola College, 406 Md. 54 (2008).), out of an abundance of caution Protestants will do so anyway.

There are two answers to the addition of this additional element to consider. First, no other special exception use even compares to the uniqueness of a medical cannabis dispensary, with its mostly cash business, the dispensing of marijuana, and the reasonable potential for crime as a result of those realities. Consider also the seven reasons that expert witness Christopher Jacubiak opined that the medical cannabis dispensary at the site in question were uniquely adverse. Individually, and without a doubt in their totality,

they would very adversely affect the public safety and general welfare in the area. Secondly, the relocation of the proposed medical cannabis dispensary to the town center, with a CT zoning designation, in the area around the Giant market on Old Court Road, within the CRD, is one in which the special exception is far more likely to be granted. Or if the proposed use was relocated to a medical office building, it could move there as a matter of right, without a zoning battle.

Schultz continues. “When the legislative body determines that other uses are compatible with the permitted use in a use district, but that the beneficial purposes such other uses serve do not outweigh their possible adverse effect, such uses are designated as conditional or special exception uses. (Citations omitted.) Such uses cannot be developed if at the particular location proposed they have an adverse effect above and beyond that ordinarily associated with such uses...We now hold that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect, and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone” Schultz, Id., at 21-23. As stated above, the uniquely adverse effects of the medical cannabis dispensary at 1636 Reisterstown Road in Pikesville are above and beyond those inherently associated with any other special exception use irrespective within the zone.

It appears that this language in Schultz, which remains the leading case on the subject, has confused many attorneys and the Courts over the years. In People’s Counsel

for Baltimore County v. Loyola College, 406 Md. 54 (2008), the Court of Appeals addressed and reconciled the confusion.

“Does Schultz v. Pritts, 291 Md. 1, 432 A. 2d. 1319 (1981) require that, before a special exception may be granted, an applicant must adduce evidence of, and the zoning body must consider, a comparison of the potential adverse effects of the proposed use at the proposed location to the potential adverse effects of the proposed use at other, similarly-zoned locations throughout the jurisdiction? We conclude that *Schultz* imposes no such requirement.” People’s Counsel, Supra, _____. “It is clear in examining the plain language in *Schultz*, and the cases upon which *Schultz* relies, that the *Schultz* analytical overlay for applications for special exception is focused entirely on the neighborhood involved in each case....” (Emphasis added.) People’s Counsel, Supra, _____. Thus, it is the adverse effects on the Pomona and Pine Ridge neighborhoods in particular, well documented above, that are important and pertinent here.

Anticipating that the Petitioner may raise an issue of presumptions and the burden of proof, the Protestants will briefly address that issue. There is a presumption of validity of a special exception, but that does not relieve the Petitioner from the requirement of presenting evidence to establish a prima facie case as to those issues for which the Petitioner has the burden of proof when, in this case, the Protestants have rebutted the presumption with all of their testimony about crime and the seven uniquely adverse effects, including parking and traffic issues, enumerated by expert witness Jacubiak. Attar, et. al. v. DMS Tollgate, LLC, et. al., 451 Md. 272 (2017) Clearly, the Petitioner has not rebutted Protestants’ testimony about crime, the danger of northbound traffic turning from the fifth lane of Reisterstown Road into Naylor’s Lane, the problems of old

and frail patients/customers trying to ambulate and negotiate the traffic on the parking lot, as well as driving in difficult conditions on the parking lot, the traffic complications presented by the bus stop directly in front of the property, the dangers created by the three parking spaces near the entrance to the dispensary, the inadequate entrance from Reisterstown Road which will cause backups on Reisterstown Road, that some drivers going east on Naylor's Lane will cut through the parking lot to go south on Reisterstown Road, avoiding the traffic light and creating yet another hazard for seniors, and the difficulty that seniors will have maneuvering the entrance to Seasons market with no sidewalks. That is a formidable list of serious adverse effects that the Petitioners needed to rebut and did not. They were totally contradicted.

In short, the uniquely adverse conditions, constituting detriments to the health, safety and general welfare of the site itself and the surrounding neighborhoods, that will be caused by a medical cannabis dispensary located at 1636 Reisterstown Road in Pikesville compel the denial of the special exception, and the reversal of the finding of the Administrative Law Judge below. The current effort in Pikesville is to upgrade the commercial development along Reisterstown Road and in the commercial core in order to assure that it thrives in the future thereby stemming residents from further flight to further suburbs. The CRD is the "front door" to the residential communities surrounding the Reisterstown Road commercial development. The front door to our residential communities must not be through this medical cannabis dispensary.

IF THE SPECIAL EXCEPTION IS GRANTED

The Pine Ridge Community Association voted to request the imposition of two conditions if the Board of Appeals should grant the special exception.

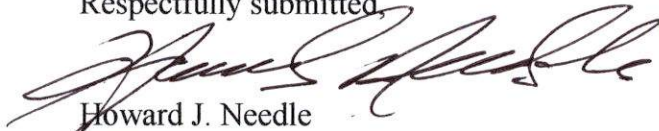
1. That the medical cannabis dispensary not be permitted to become a recreational or personal use marijuana dispensary. The most serious adverse effects, especially crime, will surely occur if recreational or personal use marijuana is dispensed at this location. Ted Rebholz, on cross examination, refused to accept this condition, demonstrating that it is the sale of non-medical marijuana that is the real goal of the Petitioner. That conclusion is further supported by the Petitioner's insistence that this high-profile location on Reisterstown Road is the primary location in which it is interested, despite the fact that a patient/customer with a recommendation (prescription) for medical cannabis is not looking for a standout location housing a dispensary. A recreational marijuana user is much more likely to search for an easy-to-find dispensary with a gaudy sign. Undoubtedly, dispensing recreational marijuana would make this use a gold mine for the Petitioner, but a death knell for the Pikesville CRD and the surrounding neighborhoods.

2. The greatest limitation should be imposed upon signage. Testimony by the Petitioners indicated that it was entitled at this time to a fifty square foot sign on Reisterstown Road. There is no need for such a large sign, which would be detrimental to the community. A patient/customer with a recommendation (prescription) in his/her pocket will be looking only for the address 1636 Reisterstown Road when seeking to obtain their medical marijuana. They likely will not even know the name of the business, Temescal Wellness, which the Petitioner stated it planned to put on its sign. Persons

simply driving by the dispensary will not be lured into it by a sign, as they need the recommendation to enter the premises. Mr. Rebholz testified that he would not put the word "marijuana" on the sign. That should be prohibited, as well as a picture or depiction of a marijuana plant.

3. While Pine Ridge did not consider the condition recommended by the Department of Planning, that a ten foot landscaped buffer be established along Reisterstown Road, that condition should be adopted by the Board of Appeals. The Planning Board pointed out that this recommendation would make consistent the attractive landscaping of the adjacent Pomona development, Seasons market, and the St. Marks on the Hill Church. That consistency would certainly make this site more compliant with the Pikesville CRD.

Respectfully submitted,



Howard J. Needle
1321 Harden Lane
Pikesville, MD 21208
Phone: 410-484-8701
Fax: 410-484-8703
Email: HJNeedle@comcast.net

Counsel for the Pine Ridge
Community Association

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Memorandum is, this 30th day of October, 2017, before 10:00 a.m., being emailed and hand-delivered to the office of the Board of Appeals and to each counsel in the case.



Howard J. Needle

CBD-RICH

Known for its non-psychoactive qualities, CBD has been reported to be beneficial for its analgesic and anti-inflammatory properties, and also decreases the psychoactivity of THC when combined with it.

AC/DC

Cannabinoid Totals: 0.93% THC
| 18.55% CBD | 0.32% CBG

SATIVA

These strains are known to be uplifting, creative and cerebral

Billy Club

Cannabinoid Totals: 19.04%
THC | 0.10% CBD | 0.35% CBG

Pangaea

Cannabinoid Totals: 20.66%
THC | 0.05% CBD | 0.57% CBG

C99

Cannabinoid Totals: 22.03%
THC | 0.05% CBD | 0.16% CBG

Snow D

Cannabinoid Totals: 20.58%
THC | 0.06% CBD | 0.41% CBG

INDICA

Frequently used in the evening, Indica strains have been known to provide a more calming, relaxed body effect

Alpine Exodus #19

Cannabinoid Totals: 21.86%
THC | <0.05% CBD | 0.99% CBG

G.G. #4

Cannabinoid Profile: 22.68%
THC | 0.05% CBD | 0.40% CBG

HYBRID

Hybrid strains traditionally contain traits of both Indica and Sativa plants

PRE-ROLLS (0.5 GRAM PRJS)

AC/DC PRJ

Cannabinoid Totals: 0.93% THC

| 18.55 % CBD | 0.32% CBG

Concentrates

C.B.C. PREMIUM

The newest premium concentrate to be offered by Temescal Wellness. Using precision lab equipment and state of the art engineering, we have mastered the artful science of generating high quality concentrate.

Sativa Blend Cold Brew

½gram

Cannabinoid Totals: 69.44%

THC | 1.98% CBD | 1.96% CBG

Goji OG Cold Brew

½gram:Indica-

Dominant

Cannabinoid Totals: 77.84%

THC | 0.73% CBD | 2.64% CBG

BUBBLE HASH

A potent concentrate created by using any an ice water extraction method. Try adding it to your flower for a stronger dose.

THC Hybrid Bubble

Hash ½ gram

Cannabinoid Totals: 67.16%

THC | 0.23% CBD | 1.46% CBG

FREEDOM PEN CARTRIDGES

A self contained, automatic vapor delivery system for dosing medical cannabis. Produced in craft batches, cannabinoid content will vary depending on strain and batch.

AC/DC Cartridge

Each cartridge contains 150mg
CBD

** CBD Rich*

Sativa Blend Cartridge

Cartridge contains 150mg of
THC

** Sativa*

Indica Blend Cartridge

Each cartridge contains 150mg
THC

** Indica-Dominant*

Headband Cartridge

Cartridge contains 150mg of
THC

** Hybrid*

Shark Shock Cartridge

Each cartridge contains 82.6 mg
CBD & 70mg THC

** approx. 1:1 CBD to THC*

Infused

CAPSULES

With an onset time of 1-2 hours, these capsules provide long acting pain relief.

5mg THC Caps

Available in packs of 4, 15 and
30

** Available in Indica, Sativa or Hybrid*

25mg THC Caps

Available in packs of 4, 15 and
30

** Available in Hybrid and Indica*

10mg THC Caps

Available in packs of 5,15,30

** Available in Indica, Sativa or Hybrid*

5mg CBD Rich Caps

Available in packs of 5, 15, 30

10mg CBD Rich Caps

Available in packs of 5,15,30

25mg CBD Rich Caps

Available in packs of 5

TINCTURES

Taken under the tongue, tinctures are the easiest method to titrate your dose

THC Sativa MCT Oil Tincture (15ml)

Regular Strength

** 1 drop = 0.20mg*

THC Sativa MCT Oil Tincture (10ml)

Extra Strength

** 1 drop = 0.67mg*

THC Hybrid MCT Oil Tincture (15ml)

Regular Strength

** 1 drop = 0.35mg*

THC/CBD 1:1 MCT Oil Tincture (15ml)

Regular Strength

** 1 drop = 0.25mg*

THC Indica MCT Oil Tincture (15ml)

Regular Strength

** 1 drop = 0.25mg*

THCA Hybrid MCT Oil Tincture (10ml)

Extra Strength

** 1 drop = 0.62mg*

CBD Rich MCT Oil Tincture (15ml)

Regular Strength

** 1 drop = 0.25mg*

THC Hybrid MCT Oil Tincture (10ml)

Extra Strength

** 1 drop = 0.67mg*

TRANSDERMAL PATCHES

10mg THC Patch

Cannabinoid Profile: 10.2mg

THC | 0.06mg CBD | 0.56mg

CBG

20mg CBD Patch

Cannabinoid Profile: 0.92mg

THC | 20.2mg CBD | 0.44mg

CBG

Apply directly to the skin for localized pain relief

Edibles

GUMMIES

5mg THC Hybrid

Gummies

Sold in a pack of 10, each
gummy has 5mg THC

LOZENGES

Sweet and discrete, our lozenges are available in assorted flavors and doses

5mg THC Hybrid

Lozenges

Sold in a pack of 6, each
lozenge has 5mg THC

20mg THC Hybrid

Lozenges

Sold in a pack of 3, each
lozenge has 20mg THC

COOKIES

20mg Cookie THC

Hybrid

Available in: Gluten Free

Chocolate Chip

CHOCOLATE

COCONUT BUTTER

210mg Indica Infused

Coconut Butter

Sold in a 60ml jar, this coconut butter contains 210mg of THC.

Mix into food or beverage as needed to achieve the desired dose.

** One teaspoon contains 17.5mg THC and there are 12 teaspoons per container.*

420mg Indica Infused

Coconut Butter

Sold in a 60ml jar, this coconut butter contains 420mg of THC.

Mix into food or beverage as needed to achieve the desired dose.

** One teaspoon contains 35mg THC and there are 12 teaspoons per container.*

Published on: Oct-27-2017 6:00 PM

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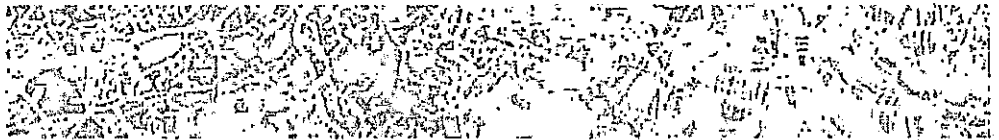
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Find out if you're qualified to be a patient and get started on your journey to wellness today!

[Learn More](#)

Baltimore County, Maryland

MASTER PLAN 2020



Policy: *Maintain zoning appropriate for major employment on infrastructure-served land with good access.*

Actions:

- (1) Recommend that the County Council evaluate rezoning and PUD proposals that convert M or OT zoned land to residential or retail use to consider the long-term effects on the economy.
- (2) Ensure that adequate land and structures remain available to accommodate new and expanding primary employers not suited for mixed-use environments.
- (3) Consider ways to guide new employment opportunities to quality mixed-use development.
- (4) Preserve the County's limited deep-water access for industrial uses.
- (5) Consider amending the BCZR to limit the amount of residential development permitted in the OT zoning classification.

LAND USE BALANCE

A fiscally strong jurisdiction must maintain a healthy balance between residential and non-residential land uses. Different types of land use have variant effects on a county's finances. Some land uses contribute more in tax revenue than they consume in public services, such as schools, police and fire services. Some land uses consume more services than they pay for directly through property taxes. A balanced economy is needed to provide a healthy place to live, work and play. A strong employment sector: industrial, office, and commercial, provide jobs and tax revenue. A diverse choice of housing is essential to providing a qualified work force to fuel the employment sector.

Policy: *The County should maintain a healthy balance between residential and non-residential land uses inside the URDL.*

Actions:

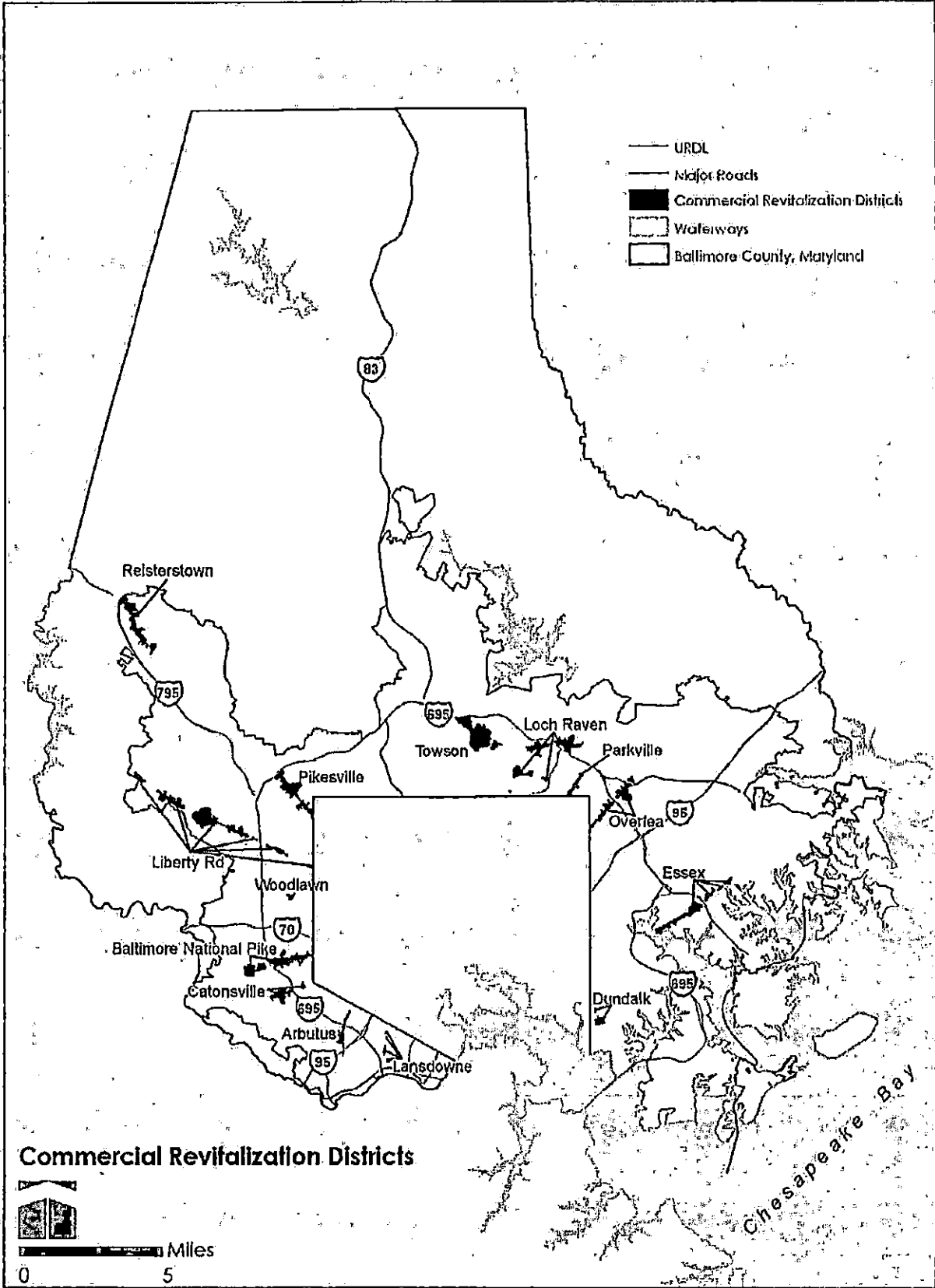
- (1) Consider encouraging zoning requests that promote mixed-use development.
- (2) Ensure that land use proposals contribute to a healthy balance of residential and non-residential uses and open space.
- (3) Work proactively to promote employment driven projects compatible with residential uses.
- (4) Direct mixed-use development to Community Enhancement Areas.

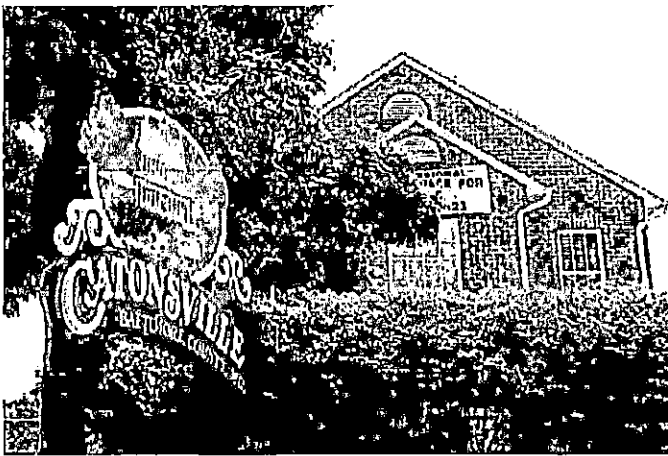
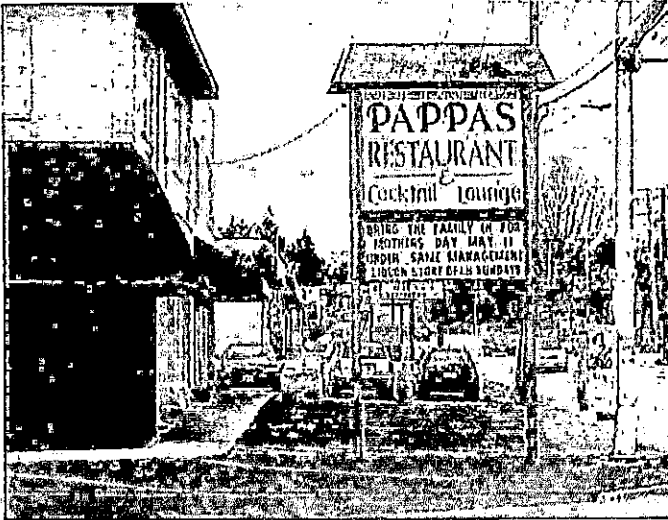
COMMERCIAL REVITALIZATION DISTRICTS

Baltimore County has 14 officially designated Commercial Revitalization Districts (CRDs). These areas were once the commercial hubs of the County's older beltway communities and offered a range of retail, service, and entertainment uses. However, beginning in the 1960s and 70s, changes



Map 35 Commercial Revitalization Districts





in demographics and retail shopping preferences fundamentally altered the role of these main street commercial centers. As people became more dependant upon the automobile, they moved farther out preferring the greater range of retail choices and convenient free parking over smaller mom and pop neighborhood shops along older commercial main streets. This trend continues. Most suburbanites patronize full service grocery stores, big and junior box retailers (e.g. Target, Wal-Mart, Pet Smart, Best Buy), chain specialty shops, and national restaurants.

To remain viable, the CRDs must differentiate themselves by capitalizing upon their downtown development patterns, strengthening the existing base of small businesses, and attracting new and different uses. Each district is unique with its own set of attributes and liabilities and revitalization efforts must be tailored to address these differences. Successful revitalization in smaller districts is built upon a series of small complementary successes and larger districts

may benefit from key redevelopment projects that restructure the local economy. Attaining a sufficient and balanced mix of quality uses is an important goal that should be accompanied with creating a safe, attractive, and walkable environment. Another goal is using creative marketing of the districts to businesses and customers.

The most successful downtowns have a mix of synergistic uses that support each other. Downtown housing and office uses have residents and employees that patronize retail shops, restaurants, and service uses such as hair salons, banks, and dry cleaners. Theaters and other entertainment uses are destinations that draw customers into the downtown, who then also patronize restaurants and bars before and after a movie or performance. Institutional uses, supply a high number of patrons and employees for retail and restaurants, and students for downtown housing.

When compared to newer town centers that are trying to replicate the character and qualities of real downtowns, original town centers often have unique challenges. Redevelopment costs can be higher with land assemblage and parking; surrounding household incomes and densities may be more diverse; multiple owners have different perspectives; and the infrastructure may be aging and outdated. Jurisdictions must have an extensive toolbox of incentives to retain and attract the mix of uses needed to keep a CRD healthy. The County has a range of incentives that can be tailored to individual project needs, including: low interest loans, tax credits, and specialized grants, key infrastructure improvements such as parking garages, sewer expansions, and road realignments and improvements, sale of publicly owned land, demolition of obsolete structures, permitting process assistance, flexible zoning, and liquor licensing.

Policy: Retain and attract quality retail, office, service, residential, entertainment, and institutional uses that create well balanced and economically vital mixed-use.

Actions:

- (1) Use targeted public investment to encourage private reinvestment.
- (2) Identify redevelopment/revitalization opportunities in the CRDs and establish a process to determine land use and development goals of the area.
- (3) Conduct specialized analyses of properties and redevelopment proposals.
- (4) Utilize the Consultant on Call Program to provide expedited professional studies on market feasibility.
- (5) Continue familiarization tours to provide education about the County's CRDs and community enhancement areas to upgrade and expand the types of uses, improve poorly managed properties and marginal businesses, and fill vacancies.
- (6) Promote the increased use of the Small Business Resource Center that provides free technical, financial, and marketing assistance.
- (7) Study the use of mixed-use codes in designated community enhancement areas.
- (8) Periodically review the range and scope of incentives to maximize their effectiveness.



The districts, like community enhancement areas, should be the "front door" to the residential neighborhoods, and help establish the overall image of a community. The appearance of the CRD is important to the business and residential communities, and is both a private and public responsibility. The government, primarily through streetscape programs, is generally responsible for the streets, sidewalks, medians, and sometimes alleys. Individual property owners are responsible for a building's façades, and any private parking lots. Improvements should focus on views from the public areas. A commercial center or corridor with attractive curb appeal and stable and desirable uses may encourage people to invest in the community.

Policy: Improve the appearance and walkability of the Districts.

Actions:

- (1) Continue to promote the Architect on Call Program that provides free professional design advice for business or property owners seeking to improve the exterior of their building and/or lot.
- (2) Promote the Building Investment Loan Program that provides zero percent loans for exterior and interior improvements through annual mailings to property and business owners, the business organizations, specialized advertising, and "word of mouth" examples.
- (3) Promote walkability and enhance the attractiveness of older village centers through implementation of streetscape programs managed by the Baltimore County Office of Community Conservation.
- (4) Develop streetscape design around a Complete Streets Program.
- (5) Continue beautification-landscaping partnerships with business organizations.
- (6) Enforce the County code and fund the Commercial Revitalization Action grants for programs to improve the physical appearance of the business environment.

Studies consistently show that when customers buy from an independent, locally owned business, over two thirds of the money spent stays in the community and is used for purchases from other local businesses. These businesses create more jobs locally, and often provide better wages and benefits than nationwide chains. Owners frequently live in the community where their business is located.

Policy: Market Commercial Districts to potential businesses and patrons.

Actions:

(1) Media campaigns including radio, television, print advertising and social media marketing will be developed and utilized during the winter holiday and spring shopping seasons.

(2) Continue to provide design support in promoting community events and districts through the use of Designer On Call, a resource that offers design services for

local initiatives involving the ReDiscover Your Neighborhood Downtown branding.

(3) Maximize partnership with the Baltimore County Revenue Authority to provide convenient parking opportunities.

(4) Promote the County's CRDs and CEAs at regional and national conferences.

(5) Update district profiles and county websites to attract businesses to the districts.

(6) Participate in statewide organizations and programs that promote the revitalization of downtowns across Maryland.

(7) Continue neighborhood promotional campaigns to encourage consumers to shop and eat in locally owned businesses.

TOURISM

Visitors to Baltimore County added \$1.97 billion to the local economy in 2008, according to a study by IHS Global Insight. The study reports that the County's tourism industry supported almost 20,000 jobs, \$545 million in wages, and contributed \$15 million in hotel, amusement and admission taxes.

Baltimore County's 219 miles of Chesapeake Bay waterfront offer unrealized potential to enhance the visitor experience and quality of life for County residents. Over the past decade, eastern Baltimore County has seen over \$600 million in public and private investment. County initiatives have eliminated many aging, blighted apartment complexes, replacing them with open space and hundreds of modern single family and townhomes. Many of the County's 90 marinas and yacht clubs have made significant improvements to their facilities, with waterfront restaurants and a water taxi service adding to eastern Baltimore County's amenities.

Policy: Increase visibility and access to visitor destinations in Baltimore County.

Actions:

(1) Explore methods to unify the waterfront as a regional destination.

(2) Further develop the County's network of bike and walking trails to connect parks, waterfront amenities, and nature centers with



Krysundra Cannington

From: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Sent: Monday, October 30, 2017 9:57 AM
To: Michael McCann; Krysundra Cannington
Cc: HJNeedle@comcast.net
Subject: RE: Temescal
Attachments: 18996678-v1-Post-Hearing Memorandum (Temescal).PDF

I am attaching the Petitioner's memo.

Thank you all,

Adam M. Rosenblatt, Esq. | Venable LLP
t 410.494.6271 | f 410.821.0147 | m 410.294.9430
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

AMRosenblatt@Venable.com | http://secure-web.cisco.com/1sgscpVU_WNkbRY6BSJQYDYnjdcGOW5l1mmmPggmIIWaiQ2-Mp4rIPOQEjMxXq5fl6Xk_ILNy8Ygec5Uk55mV3B9sY_XFbNGJvluJPaWHSfM--Xv6oWiXcvcekKr1ooNJsAd5rprw_3l7RoVi7kKJUVTguriTmu_kb52SyoAyFw34cqSFcE4WxgnbSWCKzeg1BIYnrflGDm39On_Ckr2qXi4A5RLLPjqlWgmN5NKejUlmrgiLT77Uq8z71z2ZmpkmJhCaJaGt1CuWHE9XSXmEOtFkMzkfqVonLz9rSfV2Eidex6ADlaKT7bvpmrZZSWKh_NOB2L8Vzv1lDmHmTYtwhuNdbJBxMndDYqU9OFkH7UPSSYtMedQEEDSLT7U0ailoHX7JHXXLxxfZKSQIBYOr6K2Bks7V-IEZMSJZ678H9IPHVgYiViHzsmWFfLnZmgZtLJEHXQ-DFMtEHwVI_2_g/http%3A%2F%2Fwww.Venable.com

From: Michael McCann [mailto:michael@mmccannlaw.net]
Sent: Monday, October 30, 2017 9:44 AM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Cc: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Subject: Temescal

Sunny: Attached is protestant's memo. I will drop off a hard copy.

Thank you.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

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transmission and delete the message without copying or disclosing it.

Krysundra Cannington

From: Michael McCann <michael@mmccannlaw.net>
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To: Krysundra Cannington
Cc: Rosenblatt, Adam M.
Subject: Temescal
Attachments: 20171030093711096.pdf

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Michael

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Krysundra Cannington

From: Howard Needle <hjneedle@comcast.net>
Sent: Monday, October 30, 2017 9:05 AM
To: Appeals Board
Cc: 'Michael McCann'; 'Rosenblatt, Adam M.'; 'Nancy Paige -OAH-'; petermaxz@aol.com
Subject: 17-281-X
Attachments: Memo.doc

Dear Sunny,

Please find attached Memorandum on Behalf of Pine Ridge Community Association, which please file in this case and forward by email to the Board members. I will be delivering to you this morning before 10:00 a.m. a hard copy of the Memorandum for the file and copies for each member of the Board. The Board members should be aware that I was not able to scan and include with an email copy of the Memorandum two important exhibits which are attached to the hard copies of the Memo. I will also deliver this morning hard copies of the Memo and exhibits to Adam Rosenblatt, Esq. and Michael McCann, Esq., counsel in the case.

Thank you for your assistance.

Howard Needle

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County

Phone: 410-887-3180

Fax: 410-887-3182

To: Chris Leary

From: Tammy Zahner, Legal Secretary

Date: October 19, 2017

Re: In the matter of: Village Greenwood, LLC – Legal Owner
Temescal Wellness of Maryland, LLC – Contract Purchaser/Lessee
Case No.: 17-281-X

Attached is the recording from the hearing held October 18, 2017 in the above-referenced case. The hearing lasted about 5 hours. The Board members who sat on this case are Andrew M. Belt, Chairman; Jason S. Garber, took exhibits; and Kendra Randall Jolivet, operated CourtSmart.

Adam M. Rosenblatt, Esquire represented the Petitioners. Michael McCann represented some of the Protestants, and Howard J. Needle, Esquire operated some Protestants. I have enclosed a copy of the Address List for your convenience.

As you know, Michael McCann, Esquire is requesting the transcript be completed on a rush basis, with the transcript due Monday, October 23rd. Please e-mail the transcript to him, with a copy to me when complete. Please either mail or drop the original off to our office at your convenience.

Should you have any questions or problems, please do not hesitate to contact me.

Thank you,



Tammy Zahner

Michael McCann, Esquire
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(410) 825-2150 Office
Michael@mmccannlaw.net

IN RE: PETITION FOR SPECIAL EXCEPTION
(1636 Reisterstown Road)

3rd Election District
2nd Council District
Temescal Wellness of Maryland, LLC
(Lessee)

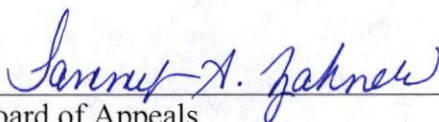
* BEFORE THE OFFICE
* OF ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No.: 2017-0281-X

* * * * *

SUBPOENA

To: Carl Richards
Chief, Zoning Review
Baltimore County Dept. of Permits Approvals & Inspections
111 W. Chesapeake Avenue
Towson, Maryland 21204

You are hereby summoned and commanded to appear personally before the Baltimore County Board of Appeals, Jefferson Building, Room 203, 105 W. Chesapeake Avenue, Towson, Maryland, 21204 on Tuesday, the 24th day of October, 2017 at 10:00 a.m., for the purpose of testifying at the hearing in the above-captioned case, at the request of Michael R. McCann, Michael R. McCann, P.A., 118 West Pennsylvania Avenue, Towson, Maryland 21204, 410-825-2150, on behalf of Protestants.


Board of Appeals

Dated: October 19, 2017



IN RE: PETITION FOR SPECIAL EXCEPTION
(1636 Reisterstown Road)

3rd Election District
2nd Council District
Temescal Wellness of Maryland, LLC
(Lessee)

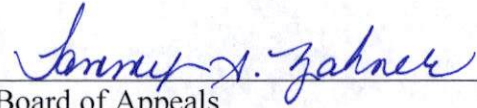
* BEFORE THE OFFICE
* OF ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No.: 2017-0281-X

* * * * *

SUBPOENA

To: Gary Hucik
Zoning Review
Baltimore County Dept. of Permits Approvals & Inspections
111 W. Chesapeake Avenue
Towson, Maryland 21204

You are hereby summoned and commanded to appear personally before the Baltimore County Board of Appeals, Jefferson Building, Room 203, 105 W. Chesapeake Avenue, Towson, Maryland, 21204 on Tuesday, the 24th day of October, 2017 at 10:00 a.m., for the purpose of testifying at the hearing in the above-captioned case, at the request of Michael R. McCann, Michael R. McCann, P.A., 118 West Pennsylvania Avenue, Towson, Maryland 21204, 410-825-2150, on behalf of Protestants.


Board of Appeals

Dated: October 19, 2017





Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 4, 2017

HAND DELIVERED

Andrew Belt, Chairman
Board of Appeals of Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204



Re: Temescal Wellness of Maryland LLC
1636 Reisterstown Road
Case No.: 2017-281-X

Dear Chairman Belt,

This is one of several cases coming to the County Board of Appeals (CBA) relating to medical cannabis dispensaries. It is one of two involving the special exception category, discussed further below. The other is Compass, LLC, Case No. 17-292-X.

In the wake of State legislative activity, the County Council enacted enclosed Bill 61-15, codified in BCZR Article 4D, Secs. 4D-101 to 4D-103. This governs medical various cannabis facilities: dispensaries, grower facilities, and processor facilities.

A dispensary is allowed by right in specified Business Zones and the O-3 Zone. It is allowed by special exception in those zones where located in a Commercial Revitalization District (CRD). BCZR Sec. 4D-102.A. The question arises as to the meaning and implementation of the CRD dimension. This may be the only special exception use legislatively linked to CRDs, thus a matter of interpretive first impression.

The enclosed Department of Planning (DOP) website provides the location of each CRD and a list of contact persons. The location here is in the Pikesville Revitalization District. The relevant map is enclosed. The DOP website also includes a brief discussion of CRD purpose, focusing on the "front door" of established communities offering shopping and entertainment experiences for family owned businesses and national retail chains.

Master Plan 2020 includes a more detailed discussion, along with a countywide map delineating the CRD locations. Pages 137-41, also enclosed. The CRDs are in the older commercial main street hubs. The plan is that to remain viable in the wake of suburban retail spread, they must capitalize on their downtowns, strengthen existing small businesses, and attract new and different uses. Each district is unique, so that revitalization must address the particular characteristics. The goal is to attract quality, synergistic uses, including downtown housing, theaters and other entertainment uses, and institutional uses to support the commercial uses. There follow a series of recommended policies and actions.

The legislative history of Bill 61-15 indicates that the CRD special exception came in as an amendment to the Bill as introduced, also enclosed. This is reflected in the Bill. We include the "Fiscal Note" to Bill 61-15, actually a short history summary. We also include the source for the amendment.

The Bill initially had a number of restrictive setbacks from other uses. These were pared down in the enacted Bill to designated setbacks from schools (500 feet) and other dispensaries (2500 feet). BCZR Sec. 4D-102.B.

Having considered the matter, we respectfully suggest the parties be prepared to address the extent to which the proposed location fits, or should fit, the function or purpose of the Pikesville Revitalization District here. Otherwise stated, given the Master Plan description and DOP interpretation, is the location compatible with the CRD or are there particular problematic adverse impacts along the lines of settled special exception standards? Schultz. v. Pritts 291 Md. 1 (1981); People's Counsel v. Loyola College 406 Md. 54 (2008); Attar v. DMS Tollgate 451 Md. 272 (2017).

Our office is not at this time taking a preliminary position as to the merits of the issue. We are stressing that the parties should address it and the CBA should resolve it.

Thank you.

Sincerely,



Peter Max Zimmerman
People's Counsel for Baltimore County

cc: Adam Rosenblatt, Esquire
Michael McCann, Esquire
Howard Needle, Esquire

Baltimore County, MD
Wednesday, October 4, 2017

ARTICLE 4D. Medical Cannabis Facilities

[Bill No. 61-2015.]

§ 4D-101. Definitions.

As used in this article, the following terms have the meanings indicated:

MEDICAL CANNABIS DISPENSARY

A person or entity licensed by the state that acquires, possesses, transfers, sells, dispenses, or distributes products containing medical cannabis and related supplies and products pursuant to COMAR 10.62.01 to 10.62.35.

MEDICAL CANNABIS GROWER

A person or entity licensed by the state that cultivates, manufactures, grows, packages, or distributes medical cannabis to a licensed processor or a registered independent testing laboratory pursuant to COMAR 10.62.01 to 10.62.35.

MEDICAL CANNABIS GROWER FACILITY

A location or facility at which a licensed medical cannabis grower operates.

MEDICAL CANNABIS PROCESSOR

A person or entity licensed by the state that transforms medical cannabis into another product or extract, and packages and labels medical cannabis and transfers its product to a licensed dispensary pursuant to COMAR 10.62.01 to 10.62.35.

MEDICAL CANNABIS PROCESSOR FACILITY

A facility at which a licensed medical cannabis processor operates.

§ 4D-102. Location of medical cannabis dispensaries.

A. Permitted areas.

1. A medical cannabis dispensary is permitted in the B.R., B.M., B.L., B.L.R., and O-3 Zones by right.
2. A medical cannabis dispensary is permitted only by special exception in a B.R., B.M., B.L., B.L.R., or O-3 Zone that is located in a Commercial Revitalization District.

B. A medical cannabis dispensary may not be located:

1. Within 500 feet of a public or private elementary school, middle school, or high school; or
2. Within 2,500 feet of another medical cannabis dispensary.

C.

All setbacks under Subsection B shall be measured from the nearest property line of the medical cannabis dispensary using a direct line to the nearest property line of the school or other dispensary.

§ 4D-103. Location of medical cannabis grower facility and medical cannabis processor facility; co-location of dispensary.

- A. A medical cannabis grower facility or a medical cannabis processor facility may be located in an R.C.2., S.E. or M.L.-I.M. Zone by right.
- B. A medical cannabis grower facility or a medical cannabis processor facility may be located in an R.C. 7 or R.C. 8 Zone by special exception only.
- C. A medical cannabis grower facility or a medical cannabis processor facility is permitted only by special exception in an M.L.-I.M. Zone located within the Chesapeake Enterprise Zone.
- D. A person or entity that is licensed as both a medical cannabis grower and a medical cannabis processor may operate a licensed medical cannabis dispensary at its growing and processing facility located in an M.L.-I.M. Zone, subject to the requirements of COMAR 10.62.01 to 10.62.35.
[Bill No. 83-2015]

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2015, Legislative Day No. 13

Bill No. 61-15

Councilmembers Almond & Marks

By the County Council, August 3, 2015

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations - Medical Cannabis

FOR the purpose of permitting State-licensed medical cannabis growing, processing, and distribution facilities in certain zones under certain conditions; defining terms; providing certain limitations and conditions on the location of facilities; and generally relating to the location of State-licensed medical cannabis facilities.

BY adding
Article 4D. Medical Cannabis Facilities
Sections 4D-101 to 4D-103
Baltimore County Zoning Regulations

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
Strike-out indicates matter stricken from bill.
Underlining indicates amendments to bill.

ARTICLE 4D. MEDICAL CANNABIS FACILITIES

§4D - 101. DEFINITIONS.

(A) AS USED IN THIS ARTICLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) "MEDICAL CANNABIS DISPENSARY" MEANS A PERSON OR ENTITY LICENSED BY THE STATE THAT ACQUIRES, POSSESSES, TRANSFERS, SELLS, DISPENSES, OR DISTRIBUTES PRODUCTS CONTAINING MEDICAL CANNABIS AND RELATED SUPPLIES AND PRODUCTS ~~AT A STATE-LICENSED DISPENSARY PURSUANT TO COMAR 10.62.01 TO 10.62.35.~~

(C) "MEDICAL CANNABIS GROWER" MEANS A PERSON OR ENTITY LICENSED BY THE STATE THAT CULTIVATES, MANUFACTURES, GROWS, PACKAGES, OR DISTRIBUTES MEDICAL CANNABIS TO A LICENSED PROCESSOR OR A REGISTERED INDEPENDENT TESTING LABORATORY PURSUANT TO COMAR 10.62.01 TO 10.62.35.

(D) "MEDICAL CANNABIS GROWER FACILITY" MEANS A LOCATION OR FACILITY AT WHICH A LICENSED MEDICAL CANNABIS GROWER OPERATES.

(E) "MEDICAL CANNABIS PROCESSOR" MEANS A PERSON OR ENTITY LICENSED BY THE STATE THAT TRANSFORMS MEDICAL CANNABIS INTO ANOTHER PRODUCT OR EXTRACT, AND PACKAGES AND LABELS MEDICAL CANNABIS AND TRANSFERS ITS PRODUCT TO A LICENSED DISPENSARY PURSUANT TO COMAR 10.62.01 TO 10.62.35.

(F) "MEDICAL CANNABIS PROCESSOR FACILITY" MEANS A FACILITY AT WHICH A LICENSED MEDICAL CANNABIS PROCESSOR OPERATES.

§4D - 102. LOCATION OF MEDICAL CANNABIS DISPENSARIES.

~~A. MEDICAL CANNABIS DISPENSARY IS PERMITTED IN THE OR-2 AND B.M. ZONES, BY RIGHT, AS A PRINCIPAL USE LEGALLY AFFILIATED WITH A HEALTH CARE AND SURGERY CENTER.~~

~~B. (A) 1. A MEDICAL CANNABIS DISPENSARY IS PERMITTED IN THE B.R., B.M., B.L., B.L.R., O-1, OR-1, OR-2, O-3, M.L., M.R., M.L.R., AND M.H. AND O-3 ZONES BY RIGHT, AS A PRINCIPAL USE LEGALLY AFFILIATED WITH A STATE LICENSED MEDICAL CLINIC.~~

~~2. A MEDICAL CANNABIS DISPENSARY IS PERMITTED ONLY BY SPECIAL EXCEPTION IN A B.R., B.M., B.L., B.L.R., OR O-3 ZONE THAT IS LOCATED IN A COMMERCIAL REVITALIZATION DISTRICT.~~

~~C. 1. A MEDICAL CANNABIS DISPENSARY IS PERMITTED IN THE B.L., OR-1, OR-2, M.L., AND M.R. ZONES, BY RIGHT, AS A PRINCIPAL USE LEGALLY AFFILIATED WITH A MEDICAL CLINIC.~~

~~2. (B) A MEDICAL CANNABIS DISPENSARY USE IN COMBINATION WITH A MEDICAL CLINIC MAY NOT BE LOCATED WITHIN 1,000 FEET OF:~~

~~(A) A HOUSE OF WORSHIP;~~

~~(B) (I) WITHIN 500 FEET OF A PUBLIC OR PRIVATE ELEMENTARY SCHOOL, MIDDLE SCHOOL, OR HIGH SCHOOL; OR~~

~~(C) A PUBLIC PARK OR PUBLIC RECREATIONAL FACILITY;~~

~~(D) A PUBLIC LIBRARY;~~

~~(E) A CHILD CARE HOME, CHILD CARE INSTITUTION OR FAMILY DAY CARE HOME LICENSED OR REGISTERED UNDER MARYLAND LAW.~~

~~(F) A LOT ZONED RESIDENTIALLY OR DEVOTED PRIMARILY TO RESIDENTIAL USE, OR~~

~~(G) WITH (I) WITHIN 2,500 FEET OF ANOTHER MEDICAL CANNABIS DISPENSARY.~~

~~(C) ALL SETBACKS UNDER SUBSECTION (B) SHALL BE MEASURED FROM THE NEAREST PROPERTY LINE OF THE MEDICAL CANNABIS DISPENSARY USING A DIRECT LINE TO THE NEAREST PROPERTY LINE OF THE SCHOOL OR OTHER DISPENSARY.~~

§4D - 103. LOCATION OF MEDICAL CANNABIS GROWER FACILITY AND MEDICAL CANNABIS PROCESSOR FACILITY.

~~(A) A MEDICAL CANNABIS GROWER FACILITY OR A MEDICAL CANNABIS PROCESSOR FACILITY MAY BE LOCATED IN A R.C.2, S.E. OR M.L.-I.M. ZONE, BY RIGHT.~~

~~(B) A MEDICAL CANNABIS GROWER FACILITY OR A MEDICAL CANNABIS PROCESSOR FACILITY MAY BE LOCATED IN A R.C. 7 OR R.C. 8 ZONE, BY SPECIAL EXCEPTION ONLY.~~

~~(C) A MEDICAL CANNABIS GROWER FACILITY OR A MEDICAL CANNABIS PROCESSOR FACILITY IS PERMITTED ONLY BY SPECIAL EXCEPTION IN A M.L.-I.M. ZONE LOCATED WITHIN THE CHESAPEAKE ENTERPRISE ZONE.~~

1 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by the
2 affirmative vote of five members of the County Council, shall take effect on September 21, 2015.

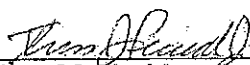
b05115.AMENDED.wpd

READ AND PASSED this 8th day of SEPTEMBER, 2015.

BY ORDER

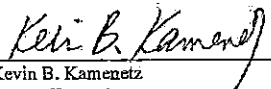

Thomas J. Peddicord, Jr.
Secretary

PRESENTED to the County Executive for his approval this 9th day of SEPTEMBER, 2015.

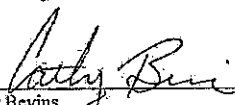

Thomas J. Peddicord, Jr.
Secretary

APPROVED AND ENACTED:

September 15, 2015


Kevin B. Kamenetz
County Executive

I HEREBY CERTIFY THAT BILL NO. 61-15 IS TRUE AND CORRECT AND TOOK
EFFECT ON September 21, 2015


Cathy Bevins
Chair, County Council



Baltimore County GOVERNMENT

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PDF Map Library

Listed below are standard planning maps created in PDF format to facilitate easy online viewing and downloading. All maps open in a new window.

Neighborhood Response Team Sectors

Countywide Sectors

A map of the Baltimore County Neighborhood Response Team (NRT) Sectors. Provides contact information for each sector. (8.5 by 11 inches)

Commercial Revitalization Districts

Countywide Commercial Revitalization Districts

A map of the Baltimore County Commercial Revitalization Districts. Commercial Revitalization Districts are established to provide a range of services aimed at maintaining the health and vitality of the neighborhood commercial areas. (24 by 36 inches)

Detailed Area Maps (8.5 by 11 inches):

- [Arbutus](#)
- [Baltimore National Pike](#)
- [Catonsville](#)
- [Cowenton-Ebenezer](#)

- [Dundalk](#)
- [Essex](#)
- [Lansdowne](#)
- [Liberty Road \(East\)](#)
- [Liberty Road \(West\)](#)
- [Loch Raven](#)
- [Merritt-Sollers Point](#)
- [North Point](#)
- [Overlea](#)
- [Parkville](#)
- [Perry Hall](#)
- [Pikesville](#)
- [Reisterstown](#)
- [Towson](#)
- [Woodlawn](#)

Sustainable Communities

Detailed maps of Baltimore County Sustainable Communities. Sustainable Communities seek to conserve resources; provide green spaces and parks for recreation and agriculture; offer many options for transportation; use natural and cultural resources wisely for future generations and consider the social and economic needs of all residents.(8.5 by 11 inches)

- [Catonsville and Patapsco](#)
- [Greater Dundalk and Sparrows Point](#)
- [Hillendale, Parkville and Overlea](#)
- [Northwest Gateways](#)
- [Pulaski Highway Redevelopment Area](#)
- [Reisterstown Main Street](#)
- [Towson](#)

Historic

[Maryland Inventory of Historic Properties, Landmarks and Baltimore County Historic Districts](#)



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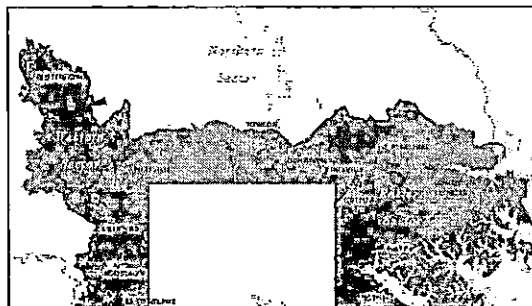
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Commercial Revitalization Program

Baltimore County's 18 officially designated Commercial Revitalization Districts are the "front doors" to our desired established communities. They offer a shopping and entertainment experience where family owned business and national retail chains are neighbors. Each district is staffed by a planner who works closely with the business and property owners, business associations and the local communities to provide a range of services aimed at maintaining the health and vitality of our neighborhood commercial areas.

Visit [MyNeighborhood](#) to see if your business is located in a Commercial Revitalization District. In MyNeighborhood, select the "Economic" tab. The Commercial Revitalization Districts are highlighted in red.



Resources Available*

Architect-On-Call
Architect-On-Call offers up to 10 free hours of professional architectural design services to businesses



improving the exteriors of their buildings. After an initial site visit and meeting, the architect prepares a digital

rendering of the building with design recommendations and a rough cost estimate. The service is free when improvements are certified as complete within six months. [Download an application.](#) (PDF)

Architect-On-Call Contact: Amy Mantay

Phone: 410-887-3480

Email: amantay@baltimorecountymd.gov

Building Improvement Loan Program (BILP)

A \$30,000 interest-free loan which can be used for exterior improvements such as awnings, landscaping, and signage. This loan can be combined with the other economic development incentives for larger projects. Some minor interior and equipment improvements may also be financed. [Download an application.](#) (PDF)

BILP Contact: Ngone Seye-Diop, Commercial Revitalization Specialist

Phone: 410-887-3480

Email: nseyediop@baltimorecountymd.gov

Commercial Revitalization Tax Credit

For larger projects, this benefit provides a five-year real property tax credit if physical improvements increase the assessed property value by \$100,000 or more. A 10-year credit is available if improvement costs exceed \$10 million.

Note: Applicants must apply within 120 days of completed project in order to receive credit for the next tax year. [Download an application.](#) (PDF)

Tax Credit Contact: Ngone Seye-Diop, Commercial Revitalization Specialist

Phone: 410-887-3480

Email: nseyediop@baltimorecountymd.gov

Commercial Revitalization Action Grant (CRAG)

A \$10,000 grant awarded annually to business associations for projects that benefit the

overall Commercial Revitalization Districts. Examples include: holiday lighting, welcome signs, website development, street trees, security cameras, farmers markets and more.

CRAG Contact: Bill Skibinski, Commercial Revitalization Specialist

Phone: 410-887-3480

Email: wskibinski@baltimorecountymd.gov

***Note:** All applicants are required to meet with staff prior to submitting applications.

Commercial Revitalization Districts and Staff Contacts

Development projects within some Commercial Revitalization Districts may be subject to review and approval by the Design Review Panel. The commercial Design Review Areas include Arbutus, Catonsville, Essex, Loch Raven, Perry Hall, Pikesville and Towson.

Western Sector

Detailed Map	Staff Contact
Arbutus Map (PDF)	Dennis Wertz 410-887-3480 dwertz@baltimorecountymd.gov
Baltimore National Pike Map (PDF)	Dennis Wertz 410-887-3480 dwertz@baltimorecountymd.gov
Catonsville Map (PDF)	Dennis Wertz 410-887-3480 dwertz@baltimorecountymd.gov
Lansdowne Map (PDF)	Dennis Wertz 410-887-3480 dwertz@baltimorecountymd.gov

Liberty Road Map—East (PDF) Liberty Road Map—West (PDF)	Dennis Wertz 410-887-3480 dwertz@baltimorecountymd.gov
Pikesville Map (PDF)	Bill Skibinski 410-887-3480 wskibinski@baltimorecountymd.gov
Reisterstown Map (PDF)	Bill Skibinski 410-887-3480 wskibinski@baltimorecountymd.gov
Woodlawn Map (PDF)	Dennis Wertz 410-887-3480 dwertz@baltimorecountymd.gov

Eastern Sector

Detailed Map	Staff Contact
Cownton-Ebenezer Map (PDF)	Ngone Seye-Diop 410-887-3480 nseyediop@baltimorecountymd.gov
Dundalk Map (PDF)	Tony Ambridge 410-887-3559 aambridge@baltimorecountymd.gov
Essex Map (PDF)	Ngone Seye-Diop 410-887-3480 nseyediop@baltimorecountymd.gov
Loch Raven Map (PDF)	

Merritt-Sollers Point Map (PDF)	Laurie Hay 410-887-3480 lhay@baltimorecountymd.gov
North Point Map (PDF)	Kyrtle Patchak 410-887-3480 kpachak@baltimorecountymd.gov
Overlea Map (PDF)	Tony Ambridge 410-887-3559 eambridge@baltimorecountymd.gov
Parkville Map (PDF)	Laurie Hay 410-887-3480 lhay@baltimorecountymd.gov
Perry Hall Map (PDF)	Ngone Seye-Diop 410-887-3480 nseyediop@baltimorecountymd.gov
Towson Map (PDF)	Laurie Hay 410-887-3480 lhay@baltimorecountymd.gov

Agency Partners

- [Baltimore County Chamber of Commerce](#)
- [Baltimore County Council](#)
- [Baltimore County Department of Economic and Workforce Development](#)
- [Baltimore County Landmarks Preservation Commission](#)
- [Baltimore County Revenue Authority](#)



- [Baltimore County Small Business Resource Center](#)
- [Maryland Department of Housing and Community Development](#)
- [Maryland Department of Transportation](#)

Business Association Partners

- [Greater Arbutus Business Association](#)
- [Chesapeake Gateway Chamber of Commerce](#)
- [Greater Catonsville Chamber of Commerce](#)
- [Dundalk Chamber of Commerce](#)
- [Liberty Road Business Association](#)
- [Overlea-Fullerton Business and Professional Association](#)
- [Parkville-Carney Business Association](#)
- [Perry Hall White Marsh Business Association](#)
- [Pikesville Chamber of Commerce](#)
- [Reisterstown-Owings Mills-Glyndon Chamber of Commerce](#)
- [Security Woodlawn Business Association](#)
- [Towson Chamber of Commerce](#)

Revised August 29, 2017

DEPARTMENT OF PLANNING



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Baltimore County Government

Historic Courthouse
400 Washington Avenue
Towson, Maryland 21204

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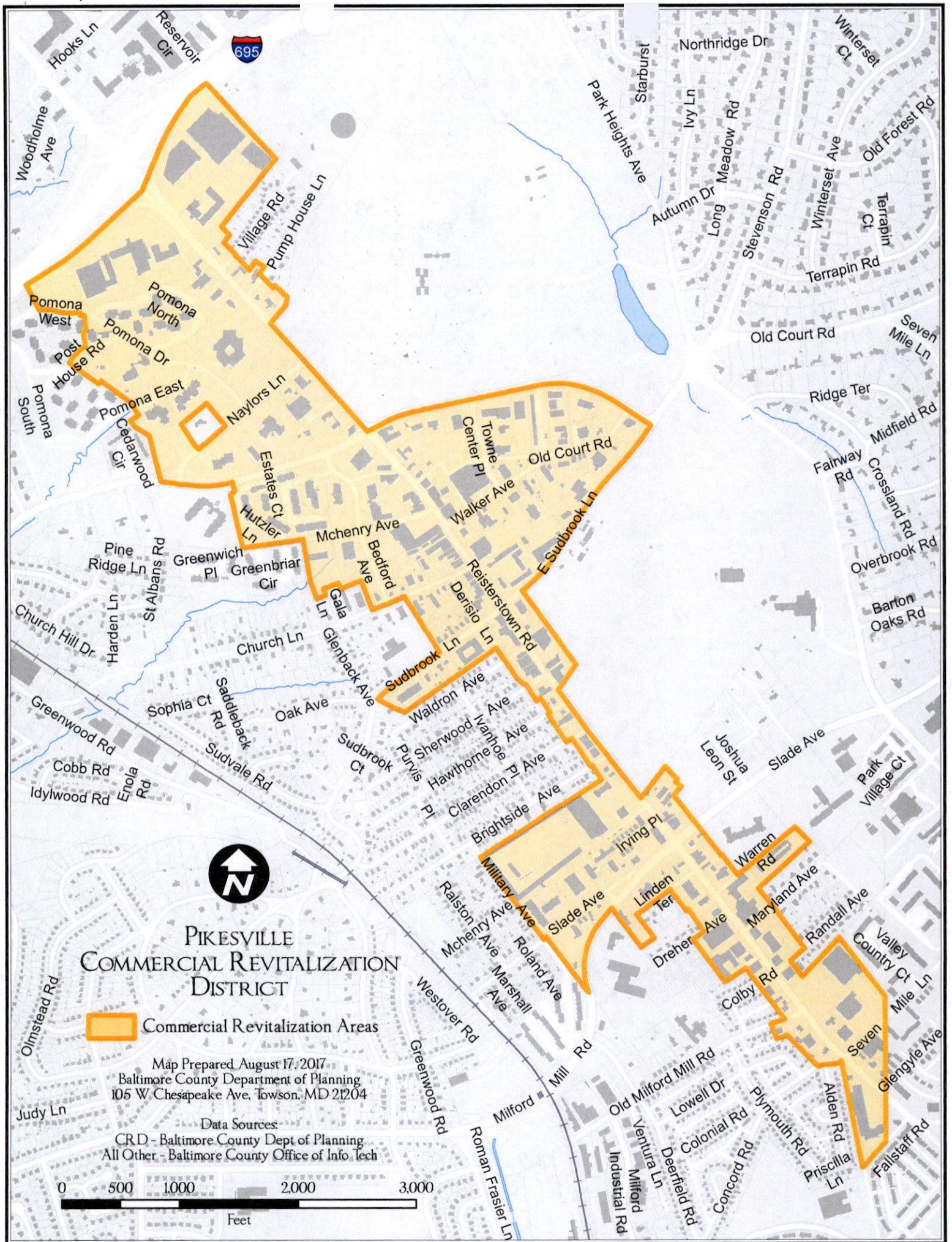
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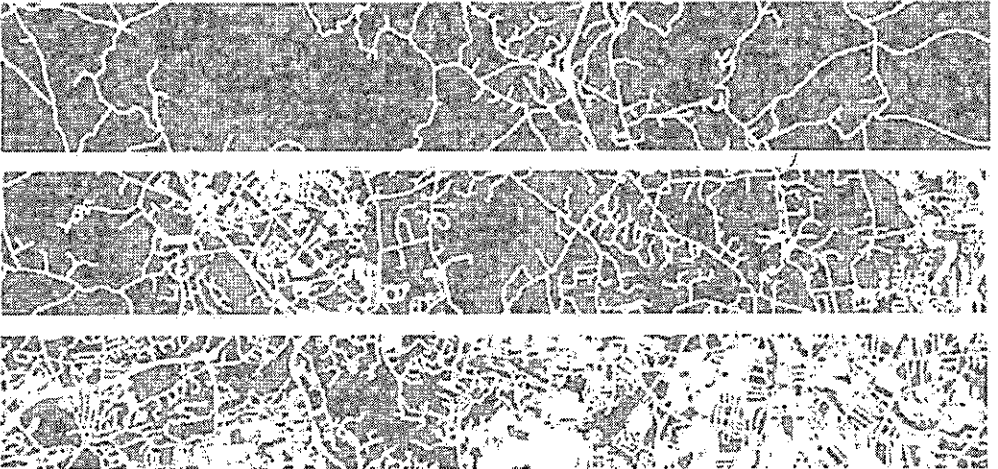
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Baltimore County, Maryland

MASTER PLAN 2020



Policy: *Maintain zoning appropriate for major employment on infrastructure-served land with good access.*

Actions:

(1) Recommend that the County Council evaluate rezoning and PUD proposals that convert M or OT zoned land to residential or retail use to consider the long-term effects on the economy.

(2) Ensure that adequate land and structures remain available to accommodate new and expanding primary employers not suited for mixed-use environments.

(3) Consider ways to guide new employment opportunities to quality mixed-use development.

(4) Preserve the County's limited deep-water access for industrial uses.

(5) Consider amending the BCZR to limit the amount of residential development permitted in the OT zoning classification.

LAND USE BALANCE

A fiscally strong jurisdiction must maintain a healthy balance between residential and non-residential land uses. Different types of land use have variant effects on a county's finances. Some land uses contribute more in tax revenue than they consume in public services, such as schools, police and fire services. Some land uses consume more services than they pay for directly through property taxes. A balanced economy is needed to provide a healthy place to live, work and play. A strong employment sector: industrial, office, and commercial, provide jobs and tax revenue. A diverse choice of housing is essential to providing a qualified work force to fuel the employment sector.

Policy: *The County should maintain a healthy balance between residential and non-residential land uses inside the URDL.*

Actions:

(1) Consider encouraging zoning requests that promote mixed-use development.

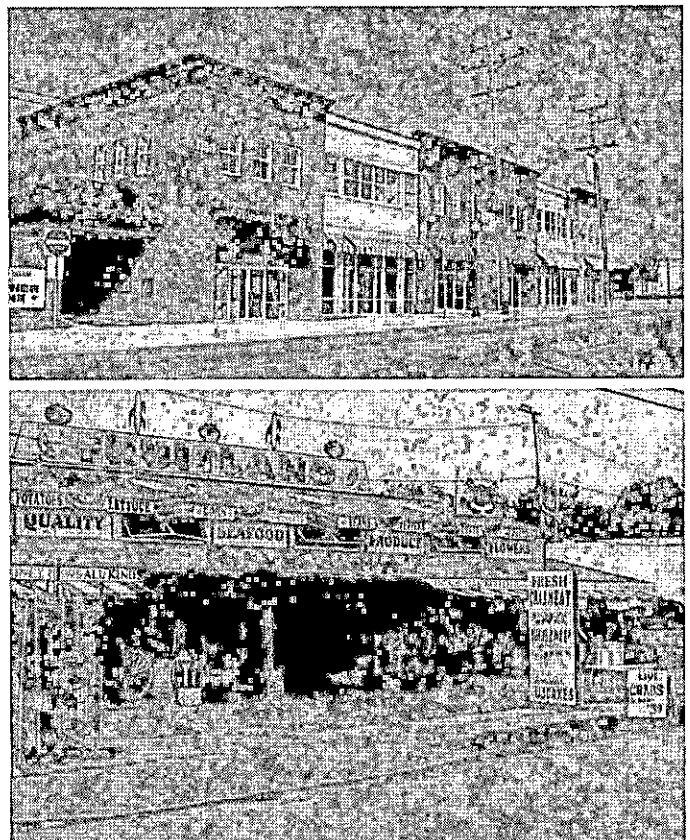
(2) Ensure that land use proposals contribute to a healthy balance of residential and non-residential uses and open space.

(3) Work proactively to promote employment driven projects compatible with residential uses.

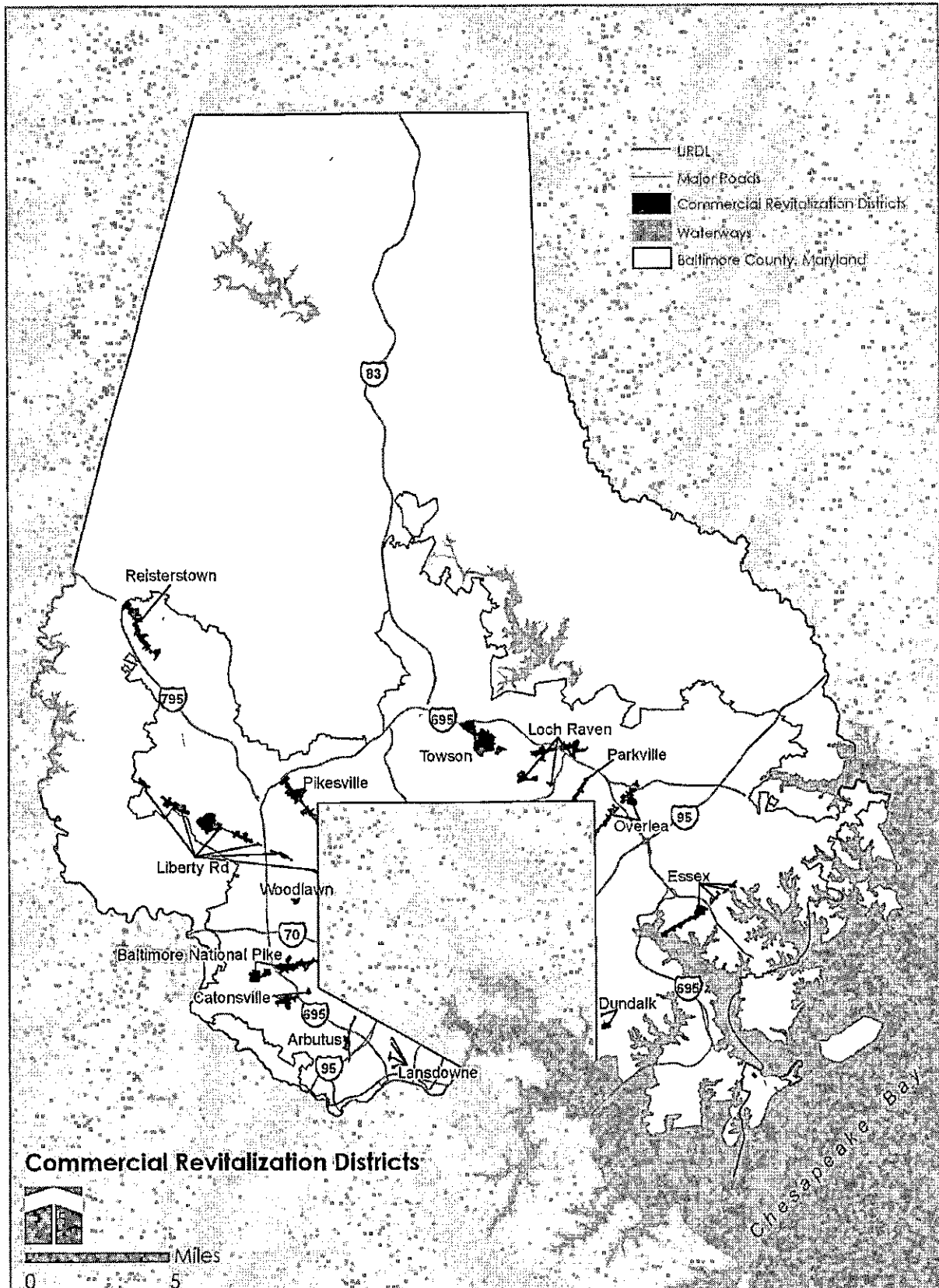
(4) Direct mixed-use development to Community Enhancement Areas.

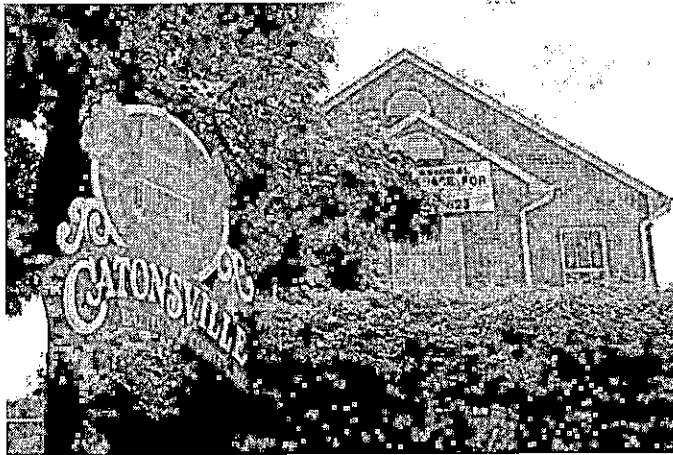
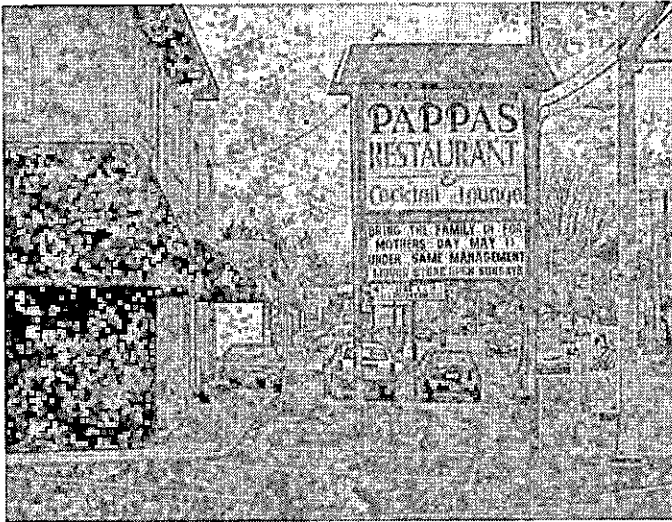
COMMERCIAL REVITALIZATION DISTRICTS

Baltimore County has 14 officially designated Commercial Revitalization Districts (CRDs). These areas were once the commercial hubs of the County's older beltway communities and offered a range of retail, service, and entertainment uses. However, beginning in the 1960s and 70s, changes



Map 35 Commercial Revitalization Districts





in demographics and retail shopping preferences fundamentally altered the role of these main street commercial centers. As people became more dependant upon the automobile, they moved farther out preferring the greater range of retail choices and convenient free parking over smaller mom and pop neighborhood shops along older commercial main streets. This trend continues. Most suburbanites patronize full service grocery stores, big and junior box retailers (e.g. Target, Wal-Mart, Pet Smart, Best Buy), chain specialty shops, and national restaurants.

To remain viable, the CRDs must differentiate themselves by capitalizing upon their downtown development patterns, strengthening the existing base of small businesses, and attracting new and different uses. Each district is unique with its own set of attributes and liabilities and revitalization efforts must be tailored to address these differences. Successful revitalization in smaller districts is built upon a series of small complementary successes and larger districts

may benefit from key redevelopment projects that restructure the local economy. Attaining a sufficient and balanced mix of quality uses is an important goal that should be accompanied with creating a safe, attractive, and walkable environment. Another goal is using creative marketing of the districts to businesses and customers.

The most successful downtowns have a mix of synergistic uses that support each other. Downtown housing and office uses have residents and employees that patronize retail shops, restaurants, and service uses such as hair salons, banks, and dry cleaners. Theaters and other entertainment uses are destinations that draw customers into the downtown, who then also patronize restaurants and bars before and after a movie or performance. Institutional uses, supply a high number of patrons and employees for retail and restaurants, and students for downtown housing.

When compared to newer town centers that are trying to replicate the character and qualities of real downtowns, original town centers often have unique challenges. Redevelopment costs can be higher with land assemblage and parking; surrounding household incomes and densities may be more diverse; multiple owners have different perspectives; and the infrastructure may be aging and outdated. Jurisdictions must have an extensive toolbox of incentives to retain and attract the mix of uses needed to keep a CRD healthy. The County has a range of incentives that can be tailored to individual project needs, including: low interest loans, tax credits, and specialized grants, key infrastructure improvements such as parking garages, sewer expansions, and road realignments and improvements, sale of publicly owned land, demolition of obsolete structures, permitting process assistance, flexible zoning, and liquor licensing.

Policy: Retain and attract quality retail, office, service, residential, entertainment, and institutional uses that create well balanced and economically vital mixed-use.

Actions:

- (1) Use targeted public investment to encourage private reinvestment.
- (2) Identify redevelopment/revitalization opportunities in the CRDs and establish a process to determine land use and development goals of the area.
- (3) Conduct specialized analyses of properties and redevelopment proposals.
- (4) Utilize the Consultant on Call Program to provide expedited professional studies on market feasibility.
- (5) Continue familiarization tours to provide education about the County's CRDs and community enhancement areas to upgrade and expand the types of uses, improve poorly managed properties and marginal businesses, and fill vacancies.
- (6) Promote the increased use of the Small Business Resource Center that provides free technical, financial, and marketing assistance.
- (7) Study the use of mixed-use codes in designated community enhancement areas.
- (8) Periodically review the range and scope of incentives to maximize their effectiveness.



The districts, like community enhancement areas, should be the “front door” to the residential neighborhoods, and help establish the overall image of a community. The appearance of the CRD is important to the business and residential communities, and is both a private and public responsibility. The government, primarily through streetscape programs, is generally responsible for the streets, sidewalks, medians, and sometimes alleys. Individual property owners are responsible for a building's façades, and any private parking lots. Improvements should focus on views from the public areas. A commercial center or corridor with attractive curb appeal and stable and desirable uses may encourage people to invest in the community.

Policy: Improve the appearance and walkability of the Districts.

Actions:

- (1) Continue to promote the Architect on Call Program that provides free professional design advice for business or property owners seeking to improve the exterior of their building and/or lot.
- (2) Promote the Building Investment Loan Program that provides zero percent loans for exterior and interior improvements through annual mailings to property and business owners, the business organizations, specialized advertising, and “word of mouth” examples.
- (3) Promote walkability and enhance the attractiveness of older village centers through implementation of streetscape programs managed by the Baltimore County Office of Community Conservation.
- (4) Develop streetscape design around a Complete Streets Program.
- (5) Continue beautification-landscaping partnerships with business organizations.
- (6) Enforce the County code and fund the Commercial Revitalization Action grants for programs to improve the physical appearance of the business environment.

Studies consistently show that when customers buy from an independent, locally owned business, over two thirds of the money spent stays in the community and is used for purchases from other local businesses. These businesses create more jobs locally, and often provide better wages and benefits than nationwide chains. Owners frequently live in the community where their business is located.

Policy: Market Commercial Districts to potential businesses and patrons.

Actions:

(1) Media campaigns including radio, television, print advertising and social media marketing will be developed and utilized during the winter holiday and spring shopping seasons.

(2) Continue to provide design support in promoting community events and districts through the use of Designer On Call, a resource that offers design services for

local initiatives involving the ReDiscover Your Neighborhood Downtown branding.

(3) Maximize partnership with the Baltimore County Revenue Authority to provide convenient parking opportunities.

(4) Promote the County's CRDs and CEAs at regional and national conferences.

(5) Update district profiles and county websites to attract businesses to the districts.

(6) Participate in statewide organizations and programs that promote the revitalization of downtowns across Maryland.

(7) Continue neighborhood promotional campaigns to encourage consumers to shop and eat in locally owned businesses.

TOURISM

Visitors to Baltimore County added \$1.97 billion to the local economy in 2008, according to a study by IHS Global Insight. The study reports that the County's tourism industry supported almost 20,000 jobs, \$545 million in wages, and contributed \$15 million in hotel, amusement and admission taxes.

Baltimore County's 219 miles of Chesapeake Bay waterfront offer unrealized potential to enhance the visitor experience and quality of life for County residents. Over the past decade, eastern Baltimore County has seen over \$600 million in public and private investment. County initiatives have eliminated many aging, blighted apartment complexes, replacing them with open space and hundreds of modern single family and townhomes. Many of the County's 90 marinas and yacht clubs have made significant improvements to their facilities, with waterfront restaurants and a water taxi service adding to eastern Baltimore County's amenities.

Policy: Increase visibility and access to visitor destinations in Baltimore County.

Actions:

(1) Explore methods to unify the waterfront as a regional destination.

(2) Further develop the County's network of bike and walking trails to connect parks, waterfront amenities, and nature centers with



COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2015, Legislative Day No. 13

Bill No. 61-15

Councilmembers Almond & Marks

By the County Council, August 3, 2015

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations - Medical Cannabis

FOR the purpose of permitting State-licensed medical cannabis growing, processing, and distribution facilities in certain zones under certain conditions; defining terms; providing certain limitations and conditions on the location of facilities; and generally relating to the location of State-licensed medical cannabis facilities.

BY adding
Article 4D: Medical Cannabis Facilities
Sections 4D-101 to 4D-103
Baltimore County Zoning Regulations

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

ARTICLE 4D. MEDICAL CANNABIS FACILITIES

§4D - 101. DEFINITIONS.

(A) AS USED IN THIS ARTICLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) "MEDICAL CANNABIS DISPENSARY" MEANS A PERSON OR ENTITY LICENSED BY THE STATE THAT ACQUIRES, POSSESSES, TRANSFERS, SELLS, DISPENSES, OR DISTRIBUTES PRODUCTS CONTAINING MEDICAL CANNABIS AND RELATED SUPPLIES AND PRODUCTS AT A STATE-LICENSED DISPENSARY.

(C) "MEDICAL CANNABIS GROWER" MEANS A PERSON OR ENTITY LICENSED BY THE STATE THAT CULTIVATES, MANUFACTURES, GROWS, PACKAGES, OR DISTRIBUTES MEDICAL CANNABIS TO A LICENSED PROCESSOR, OR A REGISTERED INDEPENDENT TESTING LABORATORY.

(D) "MEDICAL CANNABIS GROWER FACILITY" MEANS A LOCATION OR FACILITY AT WHICH A LICENSED MEDICAL CANNABIS GROWER OPERATES.

(E) "MEDICAL CANNABIS PROCESSOR" MEANS A PERSON OR ENTITY LICENSED BY THE STATE THAT TRANSFORMS MEDICAL CANNABIS INTO ANOTHER PRODUCT OR EXTRACT, AND PACKAGES AND LABELS MEDICAL CANNABIS AND TRANSFERS ITS PRODUCT TO A LICENSED DISPENSARY.

(F) "MEDICAL CANNABIS PROCESSOR FACILITY" MEANS A FACILITY AT WHICH A LICENSED MEDICAL CANNABIS PROCESSOR OPERATES.

§4D - 102. LOCATION OF MEDICAL CANNABIS DISPENSARIES.

A. MEDICAL CANNABIS DISPENSARY IS PERMITTED IN THE OR-2 AND B.M. ZONES, BY RIGHT, AS A PRINCIPAL USE LEGALLY AFFILIATED WITH A HEALTH CARE AND SURGERY CENTER.

B. A MEDICAL CANNABIS DISPENSARY IS PERMITTED IN THE B.R., B.M., B.L., B.L.R., O.T., OR-1, OR-2, O-3, M.L., M.R., M.L.R., AND M.H. ZONES BY RIGHT, AS A PRINCIPAL USE LEGALLY AFFILIATED WITH A STATE-LICENSED MEDICAL CLINIC.

C. 1. A MEDICAL CANNABIS DISPENSARY IS PERMITTED IN THE B.L., OR-1, OR-2, M.L., AND M.R. ZONES, BY RIGHT, AS A PRINCIPAL USE LEGALLY AFFILIATED WITH A MEDICAL CLINIC.

2. A MEDICAL CANNABIS DISPENSARY USE IN COMBINATION WITH A MEDICAL CLINIC MAY NOT BE LOCATED WITHIN 1,000 FEET OF:

(A) A HOUSE OF WORSHIP;

(B) A PUBLIC OR PRIVATE SCHOOL;

(C) A PUBLIC PARK OR PUBLIC RECREATIONAL FACILITY;

(D) A PUBLIC LIBRARY;

(E) A CHILD CARE HOME, CHILD CARE INSTITUTION OR FAMILY DAY CARE HOME LICENSED OR REGISTERED UNDER MARYLAND LAW.

(F) A LOT ZONED RESIDENTIALLY OR DEVOTED PRIMARILY TO RESIDENTIAL USE; OR

(G) WITH 2,500 FEET OF ANOTHER MEDICAL CANNABIS DISPENSARY.

1 §4D - 103. LOCATION OF MEDICAL CANNABIS GROWER FACILITY AND
2 MEDICAL CANNABIS PROCESSOR FACILITY.

3 A MEDICAL CANNABIS GROWER FACILITY OR A MEDICAL CANNABIS
4 PROCESSOR FACILITY MAY BE LOCATED IN A S.E. OR M.L.I.M. ZONE, BY RIGHT.

5 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by the
6 affirmative vote of five members of the County Council, shall take effect on September 21, 2015.

b06115.wpd

Bill 61-15

Council District(s) All

Councilmembers Almond & Marks

Zoning Regulations – Medical Cannabis

Bill 61-15 will permit state-licensed medical cannabis facilities in certain zones of the County. The need for the bill is driven by state legislative action that decriminalized the use or possession of marijuana and authorized the use of marijuana for medical purposes.

Chapter 158 of the Acts of the Maryland General Assembly of 2013 reclassified the use or possession of less than 10 grams of marijuana from a criminal offense to a civil offense, subject to a fine ranging from a maximum of \$100 to \$500, depending on the number of violations. The bill established requirements for (1) the issuance of citations; (2) the appearance in court if the offender is younger than age 21, or after three or more violations; and (3) the adjudication of the offense in District Court.

Chapter 403 of the Acts of the Maryland General Assembly of 2013 authorized the investigational use of marijuana for medical purposes through research programs operated by academic medical centers in the state. The Act also established the Natalie M. LaPrade Medical Marijuana Commission, as an independent commission within the Maryland Department of Health and Mental Hygiene. The Commission initially was established to (1) develop requests for applications for academic medical centers to operate programs in the state; (2) approve or deny initial and renewal program applications; and (3) monitor and oversee programs approved for operation.

Due to lack of interest among academic medical centers to participate in the program and pressure from patient advocates to make medical marijuana available beyond only those patients participating in a research study, legislation was introduced in 2014 to expand the medical marijuana program. Chapters 240 and 256 of the Acts of the Maryland General Assembly of 2014 expanded the state's medical marijuana program to allow qualifying patients to obtain medical marijuana from persons other than academic medical centers.

Enactment of Chapters 240 and 256 not only expanded the commission's duties but also increased public interest in the commission, particularly among patient advocates and individuals interested in becoming growers or establishing dispensaries.

HB 490 of the Acts of the Maryland General Assembly of 2015 renamed the Natalie M. LaPrade Medical Marijuana Commission and Fund to be the Natalie M. LaPrade Medical Cannabis Commission and Fund; altered the purpose and membership of the commission; and replaced references to "medical marijuana" with "medical cannabis." The bill replaced the Commission's authority to approve academic medical centers to operate programs, and established requirements for licensure or registration of persons who will grow, process, or dispense medical cannabis. A person may concurrently be licensed as a grower, a dispensary, or a processor.

The state program now allows for the approval, licensing, and registration of growers, dispensaries, and grower and dispenser agents. The program establishes a framework to certify physicians and qualifying patients (and their caregivers) to provide qualifying patients with medical cannabis legally under state law. The Commission has issued proposed regulations. The Commission may be prepared to begin accepting license applications as early as next month.

Against this background, Bill 61-15 was introduced on August 3 to regulate the location of state-licensed medical cannabis growing, processing, and dispensing facilities. None of these uses is currently defined or regulated by the Baltimore County Zoning Regulations.

The bill defines a medical cannabis dispensary, a medical cannabis grower facility, and a medical cannabis processor facility. Each of these is defined in relation to the state licensing process. As the state regulations are finalized, it may be necessary to amend the definitions to more closely conform to the state concept.

A medical cannabis dispensary is permitted by right in certain zones where medical facilities are permitted, specifically a health care and surgery center, or a state-licensed medical clinic, or a "medical clinic" (a term that is undefined in the Zoning Regulations). The dispensary must have a legal affiliation with the medical facility. The sponsors will likely propose an amendment to remove from the bill the legal affiliation requirement. Although there is a logical reason to require such a link, it is unlikely to be successful as a practical matter.

Since 1996, 23 states and Washington, D.C. have passed laws allowing marijuana to be used for a variety of medical conditions. But these state marijuana laws do not change the fact that using marijuana continues to be an offense under federal law. Although it would seem that hospitals and other medical facilities may be the logical choice for dispensing medical cannabis, it is doubtful that any will do so at the risk of losing federal funding or violating Medicare/Medicaid rules. Until the federal government is willing to get out of the way of the implementation of state cannabis laws, the logical choice may not be the practical one.

Bill 61-15 also proposes to restrict the location of a dispensary within 1,000 feet of a:

- House of worship;
- Public or private school;
- Public park or public recreational facility;
- Public library;
- Child care home, child care institution or family day care home licensed or registered under Maryland law;
- Lot zoned residentially or devoted primarily to residential use; or
- Within 2,500 feet of another medical cannabis dispensary.

Again, the sponsors will propose amendments to eliminate most if not all of these proximity restrictions. It is felt that the security requirements imposed on a licensee by the state regulations will adequately address the safety and security concerns at a dispensary location.

With these amendments, Bill 61-15 will permit a dispensary, by right, in the business zones of the County, subject to appropriate parking and signage requirements.

Bill 61-15 also permits a medical cannabis grower or processor facility in the County's S.E. or M.L.- I.M. Zones by right.

Additional amendments may be proposed to the bill.

With the affirmative vote of five members of the County Council and signature by the County Executive, Bill 61-15 will take effect on September 21, 2015.

PROPOSED AMENDMENTS TO BILL 61-15
Councilwoman Almond

1. On page 2, in line 8, strike "AT A STATE-LICENSED DISPENSARY" and substitute "PURSUANT TO COMAR 10.62.01 TO 10.62.35"

2. On page 2, in lines 12 and 18, insert in each instance before the period "PURSUANT TO COMAR 10.62.01 TO 10.62.35"

3. On page 3, strike lines 2 through 4; in line 5, strike "B" and substitute "A"; in line 6, strike "O.T., OR-1, OR-2, O-3, M.L., M.R., M.L.R., AND M.H." and substitute "AND O-3"; in the same line strike ", AS A" and substitute a period; and strike lines 7 through 10.

4. On page 3, in line 11, strike "2" and substitute "B", and strike "USE IN COMBINATION WITH"; in line 12, strike "A MEDICAL CLINIC", and strike "WITHIN 1,000 FEET OF"; strike line 13; in line 14, strike "(B)" and substitute "(I) WITHIN 500 FEET OF"; and after "PRIVATE", insert "ELEMENTARY SCHOOL, MIDDLE SCHOOL, OR HIGH"; after the semicolon, insert "OR"; and strike lines 15 through 20; in line 21, strike "(G) WITH" and substitute "(II) WITHIN"

5. On page 3, after line 22, insert:

"C. ALL SETBACKS UNDER SUBSECTION B. SHALL BE MEASURED FROM THE NEAREST PROPERTY LINE OF THE MEDICAL CANNABIS DISPENSARY USING A DIRECT LINE TO THE NEAREST PROPERTY LINE OF THE SCHOOL OR OTHER DISPENSARY."

PROPOSED AMENDMENTS TO BILL 61-15
Councilmembers Bevins, Crandell & Marks

On page 3, in line 5, after "B.", insert "1."; after line 7, insert "2. A MEDICAL CANNABIS DISPENSARY IS PERMITTED BY SPECIAL EXCEPTION IN A B.R., B.M., B.L., B.L.R., OR O-3 ZONE THAT IS LOCATED IN A COMMERCIAL REVITALIZATION DISTRICT."

Proposed Amendments - Bill 61.15.bevins.crandell.marks.wpd

PROPOSED AMENDMENT TO BILL 61-15
Councilmembers Kach & Jones

1. On page 4, in line 3, before the sentence beginning with "A MEDICAL CANNABIS", insert "(A)", and in line 4, after "LOCATED IN A", insert "R.C.2.", and after line 4, insert the following"

“(B) A MEDICAL CANNABIS GROWER FACILITY OR A MEDICAL CANNABIS PROCESSOR FACILITY MAY BE LOCATED IN A R.C.7 OR R.C.8 ZONE, BY SPECIAL EXCEPTION ONLY.”

PROPOSED AMENDMENTS TO BILL 61-15
Councilmembers Crandell & Bevins

On page 4, in line 3, before the sentence beginning with "A MEDICAL CANNABIS", insert "(A)", and in line 4, after "LOCATED IN A", insert "R.C.2.", and after line 4, insert the following:

"(B) A MEDICAL CANNABIS GROWER FACILITY OR A MEDICAL CANNABIS PROCESSOR FACILITY IS PERMITTED BY SPECIAL EXCEPTION IN A M.L.-I.M. ZONE LOCATED WITHIN THE CHESAPEAKE ENTERPRISE ZONE."



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 21, 2017

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF: Temescal Wellness of Maryland, LLC – Lessee
Village Greenwood, LLC – Legal Owner
17-281-X 1636 Reisterstown Road
3rd Election District; 2nd Councilmanic District

Re: Petition for Special Exception pursuant to BCZR § 4D-102 for a state licensed medical cannabis dispensary to be located in the Pikesville Commercial Revitalization District.

6/23/17 Opinion and Order of the Administrative Law Judge wherein the Petition for Exception was DENIED (the zoning board cannot grant a special exception unless the petition is filed by the owner(s) of the property).

6/29/17 Opinion and Order on Motion for Reconsideration wherein the Motion for Reconsideration was GRANTED; and the Petition for Special Exception to operate a state licensed medical cannabis dispensary was GRANTED.

This matter was scheduled for October 11, 2017 and October 12, 2017 and has been postponed. This matter has been

**REASSIGNED FOR: October 17, 2017 at 10:00 a.m. – Day 1 and
October 24, 2017 at 10:00 a.m. – Day 2**

Upon conclusion of this matter, the public deliberation will be held on October 31, 2017 at 9:30 a.m.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Notice of Postponement and Reassignment
In the matter of: Village Greenwood, LLC – Legal Owner
Temescal Wellness of Maryland, LLC - Lessee
Case number: 17-281-X
September 21, 2017
Page 2

- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra “Sunny” Cannington
Administrator

c: Counsel for Petitioner/Legal Owner/Lessee	: Adam M. Rosenblatt, Esquire
Petitioner/Legal Owner	: Village Greenwood, LLC
Lessee	: Temescal Wellness of Maryland, LLC
Counsel for Protestants	: Michael R. McCann, Esquire
Protestants	: Pikesville Communities Corporation, Eleven Slade Apartment Coprotation, Ruth Hoffman, Revanne Aronoff
Counsel for Protestants	: Howard J. Needle, Esquire
Protestants	: Pine Ridge Community Association, Arnold Simon and Linda Halpert

Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney
Office of People’s Counsel



Board of Appeals of Baltimore County

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**Krysundra “Sunny” Cannington
Administrator**

c: Counsel for Petitioner/Legal Owner/Lessee	: Adam M. Rosenblatt, Esquire
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Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney
Office of People’s Counsel

Krysundra Cannington

From: Krysundra Cannington
Sent: Thursday, September 21, 2017 9:29 AM
To: Adam Rosenblatt Esquire; 'HJNeedle@comcast.net'; Michael McCann, Esquire
Subject: Temescal Wellness of Maryland LLC 17-281-X
Attachments: Postponement and Reassignment.pdf

Good morning Counsel,

Thank you for your prompt responses regarding scheduling.

Attached please find the Notice of Postponement and Reassignment which is being issued in today's mail. Please be advised we were able to schedule this matter on October 17 and 24, 2017 (not October 26 as originally indicated).

Additionally, at Petitioner's request, a public deliberation has been scheduled and is included in this Notice. Please note, the public deliberation may be changed at the Board's request after the hearing should they require closing memoranda, or additional time to review this matter.

Please do not hesitate to contact me with any questions.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: 410-887-3180
Fax: 410-887-3182

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Krysundra Cannington

From: Howard Needle <hjneedle@comcast.net>
Sent: Wednesday, September 20, 2017 2:41 PM
To: Krysundra Cannington
Cc: 'Rosenblatt, Adam M.'; 'Michael McCann'
Subject: RE: Temescal Wellness of Maryland LLC 17-281-X

Dear Ms. Carrington,

I have changed travel plans in order to be available October 17th. I am also available on the other dates specified by you in your email below of September 18th

Thank you.

Howard Needle.

From: Rosenblatt, Adam M. [mailto:AMRosenblatt@Venable.com]
Sent: Wednesday, September 20, 2017 9:00 AM
To: Michael McCann; Krysundra Cannington; HJNeedle@comcast.net
Subject: RE: Temescal Wellness of Maryland LLC 17-281-X

We are available as well. Please see attached letter regarding scheduling.

Thank you all,

Adam M. Rosenblatt, Esq. | Venable LLP
t 410.494.6271 | f 410.821.0147 | m 410.294.9430
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

AMRosenblatt@Venable.com | http://secure-web.cisco.com/1mAjMDT5scD8i2Zfzu2vo2vcq3Nugg-Ele4kLZ_4NzDOVI3bigvq5ur9YnIKbMeziUhVXsXooVJoDfyZ_IJIDdGRN4FUXSJpaGWsYNU8VO2Tml7jCyTEzySwBMXft_OYrzk3KKMu7qsNAqW_hbZGiUe62sq_Z-Tvt8KvdW05tVgn4SpGheilm3LZAJCVbTORX5bil6QBSog7UfAH_SLGMOBvij_-ge84VP8kWSkRMGgzRvb9rVvPAyNPanBU8Q8v2lZDfj5FDS4edLeU8HqnOiC_I7vx6_JnRSLKLsdI2aQzL0a7KjnzkWPHq53k5asT6SQFIN7YqSF8Pi_Lghum34ZqPI9h2A_V0W98ROOH89uTVeejs39PmYifn50c8Ulpdnwvuqio0dhHDcljml_8zH6sJ6yNg4vKtw17JMXHrleW1FZstD9uSalwVQSsstXdqLk4UuSv8AGe6-w53-ivZJWA/http%3A%2F%2Fwww.Venable.com

From: Michael McCann [mailto:michael@mmccannlaw.net]
Sent: Wednesday, September 20, 2017 7:44 AM
To: Krysundra Cannington <kcanington@baltimorecountymd.gov>; Rosenblatt, Adam M. <AMRosenblatt@Venable.com>; HJNeedle@comcast.net
Subject: RE: Temescal Wellness of Maryland LLC 17-281-X

Sunny: All four dates are good for us. Thank you.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

E-mail Confidentiality: The information contained in this message may be confidential, proprietary and/or protected by the attorney-client privilege or work product doctrine.

Krysundra Cannington

From: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Sent: Wednesday, September 20, 2017 9:00 AM
To: Michael McCann; Krysundra Cannington; HJNeedle@comcast.net
Subject: RE: Temescal Wellness of Maryland LLC 17-281-X
Attachments: 18856015-v1-Letter re scheduling (Temescal).PDF

We are available as well. Please see attached letter regarding scheduling.

Thank you all,

Adam M. Rosenblatt, Esq. | Venable LLP
t 410.494.6271 | f 410.821.0147 | m 410.294.9430
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

AMRosenblatt@Venable.com | http://secure-web.cisco.com/1RzPpVeR7d6UkzcJDeHRHkZf3hBA-073iNSeD-xPmtKHBRYD2XwcFAGeZdJsh701bcjzpJXg0qdNd-hliCaSqTkWibL8gvCtYG5sqsiNNRKC7GZ81PmBYWfgmicaYVTb-TS_kliDyWYIHx428Z8mP3K4uorbOywg0K79Qu5bNULTJfwwBAO3oi8AkhFq4A7h5QNPFfe5wUwkB0CIVosSgcXN6dTy5t1xmJbc5SVhBiEUcsdJbrhIhHi77qxYdv24teSz6OdhmMvgmNLBsZ4BbRe6mJv153D42ozlcelavdqQC2ulWKmGlprtb0-3z0h9ZQMmsv4BnoHUVc6Ybiwgw7yrPIHuaowr9-g0JNn3S5oc8ANutUqUbqjdHcxuKkyB_gKGmR-G1ToluQZ-fPTc0WNEH8NcR8q04pp0MUoxAdl8i9ZAgKimaXivX8qzt4peP59q29YS_WSA5-RPPTw/http%3A%2F%2Fwww.Venable.com

From: Michael McCann [mailto:michael@mmccannlaw.net]
Sent: Wednesday, September 20, 2017 7:44 AM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>; Rosenblatt, Adam M. <AMRosenblatt@Venable.com>; HJNeedle@comcast.net
Subject: RE: Temescal Wellness of Maryland LLC 17-281-X

Sunny: All four dates are good for us. Thank you.

Michael

Michael R. McCann
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From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Monday, September 18, 2017 11:27 AM
To: Adam Rosenblatt Esquire <amrosenblatt@Venable.com>; Michael McCann <michael@mmccannlaw.net>;

Krysundra Cannington

From: Michael McCann <michael@mmccannlaw.net>
Sent: Wednesday, September 20, 2017 7:44 AM
To: Krysundra Cannington; Adam Rosenblatt Esquire; HJNeedle@comcast.net
Subject: RE: Temescal Wellness of Maryland LLC 17-281-X

Sunny: All four dates are good for us. Thank you.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

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From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Monday, September 18, 2017 11:27 AM
To: Adam Rosenblatt Esquire <amrosenblatt@Venable.com>; Michael McCann <michael@mmccannlaw.net>; HJNeedle@comcast.net
Subject: Temescal Wellness of Maryland LLC 17-281-X

Good morning Counsel,

As you are aware, we are in receipt of a postponement request from Mr. McCann. Over the objection of Mr. Rosenblatt, the Board hereby grants the postponement request.

In light of the deadlines faced by Mr. Rosenblatt's client, we would like to reschedule this matter as soon as possible. As such, I have reviewed the following dates with the Board. Due to Board member availability, we are able to reschedule this matter for a two-day hearing on October 17 and 26, 2017 or October 24 and 31, 2017.

Please advise by the close of business Wednesday, September 20, 2017 whether you are available on these dates. I kindly request that documentation be provided for any date you are not available.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sunny

Krysundra "Sunny" Cannington

T 410.494.6271
F 410.821.0147
amrosenblatt@venable.com

September 20, 2017

Via Hand Delivery

Krysundra "Sunny" Cannington
Board of Appeals of Baltimore County
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

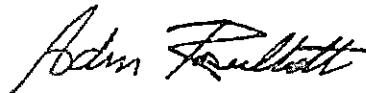
Re: Temescal Wellness of Maryland
Case No. 17-281-X

Dear Ms. Cannington:

We are in receipt of your email indicating that the Board has granted Mr. McCann's request for postponement over our objection. We will make our team available for all four of the hearing dates proposed by the Board. However, we would greatly appreciate the Board setting this matter in on October 17 and 26 as even one additional week of delay will cause additional prejudice to the Petitioner. Given that the hearing before the Administrative Law Judge took only 1-2 hours, we are hopeful that only one hearing date will be necessary before the Board.

Additionally, we are respectfully requesting that the Board also schedule the deliberation in this matter for approximately one week after the conclusion of the hearing. Given the State-mandated timeline, we must also ask the Board to commit to a prompt timeline for issuing the opinion in this case. While this is not a standard request before the Board, it is necessary to ensure that, if/when the relief is granted, the Petitioner will have the ability to comply with all state and local regulations.

Very truly yours,



Adam M. Rosenblatt

cc: Michael McCann, Esq.
Howard Needle, Esq.

Krysundra Cannington

From: Krysundra Cannington
Sent: Monday, September 18, 2017 11:27 AM
To: Adam Rosenblatt Esquire; Michael McCann, Esquire; 'HJNeedle@comcast.net'
Subject: Temescal Wellness of Maryland LLC 17-281-X

Good morning Counsel,

As you are aware, we are in receipt of a postponement request from Mr. McCann. Over the objection of Mr. Rosenblatt, the Board hereby grants the postponement request.

In light of the deadlines faced by Mr. Rosenblatt's client, we would like to reschedule this matter as soon as possible. As such, I have reviewed the following dates with the Board. Due to Board member availability, we are able to reschedule this matter for a two-day hearing on October 17 and 26, 2017 or October 24 and 31, 2017.

Please advise by the close of business Wednesday, September 20, 2017 whether you are available on these dates. I kindly request that documentation be provided for any date you are not available.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: 410-887-3180
Fax: 410-887-3182

Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

Michael R. McCann, P.A.

118 W. Pennsylvania Avenue
Towson, Maryland 21204
(410) 825-2150
michael@mmccannlaw.net



September 15, 2017

Via Email and US Mail

Krysundra Cannington
County Board of Appeals
Jefferson Building
105 W. Chesapeake Avenue, Ste. 203
Towson, Maryland 21204

Re: *Temescal Wellness of Maryland, LLC*
Case No. 17-281-X

Dear Ms. Cannington:

It is unfortunate that I am forced to respond to Mr. Rosenblatt's missive of yesterday and that the Board has to deal with such nonsense. We all have better things to do.

First, to the extent Mr. Rosenblatt accuses me and my clients of fabricating a reason for the postponement, the Board should know that the holidays mentioned in my letter are considered "major" holidays and that some, though not all, of my clients are observant of those holidays. Mr. Rosenblatt's implicit challenge to the sincerity with which these folks hold their religious beliefs is appalling. Such are the times, I guess, but I am confident that the Board will refrain from the same sort of query. The Board should also know that I am not Jewish and had no idea about these holidays until one of my clients mentioned them to me.

As for the substance of his letter, Mr. Rosenblatt refers to a "tight, state-mandated timeline" and a deadline in early December. I was unaware of such a deadline but placed a call, this morning, to the Maryland Medical Cannabis Commission and learned that there is a December 8th deadline for dispensaries to complete the requirements for licensing. I was also told that the August deadline for medical cannabis growers and processors, as opposed to dispensaries, was extended because of pending zoning approvals. Press reports confirm this. In any event, I would anticipate that a short delay in the hearing will not affect the Board's ability to render a decision by the existing December 8th deadline.

Finally, Mr. Rosenblatt suggests that I should find others in the community to attend the hearing in my clients' stead. While there may be persons willing to do so, my clients have the right to be at the hearing, be available to assist me in the case and, if they choose, voice their concerns to the Board.

Thank you for your attention to this matter and for your patience. As I said, I have availability on other dates in October and can provide you those days if you need them.

Sincerely,

A handwritten signature in blue ink, appearing to be 'M. McCann', with a long horizontal flourish extending to the right.

Michael R. McCann

cc: Adam Rosenblatt, Esq. (*via email*)
Howard Needle, Esq. (*via email*)

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(410) 825-2150
michael@mmccannlaw.net

September 15, 2017

Via Email and US Mail

Krysundra Cannington
County Board of Appeals
Jefferson Building
105 W. Chesapeake Avenue, Ste. 203
Towson, Maryland 21204

Re: *Temescal Wellness of Maryland, LLC*
Case No. 17-281-X

Dear Ms. Cannington:

It is unfortunate that I am forced to respond to Mr. Rosenblatt's missive of yesterday and that the Board has to deal with such nonsense. We all have better things to do.

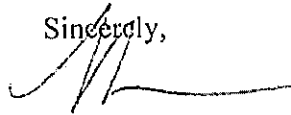
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Finally, Mr. Rosenblatt suggests that I should find others in the community to attend the hearing in my clients' stead. While there may be persons willing to do so, my clients have the right to be at the hearing, be available to assist me in the case and, if they choose, voice their concerns to the Board.

Thank you for your attention to this matter and for your patience. As I said, I have availability on other dates in October and can provide you those days if you need them.

Sincerely,

A handwritten signature in dark ink, appearing to be 'M. McCann', with a long horizontal flourish extending to the right.

Michael R. McCann

cc: Adam Rosenblatt, Esq. (*via* email)
Howard Needle, Esq. (*via* email)

Krysundra Cannington

From: Michael McCann <michael@mmccannlaw.net>
Sent: Friday, September 15, 2017 11:49 AM
To: Krysundra Cannington
Cc: Amrosenblatt@venable.com; Howard Needle
Attachments: 20170915114055017.pdf

Sunny: Please see attached. Thank you.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

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T 410.494.6271
F 410.821.0147
amrosenblatt@venable.com

September 14, 2017



Via Hand Delivery

Krysundra "Sunny" Cannington
Board of Appeals of Baltimore County
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Temescal Wellness of Maryland
Case No. 17-281-X

Dear Ms. Cannington:

I am writing to oppose the request for postponement filed yesterday by Michael McCann. There was no question that Mr. McCann would request a postponement in this case, the only question was on what basis he would make his request.

As you are aware, cannabis dispensaries are on a tight, state-mandated timeline to obtain their necessary permits and approvals by the first week of December of this year. Any additional delay in this matter would greatly prejudice the Petitioner and make it potentially impossible to meet the required timeline. Mr. McCann and his clients did not even attend the hearing before the Administrative Law Judge, and now have not only filed an appeal, but are seeking to delay the hearing by requesting a postponement.

I myself am Jewish, as are several representatives of the Petitioner (who are Pikesville residents) and an expert witness for the Petitioner in this case. None of us have any issue presenting the case on October 11 and 12 as scheduled. Furthermore, Mr. McCann's clients are community associations with many members (the two named individuals are simply representatives of the Avalon East Community Association and 11 Slade Condominium Association), and there is no reason why they cannot find a representative to present their concerns to the Board on the previously scheduled dates. This matter took under two hours to present to the administrative law judge, and even if that time doubles with the presence of Mr. McCann, the case should be completed in less than one day.

Krysundra "Sunny" Cannington
September 14, 2017
Page 2

The only rescheduling that the Petitioner could agree to would be to move the hearing earlier in October. Given that the burden is on the Petitioner to promptly obtain its approvals, and that prejudice would result if the case is delayed, we are respectfully requesting that the Board deny Mr. McCann's request for postponement.

Very truly yours,



Adam M. Rosenblatt

cc: Michael McCann, Esq.
Howard Needle, Esq.

Michael R. McCann, P.A.

118 W. Pennsylvania Avenue

Towson, Maryland 21204

(410) 825-2150

michael@mmccannlaw.net



September 13, 2017

Via Hand-Delivery

Krysundra Cannington
County Board of Appeals
Jefferson Building
105 W. Chesapeake Avenue, Ste. 203
Towson, Maryland 21204

Re: Temescal Wellness of Maryland, LLC
Case No. 17-281-X

Dear Ms. Cannington:

I write to request a postponement of the hearing in the above matter presently scheduled for October 11 and 12, 2017. Those days are Jewish holidays, Sukkot Hoshana Rabah and Shmini Atzeret specifically, and several of my clients are Jewish. These days have the same observance status as the Sabbath, when regular work activities are prohibited.

I have availability on other dates in October and can provide you those days if you need them. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to be "Michael R. McCann", written over a horizontal line.

Michael R. McCann

cc: Adam Rosenbl , Esq. (via email)
Howard Needle, E (via email)



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 13, 2017

AMENDED NOTICE OF ASSIGNMENT **(Amended as to time only)**

IN THE MATTER OF: Temescal Wellness of Maryland, LLC – Lessee
17-281-X Village Greenwood, LLC – Legal Owner
1636 Reisterstown Road
3rd Election District; 2nd Councilmanic District

Re: Petition for Special Exception pursuant to BCZR § 4D-102 for a state licensed medical cannabis dispensary to be located in the Pikesville Commercial Revitalization District.

6/23/17 Opinion and Order of the Administrative Law Judge wherein the Petition for Exception was DENIED (the zoning board cannot grant a special exception unless the petition is filed by the owner(s) of the property).

6/29/17 Opinion and Order on Motion for Reconsideration wherein the Motion for Reconsideration was GRANTED; and the Petition for Special Exception to operate a state licensed medical cannabis dispensary was GRANTED.

ASSIGNED FOR: **October 11, 2017 at 9:00 a.m. – Day 1 and**
October 12, 2017 at 9:00 a.m. – Day 2

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

Amended Notice of Assignment
In the matter of: Village Greenwood, LLC – Legal Owner
Temescal Wellness of Maryland, LLC - Lessee
Case number: 17-281-X
September 13, 2017
Page 2

c:	Counsel for Petitioner/Legal Owner/Lessee	:	Adam M. Rosenblatt, Esquire
	Petitioner/Legal Owner	:	Village Greenwood, LLC
	Lessee	:	Temescal Wellness of Maryland, LLC
	Counsel for Protestants	:	Michael R. McCann, Esquire
	Protestants	:	Pikesville Communities Corporation, Eleven Slade Apartment Coprotation, Ruth Hoffman, Revanne Aronoff
	Counsel for Protestants	:	Howard J. Needle, Esquire
	Protestants	:	Pine Ridge Community Association, Arnold Simon and Linda Halpert

Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney
Office of People's Counsel



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 13, 2017

Adam M. Rosenblatt, Esquire
Venable LLP
210 W. Pennsylvania Ave, Ste 500
Towson, Maryland 21204

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, MD 21204

Howard J. Needle, Esquire
1321 Harden Lane
Baltimore, MD 21208

Re: In the matter of: Temescal Wellness of Maryland, LLC – Lessee
Village Greenwood, LLC – Legal Owner
Case No: 17-281-X

Dear Counsel:

Enclosed please find an Amended Notice of Assignment (Amended as to time only) changing the start time to 9:00 a.m. I have just been advised by a Panel Member of a conflict which requires the hearing on October 11, 2017 to end no later than 2:00 p.m. In an effort to ensure enough time for this matter to be heard, the Board has decided to begin at 9:00 a.m. on both hearing dates, October 11 and 12, 2017.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Sunny Cannington

Krysundra "Sunny" Cannington
Administrator

Multiple Original

Enclosure



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 7, 2017

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

17-281-X

Temescal Wellness of Maryland, LLC – Lessee
Village Greenwood, LLC – Legal Owner
1636 Reisterstown Road
3rd Election District; 2nd Councilmanic District

Re: Petition for Special Exception pursuant to BCZR § 4D-102 for a state licensed medical cannabis dispensary to be located in the Pikesville Commercial Revitalization District.

6/23/17 Opinion and Order of the Administrative Law Judge wherein the Petition for Exception was DENIED (the zoning board cannot grant a special exception unless the petition is filed by the owner(s) of the property).

6/29/17 Opinion and Order on Motion for Reconsideration wherein the Motion for Reconsideration was GRANTED; and the Petition for Special Exception to operate a state licensed medical cannabis dispensary was GRANTED.

ASSIGNED FOR:

October 11, 2017 at 10:00 a.m. – Day 1 and
October 12, 2017 at 10:00 a.m. – Day 2

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

Notice of Assignment

In the matter of: Village Greenwood, LLC – Legal Owner

Temescal Wellness of Maryland, LLC - Lessee

Case number: 17-281-X

September 7, 2017

Page 2

c:	Counsel for Petitioner/Legal Owner/Lessee	:	Adam M. Rosenblatt, Esquire
	Petitioner/Legal Owner	:	Village Greenwood, LLC
	Lessee	:	Temescal Wellness of Maryland, LLC
	Counsel for Protestants	:	Michael R. McCann, Esquire
	Protestants	:	Pikesville Communities Corporation, Eleven Slade Apartment Coprotation, Ruth Hoffman, Revanne Aronoff
	Counsel for Protestants	:	Howard J. Needle, Esquire
	Protestants	:	Pine Ridge Community Association, Arnold Simon and Linda Halpert

Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney
Office of People's Counsel

HOWARD J. NEEDLE
ATTORNEY AT LAW
1321 Harden Lane
Baltimore, Maryland 21208

Tel: (410) 484-8701
Fax: (410) 484-8703
E-mail: HJNeedle@comcast.net

September 5, 2017

Office of Administrative Hearings
105 W. Chesapeake Ave.
Towson, MD 21204

Re: Notice of Appeal
Petition for Special Exception
Case No. 2017-0281-X
1636 Reisterstown Road
Temescal Wellness of Maryland, LLC, Petitioner
Medical Cannabis Dispensary



Dear Sir/Madam,

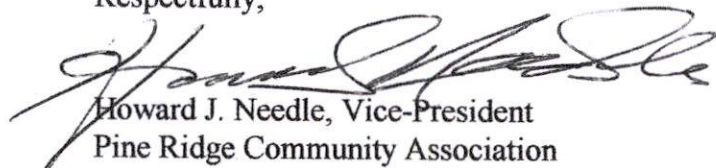
This is a supplementation of the Notice of Appeal filed by me on September 1, 2017 in the above-captioned appeal, providing the addresses of the appellants as follows:

Pine Ridge Community Association, Inc.
C/O Howard J. Needle, V.P.
1321 Harden Lane
Pikesville, MD 21208

Arnold Simon
2 Peachtree Court
Pikesville, MD 21208

Linda Halpert
1 Vaocluse Lane
Pikesville, MD 21208

Respectfully,


Howard J. Needle, Vice-President
Pine Ridge Community Association

Cc: Baltimore County Board of Appeals
Adam Rosenblatt, Esq.
Paul Bekman, Esq.
Arnold Simon
Linda Halpert

Law Office

HOWARD J. NEEDLE

1321 Harden Lane
Baltimore, Maryland 21208

BALTIMORE MD 212

05 SEP 2017 PM 7:1



Baltimore County Board of Appeals
105 W. Chesapeake Ave.
Towson, MD 21204

21204-472599



HOWARD J. NEEDLE

ATTORNEY AT LAW
1321 Harden Lane
Baltimore, Maryland 21208

Tel: (410) 484-8701
Fax: (410) 484-8703
E-mail: HJNeedle@comcast.net

August 31, 2017



HAND DELIVERED

Office of Administrative Hearings
105 W. Chesapeake Ave.
Towson, MD 21204

Re: Notice of Appeal
Petition for Special Exception
Case No. 2017-0281-X
1636 Reisterstown Road
Temescal Wellness of Maryland, LLC, Petitioner
Medical Cannabis Dispensary

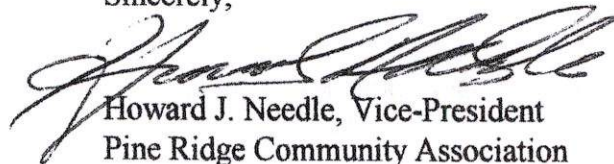


Dear Sir/Madam,

The Pine Ridge Community Association, Arnold Simon, and Linda Halpert hereby submit this Notice of Appeal of the Opinion and Order dated August 2, 2017, denying in part and granting in part the Motion for Reconsideration filed by the Pine Ridge Community Association, and the Opinion and Order dated June 23, 2017, granting the Special Exception petitioned in the above-captioned proceeding, and the Opinion and Order dated June 29, 2017 granting the Motion for Reconsideration filed by the Petitioner.

I am enclosing my office check in the amount of \$385, payable to Baltimore County, Maryland, representing payment of the appeal filing fee.

Sincerely,


Howard J. Needle, Vice-President
Pine Ridge Community Association

Cc: Baltimore County Board of Appeals
Adam Rosenblatt, Esq.
Paul Bekman, Esq.
Arnold Simon
Linda Halpert

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

Nº 143343

Date: 9/1/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	000		16150				385.00

Total: 385.00

Rec
From:

Howard J. Needle, Esq

For:

11636 Reisterstown Rd

2017-0281-X

CK# 2486

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME MON

9/05/2017 9/01/2017 11:37:46 5

REG WSDS WALKIN LRB

>>RECEIPT # 916939 9/01/2017 OFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 143343

Receipt Tot \$385.00

\$385.00 CK \$1.00 CA

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

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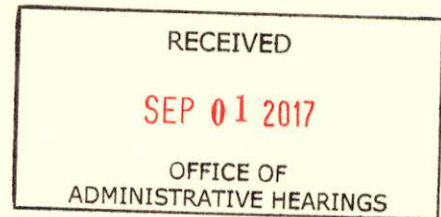
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11/11

HOWARD J. NEEDLE
ATTORNEY AT LAW
1321 Harden Lane
Baltimore, Maryland 21208

Tel: (410) 484-8701
Fax: (410) 484-8703
E-mail: HJNeedle@comcast.net



August 31, 2017

HAND DELIVERED

Office of Administrative Hearings
105 W. Chesapeake Ave.
Towson, MD 21204

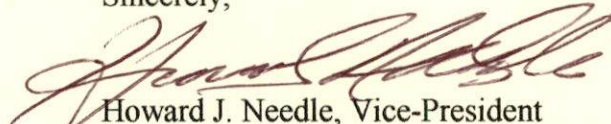
Re: Notice of Appeal
Petition for Special Exception
Case No. 2017-0281-X
1636 Reisterstown Road
Temescal Wellness of Maryland, LLC, Petitioner
Medical Cannabis Dispensary

Dear Sir/Madam,

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Sincerely,



Howard J. Needle, Vice-President
Pine Ridge Community Association

Cc: Baltimore County Board of Appeals
Adam Rosenblatt, Esq.
Paul Bekman, Esq.
Arnold Simon
Linda Halpert



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

September 1, 2017

Adam Rosenblatt, Esq.
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Exception
Case No. 2017-0281-X
Property: 1636 Reisterstown Road



Dear Mr. Rosenblatt:

Please be advised that an appeal of the above-referenced case was filed in this Office on August 31, 2017. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Beverungen".

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

c: Michael McCann, Esq., 118 W. Pennsylvania Avenue, Towson, Maryland 21204
Linda Halpert, 1 Vacluse Lane, Baltimore, Maryland 21208
Debbie Patterson, 1309 Sudvale Road, Baltimore, Maryland 21208

Mark Alexis, 1324 Church Hill Drive, Baltimore, Maryland 21208
Arnold Simon, 2 Peachtree Court, Baltimore, Maryland 21208
Howard and Sue Needle, 1321 Harden Lane, Baltimore, Maryland 21208
Baltimore County Board of Appeals
People's Counsel



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

September 1, 2017

Adam Rosenblatt, Esq.
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Exception
Case No. 2017-0281-X
Property: 1636 Reisterstown Road



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Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

c: Michael McCann, Esq., 118 W. Pennsylvania Avenue, Towson, Maryland 21204
Howard J. Needle, Esq., 1321 Harden Lane, Baltimore, Maryland 21208
Linda Halpert, 1 Vacluse Lane, Baltimore, Maryland 21208
Debbie Patterson, 1309 Sudvale Road, Baltimore, Maryland 21208



Mark Alexis, 1324 Church Hill Drive, Baltimore, Maryland 21208

Arnold Simon, 2 Peachtree Court, Baltimore, Maryland 21208

KEVIN KAMENETZ
County Executive

Baltimore County Board of Appeals
People's Counsel

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

№ 143342

Date: 8/31/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	000		6150				385.00

Total: 385.00

Rec From: Mike McCann

For: 2017-0281-X

11636 Reisterstown Rd

CK #4838

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRN

8/31/2017 8/31/2017 13:46:27 1

REG 8501 MAIL LJR

>>RECEIPT # 745408 8/31/2017 OFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 143342

Recpt Tot \$395.00

\$385.00 CR \$1.00 CA

Baltimore County, Maryland

CASHIER'S
VALIDATION

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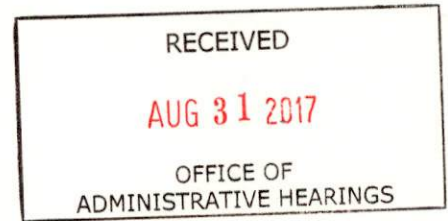
11/11/11

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11/11/11

Michael R. McCann, P.A.

118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net



August 31, 2017

Via Hand-Delivery

Office of Administrative Hearings
Attn: Debra Wiley
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Notice of Appeal
Case No. 2017-281-X

Dear Ms. Wiley:

Enclosed please find a Notice of Appeal for filing in the above-referenced matter, along with a check for the filing fee.

Thank you for your attention to this matter. Please contact me if you have any questions or concerns.

Best Regards,

A handwritten signature in blue ink, appearing to be "M. McCann", with a long horizontal flourish extending to the right.

Michael McCann

cc: Baltimore County Board of Appeals
Arnold Jablon, Director of PAI

RECEIVED

AUG 31 2017

OFFICE OF
ADMINISTRATIVE HEARINGS

IN RE: PETITION FOR SPECIAL EXCEPTION
(1636 Reisterstown Road)

3rd Election District

2nd Council District

Temescal Wellness of Maryland, LLC
(Lessee)

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE HEARINGS

*

FOR BALTIMORE COUNTY

*

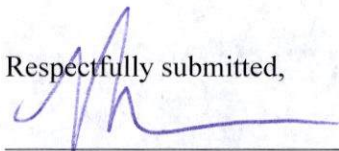
Case No.: 2017-0281-X

* * * * *

NOTICE OF APPEAL

Protestants, Pikesville Communities Corporation, Eleven Slade Apartment Corporation, Ruth Hoffman, and Revanne Aronoff, file this appeal of the *Opinion and Order on Motion for Reconsideration* dated August 2, 2017 and the *Opinion and Order* dated June 23, 2017. Pursuant to Rule 3a of the Rules of Practice and Procedure, the names and addresses of the persons taking the appeal are: Pikesville Communities Corporation, 7919 Long Meadow Road, Baltimore, MD 21208; Eleven Slade Apartment Corporation, 11 Slade Avenue, Baltimore, MD 21208; Ruth Hoffman, 8909 Griffin Way, Baltimore, MD 21208; Revanne Aronoff, 11 Slade Avenue, Apt. 511, Baltimore, MD 21208.

Respectfully submitted,



Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT, on the 31st day of August, 2017, a copy of the foregoing
Notice of Appeal was mailed via first-class mail, postage prepaid, to:

Adam Rosenblatt, Esq.
Venable LLP
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Howard J. Needle, Esq.
1321 Harden Lane
Baltimore, Maryland 21208



Michael R. McCann

IN RE: PETITION FOR SPECIAL EXCEPTION
(1636 Reisterstown Road)

3rd Election District
2nd Council District
Temescal Wellness of Maryland, LLC
(Lessee)

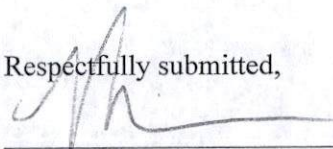
* BEFORE THE OFFICE
* OF ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No.: 2017-0281-X

* * * * *

NOTICE OF APPEAL

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Respectfully submitted,



Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Attorney for Protestants



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Adam Rosenblatt, Esq.
Venable LLP
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Howard J. Needle, Esq.
1321 Harden Lane
Baltimore, Maryland 21208

A handwritten signature in black ink, appearing to be 'M. McCann', written over a horizontal line.

Michael R. McCann



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

August 2, 2017

Adam Rosenblatt, Esq.
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: Petition for Special Exception- Motion for Reconsideration (PRCA)
Case No. 2017-0281-X
Property: 1636 Reisterstown Road

Dear Mr. Rosenblatt:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Linda Halpert, 1 Vacluse Lane, Baltimore, Maryland 21208
Debbie Patterson, 1309 Sudvale Road, Baltimore, Maryland 21208
Mark Alexis, 1324 Church Hill Drive, Baltimore, Maryland 21208
Arnold Simon, 2 Peachtree Court, Baltimore, Maryland 21208
Howard and Sue Needle, 1321 Harden Lane, Baltimore, Maryland 21208

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
(1636 Reisterstown Road)		
3 rd Election District	*	OFFICE OF
2 nd Council District		
Temescal Wellness of Maryland, LLC,	*	ADMINISTRATIVE HEARINGS
<i>Lessee</i>		
	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2017-0281-X

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by the Pine Ridge Community Association. An opposition to the Motion was filed by Petitioner.

I believe the petition for special exception was granted properly, as discussed in the Orders dated June 23, 2017 and June 27, 2017. To that extent, the Motion for Reconsideration will be denied. But the community also requests certain conditions be imposed in the final order, and after reviewing the submissions I will amend the final order to include two conditions which will address the concerns raised by the community association.

As an initial matter, the Administrative Law Judge (ALJ) is permitted to impose conditions upon the grant of a special exception, to safeguard the community. B.C.Z.R. §502.2. The community first requests a condition prohibiting the property from being used for a recreational cannabis dispensary. As Petitioner notes, Maryland law does not at this time permit the sale of cannabis for recreational purposes. Even so, citizens articulated their concern that, as in other states around the country, recreational cannabis sales will eventually be permitted and current licensees may well be in an advantageous position to obtain state approval for such a program. While I agree with Petitioner it would be anomalous to forbid in a zoning order that which is already prohibited by state law, I will impose a condition requiring a public hearing before Petitioner or subsequent

ORDER RECEIVED FOR FILING

Date 8-2-17

By 19W

owners/lessees/operators offer for sale at the property cannabis products (other than those products sold or distributed as a "medical cannabis dispensary," as that term is defined in B.C.Z.R. §4D-101) as may be authorized in the future by federal, state and/or local law or regulation.

The community also expressed concern that the signage for this enterprise not contain "bold or obtrusive" symbols or content. To address this issue I will impose a condition requiring the Department of Planning (DOP) to review and approve elevation drawings of all proposed signage prior to the issuance of any sign permits.

WHEREFORE, for the foregoing reasons, it is this 2nd day of **August, 2017** by the Administrative Law Judge for Baltimore County ordered that the Motion for Reconsideration be and is hereby GRANTED, and the Order in the above-captioned case dated June 29, 2017 shall be amended to include the following conditions:

1. Petitioners shall submit for approval by the DOP elevation drawings of all proposed signage, prior to issuance of any sign permits.
2. A public hearing shall be required if Petitioners or subsequent owners, lessees and/or operators propose to sell or dispense cannabis products in any fashion other than as a "medical cannabis dispensary" as authorized by state law and B.C.Z.R. §4D-101.

IT IS FURTHER ORDERED that all other terms and conditions of the Order dated June 29, 2017 shall continue in full force and effect.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 8-2-17

2

By [Signature]

**IN RE: PETITION FOR
SPECIAL EXCEPTION
(1636 Reisterstown Road)
3rd Election District
2nd Council District**

**Temescal Wellness of Maryland, LLC
*Lessee***

**Village Greenwood, LLC
*Owner/Petitioner***

* **BEFORE THE**
* **OFFICE OF**
* **ADMINISTRATIVE HEARINGS**
* **FOR BALTIMORE COUNTY**
*
* **Case No. 2017-0281-X**
*
*



* * * * *

**RESPONSE TO
MOTION FOR RECONSIDERATION**

Owner/Petitioner Village Greenwood, LLC, and Lessee Temescal Wellness of Maryland, LLC, by undersigned counsel, hereby submit this Response to the Motion for Reconsideration filed by Howard J. Needle, and, in support thereof, state as follows:

1. On June 23, 2017, the Administrative Law Judge ("ALJ") issued an Opinion and Order denying the Petition for Special Exception in the above-referenced case because of a technical defect on the petition contained in the ALJ's file. Specifically, the file did not contain any signature or other proof of participation from the owner of the property.
2. On June 27, 2017, Petitioner submitted a Motion for Reconsideration that cured the technical defect and proved that the owner was and is a willing participant in this petition.
3. On June 28, 2017, Mr. Needle mailed a letter to the ALJ requesting that the ALJ consider two limiting conditions if the petition is granted. Unfortunately, it appears that Mr. Needle's letter was returned in the mail and did not make its way to the ALJ's file.
4. On June 29, 2017, the ALJ issued a revised Order granting the petition for special exception.
5. On July 25, 2017, Mr. Needle hand delivered to the ALJ another copy of the letter that was initially mailed on June 28, 2017.

6. Mr. Needle's letter requests that, if the petition is granted, the ALJ place restrictions on the relief: (1) prohibiting the dispensary from expanding into a recreational or personal use cannabis dispensary, and (2) limiting the type of signage that can be placed on the Property. These two proposed conditions are briefly addressed below.

7. Petitioner respectfully submits that a condition restricting recreational cannabis on the Property is unnecessary because recreational cannabis is already prohibited by law. There is no way to anticipate if or when the State of Maryland will legalize recreational cannabis dispensaries, and we cannot predict how Baltimore County will condition the location of recreational cannabis facilities on a local level. As recreational cannabis is flatly prohibited by law, there is no reason to place any further restriction on the relief granted in this petition.

8. With respect to signage, Petitioner has not sought any relief from Section 450 of the Baltimore County Zoning Regulations ("BCZR") and all signage will have to strictly comply with the BCZR. Additionally, this property is located in the Pikesville Design Review Area, and the Department of Planning administratively reviews and approves all requests for signage in Pikesville. Given that the signage will comply with the BCZR, and that the Department of Planning will have to review and approve the proposed signage, there is no reason to place any additional conditions on the relief granted in this petition.

CONCLUSION

For the reasons stated herein, Petitioners respectfully request that Mr. Needle's Motion be denied and the underlying Petition for Special Exception be approved as indicated in the June 29, 2017 Order of the Office of Administrative Hearings.

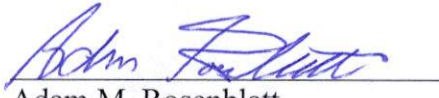
Respectfully submitted,



Adam M. Rosenblatt
Venable LLP
210 W. Pennsylvania Ave., Suite 500
Towson, Maryland 21204
(410) 494-6271
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify, on this 28th day of July, 2017, that a copy of the foregoing Pleading was emailed and mailed to Howard Needle, 1321 Harden Lane, Baltimore, MD 21208.



Adam M. Rosenblatt

John E. Beverungen

From: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Sent: Thursday, July 27, 2017 4:10 PM
To: John E. Beverungen
Cc: Sherry Nuffer; hjneedle@comcast.net
Subject: RE: Case No. 2017-0281-X

Thank you Judge. My client has asked me to briefly address Mr. Needle's letter so I will file a short response as soon as I can.

Adam M. Rosenblatt, Esq. | Venable LLP
t 410.494.6271 | f 410.821.0147 | m 410.294.9430
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

AMRosenblatt@Venable.com | http://secure-web.cisco.com/1TlrdY38502zf-M2fgUMcwyhwNYYwdhIB5KjkCIQVWqSpa25LXK4YLlQ0hMvD1_VUjXLi43t73jao0bVzf3CiYlXO9HY2DKwXNgPJOQ3CEoEKfRH767P_Y_LMQuxGqdVHTlssqXpRmeHCMuYHKTWmXQyXCjAU2Du-TJEUY2o9X5tbThLreNP8zod9_f_Aq4P-gcXF6exi9AwB7_rvOLVCtPMhaRyNgvgiVxD2vYydc1WDr5FZlStzK3D02d9sWcflRyLqRdt9Mbuz1dY3sTyq4yIZYcrdRwkbxuEUxfz-4mOa6VZMAWIXg8p9sRpxzp9Q_8sbjauLLOlj9hCvgCHdMhsrDaBXI-HjilLeBAX-oBB_wM7BsQNsg5ShlCKKdFDYbw_HiFb-rxDyzoXA_JminFpzF3ZEZcXcPwvBYoJXHhZsnBSLdkw4VagyfbJKstpFeBjS4cY5xYxq9bWqdWZw/http%3A%2F%2Fwww.Venable.com

From: John E. Beverungen [mailto:jbeverungen@baltimorecountymd.gov]
Sent: Thursday, July 27, 2017 3:43 PM
To: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Cc: Sherry Nuffer <snuffer@baltimorecountymd.gov>; hjneedle@comcast.net
Subject: Case No. 2017-0281-X

Mr. Rosenblatt,

On July 25 Mr. Needle filed on behalf of the community association a motion for reconsideration in the above mater. Please let me know if you intend to file a response or opposition to that motion.

John Beverungen
ALJ



CONNECT WITH BALTIMORE COUNTY



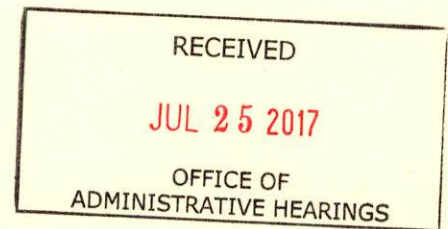
www.baltimorecountymd.gov

This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

HOWARD J. NEEDLE
ATTORNEY AT LAW
1321 Harden Lane
Baltimore, Maryland 21208

Tel: (410) 484-8701
Fax: (410) 484-8703
E-mail: HJNeedle@comcast.net

July 25, 2017



HAND DELIVERED

Hon. John E. Beverungen
Administrative Law Judge
105 W. Chesapeake Ave.
Towson, MD 21204

Re: Request for Reconsideration
Petition for Special Exception
Case No. 2017-0281-X
1636 Reisterstown Road
Temescal Wellness of Maryland, Petitioner
Medical Cannabis Dispensary

Dear Judge Beverungen,

The Pine Ridge Community Association requests that you reconsider your Opinion and Order dated June 23, 2017, granting the Special Exception petitioned in the above-captioned proceeding, and your Opinion and Order dated June 29, 2017, granting the Motion for Reconsideration filed by the Petitioner.

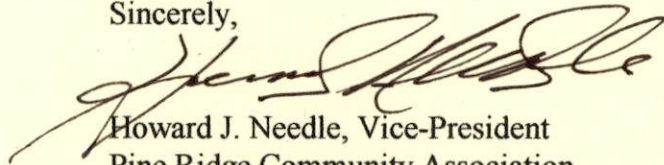
Your first Opinion and Order made reference to the fact that I "...submitted a letter enclosing an April 2017 research study concerning "Marijuana Outlets and Crime..." I respectfully point out that my letter did much more than that. In addition to expressing our deep concern that the proposed use as a medical cannabis dispensary is, in fact, detrimental to the health, safety, and/or welfare of the area around the site and the surrounding neighborhoods, and that the Petition should therefore be denied, my letter also requested that you impose two substantive conditions in your Order if you do grant the special exception.

One vital condition would not allow the dispensary to expand into or become a recreational or personal use cannabis dispensary or location in which recreational or personal use marijuana may be sold or distributed. The other important condition would limit signage, as the very nature of the proposed use should not require large, bold or

obtrusive signage to mark the location of the dispensary. Please refer to the arguments submitted for these conditions expressed in my prior letter, which are incorporated herein by reference.

Thank you again for your serious consideration of our positions on this unique Petition, the first of its kind in Baltimore County. It raises important issues that should be addressed now.

Sincerely,



Howard J. Needle, Vice-President
Pine Ridge Community Association

Cc: Adam Rosenblatt, Esq.
Paul Bekman, Esq.



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

June 29, 2017

Adam Rosenblatt, Esq.
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: Petition for Special Exception- Motion for Reconsideration
Case No. 2017-0281-X
Property: 1636 Reisterstown Road

Dear Mr. Rosenblatt:

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Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Linda Halpert, 1 Vacluse Lane, Baltimore, Maryland 21208
Debbie Patterson, 1309 Sudvale Road, Baltimore, Maryland 21208
Mark Alexis, 1324 Church Hill Drive, Baltimore, Maryland 21208
Arnold Simon, 2 Peachtree Court, Baltimore, Maryland 21208
Howard and Sue Needle, 1321 Harden Lane, Baltimore, Maryland 21208

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
(1636 Reisterstown Road) *
3rd Election District * OFFICE OF
2nd Council District *
Temescal Wellness of Maryland, LLC * ADMINISTRATIVE HEARINGS
Lessee *
* FOR BALTIMORE COUNTY
Petitioner * Case No. 2017-0281-X

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by Petitioners. By Order dated June 23, 2017, the petition for special exception was denied in the above case, based solely upon Petitioners' failure to have the legal owner sign said petition. In their motion, Petitioners explain the signature page was in fact filed by Petitioners, but that it was somehow not included in the Administrative Law Judge's file. Petitioners included with their motion (Exhibit A) a fully executed copy of the petition. As such, the motion will be granted.

WHEREFORE, for the foregoing reasons, it is this 29th day of **June, 2017** by the Administrative Law Judge for Baltimore County ordered that the Motion for Reconsideration be and is hereby GRANTED.

IT IS FURTHER ORDERED that the petition for special exception to operate a state licensed medical cannabis dispensary, within the 0.30 acre special exception area shown on the site plan marked as Exhibit 1, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 6/29/17

By Sen

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 6/29/17
By sln



**IN RE: PETITION FOR
SPECIAL EXCEPTION
(1636 Reisterstown Road)
3rd Election District
2nd Council District**

**Temescal Wellness of Maryland, LLC
*Lessee***

**Village Greenwood, LLC
*Owner/Petitioner***

* **BEFORE THE**
* **OFFICE OF**
* **ADMINISTRATIVE HEARINGS**
* **FOR BALTIMORE COUNTY**
*
* **Case No. 2017-0281-X**
*
*

* * * * *

MOTION FOR RECONSIDERATION

Pursuant to Rule 4K of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County, Owner/Petitioner Village Greenwood, LLC, and Lessee Temescal Wellness of Maryland, LLC, by undersigned counsel, hereby submit this Motion for Reconsideration, and, in support thereof, state as follows:

1. On June 23, 2017, the Administrative Law Judge (“ALJ”) issued an Opinion and Order denying the Petition for Special Exception in the above-referenced case. The denial was based on the fact that the Petition contained in the ALJ’s file did not include a signature page or other evidence of participation from Village Greenwood, LLC, the owner of the property in question.

2. As is often the case with a petition for zoning relief, at the time of filing, the Petitioner supplied a single copy of the site plan and petition with the intent of supplementing the file with the required number of plans (12) and petitions (3) signed by both the Lessee and Owner of the Property. This is common practice as the Zoning Review office frequently requests a minor change to the site plan proposed for filing and the applicant can make the requested changes before printing 12 full size copies of a site plan.

3. This petition was filed by undersigned counsel and Mr. Kellman on April 18, 2017, and the additional required copies of the site plan and petition were filed with the zoning office over the following week. Undersigned counsel personally brought three signature pages signed by the Owner to the Zoning Review office to complete the filing.

4. It is unclear why the owner's signature page failed to make it to the ALJ's file, but an original signature page that was received by undersigned counsel prior to filing is attached hereto as Exhibit A. In fact, Exhibit A is signed by the Owner in two places (once on the first page, and once on the Owner attachment to the petition).

5. Also attached hereto is a letter from Village Greenwood, LLC explaining that the owner was aware of, willfully joined in the filing, and fully supports the Petition for Special Exception in this case. *See* Exhibit B.

6. As the ALJ is well aware, Rule 4K provides the authority for any party to file a Motion for Reconsideration within 30 days of the date of an original order. The issue that is the subject of this Motion is purely technical and it does not appear that any additional evidence or testimony is required beyond the attachments presented with this Motion.

7. From a legal standpoint, the ALJ should permit the addition of the attached signature page and letter from the Owner as proof of the Owner's willing participation in this zoning petition because the documents have no impact on the Protestants' arguments and do not impair their rights in any way. *See Maryland Ins. Comm'r v. Cent. Acceptance Corp.*, 424 Md. 1, 15 (2011) (citing *Pollock v. Patuxent Inst. Bd. of Review*, 374 Md. 463, 469 n.3 (2003)) (when reviewing allegations of procedural error, one should "look[] to whether a 'substantial right' of a party was violated and whether that party was prejudiced by the procedural irregularities"). Indeed, the Protestants did not base their opposition on who was proposing to own or operate the state licensed medical cannabis facility, their opposition was based entirely on the existence of such a use. Additionally, the Protestants were permitted to submit copies of a

research study after the case concluded, and the Petitioner is simply seeking the same courtesy to correct a technical issue that should not have even occurred in this case.

8. While Petitioner takes full responsibility for this procedural issue, had it been discovered and/or raised at the hearing, Exhibit A would have been produced and this Motion would have been avoided. Presumably, it was first discovered after the hearing when the ALJ prepared to issue the Order, and having delivered the required signature pages to the Zoning Review office, the Petitioner had no reason to believe that they were not contained in the ALJ's file. This is precisely the type of issue that can and should be resolved under Rule 4K.

9. The ALJ's Order stated that sufficient evidence was presented at the hearing for the ALJ to grant the Petition for Special Exception. *See* Order p. 2 (holding that "but for a procedural issue discussed below the petition for special exception would be granted.")

10. Based on the exhibits attached hereto, which demonstrate that the owner of the property was aware of, willfully joined in the filing, and fully supports the Petition, Petitioners respectfully request that this Motion be granted and the Petition be approved.

CONCLUSION

For the reasons stated herein, Petitioners respectfully request that this Motion be granted and the underlying Petition be approved.

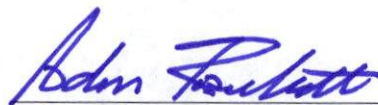
Respectfully submitted,



Adam M. Rosenblatt
Venable LLP
210 W. Pennsylvania Ave., Suite 500
Towson, Maryland 21204
(410) 494-6271
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify, on this 27th day of June, 2017, that a copy of the foregoing Motion for Reconsideration was mailed to Howard Needle, 1321 Harden Lane, Baltimore, MD 21208.



Adam M. Rosenblatt



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1636 Reisterstown Road

which is presently zoned BL

Deed References: 22155/79

10 Digit Tax Account # 0 3 2 3 0 5 0 9 2 8

Property Owner(s) Printed Name(s) Village Greenwood LLC

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☒ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
SEE ATTACHED
3. ☐ a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

~~Contract Purchaser/Lessee:~~

SEE ATTACHED

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Adam M. Rosenblatt, Esquire

Name- Type or Print

Adam Rosenblatt

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6271 amrosenblatt@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SEE ATTACHED

Name #1 - Type or Print

Name #2 - Type or Print

Authorized Person

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Adam M. Rosenblatt, Esquire

Name - Type or Print

Adam Rosenblatt

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6271 amrosenblatt@venable.com

Zip Code Telephone # Email Address

CASE NUMBER Filing Date / / Do Not Schedule Dates: Reviewer

REV. 10/4/11

PETITIONER'S EXHIBIT

A

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

**1636 Reisterstown Road
Pikesville, MD 21208**

Requested Relief:

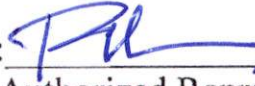
1. Special exception pursuant to Section 4D-102 of the BCZR for a state licensed medical cannabis dispensary to be located in the Pikesville Commercial Revitalization District.
2. Also, for such further relief as the Administrative Law Judge may require.

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

**1636 Reisterstown Road
Pikesville, MD 21208**

Legal Owner

Village Greenwood LLC

By: , *authorized person*
Authorized Representative

Address:

MFI INC STE 300
2800 Quarry Lake Drive
Baltimore, MD 21209

**Village Greenwood, LLC
1636 Reisterstown Road
Pikesville, MD 21208**

June 26, 2017

Hon. John E. Beverungen
Office of Administrative Hearings
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Petition for Special Exception
Case No. 2017-0281-X

Dear Judge Beverungen:

Village Greenwood, LLC ("Owner") is the Owner of the property known as 1636 Reisterstown Road in the Pikesville area of Baltimore County (the "Property"). As indicated by Owner's multiple signatures on the subject Original Petition for Special Exception (copy attached hereto for reference), Owner is/was aware of, willfully joined in the filing, and fully supports the subject Petition for Special Exception that would permit Temescal Wellness of Maryland, LLC to lawfully operate a state-licensed medical cannabis dispensary on the Property. This letter represents the undersigned Owner's position pertaining to this matter at all times relevant herein.

With that said, please accept this letter as clear evidence that the Owner of the Property joined in the filing and fully supports the subject Petition and relief sought in Case No. 2017-0281-X.

Very truly yours,

Village Greenwood, LLC

By: 
Authorized Representative
Richard S. Wolman



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1636 Reisterstown Road which is presently zoned BL
Deed References: 22155/79 10 Digit Tax Account # 0 3 2 3 0 5 0 9 2 8
Property Owner(s) Printed Name(s) Village Greenwood LLC

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☒ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
SEE ATTACHED
3. ☐ a Variance from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

~~Contract Purchaser/Lessee:~~

SEE ATTACHED

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Adam M. Rosenblatt, Esquire

Name- Type or Print

Adam Rosenblatt

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6271 amrosenblatt@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SEE ATTACHED

Name #1 - Type or Print

Name #2 - Type or Print

Authorized Person

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Adam M. Rosenblatt, Esquire

Name - Type or Print

Adam Rosenblatt

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6271 amrosenblatt@venable.com

Zip Code Telephone # Email Address

CASE NUMBER Filing Date / / Do Not Schedule Dates: Reviewer

REV. 10/4/11

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

**1636 Reisterstown Road
Pikesville, MD 21208**

Requested Relief:

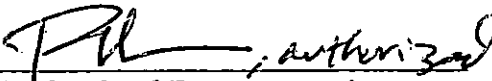
1. Special exception pursuant to Section 4D-102 of the BCZR for a state licensed medical cannabis dispensary to be located in the Pikesville Commercial Revitalization District.
2. Also, for such further relief as the Administrative Law Judge may require.

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

**1636 Reisterstown Road
Pikesville, MD 21208**

Legal Owner

Village Greenwood LLC

By: , *authorized person*
Authorized Representative

Address:

**MFI INC STE 300
2800 Quarry Lake Drive
Baltimore, MD 21209**



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

June 23, 2017

Adam Rosenblatt, Esq.
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: Petition for Special Exception
Case No. 2017-0281-X
Property: 1636 Reisterstown Road

Dear Mr. Rosenblatt:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

- c: Linda Halpert, 1 Vaocluse Lane, Baltimore, Maryland 21208
Debbie Patterson, 1309 Sudvale Road, Baltimore, Maryland 21208
Mark Alexis, 1324 Church Hill Drive, Baltimore, Maryland 21208
Arnold Simon, 2 Peachtree Court, Baltimore, Maryland 21208
Howard and Sue Needle, 1321 Harden Lane, Baltimore, Maryland 21208

bIN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
(1636 Reisterstown Road)
3rd Election District * OFFICE OF
2nd Council District
Temescal Wellness of Maryland, LLC * ADMINISTRATIVE HEARINGS
Lessee * FOR BALTIMORE COUNTY

Petitioner * Case No. 2017-0281-X

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Exception filed on behalf of Temescal Wellness of Maryland, LLC, lessee ("Petitioner"). The Special Exception was filed pursuant to the Baltimore County Zoning Regulations ("B.C.Z.R.") for a state licensed medical cannabis dispensary to be located in the Pikesville Commercial Revitalization District.

Ted Rebholz and land use planner Mitch Kellman appeared in support of the petition. Adam M. Rosenblatt, Esq. represented the Petitioner. Several members of the community opposed the request, and Howard Needle, an attorney who lives in the adjacent Pine Ridge community, submitted a letter enclosing an April 2017 research study concerning "Marijuana Outlets and Crime...." A copy of these documents is included in the case file. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Neither agency opposed the special exception request.

The subject property is approximately 0.5 acres in size and is zoned BL, although the special exception "area" shown on the plan is 0.3 acres. The property is located within the Pikesville Commercial Revitalization District, and is improved with a strip shopping center. The

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Date 6/23/17

By Sen

property has been vacant for some time. Petitioner was granted from the State of Maryland a medical cannabis dispensary license, and it proposes to open a dispensary facility in a 5,500 sq. ft. portion of the strip center. While a cannabis dispensary is permitted “by right” in a BL zone, a special exception is required when the property is located within a commercial revitalization district. B.C.Z.R. §4D-102.

Special Exception

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, ___ Md. ___, 152 A.3d 765 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

In this case, Petitioner presented expert testimony from Mitchell Kellman, a land use/zoning planner with over 25 years of experience. Pet. Ex. 6. Mr. Kellman opined Petitioner satisfied the standards set forth in B.C.Z.R. §502.1 and that the proposed use would not be detrimental to the community. Thus, as a matter of law, Petitioner has established a prima facie case of entitlement to the special exception.

As described in *Attar*, it is then the community’s burden to adduce evidence rebutting the presumption favoring the Petitioner. I do not believe such evidence was presented in this case, and (but for a procedural issue discussed below) the petition for special exception would be granted. It is entirely understandable the community does not want the dispensary in Pikesville. But as noted at the hearing zoning is not a plebiscite, and cases cannot be decided based on the

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2

Date 6/23/17

By Sen

number of people favoring versus opposing a project. *Neuman v. City of Baltimore*, 23 Md. App. 13, 16 (1974) (“[z]oning should never be allowed or disallowed on the basis of a plebiscite of the neighborhood”).

Members of the community emphasized that a “special” exception or exemption is required here, which is true. But under the law as described above, special exceptions are in fact not “special” or “exceptions” at all. See *Ogden Fire Co. v. Upper Chichester Twp.*, 504 F.3rd 370, 382 (3d Cir. 2007) (noting that a “special exception is not really an exception at all”). In fact they are presumptively proper uses.

Petitioner requested at the hearing (although there was no such request in the Petition itself) it be permitted to provide an 8 ft. wide landscape strip at the front of the site adjoining Reisterstown Road. The zoning regulations and landscape manual require a 10-foot wide landscape strip for parking lots adjacent to public roadways. B.C.Z.R. §409.8.A.1. As such, unless variance or special hearing relief is granted Petitioner must comply with the requirements set forth in the landscape manual.

The final issue concerns the zoning Petition itself. While the property owner’s name (Village Greenwood LLC) is printed at the top of the form, there is no ownership information or signature by an authorized party on the bottom of the petition or on any attachments thereto. In fact, the petition contains an oath and affirmation clause whereby the owner must expressly declare that it is the “legal owner(s) of the property which is the subject of this/these Petition(s).” In these circumstances the petition must therefore be denied. *Fiol v. Howard County*, 67 Md. App. 595, 605 (1986) (zoning board cannot grant a special exception unless the petition is filed by the owner(s) of the property).

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By Sen

THEREFORE, IT IS ORDERED this 23rd day of **June, 2017**, by this Administrative Law Judge, that the Petition for Special Exception for a state licensed medical cannabis dispensary to be located in the Pikesville Commercial Revitalization District, be and is hereby DENIED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

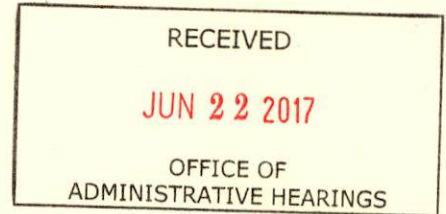
ORDER RECEIVED FOR FILING

Date 6/23/17

By Den

HOWARD J. NEEDLE
ATTORNEY AT LAW
1321 Harden Lane
Baltimore, Maryland 21208

Tel: (410) 484-8701
Fax: (410) 484-8703
E-mail: HJNeedle@comcast.net



June 22, 2017

HAND DELIVERED

Hon. John E. Beverungen
Administrative Law Judge
105 W. Chesapeake Ave.
Towson, MD 21204

Re: Case No. 2017-0281-X)
Petition for Special Exception
Temescal Wellness of Maryland
Medical Cannabis Dispensary
Reisterstown Road and Naylor's Lane

Dear Judge Beverungen,

You will recall reference being made on June 20th at the hearing on the above-captioned matter about a scholarly paper entitled "From Medical to Recreational Marijuana Sales: Marijuana Outlets and Crime in an Era of Changing Marijuana Legislation." I am enclosing a copy of that paper, which please place in the record of this case on behalf of those opposed to the proposed medical cannabis dispensary that is the subject of these proceedings. I apologize for not having this paper available at the hearing, but, as I then explained to you, because of summer vacations, and our neighborhood not being notified about the Petition for a special exception or the hearing, we learned about them too late to do sufficient research on the subject.

In the Abstract of the paper, Professor Freishler said, at page 250 (The paper begins at page 250 of a larger publication.), "...Further, the density of marijuana outlets in local and spatially adjacent blocks groups was related to higher rates of marijuana-specific crime. This study suggests that the effects of the availability of marijuana outlets on crime do not necessarily occur within the specific areas within which these outlets are located, but may occur in adjacent areas. Thus, studies assessing the effects of these outlets in local areas alone may risk underestimating their true effects."

You will recall the testimony on behalf of the Petitioner that, because of the considerable security provided at the site of the dispensary, crime immediately around it is not expected to increase. Hopefully, that will be the case, though the aforesaid paper casts some doubt on even that. However, the Petitioner could not assure you that crime in surrounding communities will not rise. Hopefully, that will not be the case with a medical cannabis facility, but there can be little doubt that the fear of an increase in crime is legitimate in the advent of a recreational marijuana dispensary.

On this point, the paper states that "...A movement from medical to recreational marijuana allows for a larger base of potential users and easier access to marijuana, as a user does not have to visit a physician before using marijuana..." (page 252) And it is common knowledge that recreational users are more likely than medical marijuana users to be involved in criminal activity.

Our concern that this dispensary will in the future gain the ability to dispense recreational marijuana is legitimate. "...Over 90% of recreational marijuana outlets (in Colorado) share an address with a medical marijuana outlet, due to initial licensing requirements which allowed existing medical marijuana outlets to obtain recreational marijuana licenses before other applicants." (page 254) While that may not yet be the case in Maryland, we should learn from that experience and take appropriate precautions that this not happen here. You can do so in your Opinion and Order.

In its Conclusion and Implications, the paper states "...In particular, as states legalize marijuana for recreational use, property crime in adjacent areas may increase. Studies that only assess the local effects of marijuana outlets may miss the actual relationship of these outlets to crime..." (page 262)

I write as Vice-President and on behalf of the Pine Ridge Community Association, a neighborhood of approximately 100 homes on both sides of Old Court Road near Naylor's Lane, described to you at the hearing by one of our residents as a "sweet neighborhood." My wife and I have lived in our home on Harden Lane for 54 years, and some of our neighbors have lived here longer than that. It is a stable, attractive, and peaceful neighborhood, and we want to keep it that way. We feel threatened by the requested and potential use of the subject property. We ask you to deny the Petition, as the intended use is detrimental to the health, safety, and/or welfare of the area around the dispensary and the surrounding neighborhoods, not only ours.

However, if you are going to grant the special exception, which we hope you do not, we ask you to protect the community by placing two conditions upon it in your Opinion and Order.

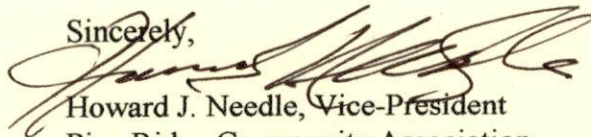
One, so that the medical cannabis dispensary cannot expand into or become a recreational cannabis dispensary or location in which recreational marijuana may be sold or distributed. This would likely assuage, if not resolve, many of the legitimate and heartfelt fears that you heard expressed at the hearing by the many residents who live

nearby the site and who spoke in opposition to the grant of the special exception. This would not limit the Petitioners, who testified, I believe, that they had no intention of opening or expanding into a recreational marijuana facility of any kind.

Two, signage should be limited, perhaps to that permitted for the adjacent office and residential uses of Pomona, a large primarily residential 154-home apartment development across Naylor's Lane on Reisterstown Road. Greater signage should not be necessary for a facility which, admittedly, because of its nature, does not intend to entice to its dispensary any customers from those casually driving by who might be attracted to a retail facility by its bold or obtrusive signage.

Thank you in advance for, what we are confident will be, your serious consideration of our position and requests.

Sincerely,



Howard J. Needle, Vice-President
Pine Ridge Community Association

Cc: Adam Rosenblatt, Esq. (with the paper attached)
Paul Bekman, Esq. (with the paper attached)

From Medical to Recreational Marijuana Sales: Marijuana Outlets and Crime in an Era of Changing Marijuana Legislation

Bridget Freisthler¹ · Andrew Gaidus² ·
Christina Tam³ · William R. Ponicki² ·
Paul J. Gruenewald²

Published online: 27 April 2017
© Springer Science+Business Media New York 2017

Abstract A movement from medical to recreational marijuana use allows for a larger base of potential users who have easier access to marijuana, because they do not have to visit a physician before using marijuana. This study examines whether changes in the density of marijuana outlets were related to violent, property, and marijuana-specific crimes in Denver, CO during a time in which marijuana outlets began selling marijuana for recreational, and not just medical, use. We collected data on locations of crimes, marijuana outlets and covariates for 481 Census block groups over 34 months ($N = 16,354$ space–time units). A Bayesian Poisson space–time model assessed statistical relationships between independent measures and crime counts within “local” Census block groups. We examined spatial “lag” effects to assess whether crimes in Census block groups adjacent to locations of outlets were also affected. Independent of the effects of covariates, densities of marijuana outlets were unrelated to property and violent crimes in local areas. However, the density of marijuana outlets in spatially adjacent areas was positively related to property crime in spatially adjacent areas over time. Further, the density of marijuana outlets in local and spatially adjacent blocks groups was related to higher rates of marijuana-specific crime. This study suggests that the effects of the availability of marijuana outlets on crime do not necessarily occur within the specific areas within which these outlets are located, but may occur in adjacent

✉ Bridget Freisthler
freisthler.19@osu.edu

¹ College of Social Work, Ohio State University, 340C Stillman Hall, 1947 College Rd., Columbus, OH 43210, USA

² Prevention Research Center, Pacific Institute for Research and Evaluation, 180 Grand Avenue, Suite 1200, Oakland, CA 94612-3749, USA

³ Luskin School of Public Affairs, University of California, Los Angeles, 3250 Public Affairs Building, Box 951656, Los Angeles, CA 90095, USA

areas. Thus studies assessing the effects of these outlets in local areas alone may risk underestimating their true effects.

Keywords Marijuana outlets · Violent crime · Property crime

Introduction

The legalization of marijuana for medical or recreational use continues to generate controversy, particularly around potential adverse effects related to crime (California Police Chief's Association Task Force on Marijuana Dispensaries, 2009). Changing norms around marijuana use have culminated, most recently, in the legalization of cannabis for recreational use in seven states and the District of Columbia. Law enforcement officials continue to cite concerns about increases in crime rates due to the rising number of dispensaries, although limited empirical evidence suggests that this might not be the case in the local areas in which marijuana outlets are located (as measured within Census tracts; Kepple & Freisthler, 2012), but may be the case in adjacent neighborhood areas (as measured within smaller Census block groups; Freisthler, Ponicki, Gaidus, & Gruenewald, 2016). The passage of medical marijuana laws does not appear to have increased crime at the state level in at least one study (Morris, TenEyck, Barnes, & Kovandzic, 2014). However, concerns around possible deleterious effects of marijuana distribution on communities are magnified as access to marijuana for the general population continues to increase due to legalization, and as more people report being in favor of legalization (54%; Pew Research Center, 2014). Hence, the increased commercial sales of marijuana will further fuel the controversy surrounding whether they are associated with more marijuana-related crimes.

In November 2000, with the passage of Amendment 20, known as the "Medical Use of Marijuana Act," Colorado became the fourth state to allow marijuana use for specified medical conditions. Amendment 64 "Use and Regulation of Marijuana" was enacted in 2012 making Colorado the first state to legalize marijuana for recreational use. On January 1, 2014, the first outlets began selling marijuana for recreational use. The effects of this changing legislation on social problems, including crime, is unknown. However, as three additional states also allow recreational sales and public support for marijuana legalization is increasing (Pew Research Center, 2014), a better understanding of the relationship between marijuana availability and outcomes such as crime is important for assessing the public health costs of such legislation. Information obtained from such assessments can be used to inform policy as additional states consider allowing marijuana for medical or recreational use.

Marijuana Outlets and Crime

Current concerns about links between marijuana sales and crime are motivated by community and police concerns that this largely for-cash market with high demand will increase criminal activity. Greater numbers of suitable targets of crime,

motivated offenders, and limited enforcement resources combine to lead to greater crime rates (routine activity theory, Cohen & Felson, 1979). Medical marijuana dispensaries are said to be magnets for crime as they are largely a cash-and-carry business selling a substance considered illicit for non-medical users (California Police Chief's Association Task Force on Marijuana Dispensaries, 2009).

While there is a paucity of research on the association between marijuana retail outlets and crime, it is possible that marijuana consumers are likely to become targets of crime. Recent studies suggest that offenders will travel some distance to participate in crime at locations (Tita & Griffiths, 2005) such as medical marijuana dispensaries, and surges in violence, particularly in relatively safe areas, will create adverse effects on businesses in the area (Greenbaum & Tita, 2004). Colorado is currently seeing an influx of marijuana-related tourism adding to the number of customers largely unaware of local neighborhood conditions (Blevins, 2015). Jean (2008) observed that crime "pockets" are often located in and adjacent to places that support cash economies (e.g., liquor stores, check-cashing outlets), whose patrons may be distracted. That is, they may be suitable targets as they may carry more cash than the average customer and may not focus on their surroundings, which may make them "easy marks" for those wishing to perpetrate crime (Glensor & Peak, 2004).

In line with routine activity theory, more dispensaries become targets for motivated offenders. The increased physical availability of marijuana through dispensaries (in states allowing medical use) and in retail outlets (in states allowing recreational use) has been a concern of police officials who worry about higher crime in these areas due to the increased traffic in and around the dispensaries (California Police Chief's Association Task Force on Marijuana Dispensaries, 2009). In particular, as marijuana use remains illegal at the federal level, outlets that sell marijuana have few banking options; thus many marijuana outlets continue to rely primarily on cash sales (California Police Chief's Association Task Force on Marijuana Dispensaries, 2009). Because the majority of transactions in medical marijuana centers involve cash, they become attractive targets for violent crime such as robberies (Wright & Decker, 2011). Add to that a product attractive for possible re-sale on the streets (i.e., marijuana), dispensaries and their patients appear to be a prime target for crime.

Very few studies have assessed the relationship between these marijuana outlets and crime. Kepple and Freisthler (2012) found that the density of medical marijuana dispensaries in Census tracts for Sacramento, California was not related to rates of property or violent crimes. However, this study had a small sample size, used Census tracts (a unit of analysis that may be too large to assess this relationship), and was cross-sectional in nature, limiting its power to fully assess a potential link between dispensary and crime. Using data from smaller geographic units (Census block groups) in Long Beach, California, that they tracked over a time when marijuana dispensaries were rapidly opening and closing, Freisthler et al. (2016) found that higher densities of medical marijuana dispensaries in adjacent areas were related to higher rates of both violent and property crime. These results suggest that geographic scale may be an important consideration for the study of effects of medical marijuana dispensaries on crime. Notably, the latter study was conducted

over the course of 24 months when police in Long Beach increased enforcement efforts aimed at ensuring dispensaries complied with a local ban on storefront dispensaries within city limits.

Finally, no studies have examined how marijuana-specific crime may be related to the density of these outlets. Marijuana-specific crimes involving marijuana and licensed marijuana outlets include those committed against the licensed outlets, or where marijuana constitutes the primary target of these crimes but is not related to a specific outlet. Such crimes may include street-dealers purchasing large quantities of marijuana (e.g., quarter of a pound) and re-selling on the streets or burglary attempts at the outlets. Areas of communities with more of these drug market activities have been related to higher rates of assault, independent of many other environmental, social and demographic characteristics of communities (also at the Census block group level; Banerjee, LaScala, Gruenewald, Freisthler, Treno, & Remer, 2008).

The observation that some state-level studies of laws that decriminalize marijuana sales do not indicate relationships with crime and other health outcomes does not, at this time, support the argument that marijuana decriminalization is without adverse community effects. Measured at the state level, one study of changes in medical marijuana laws found lower rates of arrests for homicides and assaults after the enactment of medical marijuana laws (Morris et al., 2014). However, at these large geographic units aggregation bias generally leads to deflation of effects (e.g., averaging across areas with and without greater access to marijuana), which makes the detection of the resulting effect sizes statistically difficult (and, of course, local effects impossible). In addition, state level arrest records do not fully capture all crime reported to the police and a general assessment of the passage of laws does not provide information on how aspects of those policies or features of implementation may affect crime (Pacula, Powell, Heaton, & Sevigny, 2015). These individuals may also be committing other crimes in the areas adjacent to where dispensaries are located.

To date, no studies have assessed the effects of the physical availability of marijuana on crime for areas that have legalized marijuana for recreational use. A movement from medical to recreational marijuana use allows for a larger base of potential users and easier access to marijuana, as a user does not have to visit a physician before using marijuana. In sum, our policy context of changing availability of marijuana from only medical to recreational purposes changes the physical availability of marijuana through outlets as well as the likely clientele of those outlets. Similar to previous studies, we hypothesize that the density of marijuana outlets in adjacent Census block group areas will be related to higher rates of violent, property, and marijuana-specific crimes.

Methods

We analyzed data from 481 Census block groups that constitute the city of Denver over 34 months (January 2013–October 2015). In January 2014, the first marijuana outlets were able to sell marijuana to the general public throughout the city. Thus,

our study covers the transition from when marijuana could only be sold to medical users to when it could also be sold to those who use it recreationally. The sample size is 16,354 space–time units (481 Census block groups $\times$ 34 months).

We obtained crime incident data from the city of Denver police department. These data include location, dates, and types of crime. Data were geocoded using x, y coordinates provided in the data files. Due to the largely cash nature of marijuana outlets, we examined three types of crime related to: (1) violence, (2) property, and (3) specific marijuana outlets. Violent crime refers to those incidents that involve force or the threat of force and included murder, rape, robbery, and aggravated assaults. Property crime is defined as those events that involve the taking or damage of property and includes burglary, larceny, automobile theft and arson.

Marijuana-specific crimes were identified by the Denver Police Department in an effort to identify whether crimes committed around marijuana outlets could be attributed to the locations of these marijuana retail venues (Reed, Hilkey, Smith, & English, 2016). According to documentation by the police, marijuana-specific incidents were determined to have a clear connection or relation to marijuana, but excluded violations concerning restrictions on the possession, sale, or cultivation of marijuana. These crimes include those that involve marijuana and licensed marijuana facilities such that the crime incident (1) was committed against the licensed industry or by the industry itself; or (2) where marijuana was the primary target in the commission of these crime but the marijuana was not related to a specific outlet. In 2014, 64% of marijuana-specific crimes were related to the industry (e.g., burglary of a marijuana outlet). Burglaries made up 66% of industry related marijuana-specific crimes but only about 40% of non-industry related marijuana-specific crime. In contrast, robbery constituted more than 25% of non-industry marijuana-specific crime compared to only about 4.0% of industry marijuana-specific crime.

We obtained data concerning marijuana outlets from a variety of sources. The Colorado Department of Revenue Enforcement Division, which licenses all outlets for the state of Colorado and reports those data monthly, provided the data on licensed medical and recreational marijuana outlets. We supplemented these data with monthly downloads of data from several websites where outlets advertise their location, hours of operation, and products available. These included Weedmaps (<http://weedmaps.com>), Medical Marijuana Locators (<http://medicalmarijuanalocators.com>), Sticky Guide (<http://stickyguide.com>), Puffpuff411 (<http://puffpuff411.com>), Yelp (<http://yelp.com>), and Weedtracker (<http://weedtracker.com>). Using data from weedmaps.com, we confirmed that the dispensaries were largely cash only businesses. During the study period, only 25% of Denver marijuana outlets reported accepting credit card payments in February 2014 and less than 20% accepted credit cards in October 2015. These data were geocoded to a street address, and files were de-duplicated across location and month to provide monthly numbers of marijuana outlets in Denver. Density of marijuana outlets was created by aggregating the point-located addresses to Census block groups and dividing by area. We used outlet density per square mile because it is a better measure of physical availability of outlets to residents. Adding more people to an area would not decrease the availability of outlets to the existing population, but spreading the same number of outlets over a larger physical area

would generally reduce availability by increasing the average resident's travel distance to reach an outlet. We did not differentiate between recreational or medical marijuana licenses. Over 90% of recreational marijuana outlets share an address with a medical marijuana outlet, due to initial licensing requirements which allowed existing medical marijuana outlets to obtain recreational marijuana licenses before other applicants.

Over half (53%) of all Denver marijuana retailers have a geocoded location within 50 feet of an adjacent block group's boundary; thus a crime that occurred across the street is likely to be in an adjacent spatial unit. Given that some stores employ security personnel, crimes might well be more common some distance from the store itself. Therefore, we created spatially lagged variables by averaging the densities of marijuana outlets for all adjacent block groups.

We obtained sociodemographic estimates for the 481 Census block groups yearly from Geolytics for 2013, 2014 and 2015 (Geolytics, Inc., 2015). These data include block group estimates for a variety of control variables used in our analyses, which included population density (per square mile), percent of one person households, male to female ratio, median household income, percent of families in poverty, percent of adults unemployed, percent of owner-occupied housing units, percent of vacant housing units, percent of residents who were Asian, Black, and Hispanic, and percent of residents between the ages of 15 and 24.

Parcel level land use data was obtained from the City of Denver. Parcels with a commercial land use were identified as those that had one of the following land use descriptions: commercial, retail, restaurant, shopping, gas station, supermarket, and hotel/motel. GIS was used to overlay these data with block groups to calculate the percent of block group area in a commercial land use. Presence of a highway ramp was calculated by extracting highway ramp road segments from the Census TIGER/Line roads Shapefile (Feature Class Code S1630) and overlaying these ramp locations with Census block groups.

Alcohol license data for 2015 was obtained from the city. Data included the location of the alcohol outlets, type of alcohol license, and x, y coordinates. License categories were classified into off-premise outlets (e.g., liquor and convenience stores), restaurants that serve alcohol, and bars or pubs. Block group area densities were calculated in each of these three categories.

Variables were chosen to loosely represent the tenets of routine activities theory, where a suitable target is represented by percent of adult males aged 15–24 and percent single person household, as it may indicate neighborhood areas where people spend more time outside the home (Cohen & Felson, 1979). Absence of capable guardians available to prevent crime is represented by vacant housing, owner-occupied housing and population density. Motivated offenders (e.g., people who are likely to participate in criminal behaviors) is measured using percent poverty and percent unemployment (Cohen & Felson, 1979). Finally we included structural characteristics of neighborhoods (e.g., alcohol outlet density, presence of highway ramps) shown to be related to crime in previous studies of medical marijuana dispensaries and crime (Kepple & Freisthler, 2012; Freisthler et al., 2016).

Data Analysis Procedures

Data were analyzed using Bayesian Conditional Autoregressive (CAR) Poisson models to assess statistical relationships between density of marijuana outlets and monthly counts of violent, property, and marijuana crime incidents in each Census block group. The use of CAR procedures adjusted for the loss of statistical independence among adjacent spatial units due to spatial autocorrelation (Besag, York, & Mollie, 1991; Carlin & Louis, 2004). In addition to the random effect related to spatial similarity (i.e., correlated heterogeneity), a second random effect accounted for non-spatial block group differences (i.e., uncorrelated heterogeneity). The Bayesian approach helps to deal with small area problems by allowing estimates in each region to borrow strength from those of neighboring areas, and have also been shown to allow for overdispersion (Lord, Washington, & Ivan, 2005; Waller & Gotway, 2004). The model is specified as follows:

$$Y_{i,t} | \mu_{i,t} \sim \text{Poisson} (E_{i,t} \exp(\mu_{i,t}))$$

where $Y_{i,t}$ represents the observed count of crimes in block group i during month t , and $E_{i,t}$ denotes the expected number of the crimes under the assumption that study-wide criminal incidents are distributed in direct proportion to block group population. $\exp(\mu_{i,t})$ may be interpreted as the relative crime risk of residing in block group i at month t such that regions with $\exp(\mu_{i,t}) > 1$ will have greater crime counts than expected based on their population, and regions with $\exp(\mu_{i,t}) < 1$ will have fewer crime incidents than expected.

The log-relative risk, $\mu_{i,t}$, is modeled as a linear combination of fixed covariate effects and random effects to take into account spatial correlation:

$$\mu_{i,t} = \alpha + \lambda \cdot t + X'_{i,t}\beta + \theta_{i,t} + \varphi_{i,t} + \omega_t$$

Parameter α is an intercept, and $\lambda \cdot t$ is a city-wide linear time trend across the 34-month period. Matrix $X'_{i,t}$ contains space- and time-specific independent variables (local and spatially-lagged marijuana outlet densities) as well as control variables, and β is a vector of fixed-effects estimates of the effects of those covariates. The terms $\theta_{i,t}$ and $\varphi_{i,t}$ denote the pair of random effects capturing spatially unstructured heterogeneity and CAR spatial dependence, respectively. A temporal random effect ω_t allows for unexplained variance in risks across months. Models were estimated using WinBUGS 1.4.3 software (Lunn, Thomas, Best, & Spiegelhalter, 2000). Non informative priors were specified for all fixed and random effects. Analyses were allowed to converge (burn-in) for 40,000 Markov Chain Monte Carlo (MCMC) iterations. Posterior estimates were then sampled for an additional 40,000 iterations.

Results

Table 1 presents the descriptive statistics for all the study variables. On average, each Census block group has .48 violent crimes, 3.0 property crimes, and .04 marijuana-specific crimes per month. Block groups also had about 2.5 marijuana outlets per square mile in local and spatially lagged (adjacent) areas.

Table 1 Descriptive statistics for study variables

Variable name	Mean	SD	Min	Max
Violent crimes per month	0.48	1.04	0.00	16.00
Property crimes per month	3.00	5.26	0.00	102.00
Marijuana crimes per month	0.04	0.25	0.00	5.00
Marijuana outlets per square mile	2.47	6.09	0.00	57.69
Spatially-lagged marijuana outlets per square mile	2.50	3.10	0.00	24.17
Bars and pubs per square mile	4.19	14.46	0.00	204.81
Restaurants (that serve alcohol) per square mile	14.22	44.63	0.00	687.58
Off-premise alcohol outlets per square mile	5.30	9.70	0.00	87.78
Population density (1000s per square mile)	8.62	5.62	0.00	38.79
% One-person household	36.46	16.78	7.86	82.40
Male/female ratio ($\times 100$)	100.94	17.55	36.59	192.73
HH income (\$1000s in 2015)	5.49	3.24	0.00	21.90
% Families in poverty	17.80	17.58	0.00	92.57
% Unemployment	7.78	8.42	0.00	100.00
% Owned housing	48.71	23.55	0.00	94.14
% Vacant housing	12.94	7.72	0.00	96.01
% Asian	1.83	3.33	0.00	40.24
% Black	7.61	12.53	0.00	67.05
% Hispanic	32.06	29.23	0.07	97.38
% Age 15–24	10.02	4.46	0.00	24.70
% Zoned commercial	4.27	6.59	0.00	67.34
Any highway ramps	0.19	0.39	0.00	1.00
Block group population	1352.90	887.42	0.00	12,950.00
Block group area (square miles)	0.32	1.95	0.03	42.29

Violent Crime

Density of marijuana outlets (local or spatially lagged) was not related to rates of violent crime during the 34 month study period (see Table 2). The density of bars and off-premise alcohol outlets was related to higher rates of violent crimes. Census block groups that had lower population densities, median household incomes, percent of owner-occupied housing, percent of unemployed adults, and percent of young adults aged 15–24 had higher rates of violent crime. Having a higher percent of vacant housing and percent of land zoned for commercial uses was also related to higher rates of violent crime. Violent crime also had a statistically significant positive linear time trend. The Moran's I coefficient was measured at .813 (z value = 29.99, $p < .001$) indicating the presence of significant positive spatial autocorrelation.

Table 2 Bayesian space–time models of relationship between medical Marijuana dispensaries and crime ($n = 16,354$)

Variable name	Model 1: Violent crime		Model 2: Property crime		Model 3: Marijuana-specific crime	
	Relative rate	95% credible interval	Relative rate	95% credible interval	Relative rate	95% credible interval
Intercept	1.85	(0.56, 6.40)	1.37	(0.45, 2.43)	0.45	(0.02, 14.53)
Marijuana outlets per square mile	1.01	(1.00, 1.02)	1.00	(1.00, 1.01)	1.08	(1.06, 1.10) ^a
Spatially-lagged marijuana outlets per square mile	1.00	(0.98, 1.02)	1.02	(1.01, 1.03) ^a	1.08	(1.02, 1.14) ^a
Bars and pubs per square mile	1.01	(1.00, 1.02) ^a	1.00	(1.00, 1.01)	1.01	(0.99, 1.03)
Restaurants (that serve alcohol) per square mile	1.00	(1.00, 1.00)	1.00	(1.00, 1.00)	1.00	(0.99, 1.00)
Off-premise alcohol outlets per square mile	1.01	(1.00, 1.02) ^a	1.01	(1.00, 1.02) ^a	1.01	(0.99, 1.04)
Population density (1000s per square mile)	0.93	(0.91, 0.94) ^a	0.95	(0.94, 0.96) ^a	0.87	(0.83, 0.91) ^a
% One-person household	1.00	(0.99, 1.01)	1.00	(0.99, 1.01)	1.00	(0.97, 1.03)
Male/female ratio ($\times 100$)	1.00	(1.00, 1.01)	1.00	(1.00, 1.01)	1.01	(1.00, 1.02)
HH income (\$1000s in 2015)	0.92	(0.88, 0.96) ^a	0.95	(0.93, 0.98) ^a	0.84	(0.75, 0.94) ^a
% Families in poverty	1.00	(0.99, 1.01)	1.00	(0.99, 1.00)	1.02	(1.00, 1.03) ^a
% Unemployment	1.00	(1.00, 1.01)	1.00	(1.00, 1.01)	1.00	(0.98, 1.02)
% Owned housing	0.99	(0.98, 0.99) ^a	0.99	(0.99, 1.00) ^a	1.00	(0.98, 1.01)
% Vacant housing	1.01	(1.00, 1.02) ^a	1.01	(1.01, 1.02) ^a	0.99	(0.97, 1.01)
% Asian	1.02	(0.99, 1.04)	1.00	(0.98, 1.02)	0.98	(0.93, 1.03)
% Black	1.01	(1.00, 1.02)	0.99	(0.99, 1.00)	0.99	(0.97, 1.01)
% Hispanic	1.00	(1.00, 1.01)	0.99	(0.99, 1.00) ^a	1.00	(0.99, 1.02)
% Age 15–24	0.95	(0.91, 0.99) ^a	1.00	(0.98, 1.02)	1.02	(0.91, 1.12)
% Zoned commercial	1.03	(1.02, 1.04) ^a	1.03	(1.02, 1.04) ^a	1.01	(0.98, 1.04)
Any highway ramps	1.20	(0.98, 1.48)	1.35	(1.15, 1.56) ^a	1.46	(0.95, 2.30)
Linear time trend	1.01	(1.00, 1.02) ^a	1.01	(1.00, 1.01) ^a	1.00	(0.99, 1.01)
SD (correlated heterogeneity/CAR random effect)	1.01	(0.73, 1.39)	0.52	(0.36, 0.69)	0.80	(0.08, 1.60)
SD (uncorrelated heterogeneity/non-spatial random effect)	0.46	(0.23, 0.58)	0.47	(0.42, 0.53)	1.04	(0.74, 1.29)

Table 2 continued

Variable name	Model 1: Violent crime		Model 2: Property crime		Model 3: Marijuana-specific crime	
	Relative rate	95% credible interval	Relative rate	95% credible interval	Relative rate	95% credible interval
<i>SD</i> (month random effect)	0.14	(0.10, 0.19)	0.13	(0.10, 0.17)	0.06	(0.02, 0.15)
Proportion spatial	0.83	(0.63, 0.97)	0.55	(0.34, 0.73)	0.37	(0.01, 0.80)

^a Credible interval does not include 1

Property Crime

The number of marijuana outlets per square mile within the Census block group was not related to rates of property crimes. However, the density of marijuana outlets in spatially adjacent block groups was positively related to property crime. Off-premise alcohol outlets, percent of vacant housing, percent of area commercially zoned and the presence of highway ramps were positively related to property crime rates. Population density, median household income, percent of owner-occupied housing, and percent of Hispanic residents was negatively related to rates of property crime. The linear time trend was also positive and statistically significant. Spatial autocorrelation was positive and statistically significant (Moran's I .890, z value = 32.79, $p < .001$). Figure 1 shows the model obtained posterior estimates by Census block group for the effects of lagged marijuana outlets on property crime. Using these estimates, marijuana outlets are related to 84.8 more property crimes per year.

Marijuana-Specific Crime

Having higher densities of marijuana outlets within the Census block group and in spatially adjacent block groups was related to higher rates of marijuana-specific crime. Similar to both violent and property crime, higher rates of marijuana-related crime occurred in block groups with lower population densities and lower household incomes. A higher percent of families living in poverty was related to higher rates of marijuana-specific crime. Unlike violent and property crime, the linear time trend was not significant. Significant positive spatial autocorrelation was present as evidenced by the Moran's I statistic equaling .922 (z value = 33.78, $p < .001$). The posterior values for the local and spatially-lagged marijuana outlets on crime can be found in Fig. 2. These outlets are related to 12.2 higher marijuana-specific crimes in each year.

Several specification tests were conducted. In the first we added a dummy variable that indicated the change from medical to recreational availability, to assess whether crimes increased with the opening of recreational marijuana outlets. This variable was not supported in any of our models insofar as the findings related to

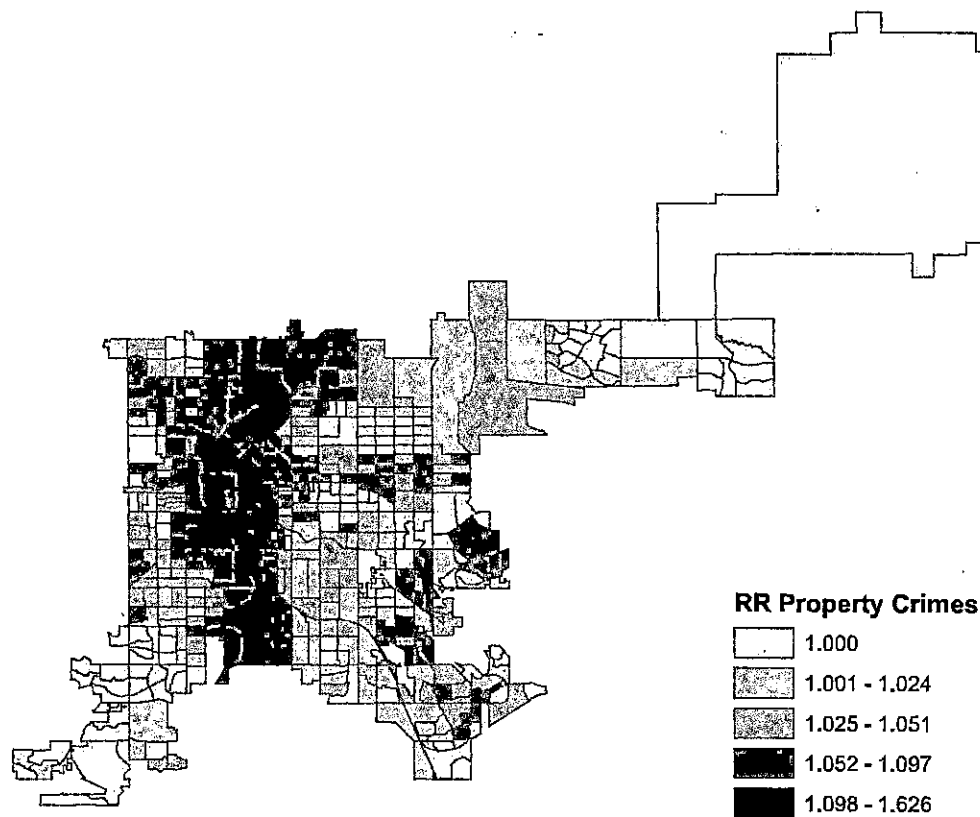


Fig. 1 Posterior relative incidence rates of property crimes in Denver, October 2015 due to marijuana outlet effects. The *lightest shaded* block groups have no local or adjacent-area marijuana outlets and thus no outlet contribution to predicted property crime rates. The *darkest shaded* block groups are estimated to have at least 9.8% higher property crime rates related to their local and adjacent-area marijuana outlet densities

marijuana outlets did not change. In the second specification test, we included the rate of other drug crimes as a control variable in the analysis. We found that the variable was well supported and positive for property and violent crimes, but was not related to marijuana-specific crimes. The inclusion of this variable did not change the findings related to marijuana outlets.

Discussion

Across the United States, individual states are debating and considering legislation that would legalize medical or recreational marijuana use. Yet the long term consequences of such legislation remain largely unknown. Policy researchers are attempting to assess the early impact of marijuana legalization upon public health outcomes related to marijuana use. These outcomes go far beyond crime to include rising levels of marijuana dependence and related hospitalizations (Mair, Freisthler, Ponicki, & Gaidus, 2015). There is concern that previous state level studies have been too global and imprecise to identify public health impacts. Simple measures of legalization that do not recognize critical elements of the social mechanisms by

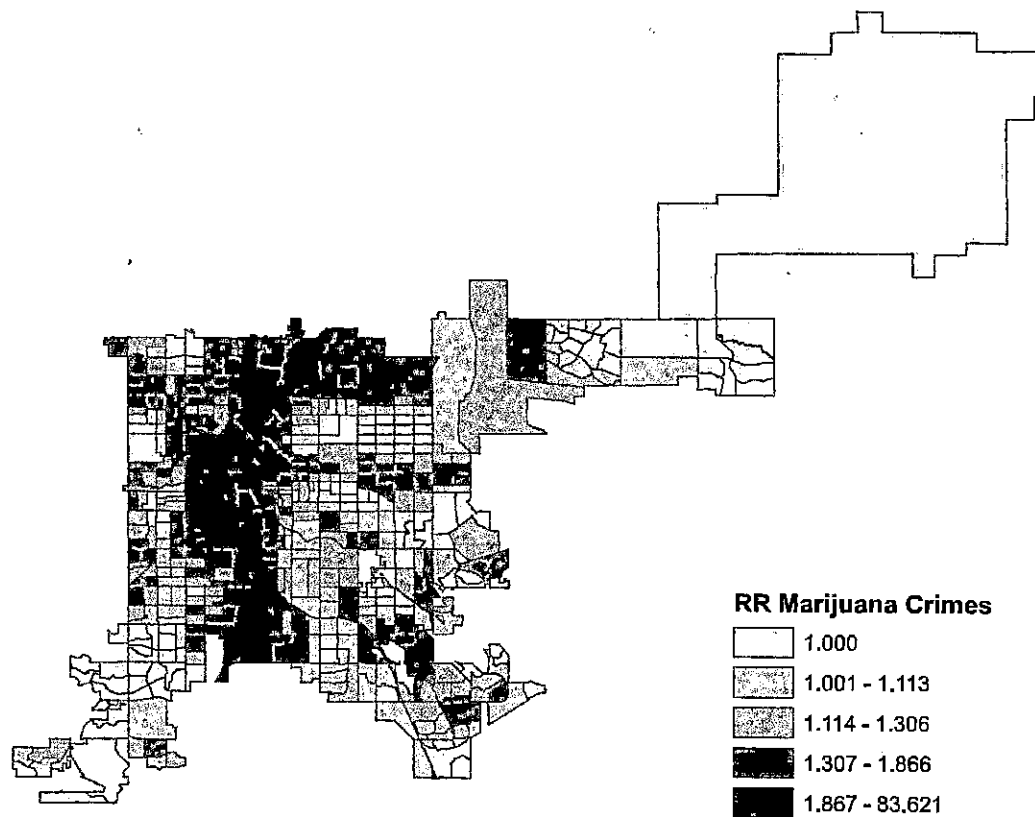


Fig. 2 Posterior relative incidence rates of marijuana crimes in Denver, October 2015 due to marijuana outlet effects. The *lightest shaded* block groups have no local or adjacent-area marijuana outlets and thus no outlet contribution to predicted marijuana crime rates. The *darkest shaded* block groups are estimated to have at least 86.7% higher marijuana crime rates related to their local and adjacent-area marijuana outlet densities

which problems related to marijuana sales and use arise flounder on imprecision; the critical measure is availability, which pertains to where and how easily consumers can obtain marijuana. Global measures of crime and other health outcomes are noisy in the extreme and poorly represent the great heterogeneity in local risks related to marijuana outlets. Our study assessed the relationship between the densities of marijuana outlets and violent, property, and marijuana-specific crime in Denver, Colorado using very highly resolved spatial and temporal units. The study period covered the time during which marijuana moved from being sold only for medical purposes to being sold for recreational purposes. It is at this level of resolution that we are most likely to see effects.

Similar to previous longitudinal work, we found that the density of marijuana outlets was related to higher rates of property crime in spatially adjacent areas (Freisthler et al., 2016), neighborhoods around those where marijuana outlets opened. However, unlike our previous work, we found no relationships between the presence of local marijuana outlets and violent crime. The density of medical marijuana outlets in local and spatially adjacent areas were related to higher rates of marijuana-specific crime. These types of crimes may be of concern to neighborhood

residents and may represent an opportunity for place management around marijuana outlets.

This study (along with previous research) suggests that the effects of the physical availability of marijuana outlets on crime do not necessarily occur within the specific block groups within which outlets are located, but are occurring in adjacent areas. Thus studies assessing the effects in local areas underestimate their true effects. Colorado legislation specifies security measures dispensaries must take in order to reduce crimes. These measures may mitigate any problems related to crime close to the dispensaries (Freisthler, Kepple, Sims, & Martin, 2013).

The effects of outlets on crime may occur in adjacent areas as people move in and out of the areas where these marijuana outlets are located. Interpreting these findings within the framework of routine activities theory, the property (e.g., automobiles) of dispensary customers, particularly those who may be tourists, may be suitable targets for those wishing to commit crimes (Glensor & Peak, 2004), as their owners may not secure their belongings before visiting a dispensary. Properties in surrounding areas may also prove to be ideal targets as they may have less security (e.g., lack of suitable guardians) than the areas local to the marijuana outlets. Motivated offenders may also be those who use these marijuana outlets who become familiar with the adjacent areas as they pass through them regularly.

Interestingly, the density of marijuana outlets in local or spatially adjacent areas was not related to rates of violent crime. As marijuana markets move from illegal to legal in Colorado, less ‘enforcement’ may be needed to ensure illegal drug transactions occur (Goldstein, 1998). In other words, the presence of retail marijuana markets may obviate some violence used to ensure that illicit drug market transactions occur (e.g., buyer pays the seller for the purchase of illegal drugs).

This study has several limitations. As an ecological population-level study, we are unable to assess the exact social mechanisms by which the density of marijuana outlets is related to crime. Density of marijuana outlets does not provide information about how much marijuana is being sold or is available on the streets. Having data on sales by each outlet would provide a better estimate of the effects of these outlets on crime as they would allow us to distinguish before more or less highly trafficked venues. We chose Census block groups because, in part, of the availability of demographic and economic data. However, these administrative units may not be ideal for linking marijuana availability to crime. Other studies should examine this relationship using different geographic specifications to see if these findings occur at other spatial scales.

Our study only assessed crime rates in relation to marijuana outlets. Marijuana is currently also available through individual cultivation and delivery services, but their relationship to crime remains unknown. Marijuana-specific crimes were identified by the Denver police department. We were unable to independently verify whether these crimes were actually related to marijuana outlets. Police officials may be biased when determining marijuana-specific crimes. For example, higher marijuana-specific incidents may allow a police department to advocate for more resources to combat crime or advocate against legalization. Thus it would be in the department’s interest to identify marijuana-specific crimes. However, in each year of the study, fewer than 300 crimes were classified as marijuana-specific, suggesting

that this may be a conservative estimate. Finally, the study only included spatially-lagged, and not temporally-lagged, variables in our analysis. The level of collinearity between current and prior month density of marijuana outlets was quite high (.982) which would have adversely affected model fit.

Conclusions and Implications

The regulation, location, and marketing of marijuana through marijuana outlets remains a controversial topic and practice, particularly for those living near these outlets. Our findings have important implications for debates concerning legalization across the country. In particular, as states legalize marijuana for recreational use, property crime in adjacent areas may increase. Studies that only assess the local effects of marijuana outlets may miss the actual relationship of these outlets to crime. As marijuana increases in popularity and use and as outlets proliferate, research should continue to assess and understand how greater availability may affect crime rates and other public health problems.

Acknowledgements This project was supported by Grant No. P60-AA-006282 from the National Institute on Alcohol Abuse and Alcoholism and Grant No. R01-DA032715 from the National Institute on Drug Abuse. The content is solely the responsibility of the authors and does not necessarily represent the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse or the National Institutes of Health.

Compliance With Ethical Standards

Conflict of Interest The authors declare they have no conflicts of interest.

Human and Animal Rights This article does not contain any studies with human participants or animals performed by any of the authors.

References

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CASE NAME

CASE NUMBER

DATE _____

2017-281-X
6-20-2017

PETITIONER'S

~~CITIZEN'S~~ SIGN - IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

DATE _____

~~2017-281-X~~
6-20-2017

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

June 14, 2017

Temescal Wellness of Maryland, LLC
Edward Rebholz, Jr.
1 East Pratt Street
Suite 904
Baltimore MD 21209

RE: Case Number: 2017-0281 X, Address: 1636 Reisterstown Road

Dear Mr. Rebholz:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 18, 2017. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: \ People's Counsel
Adam Rosenblatt, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION

Pete K. Rahn, Secretary
Gregory Slater, Administrator

STATE HIGHWAY
ADMINISTRATION

Date: 6/12/17

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 4/26/17. A field inspection and internal review reveals that an entrance onto MD140 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Exception, Case Number 2017-0281-X.

*Special Exception
Temescal Wellness of Maryland LLC
Edward 'Ted' T. Rebholz, Jr.
1636 Reisterstown Road MD140*

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

Maryland Department of Transportation
State Highway Administration

320 West Warren Road, Hunt Valley, MD 21030

410.229.2300 | TTY 800.735.2258 | roads.maryland.gov

My telephone number/toll-free number is 866.998.0367



Date: 5/1/17

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

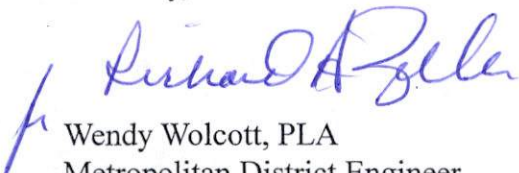
Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 4/26/17. A field inspection and internal review reveals that an entrance onto MD140 consistent with current State Highway Administration guidelines is required. As a condition of approval for Special Exception, Case Number 2017-0281-X

Special Exception
Temescal Wellness of Maryland LLC
Edward Ted T. Rebholz, Jr.
1636 Reisters Town Road, MD140

The applicant must contact the State Highway Administration to obtain an entrance permit. Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, PLA
Metropolitan District Engineer
Baltimore & Harford Counties

WW/RAZ

cc: Mr. Michael Pasquariello, Utility Engineer, SHA

BALTIMORE COUNTY, MARYLAND

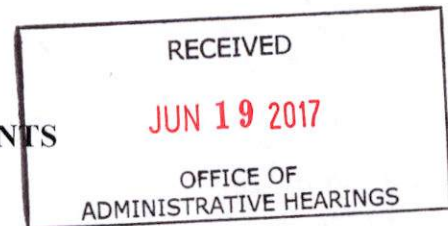
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 6/13/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-281



INFORMATION:

Property Address: 1636 Reisterstown Road
Petitioner: Temescal Wellness of Maryland, LLC
Zoning: BL
Requested Action: Special Exception

The Department of Planning has reviewed the petition for a special exception to use the property for a state licensed medical cannabis dispensary.

A site visit was conducted on May 1, 2017. The site has been vacant for a period of more than a year and the Department found the site to be in disrepair. The site is located within the Pikesville Commercial Design Review Area (DRP) and the Pikesville Commercial Revitalization District (CRD).

The Department does not object to granting the petitioned zoning relief provided the following conditions are met:

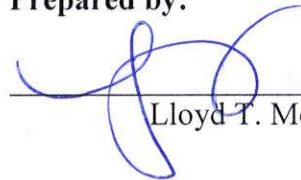
- No temporary freestanding signs, feather flags, banners or streamers are to be placed along the Reisterstown Road and Naylor's Lane frontages. All signage shall comply with BCZR § 450 and the Pikesville Commercial Revitalization Guidelines.
- The width of the landscape buffer along Reisterstown Road be increased to 10' and install landscaping via a landscape plan approved by the Baltimore County Landscape Architect that continues the landscaping pattern of street trees established on the Pamona Park site to the north and the commercial and institutional use to the south. The 10' landscape should continue on the south side of the entrance on Reisterstown Road. Sight distance should be considered when developing the landscape plan.
- Any future exterior building improvements will need to comply with the Pikesville Commercial Revitalization Guidelines and the Comprehensive Manual of Development

Policies (CMDP) and may be subject to review by the Design Review Panel (DRP) pursuant to BCC§ 32-4-203.

- The site has been vacant for some time and could use some general maintenance, particularly in the parking lot, sidewalks and brick walkways and the building exteriors.

For further information concerning the matters stated herein, please contact Lloyd T. Moxley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Bill Skibinski

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Adam M. Rosenblatt, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 1, 2017
Item No. 2017-0281

DATE: May 8, 2017

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comment.

If the special exception is granted, Landscape and Lighting Plans are required per the requirements of the Landscape Manual.

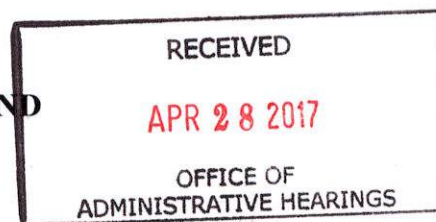
* * * * *

DAK:CEN
cc:file
ZAC-ITEM NO 17-0281-05012017.doc

6-20

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: April 28, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0281-X
Address 1636 Reisterstown Road
(Temescal Wellness of Maryland,
LLC Property)

Zoning Advisory Committee Meeting of **May 1, 2017**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford Date: 4-28-17



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4980816

Sold To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON, MD 21204-5304

Bill To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON, MD 21204-5304

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

May 30, 2017

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2017-0281-X

1636 Reisterstown Road
SW/s Reisterstown Road at the SE corner of Naylors Road
3rd Election District - 2nd Councilmanic District
Legal Owner(s) Village Greenwood, LLC
Contract Purchaser: Temescal Wellness of Maryland, LLC

Special Exception for a state licensed medical cannabis dispensary to be located in the Pikesville Commercial Revitalization District. Also, for such further relief as the Administrative Law Judge may require.

Hearing: Tuesday, June 20, 2017 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 5/788 May 30 4980816

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING

2017-0281-X

RE: Case No.: _____

Petitioner/Developer: _____

Temescal Wellness of Maryland, LLC

June 20, 2017

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1636 Reisterstown Road

May 27, 2017

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

May 27, 2017

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

May 3, 2017

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0281-X

1636 Reisterstown Road
SW/s Reisterstown Road at the SE corner of Naylor's Road
3rd Election District – 2nd Councilmanic District
Legal Owners: Village Greenwood, LLC
Contract Purchaser: Temescal Wellness of Maryland, LLC

Special Exception for a state licensed medical cannabis dispensary to be located in the Pikesville Commercial Revitalization District. Also, for such further relief as the Administrative Law Judge may require.

Hearing: Tuesday, June 20, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director

AJ:kl

C: Adam Rosenblatt, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Edward Rebholz, Jr., 1 East Pratt Street, Ste. 904, Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 31, 2017.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE OFFICE
1636 Reisterstown Road; SW/S Reisterstown		
Road at SE corner of Naylor's Road	*	OF ADMINISTRATIVE
3 rd Election & 2 nd Councilmanic Districts		
Legal Owner(s): Temescal Wellness of	*	HEARINGS FOR
Maryland LLC by Edward Rebholz, Jr.		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2017-281-X

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED
APR 26 2017

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of April, 2017, a copy of the foregoing Entry of Appearance was mailed to Adam Rosenblatt, Esquire, Venable, LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



PETITION FOR ZONING HEARING(S)

Filed with the Department of Permits, Approvals and Inspections

To Administrative Law of Baltimore County for the property located at:

To the Office Towson Road which is presently zoned BL
Address 1636 55/79 10 Digit Tax Account # 0 3 2 3 0 5 0 9 2 8

Deed Reference Ante Name(s) Village Greenwood LLC

Property Owner(s) **BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST**

(SELECT THE NUMBER(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

The undersigned am under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether the Commissioner should approve

1. as
or not

Exception under the Zoning Regulations of Baltimore County to use the herein described property for

ED

2. variance from Section(s)

the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

SEE ATTACHED

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Adam M. Rosenblatt, Esquire

Name- Type or Print

Adam M. Rosenblatt

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6271 amrosenblatt@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SEE ATTACHED

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature # 2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Adam M. Rosenblatt, Esquire

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6271 amrosenblatt@venable.com

Zip Code Telephone # Email Address

CASE NUMBER 2018-0281-X

Filing Date 4/18/2017

Do Not Schedule Dates

Reviewer TR

Date 6/23/17

REV. 10/4/11

By Sen

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

**1636 Reisterstown Road
Pikesville, MD 21208**

Requested Relief:

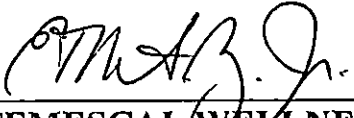
1. Special exception pursuant to Section 4D-102 of the BCZR for a state licensed medical cannabis dispensary to be located in the Pikesville Commercial Revitalization District.
2. Also, for such further relief as the Administrative Law Judge may require.

2017-0281-X

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

**1636 Reisterstown Road
Pikesville, MD 21208**

Contract Purchaser/Lessee:



**TEMESCAL WELLNESS
OF MARYLAND, LLC**

By: Edward ("Ted") T. Rebholz, Jr.
Authorized Representative

Address:
Suite 904
1 East Pratt Street
Baltimore, MD 21209

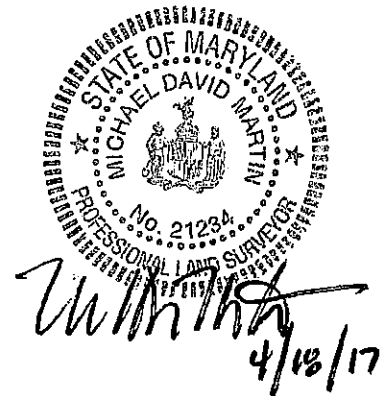


Description
To Accompany Petition
For a Special Exception
Reisterstown Road
3rd Election District 2nd Councilmanic District
Baltimore County, Maryland

Beginning for the same at a point on the southwestern right of way of Reisterstown Road, said point being at the end of the following two courses and distances: (1) Southeasterly 64 feet, more or less, along the centerline of said Reisterstown Road from the point formed by the intersection of the centerline of Naylor Road with centerline of Reisterstown Road; thence (2) Southwesterly 33 feet, more or less, to the said southwestern right of way line of Reisterstown Road; thence running with and binding on a portion of said right of way; (1) South 41 degrees 39 minutes 16 seconds East 126.27 feet; thence leaving said right of way and running (2) South 49 degrees 59 minutes 41 seconds West 164.93 feet; thence (3) North 41 degrees 29 minutes 21 seconds West 69.52 feet; thence (4) North 49 degrees 03 minutes 57 seconds East 138.31 feet; thence (5) North 40 degrees 38 minutes 47 seconds West 53.06 feet; thence (6) North 46 degrees 48 minutes 00 seconds East 25.44 feet to the point of beginning; having an area of 13,061.90 square feet or 0.300 acres of land, more or less, as described by by Daft-McCune-Walker Inc. THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

April 18, 2017

Project No. 17008 (L17008)



Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 03 Account Number - 0323050928			
Owner Information					
Owner Name:	VILLAGE GREENWOOD LLC		Use:	COMMERCIAL	
Mailing Address:	MFI INC STE 340 2800 QUARRY LAKE DRIVE BALTIMORE MD 21209-		Principal Residence:	NO	
			Deed Reference:	/22155/ 00079	
Location & Structure Information					
Premises Address:		3837 NAYLORS LN BALTIMORE MD 21208-2845		Legal Description:	.5434 AC 3837 NAYLORS LN SW COR REISTERSTOWN
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0078	0002	0455		0000	
				Assessment Year:	Plat No:
				2016	Plat Ref:
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area		Property Land Area	County Use
				23,670 SF	14
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2016	07/01/2017	07/01/2018
Land:		461,700	461,700		
Improvements		40,300	18,300		
Total:		502,000	480,000	480,000	480,000
Preferential Land:		0			0
Transfer Information					
Seller: HABER LISA WOLMAN/WOLMAN RICHARD S		Date: 06/30/2005		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /22155/ 00079		Deed2:	
Seller: HABER LISA WOLMAN/WOLMAN RICHARD S		Date: 02/03/2005		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /21374/ 00116		Deed2:	
Seller: WOLMAN MURRAY L		Date: 11/23/1999		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /14168/ 00126		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			

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3 **IN THE MATTER OF:**

4
5 **VILLAGE GREENWOOD, LLC – LEGAL OWNER**
6 **TEMESCAL WELLNESS OF MARYLAND, LLC – CONTRACT PURCHASER/LESSEE**

7
8 **CASE NUMBER: 17-281-X**
9

10
11
12 Hearing Date: October 24, 2017

13
14 Pursuant to Notice, the above-entitled hearing was held before the Board of Appeals for Baltimore
15
16 County at the Jefferson Building, Second Floor, Suite 203, 105 West Chesapeake Avenue, Towson,
17
18 Maryland 21204, commencing at 10:00 AM.
19

20 **PANEL PRESIDING:**

21
22 **ANDREW M. BELT, CHAIRMAN**

23
24 **JASON S. GARBER, BOARD**

25
26 **KENDRA RANDALL JOLIVET, BOARD**
27

28
29 **PRESENT ON BEHALF OF THE PARTIES:**

30
31 **ADAM M. ROSENBLATT, Counsel for Petitioner**

32
33 **MICHAEL MCCANN, Counsel for Protestants**

34 **HOWARD J. NEEDLE, Counsel for Protestants**
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Christine R. Leary
8200 Featherhill Road, #204
Perry Hall, Maryland 21128

TABLE OF CONTENTS

	Description	Page
1		
2		
3	Discussion regarding Protestant's Exhibit 5.....	5
4	Direct exam of Herman Brecher by Protestant.....	7
5	Cross exam of Mr. Brecher by Petitioner.....	10
6	Direct exam of Arnold Simon by Protestant.....	12
7	Protestant's Exhibit 17.....	14
8	Cross exam of Mr. Simon by Petitioner.....	29
9	Direct exam of Rebecca Hodnett by Protestant.....	32
10	Cross exam of Ms. Hodnett by Petitioner.....	43
11	Re-direct exam of Ms. Hodnett by Protestant.....	48
12	Direct exam of Theresa John by Protestant.....	49
13	Cross exam of Ms. John by Petitioner.....	54
14	Re-direct exam of Ms. John by Protestant.....	61
15	Direct exam of Gregory Kennedy by Protestant.....	64
16	Protestant's Exhibit 18.....	65
17	Direct exam of Bernard Stokes by Protestant.....	70
18	Direct exam of Ruth Goetz by Protestant.....	73
19	Cross exam of Ms. Goetz by Petitioner.....	75
20	Direct exam of Jane Barrett by Protestant.....	76
21	Direct exam of Roberto Lizano by Protestant.....	79
22	Cross exam of Mr. Lizano by Petitioner.....	82
23	Protestant's Exhibit 19.....	83
24	Direct exam of Bruce Doak by Protestant.....	86
25	Protestant's Exhibit 20.....	93

1	Protestant's Exhibit 21.....	97
2	Protestant's Exhibit 22.....	108
3	Protestant's Exhibit 23.....	109
4	Protestant's Exhibit 24.....	113
5	Protestant's Exhibit 25.....	115
6	Cross exam of Mr. Doak by Petitioner.....	115
7	Petitioner's Exhibit 11.....	123
8	Re-direct exam of Mr. Doak by Protestant.....	137
9	Direct exam of Christopher Jakubiak by Protestant.....	141
10	Protestant's Exhibit 26.....	142
11	Petitioner's Exhibit 12.....	147
12	Protestant's Exhibit 27.....	173
13	Cross exam of Mr. Jakubiak by Petitioner.....	176
14	Re-direct exam of Mr. Jakubiak by Protestant.....	185
15	Re-cross exam of Mr. Jakubiak by Petitioner.....	190
16	Direct testimony of Howard Needle.....	191
17	Cross exam of Mr. Needle by Petitioner.....	204
18	Direct exam of Mr. Rebholz by Petitioner.....	206
19	Petitioner's Exhibit 13.....	207
20	Cross exam of Mr. Rebholz by Protestant.....	217
21	Re-direct exam of Mr. Rebholz by Petitioner.....	222
22	Re-cross exam of Mr. Rebholz by Protestant.....	222
23	Direct exam of Mr. Kellman by Petitioner.....	223
24	Petitioner's Exhibit 14.....	226
25	Petitioner's Exhibit 15.....	229

1	Petitioner's Exhibit 16.....	231
2	Cross exam of Mr. Kellman by Protestant.....	233
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
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1 (ON RECORD - 10:03:23 AM)

2 CHAIR: Everyone can be seated. Good morning.

3 BOARD: On the record.

4 CHAIR: Sure. All right. We are here for day two of
5 17-281-X, this is a Petition for Special Exception, 1636
6 Reisterstown Road. I believe as we concluded last week, we had
7 heard two or three witnesses, I think two witnesses from the
8 surrounding communities. For the record, who do we have, for
9 the record?

10 MR. ROSENBLATT: Good morning. Adam Rosenblatt of
11 Venable, LLP on behalf of the Petitioner.

12 MR. MCCANN: Good morning, everyone. Michael McCann
13 on behalf of the Protestants.

14 MR. NEEDLE: And Howard Needle on behalf of the
15 Pineridge Community Association.

16 CHAIR: Good morning, Mr. Needle. All right. Any
17 preliminary matters before we get back to it?

18 MR. MCCANN: Do you mind if I --

19 MR. ROSENBLATT: Oh, the exhibit?

20 MR. MCCANN: Yeah.

21 MR. ROSENBLATT: Sure.

22 MR. MCCANN: So, if you recall, Mr. Belt and Mr.
23 Garber, in particular, that Exhibit 5, --

24 BOARD: Yes?

25 MR. MCCANN: -- was this list of licensed growers,

1 processors, etcetera and it probably won't come as any surprise
2 that I actually lost that exhibit. It was sitting right there
3 on that table and I couldn't find it, so I don't know where it
4 is but I, I went on the website and printed out a new copy, and
5 as I explained to Mr. Rosenblatt before we got started, that
6 this copy, unlike the one I had, does not have that address
7 that we were concerned about. If you recall, the reason why it
8 was going to be redacted --

9 BOARD: Self-redacting.

10 MR. MCCANN: Yes. So, I'm just going to introduce an
11 unredacted one, copy of the same copy.

12 BOARD: That was all we were trying to retrieve last
13 time.

14 MR. MCCANN: Exactly. So, all I had to was wait.

15 BOARD: Great, thank you.

16 MR. MCCANN: Thank you.

17 CHAIR: So, Mr. McCann and Mr. Needle, before we
18 start, do you gentlemen want to do a sign in sheet?

19 MR. MCCANN: We have actually. It's circulating.

20 CHAIR: Okay, all right.

21 MR. ROSENBLATT: I don't know that it was separated.
22 I think some of this side signed the same sheet, not that that
23 matters, but just so the Board is aware that there, there's one
24 sheet for both sides.

25 CHAIR: Okay, all right. Ready to go?

1 MR. MCCANN: I think Mr. Needle was, okay, I'll do
2 that.

3 BOARD: Sir, if you could just remain standing
4 briefly by the chair while you're sworn, sir.

5 MR. BRECHER: Very good.

6 BOARD: Good morning. Do you swear and affirm under
7 the penalties of perjury, that the testimony you're about to
8 give is true and correct to the best of your knowledge,
9 information and belief?

10 MR. BRECHER: I do.

11 BOARD: Thank you. Please state your name and your
12 address for the record, please.

13 MR. BRECHER: Herman Brecher, 11 Slade Avenue,
14 Baltimore, Maryland 21208.

15 BOARD: And would you spell your last name for the
16 record, please?

17 MR. BRECHER: B-R-E-C-H-E-R.

18 BOARD: Thank you. You may be seated.

19 BOARD: Mr. McCann, I think I found your missing
20 (inaudible).

21 MR. MCCANN: I still don't know how it got from there
22 up to there.

23 BOARD: (inaudible).

24 MR. MCCANN: All's well that ends well, I guess.
25 Good morning, sir.

1 MR. BRECHER: Good morning.

2 MR. MCCANN: Can you tell the Board where you live,
3 where is 11 Slade Avenue?

4 MR. BRECHER: 11 Slade Avenue is on the corner, not
5 on the corner exactly, but one building off of Reisterstown
6 Road approximately four or five blocks from the proposed
7 dispensary.

8 MR. MCCANN: Sort of at the other end of Pikesville
9 Proper, is that a good way of describing it?

10 MR. BRECHER: Correct.

11 MR. MCCANN: All right and how long have you lived
12 there?

13 MR. BRECHER: I've lived there for about two years.

14 MR. MCCANN: And what do you do for a living, sir?

15 MR. BRECHER: I'm a retired physician.

16 MR. MCCANN: What kind of physician?

17 MR. BRECHER: Internal medicine.

18 MR. MCCANN: Okay. Are you familiar with what's
19 proposed at the subject site, the dispensary site that is? Are
20 you familiar with what's being proposed?

21 MR. BRECHER: Yes.

22 MR. MCCANN: And do you have views on that proposal?

23 MR. BRECHER: Yes, I do.

24 MR. MCCANN: And could you describe for the Board
25 what those views are?

1 MR. BRECHER: Sure. I jotted down a few notes here,
2 if I might read them. In my opinion, I left my glasses at
3 home, sorry. Marijuana is useful in certain areas, in certain
4 cases, for relief of intractable pain and in other unusual
5 medical conditions. This does not justify, however, the
6 opening of a free-standing marijuana dispensary in a store
7 front in neighborhoods, even selected neighborhoods. We
8 currently have a drug dispensing system through hospitals and
9 pharmacies, which are controlled and licensed by both Federal
10 and State governments and run by licensed pharmacists, not by
11 clerk dispensers. Marijuana is a drug like any other, with
12 habit forming potential. It has no place being dispensed next
13 to a family food store, which is frequented by many young
14 families. I am here as an individual and I also represent
15 approximately one hundred and twenty families in my
16 condominium, of which I am currently the president. Our
17 residents are opposed to this location. It has been said that
18 the, that the dispensary will have plenty of security.
19 Security is already present in hospitals and in their, where
20 they dispense drugs. I appreciate the opportunity of speaking
21 with you and hope you will seriously consider the opposition of
22 the neighborhood.

23 MR. MCCANN: Just a couple follow-up, sir. You
24 mentioned a family food store. Just for the record, what is
25 that food store?

1 MR. BRECHER: What is it? The food store is
2 Season's. It is a store that has just opened recently, a
3 kosher food market and draws from the entire area, Pikesville,
4 Reisterstown, etcetera.

5 MR. MCCANN: You mentioned medical offices and
6 pharmacies. Are there any medical offices or pharmacies in
7 Pikesville Proper that you believe would be a more appropriate
8 location than this particular property?

9 MR. BRECHER: Yes, there are. There are, there's a
10 large medical complex a little further out Reisterstown Road,
11 which has most of the physicians in Pikesville in it and there
12 is a drug store in that building, two buildings. There's
13 another one a little closer in, so there are several buildings
14 there that are very appropriate.

15 MR. MCCANN: Okay. Thank you. No other questions.

16 CHAIR: Mr. Rosenblatt? Oh, I'm sorry. Mr. Needle?

17 MR. NEEDLE: No questions.

18 CHAIR: I'm sorry, sir.

19 MR. ROSENBLATT: Good morning. Were you present at
20 the prior hearing last Tuesday?

21 MR. BRECHER: No, I was not.

22 MR. ROSENBLATT: Okay. Your neighborhood, 11 Slade,
23 would you agree with me it's approximately one mile south of
24 the property where this use is proposed?

25 MR. BRECHER: It probably is about one mile south.

1 We also have two other buildings there that have similar
2 feelings, it is my understanding, and that's 7 Slade and 1
3 Slade, with another, approximately another hundred and ten,
4 hundred and twenty families.

5 MR. ROSENBLATT: It, it sounds like, in your opinion,
6 this use should only be permitted to be part of what is a
7 medical office set up. In other words, a hospital, group of
8 doctor offices, that's where you think this use should be?

9 MR. BRECHER: Marijuana is a drug and like any drug,
10 it should be controlled.

11 MR. ROSENBLATT: So, should --

12 MR. BRECHER: Drugs, drugs are toxic. Drugs kill.

13 MR. ROSENBLATT: So, in your opinion, should this use
14 only be allowed when it's part of a medical complex?

15 MR. BRECHER: Absolutely.

16 MR. ROSENBLATT: Okay and for the record, some
17 testimony was read in about the feelings of the community
18 association and now neighboring properties. At the last
19 hearing, 11 Slade, the homeowner's association, presented a
20 document that was deemed by the Board to be insufficient under
21 Rule 8 to meet the qualifications for a witness to speak on
22 behalf of the community. Having not been presented with any
23 additional documents here, we'd ask that the testimony be
24 considered as limited to this person's individual beliefs and
25 not a representative of the community association in general.

1 MR. BRECHER: I believe I am representative of the
2 community association because two weeks ago we had a general
3 meeting of the condominium and they gave the board of directors
4 the authority to have someone speak in their behalf and since
5 I'm president of the board of directors, we had a board of
6 directors' meeting this past Thursday and I brought up this
7 issue and they told me I could feel free to talk on their
8 behalf.

9 CHAIR: (inaudible) do you have any (inaudible)?

10 MR. MCCANN: No, I think it is what it is. I think
11 as you said with the last witness.

12 CHAIR: And, and I will rule that Mr. Brecher's
13 thoughts are his own and we'll take into consideration the
14 proximity of where he lives and (inaudible) we'll hear, I'm
15 sure, from some other folks (inaudible).

16 MR. ROSENBLATT: Okay, thank you. Nothing further.

17 MR. MCCANN: Nothing further, thank you.

18 MR. BRECHER: Thank you, all.

19 MR. NEEDLE: Call, call Arnold Simon, please.

20 CHAIR: Good morning, Mr. Simon. If you could just
21 remain standing briefly while you're sworn, sir.

22 BOARD: Good morning. Do you swear and affirm under
23 the penalties of perjury, that the testimony you are about to
24 give is true and correct to the best of your knowledge,
25 information and belief?

1 MR. SIMON: Yes, I do.

2 BOARD: And please state your name and your address
3 for the record, please.

4 MR. SIMON: Arnold Simon, S-I-M-O-N, 2 Peachtree
5 Court, Pikesville, Maryland 21208.

6 BOARD: Thank you. You may be seated.

7 MR. NEEDLE: Mr. Simon, were you here for the hearing
8 last week?

9 MR. SIMON: No, I was not.

10 MR. NEEDLE: Why not?

11 MR. SIMON: I was, I had a medical, I was in
12 chemotherapy.

13 MR. NEEDLE: Okay. Did you attend a meeting of the
14 Pineridge Community Association at my home on October 5th when
15 this subject matter was discussed?

16 MR. SIMON: Yes, I did.

17 MR. NEEDLE: Do you know how many homes there are in
18 the Pineridge Community Association?

19 MR. SIMON: Seventy-seven.

20 MR. NEEDLE: And they are the members of the
21 association, is that right?

22 MR. SIMON: Yes, that is correct.

23 MR. NEEDLE: And what are the boundaries, or the
24 streets that are involved and included within the Pine Ridge
25 Community Association?

1 MR. SIMON: Peachtree Court, Woodland Way, Harden
2 Road, Churchill Drive, Pineridge Road, I think it's a road, and
3 St. Alban's.

4 MR. NEEDLE: And where do you live?

5 MR. SIMON: I live on Peachtree Court.

6 MR. NEEDLE: How long have you lived there?

7 MR. SIMON: 1994, twenty-three years.

8 MR. NEEDLE: And you are speaking today on behalf of
9 the Pineridge Community Association, is that correct?

10 MR. SIMON: Yes, I am.

11 MR. NEEDLE: And I would offer him as a witness
12 qualified to speak on behalf of the association.

13 CHAIR: And I believe the Rule 8 papers that were
14 submitted through the prior witness last week had his name on
15 it as well. I will take notice of that and say that I believe
16 the parameters of Rule 8 have been met and he can testify as
17 such.

18 MR. NEEDLE: Thank you.

19 MR. ROSENBLATT: And just for the record, I'll make
20 the same objection as last time.

21 CHAIR: All right.

22 MR. ROSENBLATT: Thank you.

23 MR. NEEDLE: What were the opinions expressed by
24 those who supported the opposition to the medical marijuana
25 dispensary on Reisterstown Road and Mueller's Lane at the

1 meeting?

2 MR. SIMON: They, they were against its, the, the
3 location of it, at that location, they were against the, the
4 exception, I understand this is an exception to it.

5 MR. NEEDLE: Special exception.

6 MR. SIMON: Special exception, special exception.

7 MR. NEEDLE: Okay and for what reasons were they
8 against it?

9 MR. SIMON: Various reasons. One of the reasons was
10 the possible increase in crime, property crime in the, in the
11 adjoining areas to where the dispensary would be located.

12 MR. NEEDLE: Okay and you participated in the
13 discussion at that meeting, is that correct?

14 MR. SIMON: Yes, I did.

15 MR. NEEDLE: And what were the positions that you
16 took at that meeting?

17 MR. SIMON: I took that, the position that I was
18 against it because there, the possible increase in property
19 crime in adjacent areas, and I also cited a study by Bridget
20 Fissler (phonetic) and I think that you have --

21 MR. NEEDLE: Yeah, hold on and let me distribute
22 that.

23 MR. SIMON: Oh, okay.

24 MR. NEEDLE: Same one as before.

25 BOARD: Thank you. This will be seventeen.

1 MR. NEEDLE: Go ahead, Mr. Simon.

2 MR. SIMON: The study which --

3 MR. ROSENBLATT: I'm going to object before, before
4 we get into this testimony. It's, it's inappropriate to submit
5 a, a, an article and for the witness to simply read and
6 summarize an article for the Board. There's plenty of, of
7 articles both for and against this use. It should have no
8 bearing on, on the Board's ruling for this particular special
9 exception. Same article was presented below. It was accepted
10 on a Motion for Reconsideration where Mr. Needle submitted it,
11 but I has no bearing on this case. It talks about Colorado and
12 other states and other locations and it talks about the
13 legalization of both medical and recreational marijuana, which
14 is not what is at stake for this Board. So, for, it's just
15 simply not in the interest of our time for the witness to
16 summarize and read this periodical. It says what it says.

17 CHAIR: Mr. Needle, sir?

18 MR. NEEDLE: The article is directly on point. It's
19 the very issue that we have before us today. This article
20 addresses the issue of crime in the immediate vicinity of
21 dispensary for medical marijuana at, compares that to crime
22 when rec, when the same dispensary becomes a recreational
23 marijuana dispensary, which is one of our great concerns and a
24 condition that we're asking for in this case if, in fact, you
25 grant the special exception. It is a scholarly article, I know

1 of no other, I'm interested to hear from Mr. Rosenblatt what
2 other articles there are directly on point. I know of no other
3 articles directly on point that address the issue of crime
4 generated by these dispensaries, whether for medical purposes
5 or recreational purposes and this article does exactly that in
6 great detail and I think it's a very well respected, should be
7 a very well respected scholarly discourse on the subject we're,
8 we're addressing today.

9 CHAIR: Well, this is my concern. That we are sort
10 of an administrative law tribunal, we, we do try to follow the
11 rules of evidence pretty much. So, I am confused, or
12 interested, in your proffer as to how this would be accepted
13 into the rules of evidence through, it's obviously hearsay,
14 it's obviously not a business record so what, in fact, and this
15 obviously has not been proffered as an expert, so what, what
16 say ye? What, what, how does this come in?

17 MR. MCCANN: Can I address that issue?

18 MR. ROSENBLATT: Isn't it Mr. Needle's question?

19 MR. MCCANN: I'm a party to this case.

20 CHAIR: I'm going to let Mr. McCann address it. I'm
21 interested.

22 MR. MCCANN: Well, number one, it is hearsay.

23 CHAIR: Yes.

24 MR. MCCANN: Obviously, it's hearsay. It's a
25 document, all documents are hearsay. Everything we've

1 introduced is hearsay. The question is, does it come in, is
2 it, does it, is it probative of a fact or an issue in this
3 case. That's a very low standard, even lower when it comes to
4 --

5 CHAIR: Well, that's the, that's relevance. So,
6 we've got the four hundreds, so let's move on. I'll say it's
7 relevant, gotcha.

8 MR. MCCANN: Okay, okay. But it's not necessary to
9 identify hearsay exception for, for it to come in. Even, even
10 hearsay comes in under the, under the general rule of evidence.

11 CHAIR: Well, I say it is hearsay, so now I pass the
12 ball.

13 MR. MCCANN: Okay.

14 CHAIR: So, you tell me an exception.

15 MR. MCCANN: There, there is no exception to the
16 hearsay rule for this particular document. There, there are,
17 there is discussion in the rules of evidence about scholarly
18 treatises.

19 CHAIR: Sure, and this is, I would say, this is not a
20 scholarly treatise for the purpose of such.

21 MR. MCCANN: A peer reviewed article on --

22 CHAIR: Yeah, see, this is the problem.

23 MR. MCCANN: Yeah.

24 CHAIR: The scholarly treatise, I understand that,
25 for maybe the, the basis of someone's expert opinion. The

1 problem here is the, the due process issue as well, because if
2 we are purporting this to be a factual assertion, this
3 gentleman here, though he's familiar with it and Mr. Needle is
4 very familiar with it, they are not experts who are proffering
5 the knowledge of this who can be cross examined on this stand.
6 Mr. Rosenblatt cannot cross examine anyone as to the source of
7 this material, because all it is is a piece of paper.

8 MR. MCCANN: That happens all the time. Happens
9 every day, every --

10 CHAIR: Well, if that is the case then there's no
11 need for Mr. Kellman to be here or Mr. Jakubiak to be spending
12 some time here as well, because we would never have to put up
13 experts, we would just put in some papers that they had written
14 and, and it is, sometimes we allow some County documents that
15 are hearsay because they're commonly used, but as for a piece
16 of scholarly interpreted material, and though I'm not an expert
17 in this and I'll take Mr. Needle's word for it. He's not aware
18 of anyone who is going to refute this, but if an expert were to
19 be put up on the stand, I'm sure there could be one to be
20 retained who would refute such testimony and I believe the
21 gentlemen who are sitting here in the back would make their
22 best efforts to find that person and then we could cross
23 examine them. So, I mean, I, I don't think it's even close and
24 I respect your argument, Mr. McCann, I know exactly what you're
25 saying but I just, I, we, we try to maintain some sort of rules

1 of evidence here. I'm trying to think of some way that it can
2 be accepted for some value that is there, but through this
3 witness, to purport that this I, you are putting this in as
4 fact, right? You're putting it in as fact.

5 MR. MCCANN: But the difference, let me just, and
6 I'll sit down and let Mr. Needle discuss it, but I think the
7 difference between this and an opinion piece, this is a study.

8 CHAIR: Sure.

9 MR. MCCANN: So, we asked people, this is what we
10 found, factual and empirical evidence that we found as opposed
11 to, you know, someone in an article expressing an opinion about
12 what may or may not happen. So, this is a study. The Board
13 can look at this and --

14 CHAIR: All right. Well, just say if Mr. Kellman did
15 his study of the parking lot and submitted his study that says
16 that those parking spots were actually ten feet setback instead
17 of eight feet setback, there would be no way that we would ever
18 have cross examined Mr. Kellman about the location of those
19 parking spots, because they would just be in a piece of paper.
20 But we required him to sit there, to be qualified as an expert,
21 and to defend such calculations. There is no defense to be
22 made. I, I'm not saying this person is inaccurate, that's not
23 my job, but there's no way to determine the accuracy of such
24 because here we sit in a quasi-judicial place where we actually
25 have to look at the evidence and subject such evidence to cross

1 examination through due process. Now, as a courtesy to your
2 learned argument and to Mr. Needle, I am going to defer for a
3 moment to my colleagues, just so I'm not talking out of school
4 and --

5 MR. MCCANN: Can I just finish that point?

6 CHAIR: Yeah, you go ahead.

7 MR. MCCANN: Because I'm not sure, maybe I made it
8 and may be repeating myself, but I see a distinction between
9 written studies that are opinion related and those that are
10 facts. The facts of this study are, this is what we found, we
11 looked at crime rates, that is a fact. We didn't, this study
12 doesn't opine about things that aren't based in facts. So, the
13 facts are here. In that sense, this document is different
14 than, then a normal, then a normal opinion where you would need
15 the person here to challenge --

16 CHAIR: But, but see the facts they're stating are
17 not that the sun sets and, and, and rises again. It is
18 determination of statistics that are taken somewhere, the
19 source of such statistics are always at issue, as we always see
20 with our experts. That's what you do in a fine job of cross
21 examination. They opine large opinions, they have facts, then
22 you go back and check those facts to make sure that they are
23 accurate and that is what we do through cross examination. But
24 perhaps I'm lost in the rules of evidence so let me defer to my
25 colleagues.

1 MR. NEEDLE: And, and may I just (inaudible)?

2 CHAIR: Yes, sir.

3 MR. NEEDLE: This is a very scholarly study. I think
4 if you look at it, and I think you have to look through it, it
5 is supported by a lot of statistics, very detailed specifics.
6 It is a five-person project, there are five authors of this
7 study. All university people. It is supported by a page and a
8 half of references, which are very impressive. Mr. Rosenblatt
9 knew of this before, as he said, could have brought a witness
10 with him who would rebut this, is entitled to cross examine it.
11 He can certainly say whatever he wants with respect to it. I
12 suggest that this is admissible, and you should give it
13 whatever weight you consider to be appropriate. But that it
14 is, in fact, admissible into evidence.

15 CHAIR: All right. Well, I, I don't agree that is on
16 the onus of opposing counsel to bring forth experts to refute
17 inadmissible testimony, but the problem is, I think to quote
18 you, was this is a very scholarly journal and how we, how we
19 discern whether something is very scholarly is usually through
20 the voir dire process for determining if someone is going to be
21 an expert. All our experts always give c.v.'s and they give
22 them out and then counsel sits down and decides whether or not
23 they really are very scholarly. I cast no dispersions on this
24 document. I'm sure it's a wonderful article. I'm sure it's
25 backed up with facts. I have no reason to believe that it is a

1 falsehood. I never in a million years would accuse you of
2 putting in a document that was not very scholarly. My issue is
3 as the gatekeeper of admissibility based on a relaxed
4 interpretation of Article 8-505, no 5-805 and it's (inaudible)
5 and all the other things, and you brought up the four hundreds
6 for relevance, that's what I'm, I'm stuck with. So, that's my
7 thoughts on the matter. But I sit here with two other learned
8 lawyers to my left and right and I want to make sure that I
9 didn't miss something.

10 BOARD: See, first, Mr. Rosenblatt, do you want to
11 respond to any arguments that have been raised?

12 MR. ROSENBLATT: I, I agree with, with Mr. Belt. I
13 don't think there's, I don't think this is necessary, first of
14 all. Because there's a number of witnesses here who can
15 express their personal opinion about the potential effects of
16 this use. I don't think using an article that evaluated uses
17 that include recreational marijuana dispensaries in other
18 states has any bearing on this Board's ability. And I
19 absolutely have no ability, I can't cross examine the document.
20 I mean, I think that was said. So, if there is someone who
21 performed this study and came in and talked about it, then I
22 could cross examine them, but I think this is, to accept this
23 for the truth when it's, it's not even on point with what we're
24 here to talk about is, is simply unfair and, and there's no
25 rule of evidence that justifies it.

1 BOARD: And from what I heard from the testimony,
2 it's that Mr. Simon, is it, right?

3 MR. SIMON: Simon, yes.

4 BOARD: Read the article and was convinced by its
5 propositions and it factored into his arguments presented here
6 today and his opposition, I don't think any of that is even
7 lost upon us that Mr. Simon diligently did research and tried
8 to inform himself of the issues so I don't even know how this
9 necessary this study would help us in that regard too because,
10 again, it would be better to have the, an expert witness to
11 discuss the issues therein and extrapolate its applicability to
12 this situation here.

13 BOARD: And that's the same thing that I actually had
14 written down is that I think the appropriate thing is to ask
15 the witness what his concerns and what he did as a result of
16 those concerns and share that information, so it can be
17 directed to us, as well as the ability of Mr. Rosenblatt to
18 cross examine on those particular issues. But I think the
19 subject matter of, you know, the research that he did, I think
20 it is important for us to know the information that he
21 gathered. Thank you.

22 MR. MCCANN: And thank you. I understand the Board's
23 ruling. Can I ask the Board to make a distinction between the,
24 are they saying it's hearsay or saying it's not relevant?
25 Because I think relevance, I think Mr. Rosenblatt is arguing

1 it's not relevant, which I find it very difficult --

2 CHAIR: No, I, I found it, if a, if a foundation was
3 properly laid, it would very much be relevant of sorts to the
4 fact finder. But that foundation can't be laid because we, you
5 know, we don't have the expert but no, the, as to the source,
6 no, I don't think it's irrelevant. I guess, they're, it's to
7 be determined at a later date. If that was just the issue, I
8 would find relevance. I guess there is some further arguments
9 to be paid on relevance as to whether or not that ship has
10 sailed once the legislature has done what it's done. But, for
11 relevance, I would allow it for relevance. I don't say that
12 it's irrelevant. It would be interesting for this Board to, to
13 consider such and it might have a far-flung connection to
14 factors of 502.1, but that is, I am not saying that.

15 MR. MCCANN: Okay.

16 CHAIR: So, I, I do believe it's relevant. I am more
17 concerned with the ability, the fair ability of counsel, to
18 cross examine assertions, even if they're allegedly based on
19 statistics and facts. Now, that being said and I'm, don't test
20 me too much. I will allow a broad leeway in your questioning
21 of this witness as to his beliefs and things of sorts that
22 might have been gleaned through his educating himself. Those
23 opinions I will then base to be the testimony of residents,
24 rather than experts, so there would be an issue about the truth
25 of the matter asserted, but if you wanted to let this Board

1 know the basis of their feelings, which again, is an oddity of
2 this tribunal that we allow, if we were to strictly go with the
3 expert testimony, we'd have to qualify every single one of
4 these people in the neighborhood as an expert on, on the
5 neighborhood, but we kind of let that slide. So, anyway, I,
6 I'm going to have a, a broad strike zone for your questioning
7 of this witness that may or may not incorporate some highlights
8 of his belief. As to this document on its face, for the truth
9 of the matter asserted, we are going to decline to accept it as
10 evidence since we have spoken about it at length, we'll mark it
11 and it's going to be, it's going to be in the file because
12 we've talked it all up and some other review is going to have
13 to know what we're talking about. So, if that was the effort,
14 it's going to be in there.

15 MR. NEEDLE: Fine. It's number seventeen, is that
16 what --

17 BOARD: Seventeen, yes.

18 CHAIR: And that being said, I guess we're just going
19 to, we can go with Mr. Simon, sir. Sorry, Mr. Simon.

20 MR. NEEDLE: Mr. Simon, what are your views with
21 respect to a fear of crime generated by this medical marijuana
22 dispensary and on what are they based?

23 MR. SIMON: When I found out that the dispensary was
24 going to go in, it was going to go in, I did some research on
25 it and found an article that is an article that had, I found, I

1 found a study, I'm sorry, I found a study about crime in
2 another loc, in another place where medical marijuana had been
3 legalized, specifically Colorado and it was the only article,
4 the only study of this type I could find and I read the, the
5 study and to the best of my ability, not being a social, or
6 social expert, came to the, I, I think I understood it and I
7 understood that because these, and it was in Colorado and it's
8 going to be the same in Maryland because these cannabis
9 dispensaries operate generally in cash only because of the
10 various Federal laws where they can't accept credit and they're
11 operating cash only, they have extremely high security. The
12 State, the states do require them to have high security and
13 that the, that created a fairly safe situation in the location
14 where the, where the dispensary is, its exact location. But as
15 you get away from that, past the security which, of course, is
16 just theirs, even a matter of, in a lot of cases, only several
17 hundred feet, that property crime generally had risen for a,
18 this study, the, the study that I read was based on census,
19 census tracks. And as they moved away from the location, crime
20 rose for several thousand feet, depending on the size of the
21 census track, maybe as much as even a, a mile to a mile and a
22 half. At which point it then was lower outside of that. So,
23 it's, you get a, a false assessment that because there is no
24 crime generally located in the, against the dispensaries or
25 the, the, the immediate location, there still, they still do

1 find from what my understanding of the study that I read, they
2 found that property crime did rise in the, in the areas
3 adjacent to it. My neigh, I live in the neighborhood which is
4 anywhere from nineteen hundred to three thousand feet from this
5 location. I had concerns about that and I felt that this is
6 not the proper location for it. There are many, there are
7 other areas in the, even in, within Pikesville, which are
8 better, better locations. As a matter of fact, there are areas
9 even there, not within the CRD and the, they wouldn't even need
10 the special exception to locate there. So, I felt there were
11 more appropriate places. I do want to say that the Pineridge
12 community that I live in is not a gated community. I know in a
13 lot of locations, you know, you do have gated communities and I
14 guess people do feel a little safer. We're not a gated
15 community so I felt that that had something to do with it.
16 We're also, our community straddles a major thoroughfare, Old
17 Court Road, which also, which is both vehicular traffic and
18 pedestrian traffic, public transportation traffic, is a major,
19 major thoroughfare. It goes right through our community. And
20 basically, I want to say that, you know, I'm, both as a,
21 speaking for the community and speaking for myself, I'm just
22 very concerned that, you know, this is, this is a new thing for
23 Maryland and I'm just very concerned that the kind of things
24 that were found in the, in, in Colorado, which there are in,
25 also there aren't a lot of, you know, there aren't a lot of

1 states in the country, at least the study goes back three
2 years, it was over a period of three years, I think it goes
3 back about four years since it's been started and at that time,
4 there weren't a lot of places where, you know, you could look
5 at other medical cannabis sales and to, to see what happens and
6 I'm just, I'm just very concerned as, as I say, both as a
7 member of the association and I'm concerned personally that
8 property crime could, you know, this could affect property
9 crime.

10 MR. NEEDLE: I have no further questions.

11 CHAIR: Mr. McCann, do you have any questions?

12 MR. MCCANN: No questions, thank you.

13 CHAIR: Mr. Rosenblatt, sir?

14 MR. ROSENBLATT: Okay. So, you, you were not present
15 at the hearing last week?

16 MR. SIMON: No, unfortunately, I could not be here.

17 MR. ROSENBLATT: So, you didn't get to hear any of
18 the testimony of Mr. Rebholz or Mr. Kellman?

19 MR. SIMON: Not last week. I did hear both their
20 testimonies in the original --

21 MR. ROSENBLATT: The prior hearing?

22 MR. SIMON: In the prior hearing.

23 MR. ROSENBLATT: Okay. Your neighborhood, you said,
24 is, how, how exactly do you get there, just so I'm clear?
25 Would you go, if you're on Reisterstown Road, do you turn on

1 Old Court Road, do you go down Naylor's Lane?

2 MR. SIMON: The, the fastest, closest, fastest way
3 would be to go down Naylor's Lane to Old Court Road. You'd
4 turn west on Old Court Road, which would be a right-hand turn,
5 and we are at, we're about, maybe a thousand feet from that
6 intersection on both sides of Old Court Road.

7 MR. ROSENBLATT: What, east or west of Greenwood
8 Road?

9 MR. SIMON: We are east of Greenwood Road.

10 MR. ROSENBLATT: Okay.

11 MR. SIMON: Approximately five hundred feet.

12 MR. ROSENBLATT: So, you've talked about this fear of
13 property crime and I just want to, I just want to play this
14 out, so I can understand your concern. Are you worried that
15 patients are going to be at this facility and then that they're
16 going to commit crimes in your neighborhood? They're going to
17 drive on Naylor's Lane to Old Court Road, stop before Greenwood
18 Road and then commit crimes?

19 MR. SIMON: That, that could be one concern. I'm
20 also concerned about people who, who aren't patients. I do
21 realize that they have to turn a lot of people away, I'm
22 wondering how those people are going to feel when they're
23 turned away.

24 MR. ROSENBLATT: And, and you think they might react
25 by driving into your neighborhood and committing crimes?

1 MR. SIMON: Yes.

2 MR. ROSENBLATT: Okay.

3 MR. SIMON: I think that might be, both patients and
4 non-patients also, since one of my fears is since they are
5 operating in a cash, on a cash only basis, and sadly, our
6 society does not operate on a cash, on a cash basis, there's a
7 lot of people that don't operate on cash at all, that when some
8 of their, I don't know if they're, refer to them as customers
9 or patients, but they're customers, they're going to be buying
10 something. If they can't, they, they don't have enough cash to
11 purchase, to make their purchase, I'm concerned that and, and
12 not, and not all of them, not even a majority of them, but it
13 doesn't take more than a small minority or, or just a few,
14 would supplement their, their cash by property crime.

15 MR. ROSENBLATT: And you think that the, the people
16 would supplement their cash by driving into your neighborhood,
17 potentially, and what, going to houses and committing crimes or
18 following someone back to the neighborhood, are these the type
19 of fears you have?

20 MR. SIMON: Both, both. We have a lot of elderly
21 that do live in our neighborhood. We have numerous assisted
22 or, not assisted, independent living facilities. We have a lot
23 of older people. I do see them walking in the neighborhood.

24 MR. ROSENBLATT: And if the majority of sales were
25 not cash based, is it the cash based, is a, is a specific

1 concern of yours?

2 MR. SIMON: I think cash based does increase the,
3 the, the problem.

4 MR. ROSENBLATT: Okay.

5 MR. SIMON: If there's people that think they have
6 credit and the credit doesn't go through, so that also could
7 create a problem.

8 MR. ROSENBLATT: Okay. I have nothing further.

9 MR. NEEDLE: Nothing further.

10 MR. MCCANN: Nothing, thank you.

11 CHAIR: Thank you, sir.

12 MR. SIMON: Thank you.

13 MR. NEEDLE: Mr. Simon may be excused, right?

14 CHAIR: Mr. Simon, you are excused if you would like,
15 or you can hang out.

16 MR. SIMON: I might. The discussion has been very
17 interesting. I'm going to hang out for a while.

18 CHAIR: All right.

19 MR. NEEDLE: He's stronger than I thought.

20 BOARD: (inaudible).

21 MR. SIMON: Oh, thank you.

22 BOARD: Good morning.

23 MS. HODNETT: Good morning.

24 BOARD: Do you swear and affirm under the penalties
25 of perjury, that the testimony you are about to give is true

1 and correct to the best of your knowledge, information and
2 belief?

3 MS. HODNETT: I do.

4 BOARD: And would you state your name and your
5 address for the record, please?

6 MS. HODNETT: It's Rebecca Hodnett, H-O-D-N-E-T-T.

7 BOARD: Okay and your address, please?

8 MS. HODNETT: Is 1 Pomona North, Pikesville, Maryland
9 21208.

10 BOARD: Thank you. You may be seated.

11 MS. HODNETT: Thank you.

12 MR. MCCANN: Good morning.

13 MS. HODNETT: Good morning.

14 MR. MCCANN: Tell the Board what you do for a living?

15 MS. HODNETT: I am the property manager at the
16 residences of Pomona Park and at Pomona Square in Pikesville,
17 Maryland.

18 MR. MCCANN: Okay. Tell the Board what Pomona Park
19 and Pomona Square are.

20 MS. HODNETT: Certainly. You guys have heard a lot
21 about the open space that's ad, that's right across from the
22 proposed dispensary. That open space is our property and it
23 belongs to Pomona Square and it sits on 6.86 acres and we have
24 seventy-nine thousand of rentable square footage for commercial
25 usage.

1 BOARD: I'm sorry, how much is that?

2 MS. HODNETT: Seventy-nine thousand square feet.

3 MR. MCCANN: And that's Pomona Square, correct?

4 MS. HODNETT: That's Pomona Square. The Residences
5 of Pomona Park sits directly behind that and we have twenty-
6 eight garden buildings, two mid-rises, four hundred and thirty-
7 nine apartment homes and --

8 BOARD: I'm sorry, how much?

9 MS. HODNETT: Four hundred and thirty-eight apartment
10 homes and six hundred and thirty-six residents.

11 BOARD: Four hundred and thirty-eight apartment homes
12 and six hundred and thirty-eight residents?

13 MS. HODNETT: Six hundred and thirty-six residents, I
14 apologize.

15 BOARD: Thirty-six, sorry.

16 MS. HODNETT: Yeah.

17 MR. MCCANN: And you said Pomona Park is behind
18 Pomona Square, correct?

19 MS. HODNETT: Yes, directly behind it, and it sits on
20 sixty-eight acres.

21 MR. MCCANN: Pomona Square is on Reisterstown Road,
22 correct?

23 MS. HODNETT: It is. It's, the address is 1700
24 Reisterstown Road. It's right on the corner of Reisterstown
25 Road and Naylor's, it's directly across from the proposed

1 dispensary.

2 MR. MCCANN: On the other side of the open space?

3 MS. HODNETT: Yes.

4 MR. MCCANN: Okay and how many businesses are located
5 in Pomona Square?

6 MS. HODNETT: Approximately thirty-four.

7 MR. MCCANN: Okay. What types of businesses?

8 MS. HODNETT: We have Advanced Imaging, Suburban
9 House, is a restaurant and medical space, and we have several
10 attorneys, several accounting firms and two dentists and just
11 some private businesses, travel businesses, etcetera.

12 MR. MCCANN: And in terms of, you may have mentioned
13 it already, but the six hundred and thirty-six or so residents
14 that live in Pomona Park, are, are any of those folks elderly?

15 MS. HODNETT: Yes. Actually, we have residents age
16 newborn to a hundred and two. We just had a resident celebrate
17 her hundred and second birthday, so she's a hundred and two
18 years young. And actually, fifty-five percent of our community
19 is of a mature generation.

20 MR. MCCANN: Which means?

21 MS. HODNETT: Between sixty and a hundred and two.

22 MR. MCCANN: As opposed to immature.

23 MS. HODNETT: Elderly seems so rough, the closer I
24 get to it so.

25 MR. MCCANN: I'm with you. Okay and you may not have

1 described it but could, describe in, maybe a little more
2 specifically what you do on behalf of the property owner.

3 MS. HODNETT: Sure. I am responsible for all the day
4 to day operations at Pomona Square and the residences at Pomona
5 Park. I am, I'm, I'm the problem solver, so if residents have
6 concerns, they let me know. I have twenty-four other team
7 members that work with me and we do everything from preparing,
8 you know, air conditioning units to moving in new residents and
9 new tenants. When we purchased these communities in 2013,
10 Pomona Square was less, was in the sixties with occupancy and
11 the residences at Pomona Park were in the seventies.
12 Everything is leased at Pomona Square now. We have two tenants
13 left to move in, the last one will be moved in the end of
14 January, it will be a hundred percent occupied in, at Pomona
15 Square. And the apartments are about ninety-eight percent
16 occupied. So, we've invested \$20 million into these two, two
17 entities. We feel like we've really done our part to help
18 Pikesville and, and the area revitalize. And we've taken a
19 community that was in ill repair and we really enhanced it,
20 both on the residential and the commercial side.

21 MR. MCCANN: Okay and have you been with the company
22 since 2013?

23 MS. HODNETT: I've worked for Southern Management for
24 twenty-five years and I've worked at Pomona since we purchased,
25 since it was purchased.

1 MR. MCCANN: In 2013?

2 MS. HODNETT: Um hm.

3 MR. MCCANN: Do you feel you, that you know the
4 property pretty well?

5 MS. HODNETT: I do.

6 MR. MCCANN: Okay and you're familiar with
7 Pikesville?

8 MS. HODNETT: Yes.

9 MR. MCCANN: And are you here to speak to the Board
10 in both your individual capacity and, and, and on behalf of the
11 property owner?

12 MS. HODNETT: Yes.

13 MR. MCCANN: Which is Southern Management, correct?

14 MS. HODNETT: Yes.

15 MR. MCCANN: Okay. Why don't you go ahead and tell
16 the Board what those views are?

17 MS. HODNETT: Sure, I'd be happy to. I certainly
18 understand the need for medical marijuana and the plight of
19 finding a proper place for it. But my concern is that this is
20 a high density residential area. We have six hundred and
21 thirty-six residents. Right, directly across the street from
22 us is Sunrise Retirement Community and diagonal to the proposed
23 location is another apartment community called the Estates,
24 which has two hundred apartment homes. I'm concerned about the
25 potential uptick in crime that this could cause and we already,

1 in Pikesville, have a concern with robberies and burglaries. I
2 have read through the study and, and am very concerned about
3 the increase in crime that occurred in the surrounding areas in
4 Denver, Colorado and we live, and we work immediately
5 surrounding the area, we're close to Baltimore City. I don't
6 want to go into Baltimore City specifics but, you know, the
7 City is struggling a little bit and, and I'm concerned about
8 that as well, with the close proximity. I'm also really
9 concerned that Maryland is going to follow the seven other
10 states, including the District of Columbia, and legalize
11 marijuana. I feel like medical marijuana is a stepping stone.
12 We heard from the owner that he is not interested in signing
13 anything that would restrict his ability to see if it's passed
14 in Maryland to residents twenty-one years of age and older and
15 that he would like to be able to have that business as well and
16 I look at the one billion dollar in revenue that was generated
17 in Colorado and the \$199 million worth of tax revenue that it
18 generated last year and I'm concerned that Maryland is going to
19 see that as attractive and I know that may seem a little out of
20 scope but I sort of believe that you need to begin with the end
21 in mind. And in my opinion, wherever the cannabis dispensaries
22 end up for medical marijuana, they're going to remain the same
23 for when and if marijuana is legalized in the State of Maryland
24 and so that means that, you know, the traffic that they spoke
25 about, the number of people that they thought were going to

1 come in to the business is going to change, in my opinion,
2 potentially pretty drastically. The owner, Ted Rebholz came up
3 and he testified last week that he's really committed to
4 Baltimore and I was excited to hear that. You know, I was
5 excited that he moved his family here and that he wants to be a
6 part of our business community. But then I also heard when he
7 said that he was going to rip his daughter out of kindergarten,
8 that his wife took a leave of absence from her business. She
9 didn't resign from her business. What he testified to was that
10 she took a leave of absence and that has me concerned that he's
11 not really here for the long run, that it's more of a short-
12 term stint for him and I think that's tough. This is a
13 revitalization area. I don't think that we should lose sight
14 of that and there's a reason why the County Council requested
15 that these locations not occur in the revitalization areas and
16 that's because they're really sensitive, they're struggling,
17 and I think that, that we need to, to really think it through.
18 I think strongly that the dispensary should be in a more
19 industrial area. When they did their presentation, they showed
20 an area that looked like it was in more of an industrial or a
21 business kind of location. So, I went online, I plugged in
22 their two addresses in New Hampshire and I looked around those
23 dispensaries. I wanted to see is there this huge amount of
24 residential like there is here and I didn't see that.. You
25 know, I didn't see a huge amount of apartments and, you know,

1 six hundred and thirty-six residents that are going to be
2 dealing with this. So, I also found online that in New
3 Hampshire, because Mr. Rebholz had also spoken about the fact
4 that he really wanted it to be on a main road, in an area
5 that's, that's, that's easy for people to get to, right off of
6 Reisterstown Road and he felt that if it wasn't, that it was
7 really going to impact his business. When I looked at those
8 two places in New Hampshire and I looked at the data report
9 that the state published from 2016, I saw that forty-two
10 percent of the qualifying patients were through his company
11 dispensary and for authorized medical marijuana, that were
12 authorized for medical marijuana, it was 42.7 and 44.4% of the
13 patients served were actually out of, out of his
14 establishments, so it doesn't seem like the two locations that
15 were sort of out of the way and off the beaten path were really
16 being hurt by, by being in locations that weren't on like the
17 main drag. So, the County Council has specified that cannabis
18 dispensary locations should be outside of the revitalization
19 area because they understood the dispensaries could hurt the
20 revitalization effort in a profound way. I believe that crime
21 deters new businesses and it stifles growth and, most
22 importantly, if this exception is granted, I feel like it
23 unquestionably places my residents in risk. We've had concerns
24 on the communities, on our community, specifically just a few
25 months ago we had a resident approached by a person and he

1 attempted to rob him. The resident had the good sense to, to
2 yell out and we had several community, several other residents
3 that were walking the community that actually came to his aid
4 and the person actually left. But not all of our stories have
5 gone that well. We had another resident, two residents that
6 were married, in their nineties, got in their car and they went
7 to Giant to go grocery shopping and when they came out with
8 their groceries, they were approached by two people that
9 insisted that they had hit them when they pulled into their
10 parking spot and eventually, after a lot of talk, they
11 persuaded them that they needed to come back to where they
12 lived and put their groceries away, because they had ice cream
13 and they were afraid it was going to melt, and then call the
14 police. And they did. These two people followed them back and
15 followed them inside their apartment home and took, carried
16 their groceries inside their apartment home and then they
17 robbed them and, you know, we have an older population and,
18 unfortunately, people have a tendency to take advantage of them
19 and I'm just concerned, looking at the big picture, and what
20 could occur in the future in Maryland, that this could really
21 be detrimental, not only to the revitalization effort, but also
22 to our residents.

23 MR. MCCANN: You mentioned Sunrise assisted living
24 facility and also the Estate?

25 MS. HODNETT: Yes.

1 MR. MCCANN: For the record, could you just describe
2 where those locations are? In fact, let's refer if we could to
3 Petitioner's Exhibit 1.

4 MS. HODNETT: Sure.

5 MR. MCCANN: Do you see number one, Sunrise, on this
6 plan?

7 MS. HODNETT: So, here's Naylor's Lane.

8 MR. MCCANN: Right.

9 MS. HODNETT: I'm like the worse map person ever.

10 MR. MCCANN: Yeah, that's okay. It's down Naylor's
11 Lane, correct?

12 MS. HODNETT: It is down Naylor's Lane and if I could
13 figure out where we were, that would be helpful. But it's
14 directly across. Where's the proposed location?

15 MR. MCCANN: Right here.

16 MS. HODNETT: Okay, so right here. So, it's right,
17 right, right behind it.

18 MR. MCCANN: Okay. Well, there's a building right
19 here, do you see that? I'll help you out a little bit.

20 MS. HODNETT: Okay.

21 MR. MCCANN: I probably shouldn't even use this but
22 that's not Sunrise is it?

23 MS. HODNETT: I don't know if that's Sunrise or not
24 but, but it's here and then it's, it's just across from
25 wherever Pomona is. I mean, it's directly across of it, which

1 I think there's a little brick house and then there's Sunrise.

2 MR. MCCANN: Okay. So, a couple, just a couple
3 properties down, is probably the best way to describe it?

4 MS. HODNETT: Yes, yes.

5 MR. MCCANN: Without referring to Petitioner's --

6 MS. HODNETT: Okay.

7 MR. MCCANN: Okay and then in terms of the Estate,
8 what is that?

9 MS. HODNETT: The Estates is an apartment community
10 that has two hundred units. It's off of Old Court and it is,
11 so it's down Old Court, I can't remember the road that's inter,
12 there's a road that intersected, intersects that goes down and
13 it's just, it's right there.

14 MR. MCCANN: So, a little farther east?

15 MS. HODNETT: Yes.

16 MR. MCCANN: Not, not on Naylor's but on Old Court?

17 MS. HODNETT: On Old Court.

18 MR. MCCANN: Okay. In the neighborhood of the
19 Pineridge Community, in that general area, down --

20 MS. HODNETT: Yes.

21 MR. MCCANN: Okay. Okay. I have no other questions.

22 MR. NEEDLE: Nothing further.

23 MR. ROSENBLATT: Okay. Good morning.

24 MS. HODNETT: Good morning.

25 MR. ROSENBLATT: Are you the only one from Pomona

1 that's here today?

2 MS. HODNETT: I am the property manager that's here
3 from Pomona. Greg Kennedy is here from Southern Management.

4 MR. ROSENBLATT: Okay. No, none of the residents?

5 MS. HODNETT: We have residents --

6 MR. ROSENBLATT: They're all Pomona, okay. That, I
7 just wanted to get a sense of how many, how many people are
8 here.

9 MS. HODNETT: Yeah.

10 MR. ROSENBLATT: You're aware that the average age of
11 patients that use medical cannabis facilities is the same as
12 the age of your residents? In other words, it's not thirty-
13 year-old people, it's people of advanced age, people that are
14 fifty-five to sixty-five or older?

15 MS. HODNETT: I think that's one of the smarter
16 things that Baltimore County has done, is they made sure that
17 all of these cannabis dispensaries are going to be dispersed.
18 So, it should be easy access regardless of where they are. I'm
19 just asking that they not be in the revitalization area.

20 MR. ROSENBLATT: So, that's, and that's my next point
21 is, you, you believe that the Council has said that these
22 facilities should not be located in a revitalization district?

23 MS. HODNETT: I do believe, otherwise they wouldn't
24 have made the exception.

25 MR. ROSENBLATT: And that's, that's your personal

1 opinion is that they should not be located in revitalization
2 districts?

3 MS. HODNETT: Yes.

4 MR. ROSENBLATT: Better off elsewhere. Okay. The
5 crimes that you've talked about, that your residents have
6 experienced, they don't have any, obviously, relation to this
7 business that hasn't opened yet, right?

8 MS. HODNETT: I'm concerned that the crime is going
9 to increase. When drugs and cash are present, I believe that
10 there's a strong correlation with crime.

11 MR. ROSENBLATT: And so, your concern is, as I asked
12 the last witness, is, is what, that people are going to use
13 this facility and then end up in Pomona, either committing
14 crimes, the patients themselves, or someone's going to track
15 the patients down and then commit crimes in Pomona?

16 MS. HODNETT: I think the previous witness made some
17 really great points, but I think the other point to remember is
18 that this is probably just a stepping stone for the State of
19 Maryland and that there's a good chance that it's going to get
20 legalized in the State of Maryland and you're going to be
21 talking about everybody twenty-one years or older having the
22 ability to purchase marijuana and us being stuck with this
23 location because it was already approved in previous states,
24 they didn't re-look at the locations of the cannabis
25 dispensaries, they left the cannabis dispensaries where they

1 are and, and just allowed it. So, when I say that I feel like
2 we need to begin with the end in mind, that's what I mean. I
3 think we need to be con, really concerned that if it's
4 legalized, that this is really the best place for the cannabis
5 dispensary to be.

6 MR. ROSENBLATT: So, is it, is it fair to say that a
7 good amount of your concern is that this becomes a location for
8 the sale of recreational cannabis?

9 MS. HODNETT: I'm concerned about both. I just
10 really feel like in a revitalized, a revitalized, an area
11 that's being revitalized, because it's already struggling, that
12 this isn't the proper location.

13 MR. ROSENBLATT: And just, just a few more questions.
14 This, you say the area has been struggling. How long has this
15 building, this portion of the building been vacant, to your
16 knowledge?

17 MS. HODNETT: A vacant building isn't as big of a
18 risk as a business that could potentially bring crime into our
19 area. I'd much rather see a vacant building than bring in a
20 business that's going to possibly increase crime in our area.

21 MR. ROSENBLATT: Okay. Thank you. Nothing further.

22 CHAIR: I have a question.

23 MS. HODNETT: Oh, I'm sorry.

24 CHAIR: I'm sorry. You heard Mr. Simon's testimony
25 and he was equating the use of medical marijuana to, to other

1 drugs and he made the point that perhaps it should be in the,
2 you know, the medical complex and things of sorts. Would you
3 be opposed if, at this location, there was a pharmacy?

4 MS. HODNETT: Yes, because it's the same problem.
5 Even if, and it goes back to, it goes back to the cash, it's,
6 it's, part of it is the cash component and part of it is the
7 drug component. But also, when, because I don't think it's an
8 if, I, I think it's more of a when and I think it's, it's
9 about, it's about revenue, it --

10 CHAIR: Where is the closest pharmacy?

11 MS. HODNETT: There's a Walgreen's just down
12 Reisterstown Road across from where the Giant is.

13 CHAIR: Does it sell opiates?

14 MS. HODNETT: I'm sorry, I can't testify to what they
15 sell and what they don't sell.

16 CHAIR: So, but it's your testimony today that if a
17 pharmacy was located at this area within walking distance of
18 your mature population, that you would find that to be
19 objectionable as well?

20 MS. HODNETT: If they were allowed, if they were
21 allowed to sell marijuana, because that's really --

22 CHAIR: Well, how about if they weren't? It's just a
23 pharmacy that sells opiates, Oxycodone, has other types of
24 things in store that might be attractive to a class of folks
25 who want to get their hands on them?

1 MS. HODNETT: No, I wouldn't have concerns with a
2 pharmacy.

3 CHAIR: I have nothing further. Anything in light of
4 my questions?

5 MR. MCCANN: Yeah, I do. You were here for Dr.
6 Brecher's testimony, the gentleman --

7 MS. HODNETT: Yes.

8 MR. MCCANN: He mentioned that if we had to put a
9 medical dispensary in within the commercial revitalization
10 district in Pikesville Proper, do you agree with him that a
11 more appropriate location would be in the business park, for
12 instance, or a medical office or something like that as opposed
13 to this location, which you describe as highly residential?

14 MS. HODNETT: Absolutely --

15 MR. ROSENBLATT: Objection to the leading. There's
16 leading and summarizing testimony.

17 CHAIR: It, it, he's giving her, for this witness,
18 I'll allow it whether she agrees or not, I see no damage in it.
19 So, it's fine.

20 MR. ROSENBLATT: Okay.

21 CHAIR: Did you, did you hear the whole question, I'm
22 sorry?

23 MS. HODNETT: I did. I said all along, I believe
24 that it doesn't belong in an area that's so residential. I've
25 said that numerous times in my testimony. So, certainly I, I

1 don't think it belongs in such a residential area. It's better
2 suited for an area that has less residential.

3 MR. MCCANN: Okay, thank you. No other questions.

4 CHAIR: Mr. Rosenblatt, anything in light of that
5 question, sir?

6 MR. ROSENBLATT: No, thank you.

7 CHAIR: Mr. Needle, sir?

8 MR. NEEDLE: No.

9 CHAIR: Ma'am, thank you very much. You can step
10 down.

11 MS. HODNETT: Okay, thank you.

12 MR. NEEDLE: Theresa John?

13 CHAIR: Good morning.

14 BOARD: Good morning.

15 MS. JOHN: Good morning.

16 BOARD: Do you swear and affirm under the penalties
17 of perjury, that the testimony you are about to give is true
18 and correct to the best of your knowledge, information and
19 belief?

20 MS. JOHN: I do.

21 BOARD: And if so, please state your name and your
22 address for the record, please.

23 MS. JOHN: My name is Theresa John, that's Theresa
24 with an H, and my address is 2 Pomona North, Apartment 1,
25 Pikesville 21208.

1 BOARD: And how do you spell your last name, ma'am?

2 MS. JOHN: J-O-H-N.

3 BOARD: Thank you very much.

4 MS. JOHN: You're welcome.

5 BOARD: You may be seated.

6 BOARD: And that was apartment one?

7 MS. JOHN: Yes.

8 BOARD: You may be seated.

9 MS. JOHN: Thank you.

10 BOARD: Um hm.

11 MR. MCCANN: Good morning, Ms. John.

12 MS. JOHN: Good morning.

13 MR. MCCANN: You've sat through last week's hearing,
14 as well as all today's, is that correct?

15 MS. JOHN: Yes, that is correct.

16 MR. MCCANN: Okay and you believe that you're
17 familiar with what's being proposed?

18 MS. JOHN: I would say, yes.

19 MR. MCCANN: You've listened to the testimony?

20 MS. JOHN: Yes.

21 MR. MCCANN: Okay. Describe where, you indicated you
22 live in Pomona Square or Apartment?

23 MS. JOHN: Pomona North.

24 MR. MCCANN: Pomona North, is that part --

25 MS. JOHN: I'm within the residences of Pomona,

1 Pomona Park and that is the community, very nice community that
2 Mr. Rebholz overlooked in his site visit when he toured the
3 area.

4 MR. MCCANN: And how long have you been there?

5 MS. JOHN: I've lived there for three years, almost
6 three years. But I lived in Pikesville on and off for
7 approximately fifteen years.

8 MR. MCCANN: Okay and you, are you here as a, in your
9 individual capacity to talk about your own personal views of
10 the proposal?

11 MS. JOHN: Yes, I am.

12 MR. MCCANN: Okay. Go ahead, why don't you tell the
13 Board what they are?

14 MS. JOHN: Well, I, as I indicated, I live in this
15 community, that is very close to where the proposed marijuana
16 dispensary will be situated, and I'm opposed to that because I
17 feel that it is too close to where we live. As Becky
18 indicated, there are a lot of seniors in our community. I'm
19 one of the newer people but there are people who have lived
20 there for quite a number of years, some since the residence
21 opened and we feel very comfortable and very secure in the
22 community. I have a daily habit, or at least I try to,
23 faithfully walk the community. The community is very, it's a
24 very beautiful community in the sense that it is a large wooded
25 area, it has lots of trees and these trees bloom in the summer

1 time and the lawn, the, the, the grounds are kept very clean,
2 manicured and they also have flowers blooming yearly, so I have
3 a daily morning habit of walking the area, which is
4 approximately one mile around the square and then I extend my
5 walk up to the Pomona Square and then it also includes Naylor's
6 Lane. I feel very comfortable and safe walking in that area
7 because it's, it's peaceful. I would like to see that sense of
8 peace remain. I'm not the only one who walks, I run into some
9 of my neighbors when I walk and they're also out there, either
10 with their dogs or they, you know, are doing it for exercise.
11 Walking is good for my health, it is something that has been
12 prescribed for me and I would not want to see that taken away
13 from me or not be, feel, feel comfortable enough to be able to
14 do that. So, I, I feel that the, the, the, my, my objection
15 primarily is, well, let me just say number one, that I do not
16 object to a safe access of medical marijuana for patients who
17 need it. But I am, my concern primarily is the location. The
18 location should be appropriate, and I think that the proposed
19 location or the proposed site is inappropriate. I'm not
20 comfortable with a dispensary there and I think it poses a
21 serious impact on our neighborhood. I feel like a dispensary
22 at this location would adversely affect the health, the peace
23 and the safety of residents and the people who work in the
24 surrounding areas and since Mr. Rebholz knows that there's a
25 nice senior community, primarily seniors, who live in this

1 community, now that he knows that that's there, I, I wish he
2 would reconsider using that space at, for his dispensary. And
3 I also have a major concern about the promotion of crime as
4 well. For years, that space has been vacant, and we're used to
5 seeing a dress shop in that area and it would be nice to see a
6 dress shop or something of that nature return in that
7 particular space. I'm, I'm not only concerned for the elderly
8 that live here, but I'm also concerned for the children. There
9 is a designated yellow school bus stop within yards of the
10 dispensary. My great-grandson, as well as the other children
11 in the neighborhood, wait there for their bus and I am not
12 comfortable with them being that close to a marijuana
13 dispensary. So, for my, for those reasons, I, I hope that I've
14 addressed your concern but those are my primary reasons for
15 objecting to this particular location.

16 MR. MCCANN: And I'm sorry, I was taking notes and I
17 missed the tail end of what you just said about the bus stop.
18 Could you --

19 MS. JOHN: Oh, that the children wait for their bus,
20 there's a designated school bus stop and it's within yards on
21 Naylor's Lane to the proposed site for the dispensary and that
22 the population of younger children is growing within that
23 community, the, the, and, and I'm concerned that they will, you
24 know, know that there's a marijuana dispensary there.

25 MR. MCCANN: This bus is for, to pick up kids that

1 live in Pomona Park?

2 MS. JOHN: Yes, and, and if there are any children
3 that are in the other residence nearby, then I think they wait
4 there as well. It's the designated school bus stop for
5 children who are going to one of the schools in the area,
6 public schools in the area.

7 MR. MCCANN: Okay and is that on Naylor's Lane, right
8 near the entrance to your community?

9 MS. JOHN: On Naylor's Lane, right near the exit of
10 the Pomona, the residences of Pomona.

11 MR. MCCANN: Okay. I have no other questions, thank
12 you.

13 MR. NEEDLE: I have no questions.

14 MR. ROSENBLATT: Okay. Good morning.

15 MS. JOHN: Good morning.

16 MR. ROSENBLATT: It sounds like, I believe you said
17 you don't have any objection to cannabis being given to
18 patients who need it, but it's, it's that you don't want it
19 here, that's the problem is that it's here, right?

20 MS. JOHN: In that location, yes, that's my
21 objection.

22 MR. ROSENBLATT: Okay and that's, and that's because
23 you, you live here, and you don't --

24 MS. JOHN: Exactly.

25 MR. ROSENBLATT: -- this is a scary thing, you don't

1 want it near you, right?

2 MS. JOHN: Well, and, and I'm concerned also for my
3 neighbors --

4 MR. ROSENBLATT: You and your neighbors?

5 MS. JOHN: Yes.

6 MR. ROSENBLATT: So, the farther away from you and
7 your neighbors the better is basically what, what you're
8 saying?

9 MS. JOHN: In an appropriate location, I don't think
10 that the, the location is appropriate for that kind of a
11 business.

12 MR. ROSENBLATT: And that, that's because it's close
13 to where you live, right?

14 MS. JOHN: Yes, that's primary, yes.

15 MR. ROSENBLATT: Okay. Now, --

16 MS. JOHN: Would you want it in your backyard?

17 MR. ROSENBLATT: Now, I'm going to --

18 CHAIR: He doesn't have to answer --

19 MS. JOHN: I'm sorry, but it's, it was a rhetorical
20 question.

21 MR. ROSENBLATT: We, we've talked about the average
22 age of people that live at Pomona and you've questioned the
23 owner's choice to, to live near, or to locate near people of,
24 of that age. Given that the average age of the patients that
25 use medical cannabis is of the, is similar to the age of the

1 surrounding neighborhood, won't this be an asset to the, to the
2 potential people that would use this in Pomona, in the elderly
3 communities and any of the other neighborhoods around here?

4 MS. JOHN: I, I wouldn't look at it as an asset.
5 The, the, I think that the last resort for any medical
6 diagnosis or prescription would be something like medical
7 cannabis. As I indicated, I'm not opposed to that by all
8 means. If somebody needs that for their survival, to relieve
9 pain or whatever their, their reason, what the doctor's reason
10 is for prescribing it, then I would say, you know, let them do
11 that.

12 MR. ROSENBLATT: Okay. Your, your fear is if this
13 business opens in this location, it's going to make you feel
14 less safe?

15 MS. JOHN: I would, I would say, yes.

16 MR. ROSENBLATT: Okay.

17 MS. JOHN: Only because it's a business that deals in
18 a predominantly cash and it is a, you're selling a product that
19 a lot of people, in, in my, in my generation it was illegal to
20 even use. Now, they found supposedly a safe way of using this
21 or turning it into medicine, then, you know, there's a need for
22 it.

23 MR. ROSENBLATT: And I'll, I'll ask you the, the same
24 question that the last witness was asked by Mr. Belt. Would
25 you object to a pharmacy being located here that would carry

1 opiates, other, other pills or drugs that, that have been shown
2 to be involved in crime or used by people as, used on, for
3 street value or people who commit or otherwise are involved
4 with crime?

5 MS. JOHN: I would say that there would be better
6 controls and products like that should have controls and
7 restrictions. Pharmacies already have things in place to
8 protect certain types of drugs. So, I would, I would not be as
9 opposed.

10 MR. ROSENBLATT: Okay.

11 MS. JOHN: To something like that being in a
12 pharmacy. So, my question once again to you would be, why
13 isn't it in a pharmacy?

14 MR. ROSENBLATT: Okay. I have nothing further.

15 MS. JOHN: Why does it stand alone? Why does it have
16 to stand alone?

17 MR. MCCANN: Thank you, Ms. John.

18 MS. JOHN: You're welcome.

19 MR. MCCANN: Thank you very much.

20 MS. JOHN: Thank you.

21 CHAIR: I have, I have, I have a brief question
22 (inaudible).

23 MS. JOHN: Yes.

24 CHAIR: And I only ask this because I'm just try, I'm
25 trying to get to the, to the source of your fears and others,

1 you're not an expert on this (inaudible), but what is your
2 perception of the clientele that would be visiting this
3 location? What's your perception, who are these people who are
4 going to be coming to, to the dispensary, in your perception?
5 Because I guess I'm going from the premise, you tell me that
6 you're scared say if, you know, kids on the bus stop, so that
7 tells me something. If you're afraid that a child on the bus
8 stop is, is threatened by these individuals, I'm just trying to
9 get to the root of who do you believe that these folks are?

10 MS. JOHN: I, I'm not really afraid of the people who
11 are coming there to have a prescription filled, okay?

12 CHAIR: Okay, so it's not the individuals, it's not
13 the patrons, okay.

14 MS. JOHN: It's not the individual, it's not the
15 patient. I have no problem with the patient who, who decides,
16 or their doctor decides for them that this is how they can be
17 relieved of their pain. So, that's not where my fear lies.

18 CHAIR: Okay.

19 MS. JOHN: My fear lies in the fact that this is a
20 substance that is well known by most people and now it's being
21 converted or turned into something that is going to be for
22 medicinal purposes. Children, when they hear the word
23 marijuana, they think of smoking and, you know, things of that
24 sort. There, my fear, primarily, is the people who will be
25 hanging around an environment like that. Maybe some of them

1 with the hopes that they will be able to get some of, you know,
2 some relief as well. But they don't have a, a doctor's note
3 or, or a legitimate reason for having that particular drug.

4 CHAIR: Now, I, I believe, pardon me if I'm
5 incorrect, but were you here last Tuesday?

6 MS. JOHN: Yes.

7 CHAIR: Okay, so you were here. So, you heard the,
8 the testimony of the gentleman concerning the security
9 features.

10 MS. JOHN: Um hm.

11 CHAIR: So, you, you believe that there's going to be
12 non-patient hang out, basically, people hanging outside the
13 location who may not have the recommendation cards, who are not
14 lawful patrons?

15 MS. JOHN: Um hm, um hm.

16 CHAIR: Is that, that's your belief?

17 MS. JOHN: Yes, yes.

18 CHAIR: And just, I'm just curious and, and I'm
19 asking you because you're a very articulate witness and it's,
20 it's helping me. So where, what's the basis of that
21 assumption?

22 MS. JOHN: Statistics, things that I have read and
23 seen that have, that's happened in other areas. So, that's,
24 that's the primary basis.

25 CHAIR: Okay. Now, there's, there's the article that

1 we sort of have kind of spoken to. I know the article dealt
2 with the transition to legalization, rather than medical use or
3 whatever.

4 MS. JOHN: Um hm, um hm.

5 CHAIR: Are you, have you, have you read articles
6 dealing with how medical dispensaries cause an element to kind
7 of vagrant hope of getting some marijuana?

8 MS. JOHN: I, I, I feel that it's, it's more the fact
9 that a substance that has always been illegal is now becoming
10 legal and what my fear is, what will the consequences be for
11 that?

12 CHAIR: Okay.

13 MS. JOHN: There's an old expression, too much of a
14 good thing.

15 CHAIR: Right.

16 MS. JOHN: You know?

17 CHAIR: Right.

18 MS. JOHN: I'm just fearful that this may lead to
19 that. I, I think about the, the, the opioid crisis and I'm
20 just hoping that, you know, this doesn't become another one of
21 those.

22 CHAIR: Okay. Well, you've, you've done, you've
23 explained it to me, thank you very much.

24 MS. JOHN: You're welcome.

25 CHAIR: I appreciate it, I appreciate your thoughts.

1 MS. JOHN: Thank you.

2 CHAIR: Thank you very much.

3 MR. MCCANN: One follow-up to that. Are you
4 concerned not about, I'll call them the dumb criminals, that
5 are hanging out, loitering right at the entrance to the
6 dispensary, but also the smarter criminals who may be lingering
7 outside of the immediate area waiting to take advantage of
8 someone? Is that also part of your concern?

9 MS. JOHN: Yes, yes. I am.

10 MR. MCCANN: Thank you.

11 MS. JOHN: Yes. Thank you.

12 MR. ROSENBLATT: Nothing further, thank you.

13 MS. JOHN: All right. I, I appreciate the
14 opportunity to speak.

15 BOARD: Thank you.

16 CHAIR: Thank you very much.

17 MS. JOHN: Thank you for listening.

18 CHAIR: Mr. McCann, before you call the next witness,
19 can we have a brief recess? Let's come back in ten. Just
20 before we, before we break, how about, how about coming
21 attractions, how about that?

22 MR. MCCANN: I think we have one, two, just two or
23 three more lay folks and then maybe that would be the best time
24 to break for lunch and then come back with our expert.

25 CHAIR: Okay, great.

1 MR. MCCANN: And then, as far as I know, no more
2 other lay testimony after we get done so, we, we should be done
3 right after lunch.

4 MR. NEEDLE: Unless, unless there are people we don't
5 know about. Is there anybody else back there that wants to
6 testify?

7 MR. MCCANN: We can talk about that during the break.

8 CHAIR: Thank you. We're going to take a few
9 moments.

10 BOARD: Thank you.

11 (RECORDING PAUSED - 11:22:02 AM)

12 (ON RECORD - 11:35:10 AM)

13 BOARD: We are back on the record.

14 BOARD: So, first question, with the new Protestant's
15 number five, no objection there?

16 MR. ROSENBLATT: Nope. The, the new one is fine in
17 place of redacting the other one. Thank you.

18 BOARD: Okay. So, that can be admitted.

19 CHAIR: All right. We are back on the record after a
20 recess in 17-281-X. And, Mr. McCann, next witness, sir?

21 MR. MCCANN: Okay.

22 CHAIR: As we departed, there was word of additional
23 witnesses. Have we determined how many?

24 MR. MCCANN: I spoke to two folks, both indicated, at
25 least I read (inaudible) wasn't going to be long, but I don't

1 think, I left it up to them, I don't represent them so I just,
2 I'm going --

3 CHAIR: Okay.

4 MR. MCCANN: -- to leave it up to them. When we get
5 to that point, I'll ask.

6 CHAIR: Okay.

7 MR. MCCANN: Maybe things will change. Right now, I
8 don't know the answer to that.

9 MR. NEEDLE: And, and I would like to testify.

10 CHAIR: Okay.

11 BOARD: So, how many then were you thinking,
12 independent of the other individuals?

13 MR. MCCANN: Mr. Kennedy and this gentleman back
14 here, definitely two.

15 BOARD: Okay.

16 MR. MCCANN: And then there's two others that may or
17 may not.

18 CHAIR: And there's a gentleman raising his hand
19 there, okay. All right.

20 BOARD: And you said one expert witness?

21 MR. MCCANN: Yes.

22 BOARD: Okay.

23 CHAIR: We will, we will get through, we will forge
24 ahead.

25 BOARD: Okay.

1 BOARD: Would you stand, please? Thank you. Do you
2 swear and affirm under the penalties of perjury, that the
3 testimony you're about to give is true and correct to the best
4 of your knowledge, information and belief?

5 MR. KENNEDY: Yes.

6 BOARD: Thank you and would you state your name and
7 your address for the record, please?

8 MR. KENNEDY: Gregory Kennedy, 9658 Baltimore Avenue,
9 College Park, Maryland.

10 BOARD: And would you spell your last name for the
11 record?

12 MR. KENNEDY: K-E-N-N-E-D-Y.

13 BOARD: Thank you.

14 BOARD: Is that Gregory with an O?

15 MR. KENNEDY: G-R-E-G-O-R-Y, correct.

16 MR. MCCANN: Okay, thank you. Mr. Kennedy, tell the
17 Board what you do for a living.

18 MR. KENNEDY: I'm an attorney and I'm corporate
19 counsel to Southern Management Corporation.

20 MR. MCCANN: And Southern Management, as a prior
21 witness testified, is the owner of Pomona Park and Pomona
22 Square?

23 MR. KENNEDY: Technically, Southern Management
24 Corporation manages Pomona Square and the residences at Pomona
25 Park. They are owned by affiliated companies, SMC Pomona

1 Square and SMC Pomona Apartments, LLC.

2 MR. MCCANN: SMC standing for Southern Management?

3 MR. KENNEDY: Yes.

4 MR. MCCANN: Yes? And how, how long have you worked
5 for the company?

6 MR. KENNEDY: I've worked for the company for nearly
7 nine years.

8 MR. MCCANN: Okay and are you familiar with these
9 particular locations of --

10 MR. KENNEDY: I am.

11 MR. MCCANN: Okay and how is it that you're familiar?

12 MR. KENNEDY: I visited the location at Pomona Square
13 and Pomona Park on two different occasions.

14 MR. MCCANN: Okay. But you don't necessarily work
15 there?

16 MR. KENNEDY: I don't, I don't work there.

17 MR. MCCANN: Okay. I understand you've prepared a
18 letter to the Board expressing the views of Southern Management
19 Corporation, is that correct?

20 MR. KENNEDY: Yes.

21 MR. MCCANN: Mr. Needle has copies.

22 BOARD: Do (inaudible).

23 MR. MCCANN: This is eighteen, Mr. Garber?

24 BOARD: This is eighteen.

25 MR. MCCANN: Do you have a copy of the letter in

1 front of you?

2 MR. KENNEDY: I do.

3 MR. MCCANN: Okay and that letter has been marked as
4 Exhibit 18 and I'll leave it up to you, Mr. Kennedy, how you
5 feel to best express your viewpoint but, either reading the
6 letter or just speaking about it. But just, why don't you tell
7 the Board what your concerns, if any, are about the proposal.

8 MR. KENNEDY: Of course. Southern Management has a
9 presence in the State of Maryland and in the County, of
10 Baltimore County. There are a number of apartment communities
11 throughout the state. Southern Management owns sixty-five
12 residential apartment communities as commercial areas, as well
13 as hotels in the state. And it manages six apartment
14 communities with over twenty-three hundred apartment homes and
15 nearly four thousand residents in the County of Bal, in
16 Baltimore County. There, the concern here, as has been
17 expressed by others in opposition to the special exception is
18 concern for safety, it's a concern for the, the appearance in
19 the community and it's, it's also very concerned about the
20 investment that it's made in the, in the community. Southern
21 Management has invested nearly \$20 million in the past four or
22 five years into the community and there's a concern that that
23 investment may be impaired by the presence of the medical
24 marijuana dispensary in, in the area. Baltimore County has a
25 master plan referred to as master plan 2020, which may be part

1 of the record already. I have a copy of the economic vitality
2 section of the, the master plan 2020. That, that states a few
3 policies that, that, that the County would abide by when
4 creating the commercial revitalization dis, districts to,
5 number one, retain and attract quality retail, office, service
6 and residential entertainment and institutional uses that
7 create well balanced and economically vital mixed use, improve
8 appearance and walkability of the districts, market commercial
9 district's potential businesses and patrons. With the presence
10 of a marijuana dispensary, especially at this particular
11 location where it's densely populated, it goes contrary to the
12 stated policies of the master plan 2020. Ms. Theresa, she
13 testified very eloquently about how she enjoys to, enjoys
14 walking around, Ms. John, because that's the walkability,
15 that's the, that's the walkable nature of the, of the community
16 and of the area. What we have here with the dispensary is
17 clearly not a walkable place of business. It's guarded outside
18 by security, it is, if we take a look back at the video that
19 was shown last week, it was, has frosted windows that obscures
20 whatever activity may be happening on the inside. It's not,
21 it's not a location that is open to the public. It's closed
22 off to the public and accessible only to a certain few that may
23 have the certification from the State. So, it doesn't comply
24 with that walkability aspect or arguably, the, the, the
25 aesthetic that, that the commercial revitalization districts

1 are seeking to attract businesses and provide quality retail to
2 the community and the question for me is really what, who is
3 Temescal Wellness marketing to? If you go to the website and
4 it's interesting and informative, what they have at the
5 website. Several years ago, with the tobacco industry, came
6 under close scrutiny for advertising to minors. They had Joe
7 Camel as a cartoon. That, and subsequently the, the tobacco
8 industry became highly regulated and those kinds of
9 advertisements aren't allowed any, anymore. Let's go to, to go
10 to the website, you'll see the products that they offer in
11 their shopping area. And they've got products by, the
12 marijuana products by the street names, AC/DC, Shark Shock,
13 Billy Club, Snow D, Alpine Exodus, Sweet and Sassy. Are these
14 products that are designed to market to a fifty-two-year-old, a
15 sixty-two-year-old? I would be hard pressed to find a sixty-
16 two-year-old individual who knows what AC/DC is outside of an
17 electrical current. But that's, that is, that's the nature of
18 what we're dealing with here. We, the, the community does not
19 want a wolf in sheep's clothing to come in here to that
20 location and to offer their products and in three, five,
21 eleven, twelve years turn around and offer they call it adult
22 use marijuana. It may be recreational use, call it what you
23 may, that's not what that community wants and needs, and we're
24 very concerned about that going forward.

25 MR. MCCANN: Mr. Kennedy, is, are, are you and is

1 your client opposed to a medical dispensary anywhere within the
2 Pikesville commercial revitalization district or Pikesville
3 Proper, for that matter?

4 MR. KENNEDY: No, and as expressed in the letter, it
5 does express that, that it is opposed to perhaps anywhere
6 within the commercial revitalization district, but taking a
7 pragmatic approach, we can understand that it may be placed
8 somewhere in the district and it's not opp, I personally am not
9 opposed to medical marijuana. Southern Management Corporation
10 is not opposed to the use of medical marijuana. It's where is
11 it going to be located and is this the, is this the proper
12 location to result in the least impact with the Pikesville
13 community. It may be better outside the commercial
14 revitalization district, there may be a place inside the
15 commercial revitalization district that minimizes impact. But
16 this particular location does not meet that criteria of
17 minimizing the impact to the community.

18 MR. MCCANN: Okay. Thank you, Mr. Kennedy.

19 MR. NEEDLE: No questions.

20 MR. ROSENBLATT: No questions.

21 CHAIR: Thank you, sir.

22 MR. MCCANN: Mr. Belt, as this gentleman approaches,
23 it's somewhat of an unusual request. He has trouble speaking,
24 you'll see that. So, I asked him to give it a shot. Get as
25 close as you can to the microphone and I think he's going to

1 make, it sounds to me like one main point and hopefully he'll
2 be able to express that. So, we're going to give that a shot.

3 CHAIR: That is fine. Whatever we need to do, sir.
4 Stand and be sworn and we'll get it done.

5 MR. MCCANN: We have somebody, a friend of his is
6 here and would be willing to assist him but I think we're going
7 to give it a shot without that assistance.

8 CHAIR: Okay.

9 BOARD: All right. Do you swear and affirm under the
10 penalties of perjury, that the testimony you are about to give
11 is true and correct to the best of your knowledge, information
12 and belief?

13 MR. STOKES: Yes.

14 BOARD: All right. And please state your name and
15 your address for the record, please?

16 MR. STOKES: (inaudible).

17 BOARD: Is that Bernard?

18 MR. STOKES: Yes.

19 BOARD: Is it okay if I spell, B-E-R-N-A-R-D?

20 MR. STOKES: Right.

21 BOARD: All right and what's your last name, sir?

22 MR. STOKES: Stokes.

23 BOARD: Stokes? Is that S-T-O-K-E-S?

24 MR. STOKES: Um hm.

25 BOARD: Thank you. All right and your address?

1 MR. STOKES: 13 Pomona South.

2 BOARD: 13 Pomona South?

3 MR. STOKES: Yes, number ten.

4 BOARD: Number ten and is that Pikesville 21208?

5 MR. STOKES: Yes.

6 BOARD: Thank you very much.

7 BOARD: Also, just in case it didn't get captured by
8 the microphone, he was sworn in and agreed, so.

9 MR. MCCANN: Okay, thank you.

10 CHAIR: Mr. Stokes, if you are more comfortable
11 standing, you can remain standing. Okay.

12 MR. MCCANN: Do you mind if I move the microphone?

13 CHAIR: Sure.

14 BOARD: Is that good for you?

15 MR. MCCANN: Okay. Mr. Stokes, as best you can, try
16 to speak into the microphone and I know there's something you
17 want to tell the Board. You, you've indicated your address
18 first.

19 MR. STOKES: Yeah.

20 MR. MCCANN: And you live in the residential aspect
21 of Pomona, correct?

22 MR. STOKES: Correct.

23 MR. MCCANN: How long have you lived there?

24 MR. STOKES: Seventeen years.

25 MR. MCCANN: Okay. So, you know that area and the

1 Pikesville area well?

2 MR. STOKES: Yes.

3 MR. MCCANN: Okay. Why don't you go ahead and tell
4 the Board what you want to say?

5 MR. STOKES: My concern is that I have (inaudible) I
6 have observed and listened to the security of the marijuana
7 dispensary. But that does not include surrounding areas. 7-11
8 (inaudible) hanging around and (inaudible) it was another
9 business there (inaudible) the dispensary provides security for
10 their business, fine, but what are they going to do about
11 surrounding areas? (inaudible). There's nobody that
12 (inaudible).

13 MR. MCCANN: Thank you, sir. Thank you.

14 CHAIR: So, Mr. Stokes, from what, from what I hear
15 you saying is that the, the prior uses of that property, 7-11
16 and such, there was folks who hung out there who did not
17 patronize the area?

18 MR. STOKES: And (inaudible) around and (inaudible).

19 CHAIR: Anyone, any further, Mr. Rosenblatt?

20 MR. ROSENBLATT: No, thank you.

21 CHAIR: Mr. Stokes, thank you so very much, sir.

22 MR. STOKES: Thank you.

23 BOARD: Thank you.

24 MR. STOKES: Thank you.

25 MR. MCCANN: Thank you, Mr. Stokes.

1 BOARD: Good morning.

2 MS. GOETZ: Good morning.

3 BOARD: Do you swear and affirm under the penalties
4 of perjury, that the testimony you are about to give is true
5 and correct to the best of your knowledge, information and
6 belief?

7 MS. GOETZ: Yes.

8 BOARD: And would you state your name and your
9 address for the record, please?

10 MS. GOETZ: My name is Ruth Goetz, G-O-E-T-Z. My
11 address is 3504 Slade, S-L-A-D-E, Avenue, Baltimore 21208.

12 BOARD: Thank you. And you may be seated.

13 MR. MCCANN: Ms. Goetz, tell, tell the Board where
14 3504 Slade Avenue is in relation to, to this property?

15 MS. GOETZ: Okay. The next main street is Old Court,
16 the next traffic light after Old Court is Slade Avenue and I
17 live on Slade Avenue and Park Heights, so it's the next main
18 parallel street to Reisterstown Road.

19 MR. MCCANN: So, how long of a walk or drive is it?

20 MS. GOETZ: I generally don't walk, but it's a,
21 depending on lights, it's like a three-minute drive or less and
22 it's pretty much the route that I drive because businesses are
23 all on Reisterstown Road, the public library, any stores,
24 local, the super market, I'm driving there all the time.

25 MR. MCCANN: Okay. What do you do for a living?

1 MS. GOETZ: I do not work. I'm a mother,
2 grandmother, I, I'm on the Baltimore County Central Committee
3 and I run the Northwest Republican Club.

4 MR. MCCANN: Okay. Okay. How long have you lived in
5 the Pikesville, the Pikesville area?

6 MS. GOETZ: I've lived in Pikesville for about thirty
7 years.

8 MR. MCCANN: Okay. Okay. So, why don't you tell the
9 Board what your concerns are about the proposal?

10 MS. GOETZ: I agree with a lot of the testimony that
11 I've heard throughout the morning opposing it for var, for a
12 lot of those same reasons. And also, you're dealing with
13 people that are impaired in some medical way that they need
14 this drug or medicine, which can also bring more automobile
15 accidents in addition to the other items like we said, Old
16 Court has a lot of car accidents. To get into this dispensary,
17 people are worried about turning left to go into the super
18 market, so they've recommended people to drive a different way
19 where they would be making right turns instead of left turns.
20 So, people coming into this new business would also be bringing
21 in more traffic and more accidents, along with the type of
22 people that it will be drawing because also with being a cash
23 only business where, also can draw in other types of people
24 that can bring more crime to the community.

25 MR. MCCANN: Okay.

1 MS. GOETZ: Which has a lot of crime in our
2 community. We have, we have neighborhood watches to keep our
3 community safe and these are just fears that I have.

4 MR. MCCANN: Okay. You're not opposed to medical
5 marijuana per se?

6 MS. GOETZ: Personally, well, it's the law, so it
7 really doesn't matter how I feel because it's what, you know,
8 the lawyers have, you know, our government has accepted as law.

9 MR. MCCANN: Thank you. Anything else you wanted to
10 say?

11 MR. ROSENBLATT: I just have one question about where
12 your home is. So, we've heard people from 11 Slade Avenue. If
13 you leave this site and drive south on Reisterstown Road and
14 make a left on Slade Avenue, are you farther than 11 Slade
15 Avenue or closer to Reisterstown Road?

16 MS. GOETZ: On the other side of Park Heights Avenue.

17 MR. ROSENBLATT: Okay.

18 MS. GOETZ: So, I'm farther than 11 Slade.

19 MR. ROSENBLATT: Farther away from Reisterstown Road?

20 MS. GOETZ: Correct.

21 MR. ROSENBLATT: Okay. Thank you. Nothing further.

22 MR. NEEDLE: No questions.

23 MR. MCCANN: No questions.

24 CHAIR: Thank you, Ms. Goetz. Have a great day.

25 Thank you.

1 CHAIR: Good morning, ma'am. Please remain standing
2 just for a moment while you're sworn.

3 MS. BARRETT: Okay.

4 BOARD: Good morning.

5 MS. BARRETT: Good morning.

6 BOARD: Do you swear and affirm under the penalties
7 of perjury, that the testimony you will provide today will be
8 true and correct to the best of your knowledge, information and
9 belief?

10 MS. BARRETT: I do.

11 BOARD: Thank you and if so, please state your name
12 and your address for the record, please.

13 MS. BARRETT: My name is Jane Barrett, B-A-R-R-E-T-T,
14 excuse me, 8 Pomona North, number two, 21208.

15 BOARD: Thank you very much. You may be seated.

16 BOARD: And that was number one oh two, 8 Pomona
17 North?

18 MS. BARRETT: Number two.

19 BOARD: Number two, I'm sorry.

20 MS. BARRETT: Yes, um hm, apartment two.

21 BOARD: Thank you.

22 MR. MCCANN: Okay. You live in the same development
23 as Ms. John who testified earlier?

24 MS. BARRETT: Yes.

25 MR. MCCANN: Okay and how long have you lived there,

1 Ms. Barrett?

2 MS. BARRETT: Two years.

3 MR. MCCANN: Okay. Why don't you tell the Board what
4 your concerns are, if any, about this proposal?

5 MS. BARRETT: Well, when I heard about this, I was
6 concerned of the increase or crime possibilities due to the
7 fact that, yes, these people are coming with cash in hand and
8 I'm, I'm not as concerned about the people who are coming to
9 get their prescriptions filled as the people who know that
10 these people are coming to get their prescription filled and
11 have cash and I have no idea how much marijuana prescriptions
12 are, but we know that they will indeed have the cash in hand.
13 Pomona is a beautiful community, quiet, easy to walk through.
14 I'm also a walker and walk with various people who actually
15 walk on walkers. They cannot walk without their walkers and I
16 just feel that we are going to let people know more about our
17 quiet community and also Sunrise Assisted Living, which is all
18 seniors, and that people who may, are criminals or will become
19 criminals, will be more familiar with Pomona and know that yes,
20 we do have seniors that are more vulnerable, possibly, than,
21 than our younger population. But that, that's my main concern
22 and also, traffic on that corner is not good to begin with.
23 And, of course, we all have to leave Pomona at Naylor's corner,
24 Naylor's Lane, to get to Reisterstown Road and it's, the fact
25 that people will be coming who aren't familiar, to get their

1 prescription filled, that aren't familiar with that area, are
2 going to have a little trouble with that corner because it is,
3 and of course, the parking lot for this marijuana facility is
4 quite small and will not have, it will just be hard for people
5 to get out of and not knowing the area and understanding the
6 turns and all. So, that, they're my, they're my main concerns
7 that increase in criminal activity due to the fact that more
8 people will be coming to that corner than would have previously
9 come.

10 MR. MCCANN: Okay and I, you made a point about where
11 the entrance and exit of your development is. That's on
12 Naylor's Lane?

13 MS. BARRETT: It's on Naylor's Lane, direct --

14 MR. MCCANN: In other words, you can't, you can't
15 access Reisterstown Road directly?

16 MS. BARRETT: Right, you have to go through the
17 little shopping center and, which is impossible to make a left
18 on to Reisterstown Road from the shopping center, the shopping
19 area, our shopping area.

20 MR. MCCANN: You mean, Pomona Square itself.

21 MS. BARRETT: Pomona Square, yeah, um hm.

22 MR. MCCANN: So, you'd have to go, from your --

23 MS. BARRETT: I mean, you can do it, but you have to
24 sit there forever. I see people waiting and it's, and it's
25 crazy because if you go out Naylor's, then you have the light

1 on Reisterstown Road to learn, turn left toward the beltway but
2 I'm just concerned that there are going to be a lot of people
3 who are not familiar with that area at all coming to get their
4 prescriptions filled that will cause more traffic problems.

5 MR. MCCANN: Okay. Thank you, ma'am.

6 MS. BARRETT: Okay.

7 MR. NEEDLE: No questions.

8 MR. ROSENBLATT: No questions.

9 CHAIR: Okay. Ms. Barrett, thank you very much.

10 MS. BARRETT: You're welcome.

11 BOARD: Good morning.

12 MR. LIZANO: Good morning.

13 BOARD: Do you swear and affirm under the penalties
14 of perjury, that the testimony you will provide today will be
15 the truth, true and correct to the best of your knowledge,
16 information and belief?

17 MR. LIZANO: Yes, I do.

18 BOARD: Thank you and would you state your name and
19 your address for the record, please?

20 MR. LIZANO: My, my name is (inaudible), my address
21 is (inaudible) 21208.

22 BOARD: I'm sorry, what was that?

23 MR. LIZANO: 110 Sherwood.

24 BOARD: 110?

25 BOARD: Sherwood?

1 MR. LIZANO: Yes.

2 BOARD: And would you spell your name for us?

3 MR. LIZANO: Roberto.

4 BOARD: Roberto?

5 MR. LIZANO: Lizano, L-I-Z-A-N-O.

6 BOARD: I'm sorry, I missed your last name.

7 MR. LIZANO: O, O --

8 BOARD: L-I-Z-A-N-O?

9 MR. LIZANO: Yes.

10 MR. MCCANN: Lizano.

11 MR. LIZANO: Lizano.

12 BOARD: Thank you.

13 MR. LIZANO: Okay.

14 BOARD: And you're 110 Sherwood?

15 MR. LIZANO: Yes.

16 CHAIR: Mr. Lizano, if you could try to speak up a
17 little bit so we can hear you.

18 MR. LIZANO: Okay. I'm sorry. My English
19 (inaudible).

20 CHAIR: It's not that, it's just the volume at this
21 time. So, if you can speak into that microphone a little bit
22 for us.

23 BOARD: Thank you.

24 BOARD: And so, for the record, he has been sworn.

25 MR. MCCANN: Thank you, Mr. Garber.

1 BOARD: Okay.

2 MR. MCCANN: Explain where you live.

3 MR. LIZANO: Okay. I, I live at 110 Sherwood. I
4 live (inaudible) beautiful neighbor and now they want to
5 (inaudible) they want to bring, they want to bring crime in the
6 neighbor. How? This business, they want to get a cash. How
7 people, people like robbing, they want to look for cash in the
8 neighbor. I have two kids. How about (inaudible). They, they
9 have second step, you know, everybody know, what's the second
10 step? And then, what's wrong with the (inaudible) something
11 bigger, something happen, crime, shooting, people shooting in
12 the neighbor, I have kid, everybody, many people have kid,
13 grandson, and everything. Bus stop, close to there. If you
14 see (inaudible) the shopping Season and then the (inaudible).
15 I don't understand (inaudible) community.

16 MR. MCCANN: Okay.

17 MR. LIZANO: That's my concern.

18 MR. MCCANN: Where is Sherwood Road? Where is that
19 road?

20 MR. LIZANO: It's like four block, I think four
21 block.

22 MR. MCCANN: From where?

23 MR. LIZANO: From, from the place, from the place in
24 Reisterstown Road.

25 MR. MCCANN: Off of Reisterstown Road?

1 MR. LIZANO: Yes, yes.

2 MR. MCCANN: To the south?

3 MR. LIZANO: To the, like go to the City, I go to the
4 City, I think it's like (inaudible).

5 MR. MCCANN: South, okay. Thank you, sir. Thank
6 you.

7 CHAIR: Wait, any further questions?

8 MR. ROSENBLATT: Just is Sherwood north or south of,
9 let's say --

10 CHAIR: It's below Sudbrook, two streets.

11 MR. ROSENBLATT: It's below Sudbrook. Okay, nothing
12 further. Thank you.

13 BOARD: Thank you.

14 BOARD: Thank you.

15 MR. MCCANN: Thank you, sir. Thank you. One more
16 thing, I have some rule eight papers for one of my clients, the
17 Pikesville Community Corporation and Mike Pierce from that
18 organization is here.

19 CHAIR: Okay.

20 MR. MCCANN: I am not going to ask him to express,
21 express any views other than what are in the papers themselves.
22 The only thing that rule eight requires outside of the papers,
23 as you know, is someone testifying that he has accurate
24 knowledge of the number of members and the geographical limits.
25 So, Mr. Pierce could just say that quickly on the record, we

1 could introduce the rule eight papers and that would be it.

2 CHAIR: Would you accept that proffer and we would
3 have one less witness?

4 MR. ROSENBLATT: Yes, I just want to see this, this
5 statement.

6 MR. MCCANN: Sure.

7 BOARD: That seems fair.

8 MR. MCCANN: So, I'll go ahead and mark --

9 BOARD: Nineteen.

10 MR. MCCANN: Nineteen, collectively, two pages.
11 Thank you.

12 BOARD: Um hm.

13 MR. ROSENBLATT: I guess, is there a statement from
14 the, from the group or just --

15 MR. MCCANN: Other than the second page, says the
16 organization opposes the granting.

17 MR. ROSENBLATT: Oh, okay, okay.

18 MR. MCCANN: Other than that, no.

19 MR. ROSENBLATT: Okay.

20 MR. MCCANN: No.

21 MR. ROSENBLATT: Do you have an exhibit copy or is
22 that --

23 BOARD: This is my exhibit copy. Do you have an
24 extra copy?

25 MR. MCCANN: I do. I've got three originals,

1 actually.

2 CHAIR: Mr. Rosenblatt, your final decision, sir?

3 MR. ROSENBLATT: It appears, I will accept this and,
4 and move on.

5 CHAIR: So admitted and we will move on.

6 MR. MCCANN: Thank you.

7 BOARD: Can I, do you have another copy?

8 MR. MCCANN: Yeah, I do.

9 BOARD: Thank you.

10 MR. MCCANN: Do I need to put him on to get the,
11 okay.

12 CHAIR: Now, Mr. Rosenblatt, we're clear he, we're
13 going to proffer that he knows the parameters and the
14 membership and that this is legit rule eight papers with the
15 letter and we're moving on?

16 MR. ROSENBLATT: Yes, Mr. Belt, that's fine.

17 CHAIR: All right. So admitted.

18 MR. MCCANN: And that is nineteen you said, Mr.
19 Garber?

20 BOARD: Yes, nineteen.

21 MR. MCCANN: You need another copy or are we good?

22 CHAIR: I think we're fine. We're fine. Thank you
23 very much.

24 MR. MCCANN: Okay and unless I've missed somebody who
25 indicated they want to speak, that would be, we have actually,

1 Mr. Needle, but I think we were going to wait for him after
2 lunch, if that's okay?

3 MR. NEEDLE: However you wish.

4 CHAIR: Well, we have, we have reached, we were going
5 so smoothly. I neglected to see that we had passed the lunch
6 hour. What, what is the thoughts? We're just doing a solid,
7 to 1:00?

8 MR. MCCANN: Or 1:10 would be great, just a full
9 hour.

10 CHAIR: One ten.

11 MR. MCCANN: Okay.

12 CHAIR: We shall recon, I'll be looking for you at
13 1:10, sir.

14 BOARD: Just as a matter of housekeeping, you're
15 admitting your exhibits?

16 MR. MCCANN: Yes, eighteen and nineteen, I understand
17 the Board's ruling on seventeen.

18 BOARD: Five, eighteen, nineteen?

19 MR. MCCANN: Yes. Thank you.

20 CHAIR: And, Mr. McCann, so we'll have Mr. Needle and
21 Mr. Jakubiak this afternoon?

22 MR. MCCANN: Yes, there may be one other person, but
23 that, as far as I know, that's, that's it.

24 CHAIR: Okay.

25 MR. ROSENBLATT: Okay.

1 CHAIR: And we shall see.

2 BOARD: Off the record?

3 CHAIR: Yeah, off the record.

4 (RECORDING PAUSED - 12:06:05 PM)

5 (ON RECORD - 01:06:49 PM)

6 BOARD: On the record.

7 CHAIR: All right. Folks, we are now back on the
8 record in 17-281-X and we are calling the next witness I hope.
9 Mr. Doaks, remain standing for a moment.

10 BOARD: Do you swear and affirm under the penalties
11 of perjury, that the testimony you are about to give today is
12 true and correct to the best of your knowledge, information and
13 belief?

14 MR. DOAK: I do.

15 BOARD: And would you state your name and your
16 business address for the record, please?

17 MR. DOAK: My name is Bruce E. Doak, D-O-A-K. My
18 address is 3801 Baker Schoolhouse Road, Freeland, Maryland
19 21053.

20 BOARD: And would you spell your last name for the
21 record, please?

22 MR. DOAK: D-O-A-K.

23 BOARD: Thank you very much.

24 MR. MCCANN: Mr. Doak, I think the Board knows but
25 tell us what you do for a living.

1 MR. DOAK: I am a Maryland registered property line
2 surveyor number 531 and I work with land development,
3 surveying, zoning.

4 MR. MCCANN: Okay and specifically, what do you do in
5 that regard, the latter regard, that is land development and
6 zoning?

7 MR. DOAK: Design, take it through the subdiv, or
8 whatever process Baltimore County requires and then the
9 surveying required for the, the construction of it, if
10 necessary.

11 MR. MCCANN: Okay. So, are you familiar with the
12 County process for approval of development plans as well as
13 zoning petitions, including petitions for special exception and
14 for variances?

15 MR. DOAK: Yes, sir, I am.

16 MR. MCCANN: Over the, and how long have you been
17 doing that?

18 MR. DOAK: In this County, I have been doing that for
19 thirty-one years.

20 MR. MCCANN: Okay. Can you give us a, a ballpark of
21 how many plans, maybe specifically zoning petitions and plans,
22 you filed over the years?

23 MR. DOAK: I'll make it real general, it would be
24 hundreds.

25 MR. MCCANN: Okay and are you also familiar with and

1 regularly apply the Baltimore County zoning regulations?

2 MR. DOAK: I do, each time.

3 MR. MCCANN: On a regular basis?

4 MR. DOAK: Each time I have a project, yes, sir, on a
5 regular basis.

6 MR. MCCANN: And in particular, are you familiar with
7 the parking regulations in Section 409 of the Baltimore County
8 zoning regulations?

9 MR. DOAK: Yes, sir, I am.

10 MR. MCCANN: Do you regularly review and apply those
11 regulations in the plans that you submit for review and
12 approval to Baltimore County?

13 MR. DOAK: Yes, sir, I do.

14 MR. MCCANN: Okay. Over the years, how many parking
15 plans or, parking plans have you submitted to Baltimore County
16 for review and approval?

17 MR. DOAK: Well, they're not only just parking plans,
18 they're change of use plans, change of occupancy plans, they're
19 zoning plans, so each time that is considered and put on the
20 plans, so I would once again say hundreds of times.

21 MR. MCCANN: Okay.

22 MR. ROSENBLATT: Can we, we, can we proffer the area
23 of expertise that you're --

24 MR. MCCANN: Sure, it'll be limited to really what my
25 last question about, was about, and that is specifically the

1 parking regulations in the zoning regulations, which is 409, et
2 al. And then the parking reg, the Baltimore County zoning
3 regulations as a whole, to the extent we go beyond that.

4 CHAIR: Mr. Rosenblatt, sir?

5 MR. ROSENBLATT: I've seen Mr. Doak many times, I
6 know that he produces plans and interprets the zoning
7 regulations. I would object to any line of testimony that has
8 to do with anything but the Petition for Special Exception.
9 We're not here for a variance, we're not here for anything
10 other than a special exception and any line of questioning that
11 goes beyond that is not relevant to the Board.

12 CHAIR: Mr. McCann?

13 MR. MCCANN: Yeah, may I just clarify one thing? I,
14 I'll respond to Mr. Rosenblatt's point in a minute. Is not
15 just the, the regulations dealing with parking, but also the
16 Baltimore County process of submitting those plans and getting
17 approval for them, just maybe a little broader than that, to be
18 clear.

19 CHAIR: All right. So, just so I'm clear, Mr.
20 Rosenblatt, I, I know for direct we, we spent a lot of time
21 discussing parking spots and (inaudible) lengths and things of
22 that sort, so, and I think Mr. Kellman was questioned about
23 that on, on direct and re-directed by you, so I, I would gather
24 that those issues would be germane for another expert. Are you
25 conceding to that?

1 MR. ROSENBLATT: We, they certainly were asked. I
2 don't believe that any of that is relevant to the Petition, but
3 I agree with you, it was brought up by Mr. McCann and then on
4 re-direct by me, so.

5 CHAIR: So, I figured we've opened the can of worms
6 at least.

7 MR. ROSENBLATT: Okay.

8 CHAIR: As to that issue. So, as to, all right, he
9 will be an expert into the County regulations as to parking and
10 such. We'll let him speak within parameters to the process and
11 limit it to that and, Mr. Rosenblatt, you're free to object as
12 we go along, if you feel that we expand beyond those, those
13 areas.

14 MR. ROSENBLATT: Okay.

15 MR. MCCANN: Great. Thank you, Mr. Belt. Mr. Doak,
16 are you familiar with the plan that is the subject of this
17 case?

18 MR. DOAK: Yes, sir, I am.

19 MR. MCCANN: Have you seen and reviewed it?

20 MR. DOAK: I have.

21 MR. MCCANN: Have you also been to the site that is
22 the subject of that plan?

23 MR. DOAK: I have.

24 MR. MCCANN: And are you familiar, just beyond the
25 scope of this case, are you familiar with this site and the

1 area of Pikesville?

2 MR. DOAK: I am. I, I used to live right around the
3 corner from this.

4 MR. MCCANN: And where was that?

5 MR. DOAK: On Old Court and Naylor's Lane.

6 MR. MCCANN: Okay and how long ago was that?

7 MR. DOAK: About sixteen years ago.

8 MR. MCCANN: How long did you live there?

9 MR. DOAK: Seven years.

10 MR. MCCANN: Okay. In addition to your familiarity
11 based on having lived near there, are you also familiar with
12 the Pikesville area in general, through, through your work,
13 that is?

14 MR. DOAK: I work there and also, I go to church, I
15 went to church two doors down from this, so I know it well.

16 MR. MCCANN: St. Mark's?

17 MR. DOAK: St. Mark's on the hill, yes, sir.

18 MR. MCCANN: Okay. We have already, Mr. Garber,
19 marked into, marked and introduced into evidence, Section
20 409.6, it's Exhibit 7, and I don't know, I didn't bring
21 additional copies, but I know the Board members each got a copy
22 of that.

23 BOARD: Would you like me to hand, hand him the
24 actual exhibit?

25 MR. MCCANN: Do you have an extra copy of 409.6 with

1 you, Mr. Doak?

2 MR. DOAK: No, sir.

3 MR. MCCANN: Okay. Yeah, if you could, that would be
4 great. I don't think --

5 BOARD: Mr. Rosenblatt, do you have a copy?

6 MR. ROSENBLATT: I have one, seven, number seven?

7 MR. MCCANN: 409.6, Exhibit 7.

8 MR. ROSENBLATT: Okay, got it.

9 BOARD: Do you have it?

10 MR. ROSENBLATT: Yes.

11 BOARD: Mr. Needle, you're good?

12 MR. NEEDLE: (inaudible).

13 MR. MCCANN: Thank you.

14 MR. DOAK: Thank you.

15 BOARD: Um hm.

16 MR. MCCANN: Are you familiar, Mr. Doak, with 409.6?

17 MR. DOAK: Yeah, yes, I am.

18 MR. MCCANN: I, I take it you've looked at that
19 section on numerous occasions?

20 MR. DOAK: Yes, hundreds of times.

21 MR. MCCANN: Okay. My, my first question is simply
22 this, in your opinion, based on your experience, what type of
23 use or category of use, would the proposed medical cannabis
24 dispensary be?

25 MR. DOAK: Retail.

1 MR. MCCANN: Okay and --

2 MR. DOAK: Such as a pharmacy.

3 MR. MCCANN: And why, why, why do you say that? Why,
4 why retail?

5 MR. DOAK: Because they sell a merchandise, so that's
6 what it would be.

7 MR. MCCANN: Okay and is that opinion consistent with
8 how you understand Baltimore County to have been, to be
9 handling dispensary cases?

10 MR. ROSENBLATT: Objection. Hearsay.

11 CHAIR: Well, how about this, let's lay a foundation
12 as to knowledge of that topic and then we'll see if that,
13 (inaudible) process. We'll see if he has enough expertise for
14 that process.

15 MR. MCCANN: Okay. Very well. And actually, I'll,
16 I'll come back around to that. Let me ask, let me show you
17 this first, which I'll ask to be marked as --

18 BOARD: Twenty.

19 MR. MCCANN: -- twenty.

20 BOARD: That's what number you're up to.

21 MR. MCCANN: I guess that works. That would be
22 appropriate.

23 BOARD: Do you have another copy for me?

24 MR. MCCANN: I do.

25 BOARD: Thank you.

1 MR. MCCANN: Actually, I don't. But I can give the
2 witness the, the actual provision. You can look at that, Mr.
3 Garber, and I'll just show him. What we've marked as Exhibit
4 20 is, is a copy of the definition of (inaudible) Baltimore
5 County zoning regulations. Are you familiar with that
6 definition, Mr. Doak?

7 MR. DOAK: Yes, sir, I am.

8 MR. MCCANN: Okay. Let me show you that definition
9 and the actual regulations. I don't have an extra copy. It's
10 at the bottom there.

11 BOARD: First of all, what section are you reading?

12 MR. DOAK: I'm reading from Section 101.1, the
13 definition of office, O-F-F-I-C-E. A building or portion of a
14 building used for conducting the affairs of a business,
15 profession, service, industry or government, including a
16 medical office. The term office does not include a bank, a
17 post office, a veterinary's clin, office, or an establishment
18 where merchandise is stored on or sold from the premises.

19 MR. MCCANN: Okay. So, let me ask you this question
20 first. Why is this medical dispensary not properly considered
21 a, an office, as opposed to retail?

22 MR. DOAK: Because merchandise is stored on or sold
23 from the premises, so it is not an office, therefore, it's
24 retail.

25 MR. MCCANN: Okay and is that consistent with your

1 experience in Baltimore County over thirty plus years?

2 MR. DOAK: Yes, sir.

3 MR. MCCANN: Is it also consistent with your review
4 and consideration of other dispensary cases that are ongoing in
5 Baltimore County?

6 MR. DOAK: Yes, sir.

7 MR. MCCANN: And I, I'm looking at these only because
8 I need to reference them. I'm not going to show you any
9 documents. Are you familiar with the case on Ebenezer Road,
10 case 2017-292-X?

11 MR. DOAK: Yes, sir.

12 MR. MCCANN: Okay. Are you also, have you reviewed
13 the file for that case?

14 MR. DOAK: I have.

15 MR. MCCANN: Are you familiar with the case on German
16 Hill Road, 2017-302-SPHA?

17 MR. DOAK: Yes, sir.

18 MR. MCCANN: And are you familiar with the case on
19 Baltimore National Pike, case number 2018-048-SPHXA?

20 MR. DOAK: Yes, sir.

21 MR. MCCANN: Mr. Garber, can I see Protestant's
22 Exhibit 8, please? I believe it's that one paragraph
23 memoranda.

24 BOARD: Um hm, May 1st, 2017?

25 MR. MCCANN: Yes.

1 BOARD: Interoffice Memo?

2 MR. MCCANN: Yes. Thank you. Take a look at just
3 exhibit, exhibit number eight, if you would, Mr. Doak. And do
4 you recognize that memorandum from Mr. Husik to the
5 Administrative Law Judge?

6 MR. DOAK: Yes, sir, I do.

7 MR. MCCANN: Okay and did you see that document,
8 among others, in the file for the Ebenezer Road case that I
9 just --

10 MR. DOAK: Yes, the case 2017-0292-X, yes, I did.

11 MR. MCCANN: Okay and the document speaks for itself,
12 but in a nutshell, what does that tell us on this issue of
13 retail versus office?

14 MR. DOAK: It says, it is the opinion of this office
15 being the Office of Zoning, that use of the property and
16 parking calculations of this property, should be same as a
17 retail, parenthesis, five parking spaces for one thousand
18 (inaudible).

19 MR. MCCANN: Okay, thank you. And did you rely upon
20 this Exhibit 8 in, in rendering, formulating and rendering your
21 opinions in this case?

22 MR. DOAK: That and others.

23 MR. MCCANN: Okay. Before I miss it, Mr. Garber, I'd
24 like to move exhibit number eight into evidence.

25 MR. ROSENBLATT: And we objected before and I'll

1 object again to the relevance of a comment in another case to
2 this case. There's no explanation of the breakdown of that use
3 as there was in this case, and the facts could be entirely
4 different and are not relevant to this decision and this
5 particular proposed use on this property.

6 CHAIR: Well, I think the difference is (inaudible)
7 the purpose, as Mr. McCann laid the foundation, is that
8 exception to the hearsay rule being hearsay or other documents
9 that an expert used to formulate an opinion, so it is admitted,
10 not for the truth of the matter asserted, but also information
11 that was relied upon by this expert, which is (inaudible) cross
12 examination as to source, voracity and other details by
13 opposing counsel, so that's how we're going to go with that.

14 MR. MCCANN: Great. Thank you, Mr. Belt. Twenty-
15 one?

16 BOARD: Um hm.

17 BOARD: Thank you.

18 MR. MCCANN: And, Mr. Doak, let me show you a copy of
19 Protestant's Exhibit 21.

20 BOARD: Do you have another copy for me?

21 MR. MCCANN: You can use that, I gave him a copy.

22 BOARD: Okay.

23 MR. MCCANN: Thank you. Do you recognize that
24 document?

25 MR. DOAK: I do. Yes, sir.

1 MR. MCCANN: And you recognize it as a document that
2 is part of the case file in the West German Hill Road case that
3 I previously identified?

4 MR. DOAK: That is correct.

5 MR. MCCANN: Okay and what, if anything, strike that.
6 Did you rely upon this document in formulating and rendering
7 your opinions in this case?

8 MR. DOAK: I did.

9 MR. MCCANN: Okay. What, if anything, in that
10 document speaks to this issue of retail use of, retail
11 characterization for dispensaries?

12 MR. ROSENBLATT: Objection. The document speaks for
13 itself.

14 MR. MCCANN: Just having him identify where it is
15 he's, where, if at all, he's relied, what he's relying upon
16 specifically.

17 CHAIR: Well, just to move things along, we have the
18 documents that he based his opinion on. Based on your review
19 of this document, what, if anything, were you able to
20 extrapolate as to dispensaries and their zoning and uses?

21 MR. DOAK: Oh, I'm, I apologize. I thought you were
22 talking to Mr. --

23 CHAIR: No, I was actually (inaudible), I was trying
24 to move it along. Basically, rather than reading --

25 MR. DOAK: Okay.

1 CHAIR: -- anything from the document, what, if
2 anything, were you able to extrapolate from this document that
3 aided you in formulating your expert opinion here today?

4 MR. DOAK: It stated that a medical cannabis
5 dispensary required five parking spaces per thousand gross
6 (inaudible).

7 BOARD: Okay.

8 MR. ROSENBLATT: That was twenty?

9 BOARD: Twenty-one.

10 MR. MCCANN: Twenty-one.

11 MR. ROSENBLATT: Twenty-one, that was twenty.

12 MR. MCCANN: Mr. Doak, and for the record, you said
13 you are already familiar with the plan. But, if you could
14 approach, I have a copy of the plan up here, Protestant's
15 Exhibit 6. And applying the retail category of use, could you
16 tell us how many parking spaces are required on this site, on
17 the site, number one, and then number two, in the special
18 exception area, specifically?

19 MR. DOAK: Okay. If you consider the, when you
20 consider the site as one whole entity, the gross floor area of
21 the total building, the requirement would be thirty-four
22 parking spaces. When you take only into consideration the area
23 in the special exception area and the gross floor area of that
24 portion of the building, it would be nineteen parking spaces.

25 MR. MCCANN: Okay. So, it's thirty-four and

1 nineteen?

2 MR. DOAK: Um hm.

3 MR. MCCANN: And you did the math to figure that out,
4 obviously?

5 MR. DOAK: Yeah, it's, the square footage I took
6 straight from the plan. I didn't have any reason to question
7 that, times per thousand, times, you know, five.

8 MR. MCCANN: Okay and just for the record, the plan,
9 Petitioner's Exhibit 6, which is a copy of, I'm sorry,
10 Protestant's Exhibit 6, which is a copy of Petitioner's Exhibit
11 1, indicates how many parking spaces on site? On both the
12 site, number one, and number two, the special exception area?

13 MR. DOAK: Existing parking spaces, okay, total
14 parking spaces proposed is thirty-one.

15 MR. MCCANN: So, three shy for the entire site?

16 MR. DOAK: Yes, sir.

17 MR. MCCANN: And what about for just the special
18 exception area? What is, what is being, what is shown on the
19 plan?

20 MR. DOAK: They have it broken down into a portion of
21 the special exception area being office, requiring seven and a
22 portion of the special exception area building as retail,
23 requiring eight, for a total of fifteen.

24 MR. MCCANN: Okay and, and you said nineteen are
25 required?

1 MR. DOAK: Yes, sir.

2 MR. MCCANN: So, four shy?

3 MR. DOAK: That's correct.

4 MR. MCCANN: Okay and speaking of that split, that
5 Petitioner engaged in between office and retail, have you ever
6 in your thirty plus years, ever submitted or had a plan
7 approved that divided up a single retail business into
8 different use categories under 409.6?

9 MR. DOAK: No, sir.

10 MR. MCCANN: Have you ever submitted a plan or had a
11 plan approved for a retail establishment that had areas where
12 the public couldn't go? Have you ever had a plan like that?

13 MR. DOAK: Yes, sir.

14 MR. MCCANN: Did any of those plans apply a different
15 use for that part of the re, retail establishment where the
16 public could not go then for that part of the retail
17 establishment where the public could go?

18 MR. DOAK: No, sir.

19 MR. MCCANN: Okay. So, never had a plan approved
20 like that nor submitted one?

21 MR. DOAK: Not that I remember.

22 MR. MCCANN: Okay. And related to that issue, this,
23 this self-described park, special exception area, in your
24 opinion, opinion and experience, is it appropriate to split a
25 site up like that? That is, an area that's special exception

1 area and an area outside of that?

2 MR. DOAK: No, sir.

3 MR. MCCANN: Okay and why, why, why do you say that?

4 MR. DOAK: For a couple different reasons. One is,
5 it's one total site, so it's one lot of record. It is, the
6 parking is utilized, it's shared parking. Also, the drive
7 aisles are shared as well, so there's nothing to say that
8 someone coming to the dispensary couldn't park, if, if I may,
9 there and somebody that came in and did not want to try to turn
10 left on Reisterstown Road, which is a very busy road, trying to
11 turn left would be tough, they would come through, around
12 through the non-special exception area, out this entrance, up
13 Naylor's and go through the light, okay? So, and the buildings
14 share so.

15 BOARD: And by there, when you initially pointed, you
16 were pointing to a parking space that was located outside the
17 special exception area, correct?

18 MR. DOAK: Yes, yes. If, if these four and these
19 three, you know, if this area was taken up, somebody was
20 parking there, then there's nothing to say that somebody
21 couldn't park outside of that special exception area.

22 BOARD: I was just clarifying it for the record that
23 that's where you were pointing.

24 MR. DOAK: Thank you.

25 MR. MCCANN: Have you, Mr. Doak, have you ever

1 submitted a plan or had a plan approved that divides up a
2 special exception like in this, in this way, divides the lot up
3 like that?

4 MR. DOAK: No, sir.

5 MR. MCCANN: Okay. Can you give examples of when you
6 have not done that, if that makes any sense?

7 MR. DOAK: Yes. A lot of times I'll work on a strip
8 shopping center, okay? And in turn, that strip shopping center
9 may have retail, may have some offices in it and in turn, the
10 special exception would be on a portion, it's, if there's
11 shared items in the, such as the parking, then in turn, it
12 would be the whole area. If it is, if entrances are shared, if
13 different portions of it are shared, then in turn, it's the
14 entire property.

15 MR. MCCANN: The, the special exception area would be
16 the --

17 MR. DOAK: Yes, yes, sir.

18 MR. MCCANN: Okay. When you calculated that nineteen
19 spaces are required for this so, so called special exception
20 area, when you did that math, did that come up a fraction?

21 MR. DOAK: It did.

22 MR. MCCANN: What is your understanding of, of what
23 you as a person who submits plans for approval is supposed to
24 do when that math comes up as a fraction?

25 MR. DOAK: Per zoning regulations, 409.6, in the

1 first paragraph A, it says that if the number of spaces
2 calculated in accordance with this section result in a number
3 containing a fraction, the required number of spaces shall be
4 the next highest whole number, so there's never a fraction. It
5 always rounds up to the, to the next highest number.

6 MR. MCCANN: Okay and what that 409.6 states, as you
7 just read it, is that consistent with your experience over the
8 years?

9 MR. DOAK: Yes, sir.

10 MR. MCCANN: Have you ever rounded down?

11 MR. DOAK: No, sir.

12 MR. MCCANN: Okay. Let's say the number is 7.0026.

13 MR. DOAK: You're saying it's diminimus.

14 MR. MCCANN: It's small. Do you round down or up?

15 MR. DOAK: Up.

16 MR. MCCANN: Talked about the, the number of space,
17 spaces. Let's move on to the, the other parts of the plan, if
18 you could. With reference to Protestant's Exhibit 6, are you
19 familiar with the proposed aisle widths on this plan?

20 MR. DOAK: Yes, sir, I am.

21 MR. MCCANN: That is parking lot aisle widths?

22 MR. DOAK: Yes, sir.

23 MR. MCCANN: Okay and do those aisle widths comply
24 with the Baltimore County zoning regulations?

25 MR. DOAK: No, sir, they do not.

1 MR. MCCANN: Okay. Can you tell us how that is, why
2 that is?

3 MR. DOAK: Under the zoning regulations of 409,
4 perpendicular parking, with perpendicular parking, such as this
5 area, require for a two-way drive aisle, a width of twenty-two
6 feet. This is labeled at 15.31 so --

7 BOARD: And you're referring to the area that is now
8 within the special exception area on Petitioner's Exhibit 6.

9 MR. DOAK: That is not within --

10 BOARD: Or Protestant's Exhibit 6.

11 MR. DOAK: That's correct.

12 MR. MCCANN: That's not within it?

13 MR. DOAK: It's not within it.

14 MR. MCCANN: Okay.

15 MR. DOAK: So, in turn, this would be six feet
16 something shy of the width required to have.

17 MR. MCCANN: This is my chicken scratched copy of
18 exhibit number 10, 409.4. Is that the provision you rely upon?

19 MR. DOAK: It is.

20 MR. MCCANN: Okay. It says twenty-two feet?

21 MR. DOAK: Yes, sir.

22 MR. MCCANN: Okay and are you familiar with the
23 provision of 409.8, which is, a copy of which is Protestant's
24 Exhibit 9, regarding the setback distance between parking
25 spaces and rights of way?

1 MR. DOAK: Yes, sir, I am.

2 MR. MCCANN: Okay and could you tell us where, if at
3 all, on this site that setback is not complied with?

4 MR. DOAK: In the zoning regulations, it says that no
5 parking shall be, shall be no closer than ten feet to a road
6 right away, excluding the overhang of the, the vehicle. So, in
7 turn, on the north west side of the subject property, you will
8 see that the, it is on or maybe even encroaching, depending on
9 the accuracy of this plan, onto the right away and not ten feet
10 off of that right of way. On the north east line of the
11 subject property, scaling, that does not equal ten feet as
12 well, so that is deficient as well.

13 MR. MCCANN: Okay. Given the, the insufficiency in
14 the number of spaces, in your opinion, the, and the failure to
15 comply with the driveway, the parking lot aisle width as well
16 as the right of way setbacks, if you were presented with this
17 project, Mr. Doak, would you seek variances for those?

18 MR. DOAK: I would. There's a number of things I
19 would, would have.

20 MR. MCCANN: Okay and tell us specifically what those
21 variances would be.

22 MR. DOAK: Well, anytime that I am given a project
23 similar to this, it is my mindset to, to clean the site up as
24 much as possible, as much as you can. So, what I would do is I
25 would have asked for a variance for the ten-foot setback from a

1 right of way to be, be zero in lieu of ten. I would have asked
2 for an aisle way width of fifteen feet in lieu of the required
3 twenty-two. I would have asked for landscaping to the extent
4 possible along the roadways. I've heard of the, the manual. I
5 would have asked for a variance to allow these three parking
6 spaces to back into an entrance.

7 MR. MCCANN: Describe where those parking spaces are
8 and what you --

9 MR. DOAK: They are on the south east side of the
10 subject property. There is three labeled here and if you will
11 note that backing out of those would be right into that, into
12 the entrance way. I would also ask for an entrance of
13 seventeen feet in lieu of the required twenty-five, so.

14 MR. MCCANN: Okay. What entrance are you talking
15 about, with respect to --

16 MR. DOAK: On, on Reisterstown Road.

17 MR. MCCANN: And the, the requirement is what?

18 MR. DOAK: State Highways has it at twenty-five.

19 MR. MCCANN: And it's what, what is it right now?

20 MR. DOAK: Seventeen feet.

21 MR. MCCANN: Okay. Have you, so, aisle width, right
22 of way setback, landscaping, the three spaces and the entrance.

23 MR. DOAK: Correct.

24 MR. MCCANN: Did I miss any?

25 MR. DOAK: No, sir.

1 MR. MCCANN: Okay. What about the parking spaces,
2 the number of spaces?

3 MR. DOAK: Oh, yes, of course, because I feel that
4 it, it would all have to be considered as one total site.

5 MR. MCCANN: And the four shy?

6 MR. DOAK: And the four shy, yes, sir.

7 MR. MCCANN: Okay. Have you ever been involved in a
8 project where, or strike that. Have you ever filed for a
9 variance for an aisle width or right of way setback for a
10 project where the building was already there, parking lot was
11 already there?

12 MR. DOAK: Many times.

13 MR. MCCANN: Okay.

14 BOARD: Thank you.

15 MR. MCCANN: Do you have an extra one of this, Mr.
16 Garber?

17 BOARD: I do.

18 MR. MCCANN: This is twenty-two?

19 BOARD: Yep.

20 MR. MCCANN: Okay. And I can give that to you when
21 he's done with it. Take a look at Exhibit 22, if you would,
22 and tell us what it is, Mr. Doak.

23 MR. DOAK: The first page is a petition for zoning
24 hearing. It is for, the address is 7458 West German Hill Road.
25 It is a petition for a, both a special hearing and variances.

1 MR. MCCANN: Okay and West German Hill Road is one of
2 the cases that we previously identified as a dispensary case,
3 correct?

4 MR. DOAK: It was.

5 MR. MCCANN: Okay and the, the second page is the
6 variance relief requested?

7 MR. DOAK: It's both special hearing and variance
8 relief.

9 MR. MCCANN: Okay and among the special, the variance
10 relief requested, is a variance from the drive while, driveway
11 aisle width, correct?

12 MR. DOAK: In fourteen in lieu of the twenty-two,
13 yes, sir.

14 MR. MCCANN: Okay. Okay and then the last page in
15 this Exhibit 22 is a copy, is, is what?

16 MR. DOAK: It is a photograph of the subject building
17 on the subject property and it is existing building and at that
18 time it was vacant.

19 MR. MCCANN: Okay.

20 BOARD: Thank you.

21 MR. DOAK: This one is yours too?

22 MR. MCCANN: Yeah, that's an extra for you.

23 MR. ROSENBLATT: Can you tell the numbers, I'm sorry,
24 I'm --

25 BOARD: This is twenty-two? Sorry? That would be

1 twenty-three. The last one was twenty-two, the petition for
2 zoning hearing.

3 MR. MCCANN: And this is twenty-three.

4 BOARD: And this is twenty-three.

5 MR. MCCANN: I'll give you his copy when he's done
6 with it.

7 BOARD: Okay.

8 MR. MCCANN: Mr. Doak, what is Exhibit 23?

9 MR. DOAK: It is the Zoning Commissioner's policy
10 manual. This is the 1992 edition, amended May 13, 1992. And
11 what this is, I'm reading it, but it's, it's accurate,
12 administrative supplement to the Baltimore County zoning
13 regulations. So, anything that aren't in the regulations that
14 has been accepted and adhered to, at least since 1992, is, is
15 listed in here.

16 MR. MCCANN: Okay.

17 MR. DOAK: The second page is --

18 MR. MCCANN: And do you, I'm sorry to interrupt, but
19 do you, do you have occasion to review the policy manual when
20 you have a question about the regs?

21 MR. DOAK: I do, yes, sir.

22 MR. MCCANN: And you've relied upon the policy manual
23 during the course of your experience?

24 MR. DOAK: I have.

25 MR. MCCANN: Have you testified in, in hearings about

1 the provisions of the policy manual?

2 MR. DOAK: Yes, sir, I have.

3 MR. MCCANN: So, the second page in this exhibit,
4 without reading it, if you could just maybe, just describe
5 quickly, briefly, what D, E, F and G provide for. Or in
6 general, maybe describe what this section is, does?

7 MR. DOAK: This is concerning Section 409.1 parking.
8 So, what this is, is D, this is different scenarios that can be
9 concerning, you know, pertain to a site with a history. What
10 this tells you is how to deal with that past history in
11 relationship to what you're proposing now. So, what D says is
12 parking variance has been previously granted and the use is the
13 same. That's not what we have here, in my opinion. If a
14 variance has been granted for the parking in particular use,
15 and the use is changes with no (inaudible), that's, a variance
16 would, has not been granted, so that doesn't pertain. F, if a
17 parking variance has been previously granted, the use changes
18 and there's no expansion. Once again, the variance has not
19 been granted. So, that wouldn't pertain. In my opinion, G
20 would pertain. If the property use is non-conforming with
21 regard to parking and the use expanse have changes, no credit
22 will be given for the existing deficiency, even if the new
23 requirement is less than the old one. Would you like me to go
24 ahead and read it or?

25 MR. MCCANN: I think, well, does that next sentence

1 apply at all, it's an exception?

2 MR. DOAK: The only exception to this would be that
3 if the principal has not been determined to be non-conforming
4 and the use doesn't change.

5 MR. MCCANN: Okay. So, getting back, I think you
6 said, you added a not in there. But let me focus on the first
7 sentence of that, G.

8 MR. DOAK: Yes, sir.

9 MR. MCCANN: If the property use is con, non-
10 conforming with regard to parking and the use expands or
11 changes, I'm focusing on that language, expands or changes.
12 Given your understanding of what's being proposed in this case,
13 how, is there a proposed, an expansion or a change in use?

14 MR. DOAK: Yes, sir.

15 MR. MCCANN: Which, which, a change or expansion?

16 MR. DOAK: A change.

17 MR. MCCANN: Okay. So, in other words, a variance
18 would be required for these various things we've been talking
19 about because of the change of use?

20 MR. DOAK: Yes, sir.

21 MR. MCCANN: Just one final question, I guess. Does
22 it make, does it make any difference, in your opinion, the
23 opinions you've expressed this afternoon, that two of these
24 violations of the five I think that you mentioned, the drive
25 way aisle width and the setback violation on the north west

1 side of the property, the Naylor's Lane side, does it make any
2 difference if those two violations are outside of the so-called
3 special exception area, in your opinion?

4 MR. DOAK: I believe it does, only because that even
5 though they're outside of the special exception area, our
6 property will be utilizing that area and in turn, especially
7 the drive aisle width, it, it has, forms a bottleneck right
8 there so it does make it more dangerous to have that there than
9 if it met the requirements.

10 MR. MCCANN: Okay. Let me ask that question again,
11 because I think you may be misunderstood it, it was a long
12 question. My, let me just simplify it, everything, everything
13 you said this afternoon about the necessity of variances, does
14 that opinion change because with respect to two of those
15 violations, because they're outside the special exception area?

16 MR. DOAK: No, sir.

17 MR. MCCANN: For the reasons you just stated?

18 MR. DOAK: That's correct.

19 MR. MCCANN: Okay. One more thing I forgot. This
20 was --

21 BOARD: Twenty-four.

22 MR. MCCANN: Twenty-four.

23 BOARD: Thank you.

24 BOARD: Thank you.

25 MR. MCCANN: Take a look at that, if you would, Mr.

1 Doak, and do you recognize Exhibit 24 as a copy of Section
2 409.1 of the parking regulations?

3 MR. DOAK: Okay.

4 MR. MCCANN: Let me direct your attention to the
5 first sentence in subsection A, for all structures built and
6 all uses established hereafter shall provide accessory off-
7 street parking and loading in accordance with the following
8 regulations. Do you see that?

9 MR. DOAK: I do.

10 MR. MCCANN: So, first of all, the, the following
11 regulations, the reference to that is to what? Obviously,
12 everything that follows?

13 MR. DOAK: All, all uses established, is that what
14 you're --

15 MR. MCCANN: Well, I'm not asking about that, I'm
16 asking just about the reference to the following regulations.
17 Is that a reference to the other regulations in 409, in your
18 opinion?

19 MR. DOAK: Oh, I understand. Yes.

20 MR. MCCANN: Okay and then focusing on the language
21 you just referenced, and that is, all structures built, and all
22 uses established hereafter, is that consistent with your
23 opinion that this is a change in use, for purposes of parking?

24 MR. DOAK: Yes.

25 MR. MCCANN: Okay. Mr. Garber, before I forget, I'll

1 move those exhibits into evidence through and including twenty-
2 four.

3 BOARD: Twenty through twenty-four. That sounds
4 (inaudible).

5 MR. MCCANN: And I have no other questions.

6 CHAIR: Mr. Rosenblatt?

7 MR. ROSENBLATT: Take five?

8 CHAIR: Five minutes, five minutes recess.

9 MR. ROSENBLATT: Okay.

10 (RECORDING PAUSED - 01:44:47 PM)

11 (ON RECORD - 01:50:41 PM)

12 CHAIR: Be seated, back to business. All right.

13 MR. MCCANN: Mr. Belt, (inaudible) sign in sheet?

14 CHAIR: Sure. Put it in as, you want to mark it, put
15 it in there so it's preserved forever?

16 BOARD: That's twenty-five.

17 CHAIR: Bless you.

18 BOARD: Right.

19 CHAIR: All right. Mr. Rosenblatt, you may proceed,
20 sir.

21 MR. ROSENBLATT: Okay. Mr. Doak, have you ever filed
22 for a medical cannabis dispensary?

23 MR. DOAK: No, sir.

24 MR. ROSENBLATT: Have you ever attended a hearing
25 before this one that involved a medical cannabis dispensary?

1 MR. DOAK: No, sir.

2 MR. ROSENBLATT: Do the zoning regulations list a
3 parking cal, calculation for medical cannabis dispensaries?

4 MR. DOAK: No, sir.

5 MR. ROSENBLATT: Have you ever worked for a client
6 that was proposing to parking use in a combination of ways?
7 And what I mean by that is, for example, a car dealer, that
8 there is a sales component, a service garage component, a car
9 wash component, have you ever had a client like that or
10 something similar to that?

11 MR. DOAK: I currently have one right now.

12 MR. ROSENBLATT: Okay and when you total the
13 calculation of parking spaces required for a use like that, the
14 zoning review office permits you to identify areas as service
15 area verse sales area verse maybe office or some other use
16 component for the same user, right?

17 MR. DOAK: Except for the retail area.

18 MR. ROSENBLATT: So, the retail area where, where the
19 cars are sold, where the people go, that's all parked as
20 retail, right?

21 MR. DOAK: It is.

22 MR. ROSENBLATT: But the other areas, so the service
23 component, if there's a back-office component, those are parked
24 at the use that is proposed for those areas, right?

25 MR. DOAK: The back office is considered retail. I,

1 I'm going through this right now. So, any office space that
2 deals with the sales of cars, in any respect, is considered
3 retail.

4 MR. ROSENBLATT: So, for example, in this case, there
5 are consultation rooms where a patient can go and ask about the
6 product they're, they're about to buy, that should be part of
7 retail, right?

8 MR. DOAK: The same as in a Walgreen when you go,
9 walk up to the counter and there's a consultation, that's the
10 same thing.

11 MR. ROSENBLATT: But if there are offices that are
12 specific to the running of a business, maybe part of a business
13 isn't even on that site, those are permitted to be parked as
14 office, are they not?

15 MR. DOAK: Within the, --

16 MR. MCCANN: I'm going to object to the question
17 because it asks two things. I would just ask him to break it
18 down.

19 MR. ROSENBLATT: He, he understood the question.
20 He's --

21 MR. MCCANN: Well, I, I don't understand.

22 CHAIR: How about we'll just, maybe it's compounded,
23 confusing to Mr. Doaks, we'll take it one part at a time. Do
24 your A, then we'll continue with B.

25 MR. ROSENBLATT: Okay. If there is office space, --

1 MR. DOAK: Is this a hypothetical to begin with? I,
2 may I ask that?

3 MR. ROSENBLATT: Sure, if there's office space as
4 part of, say, a car dealer and that office space is not
5 somewhere where pat, where customers go to buy products or talk
6 about products, it is office space for the running of that
7 business, that can be parked as office, right?

8 MR. DOAK: In the case I have right now, no, sir.

9 MR. ROSENBLATT: That, you're saying that zoning
10 review does not let you do that?

11 MR. DOAK: Carl Richards said if anything, any office
12 in that establishment that deals with the running of the cars,
13 selling of the cars in any way, is considered retail.

14 MR. ROSENBLATT: So, even if, even if no customers go
15 back there, --

16 MR. DOAK: That's right.

17 MR. ROSENBLATT: -- you think that should be parked
18 as retail?

19 MR. DOAK: I don't think it should, that's just --

20 MR. ROSENBLATT: What do you think? You don't think
21 it should?

22 MR. DOAK: No, I don't have --

23 MR. ROSENBLATT: Okay.

24 MR. DOAK: -- a, no, I didn't finish. I don't have
25 an opinion in it, but that is what the Office of Zoning has

1 told me I have to follow.

2 MR. ROSENBLATT: What is, what is your opinion? You
3 have no opinion?

4 MR. DOAK: It's whatever, it's whatever the
5 regulations.

6 MR. ROSENBLATT: And, and they don't say this, do
7 they?

8 MR. DOAK: They do not.

9 MR. ROSENBLATT: Okay. According to you, the site
10 requires thirty-four parking spaces. So, you can't put any
11 retail uses in this site without variances, is that your
12 testimony?

13 MR. DOAK: No, I didn't say that.

14 MR. ROSENBLATT: You can't fill up the building with
15 retail uses without variances? There's thirty-four spaces
16 required and only thirty-one spaces on site.

17 MR. DOAK: Are we talking about the entire building?

18 MR. ROSENBLATT: Yes.

19 MR. DOAK: That's correct.

20 MR. ROSENBLATT: So, but if you represented a
21 potential tenant, or their owner, and you went in, you would
22 say, nope, you can't apply for a permit here, you have to go
23 get variances because there's not enough parking spaces on this
24 site?

25 MR. DOAK: That would be my professional advice to

1 them.

2 MR. ROSENBLATT: Okay and you talked about the
3 splitting of special exceptions.

4 MR. DOAK: Yes, sir.

5 MR. ROSENBLATT: So, have you ever filed a petition
6 for a certain tenant space within a shopping center or strip
7 center?

8 MR. DOAK: I have.

9 MR. ROSENBLATT: And your, it's, it's your testimony
10 that when you do that, when you're asking for a use that
11 requires a special exception for only one tenant space, you
12 declare the entire shopping center or strip center property as
13 special exception area?

14 MR. DOAK: No, but when there is parking required and
15 it is on a common site, then in turn, I don't see how you can
16 exclude the remainder of the parking when it's going to be
17 utilized for the, what you're proposing as well as the drive
18 aisles. I don't know how you can do that.

19 MR. ROSENBLATT: In, in your experience, doesn't
20 zoning make you identify the number of required spaces for your
21 use when you're proposing a special exception?

22 MR. DOAK: Not only my use, but all the uses on the
23 subject property.

24 MR. ROSENBLATT: So, if the other uses are all vacant
25 and only your use is proposed on that property, you only have

1 to identify the parking spaces for your use, right?

2 MR. DOAK: No, sir.

3 MR. ROSENBLATT: You're saying that if you propose a
4 special exception use in a shopping center, and it's a shopping
5 center where you don't have spaces that say the name of your
6 business on them, everyone can park in anyone of the spaces,
7 that you would put that entire area in the special exception
8 area?

9 MR. DOAK: Anywhere that I have, that I would be
10 utilizing that parking, yes.

11 MR. ROSENBLATT: And, and zoning requires you to do
12 this, you don't have to just identify the number of spaces
13 required for your use, you have to put the entire area in the
14 special exception area, if it's possible that --

15 MR. MCCANN: Objection, that's not what he said.

16 MR. ROSENBLATT: -- people will park there?

17 MR. MCCANN: Objection, that's not what, that's not
18 what he said.

19 CHAIR: Well, if it's not what he said, he can say
20 no. So, let's let him get it out and then --

21 MR. MCCANN: Well, it's a long question and --

22 CHAIR: (inaudible) question, but he can say no and
23 then he can tell us why. But it's cross examination, so yes,
24 no, hypothetical.

25 MR. DOAK: I would have, I would have to see the

1 specific case and the, what the conditions are of the case. I,
2 it's, your hypothetical is too general for me.

3 MR. ROSENBLATT: Well, let's use this case.

4 MR. DOAK: Okay.

5 MR. ROSENBLATT: If you were to identify this whole
6 property as a special exception area, this use could go in the
7 other tenant space as well, couldn't it?

8 MR. DOAK: We could, ask me that more, one more time,
9 please?

10 MR. ROSENBLATT: If you were to identify this entire
11 property as the special exception area, then this proposed use
12 could go in both tenant suites on this site, right?

13 MR. DOAK: That's correct.

14 MR. ROSENBLATT: And you think that's what zoning
15 review would want you to do when you file this? They'd want
16 you to put the entire building in this site?

17 MR. DOAK: No, but they'd want you to put the parking
18 that you're going to utilize for this because currently you
19 don't have enough so in turn, and there's no, there would be
20 nothing for you to restrict that parking on site, so there
21 would be people parking and using the rest of the site for.

22 MR. ROSENBLATT: So, you think we should put the
23 entire site, except for the other part of the building, in the
24 special exception area here?

25 MR. DOAK: That's my opinion.

1 MR. ROSENBLATT: And you think that's what zoning
2 would want you to do, the entire parking area in, in the
3 special exception area?

4 MR. DOAK: I can't speak for zoning.

5 MR. ROSENBLATT: Okay. You talked about what it
6 would take to bring the special exception area into compliance
7 with the regulations and one of the things you mentioned was
8 the SHA width. Did you, have you reviewed the State Highway's
9 comment in this case?

10 MR. DOAK: They (inaudible).

11 MR. ROSENBLATT: They had no comment? Did, did they
12 say that the --

13 MR. DOAK: No.

14 MR. ROSENBLATT: -- existing entrance does not
15 require it to be widened?

16 MR. DOAK: No, they did not.

17 MR. ROSENBLATT: Board's indulgence. I apologize.
18 This is probably in the Board's file. I don't even need to
19 make it an exhibit but I'm showing him the SHA comment.

20 BOARD: Well, why don't we make it an exhibit because
21 we're about to use it and we're identifying things from it.

22 MR. ROSENBLATT: Okay. Mr. Doak, I'm going to show
23 you what I will mark as exhibit number?

24 BOARD: Eleven.

25 MR. ROSENBLATT: Eleven. Ask you to review, review

1 this comment and I'll ask you the question again.

2 BOARD: (inaudible) may I have that? Thank you.

3 Sorry.

4 MR. ROSENBLATT: Please let me know when you've had a
5 chance to review it.

6 MR. DOAK: I have.

7 MR. ROSENBLATT: Okay. Did SHA state that the
8 entrance must be widened in order for this relief to be
9 granted?

10 MR. DOAK: No, sir.

11 MR. ROSENBLATT: Did SHA, in fact, state that they
12 conducted a field inspection and an entrance consistent with
13 administration guidelines is not required?

14 MR. DOAK: It did, it does.

15 MR. ROSENBLATT: Okay. Move this into evidence. Why
16 do you think that is, Mr. Doak? If you believe that all of
17 this property must be brought into compliance with current
18 regulations, why do you think SHA didn't require the entrance
19 to be widened?

20 MR. DOAK: Personal opinion, they are not thorough
21 enough with their studies and their field inspections.

22 MR. ROSENBLATT: You think they missed it, that it's
23 seventeen feet and that it needs to be twenty-five feet?

24 MR. DOAK: I think, I'm not saying that they missed
25 it. I'm saying that I don't think that they bring existing

1 sites into compliance as much as they should.

2 MR. ROSENBLATT: Okay and you think that Baltimore
3 County and SHA should require, in this situation, the site to
4 be brought up to all current regulations?

5 MR. DOAK: I didn't say that.

6 MR. ROSENBLATT: Okay. Do you believe that Baltimore
7 County should require this site to be brought into compliance
8 with all County regulations?

9 MR. DOAK: Are we talking about in compliance by
10 granting a variance?

11 MR. ROSENBLATT: In req, in, yes, either
12 reconfiguring --

13 MR. DOAK: Or requiring it to be reconstructed?

14 MR. MCCANN: One at a time.

15 MR. ROSENBLATT: I apologize.

16 MR. DOAK: Sorry. Are we talking about into
17 compliance with zoning regulations through a variance or
18 reconstructing so it meets all the requirements?

19 BOARD: (inaudible) you also said this site.

20 MR. ROSENBLATT: Okay.

21 BOARD: So, to distinguish, what do you mean by this
22 site? The entire site versus the special exception area?

23 MR. ROSENBLATT: Okay.

24 BOARD: Might be helpful for the record.

25 MR. ROSENBLATT: Okay. I'll, I'll start over and

1 hopefully simplify my question. Is it your opinion that this
2 entire property or that this special exception area alone must
3 be brought into compliance with County regulations before this
4 use can be approved?

5 MR. DOAK: Yes.

6 MR. ROSENBLATT: Which one?

7 MR. DOAK: Both.

8 MR. ROSENBLATT: The entire site or the special
9 exception area?

10 MR. DOAK: Oh, it's one or the other? I think the
11 entire property does.

12 MR. ROSENBLATT: So, even though you're specifically
13 identifying a special exception area, you think that this
14 potential tenant should have control over the entire site and
15 be forced to bring the entire site into compliance?

16 MR. DOAK: Have control of, I don't understand what
17 they mean by that.

18 MR. ROSENBLATT: Well, do you think they should have
19 to bring the entire site into compliance?

20 MR. MCCANN: Objection. Asked and answered.

21 CHAIR: I think there was some confusion, so we'll
22 allow it.

23 MR. DOAK: I don't know that it's the tenant's
24 requirements as much as it is the owner's requirements. If he
25 wants to, if he wants to lease to this, to this entity and he

1 wishes to have that entity, have a dispensary, yes, I think he
2 should be in compliance through hearings, variances, or
3 whatever it takes to be in compliance.

4 MR. ROSENBLATT: So, could the spaces to the north of
5 this property, along Naylor's Lane, could they ever be brought
6 into compliance with the regulations or would a variance be
7 required?

8 MR. DOAK: A variance would be required.

9 MR. ROSENBLATT: And you believe that that has to
10 take place before this special exception can be approved?

11 MR. DOAK: Yes, sir, I do.

12 MR. ROSENBLATT: And, and that's consistent with the
13 way that you file zoning petitions in Baltimore County?

14 MR. DOAK: Yes, sir, it is.

15 MR. ROSENBLATT: Okay. Well, let's, let's think
16 about the implications here. Have, have you worked on older
17 sites like this?

18 MR. DOAK: All the time.

19 MR. ROSENBLATT: Do you know when this site was
20 constructed?

21 MR. DOAK: No, sir.

22 MR. ROSENBLATT: If I represent that it's been, it
23 was constructed in the 1960's, have you worked on other sites
24 like that that are forty, fifty years old?

25 MR. DOAK: Yes, sir.

1 MR. ROSENBLATT: And before you put any tenant in
2 buildings like that, you, you believe that entire sites have to
3 be brought into compliance with current regulations?

4 MR. DOAK: I didn't say that. When coming in for
5 this special, when you're coming in for this hearing, variances
6 should have been requested for the, for the improvements that
7 are not in compliance with zoning regulations.

8 MR. ROSENBLATT: And it's the special exception, you
9 think, that triggers this?

10 MR. DOAK: No, the hearing here today.

11 MR. ROSENBLATT: Which is a special exception
12 hearing, right?

13 MR. DOAK: Yes.

14 MR. ROSENBLATT: So, on these older sites, if you
15 change uses, any time you change use, it's your opinion that
16 the site has to be brought into compliance with regulations?
17 In other words, if a special exception is not required, do you
18 still have to bring a site into compliance with updated
19 regulations on these older sites?

20 MR. MCCANN: I'm going to object. I'm going to
21 object to that hypothetical. It's not specific enough and I
22 can explain the objection out of the hearing of the witness if
23 you want (inaudible), I don't want to tell the witness what to
24 say but it's, it's, the the hypothetical is too broad. It's
25 too --

1 CHAIR: Well, I'll, I'll let you clean it up. You
2 can clean it up on re-direct. But let, let's try to keep the
3 hypotheticals shorter so we can, and Mr. Doak, if you don't
4 understand anything, the hypothetical is too, you can
5 (inaudible) ask him to rephrase before answering and we can
6 move on (inaudible).

7 MR. ROSENBLATT: Okay. If a use is changing on an
8 older site like this from retail to retail, do you believe that
9 the site automatically has to be brought into compliance?

10 CHAIR: Stop there, how about that part?

11 MR. DOAK: No, sir.

12 MR. ROSENBLATT: Why not?

13 MR. DOAK: Is, are there any other, see, you're not
14 giving me enough information here.

15 MR. ROSENBLATT: You, you answered the question.
16 Why, what's the basis of your saying no?

17 CHAIR: He did say no. Are you retracting the no?

18 MR. DOAK: No, I'm asking, I'm asking for
19 clarification on something, because I can run hypotheticals in
20 my head --

21 CHAIR: How about this. Is, is there further
22 information that you require to be definitive?

23 MR. DOAK: Yes.

24 CHAIR: Okay and what information is that?

25 MR. DOAK: Am I required to have a hearing for any

1 part of this change of use or the property it's being placed
2 on?

3 MR. ROSENBLATT: Say no, no hearing.

4 MR. MCCANN: Same objection from my viewpoint.

5 MR. DOAK: Are we applying for a permit?

6 MR. ROSENBLATT: Yes. If your, if the use is going
7 from retail to retail on an older site like this and no hearing
8 is required for the use, --

9 MR. DOAK: But there's a permit.

10 MR. ROSENBLATT: But you're asking for a permit.

11 MR. DOAK: Then, yes.

12 MR. ROSENBLATT: Then the site needs to be brought
13 into compliance?

14 MR. DOAK: Yes.

15 MR. ROSENBLATT: Okay. So, if on this site, I'll
16 keep my hypothetical short, if there was a Papa John's and it
17 went out of business and a Domino's Pizza comes in --

18 MR. MCCANN: When?

19 MR. ROSENBLATT: -- and, then you would say that this
20 particular property, because of the various conflicts with
21 current regulations that you've identified, that you would need
22 a hearing before that permit can be issued?

23 MR. DOAK: Did you, did you apply for a permit
24 anytime between Papa John's and, and Domino's?

25 MR. ROSENBLATT: You're, you're applying for a permit.

1 for the new use?

2 MR. DOAK: Then, yes.

3 MR. ROSENBLATT: Then that, so, isn't that, isn't
4 that a dangerous application of these rules? That any time a
5 tenant changes in a, in an older center that doesn't comply,
6 you have to bring it into current --

7 MR. DOAK: That isn't what you said. I said, it's
8 not just a tenant change, it's tenant change plus permitting
9 that requires it.

10 MR. ROSENBLATT: How about if the permitting is only
11 interior alteration?

12 MR. DOAK: That's, that's up to the Office of Zoning.
13 That's not my call.

14 MR. ROSENBLATT: And so, are you aware in this case,
15 if there is any change to the exterior of the building, any
16 expansion or change to the site proposed in this case?

17 MR. DOAK: I do not.

18 MR. ROSENBLATT: So, if, if the work here is all
19 interior to the existing building, and no expansion or change
20 to the building footprint is proposed, you, do you still
21 believe that the site must be brought into compliance with
22 current regulations before the use can be approved?

23 MR. MCCANN: Objection. Asked and answered. Is this
24 the dispensary --

25 MR. DOAK: I don't know. We talking about it, for a

1 dispensary?

2 MR. ROSENBLATT: Yeah, in this case. If no change is
3 proposed to the footprint of the building or the parking
4 layout, and we're just --

5 MR. DOAK: I believe per the regulations, there is a
6 change in use here.

7 MR. ROSENBLATT: So, that's, that's what you're
8 basing your opinion on?

9 MR. DOAK: Yes, sir, it is.

10 MR. ROSENBLATT: Is a change of use?

11 MR. DOAK: That's correct.

12 MR. ROSENBLATT: Would you acknowledge there's no
13 expansion of use?

14 MR. DOAK: I, expansion. Define expansion.

15 MR. ROSENBLATT: The, the regulations you read in
16 speak to change or expansion of use.

17 MR. DOAK: Okay.

18 CHAIR: 409.1, right, is that where we are?

19 MR. ROSENBLATT: Right.

20 BOARD: When exiting structural use is enlarged, is
21 that what you're referring to?

22 MR. MCCANN: Larger dress shop.

23 MR. ROSENBLATT: Let's look at what was marked as
24 Protestant's twenty-three, that was the policy manual and 409.1
25 --

1 BOARD: Which is twenty-four, Exhibit 24.

2 MR. ROSENBLATT: Exhibit 24.

3 BOARD: Sorry. The zoning commissioner's policy
4 manual is Exhibit 23, Protestant's Exhibit 23, 409.1 is
5 Protestant's Exhibit 24.

6 MR. ROSENBLATT: Okay.

7 BOARD: So, you're on 23-G, G.

8 MR. ROSENBLATT: I'm referring to 23-G, and this was
9 the language you read in that says if a property use is non-
10 conforming with regard to parking and the use expands or
11 changes, no credit will be given for the existing deficiency
12 and so on.

13 MR. DOAK: The change, it would, the use would
14 change, and I can't tell you about the expansion because if the
15 prior use, retail use of the property was only allowed for
16 certain amount of parking on the site and now you're giving it
17 different parking, more parking, then in turn, that expands,
18 I'm giving that as an example. I don't have enough information
19 to say definitively whether there was an expan, there is an
20 expansion or not.

21 MR. ROSENBLATT: Well, do, do the regulations
22 distinguish between retail? Isn't it, all retail is parked the
23 same, right? There's no this kind of retail, that kind of
24 retail?

25 MR. DOAK: That's correct.

1 MR. ROSENBLATT: Okay. So, --

2 CHAIR: That's my question, Mr. Doak. I, and this
3 might be a Board member question who has no idea about the
4 craft, but I, when, I know uses are different, like literally,
5 but we're going to use it for this, and we're going to use it
6 for that, but as for the term use, are we talking about retail
7 and all the stuff that we use for definitions for determining
8 the amount of spots? I mean, the use is, from the documents
9 that you looked at from other cases, they said that this was
10 treated as retail, correct?

11 MR. DOAK: That's correct.

12 CHAIR: And, am I safe to assume that 7-11 was, was
13 it retail (inaudible)?

14 MR. DOAK: Retail.

15 CHAIR: So, we're going from retail to retail?

16 MR. DOAK: We're going retail to retail.

17 CHAIR: So, to me, those two words are the same. So,
18 is that a different use? I mean, I'm not being sarcastic, I'm
19 just confused.

20 MR. DOAK: Not in the, no, no. Not in the broad
21 sense, but when you start looking at a, when you start getting
22 into a customized dress shop versus a 7-11, they're both,
23 they're both retail.

24 BOARD: So, just to clarify that point, a customized
25 dress shop would also be retail, correct?

1 MR. DOAK: Correct. Let's, let's use, for example,
2 well, that's not a, yeah, let's use those. A customized dress
3 shop where you go in and, and have it fitted and then, and
4 purchase it right there, the materials are there, and they
5 purchase it, have it altered, that's retail.

6 CHAIR: But the Code has made some definitions of
7 types of uses and then assigned parking values to that.

8 MR. DOAK: That's, that's correct.

9 CHAIR: And that's what we're arguing about here,
10 right?

11 BOARD: And what's the change in use?

12 CHAIR: We're not arguing about that?

13 MR. MCCANN: No.

14 BOARD: Mr. Doak, what's the change in use?

15 MR. DOAK: We talking about --

16 BOARD: With this property going from retail to
17 retail?

18 MR. DOAK: It, it's still retail, in the parking
19 calculations, it's still retail.

20 BOARD: So, there's no change in use, is that what
21 you're saying?

22 MR. DOAK: No, I didn't say that.

23 BOARD: Well, so I'm asking you.

24 MR. DOAK: For the number of parking spaces required,
25 there's no change.

1 MR. MCCANN: Okay.

2 MR. DOAK: Okay?

3 CHAIR: We got that, all right.

4 MR. ROSENBLATT: Okay. You submitted as Exhibits 22,
5 a petition in another case, right? Do you remember that?

6 MR. DOAK: I did?

7 MR. ROSENBLATT: This was Exhibit 22 that you put in.

8 MR. DOAK: Oh, Mr. McCann did, I'm sorry, yes.

9 MR. ROSENBLATT: And it's petition for --

10 MR. DOAK: German Hill Road?

11 MR. ROSENBLATT: German Hill Road.

12 MR. DOAK: Yes, sir.

13 MR. ROSENBLATT: Okay. This, this was not a special
14 exception case, right?

15 MR. DOAK: It was not.

16 MR. ROSENBLATT: Was, was the issue in this case that
17 half of the property itself was zoned residential and that you
18 can't have any business parking in a residential zone absent
19 relief?

20 MR. DOAK: That is part of what, that wasn't the
21 driving, it was driven as much by special hearing as it was by
22 variances.

23 MR. ROSENBLATT: Got you. And I see on this, on this
24 petition that the relief has changed, it's actually amended and
25 I'll just, through all your years of experience, this is

1 something that occurs in Baltimore County, right? When relief
2 is, is changed, for example, here, as originally filed, as a
3 request for eighteen feet in lieu of twenty-two and now it's
4 fourteen feet handwritten?

5 BOARD: Do you have these in front of you?

6 MR. DOAK: No, but I know it, memorized.

7 MR. ROSENBLATT: Okay.

8 MR. DOAK: Yes, sir.

9 MR. ROSENBLATT: That's something that occurs in
10 zoning cases?

11 MR. DOAK: On that one, the, the orig, the eighteen
12 was on the side of the building, but upon review, the fourteen
13 feet was in the front of the building as the aisle way.

14 MR. ROSENBLATT: And this was, the hearing was
15 permitted to proceed with this change?

16 MR. DOAK: It was, it was.

17 MR. ROSENBLATT: Okay. All right. I have nothing
18 further.

19 MR. MCCANN: Change in use, Mr. Doak, is there a
20 distinction in change of use as it relates to the number of
21 spaces, retail to retail, and change of use as it applies to
22 all these other issues?

23 MR. DOAK: Yes.

24 MR. MCCANN: Okay. So, when it, when you're dealing
25 with number of spaces, just number of spaces only, when you go

1 from retail to retail, that's not a change in use --

2 MR. ROSENBLATT: Objection. Leading.

3 MR. MCCANN: It's a hypothetical question.

4 MR. ROSENBLATT: Well, you're leading.

5 CHAIR: It's a hypothetical, you know, he's an
6 expert, we're hypotheticalizing. I'll give him some, I'll give
7 him a little bit of leeway there.

8 MR. DOAK: Is that a word?

9 CHAIR: (inaudible).

10 MR. MCCANN: All right. We'll try it again. So, for
11 purposes of parking spaces, that is, 409.6, when you're going
12 from retail to retail, that's not a change in use and the
13 number of parking spaces stays the same?

14 MR. DOAK: That's correct.

15 MR. MCCANN: Okay. But when you're talking about all
16 these other issues, the drive aisle width, the setback from the
17 right of way, all, all the other things that you identified,
18 it's your testimony, based on the policy manual, that a
19 variance is needed in part because this is a change of use?

20 MR. ROSENBLATT: Objection. Leading.

21 MR. MCCANN: Yes or no.

22 CHAIR: You forgot the question on that one. You got
23 the yes or no at the end.

24 MR. MCCANN: Okay.

25 CHAIR: But to say is, just is it your opinion, you

1 heard what he said. Is it your opinion that as to all the
2 other issues, notwithstanding the number of spaces, that there
3 is a change of use?

4 MR. DOAK: Yes.

5 CHAIR: Okay and do you want to extrapolate on why
6 you believe that to be so?

7 MR. DOAK: No.

8 CHAIR: Okay.

9 MR. DOAK: I already have. And if I do, you guys are
10 going to have more questions so no.

11 CHAIR: All right. That's fine.

12 MR. MCCANN: And I, and I have no other questions.

13 CHAIR: I have a brief question, and this is just
14 something, and this is in some, I realize in this hearing, Mr.
15 Kellman's testimony and yours, is it true that often in these
16 situations when the Code seems to be somewhat confusing,
17 definition (inaudible) what is what, that you folks go and
18 consult folks in County offices for guidance?

19 MR. DOAK: Most definitely.

20 CHAIR: So, --

21 MR. DOAK: To be truthful, almost every project I do,
22 I would say ninety percent of the projects I do, I get an
23 opinion by them before I, because I don't want to go down the
24 wrong avenue only to, so I don't always agree with it, but I
25 do.

1 CHAIR: Is it safe to say that those opinions are
2 often kind of fact specific to the project?

3 MR. DOAK: Let me say this, you have to ask a
4 specific question to get the specific question. So, you can't
5 ask broad questions, you, you know?

6 BOARD: Have you ever gone and spoken to two
7 different people?

8 MR. DOAK: No.

9 BOARD: And gotten two different answers.

10 MR. DOAK: That, you know that answer is, yes. You
11 can go and talk to five people and get five different answers.
12 What you try to do, and what Mr. Kellman does, because he, like
13 myself, have been doing this for so long, is you know which
14 person has the most expertise in what your project is.

15 BOARD: Is it possible that if the two of you are on
16 opposing sides, you would speak to two different people then
17 and get two different answers?

18 MR. DOAK: That can happen, yes. And, but also more
19 or less, it's, a lot of times it's how you approach the
20 project. So, if you go in and ask can you do this or, or, and
21 another way would be, would it be allowed, or do you think the
22 zoning commissioner would allow this, those two may be answered
23 in two different ways.

24 BOARD: So, it really depends on how and what the
25 question, how the question is asked and what the question is?

1 MR. DOAK: And how specific it is.

2 BOARD: Right. Okay.

3 MR. MCCANN: But those, those hypothetical questions
4 about what may happen day in and day out, that doesn't change
5 your opinions in this case, correct?

6 MR. DOAK: No, sir.

7 MR. MCCANN: Okay.

8 CHAIR: I wasn't trying to change your opinion, I was
9 informationally just noticed that there's often a lot more gray
10 than we would like to have.

11 MR. MCCANN: What the, what the person in the zoning
12 review office tells you can't change the law, the regulations
13 say one thing and the regulations say what they say, right?

14 MR. DOAK: And not always do you, you don't always
15 agree with their interpretation.

16 MR. MCCANN: Okay. Thank you. Nothing else.

17 MR. ROSENBLATT: Nothing further.

18 CHAIR: Thank you, Mr. Doak.

19 BOARD: Good afternoon.

20 MR. JAKUBIAK: Good afternoon.

21 BOARD: Do you swear and affirm under the penalties
22 of perjury, that the testimony you are about to give today will
23 be true and correct and to the best of your knowledge,
24 information and belief?

25 MR. JAKUBIAK: Yes, ma'am.

1 BOARD: Thank you. Please state your name and your
2 business address for the record.

3 MR. JAKUBIAK: Christopher Jakubiak, J-A-K-U-B-I-A-K,
4 100 West Pennsylvania Avenue, Suite 102-G, Towson 21204.

5 BOARD: Thank you. You may be seated.

6 MR. MCCANN: Thank you.

7 CHAIR: Why don't we, why don't we just get to the
8 heart of it?

9 MR. MCCANN: He's going to address impacts and the
10 special exception factors.

11 CHAIR: (inaudible).

12 MR. MCCANN: Yeah, he's not going to go through
13 (inaudible) he's going to, basically, cow tail what Mr. Doak
14 just said, talk about impacts.

15 CHAIR: Okay. Did you, did you, do you have a c.v.
16 or something?

17 MR. MCCANN: I do, yeah.

18 CHAIR: And we've seen it before, just give one to
19 Mr. Rosenblatt and then he can do his voir dire and determine
20 what he wants him to go.

21 BOARD: (inaudible).

22 BOARD: Can I have one, sir?

23 MR. MCCANN: Oh, I'm sorry.

24 BOARD: Thanks.

25 MR. ROSENBLATT: This is twenty-five?

1 BOARD: Twenty-six. Twenty-five was the sign in
2 sheet.

3 MR. ROSENBLATT: Oh, okay.

4 CHAIR: Give us some specific parameters and then
5 we'll see what Mr. Rosenblatt has to say, where he's going to
6 go from there.

7 MR. MCCANN: Okay. He's going to, I'd proffer him as
8 an expert in Baltimore County zoning regulations, in particular
9 those dealing with parking regulations but really the, the, the
10 heart of his testimony would be addressing the special
11 exception standard, the 502.1 factors and the impacts of a
12 post-special exception use under the *Schultz v. Fritz* standards
13 (inaudible), special exception standard.

14 CHAIR: All right. Now, Mr. Rosenblatt, I recall,
15 you have cross examined and voir dired Mr. Jakubiak in the
16 past.

17 MR. ROSENBLATT: Yes.

18 CHAIR: And he was admitted by this Board.

19 MR. ROSENBLATT: He was.

20 CHAIR: I will let you do it again, if you would
21 like.

22 MR. ROSENBLATT: Okay.

23 CHAIR: But, so, you want to proceed to ask your
24 questions?

25 MR. ROSENBLATT: Yes.

1 CHAIR: Okay.

2 MR. ROSENBLATT: Okay. Just so we understand what
3 you're basing your opinion on, are, you're not an engineer?

4 MR. JAKUBIAK: No, I'm not.

5 MR. ROSENBLATT: Not a traffic engineer?

6 MR. JAKUBIAK: No.

7 MR. ROSENBLATT: Not a registered surveyor?

8 MR. JAKUBIAK: No.

9 MR. ROSENBLATT: Not a property line surveyor?

10 MR. JAKUBIAK: No.

11 MR. ROSENBLATT: Have you ever, have you ever filed
12 for a special exception in Baltimore County?

13 MR. JAKUBIAK: No.

14 MR. ROSENBLATT: Have you ever filed any zoning
15 petition in Baltimore County?

16 MR. JAKUBIAK: No.

17 MR. ROSENBLATT: Have you ever applied for a building
18 permit in Baltimore County?

19 MR. JAKUBIAK: No.

20 MR. ROSENBLATT: Have you had any involvement in the
21 creation of the Pikesville commercial revitalization district?

22 MR. JAKUBIAK: No.

23 MR. ROSENBLATT: Have you ever been to Pikesville?

24 MR. JAKUBIAK: Yes.

25 MR. ROSENBLATT: Have you visited this site?

1 MR. JAKUBIAK: Yes.

2 MR. ROSENBLATT: Okay. Have you ever been employed
3 by Baltimore County as the zoning administrator?

4 MR. JAKUBIAK: No.

5 MR. ROSENBLATT: As a Board of Appeals member?

6 MR. JAKUBIAK: No.

7 MR. ROSENBLATT: As any commission, the planning
8 board, landmark preservation commission, design review panel?

9 MR. JAKUBIAK: No.

10 MR. ROSENBLATT: Ever been an employee of the
11 Department of Planning?

12 MR. JAKUBIAK: No.

13 MR. ROSENBLATT: Okay. We, from your prior resume, I
14 want to go through some of your work experience. From 1990 to
15 '92, you were out of State in Illinois, I believe you, you were
16 in school?

17 MR. JAKUBIAK: I was in graduate school.

18 MR. ROSENBLATT: Okay. What did you study?

19 MR. JAKUBIAK: I was getting my master's degree in
20 Urban Regional Planning.

21 MR. ROSENBLATT: Did you have any involvement with
22 the Baltimore County zoning regulations during that time?

23 MR. JAKUBIAK: No, of course not.

24 MR. ROSENBLATT: Ninety-two to '96, you worked in
25 Wisconsin?

1 MR. JAKUBIAK: Yes.

2 MR. ROSENBLATT: What did you do?

3 MR. JAKUBIAK: I did transportation planning, I was a
4 transportation planner.

5 MR. ROSENBLATT: Okay. Any involvement with the
6 Baltimore County zoning regulations in that job?

7 MR. JAKUBIAK: Nope.

8 MR. ROSENBLATT: You're in Calvert County until the
9 year 2000?

10 MR. JAKUBIAK: That's, that's right.

11 MR. ROSENBLATT: Did you have any involvement
12 interpreting the zoning regulations for Baltimore County in
13 your Calvert County job?

14 MR. JAKUBIAK: No.

15 MR. ROSENBLATT: Has the Board ever denied you the
16 ability to testify before?

17 MR. JAKUBIAK: Yes, and they were overruled by the
18 Court.

19 MR. ROSENBLATT: And, and that matter was remanded to
20 the Board, right?

21 MR. JAKUBIAK: Yes.

22 MR. ROSENBLATT: And you were permitted to testify?

23 MR. JAKUBIAK: Thank you.

24 MR. ROSENBLATT: When, when you testified, did the
25 Board state that your, your testimony was nothing short of

1 circular double talk without any logical reason to substantiate
2 your conclusion?

3 MR. JAKUBIAK: I don't know.

4 MR. ROSENBLATT: If I show, I'm going to show you
5 what I'll mark as --

6 BOARD: You're on twelve.

7 MR. ROSENBLATT: Exhibit 12.

8 MR. MCCANN: I'm going to object. You know, it's
9 silly but I, at least for the record, should object to the
10 relevance of what another Board said in another occasion about
11 Mr. Jakubiak's testimony in that case. If I can bring, we'll
12 bring testimony from Mr. Kellman's testimony in other cases and
13 we'll talk about legitimacy or the voracity of that testimony,
14 we can, we can spend all day on collateral matters.

15 CHAIR: Well, I --

16 MR. ROSENBLATT: I just have a few questions.

17 BOARD: I guess it should be noted that the Board
18 members are, in the opinion that's been now marked as
19 Petitioner's Exhibit 12, are not the Board members on this
20 case.

21 MR. MCCANN: All right. That was just my point.

22 CHAIR: I would make a note that I believe the
23 statements made (inaudible) voracity of the witness, or
24 credibility or so, so I'm not going to consider it in this.
25 So, you, it's marked, we're not going to consider the specific

1 criticism in a prior opinion. We will proceed with voir dire
2 and then Mr. McCann, I'll let you, since you didn't get to ask
3 additional voir dire, you can ask your questions.

4 MR. ROSENBLATT: But just, with, with respect to
5 credibility, I mean, the, the Board stated we cannot assign any
6 weight to Mr. Jakubiak's unsupported conclusion as to open
7 space or location of parking. There's about five statements
8 like this and I think they go to credibility.

9 MR. MCCANN: Forever, for any case you can never
10 testify again? Because the Board made that incorrect --

11 CHAIR: Well, I think Mr. McCann is correct that, I
12 mean, he could have testified in a case that perhaps he was
13 lacking in, you know, it's a new case, it's a new day. All
14 those issues that you bring up, if they're applying to this
15 case, are ripe for cross examination. So, we're, we're not
16 going to go through those. But we'll, we'll allow further voir
17 dire as to maybe the source of those expertise that caused
18 those comments in the first place, Mr. Rosenblatt.

19 MR. ROSENBLATT: Okay. I actually have nothing
20 further on voir dire. I'll, to move things along, I'll --

21 MR. MCCANN: Okay.

22 CHAIR: Okay.

23 BOARD: So, what are we doing with Petitioner's
24 twelve?

25 MR. ROSENBLATT: I, I, I've marked it, marked it as

1 an exhibit. I'd like it moved in and we, I guess we dis, we
2 disagree as to whether there's --

3 CHAIR: It's marked for i.d.

4 MR. MCCANN: I.d. only? Okay.

5 MR. ROSENBLATT: Okay.

6 MR. MCCANN: Thank you. Mr. Jakubiak, even though
7 you never served in Baltimore County, none of us have except
8 for these good folks, are you familiar with the Baltimore
9 County zoning regulations?

10

11 MR. JAKUBIAK: Yes.

12 MR. MCCANN: Have you regularly, over the past
13 several years, reviewed and applied them in cases?

14 MR. JAKUBIAK: Yes, I have.

15 MR. MCCANN: Have you been accepted by this Board and
16 by the Administrative Law Judge as an expert in the Baltimore
17 County zoning regulations in other cases?

18 MR. JAKUBIAK: Yes, several times, yes.

19 MR. MCCANN: Okay and have you, in fact, served as a
20 zoning administrator in multiple other jurisdictions?

21 MR. JAKUBIAK: Yes, I have.

22 MR. MCCANN: What, what I would call zoning
23 administrator, which would be the func, functional equivalent
24 of Mr. Richards' position as a zoning review, correct?

25 MR. JAKUBIAK: Correct, yes.

1 MR. MCCANN: And you've applied in multiple
2 jurisdictions, the particular zoning regulations applicable?

3 MR. JAKUBIAK: Yes, I have.

4 MR. MCCANN: And the concepts that we're dealing
5 with, particularly in this case, special exceptions, don't
6 really vary from jurisdiction to jurisdiction, do they?

7 MR. JAKUBIAK: No.

8 MR. MCCANN: Okay. Have you also, in fact, served on
9 the Board of Appeals similar to this Board in Anne Arundel
10 County?

11 MR. JAKUBIAK: Yes, I have. In the City of
12 Annapolis, actually.

13 MR. MCCANN: Okay. Were you also, is it also true
14 that you were hired by Baltimore County to perform work as a
15 planner?

16 MR. JAKUBIAK: I was on a project team as a
17 subcontractor and (inaudible).

18 MR. MCCANN: And you believe you, strike that. I
19 think that's it.

20 CHAIR: All right. So, the law, your training,
21 knowledge and experience, there is no formula as to what
22 percentage of the TKE equals the full thing to give you the
23 expertise. The, the question is, is there some expertise held
24 by this individual that exceeds that of the fact finder which
25 would add in us understanding concepts we wouldn't otherwise

1 understand. With that being the premise, this, in conclusion,
2 Mr. McCann, we know his deficiencies, or alleged deficiencies,
3 what, what can this witness offer us that a lay person cannot
4 give us, by reading the 502.1 exceptions?

5 MR. MCCANN: Yeah, well, I think what is often
6 missed, frankly, by the Board, is, it's the type of the
7 experience that no one in this room has, not even Mr. Kellman,
8 who is not a planner. He studied, he has experience, extensive
9 experience as a planner and, and as a person who administers
10 zoning regulations. So, that perspective is entirely unique.
11 No one in this room has that. So, he's bringing that to bear.
12 I see he looks at these type plans, I, I could go on and on.
13 He reviews site plans like these all the time for parking
14 requirements in other jurisdictions, isn't that correct, Mr.
15 Jakubiak?

16 MR. JAKUBIAK: Yes, it is.

17 MR. MCCANN: So, I think he brings lots of experience
18 that his, that, certainly the Board has, that counsel doesn't
19 have and no one in this room has on planning as it relates to
20 these issues on, certainly on the zoning aspects of this case,
21 and also the special exception standards, which are the heart
22 of the case.

23 CHAIR: Now, Mr. Rosenblatt, your retort to such,
24 sir?

25 MR. ROSENBLATT: My retort is perhaps if we were in

1 one of the jurisdictions within which Mr. Jakubiak has
2 expertise, then his opinion would be helpful to the Board.
3 Here, I, I, --

4 MR. MCCANN: How would you ever acquire experience?
5 How would anybody? I just don't understand this argument,
6 (inaudible).

7 CHAIR: I've heard that before, but let Mr.
8 Rosenblatt get out his argument.

9 MR. ROSENBLATT: The specific regulation, Section
10 502.1, at issue in this case, he has no experience whatsoever
11 interpreting this regulation. His, all of his experience is in
12 other jurisdictions, so he can probably read a document, he can
13 read these regulations and he can tell you his thoughts. But
14 he's a planner with, with experience elsewhere. He, he's never
15 even filed a petition for special exception. How can he
16 articulate for the Board what these requirements mean and how
17 they're interpreted here and how they should be interpreted?

18 MR. MCCANN: Well, I don't think you need to file a
19 petition to know what the reg, standard is. I just don't get
20 it. It's the same argument made all over, oh, I know, quit
21 while I'm ahead. It's just frustrating because --

22 MR. ROSENBLATT: And I, I understand he's been
23 accepted before and he was, he's going to be accepted today and
24 I'd just ask that the Board give him the weight --

25 CHAIR: This is the issue. We'll often have your

1 hands-on experts, they're in the trenches and then often you
2 will have your academic, more global view. There's arguments
3 that your hands-on guy sometimes miss the global perspective
4 and then there's the counter-arguments that your academic
5 people have no idea what they're talking about because they've
6 never been on the ground. All of that is ripe fodder for the
7 gentlemen with the law degrees to ask the proper questions to
8 expose those weaknesses to the fact finder. I, and again, I
9 talk too much, so I'm going to ask the Board members their
10 thoughts on the matter.

11 BOARD: I mean, personally, I did want to hear some
12 more information as to Baltimore County. I personally did want
13 some more voir dire in that area, that was, that was my
14 question.

15 MR. MCCANN: Okay.

16 BOARD: I am satisfied with Mr. Jakubiak's
17 experience, even in other jurisdictions. I don't think it has
18 to be particular to Baltimore County to be, but I agree with
19 Mr. Belt.

20 CHAIR: This Board, just for the record, and also, I
21 guess, you know, it's part of the resume that the witness has
22 actually been admitted by this Chairman as to opine as to
23 502.1, Baltimore County standards and I believe Mr. Rosenblatt
24 did an excellent job of cross examining him in that matter as
25 well because I think you were on the same case, so.

1 MR. ROSENBLATT: I think two of the Board members and
2 both lawyers were the same, so we all, we all know --

3 BOARD: And for the record, this is my first time
4 ever meeting your witness, so I don't have any idea what
5 anybody is talking about so that's where I'm coming from. No
6 offense to anybody.

7 CHAIR: So, anyway, what we'll do, we, we will, we
8 will proceed on and call the issues, pluses and minuses, for
9 Mr. Jakubiak that we talked about like he's not in the room.
10 We, we will, we will go forward. Objection noted. We're going
11 to allow him to testify. All right, let's go.

12 MR. MCCANN: Thank you. Mr. Jakubiak, first of all,
13 are you familiar with the proposed plan?

14 MR. JAKUBIAK: Yes, I am.

15 MR. MCCANN: You attended the hearing in this case?

16 MR. JAKUBIAK: I have.

17 MR. MCCANN: Have you been to the site?

18 MR. JAKUBIAK: Yes, I have.

19 MR. MCCANN: Have you considered the site itself as
20 well as the plan in formulating your opinion in this case?

21 MR. JAKUBIAK: Yes.

22 MR. MCCANN: Okay. I guess the first thing and I'll,
23 I know you prepared an exhibit which I'll mark in a sec, but I
24 want to focus in on the thing that I proffered you as, and
25 that's on the special exception standard itself and that is, in

1 broad terms, the impacts of this proposal at this particular
2 location. So, focusing on, on that issue, I'd like if you
3 would, approach the board, Protestant's Exhibit 6, and describe
4 for us, or identify for us, if you would, what you believe
5 those impacts to be, based on your experience and familiarity
6 with the plan?

7 MR. JAKUBIAK: Okay and to, to move quickly, I'm
8 going to focus on the, the factors related to the site that
9 make the inherent impacts particularly troublesome or unique
10 here at this location. But first let me give a, going, just an
11 overview of some of the points that have not been brought up
12 yet. Reisterstown Road, through the frontage of this site,
13 actually has five lanes, two in each direction and then a
14 deceleration lane or left hand turning lane into Naylor's Mill.
15 Which adds to the complexity making a left hand turn out onto
16 south, onto Reisterstown Road north bound. Naylor's Lane has
17 two lanes at the approach to Reisterstown Road intersection.
18 They both turn left. One is shared right and left and the
19 other turns left. Indicating that that movement is a heavy
20 movement, it carries a lot of traffic, suggesting that if you
21 are driving and want to take a right on Reisterstown, you'd
22 have to compete with all the left hand turns who stack up and
23 back up. I've been out there on the site and I've actually
24 wanted to get into Naylor's, or into the driveway here and had
25 to wait for the traffic to move through the intersection to

1 move through, so there's some back up that you see in here,
2 congestion happening already. Mr. Doak has described some of
3 the site deficiencies on the, on the, the, in the area. I'm
4 not going to get into them in detail but I'm going to explain
5 what they, what they'll mean in the sense of these are features
6 that (inaudible) really force the impacts of the proposed use
7 to be uniquely adverse there. And we, we don't consider these,
8 consider this site in the abstract. We have to consider what's
9 being proposed and we have to consider who's going to be using
10 this facility. I'll give you an example. I recently completed
11 a review of an ice cream parlor that was moving into a site
12 that had previously been a veterinarian clinic. And in redoing
13 that site, I had to consider the impacts that were different.
14 They both had similar traffic generation and some retail
15 operations going on but what was different was the clientele.
16 When children come up to buy an ice cream, they have a tendency
17 to (inaudible) at the service window and want to enjoy their
18 ice cream right there on the site. So, the parking that was on
19 that site for the vet, didn't work at all. The impact related
20 to an ice cream parlor was substantial at that site. And this
21 site didn't work without radical changes for that use and make
22 it safe. And that's what the special exception standards
23 requires us to think about. It may be abstract, it may not be
24 detailed and sometimes it's hard to communicate, but I, I
25 really want to take it slow and go through some of the site

1 impacts here and the deficiencies on this site and explain why
2 they're particularly troublesome. Just like the ice cream
3 parlor in Centreville had a unique population attending and
4 patrons, this site has a unique set of patients, as it's been
5 referred to, or customers. We've heard that they're old,
6 frail, disabled. That presumably, therefore, they would have
7 some trouble walking, competing with traffic, turning into and
8 out of deficient intersections. When you start thinking about
9 this site and this proposed use, you begin to conclude that
10 maybe the two don't match up right and thank God for special
11 exception standards that allow us to re-evaluate it.

12 BOARD: So, if I could jump in. So, are you pointing
13 to the fact that the clientele may have certain physical
14 restrictions and if were ambulating around the site, would be
15 difficult for them with the parking and you're also saying that
16 if they were driving, the turning in and out would be
17 problematic?

18 MR. JAKUBIAK: Yes, right.

19 BOARD: So, for both reasons. Because I was just
20 trying to figure out how you're tying this back to the ice
21 cream parlor, which I understood with the children being
22 outside but here, the business is located inside. So, it's the
23 walking through the parking area?

24 MR. JAKUBIAK: Sure. As, one factor. So, if I can
25 just approach the, the presentation board. It's been said

1 that, and I have a tendency to agree with it because I traveled
2 through the residential areas, that there are a lot of seniors
3 that live in the neighborhood, the properties that surround
4 this site. And that's an important thing to keep in mind too.
5 If, in fact, this is a destination for seniors to, to get
6 marijuana, cannabis. The, this intersection here has no
7 ability to convey pedestrians into the site safely.

8 BOARD: Here, pointing to the entry way off of
9 Reisterstown?

10 MR. JAKUBIAK: Entry way at, thank you, Reisterstown
11 Road. It's been decided already that it measures just over
12 seventeen, 17.66 feet. Yes, the State Highway Administration
13 standards are twenty-five and perhaps the State Highway
14 Administration didn't force a local government to alter a site
15 plan, maybe that's not their role. But you can't disguise the
16 fact that the deficiency is of concern. And the reason it's of
17 concern is that if you are headed on Reisterstown Road and
18 wanted to make a right hand turn into the site, you naturally
19 are taking up both travel lanes, right? You can't make that,
20 there's not enough space for two lanes to, two cars to pass
21 there. And that's why we want to see wider commercial
22 entrances. The, the intersection is too narrow to accommodate
23 two cars passing each other and a pedestrian. There's no
24 sidewalk connecting this sidewalk that runs out in front of
25 Reisterstown Road to the site. So, what if someone shows up by

1 transit, on a bus? There's a bus stop on the opposite side of
2 Reisterstown Road and there's a bus stop on this side, right
3 next to the entrance. A reasonable place, drop you off right
4 in front of your destination to obtain medicine and you have to
5 navigate now into the site. How do you get there if you're
6 handicapped or if you have difficulty with ambulation? It's
7 very difficult to move from that location up to the front door
8 because you're competing with cars moving into the site and
9 leaving the site. The same situation presents itself on
10 Naylor, Naylor's Lane. While the intersection is wider,
11 there's no direct access for pedestrians into the site. And if
12 you do head into it, in the travel lanes from the cars, then
13 you're, you've got to make a left and travel on a deficient
14 driveway aisle that is eighteen feet at one location and
15 narrows down to fifteen feet. How do two cars pass in that, in
16 that space? Particularly if there are cars parked in those
17 perpendicular parking spots. And how does a pedestrian make
18 his way, particularly a handicapped or older person, in
19 competition with the cars? And that's obviously an impact
20 related to this use that is above and beyond what you'd find at
21 a different type of site. There is an insufficient throat
22 length and throat length is a, is a measure of the distance
23 between the street and the, through, and through the driveway.
24 Distance from the street into the site at your first conflict
25 point. So, when we review these plans, we want to see that

1 cars can come out and leave without conflicting with turning
2 movements or cars backing up into the intersection. That
3 conflict point from my measurement is thirteen feet. In other
4 words, thirteen feet from the edge of the street, not the right
5 of way, but the actual street, into the site and you've
6 encountered conflicts. Usually you, you, when you come into a
7 site, you want to drive into the safe, safe entry way before
8 you make a decision about turning left or right or competing
9 with other movements. That means that these three parking
10 spaces are unsafe. The site cannot accommodate these three
11 parking spots and still provide safe automobile operation.

12 BOARD: Can you tell me why they aren't safe?

13 MR. JAKUBIAK: Because in any one of those spaces, if
14 you pull out you're, you're congesting the intersection.
15 You're providing no room for a car to come into the site,
16 which, and so what happens, someone has to maneuver to avoid a
17 collision.

18 BOARD: But that's not an act of a pedestrian, I
19 thought we were talking about pedestrians.

20 MR. JAKUBIAK: Okay.

21 BOARD: So, explain how those three sites are unsafe
22 for pedestrians.

23 MR. JAKUBIAK: Well, the three, well, I mean, the
24 three parking spaces are in site, are, are unsafe for those who
25 get out of the car to walk to the site because they're stepping

1 out into this travel way.

2 BOARD: What about pedestrians coming into the site
3 via that entrance way?

4 MR. JAKUBIAK: It's too narrow to accommodate
5 pedestrians in a safe passageway. There's (inaudible) --

6 BOARD: So, particular to the three parking spaces
7 we're referring to?

8 MR. JAKUBIAK: Well, particular, I mean, if you were
9 to put it on the, this would be the south side of this, this
10 site, pedestrians would be walking next to the, the cars and,
11 you know, there's no free and clear pedestrian area.

12 BOARD: How is that different than a, let's say, for
13 the sake of argument, a shopping center that has a grocery
14 store or like a, place like a Giant or something like that,
15 Weis or whatever, and you're walking down the lanes to get to
16 your car, how is that any different?

17 MR. JAKUBIAK: Because you have traffic coming off of
18 state highway turning into it or trying to leave and you're,
19 you're exposed.

20 BOARD: When you say you're exposed, who's exposed?

21 MR. JAKUBIAK: Pedestrian is exposed in that, in this
22 space here entering the site because there's no refuge for
23 pedestrians. The space is too narrow to accommodate the cars
24 and a pedestrian. And that's a deficiency with this site, it
25 raises questions about whether this use ought to be approved as

1 a special exception.

2 BOARD: How is this then, taking it one step further,
3 any different than the dress shop that was there previously?

4 MR. JAKUBIAK: The difference is the use. We might
5 say --

6 BOARD: But wouldn't you have the same people walking
7 perhaps in and out of those parking spaces, wouldn't they have
8 the same exact problem as people who would park there for the
9 dispensary?

10 MR. JAKUBIAK: Yeah, the use, the site is deficient,
11 yes. And if a dress shop was still there, it still would be
12 deficient. The question is, how, the degree of deficiency in
13 part, because now we're dealing with a population that may have
14 difficulty ambling to the site. It's more likely to attract
15 the frail and the elderly, which may be different than what you
16 might find with a dress shop.

17 BOARD: So, if this was, and we're taking the example
18 that Mr. Bell used earlier, a pharmacy instead, okay? And you
19 had those same three spaces, you may get someone who has the
20 same physical restrictions. So, wouldn't that really not be a
21 product of what the nature of the retail business is, that it's
22 endemic to the site? So, it doesn't matter what is actually
23 being put in there, you're going to have that same problem?

24 MR. JAKUBIAK: It, it matters both its, yes, it does
25 matter what you're putting into it and it does matter about the

1 site. The site is inherently problematic.

2 MR. MCCANN: Let me ask it this way, Mr. Garber. I
3 think I understand your point. And maybe you can, I can ask it
4 this way. Is this unusual to have three spaces, regardless of
5 whether it was there before or not, and the dress shop somehow
6 accommodated it, assuming those spots were there for the dress
7 shop, we don't know that. But, just assume that they were and
8 they're still there today, is it unusual to have three spots
9 like that right up against a major thoroughfare, is that your
10 point?

11 MR. JAKUBIAK: Yes, it is. And you wouldn't
12 certainly design the site plan for that today. And when
13 there's a change of use, in other words, I'm sorry, when
14 there's a, a use established, excuse me, when a use established
15 that's trying to address issues like that, now this site has
16 not addressed those issues and wants to proceed with a, a
17 cannabis dispensary with that limitation.

18 BOARD: Sorry. (inaudible).

19 MR. JAKUBIAK: Should I repeat that?

20 BOARD: No, I got you.

21 MR. JAKUBIAK: So, that, that was a, I was discussing
22 the throat length or the passage into the site.

23 BOARD: And I did cut you off, you were talking about
24 vehicles and I asked about pedestrians, because that's the
25 train of thought I thought that we were going on.

1 MR. JAKUBIAK: Yes.

2 BOARD: You were then about to discuss vehicles. So,
3 to the extent that you have not done that.

4 MR. JAKUBIAK: Well, I, I was discussing the vehicles
5 entering this site and those conflicts, but I think I covered
6 that.

7 BOARD: You were saying the three parking spaces on
8 Reisterstown Road were unsafe due to congestion and there was
9 no room for cars to enter the site.

10 MR. JAKUBIAK: That's right and, and use of the
11 parking spaces requires interference with cars entering and
12 leaving the site and/or pedestrians, yes. The, the
13 perpendicular spots here present another impact.

14 BOARD: When you say here, please let us know what
15 you're referring to.

16 MR. JAKUBIAK: Thank you.

17 BOARD: For the record.

18 MR. JAKUBIAK: Yes.

19 BOARD: You are referring to the spots that are
20 outside the special exception area along Naylor's?

21 MR. JAKUBIAK: Along Naylor, Naylor Lane,
22 perpendicular, that face or that, adjoint the right of way
23 along Naylor. One reason why ten-foot buffers and setbacks are
24 required is to provide space for buffering and screening and
25 landscaping. In one particular, not just for aesthetics, but

1 for health safety issues and it particularly is relevant here
2 and I, I've done that as I came to the site in the evening. I
3 parked there, and I realized when the cars stacked here, cars
4 stacked at the intersection, the gentleman was holding his hand
5 up because my headlights were shining right into his car and
6 causing glare on, on him as he was in that intersection at the
7 approach. And that's a factor of it being so close to the
8 right of way, there being no screening possible and that the
9 parking lot sits up above the street level. I would say
10 probably two and a half to three feet above the street level,
11 maybe even more. So, it's a sight condition that was really
12 troublesome when you, you maintain this old, non-conforming way
13 of managing the parking on the site. One other aspect of this
14 site that is troublesome is, and this has been acknowledged by
15 the, the, the applicants, applicant. Is that this is a cross
16 through, right? And rather than sit in this traffic waiting to
17 make a right-hand turn, because most of the cars want to make
18 left, there is sort of an incentive, a desire line, to cut
19 through the site, to continue southbound on Reisterstown Road.
20 I've not seen that. I mean, I don't know the site that well to
21 see that that actually happened but I know this happens all the
22 time in other sites and I know frequently I've reviewed site
23 plans and we sought to counter these things to channelization
24 or circulation changes to prevent that, especially when you
25 overlay a population that may not mix well with cut through

1 traffic and when there's limited space for cars to travel
2 through your parking on the site anyway.

3 BOARD: But would that be the responsibility of
4 Petitioner to prevent the cut through then? I mean, that's
5 what I'm hearing your testimony.

6 MR. JAKUBIAK: Yeah, absolutely. I think it's an
7 issue from the, that the Petitioner or owner has to address.
8 It's certainly a factor about the site that makes the normal
9 impacts really adverse here, uniquely adverse.

10 BOARD: Could you point to another project or
11 petition that you reviewed in any jurisdiction where you've
12 served as zoning administrator or where you worked on
13 personally, where you have required the site owner or the
14 petitioner to alleviate any type of cut through traffic issue?

15 MR. JAKUBIAK: Yes. And it's the same Centreville,
16 Maryland project. I'm a town planner there on a retainer and I
17 review all development plans, subdivision plats and there,
18 again, the use is being changed to an ice cream parlor and use
19 provide, allowed for those cut throughs. So, --

20 BOARD: Wait a minute. You say the use allowed for
21 those cut throughs?

22 MR. JAKUBIAK: The site allowed for the, the vehicles
23 to cut through from one road to the other. The site was
24 actually on kind of a triangular piece at an intersection and
25 roads radiated on either side of the site.

1 BOARD: So, not that it, it allowed it to happen, it
2 was just convenient for it to happen, is that fair?

3 MR. JAKUBIAK: Yes, it was convenient for it to
4 happen. In fact, there was a history of it happening.

5 BOARD: Right, okay.

6 MR. JAKUBIAK: So, when the applicant came in for a
7 zoning permit and submitted a site plan, we required that the
8 applicant make, adjust the circulation so that would not be
9 allowed.

10 BOARD: And what did you do to adjust circulation, so
11 it's not allowed?

12 MR. JAKUBIAK: We made the entrance an exit, a one
13 way out so that the traffic flowed in a way that wouldn't allow
14 for the --

15 BOARD: Cut through.

16 MR. JAKUBIAK: -- cut through traffic.

17 BOARD: Now, you, that was some, that was a condition
18 you personally witnessed or had information that, in fact, had
19 occurred at the other site, the ice cream parlor site?

20 MR. JAKUBIAK: That was a, a condition that I advised
21 the owner about and suggested that it be changed before
22 presenting to the planning commission. The change was not
23 made, and the planning commission reviewed the plan and said
24 we're not approving it until this change gets made. It's a
25 condition of site plan approval.

1 BOARD: But you had personal knowledge or other
2 information provided to you that would establish that that was
3 a, a condition that occurred, that is, cut through traffic?

4 MR. JAKUBIAK: Yes.

5 BOARD: And here, though, I thought I understood your
6 testimony that you don't have that information but it's, but in
7 your mind, you think that it could happen?

8 MR. JAKUBIAK: My experience suggests that it could
9 happen, and it probably does happen. It's the path of least
10 resistance and those things happen. Certainly, when we review
11 these development plans, try to minimize those types of impacts
12 to the extent possible.

13 BOARD: Did it make a difference in that case, the
14 fact that there would be children cuing outside of the
15 building, in terms of the cut through traffic?

16 MR. JAKUBIAK: In part, yes. But it also made, the
17 other changes to the site addressed that too. Parking was
18 aligned on an angle rather than perpendicular so as to prevent
19 cars from backing out into the pedestrian area. Instead, they
20 back out into the, the travel aisle on an angle so that there
21 was adequate space to get the circulation just right and to
22 avoid conflicts with the customers.

23 BOARD: Sorry. (inaudible) asked enough questions.

24 MR. MCCANN: Let me ask you a question along those
25 lines. Thank you, Mr. Garber. And move on. Let's assume that

1 someone coming to this dispensary isn't coming from elsewhere
2 in the senatorial district, but let's just say one of the
3 seniors down at Sunrise or one of the seniors over at Pomona
4 Park wants to walk here. Is there any way to get to the front
5 door, which I assume is somewhere on the north east side of the
6 building. There's, well, first of all, there's no sidewalk
7 along Naylor's Lane, correct?

8 MR. JAKUBIAK: Yes, there is a sidewalk.

9 MR. MCCANN: There is a sidewalk? Okay. Where is
10 that located?

11 MR. JAKUBIAK: The sidewalk runs parallel to the
12 travel lane.

13 MR. MCCANN: Okay.

14 MR. JAKUBIAK: Adjacent to the site.

15 MR. MCCANN: Okay. So, they would have to cross this
16 entrance here and then walk around?

17 MR. JAKUBIAK: Yes.

18 MR. MCCANN: Okay. To avoid, well, you mentioned the
19 width here. This is, this is the exterior of the building
20 right here? So, there's no, there's no walking aisle along,
21 along this, along this driveway aisle, I take it?

22 MR. JAKUBIAK: There's no designated walking aisle.

23 MR. MCCANN: All right.

24 MR. JAKUBIAK: The, but that, you know, raised
25 another question about site impacts and crossing that I had

1 forgot to mention. This is the, the entrance into the grocery
2 store.

3 BOARD: When you say this is the entrance?

4 MR. JAKUBIAK: This space, which is about fifty-three
5 feet wide on the south side of the site is the entrance into
6 the grocery store. That's a long distance to travel as
7 pedestrians. There's no cross walk in that area. So, for a
8 pedestrian traveling along Reisterstown Road headed to the
9 site, you have to, you, a pedestrian would have to cross that
10 long expanse and it's big like that to allow truck traffic to
11 serve the grocery store. That's a major concern about the
12 site. It's, it's not easy to get to as a pedestrian and, and
13 we know in the field, even the Federal Highway Administration
14 has standards for older drivers. We know that older drivers,
15 apt to respond slower, slower to pedestrians in cross walks or
16 to any type of changes in the driving environment. We also
17 know that seniors walk slower, and this is a long distance,
18 fifty-three feet to cross before you even get to the site's
19 driveway.

20 CHAIR: What, what control would this site's owner or
21 operator have over the neighbor's walk-through entrance to the
22 grocery store? What are you going to do there? I mean,
23 whatever you put there, that's going to be the same, right?

24 MR. JAKUBIAK: Respectfully, I don't know that that's
25 the standard. It may, in fact, be true that the, these

1 applicants can't fix an adjoining problem in the neighborhood
2 but that problem in the neighborhood raises questions about
3 whether this is a suitable site and whether the impacts
4 associated with this site are above and beyond what they'd be
5 somewhere else on another site. So, that's the issue that --

6 BOARD: But, are you, if I could jump in there?

7 MR. JAKUBIAK: Yes.

8 BOARD: Are you thinking that there's going to be
9 more pedestrian traffic caused by the dispensary versus 7-11
10 that was there previously?

11 MR. JAKUBIAK: I don't know.

12 BOARD: Does that assume that the fact, for, you'd
13 have that opinion that it would be a larger concern because of
14 the fifty-three, what did you say it was, fifty-three --

15 MR. JAKUBIAK: Feet.

16 BOARD: -- feet entry way for Season's.

17 MR. JAKUBIAK: Yes. I don't know if there would be
18 more or less pedestrians. I think it's safe to say that the
19 make-up of the pedestrians and the customers and patients here
20 will be different than the typical person that like run into 7-
21 11 to grab coffee and, and so that's (inaudible).

22 MR. MCCANN: And the 7-11 is not there now, is it, as
23 far as you know?

24 MR. JAKUBIAK: No, it's not.

25 MR. MCCANN: What's the distance, distance between

1 the ingress and egress on Reisterstown Road into the subject
2 site and the entrance to the Season's parking lot? Just, what
3 is that distance right in there?

4 MR. JAKUBIAK: I think it's about ten feet, maybe
5 twelve feet and that is, that's based on, I didn't measure that
6 dimension but, when I was there.

7 BOARD: Well, we know there's a parking space, right,
8 in between the two (inaudible)?

9 MR. JAKUBIAK: Well, there you go, eighteen feet
10 then.

11 MR. MCCANN: Okay. So, these folks are going to be
12 competing with folks coming in and out of Season's?

13 MR. ROSENBLATT: Objection. Leading.

14 MR. MCCANN: I'll move on. I want to go ahead and
15 mark this as the next exhibit.

16 BOARD: Actually, I have a question too. You were
17 here when we had the discussion with Mr. Doak about the change
18 of use. And I know you kind of referred to it a little bit
19 today. But if the Petitioner is proposing to use the property
20 as a hybrid, I guess, of office space and retail use, when the
21 prior use was strictly retail, is that, does that factor into
22 an opinion with regard to change of use at all?

23 MR. JAKUBIAK: I would only say that I would evaluate
24 this as a retail use. That, if it's retail, it's retail
25 throughout. Many retail uses have non-sales aspects to them.

1 The sewing machine manufacturer or a salesperson that's working
2 on the machine in the back, the whole thing is considered a, a
3 retail use.

4 BOARD: So, that's what you would consider this, you
5 wouldn't consider the hybrid office and retail?

6 MR. JAKUBIAK: No. Apple, (inaudible) Mall, it's a
7 retail use but clearly, they have a lot of the service and
8 consultation at the front desk and a big storage area in the
9 back but it's a, it's a retail use.

10 BOARD: Okay.

11 BOARD: Do you have another copy?

12 MR. MCCANN: I do.

13 BOARD: Thank you.

14 MR. MCCANN: And I think you've already been through
15 this exhibit, Mr. Jakubiak, so I just want to have you identify
16 and tell us what it is.

17 BOARD: This is Exhibit 27.

18 MR. MCCANN: Twenty-seven and I think a lot of these
19 things we've already said, so I'd ask you not to repeat
20 anything, but if there's anything that you didn't say that
21 you'd like to highlight, just let us know. Otherwise, just
22 identify what it is and.

23 MR. JAKUBIAK: Well, I'll just say that the title is
24 characteristics of the site that force impacts of the proposed
25 use to be uniquely adverse at 1636 Reisterstown Road. And I

1 prepared this as a way of summarizing the site and its impacts.

2 MR. MCCANN: Okay and then real quick, the 502.1
3 factors. You're familiar with those, Mr. Jakubiak?

4 MR. JAKUBIAK: Yes.

5 MR. MCCANN: And I'm just going to ask you about a
6 couple of them and, and rather than have you, if you've already
7 addressed in your testimony, if you've already addressed your
8 response just say so, would ask you not to repeat just to save
9 time. 502.1(A), in your opinion, Mr. Jakubiak, is the proposal
10 detrimental to the health, safety or general welfare at the
11 locality involved?

12 MR. JAKUBIAK: Yes, it is, for the reasons I outlined
13 this afternoon.

14 MR. MCCANN: Okay. In your opinion, under 502.1(B),
15 will the proposal tend to create congestion in roads, streets
16 or alleyways, alleys therein?

17 MR. JAKUBIAK: Yes, it will, at both the
18 intersections onto the public streets.

19 MR. MCCANN: Okay. Under 502.1(C), in your opinion,
20 will the proposal create a potential hazard from fire, panic or
21 other danger?

22 MR. JAKUBIAK: The danger in this case would be
23 pedestrian conflicts and, and, and traffic conflicts at the
24 entrances. I didn't mention but I was on the track to mention
25 the experience of transit users. If you take the bus to this

1 location, you will have to cross this busy street to get there.
2 It's a particularly long distance to walk. The cross walk is
3 not on the, the proposed uses side of Reisterstown Road, even
4 though the bus stop is.

5 MR. MCCANN: Okay. In your opinion, under 502.1(E),
6 will the proposal interfere with the adequate provision of
7 schools, parks, water, sewage, transportation or other public
8 requirements conveniences or improvements?

9 MR. JAKUBIAK: I don't have an opinion about that.

10 MR. MCCANN: Okay. 502.1(G), in your opinion, would
11 the proposal be inconsistent with the purposes of the
12 property's zoning classification or in any way inconsistent
13 with the spirit and intent of these zoning regulations?

14 MR. JAKUBIAK: Well, I think if you accept the
15 testimony of Mr. Doak and his reference to the, the zoning site
16 shortcomings, I think you have to agree that it doesn't match
17 up with the zoning standards and the parking requirements
18 particularly.

19 MR. MCCANN: And one more question. Let's assume,
20 hypothetically, that no, none of these issues generate the
21 requirement of a variance, just assume that if you would. Are
22 these still impacts, nevertheless, that you believe should be
23 considered in the special exception analysis?

24 MR. JAKUBIAK: Oh, of course. The need for a
25 variance is immaterial, I think, to the special exception

1 evaluation being presented here.

2 MR. MCCANN: Okay. Thank you. No other questions.

3 I would move, I'm sorry, move twenty-seven into evidence as a--

4 BOARD: And just to cover it, twenty-five, twenty-six
5 and twenty-seven?

6 MR. MCCANN: Those too. Thank you, Mr. Garber.

7 CHAIR: Mr. Needle, do you have any questions, sir?

8 MR. NEEDLE: No questions.

9 CHAIR: Mr. Rosenblatt, sir?

10 MR. ROSENBLATT: Thank you, Mr. Belt. Mr. Jakubiak,
11 did you review the basic services maps for this property and
12 the surrounding area?

13 MR. JAKUBIAK: No, I didn't.

14 MR. ROSENBLATT: Is this property in a failing
15 traffic shed?

16 MR. JAKUBIAK: I don't know.

17 MR. ROSENBLATT: Okay. Have you reviewed the history
18 of this property and have you, have you found any history of
19 traffic accidents specifically related to this property?

20 MR. JAKUBIAK: I have not.

21 MR. ROSENBLATT: Okay.

22 MR. JAKUBIAK: I have not reviewed the statistics.

23 MR. ROSENBLATT: Okay. Do you know what agency
24 within Baltimore County reviews site plans for public works
25 issues such as drive aisle widths, parking spaces, setbacks,

1 that sort of thing?

2 MR. JAKUBIAK: No.

3 MR. ROSENBLATT: I'll proffer to you it's the
4 Development Plans Review Bureau of the Department of Permits,
5 Approvals and Inspections. Do you know what that agency's
6 comment was in this case?

7 MR. JAKUBIAK: No.

8 MR. ROSENBLATT: Were you presented with any comment
9 where that agency requested that changes to the traffic pattern
10 with respect to the cut through or the drive aisle width or any
11 or any of the deficiencies you've come up with?

12 MR. JAKUBIAK: I'm sorry?

13 MR. ROSENBLATT: I'll re, I'll rephrase the question,
14 I'm sorry.

15 MR. JAKUBIAK: Yes, please.

16 MR. ROSENBLATT: Have you presented, been presented
17 with any County comment requesting the type of changes you've
18 suggested here, such as changing the traffic pattern for cut
19 throughs?

20 MR. JAKUBIAK: No, I haven't.

21 MR. ROSENBLATT: Okay. The bus stop across the
22 street, that's going to be the same regardless of what use goes
23 in this building, is it not?

24 MR. JAKUBIAK: Yes.

25 MR. ROSENBLATT: Okay. The, is it your opinion, you

1 keep talking about pedestrian traffic to this site. Is it your
2 opinion that the, the older customers that you, that frequent
3 this particular use are going to be more likely to walk to this
4 use than other people?

5 MR. JAKUBIAK: It's my opinion and largely formed on
6 basis of the, the applicant's testimony that a predominant
7 number of, the predominant customers, or most customers, will
8 be seniors.

9 MR. ROSENBLATT: And you think that means that more
10 people will walk to this site than if there was some other use?

11 MR. JAKUBIAK: I think more elderly people will walk
12 to this site than elsewhere and I think that the population
13 around the area has an elderly, is elderly by nature and, and
14 it may be more convenient for them to try to walk than to
15 drive.

16 CHAIR: What about this site makes you think they're
17 going to walk there (inaudible)?

18 MR. JAKUBIAK: There is not enough parking on the
19 site, first of all.

20 CHAIR: Okay. That's a good answer.

21 MR. JAKUBIAK: And if you resolve this, the site
22 deficiencies, there'd be a lot less more on the site.

23 CHAIR: Okay.

24 BOARD: When you say resolve this site deficiencies,
25 how would, how can the site deficiencies be resolved in the

1 absence of a variance?

2 MR. JAKUBIAK: The Board of Appeals could deny this
3 special exception application. The applicant could --

4 BOARD: But I want to resolve the issue because we're
5 assuming that if the use, if it's to be used in that way, how
6 else could that be, these issues that you raised, be resolved?

7 MR. JAKUBIAK: Oh, the perpendicular parking on
8 Naylor, several of them can be converted to parallel and still
9 allow the adequate --

10 BOARD: You're referring to parallel (inaudible).

11 MR. JAKUBIAK: Right. And if you needed more space,
12 you could convey traffic through it in a one-way movement. You
13 could eliminate the three parking spaces that border Season's
14 property and, and help the traffic obstruction that's being
15 crossed there. You could provide sidewalk or lead walk, we
16 call it. A walkway from the sidewalk directly to the front
17 entrance on both public streets. And, of course, the nature of
18 all those changes would be to reduce the number of parking
19 spaces on the site --

20 MR. ROSENBLATT: And, and that, I'm sorry, --

21 MR. JAKUBIAK: -- and those changes happen and, and
22 in practice, when projects are being reviewed like this, all of
23 a sudden, the, the applicant is, realizes that maybe this
24 wasn't the right site for the amount of space I want to propose
25 on the site. So, the choice is to resize the development,

1 rather than three thousand seven hundred square feet, they go
2 down to fifteen hundred square feet. And they meet the
3 standards that way because then the site has been repaired and
4 it can move forward and meet basic health and safety issues.

5 BOARD: But wouldn't that be applicable to any retail
6 that would go in there?

7 MR. JAKUBIAK: Yes. But we're, we're here with a
8 special exception and that's the standard we're facing.

9 BOARD: Sorry.

10 MR. ROSENBLATT: So, your solution for resolving the
11 issues with this site is to eliminate more parking spaces?

12 MR. JAKUBIAK: That's the, the impact of resolving
13 the, the solution, not simply that I would like to see, but --

14 MR. ROSENBLATT: You would, you, you would or would
15 not like to see less, fewer parking spaces on this site?

16 MR. JAKUBIAK: Fewer parking spaces on the site would
17 be necessary to resolve the problems with it.

18 MR. ROSENBLATT: Wouldn't that create just another
19 problem, you're swapping one problem out for another problem?

20 MR. JAKUBIAK: No, because the response then is to
21 resize the proposed use, so it fits appropriately to the site.

22 MR. ROSENBLATT: So, you can't use your, your
23 building that's been there since 1960, is that what you're
24 saying? You should reduce the size of the building?

25 MR. MCCANN: Objection. (inaudible) objection, move

1 to strike. There's no testimony about how long the building
2 has been there.

3 CHAIR: Well, that's his question. Are you saying
4 that?

5 MR. JAKUBIAK: No, I'm not saying that but --

6 CHAIR: How about not that you said it, are you
7 saying it now?

8 MR. JAKUBIAK: Excuse me (inaudible). There, there
9 are, there are opportunities, there are other options. I'm not
10 saying that. We're looking at an empty building. Why does a,
11 the most parking intensive use have to be suitable for this
12 site when it's so limited with respect to parking? Office and
13 other uses have lower parking demand and they may be a better
14 fit for this particular site until parking issues could be
15 resolved.

16 BOARD: But, if I may, just on that point. So, those
17 three spaces would still be at issue, whether it was office or
18 not, correct? Three spaces further south of the property?

19 MR. JAKUBIAK: I think they would be, yes.

20 BOARD: And the issue on the spots for Naylor would
21 still be the same, whether it's office or retail, correct?

22 MR. JAKUBIAK: Yeah, I think so, except that you
23 wouldn't need as many parking spaces and if you opted for a
24 different circulation movement, maybe you could, you know, live
25 with something somewhat deficient there or put spaces on an

1 angle and, you know, you could make probably some site con,
2 changes to allow a use that fits on that site. And still
3 comply with the standards which, you know, the standards are
4 there to be complied with and that's the first pass of things.

5 MR. ROSENBLATT: I'm looking at your chart or exhibit
6 that you prepared, which was marked as Protestant's twenty-
7 seven. You state in here the Baltimore County zoning
8 regulations requires nineteen spaces for the proposed use.
9 That's in your number one description, right?

10 MR. JAKUBIAK: Yes, okay.

11 MR. ROSENBLATT: Do the Baltimore County zoning
12 regulations provide any calculation for medical cannabis
13 dispensaries for parking?

14 MR. JAKUBIAK: No.

15 MR. ROSENBLATT: Okay. What, are you taking this
16 from Mr. Doak, is that where this number comes from?

17 MR. JAKUBIAK: He did the similar calculation that I
18 did. If you treat it as retail, you, the computation of
19 parking at five per one thousand, results in 18.5 or nineteen
20 spaces.

21 MR. ROSENBLATT: Okay and you talked about the need
22 to look at a use practically, not in the abstract, right? That
23 was part of your testimony.

24 MR. JAKUBIAK: Okay.

25 MR. ROSENBLATT: I, I wrote it down. Don't look in

1 the abstract, you look at the actual use.

2 MR. JAKUBIAK: Okay, go ahead.

3 MR. ROSENBLATT: Does it make sense to you to call
4 office space where customers will not be allowed as retail
5 space?

6 MR. MCCANN: Objection. What is, what is, common
7 sense or what are we talking about?

8 MR. ROSENBLATT: He's supposedly the expert on these
9 issues.

10 CHAIR: How about we'll say professional sense. In
11 your opinion, as an expert, --

12 MR. MCCANN: Yeah, well, he's already asked and
13 answered that question, it's retail.

14 MR. JAKUBIAK: Yeah, I, my professional opinion that
15 we would treat that, makes sense --

16 CHAIR: It makes sense.

17 MR. JAKUBIAK: -- and we would treat that as retail,
18 treat it as retail.

19 MR. ROSENBLATT: Even if, even if customers are not
20 allowed ever to go in that location, you would say it makes
21 professional sense to call that space retail?

22 MR. JAKUBIAK: Absolutely.

23 MR. ROSENBLATT: Okay. I may be done. Board's
24 indulgence. Every, every one of these, Mr. Garber has asked
25 you this question, these six items you've identified, they're

1 all site deficiencies that exist regardless of the use
2 proposed, right?

3 MR. JAKUBIAK: Only in, in part. I mentioned that
4 the use proposed is not just any use, it's a use that's
5 attracting to its site the elderly and handicapped and the
6 infirmed and yes, there are impacts related to the site but
7 those impacts or, I'm sorry, there are deficiencies related to
8 the site, but those deficiencies make the impacts here uniquely
9 adverse to the public welfare.

10 MR. ROSENBLATT: Do, do the zoning regulations
11 require any more strict site design or anything else if a
12 business is attracting an older population?

13 MR. JAKUBIAK: I'm not aware of any specific
14 standards except for the ADA compliance.

15 MR. ROSENBLATT: Is ADA compliance part of the zoning
16 regulations?

17 MR. JAKUBIAK: Yes.

18 MR. ROSENBLATT: How?

19 MR. JAKUBIAK: There's a standard in the Code and I,
20 and I can't recall where, but it references the need to comply
21 with the ADA standards.

22 MR. ROSENBLATT: And that has to do with sidewalks
23 into the site and ramps and, and stuff like that, right?

24 MR. JAKUBIAK: I believe so, yes.

25 MR. ROSENBLATT: Every property has to comply with

1 that, regardless of use, right?

2 MR. JAKUBIAK: Yes.

3 MR. ROSENBLATT: Okay. I have nothing further.

4 MR. MCCANN: Let me ask a perfect segway, because I
5 think we're getting away from the special exception standard.
6 So, let me ask you your understanding of the standard. Is it
7 A, whether or not, is it a comparison of this use versus
8 another permitted use and whether or not these problems would
9 still exist, as Mr. Garber was saying, and Mr. Rosenblatt was
10 saying? Or B, is it the impacts of this particular project on
11 this particular location? Irrespective of whether, what, what
12 is or cannot go there. Which is it, A or B?

13 MR. JAKUBIAK: It's B.

14 MR. MCCANN: So, it doesn't matter in the analysis
15 whether or not all these problems might exist if you had some
16 other use there?

17 MR. JAKUBIAK: No.

18 MR. MCCANN: Okay.

19 MR. JAKUBIAK: It does not matter.

20 BOARD: I'm sorry, your question was, does it matter
21 if --

22 MR. MCCANN: If all these problems might still exist
23 if you had another use there other than a dispensary. That's
24 irrelevant to the analysis, correct?

25 MR. JAKUBIAK: It's, yeah, yeah, and I know it's not

1 always very intuitive and why not? Another use could go there
2 and it's going to have the same problems. But this use has
3 been called out as a special exception by the Board or, by the
4 County Council, excuse me.

5 BOARD: And I just wanted to make sure I understood
6 because I was understanding from his testimony to be what makes
7 this a particular issue was the fact that it's going to attract
8 elderly, handicapped and infirmed.

9 MR. MCCANN: Yes.

10 BOARD: These problems then, I guess, to the extent
11 that they exist, would be exacerbated, should they attract the,
12 those that may have some issues in terms of ambulating around
13 the site --

14 MR. MCCANN: I was just, I was just getting to the
15 special exception --

16 BOARD: I mean, did I, I just want to make sure I
17 understood the testimony correctly.

18 MR. MCCANN: I understood that as well.

19 MR. JAKUBIAK: Yes, thank you.

20 BOARD: Okay.

21 MR. MCCANN: I'm just trying to, what we're comparing
22 is what I was getting to when we're looking at special
23 exceptions. Now, along those lines, when you said a lot more
24 people, elderly people, will come here, will you, were you
25 saying A, that there will be more people walking, elderly

1 people than elderly people driving or were you saying because
2 of this new use, there will be more elderly people than there
3 is presently? Do you follow my, my question?

4 MR. JAKUBIAK: I'm sorry, I don't follow your
5 question.

6 MR. MCCANN: When you, you said, and I think it was,
7 I believe it was misread, when you said there will be more
8 elderly people walking to this site, you recall that testimony?

9 MR. JAKUBIAK: Yes.

10 MR. MCCANN: Did you mean in comparison to elderly
11 people driving or did you mean in comparison to the, the type
12 of people that walk there now, there will be, more of those
13 people will be elderly than exist now?

14 MR. ROSENBLATT: I'm object. This is creative
15 leading but it's still leading. You can ask him what his
16 opinion is, but to feed it to him as either one that doesn't
17 apply at all or the right answer, is leading.

18 MR. MCCANN: He can, he can answer, after each, ask
19 each, each one of those separately. I'm just asking him which
20 one is it, in a single question.

21 CHAIR: I think he's (inaudible) clarification
22 because I'm, I'm, I'm terribly confused. Do you understand the
23 question, sir?

24 MR. JAKUBIAK: I, in part, but I, I, I do, would
25 appreciate a more direct, two questions there.

1 MR. MCCANN: You testified, I believe, that more
2 elderly people will be walking, and I think that, in
3 everybody's mind is like an image of all these elderly people
4 walking all of a sudden to this facility. And I wanted to make
5 sure when you said that, when you say more, were you comparing
6 it to A, what exists now, that there will be more elderly
7 people, of the people that are walking, there will be more
8 elderly than there is now or were you, were you saying that of
9 all the people that will go to this place, there will be more
10 people walking then driving, elderly people?

11 MR. JAKUBIAK: I was not saying that there would be
12 more elderly people walking than driving. I was saying that
13 this use, this proposed use is more likely to attract a greater
14 amount of elderly people than have been coming to this site
15 previously.

16 MR. MCCANN: Thank you.

17 CHAIR: I believe in, in answering my question on
18 that, you then stated that you believe the second part of Mr.
19 McCann's question, that a lot more elderly people are going to
20 walk there because the parking is bad.

21 MR. JAKUBIAK: Well, I think --

22 CHAIR: Didn't you say that?

23 MR. JAKUBIAK: The parking is, is bad. I did, I did
24 say that, that's one reason why, one reason why there would be
25 pedestrians entering, ped, more pedestrians because the parking

1 is limited. What happens is when there's overflow of parking,
2 you can park on the adjoining properties and walk to the site
3 and I would imagine that would happen at some point till the
4 adjoining property was able to control that type of activity.

5 MR. MCCANN: Okay. And then finally, your opinion
6 that this use should be characterized as retail for purposes of
7 parking spaces. Do you recall that testimony?

8 MR. JAKUBIAK: Yes.

9 MR. MCCANN: Do, you, you base that also on the
10 testimony of Mr. Doak, who --

11 MR. JAKUBIAK: Yes.

12 MR. MCCANN: Do you also base it on your personal
13 experience?

14 MR. JAKUBIAK: Yes.

15 MR. MCCANN: In these type of uses? And I think you
16 also mentioned you base it on professional common sense?

17 MR. JAKUBIAK: Yes.

18 MR. MCCANN: This, when Mr. Rosenblatt asked you
19 about whether or not medical cannabis dispensary is identified
20 amount the uses in 409.6, do you recall that testimony?

21 MR. JAKUBIAK: Yes, I do.

22 MR. MCCANN: And you conceded it is not identified,
23 right?

24 MR. JAKUBIAK: Right.

25 MR. MCCANN: Is, is it anywhere identified or

1 mentioned anywhere in that section that you make some
2 distinction between where people may go and where they may not
3 go, is there anything in that section, you can look at it if
4 you want, but that makes that distinction?

5 MR. JAKUBIAK: (inaudible).

6 MR. MCCANN: Mr., Mr. Rosenblatt was asking you about
7 would it make sense to characterize these as different uses
8 because the building can be broken down --

9 MR. JAKUBIAK: Oh, internal to the, I'm sorry, yeah.

10 MR. MCCANN: Public places versus non-public within
11 (inaudible), is there any mention of that analysis in 409.6?

12 MR. JAKUBIAK: No, there's no mention of that. In
13 fact, I would, I would, I'd say that in most retail uses I'm
14 familiar with, there is parts, there are parts of the, the
15 building where customers aren't allowed, allowed to go. It
16 might be storage areas, it might be secure areas, it may be
17 areas where you never go behind the counter, you know, and so
18 no one counts, takes those spaces out to result in a lower
19 parking (inaudible).

20 MR. MCCANN: Okay, thank you. No, no other
21 questions.

22 MR. ROSENBLATT: You say you base your opinion on
23 personal experience. Have you ever had any personal experience
24 with a medical cannabis dispensary before?

25 MR. JAKUBIAK: No.

1 MR. ROSENBLATT: Okay, thank you.

2 CHAIR: You can step down. Thank you, sir.

3 MR. JAKUBIAK: Okay.

4 CHAIR: Mr. McCann, coming attractions? What's going
5 on?

6 MR. MCCANN: That's it, though I think Mr. Needle
7 wants to testify but we're done.

8 CHAIR: Mr. Needle, we're going to take a five-minute
9 recess so we're fresh and you get our full attention, sir.

10 (RECORDING PAUSED - 03:18:57 PM)

11 (ON RECORD - 03:30:18 PM)

12 CHAIR: Hello, everybody can have a seat.

13 BOARD: We're on the record.

14 CHAIR: We're on the record.

15 BOARD: Do you swear and affirm under the penalties
16 of perjury, that the testimony you are about to give is true
17 and correct to the best of your knowledge, information and
18 belief?

19 MR. NEEDLE: I do.

20 BOARD: All right and would you state your name and
21 your business address for the record, please? Or actually your
22 home address that, your home address for the record, please?

23 MR. NEEDLE: They're the same. My name is Howard J.
24 Needle. I live and work at 1321 Harden Lane, Pikesville 21208.
25 If I may, I'd like to establish my own credentials a little

1 bit, just quickly. I have represented this area for many years
2 in different capacities, starting back in 1968 when I was
3 elected to the Constitutional Convention, in 1970 to the House
4 of Delegates, in '74 re-election again and in 1978, I ran for
5 County Executive and the voters decided I should practice law.
6 Since then, I've been involved on behalf of the community in a
7 number of different ways. Most recently, as the President of A
8 Thousand Friends of Pikesville. That was formed about three
9 years ago when Mel Mintz (phonetic), who is a former County
10 councilman from that district and, and I and one other person
11 who is now deceased, had lunch and lamented the decay of
12 Pikesville and that nothing seemed to be done about it and that
13 we weren't getting our proportionate share of assistance from
14 Towson in terms of capital dollars in that that money had gone
15 to Owings Mills, to the Quarry and to Towson and had created
16 for Pikesville a, a very difficult, competitive situation for
17 the merchants and the restaurants in Pikesville, which had
18 resulted in unquestionable decay of Pikesville and we said
19 somebody has got to do something about it and nobody really is
20 and so we took it upon ourselves. We now have, aspirationally,
21 we, we said a thousand friends and we said how are we ever
22 going to get that number? We, we're now over twelve hundred
23 and growing. In addition to which, you may know the real
24 center piece of the growth of, the future growth of Pikesville
25 is the National Guard Armory property, which is down

1 Reisterstown Road above Slade Avenue and the Governor has
2 recognized the importance of that project and has appointed a
3 commission on which I will serve. Bobby Zirkan (phonetic) is
4 the chairman, Mel Mintz will serve as well, as well as Vicki
5 Almond and fif, a total of fifteen people. I think it's
6 actually going to become more. What we've tried to do, working
7 with the County planners, in that we convinced Vicki Almond to
8 call for the preparation of a new revitalization plan for
9 Pikesville, which is now underway. There are three phases to
10 it. The first phase has been completed and that was the fact
11 gathering stage by the planners. They're now in the phase of
12 receiving comments from community associations and leaders in
13 the community and then the third phase will be the preparation
14 of their report and its issuance about six months or so from
15 now, if everything stays on track. We have met with the two
16 County planners who are charged with the responsibility of
17 preparing the plan for Pikesville and I'm really pleased to
18 report that I think they're doing a good job, a really good
19 job. We were very concerned about whether it would be an
20 aggressive plan or whether something really simply like we need
21 new street scaping. New street scaping is not going to do it
22 for Pikesville. We need something bold, creative and that's
23 why we've recommended any number of things. We prepared a
24 report, which is dated November 7th, 2016, when it was presented
25 to the County Executive and the County Council. It's about a

1 hundred pages long, has a lot of appendices supporting the
2 things that we're recommending for Pikesville. Just very
3 quickly, some of those are parking number one, without a
4 question, is what's needed more than anything else and we hope
5 that we're going to be able to get at least one structured
6 parking facility and depending upon what development takes
7 place, more than one, one big development project that we hope
8 will happen is that the senior center and the library will move
9 out of their current building. They're both busting at the
10 seams, very, very popular. The library gets more than a
11 thousand people a day. It's the busiest in Baltimore County.
12 It speaks well for Pikesville. We hope to move them to certain
13 buildings at the armory site, which I'll tell you about a
14 little bit more just quickly and then develop not only that
15 site but, sell it to a developer for several million dollars
16 and develop that site and from that point down to where the
17 Giant is now, is actually owned by only two property owners,
18 one is the Revenue Authority, the parking authority for, for
19 Baltimore County and the other is Kimco (phonetic), a New York
20 developer and if we can get them both to agree, we will have
21 what's known as, I like to call it Pike's Peak or New
22 Pikesville Commons, a pedestrian only mall with shops on both
23 sides, fountains, benches, really nice. A real attraction for
24 people to come to Pikesville. We need that. But what would
25 accomplish that more than anything else is the development of

1 the armory, which has been vacant how for a couple years. And
2 it has gone through the clearing house process at the State,
3 which allows any State agency to put in a bid for that and
4 they've all passed on that. And the only two entities that
5 expressed an interest in acquiring it is the County, although
6 it conditioned it on two things, one was the environmental
7 concerns with the land and the historic nature of the property.
8 And just with those restrictions, I'll represent it is all
9 historic. There's virtually nothing that you can do with a big
10 wall around it or the buildings that are on it or the land,
11 which creates tremendous difficulties for any developer who
12 might want to create a housing development or, or a little
13 Cross Keys, or whatever else they might have in mind. So, it,
14 it limits what we can do with it and we have come up with a use
15 where it would be an arts and culture campus. In the back, are
16 a hundred of the original stables of the cavalry in a U shaped,
17 encompassed within a huge wall. So, the forces couldn't get
18 through the wall. And we had an arts expert come out and take
19 a look at it and he pointed to the first one, he said, artist
20 gallery, the second is artist residents, the third is artist
21 studio and kept going. He said, book store, deli. What a
22 fabulous community of artists we could create back there. The
23 armory building is thirty-five thousand square feet. It can be
24 a multi-use facility for the community, including ballfields,
25 basketball and soccer. It can have performance and, and

1 musical, and theater performance venue. We'd like to open it
2 with the Baltimore Symphony Orchestra. And there's a partial
3 second and third floor that can be used for classrooms and
4 workshops and dance studios and a number of things that would
5 be attractive. In the front, fronting on Reisterstown Road and
6 consider depth is is an open area. We want to create a
7 sculpture garden there, with a playground and benches and what
8 have you. And we've got any number of sculptors who are really
9 interested in that.

10 BOARD: Where is the armory in relation to the
11 subject property?

12 MR. NEEDLE: Probably a little less than a mile down
13 Reisterstown Road, just above Slade Avenue. You've heard a
14 number of people testify from Slade Avenue. Needless to say,
15 all those people are really anxious to see this develop into an
16 arts and culture campus. And that would be the gem of
17 Pikesville, the magnet that draw the right people into Reis,
18 Pikesville, who have the money to spend on arts and, and we
19 asked one of the, one of the art's experts, is this a go? We
20 don't want a failure. And he said, you got a gold mine because
21 the people who support the arts are those who live in
22 Pikesville and Reisterstown and Owings Mills and Lutherville
23 and Timonium and I hate to say it, but many of them don't want
24 to go into the City. He said, as a reality, you've got a gold
25 mine. We hope that's true and the Governor's commission is

1 going to explore that much more fully. But the point is, we
2 are working hard to upgrade Pikesville. This does not enhance
3 Pikesville, this use at this particular location. It is not
4 consistent with what the planners are trying to do to upgrade
5 the commercial revitalization district or the citizens who are
6 very involved in it. I am Vice President of the Pikesville, of
7 the Pine Ridge Community Association. I have been for
8 something like forty years, I think. Nancy Page is the
9 President. You may know Nancy, she's an ALJ and had a full
10 docket and so she couldn't be here to testify. I'm a poor
11 substitute for Nancy. She's just outstanding. So, I, I speak
12 on behalf of Pine Ridge. I'll, just for the record, to, to
13 make that possible, I'll verify that there are seventy-seven
14 homes, they are considered the members of the association and
15 the streets that are involved are those that have already been
16 named, Peachtree Court, Woodland Way, Harden Lane, Church,
17 Churchill Drive, Pine Ridge Lane and St. Alban's. I think
18 that's it. There was a meeting held at my home, our home, my
19 wife, Sue, is in the audience, on October 5th when the group
20 almost unanimously, not totally unanimously, almost unanimous,
21 with one exception, voted to oppose this use at this particular
22 location and to support the request for conditions if, in fact,
23 you do grant the special exception for this use. Those
24 conditions being that it not be permitted to be used for
25 recreational marijuana, as a recreational facility. It's one

1 of the two conditions that was adopted by the Administrative
2 Law Judge, Mr. Beverungen. I asked, when he was on the witness
3 stand, Mr. Reb, I'm sorry if I've mispronounced your name, if
4 they would accept that condition and the answer was no. So,
5 it's obvious that their intention is to benefit greatly by any
6 change in the law that might permit a recreational marijuana
7 facility in the future. Without a doubt, that's, that's a gold
8 mine, as, as I suppose this, this use is for medical purposes
9 which, incidentally, we support without a doubt. I may be one
10 of the users of this at some point in the future, as may all of
11 us if we need pain relief, we can't get any other way. This is
12 legitimate.

13 BOARD: Well, you identified, you mentioned
14 conditions as a plural.

15 MR. NEEDLE: Yes.

16 BOARD: No recreation facility being one.

17 MR. NEEDLE: Yes.

18 BOARD: What were the other ones?

19 MR. NEEDLE: Yes, the other was signage. I asked
20 some questions on cross examination. Any person coming with a
21 prescription, I think it's called a recommendation, is only
22 interested in looking for this 1636 Reisterstown Road.
23 Temescal on a sign probably won't mean anything to them, it
24 doesn't say medical marijuana.

25 BOARD: And so I'm clear, you don't want it to say

1 medical marijuana?

2 MR. NEEDLE: I don't, I hope not. I, I think, this
3 is not a use that attracts people off the street. You must go
4 to a doctor and get a prescription and then you go specifically
5 to a location where it can be filled. And those people are,
6 therefore, looking for 1636 Reisterstown Road. I hope their
7 number is going to be bold because that's all the driver is
8 really looking for. And that's all a sign needs to do. It
9 really doesn't even need to say Temescal but I'm, we're not
10 here to say what you should put on your sign. It, but the size
11 of it should certainly be limited. It's not necessary to have
12 a big gaudy neon sign or anything of the kind to attract
13 drivers who are driving by because they can't use this
14 facility. A third condition is one that was recommended by the
15 planning department and that is that there be a greater
16 landscaping of the area directly on Reisterstown Road of about
17 ten feet. They, they approved this use because they felt
18 there, there wasn't a reason not to, but they were very
19 concerned about the aesthetics and how it fit into the
20 community and that the fact that this is the front door to the
21 residential communities around it that you've already heard
22 from.

23 BOARD: Well, with that in mind, how does that tie in
24 with your plan for the Pikesville area as you previously
25 testified to? The landscaping and the aesthetics?

1 MR. NEEDLE: Exactly. Thank you for asking the
2 question. It, it is to continue the, the beautiful landscaping
3 of Pomona. I hope you have had an opportunity to look at that.
4 And that was their specific comment, as a matter of fact, to
5 continue that, and past Season's and to the church, which also
6 is a beautiful church and beautiful landscaping, and we'd like
7 to continue that and make that usable for the pedestrians.
8 You've had, heard a lot of testimony about people who live in
9 Pomona and elsewhere who would be walking to this facility,
10 whether it's because the parking would, would be poorer, for
11 whatever reasons, walkability is a, is a really important point
12 in revitalization, revitalization of, of a residential area. I
13 meant to say at the outset, all of us are familiar with the
14 flight from the City. The, the inner suburbs were developed as
15 a result of that. That's what Pikesville is, and then outer
16 suburbs have been developed, such as Owings Mills and
17 Reisterstown. And we are trying to stabilize so that there's
18 not further flight, so that there's not further decay from the
19 City and, and that's what's so important that you take into
20 consideration and that's why, I think, the County Council
21 required that this use receive a special exception because it's
22 in a revitalization commercial district. That makes this
23 different. That makes this so different from any other case
24 that you have before you. The requirements to satisfy the
25 special exception in this circumstance needs to be very

1 carefully considered. All the things you've heard in the
2 testimony from the witnesses, I think has been very impressive.
3 From all the witnesses, have been very impressive, on both
4 sides. And, and that it all has to be taken into
5 consideration. What is the impact of this on the entire
6 community, on the entire effort to try to revitalize Pikesville
7 so that it thrives in the future? And this use just doesn't
8 satisfy that purpose.

9 BOARD: Is anything of any way, this project could
10 help with the revitalization?

11 MR. NEEDLE: I can't think, this particular use at
12 this site can help with revitalization, (inaudible) I guess
13 it's in response to your question that I don't have an
14 objection to its relocation somewhere else in the
15 revitalization district. I think perhaps in the town center,
16 which if you're familiar with it, is where the Giant is and a
17 number of other stores around it.

18 BOARD: So, wouldn't that be closer to the armory
19 then?

20 MR. NEEDLE: A little bit closer to the armory. But
21 still quite distant from the armory, it's, it's at least, at
22 least a half mile from the armory. Maybe three-quarters, I'm
23 not sure about the distance exactly but, but it's not --

24 BOARD: You would, so just to be clear --

25 MR. NEEDLE: -- but it's not near residences, and

1 that's the important point.

2 BOARD: Well, wouldn't it put it closer to the
3 residences at Slade Avenue?

4 MR. NEEDLE: Still a good distance away. It's, the,
5 the residences don't immediately surround it like they do here.

6 BOARD: Well, the Pomona, you have Pine Ridge --

7 MR. NEEDLE: Pomona is, Pine Ridge --

8 BOARD: Right, so, --

9 MR. NEEDLE: -- and, and Sunrise, and the Estates are
10 all very closely surrounding this particular location. And,
11 and I've expressed the fears to you that I don't, I don't need
12 to repeat. It's been said that, that the patients who are
13 going to be going, the customers who are going to be going here
14 are elderly and frail. They're marked, these are marked people
15 by those who are interested in their cash as they go in and in
16 their pot as they come out and --

17 BOARD: Just, on that point, you identified other
18 conditions, have you thought that through, that aspect of this
19 through in terms of any condition?

20 MR. NEEDLE: Well, those are the three that I would
21 like to see the Board adopt if they, if you --

22 BOARD: Right, and I'm just asking because you
23 identified conditions and you obviously put a lot of time and
24 thought into this, when I say you I mean Pine Ridge Community
25 Association and those that participated in that meeting and

1 obviously you personally, so with that in mind, I've heard a
2 lot of people come here to talk about security and crime and
3 whatnot. Have you, and/or Pine Ridge Community Association,
4 engaged in any type of consideration as to how that may be
5 achieved at this site? That is, increase or better security to
6 allay some of these concerns.

7 MR. NEEDLE: You mean, if there's another use?

8 BOARD: Well, I'm saying, with this project.

9 MR. NEEDLE: Not with this use.

10 BOARD: Okay.

11 MR. NEEDLE: I, I don't know how you ameliorate the
12 problems that this use creates so that it, it, it assuages the
13 community with regard to their fear of, of crime. It's a real
14 fear. It's not imagined.

15 BOARD: Well, it's, they can't ameliorate the problem
16 with use at this particular site. I mean, you would think that
17 it would be less of a concern had it, if it's moved a little
18 bit south to, closer to where the Giant is.

19 MR. NEEDLE: And the point there --

20 BOARD: Is it because it's not as residential?

21 MR. NEEDLE: That's exactly right.

22 BOARD: Okay.

23 MR. NEEDLE: That's exactly right. Plus, there are
24 medical office buildings that are available, presumably, for,
25 for this use. There, there's one on Naylor's Lane, there's one

1 on Old Court Road near Sudbrook, there is one, I forget what
2 the name of it is called, but it's next to LifeBridge out, just
3 outside the beltway. And there's a huge complex at McDonough
4 Road of two huge medical office buildings, which somebody said
5 that's where all the, the Pikesville doctors are. It's not
6 quite true but there's a lot of them still in Pikesville at the
7 places that I mentioned. Those seem to us to be much more
8 appropriate locations for this use. And, and as of right.
9 They wouldn't have to go through this process. I understand
10 that a recent development is that Season's has created, on
11 Reisterstown Road, an entrance only curb cut and that it's exit
12 only from the side out to Naylor's Lane. That, obviously is in
13 recognition of the traffic problem at this location. A traffic
14 problem which this use will, you've already heard about the
15 deficiencies of, of the parking space and the traffic that's
16 going to be created but it's going to be exacerbated by this
17 use. So, there, there's, there's an effort by Season's to try
18 to solve the problem but it's a recognition of a problem that
19 you've heard a lot about. In short, we think that this
20 particular use is a real threat to the health, safety and
21 welfare of the residential communities around it and a setback
22 to the revitalization efforts that are underway and we all hope
23 will, will succeed and help Pikesville to thrive into the
24 future.

25 MR. ROSENBLATT: Just a couple questions. The

1 condition that was imposed by the Administrative Law Judge
2 after the first hearing was that this facility could not be
3 converted into a recreational cannabis facility, absent another
4 hearing, right?

5 MR. NEEDLE: That's right.

6 MR. ROSENBLATT: Okay and that would satisfy your
7 concerns if another hearing, obviously you want it to be just
8 prohibited, but another hearing was, I guess, what the
9 Administrative Law Judge determined should happen.

10 MR. NEEDLE: He determined that on his own. It's not
11 what we asked for. We would like for it to be prohibited into
12 the future for the reasons that the study indicated and has
13 been expressed.

14 MR. ROSENBLATT: All right. With respect to signage,
15 given your experience with Pikesville, are you aware that all
16 signage in the design review area of Pikesville has to be
17 reviewed and approved by the Department of Planning?

18 MR. NEEDLE: I am. But I also heard the testimony
19 that a fifty square foot sign is permissible for this
20 particular use at this location. And that's scary.

21 MR. ROSENBLATT: Okay, I understand. Would, you
22 understand there's no relief being requested to put more
23 signage than the regulations allow, anything like that?

24 MR. NEEDLE: I understand.

25 MR. ROSENBLATT: And you've heard testimony there's

1 not going to be any leaf, or any identifying, you know,
2 something identifying with cannabis on the sign, right?

3 MR. NEEDLE: I think that's what his testimony was.

4 MR. ROSENBLATT: Okay. Okay. I don't think I have
5 any further questions.

6 CHAIR: Anything further from you?

7 MR. MCCANN: No, thank you.

8 MR. NEEDLE: Thank you.

9 CHAIR: Thank you, sir.

10 MR. MCCANN: We have no other witnesses, Mr. Belt.

11 CHAIR: Thank you, Mr. McCann. Mr. Rosenblatt, sir?

12 MR. ROSENBLATT: I'm going to recall both of the
13 witnesses. I will be approximately five minutes with each of
14 them. Obviously, you can't predict examination time on cross
15 or anything else but I'm going to be short with both of them.
16 We're a hundred percent dedicated to finishing today.

17 CHAIR: Move it along.

18 MR. ROSENBLATT: Okay. Mr. Rebholz?

19 BOARD: You're still under oath from earlier, Mr.
20 Rebholz, thank you.

21 MR. ROSENBLATT: Okay. Mr. Rebholz, there's been
22 testimony about the history of this site. Are you aware of
23 when the building and parking area were originally constructed?

24 MR. REBHOLZ: I believe they were originally
25 constructed in the 1960's.

1 MR. ROSENBLATT: Okay. I'm going to show you a
2 letter from the owner of the property, I'm up to exhibit
3 number?

4 BOARD: Thirteen.

5 MR. ROSENBLATT: Thirteen. Have you seen this, can
6 you identify it for the Board what this is?

7 MR. REBHOLZ: Yes, this is a letter from the owner of
8 the property attesting to the fact that the existing building,
9 quote, the existing building and parking area were originally
10 constructed in the 1960's.

11 MR. ROSENBLATT: Okay. Let's talk about, I'm going
12 to try and jump through as fast as I can some of the issues.
13 Let's talk about the fact, it, it was raised that you have
14 already begun work in this site, construction work. Can you
15 explain why you are performing construction when we're at this
16 stage in a special exception proceeding?

17 MR. REBHOLZ: Well, we're doing this because we need
18 to start serving patients. We are operating under a law that
19 was first passed in the State of Maryland in 2013. As we all
20 know, this is four years later, and, in fact, we are subject to
21 a State mandated deadline to be open and operational by
22 December 8th. If we don't meet that deadline, we're at risk of
23 losing our license. That is our motivation.

24 MR. ROSENBLATT: And when, when is that deadline?

25 MR. REBHOLZ: December 8th.

1 MR. ROSENBLATT: Okay.

2 MR. REBHOLZ: Twenty seventeen.

3 MR. ROSENBLATT: Okay. Let's talk about the
4 breakdown that we've put on this site plan of this use between
5 office and retail. Now, I'm going to ask you, and we went
6 through the proposed use, how certain areas were classified,
7 okay? How was the sales floor area classified as?

8 MR. MCCANN: Objection. For what purpose, for
9 parking?

10 MR. REBHOLZ: Retail.

11 MR. ROSENBLATT: For purposes of our site plan, the
12 square footage as we put on our site plan, I'm explaining what,
13 what went into each of those areas. Why, why would that not be
14 allowed?

15 BOARD: So, in other words, what consists of the
16 office space designated on Petitioner's Exhibit 1 and what is
17 consistent with the retail space designated on Petitioner's
18 Exhibit 1.

19 MR. MCCANN: He's not arguing about what it should or
20 should not be designated on the parking regulations.

21 MR. ROSENBLATT: I'm not, he's not giving an opinion
22 as to what it should be.

23 MR. MCCANN: Using those terms, he's using those
24 terms as if he's --

25 MR. ROSENBLATT: I'm asking him when we went through

1 the totals, how each of these --

2 BOARD: How it was calculated?

3 MR. ROSENBLATT: Right.

4 CHAIR: There was a question, Mr. Kellman, Mr.

5 Kellman, where did you get these figures from? He said, from

6 the client so now we're going to ask the client to see if

7 that's the case. Is that what we're doing?

8 MR. ROSENBLATT: Yes.

9 CHAIR: All right. That's where we are. Moving on.

10 MR. ROSENBLATT: And I'll be quick. How was the
11 sales floor considered?

12 MR. REBHOLZ: Retail.

13 MR. ROSENBLATT: How about the waiting area?

14 MR. REBHOLZ: Also retail.

15 MR. ROSENBLATT: Consultation areas?

16 MR. REBHOLZ: Again, retail.

17 MR. ROSENBLATT: Bathroom space?

18 MR. REBHOLZ: Retail.

19 MR. ROSENBLATT: Is there any other area in your

20 operation where customers are permitted to go to purchase

21 anything or to even talk about purchasing anything on site?

22 MR. REBHOLZ: No, and that's not only a prohibition
23 based on our own operations, it's in accordance with State law.

24 MR. ROSENBLATT: Okay. Is there a space within the
25 area shown on the site plan that you are not building out at

1 this time?

2 MR. REBHOLZ: Yes.

3 MR. ROSENBLATT: What, what will you eventually build
4 out in that space?

5 MR. REBHOLZ: Office spaces, conference rooms, places
6 where we, as management, can meet together with other employees
7 and other members of the management team.

8 MR. ROSENBLATT: Will any patients be allowed in that
9 area at any time?

10 MR. REBHOLZ: Absolutely not. That will be
11 restricted from any patient access.

12 MR. ROSENBLATT: Okay. What, there's been some
13 comments about this being a cash business throughout the day
14 and throughout last week. Is your business entirely cash?

15 MR. REBHOLZ: No, not at all.

16 MR. ROSENBLATT: Do certain banks accept deposits
17 from medical cannabis dispensaries?

18 MR. REBHOLZ: Yes, there are over three thousand
19 deposit taking financial institutions in the United States.
20 Unfortunately, only approximately ten percent of them will
21 accept deposits from legal cannabis companies like ours.

22 MR. ROSENBLATT: Has --

23 BOARD: Are those federally regulated you're
24 referring to or does that include State operated banks?

25 MR. REBHOLZ: Of the approximately three hundred, I

1 do not know how many are State versus Federally chartered,
2 chartered.

3 MR. ROSENBLATT: Has your company been able to obtain
4 a bank account?

5 MR. REBHOLZ: Yes. The banks that serve us are very
6 discerning. They also have to undertake an incredibly
7 intensive incremental additional regulatory processes for us,
8 such that instead of the typical monthly charge of \$25 to \$50,
9 we pay \$5,000 to \$6,000 a month because of the banks having to
10 go through such extensive regulatory checks on us. Not all
11 legal cannabis companies pass muster with these banks, but we
12 have without exception been able to get those banks that do
13 serve legal cannabis companies to serve us.

14 MR. ROSENBLATT: What other forms of payment, other
15 than cash, will be accepted at this proposed location?

16 MR. REBHOLZ: Debit cards at the point of sale.

17 MR. ROSENBLATT: Is that similar to your other
18 locations?

19 MR. REBHOLZ: Yes, it is.

20 MR. ROSENBLATT: In your experience, what, what's the
21 breakdown between cash and debit card sales, what percentage of
22 people use one or the other?

23 MR. REBHOLZ: It's about fifty/fifty. It's
24 incredibly attractive to patients to have a card transaction in
25 lieu of cash.

1 MR. ROSENBLATT: With the cash that you do have on
2 site, how is it kept and maintained?

3 MR. REBHOLZ: So, we have limits in terms of how much
4 paper currency can be held at each till, each point of sale.
5 After which, it's swept out, kept in a vault and we also have
6 limits on the amount of paper currency that we keep on site.
7 But during non-business hours, it's all kept in the vault. We
8 have a cash courier, nationally known company, that's been
9 blessed by our bank here in Maryland. In our case, it'll
10 probably be coming more frequently than with others because we
11 want to maintain those very low cash levels.

12 MR. ROSENBLATT: Okay.

13 BOARD: Do you have, irrespective of what that
14 threshold is, would your cash currency or the carrier for that,
15 do they come, would they come every day, irrespective of the
16 amount, or are they just triggered by amount?

17 MR. REBHOLZ: By the amount, and we would ensure that
18 they come in a very irregular pattern.

19 MR. ROSENBLATT: Just a few more questions. There
20 was some questioning of your commitment to the Baltimore area
21 and the suggestion that your wife has not quit her job but just
22 taken a leave of absence. Has your wife accepted a job in
23 Baltimore?

24 MR. REBHOLZ: She has accepted a job within the past
25 week and I'm very glad to say that she'll be working from

1 Baltimore.

2 MR. ROSENBLATT: Are, are you here to stay?

3 MR. REBHOLZ: I'm here to stay. I'm one of five and
4 it's been twenty-three years since I've been closer than six
5 hundred miles from my siblings and I'm happy to say that my
6 youngest sister is a professor at Hopkins, started a family in
7 the Medfield neighborhood, we're very excited to be here.

8 MR. ROSENBLATT: And there was some suggestion that
9 people aren't necessarily scared of the patients but are scared
10 of people that will be hanging around this site. What is your
11 policy with respect to loitering or hanging around in the
12 parking area or anywhere on site?

13 MR. REBHOLZ: Zero tolerance, unequivocally
14 unaccepted.

15 MR. ROSENBLATT: All right.

16 BOARD: If I can, --

17 BOARD: Well, my question, --

18 BOARD: Yeah, go ahead.

19 BOARD: -- is, so what are you going to do? You
20 heard the testimony, I'm sure, from some of the witnesses today
21 about some of your patients that would leave the facility and
22 then, I guess, try to make transactions outside of your
23 property. Have you anticipated that situation and, if so, how
24 do you plan to address that?

25 MR. REBHOLZ: We have anticipated it. We always

1 inform our patients that consumption and loitering on site, on
2 premises, is absolutely not allowed. We will also have
3 security personnel outside in the parking lot to ensure that no
4 such behavior occurs.

5 BOARD: So, go ahead, --

6 BOARD: Is that security personnel going to be there
7 the entirety of the time that you have, that your store is
8 open?

9 MR. REBHOLZ: Yeah, we plan during business hours to
10 always have a security personnel outside. Of course, by law,
11 we have to give them breaks, but we will have other staff on
12 site there that can fill in during those breaks.

13 BOARD: And in the hours in which you guys are
14 closed, there won't be anyone there on site, is that correct?

15 MR. REBHOLZ: They will not be there on site when we
16 are not open.

17 BOARD: Your cameras that are there, are they then
18 fed to another location so people can monitor what's outside
19 the store?

20 MR. REBHOLZ: Absolutely. We have not only on-site
21 storage, the State requires us to store all video for thirty
22 days, we also have off site storage as a backup and to make
23 sure that all of our security systems operate, we have a
24 twenty-four-hour battery backup for everything.

25 BOARD: And I think you, I'm sorry, --

1 BOARD: What I meant is, if someone is not there on
2 site to monitor, we'll just say at like 2:00 in the morning.

3 MR. REBHOLZ: Um hm.

4 BOARD: Is there a way for that camera feed to be
5 sent to a security company or somewhere else so that people can
6 see what's going on outside in the even that something arises
7 or in the event that something seems out of place?

8 MR. REBHOLZ: Yes, it can be.

9 BOARD: And how is, I mean, I'm trying to put it in a
10 manner where you don't have to reveal any secrets, of course.

11 MR. REBHOLZ: Thank you.

12 BOARD: But how is that going to be determined? That
13 is, whether or not somebody watching, for example at 2:00 in
14 the morning on a random night?

15 MR. REBHOLZ: Well, our, our alarm system in case
16 any, any part of the building is breached, whether windows or
17 doors, the alarm system goes off immediately and notifies law
18 enforcement automatically, without going to us first.

19 BOARD: But going back to the loitering question
20 then, so let's say you have four or five people, just for the
21 sake of argument, hanging around the parking lot at 2:00 in the
22 morning. You wouldn't otherwise be able to, if, without
23 someone actively monitoring, you're not going to know that
24 until (inaudible) get there?

25 MR. REBHOLZ: That's correct, yes.

1 BOARD: When I say tapes, I (inaudible).

2 MR. REBHOLZ: Sure, sure.

3 BOARD: And that follow-up, with that point, so let's
4 say during the day that your business is in operation, what
5 are, that security person, I believe you testified earlier,
6 that that person is going to assist the patients with entering
7 the building and so, and I'm assuming that part of their duties
8 is also going to entail making sure that area around the
9 parking lot is safe from loitering, I guess as you talked
10 about. So, how is one person going to be sufficient to handle
11 the concerns that the community has raised?

12 MR. REBHOLZ: Well, that person is going to be
13 trained and that person knows that even if they are assisting
14 in the cases that they have to assist somebody to get to the
15 door, they always have to be scanning the area, they have to be
16 situationally aware so while on the one hand, we respect that
17 no human or even a team of humans can keep their eyes on every
18 single square inch of the property, we will provide training,
19 our director of security is a nineteen year veteran of a medium
20 size city as a detective, with experience in vice and
21 narcotics. He has been working in the legal cannabis industry
22 for approximately five years now.

23 MR. MCCANN: Okay and so these issues you've
24 anticipated, and I guess encountered at your other facilities?

25 MR. REBHOLZ: We've anticipated but we haven't

1 encountered any loitering because the patients, when they're
2 inside (inaudible) already made a point of educating them on a
3 variety of topics, including respect for our neighbors.

4 BOARD: Okay and so then it, it was an area dependent
5 in your other facilities in the other states that you
6 mentioned. So, it wasn't, for instance, I think one of the
7 suggestions was a more industrial area. So, in your other
8 facilities, were they similar in terms of the urban environment
9 or were they more industrial?

10 MR. REBHOLZ: Some of other areas, we, we have had,
11 with the exception of that one location in Dover, all of our
12 locations are pretty close by to other retail uses, if not
13 literally the same building in multi (inaudible) --

14 BOARD: So, it's similar to what you would like to do
15 here in Pikesville?

16 MR. REBHOLZ: Yes, yes.

17 BOARD: All right, thank you.

18 MR. ROSENBLATT: Okay. No further questions.

19 CHAIR: Mr. McCann, sir?

20 MR. MCCANN: How are you going to educate your
21 customers about respecting your neighbors? How, how are you
22 going to do that?

23 MR. REBHOLZ: Well, we train each and every one of
24 our patient service associates on the important things to
25 communicate to our patients. For example, with the medicine,

1 start low, go slow but we also want to make sure that they know
2 for safe, for their own safety as well as for the ongoing
3 relations with our community that it's important to be careful
4 in the parking lot, don't speed, we'll describe to them the
5 traffic patterns to make sure that they can both access and
6 exit the place as safely as possible.

7 MR. MCCANN: You're, you're going to tell every
8 customer all that, tell them not to loiter as well?

9 MR. REBHOLZ: Yes.

10 MR. MCCANN: Is that what you're saying?

11 MR. REBHOLZ: Absolutely.

12 MR. MCCANN: Okay and the question asked about the
13 security guard, so when this one security guard that's out
14 front is, has to deal with the loitering issue, what is he or
15 she going, what's going to happen to the folks that are waiting
16 to get in?

17 MR. REBHOLZ: They will have to --

18 MR. MCCANN: They'll just have to wait.

19 MR. REBHOLZ: -- be patient and wait, yes.

20 MR. MCCANN: Okay and how will these guard, this
21 guard, not guards, guard, know who's loitering and who's not?
22 I mean, what, what do, what's your understanding of what
23 loitering means, by the way?

24 MR. REBHOLZ: Loitering is standing in an area with
25 no intent to do anything other than to just stand there.

1 MR. MCCANN: Well, that's my concern. How are you
2 going to, how is a guard going to distinguish somebody who's
3 standing around with no intent to go into your store from folks
4 that are walking around --

5 MR. REBHOLZ: The guard will approach them and speak
6 with them.

7 MR. MCCANN: Okay. So, not only is he going to stop
8 ongoing incidents that may be occurring but he's also going to
9 be approaching people about potential loitering as well?

10 MR. REBHOLZ: Absolutely. And in an environment like
11 ours where, as my previous testimony indicated, we're expecting
12 two to five patients an hour, we definitely believe with one
13 guard that this will be manageable.

14 MR. MCCANN: That's what I don't understand. Two to
15 five patients an hour. You're going to survive, from a
16 business perspective, on two to five patients an hour?

17 MR. REBHOLZ: Yes.

18 MR. MCCANN: You've done the math?

19 MR. REBHOLZ: Yes.

20 MR. MCCANN: And then I'm, I'm a little slow in this
21 area, but on the credit card, I mean, on the cash versus debit
22 card issue, so people who use a debit card are going to have to
23 have an account with one of the limited banks that you've
24 talked about, right?

25 MR. REBHOLZ: No, that's not true.

1 MR. MCCANN: Just any bank, they can have any bank?

2 MR. REBHOLZ: Yes.

3 MR. MCCANN: So, I could use my credit, my debit card
4 from Wells Fargo and --

5 MR. REBHOLZ: We would welcome you there as a patient
6 and you could use your debit card, yes.

7 MR. MCCANN: Any and all debit cards?

8 MR. REBHOLZ: Yes.

9 MR. MCCANN: From any banks in the United States?

10 MR. REBHOLZ: Yes.

11 MR. MCCANN: Okay.

12 MR. REBHOLZ: As many people realize, if they flip
13 over the back of their card, there are often multiple networks
14 identified, so, the, it's pretty much all around the world.

15 MR. MCCANN: Okay and you mentioned this deadline to
16 open of December 8th. I always understood, and I thought you
17 testified below, I have the transcript, that what you are still
18 waiting on in terms of the dispensary license is final approval
19 for that license, correct? And you're supposed to hear that by
20 December 7th, correct?

21 MR. REBHOLZ: Yes.

22 MR. MCCANN: So, you're, you're, you're telling me
23 that you're going to receive or not, final approval on December
24 7th and then you have to open on December 8th?

25 MR. REBHOLZ: Yes.

1 MR. MCCANN: And you're also, you said, you're at the
2 risk of losing your license if you don't open on that date, is
3 that, is that really what you're saying?

4 MR. REBHOLZ: It is what I'm saying.

5 MR. MCCANN: Okay.

6 BOARD: And it should be clarified too, what license
7 are you referring to?

8 MR. REBHOLZ: The dispensary license.

9 BOARD: Okay.

10 MR. MCCANN: I read in multiple cases and I even
11 read, news accounts rather, and I even made reference to it on
12 the first day to the fact that the Commission, Cannabis
13 Commission, has extended in other jurisdictions, has extended
14 this deadline that you're talking about because of delays in,
15 for instance, zoning cases. Isn't that, hasn't that occurred?

16 MR. REBHOLZ: For growers and processors, yes. I am
17 not aware of any case where they've extended the deadline for
18 dispensaries.

19 MR. MCCANN: Have you sought any indication from the
20 Commission at all that they are not going to extend the
21 deadline like they have for everybody else, for other people?

22 MR. REBHOLZ: I have not received any indication from
23 the Commission that they will extend the deadline, nor that
24 they will not.

25 MR. MCCANN: So, it's not a real deadline, is it?

1 December?

2 MR. REBHOLZ: It is absolutely a deadline in statute.

3 MR. MCCANN: Do, are you aware of anybody that
4 they've enforced that deadline, or any deadline, against and
5 revoked a license that was already granted --

6 MR. REBHOLZ: Given that we've been so busy with our
7 dispensary licenses, I cannot claim to know the status of all
8 the one hundred twenty-nine other licenses.

9 MR. MCCANN: Well, I'm not asking about the status of
10 them, I'm just asking have you heard, and you're in the
11 business, I'm sure you, this is something that you should know.
12 Have you heard of any licenses being revoked because they
13 didn't open on time?

14 MR. REBHOLZ: I am not currently aware.

15 MR. MCCANN: I have nothing else. Thank you.

16 MR. ROSENBLATT: Just one question. If, if you find,
17 business wise, that one security guard is insufficient to meet
18 your needs, would you be willing to hire more security guards
19 (inaudible)?

20 MR. REBHOLZ: Absolutely.

21 MR. ROSENBLATT: Okay. Nothing further.

22 MR. MCCANN: How will you know when it's insufficient
23 to meet your needs? What does that mean?

24 MR. REBHOLZ: Well, for example, if in the course of
25 speaking with somebody in the parking lot who may be loitering,

1 if we observe that on the occasions multiple people are waiting
2 for entrance, that would be a pretty clear sign that we need to
3 increase the staffing.

4 MR. MCCANN: Multiple, how many people?

5 MR. REBHOLZ: More than one.

6 MR. MCCANN: Okay. Okay. No other questions. Thank
7 you.

8 MR. ROSENBLATT: Nothing further. Thank you.

9 CHAIR: Step down. Thank you, sir. Next witness.

10 MR. ROSENBLATT: Mr. Kellman.

11 CHAIR: Still under oath, Mr. Kellman. Have a seat.

12 BOARD: And do you want to move thirteen into
13 evidence?

14 MR. ROSENBLATT: Yes, please. Thank you.

15 BOARD: Thank you.

16 MR. ROSENBLATT: Still under oath?

17 BOARD: He's still under oath, yep.

18 MR. ROSENBLATT: Okay. Mr. Kellman, I'd like you,
19 did you bring your calculator up?

20 MR. KELLMAN: I did.

21 MR. ROSENBLATT: We, we had some back and forth about
22 the number of parking spaces that are required for this user,
23 even if you split the use between retail and office. What I'd
24 like you to do for the Board is to total up the number of
25 spaces that are required by taking each individually and

1 adding, adding together the required number of spaces for
2 retail and office.

3 MR. KELLMAN: Okay. The first is the retail square
4 footage, which would be one thousand five hundred ninety-one
5 square feet.

6 BOARD: I'm sorry, one thousand and?

7 MR. KELLMAN: One thousand five hundred.

8 BOARD: Ninety-one square feet.

9 MR. KELLMAN: And ninety-one square feet.

10 BOARD: Um hm.

11 MR. KELLMAN: Divide that by a thousand, and then
12 multiply it times five and we get 7.955 parking spaces, 7.955
13 parking spaces.

14 MR. ROSENBLATT: All right.

15 MR. KELLMAN: Then the, the other element is the
16 retail square footage, which would be two thousand one hundred
17 and twenty-two square feet, divide that by a thousand and then
18 multiply that number times 3.3 and that is 7.0026 parking
19 spaces.

20 MR. ROSENBLATT: Okay.

21 MR. KELLMAN: Which would give you a total of 14.9576
22 parking spaces.

23 MR. ROSENBLATT: Do you round that number up or down?

24 MR. KELLMAN: You round that up. And that would be
25 fifteen parking spaces.

1 MR. ROSENBLATT: And you've heard the testimony from
2 Mr. Rebholz about the number of customers they expect for this
3 site and the number of employees they anticipate having on
4 site. In your professional opinion, is fifteen spaces
5 sufficient in this, in this case?

6 MR. KELLMAN: In my opinion it is sufficient.

7 MR. ROSENBLATT: Okay. Now, there have been a series
8 of back and forth and about the, the fact that this site does
9 not meet current regulations.

10 MR. KELLMAN: Yes.

11 MR. ROSENBLATT: Right? In your opinion, does this
12 site have to be brought up to current standards?

13 MR. KELLMAN: In my opinion, and like I testified
14 before, it does not.

15 MR. ROSENBLATT: Did you prepare a plan in the event
16 that the Board determines that this site does have to be
17 brought up to current standards?

18 MR. KELLMAN: We did prepare a plan.

19 MR. ROSENBLATT: I'm going to ask you for expediency
20 if you could help me put this up on the board and then I'll
21 give everyone a copy.

22 MR. MCCANN: I'm going to object for the record, of
23 course.

24 CHAIR: Noted. Noted.

25 MR. MCCANN: Do I need to explain the reasons why or?

1 CHAIR: No, it's standard fair.

2 MR. MCCANN: The objection is standard, or the denial
3 of the ruling is standard?

4 CHAIR: No, no, no.

5 MR. MCCANN: I'm being facetious, of course. I mean,
6 this is a, it's a new plan.

7 CHAIR: New plan.

8 MR. MCCANN: All right. Not even a redline, a new
9 one.

10 MR. ROSENBLATT: I have eight and a half by elevens
11 for everyone. We'll make the --

12 BOARD: This is fourteen.

13 MR. ROSENBLATT: -- this is fourteen. I'll put the
14 sticker on the one that's on the board.

15 BOARD: Okay. Thank you.

16 BOARD: Thank you.

17 MR. ROSENBLATT: (inaudible)?

18 MR. MCCANN: Yeah, that would be great. Thank you.

19 MR. KELLMAN: Mr. Kellman, can you please, I put this
20 sticker on exhibit number fourteen, explain for the Board what
21 you've done here, what the, how this plan is different and how,
22 what the changes are that you've made?

23 MR. MCCANN: May I have a continuing objection?

24 CHAIR: Yes, sir.

25 MR. MCCANN: Thank you.

1 MR. KELLMAN: May I approach the board?

2 BOARD: That's fine, yes.

3 CHAIR: Oh, I'm sorry. You surely can, sir.

4 MR. KELLMAN: I was just going to assume that you
5 were going to say yes, and she said, and she didn't say no.
6 First off, in the title block we, we, we call this alternate
7 plan to accompany petition for special exception. What we did
8 is we clarified the amount of parking spaces required with
9 office and retail and we do show the fraction numbers. We, we
10 add them together and we get fifteen spaces required. What we
11 did is we also added spaces provided eighteen. We amended the
12 special exception area. It went from .30 to .36. So, it
13 caught all the spaces along Reisterstown Road and the spaces
14 along Reisterstown Road, the other spaces in front of the
15 building opposite the ones along Reisterstown Road. We didn't
16 include the spaces along Naylor's Lane. We also show a twenty-
17 foot entrance width at the, at the ingress and egress from
18 Reisterstown Road. We show a handicap parking space within our
19 special exception area and what we've done is move the parking
20 spaces along Reisterstown Road, we moved them back from eight
21 feet to ten feet, meeting Planning's comment. As they said,
22 they wanted a landscape buffer of ten feet. We've also
23 provided a six-foot area between parking spaces adjoining the
24 building, a six-foot separation between the spaces and the
25 actual building.

1 MR. ROSENBLATT: Mr. Kellman, is there any increase
2 in the size of the building, the area of the building that this
3 use is, is proposed to use and from the original site plan to
4 this alternate plan?

5 MR. KELLMAN: No, there isn't. The actual building
6 square footage stays the same.

7 MR. ROSENBLATT: If you were going to advertise, put
8 a sign post, for this relief, would it be any different than
9 the sign that was posted for the original plan?

10 MR. KELLMAN: It would be no different. It's a
11 special exception for a medical cannabis dispensary.

12 MR. ROSENBLATT: Okay and have you prepared a
13 potential rendering of what the landscaping could look like
14 along Reisterstown Road if this configuration is approved?

15 MR. KELLMAN: I did.

16 MR. MCCANN: I'm going to also object. This is
17 clearly not rebuttal, among the other reasons that it's
18 objectionable.

19 BOARD: I think the, well, I'm sorry, I shouldn't, I
20 was going to say that he talked about moving the parking spaces
21 back to accommodate the landscaping.

22 MR. MCCANN: So, the parking spaces are moved back,
23 and this is the landscaping that's going to be there now?

24 BOARD: That's what I understood.

25 MR. MCCANN: Okay.

1 MR. KELLMAN: Yes, we move the spaces back off
2 Reisterstown Road from eight feet to ten feet and this would
3 accommodate a ten-foot landscape area.

4 MR. ROSENBLATT: Here's some stickers.

5 CHAIR: The objection is still noted.

6 MR. MCCANN: Thank you, appreciate it.

7 BOARD: Thank you.

8 BOARD: Thank you.

9 MR. ROSENBLATT: Can you just briefly explain to the
10 Board what, what the exhibit shows?

11 MR. KELLMAN: Yes, it, it shows shading, and this was
12 done by myself and our landscape architect. It just shows the
13 shading of the grass area that will be provided between
14 Reisterstown Road and the parking spaces. It shows a schematic
15 representation of, of a shrub row and also some typical street
16 tree locations in that landscape planning area.

17 MR. ROSENBLATT: Two more questions. One, you heard
18 Mr. Doak's testimony, he submitted a petition from a prior case
19 and he confirmed that relief is often changed during the course
20 of a zoning proceeding and that the hearing in that case was
21 permitted to proceed. In your experience, is zoning relief
22 sometimes modified during the course of the hearing to respond
23 to agency or other comments?

24 MR. KELLMAN: It is.

25 MR. ROSENBLATT: Okay. Do you believe there is any

1 or, increase or decrease to the burden that this potential use
2 would have if the alternate plan is approved on the surrounding
3 neighborhood?

4 MR. KELLMAN: No, this, this plan just addresses
5 County agency comments and it addressed some comments from the
6 opposition.

7 MR. ROSENBLATT: Does the special exception area
8 shown on this site plan comply with all Baltimore County zoning
9 regulations?

10 MR. KELLMAN: In my opinion, it does.

11 MR. ROSENBLATT: Okay and just so we're clear, the,
12 the area along Naylor's Lane that is not shown within the
13 special exception area, were any changes made to that and does
14 that comply?

15 MR. KELLMAN: No, no changes were made to the parking
16 along Naylor's Lane.

17 MR. ROSENBLATT: Okay and based on all of the
18 testimony that you've heard over the last two days, since you
19 testified, do you believe, does your testimony with respect to
20 the requirements of Section 502.1 changed at all?

21 MR. KELLMAN: It has not.

22 MR. ROSENBLATT: Okay. One final exhibit. Sixteen?

23 BOARD: You're at sixteen. Are you done with
24 fifteen? (inaudible).

25 BOARD: Thank you.

1 MR. ROSENBLATT: Mr. Kellman, there have been
2 testimony, or has been testimony about other properties in the
3 Pikesville area or otherwise where certain neighbors would like
4 to see this proposed use. I'd ask you first, can you identify
5 what this exhibit is?

6 MR. KELLMAN: This is a, an aerial photograph from
7 Baltimore County's My Neighborhood website and it does, it does
8 represent aerial situation and it also has the, the zone lines
9 with the respective zoning classifications.

10 MR. ROSENBLATT: Okay. One, one location that was
11 proposed was, someone said, well, why can't it go next to Giant
12 down a little bit south of the property. Does Giant have the
13 same zone as this proposed location?

14 MR. KELLMAN: No, Giant has the BLCT designation.

15 MR. ROSENBLATT: For purposes of evaluating a special
16 exception, do you tie the proposed use to other properties
17 within the same zone or any zone?

18 MR. KELLMAN: The same zone.

19 MR. ROSENBLATT: Can you point to the Board, have
20 you, can you identify any other BL zoned properties on this
21 aerial that have impacts comparable or, I guess, greater to
22 than the proposed location?

23 MR. KELLMAN: Yeah, our, you know, we've, we've heard
24 testimony, the Board has heard testimony that, that the
25 proposed dispensary is going to be located, you know, close to

1 residences and that's an area that is zoned BL, which is
2 further south of our proposed location, that's in the, in the
3 approximation of the Suburban Country Club and it's zoned BL.
4 And if I could show the Board?

5 BOARD: Can you see it?

6 MR. MCCANN: No, I can't.

7 MR. KELLMAN: I'm sorry.

8 CHAIR: Kind of looks like a flag.

9 MR. KELLMAN: There's no --

10 CHAIR: Flag shaped area or (inaudible)?

11 BOARD: Right here? Can, I'm sorry, would you show
12 us? Oh, it's up here. Thank you.

13 MR. KELLMAN: So, it's further south to the site.

14 BOARD: Okay.

15 MR. KELLMAN: The subject site. That's a, that's a,
16 a relatively narrow strip of BL, which, I take it, it includes
17 like a strip center, an existing strip center and you can see
18 south of it, actually south west, that there's existing single
19 family detached res, residences. I believe that that is the
20 older subdivision in Pikesville of the Ralston community, where
21 those lots and, I think those lots were created, you know,
22 early 1900's, if I could take a guess.

23 MR. ROSENBLATT: And what, what impact would you
24 anticipate this use having at that location compared to this
25 location?

1 MR. KELLMAN: That, that location right behind the
2 strip center, which if you were going to locate this facility
3 within a strip, you've got single family detached residences
4 right behind you, so. Yeah, if you didn't have enough parking
5 spaces, you could have some spill over parking within the
6 residential zone, you could have lighting that goes into the,
7 into the residences of the single family detached dwellings. I
8 think, I believe that my, my other testimony earlier is that
9 we, the proposed site is across the street from a cemetery.
10 They have open space of, of Pomona, which is on the other side
11 of Naylor's Lane. You have the Season's Restaurant, which is,
12 which is a little bit, just adjacent south to the site. You
13 also have an office building that was towards the rear that is
14 actually being, what I understand, being torn down and it was
15 purchased by Season's. So, the residences aren't in, at our,
16 at our proposed site, were not in, in as close proximity as
17 would be in our sample location in the BL zone.

18 MR. ROSENBLATT: And does that other property, I'm
19 sorry if I missed this, have the same zoning classification as
20 this property?

21 MR. KELLMAN: It does.

22 MR. ROSENBLATT: Okay. I have nothing further.

23 MR. MCCANN: Well, I think you're comparing apples
24 and oranges, aren't you, Mr. Kellman? Because this site that
25 you're talking about, this key shaped site, while it's BL

1 zoning, the residences aren't in the commercial revitalization
2 district, are they?

3 MR. KELLMAN: No, but the site is in the commercial
4 revitalization district.

5 MR. MCCANN: The, the BL site is?

6 MR. KELLMAN: Yes.

7 MR. MCCANN: But the surrounding residences that
8 you're talking about, you're comparing the impact to those
9 residences down there, the key shaped property, versus the
10 residences up at the subject property. Those residences down
11 there are not in the commercial revitalization district?

12 MR. KELLMAN: In my opinion, it would still be an
13 impact to the residential uses.

14 MR. MCCANN: Oh, it would?

15 MR. KELLMAN: Yes.

16 MR. MCCANN: And when you, you, you're making this
17 comparison between various BL zones you didn't mention and
18 nowhere on this exhibit in particular is the commercial
19 revitalization district. You would agree with me that when
20 you're doing the, the special exception analysis, you have to
21 look at similarly zoned property but within the commercial
22 revitalization district, would you agree with me?

23 MR. KELLMAN: That's correct.

24 MR. MCCANN: Okay and there's no, so the residences
25 down there are not within the CRD, the commercial

1 revitalization district, and the other area that you mentioned
2 near the Giant, while that may be BL, there's no residences
3 around the Giant, are there?

4 MR. KELLMAN: It's got the CT designation.

5 MR. MCCANN: But there's no residences around the
6 Giant, is there, presently?

7 MR. KELLMAN: I don't believe so.

8 MR. MCCANN: Okay. Has the, the lease been amended
9 to incorporate this new special exception area?

10 MR. KELLMAN: Has the lease been amended?

11 MR. MCCANN: Yeah.

12 MR. KELLMAN: I, I can't talk about the lease.

13 MR. MCCANN: So, you can't talk, you, you, you
14 haven't seen it?

15 MR. KELLMAN: I'm not sure about the lease. I can't
16 answer any questions about the lease.

17 MR. MCCANN: Okay. So, does the other potential,
18 tenant or potential tenant of the other part of the, of this
19 building know that it just had some of its parking spaces
20 removed? Do you know that, do you know the answer to that
21 question?

22 MR. KELLMAN: I, I believe there's been some dialogue
23 between the tenant and the property owner but, there's no
24 tenant in there now, so, there's no requirement for that space.

25 MR. MCCANN: And what's the square footage of the,

1 the portion of the building that's outside of the self-
2 described special exception area?

3 MR. KELLMAN: Can I approach the board?

4 MR. MCCANN: Sure, sure.

5 MR. KELLMAN: This two thousand eight hundred and
6 twenty square feet.

7 MR. MCCANN: So, you're not going to be able to put
8 any retail on that building now that you've stolen some spaces?

9 MR. KELLMAN: Depending on what you put in there, you
10 may need a zoning variance.

11 MR. MCCANN: So, now we're just putting off a zoning
12 variance. You would need a zoning variance?

13 MR. KELLMAN: You may.

14 MR. MCCANN: Aren't we just pushing off a variance
15 to, to a future tenant by doing all this reconfiguration?

16 MR. KELLMAN: It was vacant for two years, it could
17 remain vacant.

18 MR. MCCANN: Would that serve the purpose of the
19 commercial revitalization?

20 MR. KELLMAN: It wouldn't, no.

21 MR. MCCANN: And this reconfiguration of the special
22 exception area doesn't fix the, the aisle width problem, does
23 it?

24 MR. KELLMAN: I'm sorry?

25 MR. MCCANN: It doesn't fix the aisle width problem,

1 does it, along Naylor's Lane?

2 MR. KELLMAN: No, it does not. And that area is
3 outside the special exception area.

4 MR. MCCANN: So, you're sort of playing it both ways,
5 aren't you? You're relying upon the area outside this special
6 exception in order to do your parking calculations and, but
7 when it comes to looking at the aisle width, you ignore the
8 fact that it's outside the, --

9 MR. KELLMAN: Didn't ignore it, it's outside the
10 special exception area, so it's my opinion it didn't have to
11 comply with current regulations.

12 MR. MCCANN: But if we were to draw the special
13 exception area to include the entire lot, then you would agree
14 that the aisle width, this aisle width issue on, on Naylor's
15 Lane needs to be addressed?

16 MR. KELLMAN: Initially, I don't think it's got to be
17 addressed, in my opinion. And I, and I, I, I explained that
18 before. We're saying if the Board requires us to meet current
19 regulations, we showed a special exception area to these
20 current regulations.

21 MR. MCCANN: Yes, yes or no, do you have to fix this
22 aisle width problem if you make the special exception the
23 entire lot? Do you have to require, do you, do you need to get
24 a variance for that?

25 MR. KELLMAN: I don't believe we do.

1 MR. MCCANN: You don't believe you do.

2 MR. KELLMAN: No.

3 MR. MCCANN: All right. So, that this
4 reconfiguration of the special exception area also doesn't fix
5 the setback problems on both Naylor's and Reisterstown Road,
6 correct?

7 MR. KELLMAN: No, it fixes the setback along the --

8 MR. MCCANN: Well, you moved the spaces back, I'm
9 sorry, I missed that. Okay, but it doesn't fix it over on
10 Naylor's Lane, correct?

11 MR. KELLMAN: It does not.

12 MR. MCCANN: Okay and you have to agree with me, Mr.
13 Kellman, if anything you and I can agree on in this case is
14 that people are going to be coming into this site off of
15 Naylor's Lane to get to, to this dispensary, yes or no? You
16 have to agree on that.

17 MR. KELLMAN: They, they, they, they have the option
18 of coming in off Naylor's Lane, that's correct.

19 MR. MCCANN: But that's not my question. You have to
20 agree with me, given your practical experience, that people
21 going to this dispensary are going to use Naylor's Lane to get
22 to it?

23 MR. ROSENBLATT: Objection. You have to agree with
24 me?

25 MR. MCCANN: How can you not agree with me --

1 MR. ROSENBLATT: You have to agree with him?

2 CHAIR: Well, he doesn't have to, you can say no, I
3 don't agree.

4 MR. ROSENBLATT: I think he made his point.

5 CHAIR: He was, you know, he was emphatically trying
6 to get him to go along.

7 MR. MCCANN: Okay.

8 ATTORNEY: That's a good strategy.

9 MR. MCCANN: I'll, I'll withdraw the question.

10 CHAIR: All right.

11 MR. MCCANN: Where's the, where's the floor plan for
12 the building?

13 MR. KELLMAN: Where's the floor plan?

14 MR. MCCANN: Yeah.

15 MR. KELLMAN: I don't have a copy of the floor plan.

16 MR. MCCANN: Have you seen it or --

17 MR. KELLMAN: I have, I have looked at it, but I
18 don't, I don't have it in my possession.

19 MR. MCCANN: You didn't bring it today?

20 MR. KELLMAN: I did not.

21 MR. MCCANN: To support your testimony about how
22 this, the interior of the building is going to be broken up?

23 MR. KELLMAN: No.

24 MR. ROSENBLATT: Objection. Asked and answered.

25 CHAIR: He was just making sure.

1 MR. ROSENBLATT: The third time maybe he brought it?

2 CHAIR: It's all right. We're going to move along.

3 Yes, you didn't bring it, Mr. Kellman?

4 MR. KELLMAN: I did not bring it today.

5 CHAIR: All right.

6 MR. MCCANN: You did not bring it?

7 MR. KELLMAN: No.

8 MR. MCCANN: Why did you not bring it?

9 MR. ROSENBLATT: Objection.

10 MR. MCCANN: Well, your entire testimony --

11 MR. ROSENBLATT: What's the relevance?

12 MR. MCCANN: -- strike that. Your entire testimony
13 is based on this supposed breakdown of the building into office
14 versus retail and you didn't bring it?

15 MR. KELLMAN: In all honesty, I didn't believe I had
16 to bring the floor plan.

17 MR. MCCANN: Okay. But you do agree that the
18 definition of office excludes establishments where merchandise
19 is sold? You don't dispute that that's the definition of
20 office, do you?

21 MR. KELLMAN: That was a definition that I saw that
22 was copied and, you know, --

23 MR. MCCANN: Do you need to look at it?

24 MR. KELLMAN: In my opinion?

25 MR. MCCANN: Yeah.

1 MR. KELLMAN: The area that we've included for
2 offices, items aren't sold there, they're not stored there
3 either. It's conference rooms for the actual business.

4 MR. MCCANN: Okay. All right. Nothing else. Thank
5 you.

6 MR. ROSENBLATT: No further.

7 CHAIR: Any further witnesses, sir?

8 MR. ROSENBLATT: No, that's the end of our case.

9 BOARD: Fourteen, fifteen, sixteen?

10 MR. ROSENBLATT: Please move into evidence.

11 CHAIR: Mr. Kellman, you can step down, sir.

12 MR. MCCANN: And I'll object, for the record, to the
13 intro (inaudible).

14 BOARD: To all three?

15 MR. MCCANN: Yes.

16 BOARD: Just to be clear, just fourteen, fifteen and
17 sixteen you're objecting to all three?

18 MR. MCCANN: Yes, yes.

19 CHAIR: All right.

20 MR. ROSENBLATT: Done.

21 CHAIR: This case is scheduled to be deliberated next
22 Tuesday. We made some accommodations, I believe, some granting
23 of postponements to keep things tight. It would be extremely
24 beneficial to have something in writing. I know that causes
25 some pretty serious job to get done, more so I would say for

1 Mr. McCann, but it needs to be done. So, we can do a Friday
2 cut off. I guess, just to be fair, I don't know how we would
3 work it. It would only be by agreement, if the Board was in
4 agreement, if we were to do like a Monday morning cut off,
5 gives us a full day to read and gives everybody a full weekend.
6 But we can't do a Monday till midnight, it would be like a
7 Monday before 10:00 a.m. type of thing.

8 MR. MCCANN: That would be great. That would be
9 great.

10 CHAIR: I think that would be a fair accommodation
11 just to give you that extended weekend to brush up on anything
12 that --

13 MR. ROSENBLATT: Just to ruin our weekend. I'm just
14 kidding, I'm just kidding, I'm just kidding, I'm sorry.

15 CHAIR: I thought I was doing a solid.

16 BOARD: You'd rather have Friday, Mr. Rosenblatt?
17 You'd rather have Friday?

18 MR. ROSENBLATT: I would. End of the day Friday, I
19 think, and I'd like a page limit and end of the day Friday.

20 CHAIR: I'm not going to do that. Page limit, you
21 know.

22 MR. ROSENBLATT: Okay.

23 CHAIR: If you want to do a million pages, you do
24 that at your peril, so I, you know.

25 BOARD: Right, that's self, kind of like self-

1 imposed, isn't it?

2 MR. ROSENBLATT: Okay.

3 CHAIR: That's, you know, with that. I, I think it's
4 fair to do in the morning cut off there and you can turn yours
5 in on Friday, Mr. Rosenblatt, if you'd like. I think that is
6 fair to everyone. So, that's what we're going to do and then
7 we're going to deliberate on Tuesday as was originally planned.

8 MR. MCCANN: We can e-mail it to you, if you want, if
9 that's easier for Sunny to turn around and e-mail it to you
10 since you --

11 CHAIR: I think that's fine too. Mr. Rosenblatt,
12 sir?

13 MR. ROSENBLATT: And when we say morning --

14 CHAIR: Ten a.m.

15 MR. ROSENBLATT: -- 10:00 a.m. Monday morning e-mail
16 to Sunny.

17 CHAIR: E-mail.

18 BOARD: Yes.

19 MR. MCCANN: Yeah, and a hard copy.

20 CHAIR: Yeah, you can do hard copy too. Yeah, e-mail
21 (inaudible) just because we have other jobs, believe it or not,
22 they can e-mail it to us.

23 MR. ROSENBLATT: Okay.

24 CHAIR: And then we can respond. So, all right.

25 Well, I want to say that, you know, the Board, we, this is one

1 of those instances where we have, you know, trail blazed in new
2 topics and I'd like to commend both counsel for doing an
3 excellent job and providing us with some very interesting
4 arguments. I'd like to commend the Petitioners for really
5 addressing these in very professional manners, very
6 informative. I'd like to thank the community, you were the
7 last ones standing, folks. And the press. Who have been here
8 for, you know, for two weeks, for you know, the last two long
9 days and we very appreciate your dedication to the community
10 and the way everyone handled themselves here before the Board.
11 So, thank you all very much. And we look forward to the great
12 legalese that you will provide us before 10:00 a.m. on Monday.

13 MR. MCCANN: Thank you.

14 CHAIR: And with that, we are adjourned. I guess
15 we'll just add those to the file and we'll be gone.

16 BOARD: And, Mr. McCann, I'm going to give you back
17 the original Exhibit 5.

18 MR. MCCANN: Okay, great. Thanks, guys. Thank you
19 very much. Thank you.

20 BOARD: (inaudible).

21

22

23

24

25 (OFF THE RECORD - 04:39:28 PM)

CERTIFICATE OF TRANSCRIBER

I hereby certify that the hearing in the matter of Village Greenwood, LLC and Temescal Wellness of Maryland, LLC, case number 17-281-X, heard before the Board of Appeals of Baltimore County, October 24, 2017 were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers 1 through 243 constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness thereof, I have affixed my signature this 9th day of April, 2018.

Christine R. Leary
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INVOICE

April 9, 2018

TO: Michael McCann, Esquire
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Howard J. Needle, Esquire
1321 Harden Lane
Pikesville, Maryland 21204

IN THE

Case No.: 17-281-X

MATTER OF

Hearing Date: 10/24/2017

VILLAGE GREENWOOD, LLC – Legal Owner
TEMESCAL WELLNESS OF MARYLAND, LLC – Contract Purchaser/Lessee

To transcribe 243 pages @ \$3.50 per page = \$850.50

BALANCE DUE

\$850.50

Payment should be made payable to "Christine R. Leary".

1
2
3 **IN THE MATTER OF:**

4
5 **VILLAGE GREENWOOD, LLC – LEGAL OWNER**
6 **TEMESCAL WELLNESS OF MARYLAND, LLC – CONTRACT PURCHASER/LESSEE**

7
8 **CASE NUMBER: 17-281-X**
9
10

11
12 Hearing Date: October 18, 2017

13
14 Pursuant to Notice, the above-entitled hearing was held before the Board of Appeals for Baltimore
15
16 County at the Jefferson Building, Second Floor, Suite 203, 105 West Chesapeake Avenue, Towson,
17
18 Maryland 21204, commencing at 10:00 AM.

19
20 **PANEL PRESIDING:**

21
22 **ANDREW M. BELT, CHAIRMAN**

23
24 **JASON S. GARBER, BOARD**

25
26 **KENDRA RANDALL JOLIVET, BOARD**
27

28
29 **PRESENT ON BEHALF OF THE PARTIES:**

30
31 **ADAM M. ROSENBLATT, Counsel for Petitioner**

32
33 **MICHAEL MCCANN, Counsel for Protestants**

34 **HOWARD J. NEEDLE, Counsel for Protestants**
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Christine R. Leary
8200 Featherhill Road, #204
Perry Hall, Maryland 21128

TABLE OF CONTENTS

	Description	Page
1		
2		
3	Preliminary issue discussed.....	5
4	Mr. Rosenblatt's opening statement.....	7
5	Direct exam of Ted Rebholz by Mr. Rosenblatt.....	11
6	Cross exam of Mr. Rebholz by Mr. McCann.....	44
7	Cross exam of Mr. Rebholz by Mr. Needle.....	94
8	Direct exam of Mitchell Kellman by Mr. Rosenblatt.....	117
9	Cross exam of Mr. Kellman by Mr. McCann.....	140
10	Cross exam of Mr. Kellman by Mr. Needle.....	193
11	Re-direct exam of Mr. Kellman by Mr. Rosenblatt.....	195
12	Re-cross exam of Mr. Kellman by Mr. McCann.....	210
13	Re-direct exam of Mr. Kellman by Mr. Rosenblatt.....	215
14	Re-cross exam of Mr. Kellman by Mr. McCann.....	215
15	Direct exam of Revanne Aronoff by Mr. McCann.....	219
16	Cross exam of Ms. Aronoff by Mr. Rosenblatt.....	227
17	Direct exam of Linda Halpert by Mr. Needle.....	230
18	Cross exam of Ms. Halpert by Mr. Rosenblatt.....	239
19	Cross exam of Ms. Halpert by Mr. McCann.....	241
20	Re-cross exam of Ms. Halpert by Mr. Rosenblatt.....	242
21		
22		
23		
24		
25		
26		

1 (ON RECORD - 10:06:45 AM)

2 BOARD: On the record.

3 CHAIR: We are on the record. We are here for a
4 regularly scheduled meeting of the Baltimore County Board of
5 Appeals in case number 17-281-X, Temescal Wellness of Maryland,
6 LLC, Village Greenwood, LLC, Legal Owner, 1636 Reisterstown
7 Road. I believe we have an appeal of the special exception and
8 for the record, counsel who do we, who do we have here?

9 MR. ROSENBLATT: Good morning. Adam Rosenblatt of
10 Venable, LLP on behalf of the Petitioner.

11 CHAIR: Good morning, Mr. Rosenblatt.

12 MR. MCCANN: Good morning, Mr. Belt. Michael McCann
13 on behalf of the Protestants.

14 CHAIR: Good morning, Mr. McCann. Fantastic. So, we
15 are here in day, oh, I'm sorry, sir.

16 MR. NEEDLE: Howard Needle on behalf of the Pineridge
17 Community Association.

18 CHAIR: Thank you, Mr. Needle. Nice to meet you,
19 sir. All right. We are here day one of two days, hopefully,
20 no more than two maybe?

21 MR. ROSENBLATT: We hope one.

22 CHAIR: Oh, industrious. Okay. The, anybody want to
23 give me highlights, coming attractions, how many witnesses we
24 have today, what we seem to hope to get to, through today?

25 MR. ROSENBLATT: Sure. We, we have two witnesses. I

1 plan to just give you a brief opening statement about why we're
2 here and then we just have two witnesses in our case.

3 CHAIR: Okay and Mr. McCann, sir?

4 MR. MCCANN: Well, since Mr. Needle and I represent,
5 you know, a large group of people, I'm sure there will be a
6 number of people who want to testify but in terms --

7 CHAIR: Okay.

8 MR. MCCANN: -- of expert witnesses, I only
9 anticipate one, maybe two.

10 CHAIR: Okay.

11 MR. MCCANN: But relatively short, both of them.

12 CHAIR: All right.

13 MR. MCCANN: So, I, I don't, definitely don't see a
14 problem getting done in two days.

15 CHAIR: Okay.

16 MR. MCCANN: I'm not sure if today is realistic or
17 not, but.

18 CHAIR: So, you believe that two days will probably,
19 with the community testimony, we might have some flow over into
20 the second day?

21 MR. MCCANN: Yes, and we will do as we always do, try
22 to consolidate those witnesses so that they're not repetitive.

23 CHAIR: Okay, all right. All right. Well, we'll,
24 we'll do what we need to do. I see that someone has taken down
25 my clock, that always mean I'm going to have pictures. All

1 right, fantastic. Well, Mr. Rosenblatt, do you have some brief
2 opening remarks, sir?

3 MR. ROSENBLATT: Yes, please.

4 MR. MCCANN: I, I do have a --

5 CHAIR: Oh, I'm sorry.

6 MR. MCCANN: -- a brief preliminary matter.

7 CHAIR: Okay.

8 MR. MCCANN: That I wanted to raise with the Board
9 and obviously the Board will do what it wants with the
10 information.

11 CHAIR: Okay.

12 MR. MCCANN: And I'm, I believe I'm, believing I'm
13 worried about being accused of delaying things. But, I did
14 want to raise this issue, Mr. Belt, and that is I just read in
15 the Sun Paper last night that there's an ongoing lawsuit, a
16 couple, I think only two, medical marijuana growers filed a
17 lawsuit against the State, that is the Maryland Medical
18 Cannabis Commission, challenging the, the process and I'm sure
19 Mr., Mr. Rosenblatt is going to tell you about the, the
20 process. But, challenging the underlying process for granting
21 these licenses to growers and that was filed against the State
22 and the Commission itself. A Circuit Court Judge in Baltimore
23 City denied just recently, I think last week, a Motion to
24 Dismiss that was filed by the State. So, that case is going
25 forward and, as I said, what that case, the substance of it is,

1 is a challenge to the underlying process for, for granting
2 these licenses and I wanted to make the Board aware of that
3 because, in a sense, we could be going through this process
4 somewhat for naught because the, if that lawsuit is successful,
5 then the licensing process, I'm, I assume, the end result of
6 that lawsuit, if it were successful, would be a reevaluation of
7 these licenses and that would start the whole process which has
8 already taken at least a couple years. So, that issue is
9 hanging out there, a trial date hasn't been set so I can't give
10 you any information other than that. And, and what I've read
11 in the news media so I wanted to make the Board aware of that.

12 CHAIR: Mr. Rosenblatt, anything on that issue, sir?

13 MR. ROSENBLATT: I think that has no impact on, on
14 this case. If the law, if the lawsuit has to do with growing
15 of cannabis, we're only seeking relief for a dispensary.
16 There's, it's, there's too many ifs, too much speculation
17 there. We have no idea how the lawsuit is going to turn out
18 but right now, we are here, we filed the correct relief that
19 Baltimore County Council has defined what you need to have one
20 of these dispensaries in a commercial vitalization district and
21 we'd say let's proceed forward.

22 CHAIR: All right. Just a quick question, is the
23 lawsuit for the manner in which the licenses were granted?

24 MR. MCCANN: Correct.

25 CHAIR: Was that from the original issue of

1 preferential treatment, things of that sort?

2 MR. MCCANN: Yes.

3 CHAIR: Okay. So, it's actually to the, the grant,
4 granting of licenses themselves. Well, I guess in absence of a
5 stay, since we're here, we will forge forward with that in mind
6 and someone tells us we have erred, I guess we'll spend some
7 more time together later.

8 MR. MCCANN: Okay.

9 CHAIR: All right. All right, sir, tell us why we're
10 here.

11 MR. ROSENBLATT: Sure. Tell you a little bit about
12 the case. This is a Petition for Special Exception. As you
13 said, the property is known as 1636 Reisterstown Road. I have
14 on the board what I've marked as Exhibit 1, a site plan, shows
15 that the property is located at the southwest corner of
16 Reisterstown Road and Nallers Lane. It contains .54 acres of
17 land that is zoned BL and the property is located in the
18 Pikesville Commercial Revitalization District. I have marked a
19 map of the district as Petitioner's Exhibit 2, which we'll have
20 just a little bit of testimony about just to confirm, but
21 because the property is located in the Pikesville Commercial
22 Revitalization District, --

23 BOARD: Did you make extra copies?

24 MR. ROSENBLATT: Yes, I did. I think I have enough
25 for all the Board, for every exhibit.

1 BOARD: Excellent, thank you. Just to figure while
2 you're --

3 MR. ROSENBLATT: Sure.

4 BOARD: -- going along here since it makes sense to
5 have all of us look at it.

6 MR. ROSENBLATT: So, as the zoning regulations were
7 written, the BL zone permits by right a medical cannabis
8 dispensary. But if you are in a commercial revitalization
9 district in the BL zone, you require a special exception for
10 this type of dispensary. So, that's why we're here. If we're
11 locate a couple block to the north outside of this district, we
12 would not need any relief, we could operate as a matter of
13 right in a commercial zone. But because we're in the district,
14 we need the special exception. So, this property has an
15 existing building. It's been in place for many years. We're
16 not proposing any change whatsoever to the layout of the
17 property, to the building, just doing interior alterations to
18 the site so that we can put this use in the building. So,
19 this, this case is about the use. This building has been
20 vacant for a number of years. So, we have a vacant building in
21 the middle of a commercial revitalization district and we have
22 a local business with members that live in Baltimore County,
23 that live in Pikesville, that are proposing to invest in the
24 community and open this new use. Now, this, I, I understand
25 this is a brand new concept in Baltimore County, the medical

1 cannabis dispensary and we're going to try our best to go slow
2 through the process, explain the licensing process, how a
3 patient gets approval to even enter one of these dispensaries,
4 what it's going to look like for a patient once they're, once
5 they travel to and enter a dispensary and what, what the
6 purchasing experience is, is like and we're going to spend a
7 lot of time to explain just how much goes into this in terms of
8 security and safety at this site. And we understand that
9 people are nervous because this is a new concept, so we're
10 really going to try to answer any and all of those questions
11 and, as we said in front of the Administrative Law Judge, we
12 encourage people to ask questions, we have two witnesses. The
13 first is Ted Rebholz who is the founder and CEO of Temescal
14 Wellness. He has eight years of experience in the, in the
15 legal cannabis industry and he is well aware through this State
16 and through other States and his involvement with this process,
17 how everything works and, and can really answer most, and all
18 of these questions about security and how things work. We then
19 have Mitch Kellman who is the expert land planner and zoning
20 expert who prepared the site plan and is going to testify to
21 the burden of proof. Our hope is that after hearing all this
22 testimony, you'll see that this use is most similar to a CVS or
23 a medical office than anything else, except that there are many
24 more rules, State mandated security measures and limits on who
25 can actually get into the building. So, the amount of people

1 that can, that can even enter and look around the place are
2 limited by the State. We'll, after the two witnesses, we,
3 again, we hope to conclude today and that will all depend on
4 cross examination and how many people on the other side
5 testify.

6 BOARD: Do you have another copy, so we have the
7 exhibit plus the, one for each?

8 MR. ROSENBLATT: Sure.

9 BOARD: Sorry.

10 MR. ROSENBLATT: No, that's okay. I might, I had a
11 sticker --

12 BOARD: Yeah, that's going to be the exhibit.

13 MR. ROSENBLATT: Okay.

14 BOARD: And this way we all have one.

15 MR. ROSENBLATT: I think --

16 CHAIR: So, Mr. Rosenblatt, we have existing
17 building, we have no zoning relief required, parking or
18 otherwise, this is strictly the special exception due to the
19 fact that we're in the revit, revitalization district?

20 MS. WATTS: Correct.

21 CHAIR: So, that's all we're dealing with.

22 MR. ROSENBLATT: I, I should say one more thing, I
23 apologize. There's one redline on the, on the site plan and
24 this is a redline we made at the, at the Administrative Law
25 Judge as well. There was a 7-11 in part of this center so when

1 we put the site plan together, we listed 7-11 as a use. It's
2 now vacant, it has been vacant for some time. So, we just
3 crossed out existing 7-11 and put vacant space.

4 CHAIR: Okay.

5 MR. ROSENBLATT: So, the building is vacant. That's
6 the only change.

7 CHAIR: Thank you, Mr. McCann, sir?

8 MR. MCCANN: I will abstain. I don't think, if we
9 can just get to the witnesses --

10 CHAIR: All right, fantastic. All right.

11 MR. MCCANN: Is this, is this Exhibit 1, is that
12 right?

13 MR. ROSENBLATT: That is two and I marked the site
14 plan as one. I have a copy of the site plan for you.

15 MR. MCCANN: Thank you.

16 CHAIR: All right. Mr. Rosenblatt, call your first
17 witness, sir.

18 MR. ROSENBLATT: Okay. Mr. Rebholz?

19 BOARD: Do you, would you raise your right hand,
20 please? Do you swear and affirm under the penalties of
21 perjury, that the testimony you are about to give is the truth,
22 the whole truth and nothing but the truth to the best of your
23 knowledge and belief?

24 MR. REBHOLZ: I do.

25 BOARD: And please state your name and your business

1 address for the record, please.

2 MR. REBHOLZ: Ted Rebholz.

3 BOARD: Spell your last name.

4 MR. REBHOLZ: R-E-B as in boy-H-O-L-Z as in zebra.
5 Business address, 1 East Pratt Street, Baltimore, Maryland.

6 BOARD: Thank you. You may be seated.

7 MR. ROSENBLATT: Mr. Rebholz, what's your position
8 with Temescal Wellness?

9 MR. REBHOLZ: I am a founder and a chief executive
10 officer.

11 MR. ROSENBLATT: Can you explain a little bit about
12 the, the business, what you do, where you're licensed,
13 etcetera?

14 MR. REBHOLZ: Of course. So, Temescal Wellness was
15 formed approximately two and a half years ago and our first
16 pursuit of licenses to legally serve medical cannabis patients
17 was in the State of New Hampshire. There we applied for two of
18 the four licenses in the State, that's a State where each
19 license enables one to legally grow, manufacture and dispense
20 cannabis. And since 2016, we have been growing, manufacturing
21 cannabis and serving patients from two different dispensaries,
22 one in Dover, New Hampshire and one in Lebanon, New Hampshire.
23 We also applied for three licenses in the State of
24 Massachusetts where we're currently building now and, likewise,
25 we grow, manufacture and dispense cannabis in that State. And

1 last but not least, here in Maryland in what was one of the
2 most competitive processes to date in the legal cannabis
3 industry, we're one of only six entities to win a grower
4 license and a processor license and a dispensary license.

5 MR. ROSENBLATT: And we'll talk a little bit about
6 the licensing process but what exactly are you proposing here?
7 Are you proposing to grow or process cannabis in this location?

8 MR. REBHOLZ: Absolutely not. This site will be used
9 exclusively to provide for qualifying patients medical cannabis
10 products.

11 MR. ROSENBLATT: Was Temescal Wellness issued the
12 licenses to grow and process cannabis in Maryland?

13 MR. REBHOLZ: Yes, we were.

14 MR. ROSENBLATT: Where, where will that take place?

15 MR. REBHOLZ: In the City of Baltimore.

16 MR. ROSENBLATT: Okay. Is this, is Temescal Wellness
17 your first experience in the cannabis, legal cannabis industry?

18 MR. REBHOLZ: It is not.

19 MR. ROSENBLATT: Can you explain some of your
20 background?

21 MR. REBHOLZ: So, starting in approximately 2010, my
22 family and I were living in Oakland, California where medical
23 cannabis was legal and I began working as a consulting chief
24 financial officer to some of the more established legal
25 cannabis companies in that State, including Harborside Health

1 Center, which has two medical cannabis dispensaries, including
2 the largest medical cannabis dispensary in the world, which is
3 located in Oakland, California.

4 MR. ROSENBLATT: I want to show you a copy and ask
5 you is this your resume, exhibit sticker.

6 MR. REBHOLZ: Yes, it is.

7 MR. ROSENBLATT: Do you want it now?

8 BOARD: Yes, please. Thank you.

9 MR. MCCANN: Thank you.

10 MR. ROSENBLATT: Can you talk a little bit about your
11 education?

12 MR. REBHOLZ: Yes, undergrad, I graduated in 1998
13 from Columbia College with a Bachelor's in Economics and
14 Philosophy. Several years later, after working in the private
15 sector, I went back to school, earned a Master's in
16 International Economics from Johns Hopkins, as well as a
17 Master's in Business Administration from the (inaudible) School
18 at the University of Pennsylvania.

19 MR. ROSENBLATT: And throughout your eight years in
20 this industry, do you, have you worked on and experienced every
21 step of this process, from the licensing, growing, cultivating,
22 producing, dis, dis, dispensing and otherwise legal cannabis?

23 MR. REBHOLZ: From soup to nuts, yes.

24 MR. ROSENBLATT: Okay. This is, this is a new field,
25 members of the Board, and the Board's rules call for accepting

1 experts whenever there's a topic that is specialized enough so
2 that someone in the industry will have experience that goes
3 behind (inaudible) layperson. And based on Mr. Rebholz's eight
4 years of experience in all aspects of a legal cannabis industry
5 and, in other States and in Maryland, we'd ask that he be
6 considered an expert in the, in the legal cannabis industry,
7 with particular knowledge of the requirements for licensing in,
8 in the State of Maryland and Baltimore County.

9 CHAIR: Mr. --

10 BOARD: I'm sorry, what are the fields again,
11 (inaudible)?

12 MR. ROSENBLATT: An expert in the legal cannabis
13 industry, with particular knowledge of the requirements for
14 dispensaries in the State of Maryland and Baltimore County.

15 CHAIR: Mr. McCann?

16 MR. MCCANN: I don't have a problem with that.

17 MR. ROSENBLATT: Okay.

18 MR. MCCANN: No objection.

19 CHAIR: I figure, if he's not an expert, I don't know
20 who is (inaudible) so, he's so admitted as such.

21 MR. ROSENBLATT: Thank you. We're going to cover a
22 number of topics. Let's start with the Maryland State
23 licensing process. How many licenses were issued for this
24 district and can you explain exactly what the process entailed?

25 MR. REBHOLZ: Sure. So, we submitted applications

1 back in November of 2015 and, of course, we were working for
2 multiple months before then. So, we're coming on about two and
3 a half years that we've been in this process. In November of
4 2015, we submitted approximately nine hundred pages of
5 application materials combined for our grower, processor and
6 dispensary applications. We are one of approximately one
7 hundred forty-five applicants for only fifteen were licenses
8 and we won one of them. We are one of approximately one
9 hundred twenty applicants for one of fifteen processor licenses
10 and we won one of them. We are one of several hundred
11 applicants for dispensary licenses and we also won one of them,
12 so.

13 MR. ROSENBLATT: And who did the State have review
14 these applications?

15 MR. REBHOLZ: The State selected, I believe, a couple
16 dozen contractors to work on a part-time basis to help review
17 the applications.

18 MR. ROSENBLATT: And how many licenses were issued
19 per district?

20 MR. REBHOLZ: So, for dispensaries, the State said up
21 to two per senatorial district and with forty-seven senatorial
22 districts in the State, that's ninety-four and in addition to
23 the ninety-four, for the fifteen growers, the fifteen growers,
24 if the growers wanted a dispensary license, they could apply.
25 We were one of the growers that did elect, do apply and so I

1 believe we're one of one hundred two licensed dispensaries in
2 the State.

3 MR. ROSENBLATT: And how many in this particular
4 district?

5 MR. REBHOLZ: Three.

6 MR. ROSENBLATT: Okay.

7 MR. REBHOLZ: Two per district, plus ours as a
8 grower.

9 MR. ROSENBLATT: So, you can't have a hundred of
10 these places in Pikesville or the, or the neighboring district.

11 MR. REBHOLZ: Absolutely not. The State wanted to
12 make sure that no specific area was overwhelmed. But on the
13 other hand, they wanted to ensure patient access for the entire
14 population.

15 MR. ROSENBLATT: Okay. Let's talk a little bit about
16 the patient process, how someone ends up being a customer or
17 patient at Temescal Wellness. So, can you explain the
18 physician recommendation portion of the process?

19 MR. REBHOLZ: Sure. The first step even before going
20 to the physician is for the prospective patient to go online,
21 to a website managed by the Maryland Medical Cannabis
22 Commission and to submit various pieces of information,
23 including a passport like photo i.d. Once the State Commission
24 is comfortable with that information, it usually takes a couple
25 go rounds, the State issues a sixteen-digit alpha numeric code

1 to that patient. With that sixteen-digit alpha numeric code,
2 the prospective patient can then go to a provider and that
3 provider must also be registered with the State as a provider
4 who can advise on whether or not a prospective patient should
5 use medical cannabis.

6 MR. ROSENBLATT: Does the patient have to have a, a,
7 some kind of relationship with the provider or can you just
8 walk into any, any doctor and seek this kind of approval?

9 MR. REBHOLZ: Absolutely not. This is very tightly
10 regulated, this is something where only physicians who have a
11 bona fide relationship, that term is part of the State
12 regulations in COMAR, the bona fide relationship with that
13 prospective patient.

14 MR. ROSENBLATT: Okay and so once a patient, I guess,
15 what, what sort of approval or registration do they obtain from
16 their provider?

17 MR. REBHOLZ: If, after meeting with their physician,
18 physician and patient agree that medical cannabis is something
19 worthwhile as an alternative therapy, then that patient would
20 get a certification from that, from that physician. The
21 physician would also, because that physician is registered for
22 the State, specifically for medical cannabis certifications,
23 that physician inputs that patient's sixty-digit alpha numeric
24 code into the State data base.

25 MR. ROSENBLATT: I think we'll talk about this in a

1 little more detail but what are some of the symptoms or
2 illnesses that are, that the State has determined are
3 appropriate for treatment through cannabis?

4 MR. REBHOLZ: Some very dire ones, such as cancer.
5 We see that with our patient base in other States, these are
6 folks who are often pretty old and frail. It's not limited to
7 cancer, but cancer is one of the, the multiple conditions that
8 the State has identified as qualifying for, for medical
9 cannabis.

10 MR. ROSENBLATT: Okay. And we'll explain in a little
11 bit more detail about some of the other illnesses through
12 handouts. Once you obtain your re, you're accepted into the
13 registry, how do you end up at Temescal Wellness?

14 MR. REBHOLZ: Well, the patient has a choice of which
15 dispensary to go to and so through speaking with friends, other
16 medical cannabis patients in the State, possibly with their
17 provider, going to certain websites, they can locate us as well
18 as other dispensaries throughout the State.

19 MR. ROSENBLATT: And if you, if a patient chooses to
20 come here, is, is there some sort of tracking mechanism to, to
21 limit how much a person can purchase in a given month?

22 MR. REBHOLZ: Absolutely. The State tightly
23 regulates how much medical cannabis any one patient can
24 purchase. These are written into the regs, it's one hundred
25 twenty grams of cannabis flower or thirty grams of cannabis

1 concentrate oil and because not only the identity of the
2 patient but all of the purchases of the patient are tracked in
3 this central, State controlled data base, any time a patient
4 comes to visit us, we immediately know how close they are to
5 their thirty-day limit of supply and if they've reached that
6 maximum, we will not be able to legally, to sell anymore to
7 them.

8 MR. ROSENBLATT: And is this a data base that is
9 available to all dispensaries? In other words, if someone has
10 purchased at a different dispensary and Temescal Wellness looks
11 in the data base, will you see purchase history from other
12 locations?

13 MR. REBHOLZ: Yes, we will and we'll see that in real
14 time.

15 MR. ROSENBLATT: Okay. Let's talk about the purchase
16 experience at Temescal Wellness. So, a patient drives to your
17 proposed location, gets out of their car, what, what happens
18 next?

19 MR. REBHOLZ: So, they'll be greeted on the outside
20 by a security personnel who will ask to see their government
21 issued photo i.d. Once that is, the identity is verified, they
22 are then buzzed in the first entry door and I say the first
23 entry door because our facility will have two-man traps, an
24 entering man trap and an exit man trap. Once they enter the
25 first door of the entry man trap, they will then provide their

1 government issued i.d. again, to a security personnel that sits
2 behind a reception desk. Once that person's identification is
3 confirmed, that they are, indeed, in that State managed data
4 base, then, and only then, will they be buzzed in the second
5 entry door and allowed into the waiting area. At that point in
6 time, each patient will always be asked and offered the
7 opportunity for a one on one consultation. We will have not
8 one, but two private consultation rooms and if the patient
9 elects to have a consultation, whether it's their first trip
10 there or their tenth trip there, they will then wait for a
11 patient services associate to take them and discreetly talk
12 about whatever they want to discuss.

13 MR. ROSENBLATT: Okay. What, so, are there, I'm sure
14 there are circumstances where you're busy or the security
15 personnel are already inside. What type of cameras or other
16 equipment are there in the parking lot or outside of the
17 building?

18 MR. REBHOLZ: We will have several dozen cameras
19 covering both the exterior and the interior, including a camera
20 right at that first entry door, such that if it is busy and the
21 security personnel inside, behind the reception desk, needs to
22 first verify that visually, it will be in a position such that
23 the patient can put the card right next to his or her head and
24 the receptionist behind, or the security personnel behind the
25 reception desk can verify that way before buzzing them in

1 through that first entry door.

2 MR. ROSENBLATT: Do you mean outside of the building
3 there, there's a camera to show your --

4 MR. REBHOLZ: That's correct.

5 MR. ROSENBLATT: Okay. All right. So, you discussed
6 the two doors. Do the two doors in the entrance way, can they
7 both be opened at the same time?

8 MR. REBHOLZ: They cannot be opened at the same time.
9 Once of them must always be closed for the other one to be able
10 to be opened.

11 MR. ROSENBLATT: Okay. Could you physically open the
12 second door if the, if the most exterior door is open?

13 MR. REBHOLZ: No, you cannot.

14 MR. ROSENBLATT: Okay. Is that and other safety
15 mechanisms, are they regulated by the State?

16 MR. REBHOLZ: Those are not required by the State,
17 but that's what we do as an extra step for the safety of our
18 patients, our employees and our neighbors.

19 MR. ROSENBLATT: Describe, if you will, and we're
20 going to show a little video that adds some, some clarity to
21 this, but describe what it looks like to a patient. So,
22 you've, you've explained the two doors, once you're through the
23 two exterior doors and you're in the salesroom, how big is the
24 salesroom, what does it look like?

25 MR. REBHOLZ: The salesroom is approximately thirty

1 feet by thirty feet. We will have anywhere from four to eight
2 points of sale. Not all of them will be manned at all hours
3 because, you know, this is a new industry, and once a patient
4 walk into the, the salesfloor area, they'll be greeted by
5 trained patient service associates, they'll have a counter.
6 It'll look like any typical retail setting where you have a
7 monitor, a scanner for products, a label printer because each
8 purchase must be accompanied by identifying information that is
9 specific to that patient. And there will also be shelves
10 behind the patient service associates to display accessories.

11 MR. ROSENBLATT: You have some handouts that I'm
12 going to show you, I believe I'm up to Exhibit 4?

13 BOARD: This will be four.

14 MR. ROSENBLATT: Okay and in terms of consultation
15 that you started to talk about and what type of information is
16 shared with patients, I'm going to have you walk the Board
17 through these Temescal Wellness handouts. Just kind of explain
18 a little bit.

19 MR. REBHOLZ: Absolutely. So, very much like the,
20 the, the secure, the extra security measures we take, this is
21 not something that is required by the State but it's something
22 that we, as a mission driven organization, take really
23 seriously. Our role in providing education and information,
24 not just to prospective patients and existing patients, but
25 also to providers. These are all freely available on, on our

1 website. We make them available in hard copy as well. The
2 first one on page one is what are cannabinoids? It was not
3 until the seventies that Professor Mechoulam in Israel
4 discovered that the human body has a naturally occurring
5 cannaboid, cannab, indo-cannabinoid system. Indo meaning
6 indigenous to the human body. The cannabinoids in the plant
7 are referred to as phytocannabinoids. They're the medicinally
8 relevant molecules in the cannabis plant that interact with our
9 human receptor system. And so, what we have here is a list of
10 some of the multiple cannabinoids. There are over eighty-five
11 known cannabinoids in the plant, that is in addition to
12 terpenes and flavines. The most notorious cannabinoids are
13 CBD, cannabidiol and THC. THC has medical properties and it
14 causes euphoria. CBD does not cause euphoria, it has many
15 other medical properties as well.

16 MR. ROSENBLATT: So, you're going to have forms of
17 the second one that doesn't affect you mentally at this
18 location?

19 MR. REBHOLZ: Absolutely. Yeah, we will have CBD
20 rich strains. The genetics for CBD rich strains are not as
21 widely available but we have in other States been able to work
22 on strains that have a, ratios as high as twenty to one CBD to
23 THC.

24 MR. ROSENBLATT: Now, I'll just ask as you go through
25 the handouts, if you could explain the, the types, the ways of

1 ingesting or otherwise using the cannabis and which ones do not
2 affect people mentally (inaudible).

3 MR. REBHOLZ: Absolutely. On page two, you have
4 delivery methods and we have six different delivery method as
5 shown, shown here. For each and every one of these delivery
6 methods, we can provide medicine that does have THC and other
7 euphoria causing cannabinoids, or we can have varieties that
8 have only CBD rich medicine and does not cause euphoria. As
9 you see here, we have multiple ways that we can offer to
10 patients how to ingest medical cannabis. In Maryland, edibles
11 will not be allowed but we will be able to sell (inaudible),
12 lozenges and sublingual tablets. These, each of these has a
13 different fit with different patients. For example, if a
14 patient is looking for long term relief, they may choose a
15 transdermal patch. If, in contrast, a patient needs immediate
16 relief, they might need something like a sublingual tablet or a
17 concentrate to, to minimize the time to onset. On page three,
18 titled proper dosing, this is really important to us. As we
19 discussed before, this is new and what we always say to each
20 and every patient is start low, go slow. Each patient is going
21 to react differently to cannabis and while cannabis has been
22 known for millennia to be a relatively safe therapy, we want to
23 make sure that all of our patients are comfortable and we
24 recognize that not all of them have experience with cannabis
25 medicines. The next page is called vaporization. This is

1 actually the last two pages, four and five. What is
2 vaporization? Unfortunately, as a result of cannabis
3 prohibition, the vast majority of people who have been
4 consuming medical cannabis have been doing so through smoked
5 means. That is not only a horribly inefficient means of
6 delivering cannabis, it's also very harmful to the patient. If
7 you see on the last page, on the left-hand side, if you're
8 smoking, that means you're burning flour at almost two thousand
9 degrees Fahrenheit and while some of what you put in your lungs
10 is good, eighty-eight percent of it is just non-cannabinoids,
11 including carcinogens and chlorophyll. In contrast, we provide
12 lots of accessories for patients to vaporize cannabis. This
13 way, they reach only three hundred and eighty-four degrees
14 Fahrenheit, which releases all of the medically relevant
15 cannabinoids and minimizes the carcinogens. As you can see
16 here, it's ninety-five percent cannabinoids, only five percent
17 non-cannabinoids.

18 MR. ROSENBLATT: And the information and handouts,
19 are these going to be readily available for patients of
20 Temescal Wellness?

21 MR. REBHOLZ: Absolutely. They're on our website for
22 free download, they'll be provided in hard copy in our store
23 and we always provide them to providers and other groups if
24 they need them.

25 MR. ROSENBLATT: So, after you have this consultation

1 or if you're someone who has been there a number of times and
2 doesn't feel they need a consultation, can you explain a little
3 bit about the purchase experience?

4 MR. REBHOLZ: Sure. And just to note, even if they
5 decline the opportunity for another consultation, we still
6 provide them forms as a man, means of keeping a journal and
7 tracking how they react to different delivery forms and
8 different dose, dose levels. Once they're inside, they will
9 have the opportunity to engage with the patient service
10 associate. Again, whether in private consultation or at the
11 counter. Our patient service associates are always trained in
12 cannabis science as well as in cannabis products and most
13 importantly, in what we call bedside manner. Even though it's
14 at the point of sale, it's really important to read all the
15 verbal and non-verbal cues of each patient, understand what
16 they're comfortable with and what they're not comfortable with
17 to most efficiently, on the patient's behalf, identify what the
18 appropriate products are.

19 MR. ROSENBLATT: And after the appropriate products
20 are identified and the patient goes to purchase, what, first of
21 all, what, what forms of payment do you accept?

22 MR. REBHOLZ: We accept cash and debit cards.

23 MR. ROSENBLATT: And is there any identification or
24 other check before a patient is permitted to pay and, and check
25 out?

1 MR. REBHOLZ: Absolutely. Even though that patient
2 is probably, at the point that they reach the counter, they've
3 already provided their government photo issued photo i.d.
4 twice, prior to consummating the purchase, because it's only at
5 the point of sale that we know how much they intend to
6 purchase, we then check again in the data base, how close they
7 might be to their thirty-day State mandated supply limit and we
8 ensure that we do not exceed that limit.

9 MR. ROSENBLATT: And will that data base be available
10 at all points of sale?

11 MR. REBHOLZ: At all points of sale, yes.

12 MR. ROSENBLATT: Describe how you exit the facility
13 after you purchase.

14 MR. REBHOLZ: Well, depending on the condition of the
15 patient, if they are old and frail and they need assistance,
16 they will be escorted out. They will be going through the exit
17 man trap. What this means is that they have a first exit door
18 that they push open and then once inside, they must wait for
19 that first exit door to fully close and lock prior to being
20 able to open the second exit door, which then takes them into
21 the parking lot. This helps eliminate the risk of somebody
22 opening the exit door and a criminal trying to sneak in.

23 MR. ROSENBLATT: Okay.

24 MR. REBHOLZ: Again, something that's not required by
25 the State, but it's an extra step we take to be as safe as

1 possible.

2 MR. ROSENBLATT: Okay. I'm going to, bear with me
3 for one minute, I, I have not done this before in the Board,
4 but we have a short video that, can you explain how this video
5 was made so that I'm not just fumbling around here?

6 MR. REBHOLZ: Absolutely. Yeah, we, we, we find that
7 in all States, people are really curious about what this like,
8 including a lot of physician groups and as recently as
9 Saturday, up in Concorde, New Hampshire, we were presenting to
10 a group of approximately two hundred fifty health care
11 providers. Our health care providers, they, they care about
12 us. They want to know what's going to happen to their patient
13 once they say yes, go use medical cannabis. And so, what we
14 did is, one of our board members in New Hampshire, he's
15 actually a New Hampshire licensed physician, he gave us a Go-
16 Pro, a camera, and put it on top of one of our heads and we
17 just went through the whole process of entering, providing
18 security credentials to enter and to confirm that we, the
19 person is indeed a qualifying patient, as well as to illustrate
20 the rest of the experience with the patient service associates.
21 I will make a couple of notes here. Because we did this for
22 New Hampshire, there are a couple of State specific terms of
23 art, such as ATC. In New Hampshire they refer to it as an
24 alternative treatment center. So, you'll notice that acronym
25 in there.

1 MR. ROSENBLATT: And after we show the video, I'll
2 ask you to explain any other differences there are between this
3 and the proposed use in Maryland.

4 BOARD: Are we marking the video?

5 MR. ROSENBLATT: So, what I have done, Mr. Garber, is
6 we put on a thumb drive just this video. For counsel, I was
7 going to ask you, I can burn you a CD, a thumb drive, it is
8 available online, I can provide a link to the video, what, I, I
9 guess we can talk about it after or whatever --

10 MR. MCCANN: Thumb drive is fine if you have an extra
11 one.

12 MR. ROSENBLATT: Okay. I will, I'm going to have to
13 make another one but I'll, I will do that and just send it over
14 to you.

15 BOARD: We'll mark this as five.

16 MR. ROSENBLATT: This is five.

17 BOARD: Say this, this being the (inaudible) of the
18 video.

19 MR. ROSENBLATT: The thumb drive with only the video
20 is, is contained on this thumb drive. And hope this works.

21 (VIDEO PLAYED)

22 MR. ROSENBLATT: So, while I'm turning the lights on,
23 can you explain for the Board is, about the overall experience
24 and explain any differences because this was New Hampshire and
25 we're talking about Maryland and explain whether the overall

1 experience is similar or different.

2 MR. REBHOLZ: Sure. So, one difference is you notice
3 that in this facility in New Hampshire, they have the man trap
4 on the exit but not on the entrance. The location on
5 Reisterstown Road would have both the man trap in the exit as
6 well as in the entrance.

7 BOARD: And on this location in particular, is it
8 like the one in the video, where the entrance and exit are more
9 or less facing the same parking lot, as opposed to a front and
10 back set up?

11 MR. REBHOLZ: That's right. It'll be facing the same
12 parking lot, but at this location those doors will be, I
13 believe about twenty-five to thirty feet apart.

14 BOARD: Right, okay.

15 MR. REBHOLZ: So, that's one difference. The other
16 difference is that in New Hampshire, a patient must show both
17 the medical cannabis card and another form of government issue
18 Federal i.d. In Maryland, and this is now on the website at
19 the Commission, they must show only one government issued i.d.
20 That government issued i.d. could be a passport, a driver's
21 license or it could be the card that the patient could elect to
22 pay \$50 for and get from the Medical Cannabis Commission.

23 BOARD: So, is the entry going to be on Reisterstown
24 Road or behind the facility?

25 MR. REBHOLZ: The, the entrance for the patients, the

1 door?

2 BOARD: Yes.

3 MR. REBHOLZ: It will be on the Reisterstown Road
4 side.

5 BOARD: So, facing Reisterstown Road?

6 MR. REBHOLZ: Yes.

7 BOARD: All right, thank you.

8 MR. REBHOLZ: Yeah, and the exit will be as well.

9 BOARD: As well?

10 MR. REBHOLZ: Yeah.

11 MR. ROSENBLATT: Is there any patient entrance, exit
12 or, on the rear or even sides of this building?

13 MR. REBHOLZ: No, not at all.

14 MR. ROSENBLATT: Okay. Have, have you explained all
15 of the differences between New Hampshire and Maryland?

16 MR. REBHOLZ: A couple of others. We, we focus on
17 the, the security related differences. In general, the look
18 and feel inside will be very similar.

19 MR. ROSENBLATT: Okay.

20 MR. REBHOLZ: So, basic retail counter tops, waiting
21 areas, ADA accessible bathrooms.

22 MR. ROSENBLATT: Okay.

23 BOARD: If I can just backtrack real quick, with the
24 entrance and exit on Reisterstown Road you referred to a
25 security guard. You're going to have one security guard and

1 that's going to be for both portals, right?

2 MR. REBHOLZ: Correct.

3 BOARD: All right.

4 MR. ROSENBLATT: And we will talk about the number of
5 employees, what type of employees.

6 BOARD: I'm sorry.

7 MR. ROSENBLATT: No, no problem, I just wanted to let
8 you know. Let's talk about some of the security measures and I
9 think many if not all of these are mandated by the State of
10 Maryland, is that correct?

11 MR. REBHOLZ: Many, yes.

12 MR. ROSENBLATT: Talk about cameras, let's start with
13 that. Exterior, interior, what type of cameras do you have?

14 MR. REBHOLZ: Yeah, first of all, we definitely want
15 to provide some details but, of course, we won't reveal all the
16 information because it is security and for the benefit of our
17 patients and our neighbors. But in terms of the cameras, we'll
18 have several dozen on the exterior and the interior. All of
19 these cameras will have their video recordings stored for a
20 State mandated minimum of thirty days to both an onsite
21 physical service, server as well as concurrently to an offsite
22 cloud based server.

23 BOARD: So, they're stored up to thirty days.

24 MR. REBHOLZ: Yes.

25 BOARD: Onsite and offsite?

1 MR. REBHOLZ: Minimum thirty days.

2 BOARD: Minimum thirty days.

3 MR. REBHOLZ: Onsite and offsite. The, the State
4 requires a twenty-four-hour battery backup for the entire
5 security system. So, that includes for the cameras, for the
6 servers and then Segway into the access controls, so all of our
7 doors will have access controls with a key fob or with other
8 remote buttons to, to buzz people in and that's also going to
9 be backed up by the twenty-four-hour battery supply.

10 BOARD: I'm sorry, what are the hours of operation?

11 MR. REBHOLZ: Well, the hours of operation will be,
12 it'll depend on patient demand. We're currently expecting
13 initially to be open probably five days a week for a total of
14 thirty to forty hours per week.

15 BOARD: So, about six hours per day?

16 MR. REBHOLZ: Approximately.

17 BOARD: Is the plan right now?

18 MR. REBHOLZ: Yeah.

19 BOARD: And is this going to be during the day,
20 evening, how, how do you plan to do that?

21 MR. REBHOLZ: During the day, yeah.

22 BOARD: Okay.

23 MR. REBHOLZ: For example, I think a typical day
24 initially will probably be twelve to six or ten to six p.m.,
25 certainly no later than, then 8:00 p.m. But, again, over, over

1 time as our patient count grows and we see where our patients,
2 what's convenient for them in terms of the afternoon, late,
3 late afternoon, we'll want to adjust that going forward.

4 BOARD: And what about weekends?

5 MR. REBHOLZ: Again, it depends on patient demand.
6 We expect that weekends are going to be more convenient for
7 some patients, so, for example, if we were to start out five
8 days a week, we might do a Tuesday through Saturday.

9 BOARD: And just so I understood, I thought you said
10 presently you're planning five days a week, about thirty to
11 forty, thirty to forty hours a week?

12 MR. REBHOLZ: Yes.

13 BOARD: Is that accurate?

14 MR. REBHOLZ: Yes.

15 BOARD: All right. So, we don't know yet as to how
16 it's going to be broken up though in terms of hours of
17 operation?

18 MR. REBHOLZ: That's correct.

19 BOARD: Okay.

20 MR. ROSENBLATT: Could you give a, the, the bookends,
21 if you will, what's the earliest you would open, what's the
22 latest you would stay open?

23 MR. REBHOLZ: Yeah, I, I don't foresee us wanting to
24 open any earlier than 10:00 a.m. and it would not make sense
25 for us to be open any later than 8:00 p.m. and I say that just

1 based on my years of experience in the industry and what times
2 are most convenient for patients.

3 MR. ROSENBLATT: And let's talk about your employees.
4 How many employees do you anticipate being onsite and what
5 types of employees will they be?

6 MR. REBHOLZ: Yeah, so we expect to have on staff,
7 you know, no fewer than three and we'd have three onsite at any
8 one time. I would imagine that, again, it depends on patient
9 demand, but for the first year, I wouldn't imagine having more
10 than six employees on site at any one time.

11 MR. ROSENBLATT: What type of employees will they be?

12 MR. REBHOLZ: They'll be a mix between the security
13 employees who are welcoming and greeting our employees and
14 being the frontline, as well as on the sales floor, our patient
15 service associates.

16 MR. ROSENBLATT: Okay and are all of the employees
17 trained in some sort of security background?

18 MR. REBHOLZ: Absolutely. While we will have certain
19 personnel that are more focused on training, all of our
20 personnel must be security trained. They must be situationally
21 aware. We know that there, you know, if something happens, we
22 want all of our employees to be eyes on the ground, to be able
23 to react as quickly as possible.

24 MR. ROSENBLATT: Will the employees have some sort of
25 key card or other mechanism to limit access?

1 MR. REBHOLZ: Absolutely. They'll all have key fobs.

2 MR. ROSENBLATT: Have you had any issues in your
3 other locations with safety in the buildings?

4 MR. REBHOLZ: No, we have not.

5 MR. ROSENBLATT: Talk about the storage of cannabis.
6 Where, where onsite is it stored and is that regulated?

7 MR. REBHOLZ: Well, we will, we will limit the amount
8 of product we have on store, first of all, because since we are
9 vertically integrated, we are a grower and a processor, we have
10 another location to keep our product until it's absolutely
11 necessary to get it to this dispensary location. But once it
12 is at the dispensary location, all but the product that needs
13 to be out on the salesfloor only during sales hour will be kept
14 in a vault. This is a vault that will have no exterior walls
15 and it will be constructed of standard, high grade, very
16 protective materials, not just your typical sheetrock and two
17 by fours.

18 MR. ROSENBLATT: Is the nature and location of the
19 vault regulated by the State of Maryland?

20 MR. REBHOLZ: Yes, the regulations require that none
21 of the vault walls be an exterior wall of the building. And
22 the vault is also where during non-business hours, a hundred
23 percent of the product and a hundred percent of any paper
24 currency that might be there will be stored.

25 MR. ROSENBLATT: Let's talk about your patients.

1 What, what's the average age of patients you've seen in, in
2 your stores and anticipate in this store?

3 MR. REBHOLZ: Yeah. In, in places where we serve
4 medical patients today, the average age is about fifty-five.
5 These are folks with acute symptoms.

6 MR. ROSENBLATT: And I don't know if we elaborated
7 through the handouts on some of the other types of, of
8 illnesses or, or symptoms that are deemed treatable by cannabis
9 in Maryland, can you just elaborate a little bit?

10 MR. REBHOLZ: Sure. Other examples are neuropathic
11 pain, think veterans who have had, who are amputees, other
12 folks that might be suffering from hepatitis, from wasting
13 syndrome, the list of maladies that, that cannabis can treat
14 is, is pretty long.

15 MR. ROSENBLATT: How many patients do you expect per
16 day?

17 MR. REBHOLZ: Oh, I would, I would expect two to five
18 per hour, so if in a given day we're going to be open five
19 hours, I would guess ten to thirty in an average day.

20 BOARD: And, so that brings me to another question I
21 have. I see that as a relatively small amount of space in
22 terms of parking. Are you going to be able to accommodate the
23 number of patients that you are discussing today?

24 MR. REBHOLZ: Yes, so if we, we said, say two to five
25 per hour, so let's assume worst case scenario, it's five and

1 they're there for an entire hour, which is an exaggeration
2 because usually it's fifteen to twenty minutes.

3 BOARD: Okay.

4 MR. REBHOLZ: But if you got five patients parked
5 there and then we talked about three to six employees at a
6 maximum, that's six employees, plus five patients at any one
7 time so for eleven.

8 MR. ROSENBLATT: And Mr. Kellman will testify to the
9 site plan but there are fifteen spaces dedicated exclusively to
10 this use.

11 BOARD: Okay.

12 CHAIR: How is the product delivered from your grow
13 operation?

14 MR. REBHOLZ: In a vehicle that'll be manned by our
15 employees.

16 CHAIR: Okay. Is there any type of identifying logos
17 or anything on such vehicles?

18 MR. REBHOLZ: Nope, none at all.

19 CHAIR: Is there any type of regulation as to how
20 that vehicle is unloaded to the actual facility?

21 MR. REBHOLZ: We have transport manifests. We're
22 required by State law to use what's call see to sale software.

23 CHAIR: Okay.

24 MR. ROSENBLATT: So, from the moment that it is, you
25 know, put into the ground, all the way to when it's handed over

1 the point of sale at this location, it is tracked in another
2 data base to which the State has real time access.

3 CHAIR: Okay, thank you.

4 MR. REBHOLZ: And when it moves from Point A to Point
5 B, there's a transport manifest and that is an integral part of
6 that see to sale system.

7 BOARD: Can we, can I ask you some follow-up
8 questions about the vault, to the extent you can answer them.
9 Would all employees have access to the vault?

10 MR. REBHOLZ: No.

11 BOARD: Okay. Only limited employees would have
12 access to the vault?

13 MR. REBHOLZ: Correct. In fact, if, if I may, at our
14 grower processor facility, I don't even have access to the
15 vault unilaterally. We minimize the number of people with
16 access because if something happens, we want to be able to
17 identify the cause as quickly as possible.

18 BOARD: And to, if you can answer this, is the vault
19 some type of combination or like a, some type of lock rather
20 than just --

21 MR. REBHOLZ: Dual authentication.

22 BOARD: Yeah, okay.

23 BOARD: And then, I have another question too about
24 the vaping process. Is that going to occur on the grounds of
25 the facility?

1 MR. REBHOLZ: Absolutely not.

2 BOARD: Okay.

3 MR. REBHOLZ: Okay. No loitering, no consumption of
4 cannabis allowed.

5 BOARD: Thank you.

6 MR. ROSENBLATT: And how are you going to mon,
7 monitor that?

8 BOARD: Between our cameras, as well as our security
9 personnel onsite and in the worst-case scenario, if there is an
10 issue that is brought to our attention, because of our
11 extensive camera coverage, we'll be able to, to look it up and
12 troubleshoot.

13 BOARD: And the other items, other than the product
14 itself, that is, such as the vaporizer.

15 MR. REBHOLZ: Yes.

16 BOARD: A person can't just show up there and
17 purchase those items, correct?

18 MR. REBHOLZ: As long as they're a qualifying
19 patient, they could come in and they could elect to buy an
20 accessory and zero medical cannabis.

21 BOARD: As long as they're a registered patient.

22 MR. REBHOLZ: Exactly.

23 MR. ROSENBLATT: I don't know if I made that clear.

24 Let's, --

25 MR. REBHOLZ: Right, unless you're an employee or a

1 registered patient, not just qualifying, but registered with
2 the State, you're not getting in here.

3 MR. ROSENBLATT: So, could I even come in and look
4 around just to see what it looks like unless I'm in that
5 registry?

6 MR. REBHOLZ: No. Nope, sorry.

7 MR. ROSENBLATT: Okay. Given the type of, the age,
8 type of illnesses that are treatable through medical cannabis,
9 what types, types of shopping habits do you expect out of your
10 customers?

11 MR. REBHOLZ: Well, we expect customers have a lot of
12 questions and that's why we're prepared to, to spend as much
13 time with them as needed, whether on one to one consultation
14 or, or at the counter. We know that many patients have some
15 experience. We know that many patients have access to
16 information, both in the public domain, as well as from
17 acquaintances. Some of that information is valid, some of it
18 is not so. Some patients come in with habits, such as smoking
19 and while we can't dictate to patients how to consume cannabis,
20 we certainly, as you see with these flyers and these brochures,
21 do everything we can to educate them on proper dosing and on
22 safer, more healthy, healthier delivery methods.

23 MR. ROSENBLATT: And how about the times of day, are,
24 are these people that are glued to lunch hours and after work
25 or what, what type, when throughout the day do you anticipate

1 the bulk of your customers?

2 MR. REBHOLZ: In other dispensaries, we've seen that
3 there's a pretty steady visitation pattern throughout the day.
4 We often see lunch time and after work, so I'd say anywhere,
5 but it's pretty steady, so we might see a bump during some
6 parts of the day, but generally after rush hour and sometime in
7 the afternoon but, again, it really depends on what patients
8 are attracted to our location.

9 MR. ROSENBLATT: Let's talk about, did you meet with
10 and share your plans for this property with the Pikesville
11 Chamber of Commerce?

12 MR. REBHOLZ: Yes, we did.

13 MR. ROSENBLATT: And I'm going to show you what I'll
14 mark as, six?

15 BOARD: Six.

16 MR. ROSENBLATT: Ask you to just explain to the Board
17 what this is.

18 BOARD: Do you have a second copy? Thank you.

19 BOARD: Thank you.

20 MR. REBHOLZ: So, we reached out to the Pikesville
21 Chamber of Commerce, introduced ourselves, informed them that
22 we were, many of us lived in the neighborhood, that we were
23 residents of the greater Baltimore area and that we were hoping
24 to serve patients from this address. We wanted to be pro-
25 active and respond to any concerns or questions and so the

1 Chamber of Commerce set up an opportunity for us at, in
2 Pikesville at a hotel to present to their membership. Several
3 dozen people showed up, we showed them the video that we shared
4 with you today as well as many of the brochures that we have
5 here and just responded to any and all questions that they had.

6 MR. ROSENBLATT: Okay. I don't think I have any
7 further questions at this time.

8 CHAIR: Mr. McCann, sir?

9 MR. MCCANN: Thank you. I would at least object for
10 the record, Mr. Belt, to Exhibit 6. I understand the Board
11 accepts letters --

12 CHAIR: We'll give it the weight it deserves.

13 MR. MCCANN: Unless someone from the Chamber of
14 Commerce is here, of course.

15 CHAIR: Sure.

16 MR. MCCANN: It doesn't, I'm not sure it is.

17 CHAIR: We'll treat it like we treat other letters
18 that are similar.

19 MR. MCCANN: Okay, great. Thank you.

20 BOARD: And with, just to, for housekeeping, I guess
21 you're moving to admit all your exhibits?

22 MR. ROSENBLATT: Yes, thank you, Mr. Garber.

23 MR. MCCANN: No objection other than to six. Thank
24 you. Good morning, sir.

25 MR. REBHOLZ: Good morning.

1 MR. MCCANN: Is it Rebholz or Rebholz?

2 MR. REBHOLZ: Rebholz.

3 MR. MCCANN: Rebholz, I apologize in advance if I
4 mispronounce it because I'm sure I will. So, you are the
5 founder and CEO of Temescal Wellness of Maryland, LLC?

6 MR. REBHOLZ: Yes.

7 MR. MCCANN: Is that, is that the proper name of the
8 entity?

9 MR. REBHOLZ: Yes, it is.

10 MR. MCCANN: And that is a Maryland organized company
11 that was formed for the purpose of this enterprise, is that
12 fair?

13 MR. REBHOLZ: Correct.

14 MR. MCCANN: Where are its offices?

15 MR. REBHOLZ: We have offices at 1 East Pratt Street
16 in Baltimore, Maryland.

17 MR. MCCANN: Okay. Mr. Garber, this is one.

18 BOARD: Do you have extra copies?

19 MR. MCCANN: I do.

20 BOARD: Thank you.

21 MR. MCCANN: You're welcome. And, Mr. Rebholz, I'm
22 going to show you a copy of what is being marked --

23 BOARD: Do you have another one?

24 MR. MCCANN: For yourself?

25 BOARD: You can give me that one (inaudible).

1 MR. MCCANN: I'll just show him the copy, if you
2 don't mind.

3 BOARD: Yeah, that's fine.

4 MR. MCCANN: Okay. Show you a copy of what's been
5 marked as Exhibit 1. If you could take a quick look at that
6 and my question simply is do you recognize those documents as
7 documents of the State Department of Assessments and, and, and
8 Taxation for your company, Temescal Wellness of Maryland, LLC?

9 MR. REBHOLZ: I do.

10 MR. MCCANN: And as those documents reflect, the
11 company was organized in October 2015, looks like, is that
12 right?

13 MR. REBHOLZ: Yes.

14 MR. MCCANN: I think you said, I think you said 2015
15 earlier.

16 MR. REBHOLZ: Yep.

17 MR. MCCANN: Okay. In addition to yourself as the
18 founder and CEO, who are its other officers and directors that,
19 that entity (inaudible)?

20 MR. REBHOLZ: We were co-founded, the Maryland entity
21 was co-founded with Craig Shulman and Eric Ratz (phonetic).

22 MR. MCCANN: Okay and who are they?

23 MR. REBHOLZ: They're my co-owners and co-founders of
24 the Maryland entity.

25 MR. MCCANN: Are they local folks?

1 MR. REBHOLZ: Yes, they are.

2 MR. MCCANN: Okay. Are they also investors?

3 MR. REBHOLZ: Yes.

4 MR. MCCANN: Along with yourself?

5 MR. REBHOLZ: Yes.

6 MR. MCCANN: Any investors other than yourself, Mr.
7 Shulman and Mr. Ratz?

8 MR. ROSENBLATT: Objection, relevance.

9 CHAIR: I'll give it a little leeway. We'll see
10 where it goes. Give you this much room, Mr. McCann.

11 MR. MCCANN: Okay, thank. I won't, not too, not too
12 much on this. Other than yourself, Mr. Shulman and Mr. Ratz,
13 who are the other investors?

14 MR. REBHOLZ: There are several and I do not recall
15 the names off the top of my head.

16 MR. MCCANN: All local folks, that is, from
17 Baltimore?

18 MR. REBHOLZ: I believe that they all hail from the
19 Baltimore area.

20 MR. MCCANN: Okay. What about yourself, are you from
21 Baltimore?

22 MR. REBHOLZ: I currently reside in the City of
23 Baltimore.

24 MR. MCCANN: Okay. Okay. I also understand that
25 there is another entity called Temescal Management Services,

1 LLC, are you familiar with that entity?

2 MR. REBHOLZ: Yes.

3 MR. MCCANN: Okay and what is that entity?

4 MR. REBHOLZ: Temescal Management Services is a
5 management consulting company that provides consulting services
6 to the State legal cannabis companies.

7 MR. MCCANN: Okay and that company is based in
8 Nevada, correct?

9 MR. REBHOLZ: It was formed, domiciled in Nevada.

10 MR. MCCANN: Okay and is that the, can you be a
11 little more specific about what that company does? Does that
12 sort of manage or organize all of your facilities in, in all
13 the States in which you both presently and in the future plan
14 to operate?

15 MR. REBHOLZ: It provides a combination of both back-
16 office services, such as accounting, and front-end services,
17 including executive management, supply chain management.

18 MR. MCCANN: And show this to you. (inaudible).

19 BOARD: What are you doing with that (inaudible)?

20 BOARD: Thank you.

21 BOARD: Thank you.

22 MR. MCCANN: Can you listen and mark at the same
23 time, Mr. Garber? Mind if I go ahead?

24 BOARD: Go for it, it's all good.

25 MR. MCCANN: Okay. Mr. Rebholz, take a look at

1 what's been marked as Exhibit 2 and just, would you likewise
2 confirm for the Board that that is a copy of records of the
3 State Department of Assessments and Taxation regarding the
4 second entity, Temescal Management Services, LLC?

5 MR. REBHOLZ: Yes, it is.

6 MR. MCCANN: And the 114 Homeland Avenue address in
7 Baltimore indicated in these papers, is that, is that your home
8 address?

9 MR. REBHOLZ: It is.

10 MR. MCCANN: Okay. Is, is, is the company, is that
11 company operating out of that address?

12 MR. REBHOLZ: No.

13 MR. MCCANN: It operates out of Nevada?

14 MR. REBHOLZ: It does not operate in Nevada. We
15 operate wherever our teams need us, so we have multiple people
16 working in Baltimore, as well as in the other States.

17 MR. MCCANN: Okay. So, in other words, for this
18 dispensary location, will there be an office of Temescal
19 Management Services other than on this site?

20 MR. REBHOLZ: No, we, we do not intend to have an
21 office at the site.

22 MR. MCCANN: Okay. Will there be an office somewhere
23 else?

24 MR. REBHOLZ: Presumably in the future, yes.

25 MR. MCCANN: Okay. But right now, you don't have

1 one?

2 MR. REBHOLZ: Correct.

3 MR. MCCANN: Okay, all right.

4 BOARD: Thank you.

5 MR. MCCANN: You're welcome. And, again, Mr.

6 Rebholz, I'm going to show you a copy of what's been marked as
7 Exhibit 3 and ask you, again, do you recognize these documents?

8 These documents are from the State Department of Assessments
9 and Taxation for a third entity called Temescal Investors, LLC.

10 MR. REBHOLZ: I do not recognize this entity.

11 MR. MCCANN: Okay. Is it possible they're not
12 affiliated with you or your --

13 MR. REBHOLZ: I do not know.

14 MR. MCCANN: Okay. In that event, I'll withdraw the
15 exhibit, Mr. Garber.

16 BOARD: Well, it's going to be --

17 MR. MCCANN: It's already marked?

18 BOARD: -- marked and identified, even if it's not
19 offered into evidence.

20 MR. MCCANN: Okay, very well.

21 BOARD: Just because I've written most of it out.

22 MR. MCCANN: One last one. And this one I don't have
23 extra copies of so I'm going to show it to you and then have
24 the witness look at that copy. While he's doing that, let me
25 ask you, is there also a entity formed in Florida, entitled, or

1 named rather, Temescal Wellness, LLC?

2 MR. REBHOLZ: Yes, there is.

3 MR. MCCANN: And are the documents marked as Exhibit
4 4, are those the documents, do you recognize them as documents
5 of State Department of Assessments and Taxation for that
6 entity?

7 MR. REBHOLZ: Yes, I do.

8 MR. MCCANN: Okay and tell us what that entity is.

9 MR. REBHOLZ: This entity is a parent company entity
10 in which we own ownership positions and other intangible
11 assets.

12 MR. MCCANN: Okay and would those assets include this
13 facility as well, as well as the one you mentioned in New
14 Hampshire?

15 MR. REBHOLZ: No, this is a leased facility.

16 MR. MCCANN: Okay. So, what assets, cannabis assets,
17 that is, does this entity own?

18 MR. REBHOLZ: It has ownership interest in other
19 entities and those other entities have State licenses.

20 MR. MCCANN: Okay. In what States?

21 MR. REBHOLZ: In Maryland, Massachusetts and New
22 Hampshire.

23 MR. MCCANN: Okay. So, this entity, Temescal
24 Wellness, LLC, is, is it the, the holder or the owner, for lack
25 of a better term, of the license in the State of Maryland?

1 MR. REBHOLZ: No, it is not the holder of the
2 license.

3 MR. MCCANN: Okay. Temescal Wellness of Maryland,
4 LLC is the holder of that license?

5 MR. REBHOLZ: Correct.

6 MR. MCCANN: Okay. Okay. Mr. Rebholz, do you or do
7 any of the entities we've talked about this morning have any
8 interest in any recreational marijuana facilities in, in any
9 State?

10 MR. REBHOLZ: Not currently.

11 MR. MCCANN: Are you in the process of looking into
12 that?

13 MR. REBHOLZ: It's a possibility, mainly because in
14 medical programs, a lot of prospective patients are hesitant,
15 they're hesitant to put their name on a State registry, they're
16 hesitant to risk their relationship with their primary care
17 physician, which might, who might have known them, their family
18 members, their neighbors, for many years, so the move to adult
19 use cannabis is also a way of further expanding patient access.
20 So, we certainly will not rule out the possibility of
21 participating in those markets in the future, but today, we're
22 foc, focused first and foremost on medical patients.

23 MR. MCCANN: Okay. So, I take it New Hampshire, like
24 Maryland, only medical marijuana is authorized by law?

25 MR. REBHOLZ: Correct.

1 MR. MCCANN: No recreation?

2 MR. REBHOLZ: Correct.

3 MR. MCCANN: And what about Massachusetts?

4 Massachusetts has recreational marijuana, does, does it not?

5 MR. REBHOLZ: They passed a State law but the program
6 has not been implemented yet so it's not up and running.

7 MR. MCCANN: Okay and then, what other States are you
8 looking into for either medical or recreational cannabis?

9 MR. REBHOLZ: We currently are not applying in any
10 other States.

11 MR. MCCANN: I saw in reference, it might have been
12 in the news report to your company being involved in the States
13 of Rhode Island, New York and California. Is that accurate or
14 inaccurate?

15 MR. REBHOLZ: Those would be inaccurate. I have
16 lived in California.

17 MR. MCCANN: Yeah, you mentioned that.

18 MR. REBHOLZ: Yeah, we don't do (inaudible).

19 MR. MCCANN: Okay. The location that we saw in the
20 video, was that the Dover or Lebanon, New Hampshire location?

21 MR. REBHOLZ: Dover.

22 MR. MCCANN: Dover, okay. How long has that one been
23 opened?

24 MR. REBHOLZ: Since May 5th, 2016.

25 MR. MCCANN: Okay and it looked to me, I just caught

1 a couple glimpses of it, but that facility is located in what I
2 would characterize as sort of an institutional development area
3 as opposed to a commercial or residential corridor. Is that a
4 fair characterization?

5 MR. REBHOLZ: There are approximately, I want to say
6 eight or ten, suits there, so, you know, less dense than other
7 areas, but more dense than other areas.

8 MR. MCCANN: Maybe a better word than institutional
9 is ware, sort of warehouse, and from what I've seen of the
10 site, --

11 MR. REBHOLZ: I wouldn't say so. I mean, most people
12 think of warehouses, they think of ten thousand, hundred
13 thousand square feet. I think that facility is approximately
14 two thousand four hundred square feet.

15 MR. MCCANN: I don't mean in terms of size, I meant
16 in terms of its location, instead, instead of a retail shop on
17 a, you know, a village or commercial corridor, it's in a small
18 warehouse location, sort of away from population density, in
19 the Dover location anyway, is that accurate?

20 MR. REBHOLZ: The population density in that
21 immediate area is possibly less than the population density at
22 1636 Reisterstown Road.

23 MR. MCCANN: All right. Well, the pictures speak for
24 themselves. What about the Lebanon, New Hampshire location?
25 What type of facility is that?

1 MR. REBHOLZ: That is one of, I believe, several
2 dozen office suites with multiple doctors and dentists offices
3 with a lot of people going throughout the course of the day,
4 coming and going.

5 MR. MCCANN: Okay. Okay. You mentioned that you
6 were one of only a few companies in Maryland that has been
7 granted a grower license, processor license and a dispensary
8 license, correct?

9 MR. REBHOLZ: Yes.

10 MR. MCCANN: And I know (inaudible) just from reading
11 everything, there's only those three type of licenses, but I
12 think there's a, am I correct, that there's a fourth and you
13 may have made reference to it, that is a, a grower, probably
14 know the term before I finish, the grower granted dispensary
15 approval, is there, is there a fourth category or is it just
16 those three?

17 MR. REBHOLZ: I'm not sure if anybody considers it a
18 fourth category, but when I did mention the number of
19 dispensary licenses that have been awarded in the State, I
20 mentioned how there were two per senatorial district for, for
21 ninety-four and then up to an additional fifteen for growers
22 that also wanted to apply for dispensary licenses.

23 MR. MCCANN: Okay. But there's three separate
24 licenses as far as you understand?

25 MR. REBHOLZ: Grower, processor, dispensary.

1 MR. MCCANN: Okay and then in terms of your licenses,
2 as I understand it, present intention is to have your growing
3 and processing facility in the City?

4 MR. REBHOLZ: Correct.

5 MR. MCCANN: In fact, that location, you already have
6 a location there, correct?

7 MR. REBHOLZ: Yes.

8 MR. MCCANN: You've already constructed it?

9 MR. REBHOLZ: Yes.

10 MR. MCCANN: Okay and it's near Druid Hill Park?

11 MR. REBHOLZ: Yes, and we intentionally do not
12 publicize the address of that so as to preserve the safety of
13 our employees and our neighbors.

14 MR. MCCANN: Is it 2200 Gerard Avenue?

15 MR. ROSENBLATT: Objection. We just, there's a very,
16 there's a valid reason for this. It has no bearing on this
17 case.

18 MR. MCCANN: The reason I ask is because it's on the
19 --

20 MR. REBHOLZ: We recently asked the Commission to
21 take that down.

22 MR. MCCANN: Okay.

23 MR. REBHOLZ: Specifically because publicizing that
24 address sacrifices the safety of our neighbors and our
25 employees.

1 CHAIR: For the witness, the witness doesn't have to
2 answer in the affirmative --

3 MR. MCCANN: Okay.

4 CHAIR: -- or negative as to the location.

5 MR. MCCANN: Okay.

6 CHAIR: We'll proceed on -

7 MR. MCCANN: All right. Because it's still, just for
8 your information, as of this morning, it's still on the
9 website. I have a copy of that. In fact, I will mark this.

10 BOARD: It's five.

11 MR. MCCANN: And we can, and I'm happy, since this is
12 a matter of public record, is blocking out the address, I can
13 show you where it is.

14 MR. ROSENBLATT: I, I'd ask for that.

15 MR. MCCANN: That's fine.

16 MR. ROSENBLATT: That it be redacted.

17 CHAIR: How about this? Why don't, Mr. McCann, we'll
18 do this now. Why don't you preserve a copy and you can redact
19 that address.

20 MR. MCCANN: Okay.

21 CHAIR: And give it to Mr. Garber before we put it
22 into the file because I have a feeling we'll forget.

23 MR. MCCANN: Okay.

24 CHAIR: So, (inaudible) a redacted copy (inaudible).

25 MR. MCCANN: I think it's in two locations.

1

2

CHAIR: Mark it and give it back to him.

3

4

BOARD: Well, do you want me to give this back to you?

5

MR. MCCANN: Yeah, I'll --

6

7

BOARD: I am giving back to you, Protestants' exhibit number five so you can redact it and resubmit it.

8

MR. MCCANN: Okay. I'll show the witness, have him identify it and then I'll put it aside. So, take a look, if you would, Mr. Rebholz, at exhibit number five and do you recognize this printout as a printout from the Maryland Medical Cannabis Commission's website identifying all licensed growers, processors and dispensaries?

14

MR. REBHOLZ: I do.

15

MR. MCCANN: Okay, great. And just for the record, this, the address that we're speaking of is on pages two, it's just on page --

18

19

BOARD: So, (inaudible) printout of the licensees basically?

20

MR. REBHOLZ: Yes.

21

BOARD: Okay.

22

MR. MCCANN: Just page two, so we'll, we'll redact that. Thank you. Take that back from you.

24

25

BOARD: And so, let the record reflect that Mr. McCann, once again, has Protestants' exhibit number five.

1 MR. MCCANN: The other thing you mentioned, Mr.
2 Rebholz, which I didn't see reflected in this particular
3 exhibit is I think you said that you were one of six licensees
4 who have all three of the license, licenses? Okay.

5 BOARD: You need to speak your answer, sir.

6 MR. REBHOLZ: Yes.

7 BOARD: Thank you.

8 MR. MCCANN: Okay. Because I notice on this
9 particular list anyway, Temescal Wellness was listed at, was
10 the only one that I saw listed in all three. Any, any idea why
11 that is?

12 MR. REBHOLZ: I believe that there should be at least
13 five others listed in all three.

14 MR. MCCANN: All right okay. Any of those located in
15 this senatorial district that is District 11?

16 MR. REBHOLZ: Yes, in senatorial district number
17 eleven, there will be two other dispensaries that were awarded
18 in that district.

19 MR. MCCANN: Okay. But none that were, were issued
20 all three licenses, that is?

21 MR. REBHOLZ: I bel, I, I do not know for sure, but I
22 believe it is the case that neither of the other two have
23 grower and processor licenses in addition to their dispensary
24 license.

25 BOARD: Can I just jump in real quick just to clarify

1 a point?

2 MR. MCCANN: Sure.

3 BOARD: So, that, tying back to your other testimony
4 when you said that there are two licensees per senatorial
5 district for dispensaries, the two you just referenced are ones
6 obviously not Temescal Wellness.

7 MR. REBHOLZ: Yeah.

8 BOARD: You're able to have a, well, you, (inaudible)
9 able to have a third one by virtue of the fact that you're also
10 licensed as a grow, dispensary, I'm sorry, how you, what's the
11 proper term?

12 MR. REBHOLZ: Dispensary, yeah, dispensary.

13 BOARD: Dispensary and grower.

14 MR. REBHOLZ: Correct.

15 BOARD: So, that enables District 11 in this case to
16 have a third, up to a third, right?

17 MR. REBHOLZ: Yes.

18 BOARD: Okay.

19 MR. MCCANN: Thank you. Thank you for clarifying.
20 Do you have a sense, perhaps you've done a market analysis of
21 some sort, of how many people are, are in at least District 11?

22 MR. REBHOLZ: We have not but I believe each
23 senatorial district has approximately a hundred and ten
24 thousand residents.

25 MR. MCCANN: Okay. Do you anticipate, do you have a

1 gen, a general sense of where District 11 is?

2 MR. REBHOLZ: I do.

3 MR. MCCANN: So, in other words, as far as I
4 understand it, I've seen maps of it, it extends as far as Hunt
5 Valley, more to the east and then Owings Mills to the north,
6 northwest, yes?

7 MR. REBHOLZ: That's my understanding, yes.

8 MR. MCCANN: Okay. Do you anticipate, given the fact
9 that you also have a grower's license, do you anticipate
10 purchasing product for your dispensary on Reisterstown Road,
11 from other growers, other than your, your own?

12 MR. REBHOLZ: We do not anticipate (inaudible)
13 although it is a possibility. Wholesale trade is allowed in
14 the Maryland med, medical cannabis market.

15 MR. MCCANN: Okay. But right now, sitting here
16 today, you think most, if not all, of your product will come
17 from this facility in Baltimore City?

18 MR. REBHOLZ: We think there's a good chance of that
19 because we feel more assured that the products we're offering
20 to our patients are consistently reliable, safe and effective
21 because we've been able to produce them ourselves. We also
22 note, however, if we want to provide other products to
23 patients, that all products in the Maryland medical cannabis
24 market must be tested by an independent third party certified
25 lab.

1 MR. MCCANN: Okay. So, sitting here today, you, you
2 anticipate that there might be anyway products that you don't
3 grow and process at your facility that might be grown and
4 processed at other grower facilities?

5 MR. REBHOLZ: It's a possibility that we do not
6 foresee.

7 MR. MCCANN: How big is this, what I understood to be
8 a warehouse in the City where you will grow and process
9 product?

10 MR. REBHOLZ: Excuse me?

11 MR. MCCANN: How big is that warehouse in Baltimore
12 City where you grow and process the product?

13 MR. REBHOLZ: It's a forty-four thousand square foot
14 building.

15 MR. MCCANN: And no, but no dispensary location
16 there, correct?

17 MR. REBHOLZ: Correct.

18 MR. MCCANN: So, the only dispensary location for
19 that warehouse in the City that you will have an interest in
20 will be this location on Reisterstown Road?

21 MR. REBHOLZ: No, that's not correct. We are able to
22 sell what we grow and manufacture to any licensed dispensary or
23 to another processor in the State.

24 MR. MCCANN: Okay. So, you could grow the, grow the
25 product in Baltimore City and sell it, I guess my question

1 though was will you, will Temescal Wellness of Maryland, LLC
2 have an interest in any other dispensary other than this one on
3 Reisterstown Road?

4 MR. REBHOLZ: We currently have no plans to do so.
5 In fact, the regulations state that any one applicant can only
6 apply for a single dispensary license.

7 MR. MCCANN: Okay, that's fine. But the, so the
8 growing and processing facility in Baltimore City will supply
9 product to this proposed facility on Reisterstown Road,
10 correct?

11 MR. REBHOLZ: Yes.

12 MR. MCCANN: And it may or may not, you anticipate
13 that it may, provide product to other dispensaries throughout
14 the State?

15 MR. REBHOLZ: We certainly intend, intend to do so.
16 One of our first hires was a salesperson to develop
17 relationships amongst those other customers to also potentially
18 provide product to them.

19 MR. MCCANN: Okay. You mentioned that, excuse me, --

20 BOARD: I'm sorry, are those dispensaries only within
21 the State of Maryland that you intend to sell to?

22 MR. REBHOLZ: Only within the State of Maryland. No,
23 no cross State trade at all.

24 BOARD: Thank you.

25 MR. MCCANN: It's not, it's not permitted, correct?

1 MR. REBHOLZ: That is correct.

2 MR. MCCANN: What part of the licensing either the
3 grower, processor or dispensary licensing is, is still left
4 undone at this point in time? Where are you in the process?

5 MR. REBHOLZ: So, the, the State set up a stage one
6 and a stage two. We've passed stage one for all three of our
7 licenses. We've received final stage two approval for our
8 grower license and we're now awaiting for the same final
9 approval for our process dispensary licenses.

10 MR. MCCANN: Okay. So, what, what, what additional
11 information, if any, do you need to provide with respect to
12 those two licenses that the Commission hasn't received yet?

13 MR. REBHOLZ: So, for the processor license, we have
14 to schedule an inspection on site and then we get the final
15 approval, have a Commission vote for the dispensary. We
16 likewise have to have a Commission inspection on site after
17 which the Commission will vote for final approval of our
18 dispensary license.

19 MR. MCCANN: Were you, are you aware of the lawsuit
20 that I mentioned this morning?

21 MR. REBHOLZ: Yes, I am.

22 MR. MCCANN: Okay. Has the, the Commission indicated
23 to you or to your knowledge any other licensee or potential
24 licensees any information regarding the lawsuit and how that
25 might affect the final approval of licenses?

1 MR. REBHOLZ: I have not received any communications
2 from the Commission with any information on that.

3 MR. MCCANN: Okay. You mentioned that you are
4 familiar with the requirements in Maryland for medical
5 cannabis. I think you were offered as an expert in that area
6 so are you more specifically familiar with the actual, the
7 regulations themselves on COMAR that govern dispensaries?

8 MR. REBHOLZ: Familiar with them but at this point, I
9 haven't yet committed to memory all thirty, forty pages of it.

10 MR. MCCANN: No, neither have I. Let me just ask you
11 a couple of questions about them and if you don't know, you
12 don't know. For instance, in the, the application process,
13 there are regulations governing, am I correct, what exactly
14 your application for dispensary license must include?

15 MR. REBHOLZ: Yes.

16 MR. MCCANN: And there are, I guess for lack of a
17 better, I think, well, actually, I think it's specifically
18 described, there's sort of six factors that the Commission
19 looks at in reviewing a dispensary license? Yes?

20 MR. REBHOLZ: Yeah, I believe there are multiple,
21 multiple dimensions.

22 MR. ROSENBLATT: I'm just for the record going to
23 object to the relevance of the license itself. The witness has
24 testified that they have the requisite license for this
25 location and that the location itself is what's at stake here

1 and not how or if they obtain the State license.

2 CHAIR: My, but before you respond, Mr. McCann, I was
3 just sitting here wondering when we were going to get to a
4 special exception because, you know, the special exception
5 deals with the use at this location and we seem to, we're
6 learning incredible amounts about the licensing procedure but I
7 don't think that's within the purview of us three up here. I
8 understand that, you know, it's interesting and all and --

9 MR. MCCANN: Well, it's, it's not, and I agree with
10 you. It's not about the licensing itself and, and, by the way,
11 as I understand it, they don't, they don't have a license
12 sitting here today. I think he just said that they're in stage
13 two. They're waiting on, on approval.

14 CHAIR: Sure. I mean, and often with zoning matters,
15 we, you know, basically, before people make major investments,
16 they come and see if they have the zoning approval before they
17 go to the next step and start paying people, so I would
18 understand if I, these gentlemen have employed Mr. Rosenblatt
19 to go through this procedure. But, you know, we're, we're not
20 the licensing folks. I'll allow you to ask a few more
21 questions to do what you need to do but I just don't, I don't
22 want to start getting into this gentleman or his partner's
23 fitness for a license when I don't think other than, you know,
24 besmirching folks, is anything that we need to consider.

25 MR. MCCANN: No, that's, let me just explain a little

1 further so if, if --

2 CHAIR: Okay.

3 MR. MCCANN: -- if this allows a little, little more
4 leeway then that would be great.

5 CHAIR: Okay.

6 MR. MCCANN: And that is, since there's no, nothing
7 in effect right now, there is no operation there, I'd like to
8 ask him some questions about, at least what the regulations
9 say, about how it will operate. So, I'm going to, that's,
10 those are the kinds of questions I'm going to ask.

11 CHAIR: That sounds --

12 MR. MCCANN: And that's nothing more than Mr.
13 Rosenblatt asked anyway.

14 CHAIR: That sounds very germane so we'll get there,
15 that's, that's great.

16 MR. MCCANN: Okay and I won't be too long on this.

17 CHAIR: All right, great.

18 MR. MCCANN: So, in other words, when the, your
19 understanding anyway, is when the Commission is looking to
20 approve your application, it's looking how you're going to
21 operate and it's going to look at, when it reviews your
22 application on sort of six factors that, is that your
23 understanding?

24 MR. REBHOLZ: I don't know. I don't know if it's six
25 exactly, but I know that there are several factors that they

1 consider.

2 MR. MCCANN: For instance, and I'm looking at COMAR
3 10-62-25-05 and I won't go through all of them but in, I'll
4 mention two of them. It talks about operational factors that
5 will actually be weighted twenty percent of your, of the final
6 approval and it talks about whether you have in place a, an
7 operational plan for the dispensing of the cannabis and
8 policies and procedures and things of that nature. Are you
9 familiar with that general requirement?

10 MR. REBHOLZ: Yes.

11 MR. MCCANN: Okay. Another one of those factors
12 interestingly enough is what they call a retail management
13 factor and you are to provide in your application a detailed
14 plan to minimize any negative impact on the surrounding
15 community and businesses. Do you recall that aspect of your
16 application that you submitted to the Commission?

17 MR. REBHOLZ: I do not recall in detail, but I do
18 recall that that was one portion of the nine hundred pages that
19 we submitted --

20 MR. MCCANN: Okay.

21 MR. REBHOLZ: -- out two years ago.

22 MR. MCCANN: Okay. So, it sounds like you're not
23 going to answer, but I'll ask you anyway, what did you, Medical
24 Wellness of Maryland, LLC, tell the Commission about your plan
25 to minimize negative impact on the surrounding community and

1 businesses?

2 MR. REBHOLZ: I do not recall the specifics of the
3 application that you're inquiring about from two years ago.

4 MR. MCCANN: Sitting here today, what would you, how
5 would you respond to the Commission if they, if you are, I'll
6 ask you, how have you planned to minimize in, any negative
7 impact on the surrounding community and businesses as far as
8 this project?

9 MR. REBHOLZ: Well, first and foremost, we want to
10 choose a good location, a location that's good for our
11 neighbors and a location that's good for patients. This is a
12 location that is a signalized intersection with not one but two
13 curb cuts, accessible both from Reisterstown Road and from
14 Nallers Lane. These are some basics of retail site selection
15 that will minimize any traffic impacts, although one of the
16 other things about this area is that there's already a lot of
17 people there. We don't necessarily expect, we don't go to
18 places where we have to draw people away from their normal
19 patterns. We go to places where people already are. This is a
20 place where people already are and so, to serve patients in
21 this location means minimal, if any, impacts on (inaudible)
22 traffic.

23 MR. MCCANN: Okay. Anything else sitting here today,
24 understanding --

25 MR. REBHOLZ: First and foremost, safety, and not to

1 belabor all the, the testimony we've already given, but in
2 terms of the cameras, in terms of the access controls, these
3 are all things that we do not just to meet the regulatory
4 minimums, but as we've given several examples, we've done above
5 and beyond in many cases to ensure the safest possible
6 experience for neighbors, patients and employees and, again,
7 while there's a very long list, one other thing they don't
8 mention is the people. The people that we attract and train to
9 be situationally aware and to take excellent care of our
10 patients who visit us there.

11 MR. MCCANN: Well, wouldn't it be safer if you put
12 this type of facility in an area maybe similar to the one in
13 New Hampshire where it's in a warehouse or institutional
14 location away from residents and, and other businesses?
15 Wouldn't that be, relatively speaking, wouldn't that be safer?

16 MR. ROSENBLATT: Objection. That wasn't the
17 testimony. It's mischaracterizing the nature of the other
18 facility.

19 MR. MCCANN: Regardless of the other facility.
20 Wouldn't it be safer, safer to not have a facility like this in
21 the heart of Pikesville, in, in, and somewhere else, off the
22 beaten path in a warehouse or institutional location?

23 MR. REBHOLZ: I don't necessarily agree. You know,
24 safety is also making it easy for people, minimizing their
25 traffic, minimizing the time that people need to drive. We

1 found this to be not only an accessible but also a very safe
2 location.

3 MR. MCCANN: The, you mentioned just before that, or
4 maybe I can't read my chicken scratch now, but you mentioned
5 something about not drawing people from outside the area and
6 that's precisely what you're going to do, you're going to have
7 to serve a community of a hundred and ten thousand people, not
8 --

9 MR. REBHOLZ: I don't necessarily think that's the
10 case.

11 MR. MCCANN: Let me finish the question. Let me
12 finish the question.

13 MR. REBHOLZ: There's plenty of people that live
14 there already.

15 CHAIR: Wait for the question.

16 MR. MCCANN: I mean, have you done any market
17 analysis to determine what percentage of your customers are
18 going to come from Pikesville proper, the residents, the few
19 residents and the few businesses in Pikesville proper as
20 opposed to the hundred and ten thousand other people that live
21 in the senatorial district? Have you done any market analysis
22 of that?

23 MR. REBHOLZ: Based on my eight years in the legal
24 cannabis industry and having worked with multiple dispensaries,
25 we know that having a convenient location where you're not

1 asking people to change their behavior where you're already
2 where people are going, that is an attractive business location
3 for us.

4 MR. MCCANN: Well, I'm not talking about convenience.
5 I'm just talking about where they're coming from. Wouldn't you
6 agree with me that the vast majority of the people that are
7 going to, the patients, they're going to come and purchase
8 product from this dispensary, are going to come from outside
9 Pikesville proper?

10 MR. REBHOLZ: I have no idea how to determine that.
11 What we do know is that there's already significant traffic in
12 that area and we have a lot of potential patients that we don't
13 have to draw from anywhere else.

14 MR. MCCANN: But you, but you, so you don't know how
15 many patients, or prospective patients, for instance, that are
16 in walking distance of this location?

17 MR. REBHOLZ: That's correct, I do not know.

18 MR. MCCANN: Okay. But we do know that, as one of
19 only three dispensaries in the senatorial district, you're
20 going to be drawing people from all over this district, as well
21 as surrounding districts?

22 MR. REBHOLZ: We do not know that either.

23 CHAIR: Let me ask a quick question, I'm sorry, Mr.
24 McCann. Just to, just to get to the point here a little bit.
25 Address the elephant in the room. Basically, the, did I hear

1 correctly, that there was a 7-11 within this strip mall before
2 that's no longer there?

3 MR. REBHOLZ: That's correct.

4 CHAIR: So, --

5 MR. REBHOLZ: It's terribly vacant.

6 CHAIR: -- so the two curb cuts that were there
7 before accommodated folks who visited a 7-11?

8 MR. REBHOLZ: Yes.

9 CHAIR: So, from your prior testimony, you told me
10 between two and five customers per hour, perhaps?

11 MR. REBHOLZ: Yes.

12 CHAIR: So, you foresee your maximum amount of
13 customers on a given day to be around thirty?

14 MR. REBHOLZ: Yes.

15 CHAIR: Okay. So, based on that, you believe that
16 your traffic for that location is going to be significant less
17 than the 7-11 that once was there?

18 MR. REBHOLZ: I can't imagine us coming anywhere
19 close.

20 CHAIR: Okay. So, all right, well, let's get to the
21 next issue then. In your expertise and your prior experiences,
22 let's get heart to the point here, what, if any, other dangers,
23 dangers come along with operating a dispensary in an area?
24 Have you ever had problems, say, in your New Hampshire location
25 with the patrons? Do the patrons, in your experience, present

1 a danger?

2 MR. REBHOLZ: They do not. We are always mindful of
3 how they conduct themselves in the parking lot, safely entering
4 and exiting, observing speed limits and if there's a case where
5 we need to talk to a patient, we do so. But we haven't
6 experienced any other danger to our patrons or to our
7 neighbors.

8 CHAIR: So, your testimony, you don't foresee
9 increased traffic from prior uses there and in your expert
10 opinion, you believe that even if we're drawing from all over
11 the State of Maryland for these thirty people, it doesn't cause
12 any extra dangers, in your opinion?

13 MR. REBHOLZ: Yes, in my opinion.

14 CHAIR: And we have that opinion based on your prior
15 proffering, prior proffering as an expert and such and I'm sure
16 we'll hear testimony otherwise. But I thought I was avoiding
17 the rebuttal that would come later. All right. Fantastic.
18 All right.

19 BOARD: I have some follow-up too. We were
20 discussing market analysis about customers in the Pikesville
21 area. Is there any data base today where you can identify
22 those that, well, are prospective patients for this
23 establishment?

24 MR. REBHOLZ: No. It's a very young industry, there
25 are few sources of credible third-party objective data and the

1 companies that have sprouted out there are new, such as New
2 Frontier (inaudible) Analytics. They focus on the transaction
3 data in the store. They do not, as far as I know, and I, I
4 track this closely because it would be good information to
5 have. They have no information on where those people come
6 from.

7 BOARD: And, you know, there are no prescriptions
8 presently, basically, for patients, are there?

9 MR. REBHOLZ: Correct, it's just a recommendation,
10 not a prescription.

11 BOARD: So, you can't extrapolate, I guess, from any
12 type of patient subset from which you can derive a market
13 analysis?

14 MR. REBHOLZ: As much as I would like to see it, I've
15 yet to see any data set that looks not just at purchase and
16 behavior inside the store, but also the characteristics of the
17 patients.

18 BOARD: Well, I'm saying particularly to the
19 Pikesville area, which is Mr. McCann's question. You, you
20 can't figure out who in the area could be prospective patients
21 and you can't figure out what their behavior would be like?

22 MR. REBHOLZ: Correct. That would, you would have to
23 have access to State protected, HIPPA protected information in
24 the State data base. That's the only way I can imagine
25 figuring that out.

1 MR. MCCANN: Let me ask you this, I'm sorry --

2 BOARD: And I just want to go back to one thing that
3 you said earlier. I know Mr. McCann asked you a question about
4 the investors. Can you just tell us the reason that you don't
5 know who the investors are?

6 MR. REBHOLZ: We, with the assistance of my team,
7 we've been drawing investors from around the area. So, I've
8 gotten to know all of them, at least on an acquaintance basis,
9 but I don't know the names of all of them off the top of my
10 head, nor all of their details, because we have been drawing
11 from a lot of people, most of them come from the Baltimore
12 area, but I don't know all of their details.

13 BOARD: Thank you.

14 CHAIR: Sorry, Mr. McCann.

15 MR. MCCANN: That's okay. Sort of following up on
16 Mr. Garber's point, given the fact that you don't know, for
17 instance, how many people, prospective patients in Pikesville
18 proper that could potentially walk to the facility, if there
19 are any, any such people, is it a fair statement, Mr. Rebholz,
20 that you are banking, literally banking, on people coming from
21 outside of Pikesville and certainly farther than that, to come
22 to this facility?

23 MR. REBHOLZ: We're not banking on that. We know
24 that in Pikesville already there is very, very strong traffic,
25 there's a lot of people that live there, there's a lot of

1 people that travel there already. Our business success is not
2 predicated on attracting people from far afield.

3 MR. MCCANN: But you don't know how many peop, those
4 people, I'm not talking about traffic, obviously there's going
5 to be traffic on Reisterstown Road, we're talking about
6 patients versus traffic. You have, you have no idea how many
7 prospective patients are in Pikesville proper and you're
8 telling me it doesn't matter to you, or you invested all the
9 money that you, you apparently have invested in time without
10 confidence that the vast majority of these people are going to
11 come out from, out, come from outside of Pikesville.

12 MR. ROSENBLATT: Objection. This has been asked and
13 answered several times now.

14 MR. MCCANN: I don't think --

15 CHAIR: I think he was just clarifying a few things
16 and the witness can give his answer again.

17 MR. REBHOLZ: My confidence is that this is already a
18 high trafficked area. My confidence is that given the
19 concentration of traffic in this area already, our business
20 will succeed and we do not predicate the success of our
21 business on drawing people from outside of the immediate area.
22 I believe it's a possibility that people come from out, people
23 who do not live in Pikesville but those people are typically
24 going to be people who travel there anyways because it's
25 already a convenient location.

1 MR. MCCANN: So, you've invested all this money and
2 time and if all your business comes from Pikesville proper,
3 just for people who walk there, you're okay with that, you
4 think the business will survive?

5 MR. REBHOLZ: We expect that the business will, will
6 thrive, given the existing traffic that the area already sees.

7 MR. MCCANN: I'm not talking, I'm, I'm distinguishing
8 between traffic, general traffic, me driving, fortunately I
9 don't need medical cannabis, but for general traffic, everybody
10 in this room, versus patients, because the average person,
11 you've already said, cannot just walk into this dispensary,
12 correct?

13 MR. REBHOLZ: Traffic is caused by vehicles, vehicles
14 require humans to drive them. When we look at the possibility
15 to serve as many patients as possible, when we look to maximize
16 patient accessibility for this much needed medicine, we look at
17 traffic data. Traffic is an indicator of economic activity and
18 if people are already engaging in economic activity in this
19 area, which they are, and a lot of them are, we know that as a
20 business, one of the key elements of success is not asking
21 people to choose their behavior. You think of software, like
22 an app, they're going to construct that app with the least
23 buttons possible because they want to have you do the least
24 different things. We're the same way. We look at traffic and
25 we look at the quantity of people who already, without changing

1 their behavior, are coming by and that, in terms of business
2 success, is one of the most sound reasons to give us confidence
3 that this business will thrive.

4 MR. MCCANN: But you would agree with me that the
5 traffic you're talking about on Reisterstown Road, this drive
6 by traffic, obviously because they're, they're in their cars,
7 are coming out from outside Pikesville proper, right?

8 MR. REBHOLZ: I do not know that for sure.

9 CHAIR: How about, would you, if your patients were
10 limited to the Pikesville area and we had the crystal ball to
11 know that, it's your testimony you believe you still would
12 survive as a business?

13 MR. REBHOLZ: My testimony is that I look at the
14 people who are already there. I don't know how many of those
15 vehicles are Pikesville residents, but I know that there are a
16 lot of people going through Pikesville. So, for me, what's
17 interest, what's, what's very important to understand as a
18 business owner, to make sure that if we invest this money, we
19 become part of the community, that we can survive, it's less
20 about where people rest their head at night, because if they're
21 sleeping, I'm not serving them products. But I know if they're
22 awake, which if they're behind the wheel, I hope they're awake,
23 that, for me, is the more important indicator.

24 BOARD: Would it be fair to say what you're referring
25 to is people who regularly channel through the area for work or

1 for errands or for whatever reason that brings them into the
2 area, that's what you're basing your answers on?

3 MR. REBHOLZ: Exactly, and I imagine some of those
4 people are Pikesville residents, but I don't know for sure.

5 MR. MCCANN: And traffic, I know you're not a traffic
6 expert, you don't think the vast majority of the people coming
7 to this facility would be destination drivers as opposed to
8 drivers by, they're coming here because they're living in
9 Owings Mills and they need a medical dispensary. They're not
10 coming here, stopping by because they're on their way to, you
11 know, get some coffee in the heart of Pikesville and decide
12 that they need to stop for medical cannabis. You would agree
13 with that?

14 MR. ROSENBLATT: Objection. Speculation.

15 MR. MCCANN: We're talking destinate, let me just,
16 that's not a very good question. Would you agree with me that
17 the vast majority of people that'll come to this vicinity will
18 be destination drivers as opposed to drivers by?

19 MR. REBHOLZ: I, when they come to our store, we are
20 their destination. But the whole reason we're choosing this
21 destination is because there are so many people who already
22 travel by there.

23 BOARD: I'm going to just throw in one more factor to
24 it. Are you aware if there's any bus stop near this location?

25 MR. REBHOLZ: I have observed buses along this

1 corridor but I do not know how close the clear, the nearest bus
2 stop is.

3 MR. MCCANN: Just wondering why, if you know, the
4 Maryland legislature would allow only two dispensaries per
5 senatorial district if we're, if all the customers were being
6 served by these dispensaries are just those within walking
7 distance.

8 MR. ROSENBLATT: Objection as to --

9 CHAIR: Sustained. I get your point (inaudible).
10 Quick question though. The say, Maryland law didn't allow for
11 you to have I guess it's, pardon the, I guess it's kind of like
12 having a grower's or roadside stand, you can actually get one
13 by default, you have some experience with roadside stands, Mr.
14 McCann, say the law didn't allow you to have the dispensary by
15 default since you were a grower. Would you still be interested
16 in doing your grow operation in Baltimore City?

17 MR. REBHOLZ: We would and just to be clear, we
18 didn't get it by default, we did have to submit an application
19 and prove our qualifications.

20 CHAIR: Right, I mean, but you, but, but it made you
21 eligible for such (inaudible)?

22 MR. REBHOLZ: Indeed, yes.

23 CHAIR: So, is, (inaudible) I don't even want to open
24 this can of worms, but I will. The, the portion of the
25 operation that is the nuts and bolts, is it the grow operation

1 or just the dispensary?

2 MR. REBHOLZ: All of it is, is essential. At the end
3 of the day, the dispensary is where the rubber meets the road,
4 that's where we create patient access, that's where we provide
5 alternatives, especially in this day and age of a horrible
6 opioid crisis. So, in terms of our mission of serving
7 patients, that's where we get closest, but we also have is much
8 deep appreciation for the, the upstream activities, taking care
9 of the plants. That's why, for example, at our production
10 facility in New Hampshire, we actually have a mural right when
11 people enter the production facility showcasing a woman, Linda
12 Horan (phonetic), who was a fighter for patient rights in New
13 Hampshire because all of our employees were at a production
14 facility literally enclosed, indoors, under lights, they too
15 are mission driven, they too realize that this is part of
16 patient access and so we put those murals on the wall to make
17 them realize that our teammates in the dispensary are also
18 making sure to take care of that last mile in putting those
19 therapeutic cannabis products in the hands of patients.

20 CHAIR: So, are there dispensers who don't have grow
21 licenses?

22 MR. REBHOLZ: Yes.

23 CHAIR: So, they will have to purchase their product
24 somewhere?

25 MR. REBHOLZ: Yes.

1 CHAIR: From maybe you?

2 MR. REBHOLZ: Of the hundred two dispensaries, the
3 vast majority, I believe that there are only, I, I don't know
4 the count off the top of my head but probably close to ninety
5 out of the hundred and two do not have their own grow or
6 processing facilities.

7 BOARD: And that's because there's only, what,
8 fifteen grower licenses?

9 MR. REBHOLZ: Yes.

10 CHAIR: And you would be seeking out their business
11 as well?

12 MR. REBHOLZ: Absolutely. We, we have been since
13 January of this year.

14 CHAIR: Okay. So, again, I mean, it, your business
15 is not a sink or swim because of Nallers Lane --

16 MR. REBHOLZ: Oh, absolutely not. Nallers Lane,
17 serving patients is absolutely essential but we will also have
18 a chance to provide products to other dispensaries for their
19 shelves as well.

20 CHAIR: Okay.

21 MR. MCCANN: Couple, getting back, we got sidetracked
22 a little bit to the regulations and what will be there or
23 what's required to be there. For instance, there are
24 provisions in the regulations about the premises themselves,
25 including lighting fixtures. There's a provision in the

1 regulations that requires that lighting fixtures shall be
2 designed and installed to ensure proper surveillance. What
3 type of lighting will be inside the facility and outside, not
4 only during business hours but outside of business hours?

5 MR. REBHOLZ: I do not remember off the top of my
6 head, but we do have drawings, we used an architect, we also
7 worked with our team, our compliance officer, to make sure that
8 it did comply with the regulations.

9 MR. MCCANN: Let me ask you, maybe this is an easier
10 question. Let's say the shop closes at 8:00 p.m. You're going
11 to have to have lighting outside of this facility to ensure
12 proper surveillance.

13 MR. REBHOLZ: And we will have motion sensors to
14 ensure that if motion is detected, if there is illumination
15 that is required that the illumination will --

16 MR. MCCANN: Right, well, I saw that as well. But in
17 terms of lighting, you're going to need additional lighting
18 outside this facility after hours to, to ensure proper
19 surveillance?

20 MR. REBHOLZ: Correct.

21 MR. MCCANN: Will you also need to keep the interior,
22 you know, I, and I guess I've seen it, some of these shops
23 along Reisters, Reisterstown Road just turn the lights off
24 inside. You're going to need to keep the lights on at night
25 inside this facility to ensure proper surveillance?

1 MR. REBHOLZ: Well, in terms of the interior, we're
2 going to have motion detectors and we'll also have access
3 controls and so, by the time any light needs to go on inside,
4 which it will, will, the alarm system will also be triggered.

5 MR. MCCANN: Right. But you, sitting here today, do
6 you know what lighting fixtures you'll have inside that will be
7 on after hours?

8 MR. REBHOLZ: I do not remember them off the top of
9 my head, but we have approximately twenty-four pages of specs
10 for all of our lights, both inside and outside of the facility,
11 that is part of the general contractor package that, that we
12 have, that we put together with our architects.

13 MR. MCCANN: Okay. The regulations talk about
14 registered dispensary agents. Those are the folks, these
15 employees that are working and they'll have to be registered?

16 MR. REBHOLZ: Yes.

17 MR. MCCANN: Okay. Is it, is there a similar type of
18 requirement in New Hampshire?

19 MR. REBHOLZ: Yes, insofar as it's a straight, State
20 run criminal background check that requires fingerprints.

21 MR. MCCANN: Okay. Anything more in Maryland than
22 New Hampshire in that regard?

23 MR. REBHOLZ: There's also a drug test in Maryland.

24 MR. MCCANN: Have you ever worked at, obviously not
25 in Maryland, but in that capacity, for instance, in one of the

1 New Hampshire shops?

2 MR. REBHOLZ: I've never worked as a patient service
3 associate behind the counter.

4 MR. MCCANN: Okay and those are the only folks that
5 are allowed inside, right?

6 MR. REBHOLZ: Well, we have associates who are behind
7 the counter, as well as our security folks to greet people into
8 the building.

9 MR. MCCANN: So, all, really all the information
10 you've provided so far this morning is not based on first-hand
11 knowledge because you never worked in one of these, but based
12 on what your employees may tell you or what you require them to
13 do?

14 MR. ROSENBLATT: Objection. It's overarching that
15 none of this was based on personal knowledge. His entire
16 testimony is based on personal knowledge.

17 MR. MCCANN: Let me be more specific (inaudible).
18 I'm talking about what happens inside, since you've never
19 worked there and you have to be registered to do so, you, you,
20 you yourself said you couldn't just walk in to, to one of your
21 facilities. So, I'm asking you other than you, your testimony
22 this morning about what happens inside as opposed to what
23 should happen, what happens inside that facility anyway, those
24 facilities, is based on what you've heard from your employees?

25 MR. REBHOLZ: Just to correct a statement. It's,

1 it's not true that I cannot access it. There are certain
2 portions of our facilities where we have extra levels of
3 security. For example, at our production facility, we have
4 three different levels of security access. Some of those
5 areas, it's not necessary for me to access, such as the vault.
6 However, I can gain access to them. I have spent probably
7 hundreds of hours on the floor, salesfloor of legal cannabis
8 dispensaries in New Hampshire included. Am I the person
9 ringing it up? Absolutely not. But, am I the person engaging
10 with patients, getting an understanding of their needs, having
11 first hand intimate knowledge of all the security protocols,
12 the see to sale software and other anti-diversion techniques in
13 place? Absolutely. I'm very familiar with that having
14 experienced it for the past eight years.

15 MR. MCCANN: But in what capacity? I mean, how were
16 you able to do that? Because you're the owner or because --

17 MR. REBHOLZ: In my various capacities over the past
18 eight years as a consultant or as an owner, as a chief
19 executive officer, as the individual who has met and been one
20 of the several people to interview and to train these folks.

21 MR. MCCANN: Okay. So, you, you can get registered,
22 you could, you could work at this store if you wanted to?

23 MR. REBHOLZ: Correct.

24 MR. MCCANN: Okay. Mr. Belt asked you about
25 delivery. So, they'll, there will be unmarked vehicles going

1 from the growing/processing facility in Baltimore City to this
2 location?

3 MR. REBHOLZ: Correct.

4 MR. MCCANN: Will the, will they be in cars or
5 trucks, do you have a sense of that?

6 MR. REBHOLZ: We would prefer not to disclose
7 identifying information of the vehicle as a means of maximizing
8 security for our neighbors and our employees and our patients.
9 We have not chosen a vehicle yet.

10 MR. MCCANN: How many shipments are there, like per
11 week or per day or how many times do you think that will have
12 to happen?

13 MR. REBHOLZ: We will get into a frequency where we
14 want to make deliveries no, no, no more frequently than once a
15 week.

16 MR. MCCANN: And as a whole, as I read it, just to
17 sort of summarize, there's a whole chain of custody require,
18 instead of requirements before the product, once it leaves the
19 grow, grow and processing facility to this location?

20 MR. REBHOLZ: Correct.

21 MR. MCCANN: And you're obligated if there's any
22 discrepancy in the shipment, to notify the State Police right
23 away, correct?

24 MR. REBHOLZ: I'm not familiar with every single
25 detail of the regulations, but that does sound familiar.

1 MR. MCCANN: Okay. So, it's important to keep
2 control of inventory because if there's any difference in
3 inventory, then that suggests --

4 MR. REBHOLZ: That's absolutely right. That's why we
5 track it from seed to sale with software and get transportation
6 manifests.

7 MR. MCCANN: The, the regulations make reference to a
8 clinical director. Will there, will there, will there be, if
9 approved, a clinical director at this facility?

10 MR. REBHOLZ: That's a possibility. We haven't
11 chosen that person yet. What is important to us is that the
12 personnel who are there to advise our patients are as educated
13 as possible. Many of them do have health care certifications
14 but we have not finalized all of our staffing selections for
15 this location yet.

16 MR. MCCANN: So, you haven't hired everybody yet?

17 MR. REBHOLZ: Correct.

18 MR. MCCANN: Okay and those people are going to park
19 in the same spaces that are provided on the plan, right?

20 MR. REBHOLZ: Yes.

21 MR. MCCANN: They're not parking elsewhere?

22 MR. REBHOLZ: Correct.

23 MR. MCCANN: Will there be outside business hours,
24 you mentioned a surveillance, but will there be a security
25 guard off hours?

1 MR. REBHOLZ: We do not plan to have a security guard
2 there during off hours.

3 MR. MCCANN: Okay. Any reason why not?

4 MR. REBHOLZ: Because of the security protocols that
5 we have in place, that are not prone to human error.

6 MR. MCCANN: You mentioned this, and Mr. Belt, or
7 someone else did anyway, the 7-11 that was next door.

8 MR. REBHOLZ: Yes.

9 MR. MCCANN: It's no long there.

10 MR. REBHOLZ: Correct.

11 MR. MCCANN: Hasn't been there in months if not
12 years, correct?

13 MR. REBHOLZ: I do not know when it was last operated
14 there

15 MR. MCCANN: And sitting here today, do you have any
16 knowledge whatsoever as to what's going there?

17 MR. REBHOLZ: I do not.

18 MR. MCCANN: So, we don't know sitting here today
19 whether the parking will or will not be sufficient?

20 MR. REBHOLZ: My understanding is that the landlord
21 has a pretty sweetheart deal with 7-11 corporate for many years
22 to come and while we've inquired about his openness to having
23 somebody there, he clearly has no incentive from what we can
24 perceive.

25 MR. MCCANN: So, did you understand the 7-11 will be

1 coming back?

2 MR. REBHOLZ: That is not my understanding at all.
3 My understanding is that it is a sweetheart deal where they're
4 paying the rent.

5 MR. MCCANN: But it's not there.

6 MR. REBHOLZ: Yep.

7 MR. MCCANN: Okay. Have you had, you or anybody else
8 affiliated with your company or companies had any conversation
9 at all with the landlord about taking over that portion, that
10 is the former 7-11 portion of this same building?

11 MR. REBHOLZ: I have not.

12 MR. MCCANN: Has anybody else, other than you
13 (inaudible).

14 MR. REBHOLZ: Not that I'm aware of.

15 MR. MCCANN: Am I correct that once you obtain a
16 dispensary license, that license can go with you? In other
17 words, if you found some place else, a warehouse, or somewhere
18 else, that the facility could physically be moved as long as it
19 was re-inspected by the Commission?

20 MR. REBHOLZ: Again, this is part of the regs that I
21 don't know off the top of my head but I can imagine from the
22 Commission's perspective, they're going to be war, very wary of
23 any changes of location and it's going to be incredibly costly
24 for us, both in out of pocket expenses to find another location
25 as well as to ask our staff to change their commuting habits,

1 not to mention any patents who would have to change up their
2 behavior as well and as was stated at length, the fact that
3 this is a location where a lot of people don't need to change
4 their behavior. That's why, why we (inaudible) this location.

5 MR. MCCANN: Okay. But in, in that regard, this
6 location, and I've been by there recently, it's not built out,
7 you don't have all the surveillance equipment, you don't have
8 all of the, obviously the product is not there, but you, it's
9 not, that facility is not built out presently, correct?

10 MR. REBHOLZ: That is correct.

11 MR. MCCANN: Okay and I take it you have an opt out
12 provision in your lease that if you don't obtain either zoning
13 approval or licensing approval, that you, you can get out of
14 that lease?

15 MR. ROSENBLATT: Objection. Relevance.

16 CHAIR: (inaudible) other than curiosity?

17 MR. MCCANN: Well, I --

18 CHAIR: I mean, the whole thing is conjecture, isn't
19 it? I mean, that's why we're doing this whole thing.

20 MR. MCCANN: Yeah. I, (inaudible) if the Board were
21 to deny the relief, then this, then the company would be under
22 dire, in dire straits because they invested all this money and
23 --

24 CHAIR: It doesn't, I mean, you know, we're not
25 sweating it, so (inaudible). So, I'll sustain the objection.

1 Let's just move on.

2 MR. MCCANN: All right, okay.

3 CHAIR: I do have a quick question while you're
4 flipping papers on, on the witness, and I'm sure you folks over
5 there might make it a little clear for us, are you familiar
6 with the area? I know you're from out of town.

7 MR. REBHOLZ: I've gotten more familiar with the area
8 by virtue of this, I moved my family here from acr, from
9 California on December 26, 2016 as a sign of my commitment to
10 patient access here in Maryland. I asked my wife to take a
11 leave of absence, with ripped our six-year-old daughter out of
12 the middle of her kindergarten year --

13 CHAIR: I was getting more specific, just meaning
14 that, all right, at Nallers Lane, this little strip mall, how
15 many little units are in the spot?

16 MR. REBHOLZ: Two.

17 CHAIR: Two, so just the 7-11 and prospectively you?

18 MR. REBHOLZ: That's right.

19 CHAIR: Okay. What is directly next to what used to
20 be the 7-11?

21 MR. REBHOLZ: I believe it's, well, you mean on the
22 north side of it?

23 CHAIR: I'm just going to say to the right side.

24 MR. REBHOLZ: To, to the right side. Well, there's
25 nothing there, as you're facing it from the front, that's,

1 that's the parking lot, that's Nallers Lane to the right.

2 CHAIR: Okay.

3 MR. REBHOLZ: To the left, to the south or southwest,
4 is Season's, the grocery store that is now up and running.

5 CHAIR: Okay and directly across the street?

6 MR. REBHOLZ: Directly across the street, I believe
7 it's a cemetery.

8 CHAIR: A cemetery.

9 MR. REBHOLZ: That's to the east and to the north
10 it's, it's open land with no structures there.

11 CHAIR: Okay, all right. Now, the Nallers Lane, does
12 it go through on the other side of Reisterstown Road or is it
13 just on that side?

14 MR. REBHOLZ: It's a T. It terminates at
15 Reisterstown Road.

16 VOICE: It terminates, because the cemetery is on the
17 other side, it doesn't go into the cemetery.

18 MR. REBHOLZ: Correct.

19 CHAIR: Okay. I'll just, maybe we'll see a picture
20 later or something, I don't know. But I was just getting my
21 head around where it was. Okay, fantastic. I'm sorry, Mr.
22 McCann.

23 MR. MCCANN: Thank you for that. It gave me an
24 opportunity to review my notes and I have no further questions.

25 CHAIR: Mr. Needle, sir?

1 MR. NEEDLE: On the last question that you asked, Mr.
2 Belt, there is a church on the other side of Season's, is that
3 correct?

4 MR. REBHOLZ: I do not know.

5 MR. NEEDLE: But you said that you are generally
6 familiar with that area?

7 MR. REBHOLZ: I have become increasingly familiar
8 with the area after moving to the City of Baltimore in December
9 2016.

10 MR. NEEDLE: As a matter of fact, the, the church is
11 St. Mark's on the Hill, which is adjacent to Season's. You,
12 you're not familiar with that at all?

13 MR. REBHOLZ: I am not.

14 MR. NEEDLE: Assume that what I've told you is
15 correct, do you know what the distance would be that, from your
16 medical cannabis facility and the church?

17 MR. REBHOLZ: I cannot assert a guess to a distance
18 to a site that I'm not familiar with.

19 MR. NEEDLE: Okay. What did you say is on the other
20 side of Nallers Lane?

21 MR. REBHOLZ: On the north side of Nallers Lane I've
22 observed open land.

23 MR. NEEDLE: Are you familiar with the Pomona
24 Development at that location?

25 MR. REBHOLZ: I believe I have seen signs for that,

1 yes.

2 MR. NEEDLE: And are you aware at the front of that
3 development, there is commercial activity?

4 MR. REBHOLZ: I am not aware of that.

5 MR. NEEDLE: Are you aware that at the back, taking
6 up more than half of that lot, is substantial residential
7 development and apartments, high rise and mid-rise apartments,
8 known as the Residents at Pomona?

9 MR. REBHOLZ: I was aware that in the general
10 Pikesville area there were a lot of residents, but I was not
11 familiar with those particular buildings that you're referring
12 to.

13 CHAIR: That's where the mansion was, wasn't it?

14 MR. NEEDLE: I'm sorry?

15 CHAIR: That's where the mansion was?

16 MR. NEEDLE: That's right, the mansion was. I think
17 that's been taken down.

18 CHAIR: It has, it has. So, was it the Hutzler's, is
19 that what it was? It was the Hutzler's, yes.

20 MR. NEEDLE: All right. Are you aware that there are
21 several residential communities off of Old Court Road that are
22 very nearby your site?

23 MR. REBHOLZ: I am aware in general, as I said, that
24 there are residents in the, the overall area, but I'm not
25 familiar with the ones to which you're referring specifically

1 right now.

2 MR. NEEDLE: Okay. Now, I believe you said and the
3 video that you showed also confirmed that those entering the
4 facility have to show the prescription that they have and an
5 identification card, is that correct?

6 MR. REBHOLZ: No, it's not correct. It's not
7 referred to as a prescription, it's a recommendation. In New
8 Hampshire, you're required to show both the State issued
9 medical cannabis card and a second form of government photo
10 i.d.

11 MR. NEEDLE: What is the recommendation, please?

12 MR. REBHOLZ: Because cannabis is not a prescribed
13 drug in the eyes of the FDA, in, instead it's considered a
14 medical cannabis recommendation. A physician or other provider
15 is recommending to a patient that they avail themselves of this
16 therapy.

17 MR. NEEDLE: Okay. Is there a specific form that a
18 physician uses to fill out for this recommendation?

19 MR. REBHOLZ: I believe so. While I'm not a Maryland
20 physician and I haven't experienced first-hand, I know that
21 both to register with the State of Maryland, there's a process
22 there, and I know once or if a physician is registered to
23 recommend medical cannabis in the State of Maryland, they then
24 are provided the access rights to the State managed data base.

25 MR. NEEDLE: And a person would not be permitted

1 access into the facility unless they had that recommendation
2 with them, is that right?

3 MR. REBHOLZ: Either they have a recommendation or
4 they are an employee of our entity.

5 MR. NEEDLE: Suppose a spouse of the patient
6 accompanied that person to the facility, would they be allowed
7 in without a recommendation for themselves?

8 MR. REBHOLZ: I believe, and I do not know this for
9 sure, but I believe in the Maryland recommend, regulations,
10 they do make accommodations for individuals who need that care.
11 In contrast, in New Hampshire, that's one of the unfortunate
12 situations where even caregivers or spouses are not allowed to
13 accompany somebody and that's frustrating because many of these
14 people are frail, they have canes, they have walkers, they have
15 wheelchairs.

16 MR. NEEDLE: What search of the individual is
17 conducted before they're allowed into the facility, other than
18 showing the i.d. and the, and the recommendation?

19 MR. REBHOLZ: There is no search other than verifying
20 their government issued photo i.d. as a match in the data base.

21 MR. NEEDLE: How would you know then that that person
22 doesn't have a gun, a knife or any other instrument that could
23 be dangerous?

24 MR. REBHOLZ: We do not have a means of verifying
25 whether or not they have any knife, utility knife or any other

1 type of razer, anything else that could be harmful.

2 MR. NEEDLE: Now, you said that you have anywhere
3 between three and six personnel at, at a facility like this one
4 in Pikeville, is that correct?

5 MR. REBHOLZ: Yes.

6 MR. NEEDLE: How many of those are security guards?

7 MR. REBHOLZ: We would, well, first of all, a hundred
8 percent of our employees are going to be trained, basic
9 security, and there will be a select few that are given extra
10 security training, so our intention would be to have at least
11 two security dedicated personnel there during all opening
12 hours.

13 MR. NEEDLE: And do those security personnel carry
14 guns?

15 MR. REBHOLZ: They do not.

16 MR. NEEDLE: If a person attempted to hold up,
17 perform a robbery, at your location, how would your security
18 personnel, without guns, protect the facility?

19 MR. REBHOLZ: Our goal is always to minimize the risk
20 of violence. If somebody says we want your cash and your
21 product or people will get hurt, we will say to them, where do
22 you want it? We will give that up if it means protecting the
23 physical safety of our neighbors, our patients and our
24 employees. At the same time, we also have other security
25 measures in place, which I do not want to go into detail, that

1 would enable them to very quickly notify law enforcement.

2 CHAIR: The person with said weapon would have shown
3 his picture i.d. before brandishing such?

4 MR. REBHOLZ: Correct.

5 CHAIR: (inaudible).

6 MR. MCCANN: Assuming it was the right one.

7 CHAIR: Yeah, that's true.

8 MR. NEEDLE: I, I think you said that there's no back
9 door at this particular facility on Reisterstown Road?

10 MR. REBHOLZ: The doors for entry and exit for
11 employees and for patients are both facing Reisterstown Road.
12 There are other doors on the facility but they will not be used
13 except in emergency, for fire safety reasons.

14 MR. NEEDLE: Can access be obtained to the facility
15 from that, those back doors?

16 MR. REBHOLZ: Only if one has proper access
17 credentials.

18 MR. NEEDLE: Did you say that you have no intention
19 in the future of applying for a recreational cannabis facility?

20 MR. REBHOLZ: I did not say that.

21 MR. NEEDLE: Do you have any intention of doing that?

22 MR. REBHOLZ: If it means that we can expand patient
23 access further and if in a given State it is allowed, it's
24 something that we will consider. But right now, quite frankly,
25 we've got our hands full just getting ready to serve the

1 patients in Maryland.

2 MR. NEEDLE: Would you be willing to accept a
3 condition of the grant of the special exception that prohibits
4 it developing into a recreational cannabis facility?

5 MR. REBHOLZ: We would be very concerned about
6 limiting access to other patients by doing so. We also expect
7 that as in every other State, if the State of Maryland chooses
8 to go from medical only to also adult use cannabis, that there
9 will be probably pretty stringent hoops to jump through, both
10 at the State and at the local level.

11 MR. NEEDLE: But that's pure speculation at this
12 point.

13 MR. REBHOLZ: It's speculation based on what's
14 occurred in most other States in this country.

15 MR. NEEDLE: Now, you have said, I think, more than
16 once that you have concerns about the security of your own
17 personnel in the facility, is that right?

18 MR. REBHOLZ: Of course, they are our trusted
19 teammates, we want to make sure they go home safely, just like
20 we want to make sure our patients and our neighbors feel safe.

21 MR. NEEDLE: Do you have concerns for their safety as
22 long as they're inside the site?

23 MR. REBHOLZ: I have concerned for their safety
24 twenty-four/seven, wherever they may be. That's my job.

25 MR. NEEDLE: And you would also, obviously, have

1 concerns for the safety of the public --

2 MR. REBHOLZ: Absolutely.

3 MR. NEEDLE: -- that is outside as well as inside
4 this site?

5 MR. REBHOLZ: Absolutely.

6 MR. NEEDLE: Why were you concerned about disclosing
7 the location of your facilities?

8 MR. REBHOLZ: If a criminal were to perpetrate a
9 crime at any of these facilities, they got to be a special kind
10 of stupid. This is a person, if you want to perpetrate a crime
11 at this type of facility, you then need to have access to sell
12 off those cannabis products, which means you are by definition
13 also transacting in the black market. If you're already
14 transacting in the black market, why not beat up somebody who
15 is also a black market participant, who will not avail
16 themselves of the Courts or of law enforcement. Why would you,
17 instead of doing that, go to a facility and our production
18 facility is barbed wire and fence all around it with a secured
19 gate, with all the exterior and interior cameras and all of the
20 backup power, all the backup video storage, all of the access
21 controls, including dual authentication, why would a criminal
22 do that? All these things are meant as deterrents to make sure
23 that our patients, our neighbors and our employees are safe.

24 CHAIR: I think Mr. Riddle's question was by not
25 disclosing the address of the grow operation, aren't you sort

1 of acknowledging that it might be a target and that's why you
2 don't want to disclose it? I think that's what he was trying
3 to say.

4 MR. REBHOLZ: Absolutely. Yeah.

5 CHAIR: Okay.

6 MR. REBHOLZ: Even though they got to be a special
7 kind of stupid, you know, we want to keep those people in the
8 dark about where we are.

9 MR. NEEDLE: Are we talking about disclosing the
10 addresses of dispensaries or other facilities?

11 MR. REBHOLZ: No, we have to disclose the address of
12 the dispensary otherwise the patients will not be able to avail
13 themselves of their medicine.

14 MR. NEEDLE: Right.

15 MR. REBHOLZ: But the other facilities we have, we do
16 not want to disclose that.

17 BOARD: By that, you mean the growing, processing?

18 MR. REBHOLZ: Correct.

19 MR. NEEDLE: And an individual driving on
20 Reisterstown Road, without a recommendation, is, is not looking
21 for your facility, is that correct?

22 MR. REBHOLZ: I have, I don't know why they would
23 want to look for my facility.

24 MR. NEEDLE: Right. So, I believe as Mr. McCann
25 said, yours is a targeted destination for anybody that's going

1 to visit it, is that right?

2 MR. REBHOLZ: Yes, the patients who want to know
3 exactly where we are so they could avail themselves of the
4 medicine.

5 MR. NEEDLE: Okay. What kind of sign do you plan to
6 have outside the facility on Reisterstown Road?

7 MR. REBHOLZ: It's no different than the existing
8 pylon and I believe we will have the, the middle rectangle for
9 our signage there.

10 MR. NEEDLE: What size sign would that be?

11 MR. REBHOLZ: I do not know off the top of my head
12 what the dimensions of that sign are.

13 MR. NEEDLE: Would it be lit?

14 MR. REBHOLZ: We would want to make sure that it's
15 appropriately illuminated so that people could see where their
16 destination is easily. So that they don't, you know, do
17 anything un, unfortunate in the midst of traffic.

18 MR. NEEDLE: And I assume that the number of, on
19 Reisterstown Road, of your facility, would be easily recognized
20 by anybody driving by?

21 MR. REBHOLZ: I cannot speculate as to how
22 recognizable that, that number might be to others.

23 MR. NEEDLE: But wouldn't that, there, they're
24 looking for a specific address on Reisterstown Road, which has
25 a number, and they're looking for that when they approach your

1 facility, so I assume you're going to have a large number
2 that's easily seen?

3 MR. REBHOLZ: We might have a number or we might have
4 our logo and our name as an alternative way for people to
5 identify us as their destination.

6 BOARD: So, you don't have the signage in place yet
7 or it hasn't been drafted, I guess, yet, is that --

8 MR. REBHOLZ: We, we have not put it up, no.

9 BOARD: But it's been, hasn't been drafted?

10 MR. REBHOLZ: It has not been drafted, no.

11 BOARD: Okay. So, it doesn't have the address on it,
12 I think, I guess is the question? It will not have the address
13 on the sign?

14 MR. REBHOLZ: Right now, we do not plan on doing that
15 but we have not finalized it.

16 BOARD: Thank you.

17 MR. NEEDLE: Why wouldn't you --

18 CHAIR: The branding Temescal, you wouldn't say
19 cannabis dispensary underneath of it, would it, it would just
20 be the name?

21 MR. REBHOLZ: No, absolutely not. It's a, it's a
22 logo that does not have the leaf, it doesn't have the plant,
23 no.

24 CHAIR: Okay. (inaudible) just words.

25 BOARD: Yeah.

1 MR. REBHOLZ: That's right. This is not, this is not

2 --

3 CHAIR: So, if people know what it is (inaudible).

4 MR. REBHOLZ: This is not the neon green cross at
5 all.

6 CHAIR: Okay.

7 MR. REBHOLZ: This is just very plain, very
8 welcoming, quite boring in my opinion.

9 CHAIR: Okay.

10 MR. NEEDLE: What would, what would the sign say?

11 MR. REBHOLZ: Temescal Wellness.

12 MR. NEEDLE: Is this the first dispensary that you
13 anticipate being opened in Baltimore County?

14 MR. REBHOLZ: We do not know. That would be pure
15 speculation. We do not know the current status of the other
16 dispensaries in Baltimore County.

17 MR. NEEDLE: Do you know how many others are in the
18 pipeline?

19 MR. REBHOLZ: Probably about a hundred two.

20 MR. NEEDLE: Is that the total number that, that
21 would be permissible in Baltimore County --

22 MR. REBHOLZ: I believe that that is the, no, no, no,
23 no, not in Baltimore County, State wide.

24 MR. NEEDLE: Okay.

25 MR. REBHOLZ: State wide.

1 MR. NEEDLE: You've actually begun to renovate the
2 site, is that correct?

3 MR. REBHOLZ: We've started to conduct demolition.

4 MR. NEEDLE: So, you're pretty confident that you're
5 going to get the special exception?

6 MR. REBHOLZ: Yes.

7 MR. NEEDLE: I was really confused about all the
8 discussion with regard to the, the traffic that goes by, the
9 importance of how much traffic goes by, when you just admitted
10 that cars driving by, those driving cars going by, are looking
11 for a specific destination, your destination, when they have a
12 recommendation that they want to fill, right?

13 MR. REBHOLZ: Yes.

14 MR. NEEDLE: So, it could be just that car that's
15 important to you, not all this traffic back and forth on
16 Reisterstown Road?

17 MR. REBHOLZ: Every one of those vehicles is a
18 potential patient that we can serve.

19 MR. NEEDLE: Not without a recommendation.

20 MR. REBHOLZ: That's correct.

21 MR. NEEDLE: So, they're not going to stop because
22 they see Temescal Wellness if they don't have a recommendation.

23 MR. REBHOLZ: If they did stop, they wouldn't be
24 getting inside.

25 MR. NEEDLE: How much cash do you anticipate doing

1 business a day?

2 MR. REBHOLZ: That is something that we would be wary
3 of disclosing because it would be an indication of how much
4 paper currency could be confiscated.

5 MR. NEEDLE: Okay.

6 MR. REBHOLZ: What I can say is that we have
7 protocols in place to minimize the amount of cash, both at the
8 points of sale in the cash drawers. At some point, they're
9 taken off and put inside of the vault. Once the total paper
10 currency inside of a vault reaches a certain threshold, it will
11 be taken by a cash courier that has been approved by our bank
12 and it will be taken to our bank and we do have a bank account.

13 MR. NEEDLE: I have no further questions.

14 CHAIR: Mr. Rosenblatt?

15 MR. NEEDLE: Mr. McCann, oh.

16 CHAIR: Do you have anything further?

17 MR. ROSENBLATT: Very, I'm going to, nothing further,
18 thank you.

19 MR. MCCANN: I do have a follow-up --

20 MR. ROSENBLATT: I didn't ask him anything, there's
21 no place for that. That's exactly why I didn't ask questions
22 because --

23 CHAIR: Everyone has had their way. You know, what,
24 what could you possibly re-ask now?

25 MR. MCCANN: In light of his questions, I'm not, as

1 an independent party, I can't ask a follow-up to that?

2 MR. ROSENBLATT: Not unless I ask questions.

3 MR. MCCANN: I've never heard that rule. I never
4 heard of that rule. Particularly before the Board where --

5 CHAIR: Well, the whole idea is beyond the scope of
6 direct. Anything that he asks now would have been in the scope
7 of direct, which would have been your turn, you know something,
8 I'm not going through this. Mr. McCann, how many questions do
9 you have?

10 MR. MCCANN: One question.

11 CHAIR: One?

12 MR. MCCANN: Yes.

13 CHAIR: I'm going to give him his one, Mr.
14 Rosenblatt, because it'll take more time to argue about it.

15 MR. MCCANN: Well, I want to re-ask the question
16 about the amount of cash, which he refused to answer.

17 CHAIR: And I'm not going to make him and I think
18 it's completely irrelevant so we're moving on from there.
19 Objection noted. You tell me this. It's going to be a bank
20 there, there's a lot of cash, (inaudible).

21 MR. MCCANN: Well, actually banks don't have as much
22 cash as you, as you think.

23 CHAIR: Well, how about this? What makes, have we
24 heard any testimony that this business has more cash than
25 another business? More people are going to come in and pay in

1 cash?

2 MR. MCCANN: Well, that's what we need to know. I, I
3 would suspect yes, the absolute answer to the question is yes,
4 because they can't --

5 CHAIR: Why, why would you suspect that? I, that's
6 my question is, why would you suspect that these people are
7 going to pay more in cash? What exactly are you saying?

8 MR. MCCANN: Because Federal law doesn't allow,
9 Federal banks can't be involved in this, in these transactions,
10 so this is a cash business in the --

11 CHAIR: Are you saying that these products can only
12 be bought in cash?

13 MR. REBHOLZ: No, that is not --

14 CHAIR: No, I didn't think that --

15 MR. MCCANN: He said, he said cash or debit card. He
16 said no credit card, no, no check on a Federal --

17 CHAIR: I, I'm, I'm still, I am not persuaded, I'm
18 not going to have any further conversation about cash.

19 MR. MCCANN: Mr. Belt, that's, that's, that's what
20 this, these cases are all about because of Federal limitations
21 --

22 CHAIR: These cases are about how much cash people
23 are going to spend at these locations, that's what you just
24 told me.

25 MR. MCCANN: My understanding --

1 CHAIR: That's what you just said.

2 MR. MCCANN: I'm not, I'm not a witness, but my
3 understanding is that these, these businesses are, have more
4 cash than just the mom and pop shop because, because Federal
5 banks --

6 CHAIR: I have heard no testimony from anyone that
7 these businesses have more cash than any mom and pop.

8 MR. MCCANN: Well, that was, it's my, my
9 understanding it's common knowledge, number one. And number
10 two, we can ask him that question.

11 CHAIR: Okay.

12 MR. MCCANN: Because Federal banks, you understand
13 that, Mr. Belt? That, I mean, I think we all know that,
14 Federal banks can't be involved in, in these transactions
15 because of Federal law doesn't allow medical marijuana. So,
16 that's why it's a cash business. I don't, I want, I wanted,
17 and, and why only debit and cash as opposed to other forms of
18 payment.

19 CHAIR: You know, we're here for a special exception
20 and I have been very patient now at 12:30 waiting for some
21 information about a special exception. I am not going down the
22 road to talk about Federal laws and cash and banks. This is
23 where we're getting to the silly, so.

24 MR. MCCANN: Well, I'll, all right. I'll sit down
25 now. I understand your ruling. Thank you.

1 CHAIR: Mr. McCann, to be fair, I am going to concur
2 with my Board members because perhaps I'm making the wrong
3 decision and they want to ask --

4 MR. MCCANN: I wouldn't ask the question if I didn't
5 think it was common knowledge and I may be wrong, I may be
6 completely wrong.

7 CHAIR: Well, I'm going, well, I don't think, I'm not
8 even going --

9 BOARD: Well, tell me the relevance of it. That's
10 what I'd like to hear more, the relevance.

11 MR. MCCANN: Okay. Well, obviously, I know no one
12 has spoken the word special exception and it's cross
13 examination. We're talking about impacts, that's what special
14 exception cases are about. So, if this particular business has
15 an impact, one impact may be it promotes crime. That's
16 obviously an argument, we can all, we can disagree about that.

17 BOARD: But isn't it, if I may?

18 MR. MCCANN: Yeah.

19 BOARD: You're, where you're going is that it would
20 be a target based on the product and based on the cash,
21 correct?

22 MR. MCCANN: Right.

23 BOARD: Right. Has that point been established by
24 the questioning or at least, you know, the arguments that have
25 been established already by the points made?

1 MR. MCCANN: Probably. The level of cash, that was
2 my question, that's where, that's what started all this.

3 BOARD: So, you --

4 BOARD: But is that, does that make it the target,
5 the level of cash, or just the fact that there's cash, you
6 know? Are they, you know, --

7 MR. MCCANN: That's a good question, that's a, well,
8 I think, I think if it's a, if it's a million dollars on hand,
9 yes, that would make a difference. But if it's, you know, we
10 don't know the answer so I can't say what is, what --

11 BOARD: Right, but the point you want to make is it
12 makes it a target and you're going to argue down the line that
13 it's more of a target because of the nature of the business.

14 MR. MCCANN: Right, it's one impact among others.

15 BOARD: Right.

16 MR. MCCANN: That the special exception, I think,
17 analysis requires, that's all.

18 BOARD: Well, that's my point is, hasn't that, hasn't
19 that already been established by the questioning?

20 MR. MCCANN: Yes, so, it, cash will be at this
21 location so I'll leave it at that. I don't, but I --

22 BOARD: And I think it's for argument as well.

23 MR. MCCANN: -- I don't want Mr. Belt to
24 misunderstand, that this goes to impact, it does. I think it's
25 very relevant to impact, but I'll leave it alone.

1 BOARD: Right, if you're convinced that it's been
2 addressed in direct and cross examination, then you can, of
3 course, address that in your argument.

4 MR. MCCANN: Yeah.

5 BOARD: So, okay.

6 MR. MCCANN: Thank you.

7 BOARD: Thank you.

8 MR. ROSENBLATT: (inaudible) Mr. McCann for redacting
9 (inaudible).

10 BOARD: That's right. Sorry. It's actually, it's
11 actually written down on my (inaudible) too. So, with that,
12 you want to move your exhibits?

13 MR. MCCANN: Yes, one through four, I believe?

14 BOARD: Well, you have one, two and four, at the
15 moment, and then five will be, once redacted.

16 MR. MCCANN: And that as soon as we break.

17 BOARD: Right. Okay, then.

18 CHAIR: All right. So, where are we, Mr. McCann?

19 MR. ROSENBLATT: I have one more witness and --

20 CHAIR: Well, you're not getting to that until we're
21 taking a break because we're not making any good time so I'm
22 not rushing anything along, we're going to keep moving along,
23 we're just going to, we're going to take a break.

24 MR. ROSENBLATT: All right.

25 CHAIR: How about this poor gentleman, can he, can he

1 sit down? Are we done with him?

2 MR. MCCANN: Yes, thank you.

3 CHAIR: Sir, you are excused. All right. Mr.
4 McCann, so you have, Mr. Riddle, you didn't have any further
5 questions?

6 MR. NEEDLE: No.

7 CHAIR: All right. Let's, let's, let's have a group
8 meeting as to the plans for a lunch break. And let's do this
9 too, let's make a decision for your folks who are here because
10 I have a feeling that our wit, expert witnesses are probably
11 going to take, say even if we came back at one, it's going to
12 take a good portion of the afternoon. Is there anyone, Mr.
13 McCann, that you feel necessary who, who needs to be called
14 today?

15 MR. MCCANN: What we'll do at lunch, I'll talk to my
16 folks and if they, maybe if they can, if they do need to leave,
17 they could go first after lunch, otherwise --

18 MR. ROSENBLATT: I'm going to do the one more witness
19 and I'll take the same amount of time or less than I took with
20 the first witness and then the length of his testimony depends
21 on the cross exam and then I don't have any problem with you
22 organizing so that the people that need to go first --

23 MR. MCCANN: Okay.

24 CHAIR: (inaudible) I just didn't, if, if folks were
25 sticking around to testify, I just wanted to, maybe you can

1 give them a hint that probably, we probably won't get to some
2 of that today. You can figure out who needs to go today.

3 MR. MCCANN: I'll let them know.

4 CHAIR: Who can't be here next time, and things of
5 that sort.

6 MR. MCCANN: We'll work that out, yeah.

7 CHAIR: So, what's, you guys want a whole hour or do
8 you, my thought is, if I give you a half an hour, you're going
9 to be back here in forty-five minutes.

10 MR. MCCANN: By the time I get to my office and, and
11 sit down, an hour is perfect.

12 CHAIR: Okay.

13 MR. MCCANN: But if it's forty-five or a half an
14 hour, it's not enough.

15 CHAIR: Let's just do an hour. Let's just come back
16 at 1:30, folks.

17 MR. ROSENBLATT: Got it.

18 CHAIR: All right? Thank you. All right. We are
19 adjourned until 1:30.

20 MR. MCCANN: Thank you.

21 (RECORDING PAUSED - 12:24:19 PM)

22 (ON RECORD - 01:36:01 PM)

23 CHAIR: We are back on the record and I believe, Mr.
24 Rosenblatt, you're about to call your next witness?

25 MR. ROSENBLATT: Yes, our next witness is Mitch

1 Kellman.

2 CHAIR: Stand and be sworn.

3 BOARD: Would you raise your right hand, please? Do
4 you swear and affirm under the penalties of perjury, that the
5 testimony you're about to give is true and correct to the best
6 of your knowledge, information and belief?

7 MR. KELLMAN: I do.

8 BOARD: And if so, please state your name and your
9 business address for the record. Would you state your name?
10 Remain standing for me.

11 MR. KELLMAN: Mitchell Kellman, K-E-L-L-M-A-N. I am
12 employed with Daft McCune and Walker, also known as DMW. My
13 address is 501 Fairmount Avenue, Suite 300 in Towson.

14 BOARD: Thank you.

15 MR. KELLMAN: You're welcome.

16 CHAIR: Mr. Rosenblatt, what are we going to be
17 proffering to his expertise?

18 MR. ROSENBLATT: His expertise is a land use and
19 zoning expert with particular knowledge of the zoning
20 regulations as they relate to Petitions for Special Exception.

21 CHAIR: Mr. McCann, sir?

22 MR. MCCANN: I have no problem with that.

23 CHAIR: All right.

24 MR. MCCANN: No questions.

25 CHAIR: All right. He will be so admitted as to

1 those areas.

2 MR. ROSENBLATT: For the, just for the record, I'll
3 submit a copy of, as Exhibit 7, of Mr. Kellman's resume.
4 Here's his resume.

5 BOARD: Thank you.

6 BOARD: Thank you.

7 MR. ROSENBLATT: Mr. Kellman, what's your position
8 with DMW?

9 MR. KELLMAN: I am the director of zoning services,
10 I'm also principal.

11 MR. ROSENBLATT: How often do you work with the
12 zoning regulations?

13 MR. KELLMAN: Pretty much every day.

14 MR. ROSENBLATT: Were you employed by Baltimore
15 County at one time?

16 MR. KELLMAN: I was, for approximately twelve years.

17 MR. ROSENBLATT: In what office?

18 MR. KELLMAN: I was in the office of, it was the
19 zoning office at that time.

20 MR. ROSENBLATT: Is the zoning office the office that
21 takes in and reviews Petitions for Special Exceptions?

22 MR. KELLMAN: It does.

23 MR. ROSENBLATT: And you testified before --

24 MR. NEEDLE: Excuse me, we would concede his
25 qualifications as an expert.

1 CHAIR: You know something, Mr. Riddle, I'm going to,
2 many apologies to you because first of all, I think Mr. McCann
3 did and I forgot to ask you. So, you are doing so now and I'm
4 basically saying that we don't need to go through all that
5 because he's conceding it. If we could save a little time, Mr.
6 Kellman has been here on many occasions and we're aware of his
7 qualifications and we can proceed. And Mr. Riddle, I'm, next
8 time I foul that up, just pound on the table and say hey, let
9 me know.

10 MR. NEEDLE: (inaudible).

11 CHAIR: I'm sorry.

12 MR. ROSENBLATT: And with him admitted, I'll just
13 ask, how, how familiar are you with Pikesville?

14 MR. KELLMAN: I grew up in the Pikesville area,
15 really towards Lochern but I frequented Pikesville. I was kind
16 of like in between the Lochern and Pikesville area.

17 MR. ROSENBLATT: Okay and have you visited this site?

18 MR. KELLMAN: I have. I've visited the site before
19 the hearing in front of the Administrative Law Judge. I, I
20 conducted a site visit Sunday and then I also went by
21 yesterday, approximately 4:30 in the afternoon.

22 MR. ROSENBLATT: Now, I'm going to hand you an aerial
23 photograph and ask you to just orient the Board to the site and
24 some of the surrounding uses. I think I have six copies of
25 this, so I'm going to, can I give him the marked exhibit?

1 BOARD: Yeah, sure.

2 MR. ROSENBLATT: That I've marked as number eight.
3 And I'll give everybody a copy.

4 BOARD: Thank you. So, this is eight.

5 BOARD: Thank you.

6 BOARD: What are we calling this?

7 MR. ROSENBLATT: Aerial photograph. And Mr. Kellman,
8 please orient the Board to the property and some of the
9 immediately adjacent and then surrounding uses.

10 MR. KELLMAN: The site, as you can see, is depicted
11 by, like a red demarcation and right next to it is says, 1636
12 Reisterstown Road. That is the site in question. Directly
13 across the street, you'll see an open area which is the Druid
14 Ridge Cemetery. See the northwest, on the opposite side of
15 Nallers Lane, that is the Residents at Pomona. Directly on the
16 opposite side of Nallers Lane is a big, open space area that is
17 part of that development. If you go a little bit north of that
18 open space area, you'll see something that says Staffmark and
19 Suburban House. That is the commercial element of the, of the
20 Pomona overall development. Towards the south of the site is
21 the parking lot for the newly opened Season's Kosher Market.
22 It was, it, it was before like, it was an office supply, like
23 a, like an Office Depot or Staples or whatever. That got
24 converted over to the Staples, or excuse me, to the Season's
25 Kosher Restaurant, which I worked on that, getting them through

1 permits. In the back of the Season's building is Sunrise at
2 Pikesville, which is an assisted living facility. And on the
3 other side of the Season's Kosher Market is a, there's a
4 church.

5 MR. ROSENBLATT: Can you explain, what is immediately
6 west of, of our site, between our site and then back to the
7 Season's Grocery Store, what is between the two?

8 MR. KELLMAN: Immediate west, immediately west and
9 just north of the Season's building is an office building with
10 associated parking. It's my understanding that Season's
11 purchased that property. When I went out to the site on
12 Sunday, Season's was raising the smaller building to the rear
13 of the site. That building was a, I think it was a personal
14 care establishment that whoever owned the office building was
15 leasing out and it looked like they were in the process of
16 tearing that building down.

17 BOARD: And that's the white square?

18 MR. KELLMAN: No, the, the, --

19 BOARD: Where is that?

20 MR. KELLMAN: -- the white square is the Season's
21 Restaurant.

22 BOARD: Okay.

23 MR. KELLMAN: There's a, there's a little office
24 building just north of that white building, of that white
25 square.

1 BOARD: Okay.

2 MR. KELLMAN: And that's an office building that,
3 from my understanding, Season's purchased. When I was talking
4 to Season's and helping them with their permitting, they, they
5 had told me that they were going to buy that office building
6 and, and use it for, for Season's business.

7 MR. ROSENBLATT: Now, are they physically on site
8 working on that, to your knowledge?

9 MR. KELLMAN: When I, when I went Sunday, they were,
10 they were physically working on that. In fact, one of the, I
11 think one of the, one of the guys who was demoing the building,
12 he asked me if I could prepare a drainage plan for him.

13 MR. ROSENBLATT: Can you talk about some of the other
14 uses, the, the commercial uses to the south of the property?

15 MR. KELLMAN: When you get to the south of the
16 property and, and you'll see Old Court Road, it's where you get
17 into the BLCT town center district of, of Pikesville. You'll
18 see directly at the corner of Old Court Road and Reisterstown
19 Road is, is Walgreen's, across the street is Wells Fargo and
20 then you'll see a series of commercial uses and parking
21 facilities going south along Reisterstown Road.

22 MR. ROSENBLATT: What, what are some of the uses,
23 some of the commercial uses?

24 MR. KELLMAN: You have Walgreen's, Wells Fargo Bank,
25 FedEx Office, but going along Old Court Road, you have several

1 restaurants, Ledo Pizza, you have Noodles & Company and that's,
2 that's moving south. If you go a little bit north along
3 Reisterstown Road, you, you, what's, what's not shown on here
4 is the big landmark of Pikesville, which is just inside the
5 beltway, is the, is the Pikesville Hilton. It may be called
6 something else now, but most people know it as the Pikesville
7 Hilton.

8 MR. ROSENBLATT: Okay and have you studied the
9 surrounding uses and, and distances that are required by the
10 Baltimore County zoning regulations?

11 MR. KELLMAN: I have.

12 MR. ROSENBLATT: Is there any public or private
13 elementary, middle or high school within five hundred feet of
14 this property?

15 MR. KELLMAN: There is not.

16 MR. ROSENBLATT: Is there any other medical cannabis
17 dispensary within twenty-five hundred feet of this property?

18 MR. KELLMAN: There is not.

19 MR. ROSENBLATT: Okay. I'm going to ask you, will
20 hand Exhibit 8, since you have this, the marked one, up to Mr.
21 Garber and if you could approach the site plan, which I've
22 marked as Exhibit 1, and go, go over the plan for the Board.
23 Just orient the Board, explain the layout, circulation,
24 etcetera, on the site plan.

25 MR. KELLMAN: May I approach?

1 BOARD: Yes. Do you have extra copies of Exhibit 1?

2 MR. ROSENBLATT: I do. They're all, we have two or
3 three full size copies. I don't have an eleven by seventeen or
4 anything that would be handy to write on.

5 BOARD: (inaudible).

6 MR. ROSENBLATT: Okay. I'm going to --

7 BOARD: I don't know, I wouldn't mind seeing one
8 actually.

9 MR. ROSENBLATT: I think I have three.

10 BOARD: Thank you.

11 MR. ROSENBLATT: (inaudible). Thank you (inaudible).
12 Everyone is ready, go ahead.

13 MR. KELLMAN: Okay. The, the right-hand corner of
14 the site plan --

15 BOARD: Also, please keep your voice up for the
16 microphones.

17 MR. KELLMAN: Excuse me?

18 BOARD: Keep your voice up for the microphones.

19 MR. KELLMAN: Okay, I apologize. The, the right-hand
20 corner of, right hand corner of the site plan is the vicinity
21 map and that shows everybody where we are in the world, the
22 general vicinity of where the site is. When you get into the,
23 the basic site plan, it shows the site, it shows the closest
24 intersecting street, which we are on the corner of Reisterstown
25 Road and Nallers Lane. What, what it, what the site plan also

1 does is on the opposite side of the right away, which is
2 Reisterstown Road, it also references the, the cemetery. If
3 you go southeasterly along Reisterstown Road and of the site,
4 this is where the Season's Market is and this is the building
5 right here, the Season's --

6 MR. ROSENBLATT: And just because it won't show up in
7 the record when you say this, could you try and say to the
8 left, right, west, east.

9 MR. KELLMAN: Sure, okay.

10 MR. ROSENBLATT: Thank you.

11 MR. KELLMAN: Okay, sorry about that. South and to
12 the rear of the site is the Season's Kosher Market and the
13 parking lot directly south of our site. Directly behind our
14 site is the office building and I, I had told the Board that
15 they were in the process of razing a building, it's this little
16 square behind the subject site. On the opposite site of
17 Nallers Lane, which is going, Nallers Lane, which is going in a
18 northwesterly direction, is the open space of Pomona.

19 MR. ROSENBLATT: And just because what I say in
20 opening is not evidence, can you say how many acres is the
21 property, what is the zoning, what's the address?

22 MR. KELLMAN: Okay. The zoning is BL, okay? The,
23 the address, which was mentioned before, is 1636 Reisterstown
24 Road. The site in, in question is, is .54 acres and the actual
25 special exception area is .30 acres.

1 MR. ROSENBLATT: And are any changes to the exterior
2 of the building expanding the footprint, any changes whatsoever
3 to the building being proposed as part of this Petition?

4 MR. KELLMAN: There are no changes to the building.

5 MR. ROSENBLATT: And have you explained the
6 circulation in and around the site?

7 MR. KELLMAN: Okay. There's two points of access
8 into the site, Reisterstown Road and Nallers Lane. You can go
9 into the site by using Reisterstown Road. You can actually go
10 through the site and turn off onto Nallers Lane. You could
11 also do the reversal. You can go through the site from Nallers
12 Lane and enter off onto Reisterstown Road. What I want to make
13 mention to is the, the intersection of Nallers and Reisterstown
14 Road is a signalized intersection.

15 MR. ROSENBLATT: And okay, let's, let's move to some
16 photos of the site. I'm going to show you a series of
17 photographs that I'll mark as Exhibit 9, hand them out to
18 everybody, and that'll be 9-A, B, C, it's like it's 9-A through
19 I. I have marked the official copy.

20 BOARD: Thank you.

21 MR. ROSENBLATT: For you.

22 BOARD: Thank you.

23 MR. ROSENBLATT: Ask Mr. Kellman, did you take these
24 photographs?

25 MR. KELLMAN: I did.

1 MR. ROSENBLATT: And can you just give the Board a,
2 sort of a tour of the property through the photographs that
3 you've taken?

4 MR. KELLMAN: First photo is, is the front of the
5 building, and that is where the 7-11 at one time existed. It
6 is the part of the building that is closest to Nallers Lane and
7 then you can see that there's the, the zoning sign that was
8 advertising the special exception before the Administrative Law
9 Judge.

10 BOARD: So, photo A, that's what you're referring to,
11 the first photo?

12 MR. KELLMAN: Yes.

13 BOARD: 9-A.

14 MR. ROSENBLATT: And if you turn to photo B.

15 MR. KELLMAN: Photo B is a portion of the building
16 that comes out close to Reisterstown Road. You can see a
17 window in that building and it looked like it was a showcase
18 window for the former dress shop that was in that space. To
19 the left, you can also see the, the Season's Market.

20 MR. ROSENBLATT: And photo C?

21 MR. KELLMAN: Photo C is another angle of that
22 portion of the building that comes out closer to Reisterstown
23 Road. It was just showing it, like again, in a different angle
24 but you could still see the window that was like a, like a
25 showcase window for the dress shop.

1 MR. ROSENBLATT: Okay. Up to D.

2 MR. KELLMAN: D is, is really the, most of the front
3 building façade. You can see a sign that was up there that was
4 advertising the, the former dress shops. It's most of the
5 front building façade and that was taken from Reisterstown
6 Road.

7 MR. ROSENBLATT: Before I forget, and I would have
8 asked you in your background, but are you appointed to any
9 boards for Baltimore County?

10 MR. KELLMAN: I am.

11 MR. ROSENBLATT: Explain the boards you're appointed
12 to.

13 MR. KELLMAN: I am appointed to the design review
14 panel and also to landmarks commission.

15 MR. ROSENBLATT: We are in the Pikesville commercial
16 revitalization district. Is this also in the Pikesville design
17 review area?

18 MR. KELLMAN: It is. It is within the Pikesville
19 design review area.

20 MR. ROSENBLATT: Does the Department of Planning
21 review and approve all requests for signage in this area?

22 MR. KELLMAN: They do.

23 MR. ROSENBLATT: So, for, and is any zoning relief
24 sought for any kind of extra signage above and beyond what is
25 permitted by the zoning regulations?

1 MR. KELLMAN: It is not.

2 MR. ROSENBLATT: Okay. Keep going.

3 MR. KELLMAN: The next photo is, again, the portion
4 of the building that is closest to Nallers Lane. This was
5 taken from Reisterstown Road and this was a portion that, that
6 housed the 7-11 convenience store. The next photo is the rear
7 of the building. This was taken from the other side of an
8 access driveway that leads into Season's. Again, you see the
9 rear of the building. There's no parking back there. There's
10 doors, but again, there's no parking for the, for the, for the
11 subject building.

12 MR. ROSENBLATT: Okay. Still one more.

13 MR. KELLMAN: And this, this was taken from the site
14 looking at Reisterstown Road. This is the entrance onto
15 Reisterstown Road. You can see the entrance identification
16 from the two brick pillars that are on either side of the
17 entrance. This photo was taken from the site on the parking
18 lot. It is looking in a southerly direction. You can see the
19 sign for Village Green, the, the (inaudible), which was the
20 former dress shop and, as you can tell looking in that
21 southerly direction, you see the, the sign for the Season's
22 Market.

23 MR. ROSENBLATT: Okay. Is that the final photograph?

24 MR. KELLMAN: One more photo. There's a photo, the
25 last photo is looking in a northerly direction along

1 Reisterstown Road. You can see the, the traffic signal at the
2 intersection of Pomona and Reisterstown Road.

3 MR. ROSENBLATT: Okay and when is the most, the most
4 recent time you visited this site?

5 MR. KELLMAN: It was yesterday afternoon.

6 MR. ROSENBLATT: And do these photos fairly and
7 accurately depict the, the site?

8 MR. KELLMAN: Yes, the only thing that I'd like to
9 mention is when I went out on Sunday and yesterday, on the
10 corner of the parking lot, the northeast corner of the parking
11 lot, it looked like it was a, like a drop off center for people
12 who are donating either furniture or, or clothes or whatever.
13 But I didn't notice that when I went out there initially, but I
14 did notice it just recently.

15 MR. ROSENBLATT: Is the site vacant of any commercial
16 or other use?

17 MR. KELLMAN: It is vacant.

18 MR. ROSENBLATT: Okay and I'm going to ask you, we're
19 here for a special exception, we're going to go through all of
20 the requirements for the special exception. I submitted, as
21 Exhibit 2, the commercial revitalization district map. Do you
22 agree that this property is located in the Pikesville
23 commercial revitalization district?

24 MR. KELLMAN: I do agree it's within the district.

25 MR. ROSENBLATT: Okay and if this property was in a

1 BL zone not in a commercial revitalization district, would any
2 zoning relief be required for this use?

3 MR. KELLMAN: As it stands right now, it would not
4 require a zoning relief because the, it's, it's five hundred,
5 over five hundred feet away from a, from a school and twenty-
6 five hundred feet away from another dispensary.

7 MR. ROSENBLATT: And the use, a special exception,
8 when is a special exception required for this use?

9 MR. KELLMAN: (inaudible) commercial revitalization
10 district.

11 MR. ROSENBLATT: Okay. Let's go through the standard
12 of relief, Section 502.1, of the Baltimore County zoning
13 regulations. Ask you, you were here all morning, heard Mr.
14 Rebholz's testimony?

15 MR. KELLMAN: I did.

16 MR. ROSENBLATT: Okay. In your opinion, based on the
17 testimony and your, your knowledge and experience, would the
18 proposed use be detrimental to the health, safety or general
19 welfare of the locality involved?

20 MR. KELLMAN: In my opinion, it would not be --

21 MR. MCCANN: Excuse me, sorry to interrupt, Mr. Belt.
22 As a matter of course, I usually object to this line of
23 questioning. I don't have to object to every question, but
24 just the 502.1 factors, I object on the basis it calls for a
25 legal conclusion. I understand his expertise, but that, that's

1 my objection and I understand the Board's ruling on that
2 objection usually.

3 CHAIR: And I understand it and actually the, the
4 argument he is making is the argument that I always make is
5 that it's the law, but we always, we're, it's noted. Don't
6 worry about it. Mr. Rosenblatt, just continue, and it's noted.

7 MR. ROSENBLATT: Okay.

8 MR. MCCANN: Thank you.

9 MR. KELLMAN: In my opinion, it would not be
10 detrimental to the health, safety, welfare of the, of the
11 surrounding community.

12 MR. ROSENBLATT: And why not?

13 MR. KELLMAN: We, we've heard testimony this morning
14 about how secure the facility is going to be. In my opinion,
15 this, this type of use is a, a passive retail use and we were
16 comparing it to the 7-11. I think the 7-11 is more, much more
17 of an active retail use. Our tes, the testimony before said,
18 it indicated three to five customers an hour which is, like
19 again, is very passive. So, I think the facility can handle
20 that. It's also and if I can, if I can approach the board
21 again. The facility on, across the street, you have open
22 space, which is a cemetery, you have open space here, which is
23 part of the Pomona community, you have commercial in the rear,
24 which is being razed, which will be part of the Season's Market
25 now, and then you have Season's Market south of you. So, it's

1 not like it's a facility that is adjoining directly into a
2 residential zone where, for security purposes, we are going to
3 have lighting. You're not going to have any lighting going
4 into adjacent residential areas, you're not going to have any
5 spill over traffic going into residential areas. In my
6 opinion, it's, it's not going to be detrimental to the
7 community.

8 MR. ROSENBLATT: Are there certain BL zoned
9 properties that are immediately adjacent to residents?

10 MR. KELLMAN: There are. If you look up and down,
11 you know, main roads, such as Reisterstown Road, Belair Road,
12 you'll have in instances a commercial strip and behind it, the
13 property is zoned residential where you'll have, you know,
14 residential property right behind a, a shopping center or a
15 commercial business.

16 MR. ROSENBLATT: Do you, so do you anticipate any
17 impact on the immediately surrounding uses?

18 MR. KELLMAN: I do not. I, I, you know, and, if I
19 could approach again. The, the use and the parking area, the
20 building is really self-contained. You, you don't have any
21 access into any other portions of adjacent property. It's
22 really self-contained, it has two points of access out into,
23 into roads.

24 MR. ROSENBLATT: We talked about the, the parking
25 calculations for this site. How many parking spaces are

1 allotted for Temescal Wellness?

2 MR. KELLMAN: If I could approach again.

3 MR. ROSENBLATT: Sure. So, let me ask you this,
4 we'll do it all at once. How many spaces are on this site, how
5 many spaces are allotted to Temescal Wellness and if another
6 retail use was to occupy the former 7-11 space, are there
7 sufficient spaces under the zoning regulations for another use
8 to go in there?

9 MR. KELLMAN: There is and that other use that would,
10 that would go in there, or could go in there, was retail. So,
11 overall, with, with Temescal Wellness and the former 7-11 or,
12 or a retail establishment taking its place, you're required to
13 have thirty parking spaces and we're providing thirty-one.

14 MR. ROSENBLATT: Okay. Do you anticipate any issue
15 with creating congestion in the road, streets or alleys with
16 this use?

17 MR. KELLMAN: I do not.

18 MR. ROSENBLATT: And explain a little bit about that,
19 about Reisterstown Road, of the intersection, any, any issues
20 that you evaluated?

21 MR. KELLMAN: Again, Pomona and Reisterstown Road is
22 a signalized intersection. As far as, when we went into the
23 special exception before the Administrative Law Judge, the, the
24 entrance was approved by, by the State, which Reisterstown Road
25 is a State road. Again, there's, there's, there's enough

1 parking, circulation, and there's not much of a change in the
2 property. It was going from retail to retail. So, it's been
3 like that for years.

4 MR. ROSENBLATT: In your opinion, would this use
5 create any potential hazard from fire, panic or other danger?

6 MR. KELLMAN: It would not and we're using an
7 existing building. When, when the owner or tenant goes in for
8 any kind of permits to, to alter or occupy, they pull a permit
9 and it's got to be built, you know, inside to current codes.

10 MR. ROSENBLATT: And do current codes call for
11 sprinklers and other building code safety measures?

12 MR. KELLMAN: Yes, it would. Sprinklers, any, any
13 kind of, kind of fire protection measures, they will have to
14 meet that or else their occupancy permit will not be approved.

15 MR. ROSENBLATT: So, even if it's an old building, if
16 you're making interior alterations, do you, what codes --

17 MR. KELLMAN: They have to be updated.

18 MR. ROSENBLATT: To the current (inaudible) safety --

19 MR. KELLMAN: To current code.

20 MR. ROSENBLATT: All right. Will this request
21 interfere with any public provision, such as school, parks,
22 water, sewage, transportation or other public requirements?

23 MR. KELLMAN: No impact on, on public requirements.
24 I mean, usually those kind of, they're usually impacted by, by
25 density, you know, additional residents, this will not be

1 doing, have any kind of impact on that.

2 MR. ROSENBLATT: Will the request tend to overcrowd
3 the land or cause any undue concentration of population?

4 MR. KELLMAN: In my opinion, no. The building exists
5 the way it does and they're just moving into that, that
6 building.

7 MR. ROSENBLATT: Okay. Is there any, going to be any
8 interference with adequate light and air?

9 MR. KELLMAN: Same thing. Building exists, they're
10 moving into an existing building, no additions are proposed, so
11 there won't be any, you know, setback violations.

12 MR. ROSENBLATT: And is the use, would it be
13 inconsistent with the purposes of the property's zoning
14 classification or in any other way inconsistent with the spirit
15 and intent of the zoning regulations?

16 MR. KELLMAN: It, the zoning classification is BL.
17 This is a permitted use within the BL. The only thing that
18 requires, the only criteria is that it's, it's within a
19 commercial revitalization district. But it's permitted within
20 the zone.

21 MR. ROSENBLATT: What types of uses are permitted in
22 the BL zone in general?

23 MR. KELLMAN: BL, standard uses in the BL zone are,
24 are retail, offices, you have service uses, such as, you know,
25 cleaners, supermarkets, restaurants.

1 MR. ROSENBLATT: And let's talk for a second about
2 the commercial revitalization district. Have you, have you
3 reviewed the master plan sections and the, the Pikesville
4 commercial revitalization district materials?

5 MR. KELLMAN: I did.

6 MR. ROSENBLATT: And can you explain, in your
7 opinion, does this further the purposes of a commercial
8 revitalization district, in particular, the Pikesville
9 commercial revitalization district?

10 MR. KELLMAN: In my opinion, it does. You've had a,
11 a building that was, that's been vacant for, you know, a couple
12 years, you know, and when I went out to the site, prior to the
13 hearing with the Administrative Law Judge, the building was in
14 bad shape and there was trash around the, you know, the
15 planters. I mean, it looked, it looked bad and revitalization,
16 I mean, you're taking existing building that's in disrepair, it
17 looks terr, it looked, looked like an eyesore to me, and you're
18 occupying it and it's the same thing with Season's. It was the
19 same, you, you had a building that was vacant, you have a use
20 that's coming in there, repairing the building, occupying a
21 business, generating tax review. It's, it's the intent of the,
22 of the, of the revitalization.

23 MR. ROSENBLATT: Do the revitalization districts
24 typically, do they provide incentives for development or make
25 it harder for development?

1 MR. KELLMAN: They do, they do provide incentives. I
2 can tell you with the Season's Market, since that was in a
3 revitalization district, there was legislation enacted that
4 gave them a break as far as the parking requirements were
5 concerned, so they could, they could move in and occupy the
6 building.

7 MR. ROSENBLATT: A few more questions on the
8 standard. Would this request be detrimental to any
9 environmental or natural resources in an RC-2, 4, 5 or 7 zone?

10 MR. KELLMAN: It would not because the property is
11 not zoned RC or it's not adjacent to an RC zone property.

12 MR. ROSENBLATT: Does that section really apply in
13 this case?

14 MR. KELLMAN: In my opinion, it doesn't apply. It
15 applies to the resource conservation zones.

16 MR. ROSENBLATT: Okay and would, would the request be
17 inconsistent with the impermeable surface and vegetative
18 provisions of the zoning regulations?

19 MR. KELLMAN: It would comply with it.

20 MR. ROSENBLATT: Okay.

21 MR. KELLMAN: You got an existing building, there's
22 no, there's no additions being proposed. If you were proposing
23 additions, you'd have to meet current storm water management
24 regulations. In this situation, you're not proposing anything
25 new, so it's no additional impervious surface.

1 MR. ROSENBLATT: In your professional opinion, does
2 this request meet all the factors under, and requirements of
3 Section 502.1 of the zoning regulations?

4 MR. KELLMAN: In summary, and just what we went
5 through, it does.

6 MR. ROSENBLATT: And in your professional opinion,
7 would this use have any greater impact in this location than it
8 would in any other BL zone property?

9 MR. KELLMAN: In my opinion, it would not have a
10 greater impact in any other location and as we saw before, it
11 doesn't adjoin any residential zoning, it's bordered on two
12 sides by open space areas. To the contrast, you could have,
13 again, this could be coming into a trip that adjoins the
14 residential zone directly behind it or there could be, you
15 know, could be located within I would say a failing
16 intersection, which this is not. This is not within a failing
17 intersection, so.

18 MR. ROSENBLATT: Have you, and to that point, have
19 you reviewed the basic services maps for Baltimore County?

20 MR. KELLMAN: I did review the basic services maps.

21 MR. ROSENBLATT: Is there any failing intersection
22 even close to, to this location?

23 MR. KELLMAN: Well, start off, since we are in a
24 revitalization district, we are not subject to the basic
25 services map because all in all, there, we are not, not near or

1 within a deficient traffic shed.

2 MR. ROSENBLATT: Okay and in your opinion, does this
3 use further the purposes of the commercial revitalization
4 district?

5 MR. KELLMAN: It does.

6 MR. ROSENBLATT: Okay. I have no further questions.

7 CHAIR: Mr. McCann, sir?

8 MR. MCCANN: Thank you. Good afternoon, Mr. Kellman.

9 MR. KELLMAN: Good afternoon.

10 MR. MCCANN: I am going to put up my copy of the site
11 plan, which is Exhibit 1, so that we might, so that we can draw
12 on it. My first question has to do with the other portion of
13 the building that, as you acknowledge, is not occupied right
14 now. And you suggested, is that crooked?

15 BOARD: A little bit. Or my head is, one of the two.
16 There you go.

17 MR. MCCANN: So sit, thank you, sitting here today,
18 we don't know, for instance, what the parking requirements for
19 this other use might be, right?

20 MR. KELLMAN: It, again, they were based on what was
21 there before. We had, we had listed it as a 7-11 but since 7-
22 11 moved out, we have it as vacant.

23 MR. MCCANN: So, we don't know. We don't know?

24 MR. KELLMAN: We don't know what it's going to be.

25 MR. MCCANN: Okay.

1 MR. KELLMAN: It's designated for retail, for parking
2 purposes.

3 MR. MCCANN: Okay. But it could be something else?

4 MR. KELLMAN: Excuse me?

5 MR. MCCANN: It could be something else.

6 MR. KELLMAN: It could.

7 MR. MCCANN: Okay. So, I'm going to mark this as my
8 exhibit, Mr. Garber, which would be --

9 BOARD: Six.

10 MR. MCCANN: Six. Okay and --

11 BOARD: Call it the marked-up Petitioner's one.

12 MR. MCCANN: That'd be great. And can we mark it
13 after we take it off the board, is that okay? Or do you want
14 to mark it now?

15 BOARD: I'm fine with that.

16 MR. MCCANN: Okay. Mr. Kellman, what I'd like to do,
17 because when I first looked at this plan, I was a little
18 confused by it. Could you just for us outline in orange the
19 building itself, as opposed to the special exception area which
20 is hatched?

21 VOICE: (inaudible).

22 MR. MCCANN: Okay, great. Thanks. Great, thank you.

23 MR. KELLMAN: You're welcome.

24 MR. MCCANN: (inaudible). And as I just mentioned,
25 and you may have said so already, but the, the hatched area has

1 been designated as the special exception area, correct?

2 MR. KELLMAN: That's correct.

3 MR. MCCANN: So, in other words, and I'm just going
4 to point, I'm not going to have you outline, the hatched area
5 only covers that portion of the building, the special exception
6 area that is, only covers that portion of the building where
7 the, this dispensary might be and then it covers that area of
8 the parking lot associated with the proposed dispensary,
9 correct?

10 MR. KELLMAN: That's correct.

11 MR. MCCANN: Okay and it's your testimony that this
12 plan, site plan which is Petitioner's Exhibit 2, 1 --

13 BOARD: Petitioner's one.

14 MR. MCCANN: And our Exhibit 6, complies with the
15 zoning regulations, is that, is that your testimony?

16 MR. KELLMAN: You're, you're asking me if the site
17 plan complies?

18 MR. MCCANN: Yes.

19 MR. KELLMAN: Yes.

20 MR. MCCANN: Okay and by that, I also, I'm including
21 those provisions of the zoning regulations that deal with
22 parking spaces and the parking lot as well, correct?

23 MR. KELLMAN: Correct.

24 MR. MCCANN: Okay. The other thing I wanted you to
25 at least point out for us and highlight is the parking data on

1 Protestant's Exhibit 6 and I'll ask you to highlight it, but
2 why don't you go ahead and highlight the parking data for us?
3 You're doing that in yellow, correct?

4 MR. KELLMAN: That's correct.

5 MR. MCCANN: Okay. Great, thank you.

6 MR. KELLMAN: You're welcome.

7 MR. MCCANN: So, it says what it says, but am I
8 correct that you determined the number of parking spaces at
9 this site, in particular, the special exception area, based on
10 the fact, or based on the assumption, that there is two
11 thousand one hundred and twenty-two square feet of office space
12 and one thousand five hundred and ninety-one square feet of
13 retail space?

14 MR. KELLMAN: If that's what it says, yes.

15 MR. MCCANN: Okay. Did you go inside and measure
16 those two square footages?

17 MR. KELLMAN: No.

18 MR. MCCANN: Okay. Is that information that you were
19 told?

20 MR. KELLMAN: I was given that by the, by the
21 property owner.

22 MR. MCCANN: Okay. So, you didn't back in the number
23 of spaces to meet the requirements in the zoning regulation,
24 rather, strike that. You didn't back in the square footage to
25 meet the, the required number of parking spaces?

1 MR. KELLMAN: No.

2 MR. MCCANN: Okay. Well, given Mr. Rebholz's
3 testimony this morning, that there will not be any office
4 space, did you determine what the number of parking spaces
5 would be if you, if the entire building were considered retail
6 use, did you --

7 MR. KELLMAN: Can I come up with my calculator?

8 MR. MCCANN: Sure, absolutely. In fact, you can help
9 us with the map maybe. And let me do this, before I do that,
10 Mr. Kellman, while you're carrying your calculator, I'd like to
11 hand the Board a copy of the regulations.

12 BOARD: So, your question is, basically, what would
13 the parking spaces be if this space was all retail?

14 MR. MCCANN: Correct.

15 BOARD: As opposed to div, divided between retail and
16 office as indicated on the data on Exhibit, Petitioner's
17 Exhibit 1 and Protestant's Exhibit 6?

18 MR. MCCANN: Correct.

19 BOARD: All right. Just so we don't lose where we're
20 at.

21 MR. MCCANN: I appreciate that.

22 BOARD: Thank you.

23 MR. MCCANN: That was better stated than --

24 BOARD: I don't know about that but thank you anyway.

25 BOARD: Thank you.

1 MR. MCCANN: You're welcome.

2 MR. ROSENBLATT: Is this an exhibit or just --

3 MR. MCCANN: I am going to have it marked, Mr.
4 Garber.

5 BOARD: I'm marking it as seven.

6 MR. MCCANN: Okay and let me ask you first, before we
7 get there, Mr. Kellman, and I'll show you a copy of what's been
8 marked as Exhibit 7 and ask you, first, if you recognize
9 Exhibit 7 as a copy of the, the, the regulations in the zoning
10 regulations pertaining to parking spaces, 409.6?

11 MR. KELLMAN: Yes.

12 MR. MCCANN: Okay and just go a couple pages in,
13 three pages in, four pages in, rather. It says four of nine at
14 the top. So, what this page does and what the entire section
15 does is it identifies the use and it, then it tells you how any
16 parking spaces per thousand square feet, correct, generally?

17 MR. KELLMAN: That's correct.

18 MR. MCCANN: Okay. So, for office, for instance, it
19 says office general, you need 3.3 spaces per a thousand square
20 feet, correct?

21 MR. KELLMAN: That's correct.

22 MR. MCCANN: (inaudible) page four.

23 MR. KELLMAN: Um hm.

24 MR. MCCANN: Okay and then for retail, you need five
25 thousand per, I'm sorry, five spaces per a thousand square

1 feet, correct?

2 MR. KELLMAN: That's correct.

3 MR. MCCANN: Okay. So, again, the question that I
4 posed was let's assume that there is no office space but it's
5 all considered retail and let me ask you first to add these two
6 numbers up with our calculator.

7 MR. KELLMAN: I already calculated everything if it
8 was all retail.

9 MR. MCCANN: Okay. So, what did you get for the
10 total square footage of the building?

11 MR. KELLMAN: Let me do that, let me do that again,
12 if you don't mind.

13 MR. MCCANN: All right.

14 MR. KELLMAN: You get six thousand five hundred
15 thirty-three square feet.

16 BOARD: Six thousand five hundred?

17 MR. KELLMAN: Six thousand, six five three three.

18 MR. MCCANN: Okay. I'm not asking you about the part
19 of the building that's not part of this special exception and,
20 therefore, is not part of this case. I'm asking you that part
21 of the building for which we're here today, that that square
22 footage is indicated in two numbers on Protestant's Exhibit 6.
23 So, if you could add for me two thousand one hundred and
24 twenty-two square feet.

25 MR. KELLMAN: I'm sorry, what is it?

1 MR. MCCANN: Two thousand one hundred and twenty-two
2 square feet.

3 MR. KELLMAN: Two thousand one two two?

4 MR. MCCANN: Yes, and one thousand five hundred and
5 ninety-one square feet, which is?

6 MR. KELLMAN: Three seven one three.

7 MR. MCCANN: Three seven one three, okay, so --

8 MR. KELLMAN: If my math is correct.

9 MR. MCCANN: Okay, I think that sounds right to me as
10 well. So, assuming all that to be retail and not office and,
11 and take, given the fact that the zoning regulations require
12 five parking spaces per a thousand feet, tell us how many
13 parking spaces would be required for this three thousand seven
14 hundred and thirteen square feet of building.

15 MR. KELLMAN: Eighteen point five.

16 MR. MCCANN: Okay and the regulations tell us, do
17 they not, that when you have a fraction like that, that point
18 five, you round up to the next whole number?

19 MR. KELLMAN: I don't know if the regulations tell
20 you that, but that's always been zoning, zoning office policy,
21 that you round up.

22 MR. MCCANN: Okay. Well, let me refer you to page,
23 the first page of Exhibit 7, 409.6, the first page.

24 MR. KELLMAN: Seven?

25 MR. MCCANN: The first page.

1 MR. KELLMAN: The first page?

2 MR. MCCANN: The first page of that exhibit, all the
3 way, there we go. 409.6(A), look at the last sentence in that
4 introductory paragraph beginning with if the number of spaces
5 calculated, do you see that?

6 MR. KELLMAN: Yes.

7 MR. MCCANN: Does that not say that you round up,
8 essentially?

9 MR. KELLMAN: It does but I disagree with that in
10 some instances, because sometimes when you're adding up
11 different retail spaces, you get different fractions and you
12 can add up the fractions.

13 MR. MCCANN: Okay. Well, that's not what we're doing
14 here. We have --

15 MR. KELLMAN: No.

16 MR. MCCANN: -- as you just said, you said 18.5
17 spaces, so we round up, so nineteen spaces would be required if
18 we were to consider this thirty-seven hundred roughly square
19 feet of building to be retail, correct?

20 MR. KELLMAN: I don't know if I would agree with
21 that.

22 MR. MCCANN: Okay. Why wouldn't you agree with that?

23 MR. KELLMAN: Because I think you could take the
24 fraction of this and the fraction of that and add, add them up
25 and then come up with a whole number.

1 MR. MCCANN: When you say you think you can take a
2 fraction of the portion of the building that is not part of
3 this special exception and then take the, the fraction of the
4 building that is part of the special exception, add them up and
5 come up with another whole number?

6 MR. KELLMAN: Yes.

7 MR. MCCANN: All right. We'll get to that in a
8 minute. But just assume for me that we're just talking about
9 the special exception area. If we just assume that's the area
10 of the building we're concerned with, then we would need
11 nineteen spaces instead of the fifteen indicated in the site
12 plan, correct?

13 MR. KELLMAN: Yes, that's correct.

14 MR. MCCANN: Okay and let's just go back to what you
15 just said, because I was headed there next anyway. Let's
16 assume that you are correct and that Mr. Rebholz was wrong this
17 morning, that this is, that there actually is office in there
18 and in the same proportion as indicated on this plan. Do me a
19 favor, if you would, and take the office portion of that
20 thirty-seven hundred to two thousand one hundred and twenty-two
21 square feet.

22 MR. KELLMAN: Two one two two?

23 MR. MCCANN: Yes, and applying the office parking
24 space requirement, which is 3.3, right?

25 MR. KELLMAN: Uh huh.

1 MR. MCCANN: Three point three spaces per thousand
2 square feet, how many spaces do we need for just the, for just
3 the office portion of, of that building, assuming we're
4 dividing it that way?

5 MR. KELLMAN: Seven point oh oh two six.

6 MR. MCCANN: Okay.

7 MR. KELLMAN: I'm going to contend that it's just
8 seven.

9 MR. MCCANN: Hold on, hold on. Wait for a question,
10 please.

11 MR. KELLMAN: Okay, sorry. I apologize.

12 MR. MCCANN: Seven point oh oh two six, right? And
13 on Protestant's Exhibit 6, how many spaces are indicated for
14 office at two thousand one hundred and twenty-two square feet?
15 How many does it say is required?

16 MR. KELLMAN: If I can approach? Seven spaces.

17 MR. MCCANN: Seven spaces. Okay. So, you just did
18 the math, assuming again, there is office in this building, and
19 you did the math and you come, come up with 7.0026, which is a
20 fraction, right? And according to the regulation, we round up
21 to the next whole number. So, in other words, if this, if this
22 were office, we would need eight spaces, not seven spaces?

23 MR. KELLMAN: I don't agree.

24 MR. MCCANN: Okay. Well, tell us why you don't agree.

25 MR. KELLMAN: (inaudible) 7.0026, if you round up to

1 the tenth, it's seven.

2 MR. MCCANN: Round up to the tenth, you go from,
3 round up --

4 MR. KELLMAN: I mean, you round, it's 7.00 in my
5 mind, not 7.0026, then round up to, to eight.

6 MR. MCCANN: Okay and where do, where do you get that
7 from? Because it certainly doesn't say, let me just read you--

8 MR. KELLMAN: It's my understanding, it's, when I
9 worked in the zoning office, that's how I, I would interpretate
10 it, so I believe that's zoning office policy.

11 MR. MCCANN: Okay. Nowhere in writing though? No?

12 MR. KELLMAN: No.

13 MR. MCCANN: And you do agree with me that seven oh
14 nine, 409.6(A) says if the number of spaces calculated in
15 accordance with this section results in a number containing a
16 fraction, the required number of spaces shall be in the next
17 highest whole number, correct?

18 MR. KELLMAN: I don't consider the last, the last two
19 --

20 MR. MCCANN: Do you think, you think, assuming there
21 is such a policy, you think a policy can be inconsistent with
22 the zoning regulations?

23 MR. KELLMAN: I think the policies, there's a lot of
24 unwritten policies and --

25 MR. MCCANN: Well, this isn't an unwritten policy,

1 this is in writing.

2 MR. KELLMAN: I understand that, but I think there
3 can be policies. That's why they have a zoning commissioner
4 policy manual.

5 MR. MCCANN: Okay. Well, let's, let's move on from
6 there. So, assume I'm right, that there are eight spaces
7 required in the office portion of this hypothetical building
8 and there are, as the plan indicates, one thousand five hundred
9 and ninety-one square feet of retail. Does your math support
10 what this plan says in terms of the retail, eight spaces? You
11 just want to check that? In other words, for the retail
12 portion, and again, getting back to retail, it's five spaces
13 per a thousand square feet, would you, is, is this, when it
14 says eight spaces required, is that correct?

15 MR. KELLMAN: What's that square footage again?

16 MR. MCCANN: One thousand five hundred and ninety-
17 one.

18 MR. KELLMAN: Seven point nine five five.

19 MR. MCCANN: Okay. So, you did round up in that
20 occasion?

21 MR. KELLMAN: I (inaudible).

22 MR. MCCANN: So, if I'm right that you are required
23 to round up the 7.0026, contrary to this plan, there are
24 actually sixteen spaces required rather than fifteen, correct?
25 If we, if we had this retail office mix?

1 MR. KELLMAN: Yes.

2 MR. MCCANN: Okay.

3 MR. KELLMAN: If you're rounding up the, the, the
4 other office --

5 MR. MCCANN: Okay, okay. But if it's all retail,
6 there's nineteen spaces required as we just talked about?

7 MR. KELLMAN: If it's all retail.

8 MR. MCCANN: Okay. Let's assume it's something
9 completely different like what I think is the most logical
10 medical office. What is the, what do the Coun, zoning
11 regulations tell us for --

12 MR. KELLMAN: Medical office?

13 MR. MCCANN: -- medical office?

14 MR. KELLMAN: Medical office is 4.5 parking spaces
15 for a thousand square feet, which is just less than retail.

16 MR. MCCANN: So, just do that math real quick so the
17 record is complete.

18 MR. KELLMAN: Okay.

19 MR. MCCANN: Assuming this entire special exception
20 area, portion of the building is medical office.

21 MR. KELLMAN: The whole special exception area?

22 MR. MCCANN: Yes. So, it's three thousand seven
23 hundred and thirteen square feet at 4.5 spaces per a thousand
24 square feet.

25 MR. KELLMAN: It's 16.7, or seventeen spaces.

1 MR. MCCANN: So, if that were the case, if it was
2 considered medical office, it would be seventeen spaces
3 required, not the fifteen indicated on the plan, correct?

4 MR. KELLMAN: It's not medical office.

5 MR. MCCANN: Okay. Do you have any support for that,
6 that it's not medical office?

7 MR. KELLMAN: It's just not medical office.

8 MR. MCCANN: Okay.

9 MR. KELLMAN: They're not physicians in there.

10 MR. MCCANN: Do you have any support for the fact
11 that, for the proposition that it's not all retail?

12 MR. KELLMAN: Yes, and I, you know, I think there's a
13 small area that is, is retail where someone could actually go
14 up with something on display and order it, it's a small area,
15 it's not the entire inside of the, the tenant space.

16 MR. MCCANN: When you say small area, according to
17 this plan, it's fifteen thous, fifteen hundred square feet. My
18 question though, is there, is there any, do you have any
19 support for the proposition that this entire building, the
20 special exception area of the building, is not retail?

21 MR. KELLMAN: Notice there's a lar, a good amount of
22 area of the building where patrons aren't allowed, allowed back
23 and that's not retail area.

24 MR. MCCANN: Well, wasn't that always the case with
25 any retail? If you walked into --

1 MR. KELLMAN: No.

2 MR. MCCANN: No? If you walked into a, a clothing
3 store, there's a back area, right?

4 MR. KELLMAN: Uh huh.

5 MR. MCCANN: If you walked into a, I was going to say
6 Blockbuster's, no Blockbuster's around anymore, but walked into
7 a store like that, all of retail have areas that are, where,
8 that are not open to the public, correct?

9 MR. KELLMAN: In a lot of cases, the zoning office
10 has said when items are on display, it's considered retail.
11 So, if you go into a clothing store, all your items, all your
12 clothes were on display, that, that's, that's a situation where
13 everything is retail.

14 MR. MCCANN: Okay. Well, you saw the video, there's
15 items on display at the facility in New Hampshire, right?

16 MR. KELLMAN: Right, that's on a portion of it, not
17 the entire area.

18 MR. MCCANN: Okay.

19 CHAIR: Mr. Kellman, is there any type of guide,
20 whether it's mixed uses of how zoning office or whoever
21 determines which one of these million options on the menu is
22 assigned?

23 MR. KELLMAN: It's, in my opinion, it's on a case by
24 case basis. And sometimes if there's questions with it, you,
25 you, sometimes you sit down with the zoning supervisor and ask

1 how, how it's going to be interpreted.

2 MR. MCCANN: But, --

3 CHAIR: Sorry, Mr. McCann.

4 MR. MCCANN: That's okay. That's all right.

5 CHAIR: I was just curious if there was a definition
6 section --

7 MR. MCCANN: No, but here, but here we know Mr.
8 Rebholz has told us and maybe he didn't tell you before the
9 hearing that we're not going to have any office there, it's
10 just going to be retail.

11 MR. KELLMAN: I --

12 MR. MCCANN: Did you hear that testimony, by the way?

13 MR. KELLMAN: I did and I, and I thought it was going
14 to be administrative office where they would administer from,
15 from everything, what they have, I thought there were going to
16 be areas that there were going to be some counseling.

17 MR. MCCANN: All right, so --

18 MR. KELLMAN: Which would be considered office.

19 MR. MCCANN: Well, when you were, when, so you were
20 mistaken when you prepared this plan sounds like? You didn't
21 have all the information maybe is the best way to say it?

22 MR. KELLMAN: I had all the --

23 MR. ROSENBLATT: Objection.

24 MR. KELLMAN: -- information that I thought I had to
25 prepare the plan.

1 MR. MCCANN: Okay. All right.

2 BOARD: May I just jump in real quick with something?

3 MR. MCCANN: Sure.

4 BOARD: You heard testimony about the vault, right?

5 MR. KELLMAN: Yes.

6 BOARD: Did that factor into how you classify between
7 medical or, excuse me, between office or retail?

8 MR. KELLMAN: Yes, it did.

9 BOARD: Okay and where did you consider that?

10 MR. KELLMAN: A vault, you, you don't, people can't
11 walk back to a vault.

12 BOARD: Right.

13 MR. KELLMAN: So, I don't consider that retail area.

14 BOARD: That would be more in the office space area
15 then?

16 MR. KELLMAN: Yes.

17 BOARD: And you also said about the consultations,
18 the one on one consultations that to you is an office area?

19 MR. KELLMAN: I would consider that office area.

20 BOARD: Okay.

21 MR. KELLMAN: When you're doing one on one
22 consultation, to me, that is not retail.

23 MR. MCCANN: But again, you haven't been in the
24 building, have you?

25 MR. KELLMAN: Excuse me?

1 MR. MCCANN: You haven't been in the building?

2 MR. KELLMAN: I have not.

3 MR. MCCANN: And you certainly haven't been in the
4 building completely because it's not complete, correct?

5 MR. KELLMAN: Not complete, right.

6 MR. MCCANN: Have you seen any floor plans?

7 MR. KELLMAN: I did.

8 MR. MCCANN: Did you, did you measure the floor plans
9 to see what portion --

10 MR. KELLMAN: I did not measure the square footage on
11 our zoning site plan from a floor plan.

12 MR. MCCANN: I'm sorry?

13 MR. KELLMAN: This was information that was given to
14 us.

15 MR. MCCANN: Now, but this, you said earlier that
16 these two numbers on, on the Petitioner's Exhibit 1, for retail
17 and office, were given to you.

18 MR. KELLMAN: Yes.

19 MR. MCCANN: Okay. Who is Gary Hucik, H-U-C-I-K?

20 MR. KELLMAN: Gary Hucik is a planner in the zoning
21 review office.

22 MR. MCCANN: Okay. Would he be someone that, whose
23 judgment you would trust in terms of whether or not a
24 particular use is, office versus retail versus medical office
25 versus whatever, is he, is he, he's the person in that office

1 that would make such a call, would he not?

2 MR. KELLMAN: Well, he would, but I think that he
3 would, he would do it with the assistance of some others.

4 MR. MCCANN: Okay. But he's authorized, assuming he
5 has asked for that assistance, he's authorized to speak on
6 behalf of the zoning review office, is he not?

7 MR. KELLMAN: If, if you came in for a permit and you
8 showed office, retail, the square footage and he was at that
9 zoning counter ready to sign off on a permit, yeah, he would
10 have the authority.

11 MR. MCCANN: Okay. This will be eight.

12 BOARD: Are you done with seven?

13 MR. MCCANN: (inaudible).

14 BOARD: Thank you.

15 BOARD: Thank you.

16 MR. MCCANN: Thank you.

17 BOARD: Do you have another copy?

18 MR. MCCANN: Oh, I'm sorry.

19 BOARD: (inaudible).

20 MR. ROSENBLATT: This is eight?

21 MR. MCCANN: This is eight, yeah. This is a memo,
22 I'll show you, Mr. Kellman, in another dispensary case that's
23 going on in Baltimore County right now --

24 MR. ROSENBLATT: I'm objecting to this comment. It's
25 not from this case, it's from a different case. The

1 circumstances could be entirely different and it doesn't say
2 anything about what the case entails, what the breakdown, if
3 there is a breakdown like there is in this case, within this
4 building. This is misleading at best.

5 CHAIR: Well, Mr. McCann, are you going to use this
6 to present a hypothetical, is that what you're going to do?

7 MR. MCCANN: I'm, I'm admitting it for the, for the
8 purpose of what it's saying and that is, that it's the position
9 of the zoning review office that when considering medical
10 dispensaries, we consider the entire thing as retail space.

11 MR. ROSENBLATT: And that's not what it says and
12 there's no way to know whether the breakdown --

13 CHAIR: Let, let me take, let me take a minute to
14 read it.

15 MR. ROSENBLATT: Okay.

16 MR. MCCANN: Yeah. I can certainly introduce that,
17 the plan from that case, if you want to see the plan from that
18 case.

19 CHAIR: Well, I think that the issue and the problem
20 we have, Mr. McCann, is (inaudible) Mr. Hucik if, if this is to
21 be subject to cross examination as to how he came to this. The
22 problem is, we have a definitive statement here, we, we don't
23 have the opportunity for Mr. Rosenblatt to, to, to examine what
24 the basis of that is. But, as for this document, if you would
25 like, Mr. Kellman, as to comment on it, I'll allow that as he's

1 the expert confronted with this and basically see if he has an
2 explanation for it and use it for the truth of that. But as
3 for this being a definitive statement as to how Baltimore
4 County will deal with this specific case, I don't think that
5 would, would be proper without Mr. Hucik's presence. But I
6 think we shall allow the document and let Mr. Kellman comment
7 on it.

8 MR. MCCANN: Okay. I don't see any need to have him
9 comment on it, if the, if the document itself isn't going to
10 come into evidence. So, I'll just, I'll withdraw the --

11 CHAIR: I mean, I mean, I would, I would leave, I
12 would let it in for that purpose as for you an opportunity to
13 cross examine an expert say what about this. But as for the
14 truth of the matter asserted, it's almost, we've kind of
15 introduced expert testimony on a, on a piece of paper and that,
16 maybe that's (inaudible).

17 MR. MCCANN: Yeah, I know. Well, it's done a lot but
18 I understand your, I understand your ruling. I, I just --

19 CHAIR: Yeah, well, I mean, and also, and I'm willing
20 to accept it just for, for the weight that it will deserve as
21 to the memo, but as for a piece of expert testimony, I think it
22 would be a stretch to deny Mr. Rosenblatt an opportunity to
23 cross examine as to the basis of that.

24 MR. MCCANN: Understood, understood.

25 CHAIR: So, if you were to determine at a later date

1 (inaudible).

2 MR. MCCANN: Okay, maybe I'll do that. I'll withdraw
3 it. I'll withdraw the exhibit.

4 BOARD: Okay.

5 MR. MCCANN: No eight. (inaudible).

6 BOARD: (inaudible). My thought was, there were
7 numerous questions that would come up about the plan submitted,
8 what we requested and those kind of things. And then, of
9 course, then there's the second part, which is what you said.
10 So, I think there were two parts to it. So, not only do we
11 need Mr. Hucik but we would need the plan, which Mr. McCann has
12 said he has here. So, we can have at least one of the two but
13 we (inaudible).

14 MR. MCCANN: All right. I'll just --

15 BOARD: We just have to make sure that we're
16 obviously on the same, we're talking about the same things, not
17 same things as in terms of medical marijuana dispensaries, but
18 like as in what was requested, what was the basis for this
19 statement.

20 MR. MCCANN: Well, I have the plan. I can represent
21 to the Board that they're not identical buildings, if that's
22 the question. So, --

23 CHAIR: No, I'm sure --

24 MR. MCCANN: -- so, I understand your ruling. It is
25 a dispensary and I read that memo to mean for dispensaries for

1 considering the retail uses, is how I read that memo. I
2 understand the Board's concern about comparing apples and
3 oranges and --

4 BOARD: Well, there'd be a difference for, let's just
5 say for the sake of argument here, without knowing what was
6 said there, if they're asking about medical office versus
7 office, if they're asking about retail versus, you know,
8 something, some combination that is not present here, that
9 dictates this result in what would be Exhibit 8.

10 MR. MCCANN: I understand.

11 BOARD: That, that would be my question.

12 MR. MCCANN: Gotcha, okay. Understood.

13 CHAIR: (inaudible).

14 MR. MCCANN: Okay. A couple more questions, Mr.
15 Kellman. The other thing I wanted you to, while we're
16 coloring, just highlight in yellow, if you would, on
17 Protestant's Exhibit 6, the right of ways on Reisterstown Road
18 and Nallers Lane. You know what I mean by right of ways,
19 correct?

20 MR. KELLMAN: Yes.

21 MR. MCCANN: And, and instead of doing the whole
22 right of way, why don't you just do the right of way that's
23 closest, in the case of Reisterstown Road, to --

24 MR. KELLMAN: (inaudible)?

25 MR. MCCANN: Yes. And both sides of Reisterstown

1 Road, is what I meant to say. Okay and if you would do the
2 same for Nallers, because Nallers also is a public road, right?

3 MR. KELLMAN: Yes, it is.

4 MR. MCCANN: Okay. Okay. Great, so you've
5 highlighted in yellow, at least a small portion of the, the, in
6 the case of Reisterstown Road, a small portion of the
7 southwestern side, correct, of the right of way?

8 MR. KELLMAN: Yes.

9 MR. MCCANN: And in the case of Nallers Lane, sort of
10 the --

11 MR. KELLMAN: Southeastern side.

12 MR. MCCANN: -- southeastern side. Okay and that,
13 and that right of way goes along the, along the, you know,
14 keeps on going beyond where you highlighted, correct?

15 MR. KELLMAN: On Reisterstown Road, for Nallers it
16 doesn't. Nallers it dead ends.

17 MR. MCCANN: At Reisterstown Road?

18 MR. KELLMAN: Right.

19 MR. MCCANN: Okay. All right. This would be eight,
20 Mr. Garber.

21 BOARD: Nine.

22 MR. MCCANN: Oh, nine? I thought we removed eight?

23 BOARD: Well, we marked the other one eight. I
24 understand there's a question as to what we're doing with it.
25 Like, for example, earlier you offered three, Exhibit 3, and

1 then subsequently withdrew it. But we kept numbering in order
2 because it's been identified for the record as three so there's
3 not a confusion going forward, this will be nine.

4 BOARD: Thank you.

5 MR. MCCANN: Thank you. Thank you.

6 BOARD: And just so I have clarification again on
7 eight, you, have you withdrawn that or are we just holding it
8 (inaudible)?

9 MR. MCCANN: I'll withdraw it for now, if things
10 change I'll reintroduce it I guess is the best way to --

11 BOARD: Okay. So, we're, just for identification
12 only it will be known as Exhibit 8.

13 MR. MCCANN: Yes, thank you.

14 BOARD: All right.

15 MR. MCCANN: Okay. Let me show you a copy, Mr.
16 Kellman, of what we've marked as Exhibit 9, Protestant's
17 Exhibit 9. I'd like to direct your attention to 409.8(A)(4),
18 distance to street line. Let me know when you're done. Did
19 you read it?

20 MR. KELLMAN: I read it.

21 MR. MCCANN: Would you agree with me that the parking
22 spaces for the subject area, that is all eight of them, there's
23 eight right here, right?

24 MR. KELLMAN: That's correct.

25 MR. MCCANN: As well --

1 BOARD: When you say right here, you're referring?

2 MR. MCCANN: I'm, I am sorry. To the, the
3 northeastern portion of the site. The front, right, the
4 frontage along of this building along Reisterstown Road. All
5 right of those spaces are in violation of 409.8(A) because they
6 are too close to the right of way, would you agree with that?

7 MR. KELLMAN: They don't meet the current
8 regulations, but they exist and there's no change of use, so in
9 my opinion, they're allowed to be within eight feet of the
10 right of way.

11 MR. MCCANN: Wait a minute. They don't meet the
12 current regulations but they exist. What do you mean, they
13 exist? Parking spaces exist?

14 MR. KELLMAN: Yep.

15 MR. MCCANN: So, are you saying that because they're
16 already there, this property, less, leasee, does not have to
17 comply, or the property owner rather, does not have to comply
18 with that set, that ten-foot setback?

19 MR. KELLMAN: It's an existing condition. I think
20 that they, they're allowed to be at eight feet, if that's what
21 the, their dimensions are.

22 MR. MCCANN: Well, what, what do you mean by existing
23 condition? The zoning regulations, as you know, don't speak of
24 existing conditions, they speak of --

25 MR. KELLMAN: May I approach?

1 MR. MCCANN: -- hold on, Mr. Kellman, I haven't asked
2 a question yet. Let me, let me just first, can you confirm for
3 me, and I have a ruler, just confirm for me that all eight of
4 these spaces are located in less than ten feet from the public
5 right of way on Reisterstown Road?

6 MR. KELLMAN: They're approximately eight feet to the
7 street right of way.

8 MR. MCCANN: Okay. So, they're short of the required
9 ten feet, correct?

10 MR. KELLMAN: Yes, it's less than ten so, yes,
11 correct.

12 MR. MCCANN: All right and you said it's an existing
13 use or existing space. I'm, I'm not familiar with that term in
14 the zoning regulations. The zoning regulations speak of non-
15 conforming uses and non-conforming structures, correct?

16 MR. KELLMAN: That's correct.

17 MR. MCCANN: You, are you aware of any decision by
18 the ALJ, Administrative Law Judge, affirming, confirming the
19 continued existence of these non-conforming parking spaces?

20 MR. KELLMAN: I want to, if I can go on, if somebody
21 were to go in for a permit, because I want to explain, if
22 somebody were to go in for a permit and they changed, they go
23 into the permit, the zoning office and they go in and change a
24 use, let's say it's retail and they go in with another retail
25 and they go in for permits to alter and whatever they're going

1 to do with it, put in, in sprinkler systems, zoning office is
2 going to sign off on that permit because, because the use is
3 staying commercial and there's no change and that's, that's my
4 experience working in that office. If somebody were to come up
5 to me with a permit application and they were moving somebody
6 else into a tenant space and the parking requirements didn't
7 increase, I'd sign off on that permit.

8 MR. MCCANN: Parking requirements didn't increase?

9 MR. KELLMAN: If they, I'm saying, if, let's say if
10 it went from retail to retail --

11 MR. MCCANN: No, I understand what you're saying.
12 But are you, are you suggesting the parking requirements aren't
13 going to increase?

14 MR. KELLMAN: I'm, I'm giving an example.

15 MR. MCCANN: Oh, all right. All right. Well, let me
16 ask you this then. First of all, how long ago did you work in
17 the zoning office? Fifteen years ago, right?

18 MR. KELLMAN: About that.

19 MR. MCCANN: And let me show you 409.1 of that same
20 section, which I don't have a copy of, but I'm going to read
21 it, if you don't mind, and I'll let you make sure I'm reading
22 it correct. This is 409.1 is the first section in the off-
23 street parking regulations, correct?

24 MR. KELLMAN: Uh huh.

25 MR. MCCANN: 409.1(A) says, correct me if I'm wrong,

1 quote, all structures built and all uses established hereafter
2 shall provide accessory off street parking and loading in
3 accordance with the following regulations. Did I read that
4 correctly?

5 MR. KELLMAN: Yep.

6 MR. MCCANN: Doesn't that, does that not, hold on,
7 let me finish, finish the question, does that --

8 MR. ROSENBLATT: Well, can you read him the entire
9 section? You only read him part of it.

10 MR. MCCANN: Yeah, read the whole thing, read the
11 whole thing. I wasn't, I don't think the next section,
12 sentence applies at all, but go ahead.

13 MR. KELLMAN: I'm going to go on to C, and say those
14 projects for which a building permit has been submitted but not
15 approved, may modify their plans to satisfy these regulations
16 or proceed under the regulations in a time at said submittal.

17 MR. MCCANN: Why don't you read that again so --

18 MR. KELLMAN: Those projects for which a building
19 permit has been submitted but not approved, may modify their
20 plans to satisfy these regulations or proceed under the
21 regulations in effect at the time of submittal.

22 MR. MCCANN: Doesn't, doesn't that refer to building
23 permits that are already in the pipeline when the law changes?

24 MR. KELLMAN: Yes, that does.

25 MR. MCCANN: So, that, that's not relevant, is it?

1 We don't have a building permit applied for in this case, do
2 we, by the way? Do we have a building permit applied for in
3 this case? No?

4 MR. KELLMAN: No.

5 BOARD: That is, no building permit.

6 MR. MCCANN: Yes, I'm sorry.

7 BOARD: (inaudible) no building permit, correct?

8 MR. KELLMAN: No building permit, not that I'm aware
9 of. The second sentence in A, which you were reading, it says
10 when an existing, existing structure for use is, is enlarged,
11 accessory off street parking or lighting shall be provided in
12 accordance with defined regulations for the area of capacity of
13 such enlargement. This is not being enlarged. It's my opinion
14 they don't have to meet the regulations.

15 MR. MCCANN: All right. Really, Mr. Kellman, really?

16 MR. KELLMAN: Yes.

17 MR. MCCANN: Okay. Let me read that, let me, let me
18 read that again to you. When an existing structure or use is
19 enlarged, accessory off street parking and loading shall be
20 provided in accordance with the following regulations. So,
21 basically, saying that everything we've already talked about
22 today, all of these regulation, would apply if it was enlarged?

23 MR. KELLMAN: Right.

24 MR. MCCANN: It doesn't say if it's not enlarged, you
25 don't, hold on, let me finish. It doesn't say if you don't

1 enlarge it, you don't have to comply with these regulations,
2 does it? No?

3 MR. KELLMAN: (inaudible) --

4 MR. MCCANN: But it, but --

5 MR. KELLMAN: -- if it's enlarged so --

6 MR. MCCANN: Right, but what about the first
7 sentence? You just, that would be entirely, what you're saying
8 is entirely inconsistent with the first sentence which does say
9 all structures built and all uses established hereafter shall
10 provide accessory off street parking and loading, loading in
11 accordance with the following regulations.

12 MR. KELLMAN: And you say established. Established
13 can mean a couple, a couple things. This has been established
14 as, as retail. You're going in and establishing the use as
15 retail or something less, you don't have to meet the ten feet.

16 MR. MCCANN: You don't think this, you're not,
17 they're not establishing a new use here?

18 MR. KELLMAN: You are establishing a new use but --

19 MR. MCCANN: Okay, thank you.

20 MR. KELLMAN: -- it requires less parking.

21 MR. MCCANN: It doesn't say anything about that.

22 MR. KELLMAN: It's my interpretation --

23 MR. MCCANN: Are we or are we not establishing a new
24 use at this location?

25 MR. KELLMAN: You are establishing a new use but, in

1 my opinion, it's not a use that requires more parking.

2 MR. MCCANN: Is this, is this one of those unwritten
3 policies that contradict the zoning --

4 MR. KELLMAN: There's a lot of unwritten policies.

5 MR. MCCANN: That contradict the zoning regulations?

6 MR. KELLMAN: I'll just say, there's a lot of
7 unwritten policies.

8 MR. MCCANN: All right.

9 CHAIR: Mr. McCann, do you have a, a date of
10 enactment?

11 MR. MCCANN: Yeah. Looks to be a bill from 1988.

12 CHAIR: Nineteen eighty-eight?

13 MR. MCCANN: Yes.

14 CHAIR: And, Mr. Kellman, are, are, are you, do you
15 recollect, and it's okay if you don't, was there ever a time in
16 prior law where it was, you had the eight-foot back setback --

17 MR. KELLMAN: It was eight feet at one time.

18 CHAIR: And you, do you recall when that was,
19 obviously prior to 1988?

20 MR. KELLMAN: If we look at the bill, but it wasn't,
21 it was eight feet at one time.

22 CHAIR: Okay.

23 MR. MCCANN: Two thousand and sixteen is what the,
24 what I gave to you guys, I guess it was Exhibit 9.

25 BOARD: Um hm.

1 MR. MCCANN: 409.8, it says bill number forty-nine,
2 2016, so it looks like if that was the, if that was the subject
3 of the bill, that is the increase from eight feet to ten feet,
4 that might have been the date.

5 CHAIR: Okay.

6 MR. MCCANN: If that's what you're asking.

7 CHAIR: And you believe that was 2016?

8 MR. MCCANN: That's what it says.

9 CHAIR: Okay.

10 MR. MCCANN: I'm, I don't know if that was the
11 subject of the bill or not.

12 CHAIR: All right. I was just trying to, trying to
13 figure out what might have occurred. I guess, Mr. Kellman, I
14 guess in your expert opinion, say if, if the same premises,
15 well, they're saying 7-11 was still there for right now, it's
16 your testimony that they would still be entitled just to the
17 eight feet, if they never changed their use or anything of that
18 sort?

19 MR. KELLMAN: Yeah, I mean, when, when 7-11 went in
20 which, I'm going to just say, 7-11 went in, hypothetically,
21 five years ago, when they went in for their permit, they didn't
22 have to go for a variance because of that parking deficiency,
23 the parking was eight instead of ten.

24 MR. MCCANN: Because it was eight, because as, as Mr.
25 Belt is suggesting, the requirement was only eight back then,

1 but today it's different, right?

2 MR. KELLMAN: Today is different but let's say 7-11
3 went in, let's say three years ago, they, they could go in
4 there and get an alteration permit, an occupancy permit, and
5 move in there and would not have to meet that ten-foot setback.
6 That's my opinion.

7 MR. MCCANN: So, no variance would, would be
8 required?

9 MR. KELLMAN: No.

10 MR. MCCANN: Really? And this, remember, this is,
11 we're dealing with a building that's been vacant for how long,
12 you said?

13 MR. KELLMAN: I'm going to say two, three years.

14 MR. MCCANN: Okay. Both, both this portion, as well
15 as the 7-11, has been vacant for quite a while, correct? Yes?

16 MR. KELLMAN: Yes.

17 MR. MCCANN: Isn't there a provision in the zoning
18 regulations about non-conforming structures, if they're, if
19 they're abandoned for a, one year's time or a twelve-month
20 period, then they're forever lost?

21 MR. KELLMAN: I agree with that. I just don't agree
22 that it would have to go in for a variance if you went in there
23 to put a use in there.

24 MR. MCCANN: Why didn't you bring all this up?

25 MR. KELLMAN: You brought it up.

1 MR. MCCANN: I know, but why didn't you? All these
2 issues, not enough parking, parking spaces too close to the
3 right of way, why didn't you just bring it up before? Were you
4 aware of these issues?

5 MR. ROSENBLATT: Objection. Why didn't you bring it
6 up?

7 MR. MCCANN: I'm asking him, why didn't --

8 CHAIR: I'll allow it briefly. I mean, --

9 MR. ROSENBLATT: We're here about the use.

10 CHAIR: The tone and the tenor might be a little bit
11 off but say how come you, you, did you deem it important in
12 the, well, the, Mr. McCann's first question is prior to today,
13 were you aware of these problems?

14 MR. KELLMAN: Yes.

15 CHAIR: Okay and --

16 MR. KELLMAN: And I did not think it needed a
17 variance.

18 CHAIR: Okay, it's, and the reason you didn't bring
19 it up is because in your expert opinion, you believe that a
20 variance was not required?

21 MR. KELLMAN: That's correct.

22 CHAIR: Okay. I think (inaudible).

23 MR. MCCANN: Okay, I apologize for the tone.

24 CHAIR: That's all right. Just get to the point, I
25 understand.

1 MR. MCCANN: I was being sarcastic. I was being
2 sarcastic. Anything else about the parking lot that you
3 thought about that didn't think a variance was necessary, that
4 you thought about?

5 MR. ROSENBLATT: Objection. Form of the question.
6 He thought about, anything else you thought about with the site
7 plan?

8 MR. MCCANN: Well, let me ask it this way. You're
9 right, that's a, let me ask it this way. Are there any other,
10 as we look, sit here today, looking at this plan, are there any
11 other violations of the zoning regulations, parking or
12 otherwise, that on, on the face, this violates, but we don't
13 need to comply with, don't need a variance from because, for
14 whatever --

15 MR. KELLMAN: Again, I --

16 MR. ROSENBLATT: I'm objecting to the form of that
17 question as well. That it violates the zoning regulations.

18 CHAIR: Well, I think, well, I think what he's saying
19 is basically there are some things up there, on its face, that
20 would lead one to believe they're in violation. So, he's
21 basically saying, other than things that Mr. McCann just
22 brought up, are you aware of anything else that might be
23 suspect of the zoning relation, regulation that you feel do not
24 apply in this matter?

25 MR. KELLMAN: I've been looking at it, no.

1 MR. MCCANN: Okay. Because you did, the first
2 question I asked you when I stood up was does this plan comply
3 with all the zoning regulations and you said yes, right?

4 MR. KELLMAN: Yes.

5 MR. MCCANN: Okay. What about the, the width of
6 this, this parking aisle? And let me just describe where I'm
7 talking about. This is on the northern portion of the
8 building, it's sort of the Nallers Lane side of the building.
9 It says that the parking aisle width is 18.22 feet there and
10 then closer to Reisterstown Road it says 15.31 feet. Is, is
11 there any problem with those two measurements?

12 MR. KELLMAN: Again, it's the same situation. If you
13 go with current regulations, if you were going to build it
14 tomorrow, brand new building, you're laying out your site, it
15 would be different, but it all exists.

16 MR. MCCANN: And how would it be different?

17 MR. KELLMAN: Your, your one-way aisle, I believe,
18 would be twenty-two feet.

19 MR. MCCANN: Two aisle, two-way aisle.

20 MR. KELLMAN: But it, I'm saying, well, one way and,
21 I think one way and two way it may, it may be twenty-two feet.
22 I don't have the reg in front of me.

23 MR. MCCANN: Okay and this is a two-way aisle, right,
24 on this, on, on this northern side of the, of the building
25 closest to Nallers Lane? This, cars are coming both ways in

1 this area, in this direction, right?

2 MR. KELLMAN: If there's no, if there's no signage
3 that says one-way traffic going it could be construed as a two-
4 way aisle.

5 MR. MCCANN: Okay. But if someone, I mean, there are
6 two arrows on this Nallers Lane entrance to the, to the
7 property, right?

8 MR. KELLMAN: Yes.

9 MR. MCCANN: Okay. All right. So, let me show you
10 the next exhibit. This will be ten?

11 BOARD: Um hm, yes, ten.

12 BOARD: Thank you.

13 MR. MCCANN: And just sort of cut to the chase here,
14 this is, I'll show you a copy of Exhibit 10. 409.49(C), this
15 sets forth the required width of aisles, parking aisles, for,
16 depending on the parking angle, correct?

17 MR. KELLMAN: That's correct.

18 MR. MCCANN: So, here we have ninety degrees because
19 parking spaces, in relationship to the parking aisles, is a
20 ninety-degree angle, correct?

21 MR. KELLMAN: Correct.

22 MR. MCCANN: So, then the minimum width for both the
23 one way and two way is actually twenty-two feet, correct?

24 MR. KELLMAN: That's correct.

25 MR. MCCANN: So, the, on this plan, the proposed

1 access, I'm sorry, the proposed driveway aisles, parking lot
2 aisles, are, do not meet that requirement, correct?

3 MR. KELLMAN: That's correct.

4 MR. MCCANN: This will be eleven.

5 BOARD: Thanks.

6 MR. MCCANN: Let me show you a copy of Protestant's
7 Exhibit 11. 409.11, do you recognize that provision of the
8 zoning regulations?

9 MR. KELLMAN: Yes.

10 MR. MCCANN: So, to paraphrase this section, is in
11 addition to the parking that's required by 409.6, which we've
12 gone over, there is supposed to be parking space to accommodate
13 loading and unloading of materials, correct?

14 MR. KELLMAN: Correct.

15 MR. MCCANN: And where is that on this plan? Or, let
16 me ask it this way, are any of the spaces that we've talked
17 about that are depicted on the site plan, are these for, are
18 these for, to accommodate loading and unloading of materials?

19 MR. KELLMAN: No.

20 MR. MCCANN: So, they're not. So, where else, other
21 than the parking spaces depicted, is there any parking space
22 for loading and unloading of materials?

23 MR. KELLMAN: The way this building was constructed
24 and when we went through the photos, you do have some, some
25 doors back here that you could do some loading back here.

1 BOARD: You're showing up where the arrows are, off
2 of Nallers, at the back end of the building?

3 MR. KELLMAN: Yeah, this is the back of the building.

4 MR. MCCANN: Okay. I thought you said there wasn't
5 going to be any parking spaces back there?

6 MR. KELLMAN: There's no parking, no designated
7 parking spaces for the, for parking that's provided for the use
8 right (inaudible) but you could, you could, this was set up to
9 loading back here. You see doors back here.

10 MR. MCCANN: Okay. So, you think the, this is what
11 409.11 is talking about back here?

12 MR. KELLMAN: Yes.

13 MR. MCCANN: Okay. Okay, sorry. Where are the,
14 would you agree with me, Mr. Kellman, that there are no
15 handicap spaces depicted in the special exception area for this
16 special exception use and its building?

17 MR. KELLMAN: No.

18 MR. MCCANN: Okay and park, handicap parking is
19 required, right?

20 MR. KELLMAN: There's a handicap park, parking
21 (inaudible).

22 MR. MCCANN: But that's, the, the one you're pointing
23 to is associated with the other building, correct?

24 MR. KELLMAN: It is, but --

25 MR. MCCANN: The other part of the building rather?

1 MR. KELLMAN: Excuse me?

2 MR. MCCANN: It's, it's associated with the other
3 part of the building, not the special exception area, correct?

4 MR. KELLMAN: It's not shown within the special
5 exception area, but when you show a special exception area for
6 a use, the zoning office will ask you to show required parking
7 spaces just from a zoning standpoint to support the special
8 exception use, okay? So, --

9 MR. MCCANN: Okay.

10 MR. KELLMAN: -- there's nothing from a zoning
11 standpoint that says that this handicap space has to be within
12 the special exception --

13 MR. MCCANN: Well, why is it on this plan then?

14 MR. KELLMAN: Because it exists.

15 MR. MCCANN: All right. Is that an unwritten policy?

16 MR. KELLMAN: Handicap space, handicap spaces are not
17 part of the zoning code, part of the livability code, not part
18 of the zoning code.

19 MR. MCCANN: It's part of the ADA requirements,
20 correct?

21 MR. KELLMAN: It is, but that's not part of the
22 zoning regulations.

23 MR. MCCANN: Is it not true that the zoning
24 regulations incorporate the ADA guidelines, standards rather,
25 not guidelines?

1 MR. KELLMAN: I don't know, if they do, I don't know.

2 MR. MCCANN: You don't know that?

3 MR. KELLMAN: I don't know.

4 MR. MCCANN: Okay.

5 MR. KELLMAN: No.

6 MR. MCCANN: So, and again, we don't know how many
7 handicap spaces the other portion of this building may need,
8 because we don't know what use will be there, correct?

9 MR. KELLMAN: No.

10 MR. MCCANN: Getting there, folks, I promise.
11 Rounding third. I may get tripped up along the way, but I'm
12 rounding third. Did I give you one?

13 MR. ROSENBLATT: Yes.

14 BOARD: Mr. McCann, can I jump in with a question
15 real quick?

16 MR. MCCANN: Sure.

17 BOARD: I'm going to turn to what was, or what is
18 Petitioner's 9-D. Everyone ready?

19 MR. MCCANN: Mr. Needle? I think he's got it.

20 BOARD: You got it? Okay. You have it front of you?
21 9-D? At least that's what it says on the bottom. Yes, D. So,
22 I'm looking at the site map, which is Exhibit 1 and
23 Protestant's Exhibit 6, I can see the hatched-out area and the
24 handicap marking on the parking, which is just outside the
25 special exception area.

1 MR. KELLMAN: Uh huh.

2 BOARD: And when looking at 9-D, I'm seeing that the
3 dress store had, within the confines of the dress store, is
4 the, is the one handicap parking space and the curb cut is
5 actually then outside of the special exception area. So, is
6 part of the, the former dress store, subject property here, is
7 part of that area, 9-D, where the handicap spot is, is that
8 outside the special exception area or not? Do you follow that,
9 Mr. McCann?

10 MR. MCCANN: I do.

11 BOARD: Mr. Rosenblatt, you got that?

12 MR. ROSENBLATT: Yes, yeah.

13 MR. KELLMAN: It looks like it's within the, the
14 special exception area.

15 BOARD: Well, I'm saying the photo shows that.

16 MR. KELLMAN: Right.

17 BOARD: But the, but the site map does not.

18 MR. KELLMAN: Right.

19 BOARD: So, is therefore, the photo, that part of, of
20 the subject building here, is that outside of the special
21 exception area? One part of this actual property that we're
22 looking at?

23 MR. KELLMAN: Yes, it looks like, according to the
24 photo, that the handicap space is within the special exception
25 area.

1 BOARD: Okay. So, according to the photo it is, but
2 according to the site map, it is not?

3 MR. KELLMAN: Yes, yes.

4 BOARD: Okay.

5 MR. MCCANN: And that assumes that the handicap spot
6 depicted in that photograph is the same spot that we're talking
7 about with respect to Protestant's Exhibit 6, right?

8 MR. KELLMAN: Yes, that's correct.

9 MR. MCCANN: It may not --

10 BOARD: That's --

11 MR. MCCANN: In fact, I think given what you just
12 suggested, it's not, probably not.

13 BOARD: I don't know.

14 MR. MCCANN: Okay.

15 BOARD: And that's why I am, that's why I'm raising
16 the question.

17 MR. MCCANN: All right, okay.

18 BOARD: Because it looks like there was maybe a
19 second spot next to it, because it looks like there's something
20 that was blacked out of, in, within the parking lot, but that
21 space looks wider to accommodate handicap vehicles, so if there
22 were two, it went down to one.

23 MR. KELLMAN: Yeah, it looked like they're, it looked
24 like on the photo, you, you have it marked as a handicap space,
25 it looks like the one was a handicap space --

1 BOARD: In front of the, what was the 7-11?

2 MR. KELLMAN: Right. So, so technically you, you
3 should have a handicap space as it's shown here, and then one
4 here.

5 BOARD: Because it would share the same aisle.

6 MR. KELLMAN: It would share the same access aisle.

7 BOARD: Right.

8 MR. MCCANN: Okay. So, let's assume that this plan
9 said what it should say, and that there's a handicap spot
10 within the special exception area and the area where I'm
11 pointing, which is, best way to describe it as the most
12 northern of the parking spaces that are adjacent to the
13 building on the Reisterstown Road side, that that's a handicap
14 space and you still need the other spaces under the zoning
15 regulations that we talked about earlier, correct?

16 MR. KELLMAN: Of course.

17 MR. MCCANN: So, let's assume it is retail. You said
18 nineteen spaces. So, in addition, if we were to use one of the
19 existing, the existing spaces for the handicap, are we still
20 going to need nineteen other ones on this site?

21 MR. KELLMAN: You can count your handicap space as
22 one of the required parking spaces.

23 MR. MCCANN: You can?

24 MR. KELLMAN: Yes.

25 MR. MCCANN: Okay. So, the zoning regulations and

1 the ADA overlap?

2 MR. KELLMAN: I'm just saying that you can use a
3 handicap space as one of your required parking spaces.

4 MR. MCCANN: So, of the nineteen that are required,
5 there's really only eighteen that are necessary --

6 MR. ROSENBLATT: Objection to nineteen being
7 required.

8 MR. MCCANN: Of the hypothetically nineteen that are
9 required, you're saying one of those can be a handicap?

10 MR. KELLMAN: Yes.

11 MR. MCCANN: Okay. Does it say that anywhere in
12 409.8?

13 MR. KELLMAN: It's a parking space.

14 MR. MCCANN: Okay. But anybody, not everybody can
15 park there.

16 MR. KELLMAN: No.

17 MR. MCCANN: Okay. Only handicap people, right?
18 With a permit?

19 MR. KELLMAN: If it's, if it's for handicap space,
20 yes.

21 MR. MCCANN: Okay, all right. Is that another
22 unwritten policy, Mr. Kellman?

23 MR. ROSENBLATT: Objection to the nasty, sarcastic
24 tone.

25 MR. MCCANN: I'm not being, I know Mr. Kellman well

1 enough that he's not taking offense --

2 MR. ROSENBLATT: Every time that Mr. McCann --

3 CHAIR: Despite the tone, it was my next question.

4 Is that written anywhere, Mr. Kellman?

5 MR. KELLMAN: It's always been my interpretation that
6 you can include a handicap space as one of the required parking
7 spaces.

8 CHAIR: All right. Well, you're the expert. We'll
9 just, that's your opinion, okay, then we heard it. Let's go.

10 MR. MCCANN: Okay. Take a look at 409.9. You said
11 you weren't aware of anywhere in the zoning regulations that
12 required compliance with the standards for handicap parking.
13 Is that not a section that requires that?

14 MR. KELLMAN: Parking spaces for the handicap are to
15 be provided in accordance with the standards specified in the
16 Maryland Building Code. So, it's saying that you have to have
17 handicap spaces.

18 MR. MCCANN: Okay. So, there is a version of the
19 zoning regulations that requires handicap spaces?

20 MR. KELLMAN: That's what it says, yes.

21 MR. MCCANN: Okay and this site plan doesn't show one
22 for this subject, for this special exception area? Just asking
23 the question, yes or no?

24 MR. KELLMAN: I'm going to go back and say that
25 according to zoning, you have to show a certain amount of

1 parking spaces required for the use, x amount of spaces for so
2 many square feet of use. Your special exception area has to
3 include the amount of parking spaces to include just, just the
4 amount of spaces for the square footage, is my interpretation.

5 MR. MCCANN: So, why didn't you, why didn't you put a
6 handicap space on, in the special exception area?

7 MR. KELLMAN: Just didn't.

8 MR. MCCANN: Okay. Is it also not true, are you
9 familiar with, by the way, with the Baltimore County Public
10 Works design manual?

11 MR. KELLMAN: I am not.

12 MR. MCCANN: You're not?

13 MR. KELLMAN: Public Works design manual? No.

14 MR. MCCANN: Have you ever heard of it? I mean,
15 seriously, I'm being serious. Have you heard of it?

16 MR. KELLMAN: Have I heard of the Public Works design
17 manual?

18 MR. MCCANN: Yeah.

19 MR. KELLMAN: Yes. I'm not familiar with it.

20 MR. MCCANN: Are you, are you aware of any provisions
21 either in that design manual or anywhere, about providing an
22 access ramp, pedestrian ramp, for accessibility in accordance
23 with ADA regulations? Does that ring a bell at all?

24 MR. KELLMAN: It does.

25 MR. MCCANN: Okay.

1 MR. ROSENBLATT: I'm objecting to this exhibit. The
2 witness is, has been proffered as an expert in the zoning
3 regulations. This is not a zoning regulation, he's already
4 said he's not familiar with this manual. To show him page 8-12
5 and 8-13 from a manual he's never seen is inappropriate.

6 CHAIR: What is your line of questioning?

7 MR. MCCANN: I was going to ask him doe she recognize
8 it.

9 CHAIR: Well, let's start there. Let's see if he
10 recognizes it and then we'll go through the objection.

11 BOARD: This is thirteen?

12 MR. MCCANN: Yes.

13 CHAIR: Mr. Kellman, have you seen it yet?

14 MR. MCCANN: I'm going to show it to him (inaudible).
15 And I'm going to direct your attention to, I included the whole
16 section on sidewalks and pedestrian ramp. I'm going to turn
17 you, refer you specifically to 8-13, the second page, and the
18 fourth paragraph down, which begins all sidewalks. And my
19 first question is, do you recognize or are you familiar with
20 that provision, whether it's in the design manual or not?

21 MR. KELLMAN: I'm going to tell you I'm not familiar
22 with it and I've never read this before. Flat out truth.

23 MR. MCCANN: All right. Put aside the manual, are
24 you, you are familiar with the requirement that there be in
25 addition to a handicap space, that there also be an access

1 ramp?

2 MR. ROSENBLATT: Objection. He's pulling together
3 and misrepresenting his testimony. He did not testify --

4 MR. MCCANN: I just asked --

5 MR. ROSENBLATT: -- he had to have a handicap space.

6 MR. MCCANN: I didn't say he did. I'm asking if he
7 is --

8 MR. ROSENBLATT: You said in addition to the
9 requirement.

10 MR. MCCANN: -- just say no.

11 BOARD: One at a time, one at a time.

12 MR. ROSENBLATT: (inaudible) question.

13 MR. MCCANN: Okay. Are you, I thought I, I thought I
14 --

15 CHAIR: No, I asked you to restate it. You didn't do
16 anything wrong, I just asked you to --

17 MR. MCCANN: Okay. Are you familiar with any
18 requirement under Baltimore County law, that requires an access
19 ramp from a handicap space?

20 MR. KELLMAN: I don't know.

21 MR. MCCANN: Okay, all right. Looks like another
22 exhibit that you'll have to mark for i.d. because, unless the
23 Board is going to accept it.

24 CHAIR: I mean, --

25 MR. MCCANN: It's a, it's a, I mean, it is --

1 CHAIR: -- it's a manual, it's not statute, it's just
2 a manual, right?

3 MR. MCCANN: Well, it's, it's referred to all the
4 time. I mean, --

5 CHAIR: Well, you're going to call an expert,
6 correct?

7 MR. MCCANN: I hope to, yeah.

8 CHAIR: All right. We'll have him comment on that.

9 MR. MCCANN: Okay.

10 CHAIR: All right.

11 BOARD: Do you have an extra copy of that by the way?

12 MR. MCCANN: I do.

13 BOARD: Thank you.

14 MR. MCCANN: Thanks.

15 BOARD: Thank you.

16 MR. MCCANN: I'm sorry, eleven, Mr. Garber?

17 BOARD: Yep. Well, that, that was thirteen.

18 MR. MCCANN: Oh, thirteen.

19 BOARD: So, now we would be on fourteen.

20 MR. MCCANN: Okay. You mentioned, I think you
21 mentioned in 502.1 your belief that safety can be provided for.
22 Are you familiar with any requirements regarding the, the width
23 of this entrance? This is at front, frontage on Reisterstown
24 Road, the entrance depicted with the hours on the northeast
25 side of the site? Are you aware of any Baltimore County

1 requirements regarding the, the width of that two-way access?

2 MR. KELLMAN: No, it was, it's a State road and the
3 State was governing that.

4 MR. MCCANN: Okay. So, you're not familiar with any
5 State requirements as far as that's concerned?

6 MR. KELLMAN: State, no.

7 MR. MCCANN: Okay.

8 MR. KELLMAN: I know you have to get an access
9 permit, the State has reviewed it, you know, at the original
10 Petition.

11 MR. MCCANN: Okay. But from a safety perspective, at
12 least as you described it under 502.1, you have any concerns
13 about the location of this access in relationship, for
14 instance, to these parking spaces right here that are right
15 immediately to the south of it, does that raise any concern to
16 you?

17 MR. KELLMAN: No.

18 MR. MCCANN: What about someone that's backing out of
19 this parking space, and I'm referring to this parking space
20 that is closest to Reisterstown Road on the, the frontage side
21 of the building? What if a car backs out, is backing out of
22 that parking space, is someone going to be able to get into the
23 site at that access? Do you have any concern about safety as
24 far as --

25 MR. KELLMAN: I don't.

1 MR. MCCANN: You don't?

2 MR. KELLMAN: No.

3 MR. MCCANN: Okay. I think that's all I have, Mr.
4 Belt.

5 CHAIR: Mr. Riddle, sir?

6 MR. NEEDLE: I have just one question. Mr. Kellman,
7 what size sign is permitted for this site?

8 MR. KELLMAN: I'm sorry?

9 MR. NEEDLE: What size sign?

10 MR. KELLMAN: The, it's going to be governed by
11 Section 450 of the zoning regulations. If, it's a little
12 confusing. If there's no shopping center i.d. sign and
13 someone, it's just a single enterprise sign, I believe they
14 could have a, a fifty-square foot sign. But I'm not, I don't
15 have the regs in front of me. If it's a, if there, if, if it's
16 a shopping center i.d. sign or joint identification sign.
17 Sometimes with multiple tenants they have a sign that will give
18 the address of the property or the center, then have the two
19 actual tenants under the, under the sign. It all depends on
20 whether another tenant goes in there and, and needs a sign.

21 MR. NEEDLE: So, until another tenant occupies the 7-
22 11 space, Temescal is entitled to a fifty-square foot sign?

23 MR. KELLMAN: I believe so. I don't have the
24 regulation in front of me. If they, if they have a fifty, I'd
25 have to look at the regs, but the, they are going to be allowed

1 signage pursuant to Section 450.

2 MR. NEEDLE: Is, is there any difference if there's a
3 community enhanced area?

4 MR. KELLMAN: Like again, in, you're in the design
5 review panel area, so, so the Planning Office will review the
6 signage and they're going to make a recommendation.

7 MR. NEEDLE: Based on what? I mean, what, what's the
8 guidelines here?

9 MR. KELLMAN: They'll, you know, they'll make a, a
10 certain recommendation based on, you know, the property, any
11 kind of design review standards that they see in the Pikesville
12 revitalization area.

13 CHAIR: Mr. Kellman, have you been asked to opine or
14 design any signage for this property?

15 MR. KELLMAN: I have not.

16 CHAIR: Included in your plan up there today, have
17 you made any delineations (inaudible) to the size of signage
18 (inaudible)?

19 MR. KELLMAN: No.

20 CHAIR: Okay. So, the questions you're answering now
21 are purely hypothetical --

22 MR. KELLMAN: It is, it's hypothetical.

23 CHAIR: -- and not (inaudible).

24 MR. KELLMAN: Yes.

25 CHAIR: All right.

1 MR. NEEDLE: Do you know if this site is in a
2 community enhancement area?

3 MR. KELLMAN: I'm not sure, I just know it's in a
4 design review panel area and in a commercial revitalization
5 district.

6 MR. NEEDLE: Is, do you know if it's in a community
7 conservation area?

8 MR. KELLMAN: I'm not sure.

9 MR. NEEDLE: I have no further questions.

10 CHAIR: Thank you. Mr. Rosenblatt, sir?

11 MR. ROSENBLATT: Let's talk about the parking
12 calculations. We'll start there, okay?

13 MR. KELLMAN: Yep.

14 MR. ROSENBLATT: Is there any classification for
15 medical cannabis dispensary in Section 409.6 or anywhere else
16 in the zoning regulations?

17 MR. KELLMAN: There is not.

18 MR. ROSENBLATT: So, when you were putting together
19 the site plan and calculating the square footage for this use,
20 who in the zoning office did you meet with?

21 MR. KELLMAN: I met with Carl Richards, who is zoning
22 supervisor.

23 MR. ROSENBLATT: Does Gary Hucik work for that
24 office?

25 MR. KELLMAN: Yes, he does.

1 MR. ROSENBLATT: Does he work for Carl Richards?

2 MR. KELLMAN: Yes, he does.

3 MR. ROSENBLATT: Okay. When you met with Carl
4 Richards, what, whose recommendation was it that you split the
5 use between office and retail space?

6 MR. MCCANN: Objection, objection.

7 CHAIR: Just wait a second here. The difference is,
8 Mr. McCann, is that at this point in time, being qualified as
9 an expert, he's able to testify as to whatever he bases his
10 opinion thereon and under the section, Title (inaudible) of the
11 regular rules, it's a hearsay exception. But the exception
12 states that the same questions that he's asking here are not
13 for the truth of the matter asserted, but just how he based his
14 opinion and is subject to cross examination and is subject to
15 rebuttal of other witnesses. The difference with your
16 situation is, we weren't dealing with an individual --

17 MR. MCCANN: I understand.

18 CHAIR: -- or a County comment on this case. So,
19 that is delineation through the evidence rules and why I'm
20 going to allow the question.

21 MR. MCCANN: No, I understand that. An expert, in
22 fact, is allowed, allowed to rely on hearsay. So, he could sit
23 here and tell us what Carl Richards just said. I (inaudible)
24 object for the record, nevertheless.

25 CHAIR: Okay.

1 MR. MCCANN: And then, secondly, I thought he just
2 said that he, well, that's cross. That's cross.

3 CHAIR: All right.

4 MR. MCCANN: I'll leave that alone. Thank you.

5 CHAIR: All right.

6 MR. ROSENBLATT: Why did you split the square footage
7 of this use into office and retail?

8 MR. KELLMAN: Because, again, it was, it was a
9 smaller area, the total area wasn't designated for retail.

10 MR. ROSENBLATT: Why not?

11 MR. KELLMAN: You have very, you have, people have
12 limited access of where they can go within the site.

13 MR. ROSENBLATT: And --

14 MR. KELLMAN: Actually, within the building.

15 MR. ROSENBLATT: So, for the office space, are retail
16 customers, people coming in who are going to be purchasing
17 medication in this facility, are they allowed in the square
18 footage that you've designated as office?

19 MR. KELLMAN: No, they're not allowed in that area.

20 MR. ROSENBLATT: Is, is that why you split the area
21 between retail and office?

22 MR. KELLMAN: Yes.

23 MR. ROSENBLATT: And did you meet, is, is, was that
24 split the result of your meetings with the head of the zoning
25 review office?

1 MR. KELLMAN: It was.

2 MR. ROSENBLATT: Okay and did you show the parking
3 calculation to the County and did the County, in your
4 experience, having worked in the zoning office for twelve
5 years, do the reviewers who accept zoning petitions, review
6 zoning plans, including parking, parking calculations before
7 accepting petitions?

8 MR. KELLMAN: They do.

9 MR. ROSENBLATT: And was that done in this case?

10 MR. KELLMAN: It was.

11 MR. ROSENBLATT: In your presence?

12 MR. KELLMAN: It was.

13 MR. ROSENBLATT: And was this calculation deemed
14 acceptable by Baltimore County when the Petition was filed?

15 MR. KELLMAN: Yes, it was.

16 MR. ROSENBLATT: Okay. Compare and contrast this
17 with, say, a CVS, for example, which, do you park an entire CVS
18 as retail under the parking regulations in your experience?

19 MR. KELLMAN: Yeah, the entire CVS is parked as, as
20 retail.

21 MR. ROSENBLATT: And why is that?

22 MR. KELLMAN: Because you're, you have customers that
23 can go throughout that whole area in CVS. Now, you do have
24 some, some storage area in, in the back, but for the most part,
25 you know, you have every, I mean, you're selling everything in

1 a CVS.

2 MR. ROSENBLATT: And so, is there a difference in
3 your opinion between a CVS, where you can go up and down every
4 aisle, and a facility like this, where there are areas that are
5 specifically for employees only?

6 MR. KELLMAN: Yes, there is, like in a CVS you can go
7 down let's say twenty aisles and everything is on display and
8 you can just grab it yourself, take it to a cash register. In
9 this situation, you can't. You have to go up to a person and
10 ask for something specific and they get it for you.

11 MR. ROSENBLATT: And you, you have listed a set
12 square footage of retail space on this site plan, have you not?

13 MR. KELLMAN: I have.

14 MR. ROSENBLATT: And if Temescal Wellness wanted to
15 go beyond that and have customer space in additional area,
16 would you have to recalculate the parking calculation?

17 MR. KELLMAN: You would have to change out from
18 square footage and recalculate parking.

19 MR. ROSENBLATT: And if, if the result of the
20 recalculation was that you, there weren't enough parking
21 spaces, would you require zoning or other relief?

22 MR. KELLMAN: We'd have to go for a variance if there
23 weren't enough parking spaces.

24 MR. ROSENBLATT: Let's talk about the need for a
25 variance in this case. Did you just overlook the shortcomings

1 of the current regulations that Mr. McCann just pointed out to
2 you?

3 MR. KELLMAN: I did not.

4 MR. ROSENBLATT: And why, why did you, why is it your
5 expert opinion that these variances are not required in this
6 case?

7 MR. KELLMAN: Because in my opinion, everything
8 exists. If you were to go in, into one of the tenant's bases
9 and get a building permit, they wouldn't say you need a
10 variance because that existing parking space is eight feet to a
11 street right of way.

12 MR. ROSENBLATT: Did you review the zoning history of
13 this property?

14 MR. KELLMAN: I did.

15 MR. ROSENBLATT: Did 7-11 or any other tenants before
16 ask for any zoning relief?

17 MR. KELLMAN: They did not.

18 MR. ROSENBLATT: There's no zoning history for
19 parking or other variances on that site?

20 MR. KELLMAN: There is no zoning history for parking
21 variances.

22 MR. ROSENBLATT: Okay. If, if Temescal Wellness had
23 a building permit, applied for a building permit in this case,
24 would your, would your answer as to the applicability of the
25 parking regulations change?

1 MR. KELLMAN: It would not.

2 MR. ROSENBLATT: Do you believe that having applied
3 for a, if, if a building permit is applied for and you're not
4 making any changes to the footprint of an existing building,
5 that you have to comply with all of the new regulations?

6 MR. KELLMAN: I don't believe you have to comply with
7 all the new regulations.

8 MR. ROSENBLATT: And in your experience, having
9 worked in the zoning office for how many years?

10 MR. MCCANN: Can we try not to ask leading questions?
11 I'm sorry to interrupt. I let it go for a while. This is his
12 witness, let him answer instead of leading questions, basically
13 telling him what to say, essentially, in these yes or no
14 answers.

15 CHAIR: All right. We'll sustain. Mr. Rosenblatt,
16 let's make a better effort to make them less leading.

17 MR. ROSENBLATT: In your experience, does the zoning
18 review office make applicants comply with all current
19 regulations when they're proposing a different use inside of an
20 existing building without expanding the footprint of the
21 building in any way?

22 MR. KELLMAN: No, and I, and I, like I said this
23 before. If you were going from retail, which requires five per
24 thousand and all of a sudden, you put in a restaurant which
25 would jack up the parking lot to say let's say twenty per

1 thousand, then you're going to review a parking plan because
2 all of a sudden, you got a, you got a, you got to provide for a
3 lot more parking spaces. Let's, let's talk about that. If the
4 use that is currently vacant, if a restaurant wanted to go into
5 that space, is the calculation for restaurants greater than the
6 calculation for retail space?

7 MR. KELLMAN: It is.

8 MR. ROSENBLATT: And if that space was to be filled
9 with a restaurant and more than thirty-one spaces were required
10 on this property, how, how would that work?

11 MR. KELLMAN: If somebody came in for a restaurant
12 permit and you just had the exact number of parking spaces
13 provided for what's required and a restaurant came in there,
14 replacing retail, then you would need a zoning variance.

15 MR. ROSENBLATT: Okay. Do you believe that for,
16 we'll talk about the loading issue. Do you believe that actual
17 parking spaces are require for loading?

18 MR. KELLMAN: No, when you go in for building permit
19 and the zoning office requires loading spaces, they provide a
20 loading area, not a loading space. Now, I've seen some permits
21 where they've had excess parking of one or two parking spaces
22 where they, they designated that as loading space.

23 MR. ROSENBLATT: Now, the ADA and other issues that,
24 that were talked about by Mr. McCann, when in the process are
25 issues like the accessibility code reviewed?

1 MR. KELLMAN: It's going to be reviewed at building
2 permit.

3 MR. ROSENBLATT: And if, if this site requires
4 changes such as lifts or, or additional cuts, things to make it
5 comply with the ADA, is that a decision that is determined
6 during the zoning process or the permitting process?

7 MR. KELLMAN: It's going to be determined at the
8 permit process and I can tell you what happened, what would
9 happen. If they went in for an alteration permit or a change
10 of occupancy permit to occupy a building and then the people
11 down in building plans review think that they have to provide
12 ADA, whether it's a ramp or whatever, they're going to look at
13 it during building permit and they're going to say, we're not
14 going to issue the building permit until you provide this.

15 BOARD: Can I have a follow-up question to that?
16 Does that change then whether or not they would have to make
17 alterations to the parking? If they require a, another ramp or
18 another handicap parking space, are there, from that point,
19 would there have to be other changes made then to the parking
20 to have it come into compliance with today's code?

21 MR. KELLMAN: There, there may. If you, if you have
22 to take a ramp in front of a building and, and pulls it out and
23 it takes up one of your parking spaces, that's when you may
24 have to alter parking.

25 BOARD: Okay.

1 MR. ROSENBLATT: And if that happened and, and the
2 parking spaces were insufficient for this special exception
3 use, would then potentially a variance be required?

4 MR. KELLMAN: Then potentially a variance would be
5 required.

6 MR. ROSENBLATT: But in this situation, where you
7 have an existing site and no changes are proposed to the
8 exterior of the building or the footprint, do you believe that
9 any variances are required?

10 MR. KELLMAN: In my opinion, they weren't overlooked,
11 you didn't need a parking variance for it.

12 MR. ROSENBLATT: And, and you've said that the eight
13 parking spaces in the front of the property along Reisterstown
14 Road are located approximately eight feet from the right of
15 way, is that correct?

16 MR. KELLMAN: That's correct.

17 MR. ROSENBLATT: And what are the width of the drive
18 aisle between those parking spaces and the parking spaces on
19 the, on, to the west of the drive aisle? Can you see it from--

20 MR. KELLMAN: May I approach? That width is thirty
21 feet.

22 MR. ROSENBLATT: And you testified before what is the
23 width required for a twenty-two foot, I'm sorry, --

24 MR. KELLMAN: Excuse me, it's a, it's a twenty-two
25 foot --

1 MR. ROSENBLATT: Talk about leading. I'm sorry.

2 MR. KELLMAN: I'm going to, I'm going to, I'm going
3 to do the full statement with, with ninety degree, with ninety-
4 degree angled parking, you need a minimum of twenty-two feet
5 aisle width. This is thirty feet, so you got eight feet to
6 play with.

7 MR. ROSENBLATT: Okay. But if you got to permit and
8 you were required to provide an extra two feet for these
9 parking spaces, from away from the right of way on Reisterstown
10 Road, is there space to do that without a variance?

11 MR. KELLMAN: There is. You could push the spaces
12 back and add, and add two feet between the, the parking space
13 and Reisterstown Road.

14 MR. ROSENBLATT: Okay.

15 MR. KELLMAN: If I, you may want me to show you,
16 approach? This is where it's currently eight feet. If ten
17 feet would be required, we'd shift these people, these, these
18 parking spaces back two feet and then this thirty goes to
19 twenty-eight, which is more than the twenty-two foot
20 (inaudible).

21 MR. ROSENBLATT: Okay and in terms of landscaping for
22 this property, is, is landscaping going to be required along
23 Reisterstown Road?

24 MR. KELLMAN: Landscaping will be. That was one of
25 the comments that was in the original Petition that, that

1 landscaping will be required on the strip between Reisterstown
2 Road and the parking spaces.

3 MR. ROSENBLATT: And when is the determination, when
4 is the landscaping reviewed and/or approved in this process?

5 MR. KELLMAN: When you file for your building permit,
6 a copy of the permit application will go over to the section at
7 development plans review, which is within permits, approvals
8 and inspections and that landscape architect will make a
9 comment on landscaping.

10 MR. ROSENBLATT: And can you apply for a waiver of
11 those requirements?

12 MR. KELLMAN: Yes, you can.

13 MR. ROSENBLATT: If a waiver is applied for and
14 denied in this case and ten feet of landscaping is required, is
15 there sufficient space for the eight parking spaces along
16 Reisterstown Road to move back two feet so that no variance
17 would be required?

18 MR. KELLMAN: Again, you move them back, you have
19 sufficient aisle way width so you can move them back to
20 accommodate an extra two feet if you have to provide
21 landscaping in that space between the parking spaces and
22 Reisterstown Road.

23 MR. ROSENBLATT: And when you say move them back,
24 could you not, couldn't you just paint an extra two feet? Is
25 that, I mean, would you have to physical do anything more than

1 --

2 MR. KELLMAN: It's restriping, restriping and maybe
3 adding some, like a, like a landscaping strip in that two-foot
4 area.

5 MR. ROSENBLATT: And when parking spaces are, are
6 repainted in, in Baltimore County is, is zoning relief
7 necessarily required?

8 MR. KELLMAN: No.

9 MR. ROSENBLATT: Okay.

10 BOARD: Can I jump in real quick? So, you're saying
11 then there's enough room today to actually move the spaces back
12 two feet to provide the ten feet of space so it doesn't
13 encroach or come within the ten feet right of way?

14 MR. KELLMAN: Yes, that's correct.

15 BOARD: Okay and that ten feet that's in between this
16 prospective ten feet, that's where the park, parking,
17 screening, landscaping will be?

18 MR. KELLMAN: Yes.

19 BOARD: And if it was done, for the sake of argument,
20 today, there would still be twenty-eight feet left within the
21 parking aisle?

22 MR. KELLMAN: Yeah, because, yeah, because we have
23 thirty feet so it would subtracting two from it so it would be
24 twenty-eight.

25 BOARD: Right, and so, so, and we're only talking

1 about the spaces along Reisterstown Road, we're not talking
2 about the spaces along Nallers, correct?

3 MR. KELLMAN: Right, that's correct.

4 MR. ROSENBLATT: And let's, let's talk about those
5 spaces. What, you, did you, you said you visited this site
6 recently?

7 MR. KELLMAN: I did.

8 MR. ROSENBLATT: What kind of car do you drive?

9 MR. KELLMAN: A Dodge Ram Pickup Truck.

10 MR. ROSENBLATT: Did you park in any of these spaces
11 to evaluate the circulation in and around this site?

12 MR. KELLMAN: I did.

13 MR. ROSENBLATT: And what was your experience?

14 MR. KELLMAN: It was sufficient room for me. You
15 know, I pulled in to the, to the actual space and backed up and
16 had, you know, enough space.

17 MR. ROSENBLATT: Does that include the parking spaces
18 that are along Nallers Lane?

19 MR. KELLMAN: Yes, that's what I, that what I, I
20 parked there both times.

21 MR. ROSENBLATT: Okay and the special exception area,
22 one final point, does it, does it extend behind, in other
23 words, to the west of the building?

24 MR. KELLMAN: It does.

25 MR. ROSENBLATT: And why is that?

1 MR. KELLMAN: We just included that area in case it
2 was going to be some loading in the back of the building.

3 MR. ROSENBLATT: And is, is that, is that the
4 location, is it your understanding that that is where Temescal
5 Wellness proposes to load, unload, etcetera?

6 MR. KELLMAN: If there's any loading, they're going
7 to do, yes, it would be loading back there.

8 MR. ROSENBLATT: Okay and do you believe there's
9 sufficient space back there to accomplish that loading or
10 unloading?

11 MR. KELLMAN: I do because, again, there's no parking
12 back there.

13 MR. ROSENBLATT: I have nothing further.

14 CHAIR: Quick clarification, I'm sorry, I, just a
15 dumb question but I just want clarification myself as who is
16 the, the gatekeeper finally to assure that if it's eight or ten
17 feet from the road, what the, when you submit the, the building
18 permit review, would they look into that matter as well?

19 MR. KELLMAN: What they'll do is when you submit to
20 the building permit, a copy of the site plan will go down to
21 development plans review, who development plans review, they
22 actually reviewed it as far as the zoning process, but when you
23 get down to the permit, the person who is the landscape
24 architect for the County, he'll look at it and say I want to
25 see a landscape plan to assure that there's landscaping in that

1 strip between Reisterstown Road and the parking spaces and if
2 he says it should be ten feet and you only have eight feet, you
3 know, you could apply for a modification or a waiver. If he
4 says no, sometimes what I've done before, is when we didn't
5 have the ten feet, we've had eight feet, seven feet, he said to
6 beef up the landscaping, you know? So, you kind of mitigate
7 any smaller distance than the ten feet.

8 CHAIR: Okay. But that would be the time and process
9 with someone with that fancy ruler to make that measurement?

10 MR. KELLMAN: Yes.

11 CHAIR: Okay.

12 MR. MCCANN: I'm unaware of that process. So, you're
13 saying, I always thought variances went to the Administrative
14 Law Judge but what you're saying is, you can, you can obtain a
15 variance for these things, for the right of way setback, for
16 the driving aisle, let me finish, for the parking spaces at
17 building permit, so bypass all of that, you can bypass --

18 MR. KELLMAN: I didn't say that.

19 MR. MCCANN: Essentially what you said --

20 MR. KELLMAN: I said a modification of the
21 landscaping.

22 MR. MCCANN: No, I'm not talking about what you just
23 said now. During your, I'm, I'm hearkening back to Mr.
24 Rosenblatt's question as well. You said all of this could be
25 fixed without a variance at the building permit stage and I

1 find that incredible.

2 MR. KELLMAN: What are you saying, be fixed? I'm
3 saying if it's already exist, it's okay. Nothing is being
4 fixed.

5 MR. MCCANN: Okay.

6 MR. KELLMAN: But what could be fixed is the
7 modification standards to the landscaping.

8 MR. MCCANN: I'm not talking about the landscaping,
9 I'm talking about the right of way setback, the, the width of
10 the parking aisle, the number of parking spaces. It sounds to
11 me, since this is existing and despite our conversation about
12 what the regs actually say, you think there's an unwritten
13 policy that you can bypass the variance process and go straight
14 to, and then when you get to building permit, they'll
15 straighten it all out, is that right, yes or no?

16 MR. KELLMAN: 7-11 went in there and they didn't have
17 to do, go for a variance and they changed occupancy. So, I, I
18 think it's allowed, it's my opinion.

19 MR. MCCANN: How do, how do you know they did not get
20 a variance, Mr. Kellman? Are you just saying that you're
21 supposing that? How do you know that they didn't try to get a
22 variance? How, how do you know that?

23 MR. KELLMAN: Well, they moved in.

24 MR. MCCANN: Okay.

25 MR. KELLMAN: They, they were operating.

1 MR. MCCANN: I'm just, you make, you, you suggest a
2 hypothetical that a restaurant came along, that, that increase
3 would be a lot and then they'd have to go seek a variance. I'm
4 just trying to distinguish between the situation when there's a
5 lot of increase and you have to go to a variance and the
6 situation where it's an existing condition and it can be
7 handled at the building permit --

8 MR. KELLMAN: You, you're going for a variance for
9 the restaurant moved in there, you're going for a variance for
10 the amount of parking. So, you got to bring everything up to
11 standards.

12 MR. MCCANN: Okay. Well, if I'm right about this
13 being retail, then you're four spaces shy of the nineteen. If
14 I'm right about the medical office, you're two spaces shy and
15 if I'm right about 7.0026 being rounded up to 7.1, then you're
16 one shy, even if it is retail and office. So, when, when do we
17 fix all that, the building permit stage?

18 MR. KELLMAN: They took in the actual application, so
19 they acknowledged that we broke down the use by retail and
20 office.

21 MR. MCCANN: Who took in the application?

22 MR. KELLMAN: The zoning office did.

23 MR. MCCANN: So, in taking it in, they, they were
24 implicitly agreeing that the parking --

25 MR. KELLMAN: The combination of taking it in and we,

1 and we meeting with the, the zoning supervisor.

2 MR. MCCANN: Well, parking space variances in terms
3 of number of parking spaces are, are filed all the time with,
4 correct, the Administrative Law Judge?

5 MR. KELLMAN: Excuse me?

6 MR. MCCANN: Aren't parking space variances filed all
7 the time with the Administrative Law Judge? You've filed those
8 yourself, haven't you?

9 MR. KELLMAN: I have, but it all depends what, what,
10 what you're doing.

11 MR. MCCANN: Okay. And the other thing we didn't
12 talk about is that the setback between these spaces and the
13 right of way on Nallers Lane is actually zero, isn't it?

14 MR. KELLMAN: That's correct.

15 MR. MCCANN: Okay. Is that something you also didn't
16 miss? You caught that as well?

17 MR. KELLMAN: I noticed that, of course.

18 MR. MCCANN: In fact, isn't it true, if you look at
19 Protestant's Exhibit 6, that the parking spaces actually go
20 into the right of way. These parking spaces right here, I know
21 the Board, it's going to be difficult to identify where they
22 are, but where it says twelve, these four parking spaces, or
23 five parking spaces rather, all go into the right of way
24 itself. Is that true or not? You prepared the plan.

25 MR. KELLMAN: Yeah, because a lot of this that was

1 done, it's shown, was based on locating spaces based upon
2 geographic information systems.

3 MR. MCCANN: So, no variance for a negative one foot?

4 MR. KELLMAN: No, no.

5 MR. MCCANN: Okay. That, that'll be handled at
6 building permit, right?

7 MR. ROSENBLATT: Objection to, again, with the tone
8 of these questions. It's not what he testified to.

9 MR. MCCANN: I'll move on, I'll move on, I'll move
10 on. I thought you told me on cross examination that this break
11 down between office and retail, this fifteen hundred versus
12 twenty-two hundred, was given to you by someone, that you
13 didn't make that determination, you didn't consider that break
14 down, you didn't look at plans and confirm all that, right?
15 So, that, those numbers were given to you.

16 MR. KELLMAN: Those numbers were given, what was
17 actual, the retail area and what was actually the office area,
18 that just, you know, what wasn't retail we determined to be
19 office.

20 MR. MCCANN: Okay. But you didn't mention in cross
21 examination the meeting you had with Mr. Richards, so if you
22 were given that information, retail versus office, you
23 nevertheless, had a meeting with Mr., Mr. Richards?

24 MR. KELLMAN: You're saying that I never had a
25 meeting with Mr. Richards?

1 MR. MCCANN: I'm asking you whether you did or not.

2 MR. KELLMAN: I did.

3 MR. MCCANN: Okay. I just thought the questions were
4 suggesting that you set forth that square footage. You didn't
5 determine that at all, the breakdown anyway, right? Just to
6 make clear?

7 MR. KELLMAN: No, I didn't determine it.

8 MR. MCCANN: Okay. That's it. Thank you very much.
9 No other questions.

10 MR. ROSENBLATT: I just have one then. Who, who gave
11 you the square footage numbers for the space where customers
12 would be allowed and the space where customers would not be
13 allowed?

14 MR. KELLMAN: The owner. Not the owner, but the,
15 the, Temescal.

16 MR. ROSENBLATT: Okay and who told you how to break
17 down the use, in other words, what to call this use, based on
18 those square footages?

19 MR. KELLMAN: The zoning office did.

20 MR. ROSENBLATT: Thank you.

21 MR. MCCANN: When you say Temescal told you where the
22 customers were allowed and where they're not allowed, that's
23 how it was given to you? It wasn't just given to you in square
24 footage? They, you actually had a conversation now, now I'm
25 learning --

1 MR. KELLMAN: No, it was given to us in square
2 footage.

3 MR. MCCANN: Okay. So, contrary to what you just
4 told Mr. Rosenblatt then, you did not have a conversation with
5 the Petitioner about where do your customers go and where they
6 can't go and can you give me --

7 MR. KELLMAN: It was, it was square footage of where
8 they're allowed to go and where they're not allowed to go.

9 MR. MCCANN: Those exact, those words, or words to
10 that effect?

11 MR. KELLMAN: Yes.

12 MR. MCCANN: Okay and you think that's the break down
13 between retail and offices, where customers are allowed to go
14 and where they're not allowed to go?

15 MR. KELLMAN: That's my opinion.

16 MR. MCCANN: And Mr. Richard, Mr. Richards told you
17 that as well?

18 MR. KELLMAN: He confirmed it.

19 MR. MCCANN: Okay. Okay. Thank you.

20 MR. ROSENBLATT: Thank you.

21 CHAIR: Well, sir, you may step down.

22 MR. KELLMAN: Thank you.

23 CHAIR: Well, I'm for a ten-minute recess but I would
24 like to know what we plan to do. Mr. McCann, it's going to be
25 your show, sir.

1 MR. MCCANN: Okay.

2 CHAIR: So, what are your intentions?

3 MR. MCCANN: Can I use the ten minutes to tell you,
4 to think about and tell you?

5 CHAIR: Sure, we'll be back.

6 BOARD: And, well, Mr. Rosenblatt, are you, are you
7 done with your exhibits?

8 MR. ROSENBLATT: Yes, I would, I guess we can do
9 that. I'll move all the exhibits into evidence. I just want
10 to make sure, as a housekeeping matter, that the Board has in
11 its file documentation that the owner signed and, and supports
12 this Petition because if you read the Order below, that was
13 initially an issue that we resolved through a letter and, and
14 signature pages.

15 CHAIR: I saw the ALJ Beverungen's notice that
16 everything had, the T's had been crossed.

17 MR. ROSENBLATT: So, as long as that's in the file,
18 we move all the exhibits in and we'd rest our case in chief.

19 MR. MCCANN: Okay.

20 CHAIR: And then we'll take ten and then you'll tell
21 us what we're going to do.

22 BOARD: And Mr., are we still on?

23 CHAIR: We're still on.

24 BOARD: Yeah, we're still on.

25 BOARD: You're moving your exhibits in?

1 MR. MCCANN: Correct.

2 BOARD: The ones that were not withdrawn, so that
3 would be numbers six, seven, nine, ten, eleven, twelve and
4 thirteen.

5 MR. MCCANN: Yes.

6 BOARD: And you will give me back again Exhibit 5
7 when it is redacted. That's all.

8 MR. MCCANN: Thank you.

9 BOARD: Thank you.

10 (RECORDING PAUSED - 03:33:50 PM)

11 (ON RECORD - 03:48:28 PM)

12 BOARD: Ready?

13 CHAIR: Yes, let's go on the record.

14 BOARD: Okay.

15 CHAIR: So, we're going to do some lay witness
16 testimony, Mr. McCann?

17 MR. MCCANN: We are.

18 CHAIR: Fantastic. How many? What's the cutoff
19 point? I say if we pass 4:30, it's probably not a good idea.

20 MR. MCCANN: Well, I think we're going to do just
21 two, actually.

22 CHAIR: Okay.

23 MR. MCCANN: Relatively short and we may have two or
24 three of, also lay people. One person had to leave so
25 otherwise I would have done her on Mon, on next week. And then

1 potentially (inaudible).

2 CHAIR: Ma'am, if you could remain standing just for
3 a moment just to be sworn.

4 BOARD: Okay. Do you swear and affirm under the
5 penalties of perjury, that the testimony you are going to
6 provide today will be true and correct to the best of your
7 knowledge, information and belief?

8 MS. ARONOFF: I do.

9 BOARD: All right and would you state your name and
10 address for the record, please?

11 MS. ARONOFF: My name is Revanne Aronoff and my
12 address is 11 Slade Avenue, Baltimore, Maryland 21208.

13 BOARD: And would you spell your last name for the
14 record, please?

15 MS. ARONOFF: A-R-O-N-O-F-F.

16 BOARD: And your first name?

17 MS. ARONOFF: Revanne, R-E-V-A-N-N-E.

18 BOARD: Thank you. You may be seated.

19 MS. ARONOFF: Thank you.

20 CHAIR: Mr. McCann, you, are you going to submit a
21 sign-in?

22 MR. MCCANN: I should have but I did not.

23 CHAIR: (inaudible) helps with the spelling. That's
24 all right.

25 MR. MCCANN: No.

1 CHAIR: It's not a big deal.

2 MR. MCCANN: Ms. Aronoff, tell the Board if you
3 would, where you live in relationship to this property, the
4 subject property? And you may not --

5 BOARD: Would it be helpful to use Petitioner's
6 exhibit number eight, maybe?

7 MR. MCCANN: Yeah. She's off of that, actually.
8 She'll describe it and then --

9 BOARD: Would it be helpful to use Petitioner's
10 number two?

11 MR. MCCANN: It would.

12 BOARD: All right.

13 MR. MCCANN: Thank you.

14 BOARD: If I may, would you like me to point out
15 where we are?

16 MS. ARONOFF: Wait a minute. Here I am, here, this
17 is where I live.

18 MR. ROSENBLATT: Yeah, we can mark on it if, if we
19 want.

20 BOARD: Okay. So, if I may, ma'am? Right, so we're
21 up here.

22 MS. ARONOFF: Uh huh, and I'm right here. Slade
23 Avenue and Reisterstown Road.

24 BOARD: Okay. If I may --

25 MS. ARONOFF: From here to here, this far away.

1 BOARD: What the witness has shown is Slade Avenue is
2 down toward the bottom of Petitioner's exhibit number two and,
3 therefore, toward the bottom of the commercial revitalization
4 district. Right here, Mr. Rosenblatt.

5 MR. ROSENBLATT: Okay, thank you.

6 MR. MCCANN: Okay, thank you. And Slade Avenue
7 intersects Reisterstown Road, correct?

8 MS. ARONOFF: Correct.

9 MR. MCCANN: Just farther south --

10 MS. ARONOFF: Correct.

11 MR. MCCANN: -- of this site?

12 MS. ARONOFF: Yes.

13 MR. MCCANN: Really at the other end of Pikesville,
14 Pikesville proper, is that --

15 MS. ARONOFF: It's at the beginning of Pikesville.

16 MR. MCCANN: Okay and how long have you lived there?

17 MS. ARONOFF: Fourteen years.

18 MR. MCCANN: Did you grow up in the area as well?

19 MS. ARONOFF: Yes, I did.

20 MR. MCCANN: Where did you --

21 MS. ARONOFF: You want to ask me how long I've been
22 in Pikesville?

23 MR. MCCANN: I'm about to ask you that, go ahead.

24 MS. ARONOFF: I'm not going to tell you.

25 MR. MCCANN: Just roughly, roughly?

1 MS. ARONOFF: Roughly?

2 MR. MCCANN: Roughly?

3 MS. ARONOFF: All my life.

4 MR. MCCANN: So, you're thirty years old, so that's
5 about --

6 MS. ARONOFF: A long, it's been a very long time.

7 MR. MCCANN: Okay. So, you're familiar with
8 Pikesville.

9 MS. ARONOFF: And my children grew up in Pikesville,
10 my children went to school in Pikesville and I love Pikesville
11 and it makes me sad to see what's going on.

12 MR. MCCANN: Okay. Well, and we'll get to that in a
13 moment. The 11 Slade Corporation where you live, 11 Slade
14 rather, there's a homeowners' association in that --

15 MS. ARONOFF: Board of directors.

16 MR. MCCANN: Board of directors.

17 MS. ARONOFF: Yes.

18 MR. MCCANN: Okay and are you here to testify on
19 behalf of the Board?

20 MS. ARONOFF: Yes.

21 MR. MCCANN: Okay. Are you also here to testify in
22 your individual capacity?

23 MS. ARONOFF: Yes.

24 MR. MCCANN: Okay and have you brought any papers
25 with you that you believe entitle you to test --

1 MS. ARONOFF: I did. I have a signed paper from the,
2 from the President of our Board.

3 MR. MCCANN: Okay. Where is that, do you have it?

4 MS. ARONOFF: In my pocketbook, which is over there.

5 MR. MCCANN: It's over here?

6 MS. ARONOFF: Yeah. (inaudible).

7 MR. MCCANN: (inaudible).

8 MS. ARONOFF: Thank you.

9 CHAIR: The record reflects the Rule 8 papers are in
10 the pocketbook.

11 BOARD: I assume we're using this as an exhibit then?

12 MR. MCCANN: Yes.

13 BOARD: (inaudible).

14 MR. MCCANN: No, we don't have copies, I apologize.

15 MR. ROSENBLATT: I, I would object to this
16 demonstrating the requisite authority under Rule 8 of the
17 Board's Rules of Procedure to authorize this witness to speak
18 on behalf of the corporation. And there's no question, she
19 lives in the area, knows the area and can speak from personal
20 experience. But Rule 8, as the Board knows, is very detailed
21 and there are a number of things that need to occur before a
22 witness can testify on behalf of a community association,
23 including affidavits, written confirmation that certain
24 meetings were held and votes were taken and this is a one
25 sentence letter that just simply says I'm authorized, so.

1 BOARD: I'm going to mark it as fourteen for purposes
2 of this discussion.

3 MR. MCCANN: And for the record, I don't, I don't
4 disagree with Mr. Rosenblatt. That is, that it doesn't comply
5 with the, the strict letter of Rule 8 and as he suggested,
6 there's really three things you need and this is, does not
7 suffice for all three. So, I don't disagree with that. I
8 think it --

9 CHAIR: Well, you know, I think it will have equal
10 effect if the witness is to testify to her personal thoughts
11 and perceptions as to this project and we have on the record
12 where she lives and how long she lives there and we can make
13 inferences from there and we will not worry about this being
14 the actual Rule 8 papers and speaking for the association. So,
15 she'll speak for herself and I think that will carry the weight
16 that it will carry based on her time and familiarity with the
17 area and I think it will have a similar effect, so we're going
18 to proceed.

19 MR. MCCANN: Okay, thank you. So, --

20 BOARD: So (inaudible) with the rest of the exhibits.

21 MR. MCCANN: Yeah, thank you. So, tell the Board, if
22 you would, well, strike that. Let me ask you, you,
23 individually, you've sat through the hearing today?

24 MS. ARONOFF: All day.

25 MR. MCCANN: And you're familiar with what, what's

1 been proposed?

2 MS. ARONOFF: Absolutely.

3 MR. MCCANN: You've seen this plan that's on the
4 board?

5 MS. ARONOFF: I do.

6 MR. MCCANN: Okay and you, you've been following the
7 issue for some time, is that right?

8 MS. ARONOFF: Yes.

9 MR. MCCANN: Okay. Tell the Board what you,
10 individually, how you individually, rather, feel about the
11 project?

12 MS. ARONOFF: I've prepared a few words. I
13 (inaudible) expert witness, although not as expert as people
14 that were here today. As a longtime resident of Pikesville,
15 I'm strongly opposed to the opening of a medical cannabis
16 dispensary in the heart of Pikesville. The potential location
17 is located next to a new and most welcome food market and quite
18 close to a church which hosts many community programs attended
19 by children. Another primary concern is the added, possibly
20 added traffic to an already extremely congested area. I e-
21 mailed both the Pikesville Chamber and Vicki Almon's office to
22 share my grave concern for the location of this dispensary.
23 The Chamber assured me that there would be lots of security.
24 This immediately raised a red flag. If an establishment needs
25 security, it is one high in attracting crime. Since a

1 dispensary is a cash business and makes marijuana available, it
2 certainly may attract an element of our population not welcome
3 in our community. Vicki Almon's office stated that the
4 location is not a, quote unquote, by right location, therefore,
5 it can be questioned and opposed by the residents of this area.
6 These past years have been a struggle to keep Pikesville as the
7 beautiful community we all loved. Adding this dispensary to
8 the area will only make life more difficult for us. Also, will
9 not enhance the Pikesville revitalization district. In my
10 opinion, this would be detrimental to the safety, health and
11 well-being of Pikesville.

12 MR. MCCANN: Thank you, Ms. Aronoff. Would you like
13 to add anything to that or?

14 MS. ARONOFF: I hope that the Board will consider my
15 thoughts very seriously. I think that there are a lot of
16 people that feel that way. I think the other businesses in the
17 area will suffer by having a business of this nature. I'm not
18 opposed to medical marijuana, I'm opposed to where it's being
19 placed. I'm sure the people that need it deserve it and should
20 have it, but not in the heart of Pikesville.

21 CHAIR: All right. Anything further, ma'am?

22 MS. ARONOFF: That's it.

23 CHAIR: Mr. McCann, any further questions?

24 MR. MCCANN: No further questions. Thank you.

25 CHAIR: (inaudible)?

1 MS. ARONOFF: Do you have any questions?

2 MR. ROSENBLATT: Yes, please. A few. What, my next
3 exhibit number, I'm sorry?

4 BOARD: Sorry. You are on ten.

5 MR. ROSENBLATT: This is num, (inaudible) number ten?

6 BOARD: Yes.

7 MR. ROSENBLATT: Okay, thank you. Ms. Aronoff, I'm
8 going to show you a copy of what I, I've marked as Exhibit 10.

9 MS. ARONOFF: Okay.

10 MR. ROSENBLATT: And I'm going to hand it out to
11 everybody and then come ask you questions.

12 BOARD: Thank you.

13 MR. ROSENBLATT: And I'm showing you a printout from,
14 from Google Maps and you pointed out your location and that's
15 correct, your address is 11 Slade Avenue?

16 MS. ARONOFF: Correct.

17 MR. ROSENBLATT: And according to Google Maps, it is
18 approximately one mile down Reisterstown Road or you could, for
19 whatever reason, take Old Court and Parks, Park Heights for 1.7
20 miles, but.

21 MS. ARONOFF: Okay.

22 MR. ROSENBLATT: You're one mile south of the site
23 on.

24 MS. ARONOFF: Correct.

25 MR. ROSENBLATT: Okay. Okay and how long has this

1 location been vacant?

2 MS. ARONOFF: It's been vacant for, I would say, a
3 couple years.

4 MR. ROSENBLATT: And it's not good for business,
5 right, to have a vacant strip center in the middle of, of
6 what's been deemed a commercial revitalization district?

7 MS. ARONOFF: It depends what the alternative is.

8 MR. ROSENBLATT: And, in your opinion, it is worse to
9 have a business in here of this type then to have a vacant
10 strip center?

11 MS. ARONOFF: Yes. My opinion.

12 MR. ROSENBLATT: Okay and you said, and I understand
13 you're a lifetime Pikesville resident, so, --

14 MS. ARONOFF: Um hm.

15 MR. ROSENBLATT: -- you just, you don't want this use
16 anywhere in Pikesville, is that correct?

17 MS. ARONOFF: Not in the heart of Pikesville.

18 MR. ROSENBLATT: Okay and so anywhere up and down
19 the, the corridor that I just showed you, for example, anywhere
20 between Slade Avenue and, and the property, that's, in your
21 opinion, that's just, you just don't want it anywhere in there?

22 MS. ARONOFF: Yes.

23 MR. ROSENBLATT: Okay. You talked about, the only
24 other question I have is, you talked about it being a cash
25 business.

1 MS. ARONOFF: Yes.

2 MR. ROSENBLATT: And you heard testimony now that,
3 that other forms of payment, such as debit cards, are, are
4 accepted?

5 MS. ARONOFF: Yes, I heard that.

6 MR. ROSENBLATT: Okay. All right. I have nothing
7 further.

8 CHAIR: Anything in light of those questions?

9 MR. MCCANN: No, I don't have any questions.

10 CHAIR: (inaudible).

11 MR. NEEDLE: No, no questions.

12 CHAIR: Ma'am, thank you very much for your thoughts.

13 MS. ARONOFF: Thank you very much.

14 CHAIR: You can step down. And thanks for spending
15 your day with us. Remain standing just for a moment.

16 BOARD: Do you swear and affirm under the penalties
17 of perjury, that the testimony you're about to give today will
18 be the true and correct to the best of your knowledge,
19 information and belief?

20 MS. HALPERT: Yes, I do.

21 BOARD: And if so, please state your name and your
22 address for the record, please?

23 MS. HALPERT: So, my name is Linda Halpert, H-A-L-P-
24 E-R-T, and my residence is 1 Vaocluse, V-A-U-C-L-U-S-E, Lane.

25 BOARD: Thank you very, is that 21208?

1 MS. HALPERT: So, right, that's 212, and I'll sit
2 down and tell you. I'll tell you where I --

3 BOARD: All right, thank you.

4 MS. HALPERT: -- where I live.

5 BOARD: Okay.

6 MS. HALPERT: So, I live --

7 MR. NEEDLE: No, wait a minute.

8 VOICE: Let, Mr. Needle is going to ask you some
9 questions.

10 MS. HALPERT: Oh, okay.

11 MR. NEEDLE: Before you start, let me set the stage.
12 This is the original, so you can mark that.

13 BOARD: Okay. This will be Protestant's fifteen.

14 BOARD: Okay.

15 BOARD: Or no, are we doing a different party?

16 MR. MCCANN: Do you mind making exhibits consecutive
17 or do you want to start your own exhibits?

18 MR. NEEDLE: No, we can make it consecutive. They
19 can be consecutive.

20 BOARD: Okay.

21 MR. NEEDLE: That's fine.

22 BOARD: Protestant's fifteen.

23 MR. ROSENBLATT: They're both fifteen?

24 BOARD: I was just given one piece of paper.

25 MR. ROSENBLATT: Oh.

1 MR. NEEDLE: And I'm going to give you the other now.

2 BOARD: So, we'll make the resolution fifteen and
3 we'll make the affidavit sixteen.

4 BOARD: Thank you.

5 MR. NEEDLE: Now, Ms. Halpert, where do you live?

6 MS. HALPERT: 1 Vaucluse Lane.

7 MR. NEEDLE: And where is that located?

8 MS. HALPERT: It's off of Old Court, then Woodling
9 Way and then we're a private drive up, up Vaucluse Lane.

10 MR. NEEDLE: And how long have you lived there?

11 MS. HALPERT: We've lived there for thirty-three
12 years.

13 MR. NEEDLE: And you're speaking both on behalf of
14 the Pine Ridge Community Association and yourself, is that
15 correct?

16 MS. HALPERT: I am.

17 MR. NEEDLE: Did you attend a meeting at my home on
18 October 5th, 2017 to discuss this issue?

19 MS. HALPERT: I did.

20 MR. NEEDLE: And were any motions made at that time?

21 MS. HALPERT: For us to have the, to come to these
22 meetings and speak, yes.

23 MR. NEEDLE: Yes, and was there a motion that passed
24 that the community association was opposed to the use of this
25 particular property --

1 MS. HALPERT: Definitely.

2 MR. NEEDLE: -- as a medical cannabis dispensary?

3 MS. HALPERT: Definitely. I'm sorry, I'm losing my
4 voice.

5 MR. NEEDLE: And, and, if I may, I do believe,
6 because these were prepared with care and I do think they
7 satisfy strictly Rule 8, the resolution sets out everything
8 that that rule requires, as well as the affidavit and indicates
9 that Linda Halpert is one of three persons authorized to speak
10 on behalf of the association. I'm one of those persons and
11 another is Arnold Simon, who is having chemotherapy for cancer
12 today and couldn't be here but may be able to be here next
13 week. So, I ask the Board to rule at this time that Ms.
14 Halpert may testify on behalf of the Pine Ridge Community
15 Association and herself.

16 CHAIR: Mr. Rosenblatt?

17 MR. ROSENBLATT: Just a couple questions. How many
18 members are there in your association?

19 MS. HALPERT: I don't know.

20 MR. ROSENBLATT: And what are the geographical limits
21 of your association?

22 MS. HALPERT: Howard is going to have to answer that
23 question, but I think it's, I think it's from Nallers Lane
24 through, well, it goes through the streets of Woodling Way,
25 Peachtree, Vaocluse Lane, Harden Lane, Churchill, Pine Ridge

1 and St. Alban's.

2 MR. ROSENBLATT: At this time, I, I'm going to make
3 the same motion I made in the first case. While this
4 resolution and affidavit are much more detailed and on their
5 face, may satisfy Rule 8, Rule 8(A) says that before any person
6 shall testify on behalf of any civic or improvement
7 association, it shall be shown that he or she has accurate
8 knowledge of the number of members in the association and the
9 geographical limits of the association and the witness just
10 answered that she does not know the number of members in the
11 association and may have loosely characterized, but does not
12 know the exact geographical limits of the association. So, on
13 that basis, I'd ask that --

14 MS. HALPERT: I think that's pretty detailed.

15 MR. ROSENBLATT: I'm sorry, it's the way the rule is
16 written and, and it says, shall not be permitted to testify
17 unless and.

18 MR. NEEDLE: Your, Your Honor --

19 MS. HALPERT: I think, I think we have a thousand
20 members in our --

21 MR. NEEDLE: Well, how, do you know how many, let me,
22 --

23 CHAIR: Well, let's do this. First of all, let me
24 reserve on the objection and we'll ask Mr. Needle to ask a few
25 more questions to see if they're able to be answered in any

1 type of specificity, specificity before we, before we go on.

2 So, Mr. Needle, any further questions, sir?

3 MR. NEEDLE: Do you know how many homes there are in
4 the Pine Ridge Community Association?

5 MS. HALPERT: I do, seventy-seven.

6 MR. NEEDLE: And each of those homes are
7 characterized in the by-laws as members, is that correct?

8 MS. HALPERT: That is correct.

9 MR. NEEDLE: So, it doesn't really matter how many
10 individuals live there, there are, the members are the number
11 of homes in that community, is that correct?

12 MS. HALPERT: I think that would be correct.

13 MR. NEEDLE: Okay. I renew my motion.

14 CHAIR: Well, Mr. Rosenblatt, as to her description
15 of the parameters, who am I to question unless you have anyone
16 here to testify to impeach such. Though she was fuzzy on the
17 amount of members, she was right on par with the amount of
18 homes, the seventy-seven, she was pretty quick with that. I'm
19 going to find that she's in substantial compliance with this
20 and let us proceed on with this witness.

21 MS. HALPERT: Thank you.

22 MR. NEEDLE: Thank you.

23 MS. HALPERT: So, I'm going to take you to our home,
24 because I think that is why the, our community and our home is
25 so precious to us. We, we live, if you went down Harden Lane,

1 that's past where, where we're talking about putting this
2 building, or supplying this building. If you go down to the
3 stop sign and you make a right and you make the next right,
4 you're on Woodling Way and we're in a, on a private lane off of
5 Woodling Way and we're, I believe in the original house of
6 Pikesville, which is very valued and precious to us, of course,
7 and I think to the community as a whole. We're on a, a street
8 called Vaucluse Lane, it, it leads to this wonderful hundred
9 and twenty-year-old home. It used to own most of the property
10 on that side of the street, now it owns, we own like three and
11 a half acres, very special. I feel that my family, we feel
12 very safe there, we feel very protected, we feel like we're a
13 very important part of the community. There's, there's a
14 certain part to our community that I think is very special and
15 that it's, we're very diverse in who lives there, we welcome
16 diversity, we move in and we stay there. I can, I, I know that
17 Howard's lived for longer than we have, and we've been there
18 for, in this particular house, thirty-three years. But we were
19 in a house around the corner almost for another three years.
20 We, we value this area because we feel it's protective, it's
21 safe, it's welcoming, it's, it's special and it, it's, it's
22 really a lovely, it's a lovely and if I can use the word sweet
23 community. I, I, I am not against marijuana, certainly not. I
24 grew up in the sixties and seventies. But I am against it, I
25 am against it being, being in our neighborhood and as you heard

1 from my description, that really is our neighborhood and I, I,
2 I think everybody has sort of walked over the fact that there
3 could be some danger involved with this dispensary being in our
4 neighborhood. I, there's no guarantee that everyone who comes
5 to the door is coming for medicinal reasons. There is no
6 guarantee that everybody who is coming is respectable and,
7 therefore, for just medications. I, I am afraid that there are
8 going to be people who hang around or come to see what's going
9 on. There's no guarantee that the person who walks in the door
10 comes and walks in the door is, could possibly be accosted by
11 somebody. There's no guarantee that people that come there are
12 not going to say wow, I'd like to see what's in this
13 neighborhood, let's walk around here and maybe with not
14 positive approach to what they're doing. I feel in a
15 neighborhood where I felt very secure, I am feeling insecure
16 about it. I feel that it's not stabilizing and not improving
17 our community, but I think the establish, establishment of this
18 would, in fact, deride the value of our community. I, I, let
19 me just see if I, so our commitment in our neighborhoods is to
20 stay sweet. I know that we've skipped over the fact of cash
21 because we can use other means to pay but the fact is, it is a
22 cash business, which means the people who come to the, to the
23 dispensary are coming with cash in their pocket. Everyone who
24 comes, for the most part, are coming with cash in their pocket
25 and people will know, outsiders will know this. It makes me

1 feel unsafe. The other part that, that I feel uncomfortable
2 with, with that we're having a store come to our neighborhood
3 that has patrols. I mean, that, that doesn't sound like
4 Pikesville. I mean, that we have patrols that are making sure,
5 it's almost, I don't know if it's, what kind of patrols it is,
6 is it police, is it people that guarding, but it's a business
7 that has guards and that doesn't feel like the Pikesville that
8 I've known for thirty-seven years, it doesn't match. So, what
9 we do know is that we're working to upgrade and revitalize
10 Pikesville and a marijuana dispensary is not conducive, to me,
11 to upgrading or vitalizing the community. Personally, this
12 proposal makes me feel exposed. I don't feel as safe as I felt
13 before and I don't feel comfortable.

14 MR. NEEDLE: Now, you, you said that it makes you
15 feel this way and these are your thoughts. Are these generally
16 the thoughts that were expressed at the meeting last week?

17 MS. HALPERT: Yes, and I should have added that at
18 the end. I, I, I'm expressing my, what I feel, because I'm
19 speaking but I really think that generally that is the feeling
20 of the community, of anyone that I've talked to, at the meeting
21 I went to, it makes us all feel somewhat uneasy. There's no
22 guarantee of who's going to hang out around, who's, who has
23 malice in their hearts. We don't, we don't know. What, what
24 is being presented that everybody's going to come to the door,
25 be, be guided through the door and out the door, but we don't

1 know who else is going to come there and that's what makes me
2 uncomfortable.

3 MR. NEEDLE: Now, there were two other motions made
4 at that meeting. If I may facilitate matters a bit. The first
5 was if this special exception is granted, that there be a
6 condition that it not be permitted to be a recreational
7 dispensary, recreational marijuana dispensary, is that correct?

8 MS. HALPERT: It's in my notes.

9 MR. NEEDLE: Okay.

10 MS. HALPERT: It's in my notes. Because that's, that
11 is what would really make me nervous and driving ability of
12 people is endangered by marijuana. Wandering the neighborhood.
13 If, if we open it up to free marijuana, and I don't, I don't
14 mean free by cost, but free by access to it, I think it changes
15 the whole picture and I, I think it was very important to us
16 not to open it in that way.

17 MR. NEEDLE: And the second motion was that the
18 signage be as limited as possible, is that correct?

19 MS. HALPERT: Yes.

20 MR. NEEDLE: Or, go ahead.

21 MS. HALPERT: And I think you just expressed a fifty
22 by fifty sign.

23 MR. NEEDLE: No, fifty square feet.

24 MS. HALPERT: Fifty square feet, well, fifty by
25 fifty, square feet, that's, that's big, and maybe with lighting

1 on it also as you, I just thought that this whole concept of
2 having these places was supposed to be pretty low key. That's
3 what I was led to believe way before we met and, and this
4 sounds a little flashy for me.

5 MR. NEEDLE: I have no further questions.

6 MR. MCCANN: No questions.

7 MR. ROSENBLATT: Just, just a few.

8 MS. HALPERT: Okay.

9 MR. ROSENBLATT: It sounds like, as a, well, first of
10 all, your residence, it's, it's west of, of this property? So,
11 in other words, you'd go west on Old Court Road?

12 MS. HALPERT: Um hm.

13 MR. ROSENBLATT: About a mile off --

14 MS. HALPERT: No, not a mile --

15 MR. ROSENBLATT: How far off Reisterstown Road?

16 MS. HALPERT: Are you saying from Reisterstown Road?
17 See, I'm taking Harden, I'm, I'm going down the side street, on
18 the side, and then coming down to our place. It's not even a
19 mile.

20 MR. ROSENBLATT: It's, okay, I'm sorry, I don't quite
21 understand. Is it, is your residence shown on the site plan
22 that's up on the board?

23 MS. HALPERT: No.

24 MR. ROSENBLATT: It's --

25 MS. HALPERT: It's just off.

1 MR. ROSENBLATT: Let's, let's do that --

2 MS. HALPERT: But it's, you have it on there?

3 BOARD: Is it about, approximately where my finger is
4 on Petitioner's Exhibit 2? Because I see Harden, Churchill,
5 St. Alban's --

6 MS. HALPERT: No, actually we're not, I, I must have
7 said Harden by Pomona North, I don't know that we're, I don't
8 know that we're off here. We're all, in a way, paralleled to
9 Pomona but down further.

10 MR. ROSENBLATT: Down, in other words, west or --

11 MS. HALPERT: Yes.

12 MR. ROSENBLATT: Okay. West of Pomona?

13 MS. HALPERT: Right, but we're, where, we're right,
14 we're right here but they cut the street off.

15 MR. ROSENBLATT: And you're, so the street you're,
16 you're pointing to the upper left side of the commercial
17 revitalization district.

18 MS. HALPERT: Right.

19 MR. ROSENBLATT: On this exhibit and the street is on
20 that edge but cut off of this map?

21 MS. HALPERT: Right.

22 MR. ROSENBLATT: Okay. Okay. So, that's, that's
23 where your, where your houses are, and the community that
24 you're talking about?

25 MS. HALPERT: Right, and it's back, it's tucked away

1 in the back, which I thought was a wonderful thing, but now I
2 don't think it's a wonderful thing.

3 MR. ROSENBLATT: Okay and I, I guess my question is
4 that, like Ms., like Ms. Aronoff, this is just, you're a
5 longtime Pikesville resident, right?

6 MS. HALPERT: I am.

7 MR. ROSENBLATT: And this is just something that you
8 feel doesn't belong in Pikesville, is that right?

9 MS. HALPERT: That is true.

10 MR. ROSENBLATT: Okay. So, anywhere in this, along
11 that corridor you just looked at, you, you don't want to see
12 this use anywhere in Pikesville?

13 MS. HALPERT: It could be in Pikesville, but not in
14 this location in Pikesville.

15 MR. ROSENBLATT: So, no, nowhere on that corridor?

16 MS. HALPERT: Right, nowhere on that corridor.

17 MR. ROSENBLATT: Okay. Thank you. Nothing further.

18 MR. MCCANN: When you say corridor, what do you mean?

19 MS. HALPERT: Well, there, I'm looking at a picture
20 of --

21 BOARD: Petitioner's Exhibit 2.

22 MS. HALPERT: Right, of, with Pomona sitting here. I
23 mean, I, Pomona is very residential. It's, it's very part of
24 our community, it's lots and lots of people. It's senior
25 citizens, it's, it's, it's, it's a lovely place to live. We're

1 talking about, you're talking about putting it right next door,
2 literally right next door, across the street, I should say.
3 Where you're talking about open spaces, that's not really open,
4 it's open spaces visually but it's Pomona.

5 MR. MCCANN: So, when you say --

6 MS. HALPERT: I don't, I don't know what the
7 population of Pomona is, but it's big and it's people who are,
8 what you're seeing is the passion of this community. There are
9 people that have lived in their homes for forty years, thirty-
10 five years, fifty years, nobody wants to leave, but we all feel
11 threatened.

12 MR. MCCANN: So, when you say corridor, you don't
13 mean the entire Pikesville, Reisterstown Road corridor, you
14 mean the corridor up near you near Nallers Lane, that portion?

15 MS. HALPERT: Right, going down, going down Pomona
16 and down to Old Court Road. I mean, that's very close to us.

17 MR. ROSENBLATT: So, in other words, the farther away
18 from your location the better, right? Isn't that what we're
19 saying?

20 MS. HALPERT: Well, it's not just the further, the
21 further away, it's also, I just anticipated a lower key kind of
22 facility, not such a visible facility for this.

23 MR. ROSENBLATT: What, what about this proposal makes
24 you think it's going to be so visible? The size of the sign?

25 MS. HALPERT: Where it's sitting.

1 MR. ROSENBLATT: The sign or the building?

2 MS. HALPERT: It's sitting, it's, the building is in
3 a very visible place and it's very, and it's very close to our
4 community. I would like it not in our community, there's just
5 lots of other places and there are very commercial, that are
6 very commercial going up Reisterstown Road.

7 MR. ROSENBLATT: But the visibility is an issue so if
8 it's up against Reisterstown Road at a different location, is
9 that a problem or is it just because it's close to you?

10 MS. HALPERT: I can't speak for anyone else, I can
11 only speak for --

12 MR. ROSENBLATT: I'm, I'm just asking you.

13 MS. HALPERT: Right, I, I can only, it would all
14 depend where it was.

15 MR. ROSENBLATT: Doesn't it really boil down to this
16 is relatively close to where you live --

17 MS. HALPERT: Very close.

18 MR. ROSENBLATT: -- and if we pushed it farther away,
19 that would make you happy?

20 MR. MCCANN: Objection. That's not what she said.
21 That's not what she said.

22 MS. HALPERT: It's very close to our community --

23 MR. MCCANN: Objection.

24 MR. ROSENBLATT: I'm asking a question.

25 CHAIR: It's cross examination, that's the --

1 MR. MCCANN: I know, but she, she already said no.
2 She said no three times. This is not because, it's just, it
3 depends on where it is, were her last words.

4 CHAIR: Well, this, this was my, just, just to get to
5 the heart of the matter. We, ma'am, you, you've seen, you've
6 referred to this chart here.

7 BOARD: (inaudible).

8 MS. HALPERT: Wait, we're not, we're just off the
9 chart.

10 CHAIR: All right. Well, I'm just, I'm just looking
11 at the yellow there.

12 MS. HALPERT: Okay.

13 CHAIR: I guess what Mr. Rosenblatt was saying, is
14 there anywhere in the yellow that you would feel comfortable
15 that something like this would be? Is there anywhere there?
16 Because Mr. Rosenblatt, his question was, basically, nowhere
17 within the Pikesville corridor would be good and that's, and
18 we're just trying to, is that your, your thought or, or not?

19 MS. HALPERT: Well, I'm really speaking for my arena,
20 so to speak. I'm not speaking for all of Reisterstown Road and
21 this, this is going, this is Reisterstown Road going a long way
22 down and I, I don't feel qualified to speak. There are some
23 very commercial places on the way down here, Warren Road and --

24 BOARD: If I can add. What about if it was located
25 south of Old Court Road, are you, would you be okay with that?

1 I'm taking it step by step on the map.

2 MS. HALPERT: I perhaps, I just don't think it's my
3 place to, to say to you what a, what a location would be. I, I
4 think, I think I would like a location, like on Old Court Road
5 where Giant is.

6 CHAIR: Okay. (inaudible).

7 MS. HALPERT: Okay, so that could do something.
8 There are no homes there.

9 CHAIR: Okay.

10 MS. HALPERT: That is all commercial, it's in no way
11 invasive of someone's home. And, and that's what I'm, that's
12 what I think would be more appropriate.

13 CHAIR: That gives us a better explanation. I
14 understand what you're saying, so it's basically places where
15 there's no houses around, Old Court there's a shopping center
16 where you got the eateries, the Giant, Ledo's and everything
17 back there. You're saying, it doesn't have to be that place,
18 but a place --

19 MS. HALPERT: Right, it doesn't have to be that
20 place, it could, you could go down Reisterstown Road and
21 there's lots of places that don't have residential areas right
22 on top of them. We, we really are, Pomona is, is in the
23 backseat of what's going on.

24 MR. ROSENBLATT: And you'd agree with me that on the
25 north side of Nallers Lane, there is an, an open area that is

1 not improved with apartments or houses or anything like that,
2 it's open right, immediately on the north side of Nallers Lane?

3 MS. HALPERT: Yes. This is true.

4 MR. ROSENBLATT: Okay.

5 MS. HALPERT: But to me, that belongs to Pomona and
6 should be looked at as part of the, their community.

7 MR. ROSENBLATT: In other words, this use, being the
8 southern half of this building, is divided from Pomona or any
9 of the actual residents at Pomona by another half of a
10 building, parking, Nallers Lane and an open space area, before
11 you get to any buildings that have residences in Pomona?

12 MS. HALPERT: Yes, you made it sound bigger, but
13 that's okay.

14 MR. ROSENBLATT: Okay. Nothing further.

15 CHAIR: She told you. Nothing further?

16 MR. ROSENBLATT: Nothing further.

17 CHAIR: Anything in light of those questions?

18 MR. NEEDLE: Nothing further.

19 CHAIR: Ma'am, thank you very much. You can step
20 down.

21 MS. HALPERT: Okay, thank you.

22 BOARD: And just for housekeeping, we are, Mr.
23 Needle, you're going to move those into evidence, fifteen and
24 sixteen?

25 MR. NEEDLE: Yes, thank you.

1 BOARD: And then, Mr. Rosenblatt, Exhibit 10?

2 MR. ROSENBLATT: Exhibit 10?

3 BOARD: The printout from Google Maps.

4 MR. ROSENBLATT: Yes.

5 BOARD: You're caught up.

6 MR. MCCANN: Oh, great. Thank you. Thank you, Mr.
7 Garber. You always take care (inaudible). I don't think it
8 would make sense to put another witness on --

9 CHAIR: I think we're going to say no mas.

10 MR. MCCANN: Okay.

11 BOARD: Tapping out.

12 MR. MCCANN: Tap out.

13 CHAIR: All right. Let's go off the record and --

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(OFF THE RECORD - 04:25:50 PM)

CERTIFICATE OF TRANSCRIBER

I hereby certify that the hearing in the matter of Village Greenwood, LLC and Temescal Wellness of Maryland, LLC, case number 17-281-X, heard before the Board of Appeals of Baltimore County, October 18, 2017 were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers 1 through 247 constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness thereof, I have affixed my signature this 22nd day of October, 2017.

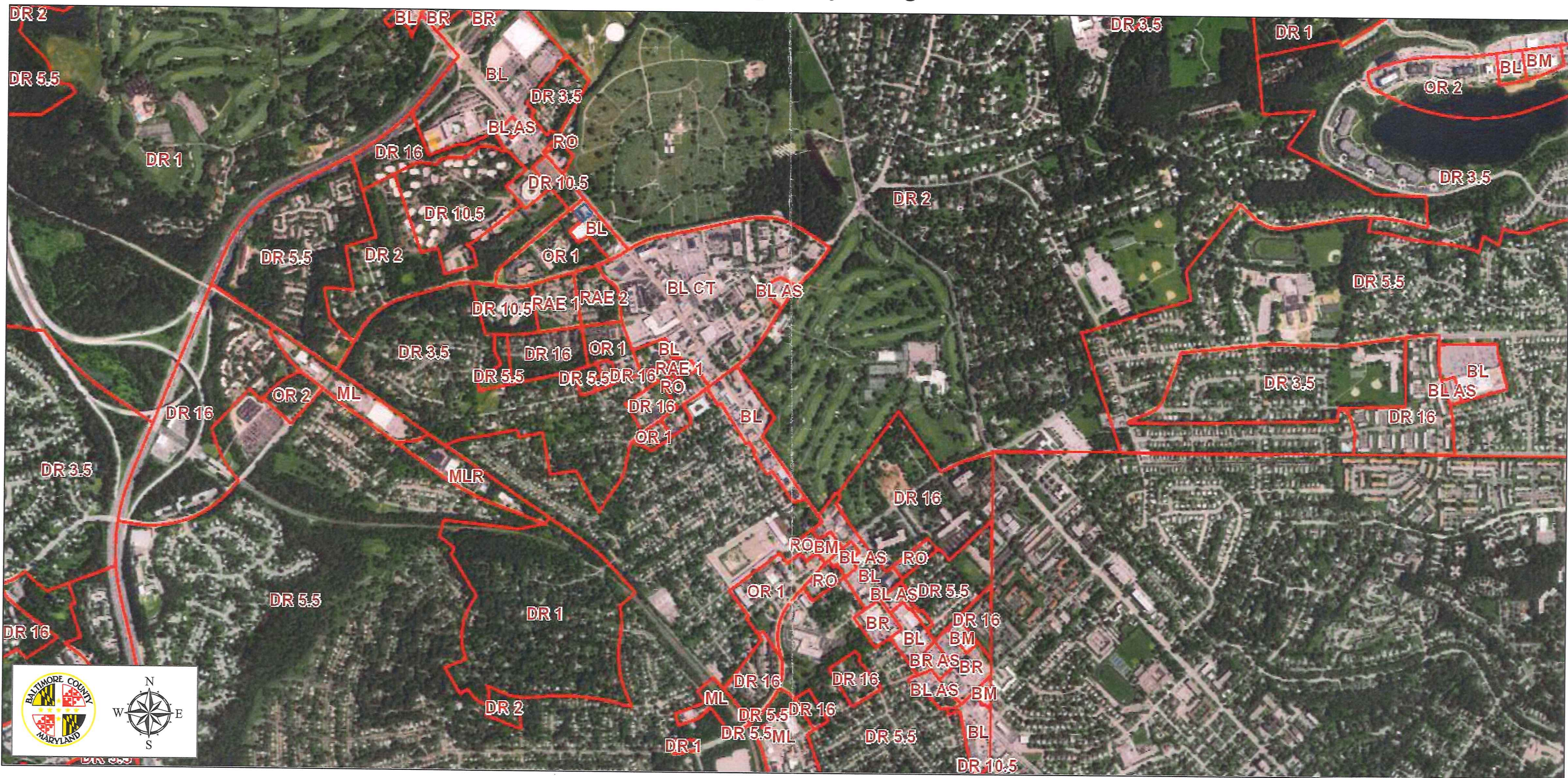
Christine R. Leary

Christine R. Leary

Transcriber



Baltimore County - My Neighborhood



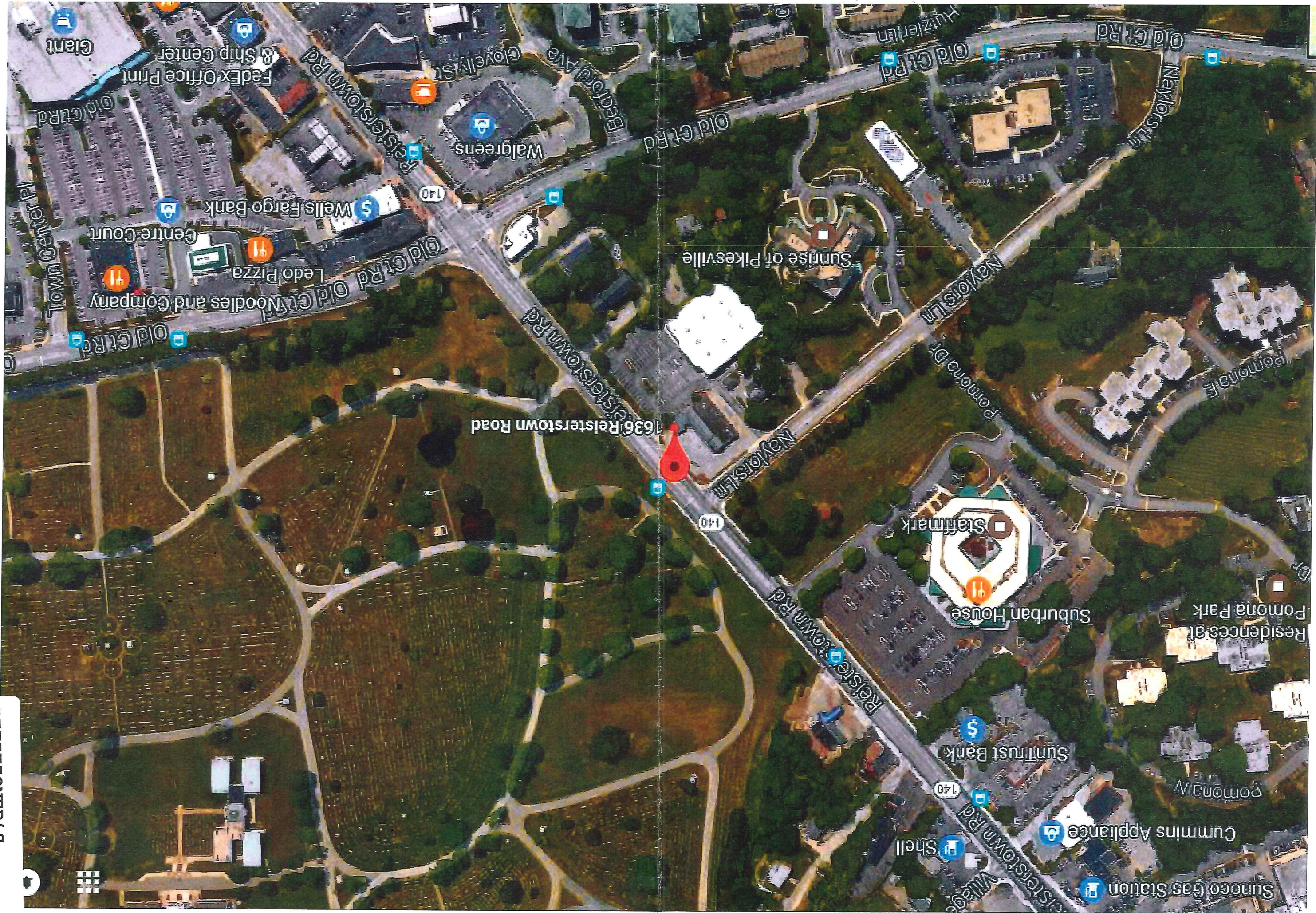
October 24, 2017

- Legend
- Zoning
 - County Boundary

0 0.15 Miles
1 inch = 1,500 feet

PETITIONER'S

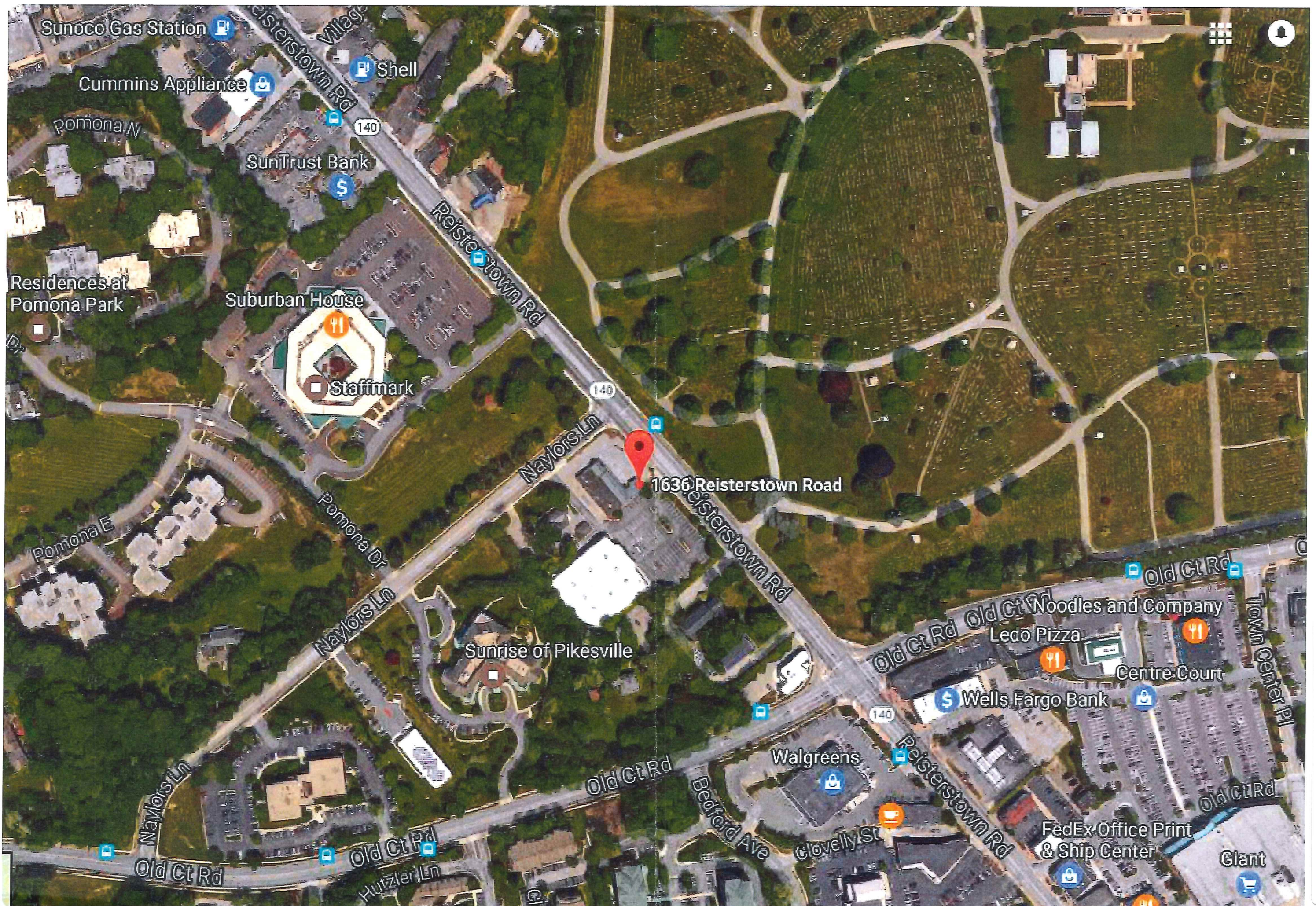
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PETITIONER'S

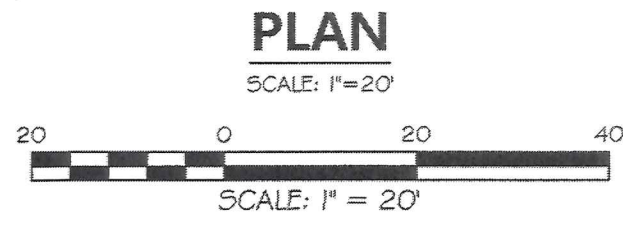
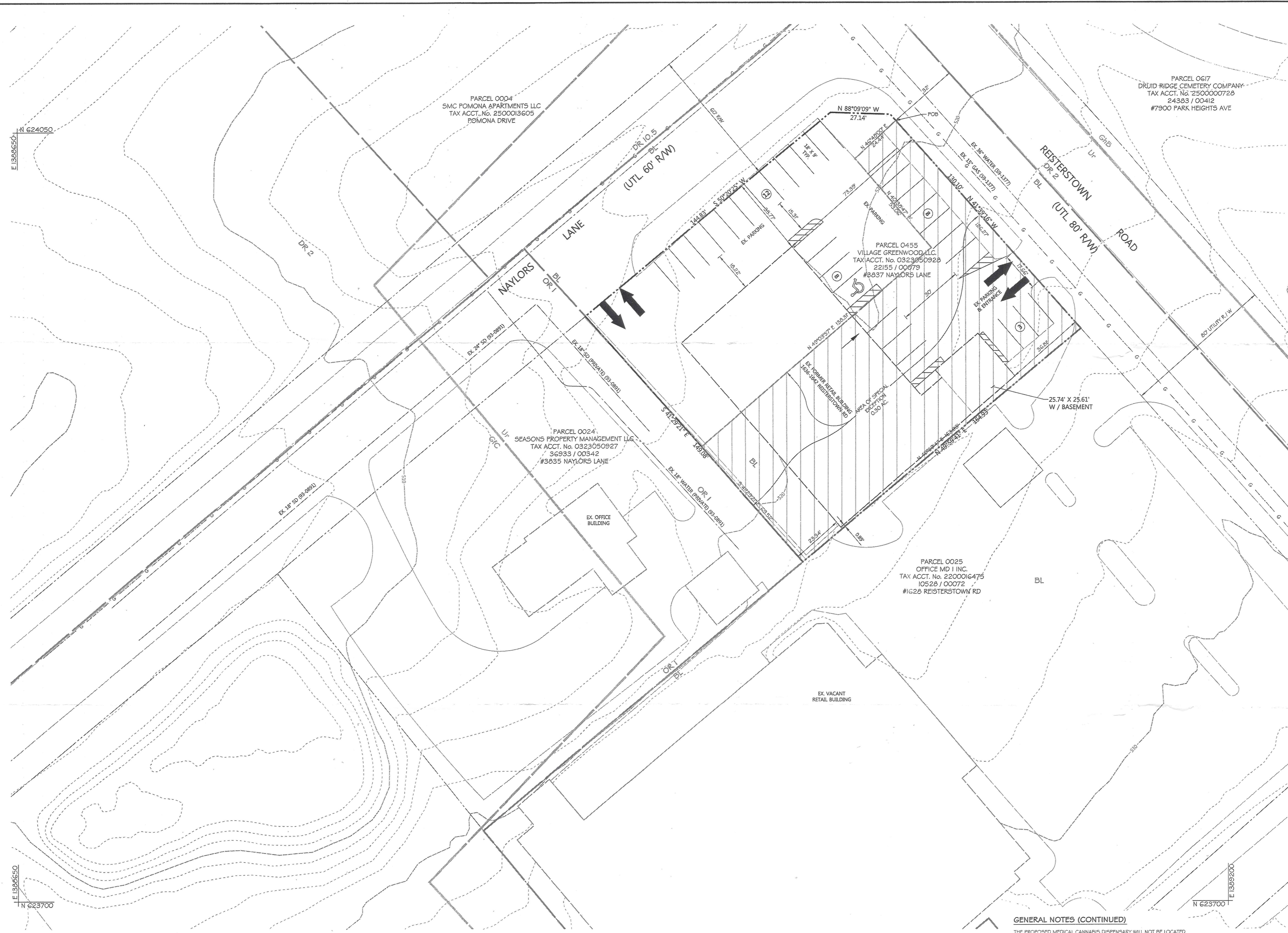
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8



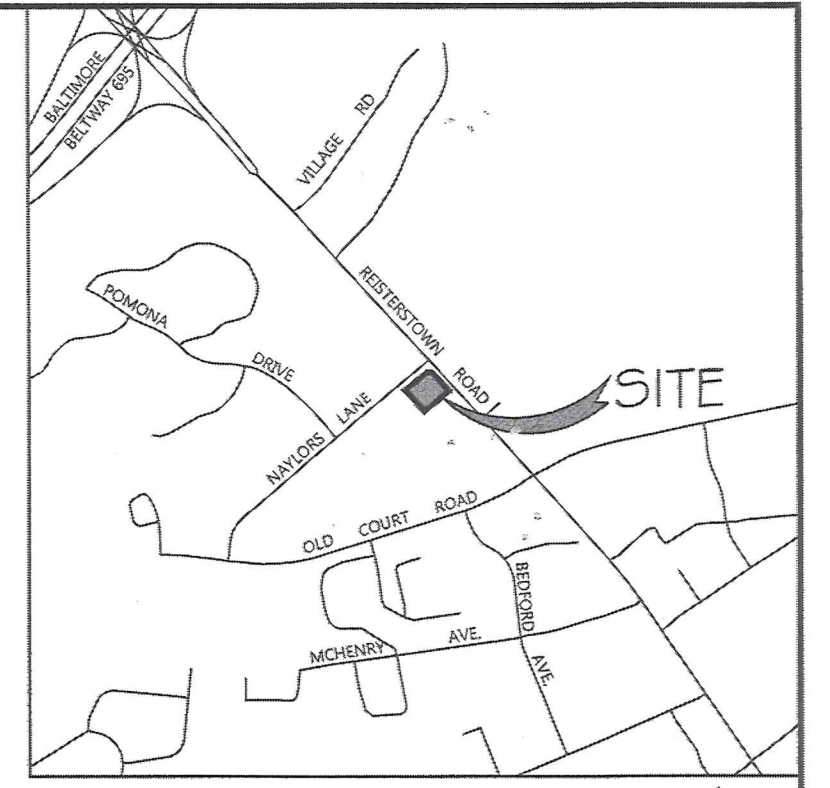
E 1386650
N 624050

E 1386650
N 623700



GENERAL NOTES (CONTINUED)
THE PROPOSED MEDICAL CANNABIS DISPENSARY WILL NOT BE LOCATED WITHIN 500 FT. OF A PUBLIC OR PRIVATE ELEMENTARY SCHOOL, MIDDLE SCHOOL, OR HIGH SCHOOL, OR WITHIN 2,500 FT. OF ANOTHER MEDICAL CANNABIS DISPENSARY.

ZONING HISTORY
R-1948-1253- REZONING REQUEST DENIED BY THE ZONING COMMISSIONER ON SEPTEMBER 7TH 1948
R-1961-5414- REZONING REQUEST DENIED BY THE BALTIMORE COUNTY BOARD OF APPEALS JULY 12TH 1962.



VICINITY MAP
SCALE: 1"=1000'

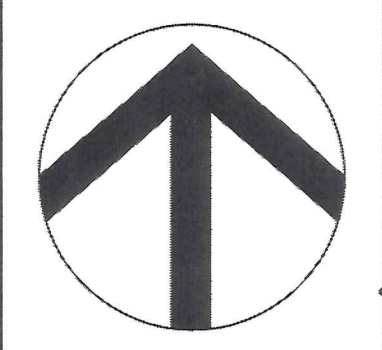
GENERAL NOTES
OWNER: VILLAGE GREENWOOD LLC
MFI INC SITE 340
2800 QUARRY LAKE DRIVE
BALTIMORE, MD 21209
LESSEE: TEMESCAL WELLNESS OF MARYLAND, LLC
ONE EAST PRATT STREET, SUITE 902
BALTIMORE, MD 21202
SITE ADDRESS: 1636 REISTERSTOWN ROAD
BALTIMORE, MD 21209
(TAX ADDRESS: 3837 NAYLORS LANE)
TAX ACCOUNT NO.: 0323050928
ELECTION DISTRICT 3; COUNCILMANIC DISTRICT 2
PROPERTY ACREAGE: 0.5434 AC
TAX MAP 0078; GRID 0002; PARCEL 0455
ZONING CLASSIFICATION: BL
COMMERCIAL REVITALIZATION DISTRICT; PIKESVILLE
LAND MANAGEMENT AREA: COMMUNITY CONSERVATION AREA
GROWTH TIER: 1
GIS TILE NUMBER: 078A
THE SITE IS NOT WITHIN A FLOOD HAZARD AREA
THE SITE IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA (CBCA)
THE SITE IS NOT HISTORIC NOR WITHIN A HISTORIC DISTRICT
THE SITE IS NOT WITHIN A BASIC SERVICES MAP DEFICIENT AREA
THE SITE IS SERVED BY PUBLIC UTILITIES
PARKING DATA:
1. EXISTING SEVEN-ELEVEN Vacant Space
@ 5 SPACES / 1,000 SQ. FT.
2,820 = 15 SPACES REQUIRED
2. PROPOSED MEDICAL CANNABIS DISPENSARY
OFFICE @ 2,122 SQ. FT. = 7 SPACES REQUIRED
RETAIL @ 1,591 SQ. FT. = 8 SPACES REQUIRED
TOTAL SPACES REQUIRED = 30
TOTAL SPACES PROVIDED = 31

LEGEND
PROPERTY LINE ——— BL ———
ZONE LINE ——— DR 10.5 ———
DATA SOURCES:
BALTIMORE COUNTY GIS
BALTIMORE COUNTY "MY NEIGHBORHOOD" WEBSITE
DRC PLAN PREPARED BY COLBERT MATZ ROSENFELT, INC.
DATED 3 / 10 / 15



501 FAIRMOUNT AVENUE SUITE 300 TOWSON, MD 21286
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

**PLAN TO ACCOMPANY PETITION FOR A
SPECIAL EXCEPTION
TEMESCAL
WELLNESS**
1636 REISTERSTOWN ROAD

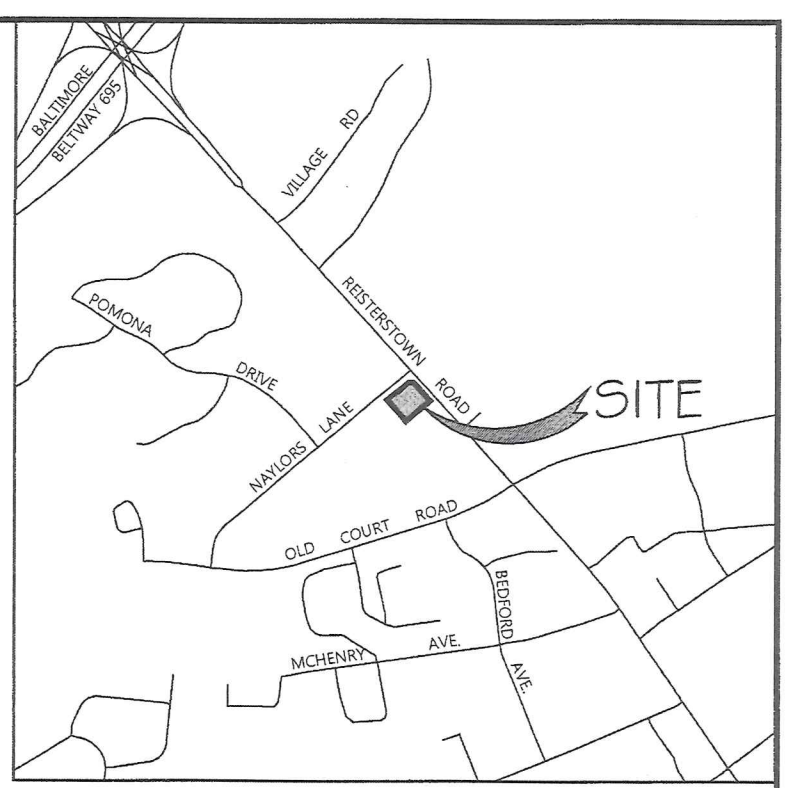
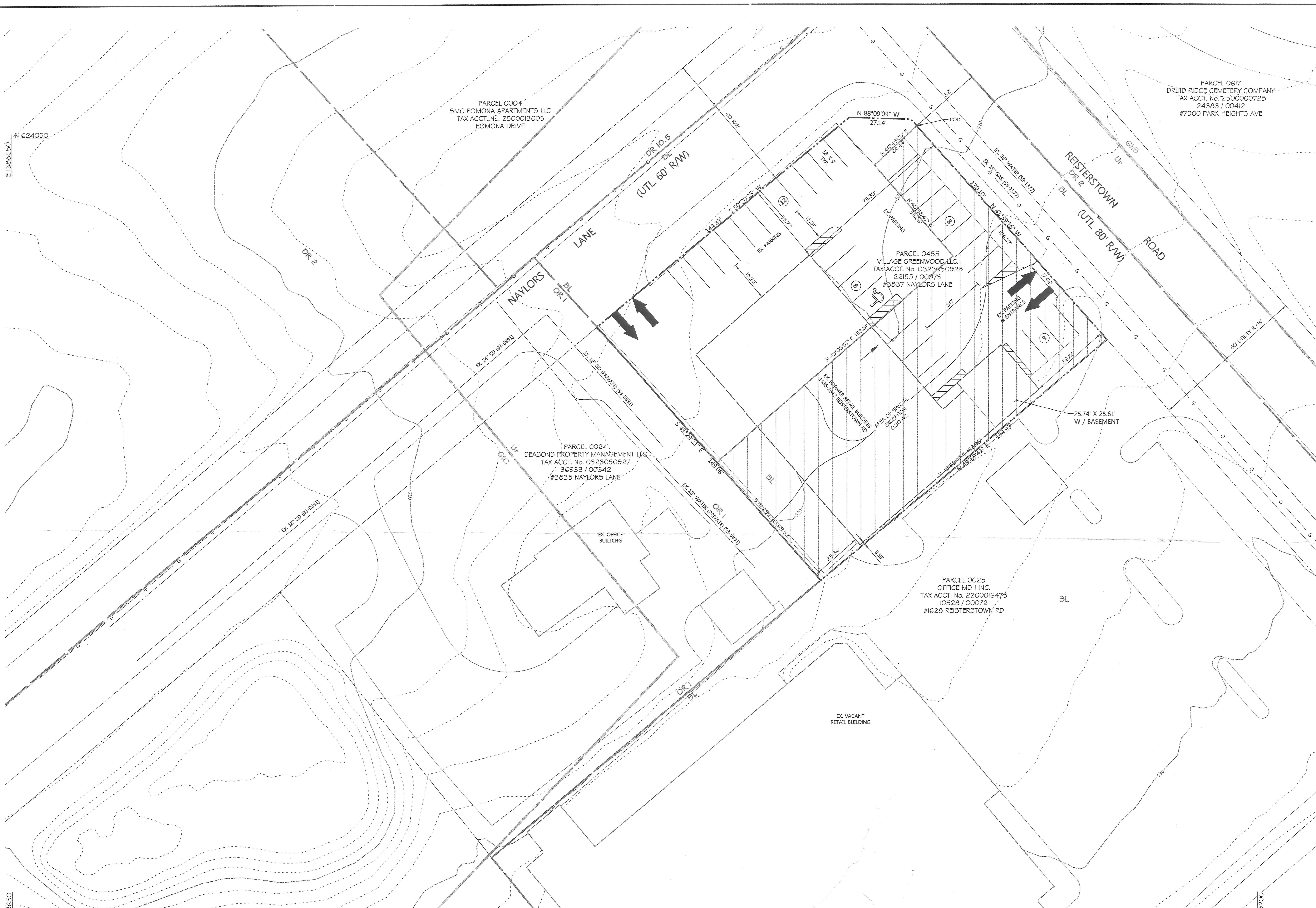


SEAL
THIS PLAN IS SEALED FOR ZONING PURPOSES. IT DOES NOT REPRESENT THE OFFICIAL ACTION OF THE BALTIMORE COUNTY ZONING COMMISSIONER.
MICHAEL DAVID JAMES
BALTIMORE COUNTY ZONING COMMISSIONER

DATE	BY	REVISIONS

PETITIONER'S
EXHIBIT NO. 1

ISSUE DATES		BASE:	
REVIEW:		DRAWN:	SRB
BID:		DESIGNED:	
PERMIT:		CHECKED BY:	MRK
CONSTRUCTION:		DATE CHECKED:	4/21/17
SCALE:	1"=20'	DRAWING:	1 of 1
PROJECT NO:	17008		



VICINITY MAP
SCALE: 1"=1000'

GENERAL NOTES

OWNER: VILLAGE GREENWOOD LLC.
MFI INC SITE 340
2800 QUARRY LAKE DRIVE
BALTIMORE, MD 21209

CONTRACT PURCHASER / LESSEE: TEMESCAL WELLNESS OF MARYLAND, LLC
ONE EAST PRATT STREET, SUITE 902
BALTIMORE, MD 21202

SITE ADDRESS: 1636 REISTERSTOWN ROAD
BALTIMORE, MD 21208
(TAX ADDRESS: 3837 NAYLORS LANE)

TAX ACCOUNT NO: 0323050928
ELECTION DISTRICT 3; COUNCILMANIC DISTRICT 2
PROPERTY ACREAGE: 0.5434 AC
TAX MAP 0078; GRID 0002; PARCEL 0455
ZONING CLASSIFICATION: BL
COMMERCIAL REVITALIZATION DISTRICT: PIKESVILLE
LAND MANAGEMENT AREA: COMMUNITY CONSERVATION AREA
GROWTH TIER: I
GIS TILE NUMBER: 079A1

THE SITE IS NOT WITHIN A FLOOD HAZARD AREA
THE SITE IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA (CBCA)
THE SITE IS NOT HISTORIC NOR WITHIN A HISTORIC DISTRICT
THE SITE IS NOT WITHIN A BASIC SERVICES MAP DEFICIENT AREA
THE SITE IS SERVED BY PUBLIC UTILITIES

PARKING DATA:

1. EXISTING SEVEN-ELEVEN
@ 5 SPACES / 1,000 SQ. FT.
2,820 = 15 SPACES REQUIRED

2. PROPOSED MEDICAL CANNABIS DISPENSARY
OFFICE @ 2,122 SQ. FT. = 7 SPACES REQUIRED
RETAIL @ 1,591 SQ. FT. = 8 SPACES REQUIRED

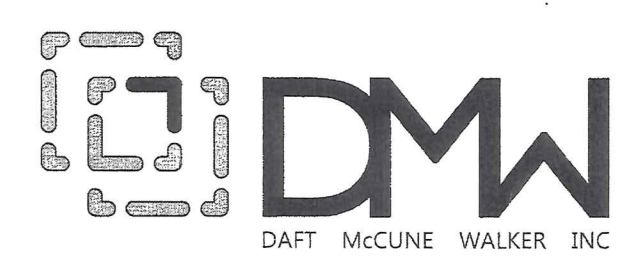
TOTAL SPACES REQUIRED = 30
TOTAL SPACES PROPOSED = 31

LEGEND

PROPERTY LINE BL
ZONE LINE DR 10.5

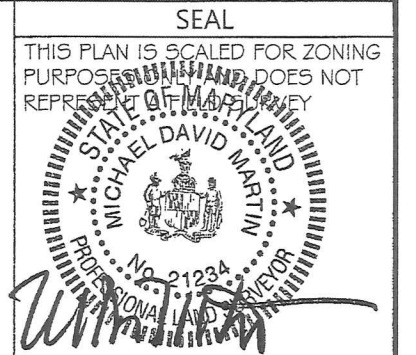
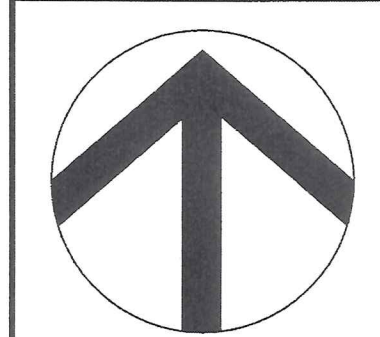
DATA SOURCES:

BALTIMORE COUNTY GIS
BALTIMORE COUNTY "MY NEIGHBORHOOD" WEBSITE
DRC PLAN PREPARED BY COLBERT MATZ ROSENFELT, INC.
DATED 3 / 10 / 15

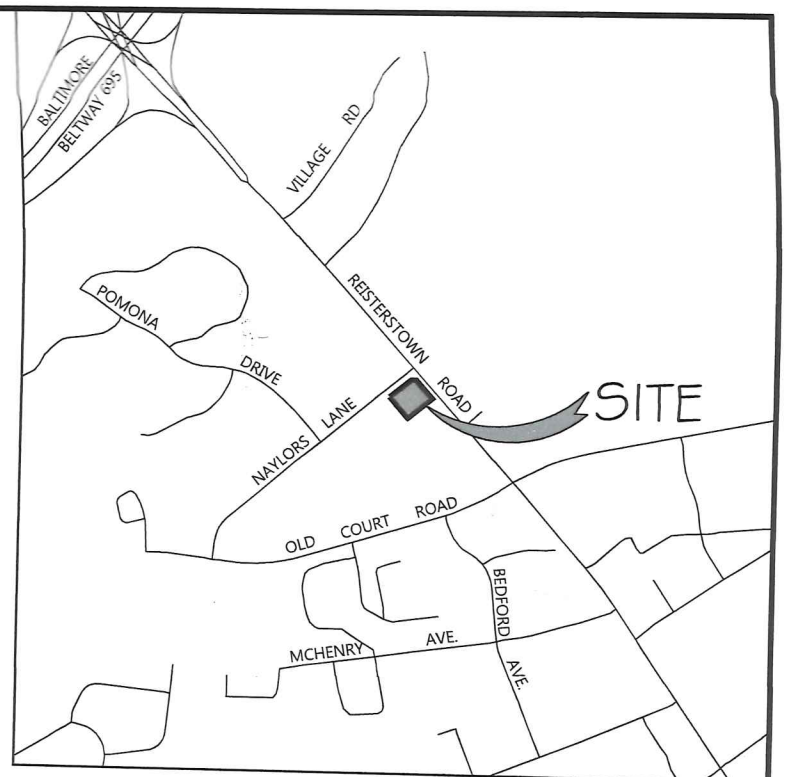


501 FAIRMOUNT AVENUE, SUITE 300 TOWSON, MD 21286
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PLAN TO ACCOMPANY PETITION FOR A
SPECIAL EXCEPTION
**TEMESCAL
WELLNESS**
1636 REISTERSTOWN ROAD



DATE	BY	REVISIONS



VICINITY MAP

SCALE: 1"=1000'

GENERAL NOTES

OWNER: VILLAGE GREENWOOD LLC.
MFI INC STE 340
2800 QUARRY LAKE DRIVE
BALTIMORE, MD 21209

CONTRACT PURCHASER / LESSEE : TEMESCAL WELLNESS OF MARYLAND, LLC
ONE EAST PRATT STREET, SUITE 902
BALTIMORE, MD 21202

SITE ADDRESS: 1636 REISTERSTOWN ROAD
BALTIMORE, MD 21208
(TAX ADDRESS: 3837 NAYLORS LANE)

TAX ACCOUNT NO: 0323050928
ELECTION DISTRICT 3; COUNCILMANIC DISTRICT 2
PROPERTY ACREAGE : 0.5434 AC
TAX MAP 0078; GRID 0002; PARCEL 0455
ZONING CLASSIFICATION: BL
COMMERCIAL REVITALIZATION DISTRICT: PIKESVILLE
LAND MANAGEMENT AREA: COMMUNITY CONSERVATION AREA
GROWTH TIER: I
GIS FILE NUMBER: 078A)

THE SITE IS NOT WITHIN A FLOOD HAZARD AREA

THE SITE IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA (CBCA)

THE SITE IS NOT HISTORIC NOR WITHIN A HISTORIC DISTRICT

THE SITE IS NOT WITHIN A BASIC SERVICES MAP DEFICIENT AREA

THE SITE IS SERVED BY PUBLIC UTILITIES

PARKING DATA:

- VACANT
2,820 SQ. FT.
- SPACES REQUIRED = 0
SPACES PROVIDED = 11
2. PROPOSED MEDICAL CANNABIS DISPENSARY
OFFICE @ 2,122 SQ. FT. = 7,0026 SPACES REQUIRED
RETAIL @ 1,591 SQ. FT. = 7,955 SPACES REQUIRED
- SPACES REQUIRED = 15
SPACES PROVIDED = 16

DATA SOURCES:

BALTIMORE COUNTY GIS
BALTIMORE COUNTY "MY NEIGHBORHOOD" WEBSITE
DRC PLAN PREPARED BY COLBERT MATZ ROSENFELT, INC.
DATED 3 / 10 / 15

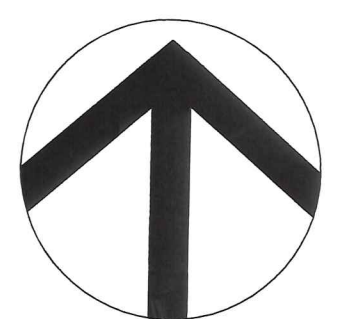


501 FAIRMOUNT AVENUE SUITE 300 TOWSON, MD 21286
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

**ALTERNATE PLAN TO ACCOMPANY
PETITION FOR A SPECIAL EXCEPTION**

TEMESCAL WELLNESS

1636 REISTERSTOWN ROAD



SEAL

THIS PLAN IS SCALED FOR ZONING PURPOSES ONLY AND DOES NOT REPRESENT A FIELD SURVEY

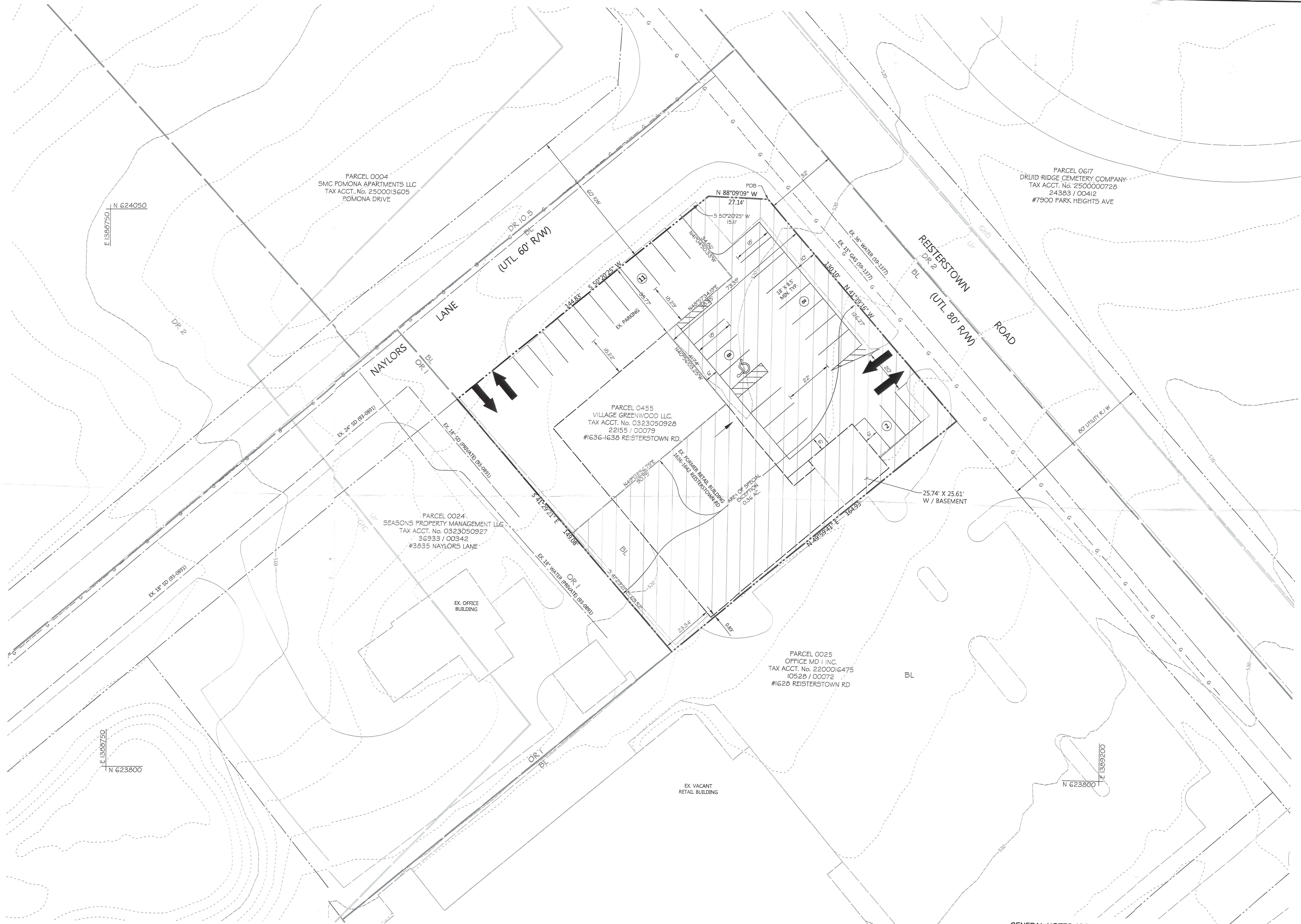
STATE OF MARYLAND
MICHAEL DAVID MARTIN
7-11-17

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REVIEW: _____	BASE: _____
BID: _____	DRAWN: <u>SRB</u>
PERMIT: _____	DESIGNED: _____
CONSTRUCTION: _____	CHECKED BY: _____
SCALE: <u>1"=20'</u>	DATE CHECKED: _____
PROJECT NO: <u>17008</u>	DRAWING: <u>1 of 1</u>

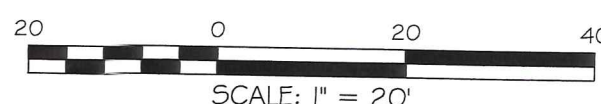
Exhibitor
CBA Exhibit
14



LEGEND

PROPERTY LINE ———— BL ————
ZONE LINE ———— DR 10.5 ————

PLAN

SCALE: $P=2Q$ 

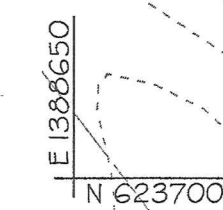
GENERAL NOTES (CONTINUED)

THE PROPOSED MEDICAL CANNABIS DISPENSARY WILL NOT BE LOCATED WITHIN 500FT OF A PUBLIC OR PRIVATE ELEMENTARY SCHOOL, MIDDLE SCHOOL, OR HIGH SCHOOL, OR WITHIN 2,500 FT OF ANOTHER MEDICAL CANNABIS DISPENSARY.

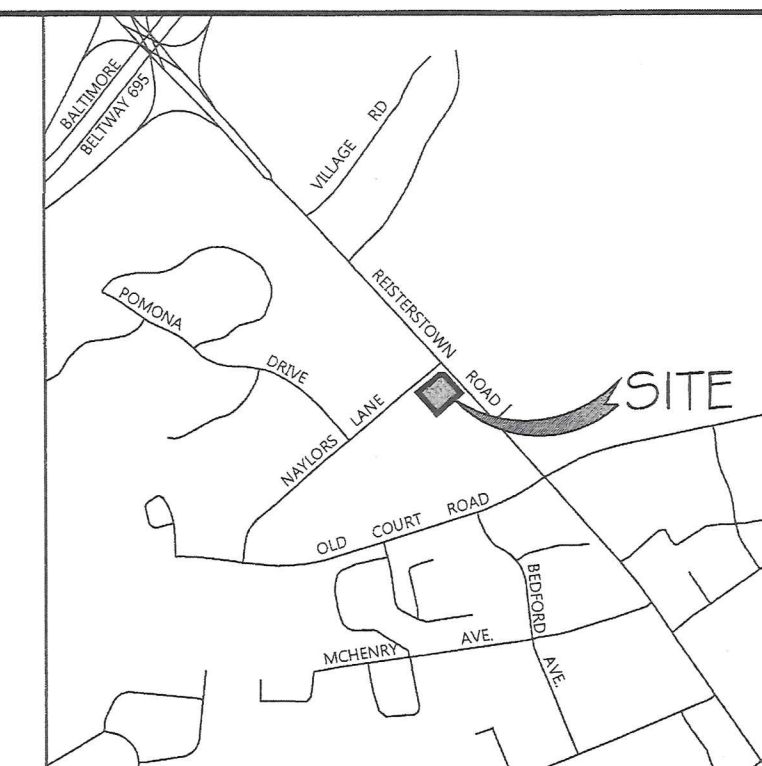
ZONING HISTORY

R-1948-1253- REZONING REQUEST DENIED BY THE ZONING COMMISSIONER ON SEPTEMBER 7TH 1948

R-1961-5414- REZONING REQUEST DENIED BY THE BALTIMORE COUNTY BOARD OF APPEALS JULY 12TH 1962.



PARCEL 0617
 DRUID RIDGE CEMETERY COMPANY
 TAX ACCT. No. 2500000728
 24383 / 00412
 #7900 PARK HEIGHTS AVE



VICINITY MAP

SCALE: 1"=1000'



GENERAL NOTES

OWNER: VILLAGE GREENWOOD LLC.
MFI INC STE 340
2800 QUARRY LAKE DRIVE
SANTA MONICA, CA 90405

CONTRACT PURCHASER / LESSEE : TEMESCAL WELLNESS OF MARYLAND, LLC
ONE EAST PRATT STREET, SUITE 902
BALTIMORE, MD 21202

SITE ADDRESS: 1636 REISTERSTOWN ROAD
BALTIMORE, MD 21208
(TAX ADDRESS: 3837 NAYLORS LANE)

TAX ACCOUNT NO: 0323050928
ELECTION DISTRICT 3 ; COUNCILMANIC DISTRICT 2
PROPERTY ACREAGE : 0.5434 AC
TAX MAP 0078; GRID 0002 ; PARCEL 0455
ZONING CLASSIFICATION: BL
COMMERCIAL REVITALIZATION DISTRICT: PIKESVILLE
LAND MANAGEMENT AREA: COMMUNITY CONSERVATION AREA
GROWTH TIER: I
GIS TILE NUMBER: 078AI

THE SITE IS NOT WITHIN A FLOOD HAZARD AREA

THE SITE IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA (CBCA)

THE SITE IS NOT HISTORIC NOR WITHIN A HISTORIC DISTRICT

THE SITE IS NOT WITHIN A BASIC SERVICES MAP DEFICIENT AREA

THE SITE IS SERVED BY PUBLIC UTILITIES

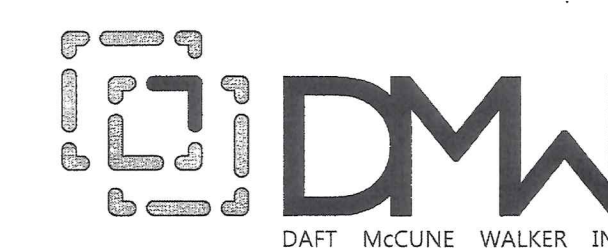
PARKING DATA:

1. EXISTING SEVEN-ELEVEN
@ 5 SPACES / 1,000 SQ. FT.
2,820 = 15 SPACES REQUIRED
 2. PROPOSED MEDICAL CANNABIS DISPENSARY
OFFICE @ 2,122 SQ. FT. = 7 SPACES REQUIRED
RETAIL @ 1,591 SQ. FT. = 8 SPACES REQUIRED
- TOTAL SPACES REQUIRED = 30
TOTAL SPACES PROPOSED = 31

LEGEND

PROPERTY LINE ————— BL —————
ZONE LINE ————— DR 10.5 —————

DATA SOURCES:
BALTIMORE COUNTY GIS
BALTIMORE COUNTY "MY NEIGHBORHOOD" WEBSITE
DRP PLAN PREPARED BY COLBERT MATZ ROSENFELT, INC.
DATED 3 / 10 / 15

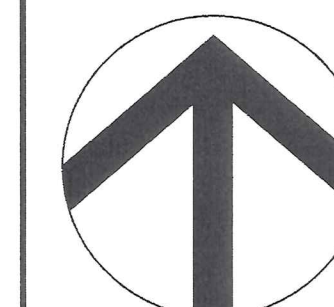


501 FAIRMOUNT AVENUE SUITE 300 TOWSON, MD 21286
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

PLAN TO ACCOMPANY PETITION FOR A SPECIAL EXCEPTION

**TEMESCAL
WELLNESS**

1636 REISTERSTOWN ROAD



SEAL

THIS PLAN IS SCALED FOR ZONING PURPOSES ONLY AND DOES NOT REPRESENT THE CITY

[illegible]

ISSUE DATES

REVIEW:	_____	DRAWN:	SRB
BID:	_____	DESIGNED:	_____
PERMIT:	_____	CHECKED BY:	<i>mg DK</i>
CONSTRUCTION:	_____	DATE CHECKED:	<u>4/21/11</u>
SCALE:	<u>1"=20'</u>	DRAWING:	1 of 1
PROJECT NO:	17008		

BASE: _____
DRAWN: SRE

DESIGNED: _____
CHECKED BY: *MRK*

DATE CHECKED:	4/21/17
DRAWING:	

1 of 1

GENERAL NOTES (CONTINUED)

THE PROPOSED MEDICAL CANNABIS DISPENSARY WILL NOT BE LOCATED WITHIN 500FT OF A PUBLIC OR PRIVATE ELEMENTARY SCHOOL, MIDDLE SCHOOL, OR HIGH SCHOOL, OR WITHIN 2,500 FT OF ANOTHER MEDICAL CANNABIS DISPENSARY.

ZONING HISTORY

R-1948-1253- REZONING REQUEST DENIED BY THE ZONING COMMISSIONER ON SEPTEMBER 7TH 1948

R-1961-5414- REZONING REQUEST DENIED BY THE BALTIMORE COUNTY BOARD OF APPEALS JULY 12TH 1962.

PETITIONER' S

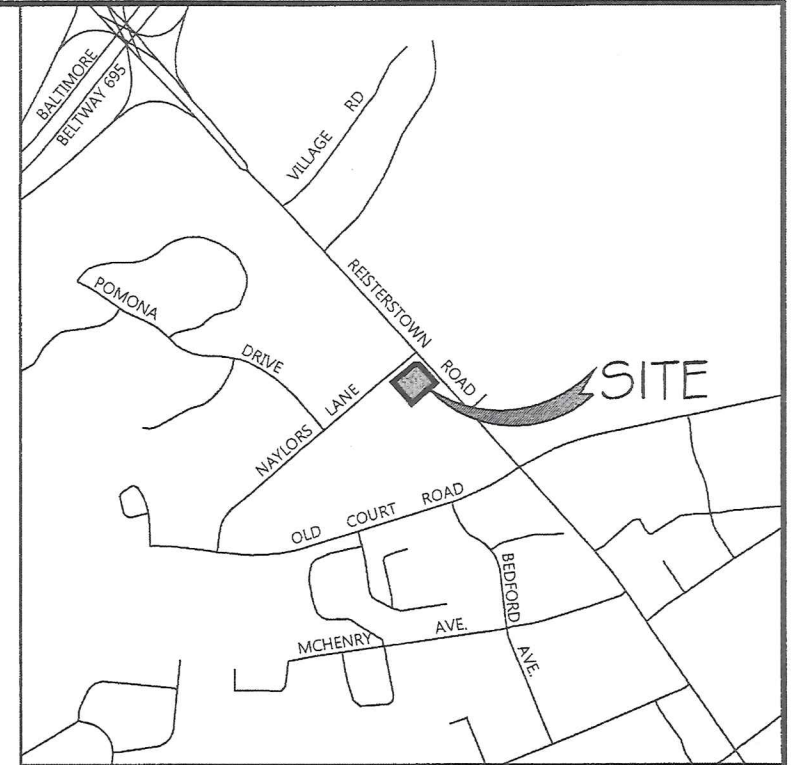
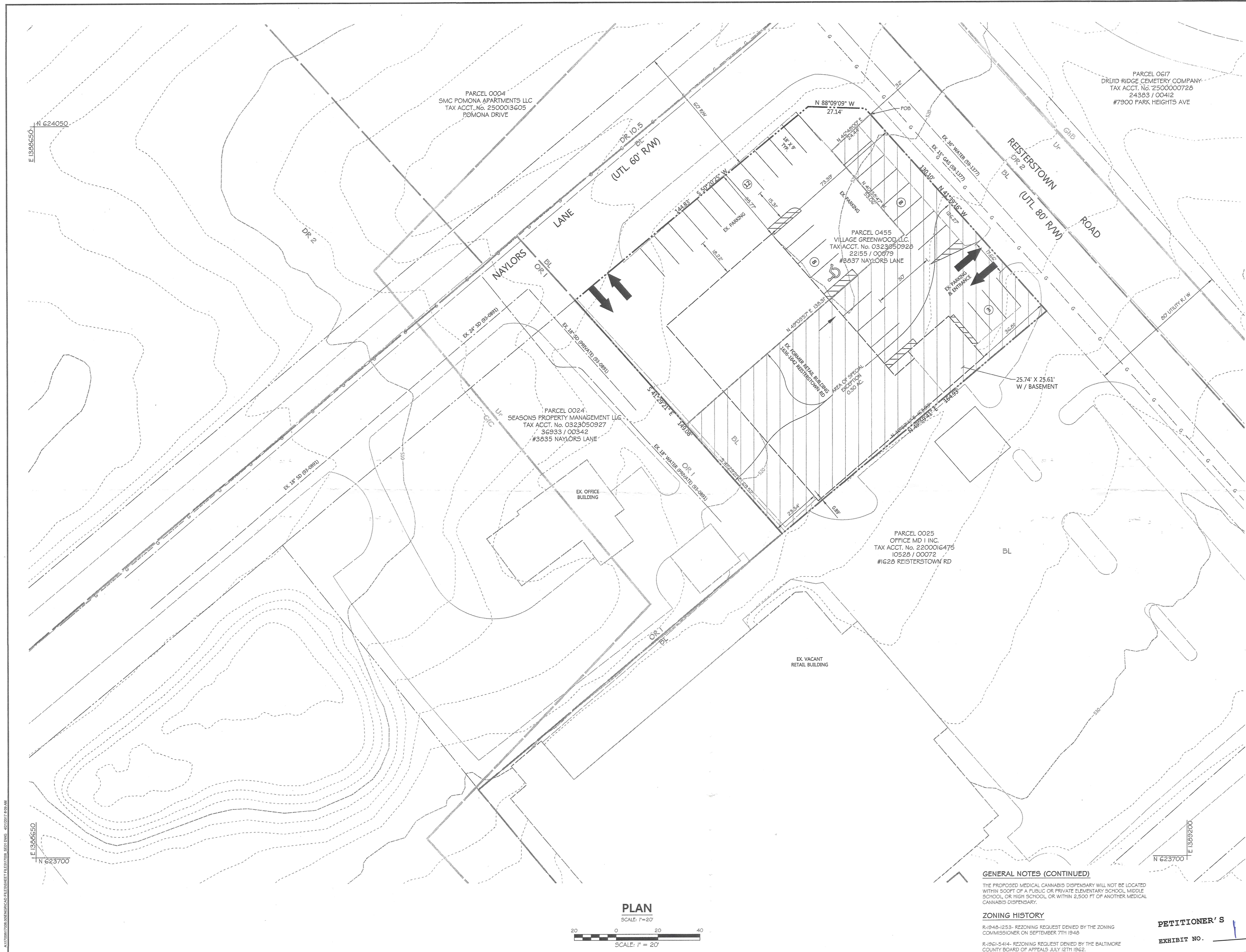
EXHIBIT NO.

PLAN
SCALE: 1" = 20'



20 0 20

SCALE: 1" = 20'



VICINITY MAP
SCALE: 1"=1000'

GENERAL NOTES

OWNER: VILLAGE GREENWOOD LLC
M/I INC SITE 340
2500 QUARRY LAKE DRIVE
BALTIMORE, MD 21205

CONTRACT PURCHASER / LESSEE: TEMESCAL WELLNESS OF MARYLAND, LLC
ONE EAST PRATT STREET, SUITE 302
BALTIMORE, MD 21202

SITE ADDRESS: 1636 REISTERSTOWN ROAD
BALTIMORE, MD 21206
(TAX ADDRESS: 3837 NAYLORS LANE)

TAX ACCOUNT NO: 0323050928
ELECTION DISTRICT 3 ; COUNCILMANIC DISTRICT 2
PROPERTY ACREAGE : 0.5434 AC
TAX MAP 0078; GRID 0002 ; PARCEL 0455
ZONING CLASSIFICATION: BL
COMMERCIAL REVITALIZATION DISTRICT: PIKEVILLE
LAND MANAGEMENT AREA: COMMUNITY CONSERVATION AREA
GROWTH TIER: I
GIS TILE NUMBER: 078A1

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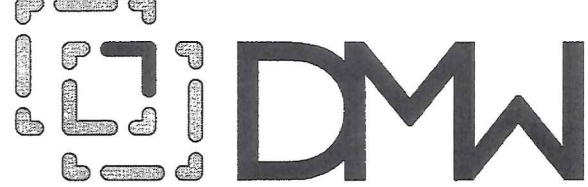
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TOTAL SPACES REQUIRED = 30
TOTAL SPACES PROVIDED = 31

LEGEND

PROPERTY LINE
ZONE LINE

DATA SOURCES:
BALTIMORE COUNTY GIS
BALTIMORE COUNTY "MY NEIGHBORHOOD" WEBSITE
DRC PLAN PREPARED BY COLBERT MATZ ROSENFELT, INC.
DATED 3 / 10 / 15

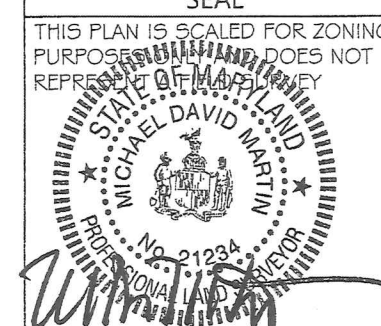
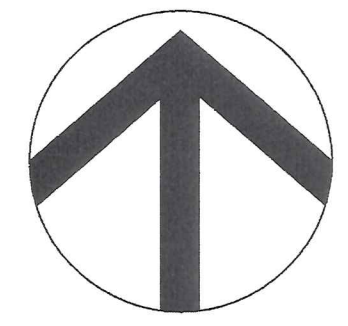


DAFT MCCUNE WALKER INC

501 FAIRMOUNT AVENUE SUITE 300 TOWSON, MD 21286
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

**PLAN TO ACCOMPANY PETITION FOR A
SPECIAL EXCEPTION
TEMESCAL
WELLNESS**

1636 REISTERSTOWN ROAD



SEAL
THIS PLAN IS SCALED FOR ZONING
PURPOSES ONLY. IT DOES NOT
REPRESENT THE ACTUAL PROPERTY

DATE	BY	REVISIONS

ISSUE DATES

REVIEW: _____
BID: _____
PERMIT: _____
CONSTRUCTION: _____
SCALE: 1"=20'
PROJECT NO: 17008

BASE:
DRAWN: SRB
DESIGNED: _____
CHECKED BY: MFK
DATE CHECKED: 4/21/17
DRAWING: 1 of 1

GENERAL NOTES (CONTINUED)

THE PROPOSED MEDICAL CANNABIS DISPENSARY WILL NOT BE LOCATED WITHIN 500 FT. OF A PUBLIC OR PRIVATE ELEMENTARY SCHOOL, MIDDLE SCHOOL, OR HIGH SCHOOL, OR WITHIN 2,500 FT. OF ANOTHER MEDICAL CANNABIS DISPENSARY.

ZONING HISTORY

R-1848-1253- REZONING REQUEST DENIED BY THE ZONING COMMISSIONER ON SEPTEMBER 7TH 1948

R-1961-5414- REZONING REQUEST DENIED BY THE BALTIMORE COUNTY BOARD OF APPEALS JULY 12TH 1962.

PETITIONER'S
EXHIBIT NO. 1

