

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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FINDINGS AND DECISION

of

The Norwell Board Of Appeals

File No. 15-12

A Public Hearing (the Hearing) by the Norwell Zoning Board of Appeals (the Board) was scheduled on January 13, 2016, under Ch. 40A, Sec. 9, at the Norwell Town offices, 345 Main Street, Norwell, MA on the Application (the Application) of:

**Mass Medi-Spa Inc.
84 Polpis Road
Nantucket, MA 2554**

The Application proposes a **Site Plan Review** (Section 1500) and a **Special Permit** under Sections 1420 and 2341(n) of the Norwell Zoning Bylaw to construct a two-story building with a building footprint of approximately 20,300 sq.ft. for use as a medical marijuana treatment center as defined in the Norwell Zoning Bylaws for cultivating, processing, and dispensing of medical marijuana, and related offices. The Property (the Property), hereinafter described, is located at and known as **Lot 9 Cordwainer Drive (n/k/a 400 Cordwainer Drive)**, in Business District C-1, as shown on Assessors Map 11D Block 17 Lot 87 and recorded at Registry of Deeds Book 30246 Page 203.

Notice of the opening of the public hearing on January 13, 2016, was posted at the Norwell Town Hall and duly advertised in the *Norwell Mariner* on December 24, 2015, and December 31, 2015, and such notice sent to abutters and others pursuant to statute. The Application and plans were submitted to the Planning Board and distributed to other interested and requisite boards, committees, and offices for review with comments and recommendations received, as noted in the File Documentation section below

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At the opening of the public hearing on January 13, 2016, Jeffrey A. De Lisi, Esq. of Ohrenberger, De Lisi & Harris, LLP, representing the Applicant, made a brief presentation to the Board. Although members of the public were present, the Board did not take any public comments that evening but stated time would be afforded for public comment later in the process, as the Planning Board was still reviewing the proposed plans with the Applicant and was not ready to provide its recommendations to the Board of Appeals per the standard review procedure.

On the evening of February 10, 2016, the Board continued the public hearing to the following Wednesday, February 17, 2016, as the Planning Board recommendations were not yet available and the Board was unable to gather a quorum, as previously confirmed to Attorney De Lisi.

On the evening of February 17, 2016, a special meeting of the Board of Appeals was scheduled for the continued public hearing. Attorney Jeffrey De Lisi reviewed the current status of the application and presented the development team to respond to questions and concerns of the Board:

South Shore Bio Pharma, LLP	Christopher Roos, authorized to speak on behalf of Mass Medi-Spa, Inc.
Ross Engineering Company, Inc.	Paul J. Mirabito, CE, PLS
helicon design group inc., architects	Gregory J. Tansey, P.E.
SIGNET Electronic Systems, Inc.	Eric Gould
NEI Builders	Tim Chilson
	Daniel Chauvin
	Becky Rogers
	Sean Henry

No member of the audience stood to speak in favor of or in opposition to the application

FILE DOCUMENTATION: The following documents, plans and reports were received into evidence over the course of the Public Hearing process:

1. Assessors' card for the property
2. Abutters' list
3. Letter of 11/16/15 to the Board from Paul J. Mirabito, CE, PLS of Ross Engineering Company, Inc., re Application for Public Hearing Special Permit and Site Plan Review, Lot 9 Cordwainer Drive – Assessor's Map 11D Block 17 Parcel 87, Mass Medi Spa Inc. – Applicant, received and date-stamped by the Town Clerk and Board of Appeals on November 17, 2015.
4. Application for Public Hearing completed and signed by the property owner and Applicant, dated 11/16/15 with completed Form ZBA-1A Supplemental Information
5. Plan Set for Site Plan/ for/ Lot 9 Cordwainer Drive/ Norwell, Massachusetts, dated November 2, 2015, prepared by Ross Engineering Company Inc. of 683 Main Street, Norwell, MA, signed and sealed (excepted as noted) by Paul Joseph Mirabito, Registered Land Surveyor, and Gregory J. Tansey Registered Professional Engineer, consisting of the following drawings, as received by the Board on 11/17/15:
 - Sheet 1 Cover Sheet
 - Sheet 2 Existing Conditions Plan (Paul Joseph Mirabito, R.L.S. only)
 - Sheet 3 Site Layout Plan
 - Sheet 4 Utilities Plan
 - Sheet 5 Drainage and Grading Plan

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- Sheet 6 Sight Distance Plan
- Sheet 7 Construction Details Plan 1
- Sheet 8 Construction Details Plan II
- Sheet 9 Architectural Floor Plans, Drawings A 101, titled "1st Floor Plan (proposed)" and A 102, titled "2nd Floor Plan (proposed)", both dated 11.02.15 (unsigned), as prepared by helicon design group, inc., architects of 76 Summer Street, Boston, MA, for South Shore BioPharma

6. Letter of 2/3/16 to the Board from Ross Engineering submitting revisions to the plan set described in Paragraph 3 above entitled, "Plan Set for Site Plan/ for/ Lot 9 Cordwainer Drive/ Norwell, Massachusetts", dated November 2, 2015, prepared by Ross Engineering Company Inc. of 683 Main Street, Norwell, MA, signed and sealed (excepted as noted) by Paul Joseph Mirabito, Registered Land Surveyor, and Gregory J. Tansey Registered Professional Engineer, consisting of the following drawings, as received by the Board on 2/3/16:

- Sheet 1 Cover Sheet, includes certification, dated 2/1/16, as signed by Gregory J. Tansey, P.E. "that the contents of this site plan complies with the applicable sections of Norwell Zoning Bylaws."
- Sheet 2 Existing Conditions Plan (Paul Joseph Mirabito, R.L.S. only) with revisions through 1/28/16
- Sheet 3 Site Layout Plan with revisions through 1/27/16
- Sheet 4 Site Utilities Plan with revisions through 1/28/16
- Sheet 5 Drainage and Grading Plan with revisions through 1/27/16
- Sheet 6 Sight Distance Plan with revisions through 1/27/16
- Sheet 7 Construction Details Plan 1 with revisions through 1/28/16
- Sheet 8 Construction Details Plan II with revisions through 1/28/16
- Sheet 9 Construction Details Plan III with revisions through 1/28/16
- E.010 Electric Construction Details & Layout
- SKE-1 Electrical Site Plan
- SKE-4 Light Contours and Fixture Specifications

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Although Drawings E.010, SKE-1, and SKE-4 are described on the cover sheet as listed above, there are actually five (5) sheets included (with the first and second floor plans not noted), as prepared by helicon design group, inc., architects of 76 Summer Street, Boston, MA, for South Shore BioPharma:

- Sheet E.010 "Electrical Site Plan", dated 1/15/15 (unsigned)
- Sketch SKE-1 "Electrical Site Plan", dated 1/15/16 (unsigned)
- Sketch SKE-4 "Electrical Site Plan", dated 1/15/16 (unsigned)
- Sheet A.501 "Furniture Plan: 1st Floor", dated 1/15/16 (unsigned)
- Sheet A.502 "Furniture Plan: 2nd Floor", dated 1/15/16 (unsigned)

7. Letter of 2/4/16 to the Board from Ross Engineering providing five copies of the following:
- a. Board of Health Septic System Approval issued December 31, 2015
 - b. Conservation Commission Order of Conditions issued 2/2/16
8. Board of Selectmen "non-opposition" letter of 8/26/15 to Department of Public Health

9. Letter of December 2, 2015, from the Water Department to the Planning Board describing changes required to be made in the plan drawings.
10. Letter of January 5, 2016, from the Norwell Water Department to the Board of Appeals, indicating "no concerns with the proposed well [for plant irrigation purposes], its location or intended use . . . or reservations supplying the proposed facility Town water [for general office building use]."
11. Letter of 2/3/16 to Board of Appeals from Attorney De Lisi, granting extension of time in which the Board will file its written decision to 3/31/16, as requested by the Board.
12. Letter of 2/4/16 from the Norwell Conservation Commission to Kathleen Long, Project Manager, for Mass Medi-Spa, Inc., including a copy of the Order of Conditions voted 2/2/16
13. Letter of 2/9/16 to Board of Appeals from Attorney De Lisi, assenting to continuation of the Public Hearing from 2/10/16 to a date certain, later determined to be 2/17/16.
14. Planning Board recommendation memorandum of 2/11/16 to Board of Appeals
15. Copy of email dated 12/15/15 from Fire Chief Andrew Reardon to the Town Planner with comments on the proposed plan stating no concerns noted.
16. Email of 2/17/16 from Norwell Fire Chief Andrew Reardon stating, "At this point everything appears to be in order and there are no concerns from the Fire Department perspective."
17. Memorandum of 2/17/16 from Police Chief Ross to the Board of Appeals, stating that he has "reviewed the site plan and security provision . . . [and] am satisfied with the current security plan for the proposed facility."
18. Review letter of 2/17/16 from Chessia Consulting to the Board of Appeals, identifying open items relating to the Planning Board recommendations of 2/11/16 and customary Site Plan requirements for the Board of Appeals.

FINDINGS OF THE BOARD:

Based upon the evidence submitted by the Applicant, including the Exhibits and the Plans submitted, as modified endorsed by the Board, the Board finds:

1. The property consists of one parcel, identified on Assessors Map as 11D Block 17 Lot 87, and Lot 9 Cordwainer Drive in the application, and also known and numbered as 400 Cordwainer Drive.
2. The parcel consists of 2.87 acres with 258.54 feet of frontage on Cordwainer Drive, a private way.
3. The parcel is located within the Business C-1 Zone. The lot is currently vacant with no building or structure situated thereon.
4. A 21E report has been completed for this site but was not available during the course of the public hearing.
5. The parcel is not located within Norwell's Aquifer Protection District, as shown on the Town's Aquifer Protection District map, dated 2010, although it is shown on that map as located within Zone C of a State Water Supply Protection Area.
6. The proposed 2-story building has a footprint of 20,300 sq. ft. for a total space of 40,600 sq. ft.
7. Approximately 5% of the building space will be dedicated to retail use (1,500 sq. ft.) with the remainder of the building to be used for cultivation and processing of the product.
8. All activities will be confined to the interior of the building, which will have a state-of-the-art HVAC air filtration system to prevent spread of any pathogens deleterious to the plants in one area from spreading to other growing areas in the building.

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9. For security purposes, all deliveries to and from the site will be confined to a secure, enclosed area within the building. Drivers will not be allowed to store money or product within the vehicles, except in transit to and from a specified delivery location. All vehicles with product or money will be tracked by a sophisticated GPS system that will alert security of any deviations from an expected delivery or return route.
10. The product will be sold as permitted by regulations of the Massachusetts Department of Public Health for anticipated use by prescribed patients with no off-site storage or processing allowed or contemplated.
11. All parts of the plant will be utilized in production with any remaining plant material to be "composted" and reused as such within the building.
12. Edibles and other forms of marijuana product permitted by regulations of the Massachusetts Department of Public Health will also be prepared on site for sale to patients with valid prescriptions.
13. The building is proposed to be accessible seven days a week from 10:00 A.M. to 7:00 P.M. for dispensing only to patients (and/or authorized caretakers) holding valid prescriptions, as well as employees of the licensee. No appointment will be required prior to arrival of individuals in the retail area.
14. The building will be owned and constructed by South Shore BioPharma, LLP, a Delaware limited liability partnership. That entity will lease the building and premises to the Applicant/license holder, which will control the property.
15. The licensing of a registered marijuana dispensary (RMD) is a multi-phase application licensing process at the State level. The Applicant is waiting for approval to enter the final application phase, anticipated for spring 2016. A successful applicant could reasonably expect the State to issue a provisional license within six (6) to eight (8) weeks thereafter.
16. The proponent, as an RMD, is required to follow a specified State regulatory process, which presently has provisions allowing export or import a maximum of 33% of the product in certain circumstances to meet patient needs.
17. Norwell was chosen as a location because of the Medical Marijuana Treatment Center bylaw adopted at Town Meeting in 2013, property location relative to Route 3, and general siting in Plymouth County, as well as proximity to hospitals and cancer treatment centers. The lot under consideration is one of a handful of suitable sites available; other locations explored by the Applicant had setback issues and/or concerns relating to proximity of lots containing residences, schools, and daycare facilities.
18. **Norwell Planning Board Recommendations:** The following are Site Plan recommendations to the Board of Appeals, as voted by the Norwell Planning Board on February 11, 2016:
 1. The applicant shall provide a final landscape plan developed by a landscape designer to be approved by ZBA.
 2. All lighting shall be Dark Sky compliant and no lighting shall be directed toward Cordwainer Drive. The lighting layout shall be consistent with the SKE-1 plan dated 1/15/16.
 3. Plans shall be tied in to the Mass Grid system.
 4. The stormwater report section pertaining to illicit discharges shall be certified by a P.E.
 5. The plans shall include a general note that states all underground precast structures shall be capable of withstanding HS-20 loading.
 6. The final roof drain system shall be designed consistent with the civil design plans.
 7. Plans shall indicate that the water pipe from the well shall be slip lined and there shall be no connections between the well and public water lines.

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8. A post indicator valve (PIV) shall be installed and a detail included in the plan set.
 9. A design data sheet shall be required to be submitted to the Water Department for any backflow device.
 10. Plans shall indicate that valves are to be manufactured by Mueller (see detail sheet materials list item 1.5)
 11. Prior to Land Clearing: The applicant shall provide the 21E report.
 12. Prior to Land Clearing: The applicant shall provide construction phase plans to be approved by ZBA. Plans shall be submitted one month prior to land clearing.
 13. Prior to Land Clearing: The applicant shall provide a Storm Water Pollution Prevention Plan (SWPPP) with the NYPDES Construction Works Permit. Plans shall be submitted one month prior to land clearing.
 14. Prior to Occupancy: A final site review of the installed lighting shall be approved by ZBA.
 15. Prior to Occupancy: A street sign for Cordwainer Drive shall be placed at the intersection of Accord Park Drive.
 16. The Special Permit shall be valid for a period of three (3) years from the date of the decision. The applicant shall apply to renew the license as per section 2341.n.5 of the Norwell Zoning Bylaw.
19. **Procedure, Section 1530:** The Applicant complies with Section 1530, *Procedure*, of the NZBL, as all information required therein has been provided.
 20. **Criteria for Approval, Section 1540:** As required in NZBL, Section 1540, *Criteria for Approval*, the Board has considered that the proposed Project constitutes a reasonable use of the site for the purposes permitted by the regulations for the district in which it is located. The Board finds such use is allowed in Business District C-1 by Special Permit under Section 2341(n).
 21. **NZBL Section 1541** requires the Board to consider, "*The protection of the district in which the site is located and adjoining district against detrimental, offensive, or incompatible uses or structures on the site.*" The Board finds that design changes for the proposed project resulting from the Planning Board Recommendations and additional comments by the Town's consulting engineer, adequately address Section 1541 and issues raised during the course of the public hearing as such use is allowed in Business District C-1 by Special Permit under Section 2341(n).
 22. **NZBL Section 1542** requires the Board to consider, "*The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and land.*" Based upon the plans submitted by the Applicant, comments received by various Town of Norwell officials, departments, boards, committees, and consultants, and compliance with Planning Board Recommendation #15 to provide signage to identify Cordwainer Drive, the Board finds this requirement will, upon installation of such signage that shall also identify the roadway as a "private way", be satisfied. Further, as noted by the Planning Board, pedestrian movement is minimal with no sidewalks within the industrial park but would be confined to areas on-site. As further noted, sight lines are adequate based upon the sight distance plan, as reviewed by the Town's consultant.
 23. **NZBL Section 1543** requires the Board to consider "*The adequacy of the methods of disposal for sewage, refuse, and other wastes resulting from the uses permitted on the site, and the methods of drainage for surface water from its parking spaces and driveways.*"
 - a. The Board finds this requirement has been satisfied, based upon the Planning Board recommendation memorandum, dated 2/11/16, to the Board of Appeals, relating to sewage, refuse, and other wastes:

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- i. The Applicant has made adequate provisions for the disposal of sewage as the "Board of Health has reviewed and approved the septic system."
 - ii. "Chessia Consulting has reviewed the stormwater drainage and is satisfied that the proposed system will contain most water on site and no increases of stormwater would flow onto surrounding properties."
 - iii. "The applicant provided a Standard Operating Procedures Manual that outlines the procedures for managing waste from the cannabis cultivation activities. Essentially, all plant material is shredded and combined with water from the grow process in an onsite fermenter. The resulting 'fermented tea' would then be used as a foliar spray and in drip irrigation systems returning valuable microbes, nutrients and metabolites to the growing plants."
- b. Further, the Plans submitted shows an outside dumpster with fencing will be placed on site for disposal of refuse and other wastes. Provisions for marijuana plant waste has been described by the Applicant and the Board finds such handling to be comprehensive and reasonable.

24. **Grant of Uses Allowed by Special Permit in Business District C, 2341(n)**, to allow a Medical Marijuana Treatment Center:

- (n) 1. The facility is located in Business District C-1 and is allowed by special permit of the Board of Appeals.
- (n) 2. The proposed medical marijuana treatment center is not located within five hundred (500) feet of any lot with a residence, school or daycare facility.
- (n) 3. The hours of operation shall be daily from 10:00 A.M. to 7:00 P.M., except Federal holidays.
- (n) 4. This special permit under NZBL Section 2341(n) is granted to Mass Medi-Spa, Inc. and is not transferable and shall remain exclusively with the Applicant, who shall be the lessee of the premises described in the application. The Special Permit shall automatically terminate on the date the applicant alienates that title or leasehold interest in the premises.

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DECISION OF THE BOARD:

On February 17, 2016, based upon the Application, file documentation, testimony during the public hearing, and the Board's findings above, upon a motion duly made and seconded, the Board **VOTED** unanimously to grant the following:

- 1. **Site Plan Approval** under Norwell Zoning Bylaw Section 1500 for construction of the proposed 40,600 square foot 2-story building, located on Lot 9 Cordwainer Drive, heretofore to be known and numbered as **400 Cordwainer Drive**, for use as a registered marijuana dispensary and
- 2. **Special Permit**, as a Medical Marijuana Treatment Center, under Norwell Zoning Bylaw Section 2341(n).

The above vote and relief granted are subject to the following *Special Conditions* and *Conditions Applying to All Decisions*.

SPECIAL CONDITIONS:

1. **Occupancy Permit:** The Property shall be developed in accordance with the Plans approved and endorsed by the Board for identification purposes with all subsequent revisions to be reviewed and approved by the Town's peer-review consultant. The details and requirements in the endorsed Plans shall be observed and implemented. **The Inspector of Buildings shall issue a Certificate of Occupancy only after the Applicant has meet all compliance requirements, including final review of As-Built Plans by the Town's peer-review consultant. No temporary occupancy permit may be issued unless and until the Applicant is in full compliance with this decision.**
2. **Endorsed Plans:** A copy of the complete set of the Plans, endorsed by the Board for compliance identification, shall be filed with the Town Clerk with this Decision or within fifteen (15) days thereafter, as provided in Section 1550 of the Norwell Zoning Bylaw.
3. **Plan Compliance:** Any deviation from the Plans as endorsed by the Board, and as specified in Conditions Applying to All Decisions below, except minor modifications thereto in the opinion of the Town's peer-review consultant/project monitor shall be subject to review by the Town's Consulting Engineer at the expense of the Applicant and may require at the sole discretion of the Board of Appeals, Modification of this Decision in compliance with the Open Meeting Law and public hearing process, as detailed in the Board's Rules and Regulations.
4. **Planning Board Recommendations: Prior to land clearing,** the Applicant shall provide evidence that the project plans comply with recommendations of the Norwell Planning Board, dated 2/11/16, as detailed in the Board's Findings in Paragraph 16 Sections 1-16 inclusive, which are incorporated by reference as Special Conditions of this decision, except as further specifically modified in Special Conditions Paragraphs 5-21 below.
5. **Chessia Consulting Services (CCS) Recommendations: Prior to land clearing,** the Applicant shall provide evidence that it complies with all recommendations contained in the 2/17/16 memorandum to the Board of Appeals, modifying and further detailing recommendations contained in the Planning Board memorandum to the Board of Appeals, dated 2/11/16.
6. **Landscape Plan (CCS #1):** Prior to issuance of a building permit, the Applicant shall provide a landscape plan, prepared by a landscape designer for review and approval of the Town's consultant/project monitor.
7. **Dark Sky compliant lighting (CCS #2):** Prior to issuance of a building permit, the applicant shall provide evidence that the lighting plan has been reviewed for compliance with this decision and modified to meet this recommendation.
8. **Mass Grid (CCS #3):** Prior to endorsement of the project plans, the Applicant shall provide evidence that the plans have been modified to meet this recommendation.
9. **Stormwater Report – Illicit Discharge Certification (CCS #4):** Prior to issuance of a building permit, evidence shall be provided that an Illicit Discharge Statement has been completed to meet this recommendation.
10. **Subsurface Stormwater Leaching Galley System (CCS #5):** Prior to endorsement of the project plans, the Applicant shall provide evidence that the plans have been modified to meet this recommendation.
11. **Final Roof Drain System (CCS #6):** Prior to issuance of a building permit, the Applicant shall provide evidence that the plans have been modified to meet this recommendation.
12. **Water Pipe connecting from the irrigation well (CCS #7):** Prior to issuance of a building permit, the Applicant shall provide evidence that the plans have been modified to meet this recommendation.

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13. **Post indicator valve (CCS #8):** Prior to issuance of a building permit, the Applicant shall provide evidence that the plans have been modified to meet this recommendation.
14. **Backflow Device (CCS #9):** Prior to issuance of a building permit, the Applicant shall provide evidence that the plans have been modified to meet this recommendation.
15. **Plan revisions (CCS #10):** Prior to endorsement of the project plans, the Applicant shall provide evidence that the plans have been modified to meet this recommendation.
16. **21E Report (CCS #11):** Prior to issuance of a building permit, the Applicant shall provide evidence to meet this recommendation.
17. **Construction Phase plans (CCS #12):** A minimum of one month prior to land clearing, the Applicant shall provide evidence that the plans have been submitted to meet this recommendation.
18. **Storm Water Pollution Prevention Plan (SWPPP) and NPDES Construction Works Permit (CCS #13):** Prior to land clearing, the Applicant shall provide evidence to meet this recommendation.
19. **Lighting (CCS #14):** Prior to issuance of a Certificate of Occupancy, the Applicant shall provide evidence that the plans have been modified to meet this recommendation.
20. **Street Sign (CCS #15):** Prior to issuance of a Certificate of Occupancy, the Applicant shall provide evidence that a street sign for Cordwainer Drive (Private Way) is placed at the intersection of Accord Park Drive.
21. **On-Site Signage:** Signage must comply with 105 CMR 105(L). Further, all external property signs shall conform to requirements of the Norwell Zoning Bylaw and are subject to permitting by the Building Inspector with any required approval of the Board of Appeals.
22. **Hazardous Materials:** Any and all hazardous materials shall be disposed of according to any and all local, state, and federal regulations.
23. **Host Community Agreement:** The Applicant shall provide the Town Administrator as the designee of the Board of Selectmen with a copy of the fully executed host community agreement for the registered marijuana dispensary prior to commencement of business operations and shall notify the Board of Appeals at the time such documentation has been delivered.
24. **RMD Operational Requirements:** The Applicant shall comply with operational requirements for registered marijuana dispensaries of 105 CMR 725.105 and security requirements of 105 CMR 725.110, as may be amended from time to time or successor regulations.
25. **Orders and/or Notifications to the Applicant from the Commissioner of Public Health:** The Applicant shall report to the Town Administrator as the administrative arm of the Board of Selectmen and further notify the Board of Appeals of any orders issued by the Commissioner of Public Health or his/her designee under 105 CMR 725.415 or any suspensions, revocation, or surrender of registration under 105 MR 725.510, as may be amended from time to time or successor regulations.
26. **State Approvals:** This Special Permit is valid only after the Applicant obtains all necessary state approvals for a registered marijuana dispensary (RMD).

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CONDITIONS APPLYING TO ALL SITE PLAN DECISIONS:

1. **RECORDING OF THE DECISION:** A certified copy of this Decision with all documents referenced below shall be filed with the Registrar of Deeds or Recorder of the Land Court, as appropriate. The applicant shall return a copy of the recording fee receipt to the Board of Appeals for its files. Such recording by the Applicant shall be a precondition to the issuance of a building permit for the project.

2. **PLAN SET AND DOCUMENTS TO BE RECORDED WITH THIS DECISION:** The Applicant shall file the following mylar® sheets, described in Paragraph 6 of the File Inventory, as endorsed by the Board of Appeals on March 7, 2016, and detailed below, with the Registrar of Deeds and/or Recorder of the Land Court, specifically:
 - Sheet 3 Site Layout Plan with revisions through 1/27/16
 - Sheet 4 Site Utilities Plan with revisions through 1/28/16
 - Sheet 5 Drainage and Grading Plan with revisions through 1/27/16
3. **EFFECTIVE DATE OF APPROVAL:** The building Site Plan approval granted by the Board of Appeals shall take effect only at such time as this Decision, supporting documents as referenced above, and the approved plan set are filed with the Office of the Town Clerk of the Town of Norwell, and recorded with the Registrar of Deeds or Recorder of the Land Court. **NOTE: Evidence of recording of the Board's Decision and documents specified above shall be provided to the Building Inspector, prior to issuance of any building permit.**
4. **LAPSE OF SITE PLAN APPROVAL:** The applicant shall complete any work described in the site plan approved by the Board of Appeals within one year of the date this Decision is filed with the Office of the Town Clerk or approval granted herein shall lapse.
5. **LAPSE OF SPECIAL PERMIT:** The applicant must exercise any Special Permit granted by the Board of Appeals within two years of the date this Decision is filed with the Office of the Town Clerk or it shall lapse.
 - a. Any Special Permit issued by the Board of Appeals for the proposed use as a registered marijuana dispensary (RMD) shall remain exclusively with the Applicant, which shall be the owner or lessee of the premises described in the application. The Special Permit shall terminate automatically on the date the Applicant alienates that title or leasehold interest in the premises.
 - b. Further, this Special Permit, allowed by NZBL Section 2341(n) shall be valid for a period of three (3) years from the date this decision is filed with the Town Clerk.
 - i. The Special Permit granted for this use shall be renewed for successive three (3) year periods, provided that a written request for renewal is filed with the Board of Appeals not less than three (3) months prior to the expiration of the then-existing Special Permit.
 - ii. Publication of notice of a Special Permit renewal request shall be made in the same manner as required for the original application for this Special Permit. Such renewal request will be granted unless, prior to the expiration of the then-existing Special Permit, a written objection to the renewal, stating reasons, is submitted to the Board of Appeals. In the event of an objection, a public hearing on the renewal of the Special Permit shall be held and shall follow the process of the original Special Permit application.
 - iii. The expiring Special Permit shall remain in effect until the conclusion of any required public hearing and decision of the Board of Appeals to either grant or deny the Special permit renewal. In granting the Special Permit renewal, the Board of Appeals may impose additional conditions, including without limiting the foregoing, time limits to correct violations, change in the hours of operation, and requirement of provision of additional landscaping, fencing, or screening, upon which a specific lapse of time without correction or compliance shall result in immediate revocation of the Special Permit.
6. **EXTENSION OF APPROVALS:** The Board of Appeals may grant an extension of such time as it may deem necessary to carry the approved site plan into effect. However, the applicant must file an application for any such extension prior to expiration or a new Site Plan and/or Special Permit application shall be required. Any such extension(s) shall be certified by the Board of Appeals to the Town Clerk and shall include the date on which any such extension is to lapse.

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7. **PEER REVIEW ESCROW:** Consistent with the practice of the Town, escrow deposits shall be provided and maintained in compliance with the Board's Rules and Regulations for any required Peer Review by the Town's consultant and monitoring of the project during the construction phase to ensure compliance with the Board's decision, as well as peer review of project interim and final as-built plans.
8. **PRECONSTRUCTION MEETING:** At least forty-eight (48) hours prior to any initial site work, a pre-construction meeting shall be held with the Applicant, Applicant's contractor, a representative of the Board of Appeals (if available), its consulting peer review engineer/ project monitor, and representatives of the Town departments having an interest in the plan and construction. Said meeting shall be for the purpose of familiarization with the project, the conditions of approval, and the project's construction sequence and timetable and is intended to be consistent with the practice of the Town.
9. **CONSTRUCTION WORK DELAY:** Consistent with the practice of the Town, if work activity on the project site ceases for a period of more than one month, appropriate notification must be given to the Inspector of Building prior to restarting work. The Applicant shall also notify the Board's construction monitor of any anticipated work stoppages and restarts.
10. **CONSTRUCTION MONITORING;** This project is subject to the construction monitoring and escrow requirements contained in Article H of the Rules and Regulations of the Board of Appeals, ratified 6/25/14, and any revisions thereto as may be adopted from time to time.
11. **CERTIFICATES OF OCCUPANCY: No certificate of occupancy, including a temporary certificate, shall be issued until such time as ALL conditions of the Board's decision are met.**
12. **DESIGN ENGINEER CERTIFICATION:** Prior to the issuance of any occupancy permit, the Applicant's registered professional engineer, landscape architect, and such other professionals that prepared the approved plans, shall certify to the Board or its agent that the location and elevation of all underground utilities, including drainage, water and sewer, and landscaping plan substantially conform to the plans approved by the Board of Appeals and reviewed by its consulting engineer.
13. **PEER REVIEW:** Further, the project design shall be checked against the filed *As Built* plans and reviewed by the Town's consulting engineer at the sole expense of the Applicant for compliance with the project plans as approved by the Board of Appeals and detailed in this decision or any modifications thereto, prior to issuance of any Certificate of Occupancy.
14. **AS-BUILT PLANS: Prior to issuance of a Certificate of Occupancy,** the property owner or Applicant shall provide *As-built* plans, signed and stamped by a registered professional engineer, landscape architect, and/or professional land surveyor, as appropriate, in accordance with Section 1560 of the Norwell Zoning Bylaw. These plans shall show:
 - a. Pavement locations, building locations, lot lines, driveway locations, all utilities above and below ground such as water, gas, electric, septic, telecommunication, utility poles, manholes with rim elevations and inverts, catch basin rims and inverts, other drainage with pipe size and invert.
 - b. All utility easements; ties from building foundations to utility services.
 - c. Final site grading including all drainage structures and lot grading to demonstrate conformance to the approved drainage design, with a certification as to final grading that is.

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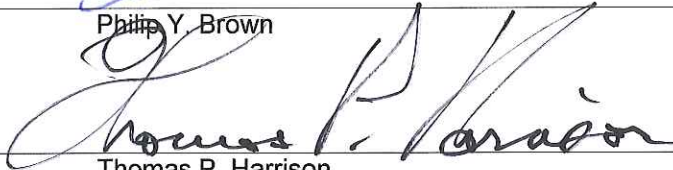
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Lois S. Barbour



Philip Y. Brown



Thomas P. Harrison

Date Filed with Office of the Town Clerk

This space reserved for
Date Stamp of Town Clerk

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TOWN CLERK

NOTICE OF APPELLATE RIGHTS: Any decision of the Board of Appeals may be appealed pursuant to Massachusetts General Laws, Chapter 40A, Section 17, to the Land Court or Superior Court Department within twenty (20) days after filing of the written decision with the Town Clerk. Any construction or pre-construction activity is undertaken at the applicant's risk during the appeal period.