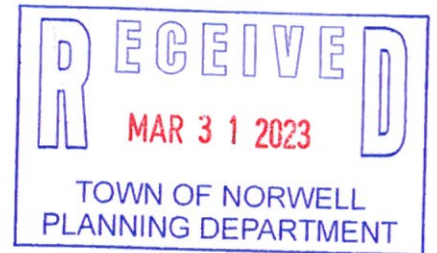


**OHRENBERGER,
DE LISI &
HARRIS, LLP**
ATTORNEYS AT LAW



WILLIAM H. OHRENBERGER, III
JEFFREY A. DE LISI
GREG E. HARRIS

RICHARD A. HENDERSON
ALISON SMITH PIASECKI
MATTHEW E. MITCHELL
PATRICIA A. HOULIHAN
MICHELLE L. BAKER

March 31, 2023

Via Hand Delivery

Ilana M. Quirk, Director of Planning and Community Development
Town of Norwell
345 Main Street
P.O. Box 295
Norwell, MA 02061

Re: Applicant: Elevated Access Center, Inc.
Property Location: Lot 9, 400 Cordwainer Drive, Norwell, MA
Property Owner: Course Made Good, LLC

Dear Ms. Quirk:

This office represents Elevated Access Center, Inc. As you know, in 2018, the Board of Appeals issued a special permit and a site plan approval to my client to allow for the construction of a 20,300 sf building, along with other improvements such as 46 parking spaces on this vacant parcel of land. At the time, the project underwent extensive review by the town's peer review engineer, Mr. Chesia. Enclosed is a copy of Permit No. 18-18. The applicant was authorized to operate a cultivation and manufacturing facility for a marijuana establishment. The applicant did not propose, and was not authorized, to operate as a retail facility for adult use. During the pendency of the special permit/site plan approval, the applicant engaged in a lengthy review process by the Commonwealth of Massachusetts, and, unfortunately during such time the special permit/site plan approval lapsed. The application plans have not changed, and the purpose of this application is to request that the town to issue the exact same permit.

Accordingly, enclosed herewith please find the following application documents:

1. Application for Public Hearing (Form ZBA – 1);
2. Site Plan Review supplemental information (Form ZBA – 1);
3. Plan entitled "Site Plan for 400 Cordwainer Dr. in Norwell, Massachusetts" dated July 30, 2018, prepared by Grady Consulting LLC;
4. Copy of findings and Decision of the Norwell Board of Appeals, File Number 18-18, filed with the Town Clerk on October 18, 2018, and recorded with the Plymouth County Registry of Deeds at Book 50513, Page 55.

Town of Norwell

March 31, 2023

Page 2

5. Copy of findings and decision of Norwell Board of Appeals, File Number 15-12, filed with the town clerk on April 5, 2016 and recording at the Plymouth County Registry of Deeds in Book 47455, Page 144;
6. Copy of Massachusetts Quitclaim Deed dated May 4, 2018 and recorded with the Plymouth County Registry of Deeds in Book 49780, Page 154; and
7. Checks made payable to the order of the Town of Norwell in the amount of (1) \$2,000.00 and (2) \$5,000, representing the filing fee and escrow deposit for the peer review for the special permit and Site Plan review applications.

Given the fact that the Site Plan will not change, we are respectfully requesting a minimal review by the Town's peer review consultant. We respectfully request that this matter be placed on the board's agenda as soon as possible. Thank you.

Very truly yours



Jeffrey A. De Lisi


Enclosures

cc.: Elevated Access Center, Inc.

**TOWN OF NORWELL
BOARD OF APPEALS**

P.O. Box 295
345 Main Street
Norwell MA 02061

Tel: 781.659.8018
Fax: 781.659.1892



APPLICATION FOR PUBLIC HEARING
Pursuant to MGL Chapters 40A and 41 and Norwell Zoning Bylaw

TOWN USE ONLY (Official Date Stamps below):

Received by Clerk of the Board: _____ Received by Town Clerk's Office: _____

RECEIVED
MAR 31 2023

Application Fee(s) Paid: _____
Technical Review Escrow (Amount applicable) _____

TOWN OF NORWELL
PLANNING & ZONING DEPARTMENT

TO THE NORWELL BOARD OF APPEALS:

The undersigned hereby submits this application for the following action(s):

- Special Permit and/or Section 6 Finding *(Other than an in-law apartment)*
- Special Permit for In-Law Apartment *(Form ZBA-1B, In-Law Apartment Affidavit, required.)*
- Variance Sign Variance
- Site Plan Review *(Form ZBA-1A, Site Plan Review: Supplemental Information, required.)*
- Other Powers *(Check those applicable below or specify.)* _____
- Appeal of Decision of Building Inspector/Zoning Official
- Enforcement Action

APPLICANT(S) *(Name/Mailing Address):* Elevated Access Center, Inc.
175 DERBY STREET, Suite 12, Hingham, MA 02043
ROBERT PROCTOR, President

Tel. 617-803-2100 Fax _____ email: RobPROCTOR923@gmail.com

PROPERTY OWNER *(include mailing address, if different from applicant):* COURSE MADE GOOD, LLC
75 Gilson Road Scituate MA 02066

Tel. 617-803-2100 Fax _____ email: RobPROCTOR923@gmail.com

APPLICANT'S REPRESENTATIVE *(include mailing address, if other than applicant):* Jeffrey A. Delisi, Esq.
Ohrenberger, Delisi & Davis, LLP, 28 New Driftway Scituate
MA 02066

Tel. 781-635-0745 Fax _____ email: jad@odhlegal.com

PROPERTY LOCATION: Lot 9, 400 Cordwainer Dr., Norwell, MA

Upland Area *(acres or square footage):* 2.56 Acres Wetland Area: 0.31 Acres
 Total Land Area *(acres or square footage):* 2.87 Acres Lot Frontage: 258.54 ft.

Lot conforms to existing zoning bylaw (If no, explain.):

yes

no

Assessors Map, Block, and Lot No. of all parcels MAP 110 Block 17 Lot 87

Registry of Deeds Book and Page No. BK. 49780 Pg 154
or Certificate of Title number for all parcels (Required for filing of Board's Decision)

ZONING DISTRICT(S) OF PROPERTY (Check all that apply.):

Residential: District A District B
Business: District A District B
Overlay Districts and other zones: District CC-1 (specify)

- Aquifer Protection District
- Salt Marsh Conservation District
- Flood Plain
- Watershed and Wetlands Protection District
- Historic Building, Site, Scenic Street or Vista (See Norwell Historical Commission booklet.)
- Wireless Facility District
- Village Overlay District
- Adult Entertainment District
- Other ACCORD ROAD PARK Economic Development Sub-DISTRICT

BUFFER ZONE REQUIREMENTS (Identify for each applicable zoning district): N/A

When did owner purchase this property? 5-9-2018 Year built N/A

Type of Structure(s) (existing or proposed): Proposed

Current Use: LAND Proposed Use: CULTIVATION & Manufacturing - MARIJUANA ESTABLISHMENT

Status of building permit? (Indicate date issued, denied, or if pending) N/A

Has the applicant or former owner made any previous application regarding this property? YES

If yes, indicate dates and circumstances and **attach prior decision copies**: 2018 special permit and site plan approval (File 18-18)

SECTION(S) OF BYLAW from which relief is requested: 201-8.4(14) and 201-8.4(15) - special permit
201-27.1 - site plan review approval

REASONS FOR APPLICATION (state briefly): Prior special permit and site plan approval expired prior to issuance of license from CCC

SITE PLAN REVIEW: SUPPLEMENTAL INFORMATION

(Attach to Form ZBA-1, Application for a Public Hearing.)

A complete application packet shall be filed simultaneously with the Norwell Planning Board and the Board of Appeals. As the Board of Appeals relies upon the Planning Board and its Technical Review Consultant for its recommendation, the Applicant is best served, if it proceeds expeditiously to provide complete documentation to both Boards.

TECHNICAL REVIEW ESCROW: A technical review escrow deposit is due and payable to the Town of Norwell to comply with the requirements of the Norwell Planning Board and shall be submitted to the Norwell Town Planner at the time this Application is filed.

Escrow Amount Paid: _____

Date Paid: _____

- NEW SITE PLAN REVIEW
- SITE PLAN MODIFICATION of previously approved Site Plan
(Attach copy of previously Approved Site Plan and Decision)
- Property was constructed prior to 3/21/1973

APPLICANT: Elevated Access Center, Inc.
175 Derby St. Suite 12
Hingham MA 02043

PROPERTY LOCATION: _____
LOT 9 - #400 Cordwainer Drive
Map. 110, Block 17, Lot 87

APPLICATION CHECKLIST: The Applicant shall submit information and documentation for Site Plan Review in accordance with the Board of Appeals' *Rules and Regulations and General Information*. It shall be the Applicant's responsibility to meet such deadlines as may be imposed by the Planning Board in order to allow sufficient time for technical review by the consulting engineer and further to allow the Planning Board to submit its written recommendations to the Board of Appeals at least one week in advance of its scheduled public hearing with the Applicant.

- Complete application packets shall be filed simultaneously with:
 - Board of Appeals (9 copies)
 - Planning Board (7 copies)
 - Technical Review Consultant (1 copy)
 - Design Review Board (1 copy)
 - Other, including the Conservation Commission, if applicable
- This supplemental information form (ZBA-1A) shall be attached to ZBA-1, Application for Public Hearing, for a new action or for modification of a site plan previously approved by the Board of Appeals.

- o A list of Town Boards or other regulatory agencies with which the applicant is required to meet, including scheduled meeting dates. A copy of any and all Town Board or agency approvals, recommendations and conditions shall be submitted to The Board of Appeals must receive all such written recommendations a minimum of one week in advance of its scheduled meeting with the Applicant at which a decision is expected. *(It is the responsibility of the Applicant to convey such communications to the Board of Appeals immediately upon receipt.)*
- o An electronic copy of the design shall be provided to the Norwell Planning Board for review by the consulting engineer.
- o **ESCROW REQUIREMENTS:** The technical review escrow for a Site Plan Review or Modification is administered by the Planning Board and is subject to Norwell Planning Board requirements. *Failure to fulfill escrow requirements may constitute an incomplete application and be considered sufficient grounds for suspension of the public hearing or denial of the application by the Board of Appeals.*

PLAN REQUIREMENTS *(Certain applications may require additional information.)*

- Locus plan
- Acreage, including total upland area on subject property and total wetlands on subject property and wetlands within 100' of each lot line, as required by the Norwell Zoning Bylaw
- Existing topography at two (2) foot intervals (Detailed topography at one-foot intervals with spot grades may be required for areas with less than 3% slopes.)
- Existing and proposed public monuments
- Lot Lines with Setback requirements
- All existing buildings and structures, whether public or private
- All easements, restrictions, rights-of-way, setbacks and/or other constraints
- Existing conditions of the surrounding area to sufficiently determine the impact of the proposed project to the surrounding area
- Adjacent streets and ways , whether public or private
- Ownership and use of all abutting lots with Assessors' map identification, including block and lot numbers
- Zoning classifications and location of any zoning district boundaries including the Aquifer Protection and/or other Overlay District, Town Zoned 100-year floodplain, wetland resource areas as determined by the Conservation Commission, zoned wetlands and 100' watershed district within the locus of the plan. Dimensional regulations currently in effect shall also be listed including any conflicts.
- Dimensional regulations currently in effect shall also be listed including any conflicts.
- All landscape and screening features (such as fences, walls, planting areas and walks)
- Location and spacing of existing plant material, including existing tree lines. Include numbers, sizes, and types of plant materials and plants to be removed.
- Location of adjacent private water supplies and septic systems within one hundred feet (100') of the project property line.
- Distance to nearest Town well/water supply location [if within two thousand five hundred feet (2500') or a Zone II or III].
- Location, type, size and age of any underground storage tanks
- 21E status
- Proposed roadways, driveway openings, loading and parking areas,
- Proposed treatment of all ground surfaces (paving, gravel, grading, turf, etc.)
- Parking spaces, existing and proposed
- Service areas
- Location and results of soil, permeability, percolation, and water table tests using the Department of Environmental Protection Soil Evaluation procedures under Title V. Water table determinations by a Certified Soil Evaluator are required under all proposed drainage detention facilities, under all buildings, and adjacent to any road cuts greater than three feet (3').

- Documentation of preliminary curb cut meeting with MassHighway for site access approval on State highways
- All proposed topography at two (2) foot intervals (Detailed topography at one-foot intervals with spot grades may be required for areas with less than 3% slopes.)
- All proposed buildings and structures, whether public or private
- Proposed easements and/or rights of ways, whether public or private
- Statement and certification on the plan by the Professional Engineer and/or Registered Landscape Architect certifying the Site Plan submitted complies to the Zoning Bylaw
- All facilities and lines for sewage, refuse and other waste disposal and for surface water drainage, locations of water lines and hydrants, electric, telephone, cable, gas, and other utilities, including all connections to street service, where applicable
- All proposed landscape and screening features (such as fences, walls, planting areas and walks) on lot
- Plant List (Note: Wherever practicable, native species shall be used.)
- Location and spacing of proposed plant material, including tree lines.
- Signs, both temporary and permanent, existing and proposed
- Walkways and sidewalks with materials to be used
- Open Space uses, existing and proposed
- Snow removal storage areas
- Construction and Post-Development Operations and Maintenance Plan
- For new construction, a description of site preparation, erosion and sedimentation control measures, including location and specifications of temporary and permanent measures. A schedule of operations indicating the starting and completion dates for each phase of construction shall accompany each plan.
- Proposed curbing type, location, and details
- Proposed street and site lighting and details, including type of fixture and wattage to conform to Dark Sky International standards
- Drainage calculations to comply with DEP stormwater management requirements, stamped by a Registered Professional Engineer licensed by the Commonwealth of Massachusetts
- Calculations for upland and wetland areas
- Parking and density calculations
- Building and open space calculations
- Impervious area calculations
- State soil series and USDA-NRCS drainage categories
- Proposed buildings and structures showing front, side and rear elevations

NOTE: All plans shall be drawn to conform to standards established by the Norwell Planning Board. (*Scale 1" = 40', except Locus Plan*) ALL plans shall be dated and include a North Arrow, name and address of the property owner and designer, and certification of compliance with the Norwell Zoning Bylaw with any exception noted.

ALL plot plans and site plans for property line determinations shall be prepared by a Massachusetts-certified Professional Land Surveyor and referenced to USGS Datum and MassGrid. A signed and stamped statement that all surveying conforms to Land Court Standards shall appear on the original "plot" sheets.

All plans shall be stamped and signed by the professionals who prepared them. All Registered Professional Engineers, Registered Landscape Architects, and/or Registered Land Surveyors shall be licensed by the Commonwealth of Massachusetts. ALL architectural plans for other than one- and two-family residential developments, shall be prepared by a Massachusetts Registered Architect. *Failure to comply at the time of submission with these requirements is grounds for denial of Site Plan Approval for lack of sufficient information.*

SITE PREPARATION:

Amount of grading (cubic yards): 1,230 Cut 2,622 Fill

Amount of Land Surface Disturbance (acreage or square footage): 80,000 SF ±

Will the project require the removal of soils from the site? Yes No
(If yes, any soil or gravel removal requires approval of the Board of Selectmen.)

If yes, how many cubic yards and where is soil being relocated? _____

Will project require removal of trees greater than 2" or major screening vegetation? Yes No

If yes, explain: The site will be cleared for building, parking, access, and stormwater drainage purposes

Describe how the proposed design utilizes the natural terrain. The building is proposed at existing even grade. The access drives and parking areas have been designed with the minimum amount of grade change

BUFFER ZONE REQUIREMENTS (Identify for each applicable zoning district): _____

N/A

WETLANDS: Is any of the proposed work located within the following distance?

- 100 ft. of any wetland, river, or stream
- 300 ft. of a river or stream
- Property abuts North River

If any of the above is checked, explain: Portion of site is jurisdictional - within 100 ft. of resource area. Order of Conditions has issued

Has a permit been applied for under M.G.L. Chapter 131, Wetlands Protection Act? Yes No

BRIEF DESCRIPTION of PROPOSED PROJECT: New construction of building and related site work for Marijuana establishment - cultivation and manufacturing.

Describe the intended use or occupancy of the building(s) Include the maximum seating capacity, number of employees, or occupants: Presently anticipate approximately 10 employees

Provide a description of the neighborhood in which project lies and the impact of the proposed development on that neighborhood. Large office buildings and a nursing home facility.

Effect of the Project on public services, such as water, schools, police, fire, waste disposal, and recreational facilities:

Town water is only necessary for bathrooms. Waste disposal is minimal and will be privately disposed of in on-site dumpsters. No impact on schools, fire or police.

UTILITIES:

Proposed Water Supply: Town Water

If Town water proposed, estimate demand (gallons/day): 550 gpd

Explain proposed water conservation measures: _____

Proposed Sewage Disposal: On Site Septic System

PARKING:

EXISTING number of Vehicles to be used for business and parked on site: N/A

Peak estimated traffic flow within site: _____ A.M. _____ P.M.

Peak estimated traffic flow on adjacent streets: _____ A.M. _____ P.M.

PROPOSED number of Vehicles to be used for business and parked on site: 26

Peak estimated traffic flow within site: 9:00 A.M. 4:00 P.M.

Peak estimated traffic flow on adjacent streets: 8:00 A.M. 5:00 P.M.

BUILDING(S) AND PARKING SUMMARY: Provide separate information for each building.

Total Lot Size (s.f. or acreage): 2.87 Acres

SITE	EXISTING	%	ADDITIONAL	%	TOTAL	%
Building 1 (number of stories)	0		1			
Business Use/Const. Type			Manjivana Establishment			
Building 1 - Height			30' ±			
Building 1 - Footprint (s.f.)			20,300			
Bldg. 1 Gross Floor Area (s.f.)			20,300			
Building 2 (number of stories)						
Business Use/Const. Type						
Building 2 - Height						
Building 2 - Footprint (s.f.)						
Bldg. 2 Gross Floor Area (s.f.)						
Building 3 (number of stories)						
Business Use/Const. Type						
Building 3 - Height						
Building 3 - Footprint (s.f.)						
Bldg. 3 Gross Floor Area (s.f.)						
Ground coverage by all blgs. and pavement (s.f./% of site)	0		Bldg: 20,300 SF Site: 58,873 SF	16.2 26.0		
Number of Parking Space(s)	0		26 required 46 provided		26	
Number of Loading Space(s)	0		0		0	

OTHER APPROVALS OR PERMITS REQUIRED (List for all federal, state and local agencies):

State CCC permit

**NORWELL BOARD OF APPEALS
PUBLIC NOTICE AUTHORIZATION**

TO: GateHouse Media, Inc.
Legal Notice Department

FROM: Norwell Board of Appeals
Attn: Roberta Mahoney
Tel: 781.659.8018

DATE: _____

Please publish the attached legal notice of the Norwell Board of Appeals scheduled public hearing in the following newspaper(s) on the date(s) indicated:

The Patriot Ledger 1. Date: _____
400 Crown Colony Drive 2. Date: _____
P.O. 699159
Quincy MA 02269-9159

Norwell Mariner 1. Date: _____
165 Enterprise Drive 2. Date: _____
Marshfield, MA 02050

NOTE TO APPLICANT: Please print the requested information below the line only, including billing address. The undersigned hereby acknowledges and authorizes GateHouse Media, Inc., to bill the advertising costs directly, as follows:

**Article E. PRE-HEARING PROCESS
Section 3. Public Notice and Notification
to Parties in Interest**

a. In accordance with provisions of G.L. c. 40A, §11, notice of a Public Hearing must be advertised by publication in *The Patriot Ledger*, *The Norwell Mariner*, or a newspaper of general circulation in the town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing, and by posting such notice in a conspicuous place in the Town Hall (by the Town Clerk) for a period of not less than fourteen days before the day of such hearing.

Rules of the Board of Appeals, adopted 06/25/14



Signature

ROBERT PROCTOR

Print billing name

75 GILSON ROAD

P.O. Box or Street Address

SCITUATE MA 02066

Town/State/Zip Code

781-545-4650

Contact Phone #



2018 00095003

Bk: 50513 Pg: 55 Page: 1 of 11
Recorded: 11/13/2018 03:36 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

A True Copy
Attest:

Lynn Davis
Asst. Town Clerk
Nov. 13, 2018



OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

345 MAIN STREET, P.O. BOX 295
NORWELL, MASSACHUSETTS 02061
(781) 659-8018 • Fax (781) 659-1892

Members
Lois S. Barbour, Chair
Philip Y. Brown, Vice Chair
David Lee Turner, Clerk

Associate Members
Thomas P. Harrison
Ralph J. Rivkind

FINDINGS AND DECISION of The Norwell Board Of Appeals

File No. 18-18

A Public Hearing (the Hearing) by the Norwell Zoning Board of Appeals (the Board) was scheduled on October 3, 2018, under Ch. 40A, Sec. 9, at the Norwell Town offices, 345 Main Street, Norwell, MA on the Application (the Application) of:

**Elevated Access Center, Inc.
175 Derby Street, Suite 12
Hingham, MA 02043**

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2018 OCT 18 AM 8:17
TOWN OF NORWELL
TOWN CLERK

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 and processing of medical marijuana, and related offices. The Property (the Property), hereinafter described, is located at and known as 400 (Lot 9) **Cordwainer Drive**, in Business District C-1, as shown on Assessors Map 11D Block 17 Lot 87 and recorded at Registry of Deeds Book 49780 Page 154.

Notice of the opening of the public hearing on October 3, 2018, was posted at the Norwell Town Hall and duly advertised in the *Norwell Mariner* on September 13, 2018, and September 20, 2018, 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

Rebecca Adams
Elevated Access Center Inc
175 Derby St Ste 12
Hingham MA 02043
Mail

At the opening of the public hearing on the evening of October 3, 2018, Jeffrey A. De Lisi, Esq., of Ohrenberger, De Lisi & Harris, LLP, representing the Applicant introduced his client, Robert Proctor, who is the sole owner of the applicant and ownership entities, Elevated Access Center, Inc. and Corse Made Good, LLC, respectively, and Paul J. Mirabito, CE, PLS of Ross Engineering Company, Inc. Attorney De Lisi made a substantive presentation to the Board that consisted of a procedural history and addressed many use and site-specific interests related to the proposal and the Application.

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 July 31, 2018 to the Board from Attorney De Lisi re Application for Public Hearing Special Permit and Site Plan Review, Lot 9, 400 Cordwainer Drive – Assessor's Map 11D Block 17 Parcel 87, Elevated Access Center, Inc. – Applicant, received and date-stamped by the Town Clerk and Board of Appeals on August 1, 2018.
4. Application for Public Hearing completed and signed by the property owner and Applicant, dated July 31, 2018 with completed Form ZBA-1A Supplemental Information.
5. Certificate of Good Standing from the Secretary of the Commonwealth of Massachusetts for the applicant entity, Elevated Access Center, Inc.
6. Deed dated May 4, 2018 and recorded with the Plymouth County Registry of Deeds at Book 49780, Page 154 demonstrating that Course Made Good, LLC is the existing owner of the property.
7. A copy of Findings and Decision of the Board (File No. 15-12) filed with the Norwell Town Clerk on March 8, 2016 and recorded with the said Registry at Book 47455, Page 144.
8. Plan set entitled "Site Plan for 400 Cordwainer Drive in Norwell, Massachusetts", dated July 30, 2018, prepared by Ross Engineering Company Inc. of 683 Main Street, Norwell, MA, signed and sealed 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 August 1, 2018:
 - 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
 - Sheet 6 Sight Distance Plan
 - Sheet 7 Construction Details Plan I
 - Sheet 8 Construction Details Plan II
 - Sheet 9 Construction Details Plan III.
9. Report and Recommendations of the Norwell Planning Board dated September 13, 2018, recommending approval of the special permit and site plan.
10. Mylar of above referenced Site Plan, revised through _____ so as to include a registry block, a Board sign-off block, and the required certifications.

*A True Copy
Attest:*

*Paul J. Mirabito
Asst. Town Clerk
Nov. 13, 2018*

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2018 OCT 18 AM 8:17

TOWN CLERK

True Copy

Attest:

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:

*Hannah Davis
Asst. Town Clerk
Nov. 13, 2018*

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. 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.
5. The proposed 1-story building has a footprint of 20,300 sq. ft.
6. The Applicant does not propose retail medical marijuana sales, and therefore the Applicant seeks approval for cultivation and processing only of medical marijuana.
7. 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.
8. 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.
9. The product will be sold as permitted by regulations of the Massachusetts Department of Public Health.
10. 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.
11. The building is proposed to be accessible seven days a week from 8:00 A.M. to 8:00 P.M.
12. The building will be owned and constructed by Course Made Good, LLC, a Massachusetts limited liability company. The applicant, Elevated Access Center, Inc. will be the holder of the RMD license issued by the Commonwealth of Massachusetts, and will operate the business on the property.
13. 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.
14. The proponent, as an RMD, is required to follow a specified State regulatory process.
15. 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.
16. In 2016 the Board issued a site plan approval and special permit to a different applicant to operate a RMD on the Property having the exact same footprint, but for a two-story building and containing a retail sales component. The proposal before the Board in 2018 is a scaled-down version of the prior permitted project; it is the exact same site and building footprint, but has one less floor than was

RECEIVED

2018 OCT 18 AM 8:17

TOWN OF NORWELL
TOWN CLERK

previously allowed and does not contain a retail sales component. The Board's peer review consultant, John C. Chessia, P.E., of Chessia Consulting Services, confirmed that there are no material deviations between the 2016 site plan and the 2018 site plan.

17. **Norwell Planning Board Recommendations:** The Norwell Planning Board voted to recommend approval of the Site Plan with the condition that the Board incorporate the conditions approval recommended by the Planning Board in 2016, and that the final plan set be revised to include a registry block, a block for Board sign-off, and the required certifications. The site plan conditions which the Planning Board recommended in 2016, and therefore incorporate by reference in this decision, are as follows:

- a) The applicant shall provide a final landscape plan developed by a landscape designer to be approved by ZBA.
- b) 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.
- c) Plans shall be tied in to the Mass Grid system.
- d) The stormwater report section pertaining to illicit discharges shall be certified by a P.E.
- e) The plans shall include a general note that states all underground precast structures shall be capable of withstanding HS-20 loading.
- f) The final roof drain system shall be designed consistent with the civil design plans.
- g) 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.
- h) A post indicator valve (PIV) shall be installed and a detail included in the plan set.
- i) A design data sheet shall be required to be submitted to the Water Department for any backflow device.
- j) Plans shall indicate that valves are to be manufactured by Mueller (see detail sheet materials list item 1.5)
- k) Prior to Land Clearing: The applicant shall provide the 21E report.
- l) 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.
- m) 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.
- n) Prior to Occupancy: A final site review of the installed lighting shall be approved by ZBA.
- o) Prior to Occupancy: A street sign for Cordwainer Drive shall be placed at the intersection of Accord Park Drive.
- p) 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.
- q) The final plan set endorsed by the Board shall include a registry block, a block for Board sign-off, and the required certifications.

- 18. **Procedure, Section 1530:** The Applicant complies with Section 1530, *Procedure*, of the NZBL, as all information required therein has been provided.
- 19. **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

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Attest:

Handwritten signature: Hani Davis
ASST. Town Clerk
Nov 13, 2018

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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).

- 20. **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 as incorporated into the Planning Board comments, 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).
- 21. **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.
- 22. **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 to the Board of Appeals, relating to sewage, refuse, and other wastes:
 - 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 Commonwealth of Massachusetts regulations concerning RMDs require employees to be trained by the state in matters such as proper waste disposal of plant material (935 CMR 500.105(2)(b)(7), compel the retention waste disposal records (935 CMR 500.105(9), and mandate the adherence to best management practices concerning waste disposal (935 CMR 500.105(12).
 - 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.
- 23. **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.

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Harriet Davis
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- (n) 3. The hours of operation shall be daily from 8:00 A.M. to 8:00 P.M., except Federal holidays.
- (n) 4. This special permit under NZBL Section 2341(n) is granted to Elevated Access Center, Inc. and is not transferable and shall remain exclusively with the Applicant, who shall exclusively operate the business 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 October 3, 2018, 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 approximately 20,300 square foot 1-story building, located on Lot 9, 400 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*.

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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, as detailed in the Board's Findings in Paragraph 17, Sections a-q inclusive, which are incorporated by reference as Special Conditions of this decision, except as further specifically modified in Special Conditions Paragraphs 5-21 below.

Handwritten signature: Hannah Davis
ASST. - Town Clerk
Nov. 13, 2018

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Handwritten signature: Hannah Davis
ASST. TOWN CLERK
Nov. 13, 2018

5. **Chessia Consulting Services (CCS) Recommendations: Prior to land clearing,** the Applicant shall provide evidence that it complies with all of CCS's recommendations contained in the September 13, 2018 memorandum to the Board of Appeals from the Planning Board.
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.
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. **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.
17. **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.
18. **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.
19. **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.
20. **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.
21. **Hazardous Materials:** Any and all hazardous materials shall be disposed of according to any and all local, state, and federal regulations.
22. **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.

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- 23. **RMD Operational Requirements:** The Applicant shall comply with operational and security requirements for registered marijuana dispensaries of 105 CMR 725, et seq. and 935 CMR 500, et seq., as may be amended from time to time or successor regulations (collectively, the "Regulations").
- 24. **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 the Regulations or any suspensions, revocation, or surrender of registration under the Regulations, as may be amended from time to time or successor regulations.

CONDITIONS APPLYING TO ALL SITE PLAN DECISIONS:

A True Copy
Attest:

Harriet Davis
Asst. Town Clerk
Nov. 13, 2018

- 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 8 of the File Inventory, as endorsed by the Board of Appeals, and detailed below, with the Registrar of Deeds and/or Recorder of the Land Court, specifically:
 - Sheet 3 Site Layout Plan.
 - Sheet 4 Site Utilities Plan.
 - Sheet 5 Drainage and Grading Plan.
- 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

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Rachel Davis
ASST. Town Clerk
Nov. 13, 2018

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.
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.

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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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Attest:

Laurie Davis
ASST. Town Clerk
Nov. 13, 2018

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Lois S. Barbour
Lois S. Barbour

Philip Y. Brown
Philip Y. Brown

Thomas P. Harrison
Thomas P. Harrison

This space reserved for
Date Stamp of Town Clerk

Date Filed with Office of the 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.

I hereby certify that notice of approval of this application for a Site Plan Review and a Special Permit submitted by Elevated Access Center, Inc. to the Norwell Zoning Board of Appeals was received and recorded at this office on October 18, 2018, and that no appeal was received during the twenty days next after such receipt and recording of said notice.

Laura A. Davis

TOWN CLERK - ASSISTANT TOWN CLERK

DATE: Nov. 13, 2018

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PLYMOUTH COUNTY REGISTRY OF DEEDS

John R. Buckley Jr., Register



OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

345 MAIN STREET, P.O. BOX 295
NORWELL, MASSACHUSETTS 02061
(781) 659-8018 • Fax (781) 659-1892

Members

Lois S. Barbour, Chair
Philip Y. Brown, Vice Chair
David Lee Turner, Clerk

Associate Members

Thomas P. Harrison
Ralph J. Rivkind

FINDINGS AND DECISION

of

The Norwell Board Of Appeals

File No. 15-12

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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

April 5, 2016

A True Copy

Attest:

*Patricia M. Anderson
Town Clerk*

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

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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

April 5, 2016

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Patricia M. Anderson
Town Clerk

- 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

April 5, 2016

of True Copy

Attest:

Pauline M. Anderson
Town Clerk

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 Plan 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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Patricia M. DeLuca
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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.

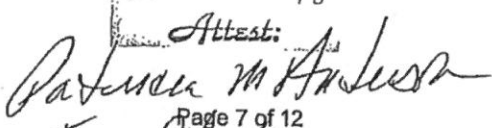
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DECISION OF THE BOARD:

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*.

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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 Paragraph 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).

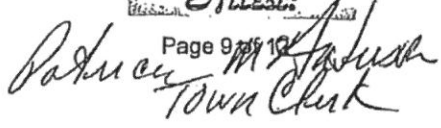
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CONDITIONS APPLYING TO ALL SITE PLAN DECISIONS:

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.

April 5, 2016
 A True Copy

Attest:


 Patricia M. Spaulding
 Town Clerk

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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April 5, 2014

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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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April 5, 2016

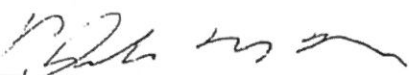
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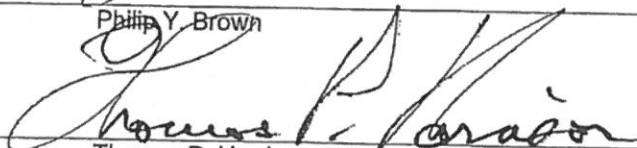
Robert M. Anderson
Town Clerk



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

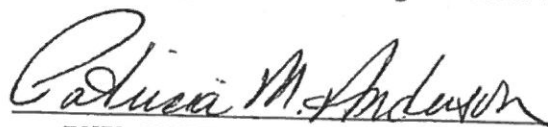
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NOTICE OF APPELLATE RIGHTS: Any decision of the Board of Appeals may be appealed pursuant to Massachusetts General Laws, Chapter 40A, Section 17, to the Land Court or Superior Court Department within twenty (20) days after filing of the written decision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

I hereby certify that notice of approval of this application for a Site Plan Review and a Special Permit submitted by Mass Medi-Spa Inc. to the Norwell Zoning Board of Appeals was received and recorded at this office on March 8, 2016, and that no appeal was received during the twenty days next after such receipt and recording of said notice.



TOWN CLERK - ASSISTANT TOWN CLERK

DATE: April 5, 2016



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Bk: 49780 Pg: 154 Page: 1 of 2
Recorded: 05/09/2018 02:46 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

CANCELLED

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 05/09/2018 02:46 PM
Ctrl# 113017 32087 Doc# 00034864
Fee: \$4,651.20 Cons: \$1,020,000.00

MASSACHUSETTS QUITCLAIM DEED

Cordwainer1 LLC, a Massachusetts limited liability company with a principal place of business at 420 North Main Street, Randolph, Massachusetts 02368,

For consideration paid and in full consideration of ONE MILLION TWENTY THOUSAND (\$1,020,000.00) DOLLARS,

grant to Course Made Good LLC, a Massachusetts limited liability company with a principal address at 75 Gilson Road, Scituate, Massachusetts 02066

with QUITCLAIM COVENANTS,

That certain parcel of land situated in Norwell, Plymouth County, Massachusetts and located off Accord Park Drive, Cordwainer Drive and Southeast Expressway as appearing as Lot 9 on a Plan entitled "Lot Layout Plan Definitive Subdivision in Norwell, Mass. At Accord Park Drive" (Page 2 of 9) dated September 4, 1985, revised October 28, 1985 by Loring H. Jacobs Co., and recorded with the Plymouth County Registry of Deeds as Plan No. 23 of 1986 in Plan Book 26, Page 731.

Said Lot 9 containing 2.87 acres of land, more or less, according to said plan.

Said premises are conveyed subject to and together with the benefit of all rights, easements, agreements, restrictions, and covenants of record, including but not limited to drainage easements for the benefit of the said premises and other lots in the subdivision, orders of conditions, zoning decisions, Town of Norwell and Commonwealth of Massachusetts permits, and other matters of record, if any, insofar as same are now in force and effect.

The grantor entity is not classified as a corporation for federal tax purposes for the current taxable year.

ADDRESS: LOT 9, 400 CORDWAINER DRIVE, NORWELL, MA 02061.

Being the same premises conveyed to Grantor by deed dated September 20, 2016, and recorded with the Plymouth County Registry of Deeds at Book 47488, Page 213.

Executed under pains and penalties of perjury this 4th day of May, 2018.

Cordwainer1 LLC

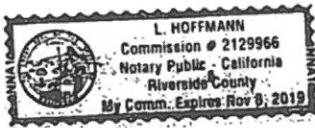


By: Hilton H. Schlosberg, Manager
Duly authorized signatory

STATE OF CALIFORNIA

County of RIVERSIDE

On this 4 day of May, 2018 before me, the undersigned notary public, personally appeared Hilton H. Schlosberg, as Manager as aforesaid, and proved to me through satisfactory evidence of identification, which was a valid drivers license, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose as his free act and deed and who swore and affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief as Manager of Cordwainer1 LLC.



(notary seal)



L. Hoffmann
exp 11-8-19