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APRIL 19, 2023

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**NORWELL PLANNING BOARD
SPECIAL PERMIT AND SITE PLAN DECISION
MEDICAL MARIJUANA TREATMENT CENTER
and/or
MARIJUANA ESTABLISHMENT
400 CORDWAINER DRIVE (LOT 9)
Assessing Map 11D, Block 17, Lot 87**

On April 19, 2023, the Planning Board voted to **GRANT** site plan and special permit approval for the application and property described below by a vote of 5 to 0. Members Cleveland, Greenberg, Sullivan, Tobin and Woodland deliberated on this decision.

On April 19, 2023, following the provision of the noticing, advertising and posting required, the Planning Board held a public hearing on the March 31, 2023 application (Application) of the following Applicant:

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

to obtain **Site Plan Review**, under Norwell Zoning Bylaw (ZBL) §201-27.1 and §201.3.4, and a **Special Permit**, under ZBL §§201-8.4.A(14) Medical Marijuana Treatment Center and §201-8.4.A(15) Marijuana Establishment Excluding Marijuana Retail, in order to **construct a one-story building** with a building footprint of approximately 20,300 sf and 46 parking spaces and lot coverage of 58,873 sf (26% lot coverage) in order to **cultivate and manufacture marijuana** at property (Property) which is currently vacant and known as 400 Cordwainer Drive (Lot 9) and is shown on Assessing Map 11D at Block 17 as Lot 87 and is located in a C-1 Zoning District and is owned by Course Made Good, LLC and the deed for which is recorded at Plymouth Registry of Deeds at Book 49780, Page 154 (Application). The plans submitted to the Planning Board with the Application are identical to the plans submitted to and approved by the ZBA for site plan review and

special permit relief to allow a Medical Marijuana cultivation facility in 2018 (Plans). The Application and Plans were duly distributed to town boards and offices for review.

At the opening of the April 19, 2023 public hearing, the Applicant made a brief presentation and explained that the Application seeks the same relief granted to the Applicant in 2018 by the ZBA and the only changes are that the Planning Board is the site plan review and special permit granting authority under ZBL §201-27 and the Applicant seeks permission to cultivate marijuana for both medical and recreational purposes (the 2018 relief was for cultivation of medical marijuana only); however, there still will be no retail at the Property.

The Planning Board reviewed the April 5, 2023 peer review report of John Chessia of Chessia Consulting Service LLC for the Application which confirmed that Plans are the same plans peer reviewed in 2018 and then approved by the ZBA) in 2018 with only the following issue:

- The plans do not have a Registry Block, for the required Planning Board sign off or the required Certifications, and the Block should be added to the Mylars for signature.

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

1. March 31, 2023 Letter from Attorney Jeff DeLisi to the Planning Board, enclosing the Application, signed by Robert Proctor as Applicant and Owner, which enclosed the Application and the Plans.
2. The Application consists of a total of 37 pages, including:
 - The ZBA's 2018 and 2015 special permit and site plan decisions.
 - The Plans (July 30, 2018 Site Plan).
3. The Plans consist of 9 sheets, prepared by Ross Engineering Company Inc. and stamped by Paul Mirabito, PLS and Gregory J. Tansey, PE with the following sheets:

- Sheet 1 Cover Sheet
- Sheet 2 Existing Conditions Plan
- 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

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4. Certified Abutters List.
5. April 5, 2023 Peer Review Report of Chessia Consulting LLC.

FINDINGS OF THE PLANNING BOARD:

Based upon all of the evidence submitted, the Planning Board finds:

1. The Property consists of one parcel.
2. The Property is shown on Assessing Map 11D, Block 17 Lot 87.
3. The Property is known as Lot 9 Cordwainer Drive and also known and numbered as 400 Cordwainer Drive.
4. The Property consists of 2.87 acres with 258.54 feet of frontage on Cordwainer Drive, a private way.
5. The Property has 2.56 acres of upland and .31 acres of wetlands.
6. The Property is located within the Business C-1 Zone.
7. The Property is vacant with no building or structure situated thereon.
8. 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.
9. The proposed 1-story building has a footprint of 20,300 sq. ft.
10. The Application does not propose any retail marijuana sales at the Property, and none will be allowed.
11. The Application seeks approval to cultivate and process marijuana and to distribute it on a wholesale basis, with no retail sales.
12. All activities shall 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.
13. The HVAC system and the building shall be designed to eliminate odors from escaping from the building.
14. For security purposes, all deliveries to and from the site shall be confined to a secure, enclosed area within the building at the Property.
15. Drivers shall not be allowed to store money or product within the vehicles, except in transit to and from a specified delivery location.
16. The product will be sold as permitted by regulations of the Massachusetts Department of Public Health but there will be no retail sales at the Property.
17. 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.

18. The building will be accessible 7 days a week from 8 am to 8 pm.
19. The building will be owned and constructed by Course Made Good, LLC, a Massachusetts limited liability company.
20. 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.
21. 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.
22. The Applicant, as the operator of an RMD, is required to and shall follow all specified State regulatory processes.
23. In 2016 the ZBA 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.
24. In 2018, the ZBA issued a site plan approval and special permit to the Applicant, a scaled-down version of the prior permitted project. It was the exact same site and building footprint but had one less floor than was previously allowed in 2016 and did not contain a retail sales component. The ZBA's peer review consultant, John C. Chessia, P.E., of Chessia Consulting Services LLC, confirmed that there were no material deviations between the 2016 site plan and the 2018 site plan.
25. The Plans before the Planning Board are the same as the plans approved by the ZBA in 2018.
26. The 2018 ZBA approvals have lapsed and the Applicant seeks to renew the approvals.
27. The Planning Board is now the site plan review and special permit granting authority under ZBL §201-27.
28. The Planning Board's peer review consultant, John Chessia, confirmed that the Plans presented to the Planning Board are the same plans submitted and approved by the ZBA in 2018.
29. The site plan conditions imposed by the ZBA in 2018 and which are now incorporated herein again under ZBL §201-27 (and ZBL §201-3.4.A-G) are as follows:
 - a) The Applicant shall provide a final landscape plan developed by a landscape designer to be approved by the Planning Board.
 - 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) The Plans shall be revised and be tied in to the Mass Grid system.
 - d) The stormwater report section pertaining to illicit discharges shall be certified by a P.E.

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- e) The Plans shall be revised to 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) The roof of the proposed building shall be designed and constructed so that it is "solar ready".
- h) The Plans shall be revised to 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.
- i) A post indicator valve (PIV) shall be installed and a detail included in the plan set.
- j) A design data sheet shall be required to be submitted to the Water Department for any backflow device.
- k) Plans shall indicate that valves are to be manufactured by Mueller (see detail sheet materials list item 1.5)
- l) Prior to Land Clearing: The Applicant shall provide the 21E report.
- m) Prior to Land Clearing: The Applicant shall provide construction phase plans to be approved by the Planning Board. Plans shall be submitted one month prior to land clearing.
- n) 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.
- o) Prior to Occupancy: A final site review of the installed lighting shall be approved by the Planning Board.
- p) Prior to Occupancy: A street sign for Cordwainer Drive shall be placed at the intersection of Accord Park Drive and state that it is a private way.
- q) This Special Permit shall be valid for a period of three (3) years from the date of the decision.
- r) The final plan set Mylars endorsed by the Planning Board shall include a registry block, a block for Board sign-off, and the required certifications.
- s) The Mylars shall be recorded at the Applicant's expense and the registry information and a digital copy of the recorded plans shall be provided to the Planning Board.
- t) Security measures required by the Norwell Police Department shall be provided during the building permit stage.

30. **Procedure:** The Applicant complies with the procedural requirements of the ZBL.

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31. **Criteria for Approval.** The Planning Board found that the proposed Project constitutes a reasonable use of the site for the purposes permitted by ZBL provisions for the district in which it is located. The Board finds the proposed uses are allowed in Business District C-1 by Special Permit under ZBL §201-8.4.A(14) and (15).
32. The Planning Board finds that the Project adequately addresses the requirements of the ZBL and the cultivation use is allowed in Business District C-1 by Special Permit under ZBL §201-8.4.A(14) and (15) .
33. The Planning Board considered, *“The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and land.”* Based upon the Plans and the prior decisions issued by the ZBA, with compliance with the condition that the Applicant shall provide signage to identify Cordwainer Drive, the Planning Board finds this requirement will, upon installation of such signage that shall also identify the roadway as a “private way”, be satisfied. Further, pedestrian movement is minimal with no sidewalks within the industrial park but would be confined to areas on-site. As further noted, sightlines are adequate based upon the sight distance plan, as reviewed by the Town’s consultant.
34. The Planning Board considered *“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.”* The Planning Board found this requirement has been satisfied and that:
 - i. The Applicant has made adequate provisions for the disposal of sewage as the Board of Health previously reviewed and approved the septic system; however, that approval has lapsed and must be renewed.
 - ii. The Planning Board noted that the stormwater drainage was reviewed in 2018 and found satisfactory and 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). This requirement shall be satisfied at all times.
 - iv. The Plans show 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 Planning Board finds such handling to be comprehensive and reasonable.

35. Grant of Uses Allowed by Special Permit in Business District C, to allow a Medical Marijuana Treatment Center and/or Marijuana Establishment, with no retail use:

1. The facility is located in Business District C-1 and is allowed by special permit of the Planning Board.
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.
3. The hours of operation shall be daily from 8:00 A.M. to 8:00 P.M., except Federal holidays.
This Special Permit 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.
This Special Permit shall automatically terminate on the date the Applicant alienates that title or leasehold interest in the premises unless a new special permit has been issued to the new operator.

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DECISION OF THE PLANNING BOARD:

On April 19, 2019, based upon the Application and all materials and testimony during the public hearing, and on the Planning Board's findings above, upon a motion duly made and seconded, the Board **VOTED** to grant the following:

1. **Site Plan Approval**, under ZBL §201-27.1 (and ZBL §201-3.4A-G), to construct 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 and/or Marijuana Establishment for the cultivation and wholesale distribution of marijuana, but with no retail sales at the Property, under ZBL §§201-8.4.A(14) and (15).
3. The above vote and relief granted are subject to the following *Special Conditions and Conditions Applying to All Decisions*.

SPECIAL CONDITIONS:

1. **Findings.** All of the Findings made above shall remain in place as an express condition of approval.
2. **Occupancy Permit:** The Property shall be developed in accordance with the Plans as approved and the Mylars as endorsed by the Planning Board with all subsequent revisions to be reviewed and approved by the Town's peer-review consultant. The details and requirements in the endorsed Mylars shall be observed and implemented.

The Inspector of Buildings shall issue a Certificate of Occupancy only after the Applicant has met 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.

3. **Endorsed Plans:** A copy of the complete set of the Plans in Mylar form, endorsed by the Board for compliance identification, shall be filed with the Town Clerk with this Decision or within fifteen (15) days thereafter.
4. **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 Planning Board, Modification of this Decision in compliance with the Open Meeting Law and public hearing process, as detailed in the Board's Rules and Regulations.
5. **Prior to land clearing:** The Applicant shall provide evidence to the Planning Board that the Project complies with all conditions of approval and with all recommendations of Chessia Consulting Services LLC contained in its September 13, 2018 memorandum.

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.

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 Mylars, 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.

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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 Mylars, 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 and the solar connection has been added.
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) has been 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 the requirements of the Norwell Zoning Bylaw and are subject to permitting by the Building Inspector with any required approval of the Planning Board.
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 Planning Board at the time such documentation has been delivered.

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 Planning Board 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:

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 Planning Board for its files and provide a digital copy of the recorded decision to the Planning Board. 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 86 of the File Inventory, as endorsed by the Planning 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 Planning Board 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 Planning Board within three years 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 shall exercise any Special Permit granted herein within three years of the date this Decision is filed with the Office of the Town Clerk, or it shall lapse.

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- a. The Special Permit for the proposed uses as a registered marijuana dispensary (RMD) shall remain exclusively with the Applicant, which shall be the owner or lessee of the Property. The Special Permit shall terminate automatically on the date the Applicant alienates that title or leasehold interest in the Property.
- b. Further, this Special Permit 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 may be renewed for one year, provided a written request for renewal is filed with the Planning Board 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.
 - iii. The expiring Special Permit shall remain in effect until the conclusion of any required public hearing and decision to either grant or deny the Special permit renewal. In granting the Special Permit renewal, the Planning Board 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 Planning Board 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 Planning Board 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 Planning Board (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 Buildings 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 shall be subject to the Planning Board's construction monitoring and escrow requirements.
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 Planning 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 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 Planning Board 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 the ZBL. 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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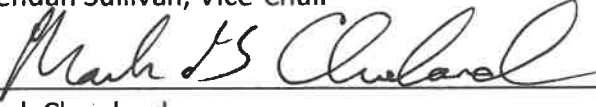
Voted by the Planning Board by a vote of 5 to 0, on April 19, 2023.



Brian M. Greenberg, Chairman



Brendan Sullivan, Vice-Chair



Mark Cleveland



Michael Tobin



Tripp Woodland

Date Filed with Office of the Town Clerk

*This space reserved for
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NOTICE OF APPELLATE RIGHTS: This decision may be appealed as provided for by state law under GL 40A, §17 within 20 days after the 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.