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TOWN CLERK  
TOWN OF SALISBURY  
2021 APR -6 A 10: 26

**Planning Board:**  
**Don Egan**, *Chairperson*  
**John "Marty" Doggett**,  
*Vice Chairperson*  
**Gil Medeiros**, *Clerk*  
**Lou Masiello**  
**Deborah Rider**  
*John Schillizzi*, *Alternate*

**Planning Board**  
Town of Salisbury  
5 Beach Road  
Salisbury, MA 01952

## **SPECIAL PERMIT APPROVAL**

April 5, 2021

Town Clerk  
Town of Salisbury  
Salisbury, MA 01952

**RE: Special Permit Approval**

Owner: **Christopher Edwards**  
Address of Owner: **24R Pleasant Street, Unit 2  
Newburyport, MA 01950**

Applicant: **Coastal Infusions, LLC**  
Address of Applicant: **24R Pleasant Street, Unit 2, Newburyport. MA. 01950**  
Address of Project: **10 Fanaras Drive, Salisbury, MA 01952  
Map 18, Lot 211**

Deed Book & Page: **Southern Essex District Registry of Deeds Book 26749, Page 62**  
Zoning District: **Light Industrial and Recreational Marijuana Overlay District (RMOD)**

*To the Town Clerk:*

*This is to certify, at a duly noticed public hearing of the Salisbury Planning Board, in regard to a Site Plan Review, which opened on January 27, 2021, and continued to February 10, February 24, March 10, March 24, then closed on March 24, 2021, by a motion duly made and seconded, it was voted:*

*"We, the Salisbury Planning Board, as requested by Coastal Infusions, LLC, under the provisions of General Laws Chapter 40A and the Recreational Marijuana Overlay District Bylaw and Article XVIII*

of the Zoning By-Laws of the Town of Salisbury, considered a Special Permit with Minor Site Plan approval upon the contemplated Recreational Marijuana Cultivation and Product Manufacturing Facility with parking for property addressed at 10 Fanaras Drive (Assessors Map 18, Lot 211) as shown on plans ("The Plans") entitled:

*Plan of Land in Salisbury, MA at 10 Fanaras Drive [Map 18, Lot 211] dated November 23, 2020, revised thru 02/08/2021, prepared for Christopher Edwards, 24R Pleasant Street, Unit 2, Newburyport, MA 01950, by Millennium Engineering, Inc., 62 Elm Street, Salisbury, MA 01952 consisting of three (3) sheets;*

*Site Lighting Layout at 10 Fanaras Drive, dated 01/13/2021, prepared by Heidi G. Connors, Visible Light, Inc., 24 Stickney Terrace, Ste. 6, Hampton, NH 03842; and*

*Landscape Plan prepared for Christopher Edwards, 24R Pleasant Street, Unit 2, Newburyport, MA 01950, dated 01/06/2021, rev thru 03/04/2021, prepared by KDTurner Design Landscape Architecture, 27 High Street, Newburyport, MA 01950.*

*Existing Site Plan for Coastal Infusions, located at 10 Fanaras Drive in Salisbury, MA, dated February 2021, prepared by Ebbrell Architecture + Design, Boxford, MA 01921.*

**do hereby vote:**

On a **Motion** by Planning Board Clerk Gil Medeiros, to grant the request by Applicant to withdraw the petition for marijuana cultivation as submitted, without prejudice, for property located at 10 Fanaras Drive (Assessors Map 18, Lot 200).

Planning Board Vice chair, Jon "Marty" Doggett, **seconded.**

**Vote Passed: 5-0**

**Don Egan, Chairperson – Yes**

**John "Marty" Doggett, Vice Chairperson – Yes**

**Gil Medeiros, Clerk – Yes**

**Louis Masiello, Board member – Yes**

**Deborah Rider, Board member – Yes**

On a **Motion** by Planning Board member Louis Masiello, to approve the application for Special Permit, for property located at 10 Fanaras Drive (Assessors Map 18, Lot 200), as represented on plans, for a Recreational Marijuana Product Manufacturing Facility, with the following conditions:

1. Prior to the issuance of a Certificate of Occupancy, an Air Leakage Test shall be conducted under Peer Review on behalf of the Town of Salisbury. This test shall coincide with the day of anticipated highest odor days.

Planning Board Clerk, Gill Medeiros, **seconded.**

**Vote Passed: 5-0**

Don Egan, Chairperson – Yes  
John “Marty” Doggett, Vice Chairperson – Yes  
Gil Medeiros, Clerk – Yes  
Louis Masiello, Board member – Yes  
Deborah Rider, Board member – Yes

## **SPECIAL PERMIT APPROVAL**

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To grant a special permit and to approve the proposed special permit pursuant to the Recreational Marijuana Overlay District and Article XVIII of the Zoning By-Laws of the Town of Salisbury, Clerk Gil Medeiros motioned to close the public hearing for the property located at 10 Fanaras Drive (Assessors Map 18 Lot 211); Board member Louis Masiello seconded. Motion carried unanimously five (5)- zero (0).

1. The Planning Board has determined that the application satisfies all the special permit conditions enumerated in §300-35 of the Zoning By-Laws of the Town of Salisbury. Specifically, the Planning Board found:
  - a. The requested use was listed in the “Recreational Marijuana Overlay District” of the Zoning By-Laws of the Town of Salisbury as requiring a special permit from the Planning Board.
  - b. The requested use was determined to be desirable to the public convenience and welfare.
  - c. The requested use demonstrated that it will not create undue traffic congestion or unduly impair pedestrian safety.
  - d. The requested use demonstrated that it will not overload any public water, drainage, or sewer system, or any other municipal system, to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.
  - e. The special regulations found in the “Recreational Marijuana Overlay District” of the Zoning By-Laws of the Town of Salisbury were fulfilled.
  - f. The requested use demonstrated that it will not impair the integrity or character of the district or adjoining districts, nor is the requested use detrimental to the health or welfare of the neighborhood.
  - g. The requested use demonstrated that it will not, by its addition to the neighborhood, cause an excess of that particular use that is detrimental to the character of the neighborhood.

## I. MATERIALS

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**Hereinbelow but not limited to are the materials submitted to the Planning Board during the public hearing:**

1. Plan of Land in Salisbury, MA at 10 Fanaras Drive [Map 18, Lot 211] dated November 23, 2020, revised thru 02/08/2021, prepared for Christopher Edwards, 24R Pleasant Street, Unit 2, Newburyport, MA 01950, by Millennium Engineering, Inc., 62 Elm Street, Salisbury, MA 01952 consisting of three (3) sheets:
  - Existing Conditions Sheet: C-1
  - Proposed Conditions Sheet: C-2
  - Proposed Fire Truck Template Sheet: F-1
  - Site Lighting: E-1
  - Landscape Plan: L-1 [rev thru 03/04/2021];
2. Photos of Exterior;
3. Landscape Plan Overlay [Google Earth] received March 19, 2021;
4. Lighting Tear Sheet (ARC2 LED);
5. Special Permit Application, Received by Town Clerk January 6, 2021;
6. Site Plan Application, Received by Town Clerk January 6, 2021;
7. Narrative Dated January 5, 2021;
8. Interior Floor Plan;
9. Revised Interior Floor Plan: Existing Site Plan for Coastal Infusions, located at 10 Fanaras Drive in Salisbury, MA, dated February 2021, prepared by Ebbrell Architecture + Design, Boxford, MA 01921;
10. Certified Abutters List prepared by Assessor 12/22/2020;
11. Tax and Betterment Certification acknowledged by Treasure 12/07/2020;
12. Response to Staff Review Comments by Millennium Engineering, Inc., dated January 11, 2021;
13. Staff Preliminary Review Comments dated December 18, 2020;
14. Site Visit Memo from Staff dated 03/01/2021;
15. Peer Review by Salisbury's Consulting Engineer, Joseph Serwatka, P.E. dated January 24, February 15, and March 24, 2021;
16. Response comments by Millennium Engineering, Inc., dated February 8, 2021, March 18, and March 22, 2021;
17. Response Comments from Assessors, email dated 12/16/2020;
18. Response Comments from Building Inspector, email dated 02/22/2021;
19. Review Comments from Conservation Agent, email dated December 9, 2020 and February 22, 2021;
20. Review Comments from Director of Public Health, email dated 02/22/2021;
21. Review Comments from DPW, dated August 10, 2017 [sic] received 12/21/2020] received 12/21/2020, 02/22/2021, 03/24/2021;
22. Response dated 03/22/2021 from Applicant's engineer to DPW comments;
23. Approval of Security Plan by Chief of Police dated 02/17/2021;

24. Abutter Comments [Linda Lane and Andover Healthcare];
25. Request dated 02/05/2021, by Applicant's Agent, Attorney Arthur Broadhurst, to amend application;
26. Letter stating outstanding items from Planning Board to Applicant dated 02/25/2021;
27. Email response by Applicant to letter from Planning Board dated 03/18/2021;
28. Description of FOGCO odor control system provided by Applicant (includes email exchange with John Chapman dated 02/16/2021, Dust Odor Control System Design form, example of Cannabusters Odour Removal Efficiency Test Results, dated May 11, 2020, Cannabusters Safety Data Sheet, graphic picturing filtration system); and
29. Lifespring Microclimates Inspection and Maintenance Agreement Proposal dated 03/05/2021.

## II. FINDINGS

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1. The site plan contains a design that has provided the foundation for Planning Board to determine that the requirements, standards and guidelines of the Salisbury Planning Board Rules and Regulations and the general requirements and design and performance standards of Article XXIII of the Zoning By-Laws of the Town of Salisbury have been completed in a satisfactory manner.
2. Currently 10 Fanaras Drive (Assessors Map 18 Lot 211), the proposed site, is a 5.16-acre parcel that is located on the south east side of Fanaras Drive in the Light Industrial zoning district and Recreational Marijuana Overlay District (RMOD).
3. The application proposes is to convert an existing 30,100 +/-SF warehouse constructed during 1986 within the 200-foot outer riparian setback to operate a Recreational Marijuana Product Manufacturing facility. The Applicant requested to remove "cultivation of marijuana" from the petition. The Planning Board voted five (5) to zero (0) to grant the request by Applicant to withdraw that portion of the application, without prejudice.
4. The site is served by municipal water and sewer. A 20 - foot drainage easement is shown on plans.
5. Use of Roof-Top Solar Power Generation: The Applicant states the structure is equipped with a 175 kW, 600-panel array of photovoltaic solar panels that are in good working order.
6. The building's exterior wiring is supplied by an underground feed originating from the pole of Fanaras Drive. The Applicant states are no wires strung above the facility or its roadways.
7. Proposed exterior lighting shall be Dark Sky Compliant and noted on plans. Fixtures shall be mounted on the exterior of the building.
8. No exterior signage is proposed identifying the business.

9. There are 43 existing parking spaces; the use requires 12 spaces to measure ten feet by twenty feet which includes to ADA compliant spaces. Bike racks are shown on the plan. All parking spaces on the site plan must be newly painted and maintained.
10. It was determined during the public hearing that the Applicant/Owner shall provide an Operation and Maintenance Plan for stormwater maintenance from his project engineer for the Planning Department files; furthermore, should the Applicant/Owner in the future tear up existing pavement, or repave, then a stormwater mitigation plan with drainage improvements shall be performed.
11. The application's site plan demonstrates that it will be able to reduce traffic congestion and accommodate employee parking and delivery service by providing both pavement markings and signage to direct traffic flow.
12. The application demonstrates that it will not impair the integrity of the land nor the land and or abutting properties.
13. Pursuant to §300-156.6(b) of the Zoning By-Laws of the Town of Salisbury, all Town Departments and Boards received the application and had the opportunity to submit their written comments and recommendations regarding this Special Permit application and site plan to the Planning Board for their consideration.

### III. SPECIAL PERMIT CONDITIONS

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**The following Conditions shall be required at the Applicant's sole expense, unless otherwise noted:**

14. This approval shall apply to any successor in interest or successor in control of the property subject to this approval and to any contractor or other person performing work.
15. Subject to MGL Ch. 40A, §1, ¶7, this approval is not final until all administrative appeal periods from this approval have elapsed, or if such an appeal has been taken, until all proceedings have been completed.
16. After the administrative appeal period, this decision shall be recorded in the Southern Essex District Registry of Deeds before the pre-construction meeting. The applicant shall submit proof of recording, noting deed book and page number, to the Planning Department for their files.
17. The work shall conform to the plans and conditions referenced in this approval.
18. The business will operate seven (7) days per week between the hours of 8:00 AM to 8:00 PM and employ ten (10) people.

19. The Town Engineer consultant will inspect the site throughout construction at the expense of the applicant. The applicant shall coordinate all work with the engineer for scheduled inspections. Failure of the applicant to provide a Construction Sequencing Plan could result in extra site visits, all such visits will fall on the contractor.
20. All utilities on the site will be underground. If the plan is amended to install above-ground utilities, the Applicant/Owner must submit a modification request to the Planning Board.
21. All signs will conform with Chapter 214, Signs, of the Town of Salisbury General Bylaws.
22. All lighting must meet dark-sky compliance standards – shielded directed downward to avoid light trespass. Shielding shall be installed and be subject to the approval prior to issuance of a Certificate of Compliance. If future lighting is installed on the site, this lighting will also comply with this standard.
23. All parking spaces depicted on the site plan must be newly painted and maintained.
24. Should the applicant/owner change the surface pavement, the applicant will come back before the Planning Board for approval **prior** to making changes.
25. The Applicant shall provide to the Building Inspector and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
26. The Special Permit is limited to the duration of the applicant's ownership or lease and use of the premises as a Marijuana Product Manufacturing Facility. The Special Permit may be transferred only with the approval of the Planning Board in the form of an amendment to the Special Permit.
27. The applicant shall submit an Operational and Maintenance Plan that includes operation and maintenance of the odor mitigation systems. These plans must be submitted to the planning department electronically along with one hard copy before the Building Permit is issued.
28. The DPW Director will review and comment on the attached Site Plan Review/Special Permit application. The applicant will work with the DPW Director to resolve her concerns.
29. The permit holder is required to permit inspections of the facility by the Building Inspector, Health Agent, the Planning Board, or their designated agents in the event of odor complaints precipitating the request.
30. If the Town of Salisbury Building Inspector, Health Agent or Planning Board deem additional inspections by independent consultants necessary, such inspections and associated reports shall be at the expense of the permit holder.

31. Processing of marijuana and marijuana products shall be confined entirely to and shall occur solely within the Facility. The Facility shall be designed and ventilated so that odor from the marijuana and the processing thereof is not detectable by a person with an unimpaired and otherwise normal sense of smell at any adjoining property boundary or beyond.
32. The applicant shall be required at all times to fully comply with 935 CMR 500.120(11), i.e. the applicable subsection of the Cannabis Control Commission's regulations governing the Adult Use of Marijuana, relative to and concerning air pollution control and, specifically, the prevention of odor from marijuana and marijuana processing.
33. The applicant shall not allow the facility to emit offensive, odorous, emissions that violate Salisbury Board of Health Regulations Section 5 5.001 adopted pursuant to MGL Chapter 111, Section 31C, including but not limited to those specified for odors. The applicant's approved plan to mitigate the possibility of offensive emissions specifies the use of negative pressure, filtration and subtractive odor control, each in conjunction with the others. As approved, this consists of a tight building envelope, local source capture, particulate filtration, charcoal filtration, FOGCO deodorized exhaust, up-blast exhaust fans, and a negative pressure system configured as detailed on the approved plan. Any change to this mitigation plan is subject to the receipt of an approved special permit modification from the Planning Board.
34. Within 30 days of the commencement of operations, the applicant shall provide the Planning Department with a schedule detailing the processing schedule. The schedule shall indicate each stage of the process and the level of cannabis odors generally associated with each step of the growing and processing cycle. The schedule shall show specific dates and times to facilitate correlation with any reports of cannabis odors or to coordinate inspections.
35. Prior to the issuance of a Certificate of Occupancy, an Air Leakage Test shall be conducted under Peer Review on behalf of the Town of Salisbury. This test shall coincide with the day of anticipated highest odor days. The Town's consulting engineer shall provide an independent assessment for the Town of Salisbury which includes assessment and an independent air quality report identifying the location of any potential odorous emissions from marijuana cultivation or processing which could be discharged to the ambient air. This report shall include a recommended action plan to remediate potential odorous emissions from marijuana cultivation or processing outside of the facility. This report shall be provided to the Planning Department prior to the issuance of a Certificate of Occupancy. The Applicant shall have 30 days to remediate any odorous emissions identified. Failure to comply with this condition shall be considered a violation of this approval and subject the Applicant/Owner to the revocation of this permit. The cost of these studies shall be paid by the Applicant/Owner.
36. The Applicant shall provide an independent assessment three months after the issuance of the Certificate of Occupancy for the facility. The assessment shall include an independent air quality report identifying the location of any potential odorous emissions from marijuana cultivation or processing which could be discharged to the ambient air. This report shall include a recommended action plan to remediate potential odorous emissions from marijuana cultivation or processing



outside of the facility. This report shall be provided to the Planning Department within three months from the date of Certificate of Occupancy. The Applicant shall have 30 days to remediate any odorous emissions identified. Failure to comply with this condition shall be a considered a violation of this Special Permit and subject the applicant to the revocation of this permit.

37. The site shall not create a nuisance to abutters or to the surrounding area; generate outside discernible odors from the processing of marijuana and marijuana products as above- described; create any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, obnoxious dust, vapors, offensive noise or vibration, flashes, glares, objectionable effluent, or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.
38. Violation of any of the conditions enumerated in this special permit will be considered grounds for revocation of this permit. The Planning board shall hold a duly noticed public hearing within 90 days of receipt of any reports of violations to consider said action.
39. Prior to the issuance of an occupancy permit, the Applicant must submit to the Planning Board documentation that shows the Cannabis Control Commission issuing a provisional license to Applicant to operate a Recreational Marijuana Cultivation and Production Manufacturing Facility.
40. The Special Permit shall lapse upon the expiration or termination of the applicant's license by the Cannabis Control Commission.
41. The Applicant shall notify the Zoning Enforcement Officer and Planning Board in writing within 48 hours of the cessation of operation of the Recreational Marijuana Establishment's expiration or termination of the permit holder's license with the Cannabis Control Commission
42. The Applicant shall file a copy of any summary cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by Cannabis Control Commission or the Division of Administrative Law Appeals, as applicable, regarding the Recreational Marijuana Establishment with the Zoning Enforcement Officer and Planning Board within 48 hours of receipt by the Recreational Marijuana Establishment.

#### IV.

### PRIOR TO ANY SITE WORK

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43. The Applicant shall coordinate with the Planning Department a pre-construction meeting with the Town staff prior to the start of any construction to review these conditions and any final construction sequencing, details, and plans for this Project. Commencement of construction includes any site clearing or grading. The limit of work line for the particular area or phase being developed shall be demarcated at this time through the placement of temporary [snow] fence material and erosion control barriers. Periodic status reports (agreed upon at said pre-construction

meeting) shall be submitted to the Town outlining the general status of the construction and major milestones completed.

44. The Applicant shall provide an updated Construction Sequencing Plan, subject to the approval of the Town Engineering Consultant or designee.
45. The Applicant shall meet with the Town of Salisbury Department of Public Works to ensure compliance with any requirements, including bonding and the assessor to discuss future sewer betterment.

## **V.**

### **PRIOR TO THE ISSUANCE OF A BUILDING PERMIT**

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46. No building permit shall be issued until all required bonds are posted, finalized plans are submitted to the Planning Department and a pre-construction meeting has occurred.
47. All other requirements and permits shall be sought and received, including, but not limited to, utility connections. The Applicant shall bear the burden of ensuring all federal, state and local permitting has been sought and received. The "Applicant" refers to the person or entity holding the fee interest to the title to the site from time to time, which can include but is not limited to the Applicant, Developer and Owner.
48. The Applicant shall provide to the Planning Board the name, address and telephone number of the person immediately responsible for supervision of all work and maintaining compliance with the approval. This person shall serve as project manager until a Certificate of Completion is issued, or until another project manager is designated. Should the project manager change during the course of the project, the Planning Board shall be notified as soon as practical of this change.
49. The applicant shall inform all contractors and subcontractors of the conditions and provisions of this approval. This approval shall be included in all construction contracts and subcontracts dealing with the work.
50. The Applicant shall coordinate with the DPW Director all Town and public easements for water, drainage and sewer, if applicable.

## **VI.**

### **DURING CONSTRUCTION**

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51. The Hours of Construction Operations shall be adhered to and said hours shall be posted in a conspicuous place at the entrance prior to any work on the site.

**Hours of Construction Operations:**

**Construction activity shall not take place on-site or in any building contained therein  
except during the following hours:**

**Mondays through Fridays: 7:00 AM to 5:00 PM**

**Saturdays: 8:00 AM to 5:00 PM**

**Sundays and Legal Holidays: NONE**

52. Town staff or their designee shall have reasonable access to inspect the site to determine compliance with this Decision. All water, sewer and drainage facilities shall be subject to inspection by the Town, and all water and sewer facilities shall be constructed in accordance with Town specifications.
53. Construction activities shall be conducted in a workmanlike manner at all times. Blowing dust or debris shall be controlled by the Applicant through stabilization, wetting down, and proper storage and disposal methods.
54. Erosion and sedimentation control measures presented in the plan shall be adequate to retain all sediment within the site and away from wetlands, constructed wetlands, watercourses, and water bodies, both during and after construction.

**VII.**

**PRIOR TO THE ISSUANCE OF  
ANY CERTIFICATE OF OCCUPANCY**

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55. The Applicant shall schedule a meeting with the Building Inspector and Town Planner at least 30 days before the request for a Certificate of Occupancy to review compliance with this Decision.
56. The Applicant shall apply for a Certificate of Completion, per §300-112.H of the Zoning By-Laws of the Town of Salisbury.
57. Upon completion of the work described herein, the applicant shall submit a Request for a Certificate of Completion to the Planning Board, with As-Built Plan, upon which time the Inspector for the Planning Board has 10 days to inspect the project. This must be done and the Certificate of Completion must be granted in order to receive a Certificate of Occupancy.

## VIII. AFTER OCCUPANCY

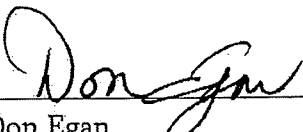
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58. The Applicant or future owner shall have the responsibility of keeping in compliance with this Special Permit as well as maintaining or replacing the access to Fanaras Drive, parking areas, utilities, landscaping, stormwater system and appearances, signage and lighting as indicated in the plans in addition to all items in the Operation and Maintenance Plan.

## IX. MODIFICATION OF SPECIAL PERMIT

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59. In the event that the Applicant intends to modify the approved special permit, the Applicant must submit to the Planning Board in accordance with MGL Chapter 40A, Sec. 11, Town of Salisbury Zoning Ordinance, and the Town of Salisbury Planning Board Rules and Regulations.

  
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Don Egan,  
Salisbury Planning Board Chairperson

Date: 4/5/21

### APPEAL NOTICE

Appeals of this decision shall be made in accordance with the M.G.L. Ch. 40A, §17 and shall be filed within twenty (20) days of the date of filing of this decision in the Office of the Salisbury Town Clerk.

By law, this decision shall not take effect until a copy of such notice has been certified by the Town Clerk that twenty (20) days has elapsed since the decision was filed and no appeal has been filed.

The Petitioner shall present and record the certified decision at the Essex Registry of Deeds in Salem MA. The cost of the recording shall be borne by the Petitioner. A registered copy must then be presented to the Building Inspector in order to apply for an appropriate permit.

This Decision will lapse if Substantial use of the Petitioned Relief is not made within two (2) years for a Special Permit, and the work authorized hereunder must have active development or at least substantial progress toward implementation of the approved Site Plan occurring within five years, or the approval becomes void. This approval may be extended by the issuing authority for an additional two-year period if, in the opinion of the issuing authority, there is just cause to approve an extension.

Cc: Applicant  
Police Department  
DPW Director  
Town Clerk

Fire Department  
Building Inspector  
Assessor