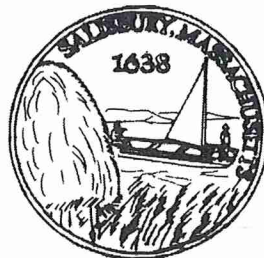


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**Salisbury Planning Board:**

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

## **SPECIAL PERMIT APPROVAL**

March 18, 2022

Town Clerk  
Town of Salisbury  
Salisbury, MA 01952

**RE: Special Permit Approval**

Owner: **191 Lafayette Road LLC**  
Address of Owner: **1 Shandel Drive, Newburyport. MA. 01950**

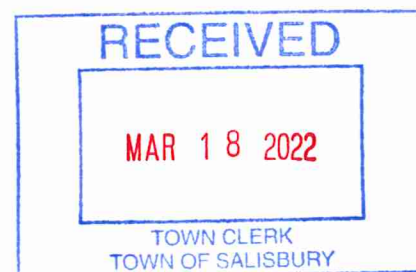
Applicant: **191 Lafayette Road LLC**  
Address of Applicant: **1 Shandel Drive, Newburyport. MA. 01950**  
Address of Project: **191 Lafayette Road, Salisbury, MA 01952**

*To the Town Clerk:*

*This is to certify, at a duly noticed public hearing of the Salisbury Planning Board in regards to a special permit, opening on January 26, 2022, continued to February 9, 2022 and continued to and closed on February 23, 2022, by a motion duly made and seconded, it was voted:*

"We, the Salisbury Planning Board, as requested by **191 Lafayette Road 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, to consider a special permit for the contemplated Recreational Marijuana Retail Facility and brewery with accompanying parking and other appurtenances for property addressed at **191 Lafayette Road (Assessors Map 19, Lot 4)** both uses are being allowed by Special Permit as shown on plans ("The Plans") entitled:

"Plan of Land in Salisbury, MA, Showing Proposed Site Improvements at 191 Lafayette Road (Map 19 - Lot 4)"; prepared for **191 Lafayette Road LLC** and stamped by Millennium Engineering, Inc. and dated **October 20, 2021**, do hereby vote:



# **I. SPECIAL PERMIT APPROVAL**

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**To grant a special permit and to approve the proposed site plan pursuant to the Recreational Marijuana Overlay District and Article XVIII of the Zoning By-Laws of the Town of Salisbury:**

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 recreational marijuana retail facility 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 and the brewery use requires a special permit as well in the LM-B District per the Table of Use Regulations.
  - b. The requested uses were determined to be desirable to the public convenience and welfare.
  - c. The requested uses demonstrated that they will not create undue traffic congestion or unduly impair pedestrian safety.
  - d. The requested uses demonstrated that they will not overload any public water, drainage, or sewer system or any other municipal system to such an extent that the requested uses 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, as regards the recreational marijuana retail facility.
  - f. The requested uses demonstrated that they will not impair the integrity or character of the district or adjoining districts, nor are the requested uses detrimental to the health or welfare of the neighborhood.
  - g. The requested uses demonstrated that they will not, by their addition to the neighborhood, cause an excess of those particular uses that is detrimental to the character of the neighborhood.

**Gil Medeiros motioned** to close the public hearing for the property located at 191 Lafayette Road (Assessors Map 19 Lot 4).

**Deborah Rider seconded**

**Vote Passed: 5-0**

- Don Egan – YES
- Lou Masiello – YES
- Deborah Rider – YES
- Gil Medeiros - YES
- John “Marty” Doggett – YES

**Lou Masiello motioned** to approve the special permit applications for property located at 191 Lafayette Road (Assessors Map 19 Lot 4) as shown on the above-referenced plans that requests approval for a Recreational Marijuana Retail Facility and brewery with the same Standard and Special Standards as Site Plan Review.

**Gil Medeiros seconded**

Vote on Special Permit:

**John “Marty” Doggett, Chair, - YES**

**Deborah Rider Vice Chair., - YES**

**Lou Masiello, - YES**

**Gil Medeiros, - YES**

**Don Egan, - YES**

### III. MATERIALS

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

- Application:
  - Site Plan Review received and stamped by Town Clerk on 1/7/22
  - Special Permit received and stamped by Town Clerk on 1/7/22
  - Traffic Report dated 10/21/21
  - Supporting material and plans booklet dated 11/15/21
  - Stormwater Report dated 10/20/21
- Plans received:

- Plans Received and Dated 1/27/22 = C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-8, E-1, F-1
- Plans Received 1/27/22 and dated 1/14/22 = L-0
- Plans Received 2/2/22 and dated 2/1/22 = L-0
- Landscape Perspectives Received 2/6/22
- Landscape Perspectives Received 2/7/22
- Peer Review Comments
  - Comments from the Town Engineer dated 12/7/21
  - Comments from the Town Engineer dated 2/7/22
  - Comments from Millennium Engineering dated 2/15/22
  - Comments from the Building Inspector dated 2/15/22
- Planning Board Meeting Agendas
  - 1/26/22 – Public hearing opened
  - 2/09/22 – Public hearing continued to 2/23/22
  - 2/23/22 – Public hearing closed
- Additional Material
  - Email from abutter at 188 Lafayette dated 1/26/22

## IV 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 191 Lafayette Road (Assessors Map 19 Lot 4), the proposed site, is a 64,715 SF lot that is located on the west side of Lafayette Road in the Lafayette-Main Commercial District Subdistrict B as well as the Recreational Marijuana Overlay District.
3. 191 Lafayette Road's natural features is comprised of upland vegetation.
4. The applicant proposes to construct an approximately 4,588sf recreational marijuana retail facility and an approximately 6,166sf brewery together with accompanying parking and other appurtenances.
5. 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.
6. The application demonstrates that it will not impair the integrity of the land or abutting properties.

7. The Planning Board has been advised through town staff that the utilities with the addition of the Lafayette Sewer Project will be adequate to serve the project. If the applicant intends to open prior to having access to the sewer, the applicant with work with the Board of Health to meet the Title 5 requirement.
8. 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.

## V. SPECIAL PERMIT CONDITIONS

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

1. 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.
2. Subject to G.L c. 40A, §17, 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.
3. After the administrative appeal period, this decision shall be recorded in the registry of deeds before the pre-construction meeting.
4. The work shall conform to the plans and conditions referenced in this approval.
5. The applicant will provide copies required recorded easements between 187 Lafayette and 191 Lafayette Road to ensure traffic patterns on approved plans prior to occupancy.
6. If the applicant intends to remove any trees other than what is shown on the site plan, they will provide the planning department with a written plan which demonstrates that the maximum number of trees on the site will be preserved. Only trees that are dying, damaged or in the work area will be permitted to be removed. The plan must be accepted by the Planning Department prior to any work being performed. The applicant is encouraged to work with the planning department in the development of said plan.
7. The applicant has acquired the parcel known as Map 19 Lot 187 No trees shall be removed from the parcel known from this parcel unless determined to be a hazard by the Town of Salisbury. This will remain as a landscape buffer between the applicant and the abutters. The landscape plan dated 9-7-21, as revised through 2-6-22, will be constructed as approved. The landscaping will be bonded to ensure growth and viability. The bond will be released after plants have lived through two growing seasons.

8. Bollards will be installed in front of handicap parking area. All parking space bollards must be securely fastened into the pavement so as to prevent them from dislodging from their designated locations.
9. Hours of operation for the recreational marijuana retail establishment shall be between the hours of 8:30 am to 10 pm. Hours of operation for the brewery will be between the hours of 10 am to 10 pm. However, a certain limited staffing and operations may occur after hours.
10. 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.
11. All utilities on the site will be underground. If the plan is amended to install above-ground utilities, the applicant must submit a modification request to the Planning Board.
12. All signs will conform with Chapter 214, Signs, of the Town of Salisbury General Bylaws.
13. The applicant will conform with the Town of Salisbury General Bylaw, Peace and Good Order 170—4 Excessive and Obtrusive noise.
14. The Applicant has proposed and will construct a sound barrier wall along the northwesterly boundary of the outdoor seating area adjacent to the brewery. The sound barrier wall will be designed by the Applicant's qualified acoustical consultant to minimize the impact of patron noise on nearby residences.
15. 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 will also comply with this standard.
16. All parking spaces depicted on the site plan must be newly painted and maintained.
17. 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.
18. The Special Permit is limited to the duration of the applicant's ownership or lease and use of the premises as a Marijuana Retail Facility and Brewery. The Special Permit may be transferred only with the approval of the Planning Board in the form of an amendment to the Special Permit.

19. 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, if any.
20. 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.
21. 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.
22. 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.
23. Prior to the issuance of an occupancy permit for the Recreational Marijuana Facility, 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 Retail Facility.
24. The Special Permit shall lapse, as to the recreational marijuana retail establishment only, upon the expiration or termination of the applicant's license by the Cannabis Control Commission.
25. 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.
26. The Applicant shall file a copy of any summary cease and desist order, 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.
27. The Applicant shall have a cross easement with the 187 Lafayette Road property.
28. The Applicant shall install a split rail fence at the rear of the 191 Lafayette Road property.

## **PRIOR TO ANY SITE WORK**

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29. 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.

30. The Applicant shall provide an updated Construction Sequencing Plan, subject to the approval of the Town Engineering Consultant or designee.
31. 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.

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

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32. 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.
33. 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.
34. 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.
35. 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.
36. The Applicant shall coordinate with the DPW Director all Town and public easements for water, drainage and sewer, if applicable.

## **DURING CONSTRUCTION**

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37. Hours of Construction shall be adhered to and said hours shall be posted in a conspicuous place at the entrance prior to any work on the site. These Hours are:

Hours of Construction Operations:

- I. 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

38. Construction vehicles and construction related engines shall not be started/idle prior or after the allowed hours of construction as stated in condition 35.
39. 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.
40. 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.
41. 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.

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

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42. 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.

## **AFTER OCCUPANCY**

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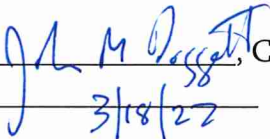
43. The Applicant or future owner shall have the responsibility of keeping in compliance with this Special Permit as well as maintaining or replacing the access to Lafayette Road, parking areas, utilities, landscaping, stormwater system and appearances, signage and lighting as indicated in the plans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

## **MODIFICATION OF SPECIAL PERMIT**

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44. 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, Town of Salisbury Zoning Bylaws, and the Town of Salisbury Planning Board Rules and Regulations.

Marty Doggett, Chair  
Salisbury Planning Board

\_\_\_\_\_  
Date: 3/18/22  Chair

cc: Applicant,  
Building Inspector,  
DPW Director  
File

### **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.