

Lisa Pearson

Director of Planning and Development
lpearson@salisburyma.gov

Michèle Grenier

Assistant Planner
asstplanner@salisburyma.gov

Sue Johnson

Planning Board Secretary
planningdept@salisburyma.gov

Phone: 978-463-2266

Fax: 978-462-3915



Planning Board

Town of Salisbury
5 Beach Road
Salisbury, MA 01952

Planning Board:

Don Egan, Chair

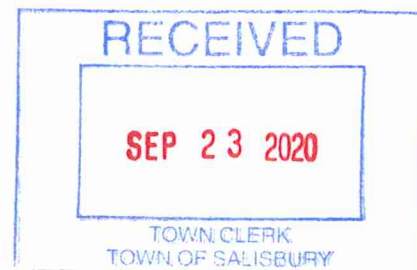
John "Marty" Doggett, Vice

Lou Masiello

Gil Medeiros Clerk

Deborah Rider

John Schillizzi, Alternate



SPECIAL PERMIT

August 31, 2020

Town Clerk

Town of Salisbury

Salisbury, MA 01952

RE: Special Permit

Applicant: Ganesh Wellness, LLC

Address of Applicant: 28 State Street, Boston, MA 02109

Address of Project: 232 -238 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 application, opening on April 22, 2020, continued to June 10, 2020 and closed on July 8, 2020, by a motion duly made and seconded, it was voted:

We, the Salisbury Planning Board, as requested by Ganesh Wellness, LLC, Inc. 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 approval upon the contemplated recreational marijuana facility with existing parking for property addressed at 232- 238 Lafayette Road (Assessors Map 23 Lot 17 and 18) and 16 Brooks Road (Map 23, Lot 81) as shown on plans ("The Plans") entitled:

Plan of Land in Salisbury, MA Showing Site Improvements at 232-238 Lafayette Road; prepared for Ganesh Wellness, LLC, 28 State Street Boston, MA, and stamped by Millennium Engineering, Inc. dated 9/19, 2019 and revised 10/23/2019, 11/25/2019, 6/4/2020, and 6/30/2020 do hereby vote:

I.

SPECIAL PERMIT

To grant the proposed special permit pursuant to the Recreational Marijuana Overlay District of the Zoning By-Laws of the Town of Salisbury, the Planning Board must find that all of the following conditions are fulfilled:

- 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.

M. Doggett **motioned** to approve the special permit application for property located at 232-238 Lafayette Road (Assessors Map 23 Lot 17 and 18) and 16 Brooks Road (Map 23, Lot 81) as shown on plans Salisbury, MA that requests approval for a Recreational Marijuana Dispensary with the same Standard and Special Standards as Site Plan Review.

L. Masiello **seconded**

Vote on Special Permit:

Don Egan, Chairman, YES

John "Marty" Doggett, Vice Chair., YES

Lou Masiello, YES

Gil Medeiros, YES

Deborah Rider, YES

Motion: Passed 5-0

III.

MATERIALS

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

1. The Plan Sheet: Millennium Engineering Inc., Site Plan Sheet 1 of 5, E1, L1 and A1-2, dated September 19, 2019, revised October 23, 2019, revised November 25, 2019, revised June 4, 2020, revised June 30, 2020.
2. Application for Special Permit, submitted September 23, 2019, June, 3, 2020
3. Site Plan Application, submitted on June 3, 2020
4. Stormwater Management Report, dated October 23, 2019 and revised June 3, 2020
5. Quitclaim Deed, for 238 Lafayette Road, Book 37707, Page 419, dated July 26, 2019.
6. Response to Peer Review Comments by Millennium Engineering, Inc., dated June 3, 2020, and June 30, 2020.
7. Email received from David Zinck, dated June 4, 2020.
8. Peer Review of Site Plan dated December 8, 2019, June 17, 2020, July 18, 2020
9. Certified Abutters List, Town of Salisbury, dated May 14, 2020
10. Conservation Agent, email dated August 19, 2020

IV. FINDINGS

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, 232- 238 Lafayette Road, the proposed site, is a 25,045 SF lot that is located on the west side of Lafayette Street in the Lafayette Main District and the Recreational Marijuana Overlay District.
3. 232-238 Lafayette Road natural features comprise limited vegetated and wetlands off -site northwest of the lot. In addition, there is located within the property a 2-story wood building which is currently unoccupied.
4. The application proposed is to construct a 1,230 square foot 1-story building to operate a marijuana retail establishment. To accommodate the proposed marijuana retail establishment, the application proposes to raze the existing wood structure and construct a new building to the required state standards. The site work proposed on 232-238 Lafayette Road includes a new sign, bollards in front of the building, landscaping along Lafayette Road and the re-delineation of existing parking spaces. The site work proposed on 232-238 Lafayette Road comprises a 26,000-sf. parking lot with 89 parking spaces, 4 handicap parking spaces, landscaping and a sidewalk leading from parking lot to the building.
5. The application's site plan demonstrates that it will be able to reduce traffic congestion and accommodate customer and employee parking by providing both signage and pavement marking to direct traffic flow.
6. The Applicant must submit a copy of the lease of land for map 23, lot 81.
7. The Planning Board has been advised that sewer is to be installed on Lafayette Road. The applicant shall meet with the Department of Public Works to finalize the sewer connection.
8. The application demonstrates that it will not impair the integrity of the land nor the land and natural resources of the abutting properties.
9. Pursuant to §300-156.6(b) of the Zoning By-Laws of the Town of Salisbury, Town Departments and Boards have submitted their comments and recommendations regarding application review to the Planning Board for their consideration.
 - h. 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.

- i. The requested use was determined to be desirable to the public convenience and welfare.
- j. The requested use demonstrated that it will not create undue traffic congestion or unduly impair pedestrian safety.
- k. 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.
- l. The special regulations found in the "Recreational Marijuana Overlay District" of the Zoning By-Laws of the Town of Salisbury were fulfilled.
- m. 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.
- n. 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.

V.

SPECIAL PERMIT CONDITIONS

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. 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 shall work with the planning department regarding installation of the fencing for abutters, ensuring maximum screening / tree protection.
- 6. Bollards will be installed in front of handicap parking area.

7. Hours of operation will be between 8:30 AM and 9:00 PM.
8. After opening, the applicant will work with the Planning Department to conduct a traffic count; at this time if any traffic concerns occur, they will be addressed. This will also be reviewed after open for one year.
9. The Applicant shall submit The Lease of Land document to the Planning Department prior to issuance of the Certificate of Occupancy.
10. 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.
11. All signs will conform with the Town of Salisbury General Bylaws, Chapter 214, Signs.
12. All lighting must be dark-sky compliant.
13. All parking spaces depicted on the site plan must be newly painted and maintained.
14. All parking space bollards must be securely fastened into the pavement so as to prevent them from dislodging from their designated locations.
15. 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.
16. The special permit is limited to the duration of the applicant's ownership or lease and use of the premises as a Recreational Marijuana Establishment. The special permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special permit.
17. 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 license to Applicant to operate a recreational marijuana facility.
18. The special permit shall lapse upon the expiration or termination of the applicant's license by the Cannabis Control Commission.
19. 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
20. The use shall not generate outside odors from the cultivation or processing of marijuana and marijuana products.

21. 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.

PRIOR TO ANY SITE WORK

22. 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.
23. The Applicant shall provide an updated Construction Sequencing Plan, subject to the approval of the Town Engineering Consultant or designee.
24. The Applicant is to meet with the Town of Salisbury Department of Public Works to ensure compliance with any requirements, including bonding.

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

25. 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.
26. 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.
27. 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.

28. 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.
29. The Applicant shall coordinate with the DPW Director all Town and public easements for water, drainage and sewer, if applicable.

DURING CONSTRUCTION

30. 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

31. 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.
32. 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.
33. 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

34. 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.

35. Applicant shall apply for a Certificate of Completion, per §300-112.H of the Zoning By-Laws of the Town of Salisbury.
36. Upon completion of the work described herein, the applicant shall submit a Request for a Certificate of Completion to the Planning Board, 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.

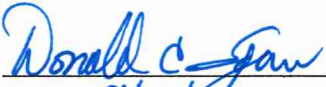
AFTER OCCUPANCY

37. The Applicant or future owner shall have the responsibility of maintaining or replacing the access to Lafayette Street, parking areas, pavement marking, utilities, landscaping, stormwater system and appearances, signage and lighting as indicated in the plans.

MODIFICATION OF SPECIAL PERMIT

38. In the event that the Applicant intends to modify the approved special permit, the Applicant must reapply for a special permit in accordance with MGL Chapter 40A.

Don Egan,
Salisbury Planning Board

 , Chair
Date: 9/20/2020

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.