



# IN CITY COUNCIL

Marlborough, Mass., AUGUST 21, 2023

ORDERED:

IN CITY COUNCIL  
NOTICE OF DECISION  
GRANT OF AMENDMENT TO SPECIAL PERMIT

Special Permit Application of:  
Green Gold Group, Inc.  
60 Prospect Street  
North Brookfield, MA 01535  
Order No. 20/23-1008062H

Locus:  
910 Boston Post Road East, Suite 100  
Marlborough, MA 01752  
Assessors Map 62, Parcel 21

## DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application for an Amendment to an existing Special Permit, originally granted by the City Council on November 16, 2020, to Green Gold Group, Inc. with a mailing address of 60 Prospect Street, North Brookfield, MA 01535, as provided in this Decision and subject to the following Findings of Fact and Conditions.

Decision date: August 21, 2023.

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the 23<sup>rd</sup> of August 2023.

This is to certify that twenty (20) days have passed since the filing of the within decision and no appeal has been filed with this office.

Given at Marlborough this 13<sup>th</sup> of September 2023.

Given under Chapter 40A Section 17 of the General Laws.

A TRUE COPY

ATTEST:

City Clerk



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## IN CITY COUNCIL

### DECISION ON AN AMENDMENT TO A SPECIAL PERMIT GREEN GOLD GROUP, INC. ORDER NO. 20/23-1008062H

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Green Gold Group, Inc. (the "Applicant") to amend an existing special permit to build and operate an Adult Use Marijuana Retail Establishment at 910 Boston Post Road East, Suite 100, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

#### FINDINGS OF FACT

1. The Applicant is a duly organized and existing corporation having a business address of 60 Prospect Street, North Brookfield, MA 01535.
2. The Applicant is the tenant of a commercial retail unit located at 910 Boston Post Road East, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 62 as Parcel 21 (the "Site"). The Site's owner is Blackcomb Associates, LLC with a business address of 1 Main Street, Whitinsville, MA 01588.
3. On November 16<sup>th</sup>, 2020, the City Council of the City of Marlborough voted to grant a special permit authorizing Local Roots NE, Inc, of which the Applicant is the successor in interest, to build and operate an Adult Use Marijuana Retail Establishment at the Site (the "Use") in accordance with Article VI, § 650-17, § 650-18(46), and § 650-32 of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), as further described in a document recorded at the Middlesex South District Registry of Deeds in Book 76417, Page 396 (the "Original Special Permit").
4. On June 1, 2023, the Applicant, by and through its counsel, filed with the City Clerk of the City of Marlborough an application to modify Finding of Fact No. 3 of the Original Special Permit to allow the addition of a co-located Medical Marijuana Treatment Center, change the existing signage to new, internally lit signage, and Condition No. 8 of the Original Special Permit in order to change the maximum hours of operation of the Use, under the provisions of M.G.L. c. 40A, § 9 and the Marlborough Zoning Ordinance (the "Application").
5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and existing site plans for the Site.



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## ORDERED:

6. The Application was certified as complete by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
7. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
8. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, June 26<sup>th</sup>, 2023. The hearing was closed on that date.
9. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
10. At the public hearing, no members of the public spoke about the Use or submitted written comments about the Use.
11. Councilor Teona C. Brown was absent from the single session of the public hearing on the Application. Prior to the vote on this decision, Councilor Brown filed a written certification as to examination of all the evidence and testimony received at the hearing session, made as part of the record of the hearing, in accordance with Massachusetts General Laws Chapter 39, Section 23D.
12. The Procedural Findings of Fact specified above supplement those made in the Original Special Permit, which are expressly incorporated in this Decision by reference.

## **BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS AND TAKES THE FOLLOWING ACTIONS**

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.



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- B. The City Council finds that the proposed Use of the Site, with the addition of a medical marijuana treatment center and modified operating hours as set forth in the conditions below, is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided in this Decision and in the Original Special Permit. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth in this Decision and in the Original Special Permit.
- C. The City Council incorporates by reference Finding C in the Original Special Permit, provided that as to the addition of a medical marijuana treatment center, said Finding C is also made in accordance with § 650-18(45)(a) and (b) of the Zoning Ordinance and the Site's location is also in accordance with § 650-32.F.
- D. The City Council incorporates by reference Finding D in the Original Special Permit. To the extent the Application seeks to modify existing signage, the Applicant shall adhere to Finding D(16) in the Original Special Permit and submit proposed rendering of the signage to the City Council, and apply for a sign permit, in accordance with City's Sign Ordinance and the Zoning Ordinance. This Decision does not constitute approval of any change to the existing signage, which shall be reviewed upon a submittal by the Applicant as set forth herein.
- E. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant an amendment to modify the Original Special Permit, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
1. By deleting Finding of Fact No. 3 in its entirety and inserting in its place the following:

In accordance with Article VI, § 650-17, § 650-18(45), § 650-18(46), and § 650-32 of the Zoning Ordinance of the City of Marlborough, the Applicant proposes to operate a co-located Medical Marijuana Treatment Center and Adult Use Marijuana Retail Establishment at the Site (the "Use").
  2. By amending Condition No. 5 by: (a) inserting after the words "§ 650-18(46)(c)" the following: "and § 650-18(45)(c)"; and (b) inserting after the words "Adult Use Marijuana Retail Establishment" the following: "and a Medical Marijuana Treatment Center".
  3. By deleting Condition No. 8 in its entirety and inserting in its place the following:
    8. Hours. The maximum hours of operation of the Use shall be Monday through Saturday, 9:00 AM to 10:00 PM, and Sunday from 10:00 AM to 8:00 PM.



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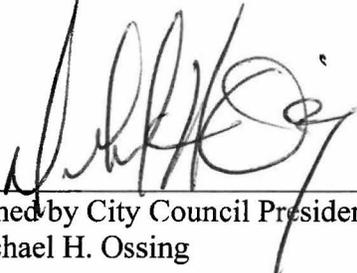
## ORDERED:

4. By inserting the following new Condition as Condition No. 16:
  16. Partial Use: The Applicant, its successors and/or assigns, is not required to operate all portions of the Use simultaneously. The Applicant, its successors and/or assigns, may commence the Medical Marijuana Treatment Center portion of the Use upon receipt of all local and state permits and licenses for that portion of the Use, while continuing the current Adult Use Marijuana Retail Establishment portion of the Use. If either the Medical Marijuana Treatment Center portion of the Use or the Adult Use Marijuana Retail Establishment portion of the Use ceases, either temporarily or permanently, the Applicant, its successors and/or assigns, may operate the other portion of the Use.
5. All other conditions of the Original Special Permit shall continue in full force and effect and are incorporated by reference as part of this Decision.
6. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, § 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex County South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department, and the City Solicitor's office.

**Yea: 10 – Nay: 0 – Absent: 1**

**Yea: Wagner, Doucette, Dumais, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

**Absent: Brown.**

  
Signed by City Council President  
Michael H. Ossing

ADOPTED  
In City Council  
20/23-1008062H