



Guidelines for Application for a Marijuana Establishment **Transparent Practices**

This provides general information and serves as a one-stop roadmap relating to the siting process for marijuana establishments in Marlborough. These transparent practices are intended to promote and encourage full participation in the regulated marijuana industry and to serve as initial policies and procedures in accordance with Chapter 180 of the Acts of 2022 and Cannabis Control Commission guidance.

Please note: At this time, the City of Marlborough is not accepting applications for new marijuana adult-use retail establishments, as the maximum authorized number (four) have obtained permitting.

The City Council website has published data regarding all [applicants who have obtained special permits](#).

Important Ordinances, Regulations, Guidelines, and Forms

- Guidelines for Application for a Marijuana Establishment Host Community Agreement with the City of Marlborough (HCA) including Expression of Interest and Application forms
- [Zoning Ordinances](#):
 - Section 650-32 (Marijuana Uses), Section 650-17 ([Table of Uses](#)), Section 650-18 (Conditions for Uses), [Zoning Map](#)
- [General Ordinances](#):
 - Chapter 412 (Marijuana)
- [BOH Regulations - Marijuana Establishments and Sales](#)

Process

For marijuana establishments seeking to locate within the City, below is a summary of procedures.

1. **Expression of Interest:** Review zoning-related requirements and submit an initial Expression of Interest form to the Office of the Mayor.

2. **Host Community Agreement:** Complete and submit an Application for a Marijuana Establishment Host Community Agreement with the City of Marlborough (HCA). See the above Guidelines for Application for a Marijuana Establishment HCA for requirements.
3. **Land Use Permitting:** Contact [Building Department](#) about land use permitting and zoning. For Special Permits, please be sure to receive the signature of the Acting Director of Planning (Building Commissioner) **prior** to submitting a special permit application to the City Council.
4. Obtain necessary zoning approvals including [Special Permit Application to City Council](#) (link contains information regarding applicable fees and deadlines). Please see [City Council Website](#) for meeting schedules.
5. **Board of Health Permit:** Obtain Board of Health Marijuana Establishment Permit: Apply online [HERE](#) through OpenGov).

Key Contacts

To learn more about siting a marijuana-related business, you may also wish to contact:
[Marlborough Economic Development Corporation](#) (e-mail: info@marlboroughedc.com)



**Guidelines for Application for a Marijuana Establishment
Host Community Agreement with the City of Marlborough (HCA)**

- 1. Application to City.** All marijuana establishment operators who have established site control, and who have begun the application process with the Massachusetts Cannabis Control Commission (CCC) are invited to submit the required City of Marlborough application and supporting materials to the City to be considered for an HCA. Applications will be reviewed on a rolling basis.
- 2. Basis for review.** The basis for the City’s review and consideration of any HCA application is a desire to ensure the best outcome for the City through the highest quality operators and assessing all applications for their impact on the neighborhood and the community at large, consistent with all applicable laws. The City reserves the right to reject any application based upon incomplete and/or misleading information. An operator lacking sufficient experience or capitalization, or other factors could result in a negative impact to the community.
- 3. Review committee.** Applications and supporting materials will be reviewed by a committee comprised of the following (or their designees): (a) City Council President, (b) City Solicitor, (c) Marlborough Economic Development Corporation’s Executive Director, (d) Mayor’s Executive Aide, and (e) Chief of Police. The purpose of the committee is to advise the Mayor on whether to enter negotiations on an HCA with an applicant. The committee will review each application and may refer the application with a recommendation to the Mayor.
- 4. Submitting applications.** Seven hard copies of the attached *Application for Marijuana Establishment Host Community Agreement* and all required supporting materials shall be submitted to the City to the attention of: Executive Aide to the Mayor, Office of the Mayor, City Hall, 140 Main Street, Marlborough, MA 01752. Incomplete applications will not be accepted.
- 5. Required documents.** The following required documents must accompany the HCA Application:
 - a. Evidence of site control,** either through deeded ownership, a fully executed lease, a real estate contract contingent upon successful licensing and permitting, or a notarized letter of intent by the owner of the property indicating intent to lease the premises to the applicant upon successful licensing and permitting.

- b. Completed CCC **Application of Intent (AI)**, less the HCA, in draft or final form, by the establishment to the Massachusetts CCC. Applicants should include labeled print-outs of the uploaded attachments included within the AI.
 - c. Completed CCC **Management and Operations Profile (MOP)** in draft or final form, by the establishment to the Massachusetts CCC. Applicants should include labeled print-outs of the uploaded attachments included within the MOP.
 - d. **Resumes** for every manager, director, or officer of the establishment.
 - e. Copy of the establishment's **Business plan** including market analysis, funding, and financial projections.
 - f. Copy of **financial records**, or letter of financing demonstrating capitalization, or investment to ensure the establishment's solvency and successful operation.
6. **Favorable criteria.** The general criteria that may be reviewed and considered by the review committee include, but are not limited to, the following: (a) Demonstrated direct experience in the cannabis industry or a similar industry including its' Managers, directors, officers, investors, and others related to the establishment; (b) adequacy of the proposed security plan; (c) minimal traffic impacts and appropriate traffic mitigation if necessary; (d) financial records, business plan, and other documentation that demonstrates strong capitalization or access to financing to ensure success of business; (e) geographic diversity of the establishment in relation to other established or permitted marijuana retail establishments; (f) a proposed timeline for operations; (g) proposed design and operation of a facility with minimal impact upon the surrounding neighborhood; (h) employment goals, including local job creation and wage range; (i) plans for mitigation of external nuisances including light, noise, odor, and debris; (j) record of past operations in compliance with all laws relative to marijuana establishments; and (k) equity considerations pursuant to 935 CMR 500.181(3)(c)(1). The City reserves the right to address additional criteria that may be relevant to a specific application.

Applicants shall be scored based upon the above criteria. Equity considerations shall comprise not less than 25% of the total evaluation score.

7. **Minimum HCA conditions.** Should an applicant satisfy the favorable criteria for consideration and receive a recommendation from the review committee that the Mayor consider entering into an HCA with the applicant, the Agreement shall include, at a minimum, the following conditions:
- a. A Community Impact Fee consistent with both applicable laws and the category of Marijuana Establishment.

- b.** Filing of financial statements with the City. Copies of financial statements provided to the CCC in connection with state licensing shall be sufficient for the purposes of this requirement.
- c.** A commitment to pay all required taxes and that taxes and utility charges.
- d.** Applicant agrees to apply for and comply with the requirements of any applicable City licenses, permits, or zoning relief as required by City ordinance or regulation.
- e.** To the extent permitted by law, hiring of employees shall weigh Marlborough residency as a positive, though not the sole, criteria. Similarly, Marlborough-based vendors shall be considered for contracts.
- f.** Consistent with 935 CMR 500.050(8)(a)(i) An applicant seeking a Marijuana Retailer license consents to prohibiting on-site consumption.
- g.** A security plan must be reviewed and approved by the Chief of Police. The applicant will engage in periodic meetings with the Police Department to review operational concerns or other issues and shall report to the Police within 24 hours of becoming aware of: diversion of marijuana, inventory discrepancies, theft, loss or other criminal action, discrepancy in weight or inventory during transportation, vehicle accidents, diversions, losses or other reportable incidents that occur during transport, any suspicious act involving sale, cultivation, distribution, process or production of marijuana, unauthorized destruction of marijuana, loss or unauthorized alteration of the establishment's records, alarm activation or other event that requires public safety personnel to respond, failure of security alarm due to power loss or mechanical failure expected to last longer than eight hours, and any other breach of security.
- h.** Applicant agrees to comply with all the CCC's requirements, regulations, and laws of the Commonwealth, including but not limited to Criminal Offender Record Information (CORI) review for any personnel or employees.

These conditions are minimum conditions only, and additional conditions in connection with any particular establishment's impact may be appropriate in accordance with all applicable laws.



City of Marlborough
Marijuana Establishment Expression of Interest

Interested parties should obtain and review § 650-32 of the City of Marlborough Zoning Code

This Expression of Interest is intended to provide basic information concerning an entity which is interested in locating an adult use marijuana establishment and/or medical marijuana treatment center in the City of Marlborough. Parties demonstrating adequate siting, financial capitalization, and operational ability may be invited to apply for a Host Community Agreement with the City.

ENTITY INFORMATION

Name: _____

Address: _____

Mailing address (if different): _____

Proposed business location: _____

Other business locations and type(s) of business (if any): _____

PROOF OF SITE CONTROL

- Deeded ownership; or
- A fully executed lease; or
- A fully executed purchase and sale agreement; or
- A real estate contract contingent upon successful licensing and permitting; or
- A **notarized** letter of intent by the owner of the property indicating intent to lease the premises to the applicant upon successful licensing and permitting.

TYPE OF ESTABLISHMENT

- Registered/Medical Marijuana Dispensary
- Medical Marijuana Dispensary with Adult Use Retail Marijuana
- Adult Use Retail Marijuana
- Marijuana Cultivator
- Craft Marijuana Cultivator Cooperative
- Marijuana Product Manufacturer
- Marijuana Transporter
- Marijuana Independent Testing Laboratory
- Marijuana Research Facility
- Marijuana Micro-business
- Other: _____

CHECKLIST

The forms and documents listed below must accompany each Expression of Interest Form, and be submitted as outlined:

- A summary of the party's business plan including any supporting documentation.
- Proof of site control as outlined above.
- Proof of access to financial backing or capitalization.

RESPONSIBLE PARTY INFORMATION

Name: _____

Position: _____

Mailing address, if different than above: _____

Email: _____

Phone Number: _____

The undersigned Responsible Party represents to the City of Marlborough that he or she is authorized to submit this Expression of Interest on behalf of the entity named above.

Signature

Date

Must be signed by the same person identified above

**PLEASE SUBMIT THE COMPLETED EXPRESSION OF INTEREST TO THE
MAYOR'S OFFICE, MARLBOROUGH CITY HALL, 4TH FLOOR, 140 MAIN STREET
MARLBOROUGH, MA 01752**



City of Marlborough
Application for a Marijuana Establishment
Host Community Agreement with the City of Marlborough (HCA)

The Application will not be considered completed unless all of the items requested are enclosed. The review committee will not grant any waivers from submittal requirements, and the application shall not be reviewed unless the application is complete. Failure to provide such required documentation will be noted in the application file. Applicants are advised that documentation provided may be subject to disclosure pursuant to M.G.L. c. 66 § 10, the “Public Records Law.”

SECTION 1: APPLICANT INFORMATION

Applicant Legal Business Name

Physical Address of the Organization

Business Mailing Address if different

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State of Incorporation or Creation of Business Entity

Date of Incorporation or Creation of Business Entity

Federal Taxpayer ID

Business Phone Number

Business Website

List of all Trade Names used by the Business Entity (other than above)

Contact Name

Title

Phone

Email

SECTION 2: PROPOSED LOCATION

Proposed Location in Marlborough for Establishment

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Assessor Map #

Assessor Parcel ID #

Owner Name (if different)

Owner Address (if different)

Owner Phone (if different)

Owner Email (if different)

SECTION 3: QUESTIONNAIRE

TYPE OF ESTABLISHMENT:

- Registered/Medical Marijuana Dispensary
- Medical Marijuana Dispensary with Adult Use Retail Marijuana
- Adult Use Retail Marijuana
- Marijuana Cultivator
- Craft Marijuana Cultivator Cooperative
- Marijuana Product Manufacturer
- Marijuana Transporter
- Marijuana Independent Testing Laboratory
- Marijuana Research Facility
- Marijuana Micro-business
- Other: _____

1. Has the applicant, its parent entity, or any other intermediary entity ever applied for licensure as an RMD Massachusetts Department of Public Health, marijuana establishment from the Commonwealth of the Commonwealth of Massachusetts Cannabis Control Commission (CCC), or applied for licensure to any similar licensing authority in any other jurisdiction, foreign or domestic, whether or not the license was ever issued?

Yes No

2. Has the applicant, or its parent entity, or any other intermediary entity and/or any business entity owned by the applicant ever held a license to operate an RMD or marijuana establishment in any jurisdiction, foreign or domestic, that was subject to any of the following actions:

<i>Yes</i>	<i>No</i>	
		<i>a. Denial</i>
		<i>b. Surrender</i>
		<i>c. Assurance of voluntary compliance</i>
		<i>d. Order to show cause</i>
		<i>e. Suspension</i>
		<i>f. Fine</i>
		<i>g. Revocation</i>
		<i>h. Stipulation or settlement</i>
		<i>i. Withdrawn</i>
		<i>j. Other penalties or sanctions</i>

3. If you answered “Yes” to any question 2(a) through 2(j) please explain:

4. Please confirm you have reviewed the City’s Zoning Ordinance relative to Marijuana Establishments and Board of Health regulations.

Yes No

5. Please list any licenses granted by the Commonwealth of Massachusetts Department of Public Health pursuant to 105 CMR 725.00 and/or by the Commonwealth of Massachusetts Cannabis Control Commission here.

Check here if not applicable

6. Please attach information about existing Marijuana Establishments and/ RMDs locations within the United States that applicant, its parent entity, or any other intermediary entity operate, including business name, business address, internet website addresses, facility manager name and contact information, number of years in operation, any police reports or notices of violations filed, and copies of fully executed Host Community Agreements.

Check here if not applicable

7. Is the applicant, or its parent entity, or any other intermediary entity delinquent in the payment of any judgments, taxes, interest or penalties due to the City, the Commonwealth, or the Department of Revenue, relating to a Marijuana Establishment or RMD?

Yes No

8. Has a complaint, judgment, consent decree, settlement or other disposition related to a violation of federal, state or similar foreign antitrust, trade or security law or regulation ever been filed or entered against the applicant, its parent entity, or any other intermediary entity?

Yes No

9. Has the applicant, or its parent entity, or any other intermediary entity been a party to a lawsuit in the past 5 years, either as a plaintiff or defendant, complainant or respondent, or in any other fashion, in this or any other country?
- Yes No
10. Has the applicant, its parent entity, or any other intermediary entity filed a business tax return in the past two years?
- Yes No
11. Has the applicant, its parent entity, or any other intermediary entity completed financial statements, either audited or unaudited, in the past two years?
- Yes No
12. Has any interest or share in the applicant, its parent entity, or any other intermediary entity or the profits of the sale of marijuana been pledged or hypothecated as security for a debt or deposited as a security for the performance of an act or to secure the performance of a contract?
- Yes No
13. Attach a list detailing each outstanding loan and financial obligation obtained for use in this business, including creditor name, address, phone number, loan number, loan amount, loan terms, date acquired, and date due.
- Attached

SECTION 4: DOCUMENTATION

Attach true copies of all organic documents, e.g., Articles of Incorporation for a corporation or Certificate of Organization for a limited liability company; bylaws, and any amendments thereto; annual reports, and SEC filings (if any).

Evidence of Site Control (check one)

- Deeded ownership; or
- A fully executed lease; or
- A fully executed purchase and sale agreement; or
- A real estate contract contingent upon successful licensing and permitting, or
- A **notarized** letter of intent by the owner of the property indicating intent to lease the premises to the applicant upon successful licensing and permitting.

Financial records (check one)

- A copy of financial records, or
 - A letter of financing demonstrating capitalization, or
 - Investment to ensure the establishment's solvency and successful operation

 - Completed Cannabis Control Commission Application of Intent**
 - Completed Cannabis Control Commission Management and Operations Profile**
 - Resumes for every manager, director, or officer of the company**
 - Business Plan**
 - Supplier Operations Plan (cultivator or manufacturer only)**
 - Security Plan**
 - Documentation Relevant to Favorable Criteria in Guidelines**
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CERTIFICATION:

Upon oath I make representation under the penalties and pains of perjury as follows:

1. I am duly authorized to file this Application;
2. the statements, attachments, and supporting schedules are true and correct to the best of my knowledge and belief;
3. this statement is executed with the knowledge that misrepresentation of, or failure to reveal, information requested will be reported to the Cannabis Control Commission (CCC);
4. I am aware that later discovery of an omission or misrepresentation made in connection with this Application and/or the negotiation of an HCA with the City may result in termination of negotiations for, or revocation of, any subsequently executed HCA;
5. The applicant is in full compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support;
6. The applicant is fully aware of the requirements of M.G.L. c. 268A, the Massachusetts Conflict of Interest Law, and has made such disclosures as may be required thereunder;

Signature: _____

Print Name and Title: _____

Date: _____