



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Steven W. Kerrigan
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723**

NOVEMBER 16, 2020

Regular meeting of the City Council was held on Monday, November 16, 2020 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Doucette, Dumais, Tunnera, Irish, Navin & Landers. Councilors Participating Remotely: Wagner, Oram, Perlman & Robey. Meeting adjourned at 9:28 PM.

Council President Ossing explained that this meeting is being held under the Emergency Order of the Governor allowing relief from the Open Meeting Law (MGL c. 30A §20). The Emergency Order allows for remote participation by public bodies. President Ossing further stated that all votes of the City Council will be taken by roll call vote pursuant to 940 CMR 29.10.

The City Council President asked for a roll call to confirm attendance of all City Councilors.

Yea: 11 – Nay: 0

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

ORDERED: That the Minutes of the City Council meeting, November 2, 2020, **FILE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the PUBLIC HEARING on the Petition from Eversource Energy to install approximately 465' of 8" Intermediate Pressure gas main as part of a system improvement on South Street between 417 South Street and Maple Street, Order No. 20-1008136, all were heard who wish to be heard, hearing closed at 8:13 PM; adopted.

Councilors Present: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.

ORDERED: That the PUBLIC HEARING on the Application for Modification of Special Permit from Attorney Brian Falk, on behalf of Garden Remedies, Inc., to amend condition #8 relative to the hours of operation for the medical and adult use marijuana retail establishment located at 416 Boston Post Road East, Order No. 18/20-1007318G, all were heard who wish to be heard, hearing closed at 8:28 PM; adopted.

Councilors Present: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.

President Ossing called a recess at 8:28 PM and returned to open meeting at 8:30 PM.

ORDERED: That the Transfer Request in the amount of \$80,000.00 which moves funds from PEG Fund to IT Equipment to fund upgrades for Accela for various departments, referred to the **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS -										
	DEPT:	IT					FISCAL YEAR:	2021		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$460,128.83	\$80,000.00	27000099	47750	Receipts Reserved-PEG Funds	\$80,000.00	19300006	58618	IT Equipment		\$0.00
	Reason:	Use PEG funds for Accela services								
	\$80,000.00	Total			\$80,000.00	Total				

Yea: 11 – Nay: 0

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

ORDERED: That the Transfer Request in the amount of \$4,154.67 which moves funds from P/T Mail Clerk to Retirement Fund to fund the additional retirement system appropriation for an employee on military leave, **APPROVED**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Auditor					FISCAL YEAR:	2021	
		FROM ACCOUNT:					TO ACCOUNT:		
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$11,700.00	\$4,154.67	11330002	50588	PT Mail Clerk	\$4,154.67	11940006	51770	Retirement Fund	\$0.00
	Reason:	Unfilled position				Reason:	Supplemental appropriation for military service		
	\$4,154.67	Total			\$4,154.67	Total			

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from City Solicitor Jason Grossfield, re: Proposed Tax Increment Financing (TIF) Agreement with Revance Therapeutics, Inc. and BH GRP TCAM Owner LLC for a 79,000 square foot facility and parking facilities to be constructed at 100, 110, 250 & 350 Campus Drive, in proper legal form, Order No. 20-1008135, **FILE**; adopted.

Yea: 11 – Nay: 0

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

Suspension of the Rules requested to allow Assistant DPW Commissioner Scott to speak– granted

Yea: 11 – Nay: 0

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

ORDERED: That pursuant to MGL c. 40, § 3, the City of Marlborough grants a permanent utility easement, to be executed by the Mayor on behalf of the City, to the Massachusetts Electric Company (a/k/a “National Grid”) and Verizon New England, Inc., constituting a Grant of Easement relating to the installation of electric equipment for the charging stations at city property located at 45-47 Bolton Street, Marlborough, **APPROVED**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Communication from Assistant City Solicitor Jason Piques, re: Application for Special Permit from Local Roots NE Inc., to operate an Adult Use Marijuana Retail Dispensary, 910 Boston Post Road East, Suite 100, in proper legal form, Order No. 20-1008062B, **MOVED TO #11 and FILE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License, ecoATM, LLC, 601 Donald J. Lynch Boulevard, referred to the **PUBLIC SERVICES COMMITTEE**; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the Minutes of following Boards, Commissions and Committees, **FILE**; adopted.

- a) Board of Assessors, May 4, 2020.
- b) Municipal Aggregation Committee, October 29, 2020
- c) Planning Board, October 19, 2020.

Yea: 11 – Nay: 0

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

Reports of Committees:

Councilor Dumais reported the following out of the Personnel Committee:

City Council Personnel Committee
Monday, November 9, 2020; 6:30 PM
In Council Chambers and via Microsoft Teams

Personnel members in Chamber: Chairman Dumais, Councilor Doucette and Councilor Landers

Other members in Chamber: Councilors Irish, Navin, Ossing and Tunnera arrived late

Other members participating remotely: Councilors Robey, Perlman and Oram arrived late

Also Present in Chamber: Mayor Vigeant, Mayor's Aide Trish Bernard, City Auditor Smith, City Collector Bristol and Finance Director Jones; Participating remotely: Barbara Pellegrini, Mary Watson Avery

The meeting convened at 6:30 PM.

11-2-20 – Order No. 20-1008132: Communication from Mayor Vigeant with appointment of Barbara Pellegrini Allen to the Commission on Disabilities for a 3-year term effective from date of Council confirmation.

Councilor Doucette moved to approve the appointment; the motion was seconded and approved
3-0

11-2-20 – Order No. 20-1008131: Communication from Mayor Vigeant with appointment Patrick Jones as Finance Director/Treasurer for a 3-year term effective from date of Council confirmation. Councilor Doucette moved to approve the appointment; the motion was seconded and approved 3-0

10-19-20 – Order No. 20-1008119: Communication from Mayor Vigeant with appointment of Eileen Bristol for a 2-year term effective from date of confirmation. Councilor Doucette moved to approve the appointment; the motion was seconded and approved 3-0

11-2-20 – Order No. 20-1008120: Communication from Mayor Vigeant with appointment of Mary Watson Avery to the Cultural Council for a 3-year term effective from date of Council confirmation. Councilor Doucette moved to approve the appointment; the motion was seconded and approved 3-0

The Committee discussed Order No. 20-1008108, the Mayor's proposed amendment to the City Code re starting minimum rate and annual vacation for 'other employees.' The ordinance was postponed in committee.

Motion made and seconded to adjourn; The meeting adjourned at 7:55 PM

Councilor Irish reported the following out of the Finance Committee:

**Marlborough City Council Finance Committee
Monday November 9, 2020
In Council Chambers**

Finance members in Chamber: Chairman Irish, Councilor Dumais, Councilor Tunnera

Finance members participating remotely: Councilor Perlman and Councilor Oram

Other members in Chamber: Councilors Navin, Landers, Ossing, and Doucette

Other members participating remotely: Councilor Robey

Also Present in Chamber: Mayor Vigeant, Mayor's Aide Trish Bernard, City Auditor Diane Smith, Finance Director Patrick Jones; **Participating remotely:** Building Commissioner Jeff Cooke; City Solicitor Jason Grossfield; MEDC Director Meredith Harris; Brian Blagg, Tyler Hales and Austin Barrett for Revance

The meeting convened at 8:00 PM.

Order No. 20-1008135: Communication from Mayor Vigeant with proposed Tax Increment Financing Agreement (TIF) with REVANCE THERAPEUTICS, INC and BH GRP TCAM Owner, LLC for a 79,000 s.f. facility with parking facilities to be constructed at 100, 110, 250 and 350 Campus Drive.

The Finance Committee reviewed the Mayor's letter dated October 29, 2020 requesting the approval of the Tax Increment Financing agreement with the City of Marlborough, together with 1) preliminary application from the Commonwealth of Massachusetts; 2) intent to apply; 3) resolution and 4) the TIF.

By Roll call the Finance Committee voted 3–2 to approve the following:

- The TIF agreement
- The City Council Resolution

Roll Call Vote: In Favor: Tunnera, Oram and Irish; In Opposition: Perlman and Dumais

Meredith Harris, MEDC Director will submit TIF compliance report to City Council.

Order No. 20-1008134: Proposed amendment to the City Code, Chapter 270 Building and Site Development, section 9 Fees with proposed changes as recommended by the Mayor and the Building Commissioner.

Councilors discussed the revised fee schedule with the Building Commissioner and Mayor. The proposed effective date of the changes is July 2021. The Commissioner submitted the city's Inspectional Services fees that have not changed since 2004 are low compared to eighteen (18) similar communities and the proposed changes will more accurately reflect the time to process permits.

Councilors asked for revised versions of tracked and clean copies prior to the meeting and that various forms of social media be used to provide advance notice of the new fees to the users—residents, developers and tradesmen.

By roll call the Finance Committee voted 5–0 to approve the amended fee schedule, Chapter 270 Building and Site Development, section 9 “Fees.”

Roll Call Vote: In Favor: Councilors Dumais, Tunnera, Oram, Perlman and Irish

By roll call, the Finance Committee voted 5–0 to adjourn.

Roll Call Vote: In Favor: Councilors Dumais, Tunnera, Oram, Perlman and Irish

Finance Committee adjourned at 9:36 PM

Councilor Robey reported the following out of the Urban Affairs Committee:

City Council Urban Affairs Committee
Thursday, November 5, 2020 – 7:00 PM
In Council Chambers and via Microsoft Teams
Minutes and Report

Voting members present in Chambers: Chairman Katie Robey, Councilor Landers, Councilor Doucette, Councilor Wagner and Councilor Navin.

Others in Chambers: Councilor Ossing.

Others attending via Microsoft Teams: Councilors Oram and Perlman; for Dunkin Donuts--owner Alex DiPietro and Sean Cronin-Viewpoint Sign and Awning; for Evviva Trattoria--Kevin Eriksen--General Counsel, RA Ventures, Anthony DePalma--Evviva Trattoria Director of Culinary, Marcie Day--Evviva Trattoria Chief Operations Officer, and Pam Wilderman, Code Enforcement, City of Marlborough.

With all voting committee members in Council Chambers, the chair stated no roll call was necessary and votes would be by show of hands.

Order No. 20-1008085: Application by Viewpoint Sign & Awning for an Electronic Message Board Sign on behalf of Dunkin Donuts, 269 East Main Street, Map 58, Parcel 69A.

The petitioner opened the meeting informing the committee that the new menu board would be part of a remodel of store including upgrade to ordering capabilities. There was discussion about the height bar that is on the back of the building and suggestion to put warning signage before customers turn the corner and find they cannot continue due to the clearance bar. The petitioner agreed to include a condition requiring signage to warn motorists of the clearance bar. The committee then continued discussion of the draft Special Permit decision the petitioner provided.

Changes were recommended as follows:

- Add a new #8 to Procedural Findings to read: At the public hearing no public spoke in favor or against the permit.
- Condition #1-delete letters a), b), and c) so it reads in part “and in addition the Menu sign shall be turned off when the restaurant is not open for business.”
- Add in new condition #3 to place a sign on west side of property to warn motorists of height clearance.

Councilor Doucette moved to recommend approval of the LED electronic message (menu) sign permit as amended; the motion was seconded, and the vote carried 5-0. The chair will ask for a Suspension of Rules to have this referred to Solicitor to be put in proper form for vote at the December 7, 2020 meeting.

Order No. 16/20-1006443AAF: Application for three previously installed signs, Evviva Trattoria, 142 Apex Drive.

The discussion began with Attorney Eriksen stating the case for why the signs should be approved. He reviewed the language in the Hospitality and Recreation Mixed Use Overlay District (HRMUOD) approved by the Council. Chair Robey then read the letter from Ethan Lippitt, Code Enforcement Officer into the record. She stated that the amended HRMUOD made it clear the City Council has Site Plan Approval authority for signs within the project and noted applications were not submitted to the Council until after the building signs were cited by Code Enforcement for violating the ordinance. The committee held a lengthy discussion regarding the signs and their characteristics, more specifically the excessive size, the primary purpose to attract customers to the restaurant, the negative depiction of members of Italian descent, the ramifications of approving the signs when other restaurants are also struggling to attract business, especially due to the impact of the COVID-19 virus. The chair reiterated although there was language in the HRMUOD for the Council to vary the requirements of Section H Signage, it does not allow the body to waive the provisions of Section 526 of the City Code which specifically states in 526.4 “No sign shall be painted or posted directly on the exterior surface of any wall.”

Councilor Doucette moved to deny the sign application for the 4’ X 4’ flat wall sign that included “Italian Inspired Locally Made.” The motion was seconded, and the vote carried 5-0.

Councilor Doucette moved to deny the sign application for the 30’ X 16’ flat wall sign depicting 3 chefs baking pizza. The motion was seconded, and the vote carried 5-0.

Councilor Doucette moved to deny the sign application for the 79’ X 10’ flat wall sign depicting the name of the restaurant. The motion was seconded, and the vote carried 5-0.

The chair will ask for a Suspension of the Rules requesting deliberation and action by the full Council at the November 16, 2020 meeting.

Motion made and seconded to adjourn; meeting adjourned at 8:09PM, carried 5-0.

Suspension of the Rules requested – granted

Yea: 8 – Nay: 3

Yea: Wagner, Doucette, Tunnera, Irish, Navin, Landers, Ossing, & Robey.

Nay: Dumais, Oram & Perlman.

ORDERED:

RESOLUTION

WHEREAS, the City Council of the City of Marlborough desires a beneficial economic use creating jobs for local residents, expanding business within the City, and developing a healthy robust economy and stronger tax base for Map 111, Parcel 1 (including portions thereof) on the Marlborough Assessor's Map; and

WHEREAS, the City Council of the City of Marlborough intends to use tax increment financing as an economic development tool created by the Massachusetts Economic Development Incentive Program based on the ability of the City of Marlborough, in accordance with needs and community benefits of a specific project, that are reasonably proportional to the economic development incentives from State and local government and the resulting economic development benefits;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marlborough that the following activities which are necessary to pursue a Certified Project designation be authorized:

1. The City Council of the City of Marlborough hereby requests that the Massachusetts Economic Assistance Coordinating Council approve Revance Therapeutics, Inc.'s application for an EDIP Certified Project; and further, that:
 - a. The project is consistent with the City of Marlborough's economic development objectives and is likely to increase employment opportunities for Marlborough residents;
 - b. The project will not overburden the City of Marlborough's infrastructure and utilities;
 - c. The project as described in the proposal has a strong likelihood that it will cause a significant influx or growth in business activity, will create a significant number of jobs and not merely replace or relocate current jobs within the Commonwealth, and will contribute significantly to the resiliency of the Marlborough economy; and
 - d. The City Council approves Revance Therapeutics, Inc.'s request that the project be designated by the Massachusetts Economic Assistance Coordinating Council as an EDIP Certified Project for fifteen (15) years.

2. The City Council of the City of Marlborough agrees to authorize the use of tax increment financing, authorizes the Mayor to enter into a tax increment financing agreement with Revance Therapeutics, Inc. and BH GRP TCAM Owner LLC, and authorizes submission of the tax increment financing agreement to the Massachusetts Economic Assistance Coordinating Council.

APPROVED; adopted.

Yea: 9 – Nay: 2

Yea: Wagner, Doucette, Tunnera, Irish, Navin, Landers, Oram, Ossing, & Robey.

Nay: Dumais & Perlman

Suspension of the Rules requested – granted

Yea: 11 – Nay: 0

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

ORDERED: That the Application for LED Sign Special Permit, from ViewPoint Sign & Awning on behalf of Dunkin Donuts, 269 East Main Street, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE DECEMBER 7, 2020 COUNCIL MEETING;** adopted.

Yea: 11 – Nay: 0

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

Suspension of the Rules requested – granted

Yea: 11 – Nay: 0

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

ORDERED: That the Application/Request for waiver pursuant to Chapter 650 §35 H (8) of the City Code from Evviva Trattoria Marlborough, LLC for a 4' X 4' flat wall sign installed at 142 Apex Drive, within the HRMUOD, **DENIED;** adopted.

Yea: 11 – Nay: 0

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

Suspension of the Rules requested – granted

Yea: 11 – Nay: 0

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

ORDERED: That the Application/Request for waiver pursuant to Chapter 650 §35 H (8) of the City Code from Evviva Trattoria Marlborough, LLC for a 30' X 16' flat wall sign installed at 142 Apex Drive, within the HRMUOD, **DENIED;** adopted.

Yea: 11 – Nay: 0

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

Suspension of the Rules requested – granted**Yea: 11 – Nay: 0****Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED: That the Application/Request for waiver pursuant to Chapter 650 §35 H (8) of the City Code from Evviva Trattoria Marlborough, LLC for a 79' X 10' flat wall sign installed at 142 Apex Drive, within the HRMUOD, **DENIED**; adopted.

Yea: 11 – Nay: 0**Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.**

ORDERED

IN CITY COUNCIL**DECISION ON A SPECIAL PERMIT
LOCAL ROOTS NE INC.
ORDER NO. 20-1008062C**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Local Roots NE Inc. (the "Applicant") 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 910 Boston Post Road East, Suite 310, Marlborough, MA 01752.
2. The Applicant's business will be located at 910 Boston Post Road East, Suite 100, 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. In accordance with Article VI, § 650-17, § 650-18(46), and § 650-32 of the Zoning Ordinance of the City of Marlborough, the Applicant proposes to operate an Adult Use Marijuana Retail Establishment at the Site (the "Use").
4. The Site is located in the Wayside Zoning District with frontage on Boston Post Road (Route 20).
5. The overall Site has an area of 61,416 +/- square feet (1.4099 acres).
6. The Use will occupy an existing unit at the Site with an area of 2,650 +/- square feet.
7. The Applicant filed with City Clerk of the City of Marlborough an Application for a Special Permit ("Application") for the Use, as provided in this Decision.

8. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and the following plans: (i) a plan entitled "Parking Plan of Land in Marlborough Massachusetts owned by Blackcomb Associates, LLC of property at 910 Boston Post Road East" by Thompson-Liston Associates dated August 2, 2018; (ii) a floor plan entitled "Proposed Condition Plan" dated July 20, 2020, (collectively the "Plans").
9. The Application was certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 7 of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
10. Pursuant to the Rules and Regulations of the City Council 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.
11. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, September 14, 2020. The hearing was closed on that date.
12. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
13. At the public hearing, no members of the public spoke in favor of the Use. An email from two residents dated August 3, 2020, was read into the record as being opposed.

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

- A. The Applicant has complied with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
- B. The City Council finds that the proposed Use of the Site 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 herein. 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 herein.
- C. The City Council finds that the Site is located in the portion of the Wayside District along Massachusetts State Highway 20 (Boston Post Road) near the Sudbury town line with frontage along Massachusetts State Highway 20 (Boston Post Road), in accordance with § 650-18(46)(a) and (b) of the Zoning Ordinance, and that the Site is not located within 500 feet of a school or daycare center, in accordance with § 650-32.F.1 of the Zoning Ordinance.
- D. In accordance with § 650-32.C of the Zoning Ordinance, the City Council hereby determines that any adverse effects of the Use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the Site and of the proposal in relation to the Site, based upon consideration of the following:

1. Social, economic, or community needs which are served by the proposal:
Finding: The Use will provide a safe and convenient location for adults to obtain adult use marijuana and marijuana infused products.
2. Traffic flow and safety, including parking and loading:
Finding: The Site will safely accommodate expected traffic flow from the Use and provide adequate parking and loading capacity.
3. Adequacy of utilities and other public services:
Finding: The Site provides adequate utilities and public services for the Use.
4. Neighborhood character and social structures:
Finding: The Use is consistent with the established retail area in the vicinity of the Site.
5. Impacts on the natural environment:
Finding: The Use will have no greater impact than the established retail uses in the area.
6. Potential fiscal impact, including impact on City services, tax base, and employment:
Finding: The Use will be revenue positive, with additional revenues coming from a local sales tax and host community agreement impact fees.
7. Hours of operation:
Finding: The hours of operation of the Use are specifically conditioned below.
8. Requiring that contact information be provided to the Chief of Police, the Building Commissioner, and the Special Permit Granting Authority:
Finding: The provision of contact information is specifically conditioned below.
9. Requiring payment of a community impact fee:
Finding: The City and the Applicant have entered a host community agreement that requires the payment of impact fees in accordance with statutory requirements.
10. Requiring the submission to the Special Permit Granting Authority of the same annual reports that must be provided to the Massachusetts Cannabis Control Commission:
Finding: This requirement is specially conditioned below.
11. Requiring regular inspections by City officials or their agents, and access to the same records which are available for inspection to the Massachusetts Cannabis Control Commission:
Finding: This requirement is specially conditioned below.

12. Requiring employees to undergo a criminal background check, including but not limited to CORI and an additional background check, by the Chief of Police who shall have the authority to disapprove the employment of any person(s) as a result of said background check:

Finding: This requirement is specially conditioned below.

13. Requiring surveillance cameras, capable of 24-hour video recording, archiving recordings and ability to immediately produce images, in, on, around or at the premises:

Finding: This requirement is specially conditioned below.

14. Prohibiting the sale of any materials or items unrelated to the purposes of registration by the Massachusetts Cannabis Control Commission, including, without limitation, tobacco products, clove cigarettes, or e-cigarettes:

Finding: This requirement is specially conditioned below.

15. The ability for the Business to:
 - a. provide a secure indoor waiting area for clients;
 - b. provide an adequate and secure pick-up/drop-off area for clients, customers and products;
 - c. provide adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals;
 - d. adequately address issues of traffic demand, parking, and queuing, especially at peak periods at the Business, and its impact on neighboring uses; and
 - e. provide opaque exterior windows;

Finding: These requirements are specially conditioned below.

16. Signs and signage:

Finding: Prior to seeking an initial sign permit from the City, the Applicant, its successors and/or assigns, shall submit to the City Council renderings of its proposed signage, which shall comply with the City's Sign Ordinance.

17. Names of businesses, business logos and symbols, subject to state and federal law and regulations:

Finding: Prior to commencing operations, the Applicant, its successors and/or assigns, shall submit to the City Council its business name, logos, and symbols, all of which shall comply with state and federal law and regulations.

- 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 a Special Permit to operate an Adult Use Marijuana Retail Establishment, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction in Accordance with Applicable Laws. Construction is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts.
2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.
3. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough site plan review ordinance prior to the issuance of the building permit, as required by § 650-32.E of the Zoning Ordinance. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.
4. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
5. Compliance with State Requirements. In accordance with § 650-18(46)(c) of the Zoning Ordinance, the Use shall comply with all statutes and regulations of the Commonwealth of Massachusetts for the licensure and operation of an Adult Use Marijuana Retail Establishment.
6. Security.
 - a. As shown on the Plans, the Applicant, its successors and/or assigns, shall maintain a secure entrance lobby/waiting area providing a physical separation between the exterior door of the unit and interior areas of the unit where marijuana and marijuana infused products are dispensed and sold, with security personnel available during operating hours to screen individuals arriving at the unit, to ensure that interior areas of the unit are only accessible to qualified patients/caregivers or persons over the age of 21 and to ensure that no individuals pose a direct threat to the health or safety of others.
 - b. The Applicant, its successors and/or assigns, shall maintain a secure pick-up/drop-off area for patients, customers, and products.

- c. The Use shall have opaque exterior windows.
 - d. The Applicant, its successors and/or assigns, shall maintain adequate staffing so that customers may make purchases in an efficient manner to avoid queuing and impacts on neighboring uses.
 - e. The Applicant, its successors and/or assigns, shall maintain surveillance cameras capable of 24-hour video recording, archiving recordings, and the ability to immediately produce images, in, on, around, or at the Use.
- 7. Processing and Odors. There shall be no processing or manufacturing of marijuana or marijuana infused products as part of the Use. Marijuana and marijuana products shall be pre-packaged and sealed prior to arriving at the Site. Any odors associated with marijuana and marijuana infused products shall be limited to the interior of the unit. There shall be no onsite consumption or use of marijuana or marijuana infused products associated with the Use.
 - 8. Hours. The maximum hours of operation of the Use shall be Monday through Saturday, 10:00 AM to 8:00 PM, and Sunday from 10:00 AM to 5:00 PM.
 - 9. Contact Information. The Applicant, its successors and/or assigns, shall provide current contact information of management and staff to the Chief of Police, the Building Commissioner, and the City Council.
 - 10. Annual Reports. The Applicant, its successors and/or assigns, shall submit to the City Council the same annual reports that must be provided to the Massachusetts Cannabis Control Commission.
 - 11. Inspections and Records. The Applicant, its successors and/or assigns, shall make the Use available for regular inspections by City officials or their agents, and shall provide City officials or their agents with access to the same records which are available for inspection to the Massachusetts Cannabis Control Commission.
 - 12. Background Checks. The Applicant, its successors and/or assigns, shall require that employees undergo a criminal background check, including but not limited to CORI and an additional background check, by the Chief of Police, who shall have the authority to disapprove the employment of any person(s) as a result of said background check.
 - 13. Unrelated Materials. The Applicant, its successors and/or assigns, shall not make available for sale as part of the Use any materials or items unrelated to the purposes of registration by the Massachusetts Cannabis Control Commission, including, without limitation, tobacco products, clove cigarettes, or e-cigarettes.

14. Police Detail. The Applicant, its successors and/or assigns, shall employ a City of Marlborough Police detail at the Site during all operating hours for the first sixty (60) days after the commencement of operations, unless the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during certain times of the day. Within the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during any hours of operation, then the Applicant shall stop employing a City of Marlborough Police detail. Otherwise, at the end of the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is still necessary during all operating hours or at certain times, then the Applicant, its successors and/or assigns, shall continue to employ a City of Marlborough Police detail until deemed unnecessary by the Chief of Police in a letter filed with the City Council. In the event a City of Marlborough Police detail is not available when required, the Applicant, its successors and/or assigns, shall obtain a private detail.
15. 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: 11 – Nay: 0

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

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 9:28 PM; adopted.

Yea: 11 – Nay: 0

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