

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Urban Affairs Committee

Date: October 9, 2019

Time: 5:30 PM

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 OCT -4 P 4:49

5-6-19 – Order No.19-1007670: Application for Sign Special Permit from Atty. Elizabeth McDonough Noonan on behalf of Colbea Enterprises, LLC, 342 Boston Post Road East

-REFER TO URBAN AFFAIRS

PUBLIC HEARING: June 17, 2019

8-26-19 – Order No.19-1007757: Application for Special Permit from Nicholas Masso on behalf of Indo Laboratories to operate a Marijuana Testing Laboratory at 257 Simarano Drive.

-REFER TO URBAN AFFAIRS

PUBLIC HEARING: SEPTEMBER 23, 2019

7-22-19 – Order No.19-1007673B: Proposed zoning petition from Councilor Delano, as requested by Commissioner Cooke and Solicitor Grossfield amending Chapter 650-12. Nonconforming uses.

-REFER TO URBAN AFFAIRS AND PLANNING BOARD

PUBLIC HEARING: AUGUST 26, 2019

9-23-19 – Order No.19-1007791: Communication from City Solicitor Grossfield on behalf of Councilor Delano re: Proposed amendment to Chapter 526, Signs re Electronic Signage for multi-

product LED PRICE PUMP TOPPER and video graphics array (VGA) color screen signs at gasoline stations

-REFER TO URBAN AFFAIRS

PUBLIC HEARING: OCTOBER 23, 2019

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

The public should take due notice that the Marlborough City Council may have a quorum in attendance due to Standing Committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the Standing Committee.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.



IN CITY COUNCIL

Marlborough, Mass., MAY 6, 2019

ORDERED:

That there being no objection thereto set **MONDAY, JUNE 17, 2019** as **DATE FOR PUBLIC HEARING** On the Application for Sign Special Permit, from Attorney Elizabeth McDonough Noonan on behalf of Colbea Enterprises, LLC, 342 Boston Post Road East, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE.**

ADOPTED

ORDER NO. 19-1007670

City of Marlborough
Commonwealth of Massachusetts



Pamela A. Wilderman
Ethan Lippitt
Code Enforcement
140 Main Street
Marlborough, MA 01752
Phone: (508) 460-3776 (x30201)
Fax: (508) 460-3736
Email: pwilderman@marlborough-ma.gov

February 26, 2019
Nicole M. Verdi, Esq.
Adler Pollack & Sheehan, P.C.
One Citizens Plaza, 8th Floor
Providence, RI 02903

RE: Sign Permit Application
Colbea Enterprises, LLC
342 Boston Post Road East
Marlborough, MA 01752

Dear Attorney Verdi:

I have reviewed the application for freestanding and flat wall signs at the above referenced location and with the updated information I received last week can advise of the following:

- Freestanding Sign: Based upon the linear footage of the proposed building you are allowed a total of 100 square feet of signage on this sign. You have proposed the correct amount. However, Section 526-13 of the City Code (specific to digital display signs) requires "From sunrise to sunset, the background or field shall be a single color and the message shall be a single contrasting color. From sunset to sunrise, the background or field shall be a single dark color and the message shall be a single contrasting color." The sign proposes two separate colors for regular and diesel fuel. A variance will be required from the Planning Board to allow the difference.
- Digital Display Signs: Chapter 526.13 states; "EMC signs shall only be permitted as part of a freestanding sign and shall comply with all of the requirements of § 526-9. And There shall only be one EMC sign permitted on each nonresidential-zoned parcel." A variance will be required from the Planning Board to allow LED pricing signs and video displays on the pumps.
- Flat wall Signs: Again, based upon the linear footage of the proposed building you are allowed a total of 100 square feet of flat wall signage. You are proposing 150.1 square feet. A variance will be required from the Planning Board to allow the difference.

Please be advised that after the Planning Board makes its decision, a special permit will be required from the City Council for the digital display signs. An application can be found on the City of Marlborough's web site at the City Clerk's office.

Sincerely,

Pamela A. Wilderman
Code Enforcement Officer

Cc: City Council
Planning Board
File

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 APR 26 P 12:55

One Citizens Plaza, 8th floor
Providence, RI 02903-1345
Telephone 401-274-7200
Fax 401-751-0604 / 351-4607

175 Federal Street
Boston, MA 02110-2210
Telephone 617-482-0600
Fax 617-482-0604

www.apslaw.com

April 26, 2019

VIA HAND DELIVERY

City of Marlborough
City Council
140 Main Street
Marlborough, MA 01752

**Re: Colbea Enterprises, LLC, 342 Boston Post Road East
Assessor's Plat 59, Lot 11
Sign Special Permit**

To Whom It May Concern:

With respect to the above-referenced matter, in accordance with the City of Marlborough's Sign Special Permit Application requirements, enclosed please find fifteen (15) copies of the following:

- 1) Application for Sign Special Permit and Exhibit A;
- 2) Site Plans, entitled "Seasons Corner Market – Sign Special Permit Set – 342 Boston Post Road East, Marlborough, Ma," prepared by Ayoub Engineering, dated April 24, 2019;
- 3) Zoning Board of Appeals Decision, dated January 2, 2019, granting the required variances;
- 4) Sign Permit Denial Letter from the Code Enforcement Officer, Pamela A. Wilderman, dated February 26, 2019;
- 5) Planning Board Decision, dated March 29, 2019, granting the required variances; and
- 6) 400' Abutters' List.

Please confirm when this matter will be scheduled for a hearing before the City Council.

Very truly yours,



ELIZABETH McDONOUGH NOONAN
enoonan@apslaw.com

Enclosures



City of Marlborough

MARLBOROUGH CITY COUNCIL

LED SIGN PERMIT APPLICATION TO MARLBOROUGH CITY COUNCIL

LED SIGN SPECIAL PERMIT

INSTRUCTIONS: This application must be filled out and submitted to the City Council. Applicant must attach to this application a copy of the Building Commissioner's decision detailing the requirements and reason for City Council action. This application form must be signed by the applicant or his authorized agent (and the owner of the property if the owner is not the applicant) prior to submittal to the City Council.

1. Location of the property where sign is located: Street and Number:

342 Boston Post Road East, Marlborough, MA

2. What other signs exist on the property (type, size, location):

Please see Existing and Proposed Sign Schedules, attached as Exhibit A.

3. Are there other signs on the property of similar type to what is requested in the LED Sign Permit Application? If so, please state size and location.

Please see Existing and Proposed Sign Schedules, attached as Exhibit A.

4. Names of business or activity applying for sign:

Seasons Corner Market

5. Applicant: Colbea Enterprises, LLC

Street/City/Zip Code:

7 Starline Way, Cranston, RI 02921

6. Building Owner:

Same as Applicant.

Street/City/Zip Code:

Same as Applicant.

7. Contact Information. Please provide an E-mail address as well as Business and Mobile telephone numbers.

Building Owner. Attorney for Owner and Applicant, Elizabeth M. Noonan, Esq.

E-mail: enoonan@apslaw.com Business: 401-274-7200 Mobile: 401-258-2977

Agent/Owner of Business where sign will be located. Dennis Darveau

E-mail: ddarveau@seasonscornermarket.com Business: 401-241-5008 Mobile: Same.

Applicant.

E-mail: See above. Business: _____ Mobile: _____

8. Applicant is (please check).

Business Owner: Tenant: _____ Other (describe): _____

Required Attachments & Copies

Description of Sign and Plan: Please include letter from Building Commissioner noted above together with **15 copies** of completed application and plans and color renderings to assist the City Council in its deliberations on the application for a Special Permit for an LED Sign. Other pertinent information may be submitted with this application and may be required by the City Council.

The City Council will hold a Public Hearing on the Application for an LED Sign. Applicant shall pay for advertising of Hearing. Applicant shall obtain a certified abutters' list from the Assessors' Office to attach to this application. Applicant shall notify abutters of Hearing and provide proof of mailing prior to the Hearing.

After the close of the Public Hearing, Applicant shall submit a draft LED Sign Special Permit Decision to the City Council, through the appropriate City Council Committee. A sample decision will be provided to Applicant upon request.

EM Noonan Applicant Signature Attorney for Applicant, Elizabeth M. Noonan, Esq. 4/24/19 Date

Same as Applicant. _____ Date
Property Owner Signature

NOTE: New LED Sign(s) may not be erected until the City Council LED Sign Special Permit has been granted and building permit has been issued by the Building Department.

EXISTING SIGN SCHEDULE

MARK	DESCRIPTION	SIZE	AREA	QUAN.	SQUARE FT.	INT. ILLUM'D.	REMARKS
FREESTANDING SIGNS							
A	I.D. SIGN	6'-1" X 16'-8"	101.4 S.F.	1	101.4 S.F.	YES	TO BE REFACED
TOTAL EXISTING FREESTANDING SIGNAGE:					101.4 S.F.		
WALL SIGNS							
B	"SHELL" CANOPY SIGN	7'-6" x 1'-9"	13.2 S.F.	2	26.4 S.F.	YES	TO BE REMOVED
C	"FOOD MART" SIGN	5'-4" x 0'-9"	4.0 S.F.	1	4.0 S.F.	NO	TO BE REMOVED
D	"CAR WASH" SIGN	10'-6" X 0'-9"	7.9 S.F.	1	7.9 S.F.	NO	TO BE REMOVED
TOTAL EXISTING WALL SIGNAGE:					38.3 S.F.		
DIRECTIONAL SIGNS							
E	"P.O.S" SIGN	2'-6" X 4'-0"	10.0 S.F.	1	10.0 S.F.	NO	TO BE REMOVED
F	"CAR WASH" SIGN	2'-0" X 2'-0"	4.0 S.F.	1	4.0 S.F.	NO	TO BE REMOVED
G	"CAR WASH" SIGN	6'-0" X 0'-6"	3.0 S.F.	1	3.0 S.F.	NO	TO BE REMOVED
H	"ENTRANCE" SIGN	4'-6" X 0'-9"	3.4 S.F.	1	3.4 S.F.	NO	TO BE REMOVED
I	"CAR WASH" SIGN	3'-0" X 0'-9"	2.3 S.F.	1	2.3 S.F.	NO	TO BE REMOVED
TOTAL EXISTING DIRECTIONAL SIGNAGE:					22.7 S.F.		

PROPOSED SIGN SCHEDULE

MARK	DESCRIPTION	SIZE	AREA (SF)	QUAN.	SIZE (SF)	ILLUMINATION	REMARKS	TYPE
FREESTANDING SIGNS								
A	I.D. SIGN	6'-1" X 16'-5¼"	100.0	1	100.0	INT	REFACED	GROUND
TOTAL PROPOSED FREESTANDING SIGNAGE:					100.0 S.F.			
WALL SIGNS								
B	"SEASONS" SIGN	18'-5¾" X 3'-0"	55.44	1	55.44	INT	NEW	WALL
C	"CORNER MARKET" SIGN	11'-9" X 0'-9"	8.81	1	8.81	EXT	NEW	WALL
D	CO-BRAND SIGN	7'-1" X 2'-6"	17.7	1	17.7	INT	NEW	WALL
E	CANOPY PECTEN SIGN	3'-0" X 3'-0"	9.0	2	18.0	INT	NEW	CANOPY
TOTAL PROPOSED WALL SIGNAGE:					99.95 S.F.			
DIRECTIONAL SIGNS								
F	"WELCOME"	4'-3" X 0'-6"	2.1	1	2.1	INT	NEW	AWNING
G	LED PRICES SIGN	2'-6" X 1'-0"	2.5	10	25.0	INT	NEW	AWNING
H	VIDEO SCREEN	0'-8½" X 0'-6½"	0.4	10	4.0	INT	NEW	AWNING
I	DISPENSER SIGN	4'-9" X 0'-7¼"	3.1	10	31.0	NON	NEW	AWNING
TOTAL PROPOSED DIRECTIONAL SIGNAGE:					62.1 S.F.			



IN CITY COUNCIL

Marlborough, Mass., AUGUST 26, 2019

ORDERED:

That there being no objection thereto set **MONDAY, SEPTEMBER 23, 2019** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Nicholas Masso of Indo Laboratories, to operate an independent Marijuana Testing Laboratory at 257 Simarano Drive, be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE.**

Ninety days after public hearing is 12/22/19 which falls on a Sunday, therefore 12/23/19 would be considered the 90th day.

ADOPTED

ORDER NO. 19-1007757

First Draft

Special Permit Decision

Aries Laboratories LLC
d/b/a Indo Laboratories

Order No.19-1007757

IN CITY COUNCIL

Marlborough, Mass. October ____, 2019

ORDERED:

DECISION FOR SPECIAL PERMIT

IN CITY COUNCIL

Special Permit
Aries Laboratories LLC
d/b/a Indo Laboratories
Order No. 19-1007757

DECISION ON AN APPLICATION FOR SPECIAL PERMIT

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Aries Laboratories LLC, d/b/a Indo Laboratories, having a usual place of business at 257 Simarano Drive, Suite 100, Marlborough, Massachusetts 01752 as provided in the Decision and subject to the following Procedural Findings, Findings of Facts:

PROCEDURAL FINDINGS

1. Aries Laboratories LLC, d/b/a Indo Laboratories is a limited liability company organized, existing and in good standing under the laws of the Commonwealth of Massachusetts having a usual place of business at 257 Simarano Drive, Suite 100, Marlborough 01752, hereinafter referred to as the Applicant.
2. The Applicant is a lessee of the property, with the owner of the land being Eric O'Brien of O'Brien Commercial Real Estate, Inc., who maintains a place of business at 336 Baker Avenue, Concord, MA 01742.
3. The Applicant, on or about August 2, 2019 filed with the City Clerk of the City of Marlborough, an Application To City Council for Issuance of Special Permit (hereinafter referred to as the "Application") under the Ordinances of the City of Marlborough, Article VI Section 650-12b, to permit the applicant to conduct a business with the purpose of operating a Marijuana Independent Testing Laboratory.
4. The "Table of Uses" states that the intended use requires a Special Permit (SP)/ Zoning Relief issued by the Marlborough City Council.

5. The facility is located in the industrial (I) zoning district, Map 112, Parcel 4.
6. The Special Permit application filed on August 2, 2019 consisted of an original and two copies of the following: (a) Application to the City Council for Issuance of Special Permit (b) Special Permit-Summary Impact Statement for the proposed use of a Marijuana Independent Testing Laboratory (c) Filing Fee check in the amount of \$250.00 (d) (e) Plan Delivery Certification (f) Tax Payment Certification (g) Abutters List (h) Facility Site Plan (i) Planning Department Certification. Twelve sets of documents were delivered to the City Council and one set each to the Police Chief, the Fire Chief, the City Planner (Building Commissioner), the City Engineer and the Conservation Officer, all in accordance with Chapter 650 Section 650-59 of the Zoning Code of the City of Marlborough.
7. Under the provisions of Massachusetts General Laws Chapter 40A, on August 2, 2019, Applicant filed with the City Clerk to be placed on the City Council Agenda for August 23, 2019
8. In accordance with the Rules and Regulations of the City Council and Massachusetts General Laws Chapter 40A Sections 9 and 11, the City Council established September 23, 2019 as the date for a public hearing on the Application, caused to be advertised notice of said hearing and the date thereof in the MetroWest Daily News and mailed said notice to those entitled thereto, all in accordance with Massachusetts General Laws Chapter 40A.
9. All abutters certified by the Office of the Board of Assessor's of Marlborough were sent official legal notification of the Public Hearing, via certified mail. Prior to the Public Hearing on September 23, 2019, the green/white certified mail slips were submitted to the City Clerk's office.
10. The Marlborough City Council held a public hearing on the Application on September 23, 2019 in accordance with the published notice, (the "Public Hearing"). The hearing was opened at the time provided for in the notice and following the completion of testimony the hearing was closed on said date.
11. The Applicant presented testimony at the Public Hearing detailing the business operational plans for facility, especially as it pertained to security, waste disposal, hiring practices, community and economic impact, and such issues as the City Council and members of the public deemed appropriate. Members of the public had the opportunity to testify at the public hearing. There were no objections from the members of the public or the City Council Members.
12. The Applicant provided written and oral documentation and testimony to the City Council and the City Council's Urban Affairs and Housing Committee ("Urban Affairs") regarding the facility, operations, security and waste disposal.
13. The Applicant provided to Urban Affairs written and oral documentation as to the handling of the waste materials. In summation, all marijuana samples will be destroyed immediately following the testing process. All waste product is weighed and recorded prior to being destroyed. The waste material will be rendered unusable in an alcohol solution inside of a 55gallon container. The waste container will be stored within

facility inside of secured and monitored waste room. When the waste container reaches capacity, a Waste Management service technician is scheduled to retrieve and remove the container from inside the facility.

14. The facility has 24-hour off-site monitoring of security cameras, as well as multi-tiered levels of security clearance within the building. The applicant commits to work with city officials and the Marlborough Police Department to address any and all reasonable security concerns.
15. All staff of Indo Labs comply with all Cannabis Control Commission hiring requirements, including, but not limited to, any background and CORI check requirements.
16. The applicant commits to considering local applicants for employment and independent contract purposes. Applicants residency will be one positive consideration among many considerations such as experience and educational background.
17. According to the Planning Department, the Site Plan has been reviewed by the Building Department and conforms in all aspects to City Code and meets all requirements of the zoning ordinance.
18. According to the Applicant, the facility has been inspected by the Fire Chief and meets all safety and building codes.

BASED UPON THE ABOVE, THE CITY COUNCIL OF THE CITY OF
MABLBOROUGH MAKES THE FOLLOWING FINDINGS:

- A. The City Council finds that it may grant a Special Permit (Special Permit) subject to such terms as it deems necessary and reasonable to protect the citizens of the City of Marlborough (also referenced herein as the “City”).
- B. The City Council finds the Application for the Special Permit does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough, or General Laws. C.40A, et. seq.
- C. The City Council finds that the use of the site for the purposes of a marijuana independent testing laboratory is an appropriate use, and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough. The proposed business will cause no change to the abutting properties and the surrounding neighborhood, and will enhance the development goals of the City and the region by providing additional jobs. It will result in a positive economic impact on the business community.
- D. The Applicant has complied with all the procedural rules and regulations of the City Council of the City of Marlborough and Chapter 650 (Zoning Code) of the City of Marlborough and Massachusetts General Laws Chapter 40A, Sections 9 and 11.

GRANT OF SPECIAL PERMIT WITH CONDITIONS

The City Council of the City of Marlborough pursuant to its authority under Chapter 650 (Zoning Code) of the Code of the City of Marlborough and Massachusetts General Laws Chapter 40A, GRANTS to the Applicant a Special Permit to utilize 257 Simarano Drive, Suite 100 for the purpose of operating a Marijuana Independent Testing Laboratory, as per review of the applicant duties and responsibilities detailed within the information submitted to the City Council.

Yea: - Nay: - Absent:

ADOPTED

In City Council

Order No.

Adopted 2019

Approved by Mayor

Date: 2019

A TRUE COPY

ATTEST:

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

2019 AUG 13 A 11:17

1. Name and address of Petitioner or Applicant:

Nicholas Masso / 19 Old Andover Rd., North Reading, MA 01864

2. Specific Location of property including Assessor's Plate and Parcel Number.

257 Simarano Drive, Suite 100 / Parcel ID#: 112-4

3. Name and address of owner of land if other than Petitioner or Applicant:

Eric O'Brien / 336 Baker Avenue, Concord, MA 01747

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)

5. Specific Zoning Ordinance under which the Special Permit is sought:

Article _____ Section 650-12B Paragraph _____ Sub-paragraph _____

6. Zoning District in which property in question is located:

I: Industrial

7. Specific reason(s) for seeking Special Permit

We are seeking a Special Permit to operate a Marijuana Independent Testing Laboratory. The "Table of Uses" states that our intended use requires a "Special Permit" (SP) / Zoning relief issued by the Marlborough City Council.

8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

PETITION IS HEREBY MADE FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH AND IS BASED ON THE WITHIN PETITION OR APPLICATION AS FILED HERewith AND MADE PART OF SAID PETITION.

Nicholas Masso

Signature of Petitioner or Applicant

Address: 19 Old Andover Road

North Reading, MA 01864

Telephone No. 857-600-6713

Date: 8/2/19

LIST OF NAMES AND ADDRESS OF ABUTTERS
AS REQUESTED ON THE APPLICATION FOR SPECIAL PERMIT OF:

Nicholas Masso (Aries Laboratories LLC)
(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH UNDER CHAPTER 650, ZONING, OF THE CODE OF THE CITY OF MARLBOROUGH.

(Abutters as defined in §650-59, Section 4H, **Powers and Procedure of Special-Permit Granting Authorities**)

101
AVALON MARLBOROUGH LLC
ATTN AVALONBAY COMMUNITIES INC
671 N GLEBE RD STE 800
ARLINGTON, VA 22203

101
ATLANTIC-MARLBORO REALTY III LLC
205 NEWBURY ST
ATTN ATLANTIC MGMT CORP
FRAMINGHAM, MA 01701

111
HINES GLOBAL REIT MARLB CAMPUS I L
C/O HINES INTERESTS LP
100 CAMPUS DR #1
MARLBOROUGH, MA 01752

112
JEREMIAH 29 LLC
336 BAKER AVENUE
CONCORD, MA 01742

112
TJX COMPANIES INC
PO BOX 5369
COCHITUATE, MA 01778-6369

116
IPG PHOTONICS CORPORATION
50 OLD WEBSTER RD
OXFORD, MA 01540

OXFORD, MA 01540
50 OLD WEBSTER RD
IPG PHOTONICS CORPORATION

COCHITUATE, MA 01778-6369
PO BOX 5369
TJX COMPANIES INC

CONCORD, MA 01742
336 BAKER AVENUE
JEREMIAH 29 LLC

MARLBOROUGH, MA 01752
100 CAMPUS DR #1
C/O HINES INTERESTS LP
HINES GLOBAL REIT MARLB CAMPUS I L

FRAMINGHAM, MA 01701
ATTN ATLANTIC MGMT CORP
205 NEWBURY ST
ATLANTIC-MARLBORO REALTY III LLC

ARLINGTON, VA 22203
671 N GLEBE RD STE 800
ATTN AVALONBAY COMMUNITIES INC
AVALON MARLBOROUGH LLC

Utilisez le Gabarit Avery 5160

Étiquettes d'adresse Easy Peel

Pat: avery.com/patents

Abutters List 257 Simarano Dr 400 ft
MARLBOROUGH, MA

Map	Block	Lot	Unit	Owner~s Name	Co Owner~s Name	Address	City	ST	Zip
101	2A			AVALON MARLBOROUGH LLC		ATTN AVALONBAY COMMUNITIE	ARLINGTON	VA	2220
101	2B			ATLANTIC-MARLBORO REALTY III LLC		205 NEWBURY ST	FRAMINGHAM	MA	0170
111	1	1		HINES GLOBAL REIT MARLB CAMPUS I LL C/O HINES INTERESTS LP		100 CAMPUS DR #1	MARLBOROUGH	MA	0175
112	3			JEREMIAH 29 LLC		336 BAKER AVENUE	CONCORD	MA	0174
112	6			TJX COMPANIES INC		PO BOX 5369	COCHITUATE	MA	0177
116	10			IPG PHOTONICS CORPORATION		50 OLD WEBSTER RD	OXFORD	MA	0154

MARLBOROUGH

*Anthony C.
Lillian K.
Dana M.*

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Nicholas Masso Address: 19 Old Andover Road, North Reading, MA 01864

Project Name: Indo Labs Address: 257 Simarone Drive, Suite 100

1. PROPOSED USE: (describe) Marijuana Independent Testing Laboratory

* No development will be done (occupying space "as-is") *

2. EXPANSION OR NEW: N/A

3. SIZE: floor area sq. ft. 10,565 1st floor _____ all floors _____

buildings 1 # stories 1 lot area (s.f.) _____

4. LOT COVERAGE: _____ % Landscaped area: _____ %

5. POPULATION ON SITE: Number of people expected on site at anytime:

Normal: 6 Peak period: 6

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 6 Peak period: _____

(B) How many service vehicles will service the development and on what schedule?

N/A

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? N/A

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.

No change

(B) Describe any major sources of noise generation in the proposed development and include their usual times of operation. None

9. AIR: What sources of potential air pollution will exist at the development? None

10. WATER AND SEWER: Describe any unusual generation of waste. Nothing unusual

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? N/A

*Attach additional sheets if necessary



**CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall

140 Main St.

Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 460-3723 TTD (508) 460-3610

President and Members City Council

Date: 8/2/19

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Aries Laboratories LLC (dba "Indo Laboratories")

Project Use Summary: Marijuana Independent Testing Laboratory

Project Street Address: 257 Simarano Drive, Suite 100

Plate: _____ Parcel: 112-4

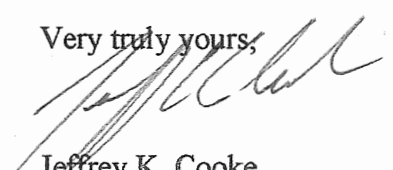
Applicant/Developer Name: Nicholas Masso

Plan Date: 8/2/19 Revision Date: _____

Dear President and Members:

In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements of Section 7; that the plan conforms in all aspects to City Code and to these Rules and Regulations, and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal period concerning said variances have run.

Very truly yours,


Jeffrey K. Cooke
Acting Director of Planning

**Application Fee to submit to
City Clerk's office**

\$250⁰⁰

**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT**



**Steven W. Kerrigan
City Clerk**

Dear Applicant,

To ensure that each department listed below receives a copy of your completed Special Permit application, please hand-deliver to each department as instructions indicate below.

PLACE A CHECK-MARK AFTER HAND-DELIVERING THE APPLICATION TO THE FOLLOWING DEPARTMENTS AND SIGN YOUR NAME & DATE IT ACCORDINGLY. MAKE SURE THIS PAGE IS SIGNED AND RETURNED TO THE CITY CLERK'S OFFICE WITH THE COMPLETED APPLICATION. THE CITY CLERK'S OFFICE WILL NOT ACCEPT THE APPLICATION WITHOUT THE SIGNATURE OF THE APPLICANT OR PETITIONER AS INDICATED BELOW.

1 SET	POLICE CHIEF <input checked="" type="checkbox"/>
1 SET	FIRE CHIEF <input checked="" type="checkbox"/>
1 SET	CITY ENGINEER <input checked="" type="checkbox"/>
1 SET	DIRECTOR OF PLANNING <input checked="" type="checkbox"/>
1 SET	CONSERVATION OFFICER (IF WETLANDS AFFECTED) <input type="checkbox"/>
1 SET	BUILDING COMMISSIONER <input checked="" type="checkbox"/>
12 SETS	OFFICE OF THE CITY COUNCIL <input checked="" type="checkbox"/>
3 SETS	OFFICE OF THE CITY CLERK <input checked="" type="checkbox"/> (<u>MUST be Original</u> & 2 Complete Sets)

Nicholas Marro
Signature

8/2/19
Date

Thank you for your cooperation in this matter.

Sincerely,

Steven W. Kerrigan
City Clerk

**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT**

**Steven W. Kerrigan
City Clerk**



I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all Municipal tax returns and paid all Municipal taxes required under law.

Company Name

Aries Laboratories LLC

Owner Name/Officer Name of LLC or Corporation

Nicholas Masso

Owner/Officer Complete Address and Telephone Number

Nicholas Masso

19 Old Andover Road, North Reading, MA 01864

857-600-6713

Signature of Applicant

Nicholas Masso

Attorney on behalf of Applicant, if applicable

The Special Permit Package will not be accepted unless this certification clause is signed by the applicant and the Tax Collector.

Eileen Bristol

Tax Collector



City of Marlborough
BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3776 Facsimile (508) 460-3736
building_dept@marlborough-ma.gov

JEFFREY COOKE, C.B.O.
BUILDING COMMISSIONER

PATRICK DAHLGREN
ASSISTANT BUILDING
COMMISSIONER

WILLIAM PAYNTON
LOCAL BUILDING INSPECTOR

RICHARD DESIMONE
PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

ZONING DENIAL

July 31, 2019

Applicant

Nicholas Masso
19 Old Andover Road
North Reading, MA 01864

Owner

257 Simarano LLC
Eric O'Brien, Resident Agent
336 Baker Avenue
Concord, MA 01742

Mr. Masso:

Your application to operate Marijuana Independent Testing Laboratory dba "Indo Laboratories" at 257 Simarano Drive, Suite 100, Marlborough, MA Parcel ID # 112-4, located in the Industrial zoning district (I) is denied as it does not comply with Chapter 650-17 Table of Uses of City Code of Marlborough. The "Table of Uses" states that your use requested, requires a "Special Permit" (SP) issued by the Marlborough City Council.

Your use requested requires a Zoning relief issued by the Marlborough City Council.

You have the right to continue to the Marlborough City Council (SPGA) for a Special Permit as stated in the City Code section 650-12B or you have the right to appeal this decision to the Zoning Board of Appeals as per section 650-58.

An appeal from this denial for a SP may be taken to the Marlborough City Council by filling a Special Permit application with the City Clerk within 30 days of the date of this denial letter. Further information should be obtained from the Marlborough City Council.

The code in its entirety may be found at www.ecode360.com/MA1056
In your appeal, you may request a Special Permit (SP).

Sincerely,

Jeffrey Cooke, C.B.O.
Building Commissioner
Zoning Enforcement Officer



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Kate Flanagan
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

June 11, 2019

RE: Letter of Non-opposition

To Whom It May Concern:

I, Arthur G. Vigeant, Mayor of the City of Marlborough, do hereby provide non-opposition to Aries Laboratories LLC, to operate an Independent Testing Laboratory in the City of Marlborough.

I have verified with appropriate local officials that the proposed Independent Testing Laboratory is located in a zoning district that allows such use by right or pursuant to local permitting.

Sincerely,



Arthur G. Vigeant
Mayor

Date 7/22/19



Commonwealth of Massachusetts
CITY OF MARLBOROUGH
APPLICATION FOR USE OR CHANGE OF USE BY

The Marlborough City Code requires that a permit be obtained before any land or structure may be used in any way, and before any use may be changed.

► This does not apply to a change of ownership – only to a change in use.

Applications for permits shall be accompanied by two prints of a plan of the lot, drawn to scale, showing the actual dimensions of the lot, exact location and size of any existing or proposed buildings and streets and ways adjacent to the lot.

Address of property for which use or change of use is applied for:

257 Simarano Drive 112-4 51 INDUSTRIAL
No. / Street Parcel ID# Zoning District

Assessors Init: _____

Description of Use Proposed (as written in Section 650-17 Table of Uses).

Please attach a brief narrative, if necessary.

Testing Laboratory certified by Department of Public Health

If Residential, state # of units proposed _____

If Business, state exact type Analytical Laboratory Testing for Cannabis Industry

Present Use of Property, including any existing structures
Laboratory / Industrial

Applicant's Name Nicholas Masso
Applicant's Address

19 Old Andover Road
North Reading, MA 01864

Applicant's Phone 857-600-6713

Bldg Owner's Name Eric O'Brien
Owner's Address

336 Baker Avenue
Concord, MA 01742

Owners Phone 978-369-5500 Ext. 121

I, as Owner/Authorized Agent hereby declare that the statements and information on the foregoing application are true and accurate, to the best of my knowledge and belief.

Nicholas G. Masso
Applicant's Signature

[Signature]
Owner's Signature

I certify that the owner of record below is not delinquent in payments to the City of Marlborough under any circumstances per MGL Chapter 40 Section 57.

Tax Collector _____ Date _____ **OVER ►**

FOR ADMINISTRATION USE ONLY – DO NOT WRITE BELOW THIS LINE

APPROVE [Signature] ZONING CODE Requires Special Permit 650-18*47
DENIED _____ REASON FOR DENIAL _____ 650-17 TABLE OF USES
[Signature] 31 July 2019
ZONING AGENT DATE

Description of Business:

The Massachusetts Department of Public Health requires that anyone who has a license to grow or distribute cannabis or related products must send samples to a third party, licensed ISO accredited lab for analytical testing. This business is the laboratory that will do the aforementioned testing to assist the MDPH in certifying that all products meet regulatory compliance standards for pesticides, residual solvents, mycotoxins/bacteria, heavy metals and potency. The facility and all employees will be licensed by the MDPH and Cannabis Control Commission to operate.

Name and Address of all persons involved in proposed Business:

Nicholas Masso: 19 Old Andover Road, North Reading, MA 01864

Nicholas Bilotti: 432 Norfolk Street, Somerville, MA 02143

List all major equipment used in this business: Analytical Instruments: Mass Spectrometers (LC, GC, ICP), UPLC (Ultra Performance Liquid Chromatography)

What size vehicle will be involved with the business, if any: Van for sample pickup

Where on the premises will business be conducted? All business will be conducted in existing laboratory space

Will there be any exterior changes to this property including signs?
None

Will there be any noise, emissions, noticeable to persons adjacent to this property? None

Will customers visit the property? Yes (occasionally) If yes, how many people are expected at one time? 1-2

List materials sold or stored at the property: None. The business is a service and results are reported to clients on online system portal

Is this business solely a telephone or marketing business use?
No

Please provide any other information that would allow us to understand your proposed business that you feel is important: Samples will be immediately destroyed after analysis in compliance with ISO:17025 standards and Waste Management regulations. The quantity of samples stored will be a minimal quantity (no more than is allowed for any one medicinal marijuana patient). All samples awaiting analytical preparation will be stored securely in locked room. There will be no detectable smell and there is no shared space with any other building tenant.

Name of Business: Aries Laboratories LLC
(doing business as: Indo Laboratories)



William Francis Galvin
Secretary of the Commonwealth of Massachusetts



Corporations Division

Business Entity Summary

ID Number: 061778739

[Request certificate](#)

[New search](#)

Summary for: 257 SIMARANO LLC

The exact name of the Domestic Limited Liability Company (LLC): 257 SIMARANO LLC		
Entity type: Domestic Limited Liability Company (LLC)		
Identification Number: 061778739		Old ID Number: 000925086
Date of Organization in Massachusetts: 05-24-2006		
Last date certain:		
The location or address where the records are maintained (A PO box is not a valid location or address): Address: 336 BAKER AVE City or town, State, Zip code, CONCORD, MA 01742 USA Country:		
The name and address of the Resident Agent: Name: ERIC O'BRIEN Address: 336 BAKER AVE City or town, State, Zip code, CONCORD, MA 01742 USA Country:		
The name and business address of each Manager:		
Title	Individual name	Address
MANAGER	DAVID STUBBLEBINE	1 CRANBERRY HILL #103 LEXINGTON, MA 02421 USA
MANAGER	ERIC O'BRIEN	336 BAKER AVE CONCORD, MA 01742 USA
In addition to the manager(s), the name and business address of the person(s) authorized to execute documents to be filed with the Corporations Division:		
Title	Individual name	Address
SOC SIGNATORY	DAVID STUBBLEINE	1 CRANBERRY HILL #103 LEXINGTON, MA 02421 USA
SOC SIGNATORY	ERIC O'BRIEN	336 BAKER AVE CONCORD, MA 01742 USA

CURRENT OWNER		TOPO.	UTILITIES	STRT/ROAD	LOCATION	CURRENT ASSESSMENT			
257 SIMARANO LLC		4 Rolling	1 All Public	1 Paved	1 Urban	Description	Code	Appraised Value	Assessed Value
336 BAKER AVE						IND BLDG	4000	530,500	530,500
CONCORD, MA 01742						IND BLDG	4040	1,878,800	1,878,800
Additional Owners:						IND LAND	4040	1,577,800	1,577,800
						IND BLDG	4040	43,700	43,700
SUPPLEMENTAL DATA									
Other ID: 112/4//		PROBATE							
Deed Ref #									
Aff Housing									
Schedule ID									
LCD									
CERT									
GIS ID: M_193377_897109		ASSOC PID#							
Total								4,030,800	4,030,800

228
MARLBOROUGH, MA

VISION

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	q/u	w/t	SALE PRICE	V.C.	PREVIOUS ASSESSMENTS (HISTORY)									
257 SIMARANO LLC		64769/ 345	01/08/2015	U	I	100	1B	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	
257 SIMARANO LLC		50633/ 448	01/25/2008	U	I	0	1F	2018	4000	507,900	2017	4000	469,300	2016	4000	469,300	
257 SIMARANO LLC		48280/ 327	10/04/2006	Q	I	4,950,000	00	2018	4040	1,740,800	2017	4040	1,602,800	2016	4040	1,602,800	
LAKEVIEW REALTY CORP		25295/ 377	04/21/1995	Q	I	1,100,000	00	2018	4040	1,273,400	2017	4040	1,231,600	2016	4040	1,231,600	
								2018	4040	44,300	2017	4040	47,300	2016	4040	47,300	
Total:										3,566,400	Total:		3,351,000		Total:		3,351,000

EXEMPTIONS			OTHER ASSESSMENTS					
Year	Type	Description	Amount	Code	Description	Number	Amount	Comm. Int.
Total:								

This signature acknowledges a visit by a Data Collector or Assessor

ASSESSING NEIGHBORHOOD				
NBHD/ SUB	NBHD Name	Street Index Name	Tracing	Batch
0001/A				

APPRAISED VALUE SUMMARY	
Appraised Bldg. Value (Card)	1,832,400
Appraised XF (B) Value (Bldg)	46,400
Appraised OB (L) Value (Bldg)	43,700
Appraised Land Value (Bldg)	1,577,800
Special Land Value	0
Total Appraised Parcel Value	4,030,800
Valuation Method:	C
Adjustment:	0
Net Total Appraised Parcel Value	4,030,800

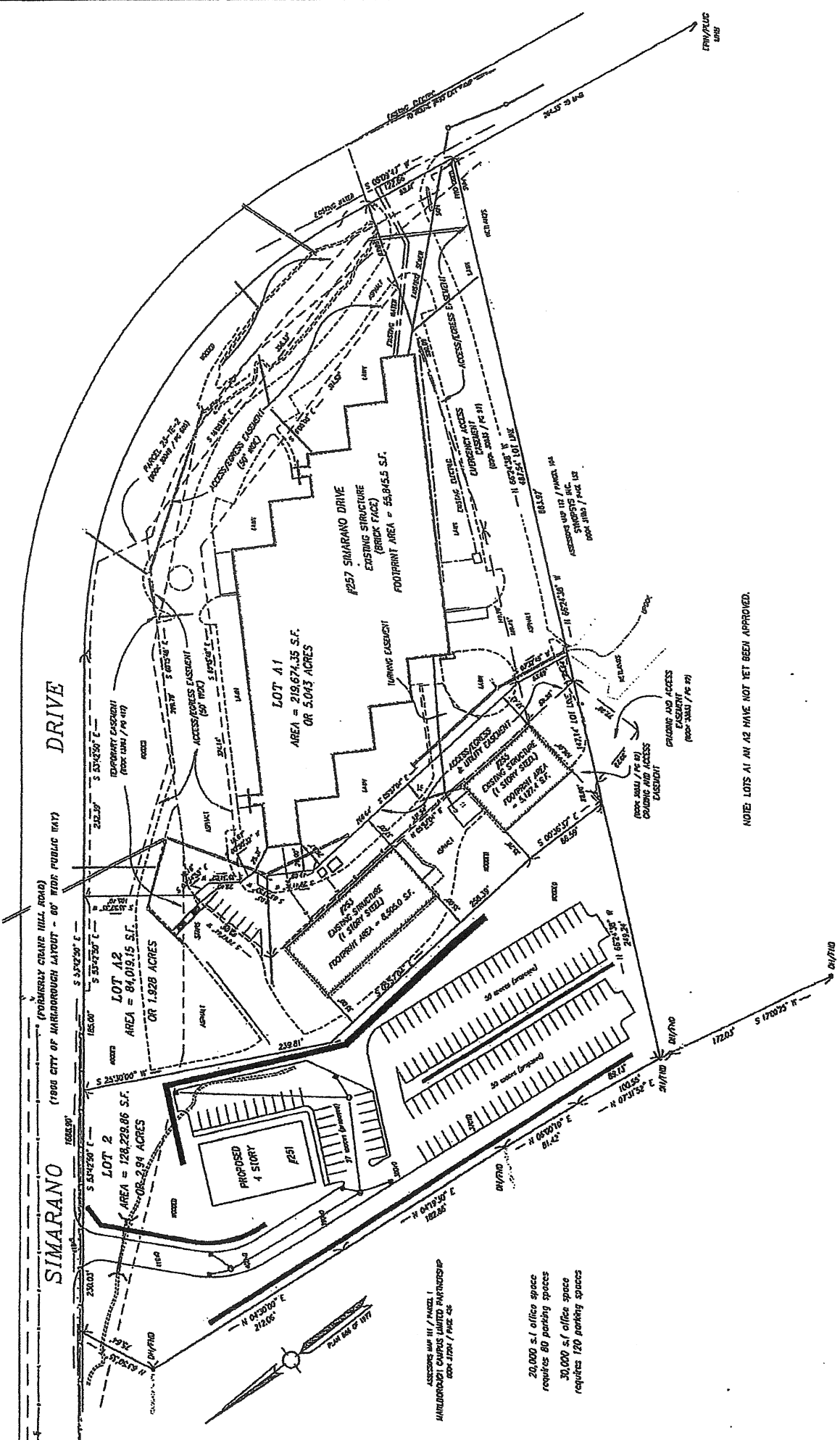
NOTES	
SPECTRA ANALYSIS 7500 SF	BLOOMY CONTROLS
AVATAR PHARMACEUTAL	METLIFE
IQS (IQS ENGINEER)	ADDRESS CHANGE 8/28/09
DOTGAIN	LEASING INF 978-838-9828
MOTION TECH 12000 SF	O'BRIEN COM.PROPERTIES
ACTIVE MAY FLOWER 5200 SF	

BUILDING PERMIT RECORD									
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments	
2016-0743	05/26/2016	CM	Commercial	0		100		BUILD 19X9 FT LONG I	06/16/2016
2013-0066	12/12/2013	RE	Remodel	58,321		100	02/10/2014	Add metal studd and gnps	06/04/2010
2012-0049	07/10/2012	RE	Remodel	15,000		100	09/18/2012	Interior modifications inc	07/27/2006
2011-0081	08/29/2011	CM	Commercial	4,900		100	09/07/2011	Build walls for new office	
2011-0018	03/25/2011	CM	Commercial	10,000		100	04/04/2011	Interior fit up for new ten	
MP2009-108	12/23/2009	CM	Commercial	39,000		100	04/07/2010	FIT UP	

VISIT/ CHANGE HISTORY					
Date	Type	IS	ID	Cd.	Purpose/Result
06/16/2016			TB	13	Building Permit
06/04/2010			WH	00	Measured & Listed
07/27/2006			WH	00	Measured & Listed

LAND LINE VALUATION SECTION																							
B #	Use Code	Use Description	Zone	D	Front	Depth	Units	Unit Price	I. Factor	S.A.	Acre Disc	C. Factor	ST. Idx	Adj.	Notes- Adj	Special Pricing	S Adj Fact	Adj. Unit Price	Land Value				
1	4040	Research & Devel	I				43,560 SF	4.60	1.0000	A	1.0000	1.00	C080	1.80	SITE SIZE = 60% CO'		1.00	8.28	360,700				
1	4040	Research & Devel	I				4.95 AC	135,900.00	1.0000	0	1.0000	1.00	C080	1.80	SITE		1.00	244,620.00	1,210,900				
1	4040	Research & Devel	I				1.03 AC	6,000.00	1.0000	0	1.0000	1.00		0.00	EXC		1.00	6,000.00	6,200				
Total Card Land Units:							6.98 AC	Parcel Total Land Area:							6.98 AC	Total Land Value:							1,577,800

EXHIBIT "A"

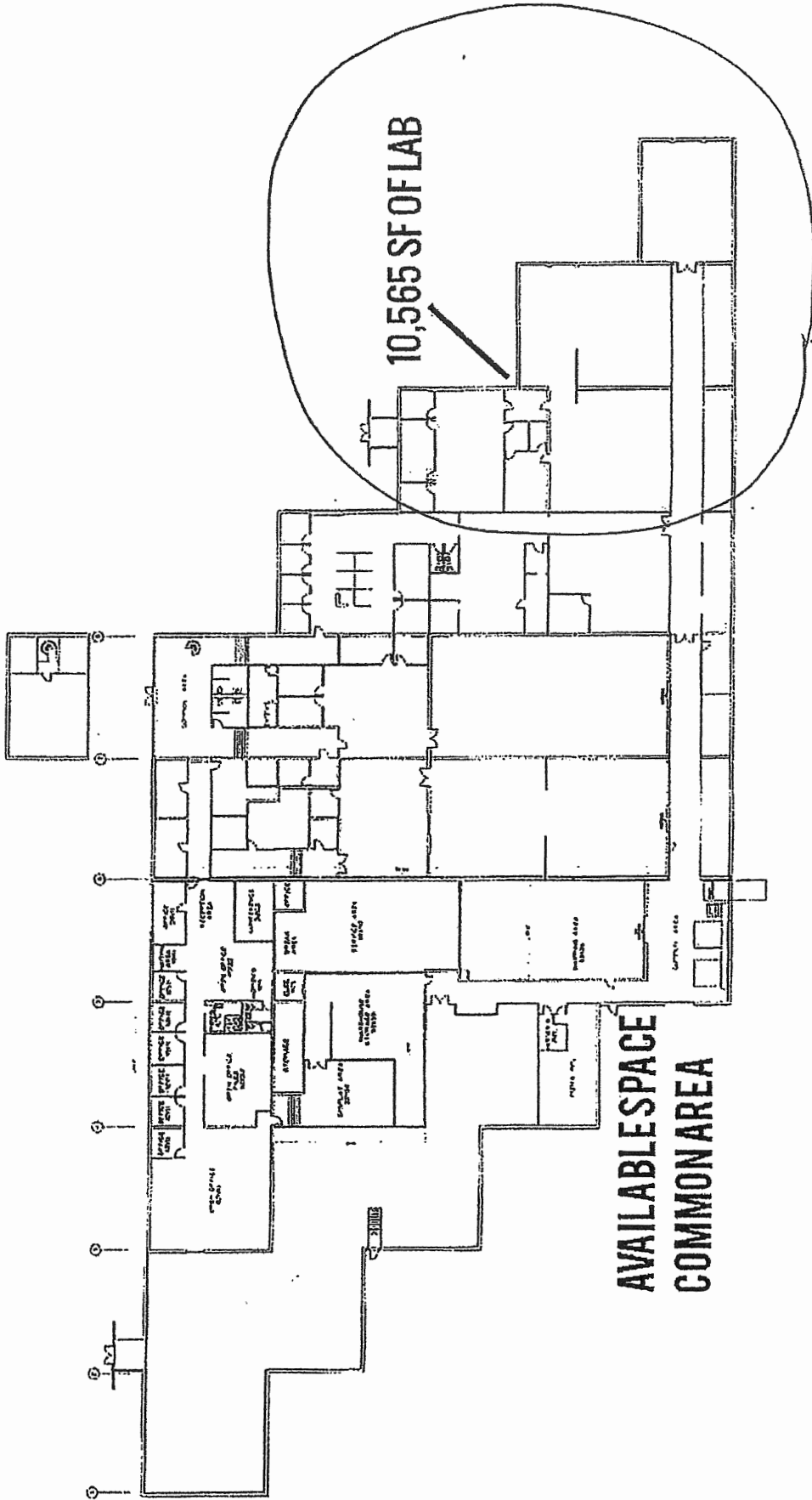


NOTE: LOTS A1, A2 HAVE NOT YET BEEN APPROVED.

ASSASSINS INN III / PHASE I
 HAZLEWOOD/CENTRAL CAMPUS LIMITED PARTNERSHIP
 8000 JUNE / PHE 25

20,000 s.f. office space
 requires 80 parking spaces
 30,000 s.f. office space
 requires 120 parking spaces

EXHIBIT "B"



↑ 257 Simarano - Suite 100

**AVAILABLE SPACE
COMMON AREA**

Aries Laboratories LLC
Cannabis Analytical Testing

Massachusetts Business Plan

Contact Information:

Nicholas Masso
nickmasso@gmail.com
(857) 600-6713

Executive Summary

Cannabis analytical testing is an essential part of the legal marijuana industry and now government mandated. Both grow facilities and dispensaries are required to test their products by an independent 3rd party laboratory for potency and purity. The testing industry is the next big market and is on track to be worth an estimated \$1.4 Billion by 2021. However, as the Cannabis industry continues to grow as a whole, the lab market is not evolving quickly enough to keep up with the rapid influx of products that will need to be tested. This bottleneck in the industry has created a significant challenge not only for the producers and distributors (by delaying production and sales), but also the ability of the state government to truly regulate the process to ensure that communities are receiving products that are accurately tested and safe to consume. A recent survey of growers and dispensary owners in Massachusetts and Pennsylvania expressed that there is already a significant gap in the analytics industry that is not being met, leading to long lead times and testing variability. The manual processes and primitive equipment utilized by current testing facilities will simply not have the scalable infrastructure to align with the high throughput demands of the rapidly growing client-base.

Alongside of the legal cannabis industry, the other rapidly market emerging market are CBD products derived from hemp. Last year, federal lawmakers passed the 2018 farm bill which separated hemp from the legal definition of marijuana, making it legal to manufacture and buy anywhere in the United States. In 2018, CBD was a \$619 million industry nationwide. By the end of 2019, it's expected to hit \$5.9 billion, according to researchers with Brightfield Group, a CBD marketing research firm. A major concern of this growing industry is that there is little to no regulation and no one is overseeing what is truly going into these products. CBD is not considered a food or dietary supplement, so there aren't strict regulations or testing requirements for the products. The FDA can only go as far as warning companies against making any type of marketing claims regarding what the product can do for a person's health. The fact that CBD product potency, efficacy and safety are already being acknowledged as an issue means that laboratory testing is not only becoming a benefit to refining product validation, but will soon become a requirement of state governments.

Given the sparse existence of cannabis analytical labs, there is an exceptional opportunity for a new testing company to thrive, especially one that has already developed the necessary platform and business model for success. We plan to achieve these results by sourcing a highly capable and talented staff, the most advanced/reliable analytical equipment and implementing automation at every possible point of the testing process. As we establish the set process that maximizes throughput and consistency with a first location in Massachusetts, we will plan a controlled expansion into Pennsylvania and any other states that we deem to be an equivalent or next emerging market. Right from the starting gate, we will immediately be on track as a major player within the cannabis testing industry, with the ultimate goal to create the standard for which all future analytical testing will be based.

Target Market

Market Size & Segments

The Massachusetts Department of Public Health requires that anyone who has a license to grow or distribute cannabis or related products must send samples to a third party ISO accredited lab for testing. The samples cannot be mailed and are required to be tested in the same state that they are grown or distributed. Marijuana sales in MA are estimated to be \$450M statewide in 2018 and predicted to reach \$1.2B by 2021. Recreational dispensaries will open in July 2018, which will create a simultaneous influx of grow facilities far beyond those already existing.

U.S. marijuana market projections through 2025

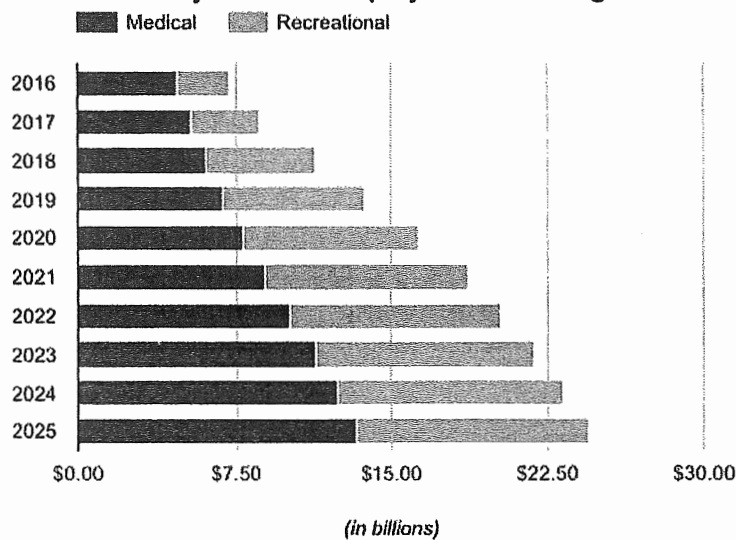
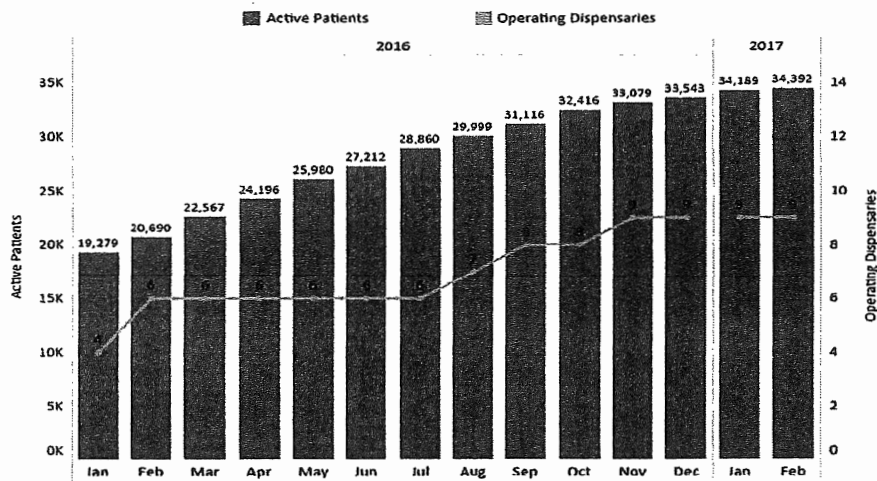


Chart of the Week Marijuana Business Daily

Number of Medical Marijuana Patients & Operating Dispensaries in Massachusetts By Month

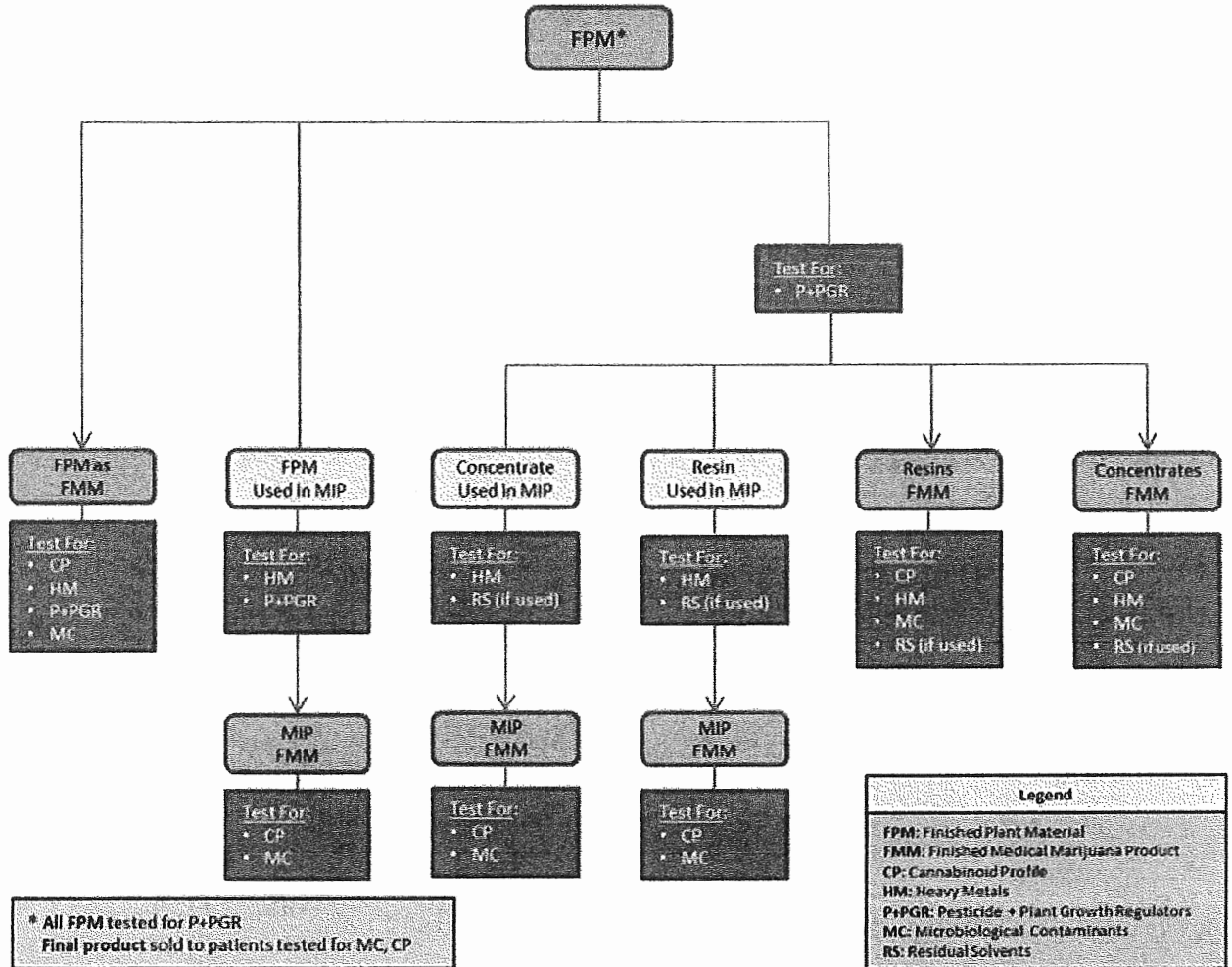


Source: Massachusetts Executive Office of Health and Human Services
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- Protocol for Sampling and Analysis of Finished Medical Marijuana Products and Marijuana-Infused Products for Massachusetts Registered Marijuana Dispensaries

Production Stage/Product	Contaminants of Concern	Required Testing
Finished Plant Material	<ul style="list-style-type: none"> • Contaminants remaining from cultivation • Fungal/microbial growth during finishing 	<p>All Production Batches:</p> <ul style="list-style-type: none"> • Pesticides and plant growth regulators <p>Production Batches to be Dispensed as Finished Medical Marijuana Product:</p> <ul style="list-style-type: none"> • Metals • Bacteria/fungi/mycotoxins • Cannabinoid profile
Cannabis Resin	<ul style="list-style-type: none"> • Contaminants remaining from cultivation • Solvents if used to extract resin • Fungal/microbial growth during production 	<p>All Production Batches:</p> <ul style="list-style-type: none"> • Solvents(if used) • Metals <p>Only Production Batches to be Dispensed as Medical Marijuana Product:</p> <ul style="list-style-type: none"> • Bacteria/fungi/mycotoxins • Cannabinoid profile
Cannabis Concentrates	<ul style="list-style-type: none"> • Contaminants remaining from cultivation • Solvents used to extract oil • Fungal/microbial growth during production 	<p>All Production Batches:</p> <ul style="list-style-type: none"> • Solvents • Metals <p>Only Production Batches to be Dispensed as Medical Marijuana Product:</p> <ul style="list-style-type: none"> • Bacteria/fungi/mycotoxins • Cannabinoid profile
MIPs	<ul style="list-style-type: none"> • Contaminants in finished marijuana ingredients • Fungal/microbial growth during production 	<p>All Production Batches:</p> <ul style="list-style-type: none"> • Bacteria/fungi/mycotoxins • Cannabinoid profile

Testing Requirements



Competition

Current Alternatives:

Company: MCR Labs

Start Date: 2013

Location: Framingham, MA

Claims/Selling Points:

Excerpt from MCR website: “The core of our experience comes from contract research organizations (CROs) in the pharmaceutical industry. This means that we are experts in:

- Regulatory compliance – cGMP (current good manufacturing practice) is the stringent regulatory framework used in the pharmaceutical industry and trusted by the FDA. We base our systems on this framework, adapted to the international ISO-17025 format. Therefore, we will be ready for any regulations that are placed on the industry going forward to assist our clients with a seamless transition into a federally regulated product when the time comes.
- Analytical method development – we can adapt to any new standards that are required now or in the future by regulatory agencies or is of interest for R&D purposes.
- Formulation and extraction – we have experience analyzing many molecules in a variety of different matrices.”

Company: ProVerde Laboratories

Start Date: 2013

Location: Milford, MA, Portland, ME, Rhode Island

Claims/Selling Points:

- Invested \$2M in outfitting lab
- ISO 17025:2005 Accreditation
- Accredited to perform up to 44 different tests
- Recognition by Emerald Test for Potency and Safety w/ published test results
- Excerpt from Proverde website: “using a system called UPC2, which is Ultra Performance Convergence Chromatography. It is probably the most sophisticated testing technology in the world today. We use super critical carbon dioxide as the mobile phase in our testing, so that means we use 100 to 500 times less toxic waste compared to other testing technologies”

Company: CDX Analytics

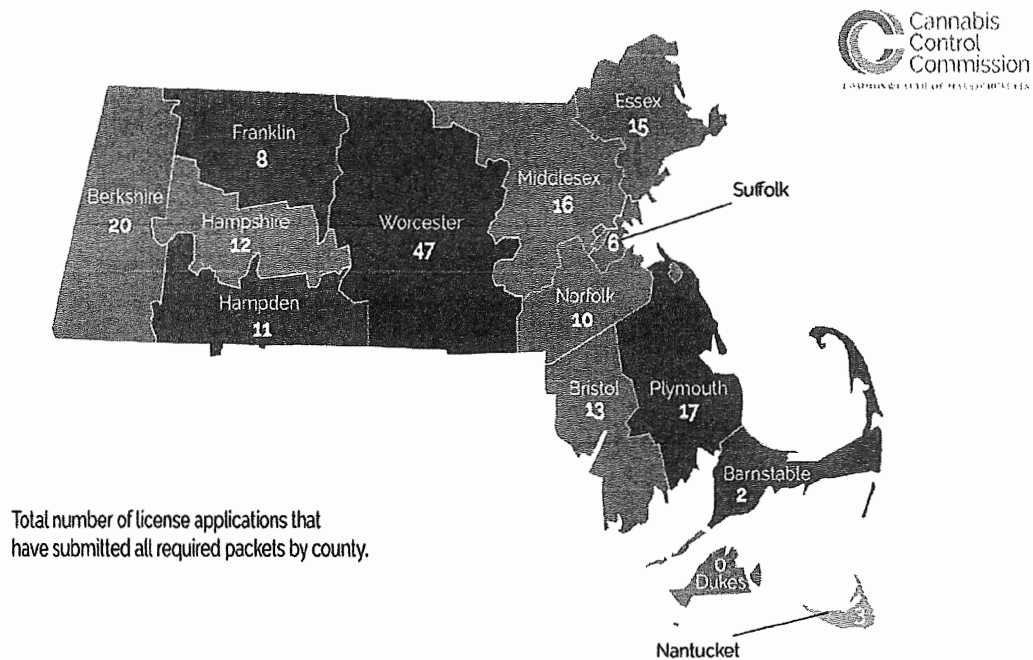
Start Date: 2015

Location: Salem, MA

Claims/Selling Points:

- On-time results reporting.
- The only Massachusetts laboratory that can test all analytes required by the MDPH (including all pesticides, negating your need to label each product as non-compliant).
- Daily collection service from your business, ensuring chain of custody at all times.
- On-line secure 24-hour access to your results across multiple platforms.
- Highly experienced analytical team and dedicated support staff.
- Transportation service available in compliance w/ CMR 725.000 (MA DPH)

Current MA License Map



List of MA Cultivation Facilities With Provisional License

Marijuana Cultivator	Location	Cultivation Square Footage
Alternative Therapies Group, Inc.- Amesbury	Amesbury	31,040
Cultivate Holdings LLC.	Leicester	22,400
I.N.S.A., Inc.	Easthampton	39,000
M3 Ventures, Inc.	Plymouth	10,000
New England Treatment Access, LLC.	Franklin	60,000
Northeast Alternatives, Inc.	Fall River	50,000
Patriot Care Corp	Lowell	40,000
SIRA NATURALS, INC.	Milford	20,000
1620 Labs, LLC	Athol	365,000
253 Organic, LLC	Montague	30,000
Ashlis Farm Inc.	Attleboro	15,000
Atlantic Medicinal Partners, Inc.	Fitchburg	50,000
BCWC, LLC	Attleboro	24,700
Berkshire Roots, Inc.	Pittsfield	2,400
Berkshire Welco LLC	Sheffield	40,000
CannAssist, LLC	Leicester	180,000
Cape Cod Grow Lab, LLC	Brewster	10,000
Central Ave Compassionate Care, Inc.	Ayer	8,500
Commonwealth Cultivation Inc.	Pittsfield	5,600
Curaleaf Massachusetts, Inc.	Webster	104,000
East Coast Organics, LLC	Leicester	100,000
Good Chemistry of Massachusetts, Inc	Bellingham	10,000
Green Gold Group, Inc	North Brookfield	153,000
Holyoke Gardens, LLC	Holyoke	150,000
In Good Health, Inc.	Brockton	7,000
Jolly Green LLC	Winchendon	100,000
JustinCredible Cultivations	Cummington	174,000
LDE Holdings, LLC.	Wareham	16,600
Mass Yield Cultivation LLC	Pittsfield	5,000
Massachusetts Patient Foundation, Inc	Fitchburg	102,000
MassGrow, LLC	Athol	360,000
New England Renewable Resources, LLC	Chester	16,500
Revolutionary Clinics II, Inc.	Fitchburg	75,900
Sanctuary Medicinals, LLC	Littleton	15,000
Silver Therapeutics, Inc.	Orange	92,128
Solar Therapeutics Inc.	Somerset	66,000

MA Site Plan

Location & Facility:

Prospective Location: The Boroughs (i.e. Marlborough, MA)

Size: 10,000 to 11,000 sq. ft.

Lease: ~\$18,000/month

Description: A location that already has all the necessary infrastructure and utilities for the intended business (lab benches, fume/exhaust hoods, office space, conference room, storage, break-room and loading dock). If minimal to no build-out is required, there will be substantial cost and time savings in getting the busy operational. Only new paint, signage, basic office furniture and the analytical testing equipment are required to get the facility up and running.

Operations: This site will serve as the initial headquarters for the entirety of the business servicing the medicinal and recreational cannabis market. This facility will also serve as the location where all new hires will be trained.

Security: Cameras and Keycard access are necessary for the location. If not already in place at facility, we will plan to install. Parking lot security surveillance would be helpful for additional peace of mind as well and hopefully part of the lease agreement.

*Two other locations in the same region are also being considered that have a similar lab infrastructure, but are slightly smaller and thereby more cost effective. The town of Marlborough is preferable because of its proximity to Boston, all major highways, existing medicinal dispensaries/grow facilities and prospective recreational dispensaries.

*Already received approval from Mayor of Marlborough, with Host Community Agreement in process. We will have no issues securing the approval or further licensing.

Potential Future Locations: PA, NY, NJ RI, ME

*As the business grows in MA, we will consider expansion into other surrounding states where marijuana has been legalized for recreational use

MA Financial Plan

MA Lab Valuation= \$5M

MA Lab Valuation Calculation:

\$575M Marijuana sales for 2018 in MA

**Above figure from New Frontier Data, a cannabis industry analytics firm based in Washington, D.C.*

3.5% of Cannabis Industry is estimated to be spent on Analytical Testing

**Value is average determined through extensive analysis of all states with legalized cannabis and substantiated by New Frontier Data.*

3.5% of \$575M= \$20.1M total for 2018 testing in MA

*Once opened, Aries Labs will be only the fourth cannabis testing lab in MA. Simplistically speaking, if all the testing labs in MA each account for 25% of the market, this would allow for annual revenues of approximately \$5M for each company (assuming an even distribution of the testing).

*We will have an immediate advantage in that it will be only one of two labs who will be able to test for all government mandated pesticides. The other two facilities that do not have such capability are required to label all their products as Non-compliant with the MDPH. Another important differentiating factor is that our throughput for testing is on a level that far surpasses its competitors (2 days vs. 2 weeks), which will allow for greater capacity to accommodate a larger client base. These two advantages combined with an efficient software platform will put Aries on a financial level that is equal to, if not better than the competitors within the first year.

*By 2021, the Massachusetts Cannabis Market is forecasted to hit at least \$1.2B, which will increase company valuation significantly.

Team

Chief Executive Officer (CEO): Nicholas A. Masso

Nicholas graduated from College of the Holy Cross in Worcester, MA in 2004 with a Bachelor's Degree in Pre-medical studies. He performed his graduate studies at Harvard University in Biochemistry and Molecular Biology. Nick began his professional career as a molecular biologist researching Huntington's Disease at Massachusetts General Hospital. He currently works as a technical expert designing process development platforms for the regenerative medicine industry at Sartorius Stedim Biotech. He has also been working for the past two years as an Executive Partner for a California Cannabis Analytical Testing Lab in California. Once the start date for the Massachusetts marijuana testing laboratory becomes visible, Nick will be leaving his role at Sartorius to be the full-time CEO of Aries Laboratories. Nick currently resides with his wife and three-year-old daughter at their home in North Reading, MA.

<https://www.linkedin.com/in/nick-masso-7233695/>

Chief Operating Officer (COO): Nicholas D. Bilotti

Nick has over 10 years of experience in the biotech industry. He first started out in research and process development in a biofuels startup before moving to a product specialist role in upstream bioprocessing for Sartorius Stedim Biotech. His technical expertise in automation and analytics combined with his experience in project management make him uniquely capable of managing the heavy responsibility required of a testing facility. He has a BS in biology from UCLA and did graduate work in biochemistry and education at UC Berkeley. Nick currently resides in Somerville, MA.

<https://www.linkedin.com/in/nicholasbilotti/>

Additional Team

-*Chief Technology Officer:* Recent hire has been an analytical chemist for 20 years, focusing on MS and GCMS. Holds graduate degrees in biochemical engineering and analytical chemistry from Tufts and MIT.

-*Lab Director:* Recent hire has PhD in analytical chemistry from MIT with over 10 years of laboratory management experience.

-*Lab Technicians:* Two to three qualified candidates with extensive lab experience are being interviewed.

-*Administrative Manager:* Candidate being considered has a degree from Harvard Business School.

-*Driver/Sample Technician:* Role currently being scouted. Candidate must have at least a college degree and experience with sample inventory management.

*All employees will have full background checks and be required to be licensed by Massachusetts Department of Public Health.



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 23, 2019

PAGE 1

ORDERED:

That the PUBLIC HEARING On the Application for Special Permit from Nicholas Masso of Indo Laboratories, to operate an independent Marijuana Testing Laboratory at 257 Simarano Drive, Order No. 19-1007757, all were heard who wish to be heard, hearing closed at 8:36 PM.

Councilors Present: Delano, Doucette, Dumais, Irish, Clancy, Landers, Juaire, Oram, Ossing, & Robey.

Councilors Absent: Tunnera.

Certification filed by Councilor Tunnera and read into the record, pursuant to Chapter 79 of the Acts of 2006.

PUBLIC SPEAKING IN FAVOR

Nicholas Masso, Chief Executive Officer (CEO) of Indo Laboratories, introduced the Chief Operating Officer (COO), Nicholas Bilotti, and spoke in favor of the special permit application.

Councilor Tunnera was unable to attend the public hearing and submitted a "Certification Required Under Chapter 79 of the Acts of 2006 Examination of Evidence Received at September 23, 2019 Public Hearing Application for Special Permit submitted by Nicholas Masso of Indo Laboratories to operate an independent Marijuana Testing Laboratory at 257 Simarano Drive, Order No.19-1007757," and was read into the record by the City Clerk.

Mr. Masso reviewed a PowerPoint presentation (available in the City Clerk's Office for viewing) which contained charts, graphs, and some statistical information. There are currently thirty-three states plus Washington DC which allow medical marijuana and eleven of those states and Washington DC allow for recreational marijuana use. Mr. Masso showed a Timeline of State Marijuana Legalization Laws where cannabis legalization started in California in 1996 with the first ever dispensary and around the same time, the first testing laboratory came about with the Board of Health recognizing they would need a way to regulate and ensure what the communities were consuming was safe. In 2012, Massachusetts adopts its own medicinal cannabis laws and the first medicinal facility, Alternative Therapies Group of Salem, opened in 2013. Around that time, the state needed a way to regulate the process and enlisted the services of a testing laboratory. The testing laboratory space continues to be a small portion of the actual industry and is becoming the biggest bottleneck in the industry and inhibiting further growth. In Massachusetts, there are one-hundred-eighty-nine licenses and three testing labs. Recently a fourth testing lab came about and is being approved for ISO creation. There could be ten testing labs in existence, and it would still not be enough to handle the demand. Six months of retail sales generated \$139 million for recreational cannabis in Massachusetts, but it could have been higher because recreational sales were delayed by a year due to the lack of testing laboratories.



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Marlborough, Mass., SEPTEMBER 23, 2019

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ORDERED:

What is the role of the testing laboratories? They work with the cultivators because every production batch must be tested which is about ten pounds from seed to sale. They test all marijuana infused products including edibles, concentrates, or any other substance that is not the actual marijuana flower itself. They also test for the CBD (Cannabidiol) industry. Each testing lab must be ISO accredited which stands for International Organization for Standardization. They must also be entirely third party independent and not affiliated contractually with any cultivation facilities or dispensaries as it would be a conflict of interest. And they must receive a Host Community Agreement from the town in which they would like to operate.

What are the laboratories testing for? Cannabinoid potency is a major portion of what they are testing for and is what all people understand about cannabis. Cannabinoids are molecules that are already being consumed through foods and fatty acids. The body already manufactures cannabinoids, but they are known as neurotransmitters like dopamine and serotonin. When these cannabinoids bind with cannabinoid receptors, the endocannabinoid system is formed which controls the body's ability to regulate itself. And since the discovery of cannabinoids, there has been an exceptional amount of medicinal discoveries, mostly for people with chronic and severe pain but some of the more recent and more interesting discoveries for autism and cancer.

What is CBD? CBD is a cannabinoid known as cannabidiol and it is no different than any of the other cannabinoids. Currently, the CBD industry is the wild west of cannabis. In 2018, there was a farm bill passed that hemp and all hemp derived products are now legal just as long as they are below 0.3% Delta Nine-THC. There are four kinds of THC and the Delta Nine is very low in this plant, it is the THCA you need to worry about, the inactivated THC. And how does it become activated? It is activated through heat, and how are you refining the hemp to produce a CBD concentrate, it is through heat, which means that you are potentially activating psychoactive components that you have no idea that you are. Also, the plant is not required to be tested at all, there is no Certificate of Analysis, nothing needed. The thing about marijuana is, is that it is very good about pulling what is in the soil up into the plant. They are not testing for any pesticides, bacteria, or fungus. And this is entirely legal, and all these people are consuming these products and have absolutely no idea what is in them. The fact is today, that eight out of ten of those products are not what they say that they are.

One of the first things they test for when samples arrive at their facility is a foreign material screen which is a visual sight analysis of anything like hair, mold, things that can be seen by the eye or under a microscope. Pesticides is a major issue right now. And the reason Mr. Masso would review this issue is because when the first dispensary opened up, and then followed by the first testing laboratory, that testing laboratory was said to have needed to test for 18 pesticides by the Department of Public Health. That lab said we can only test for nine and so, a waiver was written by the governor in order to get the process started by just testing for nine. But the problem is that California tests for thirty-nine and Colorado and Oregon, these places test for well over fifty pesticides. It has been seven years since this process started and it has never changed.



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They also test for residual solvents. This was a major issue just last year and affected a dispensary called Healthy Pharms in Georgetown. It was actually shut down because of a trace amount of a residual solvent that came from an off the shelf sanitizing agent that should have been accounted for in the testing. And when they discovered it, they reported it themselves to the Department of Public Health. But unfortunately, no good deed goes unpunished and the Department of Public Health decided to make an example of them, and they were shut down for six months and required to incinerate their entire crop, and millions were lost in that endeavor.

One of the most important issues and the least looked at is the microbial pathogen screening. This is the one area that cannot be accounted for, pesticides, residual solvents, fertilizers, growth media can be accounted for but fungus and bacteria sometimes they just happen, and their source is unknown. Mycotoxins is another one of those things that need to be accounted for and another thing they will test for is heavy metals such as lead, mercury, and arsenic. Moisture content, and Terpene analysis, these two are really for the clients so they can have a better idea of how to optimize their curing process. And for Terpenes, they are known as flavonoids and are the flavor and smell components of the plant. Currently, it is being discovered these Terpenes can actually have medicinal value, especially when combined with the cannabinoids themselves. So, this is becoming more of an interest and something the clients want to see but it is not required for compliance.

How are the results given? They are sent to the customer through an online portal with a full analysis of the entire panel for compliance testing. Any failed test is immediately reported to the Department of Public Health and then the entire production batch of 10 pounds has to be incinerated. So, it can be quite a bit and people will not be happy when they are told it failed. But if you can know that it was not the lab itself that caused the issue, you can help these people identify where it was that led to this this point of failure, then they can continue to grow with you and the industry can continue to grow as a whole.

If all compliance standards are met, the product can be packaged and sold. The labels only tell the potency and all people understand today is CBD and THC. But as time goes on, maybe the customer wants to see more as there are more conscious customers just like with the organic foods market, customers want to know what their consuming.

Regarding their actual location, Mr. Masso looked for about a year and a half for this location because it had to meet certain standards. There were a lot of things that they had to take into account such as security and waste management. They needed to make sure they had a facility with existing lab space so they could get up and running as soon as possible.



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Marlborough, Mass., SEPTEMBER 23, 2019

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ORDERED:

Mr. Masso reviewed the facility layout and how things work with the cannabis sampling process. They go and take a sample from the customer, they bring it indoors, inside of their facility, and the sample technician is notified and comes out and meets the driver. That sample has been taken, brought immediately into microbiological testing, because they need to know exactly what kind of bacteria they are dealing with as they do not want to contaminate the rest of the lab. This part of the lab is entirely isolated away from the rest of their space. Also, if the sample fails bacterial testing, it fails across the board, but the client might still want to see what else is in it. Once they know they can take the proper precautions for sterility and bring it into homogenization, which is just breaking something down into a solution. They get a lot of varieties and different types of categories. They then bring it and further distributed and delineate into their individual tests. Finally, the process is completed, and the results are sent to the customer and the Department of Public Health.

Security is a major issue in this industry because they are dealing with a product that is still federally illegal. They have security cameras and motion detectors all throughout the facility, especially in the areas where the cannabis is kept. All cannabis is kept under lock and key in lockable freezers and in a lockable room that also has a camera. The fact is, especially in the initial stages of their business, they will have no more cannabis on site than any two medicinal marijuana patients are legally able to have in their home. Because they are processing it almost as soon as it is being brought in and then rendering it to a point where it is unusable. There will be key card access throughout their facility. They will have drive-in access to make sure it is even more secure and nothing will be exchanged out in the parking lot or on the street.

Waste disposal is a hot button issue right now, since the previous week, there was a \$225,000 fine for the lab in Framingham because they were dumping their samples in the dumpster. Mr. Masso was incredulous that 7,500 samples were unaccounted for which is about 550 ounces of marijuana unaccounted for in waste disposal. The proper way to dispose of the cannabis is to dissolve it by pouring an alcohol solution on top of it, rendering it unusable inside of a 55-gallon oil drum which is kept indoors, inside of their facility. They then schedule Waste Management to come pick it up when it is ready. They come in, they pick it up, and they guide them out to the parking lot where they take it and they dispose of it. But what they are taking is entirely unusable and rendered destroyed.

In their facility, they also have in the waste room, cameras as well. And the person intaking the sample is not the same person that is disposing of the waste. Also, in every test mentioned, they are weighing and scanning the barcode on the sample to make sure everything is tracked from step to step. Mr. Masso has been told by many CEOs and business owners, it's not when, it's if people potentially steal from you. But if the risk can be minimized at every step of the process, it is the way to properly do things, especially in the cannabis space.



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Labs are not retail, and the fact is, they are a service, they are not selling a product, there will be no people coming in and out of their facilities. They are going and getting the samples from the actual clients and bringing them back to their facility. There will be no smell, no police detail required. The fact is that you really won't even know that they are there. Mr. Masso listed his staff right and their qualifications are listed and within his business plan. He can say they have assembled an amazing team of brilliant scientists and business people who all share a common vision of bringing credibility and legitimacy to this industry. So, the people who really need this medication do not have to feel like criminals, when they are seeking medical guidance from a dispensary cashier instead of getting that guidance from their doctors. The fact is, prohibition never works as good as regulation and control. Once you prohibit something you give up all control to the black markets, they are part of the regulatory process. And they a vital part of this process guaranteeing that what their communities are consuming is safe. Even if one does not agree around the medicinal advocacy of this plant, the actual economic benefits are irrefutable. More labs equal more dispensaries, cultivation facilities, but also guaranteeing the safeties of these communities as these things start to open up. These labs are frankly at capacity, overwhelmed, adding more variability and they are adding more student lab technicians instead of better equipment and more qualified people. As Mr. Masso mentioned, they are not retail but the really important part of this is they are not just here to open up a business and be successful, they want to be part of the community. Whenever they are looking to hire anyone, they will always look to the town of Marlborough. They are interviewing someone right now as a molecular biologist who is from Marlborough. They plan to double their staff within the next six months and have at least a quarter of their staff, from the Marlborough community. Ultimately, they want to be part of the community, part of the infrastructure, and part of the economy.

There is no one else speaking in favor. That part of the Public Hearing is closed.

QUESTIONS FROM THE PUBLIC

There are no questions from the public. That part of the Public Hearing is closed.

PUBLIC SPEAKING IN OPPOSITION

There is no one speaking in opposition. That part of the Public Hearing is closed.



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Marlborough, Mass., SEPTEMBER 23, 2019

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ORDERED:

QUESTIONS FROM THE CITY COUNCIL

✓ Councilor Landers stated he went by the facility earlier in the day and had a hard time finding it as it is quite hidden, and he asked about their time table for opening. Mr. Masso responded ideally as soon as possible but they have to go through the process and the host city and Cannabis Control Commission do their due diligence to ensure they can operate successfully in the space and are qualified to do so. Once they receive their host community agreement, it triggers their application with the Cannabis Control Commission. Their other stipulation for operating is the ISO 17025 Accreditation which they are in the process of receiving which ensures their SOPs are in place and they have documentation in place, and they can prove they can operate their lab. A best-case scenario would have them up and running by the end of the year.

✓ Councilor Robey asked for clarification on the process of getting the lab up and running and Mr. Masso clarified that the lab is already built and was a former ISO 17025 Accredited lab and also a GMP (Good Manufacturing Processes) lab which means products could be made there. No infrastructure was needed to make that space and there is no build out required and they are already occupying the space to receive their ISO Accreditation. Mr. Masso stated they are able to operate and nothing additional needs to be done to the space, no renovations or structural modifications are needed for the facility.

✓ Councilor Oram asked about the applicant's previous experience in this type of work. Mr. Masso has been in the biotech space for around twenty years and was a molecular biologist and neurologist at Massachusetts General Hospital. He also worked in the regenerative medicine industry in the field of automation, as a technical specialist advising laboratories how to get from R&D to clinical production and manufacturing, with certain cancer treatments and gene therapies. For all those years, he designed other people's labs, so he understands what it takes to make a functional, high throughput, and consistent. Their goal from day one is to know how many samples they can handle and how fast they can handle them as they do not want to become overwhelmed and lose their quality control.

Councilor Oram confirmed this would be the applicant's first testing lab using a different ISO lab than what they previously used in their other labs. Mr. Masso stated they were the same ISO standards, 17025.



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 23, 2019

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ORDERED:

Councilor Oram asked about employment and they obviously need qualified employees but what was their plan for managing the facility, would be run twenty-four hours, seven days a week, two shifts a day, basically how many employees are they planning on hiring. Mr. Masso stated they plan on starting with about ten employees, they will be open from Monday to Saturday, and there may be some shift changes to accommodate a Saturday schedule. They are planning on operations from ten to six with Saturdays still unsure as they are still deciding the times and needs. They do realize they will need to hire more people who are qualified individuals to take this science to the next level. They require very qualified people with specific qualities, and they will hire from the City of Marlborough when appropriate.

Councilor Oram asked about their security and whether they would have any personnel on site, such as security guards, when they are closed or even open. Mr. Masso stated they do not intend to hire someone as part of their company, and he mentioned how they see a police presence at the complex. But the fact is, they are not keeping a significant amount of cannabis on site, no one would know they are there, all transactions will be done indoors a securely locked facility in addition they cameras throughout the facility. They have to plans for a police detail other than what the property manager already employs. Councilor Oram confirmed they were not planning on hiring a security guard company to oversee the building off hours. Mr. Masso stated they property management has off hours' security, but they were not planning on having one unless they felt the need, or it was required by the City. They are no different than any of the other pharmaceutical labs already operating in the area. Mr. Bilotti stated they have a security contractor that provides remote security services for them, in addition to their camera system and key card access to their entire facility. They do have a remote security guard watching the facility twenty-four, seven.

✓ Councilor Doucette confirmed they have a third-party company monitoring the security of the site. He then asked about the sample processing procedure and how long it would take to run a sample through the testing process. Mr. Bilotti stated their current turnaround time is five days, which is a significant reduction when compared to existing lab facilities or two to three months. The goal is to get that time period cut down, not only to provide a better service to their customers, but also to mitigate the risk of having stock on site.

Councilor Doucette asked about the samples and what happens to the portion not used in the testing process and when is it destroyed. Mr. Bilotti stated the remainder is destroyed in ethanol solvent and stored in their waste disposal area. Councilor Doucette wanted to know when the original sample is destroyed, and Mr. Bilotti stated at the beginning of the process.



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 23, 2019

PAGE 8

ORDERED:

Councilor Doucette questioned their stance on testing standards and how they are weak compared to other states and would they be testing beyond the state limits. Mr. Masso stated they will be as the industry is moving very quickly and the standards and regulatory procedures can quickly get out of hand, if they are not making sure that they are the top tier and doing what is required the most from any of the states. They will adhere to the highest standards, because, it does not take any more time to test for those extra pesticides, it's just a matter of calibrating the instruments to do so.

Councilor Doucette asked if they would advise a growth facility if they did not pass standards for another state. Mr. Masso stated it would depend if that facility wished to have that additional information. Most clients would only want to know if they passed but there are some clients would want to perform process optimization, but it is all very client specific. Mr. Bilotti stated the Department of Public Health only requires a yay or nay on their state guidelines. If a sample passes compliance, the Department of Health tells the grow facility they can sell that batch.

✓ Councilor Ossing confirmed there are currently three testing labs in the state, and he asked if Mr. Masso knew where they are located. Mr. Masso stated MCR Labs is in Framingham, CDX Analytics is in Salem, and ProVerde Laboratories, Inc. is in Milford. MCR Labs was the one fined and received the waiver for the nine pesticides. Councilor Ossing asked for copies of the Host Agreements for those towns. He is looking for the tax revenue generated from the facility, since they are not in sales there is no tax percentage. Councilor Ossing wanted to know if a laboratory facility counts towards the number of marijuana facilities authorized per community. Mr. Masso stated the laboratories are independent because they are operating for the entire state not just for the individual town itself. They are not under the same guidelines for the individual cities, it is the dispensaries themselves that face that scrutiny.

✓ Councilor Delano stated this will be taken up in Urban Affairs Committee and they would want information about their hiring practices and how to ensure an employee does not take a sample for themselves prior to its destruction. The Police Chief and Departments Heads will be consulted and reviewed in committee expeditiously. Mr. Masso stated regarding hiring practices, all employees must be licensed by both the Department of Public Health and Cannabis Control Commission and receive full CORI background checks on everyone. Any blemish on a criminal record precludes them from working at a marijuana establishment.

There are no further questions from members of City Council. That part of the Public Hearing is closed.



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Marlborough, Mass., SEPTEMBER 23, 2019

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ORDERED:

That ends the entire Public Hearing. This is currently in the Urban Affairs Committee.

ADOPTED

ORDER NO. 19-1007757A



IN CITY COUNCIL

Marlborough, Mass., JULY 22, 2019

ORDERED:

PAGE 1

That the Communication from City Solicitor, Jason Grossfield on behalf of Councilor Delano, re: Changes to Proposed Zoning Amendment to Chapter 650 §12, Nonconforming Uses, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A NEW PUBLIC HEARING FOR MONDAY, AUGUST 26, 2019.**

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

1. By amending § 650-12 (Nonconforming uses) as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

§ 650-12. Nonconforming uses.

- A. No building or other structure nor any land shall be used nor shall any building or other structure or part thereof be erected or altered except in conformity with the provisions of this chapter and any amendments thereof which apply to the district in which the building, structure or premises shall be located; provided, however, that this chapter shall not apply to the existing use of any building or structure or of land to the extent to which it was lawfully used at the time of the adoption of this chapter.
- B. This chapter shall apply to any change of use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration or for its use for the same purpose to a substantially greater extent. **Pre-existing nonconforming structures or uses may be extended or altered**, provided that the City Council determines, by the grant of a special permit, that expansion or alteration of a nonconforming use or structure is not substantially more detrimental to the neighborhood than the existing nonconforming use, except that an alteration, reconstruction, extension or structural change of or to a lawful pre-existing nonconforming single-family dwelling or two-family house shall be governed by Section 650-58B(3), and subject, however, to the following provisions:



IN CITY COUNCIL

Marlborough, Mass., JULY 22, 2019

PAGE 2

ORDERED:

- (1) ~~Such~~ Any nonconforming use or structure which has ~~not~~ been abandoned, or not used for a period of two years or more, shall lose its protected status and be subject to this chapter, except in the case of land used for agriculture, horticulture or floriculture for a period of less than five years.
- (2) Such use is not enlarged to more than 25% of the floor and ground areas of use existing at the time of adoption of the original Zoning Ordinance, or any amendments thereto, except than any nonconforming farm may be enlarged up to the total area owned by the nonconforming farmer at the time of adoption of this chapter, and there shall be no limit as to the expansion of farm buildings.
- (3) In case the use is destroyed or damaged by fire, explosion or other catastrophe to not greater than 75% of the fair market value of the building or structure, exclusive of foundation, based upon replacement cost immediately prior to such damage, the structure or use may be restored or rebuilt at the same location and used as previously, provided that:
 - (a) The building, structure or use of land as restored or rebuilt shall be no greater in floor or land area than the maximum permitted under Subsection B(3)(b) of this section.
 - (b) The restoration or rebuilding shall conform to this chapter so far as practicable and shall be completed within two years of the catastrophe, unless approved by the City Council in writing in accordance with Article VIII.
- (4) The building or structure is completed if a permit for construction was granted prior to the adoption of this chapter and construction is accomplished within two years after the date of adoption of this chapter.
- (5) The provisions of the above Subsection B(1), (2) and ~~(4)(3)~~ shall not apply to a single-family dwelling.

ADOPTED

ORDER NO. 19-1007673B



City of Marlborough Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610
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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 JUL 16 4 18 56
JASON D. GROSSFIELD
CITY SOLICITOR

*P/H - 8/26/19
ADVISE
PLANNING BOARD
J/A*

July 16, 2019

Edward J. Clancy, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

Barbara J. Fenby, Chair
Planning Board
135 Neil Street
2nd Floor
Marlborough, MA 01752

Re: City Council Order No. 19-1007673: Proposed Amendment of Ch. 650-12, Zoning Ord.

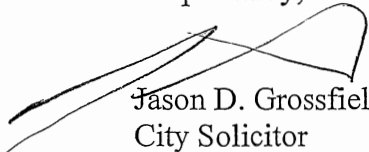
Dear Honorable President Clancy and Councilors and Chair Fenby and Board Members:

This office has reviewed the above-referenced proposed zoning amendment to Chapter 650-12 in conjunction with Building Commissioner Jeffrey Cooke, and we provide the enclosed set of proposed revisions to this ordinance, summarized as follows:

- 650-12(B): Revision is intended to parallel the sentence structure in MGL c. 40A, s. 6.
- 650-12(B)(1): Revision incorporates the recommendation of the Building Commissioner in his letter to the City Council dated June 13, 2019.
- 650-12(B)(5): Revision is intended as a housekeeping measure to correct the reference in this subsection as adopted in February, 1969. A 1978 amendment renumbered several subsections but did not amend this subsection to refer to the correct subsection.

Please contact me if you have any questions or concerns.

Respectfully,


Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Jeffrey Cooke, Building Commissioner

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

1. By amending § 650-12 (Nonconforming uses) as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

§ 650-12. Nonconforming uses.

A.

No building or other structure nor any land shall be used nor shall any building or other structure or part thereof be erected or altered except in conformity with the provisions of this chapter and any amendments thereof which apply to the district in which the building, structure or premises shall be located; provided, however, that this chapter shall not apply to the existing use of any building or structure or of land to the extent to which it was lawfully used at the time of the adoption of this chapter.

B.

This chapter shall apply to any change of use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration or for its use for the same purpose to a substantially greater extent. Pre-existing nonconforming structures or uses may be extended or altered, provided that the City Council determines, by the grant of a special permit, that expansion or alteration of a nonconforming use or structure is not substantially more detrimental to the neighborhood than the existing nonconforming use, except that an alteration, reconstruction, extension or structural change of or to a lawful pre-existing nonconforming single-family dwelling or two-family house shall be governed by Section 650-58B(3), and subject, however, to the following provisions:

(1)

~~Such~~ Any nonconforming use or structure which has not been abandoned, or not used for a period of two years or more, shall lose its protected status and be subject to this chapter, except in the case of land used for agriculture, horticulture or floriculture for a period of less than five years.

(2)

Such use is not enlarged to more than 25% of the floor and ground areas of use existing at the time of adoption of the original Zoning Ordinance, or any amendments thereto, except that any nonconforming farm may be enlarged up to the total area owned by the nonconforming farmer at the time of adoption of this chapter, and there shall be no limit as to the expansion of farm buildings.

(3)

In case the use is destroyed or damaged by fire, explosion or other catastrophe to not greater than 75% of the fair market value of the building or structure, exclusive of foundation, based upon replacement cost immediately prior to such damage, the structure or use may be restored or rebuilt at the same location and used as previously, provided that:

(a)

The building, structure or use of land as restored or rebuilt shall be no greater in floor or land area than the maximum permitted under Subsection **B(3)(b)** of this section.

(b)

The restoration or rebuilding shall conform to this chapter so far as practicable and shall be completed within two years of the catastrophe, unless approved by the City Council in writing in accordance with Article **VIII**.

(4)

The building or structure is completed if a permit for construction was granted prior to the adoption of this chapter and construction is accomplished within two years after the date of adoption of this chapter.

(5)

The provisions of the above Subsection **B(1), (2)** and ~~**(4)(3)**~~ shall not apply to a single-family dwelling.

In City Council
Order No. 19-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough Planning Board

Administrative Offices
135 Neil St.
Marlborough, MA 01752

PLANNING BOARD

Barbara L. Fenby, Chair
Philip Hodge
Sean N. Fay
George LaVenture
Christopher Russ
Matthew Elder
Krista Holmi, Administrator
(508) 624-6910 x33200
kholti@marlborough-ma.gov

Mr. Edward Clancy
President
Marlborough City Council
140 Main St.
Marlborough, MA 01752

RE: Council Order #19-1007673B, Proposed Zoning Amendment - Chapter 650 Section 12,
Nonconforming Uses

Honorable President Clancy and Members:

At its regularly scheduled meeting on September 23, 2019, the Planning Board took the following action regarding the above referenced zoning amendment:

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to make a favorable recommendation to the Marlborough City Council on the proposed zoning amendment. Motion Carried.

Sincerely,

Barbara L. Fenby
Chairperson

cc: City Clerk



IN CITY COUNCIL

Marlborough, Mass., AUGUST 26, 2019

PAGE 1

ORDERED:

That the PUBLIC On the Proposed Zoning Amendment as revised to Chapter 650 §12, Nonconforming Uses, Order No. 19-1007673B, all were heard who wish to be heard, hearing closed at 8:05 PM.

Councilors Present: Delano, Doucette, Dumais, Tunnera, Irish, Clancy, Landers, Juaire, Oram, Ossing, & Robey.

PUBLIC SPEAKING IN FAVOR

Councilor Delano brought this proposed zoning amendment forward on behalf of the Building Commissioner, regarding nonconforming uses and how long those uses are protected when they are not being used.

Attorney Arthur Bergeron spoke in favor of the proposed zoning amendment on behalf of his client, David Skarin. Mr. Bergeron had proposed an earlier version of this amendment and they are in favor of what is currently being proposed regarding Chapter 650 § 12B.

Mr. Bergeron made a comment on the addition of a section, Chapter 650 § 12B1. The proposed change says any nonconforming use or structure which has not been abandoned or not used for a period of two years or more, shall lose its protected status. The comment was meant to separate the words has not been abandoned or not used and he suggested reversing the order of those, so it reads, any nonconforming use that has not been used for a period of two years or has been abandoned. He reiterated that he and his client were supportive of this change and requested they act as soon as they could so his client could bring his proposal forward prior to the end of the year.

There is no one else speaking in favor. That part of the Public Hearing is closed.

QUESTIONS FROM THE PUBLIC

There are no questions from the public. That part of the Public Hearing is closed.

PUBLIC SPEAKING IN OPPOSITION

There is no one speaking in opposition. That part of the Public Hearing is closed.

QUESTIONS FROM THE CITY COUNCIL

✓ Councilor Oram requested Mr. Bergeron's suggested change be reviewed by the City Solicitor and/or Urban Affairs Committee when it appears before the committee.

There are no further questions from members of City Council. That part of the Public Hearing is closed.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 26, 2019
PAGE 2

ORDERED:

That ends the entire Public Hearing. This is currently in the Urban Affairs Committee.

ADOPTED

ORDER NO. 19-1007673C



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 23, 2019

PAGE 1

ORDERED:

That the Communication from City Solicitor, Jason Grossfield on behalf of Councilor Delano, re: Proposed Amendment to Chapter 526 "Signs", relative to electronic signage including, specific regulations for multi-product LED price pump topper and video graphics array (VGA) color screen signs at gasoline stations, be and is herewith refer **URBAN AFFAIRS COMMITTEE, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, OCTOBER 21, 2019.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 526, ENTITLED "SIGNS," AS FOLLOWS:

I. Chapter 526, entitled "SIGNS", is hereby amended as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

A. Section 526-2, entitled "Definitions," is amended by **inserting** the following definitions:

GAS STATION MULTI-PRODUCT LED PRICE PUMP TOPPER: An EMC sign that incorporates light emitting diode (LED) to display exclusively digital gasoline prices on the top of a gasoline filling station pump.

GAS STATION VIDEO GRAPHICS ARRAY (VGA) COLOR SCREEN: A digital screen that displays video content and is placed on a gasoline filling station pump.

B. Section 526-13(B), entitled "Standards," relative to Electronic Message Center and Digital Display Signs," stating an EMC sign or Digital Display sign shall be allowed by special permit, but only pursuant to the following standards, is **amended** as follows:

(8) Effects. The EMC message or the digital display shall not grow, melt, X-ray, scroll, write on, travel, inverse, roll, twinkle, snow, rotate, flash, blink, move, spin, wave, rumble or present pictorials or other animation and/or intermittent illumination. Subject to the foregoing restrictions, temperature and time may change as necessary. The message shall be limited to alphanumeric characters, one color per message. Displaying videos or simulated images is prohibited on a Digital Display sign or EMC sign.

(9) Operational limitations. Such EMC sign or Digital dDisplay sign shall contain static messages only and shall not have movement of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the slashing, scintillating or varying of light intensity.



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 23, 2019

PAGE 2

ORDERED:

- (a) Sequential messages are prohibited. Only complete messages shall be allowed.
- C. Section 526-13, entitled Electronic message center signs; digital display signs, is **amended** by inserting the following new sub-section E:

E. Gasoline Filling Stations. Notwithstanding anything to the contrary in Chapter 526, the following signs may be placed at a gasoline filling station and are exempt from the special permit requirement in §526-13, provided that said signs comply with the following regulations:

- (1) One (1) Gas Station Multi-Product LED Price Pump Topper shall be permitted to be installed on the top of each pump and oriented to face the fueling vehicle. The LED digits shall not exceed eight (8) inches in height. The color of the LED digits for the price numerals only may be either: one color for all prices, or one color for gasoline price and one color for diesel price to conform with industry standards. No audio component or audio is permitted.
- (2) One (1) Gas Station Video Graphics Array (VGA) Color Screen shall be permitted to be installed on each pump and oriented to face the fueling vehicle. The screen size shall not exceed twelve (12) inches diagonally. The screen shall only be in use during point of sale transactions for fueling and shall be used for video display, public service announcements, and point of sale transactions only. A gasoline filling station electing to install one or more screens shall not be permitted to maintain window signs with an aggregate display surface covering more than ten percent (10%) of the window area at the gasoline filling station. The screen shall be turned off outside of posted business hours. No audio component or audio is permitted.

ADOPTED

ORDER NO. 19-1007791



City of Marlborough Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610
LEGAL@MARLBOROUGH-MA.GOV

JASON D. GROSSFIELD
CITY SOLICITOR

JASON M. PIQUES
ASSISTANT CITY SOLICITOR

HEATHER H. GUTIERREZ
PARALEGAL

September 17, 2019

Edward J. Clancy, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

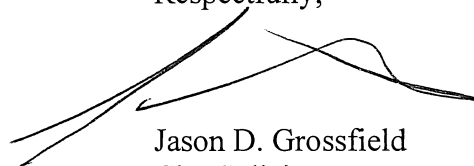
Re: Proposed General Ordinance Amendment – Chapter 526 “Signs”

Dear Honorable President Clancy and Councilors:

At the request of Councilor Joseph Delano, enclosed please find a proposed non-zoning ordinance amendment relative to electronic signage including, specifically, regulations with respect to “multi-product LED price pump topper” and “video graphics array (VGA) color screen” signs at gasoline filling stations.

I have reviewed the proposed amendment and it is in proper legal form. Please contact me if you have any questions.

Respectfully,



Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Jeffrey Cooke, Building Commissioner

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2019 SEP 17 P 4:45

6
U22how Admins
P/H - 10/21/19
Adv.

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