

# CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: Urban Affairs Committee

Date: Thursday, October 13, 2022

Time: 7:30 PM

Location: City Council Chambers, 2<sup>nd</sup> Floor City Hall, 140 Main Street

Agenda Items to be addressed:

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2022 OCT -7 PM 3:00

This meeting will be held in the City Council Chamber. Public attendance is permitted. The meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 33 and 35) or you can view the meeting using the link under the Meeting Videos tab on the city's website, home page ([www.marlborough-ma.gov](http://www.marlborough-ma.gov)).

09-12-22 – Order No. 19/22-1007881H: Application for Modification of Special Permit from Attorney Brian Falk, on behalf of VEDI Naturals, LLC, d/b/a Kosa Dispensary, to amend condition #8 relative to the hours of operation for the adult use marijuana retail establishment located at 505 Boston Post Road West.

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., SEPTEMBER 12, 2022

**ORDERED:**

That there being no objection thereto set **MONDAY OCTOBER 3, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Application for Modification of Special Permit from Attorney Brian Falk, on behalf of Vedi Naturals, LLC, d/b/a Kosa Dispensary, to amend condition #8 relative to the hours of operation for the adult use marijuana retail establishment located at 505 Boston Post Road West, be and is herewith referred to the **URBAN AFFAIRS COMMITTEE AND ADVERTISE.**

**Ninety days after public hearing is 01/02/23 which falls on a Holiday, therefore 01/03/23 would be considered the 90<sup>th</sup> day.**

ADOPTED

ORDER NO. 19/22-1007881I

---

# MIRICK O'CONNELL

---

A T T O R N E Y S   A T   L A W

11  
RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

Brian R. Falk  
Mirick O'Connell  
100 Front Street  
Worcester, MA 01608-1477  
bfalk@mirickoconnell.com  
t 508.929.1678  
f 508.983.6256

2022 SEP -8 AM 9:47

September 8, 2022

Councilor Michael Ossing, President  
Marlborough City Council  
City Hall  
Marlborough, MA 01752

Re: Vedi Naturals, LLC, d/b/a Kosa Dispensary;  
Amendment to Special Permit on Hours of Operation

Dear Councilor Ossing:

On behalf of Vedi Naturals, LLC, d/b/a Kosa Dispensary, I respectfully submit the enclosed application to amend the existing special permit for Kosa's adult use marijuana retail establishment at 505 Boston Post Road West.

Kosa is looking to expand its hours of operation, which are set by Condition No. 8 of the existing special permit (Order No. 19/20-1007881F, copy enclosed). Kosa proposes a change in hours as follows:

Current Hours:           Monday through Saturday, 10:00 a.m. to 8:00 p.m.;  
                                  Sunday, 10:00 a.m. to 5:00 p.m.

Proposed Hours:       Monday through Thursday, 10:00 a.m. to 9:00 p.m.;  
                                  Friday and Saturday, 10:00 a.m. to 10:00 p.m.;  
                                  Sunday, 10:00 a.m. to 8:00 p.m.

The proposed hours are consistent with those allowed by the City for package stores and other retail marijuana establishments.

Thank you for your time and attention to this matter.

Sincerely,



Brian R. Falk

BRF/

cc:     Client

{Client Matter 30187/00001/A7960501.DOCX}

**CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK**

**APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT**

1. Name and address of Petitioner or Applicant:

Vedi Naturals LLC, d/b/a Kosa, 505 Boston Post Road West, Marlborough, MA 01752

---

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

505 Boston Post Road West; Assessors Parcel 88-3

---

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

Sparte II Realty Trust, Dino Karalis, Trustee, 160 Edgell Road, Framingham, MA

---

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

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

650-17, 650-18(46), 650-32

Article \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_ Sub-paragraph \_\_\_\_\_

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

Business (B)

---

7. Specific reason(s) for seeking Special Permit

The Applicant seeks to amend Condition #8 of its existing special permit regarding the hours of operation for the adult use retail marijuana establishment, so that the new hours will be: Monday through Thursday, 10 a.m. to 9 p.m.; Friday and Saturday, 10 a.m. to 10 p.m.; and Sunday, 10 a.m. to 8 p.m. The new proposed hours are consistent with those allowed by the City for package stores and other retail marijuana establishments.

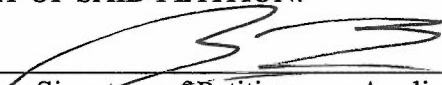
---

---

---

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.

  
\_\_\_\_\_  
Signature of Petitioner or Applicant  
Brian Falk, Esq.

Address: Mirick O'Connell  
100 Front Street  
Worcester, MA 01608

Telephone No. (508) 929-1678

Date: 9/8/2022

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

Vedi Naturals LLC, d/b/a Kosa

(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**)

CITY OF MARLBOROUGH  
140 MAIN ST  
MARLBOROUGH, MA 01752

HESTER RICHARD M TR  
HESTER INVESTMENT TRUST  
PO BOX 53  
MARLBOROUGH, MA 01752

NO BOUNDARY LLC  
PO BOX 28923  
ST LOUIS, MO 63132

CLARK ANDREW M  
CLARK AMY F  
493 MAIN ST  
NORTHBORO, MA 01532

KARALIS DINO TR  
SPARTE II REALTY TRUST  
160 EDGELL RD  
FRAMINGHAM, MA 01701

ADVOCATES INC  
1881 WORCESTER RD  
FRAMINGHAM, MA 01701

COLLINS KAITLYN  
ANASTASIA COLLINS  
475 NORTHBORO RD WEST #5  
MARLBOROUGH, MA 01752

LEITE RODRIGO GRAZINA BAN  
ANNA PAOLA GONCALVES GRAZ  
475 NORTHBORO RD WEST #4  
MARLBOROUGH, MA 01752

AG 1000 NICKERSON OWNER L  
C/O ANGELO GORDON & CO LP  
245 AVENUE, 24TH FLOOR  
NEW YORK, NY 10167

Contact Town For Info

LYNCH WILLIAM C  
477 NORTHBORO RD WEST #8  
MARLBOROUGH, MA 01752

ALLAN SUSAN P  
477 NORTHBORO RD WEST #4  
MARLBOROUGH, MA 01752

DIANA BRIAN  
ENID VAZQUEZ  
479 NORTHBORO RD WEST #7  
MARLBOROUGH, MA 01752

MADDEN ROY W  
MARIANNE T MADDEN  
479 NORTHBORO RD WEST #3  
MARLBOROUGH, MA 01752

ALVARENGA ALEXANDRE NUNES  
ANA NUNES  
479 NORTHBORO RD WEST #2  
MARLBOROUGH, MA 01752

DUBEAU MICHAEL R  
DENISE B CHAMPAGNE  
475 NORTHBORO RD WEST #1  
MARLBOROUGH, MA 01752

MCKINNON DARLENE E  
103 OLD CHARTER RD  
MARLBOROUGH, MA 01752

ANTKOWIAK TED J  
DANUTA ANTKOWIAK  
273 WEST ST  
NORTHBOROUGH, MA 01532

FAGAN ANDREW  
481 NORTHBORO RD WEST #1  
MARLBOROUGH, MA 01752

MEGANATHAN VIJAY  
475 NORTHBORO RD WEST #6  
MARLBOROUGH, MA 01752

BERRIOS JORGE  
ZOREBEL BERRIOS  
479 NORTHBORO RD WEST #4  
MARLBOROUGH, MA 01752

GERAGHTY JAMES M  
KIMBERLY BROWN  
21 CENTURY MILL RD  
BOLTON, MA 01740

MONTEIRO JOHN B  
MARIA ADELAIDE C MONTEIRO  
85 WASHINGTON ST  
HUDSON, MA 01749

BORGES NEUDEMIR ALVES  
479 NORTHBORO RD WEST #5  
MARLBOROUGH, MA 01752

GODDARD ADAM P  
481 NORTHBORO RD WEST #4  
MARLBOROUGH, MA 01752

MURPHY BRIAN EDWARD  
475 NORTHBORO RD WEST #2  
MARLBOROUGH, MA 01752

CHINNA DEVENDRA NAIK SUGA  
477 NORTHBORO RD WEST #3  
MARLBOROUGH, MA 01752

GUTIERREZ ARTURO J TR  
JOHN A CATALDO TR  
200 WHEELER RD  
BURLINGTON, MA 01803

NAKANWAGI ANNE  
SAMALIE MATOVUMN  
477 NORTHBORO RD WEST #5  
MARLBOROUGH, MA 01752

VERIS MARIA S  
REBECCA N REZENDE  
177 NORTHBORO RD WEST #6  
MARLBOROUGH, MA 01752

VALARIOTI JOSEPH A  
C/O DOMENIC VALARIOTI  
53 CENTRAL ST  
MARLBOROUGH, MA 01752

OFLC PROPERTIES LLC  
515 NORTHBORO RD WEST  
MARLBOROUGH, MA 01752

VIETH MICHAEL L  
DONNA M VIETH  
481 NORTHBORO RD WEST #5  
MARLBOROUGH, MA 01752

OLESEN DANIEL M TR  
33 BOUNDARY ST  
MARLBOROUGH, MA 01752

YU YI JUNG TR  
M R REALTY TRUST  
18 ALLEN CT  
NORTHBOROUGH, MA 01532-1616

PAUL RONALD R  
URDUJA PAUL  
479 NORTHBORO RD WEST #6  
MARLBOROUGH, MA 01752

PICKFORD ASHLEY E  
481 NORTHBORO RD WEST #3  
MARLBOROUGH, MA 01752

ROSSI TIZIANA  
477 NORTHBORO RD WEST #1  
MARLBOROUGH, MA 01752

SEYMOUR LOIS A TR  
496 BOSTON POST RD WEST R  
496 BOSTON POST RD WEST  
MARLBOROUGH, MA 01752

STEWART GERALDINE  
481 NORTHBORO RD WEST #2  
MARLBOROUGH, MA 01752

TALLMAN CHANDRA  
477 NORTHBORO RD WEST #9  
MARLBOROUGH, MA 01752

VALARIOTI DOMENIC J TR  
RICHARD R VALARIOTI TR  
C/O RICHARD VALARIOTI  
4 WHISTLER LN  
SOUTHBOROUGH, MA 01772

**SPECIAL PERMIT-SUMMARY IMPACT STATEMENT**

Applicant's Name: Vedi Naturals LLC Address: 505 Boston Post Road West

Project Name: Kosa Address: 505 Boston Post Road West

1. PROPOSED USE: (describe) Adult Use Marijuana Retail Establishment

2. EXPANSION OR NEW: Expansion of hours for an existing use.

3. SIZE: floor area sq. ft. 2,350 1<sup>st</sup> floor 2,350 all floors 2,350  
# buildings 1 # stories 1 lot area (s.f.) 87,555.6

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

5. POPULATION ON SITE: Number of people expected on site at anytime:  
Normal: 10 Peak period: 25

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 10 Peak period: 20

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

2 - 3 deliveries per week.

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

8. NOISE:

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

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. Normal vehicle and customer noise during regular business hours.

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

10. WATER AND SEWER: Describe any unusual generation of waste. None

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? None

**\*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: 8/29/2022

**SPECIAL PERMIT APPLICATION  
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Kosa

Project Use Summary: Adult Use Retail Marijuana Establishment

Project Street Address: 505 Boston Post Road West

Plate: 88 Parcel: 3

Applicant/Developer Name: Vedi Naturals LLC, d/b/a Kosa

Plan Date: December 2, 2019 Revision Date: September 7, 2020

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,

Tin Htway  
Acting Director of Planning

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

\$250

**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 checked="" 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"/> (MUST be Original & 2 Complete Sets)

  
\_\_\_\_\_  
Signature

9/8/2022  
\_\_\_\_\_  
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**

Sparte II Realty Trust

**Owner Name/Officer Name of LLC or Corporation**

Dino Karalis, Trustee

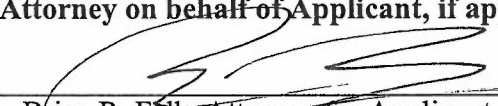
**Owner/Officer Complete Address and Telephone Number**

160 Edgell Road

Framingham, MA 01701

**Signature of Applicant**

**Attorney on behalf of Applicant, if applicable**

  
Brian R. Falk, Attorney for Applicant

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

  
Tax Collector

Middlesex South Registry of Deeds  
Electronically Recorded Document

This is the first page of the document - Do not remove

---

Recording Information

Document Number	: 171546
Document Type	: DECIS
Recorded Date	: September 25, 2020
Recorded Time	: 06:20:19 PM
Recorded Book and Page	: 75722 / 351
Number of Pages(including cover sheet)	: 11
Receipt Number	: 2526430
Recording Fee	: \$105.00

Middlesex South Registry of Deeds  
Maria C. Curtatone, Register  
208 Cambridge Street  
Cambridge, MA 02141  
617-679-6300  
[www.middlesexsouthregistry.com](http://www.middlesexsouthregistry.com)



# IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

ORDERED:

## IN CITY COUNCIL NOTICE OF DECISION GRANT OF SPECIAL PERMIT

\*\*\*\*\*Deed: Book 26271, Page 92

Special Permit Application of:  
Vedi Naturals LLC  
3 Craig Drive  
Clinton, MA 01510  
Order No. 19/20-1007881F

Locus:  
505 Boston Post Road West  
Marlborough, MA 01752  
Assessors Map 88, Parcel 3

### DECISION

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to Vedi Naturals LLC with mailing address of 3 Craig Drive, Clinton, MA 01510, as provided in this Decision and subject to the following Findings of Fact and Conditions.

Decision date: August 24, 2020.

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the 1<sup>st</sup> day of September 2020.

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

Given at Marlborough this 22<sup>ND</sup> day of September 2020.

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

A TRUE COPY  
ATTEST:

  
City Clerk

# IN CITY COUNCIL



Marlborough, Mass., AUGUST 24, 2020

ORDERED:

PAGE 1

## IN CITY COUNCIL

### DECISION ON A SPECIAL PERMIT VEDI NATURALS LLC

### DECISION ON A SPECIAL PERMIT ORDER NO. 19/20-1007881F

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Vedi Naturals LLC (the "Applicant") to build and operate an Adult Use Marijuana Retail Establishment at 505 Boston Post Road West, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

#### FINDINGS OF FACT

1. The Applicant is a duly organized and existing limited liability company having a business address of 3 Craig Drive, Clinton, MA 01510.
2. The Applicant is the prospective tenant of a commercial retail unit located at 505 Boston Post Road West, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 88, Parcel 3 (the "Site"). The Site's owner is Sparte II Realty Trust, Eleni Karalis McGrail and Christofile Tsiantoulas, co-Trustees with a business address of 160 Edgell Road, Framingham, MA 01701.
3. In accordance with Article VI, § 650-17, § 650-18(46), and § 650-32 of the Zoning Ordinance of the City of Marlborough, the Applicant proposes to operate an Adult Use Marijuana Retail Establishment at the Site (the "Use").
4. The Site is located in the Business Zoning District with frontage on Boston Post Road West (Route 20).
5. The overall Site has an area of 87,555.6 +/- square feet.
6. The Use will occupy an existing retail unit at the Site with an area of 2,350 +/- square feet.
7. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit ("Application") for the Use, as provided in this Decision.



## IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

PAGE 2

### ORDERED:

8. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, existing site plans for the Site in accordance with Rule 5 of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit, and a set of drawings of the exterior and interior of the unit associated with the Use (collectively the "Plans").
9. The Application was certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 4, items (a) through (m), of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
10. Pursuant to the Rules and Regulations of the City Council and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
11. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on January 27, 2020. The hearing was closed on that date.
12. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
13. At the public hearing, one member of the public spoke in favor of the Use and one member of the public spoke in opposition to the Use.

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

- A. The Applicant has complied with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
- B. The City Council finds that the proposed Use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.

## IN CITY COUNCIL



Marlborough, Mass., AUGUST 24, 2020

PAGE 3

**ORDERED:**

- C. The City Council finds that the Site is located in the portion of the Business District along Massachusetts State Highway 20 (Boston Post Road West) between the Northborough town line and Massachusetts State Highway Route 495 with frontage along Massachusetts State Highway 20 (Boston Post Road), in accordance with § 650-18(46)(a) and (b) of the Zoning Ordinance, and that the Site is not located within 500 feet of a school or daycare center, in accordance with § 650-32.F and § 650-32.F.1 of the Zoning Ordinance.
- D. In accordance with § 650-32.C of the Zoning Ordinance, the City Council hereby determines that any adverse effects of the Use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the Site and of the proposal in relation to the Site, based upon consideration of the following:
1. Social, economic, or community needs which are served by the proposal:  
Finding: The Use will provide a safe and convenient location adults to obtain marijuana and marijuana-infused products.
  2. Traffic flow and safety, including parking and loading:  
Finding: The Site will safely accommodate expected traffic flow from the Use and provide adequate parking and loading capacity.
  3. Adequacy of utilities and other public services:  
Finding: The Site provides adequate utilities and public services for the Use.
  4. Neighborhood character and social structures:  
Finding: The Use is consistent with the established retail area in the vicinity of the Site.
  5. Impacts on the natural environment:  
Finding: The Use will have no greater impact than the established retail uses in the area.
  6. Potential fiscal impact, including impact on City services, tax base, and employment:  
Finding: The Use will be revenue positive, with additional revenues coming from a local sales tax and host community agreement impact fees.



# IN CITY COUNCIL



Marlborough, Mass., AUGUST 24, 2020

ORDERED:

PAGE 4

7. Hours of operation:

Finding: The hours of operation of the Use are specifically conditioned below.

8. Requiring that contact information be provided to the Chief of Police, the Building Commissioner, and the Special Permit Granting Authority:

Finding: The provision of contact information is specifically conditioned below.

9. Requiring payment of a community impact fee:

Finding: The City and the Applicant have entered a host community agreement that requires the payment of impact fees in accordance with statutory requirements.

10. Requiring the submission to the Special Permit Granting Authority of the same annual reports that must be provided to the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission:

Finding: This requirement is specially conditioned below.

11. Requiring regular inspections by City officials or their agents, and access to the same records which are available for inspection to the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission:

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

## IN CITY COUNCIL



Marlborough, Mass., AUGUST 24, 2020

PAGE 5

ORDERED:

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

Finding: This requirement is specially conditioned below.

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

Finding: These requirements are specially conditioned below.

16. Signs and signage:

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

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

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



## IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

PAGE 6

ORDERED:

- E. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant a Special Permit to operate an Adult Use Marijuana Retail Establishment, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
1. Construction in Accordance with Applicable Laws. Construction is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts.
  2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.
  3. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review in accordance with the City of Marlborough site plan review ordinance prior to the issuance of the building permit, as required by § 650-32.E of the Zoning Ordinance. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.
  4. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
  5. Compliance with State Requirements. In accordance with §650-18(46)(c) of the Zoning Ordinance, the Use shall comply with all statutes and regulations of the Commonwealth of Massachusetts for the licensure and operation of an Adult Use Marijuana Retail Establishment.

## IN CITY COUNCIL



Marlborough, Mass., AUGUST 24, 2020

PAGE 7

ORDERED:

6. Security.
  - a. As shown on the Plans, the Applicant, its successors and/or assigns, shall maintain a secure entrance lobby and waiting area providing a physical separation between the exterior door of the unit and interior areas of the unit where marijuana and marijuana infused products are dispensed and sold, with security personnel available during operating hours to screen individuals arriving at the unit, to ensure that interior areas of the unit are only accessible to persons over the age of 21 and to ensure that no individuals pose a direct threat to the health or safety of others.
  - b. The Applicant, its successors and/or assigns, shall maintain a secure pick-up/drop-off area for customers and products.
  - c. The Use shall have opaque exterior windows.
  - d. The Applicant, its successors and/or assigns, shall maintain adequate staffing so that customers may make purchases in an efficient manner to avoid queuing and impacts on neighboring uses.
  - e. The Applicant, its successors and/or assigns, shall maintain surveillance cameras capable of 24-hour video recording, archiving recordings, and the ability to immediately produce images, in, on, around, or at the Use.
7. Processing and Odors. There shall be no processing or manufacturing of marijuana or marijuana infused products as part of the Use. Marijuana and marijuana products shall be pre-packaged and sealed prior to arriving at the Site. Any odors associated with marijuana and marijuana infused products shall be limited to the interior of the unit. There shall be no onsite consumption or use of marijuana or marijuana infused products associated with the Use.
8. Hours. The maximum hours of operation of the Use shall be Monday through Saturday, 10:00 a.m. to 8:00 p.m., and Sunday from 10:00 a.m. to 5:00 p.m.
9. Contact Information. The Applicant, its successors and/or assigns, shall provide current contact information of management and staff to the Chief of Police, the Building Commissioner, and the City Council.
10. Annual Reports. The Applicant, its successors and/or assigns, shall submit to the City Council the same annual reports that must be provided to Massachusetts Cannabis Control Commission.



## IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

PAGE 8

### ORDERED:

11. Inspections and Records. The Applicant, its successors and/or assigns, shall make the Use available for regular inspections by City officials or their agents, and shall provide City officials or their agents with access to the same records which are available for inspection to the Massachusetts Cannabis Control Commission.
12. Background Checks. The Applicant, its successors and/or assigns, shall require that employees undergo a criminal background check, including but not limited to CORI and an additional background check, by the Chief of Police, who shall have the authority to disapprove the employment of any person(s) as a result of said background check.
13. Unrelated Materials. The Applicant, its successors and/or assigns, shall not make available for sale as part of the Use any materials or items unrelated to the purposes of licensure by the Massachusetts Cannabis Control Commission, including, without limitation, tobacco products, clove cigarettes, or e-cigarettes.
14. Police Detail. The Applicant, its successors and/or assigns, shall employ a City of Marlborough Police detail at the Site during all operating hours for the first sixty (60) days after the commencement of operations, unless the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during certain times of the day. At the end of the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is still necessary during all operating hours or at certain times, then the Applicant, its successors and/or assigns, shall continue to employ a City of Marlborough Police detail until deemed unnecessary by the Chief of Police in a letter filed with the City Council. In the event a City of Marlborough Police detail is not available when required, the Applicant, its successors and/or assigns, shall obtain a private detail.
15. Boundary Street Entrance/Exit. Prior to receiving a certificate of occupancy for the Use, the Applicant, its successors and/or assigns, shall have the vegetation located north of the Boundary Street entrance/exit to the Site trimmed to improve sight distances for vehicles.
16. Parking Lot. Prior to receiving a certificate of occupancy for the Use, the Applicant, its successors and/or assigns, shall have the Site's parking lot restriped and parking lot accessibility signage updated, in accordance with the Zoning Ordinance, the City Code, and state regulations. As part of the Site Plan Review process, the Applicant shall review options to convert the former child play area at the Site to additional parking spaces.



## IN CITY COUNCIL

Marlborough, Mass., AUGUST 24, 2020

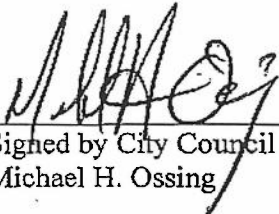
PAGE 9

ORDERED:

17. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, § 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex County South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department, and the City Solicitor's office.

Yea: 11 – Nay: 0

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

  
Signed by City Council President  
Michael H. Ossing

ADOPTED  
In City Council  
19/20-10078881F





koša





# koša

<u>Current Hours:</u>	<u>Proposed Hours:</u>
<b>Monday through Saturday:</b> <ul style="list-style-type: none"><li>• 10:00 a.m. to 8:00 p.m.</li></ul>	<b>Monday through Thursday:</b> <ul style="list-style-type: none"><li>• 10:00 a.m. to 9:00 p.m.</li></ul>
<b>Sunday:</b> <ul style="list-style-type: none"><li>• 10:00 a.m. to 5:00 p.m.</li></ul>	<b>Friday and Saturday:</b> <ul style="list-style-type: none"><li>• 10:00 a.m. to 10:00 p.m.</li></ul>
	<b>Sunday:</b> <ul style="list-style-type: none"><li>• 10:00 a.m. to 8:00 p.m.</li></ul>



**DRAFT**

**DECISION FOR SPECIAL PERMIT  
IN CITY COUNCIL**

**NOTICE OF DECISION  
GRANT OF SPECIAL PERMIT**

Special Permit Application of:  
Vedi Naturals LLC  
Order No. 19/22-10078811

Locus:  
505 Boston Post Road West  
Marlborough, MA 01752  
Assessors Map 88, Parcel 3

**DECISION**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Vedi Naturals LLC, with a mailing address of 505 Boston Post Road West 01752, as provided in this Decision and subject to the following Findings of Fact and Conditions.

Decision date: \_\_\_\_\_, **2022.**

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the \_\_\_\_ day of \_\_\_\_\_, **2022.**

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

Given at Marlborough this \_\_\_\_ day of \_\_\_\_\_, **2022.**

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

A TRUE COPY  
ATTEST

City Clerk

**ORDERED:**

**IN CITY COUNCIL**

---

**DECISION ON AN AMENDMENT TO A SPECIAL PERMIT**

Special Permit Application of:  
Vedi Naturals LLC

Locus:  
505 Boston Post Road West  
Marlborough, MA 01752  
Assessors Map 88, Parcel 3

**DECISION ON AN AMENDMENT TO A SPECIAL PERMIT  
ORDER NO. 19/22-1007881I**

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to Vedi Naturals LLC (the "Applicant") to amend an existing special permit to build and operate an Adult Use Marijuana Retail Establishment at 505 Boston Post Road West, as provided in this Decision and subject to the following Findings of Fact and Conditions.

**FINDINGS OF FACT**

1. The Applicant is a duly organized and existing limited liability company having a business address of 505 Boston Post Road West, Marlborough, Massachusetts 01752.
2. The Applicant is the tenant of a commercial retail unit located at 505 Boston Post Road West, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 88 as Parcel 3 (the "Site"). The Site's owner is Sparte II Realty Trust, Eleni Karalis McGrail and Christofile Tsiantoulas, co-Trustees, with a business address of 160 Edgell Road, Framingham, MA 01701.
3. On August 24, 2020, the City Council of the City of Marlborough voted to grant a special permit authorizing the Applicant to build and operate an Adult Use Marijuana Retail Establishment at the Site (the "Use") in accordance with Article VI, § 650-17, § 650-18(46), and § 650-32 of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), as further described in a document recorded at the Middlesex South District Registry of Deeds in Book 75722, Page 351 (the "Original Special Permit").
4. The Site is located in the Business Zoning District with frontage on Boston Post Road West (Route 20).
5. The overall Site has an area of 87,555.6 +/- square feet.



6. The Use occupies an existing retail unit at the Site with an area of 2,350 +/- square feet.

7. On September 8, 2022, the Applicant, by and through its counsel, filed with the City Clerk of the City of Marlborough an application to modify Condition No. 8 of the Original Special Permit in order to change the maximum hours of operation of the Use, under the provisions of M.G.L. c. 40A, § 9 and the Marlborough Zoning Ordinance (the "Application").

8. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and existing site plans for the Site.

9. The Application was certified as complete by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

10. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

11. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, October 3, 2022. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on October 3, 2022.

12. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.

13. At the public hearing, \_\_\_ members of the public spoke in favor of the Use and \_\_\_ members of the public spoke in opposition to the Use.

14. The Procedural Findings of Fact specified above supplement those made in the Original Special Permit, which are expressly incorporated in this Decision by reference.

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

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

B. The City Council finds that the proposed Use of the Site, with the modified operating hours set forth in the conditions below, is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to

the appropriate terms and conditions as provided in this Decision and in the Original Special Permit. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth in this Decision and in the Original Special Permit.

C. The City Council incorporates by reference Finding C in the Original Special Permit.

D. The City Council incorporates by reference Finding D in the Original Special Permit, except as modified in this Decision.

E. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant an amendment to modify Condition No. 8 of the Original Special Permit, as follows:

1. By deleting Condition No. 8 in its entirety and inserting in its place the following:

8. Hours. The maximum hours of operation of the Use shall be Monday through Thursday, 10:00 a.m. to 9:00 p.m., Friday and Saturday, 10:00 a.m. to 10:00 p.m., and Sunday from 10:00 a.m. to 8:00 p.m.

All other conditions of the Original Special Permit shall continue in full force and effect, and are incorporated by reference as part of this Decision

In accordance with the provisions of Massachusetts General Laws Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department, and the City Solicitor's office.

Yea: \_\_\_\_\_ - Nay: \_\_\_\_\_ - Absent: \_\_\_\_\_

Yea:

Nay:

Absent:

\_\_\_\_\_  
Signed by City Council President  
Michael H. Ossing

ADOPTED  
In City Council  
19/22-10078811