

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Urban Affairs Committee

Date: Thursday, October 22, 2020

Time: 7:00 PM

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2020 OCT 15 P 1:50

This meeting will be held virtually with Councilors attending in person and/or remotely. **NO PUBLIC ATTENDANCE WILL BE PERMITTED.** This meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) or you can view the meeting using the link under the Meeting Videos tab on the city website (www.marlborough-ma.gov).

Order No.2020-1008062: Application for Special Permit by Local Roots NE Inc., to operate an Adult Use Marijuana Retail Dispensary, 910 Boston Post Road East, Suite 100.
Public Hearing: September 14, 2020
Time to Act Expires: December 14, 2020

CONTINUED REVIEW

Order No.2020-1007995B: Application for Special Permit by WP Marlborough MA Owner, LLC (Wayside Residential), 339 Boston Post Road East, to construct a multifamily dwelling residential project (McGee Farm).
Time to Act Expires: January 20, 2021

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., JULY 20, 2020

ORDERED:

That there being no objection thereto set **MONDAY SEPTEMBER 14, 2020** as the **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Local Roots NE Inc., to operate an Adult Use Marijuana Retail Dispensary, 910 Boston Post Road East, Suite 100, be and is herewith refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**.

Yea: 11 – Nay: 0

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

ADOPTED

ORDER NO. 20-1008062

City Council

From: City Council
Sent: Wednesday, October 7, 2020 4:05 PM
To: Mike Ossing; Kathleen Robey; Karen Boule; Christian Dumais; Sean Navin; Laura Wagner; Robert Tunnera; Samantha Perlman; Mark Oram; David Doucette; John Irish; Don Landers; Ossing; Donald Landers
Subject: To Councilors: LOCAL ROOTS Draft decision and floor plan
Attachments: Final LOCAL ROOTS Floor Plan.pdf; ATT00001.htm; Local Roots NE Special Permit Decision draft 3.doc; ATT00002.htm

From: Christine Bastien <christine@keystonedev.net>
Date: October 7, 2020 at 1:57:28 PM EDT
To: Karen Boule <kboule@marlborough-ma.gov>
Cc: Chris Flood <ChrisFlood@floodlaw.net>
Subject: LOCAL ROOTS

Hi Karen:

I have attached the Final floor plan and the draft decision (in word) drafted by Attorney Flood. Please let me know if there is anything else needed.

Also, please let me know the next step and how we go about going before Urban Affairs.

Thank you

Have a great day!

Christine Bastien
Keystone Development
910 Boston Post Road East
Marlborough MA 01752
508-229-7827
christine@keystonedev.net

REVISIONS	DATE	BY

Keystone Development Corporation
 Ste 301, 910 Boston Post Rd. Mariboro, Mass. 01752
 Tel; 508-229-7827 Fax; 508-229-8034

PROPOSED CONDITIONS PLAN
 910 BOSTON POST RD. EAST
 SUITE 190

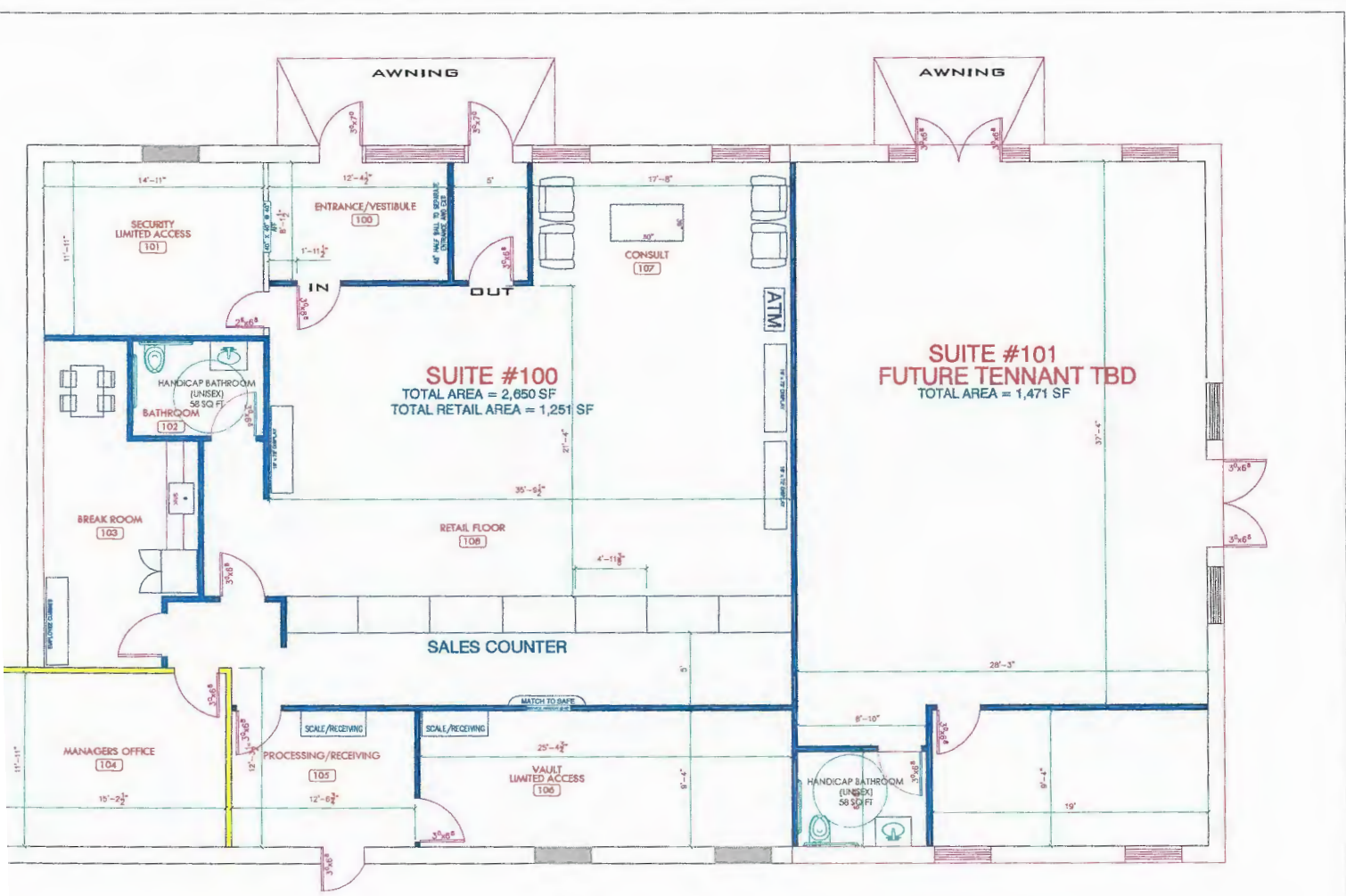
BY: *dv* CK:

DATE: 7/20/2000

SHEET:

2

OF:



GENERAL NOTES:

- VAULT ROOF & WALLS TO HAVE SEISMIC ALARMS
- VAULT ROOF & WALLS TO HAVE SECURITY MESH
- EXISTING EXTERIOR WALLS OF BUILDING ARE CMU BLOCK (EXISTING)
- ALL EXISTING WINDOW GLASS TO HAVE FROSTED FORTIFIED FILM
- WINDOWS IN SECURITY, VAULT AND MANAGERS OFFICE TO BE INFILLED WITH CMU BLOCK
- INDICATES EXISTING WALLS TO REMAIN
- INDICATES NEW NON-STRUCTURAL WALLS TO BE BUILT

MANAGER COMMENTS

LOCAL ROOTS NE INC.

URBAN AFFAIRS MEETING

OCTOBER 22, 2020

City Council

From: Jeffrey Cooke
Sent: Friday, October 9, 2020 12:20 PM
To: City Council
Subject: RE: TO MANAGERS: LOCAL ROOTS Draft decision and floor plan

I recently toured the site at 910 BPRE Suite 100 Local Roots, with Chief Giorgi and Chief Breen.
At this time I have no additional comments or concerns.

Jeffrey Cooke, C.B.O.
Building Commissioner

From: City Council <citycouncil@marlborough-ma.gov>
Sent: Thursday, October 8, 2020 3:43 PM
To: David Giorgi <dgiorgi@marlborough-ma.gov>; Jeffrey Cooke <jcooke@marlborough-ma.gov>; Patrick Dahlgren <pdahlgren@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; John Garside <jgarside@marlborough-ma.gov>; Priscilla Ryder <pryder@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>
Cc: Karen Boule <kboule@marlborough-ma.gov>
Subject: TO MANAGERS: LOCAL ROOTS Draft decision and floor plan

Please provide comment for the Urban Affairs Committee. I will be polling members for their availability on October 20, 2020.

Thanks.

KB

From: Christine Bastien <christine@keystonedev.net>
Date: October 7, 2020 at 1:57:28 PM EDT
To: Karen Boule <kboule@marlborough-ma.gov>
Cc: Chris Flood <ChrisFlood@floodlaw.net>
Subject: LOCAL ROOTS

Hi Karen:

I have attached the Final floor plan and the draft decision (in word) drafted by Attorney Flood.

Please let me know if there is anything else needed.

Also, please let me know the next step and how we go about going before Urban Affairs.

Thank you

Have a great day!

Christine Bastien
Keystone Development
910 Boston Post Road East
Marlborough MA 01752
508-229-7827
christine@keystonedev.net

City Council

From: John Garside
Sent: Wednesday, October 14, 2020 1:00 PM
To: City Council
Cc: Priscilla Ryder
Subject: RE: TO MANAGERS: LOCAL ROOTS Draft decision and floor plan

Hi Karen,

Applicant should be advised that in accordance Draft Special Permit page 5 section E, 2 *Compliance with Applicable Laws*, a permit for the operation of a marijuana retail facility is required from the Marlborough Board of Health. This permit should be applied for after all local and state approvals have been granted.

Thank you.

-John

From: City Council <citycouncil@marlborough-ma.gov>
Sent: Thursday, October 8, 2020 3:43 PM
To: David Giorgi <dgiorgi@marlborough-ma.gov>; Jeffrey Cooke <jcooke@marlborough-ma.gov>; Patrick Dahlgren <pdahlgren@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; John Garside <jgarside@marlborough-ma.gov>; Priscilla Ryder <pryder@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>
Cc: Karen Boule <kboule@marlborough-ma.gov>
Subject: TO MANAGERS: LOCAL ROOTS Draft decision and floor plan

Please provide comment for the Urban Affairs Committee. I will be polling members for their availability on October 20, 2020.

Thanks.

KB

From: Christine Bastien <christine@keystonedev.net>
Date: October 7, 2020 at 1:57:28 PM EDT
To: Karen Boule <kboule@marlborough-ma.gov>
Cc: Chris Flood <ChrisFlood@floodlaw.net>
Subject: LOCAL ROOTS

Hi Karen:

I have attached the Final floor plan and the draft decision (in word) drafted by Attorney Flood.

Please let me know if there is anything else needed.

Also, please let me know the next step and how we go about going before Urban Affairs.

Thank you

Have a great day!

Christine Bastien
Keystone Development
910 Boston Post Road East

City Council

From: Priscilla Ryder
Sent: Thursday, October 15, 2020 4:14 PM
To: City Council; David Giorgi; Thomas DiPersio; Kevin Breen
Cc: Karen Boule
Subject: RE: TO MANAGERS: LOCAL ROOTS Draft decision and floor plan

Hi Karen,

I have no comments on this one as they are using an existing building at 910 Boston Post Rd. East.

Thanks!

Priscilla Ryder

Conservation/ Sustainability Officer

140 Main St., City Hall

Marlborough, MA 01752

508-460-3768

"Whenever there's a large spill of solar energy, it's just called a nice day" northern sun

From: City Council <citycouncil@marlborough-ma.gov>
Sent: Thursday, October 15, 2020 3:42 PM
To: David Giorgi <dgiorgi@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; Priscilla Ryder <pryder@marlborough-ma.gov>
Cc: Karen Boule <kboule@marlborough-ma.gov>
Subject: FW: TO MANAGERS: LOCAL ROOTS Draft decision and floor plan

I have heard from Building Commissioner Cooke and John Garside as noted below. Urban Affairs will meet next week. Your comment to include in the packet would be helpful as the committee reviews the draft decision.

Thanks again.

KB

From: City Council <citycouncil@marlborough-ma.gov>
Sent: Thursday, October 8, 2020 3:43 PM
To: David Giorgi <dgiorgi@marlborough-ma.gov>; Jeffrey Cooke <jcooke@marlborough-ma.gov>; Patrick Dahlgren <pdahlgren@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; John Garside <jgarside@marlborough-ma.gov>; Priscilla Ryder <pryder@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>
Cc: Karen Boule <kboule@marlborough-ma.gov>
Subject: TO MANAGERS: LOCAL ROOTS Draft decision and floor plan

Please provide comment for the Urban Affairs Committee. I will be polling members for their availability on October 20, 2020.

Thanks.

KB

City Council

From: Kevin Breen
Sent: Friday, October 16, 2020 11:53 AM
To: City Council; David Giorgi; Thomas DiPersio; Priscilla Ryder
Cc: Karen Boule
Subject: RE: TO MANAGERS: LOCAL ROOTS Draft decision and floor plan

Good Morning Karen:

I recently visited the site with Chief Giorgi and Commissioner Cooke and we reviewed the layout and operational plans. The fire department along with the building department has weighed in with the applicant in terms of fire alarm and emergency lighting requirements. I do not have any outstanding comments to share at this time.

KJB

KEVIN J. BREEN, FIRE CHIEF
MARLBOROUGH FIRE DEPARTMENT
215 MAPLE STREET
MARLBOROUGH, MA 01752
(508) 624-6986

From: City Council <citycouncil@marlborough-ma.gov>
Sent: Thursday, October 15, 2020 3:42 PM
To: David Giorgi <dgiorgi@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; Priscilla Ryder <pryder@marlborough-ma.gov>
Cc: Karen Boule <kboule@marlborough-ma.gov>
Subject: FW: TO MANAGERS: LOCAL ROOTS Draft decision and floor plan

I have heard from Building Commissioner Cooke and John Garside as noted below. Urban Affairs will meet next week. Your comment to include in the packet would be helpful as the committee reviews the draft decision.

Thanks again.

KB

From: City Council <citycouncil@marlborough-ma.gov>
Sent: Thursday, October 8, 2020 3:43 PM
To: David Giorgi <dgiorgi@marlborough-ma.gov>; Jeffrey Cooke <jcooke@marlborough-ma.gov>; Patrick Dahlgren <pdahlgren@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; John Garside <jgarside@marlborough-ma.gov>; Priscilla Ryder <pryder@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>
Cc: Karen Boule <kboule@marlborough-ma.gov>
Subject: TO MANAGERS: LOCAL ROOTS Draft decision and floor plan

City Council

From: David Giorgi
Sent: Friday, October 16, 2020 12:02 PM
To: Priscilla Ryder; City Council; Thomas DiPersio; Kevin Breen
Cc: Karen Boule
Subject: RE: TO MANAGERS: LOCAL ROOTS Draft decision and floor plan

Good Morning Karen,

I apologize for the late response, but I too have visited the Local Roots location at 910 Boston Post Road east and have discussed security and traffic concerns with representatives. I do not have any issues with the design and location of building and I believe that the presence of the traffic light immediately in front of the establishment can mitigate the impact of additional vehicles in the parking lot and roadways. In addition, we discussed security for the location and the presence of separate delivery entrance and vestibule area for deliveries is beneficial to the overall security of the business. Outside of this, the police department does not have any other comments on the Local Roots location.

Thank you,
D. Giorgi

From: Priscilla Ryder <pryder@marlborough-ma.gov>
Sent: Thursday, October 15, 2020 4:14 PM
To: City Council <citycouncil@marlborough-ma.gov>; David Giorgi <dgiorgi@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>
Cc: Karen Boule <kboule@marlborough-ma.gov>
Subject: RE: TO MANAGERS: LOCAL ROOTS Draft decision and floor plan

Hi Karen,

I have no comments on this one as they are using an existing building at 910 Boston Post Rd. East.

Thanks!

Priscilla Ryder

Conservation/ Sustainability Officer

140 Main St., City Hall

Marlborough, MA 01752

508-460-3768

"Whenever there's a large spill of solar energy, it's just called a nice day" northern sun

From: City Council <citycouncil@marlborough-ma.gov>
Sent: Thursday, October 15, 2020 3:42 PM
To: David Giorgi <dgiorgi@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; Priscilla Ryder <pryder@marlborough-ma.gov>
Cc: Karen Boule <kboule@marlborough-ma.gov>
Subject: FW: TO MANAGERS: LOCAL ROOTS Draft decision and floor plan

I have heard from Building Commissioner Cooke and John Garside as noted below.

City Council

From: Thomas DiPersio
Sent: Friday, October 16, 2020 1:02 PM
To: City Council; David Giorgi; Kevin Breen; Priscilla Ryder
Cc: Karen Boule
Subject: RE: TO MANAGERS: LOCAL ROOTS Draft decision and floor plan

I have no outstanding issues or comments on this application.

Thomas DiPersio, Jr., PE, PLS

City Engineer
Department of Public Works
135 Neil Street
Marlborough, MA 01752
Phone:(508)624-6910x33200
tdipersio@marlborough-ma.gov



From: City Council <citycouncil@marlborough-ma.gov>
Sent: Thursday, October 15, 2020 3:42 PM
To: David Giorgi <dgiorgi@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; Priscilla Ryder <pryder@marlborough-ma.gov>
Cc: Karen Boule <kboule@marlborough-ma.gov>
Subject: FW: TO MANAGERS: LOCAL ROOTS Draft decision and floor plan

I have heard from Building Commissioner Cooke and John Garside as noted below. Urban Affairs will meet next week. Your comment to include in the packet would be helpful as the committee reviews the draft decision.

Thanks again.

KB

From: City Council <citycouncil@marlborough-ma.gov>
Sent: Thursday, October 8, 2020 3:43 PM
To: David Giorgi <dgiorgi@marlborough-ma.gov>; Jeffrey Cooke <jcooke@marlborough-ma.gov>; Patrick Dahlgren <pdahlgren@marlborough-ma.gov>; Kevin Breen <kbreen@marlborough-ma.gov>; John Garside <jgarside@marlborough-ma.gov>; Priscilla Ryder <pryder@marlborough-ma.gov>; Thomas DiPersio <tdipersio@marlborough-ma.gov>
Cc: Karen Boule <kboule@marlborough-ma.gov>
Subject: TO MANAGERS: LOCAL ROOTS Draft decision and floor plan

Please provide comment for the Urban Affairs Committee. I will be polling members for their availability on October 20, 2020.

_____, 2020

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council
Order No. _____

Application of:
Local Roots NE Inc.

Locus:
910 Boston Post Road East, Suite 100
Map 73, Parcel 30

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application of Local Roots NE Inc., with a mailing address of 910 Boston Post Road East, Suite 310, MA 01752, as provided in the DECISION and subject to the Findings of Fact and Conditions contained therein.

Decision date: October ____, 2020

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the ___ day of October, 2020.

APPEALS

Appeals, if any shall be made pursuant to Massachusetts General Laws, Chapter 40A, § 17 and shall be filed within twenty (20) days after the date of the filing of this Notice of Decision in the Office of the City Clerk of the City of Marlborough, MA.

A TRUE COPY
ATTEST:

City Clerk

ORDERED:

IN CITY COUNCIL

DECISION ON A SPECIAL PERMIT

Application of:
Local Roots NE Inc.

Locus:
910 Boston Post Road East, Suite 100
Map 62, Parcel 21

DECISION ON A SPECIAL PERMIT
ORDER NO. _____

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to Local Roots NE Inc. (the "Applicant") to build and operate an Adult Use Marijuana Retail Establishment at 910 Boston Post Road East, Suite 310, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant is a duly organized and existing corporation having a business address of 910 Boston Post Road East, Suite 310, Marlborough, MA 01752.
2. The Applicant's business will be located at 910 Boston Post Road East, Suite 100, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 62 as Parcel 21 (the "Site"). The Site's owner is Blackcomb Associates with a business address of 1 Main St., Whitinsville, MA 01588.
3. In accordance with Article VI, § 650-17, § 650-18(45), § 650-18(46), and § 650-32 of the Zoning Ordinance of the City of Marlborough, the Applicant proposes to operate 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 (Route 20).
5. The overall Site has an area of 61,416 +/- square feet (1.4099 acres).
6. The Use will occupy an existing unit at the Site with an area of 2,650 +/- square feet.

7. The Applicant, 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.

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 Monday, August 27, 2018. 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, zero members of the public spoke in favor of the Use. Zero members 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.

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) near the Sudbury town line

with frontage along Massachusetts State Highway 20 (Boston Post Road), in accordance with § 650-18(45)(a) and (b) and § 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 for patients and adults to obtain marijuana infused products.

2. Traffic flow and safety, including parking and loading:

Finding: The Site will safely accommodate expected traffic flow from the Use and provide adequate parking and loading capacity.

3. Adequacy of utilities and other public services:

Finding: The Site provides adequate utilities and public services for the Use.

4. Neighborhood character and social structures:

Finding: The Use is consistent with the established retail area in the vicinity of the Site.

5. Impacts on the natural environment:

Finding: The Use will have no greater impact than the established retail uses in the area.

6. Potential fiscal impact, including impact on City services, tax base, and employment:

Finding: The Use will be revenue positive, with additional revenues coming from a local sales tax and host community agreement impact fees.

7. Hours of operation:

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

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

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

9. Requiring payment of a community impact fee:

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

10. Requiring the submission to the Special Permit Granting Authority of the same annual reports that must be provided to the 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.

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:

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

Finding: These requirements are specially conditioned below.

16. Signs and signage:

Finding: The signage shown on the Plans is appropriate for the Use.

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

Finding: The name of the business, logos, and symbols associated with the Use, as provided in the Application and shown on the Plans, are appropriate for the Use.

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(45)(c) and § 650-18(46)(c) of the Zoning Ordinance, the Use shall comply with all statutes and regulations of the Commonwealth of Massachusetts for the licensure and operation of an Adult Use Marijuana Retail Establishment.

6. Security.

- a. As shown on the Plans, the Applicant, its successors and/or assigns, shall maintain a secure entrance lobby / waiting area providing a physical separation between the exterior door of the unit and interior areas of the unit where marijuana and marijuana infused products are dispensed and sold, with security personnel available during operating hours to screen individuals arriving at the unit, to ensure that interior areas of the unit are only accessible to qualified patients / caregivers or persons over the age of 21 and to ensure that no individuals pose a direct threat to the health or safety of others.
- b. The Applicant, its successors and/or assigns, shall maintain a secure pick-up / drop-off area for patients, customers, and products.
- c. As shown on the Plans, 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 the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission.

11. Inspections and Records. The Applicant, its successors and/or assigns, shall make the Use available for regular inspections by City officials or their agents, and shall provide City officials or their agents with access to the same records which are available for inspection to the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission.

12. Background Checks. The Applicant, its successors and/or assigns, shall require that employees undergo a criminal background check, including but not limited to CORI and an additional background check, by the Chief of Police, who shall have the authority to disapprove the employment of any person(s) as a result of said background check.

13. Unrelated Materials. The Applicant, its successors and/or assigns, shall not make available for sale as part of the Use any materials or items unrelated to the purposes of registration by the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Control Commission, including, without limitation, tobacco products, clove cigarettes, or e-cigarettes.

14. 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: _____ - Nay: _____ - Absent: _____

ADOPTED
In City Council
Order No. _____

Adopted: _____ 2020

Approved by Mayor
Arthur Vigeant

Date: _____ 2020

A TRUE COPY
ATTEST:

City Clerk