

CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Urban Affairs Committee

Date: May 11, 2021

Time: 7:00 PM

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 APR 29 P 3:55

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).

21-1008214	Application for Special Permit from Cal Verde Naturals, LLC, to operate an Adult Use Marijuana Retail Establishment, 239 Boston Post Road West.
21-1008216	Proposed Zoning Map Amendment to the Results Way Mixed Use Overlay District (RWMUOD) and Proposed revisions to Chapter 650 §33 of the Zoning Code.
20-1007995B	Update - Special Permit Application, Wayside Residential, 339 Boston Post Rd East, Time in which to Act on the Special Permit Expires May 28, 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., FEBRUARY 22, 2021

ORDERED:

That there being no objection thereto set **MONDAY, MARCH 22, 2021** as **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Cal Verde Naturals, LLC, to operate an Adult Use Marijuana Retail Establishment, 239 Boston Post Road West, 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.

Ninety days after public hearing is 06/20/21 which falls on a Sunday, therefore 06/21/21 would be considered the 90th day.

ADOPTED

ORDER NO. 21-1008214

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

14

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

2021 FEB 10 A 11: 35

1. Name and address of Petitioner or Applicant:

Calverde Naturals, LLC, 10 Briarwood Lane, Winchester, MA

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

239 Boston Post Road West, Marlborough, MA 01752 (Map #78, Lot #2A)

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

R.K. Marlboro West, LLC c/o R.K. Centers, 50 Cabot Street, Suite 200, Needham, MA 02494

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

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

Article V Section 650-17 Paragraph Sub-paragraph

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

Business Zoning District (B)

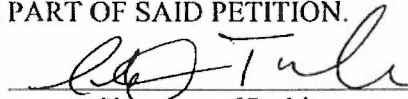
7. Specific reason(s) for seeking Special Permit

The Applicant requests a Special Permit to operate an Adult Use Marijuana Retail Establishment at 239 Boston Post Road West.

This use requires a Special Permit under Section 650-17 of the Zoning Ordinance.

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

Address: 10 Briarwood Lane

Winchester, MA 01890

Telephone No. 617-797-2999

Date: 1/11/21

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

Calverde Naturals, 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**)

Please refer to the enclosed exhibit for the Certified Abutter's List

241 BPR REALTY LLC
241 BOSTON POST RD WEST
MARLBOROUGH, MA 01752

ROYAL PLAZA MARLBOROUGH L
181 BOSTON POST RD WEST
MARLBOROUGH, MA 01752

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

BPR 293 EQUITY PARTNERS L
C/O KS PARTNERS LLC
130 NEW BOSTON ST STE 303
WOBURN, MA 01801

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

BUFFALO-MARLBOROUGH ASSOC
7978 COOPER CREEK BLVD
UNIVERSITY PARK, FL 34201

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

KORANDANIS ASPASIA TR
275 BOSTON POST RD WEST
MARLBOROUGH, MA 01752

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

KORANDANIS ASPASIA TR
275 BOSTON POST RD WEST
MARLBOROUGH, MA 01752

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

MARLBORO HOSPITALITY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

NEWTON-WALTHAM BANK & TRU
101 N TRYON ST NC1-001-03-81
ATTN BANK OF AMERICA
CHARLOTTE, NC 28255

WALKER REALTY LLC
C/O RYAN DEVELOPMENT LLC
4 LAN DR
WESTFORD, MA 01886

R K ASSOCIATES-MARLBORO I
50 CABOT ST STE 200
ATTN RK CENTERS
NEEDHAM, MA 02494

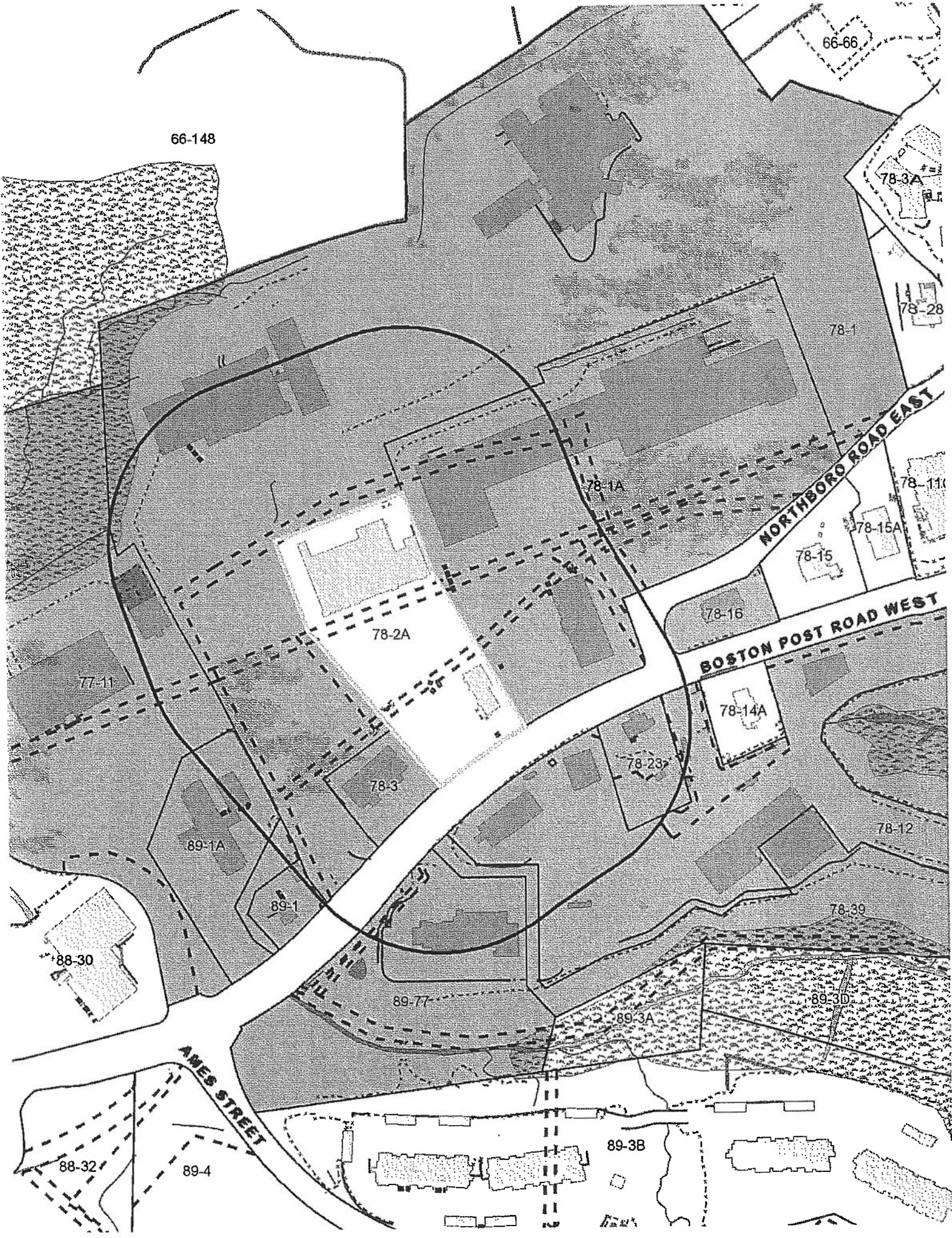
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66-148

66-66

78-3A

78-28

78-1

NORTHBORO ROAD EAST

78-11

78-15A

78-15

78-16

BOSTON POST ROAD WEST

78-14A

78-2A

78-23

78-3

78-12

89-1A

89-1

78-39

88-30

89-77

89-3A

89-3D

AMES STREET

88-32

89-4

89-3B

ABUTTERS - 219-237 BOSTON POST ROAD WEST (78-2A) - 400 FT

Parcel Number	GIS Number	Cama Number	Property Address	Owner Name	Co-Owner Name	Owner Address	Owner Address 2	Owner City	Owner State	Owner Zip
77-11	M_192158_898 711	77-11	291-293 BOSTON POST RD WEST	BPR 293 EQUITY PARTNERS LLC		C/O KS PARTNERS LLC	130 NEW BOSTON ST STE 303	WOBURN	MA	01801
78-1	M_192633_899 100	78-1	261 BOSTON POST RD WEST	ROYAL PLAZA MARLBOROUGH H LLC		181 BOSTON POST RD WEST		MARLBOROUGH	MA	01752
78-12		78-12	142 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
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MARLBOROUGH ASSESSORS

Deborah C. Amodeo
Ellen J. G. Hester
Donna M. ...

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78-12	M_192617_898 673	78-12	BOSTON POST RD WEST	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	105 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	115 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	142 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	157 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	160 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	21 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	22 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	36 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	43 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	58 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	90 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12	M_192617_898 673	78-12	BOSTON POST RD WEST	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
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78-12		78-12	105 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886
78-12		78-12	115 APEX DR	WALKER REALTY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886

78-16	M_192641_898 760	78-16	187-189 BOSTON POST RD WEST	R K ASSOCIATES- MARLBORO INC		50 CABOT ST STE 200	ATTN RK CENTERS	NEEDHAM	MA	02494
78-1A	M_192648_898 901	78-1A	191-199 BOSTON POST RD WEST	R K ASSOCIATES- MARLBORO INC		50 CABOT STREET STE 200	ATTN RK CENTERS	NEEDHAM	MA	02494
78-1A	M_192648_898 901	78-1A	201 BOSTON POST RD WEST	R K ASSOCIATES- MARLBORO INC		50 CABOT STREET STE 200	ATTN RK CENTERS	NEEDHAM	MA	02494
78-1A	M_192648_898 901	78-1A	191-199 BOSTON POST RD WEST	R K ASSOCIATES- MARLBORO INC		50 CABOT STREET STE 200	ATTN RK CENTERS	NEEDHAM	MA	02494
78-1A	M_192648_898 901	78-1A	201 BOSTON POST RD WEST	R K ASSOCIATES- MARLBORO INC		50 CABOT STREET STE 200	ATTN RK CENTERS	NEEDHAM	MA	02494
78-23	M_192584_898 651	78-23	190 BOSTON POST RD WEST	NEWTON- WALTHAM BANK & TRUST COMPANY		101 N TRYON ST NC1-001-03-81	ATTN BANK OF AMERICA	CHARLOTTE	NC	28255
78-3	M_192389_898 637	78-3	241 BOSTON POST RD WEST	241 BPR REALTY LLC		241 BOSTON POST RD WEST		MARLBOROUGH	MA	01752
89-1	M_192317_898 551	89-1	275 BOSTON POST RD WEST	KORANDANIS ASPASIA TR		275 BOSTON POST RD WEST		MARLBOROUGH	MA	01752
89-1A	M_192266_898 595	89-1A	277 BOSTON POST RD WEST	BUFFALO- MARLBOROUGH ASSOCIATES LLC		7978 COOPER CREEK BLVD		UNIVERSITY PARK	FL	34201
89-1B	M_192315_898 594	89-1B	BOSTON POST RD WEST	KORANDANIS ASPASIA TR		275 BOSTON POST RD WEST		MARLBOROUGH	MA	01752
89-77	M_192465_898 519	89-77	169 APEX DR	MARLBORO HOSPITALITY LLC		C/O RYAN DEVELOPMENT LLC	4 LAN DR	WESTFORD	MA	01886

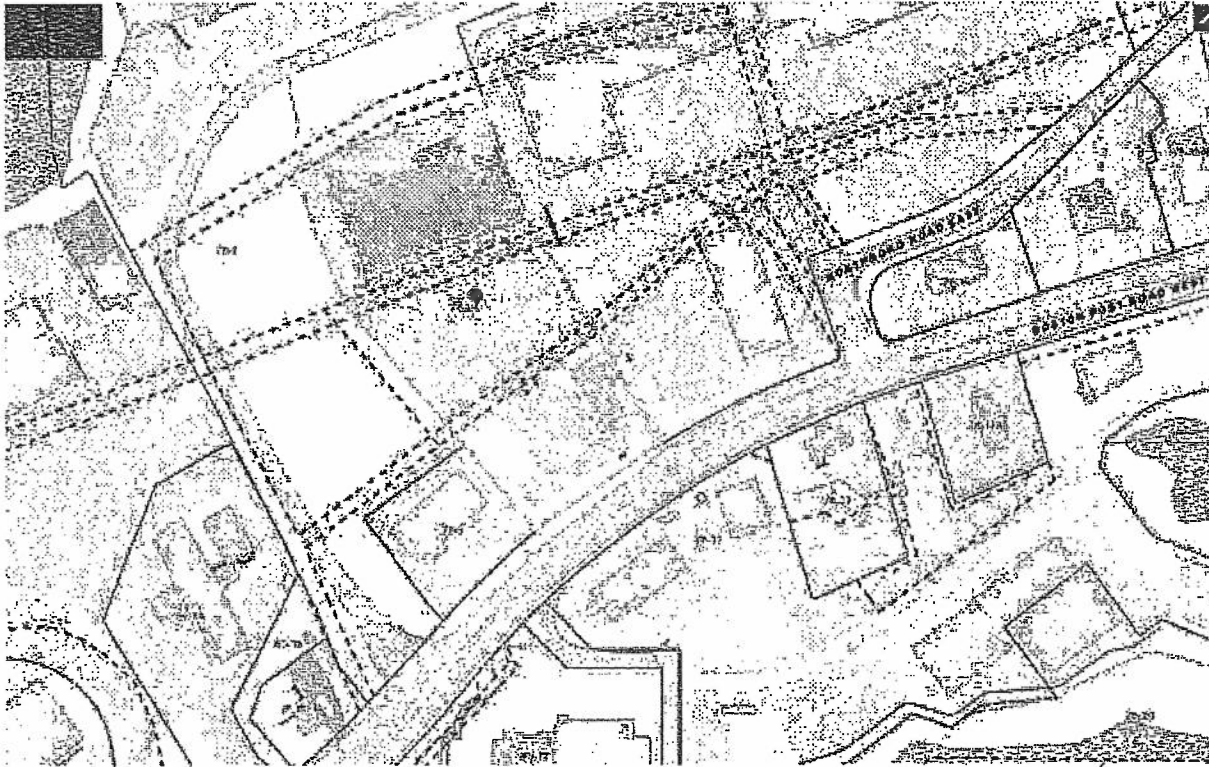
COPY

Patricia Mespelli

From: Randy Miron <rmiron@bohlereng.com>
 Sent: Wednesday, December 30, 2020 11:23 AM
 To: Patricia Mespelli; Cynthia Healy
 Subject: Request for Abutter's List - 239 Boston Post Road West (Parcel ID #78-2A)

219-237 BAZW

Hi Patricia & Cindy, *Per Randy 12-30-2020: 78-2A is confirmed #239 will be address of new structure*
 Is it possible to request a certified abutter's list for our Special Permit Application to the City Council. The subject property address is above. It's also identified as Parcel ID #78-2A and I've shown it in the below image.



Thanks,

400 ft - confirmed w/ Randy 12-30-2020

Randy Miron
 Project Manager
 352 Turnpike Road
 Southborough, MA 01772
 o 508-480-9900 / c 508-450-8823 / rmiron@bohlereng.com
 Check out our new website

BOHLER //

Confidentiality Note: This e-mail, and any attachment to it, contains confidential information intended only for the use of the designated recipients, which information may also be privileged. If the reader of this e-mail is not the intended recipient, the document has been received in error and any use, review, dissemination, distribution, disclosure or copying of this message is strictly prohibited. If you have received this e-mail in error, please notify the sender via reply e-mail and immediately delete this e-mail from your system.

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Calverde Naturals, LLC Address: 10 Briarwood Lane, Winchester, MA 01890

Project Name: Calverde Naturals - Marijuana Establishment Address: 239 Boston Post Road West, Marlborough, MA

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

2. EXPANSION OR NEW: New

3. SIZE: floor area sq. ft. 2,800 1st floor 2,800 all floors 2,800
buildings 1 # stories 1 lot area (s.f.) 208,005 +/-

4. LOT COVERAGE: 78.7 % Landscaped area: 21.3 %

5. POPULATION ON SITE: Number of people expected on site at anytime: (For Calverde Use Only)
Normal: 17 Peak period: 26

6. TRAFFIC:
(A) Number of vehicles parked on site: (For Calverde Use Only)
During regular hours: 17 Peak period: 26

(B) How many service vehicles will service the development and on what schedule?
Please see the enclosed project narrative.

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Please see the enclosed project narrative.

8. NOISE:
(A) Compare the noise levels of the proposed development to those that exist in the area now.
Please see the enclosed project narrative.

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. Please see the enclosed project narrative.

9. AIR: What sources of potential air pollution will exist at the development? Calverde Naturals does not anticipate air pollution to occur at the development. Please see the enclosed project narrative.

10. WATER AND SEWER: Describe any unusual generation of waste. No unusual water and sewer waste will occur as a result of this development.

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? Please see the enclosed project narrative which outlines Calverde's plan to regularly return cannabis waste to the licensed marijuana establishments from which it emanated.

***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: _____

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Calverde Naturals - Marijuana Establishment

Project Use Summary: Adult Use Marijuana Retail Establishment

Project Street Address: 239 Boston Post Road West

Plate: _____ Parcel: 78-2A

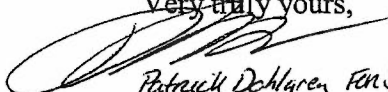
Applicant/Developer Name: Calverde Naturals, LLC

Plan Date: 01/11/2021 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,


Patrick Dahlgren For Jeffrey Cooke
Jeffrey K. Cooke
Acting Director of Planning

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

\$500

**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 _____
1 SET FIRE CHIEF _____
1 SET CITY ENGINEER _____
1 SET DIRECTOR OF PLANNING _____
1 SET CONSERVATION OFFICER (IF WETLANDS AFFECTED) _____
1 SET BUILDING COMMISSIONER _____
12 SETS OFFICE OF THE CITY COUNCIL _____
3 SETS OFFICE OF THE CITY CLERK _____ (**MUST be Original** & 2 Complete Sets)

Signature

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

R.K. Marlboro West, LLC c/o R.K. Centers

Owner Name/Officer Name of LLC or Corporation

Owner/Officer Complete Address and Telephone Number

50 Cabot Street, Suite 200

Needham, MA 02494

781-320-0001

Signature of Applicant

[Handwritten Signature]

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.

Aileen Brustle

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

December 29, 2020

To:

Owner (property)
R.K. Marlboro West, LLC
c/o R.K. Centers
50 Cabot Street, Suite 200
Needham, MA 02494

Applicant
Calverde Naturals, LLC
10 Briarwood Lane
Winchester, MA 01890

RE: 239 Boston Post Road West

Your application to operate an Adult Use Marijuana Retail Establishment at 239 Boston Post Road West, Marlborough, MA Parcel ID #78-2A, located in the Business zoning district (B) is denied as it does not comply with Chapter 650-17 of City Code of Marlborough. The "Table of Uses" states that your use requested, Adult Use Marijuana Retail Establishment requires a "Special Permit" (SP) issued by the Marlborough City Council.

I have determined that the proposed use "Adult Use Marijuana Retail Establishment" to be located within an propose new retail building 239 Boston Post Road West meets the intent of 650-32 & 650-18(46) condition of use.

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

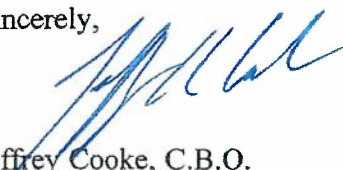
You have the right to continue to the Marlborough City Council (SPGA) for a Special Permit as stated in the City Code section 650-59 or you have the right to appeal this decision to the Zoning Board of Appeals as per section 650-58.

An appeal from this denial for a SP may be taken to the Marlborough City Council by filling a Notice of Appeal 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).

Please note; 239 Boston Post Road West is the assigned street number for the new building

Sincerely,


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

CC: Files, City Council

Date: December 22, 2020

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

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:

239

219-237 Boston Post Road WEST
No. / Street

78-2A

MAP 78- Parcel A-2
Parcel ID#
Assessors Init: _____

B ✓
Zoning District

Description of Use Proposed (as written in Section 650-17 Table of Uses).
Please attach a brief narrative, if necessary.

Adult Use Marijuana Retail/Marijuana Accessories Retail

If Residential, state # of units proposed _____

If Business, state exact type: Adult Use Marijuana Retail Dispensary/Licensed Marijuana Retail establishment (LMRE)

Present Use of Property, including any existing structures

Undeveloped pad to a retail shopping center

Applicant's Name: Calverde Naturals, LLC Bldg/Property Owner's Name: R.K. Marlboro West, LLC c/o R.K. Centers

Applicant's Address:
10 Briarwood Lane
Winchester, MA 01890

Owner's Address:
50 Cabot Street, Suite 200
Needham, MA 02494

Applicant's Phone: (617) 797-2999

Owners Phone: (781) 320-0001

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.

Stephen Tomaseello
Applicant's Signature (Stephen Tomaseello)

David R Baker (mgr)
Owner's Signature (David R Baker, Manager)

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 _____
DENIED

ZONING CODE 650-32 & 650-17
REASON FOR DENIAL REQUIRES SPECIAL PERMIT

[Signature]
ZONING AGENT

29 DEC 2020
DATE

Page 1 of 2

Description of Business: A first class, high quality Licensed Marijuana Retail Establishment (LMRE) including the storage and sales of approved marijuana products and accessories.

Name and Address of all persons involved in proposed Business: Kelly and Stephen Tomasello, 10 Briarwood Lane, Winchester, MA 01890

List all major equipment used in this business: No major equipment

What size vehicle will be involved with the business, if any: Deliveries shall be through a secured, fenced in loading area designed to accommodate small box trucks. Otherwise vehicles involved in the business will be limited to potential 3rd party delivery services.

Where on the premises will business be conducted? Interior of the new building.

Will there be any exterior changes to this property including signs? Proposed new construction of a 2,800 sf retail building.

Will there be any noise, emissions, noticeable to persons adjacent to this property? NO

Will customers visit the property? YES If yes, how many people are expected at one time? 15

List materials sold or stored at the property: Approved marijuana products and accessories

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:

Name of Business: Calverde Naturals, LLC dba Cal Verde Naturals

Page 2 of 2



Calverde Naturals, LLC (“Calverde”) seeks a Special Permit and Site Plan Review approval from the Marlborough City Council to operate an Adult Use Marijuana Retail Establishment engaged in the retail sale of marijuana and marijuana products (the “MRE”) at 239 Boston Post Road West in Marlborough (the “Property”). The Property is located within the Business Zoning District (the “B District”). Pursuant to the City of Marlborough’s Zoning Ordinance § 650-18(c), such a use is permissible in this portion of the Business District subject to a Special Permit and Site Plan Review approval. In compliance with 935 CMR 500.110(3) and §650-32(F.1)(1) of the Marlborough Zoning Ordinance, the property is not located within 500 feet of an existing public or private school providing education to children in kindergarten or grades 1 through 12. Pursuant to §650-32(F.1)(2) of the Zoning Ordinance, the facility is not located within a radius of 500 feet of a day-care center.

I. Project Context

The Property is currently developed and contains a vacant “pad area” that is located with frontage along Boston Post Road (Route 20). Calverde seeks to construct a 2,800 square foot standalone commercial building in the existing pad slated for development at the site. The existing curb and parking lot striping will remain, allowing Calverde full access to the 253 parking spaces located on the property. Please see the enclosed Site Plans and Floor Plans, attached hereto as **Exhibit A**, which were designed in full compliance with the standards set forth by the Marlborough Zoning Ordinance.



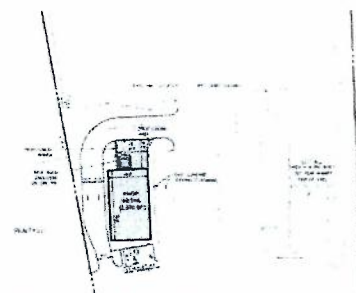
Map View of Calverde's Property and Surroundings

II. Project Narrative

With a focus on safe and efficient operations, Calverde has identified the Property as an ideal location to operate an MRE. The Property is located in an area designated by local zoning for the aforementioned use with numerous similarly situated parcels, allows for easy access for customers and employees, and will allow the parcel to be developed to its highest and best use. Additionally, the construction of a new building allows Calverde to implement interior and exterior design features to reflect best practices in marijuana security and operations from the other facilities across the country.

A. Project Exterior

Parking & Loading: Access to the Property may be obtained by an existing driveway off Boston Post Road West along the street-facing perimeter of the Property. The Calverde use will have access to 253 parking spaces within the property, including nine accessible spaces, which is in excess of the spaces required by the Marlborough Zoning Ordinance. The parking lot also includes a



Parking and Loading Diagram

30'x30' fenced loading zone adjacent to a dumpster pad which can be secured in accordance with Cannabis Control Commission security preferences to ensure the highest level of safety during the unloading of product deliveries to the site.

Signage and Lighting: As demonstrated in the enclosed renderings attached hereto as **Exhibit B**, facility signage will be discrete and visually appealing. Calverde will not utilize signs or printed materials advertising marijuana products or any logo or symbols with images of marijuana.



2 Exterior Rendering

Exterior lighting will be downcast, dark-sky compliant fixtures that are affixed to the building and intended to illuminate the parking lot to ensure the safety of customers and employees leaving the facility during evening hours. Calverde's exterior security cameras utilize infrared capabilities and do not require external sources of light to operate effectively. Light will not extend beyond the bounds of Calverde's leased premises and the parking lot.

Facility Access: In accordance with best practices to prevent diversion, customers will enter and exit the facility from two separate vestibules. Both the entry and exit of the facility are designed utilizing a sallyport vestibule style, ensuring that no individual is able to gain immediate access to the customer floor by requiring customers to walk through a series of doorways.

A secured receiving area will be utilized exclusively for the loading of marijuana and marijuana products within the facility in the rear. It will be fenced off to prevent public access.

B. Project Interior

Customers will only have access to designated portions of the facility, including (1) a secure entry vestibule in which customers must demonstrate proof that they have the appropriate credentials to enter the facility; (2) a general sales floor with point-of-sale terminals; and (3) a secured exit vestibule. The secure entry vestibule and general sales floor are large to ensure the facility can accommodate all customers seeking entry to the facility to prevent exterior queuing.

The rest of the facility will only be accessible to staff on a tiered basis and includes (1) an order fulfillment and inventory room; (2) a vault; (3) a secure receiving room; (4) an information technology room; (5) a staff break area; (6) restrooms; (7) storage areas; (8) security rooms; (9) a reception office; and (10) staff offices.

C. Facility Operations

In accordance with Cannabis Control Commission regulations, access to the facility is limited to individuals that are 21 years of age or older that can demonstrate valid government-issued identification. Upon a customer's entry into the premises, an agent will immediately inspect the customer's proof of identification and determine the individual's age. Failing this confirmation, an individual will be required to leave the facility utilizing the same door in which they entered.

Once inside the sales area, customers will enter a queue to obtain individualized service where they may select any of the products available to them with the help of an agent. Once a customer has selected a product for purchase, an agent will collect the chosen items from the designated product storage area. An agent will then scan each product barcode into the point of sale system. Upon checkout, customers will be required to confirm their identities and age a second time. Per M.G.L. c. 94G § 7, adult use sales are limited to one ounce of marijuana flower or five grams of marijuana concentrate per transaction. In the event an agent determines an individual would place themselves or the public at risk, the agent will refuse to sell any marijuana products to the consumer.

Customers will promptly exit the facility utilizing the secured exit vestibule leading back to the parking lot.

III. Property Operations

A. Trash

All waste containing marijuana or marijuana products will be stored securely within Calverde's vault. Product waste will be picked up from the facility and returned to the licensed cultivation and product manufacturing establishment from which it emanated, where it will be destroyed in compliance with all regulations set forth by the Cannabis Control Commission.

Waste that does not contain marijuana will be stored in the secured, fenced dumpster to the rear of the building and picked up weekly by a commercial trash vendor.

B. Snow Removal and Landscaping

Calverde's landlord will maintain responsibility for landscaping services and a snow removal vendor to plow its driveway and parking lot as needed throughout the winter.

C. Loading

Product deliveries will occur between two to three times each week in unmarked transport vans. Pursuant to 935 CMR 500.105, there will be no advertising, markings, or branding indicating that the vehicle is being used to transport marijuana. Routes and times used for the transportation of marijuana and marijuana products are randomized. Marijuana and marijuana products will be transported in secure, locked storage compartments that are a part of the vehicle transporting the marijuana products and cannot be easily removed. At least two agents will staff vehicles transporting marijuana. One agent will remain in the vehicle at all times, and the other will be accompanied by a staff member into the facility and through the receiving area. Within eight hours after arrival, Calverde will weigh, inventory, and account for, on video, all marijuana and marijuana products received. An armored car service will pick up monetary instruments as needed each week.

D. Traffic and Parking

With 253 parking spaces located on-site, Calverde respectfully submits that there is ample parking to accommodate its projected customers and employees. The company will take great care to develop, implement, and refine operational procedures that ensure that customer visits are short and will not result in congestion within the parking lot or the store. Operational procedures will be continually evaluated and adjusted as necessary to ensure optimal function of the facility.

Please see the Traffic Impact Statement affixed as **Exhibit C**. Calverde respectfully submits that its proposed use of the Property will not disturb the existing right of way, pedestrian access, and will not cause a hazard to vehicle or pedestrian traffic. Traffic generated and patterns of access and egress will not cause congestion, hazard, or a substantial change to the neighborhood character.

Calverde recognizes the critical importance of operational planning and collaboration with the City to ensure that its fledgling months of operation do not pose a nuisance to the surrounding community. Please see Calverde's proposed Opening Day Plan, attached hereto as **Exhibit D**.

E. Nuisance

Light: Calverde will install discrete exterior lighting utilized for safety and operational purposes. All lighting will be dark-sky compliant and will remain downcast and shielded as to not shine onto adjacent properties or into the night sky. Security cameras will rely on infrared illuminators to allow for night surveillance, allowing them to see over 1,000 feet in total darkness. Pursuant to 935 CMR 500.105, Calverde is prohibited from illuminating exterior signage beyond the period of 30 minutes before sundown until closing.

Odor: No significant odor-emitting activities will occur on-site. All marijuana and marijuana products will arrive pre-packaged from a licensed cultivation and product manufacturing facility located in the Commonwealth. Marijuana and marijuana products will be packaged in sealed, opaque, odor-resistant packaging that is specifically designed to eliminate marijuana odor. Calverde does not intend for any loose, unpackaged marijuana to be present within the facility at any time. As such, odor will not be detectable on employees as they depart the facility or on abutting properties at any time.

The highest concentration of marijuana and marijuana products will be in Calverde's secured vault. Although the product packaging has been designed to eliminate odors, Calverde will employ carbon filtration odor scrubbers or other state of the art air filtration equipment in this area to ensure that odor does not disperse throughout the facility. The locations of the air filtration equipment will be indicated in Calverde's application for a Building Permit and installed by a licensed contractor.

Calverde will designate a specific employee within the facility to oversee the maintenance of all filtration systems. Records of system maintenance will be retained on site.

Records of any odor complaints transmitted to the facility by the City, local residents, or other parties will be maintained by Calverde's staff and addressed immediately. All complaints will be reported to the City's designated representative, Calverde's Chief Executive Officer, and the

facility manager. The facility manager will be responsible for coordinating with on-site staff and executive management to remedy the problem and respond in writing.

Noise – Mechanical: Calverde does not envision the installation of any on-site systems or operations that will result in noise pollution. Common concerns raised by abutters include:

- Noise from delivery vehicles: Calverde does not utilize delivery vehicles that emit tonal noises during backup, as deliveries are designed to be as discrete as possible.
- Noise from alarms: Calverde’s internal alarm systems will not be audible to abutting properties.
- Noise from construction: When submitting its plans for a Building Permit, Calverde will submit a construction plan outlining plans to protect abutting properties from noise, dust, vibrations, or other construction nuisance.
- Noise from HVAC or other systems: Upon the procurement of any new machinery, Calverde will ensure that its systems do not generate a level of noise beyond what is permitted within the City of Marlborough and utilize physical sound barriers for noise protections.

Noise, Debris, and Other Patron Nuisance: Calverde believes that an effective plan to mitigate nuisance behaviors on the surrounding community requires both prevention and corrective action.

Prevention: Customers visiting the facility for the first time will go through an intake process where they receive a primer on regulations surrounding cannabis; how to safely consume, store, and transport their product; and information regarding strains, dosage, and desired effects. All customers will be required to review and sign a Community Norms Attestation, in which they certify that they understand that the ability to utilize Calverde’s store is contingent on respect for the surrounding neighborhood and that littering, on-site consumption, noise and loitering, and other nuisance behaviors are not tolerated and practicing them will eliminate the opportunity for future store visits.

Corrective Action - Debris: A Calverde janitorial employee will monitor the region around Calverde’s facility, including abutting parcels, as requested, to ensure there is no errant trash. Monitoring walks will be increased based on demonstrated need. Customers who are identified as littering or engaging in any other nuisance behaviors will not be allowed back to the facility.

Corrective Action – Noise and On-Site Use: Calverde will have video and on-site surveillance covering its parking lot. Should a customer attempt to utilize their products on or around Calverde’s site or engage in loud nuisance behavior, depending on the behavior, Calverde’s corrective action may include issuing a polite reminder and warning to the customer that the behavior is prohibited, notifying local law enforcement, or banning the customer from utilizing Calverde’s facility in the future.

IV. Compliance with § 650-18

In addition to any specific factors that may be set forth in this chapter, the determination shall include, but is not limited to, consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal:

Calverde's proposed use of the Property for a MRE is desirable to public welfare because it provides adult use marijuana consumers aged 21 or older who live in Marlborough and in the surrounding region with a reliable source to obtain lab-tested, high quality marijuana products. The sales occurring within Marlborough (in lieu of neighboring communities) increases revenues to the City as a result of annual community impact payments that Calverde makes to the City based on a Host Community Agreement under which the company remits three percent of its gross sales to the City. The City also stands to benefit from an additional three percent of local option taxes. Increases in sales revenue will positively impact social, economic, and community needs by allowing the City to allocate additional revenue towards priorities that benefit Marlborough residents, businesses, and stakeholders.

Similarly, the proposed use will allow for the phased creation of over 30 jobs at the facility over the next three years. Calverde will prioritize the hiring of local residents.

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

With 253 parking spaces located on-site, Calverde respectfully submits that there is ample parking to accommodate its projected customers and employees. The company will take great care to develop, implement, and refine operational procedures that ensure that customer visits are short and will not result in congestion within the parking lot or the store. Operational procedures will be continually evaluated and adjusted as necessary to ensure optimal function of the facility.

Please see the Traffic Impact Statement affixed as **Exhibit C**. Calverde respectfully submits that its proposed use of the Property will not disturb the existing right of way, pedestrian access, and will not cause a hazard to vehicle or pedestrian traffic. Traffic generated and patterns of access and egress will not cause congestion, hazard, or a substantial change to the neighborhood character.

Calverde recognizes the critical importance of operational planning and collaboration with the City to ensure that its fledgling months of operation do not pose a nuisance to the surrounding community. Please see Calverde's proposed Opening Day Plan, attached hereto as **Exhibit D**.

The parking lot also includes a 30'x30' fenced loading zone adjacent to a dumpster pad which can be secured in accordance with Cannabis Control Commission security preferences to ensure the highest level of safety during the unloading of product deliveries to the site.

3. Adequacy of utilities and other public services:

Calverde's proposed MRE does not require utilities beyond that of a traditional commercial use. The proposed utilities are adequate for the MRE use.

4. Neighborhood character and social structures:

Calverde has demonstrated that it has taken great care to minimize any adverse impacts on the neighborhood character and social structures through thoughtful site design and the implementation of comprehensive standard operating procedures, including:

- The selection of a Property within the Business Zone which has been identified as an appropriate zone for MRE uses and is not within 500 feet of any offending buffer uses;
- The construction of a state-of-the-art facility from the ground up that has been specifically designed to accommodate best practices for MRE uses, including separate customer entry and exit points, a secure loading area, ample parking, and thoughtful signage, lighting, and landscaping;
- The proposal of an Opening Day Plan which contemplates numerous traffic mitigation measures including appointment only operations, parking lot attendants, and phased stages of opening;
- The proposal of an Odor Control Plan that relies on prepackaged materials and odor control technologies to protect against odor escape from the vault;
- Nuanced signage, exterior design, and screening to maintain a respectful streetscape façade; and
- A comprehensive security plan.

5. Impacts on the natural environment:

The proposed development will not negatively impact the natural environment.

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

As noted above, Calverde's proposed use of the Property for a MRE is desirable to public welfare because it provides adult use marijuana consumers aged 21 or older who live in Marlborough and in the surrounding region with a reliable source to obtain lab-tested, high quality marijuana products. The sales occurring within Marlborough (in lieu of neighboring communities) increases revenues to the City as a result of annual community impact payments that Calverde makes to the City based on a Host Community Agreement under which the company remits three percent of its gross sales to the City. The City also stands to benefit from an additional three percent of local option taxes. Increases in sales revenue will positively impact social, economic, and community needs by allowing the City to allocate additional revenue towards priorities that benefit Marlborough residents, businesses, and stakeholders.

Similarly, the proposed use will allow for the phased creation of over 30 jobs at the facility over the next three years. Calverde will prioritize the hiring of local residents.

7. Hours of operation:

Monday – Saturday: 10:00 AM – 8:00 PM
Sunday: 10:00 AM – 5:00 PM

8. **Requiring that contact information be provided to the Chief of Police, the Building Commissioner, and the special permit granting authority:**

Kelly and Steve Tomasello will serve as initial emergency contacts.

Name	Email	Phone
Kelly Tomasello	Kcronin611@gmail.com	617-281-0878
Steve Tomasello	stomasello@atlanticretail.com	617-797-2999

9. **Requiring payment of a community impact fee:**

Calverde has agreed to remit an annual community impact fee through its Host Community Agreement.

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:**

Annual renewal materials will be remitted to the City of Marlborough.

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:**

Calverde is amenable to this condition.

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

Calverde is amenable to this condition.

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

Calverde is amenable to this condition.

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 c-cigarettes:

Calverde is amenable to this condition.

15. The ability for the business to:

a. Provide a secure indoor waiting area for clients:

Please see the enclosed floor plan affixed hereto as **Exhibit B** which provides a secure indoor waiting area.

b. Provide an adequate and secure pickup/dropoff area for clients, customers and products:

Please see the enclosed site plans affixed hereto as **Exhibit A** which demonstrate adequate and secure pick up and drop off areas for clients 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:

Calverde has submitted a Security Plan to the Marlboro Police Department for review and approval.

d. Adequately address issues of traffic demand, parking, and queuing, especially at peak periods at the business, and its impact on neighboring uses:

Please see **Exhibits C and D** which outline Calverde's plan to address traffic demand, parking, and queuing.

e. Provide opaque exterior windows:

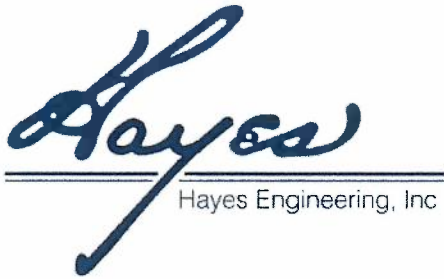
Please see the enclosed renderings attached hereto as **Exhibit B** which demonstrate Calverde's intent to utilize opaque exterior window treatments.

16. Signs and signage:

Please see the enclosed renderings attached hereto as **Exhibit B** which demonstrate Calverde's proposed signage.

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

Calverde Naturals, LLC intends to conduct business as Calverde Naturals. Please see the business' logo below.



603 Salem Street
Wakefield, MA 01880
Tel: (781) 246-2800
Fax: (781) 246-7596

Traffic Impact Statement

Nantucket, MA 02554
Tel: (508) 228-7909

Refer to File No. MBO-0022

TO: City of Marlborough
The Honorable Arthur Vigeant, Mayor

FROM: Tony Capachietti, *Project Manager*

DATE: February 4, 2020

SUBJECT: Traffic Impact Statement
Proposed Marijuana Establishment
Calverde Naturals, LLC
219-237 Boston Post Road West
Marlborough, Massachusetts

Hayes Engineering, Inc. (HEI) has prepared this Traffic Impact Statement in support of the proposed marijuana dispensary at 219-237 Boston Post Road West, pursuant to the request of the Project Proponent, Calverde Naturals, LLC. The purpose of this Impact Statement is to evaluate the anticipated Average Daily and Peak Hour trip generation for the facility to assess potential traffic of the impacts from the proposed use.

The Applicant seeks to construct a 2,800± square foot (sf) retail facility at the site. The facility is part of a larger shopping complex that houses a supermarket, office store, retail and fast food uses. In the vicinity of the project, Boston Post Road West (Route 20) is a four-lane, divided highway with a median. Direct access to the site from Boston Post Road West is only available via right turn from the westbound direction. There are no breaks in the median that directly access the site drive from the eastbound direction. Access to the site from the east is via the signalized intersection with Northboro Road East.

Trip Generation

Average Daily Vehicle Trips and Peak Hour Trips for the project are calculated using data published by the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, unless otherwise specified.

The proposed dispensary use is best classified as Institute of Transportation Engineers (ITE) Land Use Code (LUC) 882, Marijuana Dispensary, defined in the ITE Trip Generation Manual, 10th Edition as being:

"... a standalone facility where cannabis is sold to patients or consumers in a legal manner."

Trip Generation rates are summarized in Table 2, below, for the proposed 2,800± sf dispensary use. It should be noted that the ITE cautions the use of its Marijuana Dispensary data, as it was derived from studying only four (4) dispensaries in Colorado and Oregon.

Table 2: *Trip Generation LUC 882 – Marijuana Dispensary*

<u>Time Period</u>	<u>LUC 882 Average Trip Ends per 1,000sf GFA⁽¹⁾</u>	<u>LUC 882 Estimated Vehicle Trip Ends⁽²⁾</u>	<u>Estimated Vehicle Visits⁽³⁾</u>
Weekday Daily	252.70	708	354
Weekday AM Peak Hour	20.88	58	29
Weekday PM Peak Hour	29.93	84	42
Saturday Daily	259.31	726	363
Saturday Peak Hour	36.43	102	51

(1) ITE cautions use due to small sample size

(2) Based on 2,800± square feet of GFA

(3) Each vehicle is represented by 2 trip ends, one arriving and one departing the facility

It is our opinion that this early data obtained by ITE is representative of additional trip generation due to curiosity and the scarcity of the use. This is evidenced by actual data obtained by monitoring existing and operational dispensaries in the Commonwealth. HEI monitored total transactions at a recently opened recreational and medical marijuana dispensary in Lynn, MA during the initial opening period between October 26 and November 18, 2019. It was assumed that each transaction represented an individual vehicle resulting in 2 trip ends to the facility, one arriving and one departing. Table 3, below, estimates projected trip ends for the proposed facility using these observed rates:

Table 3: *Observed Data, Lynn, Massachusetts*

<u>Time Period</u>	<u>Average Trip Ends per 1,000sf GFA</u>	<u>Estimated Vehicle Trip Ends⁽⁴⁾</u>	<u>Estimated Vehicle Visits⁽³⁾</u>
Weekday Daily	144.16	404	202
Saturday Daily	176.74	495	248

(3) Each vehicle is represented by 2 trip ends, one arriving and one departing the facility

(4) Based on 2,800± square feet of GFA

Not all vehicle trips anticipated by the proposed dispensary represent new trips. It is anticipated that many customers to the facility will be pass-by trips, rather than destination trips to the facility and will have minimal impacts to vehicle traffic conditions in the area. Studies have shown that for developments such as the proposed dispensary, a substantial portion of vehicle trips are from existing traffic passing by the site or diverted from another route to the proposed site. Data presented in the ITE Trip Generation Handbook indicates that for the average percentage of pass-by trips for Pharmacy/Drugstores without Drive-Through Windows is 49-percent during the weekday PM peak hour. This would further reduce the number of new vehicles that are anticipated to be traveling to/from the site. HEI conducted a transportation survey of 257 patrons exiting an existing dispensary operating in Brookline, MA on June 13, 2019 identified 53.7% of patrons considered their stop to be a pass-by or diversion trip on their way to their ultimate destination.

Based on the ITE trip generation rates, the greatest peak-hour vehicle increase of 51 vehicles (102 trip ends) occurs on Saturdays, followed by the estimated Weekday PM peak hour increase of 42 vehicles (84 trip ends). These projected increases are without any deductions for pass-by trips or observed trip generation rates.

MassDOT maintains traffic counts approximately 1-mile west of the proposed project site on Route 20 (ID 251267). Traffic volumes on Wednesday June 12, 2019 for the PM peak hour resulted in 780 vehicles traveling in the westbound direction between 5:00p-6:00p. The Highway Capacity Manual indicates typical per lane capacity of a highway to be 1,600 passenger cars per hour per lane, or 3,200 vehicles for the two (2) westbound lanes. Volume to capacity ratio provides an estimate of roadway level of service (LOS). The existing condition volume to capacity ratio (v/c) is 24.4-percent (24.4%). The anticipated increase of 42 vehicles would increase the v/c to 25.7%. Generally, a v/c ratio greater than 16% and less than 32% corresponds to LOS C on level terrain. As such, the projected increase in PM peak-hour weekday trips is not anticipated to adversely affect prevailing traffic conditions.

It is recommended that the Proponent work with the Marlborough public safety offices to develop an opening day strategy that provides for police details, parking attendants and way-finding assistance to minimize disruptions during the initial opening period. This strategy should be reviewed on a daily, or weekly, basis to evaluate its continuing need and implemented until customer levels normalize.



Calverde Naturals, LLC (“Calverde”) shares the City of Marlborough’s goals of ensuring that all operations at its proposed facility are designed to optimize local safety, minimize impact to the surrounding neighborhood, and allow Calverde to operate harmoniously within the larger Marlborough community.

Plan Goals

1. Ensure the safety of customers, employees, and surrounding abutters.
2. Minimize the impact of traffic flow on adjacent businesses and nearby streets.
3. Facilitate efficient parking lot operations to minimize back up on adjacent streets.
4. Implement efficient appointment systems to reduce initial traffic burdens.
5. Provide information to allow customers to get to/from the facility efficiently and safely.
6. Promote efficient coordination between Calverde, the Marlborough Police Department, and the City of Marlborough.
7. Establish open lines of communication with abutters and nearby residents and local businesses.

I. Site Plan and Parking

1. Use of Parking Spaces

With over 253 parking spaces located on the premises, there is ample parking to accommodate Calverde’s projected customers.

2. Suitability of Parking Spaces

As outlined in the enclosed **Traffic Impact Statement**, Calverde anticipates that at its peak hour, 51 vehicles will seek to utilize the dispensary parking lot, resulting in 102 trip ends. 253 parking spots are available for use during peak hours. Calverde anticipates that the average customer will be on site for 15 minutes. One parking space will be designated for express pick up only to facilitate efficient use of the lot.

Average Transaction Time	Peak Hour Customer Parking Requirements	Hourly Parking Availability (Assuming 15 min visit)
15 minutes (0.25 hr) – 4 turns	51 spaces required at parking lot at its peak hour of operations	253 spaces * 4 turns = 1,012 spots available for use each hour

Calverde does not anticipate the need for additional overflow parking, but will communicate with the Marlborough Police Department and the City of Marlborough prior to opening. Should overflow parking be desired, Calverde will work with both parties relative to operational concerns and plan approvals.

3. Parking Lot Management

For at least the first month of operation and as long is deemed necessary by Calverde, the Marlborough Police Department, and City officials, Calverde will seek to employ police details in areas designated by the Marlborough Police Department to control and direct traffic in front of the proposed facility.

For at least the first month of operation and as long is deemed necessary by Calverde and City officials, Calverde will employ numerous parking lot attendants to allow for the safe and efficient flow of customers in and out of the parking lot. The parking lot attendants will direct customers to available parking spaces to eliminate backups occurring in and out of the lot and assist in ensuring that customers safely traverse the parking lot when walking in and out of the facility.

Calverde will designate a marked area of the parking lot for ride share operations to reduce inefficiencies within the parking lot. Signage will indicate that vehicles may not idle in the lot.

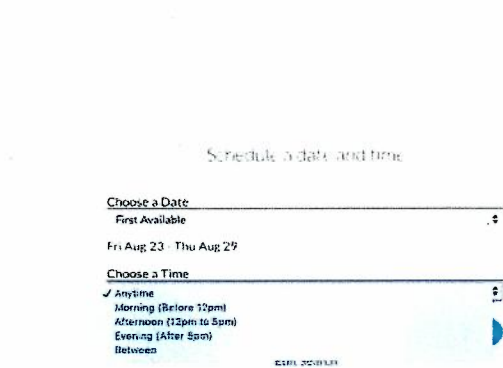
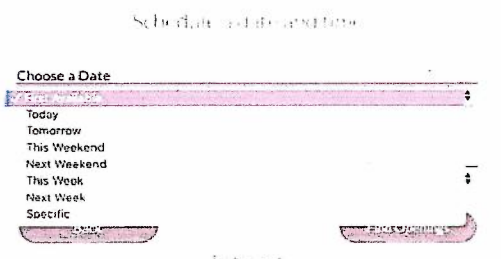
II. Interior Facility Capacity and Management

1. Soft Opening Period

Should the City desire it, Calverde will conduct a soft opening for the fledgling weeks of operation by only offering facility access to customers that have made an online appointment via Calverde's website. Offering appointment only services will assist in preventing an overflow of customers, mitigating traffic impacts, educating customers about how to safely access the facility, and allowing for efficient operations inside of the retail establishment.

Calverde will meet with the City after the first month of operations and determine how long a reservation only system should be utilized based on demand, traffic, and operations. Should City officials request that the reservation system be continued, Calverde will request monthly follow-up meetings.

To book appointments online, customers will create an account on Calverde's website. They will then be able to schedule specific appointments as outlined below.



Fri Aug 23 2019		5 Openings
1:00 - 1:15 PM		Book
1:15 - 1:30 PM		Book
4:00 - 4:30 PM		Book
7:15 - 7:30 PM		Book
7:45 - 8:00 PM		Book

Calverde will also accept appointments via telephone.

2. Floor Plan Capacity

Calverde's enclosed **Floor Plan** has been designed to accommodate high volume customer counts while protecting consumer privacy, optimizing customer experience, and preserving the flow throughout the retail facility.

Oversight over the number of customers in the facility will be the responsibility of security staff stationed at the entry and exit points of the facility. Staff will utilize a digital tally system for an accurate count of who is in the facility at any given time.

3. Queuing

Calverde will not allow physical queuing on the exterior of the facility.

For adult use customers, Calverde will employ a customer waiting system similar to what is used in restaurants. This system will be activated whenever Calverde is within five (5) customers of hitting capacity. Calverde anticipates utilizing an online queuing system such as Qminder to monitor the number of customers in the facility and customers awaiting service, which works utilizing the following protocols:

- a. Entry and exit attendees maintain constant facility counts utilizing cloud-based tally systems to have an accurate accounting of capacity limits at all times;
- b. When the facility is within five (5) customers of hitting capacity, Calverde will begin utilizing the exterior queuing system; and
- c. When seeking entry, the attendant will notify the customer that they are on the wait list and will be asked to wait in their vehicle. Customers will be offered an anticipated wait time and notified via cell phone or buzzer when they may enter the facility. Customers who indicate that they walked or biked will be asked to wait inside the facility.

Calverde intends to utilize the above-noted queuing system as a part of its normal course of operations beyond the opening day plan.

4. Customer Flow

Entry Vestibule:

In accordance with 935 CMR 500.140(3), access to Calverde's facility is limited to individuals 21 years of age and older. Customers will be required to ring an exterior video doorbell to gain access into the premises. Individuals will be required to show proof of identification into the video doorbell to gain entry. When the door is opened, an attendant will immediately register their entry into a digital tally system.

Upon a customer's entry into the lobby, they will be required to provide proof of identification that is scanned via a card reader to confirm the form of identification is valid. An individual will not be admitted to the sales floor unless the staff member has verified that the individual is an appropriate age to enter the facility.

Retail Floor:

Once inside the retail area, adult use customers will enter a queue to obtain individualized service where they may select any of the products available to them with the help of a Calverde agent. A Calverde agent will remain permanently stationed at the queue to assist in directing them, as desired, directly to a point of sale terminal or to the dispensary floor for a personalized discussion with an agent.

Upon checkout, customers will be required to confirm their identities and age a second time. Checkout also activates the seed-to-sale tracking system that is compliant with 935 CMR 500.105(8).

In the event an agent determines an individual would place themselves or the public at risk, the agent will refuse to sell any marijuana products to the consumer.

III. Dissemination of Traffic and Parking Information

Calverde will be sure to include clearly marked information about appointment-only periods, and traffic and parking for its Marlborough facility on its website and social media channels. Although Calverde does not anticipate conducting any outbound media activities, it will include information about appointment requirements, traffic, and parking in its responses to inbound media requests should it receive any. A map of traffic flows will be provided.

Calverde will also provide this information to the City of Marlborough and the Marlborough Police Department to post or share at its discretion.

Prior to opening, Calverde will send a mailing to the neighborhoods closest to the establishment to inform them about opening procedures and provide contact information that they may utilize to receive additional information or alert Calverde's management team about system inefficiencies.

IV. Plan Evaluation

Calverde respectfully requests the opportunity to meet with representatives from the City of Marlborough and the Marlborough Police Department to discuss traffic and queue management at the following times:

- Prior to opening the facility;
- One week after opening;
- Two weeks after opening or as needed in the month following opening;
- One month after opening;
- Two months following opening;
- Six months following opening; and
- Additionally, at the discretion of Calverde, the City of Marlborough, and the Marlborough Police Department.

V. Plan Utilization Following Opening Day Period

During any periods of high traffic or higher than expected volume following the opening period, Calverde will, independently or at the written request of City officials or the Police Department, implement measures of the plan to ensure the facility is operating efficiently, safely, and in harmony with the surrounding community.

BOHLER //

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

352 Turnpike Road
Southborough, MA 01772
508.480.9900

2021 FEB 10 A 11:35

February 4, 2021

Via FedEx

Marlborough City Hall
City Council
Karen Boule, Council Secretary
140 Main Street
Marlborough, MA 01752

**RE: Special Permit Application – Calverde Naturals, LLC
239 Boston Post Road West**

Dear Councilor Members:

On behalf of Calverde Naturals, LLC, we respectfully submit the enclosed special permit application for a new Adult Use Marijuana Establishment to be located at the above address. The project will include the construction of a new 2,800 square foot building within an existing shopping plaza.

The application seeks a special permit under Section 650-17 of the Zoning Ordinance for an Adult Use Marijuana Establishment and is hopeful to appear before the Council later this month. We have appeared informally in front of the City's Site Plan Review Committee for review and comment on the proposed project.

Please do not hesitate to contact me at 508-480-9900 should you have any questions or require any additional information regarding our responses.

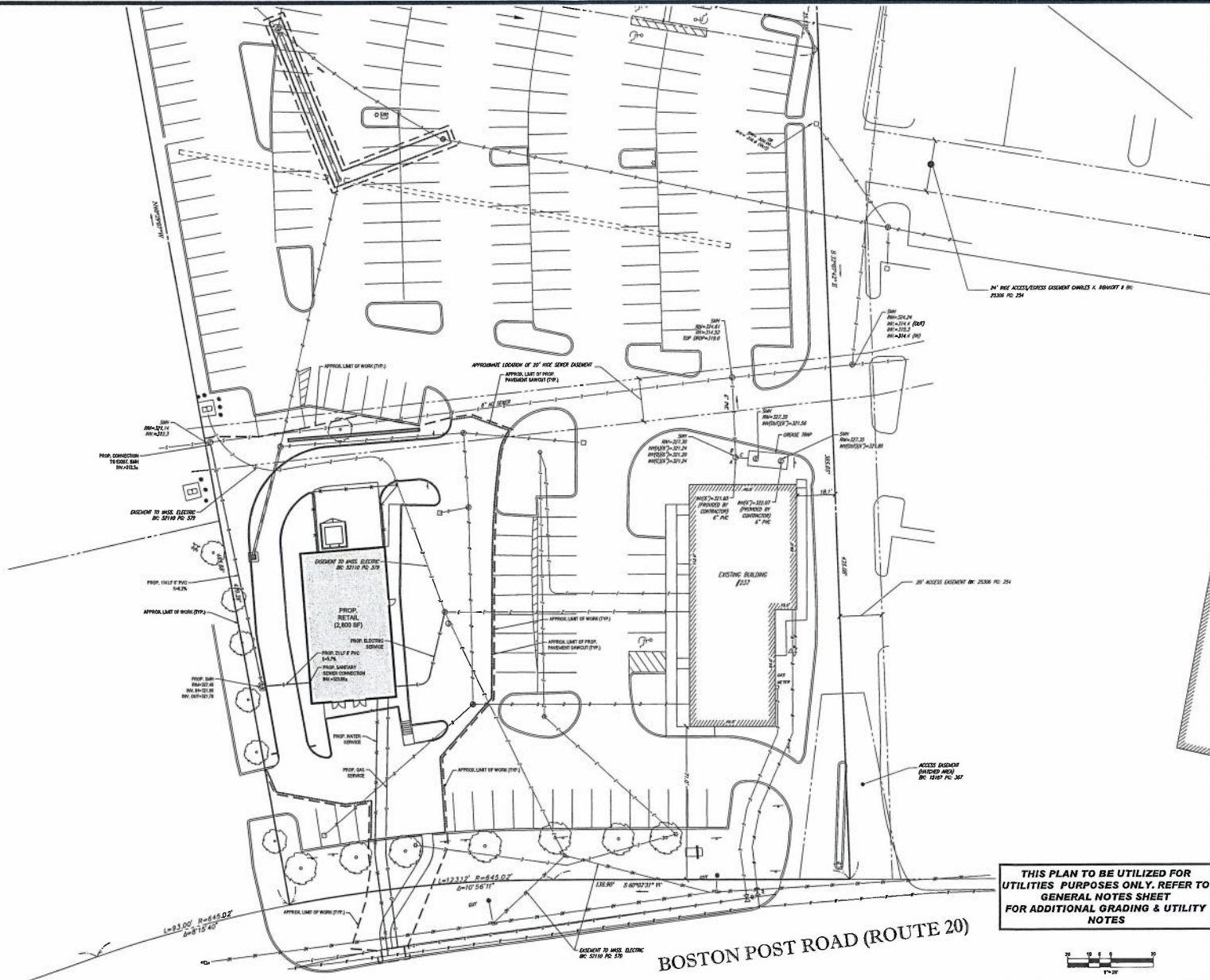
Very truly yours,

BOHLER



Randy Miron

cc: Steve Tomasello (via email)
Mark Donahue (via email)



BOHLER
 SITE CIVIL AND CONSULTING ENGINEERING
 LANDSCAPE ARCHITECTURE
 PROGRAM MANAGEMENT
 PERMITTING SERVICES
 TRANSPORTATION SERVICES

REVISIONS

REV	DATE	COMMENT	PREPARED BY	CHECKED BY

311
 Non-emergency
 Call takes you to
ALWAYS CALL 311
 It's fast. It's free. It's the law.

ISSUED FOR PERMIT
 THE TOWN OF MARLBOROUGH HAS REVIEWED THE PROJECT AND FOUND IT TO BE IN ACCORDANCE WITH THE TOWN OF MARLBOROUGH ZONING REGULATIONS.
 PROJECT NO.: W19128
 DRAWN BY: JG
 CHECKED BY: JG
 DATE: 08/11/2021
 CAD LCL: W19128-CUL-8

SPECIAL PERMIT PLANS
 FOR
CAL VERDE
 NATURALS
 PROPOSED
 RETAIL DISPENSARY
 MAP #74, LOT #2A
 238 BOSTON POST ROAD
 CITY OF MARLBOROUGH
 WORCESTER COUNTY,
 MASSACHUSETTS

BOHLER
 312 TURNPIKE ROAD
 SOUTHBOROUGH, MA 01772
 Phone: (508) 488-9000
www.BohlerEngineering.com



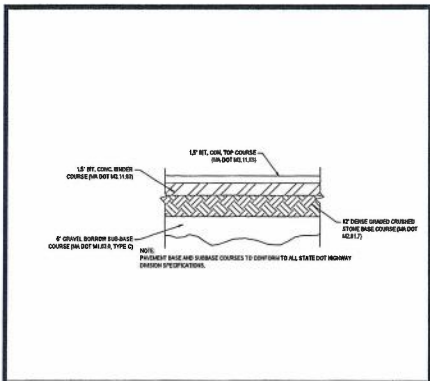
SHEET TITLE:
UTILITY PLAN
 SHEET NUMBER:
C-501
 ORG. DATE: 09/11/2021

THIS PLAN TO BE UTILIZED FOR UTILITIES PURPOSES ONLY. REFER TO GENERAL NOTES SHEET FOR ADDITIONAL GRADING & UTILITY NOTES

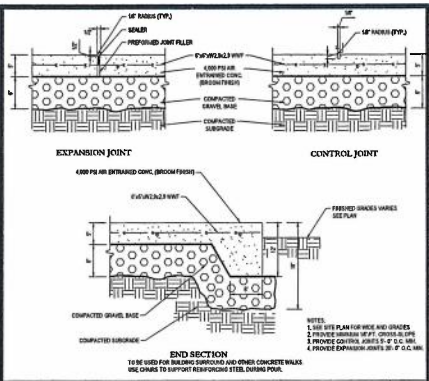


BOSTON POST ROAD (ROUTE 20)

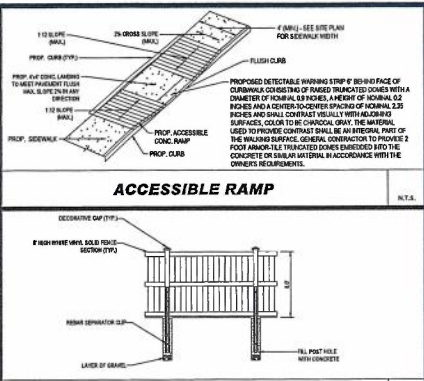
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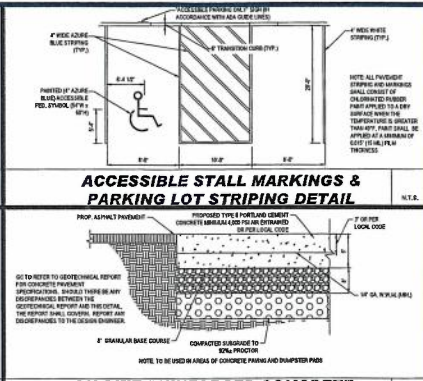
TYPICAL PAVEMENT SECTION



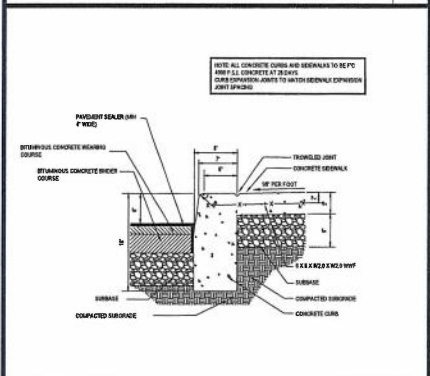
MONOLITHIC CONC. SIDEWALK DETAILS



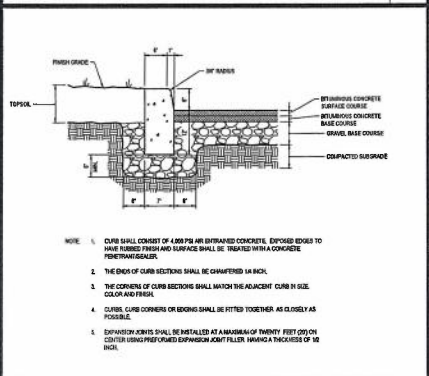
8' HIGH WHITE VINYL FENCE



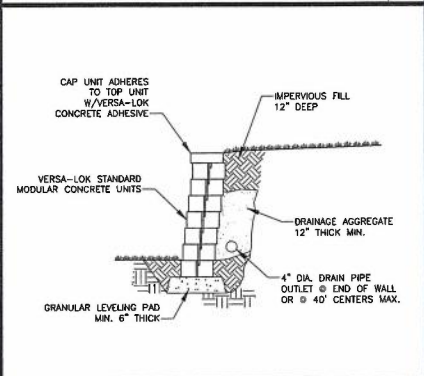
ON-SITE REINFORCED CONCRETE PAVEMENT DETAIL



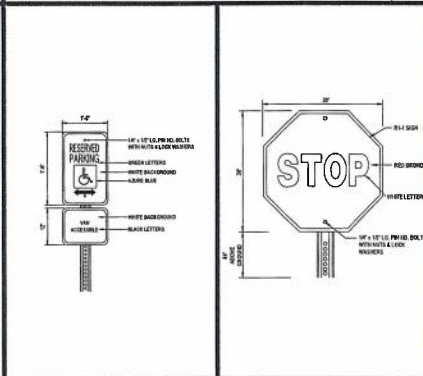
CURB DETAIL W/ MONOLITHIC SIDEWALK ON-SITE



PRECAST CONCRETE CURB DETAIL

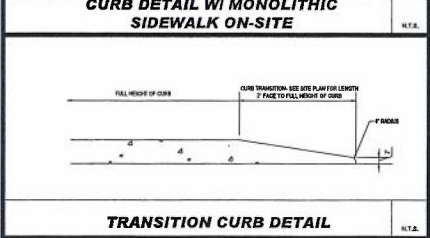


VERSA-LOK UNREINFORCED WALL SECTION

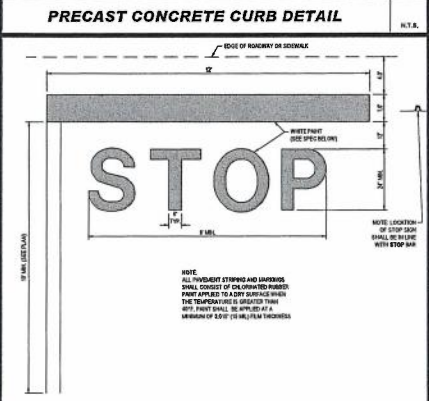


ACCESSIBLE PARKING SIGN

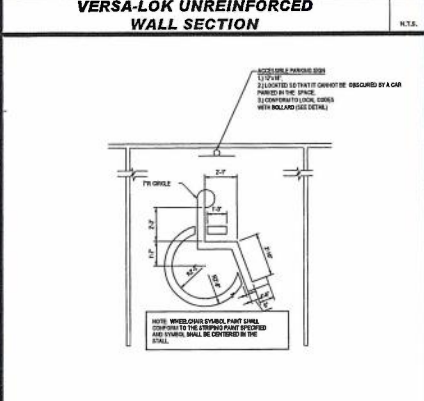
'STOP' SIGN DETAIL



TRANSITION CURB DETAIL



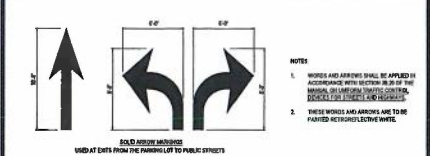
'STOP' BAR DETAIL



ACCESSIBLE PARKING STALL PAINTING DETAIL



"DO NOT ENTER" SIGN



PAINTED TRAFFIC ARROWS



BOHLER
ENGINEERING

1000 STATE STREET, SUITE 200
SOUTH BOROUGH, MA 01772
PHONE: (508) 480-4900
WWW.BOHLENGINEERING.COM

PROJECT: RETAIL DISPENSARY
MAP #74, LOT #2A
299 BOSTON POST ROAD
CITY OF MAULBOROUGH
MIDDLESEX COUNTY,
MASSACHUSETTS

BOHLER
ENGINEERING

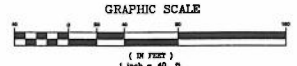
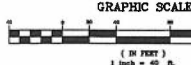
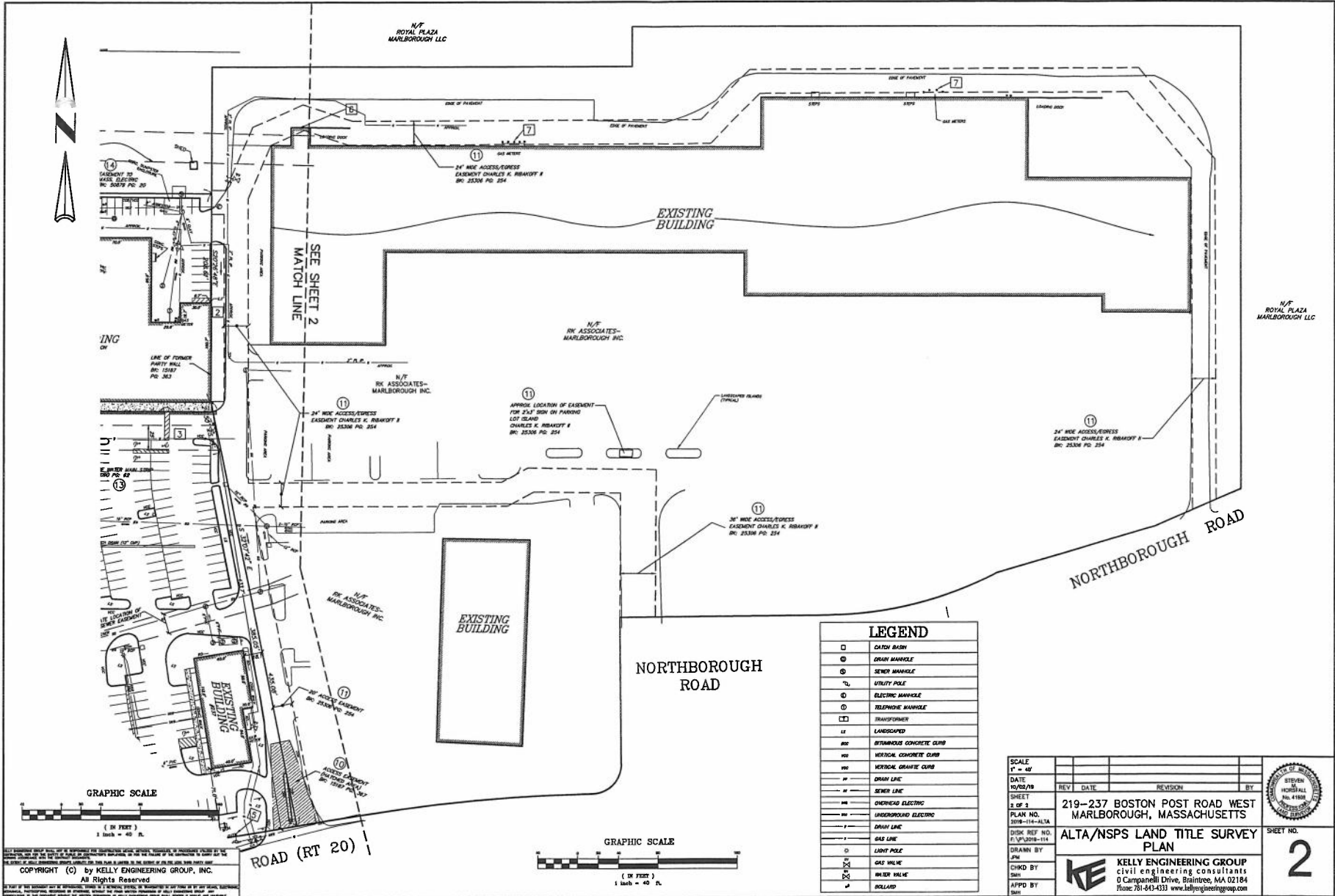
352 TURNPIKE ROAD
SOUTH BOROUGH, MA 01772
PHONE: (508) 480-4900
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J.G. SWEETING
REGISTERED PROFESSIONAL ENGINEER
LICENSE NO. 10000
1000 STATE STREET, SUITE 200
SOUTH BOROUGH, MA 01772
PHONE: (508) 480-4900


DETAIL SHEET

C-901

ORIG. DATE: 05/11/2021

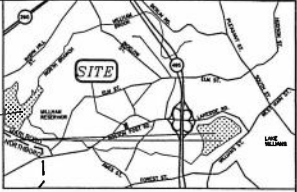
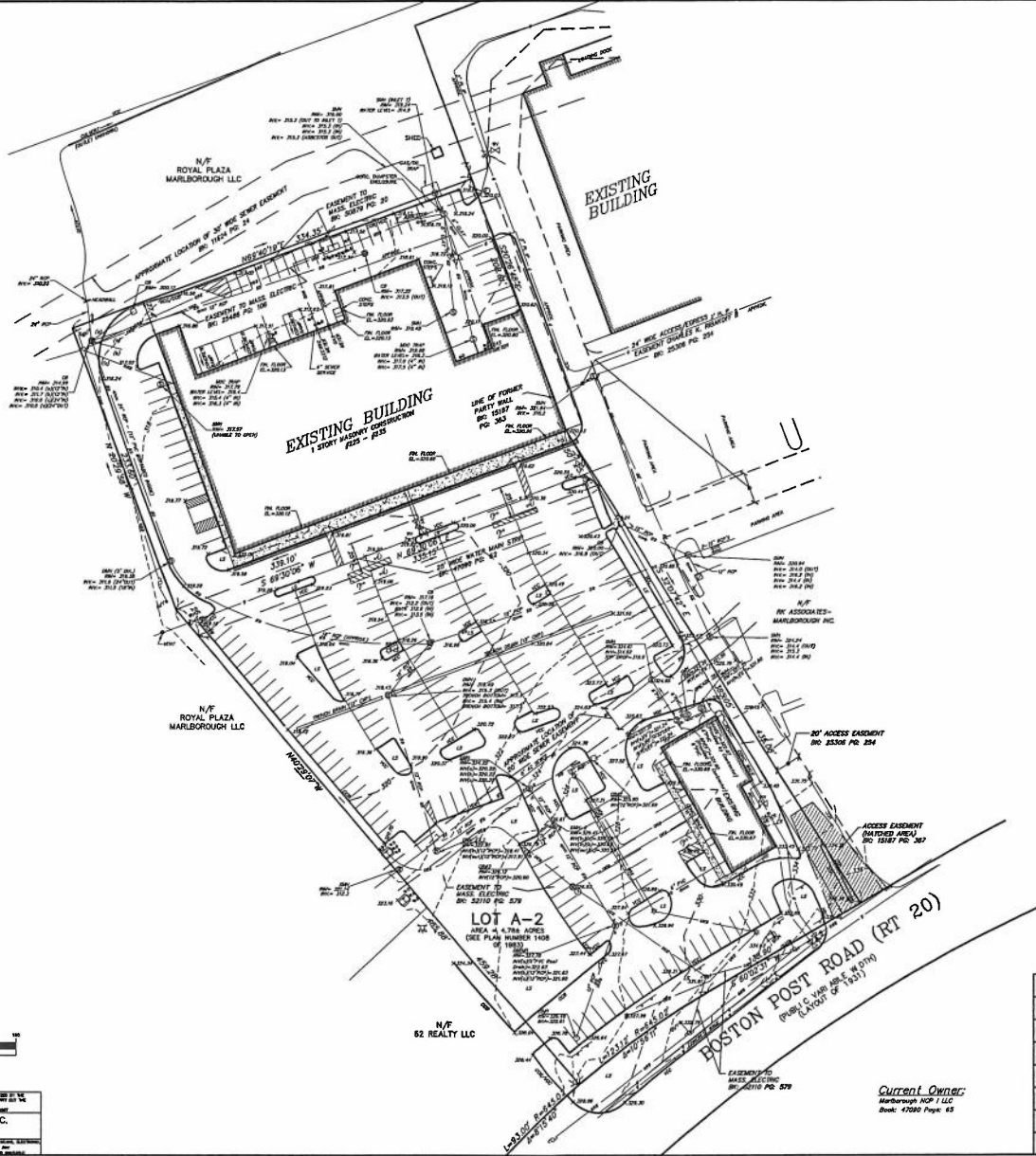


LEGEND	
□	CATCH BASIN
⊙	DRAIN MANHOLE
⊙	SEWER MANHOLE
⊙	UTILITY POLE
⊙	ELECTRIC MANHOLE
⊙	TELEPHONE MANHOLE
□	TRANSFORMER
LS	LANDSCAPED
CCC	STANDARD CONCRETE CURB
HC	HERICAL CONCRETE CURB
HC	HERICAL GRANITE CURB
DL	DRAIN LINE
SL	SEWER LINE
HE	OVERHEAD ELECTRIC
UE	UNDERGROUND ELECTRIC
DL	DRAIN LINE
GL	GAS LINE
LP	LIGHT POLE
GV	GAS VALVE
WV	WATER VALVE
B	BOLLARD

SCALE 1" = 40'				
DATE 05/02/19	REV	DATE	REVISION	BY
SHEET 2 OF 2				
PLAN NO. 2019-114-ALM	219-237 BOSTON POST ROAD WEST MARLBOROUGH, MASSACHUSETTS			
DISK REF. NO. F:\P\2019-114	ALTA/NSPS LAND TITLE SURVEY PLAN			
DRAWN BY JAW	SHEET NO. 2			
CHKD BY SM	 KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Baitimore, MA 02184 (508) 251-4131 www.kellyengr.com			
APPD BY SM				

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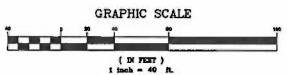
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LOCUS

LEGEND	
□	CATCH BASIN
⊙	DRAIN MANHOLE
⊖	SEWER MANHOLE
⊕	UTILITY POLE
⊙	ELECTRIC MANHOLE
⊖	TELEPHONE MANHOLE
⊕	TRANSFORMER
⊕	LANDSCAPED
⊕	IRREGULAR CONCRETE CURB
⊕	VERTICAL CONCRETE CURB
⊕	VERTICAL GRANITE CURB
⊕	DRAIN LINE
⊕	SEWER LINE
⊕	OVERHEAD ELECTRIC
⊕	UNDERGROUND ELECTRIC
⊕	DRAIN LINE
⊕	GAS LINE
⊕	LIGHT POLE
⊕	GAS VALVE
⊕	WATER VALVE
⊕	BOLLARD

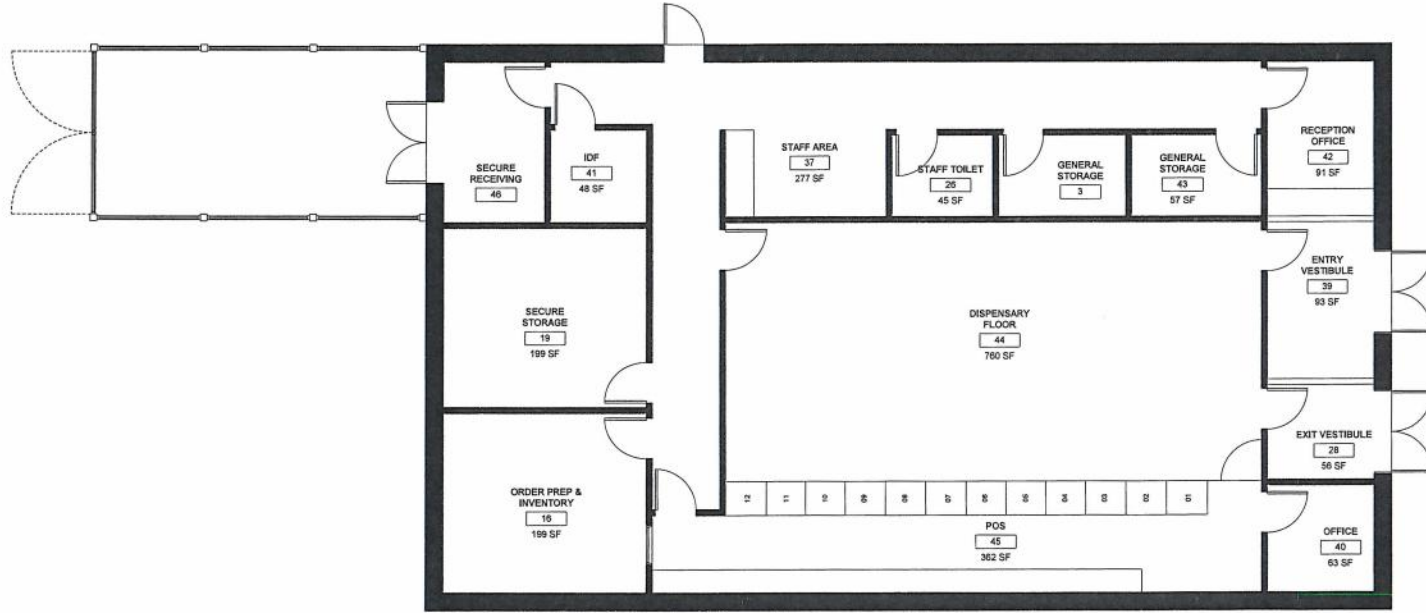
NOTES:
 1.) Underground features have been completed in part, based upon information furnished by others. This information is to the best of our knowledge and Kelly Engineering Group, Inc. does not take responsibility for misplacement errors or omissions which may have been incorporated into this plan or in field installation, unless such features were noted on the plan, the existence of which are unknown to Kelly Engineering Group, Inc. The site, location, and existence of all such features must be verified by the appropriate authorities prior to construction.
 2.) The site detail and surface measurements described herein were obtained by a field survey of the property specified in April of 2012 by Kelly Engineering Group, Inc.



SCALE	1" = 40'		
DATE	02/19/19		
SHEET	1 OF 1		
PLAN NO.	2018-101-0000		
DISK REF NO.	F:\V\2018-124		
DRAWN BY	JW		
CHECK BY	SMH		
APPD BY	SMH		
REV	DATE	REVISION	BY
CROSSPOINT ASSOCIATES			
219-237 BOSTON POST ROAD WEST			
MARLBOROUGH, MASSACHUSETTS			
EXISTING CONDITIONS			
PLAN			
KELLY ENGINEERING GROUP, INC. CIVIL ENGINEERING CONSULTANTS 9 CAMPBELL DRIVE • SUITE 204 PHOENIX, MA 01104 PHONE: 781 843 4333 FAX: 781 843 0028			SHEET NO. 1

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Current Owner:
 Marlborough NCP LLC
 Book: 47090 Page: 63



① MAIN LEVEL FLOOR PLAN
1/4" = 1'-0"



CAVENEY
architectural collaborative, inc.
128 WARREN ST ■ LOWELL, MA 01852
info@caveneyarch.com
978-770-0519

CAL VERDE
MARLBOROUGH DISPENSARY
219-237 BOSTON POST ROAD, MARLBOROUGH, MASSACHUSETTS

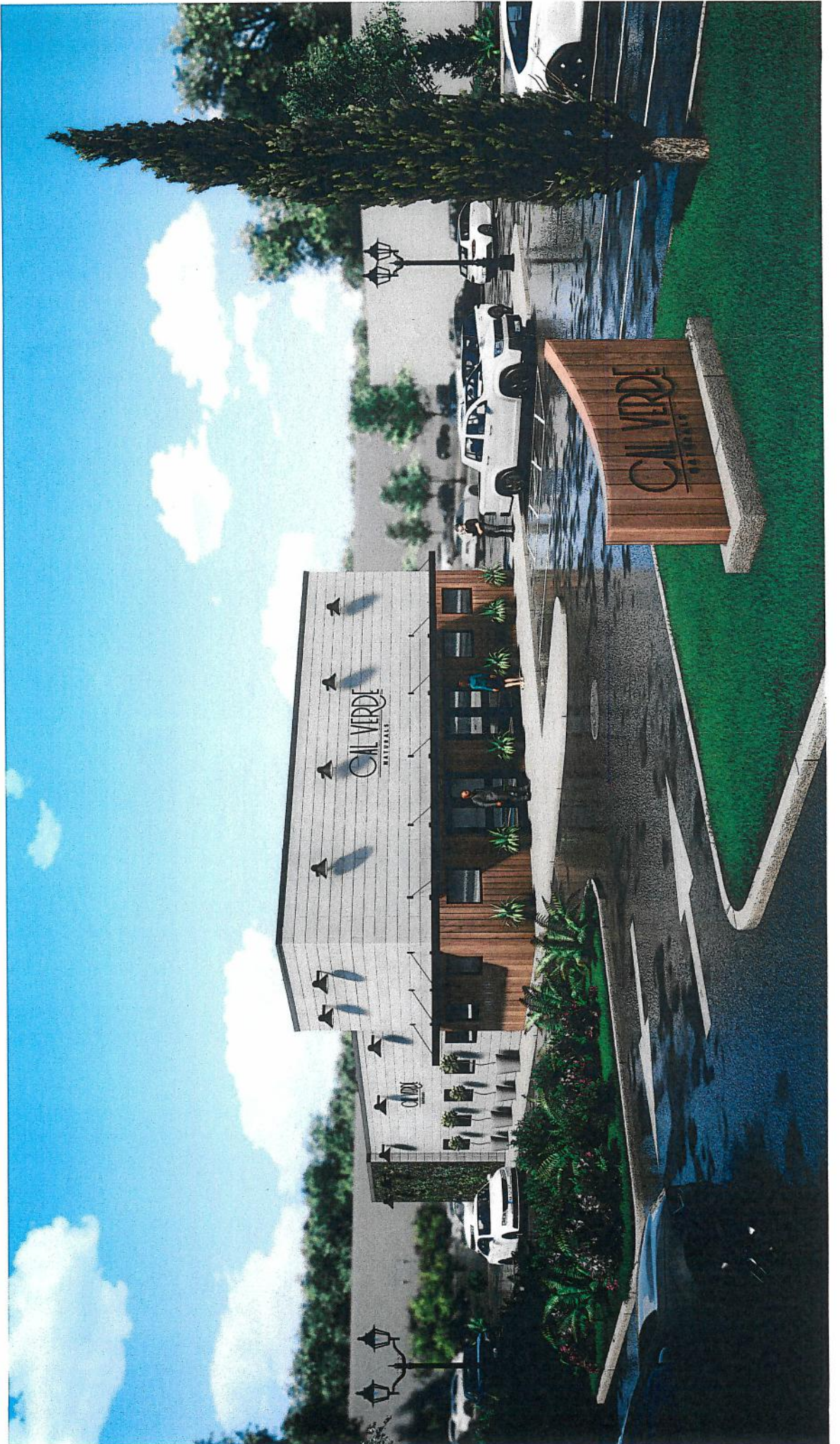
CONCEPT DESIGN

PROJ. NO. 1910-05
DATE 01/05/20
DRAWN BY: JL CASSEY

REVISIONS

NO.	DATE	NOTES

MAIN LEVEL FLOOR PLAN
A1.0









IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 22, 2021

ORDERED:

PAGE 1

That the Proposed Zoning Amendment to Chapter 650 to amend Section 33 the Results Way Mixed Use Overlay District (RMUOD), be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, MARCH 22, 2021.**

Yea: 11 – Nay: 0

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

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:

Chapter 650 §33 – Results Way Mixed Use Overlay District

A. Purpose and objectives.

- (1) The Results Way Mixed Use Overlay District (herein, also RWMUOD) allows the application of supplemental land use controls within the boundaries of a certain overlay district, subject to City Council approval (Hereinafter any reference to City approval shall be deemed to mean approval by the City Council.) as an alternative to land use controls that exist in the underlying district(s). The establishment goals of the Results Way Mixed Used Overlay District are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety and welfare by promoting integrated, pedestrian-friendly, mixed use development to allow for the development of housing, retail and workplaces within close proximity of each other consistent with the stated economic development objectives of the City (collectively, herein mixed use developments or MUD).
- (2) For the purposes of this section, the RWMUOD shall be superimposed on the other districts existing at the time that any land in any said underlying district is also included in the RWMUOD. The RWMUOD is adjacent to ~~Simarano Drive to the west, and~~ Forest Street ~~to the north, and Puritan Way and Results Way to the east~~ as indicated on the City Zoning Map and more particularly described in Exhibit A annexed hereto and incorporated by reference herein.¹



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 22, 2021

PAGE 2

ORDERED:

- (3) For the purposes of the Zoning Ordinance, a mixed use development or MUD shall include any eligible use set forth in Subsection E, below, which may be commingled into a single structure or structures with other eligible uses or may be located in separate structures on the site subject to any restrictions and/or limitations set forth in the development agreement described in Subsection C(2) below. Accordingly, mixed use developments shall benefit the public health, safety and welfare through the sharing of parking lots and driveway curb cuts to minimize the amount of impervious paved parking areas, to reduce traffic congestion, to reduce automobile trips, and accordingly to improve air quality.
- B. Authority of permit granting authority.
- (1) The City Council shall be the permit granting authority for special permit and site plan approval in the RWMUOD. In all instances, a development which proceeds under the RWMUOD overlay is subject to site plan approval in accordance with § 270-2 of the Marlborough City Code, with the exception that the City Council shall be the permit granting authority for special permit and site plan approval in the RWMUOD.
 - (2) The City Council may elect to vary the dimensional and parking requirements of this section by special permit if, in its opinion, such change shall result in a substantially improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.
- C. Master concept plan; development agreement. ~~The~~ A property owner/developer of within the RWMUOD shall, prior to or simultaneously with the first application for approval of a site plan and/or special permit for a MUD within the RWMUOD, file the following with the City Council for approval:
- (1) Master concept plan.
 - (a) A master concept plan (master plan) which shall in a general manner show:
 - [1] The location and areas of proposed development;
 - [2] Proposed open space (usable or natural);
 - [3] Proposed site access curb cuts off of Simarano Drive and Forest Street; and
 - [4] Proposed building envelope(s) where construction is anticipated to occur (excluding internal site driveways).



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 22, 2021

PAGE 3

ORDERED:

- (b) A table showing approximate acres and calculations of the following:
 - [1] Total land area of each development area (building envelope area);
 - [2] Total development limitations, if any, of uses in any developable area;
 - [3] Total maximum development (square footage/use limitations); and
 - [4] Approximate number of parking spaces ~~for the entire RWMUODMUD District.~~
 - (c) The master plan shall be approved by a super majority (2/ 3) vote of the City Council at a public meeting and shall thereafter become the general development plan governing development at the ~~RWMUODMUD~~. The master plan may be amended from time to time by a super majority vote (2/3) of the City Council by application from the property owner/developer to reflect changing development conditions.
- (2) A development agreement in recordable form binding upon the developer/property owner.
- (a) The development agreement shall be approved by a super majority (2/3) vote of the City Council prior to the issuances of the first permit/site plan approval for development within the ~~RWMUODMUD~~, which shall contain, without limitation:
 - a. Required mitigation (including traffic demand management initiatives) to address the impacts arising out of the use and occupancy of the proposed project, or if at the time of execution such impacts are not known, the methodology for assessing and addressing such impacts as the development of the ~~RWMUODMUD~~ progresses.
 - b. Restrictions on development areas and such other development limitations as may be agreed upon.
 - c. Proposed phasing of the development of the ~~RWMUODMUD~~.
 - d. Obligations with respect to pedestrian and vehicular interconnectivity within the ~~RWMUODMUD~~ to facilitate pedestrian access and parking efficiencies.
 - e. The authority of the City Council to retain the necessary professionals to assist in its review of development applications.



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 22, 2021

PAGE 4

ORDERED:

- f. An agreement by the property owner/developer of the residential component of the property to make a onetime financial contribution to the City per residential unit developed at the RWMUODMUD for which a building permit is issued. This payment shall be due at the time of the issuance of the building permit for the unit(s). This amount is to be used by the City acting by and through the City Council to assist in the identification and implementation of zoning, economic and other strategies to foster professional, retail and commercial development initiatives as well as the development of affordable housing which may include, without limitation, the preparation of a housing production plan in accordance with the rules and regulations of the Massachusetts Department of Housing and Community Development (760 CMR 56.03(4)) and the funding of the implementation of the goals and objectives set forth in such plan.
- (b) The development agreement shall govern the implementation of the master plan and development at the MUD.
- (c) Notwithstanding anything contained in any current or future development agreement to the contrary, each development agreement shall only apply to the applicable MUD and shall not govern any development of other MUDs within the RWMUOD.
- D. Exclusivity/control. Except as specifically provided herein, uses and provisions of Article V of Chapter 650 (Zoning) relating to the underlying zoning district not otherwise impacted by this section (§ 650-33 et seq.) shall continue to remain in full force and effect; provided, however, that the City Council shall be the special permit granting and site plan approval authority, if applicable. This section (§ 650-33 et seq.) of the Zoning Ordinance exclusively controls the establishment, development, and design of any MUD undertaken in the RWMUOD and supersedes any other provision of the Zoning Ordinance (except the provisions of the Water Supply Protection District, provided that the maximum total impervious surface coverage for the RWMUD shall be 60% calculated on the entire land area of ~~the RWMUOD~~ each MUD and not on an individual lot basis). In the event of any conflict between the provisions of this section (§ 650-33 et seq.) and any other provision of the Zoning Ordinance, the provisions of this section shall govern and control.



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 22, 2021

PAGE 5

ORDERED:

- E. Eligible uses. Except as specifically set forth below, all uses permitted in the Industrial and Limited Industrial Districts either as of right or by special permit in accordance with § 650-17 of the Zoning Ordinance are permitted in the RWMUOD. If a use requires a special permit under § 650-17, Table of Use Regulations, such use shall continue to require a special permit under this section.
- (1) The following additional uses are also permitted by right in the RWMUOD:
- (a) Research and experimental labs (33). (NOTE: Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for Uses, as noted in § 650-17, Table of Use Regulations.) Research and development includes, without limitation, laboratories engaged in research, experimental and testing activities, including, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, pharmaceuticals, medicine and physics.
 - (b) Medical office and diagnostic medical laboratories appurtenant to offices of physicians and dentists.
 - (c) Associated/accessory research uses (35). (NOTE: Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for Uses, as noted in § 650-17, Table of Use Regulations.)
 - (d) Advanced manufacturing, which shall include high technology manufacturing, such as, but not limited to, laser technology, robotics, nanotechnology and computer-associated design and software development.
 - (e) Multifamily dwelling: up to ~~350 dwelling units within the entire RWMUOD Zoning District~~ the maximum amounts set forth on Exhibit A including, without limitation, age-restricted dwelling units.
 - (f) Retail sales and services: up to ~~75,000 square feet of total gross floor area; up to 10,000 square feet of gross floor area per establishment~~ the maximum amounts set forth on Exhibit A.
 - (g) Hotels and motels.
 - (h) Hotels with conference facilities and commercial uses.
 - (i) Car parking lots, garages: a structure or a group of structures that facilitate the parking of vehicles at ground level, above or below grade and shall include area for the parking of vehicles at, above and/or below grade under a building or otherwise integrated into another structure.



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 22, 2021

PAGE 6

ORDERED:

- (j) Consumer service establishments complementary to the other principal uses at the property.
 - (k) Restaurant, cafe with or without table service (including outside seating and service).
 - (l) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities.
 - (m) Self-service laundry.
 - (n) Dry cleaning (pickup and dropoff only).
- (2) The following additional uses are also permitted by special permit in the RWMUOD:
- (a) Multifamily dwelling — ~~more than 350 dwelling units within the entire RWMUOD Zoning District~~ the maximum amounts set forth on Exhibit A including, without limitation, age-restricted dwelling units.
 - (b) Drive-through facilities associated with retail (e.g. banks; pharmacies) and food services.
- (3) The foregoing subsections notwithstanding, the uses set forth as follows are expressly prohibited in the RWMUOD:
- (a) Adult entertainment, including an adult bookstore, video store, paraphernalia store, movie theater, or live entertainment establishment.
 - (b) Tattoo and body piercing parlors and shops.
 - (c) Dye works.
 - (d) Biosafety Level 4 laboratories, as defined by the United States Center for Disease Control and Prevention.
 - (e) Establishments for construction in such services as, but not limited to, building, building maintenance, plumbing, landscaping, electrical, masonry, carpentry, well drilling.
 - (f) Electroplating, metal finishing except by special permit as an accessory use to an otherwise permitted principal use.
 - (g) Hazardous and toxic chemical manufacturing, except in accordance with applicable state and federal regulations.
 - (h) Trucking terminal and distribution center.
 - (i) Automotive sales and/or service.
 - (j) Retail gasoline, oil and lubrication stations.
 - (k) Commercial bakeries.
 - (l) On-site sales and rental of heavy machinery and vehicles.



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 22, 2021

PAGE 7

ORDERED:

- (m) Laundry and dry cleaning establishment, except dropoff and pickup operations and facilities designed to service residents of multifamily dwelling.
 - Any activity or use directly or indirectly involving, without limitation, the dispensing, use, sale, growing, storage or transportation of medical marijuana, including any medical marijuana treatment center.
 - Any on-site facility or clinic devoted to the treatment of substance addiction, including any narcotic detoxification and/or maintenance facility.

- F. Dimensional requirements. The RWMUOD shall be subject to the dimensional standards in accordance with Article VII of the Marlborough Zoning Ordinance with the following exceptions:
 - (1) The RWMUOD shall consist of one or more lots. There is no minimum acreage requirement for a lot to be a part of the Results Way Mixed Use Overlay District.
 - (2) Minimum lot frontage measurement shall be no less than 50 feet for any lot wholly located within the boundaries of the RWMUOD.
 - (3) Minimum front yard measurement shall be no less than 30 feet for any lot wholly located within boundaries of a RWMUOD.
 - (4) No less than 15 feet shall separate the structural side wall of any two or more MUD structures. No less than 15 feet shall separate any area behind and/or between structures, and fire suppression vehicles shall have clear and adequate access to all structures.
 - (5) Maximum building height in RWMUOD shall not exceed 80 feet, provided that:
 - (a) Residential structures shall not exceed 70 feet; and
 - (b) No structure located within 120 feet from the center line of Forest Street shall exceed 50 feet.
 - (6) Maximum lot coverage shall be calculated on the entire land area of the ~~RWMUOD-MUD~~ and not on an individual lot basis, and shall not exceed 60% of the total area of the ~~RWMUOD-MUD~~.



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 22, 2021

PAGE 8

ORDERED:

- G. Parking and curb cut requirements. Except as otherwise provided in this section, parking and circulation requirements shall conform to the provisions of §§ 650-48 and 650-49 of the Zoning Ordinance.
- (1) General. In the RWMUOD adequate off-street parking shall be provided. The City Council and the applicant shall have as a goal for the purposes of defining adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the City Council shall consider complementary or shared use of parking areas by activities having different peak demand times, and the applicant shall locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such complementary use of parking areas may result in permitted reductions in the parking requirements.
 - (2) Parking locations. Parking may be provided at ground level, underground or in a parking garage. Parking garages can be freestanding or as part of buildings dedicated to other permitted uses.
 - (3) Parking spaces for each dwelling unit. There shall be a minimum of 1.5 parking spaces for each dwelling unit.
 - (4) Granting of relief from parking regulations. The City Council may waive any of the foregoing requirements or the requirements of § 650-48 if it makes a finding that to do so will enhance the overall design of the RWMUOD.
- H. Signage.
- (1) Except as otherwise provided in this mixed use section, signage shall conform to the provisions of Chapter 526 of the Marlborough City Code, the Sign Ordinance.
 - (2) Granting of relief from signage regulations. The City Council may waive any of the requirements of the Sign Ordinance if it makes a finding that to do so will enhance the overall design of the RWMUOD.



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 22, 2021

PAGE 9

ORDERED:

I. Application.

- (1) An application for a special permit for a use in the mixed use development in the RWMUOD shall comply with the requirements of § 650-59 et seq. of the Zoning Ordinance. In the matter of a site plan approval, the application shall comply with the requirements of the City Code, Chapter 270, Article II, Permits and Approvals, § 270-2 et seq.
- (2) The City Council in connection with a special permit and/or site plan application shall review such applications with respect to the following design criteria:
 - Compliance of sidewalks with Americans with Disabilities Act (ADA) design standards;
 - Street facade and exterior walls visible from public ways;
 - Public space;
 - Scale of buildings; and
 - External lighting.
- (3) Concurrent with any public hearing/meeting associated with a special permit and/or site plan filing, the applicant shall make a presentation to the City Council to present the proposed architectural design and shall consider the comments and input from the City Council. A final building elevation shall be submitted prior to the close of the public hearing/meeting.

J. Standards for roadways and drainage.

- (1) Roadways. Internal RWMUOD roadways shall be private ways and shall be maintained by the owners/developers of the RWMUOD and portions thereof. Private ways within the RWMUOD, to the extent feasible, shall be constructed using the methods and materials prescribed in the Rules and Regulations for the Subdivision of Land in the City, but shall not be required to conform to the dimensional requirements thereof, provided that those private roadways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners.



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 22, 2021

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ORDERED:

- (2) Stormwater management system. ~~The~~ Each MUD within the RWMUOD shall have a stormwater management system designed in accordance with the applicable Rules and Regulations for the Subdivision of Land in the City and the Department of Environmental Protection's Storm Water Management Guidelines, as amended.

- K. Amendments. After approval, ~~the~~ an owner/developer may seek amendments to the approved permits. Minor amendments to a special permit and major or minor amendments to a site plan approval may be made by a super majority (2/3) vote of the City Council. It shall be a finding of the City Council, not subject to dispute by the applicant, whether a requested amendment is deemed to be a major amendment or a minor one. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce more than a material increase in impact on City services, the environment or the neighborhood. If it is determined that revisions to a special permit are not minor, per § 650-59 of the Zoning Ordinance, an application for a revised special permit shall be filed, and a public hearing shall be held in the same manner as required for a new application, subject to the fee schedule under Subsection C(3)(f) of § 650-59.



IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 22, 2021

ORDERED:

PAGE 11

EXHIBIT A – CHAPTER 650 §33

The RWMUOD shall comprise two separate subdistricts, as described below. Within each subdistrict, one MUD shall be permitted, which shall be subject to a separate development agreement and master plan, and which may contain up to the maximum number of units of multifamily dwellings and gross floor area of retail sales and services uses set forth below.

	<u>Included Parcels [NOTE: To be confirmed by Assessor].</u>	<u>Total number of dwelling units permitted as-of- right (subject to site plan approval as set forth herein)</u>	<u>Total gross floor area of retail sales and services uses allowed</u>
<u>RWMUOD Subdistrict 1</u>	<ul style="list-style-type: none"> • <u>PID# 100-1</u> • <u>PID# 100-1B</u> • <u>PID #100-2</u> • <u>PID #100-3</u> • <u>PID #100-1A</u> • <u>PID #101-2B</u> 	• <u>350 dwelling units as-of-right</u>	• <u>75,000 square feet of total gross floor area (up to 10,000 square feet of gross floor area per establishment)</u>
<u>RWMUOD Subdistrict 2</u>	<ul style="list-style-type: none"> • <u>PID #100-19</u> • <u>PID #111-1</u> • <u>PID #111-2</u> 	• <u>100 dwelling units as-of-right</u>	• <u>75,000 square feet of total gross floor area (up to 10,000 square feet of gross floor area per establishment)</u>

ADOPTED

ORDER NO. 21-1008216

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CITY OF MARLBOROUGH

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goulston&storrs
counselors at law

Peter Tamm, Esq.
ptamm@goulstonstorrs.com
(617) 574-7891 (tel)
(617) 574-4112 (fax)

February 18, 2021

VIA OVERNIGHT DELIVERY

Marlborough City Council
Marlborough City Hall, Second Floor
140 Main Street
Marlborough, MA 01752

Re: Zoning Amendment affecting the Campus at Marlborough, Simerano Drive and Martinangelo Drive, Marlborough, MA (the "Property")

Dear Members of the City Council,

On behalf of BH GRP TCAM Owner LLC, an affiliate of Greatland Realty Partners (the "**Proponent**"), I am pleased to submit the following enclosed materials in support of a zoning change at the Property:

1. a plan showing a proposed zoning map amendment extending the adjoining Results Way Mixed Use Overlay District (the "**RWMUOD**") over the Property; and
2. a redline reflecting proposed minor revisions to the RWMUOD text, as described below.

The Proponent is the current owner of the Property, which comprises City of Marlborough Assessing Parcels #100-10, #111-1 and 111-2 and contains a total of approximately 121.16 acres of land presently in the Industrial District. The Property is currently improved with approximately 550,000 square feet of office space constructed as Phase I of "The Campus at Marlborough" master project (the "**TCAM Project**").

As shown on the enclosed plan, the Proponent is seeking to extend the RWMUOD, which currently covers approximately 100 acres of land adjacent to the Property across Simerano Drive, to include the Property. Expanding this overlay zoning designation to the Property is consistent with the City's mixed-use planning and economic development goals. Specifically, Section 4.3.2.2 of the City of Marlborough's 2011 *Economic Development Master Plan* suggests, as a zoning change to facilitate new development in the City's industrial zones, "Specifying mixed-use options for projects in industrial zoning districts, particularly retail/office, retail/industrial and live-work options." Such a zoning change would provide the framework and flexibility to allow the Proponent to fulfill its vision for the TCAM Project by completing the unrealized "Phase 2" commercial component thereof. Following on the construction of the Revance building, which is currently undergoing site plan review by the Site Plan Review Committee, this vision involves the establishment of a central square providing amenities and public dining options, surrounded by a "bio-ring"—consisting of office, life science and biomanufacturing uses—as well as a limited number of townhomes at the base of the hill.

As you are aware, the existing RWMUOD requires that a mixed use development (as defined in the RWMUOD zoning text, a "**MUD**") obtain City Council approval of a master plan and development agreement, followed by site plan approval by the City Council for the construction of each mixed-use component thereof. However, as currently written, the RWMUOD does not contemplate more than one MUD within the district. As a result, the RWMUOD text requires minor adjustments to allow the TCAM Project to proceed as a second MUD within the expanded RWMUOD. If these revisions are approved,

the Proponent will subsequently file a draft master plan and development agreement for the TCAM Project with the City Council, followed by site plan review applications for individual project components. This iterative process ensures continued input and oversight by the City Council as development plans for Phase 2 are advanced.

In addition to these changes, two minor substantive changes are required to best position the Property for development into a key biomanufacturing hub in the Commonwealth of Massachusetts. The first substantive change to the zoning addresses an ambiguity in the RWMUOD text related to biomanufacturing use in general. Section 650-33E(3)(g) of the RWMUOD contains a general prohibition on “hazardous and toxic chemical manufacturing”. However, it is not unusual for modern biomanufacturing to involve some hazardous material. Such biomanufacturing uses are subject to rigorous local, state and federal regulation to ensure that such production is done in a safe and responsible manner. Without revision, the blanket prohibition set forth in Section 650-33E(3)(g) prohibits many of the heavily-regulated and safe uses that the RWMUOD was intended to allow. The proposed revision would clarify this to ensure that the City of Marlborough is “biomanufacturing-ready”.

Second, in order to allow for the development of a limited number of townhomes at the base of the hill on the Property, a 100-unit residential cap is proposed to be applied to the newly expanded portion of the district. Although these residences are essential to the mixed-use vision for the TCAM Project, they represent a modest component of the overall TCAM Project, which, at full-build, will become a job and innovation center of over 1.1 million square feet of commercial development.

Please do not hesitate to reach out if you have any questions. Thank you.

Very truly yours,



Peter Tamm, Esq.

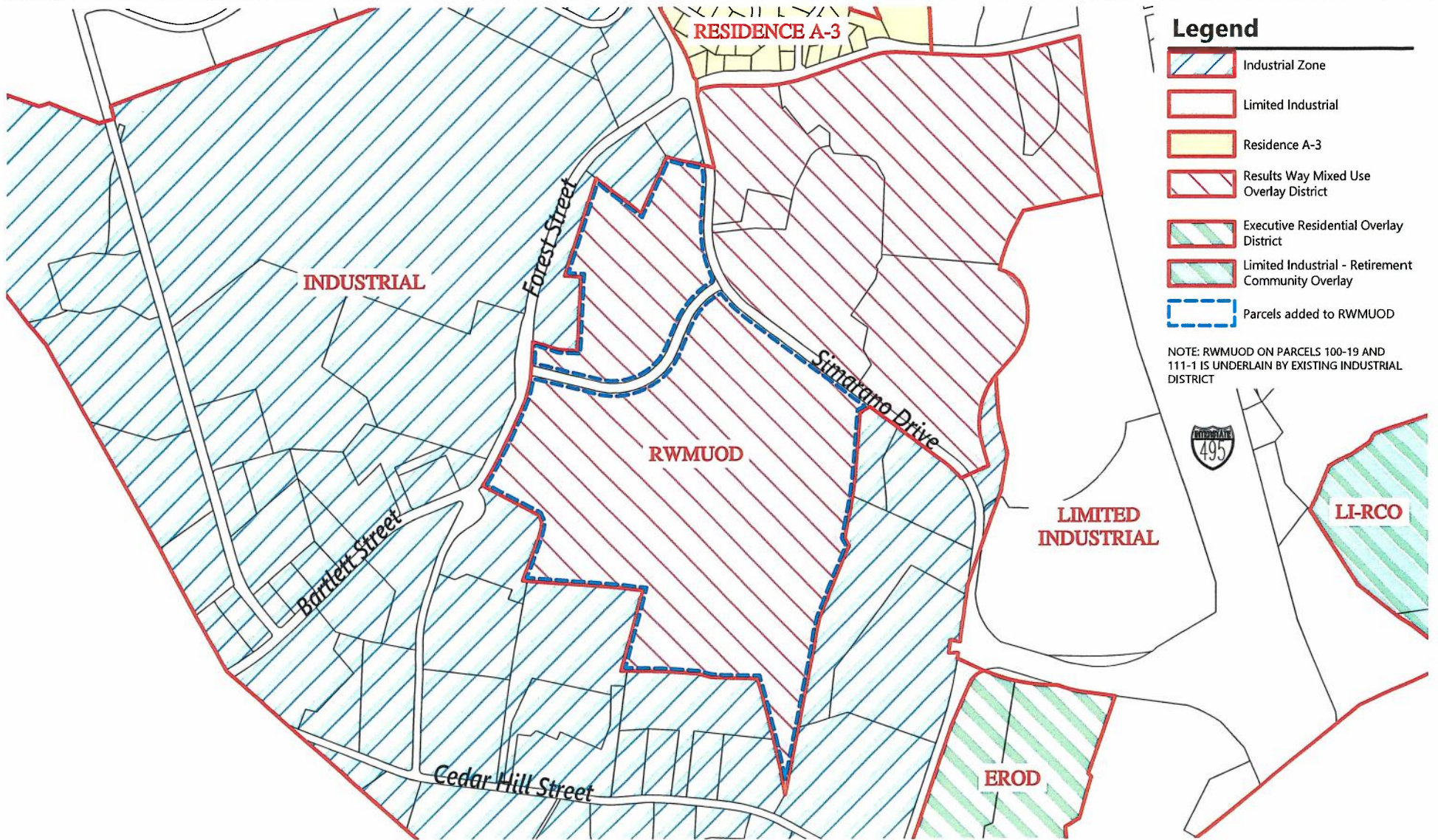
Enclosures

1. Proposed RWMUOD Extension Plan; and
2. Proposed RWMUOD text revisions.

CC (VIA EMAIL DELIVERY):

Mr. Kevin Sheehan, Greatland Realty Partners
Ms. Teri Ford, Greatland Realty Partners
Mr. David O. Gillespie, AvalonBay Communities, Inc.

ATTACHMENT #1: PROPOSED RWMUOD EXTENSION PLAN



Legend

- Industrial Zone
- Limited Industrial
- Residence A-3
- Results Way Mixed Use Overlay District
- Executive Residential Overlay District
- Limited Industrial - Retirement Community Overlay
- Parcels added to RWMUOD

NOTE: RWMUOD ON PARCELS 100-19 AND 111-1 IS UNDERLAIN BY EXISTING INDUSTRIAL DISTRICT



0 300 600 1200 Feet



Proposed Zoning Revisions
The Campus at Marlborough

Figure 1

Jan. 22, 2021

ATTACHMENT #2: PROPOSED RWMUOD TEXT REVISIONS

§ 650-33. Results Way Mixed Use Overlay District. [Added 12-17-2012 by Ord. No. 12-1005154C], as revised [•], 2021 by Ord. No. 21-[•]

A. Purpose and objectives.

- (1) The Results Way Mixed Use Overlay District (herein, also RWMUOD) allows the application of supplemental land use controls within the boundaries of a certain overlay district, subject to City Council approval (Hereinafter any reference to City approval shall be deemed to mean approval by the City Council.) as an alternative to land use controls that exist in the underlying district(s). The establishment goals of the Results Way Mixed Used Overlay District are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety and welfare by promoting integrated, pedestrian-friendly, mixed use development to allow for the development of housing, retail and workplaces within close proximity of each other consistent with the stated economic development objectives of the City (collectively, herein mixed use developments or MUD).
- (2) For the purposes of this section, the RWMUOD shall be superimposed on the other districts existing at the time that any land in any said underlying district is also included in the RWMUOD. The RWMUOD is adjacent to Simarano Drive ~~to the west,~~ and Forest Street ~~to the north,~~ and Puritan Way and Results Way to the east as indicated on the City Zoning Map and more particularly described in Exhibit A annexed hereto and incorporated by reference herein.¹
- (3) For the purposes of the Zoning Ordinance, a mixed use development or MUD shall include any eligible use set forth in Subsection E, below, which may be commingled into a single structure or structures with other eligible uses or may be located in separate structures on the site subject to any restrictions and/or limitations set forth in the development agreement described in Subsection C(2) below. Accordingly, mixed use developments shall benefit the public health, safety and welfare through the sharing of parking lots and driveway curb cuts to minimize the amount of impervious paved parking areas, to reduce traffic congestion, to reduce automobile trips, and accordingly to improve air quality.

B. Authority of permit granting authority.

- (1) The City Council shall be the permit granting authority for special permit and site plan approval in the RWMUOD. In all instances, a development which proceeds under the RWMUOD overlay is subject to site plan approval in accordance with § 270-2 of the Marlborough City

1. Editor's Note: Exhibit A is on file in the City offices.

Code, with the exception that the City Council shall be the permit granting authority for special permit and site plan approval in the RWMUOD.

- (2) The City Council may elect to vary the dimensional and parking requirements of this section by special permit if, in its opinion, such change shall result in a substantially improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.

C. Master concept plan; development agreement. ~~The~~^A property owner/developer ~~of~~^{within} the RWMUOD shall, prior to or simultaneously with the first application for approval of a site plan and/or special permit for a MUD within the RWMUOD, file the following with the City Council for approval:

(1) Master concept plan.

(a) A master concept plan (master plan) which shall in a general manner show:

- [1] The location and areas of proposed development;
- [2] Proposed open space (usable or natural);
- [3] Proposed site access curb cuts off of Simarano Drive and Forest Street; and
- [4] Proposed building envelope(s) where construction is anticipated to occur (excluding internal site driveways).

(b) A table showing approximate acres and calculations of the following:

- [1] Total land area of each development area (building envelope area);
- [2] Total development limitations, if any, of uses in any developable area;
- [3] Total maximum development (square footage/use limitations); and
- [4] Approximate number of parking spaces ~~for the entire RWMUOD District.~~

(c) The master plan shall be approved by a super majority (2/ 3) vote of the City Council at a public meeting and shall thereafter become the general development plan governing development at the ~~RWMUOD~~^{MUD}. The master plan may be amended from time to time by a super majority vote (2/3) of the City Council by application from the property owner/developer to reflect changing development conditions.

- (2) A development agreement in recordable form binding upon the developer/property owner.
- (a) The development agreement shall be approved by a super majority (2/3) vote of the City Council prior to the issuances of the first permit/site plan approval for development within the RWMUODMUD, which shall contain, without limitation:
- [1] Required mitigation (including traffic demand management initiatives) to address the impacts arising out of the use and occupancy of the proposed project, or if at the time of execution such impacts are not known, the methodology for assessing and addressing such impacts as the development of the RWMUODMUD progresses.
 - [2] Restrictions on development areas and such other development limitations as may be agreed upon.
 - [3] Proposed phasing of the development of the RWMUODMUD.
 - [4] Obligations with respect to pedestrian and vehicular interconnectivity within the RWMUODMUD to facilitate pedestrian access and parking efficiencies.
 - [5] The authority of the City Council to retain the necessary professionals to assist in its review of development applications.
 - [6] An agreement by the property owner/developer of the residential component of the property to make a onetime financial contribution to the City per residential unit developed at the RWMUODMUD for which a building permit is issued. This payment shall be due at the time of the issuance of the building permit for the unit(s). This amount is to be used by the City acting by and through the City Council to assist in the identification and implementation of zoning, economic and other strategies to foster professional, retail and commercial development initiatives as well as the development of affordable housing which may include, without limitation, the preparation of a housing production plan in accordance with the rules and regulations of the Massachusetts Department of Housing and Community Development (760 CMR 56.03(4)) and the funding of the implementation of the goals and objectives set forth in such plan.

- (b) The development agreement shall govern the implementation of the master plan and development at the MUD.
- (c) Notwithstanding anything contained in any current or future development agreement to the contrary, each development agreement shall only apply to the applicable MUD and shall not govern any development of other MUDs within the RWMUOD.
- D. Exclusivity/control. Except as specifically provided herein, uses and provisions of Article V of Chapter 650 (Zoning) relating to the underlying zoning district not otherwise impacted by this section (§ 650-33 et seq.) shall continue to remain in full force and effect; provided, however, that the City Council shall be the special permit granting and site plan approval authority, if applicable. This section (§ 650-33 et seq.) of the Zoning Ordinance exclusively controls the establishment, development, and design of any MUD undertaken in the RWMUOD and supersedes any other provision of the Zoning Ordinance (except the provisions of the Water Supply Protection District, provided that the maximum total impervious surface coverage for the RWMUD shall be 60% calculated on the entire land area of ~~the RWMUOD~~ each MUD and not on an individual lot basis). In the event of any conflict between the provisions of this section (§ 650-33 et seq.) and any other provision of the Zoning Ordinance, the provisions of this section shall govern and control.
- E. Eligible uses. Except as specifically set forth below, all uses permitted in the Industrial and Limited Industrial Districts either as of right or by special permit in accordance with § 650-17 of the Zoning Ordinance are permitted in the RWMUOD. If a use requires a special permit under § 650-17, Table of Use Regulations, such use shall continue to require a special permit under this section.
- (1) The following additional uses are also permitted by right in the RWMUOD:
- (a) Research and experimental labs (33). (NOTE: Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for Uses, as noted in § 650-17, Table of Use Regulations.) Research and development includes, without limitation, laboratories engaged in research, experimental and testing activities, including, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, pharmaceuticals, medicine and physics.
- (b) Medical office and diagnostic medical laboratories appurtenant to offices of physicians and dentists.

- (c) Associated/accessory research uses (35). (NOTE: Numbers in parentheses correspond to subsection numbers in § 650-18, Conditions for Uses, as noted in § 650-17, Table of Use Regulations.)
 - (d) Advanced manufacturing, which shall include high technology manufacturing, such as, but not limited to, laser technology, robotics, nanotechnology and computer-associated design and software development.
 - (e) Multifamily dwelling: up to ~~350 dwelling units within the entire RWMUOD Zoning District~~the maximum amounts set forth on Exhibit A including, without limitation, age-restricted dwelling units.
 - (f) Retail sales and services: up to ~~75,000 square feet of total gross floor area; up to 10,000 square feet of gross floor area per establishment~~the maximum amounts set forth on Exhibit A.
 - (g) Hotels and motels.
 - (h) Hotels with conference facilities and commercial uses.
 - (i) Car parking lots, garages: a structure or a group of structures that facilitate the parking of vehicles at ground level, above or below grade and shall include area for the parking of vehicles at, above and/or below grade under a building or otherwise integrated into another structure.
 - (j) Consumer service establishments complementary to the other principal uses at the property.
 - (k) Restaurant, cafe with or without table service (including outside seating and service).
 - (l) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities.
 - (m) Self-service laundry.
 - (n) Dry cleaning (pickup and dropoff only).
- (2) The following additional uses are also permitted by special permit in the RWMUOD:
- (a) Multifamily dwelling — more than ~~350 dwelling units within the entire RWMUOD Zoning District~~the maximum amounts set forth on Exhibit A including, without limitation, age-restricted dwelling units.

- (b) Drive-through facilities associated with retail (e.g. banks; pharmacies) and food services.
- (3) The foregoing subsections notwithstanding, the uses set forth as follows are expressly prohibited in the RWMUOD:
- (a) Adult entertainment, including an adult bookstore, video store, paraphernalia store, movie theater, or live entertainment establishment.
 - (b) Tattoo and body piercing parlors and shops.
 - (c) Dye works.
 - (d) Biosafety Level 4 laboratories, as defined by the United States Center for Disease Control and Prevention.
 - (e) Establishments for construction in such services as, but not limited to, building, building maintenance, plumbing, landscaping, electrical, masonry, carpentry, well drilling.
 - (f) Electroplating, metal finishing except by special permit as an accessory use to an otherwise permitted principal use.
 - (g) Hazardous and toxic chemical manufacturing except in accordance with applicable state and federal regulations.
 - (h) Trucking terminal and distribution center.
 - (i) Automotive sales and/or service.
 - (j) Retail gasoline, oil and lubrication stations.
 - (k) Commercial bakeries.
 - (l) On-site sales and rental of heavy machinery and vehicles.
 - (m) Laundry and dry cleaning establishment, except dropoff and pickup operations and facilities designed to service residents of multifamily dwelling.
 - (n) Any activity or use directly or indirectly involving, without limitation, the dispensing, use, sale, growing, storage or transportation of medical marijuana, including any medical marijuana treatment center.

- (o) Any on-site facility or clinic devoted to the treatment of substance addiction, including any narcotic detoxification and/or maintenance facility.

F. Dimensional requirements. The RWMUOD shall be subject to the dimensional standards in accordance with Article VII of the Marlborough Zoning Ordinance with the following exceptions:

- (1) The RWMUOD shall consist of one or more lots. There is no minimum acreage requirement for a lot to be a part of the Results Way Mixed Use Overlay District.
- (2) Minimum lot frontage measurement shall be no less than 50 feet for any lot wholly located within the boundaries of the RWMUOD.
- (3) Minimum front yard measurement shall be no less than 30 feet for any lot wholly located within boundaries of a RWMUOD.
- (4) No less than 15 feet shall separate the structural side wall of any two or more MUD structures. No less than 15 feet shall separate any area behind and/or between structures, and fire suppression vehicles shall have clear and adequate access to all structures.
- (5) Maximum building height in RWMUOD shall not exceed 80 feet, provided that:
 - (a) Residential structures shall not exceed 70 feet; and
 - (b) No structure located within 120 feet from the center line of Forest Street shall exceed 50 feet.
- (6) Maximum lot coverage shall be calculated on the entire land area of the ~~RWMUOD~~MUD and not on an individual lot basis, and shall not exceed 60% of the total area of the ~~RWMUOD~~MUD.

G. Parking and curb cut requirements. Except as otherwise provided in this section, parking and circulation requirements shall conform to the provisions of §§ 650-48 and 650-49 of the Zoning Ordinance.

- (1) General. In the RWMUOD adequate off-street parking shall be provided. The City Council and the applicant shall have as a goal for the purposes of defining adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the City Council shall consider complementary or shared use of parking areas by activities having different peak demand times, and the applicant shall locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such

complementary use of parking areas may result in permitted reductions in the parking requirements.

- (2) Parking locations. Parking may be provided at ground level, underground or in a parking garage. Parking garages can be freestanding or as part of buildings dedicated to other permitted uses.
- (3) Parking spaces for each dwelling unit. There shall be a minimum of 1.5 parking spaces for each dwelling unit.
- (4) Granting of relief from parking regulations. The City Council may waive any of the foregoing requirements or the requirements of § 650-48 if it makes a finding that to do so will enhance the overall design of the RWMUOD.

H. Signage.

- (1) Except as otherwise provided in this mixed use section, signage shall conform to the provisions of Chapter 526 of the Marlborough City Code, the Sign Ordinance.
- (2) Granting of relief from signage regulations. The City Council may waive any of the requirements of the Sign Ordinance if it makes a finding that to do so will enhance the overall design of the RWMUOD.

I. Application.

- (1) An application for a special permit for a use in the mixed use development in the RWMUOD shall comply with the requirements of § 650-59 et seq. of the Zoning Ordinance. In the matter of a site plan approval, the application shall comply with the requirements of the City Code, Chapter 270, Article II, Permits and Approvals, § 270-2 et seq.
- (2) The City Council in connection with a special permit and/or site plan application shall review such applications with respect to the following design criteria:
 - (a) Compliance of sidewalks with Americans with Disabilities Act (ADA) design standards;
 - (b) Street facade and exterior walls visible from public ways;
 - (c) Public space;
 - (d) Scale of buildings; and
 - (e) External lighting.

- (3) Concurrent with any public hearing/meeting associated with a special permit and/or site plan filing, the applicant shall make a presentation to the City Council to present the proposed architectural design and shall consider the comments and input from the City Council. A final building elevation shall be submitted prior to the close of the public hearing/meeting.

J. Standards for roadways and drainage.

- (1) Roadways. Internal RWMUOD roadways shall be private ways and shall be maintained by the owners/developers of the RWMUOD and portions thereof. Private ways within the RWMUOD, to the extent feasible, shall be constructed using the methods and materials prescribed in the Rules and Regulations for the Subdivision of Land in the City, but shall not be required to conform to the dimensional requirements thereof, provided that those private roadways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners.
- (2) Stormwater management system. ~~The~~Each MUD within the RWMUOD shall have a stormwater management system designed in accordance with the applicable Rules and Regulations for the Subdivision of Land in the City and the Department of Environmental Protection's Storm Water Management Guidelines, as amended.

K. Amendments. After approval, ~~the~~an owner/developer may seek amendments to the approved permits. Minor amendments to a special permit and major or minor amendments to a site plan approval may be made by a super majority (2/3) vote of the City Council. It shall be a finding of the City Council, not subject to dispute by the applicant, whether a requested amendment is deemed to be a major amendment or a minor one. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce more than a material increase in impact on City services, the environment or the neighborhood. If it is determined that revisions to a special permit are not minor, per § 650-59 of the Zoning Ordinance, an application for a revised special permit shall be filed, and a public hearing shall be held in the same manner as required for a new application, subject to the fee schedule under Subsection C(3)(f) of § 650-59.

The RWMUOD shall comprise two separate subdistricts, as described below. Within each subdistrict, one MUD shall be permitted, which shall be subject to a separate development agreement and master plan, and which may contain up to the maximum number of units of multifamily dwellings and gross floor area of retail sales and services uses set forth below.

	<u>Included Parcels</u> <u>[NOTE: To be confirmed by Assessor].</u>	<u>Total number of dwelling units permitted as-of-right (subject to site plan approval as set forth herein)</u>	<u>Total gross floor area of retail sales and services uses allowed</u>
<u>RWMUOD Subdistrict 1</u>	<ul style="list-style-type: none"> • <u>PID# 100-1</u> • <u>PID# 100-1B</u> • <u>PID #100-2</u> • <u>PID #100-3</u> • <u>PID #100-1A</u> • <u>PID #101-2B</u> 	• <u>350 dwelling units as-of-right</u>	• <u>75.000 square feet of total gross floor area (up to 10.000 square feet of gross floor area per establishment)</u>
<u>RWMUOD Subdistrict 2</u>	<ul style="list-style-type: none"> • <u>PID #100-19</u> • <u>PID #111-1</u> • <u>PID #111-2</u> 	• <u>100 dwelling units as-of-right</u>	• <u>75.000 square feet of total gross floor area (up to 10.000 square feet of gross floor area per establishment)</u>



cc: *Conner law*
4/28/21

City of Marlborough Planning Board

Administrative Office
135 Neil St.
Marlborough, MA 01752

PLANNING BOARD

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

Council President Michael Ossing
Marlborough City Council
140 Main St.
Marlborough, MA 01752

RE: Council Order #21-1008216, Proposed Zoning Amendment to Chapter 650, to amend Section 33 of the Results Way Mixed – Use Overlay District

Honorable President Ossing and Councilors:

At its regularly scheduled meeting on 4/26/2021, the Planning Board voted to send a favorable recommendation to the City Council on the above-referenced Proposed Zoning Amendment, with the following conditions:

- that any biosafety hazard level 3 lab shall only be allowed by special permit from the City Council, and;
- that adequate oversight is provided by the required City and State Departments to ensure the safe installation, operation, and when required, decommissioning of any proposed Level 3 Bio Hazard facility, and;
- that any such facility's inspection and certification reports be made available to the City, and;
- that adequate oversight is provided by the required City and State Departments to ensure safe manufacture, storage, production, use, and disposal of toxins with an Acute Toxicity Category 1 or are carcinogens or neurotoxins, and;
- that any spills or leakage of Acute Toxicity Category 1 substances including carcinogens and neurotoxins that could result in groundwater contamination or exposure of the public be immediately reported to the appropriate City and State Departments, and;
- that the development agreement and master plan require, and Greatland create, recreational opportunities and pedestrian amenities throughout the site and adjoining facilities

The vote was 5-1 on the recommendation, with members Fenby, Fay, Hodge, LaVenture, and Russ voting in favor and member Elder opposed.

Sincerely,

Barbara L. Fenby
Chairperson

Enclosure

cc: Building Commissioner
City Clerk



CITY OF MARLBOROUGH
Office of the City Council
140 Main Street
Marlborough, Massachusetts 01752
(508) 460-3711 TDD (508) 460-3610


**AGREEMENT TO EXTEND
TIME LIMITATIONS**

Order No. 2020-1007995B
Application for Special Permit by
WP Marlborough MA Owner, LLC (Wayside Residential)
339 Boston Post Road East
Multifamily Dwelling Residential Project

The Decision of the Special Permit granting authority shall be made within ninety days following the date of such public hearing. The required time limits for a public hearing and said action may be extended by written agreement between the petitioner and the special permit granting authority. A copy of such agreement shall be filed in the office of the City Clerk.

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 10:00 p.m. on **May 28, 2021**.

By: _____
Kathleen D. Robey, Chair, Urban Affairs Committee,
acting on behalf of, and at the direction of,
the special permit granting authority:
Marlborough City Council


By: _____
Brian R. Falk, Esq.
For Petitioner