



# IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 16, 2020

ORDERED:

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### DECISION ON A SPECIAL PERMIT LOCAL ROOTS NE INC. ORDER NO. 20-1008062C

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Local Roots NE Inc. (the "Applicant") to build and operate an Adult Use Marijuana Retail Establishment at 910 Boston Post Road East, Suite 100, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

#### FINDINGS OF FACT

1. The Applicant is a duly organized and existing corporation having a business address of 910 Boston Post Road East, Suite 310, Marlborough, MA 01752.
2. The Applicant's business will be located at 910 Boston Post Road East, Suite 100, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 62 as Parcel 21 (the "Site"). The Site's owner is Blackcomb Associates, LLC with a business address of 1 Main Street, Whitinsville, MA 01588.
3. In accordance with Article VI, § 650-17, § 650-18(46), and § 650-32 of the Zoning Ordinance of the City of Marlborough, the Applicant proposes to operate an Adult Use Marijuana Retail Establishment at the Site (the "Use").
4. The Site is located in the Wayside Zoning District with frontage on Boston Post Road (Route 20).
5. The overall Site has an area of 61,416 +/- square feet (1.4099 acres).
6. The Use will occupy an existing unit at the Site with an area of 2,650 +/- square feet.
7. The Applicant filed with City Clerk of the City of Marlborough an Application for a Special Permit ("Application") for the Use, as provided in this Decision.
8. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and the following plans: (i) a plan entitled "Parking Plan of Land in Marlborough Massachusetts owned by Blackcomb Associates, LLC of property at 910 Boston Post Road East" by Thompson-Liston Associates dated August 2, 2018; (ii) a floor plan entitled "Proposed Condition Plan" dated July 20, 2020, (collectively the "Plans"), attached hereto as "Attachment A."



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9. The Application was certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 7 of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
10. Pursuant to the Rules and Regulations of the City Council and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
11. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, September 14, 2020. The hearing was closed on that date.
12. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
13. At the public hearing, no members of the public spoke in favor of the Use. An email from two residents dated August 3, 2020, was read into the record as being opposed.

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

- A. The Applicant has complied with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
- B. The City Council finds that the proposed Use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.
- C. The City Council finds that the Site is located in the portion of the Wayside District along Massachusetts State Highway 20 (Boston Post Road) near the Sudbury town line with frontage along Massachusetts State Highway 20 (Boston Post Road), in accordance with § 650-18(46)(a) and (b) of the Zoning Ordinance, and that the Site is not located within 500 feet of a school or daycare center, in accordance with § 650-32.F.1 of the Zoning Ordinance.



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- D. In accordance with § 650-32.C of the Zoning Ordinance, the City Council hereby determines that any adverse effects of the Use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the Site and of the proposal in relation to the Site, based upon consideration of the following:
1. Social, economic, or community needs which are served by the proposal:  
Finding: The Use will provide a safe and convenient location for adults to obtain adult use marijuana and marijuana infused products.
  2. Traffic flow and safety, including parking and loading:  
Finding: The Site will safely accommodate expected traffic flow from the Use and provide adequate parking and loading capacity.
  3. Adequacy of utilities and other public services:  
Finding: The Site provides adequate utilities and public services for the Use.
  4. Neighborhood character and social structures:  
Finding: The Use is consistent with the established retail area in the vicinity of the Site.
  5. Impacts on the natural environment:  
Finding: The Use will have no greater impact than the established retail uses in the area.
  6. Potential fiscal impact, including impact on City services, tax base, and employment:  
Finding: The Use will be revenue positive, with additional revenues coming from a local sales tax and host community agreement impact fees.
  7. Hours of operation:  
Finding: The hours of operation of the Use are specifically conditioned below.
  8. Requiring that contact information be provided to the Chief of Police, the Building Commissioner, and the Special Permit Granting Authority:  
Finding: The provision of contact information is specifically conditioned below.



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9. Requiring payment of a community impact fee:

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

10. Requiring the submission to the Special Permit Granting Authority of the same annual reports that must be provided to the Massachusetts Cannabis Control Commission:

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

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

Finding: This requirement is specially conditioned below.

15. The ability for the Business to:

- a. provide a secure indoor waiting area for clients;
- b. provide an adequate and secure pick-up/drop-off area for clients, customers and products;
- c. provide adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals;



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- d. adequately address issues of traffic demand, parking, and queuing, especially at peak periods at the Business, and its impact on neighboring uses; and
- e. provide opaque exterior windows;

Finding: These requirements are specially conditioned below.

16. Signs and signage:

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

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

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

E. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant a Special Permit to operate an Adult Use Marijuana Retail Establishment, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Construction in Accordance with Applicable Laws. Construction is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts.
2. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.



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



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





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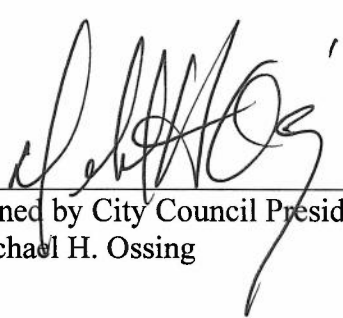
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14. Police Detail. The Applicant, its successors and/or assigns, shall employ a City of Marlborough Police detail at the Site during all operating hours for the first sixty (60) days after the commencement of operations, unless the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during certain times of the day. Within the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is not necessary during any hours of operation, then the Applicant shall stop employing a City of Marlborough Police detail. Otherwise, at the end of the 60-day period, if the Chief of Police determines in a letter filed with the City Council that a police detail is still necessary during all operating hours or at certain times, then the Applicant, its successors and/or assigns, shall continue to employ a City of Marlborough Police detail until deemed unnecessary by the Chief of Police in a letter filed with the City Council. In the event a City of Marlborough Police detail is not available when required, the Applicant, its successors and/or assigns, shall obtain a private detail.
15. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, § 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex County South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department, and the City Solicitor's office.

Yea: 11 – Nay: 0

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

  
Signed by City Council President  
Michael H. Ossing

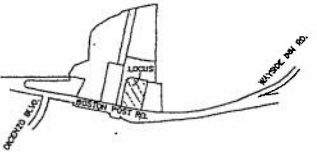
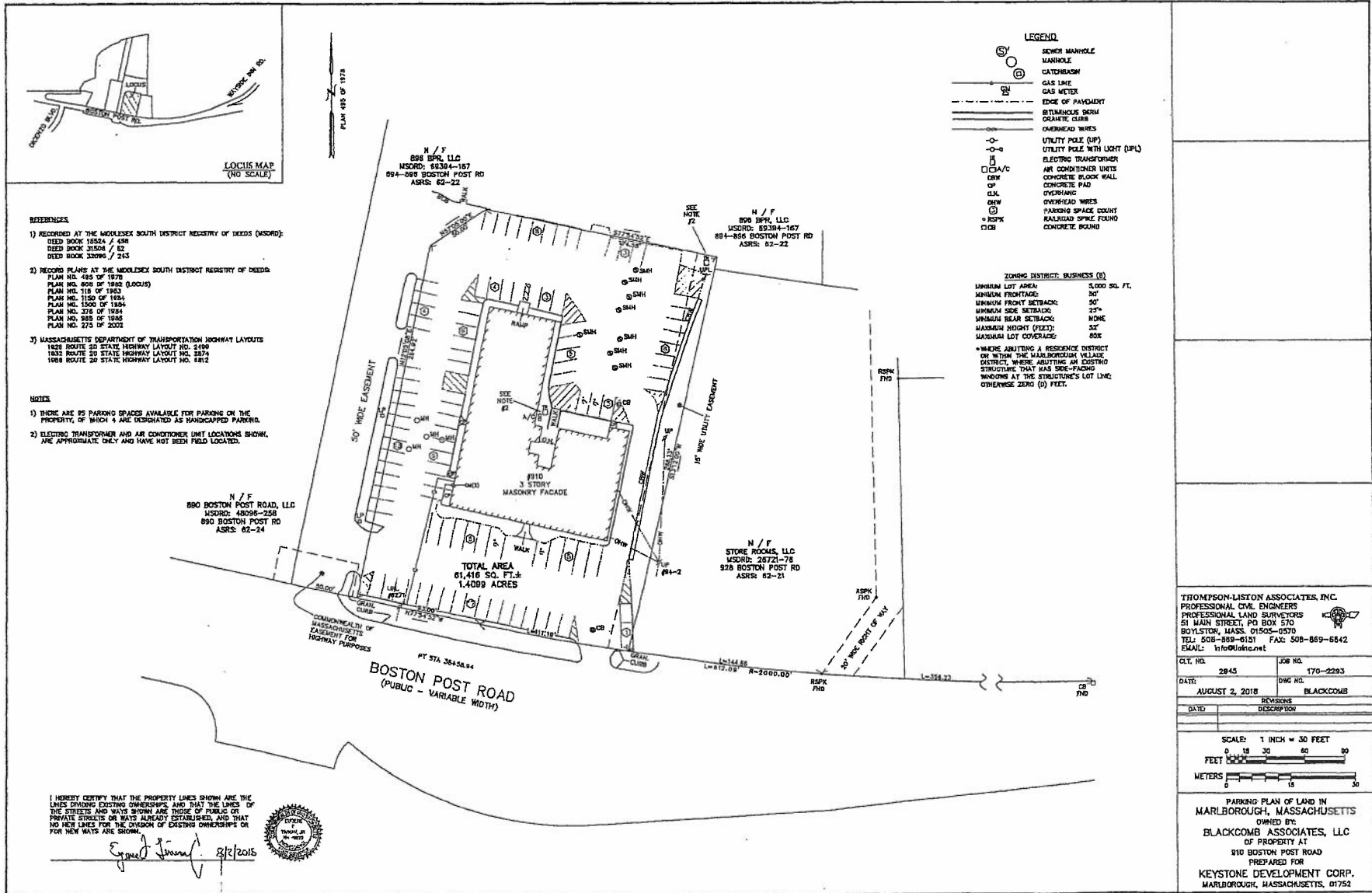
ADOPTED  
In City Council  
20-1008062C



ORDER NO. 20-1008062C

# ATTACHMENT

# A



LOCUS MAP  
(NO SCALE)

**REFERENCES**

- 1) RECORDED AT THE MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS (MSORD):  
DEED BOOK 15524 / 456  
DEED BOOK 31508 / 12  
DEED BOOK 33096 / 243
- 2) RECORD PLANS AT THE MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS:  
PLAN NO. 485 OF 1978  
PLAN NO. 808 OF 1982 (LOCUS)  
PLAN NO. 118 OF 1983  
PLAN NO. 1150 OF 1984  
PLAN NO. 1500 OF 1984  
PLAN NO. 216 OF 1984  
PLAN NO. 882 OF 1985  
PLAN NO. 273 OF 2002
- 3) MASSACHUSETTS DEPARTMENT OF TRANSPORTATION HIGHWAY LAYOUTS:  
1982 ROUTE 20 STATE HIGHWAY LAYOUT NO. 249  
1982 ROUTE 20 STATE HIGHWAY LAYOUT NO. 2874  
1988 ROUTE 20 STATE HIGHWAY LAYOUT NO. 4812

**NOTES**

- 1) THERE ARE NO PARKING SPACES AVAILABLE FOR PARKING ON THE PROPERTY, OF WHICH 4 ARE DESIGNATED AS HANDICAPPED PARKING.
- 2) ELECTRIC TRANSFORMER AND AIR CONDITIONER UNIT LOCATIONS SHOWN ARE APPROXIMATE ONLY AND HAVE NOT BEEN FIELD LOCATED.

**LEGEND**

- ⊙ SEWER MANHOLE
- MANHOLE
- ⊕ CATCHBASIN
- GAS LINE
- GAS METER
- EDGE OF PAVEMENT
- BITUMINOUS ASPHALT
- GRANITE CURB
- OVERHEAD WIRES
- UTILITY POLE (UP)
- UTILITY POLE WITH LIGHT (UPL)
- ⊠ ELECTRIC TRANSFORMER
- /□/△/C AIR CONDITIONER UNITS
- CONCRETE BLOCK WALL
- CONCRETE PAD
- /□/□/□ OVERHANG
- OVERHEAD WIRES
- PARKING SPACE COUNT
- RAILROAD SPIKE FOUND
- CONCRETE FOUND

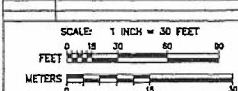
**ZONING DISTRICT: BUSINESS (B)**

- MINIMUM LOT AREA: 5,000 SQ. FT.
- MINIMUM FRONTAGE: 30'
- MINIMUM FRONT SETBACK: 30'
- MINIMUM SIDE SETBACK: 25'
- MINIMUM REAR SETBACK: NONE
- MAXIMUM HEIGHT (FEET): 35'
- MINIMUM LOT COVERAGE: 30%

• WHERE ADJUTING A RESIDENTIAL DISTRICT OF WITHIN THE MARLBOROUGH VILLAGE DISTRICT, WHERE ADJUTING AN EXISTING STRUCTURE THAT HAS SIDE-FACING WINDOWS AT THE STRUCTURE'S LOT LINE, OTHERWISE ZERO (0) FEET.

THOMPSON-LISTON ASSOCIATES, INC.  
PROFESSIONAL CIVIL ENGINEERS  
PROFESSIONAL LAND SURVEYORS  
51 MAIN STREET, PO BOX 510  
BOLYSLTON, MASS. 01505-0570  
TEL: 508-869-6151 FAX: 508-869-6542  
EMAIL: tlv@tlisinc.net

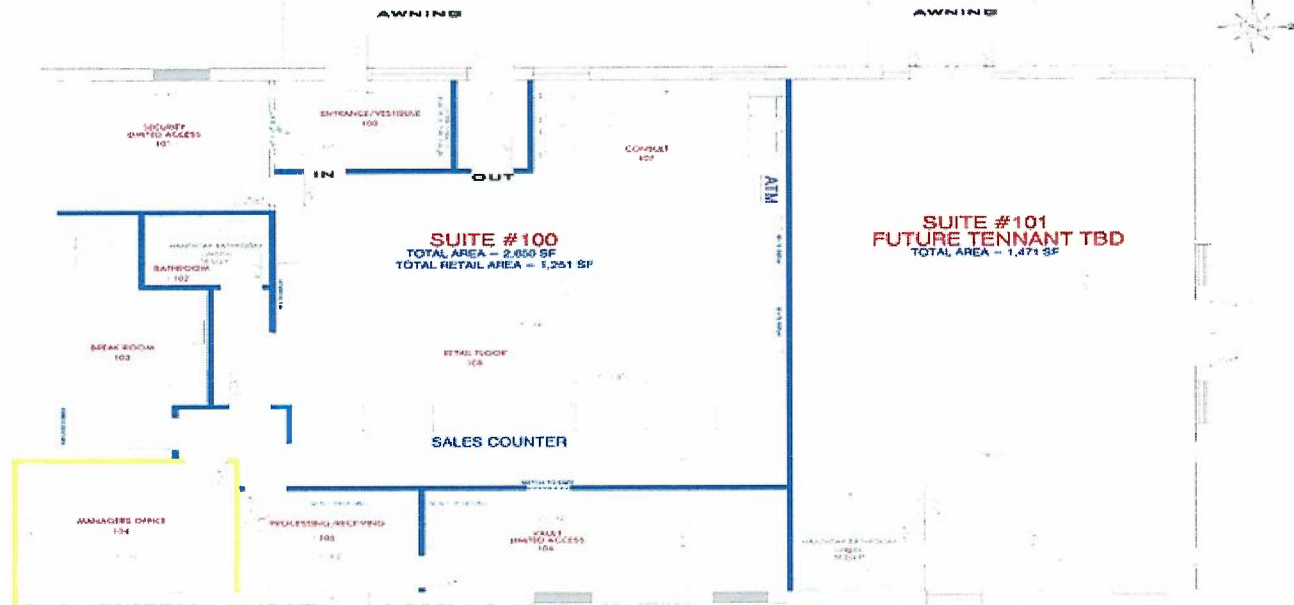
CLY. NO.	2845	JOB NO.	170-2293
DATE	AUGUST 2, 2018	DRG. NO.	BLACKC08B
DATE		REVISIONS	
		DESCRIPTION	



PARKING PLAN OF LAND IN  
MARLBOROUGH, MASSACHUSETTS  
OWNED BY:  
BLACKC08B ASSOCIATES, LLC  
OF PROPERTY AT  
910 BOSTON POST ROAD  
PREPARED FOR  
KEYSTONE DEVELOPMENT CORP.  
MARLBOROUGH, MASSACHUSETTS, 01752

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ARE THE LINES AMONG EXISTING OWNERSHIPS AND THAT THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIPS OR FOR NEW WAYS ARE SHOWN.

*Ernest J. Johnson* 8/2/2018



**GENERAL NOTES:**

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

KWSHINE Development Corporation  
 4000, 4100, 4200, 4300, 4400, 4500, 4600, 4700, 4800, 4900, 5000, 5100, 5200, 5300, 5400, 5500, 5600, 5700, 5800, 5900, 6000, 6100, 6200, 6300, 6400, 6500, 6600, 6700, 6800, 6900, 7000, 7100, 7200, 7300, 7400, 7500, 7600, 7700, 7800, 7900, 8000, 8100, 8200, 8300, 8400, 8500, 8600, 8700, 8800, 8900, 9000, 9100, 9200, 9300, 9400, 9500, 9600, 9700, 9800, 9900, 10000

Tel: 303 333 7877 Fax: 303 333 8324