



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 22, 2021

ORDERED:

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IN CITY COUNCIL

DECISION ON AN AMENDMENT TO A SPECIAL PERMIT GARDEN REMEDIES, INC.

DECISION ON AN AMENDMENT TO A SPECIAL PERMIT ORDER NO. 21-1008417C X 18/20-1007318

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Garden Remedies, Inc. (the “Applicant”) to amend an existing special permit to build and operate a Medical Marijuana Treatment Center and an Adult Use Marijuana Retail Establishment at 416 Boston Post Road, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

PROCEDURAL FINDINGS OF FACT

1. The Applicant is a duly organized and existing corporation having a business address of 307 Airport Road, Fitchburg, MA 01420.
2. The Applicant is the tenant of a commercial retail unit located at 416 Boston Post Road East, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 73 as Parcel 30 (the “Site”). The Site's owner is Marlboro Square, LLC with a business address of 449 Boston Post Road East, Suite 6, Marlborough, MA 01752.
3. On November 5, 2018, the City Council of the City of Marlborough voted to grant a special permit authorizing the Applicant to build and operate a Medical Marijuana Treatment Center and an Adult Use Marijuana Retail Establishment at the Site (the “Use”) in accordance with Article VI, § 650-17, § 650-18(45), § 650-18(46), and § 650-32 of the Zoning Ordinance of the City of Marlborough (the “Zoning Ordinance”), recorded at the Middlesex South District Registry of Deeds in Book 71986, Page 90 (the “Original Special Permit”).
4. On December 7, 2020, the City Council of the City of Marlborough voted to grant an amended special permit authorizing expanded operating hours for the Use in accordance with Article VI, § 650-17, § 650-18(45), § 650-18(46), and § 650-32 of the Zoning Ordinance, recorded at the Middlesex South District Registry of Deeds in Book 76747, Page 587 (the “Amended Special Permit”).
5. On September 30, 2021, the Applicant, by and through its counsel, filed with the City Clerk of the City of Marlborough an application to modify Finding D.16 of the Original Special Permit in order to update the signage for the Use, under the provisions of Massachusetts General Laws Chapter 40A, Section 9, and the Zoning Ordinance (the “Application”).



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6. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, existing site plans for the Site, and proposed sign renderings (the "Proposed Signs") attached hereto as "Attachment A."
7. The Application was certified as complete by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
8. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
9. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, November 8, 2021. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on November 8, 2021.
10. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
11. At the public hearing, no members of the public spoke in opposition to the Use or submitted written comments about the Use.
12. The Procedural Findings of Fact specified above supplement those made in the Original Special Permit and the Amended Special Permit, which are expressly incorporated in this Decision by reference.

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

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- B. The City Council finds that the proposed Use of the Site, with the Proposed Signs, is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided in this Decision, in the Original Special Permit, and in the Amended Special Permit. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth in this Decision, in the Original Special Permit, and in the Amended Special Permit.



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- C. The City Council incorporates by reference Finding C in the Original Special Permit.
- D. The City Council incorporates by reference Finding D in the Original Special Permit, except as modified in this Decision.
- E. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant an amendment to modify Finding D.16 of the Original Special Permit in order to update the signage for the Use as shown in "Attachment A" hereto, by deleting Finding D.16 in its entirety and inserting in its place the following:

16. Signs and signage:

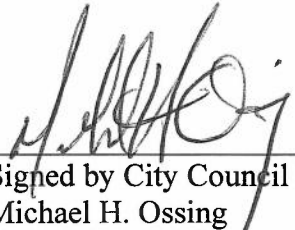
Finding: The Proposed Signs are appropriate for the Use.

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

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

Yea: 11 – Nay: 0

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



Signed by City Council President
Michael H. Ossing

ADOPTED
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21-1008417C

X 18/20-1007318