



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 7, 2020

ORDERED:

PAGE 1

IN CITY COUNCIL

DECISION ON AMENDMENT TO SPECIAL PERMIT GARDEN REMEDIES, INC. ORDER NO. 18/20-1007318I

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.

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, as further described in a document recorded at the Middlesex South District Registry of Deeds in Book 71986, Page 90 (the "Original Special Permit").
4. On October 1, 2020, the Applicant, by and through its counsel, filed with the City Clerk of the City of Marlborough an application to modify Condition No. 8 of the Original Special Permit in order to change the maximum hours of operation of the Use, under the provisions of MGL c. 40A, § 9 and the Marlborough Zoning Ordinance (the "Application").
5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, a copy of the existing special permit dated November 5, 2018, and existing site plans for the Site in accordance the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit attached hereto as "Attachment A."



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 7, 2020

ORDERED:

PAGE 2

6. 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.
7. 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.
8. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, November 16, 2020. The public hearing was held at the Marlborough City Hall, 140 Main Street, and by remote access in accordance with Section 17(d) of Chapter 53 of the Acts of 2020 and "An Order Suspending Certain Provisions of the Open Meeting Law, MGL c. 30A, § 20" issued by Governor Charles D. Baker on March 12, 2020. The public hearing was conducted by remote participation, allowing the City Council, members of the public, and the Applicant to participate in the hearing through real-time audio and video conferencing, telephone access, and live internet streaming. The hearing was closed on November 16, 2020.
9. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
10. At the public hearing, no members of the public spoke about the Use or submitted written comments about the Use.
11. The Procedural Findings of Fact specified above supplement those made in the Original Special Permit, which are expressly incorporated in this Decision by reference.

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

- A. The Applicant has complied with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 7, 2020

ORDERED:

PAGE 3

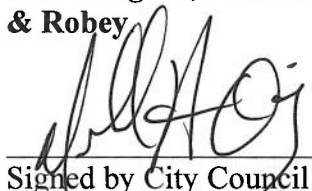
- B. The City Council finds that the proposed Use of the Site, with the modified operating hours set forth in the conditions below, is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided in this Decision and in the Original Special Permit. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth in this Decision and in the Original Special Permit.
- C. The City Council incorporates by reference Finding C in the Original Special Permit.
- D. The City Council incorporates by reference Finding D in the Original Special Permit.
- E. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant an amendment to modify Condition No. 8 of the Original Special Permit, as follows:
1. By deleting Condition No. 8 in its entirety and inserting in its place the following condition:
 8. Hours. The maximum hours of operation of the Use shall be Monday through Saturday, 9:00 AM to 10:00 PM, and Sunday from 10:00 AM to 8:00 PM.

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

In accordance with the provisions of Massachusetts General Laws, Chapter 40A, § 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

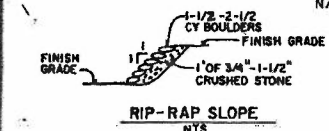
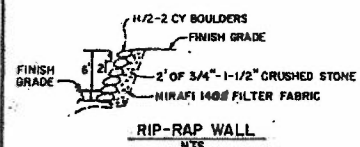
ADOPTED
In City Council
18/20-1007318I

ORDER NO. 18/20-1007318I

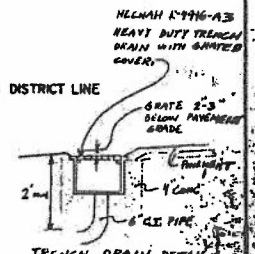
ATTACHMENT

A

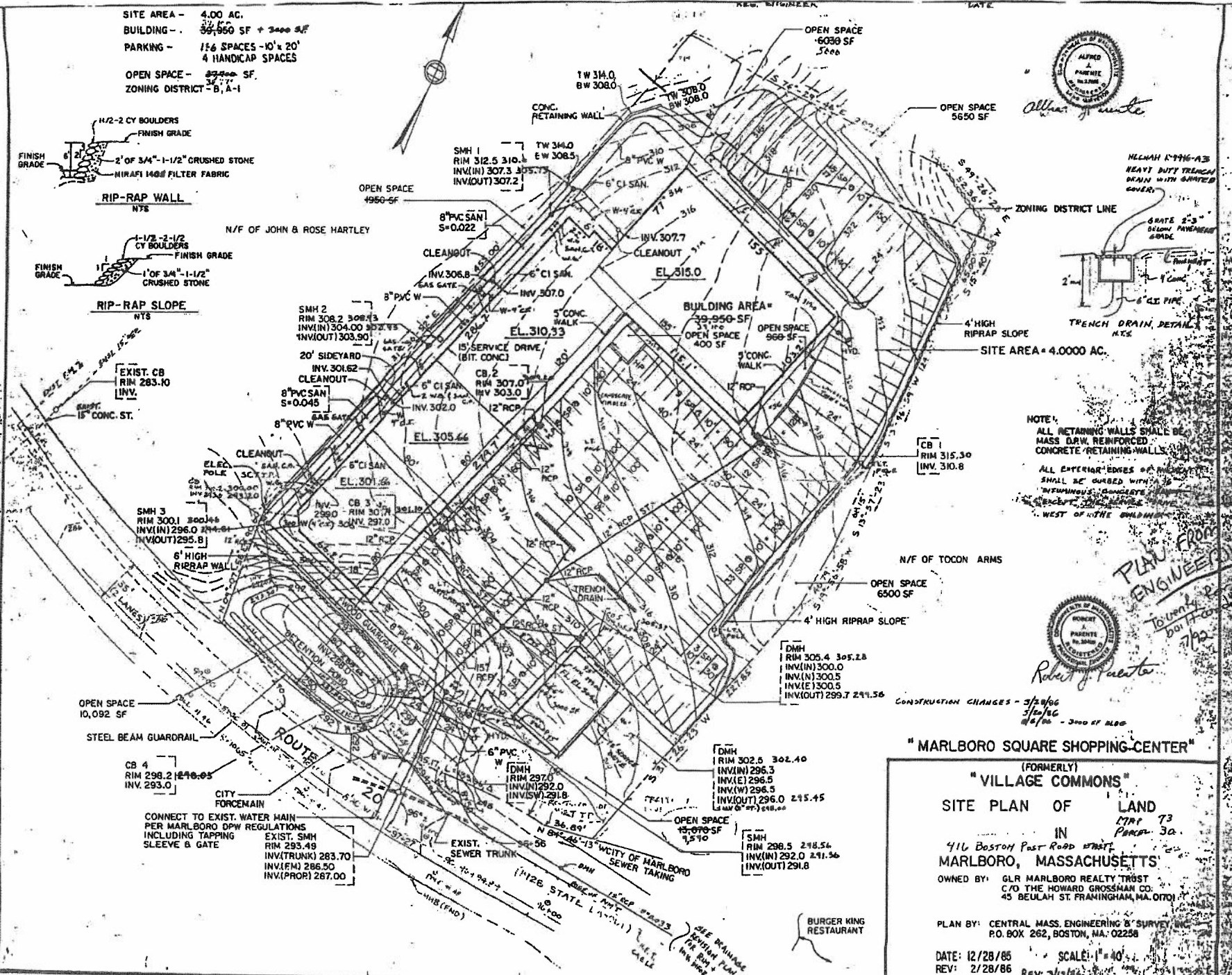
SITE AREA - 4.00 AC.
 BUILDING - 33,950 SF + 3,000 SF
 PARKING - 156 SPACES - 10' x 20'
 4 HANDICAP SPACES
 OPEN SPACE - 67,900 SF.
 ZONING DISTRICT - B, A-1



Alfred J. Pantele



TRENCH DRAIN, DETAIL



NOTE:
 ALL RETAINING WALLS SHALL BE MASS DRW. REINFORCED CONCRETE RETAINING WALLS.
 ALL EXTERIOR EDGES OF CONCRETE SHALL BE CURBED WITH 3/8\"/>



Robert J. Pantele

CONSTRUCTION CHANGES - 3/20/86
 3/20/86
 4/8/86 - 3,000 SF BLDG

"MARLBORO SQUARE SHOPPING-CENTER"

(FORMERLY)
 "VILLAGE COMMONS"
 SITE PLAN OF LAND
 IN
 416 BOSTON POST ROAD WEST
 MARLBORO, MASSACHUSETTS

OWNED BY: GLR MARLBORO REALTY TRUST
 C/O THE HOWARD GROSSMAN CO.
 43 BELLAIR ST. FRANKINGHAM, MA. 01901

PLAN BY: CENTRAL MASS. ENGINEERING & SURVEY, INC.
 P.O. BOX 262, BOSTON, MA. 02258

DATE: 12/28/85
 REV: 2/28/86
 SCALE: 1" = 40'
 REV: 3/17/86

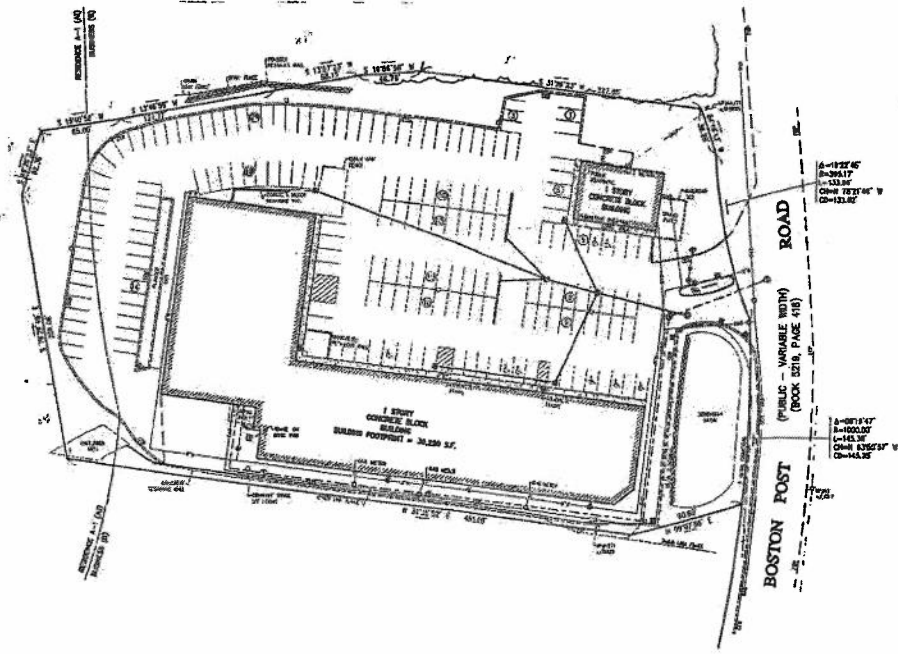
Plan verified to be what

R.L. 73
 416 Boston Post Rd.



Vermont Hanover Bristol, Inc.

200 White Street, P.O. Box 945
Worcester, Massachusetts 01097
617 854 1700 - FAX 617 854 2266



Legend

- DRAIN MARKER
CATCH BASIN
SEWER MARKER
ELECTRIC MARKER
TELEPHONE MARKER
WATER MARKER
FIRE HYDRANT
CURE SIGN
STREET SIGN
LIGHT POLE
UTILITY POLE
EDGE OF PAVEMENT
METEOROLOGICAL SIGN
EXPANDED CURB EDGE
HYDROLOGICAL SIGN
SEWER MAIN
CHINA LINE FENCE
SEWER LINE
OVERHEAD WIRE
UNDERGROUND ELECTRIC
TELEPHONE LINE
GAS LINE
WATER LINE

General Notes

- 1) THE PROPERTY LINES SHOWN WERE DETERMINED BY ACTUAL FIELD SURVEY CONDUCTED BY ROYALTY OF THIS AND FROM PLANS AND RECORDS OF RECORD.
2) THE PROPERTY FALLS WITHIN THE BOUNDARIES (B) AND INCORPORATE A-1 (A) ZONING DISTRICTS AS SHOWN ON 'CITY OF MALDEN/QUONAC, MASSACHUSETTS ZONING MAP'
3) THE EXISTING CONDITIONS SHOWN ON THIS PLAN WERE LOCATED BY AN ACTUAL FIELD SURVEY CONDUCTED BY NOVEMBER OF 1984.
4) THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE MANNER ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE ENGINEER OR HIS REPRESENTATIVE.
5) THE PROPERTY LIES ENTIRELY WITHIN ZONE C, AREA OF UNUSUAL FLOODING, AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF MALDEN/QUONAC, MASSACHUSETTS CHARTERED PANEL, NUMBER 20003 0018 A, EFFECTIVE DATE: JANUARY 3, 1982



Certification

THE JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY
FINARD & COMPANY, INC.
CHICAGO WISCONSIN COMPANY

THIS IS TO CERTIFY THAT THIS MAP AND THE SURVEY ON WHICH IT IS BASED WERE MADE (1) IN ACCORDANCE WITH MASSACHUSETTS METAL MEASUREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACMA AND MISA IN 1967, AND INCORPORATED WITH 2, 4, 6-11 OF TABLE A HEREBY AND IS PRESENT TO THE ACCURACY STANDARDS SET FORTH BY ALTA, ACMA AND MISA AS EFFECTIVE ON THE DATE OF THIS CERTIFICATION OF AN INDEPENDENT SURVEY.

Jan 24, 1987
DAK
[Signature]
[Seal]

Table with columns for Date, Station, and Description. Includes a section for 'BY ORDER OF' with a signature line and date 'November 18, 1985'.

Malboro Square Shopping Center
Finard Company
Malden, Massachusetts
ALTA/ACSM
Land Title Survey

Existing Conditions
Plan of Land

Scale: 1" = 40'