

RIW Clients Obtain Favorable Judgment in Massachusetts Land Court

By RIW on February 25, 2026



Congratulations to RIW clients Benevolent Botanicals LLC and 926 Eastern Avenue, LLC on recently obtaining a favorable judgment in the Massachusetts Land Court.

For more than four years, Benevolent Botanicals has sought to open and operate a retail marijuana establishment in the City of Malden; however, it has been prevented from doing so due to the City's onerous and unreasonable zoning ordinances. In a 62-page decision, the Land Court agreed and found that Section 12.12.190 of the Malden Municipal Code violates state law. The Land Court acknowledged that Benevolent Botanicals and 926 Eastern Avenue's "considerable efforts have been met with frustration," and held that the City's municipal ordinance is "unreasonably impracticable in violation of Chapter 94G, § 3(a)" because the "time, investment, and effort necessary for Benevolent to comply with Section 12.12.190 subjected it to unreasonable risk and required such a high investment of risk, financial resources, time or any other resource or asset that a reasonably prudent businessperson would not be able to operate a marijuana establishment" in the City of Malden. [The Decision may be accessed here.](#)

Michael Rosen and **Adam Gutbezah** led the representation for this matter. RIW's Land Use team partners with property developers in the acquisition, permitting, and approvals for complex real estate projects, including large scale solar developers, wireless carriers seeking to expand their networks under the Federal Telecommunications Act and cannabis companies seeking to operate in Massachusetts. [Learn more about our scope and services here.](#)

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