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BMK

COUNSELLORS AT LAW

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October 12, 2021

Via First Class Mail & Email

Neil Cronin, Chief Planner
Newton City Hall
100 Commonwealth Avenue
Newton Centre, MA 02459

RE: Approval of Marijuana Dispensary Adjacent to Happy Child Daycare

Dear Neil:

This firm represents Happy Child Daycare Center, Inc. ("Happy Child"), located at 1191 Chestnut Street, Newton, MA. It has recently come to our attention that the City Council is considering the approval of a marijuana dispensary in the immediate vicinity of Happy Child. In accordance with the Code of Massachusetts Regulations and Newton's own ordinances, we urge you to deny the permit of the marijuana dispensary for this location.

The Code of Massachusetts Regulations ("CMR") requires marijuana dispensaries to have a buffer zone of five hundred feet between the center of a Marijuana Establishment Entrance and a School Entrance. See 936 CMR 500.110(3)(a). A "School Entrance" is defined as "the entrance(s) that provide ingress and egress to students of the preexisting public or private school providing education in kindergarten or any grades 1 through 12 at the time of the newspaper publication of the proposed Marijuana Establishment's community outreach meeting under 935 CMR 500.101(1)(a)9.a." See 935 CMR 500.002. The CMR gives the city discretion in reducing the buffer zone by ordinance. See 935 CMR 500.110(3)(b).

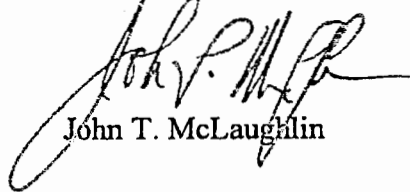
Under Newton's Ordinances, a Registered Marijuana Dispensary ("RMD") may not be located within a five-hundred-foot radius of a school, daycare center, or preschool. See Newton Ordinance, ch. 30 § 6.10.3(E). Confusingly, the ordinance then states the same radius applies for Marijuana Retailers, who sell to a broader customer base, but the buffer zone applies to existing public or private K-12 schools. See Newton Ordinance, ch. 30 § 6.10.3(E).

Happy Child offers preschool and kindergarten to many parents in Newton. As a kindergarten school, Happy Child is entitled under the CMR and Newton's ordinances to a five-hundred-foot buffer zone between it and any marijuana dispensary, which the current plan would

not provide. Further, it is unthinkable that the City Council would see it fit to include a buffer zone between marijuana establishments and preschools, but not include a buffer zone with Marijuana Retailers, who sell to a much larger customer base. We ask that you uphold the ordinances of Newton by denying the permit of the marijuana dispensary.

If you have any questions, I can be reached via phone at (617) 557-3030 or via email at jmclaughlin@bmklegal.com.

Very truly yours,



John T. McLaughlin



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF EARLY EDUCATION AND CARE

Charlie Baker, Governor

Regular License to Operate a Large Group and School Age Child Care Program

Program Number: P-170327 | 211800

License Number: 9083566

In accordance with the provisions of Chapter 15D of the General laws, and regulations established by the Department of Early Education and Care, a license is hereby granted to:

Umbrella Organization: Happy Child Day Care Center, Inc.
Program Name: Happy Child Preschool/Day Care Center
Address: 1191 CHESTNUT STREET, Newton, MA 02464

Total Capacity: 74

Detail :	Infant	Toddler	PreSchool	Kindergarten	School Age	IT Mixed	TP Mixed	PS Mixed	KS Mixed
	10	9	27	10	0	9	9	0	

Children Ages : 0 Year(s) 1 Month(s) to 7 Year(s) 0 Month(s)

Condition: Mixed infants/toddlers grouping allowed with no more than three infants in each group of nine, Mixed toddlers/preschool grouping allowed with at least one preschool aged child.

Issue date: 06/15/2021

Expiration date: 06/14/2023

License printed on: 04/13/2021

Licenser: Donna Litz

Please Post Conspicuously

Samantha L. Algner-Treworgy, Commissioner

This License is Not Transferable