

September 20, 2022

Newton City Council  
Land Use Committee  
City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02459

Re:	Amendment to Special Permit (Council Order #443-20)
Property or Premises:	232 Boylston Street, Newton, MA 02459
Existing Company:	MME Newton Retail, LLC a/k/a MedMen
Proposed Company:	Pharmacannis Massachusetts Inc. d/b/a Verilife, a wholly owned subsidiary of PharmaCann Inc.

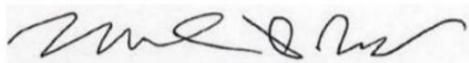
Dear Honorable Chair and Members of the Land Use Committee:

This firm represents Pharmacannis Massachusetts Inc. d/b/a Verilife, a wholly owned subsidiary of PharmaCann Inc. (“PharmaCann” or the “Company”) in connection with its request to amend the Special Permit granted as Council Order #443-20 by the City of Newton City Council (the “Council”) on May 17, 2021 (the “Special Permit”) as further detailed in the accompanying materials. Please note, this is not an application for new Special Permit for a cannabis use but an amendment to the existing Special Permit for a Retail Recreational Cannabis Dispensary at this specific location. Specifically, attached hereto and uploaded please find the following:

1. Project Narrative;
2. Property Owner Authorization;
3. Site Plan and Plans; and
4. Zoning Review Memorandum;
5. Recorded Special Permit.

On behalf of the Company, we respectfully request this matter be included on the next agenda of the Land Use Committee of the Council. Please do not hesitate to contact me with any questions or if I can provide additional information. Thank you in advance for your consideration.

Sincerely,



Michael P. Ross, Esq.  
Direct: (617) 456-8149  
Email: [mross@princelobel.com](mailto:mross@princelobel.com)

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### **I. Background**

By way of background, the Council granted the Special Permit to MME Newton Retail, LLC a/k/a MedMen (“MedMen”) to allow for the operation of a Retail Recreational Cannabis Dispensary to be located at 232 Boylston Street, Newton, MA 02459 (the “Premises”). To date, MedMen has not completed licensure and commenced operations at the Premises.

MedMen has entered into an agreement with PharmaCann to transfer its interest in the Premises and related licenses, permits, and agreements to PharmaCann. Upon successful completion of this transaction, pending the required local and state governmental approvals, MedMen will have no interest in or control of the Premises and will in no way be involved in or affiliated with PharmaCann or its operations at the Premises.

### **II. Request to Amend the Petitioner**

In order to effectuate the contemplated transaction, the Company respectfully requests that the Council amend page three of the Special Permit to reflect PharmaCann as the petitioner. PharmaCann does not seek any additional amendments to the Special Permit and seeks to open and operate at the Premises in compliance with all other terms and conditions of the Special Permit.

### **III. Request to Re-Establish One Year Period for Substantial Use**

Section 7.3.2(E) of the Revised Ordinances of the City of Newton states that the approval of any special permit shall lapse after one (1) year from the grant of the same unless a “substantial use

of such special permit or construction required by such special permit has begun.” The Council may extend this period for good cause without the need for a public hearing.

In this instance, the Special Permit was granted on May 17, 2021, after which Building Permit #21100087 was issued on December 1, 2021, constituting substantial use of the Special Permit. The Company requests that, should the requested amendment be granted, this one (1) year period shall re-commence on the date of the issuance of the grant of the amendment to the Special Permit to ensure the Company remains in compliance.

#### **IV. Host Community Agreement**

MedMen entered into a Host Community Agreement (the “HCA”) on October 31, 2019, with the City of Newton (the “City”) through its Mayor. Section 16 of the HCA provides that MedMen shall not “assign, sublet, or otherwise transfer” the HCA without the prior written consent of the City. Working in collaboration with the City’s Law Department, MedMen and PharmaCann have formally requested that the Mayor consent in writing to the assignment of the HCA from MedMen to PharmaCann. We anticipate that this assignment will be completed administratively and no changes to the other terms of the HCA are proposed.

#### **V. Change of Location of PharmaCann’s Existing Provisional License**

Presently, PharmaCann has a provisional license (the “Provisional License”) issued by the Cannabis Control Commission (the “CCC”) for a Retail Recreational Cannabis Dispensary located at 131 Rumford Avenue. As part of this transaction, PharmaCann will apply to the CCC for a change of location of the Provisional License to the Premises.

A Community Impact Meeting in compliance with all City and CCC regulations is scheduled for September 28, 2022. Upon obtaining the assignment of the HCA and completion of the Community Impact Meeting, PharmaCann will apply to the CCC for the change of location in tandem with this request to amend the Special Permit.

#### **VI. Compliance with Special Permit Criteria**

PharmaCann respectfully submits that the amendment to the Special Permit will not result in a failure to adhere to the criteria for a Marijuana Establishment Section 6.10.3.G of the Revised Ordinances of the City of Newton and that PharmaCann will comply with the same. There are no requested changes to the conditions or proposed operations of MedMen as incorporated into the Special Permit. Specifically, the requested amendment to the Special Permit will comply with the following:

##### **1. Criteria for all marijuana uses:**

- a. The lot is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the lot, whether driving, bicycling, walking or using public transportation.**

- b. Loading, refuse and service areas are designed to be secure and shielded from abutting uses.**
- c. The RMD or Marijuana Establishment is designed to minimize any adverse impacts on abutters.**
- d. The RMD or Marijuana Establishment has satisfied all of the conditions and requirements in this section.**

**2. Additional criteria for RMDs and Marijuana Retailers:**

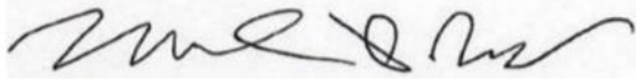
- a. The lot location complies with Sec. 6.10.3.E.1, or the lot is located at a lesser distance if the City Council finds that the lot is sufficiently buffered such that these facilities or uses will not be adversely impacted by the RMD or Marijuana Retailer's operation.**
- b. Traffic generated by client trips, employee trips, and deliveries to and from the RMD or Marijuana Retailer shall not create a significant adverse impact on nearby uses.**
- c. The building and lot have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior.**
- d. The building and lot are accessible to persons with disabilities.**
- e. The lot is accessible to regional roadways and public transportation.**
- f. The lot is located where it may be readily monitored by law enforcement and other code enforcement personnel.**
- g. The RMD or Marijuana Retailer's hours of operation will have no significant adverse impact on nearby uses.**

**VII. Conclusion**

PharmaCann appreciates its positive relationship with the City to date and looks forward to continuing the same. The Company is proud of its track record and submits that it will positively impact the City by providing jobs, tax revenue, and HCA impact fees. As provided in this submission, the Company desires to positively impact the City, and respectfully requests the change as described herein. The Company's proposed amendment to the Special Permit will be in harmony with the purpose and intent of the Ordinance and will not have any adverse effect on the neighborhood within which the Premises is located in particular, and the City as a whole.

For the foregoing reasons the Company respectfully requests that the Land Use Committee approve its request to amend a Special Permit as described herein.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael P. Ross", is centered on the page.

Michael P. Ross, Esq.

Direct: 617-456-8149

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