

# Newton Highlands Neighborhood Area Council

## Meeting Minutes, May 2, 2019

### **Area Council members attending:**

Bruce Blakely, Bob Burke, Carol Clark, Barbara Darnell, Groot Gregory, Nathaniel Lichtin, Srdjan Nedeljkovic, Bill Roesner, Amy Wayne

### **Ex Officio:**

City Councilor John Rice

### **Guests:**

Representatives from Union Twist and about 20 members of the community

Meeting called to order at 7:33 pm. Srdjan Nedeljkovic taking minutes.

### Union Twist: Proposal for Marijuana Business at 1160 Beacon Street

Union Twist is a company that is proposing to establish a non-medical marijuana business at the site of the old Jaylin Cleaners at 1160 Beacon Street near Four Corners. Part of this building is currently occupied by the IQ Kitchen Restaurant.

The company was represented by consultant Donnalyn Kahn, former city solicitor in Newton, Marie St. Fleur, former state representative from Boston, and Amy McNamee, former prosecutor in Suffolk County, along with consultants Mike Ross, attorney who was Newton North Class of 1989, and Dan Linskey, formerly a Boston police officer.



Marie St. Fleur noted that she is the chief operating officer for Union Twist and said she was a former state representative representing Dorchester and Roxbury. She noted that she is still living in that community and that she raised her three children there. She stated that she also worked as Assistant Attorney General, defending the Commonwealth of Massachusetts in civil rights matters and that she did some tort work. She also worked as an Assistant District Attorney in Middlesex County. In her past positions, she said that she was involved in the incarceration of people for cannabis possession and that she prosecuted young people as a result of former laws. Ms. St. Fleur pointed out that she initially did not support cannabis legalization.

Ms. St. Fleur noted that she was invited to participate in this business. One of her motivating factors is that she spent great deal of life in public service and has worked to give people opportunity. She is pleased that groups of people who were denied opportunity will now have equity and opportunity to create businesses in this market space. She has come to seek support to get one of the 8 licenses that will be permitted for marijuana businesses in Newton, which is based on the number of liquor stores in Newton.

Amy McNamee then introduced herself as a partner in this venture. She noted her background as a prosecutor in Suffolk County. She had previously worked as a gang prosecutor and interacted with former police officer Dan Linskey in her previous work. As a prosecutor, she spent time dealing with individuals who used drugs like marijuana. She noted that she has now been re-educated into the sale of marijuana as a business. She expressed concern about communities where there is violence in neighborhoods, and would like to be involved in process to give back to communities affected by crime. She noted that she also has a personal interest in cannabis, as her father passed away and she watched him become dependent on prescription drugs. She believes that cannabis is an interesting plant that may offer alternative health benefits. She is interested in the cannabis business because use of cannabis may affect use of prescription drugs. She noted that she is excited about the Newton location for her company's future retail business.

Mike Ross introduced himself as a graduate of the Newton North Class of 1989, and as someone who grew up on Beacon Street closer to Newton Centre and whose father lives in Newton. He is an attorney with Prince Lobel and is working with co-counsel Donnalyn Kahn to help Union Twist establish a business in Newton. The company is proposing a store location in a BU-2 zoning district. Mr. Ross noted that only certain areas in Newton are eligible for marijuana businesses. He noted that the facilities may not be located within half a mile of each other. Mr. Ross mentioned that Union Twist has met with a group from the mayor's office to discuss the possible marijuana store. The mayor and the advisory group will determine which business can get a host community agreement. If Union Twist gets the agreement, then the company will go forward with the Special Permit process.

Union Twist plans to purchase the entire building at 1160 Bacon Street. This is a large enough building to create multiple entrances for deliveries and customers. The building has some on-site parking. It is next to a medical office building and is close to Cold Spring Park. The property currently has space formerly occupied by Jaylin Cleaners and space currently occupied by IQ Kitchen restaurant. The lease for the restaurant continues for several more years. Union Twist intends to purchase this building, pending a permitting contingency. If they are not successful in obtaining a license, then Union Twist will not purchase the building.

Mr. Ross showed a rendering of the back of the building. The current proposal would bring customers to back of building, where there is some parking in the back. He believes that rear entry to the building is better for abutters and neighbors. From Beacon Street, the face of the building will include tinted glass windows at 75% shading so that one cannot see into the building. The door in the front facing Beacon Street will be for deliveries. This is a 2500 SF store. It will not have large quantities of product on the site, and it is anticipated there will be less than \$100,000 cash on the premises. The floor plans indicates entry for customers in the rear of

the building. This will be an adult use retail facility and there will not be any medical sales at this site. Only adults 21 years old and older will be allowed into the store. Customers will walk first into a secure entry, where a security guard will be stationed. Customers will then go through the public area in a clockwise manner. None of the product for sale will be open, and everything for sale will be under glass. Union Twist will have an order fulfillment process. People on the floor of the store will be available to answer questions. Customers will need to show identification three times: on entry, when they make a purchase, and at another verification site within the facility.

Mr. Ross presented information about a survey of the site that shows 4 parking spaces in front. The IQ Kitchen restaurant will have 3-4 spaces of parking to occupy. The remaining 12 parking spaces in the rear of the facility will be for the dispensary. There will be 15 parking spaces total, including a handicap spaces with van access. The hours of operation will be from 9 am to 9 pm, 7 days per week. Traffic engineers have projected 300 people during the course of the day accessing the site. The number of customers is a function of how many marijuana businesses will be open in surrounding locations. Payment by customers may be made by cash or debit card. There will be cash pick up 2-3 times per week using random routes. About 25+ employees will have access to this business establishment. The grow facility is from Athol and elsewhere.

Area Councilor Bill Roesner asked about the plan for parking of employees. The zoning code takes into account employees per shift, and there will be 12 employees per shift. They will be incentivized to use public transportation, and employees will be encouraged to ride bikes and carpool. Practically speaking, Union Twist will offer incentives to not drive. It was noted that Dunkin Donuts may be currently using some of these parking spaces.

Dan Linskey then gave a security presentation. He noted that he was once a police officer in Boston and had been in Boston for many years. He also once did undercover work with the DEA and FBI, and assisted in the investigation after the Boston Marathon bombing. Mr. Linskey noted he was opposed to marijuana legalization when it was first presented. However he also recalls how he helped a neighbor who had no family and who had stage IV cancer, and in doing so saw the need for a cannabis program. Mr. Linskey noted that he now works for a global security company that manages secure facilities in overseas locations. Mr. Linskey stated that he had spoken with police chiefs about possible issues regarding marijuana dispensaries in Brookline and elsewhere and did not see any negative consequences at these locations.

Mr. Linskey noted that Union Twist will have a 24-hour response line to report if product is found in schools and parks. He reviewed the company's customer pledge process. The business will run a customer's ID to make sure the customer is 21 years old, make sure that the customer did not violate the company's code of conduct on a prior occasion. Each patron will sign a customer pledge of good conduct. Customers will be informed about laws regarding marijuana use. If any violators of the customer pledge are noted, these people will not be able to access the facility. The company will enable video surveillance that can be accessed by the Newton police department. Union Twist is open to providing Newton police with additional cameras in order to conduct surveillance elsewhere if desired.

Attorney Mike Ross then reviewed the company's commitment to the community. Union Twist anticipates committing 3% of its gross revenue to the City of Newton, amounting to several \$100K per year. There will be approximately 22% in taxes assessed on sales, and 6% of that will come back to Newton.

Marie St. Fleur stated that retail marijuana sales are a new business in Massachusetts and that she spent time in Las Vegas and travelled to see how it works elsewhere. She pointed out that allowing marijuana facilities is now legal and that she intends to put a platform in place to run these businesses the best way possible. She noted that how these businesses are managed will determine the impact they will have in communities. She stated that Union Twist intends to be a good corporate citizen and neighbor. The business intends to pay its employees a minimum wage of at least \$15 per hour, and employees will have health care benefits. She is interested in making sure that there is equity in the marijuana business system. She stated that Union Twist wants to participate in life of its neighborhood. She noted that this is a new industry that we are all trying to figure out in many ways so it is important to determine how we can do it better here. Union Twist will train its employees to create a quality of customer service that is effective. Employees will be trained to understand the product and to speak about it in an intelligent way. The product will be quality controlled so that the content of each sale will be known and the dosage will be identified. There will be limits on how much product one can buy at any given time. There will be a tracking system to record how much product is sold to any given individual and when the customer can purchase additional product. Union Twist will look to recruit people who want to work in this store from the local neighborhood. The company wants to make certain that there is diversity that is embraced in its business model.

Community members attending the meeting then had an opportunity to ask questions or make comments to the proponents. Area Councilor Bill Roesner asked about policing and if there has been any progress on testing marijuana use as it relates to driving. Mr. Linskey replied that technology is being developed to determine if the presence of cannabis may impact driving. He states that he supports training police on drug awareness and supports funding to have more drug awareness officers. If an impaired person comes to the store, the individual will not be allowed to drive home. Mr. Linsky noted that the business could lose its license if anybody under 21 is permitted to utilize the store.

Bill Humphrey asked about the consulting work that Mr. Linskey did in Missouri. Mr. Linskey replied that he worked there related to the Ferguson, Missouri incident and was involved with community engagement, social media policies, and a review of the St. Louis police department.

Karen Sherman, from the Opt Out Newton group, expressed her opinion that the location of the proposed marijuana business is not a good location. She noted how it is near a park, that there are children going back and forth nearby, and that there is a lack of adequate parking. She noted that the nearby Farmer's market is heavily attended. Union Twist replied that it will work with the police department on traffic management and may have appointment-only customers during peak times of the Farmers' Market. Karen noted that the business will draw a lot of traffic. There is additional traffic congestion nearby due to Whole Food. There are concerns about youth living near the facility in this residential area. Mr. Ross provided a traffic report. The consultant found that at peak hour in AM and PM, the business will have 24 trips in AM and 50 trips in the PM.

There will be 300 trips per day. Mr. Ross pointed out that Dunkin Donuts businesses can generate 3000 trips per day.

An abutting neighbor commented that he has a high school student and a middle school child. He noted that there are two bus stations nearby for children. Children walk to these stations. Dunkin Donuts is also a place where children are congregating. He expressed several concerns. Security is an issue. Parking is a big challenge. He does not want cameras to be placed in the residential neighborhood. He feels that this is not the right location for this business due to concerns about traffic, parking, and security.

Mark Shuman noted that he lives nearby the proposed business. He is concerned about traffic, especially in light of additional new development that is being planned. He does not believe the projections of the traffic survey are accurate. There are two developments coming into the neighborhood. He questioned the business experience of the proponents. Ms. McNamee responded that the group is working with a consultant with a background in retail. Ms. St. Fleur recounted her management experience at the municipal level.

Area Councilor Carol Clark asked a question about traffic and the impact of the two new developments that are being proposed. She expressed concerns that parking is a large issue, and that it would be difficult to deny an employee from a job at the facility if they need to park. The Union Twist representatives responded that it is likely that at least one of the three applicants for a marijuana business in Four Corners will be selected. The Mayor's office is meeting with all applicants within this particular zone where there are other applicants. Two of the other applicants are closer to the Four Corners intersection. The Mayor will hear from all of the applicants, and it is likely that one of these groups will be allowed to proceed with their business.

Another abutter with 2 small children expressed her concerns about the hours of operation being 9 am to 9 pm 7 days per week. She asked about deliveries and noted that the Dunkin Donut deliveries are a problem. Mr. Linskey responded that deliveries to the site will be coded and come in a van. Deliveries will occur during regular hours. He pointed out that by law, there must be about 70% tinting of windows to the establishment, such that one cannot see product if they are outside. No loitering is permitted. No advertising is allowed. A member of the audience remarked that at the Brookline facility, there are lines of people, cars picking up people, and police officers managing the scene. There are certainly challenges that exist with traffic and parking at the Brookline facility. Union Twist responded that their business intends to take orders ahead of time, so that people will spend little time at the facility.

Another audience member made an observation that the site is a difficult site. There is little parking and there will be traffic problems. He noted that currently, from 4 pm to 6:30 pm there are cars backed up all along Beacon Street. Whole Foods creates a lot of traffic near this site. Mr. Ross suggested that the site may be required to have detail police officers for traffic mitigation. Some members of the audience were not favorable towards that idea. It was noted that it is difficult to compare this site with the Brookline facility, which is both a medical and recreational facility. Also, there are no marijuana stores in Boston, so people are going to Brookline, increasing the congestion at that site.

Alan Noguee, the founder of Friends of Cold Spring Park, pointed out that this is an ugly site and ugly building, and asked about a landscaping plan. Ms. Ross responded that the site will have fencing and plantings. Union Twist will reface the building to make it more attractive and this will include landscaping.

Area Councilor Amy Wayne asked a question about the appearance of the facility and expressed concern about large groups of people waiting to enter. Union Twist responded that they will consider requiring appointments to reduce traffic.

Area Councilor Srdjan Nedeljkovic pointed out that the opaque entry is not consistent with walkable pedestrian communities. He suggested that Union Twist enable a front door entrance onto Beacon Street for customers and design a building that is more pedestrian friendly and reflects the character of a walkable street. This could involve awnings, a front entry, and more transparency in the street-facing side.

Area Councilor Srdjan Nedeljkovic also requested that the business supports public transportation by paying into a transportation fund that would support transit. The nearest transit route is an MBTA bus that runs along Walnut Street and additional funding may enable extra bus trips. Mr. Ross responded that employees of Union Twist will all receive fully subsidized transit passes.

An abutter expressed concerns about the smell that may be associated with this facility. The proponents stated that there will not be smell from the product as all of the product on site will be sold in sealed packaging.

### Hope Fountain Discussion

Barbara Smiley and John Rice provided an update on the status of the Hope Fountain. The fountain was reinstalled last year. John noted that the Hyde Center paid \$500 to install the fountain. It is still not plumbed, and there is a need to place pipes inside the fountain. The fountain also needs a source of water. In the past, a hose was brought over from across the street but this is no longer an option due to change in ownership of that residence. John noted that the City can fill the Fountain with a water truck. He has also been communicating with the city utilities division to put a spigot to fill the water in the fountain. John estimates that \$800 to \$900 is needed to plumb the fountain. Barbara Darnell pointed out that the fountain has already cost \$1100 and then an additional \$400 was paid for shipping. Barbara Darnell suggested that there should be a fundraising effort to raise the remaining funds needed to activate the fountain. The problem is that there is no entity to take responsibility for the fountain.

John Rice pointed out that the City Utility division cannot do the plumbing. It is unlikely to find a plumber who will work on the fountain at no cost. Srdjan Nedeljkovic suggested that the Area Council can have a donation box at Village Day to see if members of the community will help support the fountain.

Barbara Smiley pointed out that in the past there has been a long history of community support for the fountain, and that people have planted flowers to beautify it. Barbara volunteered to plant

the flowers this year, but it is not clear who will be planting flowers after this year. The fountain needs to be cleaned and emptied from time to time. Wes Bockley once did this, but there is nobody currently involved in the upkeep of the fountain. Srdjan Nedeljkovic suggested that one option is to have the fountain managed by the Parks and Recreation department. John Rice said that this would be unlikely.

At the end of the discussion, a decision was made to discuss next steps regarding the fountain with Councilor Brenda Noel to develop a plan to finish the fountain project. Once the full scope of the project is known, a fundraising effort might be initiated.

### Village Day discussion:

Area Council members discussed planning the Village Day event, due to take place on Sunday, June 9<sup>th</sup>. The booth registration is being done using Eventbrite. Amy Wayne noted that there are 4 Village businesses who plan to set up tables outside: Newton Pizza, Walnut Market, Anna's Taqueria, and Indulge. Grapeleaf may also be setting up an outdoor table. The music setup will be the same as it was last year. The music last year cost \$4100, including tables, chairs, and tents. Amy reported that there will not be a food truck. The trucks all charge money up front, and it would be risky for us to commit those funds. Srdjan inquired about having an ice cream truck. The Bouncy houses have been ordered. We will have a Face Painter. We plan on selling the vintage T-shirts that are in the Brigham House. Chris Pitts is taking care of the bands. So far, 34 booths have been sold. A decision about setting up a banner and other advertisements has not yet been made.

### Friends of Cold Spring Park Update:

Alan Noguee gave an update on activities related to Cold Spring Park. He announced that the "Defending Jacob" filming crew is donating \$20,000 as a location fee to rehabilitate the trail in Cold Spring Park. The Friends have also raised \$9000 towards the trail. Initially, the total budget for the trail was \$62K, but now it is estimated at \$80K. Newton Wellesley will be making a donation for the trail, perhaps \$20K. It is hoped that the Parks and Recreation Department will put in \$20K. Along with the \$20K from the filming fee and an anticipated total of \$20K in donations, there should be adequate funding to rehabilitate the trail. Alan noted that the Friends plan to put up a kiosk near the park entrance that will announce park activities and other messages.

On June 3, the Friends of Cold Spring Park will be having a public event at Zervas School. Sam Jaffee will present the keynote lecture. He is an expert on wildlife and insects and he will review the history of the park. The Friends will discuss plans for the future of the park and its conservation plan. Also the Zervas School teachers and parents will be using the park as an educational resource. Mr. Jaffee will discuss some of the natural features of Cold Spring Park, including its mini habitats, wildlife, 150 birds, 32 butterflies, lots of amphibians, reptiles, and mammals. Alan noted that there are about 200 people per day using the trail. Of these people, about 40% were walking dogs and about 2% were running or jogging.

John Rice presented information from a recent City Council meeting that a Senior Center could be legally permitted to be placed on parkland and that the city is considering options for a 2-acre site for a Senior Center. There is also a proposal to rehabilitate the old softball field near the Cold Spring dog park, and how this may be converted to a soccer field.

Alan also noted that he is thinking about an event in the Fall that would involve the park.

#### City Updates:

**No additional City Updates were discussed.** John Rice noted that Taiwan Day is taking place on Saturday, May 4 and that the Taiwan Day parade on Lincoln Street will commence at 11 am.

#### Administrative Items:

##### Approval of the April Minutes:

A motion was made to approve the April minutes with some minor spelling corrections and revisions, and this was accepted 8:0 with 1 abstention.

##### Treasurer's Report:

The Treasurer's Report was submitted to Area Council members by Groot Gregory. No new changes or updates were noted.

##### New Business:

There was no new business brought up for discussion.

##### Meeting Adjournment:

The meeting was adjourned at 9:43 PM.