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OF COUNSEL  
ROBIN GORENBERG

August 6, 2014

**BY HAND**

Ms. Linda Finucane  
Chief Committee Clerk  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459-1449

Re: Garden Remedies, Inc./697 Washington Street/Petition #167-14

RECEIVED  
Newton City Clerk  
2014 AUG - 6 PM 2:48  
David A. Olson, OMC  
Newton, MA 02459

Dear Linda,

Enclosed please find a revised proposed parking layout plan prepared by VTP Associates dated July 24, 2014. Please note the following proposed changes and improvements:

- 1) Six foot high composite fence to run along a portion of the rear property line behind Garden Remedies' tenant space.
- 2) New location of dumpster.
- 3) Parking lot will be paved, and there will be two additional parking stalls, of which one will be a handicapped stall.
- 4) Landscaped area abutting parking stall number 5.

In addition to the foregoing, the landlord will remove any trash in the unimproved portion of the plan.

I have also enclosed the following plans:

- 1) Topographic Site Plan Showing Proposed Conditions at #697 Washington Street, prepared by VTP Associates, Inc. dated July 24, 2014, and
- 2) Detail - 1 Showing Proposed Conditions at #697 Washington Street, prepared by VTP Associates, Inc. dated July 24, 2014.

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Ms. Linda Finucane  
August 6, 2014

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Please let me know if you have any questions pertaining to any of these plans.

Very truly yours,



Stephen J. Buchbinder

SJB/mer  
enclosures

cc: (By Hand, w/enclosures)

Ms. Alexandra Ananth, Chief Planner  
Mr. Stephen Pantalone, Senior Planner  
Ouida C. M. Young, Associate City Solicitor  
John Daghlian, Associate City Engineer  
(By First Class Mail w/enclosures)  
Dr. Karen Munkacy

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Newton, MA 02459

**BY HAND**

Ms. Alexandra Ananth  
Department of Planning and Development  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459-1449

Re: Garden Remedies, Inc./697 Washington Street/Petition #167-14

Dear Alexandra,

Garden Remedies, Inc. responds to the questions posed in your memorandum dated June 25, 2014 as follows:

Question: Exactly what mitigation is the petitioner proposing?

Answer: The petitioner is willing to contribute to the construction of a curb extension at the intersection of Washington and Harvard Streets in an amount not to exceed \$15,000. The petitioners are also willing to pave and stripe the parking area at the site. Finally, the petitioners propose to construct fencing along a portion of the rear property line, as shown on a plan prepared by VTP Associates, Inc. dated July 24, 2014, a copy of which is enclosed herewith. The petitioners are not willing to contribute to the construction of a Hawk Signal on Washington Street.

Q) Would the petitioner be willing to not operate on Sundays?

A) The petitioner is willing not to operate on Sundays.

Q) Please describe the commitment to police detail around the opening of the dispensary.

A) The petitioner is willing to commit to a full police detail during all operating hours for the first week that it is open. Thereafter, the petitioner is willing to hire a police detail on an interim basis, and suggests a period of 90 days, to be reviewed at that time by the Newton Police Department. The petitioner proposes that the detail would be in place from 4:00 p.m. until 8:00 p.m. from Monday through Saturday.

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Ms. Alexandra Ananth  
August 6, 2014

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Q) Can the petitioner provide security and crime statistics from other states?

A) Please see the following articles:

- 1) *The Effect of Medical Marijuana Laws on Crime: Evidence from State Panel Data, 1990-2006*  
<http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0092816>
- 2) *Exploring the Ecological Association Between Crime and Medical Marijuana Dispensaries*  
<http://www.ncbi.nlm.nih.gov/pubmed/22630790>

Q) Please address the issue of the dispensary's location close to Cabot's.

A) The Department of Public Health has promulgated a document offering guidance to municipalities as they interpret and integrate 105 CMR 725.00 into their own zoning by-laws and ordinances. This document can be found at the following address:

<http://www.mass.gov/eohhs/docs/dph/quality/drugcontrol/medical-marijuana/municipal-guidance.pdf>

The document makes specific reference as to whether an ice cream parlor would be considered a "facility where children commonly congregate." The document explains that such facilities include dance schools, gymnastic schools, etc. if children commonly congregate there in a structured scheduled manner. "It does not include other facilities, *such as ice cream shops*, where children may happen to congregate, but not in a structured, scheduled manner" (emphasis supplied).

Q) Petitioner's Response to Potential Conditions:

Potential Condition: Hours of Operation – Monday through Saturday, 10:00 a.m. until 8:00 p.m.  
Response: Petitioner is amenable to same.

Potential Condition: No walk in appointments.  
Response: Petitioner is amenable to same.

Potential Condition: Planning Department to review parking lot layout prior to building permit (paving and striping).  
Response: Petitioner is amenable to same.

Potential Condition: Perimeter lighting to be installed with baffles and motion sensor (not on all night).

Response: 105 CMR 725.110(A)(10) requires dispensaries to "[e]nsure that the outside perimeter of the RMD is sufficiently lit to facilitate surveillance." Our security consultants will be installing infrared cameras which do not require supplementary lighting to record video. Therefore the petitioner proposes to install the absolute minimum as far as perimeter lighting. The proposed perimeter lighting will need to be "on" from dusk until dawn, and will not be on a

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Ms. Alexandra Ananth  
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motion sensor but a timer. The proposed fixtures will be directed downward and will utilize 150 watt bulbs, so they will not shed light on abutters' properties.

Potential Condition: There will be an ATM on the premises.

Response: Garden Remedies is endeavoring to arrange for an ATM installed on the premises. However, the petitioner is unable to commit to this condition at this time.

Potential Condition: No more than six staff on site at any one time.

Response: Petitioner is amenable to same.

Potential Condition: Planning Department to review proposed relocation and screening of dumpster prior to building permit.

Response: Petitioner is amendable to same.

Potential Condition: Police/Security details around opening.

Response: Petitioner is amenable to same (see answer above).

Very truly yours,



Stephen J. Buchbinder

SJB/mer  
enclosure

cc: (By Hand, w/enclosure)

Linda Finucane, Chief Committee Clerk  
Ouida C. M. Young, Associate City Solicitor  
Mr. Stephen Pantalone, Senior Planner  
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Dr. Karen Munkacy