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May 14, 2014

BY HAND

Ms. Linda Finucane
Chief Committee Clerk
Newton Board of Aldermen
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: Petition of Garden Remedies, Inc./697 Washington Street

Dear Linda,

Enclosed please find an original special permit application together with thirteen packets of information relative to the above matter consisting of the following:

1. A copy of the special permit application and accompanying exhibits pursuant to Section 30-36 of the Newton Zoning Ordinances, as follows:
 - Exhibit 1 - Special Permit Criteria pursuant to Section 30-36(d)
 - Exhibit 2 - Description of Activities pursuant to Section 30-36(e)(1)
 - Exhibit 3 - Service Area Map and Narrative pursuant to Section 30-36(e)(2)
 - Exhibit 4 - Transportation Analysis pursuant to Section 30-36(e)(3)
 - Exhibit 5 - Context Maps pursuant to Section 30-36(e)(4)
 - Exhibit 6 - Registration Materials pursuant to Section 30-36(e)(5)

Note: I have provided only one copy of the Massachusetts Department of Health Application Response Form and Exhibits, redacted, dated November 16, 2013 as this document is quite voluminous. The following is a link to access this document on-line:
<http://www.mass.gov/eohhs/docs/dph/quality/drugcontrol/medical-marijuana/applications/garden-remedies-app.pdf>
2. A copy of the zoning review memorandum.
3. Site plan entitled "Topographic Site Plan Showing Proposed Conditions at #697 Washington Street" dated March 28, 2014 by VTP Associates, Inc.
4. Area Plan dated May 14, 2014 by VTP Associates, Inc.
5. Floor Plan entitled "Proposed Floor Plan First Floor" dated May 13, 2014 by Silverstone + Bakalchuk Architects.
6. Floor Plan entitled "Proposed Floor Plan Basement " dated May 13, 2014 by Silverstone + Bakalchuk Architects.
7. Parking calculation.
8. Sign plan dated April 15, 2014 by GenSign.

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NEWTON CITY CLERK
2014 MAY 14 PM 12:44
DAVID A. OLSON, CMC
NEWTON, MA 02459

SCHLESINGER AND BUCHBINDER, LLP

Ms. Linda Finucane

May 14, 2014

Page 2

I have also enclosed a CD containing electronic copies of the aforementioned plans for you and for Alexandra as well as a check in the amount of \$750.00 representing the filing fee.

Please feel free to call me if you have any questions respecting the foregoing.

Very truly yours,



Stephen J. Buchbinder

SJB/mer
enclosures

cc: (By Hand, w/enclosures)

Ms. Alexandra Ananth, Chief Planner

Mr. John Daghlian, Associate City Engineer

Ouida C. M. Young, Associate City Solicitor

(By First Class Mail, w/enclosures)

Assistant Chief Paul Chagnon

Dr. Karen Munkacy

TO THE HONORABLE BOARD OF ALDERMEN, CITY OF NEWTON:

The undersigned hereby makes application for a permit to build or alter a structure and/or use of a facility as described below in the proposed location in accordance with the provisions of Chapter 30 or any other sections of the City's current Ordinances.

PLEASE REFERENCE SECTION(S) OF THE ORDINANCES FROM WHICH RELIEF IS REQUESTED:

30-19(d)(10); 30-19(h)(1); 30-19(m); 30-20(j)(2); 30-20(l); 30-23; 30-24; 30-36.

PLEASE CHECK ALL REQUESTED APPROVALS THAT APPLY:

- Special Permit/Site Plan**
- Site Plan Only
- Extension of Non-Conforming Use(s) and/or Structure(s)
- Amendment of Board Order # _____

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 DAVID A. OLSON, CMO
 Newton, MA 02459

STREET 697 Washington Street WARD _____

SECTION(S) 23 BLOCK(S) 19 LOT(S) 1B

APPROXIMATE SQUARE FOOTAGE (of property) 16,669 square feet ZONE BU-2

TO BE USED FOR: Registered Marijuana Dispensary

CONSTRUCTION: Brick

EXPLANATORY REMARKS: The applicant is seeking a special permit to: (a) operate a Registered Marijuana Dispensary pursuant to Section 30-36; (b) waive two required parking stalls (see Section 30-19(d)(10)) pursuant to Sections 30-19(m) and 30-36(d)(6); (c) allow parking in the front setback (see Section 30-19(h)(1)) pursuant to Section 30-19(m); and (d) exceed the allowable horizontal projection of a secondary sign (see Section 30-20(j)(2)) pursuant to Section 30-20(l).

The undersigned agree to comply with the requirements of the Zoning Ordinances and Rules of the Land Use Committee of the Board of Aldermen in connection with this application.

PETITIONER (PRINT) Garden Remedies, Inc.

SIGNATURE By: *Stephen J. Buchbinder* PHONE N/A E-MAIL N/A
 Stephen J. Buchbinder, Esquire, its attorney duly authorized

ADDRESS 116 Chestnut Hill Road, Newton, MA 02467

ATTORNEY Stephen J. Buchbinder, Esquire PHONE 617-965-3500 E-MAIL sjbuchbinder@sab-law.com

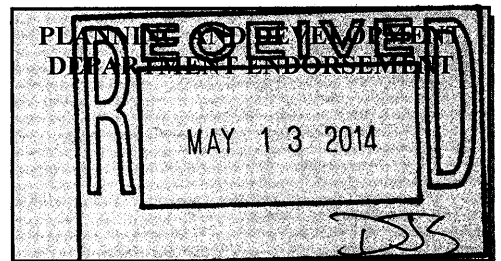
ADDRESS 1200 Walnut Street, Newton, Massachusetts 02461-1267


PROPERTY OWNER 697 Washington Street Realty Trust, Mark Donato, Trustee

OWNER'S ADDRESS 1211 Washington Street, West Newton, Massachusetts 02465

SIGNATURE OF OWNER By: *Stephen J. Buchbinder*
 Stephen J. Buchbinder, Esquire, duly authorized

DATE May 14, 2014




CITY OF NEWTON
PUBLIC BUILDING DEPARTMENT
Application for Permit to Build

Ser. No. 612
 No. 2046

(OTHER THAN FRAME)

To the
 PUBLIC BUILDINGS COMMISSIONER:—

Newton, Mass., _____

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 DAVID A. OISPIN, CMC
 NEWTON, MA 02459

The undersigned hereby applies for a permit to build, according to the following specifications:

1. Street and No.? 697 Washington St Ward? _____
2. What is the nearest cross street? Walnut St
3. Material? will const. Purpose of Building? Funeral parlor
4. Garage — No. Cars? 2 car License _____ Issued? _____
5. Name of Owner? Joseph Volante Address? West St. Newton
6. Name of Architect? A. J. Rugo Address? 112 Central Ave. Milton
7. Name of Builder? John Tocco & Son Address? 10 Adams St Newton
8. If a dwelling, for how many families? one No. of Stores? 2
9. Size of Lot, No. of feet front? 120.00 No. of feet rear? 120.05; No. of feet deep? 59.0
10. Size of Building, No. of feet front? 64 No. of feet rear? 64; No. of feet deep? 35
11. Height of Building? 24'0" Distance from street line? 7'0"
12. Distance of the proposed structure from the adjoining lot lines? 15'0"
13. Distance from adjoining buildings, front, _____ feet; side, 7'5" feet; side, _____ feet; rear, 10' feet
14. Size of girder? 8x12 Material of girder? steel for
15. Size of columns in cellar? 4 Material of columns? 4" lally's
16. Thickness of walls 1st floor? 12"
17. Thickness of walls 2nd floor? 12"
18. Thickness of walls 3rd floor? _____
19. Size of rafters? 2x8 Distance on centres? 16" o.c.
20. Size of floor timbers, 1st floor? 2x8 Distance on centres? 16" o.c.
21. Size of floor timbers, 2nd floor? 2x12 Distance on centres? 12" o.c.
22. Size of floor timbers, 3rd floor? _____ Distance on centres? _____
23. Foundation on filled land? no
24. Foundation, material of? concrete; height of? 8'0"; thickness of? 16"; Mortar? 1-6
25. Will the roof be flat, gambrel or hip? hip Material of roofing? asphalt shingles
26. Heating, steam? _____ Hot Water? _____ Furnace? _____ Combination? _____
27. Estimated cost? 30,000.00
28. Sewer, Cesspool or Septic Tank? Sewer Material? cast iron

Plans in duplicate must be submitted to and approved by this Department
 before a permit for erection will be granted.

NO WORK TO BE STARTED UNTIL PERMIT CARD IS DISPLAYED.
ALL MEASUREMENTS TAKEN FROM OVERHANGS.

The above is subscribed to and executed by me under the penalties of perjury in accordance with Chapter 187, Acts of 1926.

Signature Valentini J. Tocco

8-3-13
 Found. Only
 now.

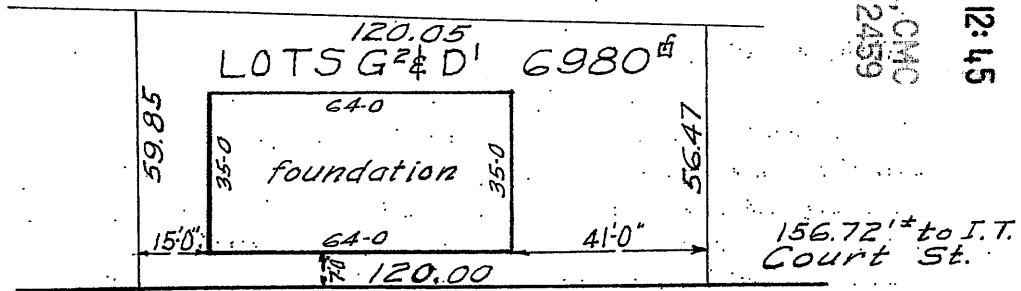
PUBLIC BUILDINGS DEPARTMENT

I hereby certify that the lot corners and lot lines of the premises covered by this survey record, and the dimensions, offsets and locations of existing buildings, if any, thereon, and of the proposed building or buildings covered by the permit referred to in this survey record are correctly shown on the plan below, and that the same comply with the applicable provisions of the City of Newton Zoning Ordinance.

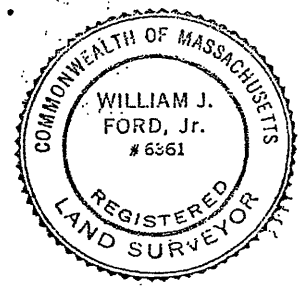
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NEWTON CITY CLERK

2014 MAY 14 PM 12:45

DAVID A. OLSON, CMC
Newton, MA 02459



WASHINGTON ST.



PLOT PLAN

Scale — 1 in. = 40 Feet.

SURVEYOR'S AFFIDAVIT

The above statement is made and subscribed to under the penalties of perjury.

(Signed) Land Surveyor: William J. Ford, Jr. Registration No. 6361
 Print { Land Surveyor, WILLIAM J. FORD, JR.
 Address, 302 WALNUT ST.
 City or Town, NEWTONVILLE 60, MASS.

DATE RECEIVED. 9/9/53
 BY. [Signature]

of chapter to existing buildings and uses.⁷

It apply to existing buildings or structures of any buildings, structures or lands used at the time of the first adoption of the corresponding provision of any prior ordinance as provided in paragraph (b) of this chapter in use thereof and to any alteration of the same would amount to reconstruction, change and to any alteration of a building or its use for a purpose or in a manner, the use to which it was put before the same purpose to a substantially this chapter shall apply to any building of any building, structure or land in force at the time this chapter was provision of any prior ordinance was a nonconforming building or structure of three years or if a nonconforming a period of three years, the exception shall cease; provided further, if changed to a conforming use, no revision shall be permitted thereafter.

Building or structure may be structurally reconstructed or may be altered or enlarged of a nonconforming use, and a nonconforming use may be introduced into a new building or structure existing in an existing building or structure or may be introduced into a new building or structure existing in an existing building or structure. Decem- ning use may be changed to another use that substantially different from the existing use is obtained from the board of aldermen in accordance with the procedure provided in section 23.20. In such case, the board of aldermen shall impose such conditions to protect the neighborhood from injury. In this chapter, the word "establishment" shall apply to all lands. (Ord. No. 276.)

7. see G. L., c. 40, § 26.

Sec. 23.10. Application of chapter to buildings and lands of public service corporations.⁸

This chapter shall not apply to any building, structure or land to be used by a public service corporation, if, upon a petition of the corporation, the department of public utilities shall, after a public hearing, decide that the present or proposed situation of the building, structure or land in question is reasonably necessary for the convenience or welfare of the public. (Ord. No. 276.)

Sec. 23.11. Height regulations and exceptions.

No buildings or structures shall be constructed, altered, enlarged, extended, reconstructed or raised so as to contain more than three stories or exceed in any part of a height of forty feet in any single residence, private residence or residence D district, or to contain more than six stories or exceed a height of sixty feet in a residence E or any business or manufacturing district, except in the case of chimneys, ventilators and other projections required above the roof, and towers, spires, domes and ornamental features and pitch roofs on nonresidential buildings, except by permission of the board of aldermen in accordance with the procedure provided in section 23.20 in the case of buildings other than residences. (Ord. No. 276.)

Sec. 23.12. Regulations for construction and operation of parking lots.

In single residence, private residence or residence D or E districts, the board of aldermen may give permission, in accordance with the procedure in section 23.20, for the construction and operation of a parking lot; provided, that no part of such parking lot is further than one hundred and fifty feet from the boundary line of a business or manufacturing district. Such permission shall be given only if the lot for which a permit is requested is to be used solely for the parking of passenger automobiles of employees, customers or guests of the person or firm operating the lot, who shall be responsible for its maintenance; or is a municipally-owned and operated parking lot for passenger automobiles. Such parking lots are not to be used for sales, repair work or servicing of any kind, and no advertising sign or material is to be located on such lots. (Ord. No. 276.)

8. For law of the Commonwealth, see G. L., c. 40, § 26.