

TO: The Newton Board of Aldermen  
FR: Kathleen Kouril Grieser  
DT: October 7, 2014  
RE: Petition #167-14, "Garden Remedies" marijuana dispensary, 697 Washington Street

This past summer, my sister and teenaged niece were on a vacation in California, when they walked through a hipster neighborhood in L.A. As they passed by what they later learned was a medical marijuana shop, a man in a white doctor's coat called out to my niece from the shop's doorway.

"Do you want to come in for a free consultation to see if medical marijuana can help you?", he called. My niece replied, "No thanks. I don't need any help." The man in the doctor's coat replied, "Oh come on in. Most people find medical marijuana can help them with stress, you know, from school or whatever." My sister and my niece hurried away, absolutely shocked. My niece later sent a text to me. She wrote: "That's just TOTALLY WRONG."

In California and Colorado, there is no longer any real line between medical marijuana and recreational marijuana, as Garden Remedies' proprietor, Karen Munkacy, well knows. She is from California, and is aware of the fortunes made there in the medical marijuana trade. After the very first public meeting about the proposed dispensary on Washington Street, I asked Ms. Munkacy whether she would promise that she would never convert her business to accommodate recreational marijuana sales should recreational marijuana be legalized in Massachusetts. She told me *she wouldn't make that promise.*

If Ms. Munkacy was really interested in extending legal medical marijuana to patients who need it to relieve genuine pain and suffering, she would be using her considerable financial resources to educate the federal government, the FDA and other bodies that she sees as impediments to her mission, to legalize the dispensing of medical marijuana by prescription from real doctors through real pharmacies with all the controls and safeguards expected in the delivery of any other controlled medical substance, such as Oxycodone or other painkillers.

According to *Medical Marijuana Business Daily* (yes, it's a business and they have their own trade journal), commercial medical marijuana sales are estimated at \$1.5 billion per year, and sales from all forms of legalized marijuana will top \$8 billion by 2018. Don't be fooled for a minute. This drive to open medical marijuana dispensaries is about money, tremendous amounts of money. The licensing system set up by the Massachusetts Department of Public Health gives each licensee a geographic monopoly with all the profiteering that that implies. The process of awarding licenses has been rife with scandal, as 9 of 20 applicants, including former U.S. Congressman Bill Delahunt, have lost their licenses because of either financial irregularities, previous drug convictions or inaccurate or dishonest information in their applications. Ms. Munkacy has not yet been found to have misled the Department of Public Health, but she has certainly been dishonest in her representations to the elected officials and residents of Newton.

For example,

Ms. Munkacy represented herself at public meetings as "Dr. Munkacy", but she is not licensed to practice medicine in Massachusetts.

Ms. Munkacy claimed at public meetings that she had gone beyond the State's requirement that a dispensary be at least 500 feet away from a school, daycare or place where children congregate, and that her proposed site at 697 Washington Street was 1000 feet from any such place. That's not true. There is a day care at 84 Central Avenue, within 800 feet of 697 Washington Street, and children congregate often to play basketball in a driveway *directly behind* the proposed entrance to the dispensary. Cabot's Ice Cream is so close that Ms. Munkacy's proposed location almost seems like a taunt to the families, children and teens who congregate there and make Cabot's Ice Cream one of Newton's most beloved institutions.

Newton teens are watching what happens here, and whether or not you on the Board of Alderman will decide to give Ms. Munkacy a permit to sell marijuana in our neighborhood. In a recent article in the student online newspaper, *The Newtonite*, student reporter Douglas Adams writes that the proposed dispensary "raises concerns that the face of Washington Street and its surrounding community will be changed forever". He cites local business owners opposed to the location, the concerns of an expert on addiction, and quotes Newton North High School Principal Jennifer Price who is concerned about the mixed messages being sent to students, and who said that if, "students are somehow able to gain access to marijuana through the dispensary, then it will be a real problem". A student who is identified as one "who has been regularly purchasing marijuana since sophomore year" says that the 10 ounces per 60 days that Garden Remedies customers will be allowed to buy has a street value of \$5,670, implying that some customers will have an incentive to sell marijuana they don't use themselves. Just over 50% of those responding to a student poll attached to the article believe the proposed dispensary *will* have an impact on students.

Since the last time you met to consider this application, **nothing** has changed about the inappropriateness of this location for this proposed use or about the inadequate security arrangements. Instead the location has become **even less suitable**. Last week, on October 2, 2014, in a shocking and oppressive decision, the Newton Zoning Board of Appeals voted 3 to 2 to grant a Comprehensive Permit to a proposed, oversized 40B condo complex to be inflicted on the residents of Court Street. This housing project will double the number of households, people and cars on Court Street, greatly contributing to congestion in the area surrounding the proposed marijuana dispensary.

John Daghlian, the Associate City Engineer, wrote on October 1, 2014, that the proposed marijuana dispensary's parking lot configuration and driveway apron are "**unacceptable**". In addition, applications have been thrown out, amidst scandal, for proposed dispensaries in Boston and Cambridge, and the proposed dispensary in Brookline is opposed and sinking fast, which means that a dispensary in Newton will become the **epicenter** for marijuana shopping in Boston and the inner suburbs. 697 Washington Street is small building that backs onto a residential neighborhood, near schools and places where teens and children congregate. It is a completely inappropriate location for a marijuana dispensary.

I note that Ms. Munkacy has persuaded the Massachusetts Department of Public Health to allow her to dispense as little as one ounce of marijuana at a time and ship nine ounces to the customer, as a safety precaution. She has failed to gain permission to put an ATM on the premises, something she promised she would do in public meetings. So we will still see customers walking into the proposed dispensary with hundreds of dollars

in cash to purchase marijuana (\$350 if we accept Ms. Munkacy's numbers), and exiting with an ounce of marijuana worth \$567 (if we accept the high school student's numbers). Would-be thieves and muggers will still know Ms. Munkacy's clients are coming and going with large amounts of cash or valuable drugs, and that there will be a substantial overnight inventory of marijuana on site. The security will still consist of lights, cameras and a man thousands of miles away in Ireland watching some screens. The Newton Police Department will still be the only security personnel on the ground, and they will be there at taxpayer expense, not at Ms. Munkacy's expense. *Nothing has changed to make this cynical proposal any better, or any less damaging to our neighborhood.*

It is true that 63% of voters who voted on the medical marijuana ballot question voted to approve it. I was not one of them. Although I support the legal use of medical marijuana for patients whose doctors would prescribe it, I do not support storefront marijuana dispensaries and shops. I believe many voters believed they were voting to approve medical marijuana, not understanding that "state-regulated centers" would mean dispensaries in our neighborhoods. Ms. Munkacy has admitted that she helped to draft the ballot question, and I believe the vague language was intentional, to ensure passage. Below is the ballot question language, *after* a judge ruled that it be made clearer. It still doesn't conjure up a picture of a marijuana dispensary near Cabot's Ice Cream, does it?

*"A yes vote would enact the proposed law eliminating state criminal and civil penalties related to the medical use of marijuana, allowing patients meeting certain conditions to obtain marijuana produced and distributed by new state-regulated centers, or, in specific hardship cases, to grow marijuana for their own use."*

I urge you to follow the example of Brookline and other communities around the state and reject this application. The people of Newtonville have lost too much already. We know what Ms. Munkacy stands to gain if you allow her a permit for her marijuana dispensary. We, in Newtonville, also know what we stand to lose. As the mother of a young child, I ask you to please do the right thing and reject this application. Thank you for considering my heartfelt request.

Kathleen Kouril Grieser  
Newtonville Resident

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## FEATURE: MARIJUANA, JUST DOWN THE STREET

By Douglas Abrams (<http://thenewtonite.com/author/dabrams/>) on September 4, 2014 in [Featured](http://thenewtonite.com/category/featured-editorsmanagers-should-not-select-this/)  
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by Douglas Abrams

Standing on an especially quiet block in Newtonville, 697 Washington Street has never been the center of attention. There are four business spaces inside of it; three are occupied by wellness businesses and one is vacant. But the building's anonymity is about to change. The vacant space, a 945 square-foot room, is about to be transformed into a medical marijuana dispensary—one of the first in Massachusetts.

And although city officials claim the dispensary, named Garden Remedies, will have little impact on Newtonville, the new business—and the patients and security measures that come with it—raises concerns that the face of Washington Street, and its surrounding community, will be changed forever.

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**Public debate**

"Have you seen the size of 697 Washington Street? Absolutely tiny," said Jessica Bessonette, the owner of East West Massage Therapy, which is located in 709 Washington Street, two buildings down from the dispensary. "In no way is this an appropriate place to set up an office like this."

Wil Chilin, the owner of Supreme Cleaners, which is also located in 709 Washington Street, also has qualms about the new dispensary. "My only concern is the type of clients that will be drawn to the medical facility. We are used to a type of client—moms with children, business people—and I just don't want them to feel intimidated to go around Washington Street if people are hanging out outside," he said.

Business owners are not the only ones with reservations. "The location is problematic," said Donna Beers, president of the Massachusetts chapter of the International Nurses Society on Addictions. She worries that the location of the dispensary—largely because of its proximity to this school—could make it easier for students to obtain marijuana, even though it complies with a city ordinance that requires medical marijuana dispensaries to be located at least 500 feet away from any school, child care facility, or house of worship.

She cited the state's laws concerning medical marijuana as the root of potential problems.



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THE OPENING OF A MARIJUANA DISPENSARY IN NEWTONVILLE COULD INCREASE STUDENT USAGE OF THE DRUG.

When legislators passed the state law legalizing the sale of medical marijuana on Jan. 1, 2012, they set the amount of medical marijuana that patients can receive from dispensaries at 10 ounces per 60 days, four or five times higher than the limit in most other states. In Colorado, for example, a state that has become a national focal point for the sale of medical and commercial marijuana, patients can only get two ounces at one time. New Hampshire, too, has a limit of two ounces. Indeed, Massachusetts has the third highest limit in the country, surpassed only by Oregon and Washington at 24 ounces.

"It is crucial to note just how much marijuana 10 ounces is," said Beers. "Ten ounces per 60 days translates to 12 blunts a day. In my experience, patients in even the most horrific pain don't go through more than one blunt a day." It is also worthwhile to note how much 10 ounces is worth. Assuming that patients could sell excess marijuana for roughly the current street rates, at which one gram sells for about \$20, 10 ounces could sell for \$5,670, said one senior, who has been regularly purchasing recreational marijuana since sophomore year. "And this is not your momma's marijuana," added Beers, "this is high quality, potent, genetically engineered marijuana."

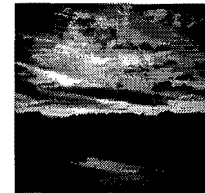
Another source of her worry is that patients can get a medical marijuana certificate from an outside doctor they have never met, making it too easy for patients to obtain medical marijuana, she said. She worries that this law, in conjunction with the 10 ounce regulation, might lead to a stream of illegal marijuana sales.

Richard Comenzo, manager of the Holistic Center in Boston, begs to differ. The Holistic Center he co-runs with doctor Thomas Wong helps patients obtain medical marijuana certificates by connecting them with doctors. Comenzo, having been a defense attorney for more than 25 years, has ample experience with Massachusetts state regulations. "I don't think that the certificate law in Massachusetts is the least bit problematic," he said. "It's not like doctors just prescribe medical marijuana on a whim. This is a careful and highly regulated process."

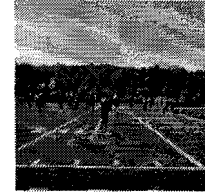
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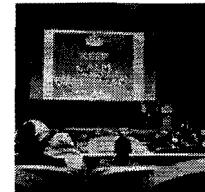
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Do you support the marijuana dispensary opening in Newtonville?

0

- Yes
- No
- Not sure

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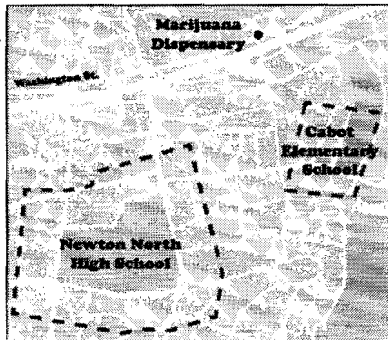
According to Comenzo, patients that are addicted to opiates or have mental disabilities are highly scrutinized when they apply for a certificate. Thirty to 40 percent of addicted patients are denied a prescription, he said, and patients with mental disabilities—often bipolarity and posttraumatic stress disorder—are asked to get confirmation from their primary practitioner before they are given certificates. "These patients are extremely rare," said Comenzo.

Oversight continues even after patients get their medical marijuana. "Patients must renew their prescription at least once a year, and doctors have the ability to adjust how much marijuana a patient gets as time goes on," said Comenzo.

He added that although the 10 ounce limit seems excessive, it is there because many patients use tinctures: medicinal concoctions such as oils or balms that are made with high amounts of marijuana. "Most patients are not even prescribed the full 10 ounces."

Yet, Beers still fears what could happen. "When patients sell, who are they going to sell to? Students. This dispensary puts readily accessible pot in the reach of minors." Beers continued, her voice rising higher and cracking with concern: "The location of this dispensary demonstrates a lack of attention to consequences on the part of legislators and city planners. It's irresponsible."

**Legislative process**



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NEWTON LAWS PROHIBIT MARIJUANA DISPENSARIES WITHIN A 500 FOOT RADIUS FROM ANY SCHOOL. GRAPHIC BY MARIA TRIAS.

Even though there is dissent over the facility, the process leading to selection was exhaustive, to say the least.

Voters decided to legalize the sale of medical marijuana in Massachusetts in a 2012 referendum, with 63 percent approval. The following year, legislators imposed statewide laws to regulate marijuana sale. Newton went even further and imposed zoning ordinances, restricting dispensaries to commercial corridors and instituting the 500 foot rule—some of the strictest regulations in the state.

After laying this framework, lawmakers reviewed applications from 182 companies and groups wanting to open dispensaries around Massachusetts in a two-phase selection process. Twenty-one applicants were rejected in the first phase. Only 101 applicants continued on to phase two, where they were evaluated based on corporate background, business experience, suitability, financial condition, location, staffing, and operations program. Once Garden Remedies received the preliminary approval, they held public community meetings to share their plans with the public and to answer any questions from Newton residents.

#### The view from North

Principal Jennifer Price also thinks that the dispensary will not impact the status quo, although she did acknowledge that if "students are able to somehow gain access to marijuana through the dispensary,"—as Beers purports—"then it will be a real problem."

"Everything that I have read about it seems to point to strict rules and making sure our students do not gain access," she said. "If it is run in a very strict manner, I think it should have no impact on our school, other than mixed messages."

Do you think that the marijuana dispensary opening in Newtonville will affect students at all?

Q

- Yes
- No
- Not sure

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The impact of this dispensary is yet to be felt, so there is no way to know with certainty whether or not the dispensary will increase student drug use. In other states, where medical marijuana has been legal for several years, there is still no consensus. In 2012, PBS news reported that officials at some Colorado high schools felt that their schools were "under siege" by nearby medical marijuana dispensaries.

This year, an array of scientific studies claimed that there is no correlation between medical marijuana dispensaries and teen drug use. Yet, the Surgeon General's 1982 warning against marijuana, which deems it a "major public health problem," still stands. The federal government still avidly pursues an anti-marijuana policy. The only real truth about medical marijuana and 697 Washington Street is that there is no consensus. Newton residents can only wait and see to discover the affects the dispensary will have on our community.

#### Student voices: How do you think the dispensary will affect North?

**Senior Laura Schlossman:** "I really don't see how this could impact the school. I may be naive, but teenagers will do what they want, and I don't think a dispensary will change that."

**Senior Alexander Wei:** "I do think it will have an impact on North, but not a huge impact. Still I think the presence of weed in our school is large enough that an added dispensary would not have a significant effect on school life."

**Junior Nick Johnson:** "I don't think we'll see [an increase in] kids that are stoned walking around North. It will benefit those who need it for medical purposes but that's about it."

Junior Lauren Moriarty: "I think it will be a lot easier for students to have access to drugs, and also maybe there will be an increase in dealing."

Sophomore Gabe Jasper: "I honestly don't think any student will come up with a way to get pot from a medicinal dispensary. This isn't a TV show. Yeah there's a lot of pot smoking at North, but no I don't think there's going to be any correlation of data regarding increase or decrease of pot smoking at North and this dispensary opening up."

Sophomore Alicia Wright: "I don't think it will make much of a difference. People are going to smoke no matter what, with or without the dispensary. Honestly, it's probably a good thing—this way you know the weed is safe and not drugged."

Freshman Jake Mahony: "I think that it will impact North because people who smoke marijuana will go there, it could also tempt people who haven't started smoking to start."

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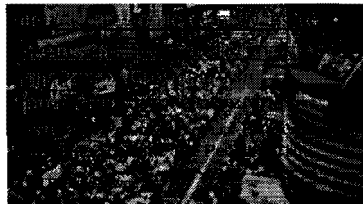
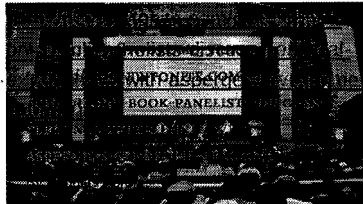
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