

Linda M. Finucane

From: David A. Olson
Sent: Friday, October 17, 2014 8:39 AM
Cc: Linda M. Finucane
Subject: FW: Citizen's Letter of Opposition to Special Permit 167-14 for Garden Remedies at 697 Washington

From: Sami O'Reilly [mailto:sami_oreilly@yahoo.com]
Sent: Thursday, October 16, 2014 9:52 PM
To: David A. Olson
Cc: Alison M. Leary; Scott F. Lennon; Allan Ciccone Jr.; Emily Norton; Marcia Johnson; Susan Albright; Barbara Brousal-Glaser; James R. Cote; Theodore M. Hess Mahan; John W. Harney; Leonard J. Gentile; Amy Sangiolo; John Rice; Deborah J. Crossley; Brian E. Yates; Richard B. Blazar; Victoria Danberg; Gregory J. Schwartz; R. Lisle Baker; Ruthanne Fuller; Marc C. Laredo; Cheryl Lappin; David Kalis; Richard Lipof
Subject: Citizen's Letter of Opposition to Special Permit 167-14 for Garden Remedies at 697 Washington

Dear Mr. Olson,

Please include this letter in the City of Newton records pertaining to Special Permit 167-14.

Thank you.

Sami O'Reilly
249 Watertown Street
Newton, MA

Dear Honorable Aldermen:

In advance of your upcoming Oct 20, 2014 scheduled vote on Special Permit 167-14, I am writing to express objections to a Special Permit that would allow Garden Remedies to operate a Registered Marijuana Dispensary (RMD) at 697 Washington Street in Newtonville. I urge you to vote NO on this permit request.

For the record: 697 Washington Street sits within a semi-urban village of Newton, and its front facade faces a well-traveled roadway frequented by families and children walking and biking to and from schools, parks, places of worship, restaurants and other community activities. Its rear facade faces an established residential neighborhood of single and multi-family homes, many with school age children. It is near to many "mom and pop" businesses as well as major supermarkets.

There are some in Newton who characterize this section of Washington Street as strictly a "busy commercial corridor" -- rather than what so many of us perceive it really is: a

mixed residential/commercial village connector between Nonantum/Newton Corner and Newtonville's village center. My 11-year old daughter and I often travel by foot or bicycle from Nonantum to Newtonville, past 697 Washington, to and from so many places we go....including Cabot's on many a summer evening.

We want Newton to continue to improve this part of Washington Street, make it more walkable, make it more bike-friendly, more village-retail friendly. I am a big supporter of Newton's efforts to connect our villages by creating safe routes for walking and biking. In a few years, when my daughter will attend Newton North, she hopes to bike the route on nice days. I truly hope she doesn't have to bike past or near an RMD.

An RMD operation at 697 Washington would not be compatible with the surrounding area -- the yellow highlight draws attention to the exact language that appears in the Nov 8 2013 Public Hearing Memorandum

<http://www.newtonma.gov/civicax/filebank/documents/55424> issued by Newton's Planning and Development Department. In that memo, Newton's Director of Planning and Development put forth the desirable premise that compatibility with the surrounding area is a critical measure by which to judge the appropriateness of an RMD location; considering the hundreds of neighbors who have voiced safety and quality of life concerns relative to the siting of an RMD at 697 Washington Street, it appears that by this measure, the special permit for Garden Remedies should be rejected. Within the MA State Dept of Health, the RMD Selection Committee guidelines also state that local opposition should be strongly weighted in the decision to permit an RMD for a particular location. From what I have observed on the City of Newton's own webpage for special permit 167-14, community opposition exceeds those who are in favor by a ratio of 36:1, which counts the oppositional petition signed by 105 Newton residents who live very close to the proposed site.

In Newton's above-referenced Public Hearing Memorandum dated Nov 8, 2013, Newton's Planning and Development Department states:

"Coupled with the extensive security protocols required by the regulations, the nature of the resulting RMDs will likely be highly suburban favoring stand-alone commercial buildings. Building design will likely not be pedestrian-friendly in the sense that there will not be engaging storefront windows and the use will likely not be highly active in the sense of generating a great deal of foot traffic. For these reasons, the RMD use is likely inappropriate for Newton's villages where active uses and pedestrian-friendly design are key components of the City's economic development strategy and efforts to improve village vitality."

The Newton Planning Department is clear in its conclusion that **village locations are inappropriate for siting RMDs**. 697 Washington Street is without debate a village location.....judging by its historic neighborhood, thickly-settled surroundings, traditional housing stock, nearby schools, restaurants, parks, mom&pop businesses.

Also in the Public Hearing Memorandum dated Nov 8, 2013: "The regulations serve two primary purposes: 1) to strictly control the distribution of the drug so that only those with a legitimate medical reason will have access, and 2) to avoid the promotion of the use of marijuana outside of medicinal purposes."

On the face of it, placing an RMD with visible signage along a busy roadway in the midst of a densely-populated mixed-use area seems a sure way to promote marijuana. If State regulations are intended to "avoid the promotion" then Newton should only approve a location where hundreds of school children will not be passing by on a daily basis.

Newton's own Final Comprehensive Plan, formally adopted by Newton's BoA in 2007, states as a guiding "Principle V: Ensure that policies and decisions on community growth and development respect a community's heritage and enhance overall livability." and furthermore states: "To Maintain City Character and Quality of Life... By fostering and maintaining pleasant walkable neighborhoods, and by designing new development so that it is more in keeping with the traditional character of Newton, we expect to see benefits in the form of increases in effective mobility, less traffic congestion, and an improved environment. Simple design elements can be implemented to allow more errands to be done on foot, by bicycle, or by using public transit. These elements include providing better pedestrian accommodations, having streets and developments that conveniently interconnect rather than being dead-ends and "stand-alones," promoting *street-level retail in the form of neighborhood stores...*"

Few would describe an RMD as a "neighborhood store". An RMD will have an adverse impact on any area that strives to be "neighborhood and pedestrian and bicycle friendly" -- as neighborhood families and children will avoid traveling on foot or bicycle past an RMD where, **according to Garden Remedies business plan**, unmarked vans will be coming and going frequently throughout the day, delivering marijuana products to thousands of individual customers per month, with up to 350 deliveries per day. An RMD with its glaring security apparatus, iron gates, and unmarked vans frequently exiting and entering, in and out of a too-tight parking area -- this is a recipe for visually-unappealing and pedestrian-unfriendly development. A daily police presence, as required by Newton's Planning Dept., will do even more to advertise and stigmatize this spot, making it less desirable to walk or bike down Washington Street.

The Planning Department asked the petitioner to address concerns about the potential for criminal activity around the site of an RMD; the petitioner submitted two research papers that attempt to disprove any correlation between violent/property crimes and the location of RMDs -- but upon closer reading, **these papers fail to disprove correlation.** In the first ([The Effect of Medical Marijuana Laws on Crime: Evidence from State Panel Data, 1990-2006](#)) it concludes with the following comments: "Empirical research on the direct relationship between medical marijuana laws and crime, however, is scant....Unfortunately, no study has examined the effect of legalized medical marijuana on state crime rates across the United States." These concluding comments belie the so-called results. In fact, this paper only examined aggregated FBI crime statistics in states that passed MML legislation, and absolutely did NOT examine any relationship between specific local municipality crime statistics and the *actual* presence of an RMD in any one specific community. Further underscoring the weakness of its premise that the presence of RMDs does not correlate to crime, this caveat is its final sentence: "It is also important to keep in mind that the UCR data used here did not account for juvenile offending, which may or may not be empirically tethered to MML in some form or another; an assessment of which is beyond the scope of this study." **No examination of juvenile offending...**that is certainly a missing data set.

In the second link (<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3364319/>) another study that supposedly proves no link between RMDs and crime also ends with a disclaimer: "Based on the limited evidence presented by this study, it is unclear if place-based policies will be effective. Future studies should address previously described limitations, such as longitudinal studies, to assess the influence of medical marijuana dispensaries on existing crime rates, to gain a better of understanding of the relationship between medical marijuana dispensaries and crime" -- which is another way of saying that the "results" of this study are inconclusive.

It's perplexing that Newton's Planning Department so heavily relied on the petitioner's submission of two inconclusive research papers. In its Oct 7, 2014 PUBLIC HEARING WORKING SESSION MEMORANDUM (<http://www.newtonma.gov/civicax/filebank/documents/61664>) the Planning Dept determined: "Considering these studies ... the Planning Department does not believe that the proposed use will have an adverse impact on crime in the surrounding neighborhoods." It is my hope that the Planning Department will revisit those studies and revise its opinion.

Study#1 states as its opening objective: "**Routine activities theory** purports that crime occurs in places with a suitable target, motivated offender, and lack of guardianship. Medical marijuana dispensaries may be places that satisfy these conditions, but this has not yet been studied."

Since it has not been studied, one cannot say whether serious criminal activity (or garden-variety public nuisance behaviors) will increase in a neighborhood

with an RMD -- but one can act prudently in the siting of such a facility -- given the "Routine Activities Theory" of criminal behavior.

Massachusetts state law

<http://www.mass.gov/eohhs/docs/dph/regs/105cmr725.pdf> pages 39&40 -- an extensive list of security procedures required for the transportation of marijuana products: everything from unmarked vehicles to randomized routes to two-staffers in attendance of vehicles at all times -- the security procedures are rigorous -- because, indeed, our state lawmakers are extremely concerned about RMD product and operations being targeted.

Let's put RMDs where they belong: away from Newton's thickly-settled neighborhoods, ideally in a "highly-suburban" (read: less populous) location.

Please vote NO on the Special Permit for Garden Remedies at 697 Washington Street.

Respectfully submitted,

**Sami O'Reilly
249 Watertown Street
Newton, MA**