

Exhibit 1 – Special Permit Criteria (Pursuant to Section 30-36(d))

The proposed site meets the threshold requirements of Section 30-36(d):

30-36(d)(1) The site is not located within five hundred (500) feet of a school, daycare center, preschool or afterschool facility, or any facility in which minors commonly congregate, or from a house of worship or religious use. In fact, the site has a buffer of greater than one thousand (1,000) feet from such uses.

30-36(d)(2) The applicant has received a provisional license from the Massachusetts Department of Public Health and is in the process of finalizing the registration process. The applicant understands the proposed special permit may only be exercised by Garden Remedies, Inc. for its operation at 697 Washington Street.

30-36(d)(3) The applicant understands that the proposed special permit may only be used for its operation at 697 Washington Street.

30-36(d)(4) The proposed site is an existing, permanent building. The total space to be occupied by the dispensary is approximately 1,695 square feet, of which 945 is located on the first floor and 750 is in the basement. All sales will occur within the building or by home delivery to established, qualified customers pursuant to applicable state regulations. The applicant will cultivate its products in a facility located in another municipality, the location of which has yet to be finalized.

30-36(d)(5) The proposed site meets all of the applicable zoning requirements except as to building height, which is legally grandfathered in this respect. The building's height is 28.51 feet, and Table 3 of Section 30-15 specifies that in a Business 2 zone, a building may be 24 feet tall by right, and 36 feet tall by special permit. The building was constructed in 1953 pursuant to a building permit, a copy of which is submitted herewith, in what was then known as a Business B district. In 1953, building height was regulated by Section 23.11 of the Zoning Ordinances of 1952. According to Section 23.11, no building or structure could exceed 60 feet in any business district. Therefore, the building height of 28.51 would have been allowed, and should be considered legally grandfathered today.

30-36(d)(6) The applicant will be requesting a parking waiver of two (2) stalls pursuant to the enclosed parking calculation. There is ample on-street parking to support the waiver. As shown on the enclosed area plan, there are eleven 1-hour spaces, seventeen 2-hour spaces and fifty 12-hour spaces within close proximity to the site.

30-36(d)(7) The applicant will present a by-right sign package to UDC on May 21, 2014, and intends to comply with 105 CMR 725.105(L) as well as Section 30-20. The applicant intends to seek a waiver of the last sentence of Section 30-20(j)(2) which is a requirement that the secondary sign's projection be no more than one-half the horizontal distance from the sign to that building corner.

30-36(d)(8) The applicant proposes the following hours of operation under the special permit application: 10:00 a.m. until 8:00 p.m. Monday through Saturday, and 10:00 a.m. until 6:00 p.m. on Sundays. These hours are designed to mitigate any adverse impact on the neighborhood and to avoid conflicts with both the morning and late afternoon/early evening rush hour traffic. As a practical matter, for at least the first year of operation, the applicant anticipates operating under a modified schedule of 4:00 p.m. until 8:00 p.m. Monday through Thursday, 12:00 p.m. until 8:00 p.m. on Fridays and Saturdays, and 12:00 p.m. until 6:00 p.m. on Sundays, as it develops its patient base.

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