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July 23, 2018

BY HAND

Councilor Gregory R. Schwartz
Chair, Land Use Committee
Newton City Council
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: Petition #288-18/Cypress Tree Management, Inc. ("Cypress Tree")/24-26 Elliot Street (the "Site")

Dear Councilor Schwartz,

I submit this letter in response to several items raised at the last public hearing held on July 10, 2018 in preparation for the August 7, 2018 working session on the above-referenced petition.

Appointment-Only Operations

Cypress Tree is willing to establish an appointment-only protocol for the RMD in an effort to anticipate and control patient flow to the site.

Police Detail

As discussed, Cypress Tree is willing to provide a police detail to monitor traffic along the Elliot Street curb cut for the first 180 days of operation on weekdays from 3:45 p.m. until 7:45 p.m. Following the first 180 days of operation, the need for an ongoing detail could be reviewed with the Traffic Division of the Public Works Department, the Planning Department, and the Police Department. If these municipal agencies feel that the petitioner should keep the detail in place for a longer period of time, then the petitioner will do so. It is important to the petitioner that the proposed dispensary works operationally.

Traffic

Enclosed please find a supplemental traffic memorandum from VHB dated July 19, 2018. The memorandum responds to questions related to the timing of traffic counts and the accident rate at the site

SCHLESINGER AND BUCHBINDER, LLP

Councilor Gregory R. Schwartz
July 23, 2018

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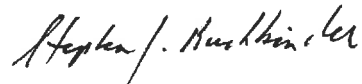
driveway, and also includes a proposed Traffic Demand Management (TDM) plan. The policies outlined in the TDM promote a variety of non-automobile methods for employees to commute to work.

Snow Storage

The petitioner intends to remove snow from the site during the winter months.

Cypress Tree looks forward to working with the City Council to establish a framework under which the company may operate and serve the residents of the City.

Sincerely,



Stephen J. Buchbinder

SJB/mer
enclosures

cc: (By Hand, w/enclosures)
Councilor Maria Scibelli Greenberg
Councilor Jacob D. Auchincloss
Councilor Andrea W. Kelley
Councilor Christopher J. Markiewicz
Councilor Deborah J. Crossley
Councilor Marc C. Laredo
Councilor Andreae Downs
Councilor John Rice
Ms. Nadia Khan
Ms. Jennifer Caira
Mr. Neil Cronin
Ouida C. M. Young, Esquire
Marie M. Lawlor, Esquire

(By First Class Mail, w/enclosures)
Mr. Todd Finard
Mr. Victor Chiang
Mr. Eric Liebman



Memorandum

To: Mr. Todd Finard
Weston Roots Management, LLC
419 Boylston Street, Suite 300
Boston, Massachusetts 02116

Date: July 19, 2018

Project #: 14158.00

From: Randall Hart
Principal

Matthew Duranleau
Transportation Engineer

Re: Supplemental Traffic Memorandum
Traffic Demand Management (TDM) Memorandum/Response to
Comments
Proposed Dispensary
24-26 Elliot Street
Newton, Massachusetts

This supplemental traffic memorandum has been prepared to respond to questions that were raised at the July 10, 2018 meeting of the Land Use Committee of the City Council, and to provide details of a proposed Traffic Demand Management (TDM) program. Response to Questions/Comments:

Comment: *A question regarding the timing of traffic counts for other RMD's that were conducted and traffic counts for the project was raised (December for other RMD's and January for Traffic Study).*

Response: The counts were commissioned in December. The three-existing operational RMD's that were counted during that month had been open and well-established at the time the counts were conducted. Patients are purchasing medicine at those RMD's and the needs of patients shouldn't vary on a monthly or seasonal basis.

Counts for the traffic impact and access study were collected in February when the work for the project was proceeding. As is common practice in the State of Massachusetts, traffic counts were assessed for seasonality and it was determined that February counts are approximately 9 percent lower than average month traffic conditions. As a result, the based counts collected in February were adjusted upward by 9 percent to reflect average month traffic conditions. This is stated on page 3 of the May 23, 2018 Traffic Study prepared for the project.

Comment: *A comment made about lack of safety (accidents) information site driveway.*

Response: As outlined on pages 4, 5, and 6 of the May 23rd, 2018 Traffic Study for the project, detailed accident records were gathered for each of the study area intersections for the most recent five years of data that is available from MassDOT data base. The data is summarized in Table 2 of the study and review of the data suggests that over the five years of data presented there were a total of 6 accidents recorded at the Elliot Street and Site Driveway intersection. This is a low accident rate and is well below MassDOT average crash rate for intersections in this district. Also review of the data indicates that there are no obvious patterns in the accident data which suggests that the accidents are likely random and not being caused by any one feature at the intersection.

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PO Box 9151
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P 617.924.1770

Transportation Demand Management (TDM)

Given the site's proximity to numerous MBTA bus and train stops (including the stop for MBTA bus routes 59 and D Branch Green Line at Elliot Station) there are strong opportunities to implement Transportation Demand Management (TDM) measures on site to minimize the proposed project's impacts on the surrounding roadways. Implementation of TDM measures will offer alternatives to traveling in single occupancy vehicles, which will reduce traffic and parking demand on the site. As part of the proposed project, the following TDM measures will be implemented on site:

- › Display all public transit schedules in a central location within the facility;
- › To promote pedestrian safety, a map of the area will be provided for transit users that displays the location of MBTA Bus and train stops, sidewalks, and crosswalks. This information will be distributed to employees and will also be posted in common areas;
- › Provide a secure bicycle storage area on site;
- › The petitioner will purchase memberships to the bike share program that is slated to be implemented in Newton by the end of summer. <https://nextcity.org/daily/entry/fifteen-city-bike-share-launches-in-massachusetts>. The memberships will be for employees so that they have options getting to and from work. If the bike share program is unsuccessful in this area, then the petitioner will purchase three (3) bicycles that will be available to employees who wish to bike to and from work. If employee demand for bikes exceeds the three that will initially be purchased, additional bikes will be obtained to encourage alternative access to the site.
- › Petitioner will reimburse employees who walk to work regularly the cost of one pair of walking shoes each year.
- › Implement an onsite car-pool rideshare program with guaranteed ride home.

In addition, the Proponent is committed to TDM initiatives and will encourage employees to use public transportation which is readily available in the area to get to and from work. In fact, the Petitioner will reimburse employees for the cost of the transit services for anyone who utilizes the available services.