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July 23, 2018

BY HAND

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

Re: Garden Remedies/Special Permit/697 Washington Street (the "Site")/#289-18

Dear Chairman Schwartz,

I submit this letter to respond to a variety of questions which were raised at the July 9, 2018 public hearing on the above-referenced petition.

Outside Security

Garden Remedies is committed to ensuring the security of its facility, both inside and outside. Accordingly, Garden Remedies will employ an outside security guard who will be entitled to brief respites indoors during inclement weather.

Appointment-Only Operations

In response to comments at the June 26, 2018 public hearing, Garden Remedies has undertaken an overhaul of its existing appointment system. The improved system does not permit walk-in appointments, and requires a minimum interval of three hours between the time that the appointment is scheduled and the patient's visit to the facility. Garden Remedies agrees to retain the aforementioned system in place but would reserve the right to seek an amendment of this condition in the future.

Police Detail

The petitioner shall employ a police detail for the first ninety days of adult-use sales. If the Planning Department, in consultation with the Police Department and the Transportation Division of the Public Works Department, wants to continue the detail, the petitioner agrees to continue to do so until such point as the Planning Department, in consultation with the Police Department and the Transportation Division of the Public Works Department, believes that the detail is no longer necessary.

Gregory R. Schwartz
July 23, 2018

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Access from Washington Street

Please see the attached memorandum from VTP Associates dated July 19, 2018 relative to locating the parking lot's access point on Washington Street as opposed to Court Street. To enter the parking lot from Washington Street with the current grade would require a 70 foot long entrance ramp which would need to snake back and forth in 20 foot intervals (known as switchbacks) covering virtually the entire parking lot. If the petitioner sought to change the grade to avoid the switchbacks, it would have to install 10 feet of fill throughout the entire parking lot location. The installation of this fill would necessitate a 12 foot retaining wall along the rear of the site which abuts 22 and 26 Court Street. The petitioner believes that such a retaining wall would not be attractive, and would be difficult to screen.

Also enclosed is a sketch plan prepared by VHB showing 3 proposed signs which inform drivers that they may not turn left onto Court Street when exiting the parking lot.

Transportation Demand Management ("TDM")

We have supplemented the June 18, 2018 TDM with several initiatives to encourage employees to walk or bike to work (see enclosed Supplemental Traffic TDM Program Update by VHB dated July 17, 2018). Garden Remedies will purchase memberships for its employees in the bike share program which is slated to be implemented in Newton by the end of the summer. If that program should be discontinued in the future, Garden Remedies would purchase a number of bicycles (at least three) for the use of its employees. Garden Remedies will purchase one pair of sneakers annually for its employees who walk to work regularly. As previously outlined, Garden Remedies' employees (currently 6, proposed to increase to 12) will not be permitted to park onsite or on the street in the immediately surrounding neighborhoods.

Hours of Operation

Garden Remedies currently operates from 10:00 a.m. until 8:00 p.m., Monday through Saturday. The special permit application requested an expansion of these hours to 9:00 a.m. until 9:00 p.m. Monday through Saturday and 12:00 p.m. until 6:00 p.m. on Sundays. In response to comments at the last public hearing, Garden Remedies has reduced its proposed hours of operation from its initial submission. The revised request would be to operate from 10:00 a.m. until 8:00 p.m. Monday through Thursday, 10:00 a.m. until 9:00 p.m. Friday and Saturday, and 12:00 p.m. until 6:00 p.m. on Sundays.

As is set forth below, Garden Remedies presently operates for 60 hours per week. The initial request would have expanded Garden Remedies' hours of operation by 18 hours per week. This modified request only expands the existing hours of operation by 8 hours per week.

Current	60
Proposed with application	78
Revised proposal	68

Patient Acknowledgment Form

Garden Remedies' patient acknowledgement form (a form which patients must sign at their initial visit) has been revised to include an explicit acknowledgement that patients may not consume marijuana in the facility's parking lot or surrounding neighborhood.

SCHLESINGER AND BUCHBINDER, LLP

Gregory R. Schwartz
July 23, 2018

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Signage

Signage for the facility is currently regulated by the Department of Public Health and will eventually be regulated by the Cannabis Control Commission. Both entities prohibit the use of neon signs or representations of marijuana leaves or products. Garden Remedies does not intend to change its existing signage, although the signs will be moved when the new entrance to the building is operational.

Other Communities

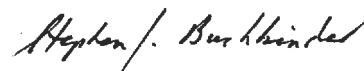
In response to questions relative to the status of future adult-use sales in communities bordering Newton, I note that while Needham and Weston have implemented bans, my understanding is that Brookline, Waltham, and Watertown (along with nearby Framingham and Natick) have enacted temporary moratoria, and are finalizing zoning by-laws for adult-use sales.

Discretion to Issue Special Permit for Adult Use

In my letter to you dated June 20, 2018, I summarized the legal basis for Garden Remedies' position that the City Council may not deny Garden Remedies' special permit application, but may impose reasonable conditions upon its operation. I note that on July 6, 2018, the Acting City Solicitor distributed a lengthy memorandum which contains the following conclusion at the top of page 7: "Given that Garden Remedies was licensed for medical marijuana sales by the state prior to July 1, 2017, it is the Law Department's opinion that the City Council may not deny Garden Remedies a special permit amendment seeking to add recreational marijuana sales but may impose reasonable conditions. M.G.L. c. 94G §3."

Garden Remedies looks forward to working with the City Council to establish a framework under which the company may introduce the sale of adult-use marijuana in addition to its existing sale of medical marijuana, thereby continuing to serve the residents of the City.

Sincerely,



Stephen J. Buchbinder

KBA/mer
enclosure

cc: (By Hand, w/enclosure)
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 Susan Albright
Councilor Emily Norton
Ms. Nadia Khan
Ms. Jennifer Caira
Mr. Neil Cronin
Ouida C. M. Young, Esquire
Robert J. Waddick, Esquire
Marie M. Lawlor, Esquire
(By First Class Mail, w/enclosure)
Dr. Karen Munkacy

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132 ADAMS STREET
2ND FLOOR, SUITE 3
NEWTON, MA 02458

July 19, 2018

Councilor Gregory Schwartz
Chairman, Land Use Committee
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA. 02459

Subject: Board Order #167-14
Book 64502 Page 185
697 Washington Street
Newton MA

Dear Councilor Schwartz:

In accordance with comments and suggestions at the July 9, 2018 public hearing for Garden Remedies/697 Washington Street, I have analyzed the feasibility of moving the entrance/egress of the proposed parking lot from Court Street to Washington Street. To enter the parking lot from Washington Street with the current grade would require a 70 foot long entrance ramp which would need to snake back and forth in 20 foot intervals (known as switchbacks) covering the entire parking lot. If we sought to change the grade to avoid the switchbacks, we would have to install 10 feet of fill throughout the entire lot. The installation of this fill would necessitate a 12 foot retaining wall along the rear of the site which abuts 22 and 26 Court Street.

As usual, if you have any questions or need further information please do not hesitate to contact me.

Very truly yours

Joseph R. Porter, P.L.S.
President



Memorandum

To: Dr. Karen Munkacy
Garden Remedies
116 Chestnut Hill Road
Newton, Massachusetts

Date: July 17, 2018

Project #: 12676.00

From: Randall Hart
Principal

Re: Supplemental Traffic
TDM Program Update
Garden Remedies Facility
Newton, Massachusetts

Ana Fill, P.E.
Senior Transportation Engineer

To be responsive to comments and suggestions by City Council Members, an update to the June 18th TDM Memorandum and TDM plan outline is provided below. This version supersedes and expands the program outlined in that memorandum.

Transportation Demand Management (TDM)

Given the site's proximity to numerous MBTA bus stops (including the stop for MBTA bus routes 553, 554, and 556 adjacent to the site), 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 Newtonville station, MBTA bus stops, sidewalks, and crosswalks. This information will be distributed to employees and will also be posted in common areas;
- › To help promote use of MBTA bus services, the Petitioner will make a payment of up to \$25,000 to the City of Newton (prior to the issuance of any building permit) for the cost and installation of a new bus shelter on Washington Street (with the exact location, configuration, and timing of the shelter installation pending approval by the MBTA through application by the City of Newton);
- › 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 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.

101 Walnut Street
PO Box 9151
Watertown, MA 02472-4026
P 617.924.1770

- › 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.

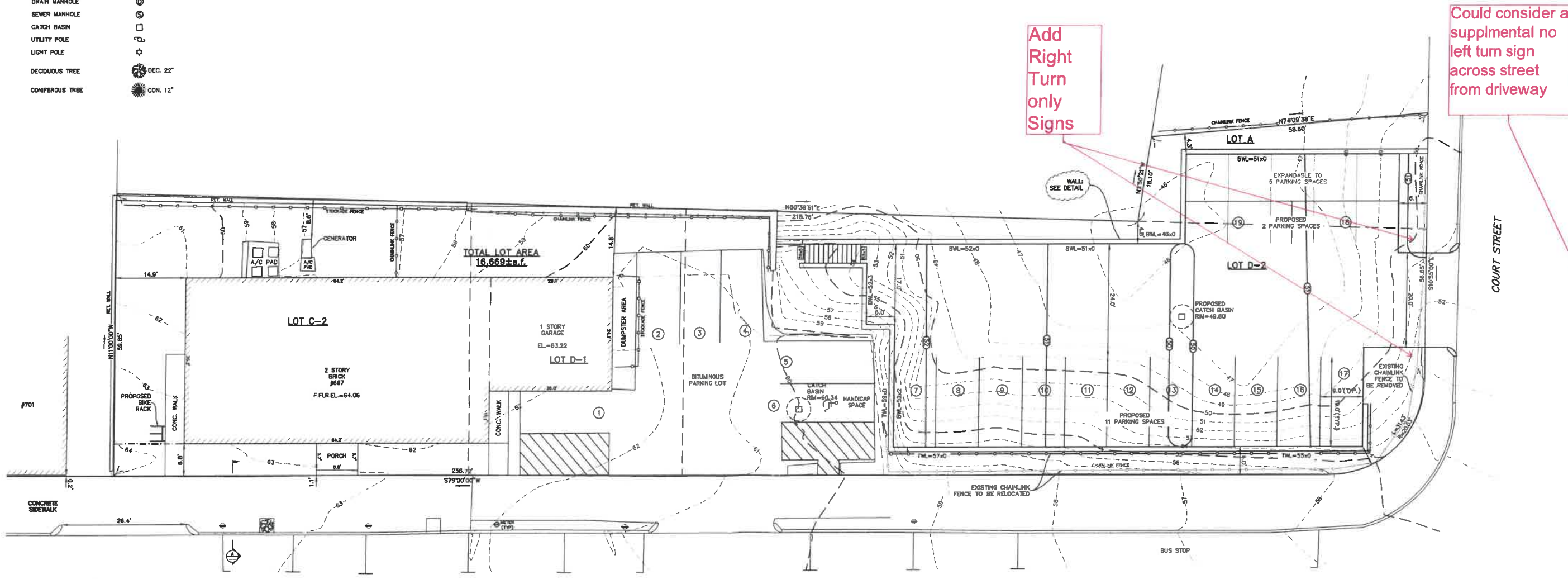
In addition, the Proponent is committed to TDM initiatives and will encourage employees to use public transportation which is readily available in the area to get to and from work. In fact, the Petitioner will reimburse employees for the cost of the transit services for anyone who utilizes the available services. For employees who wish or need to drive to the facility, they will be directed to park at remote parking opportunities and either walk, take shuttles, or use Uber, Lyft, or other private ride services or taxis (in groups when possible) to access the proposed facility. Potential locations for remote parking will include the 100 Jackson Street parking lot, Woodland MBTA Station and or Riverside MBTA Station. The Proponent will subsidize the cost for parking and transportation between the remote locations to help ensure that the program is followed.

LEGEND

BUILDING	
PROPERTY LINE W/ BEARING DISTANCE	
CONTOUR	
STOCKADE FENCE	
CHAINLINK FENCE	
IRON FENCE	
SEWER LINE	
DRAIN LINE	
WATER LINE	
GAS LINE	
GAS VALVE	
WATER VALVE	
DRAIN MANHOLE	
SEWER MANHOLE	
CATCH BASIN	
UTILITY POLE	
LIGHT POLE	
DECIDUOUS TREE	DEC. 22"
CONIFEROUS TREE	CON. 12"

ZONING CHART		
NEWTON, MASSACHUSETTS		
ZONE:	REQUIRED	EXISTING
BU-2	10,000 s.f.	16,669 ± s.f.
LOT AREA	80.0'	344.80'
FRONT SETBACK	Avg. 5.1'	1.1'*
SIDE SETBACK	1/2 bldg.ht.	14.9'
REAR SETBACK	greater of 15' or 1/2 bldg.ht.	14.8'*
BUILDING HEIGHT	2 story	24'
		28.51'

*LAWFULLY NON-CONFORMING

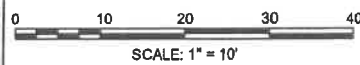


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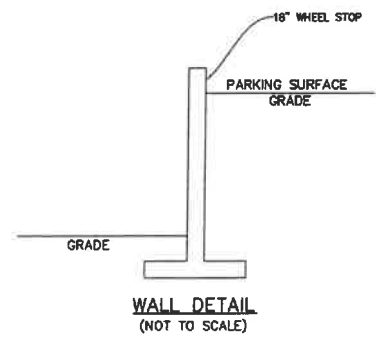
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WASHINGTON STREET



PARKING LAYOUT PLAN
 NEWTON, MASSACHUSETTS
 SHOWING PROPOSED CONDITIONS AT
 #697 WASHINGTON STREET
 SCALE: 1in.=10ft. DATE: MARCH 15, 2018



PROJECT: 214113
VTP ASSOCIATES
 INC.
 LAND SURVEYORS - CIVIL ENGINEERS, 132
 ADAMS STREET 2ND FLOOR SUITE 3
 NEWTON, MA 02458
 (617) 332-8271
 SHEET 1 OF 1