



September 5, 2018

**BY EMAIL and BY HAND**

Members of the Newton City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, Massachusetts 02459-1449

Re: #289-18/Garden Remedies, Inc./697 Washington Street Realty Trust

Dear Councilors,

As you know, Garden Remedies has filed a petition (#289-18) seeking to include the sale of adult use/recreational marijuana at its current medical marijuana dispensary at 697 Washington Street in Newtonville. After several public hearings, and extensive public comment, the Land Use Committee voted 3 – 1 – 3 to send this matter to the full Council for a vote. The three members of the Committee who abstained from the Committee vote each expressed concern over the effect of a possible measure appearing on the ballot at this coming November's election respecting the so-called "opt-out" from the sale of adult use/recreational marijuana in the City.

Councilor Baker has proposed an amendment to the draft Council Order which went out in last Friday's Council packet (the "Baker Condition"), which in essence provides that if the opt-out measure is approved at the November election, then any provisions of the Council Order on #289-18 authorizing the retail sale of adult use/recreational marijuana at the premises would be deemed null and void. I have reviewed this matter with our Board of Directors and we have concluded that we are amenable to the Baker Condition, for reasons which I will explain.

Our legal counsel has advised us that Garden Remedies has certain vested rights as a result of the state enabling legislation, and that if the special permit is denied by the City Council, then Garden Remedies would have an excellent chance of prevailing on appeal. Garden Remedies has made the corporate decision that it does not want to be engaged in litigation with the City of Newton, litigation which could span several years, which would entail substantial expense, and most especially, which might damage our ongoing relationship with the City. As a

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result, we have decided that on the issue of adult use/recreational marijuana sales, Garden Remedies will abide by the results of the November election (assuming an opt-out measure is on the ballot).

Thus, if special permit petition #289-18 is approved with the Baker Condition, Garden Remedies wishes to make it clear that it will not appeal the grant of such special permit, nor will it attack collaterally the results of any decision by the voters at the ballot box in November to opt out of the sale of adult use/recreational marijuana in the City.

We are hopeful that you will support the special permit with the Baker Condition.

Very truly yours,

A handwritten signature in blue ink that reads "Karen Munkacy MD". The signature is written in a cursive style.

Karen Munkacy, MD  
President, Garden Remedies, Inc.

cc: (By Email and By Hand)  
Ouida C. M. Young, Esquire  
Ms. Jennifer Cairra  
Mr. Neil Cronin  
Ms. Nadia Khan