
**APPLICATION TO AMEND
BOARD ORDER #289-18**

**GARDEN REMEDIES, INC.
697 Washington Street
Newton, MA 02458**

**c/o Michael P. Ross, Esq.
Prince Lobel Tye LLP
One International Place, Suite 3700
Boston, MA 02110**

Applicant

Property Location:

**697 Washington Street
Newton, MA 02458**

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May 12, 2021

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APPLICATION TO THE CITY COUNCIL

To

Amend Special Permit #289-18

Property Location:

697 Washington Street

Newton, MA

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May 12, 2021

Newton City Council
Land Use Committee
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Re: Amendment to Special Permit (Council Order #289-18)
Property or Premises: 697, 691, 681 Washington Street; 2 Court Street
Company: Garden Remedies, Inc.

Dear Honorable Chair and Members of the Land Use Committee:

This firm represents Garden Remedies, Inc. (“Garden Remedies” or the “Company”) in connection with its request to amend the Special Permit granted as Council Order #289-18 by the City of Newton City Council (the “Council”) on October 1, 2018 (the “2018 Special Permit”). The Council granted the Company a special permit in 2014 to allow for the operation of a Registered Medical Marijuana Dispensary at the Premises (see Council Order #167-14, the “2014 Special Permit”), which was amended by the 2018 Special Permit to add an adult use Marijuana Retail Establishment to its existing Registered Medical Marijuana Dispensary (as amended, the “Special Permit”). The Marijuana Retail Establishment has been operational since May 2019 without incident.

The Company now seeks to modify the Special Permit to: (i) remove Conditions #3 and #4 in the 2018 Special Permit regarding appointment-only restrictions, (ii) amend the hours of operations listed in Conditions #5 and #6 in the 2018 Special Permit to allow the Applicant to operate from 9 AM to 9 PM Mondays through Saturdays and 12 PM to 6 PM on Sundays, (iii) remove the Sign Plan (Control Document I), and (iv) amend the Site Plan and Landscape Plan.

I. Background

Since 2014, the Company’s operation as a Registered Medical Marijuana Dispensary and later a co-located Registered Medical Marijuana Dispensary and a Marijuana Retail Establishment (the “Facility”), the first of its kind in the City, has not adversely affect or cause a nuisance to the neighborhood and has operated without incident. Further, the Company has diligently complied with the numerous conditions within the Special Permit, a partial list in relevant part of these activities to date is as follows:

- Police details were in place for more than the first 90 days of operation, and were approved to end by the Newton Police Department on September 10, 2019.
- Private security through Allied Universal remains in place during all operational hours.
- A real time indicator exists on the Company’s website in order to gauge if appointments are running on time.

- Coupons encouraging non-peak time visits are being provided to customers.
- All look back review meetings have occurred with the Planning, Transportation, Public Works and Police departments at intervals of 30, 60, and 90 days, and 6, 12, 18, and 24 months thereafter, with the last meeting occurring on December 2, 2020.
- Compliance with the Transit Demand Management plan and other transit related conditions are ongoing.

Garden Remedies continues to comply with the other requirements of its Special Permit. But as previously mentioned, perhaps the most important operational benchmark to date, is the Applicant's record of operating without penalty since opening.

II. Request to Remove the Appointment-Only Requirement

Given the above, the Company respectfully submits that its current appointment-only model is no longer necessary, unduly burdensome, and unreasonably impracticable. In particular, when the special permit was first issued in 2014, the market was such that there were no other Marijuana Retail establishments within a 7 mile radius, other than New England Treatment Access LLC in Brookline. We understand, that at the time, the City of Newton Department of Planning and Development ("Planning") reasonably expected a higher demand for Garden Remedies' establishment at the Premises, and Planning therefore recommended an appointment-only model to mitigate traffic. However, over the last two years, at least three other Marijuana Retail Establishments have opened within a 7 mile radius, and approximately nine other such establishments have received provisional licenses to open. Currently, there are 72 operational Marijuana Retail Establishments and Marijuana Retail Establishments that have received licensure but are pending operation commencement within 15 miles of Newton, MA (see map attached hereto).

As described in the Technical Memorandum produced by Fuss & O'Neill, Inc., a copy of which is attached hereto and incorporated herewith, the majority of vehicular traffic on Court Street is not attributable to the Facility, the Facility's parking lots are underutilized, and similarly situated facilities without appointment-only restrictions actually generate less traffic during peak hours. In fact, the on-site study revealed that the appointment-only restriction caused certain customers to return to the vehicles to order online and wait until the next available appointment, which resulted in longer duration trips and lower parking turnover.

Furthermore, data collected by the Company illustrates that the current parking lot at the Premises averages only 10-20% utilization on weekdays, with the sales floor averaging just over 36 percent capacity during a typical weekday. Moreover, sales during COVID have in fact been higher than sales pre-COVID, and therefore the Company does not anticipate a significant uptick in sales or traffic once things return back to normal. For more information, please refer to the data report attached hereto and incorporated herewith. In other words, the establishment can comfortably accommodate the potentially higher foot traffic and car traffic that would result from removing the appointment-only model.

The Company notes that since its Special Permit was approved in 2018, at least two other cannabis companies have also been approved by the City to operate adult use retail. For these other companies, the appointment-only requirement may be administratively removed by Planning and the Inspectional Services Department after six months, whereas in the case of Garden Remedies, the period is indefinite, unless otherwise amended by the Company via a special permit amendment, which is one of the purposes of this application.

It is noted that stakeholders have suggested that the appointment-only regime remain in place until the next Marijuana Establishment commences operations. While the Company is agreeable to this suggestion and amending the existing appointment-only conditions to expire immediately upon the next Marijuana Establishment opening for business, data provided in this submission shows that there is no harm in the immediate removal of the appointment-only regime for this well-established Facility as opposed to a later removal of the regime.

As mentioned, the conditions in the Special Permit relating to the appointment-only model have all been implemented at the Premises and satisfied. Combined with the operational success that the company has demonstrate and the traffic and sales data showing underutilization of both the parking lot and sales floor, the Company respectfully ask that the Council grant the Company's request to remove the appointment-only restrictions, which were set forth as Conditions #3 and #4 in the 2018 Special Permit or amend the appointment-only conditions to expire immediately upon the next Marijuana Retailer opening for operations.

III. Request to Remove the Sign Plan as a Control Document

The 2014 Special Permit process codified the sign plan drafted by GenSign dated April 15, 2014 (the "Sign Plan"), due to one of the signs needing a variance and made it part of the official control documents thereof, meaning that any changes to the any of the signs, no matter how slight and even if the changes are allowed as-of-right, would require either a consistency ruling of the Inspectional Services Commissioner, and/or approval by the Land Use Committee in the form of an amended special permit. The Sign Plan was thereafter included in the 2018 Special Permit as a control document, Control Document "I".

The Company is now seeking to update its wall signage now that it is the sole tenant of the Premises, to remove the sign needing a variance, and to add additional wayfinding signage to better notify customers of the parking lot on Court Street. The Company notes that the Urban Design Commission (the "Commission") has reviewed changes to the Sign Plan for changes to the primary and secondary wall signs, that these changes are consistent with underlying zoning, and that the Commission unanimously approved the changes on November 18, 2020. The Building Department has also reviewed the Sign Plan for consistency with underlying zoning and granted the sign permit for the new wall signs on November 24, 2020.

The projecting sign that previously needed a variance due to the location of projecting sign shall be removed and replaced elsewhere on the gate with wayfinding signage under 3 square feet, which is allowed as-of-right. The Company's additionally proposed wayfinding signage pointing customers to the parking lot on Court Street shall also be allowed as-of-right under the

Code and shall obtain the Commission's approval hereafter. As noted in the Technical Memorandum produced by Fuss & O'Neill, Inc., a copy of which is attached hereto, additional wayfinding signage notifying customers of the parking lot with the entrance on Court Street which would benefit the flow of traffic and increase usage of the parking lot. For reference only, but not to be included as a control document in this amendment to the Special Permit, the Company hereby provides plans and images of the approved primary and secondary wall signs and of the wayfinding signage. All of these signs are allowed as-of-right by the Code, and therefore the Company respectfully requests that the Council remove the Sign Plan, Control Document "I", from the Special Permit.

IV. Request to Amend Hours of Operation

The Company notes that its current hours of operations allow for a more restrictive operating window than that of other similarly situated companies. Both Ascend Mass, LLC and Cypress Tree Management, Inc.'s hours of operations are 9 AM to 9 PM Monday through Saturday and 12 PM to 6 PM on Sunday, whereas Garden Remedies' hours of operations are limited to 10 AM to 8 PM Monday through Thursday, 10 AM to 9 PM Friday and Saturday, and 12 PM to 6 PM on Sunday. Garden Remedies' successful track record at the Property and the studies and data attached hereto providing that the Company's operation has not caused a significant negative impact on traffic all go to prove that amending the hours of operation to one hour earlier in the mornings and one hour later in the evenings will not cause a significant adverse impact or nuisance to the neighborhood. In fact, the sales floor and parking lot of this Facility are so significantly underutilized that even higher-than-expected sales during the extra hours of operation would not overburden the Premises or neighborhood.

Furthermore, now that the market for marijuana products is saturated with many other suppliers (currently, 72 operational Marijuana Retail Establishments and Marijuana Retail Establishments that have received licensure but are pending operation commencement in and within 15 miles of Newton), the demand for marijuana products at each individual site has greatly decreased and the concerns of a Marijuana Retailer operating during rush hour and causing significant negative impact on traffic are no longer a concern. As such, the Company respectfully requests that its hours of operation be amended to 9 AM to 9 PM Monday through Saturday and 12 PM to 6 PM on Sunday, consistent with other similarly situated establishments.

V. Request to Amend the Site Plan and Landscape Plan

The Company respectfully requests that certain control documents of the 2018 Special Permit be amended to this updated Site Plan prepared by VTP Associates and updated Landscape Plan prepared by Leone Landscape and Construction, which are attached hereto and incorporated herewith. This updated plans includes the following minor changes: 1) adds an on-site outdoor queuing area, within the gated area prior to entry into the Building, 2) depicts the location of its newly proposed trash receptacles for the public in the parking lot, and 3) depicts the proposed location of additional wayfinding signage (which are depicted for reference and not meant to be controlling on the exact locations of future signage). No other changes are proposed to the plans.

As previously mentioned, the Company is successfully operated without incident over the last few years. During this time and during COVID, the Company has determined that an on-site

outdoor queuing area behind the entrance gate that leads to the Building may be beneficial for the flow and safety of its customers. As shown on the revised plans, this proposed queuing area will allow the Company to ensure that customers and patients waiting for entry into the Facility do not queue on the public sidewalk but instead queue on its private property. Such a proposal will not trigger any Ordinance violations and will not cause significant adverse impact or nuisance to abutters. Instead, this will allow for more organized queuing on the Premises.

Other changes to the site plan include depicting of the newly proposed trash receptacles for the public, which was a suggestion given by the community, and proposed location of additional wayfinding and directional signage, which do not trigger any Ordinance violations either and do not cause a nuisance to abutters. For the reasons set forth above, the Company respectfully requests that the Council approve of its request to update the Site Plan and Landscape Plan included in the Control Documents.

VI. Equal Footing with Similarly Situated Companies

The conditions in the Special Permit relating to the appointment-only model have all been implemented at the Premises and satisfied. Combined with the operational success that the company has demonstrated, and given the disparate conditions being applied to similarly situated operators who have not even commenced operations yet, the Company respectfully requests that the Council approve of the removal of the appointment-only condition.

Similarly, the Company's current hours of operation as set forth in Conditions #5 and #6 in the 2018 Special Permit are more restrictive than other similarly situated operators. It has proven over the last few years that this Facility has the capacity to handle the additional sales and traffic resulting from an earlier start time and later close time. More importantly, the Company desires to continue to positively impact the City, whether it be through the payment of taxes and Community Agreement fees or providing numerous job opportunities and other contributions to the City, and respectfully requests that its hours of operations be amended to be on equal footing with other similarly situated companies.

VII. Compliance with Special Permit Criteria

The Company respectfully submits that it has complied and will continue to comply with the Special Permit Criteria for an RMD and/or a Marijuana Establishment as set forth in Section 6.10.3.G of the Ordinance with its requested amendments to the existing Special Permit.

1. Criteria for all marijuana uses:

- a. The lot is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the lot, whether driving, bicycling, walking or using public transportation.**

The Company has operated its facility at this lot in substantially the same since site layout plan since 2014 with no incidents. As noted above, removal of the Sign Plan from the Special Permit control documents will allow the Company the ability to install additional wayfinding signage,

which would increase the visibility of the parking lot on Court Street and promote convenient, safe and secure access and egress.

b. Loading, refuse and service areas are designed to be secure and shielded from abutting uses.

As noted in the Site Plan attached hereto and incorporated herewith, the Company proposes to move the refuse area closer to the existing garage, which shall enhance the security of the refuse area. The Company shall ensure that the loading, refuse and services areas in compliance with state regulations subject to review and approval by the Cannabis Control Commission.

c. The RMD or Marijuana Establishment is designed to minimize any adverse impacts on abutters.

As noted above, the Applicant has operated its Facility since 2014 without incident and there has been no adverse impacts on abutters. As noted in the Technical Memorandum produced by Fuss & O'Neill, Inc., removal of the appointment-only restriction may in fact shorten vehicle trip durations by reducing the need for customers to remain in their cars while waiting for the next available appointment, which will positively impact abutters and local traffic.

d. The RMD or Marijuana Establishment has satisfied all of the conditions and requirements in this section.

The Applicant respectfully submits that it will comply with all of the conditions and requirements in this Section G.

2. Additional criteria for RMDs and Marijuana Retailers:

a. The lot location complies with Sec. 6.10.3.E.1, or the lot is located at a lesser distance if the City Council finds that the lot is sufficiently buffered such that these facilities or uses will not be adversely impacted by the RMD or Marijuana Retailer's operation.

The Property is not located within a radius of 500 feet from an existing public or private K-12 school and/or the City Council has found that the lot is sufficiently buffered from these facilities in the prior Special Permits granted.

b. Traffic generated by client trips, employee trips, and deliveries to and from the RMD or Marijuana Retailer shall not create a significant adverse impact on nearby uses.

As noted above, the facility has a proven track-record that it has not disturbed any existing right of ways and has not created a significant adverse impact on nearby uses. In fact, as noted in the Technical Memorandum produced by Fuss & O'Neill, Inc., the majority of vehicular traffic turning onto Court Street is not related to the facility and that the parking lots are underutilized. Moreover, removal of the appointment-only restriction will not cause a significant adverse

impact or nuisance due to a decrease in demand for marijuana products at this particular facility given the opening of many other facilities nearby and due to the ample parking provided at this facility.

- c. The building and lot have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior.**

The Company respectfully submits that it is not making any changes to the building. Any changes to the lot be compatible in design with neighboring lots (see plans attached hereto and incorporated herewith).

- d. The building and lot are accessible to persons with disabilities.**

The Applicant respectfully submits that the building and lot will be accessible to persons with disabilities as required by the Ordinance and 935 CMR 500.000 *et. seq.*

- e. The lot is accessible to regional roadways and public transportation.**

The Company has proven over the last few years of operation that the lot is sufficiently accessible to regional roadways and public transportation.

- f. The lot is located where it may be readily monitored by law enforcement and other code enforcement personnel.**

The Company has proven over the last few years of operation that the lot is located where it may be readily monitored by law enforcement. The Company has operated a RMD and thereafter a Marijuana Retailer without incident since it commenced operations in 2014.

- g. The RMD or Marijuana Retailer's hours of operation will have no significant adverse impact on nearby uses.**

As shown in the traffic data provided in the Technical Memorandum, the current traffic impact based on its current hours of operation of 10 AM to 8 PM Monday through Thursday, 10 AM to 9 PM Friday and Saturday, and 12 PM to 6 PM on Sunday have not caused a significant adverse impact on nearby uses. The Company respectfully submits that its proposed hours of, which are 9 AM to 9 PM Monday through Saturday and 12 PM to 6 PM on Sunday to match the other Marijuana Retailers who have received special permits, shall not create a significant adverse impact on nearby uses either (see Technical Memorandum produced by Fuss & O'Neill, Inc.).

VIII. Conclusion

Garden Remedies appreciates its positive relationship with the City. It recognizes that both the City and the Company were "early movers" when the Company was first approved to open, and acknowledges that Newton was one of the first cities in the state to do so. The Company is

proud of its track record thus far, and that it has been able to positively impact the City by paying approximately \$1.3 million dollars in taxes and Host Community Agreement fees since it opened, as well as provide numerous job opportunities and other contributions to the broader community. As provided in this submission, the Company desires to continue to positively impact the City, and respectfully requests the changes as described herein, if only to be on equal footing with other similarly situated companies. The Company's proposed amendments to its Special Permit will be in harmony with the purpose and intent of the Ordinance and will not have any adverse effect on the neighborhood within which the Property is located in particular, and the City of Newton as a whole.

For the foregoing reasons the Company respectfully requests that the Land Use Committee approve its request to amend a Special Permit as described herein.

Sincerely,

Michael P. Ross

Michael P. Ross, Esq.
Direct: 617-456-8149
Email: mross@princelobel.com

MPR/art

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SPECIAL PERMIT APPLICATION

TO THE NEWTON CITY COUNCIL

The undersigned hereby makes application for permit to erect and use, to alter and use, or to make such uses as may be hereinafter specified of a building or buildings at the location and for the purpose hereinafter specified under the provisions of Chapter 30 of the Revised Ordinances, 2015, as amended, or any other sections

PLEASE REFERENCE SECTIONS OF THE ORDINANCES FROM WHICH RELIEF IS REQUESTED:

Section 7.3.3. to allow for an amendment of a special permit; no new relief from the Ordinance is requested.
See prior Council Order #289-18 for list of Sections of the Ordinance from which relief was previously granted.

- PETITION FOR:** Special Permit/Site Plan Approval -Amendment of Board Order #289-18
 Extension of Non-conforming Use and/or Structure
 Site Plan Approval

STREET 697, 691, and 681 Washington Street, and 2 Court Street WARD 2

SECTION(S) 23 BLOCK(S) 019 LOT(S) 0001, 0001A, 0001B, 0023

APPROXIMATE SQUARE FOOTAGE (of property) 16,669 sf ZONED BU2

TO BE USED FOR: A Registered Marijuana Dispensary ("RMD") and Recreational Marijuana Establishment ("ME") and an associated parking facility.

CONSTRUCTION: Concrete.

EXPLANATORY REMARKS: The Petitioner seeks an Amendment to Council Order #289-18 to (a) remove the appointment-only conditions; (b) amend the hours of operations to allow petitioner to operate from 9 AM to 9 PM on weekdays and Saturdays and from 12 PM to 6 PM on Sundays; (c) remove the Sign Plan as a control document; and (d) amend the Site Plan and Landscape Plan.

The undersigned agree to comply with the requirements of the Zoning Ordinance and rules of the Land Use Committee of the City Council in connection with this application.

PETITIONER (PRINT) Garden Remedies, Inc.

SIGNATURE Jeffrey Herald

ADDRESS 697 Washington Street, Newton, MA 02458

TELEPHONE Counsel: 617-456-8149 Email Counsel: mross@princelobel.com

ATTORNEY Michael P. Ross

ADDRESS 1 International Place, #3700, Boston, MA 02110

TELEPHONE 617-456-8149 Email mross@princelobel.com

PROPERTY OWNER 697 Washington Street Realty Trust, Mark F. Donato, Trustee

ADDRESS 1231 Washington Street, Newton, MA 02465

TELEPHONE N/A Email N/A

SIGNATURE OF OWNER Mark Donato
DocuSigned by: 029A3B8A3AC7418...

Planning & Development
Department Endorsement

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TECHNICAL MEMORANDUM

TO: Jeffrey Herold, Co-CEO & COO
Garden Remedies, Inc.

FROM: Matthew W. Skelly, PE, PTOE
Katherine O'Shea, EIT

DATE: April 20, 2021

RE: Traffic Assessment
Garden Remedies, Inc. – 697 Washington Street, Newton, MA
Fuss & O'Neill Reference No. 20210210.A10

The forthcoming memorandum has been completed on behalf of Garden Remedies, Inc. to assess the potential traffic impacts of removing the appointment restriction currently in place at the Garden Remedies dispensary located at 697 Washington Street in Newton, Massachusetts.

Customer Count Comparison

Footfall counts were performed at Garden Remedies on Friday, March 19, 2021 from 3:30 to 7:30 p.m., and Saturday, March 20, 2021 from 2:00 to 6:00 p.m. to determine the existing site generated customer count under appointment-only operation during the dispensary's peak period.

Collected data indicates that Garden Remedies served 74 total customers on Friday during the peak hour, which occurred between 4:45 and 5:45 p.m. On Saturday, Garden Remedies served 57 customers during the peak hour, which occurred between 2:45 and 3:45 p.m.

Additionally, footfall counts were performed on Friday, March 26, 2021 from 4:00 to 6:00 p.m. and Saturday, March 27, 2021 from 2:00 to 4:00 p.m. at Seed, an adult-use cannabis dispensary of approximately 6,000 square feet located in Boston's Jamaica Plain neighborhood, approximately six miles away from Garden Remedies. Seed opened on March 13, 2021, and operates without an appointment restriction. Collected data indicates that Seed served 44 customers during the Friday afternoon peak hour, which occurred between 4:15 and 5:15 p.m., and 36 customers during the Saturday peak hour, which occurred between 2:00 and 3:00 p.m.

A comparative assessment of the footfall data collected at Garden Remedies and Seed indicates that although Seed operates without an appointment restriction, it generates approximately 40 percent less traffic during the Friday and Saturday peak hours. Furthermore, the number of trips generated at Seed within its first month of operation does not suggest latent or unfulfilled demand.

Mr. Jeffrey Herold

April 20, 2021

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Traffic Counts

In order to assess traffic in the vicinity of the site, Fuss & O'Neill, Inc. conducted turning movement counts (TMC) at the intersection of Washington Street and Court Street, as well as Court Street and the site driveway. Counts were conducted during the weekday afternoon peak period on Thursday, March 11, 2021, from 4:00 p.m. to 6:00 p.m., and during the Saturday midday peak period on Saturday, March 13, 2021 from 11:00 a.m. to 1:00 p.m.

TMC data indicates that during the afternoon peak hour at the intersection of Court Street and the site driveway from 4:00 p.m. to 5:00 p.m., one of 29 total vehicles traveling south on Court Street turned right into the site driveway. During the Saturday Peak hour, from 11:30 a.m. to 12:30 p.m., four of the 40 vehicles traveling south on Court Street turned right into the site driveway. Thus, the majority of vehicle traffic on Court Street is not attributed to the dispensary.

TMC and Footfall count data has been included as an attachment to this memorandum.

Parking Data

Garden Remedies provides two on-site parking lots. One lot is accessible via a full-access driveway on Washington Street and provides six parking spaces, three of which are reserved for medical use patients, and two of which are designated accessible spaces. The other lot is accessible via a full-access driveway on Court Street. This lot provides 13 spaces. Additionally, many patrons and employees of the dispensary were observed to utilize public metered street parking on both sides of Washington Street.

Parking occupancy counts at Garden Remedies were conducted hourly during the four hour study period on Friday and Saturday, and inventoried parking spaces included the 19 on-site parking spaces, and 14 street parking spaces in the immediate vicinity of the site, located between the dispensary and Court Street. On Friday, the maximum occupancy of 61 percent occurred at 5:00 p.m, with 20 of the 33 spaces occupied. On Saturday, the maximum occupancy of 67 percent occurred at 3:00 p.m, with 22 of the 33 spaces occupied. Patrons of the dispensary also occasionally parked in more distantly located on-street parking spaces that were not inventoried as part of the study.

The maximum on-site parking occupancy occurred at 3:00 p.m. on Saturday, when 10 of the 19 available on-site spaces were occupied. The parking lot accessible via Court Street was observed to be otherwise underutilized, with at most three occupied spaces during the remainder of the Friday and Saturday study periods.

Parking occupancy count data has been included as an attachment to this memorandum.

Mr. Jeffrey Herold

April 20, 2021

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Operational Characteristics

Garden Remedies currently requires adult-use customers and medical use patients to pre-order online from the dispensary menu, and select their preferred 30 minute pick-up window. Over the course of the counts on both Friday and Saturday, several customers were observed returning to their vehicles to order online, and waiting on-site to pick up their purchase at the next available appointment. This resulted in longer duration trips for these customers, and lower parking turnover.

Garden Remedies is able to accommodate 84 appointments during each 30 minute pick-up window. A representative sample of appointment data for the week of April 5, 2021 indicates that the peak period for the week occurs on Friday evening between 5 and 7 p.m. During this two hour period, the number of appointments booked during each 30 minute time slot does not exceed 51. Therefore, during the busiest half-hour of the week, approximately 61 percent of available appointment slots are booked. Appointment data for the week is included as an attachment to this memorandum.

During this Friday afternoon peak period, no customer queues onto the sidewalk were observed. Groups arriving to the dispensary were promptly ushered to the on-site queuing area provided to the left of the main entrance.

Conclusions and Recommendations

Garden Remedies currently operates efficiently, and no adverse impacts to traffic or parking operations were observed during Fuss & O'Neill's observation times. The existing on-site parking is underutilized, likely due in part to a lack of signage directing customers to the parking lot on Court Street. Advisory directional signage to this parking lot is recommended.

Seed Dispensary in Jamaica Plain opened on March 13, 2021, currently operates without an appointment restriction, and is serving approximately 40 percent fewer customers than Garden Remedies during the Friday and Saturday peak hours. Additionally, over the past two years since Garden Remedies first opened, seven additional adult-use dispensaries have opened within 10 miles. Thus, it is reasonable to conclude that a considerable amount of the previously unmet local and regional market demand no longer exists, and that removal of the appointment only restriction at Garden Remedies will not generate significant additional traffic.

Furthermore, during the dispensary's peak operating period, available appointments are at most 61 percent booked. Consequently, the appointment-only restriction is not a deterrent to customers who intend to walk-in. Instead, such customers increase the duration of their trips while shopping online in the parking lot and waiting to pick up their order at the next available appointment time.

Mr. Jeffrey Herold

April 20, 2021

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It is the professional opinion of Fuss & O'Neill, Inc. that upon implementation of directional signage advertising the on-site parking on Court Street, Garden Remedies can accommodate walk-in adult-use customers and medical patients without significantly impacting traffic.

Attachments: Appointment Data
 Footfall Counts
 Occupancy Counts
 TMC Data

Booked Appointments for the Week of 4/5/20- 4/10/21

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	4/5/2021	4/6/2021	4/7/2021	4/8/2021	4/9/2021	4/10/2021
10:00	23	27	27	25	29	6
10:30	14	15	23	25	17	5
11:00	15	19	21	15	27	9
11:30	15	15	19	19	18	15
12:00	15	19	18	18	34	23
12:30	25	22	23	24	34	33
13:00	17	18	20	23	23	34
13:30	20	19	24	25	20	33
14:00	7	5	11	9	15	10
14:30	13	12	13	19	15	11
15:00	38	33	31	22	28	23
15:30	26	22	31	26	39	41
16:00	26	32	23	24	44	34
16:30	24	20	22	29	36	42
17:00	16	27	26	29	45	32
17:30	31	30	31	35	45	24
18:00	26	37	21	37	51	27
18:30	21	27	24	31	42	28
19:00	23	25	28	22	33	24
19:30	21	18	24	25	38	13

Garden Remedies Footfall Counts

Friday- 3/19/21

Saturday- 3/20/21

Customers

Customers

Veh Bike/Ped

Veh Bike/Ped

3:30-3:45	9	11	2-2:15	2	2
3:45-4:00	7	4	2:15-2:30	5	1
4:00-4:15	12	6	2:30-2:45	3	1
4:15-4:30	11	4	2:45-3	12	5
4:30-4:45	10	3	3-3:15	9	2
4:45-5:00	10	11	3:15-3:30	11	4
5:00-5:15	8	10	3:30-3:45	6	4
5:15-5:30	11	8	3:45-4	9	1
5:30-5:45	10	6	4-4:15	10	6
5:45-6:00	5	8	4:15-4:30	8	4
6:00-6:15	9	4	4:30-4:45	12	1
6:15-6:30	6	3	4:45-5	10	6
6:30-6:45	12	3	5-5:15	10	2
6:45-7:00	7	3	5:15-5:30	6	4
7:00-7:15	8	3	5:30-5:45	5	3
7:15-7:30	8	4	5:45-6	8	3

Peak Hour Total: 74

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Seed Dispensary Footfall Counts

Friday- 3/26/21

Saturday- 3/27/21

Customers

Customers

4	8	2:00	10
4:15	13	2:15	11
4:30	6	2:30	9
4:45	10	2:45	6
5:00	15	3:00	5
5:15	4	3:15	8
5:30	9	3:30	5
5:45	4	3:45	11

Peak Hour Total

44

36

Garden Remedies

	Occupied	Unoccupied	Total	% occupied	
	3	18	15	33	55%
	4	17	16	33	52%
Friday	5	20	13	33	61%
	6	16	17	33	48%
	7	16	17	33	48%
	2	12	21	33	36%
	3	22	11	33	67%
Saturday	4	13	20	33	39%
	5	14	19	33	42%
	6	12	21	33	36%

Client: Katherine O'Shea
 Project #: 663_006_FO
 BTM #: Location 1
 Location: Newton, MA
 Street 1: Washington Street
 Street 2: Court Street
 Count Date: 3/11/2021
 Day of Week: Thursday
 Weather: Clouds & Sun, 45°F

BOSTON TRAFFIC DATA

PO BOX 1723, Framingham, MA 01701
 Office: 978-746-1259
 DataRequest@BostonTrafficData.com
 www.BostonTrafficData.com

PASSENGER CARS & HEAVY VEHICLES COMBINED

Start Time	Northbound				Court Street Southbound				Washington Street Eastbound				Washington Street Westbound			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right
4:00 PM	0	0	0	0	0	5	0	6	0	0	103	0	0	0	135	4
4:15 PM	0	0	0	0	0	5	0	5	0	0	115	0	0	0	147	2
4:30 PM	0	0	0	0	0	2	0	2	0	1	131	0	0	0	120	4
4:45 PM	0	0	0	0	0	8	0	3	0	0	119	0	0	0	113	6
5:00 PM	0	0	0	0	0	3	0	4	0	0	99	0	0	0	131	0
5:15 PM	0	0	0	0	0	7	0	3	0	1	95	0	0	0	101	2
5:30 PM	0	0	0	0	0	6	0	1	0	0	107	0	0	0	147	2
5:45 PM	0	0	0	0	0	6	0	5	0	2	105	0	0	0	142	5

PM PEAK HOUR 4:00 PM to 5:00 PM	Northbound				Court Street Southbound				Washington Street Eastbound				Washington Street Westbound			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right
	0	0	0	0	0	20	0	16	0	1	468	0	0	0	515	16
PHF	0.00				0.82				0.89				0.89			
HV %	0.0%	0.0%	0.0%	0.0%	0.0%	5.0%	0.0%	12.5%	0.0%	0.0%	3.4%	0.0%	0.0%	0.0%	1.9%	0.0%

Client: Katherine O'Shea
 Project #: 663_006_FO
 BTM #: Location 1
 Location: Newton, MA
 Street 1: Washington Street
 Street 2: Court Street
 Count Date: 3/11/2021
 Day of Week: Thursday
 Weather: Clouds & Sun, 45°F

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 www.BostonTrafficData.com

HEAVY VEHICLES

Start Time	Northbound				Court Street Southbound			Washington Street Eastbound			Washington Street Westbound					
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right
4:00 PM	0	0	0	0	0	0	0	0	0	0	3	0	0	0	4	0
4:15 PM	0	0	0	0	0	0	0	2	0	0	5	0	0	0	1	0
4:30 PM	0	0	0	0	0	0	0	0	0	0	5	0	0	0	3	0
4:45 PM	0	0	0	0	0	1	0	0	0	0	3	0	0	0	2	0
5:00 PM	0	0	0	0	0	0	0	0	0	0	4	0	0	0	3	0
5:15 PM	0	0	0	0	0	0	0	0	0	0	3	0	0	0	2	0
5:30 PM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	3	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0

PM PEAK HOUR 4:00 PM to 5:00 PM <i>PHF</i>	Northbound				Court Street Southbound			Washington Street Eastbound			Washington Street Westbound					
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right
	0	0	0	0	0	1	0	2	0	0	16	0	0	0	10	0
	0.00				0.38			0.80			0.63					

Client: Katherine O'Shea
 Project #: 663_006_FO
 BTD #: Location 1
 Location: Newton, MA
 Street 1: Washington Street
 Street 2: Court Street
 Count Date: 3/11/2021
 Day of Week: Thursday
 Weather: Clouds & Sun, 45°F

BOSTON TRAFFIC DATA

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PEDESTRIANS & BICYCLES

Start Time	Northbound				Court Street Southbound				Washington Street Eastbound				Washington Street Westbound			
	Left	Thru	Right	PED	Left	Thru	Right	PED	Left	Thru	Right	PED	Left	Thru	Right	PED
4:00 PM	0	0	0	0	0	0	0	16	0	0	0	0	0	1	0	3
4:15 PM	0	0	0	0	0	0	0	11	0	0	0	1	0	0	0	1
4:30 PM	0	0	0	0	0	0	0	5	0	0	0	0	0	0	0	0
4:45 PM	0	0	0	0	0	0	0	13	0	0	0	0	0	0	0	0
5:00 PM	0	0	0	0	0	0	0	6	0	0	0	0	0	0	0	1
5:15 PM	0	0	0	0	0	0	0	22	0	1	0	0	0	1	0	0
5:30 PM	0	0	0	0	0	0	0	13	0	0	0	0	0	4	0	1
5:45 PM	0	0	0	0	0	0	0	7	0	0	0	0	0	0	0	0

PM PEAK HOUR ¹ 4:00 PM to 5:00 PM	Northbound				Court Street Southbound				Washington Street Eastbound				Washington Street Westbound			
	Left	Thru	Right	PED	Left	Thru	Right	PED	Left	Thru	Right	PED	Left	Thru	Right	PED
	0	0	0	0	0	0	0	45	0	0	0	1	0	1	0	4

¹ NOTE: Peak hour summaries here correspond to peak hours identified for passenger cars and heavy vehicles combined.

Client: Katherine O'Shea
 Project #: 663_006_FO
 BTM #: Location 2
 Location: Newton, MA
 Street 1: Court Street
 Street 2: Site Drive
 Count Date: 3/11/2021
 Day of Week: Thursday
 Weather: Clouds & Sun, 45°F

BOSTON TRAFFIC DATA

PO BOX 1723, Framingham, MA 01701
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PASSENGER CARS & HEAVY VEHICLES COMBINED

Start Time	Court Street Northbound				Court Street Southbound				Site Drive Eastbound				Westbound			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right
4:00 PM	0	4	0	0	0	0	10	0	0	0	0	1	0	0	0	0
4:15 PM	0	1	1	0	0	0	9	0	0	0	0	1	0	0	0	0
4:30 PM	0	5	0	0	0	0	2	1	0	0	0	2	0	0	0	0
4:45 PM	0	6	0	0	0	0	7	0	0	0	0	4	0	0	0	0
5:00 PM	0	0	0	0	0	0	6	0	0	0	0	1	0	0	0	0
5:15 PM	0	3	0	0	0	0	8	0	0	0	0	2	0	0	0	0
5:30 PM	0	2	0	0	0	0	6	0	0	0	0	1	0	0	0	0
5:45 PM	0	6	1	0	0	0	9	0	0	0	0	2	0	0	0	0

PM PEAK HOUR 4:00 PM to 5:00 PM	Court Street Northbound				Court Street Southbound				Site Drive Eastbound				Westbound			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right
	0	16	1	0	0	0	28	1	0	0	0	8	0	0	0	0
PHF	0.71				0.73				0.50				0.00			
HV %	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	10.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Client: Katherine O'Shea
 Project #: 663_006_FO
 BTM #: Location 2
 Location: Newton, MA
 Street 1: Court Street
 Street 2: Site Drive
 Count Date: 3/11/2021
 Day of Week: Thursday
 Weather: Clouds & Sun, 45°F

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HEAVY VEHICLES

Start Time	Court Street Northbound				Court Street Southbound				Site Drive Eastbound				Westbound			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

PM PEAK HOUR 4:00 PM to 5:00 PM <i>PHF</i>	Court Street Northbound				Court Street Southbound				Site Drive Eastbound				Westbound			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right
	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0
	0.00				0.38				0.00				0.00			

Client: Katherine O'Shea
 Project #: 663_006_FO
 BTD #: Location 2
 Location: Newton, MA
 Street 1: Court Street
 Street 2: Site Drive
 Count Date: 3/11/2021
 Day of Week: Thursday
 Weather: Clouds & Sun, 45°F

BOSTON TRAFFIC DATA

PO BOX 1723, Framingham, MA 01701
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PEDESTRIANS & BICYCLES

Start Time	Court Street Northbound				Court Street Southbound				Site Drive Eastbound				Westbound			
	Left	Thru	Right	PED	Left	Thru	Right	PED	Left	Thru	Right	PED	Left	Thru	Right	PED
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0
4:45 PM	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0
5:00 PM	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0
5:15 PM	0	0	0	0	0	0	0	3	0	0	0	4	0	0	0	0
5:30 PM	0	0	0	1	0	0	0	0	0	0	0	2	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0

PM PEAK HOUR ¹ 4:00 PM to 5:00 PM	Court Street Northbound				Court Street Southbound				Site Drive Eastbound				Westbound			
	Left	Thru	Right	PED	Left	Thru	Right	PED	Left	Thru	Right	PED	Left	Thru	Right	PED
	0	0	0	1	0	0	0	3	0	0	0	4	0	0	0	0

¹ NOTE: Peak hour summaries here correspond to peak hours identified for passenger cars and heavy vehicles combined.

Client: Katherine O'Shea
 Project #: 663_006_FO
 BTD #: Location 1
 Location: Newton, MA
 Street 1: Washington Street
 Street 2: Court Street
 Count Date: 3/13/2021
 Day of Week: Saturday
 Weather: Sunny, 50°F

BOSTON TRAFFIC DATA

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 Office: 978-746-1259
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PASSENGER CARS & HEAVY VEHICLES COMBINED

Start Time	Northbound				Court Street Southbound				Washington Street Eastbound				Washington Street Westbound			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right
11:00 AM	0	0	0	0	0	7	0	5	1	1	90	0	0	0	122	1
11:15 AM	0	0	0	0	0	4	0	3	1	0	101	0	0	0	121	2
11:30 AM	0	0	0	0	0	7	0	7	0	1	84	0	0	0	101	0
11:45 AM	0	0	0	0	0	4	0	6	0	2	114	0	0	0	107	2
12:00 PM	0	0	0	0	0	6	0	8	0	3	103	0	0	0	112	3
12:15 PM	0	0	0	0	0	6	0	6	1	0	88	0	0	0	137	1
12:30 PM	0	0	0	0	0	8	0	7	1	0	121	0	0	0	117	1
12:45 PM	0	0	0	0	0	4	0	6	0	1	111	0	0	0	122	2

MID PEAK HOUR 12:00 PM to 1:00 PM	Northbound				Court Street Southbound				Washington Street Eastbound				Washington Street Westbound			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right
	0	0	0	0	0	24	0	27	2	4	423	0	0	0	488	7
<i>PHF</i>	0.00				0.85				0.88				0.90			
<i>HV %</i>	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	3.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.8%	0.0%

Client: Katherine O'Shea
 Project #: 663_006_FO
 BTD #: Location 1
 Location: Newton, MA
 Street 1: Washington Street
 Street 2: Court Street
 Count Date: 3/13/2021
 Day of Week: Saturday
 Weather: Sunny, 50°F

BOSTON TRAFFIC DATA

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 www.BostonTrafficData.com

HEAVY VEHICLES

Start Time	Northbound				Court Street Southbound				Washington Street Eastbound				Washington Street Westbound			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right
11:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0
11:15 AM	0	0	0	0	0	0	0	0	0	0	3	0	0	0	1	0
11:30 AM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	3	0
11:45 AM	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0
12:00 PM	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	0
12:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
12:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0

MID PEAK HOUR 11:00 AM to 12:00 PM <i>PHF</i>	Northbound				Court Street Southbound				Washington Street Eastbound				Washington Street Westbound			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right
	0	0	0	0	0	1	0	0	0	0	5	0	0	0	7	0
	0.00				0.25				0.42				0.58			

Client: Katherine O'Shea
 Project #: 663_006_FO
 BTD #: Location 1
 Location: Newton, MA
 Street 1: Washington Street
 Street 2: Court Street
 Count Date: 3/13/2021
 Day of Week: Saturday
 Weather: Sunny, 50°F

BOSTON TRAFFIC DATA

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PEDESTRIANS & BICYCLES

Start Time	Northbound				Court Street Southbound				Washington Street Eastbound				Washington Street Westbound			
	Left	Thru	Right	PED	Left	Thru	Right	PED	Left	Thru	Right	PED	Left	Thru	Right	PED
11:00 AM	0	0	0	0	0	0	0	14	0	0	0	1	0	0	0	0
11:15 AM	0	0	0	0	0	0	0	6	0	0	0	0	0	0	0	0
11:30 AM	0	0	0	0	0	0	0	7	0	0	0	0	0	0	0	0
11:45 AM	0	0	0	0	0	0	0	7	0	0	0	0	0	0	0	0
12:00 PM	0	0	0	0	0	0	0	5	0	0	0	0	0	0	0	0
12:15 PM	0	0	0	0	0	0	0	10	0	0	0	0	0	0	0	0
12:30 PM	0	0	0	0	0	0	0	5	0	0	0	0	0	0	0	0
12:45 PM	0	0	0	0	0	0	0	9	0	0	0	0	0	0	0	0

MID PEAK HOUR 12:00 PM to 1:00 PM	Northbound				Court Street Southbound				Washington Street Eastbound				Washington Street Westbound			
	Left	Thru	Right	PED	Left	Thru	Right	PED	Left	Thru	Right	PED	Left	Thru	Right	PED
	0	0	0	0	0	0	0	29	0	0	0	0	0	0	0	0

NOTE: Peak hour summaries here correspond to peak hours identified for passenger car and heavy vehicles combined.

Client: Katherine O'Shea
 Project #: 663_006_FO
 BTM #: Location 2
 Location: Newton, MA
 Street 1: Court Street
 Street 2: Site Drive
 Count Date: 3/13/2021
 Day of Week: Saturday
 Weather: Sunny, 50°F

BOSTON TRAFFIC DATA

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PASSENGER CARS & HEAVY VEHICLES COMBINED

Start Time	Court Street Northbound				Court Street Southbound				Site Drive Eastbound				Westbound			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right
11:00 AM	1	1	0	0	0	0	9	0	0	0	0	2	0	0	0	0
11:15 AM	0	2	0	0	0	0	7	1	0	0	0	0	0	0	0	0
11:30 AM	0	1	0	0	0	0	9	1	0	0	0	5	0	0	0	0
11:45 AM	0	4	0	0	0	0	10	1	0	0	0	1	0	0	0	0
12:00 PM	0	4	1	0	0	0	8	1	0	0	0	5	0	0	0	0
12:15 PM	1	1	0	0	0	0	9	1	0	0	0	2	0	0	0	0
12:30 PM	0	1	0	0	0	0	12	0	0	0	0	3	0	0	0	0
12:45 PM	0	2	1	0	0	0	7	0	0	0	0	3	0	0	0	0

MID PEAK HOUR 11:30 AM to 12:30 PM	Court Street Northbound				Court Street Southbound				Site Drive Eastbound				Westbound			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right
	1	10	1	0	0	0	36	4	0	0	0	13	0	0	0	0
PHF	0.60				0.91				0.65				0.00			
HV %	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	5.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Client: Katherine O'Shea
 Project #: 663_006_FO
 BTD #: Location 2
 Location: Newton, MA
 Street 1: Court Street
 Street 2: Site Drive
 Count Date: 3/13/2021
 Day of Week: Saturday
 Weather: Sunny, 50°F

BOSTON TRAFFIC DATA

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HEAVY VEHICLES

Start Time	Court Street Northbound				Court Street Southbound				Site Drive Eastbound				Westbound			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right
11:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:45 AM	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
12:00 PM	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
12:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

MID PEAK HOUR 11:15 AM to 12:15 PM <i>PHF</i>	Court Street Northbound				Court Street Southbound				Site Drive Eastbound				Westbound			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right
	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0
	0.00				0.50				0.00				0.00			

Client: Katherine O'Shea
 Project #: 663_006_FO
 BTM #: Location 2
 Location: Newton, MA
 Street 1: Court Street
 Street 2: Site Drive
 Count Date: 3/13/2021
 Day of Week: Saturday
 Weather: Sunny, 50°F

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PEDESTRIANS & BICYCLES

Start Time	Court Street Northbound				Court Street Southbound				Site Drive Eastbound				Westbound			
	Left	Thru	Right	PED	Left	Thru	Right	PED	Left	Thru	Right	PED	Left	Thru	Right	PED
11:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:15 AM	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
11:30 AM	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0
11:45 AM	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
12:15 PM	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0
12:30 PM	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
12:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

MID PEAK HOUR 11:30 AM to 12:30 PM	Court Street Northbound				Court Street Southbound				Site Drive Eastbound				Westbound			
	Left	Thru	Right	PED	Left	Thru	Right	PED	Left	Thru	Right	PED	Left	Thru	Right	PED
	0	0	0	0	0	0	0	1	0	0	0	6	0	0	0	0

NOTE: Peak hour summaries here correspond to peak hours identified for passenger car and heavy vehicles combined.

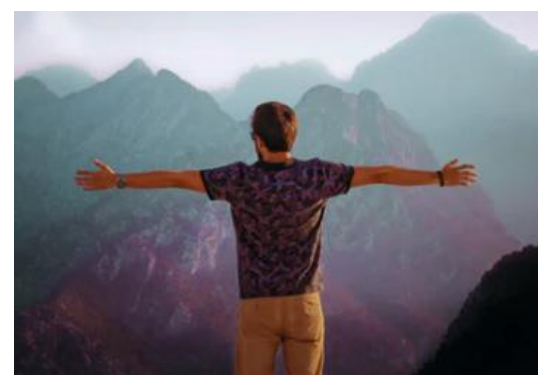
4



garden
remedies
CANNABIS

Garden Remedies Update

Appointment Only Removal





Garden Remedies is seeking approval from the Planning Department to amend the "appointment only" condition in our special permit.

Per our special permit – As such time as the Planning Department concludes that this "appointment only" condition is no longer required, the petitioner may seek an amendment to this special permit.



Outline

- Competitive Landscape
- Sales Data
- Retail Floor Capacity



Competitive Landscape



Local Retailers

Within 7 Miles

Establishment	City/Town
COMMENCE OPERATIONS (OPEN)	
GARDEN REMEDIES INC	NEWTON
NS AJO HOLDINGS INC. DBA ETHOS CANNABIS	WATERTOWN
NEW ENGLAND TREATMENT ACCESS, LLC	BROOKLINE
SANCTUARY MEDICINALS, LLC	BROOKLINE
APOTHCA INC	ARLINGTON
PROVISIONAL LICENSE	
ASCEND MASS, LLC	NEWTON
CYPRESS TREE MANAGEMENT, INC.	NEWTON
MME NEWTON RETAIL, LLC	NEWTON
UNION TWIST, INC.	NEWTON
COMM AVE CANNA, INC.	BROOKLINE
MISSION MA, INC.	BROOKLINE
ESKAR ARLINGTON LLC	ARLINGTON
WESTERN FRONT, LLC	CAMBRIDGE
UNION LEAF INC.	SOMERVILLE
APPLICATION SUBMITTED	
CALVERDE NATURALS, LLC	BELMONT
MINT RETAIL FACILITIES, LLC	BELMONT
HOME GROWN 617, LLC	CAMBRIDGE
REVOLUTIONARY CLINICS II, INC	SOMERVILLE



Status: APPLICATION SUBMITTED COMMENCE OPERATIONS PROVISIONAL LICENSE

Massachusetts Retailers

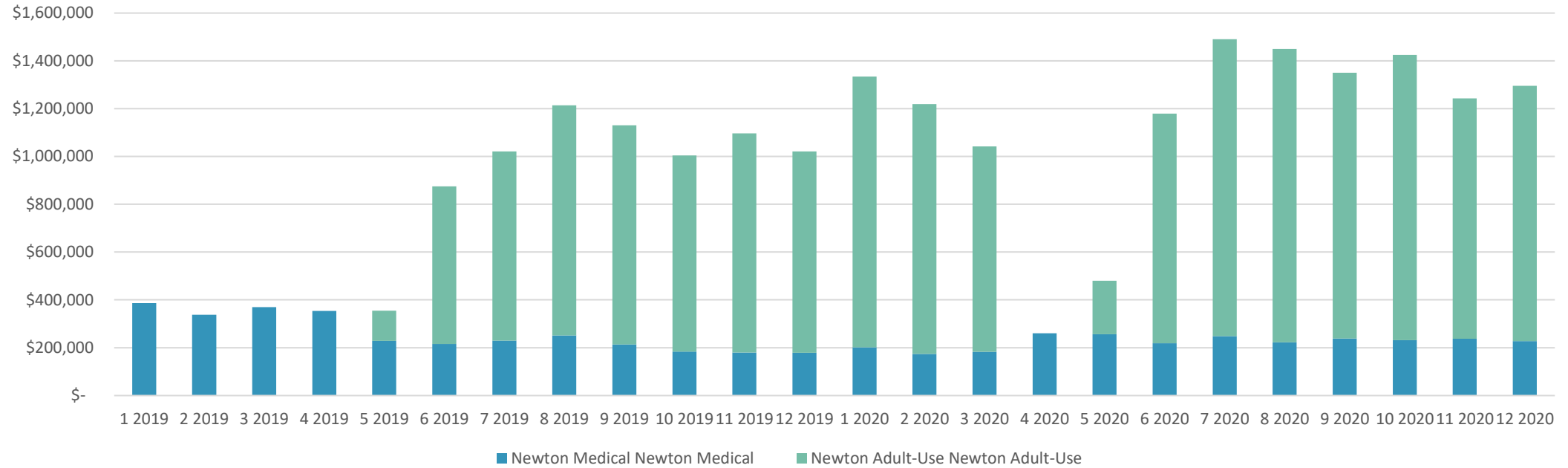
As of 1/14/21

Status	Total
COMMENCE OPERATIONS	97
FINAL LICENSE	17
PROVISIONAL LICENSE	193
APPLICATION SUBMITTED	61
Grand Total	368

* When Garden Remedies first opened for adult use sales Neta in Brookline was our only close competitor.



Sales Data

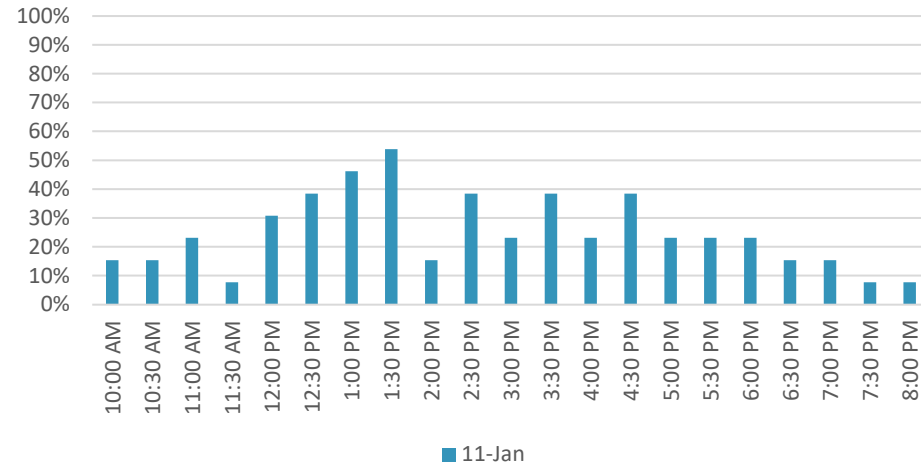


* With the exclusion of the shut down sales at Garden Remedies are higher post pandemic. This shows traffic will not considerably increase when the pandemic ends.

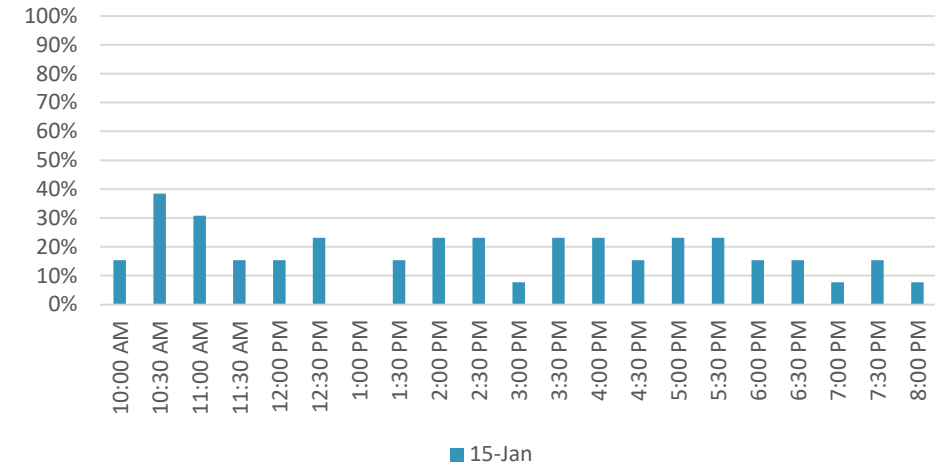


Parking Lot Observations

Parking Lot Utilization 1/11/21

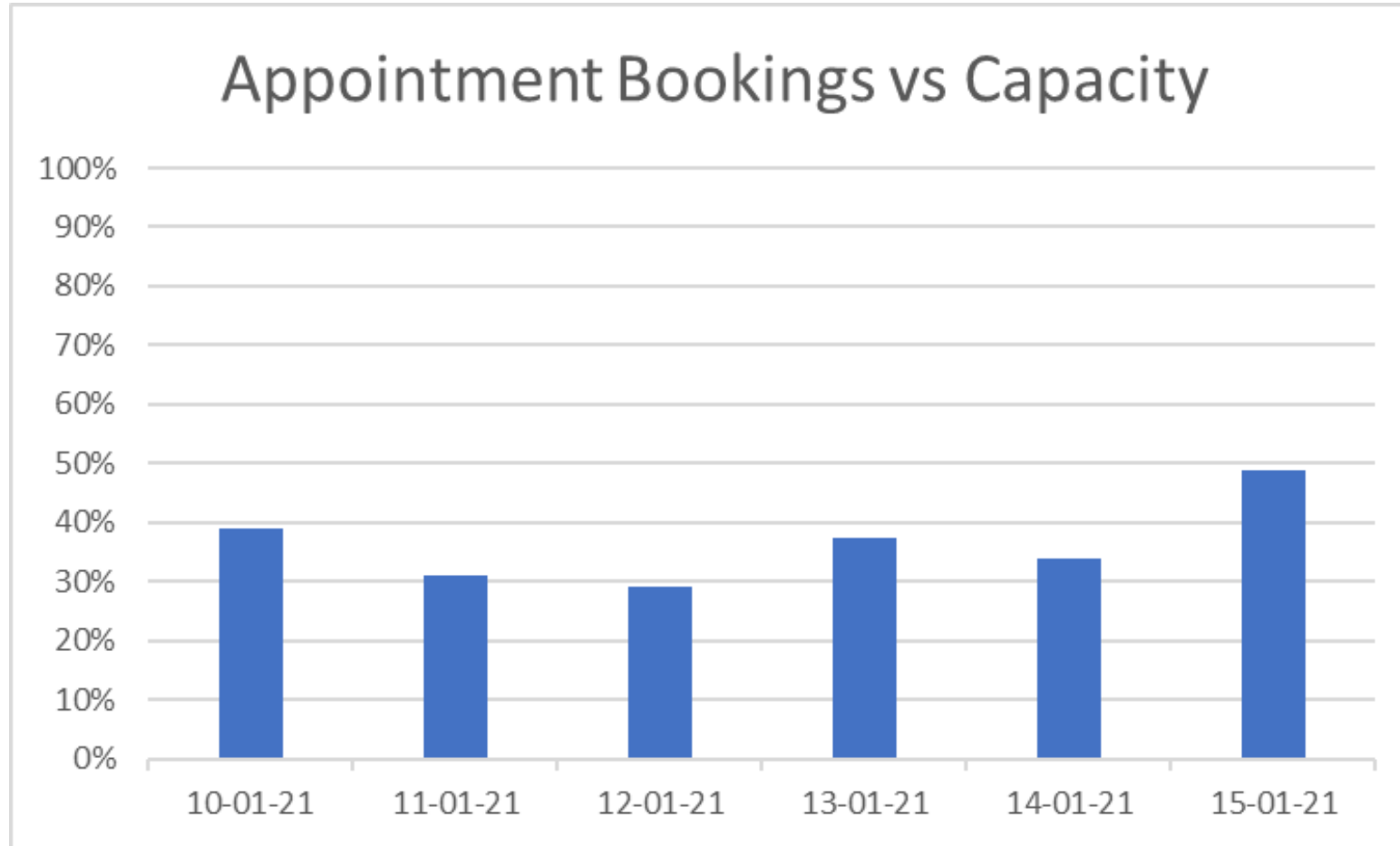


Parking Lot Utilization 1/15/21





Bookings Vs Capacity



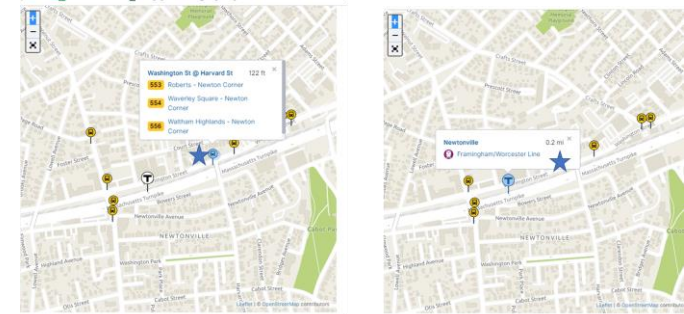
Day	Capacity
Sun	39%
Mon	31%
Tue	29%
Wed	38%
Thu	34%
Fri	49%



Transportation Demand Plan

- ✓ Displaying all transit schedules in immediate area, including a pedestrian wayfinding map, in a central location within the facility.
 - ✓ Complete
- ✓ Participating in the City of Newton Bikeshare program. If the program is unsuccessful, the petitioner shall purchase no less than three bikes for employees to commute to and from the site
 - ✓ 3 bikes are available on site for employees
- ✓ Providing a secure bicycle storage area on site;
 - ✓ Complete
- ✓ Establishing an on-site car-pool, rideshare program with guaranteed ride home.
 - ✓ Anyone within 5 miles has access to our corporate uber account for daily commuting.
 - ✓ 30% of staff comes from Brockton – incentivized carpooling is in place
- ✓ Reimbursing employees commuting to the site via public transport
 - ✓ Employees will expense and are reimbursed.
- ✓ Subsidizing the cost of parking and the cost of travel to and from the satellite parking facilities
 - ✓ GR subsidizes parking at 727 Washington Street (walking distance)
 - ✓ Overflow - GR subsidizes parking at Richardson Street Municipal Parking Lot + Uber to/from

Wayfinding



Uber



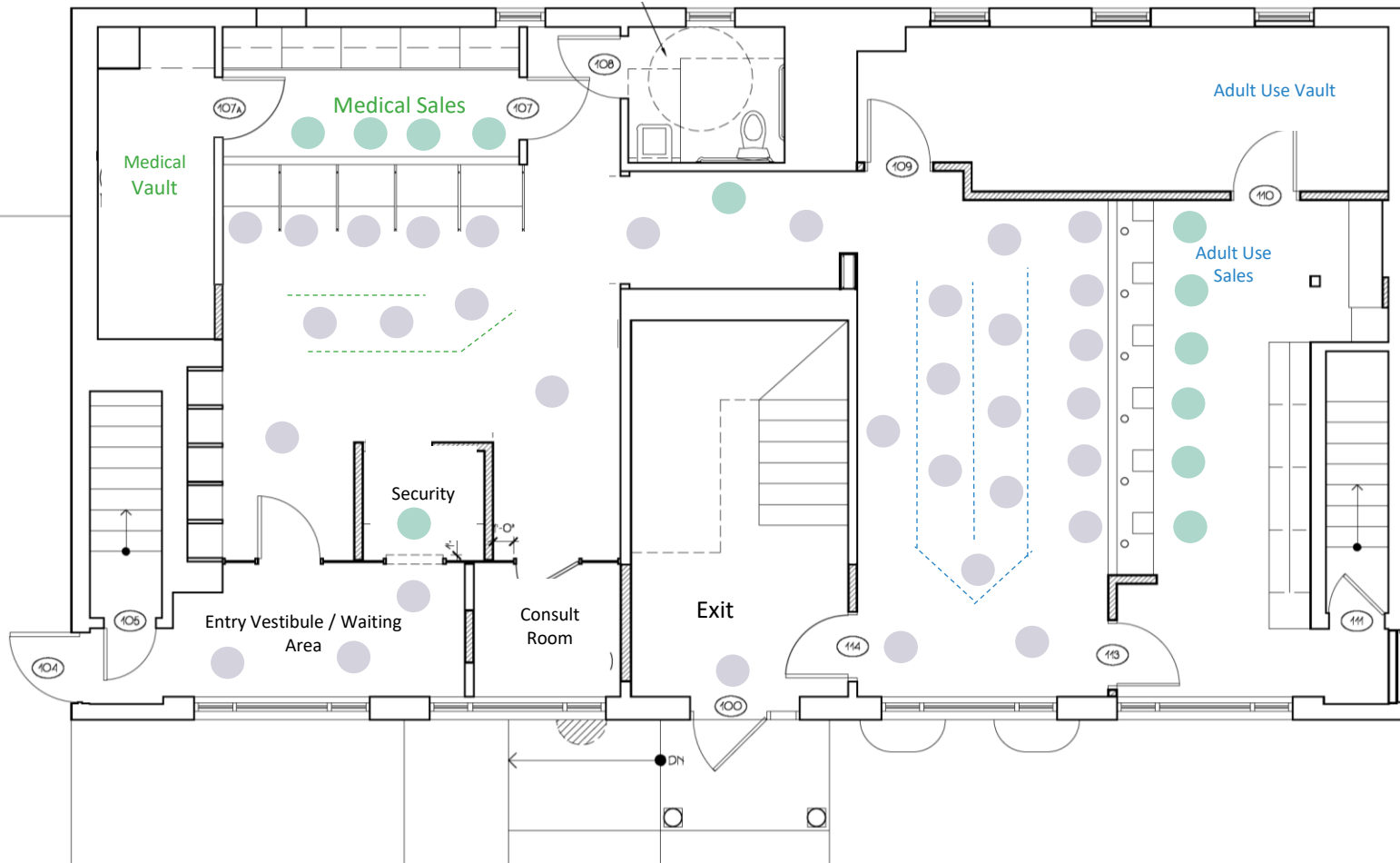
Role	Current Means of Transportation			
	Carpool	Public Transport	Ride Share	Satellite Park
Assistant Manager	2			
Cannabis Advocate	3	3	3	7
Dispensary Manager			1	1
Grand Total	5	3	4	8
	25%	15%	20%	40%





Retail Floor Capacity

Normal Operations



Capacity	
	Normal Operations
● Employees	12
● Customers	33
Total	45



garden remedies
CANNABIS



Frustratedcustomer

Quality Service Atmosphere
★☆☆☆ ★☆☆☆ ★☆☆☆

The fact that they still do appointments for recreational is absurd. I was angry and frustrated as my father had died the day before and the guy at the counter basically responded with "I'm not going to help you." All the elderly Boomer patients just laughed at me. The Worst Generation for real. This is not how you do recreational marijuana. This is pathetic. I've been to four other legal states and this is the only one I've ever encountered this in. The boomers seemed to think this was the law. It's not. Other dispensaries don't do appointments. Classic boomers, always wrong. To the fat guy at the desk, I hope your dad dies suddenly so you know what this feels like. Garbage human being.

about 1 year ago

★☆☆☆☆ 1.0

Disappointing

My girlfriend and I were excited to try this place on our way home from Boston. After a successful first time at a different establishment I was extremely surprised and disappointed at the quality of customer service at this place. Upon entering we were told it was appointment only. Fair enough. We were told dismissively by one guy to use the iPads to make an appointment. After taking time to do this we were told by a different guy behind the counter that the next appointment was not until the next day. Being from out of town this was obviously not an option. These guys could not care less about our business and barely gave us a second glance. Definitely would not recommend. Bouncer out front, however was friendly. They need to change things if they wish to make it in the market.

Mabadish
1 year ago

★☆☆☆☆ 1.0

Need an appointment for recreational purchase

Would have loved to know I needed an appointment to make a recreational buy. Not worth the hassle.

★☆☆☆☆ 12/17/2019 · [Previous review](#)

Make sure you have an appointment or they won't let you in. The city of newton requires that. I didn't realize that until it happened. Also this place has you on record. I don't really understand that. Is that legal who knows?

Negative Reviews

Rob Benner Nov 03 2019 7:54 PM

Overall a very weird vibe. The appointment-only deal and multiple ID checks? Honestly felt less sketchy than buying weed before it was legal. Staff was brusque and uninterested in answering questions. Felt like they were rushing me in and out. Probably worth driving the extra 15 to go somewhere else

Feedback

brandon rooks Aug 02 2019 1:36 PM

Unbelievable that you have to make an appointment and if there are none left then u can't do anything about it. Step it up. 5 min from my job and completely useless. I looked at 10am for an appt and only 3 pm was available. From 10am!? Then at 1 pm a 3:10 appt was available for all of 5 minutes. Then nothing. And ur open until 9? For what? Absurd

Feedback

Jessica Jackson May 31 2019 03:43 PM

This place is terrible. When I went there there was no line and they wouldn't let me in because I didn't have an appointment Just to let everybody know North east alternatives you can walk right in and out and have weed in five minutes. No appointment needed.

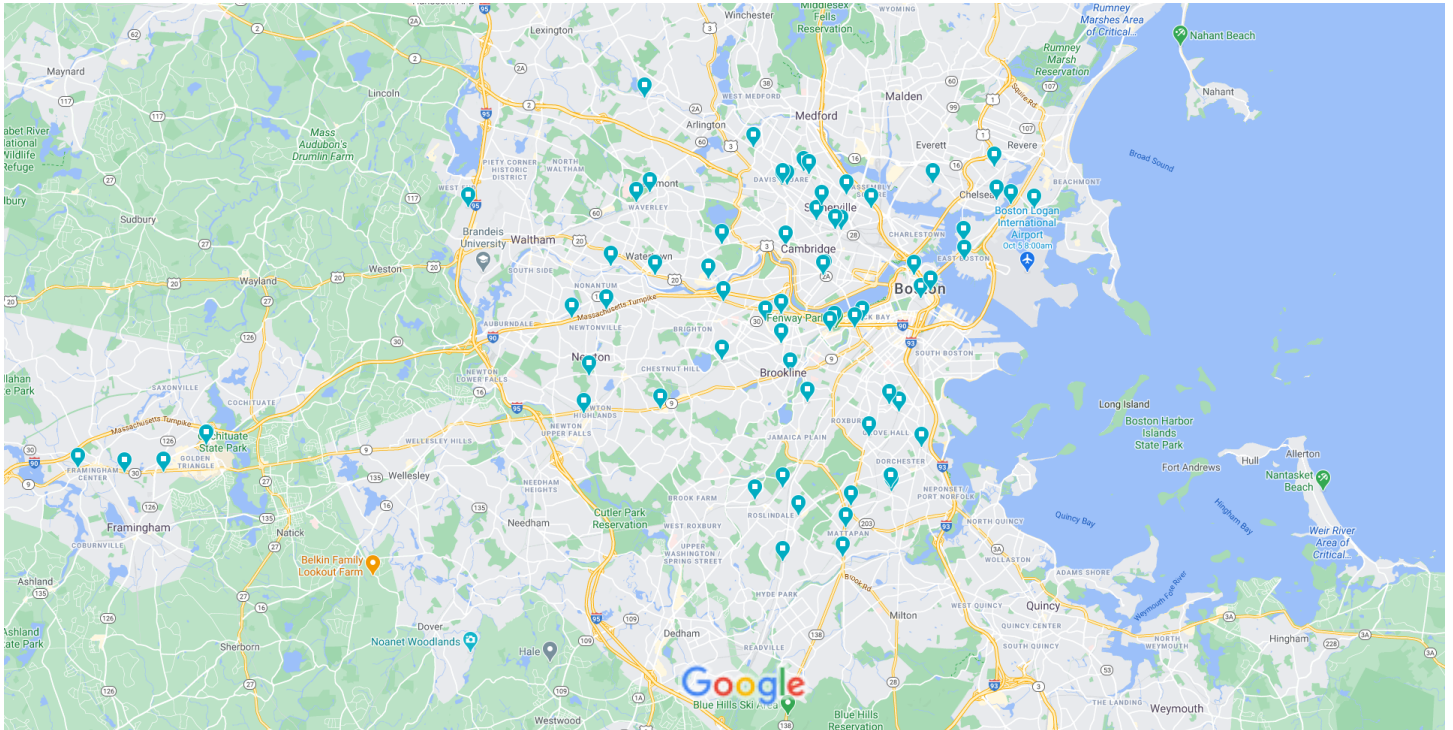
★☆☆☆☆ 7/22/2019

What a joke. By appointment only. Never been so dissappointed. I can make an online order but without an appointment I can't go in. Wasn't busy in the slightest



5

Google Maps Operational/Pending AU Disp. Near Newton



Map data ©2021 Google 2 mi

Operational/Pending AU Disp. Near Ne...

Shared · 72 places

Operational and Pending Adult Use Dispensaries Near Newton MA.

288 Broadway

Somerville, MA 02145



Core Empowerment, LLC (Somerville) (Pending)

[Edit note](#)

620 Broadway

Somerville, MA 02145



Botanica (Pending)

[Edit note](#)

GORIN BUILDING

255 Elm St
Somerville, MA 02144



Harvest Collaborative (pending)

[Edit note](#)

304 Somerville Ave

Somerville, MA 02143



Liberty (Holistic Industries) (Pending)

[Edit note](#)

240 Elm St

Somerville, MA 02144



Sira Naturals (Pending)

[Edit note](#)

378 Highland Ave

Somerville, MA 02144



North East Select Harvest (Pending)

[Edit note](#)

76 Central St

Somerville, MA 02143



East Coast Remedies (Pending)

[Edit note](#)

1102 Blue Hill Avenue

Boston, MA 02124



Evoke, Inc. (Pending)

[Edit note](#)

533 Washington St

Dorchester Center, MA 02124

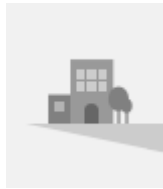


The Grazin Group, LLC (Pending)

[Edit note](#)

1589 Blue Hill Avenue

Mattapan, MA 02126



Verdant Medical, Inc. (pending)

[Edit note](#)

882 South St

Boston, MA 02131

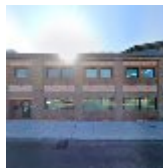


Fairway Botanicals (Pending)

[Edit note](#)

931 Hyde Park Ave

Hyde Park, MA 02136





Suns Mass, Inc. (Pending)

[Edit note](#)

561 Dudley St

Boston, MA 02125



Mass. Citizens for Social Equity, LLC (Roxbury, pending)

[Edit note](#)

401 Centre St

Boston, MA 02130



Core Empowerment

[Edit note](#)

1939 Beacon St

Brighton, MA 02135



HVV Massachusetts, Inc (Brighton, Pending)

[Edit note](#)

120 Brookline Ave

Boston, MA 02215



Medmen Boston (Pending)

[Edit note](#)

48-62 Brookline Ave

Boston, MA 02215





New Dia, LLC (Pending)

[Edit note](#)

150 State St

Boston, MA 02109



Verdant Reparative, Inc. (Pending)

[Edit note](#)

1006 Bennington St

Boston, MA 02128



East Boston Local Roots LLC (Pending)

[Edit note](#)

204 N Beacon St

Boston, MA 02135



New England Cannabis Corp (Pending)

[Edit note](#)

6

NOTE:
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PROJECT SURVEY AND ENGINEER CONSULTANT:
VTP Associates
 Land Surveyors
 Civil Engineers
 132 Adams Street
 2nd Floor, Suite 3
 Newton, MA 02459
 Ph. 617-332-8271

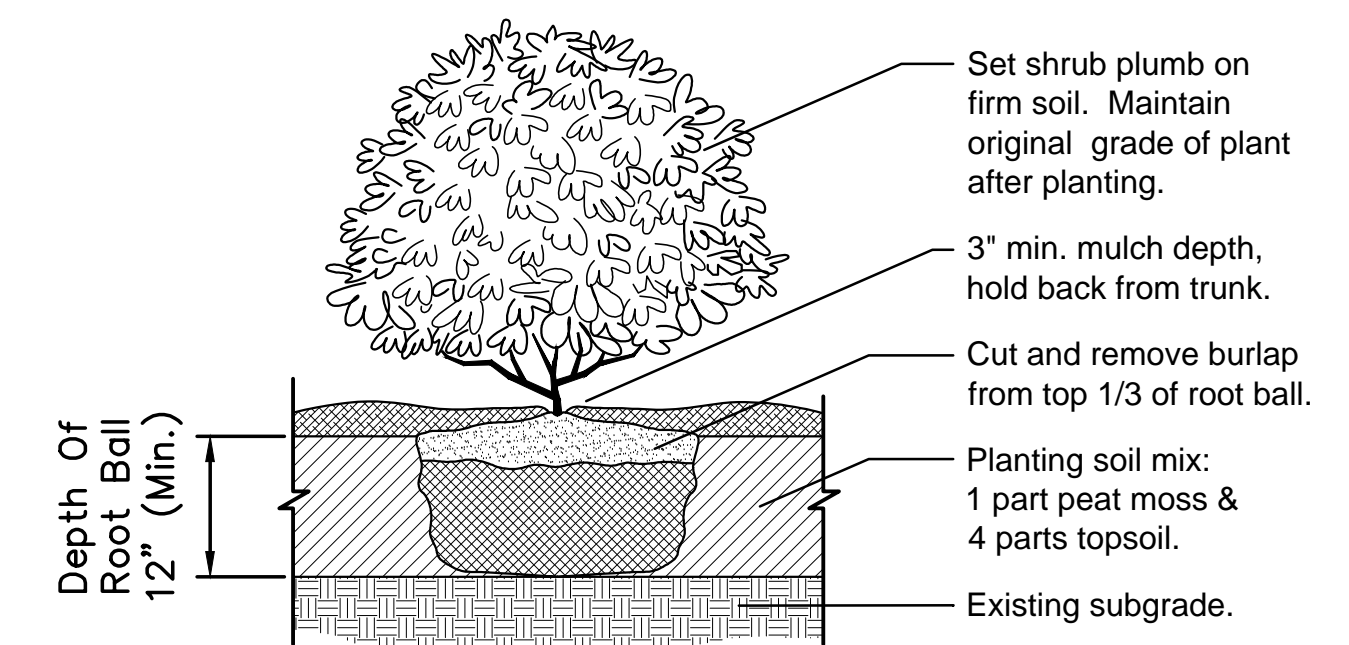
PROJECT LOCATION:
697 Washington Street
 Newton, MA

NO.	DATE	DESCRIPTION
REVISIONS		
ISSUE DATE:	5 / 8 / 2021	
PROJECT NO:	697 Washington	
CAD FILE:	697 Wash-Lndsc.d	
DRAWN BY:	REC	
CHECKED BY:		

SHEET TITLE:
LANDSCAPE PLAN
 SCALE: 1" = 10' - 0"
 SHEET NO.:
L-1

PLANT LIST:

SHRUBS - DECIDUOUS AND EVERGREEN				
Qty.	Sym	Botanical Name	Common Name	Size
1	App	Acer pamatum (green-leaved)	Green Leaf Jap. Maple Espalier	5' w. / # 5 pot
1	Apr	Acer pamatum (red-leaved)	Red Leaf Jap. Maple Espalier	5' w. / # 5 pot
25	Bg	Buxus micro. 'Green Mountain'	Green Mountain Boxwood	5 gallon pot
1	Ef	Euonymus fort. 'Emerald Gaiety'	Emerald Gaiety Espalier	5' w. / # 5 pot
6	Fg	Fothergilla gardenii	Dwarf Fothergilla	5 gallon pot
1	Ha	Hydrangea anomala petiolaris	Climbing Hydrangea Espalier	5' w. / # 5 pot
2	Ic	Ilex x meserveae 'China Girl'	China Girl Holly	7 gallon pot
5	Iv	Itea virginica 'Henry's Garnet'	Henry's Garnet Sweetspire	3 gallon pot
3	Rk	Rosa Double Knock Out Radtko	Radtko Knock Out Rose	5 gallon pot
9	Sj	Spiraea japonica 'Little Princess'	Little Princess Spirea	3 gallon pot
PERENNIALS				
3	dp	Dennstaedtia punctilobula	Hay-Scented Fern	1 gallon pot
6	hf	Hosta 'Francee'	Francee Hosta	2 gallon pot
6	hg	Hosta 'Gold Standard'	Gold Standard Hosta	2 gallon pot
6	hp	Hosta 'Patriot'	Patriot Hosta	2 gallon pot
8	hm	Heuchera micra. 'Purple Palace'	Purple Palace Coralbells	2 gallon pot
12	hs	Hemerocallis x 'Stella D'Oro'	Stella D'Oro Daylily	1 gallon pot
22	lm	Liriope muscari 'Variegata'	Variegated Liriope	1 gallon pot
10	rf	Rudbeckia fulgida 'Goldsturm'	Goldsturm Black-eyed Susan	2 gallon pot

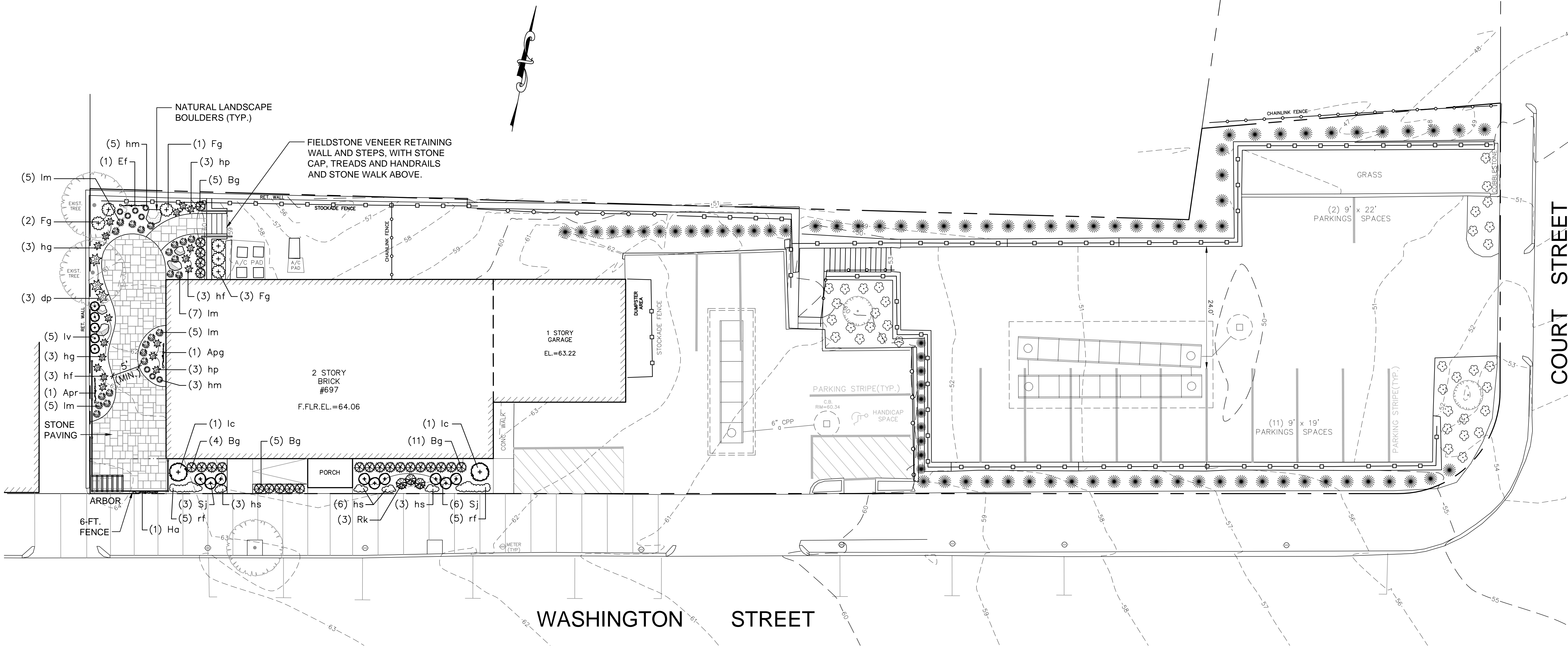


NOTES:
 1. New shrub beds to have a minimum of one foot planting soil.
 2. Shrubs to be full and bushy.

1 TYPICAL SHRUB PLANTING

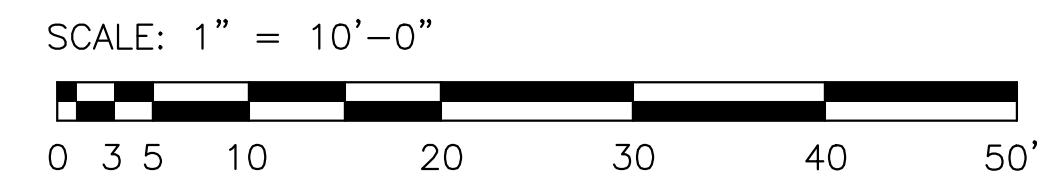


ARBOR AND FENCE CHARACTER IMAGE

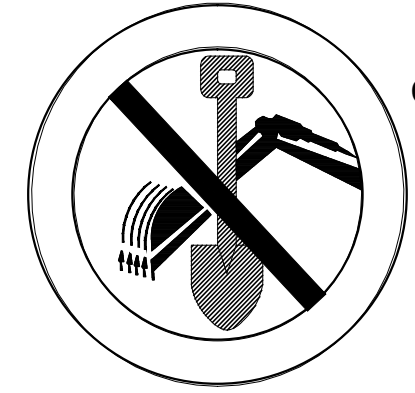


PLANTING NOTES:

- Trees & shrubs shall be uniform, full & bushy, & well branched specimen plants. All plants to be approved by the Landscape Architect.
- Plants shall be balled and burlapped or container grown.
- Plants to conform to the requirements established in the 'American Standards For Nursery Stock', latest edition.
- Plant beds to receive 3-inch minimum depth of shredded bark mulch. Contractor to submit bark samples for approval.
- Edge of plant beds shall be a maximum of 12-in. from edge of plant material.
- Plant materials shall be guaranteed for 1-year after installation.
- Plant materials to be field located and approved by the Landscape Architect.
- Planting beds at perennial locations to have a 6-inch minimum depth of loam. Loam at tree and shrub locations to be depth of root ball.
- Plant substitutions allowed based on best availability of nursery stock, with all substitutions to be approved by the Landscape Architect.



PLAN INFORMATION:
 Plan information, including existing features and subsurface info. by:
 VTP ASSOCIATES, Inc.
 132 Adams St., 2nd Floor Suite 3,
 Newton, MA 02459

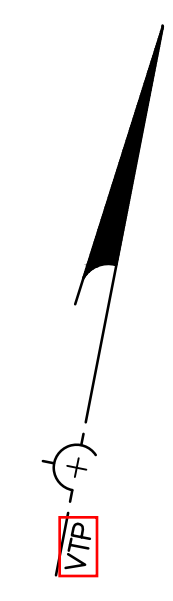


Call DIGSAFE, 1-888-344-7233,
 for location and marking of all
 utilities prior to any excavation.
 Private utilities may require
 additional marking and
 investigation.

214113_top13.dwg (2-2020)

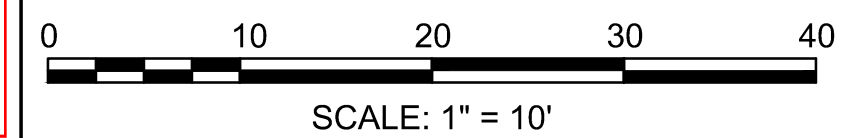
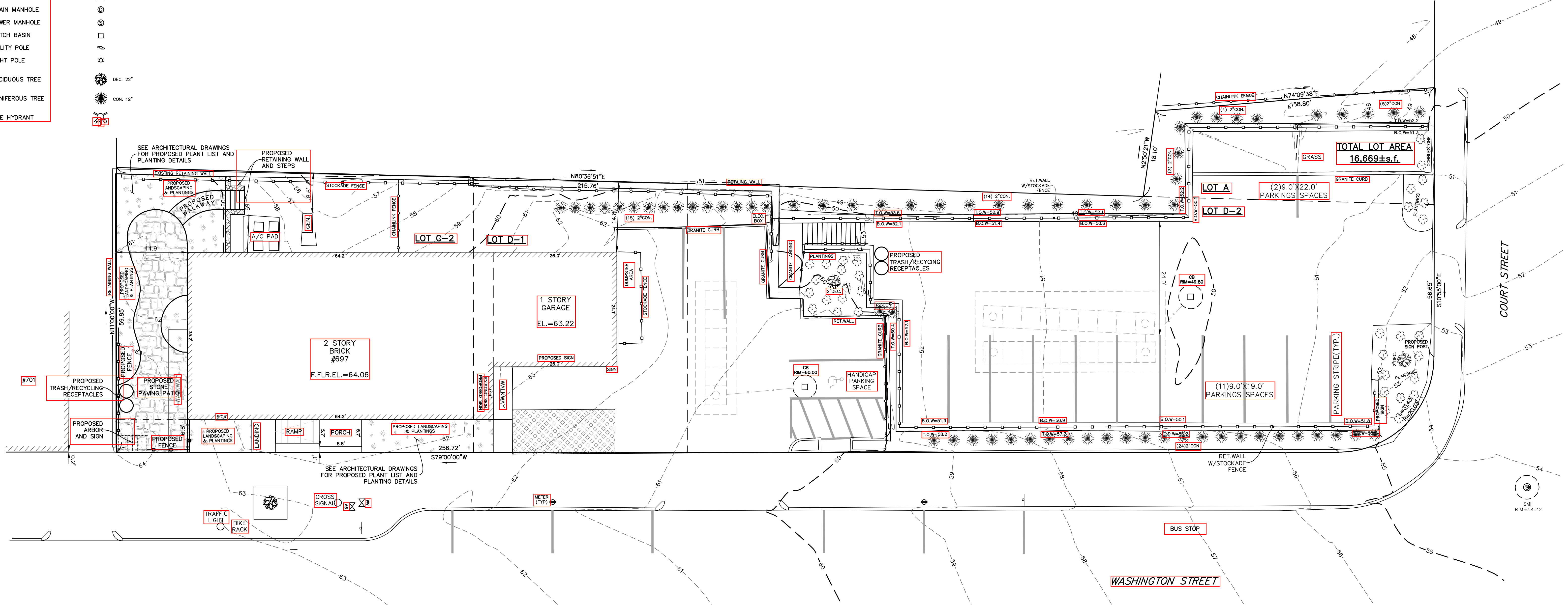
LEGEND

- BUILDING
- PROPERTY LINE W/ BEARING DISTANCE
- CONTOUR
- STOCKADE FENCE
- CHAINLINK FENCE
- PICKET 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
- CONIFEROUS TREE
- FIRE HYDRANT

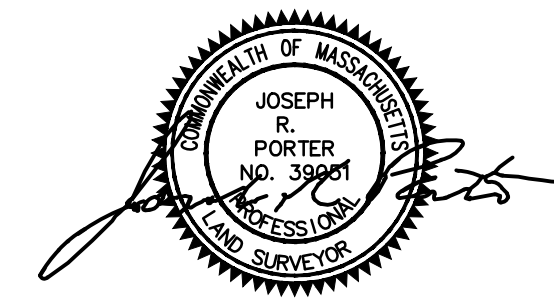


ZONING CHART			
NEWTON, MASSACHUSETTS			
ZONE: BU-2 SUBMISSION: PROPOSED			
REGULATION	REQUIRED/AS OF RIGHT	EXISTING	PROPOSED
LOT AREA	10,000±s.f.	16,669±s.f.	N/C
LOT FRONTAGE	80.0'	344.80'	N/C
FRONT SETBACK	AVERAGE=5.1'	1.1' *	N/C
SIDE SETBACK	1/2 BUILDING HEIGHT	14.8'	N/C
REAR SETBACK	> 15' OR 1/2 BUILDING HEIGHT	14.8' *	N/C
BUILDING HEIGHT	2 STORY / 24'	28.51' *	N/C

*DOES NOT MEET REQUIREMENTS



TOPOGRAPHIC SITE PLAN
 NEWTON, MASSACHUSETTS
 SHOWING PROPOSED CONDITIONS
 AT #697 WASHINGTON STREET
 SCALE: 1in.=10ft. DATE: MAY 10, 2021



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

7



garden
remedies
CANNABIS

Newton Additional Signing Needs

4/22/21





Side of building: Update to Current Sign



Add free Parking statement below the current sign.

Dimensions will be less than 35 square feet at 8' X 3.75'

May need to raise the sign slightly to accommodate this revision.



Note: Rendering for illustration purposes only.



Sign reads: Free Parking in Court Street Lot. There is no Garden Remedies identification on the sign.

Dimensions are less than 3 sq ft at 7" tall x 5.0' wide



Rendering for illustration purposes only.



Parking Lot Directional Sign

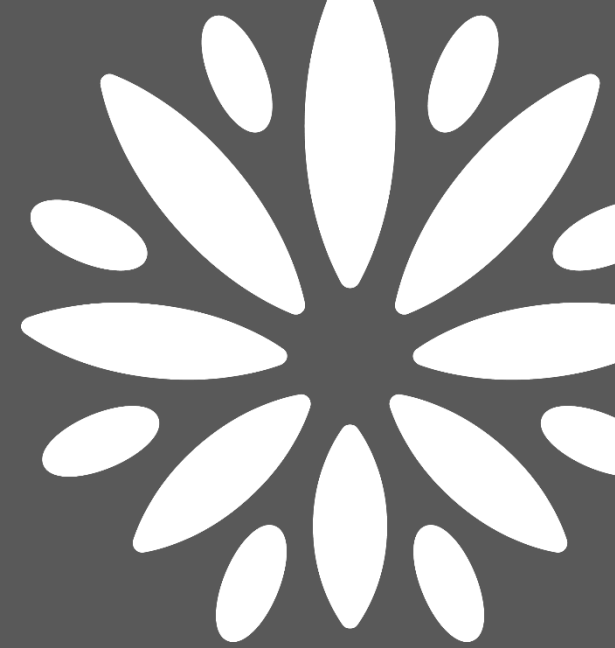


Parking directional sign calls attention to the lot. Dimensions are 1' tall at the max X 3' wide.

It will have no Garden Remedies identification.

Rendering for illustration purposes only.

Appendix: Current Signing



garden remedies
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Front of Building Signing: No Changes

Note: Not part of the proposed wayfinding sign plan. Already approved by the UDC

