

July 22, 2021

**Via Hand Delivery**

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

Re:	Special Permit Application
Property Address:	131 Rumford Avenue, Newton, MA
Applicant:	Pharmacannis Massachusetts Inc. d/b/a Verilife

Dear Honorable Chair and Members of the Land Use Committee:

This firm represents Pharmacannis Massachusetts Inc. d/b/a Verilife (“Verilife” or the “Applicant”) in connection with its application for a Special Permit (the “Special Permit”) from the City of Newton (the “City”) to permit the operation of its proposed Marijuana Retailer (the “Marijuana Retailer”) at 131 Rumford Avenue, Newton, MA 02466 (the “Property”). The Property is located in the BU2 Zoning District and pursuant to Section 6.10.3 and Section 4.4, of the Newton Zoning Ordinance (the “Ordinance”) the use of the property for a Marijuana Retailer is a restricted use, subject to the execution of a Host Community Agreement (the “HCA”) with the City, Zoning Review by the Planning and Development Department and Special Permit approval from the City Council. The Host Community Agreement was executed by the Mayor and the Applicant on April 6, 2021, a copy of which is attached hereto and incorporated herewith. The Department of Planning and Development provided its Zoning Review Memorandum on June 16, 2021, a copy of which is attached hereto and incorporated herewith. Please accept this supporting statement and the accompanying attachments as the Applicant’s Special Permit Application pursuant to Section 6.10.3(F) and Section 7.3.

**I. Background**

Pharmacannis Massachusetts Inc. is a wholly-owned subsidiary of PharmaCann Inc. (collectively, “PharmaCann”). Pharmcann operates its medical and adult-use retail dispensaries under the name Verilife. PharmaCann recognizes the value and importance of operating a marijuana business within a strict regulatory framework. In August 2018, PharmaCann was awarded one of the first provisional retail licenses to operate an adult use dispensary in Massachusetts. Within the state, PharmaCann has an operational cultivation site in Holliston, and is currently operating two retail marijuana dispensaries in Wareham and Shrewsbury. If successful, Newton would be its third retail dispensary in Massachusetts.

Founded in 2014, PharmaCann is one of the largest medical and adult use cannabis providers in the United States. PharmaCann is licensed to operate cultivation, processing, and dispensing facilities in seven medical and adult-use markets across the United States, including two other operating adult-use dispensaries in Massachusetts (Wareham and Shrewsbury). PharmaCann operates five cultivation/processing facilities and, once fully operational, will own and operate twenty-seven dispensaries in New York, Illinois, Massachusetts, Maryland, Pennsylvania and Ohio. Pharmacann brings

proven leadership with broad and deep experience in the industry and a demonstrated history of operating in highly-regulated cannabis markets.

## II. Management Team

### **Brett Novey** - Chief Executive Officer

Brett has more than 18 years of experience across multiple disciplines, including finance, accounting, investor relations, business development, and operations. Before joining PharmaCann in 2016, Brett was the Global Head of Financial Planning & Analysis for KCG Holdings, Inc., responsible for cash/capital management, monthly forecasting, and KCG's annual budgeting process. Brett has worked for Sears Holdings, KPMG, and Arthur Andersen. Brett serves on the board of the Chicago Metropolitan Battered Women's Network and holds a bachelor's degree in accounting and finance from Indiana University and a master's degree from Northwestern's Kellogg School of Management.

### **Bill McMenemy** - Chief Revenue Officer

Bill is responsible for all revenue-related activities across PharmaCann's wholesale and retail businesses. Formerly, Bill was the interim CEO of US Fitness Holdings, and prior to that, he was the VP and GM of Gap, Inc. Greater China. Bill's experience also involves growing Five Below from a small private company to a successful public company with over 450 stores nationwide. Bill was responsible for loss prevention and security for Gap, Inc of Greater Asia.

### **Robert McQueen** - General Counsel

Robert has previously advised companies in areas that include corporate and securities law, mergers, acquisitions and divestitures, debt financing, corporate governance, strategic investments, corporate compliance and investor relations. Before PharmaCann, Robert served as deputy general counsel at KCG, a global financial services firm, and he began his career as an attorney in the corporate groups of Fried, Frank, Harris, Shriver & Jacobson LLP and Katten Muchin Rosenman LLP. Robert holds a BBA from Emory University's Goizueta Business School and a JD from Boston College Law School.

### **Shelley Stormo** - Regional Manager

Shelley is a Licensed Marriage and Family Therapist with a Masters Degree in Clinical Psychology. Shelley has over 15 years of experience working in non-profit community based programs treating substance abuse and mental health problems. Shelley is passionate about bringing communities together and finding solutions to systemic problems such as the opioid epidemic. As Executive Director of Verilife Massachusetts, Shelley utilizes her background in leadership, family systems, family intervention and program development to best serve Massachusetts residents seeking to improve their lives through cannabis. Shelley has been involved in the cannabis industry in MA since its inception in 2013.

### **Dan Militello** - Director of Retail Operations

Dan is an experienced District and General Manager with a demonstrated history of working in the alternative medicine industry and luxury retail. Dan also has extensive experience as a sales professional, working in the not-for-profit sector, as well as for-profit organizations focusing on meeting sales targets as well as providing leadership, training and development to his team. Dan's skills in retail

and sales provided him a strong foundation for success as the Director of Retail Dispensaries in Illinois. Dan is a trustee of the Village of Lombard, Illinois.

**Johnny Hernandez** - Director of I.T./Security Systems

Johnny brings over ten years of experience to PharmaCann. Prior to joining PharmaCann, his career began as a co-creator of three successful STEM programs for Chicago Mayor Richard Daley's After School Matters program. Johnny holds numerous certifications, including Google Apps Administration and Cisco Certified Routing and Switching. Johnny oversees our electronic security systems and the personnel who operate and maintain those systems.

### **III. Project Description**

The Applicant has identified 131 Rumford Avenue, Newton, MA, an approximate 20,443 square foot lot, as an ideal location in which to establish its Marijuana Retailer. The Property is located in the BU2 zoning district and pursuant to Section 4.4 of the Ordinance, the use of the property for a Marijuana Retailer is a permitted, subject to the execution of a HCA with the City, Zoning Review by the Planning and Development Department and Special Permit approval from the City Council.

The Property is currently unbuilt and the Applicant proposes to purchase the Property, and erect a one-story building (the "Building") of approximately 4,992 square feet for its use as a Marijuana Retailer. The Applicant will make necessary improvements to the Property and create open space on the Property, including state-of-the-art security systems and high-quality amenities and finishes.

More specifically, the Applicant will be utilizing the Building for its retail area, storage, fulfillment areas, employee locker rooms and break rooms, a secure loading area and other ancillary uses. The Marijuana Retailer will also include 25 on-site parking stalls.

The Property is part of an established commercial district easily accessible by car and strategically situated to serve the West Newton and Auburndale Villages. The site will include a large illuminated and monitored parking lot allowing for safe passage for customers to and from the store. Due to the size of the facility, the Applicant is able to take advantage of ample square footage which it will utilize for providing an expansive sales floor area, comprehensive security systems, secure loading and storage areas, limited access areas, and ample spaces for business uses ancillary to the Marijuana Retailer (offices and vault areas).

The Property will be made safe and secure through reinforced construction materials and technology, cameras and remote monitoring, and on-site security personnel. The project will include various security and safety equipment and technology, including but not limited to secure access control areas, customer entrance protocols, and redundant security alarms and controls. In addition, all personnel will be trained extensively and the operation will fully comply with Massachusetts regulations and guidelines.

Please also see the engineering and architectural plans attached hereto and incorporated herein by reference (the "**Plans**") for additional project details.

#### IV. Special Permit Criteria

The Applicant respectfully submits that it has satisfied the criteria for obtaining a Special Permit from the City Council set forth in the Process and the Ordinance as follows:

##### **Section 6.10.3 Registered Marijuana Use**

- A. Purpose. The purpose of this Sec. 6.10.3 is to provide for the limited establishment of Registered Marijuana Dispensaries ("RMDs") and adult use Marijuana Establishments within the City as they are authorized pursuant to state regulations set forth in 105 CMR 725.000 and 935 CMR 500.000. Since RMDs and Marijuana Establishments are strictly regulated by the Massachusetts Department of Public Health and the Cannabis Control Commission, the intent of this Sec. 6.10.3 is to permit RMDs and Marijuana Establishments where there is access to regional roadways and public transportation, where they may be readily monitored by law enforcement for health and public safety purposes, and where they will not adversely impact the character of residential neighborhoods and business districts.**

The Applicant respectfully submits that its proposal satisfies the purpose and intent of Section 6.10.3 of the Ordinance as it is proposing to site a Marijuana Retailer within the BU2 Zoning District. The BU2 Zoning District has been deemed an appropriate location for Marijuana Retailers, subject to the granting of a Host Community Agreement from the Mayor's Office and a Special Permit from the City Council.

The Applicant respectfully submits that the Property is ideally situated for a Marijuana Retailer. The Property has adequate access to Lexington Street, a regional roadway. The Property is located near Interstate Highway 90, providing additional access across the Commonwealth. Additionally, the Property has ample access to public transportation options, including the MBTA 505, 553, 554, 558, and 170 bus lines, which stop at the corner of Rumford Avenue and Lexington Street, approximately 200 feet from the Property.

Pursuant to the Applicant's proposed security plan, attached hereto and incorporated herewith, the Applicant respectfully submits that its Marijuana Retailer's security plan and procedures will be put in place by the Company's security consultants as more specifically detailed in the security plan. The Applicant will provide direct video feed access to its video surveillance system and will work with local law enforcement and the Cannabis Control Commission to ensure its video cameras are properly positioned within the Marijuana Retailer.

The Property is also ideally located in that it will not adversely impact the character of the neighborhood. The Property located in a commercial business corridor with multiple businesses including Depasquale's At Night Caps Corner, Country Desserts Bake Shop, and Grigorio Jewelry. Furthermore, the Property is immediately abutting a self-storage facility and a City of Newton Recycling Depot, so there is minimal impact to the immediate neighbors.

##### **B. Definitions.**

The Applicant respectfully submits that it is proposing to site a Marijuana Retailer, which is defined in the Newton Zoning Ordinance as an entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana

Establishments and to consumers. Per the Newton Zoning Ordinance, a Marijuana Retailer is a type of Marijuana Establishment.

- C. Marijuana uses not Allowed As-of-Right. Marijuana uses are not included within the definition of retail sales or services, agriculture, manufacturing, research, or any other lawful business permitted as of right or by special permit as provided in this Chapter.**

Pursuant to this application the Applicant respectfully submits that it is in compliance with this requirement.

- D. Marijuana uses allowed by special permit. Use of land, buildings or structures for an RMD or Marijuana Establishment shall be allowed only by special permit in the districts specified in Sec. 4.4.1 subject to the requirements and criteria of this Sec. 6.10.3.**

Pursuant to this application the Applicant respectfully submits that it is in compliance with this requirement.

- E. Minimum criteria and limitations on approval**

- 1. An RMD shall not be located within a radius of 500 feet from a school, daycare center, preschool or afterschool facility or any facility in which minors commonly congregate, and a Marijuana Retailer shall not be located within a radius of 500 feet from an existing public or private k-12 school, unless the City Council finds that the RMD or Marijuana Retailer is sufficiently buffered such that these facilities or uses will not be adversely impacted by the RMD or Marijuana Retailer's operation. Such distance shall be measured in a straight line from the nearest property line of the proposed RMD or Marijuana Retailer to the nearest property line of the facility.**

The Property is not located within a radius of 500 feet from an existing public or private K-12 school. The Applicant notes that Balera School of Ballroom Dance (105 Rumford Avenue), Parallel Sound Studio (237 Riverview Avenue), and The Pixels and Polygons School (73 Lexington Street), are located within 500 feet, however these schools are mainly adult-education and continuing education schools with few classes for children. Moreover, the Property will be sufficiently buffered by dense landscaping in the rear and side of the lot and are buffered by other properties and in each case, more than 200 feet away from the schools. [Per Google Maps, the Connecticut School of Broadcasting mentioned on the Radius Map is no longer operational.] Please see the context map included with the Plans and incorporated herein.

- 2. An RMD or Marijuana Establishment shall be properly registered with the Massachusetts Department of Public Health or Cannabis Control Commission pursuant to 105 CMR 725.100 or 935 CMR 500.100 and shall comply with all applicable state and local public health regulations, public safety code regulations and all other applicable state and local laws, ordinances, rules and regulations. No building permit or certificate of occupancy shall be issued for an RMD or Marijuana Establishment that is not properly registered with the Massachusetts Department of Public Health or Cannabis Control Commission. The RMD or Marijuana Establishment shall file copies of its initial certificate of registration and each annual renewal certificate with the clerk of the City Council within one week of issuance and shall immediately notify said clerk if its registration is not renewed or is**

**revoked. The RMD or Marijuana Establishment shall provide the Newton Police Department with the names and contact information for all management staff and shall immediately notify the police department of any changes.**

The Applicant hereby submits that it shall diligently pursue registration from the Cannabis Control Commission pursuant to 935 CMR 500.000 *et. seq.* and shall comply with all applicable state and local public health regulations, public safety code regulations and all other applicable state and local laws, ordinances, rules and regulations. The Applicant further pledges to file copies of its initial certificate of registration and each annual renewal certificate with the clerk of the City Council within one week of issuance and shall immediately notify said clerk if its registration is not renewed or is revoked. The Applicant shall provide the Newton Police Department with the names and contact information for all management staff and shall notify the police department of any changes.

- 3. A special permit granted by the City Council authorizing the establishment of an RMD or Marijuana Establishment shall be valid only for the registered entity to which the special permit was issued, and only for the lot on which the RMD or Marijuana Establishment has been authorized by the special permit. If the registration for the RMD or Marijuana Establishment is revoked, transferred to another controlling entity, or relocated to a different site, a new special permit shall be required prior to the issuance of a certificate of occupancy.**

The Applicant hereby submits that it shall maintain the registered entity for which the special permit is issued on the Property.

- 4. An RMD or Marijuana Establishment shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home delivery to qualified clients pursuant to applicable state regulations.**

The Applicant hereby submits that the Marijuana Retailer will be located within a newly erected, freestanding permanent building and all sales shall be conducted either within the building to qualified customers pursuant to applicable state regulations.

- 5. An RMD or Marijuana Establishment shall be subject to the number of parking stalls required in Sec. 5.1 unless a lesser or greater number of stalls is required by the City Council based on the transportation analysis provided by the applicant. An RMD or Marijuana Retailer shall comply with the parking requirements for Retail uses; a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Microbusiness, or Marijuana Product Manufacturer shall comply with the parking requirements for Manufacturing; and a Marijuana Research Facility or Independent Testing Laboratory shall comply with the parking requirements for Research, Laboratory.**

Pursuant to the Plans and Transportation Letter as prepared by Fuss & O'Neil, a copy of which is attached hereto and incorporated herewith, the Applicant respectfully submits that it is in compliance with this requirement. The Applicant is proposing to include 25 parking spaces on site, exceeding the required number of parking stalls pursuant to Section 5.1 of the Ordinance. Pursuant to Section 5.1.4, and as determined in the Zoning Review Memorandum, retail uses are required to have one (1) parking stall per every three (3) employees at the highest shift plus one (1) parking stall per three hundred (300) square feet of retail space. The Marijuana Retailer is proposed to be 4,992 square feet and combined

with the proposed 12 employees during the peak shift, the Ordinance therefore requires 21 parking spaces, or four (4) fewer than the allotted 25 parking spaces.

- 6. All signage shall conform to the requirements of 105 CMR 725.105(L) and 935 CMR 500.105(4) and to the requirements of Sec. 5.2. No graphics, symbols or images of marijuana or related paraphernalia shall be displayed or clearly visible from the exterior of an RMD or Marijuana Establishment. The City Council may impose additional restrictions on signage to mitigate impact on the immediate neighborhood.**

The Applicant hereby submits that it will comply with this requirement. All signage at the Marijuana Retailer be subject to review and approval by the Cannabis Control Commission and shall conform to 935 CMR 501.105(12), 935 CMR 500.105(4) and Section 5.2 of the Ordinance. No graphics, symbols or images of marijuana or related paraphernalia will be displayed or clearly visible from the exterior of the Marijuana Retailer.

- 7. The RMD or Marijuana Retailer's hours of operation shall not adversely impact nearby uses. The hours of operation shall be set by the City Council as a condition of the Special Permit, but in no case shall the Marijuana Retailer open before 9:00 a.m. or remain open after 9:00 p.m.**

The Applicant hereby submits that it shall comply with this requirement.

- 8. The number of Marijuana Retailers shall not exceed 20 percent of the number of liquor licenses issued in the City pursuant to G.L. c.138 § 15 (commonly known as "package stores").**

The Applicant respectfully submits that to the best of its knowledge and belief, there are currently only three (3) Marijuana Retailers who have received their special permits in the City. Accordingly, should it receive a license, the Applicant shall not violate this requirement.

- 9. No RMD or Marijuana Retailer shall be located within a radius of one half-mile of an existing or approved RMD or Marijuana Retailer. Such distance shall be measured in a straight line from the nearest property line of the proposed RMD or Marijuana Retailer to the nearest property line of the existing RMD or Marijuana Retailer. The co-location of a RMD and Marijuana Retailer on the same site shall not be subject to this buffer requirement.**

The Applicant hereby submits that the Marijuana Retailer will not be located within a radius of one half-mile of an existing or approved RMD or Marijuana Retailer. The nearest Marijuana Retailer is Ascend Mass, Inc., which is approximately 1.3 miles away from the Property.

- 10. No RMD or Marijuana Establishment shall be located within a building containing a residential use.**

The Applicant hereby submits that the proposed Building located on the Property that will host the proposed Marijuana Retailer will be a standalone building. The Marijuana Retailer will occupy the whole Building, therefore no residential uses will be within the same Building.



- 11. No RMD or Marijuana Retailer or co-located facility shall exceed 5,000 square feet of floor area.**

The Applicant hereby submits that it is in compliance with this requirement as the proposed Marijuana Retailer is approximately 4,992 square feet of floor area.

- 12. All RMDs and Marijuana Establishments shall submit a state approved security plan to the Newton Police Department for review and approval.**

The Applicant respectfully submits that it has submitted a preliminary security plan along with this submittal and also pledges to submit a state approved security plan to the Newton Police Department for review and approval.

- 13. All RMDs and Marijuana Establishments shall submit a state approved emergency response plan to the Newton Police Department and Newton Fire Department for review and approval.**

The Applicant will provide the Newton Police Department and Newton Fire Department copies of its emergency response plan.

- 14. All RMDs and Marijuana Establishments shall submit a state approved Operation and Management Plan to the Inspectional Services Department and the Department of Planning and Development for review and approval.**

The Applicant shall submit its state approved plans as required in the Management and Operations Profile application to the Inspectional Services Department and the Department of Planning and Development for review and approval.

- 15. An RMD or Marijuana Retailer located at the ground level shall provide at least 25 percent transparency along building's front façade at ground level and existing buildings shall not be modified to reduce the transparency of the front façade at the ground level to below 25 percent, unless the City Council finds impacts to security and aesthetics have been appropriately mitigated.**

For security and site layout reasons, the facility's main entrance shall be from the rear of building, adjacent to the parking spaces. The building's front façade at ground level will therefore consist of the back-of-house operations and will therefore not have 25 percent transparency to ensure compliance with state regulations regarding visibility of marijuana product. However, the building is immediately adjacent to warehouse structures with limited transparency overall, and the proposed Marijuana Retailer's lack of transparency will not significantly negatively impact the aesthetics of the neighborhood. Moreover, the Applicant will provide significant trees and plants to landscape the front façade. Thus the Applicant respectfully requests that the City Council find that the impacts to security and aesthetics have been appropriately mitigated. Please see the attached Plans for further details on the Applicant's proposal.

- 16. Any marijuana cultivation shall offset 100 percent of energy used for cultivation through renewable energy, either by any combination of purchasing Renewable Energy Certificates**



**through the State, generating renewable energy onsite, and/or through Newton Power Choice, if available.**

The Application respectfully submits that this requirement is not applicable, this application is for a Marijuana Retailer.

**17. The RMD or Marijuana Establishment shall be ventilated in such a manner that no:**

- a. Pesticides, insecticides, or other chemicals or products in cultivation or processing are dispersed into the outside atmosphere; or**
- b. Odor from marijuana may be detected by a person with a normal sense of smell at the exterior of the building or at any adjoining use or property.**

The Applicant hereby submits that it will use industry best practices to ventilate its proposed Marijuana Retailer and shall comply with the aforementioned requirements to the extent reasonably practicable. Furthermore, this application is for a Marijuana Retailer, not a cultivator, and as such will not include the active use of any pesticides, insecticides, or other chemicals or products relating to cultivation.

**18. A Marijuana Research Facility may not sell marijuana cultivated under its research license.**

The Application respectfully submits that this requirement is not applicable, this application is for a Marijuana Retailer.

**19. Marijuana Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of onsite social consumption on the premises of a Marijuana Establishment.**

The Applicant hereby submits that it shall comply with all rules and regulations enacted by the City of Newton regarding delivery and consumption of cannabis.

**F. Special Permit Application and Procedure**

**1. Description of Activities: A narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to cultivating and processing of marijuana or marijuana infused products (MIP's), research, testing, on-site sales, off-site deliveries, distribution of educational materials, and other programs or activities.**

The Applicant respectfully submits that this Application provides the materials necessary for the Land Use Committee to conduct a thorough and comprehensive review of this proposal. To the extent additional information is required, the Applicant shall provide such additional information.

**2. RMD Service Area: Applications for an RMD shall include a map and narrative describing the area proposed to be served by the RMD and the anticipated number of clients that will be served within that area. This description shall indicate where any other RMD's exist or have been proposed within the expected service area.**

N/A, this application is associated with a Marijuana Retailer, not an RMD.

- 3. RMD and Marijuana Retailer Transportation Analysis: An application for an RMD or Marijuana Retailer shall include a quantitative analysis, prepared by a qualified transportation specialist acceptable to the Director of Planning and Development and the Director of Transportation, analyzing the proposed new vehicular trips, the expected modes of transportation used by clients and employees, and the frequency and scale of deliveries to and from the site. An RMD or Marijuana Retailer that does not provide the number of parking stalls required per this Sec. 6.10.E.6. shall also provide a parking study.**

The Applicant hereby submits its Transportation Letter as prepared by Fuss & O’Neil, a copy of which is attached hereto and incorporated herewith.

- 4. Lighting Analysis: A lighting plan showing the location of proposed lights on the building and the lot and a photometric plan showing the lighting levels.**

The Applicant hereby submits its Site Lighting Photometric Plan as prepared by Fuss & O’Neill, a copy of which is attached hereto and incorporated herewith.

- 5. Context Map: A map depicting all properties and land uses within a minimum 1,000-foot radius of the proposed lot, whether such uses are located in the City or within surrounding communities, including but not limited to all educational uses, daycare, preschool and afterschool programs. The context map shall include the measured distance to all uses described in paragraph D.1 above.**

The Applicant hereby submits a Context Map as prepared by Fuss & O’Neill and indicates the Balera School of Ballroom Dance, located at 105 Rumford Avenue, and Parallel Sound Studio, located at 237 Riverview Avenue, are located within 1,000 feet of the Property.

- 6. Registration Materials: Copies of registration materials issued by the Massachusetts Department of Public Health or Cannabis Control Commission and any materials submitted to that Department for the purpose of seeking registration, to confirm that all information provided to the City Council is consistent with that provided to the Massachusetts Department of Public Health or Cannabis Control Commission.**

The Applicant hereby submits that it shall supplement this application and provide copies of all required registration materials to the City of Newton upon submission to the Cannabis Control Commission.

**G. Special Permit Criteria**

**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 Property is located in the BU2 Zoning District, which is one of the limited areas that the City of Newton has permitted the use of property as a Marijuana Retailers, subject to the granting of a Special Permit from the City Council. The Property has adequate access to Lexington Street, a regional roadway. The Property is located near Interstate Highway 90, providing additional access across the

Commonwealth. Additionally, the Property has ample access to public transportation options, including the MBTA 505, 553, 554, 558, and 170 bus lines, which stop at the corner of Rumford Avenue and Lexington Street, approximately 200 feet from the Property.

The Applicant respectfully submits that the Property as it is currently designed provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the Property by multiple means of transportation.

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

The Applicant shall design 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.**

The Applicant and its team has deep experience in the cannabis industry and has designed a number of cannabis establishments, all with the goal of minimizing impacts on abutters. The Applicant has spent a significant amount of time searching for appropriate locations for its Marijuana Retailer, and chose this location because of its business character and significant distance from sensitive uses. The Property is ideally located in that it will not adversely impact the character of the neighborhood. The Property is directly abutting a self-storage facility and a City of Newton Recycling Depot and across the street from commercial building. Accordingly, the Applicant respectfully submits that any adverse impacts on abutters shall be de minimus.

- 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. The Applicant notes that Balera School of Ballroom Dance, located at 105 Rumford Avenue, and Parallel Sound Studio, located at 237 Riverview Avenue, are located within 500 feet, but the Property will be sufficiently buffered by dense landscaping in the rear of the lot.

- 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.**

The Property is an ideal location for the proposed Marijuana Retailer with respect to traffic and congestion. The Marijuana Retailer will be located in a stand-alone building with a private parking lot, in

a commercial corridor of the City that is part of a limited area of the City that allows for Marijuana Retailers. Accordingly, it will not cause any more traffic or congestion than other allowed uses for this zoning district. The proposed Marijuana Retailer will not disturb the existing right of way, pedestrian access, and will not cause a serious hazard to vehicle or pedestrian traffic or create a nuisance. The Applicant will be improving the lot so as to make traffic and parking safe thereon, as well as make available 25 parking stalls available, exceeding the minimum zoning requirements.

As such, the Applicant respectfully submits that any impact on traffic flow and safety and parking and loading requirements on nearby uses will be de minimus.

- 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 Marijuana Retailer will be located in a newly erected one-story building and designed to be compatible with other buildings in the area. The renovated interior will be tastefully designed to prevent any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior.

- 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 Property has adequate access to Lexington Street, a regional roadway. The Property is located near Interstate Highway 90, providing additional access across the Commonwealth. Additionally, the Property has ample access to public transportation options, including the MBTA 505, 553, 554, 558, and 170 bus lines, which stop at the corner of Rumford Avenue and Lexington Street, approximately 200 feet from the Property.

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

The Property is located along a major roadway in a business subdistrict, promoting ease of monitoring for both law enforcement and other code enforcement personnel. The Applicant will provide direct video feed access to its video surveillance system and will work with local law enforcement and the Cannabis Control Commission to ensure its video cameras are properly positioned within the Marijuana Retailer.

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

Pursuant to the Ordinance, the hours of operation shall be set by the City Council as a condition of the Special Permit, but in no case shall the Marijuana Retailer open before 9:00 a.m. or remain open after 9:00 p.m. Accordingly, the Applicant respectfully submits that any impact from these hours of operation will be de minimus.

**V. Summary**

The Applicant hereby requests that its proposed Marijuana Retailer 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. The findings are made in view of the particular characteristics of the Property and of the Applicant's proposed Marijuana Retailer, as detailed above and herein. The Property is the most appropriate location for the Marijuana Retailer and adequate and appropriate facilities will be provided for the proper operation of the use of the Property as a Marijuana Retailer and finally that such a use will not create any nuisance.

For the foregoing reasons the Applicant respectfully requests that the Land Use Committee approve its Special Permit Application as described herein.

Sincerely,



Michael P. Ross, Esq.

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