



Town of Brookline

Massachusetts

PLANNING BOARD

Town Hall, 3rd Floor
333 Washington Street
Brookline, MA 02445
(617) 730-2130 Fax (617) 730-2442
TTY (617) 730-2327

Linda K. Hamlin, Chairman
Steven A. Heikin, Clerk
Robert Cook
Sergio Modigliani
Mark J. Zarrillo

Memorandum

DATE: October 2, 2015
TO: Board of Appeals
FROM: Planning Board
RE: Revised Site Plan for a Medical Marijuana Dispensary at
160 Washington Street

At its September 17th meeting, the Planning Board reviewed NETA's revised site plan for a medical marijuana facility at 160 Washington Street. The Board felt that the current width of the driveway opening would not adequately handle traffic flow to and from Route 9, because at busy times, vehicles would queue on Route 9 while waiting to enter the site. Acknowledging that the driveway is a pre-existing, non-conforming condition, the Planning Board recommended several solutions that would improve safe access in and out of the site and urged the applicant to consider using one or more of the following methods:

- Increase the width of the driveway entrance by modifying the area around the kiosk or the kiosk, itself.
- Have a police officer and an attendant present to direct traffic in and out of the site
- Eliminate the existing on-street parking spaces between the parking lot entrance and Washington Street to provide a safe stacking lane for vehicles waiting to enter the lot
- Continue negotiations with Eversource, the abutting property owner, for a driveway easement to allow widening of the entrance

The Planning Board voted unanimously to submit a memo to the Board of Appeals recommending that with an appropriate solution to the access issue, the Planning Board would support approval of the facility. The Board recommended that its originally proposed condition that the Planning Board have final review and approval of the site plan be included in an approval, as follows:

1. Prior to issuance of a building permit, a final site plan, prepared by a registered engineer or land surveyor, and indicating all parking spaces, bicycle spaces, fencing, landscaping, trash and recycling, and utilities, shall be submitted to the Planning Board for review and approval.

MEMORANDUM

To: Brookline Zoning Board of Appeals
Brookline Planning Board

From: New England Treatment Access, Inc. ("NETA")

Re: 160 Washington Street, Brookline, MA

Date: October 1, 2015

Background

The purpose of this memorandum is to respond to questions raised about vehicular access to the proposed registered medical marijuana dispensary ("RMD") at 160 Washington Street (the "Site"). At the Planning Board meeting on September 17, 2015, the Planning Board asked NETA to evaluate all the available options to make the parking lot site access work as safely and efficiently as possible for the RMD use and to propose a recommended strategy that incorporates the viable alternatives. This memorandum explains the proposed physical and operational improvements to the site access plan. The current Site Plan and the NETA commitments to traffic management together can be found to meet the criteria of Zoning Bylaw sec. 9.05 for a use special permit for the RMD.

Final Site Plan

The final Site Plan (by Casali Engineering Inc. dated September 29, 2015) utilizes the existing single driveway on the former Bank property at a widened dimension that responds to the urging of the Planning Board to achieve at least a 16' driveway width at the parking lot entrance for the purpose of trying to minimize conflicts between entering and exiting vehicles that might cause backups on Boylston Street in front of the Site. By eliminating an existing interior curb and a small raised area adjacent to the outer edge of the pre-existing ATM vestibule, which will house the only patient access into the RMD, the Site Plan widens the drive aisle width at the parking lot entrance from 14' 5" to 16' 2". This improvement allows NETA to maintain at this location the existing bollards which serve to protect the building and the patient entrance vestibule. This is a feasible physical improvement that is within NETA's control as the tenant on the Site.

In consultation with NETA's transportation consultant, Stantec, this improvement allows for a "holding" area where an inbound vehicle can wait for an outbound vehicle to exit the Site. This is valuable when exiting vehicles are traveling past the 12 foot wide pinch point on the Site. This is responsive to the primary concern expressed that the width of the parking lot entrance

would cause a condition where westbound Boylston Street, right-lane traffic must stop to allow a vehicle to exit the Site parking lot. This allows that vehicle "waiting" to enter the Site to get off Boylston Street and clear the westbound right travel lane.

Active Traffic Management

In NETA's approved Transportation Demand Management Plan, NETA had agreed to provide not only a parking lot attendant who is a NETA employee but also a police detail to supervise vehicle access to and from the Site "during peak periods of the initial start-up" of the RMD. The TDM Plan which was reviewed and approved by the Town's Director of Transportation and Engineering provided for this "initial start-up period" to be 2 to 8 weeks. The TDM Plan also provided for follow up traffic studies to assess the traffic performance 3 months and again 15 months after the certificate of occupancy for the RMD.

Based on the feedback from the Planning Board, NETA agrees to expand the use of the police detail. NETA will pay for the police detail during all hours of the RMD operation in contrast to the original commitment to post a police detail during the peak hours of operation. And, NETA will pay for the police detail for the entirety of this initial 15 month post-occupancy period. Each of these commitments will be subject to ongoing oversight by town officials under the approved TDM Plan and NETA will keep them in place unless they are waived by town officials following review of actual traffic operations at the site.

§9.05 Special Permit Criteria

In order to demonstrate that the combination of the driveway width widening with the 15 month police detail provides the basis for finding that the Sec. 9.05 special permit criteria have been met, Stantec reviewed other existing driveways and public ways in Brookline Village and off of Boylston Street to see if the 160 Washington Street Site represented an unusual condition or a relatively consistent condition with other similar properties. Attached to this memorandum as Exhibit A is a depiction of nearby public streets which, either due to limited width or due to the existence of an on-street parking lane, serve two-way traffic with widths as narrow as 11 feet.

Further, Stantec has projected the frequency at which Boylston Street westbound traffic may warrant active traffic management to allow vehicles to exit the Site parking lot. Attached to this memorandum as Exhibit B are calculations from Stantec which show that such situations are projected to arise only three times per hour, that is, one in ten entering vehicles may encounter a vehicle exiting the Site. Based on this projected number of encounters, the Boylston Street westbound right lane is expected to be delayed only 0.9% of the time during the peak hours (approximately 34 seconds of a possible 3600 seconds). As such, a daily user of the Boylston Street westbound right lane might expect to encounter a delay at the driveway once every five months. The TDM Plan already imposes enforceable limits to the amount of time that NETA traffic would be "allowed" to impact Boylston Street traffic flows.

NETA fully expects that with the benefit of its active traffic management, including the police detail, and the oversight by the town through the TDM Plan and the annual license, that it is offering mitigation that will fully address these potential conflicts. Further, these NETA

commitments are substantially greater than are requested or required of other users of commercial sites along Boylston Street, particularly since NETA is not building new gross floor area and the Site is a lawful, pre-existing non-conforming site that does not need or require relief for zoning-required parking.

These changes and commitments, in addition to the other site plan improvements, the TDM Plan undertakings and the oversight associated with the annual renewal of the RMD license from the Board of Selectmen are sufficient to allow findings that the Site is an appropriate location for the RMD use; that the Site Plan component of the use will not adversely affect the neighborhood; that there will be no nuisance or serious hazard to vehicles or pedestrians; and that adequate and appropriate facilities will be provided for the proper operation of the use.

Additional Responses to Planning Department Memorandum

In addition to the above commitments, NETA has evaluated the other ideas listed below which were put forward by the Planning Board at its September 17, 2015 meeting.

- Increase the width of the driveway entrance by modifying or eliminating the existing kiosk

The current site plan includes a widening of the driveway entrance to 16 feet as requested by the Planning Board. Removal of the existing ATM kiosk to accommodate a further widening is not viable as the kiosk is being re-purposed as a weather-protected patient access point to the RMD. It will serve a vital purpose for the safety and convenience of RMD patients. Given that some concerns have been expressed about patients queuing to gain access through the security checkpoint inside the RMD, the patient entrance vestibule is a critical part of the RMD design. The solution that NETA has come up with accomplishes both goals of widening the driveway entrance and providing a safe, interior space for patients entering the RMD.

- Have a police officer and/or an attendant present to direct traffic in and out of the Site

The police officer detail commitment has been greatly expanded as described above.

- Eliminate the existing on-street parking spaces between the parking lot entrance and Washington Street to provide a safe stacking lane for vehicles waiting to enter the lot

NETA is in ongoing consultation with town officials, including the Director of Transportation, regarding the traffic monitoring and management that will take place under the special permit and the TDM Plan. As part of these consultations, NETA will continue to work with town officials to assess options like this one. During the 15 months following RMD opening in which there will be active traffic

monitoring and management, NETA and Stantec will observe roadway conditions, and collect data, to share with the town as part of the assessment of this idea and other mitigation measures. If the town determines that changes to the parking and access characteristics for this stretch of roadway are in the public interest, NETA will support such changes in front of its Site.

- Continue negotiations with Eversource, the abutting property owner, for a driveway easement to allow widening of the entrance

As described to the Zoning Board and the Planning Board, NETA continues to discuss this Site with its abutter, Eversource. NETA feels strongly that the publicly presented and approved Site Plan for the RMD should reflect only the property that NETA controls under its lease. If more permanent changes or agreements with Eversource can be accomplished, NETA will bring those to the town for its review, comment and approval.

EXHIBIT B

Assessment of Potential Blockage of Boylston Street Westbound Right Lane Due to NETA Operating with a Single-Lane, Two-way Driveway

| | |
|---|--|
| Average Delay per Vehicle Turning Right from Driveway | 10 Seconds per Synchro Network Analysis |
| Right Turn Volume from Driveway | 32 Vehicles, Midday (site) Peak Hour |
| Total Time that Driveway is Occupied by Right Turns | 320 Seconds |
| Seconds per hour | 3600 Seconds |
| Percentage of Time that Driveway is Occupied | 9% |
| Number of Right Turns Entering per Hour | 32 Vehicles, Midday (site) Peak Hour |
| Number of Right Turns Expected to be Delayed Entering | 2.8 Vehicles, Midday (site) Peak Hour |
| Average Delay per Vehicle Turning Right into Driveway | 6 Seconds per the Highway Capacity Manual |
| Assumed Westbound Through Vehicle Headway | 2 Seconds |
| Vehicle Queue Build Up While Waiting for RT Out | 4 Vehicles including Right Turn in Vehicle |
| Assumed Queue Dispersion Rate | 3 Seconds per Vehicle |
| Time to Disperse Queue | 12 Seconds |
| Total Time that Westbound Lane is Blocked per Hour | 34 Seconds |
| Percentage of Time that Westbound Lane is Blocked | 0.9% |
| Performance Standard in Management Plan | 5% |

Site Plans for Proposed Site Improvements

NEW ENGLAND TREATMENT ACCESS DISPENSARY

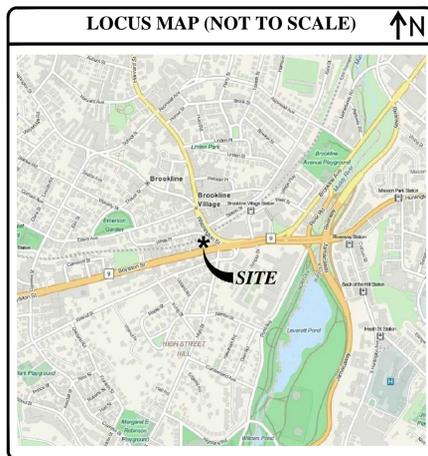
160 WASHINGTON STREET
BROOKLINE, MASSACHUSETTS
IA 2, AP 185, LOTS 1, 2 & 3

ZONING: G-2.0 (GENERAL BUSINESS)

| APPLICANT | ARCHITECT |
|--|--|
| NEW ENGLAND TREATMENT ACCESS, INC. 160 WASHINGTON STREET BROOKLINE, MA 02445 | VISION 3 ARCHITECTS 225 CHAPMAN STREET #300 PROVIDENCE, RI 02905 (401) 461-7771 phone (401) 461-7772 fax |
| CIVIL ENGINEER | SURVEYOR |
| JOE CASALI ENGINEERING, INC. 300 POST ROAD WARWICK, RI 02888 (401) 944-1300 phone (401) 944-1313 fax | J.F. HENNESSY CO. P.O. BOX 909 BROOKLINE, MA 02446 (617) 566-3860 phone |

GENERAL NOTES:

- BOUNDARY SURVEY AND EXISTING CONDITIONS SURVEY COMPLETED BY J.F. HENNESSY CO., P.O. BOX 909, BROOKLINE, MA IN SEPTEMBER 2015 (REFERENCE PLAN 1).
- THE LOCATION AND DEPTH OF EXISTING UTILITIES ARE APPROXIMATE AND HAVE BEEN PLOTTED FROM THE LATEST AVAILABLE INFORMATION. THE UTILITY LOCATIONS ARE APPROXIMATE AND MAY NOT BE ALL INCLUSIVE. THE CONTRACTOR SHALL CHECK AND VERIFY THE LOCATIONS OF ALL EXISTING UTILITIES, BOTH OVERHEAD AND UNDERGROUND, AND "DIG-SAFE" MUST BE NOTIFIED PRIOR TO COMMENCING ANY CONSTRUCTION OPERATIONS. RESTORATION AND REPAIR OF DAMAGE TO EXISTING UTILITIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR WITH NO ADDITIONAL COST TO THE OWNER. NO EXCAVATION SHALL COMMENCE UNTIL ALL INVOLVED UTILITY COMPANIES AND/OR CITY WHOSE FACILITIES MIGHT BE AFFECTED BY ANY WORK TO BE PERFORMED BY THE CONTRACTOR ARE NOTIFIED AT LEAST 72 HOURS IN ADVANCE.
- THE SITE LIES IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON THE FIRM PANEL NO. 28049C0307H FOR NORFOLK COUNTY, EFFECTIVE DATE JULY 17, 2012.
- THE LAYOUT SHOWN REPRESENTS A GRAPHICAL DESIGN, AND PRIOR TO THE CONSTRUCTION, THE CONTRACTOR SHALL ENGAGE A PROFESSIONAL LAND SURVEYOR (PLS) REGISTERED IN THE STATE OF MASSACHUSETTS TO SET AND VERIFY ALL LINES AND GRADES. ALL EXISTING UTILITY LOCATIONS AND ELEVATIONS ARE TO BE CONFIRMED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. ANY ITEMS FOUND WHICH DO NOT MATCH THE PLANS MUST BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO CONSTRUCTION FOR REVIEW. NO WORK SHALL PROCEED UNTIL AUTHORIZED BY THE ENGINEER.

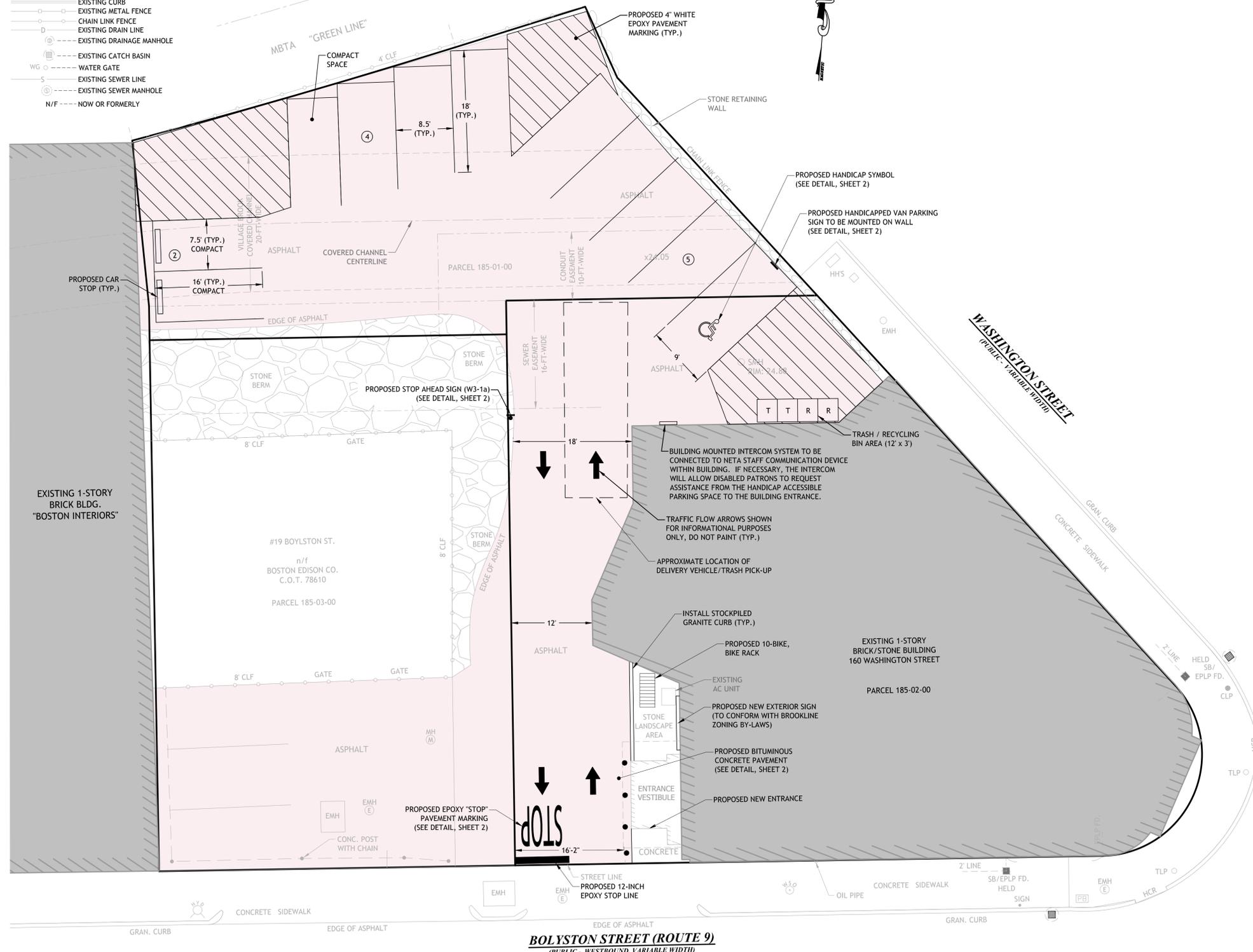


| INDEX OF DRAWINGS | |
|-------------------|--|
| SHEET NO. | PLAN |
| 1 | SITE PLAN |
| 2 | SITE DETAILS |
| REFERENCE PLANS | |
| 1 | 160 WASHINGTON STREET, TOPOGRAPHIC PLAN OF LAND IN BROOKLINE, MASSACHUSETTS, NORFOLK COUNTY, PREPARED FOR NEW ENGLAND TREATMENT ACCESS, INC. (PREPARED BY J.F. HENNESSY CO. IN SEPTEMBER 2015) |

LOCATION OF EXISTING UTILITIES SHOWN, ARE FROM GATE LOCATION AND EXISTING DOCUMENTATION AND MAY NOT BE ACCURATE. EXACT LOCATION TO BE DONE BY THE APPROPRIATE UTILITY COMPANY OR MUNICIPALITY PRIOR TO ANY EXCAVATION CALL DIGSAFE AT: 1-888-DIG-SAFE
1-888-344-7233

LEGEND:

- EXISTING PROPERTY LINE
- EXISTING STONE WALL
- EXISTING CURB
- EXISTING METAL FENCE
- CHAIN LINK FENCE
- EXISTING DRAIN LINE
- EXISTING DRAINAGE MANHOLE
- EXISTING CATCH BASIN
- WG --- WATER GATE
- EXISTING SEWER LINE
- EXISTING SEWER MANHOLE
- N/F --- NOW OR FORMERLY



BOLYSTON STREET (ROUTE 9)
(PUBLIC - WESTBOUND, VARIABLE WIDTH)

SITE PLAN
SCALE: 1/8" = 1'

JCE
JOE CASALI ENGINEERING, INC.
300 POST ROAD, WARWICK, RI 02888
(401) 944-1300 (001944)1313 FAX WWW.JOECASALI.COM

JOE CASALI
CIVIL ENGINEER
No. 6728
9-19-15

NEW ENGLAND TREATMENT ACCESS DISPENSARY
160 WASHINGTON STREET
BROOKLINE, MASSACHUSETTS
IA 2, AP 185, LOTS 1, 2 & 3

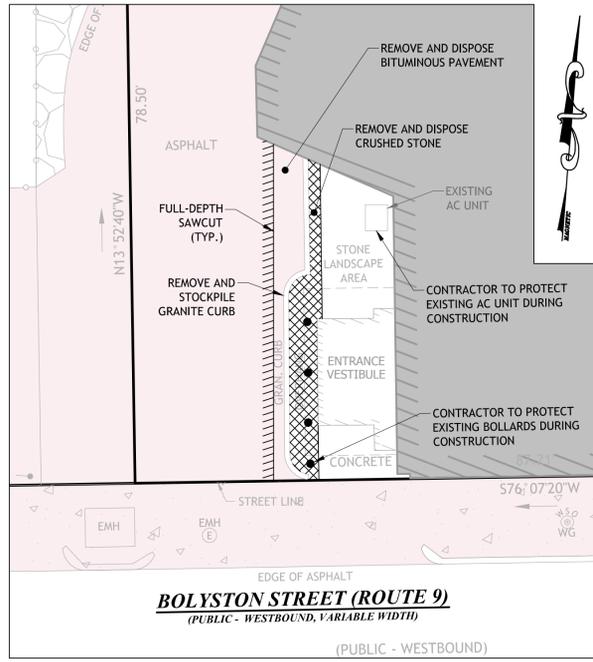
| REVISIONS: | |
|------------|------------------|
| NO. | DATE DESCRIPTION |
| | |
| | |
| | |

DESIGNED BY: DRD
DRAWN BY: JMM
CHECKED BY: JAC
DATE: 10/01/2015
PROJECT NO: 03-80ce

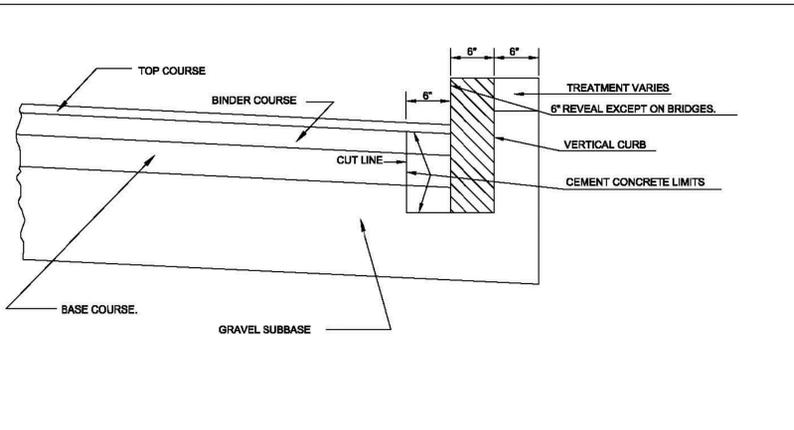
PRELIMINARY, NOT FOR CONSTRUCTION

SITE PLAN

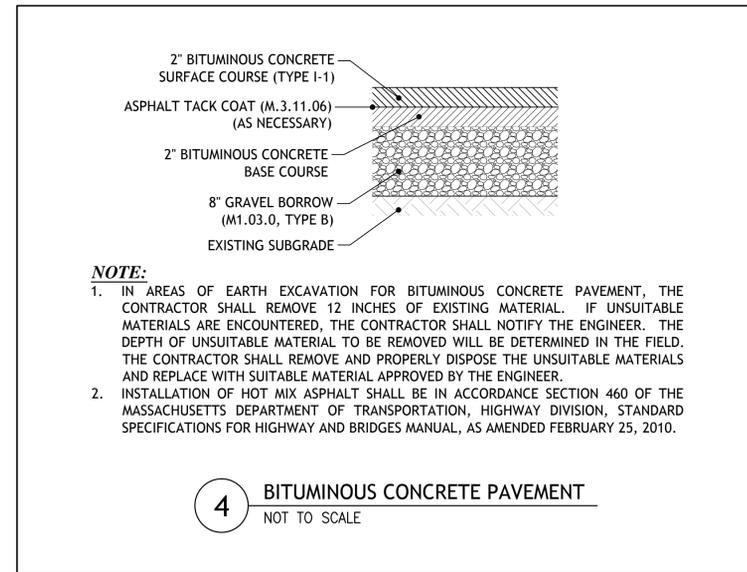
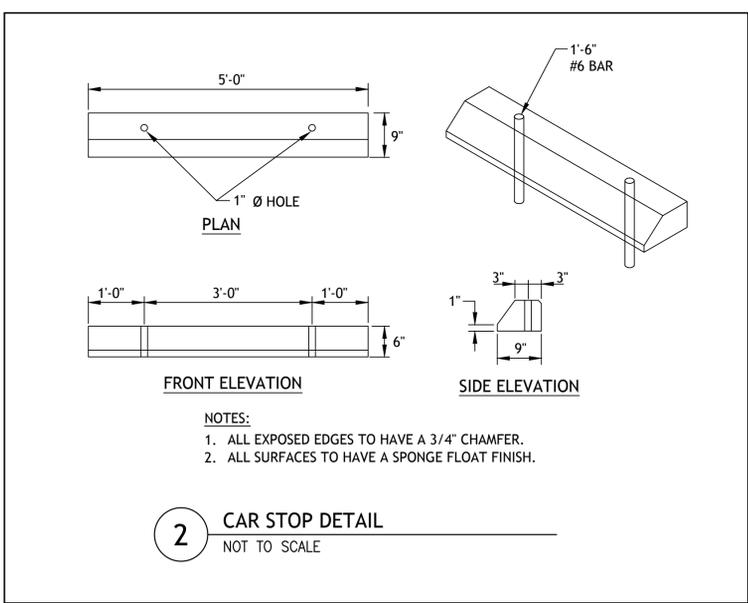
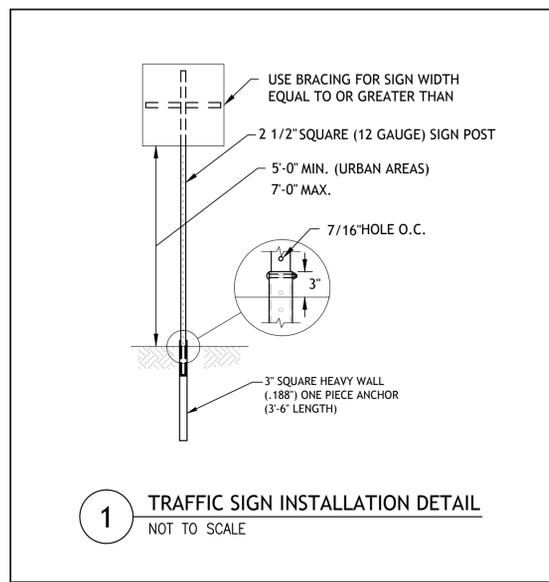
SHEET 1 OF 2



MassDOT
 CONSTRUCTION STANDARDS
 METHOD OF SETTING VERTICAL CURB
 DATE OF ISSUE: AUGUST 2010
 DRAWING NUMBER: **E 106.3.0**

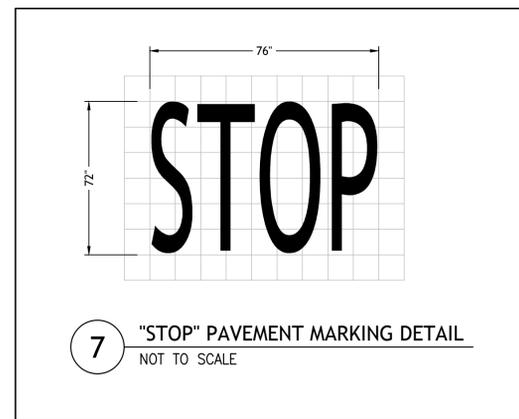
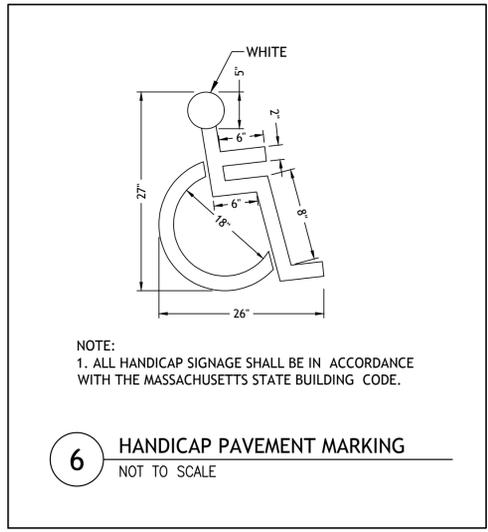


- NOTES:**
1. THIS PROCEDURE IS APPLICABLE ONLY IF CURB IS TO BE SET AFTER BASE AND/OR BINDER COURSES ARE IN PLACE.
 2. CUT NEAT LINE 6" FROM CURB LINE AND REMOVE BINDER, BASE AND GRAVEL, REPLACE WITH CEMENT CONCRETE.
 3. ANY DESIGNATED CEMENT CONCRETE THAT IS ACCEPTABLE UNDER SECTION M4 OF THE STANDARD SPECIFICATIONS MAY BE USED; ALL TEST REQUIREMENTS ARE WAIVED. HOT MIX ASPHALT SHALL NOT BE USED AS A SUBSTITUTE.
 4. PAYMENT PER FOOT OF CURB IS INCLUSIVE OF ALL ITEMS OF WORK REQUIRED TO COMPLETE PROPER INSTALLATION OF THE CURB.



5 TRAFFIC SIGN DETAIL
 NOT TO SCALE

| SIGN NUMBER | | W3-1a |
|----------------|------------|--------|
| LEGEND | | |
| COLOR | BACKGROUND | YELLOW |
| | COPY | BLACK |
| SIGN DIMENSION | WIDTH | 24" |
| | HEIGHT | 24" |



JCE
 JOE CASALI ENGINEERING, INC.
 CIVIL ENGINEERING
 300 POST ROAD, WAIRWICK, RI 02888
 (401) 944-1300 (401) 944-1313 FAX WWW.JOECASALI.COM

JOSEPH A. CASALI
 CIVIL ENGINEER
 No. 6728
 PROFESSIONAL ENGINEERING
 9-19-15

NEW ENGLAND TREATMENT ACCESS DISPENSARY
 160 WASHINGTON STREET
 BROOKLINE, MASSACHUSETTS
 IA 2, AP 185, LOTS 1, 2 & 3

REVISIONS:

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
| | | |
| | | |
| | | |

DESIGNED BY: DRD
 DRAWN BY: JMM
 CHECKED BY: JAC
 DATE: 10/01/2015
 PROJECT NO: 03-80ce

PRELIMINARY, NOT FOR CONSTRUCTION

SITE DETAILS

SHEET 2 OF 2

C:\03-00\Vision III\architect\03-80ce\NETA\Brookline\ACAD\NETA\BROOKLINE [PLANSET] 18.dwg Oct-01-2015 2:39pm



LOCATION OF EXISTING UTILITIES SHOWN ARE FROM GATE LOCATION AND EXISTING DOCUMENTATION AND MAY NOT BE ACCURATE. EXACT LOCATION TO BE DONE BY THE APPROPRIATE UTILITY COMPANY OR MUNICIPALITY PRIOR TO ANY EXCAVATION CALL DIGSAFE AT: 1-888-DIG-SAFE 1-888-344-7233