



LAW OFFICE OF ROBERT L. ALLEN JR., LLP

300 WASHINGTON ST.  
SECOND FLOOR  
BROOKLINE, MA 02445

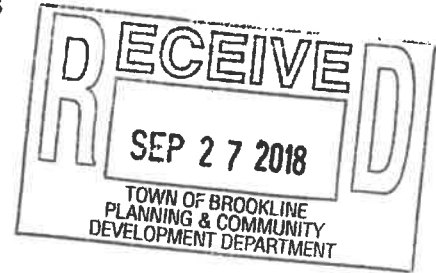
P. (617) 383-6000  
F. (617) 383-6001

From the Desk of:  
Robert L. Allen, Jr., Esq.  
ballen@boballenlaw.com

September 27, 2018

**VIA HAND DELIVERY**

Attn: Polly Selkoe  
Planning Department  
Brookline Town Hall  
333 Washington Street  
Brookline, MA 02445



**Re: Zoning Appeal**  
**160 Washington Street, Brookline, MA 02445**

Dear Polly:

I write on behalf of my client, New England Treatment Access Inc., applicant for the property located at 160 Washington Street, Brookline, Massachusetts. Enclosed please find the following documents related to this zoning appeal:

- **Application for Special Permit (original and 1 copy);**
- **Denial Letter (2 copies);**
- **Certified Site Plan (16 copies);**
- **Existing and Proposed Floor Plans (16 copies);**
- **Health Department Report (16 copies);**
- **Police Department Report (16 copies);**
- **Transportation Department Report (16 copies);**
- **Fire Department Report (16 copies);**
- **Application Submitted to Cannabis Control Commission (1 copy);**
- **Zoning Analysis (16 copies);**
- **Previous ZBA Decision No. 2015-0002 (1 copy);**
- **Lease (1 copy); and**
- **Filing Fee (\$750.00 Town of Brookline; \$21.00 Brookline TAB).**

Additionally, a PDF of the site plan and floor plans labeled 160 WASHINGTON\_160\_NETA and a full copy of the redacted application submitted to the Cannabis Control Commission will be sent to your office via email. Please note that Section 4.01 of the Lease provided indicates the applicant's right to use the premises for the additional requested use.

Kindly notify my office once the application has been deemed complete pursuant to Section 9.04.4 of the Zoning By-Law, and confirm that the application will be heard at the Planning Board meeting on 10/11/18 and the Board of Appeals hearing 10/25/18 and the site visit will be conducted 10/17/18.

Thank you for your attention to this matter. If you have any questions or if any further information is required, please be in touch at my above-listed telephone number.

Very Truly Yours,

*Robert L. Allen, Jr.*  
Robert L. Allen, Jr. 510

Enclosure



**TOWN OF BROOKLINE BOARD OF APPEALS**  
**APPLICATION FOR SPECIAL PERMITS AND/OR VARIANCES**  
**FOR MARIJUANA ESTABLISHMENTS**

(See MGL c. 40A s. 9 & 10, BOA Rules and Regulations, and Zoning By-laws § 9)

Type of Establishment:  Marijuana Retailer  Marijuana Product Manufacturer  
 Marijuana Cultivator  Other \_\_\_\_\_  
 Independent Testing Laboratory

Address of Premises: 160 Washington Street, Brookline, Massachusetts 02445

Applicant(s): New England Treatment Access, LLC

Address: 160 Washington Street, Brookline, Massachusetts 02445

Property Owner(s) of Record: Washington 160 LLC

Address: 85-87 Boston Street, Everett, Massachusetts 02149

Deed recorded in Registry of Deeds, Book 32019 Page 436  
or registered in the Land Registration Office under Certificate No. \_\_\_\_\_

Tax Assessor's Property ID No.: \_\_\_\_\_ Map: 37B Block: 185 Lot: 01 & 02

Staff Use Only	
Date Application Received:	Application Received By:

Supplemental Questions, may submit an attachment.

Is the applicant applying for special permits X and/or variances \_\_\_ ? Please list Zoning By-law sections under which special permits and/or variances are requested. (Refer to Denial Letter.)

Section 4.07 - Table of use regulations; modification, as necessary, of BOA Case #2015-0002; and any other relief the Board may find necessary.

Provide a description of your proposal including proposed renovations, proposed use, size, location on the site, etc. Provide for sale of recreational marijuana in addition to the existing medical marijuana use.

Present use of property (No. of dwelling units, if any.)

Retail sale of medical marijuana

Proposed use of property (description of all buildings and facilities, hours of operation, number of employees, visits by clients or pupils, amount of off-street parking, square footage of proposed additions or structures, etc.)

Retail sale of recreational and medical use marijuana

Why does the applicant believe that the proposed use or building will meet the conditions for a special permit under Section 9.05 of the Brookline Zoning By-Law and will be in harmony with the purpose and intent of the Bylaw?

The proposed retail sale of recreational marijuana is an appropriate additional use for the property, which is already being used for the retail sale of medical marijuana. The additional use will not adversely affect the neighborhood. All alterations to the structure to allow for the sale of recreational use marijuana will be interior. The proposal will not cause a nuisance or serious hazard to vehicles or pedestrians. The site has adequate parking and will employ appropriate measures as needed to address any increase in traffic. Adequate and appropriate facilities will be provided for the proper operation of a recreational marijuana retail store. The Petitioner has had extensive discussions with the Police, Fire, Health and Transportation Departments and has conducted meetings with Departments as well as site visits. Specific concerns by Transportation, Police, and Health Departments have been addressed.

(IF APPLICABLE) Why does the applicant believe that the proposed use or building will meet the conditions for a variance under MGL c. 40A, Sec. 10, i.e. what are the special circumstances relating to soil conditions, shape, or topography of such land or structures, which do not generally affect other land or structures in the same zoning district, so that a literal enforcement of the by-law would involve substantial hardship, financial or otherwise, and that relief may be granted without substantial detriment to the public good and without substantially derogating from the intent or purpose of the By-law?

N/A

INTERNAL  
USE ONLY

- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 

Required Documentation:

- An original completed application (2 copies)
- Denial Letter issued by the Building Department (2 copies)
- A certified plot plan or site plan by a site or land surveyor (16 copies)
- 11"x17" sized plans including floor plans and elevations which indicate all existing and proposed conditions (16 copies)
- All reports as required in pre-application meeting from (Fire, police, Health, etc.) (16 copies)
- Application submitted to the Cannabis Control Commission (1 copy)
- Copy of Host Community Agreement (16 copies)
- Zoning Analysis demonstrating site compliance (16 copies)
- A PDF of site plan and all submitted plans to scale labeled: STREETNAME\_ NUMBER\_ BUSINESSNAME sent to the Zoning Coordinator
- Application fee payable to the Town of Brookline (\$750 base fee + \$21 newspaper fee)
- Any previous relief granted by the Board of Appeals for the lot (if applicable)

Retail Marijuana Establishment? No  Yes

If yes, how many **special permits** have been issued for Retail Marijuana Establishments?\* 0

If yes, how many **licenses** have been issued for Retail Marijuana Establishments?\* 0

The Applicant understands that there is a 20% cap on special permits and select board licenses for Retail Marijuana Establishments based on issued package store licenses: No  Yes

**If no, the Applicant will review the 20% cap with Staff prior to submission of an application for zoning relief for a Retail Marijuana Establishment.**

\*CONTACT STAFF FOR MORE INFORMATION

Staff notes on application completion status:

Application received complete 9/27

Application # 1

INTERNAL USE ONLY

## Certification and Signatures

If your application is deemed incomplete per §9.04.4 of the Zoning By-law, **the missing information must be submitted before a Board of Appeals hearing is scheduled.** After the Board of Appeals hearing is set, the Planning Board will hold a meeting prior to the Board of Appeals hearing to consider the case and make a recommendation to the Board of Appeals. Contact the Planning and Community Development Department (617-730-2130) with any questions about the approval process and/or meeting schedules.

(Signatures of Appellant(s) and Owner(s) of Record are required.)

I (We) hereby certify that the statements within my (our) Appeal and attachments are true and accurate to the best of my (our) knowledge and belief.

Amanda Rositano 9/27/18  
Signature(s) of Appellant <sup>(s)</sup> Date

617-285-4461

Daytime Telephone Number and/or Cell

amanda@netacare.org

E-Mail Address

Amanda Rositano 9/27/18  
Signature(s) of ~~Owner of Record~~ <sup>Tenant/ Lessee</sup> Date

617-285-4461

Daytime Telephone Number and/or Cell

amanda@netacare.org

E-Mail Address

### If Applicable:

Robert L. Allen, Jr.

Name of Attorney

617-383-6000

Daytime Telephone Number and/or Cell

ballen@boballenlaw.com

E-Mail Address



TOWN of BROOKLINE  
*Massachusetts*  
BUILDING DEPARTMENT

Michael Yanovitch  
Deputy Building Commissioner

Monday, September 24, 2018

New England Treatment Access Inc.  
C/O Law Office of Robert L. Allen Jr., LLP, Second Floor  
Brookline, MA 02445

**Subject: 160 WASHINGTON STREET, BROOKLINE, MA 02445**

Dear New England Treatment Access Inc.,

Your request to:

*ADD RETAIL MARIJUANA USE*

at 160 WASHINGTON STREET, BROOKLINE, MA 02445 is denied.

The subject premises is located in a(n) G-2.0 GENERAL BUSINESS District.

The proposal by NETA to add a retail marijuana use and plans by Dennis Colwell Architects dated May 14, 2018 do not conform to the following requirements of the Town of Brookline Zoning By- Law:

§4.07 – TABLE OF USE REGULATIONS, USE #20B

MODIFICATION, AS NECESSARY, OF BOA CASE #2015-0002

ANY OTHER RELIEF THE BOARD MAY FIND NECESSARY

In accordance with the provisions of the Zoning By-Law, you may apply to the Board of Appeals for the above noted relief within thirty (30) days of receipt of this letter.

Respectfully,

*Michael Yanovitch*

Deputy Building Commissioner