

· **Outline method of addressing line control to prevent blocking driveways and or residential/businesses entrances. Focus area is related to injury prevention.**

- **See points above. Line will be managed using the above measures and according to the plans developed in conjunction with BPD**

Please let us know if you would like to schedule a meeting to review the application or any other concerns.

Thank you

Amanda Rositano
Director of Operational Compliance
New England Treatment Access, LLC.

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NEW ENGLAND TREATMENT ACCESS, LLC.

Separating Recreational from Medical Operations

NETA will create a clear division of its medical and adult use retail cannabis operations while optimizing for flow and efficiency, maintaining its warm and professional atmosphere and ensuring continued access to the services and products upon which our registered medical marijuana patients have come to rely on. In accordance with 935 CMR 500.140(7), this division will be accomplished through entry procedures into the facility, through physical separation by use of line stanchions, and as appropriate, within the floor area by use of wayfinding signage and staff direction. NETA will maintain a 35% inventory reserve for medical marijuana patients, and medical and adult use transactions will be separated through the Point of Sale (POS) system. Unlike medical patients, adult use consumers will not be required to maintain a profile through the POS system or have purchases dispensed through the Virtual Gateway. All purchases for adult use customers will be subject to applicable state and local taxes.

Entry Procedures

Our entry procedures will utilize, at minimum, one staff person at the entry door of the facility who will be responsible for positively identifying and verifying that the entrant is at least 21 years of age as evidenced by a valid form of identification and confirmed via ID scanner technology. In accordance with 935 CMR 500.140, if an individual seeking admittance to the premises is younger than 21 years of age, but 18 years of age or older, he or she will not be admitted unless he or she produces (1) a valid, active medical marijuana registration card issued by the MA DPH and (2) a valid government-issued ID. If the individual is younger than 18 years old, he or she will not be admitted unless he or she (1) produces an active medical registration card issued by the MA DPH and (2) he or she is accompanied by a personal caregiver with an active medical registration card issued by the MA DPH and a valid government-issued ID. Individuals under 21 years old and presenting as registered patients or caregivers will be verified against the Virtual Gateway (VG) medical marijuana tracking system prior to entry from the vestibule into the building to ensure the patient registration and certification is active and valid.

Physical Separation

Within the facility, NETA will utilize stanchions to physically separate lines in which medical use patrons purchase their therapies from those lines for adult consumers. NETA staff will help to guide patrons to the proper lines as they enter the facility. Per 935 CMR 500.140(7), the holder of a medical registration card may use either line and will not be limited only to the medical use line. However, certain medical-only products may only be available in the medical use line. NETA intends to reserve approximately one-third ($\frac{1}{3}$) of its open lines for medical transactions. However, we may choose to transition lines from adult use to medical or visa versa depending on daily sales traffic. In any event, NETA will always maintain at least one separate line for medical patients.

Inventory Reserve

In compliance with 935 CMR 500(10), NETA will ensure that at least 35% of NETA's retail location specific available sellable inventory of marijuana and marijuana products is reserved daily for





NEW ENGLAND TREATMENT ACCESS, LLC.

registered medical marijuana patients. NETA will perform a daily audit of on-hand sellable inventory and designate 35% of each product type to be reserved for medical patients. For additional details regarding NETA's inventory reserve, please see inventory procedures section.

Point of Sale Procedures

Once a patient reaches the Point of Sale (POS), a NETA staff person will once again request a valid photo identification and/or valid medical marijuana registration card and identification depending on the patient's age. If a caregiver is present with a registered patient, the staff person will also verify the ID and registration card of the caregiver. The POS system will prompt the dispensing agent to begin either a medical or an adult use transaction to ensure the transaction is processed under the correct classification.

For adult use transactions, NETA's POS system will not allow transactions for more than one ounce of flower or five grams of concentrate. The POS system is designed to ensure that applicable taxes are collected on every adult-use transaction.

For medical use transactions, NETA's POS will integrate with the Virtual Gateway (VG) to verify the patient's available purchase limit and record the transaction in the patient's VG profile. NETA's POS will prevent the transaction from exceeding the allowable amount verified through the VG. NETA's current dispensary operations in Brookline and Northampton utilize this integrated POS system and has been inspected and approved by the MA DPH.





NEW ENGLAND TREATMENT ACCESS, LLC.

Restricting Access to Age 21 and Older

NETA will ensure that access to its adult use retail operations are restricted to individuals age 21 and older. This will be accomplished through both strict procedures required for entry into the facility and redundant ID verification at the Point of Sale (POS) prior to dispensing.

Entry Procedures

In accordance with 935 CMR 500.140 and 105 CMR 725.105(F), our entry procedures will utilize, at minimum, one staff person at the entry door of the facility who will be responsible for positively identifying and verifying that the entrant is at least 21 years of age as evidenced by a valid form of identification and confirmed via ID scanner technology. In accordance with 935 CMR 500.140(3), if an individual seeking admittance to the premises is younger than 21 years of age, but 18 years of age or older, he or she will not be admitted unless he or she produces (1) a valid, active medical marijuana registration card issued by the DPH and (2) a valid government-issued ID. If the individual is younger than 18 years old, he or she will not be admitted unless he or she produces (1) an active medical registration card issued by the DPH and (2) he or she is accompanied by a personal caregiver with an active medical registration card issued by the DPH and a valid government-issued ID. Individuals under 21 years old and presenting as registered patients or caregivers will be verified against the DPH Virtual Gateway (VG) medical marijuana tracking system prior to entry from the vestibule into the building in order to ensure that the patient or caregiver registration and certification are active and valid. Once inside the facility, any valid registered patient that is under 21 years of age will be directed to the "medical only" patient line.

ID Verification at Point of Sale

Once an individual reaches the Point of Sale (POS), a NETA dispensary agent will again request a valid photo identification and again confirm that the individual is at least 21 years of age. Only individuals over 21 years of age will be permitted to make an adult use transaction in NETA's POS system. The POS system will prompt the dispensing agent to begin either a medical or an adult use transaction to ensure the transaction is processed under the correct classification. All medical marijuana transactions will be recorded in the Virtual Gateway per NETA's current procedure.





Separation of Medical and Adult Use Products

NETA will be using the Seed to Sale Tracking and POS System to ensure no Medical Only products are sold to Adult Use Consumers.

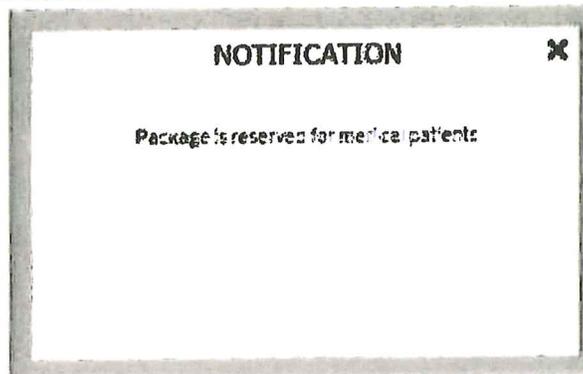
Virtual Separation

Inventory that is considered Medical Only will be flagged as such in the Seed to Sale system. *Pictured Below*

Medical Patients Only Yes ▼

Update

If an employee tried to scan that item into a Recreational Transaction, the following error will occur:



The only way to override this message at the POS is if the “Medical Patients Only” Flag was changed to “No” in the Seed to Sale Tracking System.

Extra Precautionary Measure

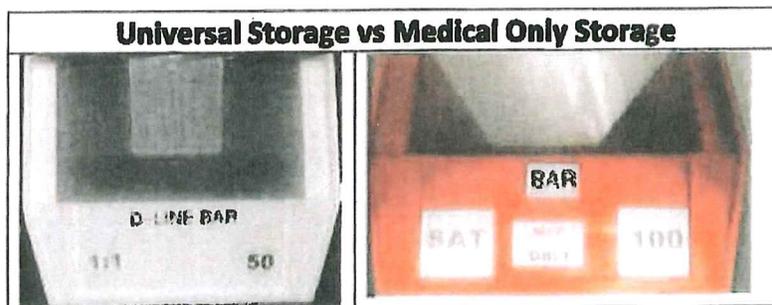
You cannot scan Medical Product into Adult Use transactions, but we also put in a few preemptive measures (visual cues) in place to avoid any confusion from the get go.

The Sales Floor has signage on each Medical Only Product bin.

Pictured Below



These storage containers are also different colors from other storage bins to ensure an extra visual cue for staff. *Pictured Below*





BROOKLINE POLICE DEPARTMENT

Brookline, Massachusetts

MARK P. MORGAN
SUPERINTENDENT
ACTING CHIEF OF POLICE

August 27, 2018

Ms Amanda Rositano
Director of Operational Compliance
New England Treatment Access, LLC
5 Forge Parkway
Franklin, MA 02038

Ms Jennifer Gilbert, Counsel to NETA
Law Office of Robert Allen, Jr
300 Washington Street
Brookline, MA 02445

Dear Ms Rositano and Ms Gilbert,

The Brookline Police Department has completed a review of New England Treatment Access (NETA), LLC's pre-application materials in support of an adult use retail marijuana license from the Town of Brookline to co-locate an adult use retail operation within NETA's existing registered medical marijuana dispensary at 160 Washington St. We look forward to continuing the strong, collaborative relationship we have with NETA.

As you know, as part of this review Ms Rositano met with Deputy Superintendent Andrew Lipson and Lieutenant Michael Raskin on July 26, 2018 to discuss NETA's operational plans for adult use retail sales and walk through the process your customers will follow. A follow-up meeting was held on August 7, 2018 with both of you, along with Lt Raskin, Director of Operations Lynnette French and Security Manager Stephen Coraccio. During this meeting, various recommendations were discussed in order to maintain public safety and minimize impacts to vehicle and pedestrian traffic as a result of the increased volume anticipated by the adult use retail operation. We understand that any recommendations that would require any type of installation or alteration to the building would require approval from the Brookline Planning Board and/or Preservation Commission.



Public Safety Building, 350 Washington Street, Brookline, Massachusetts 02445
Telephone (617) 730-2249 ♦ Facsimile (617) 730-8454

In addition, Lt Raskin has reviewed several other documents submitted as part of the packet, including:

- Policy #301: Security Procedures – Retail Dispensaries
- Policy #303: Emergency Preparedness Plan
 - Emergency Preparedness Document, which supports and summarizes Policy #303
- Policy #800: Incident Management Program Policies and Procedures
- Mandatory Security and Staff Training PowerPoint, which supports the above policies and procedures
- Transcript of a Community Outreach Hearing held at the Holiday Inn, 1200 Beacon St on April 12, 2018.

Below, please find the Brookline Police Department's findings and recommended conditions for consideration by the Town of Brookline's Zoning Board of Appeals in connection with the special permit process and by the Select Board in connection with the local licensing process.

I. Public Safety and Security

NETA's current security plan has been reviewed and approved by the Massachusetts Department of Public Health for the operation of their Registered Marijuana Dispensary.

Lt Raskin has reviewed NETA's comprehensive security plan for an adult use retail operation. The security plan addresses entry protocols, security and staff training, alarms and access prevention, staff access controls and restrictions, video surveillance program, watch tours (security checks), inspections and audits, employee radio frequency identification (RFID) badges, limited access area procedures, visitor authorization procedures, destruction and manifests for unused marijuana, written emergency policies and procedures, fire alarms and incident reporting.

All aspects of the security plan meets or exceeds the requirements of the Town of Brookline's General By-Laws Article 8.37 and applicable Code of Massachusetts Regulations (935 CMR 500) related to adult use retail operations. In addition, the plan has been reviewed by security experts, including Former Boston Police Commissioner Ed Davis.

Below is a more in-depth look at several aspects of the security plan and related subjects along with recommended conditions.

Entry Procedures:

Currently, NETA staff physically checks each medical marijuana patient's registration card and then allows the patient into the vestibule. Once inside the vestibule, security staff checks the patient's registration card in the state's patient tracking system called "Virtual Gateway". Once



the patient's registration is confirmed as being valid, they are allowed into the patient service area.

For adult use retail operations, NETA staff will be utilizing, at minimum, one staff person at the entry door of the facility who will be responsible for requesting positive identification from the customer, confirming that the positive identification indicates the customer is at least 21 years of age, and then checking the validity of the identification by using an identification scanner device. The Brookline Police recommends a second staff person be available with a second identification scanner device for the main entrance during peak times. A third identification scanner device should be available as a back-up should any of the devices malfunction.

NETA agrees to adhere to 935 CMR 500.140, which states that if an individual seeking admittance to the premises is younger than 21 years of age, but 18 years of age or older, he or she will not be admitted unless he or she produces (1) a valid, active medical marijuana registration card issued by the MA DPH and (2) a valid government-issued identification. If the individual is younger than 18 years old, he or she will not be admitted unless he or she (1) produces an active medical registration card issued by the MA Department of Public Health (DPH) and (2) he or she is accompanied by a personal caregiver with an active medical registration card issued by the MA DPH and a valid government-issued identification. Individuals under 21 years old and presenting as registered patients or caregivers will be verified in the Virtual Gateway (VG) medical marijuana tracking system prior to entry from the vestibule into the sales area to ensure the patient registration and certification is active and valid.

Summarizing Massachusetts General Law Chapter 94G, Section 9(b), the following forms of identification may reasonably be relied upon for proof of a person's identity and age in determining if the customer is at least 21 years old:

- Massachusetts Driver's License
- Massachusetts Liquor Identification Card
- Massachusetts Identification Card
- Passport issued by the United States or a country recognized by the United States
- Passport card
- Military Identification

In order to optimize the checking of identifications prior to entering the premises, NETA agrees to using a some type of shelter (canopy, awning, umbrella, etc.) at the entrance door to allow NETA staff to be able to better view the identification scanner device in outdoor conditions, including bright sunshine as well as inclement weather conditions. NETA will also look to procure some type of shade cover for the devices themselves to allow staff to better see the display on the scanner devices.



Once a customer reaches the Point of Sale (POS), a NETA staff person will once again request a valid photo identification and/or valid medical marijuana registration card and identification depending on the patient's age. If a caregiver is present with a registered patient, the staff person will also verify the identification and registration card of the caregiver.

Customer Demand Management:

As mentioned in your business plan, NETA assumes that the customer and patient volume that NETA can serve will, at minimum, double once adult use retail operations begin. In order to accommodate this increase volume and in accordance with 900 CMR 500, NETA will separate medical patients from adult use retail customers by having four lines within the facility: 1) an express line for medical patients, 2) a full service line for medical patients, 3) an express line for adult use retail customers and 4) a full service line for adult use retail customers. The express line is for current medical patients and future adult use retail customers who reserve their order on-line. Once properly allowed into the premises, customers can pick-up their orders and properly check out. NETA has indicated that the current on-line ordering process has reduced the average medical patient visit to less than 10 minutes.

NETA will also be increasing the number of Point of Sale (POS) / "service station" positions from the current 13 to approximately 25 positions. NETA, which currently employs approximately 65 staff members at the Brookline dispensary, also plans on increasing full-time equivalent staffing by 55-65%. According to Director of Operations Lynnette French, during NETA's busiest shifts, they will have approximately 30 staff members on duty, including management and inventory staff. On slower shifts that number would reduce down to approximately 22 staff members.

In order to ensure that customers are comfortable and do not feel cramped within the premises, NETA plans having customers wait in line outside before building capacity is reached. Two separate outside lines will be used, one for medical patients and one for adult use customers. The line for medical patients will form in the parking lot as it currently does.

The line for adult use customers will be a single file line and will start at the main entrance next to the parking lot. Customers will line up on Boylston St towards Washington St and on Washington St towards White Pl. NETA has indicated that the Town may allow them to use the former main entrance of the bank, located on the corner of Washington St and Boylston St, as an exit for customers. NETA acknowledges that a minimum width of 36" of sidewalk will need to be left clear for the free flow of pedestrian traffic on sidewalks. NETA also agrees to place extra staff members, including members of NETA's leadership team, in the area to maintain proper management of the line. NETA agrees to use line stanchions to ensure a single line and to maintain the 36" width for pedestrians. These stanchions will be brought into the facility when NETA is closed.



Proposed Hours: **Daily:** **8:00 AM to 10:00 PM**
(No new customers will be allowed to enter the premises after 9:45 PM daily.)

NETA has indicated that extending their hours of operation will lessen the impacts of the increased volume of adult use retail customers by spreading out customer demand over a longer period of time.

The Police Department has a concern about traffic impacts during these extended hours, especially on weekday mornings when parents are dropping off children at the daycare center located at 31 Boylston St. NETA has worked closely with the daycare center regarding issues of NETA customers using their parking lot, and has devoted a NETA staff member to monitor the daycare center parking lot to ensure NETA customers do not park there. Lt Raskin has spoken with the staff from the daycare, who indicated that the busiest time for the morning drop off is from 7:30 AM to 8:30 AM. The daycare is closed on Saturday and Sunday.

The Police Department is additionally concerned about an 8:00 AM start time since a School Cross Guard is assigned to the intersection of Washington St and Boylston St from 7:30 AM to 8:30 AM and many students use the sidewalks adjacent to NETA and cross the intersection to go to school. In addition, there will be future traffic impacts in the area from the Gateway East project, with construction anticipated to start in 2019 and last for approximately two years. Also, the Massachusetts Department of Transportation does not allow any construction or non-emergency maintenance work on Boylston St until 9:00 AM due to potential impacts on morning rush hour traffic.

Although the final decision regarding hours of operation rests with the Select Board, the Brookline Police would recommend that NETA not open before 9:00 AM weekdays. The Police Department would not object to an 8:00 AM opening on Saturdays, Sundays or Holidays.

As noted above, NETA has requested a second police detail officer be hired to maintain public safety and to ensure the free flow of vehicle and pedestrian traffic in and around the location.

Parking:

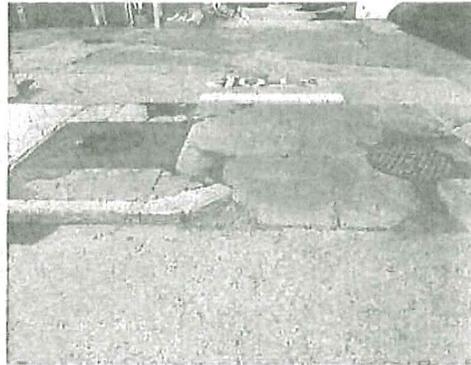
The parking lot for NETA has 13 spaces and one for HP placards, for a total of 14 spaces. The following recommended conditions are requested to ensure traffic flow on Boylston St and public safety in the lot:

- NETA has repaired a light fixture that illuminates the down ramp to the lot. The Police Department recommends, with the approval of the Brookline Planning Board and/or Preservation Commission, additional lighting be installed to illuminate the area adjacent



to the bicycle rack where clients walk to their vehicles in the lower parking lot. This will be especially important if hours of operation are extended later into the evening.

- The Police Department recommends, with the approval of the Brookline Planning Board and/or Preservation Commission, that a concave mirror be installed that will allow NETA staff and details officers to view the two parking spots directly behind the Eversource transformer station from the upper lot. This is needed so that NETA staff and detail officers are aware of how many parking spots are available and when to close the lot because it is full.
- NETA has indicated they will be paving and restriping the parking lot and expects this work to be completed before the opening of their adult use retail operation.
- NETA wishes to have the sidewalk in front of their parking lot repaired. There are currently numerous cracks and divots on the sidewalk, especially around the maintenance holes (see photo). Many pedestrians, including those staying at the Homewood Suites and groups of children with their parents going to or coming from the daycare center use this sidewalk and it currently presents a tripping hazard. NETA has been working with the Town of Brookline to determine who has jurisdiction over the sidewalk. Lt Raskin has reached out to the Brookline Department of Public Works to see if he can assist with this matter. Ideally, a new sidewalk should be installed prior to the start of the adult use retail operation.
- Currently, when the NETA parking lot is full, the officer assigned to the detail and/or NETA staff place orange traffic cones along the white fog line on Boylston St to restrict vehicles from entering the lot. It has been the experience of many detail officers when the lot is full, motorists slow down to see if the lot is indeed full, to see if any vehicles are preparing to leave or to ask where they should park.
- NETA agrees to procure a pedestal style "Parking Lot Full" sign to replace the existing sandwich board style sign. When the lot is full, this sign can be placed at the driveway to inform motorists that they need to seek alternate parking.
- NETA has rented 15 spots in the parking garage of the Homewood Suites by Hilton located at 111 Boylston St. NETA has worked closely with the hotel to develop a process that would be fairly seamless for NETA's customers and parking staff and the Homewood Suites parking valet. NETA's proposed procedure is as follows:



1. Two-way radios will be utilized to communicate with the hotel valet if the NETA parking lot is full and when spots become available.
2. Currently, drivers intending to visit NETA will first try to park in NETA's parking lot.
3. If the parking lot is full, NETA parking lot staff will hand the driver a parking voucher (image to the right) and direct them to the Homewood Suites. NETA hopes this procedure will reduce the need for parking staff and/or the police detail officer to communicate with the driver, as all information regarding the Homewood Suites parking procedure is outlined on the voucher.

**NETA CUSTOMER PARKING AVAILABLE AT
HOMWOOD SUITES - 111 BOYLSTON ST
PRESENT THIS CARD TO THE VALET AT THE
HOTEL TO RECEIVE A KEY TO THE GARAGE**

DATE: _____ TIME: _____

KEY # _____

4. The customer drives to the Homewood Suites and pulls into the hotel valet parking area in front of the hotel. The customer will hand the voucher to the valet staff and in exchange will receive a key card (image to the right) to enter and exit the garage.
5. The customer drives into the hotel parking garage (utilizing the issued key card) and exits the garage on foot using the outside staircase. There is no need for the NETA customer to enter the hotel or have any ticket validated within the hotel.
6. After shopping at NETA, the driver returns to their vehicle using the same staircase, then uses the key card to open the gate and exit the garage. The customer then drops the key card into the drop box located at the exit.



7. The hotel valet staff will regularly retrieve key cards from the drop box. They will note the plate number and time as the vehicle enters the garage to keep track of issued keys. If it is determined that a driver has left with the key card, it is deactivated and replaced accordingly.

- The Police Department recommends that this procedure be implemented on a trial basis once the adult use retail operation begins. During this period, feedback will be sought by detail officers assigned to NETA, as well as NETA staff to see if the program is working



or needs to be adjusted. The Police Department also recommends NETA work to identify additional off-street parking opportunities in the area for their customers.

Traffic Management Study:

NETA recently received the results of an additional traffic study to evaluate the impact of increased customer volume and extended hours in the area. NETA indicates that there have been three previous traffic management studies and they have implemented the performance goals recommended in each one. Lt Raskin is reviewing this report and will discuss the study with you and your staff. It is anticipated that NETA will implement any recommendations from the study deemed appropriate by the Town of Brookline and the Police Department.

On April 12, 2018, a Community Outreach Hearing was held at the Holiday Inn at 1200 Beacon Street. Lt Raskin has reviewed the transcripts of the hearing. On page 19, an unidentified male indicated that he crosses Rt 9 several times a week and that during the peak hours the police detail stops the westbound traffic on Rt 9 to allow NETA customers to exit the parking lot, which backs up traffic into the middle of the intersection at Boylston St and Washington St.

The Police Department feels that is important to note that this occurs rarely, if at all. The common practice for the police officer assigned to the NETA detail is to stop vehicles exiting the NETA parking lot prior to the sidewalk (so as to not obstruct the sidewalk with a waiting vehicle), and allow westbound traffic with a green light to proceed. Officers then monitor the eastbound traffic signal on Boylston St at High St, knowing that when eastbound traffic stops for a red light, westbound traffic stops for a red light as well. Once traffic on Boylston St clears, officers check the sidewalk for pedestrians, and then allow vehicles to exit the NETA lot.

Alarm System / Unauthorized Access Prevention

NETA's security alarm system includes, but is not limited to, the following features:

- it is connected to a third party monitoring system, and NETA agrees to notify the Chief of Police should they change alarm system vendors
- glass break detection
- interior motion sensors covering limited access areas, entrance and exits points and building corridors
- roof hatch break detection
- Personal and fixed security panic alarm devices are located at the dispensary. Lt Raskin has reviewed the policy for the use of these devices and the procedures for accidental activation of any panic alarm. NETA agrees that if a panic alarm is accidentally activated by a member of the sales or security staff, then that staff member will immediately notify the Manager or Alternate Manager on-duty, who will immediately notify the police detail and/or call the police department (617-730-2222) to report the activation as accidental. The detail officer and/or responding units may conduct a check of the facility to ensure that all is well.



Video Recording System

NETA's video recording system includes, but is not limited to, the following features:

- 24-hour recording
- 90-day data storage
- video servers are in a secured room with limited access
- cameras monitor all secure areas, including:
 - all limited access areas where marijuana and marijuana infused products (MIPs) are present
 - all areas where marijuana is weighed
 - in all corridors that control staff movement throughout the facility
 - at all points of entry and exit
- exterior cameras have infrared technology
- multi-screen video monitoring station
- Law Enforcement Officers are provided access to video recordings for investigations, whether related to NETA or not.

Street Level Window Shading

No marijuana or marijuana products are visible from the street.

II. Prevention of Product Diversion

Similar to the security plan, NETA has robust policies and procedures designed to prevent theft and diversion of products from your facilities. This plan also meets or exceeds the requirements of Brookline's General By-Laws Article 8.37 and applicable regulations contained in 935 CMR 500.

The prevention of diversion plan includes restrictions on bringing outside articles (coats, bags, etc.) into areas containing marijuana, as well as restrictions on entry into limited access areas. Also included in the prevention of diversion plan are reporting, investigation and security response procedures in the event of an incident.

III. Storage of Marijuana

NETA stores all marijuana and marijuana products in limited access areas to prevent theft and diversions, as well as to ensure the products are stored in the proper climate and conditions. NETA's marijuana storage plan meets or exceeds the requirements of Brookline's General By-Laws Article 8.37 and applicable regulations contained in 935 CMR 500.



IV. Transportation of Marijuana

NETA has detailed policies and procedures for the transportation of marijuana to and from their facilities that have proven effective as a Registered Marijuana Dispensary. The plan includes employment requirements for NETA's transportation team, fleet vehicle security and capabilities, on-board cargo limitations, varied delivery routes and scheduling, manifests, inventory control, etc. The transportation plan meets or exceeds the requirements of Brookline's General By-Laws Article 8.37 and applicable regulations contained in 935 CMR 500.

V. Inventory Procedures

NETA has vigorous inventory infrastructure, technology and procedures which meet or exceed the requirements of Brookline's General By-Laws Article 8.37 and applicable regulations contained in 935 CMR 500. NETA employs a general inventory manager who oversees all inventory operations, as well as an inventory supervisor and four inventory specialists for the Brookline facility. NETA uses *Leaf Logix* inventory management software and will be incorporating the state required METRC inventory tracking system into its technology capabilities. These systems are able to track inventory from a seed to the point of sale.

VI. Dispensing Procedures

NETA currently utilizes comprehensive dispensing procedures as part of the Registered Marijuana Dispensary. These procedures meet or exceed the requirements of Brookline's General By-Laws Article 8.37 and applicable regulations contained in 935 CMR 500. These procedures include entry protocols, the use of full service and express lines, checkout procedures, designating 35% of their inventory for medical patients, accounting, Point of Sale system security and consumer education regarding the use of their products.

The Brookline Police Department places great emphasis on working in partnership with members of our community to maintain a high quality of life and provide the best police services possible. We look forward to continuing the relationship with have with NETA now and in the future.



If you have any questions, please feel free to contact Lt Michael Raskin at 617-730-2659 or mraskin@brooklinema.gov.

Sincerely,



Mark P. Morgan
Superintendent
Acting Chief of Police



Public Safety Building, 350 Washington Street, Brookline, Massachusetts 02445
Telephone (617) 730-2249 ♦ Facsimile (617) 730-8454



TOWN of BROOKLINE
Massachusetts
Department of Public Works

Andrew M. Pappastergion
Commissioner

MEMORANDUM

TO: Select Board
Zoning Board of Appeals

FROM: Peter M. Ditto
Director, DPW Engineering & Transportation Division

DATE: September 14, 2018

SUBJECT: Review of New England Treatment Access (NETA) Traffic & Parking Study
and proposed Transportation Demand Management Plan

At the request of the Planning & Community Development Department, staff from the Engineering & Transportation Division has reviewed the pre-application materials submitted by the New England Treatment Access (NETA) in support of an adult use retail marijuana license from the Town of Brookline. The proposal seeks to co-locate an adult use retail operation within their existing registered medical marijuana dispensary at 160 Washington Street. The materials reviewed included a Traffic & Parking Study and the separate Transportation Demand Management Plan both completed by Stantec, Inc.

We offer the following comments for consideration by the Select Board and Zoning Board of Appeals:

Comment # 1: In general, the Traffic & Parking Study Assessment has been prepared in a professional manner, consistent with standard engineering practices and the Town's Transportation Access Plan Guidelines. While we understand that there are concerns with the traffic congestion on Boylston Street during the am and pm peak periods, the two previous monitoring reports submitted by NETA to staff demonstrated that impact was lower than the expected Mid-day and Evening Trip Generations, Boylston Street queuing, and Parking Utilization. Therefore while Boylston Street has a congestion problem as the major east/west principal arterial roadway linking the western suburban communities to the City of

Boston this congestion is not a result of NETA's operations and we have no reason to question the report's findings.

Comment # 2: The Transportation Demand Management Plan complies with the Town's Transportation Access Plan Guidelines and continues their commitment to limiting vehicle trip generations associated with the facility by:

- Appointing a Transportation Coordinator responsible for promoting use of alternative travel modes and communicating with Town staff about transportation matters;
- Providing designated off-street parking for employees and prohibiting on-site parking by employees;
- Providing a minimum 30% subsidy for employee transit passes;
- Offering a guaranteed ride home program for emergency purposes for employees using alternative modes of transportation;
- Providing preferential hiring practices for those potential employees who use alternative modes of transportation;
- Onsite bike racks for customer and employee use;
- Communicating and encouraging use of alternative modes of transportation by clients;
- 14 onsite and 15 offsite parking spaces for exclusive use of clients;
- Onsite police detail officers and NETA staff dedicated to traffic and parking management;
- 3 month and 15 month monitoring of traffic impacts; and
- Annual reporting.

Comment # 3: The existing hours of operations are Monday through Saturday 10am to 7pm and Sunday 12pm to 5pm. As a result, the traffic counts and resulting No Build and Build traffic impact assessments were based on evening peak hour counts only. However the proposed hours are Monday through Sunday 8am to 10pm. There was no AM Peak Hour traffic counts collected and no resulting No Build or Build impact assessments presented by the petitioner's transportation consultant in their Traffic & Parking study. Because of their location on a major urban arterial, adjacent to an active day care facility with heavy morning drop off activity as well as an active school crossing for the Pierce School, staff has concerns about allowing for an extension of the morning hours to 8am during the weekdays with no traffic impact study to base this decision on. Therefore staff recommends that the Select Board and the Zoning Board of Appeals deny the proposed opening of 8AM Monday through Friday. We do not object to the 8am start time on Saturday or Sunday.

Comment # 4: In meetings with representatives from NETA, they inquired into whether or not staff had a similar concern about a potential 9am start time Monday through Friday. This proposed start time is after the peak morning commuting hours, after the majority of drop offs for the adjacent day care center, after the school crossing hours, and outside of the Massachusetts Department of Transportation's typical week day ban on construction activities on Boylston Street. As a result staff is supportive of this on a trial basis and recommends that the Select Board & Zoning Board of Appeals allow for a 9am start time Monday through Friday provided that the 3 month and 15 month traffic monitoring report submitted by NETA, as part of the proposed Transportation Demand Management plan, include traffic counts during this one hour period. Upon review of this report, and in consultation with the Brookline Police Department, if staff feels as though the 9am start time is having a negative impact on traffic this decision could be revisited.

Comment # 5: In meetings with representatives from NETA they discussed their proposed recreational customer queuing plan. This plan expects to create a line beginning at the entry way and then continuing down the public sidewalk toward the intersection of Washington Street @ Boylston Street, wrapping around onto Washington Street and up toward Brookline Village along the property line. The Americans with Disability Act (ADA), the Massachusetts Architectural Access Board (MAAB) Guidelines, and industry best practices requires an unobstructed 4 foot continuous path of travel on the public sidewalk. Any written decision by either Board should require that the NETA staff monitor the line and ensure that this 4 foot path of travel is present at all times for the entire length of the line including discontinuing the line and informing customers to return at a later time and/or date.



TOWN OF BROOKLINE
Massachusetts

FIRE DEPARTMENT
FIRE PREVENTION DIVISION
PUBLIC SAFETY BUILDING

Daniel Carroll
Deputy Chief, Fire Prevention

350 Washington Street
PO Box 470557
Brookline MA 02447-0557
Office: 617-730-2270
Fax: 617-264-6491

September 24, 2018

To : Jennifer Gilbert
Re: NETA Adult Use Retail Application

This is to confirm that we have received all of the required documentation regarding NETA's application for an Adult Use Retail Application. As we have made known in the past we would like a more comprehensive Traffic Study done that include real time data from the Town's traffic camera covering this area. Please let the Department know how you would like to proceed with the study.

Respectfully,
Daniel Carroll
Deputy Chief

Jennifer Gilbert

From: Daniel J Carroll <dcarroll@brooklinema.gov>
Sent: Monday, September 24, 2018 9:53 AM
To: Jennifer Gilbert
Cc: Keith Flaherty; Ashley Clark; Patty Correa; Bob Allen
Subject: Re: NETA application

Hi Jennifer,

I would consider the new traffic study a requirement. With NETA expecting to possibly quadruple their business we believe it is warranted.

The tapes of the intersection are only held for 2 weeks, so a review of a two week period should suffice.

Thanks

Deputy Chief Dan Carroll
Brookline Fire Dept.
Fire Prevention Division
350 Washington St.
Brookline, Ma. 02445
617-730-2270

From: Jennifer Gilbert <JGilbert@boballenlaw.com>
Sent: Monday, September 24, 2018 9:44:59 AM
To: Daniel J Carroll
Cc: Keith Flaherty; Ashley Clark; Patty Correa; Bob Allen
Subject: RE: NETA application

Thank you. Is this your report and recommendation?

Jennifer Dopazo Gilbert, Esq.
Partner

Law Office of Robert L. Allen, Jr. LLP
300 Washington Street
Brookline, MA 02445
Ph: 617.383.6000 | Fax: 617.383.6001
Email: jgilbert@boballenlaw.com
www.boballenlaw.com



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From: Daniel J Carroll [mailto:dcarroll@brooklinema.gov]
Sent: Monday, September 24, 2018 9:42 AM
To: Jennifer Gilbert <JGilbert@boballenlaw.com>
Cc: Keith Flaherty <kflaherty@brooklinema.gov>; Ashley Clark <aclark2@brooklinema.gov>; Patty Correa

<pcorrea@brooklinema.gov>
Subject: NETA application

Jennifer,

Please see the attached.

Deputy Chief Dan Carroll
Brookline Fire Dept.
Fire Prevention Division
350 Washington St.
Brookline, Ma. 02445
617-730-2270

The substance of this message, including any attachments, may be confidential, legally privileged and/or exempt from disclosure pursuant to Massachusetts law. It is intended solely for the addressee. If you received this in error, please contact the sender and delete the material from any computer.

Jennifer Gilbert

From: Jennifer Gilbert
Sent: Monday, September 24, 2018 10:56 AM
To: 'Daniel J Carroll'
Cc: Keith Flaherty; Ashley Clark; Patty Correa; Bob Allen
Subject: RE: NETA application

Thank you for the clarification. As we continue with the Brookline application process, we will be sure to include your opinion on the traffic requirements to the licensing authority (Select Board) and the permitting authority (ZBA) along with the other departmental reports and recommendations for their consideration when they determine the appropriate conditions.

Jennifer Dopazo Gilbert, Esq.
Partner

Law Office of Robert L. Allen, Jr. LLP
300 Washington Street
Brookline, MA 02445
Ph: 617.383.6000 | Fax: 617.383.6001
Email: jgilbert@boballenlaw.com
www.boballenlaw.com



LAW OFFICE OF ROBERT L. ALLEN JR., LLP

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Jennifer Dopazo Gilbert, Esq.
Partner

Law Office of Robert L. Allen, Jr. LLP
300 Washington Street
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Subject: NETA application

Jennifer,

Please see the attached.

Deputy Chief Dan Carroll
Brookline Fire Dept.
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617-730-2270

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Town of Brookline

Massachusetts

PLANNING BOARD

Town Hall, 3rd Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2130 Fax (617) 730-2442

Steven A. Heikin, Chairman
Robert Cook, Clerk
James Carr
Linda K. Hamlin
Blair Hines
Matthew Oudens
Mark J. Zarrillo

To: Brookline Board of Appeals
From: Planning Board
Date: October 10, 2018
Subject: Add a Recreational Marijuana Dispensary (RMD) to a Medical Marijuana Dispensary
Location: **160 Washington Street**

Atlas Sheet:	37B	Case #:	2015-0002
Block:	185	Zoning:	G-2.0
Lot(s):	01, 02, 03	Lot Area (s.f.):	±9,663 (lots 01 & 02); 4,161 (lot 03)

Board of Appeals Hearing: **October 25, 2018, at 7:15 p.m.**

BACKGROUND

Spring 2018 - Town Meeting adopted zoning that enables the Board of Appeals to grant a special permit to allow Recreational Marijuana Establishments subject to a series of conditions and certain restrictions.

November 13, 2015, BOA Case No. 2015-0002 – The Board of Appeals granted a special permit to NETA to establish a Registered Marijuana Dispensary in the existing commercial building at 160 Washington Street.

November 2014 through March 2015 – The Selectmen’s Licensing Subcommittee met regularly to discuss establishing an RMD licensing process for the Select Board.

Fall 2013 – Town Meeting adopted zoning that enables the Board of Appeals to grant a special permit to establish Registered Marijuana Dispensaries (RMDs). A buffer zone of 500 feet around all K-12 schools was established.

FULFILLMENT OF PRE-APPLICATION REQUIREMENTS

The applicant has fulfilled all pre-application requirements for the Marijuana Retailer Application, including holding two community meetings, one six months in advance of filing with the Cannabis Control Commission as required by State regulations, and another one more recently on September 5th to review both the existing medical marijuana operations and to answer any questions on the proposed recreational marijuana use; submitting all needed plans and documentation to the various municipal departments, including Police, Health, Fire and Public Works; and providing tours of both the 160 Washington Street location and the applicant's affiliated grow facility in Franklin, Mass. to Select Board members and Planning Board members, as well as Town Meeting Members and municipal staff as requested. In addition, all requests made by Town Departments to meet with NETA to answer questions and/or address concerns were accommodated.

SITE AND NEIGHBORHOOD

160 Washington Street is located at the northwest corner of the intersection of Washington Street, Route 9/Boylston Street and High Street in Brookline Village. The two-story classical revival building, formerly the main branch of Brookline Bank, has a main entrance that faces the intersection and an entry vestibule on its side façade near the vehicular entrance off of Route 9. A parking lot is at the rear, which is bounded by MBTA tracks to the north. The property slopes down towards the parking lot and MBTA tracks. Immediately to the west of the property is a lot owned by Boston Edison Co. used for parking and utility purposes and equipment, which are screened with a chain link fence. Surrounding properties are primarily commercial, though the White Place residential neighborhood is nearby on the north side of the MBTA tracks. The property is located within the Brookline Village National Register District.

APPLICANT'S PROPOSAL

The applicant, New England Treatment Access Inc. (NETA), is proposing to establish an additional principal use, Storefront Marijuana Retailer (Use #29A, Section 4.07 – Table of Use Regulations), at 160 Washington Street, in addition to the already established and active current principal use, Medical Marijuana Treatment Center (Use #20B).

The proposal would require no alterations to the building's exterior, however, the original main door at the corner facing the Washington Street/High Street/Boylston Street intersection could be used as a working doorway for egress only. Previously, this entrance was retained as a feature of the building but was not a usable entrance for the medical marijuana facility. All other changes needed to facilitate the new use would be interior, consisting primarily of establishing new checkout stations in the first floor main lobby area.

FINDINGS

Section 4.07, Table of Use Regulations, Use #20B – Marijuana Retailers in addition to a **Medical Marijuana Treatment Center**: Marijuana Retailers are allowed by special permit in a G District, and all of the requirements under Section 4.13 must be met to be eligible. *Special permit required.*

Modification, As Necessary, Of BOA Case #2015-0002

Any Other Relief the Board May Find Necessary

STAFF ANALYSIS

In light of NETA's three year success in running its medical marijuana facility at this site, and the lack of serious problems and/or complaints that have arisen, the Planning Department maintains that it is appropriate to allow recreational marijuana in addition to the existing medical marijuana use, as long as safeguard conditions are imposed. It is of utmost importance that potential impacts including but not necessarily limited to traffic, parking and queuing be continually assessed by appropriate municipal departments and that, if necessary, the applicant remedy any identified issues.

An additional police detail, paid for by the applicant, should be required during the initial six months of operation and extended, if deemed necessary by the Police Department. It is anticipated that the second police detail will supplement the current detail as well as oversee any queuing along public ways, as expanded upon below. Further, the TDM Plan should be strengthened to encourage employees and the public to use means of transportation other than automobiles to the site, other than driving, especially because of the significant increase in the number of patrons projected to be using the site. NETA has arranged to rent 15 parking spaces at Hilton's Homewood Suites. If, for any reason, the hotel is unwilling or unable to provide these spaces in the future, the applicant should be strongly encouraged to identify alternative off-site parking to supplement the existing on-site spaces. Annual licensing by the Selectmen will provide another means of safeguarding the community from parking, traffic, queuing or security issues which might become apparent after its operations have commenced.

The Planning Department acknowledges and anticipates that queuing along the public way will occur during the initial opening of the facility. Therefore, the applicant is strongly encouraged to minimize any negative impacts of queuing on the public way during the commencement of recreational marijuana sales by employing creative ways to limit queuing including, for example, providing time slots, beepers or coffee vouchers. If there is any queuing on public property, the applicant shall be required to insure that a four-foot width sidewalk shall at all times be unobstructed by customers waiting to enter the facility. Further, the applicant should be required to work with the Police Department, Public Health Department and the Engineering and Traffic Engineering Division to insure that queuing does not present a nuisance or threat to public safety.

After an initial period of no longer than six months from the issuance of the certificate of occupancy, queuing should not be allowed by NETA on the public sidewalk, unless permitted under specified circumstances by the Director of Transportation and Engineering in consultation with the Police and Health Departments. It should be noted that under certain circumstances (such as the use of a tent) will expressly require a permit from the Engineering and Transportation Division of the Department of Public Works. Reevaluation of queuing on the public sidewalk can be undertaken at any point that the Town determines that it has become a nuisance or presents a dangerous condition in the opinion of the Police Chief, Director of Engineering and Transportation, or Health Commissioner.

A Host Community Agreement (HCA) between NETA and the Town was signed in April of 2018 and is effective for a period of five years, at which time a new HCA would be negotiated. The HCA contains requirements for annual payments to the Town, operations of the facility, compliance with the TDM, and annual filing. Reports from the Health Commissioner, Acting Chief of Police and the Director of Engineering and Transportation are attached to this report. The Transportation Management Plan compels NETA to comply with numerous mitigation

measures, including but not limited to: engaging a Transportation Coordinator, providing designated off-street parking, giving at least a 30% T-pass subsidy for employees using transit, and having on-site police details and staff parking managers. Most importantly, there will be an evaluation of traffic impacts at three months and 15 months, and annually from the Select Board during licensing renewal, with remediation required if warranted. The Director of Engineering and Transportation also recommends that the facility should not open prior to 9 am, Monday through Friday (8 am, Saturday and Sunday) to reduce traffic impacts to the adjacent daycare facility, where the majority of drop-offs are between 8 and 9 am, and school children crossing Route 9

PLANNING BOARD COMMENT

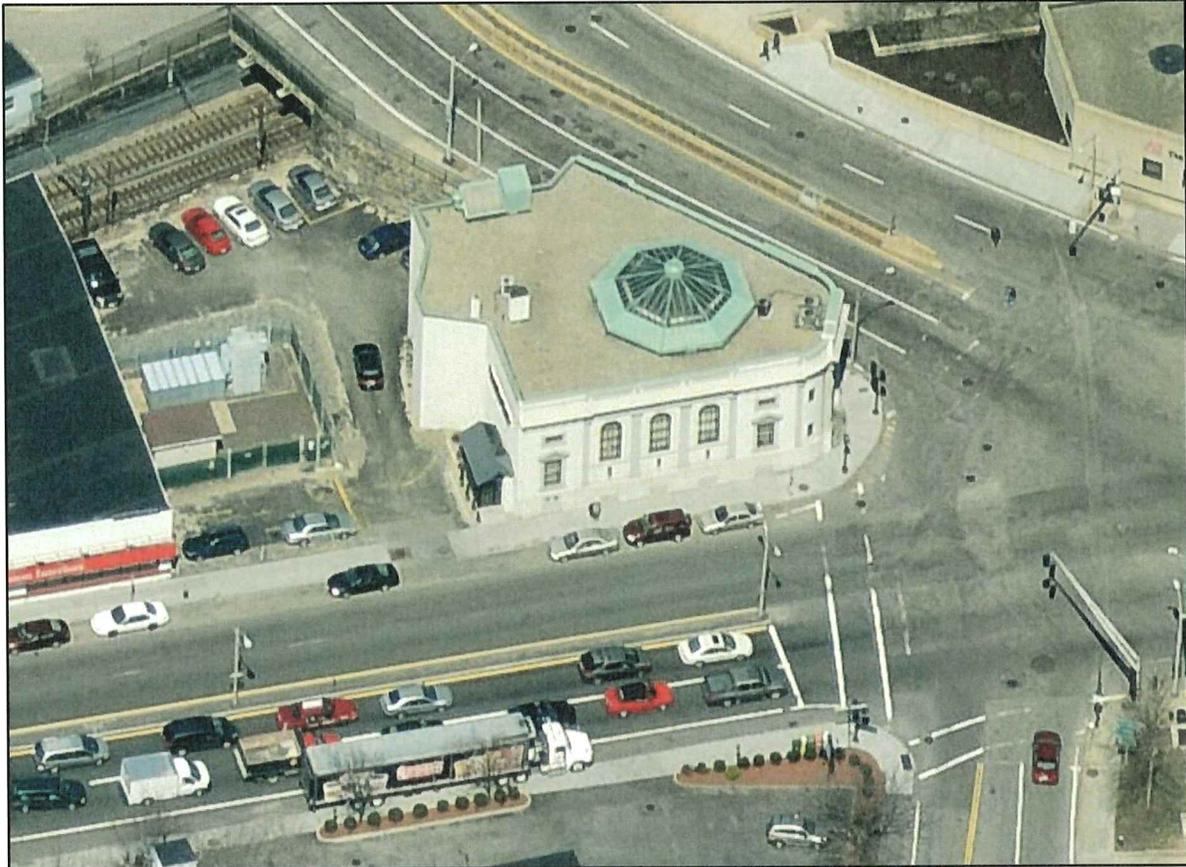
The Planning Board supports this proposal to co-locate adult marijuana use in the same building as the existing medical marijuana use. As part of the required preliminary site plan review process, reports were submitted to the Planning and Building Departments from the Departments of Engineering and Transportation, Police, Fire, Health addressing traffic, parking, security, and safety issues, and included recommendations for conditions to mitigate any impacts. The Planning Board noted Brookline residents' strong support for allowing recreational marijuana in the Town and NETA's good track record in its operation of the medical marijuana facility over the last three years.

The biggest concern for the Planning Board was related to the six month period surrounding NETA's initial commencement of selling adult use marijuana because of the crowds it may draw during its opening period and the possible queueing on the sidewalk that may result. One Planning Board member felt strongly that the queueing should be contained in the parking lot. Lieutenant Raskin of the Brookline Police Department was present at the Planning Board meeting and said this idea had been discussed previously, and it was considered a safety issue to mix cars and pedestrians. The Planning Board was pleased that NETA has agreed to the presence of a second police officer to help control crowds. At least four feet of the sidewalk will be required to be unobstructed at all times. If queueing becomes a safety or nuisance issue, NETA will be asked to find alternative solutions. NETA has already said that they intend to issue discounted vouchers to nearby coffee shops or other retailers so that customers could return at a later time when the line has diminished. Traffic and parking is another concern. Traffic will continue to be controlled by a police officer and several NETA staff, and NETA has secured 15 parking spaces at the nearby Hilton Homewood Suites garage for customer parking. Additionally, traffic impacts will be evaluated and addressed at three and fifteen months after opening, and then annually by the Select Board during the required licensing renewal process. Mitigation measures will be required to address any problems that arise.

Therefore, the Planning Board recommends approval of the site plan by Joe Casali Engineering and dated 10/29/15, and the proposed floor plans and interior elevations prepared by Dennis Colwell Architects and dated 08/16/2018, subject to the following conditions:

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 Assistant Director for Regulatory Planning for review and approval.

2. Prior to issuance of a building permit, if exterior building modifications are proposed, final elevations, prepared by a registered architect, shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
3. Prior to issuance of a building permit, plans for any alterations to the building's interior or exterior features shall be submitted to Preservation Commission staff for determination of applicability under the Town's Demolition Delay By-law.
4. Prior to issuance of a certificate of occupancy, the applicant shall submit a Transportation Demand Management Plan, subject to the review and approval of the Director of Transportation/Engineering and the Assistant Director for Regulatory Planning. The effectiveness of the TDM plan will be reviewed after a three month and 15 month period and during the annual licensing process by the Select Board. It shall also include a stipulation that at least a four foot width of sidewalk shall be unobstructed at all times.
5. If during the initial opening period of the facility, but no longer than six months, the Town determines that queueing on the public sidewalk has become a safety hazard or nuisance, the applicant shall meet with the relevant Town officials to identify and implement methods to eliminate any queueing on the sidewalk. Costs of same shall be borne by the applicant.
6. The facility shall not open earlier than 9 am, Mondays through Fridays, and 8 am Saturdays and Sundays, Any change to operational hours shall be subject to the Select Board, after input from the Director of Engineering and Transportation and Police Department.
7. All signage for the facility shall be approved by the Planning Board prior to installation and shall be removed in the event the entity ceases operations.
8. Prior to issuance of a certificate of occupancy, evidence of a valid license from the Select Board for a marijuana retailer shall be provided to the Building Commissioner.
9. The special permit is conditional upon the applicant maintaining a valid and current license or Certificate of Registration, as may be required, from the Select Board, the Massachusetts Department of Public Health, and the Massachusetts Cannabis control Commission.
10. Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner to ensure conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered land surveyor or engineer; 2) final floor plans and building elevations, stamped and signed by a registered architect, if there are any exterior changes; and 3) evidence the Board of Appeals decision has been recorded at the Registry of Deeds.



Above: Aerial view of 160 Washington Street

Below: View of 160 Washington Street from High Street/Boylston Street intersection.





Above: West elevation of 160 Washington Street

Below: Rear parking area for 160 Washington Street

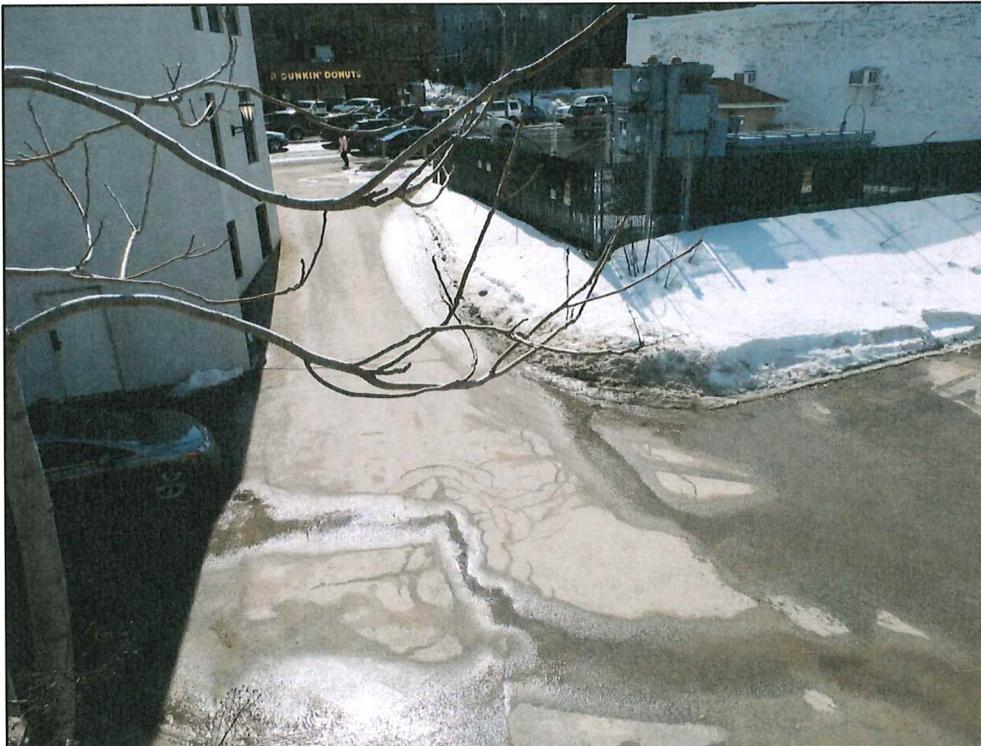


EXHIBIT 7

**NETA SPECIAL PERMIT APPLICATION
&
SUPPORTING DOCUMENTATION**

NETA's Special Permit application was approved by the ZBA on 10/26/18. NETA will provide proof that the ZBA decision is on record and understands that the Select Board decision is conditioned on proof of the recording.



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

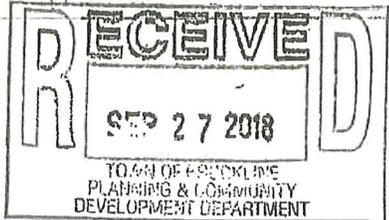
Address: 160 Washington Street, Brookline, Massachusetts 02445

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

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 (i) 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~~ Date
Tenant/ Lessee

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

Legal Notices

BELMONT ROAD AND BOYLSTON STREET REAR LEGAL NOTICE COMMONWEALTH OF MASSACHUSETTS



LAND COURT
DEPARTMENT OF THE TRIAL COURT

18SM005817

ORDER OF NOTICE

Gregory Lanin,
Plaintiff,

vs.
all persons entitled to the benefits of the Servicemembers Civil Relief Act, 50 U.S.C. c. 50 §3901 et seq.

Jorgan Chase Bank, N.A. claiming an interest in a Mortgage covering real property in Chestnut Hill (Moline) and Newton, numbered 21 Belmont Road and Boylston Street, given by Gregory Lanin and a Lanin to Chase Bank USA, N.A., on January 25, 2008, and recorded in the Norfolk County Registry of Deeds in Book 25475, Page 318, as modified by a certain modification agreement dated October 1, 2016, and recorded with said Registry of Deeds in Book 34688, Page 389, and said mortgage is also recorded in the Essex County (Southern District) Registry of Deeds in Book 50671, Page 569, as modified by a certain modification agreement dated October 2016, and recorded with said Registry of Deeds in Book 71492, Page 1, and now held by the Plaintiff assignment, has/have filed with this court a complaint for determination of Plaintiff's Defendants' vicemembers status.

You now are, or recently have been, in the active military service of the United States of America, then you are entitled to the benefits of the Servicemembers Civil Relief Act. If you are object to a foreclosure of the above mentioned property on that date, then you or your attorney must appear in written appearance and answer in court at Three Pemberton Square, Boston, MA 02108 on or before November 12, 2018 or you will be forever barred from claiming that you are entitled to the benefits of said Act.

In witness, JUDITH C. CUTLER Chief Justice of said Court on September 25, 2018.

Attest:
Deborah J. Patterson
Recorder

172
#13733701
Brookline Tab 10/11/18

BOA/40 DUNSTER ROAD LEGAL NOTICE TOWN OF BROOKLINE BOARD OF APPEALS Notice of Hearing

Pursuant to M.G.L., C. 40A, the Board of Appeals will conduct a public hearing at Town Hall, 333 Washington Street, Brookline, on a proposal at:

40 DUNSTER ROAD, BROOKLINE, MA 02467 - Construct two-story addition connecting the existing garage with the existing garage and renovate the existing home and garage in a(n) S-10 SINGLE-FAMILY on October 18, 2018 at 7:00 PM in the 6th Floor Select Board's Hearing Room (Petitioner/Owner: Casey and Michael Buckley) *Præcinct 13*

BOA/94 BABCOCK STREET LEGAL NOTICE TOWN OF BROOKLINE BOARD OF APPEALS Notice of Hearing

Pursuant to M.G.L., C. 40A, the Board of Appeals will conduct a public hearing at Town Hall, 333 Washington Street, Brookline, on a proposal at:

94 BABCOCK STREET, BROOKLINE, MA 02448 - INSTALL CURB CUT AND DRIVEWAY ON LEFT SIDE OF PROPERTY AND A CARPORT ON RIGHT SIDE OF EXISTING DRIVEWAY in a(n) T-5 TWO-FAMILY & ATTACHED SINGLE-FAMILY on October 25, 2018 at 7:00 pm in the 6th Floor Select Board's Hearing Room (Petitioner/Owner: Ohan Ozcan) *Præcinct 8*

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning By-Law, and any additional zoning relief the Board deems necessary:

- \$5.43 - EXCEPTIONS TO YARD AND SETBACK REGULATIONS**
- \$5.60 - SIDE YARD REQUIREMENTS**
- \$6.04.5.C.1 - DESIGN OF ALL OFF-STREET PARKING FACILITIES**
- \$6.04.5.C.2 - DESIGN OF ALL OFF-STREET PARKING FACILITIES**

Any additional relief the Board may find necessary.

Hearings may be continued by the Chair to a date/time certain, with no further notice to abutters or in the TAB. Questions about hearing schedules may be directed to the Planning and Community Development Department at 617-730-2130, or by checking the Town meeting calendar at: www.brooklinema.gov.

The Town of Brookline does not discriminate in its programs or activities on the basis of disability or handicap or any other characteristic protected under applicable federal, state or local law. Individuals who are in need of auxiliary aids for effective communication in Town programs or activities may make their needs known by contacting the Town's ADA Compliance Officer. Assistive Listening Devices are available at the Public Safety Building for public use at Town of Brookline meetings and events. Those who need effective communication services should dial 711 and ask the operator to dial the Town's ADA Compliance Officer.

If you have any questions regarding the Assistive Listening Device, please contact Caitlin Haynes at 617-730-2345 or at chaynes@brooklinema.gov.

Jesse Geller, Chair
Christopher Hussey
Mark Zurloff
AD#13732394
Brookline Tab 10/11, 10/18/18

BOA/52 PAYSON ROAD LEGAL NOTICE TOWN OF BROOKLINE BOARD OF APPEALS Notice of Hearing

Pursuant to M.G.L., C. 40A, the Board of Appeals will conduct a public hearing at Town Hall, 333 Washington Street, Brookline, on a proposal at:

52 PAYSON ROAD, BROOKLINE, MA 02467 - Remove existing patio and replace with 30'x 13' pressure treated deck according to plans in a(n) S-7 SINGLE-FAMILY on October 18, 2018 at 7:00 pm in the 6th Floor Select Board's Hearing Room (Petitioner/Owner: Francis Kent) *Præcinct 16*

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning

BOA/160 WASHINGTON STREET LEGAL NOTICE TOWN OF BROOKLINE BOARD OF APPEALS Notice of Hearing

Pursuant to M.G.L., C. 40A, the Board of Appeals will conduct a public hearing at Town Hall, 333 Washington Street, Brookline, on a proposal at:

160 WASHINGTON STREET, BROOKLINE, MA 02445 - ADD RETAIL MARIJUANA USE in a(n) G-2.0 GENERAL BUSINESS on October 25, 2018 at 7:00 pm in the 6th Floor Select Board's Hearing Room (Petitioner/Owner: New England Treatment Access Inc.) *Præcinct 6*

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning By-Law, and any additional zoning relief the Board deems necessary:

- \$4.07 - TABLE OF USE REGULATIONS, USE #20B**

Any additional relief the Board may find necessary.

Hearings may be continued by the Chair to a date/time certain, with no further notice to abutters or in the TAB. Questions about hearing schedules may be directed to the Planning and Community Development Department at 617-730-2130, or by checking the Town meeting calendar at: www.brooklinema.gov.

The Town of Brookline does not discriminate in its programs or activities on the basis of disability or handicap or any other characteristic protected under applicable federal, state or local law. Individuals who are in need of auxiliary aids for effective communication in Town programs or activities may make their needs known by contacting the Town's ADA Compliance Officer. Assistive Listening Devices are available at the Public Safety Building for public use at Town of Brookline meetings and events. Those who need effective communication services should dial 711 and ask the operator to dial the Town's ADA Compliance Officer.

If you have any questions regarding the Assistive Listening Device, please contact Caitlin Haynes at 617-730-2345 or at chaynes@brooklinema.gov.

Jesse Geller, Chair
Christopher Hussey
Mark Zurloff
AD#13732403
Brookline Tab 10/11, 10/18/18

BOA/122 CLINTON ROAD LEGAL NOTICE TOWN OF BROOKLINE BOARD OF APPEALS Notice of Hearing

Pursuant to M.G.L., C. 40A, the Board of Appeals will conduct a public hearing at Town Hall, 333 Washington Street, Brookline, on a proposal at:

122 CLINTON ROAD, BROOKLINE, MA 02445 - Construct rear addition, in a(n) S-10 SINGLE-FAMILY on October 18, 2018 at 7:00pm in the 6th Floor Select Board's Hearing Room (Petitioner/Owner:)

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning By-Law, and any additional zoning relief the Board deems necessary:

- \$5.20 - FLOOR AREA RATIO**

Hearings may be continued by the Chair to a date/time certain, with no further notice to abutters or in the TAB. Questions about hearing schedules may be directed to the Planning and Community Development

After the completion of the lottery, the Brookline Housing Authority will continue to accept applications. All applications received after November 9 will be placed on the Brookline Housing Authority wait list by priority and preference in accordance with date and time of their receipt.

*** No applications for the lottery will be accepted BEFORE 8:30 AM Friday, October 19***

*** No applications for the lottery will be accepted AFTER 4:30 PM MONDAY, October 29***

EQUAL HOUSING OPPORTUNITY

AD#13737561
Brookline Tab 10/18/18

**LIC/1002 BEACON STREET
LEGAL NOTICE
TOWN OF BROOKLINE
TRANSFER OF STOCK &
CHANGE OF MANAGER**

Notice is hereby given under Chapter 13B of the General Laws that Reins International Massachusetts, Inc., d/b/a Gyu-Kaku Japanese BBQ, holder of a license to Expose, Keep for Sale and To Sell All Kinds of Alcoholic Beverages to Be Drunk on the Premises, at 1002 Beacon Street, Brookline, Massachusetts, has applied for a Change of Beneficial Interest, removing Akitsugu Yamaguchi and Hiratsugu Alba and appointing Peter M. Potente. Reins International USA CO. Ltd retains 100% of the stock. Reins International Massachusetts, Inc. has also applied for a Change of Manager, from Dennis Manneluangto to Anita Le.

Public Hearing to be held in the Select Board's Hearing Room, 6th Floor, Town Hall, 333 Washington Street, Brookline, Massachusetts on Tuesday, October 30, 2018 at approximately 7:45 P.M.

By Order of the Select Board.

Melvin A. Kleckner
Town Administrator

AD#13736887
Brookline Tab 10/18/18

**ASCEND MASS, LLC
LEGAL NOTICE
NOTICE OF COMMUNITY
OUTREACH MEETING
ASCEND MASS, LLC**

Notice is hereby given that Ascend Mass, LLC will hold a Community Outreach Meeting on October 25, 2018 at 1032 Beacon Street, Brookline, MA 02446 at 6:00 PM to discuss the proposed siting of an Adult Use Marijuana Retail Establishment at 1032 Beacon Street, Brookline, MA 02446 in accordance with M.G.L. ch. 94G and the Massachusetts Cannabis Control Commission's regulations at 935 CMR-800.000 et seq.

Topics to be discussed at the meeting will include, but not be limited to:

- 1. Plans for maintaining a secure facility;
- 2. Plans to prevent diversion to minors;
- 3. Plans to positively impact the community; and
- 4. Plans to ensure the establishment will not constitute a nuisance to the community.

Interested members of the community are encouraged to ask questions and receive answers from company representatives about the proposed facility and operations. Please contact Ascend via email at info@ascendwall-mass.com with questions or to seek additional information.

AD#13737047
Brookline Tab 10/18/18

**WETREICH
LEGAL NOTICE
Commonwealth of Massachusetts
The Trial Court
Probate and Family Court
Norfolk Probate and Family Court
35 Shawmut Road
Canton, MA 02021
(781) 830-1200
Docket No. NO18P2582EA**

**CITATION ON PETITION FOR
FORMAL ADJUDICATION**

Estate of: Adina Wetzel

**BOA/160 WASHINGTON STREET
LEGAL NOTICE
TOWN OF BROOKLINE
BOARD OF APPEALS
Notice of Hearing**

Pursuant to M.G.L., C. 40A, the Board of Appeals will conduct a public hearing at Town Hall, 333 Washington Street, Brookline, on a proposal at:

**160 WASHINGTON STREET,
BROOKLINE, MA 02445 - ADD
RETAIL MARIJUANA USE in a(n) G-
2.0 GENERAL BUSINESS on
October 25, 2018 at 7:00 pm in the
6th Floor Select Board's Hearing
Room (Petitioner/Owner: New
England Treatment Access Inc.)
Precinct 6**

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning By-Law, and any additional zoning relief the Board deems necessary:

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

Any additional relief the Board may find necessary.

Hearings may be continued by the Chair to a date/time certain, with no further notice to abutters or in the TAB. Questions about hearing schedules may be directed to the Planning and Community Development Department at 617-730-2130, or by checking the Town meeting calendar at: www.brooklinema.gov.

The Town of Brookline does not discriminate in its programs or activities on the basis of disability or handicap or any other characteristic protected under applicable federal, state or local law. Individuals who are in need of auxiliary aids for effective communication in Town programs or activities may make their needs known by contacting the Town's ADA Compliance Officer. Assistive Listening Devices are available at the Public Safety Building for public use at Town of Brookline meetings and events. Those who need effective communication services should dial 711 and ask the operator to dial the Town's ADA Compliance Officer.

If you have any questions regarding the Assistive Listening Device, please contact Caitlin Haynes at 617-730-2345 or chaynes@brooklinema.gov.

Jesse Geller, Chair
Christopher Hussey
Mark Zuroff

AD#13732403
Brookline Tab 10/11, 10/18/18

**BOA/199-201 BOYLSTON STREET
LEGAL NOTICE
TOWN OF BROOKLINE
BOARD OF APPEALS
Notice of Hearing**

Pursuant to M.G.L., C. 40A, the Board of Appeals will conduct a public hearing at Town Hall, 333 Washington Street, Brookline, on a proposal at:

**199-201 BOYLSTON STREET,
BROOKLINE, MA 02445 - Erect 4
new townhouse style units on lot,
renovate existing two-family
dwelling and add 10 parking spaces
in a(n) M-1.0(CAM) APARTMENT
HOUSE on October 25, 2018 at 7:00
pm in the 6th Floor Select Board's
Hearing Room (Petitioner/Owner:
ROBERT ALLEN) Precinct 6**

The Board of Appeals will consider variances and/or special permits from

**STREET PARKING FACILITIES
§6.04.5.C.2 - DESIGN OF ALL OFF-
STREET PARKING FACILITIES**

Any additional relief the Board may find necessary.

Hearings may be continued by the Chair to a date/time certain, with no further notice to abutters or in the TAB. Questions about hearing schedules may be directed to the Planning and Community Development Department at 617-730-2130, or by checking the Town meeting calendar at: www.brooklinema.gov.

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If you have any questions regarding the Assistive Listening Device, please contact Caitlin Haynes at 617-730-2345 or chaynes@brooklinema.gov.

Jesse Geller, Chair
Christopher Hussey
Mark Zuroff

AD#13732394
Brookline Tab 10/11, 10/18/18

**WERKSMAN
LEGAL NOTICE
Commonwealth of Massachusetts
The Trial Court
Probate and Family Court
Norfolk Probate and Family Court
35 Shawmut Road
Canton, MA 02021
(781) 830-1200
Docket No. NO18P2630EA**

**CITATION ON PETITION FOR
FORMAL ADJUDICATION**

Estate of: Ruth Werksman
Date of Death: 10/03/2017
To all interested persons:

A Petition for Formal Probate of Will with Appointment of Personal Representative has been filed by Bryna Lansky of Weymouth MA requesting that the Court enter a formal Decree and Order and for such other relief as requested in the Petition. The Petitioner requests that: Bryna Lansky of Weymouth MA be appointed as Personal Representative of said estate to serve Without Surety on the bond in an unsupervised administration.

IMPORTANT NOTICE

You have the right to obtain a copy of the Petition from the Petitioner or at the Court. You have a right to object to this proceeding. To do so, you or your attorney must file a written appearance and objection at this Court before: 10:00 a.m. on the return day of 11/07/2018.

This is NOT a hearing date, but a deadline by which you must file a written appearance and objection if you object to this proceeding. If you fail to file a timely written appearance and objection followed by an affidavit of objections within thirty (30) days of the return day, action may be taken without further notice to you.

**UNSUPERVISED ADMINISTRATION
UNDER THE MASSACHUSETTS
UNIFORM PROBATE CODE (MUPC)**

A Personal Representative appointed under the MUPC in an unsupervised administration is not required to file an inventory or annual accounts with the Court. Persons interested in the estate are entitled to notice regarding the administration directly from the Personal Representative and may petition the

Specify what relief you are requesting. Comments should be directed to:

Joseph Viola
Dept. of Planning and Community
Development
333 Washington Street
Brookline, MA 02445
(617) 730-2130
viola@brooklinema.gov

RELEASE OF FUNDS

The Dept. of Planning and Community Development for Town of Brookline certifies to HUD that Neil Wishinsky, in his capacity as Chair of the Brookline Select Board, consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities.

**OBJECTIONS TO RELEASE OF
FUNDS**

HUD will accept objections to its release of funds and the certifications by the BDFCD for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the Town of Brookline; (b) the Town of Brookline has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds. Incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Director, Office of Public and Indian Housing, HUD, 10 Causeway Street, Room 553, Boston, MA 02222-1092. Potential objectors should contact HUD to verify the actual last day of the objection period.

For the Town of Brookline:
Neil Wishinsky, Chair
Brookline Select Board

AD#13736872
Brookline Tab 10/18/18

Whether
you're looking
for the right
job or looking
to fill a job
Wicked
Local
Jobs
will get the
job done.



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

October 25, 2018

Brookline Zoning Board of Appeals

On Thursday, October, 25, 2018, the Brookline Zoning Board of Appeals unanimously voted to approve, with conditions, the application of New England Treatment Access, LLC for a special permit to add recreational marijuana retail use to the existing medical marijuana retail facility. A written decision will be filed in the Town Clerk's Office in accordance with M.G.L.c. 40A.

A handwritten signature in blue ink, appearing to read 'Mark Zuroff', is written over a horizontal line.

Mark Zuroff, Chairman

Dawn Davis

From: Jennifer Gilbert <JGilbert@boballenlaw.com>
Sent: Monday, October 29, 2018 3:36 PM
To: Melvin Kleckner
Cc: Dawn Davis
Subject: NETA - signed and filed ZBA decision approving Special Permit - 160 Washington Street
Attachments: ZBA decision filed with Town Clerk 10 29 18.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Attached please find the ZBA decision granting the special permit to NETA. It was filed with the Town Clerk today and (if no appeal) it will be recorded at the registry on November 19th.

NETA will appear before the Select Board on November 7th and again on November 20th as discussed.

Please accept this ZBA decision as a supplement to the application for NETA's adult use marijuana establishment license which was filed on Friday.

Thank you,

Jennifer Dopazo Gilbert, Esq.

Partner

Law Office of Robert L. Allen, Jr. LLP
300 Washington Street
Brookline, MA 02445
Ph: 617.383.6000 | Fax: 617.383.6001
Email: jgilbert@boballenlaw.com
www.boballenlaw.com



**** This email and any attachment(s) are confidential/privileged, for use of the intended recipient(s) only. If not an intended recipient, please do not read; contact sender and delete all copies. ****



Town of Brookline Massachusetts

BOARD OF APPEALS
Jesse Geller, Chairman
Mark G. Zuroff
Christopher Hussey

Town Hall, 1st Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2010 Fax (617) 730-2043
Patrick J. Ward, Clerk

RECEIVED
TOWN OF BROOKLINE
TOWN CLERK
2018 OCT 29 P 6:130 8102

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2018-0073
NEW ENGLAND TREATMENT ACCESS, LLC
160 WASHINGTON STREET, BROOKLINE, MA

Petitioner, New England Treatment Access, LLC, applied to the Building Commissioner for permission to add recreational marijuana retail facility use to the existing medical marijuana retail facility. The application was denied and an appeal was taken to this Board.

The Board administratively determined that the properties affected were those shown on a schedule certified by the Board of Assessors of the Town of Brookline and fixed October 25, 2018 at 7:10 PM., in the Selectmen's Hearing Room as the date, time and place of a hearing for the appeal. Notice of the hearing was mailed to the Petitioners, to their attorney (if any) of record, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published on October 11, 2018 and October 18, 2018 in the Brookline Tab, a newspaper published in Brookline. A copy of said notice is as follows:

Notice of Hearing

Pursuant to M.G.L., C. 40A, the Board of Appeals will conduct a public hearing at Town Hall, 333 Washington Street, Brookline, on a proposal at:

160 WASHINGTON STREET, BROOKLINE, MA 02445 - ADD RETAIL MARIJUANA USE in a(n) G-2.0 GENERAL BUSINESS on October 25, 2018 at 7:00 pm in the 6th Floor Select Board's Hearing Room (Petitioner/Owner: New England Treatment Access Inc.) Precinct

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning By-Law, and any additional zoning relief the Board deems necessary:

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

Any additional relief the Board may find necessary.

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*Jesse Geller, Chair
Christopher Hussey
Mark G. Zuroff*

Publish: 10/11/18 & 10/18/18

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing were Chairman Mark G. Zuroff and Board Members Johanna Schneider and Lark Palermo. Also present at the hearing were the Assistant Director of Regulatory Planning, Polly Selkoe and Deputy Building Commissioner, Michael Yanovitch.

The case was presented by Robert L. Allen, Jr., Law Office of Robert L. Allen Jr., LLP, 300 Washington Street, Second Floor, Brookline, Massachusetts. Also, in attendance were the NETA Director of Operational Compliance, Amanda Rositano, Stantec Representative, Rick Bryant, and other members of the NETA staff.

Chairman Zuroff called the hearing to order at 7:10 p.m. Attorney Allen waived the reading of the public notice.

Mr. Allen then described the proposal stating that the Petitioner seeks relief to add recreational marijuana retail use to the already existing medical marijuana dispensary use. He noted that the Board conducted a site visit on October 17, 2018 and stated that the NETA team was present to answer any additional questions the Board may have about the operations. Attorney Allen stated that the Petitioner requires a special permit for use 29A of Section 4.07 – Table of Use Regulations, pursuant to Section 4.13, Marijuana Establishments and to Section 9.05 of the Zoning By-Law. Furthermore, Attorney Allen noted that interior changes include adding more checkout stations to the first-floor lobby area and establishing a breakroom in an existing room in the basement.

Attorney Allen described the standards under Section 9.05 of the Zoning By-Law stating: the location is appropriate for the proposed additional use because the subject property has been operating as a medical marijuana establishment with little to no complaint for approximately three years and the site is located in a general business zoning district with excellent access to rapid transit; the use will not adversely affect the neighborhood because there will be no exterior alterations to the building, and the Petitioner has met extensively with municipal representation including Police, Health, Fire, and Transportation to ensure that all impacts (if any) from adding a Recreational Marijuana Use can be addressed quickly; there will be no nuisance or serious hazard to vehicles or pedestrians because the property's on-site circulation will remain largely the same, and the Petitioner has worked with a traffic consultant to develop a TDM plan that meets the Town's requirements; adequate and appropriate facilities will be provided for the proper operation of a Recreational Marijuana Retailer; and there will be no effect on the supply on housing available for low and moderate income people. Attorney Allen then described how the Applicant and Operator of the facility has met the standards set forth under

Section 4.13 of the Zoning By-Law stating as follows: 1) issuance of the special permit would not contravene the cap on the number of special permits that may be granted or violate any applicable density restrictions, because this proposal is the first permit for a Recreational Marijuana Retailer in the Town of Brookline; 2) issuance of a special permit would comply with all applicable State and local laws; and 3) the location is compliant with Section 4.13 in its entirety and although there is a gross floor area limitation of 5,000 s.f. for Storefront Marijuana Retailers, this site falls under the exception to this limitation because it is a Medical Marijuana Treatment Center that was licensed to operate prior to July 1, 2017; and 4) the Operator has met extensively with various Town Departments and received reports that it has the ability to comply with the General Requirements for Marijuana Establishments set forth in Section 4.13, and 4.12 if applicable. Attorney Allen again noted that the project was vetted by many Town Departments including Planning, Building, Police, Fire, Transportation, and Health.

Chairman Zuroff asked clarifying questions regarding Section 4.13. Deputy Building Commissioner, Michael Yanovitch, noted that the department heads and Town Counsel had a meeting regarding the application. Mr. Yanovitch also noted that the use in the use table of the Zoning By-Law is what ties in Section 4.13 and stated that he believes that the Petitioner has met all of the criteria.

Chairman Zuroff then asked whether anyone was present to speak in favor of the proposal. No one spoke in favor of the proposal.

Chairman Zuroff then asked whether anyone was present to speak in opposition to the proposal. Sloan Furniss, 10 White Place, Brookline, Massachusetts, spoke in opposition to the proposal. Ms. Furniss stated that she was concerned about loitering and the queuing of cars and customers. Ashley Matskevich, 9 White Place, Brookline, Massachusetts, also spoke in opposition to the proposal. Ms. Matskevich stated that she was concerned about safety.

Attorney Allen spoke in response to the opposition, and Lieutenant Michael Raskin, Brookline.

Police Department, spoke to his work with NETA and the proposal. Lieutenant Raskin suggested that concerned citizens call the Police Department if issues arise. He noted that there is always a police officer present at NETA.

Chairman Zuroff then called upon Polly Selkoe, Assistant Director of Regulatory Planning, to deliver the findings of the Planning Board. Mrs. Selkoe noted the following:

FINDINGS

Section 4.07, Table of Use Regulations, Use #20B – Marijuana Retailers in addition to a Medical Marijuana Treatment Center: Marijuana Retailers are allowed by special permit in a G District, and all of the requirements under Section 4.13 must be met to be eligible. *Special permit required.*

**Modification, As Necessary, Of Boa Case #2015-0002
Any Other Relief the Board May Find Necessary**

PLANNING BOARD COMMENT

The Planning Board supports this proposal to co-locate adult marijuana use in the same building as the existing medical marijuana use. As part of the required preliminary site plan review process, reports were submitted to the Planning and Building Departments from the Departments of Engineering and Transportation, Police, Fire, Health addressing traffic, parking, security, and safety issues, and included recommendations for conditions to mitigate any impacts. The Planning Board noted Brookline residents' strong support for allowing recreational marijuana in the Town and NETA's good track record in its operation of the medical marijuana facility over the last three years.

The biggest concern for the Planning Board was related to the six-month period surrounding NETA's initial commencement of selling adult use marijuana because of the crowds it may draw during its opening period and the possible queuing on the sidewalk that may result. One Planning Board member felt strongly that the queuing should be contained in the parking lot. Lieutenant Raskin of the Brookline Police Department was present at the Planning Board meeting and said this idea had been discussed previously, and it was considered a safety issue to mix cars and pedestrians. The Planning Board was pleased that NETA has agreed to the presence of a second police officer to help control crowds. At least four feet of the sidewalk will be required to be unobstructed at all times. If queuing becomes a safety or nuisance issue, NETA will be asked to find alternative solutions. NETA has already said that they intend to issue discounted vouchers to nearby coffee shops or other retailers so that customers could return at a later time when the line has diminished. Traffic will continue to be controlled by a police officer and several NETA staff, and NETA has secured 15 parking spaces at the nearby Hilton Homewood Suites garage for customer parking. Additionally, traffic impacts will be evaluated and addressed at three and fifteen months after opening, and then annually by the Select Board during the required licensing renewal process. Mitigation measures will be required to address any problems that arise.

Therefore, the Planning Board recommends approval of the site plan by Joe Casali Engineering and dated 10/29/15, and the proposed floor plans and interior elevations prepared by Dennis Colwell Architects and dated 08/16/2018, subject to the following conditions:

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 Assistant Director for Regulatory Planning for review and approval.
2. Prior to issuance of a building permit, if exterior building modifications are proposed, final elevations, prepared by a registered architect, shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
3. Prior to issuance of a building permit, plans for any alterations to the building's interior or exterior features shall be submitted to Preservation Commission staff for determination of applicability under the Town's Demolition Delay By-law.
4. Prior to issuance of a certificate of occupancy, the applicant shall submit a Transportation Demand Management Plan, subject to the review and approval of the Director of Transportation/Engineering and the Assistant Director for Regulatory Planning. The effectiveness of the TDM plan will be reviewed after a three month and 15-month period and during the annual licensing process by the Select Board. It shall also include a stipulation that at least a four-foot width of sidewalk shall be unobstructed at all times.
5. If during the initial opening period of the facility, but no longer than six months, the Town determines that queuing on the public sidewalk has become a safety hazard or nuisance, the applicant shall meet with the relevant Town officials to identify and implement methods to eliminate any queuing on the sidewalk. Costs of same shall be borne by the applicant.
6. The facility shall not open earlier than 9 am, Mondays through Fridays, and 8 am Saturdays and Sundays. Any change to operational hours shall be subject to the Select Board, after input from the Director of Engineering and Transportation and Police Department.
7. All signage for the facility shall be approved by the Planning Board prior to installation and shall be removed in the event the entity ceases operations.
8. Prior to issuance of a certificate of occupancy, evidence of a valid license from the Select Board for a marijuana retailer shall be provided to the Building Commissioner.
9. The special permit is conditional upon the applicant maintaining a valid and current license or Certificate of Registration, as may be required, from the Select Board, the Massachusetts Department of Public Health, and the Massachusetts Cannabis control Commission.
10. Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner to ensure conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by

a registered land surveyor or engineer; 2) final floor plans and building elevations, stamped and signed by a registered architect, if there are any exterior changes; and 3) evidence the Board of Appeals decision has been recorded at the Registry of Deeds.

Chairman Zuroff then called upon Michael Yanovitch, Deputy Building Commissioner, to deliver the comments of the Building Department. Mr. Yanovitch stated that the Building Department has no objection to this request and noted that the building and location were appropriate for the use. He noted that the Building Department has not had any complaints about NETA since they opened. He concluded that should relief be granted; the Building Department will work with the Petitioner to ensure compliance with the Building Code and the provisions of the relief.

During deliberation, Board Member Schneider noted the legality of recreational marijuana in Massachusetts and stated that she was pleased with the site visit to NETA. Board Member Palermo agreed with Board Member Schneider's statements however wanted to use the word "operator" rather than applicant to ensure that any future operator had to meet the same strict standards as those imposed on NETA. All members agreed to this recommended change.

Accordingly, in reliance on the above referenced plans, the Board then determined, by unanimous vote that the requirements for a special permit for use 29A of Section 4.07 -- Table of Use Regulations, pursuant to Section 4.13, Marijuana Establishments and to Section 9.05 of the Zoning By-Law, respectively, were met, finding specifically under said Section 9.05:

- a. The specific site is an appropriate location for such a use, structure, or condition because the subject property has been operating as a medical marijuana establishment with little to no complaint for nearly three years and the site is located in a general business zoning district;
- b. The use as developed will not adversely affect the neighborhood because there will be no exterior alterations to the building, and the Petitioner has met extensively with municipal representation to ensure that all impacts (if any) from adding recreational marijuana use can be addressed quickly;

- c. There will be no nuisance or serious hazard to vehicles or pedestrians because on-site circulation will remain largely the same, and the Petitioner has worked with a traffic consultant to develop a TDM plan that meets the Town's requirements;
- d. Adequate and appropriate facilities will be provided for the proper operation of a recreational marijuana retailer;
- e. Development will have no effect on the supply of housing available for low- and moderate-income people;

and finding specifically under Section 4.13 that in its judgment the Operator meets all of the following conditions:

- 1. Issuance of the special permit will not contravene the cap on the number of special permits that may be granted for Storefront Marijuana Retailers because this is the first such permit to issue and the 5000 s.f. density limitation is not applicable as this facility falls under the exception, because it is a pre-existing medical marijuana dispensary and the issuance of the special permit will comply with all applicable State and local laws.
- 2. The location is compliant with Section 4.13 in its entirety as evidenced by the various Departmental reports which are incorporated herein by reference.
- 3. The Board of Appeals is satisfied that the Marijuana Establishment has the ability to comply with the General Requirements for Marijuana Establishments set forth in Section 4.13, and 4.12 if applicable based on the information gathered in the Departmental reports and recommendations, the report of the Planning Board and Deputy Building Commissioner and the history of operations as a Registered Medical Marijuana Dispensary.

Accordingly, the Board voted unanimously to grant the requested special permit relief subject to the following conditions:

- 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 Assistant Director for Regulatory Planning for review and approval.
- 2. Prior to issuance of a building permit, if exterior building modifications are proposed, final elevations, prepared by a registered architect, shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
- 3. Prior to issuance of a building permit, plans for any alterations to the building's interior or exterior features shall be submitted to Preservation Commission staff for determination of applicability under the Town's Demolition Delay By-law.
- 4. Prior to issuance of a certificate of occupancy, the operator shall submit a Transportation

Demand Management Plan, subject to the review and approval of the Director of Transportation/Engineering and the Assistant Director for Regulatory Planning. The effectiveness of the TDM plan will be reviewed after a three month and 15-month period and during the annual licensing process by the Select Board. It shall also include a stipulation that at least a four-foot width of sidewalk shall be unobstructed at all times.

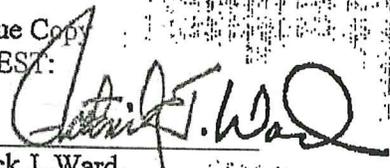
5. If during the initial opening period of the facility, but no longer than six months, the Town determines that queuing on the public sidewalk has become a safety hazard or nuisance, the operator shall meet with the relevant Town officials to identify and implement methods to eliminate any queuing on the sidewalk. Costs of same shall be borne by the operator.
6. The facility shall not open earlier than 9 am, Mondays through Fridays, and 8 am Saturdays and Sundays. Any change to operational hours shall be subject to the Select Board, after input from the Director of Engineering and Transportation and Police Department.
7. All signage for the facility shall be approved by the Planning Board prior to installation and shall be removed in the event the entity ceases operations.
8. Prior to issuance of a certificate of occupancy, evidence of a valid license from the Select Board for a marijuana retailer shall be provided to the Building Commissioner.
9. The special permit is conditional upon the operator maintaining a valid and current license or Certificate of Registration, as may be required, from the Select Board, the Massachusetts Department of Public Health, and the Massachusetts Cannabis control Commission.
10. Prior to issuance of a building permit, the operator shall submit to the Building Commissioner to ensure conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered land surveyor or engineer; 2) final floor plans and building elevations, stamped and signed by a registered architect, if there are any exterior changes; and 3) evidence the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous Decision of
The Board of Appeals

Filing Date: 10/29/18


Mark G. Zurloff, Chairman

A True Copy
ATTEST:


Patrick J. Ward
Clerk, Board of Appeals