

From: Jenny Raitt <JRaitt@town.arlington.ma.us>
To: <aquinn@town.arlington.ma.us>
Date: 03/20/2017 11:31 AM
Subject: Fwd: Comment in Connection with ARB Public Hearing on Article 9

Please print five copies of this email with attachment for the meeting.
Thanks!

Jennifer Raitt
Director, Department of Planning and Community Development
Town of Arlington
730 Massachusetts Avenue
Arlington, MA 02476

Begin forwarded message:

From: Jeremy Shaw <jeremy@vicentesederberg.com>
Date: March 13, 2017 at 6:27:28 PM EDT
To: jraitt@town.arlington.ma.us,
ABunnell@town.arlington.ma.us
Cc: Adam Fine <adam@vicentesederberg.com>
Subject: Comment in Connection with ARB Public Hearing on Article 9

Good Afternoon,

Please find attached correspondence relating to the Arlington Redevelopment Board's consideration this evening of Article 9 of the Town Meeting Warrant.

Best,
Jeremy

Jeremy Shaw
Associate Attorney

[Vicente](#)

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Attachments:

File: [Correspondence Regarding
Warrant Article 9.pdf](#)

Size: 267k Content Type: application/pdf

File: [ATT00006.html](#)

Size: 0k Content Type: text/html

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March 13, 2017

Chairman Andrew Bunnell
Arlington Redevelopment Board
730 Mass. Ave. Annex
Arlington, MA 02476

Re: Arlington Redevelopment Board's March 13th Review of Article 9

Dear Chairman Bunnell and the Board,

On behalf of our client, Massachusetts Patient Foundation, Inc. ("MPF"), we are writing to the Board to provide comments with respect to Article 9, which is under review for recommendation this evening. While we understand the desire to amend Arlington's Zoning Bylaws as it relates to Medical Marijuana Treatment Centers ("MMTCs", also known as Registered Marijuana Dispensaries "RMDs"), we believe that the zoning amendment as written would limit Arlington's flexibility in siting MMTCs within the Town.

In Cambridge and Newton, for example, the respective zoning ordinances impose a buffer requirement for MMTCs, but those ordinances include provisions that allow for a reduced buffer requirement if it is found that there is sufficient buffering in place such that the users of the protected use will not be adversely affected by the MMTC use. MPF believes that allowing for this type of discretion would provide the protections sought by the proposed zoning amendment in the currently drafted Article 9, while also providing Arlington with more flexibility to site

MMTCs when circumstances dictate. In MPF's case, some residents of Arlington have expressed a preference that MPF locate its MMTC in a different part of Arlington. MPF would like to maintain the ability to potentially accommodate that preference, albeit with a level of flexibility that is not present in the Article 9 zoning amendment as drafted. In conjunction with a provision

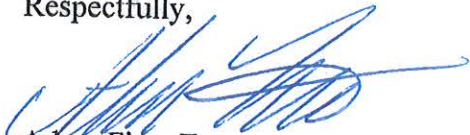
giving the Town discretion to reduce the required buffer from protected uses, and balancing that discretion against the petitioner's concerns, MPF proposes that the Town also require the MMTC in question to have held a RMD Operating Permit in good standing from the Arlington Board of Health for at least one year to be eligible for a buffer modification. Such a provision would make clear that only experienced operators with a track record of safe and compliant operation in the Town are eligible for a modified buffer requirement.

As such, if the Board is inclined to provide a positive recommendation for Article 9, MPF proposes including the following language within the proposed zoning amendment (additional language in bold):

To see if the Town will vote to amend the Zoning Bylaw to add a section 5.07 establishing a buffer zone for Medical Marijuana Treatment Centers ("MMTC", also known as Registered Marijuana Dispensaries "RMD"); prohibiting siting of such facilities within a radius of five hundred feet of a school, daycare center, or any facility in which children commonly congregate, **or, if not located at such distance, then (i) it is determined by the Arlington Redevelopment Board that the MMTC is sufficiently buffered from such facilities such that the users of such facilities will not be adversely impacted by the operation of the MMTC and (ii) the MMTC has held a RMD Operating Permit in good standing from the Arlington Board of Health for at least one year;** the 500 foot distance under this section to be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed MMTC; and further defining for the purposes of this section a "facility in which children commonly congregate" to include: dance schools, gymnastic schools, technical schools, vocational schools, public and private K-12 schools, public libraries, facilities that offer tutoring or after school instruction, licensed daycare facilities (including private home daycare), pediatrics offices, parks that have play structures and athletic fields intended for use by children, accredited Headstart facilities, and commercial establishments that host children's parties; or take any action related thereto.

Thank you for your time and attention to this matter. We are pleased to answer any questions or offer any further suggestions or comments as the Board may require.

Respectfully,



Adam Fine, Esq.