

From: Jenny Raitt <JRaitt@town.arlington.ma.us>
<abunnell@town.arlington.ma.us>, <AWest@town.arlington.ma.us>,
To: <KLau@town.arlington.ma.us>, <DWatson@town.arlington.ma.us>,
<ebenson@town.arlington.ma.us>
Cc: <aquinn@town.arlington.ma.us>
Date: 03/18/2017 11:29 AM
Subject: Fwd: buffer zone vote

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

Begin forwarded message:

From: Hilary Graham <hilgraham@aol.com>
Date: March 18, 2017 at 9:47:34 AM EDT
To: jraitt@town.arlington.ma.us
Subject: buffer zone vote

Hi Jenny,

I just wanted to write and ask you to support a buffer zone for marijuana dispensaries in the town, and at least to send it to Town Meeting for a discussion and vote by the town as a whole.

I think this is a great experiment for the town, and it seems to me that if we put this zoning in place, and later decide to change the zoning to include broader possibilities, that this would be much easier than going in the reverse direction.

It seems to me that the town takes great care in zoning (noting things like vegetation between driveways to achieve a certain feel in neighborhoods), considering how zoning affects the feel of the town, property values etc. I think caution on this front in zoning marijuana dispensaries is warranted, again with the understanding that this could be changed in the future with more ease to relax zoning.

I am also quite concerned about medical dispensaries shifting to recreational dispensaries. Marijuana products included lollipops, gummies, and other candies, and brownies and other baked goods, that would be extremely appealing to young children. (Liquor is not sold in these forms, and therefore would not have the same direct appeal to children). Marijuana is legal, but there is convincing research that it also has detrimental effect on young brains. (Brains are not fully developed until the age of 25, so even though the legal age is 21, consumption before that age can harm our young people).

I am not opposing the existence of dispensaries in Arlington, but I am suggesting that not having them right in front of our young children's daily paths, is protective to children and gives parents more control in explaining and exposing kids to substances that look delicious but are also potentially harmful.

Thanks so much,

Hilary Graham
16 Pine Ridge Rd

From: "Jenny Raitt" <JRaitt@town.arlington.ma.us>
To: "Amy Quinn" <AQuinn@town.arlington.ma.us>
Date: 03/20/2017 03:29 PM
Subject: Fwd: Town Zoning Amendment

Jennifer Raitt
Director, Department of Planning and Community Development
Town of Arlington
730 Massachusetts Avenue
Arlington, Massachusetts 02476
781-316-3092

-----Original Message-----

From: Edward Hajduk <ehajduk@me.com>
To: jraitt@town.arlington.ma.us, abunnell@town.arlington.ma.us,
sbyrne@town.arlington.ma.us, jcurro@town.arlington.ma.us,
ddunn@town.arlington.ma.us, kgreeley@town.arlington.ma.us,
dmahon@town.arlington.ma.us
Date: Mon, 20 Mar 2017 15:04:03 -0400
Subject: Town Zoning Amendment

Dear Arlington Town Officials,

I support the establishment of a 500-ft 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. As a registered voter in the Town of Arlington, I wanted you to know my thoughts on this matter.

Sincerely,

Ed Hajduk
16 Mt Vernon Street
Arlington, MA 02476

From: "Jenny Raitt" <JRaitt@town.arlington.ma.us>
To: "Amy Quinn" <AQuinn@town.arlington.ma.us>
Date: 03/20/2017 04:29 PM
Subject: Fwd: keep marijuana dispensary buffer zone

Jennifer Raitt
Director, Department of Planning and Community Development
Town of Arlington
730 Massachusetts Avenue
Arlington, Massachusetts 02476
781-316-3092

-----Original Message-----

From: Carrie Finison <carriefinison@me.com>
To: jraitt@town.arlington.ma.us, abunnell@town.arlington.ma.us, EBenson@town.arlington.ma.us, KLau@town.arlington.ma.us, dwatson@town.arlington.ma.us, awest@town.arlington.ma.us
Date: Mon, 20 Mar 2017 16:27:06 -0400
Subject: keep marijuana dispensary buffer zone

Dear Redevelopment Board members-

I am an Arlington resident and a parent of two children, ages 11 and 8.

I am writing to express my support for reinstating a 500 foot buffer zone between marijuana dispensaries and places where Arlington children congregate, including libraries, schools, and pediatricians' offices. I am especially concerned as, in the past, the building where my children's doctors' office is located, on Water Street, was (and possibly still is) a proposed site for a dispensary.

I did not vote for the measure, but my understanding was that when it was passed, it included a 500 foot buffer zone. Clearly, the intention of voters at the time was that towns would be able to exercise some control over the location of dispensaries. I would urge the ARB to proceed with caution as medical and recreational marijuana dispensaries come to Arlington and do everything possible to maintain as much control as possible.

Unlike liquor, recreational marijuana is sold in brownies, lollipops, and other forms that appeal to children. It concerns me that these would be displayed in places where children might see them. It is difficult enough to communicate the dangers of drug use to children – the presence of shops that make it seem normal and appealing with make it many times more so.

I urge you to keep the 500 foot buffer zone, especially as marijuana dispensaries begin to open in Arlington.

Sincerely,

Carrie Finison
37 Walnut Street
Arlington

From: "Jenny Raitt" <JRaitt@town.arlington.ma.us>
To: "Amy Quinn" <AQuinn@town.arlington.ma.us>
Date: 03/20/2017 03:31 PM
Subject: Fwd: RMD Zoning

Jennifer Raitt
Director, Department of Planning and Community Development
Town of Arlington
730 Massachusetts Avenue
Arlington, Massachusetts 02476
781-316-3092

-----Original Message-----

From: Erin Hajduk <erin_hajduk@mac.com>
To: jraitt@town.arlington.ma.us, abunnell@town.arlington.ma.us, sbyrne@town.arlington.ma.us, jcurro@town.arlington.ma.us, ddunn@town.arlington.ma.us, kgreeley@town.arlington.ma.us, dmahon@town.arlington.ma.us
Date: Mon, 20 Mar 2017 15:29:28 -0400
Subject: RMD Zoning

Dear Arlington Town Officials,

I support the establishment of a 500-ft 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. As a registered voter in the Town of Arlington and a mother of four children, I feel very strongly about this matter.

Sincerely,

Erin Hajduk
[16 Mt Vernon Street](#)
[Arlington, MA 02476](#)

From: Jenny Raitt <JRaitt@town.arlington.ma.us>
To: <aquinn@town.arlington.ma.us>
Date: 03/20/2017 09:02 AM
Subject: Fwd: Public Comment on Article 9, Warrant Town Meeting 2017

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: "Ivy LaPlante" <ILaPlante@town.arlington.ma.us>
Date: March 20, 2017 at 8:29:38 AM EDT
To: "Jenny Raitt" <JRaitt@town.arlington.ma.us>, ebenson@town.arlington.ma.us, abunnell@town.arlington.ma.us, klau@town.arlington.ma.us, dwatson@town.arlington.ma.us, awest@town.arlington.ma.us, sbyrne@town.arlington.ma.us, jcurro@town.arlington.ma.us, ddunn@town.arlington.ma.us, kgreeley@town.arlington.ma.us, dmahon@town.arlington.ma.us
Cc: "Christine Bongiorno" <CBongiorno@town.arlington.ma.us>, "Natasha Waden" <NWaden@town.arlington.ma.us>
Subject: **Public Comment on Article 9, Warrant Town Meeting 2017**

Good Morning,

This letter was sent to our office by Attorney John Scheft regarding the zoning of medical marijuana dispensaries.

Please let me know if you have additional questions.

Best,
Ivy

Ivy Laplante, MPH
Director of Arlington Youth Health & Safety Coalition
27 Maple Street
Arlington, MA 02476
ilaplante@town.arlington.ma.us
tel: 781-316-3179
fax: 781-316-3175

The mission of AYHSC is to engage, inform, and empower our community to prevent and reduce substance abuse and other risk behaviors the adversely affect Arlington youth.

-----Original Message-----

From: John Scheft <John@ledimensions.com>
To: Ivy LaPlante <ILaPlante@town.arlington.ma.us>
Date: Wed, 15 Mar 2017 19:10:33 +0000
Subject: RE: thank you

Hi Ivy:

Please send the attached memo to all of the Board of Zoning Members and anyone else you think would benefit (town meeting members, media, etc.). I worked on this to specifically address their concerns on the implementation. Hope this helps, John

John Sofis Scheft, Esq.
Law Enforcement Dimensions, LLC
7 Central Street, Suite 100
Arlington, MA 02476
Tel: 781-646-4377
www.ledimensions.com

Attachments:

File: LOCAL CONTROL STATEMENT TO ARLINGTON ZONING BOARD.pdf	Size: 161k	Content Type: application/pdf
File: ATT00006.html	Size: 0k	Content Type: text/html



www.bellottilaw.com

Peter V. Bellotti
Karen A. Colucci (MA, RI)
Karen Piso Nadeau
Sara Gens Birenbaum
Daniel C. Roache, Of Counsel
Lucas W. Talarico
Leslie S. Harkavy (MA, CT)
John Sofis Scheft, Of Counsel
Julia M. Hogan
Alexander T. Asermely (MA, RI)

Cambridge Office
The Schrafft Center, Suite 128
529 Main Street
Boston, MA 02129-1125
T 617.225.2100
F 617.494.0043

Quincy Office
1250 Hancock Street
Suite 127 North
Quincy, MA 02169
T 617.328.2300
F 617.471.7708

March 15, 2017

Dear Members of the Arlington Zoning Board:

Thank you for taking public comment concerning the buffer zone for a Medical Marijuana Treatment Center (MMTC) in Arlington. As promised, I am following up with specifics on the reach of Question 4. Please understand:

Your decision is critical because *any* zoning plan adopted in Arlington applies to medical *and* recreational providers by the plain language of Question 4. Specifically, within Question 4¹, G.L. c. 94G, § 3(a)(1) states:

[Z]oning ordinances or bylaws shall *not* prohibit placing a [recreational] marijuana establishment which cultivates, manufactures or sells marijuana or marijuana products in any area in which a medical marijuana treatment center is registered to engage in the same type of activity. [emphasis added]

This means: If you approve an MMTC within 500' of a place where children congregate, then you also approve – to echo Mr. West's reservation – a "pot shop" at the same location.

Your decision is important because, under the procedure mandated by Question 4, it is likely that any MMTC will transform into a recreational marijuana business in Arlington. The reason is that an Arlington special election is the *only* way to prevent an MMTC from *automatically* engaging in recreational activity.² Specifically, G.L. c. 94G, § 3(a)(2)(iii) states:

¹ The entire text of Question 4 is found at Chapter 334 of the Acts of 2016.

² Question 4 does not require that a community vote to permit recreational sales activity. It only insists on a vote *to prevent* these activities. Note how city councils and boards of selectmen have some regulatory authority for existing recreational activities, but cannot prevent them without a majority vote of residents. Compare 94G, § 3(a), (3), (4) and (5) with § 3(a)(2)(limits on actual establishments only by majority vote).

[A] city or town may only adopt an ordinance or by-law by a vote of the voters of that city or town if the ordinance or by-law . . . limits the number of any type of marijuana establishment to fewer than the number of medical marijuana treatment centers registered to engage in the same type of activity in the city or town.

Any agreement or assurances between Arlington and an MMTC that it will not engage in recreational activity are unenforceable. Again, Question 4 mandates that the *only* way to prevent recreational activity at an MMTC is by special election. Id.

Your decision is essential because state regulators are powerless to prevent the automatic transition of an MMTC into a recreational sales business. The Cannabis Control Commission (CCC)³ may not prohibit recreational sales on the premises of an MMTC. 94G, § 4(c)(4).⁴ Any MMTC may *automatically* conduct recreational sales on its premises – even if the CCC is unable to implement a licensing plan – by July 1, 2018⁵ which, if the medical marijuana roll out is any indicator, will probably happen. This is part of a preferential licensing plan that requires the CCC to issue 75 licenses to any existing *or* future MMTC to engage in recreational cultivation, manufacturing and retail sales.⁶

In short, state authorities will not be able to reverse an ill-advised zoning decision for Arlington.

Respectfully submitted,



John Sofis Scheft, Esq.

Town resident and parent: 70 Richfield Road
Town business owner: 7 Central Street, Suite 100

³ This is the state agency that Question 4 creates to regulate recreational marijuana sales.

⁴ The CCC may not require organic farming methods, even though the Department of Public Health (DPH) may insist on organic methods for MMTC medical products. The CCC may also not prevent MMTCs and other recreational providers from sharing seeds and other items. 94G, § 4(c)(5) and (6).

⁵ Timeline was extended from January to July by Chapter 351 of the Acts of 2016.

⁶ Chapter 334 of the Acts of 2016, SECTION 6, 10 and 11.

From: Jenny Raitt <JRaitt@town.arlington.ma.us>
To: <aquinn@town.arlington.ma.us>
Date: 03/20/2017 09:02 AM
Subject: Fwd: A letter in support of Article 9 (500 foot buffer re: medical marijuana centers)

Please print five copies of this email 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: Kristin Brennan <kristinbre@gmail.com>
Date: March 19, 2017 at 6:54:07 PM EDT
To: "ebenson@town.arlington.ma.us"
 <ebenson@town.arlington.ma.us>,
 "abunnell@town.arlington.ma.us"
 <abunnell@town.arlington.ma.us>, "klau@town.arlington.ma.us"
 <klau@town.arlington.ma.us>, "dwatson@town.arlington.ma.us"
 <dwatson@town.arlington.ma.us>, "awest@town.arlington.ma.us"
 <awest@town.arlington.ma.us>, "jraitt@town.arlington.ma.us"
 <jraitt@town.arlington.ma.us>
Subject: A letter in support of Article 9 (500 foot buffer re: medical marijuana centers)

Dear Members of the Arlington Redevelopment Board,

Thank you for the opportunity for public discussion and comment on Monday, March 13 regarding Article 9, the item related to the 500-foot buffer zone around medical marijuana dispensaries. I was listening intently to the concerns you expressed in the meeting; we can all appreciate this is not a simple matter. I also appreciate the opportunity to voice not only my concerns (and concerns that I heard reflected in others' comments that evening) but to offer some data behind them, which are easier to convey via email.

The first compelling consideration is that the Town Meeting Members believe they already approved a buffer zone as part and parcel of the decision to zone medical marijuana activity into B3 and B5. The history presented on Monday and the statements of Town Meeting members who spoke that evening made it clear that the current dilemma and

ambiguity is an error caused by the Commonwealth's actions, not the Town's. As I understand it, in 2014 (prudently at the time), the town counsel recommended the zoning article not explicitly mention the buffer zone, since the state's definition was under debate, and in 2016, the state then surprisingly ruled that a town's zoning rules must specify a buffer zone independently. The Town's own decision from 2014 should stand and not be subject to accidental reversal as a result of the Commonwealth's confusing guidance as it grappled with the new issue.

The most important consideration for me by far, though, is that when we zone for medical, we are also zoning for recreational. That's absolutely critical for all of us in the Town to understand; like the other article presented on Monday regarding the proper grade for driveways, there are inter-related issues that must be understood together, even if we happen to be voting on them separately.

From Ballot Initiative 4 (recreational marijuana), p. 8 (Section 3 (a) (1)): "...zoning ordinances or by-laws shall not prohibit placing a marijuana establishment which cultivates, manufactures or sells marijuana or marijuana products in any area in which a medical marijuana treatment center is registered to engage in the same type of activity." Section 3 (a) (2) goes on to further restrict a municipality's options in regulating recreational marijuana and Section 3 (b) seems, on my reading, to throw up barriers in the way of a municipality that should decide to allow recreational marijuana but might wish to restrict consumption on the premises (in other words the initiative was written to assume recreational marijuana would include not only retail sale but pot 'cafes', etc., requiring towns to act proactively if they wish to restrict them).

This matters quite a lot. It means we cannot treat this decision as if it were about where we might locate a discreet medical office that can only be accessed by verified patients. Because of the way the marijuana industry wrote Ballot Initiative 4, our zoning decision today is also a decision about zoning for plate glass window displays of edibles and drug paraphernalia, and potentially cafes with on-premises consumption and spillover traffic onto the sidewalk. We may as a town decide to block recreational sales altogether. But that is far from decided, and looks like it may be managed next month temporarily by a moratorium. Incidentally, the default buffer zone definition in Ballot Initiative 4 is also much more permissive than the one the Town already approved and is considering now (it does not include, for instance, preschools - see page 16 of the initiative). So it would not at all be sufficient either. [1]

If the Town of Arlington determines not to affirm the buffer zone in Article 9, but most surrounding communities do create their own community-appropriate zoning, we become the easiest place for medical and thus then recreational marijuana to do business. The expansion potential is not limited to consumers in our town. The town of Telluride, CO has a population of 2300, and 4 pot shops (and for comparison's sake, only 2 pharmacies). [2] [3]

Medical marijuana businesses will expand to recreational sales. Perhaps not all of them. Many will, however, in order to increase profits. A Boston Globe article projected that by 2020 the recreational revenues in MA would eclipse medical by at least 4x. [4] Ballot Initiative 4 privileges the medical marijuana operators and gives them first-mover advantage: on p. 16, in Section (5) (c) (1), it notes that medical operators will be considered first for recreational licenses. Joseph Lekatch, proprietor and spokesperson for the Massachusetts Patient Foundation which is to be the first to open in Arlington, said in a statement related to entry into other local communities that although he did not have immediate plans to this effect, if a community is interested in his company converting to recreational, "then it's something we would look at." [5] The medical operators are largely for-profit businesses and they will, as one might expect, keep their profit-maximizing options open in order to obtain outcomes for their shareholders.

At the ARB meeting on Monday there was some question as to what type of harm might reasonably be expected in the vicinity of these establishments. It's an important question, and again should be considered in the light of the fact that any recreational establishments would be zoned the same as medical. Denver (one of the few cities to track this) has 300+ marijuana businesses and counted 300+ robberies of those establishments over a 2-year period. A quote from that NBC News story: "'I think everyone has been robbed at least once,' says Jonathan Salfeld, the owner of Local Product of Colorado, which has been broken into twice, despite being located a block from Denver Police headquarters." [6] Marijuana businesses generally operate in cash. Another quote: "'You hit a 7-Eleven, you'll get 20 bucks. You hit a dispensary, you'll get \$300,000 on a good day,' adds Mitch Morrissey, District Attorney for Denver." [6] Until or unless federal banking regulations change (seeming more doubtful under this administration than under the last one), most banks won't or can't take their business. [7] and [8] To address this, marijuana purveyors expect robberies and they are also hiring private security.

This concerns me as well, as private security guards do not

have the training, public accountability, or the community knowledge that distinguishes our own local police force. [9]

It's also reasonable to expect sidewalk loitering and potential consumption and/or illegal resale near the original point of sale. As noted above, Ballot Initiative 4 requires towns to take specific action if they do not want recreational shops allowing consumption at the point of sale. Ballot Initiative 4 also makes it nearly impossible for local law enforcement to curtail public smoking of marijuana, because in the same breath that it prohibits public smoking, it says that the prohibition "shall not be construed to limit the medical use of marijuana." [1] A local officer approaching two individuals smoking on the sidewalk, one of whom can prove they have a medical exemption, faces a dilemma about whether to treat these two individuals differently. One is allowed to remain, one is asked to move along, prompting the question "what have you got against me, officer?" This opens up the officer to claims of discrimination and to public altercations that affect everyone walking their kids to school on that sidewalk. In today's contentious atmosphere I predict our police will have to make the tough choice many times to tolerate the public smoking rather than provoke antagonism over what is after all a nuisance crime. It's a terrible position to put our officers in, essentially untenable, and it's going to make it difficult to walk by these establishments without inhaling a good degree of secondhand smoke.

Our town's mix of residential, recreational, educational and business facilities intermingled makes for a wonderful place to live and a very vulnerable setting for recreational marijuana. My own view, for all of these reasons, is that I sincerely hope that we as a town exercise wisdom in disallowing recreational marijuana sale.

Pending any decision about recreational marijuana, however, we have a decision to make about medical marijuana zoning.

We need to decide where these medical operators will be located, as if we were deciding where recreational will be located, because in this decision we are also tying our own hands related to zoning any recreational businesses that may follow them. (Note too that the medical operators are themselves the most likely operators of recreational sales given the way the Ballot Initiative was written and the regulatory barriers to entry at the state level.) A buffer zone may not be the perfect solution. But 500 feet, or about a block, is enough to avoid being caught up directly in smoke pollution, a public argument over smoking, or a

robbery in progress. If we can decide in our zoning that we care about, for instance, vegetation buffers between someone and their nearest neighbor, we can also decide that individuals and families deserve a small buffer between their day to day required child-related activities and a marijuana establishment. We spend so much time thinking about not only safety issues in zoning, but also quality of life and public perception. We are a town that is incredibly thoughtful about long-term planning. Five years from now, we don't want to see that property values have decreased across the board because, as a result of several linked decisions that played out over time, we zoned pot cafes next to buildings where our town's children are educated.

This is all new territory for our community and for Massachusetts. It is a legal and social experiment. At the very least I believe we could agree not to experiment on the doorstep of a preschool or the high school.

Many thanks for your consideration of this critically important issue for the health and well-being of our town.

Best,

Kristin Brennan
28 Brattle Terrace

[1] <http://www.mass.gov/ago/docs/government/2015-petitions/15-27.pdf>

[2] <https://www.coloradopotguide.com/where-to-buy-marijuana/colorado/telluride/>

[3] <http://www.businessinsider.com/i-went-to-a-marijuana-dispensary-in-colorado-2015-7>

[4] <https://www.bostonglobe.com/business/2016/03/27/legal-marijuana-could-billion-industry-mass-researchers-forecast/kNXpuKl0k4LKrLUTlaqfXL/story.html>

[5] <http://west-roxbury.wickedlocal.com/news/20161026/company-may-open-medical-marijuana-dispensary-in-west-roxbury>

[6] <https://www.google.com/amp/www.nbcnews.com/storyline/legal-pot/amp/high-crimes-robber-gangs-terrorize-colorado-pot-shops-n20111>

[7] <http://www.businessinsider.com/americas-marijuana-companies-cant-put-money-in-banks-2015-11>

[8] <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2016/03/22/why-marijuana-businesses-still-cant-get-bank-accounts>

[9] <http://www.kiro7.com/news/colorado-marijuana-shops-turn-combat-veterans-prot/81851544>

Sent from my iPad

From: Jenny Raitt <JRaitt@town.arlington.ma.us>
To: <aquinn@town.arlington.ma.us>
Date: 03/20/2017 11:30 AM
Subject: Fwd: against medical marijuana buffer zone

Please print five copies of this email 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: Laura Kiesel <lakiesel@gmail.com>
Date: March 20, 2017 at 11:24:58 AM EDT
To: jraitt@town.arlington.ma.us,
EBenson@town.arlington.ma.us,
ABunnell@town.arlington.ma.us, KLau@town.arlington.ma.us,
DWatson@town.arlington.ma.us, AWest@town.arlington.ma.us
Subject: against medical marijuana buffer zone

Dear Arlington Redevelopment Board Members,

I am an Arlington resident, as well as a health reporter who suffers from chronic pain due to several autoimmune and neurological conditions. I am writing to voice my opposition to Article 9, which would establish a 500-ft buffer zone between any medical marijuana treatment center and place where children congregate, including schools, daycare centers, libraries and parks. This article is not based on facts and instead reinforces a stigma against sick and disabled people who require access to medical marijuana to manage their conditions and reduce pain, inflammation, nausea and insomnia associated with their disease/s. As I am aware, no such buffer zone exists for pharmacies. As such, it seems the Article conflates medical use of marijuana with recreational use and is dangerous to uphold as it perpetuates incorrect stereotypes while denying Arlington residents access to what is for many a crucial treatment.

I was disappointed to hear about the backlash that occurred against medical marijuana users at earlier hearings this past summer. Of note, medical marijuana users were primarily not present to defend their positions. These hearings are often held in the evenings and tend to go late, making them difficult to impossible for those suffering from disabilities to attend.

It may interest you all to know that Arlington is home to the longest-running chronic pain support group in the Boston area, which takes place monthly at the Robbins Library and where the majority of the participants are permitted users of medical marijuana. They are homeowners, tax payers and contributors to this town and community, some who have small children at the Arlington Public Schools. These are people who have survived cancer

and car accidents. They deserve better than this. For the first few years of MM legalization, many of these patients had to travel far distances to states like Maine to access their medicine, which was difficult and ultimately in many cases couldn't happen due to the complications of their conditions, which restricted their mobility. As my conditions have worsened in recent years, I have attempted to access medical marijuana, but my attempts have been repeatedly thwarted for two main reasons: access (most dispensaries are too far away) and cost (I am low income). A Water Street medical marijuana treatment center and dispensary would eradicate at least one, if not both, of those barriers for me.

It should also be noted that access to medical marijuana is a crucial component in lowering opioid-related dependency and overdoses (as I reported back in 2014: <https://www.mainstreet.com/article/medical-marijuana-saves-lives-study-reports>), and is especially key now that the state has cracked down hard on access to prescription opioids indiscriminately, including those who are responsible users of it for their chronic pain conditions (<https://www.bostonglobe.com/metro/2016/06/18/the-other-side-america-war-opioids/i9YYLR0bGWFdP9z1T1pwjI/story.html>).

Denying people their medication and viable alternatives like MM simply increases the likelihood that more people will seek out and use pain meds illegally. Longtime health reporter for the Boston Globe, Judy Foreman, wrote a great book, *A Nation in Pain*, that has a couple of chapters devoted entirely to MM and its applications to chronic pain and illness with relatively minor side effects. Her findings are eye-opening (she spoke at the library upon its release, which should have a copy).

There are plenty of things to be concerned about in Arlington: the increase in vandalism related to racism, the indiscriminate use of rat poison in the town that threatens children's health and has led to a rat infestation of Spy Pond Park, and the exhaust of idling cars at schools and town centers that is a proven health hazard for children. Medical marijuana shouldn't be on this list.

Please vote NO on Article 9. Thank you.

Sincerely,

Laura Kiesel

--

Laura Kiesel
 Freelance Writer and Editor
www.laurakiesel.com
<http://twitter.com/SurvivalWriter>

From: "Jenny Raitt" <JRaitt@town.arlington.ma.us>
To: awest@town.arlington.ma.us, dwatson@town.arlington.ma.us, klau@town.arlington.ma.us, ebenson@town.arlington.ma.us
Cc: abunnell@town.arlington.ma.us, "Amy Quinn" <AQuinn@town.arlington.ma.us>
Date: 03/20/2017 04:31 PM
Subject: Fwd: Warrant Article 9

Jennifer Raitt
 Director, Department of Planning and Community Development
 Town of Arlington
 730 Massachusetts Avenue
 Arlington, Massachusetts 02476
 781-316-3092

-----Original Message-----

From: "Andrew Bunnell" <ABunnell@town.arlington.ma.us>
 To: "Jenny Raitt" <JRaitt@town.arlington.ma.us>
 Date: Mon, 20 Mar 2017 16:28:32 -0400
 Subject: Fwd: Warrant Article 9

Jenny -

Could you please forward to the other Board members. Thanks.

-----Original Message-----

From: "Town of Arlington, MA" <do-not-reply@town.arlington.ma.us>
 To: "Bunnell, Andrew" <ABunnell@town.arlington.ma.us>
 Date: 20 Mar 2017 12:09:00 -0700
 Subject: Warrant Article 9

Message submitted from the <Town of Arlington> website.

Site Visitor Name: Sophia Sayigh
Site Visitor Email: sophia@sayigh.net

Dear Mr. Bunnell,

Hi! I hope to make it tonight but in case there is not time for public comment, I wanted to put my 2 cents in before you take a vote.

I have researched and educated myself on the issues surrounding Warrant Article 9, Zoning Bylaw Amendment/Medical Marijuana Treatment Center Buffer Zone.

And I don't understand the need for it. There seems to be some confusion between MMTCs and marijuana dispensaries that would dispense marijuana for recreational use. Gen. Law Chapter 369, AN ACT FOR THE HUMANITARIAN MEDICAL USE OF MARIJUANA outlines several guidelines for MMTCs, including:

- MMTCs have to be nonprofits licensed by the state
- They may only dispense to patients who have been diagnosed by their doctor as having a debilitating disease that requires marijuana therapy. Some examples of disease as given in the law include cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome

(AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, and multiple sclerosis

- The patients must carry a personal identification or registration card issued by the Department of Public Health
- And the medicine is taken at home just as any of us who have prescription medicine take it as prescribed at home

It appears that MMTCs are well regulated with clearly drawn guidelines and I don't understand the presumed risks that would require a buffer zone from places where children congregate. They don't seem any different to me than a pharmacy.

To go a step further, I think that we need to continue to work to remove the stigma around marijuana for medical use as it is a therapy that has been shown to be extremely helpful where other therapies are not, for people who suffer from many debilitating conditions.

Thank you very much for your consideration.

Sophia Sayigh
24 Avon Place

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](#)

Vicente Sederberg LLC
109 State Street, Suite 404 | Boston, MA 02109
T: [617-934-2121 Ext. 7](tel:617-934-2121) | F: [617-514-0008](tel:617-514-0008)
Jeremy@VicenteSederberg.com | www.VicenteSederberg.com

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[Confidentiality Notice](#)

Attachments:

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

Size: 267k Content Type: application/pdf

File: [ATT00006.html](#)

Size: 0k Content Type: text/html

VICENTE SEDERBERG LLC

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CHRISTIAN SEDERBERG, ESQ. (CO)
JOSHUA KAPPEL, ESQ. (CO)
ADAM FINE, ESQ. (MA, NJ, PA)

COUNSEL

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OFFICES IN

DENVER, BOSTON,
LAS VEGAS, LOS ANGELES,
AND WASHINGTON, D.C.

109 STATE STREET, SUITE 404
BOSTON, MA 02109
(T) 617-934-2121 | (F) 617-514-0008

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SPECIAL COUNSEL

PHILIP A. CHERNER, ESQ. (CO)
STEVE FOX, ESQ. (MA)
M. ALLEN HOPPER, ESQ. (CA)

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

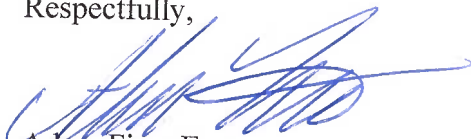
giving the Town discretion to reduce the required buffer from protected uses, and balancing that discretion against the petitioner's concerns, MPF proposes that the Town also require the MMTC in question to have held a RMD Operating Permit in good standing from the Arlington Board of Health for at least 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.

From: "Jenny Raitt" <JRaitt@town.arlington.ma.us>
To: abunnell@town.arlington.ma.us, awest@town.arlington.ma.us, dwatson@town.arlington.ma.us, ebenson@town.arlington.ma.us, klau@town.arlington.ma.us
Cc: "Amy Quinn" <AQuinn@town.arlington.ma.us>
Date: 03/20/2017 03:56 PM
Subject: FW: Memo for ARB from Town Manager re: STM Article 2

Attached please find the Town Manager's memo regarding STM Article 2. I will bring copies for tonight.

Jennifer Raitt
Director, Department of Planning and Community Development
Town of Arlington
730 Massachusetts Avenue
Arlington, Massachusetts 02476
781-316-3092

-----Original Message-----

From: "Adam Chapdelaine" <AChapdelaine@town.arlington.ma.us>
To: "Jenny Raitt" <JRaitt@town.arlington.ma.us>
Cc: "Douglas Heim" <DHeim@town.arlington.ma.us>
Date: Mon, 20 Mar 2017 15:17:44 -0400
Subject: Memo for ARB

Jenny,

Please let me know if this is sufficient.

Thanks,

Adam W. Chapdelaine
Town Manager
Town of Arlington
730 Massachusetts Avenue
Arlington, MA 02476
(781) 316-3010

Attachments:

File:	Size:	Content Type:
ARB_STM_WA2_3_20_17.pdf	39k	application/pdf



**Town of Arlington
Office of the Town Manager**

**Adam W. Chapdelaine
Town Manager**

**730 Massachusetts Avenue
Arlington MA 02476-4908
Phone (781) 316-3010
Fax (781) 316-3019
E-mail: achapdelaine@town.arlington.ma.us
Website: www.arlingtonma.gov**

To: Members of the Arlington Redevelopment Board

From: Adam Chapdelaine, Town Manager

RE: Special Town Meeting Article 2 – Recreational Marijuana Moratorium

Date: March 20, 2017

As the Board is aware, Warrant Article 2 of the Special Town Meeting was placed on the warrant at my request, by the Board of Selectmen. I requested the filing of this warrant article in order to give both the Redevelopment Board and potentially Town Meeting the opportunity to extend to a reasonable degree, the amount of time with which the Town could consider the matter of Recreational Marijuana.

This article was not filed on the Annual Town Meeting warrant, as at that time, the prevailing legal opinion was that such a moratorium might not pass legal review by the Attorney General's Office. After that time, the Attorney General approved such a moratorium in West Bridgewater, and that prompted me to request the filing of the article.

I request that the Board consider favorable action on a zoning moratorium for Recreational Marijuana until June 30, 2018, so that further planning efforts and community discussions can occur prior to zoning recommendations being made to Town Meeting.

From: Jenny Raitt <JRaitt@town.arlington.ma.us>
To: <aquinn@town.arlington.ma.us>
Date: 03/20/2017 09:02 AM
Subject: Fwd: letter of withdrawal

Please print five copies of this email 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: "Laura Wiener" <LWiener@town.arlington.ma.us>
Date: March 19, 2017 at 4:25:49 PM EDT
To: "Jenny Raitt" <JRaitt@town.arlington.ma.us>
Subject: Fwd: Re: letter of withdrawal

Laura Wiener, AICP
 Assistant Director of Planning
 Arlington Planning and Community Development
 Town Hall, 730 Mass. Ave.
 Arlington, MA 02476
 781 316-3091

-----Original Message-----

From: "Janice Weber" <JWeber@town.arlington.ma.us>
 To: "Laura Wiener" <LWiener@town.arlington.ma.us>
 Date: Fri, 17 Mar 2017 09:48:48 -0400
 Subject: Re: letter of withdrawal

March 17, 2017

To Whom it May Concern,

I wish to withdraw my warrant article concerning redistricting from R2 to R1 Mount Gilboa District. I will revisit this change in the future with more information and less scope.

Sincerely,

Janice Weber

-----Original Message-----

From: "Laura Wiener" <LWiener@town.arlington.ma.us>

To: "Janice Weber" <JWeber@town.arlington.ma.us>

Date: Thu, 16 Mar 2017 09:03:08 -0400

Subject: letter of withdrawal

Hi Janice. Can you send a quick email or letter to Jenny explaining that you wish to withdraw your warrant article? You can also say what you would like to happen in the future. Thanks. The Board will vote on Monday, so if you could do it today that would be great. We can include it in their board packages which will go out tomorrow.

Laura Wiener, AICP
Assistant Director of Planning
Arlington Planning and Community Development
Town Hall, 730 Mass. Ave.
Arlington, MA 02476
781 316-3091