



## **Town of Arlington, MA Redevelopment Board**

### **Agenda & Meeting Notice January 6, 2020**

The Arlington Redevelopment Board will meet Monday, January 6, 2020 at 7:30 PM in the **Town Hall Annex, 2nd Floor Conference Room, 730 Massachusetts Avenue, Arlington, MA 02476**

#### **1. Environmental Design Review, Continued Public Hearing**

7:30 p.m. - Board will continue hearing for Special Permit #3610 filed by Apothca, Inc. at 1386 Massachusetts Avenue, Arlington, MA, 02476, in accordance with the provisions of MGL Chapter 40A § 11, and the Town of Arlington Zoning Bylaw Section 3.4, Environmental Design Review, and Section 8.3, Standards for Marijuana Uses. The applicant proposes to establish a co located marijuana retailer and medical marijuana treatment center within the B3 Village Business District.

- Applicant will be provided 10 minutes for an update from prior public hearing session on 11/18/19
- DPCD staff will be provided 5 minutes for updates.
- Members of the public will be provided time to comment.
- Board members will discuss docket and may vote.

#### **2. Potential Zoning Bylaw amendments for 2020 Annual Town Meeting continued discussion from December 2, 2019**

8:00 p.m. - Board members will continue discussion and may move to support advancement of proposals

#### **3. Preparation for joint meeting with Select Board on January 13, 2020**

8:30 p.m. - Board will discuss upcoming meeting with Select Board planned for Monday, January 13, 2020 at 7:00 p.m. in the Senior Center Main Room.

#### **4. Meeting Minutes (11/18/19 and 12/16/19)**

9:00 p.m. - Board members will review and may approve minutes

#### **5. Open Forum**

9:10 p.m. - Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation. There is a three minute time limit to present a concern or request.

**6. Adjourn**

9:30 p.m. - Adjourn

**7. Correspondence received:**

Correspondence received from Don Seltzer regarding Docket #3602 Continuance Request from 121619

Correspondence from SR regarding Open Space from 123019



## Town of Arlington, Massachusetts

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### Environmental Design Review, Continued Public Hearing

#### Summary:

7:30 p.m. -  
8:00 p.m.

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- Applicant will be provided 10 minutes for an update from prior public hearing session on 11/18/19
- DPCD staff will be provided 5 minutes for updates.
- Members of the public will be provided time to comment.
- Board members will discuss docket and may vote.

#### ATTACHMENTS:

Type	File Name	Description
Reference Material	Agenda_Item_1_Memo_from_JR_regarding_additional_materials_for_Docket_3610.pdf	Memo from JR regarding additional materials for Docket 3610
Reference Material	1386_Massachusetts_Ave_Original_Elev.pdf	1386 Massachusetts Ave. Original Elevation
Reference Material	Apothca_-_Security_Policies_and_Procedures.pdf	Apothca - Security Policies and Procedures
Reference Material	EB2009_checklist.pdf	EB2009 checklist
Reference Material	Floorplan-18x24.pdf	Floorplan - 18x24
Reference Material	LEED_Memo.pdf	LEED Memo
Reference Material	Site_Plan_Set_Apothca.pdf	Site Plan Set Apothca
Reference Material	SPA_Signed.pdf	SPA Signed
Reference Material	Apothca_-_Arlington_Compilation_-_12.26.19.pdf	Apothca - Arlington Compilation
		12-26-19 EDR Public

- ▢ Reference Material Agenda\_Item\_1B\_EDR\_Public\_Hearing\_Memo\_Docket\_\_3610.doc
- ▢ Reference Material Agenda\_Item\_1C\_Memo\_to\_ARB\_re\_Apothca\_SP\_Application.doc
- ▢ Reference Material Agenda\_Item\_1Ca\_P.Czech\_Comments.pdf
- ▢ Reference Material Agenda\_Item\_1Cb\_S.Augood\_Comments.pdf

Hearing Memo  
re Apothca SP  
Application  
Memo to ARB  
re Apothca SP  
Application  
P. Czech  
Comments  
S. Augood  
Comments



**Town of Arlington, Massachusetts**  
Department of Planning & Community Development  
730 Massachusetts Avenue, Arlington, Massachusetts 02476

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**Memorandum**

**To:** Arlington Redevelopment Board

**From:** Jennifer Raitt, Secretary Ex-Officio

**Subject:** Additional Materials, Docket #3610 1386 Massachusetts Avenue, Arlington

**Date:** December 31, 2019

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Please accept this memo as an outline of documents requested for the above-noted Docket with a continued public hearing on January 6<sup>th</sup>. The following materials were requested on November 19<sup>th</sup>, following the first public hearing:

1. A sign plan that details the attachment method, the lighting, the sign materials, dimensions;
2. Updated building elevation drawing with details on any proposed storefront modifications, repairs or improvements to the façade;
3. A plan that details the trench drains across both driveway aisles and a rain garden system in the landscaped area;
4. Updated narrative on how medical versus adult-use recreational customers will be served, especially related to queuing and purchasing;
5. A Transportation Demand Management Plan, including incentives for employees to use public transit and adding options for long-term and short-term bicycle parking in compliance with the bylaw;
6. A Queuing and Parking Management Plan;
7. Further improvements to existing catch basins;
8. Updated landscaping plan;
9. Added lighting along driveway aisles; and an
10. Updated LEED checklist.

Additionally, staff corresponded with Department of Public Works staff regarding the potential rain garden and catch basins. The DPW confirmed that the on-site catch basins are privately owned. DPW will review and approve plans per the ARB's condition regarding Engineering review of site improvements. Further, DPCD staff, Town Counsel, Apothca and their legal counsel met with Police Department staff regarding a review of the Security Plan and police details on-site relative to queuing and parking management. Staff also engaged the Senior Transportation Planner and Transportation Advisory Committee regarding review of the project. The attached additional materials that follow this memo are in response to the above matters and requests.

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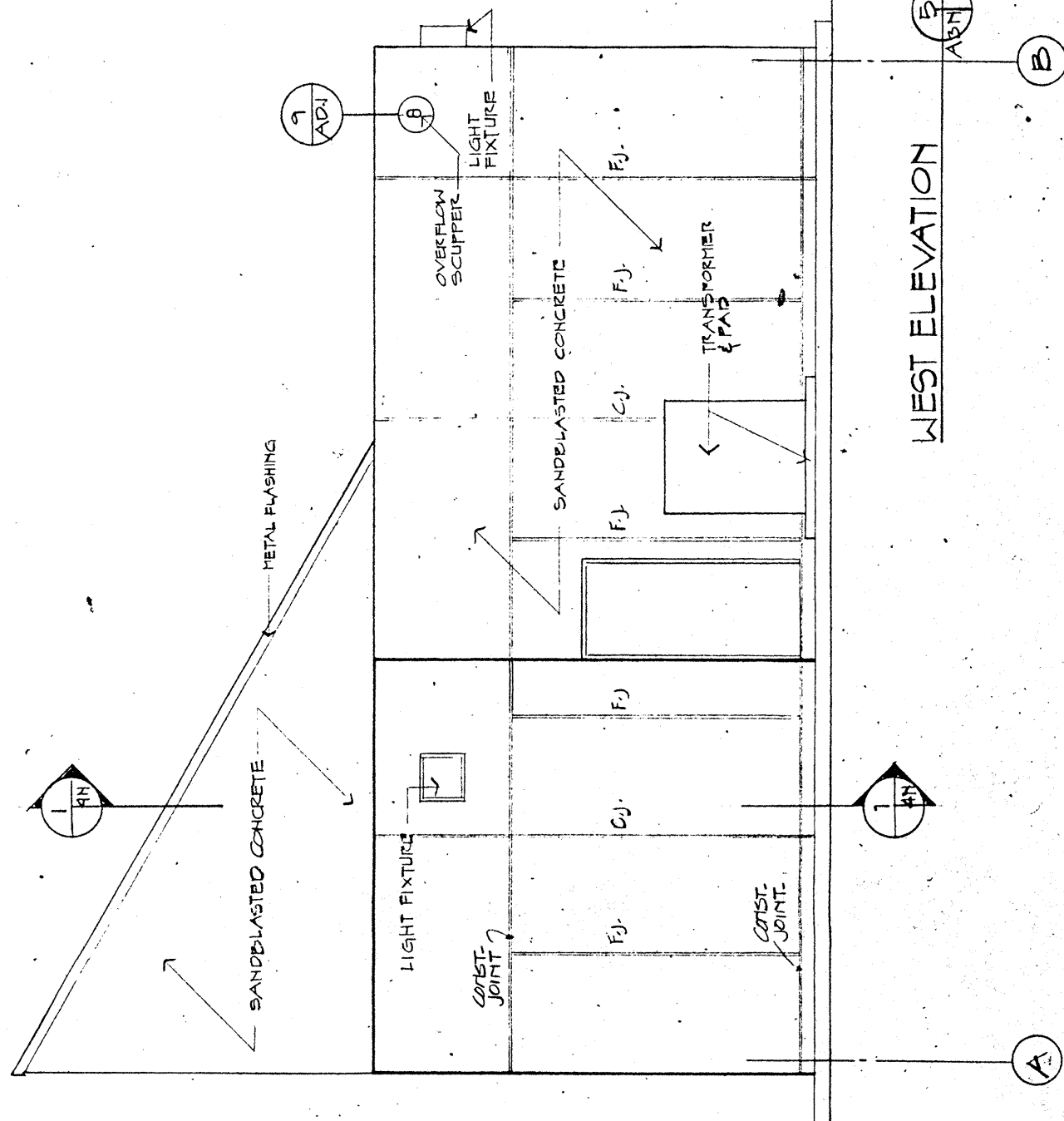
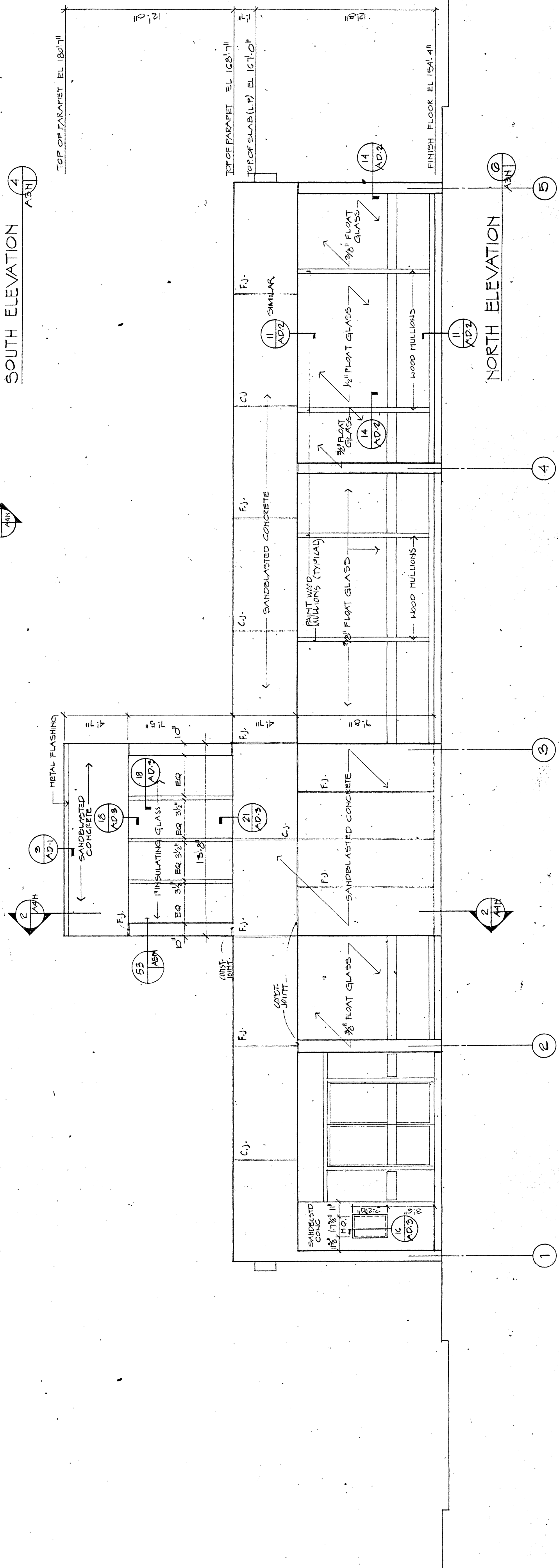
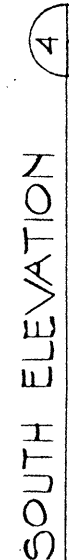
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DRAWN ON SHEET

SCALE	1/4" = 1'-0"
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CHECKED	M.
APPROVED	<i>Adrian K. Brown</i>
DATE	10 MARCH 74

SHEET NO.

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# Security Policies and Procedures<sup>1</sup>

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<sup>1</sup> All information contained herein is subject to revision. Apothca intends to supplement and amend this document based upon input from the Cannabis Control Commission, the City of Fitchburg, City of Lynn, and as Apothca's understanding of its needs change. Apothca will assure all necessary local authorities receive a copy of this document, as well as any finalized amendments to this document. We respectfully ask that the materials provided be held in confidence.

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## General Security Requirements

### Introduction

Apothca, Inc. (“Apothca”), a Marijuana Establishment in the Commonwealth of Massachusetts, has prepared and developed security policies and procedures to provide for the safe, orderly, and legal production and distribution of adult-use marijuana.

### Security Program Management Roles and Requirements

- Under the supervision of the Chief Executive Officer, the Director of Security is responsible for the development and overall management of the Security Policies and Procedures for Apothca.
- The Director of Security is responsible for implementing and administering the Security Policies and Procedures as prescribed as well as any approved changes.
- The Director of Security will continuously develop and update emergency policies and procedures for securing all product following any instance of diversion, theft, or loss of marijuana and will conduct an assessment to determine whether additional safeguards are necessary.
- The Director of Security will also develop sufficient additional safeguards as required by the Commission for any Apothca facility that presents special security concerns.
- Managers are responsible for ensuring security measures within each division of Apothca.
- Access to marijuana and marijuana products will be limited to Apothca agents who have a need and who are also capable of safeguarding such products. Unauthorized agents and visitors will not have access to marijuana or marijuana products.
- Apothca agents with approved access to marijuana and marijuana products are responsible for the product when in their control. Agents will also be responsible for safeguarding any marijuana and marijuana products that come into their possession while performing assigned duties.
- Apothca agents will ensure that marijuana in excess of the quantity for normal, efficient operation is disposed of appropriately pursuant to 935 CMR 500.105(12).
- Agents will promptly report any safety or security concerns regarding agents, consumers, or visitors to the Director of Security. This includes any information that reflects adversely upon the integrity or general character of an agent; information that indicates the agent’s inability to safeguard marijuana, marijuana product, or any other information that may jeopardize Apothca’s operations in any way; and any information that may adversely affect the security and safety of the premises.
- The Director of Security will provide security administration and management for Apothca.
- Apothca will establish limited access areas accessible only to specifically authorized personnel, which shall include only the minimum number of employees essential for efficient operation.
- The Director of Security will ensure Apothca agents undergo required background screening prior to being granted access to the premises and/or offered employment, including but not limited to screening of financial history, criminal history, previous employment and known affiliations, and any other information required by the Cannabis Control Commission (“Commission”).

- The Director of Security will ensure secure storage and work spaces are properly monitored and safeguarded; Apothca will store all finished marijuana in a secure, locked safe or vault and in such a manner as to prevent diversion, theft, and loss.
- Apothca will keep all safes, vaults, and any other equipment used for the production, cultivation, harvesting, processing, or storage of marijuana and marijuana infused products (“MIPs”) securely locked and protected from entry, except for the actual time required to remove or replace marijuana.
- The Director of Security will ensure compliance and adherence to the Commission’s regulations, including—but not limited to—935 CMR 500.110.
- The Director of Security will serve as the primary point of contact for law enforcement for all security-related matters.
- The Director of Security, in coordination with Apothca agents, will establish and maintain a secure visitor management program, including a visitor log.
- The Director of Security will provide initial security training program for new agents as well as annual training for all agents.
- The Director of Security will establish and maintain safe and secure policies and procedures for transportation.
- The Director of Security, in collaboration with the Chief Operating Officer, will update the Security Policies and Procedures as needed; at a minimum the Security Policies and Procedures will be updated/reviewed on an annual basis.

#### Proximity Access Cards

- In addition to the identification badges worn by all agents, proximity card readers will secure all Limited Access Areas and will only be issued to those agents who require access to Limited Access Areas to complete job functions.
- Access Cards will be issued and accounted for in Apothca’s Access Card database and be maintained in accordance with Apothca’s recordkeeping requirements.
- Each access card will grant access to specific zoned areas for authorized access; access may be limited as necessary.

#### Investigative Response to Alarms

- Apothca will have security agents on site as-needed according to operational needs and requirements.
- If the Intrusion Detection System (“IDS”), video surveillance, or other means indicate the presence of a potential intruder, security agents will immediately contact law enforcement by dialing 911.
- Security agents will, at a minimum, provide the following to the 911 operator:
  - Number of suspected intruders;
  - Physical description of the suspected intruders; and
  - Location within the facility of the suspected intruders.

#### Employee Security Policies

- Employees will ensure that Apothca facilities and limited access areas are only accessed by authorized personnel and individuals.

- Access to Apothca facilities is limited to employees and those persons allowed access by the state. All employees must be registered and licensed.
- All employees will be assigned access keys, cards, and personal security codes. These access controls are always to be protected and used only by the authorized employees.
- All employees must always wear their badge in a visible, above-the-waist location.
- Employees must determine an individual's reason for accessing the facility.
- Review federal or state photo ID and verify that the individual is over 21 years of age.
- Visitors shall sign-in and sign-out on a visitor log.
- The visitor log shall minimally include the name of the visitor and the date, time of arrival and departure, purpose of visit, the visitor identification badge number or other unique identifier, areas of the facility visited, and names of all employees visited.
- Each visitor shall receive a visitor badge for use while on site and return the badge prior to leaving the site.
- Visitors shall display their visitor badge and be escorted while on the premises.
- State or federal inspectors/employees may arrive for an inspection announced or unannounced and shall be granted access to any area of the facility, as requested.
- If an individual attempts to enter Limited Access or No Access areas, the individual shall be informed that only authorized personnel is allowed in that area. The individual shall be politely escorted to the sales floor, bathroom, waiting room, etc.
- An employee may not receive any type of consideration or compensation for allowing a visitor to enter a limited access area.
- Emergency visitors, e.g., emergency medical professionals or law enforcement, etc., will be signed-in per local procedures.
- Employees will be trained to use and understand security procedures and equipment as necessary in the event of an emergency.
- Panic buttons are placed throughout the facility. If safe to do so, these buttons must be used if intruders enter the facility, a robbery occurs, or if the safety of any employee or patron becomes threatened.
- All employees will be armed with duress codes if forced to deactivate the facility's security alarm.
- If at any time the access controls are lost or compromised, the employee must notify their supervisor immediately and assist with the recovery process as necessary.
- It is the responsibility of every employee to aid in the security of Apothca through prevention, awareness, reporting, and responsible incident management.
- Employees will properly store and secure all marijuana, marijuana products, and cash.
- Employees must never place product or cash in a location other than the designated areas within limited access areas.
- Employees are responsible for supervising all product and cash at all times throughout their shift.
- Any product being shown to a visitor or consumer must immediately be placed back in the product's designated area. No product may be left unsupervised at any time.
- Employees will be trained to identify suspicious behavior and to be observant of their surroundings.
- All employees are required to pay special attention to their surroundings upon opening and closing the facility.

- It is strict Apothca policy that all employees closing for the day leave the facility together and never alone.
- Employees are responsible for reporting any suspicious activities from visitors, consumers, or their colleagues to their supervisor immediately.

The following observations could lead to the detection of diversion:

- An individual purchases an unusually large amount of marijuana or marijuana products on a frequent basis.
- Large purchases are made in an unreasonably short time frame.
- An individual requests large purchases be packaged in smaller containers.
- In a confidential matter, employees must use their best judgment when observing consumer purchasing habits.

### Handling of Marijuana

- Employees must encourage all individuals to maintain marijuana and marijuana products in their original packaging.
- Employees must encourage individuals to securely store marijuana and marijuana products in a manner that minimizes the risk of diversion.
- Employees will ensure that all marijuana, marijuana products, and cash are handled, stored, packaged, and recorded in accordance with Apothca policies and regulatory requirements.
- Employees must carefully package, restock, and weigh all product in a very precise manner to minimize loss.
- All weighing and counting of product must be performed in accordance with inventory procedures and requirements.
- Employees who discover that any product or cash has been mishandled, misplaced, or is missing must notify their supervisor immediately.
- All loss must be approved by the facility manager and recorded in the waste disposal log and ADP/POS system.
- All expired, contaminated, or unusable product must be properly recorded and stored. The facility manager must approve all marijuana waste and loss.
- The facility manager is responsible for approving all waste and inventory loss. Each occurrence will be reviewed and recorded in a data collection repository, which will be reviewed for trends and patterns.
- The facility manager will investigate and implement procedure variations to mitigate waste and inventory loss.
- Waste reporting occurs on a consistent basis during the shift of one or more employees.
- Inventory loss is detected in a consistent fashion during the shifts of one or more employees. All inventory losses, regardless of the reason, will be investigated by the dispensary manager.

In the event of a theft or robbery:

- Employees must not try to confront the assailant.
- Press the closest silent alarm, if it is safe to do so, and wait for law enforcement to arrive.
- Remain in place, do not move, and do not engage the assailant(s).

- As soon as it is safe to do so, Dispensary Management personnel will contact local law enforcement. State agencies will be notified as specified in local security procedures.

In the case of an individual who demonstrates verbal or physical aggression toward employees, visitors, or consumers:

- Try to calm the individual down by speaking to them in a respectful manner so as not to further agitate them.
- Individually listen to the individual's needs or complaints to see if the issue can be resolved at that time.
- Any employee can do this, but if the situation escalates, inform the manager on duty.
- If speaking to the individual does not deescalate the situation, Management personnel shall inform the individual that they must regain their composure, or they may be escorted from the premises.
- If this does not deter the individual, security shall be notified.
- If the individual refuses to leave on their own accord, security shall escort the individual off the premises.
- If the individual becomes physically aggressive (i.e. throwing things, touching others, or otherwise threatening to harm anybody), they must be escorted off the premises.
- If the situation escalates any further, press one of the silent alarms, if safe, and remain calm until law enforcement arrives.
- Document the encounter and inform the state.

#### Response to Hostile Intruder

- Agents will immediately dial 911 or activate one of the panic/duress alarms located throughout the Facility and connected to local law enforcement authorities when it is safe to do so.
- Agents will alert all occupants within the Facility to find a safe location.
- If deemed life threatening, agents must not engage or confront the intruder—await response from law enforcement.
- If safe to do so, agents must evacuate the surrounding area immediately.
- Agents must close and secure all doors if it is safe to do so.
- If unable to safely exit the building, agents will seek shelter in a room where doors can be locked or barricaded securely.
- Agents must turn off lights in room.
- Agents will remain out of sight of doors and windows.
- Agents will remain quiet and turn off the volume on cell phones.
- Once safely in a secure room, security agents or any other individual will contact law enforcement by dialing 911 and give the location and number of people in the room.
- Agents must follow all instructions provided by the 911 operator.
- If unable to speak, agent will leave phone line open to allow the 911 operator to hear what is occurring in the room.
- If responding law enforcement officials are encountered, agent must keep hands elevated and palms visible.
- If the fire alarm sounds, agents must remain in place unless fire or smoke is detected or advised to do so by the 911 operator.
- Agents must not carry items in hands that could be mistaken as a weapon.

- When possible, security agents will assist those with disabilities and those with any injuries by escorting them to the nearest safe exit or safe area.
- If able to safely exit the Facility, agents must not return until it is declared safe to do so by law enforcement and/or fire officials.
- Agents will follow all instructions issued by law enforcement and/or fire officials.

#### Response to Criminal Trespass/Indication of Security Compromise (Non-Hostile)

- In the event an agent detects that criminal trespass has occurred, the agent should report this information to the Director of Security or a security agent immediately.
- Security agents will remain at the location of suspected compromise when possible.
- Agents must immediately notify the Director of Security for a determination of actions to be taken.
- Agents will secure the compromised area and conduct an inventory of the contents and check for tampering or missing inventory.
- If necessary, the Director of Security will request assistance from law enforcement and notify the Commission as required.
- If immediate evacuation is necessary due to an emergency, storage containers and controlled areas will be examined upon return to determine whether marijuana, marijuana products, or cash were left unattended or if any marijuana, marijuana products, or cash are missing following an inventory check. The Director of Security will prepare an Incident Report that will be submitted to the Chief Operating Officer.
- Any emergency or event that would inhibit or prevent the proper safeguarding of inventory will be reported immediately to the Director of Security.

#### Emergency Evacuation Plan

- In the event of a fire or other emergency in which evacuation is necessary, an agent designated by the Director of Security will be responsible for coordinating and directing an orderly evacuation of each assigned section of the Apothca Facility. Drills for evacuation and lock down will be coordinated with law enforcement. Evacuation priorities for agents consist of the following:
  - Moving occupants who are closest to the danger to a safe area near or at an emergency exit;
  - Directing occupants to evacuate the building through the nearest emergency exit; and
  - After safely exiting the building, proceeding directly to the predetermined assembly area to participate in “roll call” led by the Director of Security.
- In the event that Apothca receives a bomb threat, the agent receiving the threat should immediately notify a manager and dial 911. In the event of a bomb threat and/or explosion, all occupants should be evacuated as described above.
- In the event of a fire, the agent discovering the fire should activate the internal fire alarm immediately.
- Security agents should dial 911.
- If safe to do so and at the agent’s discretion, the agent will attempt to extinguish the fire.
- If possible, agents leaving the affected area will attempt to turn off electrical equipment and close doors against the fire.
- All occupants will exit the building using the nearest safe exit.

- Occupants will assemble for a “roll call” in the designated evacuation area, ensuring that they remain clear of responding fire apparatus.
- Smoke and fire alarms will be tested on a monthly basis.
- Fire extinguishers and the fire suppression system will be tested/inspected on an annual basis.
- The Director of Security will ensure that an annual fire evacuation drill is conducted, documented, and performed in consultation with the local fire department.
- Fire evacuation maps will be clearly posted throughout the Apothca Facility.

#### Response to Fire

- In the event of a fire, the agent discovering the fire will immediately dial 911 and activate the internal fire alarm.
- If safe to do so and at the agent’s discretion, the agent may extinguish the fire.
- If possible, agents leaving the affected area should attempt to turn off electrical equipment and close doors to prevent the spread of smoke or fire.
- All occupants will exit the building using the nearest safe exit.
- Occupants will assemble for a “roll call” in the designated evacuation area, ensuring that they remain clear of responding fire apparatus.
- Smoke and fire alarms to be tested on a monthly basis.
- Fire extinguishers and the fire suppression system to be tested/inspected on an annual basis.
- The Director of Security will perform and document an annual fire evacuation drill in consultation with the local fire department.
- Fire evacuation maps will be clearly posted around the Apothca facility and agents will review the maps on an ongoing basis.

#### Hazardous Weather/Shelter-In-Place

- Evacuees will follow the public official’s instructions on the Emergency Alert System station.
- In the event that hazardous weather or other natural or manmade circumstances require a shelter-in-place order, the following procedures will be performed by security agents to implement the sheltering plan:
  - Announce to agents that a shelter-in-place has been advised and that the sheltering plan will be implemented;
  - If safe to do so, allow agents to depart prior to putting shelter procedures into place;
  - Take “roll call” and record number of agents who will be sheltering in the facility;
  - Secure and lock all doors and windows;
  - Move agents to a designated sheltering room in center of the facility; and
  - Continue monitoring Emergency Alert System, radio, TV, and other methods of communication to determine when an “All Clear” is issued and the shelter-in-place can be lifted.

#### Cash Management

Agents that handle and store cash are responsible for the funds while under their control. Apothca will limit the amount of cash in cash drawers by limiting the amount of cash in each

cash drawer at the beginning of an agent's shift and by conducting frequent cash sweeps throughout the day. These measures are designed to reduce the risk of discrepancies and allow for frequent counting to occur.

BioTrack THC point of sale software will track each transaction and a record of all sales transaction will be stored and readily available. Any change made to the POS system must be reviewed and approved by the Chief Operating Officer, in advance of the change being made.

All cash will be secured in a safe and stored in a vault room. The safe will have a four (4) digit combination lock with a slot in which to drop in cash. At no time will the door of the cash storage vault be left open while the room is unattended. If the room is in use, then the outer door will be kept closed. The vault will only be open during the time required to remove/replace cash. Until further agents are identified, the only agents authorized to access the safe will be the Chief Executive Officer, Chief Operating Officer, Director of Security, and Director of Cultivation.

A record of the names of persons having access to the vault room will be maintained by the Director of Security. Access to the vault room is highly restricted and is safeguarded via the use of card key access. Each agents processing transactions is assigned a dedicated POS terminal and cash till. Cash will be counted by till in the following manner:

- Prior to a shift starting by the agent collecting the till and verified by a supervisor; and
- At the end of a shift – each agent is required to reconcile his/her cash drawer at the end of his/her scheduled shift with verification by a supervisor
- The final cash from the agent's shift will be dropped into the cash-drop portion of the safe in the vault room

In the event of a discrepancy, the Director of Security, Chief Executive Officer, and Chief Operating Officer will be notified, and an immediate internal audit will be conducted to determine where and when the discrepancy occurred. If it is determined that there is an error or inaccuracy in the reporting, then the cause will be investigated, and corrective action measures will immediately be put into place to avoid such error or inaccuracy in the future.

Cash will be transported from the Apothca facility to the bank of deposit by a third-party vendor or the Director of Security. Pickups will occur frequently, or as requested by the Chief Executive Officer, Director of Security, or Chief Operating Officer. At no time will agents be transporting cash to/from the bank of deposit with the exception of the Director of Security.

## **Limited Access Areas**

### Consumer Access

- All individuals trying to access an Apothca retailer facility will be positively identified to limit access to individuals age 21 years or older.
- Apothca agents must positively identify all individuals to whom marijuana products are being transferred to confirm that each individual is 21 years or older.

### Authorized Visitor Access

- Authorized visitors (i.e. outside vendors, contractors and visitors pursuant to 935 CMR 500.110(4)(e)) will be issued a Visitor Badge and be escorted by an authorized Apothca agent at all times.
- Agents will be notified when an authorized visitor is entering a Limited Access Area.
- Authorized visitors are prohibited from remaining on the premises once the purpose of their visit has been completed.

#### Visitor Access Procedures

- Photograph identification, such as a valid driver's license, will be required for all authorized visitors.
- Visitor Record: A visitor sign-in and sign-out record will be required. This record will include the visitor's name, address, organization or firm, date, time in and out, and the name of the authorized agent who will be escorting the visitor.

#### Access Control to Limited Access Areas

- Limited Access Areas will be clearly identified with a posted sign that will be a minimum of 12" x 12" and states "DO NOT ENTER – LIMITED ACCESS AREA – ACCESS LIMITED TO AUTHORIZED PERSONNEL ONLY"
- The minimum number of authorized agents essential for efficient operation will have access to inventory, cash, and management offices. Access will be restricted using zoned proximity reader key cards and by maintaining internal automatic locking doors.
- Agents will visibly display their Apothca ID badge while performing job duties on-site or off-site.
- Agents may not bring bags, camera phones, backpacks, or purses from the break room into the areas where consumers and other visitors are present. Agents will use individual lockers for storing personal belongings during scheduled work hours. Any item that could be used for diversion may be prohibited at the discretion of the Director of Security.

### **Security System**

#### Perimeter Controls, Monitoring, and Controlled Access

- Individuals who are not engaged in an activity expressly permitted under 935 CMR 500.000 are prohibited from the premises of an Apothca facility.
- Proper lighting will be used and maintained at all times, including after normal business hours, in and around an Apothca facility. The lighting will include areas around the premises including entry and exit points, parking areas, and the perimeter fence lines.
- Foliage on the premises will be maintained in a manner that does not allow persons to conceal themselves from sight.
- All entry points and perimeter windows will be alarmed.
- The perimeter will be monitored twenty-four (24) hours a day by a remote monitoring center and security agent(s).

#### Building Access Controls

Access will be controlled by card proximity readers and monitored using cameras, a buzzer system, and intercoms. In addition, there is a one-sided window in the security office allowing security agents to view individuals as they approach the main entrance to the dispensary.

### Security Checks and Inspections

The Director of Security or a designated alternate will conduct regularly scheduled security checks of the Apothca facility. As an added precaution, areas within the Apothca facility (e.g. growing, processing, and inventory) will be routinely checked throughout the day and at the beginning and close of each operational period to ensure that materials, equipment, and rooms appear to be properly maintained. If an area is not found to be in order, security agents will contact the Director of Cultivation as well as the Director of Security and document the incident in a report to be approved by the Director of Security.

### Prohibited Items and Weapons

Items that constitute a threat to agents, state and local law enforcement, consumers, visitors, and the Apothca facility are expressly prohibited on the premises, regardless of whether the individual or agent holds a valid permit to carry a weapon. This includes, but is not limited to, items such as firearms, knives, pepper sprays, chemicals, explosives, clubs, box cutters, and any items deemed unlawful by law enforcement.

### Intrusion Detection Systems (IDS)

The custom IDS includes intrusion detection, camera monitoring, fire alarms, motion sensors, and proximity reader components, among other features.

- Central Monitoring Station:
  - The IDS has multiple redundancies in place to ensure connectivity with the central monitoring station including, but not limited to, a secure connection using digital, wireless, and radio-controlled frequencies.
  - When the central monitoring station detects an intrusion, malfunction, or tampering, security agents, law enforcement, and management will be notified within five (5) minutes after the failure, either by text message, email, or telephone. If needed, repairs to the IDS system will be made immediately or within a 24-hour period.
- IDS Operations
  - The IDS will have all external zones activated twenty-four (24) hours a day, and internal zones will be armed on a regularly scheduled time period. A daily record will be maintained at the Apothca facility and will identify the person responsible for setting and deactivating the IDS. In most cases, the system will self-arm on a regularly scheduled basis, and all exterior points of access will be armed at all times.
  - A failure to activate or deactivate the IDS will be reported to the Director of Security and a record will be maintained for at least ninety (90) days.
  - Records will also be maintained for ninety (90) days indicating time of receipt of alarm, name of security staff responding, time of dispatch to the Apothca facility, response time until security staff arrived at the alarm location, nature of the alarm, and relevant response actions.
- Surveillance Room
  - All security system equipment and recordings will be maintained in a secure location on-site that will remain locked and will not be used for any other function.
  - Access to the designated rooms will be limited to those agents that are essential to surveillance operations, law enforcement authorities acting within their lawful jurisdiction, authorized security system service personnel, and the Commission.

- A current list of authorized agents and service personnel that have access to designated security rooms and surveillance rooms will be made available to the Commission and law enforcement officials upon request.
- Power Outage
  - Apothca has a separate power source that will provide electricity to all security systems in the event of a power outage. This power source will remain independent from the main power source.
  - Apothca will immediately notify appropriate law enforcement authorities and the Commission within twenty-four (24) hours in the event of a failure of any security alarm system due to a loss or electrical power or mechanical malfunction that is expected to last longer than eight (8) hours.

### Video Surveillance

- As required by 935 CMR 500.110(5)(a)(4)-(9), video recordings will allow for the exporting of still images in an industry standard image format, including .jpg, .bmp, and .gif. Exported video will have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video will also have the ability to be saved in an industry standard file format that can be played on a standard computer operating system. All recordings will be erased or destroyed prior to disposal.
- Video surveillance cameras are located in all areas that may contain marijuana or marijuana products including all points of entry and exit to Apothca, the perimeter of the building, and in all parking lot areas. In addition, the following requirements will be met:
  - Cameras will be present in all areas within the Apothca facility.
  - Camera placement is capable of clearly capturing any person entering/exiting the Apothca facility.
  - All video recordings contain a date/time stamp.
  - Cameras will be angled to capture a clear and certain identification any person entering/exiting Apothca or restricted area and lighting conditions will be appropriate for the area under surveillance.
- Video cameras will be capable of producing clear, color, high-resolution photo (live or recorded), and images will include date/time frame recording that does not obscure the photo. Twenty-four (24) hour recordings from all video cameras will be available for immediate viewing by the Commission upon request. These recordings will be retained for a minimum of ninety (90) days, will not be destroyed or altered, and will be retained as long as necessary if Apothca is aware of a pending criminal, civil or administrative investigation for which the recording may contain relevant information.
- All security equipment (cameras, alarms, etc.) will be kept in working order and subject to inspection and testing at intervals not to exceed thirty (30) calendar days from the previous inspection

### Redundant Notification Systems

Apothca will have a failure notification system that will send an alert to designated employees of Apothca within five minutes after the failure pursuant to 935 CMR 500.110(5)(a)(1)-(3).

### Internal Alarms

For the safety of all agents, consumers, state or local law enforcement, and authorized visitors, panic/duress alarms will be located throughout the Apothca facility and connected to local law enforcement authorities.

## **Incident Reporting**

### Overview

- **Reportable Incidents:** Apothca will immediately notify local law enforcement officials and the Commission within twenty-four (24) hours after discovering the following:
  - Discrepancies identified during inventory, including diversion, theft, loss, and any criminal action involving Apothca or an Apothca agent;
  - Any suspicious act involving the sale, cultivation, distribution, processing, or production of marijuana by any person;
  - Unauthorized destruction of marijuana;
  - Any loss or unauthorized alteration of records related to marijuana;
  - An alarm activation or other event that requires response by public safety personnel;
  - The failure of any security alarm system due to a loss of electrical power or mechanical malfunction that is expected to last longer than eight hours; and
  - Any other breach of security.
- **Documenting and Reporting:** Within ten (10) calendar days, Apothca will provide written notice to the Commission of any incident described above, by submitting an incident report in a form and manner determined by the Commission that details the circumstances of the event, any corrective actions taken, and confirmation that the appropriate law enforcement authorities were notified. Reports and supporting documents, including photos and surveillance video related to a reportable incident will be maintained by Apothca for a minimum of one (1) year and made available to the Commission and to law enforcement authorities acting within their lawful jurisdiction upon request.

### Documenting and Reporting

Within ten (10) calendar days, Apothca will provide written notice to the Commission of any incident described above, by submitting an incident report form, detailing the incident, the investigation, the findings, resolution (if any), confirmation that local law enforcement was notified, and any other relevant information. Reports and supporting documents, including photos and surveillance video related to a reportable incident, will be maintained by Apothca for a minimum of two (2) years and made available to the Commission and to law enforcement authorities acting within their lawful jurisdiction upon request.

Using BioTrack, Apothca will document all handling of marijuana as plants move through the different rooms located within a Apothca facility. Agents who handle marijuana or marijuana products will be appropriately monitored through video surveillance. All finished marijuana and marijuana product inventory will be audited on a weekly basis, while certain inventory will be audited on a daily basis (e.g. contents of the Dry Room). Inventory audits will identify any discrepancies and/or suspected diversion. Apothca agents will be subject to random security checks, including searches of personal items brought into a facility.

## **Marijuana Establishment Internal Audit**

### Security Audits

In addition to the monthly security system inspection, Apothca will perform a security system audit using an external vendor approved by the Commission. The audit report will be submitted to the Commission no later than thirty (30) calendar days after the audit is conducted. If the audit identifies areas for improvement related to the security system, Apothca will also submit a plan to mitigate those concerns within ten (10) business days.

### Security Recordkeeping

The Director of Security is responsible for maintaining all security-related records and reports.



# LEED 2009 for Existing Buildings: Operations & Maintenance

## Project Checklist

Apothca - 1386 Mass Ave - Arlington

6-Oct-19

4	0	0	Sustainable Sites		Possible Points: 26	<div>Notes: Apothca will encourage alternative modes of transportation for all employees and is committed to a reduction of 10% or more in SOV to the facility.  Proposed lighting is dark sky compliant.</div>
Y	?	N				
		0	Credit 1	LEED Certified Design and Construction	4	
		0	Credit 2	Building Exterior and Hardscape Management Plan	1	
		0	Credit 3	Integrated Pest Management, Erosion Control, and Landscape Management Plan	1	
3			Credit 4	Alternative Commuting Transportation	3 to 15	
			<input checked="" type="checkbox"/>	Reduce by 10%	3	
				Reduce by 13.75%	4	
				Reduce by 17.5%	5	
				Reduce by 21.25%	6	
				Reduce by 25%	7	
				Reduce by 31.25%	8	
				Reduce by 37.5%	9	
				Reduce by 43.75%	10	
				Reduce by 50%	11	
				Reduce by 56.25%	12	
				Reduce by 62.5%	13	
				Reduce by 68.75%	14	
				Reduce by 75%	15	
		0	Credit 5	Site Development—Protect or Restore Open Habitat	1	
		0	Credit 6	Stormwater Quantity Control	1	
		0	Credit 7.1	Heat Island Reduction—Non-Roof	1	
		0	Credit 7.2	Heat Island Reduction—Roof	1	
1			Credit 8	Light Pollution Reduction	1	

2	0	0	<b>Water Efficiency</b>	Possible Points: 14
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Y	?	N		
Y			Prereq 1	Minimum Indoor Plumbing Fixture and Fitting Efficiency
1			Credit 1	Water Performance Measurement
				1 Whole building metering
				0 Submetering
1			Credit 2	Additional Indoor Plumbing Fixture and Fitting Efficiency
				1 Reduce by 10%
				Reduce by 15%
				Reduce by 20%
				Reduce by 25%
				Reduce by 30%
		0	Credit 3	Water Efficient Landscaping
				Reduce by 50%
				Reduce by 62.5%
				Reduce by 75%
				Reduce by 87.5%
				Reduce by 100%
		0	Credit 4	Cooling Tower Water Management
				Chemical Management
				Non-Potable Water Source Use

1 to 2

1

2

1 to 5

1

2

3

4

5

1 to 5

1

2

3

4

5

1 to 2

1

2

Notes:

Apothca will retrofit existing plumbing fixtures to water conserving fixtures whenever possible.

1	0	0	<b>Energy and Atmosphere</b>	Possible Points: <b>35</b>
---	---	---	------------------------------	----------------------------

Y ? N

<b>Y</b>			Prereq 1	Energy Efficiency Best Management Practices	
<b>Y</b>			Prereq 2	Minimum Energy Efficiency Performance	
<b>Y</b>			Prereq 3	Fundamental Refrigerant Management	
<b>1</b>			Credit 1	Optimize Energy Efficiency Performance	1 to 18
		<b>1</b>		ENERGY STAR Rating of 71 or 21st Percentile Above National Median	1
				ENERGY STAR Rating of 73 or 23rd Percentile Above National Median	2
				ENERGY STAR Rating of 74 or 24th Percentile Above National Median	3
				ENERGY STAR Rating of 75 or 25th Percentile Above National Median	4
				ENERGY STAR Rating of 76 or 26th Percentile Above National Median	5
				ENERGY STAR Rating of 77 or 27th Percentile Above National Median	6
				ENERGY STAR Rating of 78 or 28th Percentile Above National Median	7
				ENERGY STAR Rating of 79 or 29th Percentile Above National Median	8
				ENERGY STAR Rating of 80 or 30th Percentile Above National Median	9
				ENERGY STAR Rating of 81 or 31st Percentile Above National Median	10
				ENERGY STAR Rating of 82 or 32nd Percentile Above National Median	11
				ENERGY STAR Rating of 83 or 33rd Percentile Above National Median	12
				ENERGY STAR Rating of 85 or 35th Percentile Above National Median	13
				ENERGY STAR Rating of 87 or 37th Percentile Above National Median	14
				ENERGY STAR Rating of 89 or 39th Percentile Above National Median	15
				ENERGY STAR Rating of 91 or 41st Percentile Above National Median	16
				ENERGY STAR Rating of 93 or 43rd Percentile Above National Median	17
				ENERGY STAR Rating of 95+ or 45th+ Percentile Above National Median	18
		<b>0</b>	Credit 2.1	Existing Building Commissioning—Investigation and Analysis	2
		<b>0</b>	Credit 2.2	Existing Building Commissioning—Implementation	2
		<b>0</b>	Credit 2.3	Existing Building Commissioning—Ongoing Commissioning	2
		<b>0</b>	Credit 3.1	Performance Measurement—Building Automation System	1
		<b>0</b>	Credit 3.2	Performance Measurement—System-Level Metering	1 to 2
				40% Metered	1
				80% Metered	2
		<b>0</b>	Credit 4	On-site and Off-site Renewable Energy	1 to 6
				3% On-site or 25% Off-site Renewable Energy	1
				4.5% On-site or 37.5% Off-site Renewable Energy	2
				6% On-site or 50% Off-site Renewable Energy	3
				7.5% On-site or 62.5% Off-site Renewable Energy	4
				9% On-site or 75% Off-site Renewable Energy	5
				12% On-site or 100% Off-site Renewable Energy	6
		<b>0</b>	Credit 5	Enhanced Refrigerant Management	1

Notes:

Apothca will choose EnergyStar rating of 71 or greater for all new equipment and will replace existing bulbs with LED wherever feasible.

		0
--	--	---

Credit 6 Emissions Reduction Reporting

1

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1	0	0	<b>Materials and Resources</b>	Possible Points: 10
---	---	---	--------------------------------	---------------------

Y	?	N		
Y			Prereq 1	Sustainable Purchasing Policy
Y			Prereq 2	Solid Waste Management Policy
		0	Credit 1	Sustainable Purchasing—Ongoing Consumables
		0	Credit 2	Sustainable Purchasing—Durable Goods
				40% of Electric-Powered Equipment
				40% of Furniture
		0	Credit 3	Sustainable Purchasing—Facility Alterations and Additions
1			Credit 4	Sustainable Purchasing—Reduced Mercury in Lamps
		0	Credit 5	Sustainable Purchasing—Food
		0	Credit 6	Solid Waste Management—Waste Stream Audit
		0	Credit 7	Solid Waste Management—Ongoing Consumables
		0	Credit 8	Solid Waste Management—Durable Goods
		0	Credit 9	Solid Waste Management—Facility Alterations and Additions

Notes:

2	0	0	<b>Indoor Environmental Quality</b>	Possible Points: 15
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Y	?	N		
Y			Prereq 1	Minimum IAQ Performance
Y			Prereq 2	Environmental Tobacco Smoke (ETS) Control
Y			Prereq 3	Green Cleaning Policy
		0	Credit 1.1	Indoor Air Quality Best Management Practices—Indoor Air Quality Management Program
		0	Credit 1.2	Indoor Air Quality Best Management Practices—Outdoor Air Delivery Monitoring
		0	Credit 1.3	Indoor Air Quality Best Management Practices—Increased Ventilation
1			Credit 1.4	Indoor Air Quality Best Management Practices—Reduce Particulates in Air Distribution
1			Credit 1.5	Indoor Air Quality Best Management Practices—Facility Alterations and Additions
		0	Credit 2.1	Occupant Comfort—Occupant Survey
		0	Credit 2.2	Controllability of Systems—Lighting
		0	Credit 2.3	Occupant Comfort—Thermal Comfort Monitoring
		0	Credit 2.4	Daylight and Views
		0	Credit 3.1	Green Cleaning—High Performance Cleaning Program
		0	Credit 3.2	Green Cleaning—Custodial Effectiveness Assessment
		0	Credit 3.3	Green Cleaning—Purchase of Sustainable Cleaning Products and Materials
		0	Credit 3.4	Green Cleaning—Sustainable Cleaning Equipment
		0	Credit 3.5	Green Cleaning—Indoor Chemical and Pollutant Source Control
		0	Credit 3.6	Green Cleaning—Indoor Integrated Pest Management

Notes:

0	0	0	<b>Innovation in Operations</b>	Possible Points: 6
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Y	?	N			
		0	Credit 1.1 Innovation in Operations: Specific Title	1	Notes:
		0	Credit 1.2 Innovation in Operations: Specific Title	1	
		0	Credit 1.3 Innovation in Operations: Specific Title	1	
		0	Credit 1.4 Innovation in Operations: Specific Title	1	
		0	Credit 2 LEED Accredited Professional	1	
		0	Credit 3 Documenting Sustainable Building Cost Impacts	1	

0	0	0	<b>Regional Priority Credits</b>	Possible Points: 4
---	---	---	----------------------------------	--------------------

Y	?	N			
		0	Credit 1.1 Regional Priority: Specific Credit	1	Notes:
		0	Credit 1.2 Regional Priority: Specific Credit	1	
		0	Credit 1.3 Regional Priority: Specific Credit	1	
		0	Credit 1.4 Regional Priority: Specific Credit	1	

10	0	0	<b>Total</b>	Possible Points: 110
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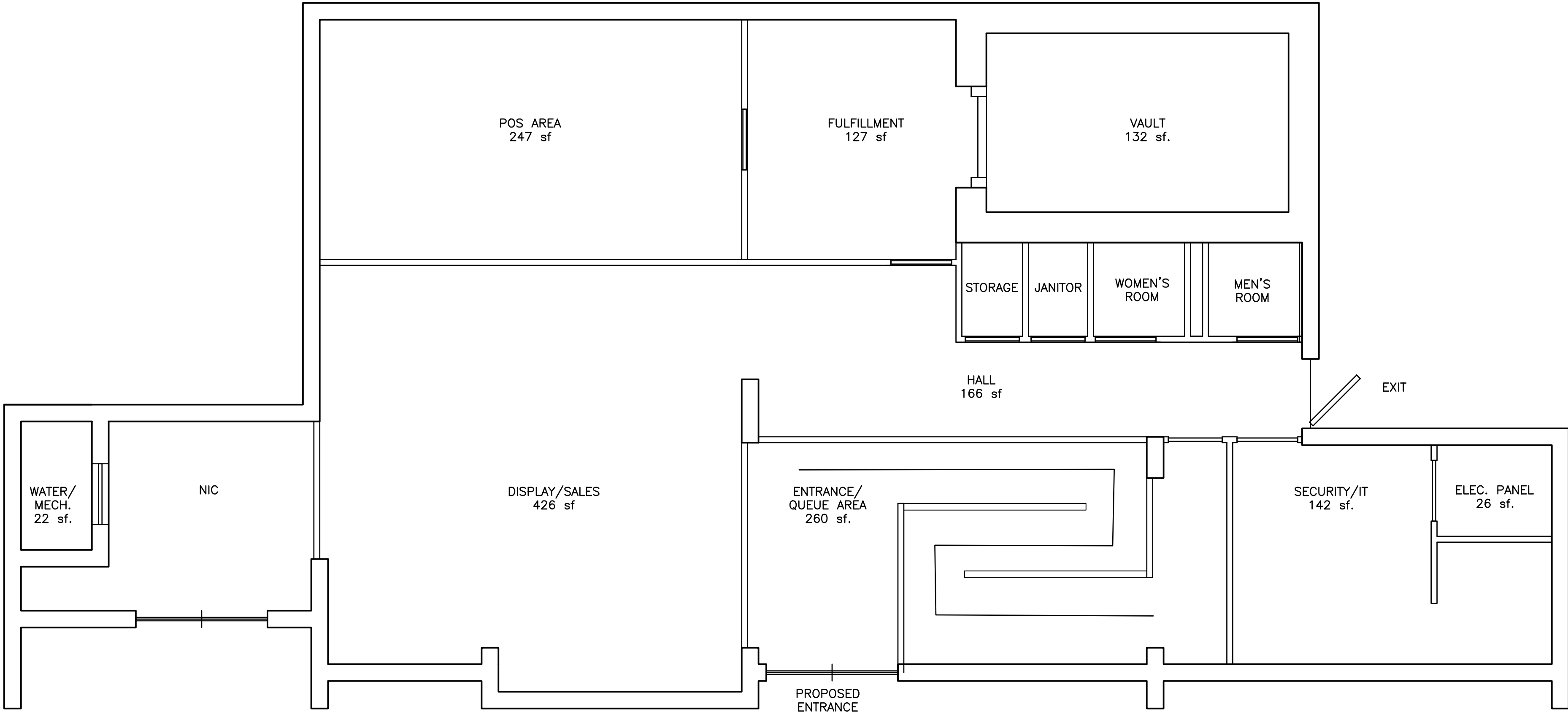
Certified 40 to 49 points Silver 50 to 59 points Gold 60 to 79 points Platinum 80 to 110

# CONCEPTUAL FLOOR PLAN

1386 MASSACHUSETTS AVENUE - ARLINGTON, MA

SEPTEMBER 28, 2019

$\frac{1}{4}$ " = 1' - 0"

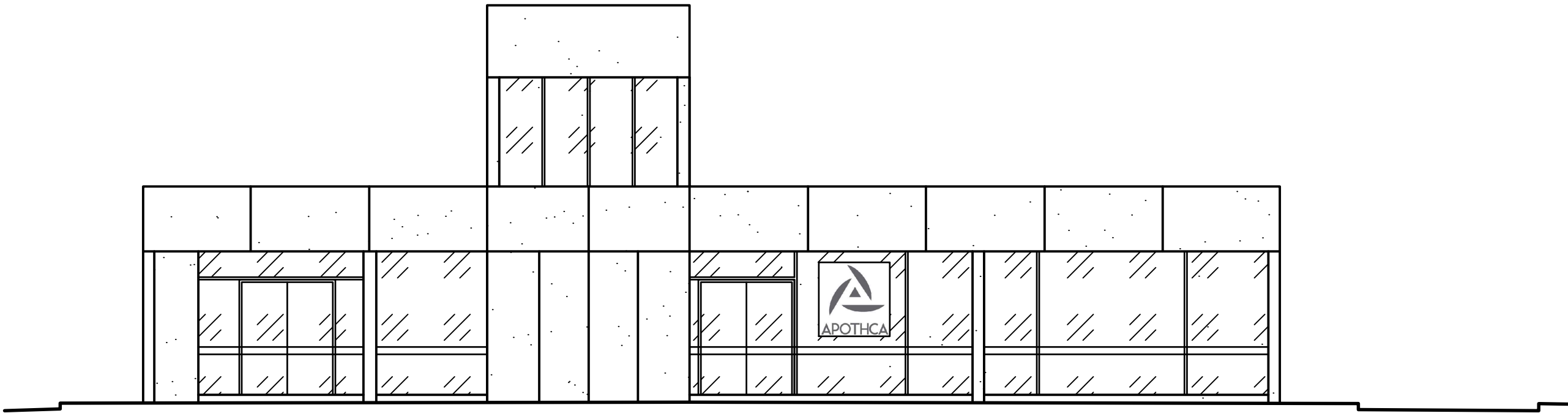


# CONCEPTUAL ELEVATIONS

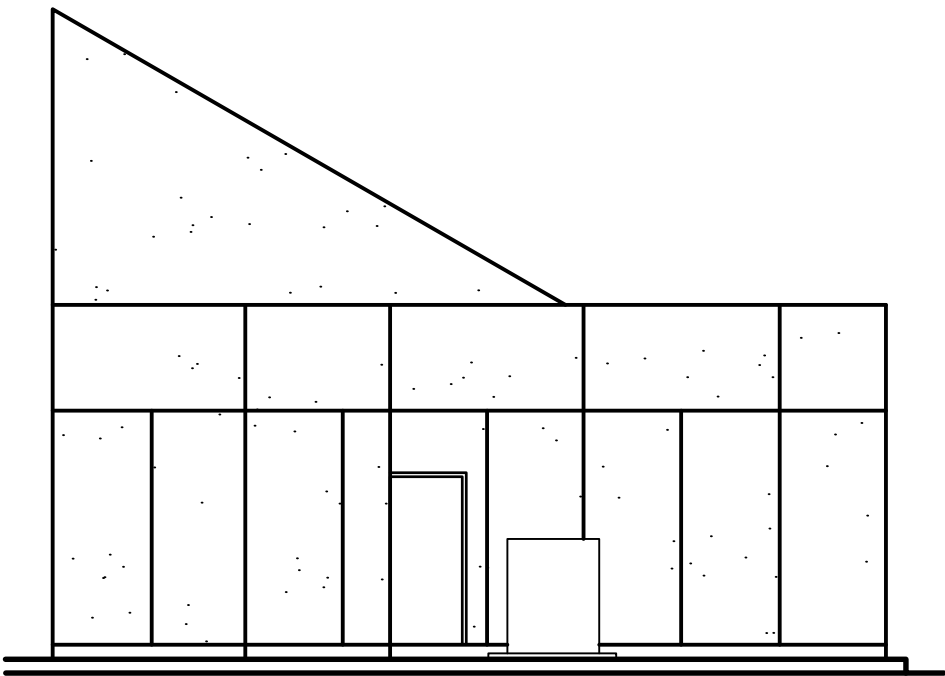
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SEPTEMBER 28, 2019

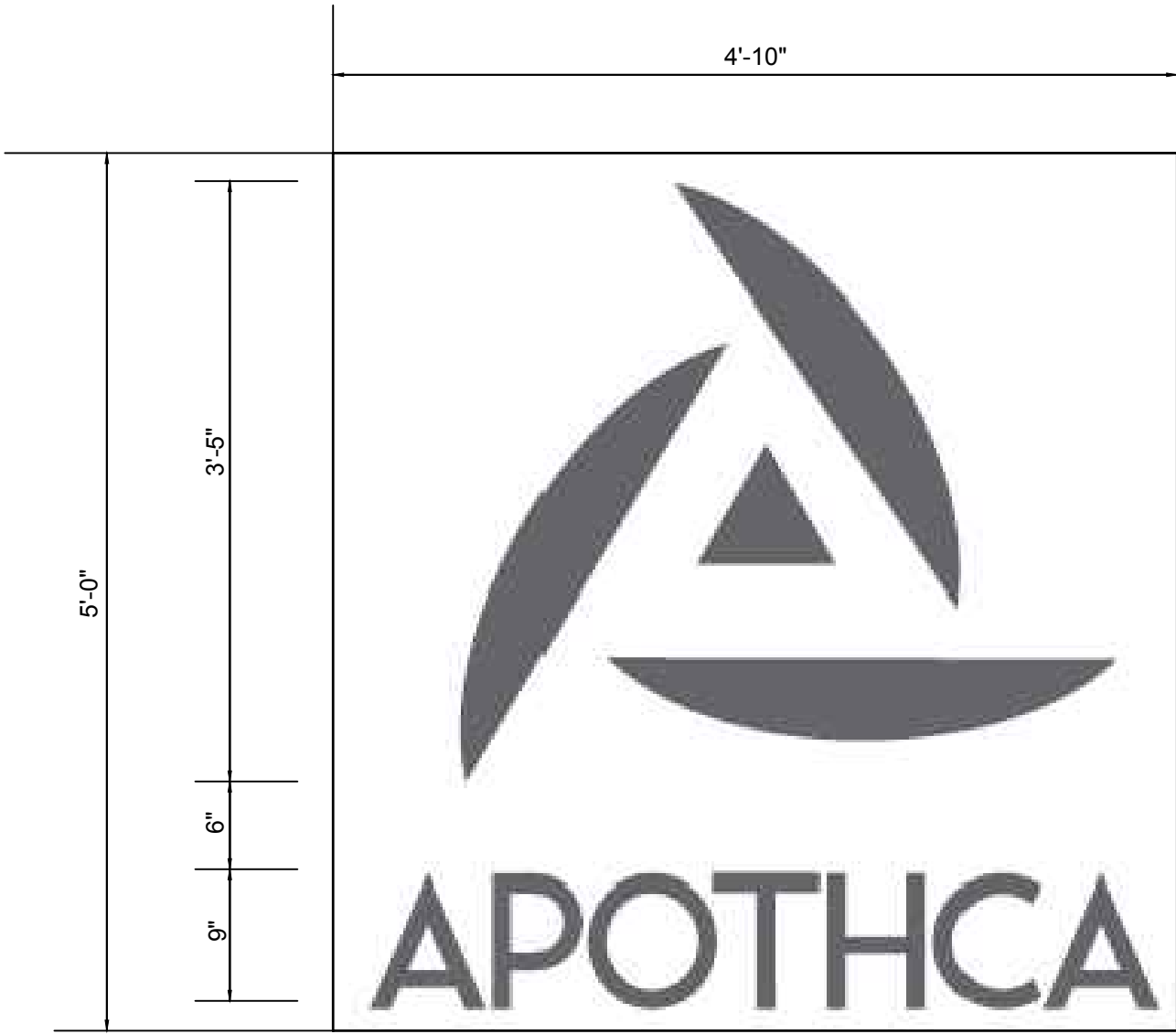
$\frac{1}{8}'' = 1' - 0''$



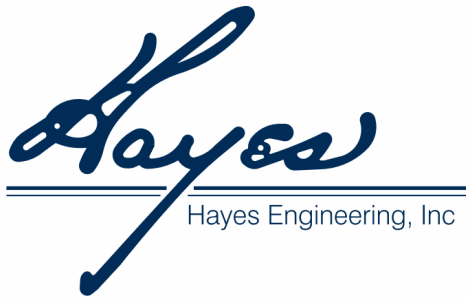
NORTH ELEVATION



WEST ELEVATION



SIGN DETAIL  
SCALE: 1" = 1'-0"



603 Salem Street  
Wakefield, MA 01880  
Tel: (781) 246-2800  
Fax: (781) 246-7596

Nantucket, MA 02554  
Tel: (508) 228-7909

## Memorandum

Refer to File No. \_\_\_\_\_

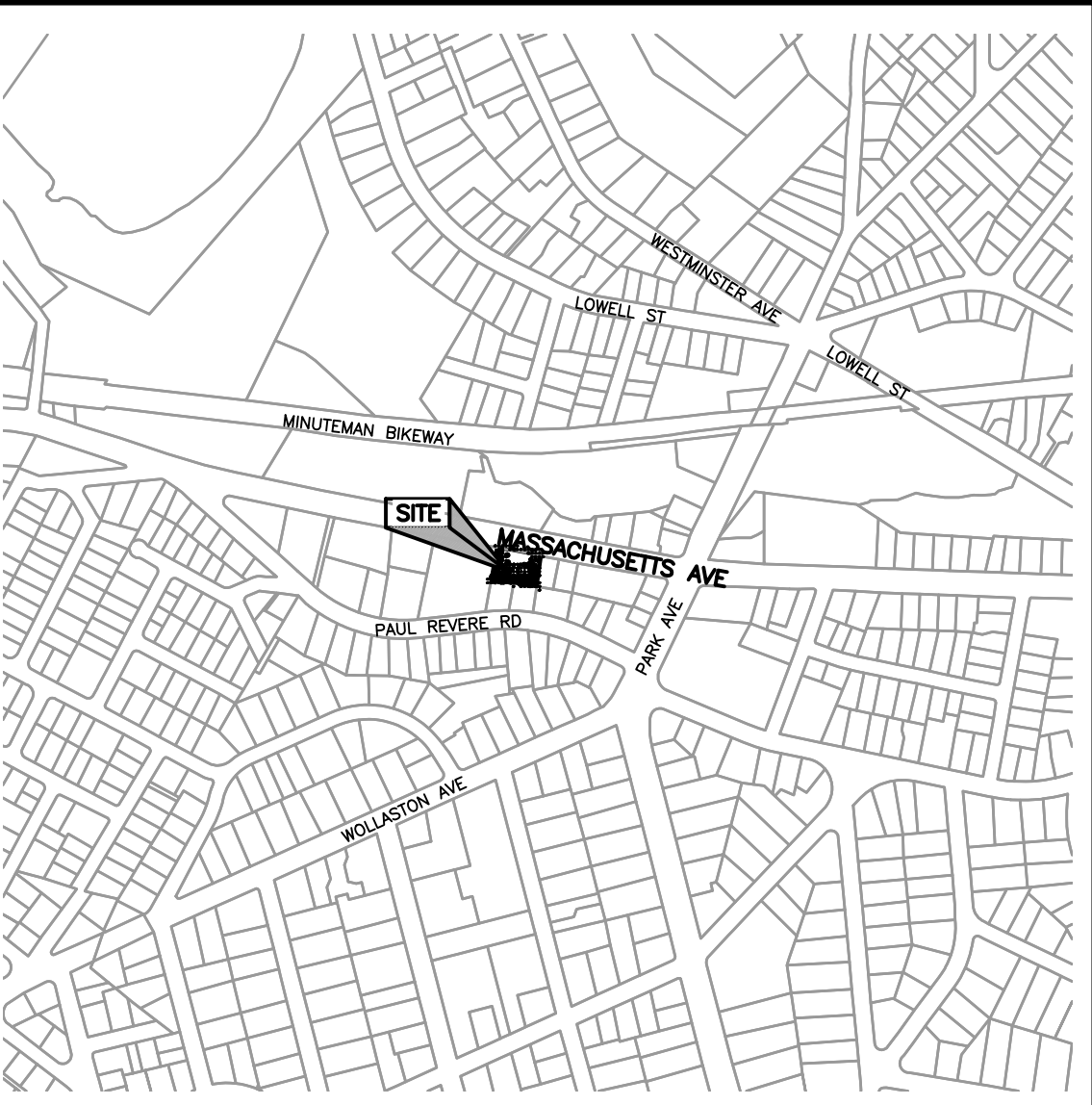
**TO:** Arlington Redevelopment Board  
**FROM:** Tony Capachietti, *Project Manager*  
**DATE:** October 15, 2019

**SUBJECT:** Apothca, Inc.  
LEED Practices  
1386 Massachusetts Avenue

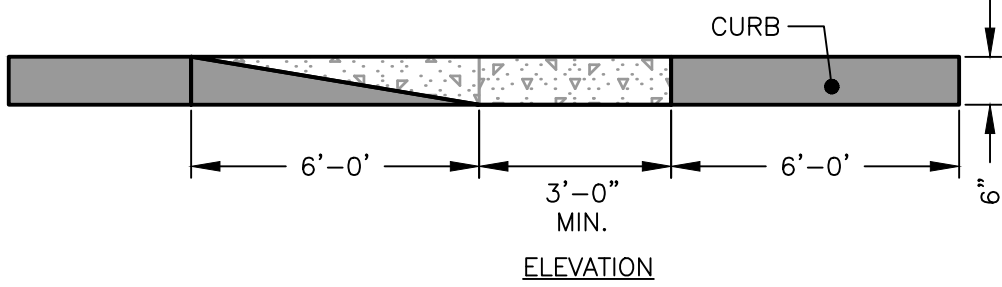
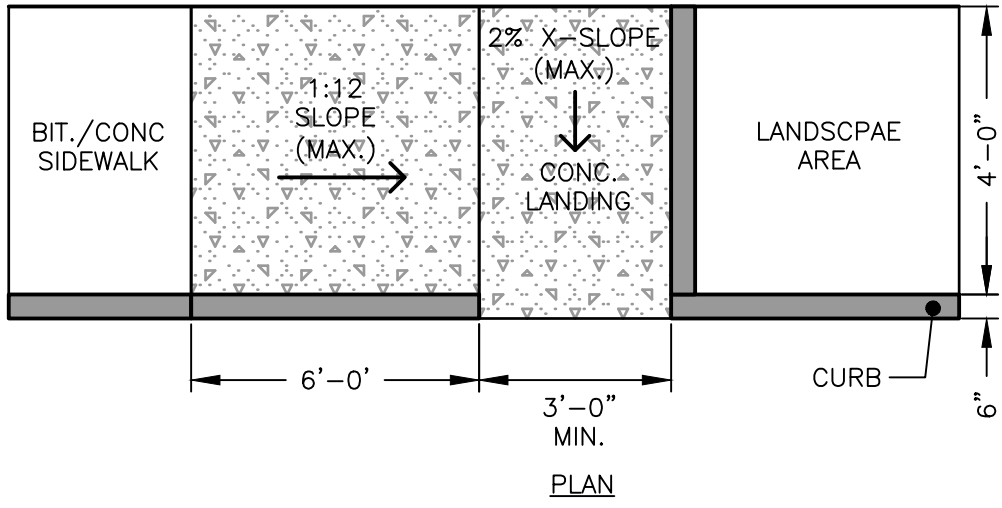
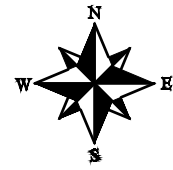
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Accompanying this memorandum please find attached the Leed Existing Building Project Checklist for the above referenced project. The Applicant proposes to implement the following practices in conjunction with the project:

- Encourage alternative modes of transportation to the site for employees and customers. The Applicant will offer subsidies for public transit to employees and publish public transportation information on the company website and in-store for customers;
- Install energy efficient LED fixtures for exterior lighting. All lighting shall be dark sky compliant;
- All electric fixtures and appliances to be upgraded at the site shall have a minimum Energy Star rating of 71;
- Retrofit all plumbing fixtures at the property to be water conserving type;
- Coordinate with the Arlington Water Department to replace water meter, if necessary;
- Replace all mercury containing fluorescent bulbs at the facility with energy efficient LED bulbs;
- Add gas traps to the existing catch basins, if not currently equipped, to improve stormwater quality existing the site.

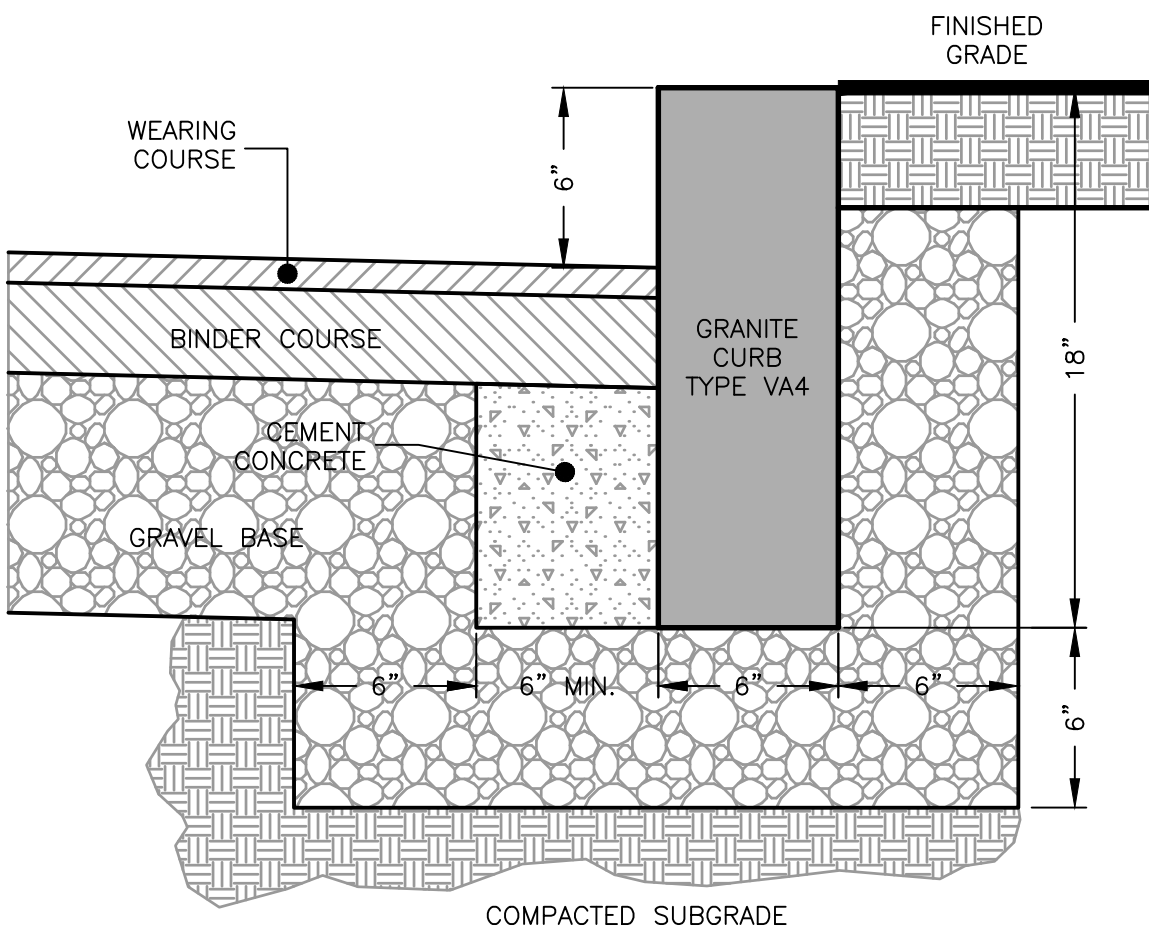


VICINITY MAP  
SCALE: 1"=500'±



NOTE:  
WHEELCHAIR RAMP SHALL COMPLY WITH ALL STATE AND FEDERAL RULES AND REGULATIONS.

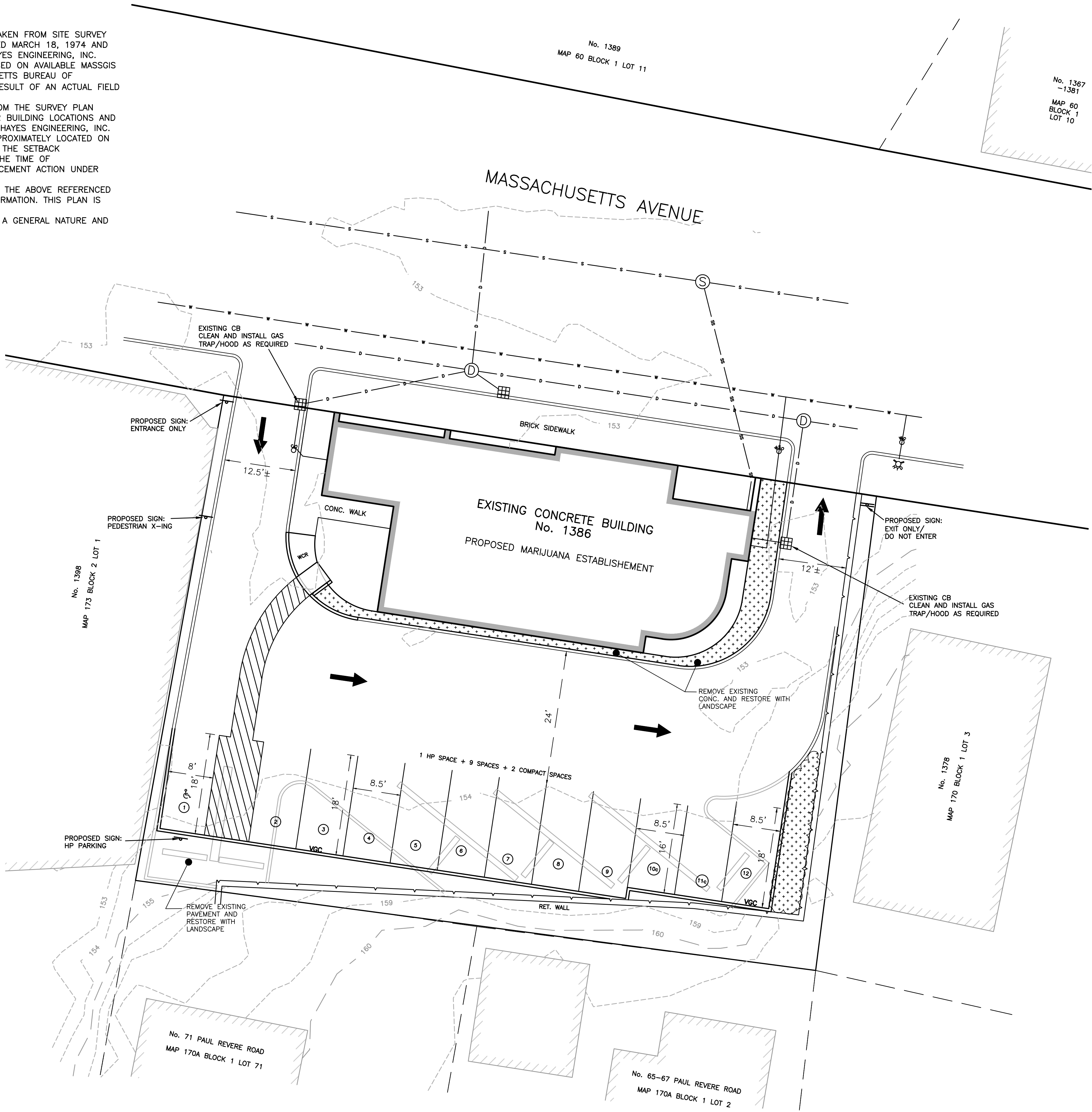
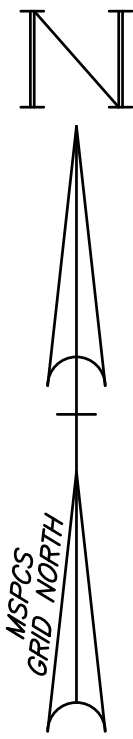
WHEELCHAIR RAMP  
NOT TO SCALE



VERTICAL GRANITE CURB  
NOT TO SCALE

GENERAL NOTES:

1. VERTICAL DATUM IS NAVD88
2. PROPERTY LINE INFORMATION DEPICTED ON THIS PLAN TAKEN FROM SITE SURVEY PLAN PREPARED BY SOMERVILLE ENGINEERING, INC. DATED MARCH 18, 1974 AND IS NOT TH RESULT OF AN ACTUAL FIELD SURVEY BY HAYES ENGINEERING, INC.
3. TOPOGRAPHIC INFORMATION DEPICTED ON THIS PLAN BASED ON AVAILABLE MASSGIS LIDAR POINT CLOUD DATA PROVIDED BY THE MASSACHUSETTS BUREAU OF GEOGRAPHIC INFORMATION (MASSGIS) AND IS NOT THE RESULT OF AN ACTUAL FIELD SURVEY BY HAYES ENGINEERING, INC.
4. BUILDING LOCATIONS DEPICTED ON THIS PLAN TAKEN FROM THE SURVEY PLAN REFERENCED IN ITEM 2, ABOVE AND MASSGIS 2-D LIDAR BUILDING LOCATIONS AND ARE NOT THE RESULT OF AN ACTUAL FIELD SURVEY BY HAYES ENGINEERING, INC. THE PERMANENT STRUCTURES DEPICTED HEREIN ARE APPROXIMATELY LOCATED ON THE GROUND AS SHOWN. THEY EITHER CONFORMED TO THE SETBACK REQUIREMENTS OF THE LOCAL ZONING ORDINANCES AT THE TIME OF CONSTRUCTION, OR ARE EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER M.G.L., TITLE VII, CHAPTER 40A, SECTION 7.
5. PLAN CONTENTS ARE THE RESULT OF A COMPILATION OF THE ABOVE REFERENCED SOURCES AND VARIOUS RECORD AND NON-RECORD INFORMATION. THIS PLAN IS NOT THE RESULT OF AN ACTUAL FIELD SURVEY.
6. THE PURPOSE OF THIS PLAN IS TO DEPICT THE SITE IN A GENERAL NATURE AND INDICATE THE PROPOSED CHANGE IN USE ONLY.



Prepared For:

Owner / Applicant  
APOTICA  
JOSEPH LEKACH  
1955 TYLER STREET  
HOLLYWOOD, FL 33020  
305.741.6540

Prepared By:

Hayes Engineering, Inc.  
1955 TYLER STREET  
HOLLYWOOD, FL 33020  
PH: 781.246.7596  
FAX: 781.246.7596  
www.hayeseng.com

Design By: xxx  
Drawn By: xxx  
Checked By: xxx  
Project File: xxx  
Comp. No: ARL12  
☐ Issued For Permit  
☐ Issued For Review  
☐ Issued For Bid  
☐ Issued For Construction  
☐ Not For Construction

No.	Revision	Date
10		
9		
8		
7		
6		
5		
4		
3		
2		
1		

Scale: 1"=10'  
0' 5' 10' 20'  
Date: October 7, 2019

Drawing Title:

SITE PLAN  
APOTICA  
1385 MASSACHUSETTS AVENUE  
ARLINGTON, MASS.

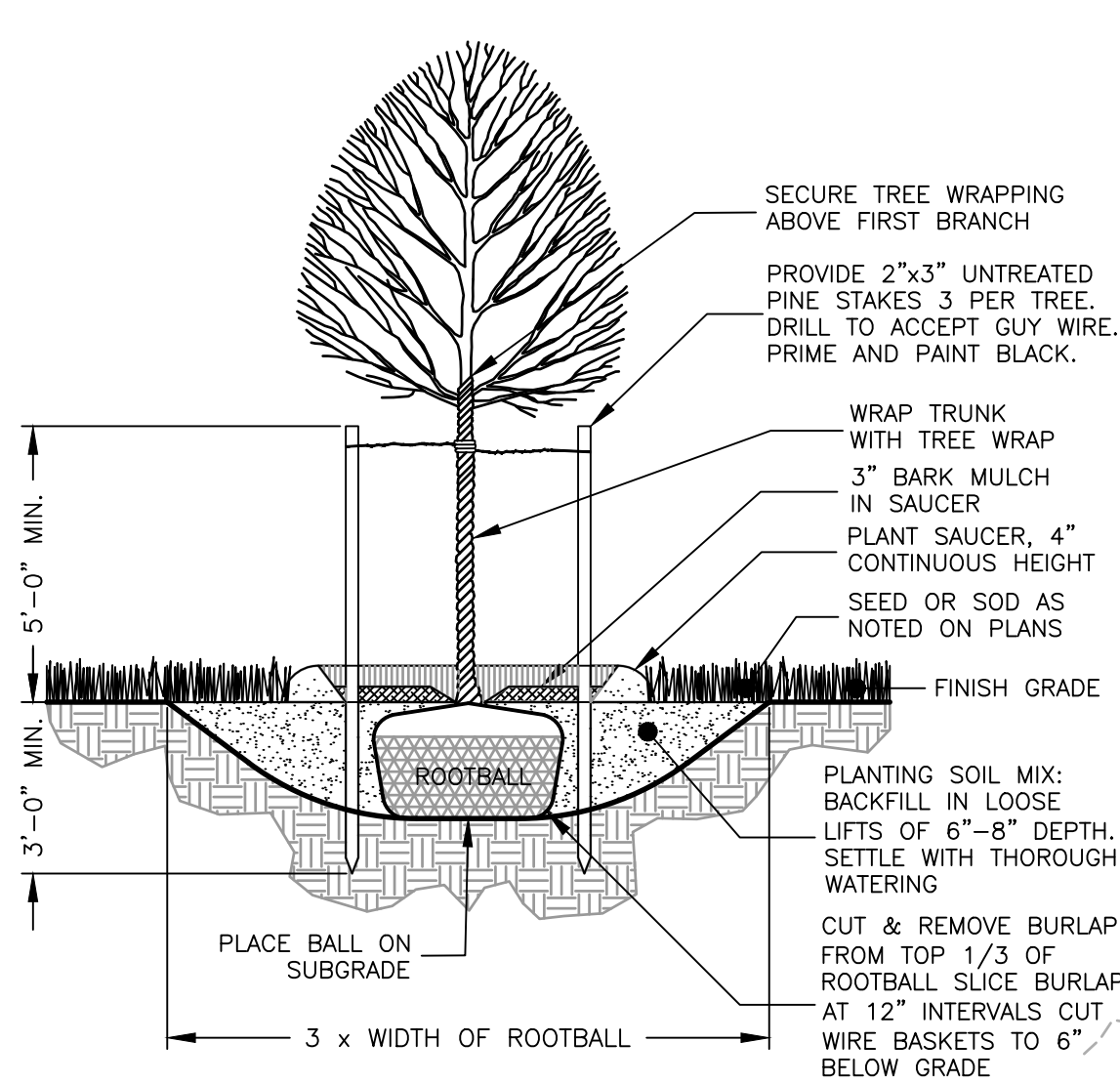
Seal:

Drawing No.:

C1

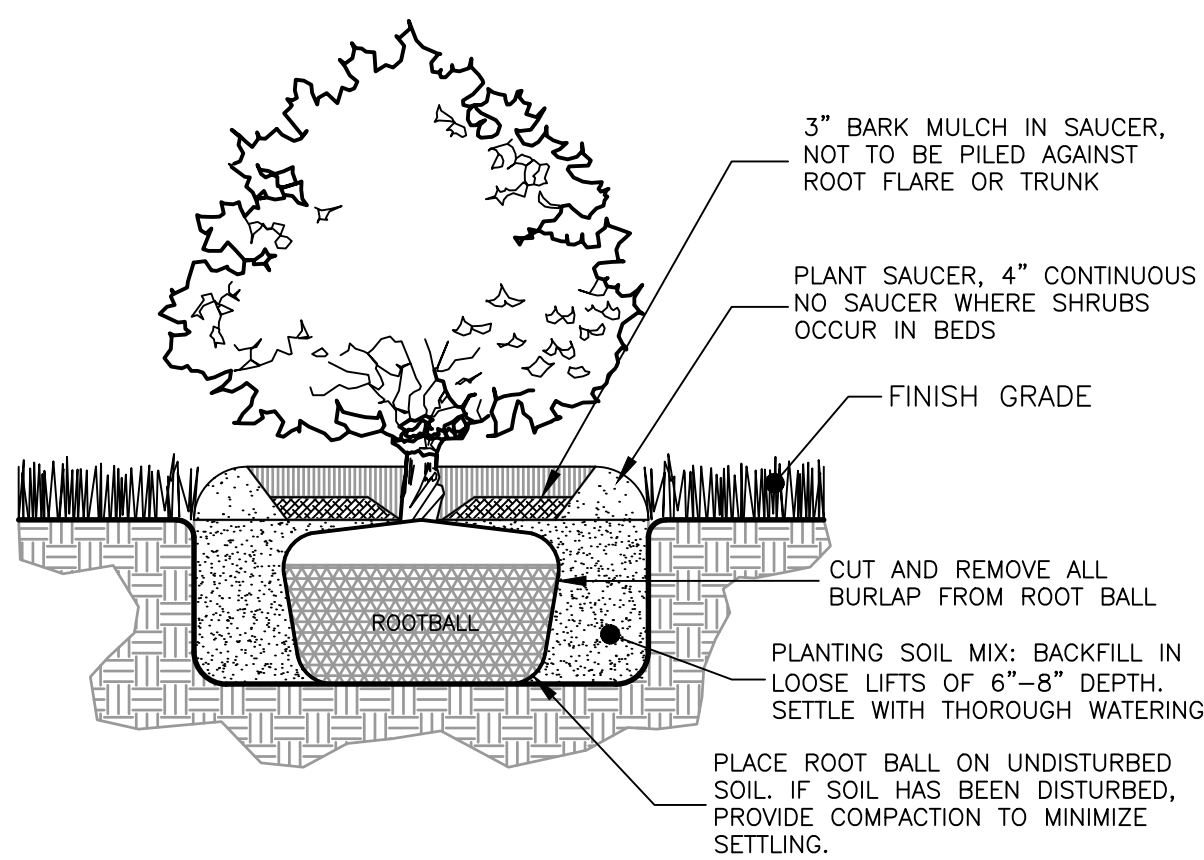
SHEET 1 OF 3

SHEET INDEX	
PLAN TITLE	SHEET DESIGNATION
SITE PLAN	C1
LANDSCAPING PLAN	L1
LIGHTING PLAN	L2



# DECIDUOUS TREE PLANTING

NOTE:  
TREE SHALL BEAR SAME RELATIONSHIP TO FINISHED GRADE AS IT DID TO NURSERY OR  
FIELD GRADE.



**SHRUB PLANTING**  
NOT TO SCALE

NOTES:

1. SHRUB SHALL BEAR SAME RELATIONSHIP TO FINISHED GRADE AS IT DID TO NURSERY OR FIELD GRADE.
2. WHERE SHRUBS OCCUR IN PLANT BED GROUPINGS, PROVIDE A 12" DEEP MINIMUM CONTINUOUS LOAM BED.



Owner / Applicant  
 APOTHCA  
 JOSEPH LEKACH  
 1955 TYLER STREET  
 HOLLYWOOD, FL 33020  
 305.741.6540

Prepared By:

**Hayes**  
Hayes Engineering, Inc.  
603 Salem Street  
Waketield, MA 01880  
Ph: 781.246.2800  
Fax: 781.246.7596  
[www.hayeseng.com](http://www.hayeseng.com)

Design By: xxx  
 Drawn By: xxx  
 Checked By: xxx  
 Project File: xxx  
 Comp. No: ARL12

☐ Issued For Permit  
☐ Issued For Review  
☐ Issued For Bid  
☐ Issued For Construction  
☐ Not For Construction

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No.	Revision
	Date

Scale: 1" = 10'

0' 5' 10' 20'

Date: October 7, 2019

Drawing Title:


LANDSCAPING PLAN  
APOTHCA  
1385 MASSACHUSETTS AVENUE  
ARLINGTON, MASS.

Seal:	Drawing No.:
-------	--------------

Drawing No.:

L1

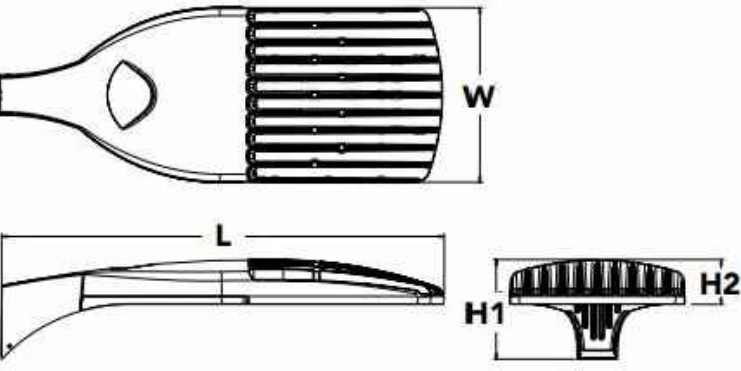
SHEET 2 OF 3



**D-Series Size 1**  
LED Area Luminaire

d<sup>2</sup>series

**Specifications**  
EPA: 1.01 ft<sup>2</sup> (0.09 m<sup>2</sup>)  
Length: 33" (83.8 cm)  
Width: 13" (33.0 cm)  
Height H1: 7-1/2" (19.0 cm)  
Height H2: 3-1/2" (9.0 cm)  
Weight (max): 27 lbs (12.2 kg)

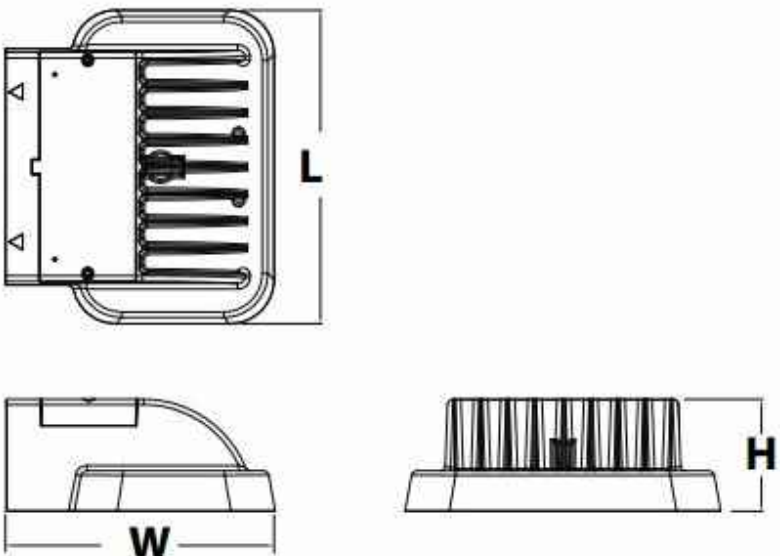


LITHONIA DSX1-LED LIGHT FIXTURE  
NOT TO SCALE



**KAXW**  
LED Wall Luminaire

**Specifications**  
Length: 14" (35.6 cm)  
Width: 12" (30.5 cm)  
Height: 5" (12.7 cm)  
Weight (max): 19.7 lbs (8.9 kg)



LITHONIA KAXW-LED WALL PACK  
NOT TO SCALE

**PHOTOMETRIC LEGEND:**

DENOTES ISOFOOTCANDLE VALUE 1.4

DENOTES ISOFOOTCANDLE LINE 2.0

**GENERAL LIGHTING NOTES:**



ILLUMINANCE VALUES SHOWN ARE PROPOSED MAINTAINED HORIZONTAL FOOTCANDLES ON LEVEL GRADE.

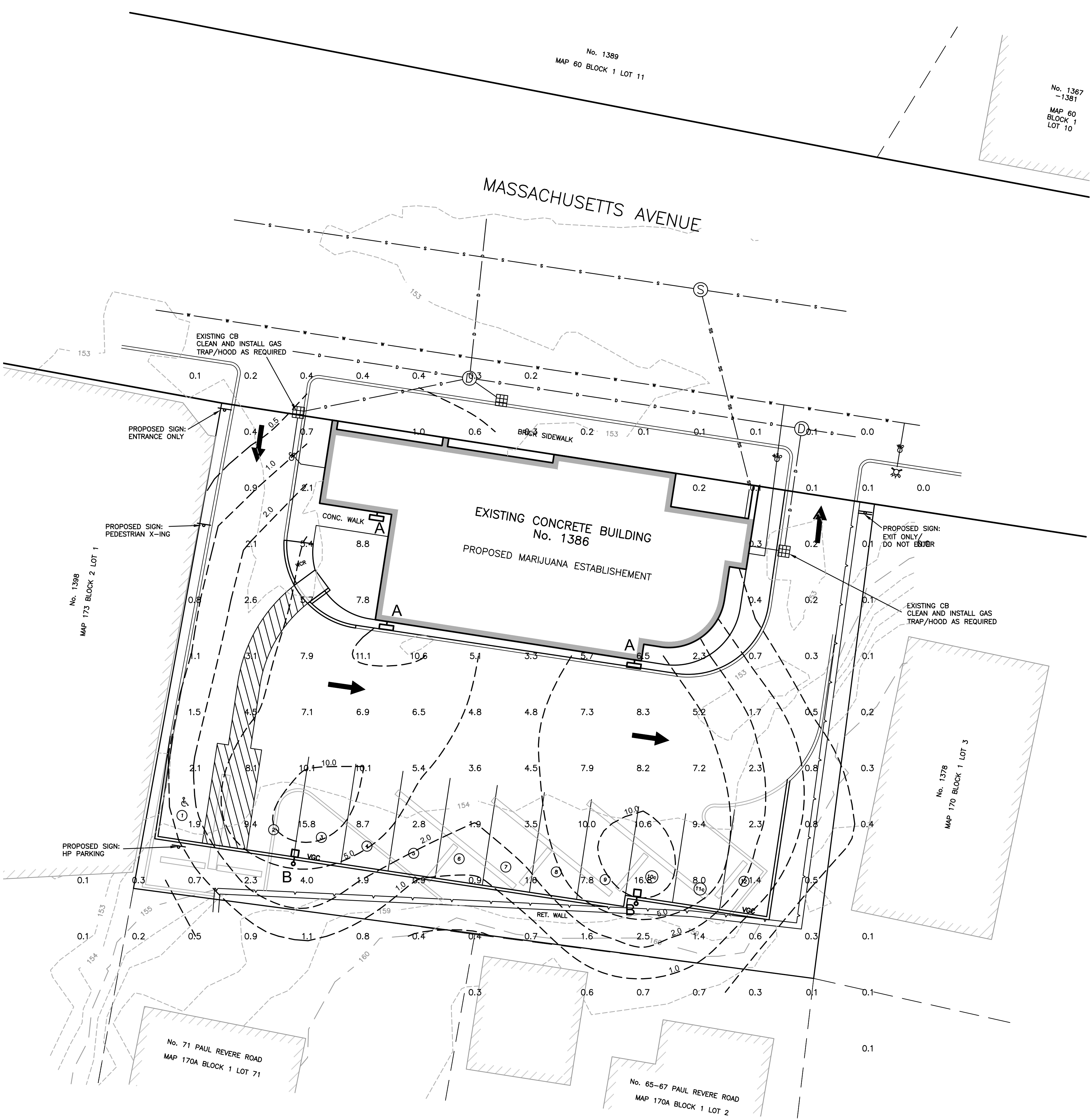
PHOTOMETRIC ANALYSIS DOES NOT CONSIDER ANY EXISTING ILLUMINANCE, SHADOW OR REFLECTED LIGHT FROM EXISTING OR PROPOSED OBJECTS AND GRADE DIFFERENCES.

HORIZONTAL ILLUMINANCE LEVELS SHOWN ARE CALCULATED FROM DATA PROVIDED FROM MANUFACTURER IN ACCORDANCE WITH THE ILLUMINATING ENGINEERING SOCIETY APPROVED METHODS.

ACTUAL ILLUMINANCE LEVELS MAY DIFFER DUE TO SEVERAL FACTORS SUCH AS LAMP LUMEN DEPRECIATION, LUMINAIRE DIRT DEPRECIATION, LUMINAIRE SURFACE DEPRECIATION, AND EQUIPMENT OPERATING FACTOR.

CONTRACTOR TO VERIFY ALL UTILITIES BEFORE CONSTRUCTION.

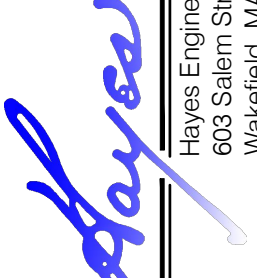
LUMINAIRE SCHEDULE				
CALLOUT	SYMBOL	DESCRIPTION	VOLTS	QUANTITY
A		KAXW LED, PERFORMANCE PACKAGE 3, 5000K, TYPE 4, 120-277V	120V 1P 2W	3
B		DSX1 LED P1 30K T3M MVOLT, 12'h	120V 1P 2W	2



Prepared For:

Owner / Applicant  
APOTHICA  
JOSEPH LEKACH  
1955 TYLER STREET  
HOLLYWOOD, FL 33020  
305.741.6540

Prepared By:

  
Hayes Engineering, Inc.  
1000 South St.  
Woburn, MA 01880  
Ph: 781.246.7590  
Fax: 781.246.7596  
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Design By: xxx  
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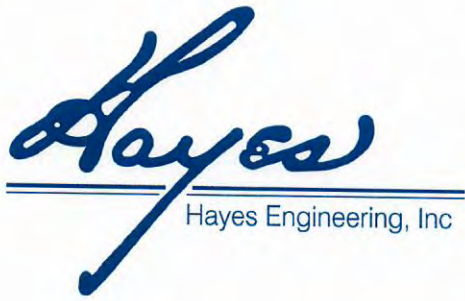
LIGHTING PLAN  
APOTHICA  
1385 MASSACHUSETTS AVENUE  
ARLINGTON, MASS.

Seal:

Drawing No.:  
  
L2

SHEET

3 OF 3



603 Salem Street  
Wakefield, MA 01880  
Tel: (781) 246-2800  
Fax: (781) 246-7596

Nantucket, MA 02554  
Tel: (508) 228-7909

Refer to File No. ARL-0017

## **Application for Special Permit In Accordance with Environmental Design Review Procedures**



# **APOTHCA**

1386 Massachusetts Avenue  
Arlington, MA

*Prepared for:*  
Apothca, Inc.  
99 Development Road  
Fitchburg, MA 01420

**October 7, 2019**



603 Salem Street  
Wakefield, MA 01880  
Tel: (781) 246-2800  
Fax: (781) 246-7596

Nantucket, MA 02554  
Tel: (508) 228-7909

Refer to File No. ARL-0017

October 7, 2019

Town of Arlington  
Redevelopment Board  
730 Massachusetts Avenue Annex  
Arlington, MA 02476

**RE: 1386 Massachusetts Avenue  
Map 107 Block 1 Lot 1**

Dear Chairman Bunnell and Board Members:

On behalf of Apothca, Inc., the Applicant, Hayes Engineering, Inc. (HEI) is pleased to submit to the Board the accompanying supporting documentation for Special Permit in accordance with the environmental design review procedures of the Town of Arlington Zoning By-Law.

The Applicant seeks use the existing facilities at the above referenced property with the following improvements:

- Interior upgrades to convert the current facility into a retail marijuana establishment; and
- Minor reconfiguration of parking areas as depicted on the accompanying site plan to increase on-site parking from 6 to 12 spaces.

Existing and proposed site features and their compliance with the requirements for Special Permit approval are identified in the accompanying Application. Thank you for your time and attention to this filing.

Regards,

A blue ink signature of Anthony M. Capachietti, written in a cursive style.

Anthony M. Capachietti,  
Project Manager

Enclosures

Cc: Joseph Lekach, Apothca, Inc.



## Table of Contents:

- 1.0 Special Permit Application
  - Property Information
  - Project Description
- 2.0 Environmental Design Review Statement
  - Preservation of Landscape
  - Relation of Building to Environment
  - Open Space
  - Circulation
  - Surface Water Drainage
  - Utility Service
  - Advertising Features
  - Special Features
  - Safety
  - Heritage
  - Microclimate
  - Sustainable Building and Site Design

Appendix A Traffic Impact Statement



TOWN OF ARLINGTON  
REDEVELOPMENT BOARD

Application for Special Permit In Accordance with Environmental Design  
Review Procedures (Section 3.4 of the Zoning Bylaw)

1. Property Address 1386 Massachusetts Avenue Docket No. \_\_\_\_\_  
Name of Record Owner(s) B&G Corset Company, LLC Phone \_\_\_\_\_  
Address of Owner 1386 Massachusetts Ave, Arlington, MA 02476  
Street City, State, Zip
2. Name of Applicant(s) (if different than above) Apothca, Inc.  
Address 99 Development Road, Fitchburg, MA 01420 Phone 305.741.6540  
Status Relative to Property (occupant, purchaser, etc.) Lessee
3. Location of Property Map 170.0 Block 0001 Lot 0001.0  
Assessor's Block Plan, Block, Lot No.
4. Deed recorded in the Registry of deeds, Book 70009, Page 400;  
-or- registered in Land Registration Office, Cert. No. \_\_\_\_\_, in Book \_\_\_\_\_, Page \_\_\_\_\_.
5. Present Use of Property (include # of dwelling units, if any) Arlington Swifty Printing, Bank of America ATM - 0 Dwelling Units
6. Proposed Use of Property (include # of dwelling units, if any) Marijuana Establishment
7. Permit applied for in accordance with 8.3.A(1) EDR for Marijuana Uses  
the following Zoning Bylaw section(s) 3.4.2(4) EDR  
section(s) title(s)
8. Please attach a statement that describes your project and provide any additional information that may aid the ARB in understanding the permits you request. Include any reasons that you feel you should be granted the requested permission.  
Please see attached "Environmental Design Review Application" prepared by Hayes Engineering, Inc.

(In the statement below, strike out the words that do not apply)

The applicant states that Apothca is the ~~owner~~ ~~occupant~~ ~~purchaser~~ ~~under agreement~~ of the property in Arlington located at 1386 Massachusetts Avenue which is the subject of this application; and that unfavorable action -or- no unfavorable action has been taken by the Zoning Board of Appeals on a similar application regarding this property within the last two years. The applicant expressly agrees to comply with any and all conditions and qualifications imposed upon this permission, either by the Zoning Bylaw or by the Redevelopment Board, should the permit be granted.

Signature of Applicant(s)

99 Development Rd, Fitchburg, MA 01420

Address

305.741.6540

Phone



Town of Arlington Redevelopment Board  
Application for Special Permit in accordance with  
Environmental Design Review (Section 3.4)

Required Submittals Checklist

Two full sets of materials and one electronic copy are required. A model may be requested. Review the ARB's Rules and Regulations, which can be found at [arlingtonma.gov/arb](http://arlingtonma.gov/arb), for the full list of required submittals.

- ☒ Dimensional and Parking Information Form (see attached)
- ☒ Site plan of proposal
- ☐ Model, if required
- ☒ Drawing of existing conditions
- ☒ Drawing of proposed structure
- ☒ Proposed landscaping. May be incorporated into site plan
- ☐ Photographs
- ☒ Impact statement
- ☒ Application and plans for sign permits
- ☐ Stormwater management plan (for stormwater management during construction for projects with new construction)

FOR OFFICE USE ONLY

- ☐ Special Permit Granted Date: \_\_\_\_\_
- ☐ Received evidence of filing with Registry of Deeds Date: \_\_\_\_\_
- ☐ Notified Building Inspector of Special Permit filing Date: \_\_\_\_\_

## TOWN OF ARLINGTON REDEVELOPMENT BOARD

### Petition for Special Permit under Environmental Design Review (see Section 3.4 of the Arlington Zoning Bylaw for Applicability)

For projects subject to Environmental Design Review, (see Section 3.4), please submit a statement that completely describes your proposal, and addresses each of the following standards.

1. **Preservation of Landscape.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
2. **Relation of Buildings to Environment.** Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing to reduce the effect of shadows on abutting property in an R0, R1 or R2 district or on public open space.
3. **Open Space.** All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility, and facilitate maintenance.
4. **Circulation.** With respect to vehicular, pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 8.13 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.
5. **Surface Water Drainage.** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and storm water treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Storm water should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.

In accordance with Section 3.3.4, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all storm water facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do. The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for the future maintenance needs.

6. **Utility Service.** Electric, telephone, cable TV and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.
7. **Advertising Features.** The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties. Advertising features are subject to the provisions of Section 6.2 of the Zoning Bylaw.

8. **Special Features.** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
9. **Safety.** With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed as to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.
10. **Heritage.** With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
11. **Microclimate.** With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage, or the installation of machinery which emits heat, vapor, or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air, and water resources, or on noise and temperature levels of the immediate environment.
12. **Sustainable Building and Site Design.** Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project. [LEED checklists can be found at <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=220b> ]

In addition, projects subject to Environmental Design Review must address and meet the following Special Permit Criteria (see Section 3.3.3 of the Zoning Bylaw):

1. The use requested is listed as a special permit in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.
2. The requested use is essential or desirable to the public convenience or welfare.
3. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
4. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.
5. Any special regulations for the use as may be provided in this Bylaw are fulfilled.
6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.
7. The requested use will not, by its addition to a neighborhood, cause an excess of the particular use that could be detrimental to the character of said neighborhood.

# TOWN OF ARLINGTON

Dimensional and Parking Information  
for Application to

The Arlington Redevelopment Board

1386 Massachusetts Avenue

Property Location Map 107.0 Block 0001 Lot 0001.0

Docket No. \_\_\_\_\_

Zoning District B3

Owner: B&F Corset Company, LLC

Address: 1386 Mass Ave, Arlington, MA

Present Use/Occupancy: No. of Dwelling Units:

5.5.3 Retail (Print Shop) / 0 Dwelling Units

Proposed Use/Occupancy: No. of Dwelling Units:

5.5.3 Retail (Marijuana Retailer) / 0 Dwelling Units

Uses and their gross square feet:

2,184 sf.

Uses and their gross square feet:

2,184 sf.

	Present Conditions	Proposed Conditions	Min. or Max. Required by Zoning for Proposed Use
Lot Size	10,402 sf.	10,402 sf.	min. 20,000 sf
Frontage	117.82 ft.	117.82 ft.	min. 100 ft.
Floor Area Ratio	0.21	0.21	max. 1.0
Lot Coverage (%), where applicable			max. N/A
Lot Area per Dwelling Unit (square feet)			min. 600 sf.
Front Yard Depth (feet)	0 ft.	0 ft.	min. N/A
Side Yard Width (feet) right side	23± ft.	23± ft.	min. N/A
left side	20± ft.	20± ft.	min. N/A
Rear Yard Depth (feet)	48± ft.	48± ft.	min. (H+L)/6 = 17.2 ft
Height			min.
Stories	1.5	1.5	stories 3
Feet	26.3± ft.	26.3± ft.	feet 40
Open Space (% of G.F.A.)	14.4%	14.6%	min. 20%
Landscaped (square feet)	1,496 sf	1,520 sf	(s.f.)
Usable (square feet)			(s.f.)
Parking Spaces (No.)	6	12	1/300sf = 7 spaces min.
Parking Area Setbacks (feet), where applicable	4± ft.	8± ft.	10 ft (5ft w/ fence) min.
Loading Spaces (No.)	0	0	min. 0 spaces
Type of Construction	Concrete		
Distance to Nearest Building	23± ft.	23± ft.	min. N/A

Note: No modification to existing structure is proposed. The permanent structure at 1386 Massachusetts Ave either conformed to the setback requirements at the time of construction, or is exempt from violation enforcement action under MGL, Title VII, Chapter 40A, Section 7.



### Property Information

Address: 1386 Massachusetts Avenue

Owner: B&G Corset Company, LLC  
1386 Massachusetts Avenue  
Arlington, MA 02476

Assessor's Parcel: Map 170, Block 1, Lot 1

Deed Reference: Middlesex South Registry of Deeds Book 70009, Page 400

Applicant: Apothca, Inc.  
Joseph Lekach  
99 Development Road  
Fitchburg, MA  
(854) 347-5611

Present Use: Arlington Swifty Printing and Bank of America ATM

Proposed Use: Marijuana Establishment

Zoning Sections: 8.3.A(1) and 3.4.2(4) requiring a special permit in accordance with Environmental Design Review Procedures

### Project Description

The Applicant, Apothca, Inc., seeks to convert the existing uses at 1386 Massachusetts Avenue (the Property) to a proposed marijuana establishment (ME). The proposed ME would dispense marijuana for off-site adult and medical use to customers over the age of twenty-one (21) and patients over the age of eighteen (18) possessing a valid medical registration card.

The Applicant proposed to re-use the existing building with no modification to the existing footprint. The Applicant is proposing to reconfigure the parking at the rear of the building to comply with current parking and setback requirements and to increase the number of on-site parking spaces from six (6) existing spaces to twelve (12) proposed spaces.

## 2.0 Environmental Design Review Statement

In accordance with the requirements of Section 3.4.4 (A) through (L) of the Town of Arlington Zoning Bylaws, the Applicant submits the following information as it relates to their proposal and the compliance of the proposal with the following:



#### *3.4.4(A) Preservation of Landscape*

The Applicant seeks to occupy an existing commercial building along Massachusetts Avenue. The minimal disturbance to the site will increase parking on the property within the limits of the current site disturbance. A landscaping plan accompanies this application.

#### *3.4.4(B) Relation of Buildings to Environment*

The Applicant seeks to occupy existing commercial space within the B3 (Business 3) zoning district. The existing building was constructed in the mid-1970s and has existed in the neighborhood over forty-years. As such, the existing building scale and finish is in harmony with the surrounding neighborhood.

#### *3.4.4(C) Open Space*

The Applicant seeks to occupy existing commercial space within the B3 zoning district. The use of existing space eliminates the need for new construction that would otherwise reduce the available open space in the City.

#### *3.4.4(D) Circulation*

There are no anticipated changes to vehicular or pedestrian circulation at the facility. The facility currently has on-site parking for seven (7) vehicles. The Applicant proposes to reconfigure these spaces to provide parking for twelve (12) vehicles as follows:

- (8) 8.5' x 18' Parking Spaces
- (2) 8.5' x 16' Compact Parking Spaces
- (1) ADA/AAB Compliant Accessible Space

There are no proposed modifications to the curb cut locations proposed and the existing one-way traffic patterns will be maintained. Impacts to traffic patterns in the vicinity are anticipated to be minimal as the projected increase in daily traffic represents less than 1% of the average annual daily traffic along Massachusetts Avenue in the Project vicinity. The Traffic Impact Statement prepared in support of this project accompanies the report as Appendix A.

The difference of bicycle parking required for the proposed use and existing use is less than two (2) spaces. As such the Applicant is not seeking to construct additional bicycling parking currently.

#### *3.4.4(E) Surface Water Drainage*

The Applicant seeks to occupy existing commercial space within the B3 (Central Business) zoning district. The use of an existing building eliminates the need for new construction that may increase the quantity and quality of surface water runoff. Minor changes to parking configuration are proposed. The Applicant will



clean existing on-site catch basins and install gas-traps/hoods to outlet pipes if not currently installed.

#### *3.4.4(F) Utility Service*

There is no change expected to the demand on utility services by the project as proposed. The existing retail space would be converted to a retail marijuana establishment.

Water and Wastewater demands can be estimated using the flows provided in 310 CMR 15.00, The State Environmental Code, Title V. The design flow listed for Retail uses is 50 gpd per 1,000sf. of floor area. The proposed use and existing use are both considered retail uses and no change in building footprint is proposed, as such there is no increase in demand.

Solid waste disposal of non-marijuana containing materials shall be disposed of with a private toter, similar to the existing facility. Marijuana waste shall be disposed of at the off-site cultivation facility in accordance with Cannabis Control Commission (CCC) guidelines.

#### *3.4.4(G) Advertising Features*

There shall be no additional advertising features on the structure beyond the facility name and logo which shall be in accordance with CCC regulations. The Apothca logo is provided on the cover of this report.

#### *3.4.4(H) Special Features*

There are no proposed special features requiring additional screening associated with this project.

#### *3.4.4(I) Safety*

The accompanying floor plan (Appendix C) demonstrates accessibility for public safety and will be designed to incorporate surveillance cameras covering the dispensary property and points of access. Recorded footage from surveillance cameras will be available for Arlington Police Department.

#### *3.4.4(J) Heritage*

The Applicant seeks to occupy existing commercial space within the B3 zoning district. The use of an existing structure will not cause removal or disruption of historic, traditional or significant uses, structures or architectural elements on-site or at adjacent properties.

#### *3.4.4(K) Microclimate*

The project as proposed seeks to use existing infrastructure and facilities and will not have adverse impact on light, air and water resources, or on noise and temperature levels of the immediate environment.



*3.4.4(L) Sustainable Building and Site Design*

The Applicant seeks to occupy existing commercial space within the B3 zoning district. The use of existing structures is considered "sustainable." The Applicant is not contemplating the replacement of core building infrastructure at this time.

## **APPENDIX A:**

### **Traffic Impact Statement**



603 Salem Street  
Wakefield, MA 01880  
Tel: (781) 246-2800  
Fax: (781) 246-7596

## Traffic Impact Statement

Nantucket, MA 02554  
Tel: (508) 228-7909

Refer to File No. ARL-0017

**TO:** Town of Arlington  
Board of Selectmen and Redevelopment Board

**FROM:** Tony Capachietti, *Project Manager*

**DATE:** October 7, 2019

**SUBJECT:** Apothca, Inc.  
Proposed Marijuana Dispensary  
1386 Massachusetts Avenue, Arlington, MA

Hayes Engineering, Inc. (HEI) has prepared this Traffic Impact Statement pursuant to the request of the project proponent, Apothca, Inc. (Apothca), in support of the proposed co-located adult-use and medical marijuana dispensary at 1386 Massachusetts Avenue in Arlington, Massachusetts. The purpose of this Impact Statement is to evaluate the anticipated Average Daily and Peak Hour trip generation for the facility.

The existing 2,184<sup>±</sup> square foot (sf.) building at 1386 Massachusetts Avenue is occupied by *Arlington Swift Printing*, a copy, printing and shipping store. The Applicant proposes to convert the facility into a medical and adult-use marijuana dispensary within the existing footprint.



Figure 1 – 1386 Massachusetts Avenue, Arlington, MA © Google Image Capture



### **Trip Generation**

Average Daily Vehicle Trips and Peak Hour Trips for the project are calculated using data published by the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10<sup>th</sup> Edition.

The prior use at the facility is best classified as Institute of Transportation Engineers (ITE) Land Use Code (LUC) 920 – Copy, Print and Express Ship Store, defined in the ITE Trip Generation Manual, 10<sup>th</sup> Edition as being:

*... a facility that offers a variety of copying, printing, binding, and shipping services. Retail sales of a limited range of office-related items including packing and shipping supplies are also commonly available. Technology services, such as computer rental and wireless Internet may also be provided.*

Estimated Trip Generation rates for the 2,184<sup>±</sup> -sf. facility under its prior use are summarized in Table 1, below. ITE Trip Generation Graphs for the above Land Use Code accompany this report as Appendix A.

**TABLE 1**  
Trip Generation, *Prior Use*  
**LUC 920 – Copy, Print**  
**and Express Ship**  
**Store**

<b><u>Time Period</u></b>	<b><u>Vehicle Trip Ends<sup>(1,2)</sup></u></b>
<b>Weekday Daily</b>	270 <sup>(3)</sup>
<b>Weekday AM Peak Hour</b>	18
<b>Weekday PM Peak Hour</b>	27
<b>Saturday Daily</b>	Not Published

<sup>(1)</sup> Based on 2,184<sup>±</sup> -sf. of floor area

<sup>(2)</sup> ITE cautions use due to small sample size

<sup>(3)</sup> Estimated as 10 times peak hour

The proposed RMD use is best classified as Institute of Transportation Engineers (ITE) Land Use Code (LUC) 882, Marijuana Dispensary, defined in the ITE Trip Generation Manual, 10<sup>th</sup> Edition as being:

*... a standalone facility where cannabis is sold to patients or consumers in a legal manner.*

Trip Generation rates for the proposed 2,184<sup>±</sup> -sf. dispensary use are summarized in Table 2, below. ITE Trip Generation Graphs for this Land Use Code accompany this report as Appendix B. It should be noted that the ITE cautions the use of its Marijuana Dispensary data as it was derived from a small sample set.



**Traffic Impact Statement**  
1386 Massachusetts Ave – Arlington, MA  
ARL-0017  
October 7, 2019

**TABLE 2**

Trip Generation, *Proposed Marijuana Establishment*

<u>Time Period/Direction</u>	<u>LUC 882 –</u>
	<u>Marijuana Dispensary</u>
	<u>Vehicle Trip Ends<sup>(1,2)</sup></u>
Weekday Daily	556
Weekday AM Peak Hour	46
Weekday PM Peak Hour	66
Saturday Daily	570

<sup>(1)</sup> Based on 2,184<sup>±</sup> -sf.of floor area

<sup>(2)</sup> ITE cautions use due to small sample size

Table 3, below, compares estimated vehicle trip ends for the previous copy facility use and proposed marijuana business use:

**TABLE 3**

Trip Generation, *Summary – Prior Use vs. Proposed RME*

<u>Time Period/Direction</u>	<u>Prior Use</u>	<u>Proposed RME</u>	<u>Change in Trip</u>
	<u>Vehicle Trip Ends</u>	<u>Vehicle Trip Ends</u>	<u>Ends</u>
Weekday Daily	270 <sup>(2)</sup>	556	+286
Weekday AM Peak Hour	18	46	+28
Weekday PM Peak Hour	27	66	+39
Saturday Daily	Not Published	570	+300 <sup>(1)</sup>

<sup>(1)</sup> As compared to weekday daily traffic for the prior use

<sup>(2)</sup> Estimated as 10 times peak hour

The proposed dispensary results in an increase to projected trip ends to the facility when compared to the previous use for all scenarios. Each vehicle represents two trip ends, one arriving and one departing from the facility. The anticipated increase in weekday daily vehicle trips to the facility is 109 vehicles. It should be noted that not all trips represent “new” or “destination” vehicles on the route; destination trips have the greatest effect on traffic conditions. Pass-by trips have minimal impacts to traffic conditions. A pass-by trip is one where a vehicle is already on the route or very close to the route and stops on the way to their ultimate destination. Studies have shown that for retail uses similar to the proposed dispensary, a substantial portion of vehicle trips are from existing traffic passing by the site or diverted from another route in the vicinity of site. Data presented in the ITE Trip Generation Handbook indicates that for the average percentage of pass-by trips for Pharmacy/Drugstores without Drive-Through Windows



## **Traffic Impact Statement**

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is 49-percent during the weekday PM peak hour. HEI conducted a transportation survey of 257 patrons exiting an existing dispensary operating in Brookline, MA on June 13, 2019 identified 53.7% of patrons considered their stop to be a pass-by or diversion trip on their way to their ultimate destination. This would further reduce the number of anticipated new vehicle trips to approximately 55 vehicles on an average weekday.

HEI also evaluated customer data from three (3) dispensaries currently operating in Massachusetts in Brookline, Salem and Gardner to determine the AM peak hour occurs at 11a-noon and does not typically coincide with the AM rush hour for traffic on the adjacent roadways. Peak PM hours for these dispensaries typically occur between the hours of 6p-7p.

The Massachusetts Department of Transportation Highway Division maintains vehicle counts on Massachusetts Avenue on either side of the site (see Figure 2) at the following locations:

- Location ID: 4871 - Massachusetts Avenue North of Pleasant Street
- Location ID: 4930 - Massachusetts Avenue North of Appleton Street

Average Annual Daily Traffic (AADT), as reported by MassDOT, for these count locations indicate that approximately 20,000 vehicles per day pass the project site. The projected daily increase in vehicle trips of 143 on an average day represents less than 1% of the 17,613 vehicles reported at Location ID 4930. As such no significant changes to the prevailing traffic conditions are anticipated as a result of this project. MassDOT AADT information is included as Appendix C to this report.

The site is also located in proximity to a robust public transportation network. The project site is located within one-quarter mile of stops along the Massachusetts Bay Transit Authority (MBTA) 1, 62, 62/76, 77, 78 and 79 bus routes.

### **Parking Analysis**

The site in its existing condition provides off-site parking for 6 vehicles. The parking lot can be reconfigured to provide parking for up to 13 vehicles. The Town of Arlington Zoning By-Law section 6.1.4 requires 1 space per 300 sf. of floor area for retail uses. The parking requirement for the 2,184-sf. dispensary would be 7-spaces. Employees will be encouraged to use public transportation to avail as many spaces as possible for customers. The average transaction time for customers is between 15 and 20 minutes. This allows for the 13 parking spaces to turn over between 3 and 4 times per hour (39-52 vehicles per hour); the parking levels are adequate to handle the project PM peak hour of 33 vehicles (66 trip ends).

## Traffic Impact Statement

1386 Massachusetts Ave – Arlington, MA

ARL-0017

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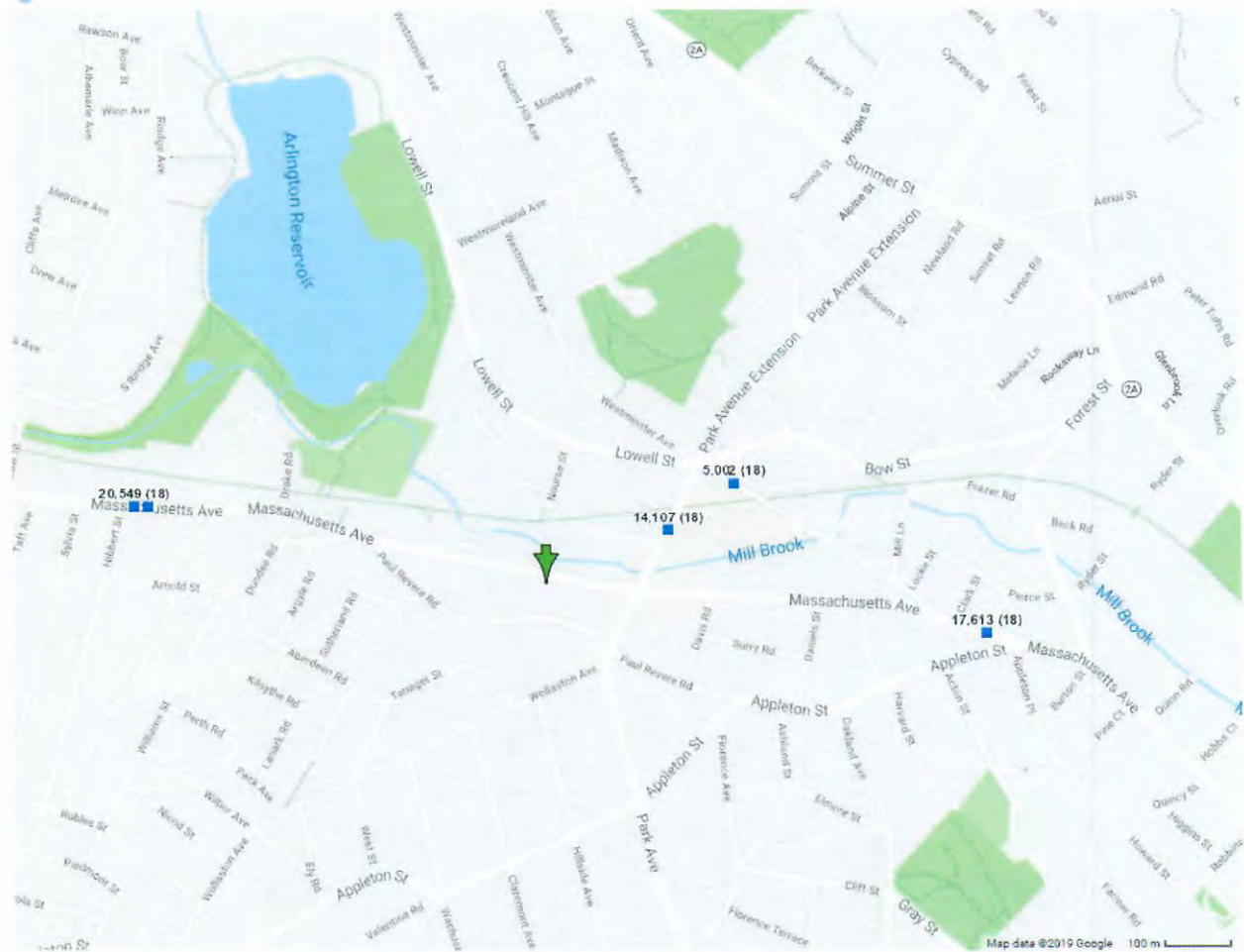


Figure 2 – 1386 Massachusetts Avenue, Alington, MA MASSDOT Traffic Count Data

### Queue Management

Customers will queue in the interior vestibule providing space for 15 people prior to entering the dispensary floor which will provide ample space for an additional 20-25 customers. The floorplate capacity of 35-40 customers, at an average transaction time of 15 minutes, will allow for approximately 105-160 customers per hour to be processed using only the interior queue.

During the initial opening period, customer levels may increase from those projected in this report as it may be the first recreational facility in the Arlington area. Apothca will incentivize the use of public transportation by its employees. Many of the current Apothca employees at its medical facility in Arlington use public transit to commute to work; this staff will transition to the new facility which is also proximate an MBTA bus route. Apothca will also allow those employees using bicycles to commute the ability to store their bicycles inside the building.

Apothca will also have temporary parking lot attendants during the initial opening phase to direct traffic into and out of the lot and manage any exterior queues that may form. The exterior

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queue will be maintained along the sidewalk that extends to the rear of the facility. At no time will customers be allowed to queue in the traveled way.

It is recommended that the Proponent work with the Arlington public safety offices to develop an opening day strategy that provides for police details, parking attendants and way-finding assistance to minimize disruptions during the initial opening period. This strategy should be reviewed on a daily, or weekly, basis to evaluate its continuing need and implemented until customer levels normalize.



**Traffic Impact Statement**

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## Appendix A – Prior Land Uses

## **Land Use: 920**

### **Copy, Print, and Express Ship Store**

#### **Description**

A copy, print, and express ship store is a facility that offers a variety of copying, printing, binding, and shipping services. Retail sales of a limited range of office-related items including packing and shipping supplies are also commonly available. Technology services, such as computer rental and wireless Internet may also be provided. Copy, print, and express ship stores typically maintain long store hours 7 days a week. Some stores may be open 24 hours a day.

#### **Additional Data**

The weekday AM peak hour occurred between 10:30 and 11:30 a.m. The weekday PM peak hour occurred between 3:30 and 4:30 p.m.

The site was surveyed in the 2000s in Texas.

#### **Source Number**

608

## Copy, Print, and Express Ship Store (920)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA  
On a: Weekday,  
AM Peak Hour of Generator

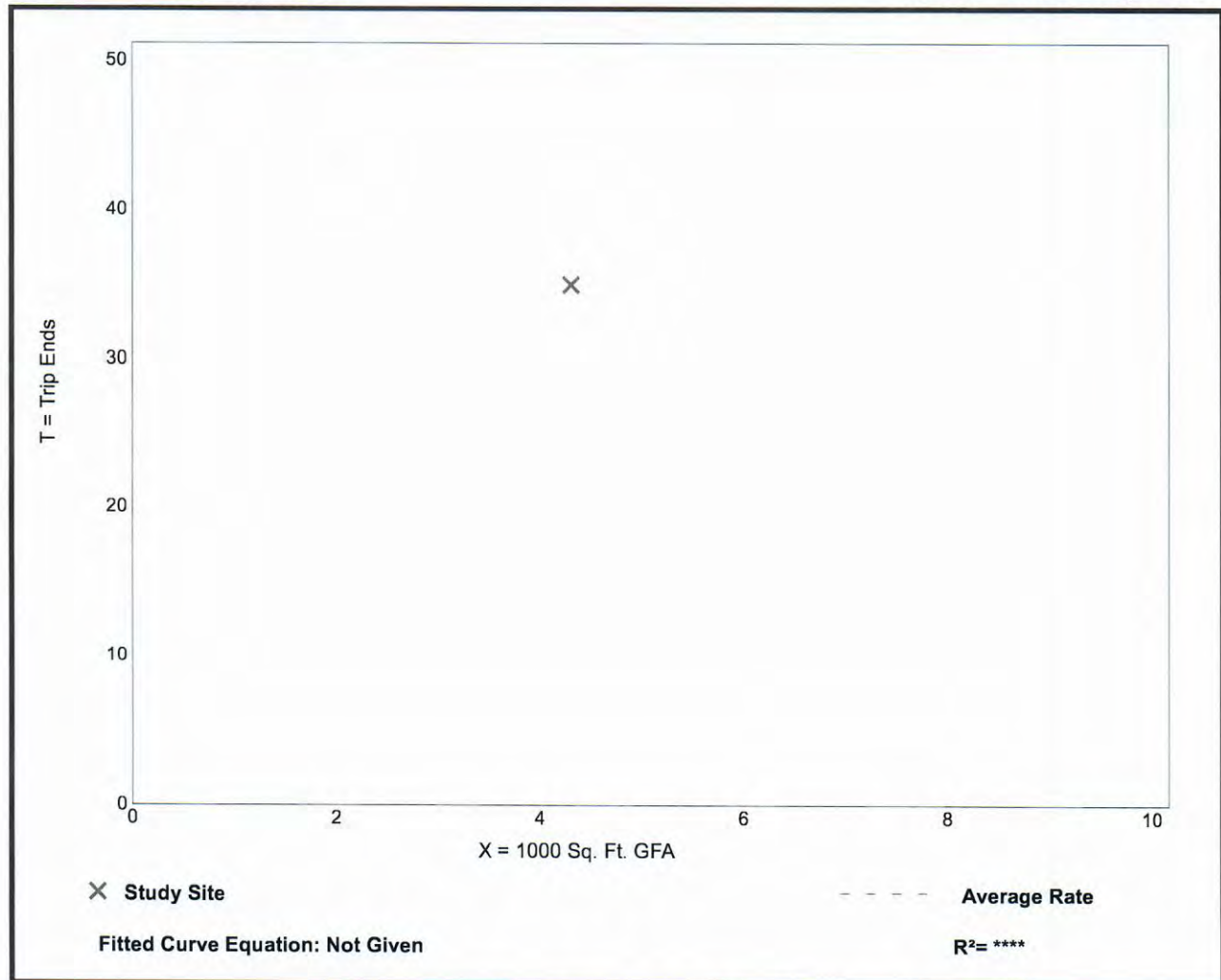
Setting/Location: General Urban/Suburban  
Number of Studies: 1  
Avg. 1000 Sq. Ft. GFA: 4  
Directional Distribution: 51% entering, 49% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
8.12	8.12 - 8.12	*

### Data Plot and Equation

*Caution – Small Sample Size*



*Trip Generation Manual, 10th Edition • Institute of Transportation Engineers*

# Copy, Print, and Express Ship Store (920)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,  
PM Peak Hour of Generator

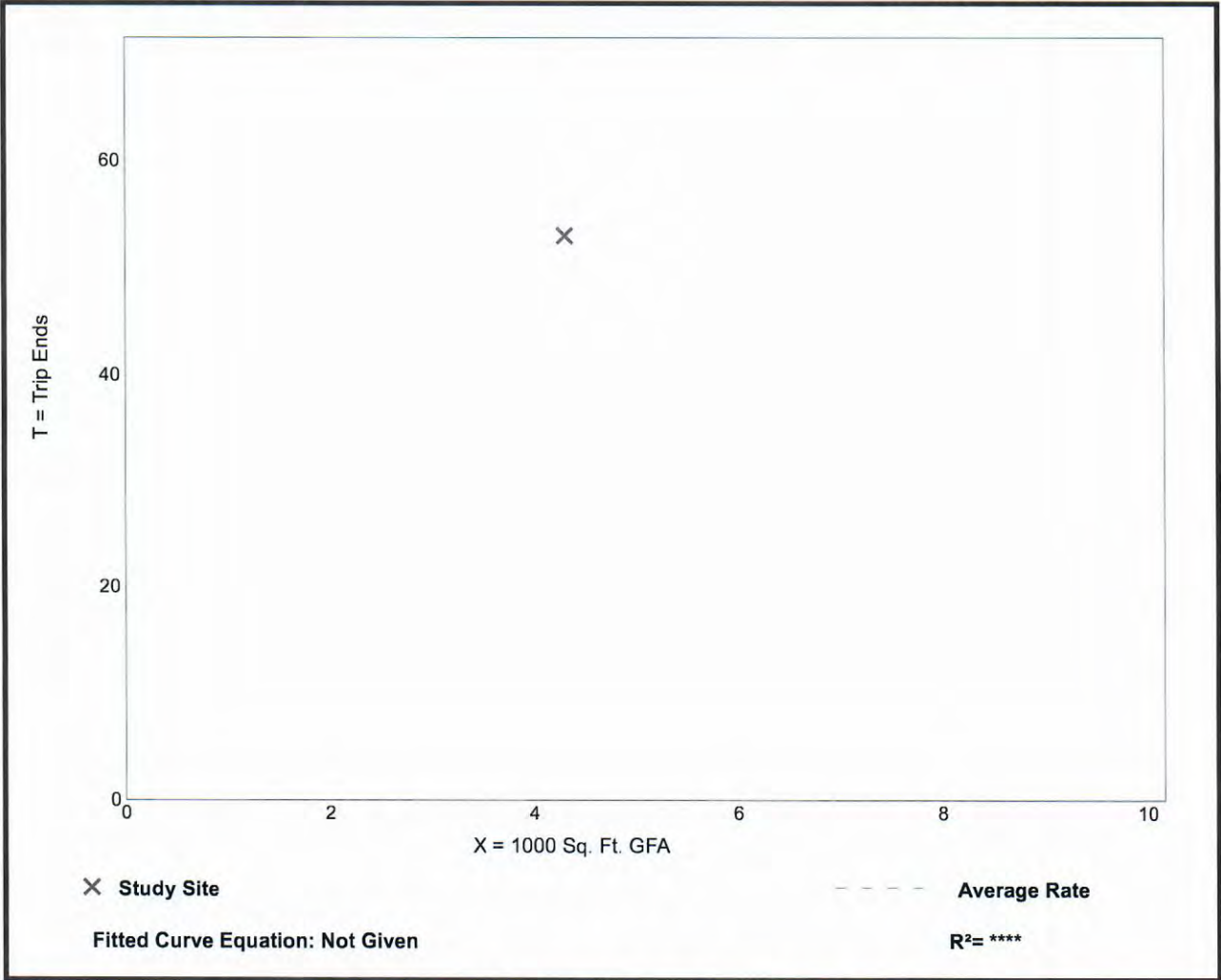
Setting/Location: General Urban/Suburban
Number of Studies: 1
Avg. 1000 Sq. Ft. GFA: 4
Directional Distribution: 43% entering, 57% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
12.30	12.30 - 12.30	*

## Data Plot and Equation

Caution – Small Sample Size





**Traffic Impact Statement**  
1386 Massachusetts Ave – Arlington, MA  
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## Appendix B – Proposed Land Uses

## Land Use: 882

### Marijuana Dispensary

#### Description

A marijuana dispensary is a standalone facility where cannabis is sold to patients or consumers in a legal manner.

#### Additional Data

Time-of-day distribution data for this land use for a weekday and Saturday are presented in Appendix A. For the four general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 11:45 a.m. and 12:45 p.m. and 5:45 and 6:45 p.m., respectively.

The sites were surveyed in the 2010s in Colorado and Oregon.

#### Source Numbers

867, 893, 919

# Marijuana Dispensary (882)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA  
On a: Weekday

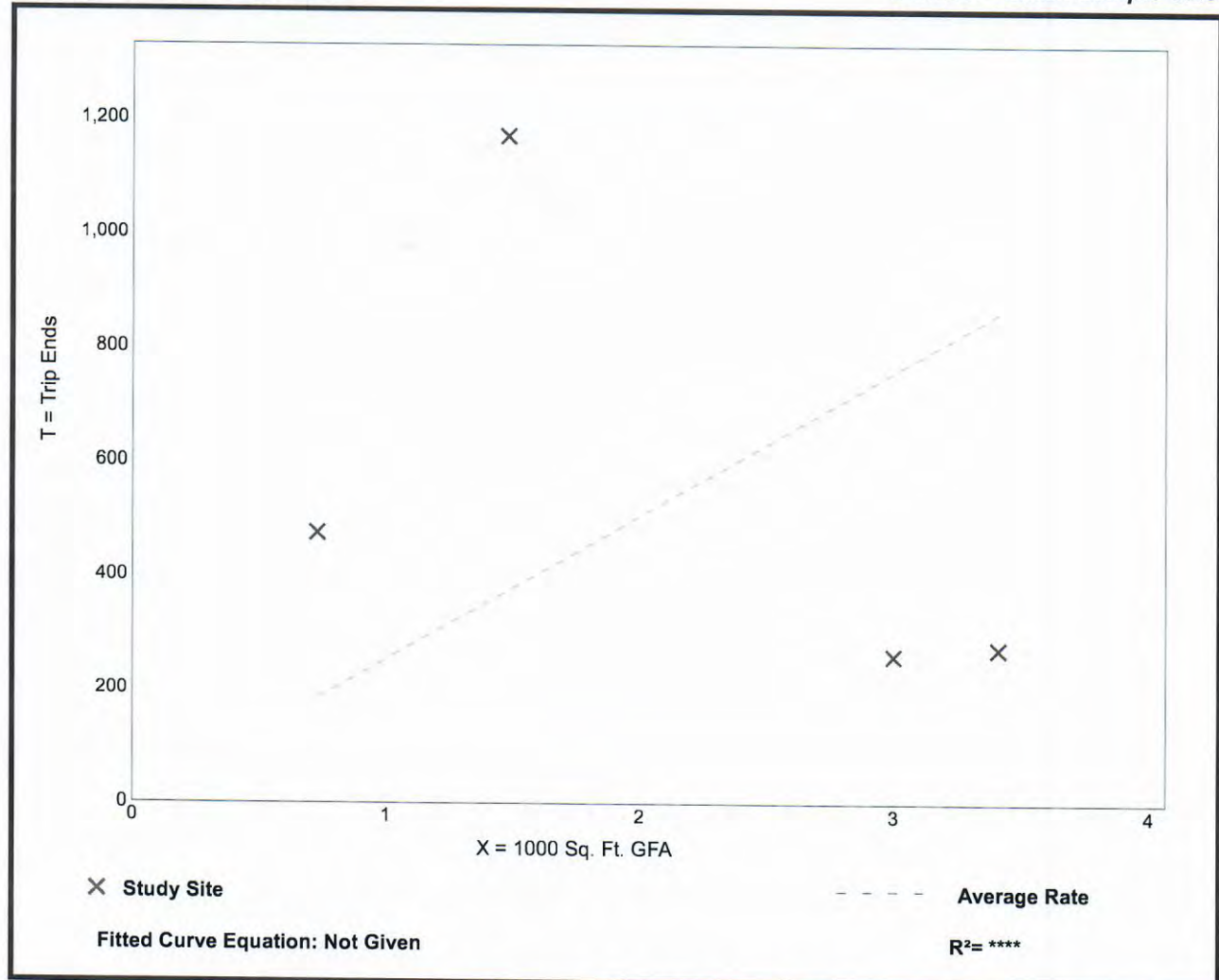
Setting/Location: General Urban/Suburban  
Number of Studies: 4  
Avg. 1000 Sq. Ft. GFA: 2  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
252.70	79.74 - 791.22	336.11

## Data Plot and Equation

*Caution – Small Sample Size*



# Marijuana Dispensary (882)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA  
On a: Weekday,  
AM Peak Hour of Generator

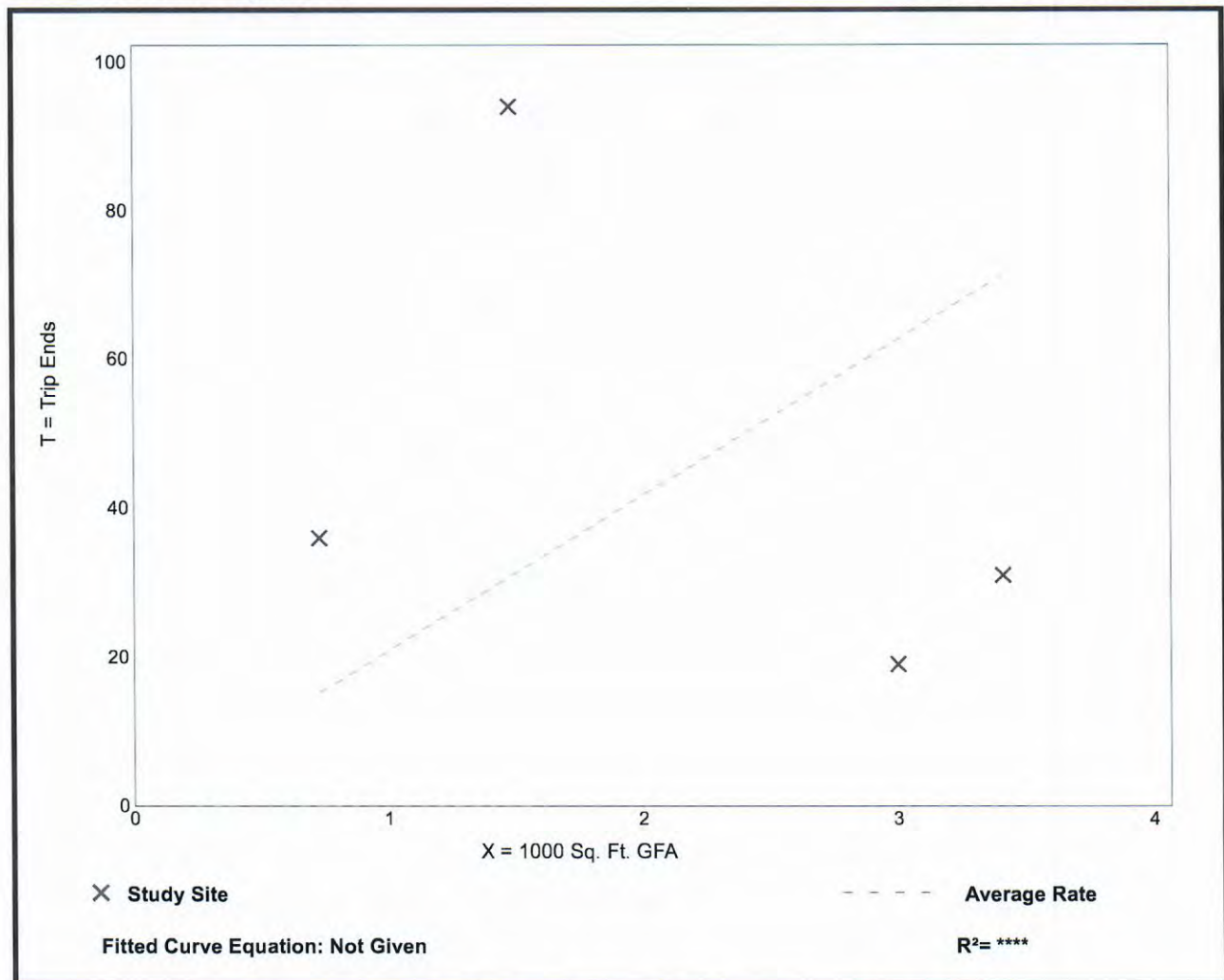
Setting/Location: General Urban/Suburban  
Number of Studies: 4  
Avg. 1000 Sq. Ft. GFA: 2  
Directional Distribution: 52% entering, 48% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
20.88	6.33 - 63.51	26.07

## Data Plot and Equation

*Caution – Small Sample Size*



# Marijuana Dispensary (882)

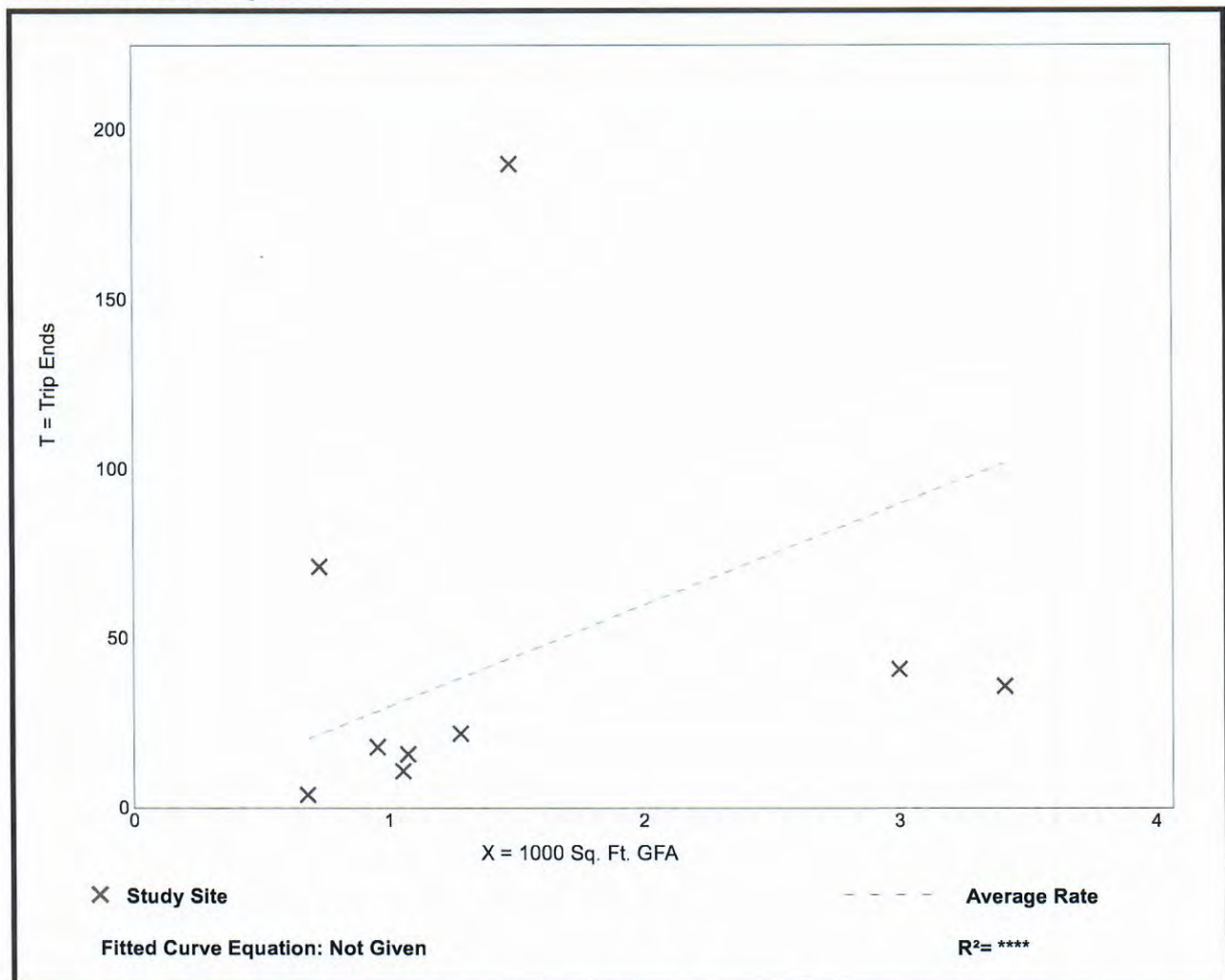
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA  
On a: Weekday,  
PM Peak Hour of Generator

Setting/Location: General Urban/Suburban  
Number of Studies: 9  
Avg. 1000 Sq. Ft. GFA: 2  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
29.93	5.88 - 128.38	41.69

## Data Plot and Equation



# Marijuana Dispensary (882)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA  
On a: Saturday

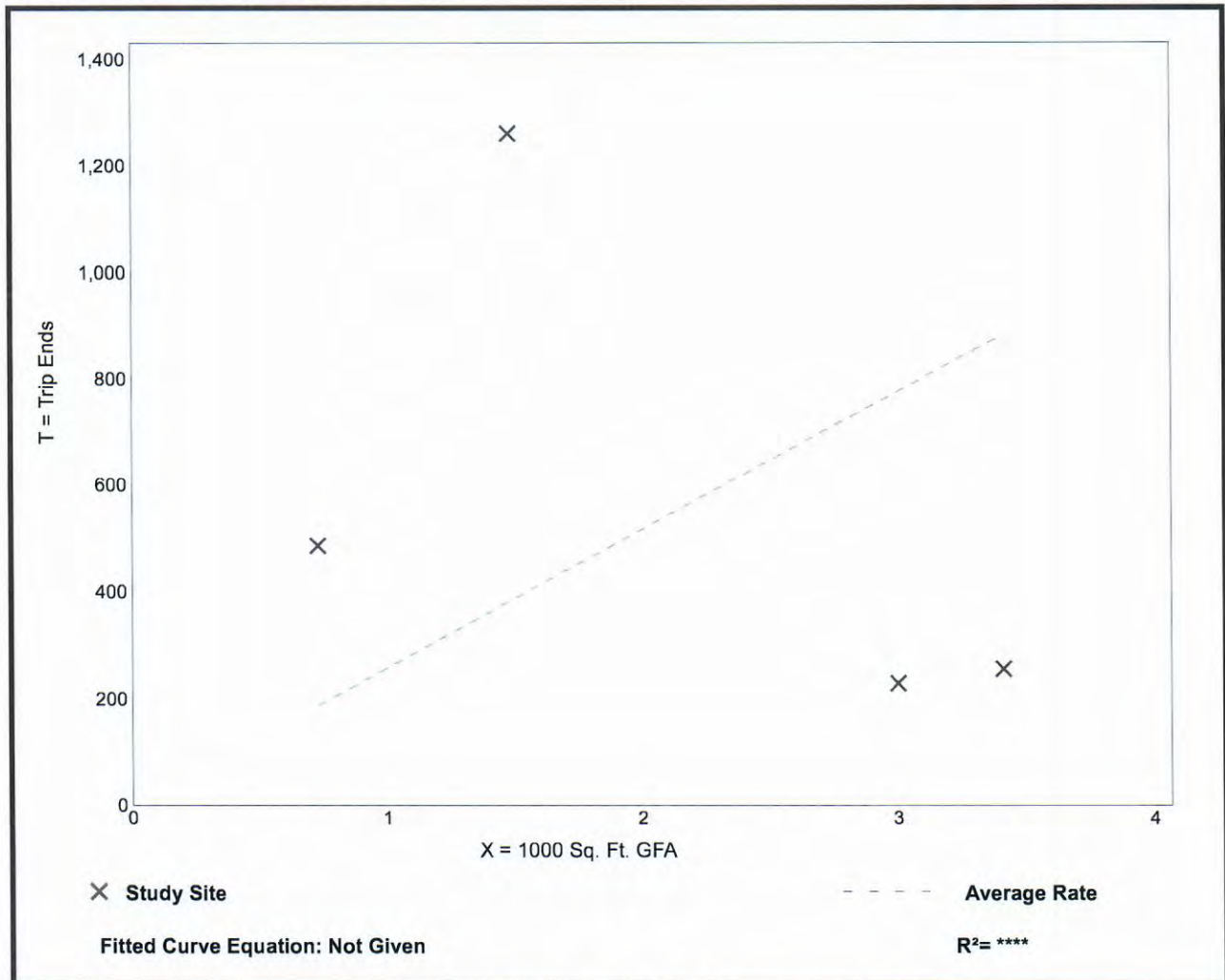
Setting/Location: General Urban/Suburban  
Number of Studies: 4  
Avg. 1000 Sq. Ft. GFA: 2  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
259.31	75.34 - 852.03	364.24

## Data Plot and Equation

*Caution – Small Sample Size*



# Marijuana Dispensary (882)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA  
On a: Saturday, Peak Hour of Generator

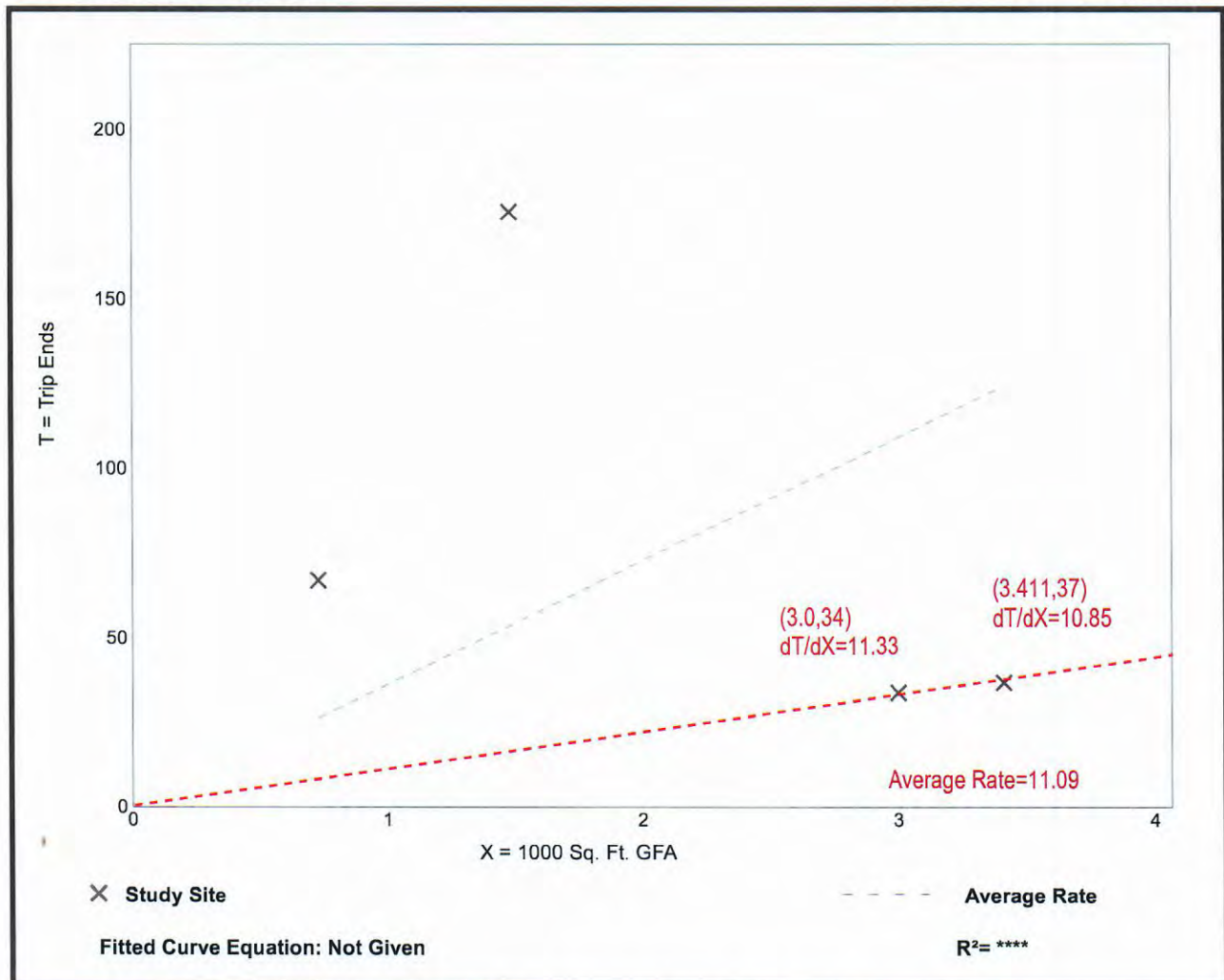
Setting/Location: General Urban/Suburban  
Number of Studies: 4  
Avg. 1000 Sq. Ft. GFA: 2  
Directional Distribution: Not Available

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
36.43	10.85 - 118.92	50.44

## Data Plot and Equation

Caution – Small Sample Size



Trip Generation Manual, 10th Edition • Institute of Transportation Engineers

5.63 x 1000sf x 11.09 Trip Ends/1000sf = 62.4 Trip Ends = 62 Trip Ends



**Traffic Impact Statement**  
1386 Massachusetts Ave – Arlington, MA  
ARL-0017  
May 2, 2019

## Appendix C – MassDOT AADT Tables

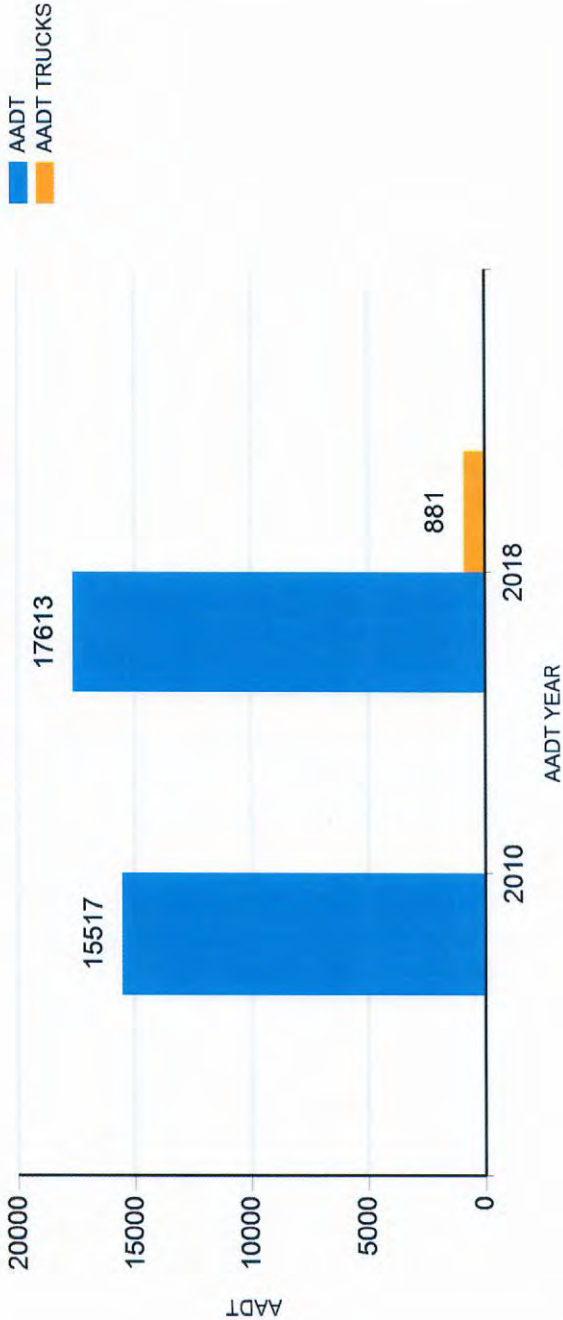
AADT and AADT Trucks by Year for 1/1/2009 - 12/31/2018

District  
County Middlesex  
Community Arlington

Location ID 4930  
Located On MASSACHUSETTS AVENUE  
LRS ID N086 EB

At APPLETON STREET  
LRS Point 1.610324

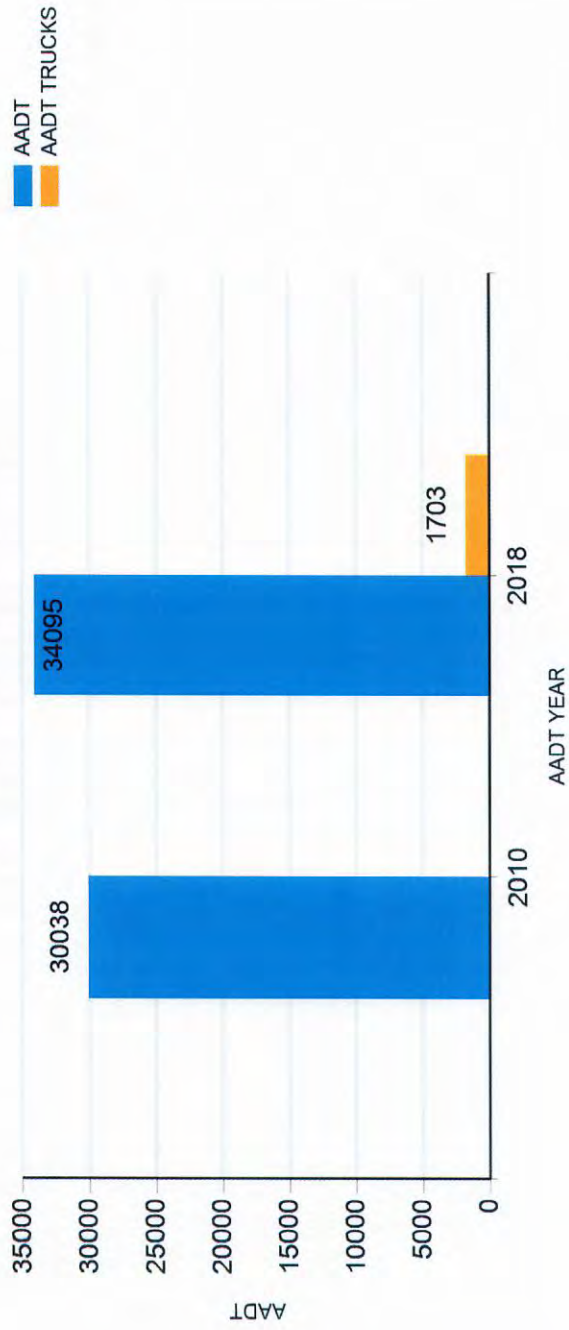
AADT AND AADT TRUCK TREND



AADT and AADT Trucks by Year for 1/1/2009 - 12/31/2018

District	Location ID 4871	At PLEASANT STREET
County Middlesex	Located On MASSACHUSETTS AVENUE	
Community Arlington	LRS ID N086 EB	LRS Point 0.8033987

AADT AND AADT TRUCK TREND





BOSTON | DENVER | JACKSONVILLE | LOS ANGELES

2 SEAPORT LANE, 11<sup>TH</sup> FLOOR  
BOSTON, MA 02210  
TEL: 617.934.2121

December 26, 2019

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

**Re: UPDATES TO APOTHC A INC. SPECIAL PERMIT SUBMISSION TO OPERATE A RETAIL MARIJUANA ESTABLISHMENT AT 1386 MASSACHUSETTS AVENUE**

Dear Chairman Bunnell:

On behalf of Apothca Inc. (“**Apothca**”) and in response to the feedback received by the Arlington Redevelopment Board and Erin Swirko, Assistant Director of the Town of Arlington’s Department of Planning and Community Development, please find the below-listed updates and supplemental materials to Apothca’s application for an Environmental Design Review Special Permit to operate a Marijuana Retail Establishment at 1386 Massachusetts Avenue in Arlington.

**Responses to Materials Requested by the Arlington Redevelopment Board**

**1. Prepare a sign plan that details the attachment method, the lighting, the sign materials, dimensions, etc.**

Please see Exhibit A, which demonstrates the detail of the proposed signage including sign location, design, and dimensions. The sign will be affixed to the interior window utilizing adhesive vinyl. Apothca does not propose lighting to illuminate the sign. The window will not exceed more than 25 percent of the glass to which it is affixed.

**2. Improve the proposed building elevation to include the details of the storefront modifications and any repair or improvements to the facade (i.e., as discussed, there is likely some fading of the facade behind the existing signage).**

Please see the building elevations enclosed hereto as Exhibit A that detail storefront modifications. As noted on the elevations, the building will be pressure washed to provide a uniform experience. Pressure washing will be conducted seasonally as needed to preserve the exterior experience.

**3. Prepare a plan that details the trench drains across the enter/exit drive aisles and rain garden system in the landscaped area.**

Please see the site plan enclosed hereto as Exhibit B. Due to existing site constraints on the parcel, it is not feasible to install a rain garden in the small landscaped area. Apothca has revised the site plan to indicate subtle regrading of the driveway to create low points for the replacement of installation of new particle separators with catch basin grate inlets. Additionally, speed bumps have been integrated into the plan to minimize the amount of stormwater that leaves the site to the public right of way.

**4. Investigate further improvements to the catch basins.**

Please see the site plan enclosed hereto as Exhibit B. Apothca has revised the site plan to indicate subtle regrading of the driveway to create low points for the replacement of installation of new particle separators with catch basin grate inlets. Additionally, speed bumps have been integrated into the plan to minimize the amount of stormwater that leaves the site to the public right of way.

**5. Improve the landscaping plan, including discussing screening solutions (such as improving the existing fence) with the neighbors and plant selections with the Tree Warden.**

Please see the site plan enclosed hereto as Exhibit B, which demonstrates that the southerly and easterly property lines will be screened through the installation of a new wood or vinyl stockade fence. Apothca has not received any correspondence from the Tree Warden, but notes on the plans that all plantings should be approved by the Tree Warden prior to installation. Apothca will make modifications requested by the Tree Warden should he have any. Further, Apothca will address the rodent problem reported by abutters prior to project construction. Apothca will ensure that its construction team utilizes industry standard Integrated Pest Management procedures and, as applicable, pest control vendors, to reduce the likelihood of recolonization or movement to abutting sites.

**6. Add additional lighting for the enter/exit drive aisles.**

Please see the site plan enclosed hereto as Exhibit B, which reflects the lighting modifications requested by the Board. Apothca has also incorporated illuminated pedestrian warning signage at the exit driveway.

**7. Complete the LEED checklist for interiors.**

Please see a LEED checklist, attached hereto as Exhibit C.

**8. Provide more detailed narrative on how medical customers will be served versus recreational customers (especially related to queuing and purchasing).**

Please see a narrative on how medical customers will be served versus recreational customers, attached hereto as Exhibit D.

**9. Prepare a Transportation Demand Management Plan in which you discuss incentives for employees to use public transit and how long term and short term bicycle parking will be accommodated onsite. Section 6.1.5 of the Zoning Bylaw offers some other suggestions on what could be included in a TDM Plan (although framed relative to a parking reduction allowance in the bylaw which can be ignored since you are not requesting that reduction).**

Please see Apothca's Queuing, Parking, and Transportation Demand Management Plan, attached hereto as Exhibit E.

**10. Prepare a Queuing and Parking Management Plan. This should not just be for the high volume days or for the first 30 days, but rather think about worst case scenarios and how you plan to address them with the available space on the site (especially related to crowd control since you will have people and vehicles in the parking lot).**

Please see Apothca's Queuing, Parking, and Transportation Demand Management Plan, attached hereto as Exhibit E.

**Responses to December 9, 2019 Memoranda from the  
Arlington Transportation Advisory Committee**

**11. The TIS uses vehicle trip generation rates for the existing and proposed use from Institute of Transportation Engineers (ITE). The report correctly notes these rates should be used with caution because of small sample size. Specifically the sample size for the existing use is one site and for the proposed use is four (nine in evening peak hour) sites, all located in Colorado and Oregon. Further, the four dispensary sites varied widely in size and number of trips with little correlation between the two. No trip generation information is provided from sites in Massachusetts, which would be more appropriate and should be available from the observations made in Brookline, Salem and Gardner. Another source of trip generation data is Spack Consulting whose weekday morning and evening peak hour rates for dispensaries are 12 and 28 percent, respectively, higher than ITE rates.**

Prior to the Board's hearing, Hayes Engineering, Inc. will provide the Board with an updated Traffic Impact Statement utilizing traffic counts compiled in November 2019 for Apothca's facility in Lynn, Massachusetts.

**12. The TIS (page 4) takes a 50 percent reduction in trips on Mass Ave for pass-by or diverted trips. These are trips that would already be on the adjacent roadway (pass by) or on nearby roadways (diverted). Trips diverted from other roadways in the area would still be added to Mass Ave which is the roadway of critical concern. The only reduction should be for pass-by trips and a reduction of 50 percent for pass-by trips seems very high.**

Prior to the Board's hearing, Hayes Engineering, Inc. will provide the Board with an updated Traffic Impact Statement that outlines the rationale for pass-by or diverted trip figures.

**13. Based on the reduction for pass-by and diverted trips, the report concludes that the number of trips added to Mass Ave will be less than one percent of the existing volume (based on a Massachusetts Department of Transportation count station on Mass Ave at Appleton Street). The analysis is based on daily traffic, but the traffic impact should be analyzed for the morning and evening peak hours when existing traffic volumes are highest and the impact of the dispensary likely greatest. The TAC recently had peak hour traffic counts taken at the Mass Ave/Park Ave intersection and would be happy to share the peak hour volumes entering and exiting Mass Ave west of the intersection to help with the analysis.**

Prior to the Board's hearing, Hayes Engineering, Inc. will provide the Board with an updated Traffic Impact Statement that outlines the rationale for the above mentioned analysis.

**14. On page 4, the TIS states that 13 parking spaces will be provided on site, however, the site plan shows 12 spaces, including one handicap space.**

Prior to the Board's hearing, Hayes Engineering, Inc. will provide the Board with an updated Traffic Impact Statement with corrected parking figures.

**15. Based on customer turnover times between 15 and 20 minutes, the 12-space lot could handle 36 to 48 vehicles in an hour. The report concludes the proposed 12 parking spaces are adequate to meet the projected demand of 33 vehicles in the peak hour based on projected trip generation. However, if the higher trip generation rates cited in comment 1 above are applicable the evening trip generation would be 84 trips, or 42 vehicles. That is the demand if average customer turnover is about 17 minutes.**

Prior to the Board's hearing, Hayes Engineering, Inc. will provide the Board with an updated Traffic Impact Statement utilizing traffic counts compiled in November 2019 for Apothca's facility in Lynn, Massachusetts. This will provide further details relative to peak trip generation figures.

**16. How will parking and traffic be handled if the lot becomes full? What is the status of on-street parking on Mass Ave in the vicinity of the site?**

As outlined in Apothca's Queuing, Parking, and Transportation Demand Management Plan, attached hereto as Exhibit E, in the unlikely instance that the parking lot becomes full, Apothca's parking lot attendant will direct customers to the nearby parking lot in Arlington Center and/or Lexington Center where shuttle busses will be available to transport them. Customers will be encouraged to utilize these shuttles via Apothca's website and social media channels. The shuttles will be operative for at least the first 30 days and continued as needed through continued collaboration with the Arlington Police Department.

There are numerous on-street parking spaces available on Massachusetts Avenue in the vicinity of the site.

**17. Based on the experience of other dispensary openings in Massachusetts, traffic and parking demand should be estimated for an initial period after opening to handle demand**

**beyond that analyzed in the report. This information should be shared with the Arlington Police Department and a plan for handling larger opening crowds developed in cooperation with the APD.**

Please see Apothca's Queuing, Parking, and Transportation Demand Management Plan, attached hereto as Exhibit E. As outlined in the Plan, in the unlikely instance that the parking lot becomes full, Apothca's parking lot attendant will direct customers to the nearby parking lot in Arlington Center and/or Lexington Center where shuttle busses will be available to transport them. Customers will be encouraged to utilize these shuttles via Apothca's website and social media channels. The shuttles will be operative for at least the first 30 days and continued as needed through continued collaboration with the Arlington Police Department.

**18. Will bicycle parking be provided for customers? Is there adequate storage space in the building for inside parking of staff bicycles?**

Please see the site plan enclosed hereto as Exhibit B. Bicycle parking is available on site for customers. Apothca does not seek to offer storage space inside of the building for inside parking of staff bicycles.

**19. On page 4, please note that MBTA bus route 1 does not serve Arlington and the nearest 78 bus stop is not convenient to the site.**

Prior to the Board's hearing, Hayes Engineering, Inc. will provide the Board with an updated Traffic Impact Statement with corrected public transit information.

**20. How does Apothca intend to encourage MBTA use? Will it provide subsidized MBTA passes to its employees?**

Apothca is willing to undertake any of the following traffic mitigation efforts to protect against adverse effects:

- Provide 65% MBTA T-Pass subsidies, up to the federal fringe benefit, to all employees, with a pro-rated incentive for any part-time employees;
- Provide lockers in the break room for employees that walk or bike to work;
- Compile and provide to all employees, including during employee orientation, up to date transportation information explaining all commuter options;
- Participate in transportation-related training offered by the Town of Arlington or a local Transportation Management Association; or
- Designate a Transportation Coordinator to develop and manage the implementation of a Transportation Demand Management plan.

**21. The site plan shows no location for a dumpster. How will trash be handled?**

Business waste will be stored indoors in commercial trash bins and wheeled outside for trash collection on designated pick up days.

**22. How will deliveries to the site be handled?**

Apothca will ensure that all routes used for the transportation of marijuana or marijuana products are randomized and remain within the Commonwealth. Delivery vehicles will be strictly prohibited from unlawful parking activity, including double parking on Massachusetts Avenue. Apothca will have advance notice when a delivery occurs. Due to security concerns, Apothca respectfully requests that logistic information surrounding deliveries, including vehicle locations, security protocol, and frequency, be limited to conversations with the Arlington Police Chief.

**23. There were a few mathematical errors that should be corrected:**

- a. The number 109 in the text following Table 3 should be 143.**
- b. The number 143 in the fourth paragraph on page 4 should be 286.**
- c. Any calculations based on these numbers should be revised**

Prior to the Board's hearing, Hayes Engineering, Inc. will provide the Board with an updated Traffic Impact Statement that has been corrected for any typographical errors.

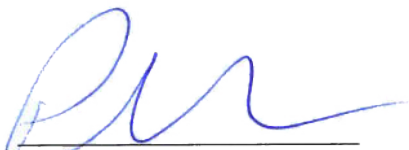
**Additional Project Updates**

Please note that Apothca has also updated its proposed floorplan to enhance operational efficiency and safety. The updated floorplan is enclosed hereto as Exhibit F.

Apothca met with the Arlington Police Department (the "APD") and has incorporated their feedback into the enclosed Queuing, Parking, and Transportation Demand Management Plan, attached hereto as Exhibit E. Apothca will enter into a Memorandum of Understanding with the APD relative to traffic, parking, and crowd control.

Thank you for your attention. Please do not hesitate to contact me directly with further questions or concerns.

Sincerely,



Phil Silverman, Esq.

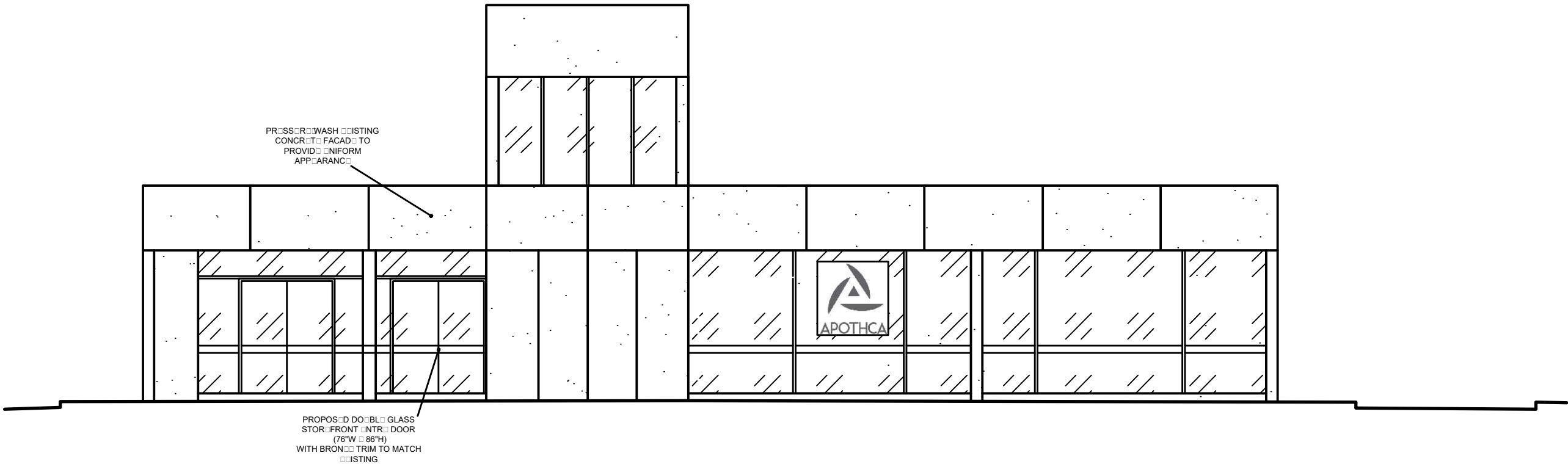
**Exhibit A**

# CONCEPTUAL ELEVATIONS

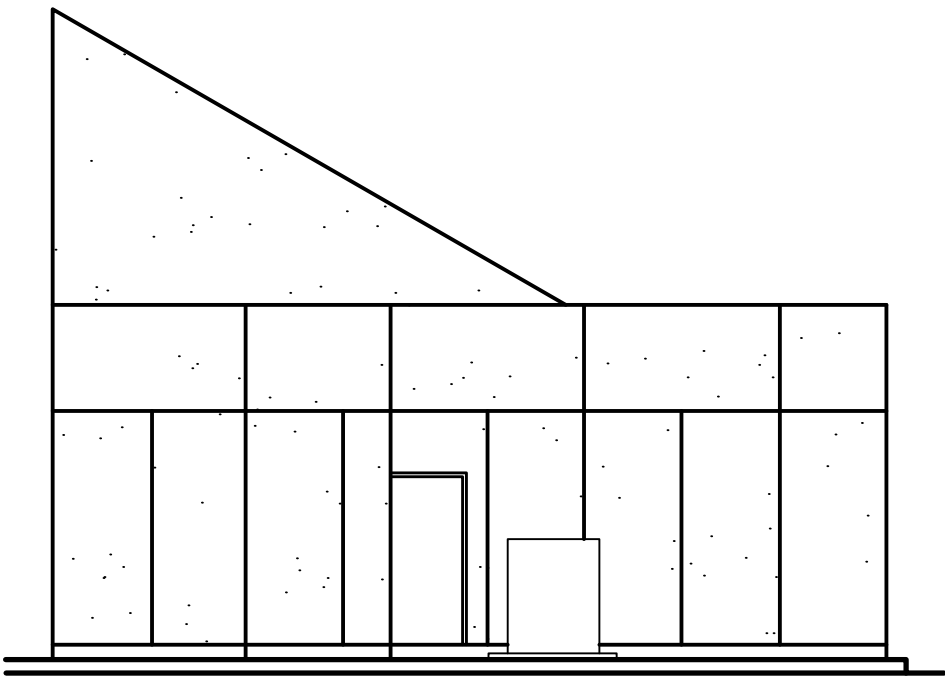
186 MASSACHUSETTS AVENUE ARLINGTON MA

SEPTEMBER 28 2019

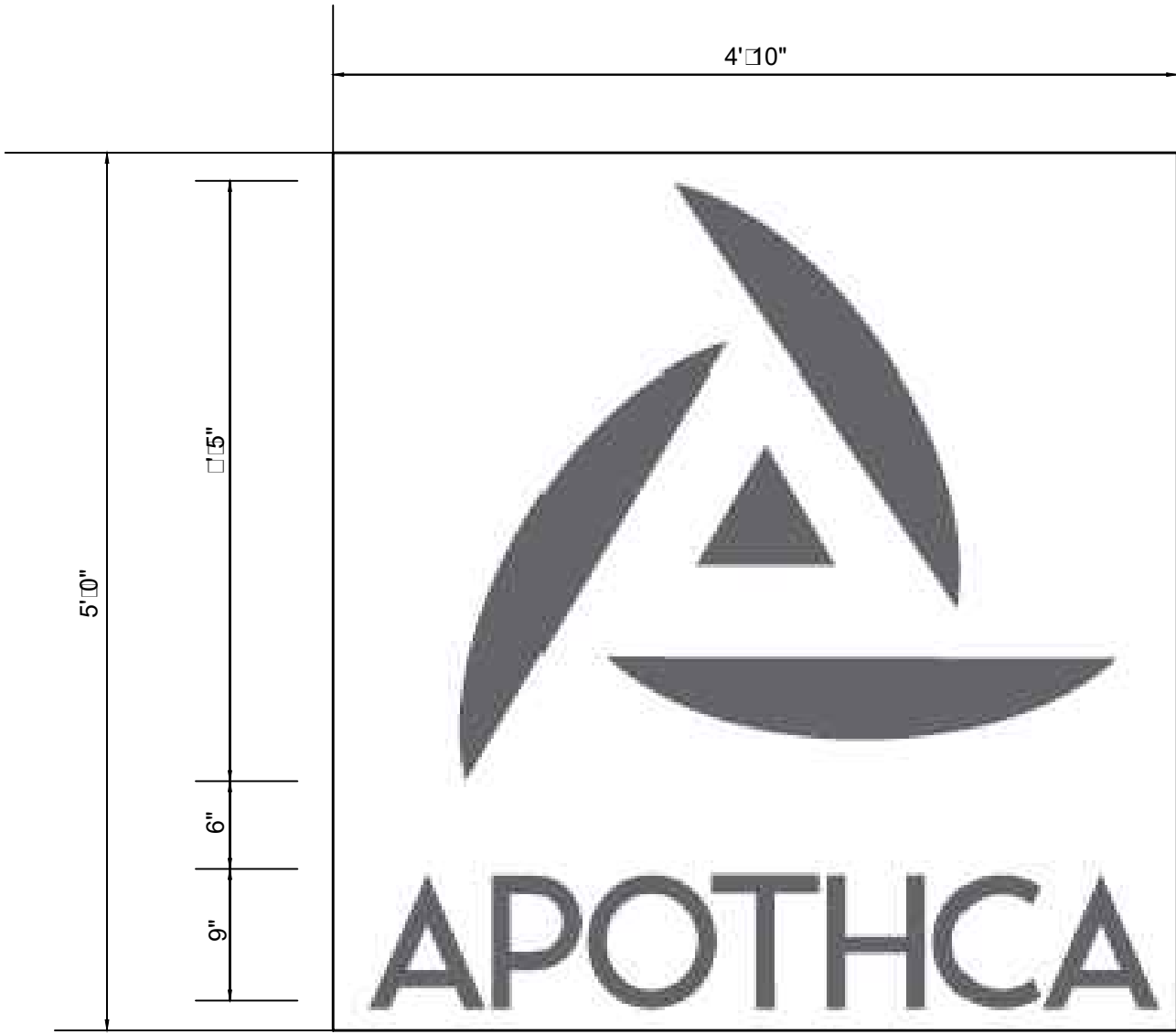
1/8" = 1'-0"



NORTH ELEVATION



WEST ELEVATION



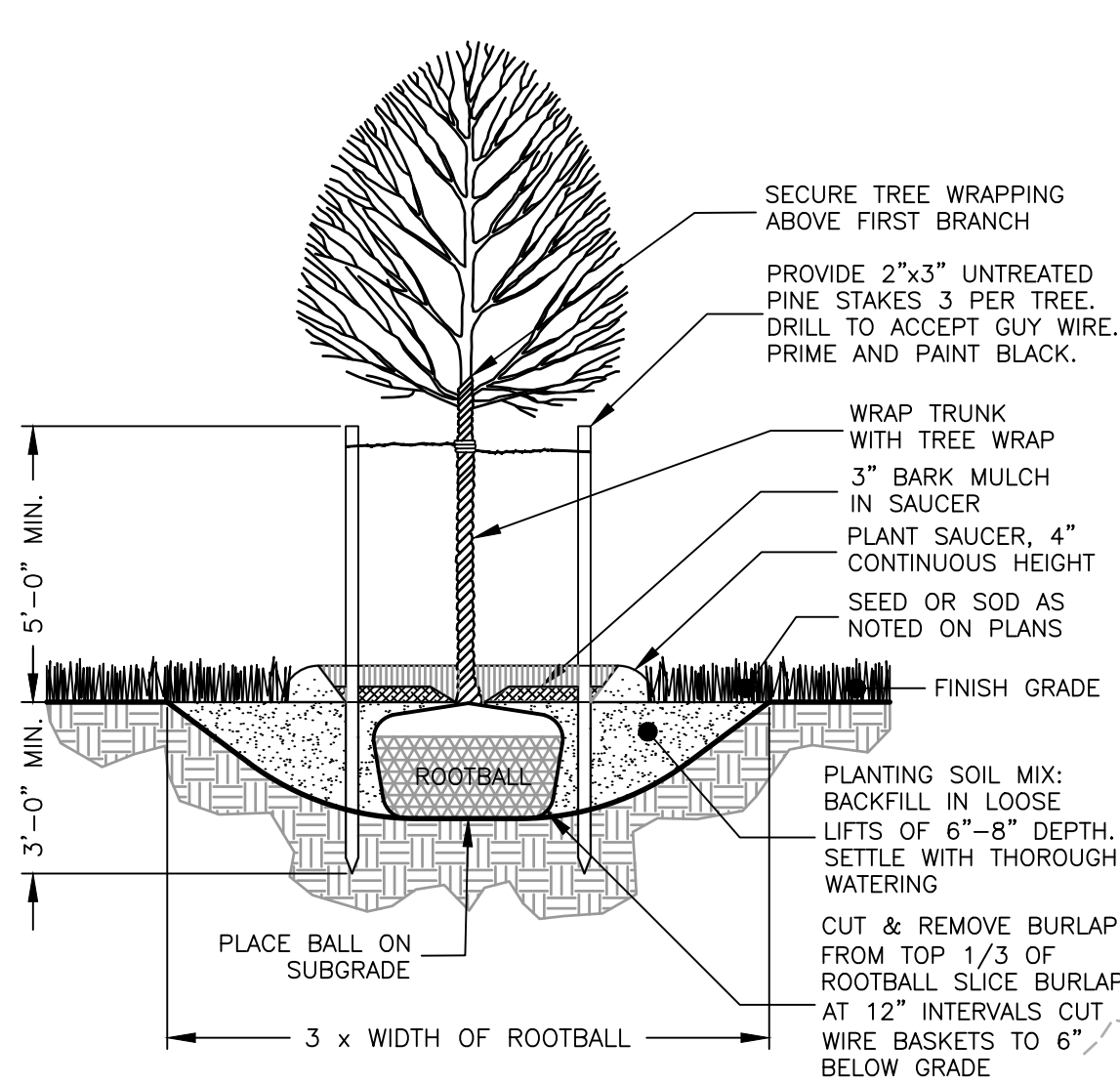
WINDOW SIGN DETAIL  
SCALE 1" = 1'-0"

VINYL SIGN AFFIXED TO WINDOW

10		
9		
8		
7		
6		
5		
4		
3		
2		
1	RELOCATE DOOR/NOTES	12/5/2019
No.	Revision	Date

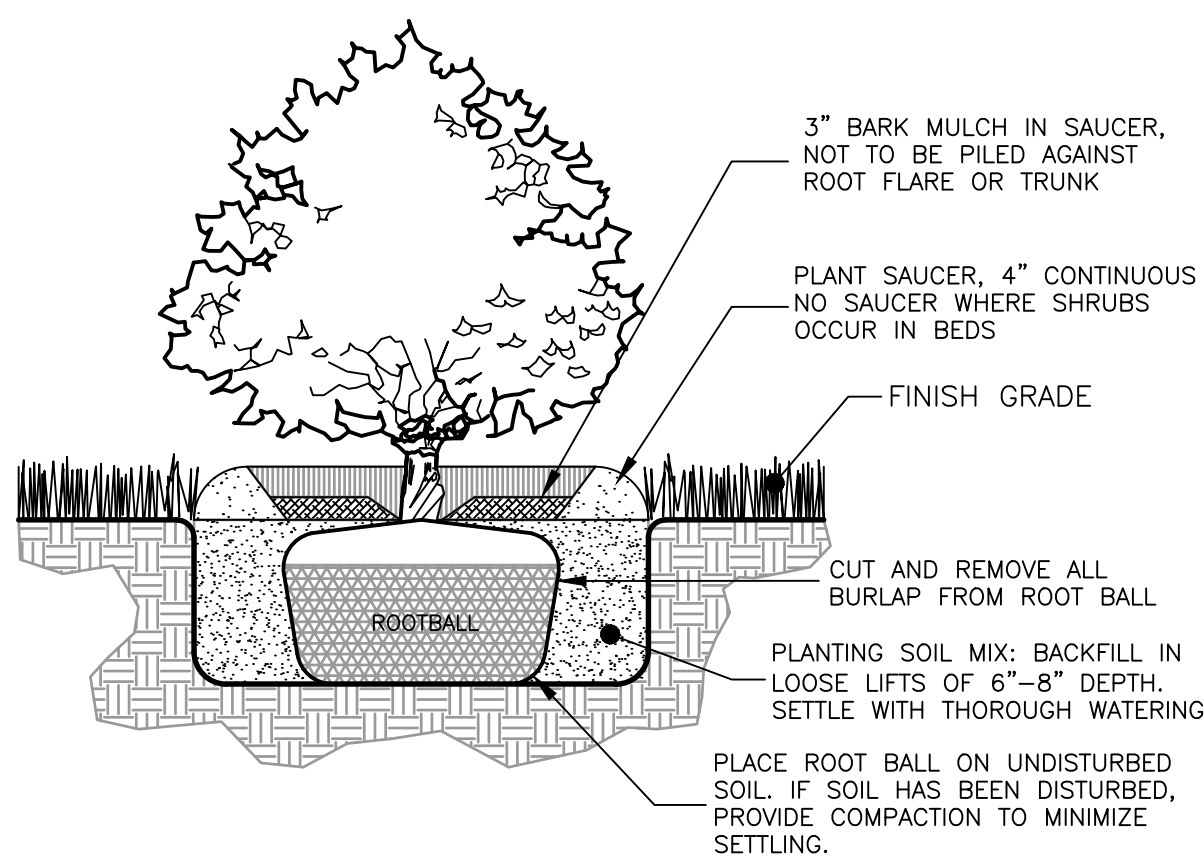
**Exhibit B**





## DECIDUOUS TREE PLANTING

NOTE:  
TREE SHALL BEAR SAME RELATIONSHIP TO FINISHED GRADE AS IT DID TO NURSERY OR  
FIELD GRADE.

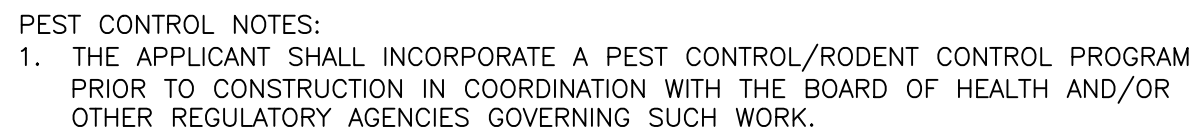


**SHRUB PLANTING**  
NOT TO SCALE

NOTES:

1. SHRUB SHALL BEAR SAME RELATIONSHIP TO FINISHED GRADE AS IT DID TO NURSERY OR FIELD GRADE.
2. WHERE SHRUBS OCCUR IN PLANT BED GROUPINGS, PROVIDE A 12" DEEP MINIMUM CONTINUOUS LOAM BED.

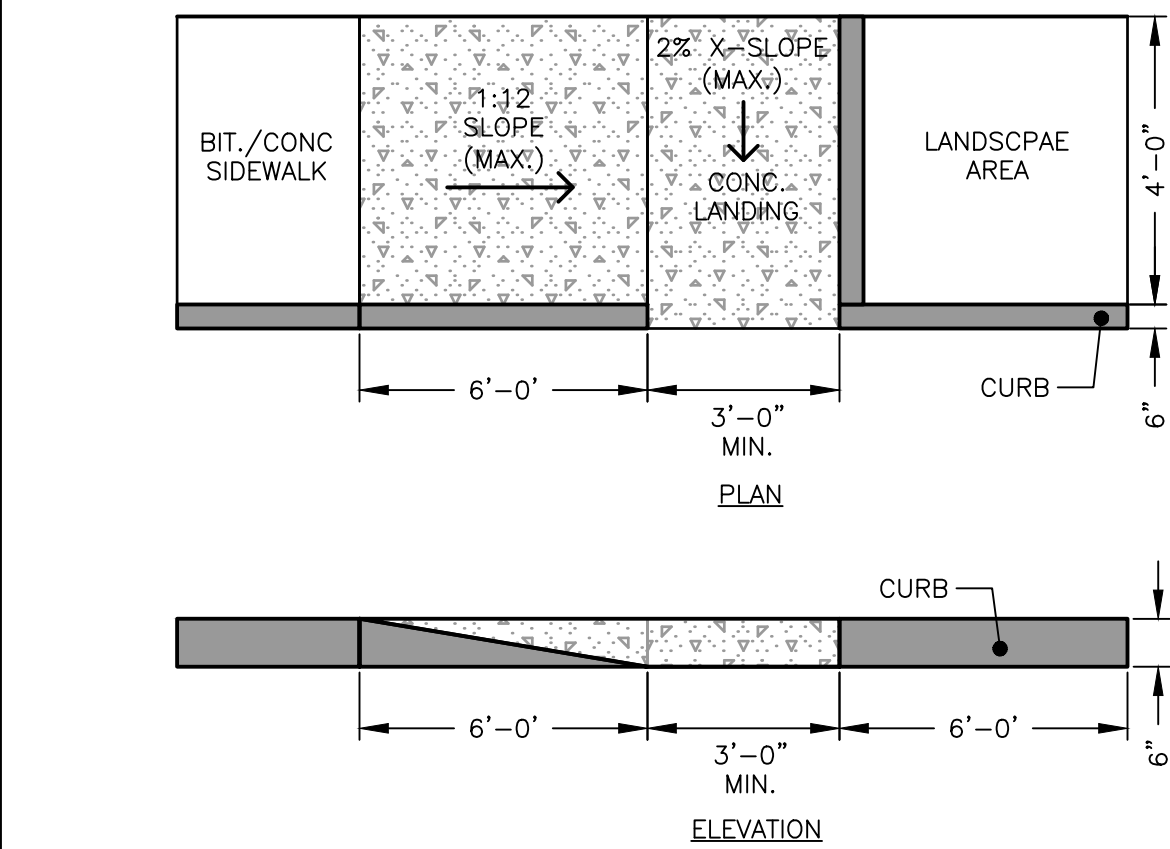
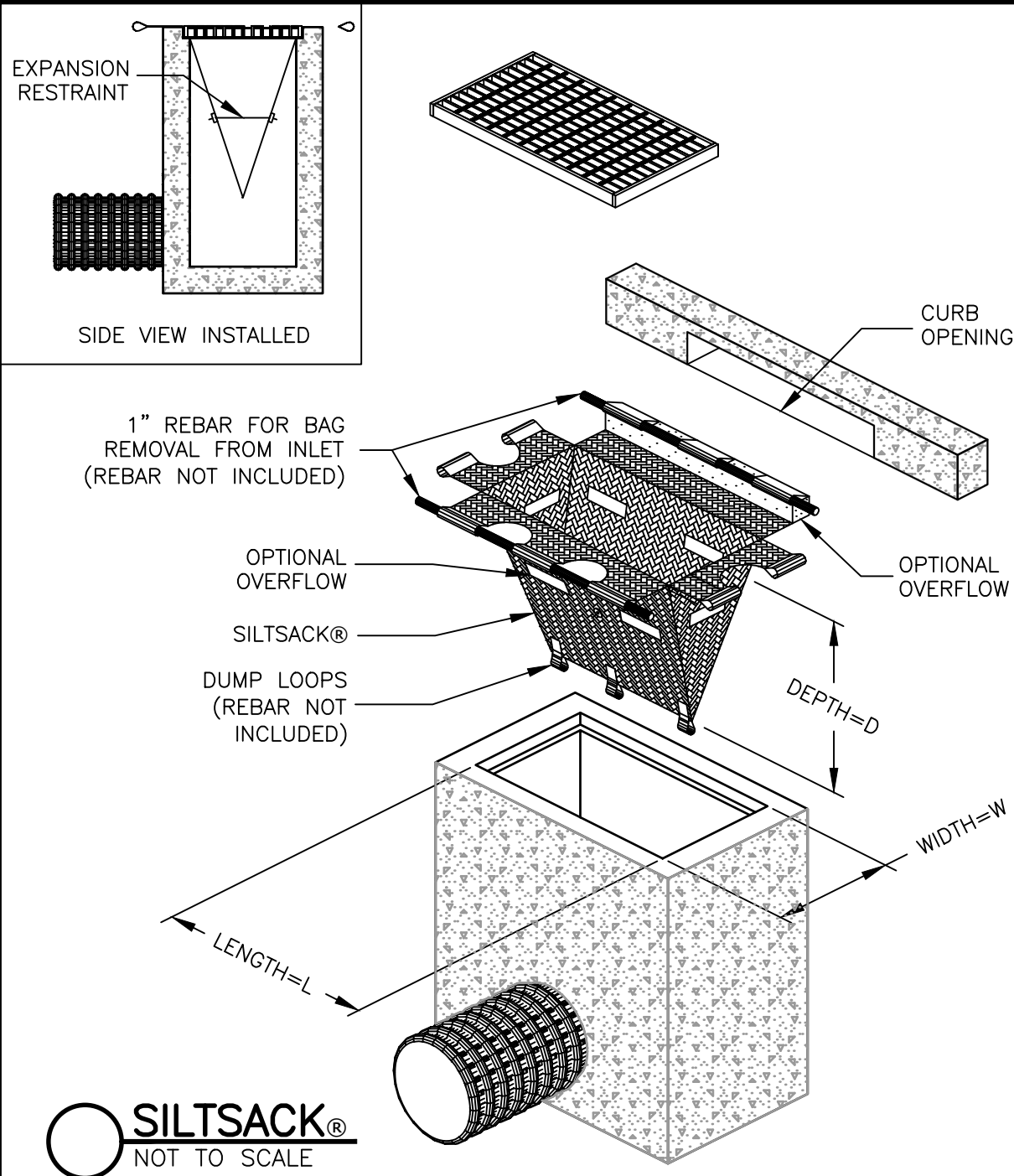
PLANT SCHEDULE NOTES:  
1. PLANT SELECTIONS AND MATERIALS ARE TO BE APPROVED BY THE TOWN OF ARLINGTON TREE WARDEN.



SHEET 2 OF 4

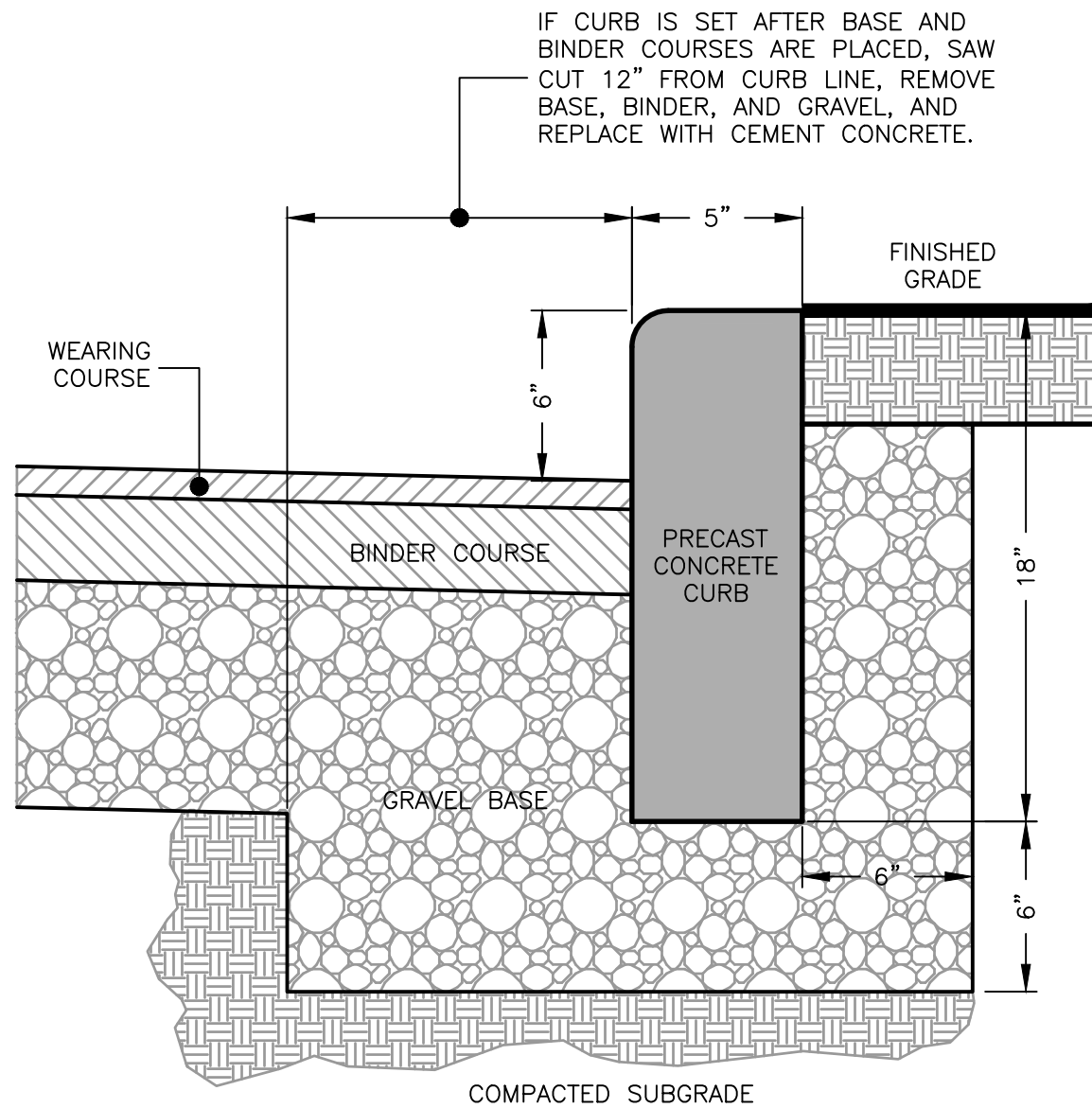
Seal





NOTE:  
WHEELCHAIR RAMP SHALL COMPLY WITH ALL STATE AND FEDERAL RULES AND REGULATIONS.

### WHEELCHAIR RAMP



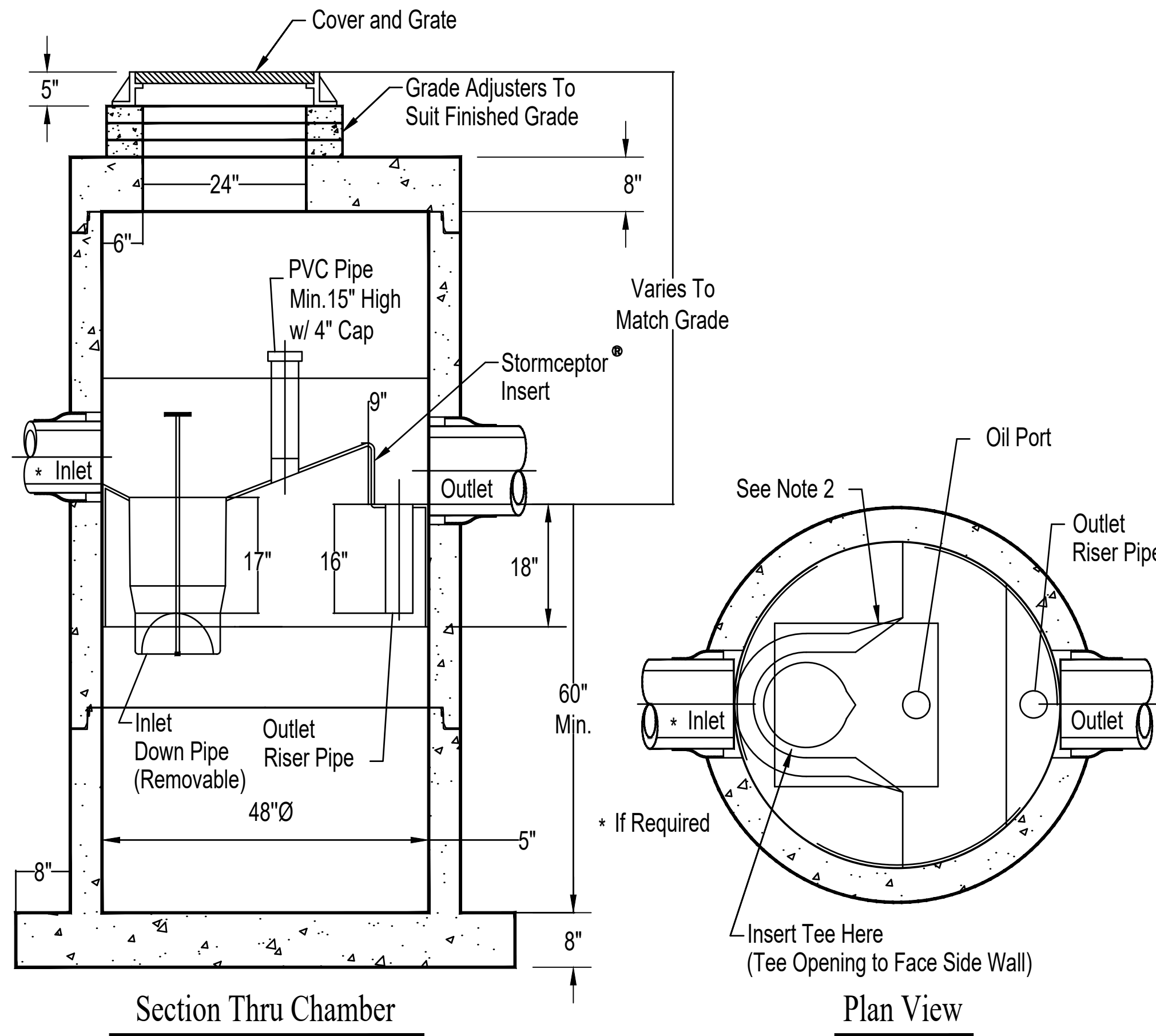
### PRECAST CONCRETE CURB

NOT TO SCALE

Rinker  
MATERIALS™

Concrete Pipe Division

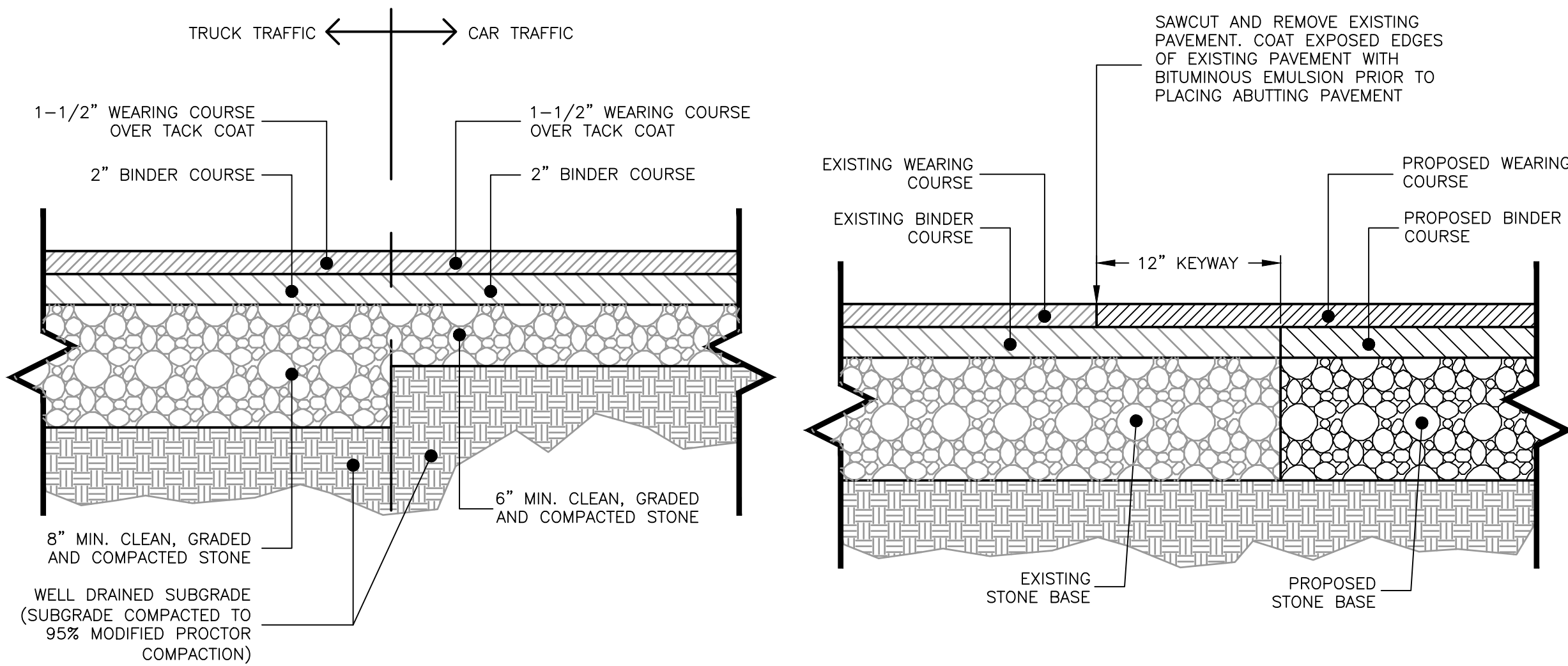
## STC 450i Precast Concrete Stormceptor<sup>®</sup> (450 U.S. Gallon Capacity)



### Notes:

1. The Use Of Flexible Connection is Recommended at The Inlet and Outlet Where Applicable.
2. The Cover Should be Positioned Over The Inlet Drop Pipe and The Oil Port.
3. The Stormceptor System is protected by one or more of the following U.S. Patents:  
#5753115, #5849181, #6068765, #6371690, #7582216, #7666303.
4. Contact a Concrete Pipe Division representative for further details not listed on this drawing.

Rinker 027



### PAVEMENT SECTION

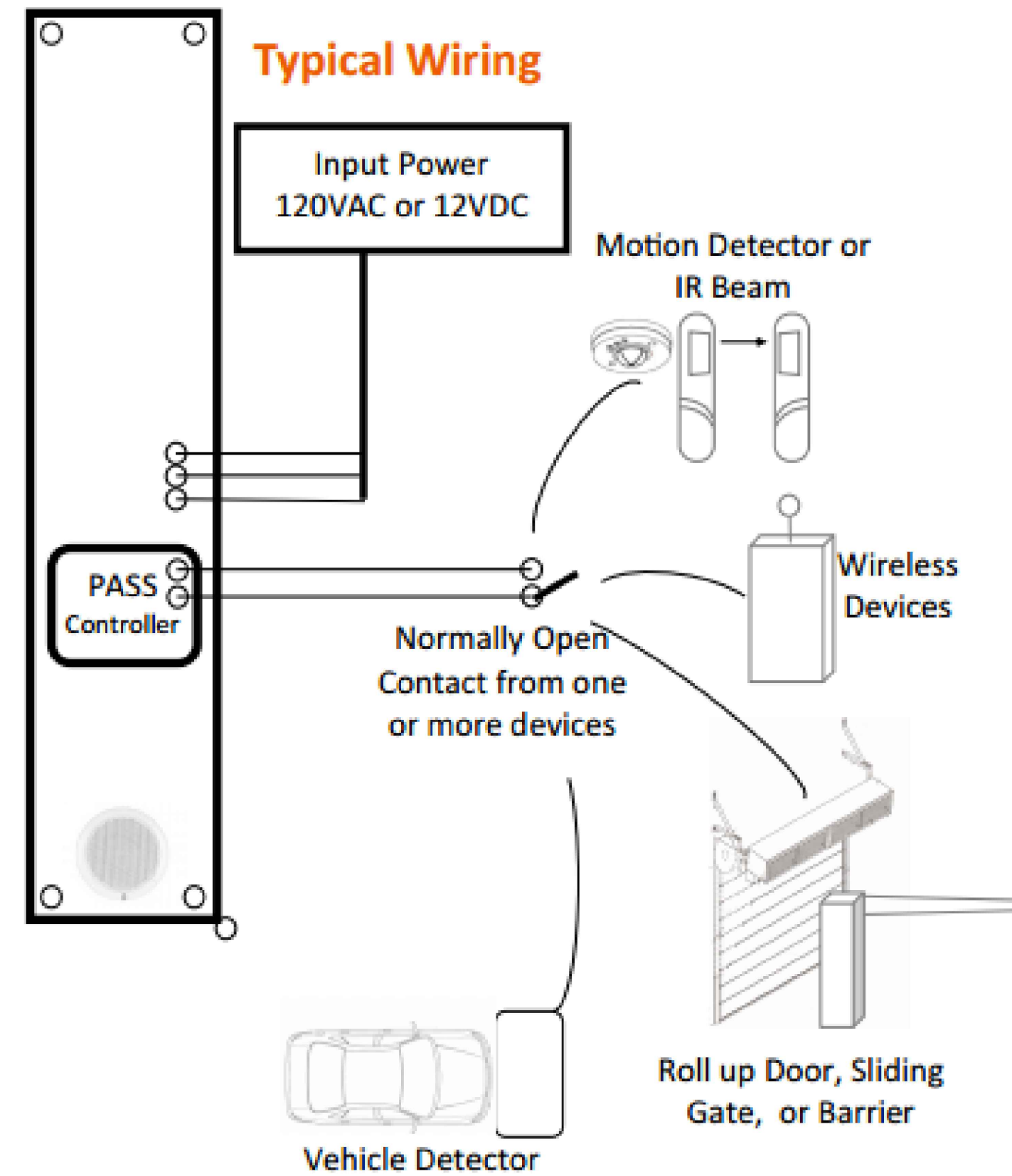
NOT TO SCALE

NOTE:  
THIS PAVEMENT SECTION DETAIL REFLECTS MINIMUM REQUIREMENTS. ENGINEER TO DETERMINE DESIGN  
79 06/2020 ON GEOTECHNICAL DATA.

NOTE:  
THIS PAVEMENT SECTION DETAIL REFLECTS MINIMUM REQUIREMENTS. ENGINEER TO DETERMINE DESIGN  
79 06/2020 ON GEOTECHNICAL DATA.

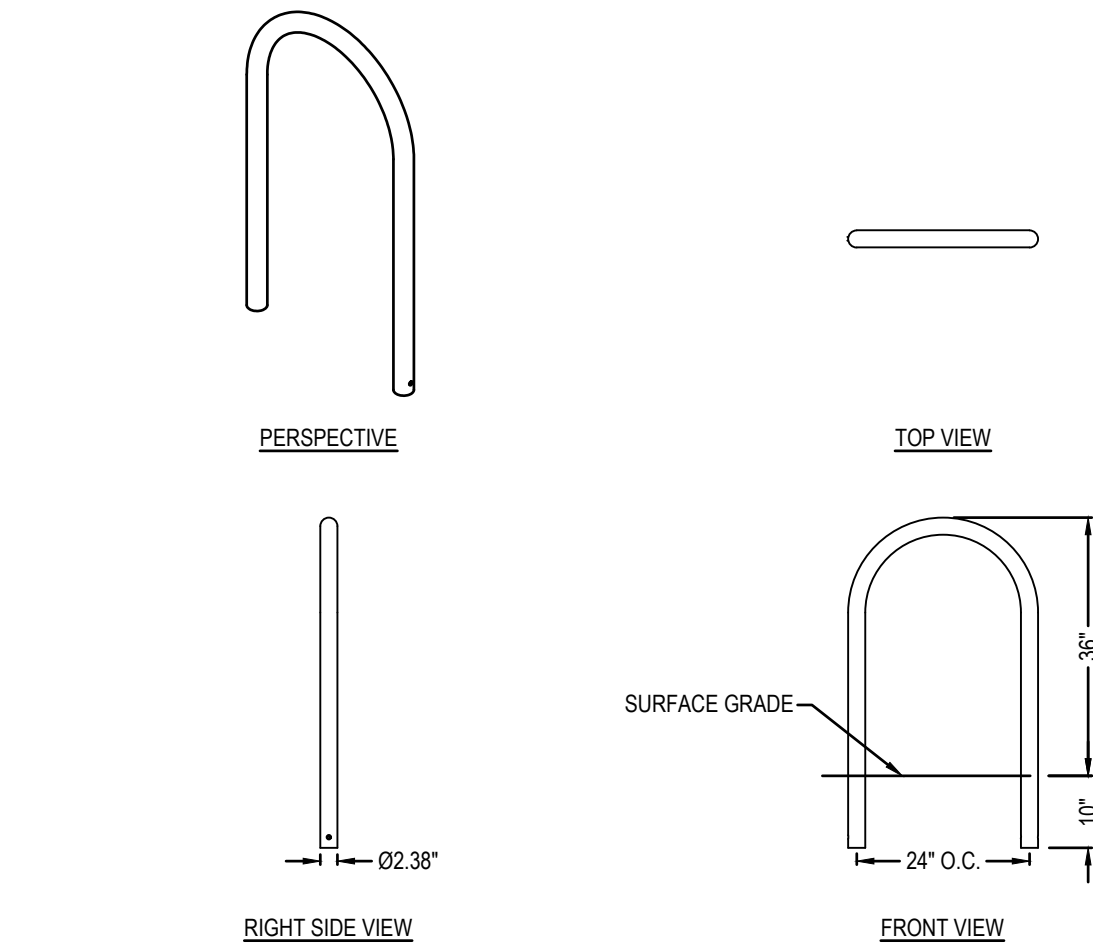
### PAVEMENT KEYWAY

NOT TO SCALE



### PEDESTRIAN ALERT SAFETY SIGN DETAIL

NOT TO SCALE



NOTES:  
1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.  
2. DO NOT SCALE DRAWING.  
3. THIS DRAWING IS INTENDED FOR USE BY ARCHITECTS, ENGINEERS, CONTRACTORS, CONSULTANTS AND DESIGN PROFESSIONALS FOR PLANNING PURPOSES ONLY. THIS DRAWING MAY NOT BE USED FOR CONSTRUCTION.  
4. ALL INFORMATION CONTAINED HEREIN WAS CURRENT AT THE TIME OF DEVELOPMENT BUT MUST BE REVIEWED AND APPROVED BY THE PRODUCT MANUFACTURER TO BE CONSIDERED ACCURATE.  
5. CONTRACTOR'S NOTE: FOR PRODUCT AND COMPANY INFORMATION VISIT [www.CADdetails.com/info](http://www.CADdetails.com/info) AND ENTER REFERENCE NUMBER 4290-136 - SiteScapes Inc. - Model AP2-02-EM, Apex, Inverted U Bike Rack - Two Space Rack.

### APEX BIKE RACK

MODEL AP2-02-EM; APEX, INVERTED U BIKE RACK - TWO SPACE RACK, EMBEDDED MOUNT

Prepared For:

Owner / Applicant  
APOTHICA  
JOSEPH LEKACH  
1985 TYLER STREET  
HOLLYWOOD, FL 33020  
305.741.6540

Prepared By:

Hayes Engineering, Inc.  
1985 TYLER STREET  
HOLLYWOOD, FL 33020  
PH: 781.246.2900  
FAX: 781.246.7596  
[www.hayeseng.com](http://www.hayeseng.com)

Design By: AMC

Drawn By: AMC

Checked By: PJO

Project File: ARL-0017

Comp. No: ARL12

☒ Issued For Permit

☐ Issued For Review

☐ Issued For Bid

☐ Issued For Construction

☒ Not For Construction

No.	Revision	Date
10		
9		
8		
7		
6		
5		
4		
3		
2		
1	ARB COMMENTS	12/16/19

Scale: 1"=10'  
0' 5' 10' 20'  
Date: October 7, 2019

Drawing Title:

DETAILS  
APOTHICA  
1385 MASSACHUSETTS AVENUE  
ARLINGTON, MASS.

Seal:

Drawing No.:

C2

SHEET 4 OF 4

**Exhibit C**



## LEED v4 for ID+C: Commercial Interiors

### Project Checklist

Y ? N

☐ ☐ ☐ Credit Integrative Process

2

#### 8 0 0 Location and Transportation 18

3	<input type="checkbox"/>	<input type="checkbox"/>	Credit	LEED for Neighborhood Development Location	18
2	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Surrounding Density and Diverse Uses	8
2	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Access to Quality Transit	7
1	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Bicycle Facilities	1
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Reduced Parking Footprint	2

#### 2 0 0 Water Efficiency 12

Y	<input type="checkbox"/>	<input type="checkbox"/>	Prereq	Indoor Water Use Reduction	Required
2	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Indoor Water Use Reduction	12

#### 4 0 0 Energy and Atmosphere 38

Y	<input type="checkbox"/>	<input type="checkbox"/>	Prereq	Fundamental Commissioning and Verification	Required
Y	<input type="checkbox"/>	<input type="checkbox"/>	Prereq	Minimum Energy Performance	Required
Y	<input type="checkbox"/>	<input type="checkbox"/>	Prereq	Fundamental Refrigerant Management	Required
4	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Enhanced Commissioning	5
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Optimize Energy Performance	25
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Advanced Energy Metering	2
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Renewable Energy Production	3
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Enhanced Refrigerant Management	1
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Green Power and Carbon Offsets	2

#### 0 0 0 Materials and Resources 13

Y	<input type="checkbox"/>	<input type="checkbox"/>	Prereq	Storage and Collection of Recyclables	Required
Y	<input type="checkbox"/>	<input type="checkbox"/>	Prereq	Construction and Demolition Waste Management Planning	Required
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Long-Term Commitment	1
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Interiors Life-Cycle Impact Reduction	4
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Building Product Disclosure and Optimization - Environmental Product Declarations	2
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Building Product Disclosure and Optimization - Sourcing of Raw Materials	2
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Building Product Disclosure and Optimization - Material Ingredients	2
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Construction and Demolition Waste Management	2

Project Name:

Date:

#### 0 0 0 Indoor Environmental Quality 17

Y	<input type="checkbox"/>	<input type="checkbox"/>	Prereq	Minimum Indoor Air Quality Performance	Required
Y	<input type="checkbox"/>	<input type="checkbox"/>	Prereq	Environmental Tobacco Smoke Control	Required
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Enhanced Indoor Air Quality Strategies	2
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Low-Emitting Materials	3
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Construction Indoor Air Quality Management Plan	1
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Indoor Air Quality Assessment	2
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Thermal Comfort	1
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Interior Lighting	2
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Daylight	3
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Quality Views	1
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Acoustic Performance	2

#### 0 0 0 Innovation 6

	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Innovation	5
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	LEED Accredited Professional	1

#### 0 0 0 Regional Priority 4

	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Regional Priority: Specific Credit	1
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Regional Priority: Specific Credit	1
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Regional Priority: Specific Credit	1
	<input type="checkbox"/>	<input type="checkbox"/>	Credit	Regional Priority: Specific Credit	1

#### 14 0 0 TOTALS Possible Points: 110

**Certified:** 40 to 49 points, **Silver:** 50 to 59 points, **Gold:** 60 to 79 points, **Platinum:** 80+

**Exhibit D**

**Apothca, Inc.**  
**Plan for Separating Recreational from Medical Operations**

Apothca, Inc. (“APOTHCA”) has developed plans to ensure virtual and physical separation between medical and adult use marijuana operations in accordance with regulations promulgated by the Cannabis Control Commission (“CCC”).

Using, Biotrack, a sophisticated and customized seed-to-sale and Point of Sale (POS) software system approved by the CCC, APOTHCA will virtually separate medical and adult-use operations by designating at the point of sale whether a particular marijuana product is intended for sale to a registered patient/caregiver or a verified consumer 21 years of age or older. All inventory and sales transactions will be carefully tracked and documented in these software systems.

In compliance with CCC regulations, APOTHCA will ensure that registered patients have access to a sufficient quantity and variety of marijuana and marijuana products to meet their medical needs. APOTHCA will transfer inventory from its adult-use license to its medical license, based on medical demands, on an as-needed basis to ensure that products offered for adult-use customers are made available to patients. All labeling of marijuana products will comply with the CCC’s medical and adult-use regulations.

Marijuana products reserved for registered patients will be either: (1) maintained on site in an area separate from marijuana products intended for adult use, or (2) easily accessible at another APOTHCA location and transferable to APOTHCA’s retailer location within 48 hours. APOTHCA may transfer a marijuana product reserved for medical use to adult use within a reasonable period of time prior to the product’s date of expiration.

In addition to virtual separation, APOTHCA will provide for physical separation between the area designated for sales of medical marijuana products to patients/caregivers, and the area designated for sales of adult-use marijuana products to individuals 21 years of age or older. Within the sales area, a temporary or semi-permanent barrier, such as a stanchion or other divider, will be installed to create separate, clearly marked lines for patients/caregivers and adult-use consumers. Trained marijuana establishment agents will verify the age of all individuals, as well the validity of any Medical Use of Marijuana Program ID Cards, upon entry to the facility and direct them to the appropriate queue.

Access to the adult-use marijuana queue will be limited to individuals 21 years of age or older, regardless if the individual is registered as a patient/caregiver. Registered patients under the age of 21 will only have access to the medical marijuana queue. Registered patients/caregivers 21 years of age or older will be permitted to access either queue and will not be limited only to the medical marijuana queue.

APOTHCA will have a private area separate from the sales floor to allow a registered patient/caregiver to meet with a trained marijuana establishment agent for confidential consultations about the medical use of marijuana.

**Exhibit E**

**Apothca, Inc.**  
**Transportation Demand and Queuing Management Plan**

Apothca, Inc. (“Apothca”) shares the Town of Arlington’s goals of ensuring that all operations at its Marijuana Retailer Establishment are designed to optimize local safety, minimize impact to the surrounding neighborhood, and allow Apothca to operate harmoniously within the larger Arlington community.

**I. Plan Goals**

1. Ensure the safety of customers, employees, and surrounding abutters.
2. Minimize the impact of traffic flow on adjacent businesses and nearby streets.
3. Facilitate efficient parking lot operations to minimize back up on adjacent streets.
4. Implement efficient appointment systems to reduce initial traffic burdens.
5. Provide information to allow customers to get to/from the facility efficiently and safely.
6. Promote efficient coordination between Apothca, the Arlington Police Department, and the Town of Arlington.
7. Establish open lines of communication with abutters, residents and local businesses.

**II. Site Plan and Parking**

**1. Use of Parking Spaces**

As outlined on the enclosed site plan, the Property has 12 parking spaces available for customer use.

**2. Suitability of Parking Spaces**

As outlined in the enclosed **Traffic Impact Statement**, Apothca anticipates that at its peak hour of weekly operations, 66 trip ends will occur on site, which means that 33 vehicles will seek to utilize the dispensary parking lot. 12 parking spots are available for use at its site. Apothca anticipates that the average customer will be on site for 15 minutes and assumes that, as a result, parking spaces should only be assumed as occupied during that duration of time. **As such, Apothca respectfully submits that it has appropriate on-site parking to meet the demand of peak hourly traffic.**

<b>Average Transaction Time</b>	<b>Peak Hour Customer Parking Requirements</b>	<b>Hourly Parking Availability (Assuming 15 min visit)</b>
15 minutes (0.25 hr) – 4 turns	<b>33 spaces will be required</b> at Apothca’s parking lot at its peak hour of operations	12 spaces * 4 turns = <b>48 spots are available</b> at Apothca’s parking lot each hour

Based on the Traffic Impact Statement provided by Hayes Engineering, Apothca estimates that only eight customer vehicles will be on site at any given time with 12

parking spaces available for use in the lot, leaving a surplus of parking available that can accommodate any fluctuations at the site.

Apothca will provide shuttle services from Arlington Center and Lexington Center to accommodate any overflow that should arise. In the unlikely instance that the parking lot becomes full, Apothca's parking lot attendant will direct customers to the nearby parking lot in Arlington Center and/or Lexington Center where shuttle busses will be available to transport them. Customers will be encouraged to utilize these shuttles via Apothca's website and social media channels.

### **3. Parking Lot Management**

For the first one (1) month of operation or as long is deemed necessary by Apothca, the Arlington Police Department, and Town officials, Apothca will seek to employ police details in areas designated by the Arlington Police Department to control and direct traffic in front of the proposed facility and ensure the safe traverse of customers across the parking lot.

For the first one (1) month of operation or as long as is deemed necessary by Apothca and Town officials, Apothca will employ parking lot attendants to allow for the safe and efficient flow of customers in and out of the parking lot. The parking lot attendants will direct customers to available parking spaces to eliminate backups occurring in and out of the lot and assist in ensuring that customers safely traverse the parking lot when walking in and out of the facility. Apothca will also seek to utilize attendants during the beginning of Arlington's tourism seasons. If the Police Chief determines that high demand requires the assistance of parking attendants, the Police Chief will confer with the company and obtain the company's response as to an appropriate plan

Apothca will designate a marked area of the parking lot for ride share operations such as Uber or Lyft to reduce inefficiencies within the parking lot.

On its website and in any external communications, Apothca will clearly note that parking in adjacent residential properties is prohibited, including but not limited to Paul Revere Road, and will be subject to law enforcement action.

### **4. Product Delivery**

Apothca will ensure that all routes used for the transportation of marijuana or marijuana products are randomized and remain within the Commonwealth. Delivery vehicles will be strictly prohibited from unlawful parking activity, including double parking on Massachusetts Avenue. Apothca will have advance notice when a delivery occurs. Due to security concerns, Apothca respectfully requests that logistic information surrounding deliveries, including vehicle locations, security protocol, and frequency, be limited to conversations with the Arlington Police Chief.

### **III. Interior Facility Capacity and Management**

#### **1. Indoor Capacity**

Apothca's floor plan has been designed to accommodate high volume customer counts while protecting consumer privacy, optimizing customer experience, and preserving the flow throughout the retail facility.

Oversight over the number of customers in the facility will be the responsibility of security staff stationed at the entry and exit points of the facility. Staff will utilize a digital tally system for an accurate count of who is in the facility at any given time.

#### **2. Queuing**

Apothca will not allow physical queuing via lines on the outside of the facility. Instead, Apothca will employ a customer waiting system similar to what is used in restaurants. This system will be activated whenever Apothca is within five (5) customers of hitting capacity. Apothca anticipates utilizing an online queuing system such as Qminder to monitor the number of customers in the facility and customers awaiting service, which works utilizing the following protocols:

- a. Entry and exit attendees maintain constant facility counts utilizing cloud- based tally systems to have an accurate accounting of capacity limits at all times;
- b. When the facility is within five (5) customers of hitting capacity, Apothca will begin utilizing the online queuing system. Five spaces will be maintained to allow customers who walked into the facility to the waiting area. Medical customers will not be required to wait.
- c. When seeking entry, the attendant will notify the customer that they are on the wait list and asked to wait in their vehicle. Customers will be offered an anticipated wait time and notified via cell phone or buzzer when they may enter the facility. Customers who indicate that they walked or biked will be asked to wait inside the facility.

#### **3. Customer Flow**

##### *Entry Vestibule:*

In accordance with 935 CMR 500.140(3), access to Apothca's facility is limited to individuals 21 years of age and older or patients with an active Medical Use of Marijuana Program card.

Upon a customer's entry into the entry vestibule, an agent will immediately register their entry into the digital tally system and visually inspect the customer's proof of identification and determine the individual's age. An individual will not be admitted to

the premises unless the staff member has verified that the individual is an appropriate age to enter the facility.

#### *Retail Floor:*

Once inside the retail area, adult use customers will enter a queue to obtain individualized service where they may select any of the products available to them with the help of a Apothca agent. An Apothca agent will remain permanently stationed at the queue to assist in directing them, as desired, directly to a point of sale terminal or to the dispensary floor for a personalized discussion with an agent. Customers and patients can request a discrete patient consultation in a separate area of the facility.

Upon checkout, customers will be required to confirm their identities and age a second time. Checkout also activates the seed-to-sale tracking system that is compliant with 935 CMR 500.105(8). In the event an agent determines an individual would place themselves or the public at risk, the agent will refuse to sell any marijuana products to the consumer. Customers will then leave the facility and return to their place of origin. On-site consumption is strictly prohibited on site, including in personal vehicles.

#### **IV. Traffic Information**

Apothca will be sure to include clearly marked information about appointment-only periods, traffic and parking for its Arlington facility on its website and social media channels. Although Apothca does not anticipate conducting any outbound media activities, it will include information about appointment requirements, traffic, and parking in its responses to inbound media requests should it receive any. On its website and in any external communications, Apothca will clearly note that parking in adjacent residential properties is prohibited, including but not limited to Paul Revere Road, and will be subject to law enforcement action.

Apothca will also provide this information to the Town of Arlington and the Arlington Police Department to post or share at its discretion.

Prior to opening, Apothca will communicate with other tenants of the property and send a mailing to the neighborhoods closest to the establishment to inform them about opening procedures and provide contact information that they may utilize to receive additional information or alert Apothca's management team about system inefficiencies.

Although Apothca does not anticipate that the proposed use will result in any adverse traffic impacts, Apothca is willing to undertake any of the following traffic mitigation efforts to protect against adverse effects:

- Provide 65% MBTA T-Pass subsidies, up to the federal fringe benefit, to all employees, with a pro-rated incentive for any part-time employees;

- Provide lockers in the break room for employees that walk or bike to work;
- Compile and provide to all employees, including during employee orientation, up to date transportation information explaining all commuter options;
- Provide customers with information regarding transportation options to access the facility;
- Provide and maintain information on its website and other distributed material on how to access the facility by all modes of transportation, with an emphasis on non-automobile modes;
- Participate in transportation-related training offered by the Town of Arlington or a local Transportation Management Association; or
- Designate a Transportation Coordinator to develop and manage the implementation of a Transportation Demand Management plan.

## **V. Plan Evaluation**

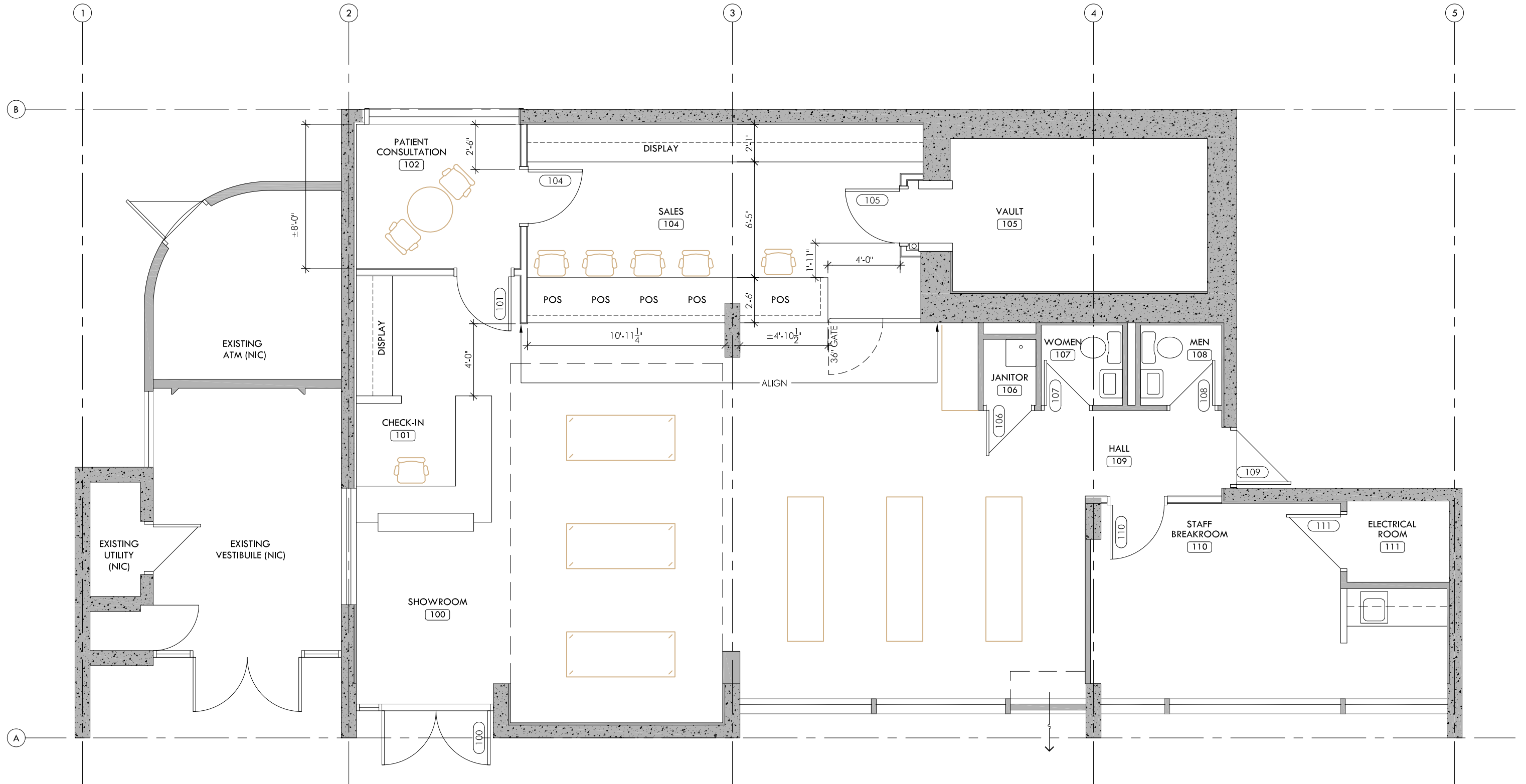
Apothca respectfully requests the opportunity to meet with representatives from the Town of Arlington and the Arlington Police Department to discuss traffic and queue management at the following times:

- 30 days prior to opening the facility;
- One week prior to opening the facility;
- One week after opening;
- Two weeks after opening or as needed in the month following opening;
- Two months following opening;
- Six months following opening; and
- Additionally at the discretion of Apothca, the Town of Arlington, and the Arlington Police Department.

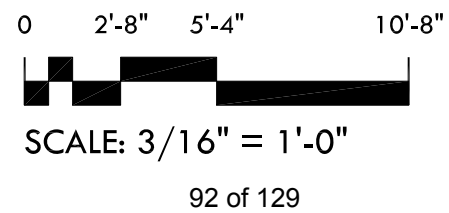
Apothca will enter into a Memorandum of Understanding with the Arlington Police Department relative to traffic, parking, and crowd control.

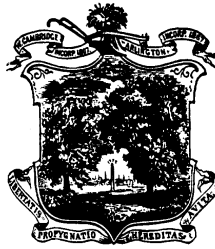
Apothca anticipates making thoughtful, continued modifications to this plan to ensure the facility is operating efficiently, safely, and in harmony with the surrounding community.

**Exhibit F**



**1386 Massachusetts Avenue**  
**Arlington MA**  
**11/6/2019**





**Town of Arlington, Massachusetts**  
Department of Planning & Community Development  
730 Massachusetts Avenue, Arlington, Massachusetts 02476

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## **Public Hearing Memorandum**

*The purpose of this memorandum is to provide the Arlington Redevelopment Board and public with technical information and a planning analysis to assist with the regulatory decision-making process.*

**To:** Arlington Redevelopment Board

**From:** Jennifer Raitt, Secretary Ex Officio

**Subject:** Environmental Design Review, 1386 Massachusetts Avenue, Arlington, MA  
Docket #3610

**Date:** November 12, 2019

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### **I. Docket Summary**

This is an application by Joseph Lekach for Apothca to establish a co-located marijuana retailer and a medical marijuana treatment center at 1386 Massachusetts Avenue within the B3 Village Business District. The Special Permit is to allow the Board to review and approve the proposed project, under Section 3.4, Environmental Design Review, and Section 8.3, Standards for Marijuana Uses.

The Town of Arlington adopted zoning amendments to address the sale of marijuana products to adults during Special Town Meeting on December 5, 2018. The zoning amendments created new definitions, new use categories, and standards. The standards include the buffers that are required from kindergarten through grade twelve public and private schools, public libraries, and town-owned playgrounds and recreational facilities. Additionally, the standards required a 2,000-foot distance between other recreational or medical facilities. Finally, the standards limited the number of marijuana retailers within Arlington to three.

Apothca currently operates a medical marijuana treatment center on Water Street in a multi-tenant building. In order to establish a co-located dispensary, Apothca identified and secured a lease for the building at 1386 Massachusetts Avenue where both retail and

medical sales could occur and is compliant with the standards established by the amendments adopted in December 2018.

In May, the Select Board opened a process through which the Board would determine which operators would be awarded a Host Community Agreement. Apothca applied with the intent to co-locate marijuana retail and a medical marijuana treatment center at 1386 Massachusetts Avenue. The site was deemed compliant with the zoning bylaw. The Town awarded Apothca a Host Community Agreement. Since receiving the Host Community Agreement, Apothca has started the state permitting process with the Cannabis Control Commission. In addition to seeking the EDR Special Permit from the ARB, Apothca will need to apply for an Operating Permit from the Arlington Board of Health.

Materials submitted for consideration of this application:

- Application for EDR Special Permit,
- Narrative,
- Site Plan, Landscaping Plan, and Lighting Plan dated October 7, 2019;
- Proposed Floor Plan and Elevations dated September 28, 2019;
- Original Elevations dated March 18, 1974;
- Traffic Impact Analysis dated October 7, 2019;
- Apothca Security Policies and Procedures; and,
- Memo on LEED practices and checklist dated October 15, 2019.

## II. Application of Special Permit Criteria (Arlington Zoning Bylaw, Section 3.3)

### 1. Section 3.3.3.A.

**The use requested is listed as a Special Permit in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.**

The Applicant proposes a co-located marijuana retailer and a medical marijuana treatment center. Within the B3 Village Business District, marijuana uses require a Special Permit. The type of use specifically triggers the Environmental Design Review Special Permit from the Redevelopment Board per Section 3.4.2. The Board can find that this condition is met.

### 2. Section 3.3.3.B.

**The requested use is essential or desirable to the public convenience or welfare.**

Arlington, voted “yes” on the 2016 ballot question related to adult-use marijuana meaning the community supported adult-use marijuana. Although the ballot question passed statewide in 2016, the state had only established a process for reviewing and licensing medical marijuana treatment centers but not for how to process and administer new recreational facilities. While Massachusetts municipalities awaited regulations from the state, Arlington adopted a temporary moratorium in order to plan for future zoning amendments. Once regulations were

issued, Arlington formed a Marijuana Study Group to help draft zoning amendments for a Special Town Meeting in December 2018. Town Meeting adopted zoning regulations that would regulate retail marijuana establishments and medical marijuana treatment centers.

Following the desire of the community, the zoning amendments allowed both recreational and medical establishments along major corridors, in commercial centers, and accessible by public transportation. The zoning amendments placed appropriate buffers from sensitive land uses and schools on the use and limited the density of this type of use within the community.

The location of this co-located marijuana retailer and medical marijuana treatment center meets the requirements of the zoning amendments, acts on the majority vote of Arlington in 2016 regarding recreational use of marijuana, and maintains important access to medical products for those who require it. The Board can find this condition met.

**3. Section 3.3.3.C.**

**The requested use will not create undue traffic congestion or unduly impair pedestrian safety.**

The Traffic Impact Analysis provided by the Applicant seems mismatched with the likely demand that will be generated from the co-location of a marijuana retailer and medical marijuana treatment center, particularly in an area that is devoid of adult-use retailers. Further detailed discussion is provided under the Environmental Design Review criterion 4.

The analysis provided in the application materials indicates that the reconfigured parking lot and floor plan can accommodate over 100 customers per hour. However, without a better analysis of how to best utilize the project site to handle parking and customer queueing, the proposed use may create traffic congestion and impair pedestrian safety and accessibility.

The Applicant should provide a Parking and Queue Management Plan that clearly indicates how the property will be utilized and how all traffic will be managed. This also requires consultation and regular meetings with the Arlington Police Department.

**4. Section 3.3.3.D.**

**The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.**

While it appears that the existing ATM will remain on site, the proposed use is different than the current retail use on the project site. With proper security and

management as provided, the proposed use should not unduly subject the immediate area to hazards affecting health, safety, or the general welfare of the immediate area. Because no cultivation or processing will be taking place onsite, this co-located establishment will not demand more water or sewer usage than any other retail business. The Board can find this condition met.

**5. Section 3.3.3.E.**

**Any special regulations for the use as may be provided in the Bylaw are fulfilled.**

Section 8.3, Standards for Marijuana Uses, applies to this use. The project site is outside of any required buffers from sensitive land uses and is beyond 2,000 feet from any other marijuana retailer or medical marijuana treatment center. The Board can find that this condition is met.

**6. Section 3.3.3.F.**

**The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.**

The December 2018 Special Town Meeting adopted regulations for marijuana establishments including allowing the use to be established in the B3 Village Business District. The proposed location at 1386 Massachusetts Avenue is located outside of any buffers around sensitive land uses as adopted by the Special Town Meeting as well. The Cannabis Control Commission has stringent requirements regarding the operation of marijuana establishments including modest signage and prohibiting the visibility of product from outside of the establishment and on-site consumption of product. The Board can find that this condition is met.

**7. Section 3.3.3.G.**

**The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.**

The use will not be in excess or detrimental to the character of the neighborhood. Additionally, should this co-located establishment be approved by the local permitting authorities and the Cannabis Control Commission, the Zoning Bylaw applies a 2,000-foot density buffer around this property. Therefore, future marijuana retailers or medical marijuana treatment centers will not be able to cluster within the Arlington Heights business districts. Beyond Arlington, the nearest operating co-located dispensaries are in Newton and Brookline. The Board can find that this condition is met.

III. Environmental Design Review Standards (Arlington Zoning Bylaw, Section 3.4)

1. EDR-1 Preservation of Landscape

**The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.**

The existing site condition is primarily impervious. At the rear of the site, there is some vegetation growing on the slope between the rear of the parking lot and the abutters on Paul Revere Road. There is also a large retaining wall that is built into the slope. This retaining wall will remain, but some of the existing vegetation will be removed in order to reconfigure the parking lot to gain additional parking spaces. New vegetation will be planted behind and in front of the existing retaining wall. The landscaping plan lacks detail in what vegetation will be removed and what will be newly planted. The Applicant should improve the landscaping plan to include the requested details.

2. EDR-2 Relation of the Building to the Environment

**Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of the existing buildings in the vicinity that have functional or visible relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on the abutting property in an R0, R1 or R2 district or on public open space.**

The proposed co-located marijuana retailer and medical marijuana treatment center will be established in an existing building in the Arlington Heights business district. There are no additions proposed to the existing building, although a new entry way will be installed on the front elevation. The Board can find that this condition is met.

3. EDR-3 Open Space

**All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing by the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility and facilitate maintenance.**

The landscaped open space requirement is 10% for this permitted use. There is no usable open space requirement for a non-residential use. The proposal will marginally improve the landscaped open space on the site from 14.4 percent to 14.6 percent. The Applicant proposes to remove existing areas of concrete and replace it with landscaping and adding plantings at the rear of the property. The Board can find that this condition is met.

**4. EDR-4 Circulation**

With respect to vehicular and pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 6.1.12 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

There are seven existing parking spaces on the site. The application materials indicate that the rear parking lot would be reconfigured in order to provide 12 parking spaces, which is in excess of the requirement for a retail use:

<b>Parking Requirement</b>			
<b>Use</b>	<b><u>Square Footage</u></b>	<b><u>Zoning Requirement</u></b>	<b><u>Total Parking Required</u></b>
<b>Retail</b>	<b>2,184 sf</b>	<b>1/300 sf*</b>	<b>8 spaces</b>
<b>Total Parking</b>			<b>8</b>
<b>Total Parking Proposed</b>			<b>12</b>

The application materials lack a clear description of how customer queuing and parking will be controlled at this facility for both recreational and medical customers. While a number of adult-use retailers have opened in the Greater Boston area, the location in Arlington is poised to have increased demand and attract customers from areas to the north of the community who may not want to travel south into Newton or Brookline or north to Lowell to purchase the products.

The Traffic Impact Analysis provided by the Applicant shows an increase in trips to the property in comparison to the existing use. The trip generation analysis found that there will be 23 weekday a.m. peak hour vehicles and 33 weekday p.m. peak hour vehicles. Based on reconnaissance done at other retailers in the Greater Boston area, the p.m. peak hour is described as 11 a.m. to noon and the p.m. peak hour is described as 6 p.m. to 7 p.m. Weekend daily trips are estimated as 570 trips.

While the Traffic Impact Analysis found that the daily increase of trips on Massachusetts Avenue would have a negligible impact due to the usage of this roadway, the limited off-street parking (even with the reconfiguration) appears inadequate to handle the flow of customers. The analysis also indicates that visits will be between 15 to 20 minutes allowing the parking spaces to turn over 3 to 4 times per hour and thereby able to accommodate the weekday p.m. peak hour of 33 vehicles.

The floor plan includes an interior vestibule that can be used for queuing. The Applicant estimates that 35 to 40 people can occupy the floorplate, and with an average transaction time of 15 minutes, 105 to 160 customers can be served each hour. It should be noted that only 15 people at a time can queue within the interior vestibule; the remaining 20 to 25 people would be on the sales floor. The application materials indicate that queuing would not be allowed on the public sidewalk, and would be accommodated on the private sidewalk leading toward the rear of the property. It should be noted that this also appears to be the accessible route to enter the building, and people queuing along this sidewalk may impede accessibility.

The Traffic Impact Analysis should more properly project demand. To that end, the Applicant should provide a more critical analysis of parking and queue demands:

1. The analysis indicates that most employees take public transportation; however, the Applicant should consider providing off-site parking for employees in order to fully utilize the on-site parking for customers. It should be noted that the sight lines for vehicles exiting the property are extremely limited, so frequent departures from the parking lot may cause conflicts between pedestrians and exiting vehicles.
2. Conversely, the Applicant should consider not using the on-site parking for customers and rather use the rear parking lot for employee parking and queue management.
3. The facility will be a co-located marijuana retailer and medical marijuana treatment center. The Applicant should specify if there is a separate queueing process for medical patients.
4. There may be a need to identify off-site parking for employees regardless of how the on-site parking is utilized. The Applicant should investigate options for long-term employee parking. The Applicant should develop a Transportation Demand Management that incentivizes employees to utilize public transportation to access the facility.
5. The other tenant in the building is a Bank of America ATM, and the application materials do not indicate whether Bank of America customers have use of the parking lot. The Applicant should provide this clarification.
6. Related to bicycle parking, in Section 6.1.12(A), when the difference in the number of bicycle parking spaces for a conversion is less than two spaces, the requirements do not apply. The Applicant should think critically about whether there is a viable location to install short-term bicycle parking on-site. The application materials did indicate that the employees would be allowed to bring their bicycles into the building, but there is no formal accommodation for indoor long-term bicycle parking.

The Applicant should be required to develop a Parking and Queue Management Plan that outlines how the facility will address parking and queue management once the above questions are answered. This Plan should be developed in coordination with the Arlington Police Department and the Department of Planning and Community Development. In addition to developing the Plan, there should be regular meetings to assess how parking and queueing is being handled.

**5. EDR-5 Surface Water Drainage**

**Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected in intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas. In accordance with Section 3.3.4., the Board may require from any Applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the Applicant fails to do. The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for any future maintenance needs.**

The application materials indicate that the Applicant will clean existing on-site catch basins and install gas-traps and hoods to outlet pipes. There is an opportunity for the Applicant to incorporate low-impact development techniques such as installing a rain garden or similar feature in the landscaped area in the southwest corner of the property to improve the quality of stormwater runoff from the site. Additionally, there may be the opportunity to use permeable pavement in the area of the reconfigured parking spaces to contribute to the on-site infiltration of stormwater.

**6. EDR-6 Utilities Service**

**Electric, telephone, cable TV, and other such lines of equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.**

There will be no cultivation or processing of marijuana at this proposed facility. Existing utility systems will be reused. Solid waste of non-marijuana material will be disposed of through a private contract. Any solid waste will be stored in large tote bins

and be placed outside for removal. Solid waste containing marijuana material will be disposed at Apothca's off-site cultivation facility in compliance with the Cannabis Control Commission's regulations. The Board can find that this condition is met.

**7. EDR-7 Advertising Features**

**The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.**

The application materials include a proposed wall sign that measures approximately 24.2 square feet. A wall sign of this size is in compliance with the sign regulations. The Applicant should provide more detailed drawings including illustrating the sign material, lighting, and color, as well as how the sign would be affixed to the structure and the mounting height.

**8. EDR-8 Special Features**

**Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.**

There are no such special features proposed for the site. Deliveries will be made from the site and non-marijuana solid waste will be stored inside until pick-up by a private waste hauler. To reduce noise from deliveries or from solid waste removal, the Board may request information on anti-idling measures and time of day restrictions to ensure that these services do not impact the surrounding residential properties.

**9. EDR-9 Safety**

**With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.**

As noted in the application materials, security is important to Apothca, and surveillance cameras will be installed within the building and on the site. Footage from these cameras will also be made available to the Arlington Police Department. Additionally, a lighting plan is provided with the application materials. The lighting plan indicates that the rear parking lot will be well-illuminated providing additional safety for employees and customers. The Applicant may want to consider modifying the choice of fixtures to reduce illumination onto abutting properties, especially the residential properties at the rear of the project site.

**10. EDR-10 Heritage**

**With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practical whether these exist on the site or on adjacent properties.**

The existing structure is not listed on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington* nor is it under the jurisdiction of the Arlington Historical Commission. As such, the site contains no historic, traditional or significant uses, structures or architectural elements. The Board can find that this condition is met.

The property to the south of the project site at 1378 Massachusetts Avenue is under the jurisdiction of the Historical Commission. The redevelopment of the subject property will not disrupt historic, traditional, or significant uses, structures, or architectural elements that exist on that adjacent property.

**11. EDR-11 Microclimate**

**With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard surface, ground coverage or the installation of machinery which emits heat, vapor or fumes shall endeavor to minimize insofar as practicable, any adverse impacts on light, air and water resources or on noise and temperature levels of the immediate environment.**

There are no proposed changes that will impact the microclimate. The Board can find that this condition is met.

**12. EDR-12 Sustainable Building and Site Design**

**Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project.**

The application materials include a LEED Checklist for Existing Buildings. While the proposed project does not score highly on the LEED Checklist, the Applicant has provided a list of measures that Apothca will take to incorporate best practices related to sustainability. These include encouraging the use of public transportation by employees and customers, installing interior and exterior LED light fixtures, using Energy Star appliances, installing low-flow fixtures and replacing the water meter, as well as installing gas traps on catch basins. These are reasonable measures for an existing building. The Board can find that this condition is met.

#### IV. Conditions

##### **General**

1. The final design, sign, exterior material, landscaping, and lighting plans shall be subject to the approval of the Arlington Redevelopment Board at the time when future operators are identified. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board
2. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.
3. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions or modify these conditions as it deems appropriate in order to protect the public interest and welfare.
4. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner and shall be accomplished in accordance with Town Bylaws.
5. Trash shall be picked up only on Monday through Friday between the hours of 7:00 am and 6:00 pm. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with the Town Bylaws.
6. The Applicant shall provide a statement from the Town Engineer that all proposed utility services have adequate capacity to serve the development. The Applicant shall provide evidence that a final plan for drainage and surface water removal has been reviewed and approved by the Town Engineer.
7. Upon installation of landscaping materials and other site improvements, the Applicant shall remain responsible for such materials and improvement and shall replace and repair as necessary to remain in compliance with the approved site plan.
8. Upon the issuance of the building permit the Applicant shall file with the Inspectional Services Department and the Police Department the names and telephone numbers of contact personnel who may be reached 24 hours each day during the construction period.

## **Special Conditions**

1. The Applicant shall work with the Department of Planning and Community Development and the Police Department to prepare a Parking and Queue Management Plan. During the first three months of operation, the parties shall revisit the Parking and Queue Management Plan to determine whether any adjustments must be made.
2. The Applicant shall be responsible for the cost of any police details provided by the Arlington Police Department to oversee circulation of vehicles and pedestrians.
3. Queueing shall be prohibited in the public right-of-way.
4. A Transportation Demand Management Plan shall be prepared for employees and approved by the Department of Planning and Community Development.



**TOWN OF ARLINGTON**  
DEPARTMENT OF PLANNING and  
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE  
ARLINGTON, MASSACHUSETTS 02476  
TELEPHONE 781-316-3090

**MEMORANDUM**

To: Arlington Redevelopment Board members  
From: Erin Zwirko, Assistant Director of Planning and Community Development  
Date: November 12, 2019  
RE: Review of the Apothca Special Permit Application by Marijuana Study Group

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The Marijuana Study Group was formed in the fall of 2018 to prepare and advance zoning amendment recommendations to the Arlington Redevelopment Board to address adult-use marijuana. The Marijuana Study Group includes the Town Manager, Town Counsel, the Health and Human Services Director, the Police Chief, the Building Inspector, a member of the ARB and the Select Board, five residents, and staff from the Department of Planning and Community Development.

The Marijuana Study Group was also engaged by the Select Board to review the applications for Host Community Agreements in May 2019.

When the Apothca Special Permit application was received, the Department reached out the Marijuana Study Group to inquire whether any of the members would be interested in reviewing the Special Permit Application. Attached to this memo cover letter, please find comments from Sarah Augood and Paul Czech. We appreciate the time and thoughtful comments from these two members.

**From:** "Paul A. Czech, Esq." <paul@paulczechlaw.com>  
**To:** "Erin Zwirko" <EZwirko@town.arlington.ma.us>  
**Date:** 11/04/2019 05:31 PM  
**Subject:** Apothca Special Permit Application

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Hi Erin –

I hope all is well and that you're enjoying the fall weather. I reviewed all of the materials that were placed in Dropbox and I reviewed the section of the zoning bylaws that you linked me to. Please accept this email as a summary of my review.

Since the proposed location already exists and has been operational as a printing business, a significant portion of the special permit criteria were easily met with this application since the proposal does not suggest changes to the existing building's footprint. The most significant change along those lines is related to parking. The materials indicate that Apothca would be transforming a 6 spot parking lot into a 12 spot lot. Not being a zoning expert or an engineer or an architect I have a difficult time understanding how that can be done. The plans were hard to read on my desktop screen so my review of them gave no insight into how this change will be possible. I found myself wondering why, if it is possible, it hadn't been modified in this way previously given how difficult it is to find on-the-street parking in this area of the township. Bicycle racks were also mentioned for a later date but I could not determine if they were planned for the sidewalk in front of the building or for placement in the parking lot in back. A bike rack placed in front would take up a significant amount of space that could potentially impede on the limited space of the pedestrian sidewalk causing potential tripping hazards and sidewalk congestion while creating potential liabilities on the part of the township, the tenant (Apothca) and the building owners. The township is dropped from the liability picture if bike racks are placed behind the building in the parking lot on the privately owned property. Additionally, adding 6 more parking spots will increase traffic in and out of the building's parking lot significantly making it that much less safe for pedestrians walking on the sidewalk. I do not know if there are plans to add signs or lights to warn pedestrians when cars are approaching as they leave or enter the lot but it might be something to consider.

I was also puzzled by the queue management portion of the application. The first paragraph of that section estimates that Apothca employees will be able to process approximately 105 to 160 customer transactions *per hour*. That's an awful lot of customers to anticipate patronizing this business on an hourly basis. If that many customers end up consistently shopping at this location it will cause significant problems for the neighboring businesses that share this location. Clearly, based on recreational sales roll-outs in other parts of the Commonwealth, extremely large crowds can be expected when this retailer opens their doors. At this point, however, I would think that data exists that shows how long those large crowds lasted while giving a more accurate picture of what level of on-going customer patronage could be anticipated as the novelty of opening the first recreational dispensary in our township wears off. I also saw no indication of how medical card holders will be segregated from the recreational use customers in this proposed co-located facility. The application states that parking attendants will be hired temporarily for the dispensary's initial launch but it gives no indication of how many attendants will be on the payroll nor does it say what circumstances must occur before the temporary staff will no longer be necessary. I would suggest that this decision not be left to the Apothca management alone and should be made in conjunction with the appropriate township leadership and the Arlington Police. I would like to know how many sales people Apothca expects to have working during peak sales hours to determine if the 105 to 160 customer per hour transaction rate is even close to accurate.

And, finally, as a member of the Arlington Commission on Disabilities (the ACD), I was looking for signs that some thought had gone into the accessibility of this location for potential customers who identify as disabled. Unfortunately I did not see any. As a proposed co-located dispensary where medical cannabis cardholders will be or can be shopping it is easy to anticipate that a significant number of those cardholders will identify as disabled. Wheelchair level counters should be utilized and hearing assistive technologies, such as a hearing loop or other compatible technology should be incorporated into the proposed facility plans. Lighting that is tolerable to those with autism or anxiety issues should be considered. Signs and printed materials should utilize font sizes that are appropriate for those customers with visual disabilities. Doorways and pathways should be maintained so they are easily manageable by those with mobility issues which include wheelchair users, people on crutches and those who walk with canes or walkers. Automatic door opening mechanisms should be considered. There is no indication anywhere that Apothca plans to maintain a diverse workforce by making

sure they hire employees who identify as disabled or by maintaining a balanced equitable workforce that is open to all people regardless of race, color, gender or sexual orientation. It is understood that there are no federal monies being utilized by Apothca here so they are not directly beholden to the requirements of the ADA. However the township is. I believe that in exchange for the rather lucrative privilege of selling cannabis in our community dispensary owners should be required to uphold the diversity and equity standards that the township has adopted and is working to maintain. Disability rights and accessibility are important to the township and its disabled residents as exemplified by the township's creation of and support of the ADC. Asking cannabis business owners to support the townships desire to have an accessible community that is diverse and equitable is not a lot to ask for when you consider the profit potential that these businesses have. I would, of course, suggest that the township retain responsibility for determining whether or not those who they grant licenses to are in compliance with the standards the township sets and hopes to maintain. Perhaps this should be a function of the ACD.

I hope this summary proves useful. If you have any questions or comments about what I have written here please do not hesitate to contact me about them. As I stated earlier I have no particular expertise in the area of zoning so these are really just the thoughts that ran through my head as I was reading the application materials. I do hope I managed to stay on task and not go on too much of a tangent. Please let me know if there is anything further you would like me to do regarding this application.

Best regards,  
P.

Paul A. Czech, Esquire  
The Law Offices of Paul A. Czech  
215-668-4722

**From:** Sarah Augood <sja6373@gmail.com>  
**To:** Erin Zwirko <EZwirko@town.arlington.ma.us>  
**Cc:** Sarah Augood <sja6373@gmail.com>  
**Date:** 11/06/2019 12:12 PM  
**Subject:** Re: Apothca Special Permit Application

---

Hi Erin,

Thank you for the opportunity to evaluate the Special Permit application by Apothca, based on Zoning Bylaw and EDR criteria provided. Below is my evaluation:

**EDR criteria.**

- A. **Preservation of Landscape** - The landscaping plan L1 shows 3-4 deciduous trees on the rear border of the property line and 12 other plantings in rear and left side of property line. It is unclear if these are existing or whether they will be added. Size of plantings is not indicated.
- B. **Relation of Building Environment** - no changes/updates are proposed to the exterior of the 1970's concrete building.
- C. **Open space** - no change
- D. **Circulation** - states no change in anticipated vehicular or pedestrian circulation at facility based on Traffic Impact Statement in Appendix A.  
Table 1 of the Impact statement provides a single data point based on the facility being a generic Copy, Print and Ship store in Texas surveyed in 2000 (Land Use 920). Using this criteria, Table 2 estimates 556 daily trip-ends, with a caution about accuracy of number based on small sample size. Data from Pharmacy/Drugstores is presented based on Land Use 882 (from Colorado/Oregon in 2010) to indicate that most vehicular traffic to the site is from existing en-route trips, and not from "new trips". Applicability of this data to Arlington is unclear. Also it does not take into consideration that the applicants recreational marijuana dispensary will be the first and only facility in Arlington, at this time, as well as the only facility in the surrounding area. Most abutting and surrounding towns did not vote to approve the sale of recreational marijuana in their community.

More local to MA, a statement is made from surveying 257 patrons exiting a Brookline marijuana dispensary on June 13<sup>th</sup> 2019. Of these 257 patrons 53.7% considered their trip to the facility to be en-route. As this is a single data point, with time of day and duration of survey not provided, the data should be interpreted with caution.

Further the Brookline facility is directly serviced by the MBTA Green Line (D-line) as well as by multiple MBTA Bus routes with regular service suggesting that multiple alternate modes of transport to the Brookline facility are available. This may not apply to the Arlington Heights location, due to frequency of bus service during peak and non-peak hours adding to possible vehicular traffic.

The #1 bus is listed as servicing the proposed facility, which is not correct.

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It is also stated that average peak hour traffic at 3 other marijuana facilities in Brookline, Salem and Gardner is between [11 AM-12 noon](#) and [6-7 PM](#). In Arlington, [6-7 PM](#) is still considered peak travel time from existing congestion on Park Ave, Mass Ave, Pleasant St, Summer St.

Applicant proposes having temporary parking lot attendants in place during initial opening phase to manage traffic queues, but they do not state how the traffic will be managed and whether any other parking arrangements are in place. The Traffic Impact Statement generated by Hayes Engineering, Inc recommends that the applicant partner with APD for traffic assistance during initial opening and as needed. Details of plan are not provided or how Town will be reimbursed for providing traffic details, if applicable. Further, no statement is provided about impact of extra vehicular traffic at the major intersection of Mass Ave and Park Ave, which is very close to [1386 Mass Ave](#), and the primary connector to Route 2 and cross-route connector to Winchester/Burlington and I-95.

Arrangements for bicycle parking are not addressed.

Details of truck delivery schedules and truck parking arrangements are not provided.

Applicant proposes increasing off-street parking in rear of facility from 7 to 12 vehicular spaces including 1 ADA-compliant space. Parking spaces are to be changed from slanted to perpendicular in existing one-way traffic flow through rear parking lot.

- E. **Surface Water Drainage** - no new construction and minimal change in parking. No extension of blacktop proposed. Applicant proposes to clean-out existing on-site catch basins and install gas-traps/hoods if not currently installed.
- F. **Utility Services** - applicant proposes no change in utility service, wastewater demands or solid waste disposal. Extended opening hours compared to previous Copy & Print facility is not addressed.
- G. **Advertising** - no additional advertising is proposed on external structure aside from name and logo.
- H. **Special features** - none proposed. Plans and frequency of truck deliveries are not addressed not parking arrangements for deliveries.
- I. **Safety** - Surveillance cameras to be installed and recorded footage made available to APD. It does not state how long recorded footage will be kept for review.
- J. **Heritage** - maintained; no changes proposed.
- K. **Microclimate** - no changes proposed. Air quality and noise from increased traffic is not addressed. LED lighting proposed.
- L. **Sustainable Building** - no infrastructure changes proposed - LEED checklist scores [4/26](#) and proposes to reduce commuting transportation of employees by 10% by encouraging use of alternative modes of transport. No details of how the applicant will encourage use of alternative modes of transport are provided or how the applicant will evaluate effectiveness of the plan or with what frequency. For example, will subsidized public transport or ride-share schemes/incentives be offered? No commitment/details of recycling schemes

for patrons are provided or whether water-fountains will be installed to encourage use of re-fillable water receptacles.

**General Criteria - not specifically addressed in application packet:**

- A. **Land Use** - 920 - Copy & Print facility - site data from 2000 in Texas. The existing use of the location was Swifty Copy & Print that was open [from 8:30-5 PM](#) 5 days a week. The proposed new use is a recreational marijuana dispensary with extended opening hours 7 days a week. Land Use - 882 - Marijuana Dispensary - site data from Colorado and Oregon from 2010 - applicability to Arlington unclear.
- B. **Requested Use** - Arlington voted to approve sale of marijuana in the community.
- C. **Requested Use and Traffic Congestion** - see above under - Congestion - for review and concerns.
- D. **Burden on Public Utilities** - addressed above
- E. **Special Regulations** - appears to fulfill buffer zone requirements of Section 8.3
- F. **Integrity of district** - 1<sup>st</sup> facility in Arlington for sale of medical marijuana, so impact unknown.
- G. **Excessive Use and impact on district** - 1<sup>st</sup> facility in Arlington for sale of recreational marijuana, so impact unknown.

Also included in the application was a copy of the proposed Security Plan which I believe is covered under the Host Community Agreement and not applicable here. Please let me know if I can be of any further assistance.

Best,  
Sarah

On Oct 28, 2019, at 3:46 PM, Erin Zwirko <[EZwirko@town.arlington.ma.us](mailto:EZwirko@town.arlington.ma.us)> wrote:

Hi Paul and Sarah,

Thank you again for agreeing to review the Apothca application. I prepared the attached memo so you have all of the special permit criteria in one place. If anything does not make sense, I'd be happy to met or chat about any of the criteria. If you would frame your comments as responses to the criteria that would be most helpful.

The DropBox link is below if you don't have it still in your email inbox.

Feel free to reach out with any questions or concerns. As a reminder, if I could receive your comments back by 4 PM on 11/6 that would be appreciated!

Thank you!  
Erin

Erin Zwirko, AICP, LEED AP  
Assistant Director  
Department of Planning and Community Development  
Town of Arlington  
direct: 781-316-3091  
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From: "Erin Zwirko" <[EZwirko@town.arlington.ma.us](mailto:EZwirko@town.arlington.ma.us)>  
To: [AChapdelaine@town.arlington.ma.us](mailto:AChapdelaine@town.arlington.ma.us), [abunnell@town.arlington.ma.us](mailto:abunnell@town.arlington.ma.us),  
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Date: Thu, 24 Oct 2019 17:04:43 -0400  
Subject: Apothca Special Permit Application

Good afternoon Marijuana Study Group,

I'm letting the group know that the ARB received an EDR Special Permit application from Apothca for their co-located facility (adult-use retail and medical) at 1386 Mass Ave. The ARB plans to open the public hearing on November 18th. That meeting will be held in the Main Room of the Central School at 27 Maple Street.

Anyone can come by the Department of Planning and Community Development to review the application materials, but I've also placed the materials at a DropBox link: <https://www.dropbox.com/sh/sruysmfzbeh78nk/AAAAJbnSNo5VfwADaMQYMy5Xa?dl=0>.

I would like to ask if a couple of the members of the Study Group would be interested in reviewing the materials and providing feedback to me on the application. We can discuss how you would feel most comfortable providing feedback (i.e., I could incorporate it into the staff memo or we could include it as a comment letter with the docket), but I would request it by 4 PM on November 6th. I also happy to review with you the criteria that the ARB uses to evaluate proposals. Let me know if you have the time and interest to do this.

Please let me know if you have any questions for me at this time.

Thank you!  
Erin

Erin Zwirko, AICP, LEED AP  
Assistant Director  
Department of Planning and Community Development  
Town of Arlington  
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direct: 781-316-3091  
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<Memo to Marijuana Study Group Reviewers.doc>



## Town of Arlington, Massachusetts


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### Potential Zoning Bylaw amendments for 2020 Annual Town Meeting continued discussion from December 2, 2019

#### Summary:

8:00 p.m. -  
8:30 p.m. • Board members will continue discussion and may move to support advancement of proposals

#### ATTACHMENTS:

Type	File Name	Description
 Reference Material	Agenda_Item_2A_memo_from_JR_regarding_potential_zoning_bylaw_amendments_for_2020_Annual_Town_Meeting_112519.pdf	Memo from JR regarding potential zoning bylaw amendments for 2020 Annual Town Meeting 111519



**Town of Arlington, Massachusetts**  
Department of Planning & Community Development  
730 Massachusetts Avenue, Arlington, Massachusetts 02476

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**Memorandum**

**To:** Arlington Redevelopment Board

**From:** Jennifer Raitt, Secretary Ex Officio

**Subject:** Potential Zoning Bylaw amendments for 2020 Annual Town Meeting

**Date:** November 25, 2019

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Please accept this memo as an overview of potential zoning amendments for 2020 Annual Town Meeting. The Department of Planning and Community Development (DPCD) works with a number of groups and committees, as well as on planning processes, that often lead to recommendations for zoning amendments. The following describes a range of initiatives and their timelines for moving forward with any recommendations.

The Zoning Bylaw Working Group is working with RKG Associates on an Economic Analysis of the Industrial Zones. This work will extend through next spring 2020 and any zoning recommendations brought forth from that analysis might be considered at a future Town Meeting. Therefore, any zoning recommendations from this analysis will not be ready for 2020 Annual Town Meeting.

The Design Review Working Group will be working with Harriman to prepare residential design guidelines for the R0, R1, and R2 districts and recommend a design review process. This work will extend through next fall 2020 and any recommendations will be brought to a future Town Meeting. Therefore, any recommendations from this process will not be ready for 2020 Annual Town Meeting.

The Arlington Heights Neighborhood Action Plan Implementation Committee began meeting in November. The committee will be working on implementing short-term, non-zoning recommendations. There will not be any zoning recommendations for 2020 Annual Town Meeting recommended by this committee.

The Housing Plan Implementation Committee is working on two recommendations for 2020 Annual Town Meeting. One of these recommendations is directly from the town's 2016 Housing Production Plan: create a Municipal Affordable Housing Trust Fund per MGL c.44 s.55C. The formation of a Trust is not an amendment to the Zoning Bylaw. A related recommendation that the committee is discussing is a potential Town Meeting resolution to adopt a Real Estate Transfer Tax in order to collect a percentage of funds from any real estate transfers. If voted on affirmatively, this resolution would require a subsequent Home Rule Petition in order to become law. Any funds generated from this tax would need to be deposited into a Municipal Affordable Housing Trust Fund.

The DPCD is overseeing three other planning processes which will eventually include zoning recommendations. The Sustainable Transportation Plan Advisory Committee is in the process of interviewing consultants for the plan. The planning process is expected to continue through 2020. The Metropolitan Area Planning Council (MAPC) is working on the Hazard Mitigation Plan which will continue through March of 2020. Any zoning recommendations from this plan would be brought to a future Town Meeting and will not be ready for 2020 Annual Town Meeting. MAPC is also working on the Net Zero Plan which will continue through fall 2020. The Net Zero Plan will include recommendations for energy efficiency and carbon reduction in all sectors. The plan will include clear metrics and measurements to achieve carbon reduction by 2050. Any zoning recommendations from this plan would be brought to a future Town Meeting and will not be ready for 2020 Annual Town Meeting.

DPCD is also working with the Engineering division to meet regulatory requirements, improve local water quality, and maintain and recharge groundwater resources by incorporating green infrastructure practices into the Town's stormwater management program. We are achieving this by working on updates to our Stormwater Bylaws. These bylaw updates are necessary in order for the Town to be compliant with the MS4 General Permit. Municipal separate storm sewer system (MS4) discharges are regulated under the General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts effective July 1, 2018. Please see the attached memo from the Horsley Witten Group and Eastern Research Group regarding a review of the town's bylaws, including its Zoning Bylaw. Zoning amendments recommended in this memo should be submitted for 2020 Annual Town Meeting.

Other potential zoning amendments for the 2020 Annual Town Meeting include the following:

Amend 8.2 to increase the two-year period to three years regarding Special Permits and Building Permit applications (anti-segmentation clause). Amend Definitions to add "apartment conversion". Amend 5.3.22 to include a subsection C that describes how landscaped and usable open space is calculated relative to Gross Floor Area. Amend 5.2.2 to include a subsection C. that indicates uses without a "Y" or "SP" in the applicable zoning districts are prohibited. Lastly, the following administrative corrections are needed: correct Board of Selectmen to Select Board; add day to August date noted in Section 5.4.2.B; correct citation to state regulations for medical marijuana; correct 5.3.22 to match new half-story definition; and correct citation in Billboard definition.



## Town of Arlington, Massachusetts

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### Meeting Minutes (11/18/19 and 12/16/19)

#### Summary:

9:00 p.m. -  
9:10 p.m.

- Board members will review and may approve minutes

#### ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	11182019_Draft_Minutes_ARB.pdf	11182019 Draft Minutes ARB
▣ Reference Material	12162019_Draft_Minutes_ARB.pdf	12162019 Draft Minutes ARB

**Arlington Redevelopment Board**  
**Monday, November 18, 2019, 7:30 PM**  
**Senior Center, Main Room, 27 Maple Street**  
**Meeting Minutes**

This meeting was recorded by ACMI.

**PRESENT:** Andrew Bunnell (Chair), Eugene Benson, David Watson, Kin Lau, Rachel Zsemsbery

**STAFF:** Jennifer Raitt, Director of Planning and Community Development and Erin Zwirko, Assistant Director

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The Chair called the meeting to order and notified all attending that the meeting is being recorded by ACMI.

The Chair introduced the first agenda item, Environmental Design Review, Public Hearing for Docket # 3610 filed by Apothca, Inc. at 1386 Massachusetts Ave. and Section 8.3, Standards for Marijuana Uses. Joseph Lekach, CEO of Apothca Inc., introduced himself, Bill Silverman, and Anthony Capochetti. Mr. Lekach said he is seeking a permit for medical and adult use cannabis store. The Water Street Arlington location has been operating without any issues. Mr. Lekach said Apothca opened another location in Lynn, with a similar sized parking lot as the proposed new site, where they have 494 transactions per day with transaction time of less than 4 minutes per customer. This transaction time exceeds the metrics submitted with the application. Tony Capochetti from Paige Engineering explained that the changes Apothca proposes to make to the existing parking lot and driveways will improve circulation. Mr. Capochetti said that bicycle parking is still being planned. Mr. Capochetti explained that most transaction times are under 4 minutes and quick customer turnaround is expected.

Mr. Capochetti gave an overview of the landscaping plans for the location. Mr. Lau asked about lighting in the rear parking lot and asked about additional lighting in the driveways to enhance safety. Mr. Lau asked about adding a rain garden in the space where the sidewalk on the side of the building is being removed. Mr. Lau also asked about adding a trench ring beside the driveways and parking lot. The Chair asked how customers will be managed on site to avoid additional noise, etc. Mr. Lekach explained the overflow concept within the store that has limits lines outside of the building. The security agents are based outside and loitering is not allowed outside of the building. Mr. Lekach said Apothca will coordinate with the Arlington Police Department to have a police detail at the opening and will keep the police detail as long as Arlington Police Department says that the detail is required. The Chair asked if there was a plan to frost the windows. Mr. Lekach said that, per state regulations, dispensaries are not allowed to have clear windows.

Mr. Lekach said that Apothca has an agreement with neighboring Bank of America that Apothca will have full control of the rear parking lot on location. Mr. Watson asked about transportation issues considering that for some time the store may attract customers from neighboring areas. The Chair said that the Board will ask for additional feedback from the Transportation Advisory Committee regarding traffic issues in the area with the additional business. Mr. Lekach said that the Lynn Apothca location is the second closest to Boston, the average number of customers per day is 300 to 400. Mr. Lekach said he expects the same number of customers in the Arlington Heights location. Mr. Lekach said that there are plans to open additional dispensaries in cities and towns in the region, including Cambridge, Malden, and Newton. Mr. Capochetti said he feels the best way to manage additional opening day traffic is with a queuing management plan or an opening day high volume plan. They will assess and modify high volume queuing plans going forward.

Mr. Watson asked how customers will enter the facility and where any queues would be located. Mr. Capochetti said the customer entrance is through the front of the building with an internal queue of approximately 33 customers. On high volume days Mr. Capochetti said they would like to have a police detail as well as parking lot management. Mr. Watson said he is concerned about queues on the sidewalk how that would affect accessibility for disabled customers trying to use the sidewalk. Mr. Watson said he is concerned about the parking lot turnover

of three times per hour, limited sightlines, and heavy pedestrian traffic, and is concerned about pedestrian safety. Mr. Capochetti said that on high volume days there will be police details to assist with traffic and Apothca could possibly install sensors to notify pedestrians of vehicles entering and exiting the driveways. Mr. Lekach says he feels that the parking lot will provide enough parking for their customers so a shuttle should not be necessary. Mr. Watson said that the Board would like to see flexibility and a more detailed plan for opening day and other high volume days. Mr. Watson said he would like to see more bike parking for customers, details about indoor bike facilities for employees, and a full Transportation demand management plan. Mr. Benson asked if Apothca plans to close the Water Street facility. Mr. Lekach said that the Water Street location will be closing and at no point will both locations operate simultaneously. Mr. Lekach is waiting to hear back from the state regarding the closing date for the Water Street location.

Mr. Benson asked about Apothca's staffing plan. Mr. Lekach said that there will be a maximum of 9 employees working at any time. Mr. Benson asked if employees would also be parking in the rear parking lot. Mr. Lekach said that employees will use the employee lot at Sunrise. Apothca will incentivize employees to bike to work or use public transportation. Mr. Watson said he would like to see the plan to incentivize employees to use public transportation laid out in Apothca's Transportation Demand Management plan. Mr. Benson asked how Apothca will prevent Bank of America's customers from parking in the lot. Mr. Lekach said that there will be signage stating that parking is for Apothca only. Ms. Zsembery asked to also see where that Apothca parking only signage would be located in Apothca's plan.

Mr. Benson asked if the Arlington Police Department has reviewed the security plan. Mr. Lekach said that Apothca will be using the same security plan as the Water Street location; the Arlington Police Department reviewed the security plan for Water Street. Mr. Benson asked about the security agents that Apothca plans to have on site as needed. Mr. Lekach said that there will be at least one security agent working outdoors on high volume days there will be additional agents in the parking lot. Mr. Benson asked for details about the security agents' qualifications and the job description. Mr. Lekach said that a former TSA agent is among his favorite security agents, people with security experience who are capable of defending themselves. The security agents will have reflective vests that state that they are Apothca security agents and will not have any type of badges. Mr. Lekach invited the Board to visit the Water Street location if they would like to see an example of the security features.

Mr. Benson asked about security checks. Mr. Lekach said that there is a check at least every 30 days and there is a full audit by an independent auditor once per year. Mr. Lekach said Apothca received a 100% audit score for their Lynn and Fitchburg locations. Mr. Benson asked about the public transit subsidies for employees. Mr. Benson said that some companies offer free bus passes. Mr. Lekach said that was a great idea.

Mr. Benson asked for an explanation of the trees on the plan. Mr. Capochetti reviewed the types of trees that they are planning to use. Mr. Benson said he would like to see a more detailed plan. Mr. Benson said that based on the new bicycle parking bylaw Apothca will be required to provide additional bike parking and suggested that Apothca review the bicycle parking guide. Mr. Benson said that he finds it odd that the traffic study for this location was based on the square footage of the location instead of studying other factors such as population demographic and other facilities in the area. Mr. Benson said he was unclear about the parking lot traffic flow. He wondered where someone would go if the parking lot is full. Mr. Capochetti said that at that point customers will have to look for on street parking. The goal is to keep traffic flowing and avoid idling. Mr. Benson asked if it is possible to notify customers ahead of time if the parking lot is full. Mr. Capochetti said on high volume days there will be a security agent to notify customers that the lot is full as they arrive.

Mr. Benson asked about snow removal. Mr. Capochetti said that there is a small holding area for small snow storms and for large storms a landscaper will be called to plow and remove the excess snow. Mr. Benson asked if

the Arlington Police Department has a point of contact at the facility. Mr. Lekach said that the Arlington Police Department has Mr. Lekach's phone number and Apothca's Director of Security's phone number in case the Arlington Police Department needs to contact Apothca. Mr. Benson asked about the catch basins. Mr. Capochetti said that the catch basins will be cleaned and brought up to compliance.

Ms. Zsembery asked about the entrance move, Ms. Zsembery asked for more details about the planned entry way and to add some more details on the storefront modifications. Ms. Zsembery asked about the signage and Mr. Lekach said that the signs will be small and gray with the Apothca logo. The sign will be steel-cut and will be backlit at night the sensors will not turn on the lights until 30 min. before sunset. Ms. Zsembery asked about Apothca's business hours. Mr. Lekach said that business hours will be 10:00 a.m. to 8:00 p.m., in compliance with Board of Health regulations. Ms. Zsembery asked about the plans for landscaping the planting strip behind the building. Mr. Lekach said decorative grass and maybe some stone, perhaps a rain garden. Ms. Zsembery said that there have been issues with trash at the Brookline facility. Mr. Lekach said that trash/litter was not an issue at their Lynn location.

Ms. Zsembery asked how often the security guards will be in the parking lot versus the building. Ms. Zsembery said that in other locations there has been consumption in the cars in parking lots on location after transactions. Mr. Lekach said that the security agents will always be in the parking lots, they will not be inside. If there is a storm the security agents may stand just inside the glass doors to monitor the parking lot. Mr. Lekach said that loitering is not allowed; there will be video monitoring of the parking lot at all times. If a customer looks to have violated public consumption laws or appears to have used the product before driving the offense will be reported. Ms. Zsembery said that the right turn into the parking lot is a very sharp turn. Ms. Zsembery agrees that driveway sensors are a good idea so pedestrians are aware of oncoming traffic. Ms. Zsembery asked about deliveries, loading, and special trash pick-up. Mr. Lekach said that due to security issues he cannot be specific about the delivery process. The deliveries are made at random times, routes, and building entry locations for security. Mr. Lekach said that a small cargo van will be used for deliveries. The store is alerted 30 min before the van arrives so that employees will then reserve a parking spot for the delivery van. Ms. Zsembery asked for an updated LEED checklist for retail locations for next hearing.

The Chair opened the floor to comments from the public.

Josephine Burton said she is a neighbor behind the proposed Apothca location. Ms. Burton said that she is concerned about the fence that was installed by previous owners, lighting in the parking lot, and construction noise. Mr. Capochetti said that there is very little light spillover from the parking lot and the parking lot lights will shut off 30 minutes after the store closes at 8:00 p.m. The parking lot video cameras are night vision enabled and the parking lot lights are dark sky compliant. Mr. Capochetti said that he would like to speak to the abutters for their feedback and to see how they would like the fence repaired/replaced.

Christopher Lorette asked about one tenant giving up parking, as the Bank of America ATM customers will no longer be able to park at this location. Mr. Lorette said he thinks that there needs to be explicit discussion for preventing double parking in the street at this location. A warrant has been submitted in Brookline to require the facility there to operate on an appointment only basis. Mr. Lorette said the Board may want to consider requiring that this facility to operate by appointment only, should problems arise once the facility opens. Mr. Lorette said that open space requirement is 20% and the applicants do not meet requirements at 14.5%. Mr. Lorette said that he requested that ARB clarify the open space requirement in the bylaw to read that the open space requirement is based on the floor area not the lot area. The bylaw specifies that neighbors can discuss with the developer or applicant what the nature of that buffer fence should be.

Linda Langdon wanted to thank the Board for discussing the parking and traffic issues. Ms. Langdon asked if there

is another study to notify the Paul Revere neighbors and allow these neighbors access to the study. Ms. Langdon said she is concerned that Paul Revere Rd. will become a cut through. Ms. Langdon said that Paul Revere Road should be included in any additional traffic studies. The Chair said that with an opening time of 10:00 a.m., Apothca should not add to the rush hour traffic in the morning. The Chair said that the Board can ask the Transportation Advisory Committee to weigh in on the high volume of traffic on weekends and suggest some solutions. Ms. Langdon is also concerned that Apothca overflow parking will be on Paul Revere Rd. since there are no meters on the road. Ms. Langdon said that there should be additional no parking signs on Paul Revere Rd. The Chair said that in the transportation plan the Board would like to see the plan for overflow parking to ensure that customers will not be parking on Paul Revere Rd. Mr. Benson said that the Apothca employees should be notified that they cannot park on Paul Revere Road. Mr. Lekach said that Apothca requires customers sign an acknowledgement form that includes important notices such as parking information, including that parking is not allowed on Paul Revere Road, these notices will also be posted on the website.

Keith Schnebly said he is with the Tree Committee and suggested that Apothca get in touch with the Tree Committee, the Town's Tree Warden and the Town's Garden Club who would be able to help with suggesting plantings for the location.

William Rockwood said that there are rats living under the juniper bushes in that parking lot. Mr. Capochetti said that the plan is to remove the low lying Juniper bushes and to use river rock as a base for the new plantings. Mr. Capochetti said that Apothca will call a pest control company to trap the rodents before removing the Juniper bushes. Mr. Rockwood said that he is also concerned about the impact of additional traffic on Paul Revere Rd. Mr. Rockwood said that better traffic control on Paul Revere Rd. would mitigate the parking problem.

The Chair said that the Board would like to continue the hearing to Monday, December 16, 2019. The Chair said that the Board would like to review the updated Traffic Management Plan, Parking Management Plan, Transportation Demand Management Plan, bike parking, a more descriptive lighting plan especially for rear parking lot, Mass. Ave. sidewalk lighting and controls, detailed landscape plan after a discussion with other stakeholders in town, speak with members of the public who spoke this evening especially regarding the fence and trees and how landscaping changes will impact them. The traffic study Apothca provided will be referred to the Transportation Advisory Committee for their opinion on street parking on Paul Revere Rd. and the intersection of Mass. Ave. and Park Ave.

Ms. Zsembery asked for more details about the building façade modifications, the signage and the updated LEED checklist. Mr. Benson said he would like more details about the catch basins. Mr. Lau asked for a more detailed storm water management plan for the parking lot. Mr. Lau asked about reaching out to the Transportation Advisory Committee to coordinate the traffic study. Ms. Raitt said she would coordinate with Town staff. Ms. Raitt said she would like Apothca to refer their security plan to the Arlington Police Department so they can make recommendations regarding the level of police detail who will manage the parking lot and the issues on Paul Revere Rd. Ms. Raitt said she would like to know how the police might make recommendations for projected and existing traffic control. Ms. Raitt said that high volume days will need a combination of support from the Arlington Police Department and Apothca's security team, since this will be the first facility to open in a western suburb near locations that will not have marijuana facilities. Ms. Raitt said that while Apothca has been very successful in their current Arlington location, the proposed Arlington Heights location is very different than the current location. Ms. Raitt said that respect for the neighbors, particularly the neighbors on Paul Revere Rd., will be so important for this location. Ms. Raitt asked that Apothca work with the Board of Health to get their input on issues with trash, rats, noise and lighting. Ms. Raitt would like to Apothca to reach out to the Department of Public Works for a review of the existing and updated plans for traffic, engineering, and trees.

The Chair requested a motion to continue this hearing to December 16, 2019 Redevelopment Board meeting to be held in the Town Hall Auditorium. Mr. Lau motioned to approve, Mr. Watson seconded, all voted in favor 5-0.

The Chair introduced the next agenda item, Open Forum, and opened the floor to comments from the public. Christopher Loretto requested changes to the bylaw for the next Town Meeting. Mr. Loretto asked for an update so he would know what his options are if the ARB does not intend to request the bylaw changes. Ms. Raitt asked for a copy of Mr. Loretto's request and said that warrant articles will be discussed by the Board on December 2, 2019 and the next discussion will probably be the 1<sup>st</sup> meeting in January. Ms. Raitt said that there is nothing big coming from the ARB this year.

Mr. Lau motioned to adjourn the meeting, Ms. Zsembery seconded, all voted in favor 5-0.

Meeting adjourned.

DRAFT

**Arlington Redevelopment Board**  
**Monday, December 16, 2019, 8:00 PM**  
**Second Floor Conference Room, Town Hall Annex**  
**Meeting Minutes**

This meeting was recorded by ACMi.

**PRESENT:** Andrew Bunnell (Chair), Eugene Benson, David Watson, Kin Lau, Rachel Zsembery

**STAFF:** Jennifer Raitt, Director of Planning and Community Development and Erin Zwirko, Assistant Director

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The Chair called the meeting to order and notified all attending that the meeting is being recorded by ACMi.

The Chair introduced the first agenda item, Continuance Requests: Docket #3610 - 1386 Massachusetts Avenue, Apothca requested a continuance to the next ARB meeting on January 6, 2020. Mr. Benson moved to approve the continuance to the January 6, 2020 meeting, Mr. Lau seconded, all voted in favor 5-0.

The Chair moved to the next item, the applicant for Docket #3602 – 1207-1211 Massachusetts Avenue requested a continuance to January 27, 2020. Mr. Lau moved to approve the continuance to the January 27, 2020 meeting, Ms. Zsembery seconded, all voted in favor 5-0.

The Chair introduced the next agenda item, Open Forum, and opened the floor to members of the public who would like to speak.

Don Seltzer said he wanted to discuss the special permit fee for the proposed "Heights Hotel". Mr. Seltzer said he addressed this fee in his email to the ARB (sent 12/16/19). Mr. Seltzer said he feels that the builder should not be exempt from special permit fees and if the exemption is granted it should be contingent upon the purchase of the 1207-1211 Massachusetts Avenue property. Mr. Seltzer said that the Board has yet to approve the waiver and fees have not yet been paid. Mr. Seltzer suggested that the Board reject the fee waiver and allow the applicant to apply for a refund of the special permit fees once the applicant purchases the property.

Marlon Banta, Clark Street, said he had trouble finding the documents regarding the 1207-1211 Massachusetts Avenue proposal. Mr. Banta said that he has not seen any updated documents regarding the solar access study and the parking plans for the hotel. Mr. Banta said he is concerned that the proposed hotel does not meet at least the LEED Silver requirements. Ms. Zsembery said that these concerns were addressed with the applicant and the Board will receive the updated plans and post them for the continued hearing. The Chair added that the public hearing was continued to the January 27, 2020 meeting.

Don Seltzer suggested adding the plans for the hotel to the Redevelopment Boards major projects page in order for the public to find the documents more easily.

Mr. Benson said that the points raised by Mr. Banta were brought to the applicant's attention by the Board and members of the public who attended the public hearing. Mr. Benson explained that the continuance was required in order for the applicant to address these issues since the Board would not approve the applicant's request as first presented. Mr. Benson said the fee waiver discussion would have to continue when the applicant is present and with an agenda item to discuss the fee. The Chair said that Town Counsel provided his opinion that the Board has the authority, within its discretion, to waive certain permit fees. The Chair said that the Board will revisit that decision for this applicant at a future meeting.

The Board called a brief recess prior to the posted 8:30 p.m. public hearing. The Chair called the meeting back to order at 8:30 p.m. and reminded all attending that the meeting is recorded by ACMi. The Chair provided an update regarding the fees paid by the Applicant for 1207-1211 Mass. Ave, Docket #3602. The Applicant has paid 50% of the application fee, which is the only fee the Board has the authority to waive. The Applicant has paid \$2,694.30 out of a total fee of \$5,338.60 as documented in the August 7, 2019 memo to the Board from Ms. Raitt and Ms. Zwirko. Don Seltzer said that he does not understand the rationale of only paying half of the fee. Mr. Seltzer also questioned the fee calculation if the Town property being sold to the applicant is only approximately one-third of the total property in question. The Chair said that this topic is not up for discussion this evening.

The Chair opened the continued public hearing for Docket # 3348, 833 Massachusetts Avenue. Robert Annese introduced architect Monty French and property owner Jeff Noyes. Mr. Annese said he would like to provide the Board with an update. Mr. Annese said that Mr. Noyes will comply with the 2009 ARB decision condition to maintain the

Atwood House. Mr. Annese said that Mr. French sent a memo to the Town's Building Inspector stating that the building was assessed and was found to be structurally sound. Mr. Annese said that there will have to be substantial changes to preserve the Atwood House. Mr. Annese cited zoning issues that arise from the 2009 decision, including the 10 parking spaces dedicated to the house. Since the Atwood parking is accessible through the CVS parking lot, Mr. Annese noted that CVS customers would be able to turn around in the rear parking lot by the Atwood House without intruding into any of the 10 dedicated parking spaces for the Atwood House. Mr. Annese said that he believes that it is the case regarding the turnaround in the rear parking lot at present.

Mr. Annese said that they would like to return to the Board with a proposal for a multi-use design, including office space on the first floor and market price residential units on the second floor. Mr. Annese said it is not financially feasible to provide affordable housing units. Mr. Annese said that after the 2009 decision the Atwood House was added to the list of Arlington's historically significant buildings. Mr. Annese said that he and his client would like to come up with a design that will work for the Atwood House. Mr. Annese said that there is also an Order of Conditions from the Conservation Commission. Mr. Annese said that Mr. French is working to create a plan to present to the Board that will take these conditions into account.

Mr. French said that they will need the opportunity to survey, document through drawings, and do some research in order to bring the building back to life. Mr. Annese said that this site is zoned as B4 but asked the Board to keep in mind that they will be improving the site from a vehicle oriented site to a site that is not vehicle oriented. Mr. French said that remediation is required before the building can be entered to be completely surveyed and documented. Mr. French said that once he can gain access the surveying and documentation may take a month.

Mr. Lau said he would like an estimated timeline to know when to expect an update. The Chair said that he would like Mr. Annese to file a progress report with the DPCD by February 24, 2020. The Chair said that the Board would like Mr. Annese to return to the Board to discuss the progress report on February 24<sup>th</sup>. The Chair expressed disappointment that they will not propose any affordable housing units, but was pleased about the owner's interest in preserving the existing structure.

William Peterson, Manager of the CVS located at 833 Mass. Ave., introduced himself. Mr. Benson said that he wanted to make sure that there was a representative from CVS present. Mr. Benson said he thinks that the CVS permit is at risk. Mr. Benson said that the permit from 10 years ago was granted and the onus is not on the ARB because there were no updates made to the Atwood House in the past 10 years. Mr. Benson said that he would like a solid proposal by February 24<sup>th</sup>. Mr. Benson said he would also like a financial report showing why an affordable housing unit cannot be included in the building. Mr. Annese said the number of the housing units will determine the number of affordable housing units. Mr. Annese said that there was nothing in the ARB decision that conditioned the CVS's permit upon decisions regarding the Atwood House. Ms. Zsembery said that the Board expects an actual timeline on February 24<sup>th</sup>. Ms. Zsembery said that the Atwood House is listed in Arlington's historically significant building inventory.

The Chair opened the floor for comments from members of the public. John Worden said that he was a participant in the hearings when the ARB made the decision back in 2009. Mr. Worden said in the context of the discussions at the time of the 2009 there were expectations to work with the Housing Corporation of Arlington to move to create affordable housing units within a reasonable period. Mr. Worden said that he finds the plans to move forward encouraging. Mr. Worden said that the parking issue can somehow be worked out between Mr. Noyes and CVS. Mr. Worden said that the zoning was R1 and at some point there was a request to change the zoning to the current B4.

Carl Wagner wanted to thank the ARB for holding the project to the terms that were spelled out 10 years ago. Mr. Wagner said CVS and the Atwood house are nice transitions in the neighborhood as opposed to the multi-use building with expensive housing units on the other side of the high school.

Michael Ruderman said he was on the Historical Commission at the time of the 2009 decision. Mr. Ruderman said that the Historical Commission said they were concerned about losing the Atwood house to demolition due to neglect. Mr. Ruderman thanked Mr. Benson for his note of urgency in his comments. Mr. Ruderman said that nothing has happened for far too long.

David Baldwin said very few of the early 20<sup>th</sup> century properties remain along Mass. Ave. As Arlington is under more pressure for development we have to save as many properties as we can. Mr. Baldwin said that it is important to refrain from modernizing the exterior of the building.

Don Seltzer Irving St. said that the Atwood House is not on the Town's Assessors site. Mr. Seltzer said that according to the property card it looks like property taxes have not been paid for the last decade. Ms. Raitt said that the Atwood

house is listed as card 1 and card 2 and the Atwood House is also listed on the vacancy registration fee has been paid over the past few years. Ms. Raitt said that the Assessor would have to confirm tax payments. Mr. Noyes said that taxes have been paid all of these years.

The Chair said that he will continue the hearing to February 24, 2020 when the Board expects to receive the updated report and timeline. Mr. Lau motioned to continue the hearing until February 24, 2020, Mr. Watson seconded, all voted in favor 5-0.

Mr. Lau motioned to adjourn the meeting and to reconvene at Tryst restaurant, Mr. Benson seconded, all voted in favor 5-0.

Meeting adjourned.

DRAFT



## Town of Arlington, Massachusetts

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### Correspondence received:

#### Summary:

Correspondence received from Don Seltzer regarding Docket #3602 Continuance Request from 121619  
Correspondence from SR regarding Open Space from 123019

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Correspondence_from_DS_re_Docket_#3602_Continuance_121619.pdf	Correspondence from DS re Docket #3602 Continuance 121619
▢ Reference Material	Correspondence_from_SR_re_Open_Space_123019.pdf	Correspondence from SR re Open Space 123019

**From:** Don Seltzer <timoneer@gmail.com>  
**To:** Erin Zwirko <EZwirko@town.arlington.ma.us>  
EBenson@town.arlington.ma.us, Andrew Bunnell <ABunnell@town.arlington.ma.us>,  
**Cc:** KLau@town.arlington.ma.us, DWatson@town.arlington.ma.us, rzsembery@town.arlington.ma.us,  
Jenny Raitt <jraitt@town.arlington.ma.us>  
**Date:** 12/16/2019 08:06 AM  
**Subject:** Correspondence regarding Docket #3602 Continuance

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I write regarding Agenda Item #1 for the Board meeting on December 16. The first and only public hearing on this project was back in July. Since then the developer has asked for several postponements.

For this last postponement, he has waited until nearly the last minute to ask for another six weeks delay, with no reason given. Surely he knew before last Thursday that he would not be ready for Monday night. It is disrespectful and disruptive to the Board to make these last minute requests. It is also disrespectful to the residents who are impacted. These delays also incur additional costs upon the town for advertising and notifying abutters.

This brings us to the question of the Special Permit fee, which helps pay these costs. The applicant has yet to pay the fee required by town bylaws. Somehow this fee waiver was negotiated into the sale by town officials who lack the legal authority to do so.

That question came before this Board at the August 12 meeting and you expressed your concerns of the legality of such a waiver. The Planning Dept and Inspectional Services informed the Board of their opinion that a waiver of 50% of the required fee would be appropriate, without any explanation of the rationale or even their legal standing to make such a determination. Furthermore, this questionable waiver is contingent upon the completion of the sale of 1207 Mass Ave, which has yet to occur.

The Board voted on two separate continuances at the August 12 meeting, the first to postpone the fee question to October 21, and the

second to postpone the Public hearing on Docket #3602 to that same date.

The Applicant did not show up for that October 21 meeting, asking for another continuance of Docket #3602. No request was made, though, regarding a waiver of the Special Permit fee, and the Board took no action on that matter. The full permit fee has not been paid, and the Applicant has continued to stall the completion of his purchase of 1207 Mass Ave.

By its own rules, the Board should demand immediate payment of the full permit fee before this application can proceed. Any consideration of a future refunding of this fee should not occur until it is established which government body, this Board or Town Meeting, has the legal authority to make such a waiver, and the purchase of 1207 Mass by the Applicant is completed.

Respectfully,

Don Seltzer

111 Sunnyside Avenue  
Arlington, MA 02474  
December 30, 2019

**Arlington Redevelopment Board**

Arlington Town Hall Annex  
730 Mass Ave.  
Arlington, MA 02476

Dear Arlington Redevelopment Board:

I'm writing in regard to Christopher Loretto's open forum remarks to the board, dated July 22, 2019, which appear in the packet for the Board's Dec 2, 2019 meeting. Mr. Loretto states

For the minimum Landscaped and Usable Open Space Requirements, add a note that the required percentages are based on "Percent of Gross Floor Area".

As a former member of the Zoning Recodification Working Group, I agree with Mr. Loretto's proposal: the dimensional and density tables in sections 5.4.2, 5.5.2, and 5.6.2 should state that open space requirements are based on the percentage of gross floor area. The failure to include this qualification was an error of omission that occurred during recodification.

While we are on the topic of open space regulations, I would like to request an additional change in this area: that the terms "Open Space", "Open Space, Landscaped", and "Open Space, Usable" (as appearing in Section 2 – Definitions) be renamed to "Private Open Space", "Private Open Space, Landscaped", and "Private Open Space, Usable". Please note that while I am proposing a renaming of terms, I am not proposing any changes to the definitions themselves. My rationale for this proposal is as follows:

Arlington's Zoning Bylaw uses the words "open space" in two different contexts, with two different meanings. The first use comes from the Open Space (OS) district, which our bylaw defines as

... parcels under the jurisdiction of the Park and Recreation Commission, Conservation Commission, Arlington Redevelopment Board, Massachusetts Department of Conservation and Recreation (DCR), or Massachusetts Bay Transportation Authority (MBTA). Structures, where present, are clearly accessory to the principal open space and recreation functions of the property.<sup>1</sup>

By this definition, parcels in the OS district are public property, and any structures must be accessory to the primary use of "open space". Where the OS district is concerned, open space is generally green space and provides a public benefit.

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<sup>1</sup> Arlington Zoning Bylaw, Section 5.6.1(E).

The Section 2 definitions related to open space have different meanings. I'd like to unpack these definitions one at a time. Section 2 defines Open Space as

A yard including sidewalks, swimming pools, terraced areas, decks, patios, play courts, and playground facilities; and not devoted to streets, driveways, off-street parking or loading spaces, or other paved areas.

where the term “yard” is defined as follows:

An open space unobstructed from the ground up, on the same lot with a principal building, extending along a lot line or front lot line and inward to the principal building.

According to these definitions, Open Space is a portion of a lot, and an adjunct to a principal building. Where the principal building is privately-owned, the open space (“yard”) will also be privately-owned; unlike open space in an Open Space District, it is not a public benefit.

While the definition does not preclude green spaces, it does not require open spaces to be green, or even pervious. Decks, patios, sidewalks, swimming pools, and play courts are explicitly named as examples of what Open Space can be.

None of the dimensional regulations in Section 5 are based on this definition of Open Space; that definition merely provides a framing for “Open Space, Usable”, and “Open Space, Landscaped” which do appear in the dimensional tables.

Open Space, Usable is

The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 75% open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required.

Thus, the primary function of Usable Open Space is “outdoor use” for “recreation” and “garden” or “household service activities” by “occupants of the lot”. This type of open space is explicitly intended for private use. While the definition does not preclude green or pervious spaces, it certainly does not require them.

Finally, we have Open Space, Landscaped:

Open space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes.

Landscaped Open Space is arguably the form of open space that's most oriented to greenery and vegetation, but the definition stops short of making this a requirement – it's not necessarily green

space.

In summary, I believe that the Open Space District satisfies the common-language expectations of what people understand open space to be, but the Open Space definitions in Section 2 do not. In my experience, the definitions and associated dimensional regulations are a frequent source of confusion. Using the terms “Private Open Space”, “Private Open Space, Usable”, and “Private Open Space, Landscaped” is unlikely to completely eliminate this confusion, but I feel they more accurately represent what the definitions actually mean.

Over the long term, I’d hope that we could reconsider our approach to the dimensional regulation of yards. The Open Space regulations in Section 5 are based on a percentage of gross floor area, which puts them in the awkward position of trying to simultaneously regulate massing and the portion of a lot which is unpaved and uncovered by structures. I believe it would be clearer and more straightforward to regulate these factors independently (for example, by using height, setbacks, and floor area ratio to regulate massing, in conjunction with lot coverage and limitations on impervious surfaces to regulate the portion uncovered by structures).

Thank you for your time and consideration.

Sincerely,

Stephen A. Revilak