

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CIVIL ACTION NO. \_\_\_\_\_

\_\_\_\_\_) )  
 EMBER GARDENS BOSTON, LLC ) )  
 AND DENNIS COLWELL, ) )  
 ) )  
 Plaintiffs, ) )  
 ) )  
 v. ) )  
 ) )  
 MARK FORTUNE, CHRISTINE ) )  
 ARAUJO, MARK ERLICH, KERRY ) )  
 WALSH LOGUE, TYRONE KINDELL, ) )  
 JR., EDWARD DEVEAU, JOSEPH ) )  
 RUGGIERO, KONSTANTINOS LIGRIS, ) )  
 JEANNE PINADO, ERIC ROBINSON, ) )  
 HANSY BETTER BARRAZA, ) )  
 BETHANY PATTEN, AND SHERRY ) )  
 DONG, IN THEIR CAPACITY AS ) )  
 MEMBERS OF THE CITY OF BOSTON ) )  
 ZONING BOARD OF APPEAL, ) )  
 ) )  
 Defendants. ) )  
 \_\_\_\_\_) )

E-FILED 9/7/2021

**COMPLAINT**

Plaintiffs Ember Gardens Boston, LLC and Dennis Colwell<sup>1</sup> (collectively, the “**Plaintiff**”) seek judicial review, pursuant to Section 11 of Chapter 665 of the Acts of 1956, as amended (the “**Enabling Act**”), from the decision of the City of Boston Zoning Board of Appeal (the “**ZBA**”), denying Plaintiff’s Application No. BOA1121608 (the “**Decision**”) for a recreational cannabis facility at 297 Newbury Street, Boston, Massachusetts 02115 (the “**Premises**”).

As described below, despite Plaintiff’s receipt of the unanimous approval of the City of

<sup>1</sup> Dennis Colwell is the architect for Ember Gardens Boston, LLC with respect to the property at 297 Newbury Street, Boston, Massachusetts and is named herein in a non-adverse capacity solely for the reason that Colwell is listed in the Zoning Board of Appeal’s decision as the “Appellant” due to his filing submission documents with the City of Boston on behalf of Ember Gardens.

Boston Cannabis Board – the municipal authority specifically established to evaluate cannabis licensure and the proposed time, place, and manner in which such establishments are approved and operate –Plaintiff’s application before the ZBA was denied for ostensibly political purposes, in contravention of the standards of the Boston Zoning Code and contrary to criteria set forth for by the ZBA relating to similarly situated applicants.

In denying Plaintiff’s application, the ZBA made numerous findings of fact and conclusions of law that were not supported by substantial evidence, contradicted applicable law and the zoning ordinance, and otherwise acted arbitrarily and capriciously in contravention of the provisions of and in excess of its authority under the Boston Zoning Code. The Decision fails to articulate any basis for the denial of the proposed relief, relies on conclusory, boilerplate denial language, fails to identify any issues contemplated by the Boston Zoning Code, and is otherwise arbitrary and capricious in contravention of the provisions of and in excess of its authority under the Boston Zoning Code. As such, the Decision clearly exceeds the authority of the ZBA and must be annulled by this Honorable Court.

### **PARTIES**

1. Plaintiff Ember Gardens Boston, LLC, is a Massachusetts limited liability company with an address at 297 Newbury Street, Boston, Massachusetts 02115 (“**Ember Gardens**”).

2. Plaintiff Dennis Colwell, Jr., RA, NCARB, is an architect duly licensed within the Commonwealth of Massachusetts with a principal place of business located at 132 Central St., Suite 203, Foxborough, Massachusetts 02035 (“**Colwell**” and together with Ember Gardens, the “**Applicant**”)

3. Defendants Boston Zoning Board of Appeal and its individual members, Mark

Fortune, Christine Araujo, Mark Erlich, Kerry Walsh Logue, Tyrone Kindell, Jr., Edward Deveau, Joseph Ruggiero, Konstantinos Ligris, Jeanne Pinado, Eric Robinson, Hansy Better Barraza, Bethany Patten, and Sherry Dong (all collectively the “ZBA”), constitute a board established under the Enabling Act with authority to hear appeals of decisions regarding enforcement of the City of Boston’s zoning regulations. The ZBA has a usual place of business at 1010 Massachusetts Avenue, 4th floor, Suffolk County, Boston, Massachusetts 02118.

### **JURISDICTION**

4. The ZBA’s Decision was filed with the Inspectional Services Department of the City of Boston on August 18, 2021. A true and accurate copy of the Decision is annexed hereto and incorporated by reference herein as Exhibit 1.

5. This Court has jurisdiction over this action pursuant to Section 11 of the Enabling Act, as amended.

### **GENERAL FACTUAL ALLEGATIONS**

#### **A. Ember Gardens Boston LLC**

6. Ember Gardens is a Massachusetts limited liability company with an address of 297 Newbury Street, Boston, Massachusetts 02115.

7. Ember Gardens is a locally owned business, certified as a Boston Equity applicant with the City of Boston, which seeks to open and operate a retail cannabis establishment at the Premises.

8. Ember Gardens’ parent company, Fuego Farms Inc., is a certified Social Equity company with the Massachusetts Cannabis Control Commission.

9. Ember Gardens is comprised of a diverse and experienced team of owners and consultants.

10. Ember Gardens decided to start a recreational cannabis retail establishment in the City of Boston with a strong affirmative commitment to partner with local residents, staff locally from the City of Boston, and promote an environment of inclusion.

**B. The Premises**

11. The Premises is located at 297 Newbury Street, Boston, Massachusetts 02115 (City of Boston Assessing Department Parcel ID. 0503092000), within in the Boston Proper zoning district, B-3-65 (General Business) subdistrict, in the Back Bay neighborhood of the City of Boston.

12. The owner of the Premises is 297 Newbury Street LLC, a Massachusetts limited liability company with an address of 137 Newbury Street, Boston, Massachusetts 02115.

13. Ember Gardens has a leasehold interest in the Premises.

14. The Premises is situated on the north side of Newbury Street between Hereford Street and Gloucester Street, within a row of mixed-use properties.

15. The subject block of Newbury Street contains a combination of office, retail, commercial, and residential units throughout the block.

16. The Premises, and the proposed retail cannabis facility, is primarily surrounded by properties with primary commercial and retail uses on the first floor and garden level,

17. As of the date of hearing before the ZBA, as detailed below, the use of the Premises for a retail cannabis establishment was allowed by way of a “conditional use” permit issued by the ZBA pursuant to Article 8, Section 7 of the Boston Zoning Code (the “**Zoning Code**”) and offers an appropriately sized space to facilitate use as a retail cannabis establishment.



**C. Applications filed with City of Boston Inspectional Services Department and Zoning Board of Appeal**

18. On or about August 17, 2020, pursuant to the established process within the City of Boston and the Zoning Code, the Applicant submitted Application ALT1109826 to the City of Boston Inspectional Services Department, Planning and Zoning Division (“**ISD**”) for the demolition of interior non-load bearing walls, construction of new walls for a security office, retail space, secure vault, and ADA lift in rear alley and for a change of occupancy to include Marijuana Dispensary (the “**Proposed Project**”).

19. In or about September 2020, ISD issued a Zoning Code Refusal letter relative to Application ALT1109826, which denied the requested building permits and indicated that the Applicant needed a conditional use permit and variance to establish the Proposed Project including, but not limited to, the retail cannabis establishment under Article 8, Section 7 of the Zoning Code (the “**Refusal Letter**”).

20. On or about September 25, 2020, the Applicant filed an appeal of the Refusal Letter with the ZBA seeking the required conditional use permit and variance under the Boston Zoning Code (the “**Appeal**”).

**D. Approval from the City of Boston Cannabis Board**

21. In or about November 2019, through the City of Boston Code, Ordinances, Chapter VIII, Section 8-13 (the “**Ordinance**”), the City of Boston established the “Equitable Regulation of the Cannabis Industry in the City of Boston,” which gave the Mayor the power to create the Boston Cannabis Board (“**Cannabis Board**”).

22. Section 8-13.8 of the Ordinance provides that the City shall grant licenses in an equitable manner and sets forth the criteria that the Cannabis Board must consider in evaluating an application for licensure.

23. At the relevant time periods herein, the Ordinance required the Cannabis Board to evaluate an applicant's plan for the following categories, each of which carries a specific weight towards approval of the application: diversity and inclusion (25%), employment (20%), community feedback/public support (with subcategories addressing letters of support) (20%), location, safety and security (with subcategories focused on on-site security personnel, building and product security, and protecting youth from the product) (20%), and parking/transportation (with subcategories addressing access to public transportation, on-site parking, transportation and delivery of product and money) (15%).

24. The Cannabis Board promulgates its own Rules and Regulations (the "**Rules**") controlling the granting and regulation of licenses in the cannabis industry.

25. The Cannabis Board is the licensing authority for cannabis establishments within the City of Boston and evaluates the proposed time, place and manner in which these establishments are approved, open, and operate.

26. Section 1.02(B) of the Rules provides Application Requirements for licensure, and requires all applicants to: complete an online application, file an appeal for underlying use with the ZBA, complete a community meeting with the Mayor's Office of Neighborhood Services, and attempt to obtain a letter of support/non-opposition, or opposition, from the District City Councilor.

27. The Cannabis Board uses "Score Sheets" to evaluate applications to licensure, which include the mandatory criteria from the Ordinance Section 8-13.8, which become part of the public record. Each commissioner on the Cannabis Board, in evaluating each applicant, has the option to grant, conditionally grant, or deny a license.

28. An application to the Cannabis Board and a vote approving the Cannabis Board

application are necessary prerequisites to operate a retail cannabis establishment in the City of Boston.

29. During the pendency of the ZBA Appeal, Ember Gardens submitted an application to the Boston Cannabis Board for a retail marijuana establishment license (the “**Cannabis Board Application**”).

30. In support of the Cannabis Board Application, Ember Gardens conducted community outreach meetings in conformance with the City of Boston and the Commonwealth of Massachusetts requirements.

31. In its Cannabis Board Application, Ember Gardens noted, among other items, that diversity, equity, and inclusion were core values of Ember Gardens that have been integrated into its strategic growth plan. Ember Gardens further demonstrated that it was committed to creating opportunities for certified minority and woman owned businesses and further committed that, if it were allowed to operate a retail cannabis establishment at the Premises, it would hire employees and contractors who were local, diverse, and inclusive such that Ember Gardens’ employees and independent contractors would include people of color, women, and the LGBTQ+ community, as at least representative of the local community. Ember Gardens committed to hire employees and contractors who are residents of Back Bay and the City of Boston and offer competitive wages and benefits for local residents.

32. As part of the overall requirements and jurisdiction of the Cannabis Board, it was a requirement that Ember Gardens demonstrate the location of the proposed retail cannabis establishment was an appropriate location and that Ember Gardens would provide a safe and secure business.

33. Ember Gardens committed to building a well-lit, clean, and professional retail

cannabis establishment that would have robust video surveillance and professional security personnel at all times.

34. In furtherance of its Cannabis Board Application, the Cannabis Board held a hearing on the Application of Ember Gardens on January 13, 2021.

35. At the time of the Cannabis Board hearing, Ember Gardens was the first Certified Equity candidate for a cannabis retail establishment license in the Back Bay.

36. On or about January 21, 2021 and February 17, 2021, the Cannabis Board met to deliberate and vote regarding Ember Gardens' Cannabis Board Application.

37. Applying the criteria established in the Ordinances, the Cannabis Board found that Ember Gardens scored highly across all criteria, and found that granting the License to Ember Gardens at the Premises would be appropriate in time, place, and manner, and adhered to the spirit of the Ordinance. A true and accurate copy of the Cannabis Board Score Sheets are annexed hereto and incorporated by reference herein as Exhibit 2.

38. Based upon the information presented by Ember Gardens, the Cannabis Board unanimously voted in favor of the Cannabis Board application for a retail cannabis establishment license at the Premises.

39. Based upon the approval of the Cannabis Board of Ember Gardens' Cannabis Board Application for a Cannabis License at the Premises, on March 16, 2021, Ember Gardens and the City of Boston entered into a Host Community Agreement (the "HCA") whereby the City of Boston and Ember Gardens agreed, subject to the conditions in the HCA, that Ember Gardens would be able to operate a retail cannabis establishment at the Premises consistent with the HCA. A true and accurate copy of the HCA is annexed hereto and incorporated by reference herein as Exhibit 3.

**E. Denial by the Zoning Board of Appeals**

40. The ZBA held public hearings concerning the Appeal on April 6, 2021 and June 22, 2021 (the “ZBA Hearings”).

41. Ember Gardens made a presentation in support of the Appeal and Proposed Project, which included a Powerpoint presentation and illustrated the same time, place and manner considerations presented before the Boston Cannabis Board, including, but not limited to, information relative to: operations, hours, location, storefront and layout, buffer requirements, access, transportation, delivery, security, prevention of diversion to minors, positive impact plans, and neighborhood relations. A true and accurate copy of the Powerpoint is annexed hereto and incorporated by reference herein as Exhibit 4.

42. During the ZBA Hearings, Ember Gardens detailed significant reasons the proposed use at the Premises of a retail cannabis establishment qualified under zoning for the relief required under the Zoning Code.

43. In connection with the ZBA Hearings, Ember Gardens collected over 250 letters of support from Back Bay residents and close to 775 signatures of support from residents of the City of Boston. Ember Gardens submitted numerous letters of support it had received from neighbors, residents, and businesses throughout the Back Bay neighborhood and the City of Boston. True and accurate copies of the letters in support are annexed hereto and incorporated by reference herein as Exhibit 5.

44. Ember Gardens further noted the amount of community outreach that it had conducted over the course of the prior year with elected officials, neighborhood associations, local business owners, non-profit leaders, and community members and residents, which included, but was not limited to: introductory telephone calls and two (2) community meetings

conducted in conjunction with the Mayor’s Office of Neighborhood Services; and outreach calls and/or meetings with Back Bay Business Association, local city councilors, Neighborhood Association of Back Bay, state representative, and abutters.

45. Ember Gardens’ presentation before the ZBA, along with the letters in support and additional documents submitted, clearly and sufficiently met the criteria for approval of a conditional use pursuant to Article VI, Section 6-3 of the Zoning Code, which states, in relevant part “The Board of Appeal shall grant any such appeal only if it finds that all of the following conditions are met: (a) the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use under Section 9-2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted; (b) the use will not adversely affect the neighborhood; (c) there will be no serious hazard to vehicles or pedestrians from the use; (d) no nuisance will be created by the use; and (e) adequate and appropriate facilities will be provided for the proper operation of the use ... .”

46. At the ZBA Hearings, Ember Gardens further addressed the requirement for a variance for the operation of a retail cannabis establishment under Article 8, Section 7 (as a result of another cannabis establishment being located within one-half mile from the Premises), highlighting the company’s unique status as a certified Social Equity applicant by the City of Boston and Massachusetts Cannabis Control Commission, in addition to the dense character of the Back Bay neighborhood and zoning district’s ability to comfortably handle more than one cannabis retailer.

47. Despite the support for the Proposed Project, unanimous approval of the Boston Cannabis Board (with findings relative to time, place, and manner), and Applicant’s compliance

with requirements under the Zoning Ordinance, the ZBA denied the Appeal in a decision dated June 22, 2021.

48. The Decision fails to articulate any basis for the denial of the proposed relief, relies on conclusory, boilerplate denial language, fails to identify any issues contemplated by the Boston Zoning Code, and is otherwise arbitrary and capricious in contravention of the provisions of and in excess of its authority under the Boston Zoning Code.

49. The Decision includes only the following conclusory details regarding the Appeal, without any particular detail as to what reasons, if any, the ZBA had for its denial:

“The Board is of the opinion that the Appellant did not advance sufficient reasons to satisfy the Board that all of the conditions under which the Board may grant a Variance as specified in Article 7, Section 7-3 nor a Conditional Use Permit under Article 6, Section 6-3 of the Zoning Code have been met, nor to cause the Board to come to a conclusion that this is a specific case where literal enforcement of the Act involves substantial hardship upon the Appellant as well as upon the premises, nor where the described relief may be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of the Zoning Act.”

50. In denying Plaintiff’s Application, the ZBA made numerous findings of fact and conclusions of law that were not supported by substantial evidence, contradicted applicable law and the zoning ordinance, and in contravention of the provisions of and in excess of its authority under the Boston Zoning Code.

51. Further, the Decision was arbitrary and capricious and contradictory to other decisions made by the ZBA relative to similarly situated properties and applicants.

52. One example of the arbitrary and capricious nature of the ZBA can be found in the matter of Rooted In, LLC (“**Rooted**”), BOA-1203994, which was approved by the ZBA with an entry date identical to that of the Ember Gardens (August 18, 2021). Rooted had an application for a cannabis retailer at 331-335A Newbury Street, only 348 feet away from Ember

Garden's Proposed Project. Same as Ember Gardens, Rooted required both a conditional use permit and variance pursuant to Article 8, Section 7 of the Zoning Code. The proposed locations for Ember Gardens and Rooted were located within the same zoning district (Boston Property), same zoning subdistrict (B-3-65), same neighborhood (Back Bay), same street (Newbury Street), within 300 feet of each other, and came before the ZBA with approvals from the Boston Cannabis Board and a Host Community Agreement. Yet, for reasons unknown, with the exception of tangential political support – a facet not included under the Zoning Code as criteria for a conditional use or variance – the application for Rooted was approved while the application for Ember Gardens was denied. The ZBA decision approving Rooted contains only conclusory statements about compliance with conditional use and variance standards, without any supporting facts or information. A true and accurate copy of the Rooted decision is annexed hereto and incorporated by reference herein as Exhibit 6.

53. Further frustrating the arbitrary denial of Ember Gardens for a conditional use and variance, on the date of entry for the ZBA Decision relative to Ember Gardens (August 18, 2021), the Boston City Council passed “An Order Regarding a Text Amendment to the Boston Zoning Code with Respect to Marijuana Establishments,” amending the Zoning Ordinance which removed the one-half mile restriction and changed the use categorization for cannabis retailers from “conditional” to “allowed”. But for the inclusion of such restrictions within the Zoning Code, Ember Gardens would have been able to operate by-right pursuant to its Cannabis Board approvals and Host Community Agreement. A true and accurate copy of the order is annexed hereto and incorporated by reference herein as Exhibit 7.



**CAUSES OF ACTION**

**COUNT I**

**(to Annul the ZBA's Decision)**

54. Plaintiff realleges and incorporates by reference herein Paragraphs 1 through 53 above as if specifically stated herein.

55. Section 8 of Chapter 66 of the Acts of 1956 establishes the ZBA and further authorizes the City of Boston to adopt, promulgate, and enforce zoning regulations (“Boston Zoning Code”).

56. At the time of the Application, Subpart 6 of Section 38-8 of the Boston Zoning Code, which addresses conditional use regulations for the Premises, provides that the granting of a permit for any conditional use may be authorized by the ZBA and lists “Cannabis Establishments” as a conditional use under-Section 38-18(6)(q).

57. Section 6-1 of the Boston Zoning Code more generally permits the ZBA to grant permission for the conditional use of land.

58. The use of the Premises for a retail cannabis establishment is considered a conditional use pursuant to Article 8, Section 7 of the Boston Zoning Code.

59. Pursuant to Article VI, Section 6-3 of the Zoning Code, which states as follows:

The Board of Appeal shall grant any such appeal only if it finds that all of the following conditions are met:

- (a) the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use under Section 9-2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted;
- (b) the use will not adversely affect the neighborhood;
- (c) there will be no serious hazard to vehicles or pedestrians from the use;
- (d) no nuisance will be created by the use;

(e) adequate and appropriate facilities will be provided for the proper operation of the use;

(f) if such appeal relates to a Development Impact Project, as defined in Section 80B-7; the applicant shall have complied with the Development Impact Project Exaction requirements set forth in Section 80B-7.3; and

(g) if such appeal relates to a Proposed Project in an area designated a Greenbelt Protection Overlay District as defined in Section 29-2, the Applicant shall have complied with the requirements set forth in Section 29-3 and Section 29-5 and the standards set forth in Section 29-6.

60. The Premises conforms with underlying zoning and offers an appropriately sized space to facilitate us as a retail cannabis establishment.

61. Due to the proximity of the Premises to another Cannabis Establishment (less than one-half of a mile), the Applicant required a variance from the ZBA.

62. The ZBA has previously (and subsequently) granted conditional uses permits and variances for Cannabis Establishments in the City of Boston, including sites within one-half mile of another Cannabis Establishments, sites with neighborhood opposition, and sites within the Back Bay neighborhood.

63. M.G.L. ch. 94G, § 3(a) states, “[a] city or town may adopt ordinances and by-laws that impose reasonable safeguards on the operation of marijuana establishments, provided they are not unreasonably impracticable and are not in conflict with this chapter or with regulations made pursuant to this chapter.”

64. M.G.L. ch. 94G, § 1 defines unreasonably impracticable as follows: “Unreasonably impracticable, that the measures necessary to comply with the regulations, ordinances or by-laws adopted pursuant to this chapter subject licensees to unreasonable risk or require such a high investment of risk, money, time or any other resource or asset that a reasonably prudent businessperson would not operate a marijuana establishment.”

65. Based upon all of the evidence presented to the ZBA, the ZBA's decision to deny the permit did not align with the plain language definition of "unreasonably impracticable."

66. The lack of equitable distribution of Cannabis Establishments permits is not in keeping with the Code.

67. The Enabling Act dictates that the "regulations and restrictions shall be uniform for each class or kind of buildings, structures or land, and for each class or kind of use, throughout the district."

68. The ZBA's decision was arbitrary, among other reasons, because the ZBA has approved other Cannabis Establishments at locations with far less amenities and at sites inferior to the Premises.

69. The ZBA's denial of the Appeal, as set forth in the Decision, exceeded the authority of the ZBA, constituted an error of law, was arbitrary and capricious, constituted an abuse of discretion, and consequently should be annulled.

### **PRAYERS FOR RELIEF**

WHEREFORE, Plaintiffs Ember Gardens Boston, LLC and Dennis Colwell respectfully request that the Court:

1. annul the Decision of the Boston Zoning Board of Appeal denying Plaintiffs' Application for Cannabis Establishment, as set forth in the written decision attached hereto as Exhibit 1;
2. remand the matter to the Boston Zoning Board of Appeal with instructions that the conditional use permit and variance applications be granted; and
3. grant such other and further relief as justice and equity may require.

Respectfully submitted,

**PLAINTIFFS**

**EMBER GARDENS BOSTON, LLC  
and DENNIS COLWELL,**

By their attorneys,

*/s/ Roger L. Smerage*

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Adam R. Barnosky (BBO No. 677054)  
Bradley L. Croft (BBO No. 633347)  
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Dated: September 7, 2021

**EXHIBIT 1**

DECISION OF THE ZONING BOARD OF APPEALS

EMBER GARDENS BOSTON, LLC



**NOTICE OF DECISION  
CASE NO. BOA1121608  
PERMIT # ALT1109826  
APPEAL DISMISSED**

In reference to appeal of

Dennis Colwell

Concerning premises

297 Newbury Street, Ward 05

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been denied.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was August 18, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

**FOR THE BOARD OF APPEAL**

**/s/Thomas J. Broom**

**Thomas J. Broom  
Principal Administrative Assistant**



DECISION OF THE BOARD ON THE APPEAL OF

June 22, 2021  
DATE

Dennis Colwell

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises: at 297 Newbury Street, Ward - 05

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: **Variance + Conditional Use**

<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Art. 08 Sec.07	Use: Conditional	Use is conditional
Art. 08 Sec. 07	Use: Forbidden	This proposed cannabis use location is within 1/2 mile from another existing cannabis establishment: Therefore, Forbidden

Purpose: Change of Occupancy to include Marijuana Dispensary. Demolition of interior non-load bearing walls, construction of new walls for a security office, retail space, secure vault, and ADA lift in rear alley.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA-1121608 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, March 16, 2021

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, April 06, 2021 and discussed again on, Tuesday, June 22, 2021 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit#ALT-1109826 and August 20, 2020 plans submitted to the Board at its hearing and how on file in the Building Department.



DECISION OF THE BOARD ON THE APPEAL OF

297 Newbury Street, Ward 5  
BOA1121608  
Date of Hearing: June 22, 2021  
Permit: #ALT1109826  
Page: # 2

The premises in question are located in the Boston Proper zoning district of the City of Boston. Appellant's appeal concerned a decision to refuse to issue permit #ALT1109826, to change occupancy to a Cannabis Establishment, by the Building Commissioner for violations of Statute 1956, Chapter 665:

Article 8, Section 7	Cannabis Establishment within ½ mile of another Cannabis Establishment is Forbidden
Article 8, Section 7	Cannabis Establishment Use is Conditional

The Board is of the opinion that the Appellant did not advance sufficient reasons to satisfy the Board that all the conditions under which the Board may grant a Variance as specified in Article 7, Section 7-3 nor a Conditional Use Permit under Article 6, Section 6-3 of the Zoning Code have been met, nor to cause the Board to come to a conclusion that this is a specific case where a literal enforcement of the Act involves a substantial hardship upon the Appellant as well as upon the premises, nor where the described relief may be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of the Zoning Act.

The Board (the members and substitute member/members sitting on this appeal) voted to dismiss the appeal.





DECISION OF THE BOARD ON THE APPEAL OF

297 Newbury Street, Ward 5  
BOA1121608  
Date of Hearing: June 22, 2021  
Permit: #ALT1109826  
Page: # 3

Therefore, the Board (the members and substitute member/members sitting on this appeal) is of the opinion that the Building Commissioner was justified in his refusal, and affirms the same.

APPEAL DISMISSED

Signed, August 13, 2021

With my affixed signature I, the Executive Secretary of the Board of Appeal, hereby certify that the signatories of this decision have given their express permission for electronic signature:

Thomas J. Broom, Esq.  
Executive Secretary  
Board of Appeal

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

Joseph Ruggiero (Voted In Favor)

/s/ Kosta Ligris

Kosta Ligris (Voted in Favor)

/s/ Hansy Better Barraza

Hansy Better Barraza (Alternate) (Voted in Favor)

/s/ Sherry Dong

Sherry Dong (Voted In Favor)

**EXHIBIT 2**

BOSTON CANNABIS BOARD SCORE SHEETS



City of Boston  
 Mayor Martin J. Walsh  
 Boston Cannabis Board

Commissioners:  
 Kathleen M. Joyce, Chairman  
 Lisa Holmes  
 Darlene Lombos  
 John Smith  
 Alejandra St. Guillen  
 Executive Secretary:  
 Lesley Delaney Hawkins

- 3rd location  
 min a buffer zone  
 equity methods  
 when applicants  
 are located

**SCORING SHEET\***  
**NEW CANNABIS LICENSE APPLICATION**

first equity in BB

HEARING DATE: Jan 13 VOTING HEARING DATE: 2/17

APPLICANT ENTITY NAME: Ember Gardens

PROPOSED D/B/A: \_\_\_\_\_

PROPOSED LICENSED PREMISE ADDRESS: 297 Newbury St

LICENSE TYPE: Retail

CERTIFIED EQUITY APPLICANT BY OED? yes 11 am - 8 pm

87 Total points possible: 100.

**EVALUATION CRITERIA**

Positive Impact Plan  
 8 ✓ goals  
 9 ✓ programs  
 4 ✓ measures

- feedback loop  
 - appt service only  
 - crowds & disrupt

1. Diversity and inclusion plan: 21/25
2. Employment plan: 20/20
  - a. Plan for employment of Boston residents; 100% Boston
  - b. Plan for employment of minorities and women; 5
  - c. Plan for offering competitive wages and benefits for local residents; \$19
  - d. Plan for employment of individuals with criminal records.
3. Community feedback/public support: 10/20
  - a. Letters of support from local elected officials; 10 <sup>district</sup> 5 - 250 signatures
  - b. Letters of support from local community organizations; 10 <sup>district</sup> 5 from B.B. residents
4. Location, safety, and security: 14/20
  - a. Plan for on-site security personnel; 4
  - b. Plan for building and product security; 4
  - c. Plan for protecting youth from accessing the product. 6 → making efforts by garage
5. Parking/transportation plan: 10/15
  - a. Access to public transportation; 6 discounts for people who use public transportation
  - b. Accessibility and amount of on-site parking; 0
  - c. Plan for the transportation and delivery of product; 3
  - d. Plan for the transportation of monies to and from the site. 2 - stop tickets, Bus stop ticket, good faith

3achive at all times  
 local

TOTAL SCORE: \_\_\_\_\_/100

Commissioner Vote:  GRANT  GRANT CONDITIONALLY  DEFER

REJECT WITHOUT PREJUDICE \_\_\_\_\_ REJECT WITH PREJUDICE \_\_\_\_\_

COMMISSIONER NAME: Kathleen Joyce



City of Boston  
 Mayor Martin J. Walsh  
 Boston Cannabis Board

Commissioners:  
 Kathleen M. Joyce, Chairman  
 Lisa Holmes  
 Darlene Lombos  
 John Smith  
 Alejandra St. Guillen  
 Executive Secretary:  
 Lesley Delaney Hawkins

**SCORING SHEET\***  
**NEW CANNABIS LICENSE APPLICATION**

HEARING DATE: 01.13.2021 VOTING HEARING DATE: 01.21.2021 / 02.17.2021

APPLICANT ENTITY NAME: Ember Gardens Boston LLC

PROPOSED D/B/A: \_\_\_\_\_

PROPOSED LICENSED PREMISE ADDRESS: 297 Newberry Street

LICENSE TYPE: Retail / Recreational

CERTIFIED EQUITY APPLICANT BY OED? Yes

Total points possible: 100.

**EVALUATION CRITERIA**

1. Diversity and inclusion plan: 20 /25
2. Employment plan: 15 /20
  - a. Plan for employment of Boston residents;
  - b. Plan for employment of minorities and women;
  - c. Plan for offering competitive wages and benefits for local residents;
  - d. Plan for employment of individuals with criminal records.
3. Community feedback/public support: 8 /20
  - a. Letters of support from local elected officials;
  - b. Letters of support from local community organizations.
4. Location, safety, and security: 19 /20
  - a. Plan for on-site security personnel;
  - b. Plan for building and product security;
  - c. Plan for protecting youth from accessing the product.
5. Parking/transportation plan: 12 /15
  - a. Access to public transportation;
  - b. Accessibility and amount of on-site parking;
  - c. Plan for the transportation and delivery of product;
  - d. Plan for the transportation of monies to and from the site.

TOTAL SCORE: 73 /100

Commissioner Vote: \_\_\_\_\_ GRANT X GRANT CONDITIONALLY X DEFER 01.21.2021  
02.17.2021  
 \_\_\_\_\_ REJECT WITHOUT PREJUDICE \_\_\_\_\_ REJECT WITH PREJUDICE

• bufferzone  
 • no singles  
 • order online only

COMMISSIONER NAME: Darlene Lombos





City of Boston  
Mayor Martin J. Walsh  
Boston Cannabis Board

Commissioners:  
Kathleen M. Joyce, Chairman  
Lisa Holmes  
Darlene Lombos  
John Smith  
Alejandra St. Guillen  
Executive Secretary:  
Lesley Delaney Hawkins

SCORING SHEET\*

NEW CANNABIS LICENSE APPLICATION

~~HEARING DATE: 1/13/21~~ HEARING DATE: 1/13/21  
HEARING DATE: 12/9/20 VOTING HEARING DATE: 2/17/21

APPLICANT ENTITY NAME: EMBER GARDENS BOSTON, LLC

PROPOSED D/B/A: \_\_\_\_\_

PROPOSED LICENSED PREMISE ADDRESS: 297 NEWBURY ST, BACK BAY

LICENSE TYPE: Recreational

CERTIFIED EQUITY APPLICANT BY OED? yes

Total points possible: 100.

EVALUATION CRITERIA

- 1. Diversity and inclusion plan: 125
- 2. Employment plan: 120
  - a. Plan for employment of Boston residents;
  - b. Plan for employment of minorities and women;
  - c. Plan for offering competitive wages and benefits for local residents; ✓
  - d. Plan for employment of individuals with criminal records.
- 3. Community feedback/public support: 10/120
  - a. Letters of support from local elected officials; -5
  - b. Letters of support from local community organizations. -5
- 4. Location, safety, and security: 120
  - a. Plan for on-site security personnel;
  - b. Plan for building and product security;
  - c. Plan for protecting youth from accessing the product.
- 5. Parking/transportation plan: 12.5/115
  - a. Access to public transportation; ✓
  - b. Accessibility and amount of on-site parking; -3.5
  - c. Plan for the transportation and delivery of product; ✓
  - d. Plan for the transportation of monies to and from the site; ✓

TOTAL SCORE: 87.5/100

Commissioner Vote: \_\_\_\_\_ GRANT \_\_\_\_\_ GRANT CONDITIONALLY \_\_\_\_\_ DEFER

REJECT WITHOUT PREJUDICE \_\_\_\_\_ REJECT WITH PREJUDICE \_\_\_\_\_

COMMISSIONER NAME: Lisa R Holmes

*Handwritten notes:*  
buffer zone  
no singles  
only  
Feb 7-8p 105







City of Boston  
Mayor Martin J. Walsh  
Boston Cannabis Board

Commissioners:  
Kathleen M. Joyce, Chairman  
Lisa Holmes  
Darlene Lombos  
John Smith  
Alejandra St. Guillen  
Executive Secretary:  
Lesley Delaney Hawkins

**SCORING SHEET\***  
**NEW CANNABIS LICENSE APPLICATION**

HEARING DATE: 2/10/21 VOTING HEARING DATE: 2/17/21

APPLICANT ENTITY NAME: Ember Gardens Boston LLC

PROPOSED D/B/A: \_\_\_\_\_

PROPOSED LICENSED PREMISE ADDRESS: 297 Newbury Street, Boston MA

LICENSE TYPE: Recreational

CERTIFIED EQUITY APPLICANT BY OED? YES

Total points possible: 100.

**EVALUATION CRITERIA**

1. Diversity and inclusion plan: 21/25
2. Employment plan: 15/20
  - a. Plan for employment of Boston residents;
  - b. Plan for employment of minorities and women;
  - c. Plan for offering competitive wages and benefits for local residents;
  - d. Plan for employment of individuals with criminal records.
3. Community feedback/public support: 10/20
  - a. Letters of support from local elected officials;
  - b. Letters of support from local community organizations.
4. Location, safety, and security: 15/20
  - a. Plan for on-site security personnel;
  - b. Plan for building and product security;
  - c. Plan for protecting youth from accessing the product.
5. Parking/transportation plan: 12/15
  - a. Access to public transportation;
  - b. Accessibility and amount of on-site parking;
  - c. Plan for the transportation and delivery of product;
  - d. Plan for the transportation of monies to and from the site.

TOTAL SCORE: 73/100

Commissioner Vote:        GRANT        GRANT CONDITIONALLY YES        DEFER

       REJECT WITHOUT PREJUDICE        REJECT WITH PREJUDICE

COMMISSIONER NAME: JOHN SMITH

**EXHIBIT 3**

HOST COMMUNITY AGREEMENT



# City of Boston and Ember Gardens LLC

## HOST COMMUNITY AGREEMENT

This Host Community Agreement (“Agreement”) is made and entered into on the 16<sup>th</sup> day of March 2021, by and between the City of Boston, Massachusetts (“City” or “Boston”) and Ember Gardens LLC (“Company”) and (collectively the “Parties”).

WHEREAS, the Company wishes to operate as a Recreational Marijuana Retailer, by receipt of a license from the Commonwealth of Massachusetts’ Cannabis Control Commission (“CCC”) within the City, in accordance with 105 CMR 725 et seq. and 935 CMR 500.000 et seq.;

WHEREAS, The Parties understand and acknowledge that the Company intends to locate and operate as a Recreational Marijuana Retailer, at 297 Newbury Street, Boston, Massachusetts, 02115;

WHEREAS, the Company endeavors to function as a responsible corporate citizen and contributing member of the business community as it builds and sustains its business in the City;

NOW THEREFORE, in consideration of the provisions of this Agreement, the Company and the City agree to the following:

1. Definitions. As used in this agreement, terms shall have the following meaning:

- a. Marijuana Establishment means a Medical Marijuana Treatment Center, Registered Marijuana Dispensary, Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related establishment seeking to conduct business within the City.
- b. Gross Sales Revenue means the total revenue actually derived from cultivation, manufacturing, processing and/or sales of marijuana and marijuana related products at the Marijuana Establishment.
- c. Calendar Year means a period of days running from January 1st until and through December 31st of the same year.
- d. Commencement Date means the date the Company commences sales at its Marijuana Establishment.

2. Payment. In the event that the Company obtains a license from the CCC for the operation of a Marijuana Establishment in the City and the Company receives any and all necessary and required permits and licenses issuable by the City, which said permits and/or licenses allow the

company to locate, occupy and operate the Marijuana Establishment, the Company shall pay the City the following amounts:

- a. The Company shall make quarterly payments equal to three percent (3%) of gross sales revenue within thirty (30) days of receipt of notification from the City. Notification shall be sent to the Company with a form to be completed that indicates the calculation used by the Company. This form must be returned with the corresponding payment. The initial quarterly payment will not be due until the Company has been in operation for a time greater than a full quarter; however, the calculation of the initial payment will include the first full quarter in addition to any earlier partial quarter. Payments should be sent to:

City of Boston Treasury  
P.O. Box 9715  
Boston, MA 02114

Additionally, the Company shall provide the City of Boston a copy of its audited financial statements, demonstrating gross sales revenue for the fiscal year. The financial statements must be received no later than April 30th of the subsequent year. If it is determined that additional funds are owed to the City, the Company must remit this payment within fifteen (15) days of notification.

- b. With regard to any year of operation for the Company which is not a full calendar year, the applicable Quarterly Payment shall be pro-rated accordingly.

3. Obligations of the City. The City shall work cooperatively and in good faith with the Company as the Company progresses through the City's permitting process.

This Agreement does not affect, limit, or control the authority of any City department, including boards and commissions, to carry out their respective duties in deciding whether to issue or deny any necessary local permits or licenses pursuant to state or local law, ordinance, or regulation and collect appropriate fees and fines related to local permits and licenses. By entering into this Agreement the City is not required to issue such permits or licenses.

All rights and obligations under this Agreement are expressly conditioned upon the Company's receipt of a Final License allowing for their operation of a Recreational Marijuana Retailer, within the City, and upon Company obtaining all local approvals. If Company fails to secure a Final License, or any of the required local approvals aforementioned, this Agreement shall be null and void.

4. Taxes. At all times during the Term of this Agreement, property, both real and personal, owned or operated by the Company shall be treated as taxable, and all applicable real estate and personal property taxes for that property shall be paid either directly by the Company or by its



landlord, and neither the Company nor its landlord shall object or otherwise challenge the taxability of such property and shall not seek a non-profit exemption from paying such taxes. Notwithstanding the foregoing, (i) if real or personal property owned, leased or operated by the Company is determined to be non-taxable or partially non-taxable, or (ii) if the value of such property is abated with the effect of reducing or eliminating the tax which would otherwise be paid if assessed at fair cash value as defined in G.L. c. 59, §38, or (iii) if the Company is determined to be entitled or subject to exemption with the effect of reducing or eliminating the tax which would otherwise be due if not so exempted, then the Company shall pay to the City an amount which when added to the taxes, if any, paid on such property, shall be equal to the taxes which would have been payable on such property at fair cash value and at the otherwise applicable tax rate, if there had been no abatement or exemption; this payment shall be in addition to the payment made by the Company under Section 2 of this Agreement. Nothing in this section shall in any way limit or prevent the Company from challenging the valuation of its property before the Board of Assessors or at the Appellate Tax Board. All taxes and charges owed to the City must be paid on a current basis. The City may place a lien on the property of any person who has an outstanding balance due the City from any fee, charge or tax, which balance is at least six (6) months past due.

5. Term and Termination. This agreement shall take effect on the above written date, subject to the contingencies noted herein. This agreement shall continue in effect for so long as the Company operates as a Recreational Marijuana Retailer within the City, or five (5) years from the commencement date, whichever is earlier. At the conclusion of the term of this agreement, the Parties shall renegotiate a new Host Community Agreement in accordance with the prevailing regulations and laws as such regulations may be amended or replaced. If the Company seeks to change its business operations, including but not limited to the addition of delivery services, at this site the Company agrees to comply with the established City process relative to a cannabis related establishment, including but not limited to, notice to abutters, a community outreach meeting and City review process and, if approved, to renegotiate a new Host Community Agreement. In the event that the Company no longer does business in the City or in any way loses or has its license revoked by the Commonwealth and/or the Boston Cannabis Board, this agreement shall become null and void; however, the Company will be responsible for the pro-rated portion of the Quarterly Payment due as under section 2 above. In the event that the Company wishes to transfer ownership of the Company, any such proposed changes must be approved by the Boston Cannabis Board.

6. Appropriation. The purpose of this agreement is to assist the City in addressing the costs imposed upon the City by the operation of the Marijuana Establishment.

7. Security. The Company shall maintain security at the Marijuana Establishment in accordance with the security plan presented to the City and included as part of their application to the Cannabis Control Commission. Said security plan shall take into account the unique operational concerns particular to the Marijuana Establishment at the proposed location as well as all applicable laws and regulations.

8. Signage. The Company will limit signage for the Marijuana Establishment to the extent that such signage is inconsistent with applicable statutes and regulations, and to the extent that such



signage is inconsistent with the look and character of the surrounding area and/or injurious to the neighborhood.

9. Hours of Operation. The Company agrees to the following operating hours for the public: 11 a.m. – 8 p.m., unless otherwise changed by the Boston Cannabis Board. The Company agrees to not operate on legal holidays of the Commonwealth of Massachusetts, as established by the Secretary of State’s Office, or Suffolk County holidays. In the event that the Boston Cannabis Board (BCB) adopts any policy, rule or regulation governing the hours that Marijuana Establishments may operate in the City on certain Federal, State and Suffolk County holidays, this agreement shall be immediately amended to reflect such policy, rule or regulation.

10. To the extent that such a practice and its implementation are consistent with federal and state laws and regulations, the Company will work in a good faith, legal and nondiscriminatory manner to give reasonable preference in the hiring of employees for the site to qualified Boston residents. In addition, the Company shall endeavor to establish a diversity and inclusion plan aimed at creating increased opportunities for people of color, women, and M/WBEs to participate in the development of the site, including but not limited to, meaningful participation by people of color, women, and M/WBEs in the following professional fields: construction; design; development; financing; operations; and ownership.

A Minority Business Enterprise or “MBE” is a firm that is owned, operated, and controlled by one or more individuals who are African American, Hispanic American, Native American, or Asian American who have at least 51% ownership of the firm.

A Woman Business Enterprise or “WBE” is a firm that is owned, operated, and controlled by one or more women who has or have at least 51% ownership of the firm.

11. The terms of this Agreement will not constitute a waiver of the City’s regulatory authority or of the Company’s applicant responsibilities not otherwise addressed by this Agreement.

12. Events of Default. The Company shall be deemed to have committed an event of default if any of the following occur:

- a. The Company fails to obtain, and maintain in good standing, all necessary local licenses and permits for the Marijuana Establishment, provided that the Company is able to exercise all available rights and due-process for maintaining in good standing said licenses and permits;
- b. The Company ceases to operate as a Recreational Marijuana Retailer without notifying the City; and
- c. The Company fails to make payments to the City as required under this Agreement, and such failure remains uncured with reasonable written notice from the City for thirty (30) days.

13. In the event that the Cannabis Control Commission and/or the Boston Cannabis Board suspends or revokes the Company's license, the City may also declare an event of default and terminate this Agreement. The Company shall be required to pay any amounts due upon the termination date; such amount to be determined by the period of operation of the Marijuana Establishment within the city.

14. The City may terminate this Agreement upon the occurrence of any event of default, and in the event the Company fails to cure said default in a commercially reasonable time.

15. Termination for Cause. The City may terminate this Agreement for cause at any time by giving at least thirty (30) days' notice, in writing, to the Company. Cause is defined as the Company's violation of any applicable laws of the Commonwealth, or local ordinances and regulations, with respect to the operation of a Marijuana Establishment in the City of Boston. Notwithstanding the above, the Company shall not be relieved of liability to the City for damages sustained by the City for personal injury or property damage by virtue of any termination of the Agreement.

16. This Agreement is not intended to, nor shall it be construed to, create any rights in any third parties.

17. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts. All legal disputes shall be resolved in the Courts of the Commonwealth of Massachusetts and the Company submits to the jurisdiction of the Trial Court for Suffolk County for the adjudication of disputes arising out of this Agreement.

18. Assignment. Neither party may assign its rights or delegate its obligations under this Agreement without the prior written consent of the other party.

19. Severability. If any provision of this Agreement shall be held by a court of competent jurisdiction to be contrary to law, that provision will be enforced to the maximum extent permissible and the remaining provisions of this Agreement will remain in full force and effect, unless to do so would result in either party not receiving the benefit of its bargain.

20. Headings. Section headings in this Agreement are inserted for convenience of reference only and shall in no way affect, modify, define or be used in construing the text of the Agreement. Where the context requires, all singular words in the Agreement shall be construed to include the masculine and feminine forms of such words.

21. Modifications. Modifications to this Agreement may be effective only if made in writing and signed by both Parties.

22. Counterparts. This Agreement may be executed in one or more counterparts each of which shall be deemed an original. The facsimile or PDF signatures of the parties shall be deemed to constitute original signatures.



23. Additional Items. (i) This agreement shall be subject to all conditions imposed upon the License as issued by the Boston Cannabis Board, such conditions being subject to amendment by the BCB from time to time; (ii) there will be no benches or social gathering areas in or around the business; (iii) the Company agrees to prohibit smoking, vaping or any other form of consumption of marijuana on site unless specifically allowed by amendment to this agreement; (iii) the Company agrees to share aggregate data and reports to the Boston Public Health Commission in a form and manner as requested to inform public health efforts; and (v) the Company agrees to assist in the dissemination of communications materials related to public health, public safety and prevention efforts and work with the City and the public health community on efforts associated with prevention.

24. Executive Order. The Company acknowledges its compliance with the Executive Order of the City of Boston, dated September 13, 2019, which states: “No City of Boston employee or immediate family member may participate in a marijuana business that is currently seeking, or intends to seek, an approval from the City of Boston or its agencies. No member of the Zoning Board of Appeal, the Boston Licensing Board, the Boston Public Health Commission, the Boston Zoning Commission, the Boston Redevelopment Authority d/b/a the Boston Planning and Development Agency, or their immediate family members, may participate in a marijuana business that is currently seeking, or intends to seek, an approval from the City of Boston, or its agencies.”

This Agreement shall be binding upon and shall inure to the benefit of the Parties, their respective heirs, executors, administrators and assigns.

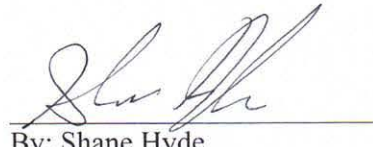
The company hereby certifies that the information supplied to the City during the application process and the information contained in this Agreement is accurate and that the provision of false or misleading information may subject the applicant to sanctions, up to and including revocation of a host community agreement.

**CITY OF BOSTON**



Robert S. Arcangeli  
Assistant Corporation Counsel  
City of Boston Law Department

**EMBER GARDENS LLC**



By: Shane Hyde  
Title: Chief Executive Officer

**EXHIBIT 4**

ZBA POWERPOINT PRESENTATION





297 Newbury Street  
City of Boston Zoning Board of Appeals  
April 6th, 2021





# Company Introduction

Ember Gardens is a group of passionate farmers and cannabis professionals, all born and raised in Massachusetts. Ember Gardens is proud to be part of the Massachusetts Social Equity Program and a certified Boston Equity applicant.

The EG team has a deep understanding of the unique nature of the cannabis industry through years of experience in in the highly regulated Massachusetts medical and adult-use markets since inception.

**PRESENTING AT ZBA HEARING**  
**Chief Executive Officer**  
SHANE HYDE



# Zoning Details

- **Location:** 297 NEWBURY ST BOSTON, MA 02115
- **Zoning Type:** B-3-65 “General Business”
- **Ward:** 05
- **Zoning District:** Boston Proper
- **Zoning Subdistrict:** B-3-65
- **Appl.#:** ALT1109826
- **Date Filed:** August 20, 2020
- **Purpose:** Change of Occupancy to include Marijuana Dispensary. Demolition of interior non-load bearing walls, construction of new walls for a security office, retail space, secure vault, and ADA lift in rear alley.
- **SEEKING RELIEF FROM THE BOARD OF APPEAL AS SAME WOULD BE IN VIOLATION OF THE BOSTON ZONING CODE TO WIT: CHAPTER 665, ACTS OF 1956 AS AMENDED:**
  - Art. 08 Sec.D7 - Use is conditional. Use must be located half of a mile from another cannabis establishment and 500 feet away from a school (kindergarten to 12 grades)
  - **Ember Gardens Location Zoning Details:**
    - Ember Gardens ***is not*** located within 500 feet of a school
    - Ember Gardens ***is*** located within half of a mile from another cannabis establishment - 0.2miles walking or 0.15miles as the crow flies.



# Operational Approach

- **Appointment Based Service** – Due to the size and location of the dispensary, we intend to create a crowd-control focused operating model both within and outside of the building. The main pillar to achieve this is by making all customer traffic appointment based. Customer's will book time slots online or at the door for service during the hours of operation. This will eliminate the long lines outside of the building that has plagued other dispensaries in high-traffic areas. Appointments will be booked online/digitally, over the phone, or in person.
  - **Exterior Crowd Control** – Outdoor security personnel will prevent loitering in front of building and direct customers who are early to their appointment to visit other businesses in the area until their service time.
- **Limited Product Selection and Purchase Minimum**– To fit in with the character of the neighborhood and other similar businesses (such as liquor stores and other dispensaries), our location will only offer certain product types. For example, we **will not sell low-cost single-unit items** to customers, such as single use joints. This will lessen the chances of immediate use near the location and limit our customer traffic to those making larger purchases to be consumed over time. Customers will also need to **spend a minimum of \$35 dollars** per visit in order to complete a purchase. This information will be clearly displayed and given to customers as they make their appointments, so they know in advance.
- **Subtle Marketing**- In order to achieve our goal of being able to fit within the character of the neighborhood, we will present an under the radar storefront that will not indicate we are a cannabis dispensary in anyway – no cannabis leaves, etc. We will work with all relevant City and Back Bay agencies on this proposed signage.



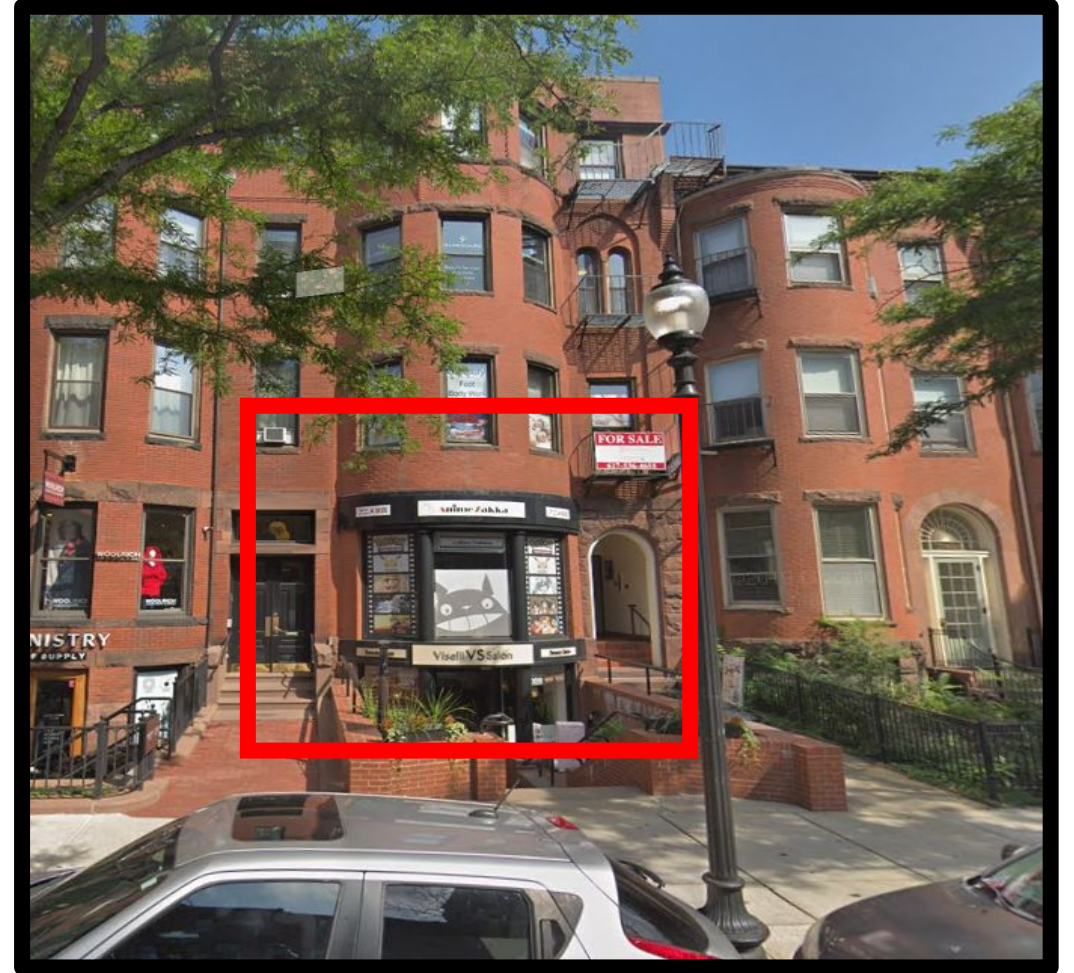
# Hours of Operation

- **Public Hours** - Our proposed operating hours for the general public will be from 11:00 AM to 7:00 PM – Monday through Sunday.
- **Back Bay Resident Program** – From 7:00 PM to 8:00 PM each day, the appointment slots will be reserved for those who reside in the Back Bay neighborhood. This will ensure that the members of the local community that we reside in always have an opportunity to shop at our location. To maintain the same customer control as the rest of the day, the Back Bay residents will still need to book an appointment through the usual channels. Proof of residency will be required to enter during this time slot.



# Location - 297 Newbury Street

- On a block with back alley access that includes parking spaces available for our compact van for product and cash delivery/pickups.
- On a block with 14 other retail and restaurant businesses (not counting across the street).
- This building only contains commercial businesses – no residential units are located within the building.



(EXISTING)



# Conceptual Rendering of Storefront

297 Newbury Street

## Proposed Design Features:

- Frosted glass to ensure no visibility inside
- No other signage on the building or sidewalk
- Subtle and discreet
- Simple logo on the frosted window
- Blends with the character of the neighborhood



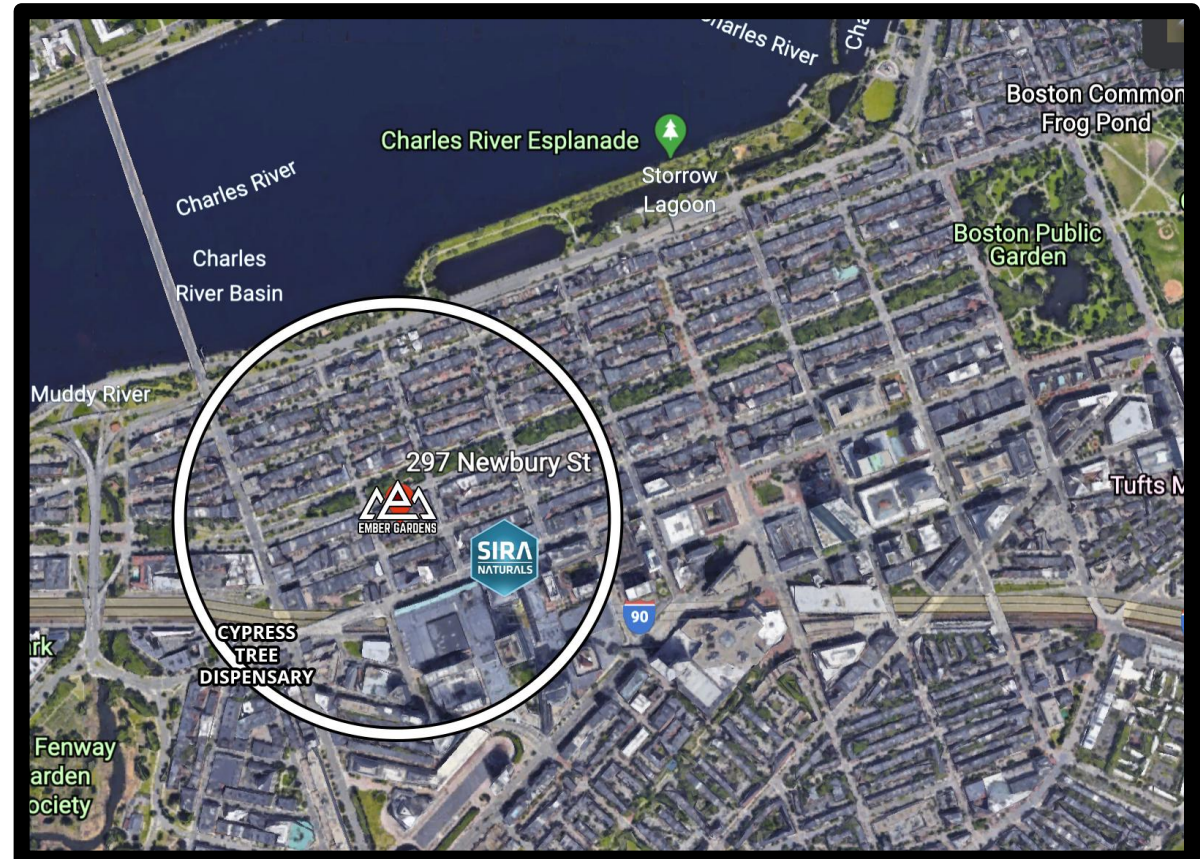
(PROPOSED)





# Location - Buffer Zone Relief

- **What is our reason for relief of half mile buffer zone?**
  - In November 2019, former Mayor Martin J. Walsh signed an Ordinance Establishing Equitable Regulation of the Cannabis Industry in the City of Boston. This ordinance was the result of a collaboration from many stakeholders. The ordinance ensures Boston is a model for how to create a system that fosters racial equity and inclusion in the new cannabis industry. The goal is to bring the benefit of this industry to all Boston communities.
  - Ember Gardens is a certified Boston Equity applicant and state Social Equity Program member attempting to operate in a high profile area. By allowing Ember Gardens buffer zone relief the city of Boston will achieve one step towards the important goal that was set forth.
  - Some view Newbury as distinct neighborhood from Boylston as it serves a different consumer base with heavy tourist and shopper traffic. Ember Gardens isn't creating a dense cannabis district as the proposed location is 0.2miles walking to the nearest dispensary or 0.15miles as the crow flies and the only dispensary on Newbury Street.
  - We are Massachusetts local and sustainable operators - not a large corporation and received 250 letters of support from local Back Bay residents.
  - We received unanimous support from BCB and support from the former Mayor, Marty Walsh's Office and State Senator Brownberger (Appendix E).
- Please see attached Appendix C for full statement on why we believe we deserve relief from the buffer zone.



(\*Approximate ½ mile buffer and surrounding dispensaries are illustrated above\*)

# Pedestrian & Delivery Operations

- **Customer & Employee Entrances** - Clients and Staff will enter the site through the main front entrance at 297 Newbury Street.
- **Site Deliveries** - Deliveries will enter through the back entrance which will be a lift from Public Alley 431. This entrance will be restricted access providing access to employees, deliveries, and clients that need handicapped accessible facilities. Service to the site will predominantly involve product deliveries utilizing unmarked vans and unmarked outer packages/cases and cash pick-ups which also use discreet transportation. Typical days will involve a product delivery before opening between 8:00 a.m. and 11:00 a.m. with potential for an additional product delivery later during the day depending on customer demand. Cash pick-ups will happen once daily in partnership with a cash management service (such as Brinks or other) typically after close around 8:00 p.m. Based on the scheduling of these deliveries and pick-ups, they will not occur simultaneously.





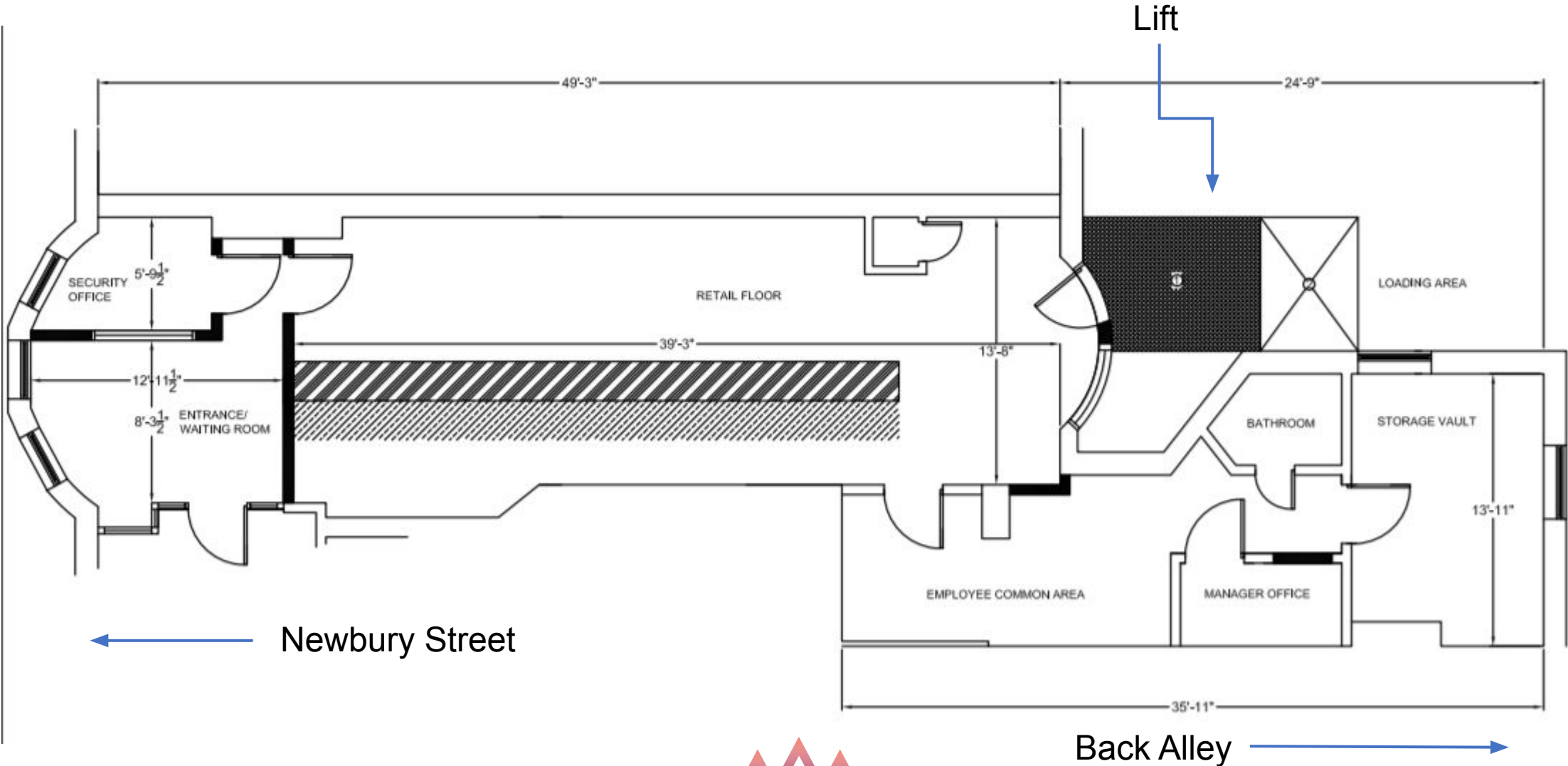
# Customer & Online Order Process Flow

## Customer Flow:

- Customers will book appointments via website, phone, or in person via third party technology provider / booking software integrated into our website and POS software.
- Customers will arrive to the location at their appointment time and check in with the security team to undergo ID check - if early they will be asked to shop in the surrounding stores until their appointment time, or will be asked to wait in the interior queuing area if there is space.
- Upon being called for their appointment, customers will be asked to show their ID again to the retail associate helping them and then will browse the store displays, menu options, and eventually place their order with the retail associate who can answer any and all questions.
- Experienced customers will be able to place their order online at the time of booking the appointment and simply “pick up” their order during their appointment slot rather than browsing or asking questions if they so choose - this is an expedited option for repeat customers and other people familiar with the products and process. (2nd ID check will still occur)
- Once the customer transaction has been completed they will receive their products in Child Resistant packaging and promptly leave the sales floor and exit the building. There will be no loitering on premise or in the surrounding areas. Security staff will ensure this does not occur and any customers that violate policies or law will be added to customer blacklist and BPD and the CCC will be notified as required.



# Interior Layout



# Interior Layout – Description

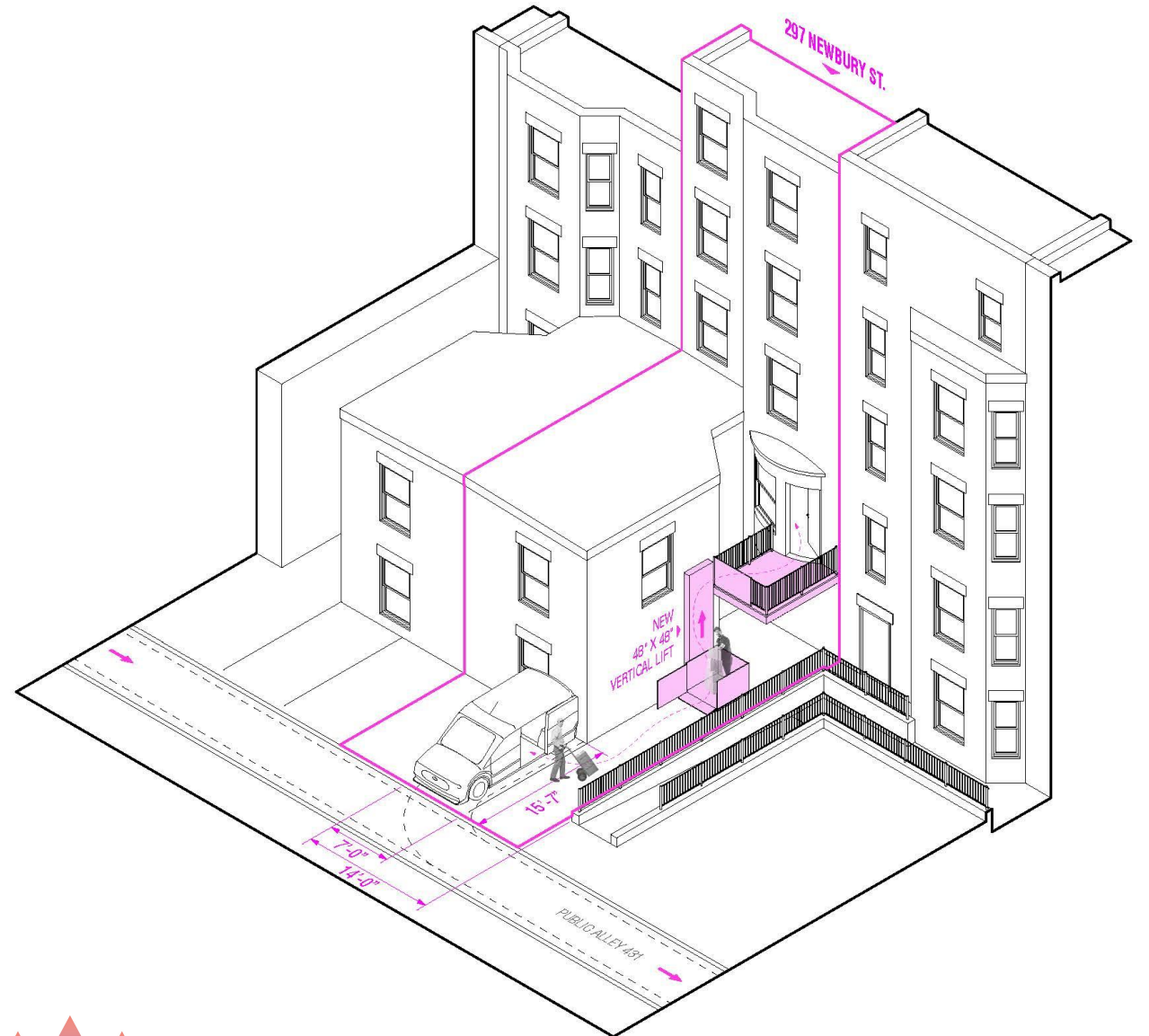
## **Boutique Type Store**

- Roughly 1,300 sq. ft. of space, most of which is retail/showroom area.
- Includes a waiting area for interior queuing and those early for appointments.
- Includes back entrance via a lift for customers with accessibility challenges as well as serving as a more discreet entry/exit for inbound/outbound deliveries of product and cash. Back entrance to adhere to same security practices (identification and limited access) as front entrance.
- Includes a secure vault area for product.
- Cameras will cover all rooms (except the restroom) – as well as the front and rear outdoor areas.
- Secure access doors (locked via keycard) will limit the flow of customers to approved areas.



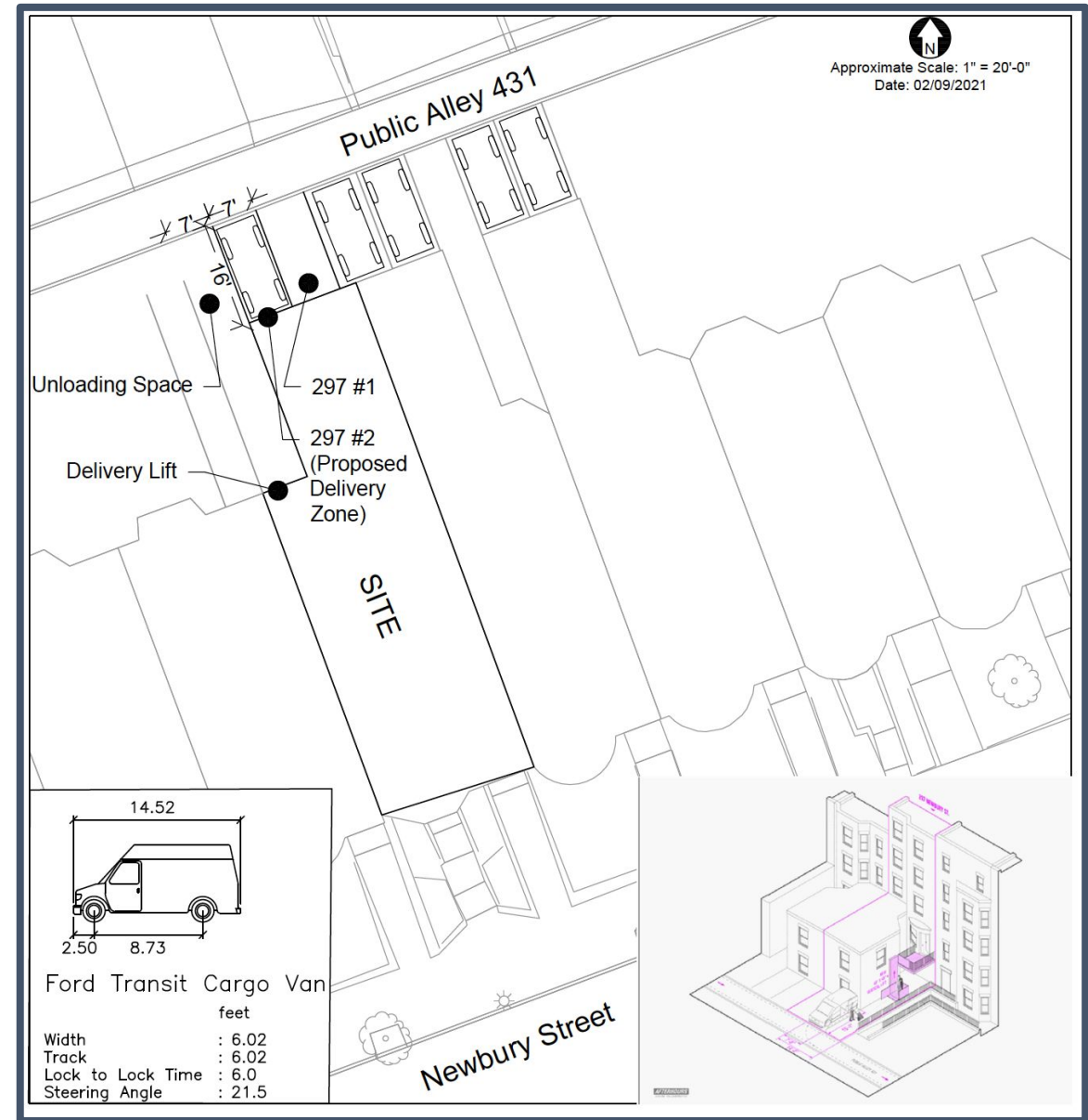
# Back Alley Access

- Deliveries to the site will utilize a Ford Transit Connect or equivalent sized compact cargo van vehicle. The compact cargo van furnished by Ember Gardens will fit within the on-site parking space.
- The delivery van will have a slide open door that will allow Ember Gardens to utilize the clear space adjacent to the parking space for unloading of product which will then be brought into the dispensary via the lift. Delivery service to the site will be overseen by on-site security personnel and Ember Gardens is committed to ensuring that delivery operations will not block the alley.
- The lift will serve a dual-purpose: for deliveries and ADA access.



# Site Delivery Operations

- Deliveries and pick-ups will occur from the rear of the Site along Public Alley 431. A site plan is included to outline the operations. The delivery vehicle will use the parking space designated “297 #2” as outlined on the Site plan. Another parking space, labeled “297 #1,” could be controlled by Ember Gardens, but it is not anticipated that this space will be necessary for delivery operations.
- Deliveries to the Site will utilize a Ford Transit Connect or equivalent sized compact cargo van vehicle. The compact cargo van furnished by Ember Gardens will fit within the on-site parking space. The delivery van will have a slide open door that will allow Ember Gardens to utilize the clear space adjacent to the parking space for unloading of product which will then be brought into the dispensary via the lift. Delivery service to the site will be overseen by on-site security personnel and Ember Gardens is committed to ensuring that delivery operations will not block the alley.





# Transportation Analysis - Howard Stein Hudson

- Howard Stein Hudson (a Boston Engineering & Planning Agency) has prepared a transportation analysis for the proposed Ember Gardens cannabis dispensary at 297 Newbury Street in Boston and is **fully included as 'Appendix A'**. This transportation assessment was prepared to address site access regarding deliveries for the dispensary and covers:
  - Expected frequency of delivery/pick-up trips to the Site; and
  - Expected loading operations.
- **Summary:** The cannabis dispensary at 297 Newbury Street will have up to 2 product deliveries per day and up to 1 cash pick-up per day. These activities will not occur concurrently with each other. Ember Gardens is committed to ensuring that delivery activity will not block or interfere with operations along Public Alley 431 and has presented a service plan within the site that reaffirms this can be accommodated. Therefore, the delivery parking needs for the site will be able to be fulfilled by the single parking space as proposed and the use is expected to be able to operate without being a detriment to the transportation operations in Public Alley 431.



# Security Plan Overview

- **Security Staff** – Headed by our **Chief of Security Aaron Washington**, a 28-year veteran of the Massachusetts State Police Force, serving 26 years within the state SWAT team, with the last 10 years as the SWAT team’s head. Our security staff will be trained professionals that will be equipped to supervise various security tasks including but not limited to customer ID processing to prevent any underaged customers, observation of camera feeds, securing product/cash inflow and outflow, and incident responses.

We will have **three active security staff during all hours of operation** – one inside at the security checkpoint and two outside. Outside, one will always be posted in front of the location and the second patrolling the adjacent streets and alleyways – both outdoor staff members will be trained to prevent customers using product or performing secondary transactions, along with picking up of any cannabis related trash. All security staff shall be equipped to consistently monitor all live camera feeds.

- **Security Equipment** – Per state regulations, our facility will be outfitted with all the necessary security equipment in order to provide a safe and secure environment for our customers and employees. The best in-class security cameras, alarms, locks, and safes will be setup and implemented by a security company with experience in outfitting cannabis dispensaries. We will ensure there are also backup systems in the event of power outages, so the location always stays secure. We also are committing to partnering with Boston Police Department in installing additional security equipment throughout the Back Bay neighborhood in order to ensure no improper sales, use or other criminal activity related to our location occurs. All locks will and security equipment will be checked daily to ensure they are in proper working order.
- **Product Storage** – All products will be stored in a highly-secure vault, with the only exceptions being the small sample quantities displayed on the retail floor. At closing, these sample quantities will also be returned to the vault. The vault will only be accessible to authorized personnel. Odor controls (such as carbon filters) will be put in place to ensure no smell of cannabis products impacts our neighbors and the public and will be contently maintained. Inventory checks and audits will be done daily by the General Manager to insure of no employee theft.



**AARON WASHINGTON**  
**CHIEF OF SECURITY**

# Identification & Prevention of Diversion to Minors

- **Proper Identification** - Upon entrance, our Security Staff situated at the Security Desk shall be positively identifying all individuals seeking access to the premises of the dispensary to limit access solely to individuals 21 years of age or older. Access will only be granted to qualified customers and visitors. At the time of a customer/visitor entrance, their ID will be checked by security personnel utilizing the most modern equipment to authenticate the presented identification. Any customer or visitor who is under the age of 21 will not be allowed to enter the facility.
- Signage will be placed at all entrances to indicate the age restrictions in place.
- All customers and visitors are to present legally acceptable identification, including a driver's license, passport, or some other form of legal photo identification to verify their identity and age upon entrance to the facility to Ember Gardens' security personnel – who will be trained on identification techniques.
- Any individual who is under 21 shall be escorted out of the facility.
- Any individual that presents false identification documents shall be reported to local law enforcement along with a creation of an incident report that shall be sent to applicable CCC officials.
- Any Ember Gardens employee is mandated to be 21 years of age or older. Any Ember Gardens employee who is found to be under this age to fraud shall be terminated for cause immediately per termination procedures and reported to local authorities and the CCC.
- **Customer Bans and Blacklist** – Any customer who breaks the law (in relation to our dispensary) or our policies will be banned from future service.





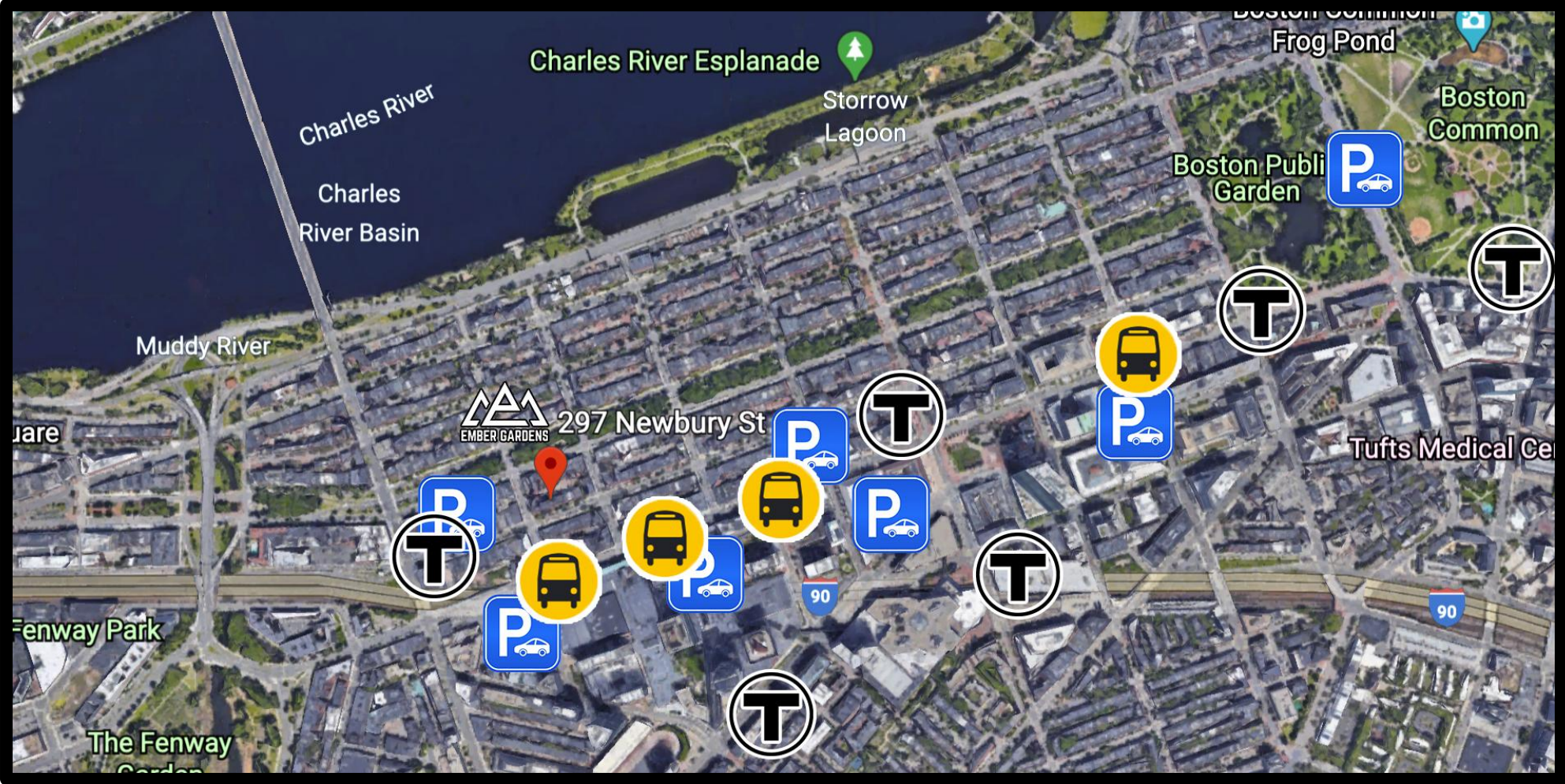
# Public Transit

- The site is conveniently located within a 3-minute walk of the Hynes Convention Center Station on the MBTA Green Line and within a 15-minute walk of Back Bay Station on the MBTA Orange Line, as well as close to multiple bus routes. Ember Gardens intends to subsidize transit passes for employees to encourage non-vehicular travel options. The transit connections within a short walk of the Project are outlined in the table below.
- For customers that use public transportation, we will offer a discount on their purchase. This will be done by showing a recently purchased T Line or bus ticket (or proof that the customer has a monthly or weekly pass). Customers using Blue Bikes or similar bike sharing services will also be eligible for this discount.

Transit Service	Route Description	Peak Hour Headway (min)
Orange Line	Oak Grove – Forest Hills	6
Green Line – B,C,D,E	Lechmere – Boston College/Cleveland Circle/Riverside/Heath Street	6
Route 55	Jersey St/Queensberry St – Copley Station	35-42



# Parking and Public Transit Locations



# Plan for Parking & Vehicle Traffic

- **Local Parking Garages**

- Partnership with a local parking garage – Ember Gardens is currently in discussions with multiple local garages constructing a partnership to provide customers traveling to the location via their own vehicle a place to park. The parking garage directions, instructions, and other relevant information will be provided when the customer sets up their appointment. Ember Gardens will set up a relationship with the parking garage where the company will pay for a portion or all of the customer and employee parking via a voucher.
- Newbury St. is a part of a lively and robust retail ecosystem that has various commercial and retail parking facilities capable of supporting any potential increase in traffic from our appointment only operational plan.
- Nearby Parking Garages: Hynes Auditorium Garage, Prudential Center Parking, SP+ Parking, Somerset Garage, Clarendon Street Garage, and more...

- **Newbury Street Traffic Mitigation**

- Exterior security team members will ensure that customers do not double park for their appointment and anyone who does not adhere to policies or refuses to move their vehicle will not be served and will be placed on the consumer blacklist. If necessary, the proper authorities will be contacted by the security team.
- Security team members will direct customers to proper parking options.





# Neighborhood Relations

- **Resident Letters of Support** – Our company has collected over **250 letters of support from Back Bay residents**. We have collected close to **775 signatures of support from residents of the City of Boston**. Letters of support are included in Appendix B.
- **Local Business Loyalty Program** – Our company has set up a business loyalty program where our company will provide discounts to customers who shop at neighboring businesses – driving up customer traffic for fellow small businesses. We so far have several businesses signed up. Businesses are shown in Appendix F.
- **Continuous Feedback** – Our company will continue and formalize a process to maintain an open feedback channel for all our neighbors directly with company management – which has already started in wake of our Community Outreach Meeting. Additionally, prior to making any large operational changes that may impact the neighborhood in the future, we commit to conducting a community outreach process to take in feedback and work to address concerns so that no possible disturbances will occur. The company led community outreach program will consist of direct mailing to abutters in the exact same fashion the city requires now during the application process. We will also make sure that neighborhood civic groups such as NABB and BBA are included on all future outreach communications.

## EXAMPLES OF CHANGES ENACTED BASED ON FEEDBACK

- **Trash Clean Up Effort** – Based on feedback already received, our company will commit to organize and coordinate a bi-annual community cleanup event. Our company will pay for supplies, provide labor in the form of our location's employees, and offer free products for any volunteer who wishes to join our community cleanup event (whether they are from the Back Bay or elsewhere). This event will cover the entire Back Bay neighborhood and will be in the spirit of the "Love Your Block"/"Boston Shines" events held by the City in previous years.
- **Combating Hard Drug Abuse** – Also based on community feedback that indicated widespread drug abuse in the area - our company will donate annually to various Boston addiction treatment centers. Some examples below:
  - AHOPE (774 Albany Street)
  - Victory House (566 Chester Square)
  - Bay Cove Substance Abuse Center (66 Canal St)
  - MOAR- Massachusetts Organization for Addiction Recovery (29 Winter Pl)
  - Women's Lunch Place (67 Newbury St)
- **Silent Alarms** – As long as permitted by BPD/CCC, our company will install silent alarms to ensure that no security incidents disturb neighbors. Alarms will signal to management, security personnel and BPD.



# Plan for High Traffic Events or Surges

- In the case of high traffic events or surges, we will plan to have our Chief of Security and security team coordinate with proper local and state authorities.
- Because Ember Gardens has committed to being appointment only, some of the concerns of high traffic events are mitigated due to the limited appointment slots available per day. If circumstances demand, Ember Gardens can “blackout” certain appointment slots to ensure no store traffic in partnership with local and state authorities.
- A verified headcount will be maintained by the Security team following policies and SOPs.
- When necessary, additional security personnel can be made available for additional site monitoring and security
- If deemed necessary by local or state authorities, Ember Gardens would agree to a full shutdown of operations in the case of high traffic events or surges such as the Boston Marathon or other major events.



# Local Hiring and Positive Impact Plan

- **Projected Staff** – Ember Gardens anticipates having 20-25 full and part-time staff at this location. This includes general managers, budtenders (retail associates), and security staff.
- **Local Hiring Plan** - 100% Boston residents, 50% women and minorities, 20% with prior criminal records, with additional preferential hiring for those who qualify as veterans, have disabilities, immigrants, or those that identify as part of the LGBTQ+ community. This will include the management team as well.
  - Employees will be paid competitive wages (\$19/hr+ for retail associates) and benefits will include health care, vision/dental, transit subsidies, maternity/paternity leave, 401k, continued education, and more.
  - Profit Sharing - We will give the employees of this location up to 5% of the store's profits. This will not only give back profits into the community through our employees but also help us retain the best staff possible for our flagship location, creating local, long-term careers.
- **Positive Impact Plan**
  - Scholarship funding & internship programs through partner organizations Minorities for Medical Marijuana and Cannabis Center of Excellence
  - Each intern program participant shall be given training and experience as well as a stipend of up to \$4,000 to use towards a cannabis related courses or training seminars.
  - Ember Gardens will track the employment metrics of the all the program participants to understand the success rate of the program's ability to get meaningful job placement for individuals into the cannabis industry.
- **Neighborhood Job Fairs** - Ember Gardens will hold training sessions across many neighborhoods of Boston to encourage and assist individuals in the following groups: minorities, women, veterans, persons with disabilities, and immigrants, to become involved in the legal cannabis industry. Each neighborhood shall have at least one such training session per year and can be in the form of hands-on workshops, educational seminars, or ad-hoc job fairs.



# Contact

For questions, please email us at:  
[info@embergardens.com](mailto:info@embergardens.com)

For more information, please visit our website at:  
[www.embergardens.com](http://www.embergardens.com)



# Appendix A

- Transportation Analysis completed by Howard Stein Hudson (HSH)
  - see attached document named “Ember Gardens Dispensary Memo 2021-2-09.pdf”





# Appendix B

- Signatures from Back Bay & Boston residents
  - see attached document named “EmberGardensResidentSignatures.pdf”



# Appendix C

- Buffer Zone Variance Statement to Boston Cannabis Board
  - see attached document named “Ember Gardens Boston LLC – Buffer Zone Variance Letter.pdf”



# Appendix D

- Security Plan - Independent Compliance Review Letter - completed by the Winmill Group LLC
  - see attached document named “Security Plan Independent Compliance Review Letter.pdf”



# Appendix E

- Letter of Support from State Senator Brownberger
  - see attached document named “Sen Brownberger Letter of Support.pdf”





# Appendix F

- Ember Gardens B2B business loyalty program partnerships with local Newbury Street and Back Bay businesses
  - see attached document named “Ember Gardens Business Support.pdf”



**EXHIBIT 5**

LETTERS IN SUPPORT

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

1 City Hall Sq, Boston MA 02108

Attn: Shanice Pimental

I, signed below, wish to go on record to **support** the proposal at 297 Newbury St, Back Bay. I believe Ember Garden's proposal and business plan is very well thought out and this will be a welcome addition to our City. Ember Gardens seeks to minimize and mitigate any potential impacts on neighborhood. They aspire to blend into the exiting character of Newbury Street. Their security plan is thorough, they encourage customers to take the T and their approach to only make sales via appointment will cut down on disruptions. This is a small business with Massachusetts roots that I believe will be a benefit to this wonderful retail thoroughfare in the heart of the Back Bay. I urge the BCB, ZBA and Boston elected officials to **support** this endeavor as well.

Name/Signed:

Jon napoli

DocuSigned by:  
*Jon Napoli*  
874FB4BF4733442...

Address:

301 Newbury st

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

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Name/Signed:  Mike Arundale

Address: 355 Newbury St  
Boston MA 

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
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To:  
Mayor Walsh's Office of Neighborhood Services  
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Name/Signed:



Address:

431 Marlborough St Boston 02115



To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

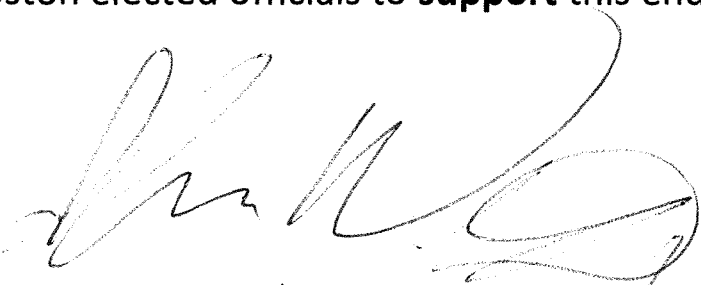
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Name/Signed:

Address:



110 Huntington Ave

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
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Name/Signed: Adam Hoch 

Address: 612 Columbus Ave Boston, MA 02118

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

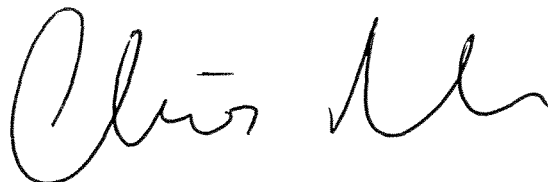
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Name/Signed:



Address:


336 Commonwealth Ave Apt # BF  
02115

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
Attn: Kevin O'Connor

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Name/Signed: Dylan Jarvis | 


Address: 290 Commonwealth Ave. Boston MA

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
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Name/Signed:  → Eric Klwin

Address: 31 Bay State Rd #4  
Boston MA 02212



To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

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Name/Signed:

Corinna Pa

Address:


220 Huntington

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
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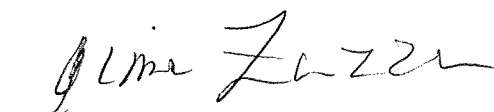
Name/Signed: Russell Simons   
Address: 208 Commonwealth Ave  
Boston, MA 02116

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
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Name/Signed:   
Address: Beacon St. 12116

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

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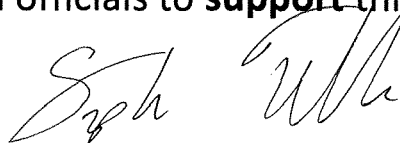
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Stephen Tirella



Name/Signed:

Address: 20 Lawrence St, Boston, MA

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
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Name/Signed: Anya Gorby / Anya Gorby

Address: 883 East 4<sup>th</sup> St.  
S. Boston, MA 02127



To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

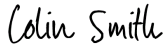
1 City Hall Sq, Boston MA 02108

Attn: Shanice Pimental

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Name/Signed:

Colin Smith

DocuSigned by:  
  
C62CFDAA398D460...

Address:

57 Sudan Street Boston, MA

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

1 City Hall Sq, Boston MA 02108

Attn: Shanice Pimental

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Name/Signed:

Corey Schneider

DocuSigned by:  
*Corey Schneider*  
7129F7B3A67E499...

Address:

320 D Street, Boston MA

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

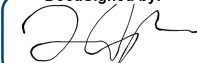
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Name/Signed:

Jordan Fallman

DocuSigned by:  
  
DB46358EB7CF4F4...

Address:

174 Gold Street, Boston, MA

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

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Name/Signed: **Kylie Nagle** / *Kylie Nagle*

Address: **1762 Columbia Road, South Boston, MA 02127**



To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

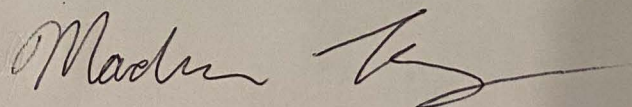
Mayor Walsh's Office of Neighborhood Services

1 City Hall Sq, Boston MA 02108

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Name/Signed:



Address:

883 E 4<sup>th</sup> street  
South Boston MA 02127



To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

1 City Hall Sq, Boston MA 02108

Attn: Shanice Pimental

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Name/Signed:

Matthew Restivo

DocuSigned by:  
*Matthew Restivo*  
FEF76DF575B8440...

Address: 479 East 3rd Street, Boston, MA 02127

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services


1 City Hall Sq, Boston MA 02108

Attn: Shanice Pimental

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Name/Signed:

Michael sullivan

DocuSigned by:  
  
5DA7F7C679AD4B4...

Address:

530 Dorchester ave

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

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Name/Signed:

mike brown

DocuSigned by:  
*M. Brown*  
B4F7F6686F9841B...

Address:

174 gold street

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

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Name/Signed:

Jon napoli

DocuSigned by:  
*Jon Napoli*  
874FB4BF4733442...

Address:

301 Newbury st

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

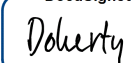
1 City Hall Sq, Boston MA 02108

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Name/Signed:

Robert Doherty

DocuSigned by:  
  
872209F5D4B1494...

Address:

99 E Brookline St Unit 2 Boston MA 02118



To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
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Mayor Walsh's Office of Neighborhood Services  
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Name/Signed:

*Susan Horay*

Address: *14 Ticknor St. S. Boston, MA 02127*

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

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Name/Signed:

Zachary Brill

DocuSigned by:  
  
4A3634CEF9E248A...

Address:

156 Dorchester Street Boston, MA 02127

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

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Name/Signed:

*Keri Rye*

Address:

*64 Litchfield St.*

*Brighton MA 02135*

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
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Name/Signed: Dawrin Omar Geraldo Cruz

Address: ~~Dawrin~~  
112 Telford Street Ext. Brighton MA.

09/10/2020

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

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Name/Signed: Eric Pen *Eric Pen*

Address: 120 Antwerp st unit 303 Boston, MA 02135

9/10/20



To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

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Name/Signed: *Arlene Windley*

*9/10/20*

Address: *Arlene Windley*

*115A Holton St*

*Brighton Ma 02135*

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

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Name/Signed: Felix Jimenez / *Felix Jimenez*

Address: 115A Holton St Brighton MA

9/10/20

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

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Name/Signed:

Justina Franco/Justina

Address:

109 Tremont Street

9/10/20

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

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Name/Signed: Guilien Smith 

Address: 10 Bigelow Circle, Brighton MA

9/10/20

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

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Name/Signed: Kim Smith 

Address: 10 Bigelow circle, Brighton MA, 02135

9/10/20

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

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Name/Signed: Angel Batista

Angel Batista

Address:

123 Antwerp St. APT 316

9/10/20



To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:


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Name/Signed:

A handwritten signature in black ink that reads "Joe Muller" followed by a stylized flourish.

Address:

10 BENSON ST BRIGHTON MA 02135

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

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Name/Signed:

Samia Russell

Address:

97 Fauquier St Apt 3  
Dorchester MA 02122

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

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Name/Signed:



Address:

Bob Allison

41 Litchfield Street #1

Brighton, MA 02135

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

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Name/Signed:

*Dakota Cullinane / Dakota Cullinane*

Address:

*1 Rena St  
Allston, MA 02134*

*Sunday Sept 13, 2020*

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

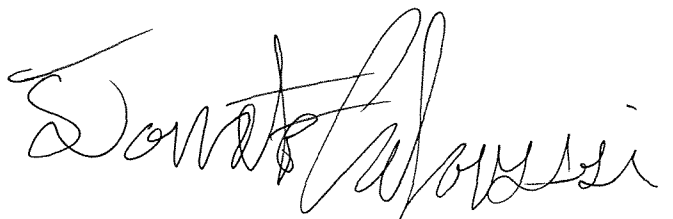
Mayor Walsh's Office of Neighborhood Services

1 City Hall Sq, Boston MA 02108

Attn: Shanice Pimental

I, signed below, wish to go on record to **support** the proposal at 297 Newbury St, Back Bay. I believe Ember Garden's proposal and business plan is very well thought out and this will be a welcome addition to our City. Ember Gardens seeks to minimize and mitigate any potential impacts on neighborhood. They aspire to blend into the exiting character of Newbury Street. Their security plan is thorough, they encourage customers to take the T and their approach to only make sales via appointment will cut down on disruptions. This is a small business with Massachusetts roots that I believe will be a benefit to this wonderful retail thoroughfare in the heart of the Back Bay. I urge the BCB, ZBA and Boston elected officials to **support** this endeavor as well.

Name/Signed:

Donato Colarossi 

Address:

48 Litchfield St. Brighton MA 02135

9/12/20

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

1 City Hall Sq, Boston MA 02108

Attn: Shanice Pimental

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Name/Signed:



Address:

123 Antwerp Street



To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
Attn: Kevin O'Connor

To:  
Mayor Walsh's Office of Neighborhood Services  
1 City Hall Sq, Boston MA 02108  
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Name/Signed: *Talib Gubb*

Address: *93 Faneuil St Brighton, MA*

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
Attn: Kevin O'Connor

To:  
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1 City Hall Sq, Boston MA 02108  
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Name/Signed: Zach Imbriani 

Address: 186 Sydney St. Apt 2.  
Dorchester, MA 02125

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

1 City Hall Sq, Boston MA 02108

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Name/Signed: *Marlo Mauras*  
*Marlo Mauras*

Address:  
*123 Antwerp St*  
*9/10/20*

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

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Name/Signed: *Muhammad Asim*



Address: *19 Justinian Way Apt B  
02135*

*9/10/2020*


To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
Attn: Kevin O'Connor

To:  
Mayor Walsh's Office of Neighborhood Services  
1 City Hall Sq, Boston MA 02108  
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Name/Signed:

 Chris Larosse

Address:

307 Lytchfield St  
9/10/20

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

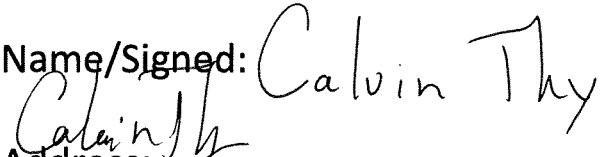
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1 City Hall Sq, Boston MA 02108

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Name/Signed: Calvin Thy  
  
Address:

115 litchfield st apt A  
Brighton, 02135

9/10/20



To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

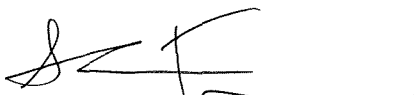
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Name/Signed: Sam Faisal 

Address:

48 Gerrish St

Brighton, MA 02135

9/10/20

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:


Mayor Walsh's Office of Neighborhood Services

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Name/Signed:

Omar Riaz - 

Address:

82 Glenville ave

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
Attn: Kevin O'Connor

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1 City Hall Sq, Boston MA 02108  
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Name/Signed: *William Chan*

*William Chan 9/12/2020*

Address: *East Boston*

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

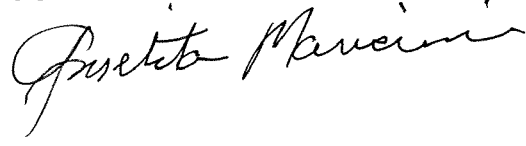
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1 City Hall Sq, Boston MA 02108

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Name/Signed: *Amelita Mancini* 

Address: *8 Benson St*  
*Brighton MA 02135*  
*9-10-20*

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
Attn: Kevin O'Connor

To:  
Mayor Walsh's Office of Neighborhood Services  
1 City Hall Sq, Boston MA 02108  
Attn: Shanice Pimental

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Name/Signed: FLO Colarossi



Address: 48 Litchfield St  
Brighton MA 02135  
9-10-2020

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
Attn: Kevin O'Connor

To:  
Mayor Walsh's Office of Neighborhood Services  
1 City Hall Sq, Boston MA 02108  
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Name/Signed: Gianna Colarossi



Address: 48 Litchfield Street  
Brighton MA 02135

9/10/20



To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

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Name/Signed: *Michael Colarossi Michael Colarossi*

Address: *48 Litchfield St. Brighton MA 02135*

*9/10/20*

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

1 City Hall Sq, Boston MA 02108

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Name/Signed: *Daniel Hoffman* DANIEL HOFFMAN

Address: *48 Litchfield ST Bri.*  
*9/10/20*

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
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Name/Signed: Ruby Cannon for Cam


Address: 245 Cambridge St, Allston MA 02134

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
Attn: Kevin O'Connor

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Name/Signed: 

Address: 19 Holman St  
N. Brighton, Ma, 02134  
Ward 22 Precinct 1

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

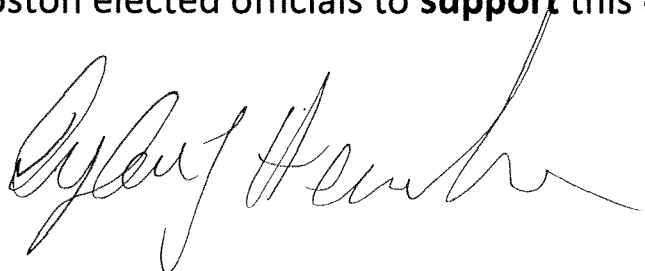
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Name/Signed:

 Dylan  
Heimrich

Address:

461 Cambridge St #3  
Arlington, MA 02134

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

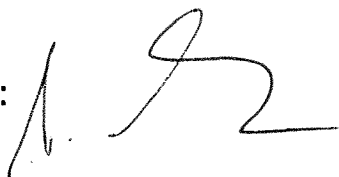
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Name/Signed:



Address:

74 Hitchcock St.

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

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Name/Signed:

Danielle Tabela / D Tabela

Address:

716 Columbia Rd #1R



To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

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Name/Signed:  Mike Arundale

Address: 355 Newbury St  
Boston MA 

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

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Name/Signed:



Address:

431 Marlborough St Boston 02115

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

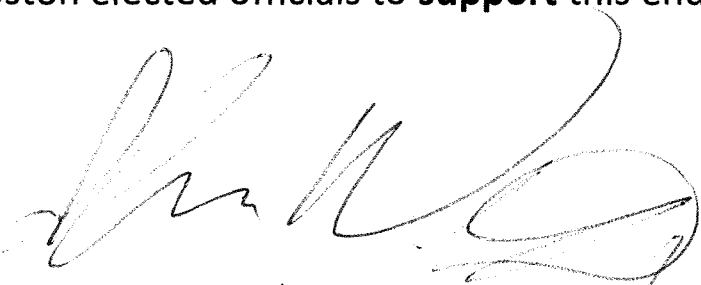
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Name/Signed:

Address:



110 Huntington Ave

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
Attn: Kevin O'Connor

To:  
Mayor Walsh's Office of Neighborhood Services  
1 City Hall Sq, Boston MA 02108  
Attn: Shanice Pimental

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Name/Signed: Adam Hoch 


Address: 612 Columbus Ave Boston, MA 02118

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
Attn: Kevin O'Connor

To:  
Mayor Walsh's Office of Neighborhood Services  
1 City Hall Sq, Boston MA 02108  
Attn: Shanice Pimental

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Name/Signed: Anthony Hynesworth - Perry  


Address: 35 Fidelis way apt. 1109

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor


To:

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Name/Signed: Megan McNought 

Address: 1288 Common Ave

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

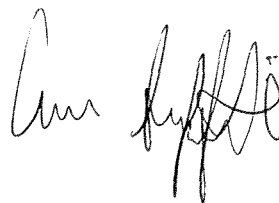
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Name/Signed:

Cerina Saffioti



Address:

49 Quinnt Ave  
Allston, MA 02134



To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

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Name/Signed: *Kevin Boecke*

Address: *Kevin Boecke*

*11 Breck Ave AP 2  
Boston, MA ~~02115~~  
02135*

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

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Name/Signed: Thomas J. Grannis

Address: 10 Penniman Rd,  
Allston, Mass. 02140

Thomas J. Grannis

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

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Name/Signed:



Address: 51511ngton terrace Boston MA 02134

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

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Name/Signed: *Joseph J. Charles / Joseph J. Charles*

Address: *568 Cambridge street  
Allston MA 02134*

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

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Name/Signed:



Address:

95 Gordon St.  
Apt 17  
BOSTON, MA 02135

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

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Name/Signed: TUCK STALL

Address: 92 Samuels St.  
AUSTON, Ma. 02135

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

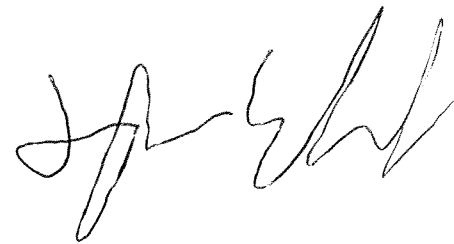
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Name/Signed: Javanaugh Edmonds

Address: 53 Everett street Allston





To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
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Name/Signed: *Kenneth Robinson Jr.*

Address: *33 Blaine St, Boston MA*

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

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Name/Signed: *Philip McLoughlin* 

Address: *99 Gordon St, Brighton* *9/10/20*

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

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Name/Signed: Matthew West  9-10-20

Address: 99 Gordon Street #10

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

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Name/Signed: JOSHUA OLIVER

Address: 39 Dwyer St Boston, MA 02246

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

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Name/Signed:

*April Ann Washington*  
9/18/2020

Address:

*152 Ballou Ave Apt 2 Dorchester, Ma*

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

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Name/Signed:

Joel Cochran

Address:

1411 Comm Ave. #205

Brighton, MA 02135

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

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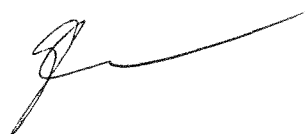
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Name/Signed:

Ember Garden



Address:

110 Adams Street

Dorchester MA



To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

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Name/Signed: *Chris' Edusa*

Address: *1 Constance Rd  
West Roxbury*

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
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Mayor Walsh's Office of Neighborhood Services  
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Name/Signed: WHITNEY HYDE

Address: WWH Hyde

36 GORDON ST  
APT #1  
AUSTON, MA  
02134

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
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Name/Signed: 

Address: 20 Union St.

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

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Name/Signed: 

Address: 2149 Sansfoss St

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

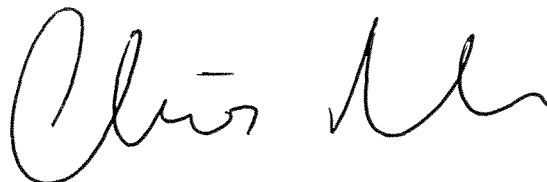
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Name/Signed:



Address:

336 Commonwealth Ave Apt # BF  
02115

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

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Name/Signed:



Address:

43 Rockvale Cir

# 3

JP 02130

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

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Name/Signed:

 Mary Beth Caplaca

Address:

70 Frankfort St 3R, Boston MA



To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

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1 City Hall Sq, Boston MA 02108

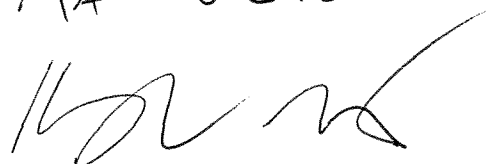
Attn: Shanice Pimental

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Name/Signed: Kyle Murphy <sup>Apt. 3</sup>

Address: 10 Navillus Terra

Dorchesters, MA 02122



To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

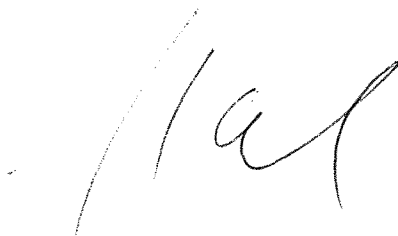
Mayor Walsh's Office of Neighborhood Services

1 City Hall Sq, Boston MA 02108

Attn: Shanice Pimental

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Name/Signed:

A handwritten signature in black ink, appearing to be 'Pat'.

Address:

Blacon St 02131


To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
Attn: Kevin O'Connor

To:  
Mayor Walsh's Office of Neighborhood Services  
1 City Hall Sq, Boston MA 02108  
Attn: Shanice Pimental

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Name/Signed: 


Address:  


To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
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To:  
Mayor Walsh's Office of Neighborhood Services  
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Name/Signed: Dylan Jarvis | 

Address: 290 Commonwealth Ave. Boston MA

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

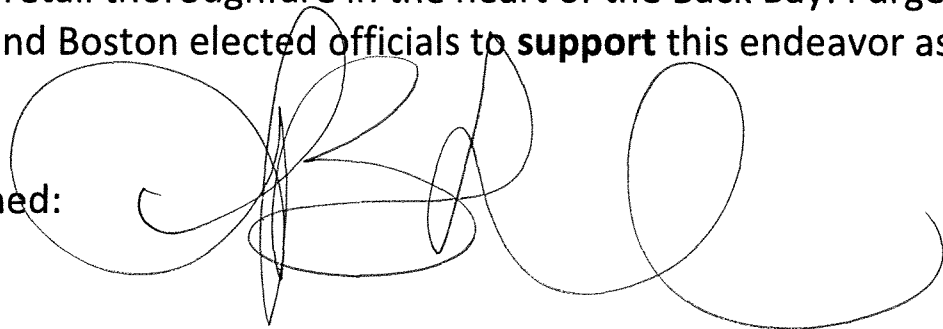
To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
Attn: Kevin O'Connor

1081-2192-10B1

To:  
Mayor Walsh's Office of Neighborhood Services  
1 City Hall Sq, Boston MA 02108  
Attn: Shanice Pimental

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Name/Signed:



Address:

1512 Columbia Rd  
So. Boston MA


To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
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Name/Signed:

Erik Hallinan 

Address:

31 Litchfield St

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
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Name/Signed:

*Dom Greenwood*

Address:

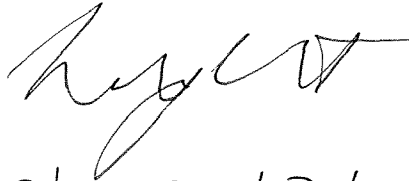
*112 Howland St Dorchester, MA*

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
Attn: Kevin O'Connor

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Name/Signed: Lenny Sisto   
Address: 24 GARDENSIDE ST, 02131



To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
Attn: Kevin O'Connor

To:  
Mayor Walsh's Office of Neighborhood Services  
1 City Hall Sq, Boston MA 02108  
Attn: Shanice Pimental

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Name/Signed: 


Address: 59 Brainerd Alston MA 02134

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
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Name/Signed:  → Eric Klwin

Address: 31 Bay State Rd #4  
Boston MA 02212

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
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Name/Signed: 

Address: 170 St Alphonsus

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

1 City Hall Sq, Boston MA 02108

Attn: Shanice Pimental

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Name/Signed: *Brittany McLean*

Address: *18 Abbey Rd Brighton 02135*

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
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Mayor Walsh's Office of Neighborhood Services  
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Name/Signed: 

Address: 10 Benson St  
Boston MA  
02135

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

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Name/Signed: APRIL JOHNSON

Address: 131 BLAKE ST  
MATTAPAN MA  
02124

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

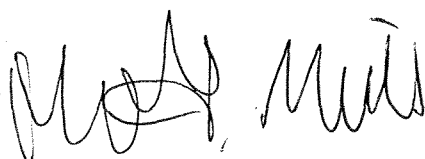
Mayor Walsh's Office of Neighborhood Services

1 City Hall Sq, Boston MA 02108

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Name/Signed:



Address:

169 Allston st 02134

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

1 City Hall Sq, Boston MA 02108

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Name/Signed:

Alex Yuzhakov 

Address:

210 Amory Street  
Boston, MA 02130



To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

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Name/Signed:



Address:

57 EVERETT ST, ALLSTON, 02134, MA

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

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Name/Signed:

Corinna Pa

Address:

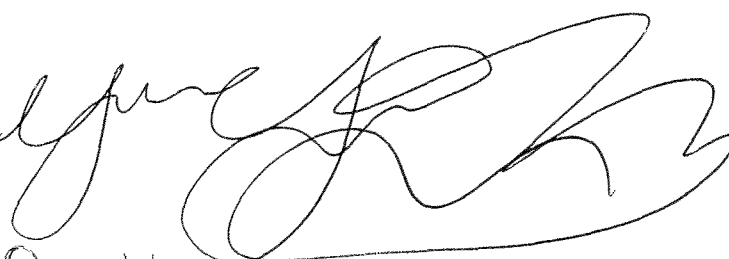
220 Huntington

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
Attn: Kevin O'Connor

To:  
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Name/Signed:   
Address: 660 Washington St

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

1 City Hall Sq, Boston MA 02108

Attn: Shanice Pimental

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Name/Signed:



Address:

31 Litchfield St

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
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Name/Signed: *John Shinn*

Address: *112 South Hampton St  
Boston, MA*

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
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Name/Signed:



Address:

2 New Whitney St  
Boston, MA 02118

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

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Name/Signed:



Address:


21 Hancock St, Dorchester MA 02124

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
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Name/Signed: Russell Simons   
Address: 208 Commonwealth Ave  
Boston, MA 02116

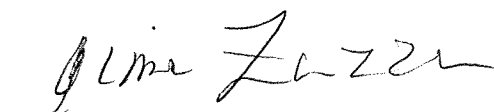


To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
Attn: Kevin O'Connor

To:  
Mayor Walsh's Office of Neighborhood Services  
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Name/Signed:   
Address: Beacon St. 12116

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

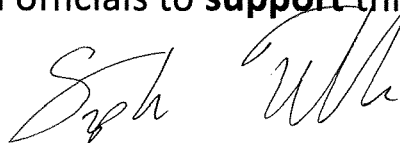
Mayor Walsh's Office of Neighborhood Services

1 City Hall Sq, Boston MA 02108

Attn: Shanice Pimental

I, signed below, wish to go on record to **support** the proposal at 297 Newbury St, Back Bay. I believe Ember Garden's proposal and business plan is very well thought out and this will be a welcome addition to our City. Ember Gardens seeks to minimize and mitigate any potential impacts on neighborhood. They aspire to blend into the exiting character of Newbury Street. Their security plan is thorough, they encourage customers to take the T and their approach to only make sales via appointment will cut down on disruptions. This is a small business with Massachusetts roots that I believe will be a benefit to this wonderful retail thoroughfare in the heart of the Back Bay. I urge the BCB, ZBA and Boston elected officials to **support** this endeavor as well.

Stephen Tirella



Name/Signed:

Address: 20 Lawrence St, Boston, MA

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor


To:

Mayor Walsh's Office of Neighborhood Services

1 City Hall Sq, Boston MA 02108

Attn: Shanice Pimental

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Name/Signed:  Noelle Boran

Address: 1189 Commonwealth Ave #24  
Allston MA  
02134

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

1 City Hall Sq, Boston MA 02108

Attn: Shanice Pimental

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Name/Signed:

Harrison Ford 

Address:

39 Litchfield St. #2  
Brighton MA 02135

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

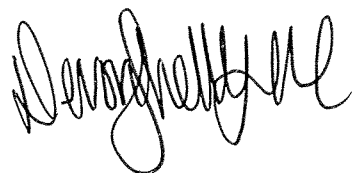
To:

Mayor Walsh's Office of Neighborhood Services

1 City Hall Sq, Boston MA 02108

Attn: Shanice Pimental

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Name/Signed: Devon Wadler 

Address: 4 BENJON ST  
Brighton MA 02135

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

1 City Hall Sq, Boston MA 02108

Attn: Shanice Pimental

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Name/Signed:

Gilhan Jzsetrogh

Address:

142 Arlington Street

02135

To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
Attn: Kevin O'Connor

To:  
Mayor Walsh's Office of Neighborhood Services  
1 City Hall Sq, Boston MA 02108  
Attn: Shanice Pimental

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Name/Signed: *Heather McLomack*

Address: *221 Kellon St.*

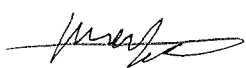
To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
Attn: Kevin O'Connor

To:  
Mayor Walsh's Office of Neighborhood Services  
1 City Hall Sq, Boston MA 02108  
Attn: Shanice Pimental

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Name/Signed: Mehmet Akif Yagcioglu

Address:   
142 Arlington St



To:  
Boston Cannabis Board  
1 City Hall Sq, Boston MA 02108  
Attn: Executive Secretary Lesley Delaney Hawkins

To:  
Boston Zoning Board of Appeals  
1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118  
Attn: Kevin O'Connor

To:  
Mayor Walsh's Office of Neighborhood Services  
1 City Hall Sq, Boston MA 02108  
Attn: Shanice Pimental

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Name/Signed: Madelyn Warner

Address: 60 Litchfield St.  
Boston, MA  
02135

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

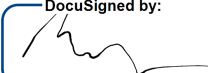
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Name/Signed:

Mike Modo

DocuSigned by:  
  
A1F71C86CF5A4A7...

Address:

349 E 8th street

To:

Boston Cannabis Board

1 City Hall Sq, Boston MA 02108

Attn: Executive Secretary Lesley Delaney Hawkins

To:

Boston Zoning Board of Appeals

1010 Mass Ave, 5<sup>th</sup> Floor Boston MA 02118

Attn: Kevin O'Connor

To:

Mayor Walsh's Office of Neighborhood Services

1 City Hall Sq, Boston MA 02108

Attn: Shanice Pimental

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Name/Signed:

James Geraci

DocuSigned by:  
  
88FFCA3E5C1D457...

Address:

473 e 3rd street apt #1 Boston, ma 02127

**EXHIBIT 6**

DECISION OF THE ZONING BOARD OF APPEALS

ROOTED IN, LLC



NOTICE OF DECISION  
CASE NO. BOA1203994  
PERMIT #ALT1153788  
APPEAL SUSTAINED  
WITH PROVISOS

In reference to appeal of

Rooted In, LLC

Concerning premises

331-335A Newbury Street, Ward 05

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was August 18, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

FOR THE BOARD OF APPEAL

/s/Thomas J. Broom

Thomas J. Broom  
Principal Administrative Assistant



DECISION OF THE BOARD ON THE APPEAL OF

July 27, 2021

DATE

**Rooted In, LLC**

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8,

at premises: **331-335A Newbury Street, Ward - 05**

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: **Variance + Conditional Use**

<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Article 8 Section 7	Use Regulations	Cannabis Establishment (Recreational) Use : <b>Conditional Cannabis Establishment Location</b> shall be sited at least one one-half mile or 2,640 feet from another existing cannabis establishment.
Article 8 Section 7	Use Regulations	

Purpose: Change Occupancy from Retail to Cannabis Establishment (Recreational)

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA-1203994 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, July 6, 2021

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, July 27, 2021 in accordance with notice and advertisement forementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit#ALT1153788 and January 12, 2021 plans submitted to the Board at its hearing and how on file in the Building Department.





DECISION OF THE BOARD ON THE APPEAL OF

331-335A Newbury Street, Ward 5  
BOA1203994  
Date of Hearing: July 27, 2021  
Permit: # ALT1153788  
Page: # 2

This appeal seeks to change occupancy to a recreational Cannabis Establishment.

The appeal is necessary as the proposed project requires relief from the terms of the Boston Zoning Code (Code). The specific relief required in furtherance of the proposed project is as follows:

Article 8, Section 7	Cannabis Establishment Use Conditional
Article 8, Section 7	Cannabis Establishment shall be sited at least one half-mile from an existing Cannabis Establishment

The proposed project will allow the Appellant to have reasonable use of the premises by opening a recreational Cannabis Establishment. The project is located within a general commercial zoning subdistrict of the Boston Proper neighborhood. This project is an appropriate use of the lot and will not adversely affect the community or create any detriment for abutting residents.

For these reasons, the requested relief may be granted in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

After the Petitioner filed the appeal, the Board, in conformity with applicable law, mailed reasonable notice of the public hearing to the Petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared in the then most recent local tax list, which notice of a public hearing was duly advertised in a daily newspaper published in the City of Boston in accordance with applicable law. The Board held public hearings on the appeal on July 27, 2021

At the hearing, representatives of the Mayor's Office of Neighborhood Services and the Back Bay Neighborhood Association spoke in support of the project. The Board also has letters of support on file. Councilor Bok registered her non-opposition to the project. There was no opposition voiced at the hearing, however, there is a letter of opposition on file with the Board. This showing of approval from the community further supports the Board's finding that the requested relief will have no negative impact on the surrounding area and is in harmony with the general purpose and intent of the Code.



DECISION OF THE BOARD ON THE APPEAL OF

331-335A Newbury Street, Ward 5  
BOA1203994  
Date of Hearing: July 27, 2021  
Permit: # ALT1153788  
Page: # 3

The Board of Appeal finds that all of the following conditions are met:

- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness or shape of the lot, or exceptional topographical conditions thereof), which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this Code would deprive the appellant of the reasonable use of such land or structure; and
- (b) That for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (c) That the granting of the variance will be in harmony with the general purposes and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal has taken into account: (1) the number of persons residing or working upon such land or in such structure; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood.





DECISION OF THE BOARD ON THE APPEAL OF

331-335A Newbury Street, Ward 5  
BOA1203994  
Date of Hearing: July 27, 2021  
Permit: # ALT1153788  
Page: # 4

The Board also makes the following findings:

- a) The specific site is an appropriate location for such use;
- b) The use will not adversely affect the neighborhood;
- c) There will be no serious hazard to vehicles or pedestrians from the use;
- d) No nuisance will be created by the use; and
- e) Adequate and appropriate facilities will be provided for the proper operation of the use.

The Board is of the opinion that all conditions required for the granting of a Variance and Conditional Use permit under Article 7, Section 7-3 and Article 6, Section 6-3 of the Zoning Code have been met and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.



DECISION OF THE BOARD ON THE APPEAL OF

331-335A Newbury Street, Ward 5  
BOA1203994  
Date of Hearing: July 27, 2021  
Permit: # ALT1153788  
Page: # 5

Therefore, acting under its discretionary power, the Board (the members and substitute member(s) sitting on this appeal) voted to grant the requested Variance and Conditional Use Permit as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit in accordance with this decision, with the following proviso, which, if not complied with, shall render this decision null and void.

APPROVED AS TO FORM:

Assistant Corporation Counsel

PROVISO(S):

1. BPDA design review with attention to signage.
2. Relief provided by this decision is granted to this applicant only.

Signed: August 13, 2021

With my affixed signature I, the Executive Secretary of the Board of Appeal, hereby certify that the signatories of this decision have given their express permission for electronic signature:

Thomas J. Broom, Esq.  
Executive Secretary  
Board of Appeal

/s/ Christine Araujo

Christine Araujo – Chair (Voted In Favor)

/s/ Mark Fortune

Mark Fortune – Secretary (Voted In Favor)

/s/ Mark Erlich

Mark Erlich (Voted In Favor)

/s/ Joseph Ruggiero

Joseph Ruggiero (Voted In Favor)

/s/ Tyrone Kindell, Jr.

Tyrone Kindell, Jr. (Alternate) (Voted In Favor)

/s/ Hansy Better Barraza

Hansy Better Barraza (Alternate) (Voted In Favor)

/s/ Sherry Dong

Sherry Dong (Voted In Favor)

**EXHIBIT 7**

An Order Regarding a Text Amendment to the Boston Zoning Code with Respect to Marijuana

Establishments

OFFERED BY COUNCILOR LYDIA EDWARDS, Flaherty, Campbell, Bok, Arroyo, Baker,  
Essaibi-George, Flynn, Mejia, Wu, Breadon and O'Malley



## CITY OF BOSTON IN CITY COUNCIL

### AN ORDER REGARDING A TEXT AMENDMENT TO THE BOSTON ZONING CODE WITH RESPECT TO MARIJUANA ESTABLISHMENTS

- WHEREAS,** In 2019 the City of Boston passed An Ordinance Establishing Equitable Regulation of the Cannabis Industry in the City of Boston; *and*
- WHEREAS,** That Ordinance created the Boston Cannabis Board with the intention that the Board would have regulatory and siting authority over the marijuana industry in Boston; *and*
- WHEREAS,** Current codes and regulations require applicants seeking to open a marijuana establishment in Boston to appear before both the Boston Cannabis Board and the Zoning Board of Appeals; *and*
- WHEREAS,** Appearing before the Zoning Board of Appeals after receiving approval from the Boston Cannabis Board can take months, which is an undue burden on the applicants; *and*
- WHEREAS,** The Zoning Board of Appeals has already denied multiple applicants that have previously been approved by the Boston Cannabis Board, potentially exposing the City to legal action; ***NOW, THEREFORE BE IT***
- ORDERED:** That the Boston City Council, by and through Councilor Lydia Edwards, submits a petition to amend the text of the Boston Zoning Code.

Filed on: May 12, 2021  
Text Amendment Application No. \_\_\_\_  
Boston City Council

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

Boston City Council through and by Boston City Councilor Lydia Edwards petition to amend the text of the Boston Zoning Code as follows:

1. In ARTICLE 8, REGULATION OF USES **Section 8-7, Table A, Use Regulations**, delete existing Use Item 39B “Cannabis Establishment” and insert the following Use Item:

39B Cannabis Establishment

S R H L B M I W MER  
F\* F\* F\* A\* A\* A\* A\* A\* A\*

\*Cannabis Establishment- provided that any cannabis establishment shall be sited at least 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined according to regulations provided by the Cannabis Control Commission.

2. In the following Articles:

- Article 38 (Midtown Cultural District)
- Article 39 (North Station Economic Development Area)
- Article 40 (South Station Economic Development Area)
- Article 41 (Huntington Avenue/Prudential Center District)
- Article 43 (Chinatown District)
- Article 44 (Leather District)
- Article 45 (Government Center/Markets District)
- Article 46 (Bulfinch Triangle District)
- Article 47A (Cambridge Street-North District)
- Article 50 (Roxbury Neighborhood District)
- Article 51 (Allston-Brighton Neighborhood District)
- Article 52 (Dorchester Avenue Neighborhood District)
- Article 53 (East Boston Neighborhood District)
- Article 54 (North End Neighborhood District)
- Article 55 (Jamaica Plain Neighborhood District)
- Article 56 (West Roxbury Neighborhood District)
- Article 57 (Saint Vincent Neighborhood District)
- Article 58 (City Square Neighborhood District)
- Article 59 (Mission Hill Neighborhood District)
- Article 60 (Greater Mattapan Neighborhood District)
- Article 61 (Audubon Circle Neighborhood District)
- Article 62 (Charlestown Neighborhood District)
- Article 63 (Bay Village Neighborhood District)
- Article 64 (South End Neighborhood District)
- Article 65 (Dorchester Neighborhood District)
- Article 66 (Fenway Neighborhood District)

**Article 67** (Roslindale Neighborhood District)

**Article 68** (South Boston Neighborhood District)

**Article 69** (Hyde Park Neighborhood District)

**Article 70** (Beth Israel Hospital Institutional District)

**Article 71** (Massachusetts College of Pharmacy Institutional District)

**Article 72** (New England Deaconess Hospital Institutional District)

**Article 73** (Dana-Farber Cancer Institute Institutional District)

**Article 90** (New Market Industrial-Commercial Neighborhood District)

a. In **Articles 38-41 and 44-47A**, in the sections on Use Regulations, subsection on Conditional Uses:

i. Delete the following text:

\*Cannabis Establishment-provided that any retail cannabis establishment with an executed Host Community Agreement that sells, distributes or dispenses cannabis or related products shall be sited at least one half mile or 2,640 feet from another planned or existing retail cannabis establishment with an executed Host Community Agreement and that any cannabis establishment shall be sited at least 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only.

ii. Insert the following text:

\*Cannabis Establishment-provided that any retail cannabis establishment with an executed Host Community Agreement that sells, distributes or dispenses cannabis or related products shall be sited at least 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined according to regulations provided by the Cannabis Control Commission.

b. In **Articles 38-41, 43-47A, 50-73 and 90**, at the end of the “Footnotes” section of each use table or the relevant appendices, and in the appropriate Appendices of **Article 43**:

i. Delete the text:

\*Cannabis Establishment-provided that any retail cannabis establishment with an executed Host Community Agreement that sells, distributes or dispenses cannabis



or related products shall be sited at least one half mile or 2,640 feet from another planned or existing retail cannabis establishment with an executed Host Community Agreement and that any cannabis establishment shall be sited at least 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined from the nearest lot line of the proposed establishment to the nearest lot line of an existing establishment or school. Use approval shall be applicable to the applicant only.

- ii. Insert, in appropriate numerical order with the appropriate footnote number, the following text:

\*Cannabis Establishment-provided that any retail cannabis establishment with an executed Host Community Agreement that sells, distributes or dispenses cannabis or related products shall be sited at least 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distances shall be determined according to regulations provided by the Cannabis Control Commission.

- c. In each table of uses, under the subcategory heading "Retail Uses," or in the case of Article 43, the relevant Appendices, strike the use regulations for "Cannabis Establishment" and replace with the following:

"Cannabis Establishment"  
as a Forbidden Use in all Residential Districts and as an Allowed Use in all other  
Districts

Petitioner: Boston City Council

By: Councilor Lydia Edwards

Address: 1 City Hall Square, Suite 550, Boston, MA 02201

Telephone: 617-635-3200

Date:

*In City Council*

**AUG 18 2021**

*Passed*

*Maura Seneo City Clerk*  
*Approved*

**AUG 20 2021**

*[Signature]*  
**Mayor**