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April 1, 2016

Via Email and US Mail

Town of Needham
Chairman Maurice P. Handel
Needham Town Hall
1471 Highland Avenue
Needham, MA 02492

Re: Massachusetts Patient Foundation's Submission of Additional Information in Support of Its Request for a Letter of Support/Non-Opposition to Operate a RMD in Needham

Dear Chairman Handel:

This correspondence is intended to provide the Needham Board of Selectmen with additional information in support of Massachusetts Patient Foundation's ("MPF") proposal to site a Registered Marijuana Dispensary ("RMD") at 33 Highland Avenue (the "Location") and to address the comments of Needham voiced at the March 22, 2016 Board of Selectmen meeting by the public. MPF is committed to the safety, care, and well-being of patients, the Town of Needham, and its residents.

COMMENTS VOICED AT THE BOARD OF SELECTMEN MEETING

1. Misconceptions Regarding Exacerbation of Parking by Siting a RMD at the Location.

MPF's Response: MPF understands that the availability of parking at the Location is a concern for local businesses and Needham residents. MPF notes that there are 8 parking spots in the front of the building (subject to Massachusetts Department of Transportation's plans to widen Highland Avenue, discussed below), 3 spots at the side of the building, and 13 spots in the rear of the building. In addition to the available on-site parking, MPF will take the following steps to address parking issues:

- MPF will arrange for a valet service to park all vehicles at an off-site lot with a minimum of 15 spaces;
- MPF will hire a full-time parking attendant to professionally manage the on-site parking;
- MPF will hire a police detail, if necessary, to assist with parking and traffic flow;

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- All MPF employees will park off-site;
- MPF will provide public transportation vouchers to patients, caregivers, and employees; and
- MPF will have bike racks available at the Location.

The full-time parking attendant will professionally manage the parking lot to ensure that all parking spaces at the Location are utilized properly, efficiently, and effectively. This will prevent people from blocking Highland Avenue or parking in spaces that are designated for the neighboring businesses. MPF will also have full-time security agents at the Location that will provide continuous oversight of the parking lot and the surrounding area.

Also, MPF will ensure that all parking lots, sidewalks, and access ways at the Location are well-lit, ADA compliant, and thoroughly plowed, shoveled, and salted immediately following any accumulation of snow or ice. Such lighting will, of course, comply with local site plan requirements, including being shielded downward where required. MPF is committed to contributing its share of expenses necessary for the proper maintenance and safety of Highland Circle.

MPF notes that the parking and traffic impact of an RMD are no greater than any other potential single retail use of the Location. In fact, MPF is limiting the parking and traffic impact by leasing both of the available units at the Location for one business as well as offering full-service valet parking. If MPF is not a tenant, two separate use-by-right businesses would likely lease the available units which would double the parking demand and increase traffic at the Location. MPF does not believe that such potential use-by-right tenants would be willing to, or financially capable of, taking the same measures to address parking concerns at the Location.

MPF is aware of the existence of plans to widen Highland Avenue that could eliminate the available parking spaces in front of the Location. MPF believes that the widening of Highland Avenue will ultimately benefit 33 Highland Avenue and all of the neighboring businesses. The addition of wider lanes, sidewalks, bike paths, and guard rails will alleviate traffic congestion on Highland Avenue and adjacent streets, increase accessibility to local businesses, and make bike and pedestrian traffic safer for Needham residents and visitors. Focusing on lost parking spaces as a means to prohibits MPFs siting—which will be fully compensated for by utilizing a valet service and off-site parking—loses sight of the benefits to area businesses as a result of the widening project.

MPF believes that Needham is at a crossroads in regard to the future of 33 Highland Avenue. MPF understands that its proposed use is controversial largely due to the volume of misinformation about RMDs. Needham should not make a decision based on this misinformation and allow 33 Highland Avenue to continue to cycle through tenants who have no regard for the needs of the Town, its residents, and neighboring businesses. Alternatively, 33 Highland Avenue

can be occupied by MPF, a business that will go to incredible lengths to accommodate the surrounding community. Some of the proposed measures are outlined above; however, MPF will continuously work with the Town of Needham, its residents, and neighboring businesses to address any and all issues concerning the location. Permitting MPF to site at 33 Highland Avenue is an opportunity for Needham and neighboring businesses to end once-and-for-all the parking issues that have existed for many years.

2. Misconceptions Regarding Increased Traffic as a Result of Siting a RMD at the Location

MPF's Response: MPF intentionally chose the proposed Location, situated on Highland Avenue, a major thoroughfare running through Needham. It is incorrect that a RMD will result in increased traffic on Highland Avenue. The truth about a reduction in traffic is supported by a traffic study prepared by Hayes Engineering, Inc., previously submitted to the Board of Selectmen, that shows that trip generation rates for the proposed use at the Location (a RMD) indicate a decrease of over 350 vehicle trip ends per day as compared to the previous land use(s) at the property (New England Pack and Ship and YoSoGood Frozen Yogurt). Simply put, MPF will be one business whereas before there were two and one business will generate less traffic. In addition, at full market levels, MPF's potential customer base is solely comprised of 1-2% of the population (registered qualifying medical marijuana patients) that are seeking access to medical marijuana for treatment purposes. Alternative uses, such as a packing and shipping store or an ice cream parlor, that are open to the general public, represent a much larger customer base which will have a greater impact on traffic.

3. A Needham Resident with Multiple Sclerosis Expressed Concerns About Public Safety for Patients Leaving a RMD with Medical Marijuana.

MPF's Response: Herein, we will attempt to dispel the misperception of harm to public safety posed by the presence of a medical marijuana dispensary. Public safety is not adversely impacted by the siting of a medical marijuana dispensary.

Peer reviewed, independent evidence indicates that there is no correlation between increased crime (including operating a vehicle under the influence, opiate drug use, and adolescent substance abuse) and the siting of a well-regulated medical marijuana dispensary in a particular neighborhood. The following studies are a selection of the independent evidence that exists to dispel the myth that the presence of a medical marijuana dispensary adversely affects public safety of the jurisdiction in which it is sited.

- Researchers at the University of Texas at Dallas analyzed the relationship between medical marijuana laws and crime rates and found that **medical marijuana laws are not predictive of increased crime rates and may relate to a decrease in the rates of homicide and assault**. Furthermore, robbery and burglary rates in states with medical

marijuana laws were not affected by the presence of a medical marijuana dispensary, contrary to the assumption that dispensaries and cultivation facilities lead to an increase in victimization.¹

- A National Highway Traffic Safety Administration study on drug and alcohol crash risk found that analyses incorporating adjustments for age, gender, ethnicity, and alcohol concentration level did not show a significant increase in crash risk associated with the presence of THC or illegal drugs. The study shows that crash risk grows exponentially with increasing breath alcohol concentration, whereas **the presence of THC in the drivers' blood or oral fluid results in much lower or no elevated crash risk estimates.**²
- Using surveys of 1,098,270 adolescents between 1991 and 2014, Lancet Psychiatry published a 2015 study that analyzed data to determine (1) whether marijuana use was higher overall in states that passed a medical marijuana law up to 2014; and (2) whether the risk of marijuana use changed after passage of medical marijuana laws. The results of the study suggest that **passage of state medical marijuana laws do not increase adolescent use of marijuana.**³
- Analyzing the data from the U.S. National Survey on Drug Use in Households (NSDUH), a study published by the International Journal of Drug Policy **further confirmed the Lancet Psychiatry study** by concluding that, when the NSDUH data is properly analyzed, there is no evidence of a significant increase in youth marijuana use after the implementation of state medical marijuana laws.⁴
- A study conducted by Wayne State University Medical School in 2013 focused on the growing body of research supporting the proposition that **the use of medicinal marijuana is associated with a decline in the use of prescription drugs, including opiates.** This study found that medical marijuana patients consistently reported using marijuana to substitute or wean off prescription narcotic drugs. In the study, all of the

¹ Morris, Robert G., et al., *The Effect of Medical Marijuana Laws on Crime: Evidence from State Panel Data, 1990-2006*, UNIVERSITY OF TEXAS AT DALLAS, Program in Criminology (2014).

² Compton, Richard P. and Berning, Amy, *Drug and Alcohol Crash Risk*, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (2015).

³ Hasin, Deborah S. et al., *Medical marijuana laws and adolescent marijuana use in the USA from 1991 to 2014: results from annual, repeated cross-sectional surveys*, THE LANCET PSYCHIATRY (2015), available at [http://www.thelancet.com/pdfs/journals/lanpsy/PIIS2215-0366\(15\)00217-5.pdf](http://www.thelancet.com/pdfs/journals/lanpsy/PIIS2215-0366(15)00217-5.pdf).

⁴ Wall, Melanie M., et. al., *Prevalence of marijuana use does not differentially increase among youth after states pass medical marijuana laws: Commentary on Stolzenberg et al. (2015) and reanalysis of US National Survey on Drug Use in Households data 2002-2011*, INTERNATIONAL JOURNAL OF DRUG POLICY (2016), available at [http://www.ijdp.org/article/S0955-3959\(16\)00038-4/pdf](http://www.ijdp.org/article/S0955-3959(16)00038-4/pdf).

interviewed patients reported having reduced their overall prescription drug use, especially the use of opiates, by using medical marijuana.⁵

- Another study, conducted by the American Medical Association examined the association between state medical cannabis laws (i.e. the legalization of medicinal marijuana) and opioid mortality rates. This study, which analyzed data from all 50 states, **concluded that the states that enacted medical cannabis laws had a 24.8% lower mean annual opioid overdose mortality rate** compared with the states without medical cannabis laws.⁶

Furthermore, MPF truly believes that, of all the proposed locations, the 33 Highland Avenue location is the safest for a RMD in Needham. As referenced at the Selectmen's Meeting, like all of the applicants, MPF will implement state-of-the-art surveillance and security systems to ensure the safety of our patients and the security of the RMD. Likewise, MPF will work closely with the Needham Police Department in developing a comprehensive security plan. MPF's location is one factor that makes them stand out from the other applicants. The RMD will occupy the two units on the second floor of 33 Highland Avenue which directly face the street. As such, the RMD will be plainly visible from the street in a high traffic area which will serve as a deterrent to potential crime, and provides far better patient access.

The proposed locations for the other applicants are in significantly less visible areas of Needham than 33 Highland Avenue. Locating a RMD in a less visible area creates a greater potential for crime and does not alleviate the safety concerns of patients entering and exiting the RMD. Like the rest of the patients in Needham and the surrounding communities, the resident who spoke at the Selectmen's meeting and expressed concerns about leaving the RMD with medical marijuana will feel safe leaving the Highland Avenue location, whereas she may not have that level of comfort leaving the sites proposed by the other applicants.

Finally, MPF's proposal for 33 Highland Avenue does not have the effect of marginalizing the patients of the Commonwealth by forcing them to obtain valuable medicine in the back of an industrial park, intentionally hidden from the public, as if they are criminals. Instead, locating the RMD in a plainly visible, high traffic area provides patients with greater security, safety, and peace of mind when entering or exiting the RMD.

⁵ Peters II, David C., *Patients and Caregivers Report Using Medical Marijuana to Decrease Prescription Narcotics Use*, HUMBOLDT J. OF SOC. REL., WAYNE STATE UNIVERSITY SCHOOL OF MEDICINE (2013).

⁶ Bachhuber MD, Marcus A., *Medical Cannabis Laws and Opioid Analgesic Overdose Mortality in the United States, 1999 – 2010*, J. AMER. MED. ASSOC. INTERNAL MEDICINE (2014).

4. Concerns About the Proximity of MPF's Proposed Location to the Charles River Reservation Trail and Elliott Elementary School Bus Stop.

MPF Response: MPF recognizes that there are concerns regarding the Location's proximity to the Charles River Trail and the Elliott Elementary School bus stop. As an initial matter, it is noteworthy that Massachusetts regulations do not require a setback from trails or bus stops. Additionally, Needham's zoning bylaws do not require a setback distance between a RMD and nature trails or school bus stops, nor should they. Needham's zoning bylaw requires a setback of 1,000 feet between a RMD and a public or private elementary school, middle school, secondary school, or a municipal park. MPF's proposed location goes further than the other Needham applicants to comply with Needham's zoning bylaws.

This is evidenced by the fact that Sage's proposed location at 29 Franklin Street is just under 600 feet away from the Riverside School and under 200 feet from the Newton Music Academy.⁷ MMM's proposed location at 85 Wexford Street is just over 700 feet from the Riverside School and under 200 feet away from the Newton Music Academy.

In contrast, MPF's location is beyond 1,000 feet from the nearest school. While MPF's location is approximately 700 feet from Riverside Terrace Park, Highland Avenue serves as a sufficient buffer between the RMD and the park. Accordingly, MPF's location will go further than the other applicants in addressing concerns regarding RMDs and children.

5. MPF's Signage and Logo and Building Façade Will Maintain Needham's Character.

MPF Response: MPF's logo does not have medical symbols, images of marijuana, related paraphernalia, or colloquial references to marijuana. MPF's external signage shall not be illuminated except for a period of 30 minutes before sundown until closing, and shall comply with Needham requirements regarding signage. MPF will not have neon signage and will not display on the exterior of the Location any advertisements for marijuana or any brand name other than the RMD's registered name. MPF will not utilize graphics related to marijuana or paraphernalia on the exterior of the RMD or the building in which the RMD is located. There will not be any way to tell from the exterior of the building that a medical marijuana dispensary is sited within.

6. MPF's Cultivation and Industry Experience Exceeds that of the Other Applicants.

MPF's Response: MPF's cultivation and industry experience vastly exceeds that of the other Needham applicants. MPF's Director of Cultivation, Michael Thompson, is the co-founder, Director of Science and Technology, Director of Purchasing and Manufacturing, and Master

⁷ A place where children commonly congregate, even if not strictly an offending use under Needham's zoning bylaw.

Grower of one of the fastest growing marijuana dispensaries in Colorado. Michael oversees approximately 250,000 square feet of organic marijuana cultivation and recently had one of the largest registered harvests in Colorado history. Michael is relocating to Massachusetts where he will utilize his experience and success to oversee the build-out and launch of MPF's state of the art cultivation facility.

Additionally, members of MPF's management team currently operate a licensed medical cannabis dispensary in Eugene, Oregon which is highly regulated by the Oregon Health Authority. Michael's cultivation experience coupled with MPF's operational experience in Oregon makes MPF the only Needham applicant with actual medical marijuana industry experience.

Finally, contrary to an assertion of another applicant, MPF's legal team is not solely participating in the application process, but instead has been engaged for ongoing compliance and industry guidance once MPF is operational. Attorney Valerio Romano of VGR Law Firm has over a decade of legal and compliance experience in the marijuana industry. Adam Fine's law firm, Vicente Sederberg is widely seen as the premier national marijuana law firm and represents a significant number of marijuana businesses nationwide.

7. MPF Has Significant Ties to Needham.

MPF's Response: Needham has always been the first choice of MPF to locate a RMD, and the MPF team has deep and lasting connections to the Needham community. Joseph Lekach, MPF's Co-Founder, received his Bachelor's Degree in Business Administration from Babson College, and many of his family members also attended the college. During Joseph's time at Babson College, he developed a fondness for the Needham community which is one of the reasons why Needham is MPF's first choice for RMD locations.

Corey Cutler, MPF's Regional Manager, has been a Needham resident for 13 years. Corey is a licensed real estate broker, businessman, and the Principal at Cutler & Associates, a Boston-based law firm. Corey has also been actively involved with the Massachusetts Society for the Prevention of Cruelty to Children as a donor and volunteer for over 25 years.

Donna Rheaume, MPF's Director of Community Relations, grew up in Needham, graduated from Needham High School and is proud to call Needham her hometown. Donna's daughter was raised in Needham and is also a Needham High graduate. Donna is the founder of Medical Marijuana Public Relations and is a former Director of Communication for the Department of Public Health.

CONCLUSION

MPF's RMD proposal in Needham presents a unique and promising opportunity for the Town of Needham, the patients of Needham and the surrounding communities, and the neighboring businesses on Highland Avenue. As highlighted above, MPF will:

- Decrease traffic on Highland Avenue;
- Expend the resources necessary to address any parking problem at 33 Highland Avenue;
- Exceed the security and safety regulations set forth by the Commonwealth;
- Produce only the highest quality medicine and infused products at their state-of-the-art cultivation and processing facility; and
- Operate transparently and work closely with the Town of Needham including their Health, Police, and Fire Departments.

In short, MPF's RMD will be a model for dispensaries statewide and will be a business that the Town of Needham will be able to take pride in. By choosing to partner with MPF in Needham, the Town will gain a professional corporate citizen. We look forward to working closely with Needham, and hope we are fortunate enough to be awarded a Letter of Support or Non-Opposition from Needham's Board of Selectmen.

Very truly yours,



Adam Fine, Esq.



Valerio Romano, Esq.