



To: Cambridge Planning Board
From: VGR Law Firm, on behalf of Healthy Pharms, Inc.
Date: February 24, 2017
Re: Amended Zoning Ordinance Buffer Requirement

At the time that Healthy Pharms, Inc. (“HPI”) submitted its Special Permit application to operate a Registered Marijuana Dispensary (“RMD”) the proposed site at 98 Winthrop Street, Cambridge, MA, complied with the MMD-4 provisions of the Cambridge Zoning Ordinance (the “Ordinance”). The operable setback requirement from places where children commonly congregate in Medical Marijuana Overlay District 4 was as follows: “[a] RMD facility that is located within MMD-4 may be two hundred fifty feet distant from a school, daycare center, preschool or afterschool facility or any facility in which children commonly congregate, or if not located at such a distance, it is determined by the Planning Board to be sufficiently buffered from such facilities such that its users will not be adversely impacted by the operation of the Registered Marijuana Dispensary. Such distance shall be measured by way of direct pedestrian access from the closest point of the RMD facility to the closest point of the school, daycare center, preschool or afterschool facility or any facility in which children commonly congregate.”

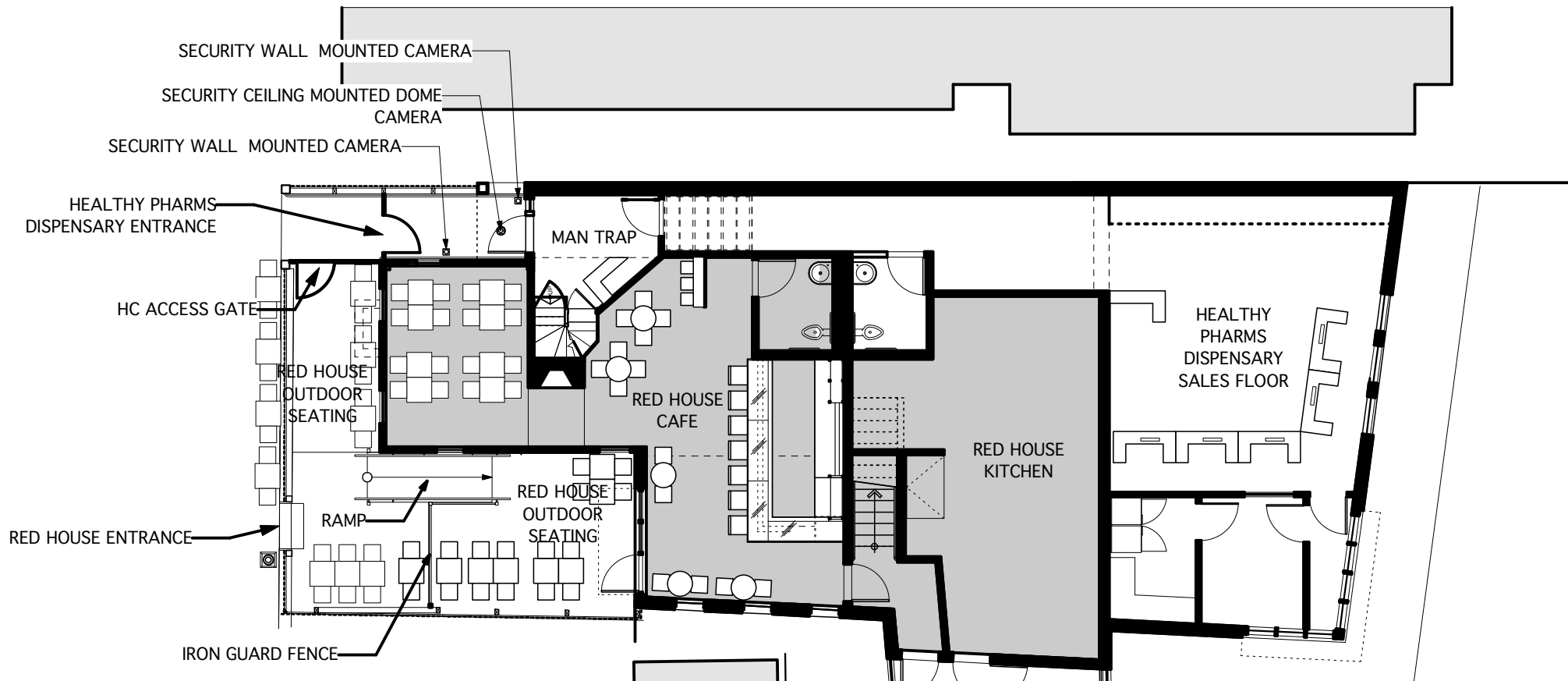
Since submitting the Special Permit application, Cambridge has amended the Ordinance with respect to the zoning of RMDs. Specifically, the amended Ordinance does away with the medical marijuana overlay districts, replacing those provisions with Section 11.800, which allows RMDs by Special Permit within the Business A, Business B, Business B-1, Business B-2, Business C, Industry A-1, Industry B-1 and Industry B-2 districts, and puts in place a 1,800-foot buffer between RMDs. Furthermore, under Section 11.800, all RMDs, regardless of which zone the RMD is located, must be at least 500 feet from schools, daycare centers, preschools or afterschool facilities or any facilities in which children commonly congregate, unless it is determined by the Planning Board that the RMD will be sufficiently buffered from such facilities such that its users will not be adversely impacted by the operation of the Registered Marijuana Dispensary. Based on the layout of Harvard Square and the characteristics of any potentially offending uses, HPI believes that it is sufficiently buffered from any such facilities within 500 feet such that their users will not be adversely impacted by HPI’s operations.

The zoning petition which created the MMD-4 overlay district last year specifically contemplated the 98 Winthrop Street location for this use. The Cambridge Planning Board supported the City Council’s adoption of the MMD-4 district, and the reduced setback (with modifications to HPI’s initial proposal). One might argue that the required finding, that “the RMD will be sufficiently buffered from such facilities such that its users will not be adversely impacted by the operation of the Registered Marijuana Dispensary” was at least contemplated by the Planning Board when making its recommendation to support the MMD-4’s reduced setback.

Additionally, throughout this process, HPI and its proposed location have received letters of support from the University Lutheran Church and the Harvard Square Business Association, and received a positive

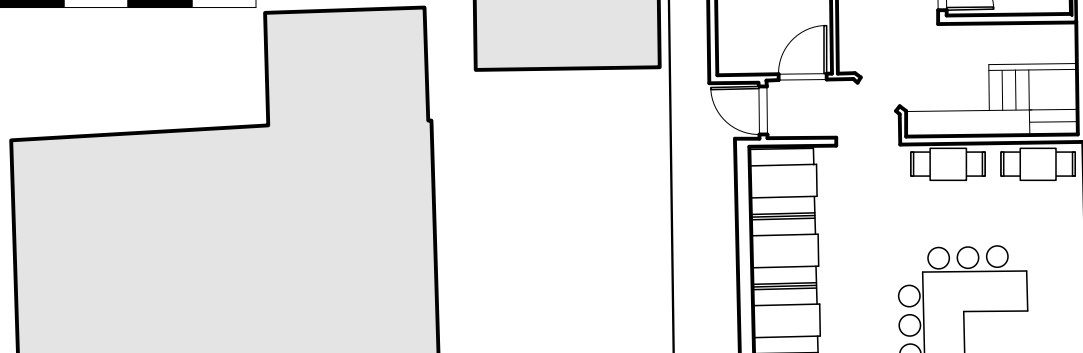
recommendation from the Harvard Square Advisory Committee with respect to HPI's proposed RMD facility. As is noted in the Cambridge Community Development Department's memorandum in connection with HPI's Special Permit application, "[t]he context map provided in the Applicant's supplemental materials indicate that no school or facility that is primarily dedicated to providing programs for children is located within a 500-foot buffer of the site." As the memorandum further notes with respect to the University Lutheran Church, "[t]he church location is on the opposite side of JFK Street from the proposed RMD, across a busy thoroughfare and on the interior of the Harvard University campus, so it is unlikely that children attending Sunday school would routinely encounter RMD clients or staff."

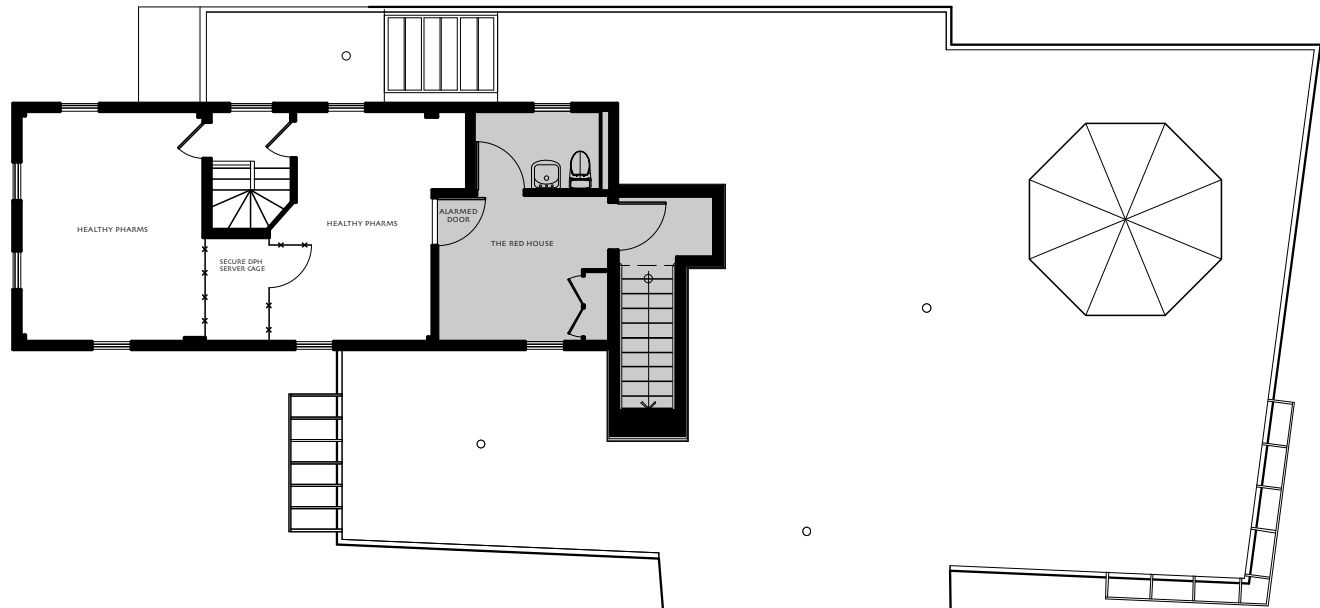
It is apparent that the recent zoning amendment relating to RMDs was established to expand the areas where RMDs are permitted in Cambridge. In connection with such expansion, it is understandable that the siting regulations were amended to be uniform in all applicable zones. However, such uniformity does not consider the unique nature of Harvard Square, as was recognized in the previous zoning amendment that established the MMD-4 with a 250-foot buffer from youth-related facilities. Based on the layout of Harvard Square, the nature of the types of uses within Harvard Square, and the City's past recognition that a 250-foot buffer is suitable within Harvard Square, HPI believes that the 98 Winthrop St. location has sufficient buffering and is an appropriate location to site an RMD.



FIRST FLOOR PLAN
THE RED HOUSE - 98 WINTHROP ST.

0 4 8 12 16 20 FT

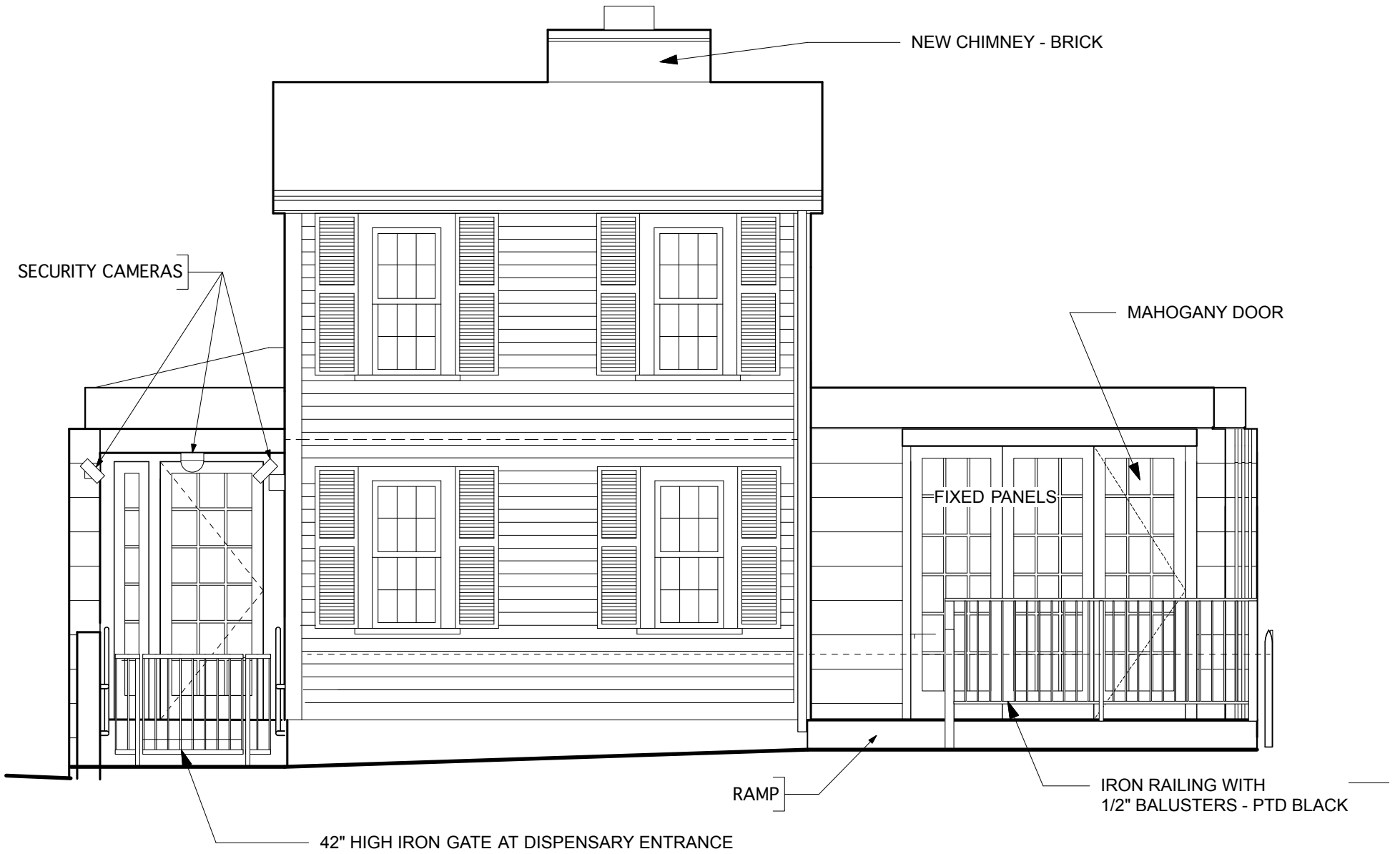




SECOND FLOOR PLAN
THE RED HOUSE - 98 WINTHROP ST.

0 4 8 12 16 20 FT

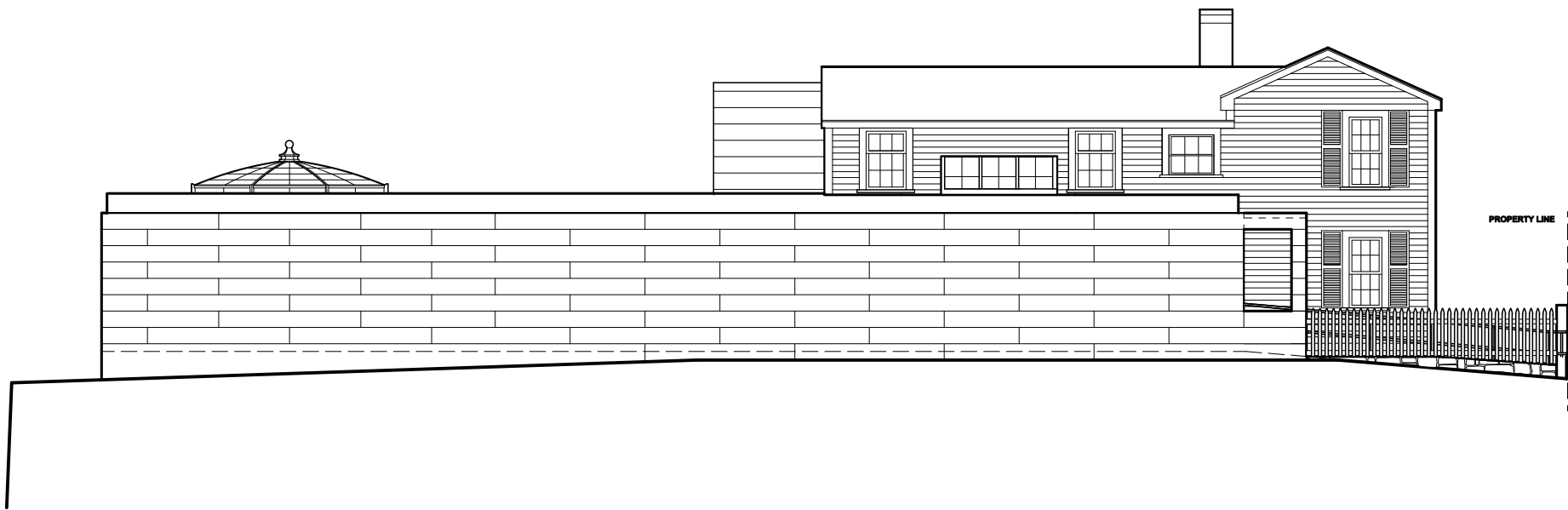




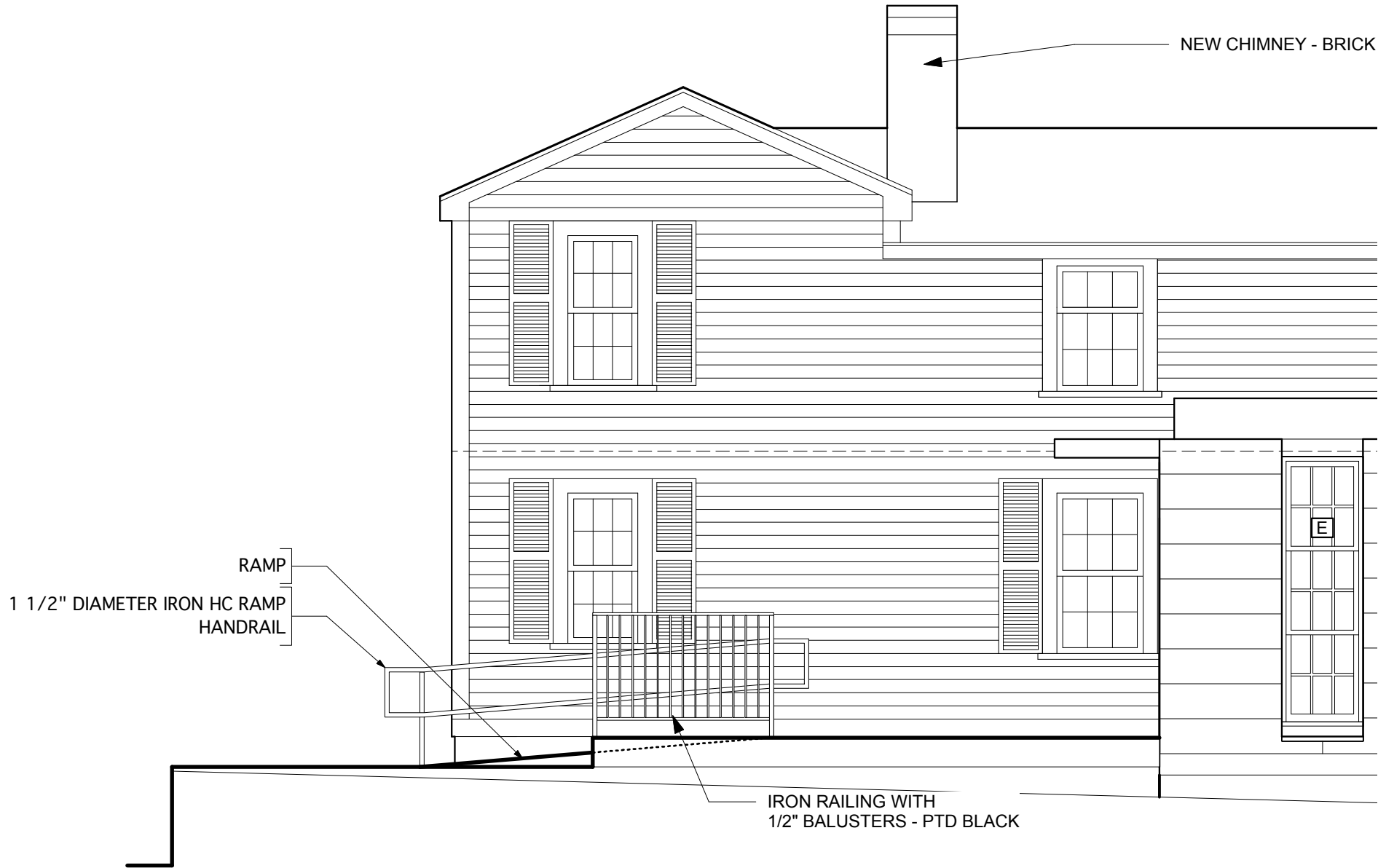
FRONT ELEVATION
THE RED HOUSE - 98 WINTHROP ST.



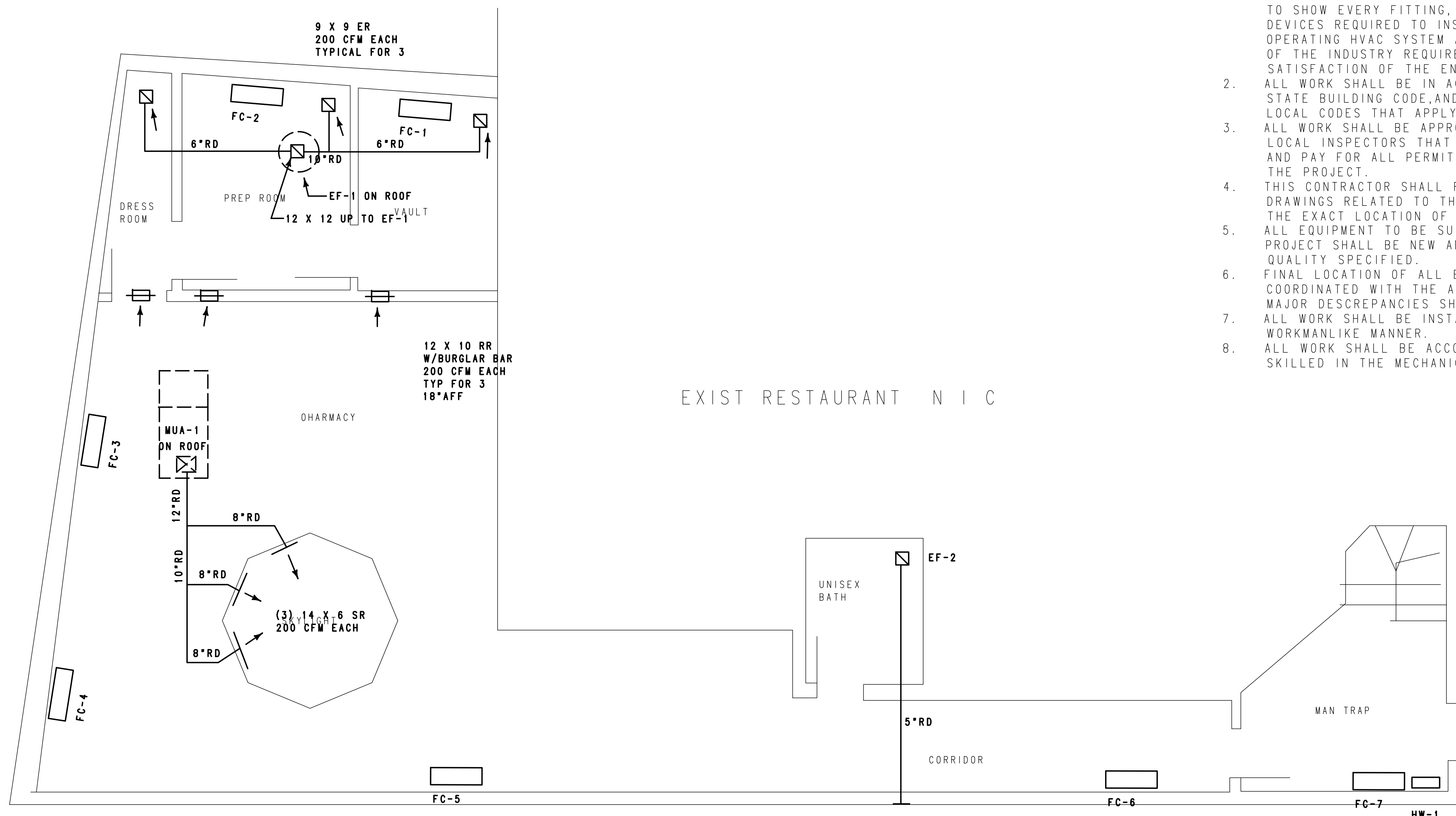
STREET ELEVATION
THE RED HOUSE - 98 WINTHROP ST.



EAST ELEVATION
THE RED HOUSE - 98 WINTHROP ST.



WEST ELEVATION
THE RED HOUSE - 98 WINTHROP ST.



PROPOSED FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

GENERAL NOTES

- IT IS NOT THE INTENTION OF THESE DRAWINGS TO SHOW EVERY FITTING, HANGER AND/OR OTHER DEVICES REQUIRED TO INSTALL A COMPLETE AND OPERATING HVAC SYSTEM AS THE STANDARDS OF THE INDUSTRY REQUIRES AND TO THE SATISFACTION OF THE ENGINEER.
- ALL WORK SHALL BE IN ACCORDANCE WITH THE STATE BUILDING CODE, AND ALL OTHER STATE AND LOCAL CODES THAT APPLY.
- ALL WORK SHALL BE APPROVED BY THE STATE AND LOCAL INSPECTORS THAT HAVE JURISDICTION. OBTAIN AND PAY FOR ALL PERMITS REQUIRED TO COMPLETE THE PROJECT.
- THIS CONTRACTOR SHALL REFER TO ALL OTHER DRAWINGS RELATED TO THE PROJECT TO DETERMINE THE EXACT LOCATION OF EQUIPMENT AND DEVICES. ALL EQUIPMENT TO BE SUPPLIED AS PART OF THIS PROJECT SHALL BE NEW AND OF THE TYPE AND QUALITY SPECIFIED.
- FINAL LOCATION OF ALL EQUIPMENT SHALL BE COORDINATED WITH THE ARCHITECTURAL PLANS. MAJOR DISCREPANCIES SHALL BE NOTED IN WRITING.
- ALL WORK SHALL BE INSTALLED IN A NEAT AND WORKMANLIKE MANNER.
- ALL WORK SHALL BE ACCOMPLISHED BY PERSONS SKILLED IN THE MECHANICAL TRADES.

HVAC LEGEND

SYMBOL	DESCRIPTION
—HWS—	HOT WATER SUPPLY PIPING
—HWR—	HOT WATER RETURN PIPING
—G—	GAS PIPING
FD	FIRE DAMPER
VD	VOLUME DAMPER
SD	SUPPLY DIFFUSER
SR	SUPPLY REGISTER
RR	RETURN REGISTER
FR	FLOOR REGISTER
RG	RETURN GRILLE
ER	EXHAUST REGISTER
EG	EXHAUST GRILLE
CFM	CUBIC FEET PER MINUTE
FAI	FRESH AIR INTAKE
()	FLEXIBLE DUCT, SEE SCHEDULE FOR SIZE
⊖	THERMOSTAT
⊗	CONNECT TO EXISTING AT THIS POINT
⊘	BALL VALVE
⊗⊘	CONTROL VALVE
⊗⊘	CHECK VALVE
— —	UNION
	FIN-TUBE RADIATION
	BASEBOARD RADIATION
RD	ROUND DUCT
⊗	SUPPLY REGISTER/DUCT
⊘	RETURN/EXHAUST REGISTER/GRILLE/DUCT

AIR HANDLING UNIT SCHEDULE

UNIT	CFM	ESP	RET AIR	OUT AIR	HTG MBH	CLG MBH	COMP RLA	EVAP FLA	COND FLA	TOTAL FLA	VOLTS	PH	MOCP	WGT	REFERENCE
FC-1	175		175		9	9					208	1		40	DUCTLESS HEAT PUMP
FC-2	175		175		9	9					208	1		40	DUCTLESS HEAT PUMP
FC-3	250		250		25	18					208	1		60	DUCTLESS HEAT PUMP
FC-4	250		250		25	18					208	1		60	DUCTLESS HEAT PUMP
FC-5	250		250		25	18					208	1		60	DUCTLESS HEAT PUMP
FC-6	250		250		15	18					208	1		60	DUCTLESS HEAT PUMP
FC-7	250		250		15	18					208	1		60	DUCTLESS HEAT PUMP
FC-8	250		250		25	18					208	1		60	DUCTLESS HEAT PUMP
FC-9	250		250		25	18					208	1		60	DUCTLESS HEAT PUMP
HW-1	100		100		8										HOT WATER FAN COIL
1. MUA-1	600	0.4	0	600	75	36.4								1050	REZNOR RDH-75

1. MUA-1 TO HAVE TWO (2) 1 1/2 TON COND UNITS, ONE (1) FOR EACH STAGE.

Revisions:

HVAC
FIRST FLOOR PLAN
T.W.B. ASSOCIATES, INC.
BUILDING CONSULTANTS
130 LIBERTY STREET, UNIT 3B, BROCKTON, MA 02301
TEL. 508-559-0418 FAX 508-580-5649 email twbassoc@aol.com

ARCHITECT:

THE RED HOUSE
38 WINTHROP STREET
CAMBRIDGE, MA 02138
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Job No: 17-1703
Date: JAN 25, 2017
Scale: AS NOTED
Drawn By: MW-TWB
Ckd. By: ARM

Dwg No:

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