

August 11, 2021

Universal Hub Online  
Adam Gaffin

**Re: Opposition to the proposed high-volume retail cannabis dispensary, 115 K Street (538-550 E 1<sup>st</sup> Street)**

Dear Adam,

I am a property owner and direct abutter to the proposed high-volume retail cannabis establishment at 115 K Street (aka. 538-550 E 1<sup>st</sup> Street) in South Boston. I have lived in Boston 11 years, most recently moving, 18 months ago, from Charlestown to E 1<sup>st</sup> Street in South Boston.

I saw your story about the lawsuit of the Boston City Zoning Board of Appeals by Holland Brands and wanted to provide some information and context for your readers that was not included in your story. First, I'd like to start by providing reasons why I and others in the neighborhood oppose the proposed size, scope and location of the dispensary and second, I'd like to provide some commentary for readers that may provide additional insight.

**I. Opposition Reasons**

1. There are over 300 South Boston residents, which includes over 200 direct abutters, opposed to the size, scale and scope of the proposed dispensary at this specific location.
2. I, and we as a group, do not oppose cannabis, as was suggested by Holland Brands. I voted for the legalization of cannabis in MA. The ballot question in 2016 provided that, "A 'yes' vote supported this proposal to legalize marijuana but regulate it in ways similar to alcoholic beverages." None of us voted for 52 dispensaries in the city limits, nor did we vote to allow a dispensary anywhere in the city.
3. Some context about zoning, excerpts taken from Boston Planning & Development Agency's (BPDA) own website and the text of Article 68 which was passed in 2011 specifically for South Boston:

**BPDA website**

What is Zoning? <http://www.bostonplans.org/zoning/what-is-zoning>

*"The Boston Zoning Code is the set of rules by which the City's neighborhood planning is implemented and dictates the allowed shape, density, and use of development in a given area. It protects Boston's distinct neighborhoods from the development of buildings or uses that do not harmonize with their surrounding context."*

**Excerpt from Article 68**

*"The purpose of Local Industrial Subdistricts is to encourage the preservation of the existing manufacturing and industrial base in a manner that is sensitive to and preserves the quality of life of the surrounding residential neighborhoods, and to encourage the development of new job opportunities within the South Boston Neighborhood District."*

4. The proposed establishment does not conform to existing zoning (Article 68 and associated Article 6). Holland Brands wish to site a high-volume retail cannabis dispensary in a Local Industrial District. The use is not as-of-right. It is Conditional, which requires a review by the City of Boston Zoning Board of Appeals (ZBA) and which involves the input of the community. Based on all information presented to the ZBA on May 18, 2021, the ZBA voted 6-1 to deny Holland Brands' requests for zoning variances. Holland Brands chose to pursue a location that is not zoned for Retail, and which, by the excerpt above, does not "encourage the preservation of the existing manufacturing and industrial base..." Nothing about retail is manufacturing or industrial. And given the amount of retail zoned in South Boston and with adequate vacancies in these districts, an appropriate location for a retail cannabis

dispensary, is in a Retail-zoned District. Retail should go where retail is zoned. A Local Industrial District, intended to be protected by Article 68 zoning is not the place for a high-volume retail store. I would voice the same objection if the proposed establishment were a Home Depot, Target or Walmart.

5. What is Allowed by Article 68 in the South Boston E 1<sup>st</sup> Street Local Industrial Subdistrict? Among those businesses Allowed as-of-right, include general manufacturing, light manufacturing, an office, a place of worship, public art/display space, a trade school, a gym, a police station or firehouse, a lab, a bakery, a carpenter's shop, an electrician's shop, a machine shop, a photographer's studio, a plumber's shop and much more.
6. Holland Brands proposed an operation that is intentionally high-volume, likely to maximize profits. In my opinion, based on a footprint of 3,000sf, 10 registers and 37 parking spaces, it is designed to attract customers who will drive from downtown, the airport, South Station, the Financial District and beyond, not just from the neighborhood, bringing significant vehicle traffic to an already challenged street. So the developer wants neighbors to accept all of the headaches and safety issues of more traffic brought to our street, while they reap all the profits? As a comparison, Stop N Shop has 6 registers, Walgreens has 4 registers and Foodies has 4 registers and only 8 parking spaces. This is not the place for high-volume retail of any kind.
7. Holland Brand's own traffic information indicated that they projected 783 car trips a day to their location Mon-Friday and an unknown number of cars on the weekends, which we know from other dispensaries is when there is even more traffic generated by these establishments.
8. Our own traffic analysis on E 1<sup>st</sup> Street shows that traffic increased 72% from 2011 to 2019, based on two observational traffic studies conducted in each of those years, one by the developer at 2 H Street in 2011 and the other by the City of Boston in 2019.
9. 783 car trips would further increase traffic on the street by approximately 20% based on both BTM data from November 2019 and more recently, Holland Brands own traffic data observed in 2021.
10. And the current, observed traffic data does not take into account the approved 2 H Street project's additional traffic created by 135 1, 2 and 3 bedroom units + 207 parking spaces as well as the approved 776 Summer Street (Edison Plant) project that will create 750 residential units, 350 hotel units, 80,000+ retail space and over 1,200 parking spaces, both which are 1 block to the West and East, respectively, of the proposed dispensary location.
11. The City of Boston installed a speed sign on E 1<sup>st</sup> Street because it is known that speeding is an issue along the street. Adding more traffic will simply increase the issues of safety.
12. Traffic is a significant, serious, unfortunately dangerous and sometimes a fatal issue in the city, including South Boston. Adding considerably more traffic from this proposed project to E 1<sup>st</sup> Street when other approved large-scale projects still to be built and that will also add considerably more traffic to the street is simply untenable. Some examples of concern include:

May 26, 2021, <https://whdh.com/news/south-boston-residents-butt-heads-over-proposed-traffic-flow-changes/>

*"Kathy Sawyer has lived on E Street in South Boston for decades and for the last two years, she and some neighbors have been working to get E and F streets changed from two-way streets to one-ways."*

*"They believe it would make the streets safer for pedestrians."*

*"It's dangerous out here. The flow of traffic is just ridiculous," Sawyer said. "I've witnessed so many car accidents coming out of Bolton Street."*

June 25, 2021, <https://caughtinsouthie.com/news-politics/recap-of-n-broadway-traffic-pedestrian-safety-meeting/>

*"Sloane McGrath, – along with her dad Brendan – were in attendance. Sloane held a small white board she wrote reading "Important words: cars, traffic, accidents, roads, be careful, walk, look, pay attention, watch where you are going." Sloane is the sister of Colin McGrath who was killed at the intersection of L + 6th back in 2018."*

*"N Street isn't the only problem area for traffic/pedestrian safety issues in the neighborhood. [L + 6th](#), [Farragut Road](#), [Summer Street](#) and [Day Blvd.](#) have all had serious incidents involving speeding cars and or distracted drivers – and sadly incidents resulting in death."*

September 20, 2020, <https://www.bostonglobe.com/2020/09/06/metro/motorcyclist-injured-during-crash-south-boston/>

*"The crash happened near the intersection of West First and E Streets around 5 p.m., according to Officer James Moccia. The motorcyclist was pronounced dead at the scene."*

13. The proposed hours of operation, 9am-9pm Monday – Saturday and 10am-7pm on Sundays does not fit with the neighborhood. The facility proposes operating 7-days a week, where the rest of the local industrial and small local retail across the street operate primarily during the week, which provides for a much quieter and enjoyable weekend for residents. Adding 1,000 car trips or more a day on our street on Saturday and Sunday would irrevocably damage our quality of life. Many residents chose to live here specifically for the quieter weekends that our local industrial neighbors afford.
14. Parking is already an issue in the neighborhood and along E 1<sup>st</sup> Street. 392 cars per day (783 car trips) and Ubers/Lyft will only exacerbate the issue. How does Holland Brands know that cars will come and go steadily throughout the day and not come in fits and spurts?
15. Holland Brands has proposed an "option" for police details to manage traffic. If traffic isn't going to be a problem, why propose traffic details?
16. The Eversource park, within 300 feet of the proposed facility, has its own issues of vandalism, littering, under age drinking and drug use. Adding more visitors, from outside the neighborhood brings the likelihood that more, not less, problems will come to the nearby park and our neighborhood in general. Does anyone think that BPD is going to police the park when we have bigger issues in the neighborhood for BPD to address?

NETA, Aug 25, 2019, <https://www.bostonglobe.com/metro/2019/08/25/months-after-opening-brookline-marijuana-store-still-one-america-busiest-and-not-everyone-thrilled/2tFqGMYsN8XVa5ykTLY9MI/story.html>

*"NETA's neighbors say the vast majority of the retailer's customers are respectful and law-abiding, but a small portion cause trouble by littering, parking obnoxiously, and smoking weed on the streets and in parks without care for nearby children."*

*"Brookline police patrol the area regularly, said Lieutenant Philip Harrington. It's true that more people are smoking pot in public now, he said, but it's hard to know how much of that is related to the pot shop and how much is due to the fact that pot is legal now, though public consumption is not permitted and carries a \$100 fine. **He said he recently stopped two people in a park as they opened NETA bags.**" (emphasis supplied)*

NETA, Nov 19, 2019, <https://www.nbcboston.com/news/local/neighbors-of-neta-brookline-pot-shop-upset-by-public-urination-other-incidents/2002934/>

*"Several times a week, there is someone smoking pot in front of my house," Anna Otero said."*

*"My wife walked out of house with our kids going to a soccer game, and there is this guy peeing in the bushes, and it's like, how many times does that have to happen?" Saltzman said."*

*"Is it happening every single day? To every person? Of course not, but when was the last time someone peed on your bushes? It is not something we want to live around," Saltzman said."*

## II. Additional Commentary

I would like to offer the following in direct rebuttal to some of the details provided in your story.

1. "...alleging a "vocal minority" of South Boston residents used their political heft to turn the board against the project despite its approval by the Boston Cannabis Board and support from other South Boston residents."
  - a. Those opposing the proposed dispensary are over 300 South Boston residents. It is our right and privilege to speak up and be heard by our elected officials and city departments for decisions that will dramatically and negatively impact our neighborhood.
  - b. A minority? Of the whole neighborhood of South Boston, yes. Of those who expressed an interest in support or opposition to the BCB and ZBA of this location for a dispensary, no. Those in opposition had the majority of those registering their opinion to the BCB and ZBA.
  - c. In the ZBA meeting on May 18<sup>th</sup>, Holland Brands produced no abutters to speak in support of the proposed dispensary. At least 15 abutters who opposed the dispensary were present for the meeting of which 3 testified in opposition.
2. "the "vocal minority" and its political allies are determined to keep South Boston free of marijuana, at least of the legal kind..." Worth stating again, I voted for the legalization of cannabis along with the majority South Boston voters. I support retail cannabis stores in retail districts. Holland Brands chose to propose a high-volume retail cannabis dispensary in a Local Industrial Subdistrict, for which retail, healthcare, clinics and pharmacies are either Conditional or Forbidden.
3. "...the company says you could not find a more "perfect" spot for a marijuana shop than theirs...that would be hidden away from any potentially offended neighbors as possible."
  - a. It is NOT a perfect spot. Unfortunately, they could not hide the traffic that would be created by the size and scope of the operations. Those of us along E 1<sup>st</sup> Street would have to contend with a lot more traffic, pedestrian and vehicle safety, Uber / Lyft idling, not to mention the likely parking and double-parking issues. The quality of life here would be significantly impacted.
  - b. It is only "perfect" to Holland Brands as it would give them a very large, high-volume retail space from which to attract customers from around the city and the region, maximizing profits.
4. "The company alleges they had support of far more people than the cranky, but louder, people who opposed it..." Holland Brands, at last count, had roughly 220 people write letters or sign petitions in support. We neighbors had over 300 South Boston residents write letters or sign petitions in opposition. Other than saying that 68% of the neighborhood voted to legalize cannabis, I don't know how Holland Brands can contend they had "support of far more people". When the voters of South Boston voted in 2016, they did not vote to have a high-volume retail dispensary on E 1<sup>st</sup> Street. I'm guessing many of my neighbors, like I did, voted to legalize cannabis because of the devastating effect that minor drug offenses have on anyone, especially minorities. It is only right to remove that societal hurdle for many who simply use cannabis recreationally.
5. "...the suit adds that the people who do live across the street had no reason to complain because they were already living across the street from an industrial zone." Residents here have a lot of reasons to complain. See my list of 15 above. We chose to have industrial business as neighbors because on the weekends we get peace and quiet from the weekday traffic. We saw protections of our neighborhood through Article 68. A 7-day a week establishment would have significant, negative impacts to the quality of life here. Holland Brands should have sought suitable retail space where retail is zoned, not tried ramming a square peg in a round hole.
6. Other items of note:
  - a. Mayor Kim Janey's cousin Greg Janey was named as the General Contractor for the proposed project by the Holland Brands in their March 10, 2021 Boston Cannabis Board (BCB) meeting, for an investor (Geoff Caraboolad) who owns a \$14M annual revenue construction company, Metric Corporation. Why would Holland Brands need an outside GC? And in particular, a GC that is the

current Mayor's cousin? [https://www.dnb.com/business-directory/company-profiles.metric\\_construction\\_corporation.972365ffb3197a33aae57d3e90c29448.html](https://www.dnb.com/business-directory/company-profiles.metric_construction_corporation.972365ffb3197a33aae57d3e90c29448.html)

- b. The Mayor's reelection campaign has embraced donations from the cannabis industry at large, of which the attorney for Holland Brands, former City Councilor Michael Ross seems to be an active participant in this fund raising, as discussed in the Boston Globe article from April 20, 2021, <https://www.bostonglobe.com/2021/04/20/marijuana/420-bostons-acting-mayor-turns-marijuana-industry-campaign-cash/>  
"With several other mayoral hopefuls outpacing her fundraising in the early going, Janey is hoping to catch up in part by leveraging her role as the primary author of the city's cannabis licensing system — one of the main accomplishments of her tenure on the council, which began in 2018."
- c. Councilor Flynn has been lauded by other cannabis dispensaries approved in the city for his support for their establishments, including Columbia Care, "In particular, Columbia Care greatly appreciates the support of Mayor Martin Walsh, City Councilor Ed Flynn, the Boston Cannabis Board, the Zoning Board of Appeal and the City of Boston." [Columbia Care Statement on Boston Zoning Board of Appeal Approval for Adult-Use Designation at Downtown Boston Dispensary | Business Wire](#)

And Ascend, "During the planning phase, Ascend garnered widespread support among the Boston community and state leaders. The historic project received letters of support from State Senator Joseph Boncore (D); State Representative Aaron Michlewitz (D); Boston City Councilors Josh Zakim and Ed Flynn; The Downtown North Business Association; as well as a letter of non-opposition from the West End Civic Association."  
<https://www.prnewswire.com/news-releases/boston-grants-ascend-massachusetts-approval-to-open-the-first-adult-use-cannabis-retail-store-300778824.html>

Councilor Flynn has consistently expressed concern for traffic and safety in the neighborhood. It was for that and many other reasons, Councilor Flynn opposed this site for a high-volume retail cannabis dispensary. In addition, State Representative David Biele, as well as City Councilors including Councilors Wu, Essaibi-George, and Flaherty all opposed this location for the proposed dispensary. Could it simply be that neighbors and elected officials agreed that the location was not "perfect"?

While it may be suggested by Holland Brands that those in opposition are cranky, we are not. We have expressed our sincere concern for life in the neighborhood for ourselves and our neighbors. We support cannabis in general - having voted for legalization - and retail cannabis dispensaries in retail districts. We appreciate all the support we have received to date from elected officials and from across the neighborhood.

Thank you for the opportunity to provide this additional information to the community.

Sincerely,

Brian Graves  
South Boston