

From: MacLean, Alex
Sent: Thursday, August 09, 2012 8:26 AM
To: Allen, Susan; Lofy, Bill
Subject: FW: Marijuana Dispensary letter
Attachments: Lynn draft letter.docx; ATT00001.htm

FYI

Alexandra MacLean
Secretary of Civil and Military Affairs
1-802-272-0443

From: Mike Kanarick [mike@burlingtonvt.gov]
Sent: Wednesday, August 08, 2012 10:02 PM
To: Wallin, Jeffrey; MacLean, Alex
Subject: Fwd: Marijuana Dispensary letter

Here's the letter - it is final even though it's labeled draft.

Mike Kanarick
Assistant to the Mayor
Office of Mayor Miro Weinberger
City Hall | 149 Church Street
Burlington, VT 05401
802.865.7275 (desk)
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mike@burlingtonvt.gov<mailto:mike@burlingtonvt.gov>
<Marijuana Dispensary Lynn Letter.tif>

August 8, 2012

Shane Lynn
32 Bayview Street
Burlington, VT 05401

Re: Champlain Valley Dispensary, Inc.

Dear Mr. Lynn:

This letter is in response to your communication to the City concerning Champlain Valley Dispensary, Inc.

You stated in your communication that you had applied to the State of Vermont for a license to open a registered medical marijuana dispensary to be located at One Main Street in Burlington. In connection with same, you asked for confirmation that One Main Street was a permissible location for the dispensary under the City's zoning ordinance.

Marijuana dispensaries are not specifically listed in the zoning ordinance as either Permitted or Conditionally Permitted uses. However, because they have been enabled under state statute and are regulated by the Vermont Department of Public Safety, they are substantially equivalent in use, nature and impact to pharmacies, which are listed as Permitted or Conditionally Permitted uses. (One could also reasonably argue that a dispensary is substantially equivalent in use, nature, and impact to general retail or medical office use as well).

One Main Street is located in the Downtown Waterfront (MU-DW) zoning district, which is a mixed use zoning district where pharmacies, general retail, and medical offices are all permitted uses. Moreover, the location is not within 1000 feet of any school or day care facility that we are aware of.

Based on the above, an application to the City's Office of Planning and Zoning to locate Champlain Valley Dispensary, Inc. at One Main Street would likely be approved under the City's zoning ordinance.

Shane Lynn Letter

August 8, 2012

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Thank you for your attention. If you have any further questions, please do not hesitate to contact me.

Sincerely,

Gregg Meyer
Assistant City Attorney

cc: Miro Weinberger, Mayor
David E. White, AICP Director of Planning & Zoning

