



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: June 22, 2018
MEETING DATE: June 26, 2018
TO: Land Use Committee of the City Council
FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Neil Cronin, Senior Planner
CC: Petitioner

In response to issues raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

PETITION #289-18

697 Washington Street

Special Permit/Site Plan Approval to amend Council Order #167-14 to allow the retail sale of recreational marijuana, to remove conditions from Council Order #167-14 pertaining to operations, to waive requirements of parking facilities containing more than five stalls, to allow parking within the front setback, and to allow a retaining wall exceeding four feet within the setback.

The Land Use Committee (The "Committee") opened the public hearing on this petition on Tuesday, June 5, 2018, which was held open, for the petitioner to respond to questions and concerns raised in the Planning Department's Memorandum and at the public hearing by the Committee as well as by members of the public. This memo reflects those issues and concerns, as well as revised materials submitted by the petitioner as of June 21, 2018.

Operations

The petitioner is seeking to amend Council Order #167-14 to allow the retail sale of recreational marijuana and to remove conditions pertaining to operations. Specifically, the petitioner is seeking to:

- Increase the hours of operation from 10:00 a.m. to 8:00 p.m. Monday through Saturday to 9:00 a.m. to 9:00 p.m. Monday through Friday, and from 12:00 p.m. to 6:00 p.m. on Sunday;
- Increase the number of employees from six to twelve; and
- To serve customers without appointments.

The petitioner submitted a traffic study investigating the increased number of trips associated with the RMD's expansion. The Transportation Division has been unable to review the study, but staff expects to provide the Committee with an update at the Working Session. The petitioner is seeking to construct a surface parking facility containing thirteen stalls, which may be enlarged to 16 stalls should the need arise, in conjunction to the expansion. The petitioner will operate the marijuana establishment under the conditions of Council Order #167-14 until the parking lot is constructed and issued a Final Inspection from City Departments. The only change the petitioner is seeking in the interim is to increase the hours to 9:00 a.m. to 9:00 p.m. Monday through Saturday.

The Planning Department believes the increase in hours will not adversely affect the immediate area given the mixed use nature of the area and the condition placed upon the number of employees as well as limiting service to appointment only. Staff believes this will allow for a slow introduction of adult use marijuana while the parking facility is constructed.

Parking

The expansion into the adjacent tenant space and the increase in the number of employees increases the parking calculation per the Newton Zoning Ordinance. The expanded use requires seven stalls which are accommodated via the construction of the parking facility. Additionally, the petitioner submitted a parking study detailing parking counts over two days along Court and Beach Streets **(Attachment A)**. The findings of the study indicate the stalls were occupied by long term users and therefore not patients of the RMD. The petitioner states the license plates surveyed do not match those of employees.

Transportation Demand Management (TDM)

The petitioner will implement a TDM plan for employees to allow the surface parking facility to be available for customers and to allow on-street parking to be available for residents and patrons of other Newtonville businesses. The Plan will provide subsidies to encourage transit use and will reimburse the cost of parking and the cost of travel to the site from satellite parking locations such as the Riverside or Woodland MBTA lots. The petitioner is also committed to providing the City \$25,000 for the purchase and installation of a bus shelter for the bus stop along the Washington Street frontage. The Planning Department believes the TDM plan is appropriate for the site and use and supports the commitment to the bus shelter.

Engineering Review

The Engineering Review Memorandum cited the four below items concerning improvements within the City's right-of-way and stormwater management:

- Installation of sidewalks along the Court Street frontage;
- Coordination with the Department of Public Works' Court Street repaving;
- Installation of a trench drain to capture uncontrolled run-off; and
- Soil tests.

The petitioner states that sidewalks will be installed to the specifications of the Engineering Division and the parking lot construction will not require connections to utilities in Court Street. The

Engineering Division has informed staff that the trench drain will not be necessary, and that the soil tests can be completed prior to the issuance of a building permit. Staff has drafted the Council Order to reflect these considerations **(Attachment B)**.

Security

The petitioner employs a security professional charged with managing the day-to-day operations of the RMD and will continue to do so under the expansion. The petitioner will hire an additional security professional to monitor the property outside of the building, including the surface parking facility; this staff member will be on site whenever the marijuana establishment is open. Additionally, the petitioner will obtain a police detail for the first month of recreational sales. The petitioner's security consultant has learned from the Newton Police Department that a detail may not always be available. The petitioner will obtain a private security detail in the event a Newton Police Department detail is not available.

ATTACHMENTS:

Attachment A: Parking Study
Attachment B: DRAFT Council Order



Memorandum

To: Dr. Karen Munkacy
Garden Remedies
116 Chestnut Hill Road
Newton, Massachusetts

Date: June 18, 2018

Project #: 12676.00

From: Randall Hart
Principal

Re: Supplemental Traffic
Garden Remedies Facility
Newton, Massachusetts

Ana Fill
Senior Transportation Engineer

To be responsive to comments, questions, and concerns raised at the June 5, 2018 Land Use Committee hearing, VHB has prepared this supplemental memorandum to clarify several areas of the proposal.

Court Street Parking Assessment

At the Land Use Committee Hearing, residents who live in the area suggested that parking for Garden Remedies currently occurs on Court Street behind the existing facility. To assess the level to which this may be occurring, VHB conducted supplemental parking/license plate counts to determine whether parking on Court Street was short term or long term. The counts were conducted on a weekday between 4 and 6PM and again on a Saturday between 11 AM-2PM. During these periods, the cars parked along Court Street between Washington Street (south) and Beach Street were counted each 15-minutes and a record of license plates for vehicles was established. Counts were also conducted at Beach and Washington Streets. The license plates were recorded so that the duration of parked vehicles could be established. Our results included very limited parking on Court Street, and the majority of those cars were parked for two hours or longer. These results imply that the cars do not belong to Garden Remedies patients, who would tend to park for a shorter duration. Table 1 below summarizes the data collected.

101 Walnut Street
PO Box 9151
Watertown, MA 02472-4026
P 617.924.1770

Table 1 Parking Summary

	Weekday				Saturday			
Length of Time	Court Street N/S	Court Street E/W	Beach Street	Washington Street (north side)	Court Street N/S	Court Street E/W	Beach Street	Washington Street (north side)
15 min.	1	0	1	16	0	5	0	26
30 min.	0	0	0	7	0	1	0	8
45 min.	0	1	0	3	1	3	0	7
1 hr.	0	1	2	4	0	3	0	9
1 hr. 15 min	0	0	0	2	0	2	2	3
1 hr. 30 min.	0	0	1	1	0	0	0	3
1 hr. 45 min.	0	0	0	1	0	1	0	4
2 hr.	2	3	1	0	0	1	0	1
2 hr. 15 min.					2	0	0	0
2 hr. 30 min.					1	0	1	0
2 hr. 45 min.			n/a		0	0	1	0
3 hr.					3	3	2	0
15 min. or less	33%	0%	20%	47%	0%	26%	0%	43%
1 hour or more	67%	80%	80%	24%	86%	47%	100%	33%

Source: Parking occupancy counts conducted by VHB on Tuesday, June 19, 2018 and Saturday, June 16, 2018

As can be seen in Table 1, on a weekday only 1 vehicle was observed to park for 15 minutes or less on Court Street and 1 on Beach Street. On Saturday, 5 vehicles parked for 15 minutes or less on Court Street and none on Beach Street. The results also indicate the different nature of parkers on the residential streets (long term parking) as compared to those parked on Washington Street (short term parking). Based on our observations, it appears that few to no patrons of the Garden Remedies Facility, as well as all other businesses along Washington Street, park in the neighborhood.

Transportation Demand Management (TDM)

Given the site's proximity to numerous MBTA bus stops (including the stop for MBTA bus routes 553, 554, and 556 adjacent to the site), there are strong opportunities to implement Transportation Demand Management (TDM) measures on site to minimize the proposed project's impacts on the surrounding roadways. Implementation of TDM measures will offer alternatives to traveling in single occupancy vehicles, which will reduce traffic and parking demand on the site. As part of the proposed project, the following TDM measures will be implemented on site:

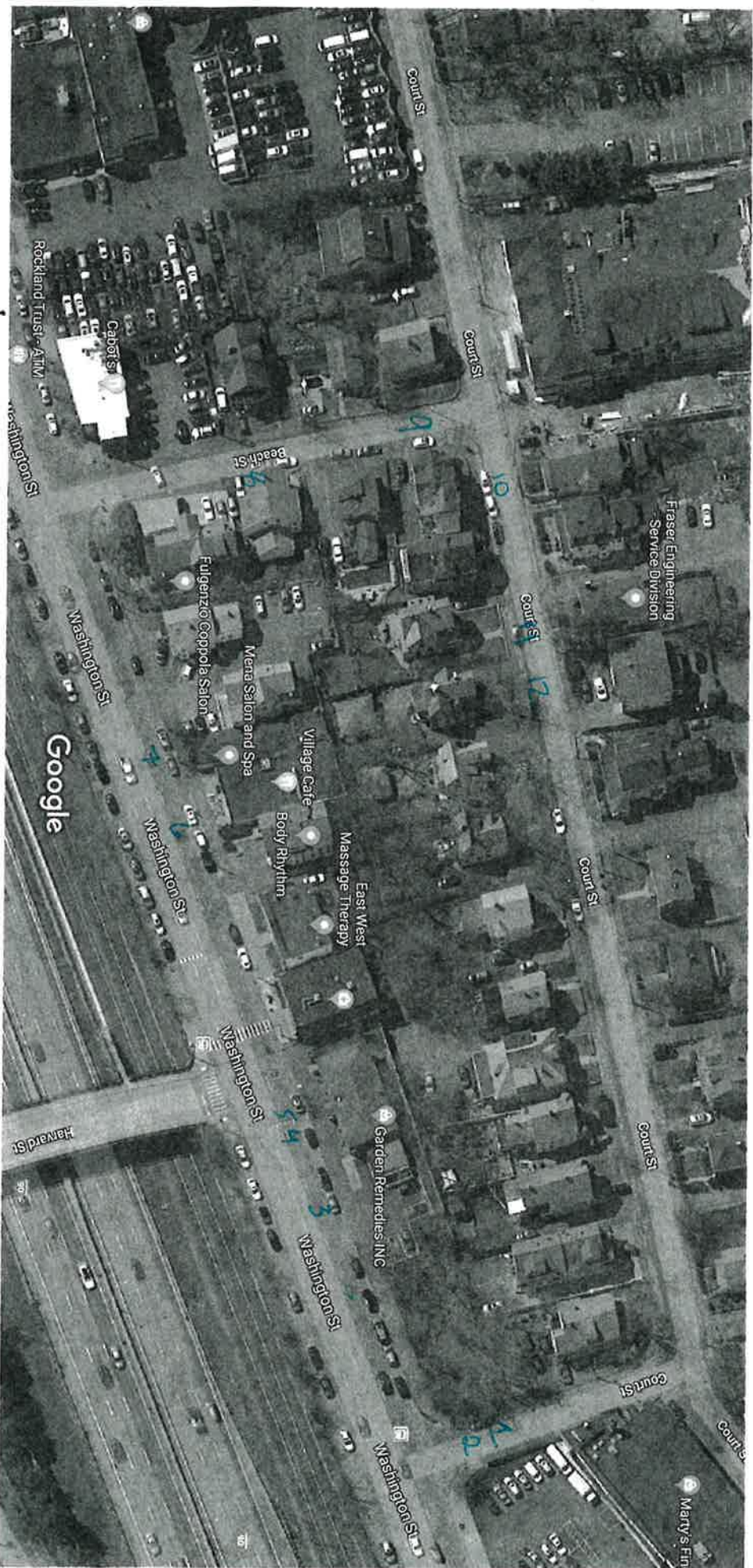
- › Display all public transit schedules in a central location within the facility;
- › To promote pedestrian safety, a map of the area will be provided for transit users that displays the location of Newtonville station, MBTA bus stops, sidewalks, and crosswalks. This information will be distributed to employees and will also be posted in common areas;
- › To help promote use of MBTA bus services, the Petitioner will make a payment of up to \$25,000 to the City of Newton (prior to the issuance of any building permit) for the cost and installation of a new bus shelter on Washington Street (with the exact location, configuration, and timing of the shelter installation pending approval by the MBTA through application by the City of Newton);
- › Provide a secure bicycle storage area on site; and
- › Implement an onsite car-pool rideshare program with guaranteed ride home.

In addition, the Proponent is committed to TDM initiatives and will encourage employees to use public transportation which is readily available in the area to get to and from work. In fact, the Petitioner will reimburse employees for the cost of the transit services for anyone who utilizes the available services. For employees who wish or need to drive to the facility, they will be directed to park at remote parking opportunities and either walk, take shuttles, or use Uber, Lyft, or other private ride services or taxis (in groups when possible) to access the proposed facility. Potential locations for remote parking will include the 100 Jackson Street parking lot, Woodland MBTA Station and or Riverside MBTA Station. The Proponent will subsidize the cost for parking and transportation between the remote locations to help ensure that the program is followed.

Attachments

- Parking Observations

4:00AM June 19th, 2018
Google Maps



1	5269	9	2N100	17	25
2	0730	10	WE10	18	26
3	9853	11	0408	19	27
4	5645	12	6301	20	28
5	2842	13		21	29
6	4386	14		22	30
7	5622	15		23	31
8	1223	16		24	32

4:15 PM

Google Maps



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1	5a69	9	W774	17	2N65
2	2730	10	P16	18	WE10
3	9853	11	5672	19	MVB
4	5645	12	6536	20	62W1
5	7842	13	AB60	21	
6	6488	14	5563	22	
7	468C	15	X149	23	
8	C905	16	W438	24	

4:30 PM

Google Maps



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1	5269	9	6536	17	7464
2	2330	16	11660	18	6418
3	4808	11	5563	19	6701
4	7842	12	8149	20	5558
5	4686	13	1412	21	
6	5060	14	1438	22	
7	2112	15	2160	23	
8	5622	16	1610	24	

4:45 PM

Google Maps



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1	JUD8	9	5DB6	17	W436
2	5969	15	21472	18	2N40
3	2730	11	5622	19	W510
4	2710	12	6536	20	F464
5	4561	13	7DD6	21	84V8
6	R842	14	6K66	22	6ZL61
7	X889	15	MY40	23	55C8
8	468C	16	1YH2	24	

5:00 PM

Google Maps

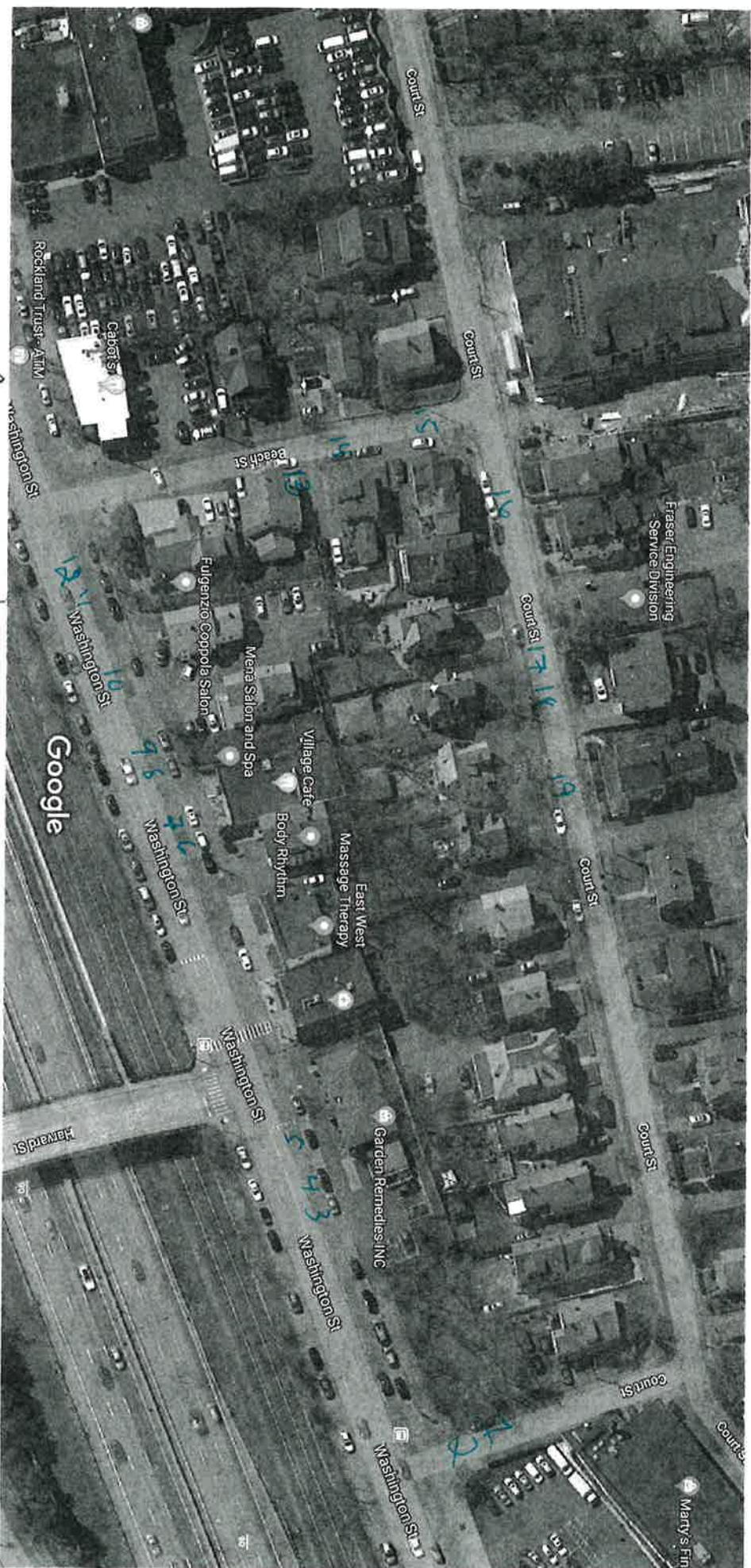


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1	5269	9	6536	17	6464		
2	2730	10	2762	18	6409		
3	4680	11	1440	19	6201		
4	5060	12	1669	20	5556		
5	6622	13	1442	21			
6	2112	14	12438	22			
7	2741	15	2160	23			
8	5622	16	1660	24			

5:15 PM

Google Maps



1	5269	9	6536	17	6448		
2	2738	10	X762	18	6261		
3	02NH	11	6528	19	5558		
4	5442	12	M146	20			
5	2286	13	1669	21			
6	2142	14	1442	22			
7	5741	15	2N60	23			
8	5622	16	W110	24			

5:35 PM

Google Maps

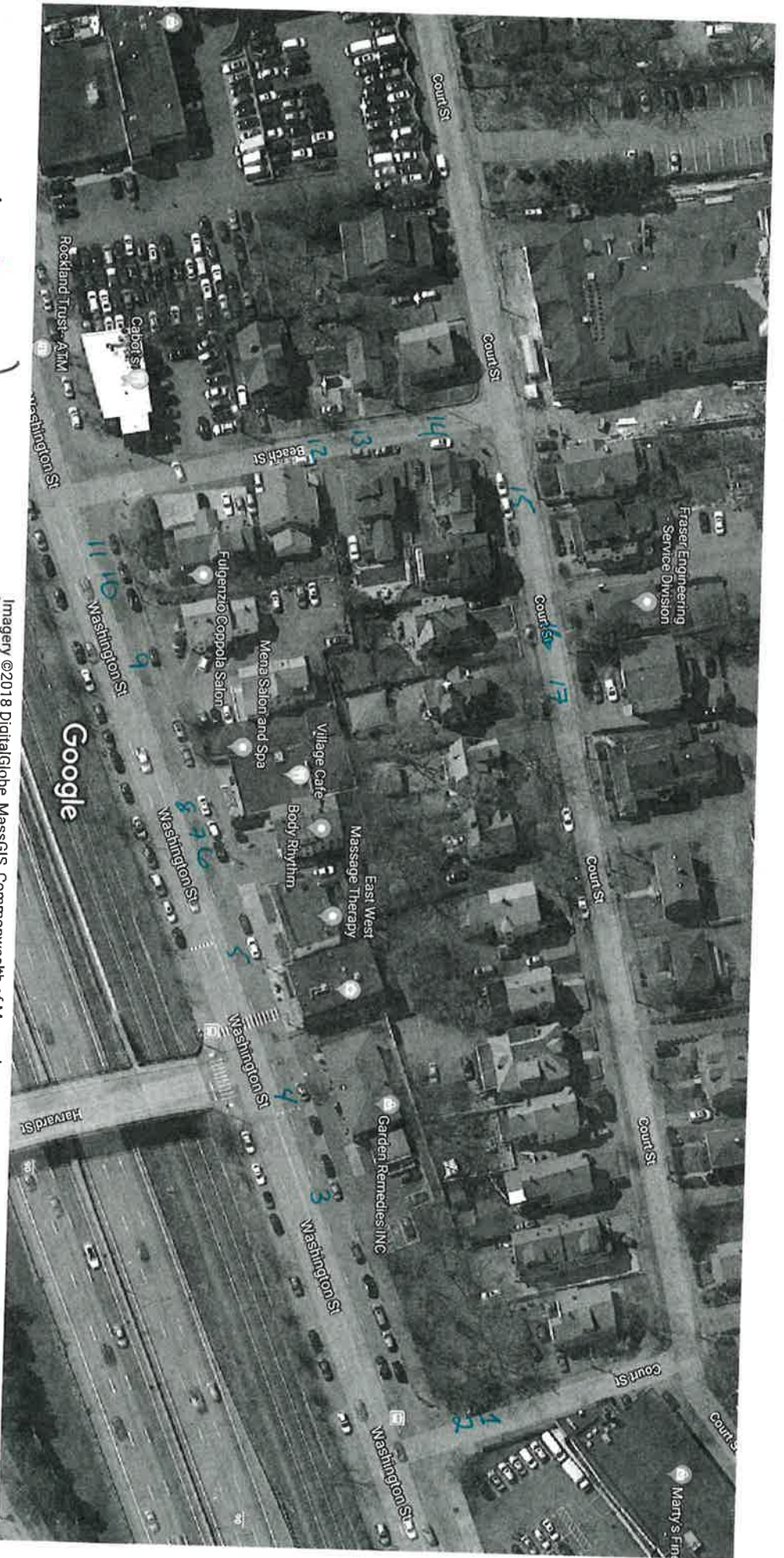


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1	5269	9	5672	17	0418
2	2730	10	X762	18	6261
3	6214	11	G528	19	
4	7669	12	MY4D	20	
5	HYD	13	1669	21	
6	PI36	14	1912	22	
7	2142	15	2160	23	
8	2241	16	W610	24	

5:45 PM

Google Maps



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1	J269	9	X762	17	6Z61
2	2736	16	G528	18	
3	DBNA	11	MY40	19	
4	PM36	12	1669	20	
5	1668	13	1Y42	21	
6	P136	14	ZN60	22	
7	2142	15	WE10	23	
8	Z741	16	6408	24	

June 16th 11:00 am

Google Maps



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1 - 757	9-92P	12-604	24-N6D
2 - 978	10-111	18-659	25-292
3 - 160	11-604	19-437	26-270
4 - 253	12-935	20-634	27-522
5 - 516	13-6E1	21-210	28-345
6 - 492	14-630	22-501	29-245
7 - N21	15-946	23-266	
8 - L28	16-286		

11:15am

Google Maps



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50 ft

1	757	9	279	17	280	25	260
2	V80	16	1436	18	290	26	290
3	253	11	111	19	559	27	270
4	544	12	247	20	568	28	572
5	492	13	X25	21	634	29	345
6	E00	14	601	22	N10		
7	N21	15	E50	23	521		
8	258	16	P40	24	668		

1136am

Google Maps



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1	257	9	221	17	4E1	25	608
2	M1b	16	652	18	940	26	E13
3	V86	11	968	19	280	27	N66
4	253	12	H36	20	E59	28	270
5	324	13	111	21	G68	29	270
6	492	14	290	22	274	30	672
7	W20	15	M80	23	N10	31	345
8	1320	16	X25	24	521	32	49

11:45 am

Google Maps



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1	757	9	952	17	940	25	668
2	M16	10	652	18	280	26	613
3	253	11	1436	19	809	27	460
4	526	12	111	20	659	28	290
5	492	13	246	21	568	29	270
6	W20	14	M80	22	274	30	672
7	E20	15	X25	23	210	31	340
8	W21	16	546	24	521	32	

1200 PM

Google Maps



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50 ft

1	757	9	N21	17	546	25	274	33	345
2	M10	18	PM10	18	R73	26	N10	34	2004
3	736	11	993	19	600	27	521	35	279
4	253	12	682	20	737	28	668		
5	566	13	7RC	21	780	29	613		
6	492	14	796	22	X09	30	N60		
7	N20	15	M80	23	ES9	31	790		
8	E20	16	695	24	568	32	270		

12:15 pm

Google Maps



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1	757	9	N21	17	G20	25	S21	33
2	L57	10	M10	18	T37	26	F13	34
3	T86	11	830	19	141	27	N60	35
4	253	12	D82	20	X09	28	Z96	36
5	SL6	13	LM4	21	M5C	29	U82	37
6	492	14	ZK3	22	564	30	345	38
7	W20	15	645	23	274	31	2DM	39
8	G20	16	546	24	N10	32	279	40

1230

Google Maps



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1	757	9 E20	17	695	25	274	33	246
2	1514	16 N21	16	546	26	N16	34	2ND
3	L57	14 P MB	19	G20	27	501	35	2DM
4	T36	12 465	20	737	28	643	36	279
5	253	13 682	21	141	29	F13		
6	546	14 1P5	22	869	30	N60		
7	492	15 761	23	M36	31	290		
8	W20	16 283	24	568	32	482		

1245 PM

Google Maps



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1	757	9	N21	17	546	25	521	33	220
2	257	16	PM10	18	312	26	PH3	34	204
3	T36	11	411	19	620	27	F13	35	279
4	253	12	638	26	737	28	N40		
5	JL6	13	441	21	141	29	270		
6	492	14	X01	22	NSC	30	H50		
7	W20	15	243	23	K58	31	345		
8	E20	16	695	24	N10	32	482		

1:00PM

Google Maps



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1	757	9	PM10	17	312	25	501	33	277
2	LS7	10	411	18	NR6	26	FH3	34	
3	TS6	11	FM11	19	737	27	FI3	35	
4	253	12	600	20	141	28	N60		
5	526	13	X61	21	MS6	29	290		
6	492	14	243	22	250	30	345		
7	W86	15	695	23	KS8	31	462		
8	NA1	16	544	24	N10	32	204		

1:15 pm

Google Maps



1	767	9	543	17	697	25	521	33
2	253	16	504	18	737	26	643	34
3	546	11	600	19	141	27	F13	35
4	492	12	X61	26	541	28	N60	
5	W20	13	743	21	M56	29	Z96	
6	E60	14	695	22	252	36	345	
7	384	15	546	23	458	31	204	
8	PM16	16	312	24	N10	32	279	

1:30 PM

Google Maps



Imagery ©2018 DigitalGlobe, MassGIS, Commonwealth of Massachusetts EOEA, Map data ©2018 Google 50 ft

1	757	9	269	17	737	25	290	33
2	253	10	660	18	511	26	319	34
3	546	11	X01	19	M5C	27	345	35
4	492	12	243	20	252	28	20M	
5	W70	13	695	21	N10	29	279	
6	E60	14	620	22	301	30		
7	364	15	312	23	FH3	31		
8	PM10	16	697	24	P15	32		

1:45 PM

Google Maps



Imagery ©2018 DigitalGlobe, MassGIS, Commonwealth of Massachusetts EOEA, Map data ©2018 Google 50 ft

1	757	9	401	17	252	25	345	33
2	253	10	243	18	245	26	254	34
3	546	11	851	19	210	27		35
4	292	12	600	20	521	28		36
5	460	13	732	21	413	29		37
6	384	14	647	22	266	30		38
7	269	15	737	23	270	31		39
8	600	16	541	24	319	32		40

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Order #167-14 modify conditions pertaining to operation and to allow the retail sale of recreational marijuana, to allow parking within the front setback, to allow a retaining wall exceeding four feet in the setback, and to allow waivers to the requirements of parking facilities containing more than five stalls, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The site is an appropriate location for the amendments to Council Order #167-14 because the RMD meets the standards of the Newton Zoning Ordinance concerning Registered Medical Marijuana Dispensaries (§7.3.3.1).
2. The proposed marijuana establishment as developed and operated resulting from the amendments to Council Order #167-14, will not adversely affect the neighborhood because the site is located along a mixed use corridor and with sufficient on-site parking. (§7.3.3.2).
3. There will be no nuisance or serious hazard to vehicles or pedestrians because sidewalks will be installed increasing pedestrian access to the site (§7.3.3.3).
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the site is proximate to regional roadways and public transportation (§7.3.3.4).
5. The Council finds that exceptions to the parking requirements, including locating parking within the front setback, to waive the screening requirements, to waive interior landscaping requirements, and to waive the lighting requirements are in the public interest or in the interest of safety or protection of environmental features for the following reasons:
 - a. The location of parking within the front setback allows for the most efficient layout of the parking lot, including complaint parking stalls and a two-way drive aisle;
 - b. The waivers of interior landscaping and perimeter screening helps maximize the number of parking stalls available to guests of the marijuana establishment, and a sufficient number of trees will be added to improve screening from the residences to the north; and
 - c. The waiver to allow for reduced parking lot lighting is in the public interest and the interest of the residential properties to the north.

(§5.1.8.A.1, §5.1.9.A, §5.1.9.B, §5.1.10.A.1, and §5.1.13)

6. A retaining wall exceeding four feet within the setback is appropriate given the grade of the lot (§5.4.2 and §7.3.3).
7. The RMD is located to serve an area that currently does not have reasonable access to medical marijuana (§6.10.F.1).
8. The lot is at least five hundred (500) feet from a school, daycare center, preschool or afterschool facility or any facility in which minors commonly congregate in a structured, scheduled manner as more specifically described in *Guidance for Municipalities Regarding the Medical Use of Marijuana*, updated December 13, 2013, issued by the Massachusetts Executive Office of Health and Human Services, or from a house of worship or religious use (§6.10.F.2).
9. The lot is designed such that it provides convenient, safe, and secure access and egress for clients and employees arriving to and leaving from the site, whether driving, bicycling, walking or using public transportation (§6.10.F.3).
10. Traffic generated by client trips, employee trips, and deliveries to and from the RMD does not create a significant adverse impact on nearby uses (§6.10.F.4).
11. Loading, refuse and service areas are designed to be secure and shielded from abutting uses. (§6.10.F.5).
12. The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior (§6.10.F.6).
13. The building and lot are accessible to persons with disabilities (§6.10.F.7).
14. The lot is accessible to regional roadways and public transportation (§6.10.F.8).
15. The site is located where it may be readily monitored by law enforcement and other code enforcement personnel (§6.10.F.9).
16. The marijuana establishment's hours of operation will have no significant adverse impact on nearby uses (§6.10.F.10).

PETITION NUMBER:	#289-18
PETITIONER:	Garden Remedies, Inc.
LOCATION:	697 Washington Street, on land known as SBL 23, 19, 1b, containing approximately 16,669 square feet of land
OWNER:	697 Washington Street Realty Trust, Mark Donato, Trustee
ADDRESS OF OWNER:	1211 Washington Street Newton, MA 02465
TO BE USED FOR:	Marijuana Establishment

CONSTRUCTION: Brick

EXPLANATORY NOTES: §7.3.3 to amend Council Order #167-14, §7.3.3; §5.1.8.A.1 and §5.1.13 to allow parking in the front setback; §5.1.9.A and §5.1.13 to waive the perimeter screening requirements; §5.1.9.B and §5.1.13 to waive the interior landscaping requirements; §5.1.10.A.1 and §5.1.13 to waive the lighting requirements; and §5.4.2. and §7.3.3 to allow a retaining wall exceeding four feet in a setback.

ZONING: Business 2 District

Approved subject to the following conditions:

This special permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this special permit #289-18 are null and void.

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan approval shall be located and constructed consistent with:
 - a. Area Plan, signed and stamped by Joseph R. Porter, Professional Land Surveyor, dated February 28, 2014, revised October 6, 2014, and May 1, 2018
 - b. Topographic Site Plan, Prepared by VTP Associates, unsigned and unstamped, dated February 27, 2014.
 - c. Grading and Drainage Plan, signed and stamped by Joseph R. Porter, Professional Land Surveyor, dated May 1, 2018.
 - d. Parking and Layout Plan, signed and stamped by Joseph R. Porter, Professional Land Surveyor, dated March 15, 2018, revised April 24, 2018.
 - e. Floor Plans, signed and stamped by Michael R. Davis, Registered Architect, dated March 19, 2018.
 - f. Proposed Lighting Plan, prepared by Phillip H. Bakalchuk, Registered Architect, dated May 28, 2014.
 - g. Proposed Plan Detail Wrought Iron Fence Entry, prepared by Phillip H. Bakalchuk, Registered Architect, dated May 20, 2014.
 - h. Sign Plan, prepared by GenSign, dated April 15, 2014.
2. The petitioner shall comply with the Community Host Agreement on file with the City Clerk.
3. Until such time as the petitioner receives a final inspection from appropriate City Departments for the parking facility at 681 Washington Street, the petitioner shall operate the marijuana establishment under the following conditions:
 - a. Hours of operation shall be from 9:00 a.m. to 9:00 p.m. Monday through Saturday only.

- b. There shall be no more than six employees on site at any one time.
 - c. Customers shall be served by appointment only.
4. Upon receipt of a final inspection from appropriate City Departments for the parking facility at 681 Washington Street, the petitioner shall operate the marijuana establishment under the following conditions:
- a. Hours of operation shall be from 9:00 a.m. to 9:00 p.m. Monday through Saturday and from 12:00 p.m. to 6:00 p.m. on Sunday.
 - b. There shall be no more than twelve employees on site at any one time.
5. The petitioner shall employ a police detail on the site during all operating hours for the first thirty days of recreational use sales. In the event a police detail is not available, the petitioner shall obtain a private detail.
6. The petitioner shall employ a security professional to monitor the property, including the surface parking lot during all operating hours. The petitioner shall make the security professional available to the Newton Police Department, Newton Fire Department, and other law enforcement agencies.
7. The petitioner shall implement a Transportation Demand Management Plan to mitigate employees from occupying stalls both in the surface parking facility and on-street stalls. The Plan shall include, but not be limited to:
- a. Displaying all transit schedules in the immediate area, including a pedestrian wayfinding map, in a central location within the facility;
 - b. Providing secure bicycle storage on site for not less than three bicycles;
 - c. Establishing an on-site car-pool, rideshare program with guaranteed ride home;
 - d. Reimbursing employees commuting to the site via transit; and
 - e. Subsidizing the cost of parking and the cost of travel to the site from satellite parking facilities.
8. The petitioner shall limit on-site transactions to one ounce of marijuana, or its equivalent in whatever form the marijuana is dispensed, per customer per site visit, with the balance of the order delivered to customers' homes.
9. Perimeter lighting shall be directed downward, shall not shed light on abutters' properties, and shall comply with the Lighting Plan identified in Condition 1 above.
10. The petitioner shall locate and screen the dumpster to minimize its visibility from the public way. The dumpster(s) shall be kept closed, and the area surrounding the dumpster shall be kept free of debris.
11. The granting of a special permit to allow a marijuana establishment to operate at this site applies only to the petitioner and does not run with the land. At such time as the petitioner has permanently stopped operations at the site, for whatever reason including but not limited to the loss of its registration with the Massachusetts Department of Public Health and/or the Cannabis Commission, the marijuana establishment granted by this Council Order shall terminate.
12. The petitioner shall maintain its registration with the Massachusetts Department of Public Health and/or the Cannabis Commission. Within one (1) week from the date of the initial and

annual renewal of its registration, the petitioner shall file a copy of the same with the Clerk of the City Council, the Commissioner of Inspectional Services and the Planning Department. The petitioner shall immediately notify the Clerk of the City Council, the Commissioner of Inspectional Services and the Planning Department if its registration is not renewed or is revoked.

13. All on-site landscaping associated with this Special Permit/Site Plan Approval shall be installed and maintained in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
14. All construction activity shall be limited to 7AM-6PM Monday through Friday and 8AM-5PM on Saturdays excluding holidays, unless extended or restricted by the Commissioner of Inspectional Services or the Commissioner of Public Works.
15. Prior to the issuance of any building permit for the Project, the petitioner shall provide a Final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
16. Prior to the issuance of any Building Permit for the Project, the petitioner shall pay the sum of \$25,000 to the City for the cost and installation by the City of a bus shelter along the Project's Washington Street frontage. The petitioner shall have no obligation regarding the ongoing maintenance or repair of said bus shelter.
17. Prior to the issuance of any building permit for the Project, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be recorded by the petitioners at the Middlesex South District Registry of Deeds and implemented. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
18. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this board order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Made a payment to the City in accordance with Condition #17.
 - d. Submitted final engineering, utility, and drainage plans, and an Operations and Maintenance plan for Stormwater Management, for review and approval by the City Engineer. A statement certifying such approval shall have been filed with the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.
 - e. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
19. No Final Inspection and/or Occupancy Permit for the portion of the building covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:

- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect and civil engineer certifying compliance with Condition 1.
- b. Submitted to the Department of Inspectional Services, the Department of Planning and Development, and the Engineering Division final as-built survey plans in paper and digital format.
- c. Filed with the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that all engineering details for the project site have been constructed to standards of the City of Newton Public Works Department.
- d. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number, and type of plant materials, final landscape features, fencing, and parking areas.