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**Barney S. Heath**  
Director

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**PUBLIC HEARING/WORKING SESSION MEMORANDUM**

**DATE:** July 6, 2018  
**MEETING DATE:** July 10, 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.

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**PETITION #289-18**

**24-26 Elliot Street**

Special Permit/Site Plan Approval to operate a Registered Medical Marijuana Dispensary (RMD) within 500 feet of a school, and to allow waivers to the parking requirements of parking facilities containing more than five stalls.

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 July 3, 2018.

**Parking**

There are two parking facilities on site: a 17-stall facility at the front of the building; and a 16-stall facility at the rear of the building. The petitioner initially proposed to restripe the front facility to bring the stalls into conformance, including striping handicap stalls, while leaving the rear facility untouched. Staff suggested the petitioner further design the facility at the front of the building to remove some impractical stalls. The petitioner submitted revised plans which eliminate three stalls in front of the building in favor of additional landscaping. The redesign reduces the number of stalls in front of the building to 11, and the site overall to 27 stalls. The reduction in the number of stalls does not require additional relief due to the credit of the previous uses. Staff is supportive of the redesign, including the additional landscaping.

The petitioner is not proposing to restripe the rear parking facility due to space constraints and will instead dedicate this area to employee parking and valet parking. Staff does not see an issue with this approach because it will allow the rear of the site to be controlled by the petitioner and will prevent visitors from walking in the drive aisle to reach the entrance at the front of the building.

### **Traffic**

The petitioner submitted a traffic study in advance of the initial public hearing indicating the proposed project is expected to have a negligible impact on traffic because of the RMD's expected low trip generation and the amount of traffic in the area. The petitioner has provided a supplemental memo analyzing the RMD use with "as of right uses" to illustrate the proposed low trip generation of RMD use (**Attachment A**).

Staff agrees with the petitioner's analyses, but there is some concern regarding potential queuing on Elliot Street southbound as a vehicle waits for a break in the northbound traffic to enter the site. As such, staff met with the petitioner, members of the Newton Police Department, and members of the Transportation Division of Public Works to address this concern. The Petitioner has agreed to provide a City of Newton Police Detail for the first 90 days of operation to monitor this turning movement during the weekday afternoon peak period (3:45 p.m. to 7:45 p.m.), should this petition be approved. The petitioner will also be installing some signage within the site per comments from the City's Transportation Division of Public Works to better direct visitors.

### **Engineering Review**

The Engineering Review Memorandum suggested the petitioner install a trench drain across the site's entrance to improve stormwater management and suggested the petitioner update the sidewalks along the site's frontage to current Massachusetts Architectural Access Board (MAAB) standards. The petitioner is investigating both suggestions; staff expects to provide the Committee with an update at the Working Session.

### **Lighting and Security**

In the Public Hearing Memorandum, staff asked the petitioner to explain how security measures will be achieved given the rear parking facility will not be lit to the level required by the Ordinance. The petitioner states the lighting will comply with the Department of Public Health (DPH) standards concerning security lighting, and that surveillance equipment will be installed.

The petitioner will also employ two security professionals to be on site whenever the RMD is open. One security professional will be tasked with monitoring the vestibule inside the building, ensuring only credentialed RMD patients are allowed access, while the other professional will monitor the site to mitigate loitering and prevent consumption of the medication on site. The Planning Department believes this approach to security is sufficient given that the interior of the RMD is governed by DPH, that patients will not have access to the rear of the building, and that a third employee, in the form of a valet attendant, will be outside monitoring the site. Staff suggests the petitioner make the security professionals available to consult with the Newton Police Department, Newton Fire Department, and other law enforcement agencies.

### **ATTACHMENTS:**

**Attachment A:** Traffic Memorandum, dated June 5, 2018



## Memorandum

To: Mr. Todd Finard  
Weston Roots Management, LLC  
419 Boylston Street, Suite 300  
Boston, Massachusetts 02116

Date: June 25, 2018

Project #: 14158.00

From: Randall Hart  
Principal  
  
Matthew Duranleau  
Transportation Engineer

Re: Supplemental Traffic Memorandum  
Proposed Dispensary  
24-26 Elliot Street  
Newton, Massachusetts

To provide the Newton City Council with additional information regarding traffic aspects of the proposed project, the following additional analyses have been conducted.

### As of Right Use Traffic Projections

For the purpose of demonstrating traffic comparisons for the proposed uses that can be introduced "as of right" on site within the existing 8,157 square foot building area, future condition traffic projections were made for the following three potential reuse opportunities:

- All Retail
- Retail and a Coffee Shop Combination
- Retail and a Fast-Casual Restaurant Combination

While the proponent is seeking to advance the Project as currently proposed, these represent a few of the alternate proposals that could be considered in the event that the Project did not move forward. While the site is currently vacant, it is important to compare the potential impacts of the Project to those that could occur with one of these alternate scenarios, as the site will not remain vacant. As outlined above, the following potential reuse options were evaluated and compared to the proposed use of the site. The results of the analysis are summarized in Table 1 below:

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

■ **Table 1 Trip Generation Comparison**

	Proposed Uses (MMD and Retail)	All General Retail <sup>a</sup>		General Retail and Coffee Shop <sup>b</sup>		General Retail and Fast Casual Restaurant <sup>c</sup>	
	Trip Generation	Trip Generation	% Change from Proposed	Trip Generation	% Change from Proposed	Trip Generation	% Change from Proposed
<b>Weekday Evening</b>							
Enter	31	27	-13%	45	45%	37	19%
Exit	<u>34</u>	<u>30</u>	-12%	<u>48</u>	41%	<u>33</u>	-3%
Total	65	57	-12%	93	43%	70	8%
<b>Saturday Midday</b>							
Enter	32	33	3%	70	119%	78	144%
Exit	<u>30</u>	<u>30</u>	n/a	<u>69</u>	130%	<u>62</u>	107%
Total	62	63	2%	139	124%	140	126%

a – Analysis assumes existing building of 8,157 sf all converted to general retail (ITE LUC 820).

b – Analysis assumes existing building of 8,157 sf converted to a 2,000 sf coffee shop (ITE LIC 937) and 6,157 sf of general retail.

c – Analysis assumes existing building of 8,157 sf converted to a 4,078 sf fast casual restaurant (ITE LUC 930) and 4,078 sf of general retail.

Note: Retail, coffee shop, and restaurant land uses all include standard Pass-By credit.

As outlined in the table, the all retail scenario would result in slightly lower traffic projections during the weekday evening peak hour period and slightly higher traffic projections during the Saturday midday peak hour conditions. The retail and coffee shop combination would be expected to have significantly higher peak hour traffic generation during both critical peak hour periods, with the Saturday midday peak hour being more than double that of the proposed use. While not shown in Table 1, a coffee shop use also could be expected to have higher trip generation during other times of the day, particularly during the weekday morning commuter peak period. The fast-casual restaurant and retail combination would also be expected to be substantially higher than the proposed use during both peak hour periods, with the Saturday midday peak hour being more than double that of the proposed use. As demonstrated in the table, the proposed use is a less intensive use than several “as of right” redevelopments of the existing facility.

## Traffic Increase

Questions were raised at the last Land Use Committee Hearing regarding potential traffic increases to the Route 9 and Elliot Street intersection. As outlined in the May 23<sup>rd</sup> Traffic Memorandum prepared by VHB for the proposed Dispensary project, traffic increases in the vicinity of the project site are expected to be minor. This is true as well at the Route 9 and Elliot Street intersection. To demonstrate the “change” expected at that key intersection, peak hour traffic volumes were reviewed. The results are outlined below:

Weekday PM Peak Hour 2025 No-Build (Route 9 at Elliot Street)

- Total volume 5,580 vehicles;
- Project traffic 28 vehicles
- This represents a 0.40 percent change

Saturday Midday Peak Hour 2025 No-Build (Route 9 at Elliot Street)

- Total volume 4,735 vehicles;
- Project traffic 2 vehicles
- This represents a 0.04 percent change

As you can see, the change (increase) expected as a result of this project is very minor and not expected to have any significant influence on operations. Regardless of any current deficiencies at the Route 9/Elliot Street intersection, this level of additional traffic falls within the range of the normal day-to-day variations in volume and should not be perceptible.