



#268-19

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**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Ruthanne Fuller  
Mayor

Barney S. Heath  
Director

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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date:	October 15, 2019
Land Use Action Date:	December 10, 2019
City Council Action Date:	January 7, 2020
90-Day Expiration Date:	January 13, 2020

DATE: October 11, 2019

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development  
Jennifer Caira, Chief Planner for Current Planning  
Katie Whewell, Planning Associate

SUBJECT: **Petition #268-19**, SPECIAL PERMIT/SITE PLAN APPROVAL to allow retail marijuana sales and waivers to the extent necessary for minimum stall dimensions, perimeter screening requirements, parking within the front setback, interior landscaping requirements and lighting requirements at 58 Cross Street/1089 Washington Street, Ward 3, West Newton, on land known as Section 31 Block 09 Lot 07, containing approximately 25,122 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 5.1.8.A.1, 5.1.13, 5.1.9.A, 5.1.9.B, 5.1.10, 6.10.3.D, 6.10.3.E.15 of the City of Newton Rev Zoning Ord, 2017.

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The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



**58 Cross Street**

### **EXECUTIVE SUMMARY**

The subject property at 58 Cross St, also known as 1089 Washington Street consists of a 25,122 square foot lot improved with a one-story commercial building constructed in 1950 as well as a surface parking area consisting of 32 parking stalls. The property is located in the Business 2 (BU-2) zone in West Newton. The Newton Zoning Ordinance (Ordinance) allows Marijuana Retailers by special permit in the Business 2 (BU-2) zone with additional requirements and limitations on approval to “permit RMDs and Marijuana Establishments where there is access to regional roadways and public transportation, where they may be readily monitored by law enforcement for health and public safety purposes, and where they will not adversely impact the character of residential neighborhoods and business districts.”

The petitioner is seeking to operate a marijuana retail establishment pursuant to section §6.10.3 of the Newton Zoning Ordinance. The petitioner is also seeking waivers for the following requirements: to allow parking in the front setback, waive perimeter screening requirements, waive interior landscaping requirements, and to waive the lighting requirements.

While the Planning Department believes the petition meets the criteria required of Marijuana Retailers in the City’s Marijuana Use ordinance given its proximity to regional roadways and public transportation, more information has been requested from the Petitioner. The petitioner’s traffic engineer is responding to the recommendations and responses from the peer review. The Planning Department is also working with the petitioner to reduce sitewide lighting as to avoid spillover to residential abutters.

#### **I. SIGNIFICANT ISSUES FOR CONSIDERATION:**

When reviewing this request, the City Council should consider whether:

- The specific site is an appropriate location for the proposed marijuana retailer (§7.3.3.1).
- The proposed marijuana retailer as developed and operated will not adversely affect the neighborhood (§7.3.3.2).
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.3).
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.4).
- Literal compliance is impracticable due to the nature of the use, size, width, depth, shape or grade of the lot or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features.

With regard to special permits concerning the Marijuana Retailer on site, pursuant to

§6.10.3.G:

- 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. (§6.10.3.G.1.a)
- Loading, refuse and service areas are designed to be secure and shielded from abutting uses. (§6.10.3.G.1.b)
- The Marijuana Retailer is designed to minimize any adverse impacts on abutters. (§6.10.3.G.1.c)
- The Marijuana Retailer is not located within a 500-foot radius of a public or private K-12 school. (§6.10.3.G.2.a)
- Traffic generated by client trips, employee trips, and deliveries to and from the marijuana retailer will not create a significant adverse impact on nearby uses. (§6.10.3.G.2.b)
- 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. (§6.10.3.G.2.c)
- The building and site are accessible to persons with disabilities. (§6.10.3.G.2.d)
- The lot is accessible to regional roadways and public transportation. (§6.10.3.G.2.e)
- The lot is located where it may be readily monitored by law enforcement and other code enforcement personnel. (§6.10.3.G.2.f)
- The marijuana retailer's hours of operation will have no significant adverse impact on nearby uses. (§6.10.3.G.2.g)

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

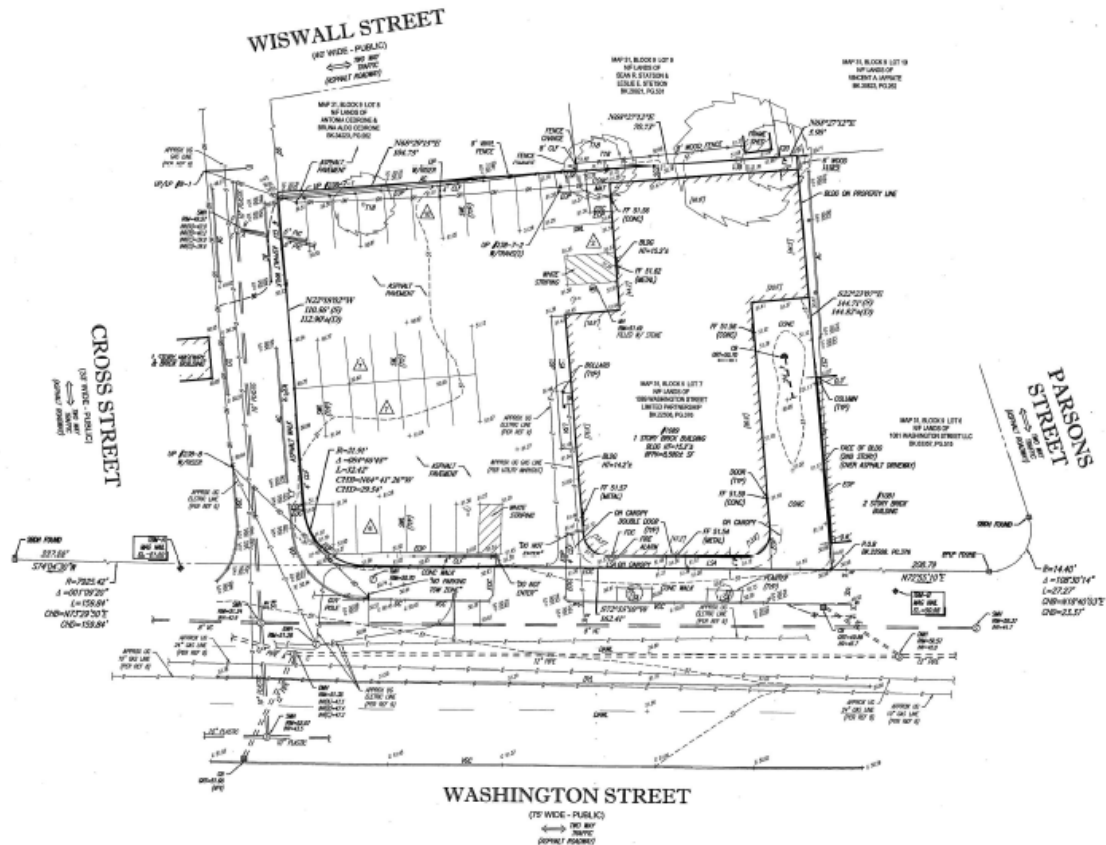
The site is located on the corner of Cross Street and Washington Street in the BU-2 zone in West Newton. The site fronts Washington Street and is approximately .4 miles east from the intersection of Washington Street and Watertown Street in West Newton Square. The site is .6 miles west of the Walnut Street and Washington Street intersection. The immediate area contains several zones including Multi-Residence zones to the north and east. The BU-2 zone fronts Washington Street surrounding the site, and the Multi Residence 3 zone begins after Parsons Street and extends east down Washington Street (**Attachment A**).

The area surrounding the site contains a variety of uses but is predominantly multifamily residential on Wiswall and Cross Streets and commercial uses on Washington Street (**Attachment B**). The Washington Street Corridor is currently comprised of a mix of zones and is being considered for a proposed rezoning. There are manufacturing, public use, business, multi-residential, and mixed-use zones that make up the Washington Street Corridor today.

Two express bus lines run along Washington Street. During the week, the headway can range from 12 to 30 minutes, and 45 minutes on the weekend. The 59-bus route runs from Needham Junction to Watertown Square and stops at Washington St at Walnut St, less than a mile from the site. During the weekday this route has a headway of approximately one bus every 30 minutes, and less frequent service on Saturdays and Sundays - approximately once an hour. The 553 and 554 express buses to Boston run from Waltham or Belmont to downtown Boston and stop directly in front of the site as well as other stops on Washington Street. Coming from their origin station, they run the same route to Boston after reaching Central Square in Waltham. Both routes stop across the street from the site going inbound to Boston, and outbound trips stop directly on the corner of Washington and Cross Streets. The site is also in close proximity to the commuter rail, and is equidistant from the West Newton and Newtonville commuter rail lines. Both are .6 miles from the site and are on the Framingham/Worcester commuter rail line from that travels between South Station in Boston and Worcester and/or Framingham.

B. Site

The site consists of a 25,112 square foot lot improved with a one-story, 8,585 square foot commercial building constructed circa 1950. The site is relatively flat, has little to no landscaping and is largely impervious surfaces bound by a black chain link fence surrounding the perimeter of the parking lot. The site has two points of access, a curb cut on Washington Street and one on Cross Street. The Washington Street curb cut provides access to a drive aisle and a 32-stall surface parking facility west of the building. The site also features a driveway off Washington Street that leads up to the rear portion of the building. The site is bound by Cross Street to the west, a narrow two-way road. The site was most recently the home of the Beacon Hill Athletic Club.



Existing Site Plan

### III. PROJECT DESCRIPTION AND ANALYSIS

#### A. Land Use

The site is currently vacant, formerly occupied by a health club and would change to the proposed use of a Marijuana Retailer.

#### B. Marijuana Retailer

In 2018, the City Council passed Ordinance B-16 that established rules governing medical and nonmedical marijuana uses in accordance with the Department of Public Health (DPH) and the Cannabis Control Commission (CCC) guidelines. The Ordinance nullified the moratorium which prohibited recreational marijuana uses and offered new defined terms distinguishing medical from nonmedical marijuana

uses. Specifically, a Marijuana Retailer is an entity that can sell recreational or adult use marijuana. The Mayor has signed a provisional Host Community Agreement (HCA) with Ascend. An HCA is required prior to applying for a Special Permit or a license from the Cannabis Control Commission.

C. Operations

The petitioner will offer only recreational marijuana on site and occupy 4,985 square feet of the existing building. All marijuana will be grown off-site at a cultivation facility and delivered to the site at least two times per week at off peak hours. Deliveries will be made to the rear of the building via a secure driveway off Washington Street along the eastern property line to which public access is prohibited. The petitioner intends to dedicate this portion of the site to deliveries only.

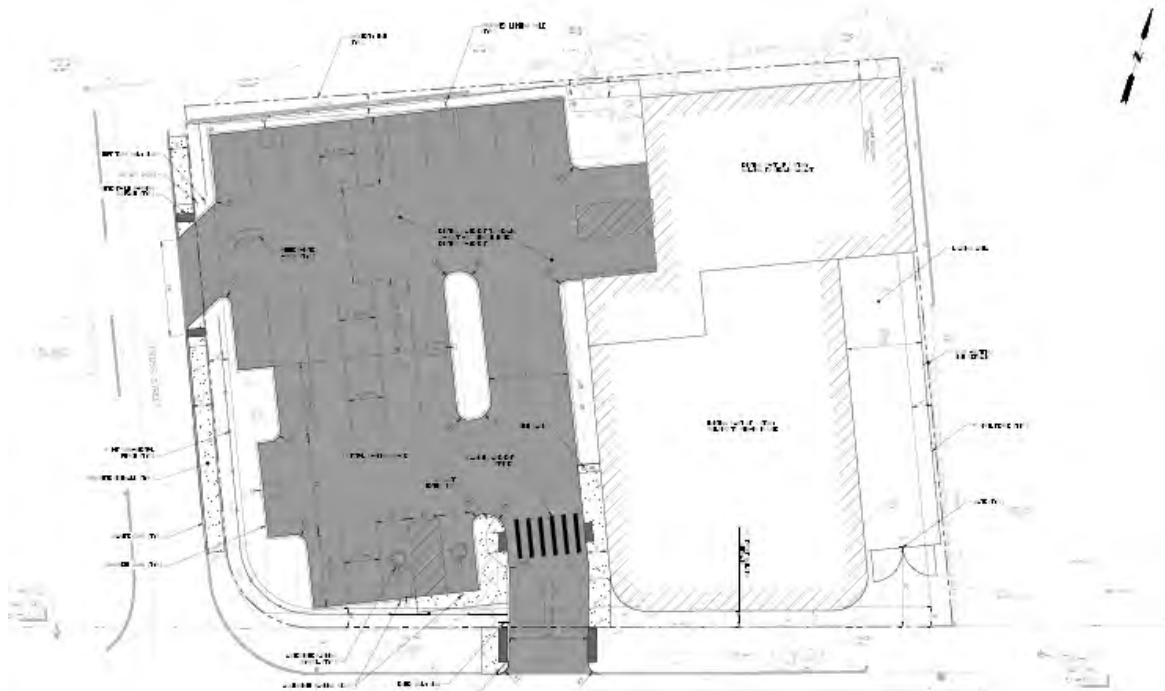
The site has sufficient parking for visitors per the Newton Zoning Ordinance and does not require a parking waiver at this time. The site is located on several bus routes that service surrounding areas of Waltham, Watertown, Boston, and Needham. The routes vary in headways and level of service. The 59 bus route has headways of approximately once every 30 minutes and less frequent on weekends. The express buses service Newton approximately once every 15-30 minutes during the week, depending on the time of day. For the express routes weekend service consists of the 553 only running on Saturdays with headways of 45 minutes. The commuter rail has less frequent service, only stopping at the Newton stations approximately once an hour from 6:00 AM – 1:30 PM, once in the evening, and twice after midnight on inbound trains. Outbound trains stop at the Newton stations approximately once every 1.5 hours from 10:30 AM – 4:00 PM, and have nine trains from 4:51 PM until midnight.

Recreational marijuana customers are not required to either receive a prescription or to register with the CCC prior to patronizing a marijuana retailer. However, a customer must be 21 years of age to enter the Marijuana Retailer. Prior to entering the facility, the customer will be asked to provide identification and verification that they are over 21 years of age. Once the customer is inside the retail area, they will receive individualized service. Upon selecting the product they intend to purchase customers will be required to confirm their identity and age again. Product will be retrieved by a staff member from the product storage area, which is located to the rear of the building and behind the point of sale systems. The petitioner will also provide educational materials to help customers make informed decisions regarding their purchase.

The petitioner is proposing to employ twenty-eight (28) staff members, twelve of them during the largest shift. The petitioner plans to operate Monday-Saturday from 9:00 AM – 9:00 PM, and Sundays 12:00 PM – 6:00 PM. The staff will assist customers from the point of entry up until point of sale.

D. Site Design

The petitioner is proposing to keep the existing structure, occupy 4,985 square feet of space with the marijuana retailer, and leave the remaining space vacant. The petitioner is proposing to reconfigure the existing parking to one entrance accessed from Washington Street and an exit and left turn only from the parking facility onto Cross Street, redirecting visitors back on to Washington Street. This will also result in a reduction in spaces to 28 stalls, where 32 exist. The petitioner is also proposing a significant improvement in on site landscaping, where none exists, as well as various fencing. At the rear of the site, there will be an eight-foot-high vinyl stockade fence that will screen parking and headlights from the abutting residential property on Cross Street. There will also be an ornamental fence at the front of the site.



**Proposed Site Plan**

E. Building Design

The petitioner is not proposing to alter the footprint of the structure. The City's Registered Marijuana Use ordinance requires that Marijuana Retailers "located on the ground level shall provide at least 25 percent transparency along the building's front façade at ground level, unless waived by the City Council." The intent of this requirement is to ensure the security requirements found in the State Law do not overburden the aesthetics of the structure in relationship to the adjacent structures. The petitioner is proposing 27% transparency, thus meeting the 25% transparency requirement.

F. Parking, Landscaping, and Lighting

The site currently has 32 surface parking stalls. The petitioner is proposing to reconfigure the parking area which will result in 28 spaces, where 27 is required. Many of the existing parking stalls are nonconforming and the facilities themselves do not meet the requirements of the Ordinance for parking facilities containing over five stalls, i.e. screening from adjacent properties, interior landscaping, and lighting. To bring the stalls into compliance, there is a resulting loss of five parking stalls. The petitioners are relocating the accessible stalls to the front of the site in order to meet the requirements that ADA accessible stalls be the shortest possible route to the accessible building entrance or facility they serve. Additionally, the petitioner will add a crosswalk at the front of the site where cars have access from Washington Street. There will also be directional arrows painted indicating the flow of traffic. The petitioner is proposing entrance only from Washington Street and egress onto Cross Street but left turn only, redirecting traffic onto Washington Street. This will be implemented with directional signage, striping, and the angle of the driveway onto Cross Street encourages left turn only traffic.

While Cross Street is narrow, the proposed design improves current conditions which allow vehicles to enter or exit the site from the Cross Street driveway and to turn either right or left when exiting this driveway. The proposed configuration limits the Cross Street driveway to exit-only and forces vehicles to turn left, eliminating the ability to exit into the adjacent neighborhood. The circulation has been reviewed by the Transportation Division of the Department of Public Works, who found the design to be the best alternative for ingress and egress. Allowing two directional traffic at the Washington Street driveway would create additional conflicts for cars turning onto Washington Street given the proximity to Cross Street and adjacent driveways.

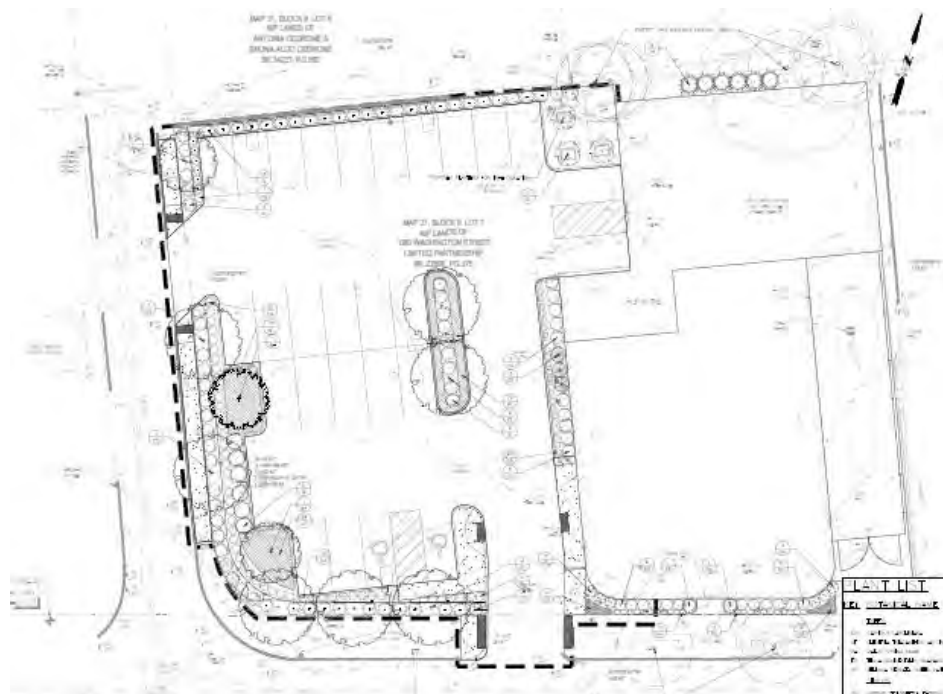
The petitioner requires a special permit for the location of three stalls within the



front setback. The required front setback is 9.3 feet and the southwest corner of the parking facility is .5 feet from the property line.

Outdoor parking facilities with more than five stalls must be screened from abutting streets and properties with at least five feet in width of dense shrubs and trees. The Petitioner has stated that the landscaping proposed is less than four feet in width. The petitioner requires a special permit for waiving perimeter and interior landscaping requirements. The site currently features no landscaping. The proposed landscaping is generous and provides screening from Cross Street and Washington Street. Staff have no concerns with the waiver of the landscaping requirement as it is a vast improvement over the current site with no landscaping.

The petitioner is also seeking a waiver from the lighting requirements. The minimum lighting requirement for parking facilities used at night have security lighting with a minimum intensity of one foot candle. The petitioner's photometric plan shows limited areas of illumination with less than one foot candle, thus requiring a special permit. The Planning Department is supportive of this waiver and implored the petitioner to reduce lighting further throughout the site, especially at the northern property line that abuts residential uses.



**Proposed Landscape Plan**

G. Traffic

The petitioner submitted a Traffic Review Letter (**Attachment C**) examining the projected trips generated from the petition. The analysis indicates the proposed project is expected to generate approximately 52 new vehicle trips (29 entering/23 exiting) during the weekday morning peak hour and approximately 109 new vehicle trips (54 entering/55 exiting) during the weekday afternoon peak hour. During the Saturday peak hour, 182 vehicle trips are anticipated (91 entering, 91 exiting). The memorandum indicates the new trips would access the site comparatively from the east and west (55% west, 45% east) via Washington Street.

The Planning Department engaged BSC Group (BSC) to conduct a peer-review of the petitioner's Traffic Letter and issued the attached Peer Review Memorandum (**Attachment D**). BSC noted that the evaluation did not include peak hour turning movement volumes or a traffic operations analysis at any intersections. No information was provided regarding pedestrian and bicycle traffic travel. There was also no transportation demand management measures proposed at the time of application, however a TDM plan has since been submitted on October 9, 2019 (**Attachment E**). In the TDM plan, the petitioner outlines several measures to reduce single occupancy vehicle trips. These focus primarily on mode switching for employees from a car to other forms of transportation. The petitioner plans to provide pre-paid MBTA passes to employees who can utilize public transportation to commute and provide relevant schedules and maps. For employees who would like to commute by bicycle, the petitioner is installing secure bicycle storage on site, and enrolling employees in the LimeBike program. Further, the petitioner is proposing to reimburse employees who walk to work with the cost of a new pair of walking shoes each calendar year. If necessary, the petitioner is open to providing a shuttle, and/or vouchers for rideshare services.

BSC made several recommendations in the peer review memorandum for the petitioner to incorporate. BSC recommended several further analyses be carried out surrounding the transportation network, including an operations analysis of the intersection of Washington Street at Cross Street. The Planning Department is addressing these with the petitioner and subsequent meetings are to take place between the peer reviewer and the petitioner's traffic engineer to discuss the recommendations and TDM measures. The Planning Department is working with the Petitioner regarding these recommendations.

IV. MINIMUM CRITERIA AND LIMITATIONS ON APPROVAL

A. Location

The Marijuana Use Ordinance requires that a marijuana retailer may not be located within a 500-foot radius of an existing private or public K-12 school. As such, the proposed Marijuana Retailer satisfies the criterion.

B. Registration

All Marijuana Retailers must be properly registered with the Department of Public Health or the CCC. The petitioner is in the process of seeking licensure from the CCC for the retail sale of recreational marijuana. The petitioner is required to obtain licensure from the CCC before obtaining a certificate of occupancy.

C. Signage

State Law and the Registered Marijuana Use Ordinance prohibit graphics, symbols, or images of marijuana or related paraphernalia from being displayed or clearly visible from the exterior of a Marijuana Retailer. As such, all signage will be submitted to the Urban Design Commission for review and approval. All signage must also meet the state requirements and be reviewed by the CCC.

D. Hours of Operation

The petitioner has proposed hours of operation 9:00 AM – 9:00 PM Monday through Saturday and 12:00 noon until 6:00 PM on Sunday.

E. Number

The number of Marijuana Retailers shall not exceed 20% of the number of liquor licenses issued in the City pursuant to G.L.c 138 § 15 (commonly known as “package stores”). The number of Marijuana Retailers in the City is less than 20% of the number of package stores currently.

F. Distance from Other Marijuana Retailers

The Registered Marijuana Use Ordinance prohibits RMDs and marijuana retailers from locating within a one-half mile radius of an existing RMD or marijuana retailer. The Marijuana Retailer located at 697 Washington Street is approximately .9 miles from the subject property.

G. Size

The Registered Marijuana Use Ordinance prohibits RMDs or marijuana retailers from occupying more than 5,000 square feet. The proposed marijuana retailer will occupy approximately 4,985 square feet.

H. Transparency

The Petitioner is meeting the transparency requirement at 27%, where 25% is the minimum allowed.

There remain several additional minimum criteria and limitations on approval for Marijuana Retailers that are understood by the petitioner and that will be conditioned prior to the issuance of a temporary certificate of occupancy, should this petition be approved. For a complete list of all criteria please see Exhibit 1 – Special Permit Criteria (Pursuant to Section 6.10.3 (**Attachment F**)).

V. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum (**Attachment G**) provides an analysis of the proposal regarding zoning. Based on the Memorandum, the petitioner is seeking the following relief:

- §4.4.1, §6.10.3.D, and §7.3.3 of Section 30, to allow a Marijuana Retailer
- §5.1.8.A.1 and §7.3.3 of Section 30, to allow parking within the front setback
- §5.1.9.A and §7.3.3 of Section 30, to waive perimeter screening requirements
- §5.1.9.B and §7.3.3 of Section 30, to waive interior screening requirements
- §5.1.9.A and §7.3.3 of Section 30, to waive the lighting requirements

B. Engineering Review

Associate City Engineer, John, Daghljan, reviewed the plans and issued the attached Engineering Memorandum dated August 14, 2019 (**Attachment H**). Mr. Daghljan provides several recommendations. Reducing the driveway apron to 14 feet wide will accommodate deliveries and discourage two-way traffic. DPW also recommends the petitioner install rain gardens to promote cleaner stormwater management. The petitioner is also upgrading curbing and sidewalks on Cross Street, Mr. Daghljan recommends they do the same along the entire frontage of the site at Washington and Cross Street. Mr. Daghljan will review the final engineering, utility, and drainage plans prior to the issuance of a building permit, should this petition be approved.

VI. PETITIONER'S RESPONSIBILITIES

The petitioner should respond to the issues raised in this memorandum and other questions raised at the public hearing as necessary. Written responses to all significant issues should

be provided for analysis by the Planning Department prior to being scheduled for additional public hearings. The Planning Department will prepare an updated memo prior to any future public hearings.

**ATTACHMENTS:**

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Petitioner submitted Traffic Review Letter, dated August 1, 2019
- Attachment D:** BSC Group Peer-Review, dated September 26, 2019
- Attachment E:** Petitioner submitted TDM Plan, dated October 8, 2019
- Attachment F:** Special Permit Criteria
- Attachment G:** Zoning Review Memorandum, dated August 7, 2019
- Attachment H:** Engineering Memorandum, dated August 14, 2019

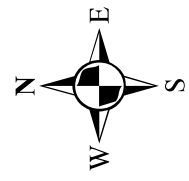
Zoning

58 Cross St.

City of Newton,  
Massachusetts

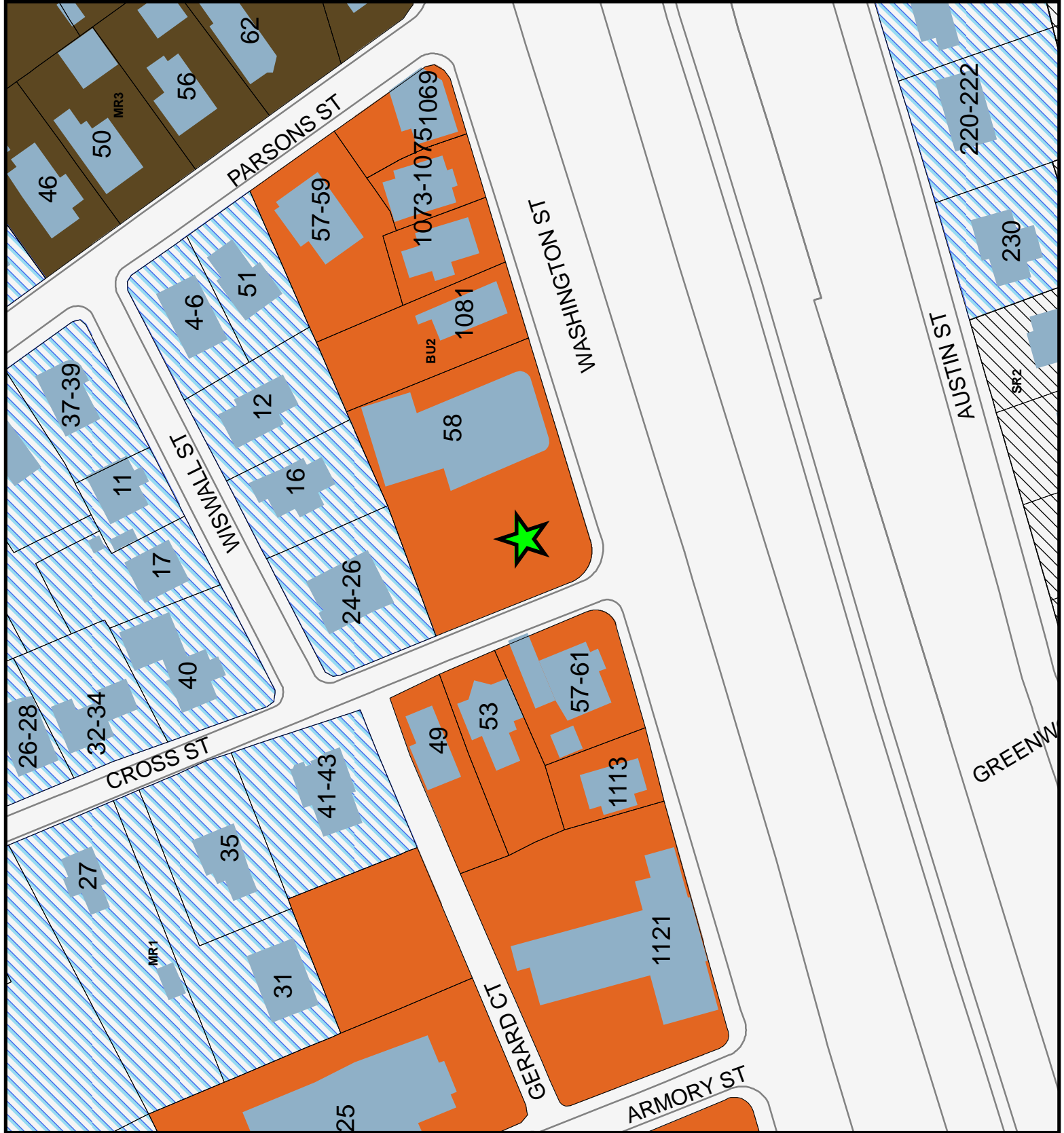
Zoning

- Single Residence 2
- Multi-Residence 1
- Multi-Residence 3
- Business 2



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield





# ATTACHMENT B

## Land Use

### 58 Cross Street

City of Newton,  
Massachusetts

#### Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Mixed Use
- Open Space
- Vacant Land

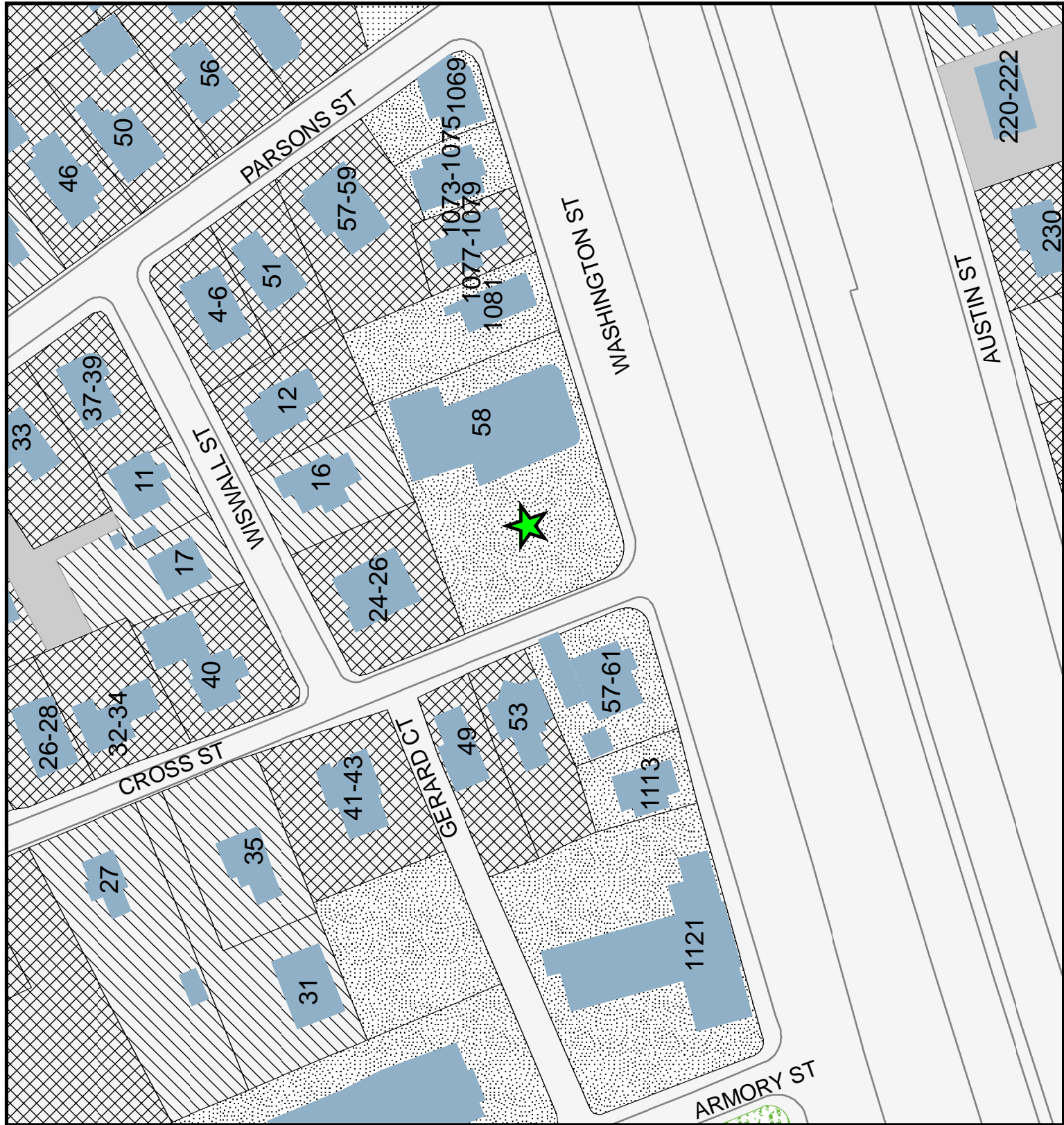


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 feet

Map Date: October 08, 2019





FUSS & O'NEILL

August 1, 2019

Andrea Cabral, CEO  
Ascend Mass, LLC  
125 Cambridge Park Drive  
Cambridge, MA 02140

Re: Traffic Review Letter  
Marijuana Dispensary  
58 Cross Street/1089 Washington Street, Newton, MA  
Fuss & O'Neill Reference No. 20190241.A20

Dear Ms. Cabral:

Ascend Mass, LLC proposes to use an existing building to site a marijuana dispensary at 58 Cross Street/1089 Washington Street in Newton, Massachusetts. The proposed building will have approximately 5,000 square feet of gross floor area to be used for retail. The business is expected to open in 2020.

The existing property is situated on 0.57 acres of land on the northeast corner of the intersection of Washington Street and Cross Street in West Newton, approximately 2,200 feet east of the confluence of Waltham Street and Watertown Street at Washington Street, in the center of West Newton Square. Two existing driveways are proposed to continue to provide access to the parcel, one entrance only from Washington Street and one exit only onto Cross Street. On-street parking is permitted on both sides of Washington Street in the vicinity of the site, except for in one marked bus stops. The Massachusetts Bay Transportation Authority (MBTA) bus lines 553 and 554 run along Washington Street with headways ranging from 12 to 30 minutes for peak hour service during the week and 45 minute headway during the weekend.

The parcel is bounded by Washington Street to the south, Cross Street to the west, residential properties to the north, and commercial property (Mattress Firm) to the east. This area is located in the Business 2 District (BU2).

Fuss & O'Neill has been retained to study the impact of the proposed business on traffic conditions throughout the adjacent roadway network. This letter has been prepared to document the findings of the study and is being submitted to the City of Newton in support of the project's special permit application.

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August 1, 2019

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The proposed land use can be modeled with LUC 882, "Marijuana Dispensary". This LUC is expected to provide a conservative estimate of the number of trips generated by this facility. Based on 5,000 square feet of retail space, ITE Trip Generation indicates that the facility is expected to generate a total of 52 vehicle trips (29 entering, 23 exiting) in the morning peak hour, and 109 vehicle trips (54 entering, 55 exiting) in the afternoon peak hour. During the Saturday peak hour, the facility is expected to generate a total of 182 vehicle trips (91 entering, 91 exiting).

The change in trip generation resulting from the proposed use is projected to be a total of 25 trips during the morning peak hour (13 entering, 12 exiting) and 56 trips during the afternoon peak hour (21 entering and 35 exiting).

*Figure 2* attached provides a depiction of the expected trip generation. ITE Trip Generation work sheets have also been attached.

#### Parking Analysis

According to the City of Newton Zoning Ordinance, one parking space must be provided for every 300 square feet of retail space, plus an additional parking space for every three employees of a retail use. For the proposed business, 17 spaces are required for the 5,000 square feet of retail space, plus seven spaces for 21 employees, for a total of 24 spaces. A total of 28 parking spaces, including two accessible spaces, are proposed for the site.

The parking lot will have two driveways; one entrance only from Washington Street and one exit only onto Cross Street. The exit on Cross Street will be restricted as a left turn only. All traffic must enter through Washington Street and exit through Cross Street. A depiction of the site circulation has been attached at the conclusion of this letter.

#### Intersection Sight Distance Analysis

Intersection sight distances were calculated at the proposed site driveway in accordance with criteria set forth in the 2006 Massachusetts Highway Department Project Development & Design Guide (PDDG). This sight distance is measured from a point 15 feet back from the edge of travel-way at a height of 3.5 feet, the standard height of a driver's eye.

The design speed on Cross Street is 30 miles per hours, five miles per hours greater than the posted speed limit. In accordance with criteria set forth in the 2006 PDDG, 365 feet of intersection sight distance is required for a passenger car looking to the right or left from the site driveway when approaching a four-lane roadway without a median.

At the Cross Street site driveway, sight distance extends 500 feet looking right (north) and only left turns are proposed to be permitted from the site. The sight distance triangle is not obstructed and



Ms. Andrea Cabral

August 1, 2019

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does not encroach upon abutting landowner property. The sight distance exceeds MassDOT criteria for safe egress from the site.

#### Crash Analysis

Crash data was gathered from the MassDOT Crash Portal along Washington Street and Cross Street in vicinity of the site driveways. The records were gathered for the most recent three years of available data, 2014 through 2016. A total of six crashes were reported over this time period, four in 2016, one in 2015 and one in 2014, for an average of two crashes per year. No injuries were reported in any of the six crashes.

A summary of the crash data has been attached to this report.

#### Conclusions

The purpose of preparing a traffic impact study is to identify the impact of the proposed business's site generated traffic. The study efforts have indicated that the proposed facility will generate a total of 52 vehicle trips (29 entering, 23 exiting) in the morning peak hour, and 109 vehicle trips (55 entering, 54 exiting) in the afternoon peak hour. This represents an increase of 41 vehicles trips in the morning peak hour and 80 vehicles trips in the afternoon peak hour when compared with current facility vehicle trips generation.

A review of crash data provided by the MassDOT Crash Portal indicated that there were no abnormal crash patterns or frequencies in the study area.

For the proposed business, 17 spaces are required for the 5,000 square feet of retail space, plus seven spaces for 21 employees, for a total of 24 spaces. A total of 28 parking spaces, including two accessible spaces, are proposed for the site.

For drivers exiting onto Cross Street and turning left (south), the sight distance triangle is not obstructed and does not encroach upon abutting landowner property. The sight distance exceeds MassDOT criteria for safe egress from the site.



FUSS & O'NEILL

Ms. Andrea Cabral

August 1, 2019

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Based on the results of the foregoing analysis, it is the professional opinion of Fuss & O'Neill, Inc. that the proposed business will not have a significant impact to traffic operations within the study area.

Sincerely,

Matthew W. Skelly, PTOE

Senior Transportation Engineer

Attachments:   ATR Count Data  
                      Traffic Volume Figures  
                      Trip Generation Worksheets  
                      Circulation Figure  
                      Crash Data



## MEMORANDUM

803 SUMMER STREET, BOSTON, MA 02127 - www.bscgroup.com  
TEL 617-896-4300 - 800-288-8123

<b>To:</b>	Ms. Katie Whewell Planning Associate City of Newton, Massachusetts	<b>Date:</b>	September 26, 2019
<b>From:</b>	Michael A. Santos, PE, PTOE	<b>Proj. No.</b>	28402.02
<b>Re:</b>	Transportation Peer Review – Marijuana Dispensary 58 Cross Street/1089 Washington Street Newton, Massachusetts		

As requested, BSC Group, Inc. (BSC) conducted a peer review of the Traffic Review Letter prepared for the proposed marijuana dispensary at the 1089 Washington Street and 58 Cross Street in the village of West Newton in Newton, Massachusetts.

The purpose of this review is to ensure that the traffic analysis conforms to industry standards, to confirm that the traffic study methods are appropriate for the setting, and to ensure that the recommendations and proposed mitigation adequately address potential project impacts and are consistent with the City of Newton's recommended guidelines for transportation improvements.

The Project site is located at the corner of Washington Street and Cross Street, approximately 0.4 miles east of West Newton Square. The Project will reuse part of the existing building on the site, which formerly contained an 8,500 square foot (sf) Beacon Hill Athletic Club. The proposed development will consist of approximately 5,000 sf of gross floor area to be used by the marijuana dispensary. A total of 28 parking spaces will be provided on the site (inclusive of two accessible spaces). Access to the site will be provided at two locations: an entrance-only driveway along Washington Street and an exit-only, right-turn only driveway along Cross Street. The driveways will be located in the approximate locations of the existing curb cuts that serve the site.

The key findings of our review of the Traffic Review Letter are presented in the following sections. **BSC's comments and recommendations are presented in bold.**

## Scope of Review

The following topics were reviewed in the Traffic Review Letter as part of the peer review:

- Study methodology
- Existing traffic volumes
- Crash Analysis
- Trip distribution and trip generation
- Parking Analysis, Sight Distance, and Site Plan

## Study Methodology

The traffic analysis provided in the Traffic Review Letter presented a limited evaluation of the impacts of the Project. The evaluation included traffic counts along Washington Street, a trip generation, distribution, and assignment analysis, a review of motor vehicle crash data, a parking analysis, and sight distance

measurements. The evaluation did not include peak-hour turning movement volumes or a traffic operations analysis at any intersections and did not provide information related to pedestrian and bicycle travel to/from the site. The evaluation also did not present specific mitigation or transportation demand management measures to be implemented by the Applicant as part of the Project.

- 1. BSC recommends the City request the Applicant to conduct peak hour turning movement counts during the weekday morning, weekday evening, and Saturday midday peak hours at the intersection of Washington Street at Cross Street.**
- 2. A traffic operations analysis should be conducted at the intersection of Washington Street at Cross Street and at the driveway locations for the Existing, No-Build, and Build conditions, in accordance with the MassDOT Traffic Impact Assessment (TIA) Guidelines, to determine if improvements or modifications to existing traffic control are needed to accommodate the Project.**
- 3. Mitigation was not proposed in the Traffic Review Letter. Based on the results of an operations analysis, mitigation should be explored to offset any Project-related impacts. At a minimum, the Applicant should upgrade the existing sidewalks adjacent to the Project site and ensure that they are compliant with the requirements of the Americans with Disabilities Act (ADA). A crosswalk should be installed across Cross Street at its intersection with Washington Street and the curb ramps should be reconstructed to include detectable warning panels.**
- 4. The Applicant should develop a transportation demand management (TDM) plan to reduce the number of single-occupancy vehicles that travel to the site.**
- 5. The Applicant should include a description and qualitative evaluation of the pedestrian and bicycle facilities that serve the Project site. Due to the site's location near West Newton Square, we expect that some of the trips to and from the site will be made by non-motorized modes of travel.**

## Existing Traffic Volumes

The Applicant collected automatic traffic recorder (ATR) counts and speed measurements along Washington Street, east of Cross Street, on Thursday March 28, 2019. Washington Street currently carries approximately 12,585 vehicles on a typical weekday in March. The 85<sup>th</sup> percentile speeds along Washington Street were measured to be 52 miles per hour (mph) in the westbound direction and 43 mph in the eastbound direction.

- 6. As previously stated, BSC recommends that the City request the Applicant to conduct weekday morning, weekday evening, and Saturday midday peak hour turning movement counts at the intersection of Washington Street at Cross Street. The Applicant should also research seasonal adjustment factors for the traffic counts and apply them accordingly.**

## Crash Analysis

The Applicant provided crash data obtained from the MassDOT Crash Portal for portions of roadway “along Washington Street and Cross Street in the vicinity of the site driveways.” A total of six crashes were reported over the most recent three years of available data.

- 7. It is unclear if crash data was provided for the intersection of Washington Street at Cross Street. The Applicant should provide clarification on the location of the crashes. Crashes that occurred at the intersection of Washington Street at Cross Street should be included in the analysis and a**

**crash rate should be calculated for the intersection and compared to the MassDOT District 6 average for unsignalized intersections to determine if there is an existing safety issue that should be addressed as part of the Project.**

## **Trip Distribution and Trip Generation**

The Traffic Review Letter estimates the trips generated by the Project based on the *Institute of Transportation Engineers (ITE)'s Trip Generation, 10<sup>th</sup> Edition*, using Land Use Code (LUC) 882 – Marijuana Dispensary. The trips related to the athletic club previously occupying the site were also estimated based on LUC 493 – Athletic Club. Based on the evaluation provided in the Traffic Review Letter, the dispensary is expected to generate 52 trips during the weekday morning peak hour, 109 trips during the weekday evening peak hour, and 182 trips during the Saturday midday peak hour. This represents an increase of 25 trips during the weekday morning peak hour and 56 trips during the weekday evening peak hour when compared with the former athletic club that previously occupied the site. Trip generation estimates were only provided for the re-use of 5,000 sf of the 8,500 sf building.

- 8. BSC generally agrees with the methodology to estimate the peak hour trip generation and the trip distribution for the Project. The ITE LUCs that were used are appropriate for the previous and proposed land uses. Trip generation estimates were not provided for the remaining 3,500 sf of space in the building. In order to compare trip generation characteristics between the former uses and the full re-occupancy of the building, estimates should be provided for the re-use of the additional 3,500 sf in the building.**
- 9. We recommend that the City request the Applicant to estimate the additional Saturday midday peak hour trips generated by the Project. The Project is expected to generate more trips during Saturday midday peak hour than either of the weekday peak hours. Accordingly, the Saturday peak hour should be included in any additional analyses.**
- 10. It is expected that some trips will occur by non-vehicular modes such as walking and bicycling. It is also expected that some trips may occur in the form of pass-by trips, which represent vehicles already traveling along Washington Street that stop at the site as they travel to their final destination. The Applicant should apply appropriate mode share and expected pass-by percentages to the trip generation estimates.**

## **Parking Analysis, Sight Distance, and Site Plan**

The Applicant provided a parking analysis based on requirements of the City of Newton Zoning Ordinance. Based on the ordinance, a total of 24 spaces are required (1 space per 300 sf and an additional space per 3 employees). A total of 28 parking spaces will be provided on the site, including two accessible spaces. The parking supply meets the zoning requirements.

- 11. The parking supply shown on the site plan is adequate and meets the needs of the Project. However, the site plan shows that the Project will occupy 5,000 sf of the 8,500 sf of the existing building on the site. Should the other portion of the site become occupied, a parking analysis will be required to ensure that the parking supply is adequate to support additional future uses on the site.**

Access to the site will be provided by an entrance-only driveway along Washington Street and an exit-only driveway on Cross Street. The Cross Street driveway will be limited to left-turns only and will prohibit vehicles from traveling through the residential neighborhood north of the site.

- 12. The site plan should show the proposed traffic control at both site driveways and should clearly indicate how right-turns will be restricted from exiting the site on to Cross Street.**
- 13. An evaluation of loading, deliveries, and trash pick-up was not provided in the Traffic Review Letter. The Applicant should provide information related to these activities, including indicating the anticipated design vehicle for loading and servicing, the frequency of deliveries, and the anticipated time of day for deliveries. The Applicant should provide a design to allow all loading and servicing to occur on the site to minimize impacts to the public right-of-way and surrounding transportation network.**
- 14. An evaluation of existing pedestrian and bicycle infrastructure was not provided in the Traffic Review Letter. The Applicant should indicate the location and condition of bicycle and pedestrian facilities that serve the site. As previously noted, it is expected that this facility will generate pedestrian and bicycle trips due to the nature of its location near West Newton Square and the surrounding residential neighborhoods. Based on the requirements in the City of Newton Zoning Code (Chapter 30: Zoning Ordinance, Section 5.1.11), one bicycle space shall be provided per ten parking stalls. The Applicant should commit to providing at least three bicycle spaces and indicate where they will be located on the site plan.**

The Applicant provided a sight distance analysis at the proposed exit-only driveway along Cross Street. Based on the design speed of 30 mph, a total of 365 feet is recommended for intersection sight distance (ISD), which is the distance needed for a vehicle to exit a side street or driveway and make a left-turning maneuver onto the intersecting roadway. Based on the evaluation, adequate sight distance is provided at the Cross Street driveway.

- 15. An evaluation of sight distance was not provided for the entrance-only driveway along Washington Street. Although vehicles will not exit the driveway, sight distance should still be provided for left-turning vehicles into the site. At a minimum, stopping sight distance (SSD) should be provided for vehicles traveling along Washington Street in the westbound direction. Based on a speed of 55 mph, which is 3 mph higher than the measured 85<sup>th</sup> percentile speed, a total of 495 feet is required for SSD. The segment of Washington Street adjacent to the site is generally straight and flat and provides adequate sight distances in excess of 700 feet in both directions. No additional sight distance evaluation is needed.**

## **Conclusions**

BSC reviewed the Traffic Review Letter submitted for the proposed marijuana dispensary located at 1089 Washington Street and 58 Cross Street. Based on the trip generation estimates presented in the letter, we recommend further study of the surrounding transportation network, including an operations analysis of the intersection of Washington Street at Cross Street. We also recommend that the City of Newton require the Applicant to respond to and address all BSC's numbered comments in this letter and submit a response letter for our review.



## M E M O R A N D U M

TO: Andrea Cabral, CEO  
Ascend Mass, LLC

FROM: Matthew W. Skelly, PE, PTOE

DATE: October 8, 2019

RE: 1089 Washington Street Dispensary  
Transportation Demand Management Plan

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In order to reduce the number of single occupancy vehicle (SOV) trips to and from the proposed cannabis dispensary located at 1089 Washington Street in Newton, Massachusetts, Ascend Mass, LLC has developed the following Transportation Demand Management (TDM) Plan. This plan is intended to function in part with the Massachusetts Bay Transportation Authority (MBTA), specifically routes 553 and 554 which both service stops at the intersection of Washington and Cross Streets. These buses provide connections to the Newtonville Commuter Rail station, and to the 59 bus which connects to the Newton Highlands Green Line stop.

The following actions will be taken by Ascend Mass, LLC in order to promote the use of the above referenced bus lines, as well as other modes of transportation:

- Provide a pre-paid CharlieCard and/or Commuter Rail pass to any employee who is able to utilize the MBTA system to commute to the dispensary. Ascend Mass, LLC intends to enroll in the MBTA Perq program, or similar replacement, in order to facilitate this process.
- Prominently display all public transit schedules in a visible location at the dispensary.
- Provide MBTA maps depicting station locations to both employees and customers in order to supply transit users with the information required to utilize the system.
- Install a secure bicycle storage area on site, with longer term storage for employees and shorter term storage for customers.
- Enroll employees in the LimeBike program, a dockless bike share that will help employees (or customers) connect to the Commuter Rail and Green Line.
- Reimburse employees who regularly walk to work the cost of a new pair of walking shoes each calendar year.
- Incentivize employees to carpool with small bonuses or other programs as appropriate.
- If necessary, Ascend Mass, LLC may also provide a shuttle, or vouchers for transportation network companies (e.g. Uber or Lyft) in order to make last mile connections to transit.



**Exhibit 1 – Special Permit Criteria (Pursuant to Section 6.10.3)**

The applicant is seeking permission to operate a Marijuana Establishment (“ME”) pursuant to Section 6.10.3 at 24-26 Elliot Street.

Pursuant to the requirements of Section 6.10.3.E:

- (1) The proposed ME is not within a radius of 500 feet from an existing public or private k-12 school.
- (2) The applicant is the process of seeking licensure from the Cannabis Control Commission (“the CCC”).
- (3) The applicant understands that the proposed special permit may only be exercised by Cypress Tree Management, Inc. for its operation at 24-26 Elliot Street.
- (4) Home delivery to patients will be available to the extent that same is allowed by the CCC.
- (5) The proposed use of the site is less intense than the previous use of the site, and therefore no parking waiver is required. The existing parking lot contains certain nonconformities which were waived pursuant to Council Order #288-18.
- (6) Signage shall comply with the requirements of 105 CMR 725.105(L) and 935 CMR 500.105(4) and to the requirements of Section 5.2.
- (7) The applicant proposes the following hours of operation: 9:00 a.m. until 9:00 p.m. Monday through Saturday, and 12:00 noon until 6:00 p.m. on Sunday. These hours are designed to mitigate any adverse impact on the neighborhood and to avoid conflicts with both the morning and late afternoon/early evening rush hour traffic.
- (8) There is only one licensed Marijuana Retailer in the City at this time, Garden Remedies, located at 697 Washington Street.
- (9) See above. 697 Washington Street is located approximately 3.3 miles away from the proposed site.
- (10) N/A.
- (11) The proposed facility would be a co-located RMD and ME, and would be 4,043 square feet.

- (12) The applicant will make the required security submission to the Police Department prior to the issuance of a final Certificate of Occupancy.
- (13) The applicant will make the required emergency response submission to the Police Department and Fire Department prior to the issuance of a final Certificate of Occupancy.
- (14) The applicant will make the required Operation and Management submission to the Inspectional Services Department and the Planning Department prior to the issuance of a final Certificate of Occupancy.
- (15) To the extent necessary, the applicant is seeking a waiver of the 25 percent transparency along the building's front façade on the basis that the impacts to security and aesthetics have been mitigated. Specifically, the building where the ME/RMD will be located should be viewed as a whole and was designed to be opaque on the ME/RMD portion and contain a great deal of transparency on the adjacent tenant space. The transparency of the front façade when viewed as a whole is 27.4% transparent.
- (16) N/A
- (17) The applicant will design the building to ensure compliance with 6.10.3.E.17.a and b.
- (18) N/A
- (19) The ME shall not engage in home delivery to customers unless or until the same is permitted by the City.



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Attachment G  
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**Barney S. Heath**  
Director

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## ZONING REVIEW MEMORANDUM

Date: August 7, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Jennifer Caira, Chief Planner for Current Planning

Cc: 1089 Washington Street Lmt'd Prtnsp, applicant  
Katherine Braucher Adams, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

**RE: Request to allow a marijuana retail establishment**

Petitioner: 1089 Washington Street Lmt'd Prtnsp	
<b>Site:</b> 58 Cross Street/1089 Washington Street	<b>SBL:</b> 31009 0007
<b>Zoning:</b> BU2	<b>Lot Area:</b> 25,122 square feet
<b>Current use:</b> Health club	<b>Proposed use:</b> Marijuana retail establishment

### BACKGROUND:

The property at 58 Cross Street (also known as 1089 Washington Street) consists of a 25,122 square foot lot improved with a one-story building constructed in 1950 formerly occupied by a health club. The petitioner is seeking to operate a marijuana retail establishment pursuant to section 6.10.3.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Katherine Baucher Adams, attorney, dated 6/13/2019
- Existing Conditions Plan, prepared by Fuss & O'Neill, dated 5/31/2019
- Preliminary Proposed Conditions Plan, prepared by Fuss & O'Neill, dated 6/7/2019
- Floor Plans, prepared by From Architecture, architect, dated 5/28/2019

## **ADMINISTRATIVE DETERMINATIONS:**

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1. The petitioner is proposing to operate a marijuana retail establishment. This use requires a special permit from the City Council per Section 6.10.3.D of the Newton Zoning Ordinance.
2. Per Section 6.10.3.E.1 a marijuana retailer shall not be located within a radius of 500 feet from a K-12 public or private school, or a lesser distance if the Council deems it appropriately buffered. There is no school within this radius.
3. Section 6.10.3.E.5 states that a marijuana retailer is subject to the parking requirements of 5.1.4, which requires one stall for every 300 square feet of gross floor area, and one stall for every three employees at the highest shift for a retail use. The petitioners are proposing to use 4,985 square feet for the operation, and is contemplated to have 28 employees at the busiest shift. The proposed establishment requires 27 parking stalls. The petitioner is proposing to reconfigure the existing parking area with 28 parking stalls, meeting the requirements of section 5.1.4.
4. The existing parking facility is nonconforming with regard to several dimensional and design regulations. As the facility is being modified, a special permit will be required to alter, extend or amend such nonconformities unless brought to conformity.
5. Section 5.1.8.A.1 states that no parking shall be located within any required setback distance from a street or side lot lines. Several of the parking stalls are located within the front setback, requiring a special permit per sections 5.1.8.A.1.
6. Per section 5.1.9.A, outdoor parking facilities with more than five stalls must be screened from abutting streets and properties with a strip of at least five feet in width of dense shrubs or trees and/or a wall, fence etc. of at least six feet in height. The petitioner proposes to add landscaping to the perimeter of the property, however it will not be five feet in width. A special permit is required to waive section 5.1.9.A.
7. Outdoor parking facilities with more than twenty stalls are required to provide interior landscaping per section 5.1.9.B. An area equivalent to at least five percent of the total parking facility must be landscaped with a minimum 25 square feet and with no dimension less than five feet. Further, there must be at least one tree per each ten parking stalls. The petitioner intends to plant two trees within the lot central to the lot, where three are required per section 5.1.9.B.
8. Section 5.1.10.A requires that parking facilities which are used at night have security lighting with a minimum intensity of one foot candle on the entire surface of the parking facility. To the extent that any proposed lighting in the parking facility does not meet the requirements of section 5.1.10.A, a special permit is required.
9. The petitioner will present a sign package to the UDC prior to the special permit hearing, and intends to comply with 105 CMR 725.105(L) and section 5.2 of the Newton Zoning Ordinance, per section 6.10.3.E.6
10. Sections 6.10.3.E.7 require that the marijuana retailer's hours of operation have no significant adverse impacts on nearby uses and in no case shall operate outside the hours of 9 a.m. to 9 p.m.

The petitioner proposes operating from 9:00 a.m. until 9:00 p.m. Monday through Saturday, and from noon to 6:00 p.m. on Sundays, as is consistent with the approved hours of operation for the special permit to operate the marijuana retailer.

11. At the time of this review, the City has issued two Marijuana Retailer approvals. Based on this information, six licenses should remain available.
12. Section 6.10.3.E.9 requires that no RMD or marijuana retailer may locate within a half-mile radius of an existing or approved RMD or marijuana retailer. Garden Remedies is located approximately 0.9 miles from the site. The proposed operation is not located within the prescribed radius of any other operations.
13. Section 6.10.3.E.15 requires that a marijuana retailer located on the ground level provide at least 25 percent transparency along the building's front façade at ground level, and that existing buildings shall not be modified to reduce the ground level transparency to less than 25 percent, unless the City Council finds it appropriate. The petitioner will endeavor to meet the transparency requirements for the space intended to be used by the operation. It is not apparent from the submitted plans that the façade meets the transparency requirements, and to the extent necessary seeks a waiver of this requirement.
14. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§6.10.3.D §4.4.1	To allow a marijuana retailer	S.P. per §7.3.3
§6.10.3.E.15	To waive the 25% façade transparency requirement	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	To allow parking in the front setback	S.P. per §7.3.3
§5.1.9.A §5.1.13	To waive perimeter screening requirements	S.P. per §7.3.3
§5.1.9.B §5.1.13	To waive interior landscaping requirements	S.P. per §7.3.3
§5.1.10 §5.1.13	To waive the lighting requirements	S.P. per §7.3.3

CITY OF NEWTON  
Department of Public Works  
ENGINEERING DIVISION

MEMORANDUM

To: Council Gregory Schwartz, Land Use Committee Chairman

From: John Daghlion, Associate City Engineer

Re: Special Permit – 1089 Washington Street

Date: August 14, 2019

CC: Barney Heath, Director of Planning  
Jennifer Caira, Chief Planner  
Lou Taverna, PE City Engineer  
Nadia Khan, Committee Clerk  
Katie Whewell, Sr. Planner

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In reference to the above site, I have the following comments for a plan entitled:

*Ascend Mass Dispensary  
1089 Washington Street  
Permitting Plans  
Prepared by: Fuss & O'Neil  
Dated: August 1, 2019*

*Executive Summary:*

It appears that the applicant intends to make some modifications and improvement to the existing parking lot that has frontage along Washington Street & Cross Street. A One-way entrance from Washington Street and one way exit onto Cross Street is proposed, the driveway aprons are a bit wide [23-ft.] for one-way traffic. To truly encourage one-way traffic flow, the driveway aprons should be narrowed down to 14 -feet wide; this will accommodate delivery trucks while discouraging the temptation for two-way operations.

Additionally, the site plans indicate that some landscaping improvements are proposed for the parking lot, the current parking lot is a sea of asphalt with no stormwater management controls.



*Looking toward the Cross St. & Washington Street intersection*

DPW encourages the applicant to consider installing “rain gardens” in the vicinity of the proposed landscape islands to help promote cleaner stormwater management of the site in accordance to our Stormwater policy and DEP redevelopment sites.

The applicant also proposes to update some of the curbing, sidewalk, and driveway apron along Cross Street. Based on the activities of the proposed business, and foot-traffic, it would be a great public benefit if the applicant updates all the sidewalk and pedestrian curb cuts [a.k.a. HP ramps] along its entire frontage of Washington & Cross Street.





*Washington Street frontage*

*photo taken: Aug 12, 2019*





*Cross Street looking southerly towards Washington Street*

Finally, with the proposed improvements it would be beneficial for the abutter at # 24-26 Cross Street to have the overhead electrical service that provide power to the applicants site which are located along the common property line to be buried underground.



*Overhead wires along property line with #24-26 Cross Street*

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted the Newton Board of Health and the Engineering Division.
2. Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.

Sewer:

1. The City's Water & Sewer policy for buildings that are gutted requires that both the water and sanitary sewer services be updated to current standards. Based on a site visit on August 7<sup>th</sup> the building has been completely been gutted. Therefore, the existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the main and the site then properly back



filled. The Engineering Division must inspect this work; failure to having this work inspected may result in the delay of issuance of the Utility Connection Permit.

2. With the exception of natural gas service(s), all utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E, detail is available in the City of Newton Construction Standards Detail Book.
3. All new sewer service and/or structures shall be pressure tested or videotaped after final installation is complete. Method of final inspection shall be determined solely by the construction inspector from the City Engineering Division. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***
4. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer.

Water:

1. Fire flow testing is required for the fire suppression system to meet current Fire Department Codes. The applicant must coordinate this test with both the Newton Fire Department and the Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a write report. Hydraulic calculation shall be submitted to the Newton Fire Department for approval.
2. All water connections shall be chlorinated & pressure tested in accordance to AWWA and the City of Newton Construction Standards and Specifications prior to opening the connection to existing pipes.
3. Approval of the final configuration of the water service(s) shall be determined by the Utilities Division, the engineer of record should submit a plan to the Director of Utilities for approval

General:

1. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
4. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading, improvements and limits of restoration work. The plan shall also include profiles of the various new utilities, indicating rim & invert elevations, slopes of pipes, pipe material, and swing ties from permanent building corners. ***This note must be incorporated onto the final contract plans.***
7. All site work including trench restoration must being completed before a Certificate of Occupancy is issued. *This note must be incorporated onto the site plan.*
8. The contractor of record shall contact the Newton Police Department 48 hours in advanced and arrange for Police detail to help residents & commuters navigate around the construction activity.
9. ***If any changes from the original approved design plan that are required due to unforeseen site conditions, the engineer of record shall submit a revised design & stamped and submitted for review and approval prior to continuing construction.***

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns, please feel free to contact me @ 617-796-1023.