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Barney S. Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: November 15, 2019
MEETING DATE: November 21, 2019
TO: Land Use Committee of the City Council
FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Katie Whewell, Planning Associate
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 #268-19

58 Cross St./1089 Washington St.

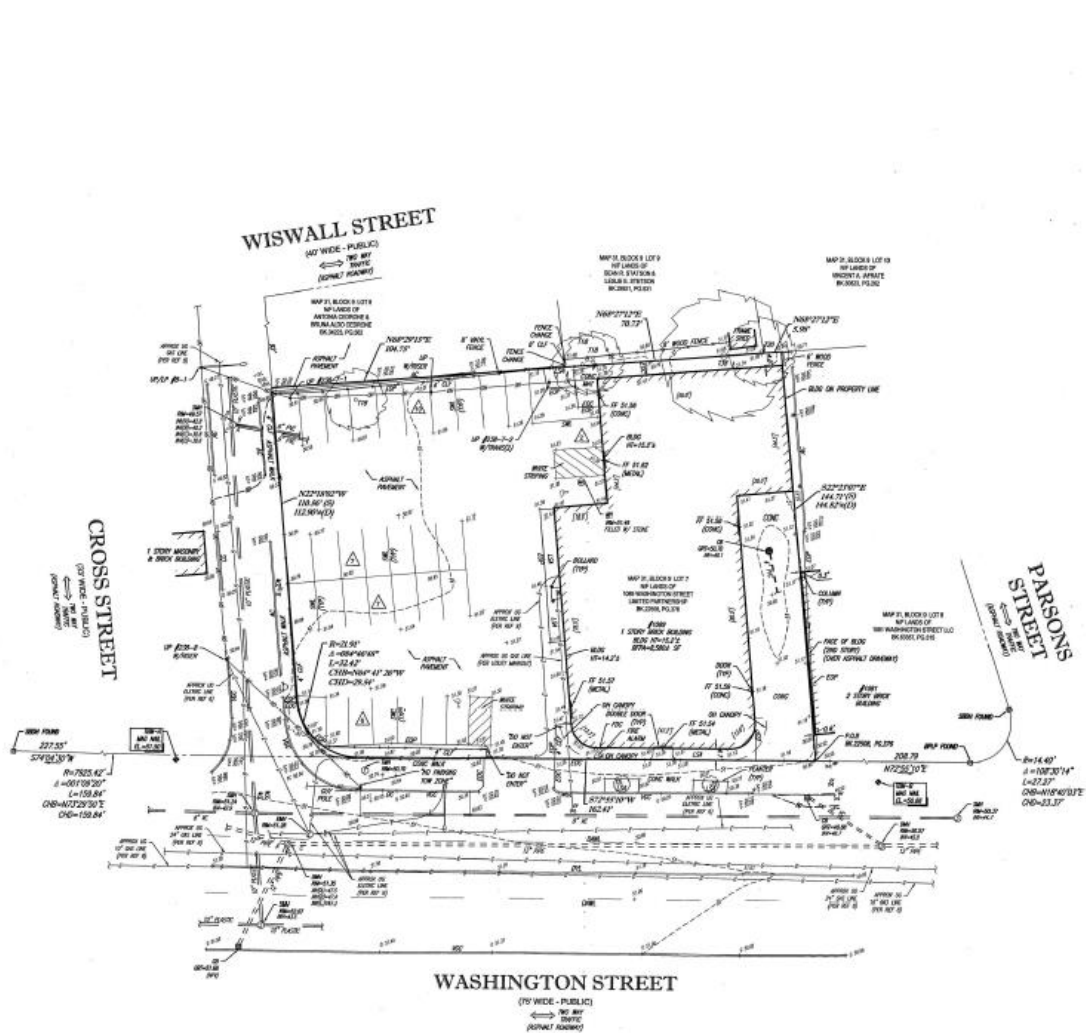
Special Permit/Site Plan Approval to allow retail marijuana sales and waivers to the extent necessary for minimum stall dimensions, perimeter screening requirements, interior landscaping requirements, and lighting requirements at 58 Cross St./1089 Washington St.

The Land Use Committee (The "Committee") opened the public hearing on this petition on Tuesday, October, 15 2019, 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 November 13, 2019.

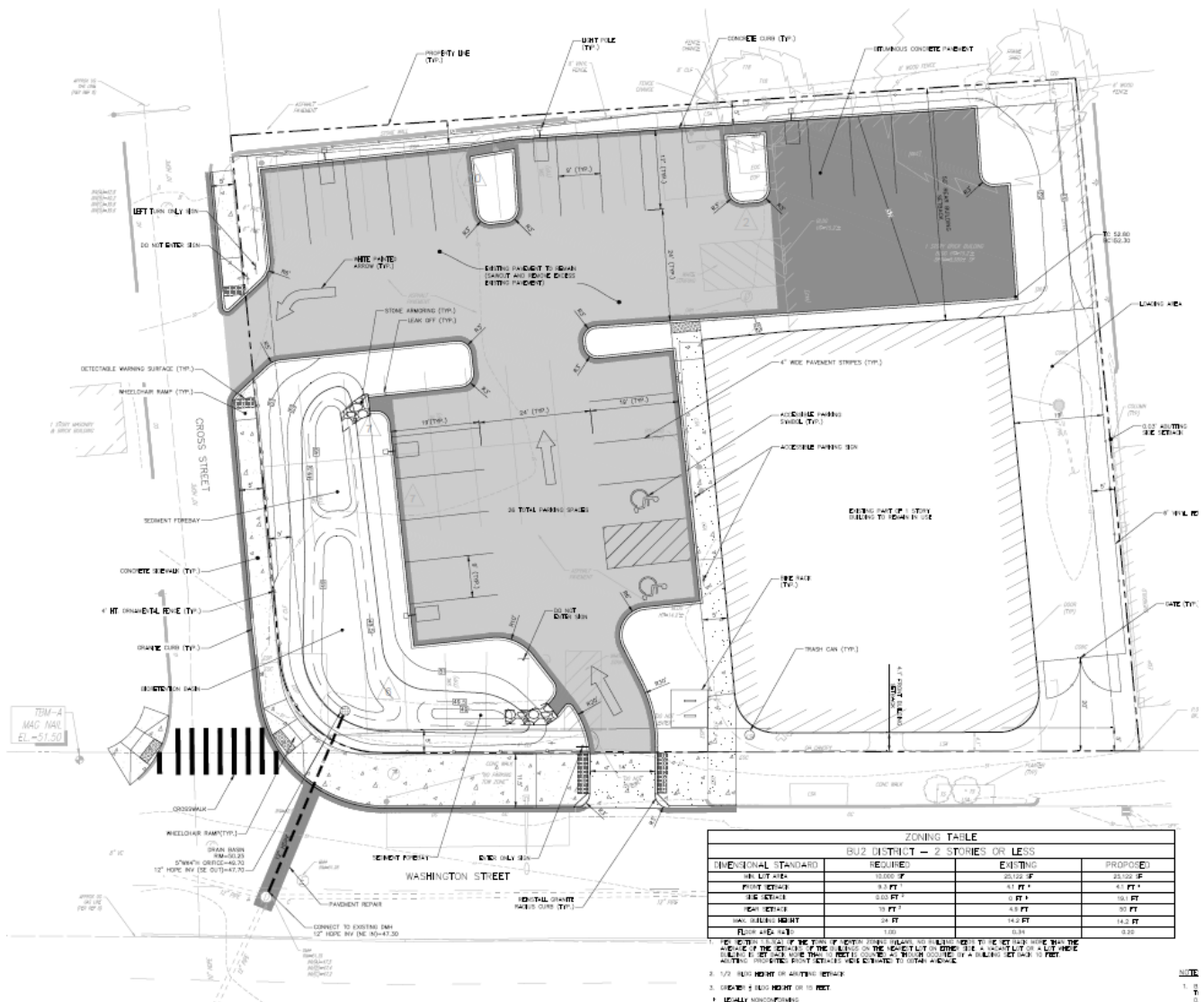
Site Design

The petitioner originally proposed to keep the existing 8,585 square foot building with the marijuana retailer occupying 4,985 square feet and the rest of the building as vacant space to comply with the City's marijuana ordinance that limits marijuana retailers to 5,000 square feet of space for their operations. After neighbors expressed concern and a desire to see the rear portion of the building demolished, the Petitioner submitted plans that show the rear of the building demolished. The petitioner stated after demolition, the remaining space for the marijuana retailer is decreasing to 4,973 square feet. In place of the rear building, the petitioner is relocating parking there to accommodate a rain garden at the Washington Street and Cross Street corner of the site. The proposed rain garden satisfies recommendations from the Engineering

Department outlined in the Engineering Memorandum (**Attachment A**). Members of the Land Use Committee also questioned whether there was a better configuration for the ADA stalls that would prevent customers who need the ADA stalls from having to cross the Washington Street entrance to the site. The revised plans show the ADA stalls along the western side of the building, which allows customers that will utilize the ADA stalls safe access to the building.



Existing Site Plan



Proposed Site Plan

Additional improvements to the site include the reduced curb cut on Washington Street from 23 feet to 14 feet. The Washington Street curb cut is shown shifted to the west to allow for the site improvements.

The petitioners are replacing the sidewalks and pedestrian ramps on Cross Street and Washington Street as well as installing a sidewalk on Cross Street, parallel to Washington Street.

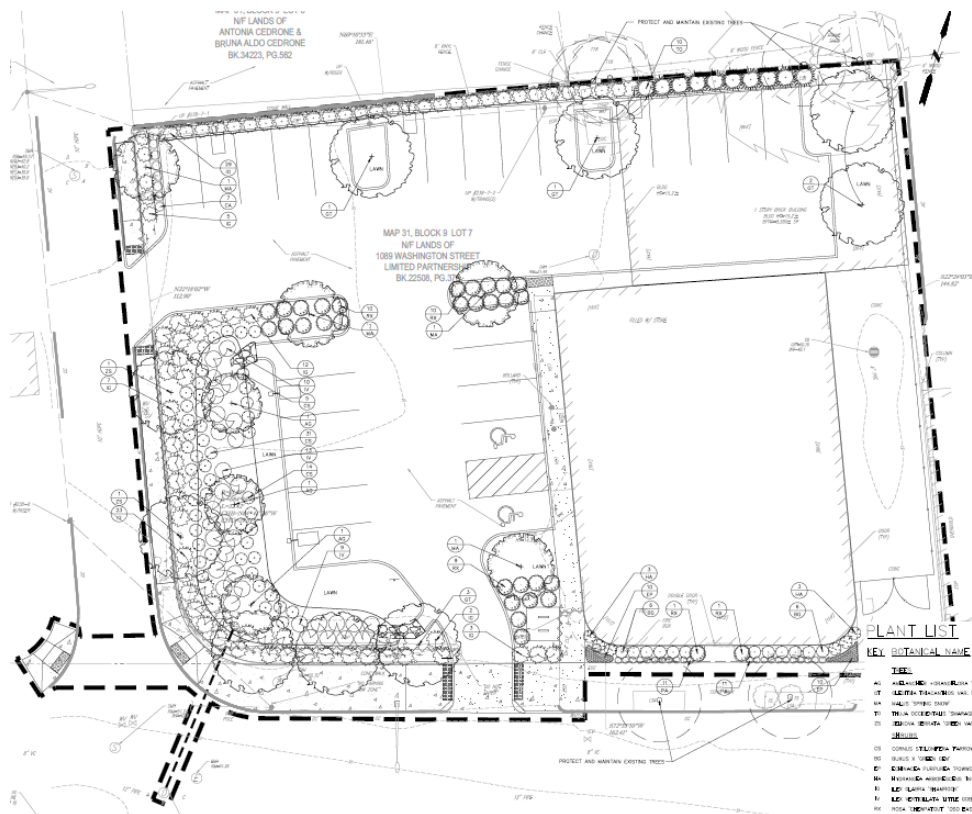
Parking and Circulation

With the rear portion the building to be demolished the parking stalls are reconfigured with parking behind the building to allow for the rain garden and increased perimeter screening concentrated at the southwest corner of the site and increased landscaping throughout the site. The petitioner offers a minimal decrease in parking to 26 stalls, where 24 is required by the Newton Zoning Ordinance and 32 stalls exist. The Planning Department believes the relocation of the parking stalls and proposed reconfiguration of the parking allows for improved site circulation and safety.

At the public hearing, neighbors raised concerns regarding the Cross Street curb cut for egress from the site. Both the Petitioner and the Planning Department have consulted with the City's Transportation Department who determined that this is the preferred layout.. The angled driveway will help in preventing right turns from the site onto Cross Street and prohibit vehicles from traveling through the residential neighborhood. Additionally, pedestrians walking to the marijuana retailer will only have to assess incoming traffic from Washington Street rather than in both directions, were there an egress to Washington Street from the site. The Petitioner's traffic consultant as well as the city's peer reviewer agree that the proposed configuration is ideal over entrance and egress on Washington Street.

Landscaping and Lighting

The site currently is hardscaped and almost entirely impervious. With the new site configuration, the landscaping on site is increasing drastically. The proposed landscaping allows the petitioner to withdraw relief for the perimeter and interior landscaping requirements. The Planning Department has requested final landscape plans showing the width of the landscaping to allow for the relief withdrawal. The landscape improvements render the landscaping relief unnecessary and the Planning Department is supportive of the rain garden and the increased landscaping from the existing conditions.



Proposed Landscape Plan

The Planning Department implored the petitioner to reduce the lighting in areas of the site that showed close to five foot-candles, especially along the rear property line that abuts a residential use. The minimum required per the Ordinance is one foot-candle, which is acknowledged as being unnecessarily high. The Petitioner submitted a revised photometric plan showing the reduction in lighting and is still seeking a waiver for some areas of the site that are below one foot-candle. The Planning Department is unconcerned with the request for a lighting waiver.

Transportation

The petitioner submitted a traffic review letter (**Attachment B**) in advance of the initial public hearing indicating the proposed project is not expected to have a significant impact on traffic. In response to the petitioner's Traffic Review Letter, the City's peer reviewer, BSC Group provided a response (**Attachment C**) expressing concerns with the potential uses for the 3,500 square feet of vacant space. They also made recommendations for further peak hour turning movement counts, a traffic operations analysis for Washington Street at Cross Street, mitigation for project related impacts, a transportation demand management plan, and evaluation of pedestrian and bicycle facilities. The Petitioner's consultant, Fuss and O'Neil provided responses and a Transportation Demand Management Plan.

The Transportation Demand Management Plan (**Attachment D**) includes measures to encourage employees to utilize public transit. These measures include pre-paid transit passes, install a bicycle rack on site, enrollment of employees in a bikeshare program, reimburse employees who walk with a new pair of walking shoes each calendar year, and carpooling incentive in the form of bonuses.

The response provided by Fuss and O'Neil (**Attachment E**) provided the information requested by BSC. At a subsequent meeting to go over the peer review and responses, the Petitioner's attorney stated they will be installing a crosswalk on Cross Street. Saturday midday peak hour trip generation is expected to be 182 total vehicles, with 91 entering and 91 exiting. The site plans also show a bike rack, which was also recommended by BSC as it is anticipated the site will attract multimodal transportation. BSC has stated they are satisfied with the response to the peer review.

The Planning Department is concerned with the Saturday midday peak hour trip generation at 182 total vehicles, with 91 entering and 91 exiting. However, this does not consider the appointment only condition that the Newton City Council conditioned for prior marijuana retailers who have gone through the special permit process. The Planning Department believes should the Council condition appointment only for a period while the business gets established, the Saturday midday peak hour trips are likely to have less of an impact.

Engineering Review

The Engineering Review Memorandum suggested the petitioner reduce driveway width, install a raingarden, and upgrade sidewalks. The petitioners are implementing all recommendations and as a result there will be a positive impact on stormwater management, safety, and access to the site.

Conclusion

The Planning Department believes the revised plans show several changes that will improve site circulation, safety and minimize impact on the surrounding neighborhood. The demolition of the rear portion of the structure increases the rear setback from 4.9 feet to 50 feet, increasing the distance between the commercial building and rear residential abutter. Once the petitioners show the width of the landscaping, the only relief required is the lighting. Upon Planning's recommendation the lighting has been reduced in areas of the site where there were high concentrations close to residential abutters.

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, site improvements and efforts made to minimize the effect of the project on the surrounding neighborhood. The petitioner has provided additional information requested as well as updated plans.

ATTACHMENTS:

- Attachment A:** Engineering Memorandum, dated August 14, 2019
- Attachment B:** Traffic Review Letter, Fuss and O'Neill, dated August 1, 2019
- Attachment C:** City's Peer Review, BSC Group, dated September 26, 2019
- Attachment D:** Transportation Demand Management Plan, dated October 8, 2019
- Attachment E:** Fuss and O'Neill Response to the Peer Review, dated October 25, 2019
- Attachment F:** Draft Council Order

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Council Gregory Schwartz, Land Use Committee Chairman

From: John Daghljan, 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

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 7th 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 in 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 be 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 advance 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.



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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Traffic Volumes and Speeds

The greatest potential for traffic impact on the roadway network by the proposed business will occur during the morning and afternoon peak hours, the periods when commuter related trips are at their highest levels. In order to determine the traffic impact of the proposed business on adjacent street traffic, representatives of Fuss & O'Neill conducted 24-hour traffic volume and speed counts with automatic traffic recorder (ATR) road tubes. The count was located on Washington Street east of Cross Street. Copies of the ATR data is included as an attachment to this letter.

The 85th percentile speed on Washington Street was recorded at 52 miles per hour westbound and 43 miles per hour eastbound. The 24-hour traffic volume on this roadway (total for both directions) was recorded to be 12,585 vehicles.

The raw count data has been included as an attachment to this letter.

Trip Distribution

The distribution of traffic entering and exiting the proposed site was applied to the road network based on the existing regional traffic distributions and the layout of the adjacent roadway network. During the peak hours, the following arrival distributions of traffic are anticipated:

- 55 percent from Washington Street west of the site
- 45 percent from Washington Street east of the site

Figure 1 attached provides a depiction of the expected trip distribution.

Trip Generation

The current and expected site generated traffic for the morning and afternoon peak hours was calculated using existing empirical data from the Institute of Transportation Engineers (ITE) publication Trip Generation, 10th edition, 2017. This publication is an industry-accepted resource for determining trip generation.

The prior land use, Beacon Hill Athletic Club, can be closely modeled by the Land Use Code (LUC) 493, "Athletic Club". Based on 8,500 square feet of recreational space, ITE Trip Generation indicates that the facility generated a total of 27 vehicle trips (16 entering, 11 exiting) in the morning peak hour, and 53 vehicle trips (33 entering, 20 exiting) in the afternoon peak hour. Based on data collected on Washington Street, the weekday morning peak hour was determined to be from 8:00 a.m. until 9:00 a.m., the weekday afternoon peak hour was determined to be 5:30 p.m. until 6:30 p.m., and the Saturday peak hour was determined to be 12:00 p.m. until 1:00 p.m.



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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



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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

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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

To:	Ms. Katie Whewell Planning Associate City of Newton, Massachusetts	Date:	September 26, 2019
From:	Michael A. Santos, PE, PTOE	Proj. No.	28402.02
Re:	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 85th 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, 10th 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 85th 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

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.



October 25, 2019

Ms. Katie Whewell
Planning Associate
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Re: Transportation Peer Review – Marijuana Dispensary – Response to Comments
58 Cross Street/1089 Washington Street
Newton, Massachusetts

Dear Ms. Whewell:

This letter will serve as a response to traffic engineering comments submitted by BSC Group on September 26, 2019. The comments are reprinted in *italics* with our response below. Additionally, a technical memorandum has been prepared to address comments 1, 2, 6, and 9, and is attached to this letter. The memorandum will be referenced as appropriate throughout this letter.

Study Methodology

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.

Weekday morning, afternoon, and Saturday peak hour counts have been conducted at the intersection of Washington Street and Cross Street. The data is included in the attached technical memorandum.

2. A traffic operations analysis should be conducted at the intersection of Washington Street at Cross Street and 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 controls are needed to accommodate the Project.

Based on the turning movement counts conducted in response to comment 1, capacity and queue analysis was performed for the Build and No-Build scenarios during the weekday morning, afternoon, and Saturday peak hours using Synchro Professional Software, version 10. The analysis is detailed in the attached technical memorandum.

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

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California
Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

Ms. Katie Whewell

October 25, 2019

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upgrade the exiting 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.

The crosswalk will be included on the final site plan if requested by City staff. In addition, all sidewalks along the site frontage will be reconstructed as part of this project.

4. The Applicant should develop a transportation demand management (TDM) plan to reduce the number of single occupancy vehicles that travel to the site.

A transportation demand management (TDM) plan, dated October 8, 2019, was submitted to Ascend Mass, LLC and has been attached to this letter.

5. The Applicant should include a description and qualitative evaluation of the pedestrian and bicycle friendly 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

Eleven foot sidewalks exist along the site frontage on Washington Street and narrow to five feet as they transition to Cross Street. Sidewalks are in fair condition and slope down at driveways and intersections; however no formal ramps are installed within the study area. All sidewalks along the site frontage will be reconstructed as part of this project.

Washington Street provides two ten-foot travel lanes and a seven foot on-street parking lane in both the eastbound and westbound directions. While there are no sharrows markings in the area, cyclists were observed utilize the travel lanes as well as the sidewalks regularly.

Study Methodology

6. As previously stated, BSC recommends that the City request the Applicant to conduct weekday morning, weekday afternoon, 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.

As previously stated in response to comments 1 and 2, peak hour counts were conducted and grown based on seasonal and background adjustment factors obtained from MassDOT. Details on this process and the analysis can be found in the attached technical memorandum.

Crash Analysis

Ms. Katie Whewell

October 25, 2019

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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 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's an existing safety issue that should be addressed as part of the Project.

All crashes identified in the crash analysis were located at the intersection of Washington Street and Cross Street. No crashes were identified along the site frontages outside of the intersection.

Using the MassDOT Intersection Crash Rate Worksheet, the crash rate for this intersection was calculated to be 0.42 which is lower than the District 6 average crash rate which is 0.52 for an unsignalized intersection. The worksheet for this intersection is attached to this letter.

Trip Distribution and Trip Generation

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

It is anticipated that an amendment to the Special Permit will be required in order for the remaining 3,500 square feet of the existing building to be used, otherwise it must remain vacant.

9. We recommend that the City requests 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 analysis.

The trip generation during the Saturday midday peak hour is expected to be 182 total vehicles (91 entering, 91 exiting). Based on this data, Saturday peak hour analysis was performed and is included in the attached technical memorandum.

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.

Ms. Katie Whewell

October 25, 2019

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It is expected that initially, cannabis retail stores will likely have mode shares that are more similar to a destination retail store for the first few years. While some trips are expected to occur by non-vehicular modes of transportation, for the purpose of this study it was a conservative assumption to count all trips as new vehicular trips in order to analyze the surrounding roadway network.

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 site.

As stated regarding comment #8, it is anticipated that without an amendment to the special permit, the remaining 3,500 square feet of the existing building is to remain vacant.

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.

A copy of the site plan has been included with this submission.

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 vehicles 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 servicing to occur on site to minimize impacts to the public right-of-way and surrounding transportation network.

Deliveries and trash pickups will all be scheduled during off-peak hours, and will occur in an area enclosed by fence on the east side of the building. The deliveries will all be made by van. Since delivery schedules are highly regulated they will be randomized as much as possible. This will help 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.

Ms. Katie Whewell

October 25, 2019

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As previously stated in response to comments 5, sidewalks are present in the vicinity of the site and are in fair condition. At least three bicycle spaces will be provided.

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 85th 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.

Noted.

We respectfully request your prompt review of the enclosed materials. We trust that this information will be sufficient; however, if you should require additional information or have any questions, please contact me.

Sincerely,



Katherine Patch, EIT
Transportation Engineer



Matthew W. Skelly, PE, PTOE
Senior Transportation Engineer

Enclosures: Technical Memorandum, October 25, 2019
Intersection Crash Rate Worksheet
Transportation Demand Management Plan, October 8, 2019
Turning Movement Counts, October 2 and 19, 2019
Site Plan

cc: Andrea Cabral, CEO – Ascend Mass, LLC
Stephen Buchbinder, Esq.

TECHNICAL MEMORANDUM

TO: Andrea Cabral, CEO
Ascend Mass, LLC

FROM: Matthew W. Skelly, PE, PTOE
Katherine Patch, EIT

DATE: October 25, 2019

RE: Additional Traffic Analysis
1089 Washington Street Ascend Dispensary
Newton, Massachusetts

This memorandum will serve as an addendum to the preliminary traffic review letter dated August 1, 2019 discussing the impact of the proposed adult use cannabis dispensary at 58 Cross Street/1089 Washington Street in Newton, Massachusetts. The intention of the previously submitted letter was to provide a high level review of the traffic, transit, pedestrian and bicycle infrastructure and conditions in the vicinity of the site. This memorandum will provide a more detailed analysis of those parameters, specifically focused on the traffic conditions and other comments submitted on September 26, 2019 by BSC Group.

Adjacent Roadway Network

The adjacent roadway network consists of the following roadways:

- Washington Street
- Cross Street

Other nearby roadways include Wiswall Street, Parsons Street, and Eddy Street. It is unreasonable to expect that any of these roadways will experience a noticeable increase in traffic as a result of the proposed development.

Washington Street is an east/west roadway that runs throughout the City of Newton with varying roadway characteristics. In the vicinity of the site the roadway carries four lanes of travel, two in each direction, with a posted speed limit of 35 miles per hour. It is classified by the Commonwealth and City as an urban minor arterial roadway. On-street parking is provided on both sides of the street, and a sidewalk is provided on the north side. No dedicated bicycle facilities are currently provided, however it should be noted that the City of Newton is currently undertaking a significant planning effort regarding Washington Street that is likely to change many of its characteristics, however the results of that effort are not yet available at the time of this study.

Ms. Andrea Cabral
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Cross Street is a north/south local roadway running for approximately 800 feet between Washington Street and Watertown Street. The posted speed limit is 25 miles per hour and sidewalks are provided on both sides, and no parking restrictions currently exist on the roadway. It should be noted that Cross Street is a narrow roadway, carrying a typical width of approximately 18 feet.

Study Area Intersection

The intersection of Washington Street and Cross Street was reviewed for this study. It is an unsignalized "T" shaped intersection with Cross Street providing the southbound approach and Washington Street providing the eastbound and westbound approaches. The southbound Cross Street approach provides one combined left/right turn lane. The eastbound Washington Street approach provides a dedicated through lane and a combined through/left turn lane. The westbound Washington Street approach provides a dedicated through lane and a combined through/right turn lane. As previously stated, on-street parking is permitted on both sides of both roadways, and no dedicated bicycle facilities are provided.

Traffic Volumes, Speeds, and Counts

The greatest potential for traffic impact on the roadway network by the proposed dispensary will occur during the weekday morning and afternoon peak hours, the periods when commuter related trips are at their highest levels, and the midday on Saturday, when the dispensary is expected to generate the most trips. In order to determine the traffic impact of the proposed development on adjacent street traffic, representatives of Fuss & O'Neill conducted peak hour turning movement counts (TMCs) on Wednesday, October 2, 2019 and Saturday, October 19, 2019. These peak hours were subsequently analyzed for impacts.

According to Massachusetts Department of Transportation (MassDOT) standards, traffic volume data must be reviewed to account for seasonal fluctuation. MassDOT traffic count data indicates that the background traffic volumes during the month of October are approximately eight percent higher than the yearly average, and as such the counts were not adjusted for any seasonal growth. Those volumes are depicted in the attached Figure 3. The counts were grown to a design year of 2026 at a rate of 0.5 percent per year, through review of historic count data and consultation with City of Newton staff. Those 2026 No-Build volumes are depicted in the attached Figure 4.

Fuss & O'Neill also contacted City of Newton staff in order to identify other permitted developments in the vicinity of the site expected to generate traffic in the study area. No such developments were identified.

Proposed Conditions

As stated in the August 1, 2019 Traffic Review Letter, the development is expected to generate a total of 52 vehicle trips (29 entering, 23 exiting) during the weekday morning peak hour, 109 vehicle trips (54

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entering, 55 exiting) during the weekday afternoon peak hour, and 182 vehicle trips (91 entering, 91 exiting) during the Saturday peak hour.

For all three periods of analysis, the site generated traffic was distributed to the roadway system based on the arrival/departure distributions presented in the August 1, 2019 Traffic Review Letter. Those volumes were then added to the No-Build volumes to yield the 2026 Build volumes shown in the attached Figure 5.

It should be noted that the capacity analysis compares the build volumes to a vacant site. In order to provide a conservative analysis, credit for trips generated by the previous Health Club use, which generated approximately half as many trips as the proposed dispensary, was not taken.

Intersection Capacity Analysis

Capacity analyses for the unsignalized intersections was conducted using Synchro Professional Software, version 10.0.

In discussing intersection capacity analyses results, the term level of service (LOS) is used to describe the operating condition of the intersection.

LOS is a measure of the delay experienced by stopped vehicles at an intersection. LOS is rated on a scale from A to F, with A describing a condition of very low delay (less than 10 seconds per vehicle), and F describing a condition where delays will exceed 50 seconds per vehicle.

The definition for LOS, as well as the methodology for conducting unsignalized intersection capacity analyses, are taken from the "Highway Capacity Manual 6th Edition" published by the Transportation Research Board.

In discussing two way stop controlled unsignalized intersection capacity analyses, LOS is used to provide a description of the delay and operational characteristics of the turns from the minor street (stop sign controlled) to the major street, and turns from the major street to the minor street. Through vehicles are not delayed by the minor street and do not experience delay, therefore they are not rated with a level of service.

Using the above referenced methodologies, weekday morning and afternoon and Saturday midday peak hour capacity analyses were conducted at the intersection of Washington Street and Cross Street. A summary of the results is included in Table 1 below.

The Washington Street eastbound left turn onto Cross Street experience no change in delay between the No-Build and Build conditions.

Ms. Andrea Cabral
 October 25, 2019
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The Cross Street southbound approach experiences a small increase in average delay per vehicle in each peak hour between the No-Build and Build conditions. The capacity analysis indicates that the average delay experienced per vehicle will increase by 1.8 seconds during the morning peak hour, by 5.8 seconds during the afternoon peak hour, and by 4.5 seconds during the Saturday peak hour.

Table 1 – Critical Movement Average Delay per Vehicle

Stop Controlled Intersections (Critical Movements)	2026 Morning Peak Hour		2026 Afternoon Peak Hour		2026 Saturday Peak Hour	
	No-Build	Build	No-Build	Build	No-Build	Build
Washington Street at Cross Street						
Eastbound Left Turn	8.4 sec	8.4 sec	9.0 sec	9.0 sec	8.4 sec	8.4 sec
Southbound Approach	13.6 sec	15.4 sec	13.8 sec	19.6 sec	13.8 sec	18.3 sec

The eastbound left turn operates at LOS A in all conditions. The threshold between LOS B and LOS C for unsignalized intersection approaches is 15 seconds. Therefore, the southbound approach changes from LOS B to LOS C in all conditions as a result of the site generated traffic, despite the de minimis increase in the average delay.

Also analyzed was the stop controlled site driveway egress onto Cross Street. The driveway exiting the site is expected to operate at LOS A during all Build conditions. Copies of the Synchro analysis reports have been included as an attachment to this memorandum.

Queue Analysis

No-Build and Build condition 95th percentile (design) queue lengths were also reviewed at the study intersection. The 95th percentile vehicle queue lengths represent the maximum queue lengths that can be expected at each of the critical approach lanes of the study intersection. The queue lengths are provided in the attached Synchro capacity analysis worksheets. Table 2 below provides a summary of the queue lengths for the critical lanes.

Queue lengths are not expected to increase between the No-Build and Build conditions by more than one to two vehicle lengths on either critical movement in any peak hour.

Ms. Andrea Cabral
 October 25, 2019
 Page 5 of 5

Table 2 –Peak Hour Queue Length Summary

Peak Hour	Approach Lane	2026 No-Build	2026 Build
Morning	Eastbound Left Turn	0 veh*	0 veh
	Southbound Approach	0.4 veh	0.7 veh
Afternoon	Eastbound Left Turn	0.1 veh	0.1 veh
	Southbound Approach	0.4 veh	1.6 veh
Saturday	Eastbound Left Turn	0.1 veh	0.1 veh
	Southbound Approach	0.2 veh	1.5 veh

* values listed are vehicle lengths, typically 20-25 feet per vehicle

Conclusion

The purpose of this memorandum is to address the comments raised in the BSC Group peer review letter dated September 26, 2019 specifically with regard to traffic analysis, and will be submitted accompanying a formal response to comment letter. This memorandum is intended to serve as an addendum to the Traffic Review Letter dated August 1, 2019 which includes greater detail about the proposed site and general transportation characteristics.

Peak hour turning movement counts were conducted at the intersection of Washington Street and Cross Street in Newton during October, 2019. The data collected was grown to an analysis year of 2026 according to MassDOT Transportation Impact Assessment (TIA) standards to develop a No-Build condition. The previously determined trips expected to be generated by the proposed dispensary were added to the No-Build volumes in order to create a Build condition. Both conditions were analyzed for the weekday morning, afternoon, and Saturday peak hours.

Capacity analysis indicates that on average, motorists can be expected to experience no more than 6 seconds of additional delay in any peak hour as a result of the trips associated with the site. The study intersection of Washington Street at Cross Street operates acceptably at LOS C or better in all conditions. Queue lengths are expected to increase by no more than one to two vehicle lengths between the No-Build and Build conditions in any peak hour of analysis.

It is the opinion of Fuss & O'Neill at the proposed development will have no significant impact on traffic delays or queues at the intersection of Washington Street and Cross Street.

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 allow retail marijuana sales and waivers to the extent necessary for lighting requirements as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for the proposed Marijuana Retailer due to its location within the Business Use 2 zone. (§7.3.3.1)
2. The proposed Marijuana Retailer as developed and operated will not adversely affect the neighborhood given its proximity to the varied uses along the Washington Street Corridor and the petitioner's proposals to manage traffic and parking. (§7.3.3.2)
3. Access to the site over streets is appropriate for the types and numbers of vehicles involved given the site's proximity to regional roadways such as the Massachusetts Turnpike and Washington Street. (§7.3.3.3)
4. There will be no nuisance or serious hazard to vehicles or pedestrians due to the petitioner's upgrades to the site, including new sidewalks along the site's frontage and in the interior of the site. (§7.3.3.4)

With regard to special permits concerning the Marijuana Retailer on site, pursuant to §6.10.3.G:

5. 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)
6. Loading, refuse and service areas are designed to be secure and shielded from abutting uses. (§6.10.3.G.1.b)
7. The Marijuana Retailer is designed to minimize any adverse impacts on abutters with reduced lighting, fencing, landscaping and site design that prohibits right turns onto Cross Street. (§6.10.3.G.1.c)

8. 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)
9. 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)
10. 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)
11. The building and site are accessible to persons with disabilities. (§6.10.3.G.2.d)
12. The lot is accessible to regional roadways and public transportation. (§6.10.3.G.2.e)
13. The lot is located where it may be readily monitored by law enforcement and other code enforcement personnel. (§6.10.3.G.2.f)
14. The Marijuana Retailer's hours of operation will have no significant adverse impact on nearby uses given the mixed-use nature of the Washington Street Corridor. (§6.10.3.G.2.g)

PETITION NUMBER: #268-19

PETITIONER: Ascend Mass, LLC.

LOCATION: 58 Cross Street/1089 Washington Street, on land known as SBL 31, 09, 07, containing approximately 25,122 square feet of land

OWNER: 1089 Washington Street Limited Partnership

ADDRESS OF OWNER: 10 Newbury Street
Boston, MA 02116

TO BE USED FOR: Marijuana Retailer

CONSTRUCTION: Concrete

EXPLANATORY NOTES: To allow retail marijuana sales and waivers to the extent necessary for lighting requirements (§7.3.3, §7.4, §6.10.3.D, §4.4.1, §5.1.10, §5.1.13)

ZONING: Business Use 2 District

Approved subject to the following conditions:

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. Existing Conditions Site Plan signed and stamped by Gerry Holdright, Professional Land Surveyor, dated March 26, 2019.
 - b. Proposed Site Plan signed and stamped by Daniel F. Delany, Professional Engineer, dated August 30, 2019, revised October 25, 2019; November 12, 2019.
 - c. Site Landscape Plan, LP-101 signed and stamped by Daniel F. Delany, Professional Engineer, dated August 30, 2019, revised October 25, 2019; November 12, 2019.
 - d. Floor Plans, A01 and A02 signed and stamped by Keith Bettencourt, Registered Architect, dated August 2, 2019.
 - e. Proposed Lighting Plan, SL-101, prepared by Fuss and O'Neill, dated August 30, 2019, revised October 25, 2019; November 12, 2019.
2. The petitioner shall see all visitors of the Marijuana Retailer on an appointment only basis. Given that the petitioner requires each patient/customer to be served individually by a customer service representative, the "appointment only" requirement is intended to ensure a smooth flow of patients arriving to and leaving from the site, to avoid patients waiting outside the building for a customer service representative to be available, and to allow the petitioner to anticipate patient volume.

The petitioner may use reasonable flexibility to accommodate patients where events such as, but not limited to, traffic delays, public transportation scheduling, or changes in patients' and patients' schedules affect the appointment schedule. The petitioner shall also accommodate those patients who need to wait inside the building either before or after their scheduled appointments. This "appointment only" condition will permit "first available" (i.e., no waiting period) appointments only when a customer service representative is immediately available to serve that patient.

Six months after commencement of operations for the Marijuana Retailer authorized by this Order, the petitioner may submit a letter to the Commissioner of Inspectional Services, the Director of Planning and Development and the Clerk of the Council requesting an appearance before the Land Use Committee to no longer require that all patients be served by appointments only. Such letter shall only be filed after the petitioner has completed the following:

- Met with the Director of the Transportation Division of Public Works, the Director of Planning and Development, and the Newton Police Department to discuss pedestrian and traffic safety and site security.
- Met with the Director of the Transportation Division of Public Works, and the Director of Planning and Development regarding Transportation Demand Management in accordance with Condition #6 below.

The appearance before the Land Use Committee shall not be a public hearing, and the Committee shall not be required to take public testimony. Should the Committee continue to require that all visitors be served by appointment only, the petitioner shall require an amendment to this Special Permit/Site Plan Approval to remove this condition. Alternatively, should the Committee move that appointments are no longer required, the petitioner shall still be responsible for submitting a report to the Commissioner of Inspectional Services, the

Director of Planning and Development, the Clerk of the Council at twelve months after commencement of operations in accordance with Condition #16 below.

3. The Marijuana Retailer may only operate between the hours of 9:00 a.m. and 9:00 p.m., Monday through Saturday, and from 12:00 p.m. to 6:00 p.m. on Sunday.
4. There shall not be more than twenty eight (28) staff members, on site at any one time.
5. The Petitioner shall update the sidewalks along the Washington and Cross Streets frontage, install a crosswalk across Cross Street, and install rain gardens on site to the satisfaction of the City Engineer. Such improvements shall be completed prior to the issuance of a temporary occupancy certificate.
6. The Petitioner shall implement a Transportation Demand Management Plan to reduce vehicle trips to the site. The Plan shall include, but not be limited to:
 - a. Displaying all transit schedules in a visible location at the dispensary;
 - b. Provide pre-paid CharlieCard and/or Commuter Rail passes to any employee who can utilize the MBTA system to commute to the retailer;
 - c. Participating in the City of Newton Bikeshare program;
 - d. Providing a secure bicycle storage area on site;
 - e. Incentives for employees to carpool with small bonuses or other programs;
 - f. Establishing an on-site car-pool, rideshare program with guaranteed ride home; and
 - g. Reimburse employees who regularly walk to work the cost of a new pair of walking shoes each calendar year.

The Petitioner shall keep records detailing how employees are commuting to and from the site, including the number of employees utilizing transit, parking at satellite lots, and using alternative methods of transportation such as the bikeshare. Two months after the commencement of operations for the Marijuana Retailer, the petitioner shall provide an update to the Director of Planning and Development and the Director of Transportation regarding the results of the petitioner's TDM Plan for employees. Should the TDM plan be deemed insufficient, the petitioner shall be required to revise the TDM plan to the satisfaction of the Director of Planning and Development and the Director of Transportation. The petitioner shall be required to meet again with the officials above at six months and at 12 months after the receipt of a temporary certificate of occupancy.

7. Security lighting shall be in accordance with the standards imposed by the Department of Public Health. Additionally, security lighting shall be directed downward, shall not shed light on abutters' properties, and shall comply with the Lighting Plan identified in Condition 1 above.
8. The petitioner shall locate, secure, and screen the dumpster to minimize its visibility from the public way. The dumpster shall be kept closed and secured and the area surrounding the dumpster shall be kept free of debris.
9. The granting of a special permit to allow a Marijuana Retailer to operate at this site applies only to the petitioner and does not run with the land. When the petitioner has permanently stopped operations at the site, for whatever reason including but not limited to the loss of its registration with the Cannabis Control Commission, the Marijuana Retailer use as well as the additional relief granted by this Order shall expire.

10. Snow shall not be stored on site.
11. Should the petitioner seek to extend the Marijuana Retailer authorized by this Order, including but not limited to, increasing the number of employees, or extending the hours of operation, it shall seek an amendment to this Order.
12. 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.
13. The Petitioner shall be responsible for securing and paying for any and all police details that may be necessary for traffic control throughout the construction process as required by the Police Chief.
14. The petitioner shall maintain its registration with the Cannabis Control 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.
15. In order to provide information to the City regarding the operation of the Marijuana Retailer and the effectiveness of the mitigations and conditions imposed through this Council Order, the petitioner shall monitor the Marijuana Retailer's operation in the following areas and at the following intervals, and shall provide reports summarizing such monitoring to the Commissioner of Inspectional Services and the Director of Planning and Development, and such reports shall also be filed with the Land Use Committee of the City Council:
 - a. Within six (6) months and again at twelve (12) months of commencing operations of the Marijuana Retailer, a report on pedestrian and traffic safety concerns, if any, that may have arisen from the operation of the Marijuana Retailer and on the issue of the security of the facility itself, as well as a report on the number of customers coming to the site and the peak times when customers are at the site.

If the Commissioner of Inspectional Services and Director of Planning and Development find that the reports raise concerns regarding the security of the facility or regarding public safety, including pedestrian or traffic safety, created by the operation of the Marijuana Retailer at this site, or if at the time the reports are filed, but independent of the information contained in the reports, the Commissioner of Inspectional Services and Director of Planning and Development have concerns regarding public safety or the security of the facility, the petitioner shall return to the Land Use Committee to see if further mitigations on the operation of the Marijuana Retailer are warranted to address such public safety or security of the facility concerns.

16. Prior to the issuance of a temporary certificate of occupancy, 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 petitioner at the Middlesex South District Registry of Deeds and implemented. A recorded copy of the O&M shall be submitted to the Engineering Division of Public Works, the Inspectional Services Department, and the Department of Planning and Development.

17. Prior to the issuance of a temporary certificate or occupancy, the petitioner shall submit a state approved security plan to the City of Newton Police Department for review and approval.
18. Prior to the issuance of a temporary certificate or occupancy, the petitioner shall submit a state approved emergency response plan to the City of Newton Fire Department for review and approval.
19. Prior to the issuance of a temporary certificate or occupancy, the petitioner shall submit a state approved Operation and Management plan to the Inspectional Services Department and the Department of Planning and Development for review and approval.
20. 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 Council 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 Council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Received approval of the final engineering, utility, and drainage plans 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.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
21. 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 or engineer certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - 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.
 - d. Provided the City Engineer, Department of Inspectional Services, and the Department of Planning and Development with a recorded copy of the Operation and Maintenance (O & M) plan for Stormwater Management in accordance with Condition #16.
 - e. 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.
 - f. Received approval from the appropriate City Departments in accordance with Conditions #17, #18, and #19 above.

22. Notwithstanding the provisions of Condition #21 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to installation of final landscaping provided that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.