



Ruthanne Fuller
Mayor

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

#268-19
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: December 6, 2019
MEETING DATE: December 10, 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 Thursday, 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 petition was taken up at a subsequent Land Use Committee meeting on November 21, 2019. This memo reflects those issues and concerns, as well as revised materials submitted by the petitioner as of December 6, 2019.

November 21, 2019 Hearing

Prior to the November 21, 2019 hearing, plans were submitted that showed the demolition of the rear of the building, totaling approximately 3,000 square feet, and reconfigured parking due to the demolition and the proposed rain garden at the corner of Washington Street and Cross Street. The demolition of the rear portion of the building allows for reconfigured parking and improvements that include relocating ADA stalls closer to the entrance of the building, allowing customers who use those stalls to directly access the building without having to cross the Washington Street entrance to the site. With the demolition of the rear portion

of the building, this results in 4,973 square feet of the building to be used for the proposed marijuana retailer.

The revised site plan maintained a one-way exit onto Cross Street and an entrance from Washington Street. Members of the committee questioned the Transportation Division's preference of keeping entrance via Washington Street and left turn only egress onto Cross Street in order to reduce the number of points where cars are turning onto Washington Street.

Parking, Traffic and Circulation

A member of the public questioned the minimum stall dimensions and the relief for that being unnecessary. There is a provision (§5.1.8.B) in the Ordinance that states where stalls head into a curb which bumpers can overhang, the length of the stall may be reduced by two feet from the required stall depth dimensions, provided such bumper overhang distance shall not be used to meet the screening requirement of §5.1.9.

The majority of the subsequent discussion focused on the Cross Street egress and the potential impact of the egress. Transportation Director Jason Sobel stated that from an access management perspective, the current configuration of the site reduces conflict points that would result from entrance and egress on Washington Street.

The Planning Department received the traffic letter (**Attachment A**), on November 25, 2019 prepared by Flink Consulting along with a proposed parking configuration that shows the parking configuration as an oblong loop and includes the rear portion of the building. The proposed parking from the petitioners shows 26 stalls, meeting the minimum required (21) for the use by the Newton Zoning Ordinance due to the reduction in the building square footage and reduction in employees at the busiest shift to 12 employees. Should the rear portion of the structure remain and intended for any use, the parking requirement would be impacted.

Below is a summary of responses to the concerns raised by Flink Consulting and input from Mr. Sobel. These include the most relevant points that remain since the most recent plans that show the rear building being demolished.

Trip Generation

Recommendation: Flink states that given the limited data set, confidence in the estimates of expected traffic to be generated would be bolstered by actual counts from recently opened facilities in Massachusetts.

Newton Transportation response: Flink notes that ITE data is fairly limited. While it is acknowledged that the marijuana retailer use is fairly new nationwide, it's the best data currently available. Flink suggests gathering data from other local dispensaries, however the transportation division thinks that would overestimate the trip generation, as Massachusetts is still in the initial period for adult use marijuana dispensaries. Local counts at other locations are probably not indicative of long-term trip generation characteristics.

Parking Demands

Recommendation: Flink asks for a peak parking demand evaluation, and the proponent should demonstrate how the proposed supply will serve peak period demands based on anticipated arrival and processing rates for customers. They should also clarify peak employee demands and designated parking. Online estimates indicate people typically spend 15-30 minutes at other Massachusetts dispensaries. If the on-site parking is inadequate to serve peak demands, the proponent should estimate the availability of on-street parking to accommodate overflow demands.

Newton Transportation Response: Flink asks for a peak parking demand evaluation. If the parking demand exceeds the parking lot capacity, it's clear that Washington Street would be the overflow parking area. Cross Street neighbors will likely be concerned about overflow parking on Cross Street. We had similar concerns from Court Street residents near Garden Remedies, and the City worked with Garden Remedies on their messaging to their customers to tell people to park on Washington Street and not Court Street. Ascend has a lot more parking than Garden Remedies, and it is less likely that customers would choose to park on Cross Street. If there were a problem, City staff could work with Ascend on messaging to their customers and/or change parking regulations on Cross Street.

Cross Street

The Planning Department still supports and maintains Transportation's assessment that entrance from Washington Street and egress from Cross Street is the preferred configuration. However, given the concerns raised at previous hearings, Planning staff recommended the Petitioner explore other alternatives that closed the Cross Street exit. The Petitioner reviewed options with the Newton Fire Department and submitted a statement (**Attachment B**) from the Newton Fire Department stating that the Newton Fire Department is not comfortable allowing the Cross St. access point to be eliminated. On December 5, 2019 the Petitioner submitted a letter (**Attachment C**) stating they would utilize Cross Street as emergency access only. The Planning Department will provide an update at the working session, upon review of the revised plan.

ATTACHMENTS:

Attachment A:	Flink Consulting Letter, dated 10/4/2019
Attachment B:	Correspondence from Newton Fire, dated December 5, 2019
Attachment C:	Petitioner's December 5, 2019 Letter
Attachment D:	Draft Council Order



October 4, 2019

Dr. Greg Schwartz
Chair, Newton Land Use Committee
1000 Commonwealth Ave
Newton Centre, MA 02459

Re: Ascend Mass Dispensary, Washington Street, Newton, MA

Dear Dr. Schwartz-

I have been requested by residents of Cross Street in West Newton to review the traffic study and parking plan of August 1, 2019 prepared by Fuss & O'Neill (F&O) on behalf of Ascend Mass Dispensary for their proposed marijuana dispensary at 58 Cross Street/1089 Washington Street. I have also reviewed an alternative parking plan that was presented to Ascend by the neighborhood dated 6-20-19 (attached). This letter offers a summary of my review.

Trip Generation

F&O calculated trip generation based on the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10th Edition, which included trip rates for Marijuana Dispensary (Land Use Code 882) based on counts at 4 dispensaries in Oregon and Colorado. The source information provided in their attachments clearly indicate the wide disparity in the trip rate data. Given the limited data set, confidence in the estimates of expected traffic to be generated by the proposed facility would be bolstered by actual counts from recently opened facilities in Massachusetts.

Parking Demands

F&O demonstrates that the parking provided meets (or exceeds) zoning requirements (1 space/300 SF of retail space plus 1 space/3 employees). They do not provide an assessment of the adequacy of this parking supply based on expected demands. The proponent should demonstrate how the proposed supply will serve peak period demands based on anticipated arrival and processing rates for customers. They should also clarify peak employee demands and designated parking spaces. (Online estimates

indicate that people typically spend 15 to 30 minutes at other Massachusetts dispensaries). If the on-site parking is inadequate to serve peak demands, the proponent should estimate the availability of on-street parking to accommodate overflow demands.

Parking Layout/Operations

The proposed layout of the parking lot seeks to maximize the number of on-site parking spaces while providing some level of internal landscaping features. I have concerns, however, about the geometry of this layout, especially in the vicinity of the lot entrance from Washington Street and in particular with the placement of and access to the designated HP parking spaces. Access to these spaces, based on the current geometry, will require a multi-point turn for most vehicles, risking additional congestion at the driveway and queuing of vehicles onto Washington Street. This situation is further exacerbated by the lack of a recirculation lane from this parking aisle (forcing vehicles to enter and exit at the same location). The Proponent should explore the viability of relocating the HP spaces to the northeast corner of the lot with an accessible path, unimpeded by traffic, to the front door. Furthermore, if employees will be parking on-site, it may be beneficial to have them park in the aisle closest to Washington Street to minimize turnover in this portion of the lot. Finally, with respect to operations, I will simply point out that a left-turn only restriction onto Cross Street is difficult to ensure without active enforcement.

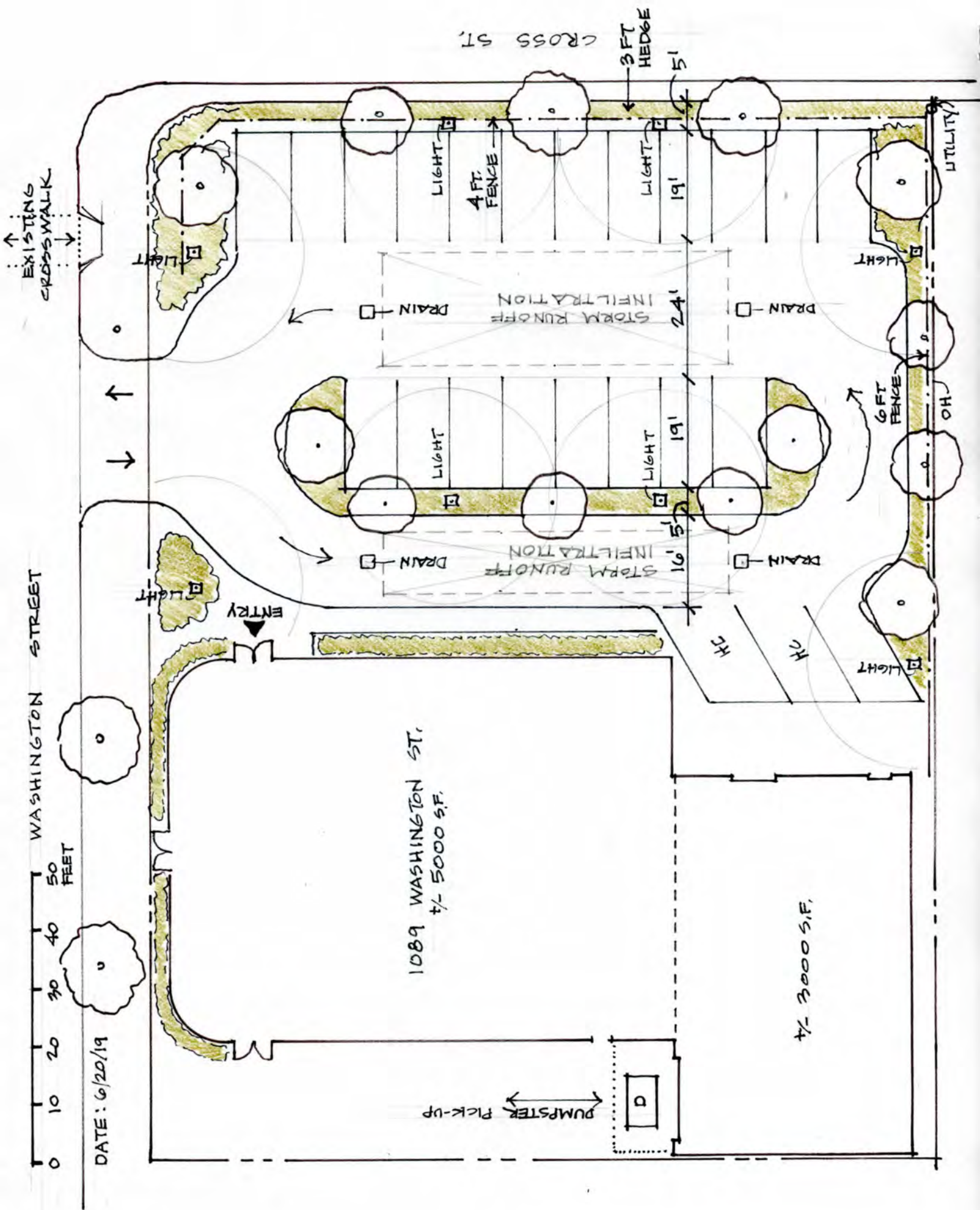
Alternative Parking Layout

I was also asked to review the alternative parking layout generated by a local landscape architect (see attached). This plan addresses the concerns that I have with the current site plan, improves site circulation with a one-way flow with opportunity to recirculate, and offers on-site queuing space that will minimize the potential for site traffic to spill over onto the public way. This option appears to satisfy the zoning requirements but provides 4 fewer spaces than the current proposal. It is my opinion that it should be considered in conjunction with a more complete site circulation/parking analysis and review.

Respectfully submitted,

A handwritten signature in black ink, reading "Ruth M. Bonsignore". The signature is fluid and cursive, with the first name "Ruth" being more prominent and the last name "Bonsignore" following in a similar style.

Ruth M. Bonsignore, P.E. (MA)
Principal, Flink Consulting LLC





Gino Lucchetti
Chief

CITY OF NEWTON, MASSACHUSETTS
FIRE DEPARTMENT HEADQUARTERS

1164 Centre Street, Newton, MA 02459-1584
Chief: (617) 796-2210 Fire Prevention: (617) 796-2230
FAX: (617) 796-2211 EMERGENCY: 911



Ruthanne Fuller
Mayor

December 5, 2019

Jen,

I had a chance to take a site visit at the old Boston Athletic Club on Washington Street along with Donnalyn regarding access to the site.

After Donnalyn explained the proposed changes to the site access points and removal of the exit/entrance on Cross Street, the Newton Fire Department does not feel comfortable allowing the Cross Street access point to be eliminated due to public safety concerns.

Any further questions please feel free to reach out to me.

Thanks,

A handwritten signature in blue ink, appearing to be "Mike", written over a light blue circular stamp.

Mike

Assistant Chief Michael Smith
Chief of Operations
Newton Fire Department
1164 Centre Street
Newton Centre, Ma 02459
msmith@newtonma.gov
617-796-2203 Office

December 5, 2019

VIA ELECTRONIC MAIL AND U.S. MAIL

Jennifer Caira
Chief Planner
Department of Planning & Development
City of Newton
City Hall
Newton, MA 02459

Re: Petition #268-19: 58 Cross Street/1089 Washington Street, Ward 3

Dear Chief Caira:

As you know my office represents Ascend Mass, LLC (the "Petitioner") in the above referenced Petition. I am writing to update your office as to additional information that has come about as a result of the community process.

As you are aware, the current iteration of the plan has an entrance on Washington Street and a left-turn only exit on Cross Street. Members of the Land Use Committee (the "Committee") requested additional review to determine if replacing the Cross Street exit with one on Washington Street is feasible.

One proposal that we were asked to study, referred to as the "Horseshoe Plan," created a travel lane that followed the perimeter the building, and required a second Washington Street egress, further east from the original entrance. The Petitioner acted upon this proposal and commissioned a traffic engineer to study the same. The study raised issues relating to the access of emergency service vehicles to the site. Specifically, a 50-foot ladder truck would be unable to navigate this design without hitting the northeast corner of the building. Attached please find the Fire Truck Access Plan as prepared by Fuss & O'Neill Engineers as "Exhibit A".

In addition, the Newton Fire Department expressed concerns about the Horseshoe Plan, and their ability to access the site. Specially, the Department stated, "Newton Fire Department does not feel comfortable allowing the Cross St. access point to be eliminated." Attached please find an email from Assistant Chief Michael Smith, Chief of Operations, Newton Fire Department, as "Exhibit B".

Prince Lobel Tye LLP
One International Place
Suite 3700
Boston, MA 02110
TEL: 617 456 8000
FAX: 617 456 8100

www.princelobel.com

Jennifer Caira
Chief Planner
December 5, 2019
Page 2

Given the limitations of the Horseshoe Plan, and the Committee's strong desire to see an alternative plan, the Petitioner hereby submits a revised plan (the "Revised Plan"). The Revised Plan creates an emergency vehicle only access point at Cross Street. Non-emergency vehicles will be unable to access the site via Cross Street, in that there will be a crash-bar or similar system preventing access. Attached please find a copy of the Revised Plan, as "Exhibit C."

Finally, I note that in the Petitioner's initial filing, the parking calculation was based upon a total employee count of 21 employees. However, directing your attention to section 5.1.4(B) of the Newton Zoning Code, the calculation for determining the total number of parking stalls required, is measured by the largest shift, and not the total number of employees. Accordingly the largest shift of 15 employees, would yield a requirement of an additional five (5) parking stalls, as opposed to the seven (7) previously identified.

In summary, the Petitioner has carefully listed to the concerns raised by the Committee as well as the surrounding community, and believes that it has adapted its plan to respond in kind. We appreciate the Committee's attention to this matter and stand ready to provide any additional information that may be needed.

Very truly yours,



Michael P. Ross

617 456 8149 direct
mross@princelobel.com

MPR/wf

Enclosure

cc: Chairman Schwartz
Vice-chair Lipof
Councilor Kelley, Member, Ward 3
Councilor Greenberg, Member
Councilor Auchincloss, Member
Councilor Markiewicz, Member
Councilor Crossley, Member
Councilor Laredo, Member
Nadia Khan
Katie Whewell
Andrea Cabral

EXHIBIT A

EXHIBIT B

Ross, Michael P.

From: Donnalyn Kahn <donnalyn.kahn@gmail.com>
Sent: Thursday, December 5, 2019 12:58 PM
To: Andrea Cabral; Kate Crowther; Ross, Michael P.; asmagula.law@gmail.com
Subject: Fwd: Ascend Marijuana Dispensary Washington @Cross St

Sent from my iPhone

Begin forwarded message:

From: "Michael L. Smith" <msmith@newtonma.gov>
Date: December 5, 2019 at 12:51:12 PM EST
To: Jennifer Caira <jcaira@newtonma.gov>
Cc: Gino Lucchetti <glucchetti@newtonma.gov>, "donnalyn.kahn@gmail.com" <donnalyn.kahn@gmail.com>
Subject: Ascend Marijuana Dispensary Washington @Cross St

Jen,

I had a chance to take a site visit at the old Boston Athletic Club on Washington St., along with Donnalyn, regarding access to the site.

After Donnalyn explained the proposed changes to the site access points, and removal of the exit/entrance on Cross St., in the eyes of public safety, the Newton Fire Department does not feel comfortable allowing the Cross St. access point to be eliminated.

Any further questions, feel free to reach out to me.

Thanks,
Mike

***Assistant Chief Michael Smith
Chief of Operations***

Newton Fire Department
1164 Centre Street
Newton Centre, Ma 02459
msmith@newtonma.gov
617-796-2203 **Office**

When responding, please be aware that the Massachusetts Secretary of State has determined that most email is public record and therefore cannot be kept confidential.

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.