



# **Land Use Committee Report**

## **City of Newton** **In City Council**

**Tuesday, February 4, 2020**

**Present:** Councilors Lipof (Chair) Kelley, Greenberg, Markiewicz, Downs, Bowman, Laredo, Auchincloss

**Also Present:** Councilors Wright, Malakie, Krintzman, Humphrey

**City Staff Present:** Associate City Solicitor Jonah Temple, Deputy Director of Planning Jennifer Caira, Senior Planner Michael Gleba, Planning Associate Katie Whewell

All Special Permit Plans, Plan Memoranda and Application Materials can be found at [http://www.newtonma.gov/gov/aldermen/special\\_permits/current\\_special\\_permits.asp](http://www.newtonma.gov/gov/aldermen/special_permits/current_special_permits.asp). Presentations for each project can be found at the end of this report.

**#68-20      Petition to allow a free-standing sign at 40 Austin Street**

BENLIN PROPERTIES LLC./ROCKLAND BANK petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 19.5 sq. ft. free-standing sign on the property located at 40 Austin Street, Ward 2, Newtonville, on land known as Section 24 Block 09 Lot 12, containing approximately 13,420 sq. ft. of land in a district zoned BUSINESS USE 5. Ref: Sec. 7.3.3, 7.4, 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:** **Land Use Approved 6-0-1 (Councilor Downs abstaining, Councilor Auchincloss not Voting); Public Hearing Closed 02/04/20**

**Note:** Attorney Franklin Schwarzer, offices of Schlesinger and Buchbinder, 1200 Walnut Street represented the petitioner Benlin Properties/Rockland Bank. Attorney Schwarzer presented the request for a free-standing sign measuring 4' x 4'10" at 40 Austin Street. Atty. Schwarzer's presentation can be found at the end of this report. The petitioner is seeking relief to locate a free-standing sign to increase the visibility of the Rockland Bank, which has been blocked by the newly constructed Austin Street development. The Urban Design Commission has approved the proposed sign and abutters to the site have submitted letters in support of the petition.

Planning Associate Katie Whewell reviewed the requested relief, criteria for consideration, land use, zoning and photos of the site as shown on the attached presentation. The proposed sign will be approximately 2' from the street. Ms. Whewell confirmed that there is another free-standing sign on Austin Street.

The Public Hearing was Opened. Seeing no member of the public who wished to speak, Councilor Kelley motioned to close the public hearing which carried 7-0. Councilor Greenberg motioned to approve the petition. The Committee questioned whether a free-standing sign is necessary. Atty. Schwarzer confirmed

no bank sign is currently visible due to the new construction. Committee members expressed no concern relative to the petition and voted 6-0-1 in favor of approval (Councilor Downs abstaining).

**#69-20      Petition to amend Order #284-95 to allow a free-standing sign at 84 Needham Street**  
CREATIVE BOOKFAIR LLC./CHARLOTTE MAYNARD petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #284-95 to allow a new free-standing sign measuring 7'8.5' (h) by 4'0.5" (w) on the property located at 84 Needham Street, Ward 8, containing approximately 63,416 sq. ft. of land in a district zoned MIXED USE 2. Ref: Sec. 7.3.3, 7.4, 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved 7-0 (Councilor Auchincloss not Voting); Public Hearing Closed 02/04/20**

**Note:**      Ms. Charlotte Maynard presented the request for a special permit petition to locate a free-standing sign at 84 Needham Street. Ms. Maynard noted that there is an existing, illuminated sign which hangs into the street. She proposes to upgrade the sign, reflecting the different businesses at the site. Ms. Maynard confirmed that the sign has been approved by the Urban Design Commission with the recommendation that the sign is backlit with HALO lights.

Planning Associate Katie Whewell reviewed the requested relief, criteria for consideration, land use, zoning and photos of the site as shown on the attached presentation. Ms. Whewell noted that as a condition of a prior Special Permit, the petitioner was required to install and maintain landscaping at the front of the site. This landscaping is currently missing and not in compliance. Ms. Maynard explained that it is anticipated that the Mass DOT Needham Street project will use a temporary easement across the planting bed and as such she has postponed installation of the landscaping until completion of the Needham Street construction.

The Public Hearing was Opened.

Tali Walters, 177 Winchester Street, abuts the old New England Book Fair, noted there is some light pollution currently from the property and questioned how much additional light will be emitted from the proposed sign. Ms. Whewell confirmed that the HALO light is specifically used to prevent light pollution.

No other member of the public wished to speak. Councilor Kelley motioned to close the public hearing which carried 7-0. After a review of the draft findings and conditions, the Committee agreed that the landscaping can be installed after completion of the Needham Street project. With that, the Committee voted 7-0 in favor of a motion to approve from Councilor Kelley.

**#24-20      Petition to allow for-profit educational use at 66 Winchester Street**  
OLYMPIA FENCING CENTER, INC./WINCHESTER 66 LLC., petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit educational use in 6,750 sq. ft. of the existing building at 66 Winchester Street, Ward 5, Newton Highlands, on land known as Section 83 Block 03 Lot 46, containing approximately 20,059 sq. ft. of land in a district zoned MULTI USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.3.14.B.2 of the City of Newton Rev Zoning Ord, 2017.

**Action:**        **Land Use Held 8-0; Public Hearing Continued**

**Note:**        Attorney Peter Harrington, represented the petitioner, Olympia Fencing Center Inc. Atty. Harrington presented the request to locate an indoor sports center at 66 Winchester Street. Because classes are taught at the fencing studio, it is considered a for-profit school and requires zoning relief. Atty. Harrington explained that the space to be occupied in the existing 47,000 sq. ft. building measures approximately 6,750 sq. ft. It is anticipated that the proposed fencing studio will serve primarily children and young adults who will be dropped off and picked up. There are parking spaces available at the front and rear of the building. In response to concerns raised by the Planning Department relative to the removal of some of the spaces at the site due to a Mass DOT project, Atty. Harrington noted that there are as of right uses (with greater impact on parking) that could be located at the site without a special permit. Attorney Harrington submitted the attached request for findings.

Senior Planner Michael Gleba reviewed the requested relief, criteria for consideration, land use, zoning and photos of the site as shown on the attached presentation. He noted that there is some parking for the park at the rear of the site but stated that a taking at the front of the property could change the parking situation. Mr. Gleba also noted that there is no access to the school from the rear of the site, which requires visitors to walk down Upland and over to Winchester. Finally, cars visiting the site must pull in and back out onto Winchester Street.

The Public Hearing was Opened.

Andy Starr, 19 Indiana Terrace, owns Boston Showcase Company and the building. explained that they have been working closely with Mass DOT to ensure they don't fully curb the front of the site and remove the existing parking spaces. He stated that the proposed design has been updated from what was shown on the Planning Department's presentation. He noted that the current plans do not result in any loss of parking and the taking would be only for air rights for utility lines. Mr. Star stated that they are also making the rear of the building open to users of the site. Additionally, he explained that there is existing public parking available adjacent to the park and noted that one tenant rents space in the Create a Cook parking lot.

The Committee agreed that more information is necessary with regard to the parking requirements for the site, the demand for parking and the circulation plan, noting that the existing circulation pattern is unsafe. The Committee asked that the petitioner continue to work with the Planning Department to refine and evaluate the traffic circulation, a schedule of classes, an increase in the bicycle parking at the facility and the Mass DOT roadway plans. With that, the Committee voted unanimously in favor of holding the item with a motion from Councilor Laredo.

**#67-20        Petition to allow adult-use marijuana dispensary at 58 Cross St/1089 Washington Street**

ASCEND MASS, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow retail marijuana sales and waivers to lighting requirements at 58 Cross Street/1089 Washington Street, Ward 3, West Newton, on land known as Section 31 Block 09 Lot 07, containing

approximately 25,122 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 5.1.10, 5.1.13, 6.10.3.D of the City of Newton Rev Zoning Ord, 2017.

**Action:** **Land Use Held 8-0; Public Hearing Continued**

**Note:** Attorney Michael Ross, Prince Lobel, Boston, MA. represented the petitioner, Ascend Mass, LLC. Atty. Ross presented an overview of the petition as shown on the attached presentation. The petitioner seeks a special permit to allow recreational marijuana sales and waivers to lighting requirements at 58 Cross Street/1089 Washington Street. An initial request for a special permit was filed in 2019. Due to outstanding concerns relative to; landscaping at the rear of the site, circulation in the driveway, maintenance of an unused portion of the building and maintenance of a curb cut on Cross Street; the petitioner withdrew the petition to consider additional changes. After meeting with Ward Councilors and member of the neighborhood the petitioner submitted a revised petition. The current petition includes removal of the portion of the building not to be used, location of additional parking stalls, modification of the circulation to require delivery vehicles to enter and exit safely onto Washington Street and closure of the Cross Street curb cut, excepting emergency vehicles. Atty. Ross noted that in order to accommodate the additional landscaping at the rear of the site, a portion of sidewalk adjacent to the rear of the building will be removed from the plan.

Planning Associate Katie Whewell reviewed the requested relief, criteria for consideration, zoning, land use and proposed plans as shown on the attached presentation. The existing site contains 25,122 sq. ft. and a one-story commercial building. There is a chain link fence and very little landscaping. With the portion of the building to be removed, 4,973 sq. ft. of building will remain on site which will contain 26 parking stalls where 22 are required. The Cross Street exit will be gated. To minimize trips to the site, the petitioner proposes a Transportation Demand Management Plan (TDM) for employees which includes prepaid MBTA passes, installation of secure bicycle storage, enrollment in a bike share program, reimbursement of walking shoes for employees who walk to work. Ms. Whewell noted that the City's peer reviewer found the proposed TDM satisfactory.

The modified circulation plan allows delivery vehicles to enter the site from Washington Street, make a secure delivery, drive around the building and exit onto Washington Street. The petitioner has agreed to install a crosswalk and upgrade the sidewalks on Cross Street and Washington Street to current standards as well as add new pedestrian curb cuts on the east and west side of cross street. The petitioner has also agreed to installation of a fence at the rear of the site.

The public hearing was opened.

Amanda Caruso, 67 Tolman Street, employed at a business within 150' from the proposed dispensary. Ms. Caruso noted that Ascend would not meet with the businesses. She noted that there are two elementary school bus stops near the site and the City's website directs middle school and high school children to take the 553-554 bus, which are the same busses that provide access to the site. Ms. Caruso expressed concern relative to public consumption, public urination, loitering, traffic impacts and the impact on public parking, public



Michelle Caron, 1075 Washington Street, presented details of the traffic accidents that have occurred in the vicinity as shown on the attached slides. Ms. Caron expressed additional concerns relative to the following items:

The lack of public restrooms – even with a possibly high number of appointments

Lack of a waiting area

Hours of operation – require reduced hours of operation starting at 10:00 am and require them to use an “appointment only” model, not a “first available” model.

Security issues - hundreds of people will be visiting throughout the day. How will ascend enforce operations in real time?

Mitchel Lustig, 118 McCarthy Road, noted that the marijuana ballot questions were misleading. Mr. emphasized the negative impact of marijuana on Newton residents.

Jeff Hurwitz, 71 Oakdale Road, believes the proposed plans for the dispensary are reasonable and he supports the petition.

Joe Li, 53 Cross Street, lives across from the site of the proposed dispensary. He explained that he has not been involved in the discussions with Ascend and feels like he has been excluded. He noted that the abutters requested analysis of the turning radius of the emergency exit onto cross street. He remains concerned about the insufficient turning space onto Cross Street.

Jonathan Katz, 16 Cross Street, has been working with Ascend. He noted that the pivot fence and emergency exit only onto Cross Street is an improvement.

Tim Techler, 40 Cross Street, expressed support relative to the proposed landscaping improvements. He is supportive of restricting the hours of operation and wish the proposal included a public bathroom. Mr. Techler noted that Ascend has agreed not to park on residential streets. He questioned whether the applicant has submitted a drainage plan that eliminates drainage onto Cross Street.

Patricia Loewy, 260 Cabot Street, expressed support for the petition and urged the Committee to vote in favor of approval.

Jane Frantz, 12 Glastonbury Oval, noted that it seems like there is an issue with the product and the users. She stated that many people use marijuana to manage pain, neuropathy or arthritis and suggested that customers might currently go to other communities to avoid the stigma. Ms. Frantz expressed support for the proposed petition and urged Councilors to vote in favor of approval.

Carolyn Kraft, 295 Dudley Road, does not support the petition. She believes they should be located in areas where children are not present.

### **Questions & Responses**

The Committee asked if the petitioner would be willing to add additional bicycle parking facilities and a cover for the bikes. Fuss and O' Neill Project Manager Matt Skelly confirmed that more bike stalls can be added.

Atty. Ross responded to employee parking inquiries by confirming that will not be permitted to park in residential streets adjacent to the site and will be required to park on the other side of Washington Street. He confirmed that they can restrict employees from parking in the residential area and he reiterated that the 26 on-site spaces will be the primary parking spaces for customers. It is the petitioner's intent to incentivize employees through the TDM. The Committee expressed concerns relative to limiting the hours of operation beyond the limitations of other dispensaries in the City. The Committee acknowledged that as more dispensaries open, trips will become more dispersed throughout the city. Atty. Ross noted that the maximum number of appointments per hour is 65.

Fuss and O' Neill Project Manager Matt Skelly noted that the development team was not receptive to installing landscaping that might be driven over by a fire truck at the Cross Street exit. He confirmed that structural turf will be installed. The Committee acknowledged that the biggest difference to the site plan is the additional planted buffer at the rear of the site. Committee members were supportive of the enhanced landscaping and asked the petitioner to consider integration of more native plants, consider maintenance of some trees across the back and

With regard to hours of operation, Atty. Ross confirmed that the petitioner would like the hours to be consistent with the hours of operation of other dispensaries in the City. He stated the additional morning hour allows an opportunity to spread more appointments throughout the day. Atty Ross stated that the petitioner will comply with the "appointment-only" model but noted that sometimes appointments are readily available. Atty. Ross noted that the petitioner is open to coordinating with the City's services if there are circumstances/events/holidays that require a reduction in the number of appointments.

In response to questioned raised about having public restrooms, Atty. Ross explained that in the event of an emergency, the petitioner would comply with state law. They do not want to have a public restroom due to space limitations and concerns relative to diversion of product.

Atty. Ross explained that trash receptacles may not be good to have on site as they may encourage customers to open products on site.

Mr. Skelly confirmed that the lighting at the can be easily lowered intensity.

Ms. Caira stated that the Planning Department believes the proposed development does fit with the heights and is generally aligned with the principals of the Washington Street Vision Plan. It was suggested that the theme of the vision plan is activating the streetscape, walkability, human scale and engagement. It was noted that the proposed dispensary is car-centric with no streetscape activation.

With that, the Committee voted unanimously in favor of holding the item with a motion from Councilor Laredo.

**#25-20 Special Permit Petition to allow marijuana retailer at 1158 Beacon Street**

UNION TWIST, INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a retail marijuana establishment, to waive the minimum driveway width for two-way traffic, to waive perimeter screening requirements and to waive lighting requirements at 1158 Beacon Street, Ward 6, Newton Highlands, on land known as Section 54 Block 22 Lot 49A, containing approximately 20,443 sq. ft. of space in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 6.10.3.D, 4.4.1, 5.1.10, 5.1.13, 5.1.8.D.1, 5.1.9.A of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Held 8-0; Public Hearing Continued

**Note:** Attorney Michael Ross, Prince Lobel, Boston, MA, represented the petitioner, Union Twist. Atty. Ross presented the request to locate a marijuana dispensary at 1158 Beacon Street, located in the Four Corners neighborhood. Atty. Ross introduced members of the Union Twist team and presented details of the petition as shown on the attached presentation. The proposed dispensary is 2290 sq. ft. and is serviced by 18 parking stalls. Access to the dispensary would be through the rear access and only security would access the front portion of the building. The driveway that provides access to the site is not sufficiently wide enough to allow two-way traffic and requires additional relief.

Senior Planner Michael Gleba reviewed the request relief, criteria for consideration, land use, zoning and photos of the site as shown on the attached presentation. The site plan shows the existing structure and existing parking spaces. There is a 400 sq. ft. portion of the building that would be marked for removal to add for more parking. Access by pedestrians to the entrance of the facility, from the front of the site would be through the alleyway located to the left of the existing building.

The Public Hearing was opened.

Dante Capasso, 5 Ionia Street, owns two abutting office buildings. Mr. Capasso noted that he met with the petitioner who has agreed to building a wall to their specifications, on their property as well as a fence to mitigate visitors walking between the sites. The petitioner has offered to pay for installation and creation of parking signs on the Beaconwood Road side of the site as well.

Amanda Theunissen, 1192 Beacon Street, concerns about traffic and parking. Ms. Theunissen presented an overview of concerns raised by 65 community members. Her presentation is shown attached. Given the proposed store capacity and the existing conditions, the traffic generated will create an adverse effect on the neighborhood. Ms. Theunissen emphasized that the physical size of the store does not increase number of customers, but the number of points of sale stations does. She noted that Union Twist proposes to have 9 points of sale which is more than any other dispensary in Newton. Ms. Theunissen expressed concern about backup traffic building onto Beacon Street, which is already congested. She noted that there is no plan for drop-off and pick-ups and suggested that overflow parking is likely to build up in Cold Spring Park. She questioned whether spaces will be reserved for use by the existing restaurant.

Andreas Rabinowitz, commented on flaws in the traffic study. He noted that the traffic study suggests the presence of two driveways where only one exists. He expressed concern relative to the relief for the two-way drive width, noting that 19' is not sufficient access for two-way passage. He suggested that cars entering and/or exiting the site will have to wait to allow passage through the site. He emphasized that a

traffic study should have been conducted using local data and stated that an increase in 50 cars during peak times will deteriorate the level of service on Beacon Street. Mr. Rabinowitz and Ms. Theunissen urged the Committee to consider reduced hours for operation, a modified parking plan and the traffic on Beacon Street.

Ken Parker, 965 Walnut Street, stated that this may be the wrong site for this use. He noted that the proposed dispensary is located on a school route, adjacent to a residential neighborhood. The access to the site is difficult due to its proximity to one of the most gridlocked areas. He noted that the dispensary is next to a park with community events and suggested that a dispensary should not be community facing. Mr. Parker stated that one point of sale could be appropriate at this site and recommended that the petitioner is required to screen the dispensary so that it is not visible from the street. He expressed additional concerns relative to the increase in traffic and hours of operation.

Nathaniel Lichtin, 53 Pine Crest Road, questioned what the petitioner's plan is for the empty portion of the building? It was confirmed that the petitioner will present some visuals of what the building will look like at a future meeting.

Karen Sherman, 57 Pine Crest Road, noted that customers will make this a destination store based on its location. She noted that Beacon Street is different than Washington street and the site is surrounded by a park and residential homes. She does not believe the site is an appropriate location.

Judi Burten, 11 Warren Road, has concerns about the traffic impacts and the size limitations. She believes the driveway is too narrow and expressed concerns relative to safety.

Stella Chin, 1254 Beacon Street, has concerns relative to proximity to school aged children children and traffic. She emphasized the business of Beacon Street and urged the petitioner to consider locating in a commercial area.

Claudia Munshi, 11 Ipswich Road, reiterated that this store could become a destination store. She noted that there are not currently many dispensaries open to distribute the customers throughout. She urged the Committee and the petitioner to consider a public bathroom as well as enforcement.

Nolan Anthony, urged Councilors to deny the petition. He noted that there is bus stop at Beaconwood. Mr. Anthony suggested that as traffic increases, it will block school busses.

Alec Schmaier, 11 Carthay Circle, noted that a large 25-unit development proposed at 1114 Beacon Street. This will have impacts on traffic as well.

Gary Rosenfeld, 67 Beaconwood Road, has concerns about the impact on Cold Spring Park. He suggested that Union Twist should pay for a police detail to monitor activity in the park.

With that, Councilor Greenberg motioned to hold the item which carried unanimously. The Committee adjourned at 10:40 pm.

**Respectfully Submitted,**

**Richard Lipof, Chair**



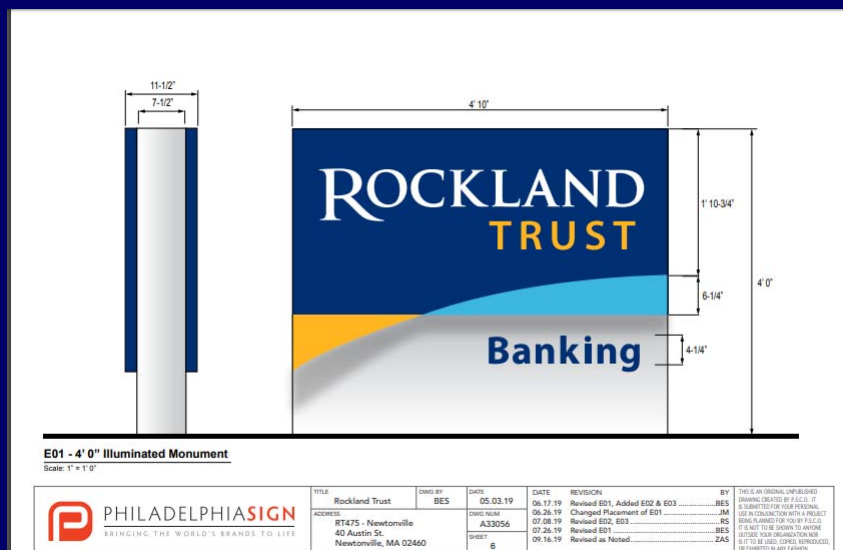
# 40 Austin Street

*Special Permit Application to Newton City Council*



1

## Proposed Sign



2

# Relief Requested



- special permit required for:
  - free-standing sign (Section 5.2.13)

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4

## Department of Planning and Development



**PETITION #68-20**  
**40 AUSTIN ST**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO ALLOW A FREE-  
STANDING SIGN

FEBRUARY 4, 2020



1

## Requested Relief



Special Permit per §7.3.3 of the NZO to:

- Allow a free-standing sign (§5.2.13)

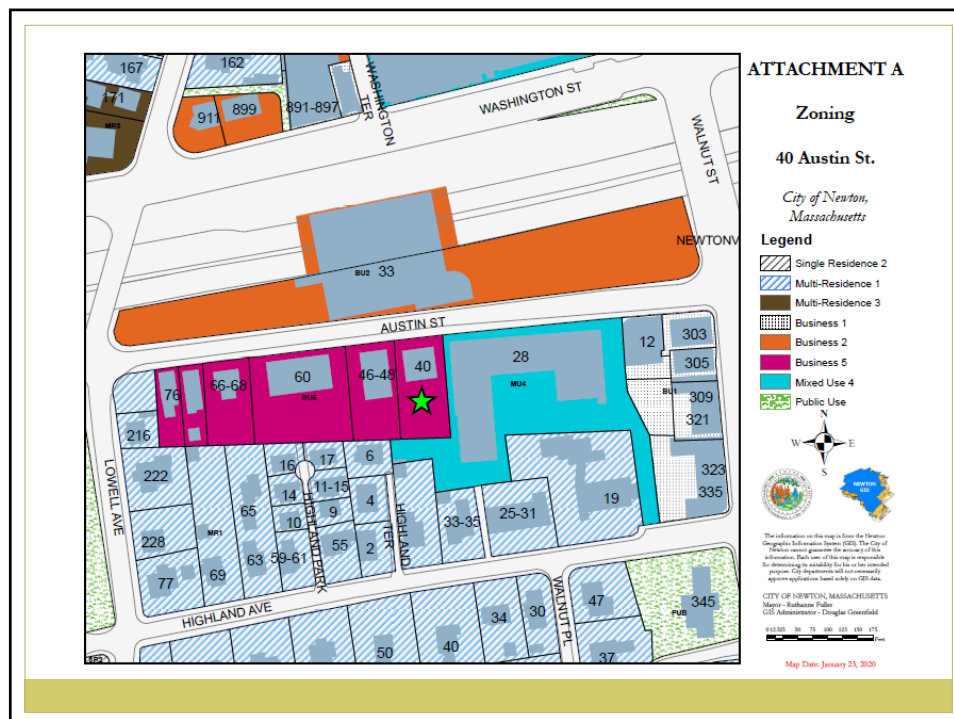
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## Criteria to Consider

When reviewing this request, the Council should consider whether:

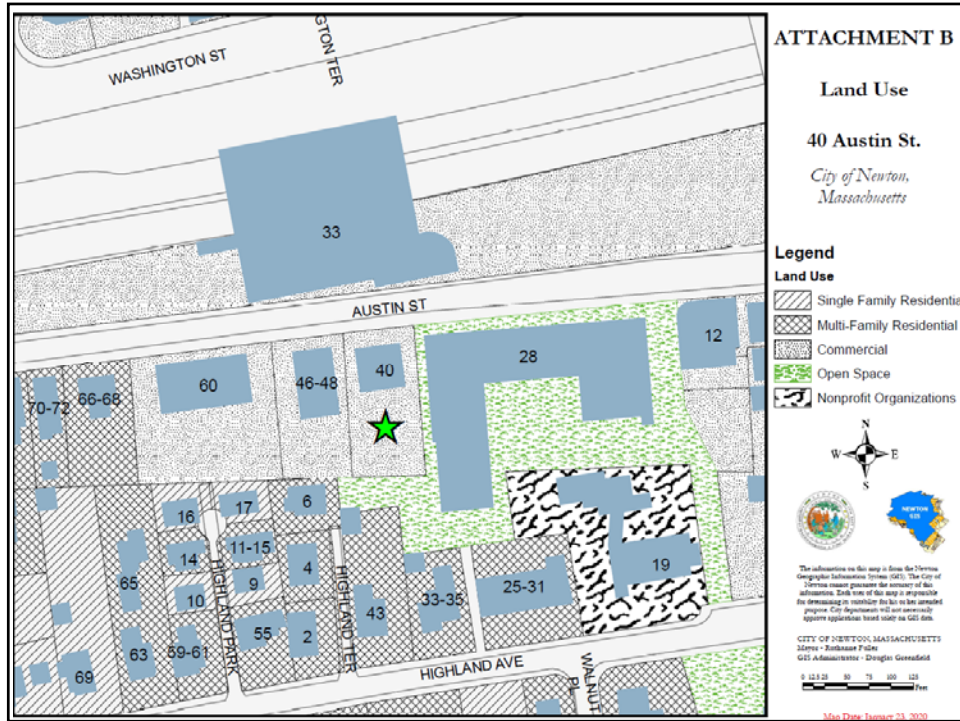
- The specific site is an appropriate location for the free standing sign (§7.3.3.C.1);
- The free standing sign will adversely affect the neighborhood (§7.3.3.C.2);
- The free standing sign will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4); and
- The nature of the use of the premises, the architecture of the building, or its location with reference to the street is such that free-standing signs or exceptions should be permitted in the public interest (§5.2.13).

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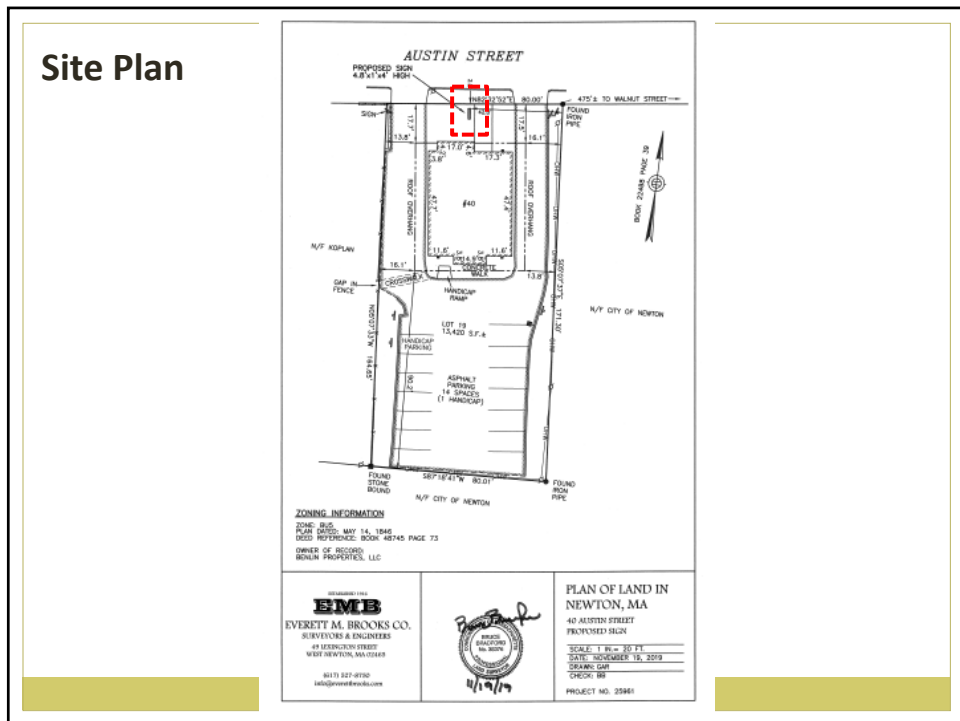


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## Sign Design



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## Proposed Findings

- The specific site is an appropriate location for the free-standing sign because there are other free standing signs along the Needham Street Corridor (§7.3.3.C.1);
- The free-standing sign will not adversely affect the neighborhood due to the presence of signs on Needham Street and the sign provides wayfinding for travelers on Needham Street (§7.3.3.C.2);
- The free-standing sign will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4); and
- The nature of the use of the premises, the architecture of the building, or its location with reference to the street is such that free-standing signs or exceptions should be permitted in the public interest (§5.2.13).

8

## Proposed Conditions

1. Plan Referencing Condition.
2. Standard Building Permit Condition.
3. Certificate of Occupancy/Final Inspection

## Department of Planning and Development



**PETITION #69-20  
84 NEEDHAM STREET**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO AMEND COUNCIL  
ORDER #284-95 TO ALLOW A  
FREE- STANDING SIGN

FEBRUARY 4, 2020



1

## Requested Relief



Special Permit per §7.3.3 of the NZO to:

- Amend Council Order #284-95
- Allow a free-standing sign (§5.2.13)

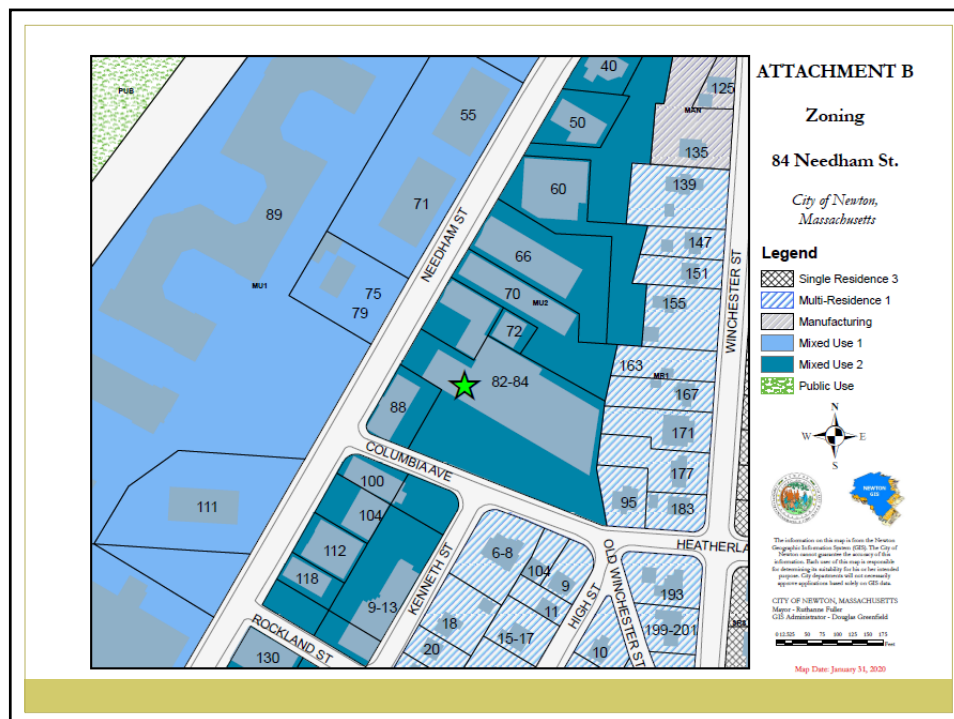
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## Criteria to Consider

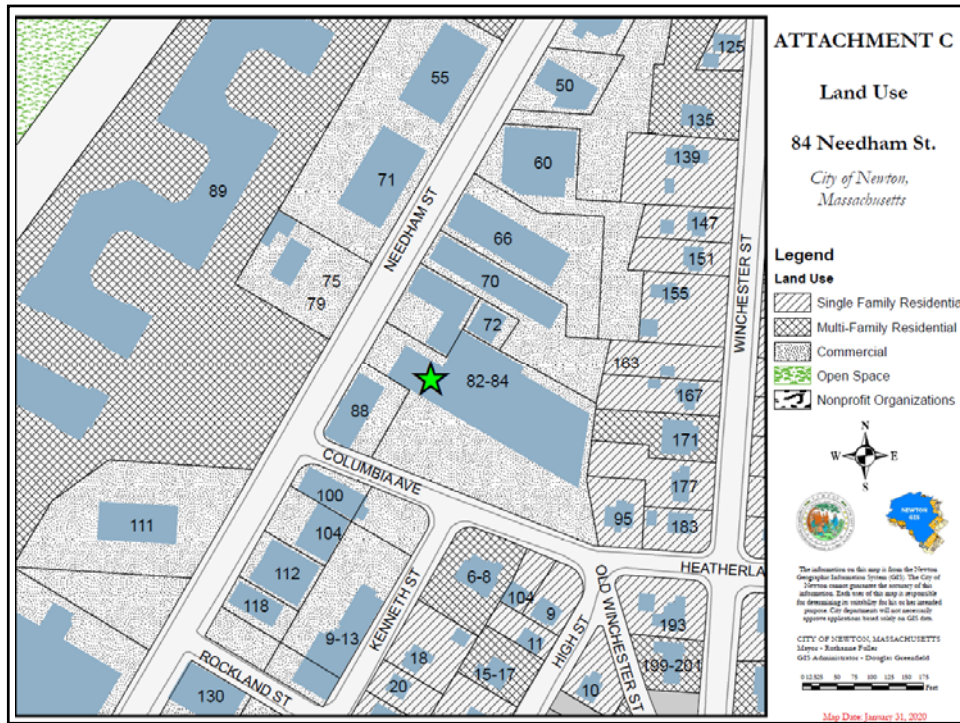
When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the free standing sign (§7.3.3.C.1);
- The free standing sign will adversely affect the neighborhood (§7.3.3.C.2);
- The free standing sign will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4); and
- The nature of the use of the premises, the architecture of the building, or its location with reference to the street is such that free-standing signs or exceptions should be permitted in the public interest (§5.2.13).

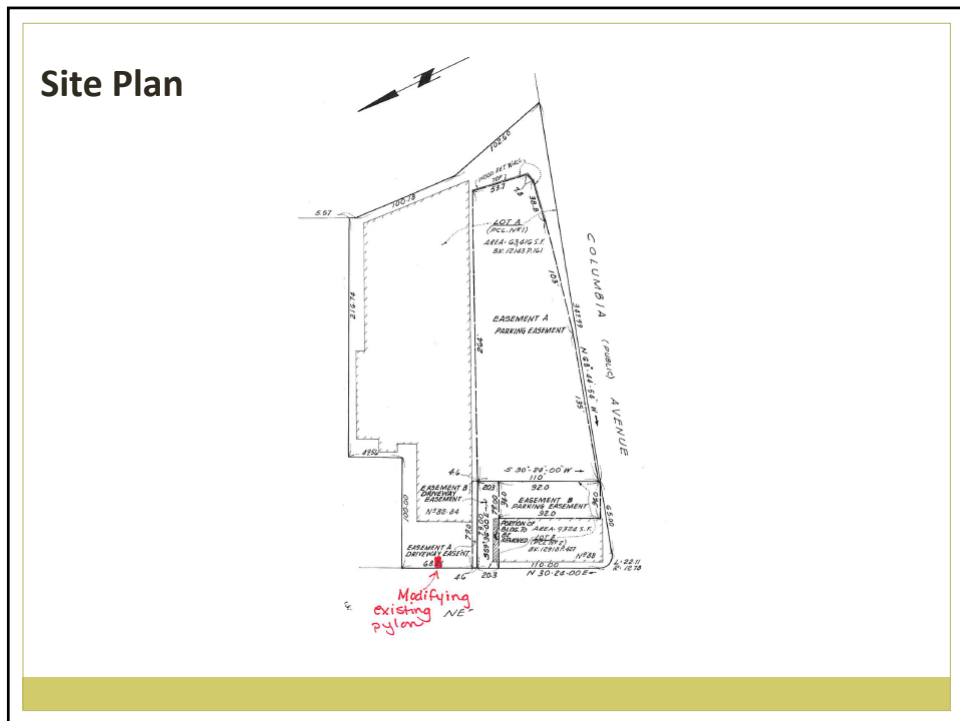
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## Sign Design



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## Landscaping



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## Proposed Findings

- The specific site is an appropriate location for the free-standing sign because there are other free-standing signs along the Needham Street Corridor (§7.3.3.C.1);
- The free-standing sign will not adversely affect the neighborhood due to the presence of signs on Needham Street and the sign provides wayfinding for travelers on Needham Street (§7.3.3.C.2);
- The free-standing sign will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4); and
- The nature of the use of the premises, the architecture of the building, or its location with reference to the street is such that free-standing signs or exceptions should be permitted in the public interest (§5.2.13).

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## Proposed Conditions

1. Plan Referencing Condition
2. Standard Building Permit Condition
  - Demonstrated compliance with the landscape condition set forth in Special Permit #284-95 that requires the planting area to be no less than three feet deep and the planting area shall be planted with evergreen plantings at least three feet high.
3. Certificate of Occupancy/Final Inspection Condition

10



## Department of Planning and Development



**PETITION #24-20**  
**739 BEACON STREET**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO ALLOW A  
FOR-PROFIT SCHOOL IN THE  
EXISTING BUILDING

*FEBRUARY 4, 2020*



1

## Requested Relief



- Special Permit per §7.3.3 to allow a for-profit educational use (§4.4.1, §6.3.14.B.2)

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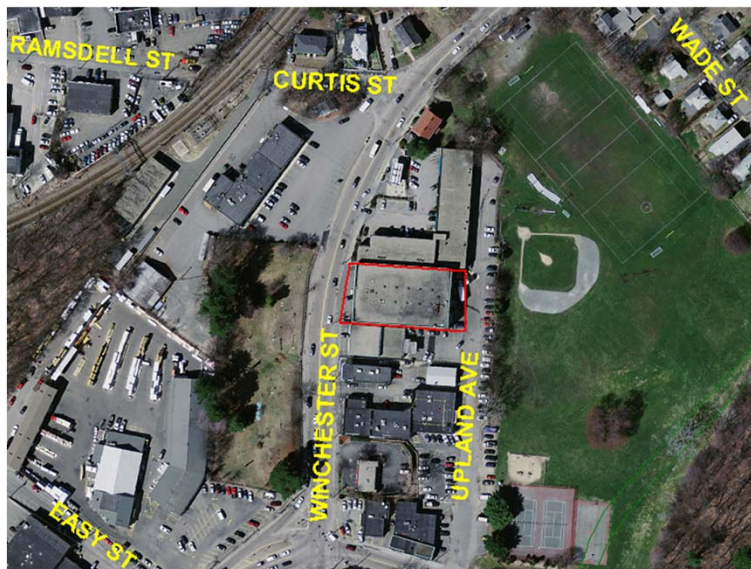
## Criteria to Consider

When reviewing the requested special permits the Council should consider whether:

- The site located a Mixed Use 2 (MU2) zoning district is an appropriate location for the proposed for-profit school (§7.3.3.C.1);
- The proposed for-profit school will adversely affect the neighborhood (§7.3.3.C.2);
- The proposed for-profit school will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

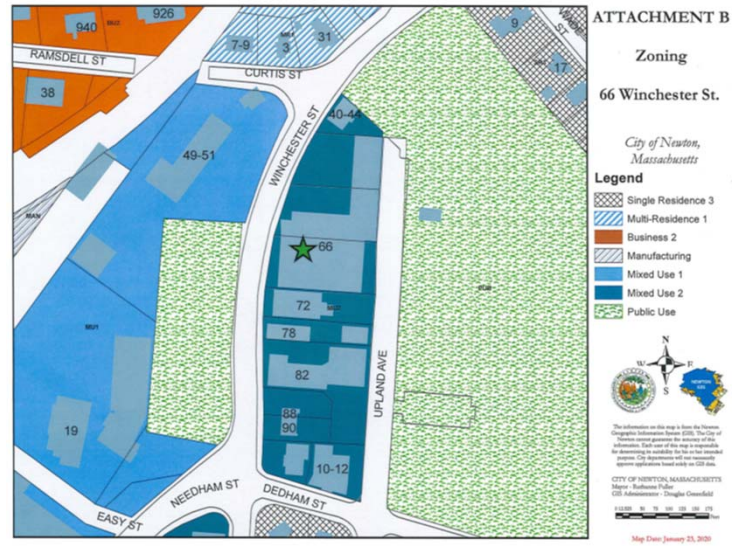
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## AERIAL/GIS MAP



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## Zoning



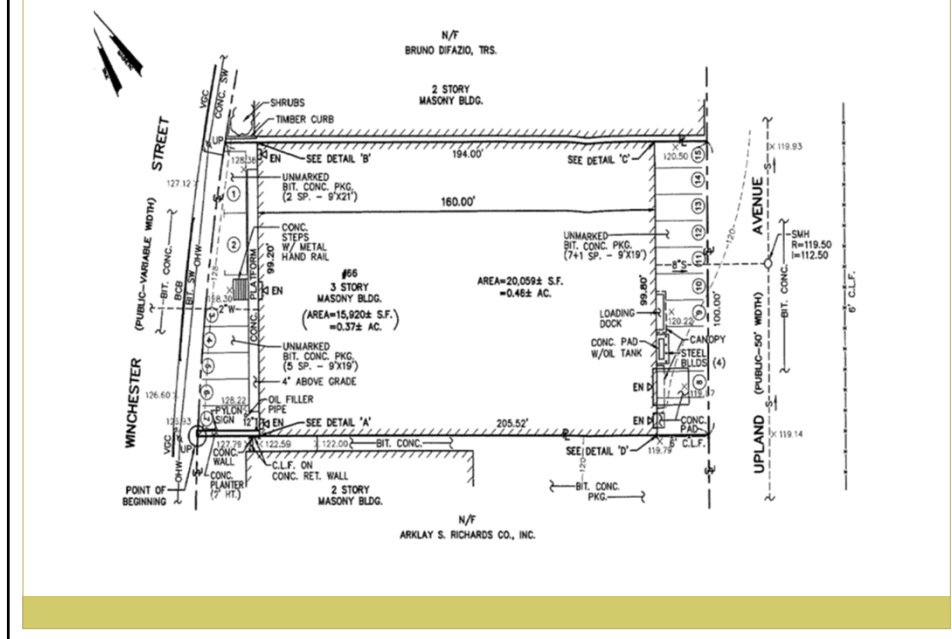
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## Land Use



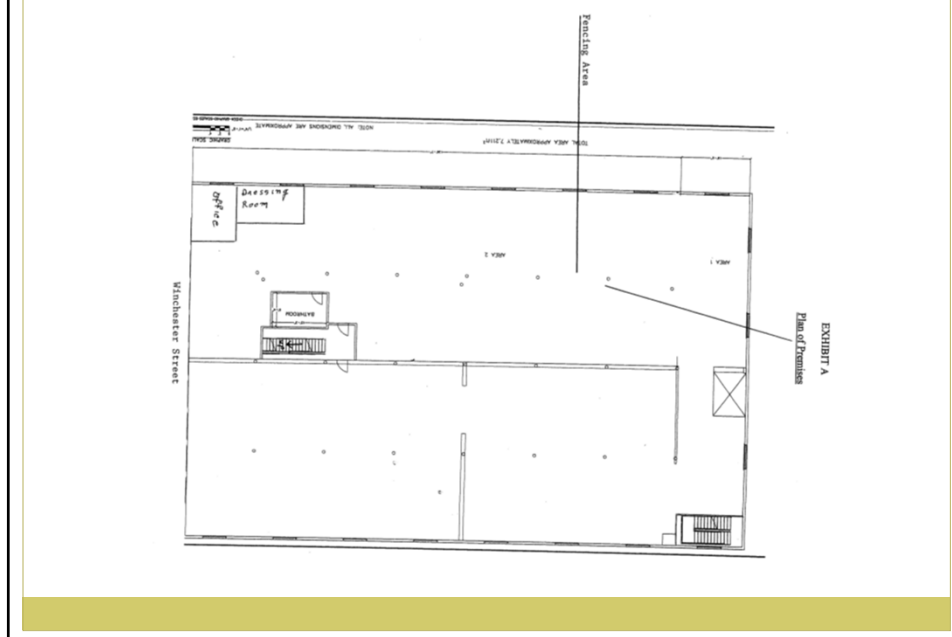
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## Site Plan



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## Floor Plans



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### Photos



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### Photos



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## Photos



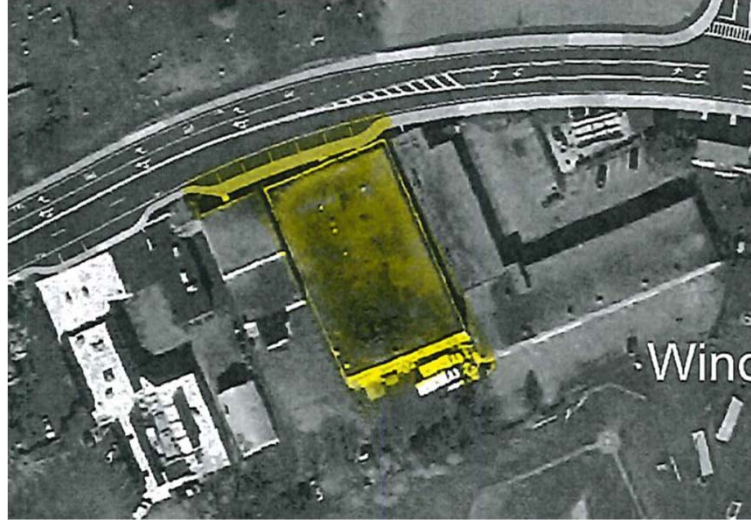
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12



### Photo- MassDOT project info



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### Proposed Findings

1. *The specific site is an appropriate location for the proposed for-profit educational use as it is located in an active commercial area with a mix of retail, service, office and residential uses (§7.3.3.C.1);*
2. *The proposed for-profit educational use as developed and operated will not adversely affect the neighborhood as the site is located in a mixed-use area with active commercial uses and has adequate on- and off- site parking to meet the projected parking demand for the proposed uses (§7.3.3.C.2);*
3. *There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);*
4. *Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).*

14

1. **The Site** is on the second floor of 66 Winchester Street, above Boston Showcase. It is a large open area with enough space for 3 or 4 pair of teens to learn and practice their fencing skills. It is an appropriate location for the proposed for profit school.

2. **The proposed school will not adversely affect the neighborhood.** The young men and women who will come to this facility will be between the ages of 10 and 16. As a general policy of student control, they will be asked to enter by the front door of the building and into the reception area of the facility. Very few will be driving themselves to practice. Mr. Hondor's experience is that parents, siblings or a designated person will drop them off and pick them up. Sometime the driver will come in and watch the practice. In any event, Mr. Hondor has the opinion that there is sufficient parking. It is one of his concerns because if there is not sufficient parking it will have a negative effect on his business. In completing his "due diligence" before agreeing to rent the space he determined that from 4:00 on there is no business activity at Boston Showcase. There is little or no parking in the front of the building and there is a similar situation in the back. In the summer there is street parking for those using the playing fields in the back of the building and he does not expect that situation to cause any problems.

3. **Appropriate Location:** This site is an appropriate location for a fencing school. It is in a large commercial building. The building is 47,800 sq. ft. The rented space is 6,750 square feet. The space is open and the tenant fit up is limited. Today's market conditions and competition with internet sales require less space for the owner's business and the conversion of warehouse space to a fencing school is appropriate.

4. **Adverse Effect:** The Fencing activities are quiet and a minimal intrusion. The building is surrounded on three side by other commercial properties and the nearest residential use is about 600 feet distant. To the rear are municipal playing fields. The fencing activities will not adversely affect the neighborhood.

5. **Nuisance or Serious Hazard** Similarly the use will not create a nuisance or a serious hazard to vehicles or pedestrians. The density of use is the determining factor. The allowed uses within the Mixed-Use Zone District contemplate a greater density of use, such as a clubhouse, Community Use space, a theatre or hall, a health club, a restaurant or retail sales.

6. **Site access** over the adjacent streets is appropriate for the types and numbers of vehicle in the use of the building for a fencing school and as described above.

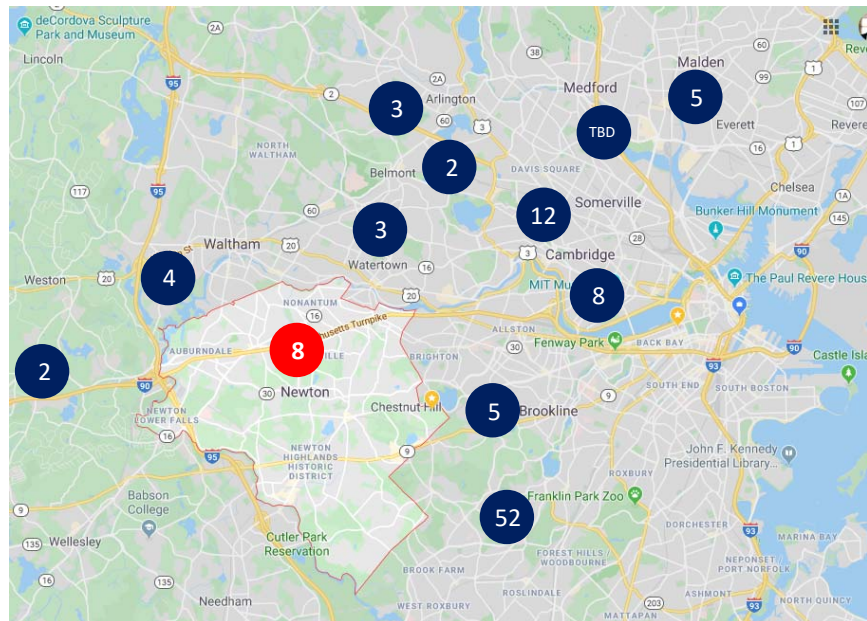




1089 Washington Street, Newton  
Meeting with abutters  
January 27, 2020

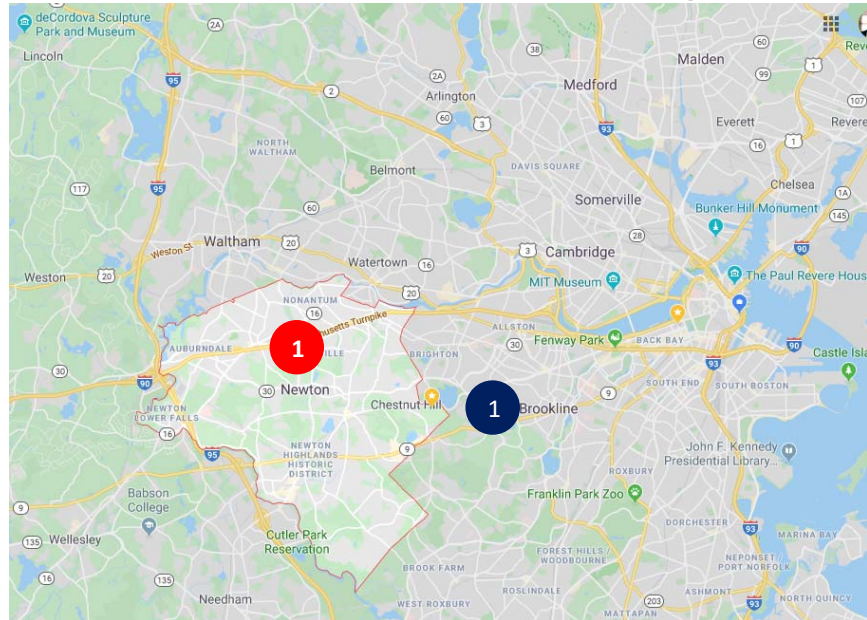
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## Area Cannabis Licenses: Total



2

## Area Cannabis Licenses: Open



3

## Total Number of Dispensaries for Newton

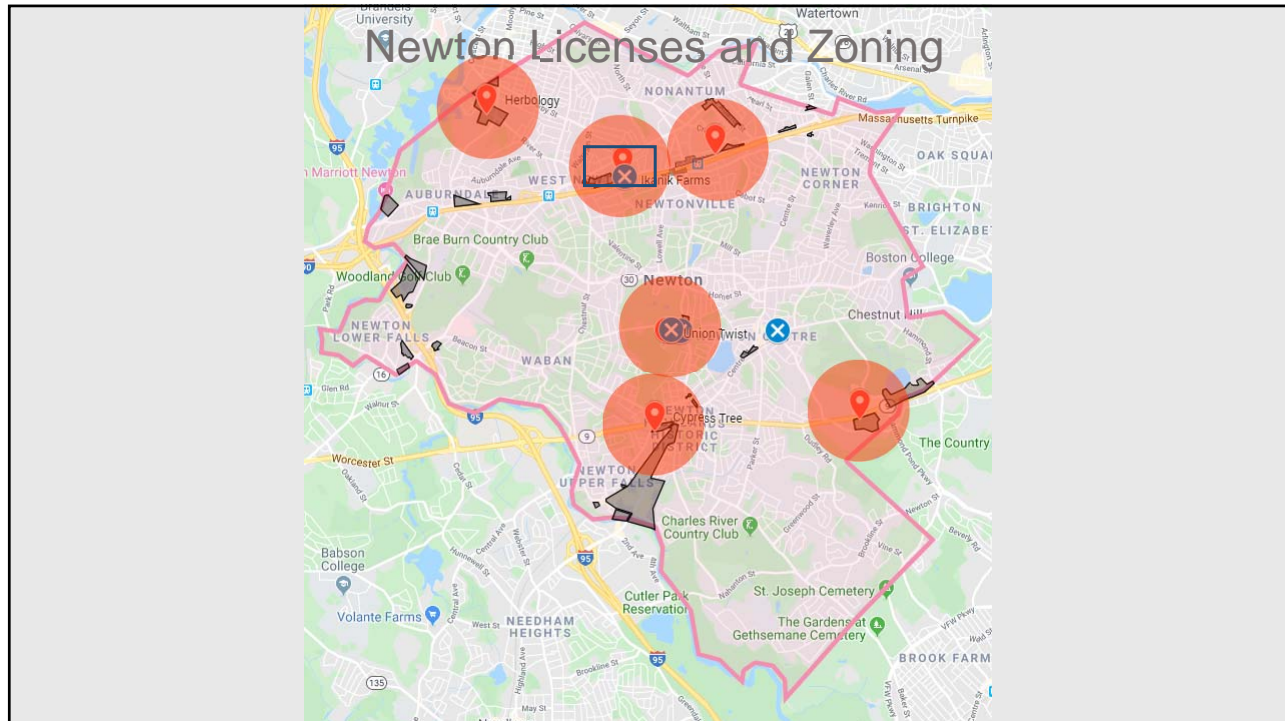


Yes: 54 %

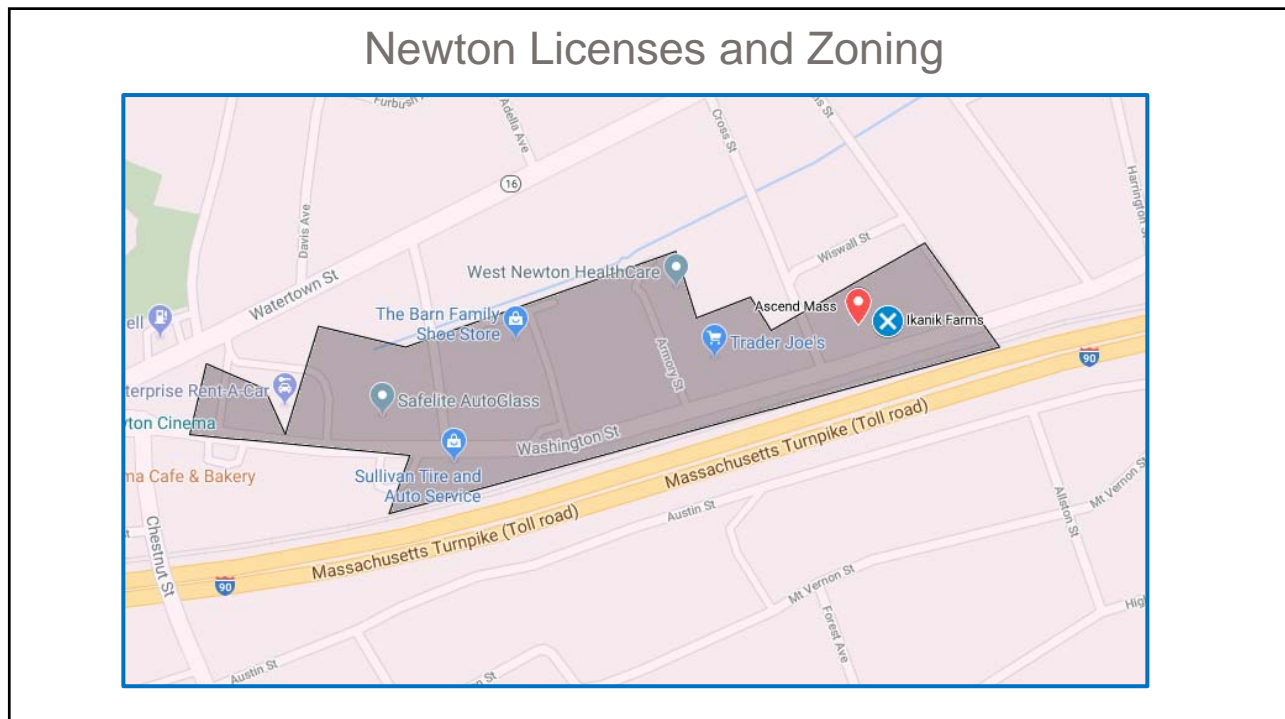


Total Liquor Stores: 36  
 $36 \times 20\% = 7.2 \rightarrow 8$

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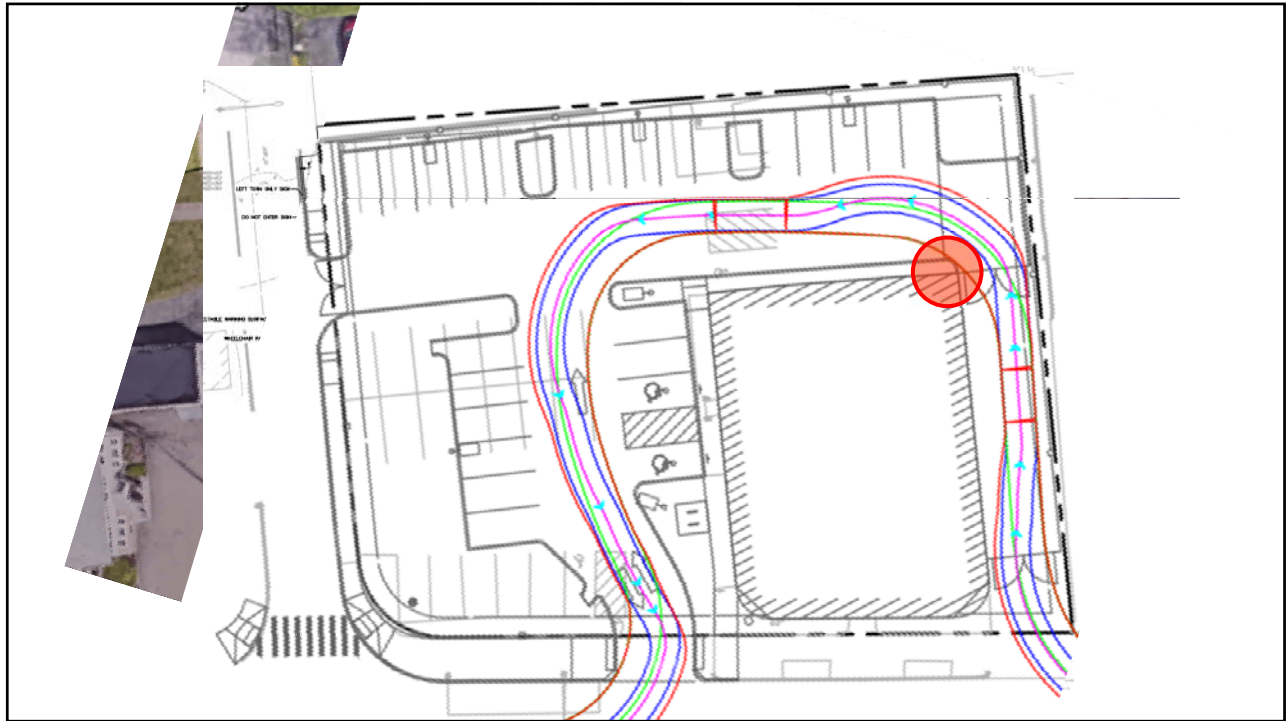
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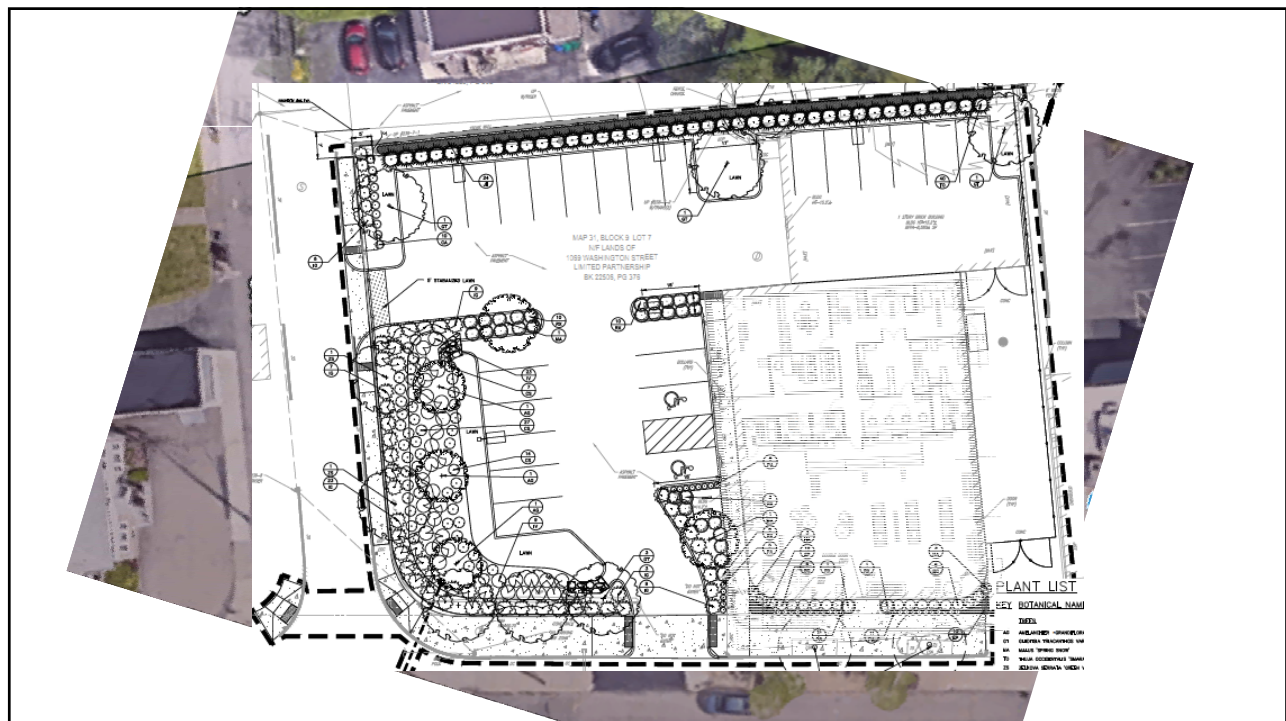


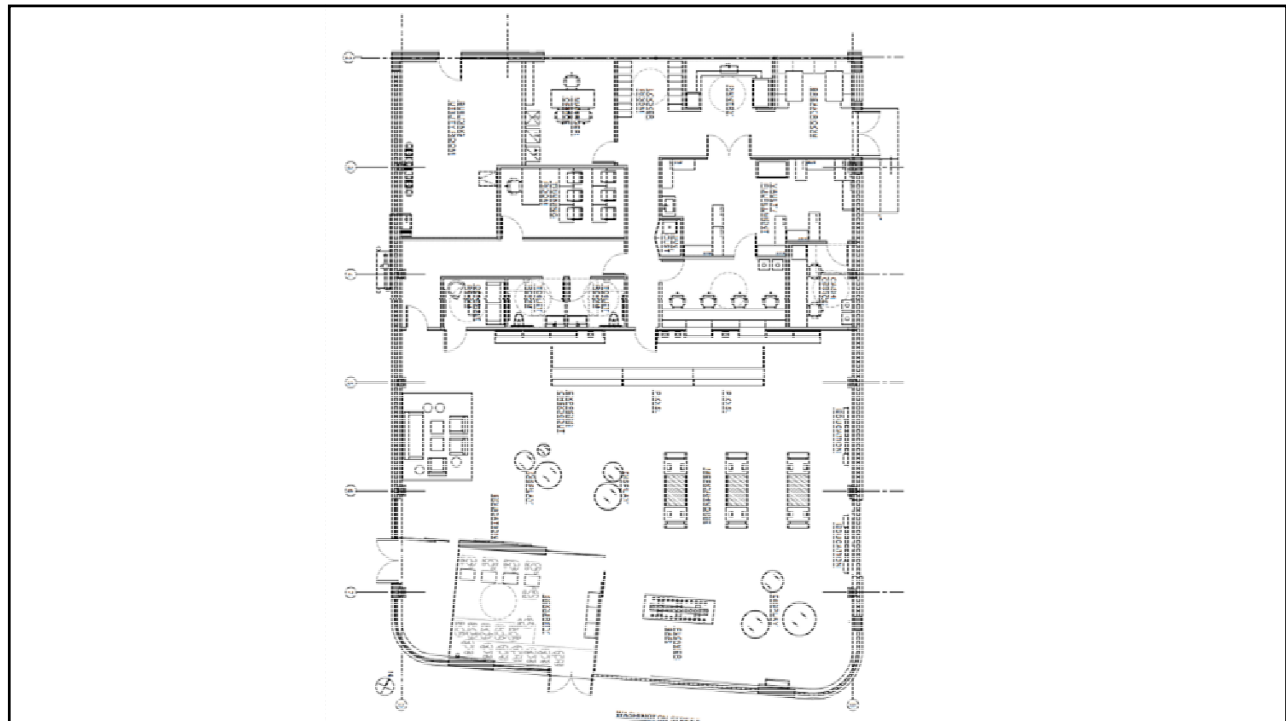
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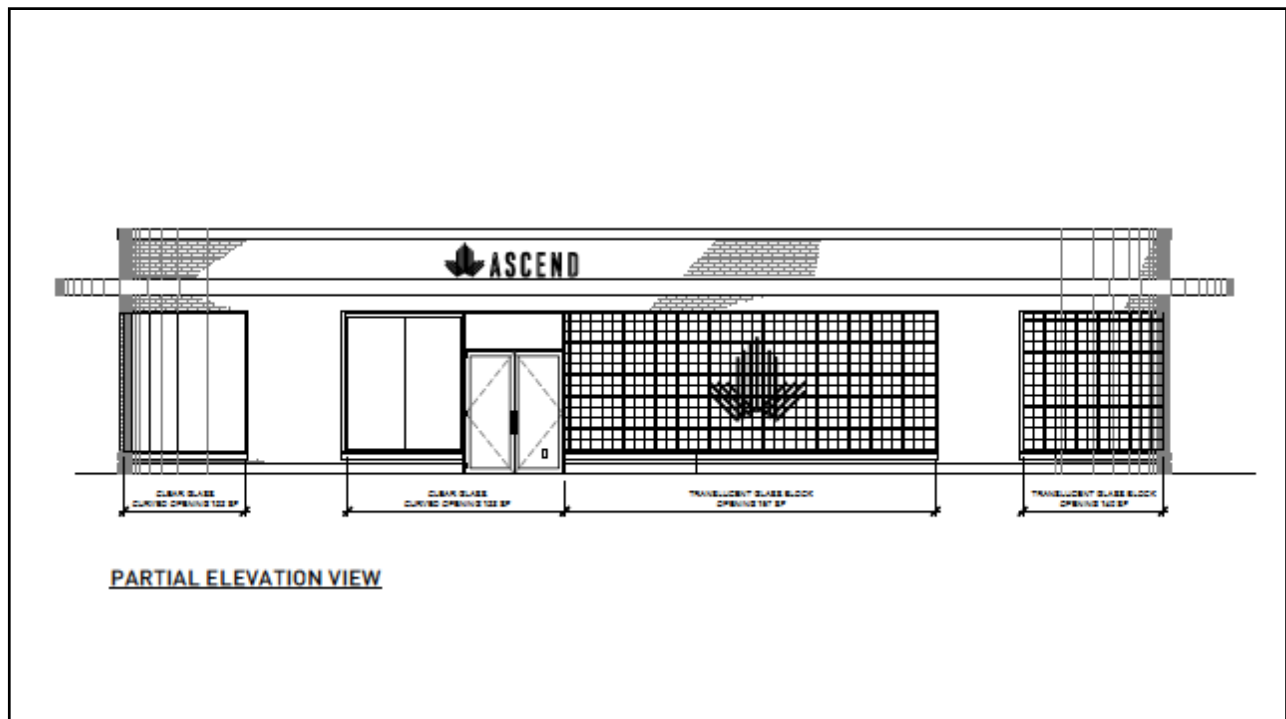
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24

## 697 Washington Street Calls for Service 2019

Incident	Number	Description
Traffic Enforcement (Directed Patrol)	6	
Alarm Call	5	
Breaking & Entering (vehicle)	1	Employee's car
Found property	1	
Suspicious Person	1	Passerby called in suspicious person call for the security guard because he was armed
Investigation	1	Camera company called because police officer was walking around as place was closing
Check Person	1	Evaluation

## Department of Planning and Development



**PETITION #67-20  
58 CROSS ST./  
1089 WASHINGTON ST.**

**SPECIAL PERMIT TO ALLOW A  
MARIJUANA RETAILER AND  
WAIVE LIGHTING  
REQUIREMENTS**

**FEBRUARY 4, 2020**



1

## Requested Relief



Special Permit per §7.3.3 of the Newton Zoning Ordinance to:

- To allow a Marijuana Retailer (§4.4.1, §6.10.3.D)
- To waive the lighting requirements (§5.1.9.A)

2



## Criteria to Consider

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed Marijuana Retailer (§7.3.3.C.1).
- The Marijuana Retailer, as developed and operated, will not adversely affect the neighborhood (§7.3.3.C.2).
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3).
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).
- Literal compliance with the lighting requirements is impracticable due to the nature of the use, size, width, depth, shape or grade of the lot or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features. (§5.1.13)

3

## Criteria to Consider Continued

- The lot is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site, whether driving, bicycling, walking or using public transportation. (§6.10.3.G.1.a)
- Loading, refuse and service areas are designed to be secure and shielded from abutting uses. (§6.10.3.G.1.b)
- The Marijuana Retailer is designed to minimize any adverse impacts on abutters. (§6.10.3.G.1.c)
- The Marijuana Retailer is not located within a 500-foot radius of a public or private K-12 school. (§6.10.3.G.2.a)
- Traffic generated by client trips, employee trips, and deliveries to and from the marijuana retailer will not create a significant adverse impact on nearby uses. (§6.10.3.G.2.b)

4

## Criteria to Consider Continued

- The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior. (§6.10.3.G.2.c)
- The building and site are accessible to persons with disabilities. (§6.10.3.G.2.d)
- The lot is accessible to regional roadways and public transportation. (§6.10.3.G.2.e)
- The lot is located where it may be readily monitored by law enforcement and other code enforcement personnel. (§6.10.3.G.2.f)
- The marijuana retailer's hours of operation will have no significant adverse impact on nearby uses. (§6.10.3.G.2.g)

5

## AERIAL/GIS



6

## Zoning Map



### ATTACHMENT B

#### Zoning

58 Cross St.  
1089 Washington St.  
City of Newton,  
Massachusetts

#### Zoning

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



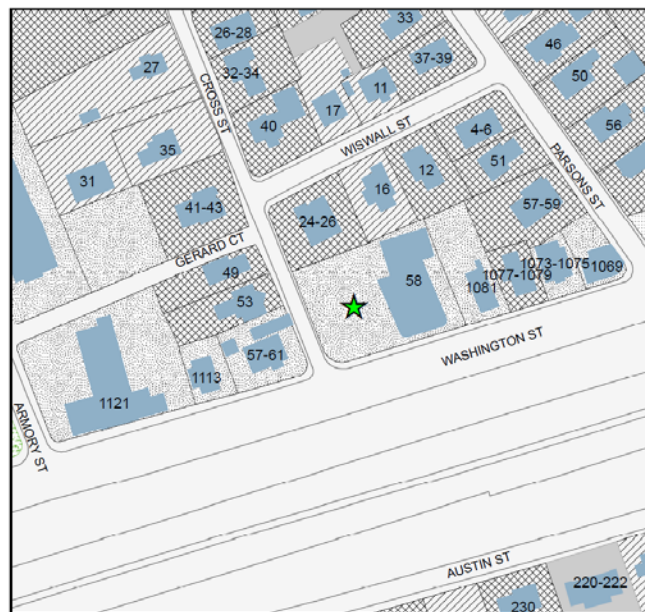
The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of the map is responsible for determining its suitability for their intended purpose. GIS Department will not accept any responsibility for errors or omissions based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Balbino Padilla  
GIS Administrator - Douglas Greenfield

0 125 250 375 500 625 Feet  
Map Date January 31, 2020

7

## Land Use Map



### ATTACHMENT C

#### Land Use

58 Cross Street  
1089 Washington Street  
City of Newton,  
Massachusetts

#### Land Use

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



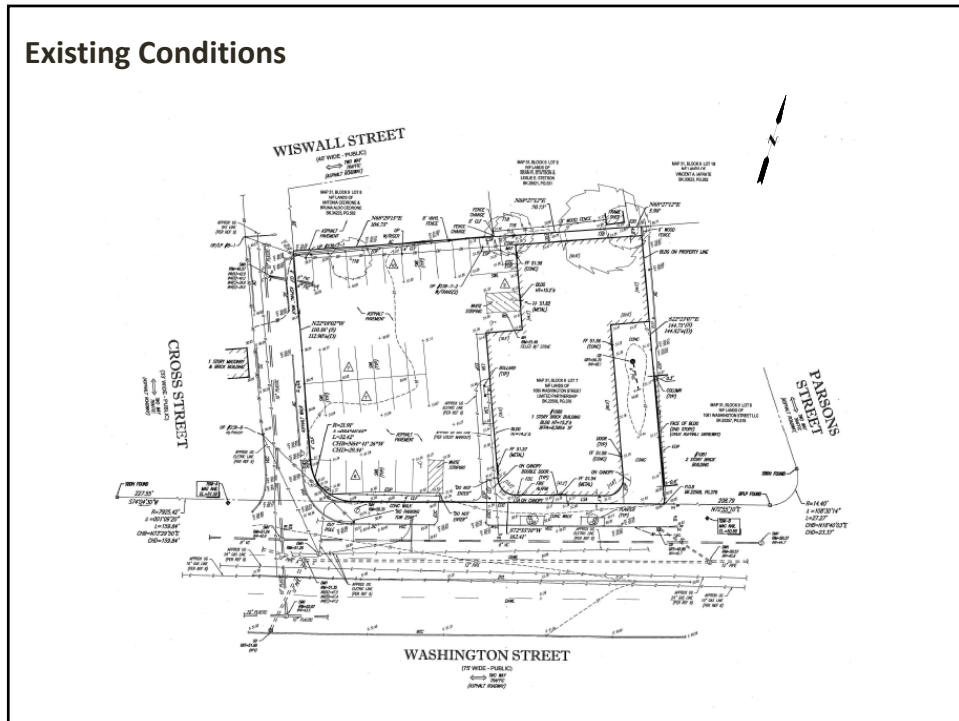
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Mayor - Balbino Padilla  
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0 125 250 375 500 625 Feet  
Map Date January 31, 2020

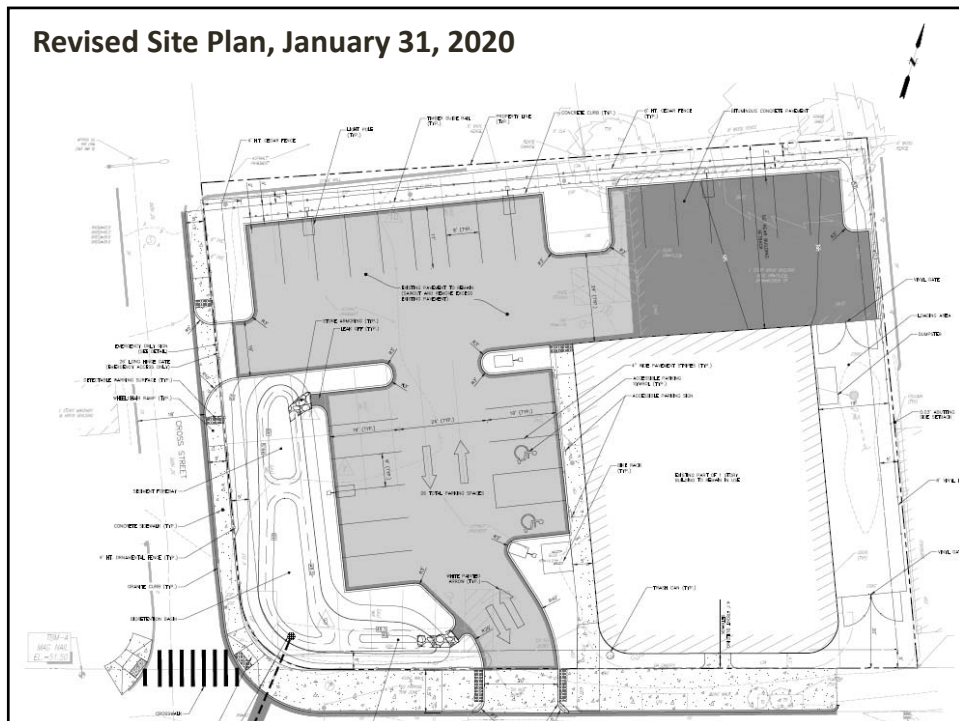
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## Existing Conditions



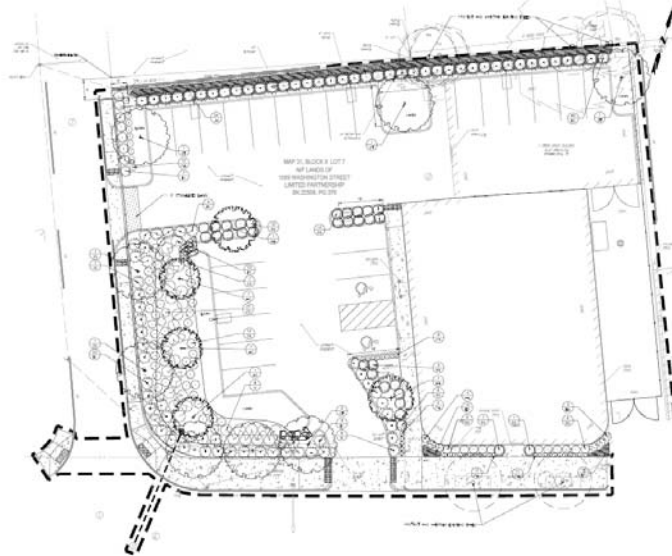
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## Revised Site Plan, January 31, 2020



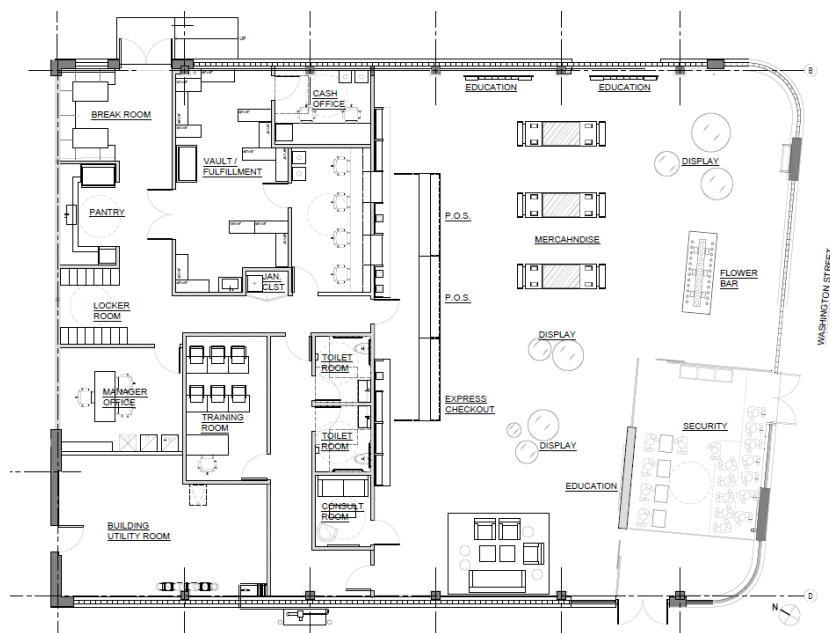
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## Landscape Plan, January 31, 2020



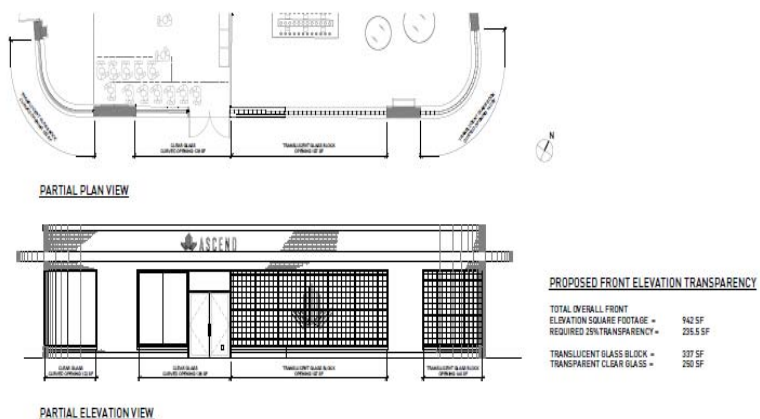
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## Floor Plan



12

## Elevations



13

## Transportation

- Traffic Review Letter provided by the petitioner – August 1, 2019
- Peer Review – September 26, 2019
- Response to the Peer Review – October 25, 2019
- BSC is satisfied with the responses that the Applicant provided – November 5, 2019

14

**MICHELLE B. CARRON, LL.M.**

ATTORNEY AT LAW  
1075 WASHINGTON STREET  
FIRST FLOOR  
WEST NEWTON, MA 02465

ADMITTED IN MA & NH

TEL. (617) 558-5525  
TOLL FREE (888) 882-0008  
FAX (617) 558-5504

February 3, 2020

Via email: [citycouncil@newtonma.gov](mailto:citycouncil@newtonma.gov);  
[nkhan@newtonma.gov](mailto:nkhan@newtonma.gov)  
Newton Land Use Committee  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: Proposed Ascend Dispensary, #67-20  
1089 Washington Street, West Newton, MA 02465

Dear Land Use Committee Chairman and Members:

Ascend intends to open a Marijuana Dispensary a few doors down from our commercial offices at 1075 Washington Street, West Newton with their new Petition filed in January, 2020. We have 19+ businesses in these offices.

Please note that the following issues that Adversely Impact our businesses have yet to be resolved. This is despite Ascend's multiple Land Use hearings in 2019 on their previous application for the same facility (#268-19). This application was withdrawn at the end of 2019; I am therefore assuming that all of the objections, documentation and studies submitted by the abutters, myself included, have been deleted and Ascend is starting with a clean slate.

The issues of concern are resolvable if proper safeguards and modifications are made PRIOR to Ascend opening their Dispensary and MUST be made, in writing, prior to any Land Use Committee Approval.

There are FIVE (5) items of concern for us - supporting information follows:

1. Lack of available **Customer Bathrooms** inside the Dispensary, both for current customers and waiting customers. The Cannabis Control Commission ("CCC") does not prohibit or discourage Customer Bathrooms as Ascend has previously indicated - public urination and imposition on neighboring business for their Customers needs;



2. **Two Hundred Forty-Seven (247) Traffic Accidents** were reported by the Newton Police Department within a few block radius of proposed site from 1/1/2016 - 10/31/19; these accidents were not included in Ascend's Traffic report which only listed the intersection of Washington Street and Cross Street up to 2016, nor negative impact to the on-street parking for local businesses/clients;

3. **Lack of waiting area** for the hundreds of customers on their premises impacting abutters safety and security;

4. Proposed **Long Hours of Operation** and their adverse impact to the neighborhood parking and physical location - these hours need to be shortened to 10 am - 8 pm, Monday - Saturday with NO 'FIRST AVAILABLE' appointments but Scheduled appointments only;

5. **Security Cameras** - Monitoring by Law Enforcement, not Neighbors with Real Time Monitoring.

---

**Issue #1: Bathrooms.** Public Inside Bathrooms for both Medical and Recreational Use ARE permitted by CCC and currently exist in other approved MA Dispensaries despite argument of Ascend to the contrary. This includes Brookline, North Hampton, and Ascend's Dispensaries in Cambridge and Boston.

**Adverse Impact:** Without bathrooms for customer use, there will be more incidents of public urination and overwhelming influx of customers at our office building trying to use our private bathrooms. Public urination has occurred at both the Brookline and Newton (Garden Remedies) Dispensaries in abutters' yards.

***Medical Emergency Use of Bathroom NOT AVAILABLE (M.G.L.c.270,§ 26)***

*FYI - Rules for **emergency medical use of Bathroom** - everyone thinks patrons can use Ascend's staff bathrooms if they have a medical condition. (Keep in mind Ascend is Adult use only (not medical marijuana)). That is NOT the case.*

*Ascend can **legally deny** any use of their bathrooms by their Customers (Patron's) because **all Three** of the following criteria must be met:*

- 1. The patron must have an **eligible medical condition** requiring bathroom access;*
- 2. Patron must have a **Doctor's letter** about the condition; and*
- 3. Use of the bathroom cannot constitute a **safety risk** to the patron or a security risk to the establishment.*

*Miss any of the three and the Patron can be legally denied.*

*Ascend's bathrooms are located within parts of the building for employee access only, where their product or funds are stored. No Patron will be allowed to go there. And they will be in full compliance with the law when they deny use of the bathroom.*

**Solution:** Ascend needs to include Public Bathrooms for all of its customers, regardless of whether the customer is already in their store or waiting for entry.

---

**Issue #2: Traffic, Accidents and Parking** - Ascend only reported accidents on Cross Street from 2014 - 2016. Nothing for the last four years.

**Traffic** will be leaving the Dispensary flowing out to Washington Street and going Left to Newton Corner and Right to West Newton Center and beyond as well as onto side streets and Cross Street.

There have been 247 reported accidents in the last four years for the area surrounding the proposed Dispensary. This number will **increase** when MADOT adds the remainder of 2019. And this is just the area between Lowell Ave to the Left and Chestnut to the Right of proposed Dispensary from 1/1/2016 - 10/31/19. See the MADOT map (attached). Each red dot is NOT one accident. It represents many.

See also the MADOT graph (attached). It shows an Increase in traffic accidents every year and then a decline AFTER Beacon Hill Health Club closed for business.

**Adverse Impact:** Parking for our businesses, staff and clients will be eliminated by Ascend's customers taking all available on-street parking. At a minimum, Ascend needs to remain closed until 10:00 am to at least provide parking for our businesses' staff and first morning appointments. Ascend's customers should be prohibited from parking on the currently limited on-street parking on Washington Street.

**Solution:** Ascend must be required to:

- Have Appointments Only - NO 'FIRST AVAILABLE' Appointments;
- Delay morning opening to AFTER RUSH HOUR (i.e. 10:00 am) (like Brookline Dispensary and Garden Remedies);
- Restrict hours to 10:00 am to 8:00 pm, Monday - Saturday;
- Limit total occupancy at any given time - NOT appointments every 5 minutes per employee which will result in hundreds per hour, coming,

going and shopping - the latest verbal number from Ascend is 65 new customers per hour - this is not in writing anywhere in their proposal;

- Require Mandatory Police directing traffic onto Washington Street during congested times of day/evening (not Ascend staff or security for issues within their parking lot);

- Prohibit customers from parking on Washington Street (similar to Garden Remedies prohibition of customers on their on-street parking).

---

**Issue #3: Lack of Waiting Area** for Customers.

There is currently no plan to house, hold or locate the 200+ per hour customers entering, waiting to enter and waiting to leave the Dispensary. In bad weather they will be in our office building foyer, hanging out on our front porch, and congesting the entire area including sidewalks, blocking local school children, neighbors and clients access to the Public Transportation Bus Stop in front of Ascend, blocking access to on-street parking, etc. interfering with our clients and patients privacy and physical access to our building.

**Adverse Impact:** This will cause Safety and Privacy concerns for our clients and staff, will clog the entry and exit to our offices, and will discourage clients from coming to our building with so many people milling about.

Many of the businesses in our building do not have their own reception areas. With the influx of people hanging out in our building until their appointments, waiting for transportation, they will be in our hallways, foyer, front steps, etc. obstructing our clients and interfering with their safety and privacy.

The late hours of the dispensary means more people after dark, causing more safety concerns for our clients.

If our Landlord is forced to install an expensive locked entry with buzzer system on all entries, it means our clients will be stranded Outside instead of Inside near our businesses waiting for their appointments as they cannot be buzzed in while the proprietor is with the preceding client. This is an undue burden to us all.

**Solution:** Install a waiting area that can hold the 200+ customers entering, exiting and waiting for transportation - either inside or outside the facility. Like Ascend has included in their Boston Dispensary (~700 square feet of Waiting Area).

Also install a covered bus stop (large as possible) for all of the customers waiting for public transportation and Lyft/Uber immediately outside their proposed facility.

---

**Issue #4: Hours of 10:00 am - 8:00 pm and PROHIBIT "FIRST AVAILABLE" appointments to minimize adverse impact to neighborhood;**

Hours need to be limited to 10:00 am to 8 pm, Monday - Saturday. The current anticipated amount of people (up to 200 per hour) coming, going, trying to make their appointment, waiting for transportation, and shopping will adversely impact our businesses and the neighborhood. This site cannot accommodate the large influx of people on this small location.

**Adverse Impact:** This will result in more:

- Street Traffic - cars double-parked on Washington Street waiting for parking;
- Sidewalk Traffic clogging pathway for residents, local school children and clients from the bus stop in front of Ascend inhibiting their passage;
- Ascend's customers wandering/loitering in front of local residences/businesses clogging entry;
- Overwhelm the available street parking for local businesses;
- Block access/entry to our businesses with Ascend's customers hanging out on our front steps (full flight of stairs outside, partially under cover), foyer, porch, etc. either for a place to sit and wait or to avoid bad weather.

**Solution:**

- Open at 10:00 am, which is After rush hour and close by 8:00 pm;
- Reduce/limit the amount of appointments per hour;
- Prohibit 'FIRST AVAILABLE' appointments -or customers will just show up hoping to squeeze in causing more traffic and clogged passageways

**#5. Security Cameras and Police Notification of Customer's Inappropriate and Unsafe Behavior.**

Ascend needs to take appropriate steps so their Customers can be readily monitored by Law Enforcement as is required and not force the neighborhood residents to take on the role of policing Ascend's customers in order to keep their families safe.

**Adverse Impact** of unmonitored Customers:

- Customers have urinated in neighboring resident's yards in Brookline and

Newton (Garden Remedies) abutting the Dispensaries in violation of the law;

-Customers have used their purchases in their cars parked near the Dispensary in violation of the law;

Ascend's application says it has security cameras that will record the activity from the perimeter of the facility. In their Boston Facility, they have a security system hard-wired with the local Police Department. Unclear what that actually means. Who is watching the video; in real time or later?

Here, in Newton, all that is planned is a security system that records the past. NO ONE at Ascend is monitoring the security cameras in real time to then take action. NO ONE at Ascend is calling the Police.

It is unsafe for any abutting resident to approach the Customer or take a picture of the offending Customer so they can call the Police and share this information with Ascend, as Ascend has requested, so they can cut off their customer's privileges. It is ASCEND who is required to keep us safe from their Customers, no matter how many or how few errant customers they have.

**Solution:** This is in three parts:

**First: Real Time Monitor** - Ascend must have a **real time monitor** of the Security System during all hours of operation. This person **MUST** be authorized and required to immediately contact the West Newton Police Department if any unlawful or unsafe activity is witnessed.

**Second: Uniformed Police Officer** - During peak hours, a **Uniformed Police Officer** must be on site to deal with traffic congestion - this person can be notified, if appropriate, by Ascend staff after calling the West Newton Police Department, for immediate assistance.

The West Newton Police Department must be notified for EVERY incident/infracton so there is a written record of what transpired for the protection of the neighbors and other Customers. Otherwise the offending Customer is long gone before the police get there and there is no documented record of the incident. As if it never happened.

**Third: Security System for Neighbors** - Ascend has offered the neighboring business of the Boston Dispensary security cameras/systems of their own. This is not appropriate here as most of the neighboring properties here are residential, not commercial as well as privacy issues.


An option is for **Ascend to provide**, at their expense, **doorbell cameras** or the

equivalent, with a minimum of two years subscription, so each homeowner (and local business who wants it), will have a recording of the safety infraction of the Ascend Customer and can have something to forward to the Newton Police and Ascend, while remaining in the safety of their own homes.

This option DOES NOT help with any urgent safety infraction but will record the identity and possibly the license plate of any person (in a car) which the Police can then track down. Again, it is not the responsibility of the neighboring residents to have to police Ascend's customers for the safety of themselves, their families and children.

Thank you for the opportunity to express our concerns as neighboring businesses who will be adversely impacted by the current proposal by Ascend for their Marijuana Dispensary in our Residential/Commercial neighborhood in West Newton.

Sincerely,



Michelle B. Carron, Esquire

Enclosure (2 DOT maps/graph)

MBC/dr

Reset Spatial Filters

crash date from 01/01/2016

crash date to 12/06/2019

Find

Draw

Address

Step 1: Draw Shape Type

Point

Line

Area

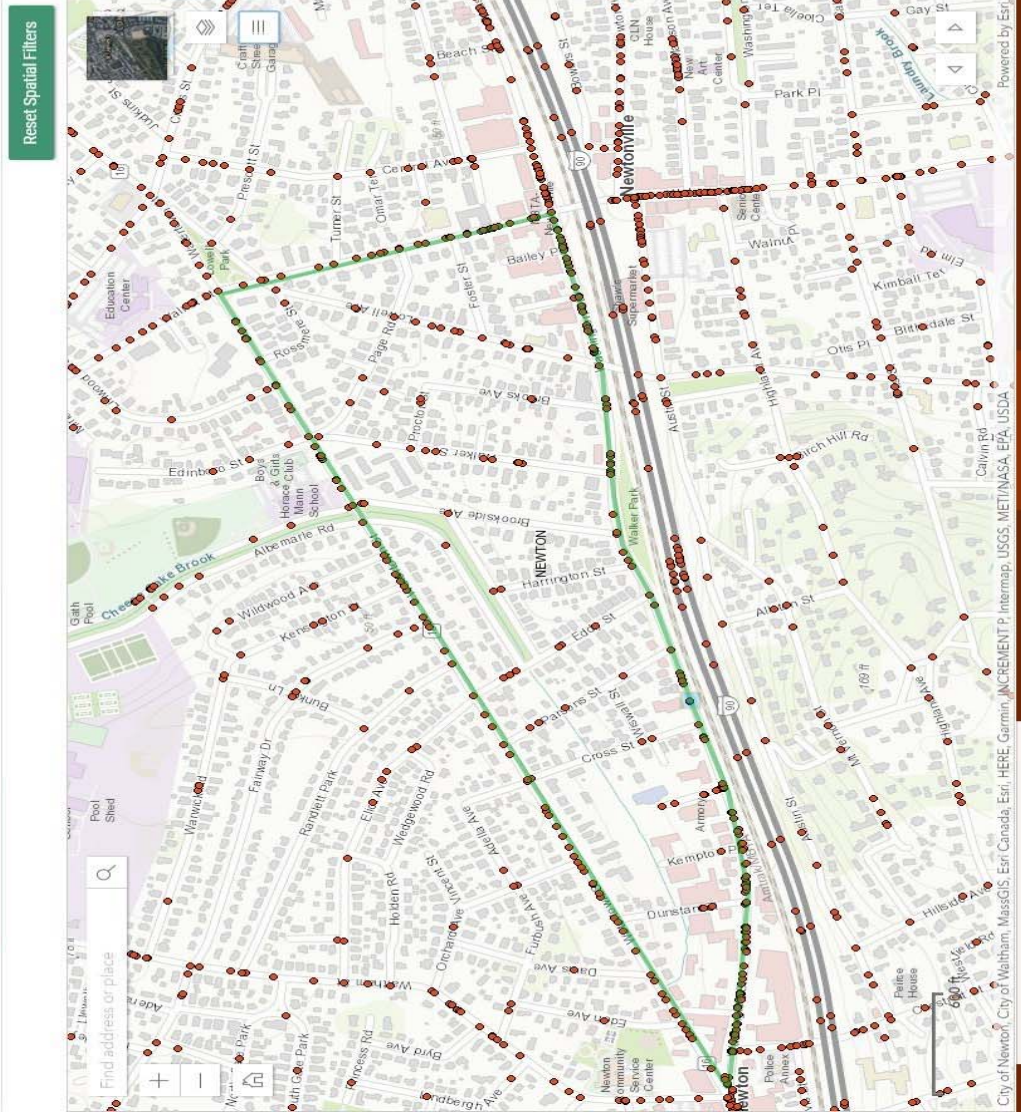
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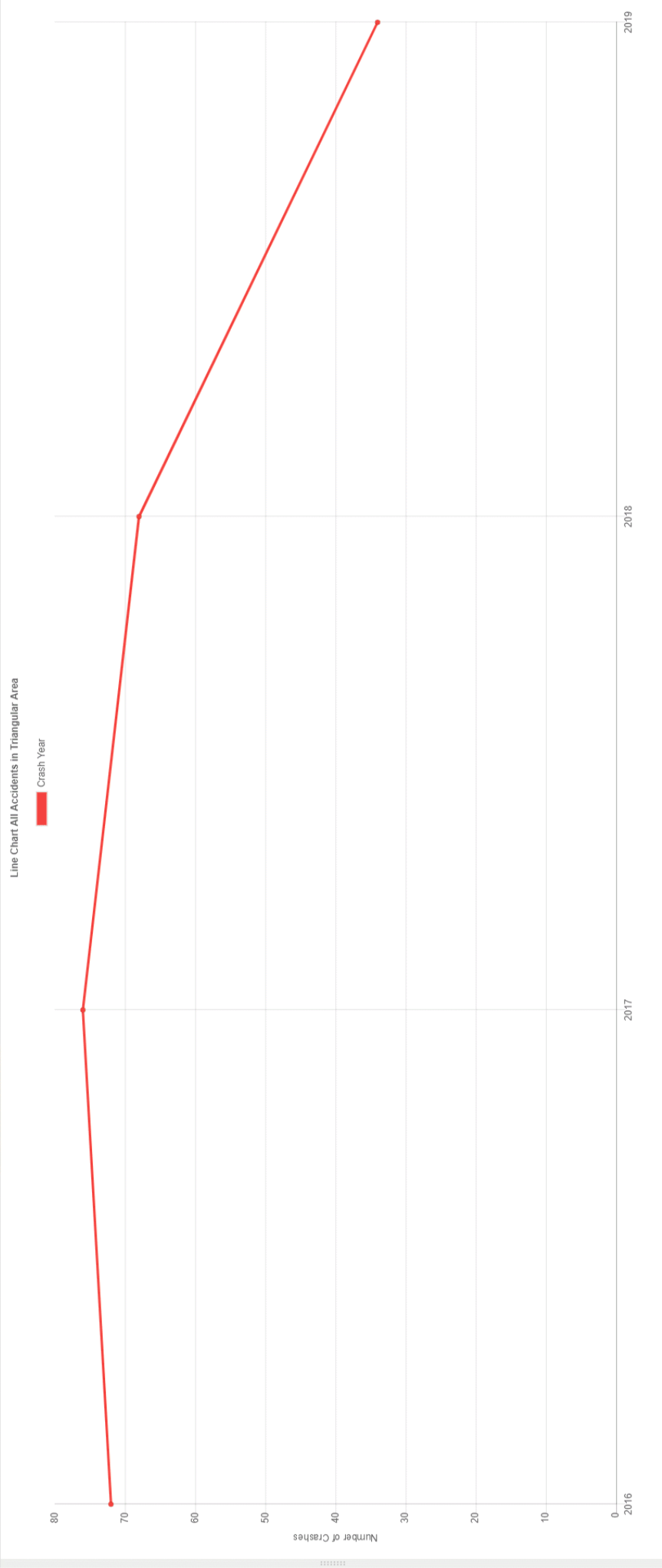
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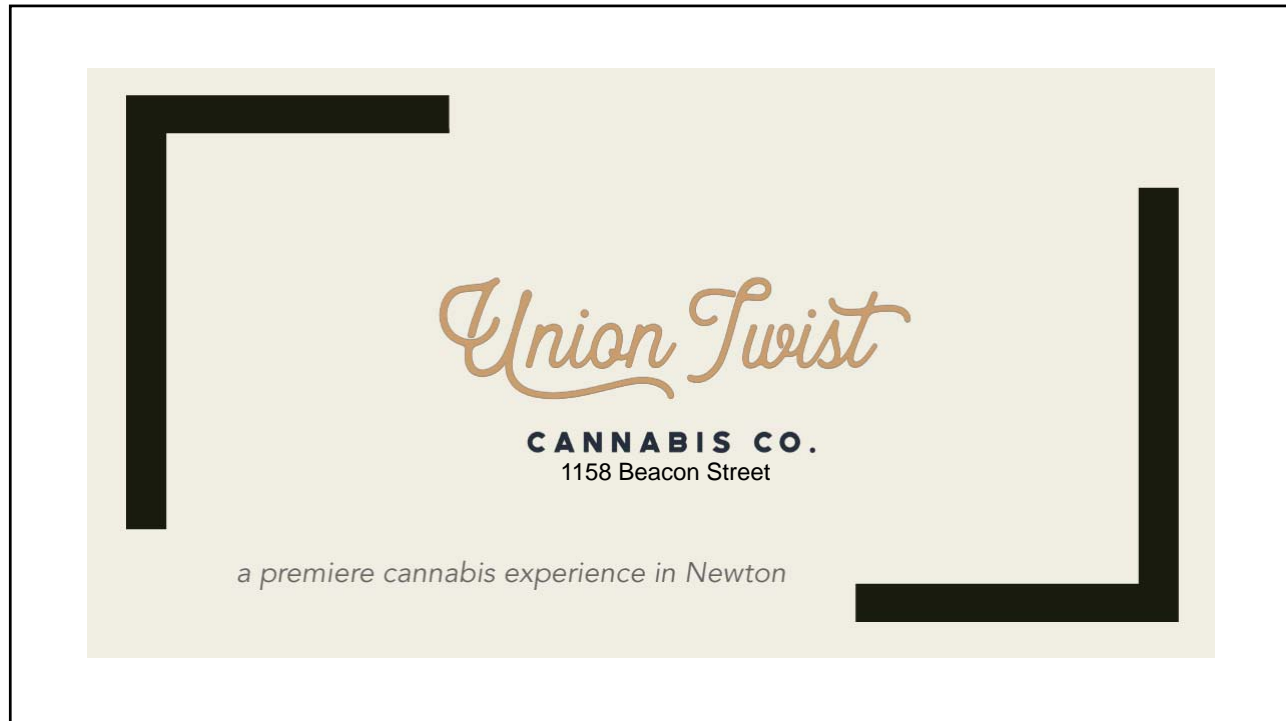
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Buffer

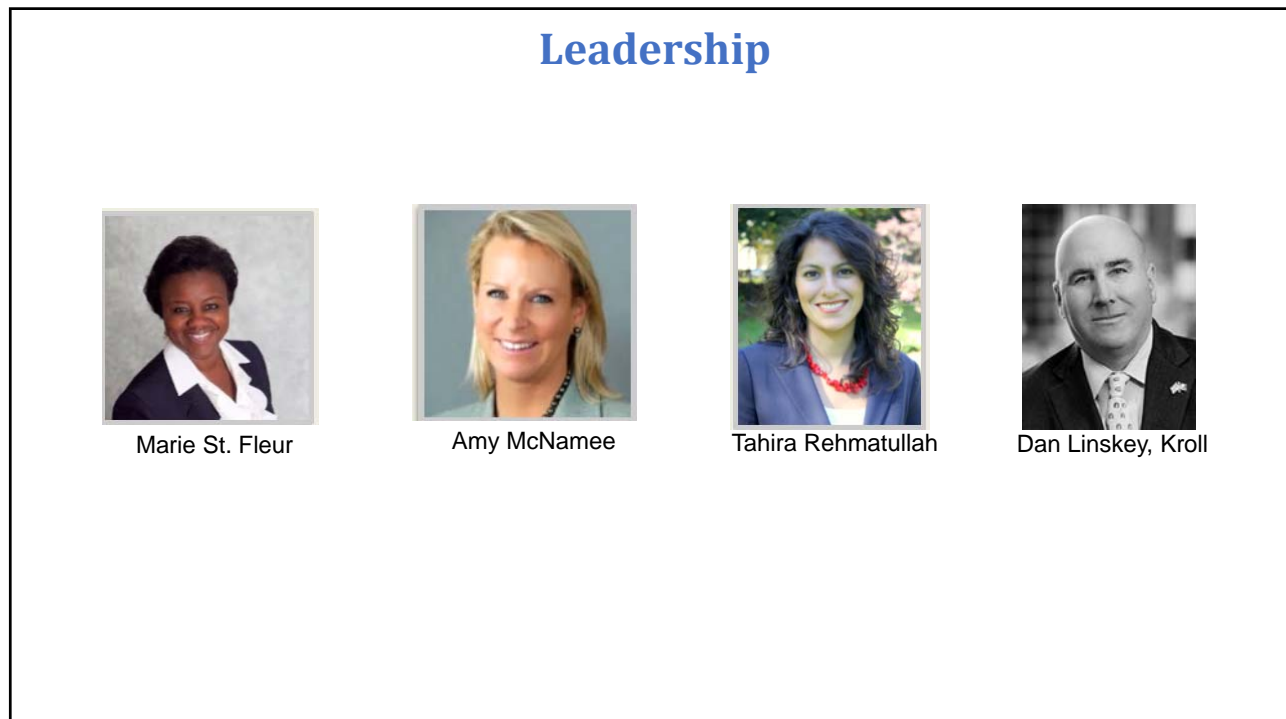






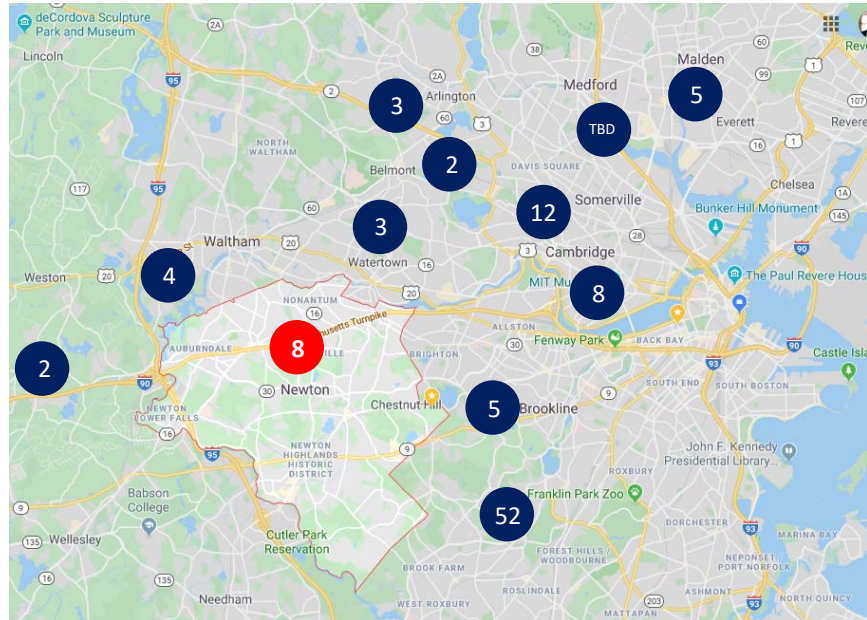


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## Area Cannabis Licenses



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## Total Number of Dispensaries for Newton

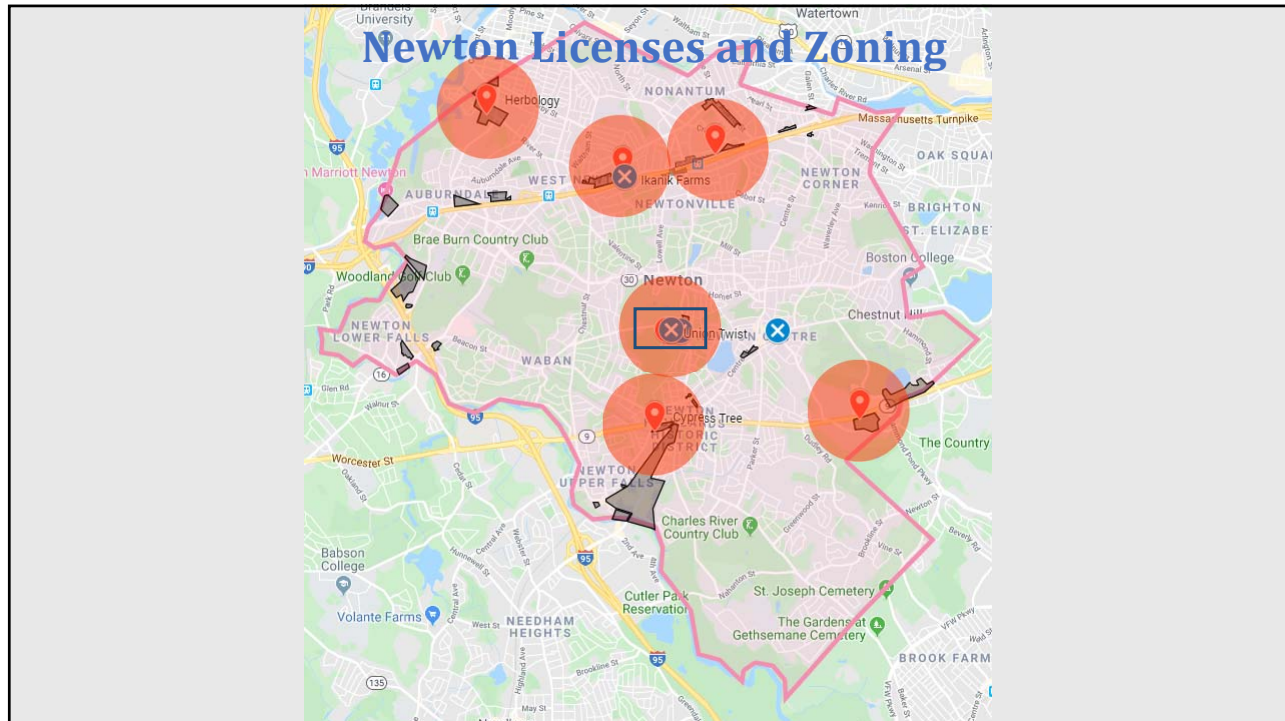


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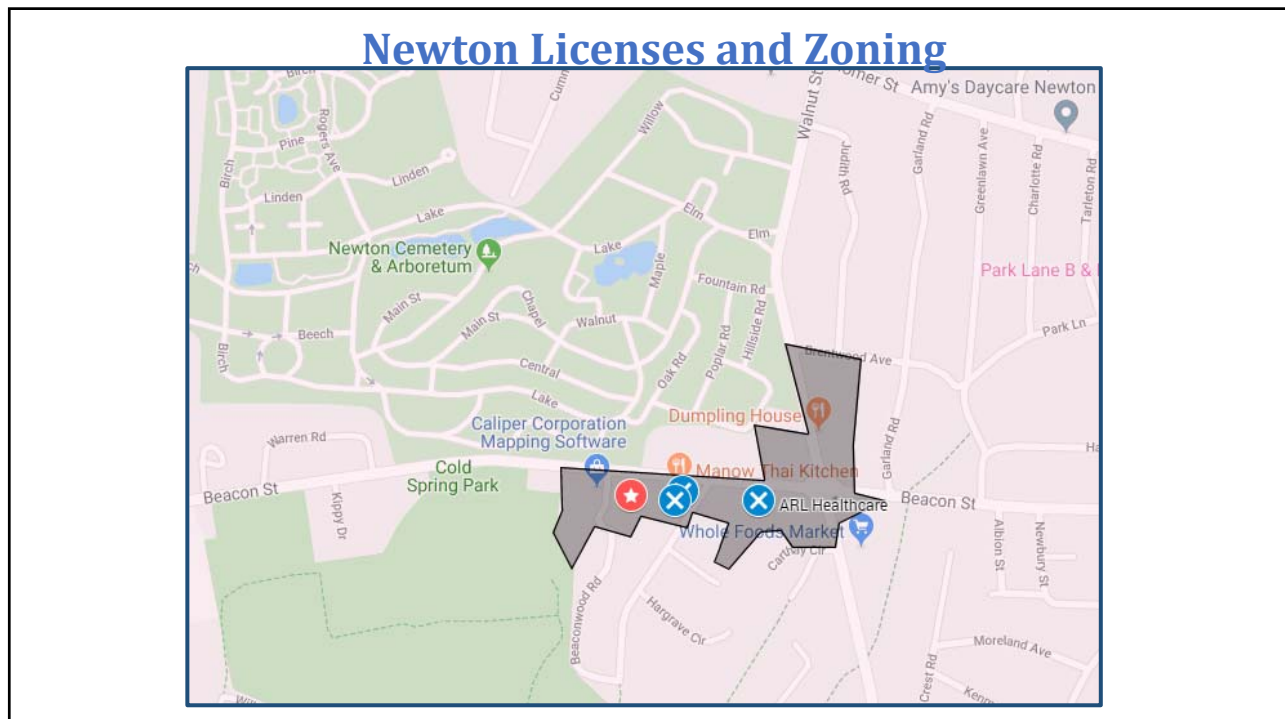


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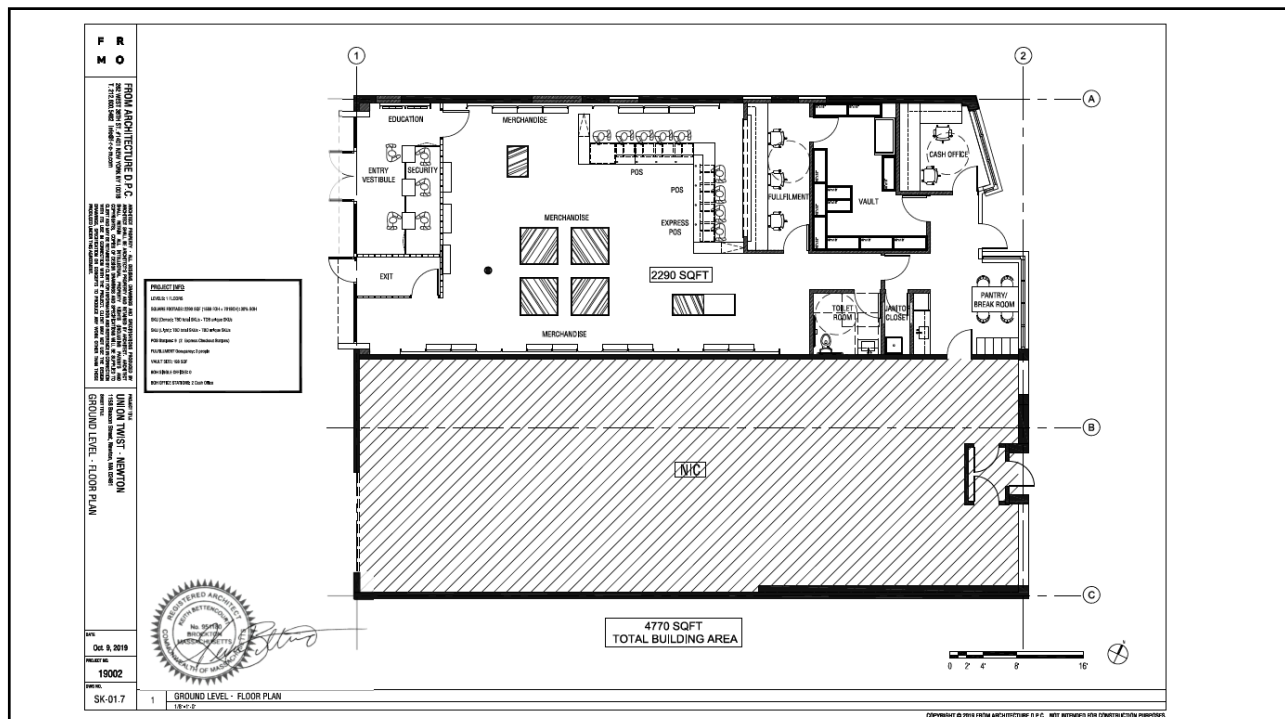
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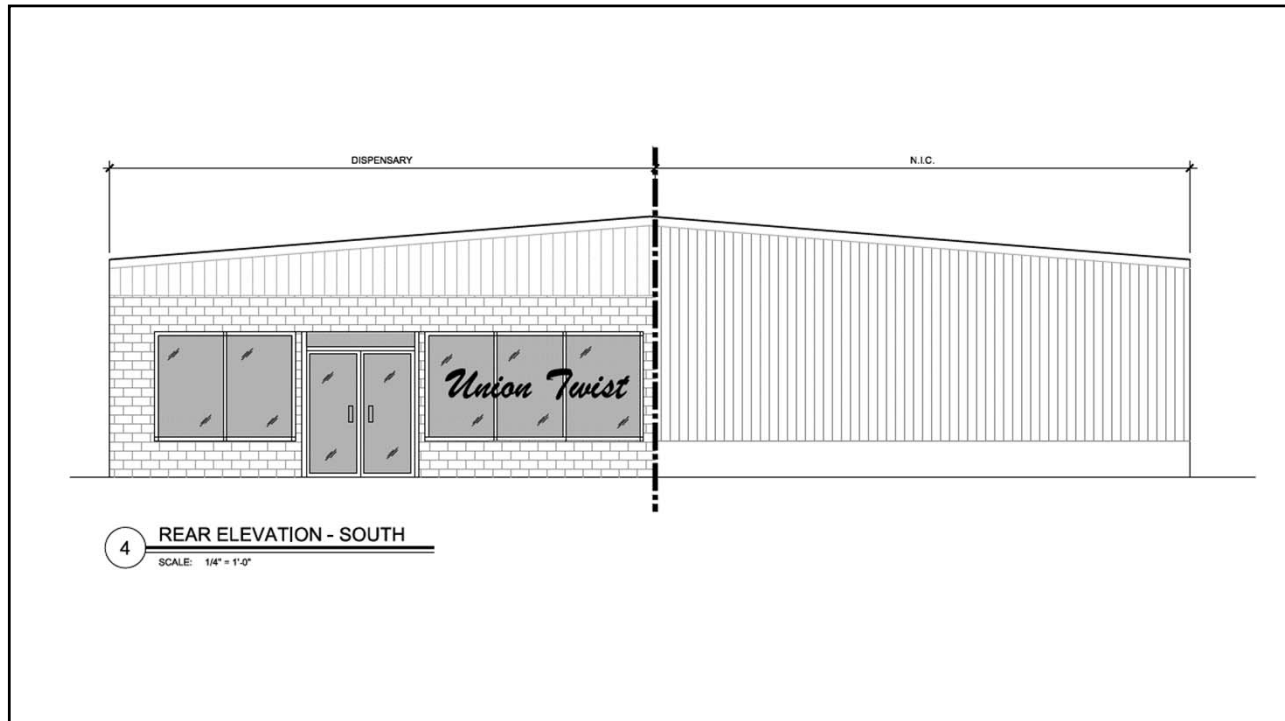


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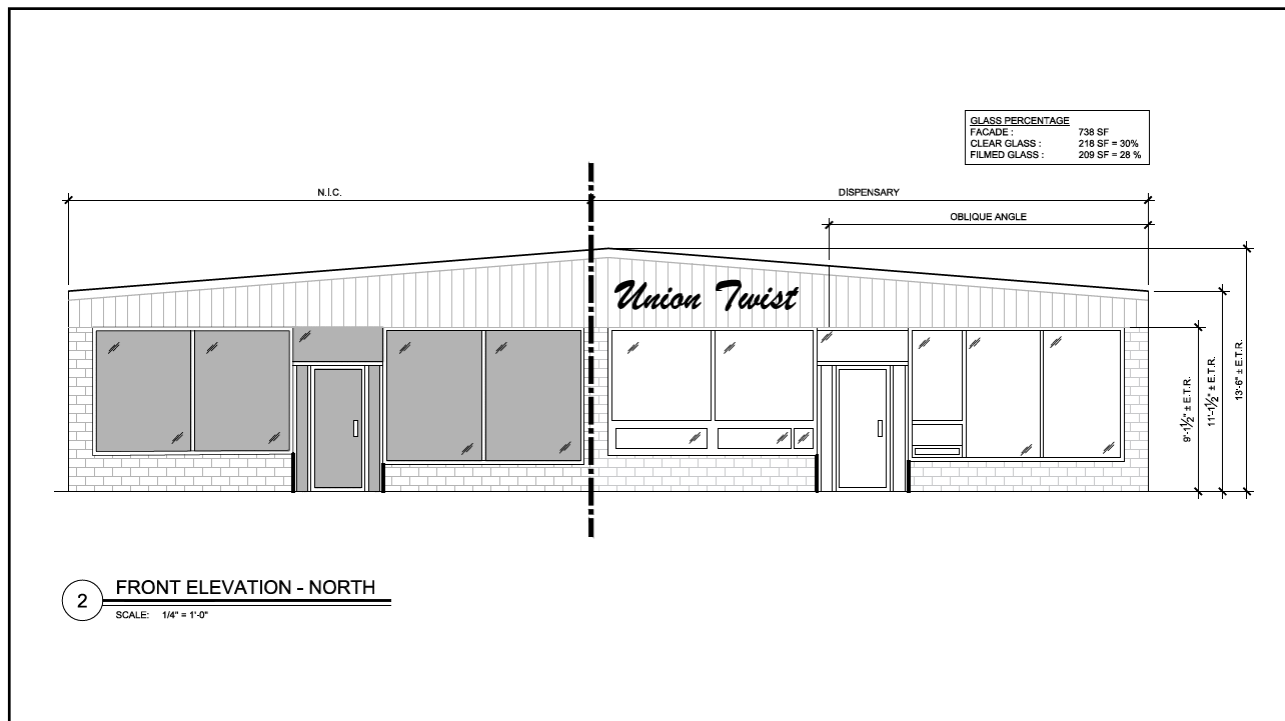


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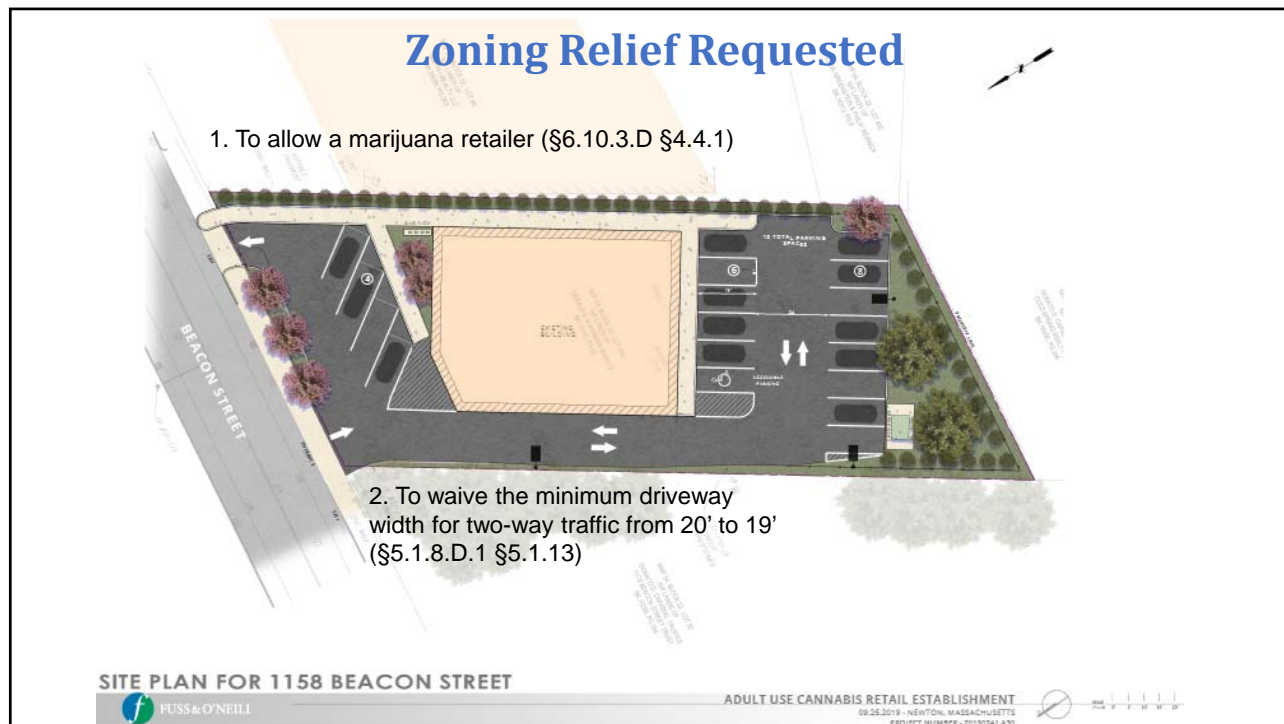
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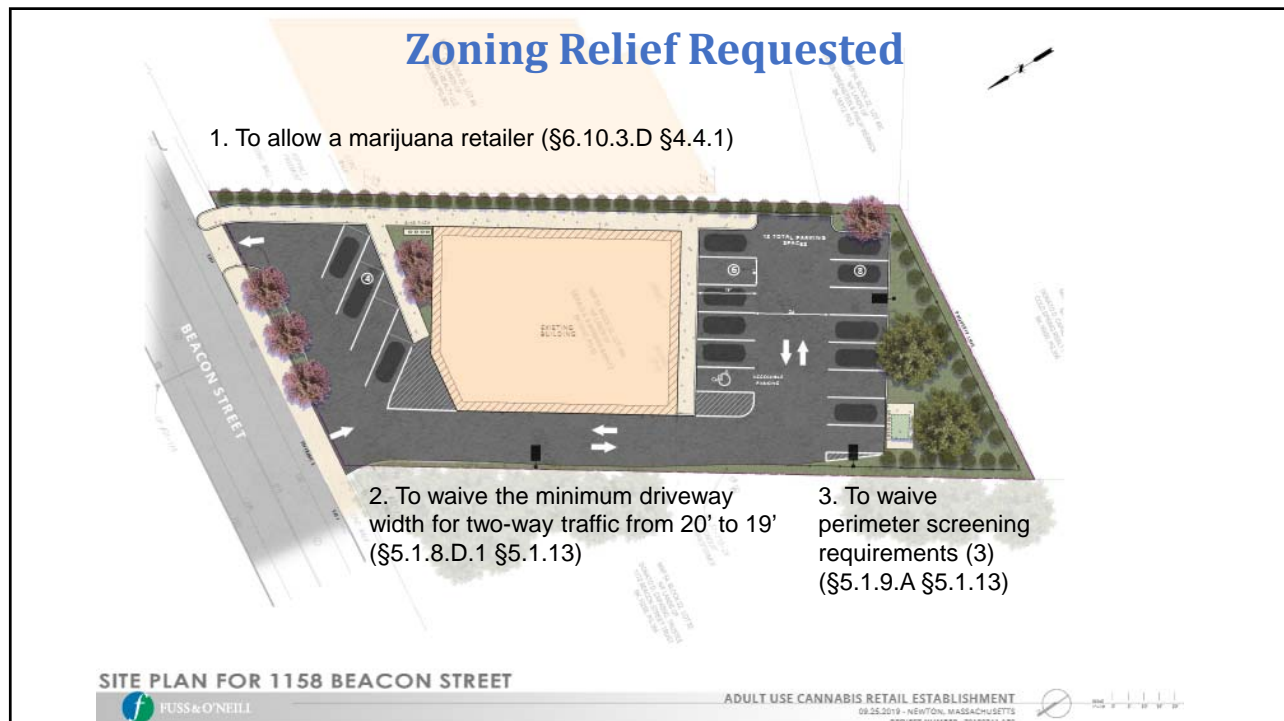
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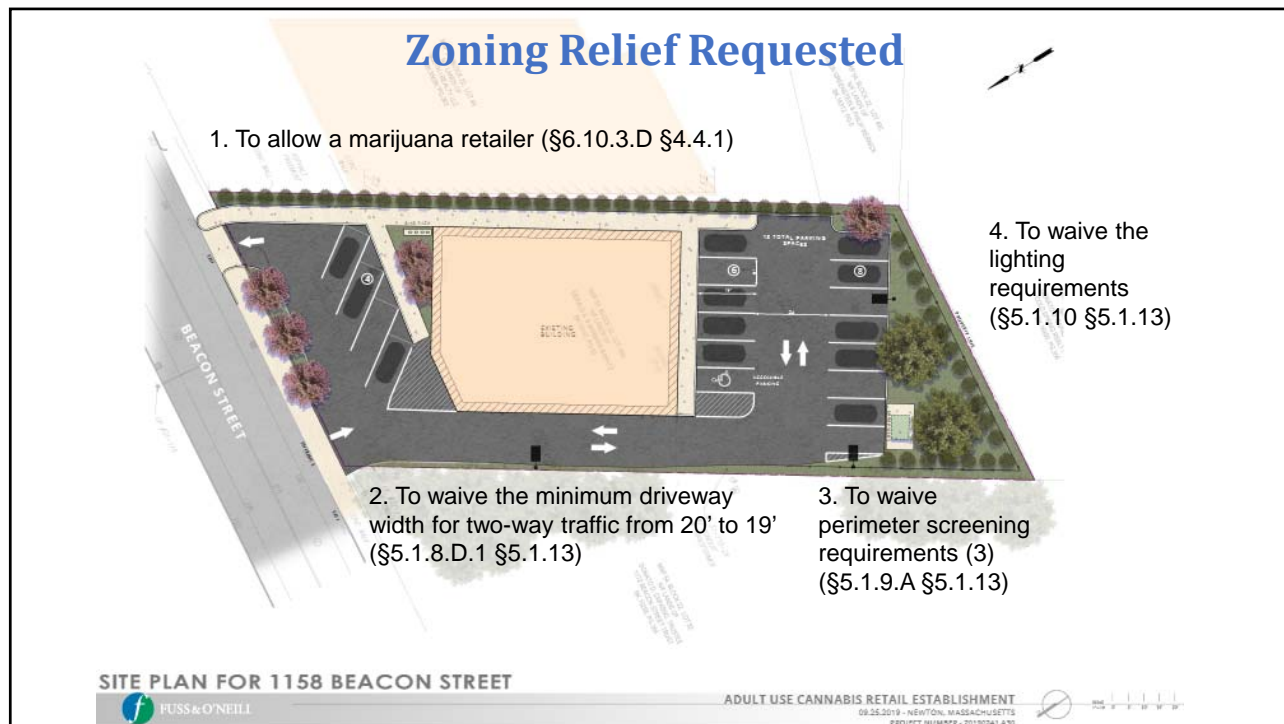
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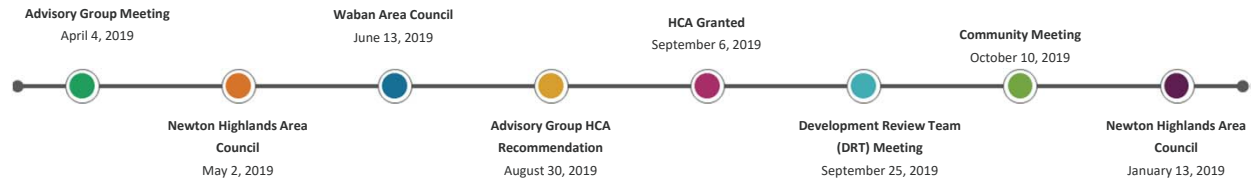
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## 697 Washington Street Calls for Service 2019

Incident	Number	Description
Traffic Enforcement (Directed Patrol)	6	
Alarm Call	5	
Breaking & Entering (vehicle)	1	Employee's car
Found property	1	
Suspicious Person	1	Passerby called in suspicious person call for the security guard because he was armed
Investigation	1	Camera company called because police officer was walking around as place was closing
Check Person	1	Evaluation

18

## Timeline To Date



## Department of Planning and Development



### **PETITION #25-20**

#### **1158 BEACON STREET**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO ALLOW A RETAIL  
MARIJUANA ESTABLISHMENT, TO  
WAIVE THE MINIMUM  
DRIVEWAY WIDTH FOR  
TWO-WAY TRAFFIC, TO WAIVE  
PERIMETER SCREENING  
REQUIREMENTS AND TO WAIVE  
LIGHTING REQUIREMENTS

*FEBRUARY  
4, 2020*



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## Requested Relief



Special Permit per §7.3.3:

- to allow a marijuana retailer (§6.10.3.D; §4.4.1)
- to waive the minimum driveway width for two-way traffic (§5.1.8.D.1; §5.1.13)
- to waive perimeter screening requirements (§5.1.9.A; §5.1.13)
- to waive the lighting requirements (§5.1.10; §5.1.13)

and, as noted updated Memorandum also includes additional  
required relief:

- to allow parking in the side setback (§5.1.8.A.1; §5.1.13)

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## Criteria to Consider

When reviewing the requested special permits the Council should consider whether:

- The specific site is an appropriate location for the proposed marijuana retailer (§7.3.3.1)
- The proposed marijuana retailer as developed and operated will not adversely affect the neighborhood (§7.3.3.2)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.3)
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.4);

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## Criteria to Consider (cont.)

- Literal compliance with
  - applicable parking facility requirements requiring a minimum driveway width of twenty feet for two-way traffic,
  - applicable parking facility perimeter screening requirements, *and/or*
  - applicable parking facility lighting requirements

is impracticable due to the nature of the use, size, width, depth, shape or grade of the lot or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§5.1.10; §5.1.13)

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## Criteria to Consider (cont.)

With regard to the special permit required to allow the proposed Marijuana Retailer, the City Council should also consider whether:

- The lot is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site, whether driving, bicycling, walking or using public transportation. (§6.10.3.G.1.a)
- Loading, refuse and service areas are designed to be secure and shielded from abutting uses. (§6.10.3.G.1.b)
- The Marijuana Retailer is designed to minimize any adverse impacts on abutters. (§6.10.3.G.1.c)

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## Criteria to Consider (cont.)

- The Marijuana Retailer is not located within a 500-foot radius of a public or private K-12 school. (§6.10.3.G.2.a)
- Traffic generated by client trips, employee trips, and deliveries to and from the marijuana retailer will not create a significant adverse impact on nearby uses. (§6.10.3.G.2.b)
- The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior. (§6.10.3.G.2.c)
- The building and site are accessible to persons with disabilities. (§6.10.3.G.2.d)

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## Criteria to Consider (cont.)

- The lot is accessible to regional roadways and public transportation. (§6.10.3.G.2.e)
- The lot is located where it may be readily monitored by law enforcement and other code enforcement personnel. (§6.10.3.G.2.f)
- The marijuana retailer's hours of operation will have no significant adverse impact on nearby uses. (§6.10.3.G.2.g)

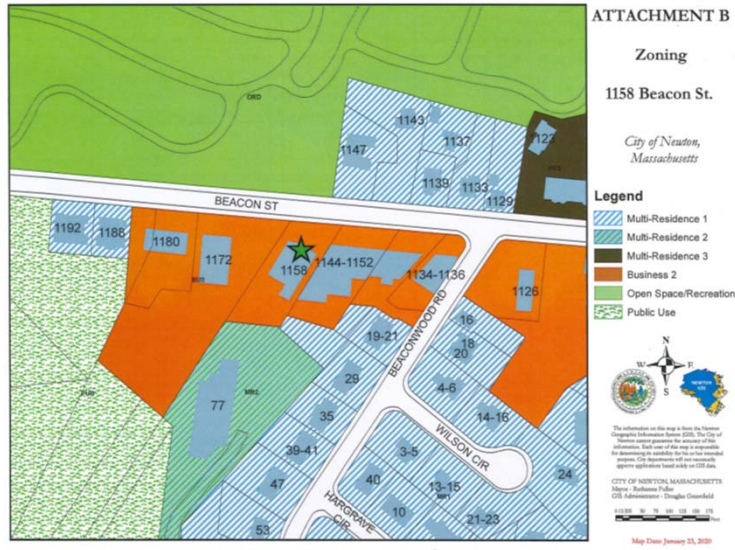
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## AERIAL/GIS MAP



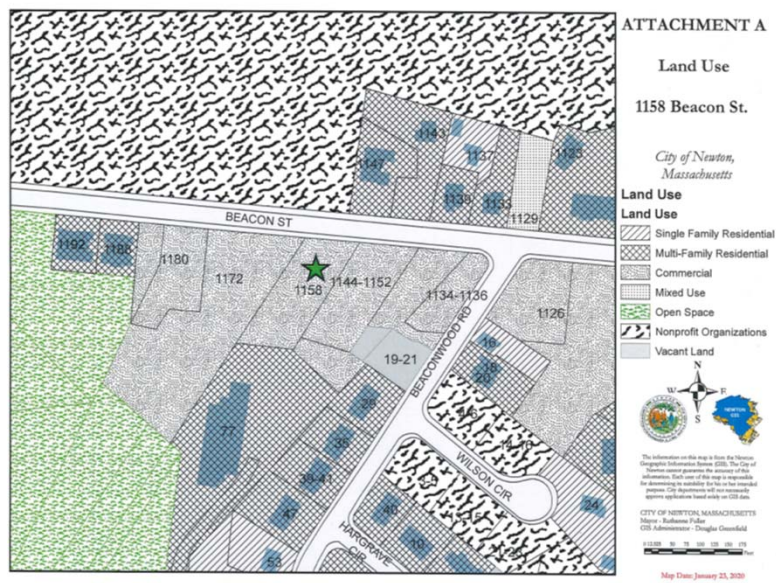
8

## Zoning



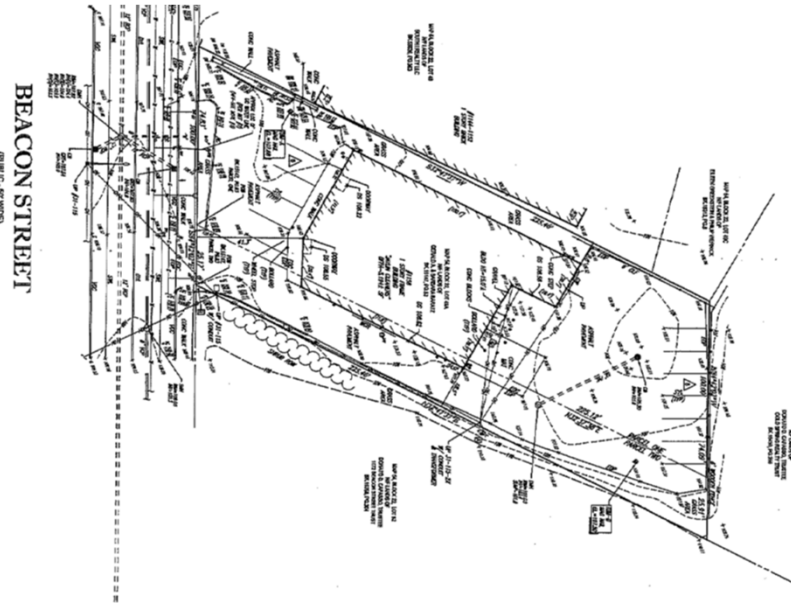
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## Land Use



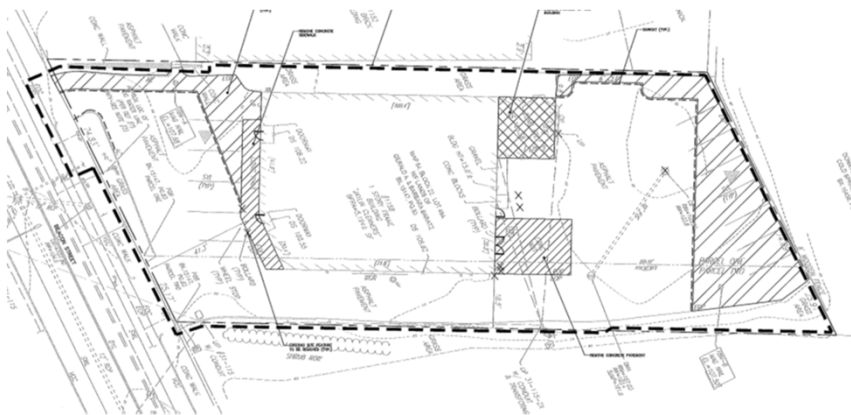
10

## Site Plan- existing



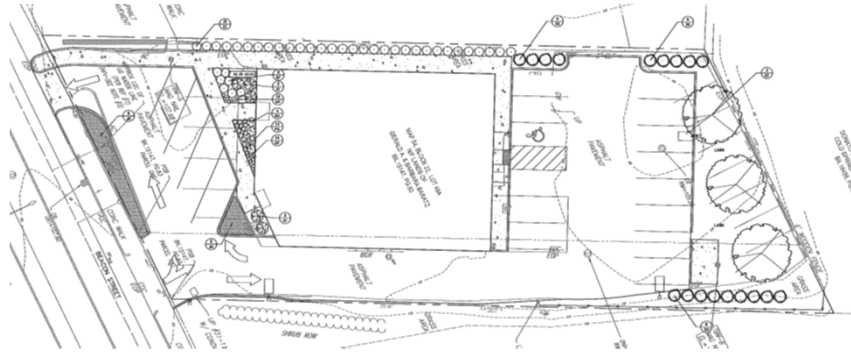
11

## Site Preparation Plan



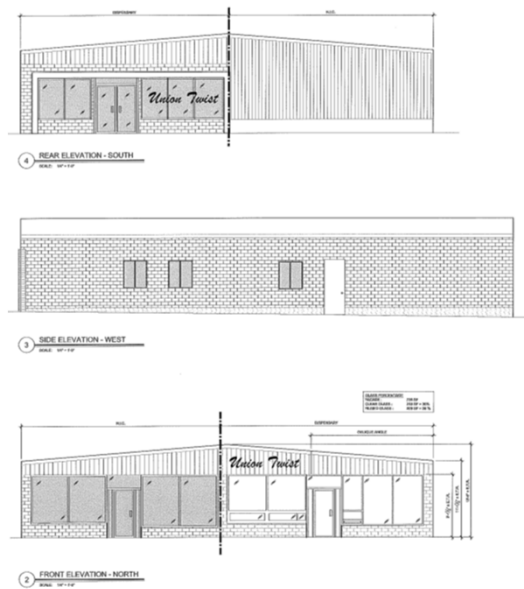
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## Site & Landscape plan



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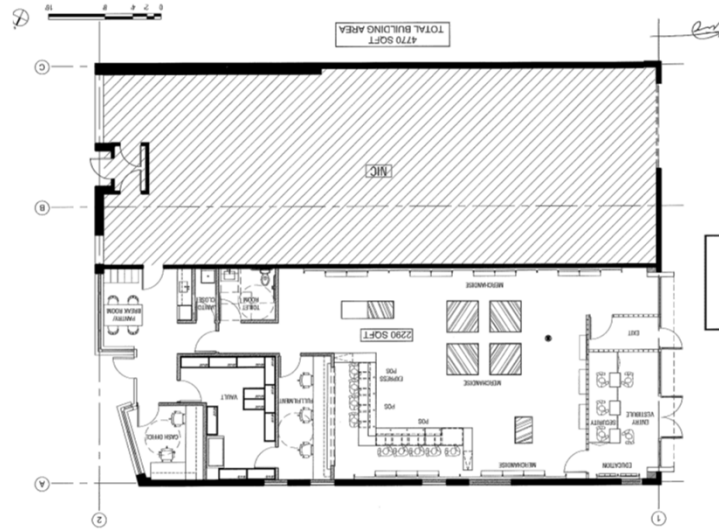
## Elevations- rear, side and front



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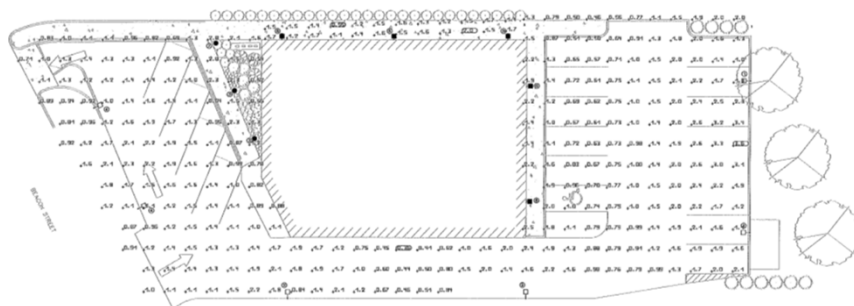


## Floor Plan



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## Photometric



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## Traffic/Transportation



Currently under review by on-call peer reviewer

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## Photos



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### Photos



19

### Photos



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**Photos**



21

**Photos**



22

**Photos**



23

**Photos**



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Presentation to Land Use Committee, Newton

Petition #25-20

Four Corners Neighborhood

February 4, 2020



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## Neighborhood Group Concerns

- Given the **proposed store capacity** of the petitioner, and the **existing conditions** of the location, we are concerned that:
  - *Traffic generated by client trips, employee trips, and deliveries to and from the store WILL create a significant adverse impact on nearby uses.*
  - *Access to the site over streets is NOT appropriate for the types and numbers of vehicles involved*

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## Marijuana Retailers in Newton

	Square Footage	Parking Spot	Points of Sale	Parking Spot/Points of Sale
Garden Remedies	1700	11	5	2.5
Cypress Tree	4043	27	6	4.5
Ascend	4973	25	8	3.1
<b>Union Twist</b>	<b>2290</b>	<b>18</b>	<b>9</b>	<b>2</b>

Union Twist will be the largest marijuana retailer in Newton, in terms of volume of customers they can serve.

\*Source: Petition #41-19(2) 24-26 Elliot Street Page 5 of 12

"The petitioner [Cypress Tree] will have six point of sale employees, one of which will be dedicated to customers who order their marijuana online."

\*Source: Land Use Committee Report Tuesday, December 10, 2019 Page 7

"Fuss & O'Neill Engineer Matt Skelly ... It was noted that there are six proposed point of sale stations and two "order ahead" stations."

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## Beacon Street



- Two lane minor arterial (Source: City of Newton).
- No on-street parking.
- No overflow parking possibilities
- Heavy traffic at peak hours, consistently spills back well beyond the proposed site

Pictures: Oct 2019 and Jan 2020

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## Beacon Street



Sept. 23, 2019, 8:05 am  
View west on Beacon St from 1192 Beacon



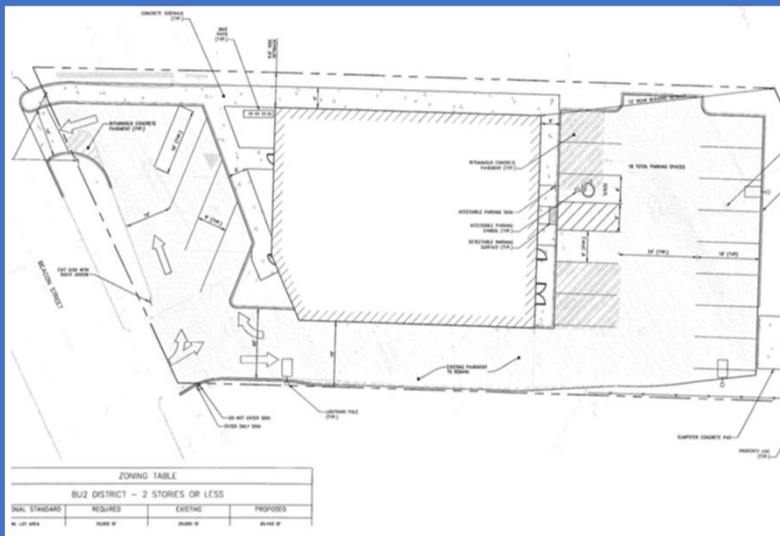
Oct. 18, 2019, 6:24 pm  
View east on Beacon from 1172 Beacon



Jan. 29, 2020, 6:05 pm  
View east from 1172 Beacon

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## Parking



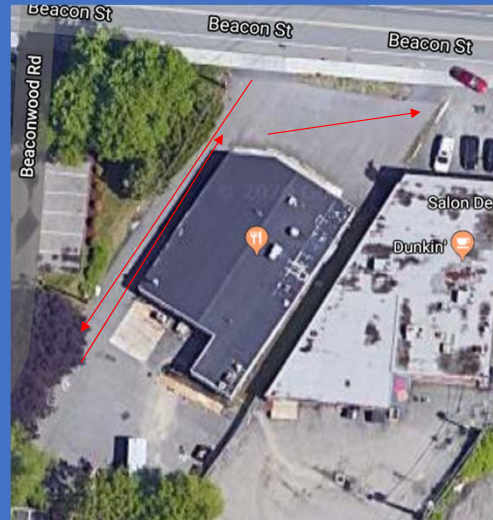
- No plan for employee parking
- No plan for overflow parking
- No plan for Uber/Lyft services
- Ignores needs of existing restaurant

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# Parking

Inappropriate Driveway Width for safe access and egress to rear parking area

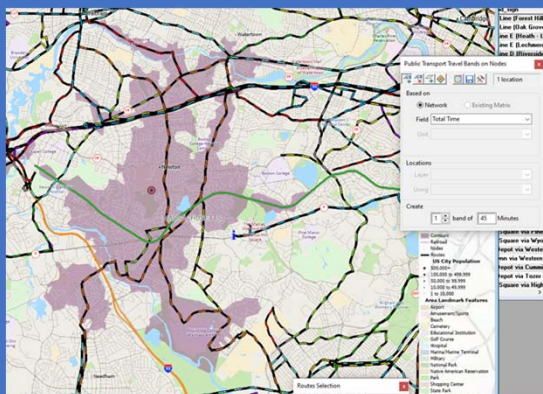
Commercial driveway cross sections may vary from a minimum one-way in or one-way out drive 14 ft to 16 ft wide to a maximum of two inbound and three outbound lanes (each at least 11 ft wide). (Page 93, NCHRP Report 348)



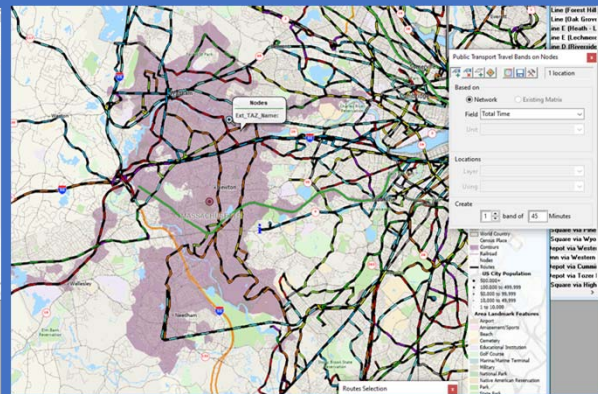
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# Public Transportation Access

Inbound



Outbound



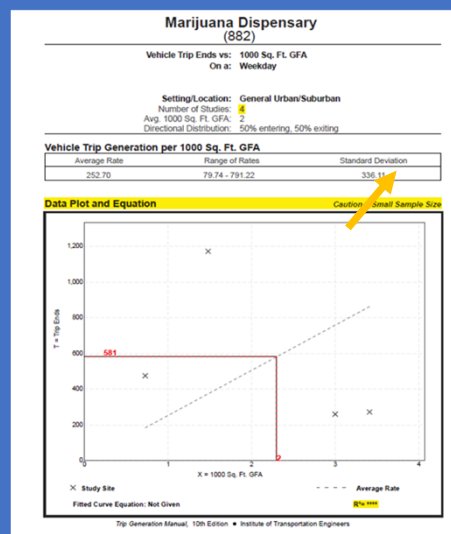
Source: CTPS 2010, PM Headways and Travel Times.

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## Flaws in Traffic Study

- Based on ITE trip generation national data, Statistically Insignificant
- Table is **not** related to number of points of sale only based on square footage
- With local attraction rates (Brookline store) would have come to a complete different number of new trips

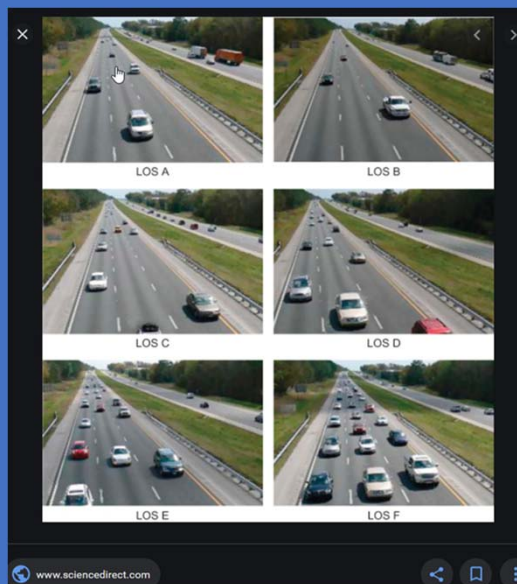
	Daily Trips	Hourly Trips
Average	581	50
Low Range	421	7
High Range	1821	226



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## Impact of Level of Service on Beacon St

- Absolute numbers do not relate directly to Level of Service (1200 /hrs. on a highway has a different impact to 1200 on an arterial)
- Study does not analyze current Level of Service on Beacon St
- Study does not analyze change of Level of Service after new additional trips to the site
- Study mentions daily traffic on Beacon ~11000 and then follows mostly by hourly new traffic ~50 in the peak



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## Conclusions

Traffic generated by client trips, employee trips, and deliveries to and from the store **will create a significant adverse impact** on nearby uses.

Access to the site over streets is **not appropriate** for the types and numbers of vehicles involved

- Store should be by appointment only
- Store should be smaller in terms of customer volume
  - Limit points of sale
  - Limit number of employees per shift
- Parking plan that will not induce backup onto Beacon St.
- Plan for overflow parking
- Plan for rideshare
- Reduced hours of operation