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Barney Heath
Director

PUBLIC HEARING/WORKING SESSION II MEMORANDUM

DATE: September 11, 2020
MEETING DATE: September 15, 2020
TO: Land Use Committee of the City Council
FROM: Barney Heath, Director of Planning and Development
Neil Cronin, Chief Planner for Current Planning
Michael Gleba, Senior Planner
CC: Petitioner

In response to questions raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided at the Land Use Committee public hearing.

PETITION #25-20

1158 Beacon Street

Petition #25-20 SPECIAL PERMIT/SITE PLAN APPROVAL to allow a retail marijuana establishment, to waive the minimum driveway width for two-way traffic, to waive minimum driveway width by use of an easement, to waive perimeter screening requirements, to waive perimeter screening requirements by use of an easement, to allow parking in the side setback, 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, 5.1.8.A.1, 5.1.6.A, 5.1.6.B, 5.1.13, 5.1.8.D.1, 5.1.9.A of the City of Newton Rev Zoning Ord, 2017.

The Land Use Committee (the "Committee") held a public hearing on February 4, 2020 and June 16, 2020 on this petition. This memo reflects additional information addressed to the Planning Department as of September 11, 2020.

Background

The petitioner is seeking a special permit from the City Council to operate a marijuana retail establishment pursuant to Section 6.10.3 of the Newton Zoning Ordinance in a space previously occupied by a dry cleaner (an existing take-out restaurant on the property is expected to continue operations). As originally designed the proposed marijuana retailer required certain additional zoning relief, including exceptions to requirements that:

- two-way entrance and exit driveways be a minimum of 20 feet wide;
- outdoor parking facilities with more than five stalls be adequately screened from abutting streets and properties; and
- parking facilities used at night have security lighting with a minimum intensity of one-foot candle on their entire surfaces.

Petition Update

Traffic and Transportation

As noted in the previous Planning Department memo, on June 10, 2020 the petitioner submitted a response to the peer review as well as additional traffic analysis and a transportation demand management (TDM) plan. At the time of that previous memo the Planning Department and its transportation peer reviewer, the BSC Group did not have adequate time to review the additional material in advance of the previous public hearing. That review was subsequently performed and is reflected in the attached letter from the peer reviewer (**Attachment A**).

The Planning Department notes that the petitioner provided a response to the above-referenced letter, and submitted other material, on the date of this memorandum. As such, the Department and other relevant City and peer review staff was and will not able to review this material for this memo and in advance of the upcoming public hearing.

Engineering Review

The petitioner submitted an updated stormwater report on June 10, 2020. As such, at the time of the writing of the Planning Department's previous memorandum the proposed project was under review by the Engineering Division. The Engineering Division subsequently issued the attached memorandum addressing various aspects of the proposal (**Attachment B**).

As detailed in a separate memorandum (**Attachment C**) the Engineering Division has provided its calculation of the expected Inflow and Infiltration ("I&I") fees associated with this project. As only a portion of the existing structure is being adapted to the proposed retail marijuana store, the calculation is based on the square footage of that use, arriving at a recommended payment of \$10,085.50.

Next Steps

The Planning Department will review material submitted by the petitioner on the date of this memo and will coordinate review of that material with relevant City and peer reviewer staff. The petitioner should continue to work with City departments and their peer reviewers as they review material submitted on, and respond to any issues that have or will be raised related to, this petition.

ATTACHMENTS

- Attachment A** City transportation peer reviewer (BSC Group) letter re “1158 Beacon Street Traffic Study Review,” dated August 13, 2020
- Attachment B** Engineering Division review memorandum
- Attachment C** Engineering Division sewer infiltration & inflow (“I&I”) memorandum

ATTACHMENT A



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August 13, 2020

Mr. Michael Gleba
Senior Planner
City of Newton, Massachusetts
1000 Commonwealth Avenue
Newton, Massachusetts 02459

RE: 1158 Beacon Street
Traffic Study Review

Dear Mr. Gleba:

BSC Group, Inc. (BSC) is providing this letter to address responses provided by Fuss & O'Neill in their response to comment letter dated June 10, 2020 and comments provided during the City of Newton's Land Use Committee meeting held on June 16, 2020 related to the proposed cannabis dispensary to be located at 1158 Beacon Street.

The Applicant provided responses to our original comment letter, dated March 2, 2020 and included clarification on most of our comments. However, we still have concerns related to parking and vehicular circulation on the site.

In our March 2 letter, we requested that the Applicant provide a plan for potential parking overflow in the event that the parking lot becomes full during normal operations. There is currently no on-street parking allowed along Beacon Street or in the vicinity of the site. The Applicant proposes to include 18 parking spaces on the site, which will serve both the dispensary and the existing restaurant uses that are located in the building.

The Applicant proposed to operate by appointment-only upon opening and to provide an on-site parking lot attendant. The appointment-only operations will allow the dispensary operator to manage parking through scheduling. However, should the dispensary choose to operate on a first-come/first-serve basis, the parking characteristics of the facility will change and a plan for overflow parking will be necessary. We request that the Applicant address the following:

- Provide a description of anticipated operations of the facility related to appointment times, duration, and points of sale.
- Provide the anticipated parking demand of employees and patrons for the appointment-only operations of the facility.
- Work with the City of Newton to develop specific conditions related to a parking management plan prior to changing to a first-come/first-serve style of operation.

Engineers

Environmental
Scientists

Custom Software
Developers

Landscape
Architects

Planners

Surveyors



BSC also has concerns related to vehicular circulation on the site. The site will locate four parking spaces in the front of the building and the remaining 14 spaces in the rear of the building that will be accessed via a 20-foot wide driveway adjacent to the side of the building. Based on a review of the site plan, there may be potential conflicts between vehicles exiting the rear parking lot and the angle parking space located in the front of the building, closest to the driveway. We recommend that the Applicant install traffic calming devices along the driveway to promote low speeds for exiting vehicles. We also recommend that the Applicant install appropriate signage for exiting vehicles and that any vegetation between the driveway and the angled parking spaces be maintained to provide adequate sight distance.

There are also concerns that the entrance-only driveway may operate as a full-access driveway due to the proposed curb cut width of 22-feet and the alignment of the driveway that serves the parking stalls in the rear of the site. The City of Newton Zoning Ordinance requires a one-way driveway to be a minimum of 12-feet in width. We recommend that the Applicant reduce the width of the curb cut to 14-feet in width, consistent with the curb cut that serves the exit driveway.

BSC acknowledges that the site is constrained and understand that there is limited opportunity for parking on the site and that vehicular circulation will require low speeds and adequate measures to ensure safety. To address these issues, we recommend that the Applicant address the above comments prior to the next Land Use Committee hearing for the project.

Please do not hesitate to contact our office with any inquiries you may have.

Very truly yours,

BSC Group, Inc.

Michael A. Santos, PE, PTOE
Project Manager

ATTACHMENT B

CITY OF NEWTON Department of Public Works ENGINEERING DIVISION

MEMORANDUM

To: Council Rick Lipof, Land Use Committee Chairman

From: John Daghlion, Associate City Engineer

Re: Special Permit – 1158 Beacon Street

Date: July 13, 2020

CC: Barney Heath, Director of Planning
Neil Cronin, Chief Planner
Lou Taverna, PE City Engineer
Nadia Khan, Committee Clerk
Katie Whewell, Sr. Planner
Michael Gleba, Sr. Planner

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

Union Twist Dispensary
1158 Beacon Street
Prepared by: Fuss & O'Neill
Dated: October 23, 2019
Revised: May 6, 2020

Executive Summary:

The applicant proposes to use 2,290 square feet of interior space for a marijuana retailer. Approximately 400 square feet of the building is to be removed and to be converted to additional parking in the rear of the site. The property has 100 -feet of frontage on Beacon Street to the north, and commercial properties along the east, west and south property lines.

The topography of the site has a high point of 109-ft., near the northwest and slopes in two directions one towards Beacon Street at 108 ft., and to the rear (south) at a low point elevation of 106-feet.

The site improvements also include removal of approximately 1,200 square feet of asphalt at the rear (southern) portion of the parking lot and installing a sediment forebay and infiltration basin to capture and treat stormwater runoff from the rear portion of the roof and parking lot; this will improve stormwater quality coming off the site and reduce quantity. This system will have an overflow pipe connected to the City's drainage system on Beacon Street. The design methodology for the sizing of this system is acceptable, however; the design storm for the City is 8.78 -inches of rain [not 8.62-inches] the analysis will have to be recalculated.

The drainage system for the front portion for the parking lot includes new deep sump catch basin, area drain, and pipes that ultimately connect to the City's drainage system in Beacon Street with modifications. To enhance water quality from this system; I will require that the two solid pipes discharging from the new [catch basins & area drain] to the new manhole be converted to perforated pipe encased in crushed stone to allow for infiltration before the final connection to the City system, this is a standard policy to infiltrate to the maximum practicable extent then allow for the overflow connection. Finally, the drainage calculations need to be computed for both volume and rate of runoff for the 100-year storm of 8.78 inches over a 24-hour period.

Prior to final approval [Building permit] of the overflow connection, the engineer of record needs to submit hydraulic calculation to ensure that there is adequate capacity in the City's drainpipe in Beacon Street from the point of connection to the next downstream manhole. Additionally, a Closed-Circuit Television (CCTV) inspection will be required for Pre & Post Construction and must be witnessed by the Engineering Division, video copies shall be provided for review.

In accordance to Chapter 29 Sections 157-166: Updates to building sewer, water service pipes will be required if *Substantially remodeled or rehabilitated*: When a dwelling or building is (1) renovated and/or gutted more than fifty percent (50%).

The site plan shows some curb installation and modification along the easterly driveway apron and grass strip, the plan does not show the water meter pit that is near this driveway apron and within the grass strip, the meter pit (see attached) should be located on final construction plans to avoid any damage to the unit. Beacon Street was paved in 2018, any excavation within the roadway will require compliance with the DPW Pavement Restoration Policy for 5 Year Moratorium Streets, which includes milling and paving curb line to curb line for the limits of construction.



Water Meter Pit within grass strip along driveway

Drainage:

1. A test pit and percolation test will be required within 25-feet of the proposed infiltration basin, this must be performed by the engineer of record, witnessed by the Engineering Division, and completed before applying for a Building permit. The soil logs shall be submitted with the Building permit.
2. The proposed Operations & Maintenance [O&M] plan for the proposed system is acceptable, however the plan did not include a parking lot sweeping schedule, this needs to be added. The plan identifies snow storage area, however; it is directly in front of the infiltration basin, signage is needed within this area to indicate *no dumping of snow within the infiltration basin*. Once the final O&M is submitted and approved; it must be registered at the Middlesex Registry of Deeds, proof of the recording instrument shall be submitted to the Engineering Division.
3. It is imperative to note that the ownership, operation, and maintenance of on-site drainage system and all appurtenances including but not limited to infiltration basins,

catch basins, trench drains, and pipe(s) are the sole responsibility of the property owner(s).

Infiltration & Inflow:

Will be addressed via a separate memo.

General:

1. All trench excavation shall comply with Massachusetts General Law Chapter 82A, Trench Excavation Safety Requirements, and OSHA Standards to protect the general public from unauthorized access to unattended trenches or excavations. Trench Excavation Permit is required prior to any construction. This applies to all trenches on public and private property. *This note shall be incorporated onto the final plans.*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor of record is responsible for contacting the Engineering Division and scheduling an appointment 48-hours prior to the date when the utilities will be made available for an inspection of water services, sewer services and drainage system installation. The utility in question shall be fully exposed for the Inspector to view, backfilling shall only take place when the City Engineer's Inspector has given their approval. *This note shall be incorporated onto the final plans.*
4. The applicant shall apply for a Building Permit with the Inspectional Services Department prior to ANY construction.
5. Before requesting a Certificate of Occupancy, an As Built plan shall be submitted to the Engineering Division in both digital and paper format. The plan shall show all utilities and final grades, any easements and improvements and limits of restoration. The plan shall include profiles of the various new utilities including but not limited to rim & invert elevations (City of Newton Datum), slopes of pipes, pipe materials, and swing ties from permanent building corners. The as built shall be stamped by both a Massachusetts Registered Professional Engineer and Registered Professional Land Surveyor. Once the As built plan is received the Engineering Division shall perform a final site inspection and then make a determination to issue a Certificate of Occupancy. *This note shall be incorporated onto the final plans.*

6. All site work including trench restoration, sidewalk, curb ,apron and loam border (where applicable) shall be completed before a Certificate of Occupancy is issued. *This note shall be incorporated onto the final plans.*
7. The contractor of record shall contact the Newton Police Department 48-hours in advanced and arrange for Police Detail to help residents and commuters navigate around the construction zone.
8. If any changes from the final approved design plan that are required due to unforeseen site conditions, the contractor of record shall contact the design engineer of record and submit revised design and stamped full scale plans for review and approval prior to continuing with construction.

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

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

ATTACHMENT C

CITY OF NEWTON Department of Public Works ENGINEERING DIVISION

MEMORANDUM

To: Council Rick Lipof, Land Use Committee Chairman

From: John Daghlion, Associate City Engineer

Re: Special Permit – 1158 Beacon Street ~ Sewer Infiltration & Inflow

Date: July 14, 2020

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

Since only a portion of the existing business is being converted to the retail shop, the estimated added flow for the building is as follows:

In accordance to the City Ordinance number B-45 Chapter 29 and Title V flow rate of 50 gallons per day per 1,000 square feet (Retail establishments) an assessment at the 4:1 reduction and a \$22.02 [Transmission & Treatment] cost to the City equates to:

| Retail Store Square Footage | Flow Rate Gallons per Day /1,000 SF | Total Daily Flow GPD | Treatment & Transmission Cost \$/gal | Reduction Ratio | Assessment |
|-----------------------------------|--|----------------------------|---|--------------------|-------------|
| 2,290 | 50 | 114.5 | \$22.02 | 4 | \$10,085.16 |

The Engineering Division recommends a sewer mitigation payment of \$ 10,085.16

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