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CITY CLERK
NEWTON, MA. 02459

CITY OF NEWTON

IN CITY COUNCIL

March 4, 2024

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the Site, as defined below, will be in harmony with the conditions, safeguards, and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Order #67-20 to allow a medical marijuana treatment center (MTC), as recommended by the Land Use Committee and the reasons given by the Committee, through its Chair, Andrea Kelley:

1. The specific site is an appropriate location for the proposed medical marijuana treatment center (MTC) due to its location in the Business 2 zoning district and proximity to a mix of land uses in West Newton. Because no exterior changes are proposed, the addition of the MTC use will fit in at the existing location with minimal changes to the site. (§7.3.3.C.1)
2. The amendment to Council Order #67-20 to allow an MTC will not adversely affect the surrounding neighborhood because it will be collocated and operate similarly to the existing retail marijuana use on the site. The addition of medical marijuana treatment will provide more options for area residents in need of medical treatment, and the Standard Operating Procedures for the establishment will mitigate potential nuisances to the surrounding area. (§7.3.3.C.2)
3. The amendment to Council Order #67-20 to allow an MTC will not create a nuisance or serious hazard to vehicles or pedestrians because no changes are proposed to the access, parking, and or layout of the site, which is operating in a safe manner for vehicles and 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)

With regard to special permits concerning the Marijuana Establishment on site, pursuant to (§6.10.3.H.1.):

1. 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 due to its location on Washington Street with

transit service, and provision of bicycle racks for bicyclists and a crosswalk for pedestrians. (§6.10.3.H.1.a)

2. Loading, refuse, and service areas are designed to be secure and shielded from abutting uses. (§6.10.3.H.1.b)
3. The MTC in an existing Marijuana Establishment is designed to minimize any adverse impacts on abutters. (§6.10.3.H.1.c)
4. The MTC in an existing Marijuana Establishment has satisfied all of the conditions and requirements in this section. (§6.10.3.H.1.d)

Additional criteria for MTCs (§6.10.3.H.2.):

5. The lot location complies with Sec. 6.10.3.F.1. (§6.10.3.H.2.a)
6. Traffic generated by client trips, employee trips, and deliveries to and from the MTC will not create a significant adverse impact on nearby uses because there is sufficient amount of parking on site per the Newton Zoning Ordinance. (§6.10.3.H.2.b)
7. 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; the structure complies with the transparency requirement. (§6.10.3.H.2.c)
8. The building and site are accessible to persons with disabilities. (§6.10.3.H.2.d)
9. The lot is accessible to regional roadways and public transportation. (§6.10.3. H.2.e)
10. The lot is located where it may be readily monitored by law enforcement and other code enforcement personnel. (§6.10.3.H.2.f)
11. The MTC's hours of operation will have no significant adverse impact on nearby uses. (§6.10.3.H.2.g)

PETITION NUMBER: #116-24

PETITIONER: Ascend Mass, LLC

LOCATION: 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

OWNER: GREEN RE WEST NEWTON LLC

ADDRESS OF OWNER: 901 Diplomat Parkway, Hollywood, FL 33019

TO BE USED FOR: Amendment to Special Permit #67-20 to allow a Medical Marijuana Treatment Center

RELIEF GRANTED: Special permit per §7.3.3 to amend Council Order #67-20 to allow a Medical Marijuana Treatment Center (§6.10.3.D; §4.4.1)

ZONING: Business Use 2 (BU-2) district

Approved subject to the following Conditions.


This Special Permit/Site Plan Approval amends Council Order #67-20 by allowing a Medical Marijuana Treatment Center (MTC). All other conditions of Council Order #67-20 remain in full force and effect.

1. Prior to operation of the MTC, the Petitioner shall record a certified copy of this Council Order with the Registry of Deeds for the Southern District of Middlesex County and file a copy of such recorded Council Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.

Under Suspension of Rules
Readings Waived and Approved
22 yeas 1 nay (Councilor Gentile) 1 absent (Councilor Danberg)


The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on March 6, 2024. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:


(SGD) CAROL MOORE
Clerk of the City Council

I, Carol Moore, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on March 6, 2024 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:


(SGD) CAROL MOORE
Acting Clerk of the City Council