

May 3, 2022

Attn.: Land Use Committee
Newton City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Subject: 05/03/22 Petition to Allow Marijuana Retailer at 1185 Chestnut Street

Honorable Councilors,

I am writing to vociferously object to the special permit and site plan proposed to allow for the establishment of a retail marijuana facility immediately adjacent to my townhouse at 1175 Chestnut Street. The reasons for my opposition to this proposal are as follows;

1.) City of Newton Zoning Chapter 30 041722, section 7.3.3, C. Grant of Permit states;

*C. The City Council shall not approve any application for a special permit unless it finds, in its judgment, that the use of the site will be **in harmony** with the conditions, safeguards and limitations of this Sec. 7.3, and that the application **meets all the following criteria** (emphasis added):*

- 1. The specific site is an appropriate location for such use, structure;*
- 2. The use as developed and operated will not adversely affect the neighborhood;*

First of all, the site proposal is not an appropriate use for this property. They have so little parking that they are talking about tearing down part of the building to obtain an absolute minimum number of spaces. If all of these spaces are full, there appears to be no place to turn around. The numerous waivers and non-conformances requested in this hearing make the inappropriateness of the site clear to all (parking within the side setback, reduced stall length non-conforming driveway width, perimeter screening, lighting requirements and 25% façade transparency). Is there anything that will be conforming about this site?

Secondly, as the owner of Unit #21 at 1175 Chestnut Street I can assure you that this facility **will severely and adversely affect MY neighborhood**. You see, my 8 year old granddaughter lives right next door to 1185 Chestnut Street. As you can see from the attached photo taken from the Upper Falls Greenway, which is behind and connects the two properties, the rear of the proposed Nuestra site is mere feet away from our back door and back yard. This is the business end of the Nuestra facility as I understand this is where the parking and main entrance will be located. I trust you can imagine how the siting of a retail marijuana dispensary in a building next to my granddaughter's residence might impact how we think about unsupervised time in the back yard now and as she approaches adulthood.

2.) Section 7.3.3 goes on to state;

- 3. There will be no nuisance or serious hazard to vehicles or pedestrians;*
- 4. Access to the site over streets is appropriate for the types and numbers of vehicles involved; ...*

As noted above, the proponents engage in dizzying mental gymnastics to create enough spaces to service their customers. We were previously told that employees would be required to park off site and shuttled to and fro. We were also told that this would be an appointment only business with full time security. I'm guessing that those requirement will be withdrawn quickly following approval.

As a reminder, section D states that;

*D. The City Council shall not approve any application for a special permit unless it finds that said application **complies in all respects with the requirements of this Chapter**...(emphasis added):*

- 3.) There is a fifth requirement in this section but it relates to new construction or additions to buildings over 20,000 sq. ft. So, out of four applicable, absolute, requirement, this site satisfies none. It is surrounded on three sides by residential neighborhoods, not commercial buildings. On the east side it abuts a private Pre-K school! Under Massachusetts Cannabis Control Commission 935 CMR, section 500.110, (3)

(3) Buffer Zone. A Marijuana Establishment Entrance may not be closer than 500 feet from the nearest School Entrance, unless a city or town adopts an ordinance or bylaw that reduces the distance requirement...

A "School Entrance" is defined within section 500.002 as;

*School Entrance means the entrance(s) that provide ingress and egress to students of the preexisting public or **private school providing education in kindergarten** or any grades 1 through 12 at the time of the newspaper publication of the proposed Marijuana Establishment's community outreach meeting under 935 CMR 500.101(1)(a)9.a. (emphasis added).*

The second photo attached is taken from edge of our Chestnut Grove property, looking over the proposed Nuestra building towards the Happy Child facility. As an immediate abutter to 1185 Chestnut, the Happy Child Day Care Center is clearly less than 500 feet away.

I understand that since the owners are qualified as Woman Owned Economic Empowerment applicants, they should be afforded preferential treatment, however, this does not include bypassing regulation. Since this status is the only aspect of this project that is meritorious, I am hopeful that you will find some other location in a commercial district that is more appropriate.

Appreciatively,

R. Michael Sullivan
1175 Chestnut Street, Unit #21
Newton, MA 02464



Picture taken from the Upper Falls Greenway looking at the back of 1185 and 1175 Chestnut Street. Our back door and common yard is behind the green trellis on the left side of the picture.



Picture taken from the Chestnut Grove property line over the Nuestra building toward the Happy Child facility.