



Land Use Committee Report

City of Newton In City Council

Tuesday, June 26, 2018

Present: Councilors Schwartz (Chair), Greenberg, Kelley, Crossley, Auchincloss, Laredo, Lipof, Markiewicz

Also Present: Councilors Albright

City Staff Present: City Solicitor Ouida Young, Chief Planner Jennifer Caira, Senior Planner Neil Cronin, Senior Planner Michael Gleba

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. Presentations for each project can be found at the end of this report.

#392-18 Extension of time to exercise Special Permit #179-15 for 1349 Centre St
MYRTHA CHANG petition for an EXTENSION of TIME to EXERCISE Special Permit Board Order #179-15 allowing a freestanding sign at 1349 CENTRE STREET, Ward 6, Newton Centre, on land known as SBL 62, 10, 1, containing approximately 10,579 sf. of land in a district zoned BUSINESS 2. Said EXTENSION to expire September 21, 2018 Ref: Sec 30-24, 30-23, 30-20(f)(1), 30-20(l) of the City of Newton Rev Zoning Ord, 2012.

Action: **Land Use Approved 7-0 (Auchincloss not Voting)**

Note: Petitioner Ms. Myrtha Chang presented the request for an Extension of Time to Exercise Special Permit #179-15. Ms. Chang noted that after the Special Permit was granted in September 2015, she mistakenly failed to have the Board Order recorded at the Registry of Deeds. Ms. Chang is seeking an Extension of Time to allow her to Exercise and record the Special Permit. Committee members expressed no concerns relative to the request. Councilor Crossley moved approval of the item, which carried unanimously.

#254-18 Request for an extension of time for Special Permit at 283 Melrose Street
STEPHEN VONA requesting an EXTENSION OF TIME in which to EXERCISE special permit #480-14(4) granted on March 21, 2016 to change one nonconforming use to another by restoring and expanding an existing structure known as the Turtle Lane Playhouse with office space above, to provide a mixed-use building with an addition containing 4 dwelling units at street level and above and a second building containing a 16-unit multi-family dwelling with a below grade parking garage for 27 cars at 283 MELROSE STREET, Ward 4, Auburndale; said EXTENSION will run to November 14, 2018. Ref: 7.4.5.E of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved Withdrawal Without Prejudice 4-0-3**

Note: The petitioner was not present for the Land Use Committee meeting to present the request to Withdraw the request for an Extension of Time. It was noted that the Commissioner of Inspectional Services has determined that the petitioner has exercised the Special Permit and does not require an extension of time to obtain a building permit. Concerns were raised that the petitioner or the petitioner's counsel was not present to answer questions. A Committee member questioned what the sequence of events/what activities led the petitioner to assert that they had exercised the Special Permit. It was also noted that members of the community have had questions related to the lack of activity at the site for a period of time and have raised concerns relative to dust control and site management.

City Solicitor Ouida Young noted that the Commissioner's ruling determines whether the building permit may be issued. Atty. Young stated that opposition to that ruling is an appeal to the issuance of the building permit. She reiterated that noncompliance with the Special Permit Order and/or site management should be enforced by Inspectional Services. Committee members asked that the Clerk communicate the Committee's concerns with the petitioner's counsel. With a motion from Councilor Lipof to approve the withdrawal, Committee members voted 4-0-3.

#338-18 Special Permit Petition to exceed FAR at 22 Beecher Place

BEN BRESSEL petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to enclose the front porches, adding approximately 158 sq. ft. to the structure, creating an FAR of .49 where .48 is allowed at 22 Beecher Place, Ward 6, Newton Centre, on land known as Section 81 Block 01 Lot 03 containing approximately 10,146 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.2.11 of the City of Newton Rev Zoning Ord, 2015.

Action: Land Use Held 7-0 (Schwartz not Voting)

Note: Petitioner Ben Bressel, 50 Chestnut Hill Avenue, Brighton presented the petition to enclose the front porches, exceeding the FAR at 22 Beecher Place. The petitioner constructed a two-family structure at the site on Beecher Place. The two-family structure is a pre-assembled, modular home that was ordered and shipped with two enclosed porches which total 158 sq. ft. After ordering the home, it was determined that the petitioner miscalculated the FAR in the multi-story atria space, in error. The petitioner is seeking a Special Permit to allow the additional space to remain. If not approved, the petitioner would open the two enclosed porches, maintaining the roof and posts.

Senior Planner Michael Gleba reviewed the relief requested, criteria for consideration, land use, zoning and photos of the site as shown on the attached presentation. Mr. Gleba demonstrated the location of the two porches; front facing Beecher and on the side of the house facing West side. Mr. Gleba demonstrated the proposed elevations. Committee members shared concerns that the by-right two-family structure was constructed to absolute dimensional limits. The petitioner noted that the modular home was ordered after a preliminary review of the calculations by the City's Inspectional Services Department.

The Public Hearing was Opened.

Diego Puppín, 38 Beecher Place, thanked the petitioner for maintaining a tidy and respectful site. Mr. Puppín read and submitted the attached letter in opposition of the petition. Mr. Puppín noted that the habit of replacing one home with two homes in the City is putting pressure on the City's services.

Committee members were reluctant to move forward with granting relief for FAR for a newly constructed structure and noted that there are no special circumstances or site limitations that require zoning relief. Committee members were in agreement that the petitioner should work with the Planning Department to evaluate all possible options. Councilor Laredo motioned to hold the item which carried unanimously.

#215-18 Special Permit Petition to allow a rear-lot subdivision at 156 Otis Street
156 OTIS STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision to create two lots, raze the existing single-family dwelling and construct single-family dwellings on each lot at 156 Otis Street, Ward 2, West Newton, on land known as Section 24, Block 13, Lot 14A, containing approximately 43,700 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 3.1.5, 3.1.10 and 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Action: Land Use Approved 8-0; Public Hearing Closed June 5, 2018

Note: Atty. Laurance Lee, Rosenberg, Freedman and Lee, noted that after the Special Permit Petition was approved by the Land Use Committee, some discrepancies were identified in the proposed elevations. Atty. Lee confirmed that the revised plans clarify the discrepancies and do not reflect any changes to the plan.

Senior Planner Michael Gleba demonstrated the difference between the approved and revised plans as shown on the attached presentation. Mr. Gleba noted that a rear breakfast nook has been shifted approximately 2' and that the proposed elevations shown different decks and grading than the previously approved plans but confirmed that the decks and grading are consistent with the site plan that was initially approved. A Committee member noted that the changes to the plans are de minimis. With a motion to approve the changes, Committee members voted unanimously in favor.

#289-18 Special Permit Petition to amend Board Order #167-14 for Garden Remedies
GARDEN REMEDIES, INC/697 WASHINGTON STREET REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #167-14 to allow the retail sale of recreational marijuana and medical marijuana, to delete Condition #3 relative to customer appointments, to amend Condition #4 to allow up to 12 employees at one time, to amend Condition #5 to modify the hours of operation, to expand the premises to include additional space, to allow waivers to perimeter screening requirements, to allow waivers to interior landscaping requirements, to allow waivers for parking facility requirements for; parking in the front setback, waivers to interior landscaping, waivers for interior planting area requirements, waivers to requirements for tree planting, waivers to requirements for bumper overhang area landscaping, waivers to requirements for 1-foot candle lighting, waivers for retaining walls over 4' in height and a waiver for 5 parking stalls to the extent necessary in Ward 2, Newton at 697 Washington Street

(Section 23 Block 19 Lot 01B), 691 Washington Street (Section 23 Block 19 Lot 01A), 681 Washington Street (Section 23 Block 19 Lot 01) and 2 Court Street (Section 23 Block 19 Lot 23), containing approximately 16,669 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 5.1.8.A.1, 5.1.13, 5.1.9.A, 5.1.9.B, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1, 5.4.2.B of the City of Newton Rev Zoning Ord, 2015.

Action: **Land Use Held 7-0 (Lipof not Voting); Public Hearing Closed June 26, 2018**

Note: Atty. Steve Buchbinder, offices at 1200 Walnut Street, presented updates to the petition to allow the retail sale of marijuana at the existing medical facility in Garden Remedies, located at 697 Washington Street in Newtonville. On June 20, 2018, the petitioner submitted a letter responding to questioned raised at the initial public hearing, on June 5, 2018. Atty. Buchbinder stated that the petitioner is agreeable to withdrawing the request to eliminate the condition of Special Permit Board Order #167-14 that limits operation to “appointment only”, while maintaining the option to reevaluate the need for “appointment only” in the future. Atty. Buchbinder stated that the petitioner will have a police detail for the first month but will extend the duration if the Council and Planning Department determine it to be necessary.

Atty. Buchbinder stated that the petitioner has submitted a Transportation Demand Management Plan detailing parking options for employees. Employees will not be permitted to park on site or in the immediate vicinity. The petitioner will fund the transportation of employees (uber/lyft/ride sharing/public transportation) from locations “far-away” from the site. The proposed landscaping plan includes arborvitae at the rear of the property line in addition to a fence to shield rear abutters. Atty. Buchbinder noted that due to the grade changes, Joe Porter does not believe that the curb cut can be located on Washington Street. He confirmed that the VHB traffic study includes occupancy at Washington Place and at the Court Street condos. Additionally, VHB studied the cars parked on Court Street. Atty. Buchbinder noted that VHB found that the majority of cars were parked for more than two hours, indicating that they were not Garden Remedies’ patients.

Atty. Buchbinder stated that the Commonwealth of Massachusetts has indicated that Garden Remedies has special status to convert to include retail, adult-use sales, based on their status as an existing Registered Medical Dispensary. Atty. Buchbinder emphasized that the City may impose reasonable conditions but may not prohibit the conversion to retail. Committee members questioned the accuracy of Atty. Buchbinder’s claim that the City may not prohibit the conversion to allow adult-use retail sales. City Solicitor Ouida Young stated that it is her interpretation that the City may not prohibit conversion of the facility by denial of the Special Permit but can draft conditions relative to zoning. It was noted that the City is currently considering a Citywide ban. Atty. Young emphasized that there are various factors that remain unknown at the present time. She reiterated that she does not believe that the Council can deny the petition or approve it subject to the results of the November 2018 election. Committee members questioned whether it is possible to ask the Cannabis Control Commission to delay issuance of a license until after the November vote. Atty. Young confirmed that the City may ask. A Councilor stated that Council should make a decision based on reasonable requirements for the petition pending and noted that the petitioner has been a good, respectful neighbor.

Senior Planner Neil Cronin stated that a review of the Traffic Study by the Transportation Division indicates that the change in use will general minor traffic operation effects at nearby intersections and the sight distances on Court Street meet the minimum required distance. He noted that it is the Transportation Division's recommendation that the petitioner conduct a parking utilization study six months after completion of the surface parking lot to determine whether the parking facility should be expanded to 16 stalls. Mr. Cronin confirmed that during the parking study for Court Street, patients or employees of Garden Remedies were not found parking on Court Street. The traffic engineer recorded license plates to verify. In response to questions from Committee members, Mr. Cronin confirmed that there is currently no limit to the number of patients, only to a number of employees (6). VHB Traffic Engineer Randy Hart noted that the traffic data was taken from 4:00 – 6:00 pm during the week and from 11:00 am – 2:00 pm during the weekend. He noted that those are the highest peak times and confirmed that no "spillover" onto Court Street was identified.

Public Comment

Bruce Bagdasarian, 63 Ridge Ave, has worked for Garden Remedies in the past. He noted that the petitioner has been a good neighbor and responsible and professional business.

Torey Matthews, 42 Chesley Road, doesn't want her siblings to be addicted to drugs and wants them to make responsible choices. Miss Matthews believes that agreeing to allow recreational marijuana at Garden Remedies will cause teenagers to make bad decisions.

Alex Matthews, 42 Chesley Road, is a school principal. He noted that he has witnessed students become addicted to marijuana, harder substances and then drop out of school. He urged the Council to deny the conversion to recreational use and support the decision to opt out.

Lei Shen, 42 Calvin Road, noted that the traffic data will change based on the recreational use. He is not supportive of Garden Remedies' conversion to allow retail sales and believes the City should be able to opt out. He has concerns about the traffic.

John Lee, 297 Parker Street, stated that allowing the sale of recreational marijuana will make Newton the "marijuana City". He noted that other cities in the US don't allow marijuana and he has concerns that children will be susceptible to addiction.

Mr. Abramson, 77 Court Street, noted that Garden Remedies is an adult facility. Mr. Abramson noted that he is a patient at Garden Remedies and getting inside the facility without an ID is nearly impossible. He stated that the staff at Garden Remedies is very professional, helpful and ensures that he is getting proper treatment. Mr. Abramson believes that denial of the petition will encourage sale of marijuana on the black market. He urged Committee members to approve the petition.

Joe Gilmore, 6 Medway Street, Boston, Students for Sensible Drug Policy, support thoughtful regulation, compliance, education and awareness safe and responsible consumption. Mr. Gilmore believes that the City should be proactive in identifying how to mitigate the legalization of marijuana and that Garden

Remedies should be allowed to convert. He noted that the current facility follows strict guidelines. He submitted the attached letter in support of approval.

Mike Saczynski, 629 Commonwealth Ave, is in support of the petition and is not concerned that legalization will tarnish the City's reputation. He noted that many people do not realize that Garden Remedies is a medical facility. He stated that the "opt-out" vote is for November. He noted that the community should stop discussing whether drugs are bad and consider whether there is a legitimate zoning issue. He noted that Garden Remedies has been a good neighbor and reputable partner.

Ken Munkacy, 116 Chestnut Hill Road, noted that Martys and Whole Foods were controversial when they were proposed and are now not an issue. He expects that Garden Remedies will be the same in ten years.

Annie Raynes, 50 Court Street, noted that Garden Remedies was granted the first permit to operate based on its proximity to public transportation and now they are requesting parking relief because transportation is not sufficient. Ms. Raynes noted that putting retail on a residential street is not a good idea and noted that Court Street has many small children. Ms. Raynes is concerned about the safety impacts for children and asked the Council to consider putting the driveway on Washington Street.

James Gilbert, 38 Oak Avenue, is not in support of recreational marijuana. He noted that no one will take responsibility for the social impacts of drug use.

Chin Lee, Chestnut Street, has concerns about the traffic report. She stated that traffic data was completed before other, surrounding municipalities opted out and does not account for the increased traffic. She doesn't believe that the Council can make the decision based on incomplete traffic data and is concerned that children will have easy access to marijuana.

A Resident that lives two blocks away from the site has concerns that customers will be smoking in neighbors' backyards. He noted that the increased use of the drug will cause more traffic accidents. He stated that the Police and Fire Departments are opposed and urged Councilors to wait until after the November vote.

Miriam Tuchman, 269 Waltham Street, noted that the government made marijuana illegal in the 1900s to associate it with Mexicans and stigmatize the use. Ms. Tuchman stated that the racism surrounding marijuana is silly and questioned whether the City wants it to be regulated, tested and sold with valid ID or whether residents want drug dealers lacing and selling the products.

John Mathis, 95 Central Street, noted that residents in Newton voted to allow adult-use. He noted that the biggest fear for legalizing adult-use is that access for children will be easier. He noted that children have access today and stated that legalization will eliminate profits for drug dealers. He noted that Garden Remedies looks like an office and children will not recognize that it is a dispensary.

Lisa Gordon, 76 Elgin Street, received a correspondence form AGs office stating that the City may request to put off the decision until the pending issues have been resolved. She believes the discussion relative to the petition is premature.

Richard Kovalcik, 19 Chesley Road, noted that prohibition isn't working, and he believes that the site of the proposed facility is a good one. He urged Committee members to approve the petition and noted that the AG's office is not granting additional time to municipalities with existing RMDs.

Anne Slater, 62 Court Street, lives behind Garden Remedies and noted that she has not been bothered by traffic or noise generated from Garden Remedies. She questioned whether the petitioner would be willing to contribute to a park or community benefit and the petitioner confirmed that they would be willing to contribute to some community amenity.

David Debany, 26 Court Street, noted that Garden Remedies has been a good neighbor. He noted that alternate modes of transportation need to be considered. He noted that Martys and Whole Foods has a giant parking lot and there is a lot of traffic in the area. He is curious to see what can be done to encourage public transportation and walking.

Adam Lunin, 24 Court Street, noted that his driveway runs parallel to parking lot. He has concerns about the size of the project and curb cut on Court Street. He stated that the traffic study was done during off-peak times and noted that he has seen product being diverted in front of him. Mr. Lunin does not believe this is an appropriate site and believes it will adversely affect the neighborhood. Mr. Lunin noted that there is nowhere for cars to turn around on Court Street and stated that he has concerns related to safety.

Joan Wasser Gish, 44 Elmore Street, noted that many residents are very concerned and urged the Council to postpone the vote until after the November election.

Lisa Marie Koury Parker, 297 Cherry Street, is a Garden Remedies patient, she noted that there is going to be traffic initially that will level out over time. Mr. Parker noted that people have had access to marijuana for years. She stated that the additional revenue will be beneficial for the City and supports the petition.

Diego Puppini, 38 Beecher Place, stated that he believes that the proposed traffic study is insufficient. He noted that the change will increase the traffic substantially and urged the Council to deny the petition.

Michelle Herman, 33 Bridge Street, Needham, stated that medical marijuana has and will be beneficial for many people. She noted that a customer cannot get into Garden Remedies without an ID.

Suzanne Bender, 195 Morton Street, stated that the City does not have a sense of the traffic impacts. She noted that surrounding municipalities have opted out and that Newton will be a magnet superstore for retail marijuana. She stated that once Garden Remedies is no longer "appointment only", traffic is going to worsen, and the traffic study does not account for that. She has concerns that people will use directly after purchasing, which will impact the traffic incidents. She noted that recreational use is different than medical use.

Carolyn Jacoby, 11 Doris Circle, has concerns about the traffic impacts. She doesn't believe that the traffic study is sufficient and noted that Garden Remedies should not get a free pass because they are "grandfathered". She noted that the City should allow residents to vote in November and reiterated that the Cannabis Control Commission will not grant licenses to municipalities with a ban.

Jeremy Dalnes, 23 Cummings Road, is a patient and customer at Garden Remedies. He is supportive of granting the permit. He noted that Garden Remedies is a known entity that has worked with the City already and can be trusted.

Michael Latulippe 190 Bridge Street, Salem, ma, Advisor to the Cannabis Control Commission, noted that if RMDs cannot co-locate, they may have a hard time remaining competitive. He noted that the Mass Patient Advocacy Alliance has worked to help to prevent any issues for adult use and keep medical facilities competitive after adult-use sales begin. He noted that the appointment only model resolves most of the traffic issues.

Nichole Snow, 190 Bridge Street, Salem, MA. President Massachusetts Patient Advocacy Alliance, Advisor to the Cannabis Control Commission, stated that the CCC considered shared space and supply between recreational and adult-use.

Carol Wein, 70 Mary Ellen Road, stated that she travels on Washington Street regularly. She noted that Garden Remedies is organized and reputable and noted that the recreational facilities in Portland are efficiently and beautifully managed.

Homer Franck, 18 Winona Street, supports the issuance of the Special Permit to Garden Remedies. He has found them to be responsible and trusts that they will not sell to children. He would not want to see the additional revenue and tax dollars going outside the City.

Elena Wright, 94 Ridge Avenue, was recently in Denver and noted that recreational facilities are as common as Dunkin Donuts. She questioned what the signage and marketing will be and noted that the AGs office is giving municipalities additional time to work through ongoing issues. She noted that the traffic will be significantly increased.

Suzanne Ridgley Ficks, 349 Lexington Street, went to Colorado and stated that the professional recreational facilities are well organized and controlled. She noted Garden Remedies is a good neighbor and will operate it in the same way.

Susan Lunin, 22 Shaw Street, owns 22-24 Court street, questioned whether the Council can grant some aspects of the permit and deny other aspects. She stated that she is concerned about the scope of the project.

Sonia Espinosa, Marijuana Recreational Consumer Council, noted that Newton is not alone in trying to resolve marijuana issues. She believes that Garden Remedies is prepared to operate with recreational customers and believes 1/26 RMDs in the state should convert.

James Pacheco, 48 Circuit Ave, had a discussion with the Police Department and noted that the Police Chief is against recreational marijuana. He urged the Council to deny the Special Permit.

Anatoli, 41 Beaconwood Road, has concerns about the impact on traffic. He noted that it is estimated that there will be approximately 40 visits per hour.

Min Chen, 46 Court Street, stated that the existing traffic conditions are already terrible. She noted that there is ongoing construction on Washington Street and the Police and Fire Chiefs are opposed to recreational sale in Newton. She noted that to protect the City's children and community, they should not be exposed to the risks.

Mr. Lee, 39 Sharon Avenue, is opposed to the proposed conversion to allow recreational sale.

Seeing no other member of the public wishing to speak, Councilor Auchincloss motioned to close the public hearing which carried unanimously. In response to questions from Committee members, the petitioner, Dr. Munkacy confirmed that there are currently 6 staff members at any given time and the pending request is to allow 12 employees simultaneously. Ms. Munkacy stated that the appointment times vary from 5-15 minutes depending on whether the customer is a new or returning patient. She stated that she anticipates that recreational customers will have shorter appointments because they may have a sense of what product they want. She confirmed that they will remain "appointment only" for as long as necessary. Ms. Munkacy stated that every staff person is trained to serve first time patients and if a walk-in patient comes, they can fill an appointment slot (if available). Atty. Buchbinder confirmed that the petitioner is willing to provide between 11 and 16 parking spaces and/or some landscaped space, at the discretion of the Council and the Planning Department. Mr. Cronin noted that the petitioner is required to have 7 parking stalls but noted that the Planning Department is typically supportive of less parking and more green space with the option to add more parking, if necessary.

Committee members questioned whether the Planning Department can analyze the potentially exponential impact on traffic if the City is the only municipality with a recreational marijuana facility, surrounded by "opt-out" communities. Chief Planner Jennifer Caira noted that the Planning Department has been analyzing the proposed facility based on retail data and data from other states. She confirmed that the Planning Department is evaluate options for a lookback. A Committee member questioned whether the petitioner would consider subsidies for bicycles and/or walking shoes. Some Committee members shared concerns that if Newton is the only City to allow recreational marijuana in the area, it will become a target. A Committee member questioned whether the petitioner might consider shortened hours of operation and/or "appointment only" in perpetuity. Atty. Buchbinder noted that the Council voted to allow an exception for Garden Remedies with the anticipation that they would operate as a recreational facility. He stated that the petitioner would prefer the option to reevaluate the "appointment only" operations at a later date.

The Chair noted that the continued discussion on August 7, 2018 will include drafting of the Council Order. He reviewed the following items for consideration by the Committee, Planning Department and Petitioner; "appointment only" condition, Hours of Operation, Parking Lot (how to minimize turnarounds, prevent Court Street traffic), Elements of the TDM Plan (how to enhance and encourage alternate parking for employees), Details of the Police Detail, Use of Product near and on-

site (possible Garden Remedies Contract with patients), Signage (Dr. Munkacy confirmed that the signage will not change), Impact of traffic from surrounding towns and how the lookback provision will be structured. With a motion to hold the item, Committee members voted unanimously in favor of holding the item until August 7, 2018.

Chairs Note: The Committee will discuss the request from the Planning Department to allow the hiring of consultants to be “on-call” for peer review of major Special Permit petitions.

Note: The Chair presented the request for the Planning Department to obtain “on-call” consultants for review of data presented during major Special Permit projects. Having consultants on-call will allow the Planning Department to begin an independent review soon after receipt of data (traffic, financial impact, etc.). Committee members expressed no concerns relative to the request and noted that it is common to have consultants available for peer review.

The Committee adjourned at 10:00 pm.

Respectfully Submitted,

Greg Schwartz, Chair

Department of Planning and Development



PETITION #338-18
22 BEECHER PLACE
SPECIAL PERMIT/SITE PLAN
APPROVAL TO ENCLOSE THE
FRONT PORCHES, ADDING
APPROXIMATELY 158 SQ. FT.
TO THE STRUCTURE, CREATING
AN FAR OF .49 WHERE .48 IS
ALLOWED



JUNE 26, 2018

Requested Relief

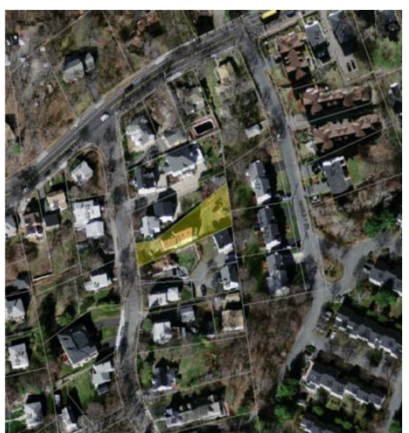
- Special permit per §7.3.3 to:
- exceed the maximum floor area ratio (FAR) (§3.1.9.A)

Criteria to Consider

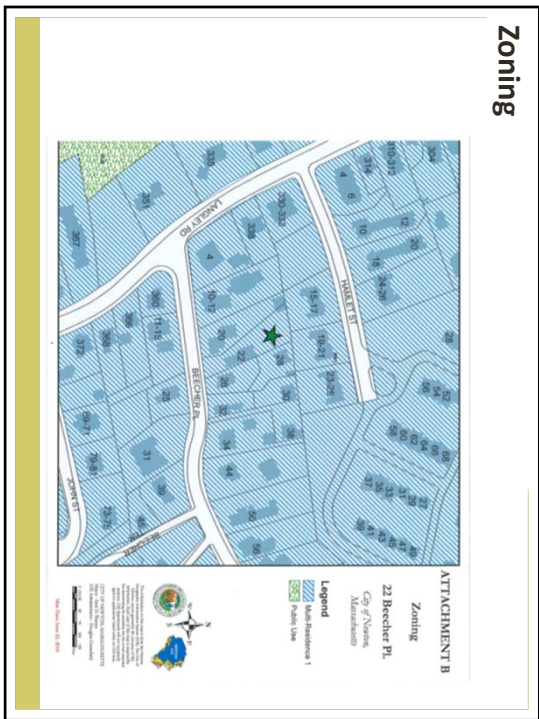
When reviewing the requested special permits the Council should consider whether:

- The proposed increase in FAR from 0.48 to 0.49, where 0.48 is the maximum allowed by right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§3.2.11.A.2)

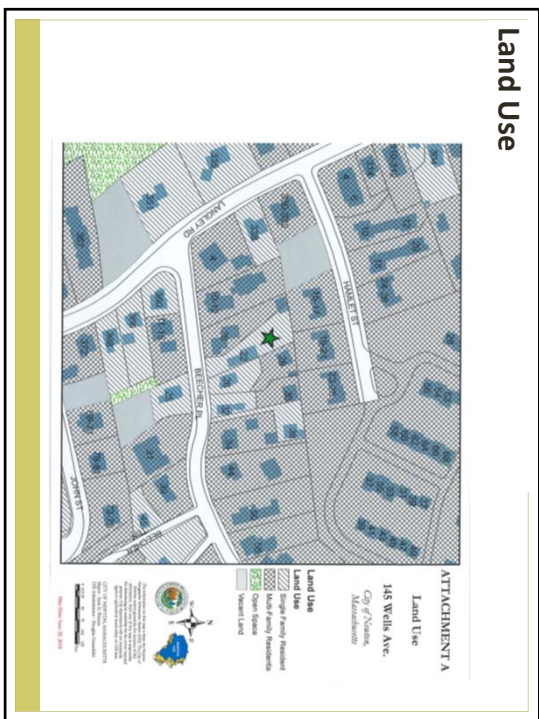
AERIAL/GIS MAP



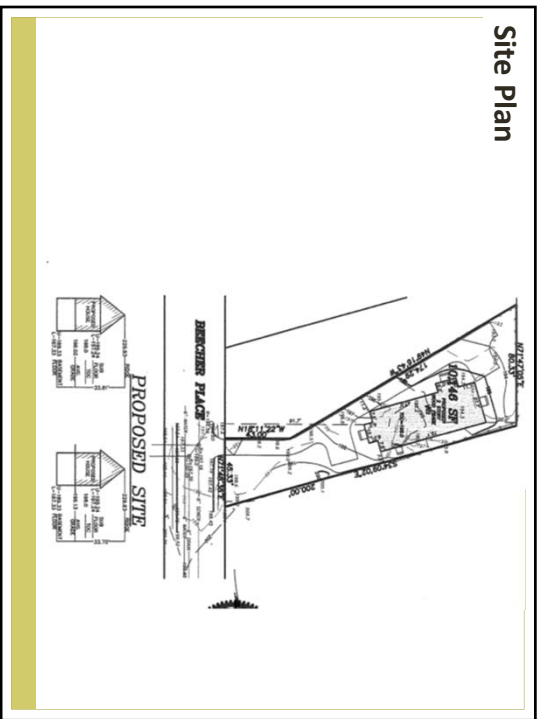
Zoning



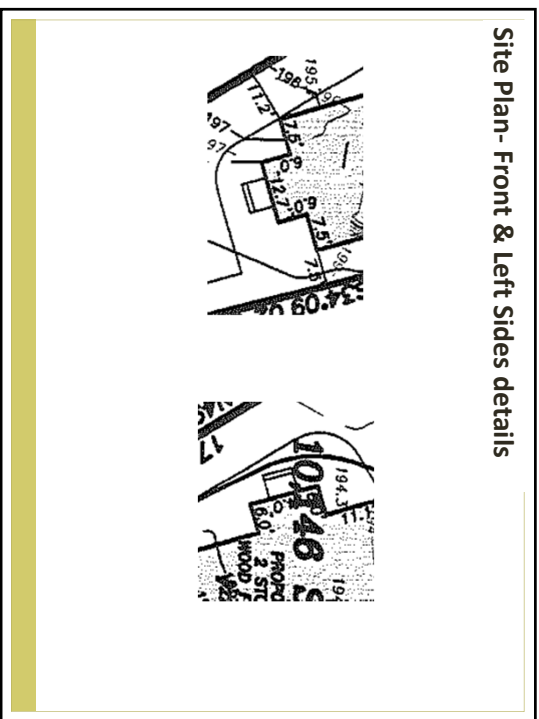
Land Use



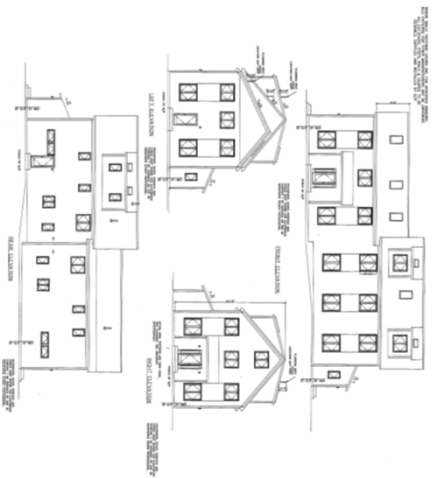
Site Plan



Site Plan - Front & Left Sides details



Elevations



Photos



Photos



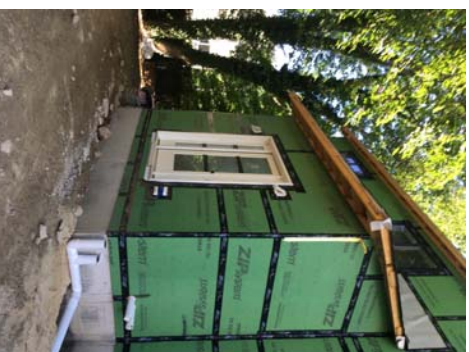
Photos



Photos



Photos



Proposed Findings

1. The expanded structure that would result from the proposed increase in floor area ratio (FAR) from 0.48 to 0.49, where 0.48 is the maximum allowed by-right will be consistent with and not in derogation of the size, scale and design of other structures in the neighborhood as it will be similar in regard to those characteristics of other structures in the surrounding area and conform to other relevant dimensional requirements; further, the additions will have limited visibility given their scale and distance from the adjacent public way and properties.

Proposed Conditions

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

333-18

Dear all,

tomorrow evening the city will have a hearing about a petition by a constructor, who plans to extend the design for a new home, with new porches. Their company took down a house at 22 Beecher Place (next door from our house) to build a huge double townhouse. The company already used all the volume allowed by the city law and squeezed two houses in the lot. As typical of Newton, they built two very large units that they plan to sell for a combined 3 million dollars (approximately). The constructor is petitioning to get an allowance for additional volume, to enclose the porches (and add value to the houses in construction).

I don't think, as a community, we are getting any benefit from this permit. The housing market in Newton is in a growing bubble, new constructions are being sold for 1.5M \$ and are making the city unaffordable to most. The teachers of our public schools are often commuting from out of town, and don't work in Newton for the long term (for instance, only a handful of teachers at Bowen have a tenure of more than 10 years). Similarly with other service workers, including the Police, the Fire Department.

Allowing this extension will encourage constructors to plan for larger and larger homes in Newton. It's not uncommon for builders to outbid individual buyers, who are just looking for their place in Newton, only to tear the building down and squeeze more/larger units in the lot for a profit.

The increase in estate taxes due to this addition will be marginal, and won't help with the inflation of housing costs that's affecting a large part of our community. For these reasons, I am asking to deny the petition to enclose the porches.

Signed

- 1 Diego Puppini (Beecher Pl) <diegolino@gmail.com>
- 2 Ben and Marissa Gross (Hamlet St) <grossdoc@gmail.com>
- 3 Michal Karczmarek and Anne Rush (Saw Mill Brook Parkway) <anne.rush@gmail.com>
- 4 Maria Beatriz Arvelo and Toufic Moubarak (Langley Rd) <mbarvelo@gmail.com>
- 5 Andy and Rachal Sokatch (Beecher Pl) <asokatch@gmail.com>
- 6 Umberto and Loretta Santucci (Carlisle St) <usantucci@comcast.net>
- 7 Kumar Challa (Wiswall Rd) <challakumar@gmail.com>
- 8 Scott Weiner (Carlisle Rd) <sweiner@massmed.org>
- 9 Chiara Durazzini (Carlisle Rd) <chiaradur@verizon.net>
- 10 Suma Rao (Wiswall Rd) <srao.suma@gmail.com>
- 11 Anita Westerkamp (Beecher Pl) <anitaregan01@gmail.com>
- 12 Paul Westerkamp (Beecher Pl) <paulonwine@aol.com>
- 13 Anna Linda Blois M (Langley Rd) <anna.blois@icloud.com>
- 14 Silvia Bottinelli (Beecher Pl) <silbot@gmail.com>
- 15 A. B. (Beecher Pl) <rising237@yahoo.com>
- 16 Brian Rogan (Beecher Pl) <brogan50@gmail.com>
- 17 Christina Regan (Beecher Pl) <christina.regan01@gmail.com>

Department of Planning and Development

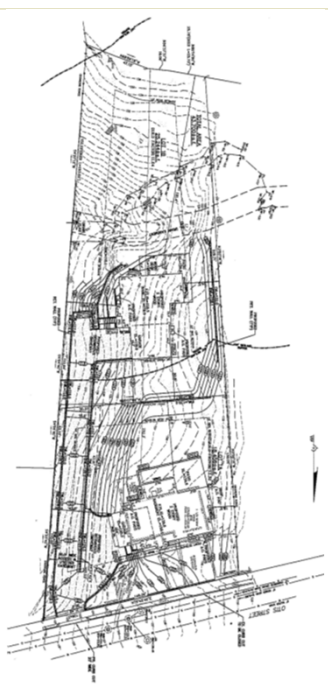


PETITION #215-18
156 OTIS STREET
SPECIAL PERMIT/SITE PLAN
APPROVAL TO ALLOW A REAR
LOT SUBDIVISION TO CREATE
TWO LOTS, RAZE THE EXISTING
SINGLE-FAMILY DWELLING AND
CONSTRUCT SINGLE-FAMILY
DWELLINGS ON EACH LOT

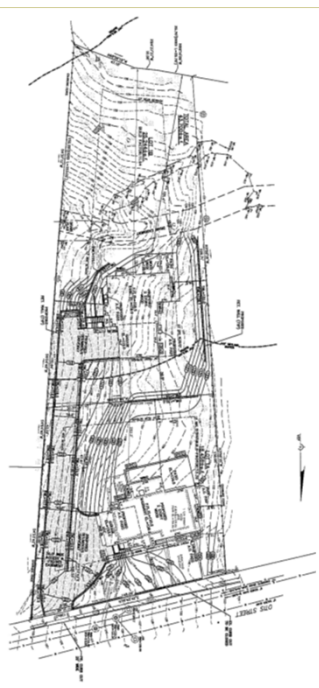


JUNE 26, 2018

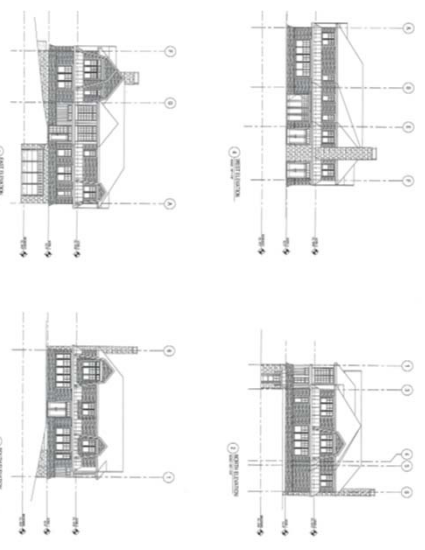
Site Plan- proposed (revised)



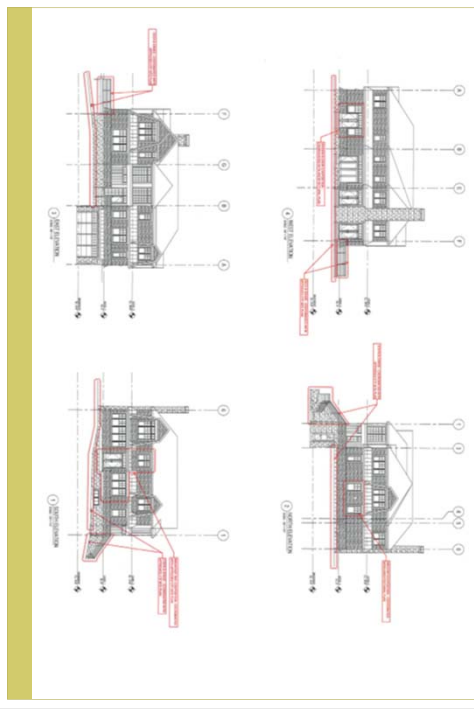
Site Plan- proposed (revised 6/13/18)



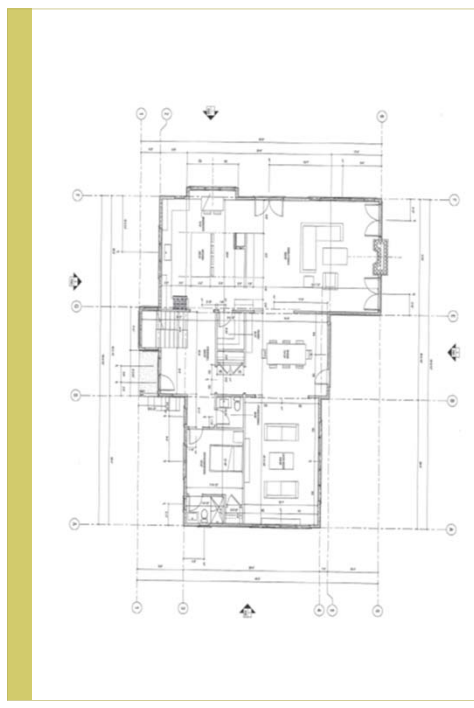
Elevations- Lot 1B (rear)



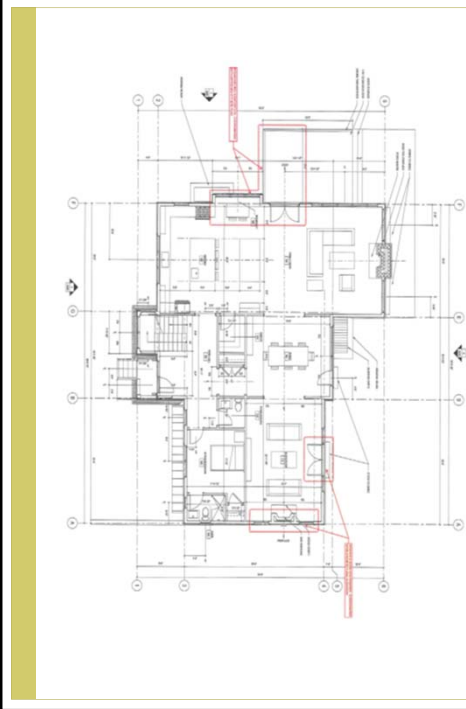
Elevations- Lot 1B (rear) - revised 6/22/18



First floor - original



First floor - (revised 6/22/18)



Department of Planning and Development



PETITION #215-18
156 OTIS STREET
SPECIAL PERMIT/SITE PLAN
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SINGLE-FAMILY DWELLING AND
CONSTRUCT SINGLE-FAMILY
DWELLINGS ON EACH LOT



JUNE 26, 2018

Criteria to Consider

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

- the site is an appropriate location for the two proposed one-family dwellings with the proposed retaining walls in excess of four feet in height in a setback (§7.3.3.C.1);
- the project as proposed will not adversely affect the neighborhood, (§7.3.3.C.2);
- there would 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);

Requested Relief

Special permit per §7.3.3 to:

- allow the subdivision of a rear lot (§3.2.12)
- allow a retaining wall of more than 4 feet within a setback (§5.4.2.B)

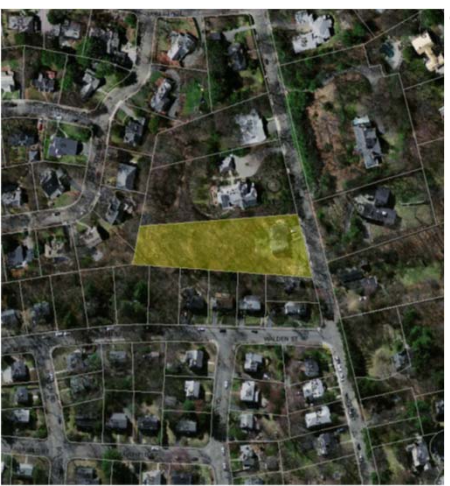
Criteria to Consider (cont.)

- The City Council shall also consider the following **additional criteria for a rear lot development** in a residential zoning district:
- whether the proposed buildings or structures exceed the respective average height of abutting residential buildings and any structures used for accessory purposes (§7.3.4.B.1);
 - the scale of proposed buildings or structures in relation to adjacent residential buildings and structures used for accessory purposes and in relation to the character of the neighborhood (§7.3.4.B.2);
 - topographic differentials, if any, between proposed buildings or structures and adjacent residential buildings and any structures used for accessory purposes (§7.3.4.B.3);

Criteria to Consider (cont.)

- proposed landscape screening (§7.3.4.B.4);
- adequacy of vehicular access, including, but not limited to fire and other public safety equipment, with emphasis on facilitating common driveways (§7.3.4.B.5);
- whether any historic or conservation public benefit is provided or advanced by the proposed development (§7.3.4.B.6);
- siting of the proposed buildings or structures with reference to abutting residential buildings or any structures used for accessory purposes (§7.3.4.B.8); and
- impact of proposed lighting on the abutting properties (§7.3.4.B.9).

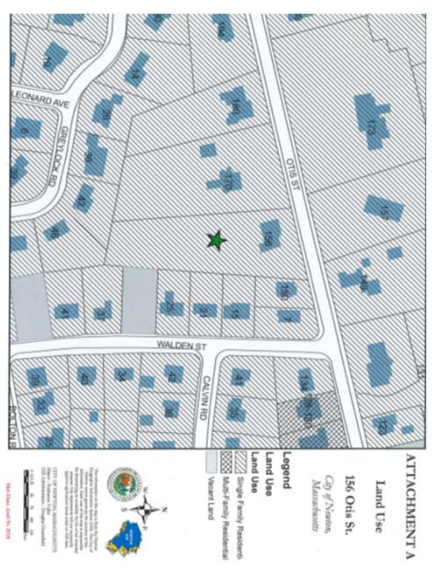
AERIAL/GIS MAP



Zoning



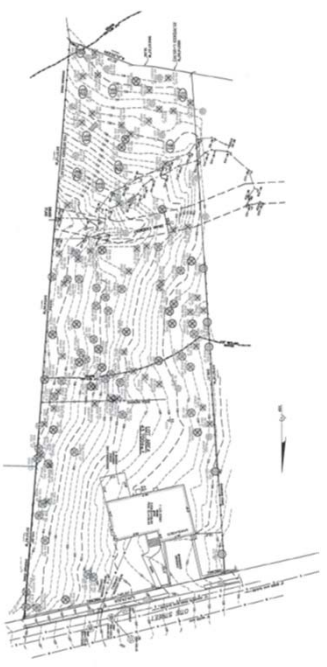
Land Use



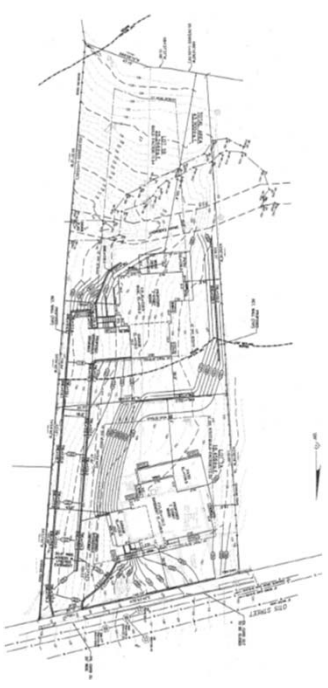
Site Sections



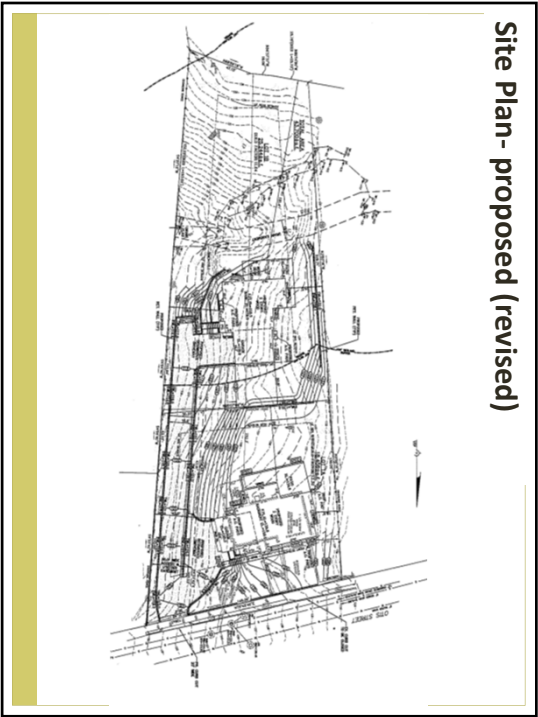
Site Plan - existing



Site Plan - proposed (original)



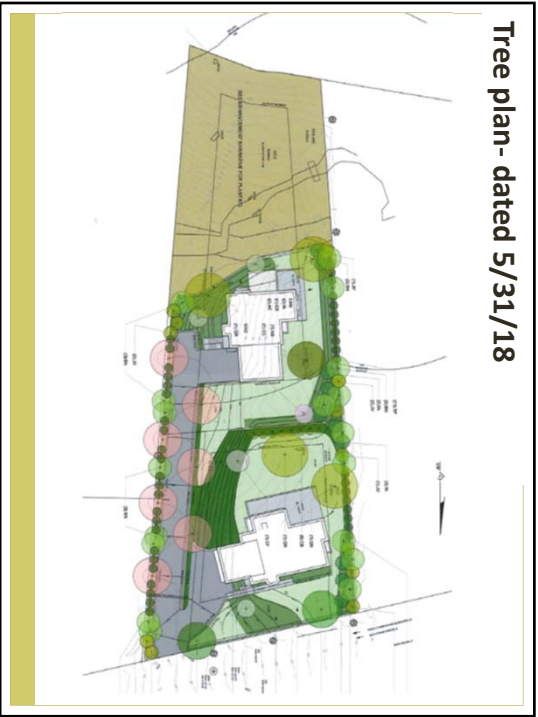
Site Plan - proposed (revised)



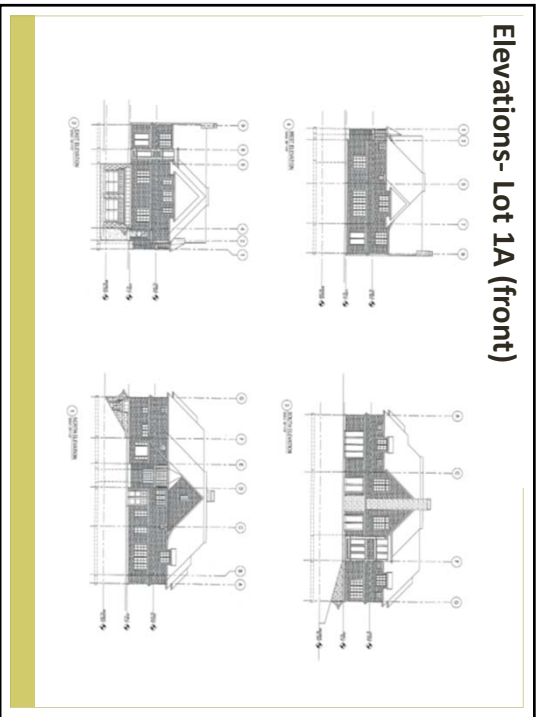
Tree plan - original



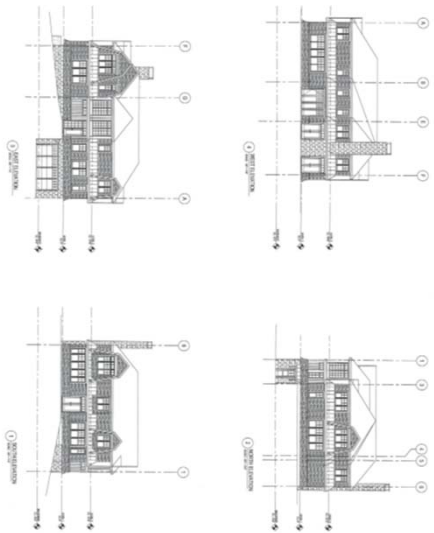
Tree plan - dated 5/31/18



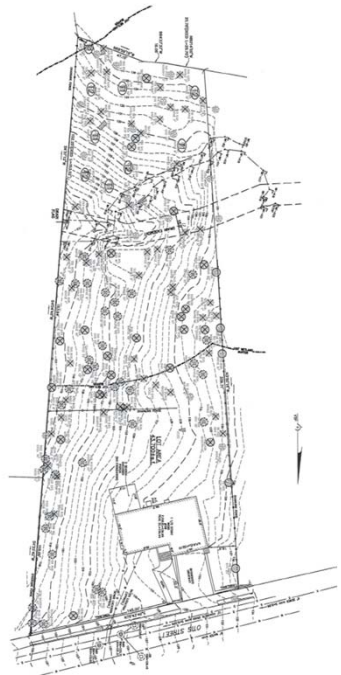
Elevations - Lot 1A (front)



Elevations- Lot 1B (rear)



Tree removal plan



Photos



Photos



Photos



Photos



Photos



Photos



Photos



Photos



Photos



Proposed Findings

1. The site is an appropriate location for the proposed use and structures as the proposed new front and rear lots will be used as single-family dwellings in a Single Residence 2 (SR2) district. (§7.3.3.C.1);
2. As single-family dwellings in a Single Residence 2 (SR2) district, the proposed residential use as will not adversely affect the neighborhood. (§7.3.3.C.2);
3. The proposed shared 20 foot wide driveway would provide adequate sight lines, 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);
5. At 30.37' the height of the proposed rear dwelling does not exceed the respective average height of abutting residential buildings and any structures used for accessory purposes (§7.3.4.B.1);
6. The two proposed single-family dwellings are designed in such a manner so that their massing and scale will be in character and consistent with adjacent existing and allowed residential structures in the surrounding Single Residence 2 (SR2) zoning district. (§7.3.4.B.2);

Proposed Findings (con't)

- 7. Differences in the relative dwelling heights between the proposed rear dwelling and structures on abutting properties are largely reflect the neighborhood's topography (§7.3.4.B.3);
- 8. The proposed landscape plan includes the extensive installation of trees and other vegetation which will largely screen the new dwellings from abutting properties. (§7.3.4.B.4);
- 9. The common driveway along the east property line is adequate for vehicular access (§7.3.4.B.5);
- 10. A portion of the rear lot will be maintained as a Conservation Commission approved Enhancement Area (§7.3.4.B.6);
- 11. The siting of the proposed front dwelling in the general area of an existing dwelling, and that of the rear dwelling structure near the center of a large lot, are appropriate given the scales and locations of abutting residential structures. (§7.3.4.B.8);
- 12. The proposed lighting will be residential in character and will not impact abutting properties (§7.3.4.B.9);

Proposed Conditions

- 1. Plan Referencing Condition
- 2. All utilities shall be located underground from the property line
- 3. All lighting fixtures shall be residential in scale
- 4. Operations and Maintenance Plan (O&M) for stormwater management requirement
- 5. Final Site Plan- review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department
- 6. Final Landscape Plan- review and approval by the Director of Planning and Development.

Proposed Conditions (con't)

- 7. Construction Management Plan (CMP)- review and approval by Commissioner of Inspectional Services, the Director of Urban Forestry, the Engineering Division of Public Works, the Director of the Department of Planning and Development, the Newton Fire Department and Newton Police Department
- 8. Standard Building Permit Condition (for one or both of the dwellings)
- 9. Standard Final Inspection/Certificate of Occupancy Condition.
- 10. No Final Inspection and/or Occupancy Permit for either of the dwellings constructed pursuant to this Special Permit/Site Plan Approval shall be issued until the petitioner has, as such it relates to the such dwelling(s) for which the such Final Inspection and/or Occupancy Permit is requested, has filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that the stormwater and drainage improvements identified in the provisions of Condition #1 above have been constructed to the standards of the City of Newton Engineering Department.

Proposed Conditions (con't)

- 11. The Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provide that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.
- 12. The landscaping shown on the approved Final Landscape Plan shall be maintained in good condition. The plantings shall be inspected annually and any plant material that becomes diseased or dies shall be replaced in a timely manner with similar material.

Department of Planning and Development



PETITION #289-18

697 WASHINGTON STREET

SPECIAL PERMIT TO AMEND COUNCIL ORDER #167-14 TO ALLOW THE RETAIL SALE OF RECREATIONAL MARIJUANA, TO REMOVE CONDITIONS FROM COUNCIL ORDER #167-14, TO ALLOW WAIVERS TO THE REQUIREMENTS OF PARKING FACILITIES CONTAINING MORE THAN FIVE STALLS, AND TO ALLOW A RETAINING WALL EXCEEDING FOUR FEET IN A SETBACK



JUNE 26, 2018

Requested Relief

Special Permit per §7.3.3 of the NZO to:

- Amend Council Order #167-14 to allow the retail sale of recreational marijuana
- Remove conditions pertaining to operations from Council Order #167-14
- Allow parking in the front setback (§5.1.8.A.1 and §5.1.13)
- Waive the perimeter screening requirements (§5.1.9.A and §5.1.13)
- Waive the interior landscaping requirements (§5.1.9.B and §5.1.13)
- Waive the lighting requirements (§5.1.10 and §5.1.13)
- Allow a retaining wall exceeding four feet in a setback (§5.4.2)

Special Permit Criteria

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the amendments to Council Order #167-14 (§7.3.3.1).
- The marijuana establishment, as developed and operated, resulting from the amendments to Council Order #167-14 will not adversely affect the neighborhood (§7.3.3.2).
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.3).
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.4).

Special Permit Criteria Continued

- Literal compliance with the parking requirements of the Newton Zoning Ordinance is impracticable due to the nature of the use, or the location, 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).

Criteria for RMDs

- The RMD is located to serve an area that currently does not have reasonable access to medical marijuana. (§6.10.3.F.1)
- The site is at least five hundred (500) feet from a school, daycare center, preschool or afterschool facility or any facility in which minors commonly congregate, or from a house of worship or religious use, or the site is located at a lesser distance, if the City Council finds that the site is sufficiently buffered such that these facilities or uses will not be adversely impacted by the RMD's operation (§ 6.10.3.F.2).
- 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.F.3).

Criteria for RMDs Continued

- Traffic generated by client trips, employee trips, and deliveries to and from the RMD do not create a significant adverse impact on nearby uses (§6.10.3.F.4).
- Loading, refuse and service areas are designed to be secure and shielded from abutting uses (§6.10.3.F.5)
- 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 buildings interior (§6.10.3.F.6).
- The building and lot are accessible to persons with disabilities (§6.10.3.F.7).

Criteria for RMDs Continued

- The lot is accessible to regional roadways and public transportation (§6.10.3.F.8).
- The lot is located where it may be readily monitored by law enforcement and other code enforcement personnel (§6.10.3.F.9).
- The RMD's hours of operation will have no significant adverse impacts on nearby uses (§6.10.3.F.10).

Additional Information

1. The petitioner submitted a parking survey indicating vehicles parked on Court Street, during the surveys, were not patients or employees of the site due to parking duration.
2. The petitioner will implement a TDM plan to encourage employees from parking in the area.
3. The petitioner will employ a security professional to monitor the site outside of the building, including the surface parking lot, during all times the marijuana establishment is open.

Departmental Review

1. The Transportation Division reviewed the TIAS, offering the following comments:
 - a. The petition will have minor traffic operation impacts at nearby intersections because of low trip generation.
 - b. Sight Distances on Court Street meet the required minimum distance.
 - c. Transportation suggests the petitioner conduct a parking utilization study six months after completion of the surface parking lot to determine if the parking facility should be expanded to 16 stalls.
2. The Engineering Division believes the outstanding items can be completed prior to the issuance of a building permit.



June 26th, 2018

Good evening,

My name is Joe Gilmore, I live at 6 Medway St in Boston, Massachusetts. My testimony is in support of current RMD Garden Remedies to transition to adult-use retail sales of cannabis.

As an undergraduate Senior studying economics at UMass Boston, I lead an organization on campus called Students for Sensible Drug Policy where we feel the best approach to mitigating public safety concerns for marijuana is not prohibition, but thoughtful regulation, harm reduction, public education and awareness campaigns. I've recently spoken at University campuses such as Lasell College, Dean College, and Northeastern University about the importance of compliance under the new adult-use marijuana laws and responsible consumption methodology. Whether or not this ban applies to Garden Remedies, the City of Newton will inevitably face the potential impacts of legalization from surrounding communities. So how do we mitigate these concerns?

Sharon Massachusetts is a town in a similar situation to Newton, who recently voted to reject the ban on retail cannabis establishments. Four Daughters, a medical dispensary that will also be applying for a retail license, projects the combined revenue for both medical and recreational will exceed \$1.6 million to be allocated towards the public school system, youth prevention, and law enforcement training; each services that will be necessary whether or not Newton decides to ban retail establishments. Attached (on page 31) is a breakdown of their projection methodology. Instead of pretending that adult-use cannabis does not exist in Newton, let's be proactive about how we can regulate it responsibly and allocate revenues to reduce public safety concerns.

Garden Remedies has one of the highest retention rates among employees as far as RMD's in the state. They've developed an outstanding reputation with the both local law enforcement and within the Newton community. In the past year, they've held several food drives and contributed to multiple local nonprofit agencies. They are a professional company with a growing workforce that will provide good paying career opportunities for dozens of Full-Time and Part-Time employees as they continue to expand. For the past two years, Garden remedies has proven their ability to surpass expectations by following strict protocols and procedures to ensure a safe environment for employees, customers, and the general public. They deserve the the support from the Newton community for the opportunity to serve the adult-use market. Thank you.