



City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Ruthanne Fuller
Mayor

Barney S. Heath
Director

HOST COMMUNITY AGREEMENT ADVISORY GROUP RECOMMENDATION

DATE: August 30, 2019

TO: Mayor Ruthanne Fuller

FROM: Host Community Agreement Advisory Group

SUBJECT: **Host Community Agreement Recommendation for Union Twist, proposing a marijuana retailer at 1158 Beacon Street**

EXECUTIVE SUMMARY

Union Twist Inc. (d/b/a Union Twist), is proposing to become a recreational marijuana retailer at 1158 Beacon Street, near Newton Four Corners. Members of the management team met with the Host Community Agreement (HCA) Advisory Group on April 4, 2019.

Union Twist is led by three women who have experience in law enforcement, regulatory compliance, retail and cultivation. The proposed site is located within a commercial strip, outside of a village center. The applicant has presented well thought out plans for operations, security, and social equity. The applicant has appropriate public health, community relations, and sustainability philosophies and the company will provide economic value to the city. For these reasons, and those described in more detail below, the HCA Advisory Group recommends moving forward with a provisional Host Community Agreement for Union Twist Inc.'s marijuana retailer at 1158 Beacon St. and moving the applicant forward to the City Council's and the state's rigorous review processes.



1158 Beacon Street

CRITERIA FOR CONSIDERATION:

- I. Security – *Whether there is a sufficient commitment to public safety and a sufficient plan for controlling access to areas with marijuana and preventing sales to underage populations, and other similar factors.*

Union Twist will provide security both inside and outside of the facility to ensure the safety of customers and employees and to prevent crime and diversion. Security will be provided through physical barriers, technology, cameras, and on-site security personnel. All personnel will be trained extensively and Union Twist will provide the Newton Police with direct video feed access to its video surveillance system. Union Twist will work with Newton Police and the Cannabis Control Commission (Commission) to ensure video cameras are properly positioned. Perimeter security, including motion sensors, alarms, and video surveillance, will be installed and intrusion detection sensors will be placed on all exit and entry points, including windows. Multiple redundant alarm systems will ensure the system does not fail in the case of a power. There will be one contracted security officer on-site during all hours that staff is on the premises. The security officer will be responsible for managing access, patrolling the dispensary facility, and verifying compliance with security policies. The security officer, as well as staff, will monitor the parking lot. The door to the retailer will be located in the rear, adjacent to the parking lot and deliveries will happen through the side door.

Union Twist has taken steps to prevent diversion and nuisance and will require all customers to sign a community norms pledge. Union Twist will provide a 24/7 contact number to local business owners and residents.

Dan Linskey is listed as the Director of Security. Mr. Linskey serves as a Managing Director in Kroll's Business Intelligence and Investigations practice and is head of the Boston office. Mr. Linskey is also the former Superintendent-in-Chief of the Boston Police Department (BPD) and a 27-year veteran of the police force. While Superintendent-in-Chief, Mr. Linskey managed the day-to-day operations of a 3,000-person department while overseeing a 30% reduction in major crimes over seven years.

The proposed security plan appears well thought out to both protect customers and employees and prevent diversion, while helping Union Twist be a good neighbor.

The Advisory Group recommends that if the applicant moves forward, they continue to work closely with the Newton Police Department, and they provide careful attention to providing sufficient lighting and security in the rear parking lot.

- II. Public Health – *Whether there is a commitment to help monitor and mitigate health impacts to the neighborhood and to Newton's youth and adult populations, assistance with local substance abuse prevention programming, and other similar factors.*

Union Twist has stated they are committed to working with the Newton Health and Human Services Department to monitor and mitigate health impacts to the City including, but not limited to: ensuring that labeling of all marijuana products complies with state and local requirements; assisting with and providing resources for substance abuse education and prevention programming; and providing supplemental information to company-produced materials for customers regarding safe consumption, transportation and storage of marijuana products. The applicant also agreed to provide information in their store created by the City regarding substance abuse prevention and treatment and to provide links to such information on their website.

III. Community Relations – *What are the plans for community outreach and addressing community concerns, experience with the Newton community, and other similar factors.*

Marie St. Fleur, Chief Operating Officer, and Amy McNamee, Chief Executive Officer, both have backgrounds in public service. Ms. St. Fleur, as a former Massachusetts State Representative and Cabinet Chief for Mayor Menino is experienced in engaging with the community. Ms. St. Fleur is a lawyer, legislator, policy maker, and motivational speaker and states she is passionate about removing systemic barriers that prevent upward mobility; particularly for women. She has created outreach and engagement approaches, spearheaded the establishment of the Massachusetts Department of Early Education and Care, launched the Put MA Kids First Coalition, a multi-year campaign to increase state investment in Early Education and Care and Out of School Time in Massachusetts, and created the Early Education Small Business Innovation Center in Boston. She has also served as a Massachusetts State Representative, a Cabinet Chief for Mayor Menino, an Assistant State Attorney General, Chair of the Advisory Council for the Haiti Fund at the Boston Foundation, and President and CEO of a non-profit.

In addition to the state-mandated community meeting, the applicant will provide a 24/7 contact number so any issues can be reported and resolved, will commit to join local business, civic and neighborhood safety associations and to have the Community Engagement Officer, Store Manager or Assistant Store Manager regularly attend meetings, and will participate in and provide sponsorship of community events. Union Twist has already begun meeting with City Councilors and neighbors and has also agreed to host a community outreach meeting before which it will notify abutters within 300 feet of the property of said meeting.

The Advisory Group recommends that the applicant continue to pursue community outreach efforts above and beyond the required community meeting, and that they engage further with those in the surrounding residential neighborhoods.

IV. Experience – *What are the professional experiences and qualifications of the management team and other similar factors.*

Amy McNamee is a Massachusetts native and trial attorney who has practiced law in the

Commonwealth of Massachusetts for over 20 years. Ms. McNamee worked as an Assistant District Attorney in Suffolk County 1998-2010, where she was assigned to the West Roxbury District Court, The Boston Municipal Court and Suffolk Superior Court and she spent the majority of her career as a prosecutor. She was assigned to Suffolk County District Attorney's Gang Unit and Senior Trial Team where she investigated unsolved gang related crimes in the Grand Jury with the Boston Police Department and was a member of the District Attorney's Homicide Response Team. After leaving the District Attorney's officer, Ms. McNamee started her own law practice, focused on criminal defense.

Tahira Rehmatullah, Cannabis Advisor, is the Chief Financial Officer of MTech Acquisition Corp and Managing Director of Hypur Ventures; both businesses are in the cannabis industry. Ms. Rehmatullah previously served as General Manager of Marley Ventures, the official Bob Marley cannabis brand where she launched and led a cannabis lifestyle brand with four product categories.

The Union Twist management team has deep experience in law enforcement, compliance, public service, security, the cannabis industry and community work. Their combined experience includes managing, hiring, and training for large organizations. Union Twist has assembled an experienced team who appear capable of success and positive integration with the community. The Advisory Group recommends they focus adding staff with direct marijuana retail experience.

V. Sustainability – *What are the proposed sustainable and renewable energy practices, and other similar factors.*

The Applicant is committed to creating a retail space that is energy efficient with a decreased carbon footprint. Employees of the Union Twist location in Newton will be given free MBTA passes, transportation schedules, and secure bicycle racks to discourage driving to and from work. Union Twist's website will encourage customers to utilize public transportation, bicycle infrastructure, and walking as well. Union Twist will also pursue composting and will offer discounts to customers who return packaging to be recycled. They will also seek LEED certification for the building after renovations.

The Advisory Group recommends that Union Twist continue to explore ways to reduce energy consumption and waste within their facility.

VI. Equity – *What are the qualifications of the Applicant under state Economic Empowerment and/or Social Equity programs.*

Union Twist does not qualify for the state Economic Empowerment or Social Equity programs. However, they have created policies and initiatives to encourage diversity and to positively impact communities that have been disproportionately impacted by federal and state drug policies. Union Twist's policies include a goal to employ a workforce consisting of at least 30% racial and ethnic minorities. Union Twist's CEO and COO have both witnessed firsthand the impact of the war on drugs, and are thus committed to

providing employment opportunities to individuals disproportionately affected impacted by its legacy. Union Twist will also develop a management-level diversity committee that will evaluate the breadth and efficacy of its hiring and recruitment practices. Each year Union Twist will measure its hiring goals against the actual number of employees employed or hired that meet the criteria. If Union Twist does not meet this goal, they have committed to making a \$2,000 donation to a local workforce training organization for each percentage point.

- VII. Economic Value – *What is the amount of additional economic value the business would bring to Newton, e.g., new jobs, additional local tax revenue, increased property value, commitment to diverse and local hiring, commitment to use of local businesses for construction, supplies, product, and other business needs, openness to long-term community impact fees, and other similar factors.*

Union Twist will invest in the renovation of a currently underutilized parcel, which build-out process will utilize local businesses for construction to the extent possible. Additionally, Union Twist will bring up to 25 salaried jobs to Newton, which it intends to source locally to the extent permitted by law. They state that employees will have access to a living wage, comprehensive benefits, and substantial workplace training. Union Twist has indicated they will provide 3% of gross revenue to the City as a community impact fee, in addition to the 3% local sales tax option. Union Twist projects that the City will receive an average total revenue of \$700,580, inclusive of the sales tax and community impact fee, annually from the establishment.

- VIII. Context – *Whether the proposed facility is not clearly inappropriate in terms of location, operations as well as transportation, traffic and parking, with those final decisions reserved for the City Council during the Special Permit process.*

The proposed site is located on Beacon Street, approximately 800 feet west of the Walnut Street intersection in the Four Corners area. The abutting properties to the east and west are office and retail buildings. To the north is a residential parcel and the Newton Cemetery and to the south is an apartment building. The entrance to Cold Spring Park is approximately 800 feet to the west.

The subject property consists of an approximately 20,000 square foot lot consisting of a 5,300 square foot retail building as well as paved surface used for deliveries and parking. The building contains two retail spaces. The eastern most space contains IQ Kitchen, a primarily take out restaurant, and Union Twist would locate in the western half of the building, most recently home to Jaylin Cleaners. The property is located in the Business 2 (BU2) zone. The site is not within the 500-foot buffer zone for any public or private k-12 schools and exceeds the half-mile buffer from any existing or approved marijuana retailers or registered marijuana dispensaries. The applicant proposes to utilize approximately 2,290 square feet of the 5,300 square feet of commercial space on the site.

The site contains two driveways and is physically separated from the commercial strip to the east. There are several diagonal parking stalls at the front and additional parking in the rear. Union Twist would upgrade the façade of the entire building and re-stripe the rear parking lot. Customers would enter directly from the rear parking lot through a door at the rear of the building. No customers would utilize the front of the building, though customers to IQ Kitchen would continue to enter at the front of the building. The parking needs of the adjacent take out restaurant can be accommodated by the stalls at the front of the building and the proposed marijuana retailer would utilize the rear parking area. Submitted plans show striping for 11 parking stalls in the rear and four in the front all with sufficient maneuverability. There is ample additional space at the rear of the building for dumpsters, bicycle racks, and landscaping. Employees would be encouraged to utilize transit and will be given MBTA passes, and there will also be bicycle parking onsite for both employees and customers.

The proposed site lacks adequate landscaping at this time. If the application is to move forward, the Advisory Group recommends the Applicant add landscaping, particularly along the southern boundary. While there is no direct access from the rear of the site to Cold Springs Park (the rear of the site abuts parking for the adjacent office and apartment building), the applicant should consider continuous fencing along the southern and western boundaries of the site to further limit connections to the park. Lighting improvements may also be necessary such that there is sufficient lighting within the parking lot for safety purposes but limited light spillover onto adjacent properties.

RECOMMENDATION:

The proposed marijuana retailer brings a women-led (including a woman of color) team with deep law enforcement, security, and community work experience. Union Twist has demonstrated success in managing, hiring, overseeing operations and training both in and outside of the cannabis industry. The Applicant also has local ties to the Boston region and is committed to maintaining positive relationships with the community and neighboring businesses and residents. Union Twist has committed to engaging the community, providing 24/7 contact information in order to immediately address any potential issues, and has developed a thorough security plan.

The proposed site has dedicated parking and is located towards the western edge of a commercial strip, a sufficient distance from the busy Beacon Street and Walnut Street intersection. There are safe site distances and adequate parking. The façade upgrade for the building will improve this underutilized parcel and the entrance at the rear of the site will minimize visibility of the retailer for neighbors. The storefront is directly across from the Newton Cemetery and buffered by commercial uses on either side and a fence and landscaping separates the rear of the parking facility and the apartment building to the south, though additional landscaping and fencing is recommended.

There were four applications for HCAs received within a half-mile span of Beacon Street,

where zoning will only allow one establishment. While the proposed site warrants additional consideration of landscaping and transportation demand management measures, the proposal is for a small store, discreetly located at the rear of the building and well buffered from surrounding uses. The site is also the furthest from the Beacon Street and Walnut Street intersection, where congestion is a concern. Additionally, Union Twist has committed to diversity in hiring and has submitted a plan that, if properly implemented, will positively impact historically underserved communities.

Based on this preliminary analysis, the HCA Advisory Group recommends moving forward with a provisional host community agreement for Union Twist, Inc. As part of the Special Permit process, the City Council may wish to consider the topics in more depth: parking plans, community outreach, and landscaping.