



Ruthanne Fuller
Mayor

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

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: December 2, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Scott M. Baratz (POA), applicant
Union Twist, Inc.
Michael P. Ross, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to allow a marijuana retail establishment and associated dimensional waivers for the parking facility**

Petitioner: Union Twist, Inc.	
Site: 1158 Beacon Street	SBL: 54022 0049A
Zoning: BU2	Lot Area: 20,443 square feet
Current use: Dry cleaner	Proposed use: Marijuana retail establishment

BACKGROUND:

The property at 1158 Beacon Street consists of a 20,443 square foot lot improved with a one-story commercial building constructed in 1964 currently occupied by a dry cleaner and small take-out restaurant. The petitioner seeks to operate a marijuana retail establishment pursuant to section 6.10.3 in the space occupied by the dry cleaner. The petitioner intends to remove approximately 400 square feet from the rear of the building, and to reconfigure the existing parking areas to increase from 12 to 18 parking stalls.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Michael P. Ross, attorney, dated 10/25/2019
- Existing Conditions Plan, signed and stamped by Gerry L. Holbright, surveyor, dated 4/1/2019
- Site Plan, prepared by Fuss & O'Neill, dated 10/23/2019
- Floor Plans, signed and stamped by Keith Bettencourt, architect, dated 9/9/2019
- Traffic Impact Statement, prepared by Hayes Engineering, Inc, dated 1/7/2019

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner is proposing to operate a marijuana retail establishment. This use requires a special permit from the City Council per Section 6.10.3.D of the Newton Zoning Ordinance.
2. Section 6.10.3.E.5 states that a marijuana retailer is subject to the parking requirements of 5.1.4.A, which requires one stall for every 300 square feet of gross floor area, and one stall for every three employees at the highest shift for the retail use. The petitioners are proposing to occupy 2,290 square feet for the operation and is contemplated to have 10 employees at the busiest shift. The proposed establishment requires 12 parking stalls.

A take-out only restaurant occupies the second tenant space within the existing commercial building. Per section 5.1.4.A, a restaurant requires one parking stall per every three seats, plus one stall for every three employees at the busiest shift. The existing restaurant requires two parking stalls.

The petitioner is proposing to reconfigure the existing parking area with 18 parking stalls, which satisfies the requirements of section 5.1.4.A.

3. Section 5.1.8.D.1 requires that two-way entrance and exit drives must be a minimum of 20 feet wide. The driveway to the rear parking area narrows to less than 19 feet wide, requiring relief.
4. Per section 5.1.9.A, outdoor parking facilities with more than five stalls must be screened from abutting streets and properties with a strip of at least five feet in width of dense shrubs or trees and/or a wall, fence etc. of at least six feet in height. The petitioners propose shrubs along the eastern border, some fencing and shrubs along the rear half of the western border and three trees at the rear. The landscaping along the southern (rear) and western property lines do not meet the perimeter screening requirements of section 5.1.9.A, requiring a waiver.
5. Section 5.1.10.A requires that parking facilities which are used at night have security lighting with a minimum intensity of one-foot candle on the entire surface of the parking facility. To the extent that any proposed lighting in the parking facility does not meet the requirements of section 5.1.10.A, a special permit is required.

6. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§6.10.3.D §4.4.1	To allow a marijuana retailer	S.P. per §7.3.3
§5.1.8.D.1 §5.1.13	To waive the minimum driveway width for two-way traffic	S.P. per §7.3.3
§5.1.9.A §5.1.13	To waive perimeter screening requirements	S.P. per §7.3.3
§5.1.10 §5.1.13	To waive the lighting requirements	S.P. per §7.3.3