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Mayor

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Barney S. Heath
Director

PUBLIC HEARING/WORKING SESSION II MEMORANDUM

DATE: March 5, 2021
MEETING DATE: March 9, 2021
TO: Land Use Committee of the City Council
FROM: Barney S. Heath, Director of Planning and Development
Neil Cronin, Chief Planner for Current Planning
Michael Gleba, Senior Planner
CC: Petitioner

In response to questions raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided at the Land Use Committee public hearing.

PETITION #774-20

232 Boylston St.

Petition #774-20, SPECIAL PERMIT/SITE PLAN APPROVAL to allow a recreational retail marijuana establishment, allow waivers to parking facility requirements for: parking in the side setback, parking stall width and depth, reduced dimensions for accessible parking stalls, to reduce the minimum aisle width for two-way traffic, to waive perimeter screening requirements, to waive lighting requirements, to allow tandem parking and parking managed by an attendant, to allow a free-standing sign and to allow an oversized directional sign and to amend Special Permit Board Order #774-85 at **232 Boylston Street**, Ward 7, Chestnut Hill, on land known as Section 82 Block 02 Lot 09, containing approximately 16,570 sq. ft. of space in a district zoned BU4. Ref: Sec. 7.3.3, 7.4, 6.10.3.D, 4.4.4, 5.1.8.A.1, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.C.1, 5.1.8.E.1, 5.1.8.E.2, 5.1.9.A, 5.1.10, 5.2.3, 5.2.8, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

The Land Use Committee (the "Committee") held a public hearing on December 15, 2020 and January 26, 2021 on this petition. This memo reflects additional information addressed to the Planning Department as of March 5, 2021.

Background

The property at 232 Boylston Street consists of a 16,570 square foot lot located in a Business 4 (BU4) district improved with a two-story, 5,484 square foot commercial building. The petitioner seeks a special permit from the City Council to operate a marijuana establishment per Section 6.10.3.D of the Newton Zoning Ordinance (NZO). The establishment would occupy the building's basement, first floor, and a portion of its second floor. The petitioner is proposing to use 2,973 square feet for the retail operation while 1,852 square feet would be used for storage and mechanical equipment. As designed the proposed marijuana establishment also requires additional zoning relief, including exceptions to NZO requirements related to parking, lighting and signage, with the latter requiring the amendment of Special Permit #774-85.

Updates

Traffic and Transportation

Parking:

As noted previously, the Planning Department, its on-call transportation consultant (the BETA Group), and the Transportation Division, have raised concerns regarding the adequacy of the proposed parking arrangements.

In response to a recommendation that it provide more information regarding how its managed parking plan for the 19 parking stalls on site would be operated, the petitioner submitted the attached memorandum dated January 25, 2021 describing its proposed parking management plan (**Attachment A**). Also, the petitioner is proposing to provide no parking on site for its 21 expected employees but to instead subsidize employees' costs to park off-site and the cost of their transportation to/from off-site parking areas. The Planning Department recommends that in the event this petition is granted this requirement be made a condition of any Council Order.

Despite the foregoing, the adequacy of the parking on site for customers continues to be an area of concern.

Although the subject site is adjacent to large parking facilities the petitioner has no rights to the parking on abutting parcels. There are concerns that some customers and employees of the proposed marijuana establishment would nevertheless use that parking, and that such activity might also be likely to be encouraged by the limited parking on site and the petitioner's proposed use of managed/valet parking to allow for tandem parking stalls. While managed parking might indeed allow for more stalls to be counted toward the required number of stalls, the time and relative inconvenience involved in the use of those spaces might encourage customers to simply park on adjacent properties and walk to the proposed marijuana retailer. This is especially true of customers desiring/expecting a relatively short presence in the store.

The time customers would spend in the store is in turn also of concern given its relationship to the adequacy of on-site parking since the longer the average parking customer is on site, the fewer spaces are available in any given timeframe. BETA's attached letter dated February 15, 2021 (**Attachment B**) discusses this issue in more detail. The petitioner submitted the attached letter dated March 1, 2021 (**Attachment C**) that illustrates some recent observations regarding so-called customer "dwell time" at

existing locations. While the data indicates the average customer time within the store would work with the proposed appointment schedule, it difficult to project transaction times within the store to dwell time on site.

The petitioner provided the attached memorandum (**Attachment D**) outlining a process by which the petitioner would reduce the number of appointments via reducing the number of point of sale stations from eight to six and commit to regular check-ins with the Planning Department and the Department of Public Works. During this incremental opening, the petitioner would collect data to provide an indication of the site's operation. Should the check-ins indicate the site is able to accommodate the appointment schedule, the petitioner would request to increase the number of appointments. Such check-ins have been implemented in other council orders for similar uses and may foster behavior among customers to park on site rather than use adjacent facilities. The Planning Department will consult with BETA and the Department of Public Works and will provide the Committee with an update at the public hearing.

Florence Street:

As discussed at previous public hearings and in Planning Department memoranda on this petition, while it is acknowledged that traffic to and from the site would largely be on Boylston Street/Route 9, the Transportation Division and the City's peer reviewer has noted that it is likely customers of the proposed marijuana retailer might "use the Florence Street driveway" located on an adjoining property to access the site.

In order to help mitigate the impacts such activity might have on the nearby neighborhood along Florence Street, the petitioner, the Transportation Division, the Planning Department and its peer reviewer have discussed possible traffic calming measures for Florence Street in the form of a raised crosswalk. Although there has been no final agreement as to where said crosswalk would be located, the petitioner has offered to design and construct the crosswalk (with no upset limit as to its cost), with its exact location to be subject to the review and approval of the Transportation Division and the Planning Department.

Shuttle:

The Planning Department notes that the petitioner has reiterated its intent and willingness (as indicated in its letter dated January 21, 2021) to take a lead role in facilitating and coordinating an effort with other nearby property owners and employers to establish a shared shuttle service that would provide access for employees traveling to and from their workplaces in the area, especially via public transit options. Staff will work with the Director of Transportation Planning to convert the petitioner's commitment into an enforceable condition.

Pedestrian Access:

The petitioner has indicated that it is unlikely to come to an agreement in the near future with adjacent property owners to create a cross walk across the three-lane wide driveway just to the east of the site that would facilitate pedestrian access to the site from Boylston Street / Route 9. However, staff has determined that such a connection is not an appropriate location due to safety considerations. The Planning Department continues to suggest that the petitioner explore options to provide pedestrian access directly on the subject property and not dependent on agreements with abutting properties.

Fire Department Review

The petitioner has submitted a site plan, dated December 2, 2019, as revised through February 9, 2021, that was reviewed and accepted by the Newton Fire Department on February 25, 2021 “for Site Review Only.”

ATTACHMENTS

Attachment A	Petitioner’s memorandum dated January 25, 2021
Attachment B	BETA Group letter dated February 15, 2021
Attachment C	Petitioner letter dated March 1, 2021
Attachment D	Petitioner’s letter dated March 5, 2021

ATTACHMENT A



To: Newton Planning Department

Date: January 25, 2021

Memorandum

Project #: 14559.00

From: Randall C. Hart, Principal

Re: Parking Management Plan

Matthew Duranleau, EIT

Proposed Recreational Marijuana Dispensary
232 Boylston Street, Newton, Massachusetts

VHB has prepared this memorandum to respond to questions/comments that were made during a transportation coordination call between the Proponent, City of Newton, and the City's transportation peer consultant (Beta Group). A question was raised regarding how the parking lot will be managed. The following represents a summary of the potential parking management considerations for the project.

Parking Management

As noted in the October 28, 2020 Traffic Impact and Access Memorandum, prepared for the project, the site will be restriped to accommodate 19 parking spaces, 10 of which would include "managed parking spaces". The Proponent will have an on-site Parking Attendant (or two if necessary) that will monitor activity, direct customers to self-parking spaces when available and if necessary, park customers' vehicles in the 10 managed parking spaces. The Parking Attendant will also monitor customers who arrive by foot and if the attendant sees a customer parking in the adjacent Chestnut Hill Square parking lot, near the site, they will make the customer aware that they need to move their car to the MedMen Parking lot. There may very well be times when someone does park in the adjacent Chestnut Hill parking lot and chooses to accomplish multiple stops as a single trip. The expectation in those instances is that the customer would likely park near the other retail facilities, to make it convenient to get larger goods to the vehicle, and walk to MedMen as the purchase at MedMen would be small and easy to transport by foot. This is particularly true for the supermarket which is a heavy draw within the retail center.

It is MedMen's experience that the typical customer transaction averages around 10 minutes. Some are longer and some are shorter as customers may pre-order and simply arrive to pick up. With that in mind, there are 19 parking spaces and 6 potential turn overs per space per hour (60 min/10 min per customer), so there are approximately 114 parking opportunities on site per hour. This should be considered conservative as some customers may walk, bike, or take public transportation to the site. As noted in the TIA, the Proponent will operate under an appointment only configuration at the onset of operations for a period that is undefined. The expectation is that Newton will ultimately have up to 8 dispensaries and other Towns/Cities surrounding Newton already have and are planning to add more dispensaries. Therefore, the demand will ultimately be spread between the various locations that are online or that will come on-line in the future and an appointment only configuration will not be necessary once the demand has subsided at this site. Today there is currently an operational dispensary along the Route 9 corridor 3 miles to the east of the site and a second expected to open in the spring of 2021 1 mile to the west along Route 9 at Elliot Street for example.

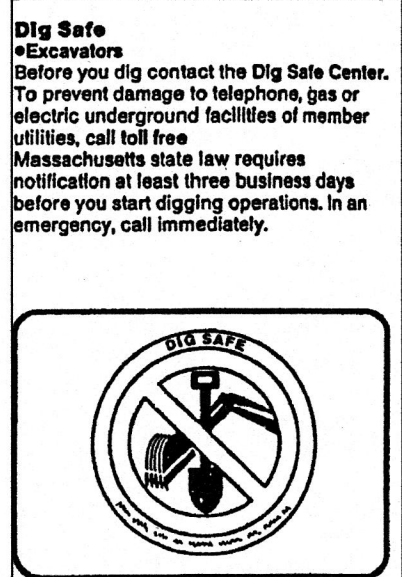
101 Walnut St.
PO Box 9151
Watertown, MA 02472
P 617.924.1770

The appointment only schedule will consist of 48 total appointments per hour (staggered) assuming full occupancy is realized. That means that we need to be able to park 48 vehicles per hour if everyone drives to the facility, which is unlikely. As demonstrated above there are approximately 114 parking opportunities per hour, so the parking supply far exceeds the controlled demand under appointment only operations.

VHB assessed the potential traffic generation based on a normal retail operation (no appointments). Based on ITE data for similar types of facilities, the project would be expected to generate approximately 84 and 140 vehicle trips during the two-weekday evening and Saturday midday peak hour periods. Those are the two period where the combination of site traffic coupled with traffic on the adjacent streets are most critical. The 84 and 140 trips represent the trips entering and then exiting the site, so the prospective parking demands would be half of those values, or 42 parking operations during the PM peak and 70 parking operations during the Saturday midday peak hours. As mentioned, we have approximately 114 parking opportunities per hour, so the parking supply far exceeds the demand even under a non-appointment scenario.

As mentioned above, the Parking Attendant will monitor the parking operation and their priority will be to direct customers to open self-parking spaces. As stated above, there will be up to 48 appointments per hour under an appointment only system (8 points of sale and 6 slots per hour). With 48 customers per hour and 10-minute average transactions, the parking could be accommodated by approximately 8 parking spaces. The parking lot is designed to accommodate nine self-parking spaces before requiring the use of a Parking Attendant, so the likelihood of having to manage parking will be minor during appointment only operations. In addition, while the average customer experience is 10 minutes, there will be customers who order ahead and will be on site shorter periods of time, which will increase the number of self-parking opportunities that will be allowed per hour and further decrease the frequency in which managed parking will be required.

Should managed parking be necessary, we would anticipate that the Parking Attendant (2 if necessary) would alternate vehicle parking between the east and west portions of the parking lot to leave as much open space as possible for maneuvering. See attached graphic for an example of the order that spaces may be considered for managed parking, keeping in mind the Parking Attendant will determine the most efficient utilization of the parking supply. Under the non-appointment scenario, the PM Peak will generate approximately 42 parking operations per hour, which is less than the approximately 48 parking operations per hour that may be generated by the appointment only condition. The Saturday midday would generate approximately 70 parking operations per hour, which could be accommodated by approximately 12 spaces. Therefore, the frequency with which parking will need to be actively managed (as contrasted with self-parking) is likely minimal with either appointment only or normal operations without appointments.



Zoning Chart		
Zoning	Required	Existing/Proposed
Business 4		
Lot Area	10,000 sf	16,570 sf
Building Height	36'	33.09'
Setbacks		
Front	*10' Average	30.5'
Side	1/2 Bld Height (16.54')	22.9'
Rear	0	51.0'

* Average setback is described in Sec. 1.5.3 in a Business 1, 2, 3 and 4 district, a vacant lot or a lot where a building is set back more than 10 feet is counted as though occupied by a building set back 10 feet.
 Note: Existing buildings of abutting lots are set back more than 10 feet from street line, therefore the average front setback required is 10 feet.

N/F
 250 Boylston Street
 LLC
 Bk.58650 Pg.430

N/F
 CHS Commercial Owner LLC
 Bk.58698 Pg.549

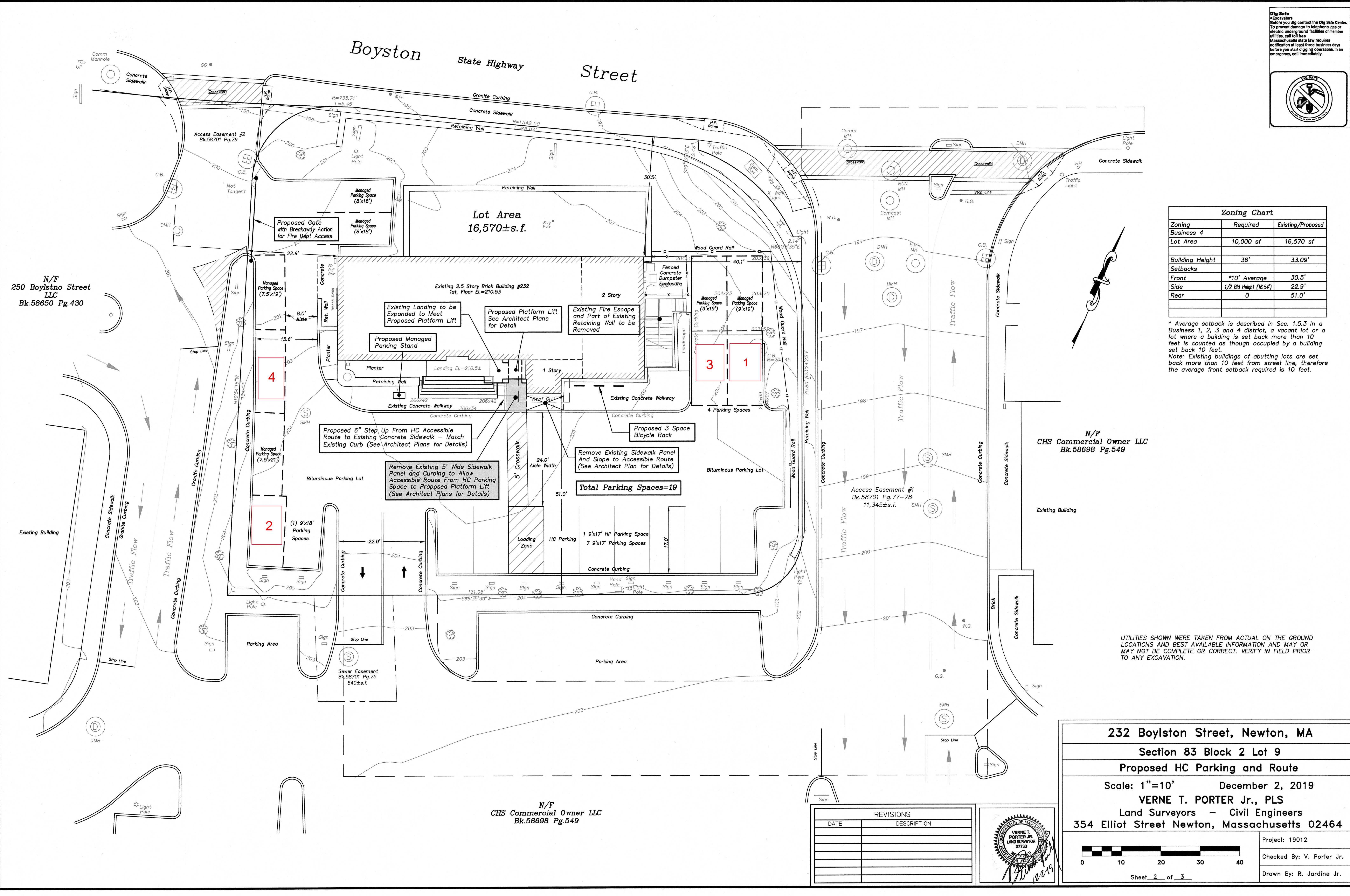
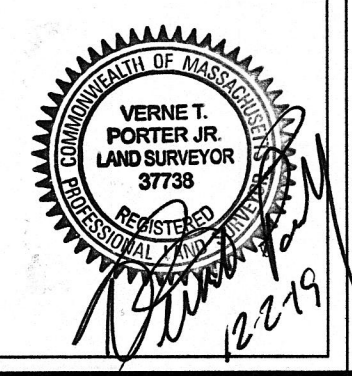
N/F
 CHS Commercial Owner LLC
 Bk.58698 Pg.549

232 Boylston Street, Newton, MA
 Section 83 Block 2 Lot 9
 Proposed HC Parking and Route
 Scale: 1"=10' December 2, 2019
VERNE T. PORTER Jr., PLS
 Land Surveyors - Civil Engineers
 354 Elliot Street Newton, Massachusetts 02464

Project: 19012
 Checked By: V. Porter Jr.
 Drawn By: R. Jardine Jr.

0 10 20 30 40
 Sheet 2 of 3

REVISIONS	
DATE	DESCRIPTION



UTILITIES SHOWN WERE TAKEN FROM ACTUAL ON THE GROUND LOCATIONS AND BEST AVAILABLE INFORMATION AND MAY OR MAY NOT BE COMPLETE OR CORRECT. VERIFY IN FIELD PRIOR TO ANY EXCAVATION.

February 15, 2021

Neil Cronin
Senior Planner
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

**Re: Recreational Marijuana Dispensary, 232 Boylston Street, Parking Management Plan
And Trip Generation Peer Review**

Dear Mr. Cronin:

BETA Group, Inc. (BETA) reviewed the following two documents:

- **Parking Management Plan Memorandum, Proposed Recreational Marijuana Dispensary, 232 Boylston Street, Newton, MA, January 25, 2021, VHB.**
- **Empirical Data Memorandum, Proposed Recreational Marijuana Dispensary 232 Boylston Street, Newton, MA, February 4, 2021, VHB.**

This letter is provided to outline BETA's findings, comments, and recommendations relative to these documents.

PARKING

The Parking Management Plan Memorandum (PMPM) states that the MedMen's typical customer transaction time averages around 10 minutes, with some being longer and some being shorter. The calculated parking capacity for the site as shown in the PMPM is 114 vehicles per hour (19 spaces x 6 vehicle turnover per hour).

While the average customer transaction time within the store appears reasonable, it does not reflect the time needed to enter the parking lot, find a self-serve space, walk into the store, complete transaction, walk out of the store, enter a vehicle and exit. Additional time is required to drop off/pick up a vehicle with the parking attendant for the managed spaces. This time may be extended if the attendant needs to move another vehicle out of a tandem parking space.

With the appointment-only operation, there will be a maximum of 48 customers per hour, scheduled at 10-minute intervals (six per hour) at each of the eight counters. These transaction times do not include the times for customers to enter and exit the parking lot, which would be above 10 minutes on average. The Empirical Data Memorandum (EDM) states that "To be conservative, we have estimated that the average customer experience would last approximately 15 minutes instead of ten minutes, which would translate to the ability to park up to 76 vehicles per hour."

For comparison purposes, BETA has used an average of 15 minutes for self-park spaces and 20 minutes for managed spaces for customers to park, complete their transaction, and exit the parking lot. This results in a capacity for the parking lot of 66 vehicles per hour, compared with 114 vehicles per hour (10-minute

intervals) outlined in the PMPM and 76 vehicles per hour (15-minute intervals) outlined in the EDM (see table below).

The issue is that the average 10-minute customer transaction time (48 total transactions per hour for eight counters) is not realistic when accounting for parking lot maneuvers. Appointments need to be scheduled at intervals that are consistent with the total transaction + parking time, i.e., 15 or 20 minutes per customer. If not, then back-ups could occur in the parking lot when customers arrive, and parking is not available. A total of between 28 and 32 customers per hour can be processed at the eight counters assuming a mix of 15- and 20-minute transaction times for customers who drive (see table below).

It is noted that this comparative analysis assumes all customers are using vehicles. It is recognized that not all customers will drive themselves. Some may carpool, use transit, walk, bike, and walk from the Chestnut Hill Square lot (as part of a multi-purpose trip). These trips will reduce the on-site parking demand and not require as much transaction time as those customers parking on-site. As a result, the number of customers that can be processed at the eight counters within an hour could increase.

Parking Comparison Summary Table

	Proposed Management Plan (10 Minute Interval)			Proposed Management Plan (15 Minute Interval)			BETA Analysis (15 & 20 Minute Intervals)		
	Self-Park	Managed	Total	Self-Park	Managed	Total	Self-Park	Managed	Total
Number of spaces	9	10	19	9	10	19	9	10	19
Average time to Enter, Park, Complete Transaction, and Exit	10 minutes	10 minutes	n/a	15 minutes	15 minutes	n/a	15 minutes	20 minutes	n/a
Hourly Parking Capacity	54 vehicles	60 vehicles	114 vehicles	36 vehicles	40 vehicles	76 vehicles	36 vehicles	30 vehicles	66 vehicles
Vehicle Appointments per Hour with 8 counters	24	24	48	16	16	32	16	12	28

TRIP GENERATION

Trip generation data was provided for the NETA recreational marijuana dispensary at 160 Washington Street in Brookline, MA. The site is located off Route 9 approximately three miles east of the MedMen project. The NETA site has 20 counters compared to eight for the proposed MedMen facility. Customer counts were conducted in June 2019, approximately three months after the NETA facility opened its recreational sales operation.

The customer vehicle person trip rates were developed from the NETA counts and applied to the MedMen proposed facility for three scenarios: 1) using the mode splits from the NETA site; 2) using 50% of the mode splits (transit/walk/bike) from the NETA site; and 3) using 100% vehicle mode split from the NETA site.

The Traffic Impact and Access Memorandum, November 9, 2020, by VHB estimated that the MedMen facility would generate 84 net new vehicle trips in the weekday PM peak hour and 140 vehicle trips during the Saturday midday peak hour based on Institute of Transportation Engineers (ITE), Trip Generation, 10th Edition. The table below compares the estimated vehicle trips based on ITE trip rates with trips based on the counts taken in June 2019 at the NETA facility in Brookline, MA. The trips represent a non-appointment operation. The table shows that the ITE based vehicle trips are higher than the NETA trips for all scenarios for the Saturday midday peak hour. For the weekday PM peak hour, the ITE vehicle trips (84) are higher than the NETA trips (70) assuming full mode splits. The NETA trips with 50% mode split (99) are 15 vehicle trips higher than the ITE trips. The 100% auto NETA trips (135) are 51 trips higher than the ITE trips (84).

The comparison of estimated vehicle trips based on industry trip rates versus empirical data shows that the proposed MedMen facility is likely to generate fewer vehicle trips during the Saturday midday peak than was estimated in the TIAM (140 vehicles). For the weekday PM peak hour, the comparison shows that while the vehicle trips may be higher than the 84 vehicle trips estimated in the TIAM, they are unlikely to be significantly higher. This is because not all MedMen facility trips will be made by single-occupant automobile, and that the NETA rates may be atypically high given there were no or few other facilities in operation at the time of the counts. Therefore, the 84 vehicle trips used in the TIAM for analysis purposes appears reasonable.

MedMen Trip Generation Summary Comparison (non-appointment operation)

	Vehicle Trips	
	Weekday PM	Saturday Midday
ITE Trip Rates	84	140
NETA Trip Rates		
NETA Mode Splits	70	54
50% NETA Mode Splits	99	77
100% Auto NETA Mode Split	135	104

Trips based on eight transaction counters at the MedMen facility.

The estimated 84 vehicle trips (42 vehicles) during the weekday PM peak hour represents an operation without appointment scheduling. The 19 on-site parking spaces can accommodate this demand. However, as mentioned in the parking section above, the eight counters inside the facility can process only between

Neil Cronin, Senior Planner

February 15, 2021

Page 4 of 4

28 and 32 vehicles per hour. Additional vehicle demand may result in over capacity conditions in the parking lot.

If we can be of any further assistance regarding this matter, please contact us at our office.

Very truly yours,
BETA Group, Inc.



Jeff Maxtutis
Project Manager

cc: Job No: 7426



BY EMAIL

March 1, 2021

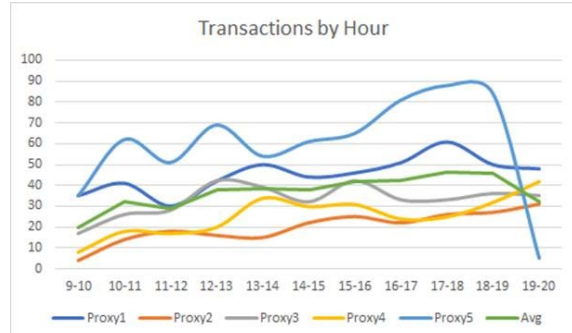
Neil Cronin
 Chief of Current Planning
 Newton City Hall
 1000 Commonwealth Avenue
 Newton, MA 02459

Re: Recreational Marijuana Dispensary, 232 Boylston Street / Parking Management Plan Memorandum

Dear Mr. Cronin:

In response to your request, we have compiled data relative to sales volume at 5 of MedMen's comparable stores. The chart below demonstrates the total number of transactions per hour at these five stores. We see a fairly steady flow of customers in volumes which range from 38-46 transactions per hour, which is consistent with what we anticipate will take place at our Newton site.

	Proxy1	Proxy2	Proxy3	Proxy4	Proxy5	Avg
9-10	35	4	17	8	35	19.8
10-11	41	14	26	18	62	32.2
11-12	30	18	28	17	51	28.8
12-13	42	16	42	20	69	37.8
13-14	50	15	39	34	54	38.4
14-15	44	22	32	30	61	37.8
15-16	46	25	42	31	65	41.8
16-17	51	22	33	24	81	42.2
17-18	61	26	33	25	88	46.6
18-19	50	27	36	32	84	45.8
19-20	48	31	35	42	5	32.2

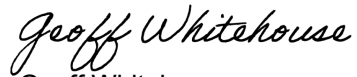


Additionally, we had a member of our security team monitor video footage at an analogous store on a recent Friday in February 2021 during peak rush hour (5-7pm) to determine the average total dwell time that customers were in the building. This particular site currently has COVID capacity restrictions in place that would emulate Newton's appointment only model. From 5-7pm, we had an average total customer dwell time of 7.5 minutes. See Appendix A for the underlying data points. Please note that there are 4 point of sales stations in this facility. It is also worth noting that there is only 1 other facility within a 5-mile radius of this store. In Newton, we understand there will be up to 8 stores, and at least 3 of these are likely to be open when we receive our final state approvals to open.

The total transaction data, coupled with this total dwell time data, further substantiates our proposed model in Newton with 10-minute appointment intervals. We further insulate ourselves from any potential backup or congestion with the fact that we have over twice the amount of parking spots (19) versus appointment slots (8). It is also worth noting that based on what we've seen at our other retail

sites, COVID has significantly changed how customers shop in-store. Customers expect to be able to pre-order online and enter the building to pick up, browsing in-store. We will offer this service in Newton.

Thank you,

A handwritten signature in black ink that reads "Geoff Whitehouse". The signature is written in a cursive, flowing style.

Geoff Whitehouse
VP of Real Estate

Appendix A

Security camera review of one proxy location for a 2 hour stretch on a recent Friday evening

Check In	Exit	Visit Duration
1700	1703	3
1701	1705	4
1701	1707	6
1702	1706	4
1703	1709	6
1703	1708	5
1703	1711	8
1704	1707	3
1704	1714	10
1705	1708	3
1705	1715	10
1706	1715	9
1706	1716	10
1707	1719	12
1708	1720	12
1709	1719	10
1711	1723	12
1711	1723	12
1711	1717	6
1712	1723	11
1712	1717	5
1715	1726	11
1715	1725	10
1717	1727	10
1717	1728	11
1717	1723	6
1717	1722	5
1718	1725	7
1719	1725	6
1719	1725	6
1721	1732	11
1722	1733	11
1722	1730	8
1725	1734	9
1730	1742	12
1730	1735	5
1730	1741	11
1730	1736	6
1725	1730	5
1731	1739	8

1731	1740	9
1734	1742	8
1734	1740	6
1735	1742	7
1736	1745	9
1737	1750	13
1737	1748	11
1738	1746	8
1738	1749	11
1741	1748	7
1741	1752	11
1742	1752	10
1742	1750	8
1743	1749	6
1743	1754	11
1744	1752	8
1744	1752	8
1746	1751	5
1743	1748	5
1746	1752	6
1748	1754	6
1749	1754	5
1750	1756	6
1751	1756	5
1751	1800	9
1752	1757	5
1753	1759	6
1753	1757	4
1754	1800	6
1754	1800	6
1756	1805	9
1801	1806	5
1801	1812	11
1801	1807	6
1802	1810	8
1803	1809	6
1804	1811	7
1805	1815	10
1805	1810	5
1805	1813	8
1806	1813	7
1807	1814	7
1807	1813	6
1808	1814	6

1809	1815	6
1810	1816	6
1812	1820	8
1812	1817	5
1813	1825	12
1813	1818	5
1814	1821	7
1816	1823	7
1816	1822	6
1815	1819	4
1816	1824	8
1816	1823	7
1817	1826	9
1817	1825	8
1817	1820	3
1819	1824	5
1820	1825	5
1821	1829	8
1821	1836	15
1821	1829	8
1822	1831	9
1822	1831	9
1824	1832	8
1824	1832	8
1824	1833	9
1825	1829	4
1825	1833	8
1826	1835	9
1827	1837	10
1827	1836	9
1829	1835	6
1829	1837	8
1830	1839	9
1832	1840	8
1832	1837	5
1833	1840	7
1834	1840	6
1834	1843	9
1835	1845	10
1836	1842	6
1837	1843	6
1838	1844	6
1839	1853	14
1839	1845	6
1840	1847	7

1845	1849	4
1846	1848	2
1847	1852	5
1850	1859	9
1853	1857	4
1859	1901	2
Total average dwell time		7.5

ATTACHMENT D
SCHLESINGER AND BUCHBINDER, LLP
ATTORNEYS AT LAW

STEPHEN J. BUCHBINDER
ALAN J. SCHLESINGER
LEONARD M. DAVIDSON
A MIRIAM JAFFE
SHERMAN H. STARR, JR.
JUDITH L. MELIDEO-PREBLE
BARBARA D. DALLIS
JULIE B. ROSS
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March 5, 2021

BY ELECTRONIC MAIL

Ms. Nadia Khan
Committee Clerk
Newton City Council
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: Petition of MME Newton Retail, LLC (“MedMen”)/232 Boylston Street (#443-20)

Dear Ms. Khan,

Enclosed for distribution to the Land Use Committee prior to the hearing on March 9, 2021 please find a memorandum from the petitioner, dated March 1, 2021, which was prepared in response to questions raised by the Planning Department and its peer reviewer, the BETA Group (BETA). Specifically, the petitioner was asked how many customers it sees per hour at other locations, and what is the average length of a transaction. Counts were conducted at one location on a Friday evening between 5:00 pm and 7:00 pm, and the average length that a customer was in the premises was 7.5 minutes.¹ This transaction length aligns with the 10 minute appointment interval proposed by the petitioner, and allows buffer time for customers to walk to and from their cars.

MedMen has proposed 8 point of sale stations with appointments at each station set at 10 minute intervals, which results in 48 customer appointment opportunities per hour. Assuming a very conservative 15 minute turnover for each of the 19 parking stalls, there are 76 parking opportunities per hour, a number which is well in excess of the 48 appointment slots. Notwithstanding this proposed appointment schedule, the Planning Department and BETA have continued to express concerns about the operation of the parking lot. Therefore, the petitioner has suggested that it will ramp up its retail operation gradually in the following manner. For the first 30 days of operation, the petitioner will only operate with 6 point of sale stations. At the end of this period, the petitioner will meet with the Planning Department to review data which the petitioner will collect on the number of customers served each hour and on the number of cars in the parking lot. Assuming that operations have gone smoothly, the petitioner may scale up to 7 point of sale stations for the next 30 days. At the conclusion of this second period, a second review meeting would be held with the Planning Department to review the applicable data. Again, assuming that operations have been smooth, the petitioner shall then be permitted to open all 8 of its point of sale stations for appointments. Further reviews could then be built in at greater intervals over the ensuing months. This staggered start will afford both the petitioner and the Planning Department the opportunity to obtain real time data and to modify the retail operation as may be necessary.

In terms of other follow up items, the Planning Department, in consultation with the Transportation Division of the Public Works Department, have indicated to the petitioner that none of the proposed pedestrian crosswalk locations are appropriate for a variety of reasons. Therefore, we are not proposing any pedestrian connections into the site.

¹ Please note that we are not able to identify the location of this store due to the fact that MedMen is a publicly traded company, and information about sales volume at particular stores may only be released to the public in accordance with applicable securities laws.

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We have had additional discussions about a raised crosswalk on Florence Street, and are working with the Transportation Division to pinpoint the exact location for such a crosswalk. The previously discussed location at the corner of Louise Road and Florence Street will not work due to the location of the City's main drain line. The petitioner would be amenable to a condition which requires it to install a raised crosswalk at a location to be approved by the Transportation Division. At present, we are exploring a location as close as possible to the westernmost entrance to the public park on Florence Street which abuts 116 Florence Street (as shown on attached Exhibit A).

Finally, we have provided proposed language to the Planning Department relative to the petitioner's commitment to provide administrative support to the City relative to its efforts to establish a shuttle serving the Chestnut Hill business community. In that regard, the petitioner will organize and host a kick off meeting for major area property owners (including the Chestnut Hill Square, the Street, the Chestnut Hill Mall, and the Lifetime Center) and businesses (including Wegman's and Bloomingdale's). The petitioner is further offering to make a one time payment of \$25,000 to the City of Newton to use at the City sees fit for the planning and promotion of the shuttle.

Please feel free to contact me if you have any questions or require further information. We look forward to discussing these proposals on March 9, 2021.

Sincerely,

Katherine Braucher Adams

Katherine Braucher Adams

cc: (By Electronic Mail)

Ms. Jennifer Caira, Deputy Director of Planning
Mr. Neil Cronin, Chief Planner
Mr. Michael Gleba, Senior Planner
Jonah Temple, Assistant City Solicitor
Mr. Jason Sobel, Director of Transportation
Ms. Nicole Freeman, Director of Transportation Planning
(By First Class Mail, w/enclosures)
Mr. Geoffrey Whitehouse, MedMen

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Exhibit A - Approximate proposed location of raised crosswalk on Florence Street

