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Director

## ZONING REVIEW MEMORANDUM

Date: March 29, 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Neil Cronin, Chief Planner for Current Planning

Cc: 740 Beacon Street LLC, applicant  
Katherine Braucher Adams, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

RE: Request to allow a recreational marijuana retail establishment

Petitioner: 740 Beacon Street LLC	
Site: 740 Beacon Street	SBL: 61038 0005 and 61038 0006
Zoning: BU2	Lot Area: 10,969 square feet
Current use: Autobody repair	Proposed use: Marijuana retail establishment

### BACKGROUND:

The property at 740 Beacon Street consists of a 10,969 square foot lot improved with a one-story, 2,967 square foot commercial building constructed in 1954 as well as a smaller accessory building to be demolished. The lot is accessed via a 30-foot-wide right-of-way off of Beacon Street, which is shared with other adjacent properties. The petitioner intends to locate a recreational marijuana retail establishment on site pursuant to section 6.10.4.

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

- Zoning Review Application, prepared by Katherine Braucher Adams, attorney, dated 1/19/2021
- Proposed Conditions Plan, signed and stamped by Verne T. Porter, surveyor, dated 12/21/2020
- Area/Zoning Plan, signed and stamped by Verne T. Porter, surveyor, dated 12/21/2020
- Floor Plan, prepared by Pears Design Resource LLC, architect, dated 1/8/2021

## **ADMINISTRATIVE DETERMINATIONS:**

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1. The petitioner is proposing to operate a recreational 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 retail establishment is subject to the parking requirements of 5.1.4, which requires one stall for every 300 square feet of gross floor area, and one stall for every three employees at the highest shift. The petitioners are proposing to occupy 2,967 square feet and employ up to 9 employees at the highest shift, resulting in a requirement of 13 stalls. The petitioner proposes to reconfigure the existing parking area and demolish an accessory building, accommodating 13 parking stalls on site, satisfying the requirement.
3. Section 5.1.8.A.1 states that no parking shall be located within any required setback distance from a street or side lot line. Parking stalls are proposed within the 8.8-foot required side setback, requiring a special permit per sections 5.1.8.A.1.
4. Section 5.1.8.B.4 requires that accessible stalls have a minimum width of 12 feet and depth of 19 feet. This provision is local and not a requirement found in 521 CMR 23, and the accessible stalls meet the state requirements for accessibility. The proposed accessible stall is 9 feet wide, requiring a special permit to waive the local provision.
5. Section 5.1.8.C.1 requires a minimum drive aisle width of 24 feet for 90-degree angled parking. The aisle accessing the eastern four parking stalls is 12.9 feet wide. The aisle accessing the nine stalls to the west of the building is 19.7 feet wide. A special permit is required to waive the 24-foot aisle width.
6. 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 petitioner proposes to add landscaping to the perimeter of the property, however it will not be five feet in width. A special permit is required to waive section 5.1.9.A.
7. 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. The petitioner requests relief from this section.

8. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§6.10.3.D §4.4.1	To allow a marijuana establishment	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	To allow parking in the side setback	S.P. per §7.3.3
§5.1.8.B.4 §5.1.13	To reduce dimensions for accessible parking stalls	S.P. per §7.3.3
§5.1.8.C.1 §5.1.13	To reduce the minimum aisle width requirement 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