



City of Newton, Massachusetts
Department of Planning and Development
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#125-21

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Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: May 13, 2021
Land Use Action Date: July 13, 2021
City Council Action Date: July 19, 2021
90-Day Expiration Date: August 5, 2021

DATE: May 7, 2021

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Neil Cronin, Chief Planner for Current Planning
Katie Whewell, Senior Planner

SUBJECT: **Petition #125-21**, SPECIAL PERMIT/SITE PLAN APPROVAL to allow a recreational marijuana retail establishment, to allow parking in the side setback, to reduce dimensions for accessible parking stalls, to reduce the minimum aisle width for two-way traffic, to waive perimeter screening requirements and to waive lighting requirements at 740 Beacon Street, Ward 6, Newton Centre, on land known as Section 61 Block 38 Lo 6, containing approximately 10,969 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 6.10.3.D, 4.4.1, 5.1.8.A.1, 5.1.13, 5.1.8.B.4, 5.1.8.C.1, 5.1.9.A, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



740 Beacon Street

EXECUTIVE SUMMARY

The subject property at 740 Beacon Street consists of a 10,969 square foot lot improved with a one-story commercial building constructed in 1954 and two accessory structures. The property is located within the Business 2 (B2) zone in Newton Centre. The petitioner seeks a special permit to locate and operate a Marijuana Retailer. The Newton Zoning Ordinance (Ordinance) allows Marijuana Retailers by special permit in the Business 2 (BU-2) zone with additional requirements and limitations on approval. The petitioner seeks to demolish the accessory structures to reconfigure the existing parking areas to allow for 13 parking stalls. As designed, the petitioner requires special permits to allow a Marijuana Retailer, and to waive certain dimensional standards for parking facilities containing over five stalls.

The Planning Department engaged an on-call consultant to conduct a review of the petitioner's traffic memorandum, staff anticipates discussing the transportation aspects of the petition at a future public hearing. The petitioner should be prepared to respond to all comments contained in this memorandum and at the public hearing at a subsequent public hearing.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the City Council should consider whether:

- The specific site is an appropriate location for the proposed marijuana retailer (§7.3.3.1).
- The proposed marijuana retailer as developed and operated will adversely affect the neighborhood (§7.3.3.2).
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.3).
- There will be a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.4).
- Literal compliance with the dimensional standards, lighting, landscaping, and screening requirements of parking facilities containing more than five stalls are impracticable due to the nature of the use, 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)

With regard to special permits concerning the Marijuana Establishment on site, pursuant to (§6.10.3.H.1.):

- 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.H.1.a)

- Loading, refuse and service areas are designed to be secure and shielded from abutting uses. (§6.10.3.H.1.b)
- The Marijuana Establishment is designed to minimize any adverse impacts on abutters. (§6.10.3.H.1.c)
- The Marijuana Establishment has satisfied all of the conditions and requirements in this section. (§6.10.3.H.1.d)

Additional criteria for Medical Marijuana Treatment Centers (MTCs) and Marijuana Retailers (§6.10.3.H.2.):

- The lot location complies with Sec. 6.10.3.F.1, or the lot is located at a lesser distance if the City Council finds that the lot is sufficiently buffered such that these facilities or uses will not be adversely impacted by the MTC or Marijuana Retailer's operation. (§6.10.3.H.2.a)
- Traffic generated by client trips, employee trips, and deliveries to and from the Marijuana Retailer will not create a significant adverse impact on nearby uses. (§6.10.3.H.2.b)
- 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 building's interior. (§6.10.3.H.2.c)
- The building and site are accessible to persons with disabilities. (§6.10.3.H.2.d)
- The lot is accessible to regional roadways and public transportation. (§6.10.3.H.2.e)
- The lot is located where it may be readily monitored by law enforcement and other code enforcement personnel. (§6.10.3.H.2.f)
- The Marijuana Retailer's hours of operation will have no significant adverse impact on nearby uses. (§6.10.3.H.2.g)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

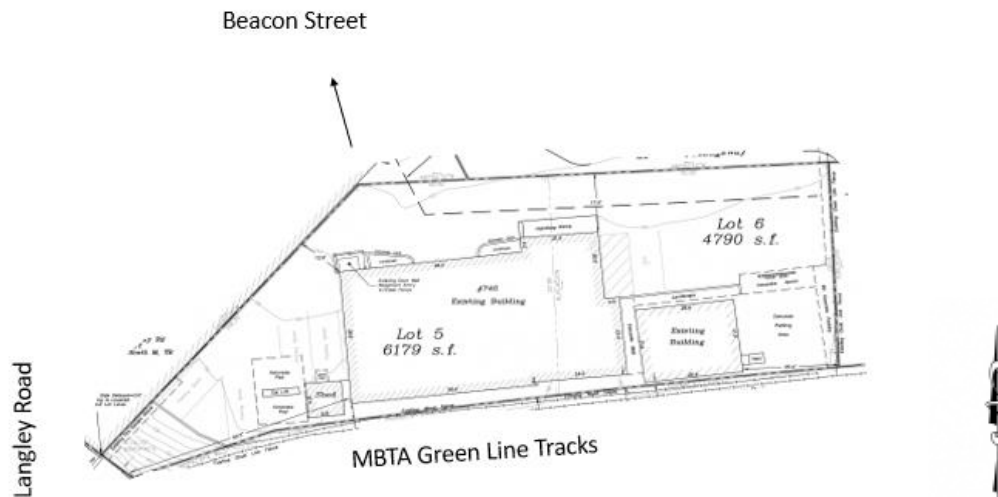
The site is located on Beacon Street in the BU-2 district in Newton Centre. The immediate area contains several zoning districts which include Multi-Residence

zones to the north, east, and south as well as business zones on Beacon Street, and Union Street (**Attachment A**). The area surrounding the site contains a variety of uses but the area is predominantly multifamily residential in all directions beyond the immediate commercial uses that comprise the Newton Centre village center (**Attachment B**). The site is approximately 400 feet east of the Beacon Street, Langley Road and Sumner Street intersection and is approximately .1 miles east from the Newton Centre MBTA Green Line station

B. Site

The site consists of a 10,969 square foot lot and is improved with a one-story, 2,967 square foot commercial building constructed in 1954 and two accessory buildings. The site is accessed by a shared 30-foot-wide passageway from Beacon Street which slopes upwards approximately 10 feet. . The site is largely impervious and the southern boundary abuts the Massachusetts Bay Transportation Authority train tracks. The site formerly functioned as an auto repair shop.

Existing Conditions



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The site is currently vacant, formerly occupied by an auto repair shop. If this petition is approved, the land use would change to a Marijuana Retailer.

B. Marijuana Retailer

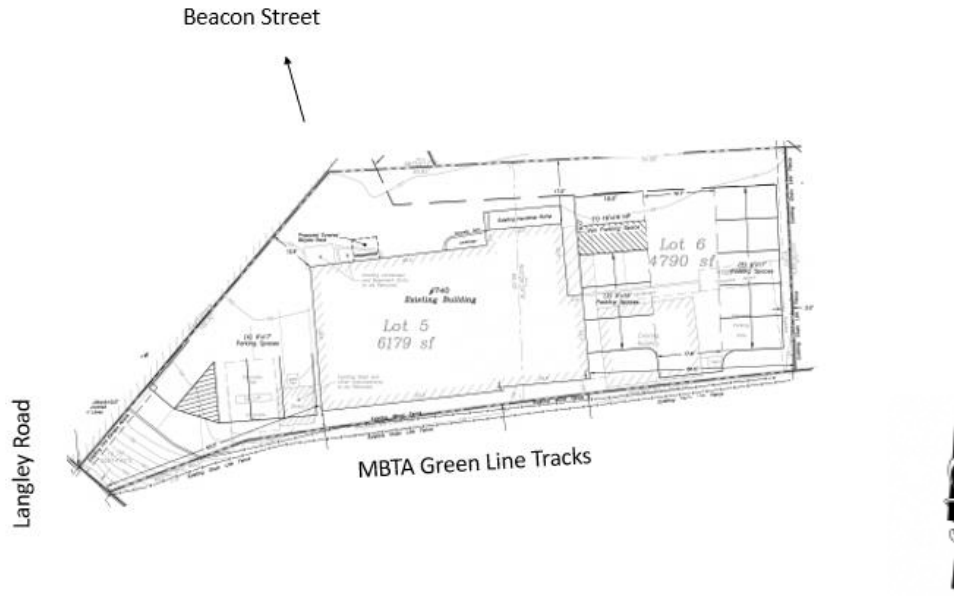
In 2018, the City Council passed Ordinance B-16 that established rules governing medical and nonmedical marijuana uses in accordance with the Department of Public Health (DPH) and the Cannabis Control Commission (CCC) guidelines. The Ordinance was revised in March 2021 to reflect updated regulations for both medical and recreational marijuana. Included in the new regulations are updates to address inconsistencies, amend definitions, change terminology, clarify measurements, and add two new license types. For example, the Ordinance was revised to rename Registered Marijuana Dispensaries (RMDs) to Medical Marijuana Treatment Centers (MTCs) and revise the buffer requirements for MTCs to be consistent with those for marijuana retailers. Mayor Fuller entered into a provisional Host Community Agreement (HCA) with the petitioner in January 2021.

C. Operations

The petitioner will offer only recreational marijuana. The petitioner plans to operate Monday-Saturday from 9:00 AM – 9:00 PM, and Sundays from 10:00 AM – 6:00 PM. The petitioner indicated they will have nine employees at the busiest shift. Initial operations are expected to be appointment only. Customers would be able to make an appointment in advance, as well as place an order for pick up at a designated time. When visiting the store, customers will have their age and identification verified in a registration/waiting area before accessing the sales floor

D. Site Design

The petitioner is proposing to demolish the two accessory buildings to provide two separate parking areas for a total of 13 stalls. The site will retain the access via the 30' wide passageway from Beacon Street. The building is set back approximately 50 feet from Beacon Street. In their Transportation Demand Management (TDM) Plan, the petitioner committed to installing a textured path for pedestrian access from Beacon Street. The petitioner should submit a plan showing this path with more detail.

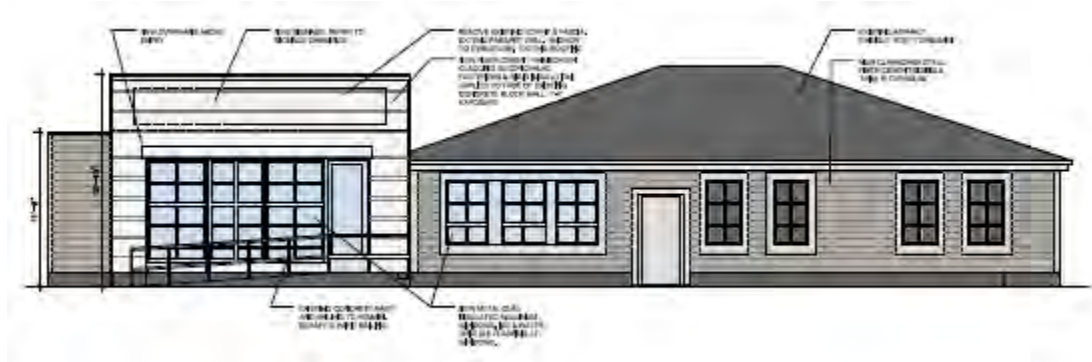


E. Building Design

The petitioner will occupy all 2,967 square feet, with five point of sales systems on the sales floor.

The City's Registered Marijuana Use ordinance requires that Marijuana Retailers "located on the ground level shall provide at least 25 percent transparency along the building's front façade at ground level, unless waived by the City Council." The intent of this requirement is to ensure the security requirements found in the State Law do not overburden the aesthetics of the structure in relationship to the adjacent structures. The petitioner is proposing 26% transparency, thus meeting the requirement.

Proposed Front Elevation



Rendering of Front Elevation



F. Parking, Landscaping, and Lighting

The site currently has four surface parking stalls. After razing the accessory structures, the petitioner is proposing to reconfigure the parking area to result in 13 parking stalls, where 13 are required.

The 13 proposed parking stalls are split between the eastern and western edges of the building. The eastern parking area will contain nine parking stalls. There is one accessible stall included in this section of parking. Five of the stalls in this section will measure 9 feet x 17 feet, with a two-foot overhang allowed by the Ordinance. There are four parking stalls proposed to the west of the building which also measure 9 feet x 17 feet with a two-foot overhang. The petitioner also requires waivers to locate parking stalls within the 8.8-foot side setbacks which pertains to one parking stall in the west parking section and five parking stalls in the east parking section.

The configuration of the parking stalls requires a special permit to waive the minimum drive aisle width of 24 feet. The westerly drive aisle measures 12.9 feet wide which reflects the existing conditions of the building and adjacent building at 80 Langley Road. The easterly parking area measures 19.7 feet between the two rows of parking stalls.

The Ordinance also sets forth lighting and landscaping requirements for parking facilities containing over five stalls. Screening materials with a width of five feet are required along the perimeter of the site. While the petitioner is proposing a significant increase in plantings, the landscaping is not five feet wide, requiring a waiver.

The petitioner is also seeking a waiver from the lighting requirements. The minimum lighting requirement for parking facilities used at night shall have security lighting with a minimum intensity of one-foot candle. While the lighting proposed lighting meets and exceeds one-foot candle in certain areas such as the parking lot and the front of the building, there are areas with the illumination is less than one-foot candle. The petitioner should be prepared to address how these lighting levels align with the security requirements of the CCC.

G. Transportation

The petitioner submitted a Traffic Memorandum examining the projected trips generated by the Marijuana Retailer. The memorandum states that the use is anticipated to generate 83 vehicle trips during the weekday morning and evening peak hours (41 in the morning, 42 in the evening). The City engaged BSC Group to peer-review the petitioner's traffic memorandum. The Planning Department expects to discuss the peer-review memorandum as well as all transportation-related aspects of the petition at a subsequent hearing.

The petitioner submitted a Transportation Demand Management Plan (the "TDM Plan") committing to subsidized transit passes, rideshare stipends, bike share program, and bike storage. The petitioner is also proposing to design and construct a pedestrian crossing along Langley Road in addition to the four-foot textured path from Beacon Street to the building. The petitioner should provide more information regarding the location and design of the proposed covered bicycle parking referred to in the TDM plan.

IV. MINIMUM CRITERIA AND LIMITATIONS ON APPROVAL

A. Location

The Marijuana Use Ordinance requires that a marijuana retailer may not be located within a 500-foot radius of an existing private or public K-12 school. The proposed Marijuana Retailer satisfies the criterion.

B. Registration

All Marijuana Retailers must be properly registered with the Department of Public Health or the CCC. The petitioner is awaiting a provisional license from the CCC. The petitioner is required to obtain full licensure before obtaining a certificate of occupancy, should the petition be approved.

C. Signage

State Law and the Registered Marijuana Use Ordinance prohibit graphics, symbols, or images of marijuana or related paraphernalia from being displayed or clearly visible from the exterior of a Marijuana Retailer. The petitioner is proposing one 50 square foot sign at the front of the building depicting the business name". The petitioner is not requesting a special permit to waive the signage section of the Ordinance. As such, all signage is expected to be as of right and will be submitted to the Urban Design Commission for review and approval. All signage must also be reviewed by the CCC.

D. Hours of Operation

The petitioner has proposed hours of operation 9:00 AM – 9:00 PM Monday through Saturday and 12:00 noon until 6:00 PM on Sunday.

E. Number

The number of Marijuana Retailers shall not exceed 20% of the number of liquor licenses issued in the City pursuant to G.L.c 138 § 15 (commonly known as "package stores"). The number of Marijuana Retailers operating in the City is less than 20% of the number of package stores.

F. Distance from Other Marijuana Retailers

The Registered Marijuana Use Ordinance prohibits MTCs and marijuana retailers from locating within a one-half mile radius of an existing RMD or marijuana retailer. There are no other marijuana retailers within a half mile of the site.

G. Size

The Registered Marijuana Use Ordinance prohibits MTCs or marijuana retailers from occupying more than 5,000 square feet. The proposed marijuana retailer will occupy

approximately 2,967 square feet.

H. Transparency

The petitioner is satisfying the transparency requirement.

There remain several additional minimum criteria and limitations on approval for Marijuana Retailers that are understood by the petitioner and that will be conditioned prior to the issuance of a temporary certificate of occupancy, should this petition be approved. For a complete list of all criteria please see Special Permit Criteria (Pursuant to Section 6.10.3) **(Attachment C)**.

V. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum **(Attachment D)** provides an analysis of the proposal regarding zoning. Based on the Memorandum, the petitioner is seeking the following relief:

- §4.4.1, §6.10.3.D, and §7.3.3 of Section 30, to allow a Marijuana Retailer
- §5.1.8.A.1, §5.1.13, and §7.3.3 of Section 30, to allow parking in the side setback
- §5.1.8.B.4, §5.1.13 and §7.3.3 of Section 30, to reduce dimensions for accessible parking stalls.
*This relief is cited in the Memorandum, but staff is conferring with the Law and Inspectional Services Departments and will provide an update at the public hearing.
- §5.1.8.C.1, §5.1.13 and §7.3.3 of Section 30, to reduce the minimum aisle width requirement for two way traffic.
- §5.1.9.A and §7.3.3 of Section 30, to waive perimeter screening requirements
- §5.1.10 and §7.3.3 of Section 30, to waive the lighting requirements

B. Engineering Review

Associate City Engineer, John, Daghlian, reviewed the plans and issued the attached Engineering Memorandum **(Attachment E)** dated January 23, 2020. The petitioner is not proposing to increase the amount of impervious surface on site; however, Mr. Daghlian noted the runoff will continue to flow uncontrolled towards Beacon Street.

Mr. Daghlian suggested the petitioner to install a raingarden or an on-site infiltration system to decrease runoff and recharge the groundwater.

VI. PETITIONER'S RESPONSIBILITIES

The petitioner should respond to the issues raised in this memorandum and other questions raised at the public hearing as necessary. Written responses to all significant issues should be provided for analysis by the Planning Department prior to being scheduled for additional public hearings. The Planning Department will prepare an updated memo prior to any future public hearings.

ATTACHMENTS:

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Special Permit Criteria
- Attachment D:** Zoning Review Memorandum
- Attachment E:** Engineering Memorandum







ATTACHMENT A

Zoning

740 Beacon Street

City of Newton,
Massachusetts

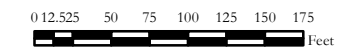
Zoning

-  Single Residence 2
-  Multi-Residence 1
-  Multi-Residence 2
-  Business 1
-  Business 2
-  Public Use

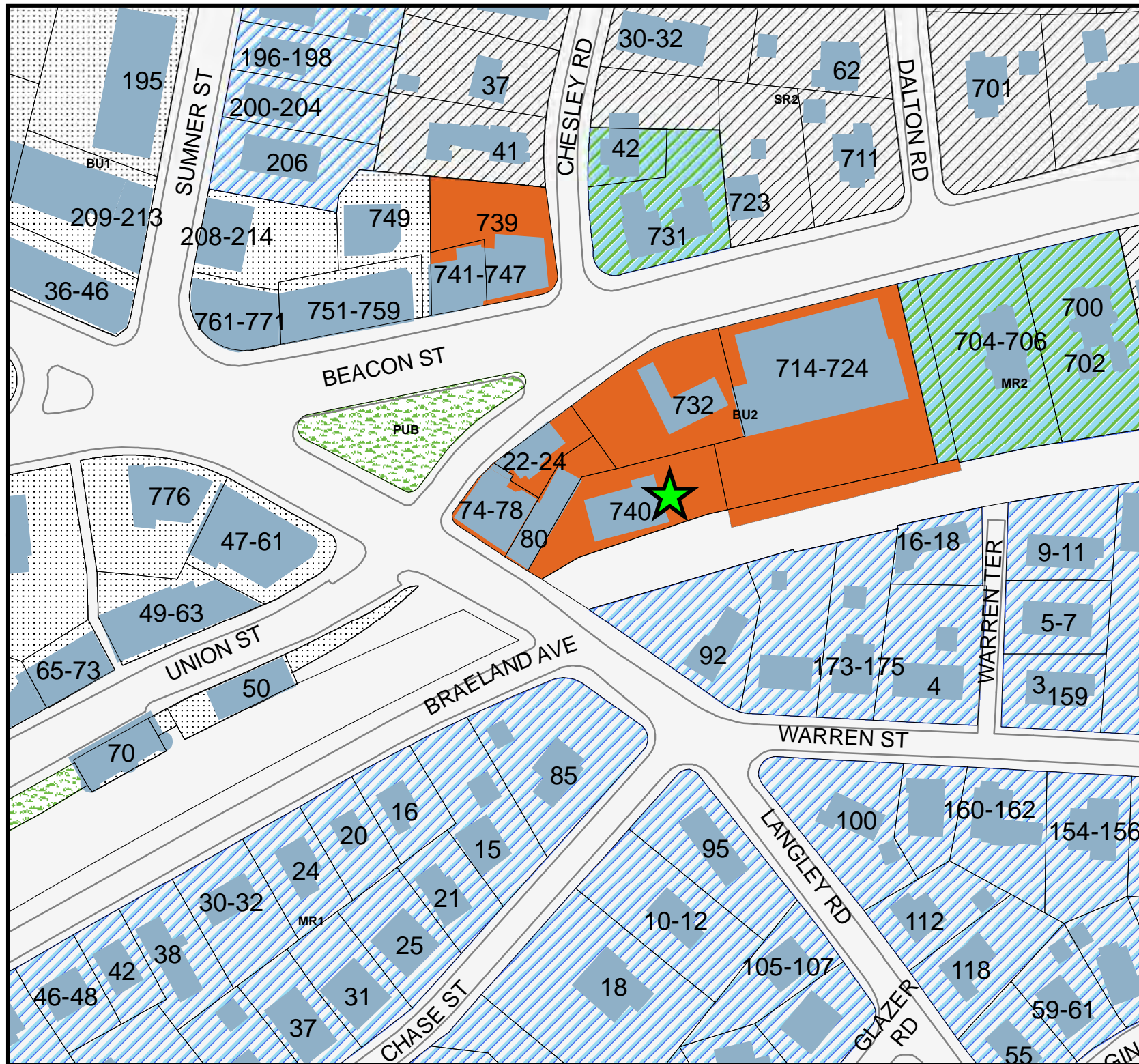


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: May 05, 2021









ATTACHMENT B

Land Use

740 Beacon Street

*City of Newton,
Massachusetts*

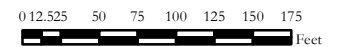
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Mixed Use
-  Open Space
-  Vacant Land

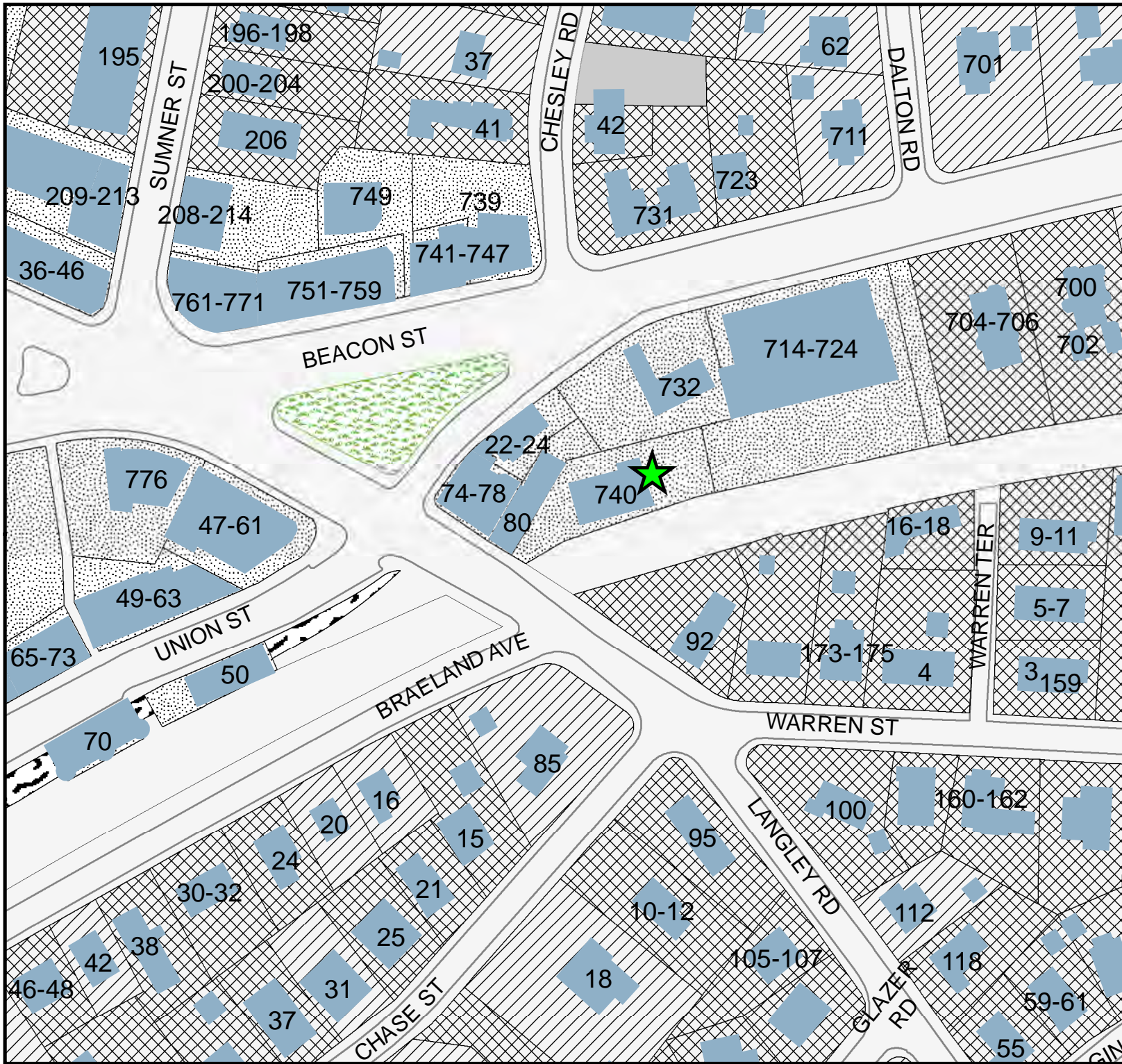


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
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Map Date: May 05, 2021



Minimum criteria and limitations on approval

1. An MTC or Marijuana Retailer shall not be located within a radius of 500 feet from an existing public or private school providing education in kindergarten or any grades 1 through 12, unless the City Council finds that the MTC or Marijuana Retailer is sufficiently buffered such that these facilities or uses will not be adversely impacted by the MTC's or Marijuana Retailer's operation. The buffer zone distance of 500 feet shall be measured in a straight line from the geometric center of the marijuana establishment entrance to the geometric center of the nearest school entrance, unless there is an impassable barrier within those 500 feet; in these cases, the buffer zone distance shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the marijuana establishment entrance to the geometric center of the nearest school entrance.
2. An MTC or Marijuana Establishment shall be properly registered with the Massachusetts Cannabis Control Commission pursuant to or 935 CMR 500.000 or 935 CMR 501.00 and shall comply with all applicable state and local public health regulations, public safety code regulations and all other applicable state and local laws, ordinances, rules and regulations. No building permit or certificate of occupancy shall be issued for an MTC or Marijuana Establishment that is not properly registered with the Massachusetts Cannabis Control Commission. The MTC or Marijuana Establishment shall file copies of its initial certificate of registration and each annual renewal certificate with the clerk of the City Council within one week of issuance, and shall immediately notify said clerk if its registration is not renewed or is revoked. The MTC or Marijuana Establishment shall provide the Newton Police Department with the names and contact information for all management staff and shall immediately notify the police department of any changes.
3. A special permit granted by the City Council authorizing the establishment of an MTC or Marijuana Establishment shall be valid only for the registered entity to which the special permit was issued, and only for the lot on which the MTC or Marijuana Establishment has been authorized by the special permit. If the registration for the MTC or Marijuana Establishment is revoked, transferred to another controlling entity, or relocated to a different site, a new special permit shall be required prior to the issuance of a certificate of occupancy.
4. An MTC or Marijuana Establishment shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home delivery to qualified clients pursuant to applicable state regulations.
5. An MTC or Marijuana Establishment shall be subject to the number of parking stalls required in Sec. 5.1 unless a lesser or greater number of stalls is required by the City Council based on the transportation analysis provided by the applicant. An MTC or Marijuana Retailer shall comply with the parking requirements for Retail uses; a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Courier, Marijuana Delivery Operator, Marijuana Microbusiness, or Marijuana Product Manufacturer shall comply with the parking requirements for Manufacturing; and a Marijuana Research Facility or Independent Testing Laboratory shall comply with the parking requirements for Research, Laboratory.
6. All signage shall conform to the requirements of and 935 CMR 500.105(4) or 935 CMR 501.105(4) as applicable, and to the requirements of Sec. 5.2. No graphics, symbols or images of marijuana or related paraphernalia shall be displayed or clearly visible from the exterior of an

MTC or Marijuana Establishment. The City Council may impose additional restrictions on signage to mitigate impact on the immediate neighborhood.

7. The MTC's or Marijuana Retailer's or other marijuana establishment's hours of operation shall not adversely impact nearby uses. The hours of operation shall be set by the City Council as a condition of the Special Permit, but in no case shall an MTC or Marijuana Retailer open before 9:00 a.m. or remain open after 9:00 p.m.; and in no case shall a delivery licensee deliver marijuana and marijuana products to Newton locations before 8:00 a.m or after 9:00 p.m.
8. The number of Marijuana Retailers shall not exceed 20 percent of the number of liquor licenses issued in the City pursuant to G.L. c.138 § 15 (commonly known as "package stores").
9. No MTC or Marijuana Retailer shall be located within a radius of one half-mile of an existing or approved MTC or Marijuana Retailer. Such distance shall be measured in a straight line from the nearest property line of the proposed RMD or Marijuana Retailer to the nearest property line of the existing MTC or Marijuana Retailer. The co-location of a MTC and Marijuana Retailer on the same site shall not be subject to this buffer requirement.
10. No MTC or Marijuana Establishment shall be located within a building containing a residential use.
11. No MTC or Marijuana Retailer or co-located facility shall exceed 5,000 square feet of floor area.
12. All MTCs and Marijuana Establishments shall submit a state approved security plan to the Newton Police Department for review and approval.
13. All MTCs and Marijuana Establishments shall submit a state approved emergency response plan to the Newton Police Department and Newton Fire Department for review and approval.
14. All MTCs and Marijuana Establishments shall submit a state approved Operation and Management Plan to the Inspectional Services Department and the Department of Planning and Development for review and approval.
15. An MTC or Marijuana Retailer located at the ground level shall provide at least 25 percent transparency along building's front façade at ground level and existing buildings shall not be modified to reduce the transparency of the front façade at the ground level to below 25 percent, unless the City Council finds impacts to security and aesthetics have been appropriately mitigated.
16. Any marijuana cultivation shall offset 100 percent of energy used for cultivation through renewable energy, either by any combination of purchasing Renewable Energy Certificates through the State, generating renewable energy onsite, and/or through Newton Power Choice, if available.
17. The MTC or Marijuana Establishment shall be ventilated in such a manner that no: a. Pesticides, insecticides, or other chemicals or products in cultivation or processing are dispersed into the outside atmosphere; or b. Odor from marijuana may be detected by a person with a normal sense of smell at the exterior or the building or at any adjoining use or property.
18. A Marijuana Research Facility may not sell marijuana cultivated under its research license.
19. Marijuana Retailers are prohibited from delivering cannabis or marijuana products to consumers unless authorized by the CCC; and are prohibited from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.



Ruthanne Fuller
Mayor

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Barney S. Heath
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:

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:

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 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

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Council Rick Lipof, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 740 Beacon Street

Date: April 12, 2021

CC: Barney Heath, Director of Planning
Jennifer Caira, Deputy Director
Lou Taverna, PE City Engineer
Nadia Khan, Committee Clerk
Neil Cronin, Chief Planner
Michael Gleba, Sr. Planner
Katie Whewell, Sr. Planner

In reference to the above site, I have the following comments for a plan entitled:

740 Beacon Street
Proposed Conditions Site Plan
Prepared by: Verne T. Porter, Jr., PLS
Dated: December 21, 2020
Received by Engineering: April 6, 2021

Executive Summary:

This application entails the conversion of a collision repair shop into a marijuana retail shop. The site is approximately 100% impervious with no on site drainage collection system. The plans indicate that a couple of landscape planing beds will be installed by removing some asphalt pavement. The runoff from the site will continue to be un-controlled towards Beacon Street and into the City drainage system. An existing building on the site will be razed to expand the on-site parking along the east side of the main building. DPW encourages all developments to enhance stormwater runoff, if a rain garden or on-site infiltration system could be added; it would improve water quality runoff and re-charge the groundwater.

If the existing structure is remodeled by more than 50% then the water and sanitary sewer services shall be updated to current standards.

As part of the access the driveway apron should be updated to current City Standards.



Access Driveway Apron

Environmental:

1. Has a 21E Investigation and report been performed on the site, if so, copies of the report should be submitted to the Newton Board of Health and Engineering Division.
2. Are there any existing underground oil or fuel tanks? Have they been removed, if they have been, evidence of the proper removal should be submitted to the Newton Fire Department and the Board of Health.

General:

1. 5 Year Moratorium – if at time of construction the roadway is under a 5-year moratorium, the roadway must be milled and paved gutter-to-gutter for a distance of 25 feet in each direction from the outermost trenches.
2. All trench excavation shall comply with Massachusetts General Law Chapter 82A, Trench Excavation Safety Requirements, and OSHA Standards to protect the general public from unauthorized access to unattended trenches or excavations. Trench Excavation Permit is required prior to any construction. This applies to all trenches on public and private property. *This note shall be incorporated onto the final plans.*
3. All tree removal shall comply with the City's Tree Ordinance.
4. The contractor of record is responsible for contacting the Engineering Division and scheduling an appointment 48-hours prior to the date when the utilities will be made available for an inspection of water services, sewer services and drainage system installation. The utility in question shall be fully exposed for the Inspector to view, backfilling shall only take place when the City Engineer's Inspector has given their approval. *This note shall be incorporated onto the final plans.*
5. The applicant shall apply for a Building Permit with the Inspectional Services Department prior to ANY construction.
6. All site work including trench restoration, sidewalk, curb ,apron and loam border (where applicable) shall be completed before a Certificate of Occupancy is issued. *This note shall be incorporated onto the final plans.*
7. If any changes from the final approved design plan that are required due to unforeseen site conditions, the contractor of record shall contact the design engineer of record and submit revised design and stamped full scale plans for review and approval prior to continuing with construction.
8. *The engineer of record shall add the following attestation to the plans when applying for a building permit:*

I certify that the construction so shown was inspected prior to backfill and that all work conforms with the Approved Plan and meets or exceeds the City of Newton Construction Standards.

Signature

Note: If the plans are updated it is the responsibility of the applicant to provide all City Departments [ISD, Conservation Commission, Planning and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns, please feel free to contact me at 617-796-1023.