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Director

ZONING REVIEW MEMORANDUM

Date: May 10, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Gerald A. Baratz Revocable Living Trust
William S. Kramer, Counsel
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 a restaurant. The petitioner intends to demolish the building, construct a one-story building, and establish a marijuana retailer with a surface parking facility.

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 3/17/2021
- Existing Conditions Plan, signed and stamped by Gerry L. Holbright, surveyor, dated 4/1/2019
- Site Plan, prepared by Fuss & O'Neill, dated 3/19/2021
- Floor Plans, prepared by BKA Architects, architect, dated 3/9/2021
- Landscape Plan, prepared by Fuss & O'Neill, dated 4/16/2021

ADMINISTRATIVE DETERMINATIONS:

- 1. The petitioner is proposing to operate a marijuana retailer. 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. The petitioners are proposing to construct a one-story 2,290 square foot building and staff 10 employees at the busiest shift. The proposed establishment requires 12 parking stalls.

The petitioner is proposing to reconfigure the parking area to contain 22 parking stalls, which satisfies the requirements of section 5.1.4.A.

- 3. Section 5.1.3.E prohibits assigned parking. The petitioner intends to designate three stalls for employee parking. A special permit per section 5.1.13 is required to waive the prohibition.
- 4. 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.
- 5. 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
§5.1.3.E §5.1.13	To allow assigned parking	S.P. per §7.3.3
§5.1.10 §5.1.13	To waive the lighting requirements	S.P. per §7.3.3