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ZONING REVIEW MEMORANDUM

Date: July 22, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: SSG Lexington Newton LLC, applicant
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

Petitioner: SSG Lexington Newton LLC	
Site: 131 Rumford Ave	SBL: 41031 0050
Zoning: BU2	Lot Area: 20,443 square feet
Current use: Vacant	Proposed use: Marijuana retail establishment

BACKGROUND:

The property at 131 Rumford Avenue consists of a 20,443 square foot vacant lot. The lot was created in 2016 when a large parcel was subdivided into the subject site and the larger adjacent parcel known as 137 Rumford Avenue. The petitioner seeks to operate a marijuana retail establishment pursuant to section 6.10.3 within the proposed building on the subject site.

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 5/7/2021
- Site Layout Plan, prepared by Fuss & O'Neill, dated 5/6/2021
- Floor Plan, prepared by Interform Architecture & Design, architects, dated 5/4/2021
- Photometric Plan, prepared by Firstlight Technologies, dated 4/13/2021

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 section 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 a 5,000 square foot building with 12 employees at the busiest shift. The proposed establishment requires 21 parking stalls. The petitioner proposes to construct 25 parking stalls, exceeding the requirements of section 5.1.4.
3. The subject parcel shares a driveway with the adjacent parcel at 137 Rumford Avenue. Per section 5.1.6.A the required off-street parking facilities must be provided on the same lot as the principal use. As the driveway is located primarily off-site and is an access aisle for some of the parking, section 5.1.6.B allows the City Council to grant a special permit to allow for the requirement to be met off-site.
4. Section 5.1.8.D.1 requires a minimum width of 20 feet for a driveway for two-way use. While the entire existing shared driveway is 26 feet wide, less than half is located on the subject parcel. As the driveway width requirement applies to the parcel individually, a special permit is required per section 5.1.13.
5. Section 5.1.9.A requires outdoor parking facilities with more than five stalls to provide perimeter screening from abutting streets and parcels. A special permit is requested per section 5.1.13 to waive the perimeter screening requirements for those portions of the parcel that do not provide perimeter screening.
6. 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 proposed lighting in the parking facility does not meet the requirements of section 5.1.10.A, requiring a special permit per section 5.1.13.
7. Section 6.10.3.E.15 requires that a marijuana retailer located on the ground level provide at least 25 percent transparency along the building's front façade at ground level, and that existing buildings shall not be modified to reduce the ground level transparency to less than 25 percent, unless the City Council finds it appropriate. The architectural plans indicate that there is no transparency at the front façade, necessitating a waiver of the transparency requirement of section 6.10.3.E.15.

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 retailer	S.P. per §7.3.3
§5.1.6.A §5.1.6.B	To allow parking facility requirements to be met off site	S.P. per §7.3.3
§5.1.8.D.1 §5.1.13	To waive the minimum driveway width requirement	S.P. per §7.3.3
§5.1.9.A §5.1.13	To waiver 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
§6.10.3.E.15	To waive the 25% façade transparency requirement	S.P. per §7.3.3