



# Land Use Committee Report

## City of Newton

### In City Council

**Tuesday, September 28, 2021**

**Present:** Councilors Lipof (Chair), Kelley, Greenberg, Lucas, Markiewicz, Downs, Bowman, Laredo, Wright, Oliver, Krintzman, Crossley

**City Staff Present:** Senior Planner Katie Whewell, Senior Planner Michael Gleba, Chief Planner Neil Cronin, Assistant City Solicitor Jonah Temple

All Special Permit Plans, Plan Memoranda and Application Materials can be found at the following link <https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-1058>. Presentations for each project can be found at the end of this report.

**#300-21 Request to Rezone two parcels at 304-306 Walnut Street**

JH REAL ESTATE LLC petition for to rezone two parcels; 304 Walnut Street (Section 22 Block 05 Lot 33) from Business Use 1 and 306 Walnut Street (Section 22 Block 05 Lot 30) from Multi Residence 1 to Mixed Use 4.

**Action:** Land Use Held 8-0; Public Hearing Continued

**#301-21 Petition to allow 27-unit mixed use building at 304-306 Walnut Street**

JH REAL ESTATE LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 27-unit mixed use development in excess of 20,000 sq. ft., to allow a building height of 60' and FAR of 2.50, to allow five stories, to waive the minimum lot area per unit requirement, to reduce the side setback requirement, to reduce the setback requirement for portions of the building greater than 40' in height, to allow 1.25 parking stalls per dwelling unit, to waive 37 parking stalls, to allow parking in the side setback, to allow parking within five feet of a building containing dwelling units, to waive the parking stall width requirement, to waive perimeter screening requirements and to waive lighting requirements at 304-306 Walnut Street, Ward 2, Newtonville, on land known as Section 22 Block 05 Lots 30 and 33, containing approximately 14,038 sq. ft. of land in a district zoned BU1 and MR1 (to be rezoned to MU4). Ref: Sec. 7.3.3, 7.4, 4.2.2.B.1, 4.2.2.A.2, 4.2.5.A.3, 4.2.2.B.3, 4.2.5.A.2, 4.2.3, 4.2.5.A.4.b, 4.2.5.A.4, 4.2.5.A.4.c, 5.1.4, 5.1.4.A, 5.1.13, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.B.1, 5.1.9.A, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

**Action:** Land Use Held 8-0; Public Hearing Continued

**Note:** The petitioner requested a continuance of items #300-21 and #301-21. The public hearing was opened. No member of the public wished to speak. Councilor Lucas motioned to hold items #300-21 and #301-21 which carried unanimously.

**#302-21**      **Petition to amend Special Permit #201-17 at 386-394 Watertown Street**  
JLM REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Order #201-17 to allow the reconfiguration of the parking stalls, to waive one parking stall, to reduce minimum maneuvering aisle width, to allow restricted end parking stalls and to waive lighting requirements at 386-394 Watertown Street, Ward 1, Newton, on land known as Section 14 Block 14 Lots 35, 37 and 38, containing approximately 9,542 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 5.1.4, 5.1.13, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.C.2, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Held 8-0; Public Hearing Continued**

**Note:**          Atty. Terry Morris, with law offices at 57 Elm Road, represented the petitioner. Atty. Morris requested a continuance of the public hearing. The public hearing was opened. Councilor Greenberg motioned to hold the item which carried 8-0.

**#244-20(2)**      **Request for Extension of Time to Exercise Special Permit for Cabot Park Village**  
KRE-BSL Husky Cabot Park LLC request for a TWO YEAR EXTENSION OF TIME TO EXERCISE for SPECIAL PERMIT/SITE PLAN APPROVAL for Special Permit Board Order #105-95 approved by the City Council on July 13, 2020 for the construction a five-story addition with 18 new units and common accessory use space, 280 Newtonville Avenue, Ward 2, on land known as Section 22 Block 07 Lot 48, containing approximately 146,435 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Said extension of Time to Run from July 13, 2021 to July 13, 2023. Ref: Sec. 7.3.3, 7.4, 3.2.2.A.3, 7.8.2.C.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved 8-0**

**Note:**          The Committee expressed no concerns relative to the request for an extension of time to exercise Special Permit #244-20 for Cabot Park Village. The Committee voted unanimously in favor of a motion to approve the extension of time.

**#296-21**      **Petition to amend Special Permit #106-13 to allow garage bay at 414 Watertown Street**  
ANTOINE DAHER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #106-13 to allow for construction of a third garage bay at 414 Watertown Street, Ward 1, Newton, on land known as Section 14 Block 15 Lot 24, containing approximately 10,992 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved 8-0; Public Hearing Closed 09/28/2021**

**Note:**          Atty. Terry Morris with law offices at 57 Elm Road represented the petitioner, Antoine Daher. Atty. Morris presented the request to amend special permit #106-13 to allow a third garage bay at 414 Watertown Street. Atty. Morris noted that the design of the garage is consistent with the design of the existing structure and showed the proposed plans which can be found at the following link: <https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-2094>.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. The Public Hearing was Opened. No member of the public wished to speak.

The Committee was supportive of the petition. Councilors noted that the petitioner is a considerate neighbor, maintains a clean site and makes sure cars are never parked on the sidewalk. Councilor Greenberg motioned to close the public hearing which carried unanimously. Councilor Greenberg motioned to approve the petition. The Committee reviewed the draft findings and conditions as shown in the attached presentation and voted 8-0 in favor of approval.

**#332-21**      **Petition to exceed FAR and allow garage greater than 700 sq. ft. at 50 Wachusett Road**  
STEVEN SEGAL AND ELLEN BINSTOCK petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a new garage, greater than 700 sq. ft., to accommodate more than three vehicles, and to exceed FAR at 50 Wachusett Road, Ward 7, Chestnut Hill, on land known as Section 61 Block 18 Lot 03, containing approximately 22,412 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.4.E.1, 3.4.4.H, 3.1.3, 3.1.9 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved 8-0; Public Hearing Continued**

**Note:**          Architect Michael Collins represented the petitioners Steven Segal and Ellen Binstock. Mr. Collins presented the request to exceed FAR and allow a garage greater than 700 sq. ft. at 50 Wachusett Road. The petitioners propose to demolish the existing garage and construct a four-car, 900 sq. ft. garage with tandem parking. Mr. Collins presented the architectural plans which can be found at the following link: <https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-2095>.

Senior Planner Katie Whewell reviewed the requested relief, criteria for consideration, land use zoning and proposed plans as shown on the attached presentation.

The Public Hearing was Opened. No member of the public wished to speak. Councilor Laredo motioned to close the public hearing which carried 8-0. Councilor Laredo motioned to approve the petition, noting that the proposed plans do not change the look of the house from the street. The Committee reviewed the draft findings and conditions as shown in the attached presentation and voted 8-0 in favor of approval.

**#333-21**      **Petition to allow four single-family attached dwelling at 34 Prescott Street**  
WHITEACRE PROPERTIES, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the existing single-family dwelling unit and carriage house into two, two-unit single-family attached dwelling units, to reduce require side and rear setbacks, to allow a driveway within 10' of the side lot line and parking within 20' of a boundary, to waive two parking stalls and to allow reduced parking stall width and depth at 34 Prescott Street, Ward 2, Newtonville, on land known as Section 23 Block 12 Lot 04, containing approximately 19,432 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, 5.1.4, 5.1.13, 5.1.7.B.1, 5.1.7.B.2 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Approved Subject to Second Call 8-0; Public Hearing Closed 09/28/2021**

**Note:**          Atty. Terry Morris, with law offices at 57 Elm Road, represented the petitioner. Atty. Morris presented the request to allow four single-family attached dwelling units at 34 Prescott Street. The petitioner proposes to rehabilitate the existing carriage house and create two units and convert the main house into two units as well. Atty. Morris presented details of the plans and the existing house. He noted that the carriage house is in very poor condition and confirmed that the project was subject to the

Newtonville Historic District Commission's review. Proposed architectural and landscape plans can be seen at the following link:

<https://www.newtonma.gov/government/city-clerk/city-council/special-permits/-folder-2096>.

The two units in the carriage house will be 1180 sq. ft. and 760 sq. ft. The main house has an unfinished basement and attic space. The two units in the main house will have two units measuring 2690 sq. ft. (Unit 1) and 3630 sq. ft. (Unit 2) inclusive of the unfinished basement. The basement space of the Unit 1 is approximately 688 sq. ft. and the basement of Unit 2 is approximately 800 sq. ft. Atty. Morris noted that neither the volume or footprint of the carriage house or the main house have been expanded. The proposed landscape plan includes plantings along the perimeter of the house. The carriage house units will have one parking stall each and the main house will have four total spaces. As part of the petition, a waiver of 2 parking stalls is required. It was noted that the site is one block from Newtonville and is near public transit options.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown in the attached presentation.

The Public Hearing was Opened.

Sheri Engler, 22 Prescott Street, expressed concern relative to the configuration of parking on site and stated that the turning radius is concerning, impractical and unsafe. She confirmed that a fence in between the properties, for the length of the property would mitigate the issue. She noted that 2' trees wouldn't make sense to put in that location if drivers will have to make three point turns and she urged the petitioner to consider planting hardy trees.

Claire Carlo and Giles Taylor, 10 Lowell Avenue, expressed concern relative to the additional cars and the corresponding impact on traffic. Mr. Taylor noted that the neighborhood is already congested. Ms. Carlo questioned how many units are in each house?

Atty. Morris confirmed that the carriage house units are two-bedroom units and the main house units are at least three-bedroom units.

Judy Amlie, 39 Central Avenue, is supportive of the rehabilitation of the building but concerned about the added number of cars on the site and overflow on the street. She emphasized that the parking is not realistic for the neighborhood and noted that residents in nearby multi-family dwellings park on the street.

Lisa Monahan, 1105 Walnut Street, expressed support for the petition, noting the proximity to Newtonville center and public transportation. She noted that she is not concerned about the added street traffic as it would not be significantly different without the proposed waiver.

Virginia Henrickson, 11 Central Avenue, abuts the property near the carriage house. Ms. Henrickson expressed support for the restoration of the carriage house but believes the parking is inadequate and unrealistic.

Guergen Froehlich, 19 Prescott Street, noted that the parking situation is currently very congested and people park on Prescott Street and walk to the train station. He noted that two-bedroom units will have two cars and the overflow with overload Prescott Street.

Brenda MacGovern, reiterated that the on-street parking will burden the neighborhood.

Sean Roche, 42 Daniels Street, expressed support for the small units in the carriage house. He noted that lots of car storage should not be provided to incentivize sale of the property to residents who will use public transit.

Kathy Pillsbury, 34 Carver Road, noted that the impact due to the added traffic will not be major. She noted that people with one car will be inclined to purchase units where there is only one space.

Loreto and Anne Marie Gentilucci, 25 Prescott Street, noted that it isn't realistic to have the number of parking stalls proposed to accommodate the four units. Ms. Gentilucci noted that parking in the front yards seems inappropriate and questioned how the petitioner can construct four units in the two-family zone.

Justin Newmark, noted that parking is a big problem and stated that residents in the area are not typically walking to the nearby amenities.

Committee members emphasized their support for rehabilitation of the carriage house and the main house and repurposing them into condos without expanding the footprint. Regarding location of parking spaces, the Committee questioned whether the turning radius is sufficient to make sure that cars are turning within the site and are not backing onto the abutter neighbors' lawn. Atty. Morris noted that the drivers exiting the carriage house will back out and then perform three-point turns to exit onto the site. Councilors noted that the parking reduction is reliant on sale to residents with one car for the carriage house units. It was suggested that not providing the parking is a way to reduce the number of cars, single passenger trips, encourage the use of public transportation and help the City meet its climate goals. Councilors noted that approval of the petition is a way to commit to the preservation of historic structures without paving over the site. A Committee member noted that if there are parking issues on any streets, residents could petition Traffic Council for a parking restriction.

In response to questions from the Committee, Atty. Morris confirmed that the petitioner would be willing to landscape the site perimeter in a way that addresses the concerns of the abutter at 22 Prescott Street. The Committee emphasized the need for tuning radii to ensure that the drivers can safely maneuver the site, particularly in winter. It was confirmed that the Planning and/or Engineering Department have not reviewed the turning templates, but that the Planning Department can arrange to have Engineering review the turning templates prior to the Council meeting on October 4, 2021.

The committee took a straw poll which carried 5-3 in favor of submission and analysis of the turning radii prior to the vote. Councilor Lucas motioned to close the public hearing which carried unanimously. Councilor Lucas motioned to approve the petition, subject to second call, pending review and analysis of the turning radii. The Committee reviewed the draft findings and conditions as shown in the attached presentation. The Committee asked that the landscape condition require review by the Planning Department on any agreement made between the abutter and the petitioner. With that, the Committee voted 8-0 in favor of approval.

**#299-21**      **Petition to allow marijuana retailer at 131 Rumford Avenue**  
PHARMACANNIS MASSACHUSETTS INC. D/B/A/ VERILIFE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a retail marijuana establishment, to allow parking facility requirements to be met off-site, to waive the minimum driveway width requirement, to waive perimeter screening requirements, to waive lighting requirements and to waive the 25% façade transparency requirement at 131 Rumford Avenue, Ward 4, Auburndale, on land known as Section 41 Block 31 Lot 50, containing approximately 20,443 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, 5.1.6.A, 5.1.6.B, 5.1.8.D.1, 5.1.13, 5.1.9.A, 5.1.10, 6.10.3.E.15 of the City of Newton Rev Zoning Ord, 2017.

**Action:**      **Land Use Held 8-0; Public Hearing Continued**

**Note:**            Attorney Michael Ross, with law offices at Prince Lobel, Boston, Mass. Represented the petitioner Pharmacannis Massachusetts inc. d/b/a Verilife. After a presentation from the petitioner, public comment and Committee discussion, the Committee voted unanimously in favor of a motion to hold the item from Councilor Markiewicz. An amended report reflecting the discussion will be available prior to the next public hearing.

The Committee adjourned at 10:10 pm.

**Respectfully Submitted,**  
**Richard Lipof, Chair**

# Department of Planning and Development



**PETITION #296-21**

**414 WATERTOWN STREET**

**SPECIAL PERMIT/SITE PLAN  
APPROVAL TO AMEND SPECIAL  
PERMIT COUNCIL ORDER #106-  
13 TO ALLOW FOR  
CONSTRUCTION OF A THIRD  
GARAGE BAY**

*SEPTEMBER 28, 2021*



# Requested Relief



Special permit per §7.3.3 to

- amend Special Permit #106-13 to allow for construction of an additional garage bay (§4.4.1)



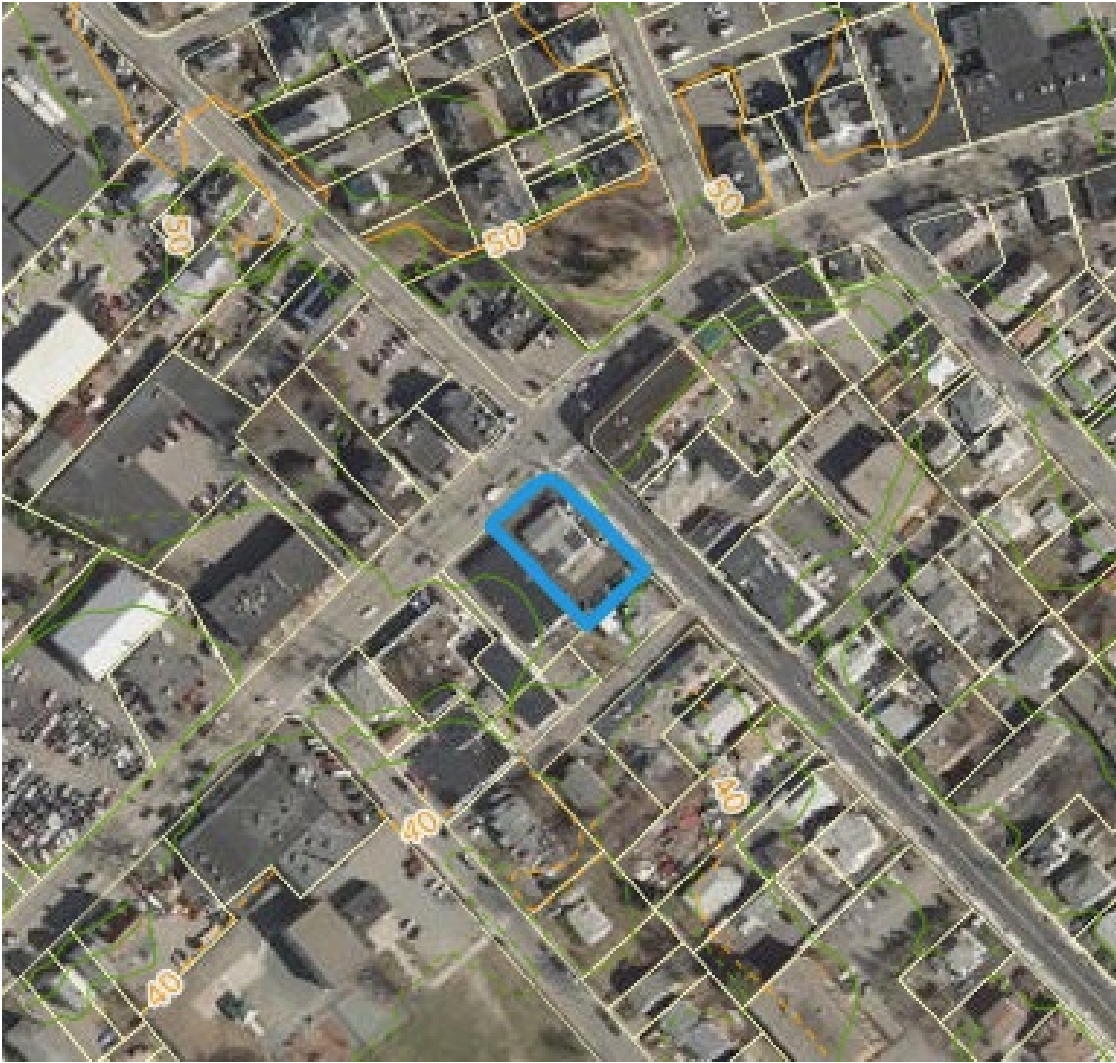
# Criteria to Consider



When reviewing the requested special permits the Council should consider whether:

- The site in a Business 2 (BU2) zoning district is an appropriate location for the proposed addition containing a third auto service bay (§7.3.3.C.1)
- The proposed addition containing a third auto service bay will adversely affect the neighborhood (§7.3.3.C.2)
- The proposed addition containing a third auto service bay will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

# AERIAL/GIS MAP



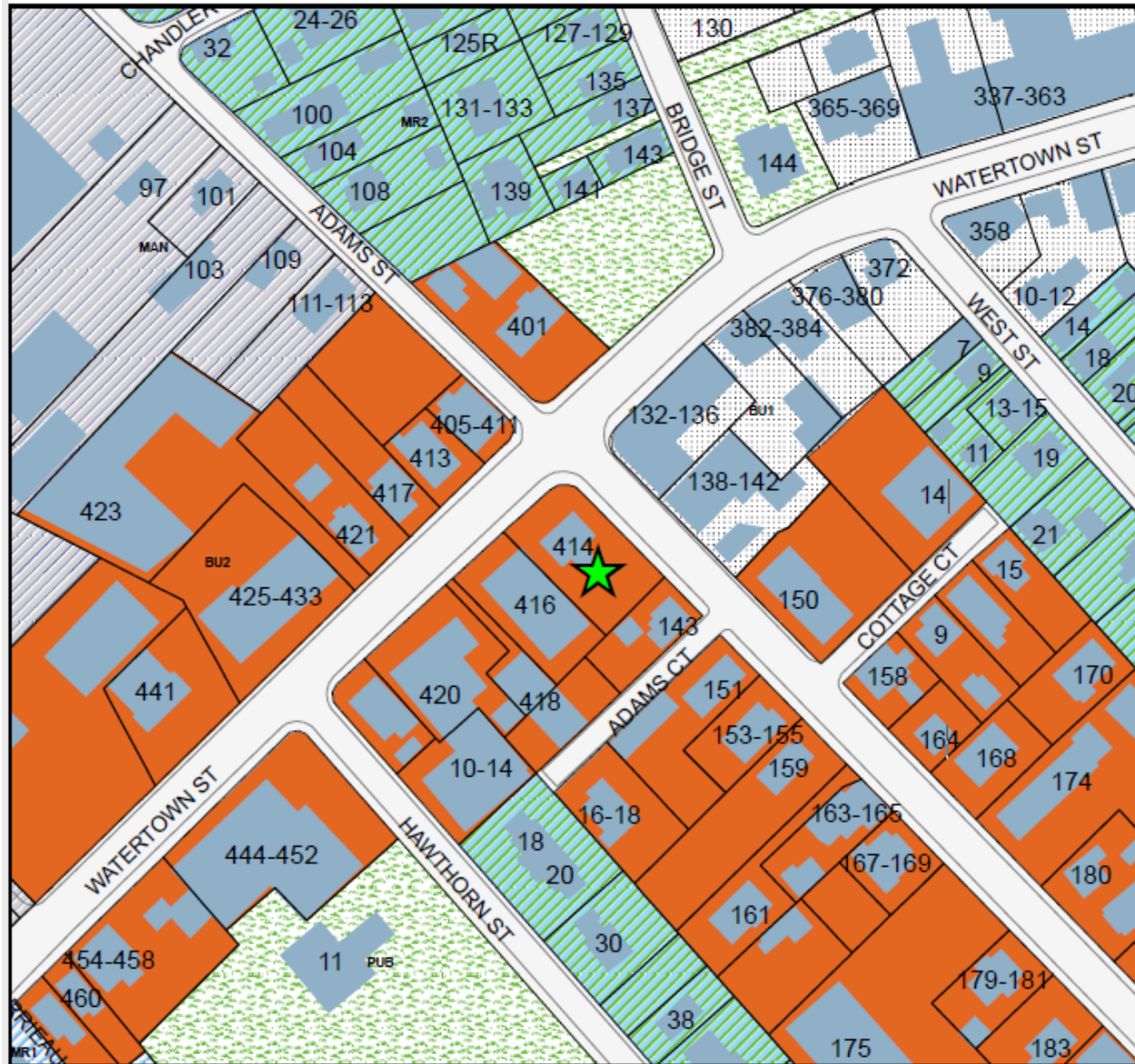
# Zoning

## ATTACHMENT B

### Zoning

414 Watertown St.

*City of Newton,  
Massachusetts*



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



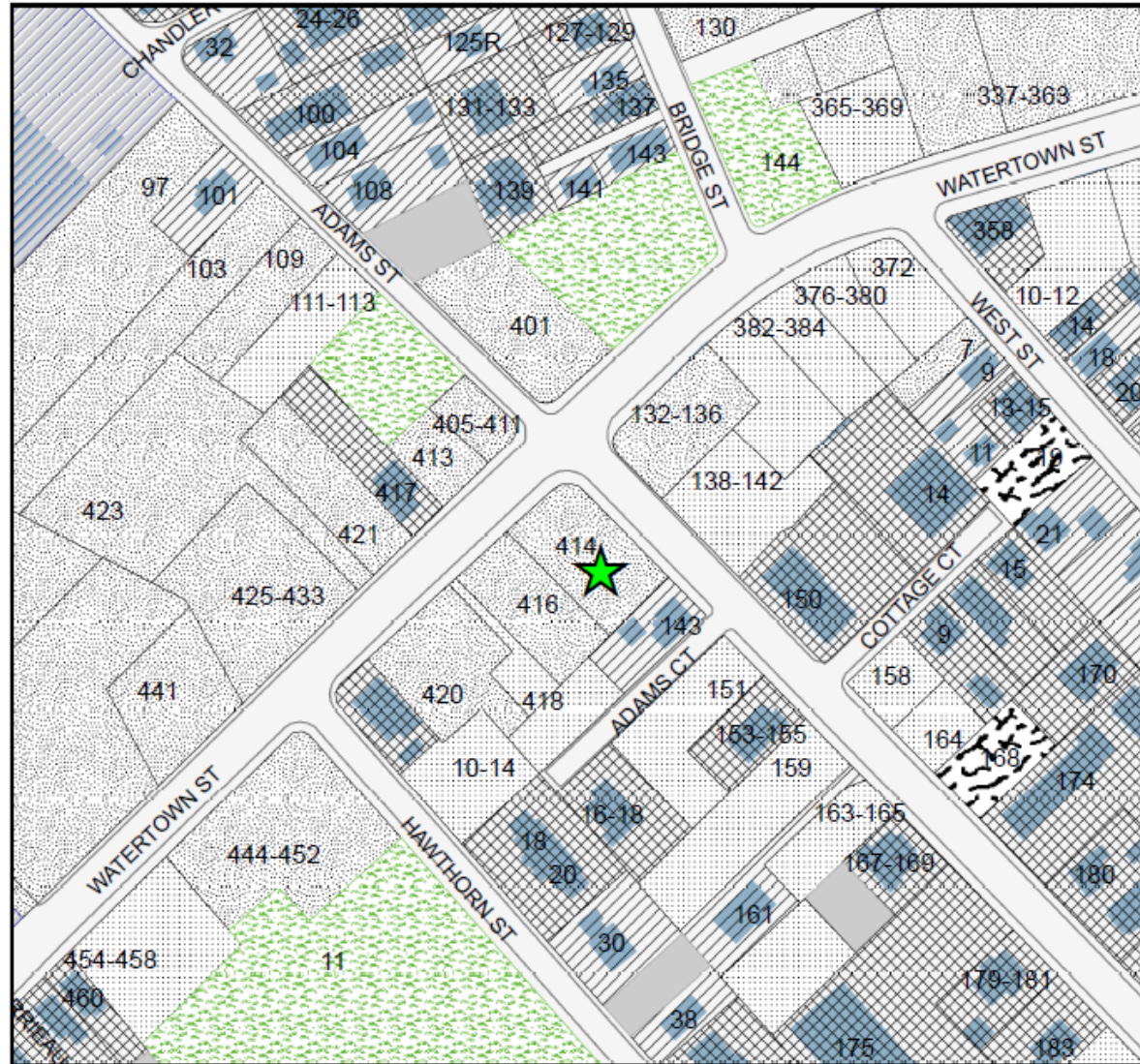
The information on this map is Geographic Information System (GIS) data. The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications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

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

0 12.5 25 50 75 100 125 150 175 Feet

Map Date: September 22, 2021

# Land Use



## ATTACHMENT A

### Land Use

414 Watertown St.

*City of Newton,  
Massachusetts*

### Land Use

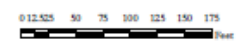
#### Land Use

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



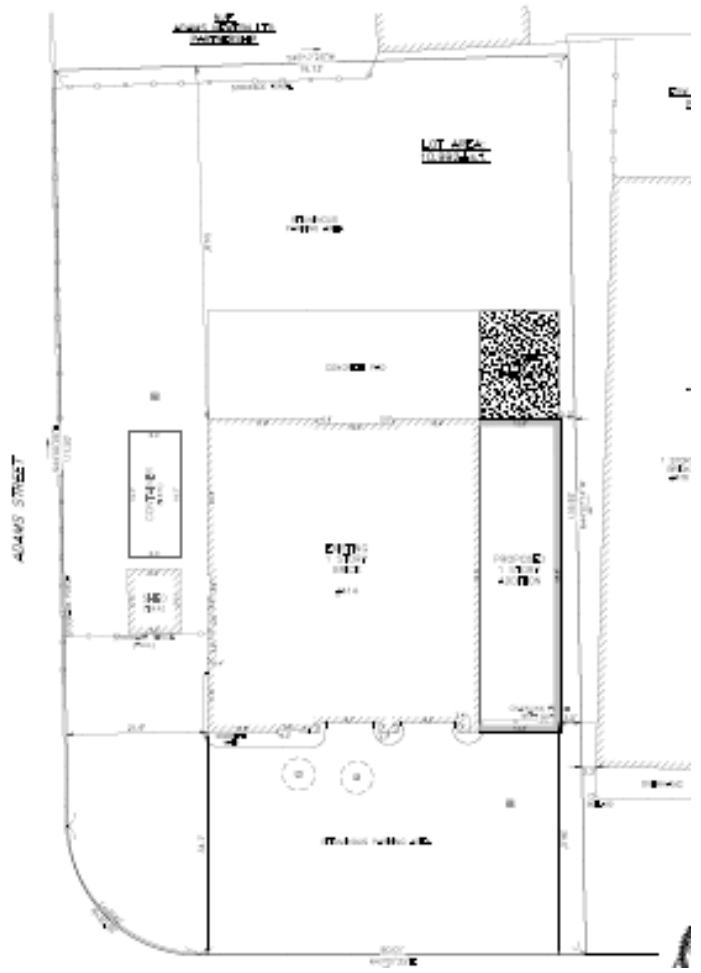
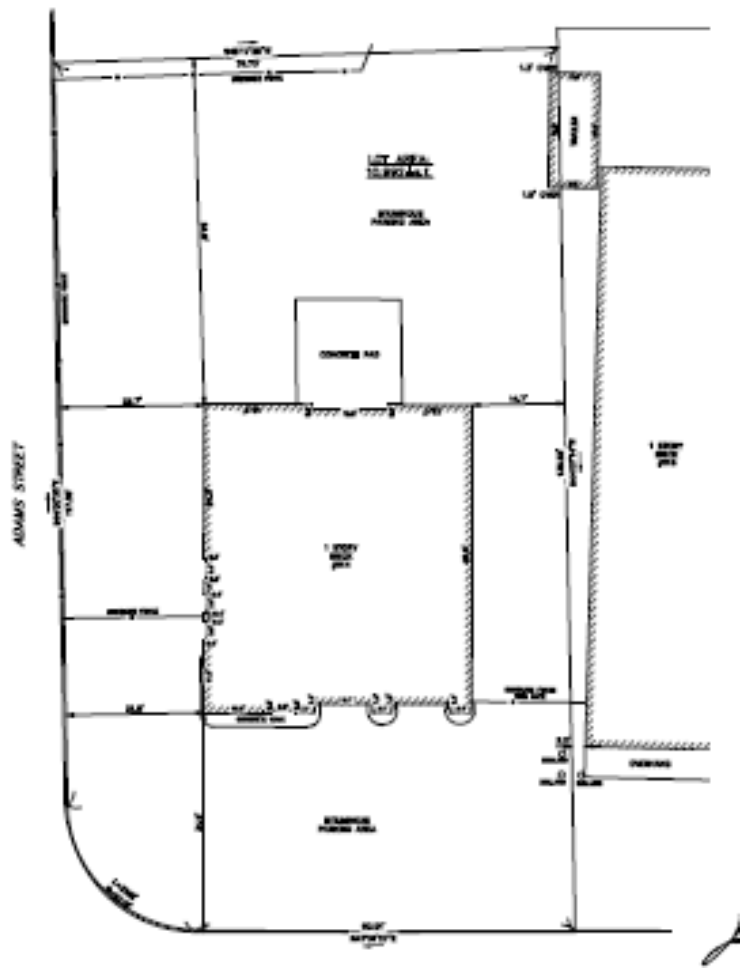
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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
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Map Date: September 22, 2021

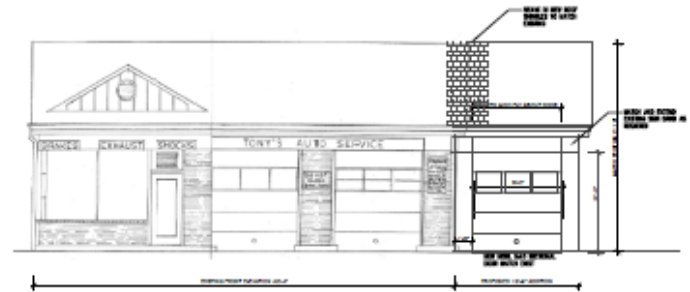
# Site Plan- existing and proposed



# Elevations- Existing and Proposed



**EXISTING FRONT ELEVATION**  
N= 1'-0"



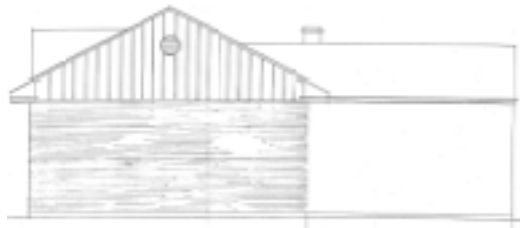
**PROPOSED FRONT ELEVATION**  
N= 1'-0"



**EXISTING REAR ELEVATION**  
N= 1'-0"



**PROPOSED REAR ELEVATION**  
N= 1'-0"



**EXISTING RIGHT SIDE ELEVATION**  
N= 1'-0"



**PROPOSED RIGHT SIDE ELEVATION**  
N= 1'-0"

# Photos



# Photos





# Photos



# Photos



# Proposed Findings



1. The site in a Business 2 (BU2) zoning district is an appropriate location for the proposed addition containing a third auto service bay (§7.3.3.C.1)
2. The proposed addition containing a third auto service bay will adversely affect the neighborhood (§7.3.3.C.2)
3. The proposed addition containing a third auto service bay will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

# Proposed Conditions



Amend S.P. #106-13

1. Plan Referencing Condition
2. Standard Building Permit Condition.
3. Standard Final Inspection/Certificate of Occupancy Condition.

# Department of Planning and Development



**PETITION #332-21**  
**50 WACHUSETT ROAD**

SPECIAL PERMIT/SITE PLAN  
APPROVAL TO EXCEED THE FAR,  
TO ALLOW A GARAGE WITH A  
GROUND FLOOR AREA OVER 700  
SQUARE FEET AND PARKING FOR  
MORE THAN THREE VEHICLES



SEPTEMBER 28, 2021

# Requested Relief



Special Permits per §7.3.3 of the Newton Zoning Ordinance to:

- Exceed the FAR (§3.1.3, §3.1.9)
- Allow a garage with a ground floor area greater than 700 square feet; and provision for more than three vehicles (§3.4.4.E.1, §3.4.4.H)

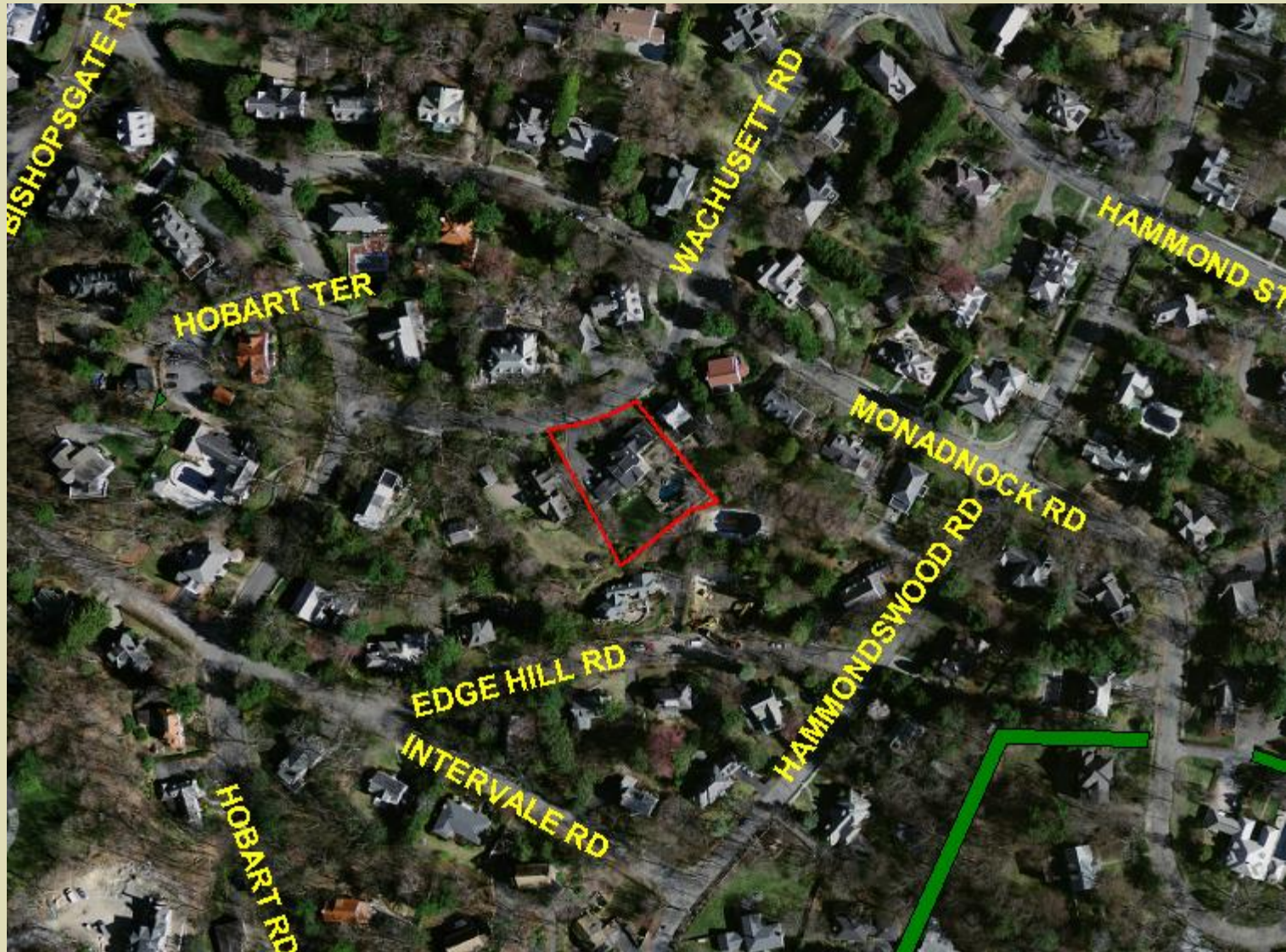
# Criteria to Consider



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

- The specific site is an appropriate location for the proposed garage addition with more than 700 square feet of ground floor area, parking for more than three vehicles, and which exceeds the FAR. (§7.3.3.C.1)
- The proposed garage addition with more than 700 square feet of ground floor area parking for more than three vehicles, and which exceeds the FAR will adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed garage addition with more than 700 square feet of ground floor area, parking for more than three vehicles, and which exceeds the FAR will create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- The proposed increase in FAR from .26 to .29, where .27 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.3, §3.1.9, and §7.3.3)

# Aerial/GIS Map









# Front Elevation



Existing



Proposed

# Right Elevation



Existing



Proposed

# Proposed Findings



1. The specific site in the SR-1 zoning district is an appropriate location for the proposed garage addition with more than 700 square feet of ground floor area, parking for more than three vehicles, and which exceeds the FAR **because the garage addition is replacing an existing attached garage.** (§7.3.3.C.1)
2. The proposed garage addition with more than 700 square feet of ground floor area, parking for more than three vehicles, and which exceeds the FAR will not adversely affect the neighborhood because the garage **will maintain its presence as a two-car garage from the street.** (§7.3.3.C.2)
3. The proposed the proposed garage addition with more than 700 square feet of ground floor area, , parking for more than three vehicles, and which exceeds the FAR will not create a nuisance or serious hazard to vehicles or pedestrians **because the driveway location is being maintained.** (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. The proposed increase in FAR from .26 to .29, where .27 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood **because the proposed garage maintains its presence as a two-car garage from the street.** (§3.1.3, §3.1.9, and §7.3.3)

# Proposed Conditions



1. Plan Referencing Condition.
2. Standard Building Permit Condition.
3. Rodent Control Condition (excavation)
4. Standard Final Inspection/Certificate of Occupancy Condition.

# Department of Planning and Development



**PETITION #333-21**  
**34 PRESCOTT STREET**

SPECIAL PERMIT/SITE PLAN APPROVAL  
TOTO CONVERT THE EXISTING SINGLE-  
FAMILY DWELLING UNIT AND CARRIAGE  
HOUSE INTO TWO, TWO-UNIT SINGLE  
FAMILY ATTACHED DWELLING UNITS, TO  
REDUCE REQUIRE SIDE AND REAR  
SETBACKS, TO ALLOW A DRIVEWAY  
WITHIN 10' OF THE SIDE LOT LINE AND  
PARKING WITHIN 20' OF A BOUNDARY,  
TO WAIVE TWO PARKING STALLS AND TO  
ALLOW REDUCED PARKING STALL WIDTH  
AND DEPTH

*SEPTEMBER 28, 2021*



# Requested Relief



Special permit per §7.3.3 to:

- allow single-family attached dwellings (§3.4.1)
- reduce required side and rear setbacks (§3.2.4)
- allow a driveway within 10 feet of the side lot line and parking within 20 feet of a boundary (§6.2.3.B.2)
- waive two parking stalls (§5.1.4; §5.1.13)
- allow for a reduced parking stall width (§5.1.7.B.1; §5.1.13)
- allow for a reduced parking stall depth (§5.1.7.B.2; §5.1.13)



# Criteria to Consider



When reviewing the requested special permits the Council should consider whether:

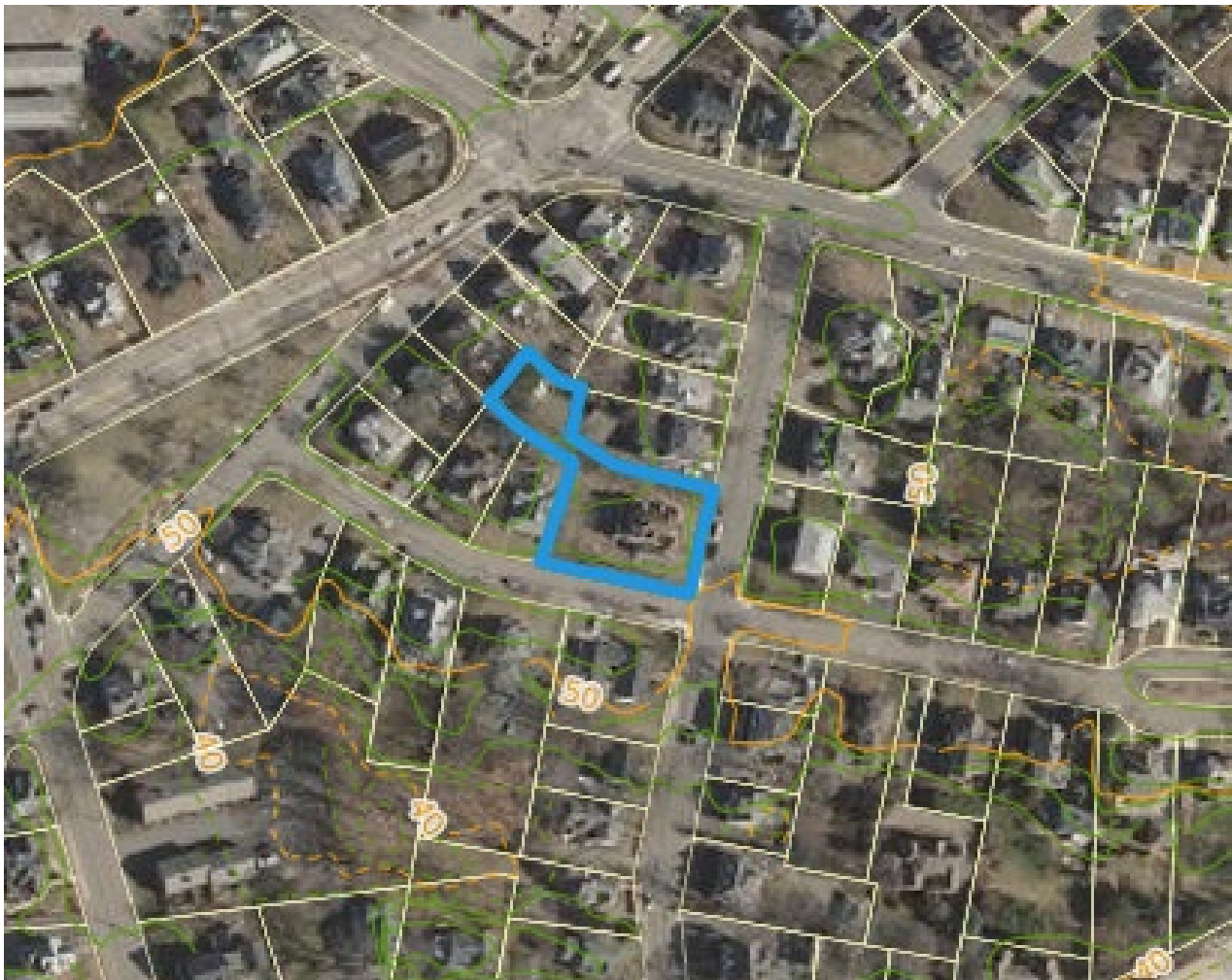
- the site in a Multi Residence 1 zoning district is an appropriate location for the proposed four single-family attached dwellings in two structures as designed (§7.3.3.C.1)
- the proposed four single-family attached dwellings in two structures as designed will adversely affect the neighborhood (§7.3.3.C.2)
- the proposed four single-family attached dwellings in two structures as designed will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

# Criteria to Consider (cont.)

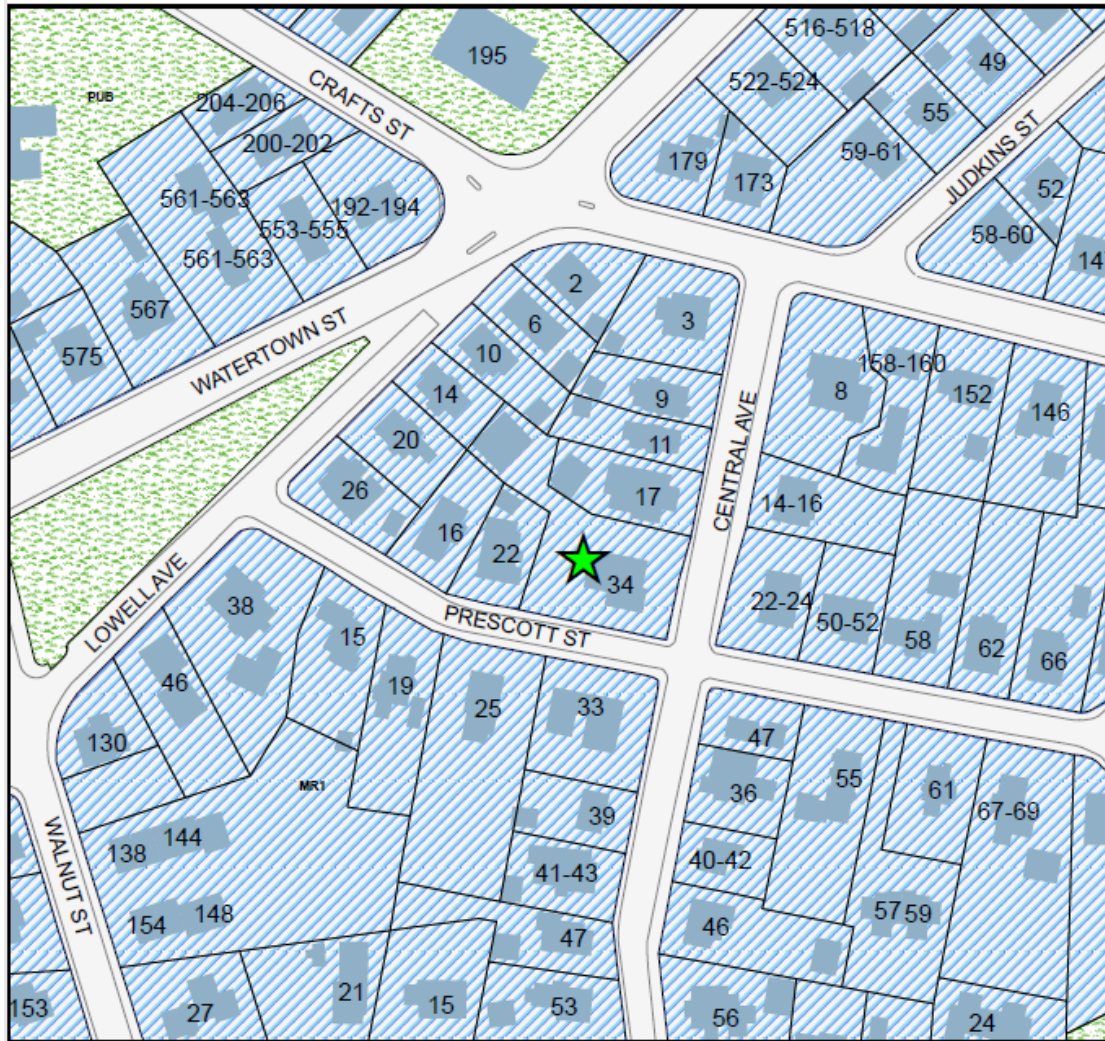


- literal compliance with requirements not allowing the location of a driveway within 10 feet of the side lot line and/or parking within 20 feet of a boundary is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§3.2.4; §6.2.3.B.2)
- literal compliance with certain requirements pertaining to parking stall widths and depths (§5.1.7.B.1; §5.1.7.B.2); and the number of required parking stalls (§5.1.4), is impracticable due to the nature of the use, or the location, 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)

# AERIAL/GIS MAP



# Zoning





## ATTACHMENT B

### Zoning

**34 Prescott St.**

*City of Newton,  
Massachusetts*

-  Multi-Residence 1
-  Public Use



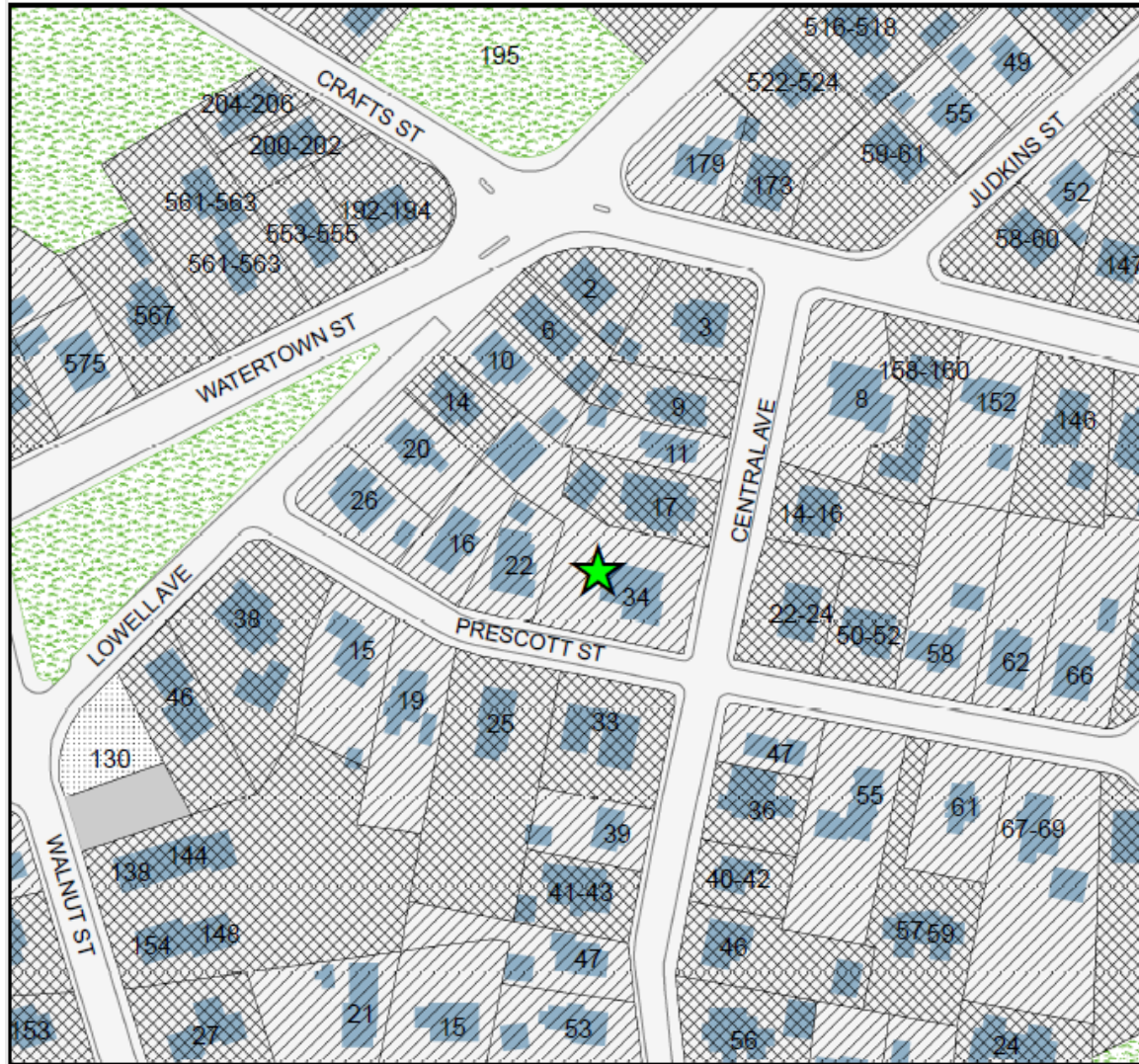
The information on this map is Geographic Information System (GIS) data. The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications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

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

0 12.5 25 50 75 100 125 150 175 Feet

Map Date: September 23, 2021

# Land Use



## ATTACHMENT A




### Land Use

34 Prescott St.

*City of Newton,  
Massachusetts*

### Land Use

#### Land Use

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



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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
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0 12.5 25 50 75 100 125 150 175 Feet

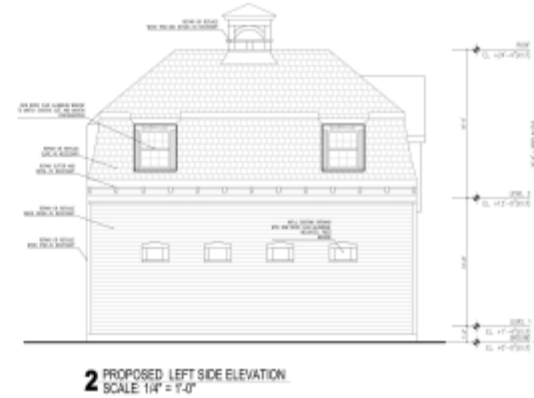
Map Date: September 23, 2021



# Elevations

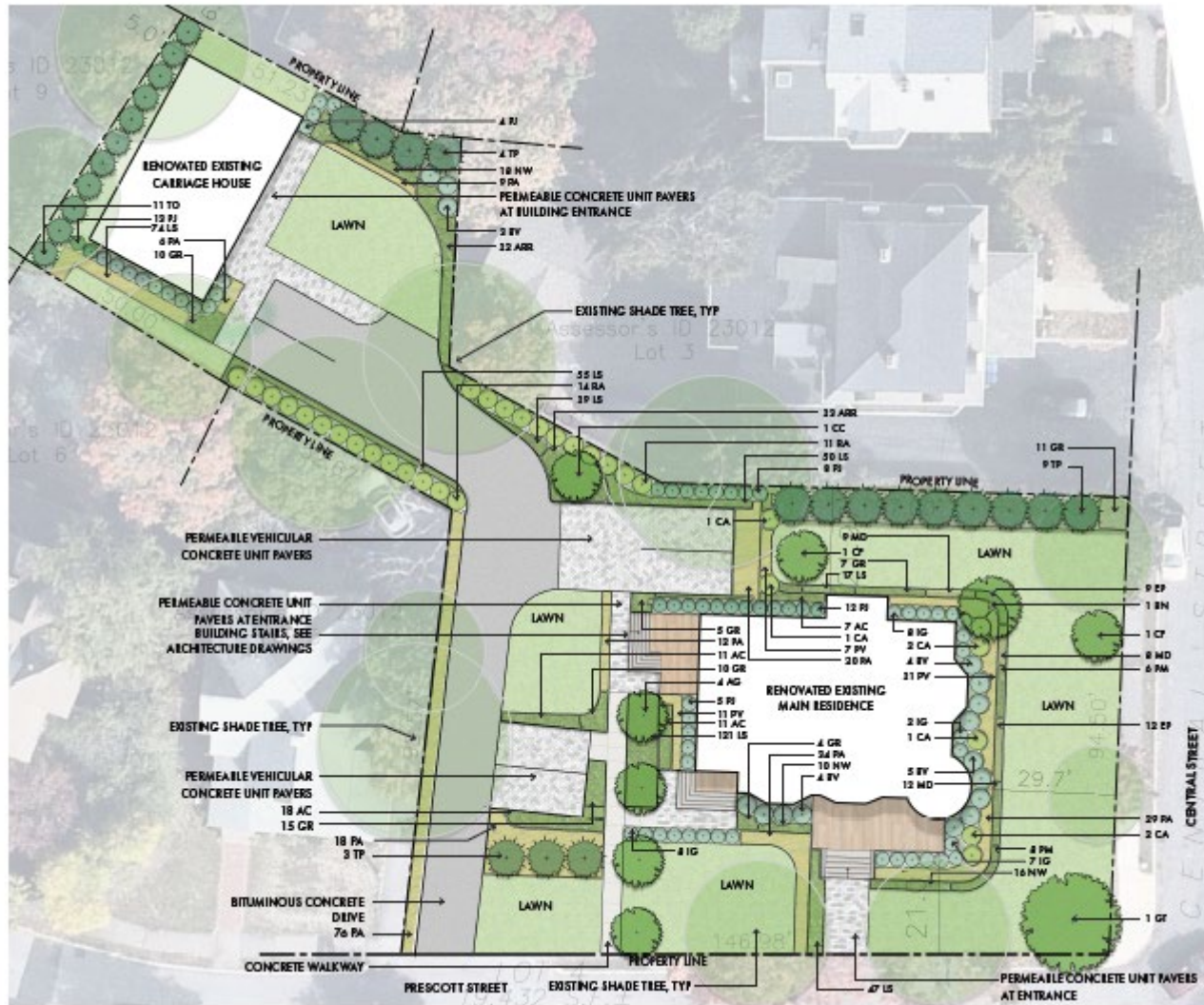


# Elevations- carriage house





# Landscape plan



# Photos



# Photos



# Photos



# Photos



# Photos



# Proposed Findings



1. the site in a Multi Residence 1 zoning district is an appropriate location for the proposed four single-family attached dwellings in two structures as designed with reduced side and rear setbacks as the structures will be preserved and not expanded or relocated, and the lot area per unit of 4,858 square feet will exceed the minimum 4,000 square feet required (§7.3.3.C.1)
2. the proposed four single-family attached dwellings in two structures as designed with reduced side and rear setbacks will not adversely affect the neighborhood as they will be created in existing structures that will be preserved and not expanded or relocated (§7.3.3.C.2)
3. the proposed four single-family attached dwellings in two structures as designed will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
4. access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

# Proposed Findings (cont.)



5. literal compliance with requirements not allowing the location of a driveway within 10 feet of the side lot line and/or parking within 20 feet of a boundary is impractical due to the size and shape of the lot, and such exceptions would be in the public interest as it would allow the preservation of the existing structures on the property (§3.2.4; §6.2.3.B.2)
6. literal compliance with requirements pertaining to parking stall widths and depths (§5.1.7.B.1; §5.1.7.B.2); and the number of required parking stalls (§5.1.4), is impracticable due to the size and the shape of the lot, and such exceptions would be in the public interest as it would allow the preservation of the existing structures on the property (§5.1.13)



# Proposed Conditions



1. Plan Referencing Condition
2. Standard Building Permit Condition.
3. Tree ordinance
4. Rodent control (if excavation)
5. Standard Final Inspection/Certificate of Occupancy Condition
  - Landscaping requirement



**verilife**

# **Proposed Adult Use Dispensary**

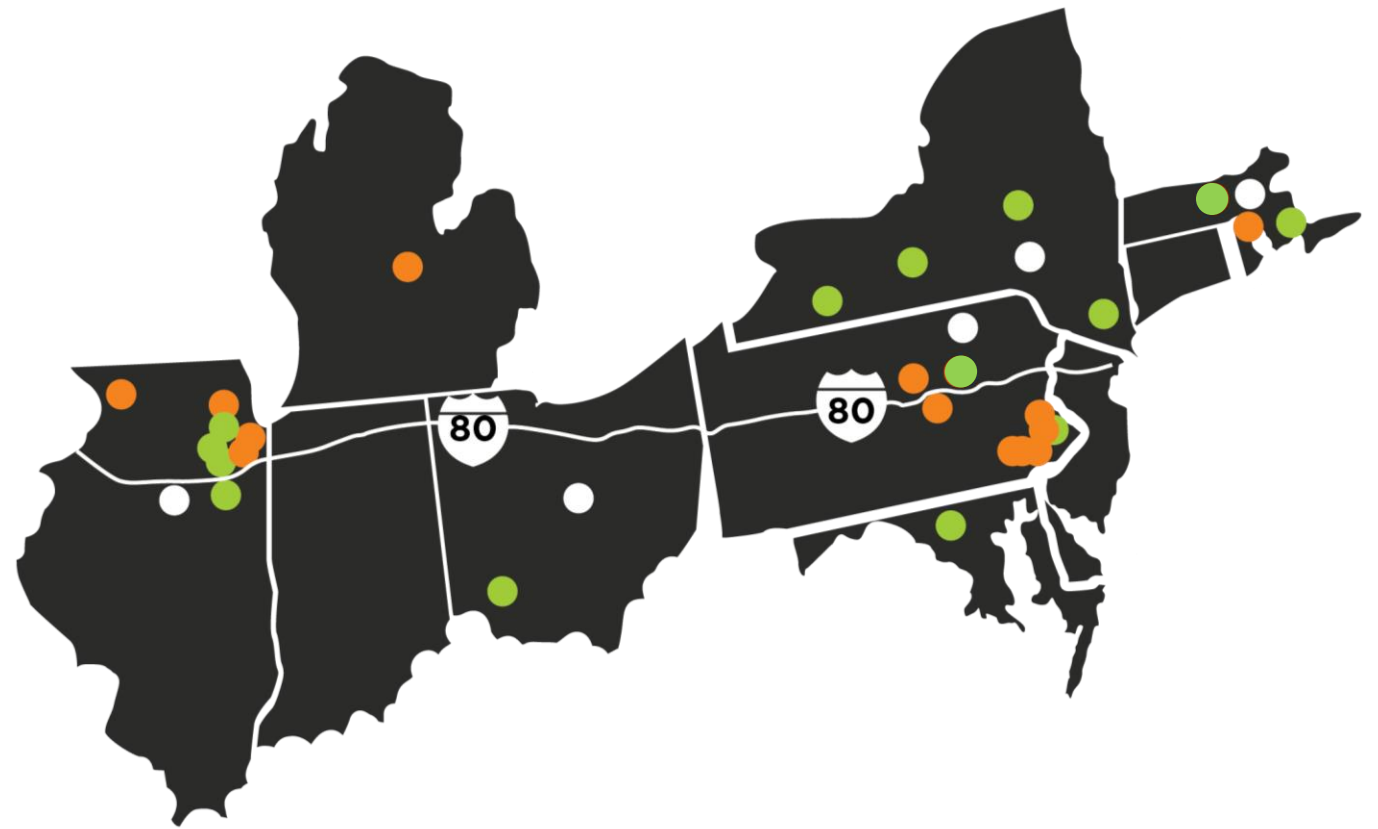
Land Use Committee Meeting  
9/28/21

131 Rumford Avenue,  
Newton, Massachusetts

# Our National Footprint

Massachusetts:

- Shrewsbury (Medical and Retail)
- Wareham (Medical and Retail)
- Holliston (Cultivation and Processing)



5

Production

15

Dispensaries

12

Committed Expansion

# Community Outreach

---

- November 10, 2020- Host Community Advisory Group Recommendation
- December 14, 2020- Newton Development Review Team (DRT) Meeting
- February 10, 2021- Community Outreach Meeting
- July 2021- Submitted Special Permit Application
- September 14, 2021- Additional Abutter Outreach
- September 28, 2021- Additional Community Outreach Meeting

# Location



131 Rumford Avenue

BU2 District

Auburndale Neighborhood

Current Use: Vacant Lot

# Proposal



New Structure on Vacant Lot

25 Parking Spaces

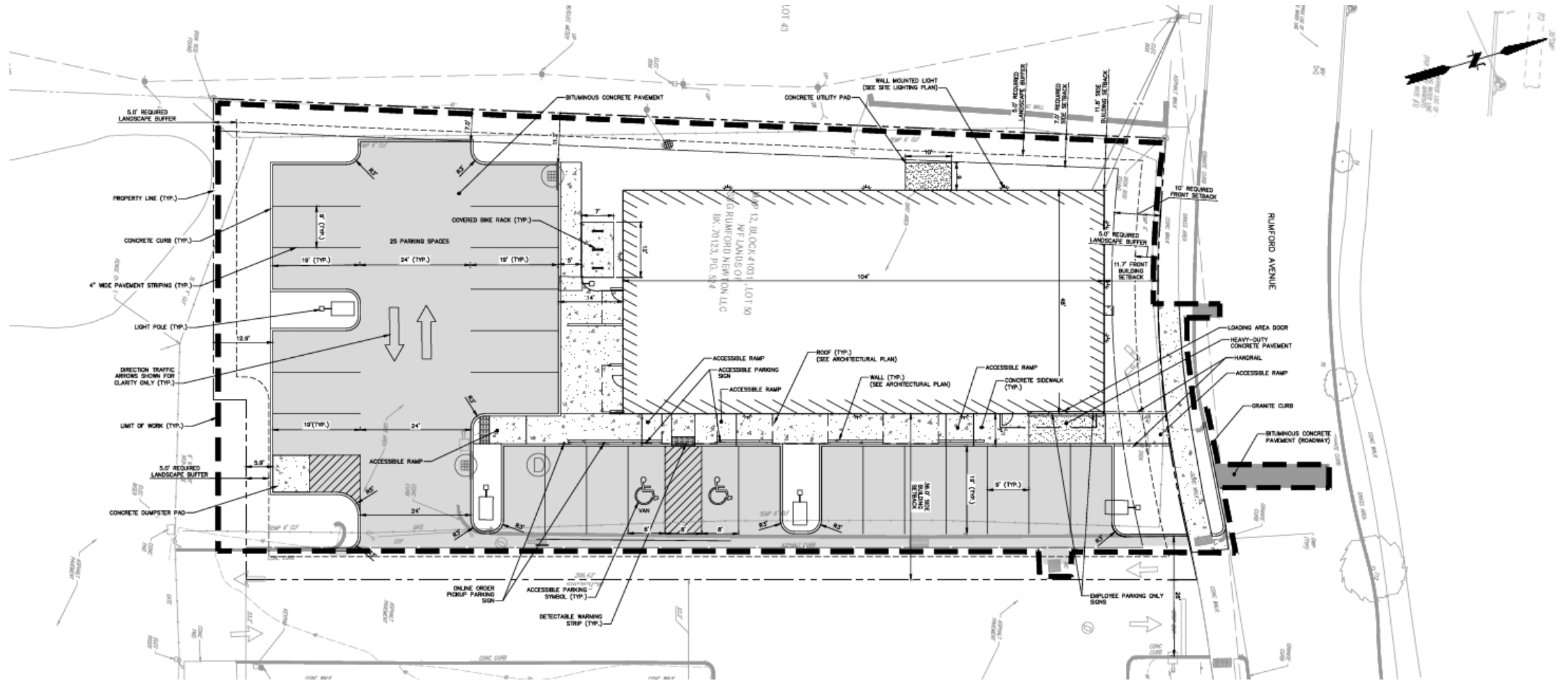
New Landscaping

20,443 SF Lot

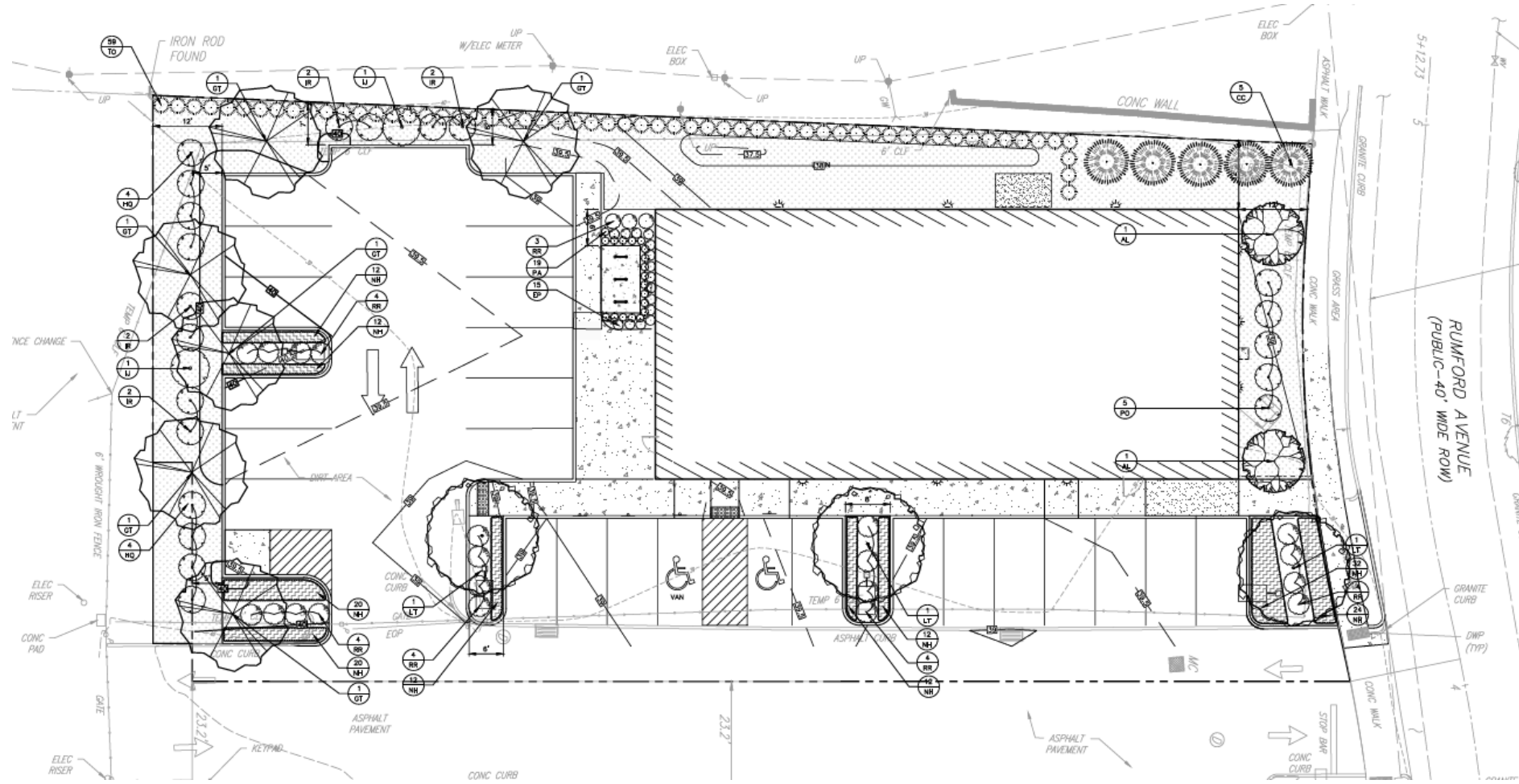
4,992 SF Premises

Internal Garage Bay Loading

# Site Plan

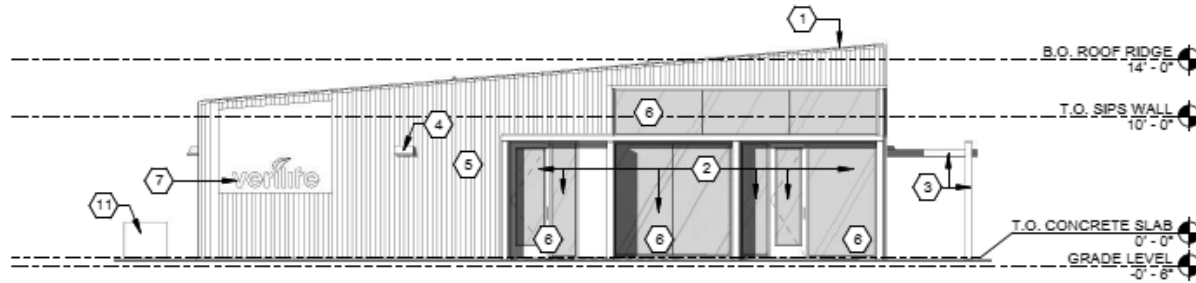


# Landscape Plan





# Front Entrance and Side Elevations

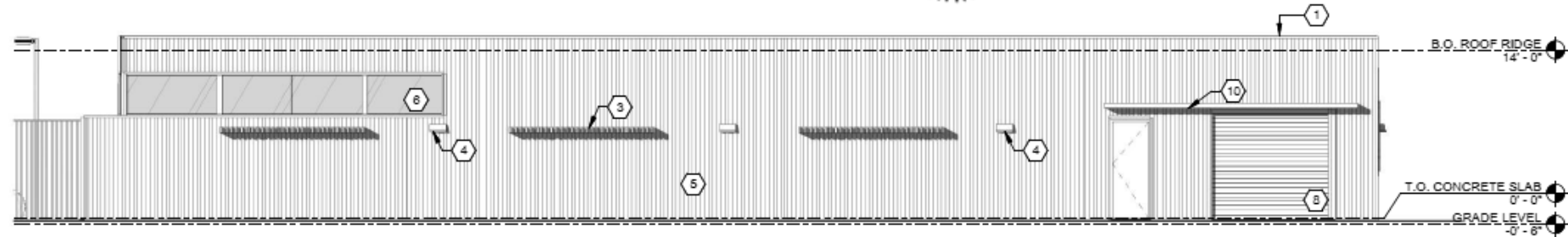


**1** EXTERIOR ELEVATION - SOUTH  
1/8" = 1'-0"

PRELIMINARY



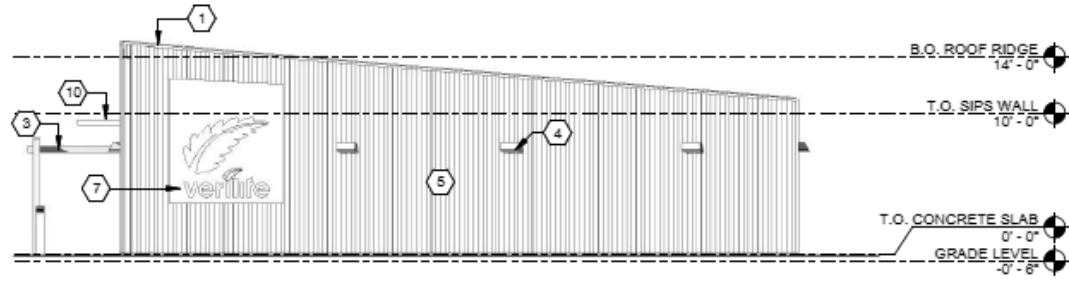
EXTERIOR ELEVATION KEYNOTES	
NO.	NOTE
1	EPDM ROOF MEMBRANE
2	STOREFRONT GLASS AT THIS LOCATION TO BE PROTECTED WITH POLYCARBONATE SECURITY GLAZING.
3	TUBE STEEL FRAMED VERTICAL SCREEN/HORIZONTAL CANOPY. ALL EDGES WELDED AND GRINDED SMOOTH. PAINTED BLACK.
4	WALL PACK LIGHT FIXTURES, TYPICAL
5	METAL BOX RIB SIDING. BLACK FINISH
6	ALUMINUM STOREFRONT SYSTEM WITH INSULATED TEMPERED LOW-E GLASS WITH THERMAL BREAKS, TYPICAL
7	COMPANY SIGNAGE - RAISED STEEL LETTERS STANDOFFS, BACKLIGHT. SIGNAGE PER LOCAL SIGN ORDINANCE APPROVALS.
8	INSULATED OVERHEAD SECTIONAL DOOR W/ PERIMETER THRESHOLDS
9	CONCEALED RAIN GUTTER - PROVIDE DOWNSPOUT AT BASE OF WALL. COVERED DOWNSPOUT BASIS OF DESIGN: J.R. SMITH MODEL 1775 BLACK FINISH
10	OVERHEAD CANOPY AT SERVICE/DELIVERY ENTRANCE
11	MECHANICAL / ELECTRICAL UNIT ON CONCRETE PAD



**2** EXTERIOR ELEVATION - EAST  
1/8" = 1'-0"



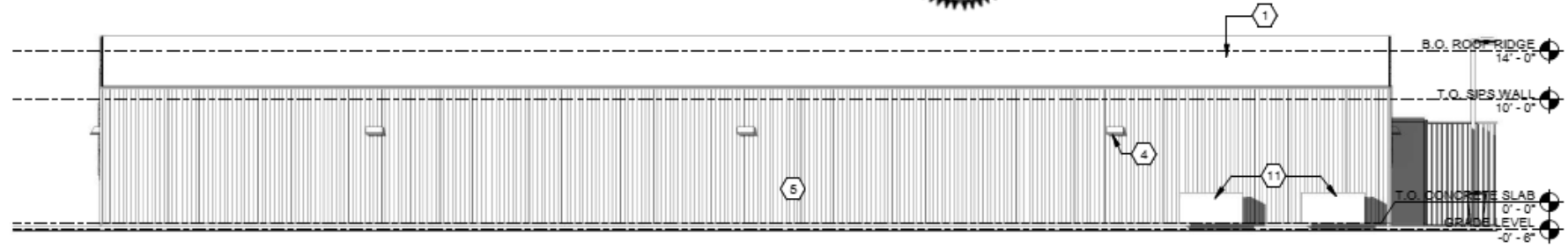
# Street and Side Elevations



**1** EXTERIOR ELEVATION - NORTH  
1/8" = 1'-0"



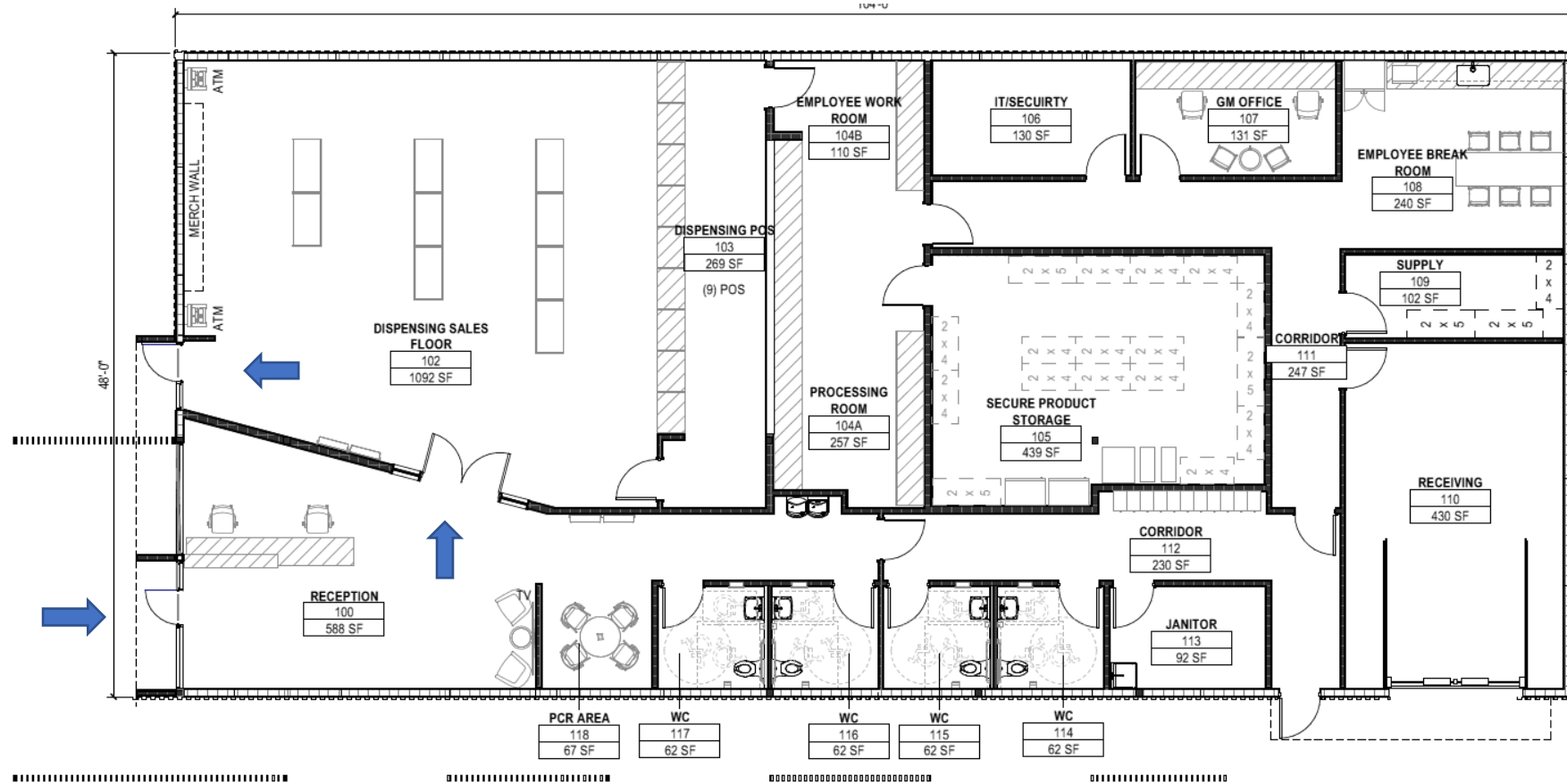
EXTERIOR ELEVATION KEYNOTES	
NO.	NOTE
1	EPDM ROOF MEMBRANE
2	STOREFRONT GLASS AT THIS LOCATION TO BE PROTECTED WITH POLYCARBONATE SECURITY GLAZING.
3	TUBE STEEL FRAMED VERTICAL SCREEN/HORIZONTAL CANOPY. ALL EDGES WELDED AND GRINDED SMOOTH. PAINTED BLACK.
4	WALL PACK LIGHT FIXTURES, TYPICAL
5	METAL BOX RIB SIDING. BLACK FINISH
6	ALUMINUM STOREFRONT SYSTEM WITH INSULATED TEMPERED LOW-E GLASS WITH THERMAL BREAKS, TYPICAL
7	COMPANY SIGNAGE - RAISED STEEL LETTERS STANDOFFS, BACKLIGHT. SIGNAGE PER LOCAL SIGN ORDINANCE APPROVALS.
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10	OVERHEAD CANOPY AT SERVICE/DELIVERY ENTRANCE
11	MECHANICAL / ELECTRICAL UNIT ON CONCRETE PAD



**2** EXTERIOR ELEVATION - WEST  
1/8" = 1'-0"



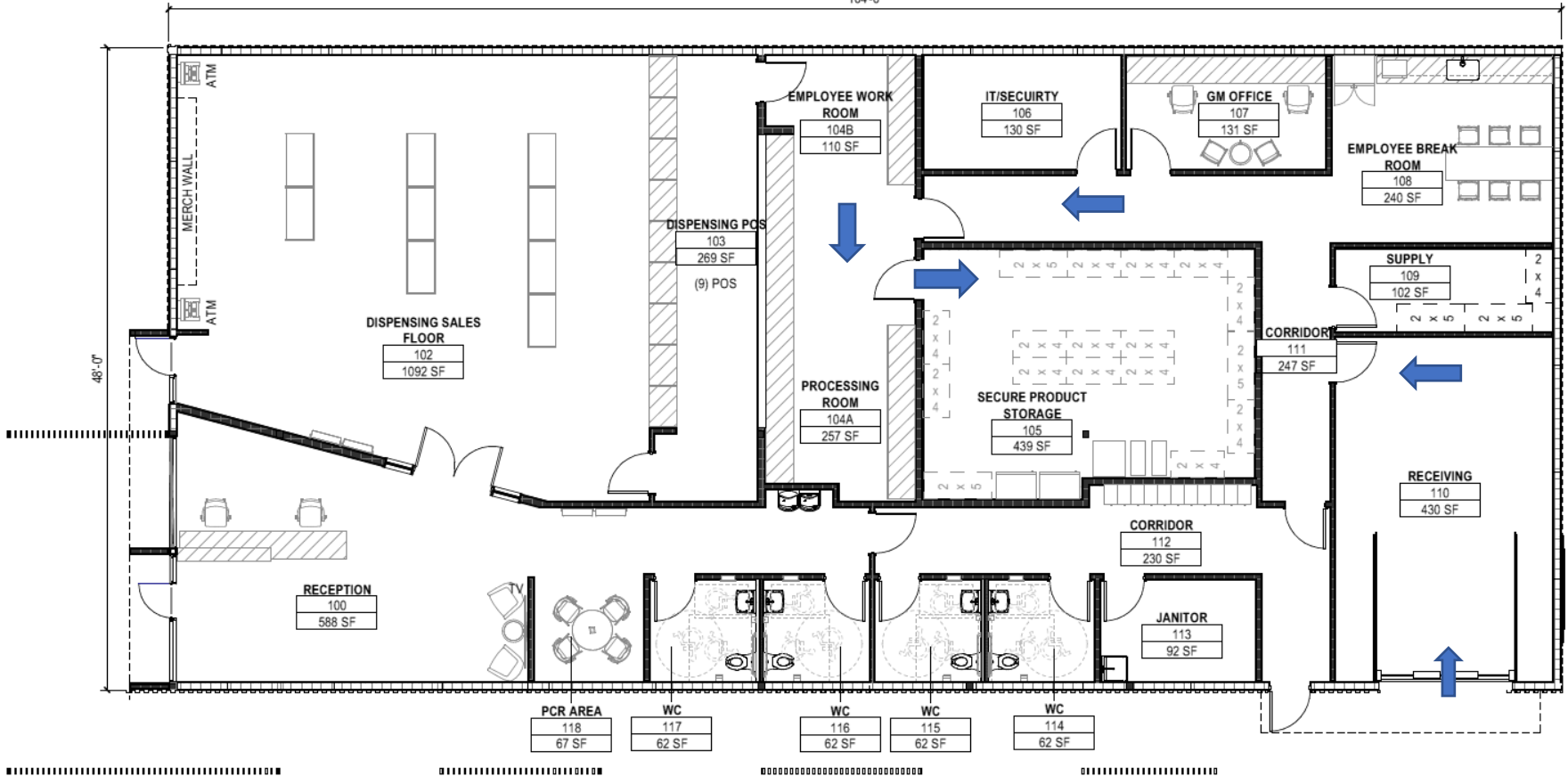
# Queuing & Floor Plan



PRELIMINARY



# Receiving & Floor Plan

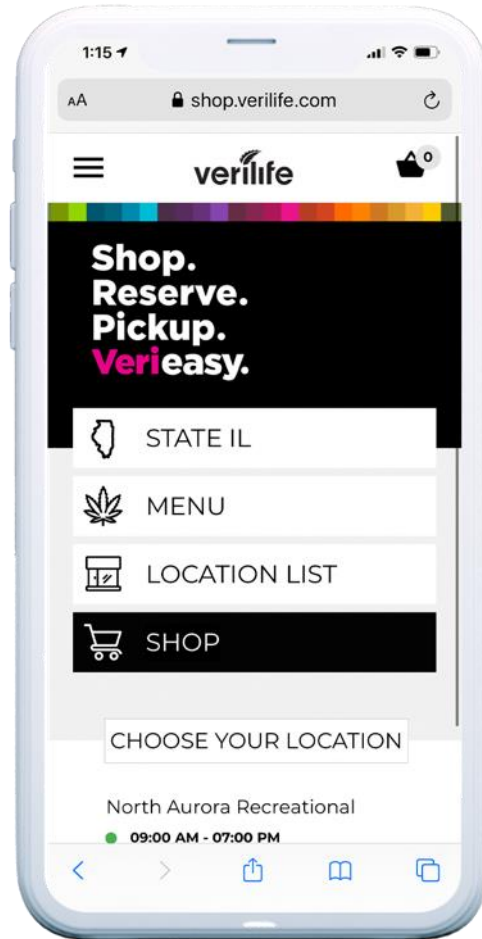


PRELIMINARY



# Reserve Online. Pick Up In Store.

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## Shop.

Customers browse our online menu.

---

## Reserve.

Customers add items to cart.

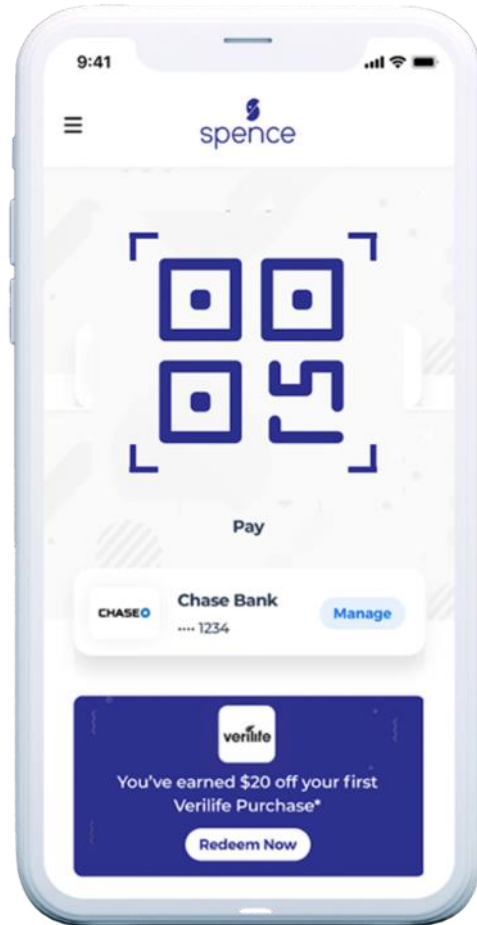
---

## Pickup.

Customers make a reservation to pickup their order.

# Frictionless Transactions with Quick Digital Payment

---



## Simple.

Customers enroll and connect their bank to our service (like Venmo).

---

## Safe.

Secure process. Cashless transaction.

---

## Scan to pay.

Customers scan QR code at checkout.

# Trip Generation

- 5,000 SF of commercial space already approved under the 137 Rumford Avenue special permit

## Proposed 5,000 SF Dispensary

Trip Generation	PM	Saturday
<b>Total Vehicle Trips</b>	<b>109</b>	<b>182</b>
Entering	54	91
Exiting	55	91

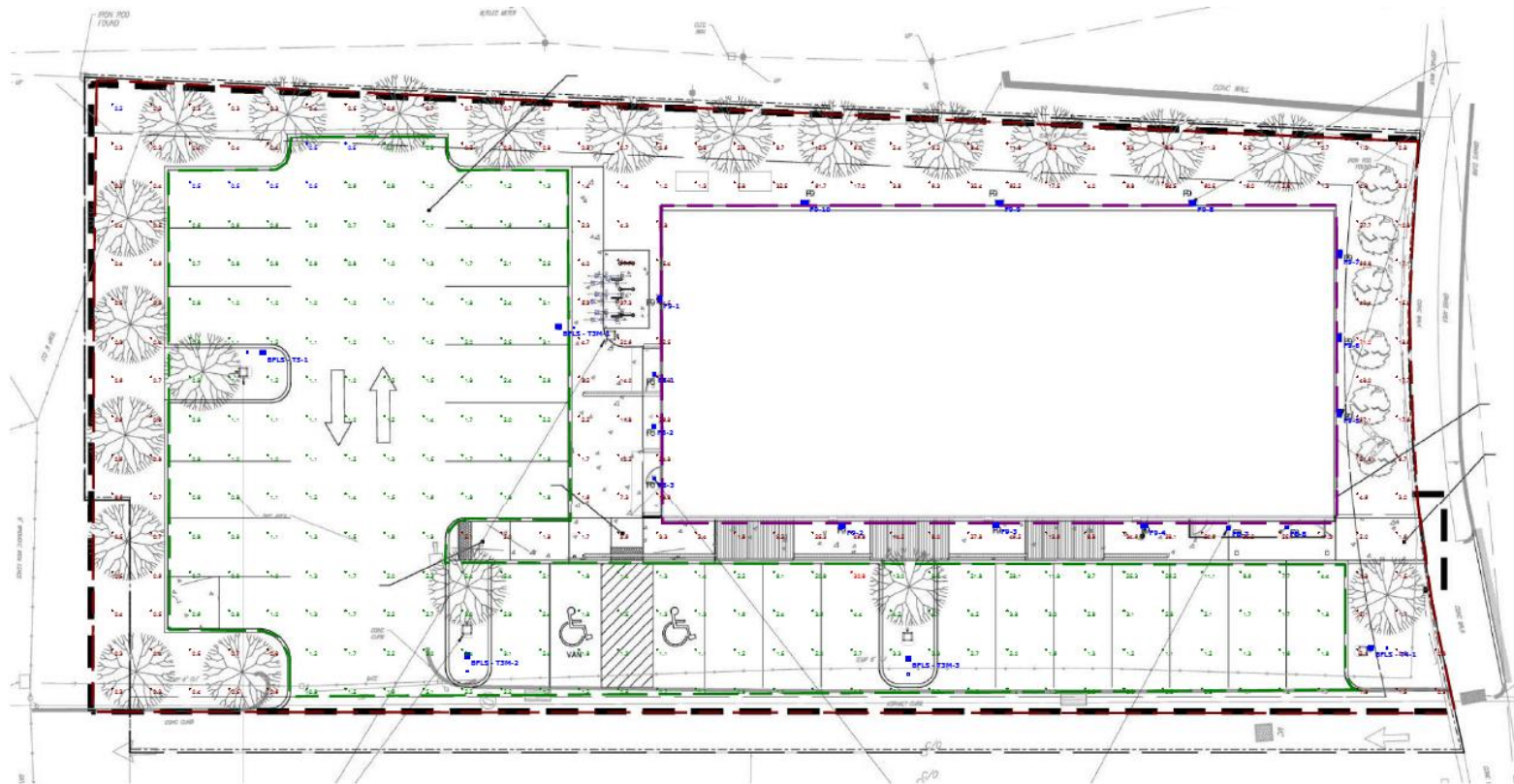
## 5,000 SF Convenience Store\*

Trip Generation	PM	Saturday
<b>Total Vehicle Trips</b>	<b>246</b>	<b>396</b>
Entering	125	198
Exiting	121	198

\*allowed by right

# Standard Zoning Relief Requested

1. Section 10.3.D and 4.4.1- To Allow for a Marijuana Retailer
2. Section 5.1.10 and 5.1.13- To Waive Lighting Requirements

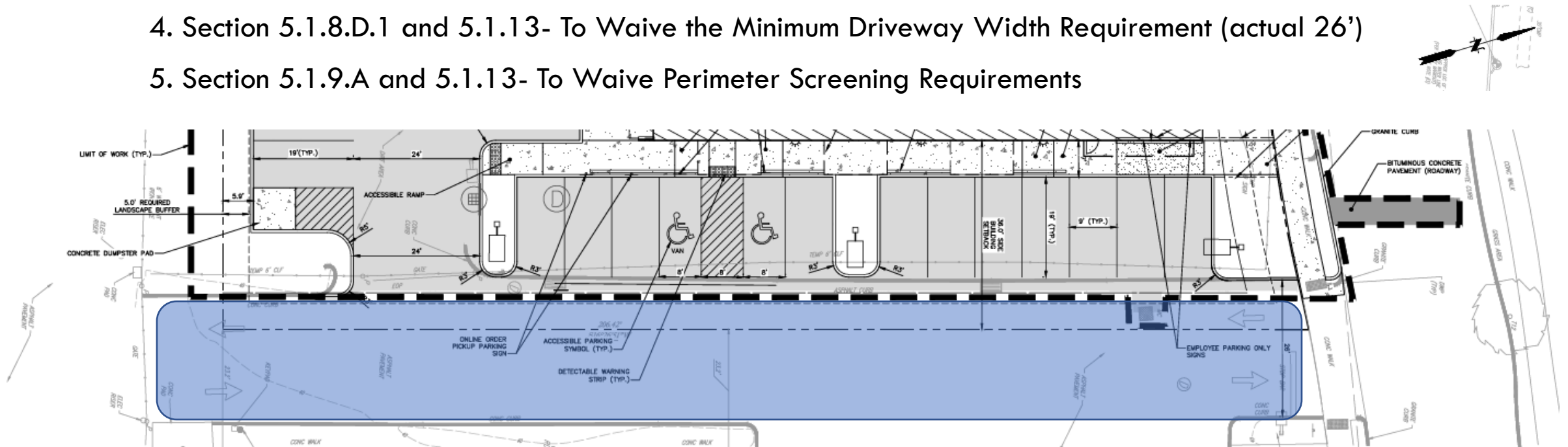


Floor Plan & Queuing



# Site-Specific Zoning Relief Requested

- Due to a Shared Driveway Easement with Neighboring Lot:
  3. Section 5.1.6.A and 5.1.6.B- To Allow Parking Facility Requirements to be Met Off Site
  4. Section 5.1.8.D.1 and 5.1.13- To Waive the Minimum Driveway Width Requirement (actual 26')
  5. Section 5.1.9.A and 5.1.13- To Waive Perimeter Screening Requirements

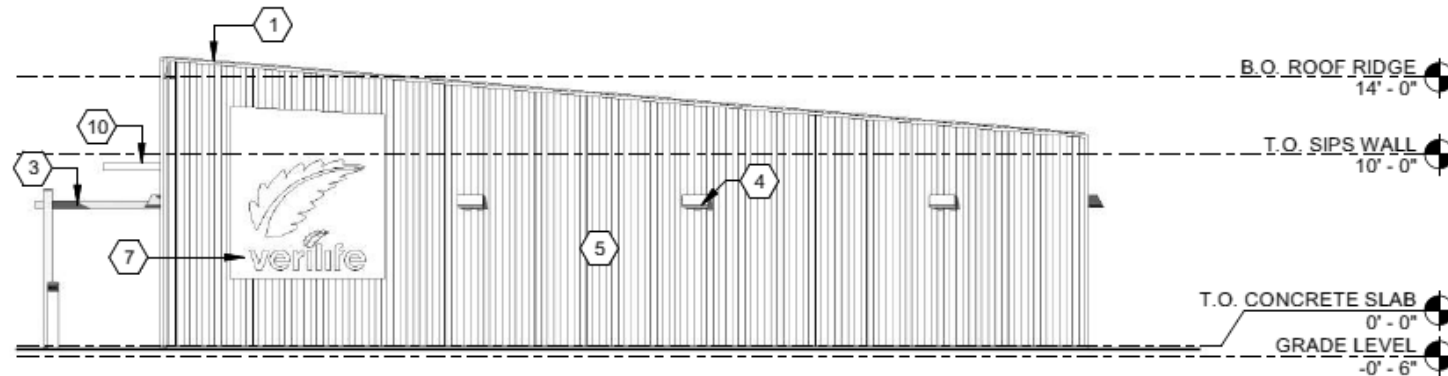


# Site-Specific Zoning Relief Requested

- Due to the Layout of the Site (Store Entrance is in Rear of the Lot):

6. Section 6.10.3.E.15- To Waive the 25% Front Façade Transparency Requirement

Front Façade

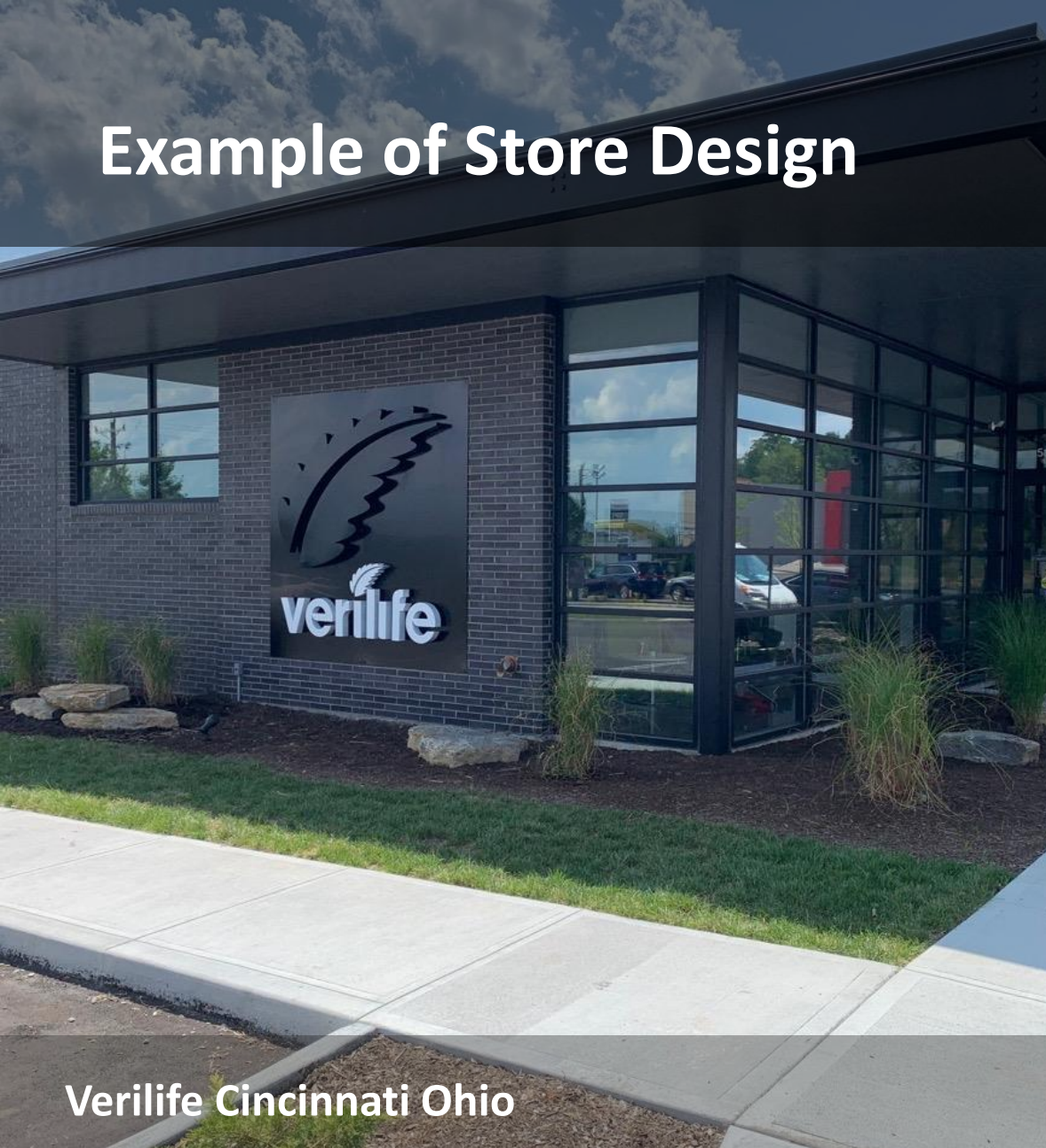


**1** EXTERIOR ELEVATION - NORTH  
1/8" = 1'-0"

PRELIMINARY



# Example of Store Design



Verilife Cincinnati Ohio



Verilife Shrewsbury Massachusetts

# Department of Planning and Development



**PETITION #299-21**

**131 RUMFORD AVENUE**

SPECIAL PERMIT/SITE PLAN APPROVAL TO ALLOW A RETAIL MARIJUANA ESTABLISHMENT, TO ALLOW PARKING FACILITY REQUIREMENTS TO BE MET OFF-SITE, TO WAIVE THE MINIMUM DRIVEWAY WIDTH REQUIREMENT, TO WAIVE PERIMETER SCREENING REQUIREMENTS, TO WAIVE LIGHTING REQUIREMENTS AND TO WAIVE THE 25% FAÇADE TRANSPARENCY REQUIREMENT



*SEPTEMBER 28, 2021*

# Requested Relief



Special permit per §7.3.3 to:

- allow a marijuana retailer (§6.10.3.D, §4.4.1)
- allow parking facility requirements to be met off site (§5.1.6.A, §5.1.6.B)
- waive the minimum driveway width requirement (§5.1.8.D.1, §5.1.13)
- waive perimeter screening requirements (§5.1.9.A, §5.1.13)
- waive the lighting requirements (§5.1.10, §5.1.13)
- waive the 25% façade transparency requirement ((§6.10.3.E.15)

# Criteria to Consider



When reviewing the requested special permits the Council should consider whether:

- The specific site is an appropriate location for the proposed marijuana retailer as designed with parking facilities located offsite and without 25% façade transparency (§7.3.3.1)
- The proposed marijuana retailer as developed and operated as designed with parking facilities located offsite and without 25% façade transparency 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)

# Criteria to Consider



- Literal compliance with applicable parking facility minimum driveway width, perimeter screening and lighting requirements is 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 (§5.1.10; §5.1.13)

With regard to the special permit required to allow the proposed Marijuana Retailer, the City Council should also consider whether:

- 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.G.1.a)

# Criteria to Consider



- Loading, refuse and service areas are designed to be secure and shielded from abutting uses. (§6.10.3.G.1.b)
- The Marijuana Retailer is designed to minimize any adverse impacts on abutters. (§6.10.3.G.1.c)
- The Marijuana Retailer is not located within a 500-foot radius of a public or private K-12 school. (§6.10.3.G.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.G.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.G.2.c)



# Criteria to Consider



- The building and site are accessible to persons with disabilities. (§6.10.3.G.2.d)
- The lot is accessible to regional roadways and public transportation. (§6.10.3.G.2.e)
- The lot is located where it may be readily monitored by law enforcement and other code enforcement personnel. (§6.10.3.G.2.f)
- The marijuana retailer's hours of operation will have no significant adverse impact on nearby uses. (§6.10.3.G.2.g)

# Transportation Peer Review



The Planning Department has engaged an on-call transportation consultant to conduct a peer-review of the petitioner's materials on transportation/traffic issues. The Planning Department anticipates receiving a Peer Review Memorandum from its consultant in advance of a future public meeting.

# AERIAL/GIS MAP



# Zoning








## ATTACHMENT B

### Zoning

131 Rumford Ave.

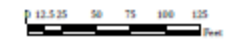
*City of Newton,  
Massachusetts*

-  Single Residence 3
-  Multi-Residence 2
-  Business 2
-  Manufacturing
-  Public Use



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



Map Date: September 24, 2021

# Land Use

## ATTACHMENT A








### Land Use

### 131 Rumford Ave.

*City of Newton,  
Massachusetts*

### Land Use

### Land Use

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

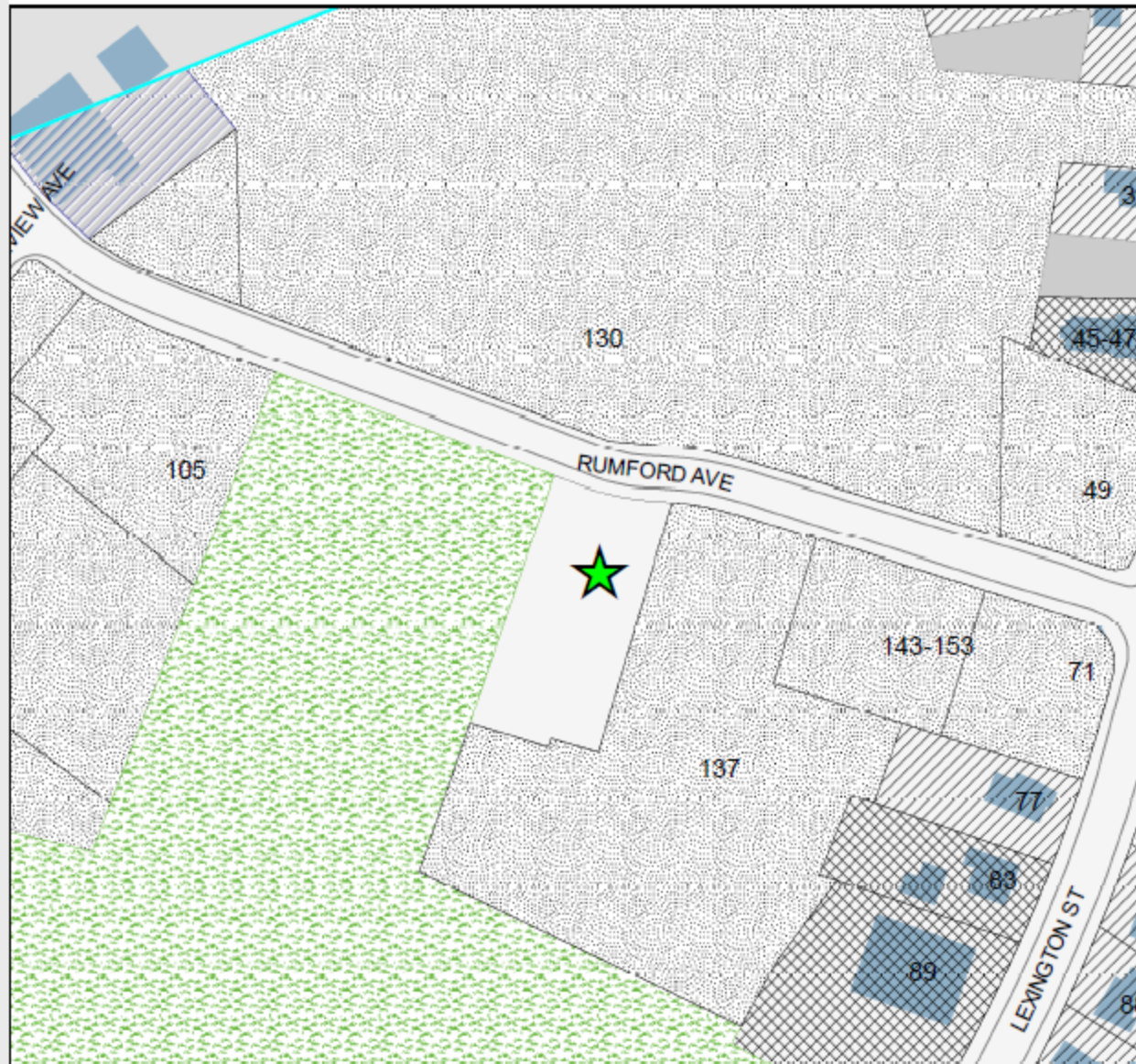


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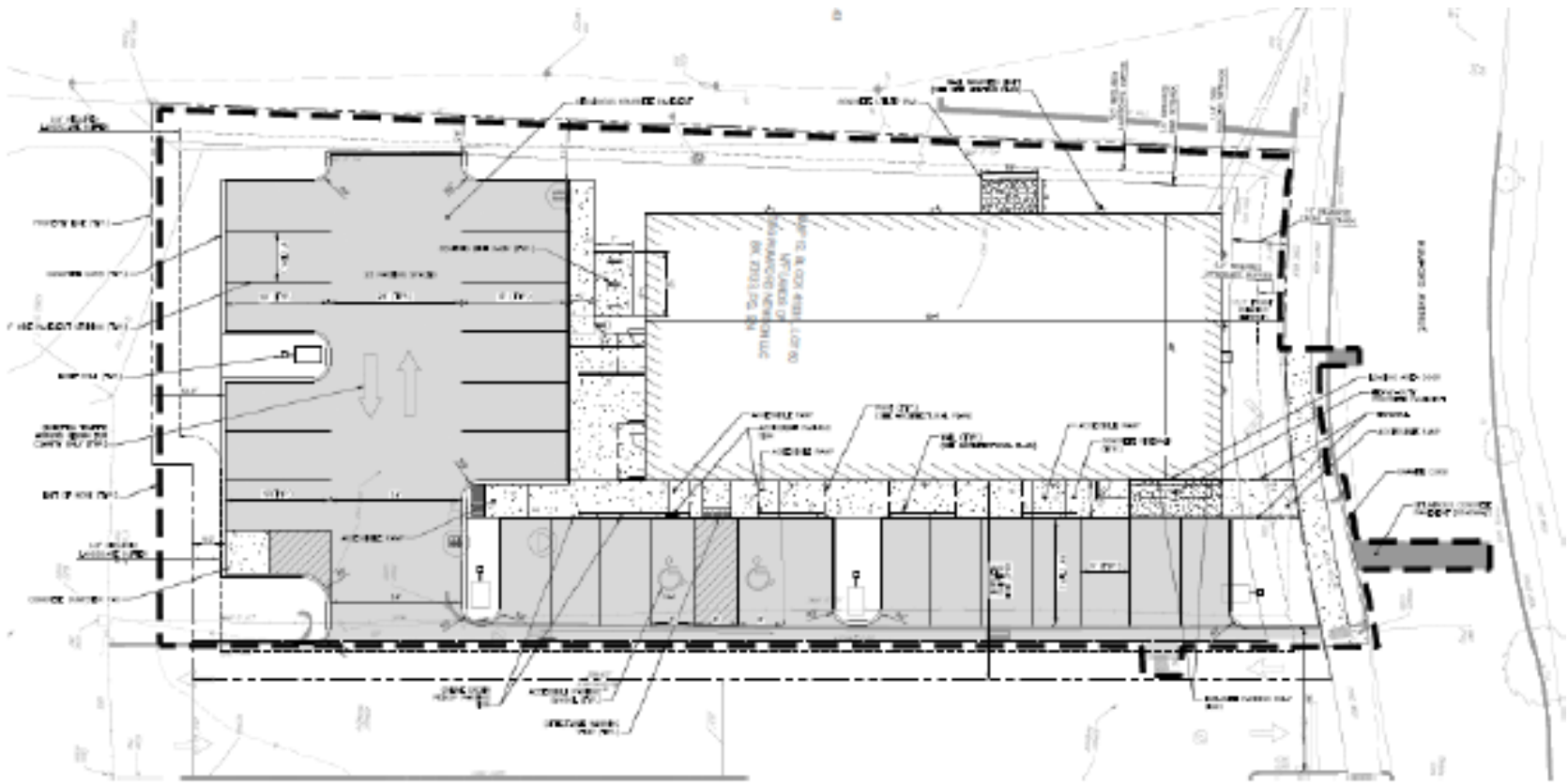
CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125  
feet

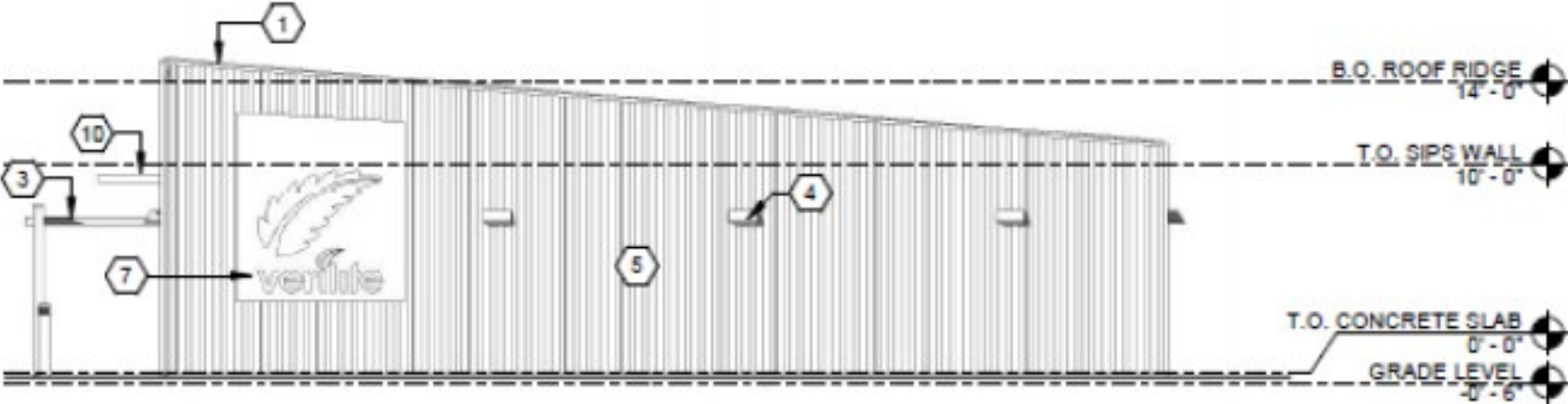
Map Date: September 22, 2021



# Site Plan- proposed



# Elevation- front



# Photos





# Photos



# Photos



# Photos

