



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

#125-21
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: October 29, 2021
MEETING DATE: November 4, 2021
TO: Land Use Committee of the City Council
FROM: Barney S. Heath, Director of Planning and Development
Neil Cronin, Chief Planner for Current Planning
Katie Whewell, Senior Planner
CC: Petitioner

In response to issues raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

PETITION #125-21

740 Beacon Street

Special Permit/Site Plan Approval to allow a recreational marijuana retail establishment, to allow parking in the side setback, to reduce the minimum aisle width for two-way traffic, to waive perimeter screening requirements and to waive lighting requirements at 740 Beacon Street.

The Land Use Committee (Committee) opened the public hearing on this petition on Thursday, May 13, 2021 which was held open, for the petitioner to respond to questions and concerns raised in the Planning Department's Memorandum and at the public hearing by the Committee as well as by members of the public. This memo reflects those issues and concerns, as well as revised materials submitted by the petitioner as of October 29, 2021.

Background

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 will repurpose the existing auto repair shop and seek to demolish the accessory structures 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, such as parking in the side setback, reduce the minimum aisle width for two-way traffic, waiving the perimeter screening and waiving the lighting requirements.

Traffic Peer Review

Since the last public hearing on May 13, the Planning Department has been working with the petitioner, the Transportation Division of Public Works, and an on-call consultant, BSC Group, to conduct a review of the petitioner's traffic memorandum (**Attachment A**).

The petitioner anticipated the project to generate 41 trips during the weekday morning, and 42 trips during the weekday evening peak hour. Compared to the existing use, the project is estimated to generate 34 net new vehicle trips during the weekday morning peak hour and 33 during the weekday evening peak hour. The petitioner arrived at these figures by accounting for operational data such as the number of points of sale stations, number of appointments per hour, and employee trips. BSC suggested the petitioner use ITE data which anticipates 66 trips during the weekday evening peak hour, which reflects operations at recreational marijuana facilities without appointment only restrictions. The petitioner revised the trip generation accordingly without accounting for alternate modes of transportation, which results in a more conservative trip estimate.

There are four parking stalls at the western edge of the building. These stalls are accessed by a drive aisle that is 12.9 feet wide and is restricted by the petitioners' building and the abutting building at 80 Langley Road/740A Beacon Street. City Staff and BSC recommended that these four stalls be designated as employee only due to the lower turnover of employee parking and lower chance of vehicular conflict. The petitioner agreed, the nine remaining stalls will accommodate customer parking demands. The petitioner already meets the parking requirement, so there is no issue with the reallocation of spaces on site.

In addition to trip generation and site improvements, BSC also requested traffic counts for the intersection of Langley Road and Union Street as all trips accessing the site will utilize this intersection. BSC also requested crash history and Saturday traffic volumes. The petitioner responded on August 30th (**Attachment B**) and all responses were found acceptable with no further information required. As a result, the peer review is complete.

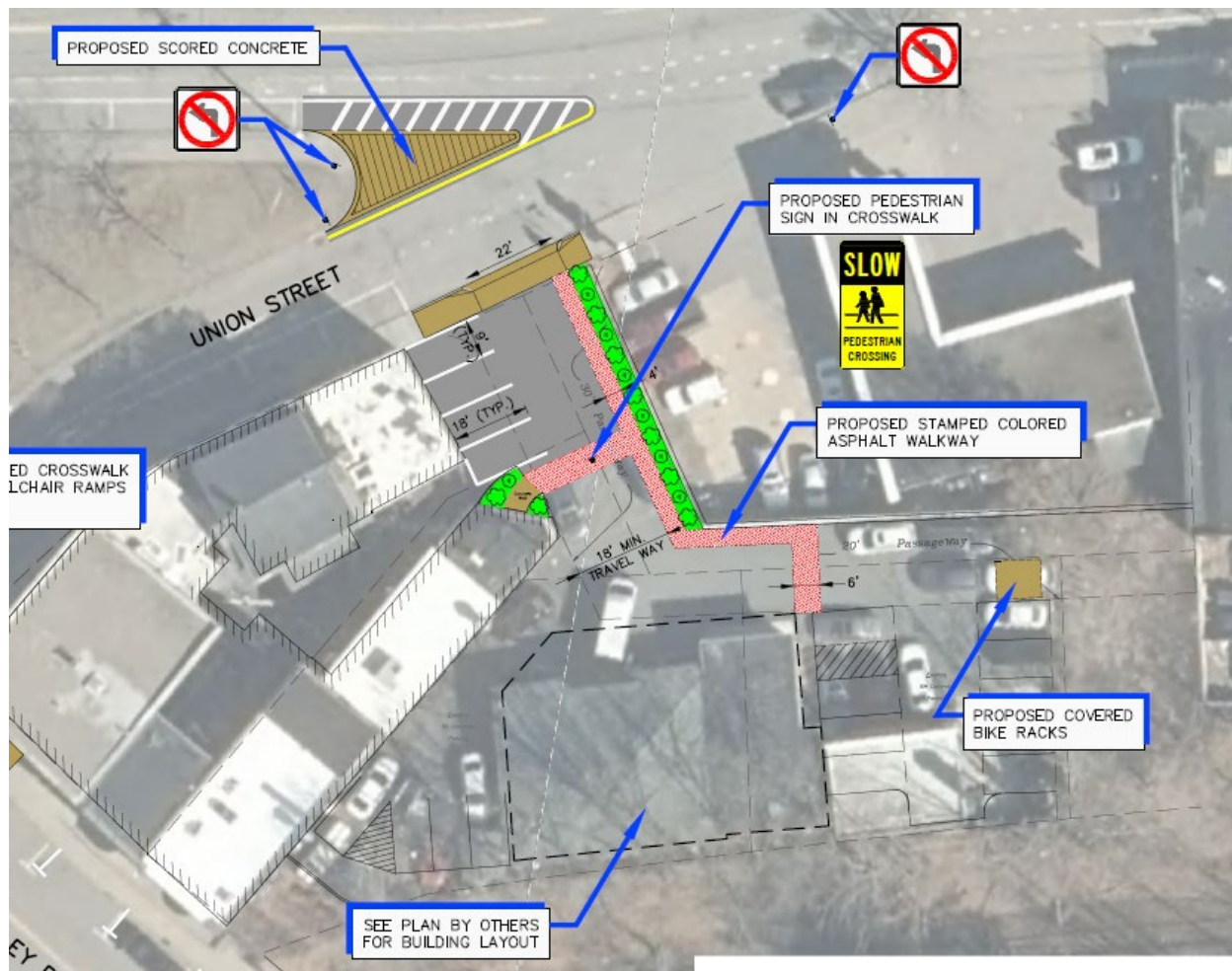
Transportation and Transportation Demand Management

The petitioner agreed to an employee stipend of up to \$100 per month per employee that would cover the cost of transit, bike share, car share, NewMo rideshare, and off-site parking stipend. The petitioner also agreed to a one-time payment of \$5,000 towards the City's maintenance and operation of the BlueBike bike share program. This replaces a previous program of a bikeshare program intended solely for the business and its employees. The petitioner also increased the amount of bicycle parking by incorporating a bicycle rack at the northeast corner of the site which abuts the gas station to the rear. The most recent response from the petitioner stated that this bike rack will be covered and accommodate eight bikes.

Internal Site Improvements and access from Union Street

The site is located approximately 65 feet from Union Street, and less than 500 feet from the Newton Centre Green Line MBTA station. The petitioner is proposing at grade improvements of a stamped asphalt path to delineate a path for pedestrians to access the structure. They are also proposing to maintain the existing landscaping strip which measures four feet wide.

Proposed Internal Site Improvements



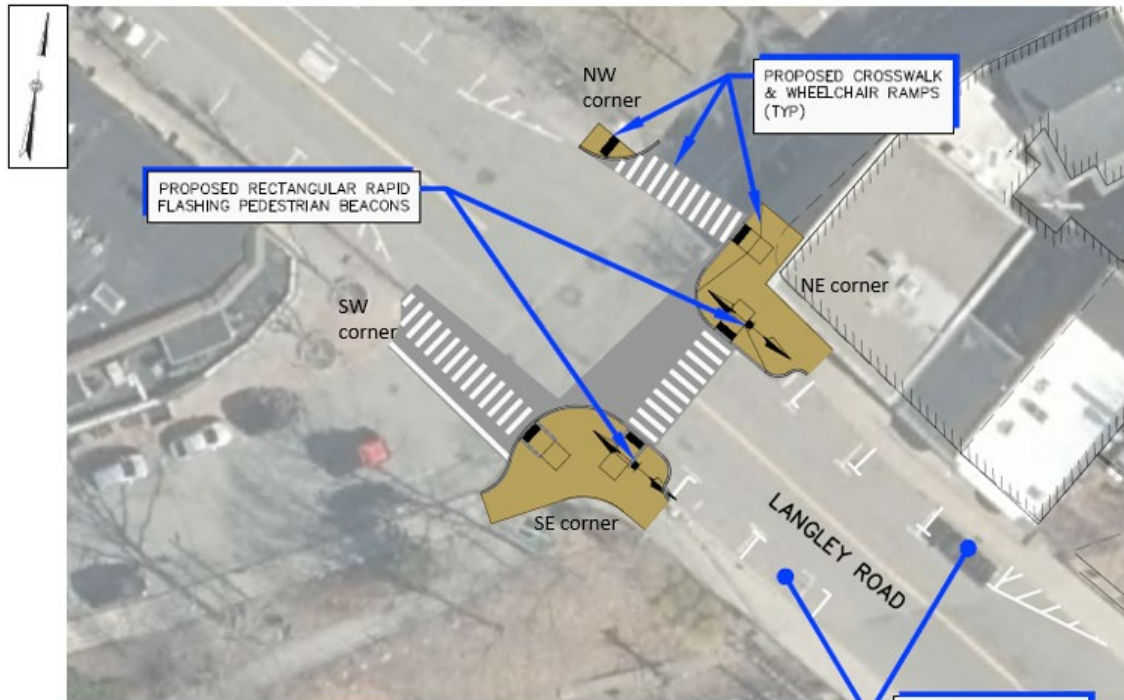
The Committee discussed creating a sidewalk rather than a path along the eastern boundary of the passageway from Union Street. Such a sidewalk would be challenging because the petitioner does not own the passageway (it is shared between 5 properties) and the sidewalk would reduce the width of the drive aisle and would require zoning relief in the form of a joint petition from all fee owners of the passageway.

Off Site Improvements

Additional off-site improvements were identified at the Langley Road and Union Street intersection. The petitioner has agreed to design and construct the northeast and southeast curb extensions, install rectangular rapid flashing pedestrian beacons (RRFB) and additional crosswalk restriping. The petitioner is also committing to reconstructing the existing ramp at the northwest corner to an “in-line” ramp that would

align with the crosswalk. The City's Transportation Division of DPW is satisfied with these commitments and have prioritized pedestrian improvements at the Union Street at Langley Road intersection.

Proposed Off Site Improvements Plan



Signage

The Committee expressed an interest in the proposed signage and how it compares to other approved marijuana retailers. In business districts, businesses are allowed one principal sign with a size of three linear feet per square foot of the building wall frontage or 100 square feet, whichever is less. The petitioner is proposing one wall mounted sign that totals approximately 50 square feet of sign area, the linear square footage of the building is 22 feet, as such the sign complies with the sign standards and is as of right

While the proposed site is larger than the other signs associated with marijuana retailers, it is the only sign proposed for the business, where others have more than one sign. The building is set back almost 65 feet from the street and the sign will increase visibility as to the building's location from the street and provide wayfinding for vehicles and pedestrians.

ATTACHMENTS:

- Attachment A:** BSC Peer Review, dated June 4, 2021
- Attachment B:** MDM Response, August 30, 2021
- Attachment C:** Draft Council Order



MEMORANDUM

803 SUMMER STREET, BOSTON, MA 02127 - www.bscgroup.com

TEL 617-896-4300 - 800-288-8123

To: Ms. Katie Whewell
Senior Planner
City of Newton Planning and Development Department
1000 Commonwealth Avenue
Newton, Massachusetts 02459

Date: June 4, 2021

From: Michael A. Santos, PE, PTOE

Proj. No. 28402.05

Re: Transportation Peer Review – Proposed Marijuana Establishment & Administrative Offices
740 Beacon Street
Newton, Massachusetts

As requested, BSC Group, Inc. (BSC) conducted a peer review of the Traffic Impact Assessment (TIA) prepared by MDM Transportation Consultants, Inc. (MDM) dated March 1, 2021 for the proposed marijuana establishment and administrative office building at 740 Beacon Street in Newton, Massachusetts.

The purpose of this review is to ensure that the traffic analysis conforms to industry standards, to confirm that the traffic study methods are appropriate for the setting, and to ensure that the recommendations and proposed mitigation adequately address potential project impacts and are consistent with the City of Newton's recommended guidelines for transportation improvements.

The Project site is located at 740 Beacon Street, with access off the segment of Union Street between Langley Road and Beacon Street. The Project will remodel the existing building on the site to be used as a marijuana establishment. Parking will be reconfigured by removing one of the existing buildings on the site to provide a total of 13 parking spaces (inclusive of one accessible space).

The key findings of our review of the Traffic Review Letter are presented in the following sections. **BSC's comments and recommendations are presented in bold.**

Scope of Review

The following topics were reviewed in the TIA as part of the peer review:

- Study methodology
- Existing traffic volumes
- Surrounding transportation infrastructure
- Crash analysis
- Trip distribution and trip generation
- Parking assessment
- Conclusions and recommendations

Study Methodology

The traffic analysis provided in the TIA presented an evaluation of existing conditions and the impacts of the Project. The evaluation included peak period turning movement counts at two intersections, a review of existing pedestrian and transit facilities, a review of motor vehicle crash data, a trip generation, distribution,

and assignment analysis, and a parking analysis. The evaluation did not include a traffic operations analysis at any intersections.

- 1. The Applicant should provide a description of the anticipated operations of the site and if it will open as appointment-only or full-service (first-come/first-serve). The Applicant should also provide anticipated hours and days of operation.**

Existing Traffic Volumes

The Applicant conducted turning movement counts (TMCs) at the intersections of Beacon Street/Union Street/Chesley Road and Union Street/Site Driveway during the morning and evening peak periods (7-9 AM and 3-6 PM, respectively) in September 2020. Due to the impacts of the COVID-19 pandemic on traffic trends, the Applicant used a nearby continuous count station on Route 128/I-95 to adjust the turning movement counts to reflect pre-pandemic conditions.

- 2. The traffic volumes at the intersection of Beacon Street/Union Street/Chesley Road and adjustments were conducted in accordance with typical traffic engineering standards. The technical data provided in the Appendix is provided only for traffic counts at the intersection of Beacon Street/Union Street/Chesley Road. BSC requests that the Applicant provide the technical data for the traffic count at the Union Street/Site Driveway intersection or provide an explanation on how they collected counts at the driveway. It is unclear if there are any direct vehicular movements that occur between Beacon Street and the driveway.**
- 3. A traffic count was not conducted at the intersection of Langley Road/Union Street, which will serve all trips entering the Project site. BSC requests that the Applicant provide additional information related to traffic volumes and pedestrian activity at the intersection of Langley Road/Union Street.**
- 4. Traffic data was not collected for the Saturday peak period. BSC requests that the Applicant provide a discussion of anticipated Saturday operations and how it compares with the weekday morning and evening peak hours. Depending on the hours of operation of the facility, the Saturday peak hour may be more critical than the weekday morning peak hour.**

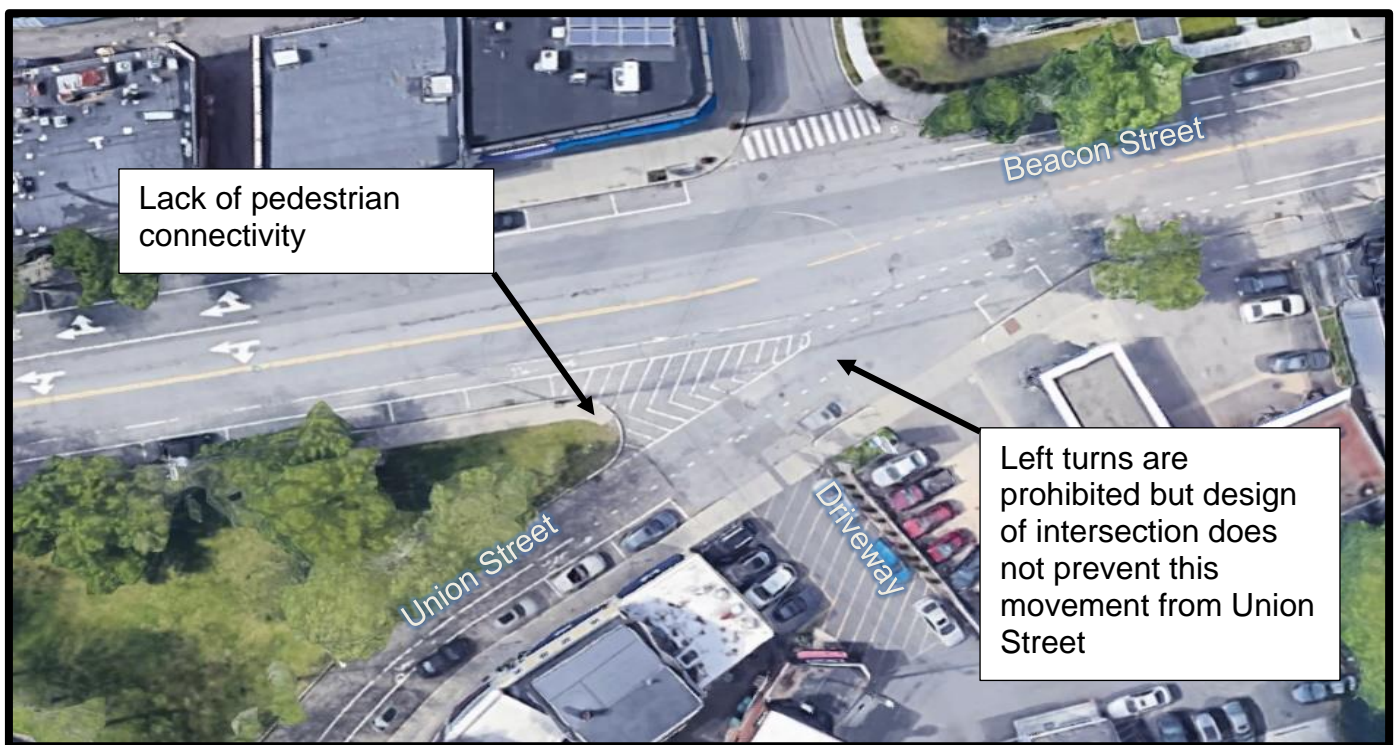
Surrounding Transportation Infrastructure

The Applicant provided an overview of the surrounding transportation infrastructure related to roadways, parking facilities, speed limits, sidewalks, and alternative transportation facilities. The Applicant noted that sidewalks are provided along both sides of most streets and crosswalks are present at intersections in the vicinity of the site. The Applicant also noted that bike lanes and on-street parking is provided on Beacon Street and other streets and that a public parking lot is located in Newton Centre.

- 5. BSC acknowledges the presence of parking, pedestrian, and bicycle facilities in the vicinity of the site. The site driveway intersects Union Street near its skewed intersection with Beacon Street, where painted gore markings are provided between Beacon Street and Union Street (see image on the following page). A “right turn only” graphical sign is also located along Union Street at its intersection with Beacon Street, which prohibits left-turns onto Chesley Road or Beacon Street. Based on the traffic volume data, some vehicles illegally turn left from Union Street onto both Chesley Road and Beacon Street. BSC recommends that the Applicant work with the City of Newton to develop a strategy to prevent vehicles exiting the site from turning left on to Beacon Street and to prevent vehicles traveling along Beacon Street from turning into the**

driveway. We note that this is currently an existing condition, but this Project presents an opportunity to improve the safety and geometry and traffic control at the intersection. Potential improvements may include introducing vertical elements within the gore area along with additional signage to further define the left-turn restriction at the intersection. Any improvements must also consider accommodations for emergency vehicles.

A sidewalk is provided along the south side of Beacon Street, but ends without any connection to other pedestrian facilities (see below). BSC recommends that a crosswalk be provided across Union Street in conjunction with intersection improvements to provide better pedestrian connectivity.



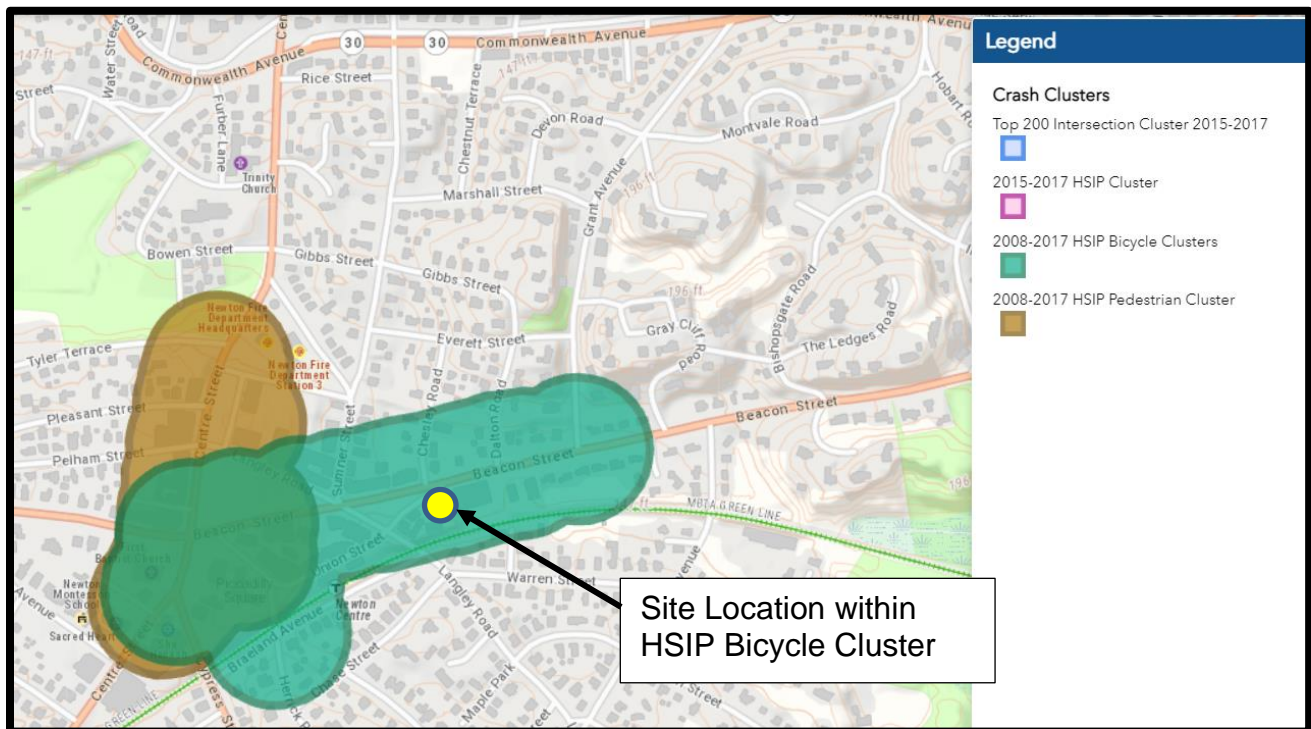
Intersection of Beacon Street/Union Street/Driveway showing gore markings and lack of pedestrian connectivity on Beacon Street

Crash Analysis

The Applicant provided crash data obtained from the MassDOT Crash Portal for the study intersections for the most recent five-year period (2016 – 2020). A total of 9 crashes were reported at the intersection of Beacon Street/Union Street/Chesley Road over the five-year period. The crash rate was calculated to be below the average for unsignalized intersections in MassDOT District 6 (the district in which Newton is located). The Applicant also reviewed the MassDOT Highway Safety Improvement Program (HSIP) to determine if the study area locations were high-crash clusters. The Applicant stated that the study area is not an HSIP vehicular location.

6. **BSC requests the Applicant to provide crash data for the segment of Union Street between Langley Road and Beacon Street or note if there were no reported crashes. We also request that the Applicant provide crash data for the intersection of Langley Road/Union Street and determine if there are any safety deficiencies at that location.**

- BSC reviewed MassDOT’s HSIP map of top crash locations and although the study area is not included as a vehicular location, it is part of a HSIP bicycle cluster (see image on following page). BSC recommends that the Applicant work with the City to determine a fair share contribution to conduct a Road Safety Audit (RSA) to address the safety issues related to bicycles in the area. Due to the location of the Project site, it is likely that some patrons will travel to the proposed facility via bicycle.**



Location of Site within HSIP Bicycle Cluster

Trip Generation

The TIA estimates the trips generated by the Project based on expected operational data and data from the the *Institute of Transportation Engineers (ITE)’s Trip Generation Manual, 10th Edition*, using Land Use Code (LUC) 882 – Marijuana Dispensary. The trips related to the collision center that currently occupies the site were also estimated for comparison purposes. Based on the evaluation provided in the Traffic Review Letter, the Project is expected to generate 41 trips during the weekday morning peak hour and 42 trips during the weekday evening peak hour, which represents an increase of 34 trips during the weekday morning peak hour and an increase of 33 trips during the weekday evening peak hour when compared to the existing uses on the site. Trip generation was not estimated for the Saturday midday peak hour.

The Applicant noted in the TIA that the trip generation estimates did not take credit for non-vehicular modes of transportation.

- The Applicant used both operational data and data from ITE’s *Trip Generation Manual* to estimate expected trips generated by the Project. BSC agrees with using both methodologies to provide a realistic assessment of the impacts. However, the ITE data indicates that the Project may generate up to 66 trips during the weekday evening peak hour. The ITE data reflects conditions at recreational marijuana facilities that operate without set appointments.**

As previously mentioned in Comment #2, BSC requests that the Proponent indicate how the facility will operate (by appointment, online ordering, first-come/first-serve basis, etc.). We request that the Applicant use the highest potential trip generating scenario for the peak hours to assess the impacts of the Project to account for possible changes in operations in the future (use the trip generation derived from operational data for the weekday morning peak hour and the trip generation derived from the ITE data for the weekday evening peak hour). To provide an accurate assessment, the Applicant should incorporate trip reduction credits to account for non-vehicular modes of transportation into the trip generation estimates.

BSC also requests that the Applicant identify if the uses on the existing site were operational at the time of the traffic counts.

Trip Distribution

The Applicant developed trip distribution patterns for the Project-generated trips based on existing travel patterns and traffic volumes on the adjacent roadway system. The TIA indicates that 100 percent of the Project-generated trips will travel along Union Street eastbound to enter the site. It also indicates that all trips will use Beacon Street, with an even 50%/50% split from each direction.

9. **BSC agrees with the methodology of using existing traffic volumes to determine the trip distribution patterns for the Project-generated trips. However, it is likely that some trips will arrive at the site via Langley Road northbound, which was not considered in the TIA. Entering trips were not assigned to this intersection.**
10. **The trip distribution patterns show Project-generated trips turning left from Union Street onto Beacon Street, although this is a prohibited movement. The Applicant should revise the figures to reflect the prohibited movement. All trips exiting the site will be required to turn right onto Union Street and then turn right onto Beacon Street.**

Parking Analysis

The Applicant provided a description of parking supply and operations in the TIA. A total of 13 spaces will be provided on the site to accommodate one vehicle for employees and 12 vehicles for patrons of the site. The Applicant also indicated that the on-site parking will be actively managed by a parking attendant if required and that a parking management plan will be in place to monitor parking operations.

11. **BSC requests that the Applicant describe parking and transportation accommodations for employees. The current plan indicates that one space will be reserved for management.**
12. **The City of Newton Zoning Ordinance (City of Newton By-Laws, Chapter 30, Section 5.1.4) provides guidance on the number of parking stalls that should be provided on-site. BSC requests that the Applicant provide a comparison between the proposed parking supply and the Zoning Ordinance requirements.**

Conclusions and Recommendations

The Applicant provided a list of recommendations related to design elements, bicycle accommodations, and parking restrictions. The recommendations include the following:

- Reconstruct the existing driveway

- Provide a pedestrian path along the driveway to connect the building to the existing sidewalk
- Install bump-outs and a rectangular rapid flashing beacon (RRFB) at the intersection of Langley Road/Union Street
- Provide a secure, covered bicycle parking area near the building entrance and provide an on-site bicycle sharing program for employees
- Update and enhance pavement markings at the intersection of Beacon Street/Union Street
- Provide a 100% transit subsidy to employees
- Restrict on-site parking to allow for 12 parking spaces for patrons

The Applicant provided a conceptual improvement plan for the bump-outs and RRFB at the intersection of Langley Road/Union Street that shows a shorter crosswalk and new wheelchair ramps.

- 13. The Applicant should reconstruct the driveway and parking stalls in accordance with the City of Newton Zoning Ordinance or provide an explanation for non-compliance. The site plan shows 9 parking stalls that are 17 feet in length and a drive aisle that ranges from 17.8 feet to 19.7 feet in width. The Zoning Ordinance requires parking stalls be at least 19 feet in length and that a drive aisle for perpendicular parking be 24 feet in width. BSC requests that the Applicant provide vehicle maneuver diagrams using AutoTURN or a similar CAD-based software for passenger vehicles entering and exiting the site and performing parking maneuvers for all parking areas on the site.**
- 14. BSC requests that the Applicant provide information related to service vehicles, deliveries, and trash/recycling vehicles that will serve the site. The information should identify where these activities will occur, the expected frequency of deliveries, and the largest vehicle that will serve the site. Vehicle maneuver diagrams should be prepared for the largest service/delivery vehicle that will serve the site and for a City of Newton emergency vehicle.**
- 15. As previously mentioned, BSC recommends that the Applicant work with the City of Newton to develop a strategy to better define vehicular movements at the intersection of Beacon Street/Union Street and at the site driveway. We recommend that the Applicant consider measures beyond upgraded pavement markings.**

Other BSC Comments

- 16. As previously mentioned, traffic counts were not conducted at the intersection of Langley Road/Union Street. BSC recommends that the Applicant collect peak period traffic data and review the crash history for the past five-year period at this intersection.**
- 17. BSC recommends that the Applicant prepare a traffic operations analysis for the weekday morning and evening peak hours at the intersection of Langley Road/Union Street and at the intersection of Beacon Street/Union Street/Chesley Road to determine if there are any existing operational deficiencies and to measure the Project's impact on operations at these two locations. The operations analysis should report delays, queuing, and level-of-service.**
- 18. BSC recommends that the City of Newton require all commitments that result from this review process be included in the conditions for approval of the Project. Should the Project open under appointment-only operations, we recommend that the City of Newton require further review, authorization, and approval by the appropriate City boards prior to implementing a different**

style of operations (e.g., first-come/first-serve).


Conclusions

BSC reviewed the Traffic Impact Assessment submitted for the proposed marijuana establishment located at 740 Beacon Street. We recommend that the City of Newton require the Applicant to respond to and address all BSC's numbered comments in this letter and submit a response letter for our review.

MEMORANDUM

DATE: August 30, 2021

TO: Katie Whewell
Senior Planner
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

FROM: Robert J. Michaud, P.E. – Managing Principal
Daniel A. Dumais, P.E. – Senior Project Manager 

RE: **Response to Comments**
Proposed Marijuana Establishment & Administrative Offices
740 Beacon Street – Newton, MA

MDM Transportation Consultants, Inc. (MDM) has prepared the following responses to transportation-related comments as issued in a letter by BSC Group dated June 17, 2021. To facilitate review, specific comments are paraphrased with corresponding responses.

Existing Traffic Volumes

Comment 1: "The traffic volumes at the intersection of Beacon Street/Union Street/Chesley Road and adjustments were conducted in accordance with typical traffic engineering standards. The technical data provided in the Appendix is provided only for traffic counts at the intersection of Beacon Street/Union Street/Chesley Road. BSC requests that the Applicant provide the technical data for the traffic count at the Union Street/Site Driveway intersection or provide an explanation on how they collected counts at the driveway. It is unclear if there are any direct vehicular movements that occur between Beacon Street and the driveway."

Response: For reference, the traffic count data for the Union Street intersection with the Site Driveway is provided in the **Attachments**.

Comment 2: "A traffic count was not conducted at the intersection of Langley Road/Union Street, which will serve all trips entering the Project site. BSC requests that the Applicant provide additional information related to traffic volumes and pedestrian activity at the intersection of Langley Road/Union Street."

Response: Supplemental turning movement counts (TMC's) were conducted in July 2021 at the intersection of Langley Road at Union Street and Beacon Street at Union Street to include vehicles, pedestrians, and bicycles. The TMC's were conducted during the weekday morning peak period (7:00 AM – 9:00 AM), weekday evening peak period (4:00 PM - 6:00 PM), and Saturday midday peak period (11:00 AM – 2:00 PM) to coincide with peak traffic activity of the adjacent streets. A review of historical traffic data indicates that peak hour traffic volumes in this area have rebounded from the Covid-19 pandemic; therefore, no pandemic adjustment factor is warranted. Review of MassDOT permanent count station data indicates that July is an above average traffic month (approximately 2 percent above average month conditions). To remain conservative, no adjustment (reduction) for seasonal fluctuations was made to the traffic volume data. Turning movement counts, pandemic adjustment data, and permanent count station data are provided in the **Attachments**. The 2021 Baseline weekday morning, weekday evening, and Saturday midday peak hour traffic volumes are shown in **Exhibit 1** and **Exhibit 2**. Peak hour pedestrian and bicycle networks are shown in **Exhibit 3** and **Exhibit 4**.

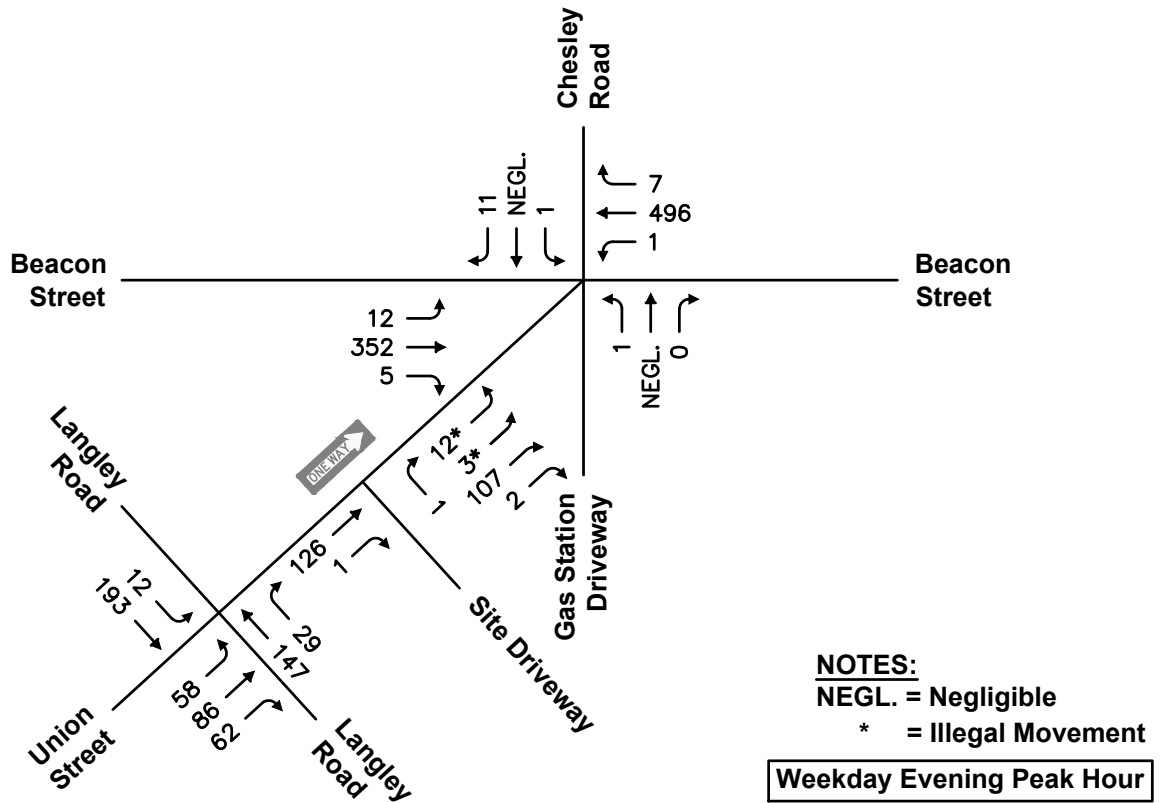
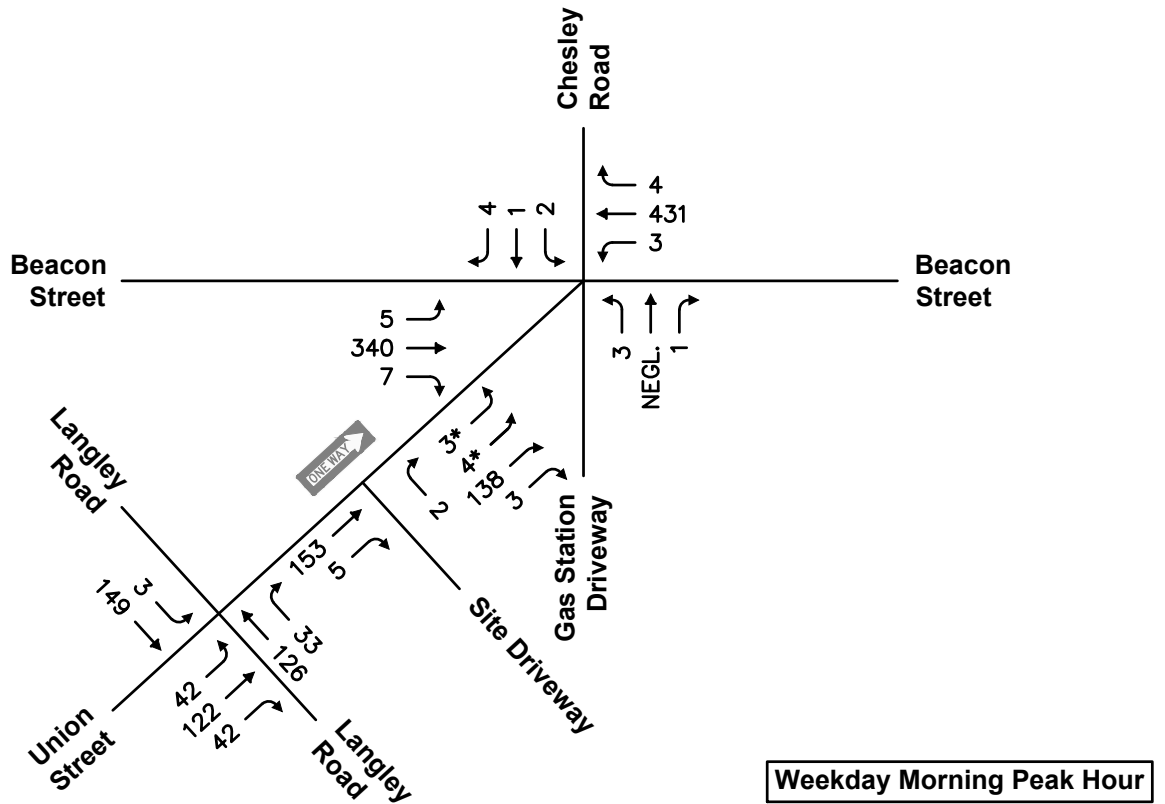
Comment 3: "Traffic data was not collected for the Saturday peak period. BSC requests that the Applicant provide a discussion of anticipated Saturday operations and how it compares with the weekday morning and evening peak hours. Depending on the hours of operation of the facility, the Saturday peak hour may be more critical than the weekday morning peak hour."

Response: Supplemental Saturday midday peak period data has been collected and is included in the **Attachments**. A review of the counts indicates that the traffic volumes at the two primary study locations are up to 25% lower during the Saturday midday compared to the critical weekday evening peak hour. Total entering volume calculations are provided in the **Attachments**.

Surrounding Transportation Infrastructure

Comment 4: "BSC acknowledges the presence of parking, pedestrian, and bicycle facilities in the vicinity of the site. The site driveway intersects Union Street near its skewed intersection with Beacon Street, where painted gore markings are provided between Beacon Street and Union Street (see image on the following page). A "right turn only" graphical sign is also located along Union Street at its intersection with Beacon Street, which prohibits left-turns onto Chesley Road or Beacon Street. Based on the traffic volume data, some vehicles illegally turn left from Union Street onto both Chesley Road and Beacon Street.

BSC recommends that the Applicant work with the City of Newton to develop a strategy to prevent vehicles exiting the site from turning left on to Beacon Street and to prevent vehicles traveling along Beacon Street from turning into the driveway. We note that this is currently an existing condition, but this Project presents an opportunity to improve the safety and geometry and traffic control at the intersection. Potential improvements may include introducing vertical or textured elements within the gore area along with additional signage to further define the left- turn restriction at the intersection. BSC

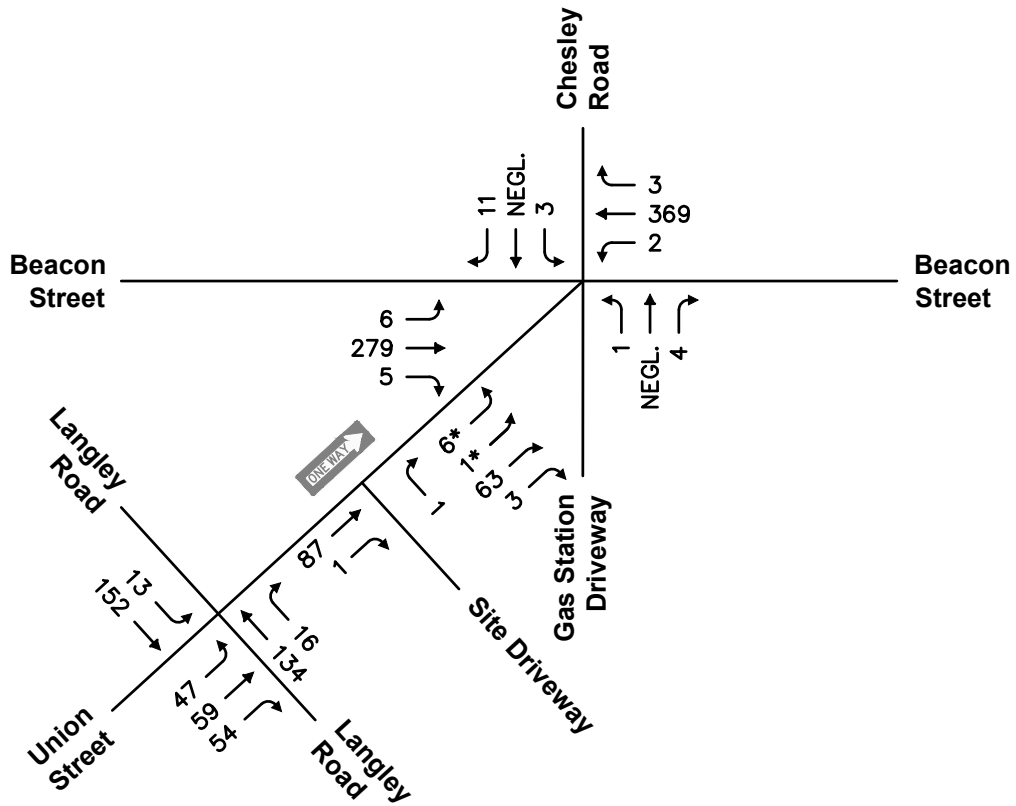


NOTES:
 NEGL. = Negligible
 * = Illegal Movement



North

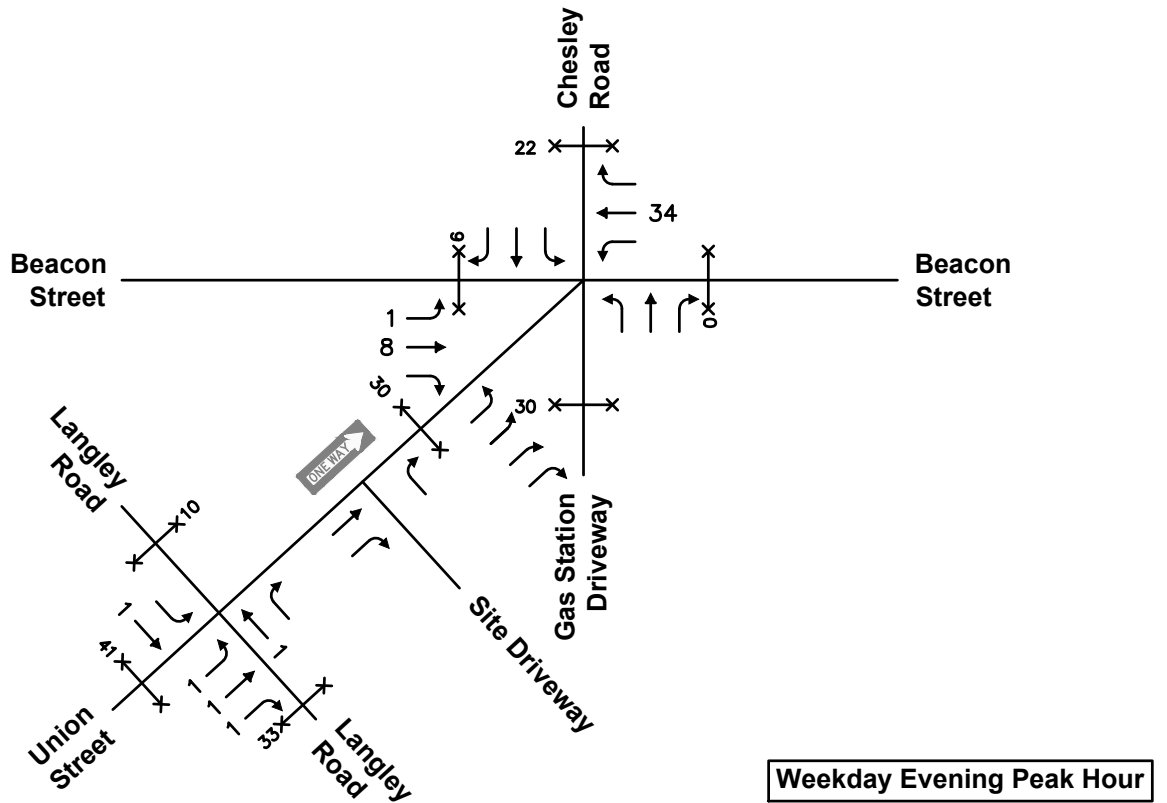
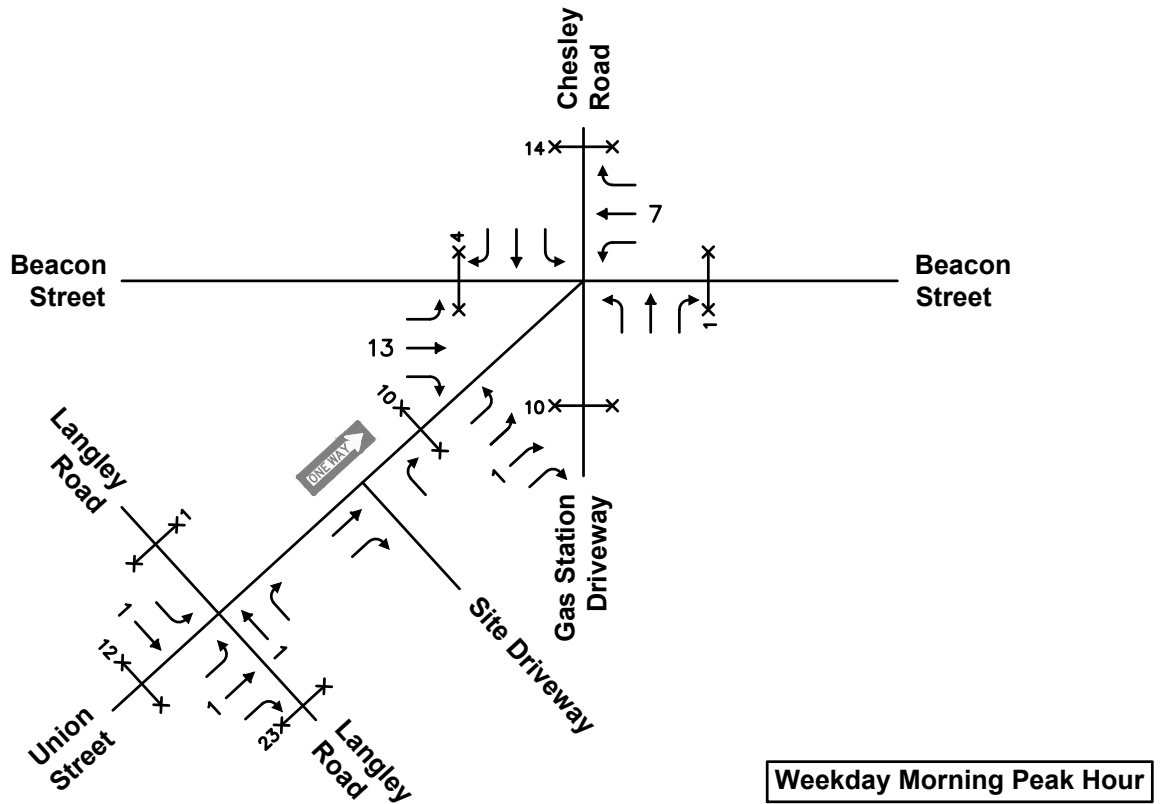
Scale: Not to Scale



North

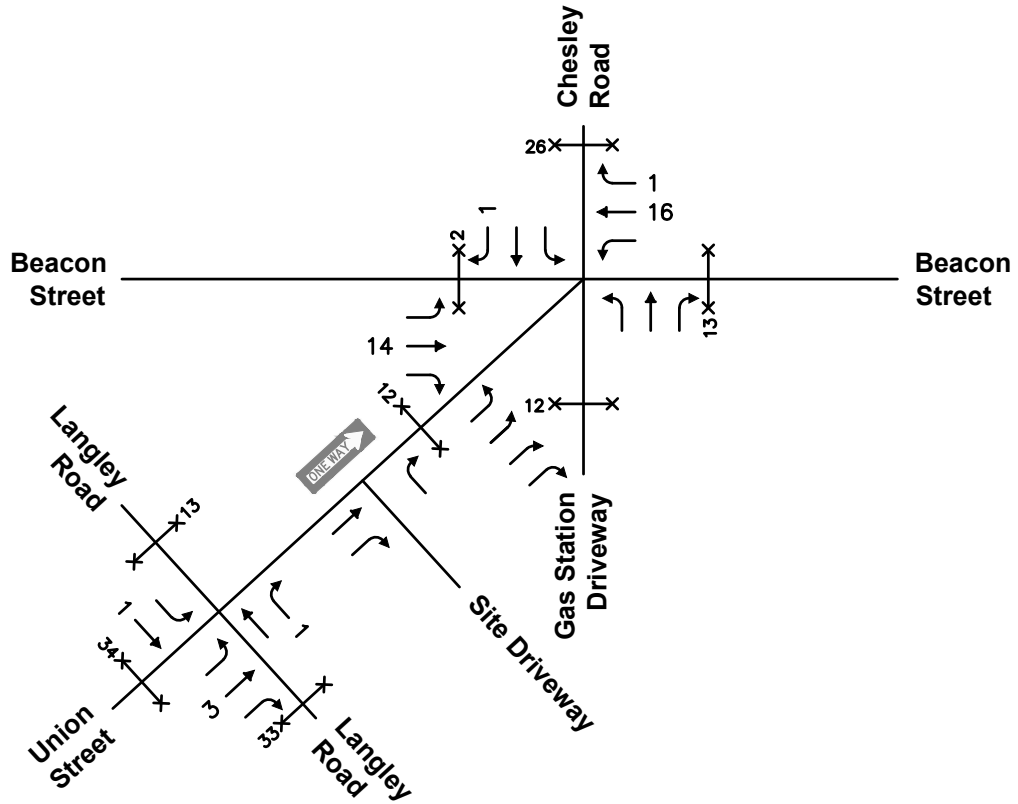
Scale: Not to Scale

NOTES:
 NEGL. = Negligible
 * = Illegal Movement



North

Scale: Not to Scale



North

Scale: Not to Scale

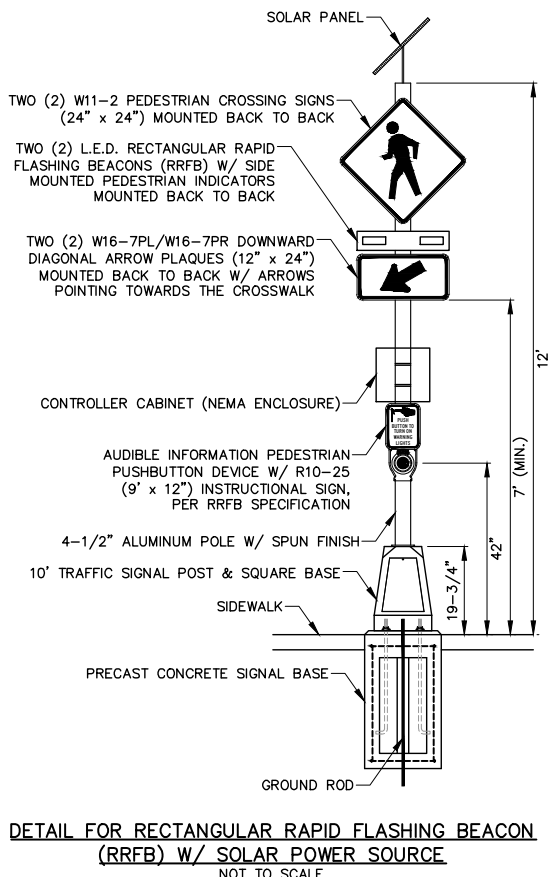
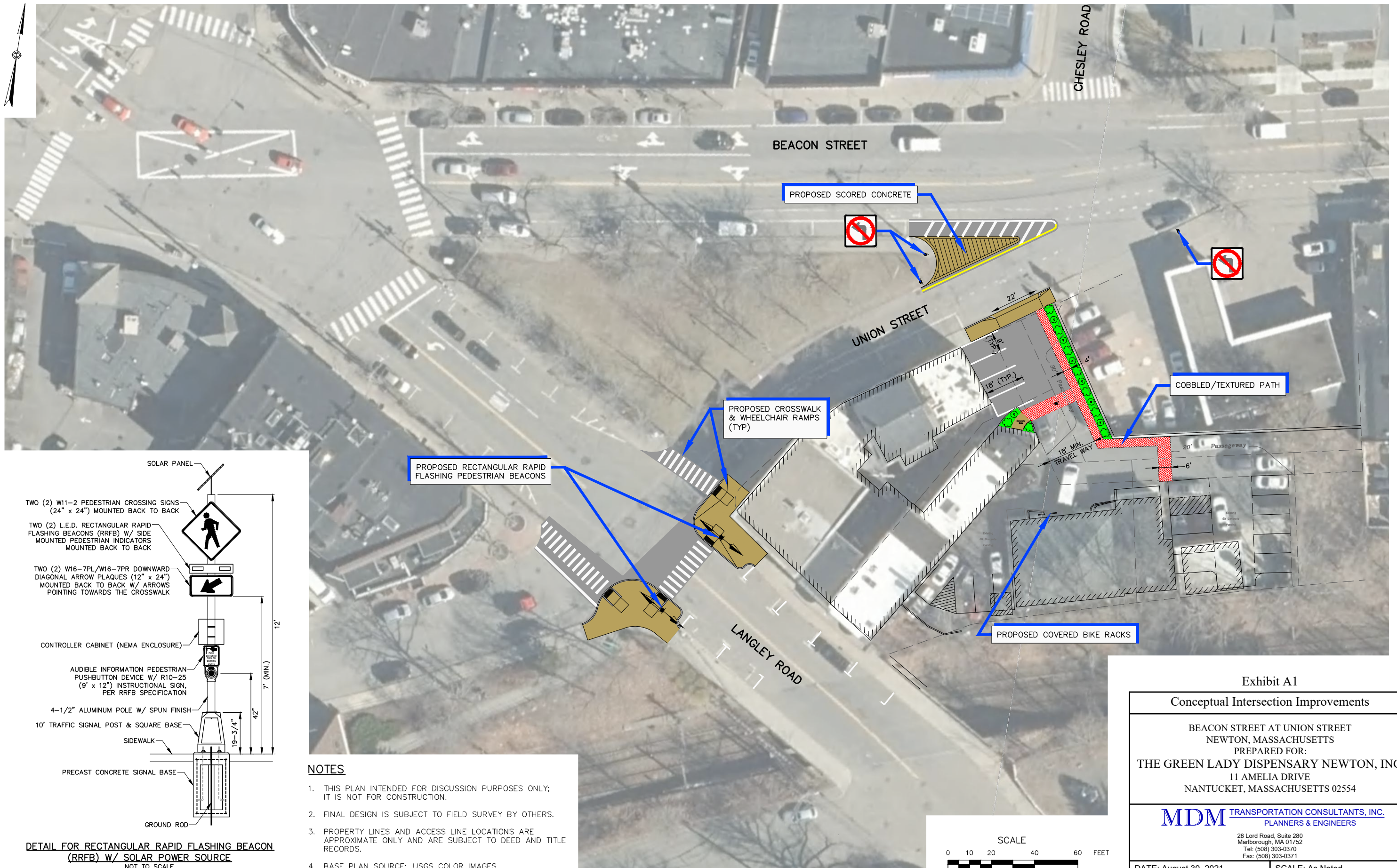
also recommends the elimination of the on-street parking space along the south side of Union Street at its intersection with Beacon Street. Improvements must also consider accommodations for emergency vehicles.

A sidewalk is provided along the south side of Beacon Street but ends without any connection to other pedestrian facilities (see below). BSC recommends that the Applicant review the feasibility of installing a crosswalk from Beacon Street to Union Street, west of the site driveway to provide better pedestrian connectivity. Should the installation of a crosswalk at this location be feasible, we recommend that the Applicant install the necessary curb ramps, sidewalk extension on Beacon Street, and crosswalk."

Response: The Applicant's programming does not rely on on-street parking for customers and does not have the authority to remove public on-street parking. The City at its option can chose to remove the on-street parking space near the Beacon Street intersection with Union Street independent of the proposed development.

Prior consultation with the City's DPW indicates a preference to improve the Langley Road intersection as a priority in this area. Accordingly, the Applicant has identified conceptual improvements for the Langley Road intersection at Union Street that serve to advance the City's near-term goal to enhance the pedestrian environment along this corridor. These improvements are shown conceptually in **Exhibit A1** and include curb extensions and pedestrian beacons. The Applicant defers to the City on whether these pedestrian improvements take precedence over other potential area improvements such as Union Street at Beacon Street and further commits to designing and constructing these improvements as shown in **Exhibit A1** in support of the primary pedestrian desire line to/from the project.

The Applicant has also developed an alternative conceptual design plan (see attached **Exhibit A2**) to enhance the sidewalk connection between Beacon Street and the Site; this improvement may be augmented by a potential curb extension along Union Street to reinforce the left-turn restriction from Beacon Street onto Union Street. MDM notes that traffic operations at the Beacon Street/Union Street intersection are generally unconstrained (LOS C or better even assuming that left-turn movements occur from Union Street to Beacon Street) and the intersection is not a high crash location; as such the City may wish to revisit the left-turn restriction on the Union Street approach to Beacon Street. If the City deems improvements identified under **Exhibit A2** as preferred over those at the Langley Road and Union Street intersection, the Applicant will at the City's direction design and implement improvements shown in **Exhibit A2**.



- NOTES**
1. THIS PLAN INTENDED FOR DISCUSSION PURPOSES ONLY; IT IS NOT FOR CONSTRUCTION.
 2. FINAL DESIGN IS SUBJECT TO FIELD SURVEY BY OTHERS.
 3. PROPERTY LINES AND ACCESS LINE LOCATIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO DEED AND TITLE RECORDS.
 4. BASE PLAN SOURCE: USGS COLOR IMAGES.



Exhibit A1

Conceptual Intersection Improvements

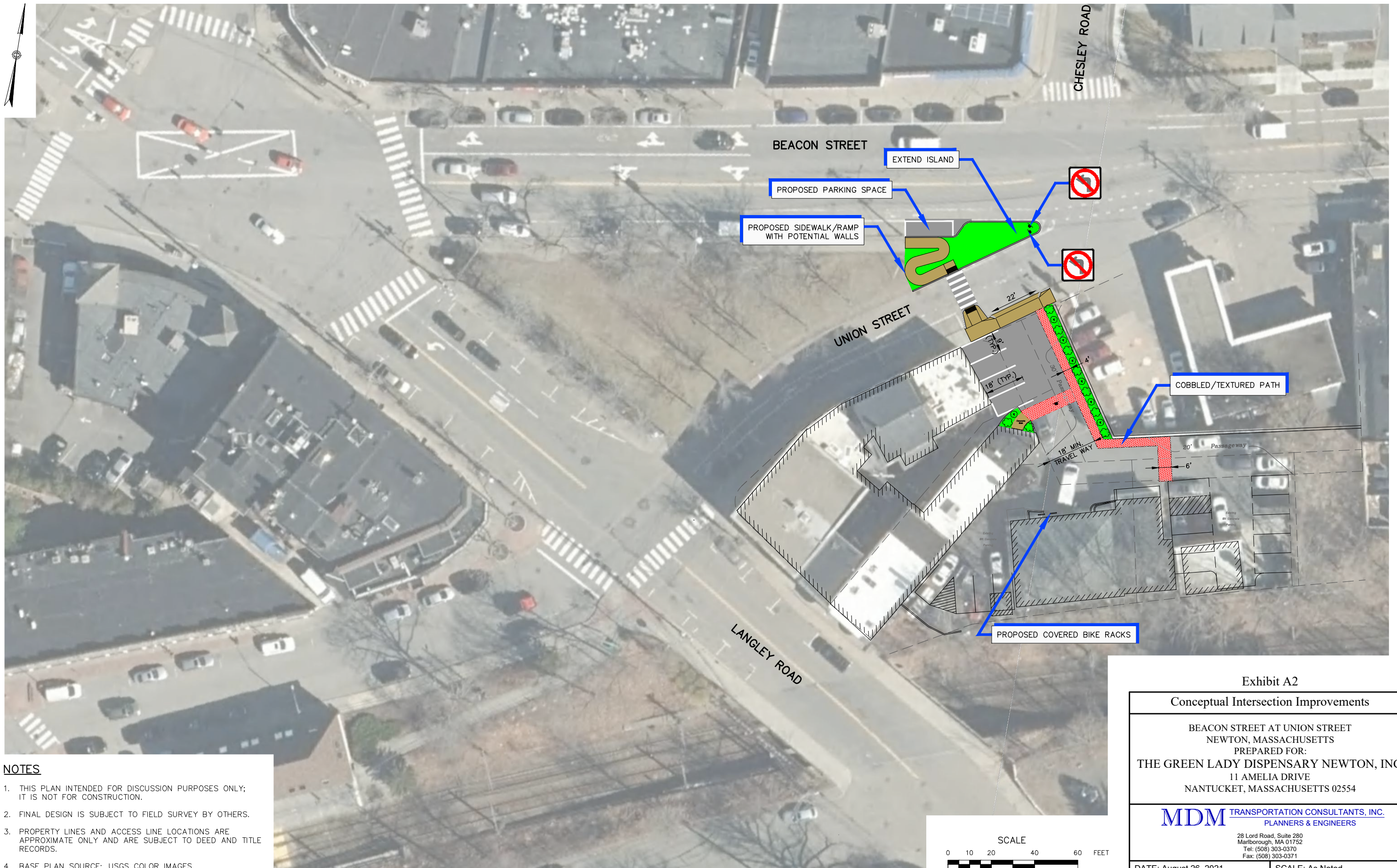
BEACON STREET AT UNION STREET
 NEWTON, MASSACHUSETTS
 PREPARED FOR:
 THE GREEN LADY DISPENSARY NEWTON, INC.
 11 AMELIA DRIVE
 NANTUCKET, MASSACHUSETTS 02554

MDM TRANSPORTATION CONSULTANTS, INC.
 PLANNERS & ENGINEERS

28 Lord Road, Suite 280
 Marlborough, MA 01752
 Tel: (508) 303-0370
 Fax: (508) 303-0371

DATE: August 30, 2021	SCALE: As Noted
PROJECT No. 1098	File: 1098 Concept Plan 2021-08-30 A1.dwg

Sheet 1 of 1



- NOTES**
1. THIS PLAN INTENDED FOR DISCUSSION PURPOSES ONLY; IT IS NOT FOR CONSTRUCTION.
 2. FINAL DESIGN IS SUBJECT TO FIELD SURVEY BY OTHERS.
 3. PROPERTY LINES AND ACCESS LINE LOCATIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO DEED AND TITLE RECORDS.
 4. BASE PLAN SOURCE: USGS COLOR IMAGES.

Exhibit A2

Conceptual Intersection Improvements

BEACON STREET AT UNION STREET
 NEWTON, MASSACHUSETTS
 PREPARED FOR:
 THE GREEN LADY DISPENSARY NEWTON, INC.
 11 AMELIA DRIVE
 NANTUCKET, MASSACHUSETTS 02554

MDM TRANSPORTATION CONSULTANTS, INC.
 PLANNERS & ENGINEERS

28 Lord Road, Suite 280
 Marlborough, MA 01752
 Tel: (508) 303-0370
 Fax: (508) 303-0371

DATE: August 26, 2021	SCALE: As Noted
PROJECT No. 1098	File: 1098 Concept Plan 2021-08-26 A2.dwg
Sheet 1 of 1	

Crash Analysis

Comment 5: “BSC requests the Applicant to provide crash data for the segment of Union Street between Langley Road and Beacon Street or note if there were no reported crashes. We also request that the Applicant provide crash data for the intersection of Langley Road/Union Street and determine if there are any safety deficiencies at that location.”

Response: A review of the crash data for the Union Street roadway segment for 2016 through 2020 indicates that two crashes occurred over the 5-year period. One crash involved a parked vehicle, and the other crash involved a light truck and a cyclist that resulted in a non-fatal injury. The crash data is provided in the **Attachments**.

Crash trends and safety characteristics for the intersection of Langley Road at Union Street are quantified based on MassDOT records for the Town of Newton for the five-year period 2016 through 2020 (the most recent full year of data currently available from the MassDOT database). In addition, review of the MassDOT high crash cluster mapping was conducted to determine locations listed as eligible for Highway Safety Improvement Program (HSIP) evaluation and funding. Crash data for the study intersection is summarized in **Table R1** with detailed data provided in the **Attachments**.

As summarized in **Table 1**:

- *Langley Road at Union Street:* Thirteen (13) crashes were reported at or near the Langley Road intersection with Union Street over the five-year study period resulting crash rate of 0.79, which is above the District 6 average of 0.57. The reported crashes included eleven (11) angle type collisions, one (1) single-vehicle type collision, and one (1) head-on type collision. The majority (77%) of the crashes resulted in property damage type collisions, with all crashes under dry (100%) roadway conditions, and the majority occurring during off-peak travel periods (62%). No fatalities were reported during the study period. The crashes include one pedestrian crash and one bicycle crash, resulting in injury type collisions.

In summary, the intersection of Langley Road at Union Street experienced a crash rate above the District 6 average and is a HSIP bicycle location. The Applicant will continue to work with the City to enhance the pedestrian crossing at the Langley Road at Union Street intersection with a curb extension and installation of rectangular rapid flashing beacons (RRFB's). These improvements are expected to improve safety in and adjacent to the intersection.

**TABLE R1
INTERSECTION CRASH SUMMARY¹
2016 THROUGH 2020**

Data Category	Langley Road at Union Street
Traffic Control	Unsignalized
Crash Rate ²	0.79
MHD District 6 Avg ³	0.52
<i>Year:</i>	
2016	3
2017	3
2018	3
2019	1
<u>2020</u>	<u>3</u>
Total	13
<i>Type:</i>	
Angle	11
Rear-End	0
Head-On	1
Sideswipe	0
Single-Vehicle	1
<i>Severity:</i>	
P. Damage Only	10
Personal Injury	3
Fatality	0
<i>Conditions:</i>	
Dry	13
Wet	0
Snow	0
<i>Time:</i>	
7:00 to 9:00 AM	2
4:00 to 6:00 PM	3
Rest of Day	8

¹ Source: MassDOT Crash Database

² Crashes per million entering vehicles

³ District 6 Average Crash Rate

Comment 6: “BSC reviewed MassDOT’s HSIP map of top crash locations and although the study area is not included as a vehicular location, it is part of a HSIP bicycle cluster (see image on following page). Due to the location of the Project site, it is likely that some patrons will travel to the proposed facility via bicycle. BSC requests that the Applicant provide additional input on bicycle safety in the vicinity of the Project.”

Response: The Applicant proposes significant infrastructure improvements at Langley Road/Union Street and Union Street/Beacon Street that align with goals of the City to enhance pedestrian and bicycle accommodation and safety within the study area. Accommodation for pedestrian and bicycle connectivity to the site are also proposed in the form of a stamped asphalt sidewalk/pathway within the property that will also enhance pedestrian accommodation and safety to adjoining uses including Jake’s Falafel and the proposed use at 740 Beacon Street, augmented by covered, secure bicycle parking at the property.

Trip Generation

Comment 7: “The Applicant used both operational data and data from ITE’s Trip Generation Manual to estimate expected trips generated by the Project. BSC agrees with using both methodologies to provide a realistic assessment of the impacts. However, the ITE data indicates that the Project may generate up to 66 trips during the weekday evening peak hour. The ITE data reflects conditions at recreational marijuana facilities that operate without set appointments. We request that the Applicant use the highest potential trip generating scenario for the peak hours to assess the impacts of the Project to account for possible changes in operations in the future (use the trip generation derived from operational data for the weekday morning peak hour and the trip generation derived from the ITE data for the weekday evening peak hour). To provide an accurate assessment, the Applicant should incorporate trip reduction credits to account for non-vehicular modes of transportation into the trip generation estimates.

BSC also requests that the Applicant identify if the uses on the existing site were operational at the time of the traffic counts. “

Response: The uses at the existing Site and adjacent restaurants were operational at the time of the traffic counts. The trip generation has been updated to use the most conservative trip generation methodology (ITE trip estimates) as described above.

Trip Distribution

Comment 8: “BSC agrees with the methodology of using existing traffic volumes to determine the trip distribution patterns for the Project-generated trips. However, it is likely that some trips will arrive at the site via Langley Road northbound, which was not considered in the TIA. Entering trips from the south were not assigned to this intersection. “

Response: The traffic volume networks have been expanded to include the Langley Road at Union Street intersection. The revised trip distribution and trip tracings are shown in **Exhibit 5** and **Exhibit 6**. The revised design year networks are shown in **Exhibit 7** and **Exhibit 8**. Trip distribution calculations are provided in the **Attachments**.

Comment 9: “The trip distribution patterns show Project-generated trips turning left from Union Street onto Beacon Street, although this is a prohibited movement. The Applicant should revise the figures to reflect the prohibited movement. All trips exiting the site will be required to turn right onto Union Street and then turn right onto Beacon Street.”

Response: Proposed improvements at Union Street and Beacon Street have been updated to include a proposed scored concrete apron and markings to reinforce the left-turn restrictions at Union Street as presented in **Exhibit A1**. MDM notes that existing and projected traffic operations at the Beacon Street/Union Street intersection are generally unconstrained (LOS C or better including an assumption that left-turn movements occur from Union Street to Beacon Street) and the intersection is not a high crash location; as such the City may wish to revisit the left-turn restriction on the Union Street approach to Beacon Street. Traffic volume networks (**Exhibit 5** through **Exhibit 8**) re-assign illegal left-turns to right-turns as requested. However, even under a scenario in which left-turns from Union Street to Beacon Street continue to occur, analysis results indicate LOS C or better operations (i.e., only modest delays).

Parking Analysis

Comment 10: “BSC requests that the Applicant describe parking and transportation accommodations for employees. The current plan indicates that one space will be reserved for management. BSC recommends that the Applicant use the four parking spaces on the west side of the building for employees. The geometry of this parking area and required vehicle maneuvers are not conducive to frequent turnover. It is likely that some patrons of the site will also use the on- street and public parking opportunities in the area instead of the on-site parking lots.”

Response: The Applicant has submitted a proposed Transportation Demand Management (TDM) plan to the City that outlines policies for requiring off-site employee parking and the financial (subsidy) incentives that will promote use of MBTA lots and/or private lots in the area. The draft TDM plan is included in the **Attachments** for reference.

The 9 spaces adjacent to and east of the building will provide adequate capacity for peak customer demands; parking analysis indicates an average peak demand of 6 spaces and a maximum peak demand of 9 spaces for customers. While the use of other nearby public parking spaces is possible if patrons chose to frequent other nearby businesses, this practice is no different than current practices for other nearby commercial and retail businesses that in many cases rely entirely on public parking. Parking along Beacon Street in the site vicinity as inventoried in our technical memo of May 4, 2021 (included in the **Attachments** for reference) indicates regular availability of spaces throughout the day to support this practice. However, Applicant explicitly states that it will not rely on these public spaces to support its business.

Conclusions and Recommendations

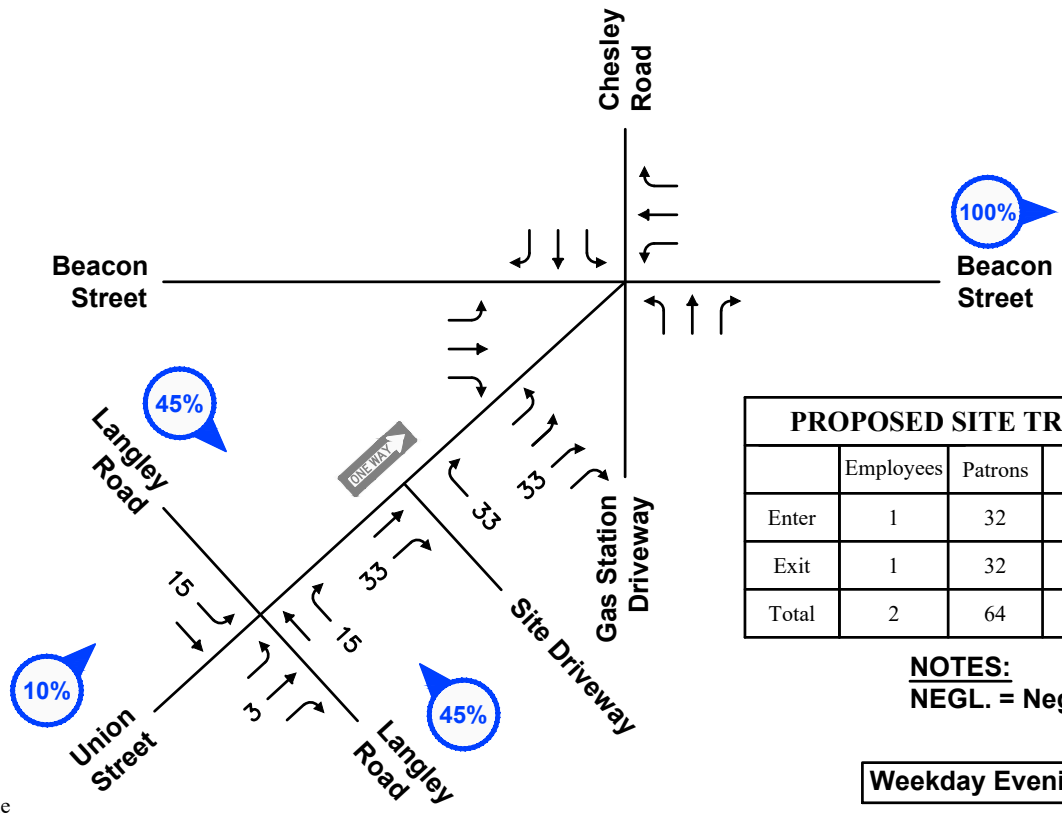
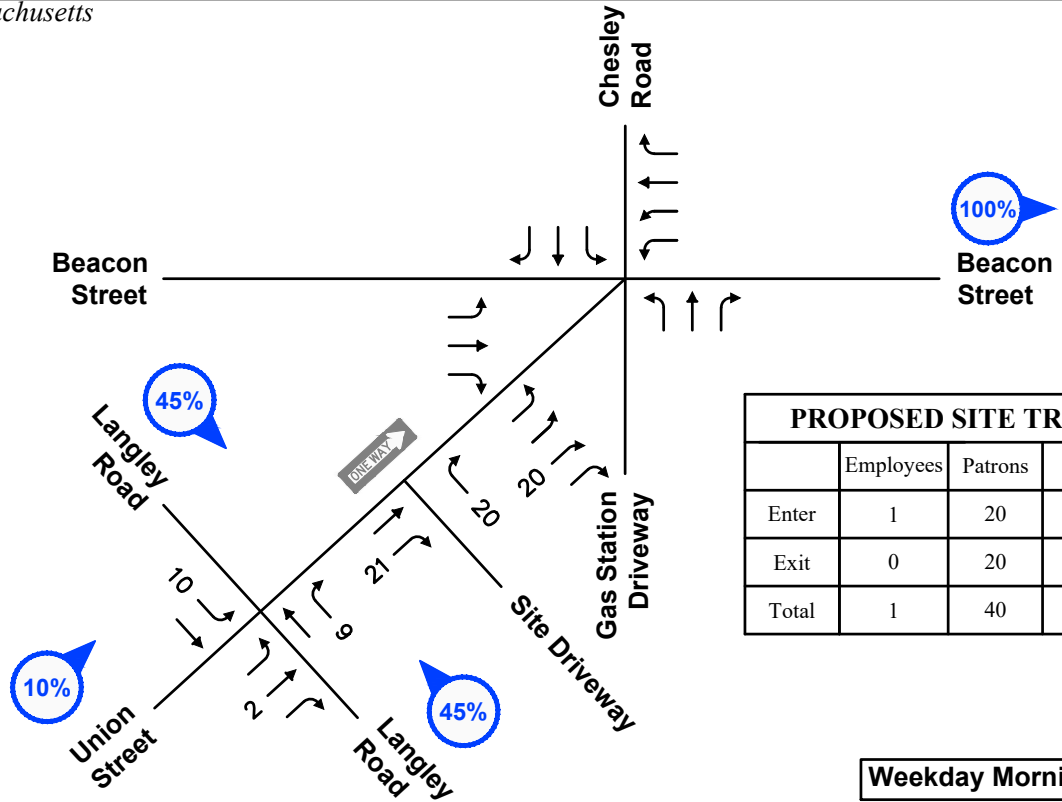
Comment 11: *“BSC requests that the Applicant provide vehicle maneuver diagrams using AutoTURN or a similar CAD-based software for passenger vehicles entering and exiting the site and performing parking maneuvers for all parking areas on the site. As previously noted, the four parking spaces on the west side of the site may create difficult maneuvering for passenger vehicles. ”*

Response: AutoTURN® analysis has been completed for the site plan for Fire apparatus (ladder truck), passenger vehicles, and van delivery vehicles. Supporting AutoTurn® analysis and exhibits are provided to confirm this finding (refer to the **Attachments**). Site access, circulation aisles and parking layout provide adequate maneuvering area for all modeled vehicles.

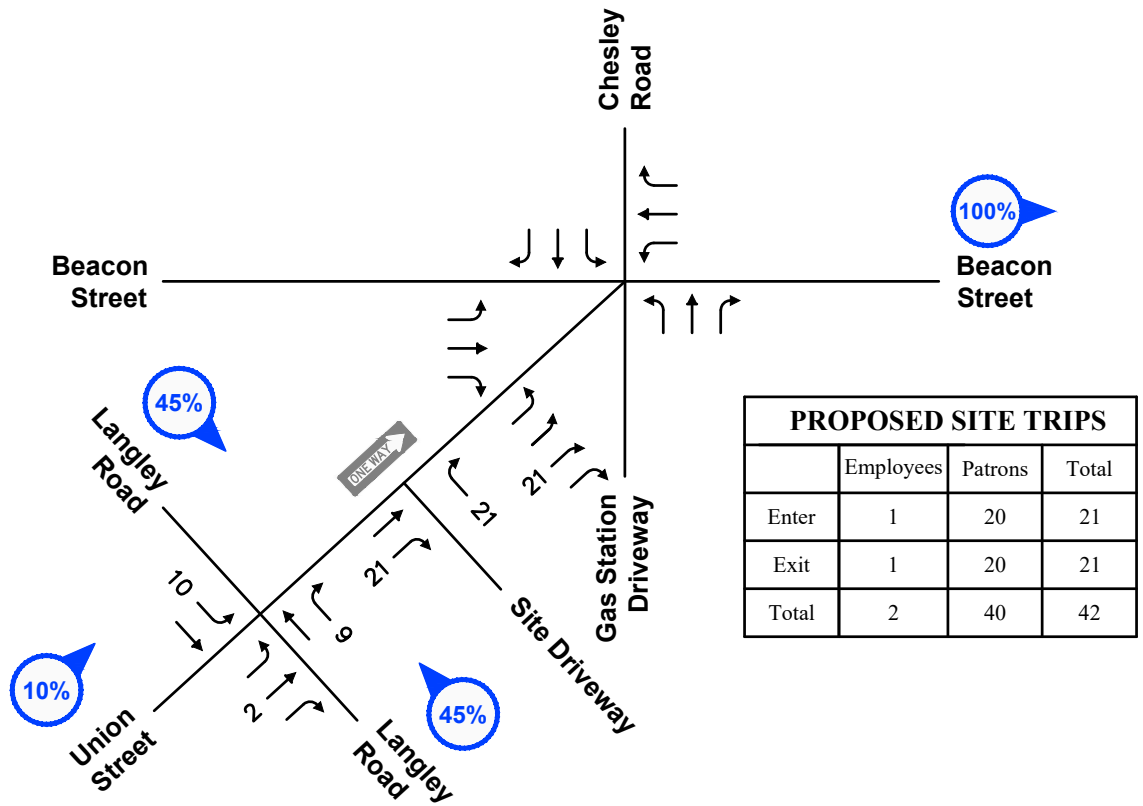
Comment 12: *“BSC requests that the Applicant provide information related to service vehicles, deliveries, and trash/recycling vehicles that will serve the site. The information should identify where these activities will occur, the expected frequency of deliveries, and the largest vehicle that will serve the site. Vehicle maneuver diagrams should be prepared for the largest service/delivery vehicle that will serve the site and for a City of Newton emergency vehicle. ”*

Response: AutoTURN® analysis has been completed for the site plan for Fire apparatus (ladder truck) and van delivery vehicles. Supporting AutoTurn® analysis and exhibits are provided to confirm this finding (refer to the **Attachments**). Site access, circulation aisles and parking layout provide adequate maneuvering area for all modeled vehicles.

Comment 13: *“As previously mentioned, BSC recommends that the Applicant work with the City of Newton to develop a strategy to better define vehicular movements at the intersection of Beacon*



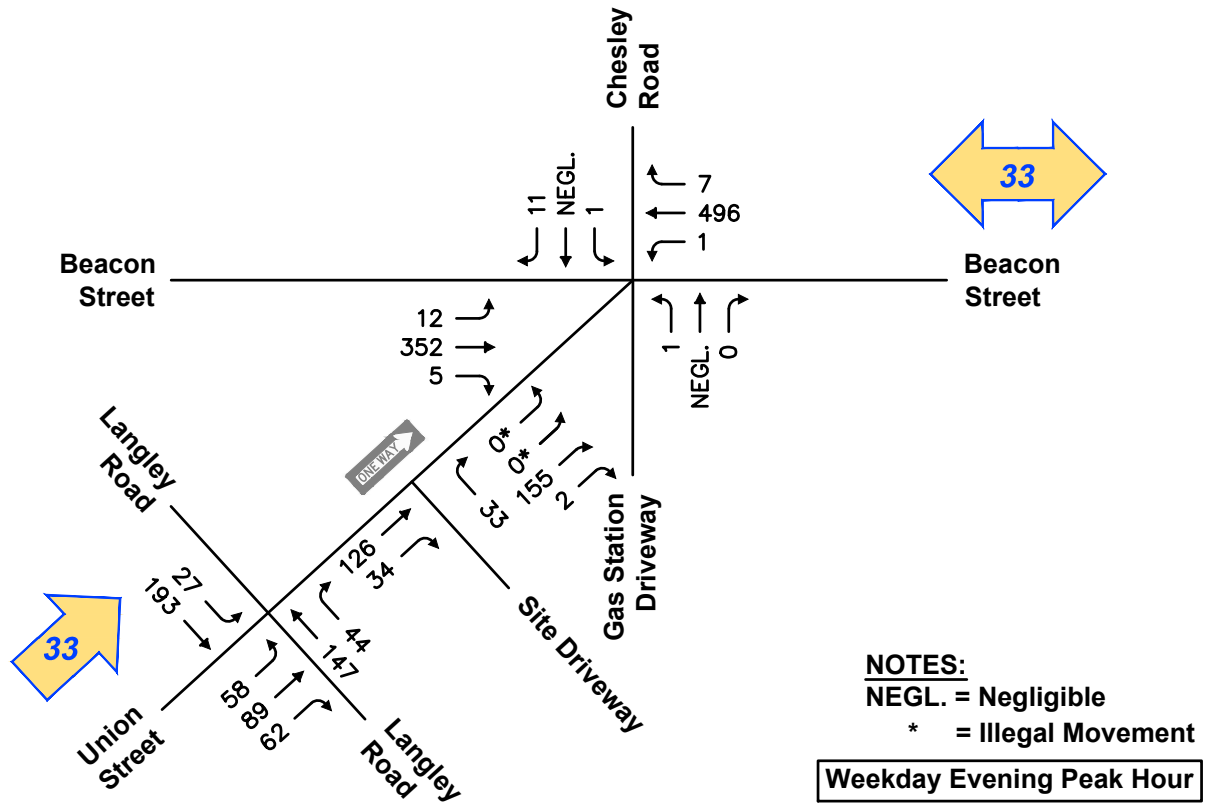
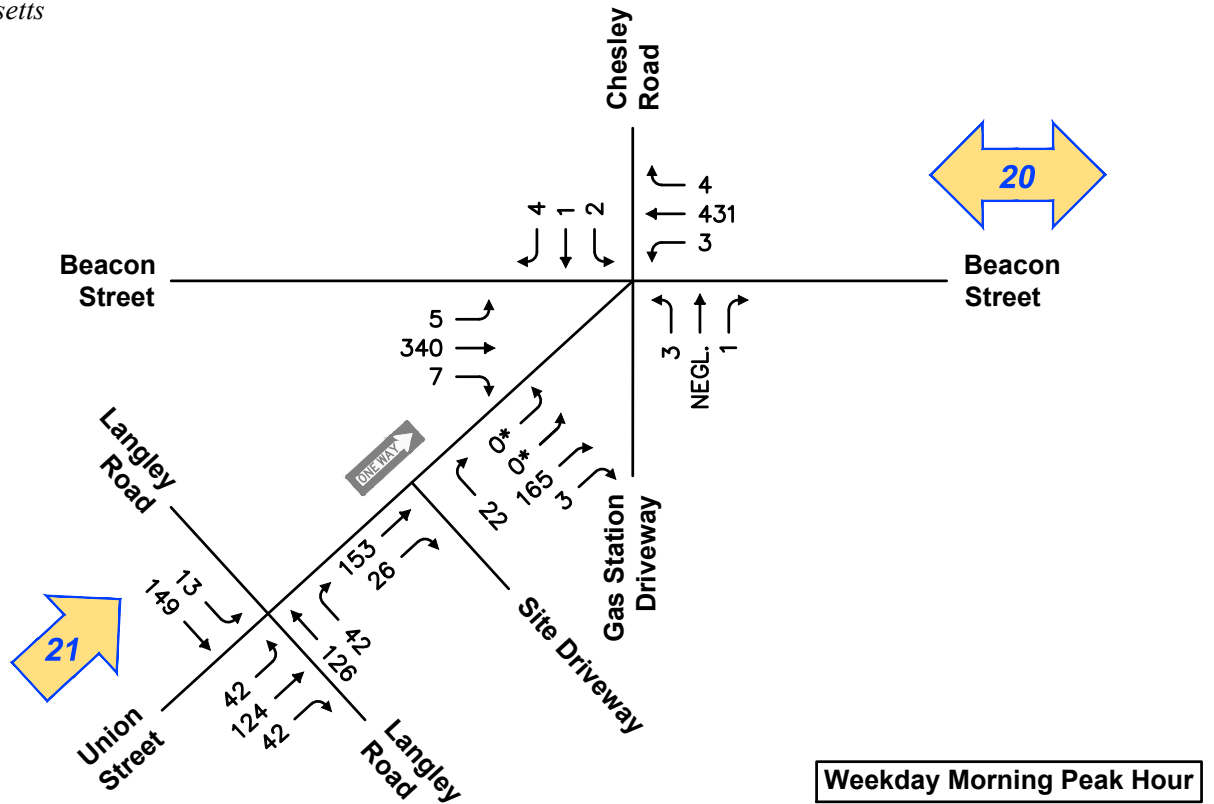
Scale: Not to Scale



North

Scale: Not to Scale

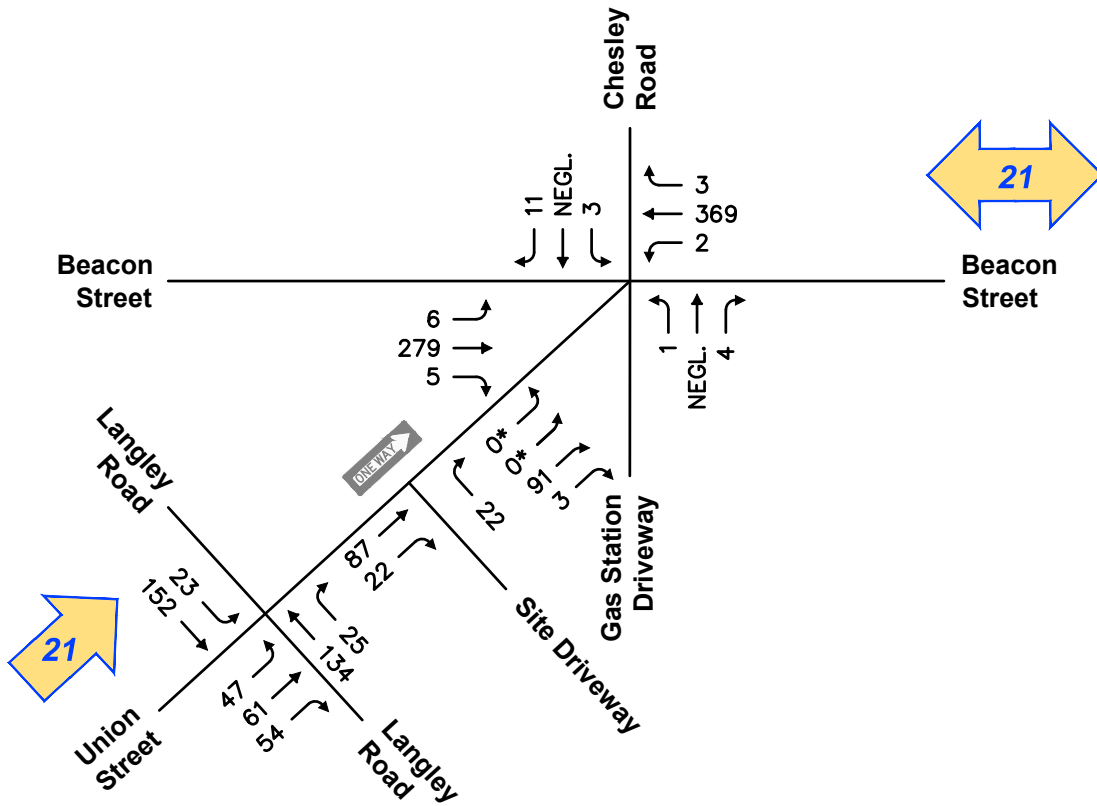
NOTES:
 NEGL. = Negligible



NOTES:
 NEGL. = Negligible
 * = Illegal Movement



Scale: Not to Scale



North

Scale: Not to Scale

NOTES:
 NEGL. = Negligible
 * = Illegal Movement

Street/Union Street and at the site driveway. We recommend that the Applicant consider measures beyond upgraded pavement markings. "

Response: Applicant has prepared an updated concept improvement plan for the Union Street/Beacon Street intersection as identified in attached **Exhibit A2** that accommodates a pedestrian crossing west of the driveway and curb extensions that formalize/enhance left-turn restrictions at Beacon Street. The curb extensions also allow for one additional public parking space along Beacon Street. The Applicant will design and construct these improvements as an alternative to (and not in addition to) the Langley Road at Union Street improvements presented above as **Exhibit A1** should the City determine that improvements under **Exhibit A2** are preferred.

Comment 14: "BSC requests that the Applicant review the feasibility of constructing the pedestrian path through the site as a formal five-foot wide sidewalk to provide physical separation between pedestrians and vehicles. "

Response: Easement rights restrict the ability to place a raised walkway within the area that is reserved for pass and repass by five separate landowners; however, the proposed walkway feature will delineate an appropriate pedestrian way serving the proposed use as well as the adjacent Jakes Falafel and will clearly distinguish a travel path that is separate from vehicle travel. This path represents a vastly improved condition from existing conditions, under which pedestrians have no clear path to individual buildings and hence mix with vehicles entering and exiting the driveway throughout the easement area.

Comment 15: "BSC recommends that the Applicant commit to the installation of the RRFB equipment at the intersection of Langley Road and Union Street. These improvements should also include upgrades to the curb ramps on the north side of the intersection for ADA-compliance. BSC recommends that the Applicant review the feasibility of an additional curb extension in the northwest corner of the intersection along the eastbound approach of Union Street to further reduce the crosswalk on the west leg of the intersection. Should this additional curb extension be feasible, we recommend that the Applicant implement the additional curb extension. BSC recommends that the City require the Applicant to commit to the completion of the installation of the RRFB and curb extensions prior to issuing a Certificate of Occupancy for the Project. "

Response: Conceptual design of the pedestrian improvements and RRFB at the intersection have been developed in consultation with the City DPW and will advance to formal design as a condition of approval of the subject project. Further extension of the curb into Union Street is not feasible without impacting curbside parking and would impact required turning radius for emergency vehicles and/or service vehicles that use Union Street to serve adjacent business entities. The Applicant commits to design and construction of these improvements at conceptually shown in **Exhibit A1** prior to issuing a Certificate of Occupancy for the Project. Alternatively, if the City prefers improvements at Union Street/Beacon Street as shown conceptually in **Exhibit A2**, the Applicant commits to design and construction of these improvements prior to issuing a Certificate of Occupancy for the Project; however, this would be in lieu of any improvements at the Langley Road and Union Street intersection.

Other BSC Comments

Comment 16: *“As previously mentioned, traffic counts were not conducted at the intersection of Langley Road/Union Street. BSC recommends that the Applicant provide information related to peak hour traffic volumes and review the crash history for the past five-year period at this intersection.”*

Response: The requested counts and analysis have been conducted; refer to Responses under Comment 2 and Comment 5.

Comment 17: *“BSC recommends that the Applicant prepare a traffic operations analysis for the weekday morning and evening peak hours at the intersection of Langley Road/Union Street and at the intersection of Beacon Street/Union Street/Chesley Road to determine if there are any existing operational deficiencies and to measure the Project’s impact on operations at these two locations. The operations analysis should report delays, queuing, and level-of-service.”*

Response: Level-of-Service (LOS) analyses were conducted for the weekday morning, weekday evening, and Saturday midday for the study intersections. The results of the intersection capacity are summarized below in **Table R2**. Detailed analysis and queue results are presented in the **Attachments** which indicate only minor vehicle queues at the intersection with no change as a result of the project.

TABLE R2
2021 DESIGN YEAR
INTERSECTION CAPACITY ANALYSIS RESULTS

Intersection	Approach	Weekday Morning Peak Hour			Weekday Evening Peak Hour			Saturday Midday Peak Hour		
		v/c ¹	Delay ²	LOS ³	v/c	Delay	LOS	v/c	Delay	LOS
Union Street at Beacon Street	Eastbound	0.01	<5	A	0.01	<5	A	0.01	<5	A
	Westbound	0.00	<5	A	0.00	<5	A	0.00	<5	A
	Northbound	0.01	16	C	0.00	20	C	0.01	11	B
	Northeastbound	0.26	12	B	0.24	12	B	0.13	11	B
	Southbound	0.02	16	C	0.03	13	B	0.03	12	B
Union Street at Langley Road	Eastbound	0.01	<5	A	0.02	<5	A	0.02	<5	A
	Westbound	0.00	<5	A	0.00	<5	A	0.00	<5	A
	Northbound	0.31	12	B	0.35	13	B	0.22	11	B
Union Street at Site Driveway	Eastbound	0.00	<5	A	0.00	<5	A	0.00	<5	A
	Northbound	0.03	9	A	0.04	9	A	0.03	9	A

¹ Volume-to-capacity ratio

² Average control delay per vehicle (in seconds)

³ Level of service

⁴ n/a = not applicable

As summarized in **Table R2**, based on the revised design year traffic volume networks summarized above the Union Street at Beacon Street intersections will operate below capacity at LOS C or better during the weekday morning and weekday evening peak hours. The Union Street at Langley Road and Union Street at Site Driveway intersections will operate below capacity at LOS B or better.

Comment 18: *“BSC recommends that the City of Newton require all commitments that result from this review process be included in the conditions for approval of the Project. Should the Project open under appointment-only operations, we recommend that the City of Newton require further review, authorization, and approval by the appropriate City boards prior to implementing a different style of operations (e.g., first-come/first-serve).”*

Response: Analysis for the project is based on the assumption that trip generation for the site will follow industry (ITE) standards which assume unscheduled visits; this analysis shows that ample capacity exists on area roadways to accommodate peak customer demands. Likewise, the on-site parking supply will be adequate to support peak customer demand without reliance on public parking – an outcome of restricting use of parking to customers only (no on-site employee parking will be allowed). Notwithstanding these findings, the Applicant commits to post-occupancy monitoring and reporting once “first come, first served” operations become active to ensure that ample parking is in fact provided and appropriately actively managed.

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow a marijuana establishment, to allow parking in the side setback, to reduce minimum aisle width requirement for two-way traffic, to waive perimeter screening requirements, and to waive the lighting requirements as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the proposed marijuana retailer due to its location in the Business 2 zoning district and proximity to mix of uses contained within Newton Centre (§7.3.3.1).
2. The proposed marijuana retailer as developed and operated will not adversely affect the neighborhood because the site is adjacent to commercial uses and a Village Center (§7.3.3.2).
3. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the petitioner is creating parking on site to comply with the zoning ordinance (§7.3.3.3).
4. There will be a nuisance or serious hazard to vehicles or pedestrians due to the internal site improvements and designated employee only parking where the aisle width is substandard (§7.3.3.4).
5. 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.):

6. 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 due to its location in Newton Centre, its internal

improvements for alternate modes of transportation, and off-site improvements increasing pedestrian safety. (§6.10.3.H.1.a)

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

Additional criteria for Marijuana Retailers (§6.10.3.H.2.):

10. 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 Marijuana Retailer's operation. (§6.10.3.H.2.a)
11. 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)
12. 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; the building achieves this criteria for meeting the transparency requirement. (§6.10.3.H.2.c)
13. The building and site are accessible to persons with disabilities. (§6.10.3.H.2.d)
14. The lot is accessible to regional roadways and public transportation. (§6.10.3. H.2.e)
15. The lot is located where it may be readily monitored by law enforcement and other code enforcement personnel. (§6.10.3.H.2.f)
16. The Marijuana Retailer's hours of operation will have no significant adverse impact on nearby uses. (§6.10.3.H.2.g)

PETITION NUMBER: #125-21

PETITIONER: The Green Lady Dispensary II

LOCATION: 740 Beacon Street, on land known as Section 61 Block 38 Lot 6, containing approximately 10,969 square feet of land

OWNER(S): 740 Beacon Street, LLC

ADDRESS OF OWNER(S): 14 Sheafe Street
Newton, MA 02467

TO BE USED FOR: Marijuana Retailer

CONSTRUCTION: Concrete

EXPLANATORY NOTES: Special Permit per §7.3.3 of the Newton Zoning Ordinance to:

- allow a marijuana retailer (§6.10.3.D, §4.4.1)
- allow parking in the side setback (§5.1.8.A.1, §5.1.13)
- reduce the minimum aisle width requirement for two way traffic (§5.1.8.C.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)

ZONING: Business Use 2 District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan approval shall be located and constructed consistent with:
 - a. A plan entitled “740 Beacon Street, Proposed Conditions Site Plan,” dated December 21, 2020 most recently revised October 26, 2021, prepared by Verne T. Porter.
 - b. Architectural plans entitled “The Green Lady Dispensary II” prepared by SHED Studio, signed and stamped by Rachmimala Ramaswamy, Registered Architect, comprised of the following sheets:
 - i. Proposed Floor Plan (A.1.b), dated March 30, 2021
 - ii. Proposed Front Elevation and Transparency Diagrams (A.1.c), dated March 30, 2021
 - iii. Exterior Elevations (A-2B), dated March 30, 2021
 - c. Sign Plan, prepared by Signworks Group, dated March 1, 2021, comprised of the following sheets:
 - i. Sign Details, page 1
 - ii. Sign Location, page 2
2. The petitioner shall see all visitors of the Marijuana Retailer on an appointment only basis. Given that the petitioner requires each customer to be served individually by a customer service representative, the “appointment only” requirement is intended to ensure a smooth flow of customers arriving to and leaving from the site, to avoid customer waiting outside the building for a customer service representative to be available, and to allow the petitioner to anticipate customer volume.

The petitioner may use reasonable flexibility to accommodate customers where events such as, but not limited to, traffic delays, public transportation scheduling, or changes in customers’

schedules affect the appointment schedule. The petitioner shall also accommodate those customers who need to wait inside the building either before or after their scheduled appointments. This “appointment only” condition will permit “first available” (i.e., no waiting period) appointments only when a customer service representative is immediately available to serve that customer.

Six months after commencement of operations for the Marijuana Retailer authorized by this Order, the petitioner may submit a letter to the Commissioner of Inspectional Services, the Director of Planning and Development and the Clerk of the Council requesting to no longer require that all customers be served by appointments only. Such letter shall only be filed after the petitioner has completed the following:

- Met with the Director of the Transportation Division of Public Works, the Director of Planning and Development, and the Newton Police Department to discuss pedestrian and traffic safety and site security.
 - Met with the Director of the Transportation Division of Public Works, and the Director of Planning and Development regarding Transportation Demand Management in accordance with Condition #6 below.
3. The Commissioner of Inspectional Services and the Director of Planning and Development may administratively waive the “appointment only” requirement if they determine that the petitioner is able to maintain an orderly flow of patrons, accommodate all patrons waiting to see a customer service representative inside the building, and accommodate patron parking on site without the “appointment only” requirement. Prior to any decision on the petitioner’s waiver request, the Commissioner of Inspectional Services and the Director of Planning and Development shall consult with the Land Use Committee of the City Council regarding the waiver request in the same manner as the Land Use Committee is consulted when a “consistency” ruling on a special permit is requested from the Commissioner of Inspectional Services.
 4. The Marijuana Retailer may only operate between the hours of 9:00 a.m. and 9:00 p.m., Monday through Saturday, and from 12:00 p.m. to 6:00 p.m. on Sunday.
 5. If the appointment only condition is removed and at any time the Director of Planning in conjunction with the Commissioner of Inspectional Services, Chief of Police, and Commissioner of Public Works, determines there is a public safety concern due to the lack of appointments, the petitioner shall meet with the Director of Planning to discuss and implement measures to address concerns, including resuming appointments during peak periods.
 6. Should any line form following the possible conclusion of the appointment only condition, lines for customers waiting must form only on the internal sidewalk on the left (east) side of the property and must not form along Beacon Street.
 7. There Marijuana Retailer may not have more than six points of sale.
 8. There shall not be more than nine (9) staff members, on site at any one time not including delivery personnel.
 9. Employees of the Marijuana Retailer shall not park on residential streets in the vicinity of the site. The Marijuana Retailer shall provide messaging to customers and employees in that parking on residential streets is prohibited.

10. Prior to the issuance of a building permit, the Petitioner shall implement a Transportation Demand Management Plan to reduce vehicle trips to the site as described in a memorandum submitted by the petitioner and to be reviewed and approved by the Division of Public Works and the Planning Department. These measures include but are not limited to:
 - a. A one-time \$5,000 payment to the BlueBikes system.
 - b. \$100 transit subsidy per month per employee to cover the cost of transit, bike share, car share, NewMo rideshare, and off-site parking stipend.
 - c. Covered bicycle parking for at least eight bikes.
 - d. Construct a stamped asphalt or painted pathway along the driveway within the 30 foot "Passageway" connecting the sidewalk along Union Street to the main entranceway.

The Petitioner shall keep records detailing how employees are commuting to and from the site, including the number of employees utilizing transit, parking at satellite lots, and using alternative methods of transportation such as the bikeshare. Two months after the commencement of operations for the Marijuana Retailer, the petitioner shall provide an update to the Director of Planning and Development and the Director of Transportation regarding the results of the petitioner's TDM Plan for employees. Should the TDM plan be deemed insufficient, the petitioner shall be required to revise the TDM plan to the satisfaction of the Director of Planning and Development and the Director of Transportation. The petitioner shall be required to meet again with the officials above at six months and at 12 months after the receipt of a temporary certificate of occupancy.

11. Security lighting shall be in accordance with the standards imposed by the Cannabis Control Commission. Additionally, security lighting shall be directed downward, shall not shed light on abutters' properties, and shall comply with the Site Photometric Plan identified in Condition 1 above.
12. The petitioner shall locate, secure, and screen any dumpster(s) on the site to minimize its visibility from the public way. Any dumpster(s) shall be kept closed and secured and the area surrounding the dumpster(s) shall be kept free of debris.
13. The granting of a special permit to allow a Marijuana Retailer to operate at this site applies only to the petitioner and does not run with the land. When the petitioner has permanently stopped operations at the site, for whatever reason including but not limited to the loss of its registration with the Cannabis Control Commission, the Marijuana Retailer use as well as the additional relief granted by this Order shall expire.
14. Snow shall not be stored on site.
15. Should the petitioner seek to extend the Marijuana Retailer authorized by this Order, including but not limited to, increasing the number of employees, or extending the hours of operation, it shall seek an amendment to this Order.
16. All on-site landscaping associated with this Special Permit/Site Plan Approval shall be installed and maintained in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.

17. The Petitioner shall be responsible for securing and paying for any and all police details that may be necessary for traffic control throughout the construction process as required by the Police Chief.
18. The petitioner shall maintain its registration with the Cannabis Control Commission. Within one (1) week from the date of the initial and annual renewal of its registration, the petitioner shall file a copy of the same with the Clerk of the City Council, the Commissioner of Inspectional Services and the Planning Department. The petitioner shall immediately notify the Clerk of the City Council, the Commissioner of Inspectional Services and the Planning Department if its registration is not renewed or is revoked.
19. In order to provide information to the City regarding the operation of the Marijuana Retailer and the effectiveness of the mitigations and conditions imposed through this Council Order, the petitioner shall monitor the Marijuana Retailer's operation in the following areas and at the following intervals, and shall provide reports summarizing such monitoring to the Commissioner of Inspectional Services and the Director of Planning and Development, and such reports shall also be filed with the Land Use Committee of the City Council:
 - a. Within six (6) months and again at twelve (12) months of commencing operations of the Marijuana Retailer, a report on pedestrian and traffic safety concerns, if any, that may have arisen from the operation of the Marijuana Retailer and on the issue of the security of the facility itself, as well as a report on the number of customers coming to the site and the peak times when customers are at the site.

If the Commissioner of Inspectional Services and Director of Planning and Development have concerns and/or find that the reports raise concerns regarding the security of the facility or regarding public safety, including pedestrian or traffic safety, created by the operation of the Marijuana Retailer at this site. If the Commissioner of Inspectional Services and Director of Planning and Development have concerns regarding public safety or the security of the facility, the petitioner shall meet with the Director of Planning to see if further mitigations on the operation of the Marijuana Retailer are warranted to address such public safety or security of the facility concerns.

20. Prior to the issuance of any building permit for the Project, other than a demolition permit, the petitioner shall submit engineering plans to the City Engineer, the Director of Planning and Development, and the Commissioner of Public Works for the improvements at the intersection of Union Street and Langley Road as shown in "Exhibit 1A, Conceptual Intersection Improvements Beacon Street at Union Street, Newton MA" dated October 28, 2021. Such plans shall indicate the southwest corner of the intersection complies with ADA/MAAB regulations. The petitioner shall be responsible for securing a waiver or updating the ramp as necessary.
21. Prior to the issuance of any building permit for the Project, other than a demolition permit, the petitioner shall submit engineering site plans to the City Engineer, the Director of Planning and Development, and the Commissioner of Public Works for the internal improvements within the site of a stamped colored asphalt pedestrian passageway as shown in "Exhibit 1A, Conceptual Intersection Improvements Beacon Street at Union Street, Newton MA" dated October 25, 2021.

22. Prior to the issuance of a temporary certificate of occupancy, the petitioner shall submit a state approved security plan to the City of Newton Police Department for review and approval.
23. Prior to the issuance of a temporary certificate of occupancy, the petitioner shall submit a state approved emergency response plan to the City of Newton Fire Department for review and approval.
24. Prior to the issuance of a temporary certificate or occupancy, the petitioner 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.
25. The Petitioner shall do the following to remediate pest and rodent activity:
 - a. Prior to issuance of any demolition or building permit, the petitioner shall hire a licensed pest control operator (the "Operator") to assess the property for pest and rodent activity and develop and implement a pest remediation action plan (the "Plan") to eliminate the activity and prevent off-site migration. The Plan shall include the target pest, the methods for eliminating activity, and plan for preventing pest migration off-site during demolition and construction.
 - b. A copy of the Plan shall be submitted to the Inspectional Services Department, and the Health and Human Services Department for review and approval prior to issuance of any demolition or building permit. Copy of such approvals shall be provided to the Department of Planning and Development.
 - c. The Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action the Operator deems necessary to control pest infestation and migration. The Operator shall maintain a written record of all pest control measures performed within the subject property and shall provide progress reports to Inspectional Services Department and the Health and Human Services Department upon request.
 - d. Prior to issuance of the certificate of occupancy, the Operator shall file a final report with the Department of Planning and Development, Inspectional Services Department and the Health and Human Services Department summarizing the methods used, whether off-site migration occurred, the frequency and dates of service, and a post-construction site assessment.
26. Prior to the issuance of any building permit for the Project the Petitioner shall submit a Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:
 - a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and from 8:00 a.m. to 7:00 p.m. on Saturdays. No construction is permitted on Sundays, or holidays except in emergencies, and only with prior approval from the Mayor or designee.
 - c. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.

- d. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for construction and delivery vehicles, and location of any security fencing.
 - e. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - f. Proposed methods of noise, in accordance with the City of Newton's Ordinances. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
 - g. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
 - h. The CMP shall also address the following:
 - safety precautions;
 - anticipated dewatering during construction;
 - site safety and stability;
 - impacts on abutting properties.
27. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
- a. Recorded a certified copy of this Council order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Received approval of the final engineering, utility, and drainage plans for review and approval by the City Engineer. A statement certifying such approval shall have been filed with the City Clerk, the Commissioner of Inspectional Services, Department of Public Works and the Director of Planning and Development.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
28. No Final Inspection and/or Occupancy Permit for the portion of the building covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect engineer certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.

- c. Filed with the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that all engineering details for the project site have been constructed to standards of the City of Newton Public Works.
 - d. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number, and type of plant materials, final landscape features, fencing, and parking areas.
 - e. Submitted evidence of completion of the off-site and internal improvements as described in Conditions #20 and #21.
29. Notwithstanding the provisions of Condition #28 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to installation of final landscaping provided that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.