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PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: November 12, 2021
MEETING DATE: November 16, 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
Michael Gleba, Senior Planner
CC: Petitioner

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

PETITION #299-21

131 Rumford Avenue

Petition #178-21, for 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.

The Land Use Committee (the "Committee") held a public hearing on September 24, 2021, on this petition. This memo reflects additional information addressed to the Planning Department as of November 11, 2021.

Background

The subject property at 131 Rumford Avenue consists of a 20,443 square foot vacant lot located in a Business 2 (BU2) district. The lot was created in 2016 when a large parcel was subdivided into the subject site and the larger adjacent parcel known as 137 Rumford Avenue.

The petitioner is proposing to construct a one-story, 5,000 square foot building and a 25-stall surface parking facility and operate a marijuana retailer on the lot pursuant to Sec. 6.10.3 of the Newton Zoning Ordinance (NZO), requiring a special permit from the City Council. As designed, the proposed marijuana retailer would require other zoning relief including exceptions to the NZO's requirements that two-way driveways have a minimum width of 20 feet on the same lot as the principal use, outdoor parking facilities with more than five stalls provide perimeter screening from abutting streets and parcels for certain portions of the parcel, a parking facility used at night to have security lighting with a minimum intensity of one-foot candle on its entire surface, and a ground level marijuana retailer have at least 25 percent transparency along the building's front façade.

UPDATE

Traffic and Transportation

As discussed in its previous memorandum, the Planning Department engaged a consultant, Green International, to perform a peer review of traffic and transportation-related materials submitted by the petitioner. The peer reviewer's findings comments are attached (**Attachment A**). Among its comments, the peer reviewer notes that the petitioner's use of 2019 traffic volumes, rather than those observed during October 2021 traffic counts, is an appropriate approach given the possible reduction in traffic due to the COVID-19 pandemic response.

The peer review also includes requests for additional information, including the total capacity of the proposed bicycle rack(s), additional detail as to how trip distribution percentages were arrived at, noting that some additional traffic movement counts should be taken to establish an accurate assessment of current conditions, additional data regarding projected levels of service (LOS), crash rates, and site distances/site lines. Further, the peer review also requested that the petitioner clarify whether possible future development, including that in Waltham, was taken into consideration. It also recommended the petitioner commit to funding certain required traffic signal modifications.

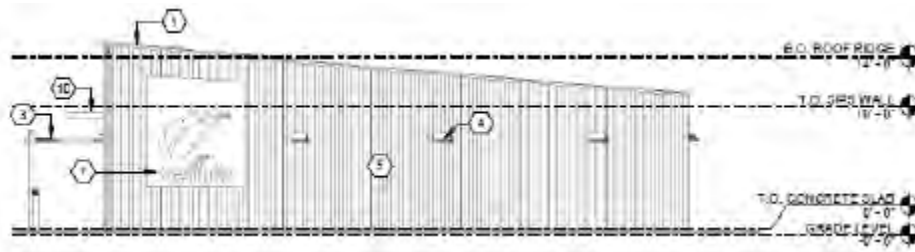
The Petitioner submitted a response to the peer review on November 9, 2021. The response has been forwarded to the peer reviewer who is reviewing the response at the time of the writing of this memorandum

Engineering

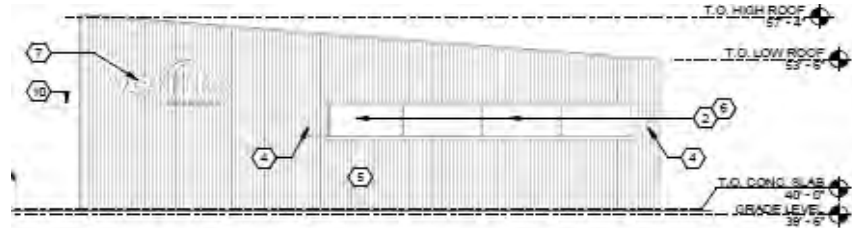
On November 9, 2021, the petitioner submitted its response to the Engineering Division's memorandum. This information, including materials related to the site plan, stormwater/drainage, and the proposed Operations and Maintenance (O&M) have been forwarded to the Engineering Division for its review

Building Design

In response to comments made at the previous public hearing, the petitioner has provided a modified building design, including the structure's Rumford Avenue (north) façade. The current design includes a band of fenestration on that façade's center and right. The wall-mounted signage has been modified as well.



Original proposed front façade



Modified proposed front façade

The Planning Department notes that the proposal would still require relief from the requirement that structure provide at least 25 percent transparency along the building's front façade at ground level.

Signage Plan

The Planning Department anticipates receiving additional information regarding the petitioner's intent regarding proposed signage for the property.

ATTACHMENT(S)

Attachment A Green International Transportation Peer Review, dated October 28, 2021



October 28, 2021

Mr. Neil Cronin
Chief Planner
Planning and Development Department
Newton City Hall
1000 Commonwealth Ave
Newton, MA 02459

Subject: **Transportation Peer Review –
Proposed Marijuana Use
131 Rumford Avenue
Newton, Massachusetts**

Dear Mr. Cronin:

On behalf of the City of Newton (the City), Green International Affiliates, Inc. (Green) is submitting this letter report of the findings from our engineering peer review of the application package for the proposed retail marijuana use on Rumford Avenue. The Applicant seeks to construct a 5,000 SF retail marijuana store. The scope of our review included a review of the traffic study and the proposed site plan, as they relate to vehicular access, bicyclist and pedestrian access, and parking at the proposed site and to local traffic circulation at and near the proposed site. The project is before the City Council for approval.

This review included an examination of the following documents submitted in support of the proposed project:

- Technical Memorandum titled “Traffic Analysis – 131 Rumford Avenue Cannabis Dispensary,” prepared by Fuss & O’Neill, dated July 8, 2021.
- Plan Set titled “131 Rumford Cannabis Dispensary – Permitting Plans

In addition to the above documents, Green visited the project site and the surrounding roadways on October 7, 2021 to gain a better understanding of the existing conditions and the context of the proposed project. Our review evaluated the documents for consistency with typical industry practice for traffic studies, the City of Newton’s regulations and general bylaws, and Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (AAB) design standards.

Green offers the following comments resulting from our initial review of the above documents:

July 2021 Traffic Analysis

1. Existing conditions should include discussion of transit options in the vicinity of the project site. There are bus routes on Rumford Avenue, River Street, and Lexington Street.
2. The memorandum included the following two study intersections:
 - Rumford Avenue/ River Street at Lexington Street
 - Rumford Avenue at Site Driveway

Green concurs with the study area and no further information is necessary.

3. Turning movement counts (TMCs) were conducted at the signalized intersection of Rumford Avenue and Lexington Street on Saturday, June 19, 2021 and Tuesday, June 22, 2021. Historical TMCs for this intersection from Thursday, October 24, 2019 and Saturday, October 26, 2019 were reviewed. The TMCs conducted in 2021 were found to be approximately 25% lower than those conducted in 2019. To be conservative and account for any potential reductions in traffic due to the COVID-19 pandemic, the traffic volumes from 2019 were used. Green concurs with this approach.
4. The existing site driveway for the adjacent self-storage facility will be utilized to access the proposed building. A total of 25 parking spaces, including two accessible spaces, will be provided on the site. The number of proposed parking spaces exceeds the minimum number required by the City of Newton. A covered bicycle rack will be provided on-site. Please specify the total capacity of the proposed bicycle rack.
5. The Applicant should clarify whether consideration was given to nearby planned developments in establishing No-Build traffic volumes. Future developments in Waltham should also be reviewed due to the site's proximity to the city boundary.
6. Trip distribution was established based on existing traffic distributions and the layout of the roadway network. During the peak hours, 80% of site trips are expected to access the site to and from Rumford Avenue east of the site, and 20% are expected to access the site to and from Rumford Avenue west of the site.

Green reviewed the existing traffic volumes and found that approximately 12% of existing traffic travels to and from the west of the site, indicating that more site trips would be expected to pass through the intersection of Rumford Avenue and Lexington Street. Green also found that traffic patterns on Lexington Street differ between weekday evening and Saturday peak hours. The Applicant should provide more detail regarding how trip distribution percentages were determined. Green recommends that separate distributions be utilized for weekday evening and Saturday peak hours.

7. Existing traffic volumes at the site driveway were estimated using ITE Trip Generation rates for Land Use Code (LUC) 151 "Mini Warehouse." The MassDOT *Transportation Impact Assessment (TIA) Guidelines* require TMCs to be conducted at all site driveways and ITE recommends that local data be utilized when possible. The Applicant should conduct TMCs at the site driveway to establish accurate existing conditions as a self-storage site is unlikely to be significantly impacted by COVID restrictions.
8. A table of traffic counts from local dispensaries is included. The table shows that all the dispensaries generate a lower number of trips than ITE predicts; therefore, ITE rates were used to be conservative. A recent traffic study by Fuss and O'Neill included counts at Garden Remedies, which were higher than ITE projections. Please include Garden Remedies in the table and provide discussion of local trends to justify the use of ITE rates.

9. Site-generated trips were estimated using LUC 882 "Marijuana Dispensary" with a proposed 5,000 SF gross floor area. It is estimated that the proposed site will generate 109 vehicle trips (54 entering, 55 exiting) during the weekday afternoon and 182 vehicle trips (91 entering, 91 exiting) during the Saturday peak hour. The daily trip generation should also be discussed. Please include Trip Generation calculations in the Attachments.
10. The No-Build operational analysis was conducted using existing traffic signal timings. The Build analysis used optimized timings. To provide a consistent basis for comparison, the signal timing should be consistent between No-Build and Build conditions. If the applicant is proposing mitigation to upgrade the signal, a Build with Mitigation condition should be included alongside the traditional Build operational analysis.
11. The existing traffic signal timings were designed to accommodate changes in traffic based on the closure of the Woerd Avenue Bridge. The traffic memo recommends new timings to be implemented now that the bridge is open; however, traffic volumes that were counted while the bridge was closed are used as the basis for these optimized timings. Revised traffic signal timings should be based on current traffic patterns now that the bridge is opened and would apply to both No-Build and Build conditions. The Applicant should commit to funding and facilitating the traffic signal timing modifications.
12. Tables 2 and 3 summarize the No-Build and Build Level of Service (LOS) for the study intersections. Average delays and volume to capacity ratios should be added to the tables for more detailed comparisons.
13. Table 3 includes the No-Build and Build LOS for the signalized intersection of Lexington Street at River Street/ Rumford Avenue during both the weekday afternoon and Saturday peak hours. Analysis results for each movement should be included in the table in addition to overall intersection results.
14. Crash data for the study intersections for the years of 2016-2020 were analyzed. The intersection of Lexington Street at River Street/Rumford Avenue experienced 12 crashes during the study period, and the intersection of Rumford Avenue and the site driveway experienced 3 crashes. Please include a discussion of crash rates.
15. Stopping sight distances and intersection sight distances were measured at the site driveway on Rumford Avenue. The report stated that minimum required sight distances were met in each direction for both stopping sight distance and intersection sight distance. Green measured the sight distances during our site visit on October 7, 2021 and found that the minimum stopping sight and intersection sight distances were not met due to the presence of vehicles parked in on-street parking spaces near the site driveway. Please provide a figure showing sight distance triangles to the site driveway and clarify how clear site lines will be maintained.
16. The City is currently finalizing standardized TDM requirements and will provide them to the Applicant shortly, the TDM is likely to include financial contributions to shuttle service and bicycle share, as well as other TDM elements to be provided by the proponent.

July 2021 Site Plan

17. The site plans generally conform to the City of Newton regulations.

Mr. Neil Cronin
October 28, 2021

18. Two accessible parking spaces are provided, one of which is van accessible. The spaces are 8 feet wide, separated by an 8-foot aisle. The accessible parking spaces should be relocated such that they are in front of the accessible building entrance.
19. The proposed granite curb along the site frontage is shown to curve towards the site near the driveway. If the existing curb corner at the driveway is not being removed, the proposed curb should not be curved and should meet the existing curb corner. If the existing curb corner is to be removed, the proposed curb should extend past the existing detectable warning panel. Please show clearly what the final proposed condition will be for the sidewalk in front of the building, and what changes, if any, will be conducted by the applicant.

If either the City staff or the Applicant's engineer would like to discuss any of these comments further, please feel free to contact me at 978-843-5214.

Sincerely,
Green International Affiliates, Inc.



Corinne Tobias, P.E., PTOE
Transportation Planning Group

cc: W. Wong, Green
W. Scully, Green

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