



**City of Newton, Massachusetts**  
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Ruthanne Fuller  
Mayor

Barney S. Heath  
Director

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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date: July 12, 2022  
Land Use Action Date: September 27, 2022  
City Council Action Date: October 3, 2022  
90-Day Expiration Date: October 10, 2022

DATE: July 8, 2022

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development  
Jennifer Caira, Deputy Director of Planning and Development  
Katie Whewell, Chief Planner for Current Planning

SUBJECT: **Petition #350-22**, SPECIAL PERMIT/SITE PLAN APPROVAL to allow a marijuana research facility at 241-247 Riverview Avenue, Ward 3, Newton, on land known as Section 41 Block 32 Lot 01, containing approximately 49,214 sq. ft. of land in a district zoned MANUFACTURING. Ref: 7.3.3, 7.4, 6.10.3.D, 4.4.1 of the City of Newton Rev Zoning Ord, 2017.

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The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



**241-244 Riverview Avenue**

### **EXECUTIVE SUMMARY**

The subject property at 241-244 Riverview Avenue 49,214 square foot lot and is improved with a one-story, commercial building consisting of 20,000 square feet constructed in 1954. The property is located within the Manufacturing (MAN) zone in Auburndale. The petitioner seeks a special permit to locate and operate a Marijuana Research Facility, which falls under the broader category of Marijuana Establishment under the Newton Zoning Ordinance (Ordinance). The Ordinance allows Marijuana Research Facilities by special permit in the MAN zones with additional requirements and limitations on approval. The petitioner requires a special permit for the use only and is not proposing any external changes to the building or site. As designed, the petitioner requires a special permit to allow a Marijuana Research Facility.

The Planning Department believes the site within the Manufacturing zoning district to be appropriate for the proposed marijuana research facility. The proposed marijuana research facility will replace a prior research use. The area consists of a mix of zones and uses and the proposed use will function similarly to the previous lab use. There are no significant traffic impacts anticipated from the proposed use because it will function similarly to the prior research facility use.

#### **I. SIGNIFICANT ISSUES FOR CONSIDERATION**

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

- The specific site in the Manufacturing Zoning District is an appropriate location for the proposed marijuana research facility (§7.3.3.1).
- The proposed marijuana research facility as developed and operated will adversely affect the neighborhood (§7.3.3.2).
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.3).
- There will be a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.4).

With regard to special permits concerning the Marijuana Establishment on site, pursuant to (§6.10.3.H.1.):

- The lot is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site, whether driving, bicycling, walking or using public transportation. (§6.10.3.H.1.a)
- Loading, refuse and service areas are designed to be secure and shielded from abutting uses. (§6.10.3.H.1.b)
- The Marijuana Establishment is designed to minimize any adverse impacts on

abutters. (§6.10.3.H.1.c)

- The Marijuana Establishment has satisfied all of the conditions and requirements in this section. (§6.10.3.H.1.d)

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

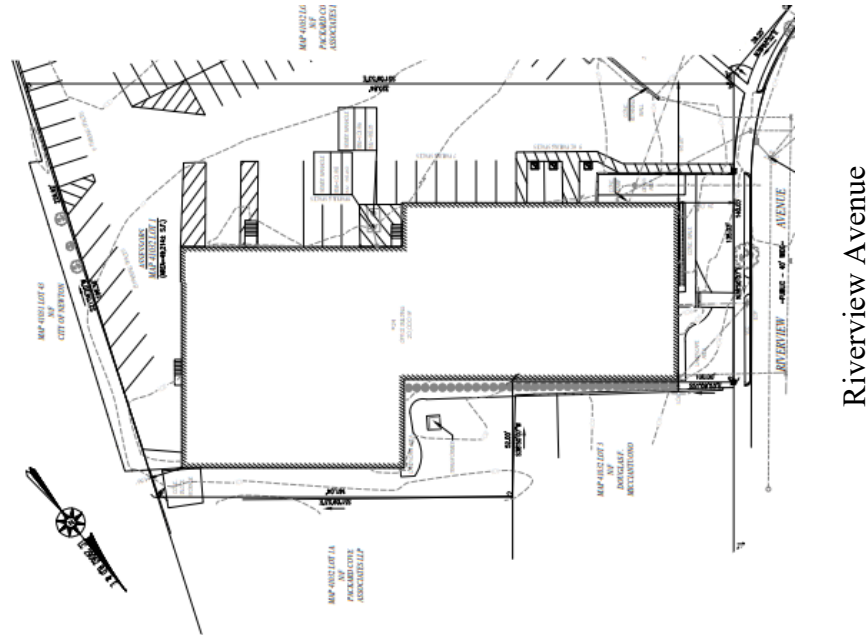
### A. Neighborhood and Zoning

The site is located on Riverview Avenue in the MAN district in Auburndale. The immediate area contains several zoning districts which include Public Use adjacent to the site, Business 1 and 2 zones. Further south of the site are Single Residence 3 zones (**Attachment A**). The area surrounding the site contains a variety of uses, with the City of Newton Resource Recover Center within the public use zone immediately south of the site. Riverview Avenue is a mix of commercial and industrial uses, with one multifamily residential use. There are commercial uses nearby along Rumford Avenue (**Attachment B**).

### B. Site

The site consists of a 49,214 square foot lot and is improved with a one-story, commercial building constructed in 1954. The site is accessed from Riverview Avenue which provides access to the building's parking facility with 26 parking stalls on the petitioner's site. The property line bisects the parking area and there is parking on the abutters property that is within the same facility as the petitioners. The site is largely impervious, and the southern boundary abuts the City of Newton Resource Recover Center. The site currently functions as a CBD/Hemp research and development facility.

Site Plan



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

If approved, the site will remain commercial use.

B. Marijuana Research Facility

In 2018, the City Council passed Ordinance B-16 that established rules governing medical and nonmedical marijuana uses in accordance with the Department of Public Health (DPH) and the Cannabis Control Commission (CCC) guidelines. The Ordinance was revised in March 2021 to reflect updated regulations for both medical and recreational marijuana. Included in the new regulations are updates to address inconsistencies, amend definitions, change terminology, clarify measurements, and add two new license types. The proposed use falls under a Marijuana Research Facility and falls under the broader category of Marijuana Establishment per the Zoning Ordinance.

C. Operations

The Marijuana Research Facility functions much like an laboratory and research facility. The petitioner will occupy 20,000 square feet of the entire building and plans to update the facility to include 6,000 square feet of wet laboratory space, a food science laboratory, a tissue culture and fermentation suite, and a 3,000 sq. ft. herbarium. The petitioner stated the site will only conduct research and development operations. The petitioner plans to operate Monday-Friday from 7:30 AM – 7:30 PM. The petitioner indicated they will have twenty employees.

The petitioner stated that no odor from marijuana will be detected or recognizable outside of the building.

D. Site Design

There are no changes proposed to the site.

E. Building Design

The petitioner will occupy the entirety of the commercial building. The petitioner proposes to make internal renovations to update the space to allow for wet lab space, which is commonly used to describe research which includes testing by liquids and can include a chemical component. The space was previously outfitted for a dry lab use.

F. Parking, Landscaping, and Lighting

The site currently has 26 surface parking stalls. The parking requirement for a marijuana research facility is one parking stall per 1,000 square feet plus one stall for every four employees. The facility is 20,000 square feet and the petitioner intends to have 20 employees, resulting in a parking requirement of 25 stalls. There are 26 parking stalls on site, requiring no waivers.

The petitioner is not proposing any changes to the site or parking configuration. As such, lighting and landscaping plans are not required with this petition. The petitioner stated that the existing lighting will remain, as well as four low-level bollard lights along the existing walkway.

IV. MINIMUM CRITERIA AND LIMITATIONS ON APPROVAL

A. Registration

All Marijuana Establishments must be properly registered with the Department of Public Health or the CCC. The petitioner is seeking a Marijuana Research Facility

Business License from the Cannabis Control Commission.

B. Signage

State Law and the Registered Marijuana Use Ordinance prohibit graphics, symbols, or images of marijuana or related paraphernalia from being displayed or clearly visible from the exterior of Marijuana related uses. The petitioner is not proposing any signage as the location is not a retail location. Should the petitioner choose to incorporate any signage, all signage is expected to be as of right and will be submitted to the Urban Design Commission for review and approval. All signage must also be reviewed by the CCC.

V. PLANNING ANALYSIS

The Planning Department believes the site within the Manufacturing zoning district to be appropriate for the proposed marijuana research facility. The proposed marijuana research facility will replace a prior research use for CBD/Hemp research use. The surrounding area consists of a mix of zones and uses, and the proposed use will function similarly to the previous lab use. There are no significant traffic impacts anticipated from the proposed use because it will function similarly to the prior research facility use and the site is maintaining the existing conditions.

VI. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum (**Attachment D**) provides an analysis of the proposal regarding zoning. Based on the Memorandum, the petitioner is seeking the following relief:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§6.10.3.D §4.4.1	To allow a marijuana research facility	S.P. per §7.3.3

B. Engineering Review

Engineering Review is not required at this time.

VII. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** DRAFT Council Order

# ATTACHMENT A

## Zoning

### 241-244 Riverview Avenue

City of Newton,  
Massachusetts

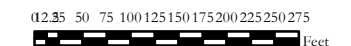
## Zoning

- Single Residence 3
- Multi-Residence 2
- Business 1
- Business 2
- Manufacturing
- Public Use

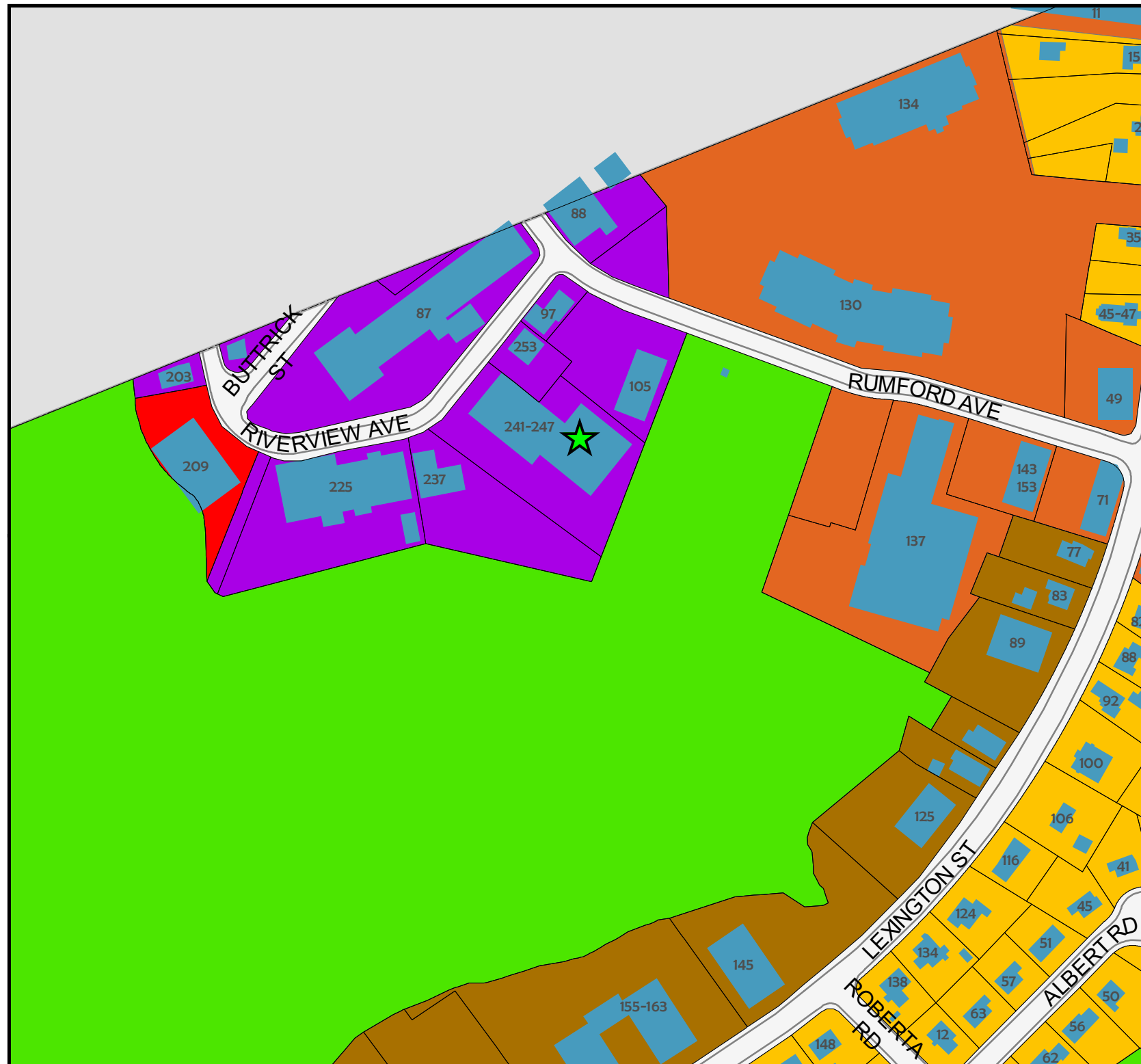


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: June 23, 2022





# ATTACHMENT B

## Land Use

### 241-244 Riverview Avenue

City of Newton,  
Massachusetts

#### Land Use

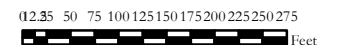
#### Land Use

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

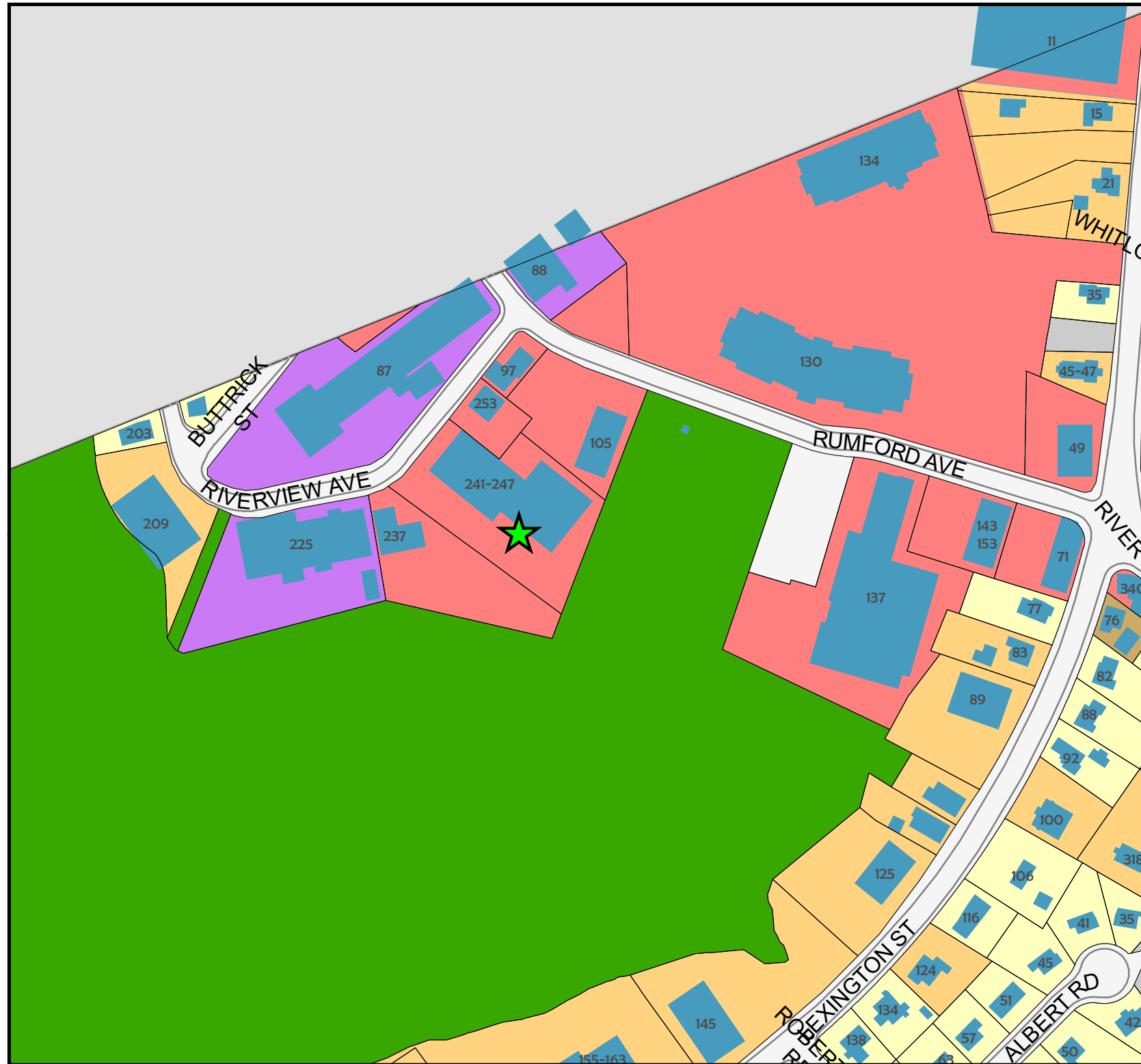


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CITY OF NEWTON, MASSACHUSETTS  
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Map Date: June 23, 2022





Ruthanne Fuller  
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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: May 2, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Packard Cove Associates LLC, applicant  
G. Michael Peirce, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

RE: Request to allow a marijuana research facility

Petitioner: Packard Cove Associates LLC	
Site: 241 Riverview Avenue	SBL: 41032 0001
Zoning: MAN	Lot Area: 49,214 square feet
Current use: CBD/Hemp research	Proposed use: Marijuana research facility

### BACKGROUND:

The property at 241 Riverview Avenue consists of a 49,214 square foot lot improved with a 20,000 square foot single-story office building constructed in 1954 and associated surface parking. The property is currently used for CBD/hemp research and development. The petitioner seeks to fit out the existing space for use as a marijuana research facility pursuant to section 6.10.3.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by G. Michael Peirce, attorney, dated 3/1/2022
- Site Plan, signed and stamped by Christian Albert Farland, engineer, dated 2/28/2022

**ADMINISTRATIVE DETERMINATIONS:**

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1. The petitioner is proposing to operate a marijuana research facility. This use requires a special permit from the City Council per sections 4.4.1 and 6.10.3.D of the Newton Zoning Ordinance.
2. Section 6.10.3.E.5 states that a marijuana research facility is subject to the parking requirements of section 5.1.4 for “Research, laboratory” of one parking stall per 1,000 square feet plus one stall for every four employees. The facility is 20,000 square feet and the petitioner intends to have 20 employees, resulting in a parking requirement of 25 stalls. There are 25 parking stalls on site, requiring no waivers.
3. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§6.10.3.D §4.4.1	To allow a marijuana research facility	S.P. per §7.3.3

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 research facility as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The specific site in the Manufacturing Zoning District is an appropriate location for the proposed marijuana research facility due to the mix of uses and zones nearby (§7.3.3.1).
2. The proposed marijuana research facility as developed and operated will not adversely affect the neighborhood because it will operate similarly to the previous laboratory use (§7.3.3.2).
3. Access to the site over streets is appropriate for the types and numbers of vehicles involved because there is no impact on peak hour traffic anticipated due to the change in use (§7.3.3.3).
4. There will be no nuisance or serious hazard to vehicles or pedestrians because the access to the site is being maintained (§7.3.3.4).

With regard to special permits concerning the Marijuana Establishment on site, pursuant to (§6.10.3.H.1.):

5. 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 because the use meets the parking requirement and is maintaining the site layout. The site is also located within a mile of public transportation on Lexington Street. (§6.10.3.H.1.a)
6. Loading, refuse and service areas are designed to be secure and shielded from abutting uses. (§6.10.3.H.1.b)
7. The Marijuana Establishment is designed to minimize any adverse impacts on abutters because no exterior changes are proposed to the building. (§6.10.3.H.1.c)
8. The Marijuana Establishment has satisfied all of the conditions and requirements in this section. (§6.10.3.H.1.d)

PETITION NUMBER: #350-22

PETITIONER: Packard Cove Associates, LLP

LOCATION: 241-244 Riverview Avenue, on land known as Section 41 Block 32 Lot 1, containing approximately 49,214 square feet of land

OWNER(S): Packard Cove Associates, LLP

ADDRESS OF OWNER(S): 49 Lexington Street  
Newton, MA 02465

TO BE USED FOR: Marijuana Research Facility

CONSTRUCTION: Internal Only

EXPLANATORY NOTES: Special Permit per §7.3.3 of the Newton Zoning Ordinance to allow a marijuana research facility (§6.10.3.D, §4.4.1)

ZONING: Manufacturing 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. Plans entitled "241 Riverview Avenue" dated May 17, 2022, prepared by Farland Corp, signed and stamped by Christian Albert Farland
    - i. Sheet 5, Layout and Landscaping
2. There shall not be more than twenty (20) staff members on site at any one time. Should there be any increase to the number of employees, the petitioner shall reach out to the Planning Department to determine whether an amendment to this special permit/site plan approval is required.
3. Any change in use pertaining to this site shall require an amendment to this Council Order. Any change in ownership shall require the petitioner contact the Planning Department to ensure the site operations still justify the granted relief.
4. 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.
5. Snow shall not be stored on site.

6. 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.
7. 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.
8. 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.
9. Prior to the issuance of a temporary certificate of 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.
10. The Petitioner shall dispose of industrial wastewater in accordance with MASS DEP standards.
11. Prior to the issuance of any Building Permit, the Petitioner shall submit a Construction Management Plan (the "CMP") for review and approval to the Commissioner of Inspectional Services, the Director of Planning and Development, the City Engineer, and the Chief of the Fire Department. The CMP shall be in compliance with all applicable policies and ordinances in effect at the time of submission. The Petitioner shall comply in all material respects with the Construction Management Plan, which shall be consistent with 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.
  - b. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
  - c. 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 materials and delivery vehicles and equipment, and location of any security fencing and erosion control.
  - d. A plan showing temporary pedestrian access within work zones in accordance with DPW Policy
  - 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 control, in accordance with the Revised Ordinances, §20-13. 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.

