

December 22, 2022

Newton City Council  
Land Use Committee  
City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: Amendment to Special Permit (Council Order #298-18)  
Property or Premises: 697 Washington Street, Newton, MA 02459  
Company: Garden Remedies, Inc. d/b/a Garden Remedies

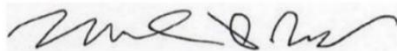
Dear Honorable Chair and Members of the Land Use Committee:

This firm represents Garden Remedies, Inc. d/b/a Garden Remedies (“Garden Remedies” or the “Company”) in connection with its request to amend the Special Permit granted as Council Order #298-18) by the City of Newton City Council (the “Council”) on October 1, 2018 (the “2018 Special Permit”) as further detailed in the attached documents. Please note, this is not an application for a new Special Permit for a cannabis use but an amendment to an existing Special Permit for a Retail Recreational Cannabis Dispensary at this specific location. Specifically, attached hereto and uploaded please find the following:

1. Recorded Special Permit (Exhibit A);
2. Site Plan (Exhibit B);
3. Parking Usage Data (Exhibit C);
4. Property Owner Authorization; and
5. Zoning Review Memo.

On behalf of the Company, we respectfully request this matter be included on the next agenda of the Land Use Committee of the Council. Please do not hesitate to contact me with any questions or if I can provide additional information. Thank you in advance for your consideration.

Sincerely,



Michael P. Ross, Esq.  
Direct: (617) 456-8149  
Email: [mross@princelobel.com](mailto:mross@princelobel.com)

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This firm represents Garden Remedies, Inc. d/b/a Garden Remedies (“Garden Remedies” or the “Company”) in connection with its request to amend the Special Permit granted as Council Order #298-18 by the City of Newton City Council (the “Council”) on October 1, 2018 (the “2018 Special Permit”). The Council granted the Company a Special Permit as Council Order # 167-14 (the “2014 Special Permit”) to allow for the operation of a Medical Marijuana Dispensary to be located at 697 Washington Street, Newton, MA 02459 (the “Premises”). The 2014 Special Permit was subsequently superseded by the 2018 Special Permit which added an adult use Marijuana Retail Establishment to the existing Registered Medical Marijuana Dispensary. The 2018 Special Permit was then amended by Council Order #215 (A), (B), (C) (the “2021 Special Permit”), to allow for several modifications including removing the appointment only requirement and amendments to the hours of operation and the site and landscape plans; however, all other conditions of the 2018 Special Permit remain in full force and effect.

The Company now seeks to modify the Special Permit to: (i) amend the Sign Plan referenced in Condition 1(i) in the 2018 Special Permit and (ii) amend the language in Condition 7 in the 2018 Special Permit to allow for on-site employee parking.

## **I. Background**

By way of background, due to one of the signs included in the Company’s 2014 Sign Review application requiring a variance, the Sign Plan drafted by GenSign dated April 15, 2014 (the “Sign Plan”) was codified during the 2014 Special Permit process and incorporated as a part of the official control documents thereof, meaning that any change to any of the signs, no matter how slight and even if the changes are allowed as-of-right, require a consistency ruling of the Inspectional Services Commissioner, and/or approval from the Land Use Committee in the form of an amended special permit. The Sign Plan was thereafter included in the 2018 Special Permit as Condition 1(i), attached hereto as Exhibit A.

The Company sought Sign Review in October 2022. The application, which was recommended for approval on November 15, 2022, included two signs previously reviewed in 2020, as well as new wayfinding signs that do not require sign review.

With the exception of one minor incident in May 2022, Garden Remedies has continued to comply with the other requirements of the 2018 Special Permit and continues to operate without adversely impacting or causing a nuisance to the neighborhood.

## **II. Request to Amend the Sign Plan**

Given the above, the Company is now seeking to update its wall signage and to add additional wayfinding signage to better notify customers of the parking lot on Court Street, as illustrated in the Site Plan attached hereto as Exhibit B. The Company's proposed wall signage reflects a twenty-five percent (25%) reduction of the word "Cannabis" as requested by the Land Use Committee on September 21, 2021. Additionally, the Company's proposed wayfinding signage pointing customers to the parking lot on Court Street and demarcating reserved parking spaces shall be allowed as-of -right under Section 5.2.6 of the Code and do not require further sign review.

The Company notes that the Urban Design Commission (the "UDC") has reviewed the proposed changes to the Sign Plan, all of which are consistent with the underlying zoning, and as aforementioned recommended approval of the same.

## **III. Request to Amend Parking and Layout Plan**

Garden Remedies respectfully requests to amend Condition 7 of the 2018 Special Permit, which seeks to prevent employees from occupying parking stalls in the surface parking facility, to allow for four (4) employee parking stalls in the Court Street surface parking facility. Attached hereto as Exhibit C are the parking usage data for November 2021, January 2022, the summer of 2022, and November 2022. As demonstrated in Exhibit C, no more than seven (7) of the nineteen (19) parking stalls are occupied at any given time. In other words, at no time are there ever fewer than eight (8) parking stalls free. This will, of course, more than adequately allow for the four (4) employee parking stalls.

As such, the Company seeks to amend Condition 7 by striking the following, "The petitioner shall implement a Transportation Demand Management Plan to prevent employees from occupying parking stalls both in the surface parking facility and on-street parking stalls" and replace it with "The petitioner shall implement a Transportation Demand Management Plan to prevent employees from occupying on-street parking stalls."

## **IV. Compliance with Special Permit Criteria**

Garden Remedies respectfully submits that the amendment to the 2018 Special Permit will not result in a failure to adhere to the criteria for a Marijuana Establishment Section 6.10.3.G of the Revised Ordinances of the City of Newton and that Garden Remedies will comply with the same. Specifically, the requested amendments to the Special Permit will comply with the following:

**1. Criteria for all marijuana uses:**

- a. 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 lot, whether driving, bicycling, walking or using public transportation.**

The Company has operated its facility at this lot in substantially the same site layout plan since it was amended in 2021, with no major incidents. As noted above, the Company's ability to install additional wayfinding signage will increase the visibility of the parking lot on Court Street and promote convenient, safe, and secure access and egress.

- b. Loading, refuse, and service areas are designed to be secure and shielded from abutting uses.**

At this time, the Company proposes no changes to the existing site plan approved in 2021 Special Permit. The Company shall continue to ensure that the loading, refuse, and service areas remain in compliance with state regulations.

- c. The RMD or Marijuana Establishment is designed to minimize any adverse impacts on abutters.**

As noted above, the Company has operated its facility since 2014 with only one minor incident. This incident did not constitute an adverse impact on the Company's abutters.

- d. The RMD or Marijuana Establishment has satisfied all of the conditions and requirements in this section.**

The Company respectfully submits that it will continue to comply with all of the conditions and requirements in this Section G.

**2. Additional criteria for RMDs and Marijuana Retailers:**

- a. The lot location complies with Sec. 6.10.3.E.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 RMD or Marijuana Retailer's operation.**

The Premises is not located within a five hundred (500) foot radius of an existing public or private K-12 school and/or the City Council has found that the lot is sufficiently buffered from these facilities in the prior Special Permits granted.

- b. Traffic generated by client trips, employee trips, and deliveries to and from the RMD or Marijuana Retailer shall not create a significant adverse impact on nearby uses.**

As noted above, the Company has a proven track-record that it has not disturbed any existing right of ways and has not created a significant adverse impact on nearby uses. In fact, as noted in Exhibit C, the Premises provides more than ample parking as the lots are underutilized.

- c. The building and lot 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 Company respectfully submits that it is not making any changes to the building,

- d. The building and lot are accessible to persons with disabilities.**

The Company respectfully submits that the building and lot will continue to be accessible to persons with disabilities as required by the ordinance and 935 CMR 500.00 *et. seq.*

- e. The lot is accessible to regional roadways and public transportation.**

The Company has proven over the last few years of operation that the lot is sufficiently accessible to regional roadways and public transportation.

- f. The lot is located where it may be readily monitored by law enforcement and other code enforcement personnel.**

The Company has proven over the last few years of operation that the lot is located where it may be readily monitored by law enforcement. The Company has operated a RMD and thereafter a Marijuana Retailer without any major incident since it commenced operations in 2014.

- g. The RMD or Marijuana Retailer's hours of operation will have no significant adverse impact on nearby uses.**

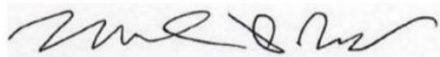
The Company respectfully submits that it is not seeking to change the hours of operations approved in the prior granted 2021 Special Permit.

## **V. Conclusion**

Garden Remedies appreciates its positive relationship with the City of Newton to date and looks forward to continuing the same. The Company is proud of its track record and submits that it will positively impact the city by providing jobs and tax revenue. As provided in this submission, the Company desires to positively impact the city, and respectfully requests the changes as described herein. The Company's proposed amendments to the Special Permit will be in harmony with the purpose and intent of the Ordinance and will not have any adverse effect on the neighborhood within which the Premises is located in particular, and the city as a whole.

For the foregoing reasons the Company respectfully requests that the Land Use Committee approve its request to amend the 2018 Special Permit as described herein.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael P. Ross", is centered below the word "Sincerely,".

Michael P. Ross, Esq.  
Direct: 617-456-8149  
Email: [mross@princelobel.com](mailto:mross@princelobel.com)

MPR

Exhibit A

## Southern Middlesex - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 10/5/2022 11:24:49 AM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
171888	ORDER		71858/66	11/08/2018	0.00
<b>Property-Street Address and/or Description</b>					
697 WASHINGTON ST					
<b>Grantors</b>					
NEWTON CITY, 697 WASHINGTON STREET REALTY TRUST, DONATO MARK TR					
<b>Grantees</b>					
<b>References-Book/Pg Description Recorded Year</b>					
26401/209 DEED 1996					
<b>Registered Land Certificate(s)-Cert# Book/Pg</b>					



Middlesex South Registry of Deeds  
Electronically Recorded Document

This is the first page of the document - Do not remove

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Recording Information

Document Number	: 171888
Document Type	: NONE
Recorded Date	: November 08, 2018
Recorded Time	: 08:30:44 AM
Recorded Book and Page	: 71858 / 66
Number of Pages(including cover sheet)	: 14
Receipt Number	: 2267290
Recording Fee	: \$75.00

**Middlesex South Registry of Deeds**  
**Maria C. Curtatone, Register**  
208 Cambridge Street  
Cambridge, MA 02141  
617-679-6300  
[www.middlesexsouthregistry.com](http://www.middlesexsouthregistry.com)

#289-18

687 Washington St.  
Amending #167-14

13 pages

CITY OF NEWTON

IN CITY COUNCIL

October 1, 2018

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Newton City Clerk  
2018 OCT -3 AM 11:52

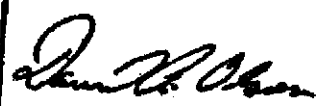
DAVID A. OLSON, CLERK  
Newton, MA 02459

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 amend Council Order #167-14 to modify conditions pertaining to operation, to allow the retail sale of recreational marijuana (hereinafter "marijuana retail establishment" aka recreational marijuana retail establishment), to allow parking within the front setback, to allow a retaining wall exceeding four feet in the setback, and to waive one parking stall, and to allow waivers to the requirements of parking facilities containing more than five stalls, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The site is an appropriate location for amendments to Council Order #167-14 permitting use of the site for a marijuana retail establishment and a Registered Medical Marijuana Dispensary (RMD) because the site received a special permit to operate the RMD; the petitioner then received a license for a medical marijuana treatment center prior to July 1, 2017; and M.G. L. c. 94G, sec. 3(a)(1) allows the petitioner to co-locate a marijuana retail establishment use at the same site. (§7.3.3.1)
2. The proposed marijuana retail establishment as developed and operated resulting from amendments to Council Order #167-14 will not adversely affect the neighborhood because the site is located along a mixed-use corridor with sufficient on-site parking. (§7.3.3.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians resulting from amendments to Council Order #167-14 because sidewalks will be installed along Court and Washington Streets thereby increasing pedestrian safety and access in the area. (§7.3.3.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles that will come to the site following amendments to Council Order #167-14 because the site is located on a heavily trafficked corridor proximate to regional roadways and public transportation. (§7.3.3.4)

With regard to special permits authorizing the operations of the RMD on site and permitting a marijuana retail establishment use to co-locate at the site, pursuant to §5.10.3.F


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697 Washington Street, Newton - Book 26401, Page 209

5. The RMD is located to serve an area that currently does not have reasonable access to medical marijuana. (§6.10.3.F.1)
6. The lots are at least five hundred (500) feet from a school, daycare center, preschool or afterschool facility or any facility in which minors commonly congregate in a structured, scheduled manner as more specifically described in Guidance for Municipalities Regarding the Medical Use of Marijuana, updated December 13, 2013, issued by the Massachusetts Executive Office of Health and Human Services, or from a house of worship or religious use. (§6.10.3.F.2)
7. The site is designed to provide 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.F.3)
8. Traffic generated by client trips, employee trips, and deliveries to and from the RMD will not create a significant adverse impact on nearby uses. (§6.10.3.F.4)
9. Loading, refuse and service areas are designed to be secure and shielded from abutting uses. (§6.10.3.F.5)
10. The Petitioner is not proposing to alter the exterior of the building, thereby retaining the structure's and site's compatibility with other buildings in the area and the petitioner will not have to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior. (§6.10.3.F.6)
11. The building and lots are accessible to persons with disabilities. (§6.10.F.7)
12. The site is accessible to regional roadways and public transportation. (§6.10.3.F.8)
13. The site is located where it may be readily monitored by law enforcement and other code enforcement personnel. (§6.10.3.F.9)
14. The hours of operation will have no significant adverse impact on nearby uses. (§6.10.3.F.10)

With regard to special permits for the number of parking stalls and various requirements for the design of parking facilities, pursuant to §5.1.4, §5.1.8.A.1, §5.1.9.A, §5.1.9.B, §5.1.10.A.1, and §5.1.13:

15. The Council finds that exceptions to the parking requirements, including a waiver of one parking stall, locating parking within the front setback, waiving the screening requirements, waiving interior landscaping requirements, and waiving the lighting requirements, are in the public interest or in the interest of safety or protection of environmental features for the following reasons:
  - a. Literal compliance with the parking requirements is impracticable due to the size and grade of the lot;
  - b. Locating parking within the front setback allows for the most efficient layout of the parking lot, including dimensionally compliant parking stalls and a two-way drive aisle;
  - c. Waiving interior landscaping and perimeter screening helps maximize the number of parking stalls available to guests of the marijuana retail establishment, and a sufficient number of trees will be added to improve screening the facility from the residences to the north; and

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d. Reducing parking lot lighting is in the public interest and the interest of the residential properties to the north.

16. The Council finds that the site consists of three lots under common ownership that have merged for the purposes of zoning and are treated as one lot. This Special Permit/Site Plan Approval hereby governs the site in its entirety.

With regard to special permits for a retaining wall exceeding four feet within a setback, pursuant to §5.4.2 and §7.3.3:

17. A retaining wall exceeding four feet within the setback is appropriate given the topography of the lot and the wall height allows for a level parking field.

PETITION NUMBER: #289-18

PETITIONER: Garden Remedies, Inc.

LOCATION: 697 Washington Street, on land known as SBL 23, 19, 1b, containing approximately 16,669 square feet of land

OWNER: 697 Washington Street Realty Trust, Mark Donato, Trustee

ADDRESS OF OWNER: 1211 Washington Street  
Newton, MA 02465

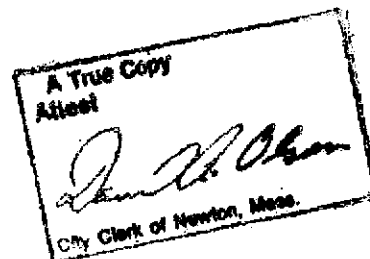
TO BE USED FOR: A Registered Medical Marijuana Dispensary and Marijuana Retail Establishment

CONSTRUCTION: Brick

EXPLANATORY NOTES: §7.3.3 to amend Council Order #167-14 to amend the conditions pertaining to operations of the RMD and to allow a marijuana retail establishment; 5.1.4 and §5.1.13 to waive one parking stall; 5.1.8.A.1 and §5.1.13 to allow parking in the front setback; §5.1.9.A and §5.1.13 to waive the perimeter screening requirements; §5.1.9.B and §5.1.13 to waive the interior landscaping requirements; §5.1.10.A.1 and §5.1.13 to waive the lighting requirements; and §5.4.2 and §7.3.3 to allow a retaining wall exceeding four feet in a setback.

ZONING: Business 2 District


Approved subject to the following conditions:



This special permit #289-18 supersedes, consolidates, and restates provisions of special permit #167-14 to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this special permit #289-18 are null and void.

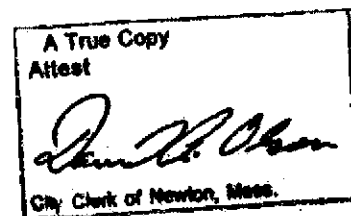
1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan approval shall be located and constructed consistent with:
  - a. Area Plan, signed and stamped by Joseph R. Porter, Professional Land Surveyor, dated February 28, 2014, revised October 6, 2014, and May 1, 2018
  - b. Topographic Site Plan, Prepared by VTP Associates, signed and stamped by Joseph R. Porter, Professional Land Surveyor, dated March 15, 2018.
  - c. Grading and Drainage Plan, signed and stamped by Joseph R. Porter, Professional Land Surveyor, dated May 1, 2018.
  - d. Parking and Layout Plan, signed and stamped by Joseph R. Porter, Professional Land Surveyor, dated March 15, 2018, revised April 24, 2018.
  - e. Floor Plans, signed and stamped by Michael R. Davis, Registered Architect, dated March 19, 2018.
  - f. Proposed Lighting Plan, prepared by Omni-Lite, Inc., dated May 30, 2018.
  - g. Proposed Plan Detail Wrought Iron Fence Entry, prepared by Phillip H. Bakalchuk, Registered Architect, dated May 20, 2014.
  - h. Proposed Landscape Plan, signed and stamped by Elizabeth Giersbach, Registered Landscape Architect, dated April 24, 2018.
  - i. Sign Plan, prepared by GenSign, dated April 15, 2014.
2. The petitioner shall comply with the Community Host Agreement on file with the City Clerk.
3. The petitioner shall see patients/customers on an appointment only basis. Given that the petitioner requires each patient/customer to be served individually by a customer service representative, the "appointment only" requirement is intended to ensure a smooth flow of patients/customers arriving to and leaving from the site, to avoid patients/customers waiting outside the building for a customer service representative to be available, and to allow the petitioner to anticipate patient/customer volume.

The petitioner may use reasonable flexibility to accommodate patients/customers where events such as, but not limited to, traffic delays, public transportation scheduling, or changes in patients' and 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 patient/customer. In addition, as part

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of this "appointment only" condition, the petitioner shall take the following steps no later than the date the marijuana retail establishment commences:


- a. Hire a police detail for the first 90 days of operation. Condition #9 below further details whether this condition is extended beyond the initial 90 days;
  - b. Hire a private security officer to monitor the exterior of the facility and prevent any patients/customers from lingering outside the building following their transactions as well as monitor entrance and exits from the parking lot on to Court Street. Condition #10 below further details the requirements and responsibilities of the security professional;
  - c. Maintain a "real time" indicator clock on its website to enable customers to determine if appointments are running late; and
  - d. Distribute sale coupons to customers to encourage non-peak time visits.
4. After the marijuana retail establishment commences, the petitioner shall attend "look-back review meetings with staff from the Planning Department, Transportation Division of the Public Works Department and the Newton Police Department at intervals of 30, 60 and 90 days, and thereafter at intervals of 6, 12, 18 and 24 months. During the first 90-day period, the petitioner shall keep records detailing the number of appointments per day, and the number of appointments taken outside of established appointment protocols i.e., "first available" as well as early and late appointments. The Planning Department shall also solicit comments from the three Ward 2 councilors, and shall review any comments from the public. At such time as the Planning Department concludes that this "appointment only" condition is no longer required, the petitioner may seek an amendment to this special permit.
5. Until such time as the petitioner receives a final inspection from appropriate City Departments for the parking facility and interior renovation, the RMD and the marijuana retail establishment shall operate under the following conditions:
- a. Hours of operation shall be from 10:00 a.m. to 8:00 p.m. Monday through Thursday, and from 10:00 a.m. to 9:00 p.m. on Friday and Saturday; the marijuana establishment shall not be open on Sunday.
  - b. There shall be no more than seven employees on site at any one time.
6. Upon receipt of final inspections from appropriate City Departments for the parking facility at 681 Washington Street and the interior renovation, the RMD and marijuana retail establishment may operate under the following conditions:
- a. Hours of operation shall be from 10:00 a.m. to 8:00 p.m. Monday through Thursday, from 10:00 a.m. to 9:00 p.m. Friday and Saturday and from 12:00 p.m. to 6:00 p.m. on Sunday.
  - b. There shall be no more than twelve employees on site at any one time.
7. The petitioner shall implement a Transportation Demand Management Plan to prevent employees from occupying parking stalls both in the surface parking facility and on-street parking stalls. The Plan shall include, but not be limited to:




- a. Displaying all transit schedules in the immediate area, including a pedestrian wayfinding map, in a central location within the facility;
- b. Participating in the City of Newton Bikeshare program. If the program is unsuccessful, the petitioner shall purchase no less than three bikes for employees to commute to and from the site;
- c. Providing a secure bicycle storage area on site;
- d. Establishing an on-site car-pool, rideshare program with guaranteed ride home;
- e. Reimbursing employees commuting to the site via public transit; and
- f. Subsidizing the cost of parking and the cost of travel to and from the site from and to satellite parking facilities.

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 such as the bikeshare. Three months after the start of marijuana retail establishment, 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 also meet with the Director of Planning and Development and the Director of Transportation three months after receiving final occupancy certificates for the interior renovation and the surface parking facility. If the interior renovation and parking facility are not completed simultaneously, the three-month deadline shall start from the date of whichever aspect is completed second.

8. The petitioner shall construct the parking facility to contain 11 stalls, with the option to create an additional five stalls, for a total of 16 stalls, should the additional stalls be necessary to satisfy demand. Six months after receipt of final inspections for the parking facility and the interior renovation, the Petitioner shall conduct a parking utilization study in a form outlined and approved by the Director of Planning and Development and the Director of Transportation; such study shall be filed with the Clerk of the City Council. The petitioner shall be required to expand the parking facility to 16 stalls should the Directors of Planning and Development and Transportation determine such, based on the findings of the parking study.
9. The petitioner shall employ a City of Newton Police Detail on the site during all operating hours for the first ninety days of the use of the site as a marijuana retail establishment. If at the end of the ninety days, the Director of Planning and Development, in consultation with the Director of Transportation and the Newton Police Department, determines the City of Newton Police Detail is still necessary, the Petitioner shall continue to employ a City of Newton Police Detail until deemed unnecessary by the officials stated. In the event a City of Newton Police Detail is not available, the petitioner shall obtain a private detail.
10. The petitioner shall employ a security professional to monitor the property, including the surface parking lot, during all operating hours. The petitioner shall make the security professional available to consult with the Newton Police Department, Newton Fire Department, and other law enforcement agencies.

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11. The petitioner shall limit on-site transactions to one ounce of marijuana, or its equivalent in whatever form the marijuana is dispensed, per customer per site visit, with the balance of the order, if any, delivered to customers' homes, provided home delivery is allowed by the Cannabis Control Commission.
12. Perimeter lighting shall be directed downward, shall not shed light on abutters' properties, and shall comply with the Lighting Plans identified in Condition 1 above.
13. The petitioner shall locate and screen the dumpster to minimize its visibility from the public way. The dumpster(s) shall be kept closed, and the area surrounding the dumpster shall be kept free of debris.
14. The granting of a special permit to allow the RMD and marijuana retail establishment to operate at this site applies only to the petitioner and does not run with the land. At such time as the petitioner has permanently stopped operations at the site, for whatever reason including but not limited to the loss of its registration with the Massachusetts Department of Public Health and/or the Cannabis Control Commission, the RMD and marijuana retail establishment granted by this Council Order shall terminate.
15. The petitioner shall maintain its registration with the Massachusetts Department of Public Health and/or the Cannabis 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.
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. All construction activity shall be limited to 7AM-6PM Monday through Friday and 8AM-5PM on Saturdays excluding holidays, unless extended or restricted by the Commissioner of Inspectional Services or the Commissioner of Public Works.
18. Prior to the issuance of any building permit for the Project, the petitioner shall provide a Final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
19. Prior to the issuance of any Building Permit for the Project, the petitioner shall pay the sum of \$25,000 to the City for the cost and installation by the City of a bus shelter along the Project's Washington Street frontage. The petitioner shall have no obligation regarding the ongoing maintenance or repair of said bus shelter.
20. Prior to the issuance of any temporary occupancy certificates for the Project, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be recorded by the petitioner at the Middlesex South District Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
21. In the event that a ballot question prohibiting all recreational marijuana retail establishments from operating in the City of Newton is passed by the voters at the November 6, 2018 special


Attest  
  
 City Clerk of Newton, Mass.



municipal election and the Newton City Council subsequently adopts a general ordinance prohibiting all recreational marijuana retail establishments from operating in the City of Newton, the provisions in this special permit that would authorize the co-location of a recreational marijuana retail establishment and regulate such operation shall be null and void. The provisions in this special permit which apply to the operation of the RMD shall remain in force.

Should the Newton City Council adopt a general ordinance prohibiting all recreational marijuana retail establishments from operating in the City of Newton and should the petitioner not elect to pursue the interior expansion and parking lot expansion, the petitioner shall be exempt from Condition #s 4, 5, 6, 7, 8, 18, and 19. Moreover, the petitioner shall also be exempt from the plans found in Condition #1.b that detail the interior renovation and surface parking facility. In such an event, the petitioner shall operate the RMD under the following conditions:

- a. Hours of operation shall be from 10:00 a.m. to 8:00 p.m. Monday through Thursday, and from 10:00 a.m. to 9:00 p.m. on Friday and Saturday and from 12:00 p.m. until 6:00 p.m. on Sunday.
  - b. There shall be no more than seven employees on site at any one time.
22. 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. Made a payment to the City in accordance with Condition #18.
  - d. Submitted final engineering, utility, and drainage plans, and an Operations and Maintenance plan for Stormwater Management, 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, and the Director of Planning and Development.
  - e. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
23. 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 a statement by a registered architect and engineer certifying compliance with Condition 1.
  - b. Submitted to the Department of Inspectional Services, the Department of Planning and Development, and the Engineering Division final as-built survey plans in paper and digital format.

A True Copy  
Attest  
  
City Clerk of Newton, Mass.

- 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 Department and that the O&M plan has been recorded at the Middlesex Registry of Deeds.
  - 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.
24. Notwithstanding the provisions of Condition #23 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings 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.

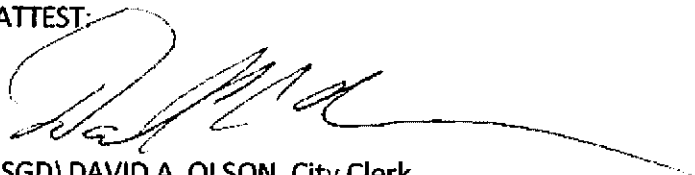
Under Suspension of Rules

Readings Waived and Approved

19 yeas 2 nays (Councilors Auchincloss and Gentile) 1 recused (Councilor Lappin) 2 absent (Councilors Ciccone and Lipof)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on October 3, 2018. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:



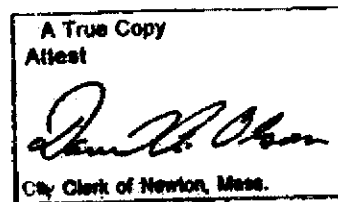
(SGD) DAVID A. OLSON, City Clerk  
Clerk of the City Council

I, David A. Olson, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on 10/3 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

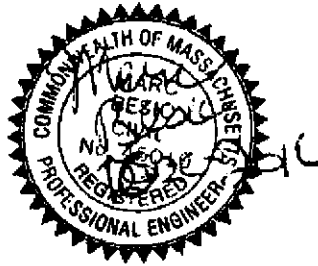
ATTEST:



(SGD) DAVID A. OLSON, City Clerk  
Clerk of the Council



**OPERATION & MAINTENANCE PLAN  
697 WASHINGTON STREET  
NEWTON, MASSACHUSETTS**



October 26, 2018

VTP Associates, Inc.  
132 Adams Street  
2<sup>nd</sup> Floor, Suite 3  
Newton Massachusetts 02465  
1-617-332-8271  
Job # 214113

**OPERATION & MAINTENANCE PLAN  
697 WASHINGTON STREET  
NEWTON, MASSACHUSETTS**

The proposed project includes stormwater runoff controls associated with the design of a newly paved area for client parking that will require continued maintenance by the property owner. The components associated with maintenance needs are the catch basin and the infiltration system. These will need to be cleaned periodically as noted below. Cleaning of these structures shall be done by the property owner via a specialty contractor with hydraulic cleaning ability. The property owner should also provide for the periodic sweeping (bi-annually) of the paved area to remove large debris, grass cuttings and sand particles prior to discharge through the catch basin. The following outlines the major maintenance issues associated with the project:

**Catch basin Cleaning:**

The catch basin structure should be inspected after completion of construction to assure that all debris was removed and no construction material will cause the system to clog. This inspection should also include the drain lines within the system.

The catch basin should be cleaned with a hydraulic vacuum system twice per year to remove accumulated solids and debris. At the same time, the drain lines should be inspected and cleaned if needed. Assuming the catch basin & lines are maintained and cleaning is in accordance with normal standards, the solids removal efficiency should be as required to prevent carry over of large solids to the cistern and infiltration system.

**Pavement Runoff Storage / Infiltration System**

The storage / infiltration system should be inspected after completion of construction to assure that all debris was removed and no construction material will be cause the system to clog.

The storage / infiltration system should be inspected over the first year of operation on a quarterly basis to determine the level of required maintenance. This inspection should be performed by the Owner's Engineer and a report issued to the City as to any cleaning / maintenance needs of that system. At the same time, the inspection of the piping should be performed to determine any flushing / cleaning needs. As a preliminary schedule, the system piping should be cleaned once a year to remove accumulated sediments and sediments in the infiltration chambers should be removed when they reach two (2) inches in depth.

**Maintenance Responsibilities**

The maintenance of the Drainage System is the responsibility of the Property Owner. The actual work should be subcontracted to a company that specializes in the cleaning of storm drainage facilities. Inspections should be performed by independent individual such as the design engineer or other experienced individual in the field.

**OPERATION & MAINTENANCE PLAN  
697 WASHINGTON STREET  
NEWTON, MASSACHUSETTS**

**INSPECTION REPORT:**

Inspection Firm: \_\_\_\_\_

Inspectors Name: \_\_\_\_\_ Date: \_\_\_\_\_

Components Inspected: \_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

**SYSTEM MAINTENANCE:**

Maintenance Firm: \_\_\_\_\_ Date: \_\_\_\_\_

Trench Drain Cleaned: Yes \_\_\_ No \_\_\_ Comments  
\_\_\_\_\_  
\_\_\_\_\_

Drain lines & Manholes Inspected: Yes \_\_\_ No \_\_\_ Comments:  
\_\_\_\_\_  
\_\_\_\_\_

Catch Basin Cleaned: Yes \_\_\_ No \_\_\_ Comments  
\_\_\_\_\_  
\_\_\_\_\_

Infiltration System(s) Cleaned: Yes \_\_\_ No \_\_\_ Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Estimate of Material Removed: \_\_\_\_\_

Other Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Exhibit B

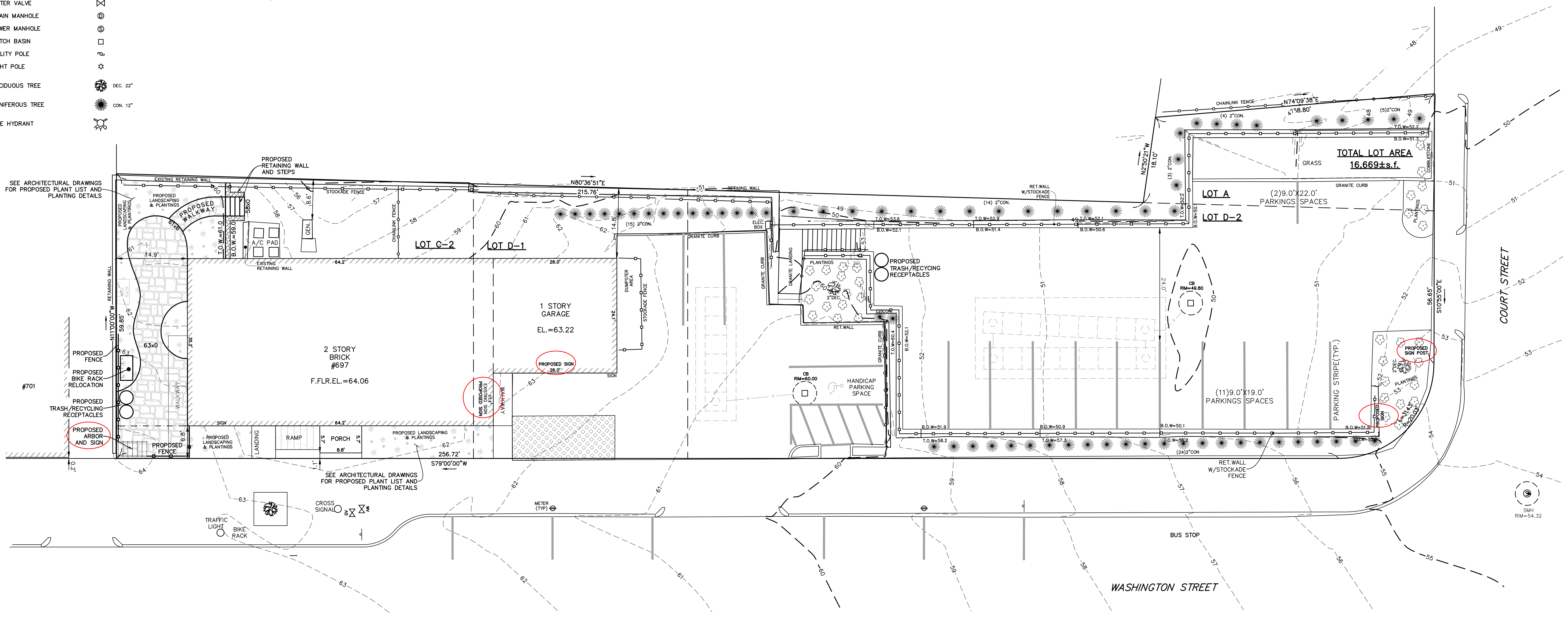
214113\_top13.dwg (2-2020)

**LEGEND**

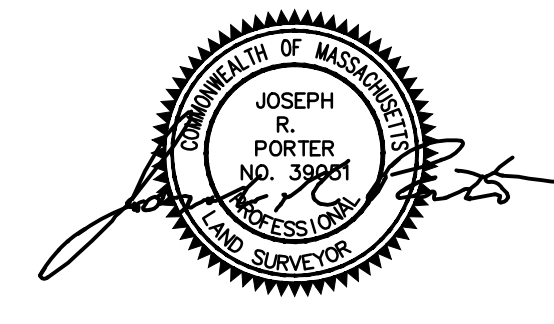
- BUILDING
- PROPERTY LINE W/ BEARING DISTANCE
- CONTOUR
- STOCKADE FENCE
- CHAINLINK FENCE
- PICKET FENCE
- SEWER LINE
- DRAIN LINE
- WATER LINE
- GAS LINE
- GAS VALVE
- WATER VALVE
- DRAIN MANHOLE
- SEWER MANHOLE
- CATCH BASIN
- UTILITY POLE
- LIGHT POLE
- DECIDUOUS TREE DEC. 22'
- CONIFEROUS TREE CON. 12'
- FIRE HYDRANT

ZONING CHART			
NEWTON, MASSACHUSETTS			
ZONE: BU-2		SUBMISSION: PROPOSED	
REGULATION	REQUIRED/AS OF RIGHT	EXISTING	PROPOSED
LOT AREA	10,000±s.f.	16,669±s.f.	N/C
LOT FRONTAGE	80.0'	344.80'	N/C
FRONT SETBACK	AVERAGE=5.1'	1.1' *	N/C
SIDE SETBACK	1/2 BUILDING HEIGHT	14.9'	N/C
REAR SETBACK	> 15' OR 1/2 BUILDING HEIGHT	14.8' *	N/C
BUILDING HEIGHT	2 STORY / 24'	28.51' *	N/C

\*DOES NOT MEET REQUIREMENTS



TOPOGRAPHIC SITE PLAN  
 NEWTON, MASSACHUSETTS  
 SHOWING PROPOSED CONDITIONS  
 AT #697 WASHINGTON STREET  
 SCALE: 1in.=10ft. DATE: MAY 10, 2021  
 REVISED: SEPTEMBER 14, 2021



PROJECT: 214113  
**VTP**  
 ASSOCIATES  
 INC.

LAND SURVEYORS - CIVIL ENGINEERS.  
 132 ADAMS STREET 2ND FLOOR SUITE 3  
 NEWTON, MA 02458  
 (617) 332-8271

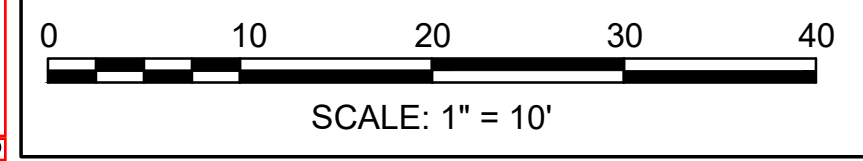


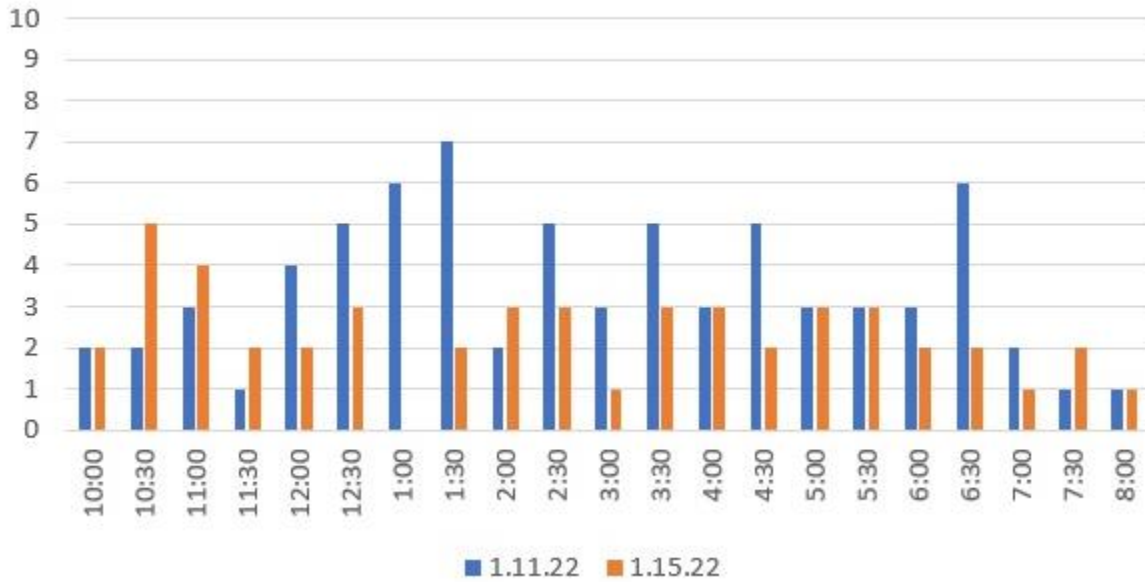


Exhibit C

November 2021

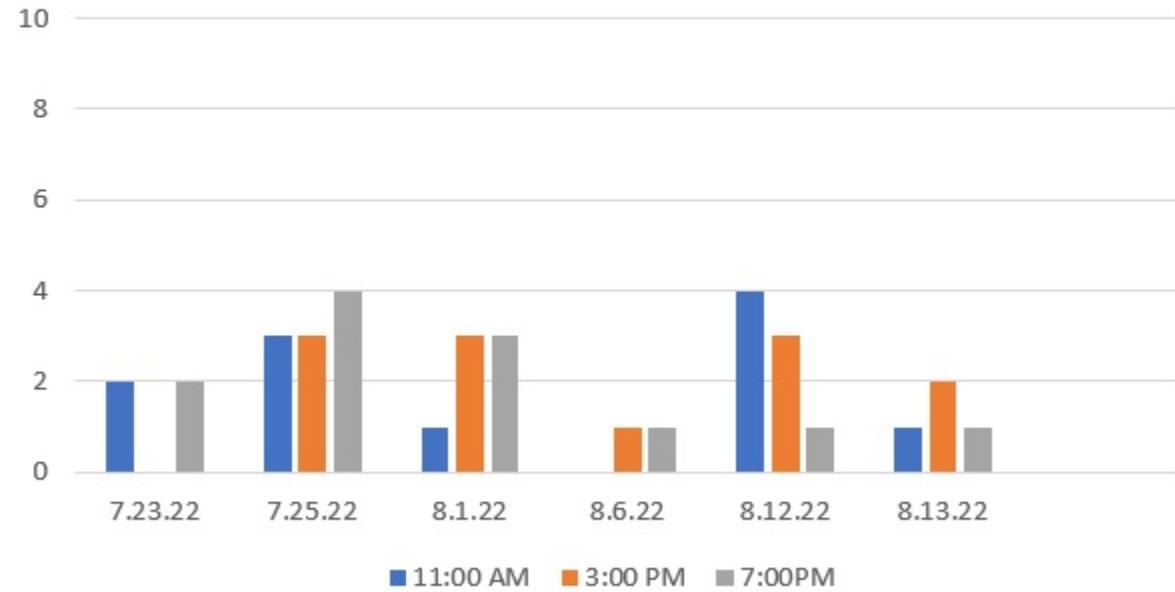


## Newton Parking January 2022



Summer 2022

### Newton Parking



### Newton November 2022 Parking

