



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459
617-796-1120

Petition: #75-25
Public Hearing:
3/4/25

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: April 3, 2025

TO: City Council

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

SUBJECT: **Petition #75-25** for SPECIAL PERMIT/SITE PLAN APPROVAL request to allow a Marijuana Transporter use

APPLICATION RECORD: <https://newtonma.viewpointcloud.com/records/861482>

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent Working Session.



16 Maguire Court

I. Project Description

Background

The subject property consists of a 5,024 square foot lot in a Manufacturing district improved with a single-story building constructed in 2022. Blue Sky Organics, LLC, a company that currently holds a Marijuana Delivery Operator license in the City, has been operating from this location since 2024.

Special permit

The site currently serves as the warehouse and office space for a marijuana delivery operator, a use allowed by right in the Manufacturing district. The petitioner seeks to add a marijuana transporter use to the site, with that use requiring a special permit.

Analysis: The Planning Department is not concerned with the request to allow the marijuana transporter use. The proposed use is substantially similar to the marijuana delivery operator use already operating on the site, except it will allow Blue Sky Organics to deliver to other businesses in addition to consumers. As is the case now, there will be no storefront allowed with this use. Because the business organizes their deliveries in such a way that deliveries are all made in one trip throughout the day, the amount of vehicle trips to and from the site are not likely to have a significant impact on the surrounding area. The scope of the request includes no new construction or changes to the site.

II. Zoning Relief Requested:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§4.4.1 §6.10.3.B.8	Request to allow a marijuana transport use	S.P. per §7.3.3

For more details around the zoning analysis please refer to **ATTACHMENT A**.

III. Criteria for Consideration per §7.8.2.C.2:

- The specific site is an appropriate location for a marijuana transporter (§7.3.3.C.1)
- The marijuana transporter use will not adversely affect the neighborhood. (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians created by the marijuana transporter use (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- The 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. (§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)

IV. Project Proposal and Site Characteristics

Site

The property at 16 Maguire Court is a 5,024 square foot lot that is improved with a single-story building constructed in 2022. The building is approximately 1,135 square feet in size and functions as a small warehouse and office for Blue Sky Organics, a Marijuana Establishment (ME) that has a license to operate as a Marijuana Delivery Operator. One-way vehicular access is provided via two driveways on Maguire Court, with an entrance driveway to the left of the building and exit driveway on the right. Five surface parking stalls are located to the right of the building, with bicycle parking in front of the building. The site is relatively flat. The majority of the site is paved, with a landscape buffer between the street and the parking area. A combination of chain link, stockade, and picket fencing surrounds the majority of the site, and there is a retaining wall along most of the length of the rear property line. Per the guidelines established by the Cannabis Control Commission (CCC) and state law outlined in MGL. Ch. 94G §12 for marijuana establishments, the site has extensive safety and security features.

Cannabis Uses and Regulations

The petitioners have been operating as a marijuana establishment with a cannabis delivery operator license at this location since 2024 and have a Host Community Agreement with the City. The marijuana delivery operator use is allowed by right in Manufacturing and Limited Manufacturing zoning districts. Per the CCC, through at least April 1, 2026 delivery operator licenses are reserved for businesses with majority ownership comprised of Economic Empowerment Applicants (EEA) or Social Equity Program (SEP) participants. The goal of this period of exclusivity is to ensure participation in the cannabis industry by people from communities disproportionately harmed by previous marijuana prohibition.

Marijuana delivery operators are allowed to store and purchase marijuana and marijuana products from other licensed Marijuana Establishments and sell and deliver directly to consumers. Delivery operators are not considered retailers and are not subject to the cap on the number of licenses a municipality must issue. As such, there is no public facing storefront

component allowed with this use.

The petitioners request to introduce a marijuana transporter use to the site in addition to the existing delivery operator use. Marijuana transporter is a use allowed in the Manufacturing district by special permit, so relief is required. A Transporter is an entity that can transport cannabis or cannabis products to other marijuana establishments, and they are also allowed to store marijuana and marijuana products in a manner similar to delivery operators. In effect, this would add a business-to-business sales component in addition to the business to consumer use already operating on the site. No new parking, site work, or construction is proposed. Similar to the delivery operator use, no storefront is allowed with the transporter use.

Operations

Based on information provided by the petitioner, two employees currently work on site. Should the transporter use be approved, they anticipate the number of employees could increase to up to four full time employees. Based on information provided by the petitioner, one employee drives to work and parks in the surface parking lot and the other bikes to work. The facility has one delivery vehicle for the operator business. If the transporter use is approved, they anticipate purchasing a second delivery van. Under current conditions, the delivery operator use has roughly 8-15 deliveries a day that are all made in one trip, reducing the number of vehicular trips to and from the site. The van leaves the property in the morning, makes multiple stops, and returns in the evening. The petitioner has stated that delivery operator deliveries take place between 10 am- 11pm, and the hours for the transporter use will be from 8am-8pm. The petitioner has stated that the transporter use will operate in a similar fashion, with the van leaving in the morning, making all needed stops at other marijuana establishments, and returning back to the site in the evening.

The delivery operator use is subject to the parking requirement for Manufacturing uses, with one stall required per every 1,000 square feet plus one per every four employees. The proposed marijuana transporter use results in no additional parking requirement. Because there are five parking stalls on site, no parking relief is required.

Interdepartmental Review

V. Interdepartmental Review

The petitioner has already updated their Host Community Agreement with the City to include an approval for the Transporter use, subject to special permit approval. Review from other departments is not required at this time.

VI. Petitioner's Responsibilities

The petition is complete.

ATTACHMENTS:

- ATTACHMENT A:** Zoning Review Memorandum
ATTACHMENT B: DRAFT Council Order



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: March 6, 2025

To: Anthony Ciccariello, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Chief Planner for Current Planning

Cc: Ronald Schiavone, Applicant
John Caruso, Caruso Corporation
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to allow a Marijuana Transporter

Applicant: Ronald Schiavone	
Site: 16 Maguire Court	SBL: 23016 0003
Zoning: MAN	Lot Area: 5,024 square feet
Current use: Marijuana Delivery Operator	Proposed use: Marijuana Delivery Operator and Transporter

BACKGROUND:

The property at 16 Maguire Court consists of a 5,024 square foot lot improved with a single-story commercial building constructed in 2022 housing a marijuana delivery operator, a by-right use within the district. The petitioner seeks to introduce a marijuana transporter use to the site, requiring a special permit.

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

- Zoning Review Application, prepared John Caruso, Caruso Corporation, dated 3/5/2025
- Floor Plan & Elevations, signed and stamped by Richard A Volkin, engineer, dated 6/21/2022
- Topographic Site Plan, signed and stamped by Marc Besio, engineer and Joseph R Porter, surveyor, dated 6/28/2022, revised 8/23/2022

ADMINISTRATIVE DETERMINATIONS:

1. The existing commercial space is currently operating as a by-right marijuana delivery operator, which is an entity that purchases wholesale or warehouse finished marijuana products to sell and delivery directly to consumers, with no storefront component. The petitioner seeks to expand the operation to include a marijuana transporter as defined by section 6.10.3.B.8, which allows for transport, storage, sale and distribution of product to marijuana establishments, but not to consumers. A marijuana transporter use requires a special permit per section 4.4.1.

2. Per section 6.10.3.F.5, the existing marijuana delivery operator is subject to the parking requirement for Manufacturing uses of one stall per every 1,000 square feet plus one per every four employees per section 5.1.4. There are five parking stalls on site to satisfy the existing use's parking requirement. The proposed marijuana transporter use has to parking requirement.

See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§4.4.1 §6.10.3.B.8	Request to allow a marijuana transport use	S.P. per §7.3.3

#75-25
16 Maguire Court

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City 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 transporter use as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

FINDINGS:

1. The specific site is an appropriate location for a marijuana transporter use because it is located in a Manufacturing district and the site is already operating with a similar use. (§7.3.3.C.1)
2. The marijuana transporter use will not adversely affect the neighborhood because it is operationally similar to the existing marijuana delivery operator use on site and is unlikely to have a significant impact on abutters or the surrounding area. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians created by the marijuana transporter use because there is sufficient parking on site to meet what is required by zoning and the anticipated parking needs of the two uses on the site. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. The 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, because there is adequate parking on site for vehicles and bikes. (§6.10.3.H.1.a)
6. Loading, refuse and service areas are designed to be secure and shielded from abutting uses because screening in the form of fencing and plantings will minimize the visual impact of activity on the site from abutters. (§6.10.3.H.1.b)
7. The Marijuana Establishment is designed to minimize any adverse impacts on abutters because it is well screened from nearby commercial, manufacturing, and residential uses. Per state law, no graphics, symbols or images of marijuana or related paraphernalia are located on site. (§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: #75-25

PETITIONER: Ronald Schiavone

LOCATION: 16 Maguire Court, Ward 2, Newton, on land known as Section 23 Block 16 Lot 03, containing approximately 5,024 sq. ft. of land

OWNER: Ronald Schiavone

ADDRESS OF OWNER: 24 Maguire Court
Newton, MA 02458

TO BE USED FOR: Marijuana transporter

RELIEF GRANTED: Special Permit per §7.3.3 to allow a marijuana transporter (§4.4.1, §6.10.3.B.8)

ZONING: Manufacturing

Approved, subject to the following conditions:

1. No building permit (other than a demolition permit) or certificate of occupancy and unless otherwise specified shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
 - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.