



City of Somerville

## PLANNING BOARD

City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

**DECISION** 2022 JUN 30 A 9:04

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**PROPERTY ADDRESS:** 304 Somerville Ave  
**CASE NUMBER:** P&Z 21-087  
**OWNER:** 304 Somerville Ave, LLC  
**OWNER ADDRESS:** 38 Union Square, Somerville, MA 02143  
**DECISION:** Approved with Conditions (Use Special Permit)  
**DECISION DATE:** June 16, 2022

CITY CLERK'S OFFICE  
SOMERVILLE, MA

This decision summarizes the findings made by the Planning Board (the "Board") regarding the development review application submitted for 304 Somerville Ave.

### LEGAL NOTICE

Holistic Industries Inc., D/B/A Liberty, proposes to establish a Cannabis Retail Sales use in the Mid-Rise 5 District, which requires a Special Permit.

### RECORD OF PROCEEDINGS

On June 2, 2022, the Planning Board held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting at the public hearing were Board Members Vice Chair Amelia Aboff, Clerk Erin Geno, Jahan Habib, and Alternate Debbie Howitt Easton. The Applicant provided an overview of the proposal and the process that the project has gone through so far. Five members of the public spoke in favor of the application. The Board asked about whether any significant operational changes would be happening once recreational, and not only medical sales, are occurring at the site; the Applicant said there would not be any significant operational changes to the business. The Board continued the public hearing.

On June 16, 2022, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Vice Chair Amelia Aboff, Clerk Erin Geno, and Jahan Habib. Chair Capuano, while being absent from the June 2, 2022 Board meeting, reviewed all available evidence from that meeting and certified such, and was therefore permitted to participate and vote on the case. The Board did not have any questions for the Applicant.

### SPECIAL PERMIT FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny a special permit upon making findings considering, at least, each of the following:

1. *The comprehensive plan and existing policy plans and standards established by the City.*

The Board finds that the proposal will help to achieve the following goals from SomerVision 2040, the City's Comprehensive Master Plan:

- Promote municipal financial self-determination and reduce fiscal dependence on state aid and residential taxes and fees.
- Make Somerville a regional employment center with a mix of diverse and high-quality jobs.

In addition, the Board finds that the proposal will help achieve the goals of the Union Square Neighborhood Plan, including the following:

- The City should utilize land use planning and zoning to increase the commercial tax base.
- The City should promote job creation, with a goal of reaching a one-to-one ratio between jobs and resident workforce in Somerville within the next 20 years.

*2. The intent of the zoning district where the property is located.*

The Board finds that the proposal is consistent with the intent of the MR5 zoning district, which is, in part: "To create, maintain, and enhance areas appropriate for moderate scale, multi-use and mixed-use buildings and neighborhood- and community-serving uses."

*3. Capacity of the local thoroughfare network providing access to the site and impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.*

The location is not within the Transit Area (it is slightly more than 0.25 miles away from the new Union Square Green Line Station) but is nevertheless well-served by public transit. The proposal will not create any new motor vehicle parking spaces but will produce four (4) new short-term bicycle parking spaces for use by customers and employees. The Board finds that the Applicant's implementation of several Transportation Demand Management strategies, as recommended by the Mobility Division, will prevent any significant negative impacts on traffic and circulation patterns in the neighborhood for all transportation modes. Additionally, sales will be appointment-only, so no queuing on public ways is anticipated.

*4. Location, visibility, and design of the principal entrance.*

The principal entrance is on a stretch of Somerville Ave that is designated as a Pedestrian Street. The entrance will be highly visible but will fully shield the interior of the building from public view through the use of opaque film covering the windows. The design of the existing entrance, including signage, will not change as part of this proposal.

*5. No detrimental impact on any Educational Services uses within five hundred (500) feet.*

The Board finds that the Applicant has operated a cannabis sales use serving medical clients at this location for over three (3) years and that Planning Staff has not been informed of this use having any negative impacts on the nearby schools during that time. Granting this Special Permit would effectively enable the Applicant to continue their current operations but serve a wider customer base. The Board finds that granting this permit would not cause a detrimental impact on Educational Services uses within 500 feet of the 304 Somerville Ave.

## DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the **SPECIAL PERMIT** to establish a Cannabis Retail Sales use. Vice Chair Aboff seconded. The Board voted **4-0** to approve the permit, subject to the following conditions:

### Perpetual

1. Approval is limited to Holistic Industries Inc. and is not transferable to any successor in interest.
2. This Decision must be recorded with the Middlesex South Registry of Deeds.
3. This permit is valid subject to Holistic Industries Inc. having a fully executed and active Host Community Agreement with the City of Somerville.
4. Retail sales to walk-in customers are prohibited. Customer visits must be by appointment only.
5. Any change to the means of sales requires a new Transportation Impact Study (TIS). The scope of the TIS must be approved by the Director of Mobility.
6. As voluntarily committed to in the TIS, Holistic Industries Inc. shall post bus schedule information for employees in an easily accessible location.
7. As voluntarily committed to in the TIS, Holistic Industries Inc. shall use on-site parking or loading areas for all deliveries.
8. As voluntarily committed to in the TIS, Holistic Industries Inc. shall designate a TDM coordinator.
9. Holistic Industries Inc. shall commit to annual monitoring and reporting of the appointment-only recreational marijuana operations model. The annual report shall include at least the following information:
  - a. A statistically valid travel surveys of employees and customers
  - b. A status update on the implementation of all TDM measures.
10. Holistic Industries Inc. shall direct all deliveries to occur outside the hours of 7:30am to 9:30am on weekdays; 4:30pm to 6:30pm on weekdays; and 11am to 1pm on Saturdays to every extent practicable.
11. Holistic Industries Inc. shall post information about non-vehicular transportation services available in the area on the website and in materials posted at the store.
12. Holistic Industries Inc. shall provide a TransitScreen (or its substantial equivalent) displaying real time MBTA and bike share information in a location that is visible to customers.
13. Holistic Industries Inc. shall provide incentives to customers who take non-vehicular or public transportation modes to the site.

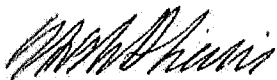
14. Holistic Industries Inc. shall provide employees 100% subsidized Bluebikes public bikeshare memberships, subject to annual rate increases.
15. Holistic Industries Inc. shall provide employees 100% subsidized MBTA passes, or up to the federal maximum Qualified Transportation Fringe benefits per current U.S. Internal Revenue Code (\$270 per month in 2021), subject to annual rate increases.

Prior to Certificate of Occupancy

1. A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation & Zoning Division for the public record.
2. One (1) physical copy of the original application materials and one (1) digital and (1) physical copy of all required application materials reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation & Zoning Division for the public record.
3. Four (4) additional short-term bicycle parking spaces must be provided in accordance with Section 11.1 Bicycle Parking of the Somerville Zoning Ordinance.
4. Traffic counts must be taken in the TIS study area during April, May, September, or October and submitted to the Mobility Division.
5. A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be submitted to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.

Attest, by the Planning Board:

Michael Capuano, *Chair*  
Amelia Aboff, *Vice Chair*  
Erin Geno, *Clerk*  
Jahan Habib



Sarah Lewis, Director of Planning, Preservation, & Zoning  
Office of Strategic Planning & Community Development

**CLERK'S CERTIFICATE**

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 15.5.3.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on \_\_\_\_\_ in the Office of the City Clerk, and twenty days have elapsed, and

**FOR VARIANCE(S) WITHIN**

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ any appeals that were filed have been finally dismissed or denied.

**FOR SPECIAL PERMIT(S) WITHIN**

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ there has been an appeal filed.

**FOR SITE PLAN APPROVAL(S) WITHIN**

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ there has been an appeal filed.

Signed \_\_\_\_\_ City Clerk Date \_\_\_\_\_