



City of Somerville

PLANNING BOARD

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

DECISION

PROPERTY ADDRESS: 620 Broadway
CASE NUMBER: P&Z 21-145
OWNER/APPLICANT: 620 Broadway, LLC
OWNER ADDRESS: 741 Broadway, Somerville, MA 02144
DECISION: Approved with Conditions (Special Permit for Cannabis Retail Sales)
DATE OF VOTE: February 15, 2024
DECISION ISSUED: February 16, 2024

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CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Planning Board (the "Board") regarding the Special Permit application submitted for 620 Broadway.

LEGAL NOTICE

620 Broadway, LLC proposes to establish a Cannabis Retail Sales use in the Commercial Core 5 (CC-5) district, which requires a Special Permit.

RECORD OF PROCEEDINGS

On April 6, 2023, the Planning Board held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance for Site Plan Approval for a one (1)-story building and a Special Permit for a Cannabis Retail Sales use. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Vice-Chair Amelia Aboff, Clerk Erin Geno, Jahan Habib, and Michael McNeley. The applicant team provided a presentation on the application, and the Board asked about the site, building, proposed program, and the Hardship Variance that was previously received related to the project. The Board took public comments, and multiple members of the public spoke, several in favor and one who voiced concerns. Board members continued to discuss the project with the applicant team, and requested a more comprehensive report on the neighborhood meetings that were held in accordance with the Somerville Zoning Ordinance. The Board continued the public hearing.

On May 4, 2023, the Board resumed the public hearing. Present and sitting at the public hearing were Board members Vice-Chair Amelia Aboff, Jahan Habib, Michael McNeley, Alternate Debbie Howitt Easton, and Alternate Luc Schuster. Alternate members Debbie Howitt Easton and Luc Schuster were absent from the hearing on April 6, 2023, but submitted affidavits confirming review of the evidence and were able to participate in the review. The Board reviewed questions related to zoning compliance, mobility, and loading areas with the Applicant and Staff, and requested an updated Mobility Management Plan showing a Staff-approved loading area in order to determine the application complete to the degree necessary to provide a decision. The Board continued the public hearing.

On June 1, 2023, the Board resumed the public hearing. Present and sitting at the public hearing were Board members Chair Michael Capuano, Vice-Chair Amelia Aboff, Jahan Habib, Michael McNeley, Alternate Debbie Howitt Easton, and Alternate Luc Schuster. Chair Michael Capuano was absent from the hearing on May 4, 2023, but submitted an affidavit confirming review of the evidence and was able to participate in the review. The Board reviewed the project with Mobility and PPZ Staff and asked questions related to the Transportation Access Plan and redesign of the portion of Broadway fronting the property. Mobility Staff reviewed how the applicant team had been working with them on conceptual plans to address loading and street signage and markings, but that final designs could not be completed due to the timing of the street redesign project. The Board asked questions related to loading and mobility and about sustainability measures including solar panels. The Board continued the public hearing.

On July 20, 2023, the Board resumed the public hearing. Present and sitting at the public hearing were Board members Chair Michael Capuano, Vice-Chair Amelia Aboff, Jahan Habib, Michael McNeley, Alternate Debbie Howitt Easton, and Alternate Luc Schuster. The Board asked the applicant team about the Hardship Variance related to the project, and the Staff noted that it is their opinion that the Hardship Variance had expired and that a new Variance would be required before a Building Permit would be approved; however, no final determination had been requested or made regarding the validity of the Hardship Variance. The Board opened the hearing for public comments, but no one spoke. The Board continued the public hearing.

On November 16, 2023, the Board resumed the public hearing. Present and sitting at the public hearing were Vice-Chair Amelia Aboff, Clerk Jahan Habib, Michael McNeley, and Alternate Luc Schuster. The applicant team reviewed that the Zoning Board of Appeals had determined that the previously approved Hardship Variance had been exercised and is in full effect. The applicant team reviewed the conceptual loading and striping plan. The Board requested that the applicant team reach out to Mobility Staff for further clarification. The Board continued the public hearing.

On December 21, 2023, the Board resumed the public hearing. Present and sitting at the public hearing were Board members Chair Michael Capuano, Vice-Chair Amelia Aboff, Clerk Jahan Habib, and Alternate Luc Schuster. The Board reviewed the updated Transportation Access Plan (TAP) and confirmed that the Mobility Division did not have any concerns about the TAP and updated conceptual Signage and Pavement Markings Plan. Staff reviewed the proposed updated conditions. Chair Michael Capuano was absent from two meetings related to the application and was not eligible to vote on the application. Following the discussion, the Board moved to approve the Site Plan Approval application. Due to an insufficient quorum of Board members, a valid vote on the Special Permit application was unable to take place.

In light of the insufficient quorum and inability of the Planning Board to conduct a valid vote on the Special Permit at the December 21, 2023 meeting, the application for a Special Permit for a Cannabis Retail Sales use was readvertised for a separate hearing on January 18, 2024, and was subsequently continued until February 15, 2024. Present

and sitting at the public hearing were Board members Chair Michael Capuano, Vice-Chair Amelia Aboff, Jahan Habib, Michael McNeley, Alternate Debbie Howitt Easton, and Alternate Luc Schuster. No public testimony was provided. Chair Capuano reviewed that at the previous hearing there were not enough members present to hold a vote for the Special Permit, and that no new information has been submitted relative to the application. Michael McNeley was absent from the December 21, 2023 hearing as it related to the application, but had reviewed all the evidence from that hearing and signed an affidavit attesting to such. Chair Michael Capuano and Alternate Debbie Howitt Easton were both absent from two meetings related to the application and were not eligible to vote on the Special Permit. As there was a sufficient number of members at this hearing to make a motion on the Special Permit, the Board moved to approve the Special Permit.

PLANS & DOCUMENTS

Application plans, documents, and supporting materials submitted and incorporated are identified below.

Document	Pages	Prepared By	Date	Revision Date
620 Broadway – Narrative P&Z 21-145, Site Plan Approval and Special Permit Applications	20	William J. Proia Riemer & Braunstein LLP 700 District Ave Burlington, MA 01803	October 27, 2022	N/A
620 Broadway Project Plans "Special Permit Application Set for Redevelopment of 620 Broadway"	29	Peter Quinn Architects, LLC 259 Elm St, Suite 301 Somerville, MA 02144 Medford Engineering & Survey Angelo B. Veneziano Associates 15 Hall St Medford, MA 02155 Verdant Landscape Architecture 318 Harvard St, #25 Brookline, MA 02446	Various	March 3, 2023
620 Broadway Neighborhood Meeting Materials – March 7, 2022	35	William J. Proia Riemer & Braunstein LLP 700 District Ave Burlington, MA 01803	None, submitted December 13, 2022	N/A
620 Broadway Neighborhood Meeting Materials – June 29, 2022	22	William J. Proia Riemer & Braunstein LLP 700 District Ave Burlington, MA 01803	None, submitted December 13, 2022	N/A
620 Broadway – OSE Required Materials	36	Submitted by: William J. Proia Riemer & Braunstein LLP 700 District Ave Burlington, MA 01803	CRM date: September 15, 2022 Other documents date: December 28, 2021	N/A
620 Broadway – Mobility Division Documents: Transportation Access Plan (TAP) Transportation Impact Study (TIS)	355	GM2 Associates, Inc. Various locations	Various, submitted October 27, 2022 TAP: August 2022 TIS: August 2022	TAP revision date: December 2023
620 Broadway – Supplemental Memo and Information	73	William J. Proia Riemer & Braunstein LLP 700 District Ave Burlington, MA 01803	April 12, 2023	N/A
620 Broadway – Supplemental Memo and Information	13	William J. Proia Riemer & Braunstein LLP 700 District Ave Burlington, MA 01803	July 13, 2023	N/A

SPECIAL PERMIT FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny a Special Permit for a Cannabis Retail Sales Use 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 this project supports the goals laid out in SomerVision 2040, the City's Comprehensive Master Plan, including the following:

- Creates new commercial and ACE spaces to house new businesses and ACE uses.
- Has no on-site motor vehicle parking.

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

The Board finds that the project meets the intent of the CC zoning district, which is, in part: "To create, maintain, and enhance areas appropriate for moderately-scaled single- and multi-use commercial buildings; neighborhood-, community-, and region-serving uses; and a wide variety of employment opportunities."

The Board also finds that the project meets the general intent of the Zoning Ordinance as a whole, which includes the following:

- To increase commercial tax base in support of the fiscal health of the City.
 - To increase accessibility to diverse employment opportunities within Somerville.
 - To capture a fiscal return on investments made in transportation infrastructure by locating [...] employment opportunities, and a broad mix of uses along major corridors and within walking distance of transit stops.
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 within a Transit Area (it is less than 500 feet from the Ball Square Green Line Station). The property does not have any motor vehicle parking, but will be providing 12 long-term and 16 short-term bicycle parking spaces. Botanica, LLC will also need to identify an on-street loading zone that can serve the use without conflicting with the bike lane.

As conditioned, the proposal is not anticipated to have negative impacts on the traffic and circulation patterns in the surrounding neighborhood beyond the normal impacts expected for any commercial use.

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

The principal entrance is on the left side of the façade and will have separate entrances and exits. The sales floor will be hidden from the street through the use of a display window and entrance/exit vestibules.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Michael Capuano moved to approve the Special Permit for a Cannabis Retail Sales Use with the conditions included in the staff memos. Vice-Chair Amelia Aboff seconded. The Board voted **4-0** to approve the permit, subject to the following conditions:

Perpetual

1. Approval is limited to Botanica, LLC and is not transferable to any successor in interest.
2. This permit is valid subject to Botanica, LLC having a fully executed and active Host Community Agreement with the City of Somerville.
3. This Decision must be recorded with the Middlesex South Registry of Deeds.
4. Botanica, LLC shall commit to annual monitoring and reporting of the appointment-only recreational marijuana operations model. Data collection shall include statistically valid travel surveys of employees and customers, and a status update on the implementation of TDM measures.
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. Botanica, LLC shall post information about non-vehicular services available in the area on the website and in materials posted at the store.
7. Botanica, LLC shall provide a TransitScreen (or its substantial equivalent) displaying real time MBTA and bike share information within the commercial space in a location that is visible to customers.
8. Botanica, LLC shall provide incentives to customers who take non-vehicular or public transportation modes to the site.
9. Botanica, LLC shall provide employees 100% subsidized Bluebikes public bikeshare memberships, subject to annual rate increases.
10. Botanica, LLC 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 increases.
11. Retail sales to walk-in customers are prohibited. Customer visits must be by appointment only.
12. As voluntarily committed to in the Transportation Access Plan, the Applicant shall provide a minimum of twelve (12) long-term bicycle parking spaces.
13. Botanica, LLC, shall direct all deliveries to occur outside 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.

Prior to Building Permit

14. 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.
15. One (1) digital 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. Materials must be submitted in accordance with the document format standards of relevant Submittal Requirements.

Prior to Certificate of Occupancy

16. A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be provided to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.
17. The Applicant shall develop and implement a sign and pavement markings plan for Broadway between the Broadway bridge deck and the crosswalk at Winchester Street, including a designated loading area for 620 Broadway, that enhances safety conditions and protection for people bicycling and reduces opportunities for illegal curbside parking and loading. Final design must be approved by relevant City Departments, including but not limited to Mobility, Engineering, and PPZ, and must be implemented prior to the issuance of a Certificate of Occupancy.

Attest, by the Planning Board:

Amelia Aboff, *Vice-Chair*
Jahan Habib, *Clerk*
Michael McNeley
Luc Schuster, *Alternate*



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 _____