



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

**1 AUGUST 2024 MEETING MINUTES**

This meeting was conducted via remote participation via Zoom.

NAME	TITLE	STATUS	ARRIVED
Michael Capuano	Chair	<i>Absent</i>	
Amelia Aboff	Vice Chair	<i>Present</i>	
Jahan Habib	Clerk	<i>Present</i>	
Michael McNeley	Member	<i>Present</i>	
Debbie Howitt Easton	Alternate	<i>Present</i>	
Luc Schuster	Alternate	<i>Present</i>	

City staff present: Andrew Graminski (Planning, Preservation, & Zoning); Stephen Cary (Planning, Preservation, & Zoning); Sarah Lewis (Planning Preservation, & Zoning)

The meeting was called to order at 6:04pm and adjourned at 8:29pm.

**GENERAL BUSINESS: Meeting Minutes**

Following a motion by Vice Chair Aboff, seconded by Member Habib, the Board voted unanimously (5-0) to approve the 20 June 2024 meeting minutes, as amended.

Following a motion by Vice Chair Aboff, seconded by Member Habib, the Board voted unanimously (5-0) to approve the 9 July 2024 meeting minutes, as presented.

**PUBLIC HEARING: 290 Revolution Drive (ZP24-000024)**

*(continued from 18 July 2024)*

Following a motion by Vice Chair Aboff, seconded by Member Habib, the Board voted unanimously (5-0) to continue this hearing to 15 August 2024.

**RESULT:**

**CONTINUED**

**PUBLIC HEARING: 71-72 Union Square (ZP24-000059)**

*(continued from 18 July 2024)*

The applicant team explained that, in 2021 when this business was granted a Special Permit, there were only 100 cannabis stores open in Massachusetts, none in Somerville. There are now over 500 stores open, six of them in Somerville. The request is for a waiver of the Transportation Impact Study (TIS) which is required as a condition of the Special Permit. Also requested is the removal of the condition that walk-ins are prohibited and that all customers must be by appointment-only. The reality is that people are currently walking into these stores and then making appointments, and this has been allowed. This applicant is the first one to file a request to remove the requirement. To continue this requirement would impact other businesses in Union Square. Allowing walk-ins will bring more people to the Square. It is not detrimental to the businesses or the residents in any way. This retailer

has been operating since June. Prior to operation, there is a requirement from the Somerville Licensing Commission that they be appointment-only for six months. The applicant went to the Somerville Licensing Commission and requested that this condition be removed prior to opening. Based on what the Commission saw, they granted removal of the condition. The Board should be able to remove this condition from all stores, as per its authority.

Vice Chair Aboff opened public testimony.

Joe Lynch (Chair of the Somerville Licensing Commission) – stated that he was present in case the Board had any questions as to the Commission's process.

Hearing no testimony for or against, Vice Chair Aboff closed public testimony. Written testimony will be left open until noon on 9 August 2024.

The Board discussed removing the condition, if the stores already consider walk-ins, and the potential details of this. Some Board members considered that this may make it easier for small businesses to thrive in the City.

It was noted that the Licensing Commission files on behalf of the applicants, to the State. The Commission has wide discretion over the time, manner, and place of these shops. Last year the Somerville Licensing Commission was approached by at least three of the cannabis shops that now are fully operational in the City to get rid of the six-month appointment-only requirement. The Licensing Commission, during a public hearing, with no objections, granted all three of those requests. It was a surprise that the Planning Board put a semi in-perpetuity condition on these shops regarding operating by appointment-only. It is within the realm of the Licensing Commission to govern the time, manner, and place for these shops. The Licensing Commission has received zero complaints from any of the cannabis shops that have been operating in the City, and no customer complaints.

Some Board members stated that they would not take the Inspectional Service Department's (ISD) failure of its enforcement responsibility as a reason for the Board to remove a condition that it had applied to a number of businesses for good reason, with a basis in reality, and per staff recommendation. There was disagreement that it is appropriate to completely abolish the condition at this time. There is a good case to be made for revisiting this on a case-by-case basis, as the Licensing Commission has been doing. There are a lot of factors that differ between these establishments in terms of volume, location, and things such as transportation access. The Board has heard feedback from neighbors and from local neighboring businesses who have voiced concerns about the impacts of these establishments on or near their properties. The Board acts as a forum for neighbors to express any concerns or questions they may have. The request to remove this requirement without the benefit of a TIS showing the current and future scenarios in an unrestricted mode of sales would be a problematic precedent to set.

Some Board members expressed that it is unlikely that the traffic volume would change much in changing from appointment-only to non-appointment, especially in a place like Union Square. The applicant team explained that the cost of doing a TIS could be burdensome to a number of these business, especially as some are minority owned by those disproportionately impacted by the war on drugs. These stores are not overcrowded currently. Some Board members expressed that waiving the TIS would be inappropriate in this case, given the relatively short time that the business has been operating, the unknown volumes, the concentration of development around Union Square, and the shortcomings of the Green line.

The Chair of the Somerville Licensing Commission stated that the only thing that the Licensing Commission can do is place conditions on is the time, manner, and place for these stores. The Licensing Commission tried to address the concerns of the community about the appointment-only condition is that there may be lines outside of the store, or an enormous amount of traffic pressures on other smaller businesses that surrounded these. It is unclear how the appointment-only condition got tied to the need for a TIS.

The Board noted that the Licensing Commission has waived the appointment-only requirement for some number of adult use cannabis retailers in the City. This is independent of the Planning Board's decision on whether to waive

a similar condition that the Board had put in place for these businesses. This is written to be in perpetuity, or until the applicant comes to the Board with a TIS that allows the Board to confirm that that condition is no longer necessary, and that a change to the means of sale will not be an issue from a land use perspective.

The Board agreed to further discuss this item and a potential uniform approach to waiving traffic study requirements for all applications at the next meeting.

Following a motion by Vice Chair Aboff, seconded by Member Habib, the Board voted unanimously (5-0) to continue this hearing to 15 August 2024.

**RESULT:**

**CONTINUED**

### **PUBLIC HEARING: 500 Medford Street (ZP24-000042)**

The applicant team explained that this company is run by a 100% women-led management team. 89% of the company is owned by women and people of color. 74% of the investors are local to the Boston Metro area, and 82% of investor dollars are from individuals who are of African American, Hispanic, or Latino descent. Additionally, investors have collectively spent over ten years incarcerated by the war on drugs. The applicant has been trying to find the appropriate site in Somerville for approximately five years. This property is located in an MR-4 District where cannabis stores are allowed by a Special Permit. It is undeniable that when a cannabis store opens, it creates other opportunities for nearby businesses. The applicant feels strongly that by being a part of the Magoun Square business community, it will be able to contribute, support, and strengthen the other businesses around it. This site would be half a mile from the nearest dispensary and will also be compliant with the 300' requirement from a school. There would be the opportunity to queue people internal to the site. No parking is proposed for this facility and there is a loading zone that exists directly in front of the facility. The applicant has a traffic study conducted by Fuss & O'Neil which was provided in the application packet. A bike rack is proposed in front of the building and the traffic study showed five additional trips during weekday afternoons from the previous use of this site.

Vice Chair Aboff opened public testimony.

Hearing no testimony for or against, Vice Chair Aboff closed public testimony. Written testimony will be left open until noon on 9 August 2024.

The Board noted that Staff is recommending a condition that this be appointment-only. However, this applicant did supply a traffic study and so there was question regarding removing this condition. The Board discussed hearing from the Mobility Division as to if an appointment-only model would lead to a larger traffic count and thus an updated traffic study. The applicant team stated that they would like to have the appointment-only requirement lifted, but if this required an additional traffic study, it would be unfair and costly. The Board suggested that the applicant team work with Staff to determine if the existing traffic study is appropriate to move forward at this time.

After hearing from the applicant regarding members of the audience wishing to speak, Vice Chair Aboff reopened public testimony at this time.

Katherine O'Shea (EIT with Fuss & O'Neil) – stated that the trip generation estimates in the traffic study are not dependent on appointment-only operations. They are completely independent of that.

Hearing no additional testimony for or against, Vice Chair Aboff closed public testimony. Written testimony will be left open until noon on 9 August 2024.

Following a motion by Vice Chair Aboff, seconded by Member Habib, the Board voted unanimously (5-0) to continue this hearing to 15 August 2024.

**RESULT:**

**CONTINUED**

### **OTHER BUSINESS: Recommendations to City Council**

- Mo Rizkallah requesting a Zoning Map Amendment to change the zoning district of 5 Homer Square from Neighborhood Residence (NR) to Urban Residence (UR) (File # 24- 0607).

The Board discussed that this appears to be spot zoning in an area where there is not necessarily any public benefit or planning value.

Following a motion by Vice Chair Aboff, seconded by Member Habib, the Board voted unanimously (5-0) to recommend that the City Council deny the requested zoning change.

- 14 registered voters requesting a Zoning Map Amendment to change the zoning district of 136 School Street from Urban Residence (UR) to Mid-Rise 6 (MR6), 95 Highland Avenue from Neighborhood Residence (NR) to MR6, and 97, 99-99A, 101-103, and 107 Highland Avenue from Mid-Rise 5 (MR5) to MR6 (File # 24-0641).

The Board discussed that the applicant made a good point that this would be a positive overall change for the City.

Following a motion by Vice Chair Aboff, seconded by Member Habib, the Board voted unanimously (5-0) to recommend that the City Council approve the requested zoning change.

### **OTHER BUSINESS: Brickbottom Neighborhood Plan**

Staff reviewed the proposed Brickbottom Neighborhood Plan.

Vice Chair Aboff opened public testimony.

Joshua Michel (1D Clark Street) – stated that he appreciates the thought regarding the planning of transportation around this neighborhood. While he likes the number of parks in the neighborhood, he is concerned about the all the courtyard spaces that have been included as this space could be used to make the buildings taller and include more housing to alleviate the housing issues that the City is seeing. Having slightly less green space and instead include green roofs for additional housing might be a possibility.

Jennifer Schultz (Planning Council for many of the owners in the Brickbottom neighborhood, speaking on behalf of the North River Leerink partnership) – explained that her clients appreciate the Brickbottom Neighborhood Plan, its compelling policy to bring civic spaces, artists spaces, affordable housing, new street network amenities, and great businesses to this area. One area of concern is that the Lab and R&D use is called out in the draft plan to require a Special Permit, whereas there are no references to other uses requiring that relief. This seems to be a puzzling discretionary approval for a use that has proven that it can, and probably should be, one of the most significant economic drivers to the area. Another concern is the requirement set forth in the Plan for 20% ACE space. Her clients understand that this is intended to be an arts neighborhood, but a 20% ACE requirement would be a multiple of what is required everywhere else in the City. The request would instead be that the additional ACE space be considered as an incentive. She stated that her clients would like to see a commitment to density and

height, especially along the railroad tracks in this neighborhood. There are also requests regarding the requirements for relocation and loading.

Staff explained that the goal of the Interim Planning Overlay District (IPOD) is to not necessarily pause all development but give time for new comprehensive zoning in Brickbottom to occur. The IPOD is a tool to allow Staff to work on zoning from a holistic standpoint.

There was discussion regarding the City's Eversource needs and how this plan could help to shepherd a new substation into the City. There was discussion regarding some of the proposed design standards within the plan and making sure they match with the sustainability standards. There were also discussions about engagement with business owners, the potential for learning opportunities through stormwater management, and the need for proactive infrastructure planning.

Vice Chair Aboff closed public testimony. Written testimony will be left open until noon on 9 August 2024.

Following a motion by Vice Chair Aboff, seconded by Member Habib, the Board voted unanimously (5-0) to continue this presentation and discussion to 15 August 2024.

<b>RESULT:</b>
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<b>CONTINUED</b>
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*NOTICE: These minutes constitute a summary of the votes and key discussions at this meeting. To review a full recording, please contact the Planning, Preservation & Zoning Division at [planningboard@somervillema.gov](mailto:planningboard@somervillema.gov).*