



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

**15 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>Absent</i>	
Luc Schuster	Alternate	<i>Present</i>	<i>Exited 7:51pm</i>

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

The meeting was called to order at 6:05pm and adjourned at 8:12pm.

**GENERAL BUSINESS: Meeting Minutes**

Following a motion by Vice Chair Aboff, seconded by Member Habib, the Board voted unanimously (4-0) to approve the 18 July 2024 meeting minutes, as presented.

**PUBLIC HEARING: 45 Mystic Avenue (P&Z 22-029)**

*(continued from 18 July 2024)*

Following a motion by Vice Chair Aboff, seconded by Member Habib, the Board voted unanimously (4-0) to continue this hearing to 19 September 2024.

**RESULT:**

**CONTINUED**

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

*(continued from 1 August 2024)*

Staff explained that the Mobility Division's position is that they do not have enough information to provide the Board with a policy recommendation. However, they would advise that if the Board does vote to approve the Major Amendment, which would be to strike two of the conditions on the permit, there should be some annual collection of data or monitoring conditions around traveler mode share. If the Board votes to make no change, Mobility will continue to work with the applicants to review and approve any Transportation Impact Study (TIS) scopes necessary as part of the existing process.

The Board asked how long the dispensary has been operating in its existing location. The applicant team stated that the license was approved on 16 April and that the dispensary opened in May of this year. The Board noted that the original transportation submissions made for the Site Plan Approval noted that it was to be appointment-only, and that, to the Board's knowledge, all the calculations were done with the expectation of a maximum of 18

customers per hour. The Board asked about the current number of customers per hour. The applicant team stated that it is not even close to 18 per hour; the number is likely closer to a couple of customers per hour. The applicant originally put in for appointment-only, as that is the way the city was leaning at the time. The Licensing Commission put a condition on the license that it be appointment-only for six months. Prior to opening, the applicant requested this condition be removed and the Licensing Commission approved that request. A traffic study is difficult to complete based on the appointment-only status.

Some Board members noted that the Board should balance being cautious protectors of neighborhood stability with being reasonable and responsive to changing conditions over time. The Board discussed that based on everything known about the market for cannabis stores in Somerville and in the broader region, it seems implausible that eliminating the appointment-only condition would lead to a large influx of new traffic. The Board could consider approving this request and welcoming a process for other stores in the city to apply for something similar, so that this is not an item of privilege. It was noted that Staff provided the Board with the additional information that it is not possible to revise a condition at large in that way. Applicants would have to come back to the Board through the appropriate process to revise conditions, but the Board could agree on a consistent process to use in that situation.

Some Board members suggested a proposal that, due to the experience in the city, there is not a need for a new full TIS to have this condition lifted. Mobility's suggestion was for data collection, such as a requirement for an annual survey of customer and employee mode share. This information would be useful to the Licensing Commission in decisions regarding issues that needed to be addressed in renewing applicant licenses. However, if Mobility is unwilling to endorse the removal of the condition, the Board could consider a lighter touch condition that would provide Mobility with data that might help them to understand whether any further future concerns were founded. The proposal would be to allow these types of establishments to come back to the Board for a tradeoff of conditions at their discretion.

Staff explained that the Licensing Commission could work in conjunction with Mobility to make sure that Mobility is comfortable with items such as pedestrian circulation and how traffic is being affected by the business. This information could be taken into consideration when deciding whether or not to renew a license.

The Board discussed that this seems to be a great way of compromising and balancing the needs of the business owner, while also retaining the ability, should it be necessary, to revert back to appointment-only.

The Board discussed approving this ahead of the previously proposed six-month duration of operation deadline condition. There was disagreement with whether or not to approve this ahead of the condition's duration. The Board discussed asking the applicant team to confirm when the business began operation and determining the next Planning Board meeting date six months from that date. The Board could then continue this item until that date. The Board would then be at the ready to vote to remove this condition and replace it with a condition for some amount of annual reporting.

The applicant team noted that these stores are currently not operating truly as appointment-only. They asked if the business could continue as it currently exists during this process. The Board stated that they cannot opine on the applicant alerting the Board to that fact that it is currently operating in a way that is out of compliance with the existing permits. If the Board votes this evening based on the way that intentions have been communicated, this proposal will not be approved. The applicant team can determine how it best wishes to move forward at this time.

The Board explained that the Mobility Director, if adhering to the existing condition, has the full jurisdiction to dictate the scope of a TIS. His position is that the applicant should still complete the full transportation study. The Board is prepared, if the applicant waits until the six-month mark of operation, to override Mobility, waive that condition, and replace it instead with a condition that would require the business to report survey data from the employees and customers to the city. This would not be a full TIS. The applicant team can decide whether to continue this case again this evening.

Following a motion by Vice Chair Aboff, seconded by Member Habib, the Board voted unanimously (4-0) to continue this hearing to 5 September 2024.

**RESULT:**

**CONTINUED**

**PUBLIC HEARING: 500 Medford Street (ZP24-000059)**

*(continued from 1 August 2024)*

The applicant team explained that the letter from Fuss & O'Neill stated that traffic engineers review the generic trip generation data from the 2021 trip generation manual regarding what a cannabis dispensary throws off for throughput of cars. This is then applied to the square footage of the store and does not include the appointment-only number. The number given by the applicant team of five additional automobiles during the weekdays came from that process. They stated that anything done to slow down sales, such as adding an appointment-only requirement, brings fewer people to the dispensary and anything done to increase bicycle or walking activity brings a lower throughput. The applicant is not asking the Board to waive the traffic study in order to remove the appointment-only condition; it is stating that it has a traffic study that would invite the Board to waive the appointment-only condition on this particular application. The applicant team respectfully requests that, as a part of the potential approval, the Board also consider removing the condition, which at this point is only a Staff recommendation.

The Board stated that it did not have overarching concerns about the overall Special Permit for this use in this location. With respect to the appointment-only condition, the Board appreciated that the TIS was completed without respect to the appointment-only model. One consideration would be that the appointment-only model was presented during the community meetings that were held. The Board could consider the proposed departure from that in light of the recent community meetings. The Board noted that there was discussion that Magoon Square seems desperate for more vibrancy and activated storefronts and more people in this area due to the removal of the appointment-only condition may lead to more vibrancy.

The applicant team explained that the design for the building includes a wall in front of the bank of windows to give approximately 2' for shadow boxes to liven the storefront and include artwork. The work could be sourced from local artists. The Board discussed a potential condition that there be regulation activation of the window display for artwork. The applicant team explained that there are rules to comply with in terms of the allowable artwork and so a condition requiring local artists may be difficult.

Staff stated that they have not received an answer from the Mobility Division as to whether the submitted TIS justifies not including the appointment-only condition for this dispensary, as has been applied to every other dispensary. Mobility does want to make sure that all cannabis retailers that have come before this Board are treated equitably. Mobility's comments given for 71-72 Union Square were that the process for removing an appointment-only condition should be the same amongst all applicants to the Board. That may mean coming back to the Board to formally request this removal.

The Board discussed leaning towards not requiring the appointment-only condition in this case, while also respecting the concept of fairness and equity amongst applicants. The Board recently asked another applicant for a six-month timeframe. To be consistent until the Board is ready to formally shift over to a more expeditious approval process, these requirements should be the same.

The applicant team explained that, in this case, the Planning Board received what it should and does normally rely on, namely, a TIS report, and an updated traffic study letter written by the same engineer. This case is very different from the last one. They noted that in terms of appointment-only being discussed during the neighborhood meeting, this item did not really come up; the meeting centered around the discussion of cannabis. There were 36 attendees at the neighborhood meeting two weeks ago. The team stated that the law allows for the

conditions mentioned to be changed through this process. The applicant team expressed interest in being able to start the construction process, noting at least three months of buildout to come.

The Board discussed either continuing this hearing in order to hear back from Mobility or voting on the hearing with the conditions as they currently stand and asking the applicant to come back after six months of operation.

Some Board members expressed concern that items regarding proceduralism about practice are dictating too much. In many of these cases, the stores are located in areas that are desperate for more traffic and vibrancy and it is hard to understand how removing the appointment-only condition will be a detriment. The level of conservatism the Board is leaning toward does not feel right. There is a cost to both the applicant teams, the Board, and Staff to continue these hearings to future meetings. Other Board members noted that it is unclear where Mobility will come down on this decision.

The Board concluded that there was only one way for a conclusive vote to occur; to vote on this application with the appointment-only condition this evening, allow the applicant team to move forward with other permits, and either come back to the Board after six months of operation for a simpler administrative process, or come back to the Board sooner for discussion with Mobility and a more administrative process.

The applicant team noted that the Board has the right to determine whether a modification is minor or major. They asked if the applicant could write a letter requesting a minor modification to remove the condition in the future, with the Board then having the right to declare that this would be a minor modification. The Board thanked the applicant team for the suggestion but decided to move toward a vote in order to not further complicate the matter. One Board member expressed an objection to requiring the six-month requirement. Given everything the Board has learned, and the fact that Mobility has had many opportunities to raise clear objections to moving forward but has not.

Following a motion by Vice Chair Aboff, seconded by Member Habib, the Board voted unanimously (4-0) to approve with conditions, including those listed in the Staff Memo, dated 26 July 2024, as written, as well as the additional condition discussed this evening regarding storefront activation, the request to establish a cannabis retail sales use in the Midrise 4 zoning district.

**RESULT:**

**APPROVED WITH CONDITIONS**

*Member Schuster exited the meeting at 7:51pm.*

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

*(continued from 1 August 2024)*

Following a motion by Vice Chair Aboff, seconded by Member Habib, the Board voted unanimously (3-0) to continue this hearing to 5 September 2024.

**RESULT:**

**CONTINUED**

**PUBLIC HEARING: 393 Highland Ave (ZP24-000058)**

Following a motion by Vice Chair Aboff, seconded by Member Habib, the Board voted unanimously (3-0) to continue this hearing to 5 September 2024.

**RESULT:**

**CONTINUED**

### **OTHER BUSINESS:**

- **Recommendations to City Council from the Joint Hearing on the following items:**

- Requesting ordainment of an amendment to the Somerville Zoning Ordinance to add Section 8.5 Interim Planning Overlay District (IPOD) and the Brickbottom sub-area (File #24-0551).

Staff explained that the Brickbottom IPOD is a temporary planning overlay district that would be, if adopted, in operation for 18 months or until the adoption of full updated zoning for the Brickbottom neighborhood. It ensures that development that is not appropriate with the draft Brickbottom Neighborhood Plan does not occur, as the current zoning for Brickbottom is not consistent with the goals of the neighborhood. All development would have to receive a Special Permit, if it was allowed at all. Staff noted that the proposal is for this amendment to be in place until updated zoning is adopted for the district. Staff does not anticipate this will take 18 months, but believes this timeline is appropriate to leave in place.

Following a motion by Vice Chair Aboff, seconded by Member Habib, the Board voted unanimously (3-0) to make a positive recommendation to the City Council on the adoption of the Brickbottom IPOD.

- 14 registered voters requesting a Zoning Map Amendment to change the zoning district of 228, 230, 232, 234, 236 Pearl Street from Mid-Rise 4 (MR4) to Mid-Rise 6 (MR6) (File #24-0642).

The Board discussed being in support of increased density in the Gilman Square area, while noting that the Board has been unsupportive of other applications for one-off map changes, due to considerations about spot zoning and an uncoordinated approach. Thus, the Board considered either a vote of no recommendation or recommendation against this proposal. An individual property owner's map change request is different than negative to neutral feedback from the community regarding a master plan for their neighborhood that would result in increased density and come with the requisite public benefits.

Staff explained that new buildings in the MR6 district, including apartment buildings, general buildings, commercial buildings, and lab buildings, do require Site Plan approval.

Following a motion by Vice Chair Aboff, seconded by Member Habib, the Board voted unanimously (3-0) to make a recommendation of no recommendation to the City Council on this item.

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

The Board tabled discussion on this item to a future meeting.

### **OTHER BUSINESS: Review of Standards Conditions of Approval**

The Board tabled discussion on this item to a future meeting.

*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).*