



City of Somerville

PLANNING BOARD

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

DECISION

7/11/2024 10:11:33

PROPERTY ADDRESS: 71-72 Union Square
CASE NUMBER: ZP24-000059
APPLICANT: Union Leaf Inc. c/o Walter Sullivan, Esq.
APPLICANT ADDRESS: 8 Curtis Street, Somerville, MA 02144
OWNER: Laxmi Pradhan, Trustee, Everest Realty Trust
OWNER ADDRESS: 8 Curtis Street, Somerville, MA 02144
DECISION: **Approved With Conditions** (Major Amendment)
DATE OF VOTE: December 5, 2024
DECISION ISSUED: December 10, 2024

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Planning Board (the "Board") regarding the Major Amendment submitted for 71-72 Union Square.

LEGAL NOTICE

Walter Sullivan seeks a Major Amendment to a previously issued Special Permit for Cannabis Retail (CZC#2020-00039) for in the Commercial Core 4 (CC4) zoning district.

RECORD OF PROCEEDINGS

On July 18, 2024, 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 Chair Michael Capuano, Clerk Jahan Habib, Michael McNeley, and Alternate Luc Schuster. The Applicant presented their requested revision to the conditions of approval of Special Permit CZC #2020-00039. Due to a public access issue at the virtual meeting, the Board continued the hearing to August 1, 2024.

On August 1, 2024, the hearing resumed. Present and sitting at the public hearing were Board Vice Chair Amelia Aboff, Clerk Jahan Habib, Michael McNeley, and Alternates Debbie Howitt Easton and Luc Schuster. Vice Chair Aboff submitted an affidavit confirming that she had reviewed the meeting tape from the prior meeting. The Applicant presented their requested revision, to remove the appointment-only condition and to remove the requirement that a new Transportation Impact and Access Study (TIAS) be submitted in order to change the means of sale. The floor was opened for public testimony, and none was provided for or against the requested revision. The Board discussed the removal of the conditions. It was noted that the License Commission has waived the appointment-only requirement for some cannabis retailers in the city. The Board agreed to further discuss the item and a potential uniform approach to waiving traffic study requirements, and continued the hearing to August 15, 2024.

On August 15, 2024, the hearing resumed. The Board discussed that the Mobility Division did not provide a policy recommendation on removing the aforementioned conditions, citing a lack of information. The Board discussed whether or not a new TIAS

was necessary. The ultimately decided that they would be willing to strike the conditions without a new TIAS and replace them with a condition requiring annual monitoring and reporting, if the Applicant waits until the business has been in operation for six months. The Board continued the hearing to September 5, 2024.

On September 5, 2024, September 19, 2024, and November 21, 2024, the Board continued the hearing.

On December 5, 2024, the hearing resumed. The Board noted that the business has been in operation for six months. The Board moved to approve the Major Amendment to revise the conditions of approval for the existing Special Permit.

SPECIAL PERMIT FINDINGS

The findings remain the same as in the original decision (CZC#2020-00039), with the exception of the following change:

4. *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 Board finds that the location is within a Transit Area (it is less than 0.25 miles from the Union Square Green Line Station) and is not providing any motor vehicle parking. However, the Applicant has proposed to install 8 long-term bicycle parking spaces in the basement of the building, and 4 short-term bicycle parking spaces in Union Square Plaza in close proximity to the site. The proposal includes converting two public parking spaces in the Union Square Lot into a commercial loading zone to provide an off-street loading area. ~~It will be appointment only, so no queuing within Union Square Plaza or public rights-of-way in anticipated.~~

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the Major Amendment to a Special Permit for Cannabis Retail in the Commercial Core 4 (CC4) zoning district, retaining all the conditions of approval from the original decision (CZC#2020-00039), with the following changes:

Removal of the following conditions:

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 and Access Study (TIAS). The scope of the TIAS must be approved by the Director of Mobility.

Addition of the following condition:

8. Union Leaf, Inc. shall commit to annual monitoring and reporting of the walk-in customer operations model. The annual report shall include at least the following information:
- A statistically valid travel survey of employees and customers
 - A status update on the implementation of all TDM measures

Attest, by the Planning Board:

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

Attachment - Original Decision (CZC#2020-00039)



City of Somerville

PLANNING BOARD

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

DECISION

2021 APR 29 PM 12:04

PROPERTY ADDRESS:	71-72 Union Square	CITY CLERK'S OFFICE
CASE NUMBER:	CZC#2020-00039	SOMERVILLE, MA
OWNER:	Laxmi Pradhan, Trustee of Everest Realty Trust	
OWNER ADDRESS:	1274 Broadway, Apt 2., Somerville, MA 02143	
DECISION:	Approved with Conditions (Site Plan Approval) Approved with Conditions (Cannabis Retail Special Permit)	
DECISION DATE:	April 15, 2021	

This decision summarizes the findings made by the Planning Board regarding the development review application submitted for 71-72 Union Square.

LEGAL NOTICE

Laxmi Pradhan, Trustee of Everest Realty Trust, proposes to construct a 3-story commercial building in the Commercial Core district which requires Site Plan Approval and to establish a Cannabis Retail Sales use which requires a Use Special Permit.

RECORD OF PROCEEDINGS

On April 1, 2021 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 Michael Capuano, Amelia Aboff, Sam Dinning, Jahan Habib, and Rob Buchannan. The Applicant team provided an overview of the proposal for the new building and for the operations of the new cannabis retail use. The Applicant answered questions from the Board, related to the use of one-way glass in the waiting area (the Applicant stated that one-way glass will not be used); the plan for loading and deliveries (the nearby parking lot is underutilized and will allow loading to be done in view of their security cameras); and the design of the ground floor façade (the Board requested an additional elevation drawing from a different perspective). After taking verbal testimony, the Board continued the public hearing.

On April 15, 2021 the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Michael Capuano, Amelia Aboff, Sam Dinning, Jahan Habib, and Rob Buchannan. The Board continued their discussion regarding the design of the front façade from the previous meeting. The Board, Applicant, and Staff discussed the ground story fenestration and ground story building height requirements for the building, and the evolution of this building regarding those items. The Board determined that the general ground story façade design was acceptable, but that they wanted the Applicant to work with Staff regarding the details of the upper windows to find a solution that visually reduces the amount of fenestration above the canopy for this tenant, but is easily reversible when another tenant occupies the space.

SITE PLAN APPROVAL AND SPECIAL PERMIT FINDINGS

- 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, the comprehensive Master Plan of the City of Somerville:

- Promote municipal financial self-determination and reduce fiscal dependence on state aid and residential taxes and fees.
 - Utilize land use planning and zoning to increase the commercial tax base.
- Make Somerville a regional employment center with a mix of diverse and high-quality jobs.
- Support a business-friendly environment to attract and retain a diverse mix of businesses that can start here, grow here and stay here.

The Board further finds that the proposal will also help to achieve the following from the Union Square Neighborhood Plan:

- To develop 4.2 million square feet of new commercial development within the Union Square plan area.
- To provide 15,000 new jobs within the Union Square plan area.

- 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 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."

SITE PLAN APPROVAL FINDINGS

- 3. Mitigation proposed to alleviate any impacts attributable to the proposed development.*

The Board finds that there are no negative impacts directly attributable to the proposed development.

CANNABIS RETAIL USE SPECIAL FINDINGS

- 4. 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 Board finds that the location is within a Transit Area (it is less than 0.25 miles from the Union Square Green Line Station) and is not providing any motor vehicle parking. However, the Applicant has proposed to install 8 long-term bicycle parking spaces in the basement of the building, and 4 short-term bicycle parking spaces in Union Square

Plaza in close proximity to the site. The proposal includes converting two public parking spaces in the Union Square Lot into a commercial loading zone to provide an off-street loading area. It will be appointment-only, so no queuing within Union Square Plaza or public rights-of-way is anticipated.

5. Location, visibility, and design of the principal entrance.

The Board finds that the building fronts directly onto Union Square Plaza, and so will be highly visible to pedestrians. The building will have two entrances, one into a waiting area for the cannabis retail sales floor and one into a vestibule that provides access to only the upper stories. The building will provide unrestricted views into the entry ways along the entirety of the front façade as required by zoning, and the sales floor will be shielded from public view.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the Site Plan Approval for a 3-story commercial building with the conditions included in the staff memo and discussed at the hearing. Clerk Dinning seconded. The Board voted 4-1, with Rob Buchanan voting against, to approve the permit, subject to the following conditions:

Perpetual

1. Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.

Prior to Building Permit

2. The Applicant shall visually obscure the storefront's transom windows above the canopy with a temporary (removable) opaque treatment for the duration of occupancy by Union Leaf, Corp. Final design must be approved by the Director of Planning & Zoning.
3. Upon re-tenanting of the ground story commercial space, the temporary opaque treatment of the transom windows must be removed.
4. Reflective one-way glass is prohibited.
5. Physical copies of all development review submittal materials, as permitted by the Planning Board, must be submitted to the Planning & Zoning Division for the public record.
6. The Applicant shall make a payment in-lieu for 316 square feet of open space.
7. This Decision must be recorded with the Middlesex South Registry of Deeds.
8. A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning & Zoning Division for the public record.
9. The Applicant shall submit a material palette and cornice details for the UDC to review and comment.
10. Utility meters are not permitted on any facade or within the frontage area of the lot.

11. Material specifications from suppliers must be submitted to confirm fenestration glazing is compliant with the VLT and VLR ratings required by the Somerville Zoning Ordinance.
12. An outdoor lighting plan and supplier cut sheet specifications of chosen lighting fixtures must be submitted to confirm compliance with Section 10.7 Outdoor Lighting of the Somerville Zoning Ordinance. The site photometric plan must include a keyed site plan identifying the location of all luminaires; total site lumen limit table (calculations from the SZO); lighting fixture schedule indicating the fixture type, description, lamp type, lumens, color temperature, color rendering index, BUG rating, mounting height, and wattage of all luminaires; and notation of any timing devices used to control the hours set for illumination.
13. Product details and design specifications for the eight (8) long-term bicycle parking spaces in the basement must be submitted to confirm compliance with Section 11.1 Bicycle Parking of the Somerville Zoning Ordinance.

Prior to Certificate of Occupancy

14. The Applicant shall provide four (4) compliant short-term bicycle parking spaces or their substantial equivalent within the boundaries of Union Square Plaza.

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the Cannabis Retail Sales use Special Permit with the conditions included in the staff memos. Clerk Dinning seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

Perpetual

1. Approval is limited to the Union Leaf, Corp, and is not transferable to any other party in interest.
2. This permit is valid subject to Union Leaf, Corp. having a fully executed and active Host Community Agreement with the City of Somerville.
3. Union Leaf, Corp., shall participate in any comprehensive loading plan developed for business fronting on the Union Square Plaza by 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 and Access Study (TIAS). The scope of the TIAS must be approved by the Director of Mobility.
6. Union Leaf, Corp., shall implement the Transportation Demand Management strategies proposed as part of the submitted Transportation Impact Statement.
7. The Applicant must comply with the Development Covenant by and between the City of Somerville and Laxmi Pradhan, Trustee of Everest Realty Trust, dated April 14, 2021, as amended.

Prior to Building Permit

8. If loading is not permitted as identified on the submitted Transportation Access Plan, the Applicant shall file for a Plan Revision subject to Section 15.2.4 of the Somerville Zoning Ordinance.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Amelia Aboff, *Vice Chair*
Sam Dinning, *Clerk*
Jahan Habib
Rob Buchannan, *Alternate*

Attest, by the Planning Director: _____



Sarah Lewis

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.

FOR ADMINISTRATIVE APPEAL(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 _____