



City of Somerville

# PLANNING BOARD

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

**TO:** Planning Board  
**FROM:** OSPCD Staff  
**SUBJECT:** 362 Mystic Avenue, ZP24-000093  
**POSTED:** April 24, 2025

**RECOMMENDATION:** Approve with Conditions (SP for Cannabis Retail Sales Use)

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from Planning, Preservation, & Zoning Staff to the Review Board members.

This memo summarizes the development review application submitted for 362 Mystic Avenue, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on March 21, 2025, and is scheduled for a public hearing on May 1, 2025. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

## LEGAL NOTICE

Haze of Somerville, LLC proposes to establish a Cannabis Retail Sales use in the Mid-Rise 4 zoning district, which requires a Special Permit.

## SUMMARY OF PROPOSAL

Haze of Somerville LLC is proposing to establish a Cannabis Retail Sales use. The proposed development will include three (3) points of sale and will not produce any additional motor vehicle or bicycle parking.

## BACKGROUND

362 Mystic Ave is located in the Mid-Rise 5 (MR5) zoning district in the Winter Hill neighborhood represented by Ward 4 Councilor Jesse Clingan. The location is not in a Transit Area or on a Pedestrian Street. The Cannabis Retail Sales use in the MR5 zoning district requires a Special Permit. The Planning Board is the decision-making authority for all (non-variance) discretionary or administrative permits required for the Mid-Rise 5 zoning district. Following approval of a Special Permit, the proposed development will need Site Plan Approval for (1) merging two commercial units into a single commercial unit, and (2) making minor modifications to the building façade. Under the Planning Board's Rules of Procedure and Policy, both actions can be completed administratively under the Minor Site Plan Approval process. Signage review is undertaken as part of a building permit process, and is not relevant to this application.

As part of their eighth round of reviews, the Mayor's Marijuana Advisory Committee (MAC) issued a recommendation on this proposal, which the Mayor accepted.<sup>1</sup> Haze of Somerville executed a Host Community Agreement with the City on November 21, 2023.

The Somerville Licensing Commission has not yet granted Haze of Somerville a license to operate a Cannabis Retail Sales use. Such a license will be required prior to the use beginning operations.

A state license from the Massachusetts Cannabis Control Commission is also required for cannabis-related business operations. The Applicant is in the process of applying for the license, which is typically received as one of the final steps of permitting and licensing.

## **NEIGHBORHOOD MEETINGS**

The required neighborhood meeting was hosted by the Applicant with Ward 4 Councilor Jesse Clingan on June 24, 2024, via the Google Meet meeting platform. Discussion subjects included the general location and neighborhood context, parking and loading, and public consumption.

## **ANALYSIS**

### Site Overview and Building

Cannabis Retail Sales uses are allowed by Special Permit in commercial and mid-rise zoning districts, with specific considerations and findings required related to mobility and the capacity of local thoroughfare networks and the design of the principal storefront. The proposed business location is an existing storefront on Mystic Avenue, with updates proposed to the existing storefront and merger of two commercial units. State law requires the sales floor and marijuana products to be hidden from the street, although lobby/check-in areas may be visible.

The existing building is a single-story commercial building with multiple commercial units and on-site parking. As referenced above, the proposed Cannabis Retail Sales use will occupy two of the existing commercial units, merging them into a single unit. The proposed retail use includes a lobby/vestibule for check-in (which will take up the right half of the storefront) and a retail floor. To support the activation of the commercial area, staff have proposed a condition that the storefront display windows into the lobby/vestibule area must be transparent and provide an unobstructed view into the lobby of the Cannabis Retail Sales commercial space. Staff do not propose any transparency requirements for the windows on the left-hand side of the commercial space, which would otherwise provide a view directly into the retail area.

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<sup>1</sup> The MAC's Round 8 Recommendation can be found here: <https://s3.amazonaws.com/somervillema-live/s3fs-public/documents/planning/Round%208%20Recommendation.pdf>

### Mobility

The site includes parking accessible from Mystic Ave and Wheatland St. The business will have two designated off-street parking spaces accessible from Wheatland St. One of those parking spaces will be used for loading as needed (and allowed for employee parking when not in use for loading operations), and the other is proposed as employee parking. Staff have included a condition of approval to require loading activities in these off-street parking spaces only. There are also multiple on-street parking spaces immediately adjacent to the site and down the street on Mystic Ave.

The Applicant has not proposed any bicycle parking as part of this application. Staff have confirmed that zoning requires one (1) short-term bike parking space and one (1) long-term bike parking space. Staff have proposed a condition that requires the Applicant to demonstrate compliant bicycle parking prior to the issuance of a building permit.

Mobility Staff have proposed multiple conditions to mitigate impacts on the city's transportation systems and to support non-vehicular transportation. These proposed conditions are standard for Cannabis Retail Sales uses.

Mobility Staff have noted that there is some information still missing from the Applicant's Transportation Impact Study, including the following:

1. TMCs (Turning Movement Counts) with cars, trucks, and buses reported separately by each movement, per TIS (Transportation Impact Study) guidelines
2. ATRs (Automatic Traffic Records) using the Excel template provided in the TIS guidelines, including Speed Reports for Mystic Ave Westbound on 5/29/24 and Speed Reports for Mystic Ave Eastbound and Westbound for 5/30/24 (which do not appear in the submitted TIS)
3. ATRs at Fellsway West for April/May 2025

PPZ Staff recommend the above information be submitted to the Mobility Division for review prior to action on the Special Permit.

### **CONSIDERATIONS & FINDINGS**

The Planning Board is required by the Somerville Zoning Ordinance to deliberate each of the following considerations at the public hearing. The Board must discuss and draw conclusions for each consideration, but may make additional findings beyond this minimum statutory requirement.

#### **Cannabis Retail Sales Use Special Permit Considerations**

1. The comprehensive plan and existing policy plans and standards established by the City.
2. The intent of the zoning district where the property is located.
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.

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

Information relative to the required considerations is provided below:

Cannabis Retail Sales Use Special Permit

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

Staff believes that this project supports the goals laid out in SomerVision 2040, the City's Comprehensive Master Plan, including the following:

- 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.

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

The intent of the MR5 zoning district 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."

The intent of the Zoning Ordinance as a whole 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 at the northern border of the Winter Hill neighborhood, on an arterial street with close access to I-93. Staff believes that this access from the neighborhood and from the highway, along with the Transportation Demand Management strategies proposed by Staff, will mitigate negative impacts on traffic and circulation patterns in the neighborhood.

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

Haze of Somerville will be utilizing an existing storefront on Mystic Avenue. The location is highly visible to vehicles and pedestrians; the signage and entrance design will be updated. The principal entrance opens into a waiting area, permitting the Applicant to comply with the storefront requirements.

## PERMIT CONDITIONS

Should the Board approve the required Special Permit to establish a Cannabis Retail Sales use, OSPCD Staff recommend the following conditions:

### Permit Validity

1. This Decision must be recorded with the Middlesex South Registry of Deeds.
2. 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.
3. Approval is limited to Haze of Somerville, LLC and is not transferable to any successor in interest.
4. This permit is valid subject to Haze of Somerville, LLC having a fully executed and active Host Community Agreement with the City of Somerville.

### Public Record

5. 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.
6. Digital copies 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.

### Storefront Design

7. Subject to all MA state law and the Code of Massachusetts Regulations, storefront display windows on the right half of the storefront must be transparent and provide an unobstructed view by pedestrians into the lobby of the Cannabis Retail Sales space.

### Mobility

8. Updated plans demonstrating compliant short- and long-term bicycle parking must be submitted to ISD and the Mobility Division for review prior to the issuance of a Building Permit.
9. Loading activities must be conducted via passenger car using the designated off-street parking spaces in the parking lot accessible from Wheatland Street, as identified in the approved Transportation Access Plan.
10. Haze of Somerville, LLC shall commit to annual monitoring and reporting of the 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 (Transportation Demand Management) measures.

11. Retail sales to walk-in customers are prohibited. Customer visits must be by appointment only.
12. Any change to the means of sales requires a new Transportation Impact Study (TIS) and constitutes a major amendment to this Special Permit.
13. Haze of Somerville, LLC shall post information about non-vehicular services available in the area on its website and in materials posted at the store.
14. Haze of Somerville, LLC shall provide one (1) TransitScreen display (or equivalent service) displaying real time MBTA and bike share information, to be located in the building at a location visible to customers.
15. Haze of Somerville, LLC shall provide employees 100% subsidized Bluebikes public bikeshare memberships, subject to annual rate increases.
16. Haze of Somerville, LLC shall provide employees 100% subsidized MBTA passes, up to the federal maximum Qualified Transportation Fringe benefits per current U.S. Internal Revenue Code (\$325 per month in 2025), subject to annual increases.
17. Haze of Somerville, LLC shall provide incentives to customers who take non-vehicular or public transportation modes to the site.