



City of Somerville

PLANNING BOARD

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

DECISION

2025 MAY 19 A 11:20

PROPERTY ADDRESS: 362 Mystic Ave
CASE NUMBER: ZP24-000093
OWNER: Yang Tze LLC
OWNER ADDRESS: P.O. Box 230196, Boston, MA 02123
APPLICANT: Haze of Somerville LLC
APPLICANT ADDRESS: 362 Mystic Ave, Somerville, MA 02145
DECISION: Approved with Conditions (Use Special Permit)
DATE OF VOTE: May 15, 2025
DECISION ISSUED: May 19, 2025

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 362 Mystic Ave.

LEGAL NOTICE

Haze of Somerville, LLC proposes to establish a Cannabis Retail Sales use in the Mid-Rise 5 zoning district, which requires a Special Permit.

RECORD OF PROCEEDINGS

On May 1, 2025, 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 Chair Michael Capuano, Vice-Chair Amelia Aboff, Clerk Jahan Habib, Michael McNeley, Lynn Richards. Also present was Alternate Luc Schuster. The applicant team provided a presentation, summarizing the proposed project, including the use and proposed occupation of a commercial space at 362 Mystic Ave. Chair Capuano opened the floor to public testimony, and one person spoke in support of the application while noting that Somerville does not seem to need any more cannabis retail sales businesses. There being no further public comments, Chair Capuano closed the public portion of the hearing. Board members asked questions about the ongoing moratorium on additional Host Community Agreements, the appointment-only sales requirement and process for changing that requirement, location restrictions based on areas where children congregate, loading areas, and security requirements. Staff and the applicant team responded to those questions, and the Board discussed the appointment-only sales requirement. The Board then discussed the goals for the site and area related to redevelopment. The Board continued the public hearing.

On May 15, 2025, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Clerk Jahan Habib, Michael McNeley, Lynn Richards, and Alternate Luc Schuster. The applicant team provided an overview of updated transportation data that was submitted to complete

their application, and Staff confirmed that the information had been reviewed with no concerns. The Board and Staff reviewed the area of the proposed use in the context of the community's development goals, as established in SomerVision 2040. Following the discussion, the Board moved to approve the application.

PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date	Revision Date
Site Narrative: 362-368 Mystic Ave	11	Haze of Somerville LLC 362 Mystic Ave. Somerville, MA 02145	Undated, submitted December 13, 2024	n/a
Plan Set: 362-368 Mystic Ave	4	Various, submitted by: Haze of Somerville LLC 362 Mystic Ave. Somerville, MA 02145	Undated, submitted December 12, 2024	n/a
Haze of Somerville LLC Neighborhood Meeting Report	14	Haze of Somerville LLC 362 Mystic Ave. Somerville, MA 02145	Undated, submitted October 29, 2024	n/a
Supporting Transportation Material – Special Permit #: ZP24-000093 Project #: 24-021677	167	VHB 260 Arsenal St #2 Watertown, MA 02472	March 6, 2025	n/a
Traffic Data Collection (supplemental material) 362-368 Mystic Avenue Somerville, Massachusetts	47	VHB 260 Arsenal St #2 Watertown, MA 02472	May 14, 2025	n/a

SPECIAL PERMIT FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny a Special Permit 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:

- 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 Board finds that the proposal meets the intent of the MR5 zoning district, which 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 Board finds that 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.*

The Board finds that 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.

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** to establish a Cannabis Retail Sales use in the Mid-Rise 5 zoning district with the conditions included in the staff memo. Clerk Jahan Habib seconded. The Board voted **4-0-1** (Lynn Richards abstaining) to approve the permit, subject to the following conditions:

1. Approval is limited to Haze of Somerville, LLC and is not transferable to any successor in interest.
2. This permit is valid subject to Haze of Somerville, LLC having a fully executed and active Host Community Agreement with the City of Somerville.
3. 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.
4. 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.
5. 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
6. Retail sales to walk-in customers are prohibited. Customer visits must be by appointment only.
 7. Any change to the means of sales requires a new Transportation Impact Study (TIS) and constitutes a major amendment to this Special Permit.
 8. 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.
 9. 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.
 10. Haze of Somerville, LLC shall provide employees 100% subsidized Bluebikes public bikeshare memberships, subject to annual rate increases.
 11. 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.
 12. Haze of Somerville, LLC shall provide incentives to customers who take nonvehicular or public transportation modes to the site.

Prior to Building Permit

13. This Decision must be recorded with the Middlesex South Registry of Deeds.
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. 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.
16. 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.

Prior to Certificate of Occupancy

17. 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.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Jahan Habib, *Clerk*
Michael McNeley
Lynn Richards
Luc Schuster, *Alternate*

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 _____

DATE
 REVIEWER
 LOCATION
 DECISION