



City of Somerville

## PLANNING BOARD

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

2021 AUG 19 A 9:41

### DECISION

**PROPERTY ADDRESS:** 67 Broadway  
**CASE NUMBER:** P&Z 20-024  
**OWNER:** 67 Broadway Realty Trust  
**OWNER ADDRESS:** P.O. Box 281, Somerville, MA 02143  
**DECISION:** Approved with Conditions (Site Plan Approval)  
Approved with Conditions (Use Special Permit)  
**DECISION DATE:** August 5, 2021

CITY CLERK'S OFFICE  
SOMERVILLE, MA

This decision summarizes the findings made by the Planning Board (the "Board") regarding the development review application submitted for 67 Broadway.

### LEGAL NOTICE

Revolutionary Clinics II, Inc., proposes to modify a 3-story commercial building in the Mid Rise 4 district which requires Site Plan Approval and to establish a Cannabis Retail Sales use which requires a Special Permit.

### RECORD OF PROCEEDINGS

On August 5, 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 Chair Michael Capuano, Vice Chair Amelia Aboff, Clerk Rob Buchannan, Jahan Habib, Erin Geno, and Alternate Debbie Howitt Easton.

The Applicant provided an overview of the proposal to add recreational cannabis to the existing medical cannabis business. The Board, Applicant, and Staff discussed various aspects of the proposal. The Applicant confirmed that the total number of employees does not meet the threshold in the Ordinance for requiring a Mobility Management Plan. Staff confirmed that compliance with the Ordinance's VLT and VLR requirements was typically done after the Board voted and prior to the issuance of a building permit. The Board indicated that they only intended to place the appointment-only condition on the recreational portion of the business and would not require the existing medical portion to become appointment-only.

The Board, Applicant, and Staff discussed the Mobility Division's recommended condition regarding mitigation of traffic impacts in the surrounding area. The Board offered the Applicant an opportunity to continue the case to a future meeting in order to receive additional information from Staff about the condition, but the Applicant declined the offer.

### SITE PLAN APPROVAL FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny an application for Site Plan Approval 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 the proposal will help achieve the following goals of SomerVision 2030, the comprehensive Master Plan for the City of Somerville.

- 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
- Support a business-friendly environment to attract and retain a diverse mix of businesses that can start here, grow here and stay here.

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 MR4 zoning district which is, in part, "To create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood serving uses."

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

The Board finds that as conditioned, it is not expected that there will be any negative impacts attributable to the proposed development.

## **CANNABIS RETAIL USE SPECIAL PERMIT FINDINGS**

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny a special permit for Cannabis Retail Sales 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 the proposal will help achieve the following goals of SomerVision 2030, the comprehensive Master Plan for the City of Somerville.

- 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
- Support a business-friendly environment to attract and retain a diverse mix of businesses that can start here, grow here and stay here.

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 MR4 zoning district which is, in part, "To create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood serving uses."

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 proposal includes the reducing the existing number of motor vehicle parking spaces by 1, for a total of 14 motor vehicle parking spaces (two of which are wheelchair accessible) and adding 4 long-term bicycle parking spaces.

After reviewing the Applicant's Transportation Impact Study (TIS), the Mobility Division recommended further reducing the number of motor vehicle parking by one space and using that area for additional bicycle parking spaces, particularly for short-term parking. The Board finds that these recommended changes, in addition to mitigation of the expected impacts found in the TIS on nearby intersections, will help reduce the expected negative impacts from this proposal on the local thoroughfare network.

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

The principal entrance for the medical portion of the cannabis retail sales use is on Broadway and is unchanging from what has existed since 2017. Wall signs reading "Revolutionary Clinics" are on both the Broadway and the Pennsylvania Ave facades and mark the location of this entrance.

The principal entrance for the recreational portion of the cannabis retail sales use is on Pennsylvania Ave, around the corner from the medical entrance. This entrance will be marked by a blade sign above the entrance, although the blade sign may not be visible to pedestrians on the Broadway sidewalk due to the configuration of the building. This entrance is accessed through the parking lot and does not directly abut a public sidewalk.

## DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the *Special Permit to establish a Cannabis Retail Sales use* with the conditions included in the staff memo with the modifications discussed at the hearing. Vice Chair Aboff seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

Perpetual

1. Approval is limited to Revolutionary Clinics II, Inc., and is not transferable to any other party in interest.

2. This permit is valid subject to Revolutionary Clinics II, Inc., having a fully executed and active Host Community Agreement with the City of Somerville.
3. Recreational retail sales to walk-in customers are prohibited. Recreational customer visits must be by appointment only.
4. Any change to the means of recreational retail sales requires a new Transportation Impact and Access Study (TIAS). The scope of the TIAS must be approved by the Director of Mobility.
5. Revolutionary Clinics shall provide employees 100% subsidized MBTA passes, or up to the federal maximum Qualified Transportation Fringe benefits per current U.S. Internal Revenue Code (\$270 per month in 2021), subject to annual increases.
6. Revolutionary Clinics shall provide employees 100% subsidized Bluebikes public bikeshare memberships, subject to annual rate increases.
7. Revolutionary Clinics shall post information about non-vehicular services available in the area on the website and in materials posted at the store.
8. Revolutionary Clinics shall provide discounts or other incentives to customers who take non-vehicular or public transportation modes to the site.
9. Revolutionary Clinics shall provide real time transit information consisting of a connected TransitScreen display (or equivalent service) in an area visible to customers and at the bus shelter [Stop ID 2718] displaying real time MBTA and bike share information.
10. Revolutionary Clinics shall commit to annual monitoring and reporting of the appointment-only 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 measures.
11. If annual reporting shows that the Applicant is not meeting existing mode split in the Census Tract and/or the actual vehicle mode share found at the project site is increasing, the Applicant shall reduce the amount of parking spaces provided at the project site. These spaces can be blocked off or turned into short-term or long-term bicycle parking.

#### Prior to Building Permit

12. Revolutionary Clinics shall remove parking spaces #1 and #14, as shown in the TAP site plans, and install additional short or long-term bicycle parking in that space.
13. Revolutionary Clinics shall collect existing conditions traffic data and submit TIS addendum including capacity analysis of study area intersections.

#### Prior to Certificate of Occupancy

14. To mitigate transportation impacts, the signal timing and pavement markings of impacted intersections must be improved as required by the Director of Mobility. Final mitigation or its substantial equivalent must be approved by relevant City departments.
15. A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be submitted to the Inspectional Services

Department at least ten (10) working days in advance of a request for a final inspection.

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the *Site Plan Approval to modify a 3-story commercial building* with the conditions included in the staff memo. Vice Chair Aboff seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

Perpetual

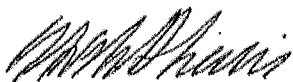
1. Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
2. Utility meters are not permitted on any facade or within the frontage area of the lot.

Prior to Building Permit

3. This Decision must be recorded with the Middlesex South Registry of Deeds.
4. Physical copies of all submittal materials as permitted by the Review Boards must be submitted for the public record in accordance with the document format standards of the ISD/PB/ZBA Submittal Requirements.
5. A copy of the Recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted for the public record.
6. 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.
7. 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.

Attest, by the Planning Board:

Michael Capuano, *Chair*  
Amelia Aboff, *Vice Chair*  
Rob Buchannan, *Clerk*  
Jahan Habib  
Erin Geno  
Debbie Howitt Easton, *Alternate*



Sarah Lewis, Director of Planning & Zoning  
Office of Strategic Planning & Community Development

**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 \_\_\_\_\_