



City of Somerville

## PLANNING BOARD

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

### DECISION

**PROPERTY ADDRESS:** 690-694 Broadway  
**CASE NUMBER:** P&Z 21-050  
**OWNER:** Thomas J. Riselli  
**OWNER ADDRESS:** 49 Betts Rd, Belmont, MA 02478  
**DECISION:** Approved with Conditions (Use Special Permit)  
**DECISION DATE:** January 20, 2022

CITY CLERK'S OFFICE  
SOMERVILLE, MA

2022 JAN 27 P 3:52

This decision summarizes the findings made by the Planning Board (the "Board") regarding the development review application submitted for 690-694 Broadway.

### LEGAL NOTICE

Advesa MA, Inc proposes to establish a Cannabis Retail Sales use in the Mid Rise 4 district which requires a Special Permit.

### RECORD OF PROCEEDINGS

On November 18, 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 Vice Chair Amelia Aboff, Clerk Rob Buchanan, Jahan Habib, Erin Geno, Russel Pildes, and Alternate Debbie Howitt Easton. Attorney Walter Sullivan and team provided a summary of the proposal. The Board heard testimony from eight individuals. The Board then closed verbal testimony, but left written testimony open until noon on December 10, 2021. The Board requested that the applicant team provide more detailed information regarding loading, cash vs. card, and security. The Board continued the public hearing.

On December 16, 2021, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Vice Chair Amelia Aboff, Clerk Rob Buchanan, Jahan Habib, Erin Geno, Russel Pildes, and Alternate Debbie Howitt Easton. Attorney Adam Dash represented the applicant. The Board, Applicant, and Staff discussed whether the updated Transportation Access Plan (TAP) had been reviewed and approved by Staff. The Board stated that they wished for Staff to review the updated TAP prior to continuing discussion of this case. The Board continued the public hearing.

On January 20, 2022, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Vice Chair Amelia Aboff, Clerk Rob Buchanan, Erin Geno, Russel Pildes, and Alternate Debbie Howitt Easton. Attorney Adam Dash and team provided a summary of the proposal. The Board, Applicant, and Staff discussed the plans for loading. The Board confirmed with Staff their understanding of the conditions regarding being appointment-only. The Board

discussed changes they wished to make to the conditions recommended by Staff, including adding a condition requiring a gate at the edge of the loading area and charging for off-site parking rather than prohibiting off-site parking.

## **CANNABIS RETAIL SALES SPECIAL PERMIT FINDINGS**

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny a Special Permit for a Cannabis Retail Sales use 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 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.
- 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 MR4 zoning district is, in part: "To create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood serving commercial 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 within a Transit Area (it is less than 200 feet from the Ball Square Green Line Station). Advesa MA has reserved 8-10 off-site parking spaces for use by customers, but will be passing along any cost of reserving these spaces to the customers who utilize them. Advesa MA will also provide at least 10 on-street short-term bicycle parking spaces for customers and 4 long-term bicycle parking spaces for employees. Advesa MA will utilize the on-site loading zone and will install a gate or other barrier at the edge of the loading zone where it meets the Josephine Ave sidewalk to prevent any vehicles from overhanging the sidewalk when occupying the loading area.

As conditioned, the proposal is not anticipated to have negative impacts on the traffic and circulation patterns in the surrounding neighborhood beyond the normal impacts expected for any commercial use.

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

Advesa MA will be utilizing an existing pair of storefronts along Broadway. The principal entrance will be on the left side of the store where customers will enter a waiting area which will be fully visible from the exterior of the store. There will be a wall sign for the business directly above this entrance, and a smaller version of the signage on the door itself. There will be an additional sign showing the company's logo (a blue lotus flower) on Josephine Ave.

The right side of the store is dominated by the sales floor which is shielded from the street by two display windows. Customers will exit from the sales floor through a vestibule that will allow the sales floor to be hidden 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 Cannabis Retail Sales use special permit with the conditions included in the November 10 and December 9 staff memos and discussed at the hearing. Vice Chair Aboff seconded. The Board voted **6-0** to approve the permit, subject to the following conditions:

### **Perpetual**

1. Approval is limited to Advesa MA, Inc and is not transferable to any successor in interest.
2. This permit is valid subject to Advesa MA, Inc having a fully executed and active Host Community Agreement with the City of Somerville.
3. Retail sales to walk-in customers are prohibited. Customer visits must be by appointment only.
4. Any change to the means of sales requires a new Transportation Impact Study (TIS). The scope of the TIS must be approved by the Director of Mobility.
5. Advesa MA shall direct all deliveries to occur outside of 7:30am to 9:30am on weekdays; 4:30pm to 6:30pm on weekdays; and 11am to 1pm on Saturdays to every extent practicable.
6. Advesa MA shall provide a TransitScreen (or its substantial equivalent) displaying real time MBTA and bike share information within the commercial space in a location that is visible by pedestrians outside the storefront display windows.
7. As voluntarily committed to in the TIS, Advesa MA shall designate an on-site transportation coordinator.
8. As voluntarily committed to in the TIS, Advesa MA shall utilize electronic queueing and pre-order systems for all customers.

9. Advesa MA 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.
10. Advesa MA shall provide employees 100% subsidized Bluebikes public bikeshare memberships, subject to annual rate increases.
11. Advesa MA shall post information about non-vehicular services available in the area on the website and in materials posted at the store.
12. Advesa MA shall provide discounts or other incentives to customers who take non-vehicular or public transportation modes to the site.
13. Advesa MA 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.
14. Frosted glass is prohibited unless it is compliant with the VLT and VLR ratings required by the Somerville Zoning Ordinance.
15. Advesa MA shall not provide subsidized motor vehicle parking for customers or employees. All costs associated with reserving off-site motor vehicle parking must be passed on to the users of that parking.
16. A gate or other barrier must be installed at the edge of the on-site loading area and the Josephine Ave sidewalk which prevents any vehicles from overhanging the sidewalk while occupying the loading area.

#### Prior to Building Permit

17. 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.
18. Existing and proposed fenestration calculations must be submitted to confirm compliance with Article 2.4.5.a.i. The fenestration percentage cannot be reduced from existing conditions.
19. This Decision must be recorded with the Middlesex County Registry of Deeds prior to applying for a Building Permit.
20. 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.
21. A copy of the Recorded Decision stamped by the Middlesex South Registry of Deeds must submitted for the public record.
22. Advesa MA shall submit an updated Transportation Access Plan (TAP), subject to review and approval by the Director of Mobility, which identifies a loading zone within three hundred (300) feet of 690-694 Broadway sufficient to serve the largest delivery vehicle type anticipated for this use.

#### Prior to Certificate of Occupancy

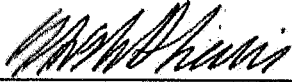
23. A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be submitted to the Inspectional Services

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

24. Advesa MA shall install a bike corral containing a minimum of 10 bicycle parking spaces, or its substantial equivalent, within three hundred (300) feet of 690-694 Broadway. Final location and design must be approved by the Director of Mobility.

Attest, by the Planning Board:

Michael Capuano, *Chair*  
Amelia Aboff, *Vice Chair*  
Rob Buchanan, *Clerk*  
Erin Geno  
Russel Pildes  
Debbie Howitt Easton, *Alternate*



Sarah Lewis, Director of Planning, Preservation & 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 \_\_\_\_\_