



City of Somerville

PLANNING BOARD

2020 JUN 25 P 6: 10

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

CITY CLERK'S OFFICE
SOMERVILLE, MA

DECISION

CASE NUMBER: DRA2020-0039
OWNER: Christos Poutahidis Mgmt LLC, 147 Willow Ave, Somerville, MA 02144
PROPERTY **378 Highland Ave**
PUBLIC HEARING: June 11, 2020
DECISION DATE: June 11, 2020
DECISION FILING: June 25, 2020
REQUIRED PERMITS: **USE SPECIAL PERMIT**
DECISION: **APPROVED WITH CONDITIONS**

This decision summarizes the findings made by the Planning Board regarding the development review application submitted for 378 Highland Ave. The application was deemed complete on April 3, 2020. The first public hearing was held on June 11, 2020. On June 11, 2020 the Planning Board voted to approve the use special permit. This decision was filed with the City Clerk on June 25, 2020.

SUMMARY OF PROPOSAL

NE Harvest Corp proposes to establish a Cannabis Retail Use in the MR3 district which requires a Special Permit.

RECORD OF PROCEEDINGS

On June 11, 2020 the PB held a public hearing. Present and sitting at the public hearing were Members Michael Capuano, Amelia Aboff, Sam Dinning, Jahan Habib, and Alternate Rob Buchanan.

Following public testimony and consideration of the statutory requirements to approve or deny the cannabis retail use special permit, Michael Capuano moved to approve the use special permit with conditions. Sam Dinning seconded. The Board voted 5 to 0 and the motion passed.

Findings:

- The Board finds that the proposal is consistent with the comprehensive plan and existing policy plans and standards established by the City.
- The Board finds that the proposal is compatible with the intent of the MR3 zoning district.

- The Board finds that due to the location and proposed transportation demand measurements the proposed use will not have a substantial impact on traffic in the surrounding area.
- The Board finds that the location of the principal entrance on a major street is appropriate.

CONDITIONS

Following review of the submitted application materials, public testimony, and the above findings, the Planning Board **APPROVES** the Cannabis Retail Use Special Permit, subject to the following conditions:

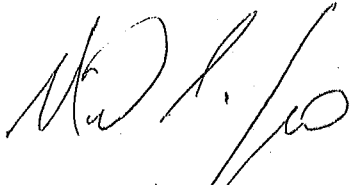
Perpetual

1. Approval is for the Cannabis Retail Use Special Permit. This approval is based on the following application materials and plans submitted by the Applicant:
 - Initial application submitted to the City Clerk's Office on January 13, 2020
 - Trip Generation Memorandum by DCI dated November 15, 2019
2. The Applicant must have an executed and active Host Community Agreement with the City of Somerville. The Applicant must abide by all terms and conditions of the Host Community Agreement.
3. The Applicant must comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Inspectional Services Department, Fire Department, Department of Public Works, and Office of Strategic Planning and Community Development.

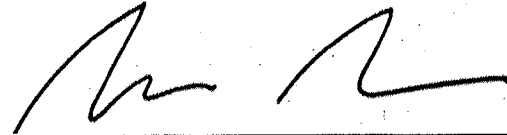
Prior to Certificate of Occupancy

4. The Applicant shall contact ISD's Zoning Review Planner at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.

Attest, by the Planning Board:



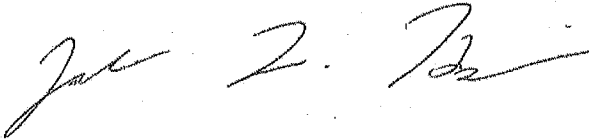
Michael Capuano, Chair



Amelia Aboff, Vice Chair



Sam Dinning, Clerk



Jahan Habib



Rob Buchanan, Alternate

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
Planning Board's proceedings are filed with the Planning & Zoning Division.

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.

Signed _____ City Clerk Date _____