

City of Somerville
Licensing Commission

Special Meeting by Remote Participation

DRAFT OF THE
Minutes of the SPECIAL Meeting
Monday, August 2, 2021, 2021 at 6:00pm
Posted Tuesday, September 21, 2021, at 8:30am

The meeting was called to order at 6:09pm. Present were Commissioners, Lynch, Allen, and Lindgren, Capt. Dennis Sullivan of the Fire Dept., Sean Keane, of the Fire Dept., Sgt. Warren Chaille of the Police Dept., Charlotte Leis of Office of Strategic Command and Community Development, Secretary to the Commission Lori Batzek, City Clerk, Kimberly Wells, Members of the City Staff, Applicants and members of the public.

The meeting adjourned at 8:18pm

A recording of this meeting is available online

Monday
August 2, 2021
6:00pm
Published on
Thursday, July 22, 2021 at 7:25PM
REVISED Published on Thursday, July 29, 2021 at 2:10PM

Pursuant to Chapter 20 of the Acts of 2021, this meeting of the Licensing Commission will be conducted via remote participation. We will post an audio recording, audio-video recording, transcript, or other comprehensive record of these proceedings as soon as possible after the meeting on the City of Somerville website.

Copy & paste the following link into your internet browser to view this meeting live:

<https://attendee.gotowebinar.com/register/7167737608703468556>.

If you wish to submit comments on any item on this agenda, you may send written comments by US mail to the Secretary of the Licensing Commission, 93 Highland Avenue, Somerville, MA, 02143, or by email to ljbatzek@somervillema.gov. Your comments must arrive no later than 12 Noon on the day of the meeting, in order to be sure they are conveyed to the Commission.

1.

MARIJUANA RETAILER LICENSES
New Marijuana Retailer License

Continued from 6/21/21 & 7/19/21 Licensing Commission Meetings

Advesa MA, Inc., 690-692 Broadway requesting approval for a Group A Priority, NEW Marijuana Retailer License
Hours of Operation: Mon. – Sun. 10AM - 10PM
(ME21-000003)

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

Continued from 6/21/21& 7/19/21

Attorney Walter Sullivan, Jessica Pelletier and Shanel Lindsay appeared for this application. Ms. Pelletier explained the additional community outreach they have done since the last meeting. 1600 flyers were delivered in neighborhoods of Somerville and Medford, they published the flyer in the Somerville Times, in print and online and on the Davis Sq. Facebook group. Flyers were also sent to Councilors Neidergang and Davis, various business and neighborhood groups, the Mayor, all City Councilors, the State Senator and the State Representative. 2 open houses were held on July 27, 2021 and July 31, 2021. A community Zoom session was held on July 29, 2021, and they met with neighbors and opponents on July 27, 2021. Ms. Pelletier felt these meetings went well and will continue them monthly. 18 business are now in support of this business and the number of signatures on the petition has increased to 387, along with the support of Councilor Neidergang, MacLaughlin, the MAC and former Mayor Gene Brune. Shanel Lindsay spoke on this application and stated they would be willing to make changes and accept conditions for the approval of this application. However Ms. Lindsay requests any restrictions on their license also be issued to the other licenses within a mile radius. Ms. Lindsay provided the list of conditions they propose: reducing the hours of operation to 10-8 on Mon. -Sat. and 11-8 on Sun. They will also reduce the number of POS from 9 to 6, and only use 4 POS, unless there is a high volume of traffic that requires additional POS opening. No armed guards inside or outside. Hiring a monitor and/or security company to monitor the area of Ball Sq. to ensure no blocked driveways, no double parking, no cannabis use in public or diversion of cannabis. Attorney Sullivan stated there were 18 or 19 call ins for the last meeting of which 6 were Advesa representatives. Chairman Lynch stated comments were still being submitted up to today. Commission Allen asked for clarification from the last meeting pertaining to additional Outreach provided by the Commission, if this was granted and by who? Chairman Lynch stated it was provided by himself to Councilor Sullivan in a subsequent phone call and provided the details he recommended. Councilor Sullivan provided details on the streets that were provided with flyers. Chairman Lynch asked who would be staffing the location. Ms. Pelletier stated she and her husband will be. Tony and a person under him, who has not been hired yet, will be the day to day managers of the business. A part time community liaison will be hired which will transition into a full time position and will also be from the Ball Sq. neighborhood.

Chairman Lynch invited the Public to speak.

Support - 9

Opposed - 4

Support with conditions and concerns on the size of the business and traffic issues - 6

Ms. Pelletier stated they are not the largest dispensary in the city. She also stated a lot of the square footage is for the house operation located in the back. Ms. Pelletier also provided several other approved dispensaries and their approved sq. ft. and total POS. She also discussed delivery, sales, as well as state and city requirements for the product in the establishment.

The commission deliberated on this application.

Commissioner Lindgren stated she believed this is a good opportunity for Advesa to be best in class women minority-owned business. They have gone through the processes required and met the criteria of the licensing ordinance and shown a willingness to adapt and concede to make the community comfortable. Commissioner Lindgren stated she believes there is some additional shoring up of the entire recreational marijuana process and communications across the board from zoning onward and believes this is true bringing new businesses into the city. There are always unknown risks with business growth and change is never easy. We need to mitigate the risks as best we can. Commissioner Lindgren detailed other proactive actives which could be taken by Advesa. She also stated she understood peoples concern with the size and POS's of the establishment and believes the concessions made are good and in line with other business metrics seen. Commissioner Lindgren would like to hear the other commissioners thoughts on this application.

Commissioner Allen stated he appreciated the efforts made by the applicant to increase their outreach efforts. He believes there is a gap between what is legally required and what may be expected. He thinks it is unfortunate that applicant are having to figure this out via trial and error and hopes the city council can move forward with in terms of, as they consider things like rental databases integrating those into notification systems to ensure residents and not just property owners receive notification. Commissioner Allen stated he felt Advesa did a good job with their additional outreach and is glad there are several things they are willing to make concessions on and listed these concessions. He also stated he knew about the concerns of Neta Brookline and visited shortly after they opened, and more recently. The licensing commission can and would quickly act if any issues arrive and reminded everyone that service is by appointment only, for a particular amount of time. He is inclined to move forward with this, integrating all of the restrictions listed today along with no devices sold ready to use, as discussed at the last meeting.

Chairman Lynch discussed the request by the applicant to levy the same conditions on all of our applicants. He is not willing to do that, each application has to be taken point by point, neighborhood by neighborhood, step by step, and is unwilling to level the same conditions on all applicants. This could not be done for the seven applications already granted conditional approval, this could be challenged in court. Chairman Lynch also stated this would not be fair to new applicants that may not have the type of neighborhood opposition as this application has had during the last 3 meetings. Every application will get the same treatment in terms of by appointment only for six months. The MAC recommended this application on the 2nd round and he detailed the CHA's execution. He also stated his questions have been

satisfactorily answered and finds all necessary paperwork filed to the licensing commission for its consideration is complete and not in conflict with state rules and regulations regarding the retail sale of cannabis. It should be noted that the floor plan which the Somerville Licensing Commission reviewed, differs from the floor plan that will be submitted to the Special Permit Granting Authority, any discrepancies or approvals, will be addressed by the special permit granting authority (Zoning Board of Appeals). He further stated the proposed site is within the marijuana overlay district and complies with the zoning related to public and private elementary schools and houses of worship (outside the 500 foot distance required) and well below the 10, 000 sq. ft. threshold established by the city ordinance Zoning does allow the licensing commission to set conditions to regulate the time and manner of operation . As far as the organization, the leadership, management and operations, the city has tasked the Somerville Licensing Commission to determine whether or not the applicant meets the standards set by the city regarding the above. Chairman Lynch's finding is the Somerville Licensing Commissions have not met in person with the principals nor their legal council regarding this application, but did disclose tonight, he did have a phone call with their council. All interactions have been conducted via remote participation and must therefore rely heaving on the MAC recommendation and the Mayor's request for consideration of this application in addition to discussion with city staff. He also stated the applicant's background in managing retail cannabis sites is noteworthy and should be given high consideration. The information provided to the Somerville Licensing Commission, Chairman Lynch finds the applicant has demonstrated the organizational and operational skill set to properly manage this operation. He requests to keep in mind the following: All state and local application requirements have been met. Robust compliance inspections will be performed by state and local authorities. There are no criminal records of the entity owners except for where provided for Marijuana infractions. Regarding the ownership and management of the entity, ant change of ownership, management, contact information, name change, relocation,, owner or staff convictions other than marijuana infractions or civil judgements, not disclosed to the state and local authorities, may result in the immediate suspension, termination or revocation of the license to operate in the City of Someville. Chairman Lynch stated the notification requirement to property owners for community outreach, within 300 ft. of the establishment, obtained from the City of Somerville and the proof provided of the notifications. He also mentioned Councilor Neidergang advising the applicant, that community input should be obtained through community meetings prior to appearing before the licensing commission and special permit granting authority (zoning board of appeals). Chairman Lynch's findings: The local statute has been complied with for property notification. Written, verbal and audio visual recordings of community outreach meetings were provided for meetings held in December 2020, June 2021, July of 2021, leaflet drops where done 2-4 times, 5 open house sessions were done at the proposed site and the applicant has appeared for 3 public meetings of the Somerville Licensing Commission. The community meetings were attended by 30-60 in December, 50-60 in June and at the most recent meeting, in July, about a dozen attendees. The Somerville Licensing Commission has received hundreds of written and verbal comments from the public as well as petitions provided by the applicant, by both Somerville residents and businesses, it should be noted, that not all comments came from Somerville residents and businesses. Chairman Lynch stated the initial comments regarding insufficient meeting notices from mainly residents of the immediate Ball Sq. neighboring streets to be concerning. He does not expect to flyer every street between Magoun Sq. and Powderhouse Rotary or

between Broadway and Morrison Ave. A reasonable expectation has to be set, however, this applicant had a false in its outreach efforts and would highly recommend the applicant produce a robust notification system regarding its efforts of engagement with the public, should they be given provisional approval. Chairman Lynch provided further commentary about these expectations and city and state guidelines on security. He also discussed the concessions made and further review process of special permit granting authority, among other issues. He also stated a full traffic and parking study is required.

Commissioner Allen stated as a point of clarification, that the special permit granting authority is the Planning Board not the ZBA. Charlotte Leis confirmed this.

The commission discussed the conditions on this license, if approved.

Commissioner Allen moved that the commission approve this license contingent on the following conditions:

Conditions: Operation by appointment only for the first Six (6) months, after issuance of the license by the Somerville Licensing Commission

Hours of Operation: 10am-8pm Mon.-Sat. & 11am-8pm Sun.

Licensee will have a maximum of six (6) Point of Sale (POS) Stations

The licensee will not employ or contract with a private security firm for armed guards to be present interior or exterior to the proposed site.

This condition does not apply to 3rd party vendors providing periodic cash management services for the licensee

The sale of Ready to use Vape devices is prohibited

Written proof of Part Time to Full Time, when in operation, Community Liaison, provided to the Somerville Licensing Commission for a minimum of one (1) year after the issuance of license by the Somerville Licensing Commission

The Commission Provisionally approved this Retail Marijuana License on a roll call vote in favor (Lindgren, Allen, Lynch), and 0 opposed

**Continued from 3/15/21 Regular Licensing Commission Meeting,
4/26/21 Special Licensing Commission Meeting, and
5/17/21, 6/21/21 & 7/19/21 Licensing Commission Meetings**

2. Status of Communication from Chairman Lynch dated 2/16/21, Urging the Commission to review its Rules and Regulations and prepare a timeline to produce any proposed amendments. This communication was placed on the February 22, 2021 Agenda. Commissioner Allen submitted revised rules and regulations to City Clerk, John Long for review on 5/14/21. John Long proposed changes to this draft on 6/14/21 & 6/15/21

The commission deferred this item the regular Meeting on August 16, 2021 on a roll call vote of in favor (Lindgren, Allen, Lynch), and 0 opposed

Continued from 5/17/21, 6/21/21 & 7/19/21 Licensing Commission Meetings

3. Commissioner Allen proposing the removal of Section 4.

The commission deferred this item the regular Meeting on August 16, 2021 on a roll call vote of in favor (Lindgren, Allen, Lynch), and 0 opposed

Continued from 5/17/21, 6/21/21 & 7/19/21 Licensing Commission Meetings

4. Commissioner Allen proposing language to update Section 1.12.b to explicitly not apply to breastfeeding.

The commission deferred this item the regular Meeting on August 16, 2021 on a roll call vote of in favor (Lindgren, Allen, Lynch), and 0 opposed