



City of Somerville

PLANNING BOARD

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

DECISION

PROPERTY ADDRESS: 76-82 Central Street
CASE NUMBER: DRA #2020-0277
OWNER: RFR Realty Trust
OWNER ADDRESS: PO BOX 281, Somerville, MA 02143

DECISION DATE: November 5, 2020

REQUIRED PERMITS: Use Special Permit
DECISION: Approved with Conditions

This decision summarizes the findings made by Planning Board regarding the development review application submitted for 76-82 Central Street.

LEGAL NOTICE

East Coast Remedies, Corp. seeks a Use Special Permit to establish a Cannabis Retail Establishment in the MR4 district.

RECORD OF PROCEEDINGS

On November 5, 2020 the Planning Board held a public hearing advertised in accordance with MGL 40A and the Somerville Zoning Ordinance. Present and sitting at the public hearing were PB Members Michael Capuano, Sam Dinning, Rob Buchanan, Amelia Aboff, and Jahan Habib.

Applicant Leah Piantidosi of East Coast Remedies, Corp. appeared with Attorney Anne Vigorito and other members of the application team to provide an overview of the proposal to establish a cannabis retail use at 76-82 Central Street. The Applicant team reviewed the floor plans, provided an overview of the security and operation plans, and discussed the traffic study.

The Board received no public comments regarding this case.

FINDINGS

- The Board finds that the proposal is consistent with the following SomerVision goals for Commercial Corridors: 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.

- The Board finds that the proposal is consistent with the intent of the MR4 zoning district to “create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood serving uses.” A cannabis retail store is a neighborhood serving use that does not currently exist in the area although, due to its nature of only serving 21+ customers, it provides services to a narrower portion of the neighborhood than the four previous uses served.
- The Board finds that the Applicant’s appointment-only business model is not expected to have significant impacts on the local thoroughfare network. While no bicycle or vehicular parking is required by zoning for this proposal, the Applicant has proposed to install bicycle parking for customers and employees on the 76-82 Central St and 155 Highland Ave parcels. On-site bicycle parking, combined with the Applicant’s commitment in the Transportation Impact Study to provide free MBTA passes to employees, is likely to significantly limit negative impacts on vehicular traffic.
- The Board finds that the Applicant’s proposal to provide dedicated off-street parking and off-street rideshare pick-up/drop-off spaces to customers is an important factor in limiting the possible negative impacts this use may have on traffic in the surrounding area.
- The Board finds that the location, visibility, and design of the principal entrance is satisfactory. The proposal to take up four storefronts at 76-82 Central Street. The storefront requirements for Mid Rise districts require that windows either permit view of the interior space or have a 4’ shadow box for display; this proposal complies with that requirement. Three of the four storefronts will continue to allow pedestrians to see into the interior of the space: the far left is into an office area, the center left is into an exit vestibule, and the far right is into a reception area. The storefront at the center right will have a 4’ display area blocking the retail sales floor; it will not display cannabis-related products.

DECISION

Following 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 and Sam Dinning seconded to motion. The Board voted **5-0** to approve the use special permit subject to the following conditions:

Perpetual

1. Approval is for a Cannabis Retail Sales Use at 76-82 Central Street.
2. This approval is limited to the East Coast Remedies, Corp., and is not transferable to any other party in interest.
3. This permit is valid subject to East Coast Remedies, Corp. having a fully executed and active Host Community Agreement with the City of Somerville.

4. Retail sales to walk-in customers are prohibited. Customer visits must be by appointment only.
5. Any change to the means of sales requires a new Transportation Impact and Access Study (TIAS). The scope of the TIAS must be approved by the Director of Mobility.
6. A minimum of five off-street motor vehicle parking spaces must be dedicated to customers of this establishment during business hours, inclusive of any ride-share spaces. The parking spaces may be provided either on-site or at an off-site accessory parking lot within three hundred (300) feet of the establishment.

Prior to Certificate of Occupancy

7. At least ten (10) working days in advance of a request for a final inspection by Inspectional Services the Applicant shall provide to the ISD Zoning Review Planner(s) a project narrative of how the conditions of this approval and the standards of SZO §§9.2.4.a and 9.2.4.d have been satisfied.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Sam Dinning, *Clerk*
Rob Buchanan
Amelia Aboff
Jahan Habib

Attest, by the Planning Director: _____



Sarah Lewis

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 SPGA proceedings are filed in the Somerville Planning Dept.

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 _____