



City of Somerville

PLANNING BOARD

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

DECISION

PROPERTY ADDRESS: 240 Elm Street
CASE NUMBER: CZC20-000073
OWNER: AP 240 Elm St LP
OWNER ADDRESS: 1616 Camden Road Suite 201, Charlotte, NC 28203
DECISION: Approved (Use Special Permit)
DECISION DATE: April 29, 2021

This decision summarizes the findings made by the Planning Board regarding the application for a Cannabis Retail Use Special Permit submitted for 240 Elm Street.

LEGAL NOTICE

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

RECORD OF PROCEEDINGS

On April 15, 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 Michael Capuano, Amelia Aboff, Sam Dinning, Jahan Habib, and Rob Buchannan. The Applicant provided an overview of the proposal and described how existing medical sales will continue to operate with the addition of recreational sales. The Board received public testimony. The Board left written testimony open until April 23, 2021 and continued the public hearing.

On April 29, 2021 the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Michael Capuano, Amelia Aboff, Jahan Habib, and Rob Buchannan.

CANNABIS RETAIL SALES SPECIAL PERMIT FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny a special permit 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 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 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 location is within a Transit Area (it is within 600 feet of the Davis Square Red Line Station) and is not creating any new motor vehicle or bicycle parking spaces. The Applicant will implement several Transportation Demand Management strategies as recommended by the Mobility Division that will prevent any significant negative impacts on traffic and circulation patterns in the neighborhood for all transportation modes. It will be appointment-only so no queuing on public ways is anticipated.

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

The use is located in the basement of the building and has entrances on both Elm and Chester Streets, although the principal entrance is on Elm Street. As Sira Naturals already operates there, the existing signage and design are not expected to change due to the new use. The existing signage includes a window and sidewalk sign on Elm Street. The Chester Street entrance has an awning sign.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the **Special Permit for Cannabis Retail Sales** with the conditions included in the staff memo. Vice Chair Aboff seconded. The Board voted **4-0** to approve the permit, subject to the following conditions:

Perpetual

1. Approval is limited to Sira Naturals, Inc. and is not transferable to any successor in interest.
2. This permit is valid subject to Sira Naturals, Inc. having a fully executed and active Host Community Agreement with the City of Somerville.
3. Sira Naturals shall direct all delivery trucks to travel out of the area via Chester Street to Massachusetts Avenue.
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 Study (TIS). The scope of the TIS must be approved by the Director of Mobility.
6. Sira Naturals shall implement the following Transportation Demand Management programs and services:
 - a. 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.
 - b. Provide employees 100% subsidized bike share memberships, subject to annual rate increases.
 - c. Post information regarding non-vehicular services available in the area on their website and in materials available at the store.
 - d. Provide discounts or other incentives to customers who take non-vehicular or public transportation modes to the site.
 - e. Provide real time transit information consisting of a connected TransitScreen display (or equivalent service) in the building lobby or another area visible to customers displaying real time MBTA and bike share information.
7. Sira Naturals shall commit to annual monitoring and reporting of the appointment-only recreational cannabis 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.

Prior to Certificate of Occupancy

8. This Decision must be recorded with the Middlesex County Registry of Deeds prior to applying for a Certificate of Occupancy.
9. A copy of the Recorded Decision stamped by the Middlesex South Registry of Deeds must submitted for the public record.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Amelia Aboff, *Vice Chair*
Jahan Habib
Rob Buchannan, *Alternate*



Sarah Lewis
Director of Planning & Zoning

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 _____