



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

**PLANNING BOARD MEMBERS**

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JOSEPH FAVALORO, *CLERK*  
DOROTHY A. KELLY GAY  
MICHAEL A. CAPUANO, ESQ.  
REBECCA LYN COOPER  
GERARD AMARAL, (ALT.)

**Case #: PB 2017-20**  
**Site: 304 Somerville Avenue**  
**Date of Decision: January 31, 2018**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: February 5, 2018**

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**PLANNING BOARD DECISION**

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<b>Applicant Name:</b>	Holistic Industries Inc.
<b>Applicant Address:</b>	33 State Street, Springfield, MA 01103
<b>Property Owner Name:</b>	304 Somerville Avenue, LLC
<b>Property Owner Address:</b>	38 Union Square, Somerville, MA 02143
<b>Agent Name:</b>	John L. Harrington, Esq. of Kerbey Harrington Pinkard, LLP
<b>Agent Address:</b>	1 Beacon Street, Boston, MA 02108

Legal Notice: Applicant, Holistic Industries Inc., and Owner, 304 Somerville Avenue, LLC, seek a Special Permit under SZO §7.15 to establish a Medical Marijuana Facility in the existing structure, a Special Permit under §6.1.22.D.5.a to alter the façade, and a Special Permit under §9.13 for parking relief. CCD 55 Zone and Medical Marijuana Overlay District. Ward 2.

<u>Zoning District/Ward:</u>	CCD 55 Zone and Medical Marijuana Overlay District/Ward 2
<u>Zoning Approval Sought:</u>	§7.15, §6.1.22.D.5.a, and §9.13
<u>Date of Application:</u>	August 30, 2017
<u>Date(s) of Public Hearing:</u>	12/14/17, 1/4/18, and 1/31/18
<u>Date of Decision:</u>	January 31, 2018
<u>Vote:</u>	4-0

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Appeal #PB 2017-20 was opened before the Planning Board at the Albert F. Argenziano School Cafeteria on December 14, 2017. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Planning Board took a vote.



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## **I. DESCRIPTION:**

*Background:* In 2012, Massachusetts voters approved a statewide medical marijuana initiative petition. This ballot question received overwhelming support by voters in Somerville. Shortly after the adoption, the City of Somerville placed a moratorium on medical marijuana dispensaries while it developed guidelines for appropriate siting of dispensaries and a rigorous procedure for review and license. The process was designed to serve the community and reflect proposed new citywide zoning regulations. However, the zoning overhaul was delayed and the moratorium expired.

Therefore, the Planning Division recommended that the City establish a medical marijuana dispensary ordinance to permit dispensaries in appropriate locations in the City. Planning Division staff further proposed that a special permit would be required for final approval. This action would allow dispensaries to move forward in Somerville. The medical marijuana dispensary ordinance was adopted by the Board of Aldermen on February 25, 2016 and updated on November 21, 2017 to extend the expiration of such Ordinance to June 30, 2019.

The ordinance incorporates an overlay district and map, indicating specific lots where a medical marijuana facility can locate. Based upon extensive research and feedback with the community and the Board of Aldermen, the staff undertook a strategy to: 1) permit dispensaries in vibrant business and mixed-use districts, with convenient access by public transportation; 2) treat dispensaries as a pharmaceutical operation; and 3) encourage dispensaries to locate in retail spaces that will complement the neighborhood and the City's neighborhood planning and development goals. While many other communities have encouraged dispensaries to be far from urban activity, the Somerville community embraced this approach as being consistent with the vision and character of the SomerVision plan.

*Liberty (Holistic Industries):* The proposal is to renovate the existing building to establish a registered medical marijuana dispensary (RMD) of approximately 3,563 square feet of net floor area on the ground level. The front portion of the ground level floor plan will have space for reception, a lobby, fulfillment, consultation, sales, and a restroom for customers. The rear portion of the ground level will contain back of house operations such as an employee restroom, supply closet, media closet, an office, a vault, a staff room, and a receiving/processing area. The basement will remain unfinished. The existing garage in the rear will be used for the receiving/processing area.

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §7.15 and §9.13):**

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

### **1. Information Supplied:**

The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

### **2. Compliance with Standards:** *The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."*

*Pursuant to Section 7.15 of the SZO, Medical Marijuana Facilities shall only be permitted under the following circumstances:*

#### *a. A Medical Marijuana Facility shall be permitted by special permit in the Medical Marijuana Overlay Districts.*

The proposed location is within one of the Medical Marijuana Overlay Districts.

#### *b. Medical Marijuana Facilities shall comply with the siting requirements in the overlay districts set forth in the City of Somerville Zoning Map with respect to distance from schools, daycare centers, and facilities in which*



*children commonly congregate. These siting requirements have been developed to incorporate adequate separation, in a manner that is appropriate for Somerville's urban context, from schools, daycares and places where children congregate. For this reason, the overlay districts shall serve as a local requirement to supersede the provisions of 105 CMR 725.110(A)(14).*

The proposed location complies with the siting requirements of the Medical Marijuana Overlay Districts set forth in the City of Somerville Zoning Map.

- c. Medical Marijuana Facilities must be properly registered with the Massachusetts Department of Public Health pursuant to 105 CMR 725.100 and must comply with all applicable state and local public health regulations and all other applicable state and local laws, rules, and regulations.*

The proposed Medical Marijuana Facility is currently in the process of obtaining a Final Certificate of Registration (FCR) with the Commonwealth of Massachusetts's Department of Public Health. Successful municipal permitting is required to obtain a FCR. A condition of approval will be that Liberty obtains a FCR prior to the issuance of a Certificate of Occupancy from the City of Somerville Inspectional Services Department (ISD).

- d. The special permit granting authority shall be the same board that issues special permits for the underlying zoning district.*

The Planning Board is the Special Permit Granting Authority in the CCD 55 zoning district.

- e. A special permit shall only be approved if the special permit granting authority determines that the use meets the findings of Section 5.1.4 of the Somerville Zoning Ordinance.*

The Board finds that the proposed use meets the findings of Section 5.1.4 of the Somerville Zoning Ordinance.

- f. A Medical Marijuana Facility shall be limited to ten thousand (10,000) square feet in net floor area.*

The proposed Medical Marijuana Facility contains 3,563 square feet in net floor area.

- g. A Medical Marijuana Facility shall be subject to the minimum parking requirements under Article 9 of the ordinance. The number of required parking spaces shall be set based upon the requirement for a Retail Sales/Rental or Retail and Service uses of this ordinance.*

The minimum amount of off-street parking spaces for a Retail Sales/Rental or Rental and Service use in the CCD-55 zoning district is 1 space for 800 net square feet. The proposed dispensary will occupy approximately 3,563 net square feet; therefore, the proposal will require 4 (rounded down from 4.45) off-street parking spaces.

The minimum amount of off-street parking spaces for an Office/R&D use in the CCD-55 zoning district is also 1 space for 800 net square feet and the existing warehouse portion of the building does not have a parking requirement. The amount of square footage that the office use occupied is 1,700 square feet; therefore, the existing parking requirement is 2 (rounded down from 2.12) off-street parking spaces.

Section 9.4 allows for changes in use with no increase in net floor area to adhere to the following formula of required new parking spaces:

$$(proposed\ parking\ requirement - existing\ parking\ requirement) / 2 = new\ parking\ requirement.$$
$$(4 - 2) / 2 = 1\ new\ required\ parking\ space$$

SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is six or fewer. The locus will become nonconforming with respect to



the number of required off-street parking spaces as one new space is required and no new spaces will be provided. The proposal to establish a registered medical marijuana dispensary increases the parking requirement by one space. The site currently has two parallel spaces next to the building and a loading garage in the rear.

The proposal is within walking distance to numerous MBTA bus routes that connect to the Red and Orange lines. The site is also within walking distance to a future Green Line Station in Union Square. There are metered street parking spots on both sides of Somerville Avenue in front of the facility, one of which is a marked handicapped space within 50 feet of the proposed dispensary. Along the sidewalk there is one bicycle rack with space for two bikes within 50 feet of the dispensary. The Board recommends a condition that the Applicant coordinates with OSPCD Transportation and Infrastructure and the Department of Public Works (DPW) on installing two addition bicycle racks within close proximity to the proposed dispensary.

The applicant provided a traffic study that estimates the number of daily weekday trips by car will be 54, with five arriving at a peak hour. The study concludes that the two on-site parking spaces and loading area along with the availability of on-street parking spaces and access to public transit are adequate to serve the anticipated demand of the dispensary.

The study recommends the following transportation demand management actions:

- encourage patrons and employees to utilize bike sharing programs
- encourage other alternative transportation methods via their website and in-house pamphlets and posters
- provide information on MBTA bus route maps and schedules, bicycle parking locations, MBTA The Ride service, and car ride sharing services.
- coordinate with the Somerville Traffic Commission on designating the metered parking space in front of the dispensary as a handicapped space

In considering a special permit under §9.13 of the SZO “the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1, and upon reaching the findings and determinations set forth in Section 5.1.4”. The Board finds that granting the requested Special Permit is consistent with the purposes of SZO §9.1 and will not cause detriment to increased traffic volumes, traffic congestion of queuing of vehicles, changes in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, or unsafe conflicts of motor vehicles and pedestrian traffic.

- h. The applicant shall be required to submit a traffic and parking study to determine any traffic mitigation or additional parking needs.*

The Applicant has submitted a Parking Study and Trip Generation memorandum. Refer to Section II.2.g of this report for the Board findings.

- i. Signage for the facility must:*

- a. Meet the regulations of the underlying zoning district.*

The proposed signage will include a gooseneck down-lit channel letter sign above the main entry door along Somerville Avenue, a decal sign on each of the two front windows, a gooseneck down-lit channel letter sign on the side of the building, and a small blade sign on the front perpendicular to the front elevation. Such signage conforms to SZO Section 12.4. The Board recommends a condition that the Applicant shall submit more detailed signage drawings for the design to be reviewed and approved by Planning Staff prior to the issuance of a building permit.

- b. Incorporate no internal illumination.*

The existing signs are not internally illuminated nor will the proposed signs be internally lit.

- c. Be subject to review and approval of the SPGA as a part of the special permit application.*

As proposed, the Board finds that the proposed signs will fit in with the character of the neighborhood. The condition that the final design be reviewed and approved by Planning



Staff ensures that the signs will be designed to be compatible with the structure and the surrounding neighborhood. The proposed signage is designed in such a way where no medical symbols, images of marijuana, related paraphernalia, and colloquial references to cannabis and marijuana are not used.

3. Consistency with Purposes: *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the district, which is, "to promote appropriate infill development along heavily traveled transportation corridors, especially where those corridors meet at named Squares. The district recognizes that such corridors present opportunities for an active mix of uses while also addressing development challenges posed by smaller lots and nearby existing residential development and the need to be accessible by multiple modes of transportation. The major objectives of the districts are to:

1. Encourage active mid-rise commercial and residential uses that contribute to a multi-modal-friendly street;
2. Increase commercial investment in high-profile, accessible areas including retail that is largely neighborhood-serving in multi-tenant, mixed use buildings;
3. Preserve and complement historic structures;
4. Discourage inappropriate auto-oriented, significant trip-generating uses along transit corridors; and,
5. Promote pedestrian and bicycle activity.

The proposal is also consistent with the purpose of the Medical Marijuana Overlay District, which is, "to establish area where Medical Marijuana Facilities may be permitted subject to Section 7.15."

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

*Surrounding Neighborhood:* The locus is located on the south side of Somerville Avenue on the block between Hawkins Street and the intersection of Somerville Avenue, Bow Street, and Washington Street. This particular stretch of Somerville Avenue includes a mix of retail, commercial, and residential uses.

*Impacts of Proposal (Design and Compatibility):*

*SZO §6.1.22.H. Design Guidelines for the CCDs.* These guidelines are not intended to inhibit design creativity or discourage innovative architectural design solutions. Rather, they provide general standards for building massing, siting and articulation. It is understood that Buildings and Structures may not be able to comply with all of the following Guidelines. For projects located in both the Arts Overlay District and the Corridor Commercial Districts, the following CCD Design Guidelines shall apply.

1. Building(s) should complete the streetwall along the primary street edge(s).

The existing building is oriented toward the street and provides a streetwall along the primary street edge; however, the existing chain-link fence across the parking/loading area does not. The Applicant will install a solid wood security gate setback slightly from the front of the building that will be painted to match the building



to help complete the streetwall along the primary street edge. The area in front of the gate will include pervious pavers and a handicapped accessible entrance.

2. Massing and height of buildings should be articulated in a manner compatible with the physical character of the surrounding districts, particularly where a building abuts a residential or historically designated property. Whenever possible, historical variety in the scale, rhythm, and relationship of buildings to pedestrian public ways should be preserved.

N/A

3. A transition in height should be established between residential or historically designated properties and new development.

N/A

4. Thirty-foot-wide commercial bays with independent entrances onto the street are typical in Somerville and should be repeated in new developments to create visual and pedestrian interest. Varied architecture should be created and flat facades avoided by using recessed or projected entryways, bays, canopies, awnings, residential balconies on 2nd floor or above, and other architectural elements. Non-residential ground floor façades should have a minimum seventy-five (75) percent transparent material, and second floor facades should have a minimum of forty (40) percent transparent material. These openings should provide views into the building and should not be blocked by interior storage, nonartistic displays, or greater than thirty (30) percent internally mounted signage.

N/A

5. Exterior building materials for all visible portions of the building should be high quality, durable, and aesthetically appropriate. Particular attention should be paid where properties abut residential districts and historically designated property. Predominant exterior building materials should include an appropriate combination of brick, glass, wood, artistically used metal, stone, or stucco. Precast concrete panels, EIFS-type finishes, and large expanses of glass or corrugated sheet metal are generally discouraged. Bare or painted concrete as the only exterior facade material shall not be allowed.

The existing structure is clad in brick masonry with wood trim. The proposal is to repair and clean the brick and trim and paint it a dark green that is consistent with Liberty's brand. The Board finds that maintaining the brick material and modernizing it with paint is appropriate.

6. Visible rear and side façades should maintain a similar character to the front façade of the building and the intended character of the surrounding district.

See #5 above.

7. Signage and awning design should respect buildings' context (e.g., scale, design, style, colors, materials), be oriented to pedestrians, and be subordinate to the overall building composition. Creative shapes must be carefully designed and coordinated with the overall appearance of the building. The design should also maintain an existing "signage line" and respect the character, scale, and locations of adjacent signs and awnings. Large, interior-lit or back-lit signs or awnings, neon "open" signs, vinyl or plastic materials and overly bright colors are generally discouraged. To add interest and character to the retail environment signs or awnings may convey interesting elements or logos without excessive wording. They should be limited to advertising the business name and its main goods or services, with minimal or no national brand names or logos. Type styles should enhance readability of the sign and provide information simply and legibly. Use awnings to create pleasant shaded spaces in front of a building. Signs and awnings should enhance important architectural details and not conceal or obliterate them.



As proposed, the Board finds that the proposed signs will fit in with the character of the neighborhood. The condition that the final design be reviewed and approved by Planning Staff ensures that the signs will be designed to be compatible with the structure and the surrounding neighborhood. The proposed signage is designed in such a way where no medical symbols, images of marijuana, related paraphernalia, and colloquial references to cannabis and marijuana are not used.

8. Retail, restaurant and other pedestrian-oriented uses are encouraged, particularly on the Ground Floor. As noted in 6.1.22.E, residential uses shall not be permitted on the Ground Floor street frontage along major streets unless they are located in structures that are historically residential on the Ground Floor.

The proposed retail-type use will occupy the ground floor level of the structure.

9. Individual Artist Live/Work Spaces should be designed as closely as possible in accordance with the "Design Guidelines for Artist Housing" produced by the Somerville Arts Council.

N/A

10. Residential units should be of varying sizes to accommodate a range of family sizes. Generally dwelling units within a structure should not have an average size of less than 1,000 square feet.

N/A

11. A sidewalk depth of at least ten (10) feet from the street curb to building is strongly encouraged for developments fronting major streets.

The existing sidewalk is approximately ten feet wide along Somerville Avenue.

5. Adverse environmental impacts: *The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.*

*Impacts of Proposal (Environmental):* There will be no adverse environmental impacts on the surrounding area as a result of the proposed use. There will be no onsite consumption of the marijuana products nor is public consumption of medical marijuana products allowed in the Commonwealth of Massachusetts.

6. Vehicular and pedestrian circulation: *The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.*

*Impacts of Proposal (Circulation):* The Applicant has submitted a Parking Study and Trip Generation memorandum. Refer to Section II.2.g of this Decision for the Board's findings.

7. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

There will be no adverse impact on the stock of existing affordable housing.

8. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and*



*economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

This section of Somerville Avenue is marked as an area to Enhance in the SomerVision Map. The proposal will enhance the buildings appearance and add to the range of services provided in the neighborhood.

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<u>Estimated Employment:</u>	unknown	30 part-time





**III. DECISION:**

Present and sitting were Members Kevin Prior, Joseph Favaloro , Dorothy Kelly Gay, and Rebecca Lyn Cooper with Gerard Amaral and Michael Capuano recused. Upon making the above findings, Kevin Prior made a motion to approve the request for a Special Permit. Rebecca Lyn Cooper seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the establishment of a Medical Marijuana Facility. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>August 30, 2017</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>December 21, 2017</td> <td>Proposed renderings submitted to OSPCD</td> </tr> <tr> <td>September 1, 2017</td> <td>Proposed plans submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	August 30, 2017	Initial application submitted to the City Clerk's Office	December 21, 2017	Proposed renderings submitted to OSPCD	September 1, 2017	Proposed plans submitted to OSPCD
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Any changes to the approved plan, signs, or use that are not <i>de minimis</i> must receive SPGA approval.												
<b>Pre-Construction</b>												
2	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction, if necessary. There is a moratorium on opening streets from November 1st to April 1st and there is a list of streets that have additional opening restrictions.	BP	Eng									
<b>Construction Impacts</b>												
3	The Applicant shall at their expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW									
4	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P									
<b>Traffic &amp; Parking</b>												
5	The Applicant shall make best efforts to locate bike parking inside of the building for employees.	CO	Plng.									



6	The Applicant shall provide the following for their staff: provide information on different transportation options for all new hires, promote the use of HubWay or other bike sharing services, and provide lockers and/or indoor bicycle storage.	Ongoing	Plng.	
7	The Applicant shall promote alternative methods of transportation and public transportation accessibility for patients on their website and other advertising mediums.	Ongoing	Plng.	
8	The Applicant shall make best efforts to work with the Traffic Commission on making the metered space in front of the dispensary a handicapped space.	CO	Plng.	
9	Applicant will supply 4 bicycle parking spaces, which can be satisfied with the inverted-U type bicycle rack approved by OSPCD's T&I Dept.	CO	Plng., T&I, and DPW	
<b>Design</b>				
10	Applicant shall provide final material samples for siding, trim, windows, signage, pervious pavers, fencing, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.	
11	Applicant shall coordinate with the City Arborist on replacing the two dead street trees in front of the dispensary.	CO	Plng. / City Arborist	
<b>Miscellaneous</b>				
12	The hours of operations shall be limited to 9 a.m. to 9 p.m. Monday through Saturday and 9 a.m. to 6 p.m. on Sunday.	Ongoing	ISD / Plng.	
13	The Applicant will abide by all provisions of the covenant with the City of Somerville that is signed prior to the PB approval.	Ongoing	Plng.	
14	Applicant must remain in compliance with all state regulations for medical marijuana and shall maintain the operational and security program as provided in the PB application and the submittal to the Medical Marijuana Advisory Committee	Ongoing	Plng.	
<b>Signage</b>				
15	The Applicant shall submit more detailed signage information for review and approval from Planning Staff prior to construction.	BP	Plng.	
<b>Public Safety</b>				
16	The Applicant shall meet the requirements of the Fire Prevention Bureau.	CO/Cont.	Plng.	
<b>Final Sign-Off</b>				
17	The Applicant shall contact Planning Staff 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.	Final sign off	Plng.	

Attest, by the Planning Board:



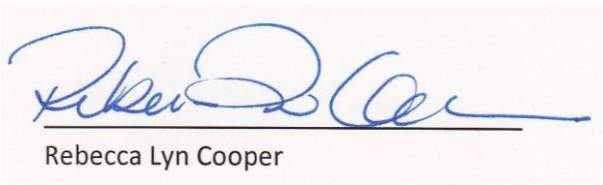
Kevin Prior, Chairman



Joseph Favaloro



Dorothy A. Kelly Gay



Rebecca Lyn Cooper

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. 3.2.10.

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 \_\_\_\_\_

