



CITY OF CAMBRIDGE  
 MASSACHUSETTS  
 BOARD OF ZONING APPEAL  
 831 MASSACHUSETTS AVENUE  
 CAMBRIDGE, MA 02139  
 617 349-6100

2019 MAR 20 PM 3:23  
 OFFICE OF THE CITY CLERK  
 CAMBRIDGE, MASSACHUSETTS  
 BZA-017086-2019

BZA APPLICATION FORM

Plan No:

GENERAL INFORMATION

The undersigned hereby petitions the Board of Zoning Appeal for the following:

Special Permit :  Variance : \_\_\_\_\_ Appeal : \_\_\_\_\_

PETITIONER : Frank Perullo

PETITIONER'S ADDRESS : 125 Cambridgepark Drive, Suite 301 Cambridge, MA 02140

LOCATION OF PROPERTY : 200 Monsignor Obrien Hwy Cambridge, MA 02141

TYPE OF OCCUPANCY : \_\_\_\_\_ ZONING DISTRICT : Business A Zone

REASON FOR PETITION :

Parking

**DESCRIPTION OF PETITIONER'S PROPOSAL :**

To reconfigure an existing NON-CONFORMING parking lot and locate two (2) on grade open parking spaces within five (5) feet of the side and rear property lines, BUT NO CLOSER THAN THOSE PREVIOUSLY EXISTING NON-CONFORMING SPACES.

**SECTIONS OF ZONING ORDINANCE CITED :**

Article 6.000 Section 6.44.1.B (Parking Setbacks).

Article 10.000 Section 10.40 (Variance). *SP*

Original Signature(s) :

*FP*

(Petitioner(s) / Owner)

Frank Perullo

(Print Name)

Address : 125 Cambridgepark Drive, Suite 301

Cambridge, MA 02140

Tel. No. : \*617) 721-5844

E-Mail Address : fp@ascendwellness.com

Date : March 18, 2019

**BZA APPLICATION FORM - OWNERSHIP INFORMATION**

To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.

I/We Patrick A Curley, Jr., Trustee of Allen Realty Trust  
(OWNER)

Address: 200 Monsignor O'Brien Highway, Cambridge

State that I/We own the property located at 200 Monsignor O'Brien Highway, Cambridge which is the subject of this zoning application.

The record title of this property is in the name of Allen Realty Trust

\*Pursuant to a deed of duly recorded in the date 11/15/1991, Middlesex South County Registry of Deeds at Book 21539, Page 316; or Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_.

*Patrick A Curley Jr.*

SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT\*

\*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of Middlesex

The above-name PATRICK A CURLEY JR. personally appeared before me, of DEC, 20 18, and made oath that the above statement is true.

*Robert Sweeney* Notary

My commission expires 1-24-2025 (Notary Seal).

MA. 820516



If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.

**BZA APPLICATION FORM**

**DIMENSIONAL INFORMATION**

**APPLICANT:** Rebecca Rutenberg **PRESENT USE/OCCUPANCY:** Commercial  
**LOCATION:** 200 Monsignor Obrien Hwy Cambridge, MA 02141 **ZONE:** Business A Zone  
**PHONE:** \_\_\_\_\_ **REQUESTED USE/OCCUPANCY:** Registered Marijuana Dispensary

|  |                   | <u><b>EXISTING<br/>CONDITIONS</b></u> | <u><b>REQUESTED<br/>CONDITIONS</b></u> | <u><b>ORDINANCE<br/>REQUIREMENTS</b></u> <sup>1</sup> |                   |
|--|-------------------|---------------------------------------|--|---|-------------------|
| <u>TOTAL GROSS FLOOR AREA:</u>                                 |                   | <u>5212</u>                           | <u>No change</u>                       | <u>0</u>  | <u>(max.)</u>     |
| <u>LOT AREA:</u>   |                   | <u>5415</u>                           | <u>No change</u>                       | <u>0</u>  | <u>(min.)</u>     |
| <u>RATIO OF GROSS FLOOR AREA<br/>TO LOT AREA:</u> <sup>2</sup> |                   | <u>0.96</u>                           | <u>No change</u>                       | <u>0</u>  | <u>(max.)</u>     |
| <u>LOT AREA FOR EACH DWELLING UNIT:</u>                        |                   | <u>0</u>                              | <u>0</u>                               | <u>0</u>  | <u>(min.)</u>     |
| <u>SIZE OF LOT:</u>  | <u>WIDTH</u>      | <u>113</u>                            | <u>0</u>                               | <u>0</u>  | <u>(min.)</u>     |
|  | <u>DEPTH</u>      | <u>0</u>                              | <u>0</u>                               | <u>0</u>  |                   |
| <u>SETBACKS IN FEET:</u>                                       | <u>FRONT</u>      | <u>0</u>                              | <u>No change</u>                       | <u>0</u>  | <u>(min.)</u>     |
|  | <u>REAR</u>       | <u>61</u>                             | <u>0</u>                               | <u>0</u>  | <u>(min.)</u>     |
|  | <u>LEFT SIDE</u>  | <u>0</u>                              | <u>0</u>                               | <u>0</u>  | <u>(min.)</u>     |
|  | <u>RIGHT SIDE</u> | <u>0</u>                              | <u>0</u>                               | <u>0</u>  | <u>(min.)</u>     |
| <u>SIZE OF BLDG.:</u>  | <u>HEIGHT</u>     | <u>34</u>                             | <u>0</u>                               | <u>0</u>  | <u>(max.)</u>     |
|  | <u>LENGTH</u>     | <u>0</u>                              | <u>0</u>                               | <u>0</u>  |                   |
|  | <u>WIDTH</u>      | <u>0</u>                              | <u>0</u>                               | <u>0</u>  |                   |
| <u>RATIO OF USABLE OPEN SPACE<br/>TO LOT AREA:</u>             |                   | <u>0</u>                              | <u>0</u>                               | <u>0</u>  | <u>(min.)</u>     |
| <u>NO. OF DWELLING UNITS:</u>                                  |                   | <u>0</u>                              | <u>0</u>                               | <u>0</u>  | <u>(max.)</u>     |
| <u>NO. OF PARKING SPACES:</u>                                  |                   | <u>7</u>                              | <u>5</u>                               | <u>0</u>  | <u>(min./max)</u> |
| <u>NO. OF LOADING AREAS:</u>                                   |                   | <u>0</u>                              | <u>0</u>                               | <u>0</u>  | <u>(min.)</u>     |
| <u>DISTANCE TO NEAREST BLDG.<br/>ON SAME LOT:</u>              |                   | <u>0</u>                              | <u>0</u>                               | <u>0</u>  | <u>(min.)</u>     |

Describe where applicable, other occupancies on same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g.; wood frame, concrete, brick, steel, etc.

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.



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## CITY OF CAMBRIDGE

Community Development Department

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To: Planning Board

From: CDD Staff

Date: December 11, 2018

Re: Special Permit **PB #342, Ascend Mass, LLC Registered Marijuana Dispensary at 200 Monsignor O'Brien Highway – Continued Hearing**

**IRAM FAROOQ**  
*Assistant City Manager for  
Community Development*

**SANDRA CLARKE**  
*Deputy Director  
Chief of Administration*

**KHALIL MOGASSABI**  
*Deputy Director  
Chief of Planning*

### Update

Since the last Planning Board meeting, the Applicant has worked with staff to respond to comments and questions raised in the initial review of the application. The Applicant's recent submission provides additional information about the project in narrative and graphic form. This memo comments on the additional information and proposed changes.

### Planning Board Action

Ascend Mass, LLC is proposing to repurpose the existing building at 200 Monsignor O'Brien Highway to operate a registered medical marijuana dispensary (RMD). The proposal includes renovation of the 5,212 square-foot existing building for the RMD in the first floor, and for a security vault, office area, and break room for the employees in the second floor. The Parking and Transportation Demand Management Plan (PTDM) to use the existing unregistered off-street parking on the site has been approved since the previous hearing.

The project is located in the Business A (BA) District and requires a Special Permit to allow a RMD use per Section 11.800. Applicable sections of the zoning are provided in an appendix.

A petition to amend Section 11.800 is currently under consideration by the City Council for all cannabis establishments. If adopted, the proposed RMD would be required to meet the requirements in that petition. A permitted RMD would need to seek an additional special permit from the Planning Board to allow an adult-use cannabis retail establishment.

| Requested Special Permits   | Summarized Findings<br><i>(see appendix for zoning text excerpts)</i>   |
|---|---|
| Medical Marijuana Dispensary Use in Business B District (Sections 11.800) | <ul style="list-style-type: none"> <li>• Location shall serve an area that currently does not have reasonable access to medical marijuana.</li> <li>• The location is at least five hundred feet from a school, daycare center, preschool or afterschool facility or any facility in which children commonly congregate, or if not located at such a distance, it is sufficiently buffered from such facilities such that its users will not be adversely impacted by its operation.</li> <li>• Site design provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.</li> <li>• Traffic generated shall not create a substantial adverse impact on nearby residential uses.</li> <li>• Loading, refuse and service areas are designed to be secure and shielded from abutting uses.</li> <li>• Building and site are designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior.</li> </ul> |
| General Special Permit Criteria (Section 10.43)                           | Special permits will be normally granted if the zoning requirements are met, unless it is found not to be in the public interest due to one of the criteria enumerated in Section 10.43 (see appendix).   |

**Planning Board Comments from First Hearing**

The following summarizes some of the key comments made by the Planning Board at the November 13, 2018 hearing. The Applicant has provided responses in the submitted materials.

- Consider reducing the width of the existing curb cut.
- Provide additional renderings from the side of Monsignor O'Brien Highway and from above showing screening of rooftop equipment.
- Consider modifications to the window boxes to improve the display area and allow natural light into the RMD. Provide interior lighting for the displays.

### **Staff Comments on New Materials**

The supplemental material primarily addresses concerns that were raised by the Planning Board associated with site plan and the architecture of the project. The revised set of plans and supporting graphic materials show changes to the parking layout and façade design without altering the original project program. The project now proposes five off-street parking spaces, including one handicapped space, and 2 long-term and 10 short-term bicycle parking spaces. In the revised documents, the window displays have been deepened to approximately 2', and the tops of the display areas are open to allow natural light from the upper arched portions of the shopfront windows to enter the interior.

To clarify and expand on the improvements that have been made, staff recommends that:

- The site plan be coordinated with the planned changes to O'Brien Highway, including changes to its curbs, bike lanes, catchbasins, and sidewalks.
- The amount of planted and permeable area be increased, and the amount of pavement reduced where possible, including:
  - Incorporate one or more trees in the landscaped portions of the parking area.
  - Consider aligning the bicycle parking orthogonal to the vehicular parking spaces and providing planting in this area.
  - Provide more continuous and substantial planting to screen the parking lot from the sidewalk in accordance with the Zoning Ordinance (Section 6.47).
- Other improvements to the parking area be considered, including:
  - Using pavers instead of asphalt or concrete paving.
  - Protect the planting along the sidewalk with a raised curb.
  - Use of granite curbs throughout the parking lot.
- The parking space layout be revised if appropriate as the above comments are addressed.

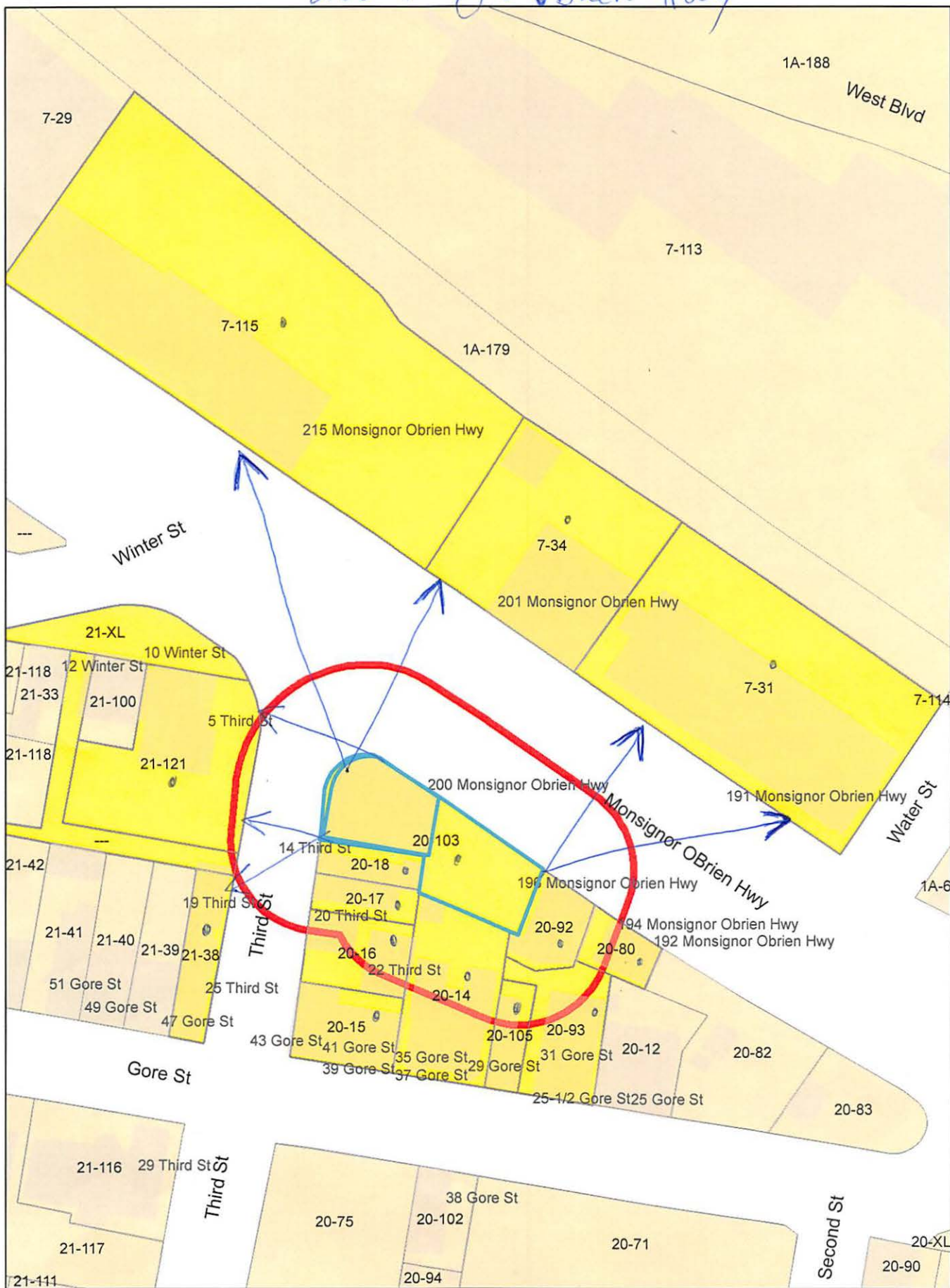
### **Continuing Review**

The following is a summary of issues that staff recommends should be further studied by the Applicant if the Planning Board continues the hearing to a future date, or as conditions for ongoing design review by staff if the Board decides to grant the special permit:

- Confirm that the proposed RMD shall not be used as a distribution point for home deliveries.
- Confirm the hours of operation for RMD 9am to 8pm, Monday through Saturday, as mentioned in the application materials.
- Provide a loading and service delivery management plan to be approved by TP&T.
- Review of exterior signage, lighting, and other security features that may be required by state regulations. Any proposed outdoor lighting should be designed to conform to the guidelines recommended in the proposed Cambridge Outdoor Lighting Ordinance.
- Review of specifications for window glass and the colors and details of exterior materials.
- Review of the design of the windows and display areas.
- Provide information regarding the curation of the window displays and clarification of whether they will be available for displays sponsored by the public.

- Review of the site plan and landscaping, including plant materials, details of planters, paving, curbs, the configuration of vehicular and bicycle parking, the location of trash and recycling, etc.
- Review of rooftop mechanical equipment, and the height, materials, and details of visual/acoustical screening.

200 Msgr. O'Brien Hwy





200 msgr. o' Brien Hwy

*Perullo*  
FRANK PERULLO  
125 CAMBRIDGEPARK DRIVE – SUITE 301  
CAMBRIDGE, MA 02140

7-115  
MONSIGNOR HOTEL, LLC  
1359 HOOKSETT RD.  
HOOKSETT, NH 03106

7-31  
NATRAJ HOSPITALITY LLC  
14 HILL ST  
WOBURN, MA 01801

20-14  
FERRARO, LOUIS,  
TR. OF 14 TRAPELO ROAD NOMINEE TRUST  
64 FLETCHER ROAD  
BELMONT, MA 02478

20-15  
L. J. REALTY CORPORATION  
138 WOODSIDE LANE  
ARLINGTON, MA 02474

VICENTE SEDERBERG  
C/O REBECCA RUTENBERG  
2 SEAPORT LAND – 11<sup>TH</sup> FL.  
BOSTON, MA 02110

20-17  
BALORDI, VIRGINIA A., LOUISE ALLEN &  
PAUL BALORDI  
16 THIRD ST  
CAMBRIDGE, MA 02141

20-18  
ALLEN, WILLIAM E. & LOUISE M. ALLEN  
14 THIRD ST.  
CAMBRIDGE, MA 02141

20-80  
GAO, QING SHENG & MEI SUN  
115 FARNHAM ST  
BELMONT, MA 02478

20-92  
LECHMERE RUG LLC,  
200 MONSIGNOR O'BRIEN HGWY.  
CAMBRIDGE, MA 02141

20-93  
PROFFITT, FRAZIER S.  
29 GORE ST, UNIT #1  
CAMBRIDGE, MA 02141

20-103  
CURLEY, PATRICK A., JR.  
TR. OF ALLEN REALTY TRUST  
200 MSGR O'BRIEN HIGHWAY  
CAMBRIDGE, MA 02141

20-105  
PROFFITT, FRAZIER S.  
29 GORE ST, #1  
CAMBRIDGE, MA 02141

21-121  
LICARI, CHARLOTTE E. & CHERYL WILLIAMS,  
TRS OF THE 1992 OAK STREET REALTY TRUST  
C/O MITZI LAWLOR  
430 SALEM STREET  
MEDFORD, MA 02155

21-38  
O'SHEA, JON  
19-25 THIRD ST. UNIT#19/1  
CAMBRIDGE, MA 02141

21-38  
CARRIGG, RYAN M.  
60 CLYDE ST., #5  
SOMERVILLE, MA 02145

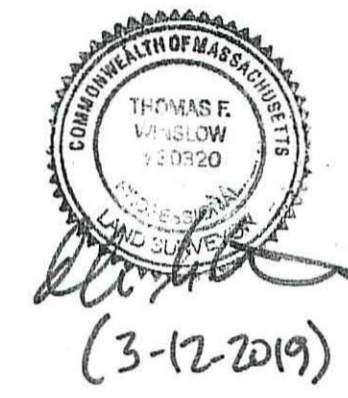
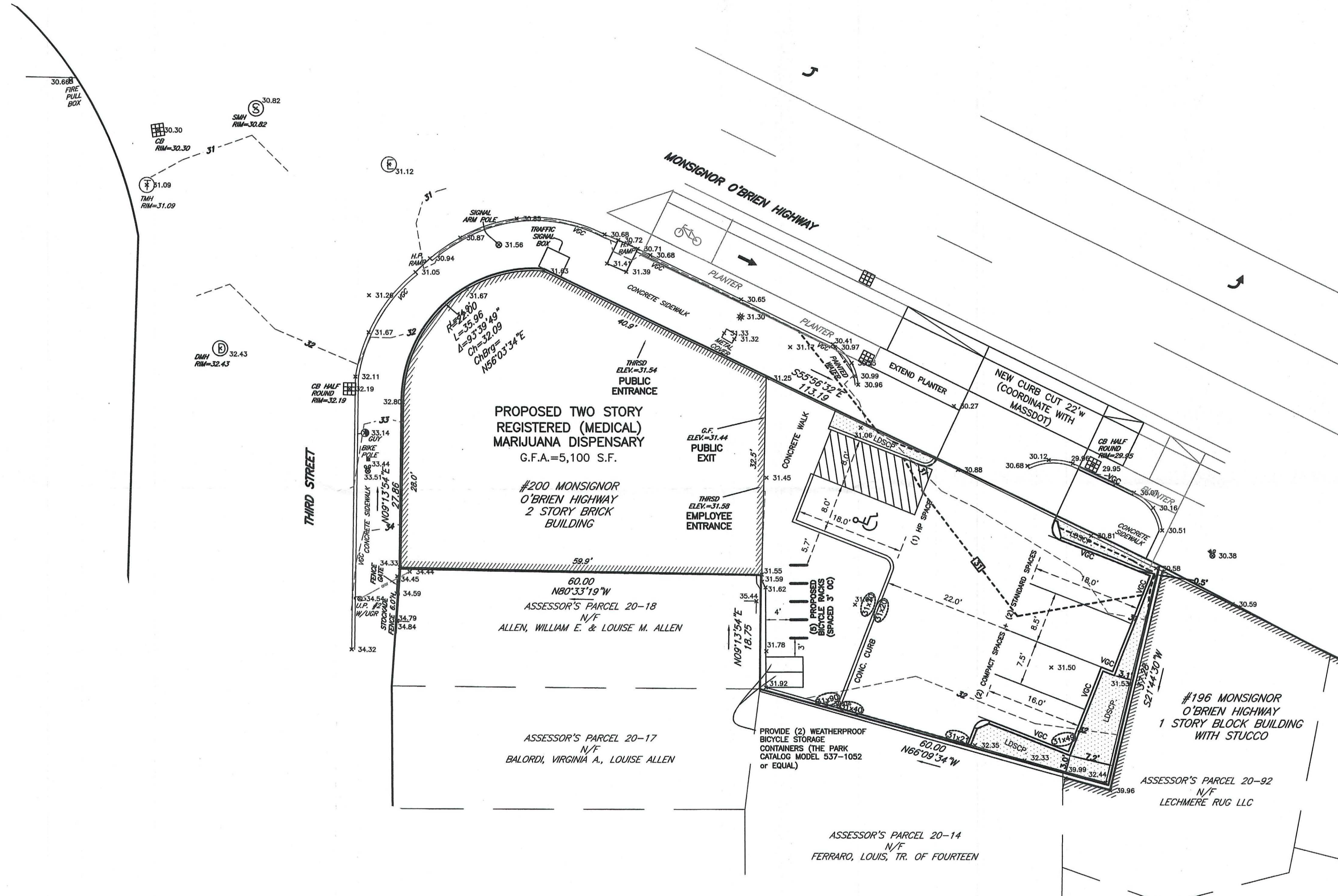
21-38  
TAYLOR, JANE  
19-25 THIRD ST., UNIT #19/3  
CAMBRIDGE, MA 02141

21-38  
QUAN, HAO  
25 THIRD ST., #25/1  
CAMBRIDGE, MA 02139

21-38  
SCHLABACH, KEIKO & KEVIN SCHLABACH  
25 THIRD ST., #25/2  
CAMBRIDGE, MA 02141

7-34  
FAHIMIAN, EDWARD J.,  
TR. OF EJF TR  
P.O. BOX#19  
CAMBRIDGE, MA 02141

20-16  
MEOLA, DAMIAN D.  
TRUSTEE OF DMD REALTY TRUST  
20 THIRD ST  
CAMBRIDGE, MA 02141



# Plan of Land in CAMBRIDGE, MASS.

Hayes Engineering, Inc.  
Civil Engineers & Land Surveyors  
603 Salem Street  
Wakefield, MA 01880

Telephone: 781.246.2800  
Facsimile: 781.246.7596  
www.hayeseng.com

Scale: 1" = 10' March 12, 2019

Board of Appeals Case No. \_\_\_\_\_

PARCEL INFORMATION: MAP 20 LOT 103  
200 MONSIGNOR O'BRIEN HIGHWAY

PREPARED FOR: ASCEND MASS, LLC  
137 LEWIS WHARF  
BOSTON, MA 02110

VARIANCE REQUESTS: ARTICLE 6 SECTION 44.1b  
ARTICLE 10 SECTION 10.30

PURPOSE: TO ALLOW THE RECONFIGURATION OF AN EXISTING, NON-CONFORMING PARKING LOT ALLOWING PARKING SPACES TO BE CLOSER THAN 5- FEET TO ABUTTING PROPERTY LINES, BUT NO CLOSER THAN THE PREVIOUSLY EXISTING, NON-CONFORMING SPACES.

- GENERAL NOTES:**
1. VERTICAL DATUM IS NAVD88
  2. PROPERTY LINE INFORMATION DEPICTED ON THIS PLAN IS THE RESULT OF AN ACTUAL BOUNDARY SURVEY BY HAYES ENGINEERING, INC.
  3. TOPOGRAPHIC INFORMATION IS THE RESULT OF AN ACTUAL FIELD SURVEY BY HAYES ENGINEERING, INC. ON JUNE 21, 2018.

**BZA APPLICATION FORM**

**SUPPORTING STATEMENT FOR A SPECIAL PERMIT**

Please describe in complete detail how you meet each of the following criteria referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits which have additional criteria, e.g.; fast food permits, comprehensive permits, etc., which must be met.

**Granting the Special Permit requested for 200 Monsignor O'Brien Highway (Location) would not be a detriment to the public interest because:**

- A) Requirements of the Ordinance can or will be met for the following reasons:**

As submitted, the plans comply with the goals of the Cambridge Zoning Ordinance by allowing for adequate parking to meet the needs of the Applicant's business without impacting abutting sites. The updated lot configuration incorporates many desirable urban design objectives that would meet the City's goals of encouraging non-automobile modes of transportation, enhancing the safety of drivers and pedestrians, and improving urban streetscapes.

- B) Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character for the following reasons:**

The Applicant sought a Special Permit from the Planning Board to operate a Registered Marijuana Dispensary at the site. In its initial filings, the Applicant maintained the existing non-conforming parking lot as is. The Cambridge Planning Board, Community Development Department, and Traffic, Parking, and Transportation Department recommended alterations to the site to enhance vehicle and pedestrian safety, improve streetfront views through landscaping, and allow for sustainable transportation options on site. The proposed plan reflects those changes through the reconfiguration of the existing non-conforming lot to locate two (2) on grade open parking spaces within five (5) feet of the side and rear property lines, but no closer than those previously existing nonconforming spaces.

- C) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:**

Although the proposed plans reconfigure the parking lot to locate two (2) on grade open parking spaces within five (5) feet of the side and rear property lines, the proposed parking spaces are no closer to the lot line than the previously existing nonconforming spaces, which had been in place at the site since 1980. The proposed plans reduce the parking impact on the site and contain substantial improvements to visual character, lot safety, and alternative modes of transportation.

- D) Nuisance or hazard would not be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City for the following reasons:**

The Cambridge Planning Board, Community Development Department, and Traffic, Parking, and Transportation Department recommended the proposed alterations to the site to enhance vehicle and pedestrian safety, improve streetfront views through landscaping, and allow for sustainable transportation options on site. The Applicant suggests that these changes would not have been recommended should they create nuisance or hazard to the detriment of the health, safety, or welfare of the occupants of the proposed used or the citizens of the City.

- E) For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance for the following reasons:**



# City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.  
(617) 349-6100

2 Bds

BZA

## POSTING NOTICE – PICK UP SHEET

The undersigned picked up the notice board for the Board of Zoning Appeals Hearing.

Name: STACIA LYONS Date: 3/21/2019  
(Print)

Address: 200 Mass. O'Brien Hwy

Case No. BZA-07086-2019

Hearing Date: 4-11-19

Thank you,  
Bza Members