



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

2016 AUG 17 AM 9:03

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

NOTICE OF DECISION

Case Number:	312
Address:	1001 Massachusetts Avenue
Zoning:	Business B-2 / Medical Marijuana Overlay District 3
Applicant:	Sage Cannabis, Inc. 1001 Massachusetts Avenue, Cambridge, MA
Owner:	Mass Ave 997 Nominee Trust c/o Eastport Real Estate 318 Bear Hill Rd Waltham, MA 02451
Application Date:	June 6, 2016
Date of Planning Board Public Hearing:	July 12, 2016
Date of Planning Board Decision:	July 12, 2016
Date of Filing Planning Board Decision:	August 17, 2016
Application:	For Sage Cannabis, Inc., a Massachusetts Registered Marijuana Dispensary (RMD), to operate a retail medical marijuana dispensing establishment occupying approximately 5,815 square feet at 1001 Massachusetts Avenue.
Decision:	GRANTED, with Conditions.

Appeals, if any, shall be made pursuant to Section 17 of Massachusetts General Laws, Chapter 40A, and shall be filed within twenty (20) days after filing of the above referenced decision with the City Clerk. Copies of the complete decision and final plans, if applicable, are on file with the Community Development Department and the City Clerk.

Authorized Representative of the Planning Board: Jeffrey C Roberts JCR

For further information concerning this decision, please contact Liza Paden at 617-349-4647, or lpaden@cambridgema.gov.

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Special Permit Application received June 6, 2016 by Sage Cannabis, Inc., including Application Forms, Project Narrative, Description of Activities, Service Area, Transportation Assessment, Context Map, Site Plan, Building Elevations, First Floor Plan, copies of Phase 1 and 2 filings to the Massachusetts Department of Public Health, Outreach Narrative, and Dimensional Form.
2. Supplemental Application Documents received July 1, 2016, including Supplemental Narrative, Revised Context Map and Table of Uses within 500 feet of the site, Revised First Floor Plan, Revised Building Elevations, Photo of Rear Entrance, Image of Proposed Additional Lighting, and Revised Dimensional Form.
3. Slides presented to the Planning Board on July 12, 2016.

Other Documents

4. Memorandum from Jeff Roberts, Land Use and Zoning Planner, Community Development Department, dated July 1, 2016.
5. Memorandum from Joseph E. Barr, Director of Traffic, Parking and Transportation, dated July 6, 2016.

APPLICATION SUMMARY

The Applicant, Sage Cannabis, Inc., is a registered marijuana dispensary (RMD) with a state-registered cultivating facility located in Milford, Massachusetts. The Applicant proposes to establish an RMD location at 1001 Massachusetts Avenue in Cambridge, located in a leased basement-level retail space of approximately 5,815 square feet within the existing building, which is currently occupied by several other retail establishments. The 1001 Massachusetts Avenue facility will only dispense products that are cultivated and processed at the Applicant's Milford facility. The proposed facility will be designed and operated in accordance with state and local regulations for RMDs and will be subject to oversight by the Massachusetts Department of Public Health. No on-site parking, bicycle parking or loading bays are proposed. Loading and deliveries, which will take place using a van-sized vehicle, are proposed to occur either on-site, by way of a rear driveway that is adjacent to a rear entrance to the facility, or within a public retail loading zone located on Massachusetts Avenue.

FINDINGS

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearing, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance with regard to the relief being sought, the Planning Board makes the following Findings:

1. Approval of a Registered Marijuana Dispensary (RMD)

The proposed site is located within Medical Marijuana Overlay District 3 (MMD-3), which was created through a zoning amendment adopted by the City Council in 2016. The Planning Board may grant a special permit approving an RMD within a Medical Marijuana Overlay District upon finding that the proposal meets the criteria set forth in Section 20.705. The Board finds that these criteria are met, for the reasons set forth below.

20.705 Special Permit Criteria. In granting a special permit for a Registered Marijuana Dispensary, in addition to the general criteria for issuance of a special permit as set forth in Section 10.43 of this Ordinance, the Planning Board shall find that the following criteria are met:

(a) The Registered Marijuana Dispensary is located to serve an area that currently does not have reasonable access to medical marijuana, or if it is proposed to serve an area that is already served by other Registered Marijuana Dispensaries, it has been established by the Massachusetts Department of Public Health that supplemental service is needed.

There are no RMDs operating in Cambridge, and none in surrounding communities that would serve the same area as the proposed 1001 Massachusetts Avenue location.

(b) The site is located at least five hundred feet distant 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 determined by the Planning Board to be sufficiently buffered from such facilities such that its users will not be adversely impacted by the operation of the Registered Marijuana Dispensary.

The supplemental materials in the Application Documents provide ample evidence, based on a visual survey of the area and search of available online databases, that there are no facilities within 500 feet of the proposed RMD location in which children commonly congregate, such as children's schools, playgrounds, recreation centers, child care facilities or other facilities that offer programming distinctively oriented toward children.

(c) The site is designed such that it 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.

The facility will have a pedestrian entry and a separate pedestrian exit for clients, as well as a handicap-accessible route of travel by way of an existing elevator within the building, both located off of Massachusetts Avenue where they will have convenient access to sidewalks, bus service, bicycle facilities and public parking. A staff entry and exit is located at the rear. A public handicap-accessible parking space is available near the building entrance on Massachusetts Avenue. All entrances and exits will be monitored for security purposes as required by state regulations.

(d) Traffic generated by client trips, employee trips, and deliveries to and from the Registered Marijuana Dispensary shall not create a substantial adverse impact on nearby residential uses.

A transportation analysis has been provided with the Application, and has been reviewed by the Traffic, Parking and Transportation Department (TP&T). While little is known thus far about the expected traffic generated by an RMD, the expectation as presented in the traffic analysis is that the activity will not be significantly greater than a typical retail establishment of that size, given the expected client base and experience with RMDs elsewhere in Massachusetts. The Applicant has committed to implementing transportation demand management (TDM) measures and a monitoring program to mitigate any unexpected transportation impacts.

(e) Loading, refuse and service areas are designed to be secure and shielded from abutting uses.

Loading and delivery operations specific to the RMD will occur using small delivery vehicles that will either use the rear driveway access to the building or the retail loading zone on Massachusetts Avenue. The Applicant has committed to developing a loading operations plan in coordination with TP&T. Trash collection and other services will be accommodated in a manner similar to other retail uses in the building.

(f) The building and site have been 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.

No exterior changes to the building are proposed, except for the installation of additional signage and security lighting, which will be in conformance with local requirements for signage and lighting as well as state regulations specific to RMDs. The location of the facility below-grade will avoid impacting the visual character of the streetscape.

20.701.1 Additional Special Permit Criteria for MMD-3: In granting a special permit for a Registered Marijuana Dispensary in the MMD-3 the Planning Board shall find that the criteria in 20.705 are met as well as the criteria in 20.705.1.

The Board finds that the proposal conforms to the additional criteria specific to the MMD-3 District, as set forth in detail below.

- (a) *Use Limitations: the RMD facility shall be retail only with no cultivation activities on site.*

Only retail dispensing activities are proposed.

- (b) *Siting: The RMD facility must be located either below grade or above the street level at the second story or above and be appropriately shielded from public view.*

The proposed RMD location is at the lower level of the existing retail building, where it will be shielded from public view as required by state regulations, but will not cause an interruption in the retail fabric of the streetscape. Nevertheless, the RMD will provide safe and convenient pedestrian access and egress, as set forth above.

- (c) *Size: The RMD facility size shall be less than 10,000 square feet and at least 70% of the square footage shall be used for patient services and the remainder shall be devoted to administrative support, storage and security.*

The proposed size of the facility is approximately 5,815 square feet, and according to preliminary designs, at least 70% of the space is dedicated to patient services including sales area and waiting rooms.

- (d) *Access to Public Transit: Areas with access to pedestrian and public transportation would be preferred.*

The site is within a pedestrian-oriented setting on Massachusetts Avenue, convenient to the MBTA #1 bus route and is about a 10-minute walk to either Harvard Square or Central Square MBTA Red Line stations.

2. Approval of Parking, Bicycle Parking and Loading Requirements for an RMD

In approving an RMD, the Planning Board is responsible for determining the required amount of parking, bicycle parking, and loading in accordance with Section 20.703.6 of the Zoning Ordinance, as set forth below.

20.703.6 Parking and Loading. Notwithstanding anything to the contrary in Article 6.000 of this Ordinance, the required number of parking and bicycle parking (both long-term and short-term) spaces and the required number of loading bays for a Registered Marijuana Dispensary shall be determined by the Planning Board based on the transportation analysis and other information related to operational and security plans provided by the applicant. Except as set forth above, all parking, bicycle parking and loading facilities shall conform to the requirements set forth in Article 6.000.

The Application does not propose parking or bicycle parking on-site, and indicates that necessary loading activities will occur using a van-sized vehicle that will be able to use an existing driveway and/or on-street loading area, without needing a loading bay. Clients and staff will be expected to walk, bicycle or use public transportation, or to use available on-street public parking or other public parking facilities near Harvard Square or Central Square.

The aforementioned transportation analysis provided by the Applicant and comments provided by TP&T indicate that the proposed use will likely have modest parking demand compared to a retail use of a similar scale, and that the loading needs of the facility can be reasonably accommodated through existing off-street and on-street areas. Therefore, the Board finds that it is appropriate not to require additional off-street parking and loading for the RMD, subject to the additional transportation demand management (TDM) and monitoring measures recommended by TP&T and agreed to by the Applicant.

For bicycle parking, the Board accepts the recommendation of TP&T that one long-term space and four short-term spaces are appropriate, as would be required for a retail establishment of the proposed size, with the understanding that the requirements may be fulfilled through a contribution to the City's Bicycle Parking Fund for installation and maintenance of public bicycle parking rather than providing the spaces on-site.

Requirements pertaining to the Board's determination of parking, bicycle parking and loading requirements are set forth in the Conditions of this Special Permit Decision.

3. General Criteria for Issuance of a Special Permit (10.43)

The Planning Board finds that the proposal meets the General Criteria for Issuance of a Special Permit, as set forth below.

10.43 Criteria. Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:

(a) It appears that requirements of this Ordinance cannot or will not be met, or ...

With the requested special permit, the requirements of the Ordinance will be met.

(b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or ...

As set forth above in these findings, the proposed use is not expected to adversely impact traffic patterns.

(c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or ...

The proposed RMD will be operated in accordance with applicable state and local regulations, and in such a way that it will not adversely impact adjacent uses.

(d) nuisance or hazard would 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, or ...

The proposed RMD will be operated in accordance with applicable health and safety regulations, as well as state and local regulations particular to RMDs, which are specifically intended to prevent nuisance or hazard.

(e) for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and ...

The site is located within a Medical Marijuana Overlay District, which was created expressly to allow RMDs.

(f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.

The proposed new use will minimally impact the design of the building, and all exterior alterations will be conducted in accordance with applicable zoning and other regulations for RMDs. In addition, exterior alterations will be subject to ongoing review by Community Development Department (CDD) staff to certify compliance with applicable urban design objectives.

DECISION

Based on a review of the Application Documents, testimony given at the public hearings, and the above Findings, the Planning Board hereby GRANTS the requested Special Permit, subject to the following conditions and limitations.

1. This special permit shall authorize Sage Cannabis, Inc. to establish and operate a Registered Marijuana Dispensary (RMD) at 1001 Massachusetts Avenue, Cambridge, in substantial conformance with the Application Documents dated June 6, 2016, and supplemental documents and information submitted by the Applicant to the Planning Board as referenced above.
2. This special permit is not transferrable to any other RMD seeking to operate at 1001 Massachusetts Avenue, and shall not apply to any RMD operated by Sage Cannabis, Inc. at any other location within the City of Cambridge
3. This special permit is conditioned upon ongoing registration of the approved RMD with the Massachusetts Department of Public Health, and shall terminate if such registration is terminated or fails to be renewed.
4. The approved RMD shall be operated in accordance with all applicable state and local regulations, including but not limited to regulations set forth by the Massachusetts Department of Public Health as well as any additional regulations promulgated by local agencies.
5. Any exterior alterations to the building undertaken in association with the establishment or operation of the approved RMD, including but not limited to the installation of exterior signage and light fixtures, shall be subject to design review by the Community Development Department (CDD) to ensure conformance with applicable city ordinances and urban design objectives. Prior to issuance of any Building Permit for such exterior alterations or installations, CDD shall certify to the Superintendent of Buildings that this condition has been met. CDD may present any design changes made subsequent to this Decision to the Planning Board for review and comment.
6. No off-street parking shall be required for the approved RMD; however, the RMD shall be required to implement a transportation demand management (TDM) and transportation monitoring program including the following measures, at a minimum, which shall be certified by the Traffic, Parking and Transportation Department (TP&T) and CDD prior to issuance of a Certificate of Occupancy for the approved RMD:
 - a. Provide 65% MBTA T-Pass subsidies, up to the federal fringe benefit, to all employees (May pro-rate incentive for part-time employees).
 - b. Offer all employees Gold Level Hubway membership.

- c. Provide lockers in the break room for employees that walk or bike to work.
- d. Have available an air pump and bicycle repair tools for employee and customers to use when needed.
- e. Designate an employee of the facility as a Transportation Coordinator (TC) to manage the implementation of the TDM measures and a transportation monitoring program. The TC shall:
 - i. Post in a central and visible location (i.e. lobby for customers, break room for employees) information on available non-automobile services in the area, including, but not limited to:
 - 1. Available pedestrian and bicycle facilities in the vicinity of the Project site.
 - 2. MBTA maps, schedules and fares.
 - 3. "Getting Around in Cambridge" map (available from CDD).
 - 4. Locations of bicycle parking.
 - 5. Carsharing/ridematching programs.
 - 6. Hubway regional bikesharing system.
 - 7. Carpooling/vanpooling programs.
 - 8. Other pertinent transportation information.
 - Instead or in addition to posting paper MBTA schedules, provide a real-time transit and Hubway display screen or tablet in a central location to help people decide which mode to choose for each trip.
 - ii. Compile and provide to all employees up-to date transportation information explaining all commuter options. This information should also be distributed to all new employees as part of their orientation.
 - iii. Provide or describe to customers information on transportation options to access the site.
 - iv. Provide and maintain information on the projects website, newsletters, social media, etc. on how to access the site by all modes, with emphasis on non-automobile modes.
 - v. Participate in any TC training offered by the City of Cambridge or a local Transportation Management Association.
 - vi. Implement an annual transportation monitoring program which will involve surveying employees and customers on their travel modes and where they customarily park (cars and bicycles). The annual monitoring program shall continue for 10 years following the issuance of a Certificate of Occupancy for the RMD, at which time TP&T will work with the applicant to determine if it would be beneficial to continue the monitoring program.

1. All surveys shall be designed and conducted in a manner approved by TP&T and CDD.
 2. The form of any survey instrument or monitoring method shall be approved before issuance of the Certificate of Occupancy.
 3. Surveying shall begin one year from the date of the first Certificate of Occupancy. If the Certificate of Occupancy is issued between September 1 and February 29, the monitoring should take place during the months of September or October and be reported to the City no later than November 30. If the Certificate of Occupancy is issued between March 1 and August 31, monitoring should take place during the months of April or May and be reported to the City no later than June 30.
7. Minimum bicycle parking requirements for the approved RMD shall be one (1) long-term space and four (4) short-term bicycle parking spaces, which may be provided by making a contribution to the City's Public Bicycle Parking Fund pursuant to Section 6.104.2 of the Zoning Ordinance. Long-term bicycle parking is preferably provided on-site if feasible.
8. No loading bays shall be required; however, a loading and service delivery management plan that includes all delivery activity to the facility shall be submitted to and approved by TP&T prior to the issuance of a Building Permit for any improvements associated with the approved RMD.
9. Prior to issuance of a Certificate of Occupancy for the approved RMD, CDD shall certify to the Superintendent of Buildings that all Conditions of this Special Permit Decision are met.

Voting in the affirmative to GRANT the Special Permits were Planning Board Members Louis Bacci, H Theodore Cohen, Steve Cohen, Mary Flynn, Hugh Russell, Tom Sieniewicz, and Associate Member Ahmed Nur, appointed by the Chair to act on the case, constituting at least two thirds of the members of the Board, necessary to grant a special permit.

For the Planning Board,



H Theodore Cohen, Chair.

A copy of this decision PB #312 shall be filed with the Office of the City Clerk. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the above decision filed with the Office of the City Clerk on August 17, 2016, by Jeffrey C Roberts, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty (20) days have elapsed since the filing of the decision. No appeal has been filed.

DATE:

City Clerk of Cambridge