

<b>Requested Special Permits</b>	<b>Summarized Findings</b> <i>(detailed zoning text on following pages)</i>
<p>Medical Marijuana Dispensary Use in Business B District (Sections 11.800)</p>	<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>
<p>General Special Permit Criteria (Section 10.43)</p>	<p>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).</p>

## Special Permit for Registered Medical Marijuana Dispensary Use in Business B District

**11.801** *Statement of Purpose.* The purpose of this section is to provide for the limited establishment of Registered Marijuana Dispensaries as they are authorized pursuant to state regulations set forth at 105 CMR 725.000, Implementation of an Act for the Humanitarian Medical Use of Marijuana. That it is the intent of this ordinance, subject to state regulations, that any approved medicinal marijuana facility shall not physically incorporate a future recreational marijuana facility within the same location to the extent permitted by law.

### **11.802** Requirements

**11.802.1** *Use.* Notwithstanding the use limitations of the base zoning district or any other overlay zoning district, a Registered Marijuana Dispensary shall be allowed within the Medical Marijuana Overlay District upon the granting of a special permit by the Planning Board, subject to the requirements set forth in this Section.

**11.802.2** *Registration.* All permitted Registered Marijuana Dispensaries shall be properly registered with the Massachusetts Department of Public Health pursuant to 105 CMR 725.100 and shall comply with all applicable state and local public health regulations and all other applicable state and local laws, rules and regulations at all times. No Building Permit or Certificate of Occupancy shall be issued for a Registered Marijuana Dispensary that is not properly registered with the Massachusetts Department of Public Health.

**11.802.3** *Limitation of Approval.* A special permit authorizing the establishment of a Registered Marijuana Dispensary shall be valid only for the registered entity to which the special permit was issued, and only for the site on which the Registered Marijuana Dispensary has been authorized by special permit. If the registration for a Registered Marijuana Dispensary has not been renewed or has been revoked, transferred to another controlling entity, or relocated to a different site within the Medical Marijuana Overlay Districts, a new special permit shall be required prior to issuance of a Certificate of Occupancy.

This ordinance will be reconsidered by the Ordinance Committee if upcoming recreational marijuana regulations created by the Commonwealth of Massachusetts impacts the location and desirability of medical marijuana facilities, in particular the possibility of having a joint location for both now allowed medicinal services and future recreational services.

**11.802.4** *Building.* A Registered Marijuana Dispensary shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home deliveries to qualified clients pursuant to applicable state and local regulations.

**11.802.5** *Dimensional Requirements.* Except where it is explicitly stated otherwise in this Section 20.700, a Registered Marijuana Dispensary shall conform to the dimensional requirements applicable to non-residential uses within the base and overlay zoning districts.

- 11.802.6** *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.
- 11.802.7** *Signage.* All signage shall conform to the requirements of Article 7.000 of this Ordinance. The Planning Board may impose additional restrictions on signage as appropriate to mitigate any aesthetic impacts.
- 11.802.8** *Location.* Registered Marijuana Dispensaries shall be allowed only by Planning Board Special Permit within the Business A, Business B, Business B-1, Business B-2, Business C, Industry A-1, Industry B-1 and Industry B-2 districts. No Registered Marijuana Dispensaries shall be allowed within 1,800 feet of another Registered Marijuana Dispensary.
- 11.804** *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.
  - (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.
  - (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.
  - (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.
  - (e) Loading, refuse and service areas are designed to be secure and shielded from abutting uses.
  - (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.

## General Criteria for Issuance of a Special Permit

**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
- (b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or
- (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
- (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
- (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
- (f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30. **[SEE FOLLOWING PAGE]**

**19.30 Citywide Urban Design Objectives [SUMMARIZED]**

Objective	Indicators
New projects should be responsive to the existing or anticipated pattern of development.	<ul style="list-style-type: none"> <li>• Transition to lower-scale neighborhoods</li> <li>• Consistency with established streetscape</li> <li>• Compatibility with adjacent uses</li> <li>• Consideration of nearby historic buildings</li> </ul>
Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings.	<ul style="list-style-type: none"> <li>• Inhabited ground floor spaces</li> <li>• Discouraged ground-floor parking</li> <li>• Windows on ground floor</li> <li>• Orienting entries to pedestrian pathways</li> <li>• Safe and convenient bicycle and pedestrian access</li> </ul>
The building and site design should mitigate adverse environmental impacts of a development upon its neighbors.	<ul style="list-style-type: none"> <li>• Location/impact of mechanical equipment</li> <li>• Location/impact of loading and trash handling</li> <li>• Stormwater management</li> <li>• Shadow impacts</li> <li>• Retaining walls, if provided</li> <li>• Building scale and wall treatment</li> <li>• Outdoor lighting</li> <li>• Tree protection (requires plan approved by City Arborist)</li> </ul>
Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system.	<ul style="list-style-type: none"> <li>• Water-conserving plumbing, stormwater management</li> <li>• Capacity/condition of water and wastewater service</li> <li>• Efficient design (LEED standards)</li> </ul>
New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.	<ul style="list-style-type: none"> <li>• Institutional use focused on existing campuses</li> <li>• Mixed-use development (including retail) encouraged where allowed</li> <li>• Preservation of historic structures and environment</li> <li>• Provision of space for start-up companies, manufacturing activities</li> </ul>
Expansion of the inventory of housing in the city is encouraged.	<ul style="list-style-type: none"> <li>• Housing as a component of large, multi-building development</li> <li>• Affordable units exceeding zoning requirements, targeting units for middle-income families</li> </ul>
Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.	<ul style="list-style-type: none"> <li>• Publicly beneficial open space provided in large-parcel commercial development</li> <li>• Enhance/expand existing open space, complement existing pedestrian/bicycle networks</li> <li>• Provide wider range of activities</li> </ul>

**Central Square Action Plan and Development Guidelines, 1987 – Summary of Relevant Design Principles and Guidelines**

<p><u>Land Use</u></p> <ul style="list-style-type: none"><li>▪ Encourage strong retail frontage for Massachusetts Ave. and Main Street.</li><li>▪ Create a focal point or "anchor" at Lafayette Square that will strengthen pedestrian and retail activity.</li></ul>
<p><u>Building height</u></p> <ul style="list-style-type: none"><li>▪ Height of buildings should be consistent within the overall context of surrounding properties.</li><li>▪ Whenever possible, the greatest height and bulk of the building should be placed on Massachusetts Avenue with a diminution in height and bulk as the project approaches the lower residential uses in abutting areas.</li><li>▪ Height and bulk should also be arranged to protect sight lines of significant historic structures.</li><li>▪ In street wall situations, it is desirable to relate architectural elements of new construction to the significant architectural elements including cornice heights on adjacent buildings.</li></ul>
<p><u>Building scale</u></p> <ul style="list-style-type: none"><li>▪ The heavy pedestrian activity in the Square must be recognized in renovations and new construction projects.</li><li>▪ Treatment of the ground floor plane should relate to the human dimension and be rich in detail to enhance the pedestrian experience.</li></ul>
<p><u>Building massing</u></p> <ul style="list-style-type: none"><li>▪ Continuation of a strong, unbroken linear retail frontage on Massachusetts Ave. and Main Street is critical to preserving the strength and historic character of the commercial district.</li><li>▪ Adjacent structures should build to a common party wall; alleyways between buildings are not encouraged.</li></ul>
<p><u>Streetwalls and Setbacks</u></p> <ul style="list-style-type: none"><li>▪ Building walls along Massachusetts Ave. and Main Street should be maintained at the property line with alcoves minimized so as not to create unsupervised areas, which encourage loitering.</li><li>▪ Setbacks along narrow side streets are encouraged to provide non-continuous building surfaces to avoid the creation of "canyons" and expanded sidewalk widths; a minimum of eight feet is desirable to allow the planting of street trees.</li></ul>
<p><u>Stores and Storefronts</u></p> <ul style="list-style-type: none"><li>▪ Storefronts should be oriented to the pedestrian and provide visual interest both day and night along Massachusetts Avenue and Main Street.</li><li>▪ Pedestrians should be encouraged to window shop by the provision of varied and interesting display areas.</li><li>▪ Every effort should be made to facilitate access into the store and to create an individual building or store identity.</li></ul> <p>The following elements are encouraged:</p> <ul style="list-style-type: none"><li>▪ large window areas for display or for looking into a store with lighting to facilitate night viewing awnings and/or canopies</li><li>▪ signage which is attractively integrated into the window area, awnings, canopies and architecture of the building</li></ul>

- street grade entrances which continue a strong linear edge along Massachusetts Avenue and Main Street
- window boxes
- restoration of details in historically contributing or significant buildings
- retail businesses should provide rest room facilities for customers
- small projecting signs which are compatible with the architecture of the building

The following elements are discouraged:

- small window areas that do not promote or encourage viewing into the store
- overpowering signage
- alcoves or recesses in the building wall that encourage loitering
- loading docks along Massachusetts Avenue and Main Street
- parking entrances and exits along Massachusetts Avenue and Main Street
- below or above grade store entrances
- non-retail uses on Massachusetts Avenue

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#### Exterior Treatments

##### Renovations

- Contributing and historically significant buildings should be renovated whenever possible.
- Materials should be consistent with the materials used when the structure was originally built.
- Original details should be preserved and restored whenever possible.

##### New Construction

- Pedestrian level treatments must be rich in detail and help to reinforce human scale through the use of architectural elements such as trim, sills, lintels, awnings and canopies.
- The use of durable materials, granite or limestone will help to add interest and variation to facades.
- Windows should be large and illuminated from within to create interesting display or viewing areas for retail space.
- New construction should be compatible and sensitive to adjacent historic structures with respect to scale and massing.
- Building materials to be compatible with the historic character of Central Square.
- Use of stucco, or stucco style panels and concrete blocks are discouraged.
- As a general rule, new buildings should be faced with wood or masonry with "punched operable windows to complement the older structures in the Square.
- Brick should be a full size brick with a color which is compatible to adjacent structures.
- The building walls above the ground floor should be articulated with bays, setbacks, cutouts, flower boxes, balconies, etc. to eliminate boxy type structures.
- Care should be taken to ensure that automobile headlights and street light glare are shielded from residential windows.
- Signs should be designed to fit on the building and be integrated with windows and awnings and not overlap or cover building details. Signage should be legible, unobtrusive and not overpowering.
- Use of color should be appropriate to the historic character of the Square, such as subtle highlighting of details on awnings, and trim, etc. Overpowering, gaudy, or trendy colors are discouraged.
- All mechanical penthouses and other projections should be integrated into the building form.

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#### Streets, Sidewalks and Open Space

- Continue MBTA and Central Square Enhancement improvements. Suggested improvements include:
  - Fill in private vaults within sidewalk areas

- Street trees, bicycle racks
- Trash containers, Kiosks
- Washington Post lights or other fixture as approved by the City along Massachusetts Ave.
- Create pedestrian links between neighborhoods and Massachusetts Avenue wherever possible;
- Strengthen the tie between Lafayette Square and the "Heart" of Central Square;
- Widen sidewalk areas on side streets to a minimum of eight feet connecting Bishop Allen Drive and Green Street to Massachusetts Avenue and improve the condition of existing sidewalks.
- Upgrade lighting along Bishop Allen Drive, Green Street and the streets connecting them to Massachusetts Ave.
- The appearance of secondary public ways such as Green street, Bishop Allen Drive, Temple street, Norfolk Street, etc. should be improved by repairing sidewalks, signage, lighting and where possible provide new trees.

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Parking and Service Areas

- Service areas are to be located to allow vehicles access onto the site and off of the public ways and away from residential windows.
- Commercial tenants should take advantage of the area's good access to public transportation facilities and therefore reduce the need for on-site parking facilities.
- Entrances to both parking and service areas must be constructed to minimize disruption to adjacent uses. Entries should be kept away from street intersections as much as possible.