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CITY OF SOMERVILLE, MASSACHUSETTS
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MICHAEL A. CAPUANO, ESQ.
REBECCA LYN COOPER
GERARD AMARAL, *ALT.*

August 20, 2015

The Honorable Board of Aldermen
City Hall
93 Highland Avenue
Somerville, MA 02143

Re: AN ORDINANCE AMENDING THE SOMERVILLE ZONING ORDINANCE,
SECTION 7.15 MEDICAL MARIJUANA TREATMENT FACILITIES

Dear Honorable Board of Aldermen:

In keeping with its lawful responsibilities, the Planning Board submits to your Honorable Board its recommendation on an ordinance to add a temporary limitation on the use of land or structures for medical marijuana treatment facilities. This amendment was addressed in a staff report provided to your honorable board dated July 13, 2015.

On August 6, 2015, at 6:00 p.m. the Planning Board and Land Use Committee of the Board of Aldermen jointly held a duly advertised public hearing in the Aldermanic Chambers in City Hall. The purpose of the hearing was to solicit public comments on the proposed amendments and to evaluate the amendments in the context of testimony received and the findings and analysis of the Planning Staff.

This report from the Planning Board to the Board of Aldermen will focus on the discussion at the August 6, 2015 public hearing, subsequent August 20, 2015 Planning Board meeting and the Board's final recommendation.

DISCUSSION DURING HEARING

At the public hearing on August 6, 2015, George Proakis, Director of Planning, explained the proposal as outlined in the staff report. Michael Capuano chaired this meeting, with members Rebecca Cooper, Dorothy Kelly Gay, and Alternate Gerard Amaral in attendance. Kevin Prior and Joseph Favaloro were absent. The topics discussed amongst the Land Use Committee and Planning Board were as follows:

- There are varying opinions on if the regulation of the use of a medical marijuana treatment center should wait until the revised zoning overhaul is submitted or be addressed now.
- There was discussion on the visibility of the facilities. Some find that these businesses should be in the public eye. There are no negative impacts beyond a typical business.
- The zoning map needs to be studied more to make sure that facilities would be visible and not be imbedded in neighborhoods. The NB, BA and BB districts may not be appropriate because these districts often abut residential districts. The IA district is along Somerville Avenue so this district is not necessarily a location that would be on the periphery of the City.
- Facilities should be located near public transit.
- Examples of how other municipalities regulate facilities would be helpful.
- The Police and Health Department should comment on the proposal.
- How facilities will receive local licensing needs to be discussed.

The Planning Board and Land Use Committee kept the written portion of the public hearing open until August 14 at noon.

One constituent appeared to speak during the public hearing and discussed the need for facilities to be near public transportation.

PLANNING BOARD RECOMMENDATION

The Planning Board met on August 20, 2015 to discuss and make a recommendation on the proposal. Michael Capuano chaired this meeting, with members Rebecca Cooper, Dorothy Kelly Gay, and Alternate Gerard Amaral participating. Kevin Prior was absent and Joseph Favaloro abstained from the discussion and vote because he was not able to listen to the recording from the prior meeting. The Board discussed the following topics:

- Facilities should be in central business districts so that they are visible and allow for access to services.
- We should not wait for the proposed zoning overhaul because there are only a few licenses for the county and Somerville may miss out if we do not have regulations.
- North Point is not listed as a possible district but should be included because Cambridge has a license that may be sited here on the Cambridge site.
- Overlay districts may make sense for siting facilities with more specificity and have ward Aldermen input during the mapping of the overlays.
- Signage is a major part of the business and it should be carefully reviewed.

Following due consideration, Michael Capuano made a motion to recommend approval of the proposed amendment as laid out in the Planning Staff Report of July 13, 2015 with consideration taken to the items discussed during the meeting. Dorothy Kelly Gay seconded the motion, which carried 4-0, with Joseph Favaloro abstaining and Kevin Prior absent.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. Capuano". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Michael Capuano, Esq.
Acting Chair