



Town of Brookline

Massachusetts

PLANNING BOARD
Steve Heikin, Chairman
Robert Cook, Clerk
James Carr
Linda K. Hamlin
Blair Hines
Matthew Oudens
Mark J. Zarrillo

Town Hall, Third Floor
333 Washington Street
Brookline, MA 02445
(617) 730-2130
www.brooklinema.gov

BROOKLINE PLANNING BOARD MINUTES **Room 111, Brookline Town Hall** **May 2, 2019 – 7:30 p.m.**

Board Present: Steve Heikin, Linda Hamlin, James Carr, Matt Oudens, Mark Zarrillo

Staff Present: Maria Morelli, Senior Planner

Mr. Heikin called the meeting to order at 7:30 pm.

BOARD OF APPEALS CASES

69-71 and 73-75 Westbourne Terrace – create common driveway

Maria Morelli described the proposal and the zoning relief required.

The case was continued from April 25. At that meeting, Mr. Heikin stated that the applicant should return to the Board with a reconfigured single driveway to the right side with a width of at least 12 feet.

Attorney Cameron Merrill gave an overview of the proposed common driveway and the related safety improvements regarding the Driscoll School crosswalk. Architect Gary Hendren presented the plan. Mr. Merrill stated that he met with Peter Ditto, Director of Engineering and Transportation, who requested that the width of the common driveway be 16 feet wide.

Unrelated to the common driveway, Mr. Heikin told the Board that he initially had some questions about how the floor-area ratio was calculated for the already permitted structure. He requested a site section, which the architect readily provided. Mr. Heikin concluded that the 12 foot height threshold in the bylaw is applicable to an atrium but not a garage.

The Board recommended a condition requiring that the applicant submit final drawings to the Director of Engineering and Transportation so that he may review and approve the width of the driveway.

Therefore, the Planning Board recommends approval of the site plan by Stephen Davis dated 4/29/19 and the landscaping plan by Marc Mazzarelli Associates and Hendren Associates dated 4/29/19 subject to the following conditions:

- 1) Prior to the issuance of a building permit, the applicant shall submit a stamped and surveyed site plan subject to the review and approval of the Director of Engineering and Transportation and the Assistant Director of Regulatory Planning.
- 2) Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor; and 2) evidence that easements and decision have been recorded at the Registry of Deeds.

1351 Beacon Street – retail marijuana establishment

Maria Morelli described the proposal and the zoning relief required. Because site plan review is a required criterion for submission of the ZBA Application, Ms. Morelli provided a summary of that integrated process, which involved Police, Fire, Building, Health, Planning, and Transportation Departments. Police Lt. Michael Raskin, who conducted an extensive review and requested detailed changes to the Business and Security Plan, attended the meeting to describe his review and answer questions from the Board and the public.

Jeffrey Allen, attorney for the applicant, introduced the project. Members of the project described operations, in particular security and transportation and customer demand management. The project team included Jason Sidman, CEO; Josh Weaver, CFO; Michael Allen, Security Chief; John Caveney, architect; and Nick Havan, transportation engineer.

Pursuant to Section 4.13, the size shall not exceed a total gross floor area of 5,000 sf per establishment and not exceed a gross floor area of 3,500 sf at street level and no more than 5,000 sf total gross floor area per establishment if any portion of the establishment is located at street-level.

The first floor would consist of 3,265 sf of retail space for adult-use marijuana sales and a separate 864 sf gallery space to be used for the display of local art. (The creation of the gallery space, maintained separately, keeps size of the street-level retail space under the 3,500 sf threshold.) The 3,598 sf basement level would consist of storage, staff break room, staff bathroom, which totals 1,492 sf. The total space dedicated to the marijuana establishment is 4,757 sf. The remaining basement space is storage for the adjacent tenant and the utility area. The floor plans show separate entrances for the art gallery and the dispensary which includes a security/reception checkpoint. No one under the age of 21 may access the dispensary, though children may access the gallery. The art gallery has a second means of egress into a hallway that precludes access to the marijuana retail area.

Public Comment

Jill Black was concerned about increased traffic and coordination of truck deliveries.

Michael St. Clair supported the careful planning for the proposal and had no objections.

Paul Fleischman was concerned about social and cultural impact of a retail marijuana establishment.

Kevin Venti, resident and Coolidge Corner Merchant Association member, was pleased with the proposal.

Mary Linnerst was concerned about trash management.

Jonathan Davis felt the proposal violates the square footage thresholds in zoning bylaw. He stated that the lease agreements should be available to the public for review during the appeals process.

Board member Mark Zarrillo recommended that the leases be amended to show separate LLCs for the sublet spaces to maintain separation of the art gallery space and the retail space. Mr. Allen agreed.

PLANNING BOARD DISCUSSION AND RECOMMENDATION

- The applicant clarified that the cell alert system will be used after the maximum number of people are queued (2 in vestibule and 93 on sidewalk and alley).
- The 30% subsidy for MBTA, bike share memberships, and ride share commutes shall be increased to 100%.
- Ensure that the site plan makes clear the location of the stanchions that will be installed to confine the queue lines in the alley subject to the review and approval of DPW. If chairs are provided, DPW must review the plan to ensure that it complies with ADA standards.
- The Business Plan under Customer Demand Management is updated to allow for two lines of queueing instead of a single line, as approved by the Police Department and shown on the queueing site plan.
- The applicant has leases available which prove (a) that Sanctuary Medicinals is the current tenant and (b) that the art gallery space on the street level is leased to a separate entity and (c) that the storage space in the basement is leased to Eureka Puzzles. The leases should be made available to the ZBA.
- Staff will post approved conditions online for public access.

Therefore, the Planning Board recommends approval of the site plan by Alfred M. Berry, professional land surveyor, and dated April 5, 2019, and the proposed floor plans prepared by Maggie Cassidy, Caveney Architectural Collaborative, and dated April 15, 2019, subject to the following conditions:

1. The Business Plan, dated April 30, 2019, and reviewed to the satisfaction of the Police Chief, the Health Commissioner, the Fire Chief, and the Director Engineering and Transportation, shall include the Security Plan. The Business Plan shall reference the most up to date components approved by the aforementioned staff, including but not limited to: Transportation Demand Management plan, Customer Demand and Queuing Plans, Diversity Plan, Trash/Recycling Plan, Pest Control Plan, Impact Management Plan, and floor plans.

2. Prior to the issuance of a license, the Applicant shall submit a final Business Plan and Security Plan for the review and approval of the Chief of Police.
3. Prior to issuance of a building permit, a final site plan, prepared by a registered engineer or land surveyor, and indicating all parking spaces, bicycle spaces, fencing, landscaping, trash and recycling, and utilities, shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
4. Prior to issuance of a building permit, if exterior building modifications are proposed, final elevations, prepared by a registered architect, shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
5. Prior to issuance of a building permit, plans for any alterations to the building's exterior features shall be submitted to Preservation Commission staff for determination of applicability under the Town's Demolition Delay By-law.
6. Prior to issuance of a certificate of occupancy, the applicant shall submit a Transportation Demand Management Plan, subject to the review and approval of the Director of Transportation/Engineering and the Assistant Director for Regulatory Planning. The effectiveness of the TDM plan will be reviewed after a three month and 15 month period and during the annual licensing process by the Select Board. It shall also include a stipulation that at least a four foot width of sidewalk shall be unobstructed at all times.
7. If during the initial opening period of the facility, but no longer than six months, the Town determines that queueing on the public sidewalk has become a safety hazard or nuisance, the applicant shall meet with the relevant Town officials to identify and implement methods to eliminate any queueing on the sidewalk. Costs of same shall be borne by the applicant.
8. The facility shall not open earlier than 10 am, Mondays through Saturdays, and 9 am on Sundays. Any change to operational hours shall be subject to the Select Board, after input from the Director of Engineering and Transportation and the Chief of Police.
9. All signage for the facility shall be approved by the Planning Board prior to installation and shall be removed in the event the entity ceases operations.
10. Prior to issuance of a certificate of occupancy, evidence of a valid license from the Select Board for a marijuana retailer shall be provided to the Building Commissioner.
11. The special permit is conditional upon the applicant maintaining a valid and current license or Certificate of Registration, as may be required, from the Select Board, the Massachusetts Department of Public Health, and the Massachusetts Cannabis control Commission.
12. Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner to ensure conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered land surveyor or engineer; 2) final floor plans and building elevations, stamped and signed by a registered architect, if there are any exterior changes; and 3) evidence the Board of Appeals decision has been recorded at the Registry of Deeds.
13. Prior to the issuance of a license, submit "Town of Brookline for Diversity Plan" for review and approval by the Director of the Office of Diversity and Inclusion.
14. Prior to the issuance of a Building Permit, the Applicant shall submit a pest control plan, subject to the review and approval of the Chief of Environmental Health.

15. Prior to the issuance of a Building Permit, the Applicant shall submit floor plans that show all storage shelving, hand sinks, toilets, mop sinks, and the trash storage room for the review and approval of the Chief of Environmental Health.
16. The Applicant shall provide a minimum of one 80-gallon toter for trash and one 80-gallon toter for recyclables. Trash shall be maintained within the building footprint, except for scheduled pick-up by the Town or private trash management service.
17. Retail product shall be stored a minimum of six inches above the ground.
18. No product shall be weighed and packed at the retail location. All product shall be pre-weighed on a certified scale at the production location.
19. Prior to the issuance of a Certificate of Occupancy, the Applicant shall notify Brookline Department of Public Health and Human Services when renovations have been completed so it can arrange for a pre-operational inspection 14 days prior to the scheduled opening date.
20. Prior to the issuance of a license, the Applicant shall update the final Transportation Demand Management plan to provide a minimum 100% subsidy for employees' MBTA passes, for employees' bike share memberships, and for employees' car share expenses related to their commutes to and from their work shifts at the retail establishment.
21. A security agent will end the sidewalk queue 6'-3" prior to the end of the alley between 1341 Beacon and 1351 Beacon Street.
22. If the Police Chief and/or the Director of Engineering and Transportation deems sidewalk queueing a hazard or nuisance, the Applicant shall devise a contingency plan to eliminate sidewalk queue subject to the review and approval of the Police Chief and the Director of Engineering and Transportation, with all associated costs borne by the Applicant. The Applicant shall consider a contingency plan that consist of customer satellite parking locations with shuttle vans transporting customers between the satellite parking location and the retail establishment in a continuous loop in addition to seeking out private parking spots to rent for customer use.
23. The retail establishment's Director of Security shall ensure:
 - a. all entrances are secured to prevent unauthorized access
 - b. all locks and security equipment will be maintained in good working order
 - c. all safes, vaults, and any other equipment or areas used for the production, cultivation, harvesting, processing or storage of marijuana products are securely locked and protected from entry, except for the actual time required to remove or replace marijuana
24. The 30% subsidy for MBTA, bike share memberships, and ride share commutes shall be increased to 100%.
25. Ensure that the site plan makes clear the location of the railing that will be installed to confine the queue lines in the alley subject to the review and approval of DPW. If chairs are provided, DPW must review the plan to ensure that it complies with ADA standards.

Materials Reviewed During Meeting:

Staff Reports, Zoning Texts, Site Plans, Elevations/Floor plans, Maps, Photos

The meeting was adjourned.