



Town of Brookline

Massachusetts

Town Hall, 1st Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2010 Fax (617) 730-2043
Patrick J. Ward, Clerk

BOARD OF APPEALS
Debbie Geller, Chairman
Mark G. Zuroff
Johanna Schneider

RECEIVED
TOWN OF BROOKLINE
TOWN CLERK
2021 APR - 9 7 11

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2020-0051
COMM AVE CANNA, INC.
1030 COMMONWEALTH AVE, BROOKLINE, MA

Petitioner, Comm Ave Canna, Inc., applied to the Building Commissioner for permission for a change the use from a salon to storefront adult-use marijuana retailer at 1030 Commonwealth Ave. Second Floor, and construct a vestibule in the rear of the property. The application was denied and an appeal was taken to this Board.

The Board administratively determined that the properties affected were those shown on a schedule certified by the Board of Assessors of the Town of Brookline and fixed a virtual hearing to be held at February 18, 2021 at 7:00 p.m., as the date, time and place of a hearing for the appeal. Notice of the hearing was mailed to the Petitioner, to their attorney (if any) of record, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published on February 11, 2021 and February 4, 2021 in the Brookline Tab, a newspaper published in Brookline, Massachusetts. A copy of said notice is as follows:

NOTICE OF HEARING

Pursuant to M.G.L., C. 40A, the Board of Appeals will conduct a **virtual** public hearing on **February 18, 2021** at **7:00PM**

Register for this hearing:

<http://bit.ly/3oeIrvi>

After registering you will receive a confirmation email containing information about joining the hearing.

Our Virtual Meeting Guide for Applicants and the Public can be found here:

<https://bit.ly/30wRoY3>

1030 COMMONWEALTH AVENUE, MA 02446 – CHANGE OF USE FROM SALON TO STOREFRONT ADULT-USE MARIJUANA ESTABLISHMENT; CONSTRUCT VESTIBULE IN REAR. This property is in a G-2 GENERAL BUSINESS ZONE. This case is to be heard virtually on 2/18/2021 at 7pm (Petitioner: John Hauck, JB Hauck & Garrett Hauck.) Precinct 8

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning By-Law, and any additional zoning relief the Board deems necessary:

§4.07 – TABLE OF USE REGULATIONS, USE #29A

§4.13 - MARIJUANA ESTABLISHMENTS

§5.43 - EXCEPTIONS TO YARD AND SETBACK REGULATIONS

§5.70 - REAR YARD REQUIREMENTS

Any other relief the Board finds necessary

PUBLIC COMMENT FILES, PDFs OR PRESENTATIONS:

<https://www.brooklinema.gov/1856/1030-Commonwealth-Avenue>

Advance submissions of files and presentations are strongly encouraged. In an effort to ensure the Board has adequate time to review materials we ask that any additional documents such as written comment letters, photos, files, or presentations be sent before the hearing to Monique Baldwin (mbaldwin@brooklinema.gov) and Joe Braga (jbraga@brooklinema.gov). Public testimony will be taken during the hearing as normal.

Hearings may be continued by the Chair to a date/time certain, with no further notice to abutters or in the TAB. Questions about hearing schedules may be directed to the Planning and Community Development Department at mbaldwin@brooklinema.gov, or by checking the Town meeting calendar at: www.brooklinema.gov.

The Town of Brookline does not discriminate in its programs or activities on the basis of disability or handicap or any other characteristic protected under applicable federal, state or local law. Individuals

who are in need of auxiliary aids for effective communication in Town programs or activities may make their needs known by contacting the Town's ADA Compliance Officer. Assistive Listening Devices are available at the Public Safety Building for public use at Town of Brookline meetings and events. Those who need effective communication services should dial 711 and ask the operator to dial the Town's ADA Compliance Officer.

If you have any questions regarding this Notice or the Assistive Listening Device, please contact Caitlin Haynes at 617-730-2345 or at chaynes@brooklinema.gov.

***Jesse Geller, Chair
Mark Zuroff
Johanna Schneider***

At the time and place specified in the notice, the Zoning Board of Appeals held a public hearing. Present at the hearing was Chairman Jesse Geller and Board Members Kate Poverman and Randolph Meiklejohn.

The case was presented by Adam R. Barnosky, Esq., Ruberto, Israel, & Weiner, P.C., 255 State Street, 7th Floor, Boston, MA 02109. Also in attendance were the principals of the Petitioner, Comm Ave Canna, Inc., John Hauck, Frances, J.B. Hauck, and Garrett Hauck; project architect Adam Sitterly of Anderson Porter Design; and security consultants Edward Davis and William Taylor of Edward Davis LLC.

Zoning Board of Appeals Chairman Jesse Geller called the hearing to order at 7:42 p.m. Attorney Barnosky stated that the Petitioner proposes a change in use on the second Floor of the property at 1030 Commonwealth Avenue from a tanning salon to "Storefront Marijuana Retailer" pursuant to **Section 4.07 Use 29A** of the Zoning By-Law. As part of the change of use, the Petitioner proposes the construction of a lift vestibule in the rear of the building to provide a handicap accessible secondary entrance to the retail space located on the second floor. Construction of the lift requires relief from the rear setback requirements, pursuant to **Sections 5.70, 5.43** and **9.05** of the Zoning By-Law.

Attorney Barnosky presented to the Board a background of the property, stating the following: 1030 Commonwealth Ave is located on the eastbound side of the Commonwealth Avenue, in the G-2 General Business Zoning District between Winslow Road and Babcock Street, in close proximity to the MBTA Green Line and Babcock T-Stop. The north side of the property abuts the municipal boundary line for the City of Boston, although the entirety of the parcel is located in the Town of Brookline. To the rear of the property is a fifteen (15) foot wide passageway, which connects directly to Winslow Road. Approximately 7.5 feet of the width of said passageway is located on the parcel. The premises is currently the location of Perfect Tan. With the exception of construction of an exterior elevator vestibule, new signage, and general security/electrical upgrades, there will be no exterior modifications to the site. The total gross floor area of the second-floor interior will remain the same. The business will consist of retail floor on the second floor of the property, with reception, security, staff, and nine points-of -sale in the retail area. The business will sell cannabis, cannabis products, and non-cannabis merchandise. There will be no consumption, cultivation, or manufacturing onsite. The use is limited to retail adult use sales.

Attorney Barnosky continued with a review of the background of the Petitioner and of the application, stating the following: Comm Ave Canna, Inc. will be owned and operated by the Hauck family, who have operated businesses in Brookline and Boston for over twenty-five (25) years. The Haucks are very familiar with the property, neighborhood and community, having operated Perfect Tan on-site since the 1990s. The application comes before the Board with a provisional license granted by the Massachusetts Cannabis Control Commission. The provisional license was issued after a comprehensive review of Comm Ave Canna's background and operational documents, including written plans for: security, storage, transportation, inventory, dispensing, diversity, positive impact, prevention of sale to minors, among others. The Haucks and their team have worked extensively with the Town of

Brookline departments and boards and planning staff to develop an operation plan best suited for the site and with minimal impact to the neighborhood and community, including the Advance Customer Management System, a line free system where customers are required to either pre-order, set an appointment, or enter a same-day digital line queue.

Project Architect Adam Sitterly provided with Board with an overview of the site and floor plans noting that the scope of the work is almost entirely within an existing building and will all be an interior tenant fit out except for the addition of a vestibule at the rear of the property to accommodate for handicapped accessible lift. He further noted that except for the new rear vestibule and the repair of broken windows on the rear facade, the existing building facade will remain unchanged. Mr. Sitterly provided details regarding the floor plan, egress, ingress, handicap accessible entrance, trash enclosure, front access and entry vestibule, customer flow, and security protocols.

Zoning Board of Appeals Member Poverman inquired about the availability of bicycle parking. Adam Sitterly responded that several bike racks are located on Commonwealth Avenue between Babcock Street and Winslow Road, including directly in front of the property.

Zoning Board of Appeals Member Poverman then asked about COVID protocols. J.B. Hauck stated there would be measures implemented to ensure social distancing (including protocols and reduced number of terminals for service) and several hand sanitizing stations on the retail floor. Adam Sitterly noted the design could accommodate the current COVID environment, as well as post-pandemic. Mr. Sitterly further noted the employee break room would be adequately ventilated.

Zoning Board of Appeals Member Randolph Meiklejohn asked for clarification on the rear yard setback and vestibule in relation to the abutting property. Mr. Sitterly responded that the size of the vestibule will not project beyond the rear facade of the adjacent building.

Mr. Meiklejohn then inquired about the security in the rear of the building. J.B. Hauck stated there will at all times of operation be a staff member located at the rear entrance area.

Zoning Board of Appeals Chairman Geller asked about the rear access point for customers with disabilities and what measures will be implemented to insure users safely traverse the fifty-five (55) foot passageway to and from Winslow Road, especially where the same passageway is used by vehicles. Attorney Barnosky responded that the Petitioner considered this issue in the Advance Customer Management System. He continued that there will be a prompt for guests planning to use the handicap accessibility entrance. Zoning Board of Appeals Chairman Geller emphasized the need for the applicant to develop an access narrative and establish measures whereby handicap access is safe and secure. Zoning Board of Appeals Member Meiklejohn echoed the concern for safe handicap accessibility on the passageway.

Attorney Barnosky then detailed the zoning relief requested from the Zoning Board, stating the following: per the Town of Brookline Zoning By-Law Sections 2.13(2)(h), 4.13, and Table of Use Regulations 4.07 No. 29A, a “Storefront Marijuana Retailer” use, consisting of less than 5,000 square feet of gross floor area, is permitted by way of Special Permit granted by the Zoning Board of Appeals. The Petitioner also seeks relief pursuant to Section 5.43 (Exceptions to Yard and Setback Regulations) from compliance with Section 5.70 (Rear Yard Requirements). Pursuant to said Section 5.70, no building or structure shall be built within the minimum depth from the rear lot line specified in Table 5.01, except as permitted in Section 5.72 of the Zoning By-Law. Here, the required/allowed rear yard setback in the G-2 Zoning District is 22.2 feet and the Petitioner has an existing rear yard setback of 17.41'. The elevator vestibule in the rear, once constructed, will reduce the rear yard setback by 10 feet. Pursuant to said Section 5.43 the Zoning Board of Appeals may by Special Permit -waive yard and setback requirements if a counterbalancing amenity is provided. The applicant’s counterbalancing

amenities are all targeted toward the rear of the property, in direct proximity to the vestibule, and will include: creation of a handicap accessible entrance to the site, creation of a striped pathway on the private passageway, connecting to the sidewalk off of Winslow Road, replacement of the existing windows in the rear of the property, striping of the rear pavement area where the elevator will load and unload, creation of a fenced trash area to hide and store refuse and waste, and general cleanup of the rear area.

Attorney Barnosky detailed the Petitioner's compliance with **Section 4.13** and **Section 9.05** of the Zoning By-Law, which authorize the Zoning Board of Appeals pursuant to a Special Permit. **Section 9.05** specifically requires establishment by the Board of the following: (a) the specific site is an appropriate location for such a use, structure, or condition; (b) the use as developed will not adversely affect the neighborhood; (c) there will be no nuisance or serious hazard to vehicles or pedestrians; (d) adequate and appropriate facilities will be provided for the proper operation of the proposed use; and (e) the development as proposed will not have a significant adverse effect on the supply of housing available for low and moderate income people.

In support of relief under **Section 9.05**, Attorney Barnosky provided details in support of the Petitioner's application pursuant to **Section 9.05** of the Zoning By-Law, specified the following: (i) the Petitioner's property is located in a general business district in one of the Town's busiest commercial areas; (ii) the retailer will operate on the second floor, out of the sightlines of passing pedestrians and minors; (iii) there will be upgrades the building to allow for handicap accessibility; (iv) by implementation of the Advance Customer Management System, there will be a uniform and seamless way for customers to access and use the site, without exterior lines or interference with the immediate neighborhood; (v) the Petitioner has a Host Community Agreement with the Town which limits operations and is subject to annual licensure with the Select Board; (vi) with the exception of the new

vestibule, there will be no other exterior modifications which would impact or adversely affect the neighborhood; (vii) the property is located in a transit-overlay district, immediately adjacent to the Green Line, Babcock T Stop, several MBTA Bus Lines, with Blue Bike options and areas for convenient ride share pickup and drop-off; (viii) the Petitioner has met with Town departments, including DPW to address any potential traffic impacts; (ix) the Petitioner has developed operations and security plans compliant with state and local regulations, approved by the Cannabis Control Commission, and reviewed by the Brookline Police Department during the pre-site plan approval process; (x) the second floor will be renovated and the resulting facility will be a modern, class A retailer, with state of the art security equipment and protocols; and (xi) the change of use from a salon to a cannabis retailer will not impact housing in any fashion or have a significant adverse effect on the supply of housing available for low and moderate income people.

Attorney Barnosky stated that the Petitioner meets the standards set forth under **Section 4.13** of the Zoning By-Law, since the issuance of a Special Permit would not contravene the cap on the number of Special Permits and Storefront Retailers previously authorized by the Town of Brookline; the operator is in compliance with all applicable state and local laws; the location and applicant are compliant with **Section 4.13** of the Zoning By-Law; the Petitioner met extensively with various Town Departments and received approvals from police, fire, health, and transportation as part of its pre-site plan review process; and the application comes before the ZBA with the unanimous support of the Planning Board. Zoning Board of Appeals Member Meiklejohn noting that the rear area of the building is the appropriate place for the proposed counterbalancing amenities under **Section 5.43** of the Zoning By-Law, including the trash enclosure, window repair and the general cleanup of the site, disagreed with the Petitioner's assertion that the specified project improvements should be considered counterbalancing amenities. Mr. Geller agreed with Mr. Micklejohn noting that the recited improvements were necessary

for operation of the facility as distinct from amenities for the general benefit meant to offset the relief granted.

Zoning Board of Appeals Chairman Geller asked if there was anyone present who wished to speak in favor of this application. No one spoke in favor.

Zoning Board of Appeals Chairman Geller asked if there was anyone present who wished to speak in opposition to this application. No one spoke in opposition.

Maria Morelli, Planner for the Town of Brookline, delivered the findings of the Planning Board:

Findings

§4.07 – TABLE OF USE REGULATIONS, USE #29A: Storefront Marijuana Retailers, stores of less than 5,000 square feet of gross floor area per establishment * Permitted by special permit pursuant to Section 4.13, Marijuana Establishments

§4.13 - MARIJUANA ESTABLISHMENTS

ZONING: G-2.0	Required/ Allowed	Existing	Proposed	Relief
Rear Yard Setback	$10 + (122/10) =$ 22.2 feet	17.41'*	7.41'*	Special Permit¹

*Planning and Building Departments have requested a site plan prepared by a surveyor (rather than the site plan annotated by the architect) for the ZBA application and for final construction drawings. Recommended that rear yard setback should not be less than 7.5 feet to keep passageway unobstructed.

§5.43 - EXCEPTIONS TO YARD AND SETBACK REGULATIONS: This section allows the Board of Appeals to waive yard and setback requirements if a counterbalancing amenity is provided.

§5.70 - REAR YARD REQUIREMENTS: No building or structure shall be built within the minimum depth from the rear lot line specified in Table 5.01, except as permitted in §5.72. In the case of a triangular lot with no rear lot line, the distance between any point on the building and corner of the lot farthest from the front lot line shall be at least twice the minimum depth specified in Table 5.01.

Ms. Morelli stated that Planning Staff is supportive of this proposal. The Applicant complied with an extensive and rigorous review by six Town Departments to ensure that the site and the floor plan layout could support identification checkpoints, restricted access areas, customer demand, and social

distancing requirements due to COVID-19. Aside from social distancing, staff has stipulated that no walk-ins are permitted because there is not sufficient space to queue customers for IDs checks or to manage unexpected volumes. Reserve and order ahead are the only options for this site at this time. Because of the surrounding multifamily neighborhood to the rear, staff will not allow customer queuing on the abutting parking lots. Should the Applicant decide to provide a backup generator on the roof (as proposed in Business Plan), a roof plan would need to be reviewed by the Building Commissioner to whether a doghouse or other screening is appropriate. The Applicant responded promptly to the Planning Board's initial recommendation to improve the vestibule configuration. One Dumpster is located on the site at the rear for separate segregated food waste from the first floor restaurant. Two totes—one for the Comm Ave Canna's trash and the other for shared recycling—would also be located on site.

The Planning Department requested a site plan with proposed conditions prepared by a registered land surveyor, which was provided for the January 7 meeting. It is not clear if there is a driveway easement that stipulates that the width of the passageway to the midpoint shall be 7.5 feet. If possible, staff recommends that rear yard setback be no less than 7.5 feet.

Therefore, the Planning Department recommends approved site plan by Michael Clifford, DGT Associates Surveying & Engineering dated December 22, 2020 and architectural plans by Anderson Porter Design dated December 22, 2020 subject to the following conditions:

1. Prior to the issuance of license, the Applicant shall:
 - a. Submit a Trash and Recycling Plan that includes location, size of receptacles, and frequency of pick-up for the review and approval of the Health Commissioner or designee;

- b. Submit a Diversity plan to the review and approval of the Director of the Office of Diversity and Inclusion;
 - c. Submit marketing materials and consumer education materials for the review and approval of the Police Chief and Health Commissioner or designees;
 - d. Submit Sales Training and Employee Handbook for the review and approval of the Police Chief or designees;
 - e. Prior to the issuance of a Certification of Occupancy, the Applicant shall submit a Transportation Demand Management (TDM) plan, subject to the review and approval of the Director of Transportation and Engineering and the Planning Director, or their designees. The implementation and effectiveness of the TDM plan will be reviewed by aforementioned Town staff on an annual schedule as stipulated in the license conditions.
2. The facility shall not open earlier than 10 am, Mondays through Saturdays, and 12 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.
 3. 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.
 4. 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.
 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 the issuance of a building permit, the applicant shall electronically submit final floor plans, roof plan and elevations, location and number of bike racks, and loading zone, stamped and signed by a registered architect or engineer and a final site plan, stamped and signed by a registered engineer or land surveyor, to the Assistant Director or designee for Regulatory Planning for review and approval.
7. Prior to the issuance of a building permit, the Applicant shall electronically submit a elevations that shows proposed counterbalancing amenities subject to approval by the Assistant Director for Regulatory Planning or designee. The counterbalancing amenities must be executed in accordance to the approved plan.
8. 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.
9. Prior to the issuance of a building permit, the applicant shall electronically submit to the Building Commissioner for review and approval a) the site plan, roof plan, floor plans, and elevations displaying the approval stamp of the Assistant Director for Regulatory Planning or designee; and b) evidence that the Board of Appeals decision has been obtained from the Town Clerk's office by the applicant or their representative and recorded at the Registry of Deeds.
10. Prior to the issuance of a Certificate of Occupancy, the Applicant shall notify Brookline Department of Public Health and Human Services when renovations and have been completed so it can arrange for a pre-operational inspection 14 days prior to the scheduled opening date.
11. 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.

Upon further consultation with Associate Town Counsel Patricia Correa, Ms. Morelli noted that the following conditions will be moved to the license conditions. Although police detail is encouraged during deliveries, it cannot reasonably be required.

- The Business Plan, dated May 27, 2020, and reviewed to the satisfaction of the Police Chief, the Health Commissioner, the Fire Chief, and the Director Engineering and Transportation, shall include but not be limited to the Security and Diversion Prevention Plan, the Transportation Demand Management plan, Customer Demand Plan, Diversity Plan, Trash/Recycling Plan, Pest Control Plan, and site plan and floor plans.
- Queueing of customers outside the building footprint is prohibited.
- Queueing of customers in the public way is prohibited.
- Deliveries to the front entrance on Commonwealth Avenue are prohibited.
- Retail product shall be stored a minimum of six inches above the ground.
- 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.
- 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.
- The Applicant shall maintain an incident log that lists unusual, along with documents stipulated in the Host Community Agreement for recording in a binder, for administrative inspections.

Zoning Board of Appeals Chairman Geller then called upon Monique Baldwin to deliver the comments of the Building Department, who stated that the Building Department will insure implementation of safety requirements and a plan review for permitting of the site.

In deliberation, Zoning Board of Appeals Member Poverman stated that all of the requirements for the relief requested have been met, especially since the Building Commissioner will keep an eye on safety issues in the rear. Zoning Board of Appeals Member Poverman stated that she votes to approve the Petitioner's application.

Zoning Board of Appeals Member Meiklejohn stated that he is also in favor of voting for approval.

Zoning Board of Appeals Chairman Geller stated that, subject to satisfaction of the Board Members' questions concerning safety along the rear access connecting the vestibule to Winslow Road, the application meets the requirements for relief under **Section 9.05** and **Section 5.43** of the Zoning By-Law, noting specifically the necessity of a finding under Section 9.05 of safety to vehicles and pedestrian. Zoning Board of Appeals Chairman Geller then asked that the Petitioner address the Board's safety concerns and that such a requirement be included in the recorded decision.

Subject to the foregoing, Mr. Geller voted in favor of granting the requested special permits. However, to meet the condition pursuant to **Section 9.05.c**, Chairman Geller required that the Petitioner submit to the licensing board a narrative that indicates how the safety of pedestrians with disabilities using passageway at the rear will be ensured for approval by that board.

The Board then determined, by unanimous vote that based on the foregoing there was no substantial detriment to the neighborhood, and the requirements for relief by special permit from the application of the provisions of the Zoning By-Law pursuant to **Section 4.13**, **Section 5.43** and **Section 9.05** of the Zoning By-Law were met. The Board made the following specific findings pursuant to said **Section 9.05**:

- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.

- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- e. Development will not have a significant adverse effect on the supply on housing available for low and moderate income people.

Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

1. Prior to the issuance of license, the Applicant shall:

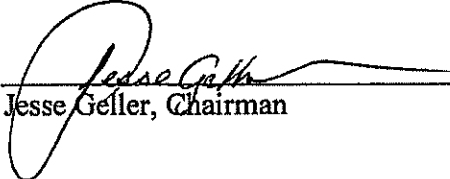
- a. **Submit a Trash and Recycling Plan that includes location, size of receptacles, and frequency of pick-up for the review and approval of the Health Commissioner or designee;**
- b. **Submit a Diversity plan to the review and approval of the Director of the Office of Diversity and Inclusion;**
- c. **Submit marketing materials and consumer education materials for the review and approval of the Police Chief and Health Commissioner or designees;**
- d. **Submit Sales Training and Employee Handbook for the review and approval of the Police Chief or designees;**
- e. **Prior to the issuance of a Certification of Occupancy, the Applicant shall submit a Transportation Demand Management (TDM) plan, subject to the review and approval of the Director of Transportation and Engineering and the Planning Director, or their designees. The implementation and effectiveness of the TDM plan will be reviewed by aforementioned Town staff on an annual schedule as stipulated in the license conditions.**

- 2. **The facility shall not open earlier than 10 am, Mondays through Saturdays, and 12 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.**
- 3. **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.**
- 4. **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.**

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 the issuance of a building permit, the applicant shall electronically submit final floor plans, roof plan and elevations, location and number of bike racks, and loading zone, stamped and signed by a registered architect or engineer and a final site plan, stamped and signed by a registered engineer or land surveyor, to the Assistant Director or designee for Regulatory Planning for review and approval.
7. Prior to the issuance of a building permit, the Applicant shall electronically submit a elevations that shows proposed counterbalancing amenities subject to approval by the Assistant Director for Regulatory Planning or designee. The counterbalancing amenities must be executed in accordance to the approved plan.
8. 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.
9. Prior to the issuance of a building permit, the applicant shall electronically submit to the Building Commissioner for review and approval a) the site plan, roof plan, floor plans, and elevations displaying the approval stamp of the Assistant Director for Regulatory Planning or designee; and b) evidence that the Board of Appeals decision has been obtained from the Town Clerk's office by the applicant or their representative and recorded at the Registry of Deeds.
10. Prior to the issuance of a Certificate of Occupancy, the Applicant shall notify Brookline Department of Public Health and Human Services when renovations and have been completed so it can arrange for a pre-operational inspection 14 days prior to the scheduled opening date.
11. 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. This shall include evidence of submittal by the Applicant of measures to be implemented for the safety of users of the rear access to the facility and approval thereof by the licensing authority.

Unanimous Decision of
The Board of Appeals

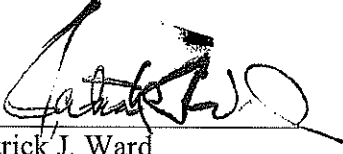
Filing Date: 4/9/2021



Jesse Geller, Chairman

A True Copy

ATTEST:

A handwritten signature in black ink, appearing to read "Patrick J. Ward", written over a horizontal line.

Patrick J. Ward
Clerk, Board of Appeals

TWENTY-DAY APPEALS PERIOD ENDED: