



Town of Arlington, Massachusetts
Department of Planning & Community Development
730 Massachusetts Avenue, Arlington, Massachusetts 02476

Public Hearing Memorandum - Update

The purpose of this memorandum is to provide the Arlington Redevelopment Board and public with technical information and a planning analysis to assist with the regulatory decision-making process.

To: Arlington Redevelopment Board
From: Claire Ricker, Secretary Ex Officio
Subject: Environmental Design Review, 251 Summer Street, Arlington, MA
Docket #3752
Date: August 28, 2023

I. Docket Summary

This is an application by Calyx Peak of MA, Inc. to establish a marijuana retailer at 251 Summer Street within the B4 Vehicular Oriented Business District. The Special Permit is to allow the Board to review and approve the proposed project, under Section 3.3, Special Permits, Section 3.4, Environmental Design Review, and Section 8.3, Standards for Marijuana Uses.

The Town of Arlington adopted zoning amendments to address the sale of marijuana products to adults during Special Town Meeting on December 5, 2018. The zoning amendments created new definitions, new use categories, and standards. The standards include the buffers that are required from kindergarten through grade twelve public and private schools, public libraries, and town-owned playgrounds and recreational facilities. Additionally, the standards required a 2,000-foot distance between other recreational or medical facilities. Finally, the standards limited the number of marijuana retailers within Arlington to three.

Since the adoption of these zoning amendments, the Select Board has awarded Host Community Agreements to two marijuana retailers. In the fall of 2021, the Select Board opened a process through which the Board would determine which operator would be awarded the third and final Host Community Agreement. Calyx Peak applied with the intent to open marijuana retail establishment at 251 Summer Street. The site was deemed compliant with the Zoning Bylaw. The Town awarded Calyx Peak a Host Community Agreement. In addition to seeking the EDR Special Permit from the ARB, Calyx Peak will need to apply for an Operating Permit from the Arlington Board of Health.

Materials submitted for consideration of this application:

- Application for EDR Special Permit,
- Site Plan,
- Existing and Proposed Floor Plan and Elevations,
- Landscaping Plan,
- Renderings of the proposed conditions,
- Sign and lighting specifications,
- Impact statement,
- Community outreach statement,
- Traffic Assessment,
- LEED Checklist, and
- Stormwater management statement.

II. Application of Special Permit Criteria (Arlington Zoning Bylaw, Section 3.3)

1. Section 3.3.3.A.

The use requested is listed as a Special Permit in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.

The Applicant proposes a marijuana retailer. Within the B4 Vehicular Oriented Business District, marijuana uses require a Special Permit. The type of use specifically triggers the Environmental Design Review Special Permit from the Redevelopment Board per Section 3.4.2. The Board can find that this condition is met.

2. Section 3.3.3.B.

The requested use is essential or desirable to the public convenience or welfare.

Arlington, voted “yes” on the 2016 ballot question related to adult-use marijuana meaning the community supported adult-use marijuana. Although the ballot question passed statewide in 2016, the state had only established a process for reviewing and licensing medical marijuana treatment centers but not for how to process and administer new recreational facilities. While Massachusetts municipalities awaited regulations from the state, Arlington adopted a temporary moratorium in order to plan for future zoning amendments. Once regulations were issued, Arlington formed a Marijuana Study Group to help draft zoning amendments for a Special Town Meeting in December 2018. Town Meeting adopted zoning regulations that would regulate retail marijuana establishments and medical marijuana treatment centers.

Following the desire of the community, the zoning amendments allowed both recreational and medical establishments along major corridors, in commercial centers, and accessible by public transportation. The zoning amendments placed

appropriate buffers from certain land uses and schools on the use and limited the density of this type of use within the community.

The location of this marijuana retailer meets the requirements of the zoning amendments and acts on the majority vote of Arlington in 2016 regarding recreational use of marijuana. The Board can find this condition met.

3. Section 3.3.3.C.

The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

The Applicant provided two Traffic Assessments prepared by McMahon Associates dated December 14, 2020 and October 20, 2021. Both assessed projected trip generation, sight distance issues with the proposed driveways, and queue lengths. Both Traffic Assessments conclude that the Applicant's proposed use will not have a significant impact on traffic congestion nor any risks to pedestrian safety, so the Board can find this condition met.

4. Section 3.3.3.D.

The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.

With proper security and management, the proposed use should not unduly subject the immediate area to hazards affecting health, safety, or the general welfare of the immediate area. Because no cultivation or processing will be taking place onsite, this establishment will not demand more water or sewer usage than any other business. The Board can find this condition met.

5. Section 3.3.3.E.

Any special regulations for the use as may be provided in the Bylaw are fulfilled.

Section 8.3, Standards for Marijuana Uses, applies to this use. The project site is outside of any required buffers from certain land uses and is beyond 2,000 feet from any other marijuana retailer or medical marijuana treatment center. The Board can find that this condition is met.

6. Section 3.3.3.F.

The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

The December 2018 Special Town Meeting adopted regulations for marijuana establishments including allowing the use to be established in the B4 Vehicular Oriented Business District. The proposed location at 251 Summer Street is located

outside of any buffers around land uses as adopted by the Special Town Meeting as well. The Cannabis Control Commission has stringent requirements regarding the operation of marijuana establishments including modest signage and prohibiting the visibility of product from outside of the establishment and on-site consumption of product. The Board can find that this condition is met.

7. Section 3.3.3.G.

The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.

The use will not be in excess or detrimental to the character of the neighborhood. Additionally, should this establishment be approved by the local permitting authorities and the Cannabis Control Commission, the Zoning Bylaw applies a 2,000-foot density buffer around this property. Therefore, future marijuana retailers or medical marijuana treatment centers will not be able to cluster within this area, should one of the other two Host Community Agreements become open for future retailers. The Board can find that this condition is met.

III. Environmental Design Review Standards (Arlington Zoning Bylaw, Section 3.4)

1. EDR-1 Preservation of Landscape

The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

The existing site condition is impervious except for a vegetated slope along the western boundary and two mature trees in the northwest corner, which will remain. The applicant and property owner have proposed that the Board evaluate the site as two "portions," the Calyx Peak "portion" that will be improved per the site plan and a "portion" to be used by the property owner that will remain in its existing condition. Calyx Peak has proposed new landscaped areas with tree plantings on the portion of the property they intend to use. The Board can find this condition met.

2. EDR-2 Relation of the Building to the Environment

Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of the existing buildings in the vicinity that have functional or visible relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on the abutting property in an R0, R1 or R2 district or on public open space.

The proposed marijuana retailer will be established in a portion of an existing building. A decreased curb cut with new sidewalk along Summer Street is proposed. There are no additions proposed to the existing building. The Board can find this condition met.

3. EDR-3 Open Space

All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing by the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility and facilitate maintenance.

The landscaped open space requirement is 10% for this permitted use. There is no usable open space requirement for a non-residential use. The proposal will result in an unspecified increase in the amount of landscaped open space on the site that meets the minimum requirement. The Board can find that this condition is met.

4. EDR-4 Circulation

With respect to vehicular and pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 6.1.12 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

Vehicle Parking

Calyx Peak will have access to twenty parking spaces on site, which is more than what is required by the Zoning Bylaw:

Vehicle Parking Requirement			
Use	Square Footage	Zoning Requirement	Total Parking Required
Retail Cannabis / Auto	1,260± / 380±	1/300 sf*	5 spaces
Total Parking Available to Calyx Peak			20 spaces

The Applicant’s Layout and Materials Plan includes twenty total parking spaces across the two lots. However, four out of the twenty are indicated as ‘Auto Display’ on the Plan. The total available parking spots is therefore sixteen when removing the ‘Auto Display’ spots, which is still more than the minimum five spaces required.

The Applicant should consider providing off-site parking for employees in order to fully utilize the on-site parking for customers. Since on-street parking is not available on Summer Street, there is the possibility that overflow parking might spill onto abutting local streets. The Applicant should create a process to monitor parking trends at the

site and have a plan to mitigate any overflow parking that may be needed. Or, the applicant might consider implementing an appointment based-system so that the number of parking spaces can be managed for those who would like to visit the business in-person. Implementing an appointment based-system for the opening week might also help manage circulation issues due to the business’ popularity after opening. There may also be a need to identify off-site parking for employees regardless of how the on-site parking is utilized. The Applicant should investigate options for long-term employee parking.

Bicycle Parking

Arlington Zoning Bylaw Requirement 6.1.12 – Bicycle Parking, Section 1 states that, ‘Bicycle Parking shall be provided for any development or change of use.’ Since the proposed use of the site is changing, the Applicant is subject to including short-term and long-term bicycle parking. Requirements based on the uses is included below:

Bicycle Parking Requirement				
Use	Square Footage	Short-Term Parking Requirement	Long-Term Parking Requirement	Totals
Retail Cannabis	1,260±	0.10 spaces per 1,000 sq. ft. of gross floor area	0.60 spaces per 1,000 sq. ft. of gross floor area	2
Auto	380±	0.08 spaces per 1,000 sq. ft. of gross floor area	0.06 spaces per 1,000 sq. ft. of gross floor area	2
Total Required Spaces				4

The Applicant’s Impact Statement Under 8. Special Features states that, ‘Bicycle racks are provided on each side of the building for short term bicycle parking.’ The Layout & Materials Plan shows the planned use of a, ‘5 Bike Wave Bike Rack.’ Although it is appreciated that the Applicant is including more bicycle parking than required, this design does not meet the Zoning Bylaw requirements 6.1.12 – Bicycle Parking. Wave racks are also generally not preferred for public or private bicycle parking. These racks fail to provide the proper security, functionality, and accessibility of well-designed racks. The Applicant should consider design options that meet the Zoning Bylaw requirements on page twelve of the Town’s Bicycle Parking Guidelines. For example, the individual hoop or inverted-U rack can be properly spaced together to meet the short-term parking requirement.

The Applicant is also required to have at least two long-term bicycle parking spaces that are intended to be used for substantial portions of the day, overnight, or for multiple days. These spaces must be located within the building or in a structure no more than 200ft from the main entrance of the building. The Applicant may include an approved type of bicycle rack inside of the building intended for employees or patrons,

or they may be interested in installing a bicycle locker outside of the building that meets the minimum dimensions set out in the Zoning Bylaw requirements.

Circulation

The Applicant provided two Traffic Assessments prepared by McMahon Associates dated December 14, 2020 and October 20, 2021. Both assessed projected trip generation, sight distance issues with the proposed driveways, and queue lengths. Both Traffic Assessments conclude that the Applicant's proposed use will not have a significant impact on traffic congestion nor any risks to pedestrian safety.

The Applicant also notes in their Impact Statement that the site's existing frontage is an expansive curb cut that prioritizes vehicle access over pedestrian safety. The project outlined in their application includes a continuous cement concrete sidewalk, accessible curb ramps, painted crosswalks, a sidewalk connection from Summer Street to the proposed retail cannabis entrance, and accessible curb ramps throughout the site. All pedestrian improvements designed in the Layout & Materials Plan will provide a net-benefit to pedestrian circulation and safety. Although there are no bicycle facilities on Summer Street, the East and West driveways should be suitable for bicyclists entering and exiting the site.

5. EDR-5 Surface Water Drainage

Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected in intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas. In accordance with Section 3.3.4., the Board may require from any Applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the Applicant fails to do. The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for any future maintenance needs.

It does not appear that there are any existing drainage systems on the site. The application materials indicate that no stormwater management will be added, however

a significant area of pervious surface will be introduced through the redesign of the parking lot for the new use. The Board can find that this condition is met.

6. EDR-6 Utilities Service

Electric, telephone, cable TV, and other such lines of equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

There will be no cultivation or processing of marijuana at this proposed facility. Existing utility systems will be reused. An exterior storage area with 6-foot PVC fence is proposed to the rear of the building. Solid waste containing marijuana material must be stored and disposed of properly in compliance with the Cannabis Control Commission's regulations. The application materials do not indicate how Calyx Peak plans to handle solid waste pickup or solid waste containing marijuana material.

7. EDR-7 Advertising Features

The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.

The application materials include a proposed wall sign that measures approximately 19 square feet and a monument sign that measures approximately 17 square feet. External illumination for both signs is proposed. The Board can find this condition met.

8. EDR-8 Special Features

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

There are no such special features proposed for the site. The Board may want additional information regarding deliveries and the storage of non-marijuana solid waste. To reduce noise from deliveries or from solid waste removal, the Board may request information on anti-idling measures and time of day restrictions to ensure that these services do not impact the surrounding residential properties.

9. EDR-9 Safety

With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.

As noted in the application materials, security is important to Calyx Peak. An array of safety upgrades to the building is proposed and a 24-hour surveillance system for inside and outside the building will be installed. Existing light fixtures in the parking lot will remain. New lighting will include full cut off fixtures to provide building and sign illumination. The Board can find this condition met.

10. EDR-10 Heritage

With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practical whether these exist on the site or on adjacent properties.

The existing structure is not listed on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington* nor is it under the jurisdiction of the Arlington Historical Commission. As such, the site contains no historic, traditional or significant uses, structures or architectural elements. The Board can find that this condition is met.

11. EDR-11 Microclimate

With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard surface, ground coverage or the installation of machinery which emits heat, vapor or fumes shall endeavor to minimize insofar as practicable, any adverse impacts on light, air and water resources or on noise and temperature levels of the immediate environment.

There are no proposed changes that will impact the microclimate. The Board can find that this condition is met.

12. EDR-12 Sustainable Building and Site Design

Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project.

The application materials include a LEED Checklist for Retail showing that the project could qualify for LEED certification. The Board can find that this condition is met.

IV. Conditions

Findings

1. The ARB finds that the proposed marijuana retailer meets the standards for Marijuana Uses as identified in Section 8.3.

General Conditions

1. The final design, sign, exterior material, landscaping, and lighting plans shall be subject to the approval of the Arlington Redevelopment Board at the time when future operators are identified. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board
2. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.
3. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions or modify these conditions as it deems appropriate in order to protect the public interest and welfare.
4. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner and shall be accomplished in accordance with Town Bylaws.
5. Trash shall be picked up only on Monday through Friday between the hours of 7:00 am and 6:00 pm. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with the Town Bylaws.
6. Upon the issuance of the building permit the Applicant shall file with the Inspectional Services Department and the Police Department the names and telephone numbers of contact personnel who may be reached 24 hours each day during the construction period.

Special Conditions

1. The Applicant shall work with the Arlington Police Department and Town Counsel to execute a Memorandum of Understanding (MOU) to coordinate efforts with a goal of minimizing and eliminating impacts on the neighborhood surrounding the facility at 251 Summer Street. Consultation with the Department of Planning and Community Development shall occur to ensure that the MOU is responsive to any decision.
2. The Applicant shall be responsible for the cost of any police details provided by the Arlington Police Department to oversee circulation of vehicles and pedestrians.
3. Queueing shall be prohibited in any public right-of-way on Summer Street.
4. As part of the Annual Sales Report provided to the Town of Arlington, the Applicant shall report how customers and patients arrive at the establishment.