CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Date:	June 17, 2014
Subject:	Flaherty, et al. Zoning Petition (Medical Marijuana Dispensary on Mooney Street)
Recommendation:	The Planning Board recommends ADOPTION, with comments.

To the Honorable, the City Council,

The Flaherty, et al. Zoning Petition proposed extending the recently established Medical Marijuana Overlay District (MMD-1) to include 61 Mooney Street. On June 17, the Board considered testimony from the petitioner, the proposed operator of a state-approved Registered Marijuana Dispensary (RMD) at that location, and a few Cambridge residents, all of whom commented in support of the proposal. The Board noted that the petition appears to have broad support from the nearby Cambridge Highlands neighborhood, given that many neighborhood residents are signatories to the petition and others spoke in support at the hearing.

When the Board supported the creation of zoning to allow RMDs last year, there were a set of factors considered to determine where they could be located, including allowance of commercial uses, availability of regional transit and roadway transportation, public safety, consistency with urban character, and availability of sites that are buffered from schools or facilities with child-oriented programming. The suggested site at 61 Mooney Street appears to meet nearly all of these criteria. Moreover, it was expressed by neighbors at the public hearing that the proposed use will likely enhance the urban character of what is currently a barren industrial area.

The only factor of significant concern is access to transportation networks, given that the site is not in a pedestrian-friendly or transit-friendly area. The RMD operator explained that shuttle service would be provided from the Alewife T station. Because the establishment of an RMD would require a special permit from the Planning Board, and transportation issues are within the purview of the special permit review, shuttle transportation options could be considered as a mitigating factor and a possible condition when granting a special permit.

A technical concern with the petition is that it does not specify exactly how the MMD-1 boundary would be adjusted to include 61 Mooney Street, since the parcel is not actually contiguous to the existing MMD-1 boundary (see attached map). It would be possible to simply delineate that site and include it as a non-contiguous element of the district, given that such a change would serve the public purpose of providing a viable location for the establishment of a Registered Marijuana Dispensary consistent with the intent of Massachusetts laws supporting the establishment of such uses and in compliance with state regulations.

However, it is the Board's belief that a preferred approach would be to extend the current MMD-1 boundary to encompass the entire section of the Industry B-2 District north of Mooney Street. Since there is no reason to believe that another location on Mooney Street would be more or less appropriate for this type of use, expanding the district boundaries would be a rational planning approach and would result in a contiguous district. It would not be advisable to expand the boundary further, since the impact of an RMD on a site closer to Concord Avenue has not been studied. Furthermore, given the statewide controls on the number of RMDs allowed and Cambridge's special permit requirements, there is no concern that multiple RMDs would be located on Mooney Street.

The next page provides a description of the Planning Board's recommended map change (Alternative 1) along with text that would simply add 61 Mooney Street as a non-contiguous element to the MMD-1 (Alternative 2), if the City Council preferred that approach.

Respectfully submitted for the Planning Board,

Hugh Russell, Chair

Map Change Alternative 1: Recommended by the Planning Board

Amend the Zoning Ordinance to alter the establishment of the Medical Marijuana Overlay Districts by adding text (underlined) to Section 20.702, resulting in the text below:

20.702 *Establishment.* There is hereby established on the Zoning Map of the City of Cambridge the Medical Marijuana Overlay Districts, which shall be defined as follows:

Medical Marijuana Overlay District 1 shall be coterminous with the area encompassed by the Alewife Overlay Districts 2, 4, 5 and 6, and shall additionally include that portion of the Alewife Overlay District 1 bounded to the south by the centerline of Mooney Street and its continuation along the eastern and northern sidelines of that lot identified as 267.3-275 on the City of Cambridge Assessing Map (also known as Blair Pond Reservation), such area having Office 1, Office 2A, Business A and Industry B-2 base zoning designations.

Medical Marijuana Overlay District 2 shall be the area bounded by Monsignor O'Brien Highway to the south and the Cambridge Municipal Boundary on all other sides, commonly referred to as the North Point area, including the North Point Residence Office and Business District, a portion of Special District 1, and a district with an Industry A base zoning designation.

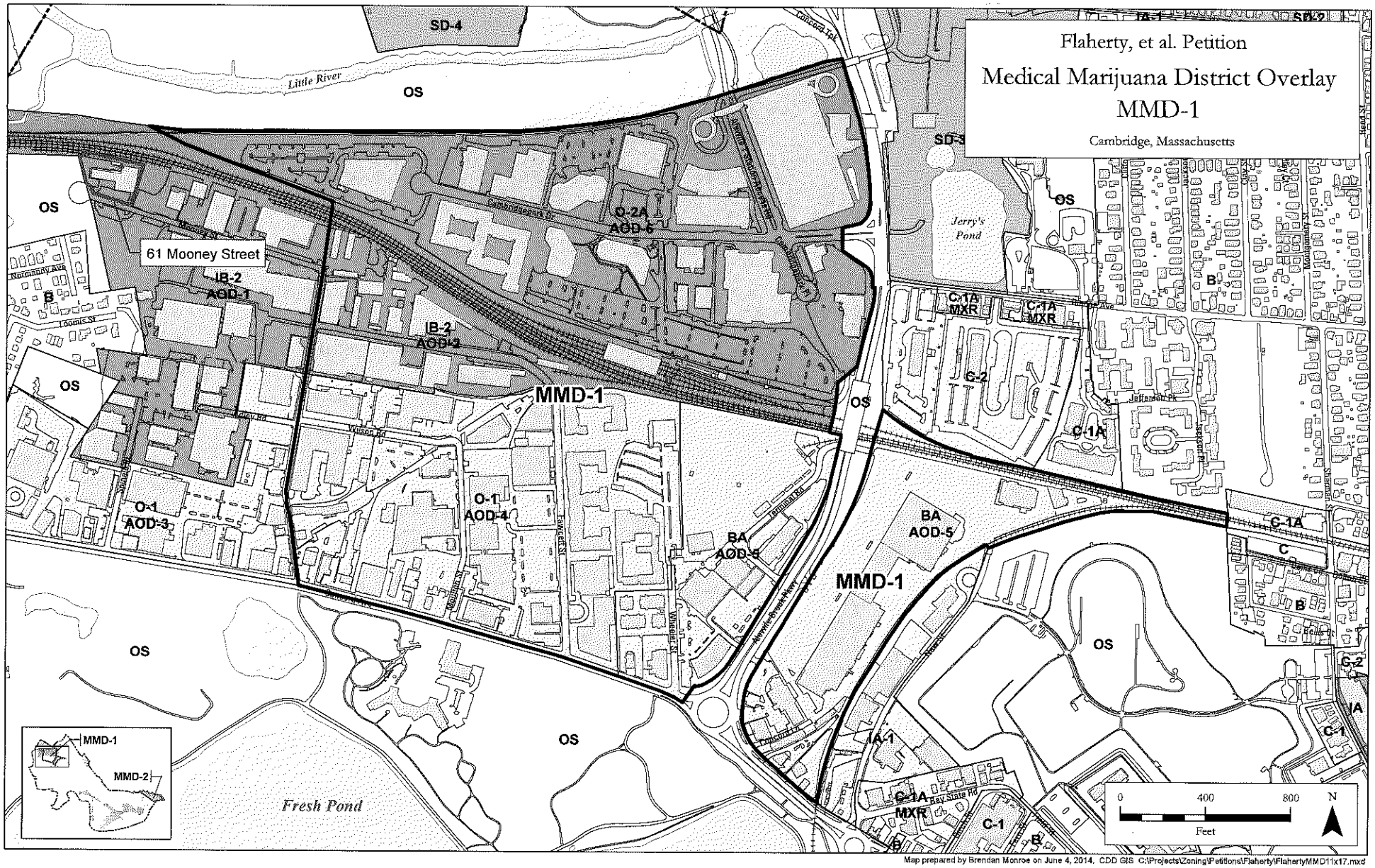
Map Change Alternative 2

Amend the Zoning Ordinance to alter the establishment of the Medical Marijuana Overlay Districts by adding text (underlined) to Section 20.702, resulting in the text below:

20.702 *Establishment.* There is hereby established on the Zoning Map of the City of Cambridge the Medical Marijuana Overlay Districts, which shall be defined as follows:

Medical Marijuana Overlay District 1 shall be coterminous with the area encompassed by the Alewife Overlay Districts 2, 4, 5 and 6, and shall additionally include that lot identified as 267.3-276 on the City of Cambridge Assessing Map (also known as 61 Mooney Street), such area having Office 1, Office 2A, Business A and Industry B-2 base zoning designations.

Medical Marijuana Overlay District 2 shall be the area bounded by Monsignor O'Brien Highway to the south and the Cambridge Municipal Boundary on all other sides, commonly referred to as the North Point area, including the North Point Residence Office and Business District, a portion of Special District 1, and a district with an Industry A base zoning designation.



Map prepared by Brendan Monroe on June 4, 2014. CDD GIS C:\Projects\Zoning\Petitions\Flaherty\FlahertyMMD11x17.mxd