



CITY COUNCIL

City Clerk's Office 11/20/2024

Hearings Meeting Agenda~

I hereby notify you that the following items of business have been filed with this office and can be acted upon at the meeting of the City Council **Monday November 25, 2024** at 07:00 PM.

City Clerk

Hearings

7:00 PM Meeting called to order on November 25, 2024 at Hybrid Council Chamber, 36 Court Street, Springfield, MA.

Moment of Silence - Pledge of Allegiance

Order

- (1.) Amendment to Chapter 327, Solid Waste (Mayor Sarno)

Special Permits

- (2.) For a Request for a One (1) Year Extension of an Existing Special Permit, Granted November 29, 2022, to Reopen a Pre-Existing, Non-Conforming Use (11 Residential Units), at the Property Known as 169 Maple Street (08218-0165) (Book #24353/Page#322), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 10, Section 10.1.41(B).

Request:	See Above
Owner:	City of Springfield
By:	Stephen Lonergan, Collector-Treasurer
Petitioner:	Davenport Advisors, LLC
By:	Joy Martin, as Manager

Zoning Changes

- (3.) To Change the Zoning of the Property Known as ES Ingersoll Grove (06925-0025) from Residence a to Residence B. ES Ingersoll Grove None Yet

PETITIONER: Regina B Jenkins

ADDRESS: ES Ingersoll Grove

CHANGE REQUESTED: Residence A to Residence B



City Council

ADOPTED

Meeting: 11/25/24 07:00 PM
Initiator: Robert Shewchuk
Sponsors: Mayor Domenic J. Sarno
DOC ID: 8242

1

Amendment to Chapter 327, Solid Waste (Mayor Sarno)

Be it ordained by the City Council of the City of Springfield, in session assembled, that the Code of Ordinances of the City of Springfield, is hereby amended by deleting Chapter 327, in its entirety, and replacing it with new language as attached.

Be it ordained by the City Council of the City of Springfield, in session assembled, that the Code of Ordinances of the City of Springfield, is hereby amended by deleting Chapter 327, in its entirety, and replacing it with the following:

Chapter 327. SOLID WASTE

Article 1. General Provisions

§ 327-1

Definitions.

[Amended 12-21-1994; 5-20-2011]

A.

For the purpose of this chapter, the following definitions shall be applicable:

ABANDONED VEHICLES

A class of waste which includes passenger automobiles, trucks and trailers which are useless, unwanted, **abandoned**, and/or discarded by their owners and have been left on City streets, **public right-of-ways** other public places and on private premises.

ANIMAL WASTE

All wastes from stables, kennels, pet pens, chicken coops, veterinary establishments and the like.

BULK WASTE STICKER

One sticker as required for each bulk item, or **2 stickers for each mattress / box spring collection**, as scheduled for collection for bulk pickup by advance request in accordance with DPW procedures. Bulk pickup can only be scheduled if a parcel is currently opted in for trash services, **and current with payment of their trash bill**. A bulk pickup sticker is required for each bulk item and shall cost \$8 per sticker **with the exception of mattresses / box springs where 2 bulk sticker will be required**.

[Amended 9-11-2017]

BULK WASTES

All large items of refuse, such as appliances or furniture. Other examples of bulk items include refrigerators, air conditioners, dehumidifiers, chairs, tables, cribs, couches, bed frames, sofas, fans, filing cabinets, TVs, plumbing fixtures, doors, windows, bicycles, barbecue grills, mattresses, box springs, large toys, tires, lawn mowers, snow blowers, stoves, washers, dryers, rugs, etc. Rugs must be cut up into three- to four-foot lengths and stacked.

[Amended 9-11-2017]

CONSTRUCTION AND DEMOLITION WASTES

All wastes that are the result of construction, remodeling, repair and demolition operations on houses, commercial buildings, pavements and other structures.

CONTAINER

See "standard legal container" as defined in this section.

DEAD ANIMALS

Those that die naturally or from diseases or are accidentally killed or are intentionally killed. Condemned animals or parts of animals from slaughterhouses, dog hospitals or similar places are not included in this term, but are regarded as industrial refuse. It is the intent of this section to describe only small animals such as dogs, cats, rabbits, squirrels, chickens and rats that find their homes within the wooded areas of the City or often serve as household pets.

EXTRA BAG STICKER

Any extra trash which does not fit in the trash cart with the lid fully closed is not allowed to be stacked, but must be placed outside the trash cart in a closed plastic trash bag (See Subsection (3) of the definition of "standard legal container" in this section.) no larger than 32 gallons and labeled with one extra bag sticker. It will be collected on the regular refuse collection day for the cart. There shall be a limit of 10 extra bags on any given collection day. Approved trash bag stickers shall also be made available for resale to the public at retail and commercial establishments as determined by the Director of Public Works, provided that no retail or commercial establishment shall charge more than \$2 for each sticker.

[Amended 9-11-2017]

GARBAGE

All animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HANDBILL

Any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper booklet, or any other printed or otherwise reproduced original or copies of any matter of literature.

HAZARDOUS WASTE

All waste of a pathological, explosive, radioactive or toxic nature.

INDUSTRIAL WASTE

Consists of the solid waste materials from factories, processing plants and other manufacturing enterprises.

LITTER

"Garbage," "refuse" and "rubbish" as defined in this chapter and all other waste material which, if thrown or deposited as prohibited in this chapter, tends to create a danger to public health, safety, welfare, or appearance.

LITTER RECEPTACLE

A litter storage and collection receptacle as required and authorized by regulations and ordinance of the **Solid Waste** Division of the Department of Public Works.

MARKET WASTE

That waste which generates from the wholesale and retail markets as a result of handling, storage, and selling of poultry, fish, meat, vegetables, and fruit. Included are large quantities of putrescible garbage along with some rubbish such as wooden crates and cardboard boxes.

NEWSPAPER

Any newspaper of general circulation as defined by general law; any newspaper duly entered with the Postal Service Department of the United States, in accordance with federal statute or regulation; any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, means and includes any periodical or current magazine regularly published with not fewer than four issues per year, and sold to the public.

OVERGROWTH

Any grass, grass clippings, weeds, pruning, leaves, tree branches, general yard or garden waste in excess of six inches high located on any parcel of land whether occupied or vacant, including a vacant lot. **Also, see "Yard Waste".**

PAPER

All combustible material, excluding newsprint but including books, magazines, wrapping paper, cardboard boxes, cartons, rags and cast-off clothing.

PARK

A park, reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.

PERSON

Any person or his servant, agent, employee or representative, as well as a firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PREMISES

Any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continually uninhabited or vacant, and includes any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE

Any and all streets, sidewalks, boulevards, alleys or public ways and any and all grounds and buildings.

REFUSE

The total solid waste of the community.

RUBBISH

All waste consisting of a variety of both combustible and noncombustible solid waste materials of households, stores and institutions. Combustible rubbish consists of miscellaneous burnable materials; and, in general, it is the organic component of rubbish such as paper, rags, cartons, boxes, wood, excelsior, bedding, rubber, leather, grass, leaves and other yard trimmings, as well as combustible inorganic materials such as plastics. Noncombustible rubbish, for the most part, consists of the organic components of rubbish such as tin cans, metals, dirt, ceramics, glass and similar or like substances.

SINGLE-STREAM RECYCLING

A system that takes the multiple recycling "streams" collected through the Springfield curbside program, mixed paper and commingled containers, and allows residents to put them together in one container. The sorting of the recyclables will be done by machines at a processing facility. Residents shall use a single-stream recycling cart provided by DPW and collected in accordance with the provisions of this chapter (see § 327-17, recycling definitions) and DPW procedures.

STANDARD LEGAL CONTAINER

Standard legal containers acceptable for use in the City shall substantially adhere to the following specifications:

(1)

A rubbish container issued by DPW as a cart in accordance with this chapter.

(2)

A paper refuse sack (also known as a "leaf bag" or "yard waste bag"), which shall be a sanitary paper sack or equal of thirty-gallon capacity, two-ply fifty-pound wet strength with reinforced self-supporting square bottom closure.

(3)

A plastic trash bag, which shall be a sanitary polyethylene (plastic) bag having a dart impact strength at folds and seals of not less than 60 grams, and a film thickness strength of two mils, a maximum capacity of 30 gallons and capable of supporting material having a total weight of 30 pounds with a density of 15 pounds per cubic foot and having openings closed by means of wire ties, string or rope. **No yard waste can be placed in any plastic bags for collection.**

VEHICLE

Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

YARD WASTE

Consists of general yard and garden waste, prunings, grass clippings, weeds, leaves, twigs, brush and tree branches up to three feet in length and 1/2 inch in diameter.

[Amended 9-11-2017]

B.

This section and the various parts, sentences, and clauses thereof are hereby declared to be severable. If any part, sentence, or clause is adjudicated as invalid, it is hereby provided that the remainder of this section shall not be affected thereby.

C.

Any violation of this section or any part thereof shall be punishable by a fine not to exceed **\$250.00**.

§ 327-2

Rubbish to be drained of liquids and placed in containers.

[Amended 5-20-2011]

No rubbish shall be collected by the Waste Disposal Division of the Department of Public Works, or its authorized agent, unless the rubbish is drained of all water and liquids and placed in one or more carts in accordance with the provisions of this chapter placed at the curb on the tree belt (not in the road), to better facilitate both street sweeping and snow plowing operations.

§ 327-3

(Reserved) [1]

[1]

Editor's Note: Original § 7.16.030, Placement of underground containers, was repealed 5-20-2011.

§ 327-4 Mandatory yard and leaf waste composting.

[Added 10-3-1988; amended 5-20-2011]

A. **Program for Leaf and Yard Waste**

There is hereby established a program for the mandatory separation of certain compostable leaf and yard waste material from garbage or rubbish by the residents of the City of Springfield and the collection of these compostable leaf and yard waste materials at the residents' curbside. The collection of separated compostable leaf and yard waste material shall be made periodically under the supervision of the Director of Public Works.

Yard Waste can be dropped off at Bondi's Island Landfill Monday – Friday from 7 am to 3 pm and Saturdays from 7 am to 12 pm. A driver's license showing a Springfield address is required to dispose of material at the Landfill. Contractors are not allowed to dispose of yard waste at the landfill.

B.

For the purposes of this section, the following definitions apply:

LEAF AND YARD WASTE COLLECTION SEASON

The leaf season beginning the first full week in April through the first full week of December, **or as defined by the Director.**

LEAVES

Deciduous and coniferous seasonal deposition.

PAPER LEAF BAG

A sanitary paper sack or equal of thirty-gallon capacity, two-ply, fifty-pound wet strength with decomposing glue and reinforced self-supporting square bottom closure. Bags shall not weigh more than 40 pounds when full.

[Amended 9-11-2017]

YARD WASTE

Grass clippings, weeds, hedge clippings, and garden waste, as well as twigs, brush and branches. Twigs and brush should not be longer than two feet in length and 1/2 inch in diameter. Branches can be no wider than three inches in diameter and no longer than four feet and must be tied for pickup in manageable sized bundles.

[Amended 9-11-2017]

C.

Separation of compostable leaf and yard waste material and placement for removal. During the leaf and yard waste collection season, residents shall place their leaf and yard waste material into paper leaf bags as defined in Subsection B. These paper bags shall be placed on the curbside or tree belt in accordance with § 327-7 on the special leaf and yard waste collection days specified by the Department of Public Works and advertised in the Springfield daily newspapers. No material other than that specified in Subsection B shall be placed in these paper bags or barrels.

D.

Compostable leaf and yard waste material shall not be placed in plastic trash bags at any time. Leaves and yard waste shall not be placed in the same refuse container as or otherwise mixed with other forms of solid waste for collection, removal, or disposal at any time. Any violation of this section or any part thereof shall be punishable by a fine not to exceed **\$250**. When the owner has failed to comply with the requirements of this section, the Director of the Department of Public Works, in his discretion, may refuse to collect the leaf and yard waste material and all rubbish, recycling and yard waste of the owner until the next regular pick-up, and the owner shall remove from the curb such rubbish, recycling, leaf and yard waste material.

E.

Ownership of compostable leaf and yard waste materials. Upon placement of compostable leaf and yard waste material for collection by the City at the curbside or tree belt in accordance with the special collection day, pursuant to this section, such materials shall become the property of the City. It shall be a violation of this section for any person, other than authorized agents of the City acting in the course of their employment, to collect or pick up or cause to be collected or picked up any compostable leaf and yard waste material so placed. Each and every collection or pick-up in violation hereof from one or more locations shall constitute a separate and distinct offense. The compostable leaf and yard waste material

collected by the City shall be transported to and composted at a designated leaf and yard composting site. Any violation of this Subsection E or any part thereof shall be punishable by a fine not to exceed **\$250.**

F.

All ordinances, resolutions, regulations or other documents inconsistent with the provisions of this section are hereby repealed to the extent of the inconsistency.

G.

This section shall take effect for the leaf and yard waste collection season commencing July 1, 2011 **(revised September 2024).**

§ 327-5

Automated refuse collection.

[Added 1-18-1999; amended 5-20-2011; 8-3-2012; 9-11-2017]

A.

Purpose. The purpose of this section is to establish minimum standards for the storage, collection, transportation and disposal of refuse by automated collection and thus promote the health, safety and welfare of the City and improve the City's environment.

B.

The Director of the Department of Public Works (hereinafter the "Director") shall have the direct responsibility for the administration of this section, subject to the direction and control of the Mayor.

C.

For the purpose of this section the following definitions shall apply:

AUTOMATED COLLECTION

The method of collecting rubbish through the use of mechanical collection equipment and special containers to accommodate the collection.

AUTOMATED CONTAINER

A specially designed container distributed by the Director to accommodate the automated collection operation to be used for the deposit of acceptable rubbish. The automated container is equipped with wheels for mobility.

CITY

The City of Springfield, Massachusetts.

CURBLINE

The area directly behind the curb. In the absence of a curb, the area directly behind the edge of pavement or curb.

CUSTOMER

Any person or entity receiving service from the City **and who is current with the payment of their trash bill.**

DESIGNATED COLLECTION POINT

The place where the Director has determined an automated container will be placed for service.

DIRECTOR

The Director of the Department of Public Works or his/her duly authorized representative.

DWELLING UNIT

Any building or portion thereof that contains living facilities (which provide for sleeping, eating, cooking and sanitation) for not more than one household.

EXTRA REFUSE

Any rubbish placed on, around or in a five-foot radius of the automated collection container in excess capacity of the automated container. The rubbish must be within acceptable weight limits and reasonably handled by one person. **Extra rubbish that is placed outside of the provided bins, must be in plastic bags and must have an extra bag sticker adhered to the bag. Extra Trash bags placed without stickers will not be collected. Residents have a limit of 10 extra bag stickers per collection day.**

INFECTIOUS WASTE

Waste from medical dental and intermediate care facilities, research centers, veterinary clinics and other similar facilities that has the potential to cause an infectious disease via exposure to a pathogenic organism of sufficient virulence and dosage through a portal of entry in a susceptible host.

NONRESIDENTIAL UNIT

Any establishment except those defined under "residential unit."

OVERLOADED

The automated container is so full of rubbish that its lid is not completely closed, thereby exceeding the automated container's rated capacity.

RADIOACTIVE WASTE

Kitty Litter, diapers, tissues, and other absorbants that have touched fluids from patients or pets undergoing any nuclear treatment are radioactive. Materials must be segregated for a minimum of 90 days before disposing in the trash.

Detection of any amount of radiation in the trash causes the following chain of events:

- a. **The entire truckload is rejected at the disposal facility.**
- b. **The truck driver and vehicle are detained for hours while the Massachusetts Department of Health is notified**

- c. A radiation consultant and hauler sift through the load in an attempt to identify the source and type of radiation.
- d. If the source cannot be identified, the container is reloaded and quarantined for up to 3 months until the consultant determined it is acceptable for vendor to dispose of.
- e. Cost to the City of Springfield can exceed \$3000

The City of Springfield Department of Public Work has the authority to bill the resident for all charges associated with the improper disposal of radioactive material in the City's trash stream.

RECYCLABLES

Material as defined in § 327-17 of the City Ordinances.

RESIDENTIAL UNIT

A single- or multiple-family dwelling unit up to and including apartment complexes of three units or less.

RUBBISH

All waste consisting of a variety of both combustible and noncombustible solid waste materials of households, stores and institutions. Rubbish does not include recyclables or yard waste.

YARD WASTE

Material as defined in § 327-4B of the City Ordinances.

D.

General requirements.

(1)

It shall be the customer's responsibility to assure that automated containers are placed in the appropriate location designated by the City prior to the arrival of the collection vehicle. **Containers placed in a location that is non-accessible to the Automated Collection Vehicles will not be collected.**

(2)

The City shall not be responsible for rubbish collection if there is a violation of any part of this section or circumstances are beyond the control of the City. Circumstances or violations include but are not limited to automated container overload, improperly loaded automated containers, blocked access, automated container inaccessibility, or dangerous situations.

(3)

Automated containers shall be placed at the City-designated collection point on the scheduled collection day by ~~6:30AM~~ **6:00 a.m.** Such location shall be easily accessible to the container, with the lids completely closed and unobstructed to the collection vehicle. It shall be the duty of each customer to remove the automated container from the curbside on the same day as collection. It is prohibited to overload automated containers in a manner which is likely to cause damage to the collection vehicle or automated container, create a litter condition, or impede collection.

(4)

The City may collect extra rubbish on or around automated containers in accordance with the provisions of this section, provided that the material is contained in a standard trash bag, up to 32 gallons in size, with an extra bag sticker attached and the parcel has existing active trash service. The City will allow one automated container per household, up to three households per parcel. A request for automated containers will be disallowed if the parcel already has the maximum allowable automated containers. Any request for a container(s) will not be supplied until payment has been received by the City for all past-due and current fiscal year payments directly related to the parcel for which the container is requested under this section. **Extra rubbish that is placed outside of the provided bins, must be in plastic bags and must have an extra bag sticker adhered to the bag. Extra Trash bags placed without stickers will not be collected. Residents have a limit of 10 extra bag stickers per collection day.**

(5)

Automated collection within the City is mandatory **in all areas of the City.**

(6)

All rubbish shall be drained of any free liquids prior to placement in any automated container.

(7)

It shall be a violation hereof to place or deposit any refuse whatsoever in or around an automated container owned or provided for the use of another customer without that customer's approval.

(8)

The City reserves the right to inspect any or all refuse prior to and/or during disposal for compliance with local, state, or federal laws or regulations.

(9)

The Massachusetts Department of Environmental Protection (MassDEP) has implemented waste disposal bans to promote recycling, reduce greenhouse gas emissions, and minimize reliance on landfills and incinerators. Here are some of the materials that are currently banned from disposal or transfer for disposal in Massachusetts:

- a. Asphalt, pavement, brick and concrete
- b. Cathode Ray Tubes
- c. Clean Gypsum wallboard
- d. Commercial Food material (lower threshold effective November 1, 2022)
- e. Ferrous and non-ferrous metals
- f. Glass and Metal Containers
- g. Lead acid batteries
- h. Leaves and Yard Waste
- i. Mattresses / Box Springs (effective November 1, 2022)
- j. Recyclable paper, cardboard, and paperboard
- k. Single-resin narrow necked plastic containers
- l. Textiles (effective November 1, 2022)

- m. Treated and Untreated wood and wood waste (banned from landfills only)
- n. White good (large appliances)
- o. Whole tires (banned from landfills only; shredded tires acceptable)

E.

Containers.

(1)

The automated containers are provided exclusively by the City. No other type of automated container is allowed. The City shall initially provide one automated container to each occupied residential unit currently serviced by the City in accordance with the payment of an annual trash fee as authorized by this section. All automated containers will be assigned to a street address and have an imprinted serial number for identification purposes. The automated container shall remain at the assigned address regardless of whether the resident sells or moves.

(2)

The automated container provided by the City shall not be filled to exceed 100 pounds total weight, and all rubbish must fit inside the automated container. The cover of any automated container must be kept closed at all times except when the automated container is being filled, emptied, or cleaned. **If the weight limit is exceeded and / or the cover to the bin does not close, the bin will not be collected.**

(3)

Residential and multifamily units are limited to a maximum of one automated container per dwelling unit.

(4)

In order to maintain an orderly and aesthetic appearance within the City and to prevent unauthorized encroachment on any street, public property or private property, the Director shall have the authority to sanction the storage location of automated containers for residential customers. Automated containers shall be stored on private property except on collection days. Failure by the customer to comply with City notification citing improper storage for automated containers shall be a violation of this section.

(5)

Automated containers after collection shall be returned to a secure location. With the exception of automated containers being stored in a garage or shed, the automated container shall not be stored anywhere closer to the street than the extension of any existing building line that faces any street unless the automated container is screened from public view by shrubbery, foliage, a fence, or a wall. Automated containers are not to be left curbside, streetside, or roadside overnight after the day of collection.

(6)

The City's trash service will not be available to boundary properties where at least 50% of the owner-occupied dwelling unit is not within the City's administrative boundaries unless grandfathered in, **or if approved by the Director.**

F.

Rubbish collection service.

(1)

If a customer does not pay his/her trash fee in its entirety after 30 days of **receipt of the trash bill being received**, then a demand letter will be issued by the Treasurer/Collector and a fine consistent with the tax demand fee plus interest will be assessed. If the customer fails to pay his/her trash fee after the issuance of the demand letter, the Director will continue to provide trash collection if requested by the customer **and approved by the Director**, and the Treasurer/Collector will attach a lien to the customer's property as soon as state law allows. Requests to opt-in to trash services will be declined if there are any outstanding City-related balances associated to the parcel for which the request is made.

(2)

Standard collection service shall include once-a-week collection of acceptable trash in properly placed automated containers in accordance with the provisions of this section.

~~G.~~

~~Rubbish collection service.~~

~~(1)~~

~~If a customer does not pay his/her trash fee in its entirety after 30 days of receipt of the trash bill being received, then a demand letter will be issued by the Treasurer/Collector and a fine consistent with the tax demand fee plus interest will be assessed. If the customer fails to pay his/her trash fee after the issuance of the demand letter, the Director will continue to provide trash collection if requested by the customer and approved by the Director, and the Treasurer/Collector will attach a lien to the customer's property as soon as state law allows. Requests to opt-in to trash services will be declined if there are any outstanding City-related balances associated to the parcel for which the request is made.~~

~~(2)~~

~~Standard collection service shall include once-a-week collection of acceptable rubbish in properly placed automated containers in accordance with the provisions of this section.~~

H.

Points of collection. Automated containers shall be placed:

(1)

Within two feet of the curbline or where directed by the City.

(2)

At least ~~three (3)~~ **five (5)** feet away from all objects such as fences, mailboxes, utility poles, overhanging vegetation, etc. **or any item that may hinder the collection of barrels via fully and semi-automated vehicles,**

(3)

So that the automated container handle is facing the dwelling unit.

(4)

At least three feet from recycling and yard waste containers.

(5)

At least **five (5)** feet away from parked vehicles.

I.

Prohibited material. Prohibited material shall include all materials prohibited under existing ordinances, and:

(1)

No toxic/hazardous or liquid waste as defined now or hereafter shall be deposited in any automated container intended for disposal.

(2)

Small-quantity generator wastes shall not be deposited in any automated container intended for disposal.

(3)

No infectious **and / or radioactive waste** shall be placed in any automated container. **If it is determined that radioactive material is found in the City's trash upon disposal at the designated transfer location, the resident who placed the material, at the discretion of the Direct, may be held liable for all costs incurred by the City for the proper disposal, fees, and / or fines related to the disposal.**

(4)

No rocks, concrete, asphalt, dirt, construction or demolition debris are to be placed in automated containers.

(5)

Yard waste and recyclables shall be separated from rubbish and placed in separate City-issued or -approved containers for separate collection. **If it is determined that yard waste is present in any rubbish / recycling bin, the container will not be collected. The resident / property owner will be responsible for properly separating the material. The City will then return on the next collection date, not before.**

(6)

No hot ashes and/or material capable of causing ignition or spontaneous combustion shall be placed in any automated container.

(7)

No motor oil or other automotive fluids shall be deposited in any automated container.

(8)

The City reserves the right to prohibit or to place disposal restrictions upon any waste that may adversely affect the resource recovery facility or any disposal site or transfer station. This shall also extend to any item that may pose a risk to the health or safety of City employees. Disposal restrictions that may be implemented shall include but are not limited to item size restrictions, quantity restrictions, recycling regulations, special preparation requirements, and rubbish source documentation requirements.

(9)

The City may inspect residential **single family and** multifamily units for the purpose of evaluating waste generated and disposal practices for the purpose of determining compliance with this section. These inspections will be during normal working hours and will be carried out in such a manner as to minimize disruption. Failure to comply with a request will be deemed a violation and may, at the discretion of the Director, result in revocation of collection services.

J.

Enforcement. This section shall be enforced by the Director of Public Works, the Police Department, the Commissioner of Health and Human Services and the Commissioner of Housing or their duly authorized agents.

K.

Violation. **A violation of this section will result in a fine of \$250. Any and all fines are issued to the property owner, not to the occupant, or lessee.**

L.

Fees.

(1)

Findings.

(a)

Solid waste collection and disposal services are in accordance with the government's police power to protect the public health, the State Sanitary Code 105 CMR 410, 410.601, 410.602 and 410.603, and City ordinances that require proper disposal of solid waste; and

(b)

The City of Springfield provides services which include the curbside collection and disposal of non-bulk-item solid waste recyclables and yard waste (City Services); and

(c)

MGL c. 44, § 28C, authorizes the City to charge a fee to cover the costs of said City services; and

(d)

The costs of providing the City **Solid Waste** services **for** Fiscal Year **2024** are estimated to exceed **\$13.4** million, and the costs in Fiscal Year **2025** are expected to increase to approximately **\$14.3 million**; and

(e)

The City has determined that it should charge a fee to property owners who voluntarily elect to use the City services to defray in part the costs of providing the City services; and

(f)

The City has determined that as of July 1, 2012, and continuing thereafter until amended, the amount of the fee for services shall be \$90 per each fiscal year per automated container.

(g)

The potential annual revenue from said trash fee based on expected usage has been estimated at approximately \$4.3 million annually for fiscal year 2024; and

(h)

On November 27, 2006, the Finance Control Board approved the creation of a Solid Waste Enterprise Fund pursuant to MGL c. 44, § 53F 1/2.

(2)

Pursuant to the authority granted under MGL c. 44, § 28C, and in order to defray a portion of the costs of providing solid waste collection and disposal services in the City of Springfield effective July 1, 2012, the City establishes a solid waste collection and disposal fee (trash fee) of \$90, payable for each fiscal year, to be charged to the owner of each dwelling unit who voluntarily elects to receive such City services from the City of Springfield (hereinafter referred to as the "customer").

(3)

The Mayor is authorized to adopt rules and regulations for the implementation and administration of the fee.

(4)

The fee will be subject to the following terms and conditions:

(a)

The trash fee shall be charged to customers of DPW solid waste collection and disposal services who own property that is particularized as a recipient or user of the City services, and will not be charged to property owners who do not elect to use the City services for their properties.

(b)

The City will issue bills to all individuals or entities that own property and currently receive the City services. Such owners may choose to use the City's services by paying the trash fee, or may choose not to use the services by opting out. **If a property owner "opts out" of City of Springfield Trash Services,**

the property will not be eligible for trash collection, recycle materials collection, yard waste collection, and bulk collection services. The City also reserves the right to have the property owner provide the City with the name and certification of any private trash hauler to ensure that they are properly certified by the City, and / or State for hauling services.

(c)

Individuals or entities who do not use the City's services may utilize any other method of disposal which does not endanger any person and complies with the State Sanitary Code and City ordinances. **The City may at any time request that the property owner provide the City with a contract that the property owner has entered into with a private trash hauling service to ensure that proper State of Massachusetts disposal regulation are being followed.**

(d)

Owners who opt out of the City trash service must coordinate with 311 to request the DPW to pick up the container.

(e)

Trash fees collected pursuant to this section shall be deposited in the Solid Waste Enterprise Fund, to be used to defray a portion of the City's costs of providing the services.

(f)

Effective July 1, 2012, and in each fiscal year thereafter, the trash fee shall be charged for each conforming container used by a customer.

(g)

The trash fee will be payable to the City in one installment, due and payable 30 days from the billing date.

(h)

The City shall grant an annual forty-dollar trash fee discount for the household of the owner of a single-family home or owner-occupied multifamily home who is: a) a veteran with a war-service-connected disability; b) a legally blind person; c) an indigent individual; or d) an individual over 65 years of age, as of July 1 of each year. Such discount will only apply to the owner-occupied primary residence, and will not apply to other trash services, such as bulk item stickers or extra trash stickers. Decisions on applications for discounts will be made by 311.

(i)

Property units owned by any government agency shall be exempt from the trash fee.

(j)

The City will not provide refuse collection services to any commercial unit, government property, condominium unit or multifamily buildings with more than three dwelling units.

(k)

Property owners aggrieved by the denial of a discount or any other decision concerning the trash fee may appeal such determination to 311.

§ 327-6

Collection of bulk waste.

~~[Amended 5-20-2011]~~

A.

A parcel must be actively opted in to trash services **and be current with their payment of the trash fee** in order to take advantage of bulk pickup services **and Yard Waste Collection**. Yard Waste and bulk items (which is not yard waste) and all odd pieces of lumber, completely free of nails, shall be securely tied in bundles, the greatest dimension of which shall not exceed three feet in length and the weight shall not exceed 50 pounds. The bundle shall be stacked near the rubbish container on the regular collection day.

- a. **One (1) sticker is required for each bulk item. Examples of bulk items include refirerators, air conditioners, dehumidifiers, chairs, tables, cribs, bed frames, sofas, fans, filing cabinets, TV's, plumbing fixtures, doors, windows, bicycles, barbeque grills, large toys, tires, lawn mowers, snow blowers, stoves, washers, dryers, rugs, etc.**
- b. **Two (2) stickers will be required for the disposal of mattresses and box springs**
- c. **Rugs must be cut up into 4-5 foot lengths, rolled and tied.**
- d. **Items for bulk pick up will be collected by a phone request appointment. Please call 736-3111 to schedule an appointment. Appointments are generally made for collection on your trash day.**
- e. **Yard Waste and Bulk Items (which is not yard waste) and all odd pieces of lumber, completely free of nails, shall be securely tied in bundles, the greatest dimension of which shall not exceed three feet in length and the weight shall not exceed 50 pounds. The bundle shall be stacked near the rubbish container on the regular collection day.**

[Amended 9-11-2017]

B.

The gross weight of a piece or bundle of bulky rubbish shall not exceed 100 pounds.

C.

The collection of bulk wastes from residences which purchase a bulk waste sticker in accordance with the provisions of this article (see § 327-1) may be arranged by calling the City's 311 Services Center for an appointment. No bulk items are to be placed on the tree belt unless a previous appointment has been made with the Department. This service shall apply to resident-owned items only.

[Amended 9-11-2017]

D.

Animal wastes created in large quantities shall not be collected by the Department.

E.

Bulk items placed curbside labelled as “Free” or advertised on social media as available, will be a violation of this section if said materials are on the tree belt / curb line area for more than 48 hours. After 48 hours, Code Compliance and / or Police Ordinance Squads may also provide violation notices to the property owner.

F.

All mattresses and Box Springs to be collected as part of a bulk waste appointment, must be wrapped in water proof plastic bags that are easily available to residents. Mattresses and Box Springs that are not in plastic will not be collected and any mattresses and / or box springs that have been left out in the elements will not be collected.

G.

Due to regulation put in place by the State of Massachusetts DEP, Bulk Collection processes as of November 2022, require the City of Springfield to dispose of general bulk collection, mattresses / box brings, and electronics at different locations. This may cause separate collections at the same property on an appointment day due to materials being required to be placed in separate trucks.

H.

The collection of mattresses and box springs will be capped at a maximum amount of 15 units (mattresses / box springs or any combination thereof) per address per calendar year. No more than 5 unit (mattresses and box springs) will be collected on a single collection date.

I.

If it is determined by the City of Springfield, Department of Public Works that a resident and / or property owner is in violation of any sections of this ordinance or any of the other Solid Waste Ordinances, Trash Services may be revoked for the property. Revocation of Trash service will also include revocation of Recycling Collection, revocation of Bulk Collection, revocation of yard waste collection and non-participation in Household Hazardous Waste Collection days. Other items that may also result in revocation of trash service include:

- a. Mistreatment of City of Springfield / Solid Waste Employees
- b. Bringing Trash, Recycling, Bulk Items, yard Waste from other properties and / or other communities
- c. Excessive Bulk Collection requests if it determined that the material exceed the “volume” expected in a dwelling unit
- d. Extended non-payment of trash fee.
- e. Transfer of bins, barrels or containers between properties.

§ 327-7

Placement of containers for rubbish, recycling and yard waste.

[Amended 5-20-2011]

A.

Rubbish containers shall be placed on the tree belt, so as to be readily accessible to collection crews, no later than ~~6:30 AM~~ **6:00 a.m.** on the day of collection, except that no such container shall be placed upon said tree belt sooner than sunset on the day prior to collection nor shall said containers be caused to remain on said tree belt later than 12:00 midnight on the day of said collection. On streets and ways not possessing an area readily determinable as a tree belt, the containers shall be placed at or near the boundary of the traveled portion of such streets or ways, in such a manner so as not to interfere with the full use for travel of such streets or ways. No such containers, when presented for collection, shall be filled beyond their water level capacity, nor placed in such a manner as to interfere with the collection of mail from any mailbox located on the street and way.

B.

No person, except employees of the Department of Public Works or its authorized agent, shall remove, handle or otherwise disturb the container or containers or other material which have been placed on the City tree belt for servicing by the refuse collectors; provided, however, that this subsection shall not prohibit the owner, agent, occupant, lessor or tenant of a residence or dwelling from removing the contents of a container or other material placed on the tree belt thereof for servicing by said refuse collectors.

[Amended 9-11-2017]

C.

Any violation of this section or any part thereof shall be punishable by a fine not to exceed \$250.

§ 327-8

Sidewalks and passageways to be kept free from obstructions, snow and ice.

Unless sidewalks and passageways are kept free from obstructions and kept clear of snow and ice for a reasonable width from the curblin to the location of the standard garbage container, the Division of Waste Disposal need not collect garbage. **Any residents who have a medical exemption where DPW employees enter private property to collect trash / recycling containers, must also provide free and clear passage, especially snow and ice.**

§ 327-9

No extra service when collection refused for noncompliance.

[Amended 5-20-2011]

When the collection of rubbish, recycling and yard waste is refused because of failure to comply with any of the provisions of this article, the **Solid** Waste Division of the Department of Public Works shall not furnish collection service again until the next regular period and the owner shall remove from the curb such rubbish, recycling and yard waste.

§ 327-10

Notification of possible fire or health hazards.

[Amended 5-20-2011]

When the collection of rubbish, recycling and yard waste is refused because of failure to comply with any of the provisions of this chapter, the Director of Public Works or the Deputy Superintendent of Waste Disposal shall notify the Commissioner of Public Health, the Housing Commissioner or the Chief of the Fire Department, if, in the opinion of such Superintendent or Deputy Superintendent, a health or fire nuisance may result from the failure of an owner, agent, occupant, lessor or tenant of a premises to comply with such provisions.

If it is determined that a resident has disposed of any radioactive material, the City may fine the resident up to the amount of regulatory fine issued to the City by DEP and / or the trash disposal vendor, and or any special disposal costs incurred by the City

Radioactive Trash includes items such as Kitty litter, diapers, tissues and other absorbents that have touched fluids from patients or pets undergoing nuclear medicine treatment are radioactive.

§ 327-11

Applicability to industrial plants.

[Amended 5-20-2011]

The service rendered by the Department of Public Works in collecting rubbish, recycling and yard waste shall not extend to manufacturing industrial plants or generators of hazardous waste nor shall it include the removal of any material which has accumulated as a result of construction, building or market operations.

§ 327-12

City not liable for damages.

Nothing in this article shall be construed as holding the City liable in any manner for any loss or damage resulting from the entrance of collection crews on private property in performance of their duties.

§ 327-13

Litter and overgrowth.

[Amended 6-14-1988; 12-11-1989; 8-18-1993; 12-21-1994; 7-20-2006; 5-23-2008; 9-24-2009]

A.

Litter in public places. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles for that purpose, authorized private receptacles for collection, or in an official City disposal area.

B.

Placement of litter in receptacles so as to prevent scattering. Persons placing litter in public receptacles shall do so in such a manner as to prevent such litter from being carried or deposited by the elements on any streets, sidewalks, or other public place or upon private property.

C.

Sweeping litter into gutters prohibited. No person shall sweep into or deposit into any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk, driveway or property. Persons owning or occupying property shall keep the sidewalk and/or tree belt abutting their premises free of litter.

D.

Residential Property Owners and Merchants duty to keep sidewalks free of litter. No person owning or occupying a place of business **or residence** shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk, driveway or property. Persons owning or occupying a place of business within the City shall keep the sidewalk and/or tree belt abutting their business free of litter.

E.

Litter thrown by persons in vehicle. No person shall throw or deposit litter upon any street or any other public place within the City or upon private premises while a driver or passenger in a vehicle.

F.

Truck loads causing litter. No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded so as to prevent any such load, contents or litter thereof from being blown or deposited upon any street, alley or other public place or upon any private premises; nor shall any person drive or move any vehicle or truck within said City, the wheels or tires of which carry onto or deposit in any street, alley, or other public place any mud, dirt, sticky substances, litter or foreign matter of any kind.

G.

Litter in parks and property under control of Parks Department or Conservation Commission.

(1)

No person shall throw or deposit or cause to have thrown or deposited litter of any kind within any park or on a terrace, triangle, traffic island, circle or dingle under control of the Park Department **or Department of Public Works** except in public receptacles provided for the purpose therefor and it shall be deposited in such manner that the litter will be prevented from being carried and/or deposited by the elements upon any part of said parks or the aforementioned public properties. **(Fine: \$250.)**

(2)

No leaves, tree branches, grass or evergreen clippings, winter sand and/or sand and salt mixture, rocks, litter, rubbish, garbage or any other material shall be brought to and deposited in any manner on any park property. **(Fine: \$250.)**

(3)

No person, herein designated as a firm, individual, corporation, organization, employee, agent or servant of any kind, shall deposit or cause to have deposited on public property or in public receptacles within the confines of any parks or public property by any such person any litter, other than that obtained as a result of use in said park or said public property. **(Fine: \$250.)**

H.

Litter in lakes, rivers, streams and fountains. No person shall throw or deposit, abandon or leave, or cause to have thrown or deposited, abandoned or left, along the shoreline or abutting property of any lake, river, stream or like body of water situated within or bounding on the limits of the City, or in any fountain or like structure situated within said City, any automobiles, or parts thereof, building materials, litter, garbage, rubbish or material of any kind.

I.

Handbills, posters and political signs.

(1)

No handbills, posters, political signs, or articles of any kind promoting businesses or organizations shall be affixed to any building, tree, fences, or any other structures in any park or property controlled by the Park Department of the City **or by the Department of Public Works** or affixed to any trees, shrubs or structures, **traffic signal, mast arms**, etc., owned or maintained by the City **and / or private utility entity (Eversource, Verizon, etc.)** on a public tree belt or other public property within the confines of the City, nor shall any such handbills, posters, political signs or other articles as described in this chapter be erected or placed in or upon any public property within the confines of said City. **No handbills, posters, political signs or articles, may also not be placed in the ground in any City right-of-way. If any items are placed within the City's Right-of-Way, the signs will be removed and the entity who placed the signs will be liable of a fine in the amount of \$250.**

(2)

Throwing or distributing handbills in public places. No person shall throw, deposit, or discard any handbills in or upon any sidewalk, street, alley or other place to which the public has a right of access within the City or cause to have thrown, deposited or discarded any handbill in or upon any sidewalk, street, alley or other place to which the public has a right of access within the City. This subsection shall not be construed to prohibit the right guaranteed by the First Amendment of the Constitution of the United States.

(3)

Placing handbills on vehicles. No person shall throw or deposit any handbill or cause to have thrown or deposited any handbill in or upon any unoccupied vehicle in or upon any public property to which the public has a right of access.

(4)

Prohibiting distribution of handbills where posted. No person shall throw, deposit or distribute or cause to have thrown, deposited or distributed any handbill upon any private premises if requested by anyone thereon not to do so, or if there is a sign, placed in a conspicuous position near the entrance of said private premises, bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice which indicates in any manner that the occupants of said premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon said premises.

(5)

Depositing handbills on uninhabited or vacant premises. No person shall throw, deposit or dispose or cause to be thrown, deposited or disposed any handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant; nor shall any person post or cause to have posted any handbills except with the permission of the owner on any such private premises.

(6)

Distributing handbills at inhabited private premises. No person shall throw, deposit or distribute or cause to have thrown, deposited or distributed any handbill in or upon private premises which are inhabited except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises; provided, however, that in the case of any prohibition as set forth in Subsection I(4) of this section, a person may place or deposit any such handbill in or upon such inhabited private premises, provided such handbill is placed or deposited so as to assure or prevent the handbill from causing littering of the premises or sidewalks, streets, alleys or other public places, except that mailboxes may not be so used when prohibited by federal postal laws or regulations.

(7)

Exemption for mail and newspapers. The provisions of this section shall not apply to the distribution of mail in the United States, nor to newspapers, as defined in § 327-1, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any sidewalk, street, alley, or other public place or upon any private property.

J.

Dropping litter from aircraft. No person in any aircraft shall throw out, drop or deposit or cause to have thrown out, dropped or deposited within the City any litter, handbills or any other materials.

K.

Posting notices prohibited. No person shall post or affix any notices, poster, handbill or other paper or device calculated to attract the attention of the public to any traffic or lamppost, public utility pole or public shade tree or upon any public structure or building except as may be authorized or required by law.

L.

Litter and overgrowth.

(1)

Litter and overgrowth on occupied private property.

(a)

No person shall throw or deposit or cause to have thrown or deposited any litter on any occupied private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, alley or other public place, or upon any private property. The owner or person in control of any private property shall at all times maintain the premises free from litter and overgrowth.

(b)

Litter in common areas of multiple-dwelling-unit buildings. No person shall throw or deposit or cause to have thrown or deposited any litter in or on the common areas of any building which contains two or more dwelling units, except that the owner or person responsible for the building, or any tenant with the approval of the owner or person responsible for the building, may maintain private receptacles for collection in such common areas. The owner or person in control of any building which contains two or more dwelling units shall at all times maintain the common areas of that building free from litter. Common areas shall include but not be limited to hallways, cellars, garages, sheds, and porches.

(2)

Litter and overgrowth on vacant lots. No person shall throw or deposit or cause to have thrown or deposited any litter on any open or vacant property within the City, whether owned by such person or not. The owner or person in control of any such vacant property shall at all times maintain the premises free from litter and overgrowth.

(3)

Clearing of litter and overgrowth from private property by City.

(a)

Notice to remove. The City, through its Housing Department, shall have, as provided by Chapter 139 and Chapter 111 of the Massachusetts General Laws, the power to abate a nuisance or health hazard caused by any such litter or overgrowth; and shall have the powers by virtue of said General Laws and any ordinance relative thereto or in amendment hereof as heretofore or hereinafter ordained. Further, nothing contained in this section shall be construed to be in conflict with any provisions of said laws or ordinances but shall be in addition to and in compliance with the provisions therein set forth. The Commissioner of Housing is authorized to notify the owner, his agent or any person in control of said property within the City, vacant or otherwise, to remove and dispose of litter or overgrowth located on the property. Such notice shall be by registered or certified mail, return receipt requested, addressed to the owner, agent, or person in control of the property by any person authorized to serve civil process, or posted on said property for a period of not less than seven days. Such notice shall include a statement that upon the failure, neglect or refusal of any owner, agent, or person in control of said property, so notified, to dispose of litter or overgrowth, the City may request to enter upon the property, with the voluntary consent of the owner, agent or person in control of said property or by court order, to remove and dispose of said litter and overgrowth.

(b)

Action upon noncompliance. Upon the failure, neglect or refusal of any owner, agent, or person in control of said property, so notified, to properly dispose of said litter or overgrowth within five days after receipt of written notice as provided in this section, or within seven days after the date of such notice in the event the same is returned to the Post Office Department because of the inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, agent or person in control of said property, or within seven days after the end of the period for posting said property, the Commissioner of Housing is authorized and empowered to make any necessary request or to initiate the necessary court proceedings and pay any and all costs incidental to the removal and disposition of the litter or overgrowth.

(c)

Charge for removal. When the City has **affected** by itself or its duly authorized agent the removal of the litter or overgrowth or has paid for the removal of the litter or overgrowth, a bill for the actual cost thereof, if not paid by such owner prior thereto, shall be forwarded to such owner by the City and such charge shall be due and payable within 30 days.

(d)

Charge included in tax bill; recordation constitutes lien.

[1]

In the event that the full amount due the City is not paid by such owner within said 30 days from the date of billing, as provided in this section, the Commissioner of Housing shall cause to be recorded in the office of the City Clerk a sworn statement showing the cost and the expense incurred for the work, the date the work was done, and the date of the billing as provided in this chapter in Subsection L(3)(c). The City Clerk shall forthwith cause said statement to be recorded in the Hampden County Registry of Deeds in the manner required.

[2]

Upon such recordation of the statement by the City Clerk in the Hampden County Registry of Deeds, the actual cost for the removal of the litter or overgrowth shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the City, and the charge shall be due and payable by said owner at the time of payment of such bill.

[3]

The recordation of said statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of the court, if any, for collection, until final payment has been made. Said cost and expense shall be collected in the manner fixed by law for the collection of taxes and shall be subject to a delinquent penalty at the same rate as that on unpaid tax bills in the event the same is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions as set forth in this section shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be sufficient notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against

the property designated or described in the statement and that the same is due and collectible as provided by law.

M.

Violations and penalties. This section may be enforced through noncriminal disposition pursuant to MGL c. 40, § 21D, or through the criminal process. A person violating any provision of Subsections A through L of this section shall be fined \$100 for the first offense, \$200 for the second offense, and \$300 for the third or subsequent offenses. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under the provisions set forth in this chapter. In the event a motor vehicle is used in the violation of any of the provisions of this section, it shall, upon conviction, be reported by the court to the Registrar of Motor Vehicles and action requested on suspension of the license of the operator of such vehicle, and if it appears from the records of the Registrar of Motor Vehicles that the person so convicted is the owner of the motor vehicle, a request to suspend for a period of time specified by the Registrar of Motor Vehicles the certificate of registration of said vehicle shall be made. The provisions of this section shall not be applicable to any dumping ground approved by the Director of Public Works.

§ 327-14

Unregistered motor vehicles.

[Amended 9-15-1987]

A.

Whoever, being the owner, occupant, or in control of real estate, permits, allows or suffers an unregistered motor vehicle or a substantial part of such motor vehicle to remain on said premises for a period in excess of 12 days shall be punished by a fine of not less than \$10 nor more than \$50; and each day that such unregistered motor vehicle or a substantial part thereof is permitted, allowed or suffered to remain on said premises in excess of 12 days constitutes a separate offense.

B.

This section shall not apply to an unregistered motor vehicle or part thereof which is stored within a garage or other closed structure nor shall it apply to an unregistered motor vehicle or part thereof upon the premises of the following persons:

(1)

One who is duly licensed to deal in motor vehicles under MGL c. 140, § 58.

(2)

One whose principal business is the towing and storage of motor vehicles.

§ 327-15

Shopping carts.

[Added 6-14-1988]

A.

All supermarkets, retail and discount stores, and any other businesses which provide shopping carts for the use and convenience of their customers shall comply with the following requirements in order to prevent the disposal of the carts as waste or litter interfering with the use of public and private property, including bodies of water:

(1)

Every shopping cart used on any premises must have permanently affixed thereto the name, address and telephone number of the store or business by which it is being utilized.

(2)

Shopping carts so identified may not be utilized off of the private property belonging to the store identified thereon. Signs informing the public of this requirement shall be prominently located at the entrance to and exit from the store or business.

(3)

A store or business utilizing such carts shall be responsible for taking proper action to ensure that carts are not removed from its property in violation of this section.

B.

Any shopping cart that is found on any public property other than that of the business utilizing same shall be immediately removed from said property by said business upon notification. Any costs expended by any City department in the removal of said cart shall be paid by the business responsible for the cart. Additionally, for any cart found on public property a fine of \$50 may be assessed against said business for its failure to comply with the requirement of Subsection A(3) of this section.

§ 327-16

Purpose and intent.

A.

The City of Springfield now participates in the Western Massachusetts Regional Recycling Program, which includes delivery of recyclables **to a designated vendor's recycling processing facility**; and the Commonwealth of Massachusetts has promulgated recycling rules (formerly known as "waste bans") which restrict the disposal of certain recyclable items at solid waste landfills and incinerators in Massachusetts (310 CMR 19.017). The restricted materials are: lead batteries, leaf waste and yard waste, white goods, recyclable aluminum, metals and glass, all grades of recyclable paper, single-polymer plastics, cathode ray tubes in televisions and old computers. Compliance with the recycling rules may be accomplished through reducing the amount of solid waste generated in buildings throughout the City and by recycling and composting materials to the fullest extent possible; and public support for recycling and composting has been demonstrated throughout the City.

B.

The following policies are hereby adopted by the City of Springfield with respect to efficient management of solid waste, for the promotion of the health and welfare of its citizens and for the protection of the environment. The City of Springfield hereby declares its goal of requiring all buildings in the City to implement recycling programs. The City of Springfield further declares its goal of encouraging all residents, municipal offices, commercial businesses, and institutions to reduce the amount of solid waste they generate by recycling to the fullest extent possible.

C.

The City hereby further declares that the implementation of this policy shall proceed within the bounds of sound fiscal management and in contemplation of advances in recycling collection and processing technology, in an orderly fashion with all due speed. This article has been created because of the great interest by the citizens of the City of Springfield in preserving the environment by reducing the amount of refuse sent to landfills and incinerators. It shall be the policy of the City of Springfield to reduce the amount of refuse generated and to require recycling and composting to the fullest extent possible.

§ 327-17

Definitions.

[Amended 5-20-2011; 9-11-2017]

For the purposes of this article, the following words, terms, and phrases shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

ACCESS

The implementation of a recycling program that provides the opportunity to recycle for residents, tenants, or occupants of all buildings. The recycling program must be as convenient as rubbish collection whenever possible.

CART

A barrel of approximately 95 gallons, with wheels and a lid, used for storage of recyclables and designed for mechanical loading into a recyclables collection vehicle.

CITY

The City of Springfield, Massachusetts.

DESIGNATED HAULER

A company in the business of collecting and transporting recyclables generated in the City **to a designated vendors recycling processing facility**, and entering in an agreement with the City of Springfield, by which terms the hauler is entitled to bring recyclables to the facility.

DIRECTOR

The Director of the Department of Public Works or his/her duly authorized representative.

DROPOFF

The transport and deposit of recyclable materials at a City-approved location.

DWELLING UNIT

Any building or portion thereof that contains living facilities (which provide for sleeping, eating, cooking, and sanitation) for not more than one household.

HAULER'S REPORTING FORM

The form required by the Department of Public Works to be submitted by each hauler working in the City that allows it to report on the status of the recycling program for each of its multiple-family building customers.

HAZARDOUS WASTE

All waste of an ignitable, corrosive, reactive or toxic nature.

MULTIFAMILY BUILDING

Any residential building with four or more dwelling units and fewer than 40, including apartments, cooperatives, condominiums, group houses, rooming houses or boardinghouses.

MULTIFAMILY COMPLEX

A building parcel located in the City that contains 40 or more dwelling units.

MULTIPLE COMMUNITY LOADS

Paper or containers that have been collected from two or more communities.

MULTIPLE-FAMILY RECYCLING PLAN FORM

The form required by the Department of Public Works to be submitted by each property owner or manager of a multifamily complex that identifies how it is complying with the requirement to offer tenants access to a recycling program.

PROPERTY OWNERS AND MANAGERS

Those individuals or businesses responsible for providing waste management services for a building located in the City.

RECYCLABLES or RECYCLABLE MATERIALS

The discarded nonhazardous waste material that may be reclaimed and is considered to be marketable. Such material shall include, initially, newspaper, corrugated cardboard, white paper, magazines, telephone books, milk and juice cartons, drink boxes, plastic bottles #1 through #7, unbroken containers of flint, green and brown glass, tin (steel) cans, **mattresses, box springs**, and aluminum cans and foil. The list of recyclables may be expanded or contracted from time to time as determined by the Director of Public Works and can be located on the Trash Billing Website at http://www.springfield-ma.gov/dpw/index.php?id=single_stream.

§ 327-18

Establishment of program.

There is hereby established in the City of Springfield a program for the mandatory separation of recyclable and compostable materials from refuse which shall apply to all buildings in the City of Springfield and will be carried out under the supervision of the Director of the Department of Public Works (DPW). The City shall participate in the Department of Environmental Protection's (DEP) Western Massachusetts Regional Recycling Program which allows the City to deliver its recyclables to a **designated vendors recycling processing facility in the Springfield area**. The DPW maintains its membership in the DEP's program through participation on the MRF Advisory Board.

§ 327-19

Mandatory separation of recyclable materials.

It shall be mandatory for each occupant in the City of Springfield to separate all designated recyclable materials from other refuse in accordance with the provisions of this section:

A.

Buildings which receive City solid waste collection services. It shall be mandatory for each owner or occupant of a building which receives City solid waste collection services to separate from other refuse all recyclable materials designated by the Director. This requirement shall also apply to all City-owned buildings, including schools.

B.

Buildings which do not receive City solid waste collection services. It shall be mandatory for each owner or occupant of a building which does not receive DPW solid waste collection services to separate all designated recyclable materials from other refuse. Owners or occupants are encouraged to contract with their hauling companies for the collection and recycling of materials and are responsible for the costs.

§ 327-20

Collection of recyclable materials.

[Amended 5-20-2011; 9-11-2017]

A.

Single-family dwellings up to three-family dwellings and grandfathered small businesses. For each household and small business for which the DPW provides rubbish collection services, the DPW will offer access to the City's recycling program. The DPW will make every effort to offer access to a recycling program at least as convenient as rubbish collection. All households and businesses located in the City will be granted access to the recyclables dropoff program located at the Bondi's Island Recycling Depot.

(1)

As long as funds are available, the City will provide one household recycling cart issued by DPW to each dwelling unit where rubbish collection services are also offered. The City shall retain ownership of all its household recycling carts, and the occupant of each dwelling unit shall take proper care to protect such

receptacle from loss or damage. Carts that are lost or stolen will be replaced by the City under the following conditions (and as long as the City's supplies last):

(a)

If a resident claims his/her cart has been stolen.

(b)

If resident claims his/her cart is broken, the broken cart must be exchanged for the new cart when delivered.

(2)

The City shall determine the number of household recycling carts to be provided for each individual building. The City shall retain ownership of its household recycling carts, and the owner or owners of the building shall take proper care to protect such containers from loss or damage.

(3)

All recycling carts shall be placed at the curbside every other week for collection by ~~6:30 AM~~ **6:00 a.m.** on the designated day of collection. The cart shall be placed on the outer edge of the sidewalk so as to not obstruct the free passage of pedestrians.

(4)

Recyclables shall not be placed in plastic garbage bags for collection, removal or disposal. Recyclables shall not be placed in the same refuse containers as rubbish or mixed with rubbish or litter for collection, removal or disposal. If separation of recyclable materials from rubbish does not take place, the City may decide not to collect said rubbish.

(5)

Upon placement of recyclables at the curbside, such recyclables shall become the property of the City. It shall be a violation of this section if any person, other than authorized agents of the City acting in the course of their employment or contract, collects or causes to be collected any recyclables so placed. Each and every such collection in violation hereof from one or more locations shall constitute a separate and distinct offense. Any violator of this subsection shall make restitution to the City for the value of recyclables illegally removed.

B.

Multiple-family dwellings of four or more units and fewer than 40 units.

(1)

Property owners and managers of multiple-family dwellings of four or more dwelling units and fewer than 40 units that do not receive City rubbish collection services shall do the following to ensure compliance with this mandatory recycling article: Property owners and managers shall be responsible for providing their tenants access to a recycling program. Every effort will be made for the building's recycling program to parallel its rubbish collection program in order to provide convenient access for

tenants. Property owners and managers must notify tenants in writing at the time of renting or leasing and at least annually thereafter about participation in the building's recycling program. Tenants will be provided with the following information:

(a)

Reasons to reduce and recycle solid waste;

(b)

Which materials are collected;

(c)

How to prepare the materials in order to meet the processing requirements;

(d)

Collection methods and location of collection sites; and

(e)

A contact person or company, including a name, address, and telephone number.

(2)

Property owners and managers may self-haul recyclable materials to the City's drop-off recycling depot at the Bondi's Island Landfill. A receipt will be given to property owners and managers to serve as proof of delivery.

(3)

As a requirement to operate in the City, haulers will be required to provide a list of their multiple-family building customers and indicate if a recycling program has been established and maintained. The DPW will provide each hauler with a hauler's reporting form that will be submitted to the Director of Public Works on a semiannual basis: January 1, July 1.

C.

Multiple-family complexes with 40 or more dwelling units.

(1)

Property owners and managers of multiple-family buildings or complexes which contain 40 or more dwelling units and which contract for private refuse collection services will provide occupants with access to a recycling program through contractual arrangements with their haulers.

(2)

Property owners and managers must provide the DPW with a recycling plan that indicates how they will offer their tenants access to a recycling program. A recycling plan will be done for each property for which the property owner and manager is responsible.

(a)

Each recycling plan will cover the following items:

[1]

Program contact person and phone number;

[2]

Methods to be used for collection, including types of containers;

[3]

Frequency of collection;

[4]

How tenants are educated; and

[5]

Name of hauler under contract.

(b)

The DPW staff will provide each property owner and manager of multifamily properties of 40 or more dwelling units with a multifamily recycling plan form. Recycling plans are to be implemented within 120 days of approval and submitted annually thereafter on July 1.

(c)

Recyclables must be collected from each property at least once every two weeks.

(d)

Commercial haulers are strongly encouraged to deliver recyclables collected from multifamily properties to the Springfield Materials Recycling Facility and will be automatically counted toward the City of Springfield's recycling rate.

(e)

Property owners and managers must notify tenants in writing at the time of renting or leasing and at least annually thereafter about participation in the building's recycling program. Tenants will be provided with the following information:

[1]

Reasons to reduce and recycle solid waste;

[2]

Which materials are collected;

[3]

How to prepare the materials in order to meet the processing requirements;

[4]

Collection methods and location of collection sites; and

[5]

A contact person or company, including a name, address, and telephone number.

D.

Businesses and nonprofit establishments. All businesses and nonprofit establishments in the City of Springfield, including commercial business customers of the DPW, shall establish an on-site recycling program. The business or nonprofit can sell or exchange at fair market value its own recyclable materials or may contract with a designated hauler to deliver them to the MRF.

(1)

Designated recyclable materials to be collected from businesses and nonprofits shall recycle the materials listed below or other nonlisted materials which are approved by the Director. Materials should be prepared and/or separated in a manner mutually acceptable to the hauler and the business. The business recyclable materials are as follows:

(a)

Aluminum cans;

(b)

Magazines and catalogs;

(c)

Computer paper/copy paper;

(d)

Tin/steel cans;

(e)

Corrugated cardboard;

(f)

Paperbacks and phone books;

(g)

Glass bottles;

(h)

Mixed office paper (junk mail);

(i)

Plastic containers;

(j)

Newspaper.

(2)

The City of Springfield reserves the right and authority to add or delete other materials to the above list. The Director will consider substitutions for items on the list on a case-by-case basis.

(3)

Schedules and locations. The business and the hauler shall mutually agree upon recycling collection schedules and pickup locations. The City is not responsible for any problems, unauthorized collections, liabilities, or any other difficulties that arise between the hauler and the business.

(4)

Promotion and education. A business subject to this subsection is responsible for notifying and continually educating its employees on recycling issues and practices through a formal and ongoing education campaign. Every business shall distribute to every new employee in hand within seven days of employment, and to all existing employees at least annually and by posting in a common area, general recycling information and current program recycling guidelines. In the case of a multitenant building, the building owner or manager must distribute general recycling information and current program recycling guidelines to every tenant housed in the building within 30 days of occupancy and to all tenants housed in the building annually.

§ 327-21

Private haulers.

A.

It will be the responsibility of property owners and managers of multifamily buildings, businesses, and nonprofit establishments to provide access to recycling for their tenants or employees through a contractual arrangement with haulers working in the City of Springfield. The haulers providing the ongoing recycling collection services shall be responsible for furnishing, maintaining, and replacing all common-area recycling containers and collection vehicles which are deemed necessary in the recycling program. The hauler shall be responsible for the collection, intermediate storage or transfer, transportation, and delivery to the MRF for residential recyclables or another DEP-approved processing facility for business recyclables.

B.

All haulers who collect solid waste and/or recyclable material from any building in the City of Springfield must comply with all applicable federal, state, and local laws, ordinances, rules and regulations.

C.

Recycling collection schedules and pickup locations shall be mutually agreed upon by property managers/owners, businesses, nonprofit establishments and the haulers. The City is not responsible for any problems, unauthorized collections, liabilities, or any other difficulties that arise between the haulers and their customers.

D.

Containers provided by haulers for recyclables, including compactors, shall be clearly labeled in English and in other languages if appropriate, including indicating the materials to be placed in the container and the word "recycle" or "recyclable" or the "chasing arrows" recycling symbol.

E.

Containers used to collect the recyclable material should have adequate capacity and durability to function efficiently and meet the spatial constraints of the building. The type of containers used for collection of recyclables will be established between the owner/manager and the hauler.

F.

Containers located outdoors shall be covered or otherwise secured to prevent material from blowing, leaking or falling out and to protect the materials from vector populations and the elements. The building property owner/manager shall maintain all recycling areas in a clean, sanitary and litter-free manner.

G.

Indoor common area collection/storage areas shall be established in accordance with appropriate City of Springfield fire and/or safety codes. Exterior recyclables storage areas shall be established in accordance with City of Springfield requirements for solid waste enclosures.

H.

The recycling containers at a multifamily property shall be placed in a location or locations at least as convenient to tenants as the trash receptacles, including trash chutes, insofar as is practical given space limitations.

I.

Hauler reports. As a requirement to work in the City, haulers will be required to submit a haulers reporting form to the DPW on multifamily buildings with four or more dwelling units and fewer than 40 dwelling units. The report forms will be supplied by the DPW and will be due on a quarterly basis January 1, April 1, July 1, and September 1. When the specified quarterly report dates fall on a Saturday, Sunday or legal holiday, the report is due on the next business day. Reporting forms will be supplied by the Springfield DPW.

(1)

The data on the forms will include: multifamily building address, telephone number of owner/manager, and the identification of an established recycling program. Haulers will not be responsible for the establishment of a program unless contracted by the owner/manager. The haulers report asks only for information as to whether a recycling program exists.

(2)

All such reports, data, and information, once received by the City of Springfield DPW, shall become the property of the City of Springfield and will be considered confidential information.

§ 327-22

Designated hauler status.

A.

Haulers will only be allowed to deliver loads of recyclables from the City of Springfield to the MRF if the City of Springfield recognizes them as a designated hauler. In order to receive such a designation from the City of Springfield, the hauler must enter into an agreement with the City by submitting a designated hauler agreement to be approved by the Director. Designated haulers will agree to the following conditions:

(1)

The hauler shall work with the DEP and operator of the MRF to coordinate the delivery of recyclables to the facility.

(2)

The hauler shall be entitled to deliver only those recyclables which the operator is contractually obligated to accept; those items may be expanded or limited from time to time by mutual agreement of the City of Springfield, DEP, and the operator.

(3)

The hauler shall not deliver any hazardous waste to the MRF.

(4)

The operator shall be entitled to reject loads containing in excess of 10% by weight of nonrecyclable materials as determined by the operator and confirmed by the DEP's representative at the facility. The hauler shall be responsible for the disposal of and any costs associated with any rejected loads. In the event the operator elects to accept such a load, the operator may be entitled to recover the costs of disposal of nonrecyclable materials directly from the hauler.

(5)

In the event that the origination of the contamination can be determined, the hauler may refuse to collect the recyclables upon notifying such customers of the reason for refusal and shall notify the City of any customer who continues with repeated offenses.

B.

In the event of an MRF shutdown for an extended period and if no other markets for the recyclables can be found by the City or hauler, it shall be solely the responsibility of the hauler to find alternative disposal for and to pay any costs associated with the disposal of the recyclables.

C.

If a hauler elects to collect and deliver to the MRF a load of recyclables from multiple communities, including the City of Springfield, the hauler shall provide to the City and DEP a copy of the multiple-community load agreement signed by the City and participating municipalities. In the event of a rejected load, all charges shall be the responsibility of the hauler.

D.

In the event a hauler fails to comply with any of the terms and conditions set forth above, the City shall first notify the hauler of such failure and work with the hauler to remedy the situation. In the event the hauler is unable to remedy such noncompliance to the satisfaction of the City and the DEP, the City may, at its sole discretion, suspend, modify, or terminate the rights of the hauler as a designated hauler. Circumstances under which the City may exercise such remedies include, without limitation, the following:

(1)

Failure to cooperate with DEP and the operator in coordinating deliveries to the MRF.

(2)

Failure to supply the City and operator with information on multiple-community loads.

(3)

Failure to pay rejected load charges.

(4)

Repeated failure to accurately complete or submit the haulers reporting form.

§ 327-23

Registration required; fee.

No person, except City employees in the prosecution of their employment, shall remove or transport through any street or passageway in the City any garbage, offal or other offensive substance, unless he shall have registered with the Commissioner of Health and paid the sum of \$2 for such registration, and unless he removes and transports such substances in accordance with rules and regulations of the Public Health Council. The Commissioner of Health shall issue to each person so registering a certificate of such registration and payment.

§ 327-24

License contents; recording.

A.

Every license and every certificate issued under the provisions of § 327-23 of this chapter shall state that it is issued subject to the provisions of the City ordinances and all rules of the Public Health Council now existing, or which shall hereafter be made, and subject to forfeiture for any violation thereof.

B.

All such licenses and certificates shall be recorded by the Commissioner of Health in a book to be kept for the purpose.

C.

A book shall also be kept in the office of such Commissioner wherein application for the services of the parties licensed in this chapter shall be entered, and such applications shall receive attention in the order in which they are made.

§ 327-25

Violations and penalties; revocation of license.

Any person violating any of the provisions of §§ 327-23 and 327-24 of this chapter shall be punished as provided in § 1-25 and by a forfeiture of his license hereof.

§ 327-26

Declaration of nuisance; order of abatement.

A.

Whenever there shall be growing on any property ragweed or other species of weed, plant or growth which is noxious or detrimental to the public health, or the seed, pollen or other emanation whereof, when carried through the air or otherwise dispersed, is noxious or detrimental to the public health, the Commissioner of Public Health may take and file upon his records what he shall regard as sufficient proof to authorize a declaration that the existence of any such growth is a nuisance or is dangerous to the public health, and may thereupon enter the same upon his records as a nuisance and order the same to be removed, destroyed or otherwise abated on any property wherever found.

B.

The Commissioner of Public Health shall notify, in writing, the owner, lessee, occupant of, or principal person or persons interested in such property of the nuisance created by such weeds, plants or growth, and order them, in writing, to remove, destroy or otherwise abate such nuisance.

§ 327-27

Declaration of danger from pollination.

The Commissioner of Public Health may also take and file among his records what he shall regard as sufficient proof to authorize a declaration that at any season or period of the year there exists a particular and imminent danger to the public health by reason of the approaching period of pollination of any such growth and may enter such determination upon his records.

§ 327-28

Failure to comply with order.

If any order issued under this article is not complied with within five days after receipt of the same, or within such shorter time as the Commissioner of Public Health may specify, the Commissioner may enter upon any such property and remove and destroy any weeds, plants and growth noxious or detrimental to the public health.

§ 327-29

Removal by Park Department.

A.

In removing and destroying such weeds, plants or growth, the Park Department is authorized and shall act as agent and a means of the Commissioner of Public Health in effecting such removal, destruction or abatement.

B.

In the event that the Park Department is so employed, it shall certify and transmit to the Commissioner of Public Health its expense in the execution of the order of the Commissioner of Public Health separately in respect of each separately owned parcel of property on which such nuisance was abated.

§ 327-30

Air pollution.

A.

To prevent nuisance to City residents, danger to the public health or detriment to the public comfort and convenience, no person shall cause, suffer, allow or permit the burning of any construction or demolition waste, as defined above in § 327-1.

B.

Whoever violates any order, rule or regulation promulgated or adopted under the provisions of this section shall be punished, for the first offense, by a fine of not less than \$1,000 nor more than \$5,000 and for a subsequent offense, by a fine of not less than \$5,000, nor more than \$10,000. For the purpose of this subsection, each day or part thereof of violation of such an order, rule or regulation, whether such violation be continuous or intermittent, shall be construed as a separate and succeeding offense.

§ 327-31

Responsibility for enforcement.

This chapter shall be enforced by the Police Department of the City and especially by the Commissioner of Health and by the Commissioner of Housing or their duly authorized agents.



City Council

SCHEDULED

Meeting: 11/25/24 07:00 PM

Initiator: Phil Dromey

Sponsors:

DOC ID: 8302

2

Special Permit

For a Request for a One (1) Year Extension of an Existing Special Permit, Granted November 29, 2022, to Reopen a Pre-Existing, Non-Conforming Use (11 Residential Units), at the Property Known as 169 Maple Street (08218-0165) (Book #24353/Page#322), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 10, Section 10.1.41(B).

Request:	See Above
Owner:	City of Springfield
By:	Stephen Lonergan, Collector-Treasurer
Petitioner:	Davenport Advisors, LLC
By:	Joy Martin, as Manager

**OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A SPECIAL PERMIT**

**169 MAPLE STREET
RE-OPENING PRE-EXISTING, NON-CONFORMING USE (RESIDENTIAL)**

General Information

Petitioner:	Davenport Advisors, LLC
Request:	Re-open a residential structure.
Proposed use of the property:	Eleven (11) residential units
Parcel Size:	7,454 s.f.
Compatibility with current planning documents:	The Six Corners Neighborhood Plan show no changes to this area.
Neighborhood council notification:	Maple High/Six Corners Neighborhood Council: 11-4-24
Tax Status:	SEE ATTACHED
Site Visit:	11-19-24
Hearing Date:	11-25-24

Staff Analysis

Neighborhood characteristics:

The parcel is currently zoned Commercial A and is located within an area with a mix of commercial and residential uses. The surrounding land uses include:

- To the north is an office building zoned Commercial A.
- To the south is an apartment building zoned Commercial A.
- To the east is an apartment building zoned Commercial A.
- To the west are residential row houses zoned Commercial A.

Site plan review:

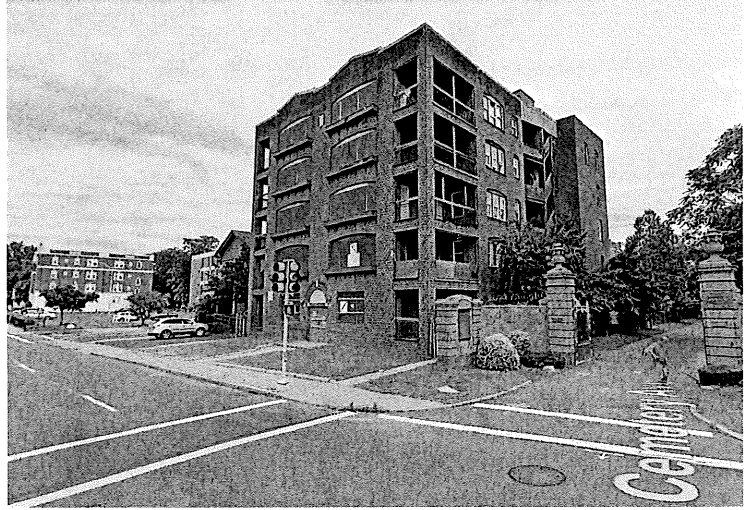
The petitioner has requested a one (1) year extension, to an existing special permit, granted November 2022, to re-open a pre-existing, non-conforming residential apartment building at the property known as 169 Maple Street. This is the site of an existing five (5) story apartment building which has been vacant for a number of years and is currently city owned. As per the Zoning Ordinance, the special permit shall lapse if “substantial use” has not commenced within two (2) years, unless an extension is approved by the City Council.

As noted above, this is currently a city owned building that was taken through the tax title process back in

2013. This site has been put out for Request for Proposals (RFP) a number of times; however, the site has not been successfully redeveloped. An RFP was issued back in July 2022. After a full review, Davenport Advisors, LLC was selected as the preferred developer.

It should be noted that the redevelopment plans have not changed. Below is the staff review that was completed back in 2022:

As per the plans submitted, the petitioner intends to rehab the existing eleven (11) units within the building. It should be noted that while the building is considered to be a pre-existing, non-conforming use and is not required to provide parking, the developer has also purchased a parcel from the City on Central Street and will create an eleven (11) space parking lot for tenants.



Further, it should be noted that this building is located within the Ridgewood Local Historic District. Due to this fact, any and all work being done to the exterior of the building will need to be reviewed and approved by the Springfield Historical Commission.

Overall, the staff is very pleased with the proposed development. As noted above, this is a very historic building and one that has been vacant for a number of years. The petitioner also has a long history of very successful redevelopment projects within the City and the staff firmly believes that the redevelopment of this property will have a beneficial impact on the surrounding properties as well as the entire neighborhood as a whole.

Recommendation

Approve, with conditions.

Recommended Conditions:

1. This special permit is granted to this petitioner or its or its successor's or it assigns.
2. This special permit is granted for a one (1) year extension to re-open a pre-existing, non-conforming residential structure at the property known as 169 Maple Street (08218-0165).
3. The use shall be developed as per that attached site plans and elevations, with the addition of conditions #4 through #7.
4. All landscaped areas shall be maintained and kept free of all overgrown vegetation, litter and debris.
5. The public sidewalk along Maple Street shall be maintained by the petitioner, including snow removal.
6. In addition to the special permit approval, a full review by the Department of Public Works, as per the provisions of City Ordinance, Chapter 27, Article VIII, § 27-58 through 27-63, may be required. This approval, if required, must be obtained prior to the issuance of a Building Permit.
7. Any and all work done the exterior of the property must be reviewed and approved by the Springfield Historical Commission, prior to the issuance of a Building Permit.
8. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.

Stephen J. Lonergan
Collector/Treasurer



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

October 22, 2024

Special Permit Tax Certification

I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below:

Special Permit: 169 Maple St – (08218-0165)

Petitioner: Davenport Advisors, LLC
667 Boylston Street 2nd Floor
Boston, MA 02116

Property Owner: City of Springfield
36 Court Street
Springfield, MA 01103

Stephen J. Lonergan: Treasurer/Collector

Attachment: 169 maple staff analysis [Revision 1] (8302 : 169 Maple Street)

DAVENPORT ADVISORS LLC

September 27, 2024

Brian Connors
Deputy Director
City of Springfield
Office of Planning & Economic Development
70 Tapley Street
Springfield, MA 01104

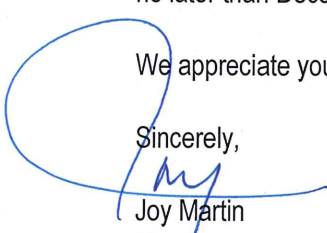
**RE: 169 Maple Street
Parsons Apartment Historic Rehabilitation (the "Project")
Special Permit dated December 19, 2022 (the "Special Permit")**

Dear Brian:

Davenport Advisors ("Davenport") respectfully request a one (1) year extension of its current Special Permit for the above-referenced property. As you are aware, through our many discussions, certain economic factors made the start of the Project infeasible during the 2-year period from receipt of the Special Permit. Davenport is requesting this extension so it may begin the project upon the anticipated transfer of ownership from the City expected to take place no later than December 19, 2024.

We appreciate your cooperation in this matter.

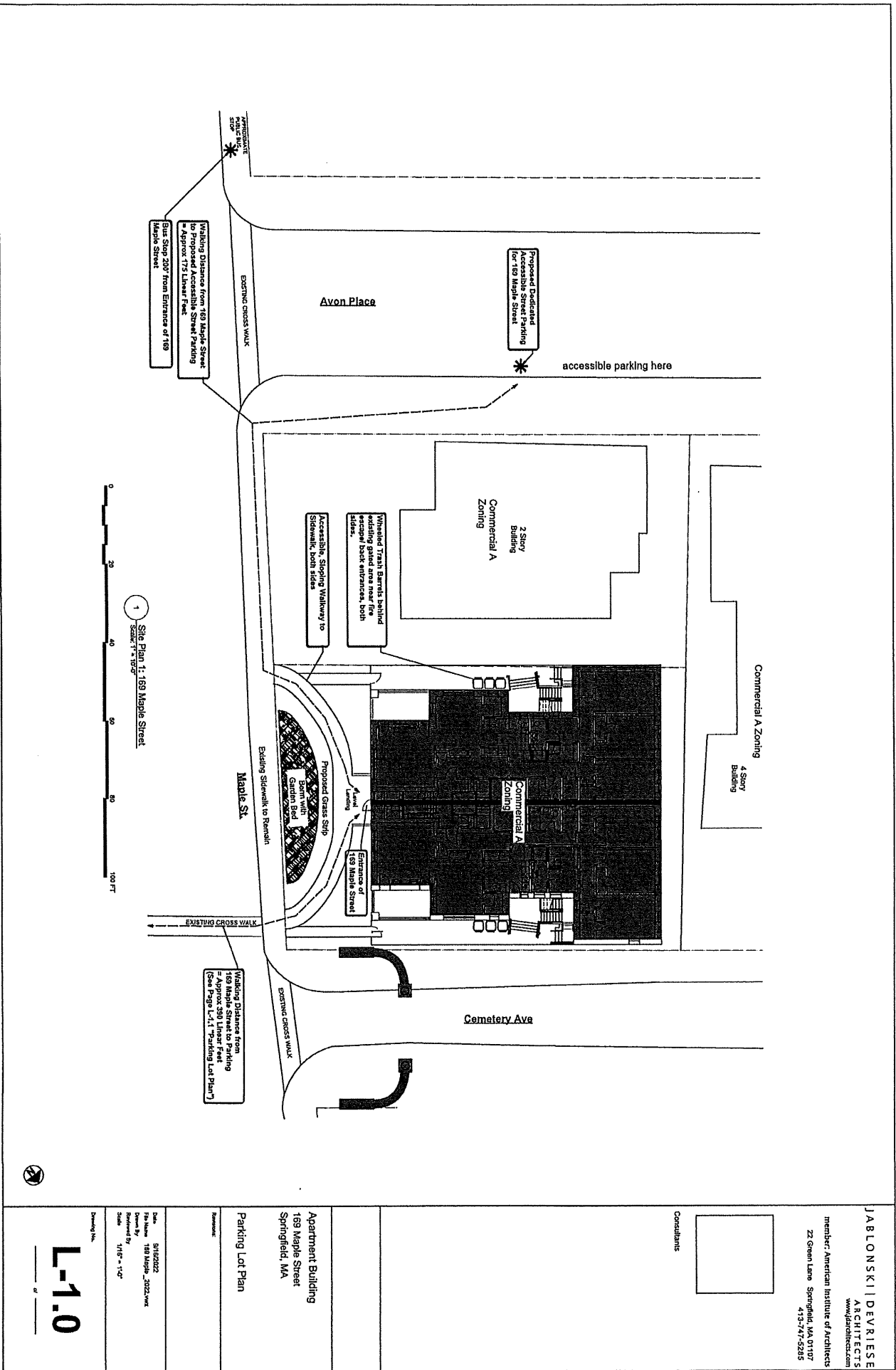
Sincerely,

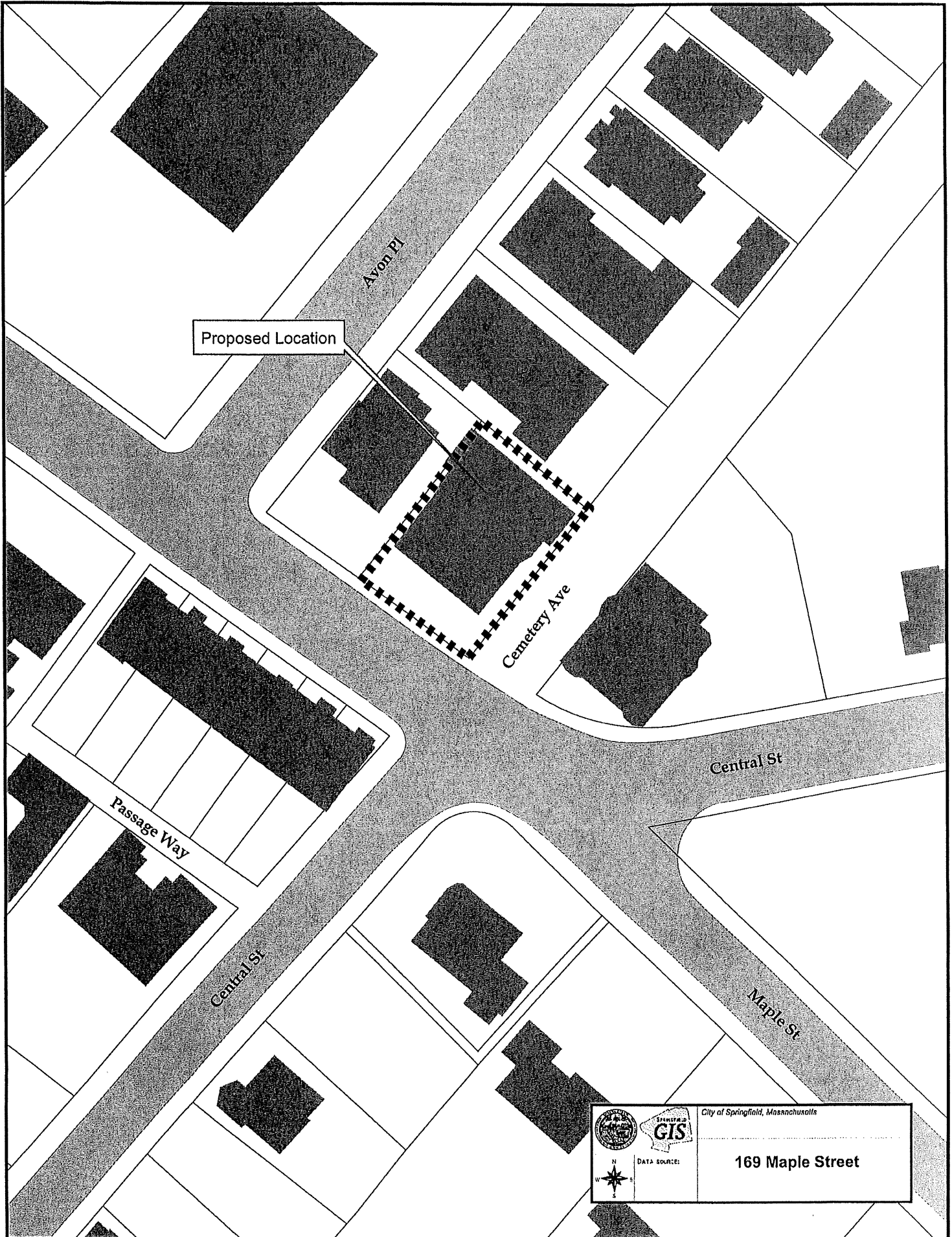


Joy Martin
Manager

cc: Juan Prieto, Manager Davenport Advisors LLC

Attachment: 169 maple staff analysis [Revision 1] (8302 : 169 Maple Street)





To The City Council of the City of Springfield:
The undersigned respectfully petition your honorable body

to change the zoning of the property known as ES Ingersoll Grove (06925-0025) from Residence A to Residence B.

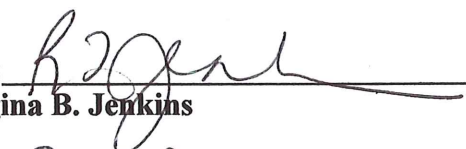
Mailing Address:

1 Pearson Drive
 Springfield, MA 01129

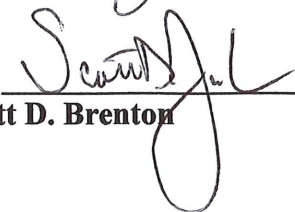
Owner:

Regina B. Jenkins & Scott D. Brenton

I hereby certify that I am the owner or acting on behalf of the owner.

BY: 

Regina B. Jenkins

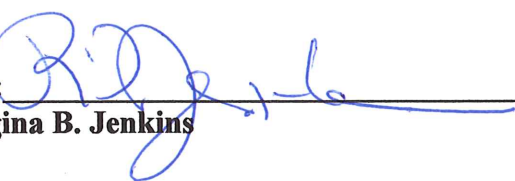
BY: 

Scott D. Brenton

Petitioner:

Regina B. Jenkins

I hereby certify that I am the petitioner or acting on behalf of the petitioner.

BY: 

Regina B. Jenkins

1 Pearson Drive
 Springfield, MA 01129

Attachment: Ingersoll_Grove_ES_formal (8257 : ES Ingersoll Grove)

**OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A ZONE CHANGE**

**ES INGERSOLL GROVE (06925-0025)
RESIDENCE A TO RESIDENCE B**

GENERAL INFORMATION

Applicant:	Regina B. Jenkins
Request:	Residence A to Residence B
Location:	ES Ingersoll Grove
Parcel Size:	12,648 s.f.
Purpose:	Two-family development
Surrounding Land Use and Zoning:	The property is located in the McKnight Neighborhood and is located in an area that is primarily residential uses. The surrounding land uses include: To the north are a number of industrial uses zoned Business B and Industrial A. To the south is a single-family home zoned Residence A. To the east is a three-family home zoned Residence A. To the west is single-family home zoned Residence A.
Site Visit:	10-17-24
Neighborhood Council Notification:	McKnight Neighborhood Council: 10-1-24
Planning Board Hearing Date:	10-16-24/11-20-24

SPECIAL INFORMATION

Traffic & Parking:	N/A
Physical Characteristics:	N/A
Other Notes:	N/A

ANALYSIS

The petitioner has requested to change the zoning of the property known as ES Ingersoll Grove from Residence A to Residence B. This site is currently vacant and would be the location of a new, two-family home.

After reviewing the application and further reviewing the overall zoning of this area, the staff does not recommend approval of the proposed request. While the staff understands that while there may be other multi-families in this area, the predominant land use in this area is clearly single-family homes. It should also be noted that the multi-family homes located in the area were all constructed well before the underlying Residence A zoning was in place. This includes the adjacent three-family, which was constructed in 1894. It

should be noted that there was a two-family house on this parcel previously, however, like the other multi-family homes in this area, this home was constructed long before the Residence A zoning was in place.

Further, the staff attempted to determine how long this parcel has been vacant but there are no building documents available. However, in reviewing the property card, it does appear that this parcel has been vacant and used as a side yard since at least 1985.

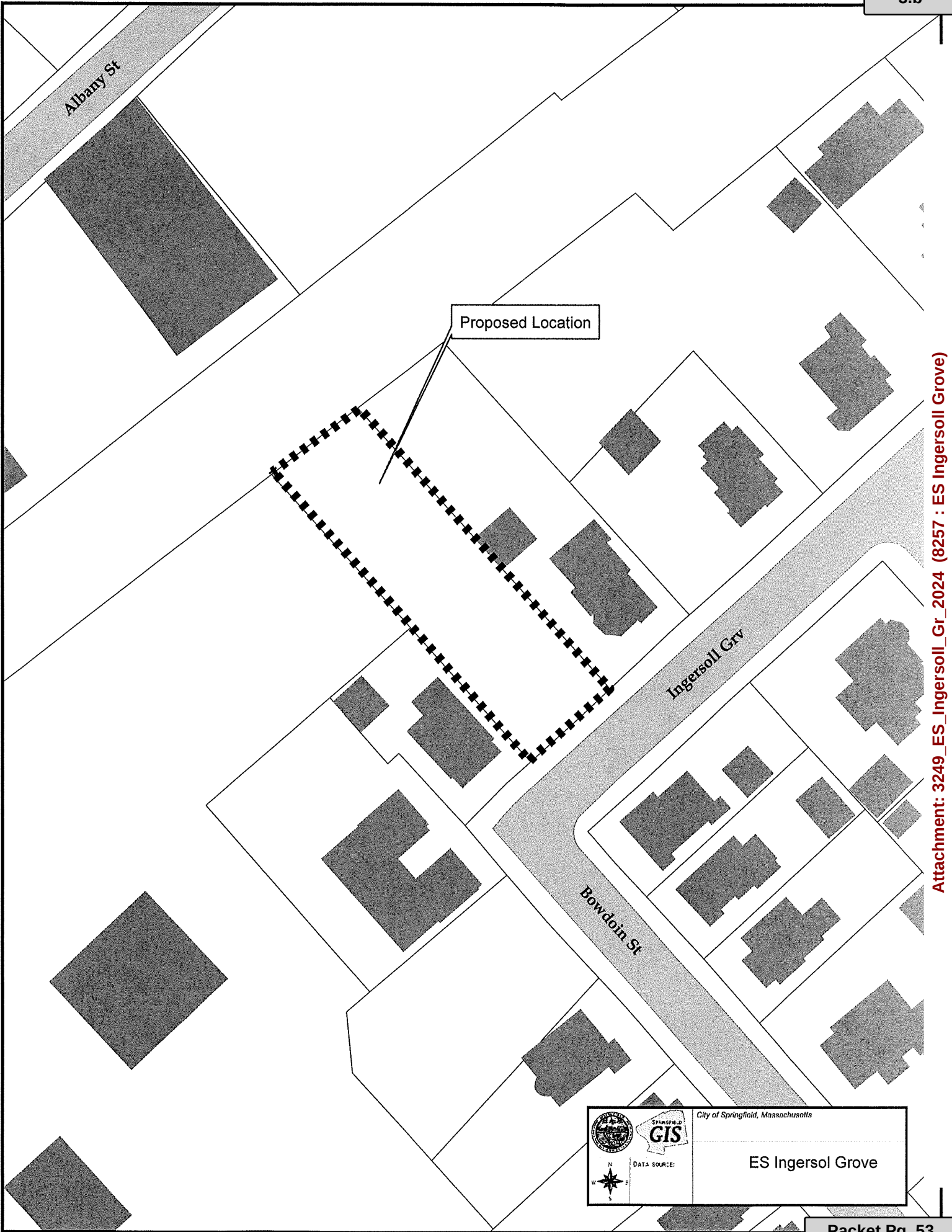
Lastly, it should be noted that this property is located within the McKnight Local Historic District. As such, any structure being built on this the parcel must be fully reviewed and approved by the Springfield Historical Commission, prior to the issuance of any building permits.

Due to the overall single-family land use pattern of this area, the staff does not support the proposed change. Also, it is the staff's understanding that the neighborhood council did not approve this proposed zone change as well.



RECOMMENDATION

Not to approve.



Attachment: 3249_ES_Ingersoll_Gr_2024 (8257 : ES Ingersoll Grove)

 City of Springfield, Massachusetts	DATA SOURCE:
	ES Ingersoll Grove