CITY COUNCIL

City Clerk's Office 1/22/2025 12:00:00 PM

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 January 27, 2025** at 07:00 PM.

City Clerk

Hearings

7:00 PM Meeting called to order on January 27, 2025 at City Hall -- Room 200, 36 Court Street, Springfield, MA.

Moment of Silence - Pledge of Allegiance

Petitions

(1.) EVERSOURCE - 306 Pasco Road

(2.) Granger Street- Stop Sign

(3.) VERIZON- Dwight Street

Special Permits

(4.) For a Special Permit for the Expansion of an Operations and Maintenance Facility to Include the Installation of a Paint Booth (Motor Vehicle Painting/Bodywork), at the Property Known as 665 Cottage Street (03310-0221) (Certificate #35842/20538), as Authorized by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.3(5).

Request:	See Above
Owner:	Pioneer Valley Transit Authority
By:	Sandra E. Sheehan
Petitioner:	Pioneer Valley Transit Authority
By:	Sandra E. Sheehan

(5.) To Amend an Existing Special Permit (Motor Vehicles Sales), Granted February 2001, by Allowing a Change in the Petitioner, at the Property Known as 731 Liberty Street (07770-0522) (Book#L125/Page#LC51), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 4, Table 4-4, Section 12.3(1).

Request:	See Above
Owner:	Muhammad Ali Saleem
By:	Muhammad Ali Saleem
Petitioner:	Abdallah F. Alazzam
By:	Abdallah F. Alazzam

Zone Changes

(6.) To Amend the Springfield Zoning Ordinance by Amending Article 4, Section 4.7.100 (Registered Marijuana Dispensary and Off-Site Medical Marijuana Dispensary) and Article 4, Table 4-4, Section 13.4, as Set Forth in the Proposed Amendment Attached Hereto: Amendment to Article 4, Section 4.7.100 (Medical Marijuanan) None Yet

PETITIONER:	**Springfield Planning Board**
ADDRESS:	**City Wide**
CHANGE REQUESTED:	**Amendment to Article 4, Section 4.7.100 and Table 4-4, Section 13.4**

(7.) To Amend the Springfield Zoning Ordinance by Amending Article 4 by Adding Section 4.7.120 (Accessory Dwelling Units) and Amending Article 4, Table 4-4, by Adding Section 2.9 Amendment to Article 4 (Accessory Dwelling Units) None Yet

PETITIONER:	**Springfield Planning Board**
ADDRESS:	**City Wide**
CHANGE REQUESTED:	**Amendment to Article 4 by adding Section 4.7.120 and amending Table 4-4 by adding Section 2.9**

City Council
36 Court Street
Springfield, MA 01103

SCHEDULED

PETITION (ID # 8396)

Meeting: 01/27/25 07:00 PM
Department: Department of Public Works
Category: General
Prepared By: Hector Velez
Initiator: Hector Velez
Sponsors:
DOC ID: 8396

EVERSOURCE - 306 Pasco Road

ORDER FOR LOCATION OF UNDERGROUND CONDUIT

WHEREAS The Board of Public Works, to which was referred the petition 306 Pasco Road of Everesource Electric Company dated December 2, 2024, to install two new poles to provide service to electric fast chargers.

WHEREAS, said petition 306 Pasco Road was referred to the Board of Public Works on December 2, 2024; and

WHEREAS, On December 4, 2024, a Notice of a Public Hearing on 306 Pasco Road., to be held on December 18, 2024, was sent by mail, to all property owners abutting an affected road, various Departments, Utility Companies, etc before the day of the hearing and posted on two public bulletin board a copy of which is attached a hearing of the Board of Public Works was held as scheduled on-site with the petitioner and interested parties.

WHEREAS, on December 18, 2024, the Board of Public Works reported thereon that, after careful consideration of the petition 306 Pasco Road to install two new poles to provide service to electric fast chargers at the location of Best Pizza Property., one pole will be approximately 25 feet easterly from the center line of Pasco Road and the second pole will be approximately 72 feet southerly from Dubois Street. Shown on a plan attached entitled:

EVERSOURCE, 306 Pasco Road

Consisting of one (1) sheet, which plan is incorporated herein by reference and is on file in the office of the Engineering Division of the Department of Public Works, Springfield, Massachusetts.

WHEREAS, the petition 306 Pasco Road came before the City Council for a Public Hearing on this date,

NOW THEREFORE, BE IT ORDERED:

1. That due care for public safety is exercised during construction including but not limited to the use of a police officer(s) for traffic control if necessary.
2. That said construction would not unnecessarily interfere with the movement of vehicular or pedestrian traffic in the area.

3. That care be taken during said construction not to damage any underground services.

4. That the construction site be returned to the same condition as found or better.

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5. Said company shall indemnify and save harmless against all damages, costs, and expenses whatsoever to which the City may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the City.

6. In addition, said company shall, before a public way is disturbed for the laying of its wire or conduit, execute its bond in the penal sum of Ten Thousand Dollars ($10,000) conditioned for the faithful performance of its duties under this permit.

7. Said company shall comply with the requirements of existing Ordinances and orders and comply with any changes in Ordinances and orders as may hereafter be adopted by the Mayor and Council governing the construction and maintenance of buried cable, conduits, and wires.

8. Any sidewalks that are damaged or removed will be replaced in kind and accordance with the City of Springfield's Standard Specifications.

9. Ramps for the handicapped will be provided if and where required by law and in conformance with the Rules and Regulations of the Massachusetts Architectural Barrier Board.

10. Any curbing that is disturbed during construction will be reset to the established street grade using proper construction procedures.

11. That all proposed silo, manhole, and hexhole covers will conform to and be compatible with established street, treebelt, or sidewalk grades with suitable non-skid covers when in the sidewalk area.

12. The Springfield Water and Sewer Commission be notified before construction begins. All installations of adjacent utilities must be a minimum of 4 feet from the existing water and/or sewer main, edge to edge of pipe.

13. That asphalt trench restoration be done in accordance with the City of Springfield DPW requirements.

14. That all conditions outlined in the respective order are complied with.

City Council
36 Court Street
Springfield, MA 01103

SCHEDULED

PETITION (ID # 8416)

Meeting: 01/27/25 07:00 PM
Department: Department of Public Works
Category: General
Prepared By: Hector Velez
Initiator: Hector Velez
Sponsors:
DOC ID: 8416

Granger Street- Stop Sign

24-45

C I T Y O F S P R I N G F I E L D

In City Council January 27, 2025

"In accordance with the provisions of Chapter 89, Section 9 of the General laws, the following street is designated as a STOP street at the following intersection and in the direction indicated."

GRANGER ST. STOP SIGN at the intersection with Fairlawn Street., facing southbound and northbound vehicles on Granger Street.

City Council
36 Court Street
Springfield, MA 01103

SCHEDULED

PETITION (ID # 8417)

Meeting: 01/27/25 07:00 PM
Department: Department of Public Works
Category: General
Prepared By: Hector Velez
Initiator: Hector Velez
Sponsors:
DOC ID: 8417

VERIZON- Dwight Street

ORDER FOR LOCATION OF UNDERGROUND CONDUIT

WHEREAS, The Board of Public Works, to which was referred the petition of Verizon dated November 20, 2024, to install two conduits from manhole 5710 located at the intersection of Dwight Street and Carew Stree to Verizon handhole.

WHEREAS, said petition of Dwight Street was referred to the Board of Public Works on November 20, 2024

WHEREAS, On December 12, 2024, a Notice of a Public Hearing on Verizon Dwight Street, to be held on January 9, 2025, was sent by email, to all property owners abutting an affected road, various Departments, Utility Companies, etc before the day of the hearing and posted on two public bulletin board a copy of which is attached a hearing of the Board of Public Works was held as scheduled on-site with the petitioner and interested parties.

WHEREAS, on January 9, 2025, the Board of Public Works reported thereon that, after careful consideration of the petition Verizon Dwight Street, to install two conduits from manhole 5710 located at the intersection of Dwight Street and Carew Street approximately 30 feet to the Verizon handhole located in the tree belt northeast side of Dwight Street.

VERIZON- Dwight Street

Consisting of one (1) sheet, which plan is incorporated herein by reference and is on file in the office of the Engineering Division of the Department of Public Works, Springfield, Massachusetts.

WHEREAS, the petition Verizon Dwight Street came before the City Council for a Public Hearing on this date,

NOW THEREFORE, BE IT ORDERED:

1. That due care for public safety is exercised during construction including but not limited to the use of a police officer(s) for traffic control if necessary.
2. That said construction would not unnecessarily interfere with the movement of vehicular or pedestrian traffic in the area.

3. That care be taken during said construction not to damage any underground services.

4. That the construction site be returned to the same condition as found or better.

5. Said company shall indemnify and save harmless against all damages, costs, and expenses whatsoever to which the City may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the City.

6. In addition, said company shall, before a public way is disturbed for the laying of its wire or conduit, execute its bond in the penal sum of Ten Thousand Dollars ($10,000) conditioned for the faithful performance of its duties under this permit.

7. Said company shall comply with the requirements of existing Ordinances and orders and comply with any changes in Ordinances and orders as may hereafter be adopted by the Mayor and Council governing the construction and maintenance of buried cable, conduits, and wires.

8. Any sidewalks that are damaged or removed will be replaced in kind and accordance with the City of Springfield's Standard Specifications.

9. Ramps for the handicapped will be provided if and where required by law and in conformance with the Rules and Regulations of the Massachusetts Architectural Barrier Board.

10. Any curbing that is disturbed during construction will be reset to the established street grade using proper construction procedures.

11. That all proposed silo, manhole, and hexhole covers will conform to and be compatible with established street, treebelt, or sidewalk grades with suitable non-skid covers when in the sidewalk area.

12. The Springfield Water and Sewer Commission be notified before construction begins. All installations of adjacent utilities must be a minimum of 4 feet from the existing water and/or sewer main, edge to edge of pipe.

13. That asphalt trench restoration be done in accordance with the City of Springfield DPW requirements.

14. That all conditions set forth in the respective order are complied with.

CITY OF SPRINGFIELD, MASSACHUSETTS

Date: January 9, 2025

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF SPRINGFIELD:

The Board of Public Works, to which was referred the petition of Verizon dated November 20, 2024, to install two conduits from manhole 5710 located at the intersection of Dwight Street and Carew Street approximately 30 feet to the Verizon handhole located in the tree belt northeast side of Dwight Street, all as substantially shown on a plan attached, referred to VERIZON- Dwight Street, which is incorporated herein by reference and to lay and maintain underground laterals, cables, and wires in the above public way to make connections with the hanhole as it may desire for distributing purposes, reports thereon as follows:

By virtue of Chapter 708 of the Acts of 1977, the Board of Public Works held the hearing on the above matter provided for in Section 22 of Chapter 166 of the General Laws. The hearing was held on January 9, 2025, at 3:30 P.M. at Dwight Street and Carew St. (90 Carew Street) in Springfield, MA.; Two (2) members of the Board and one (1) person interested in the matter were present. Of the latter, one (1) voted in favor of and no one (0) voted against it.

The Board finds the request necessary in order that the utility company Verizon provide for the distribution of intelligence and telecommunication services to buildings located on 90 Carew Street.

After careful consideration, the Board recommends the petition be granted provided:

That due care for public safety is exercised during construction including but not limited to the use of a police officer(s) for traffic control if necessary.

That said construction would not unnecessarily interfere with the movement of vehicular or pedestrian traffic in the area.

That care be taken during said construction not to damage any underground services.

That the construction site be returned to the same condition as found or better.

Said company shall indemnify and save harmless against all damages, costs, and expenses whatsoever to which the City may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the City.

In addition, said company shall, before a public way is disturbed for the laying of its wire or conduit, execute its bond in the penal sum of Ten Thousand Dollars ($10,000) conditioned for faithful performance of its duties under this permit.

Attachment: Report Varizon Dwight St (8417 : VERIZON- Dwight Street)

Said company shall comply with the requirements of existing Ordinances and orders and comply with any changes in Ordinances and orders as may hereafter be adopted by the Mayor and Council governing the construction and maintenance of buried cable, conduits, and wires.

Any sidewalks that are damaged or removed will be replaced in kind and accordance with the City of Springfield's Standard Specifications.

Ramps for the handicapped will be provided if and where required by law and in conformance with the Rules and Regulations of the Massachusetts Architectural Barrier Board.

Any curbing that is disturbed during construction will be reset to the established street grade using proper construction procedures.

That due care be exercised not to unnecessarily damage any public shade trees located within the construction area.

The Springfield Water and Sewer Commission be notified before construction begins. All installations of adjacent utilities must be a minimum of 4 feet from the existing water and/or sewer main, edge to edge of pipe.

That all conditions set forth in the respective order are complied with.

John J. Fitzgerald)
Michael Driggs) BOARD OF PUBLIC WORKS
)

Attachment: Report Varizon Dwight St (8417 : VERIZON- Dwight Street)

Albert E. Bessette
Right of Way Manager

verizon

365 State Street
Springfield, MA 01105

Phone 413 787-0310
Cell 413 441-3612
Fax 413 734-9123
albert.e.Bessette.jr@verizon.com

November 20, 2024

Springfield City Council
City of Springfield
36 Court Street, Room 200
Springfield, MA 01103

RE: Petition for Verizon job # 1A7J3KB
Dwight Street, Springfield, MA

Dear Honorable City Council:

Enclosed find the following items in support of the above-referenced project:

1. Petition;
2. Petition Plan;
3. Order;
4. Abutter Notice Cards.

A Public Hearing and notice to abutters is required. A Verizon representative will attend the Public Hearing. Should any questions or comments arise concerning this matter prior to the hearing, please contact me at 413-787-0310. Your assistance is greatly appreciated.

Sincerely,

Albert E. Bessette, Jr.

Albert E. Bessette, Jr.
Right of Way Manager

Enc

Attachment: Dwight St petition (8417 : VERIZON- Dwight Street)

PETITION FOR CONDUIT LOCATION

Springfield, Massachusetts, November 20, 2024
To the City Council of the City of Springfield, Massachusetts

VERIZON NEW ENGLAND INC. requests permission to lay and maintain underground conduits, with the wires and cables to be placed therein, under the surface of the following public way or ways:

> **DWIGHT STREET**: Place two (2) conduit on Dwight Street beginning at existing manhole 5710, located at the intersection of Carew Street and Dwight Street, and running in a northwesterly direction a distance of approximately thirty (30) feet to an existing Verizon hand hole located in the tree belt on the Northeast side of Dwight Street.
>
> **Reason**: Place conduit to supply services to a property owner on Carew Street; and to provide for the distribution of intelligence and telecommunications.

Also, for permission to lay and maintain underground conduits, manholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

Plan marked - Verizon No. **1A7J3KB**, dated November 19, 2024, showing location of conduit to be constructed is filed herewith.

VERIZON NEW ENGLAND INC.

By: _____

Albert E. Bessette, Jr.
Manager-Right of Way

Attachment: Dwight St petition (8417 : VERIZON- Dwight Street)

ORDER FOR CONDUIT LOCATION

By the City Council of the City of Springfield, Massachusetts
Notice having been given and a public hearing held, as provided by law, IT IS HEREBY ORDERED:

That permission be and hereby is granted to **VERIZON NEW ENGLAND INC.**

to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways as requested in Petition of said Company dated the 20th day of November 2024.

DWIGHT STREET: Place two (2) conduit on Dwight Street beginning at existing manhole 5710, located at the intersection of Carew Street and Dwight Street, and running in a northwesterly direction a distance of approximately thirty (30) feet to an existing Verizon hand hole located in the tree belt on the Northeast side of Dwight Street.

Reason: Place conduit to supply services to a property owner on Carew Street; and to provide for the distribution of intelligence and telecommunications.

Substantially as shown on plan marked - Verizon No. **1A7J3KB**, dated November 19, 2024, filed with said petition.

Also, that permission be and hereby is granted said **VERIZON NEW ENGLAND INC.** to lay and maintain underground conduits, manholes, cables and wires in the above or intersecting public ways for the purpose of making connection with such poles and buildings as it may desire for distributing purposes.

The foregoing permission is subject to the following conditions:

1. The conduits and manholes shall be such material and construction and all work done in such manner as to be satisfactory to such municipal officers as may be appointed to the supervision of the work.

2. In every underground main line conduit constructed by said Company hereunder, one duct not less than three inches in diameter shall be reserved and maintained free of charge for the use of the fire and police telephone and telegraph signal wires belonging to the City and used by it exclusively for municipal purposes.

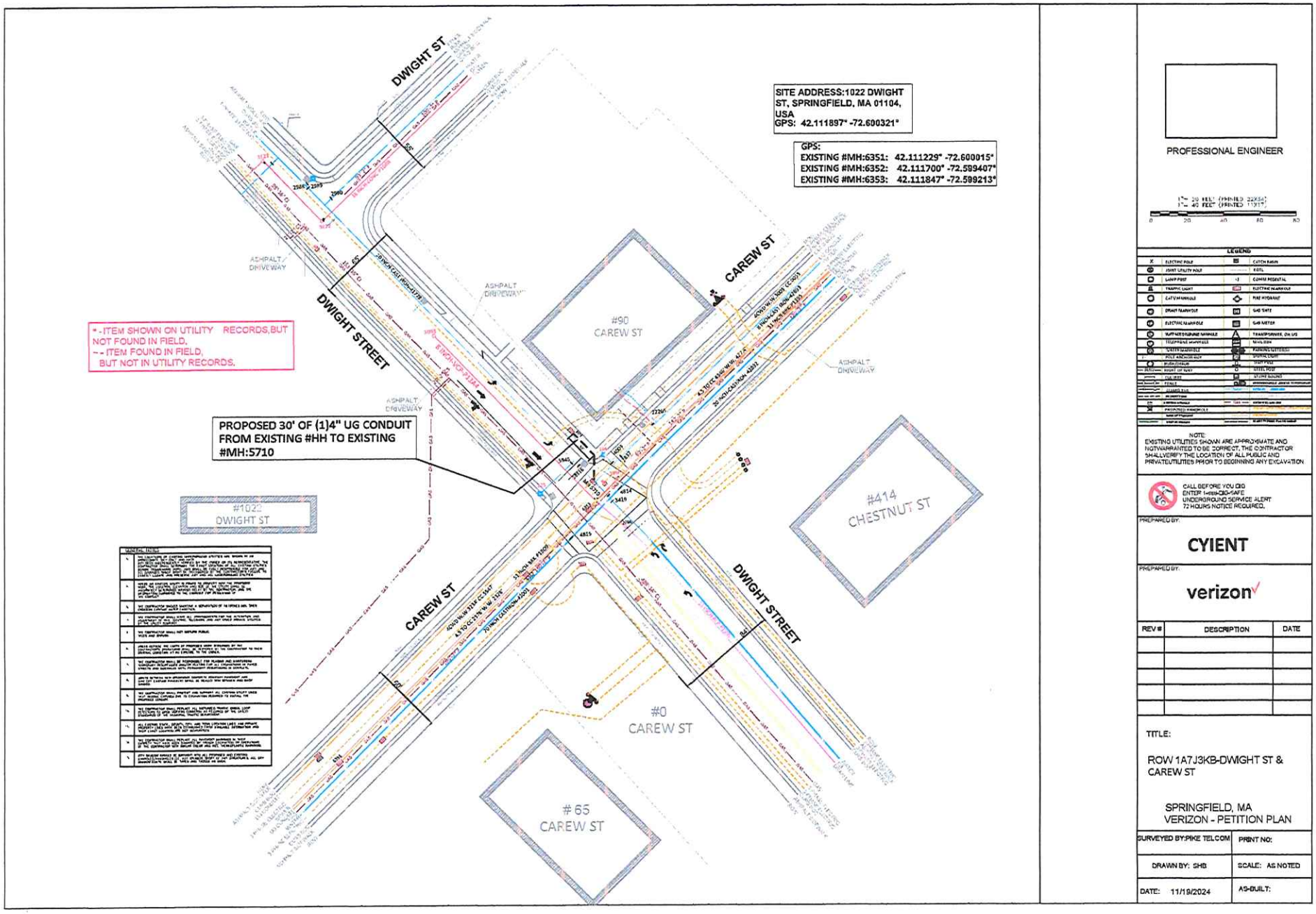
3. Said Company shall indemnify and save the City harmless against all damages, costs and expense whatsoever to which it may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the City.

4. Said Company shall comply with the requirements of existing ordinances and such as May hereafter be adopted governing the construction and maintenance of conduits and wires, so far as the same are not inconsistent with the laws of the Commonwealth.

I hereby certify that the order was adopted at a meeting of the City Council of the City of Springfield, Massachusetts held on _____day of _____ 2024.

_____
City Clerk

Attachment: Dwight St petition (8417 : VERIZON- Dwight Street)


SITE ADDRESS:1022 DWIGHT ST, SPRINGFIELD, MA 01104, USA
GPS: 42.111897° -72.600321°
GPS:
EXISTING #MH:6351: 42.111229° -72.600015°
EXISTING #MH:6352: 42.111700° -72.599407°
EXISTING #MH:6353: 42.111847° -72.599213°
* - ITEM SHOWN ON UTILITY RECORDS,BUT NOT FOUND IN FIELD.
~ - ITEM FOUND IN FIELD, BUT NOT IN UTILITY RECORDS.
PROPOSED 30' OF (1)4" UG CONDUIT FROM EXISTING #HH TO EXISTING #MH:5710
DWIGHT ST
DWIGHT STREET
CAREW ST
#90 CAREW ST
#414 CHESTNUT ST
#0 CAREW ST
65 CAREW ST
#1022 DWIGHT ST
ASHPALT DRIVEWAY
PROFESSIONAL ENGINEER
LEGEND
NOTE:
EXISTING UTILITIES SHOWN ARE APPROXIMATE AND NOTWARRANTED TO BE CORRECT. THE CONTRACTOR SHALLVERIFY THE LOCATION OF ALL PUBLIC AND PRIVATEUTILITIES PRIOR TO BEGINNING ANY EXCAVATION.
CALL BEFORE YOU DIG
ENTER 1-888-DIG-SAFE
UNDERGROUND SERVICE ALERT
72 HOURS NOTICE REQUIRED.
PREPARED BY:
CYIENT
PREPARED BY:
verizon
REV # | DESCRIPTION | DATE
TITLE:
ROW 1A7J3KB-DWIGHT ST & CAREW ST
SPRINGFIELD, MA
VERIZON - PETITION PLAN
SURVEYED BY:PIKE TELCOM
PRINT NO:
DRAWN BY: SHB
SCALE: AS NOTED
DATE: 11/19/2024
AS-BUILT:

City Council

SCHEDULED

Meeting: 01/27/25 07:00 PM
Initiator: Phil Dromey
Sponsors:
DOC ID: 8348

Special Permit

For a Special Permit for the Expansion of an Operations and Maintenance Facility to Include the Installation of a Paint Booth (Motor Vehicle Painting/Bodywork), at the Property Known as 665 Cottage Street (03310-0221) (Certificate #35842/20538), as Authorized by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.3(5).

Request:	See Above
Owner:	Pioneer Valley Transit Authority
By:	Sandra E. Sheehan
Petitioner:	Pioneer Valley Transit Authority
By:	Sandra E. Sheehan

To The City Council of the City of Springfield:

The undersigned respectfully petition your honorable body

for a special permit for the expansion of an operations and maintenance facility to include the installation of a paint booth (motor vehicle painting/bodywork), at the property known as 665 Cottage Street (03310-0221) (Certificate #35842/20538), as authorized by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.3(5).

Mailing Address

2808 Main Street
Springfield, MA 01107

Owner:

Pioneer Valley Transit Authority

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

BY: _____
Sandra E. Sheehan

Attachment: Cottage_St_665_Tax_Formal (8348 : 665 Cottage Street)

Stephen J. Lonergan
Collector/Treasurer

THE CITY OF
SPRINGFIELD, MASSACHUSETTS

November 13, 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: 665 Cottage St – (03310-0221)

Property Owner and Petitioner: Pioneer Valley Transit Authority
2808 Main Street
Springfield MA 01107

Stephen J. Lonergan: Treasurer/Collector

Attachment: Cottage_St_665_Tax_Formal (8348 : 665 Cottage Street)

City Council

SCHEDULED

Meeting: 01/27/25 07:00 PM
Initiator: Phil Dromey
Sponsors:
DOC ID: 8349

Special Permit

To Amend an Existing Special Permit (Motor Vehicles Sales), Granted February 2001, by Allowing a Change in the Petitioner, at the Property Known as 731 Liberty Street (07770-0522) (Book#L125/Page#LC51), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 4, Table 4-4, Section 12.3(1).

Request:	See Above
Owner:	Muhammad Ali Saleem
By:	Muhammad Ali Saleem
Petitioner:	Abdallah F. Alazzam
By:	Abdallah F. Alazzam

To The City Council of the City of Springfield:

The undersigned respectfully petition your honorable body

to amend an existing special permit (motor vehicles sales), granted February 2001, by allowing a change in the petitioner, at the property known as 731 Liberty Street (07770-0522) (Book#L125/Page#LC51), as allowed by M.G.L. and the Springfield Zoning Ordinance Article 4, Table 4-4, Section 12.3(1).

Mailing Address:

188 Clearwater Circle
Ludlow, MA 01056

Owner:

Muhammad Ali Saleem

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

BY: Muhammad Ali Saleem
Muhammad Ali Saleem

Mailing Address:

28 Highland Street
Springfield, MA 01104

Petitioner:

Abdallah F. Alazzam

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

BY: J ALAZZAM
Abdallah F. Alazzam

Attachment: Liberty_St_731_Tax_Formal (8349 : 731 Liberty Street)

Stephen J. Lonergan
Collector/Treasurer

THE CITY OF
SPRINGFIELD, MASSACHUSETTS

November 15, 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: 713 Liberty Street – (07770-0522)

Petitioner: Abdallah F. Alazzam
28 Highland Street
Springfield, MA 01104

Property Owner: Muhammad Ali Saleem
188 Clearwater Circle
Ludlow, MA 01056

Stephen J. Lonergan: Treasurer/Collector

Attachment: Liberty_St_731_Tax_Formal (8349 : 731 Liberty Street)

To The City Council of the City of Springfield:

The undersigned respectfully petition your honorable body

to amend the Springfield Zoning Ordinance by amending Article 4, Section 4.7.100 (Registered Marijuana Dispensary and Off-Site Medical Marijuana Dispensary) and Article 4, Table 4-4, Section 13.4, as set forth in the proposed amendment attached hereto:

SEE ATTACHED DOCUMENT

Mailing Address:

36 Court Street
Springfield, MA 01103

Petitioner:

Springfield Planning Board

BY: _____
Springfield Planning Board

BY: _____
Springfield Planning Board

BY: _____
Springfield Planning Board

BY: _____
Springfield Planning Board

BY: _____
Springfield Planning Board

BY: _____
Springfield Planning Board

BY: _____
Springfield Planning Board

BY: _____
Springfield Planning Board

Attachment: 3250_MM_Formal (8351 : Amendment to Article 4, Section 4.7.100 (Medical Marijuanan))

Section 4.7.100 Registered Marijuana Dispensary (RMD) and Off-Site Medical Marijuana Dispensary (OMMD)

4.7.101 Purpose

It is recognized that the nature of the substance cultivated, processed, and/or sold by medical marijuana treatment centers and off-site medical marijuana dispensaries may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public as well as patients seeking treatment. The specific and separate regulation of REGISTERED MARIJUANA DISPENSARIES (hereafter referred to as a RMD) as Medical Marijuana Treatment Centers and OFF-SITE MEDICAL MARIJUANA DISPENSARY (hereafter referred to as an OMMD) facilities is necessary to advance these purposes and ensure that such facilities are not located within close proximity of minors and do not become concentrated in any one area within the City of Springfield.

Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, and 105 CMR 725.000, Registered Marijuana Dispensaries and Off-site Medical Marijuana Dispensaries will be permitted to provide medical support, security, and physician oversight that meet or exceed state regulations as established by the Massachusetts Department of Health (hereafter referred to as MDPH).

4.7.102 Additional Requirements/Conditions

In addition to the standard requirements for uses permitted by a Tier 3 Special Permit, the following shall also apply to all REGISTERED MARIJUANA DISPENSARIES (RMD) and OFF-SITE MEDICAL MARIJUANA DISPENSARIES OMMD):

A. Use:

1. Any RMD and/or OMMD facility, locating within an existing fully-permitted Adult Use Marijuana Retailer, shall only require a Tier 1 Administrative Site Plan Review, as outlined in Article 12, Section 12.2.

2. RMD and OMMD facilities are encouraged to utilize existing building, where possible.

3. RMD and OMMD facilities may only be involved in the uses permitted by its definition and may not include other businesses or services.

4. No marijuana shall be smoked, eaten or otherwise consumed or ingested on/or within the premises.

5. The hours of operation shall be set by the Special Permit Granting Authority, but in no event shall an RMD or OMMD facility be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 11:00 p.m. and 8:00 a.m.

6. RMD facilities that can demonstrate that they comply with the agricultural exemption under M.G.L. Chapter 40A, Section 3 must still apply for Site Plan Approval.

7. No RMD OR OMMD may commence operation or apply for a building permit prior to its receipt of all required permits and approvals including, but not limited to, it's Provisional License from the Cannabis Control Commission.

B. Physical Requirements:

1. All aspects of the use/facility relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business.

2. All aspects of the use relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, testing or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business. They may not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type potentially movable enclosure.

3. No RMD OR OMMD shall be allowed to operate from a movable, mobile or transitory location.

4. RMDS OR OMMDS are not permitted as a HOME OCCUPATION.

5. Signage shall be displayed on the exterior of the RMD OR OMMD entrance in plain sight of the public stating that "Access to this facility is limited to individuals 21 years or older." in text two (2) inches in

Attachment: Amended_Zoning_Ordinance_Section_4_7_100_Final_2024 (8351 : Amendment to Article 4, Section 4.7.100 (Medical Marijuanan))

height. Additionally, all other signage must comply with all other applicable signage regulations in Article 9 and 935 CMR 500.

6. Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the RMD OR OMMD is located and shall comply with the requirements of 935 CMR 500. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the Council shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood.

7. No outside storage is permitted.

8. No OMMD facility shall have a gross floor area in excess of two thousand five hundred (2,500) square feet.

9. Ventilation – all RMD and OMMD facilities shall be ventilated in such a manner that no:

    a. Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and

    b. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the medical marijuana business or at any adjoining use or property.

10. Unless part of an existing fully-permitted Adult Use Marijuana Retailer, signage shall be displayed on the exterior of the RMD and OMMD facility's entrance, in plain sight of clients, stating that "Registration Card issued by the MA Department of Public Health required" in text two (2) inches in height.

C. Location:

1. No RMD OR OMMD shall be located within five hundred (500) feet of pre-existing public or private school providing education in kindergarten or any of grades one (1) through twelve (12), in operation at the time of application for a special permit. Distance shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the RMD OR OMMD is or will be located. In any case where the measurement is

Attachment: Amended_Zoning_Ordinance_Section_4_7_100_Final_2024 (8351 : Amendment to Article 4, Section 4.7.100 (Medical Marijuanan))

determined to be in question, the City Council may require verification of distances by a Registered Land Surveyor.

2. No RMD OR OMMD shall be located inside a building containing residential units, including transient housing such as lodging houses, group homes, transient housing, motels, hotels and dormitories. Provided further, this provision shall not apply to an RMD or OMMD located in a Business C district.

3. No RMD OR OMMD, with the exception of an RMD OR OMMD which is co-located within an approved ADULT USE MARIJUANA RETAILER, shall be located within two hundred fifty (250) feet of a residence, a building containing residences, (including commercial residential uses such as hotels, motels, lodging houses, etc.) or a residential zoning district.

4. No RMD OR OMMD shall be located within three hundred (300) feet of another RMD OR OMMD.

5. No RMD OR OMMD is permitted to utilize or provide a drive-up service window.

6. A RMD OR OMMD, shall only be allowed on streets as identified on the attached list, referenced as "Exhibit A" (located at the rear of the document following the Index) and further an RMD OR OMMD shall only be allowed in Business A, Business B, Business C, Riverfront, Industrial Park and Industrial A districts.

7. No RMD OR OMMD shall be located on a parcel which is fifty (50) feet from a residentially zone property, unless that parcel contains a minimum of 20,000 square feet. Provided further, that the RMD OR OMMD shall be at least fifty (50) feet from the nearest residence.

D. Reporting Requirements:

1. All Special Permit holders for an RMD or OMMD facility shall provide the Police Department, Fire Department, Board of Heath, Building Commissioner, Zoning Administrator and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating

Attachment: Amended_Zoning_Ordinance_Section_4_7_100_Final_2024 (8351 : Amendment to Article 4, Section 4.7.100 (Medical Marijuanan))

problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.

2. The local Building Commissioner, Board of Health, Police Department, Fire Department and Special Permit Granting Authority shall be notified in writing by an RMD or OMMD facility owner/operator/ manager:

    a. A minimum of thirty (30) days prior to any change in ownership or management of that facility.

    b. A minimum of twelve (12) hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the RMD or OMMD.

3. Permitted RMD and OMMD facilities shall file an annual report to the Building Commissioner and Zoning Administrator no later than January 31st of each year, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

4. The owner and/or manager is required to respond by phone or email within twenty-four (24) hours of contact by a city official concerning their RMD or OMMD at the phone number or email address provided by the City.

E. Issuance/Transfer/Discontinuance of Use:

1. Special Permits shall be issued to the RMD or OMMD Operator only.

2. Special Permits shall be issued for a specific parcel.

3. Special Permits shall be non-transferable to either another RMD or OMMD Operator or parcel.

4. Special Permits shall have a term limited to the duration of the applicant's ownership/control of the premises as a RMD or OMMD, and shall lapse:

    a. If the permit holder ceases operation of the RMD or OMMD; and/or

Attachment: Amended_Zoning_Ordinance_Section_4_7_100_Final_2024 (8351 : Amendment to Article 4, Section 4.7.100 (Medical Marijuanan))

b. The permit holder's registration by MDPH expires, is suspended or is terminated.

5. The permit holder shall notify the Building Commissioner/Zoning Administrator and Special Permit Granting Authority, in writing, within forty-eight (48) hours of such lapse, suspension, cessation, discontinuance or expiration; and

6. An RMD or OMMD facility shall be required to remove all material, plants, equipment and other paraphernalia prior to surrendering its state Registration or ceasing its operation.

7. In addition to the issuance of a Special Permit, the applicant shall also be required to enter into an approved Host Community Agreement (HCA).

8. The Special Permit shall be subject to revocation for violations of Section 4.7.100 and/or breaches of the conditions of the Special Permit.

9. The City of Springfield, at the direction of its Building Commissioner or/his designee, shall be allowed to conduct annual inspections of an operating RMD OR OMMD located within the City of Springfield, to ensure compliance with this Section and with any conditions imposed by the City Council as a condition of the Special Permit approval.

4.7.103 Application Requirements

In addition to the standard application requirements for Special Permits, such applications for an RMD or OMMD facility shall include the following:

A. The name and address of each owner of the RMD or OMMD facility/operation;

B. A copy of its registration as an RMD from the Massachusetts Department of Public Health or documentation that demonstrates that said RMD or OMMD facility, and its owner/operators, qualify and are eligible to receive a Certificate of Registration and meet all of the requirements of a RMD in accordance with 105 CMR 725.000 of the Massachusetts Department of Public Health.

Attachment: Amended_Zoning_Ordinance_Section_4_7_100_Final_2024 (8351 : Amendment to Article 4, Section 4.7.100 (Medical Marijuanan))

C. Evidence that the applicant has site control and right to use the site for a RMD or OMMD facility in the form of a deed or valid purchase and sales agreement or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement;

D. A notarized statement signed by the RMD or OMMD organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of all such responsible individual persons;

E. In addition to Site Plan Review Submission Requirements found in Section 12.3.40, plans must also detail all exterior proposed security measures for the RMD or OMMD including but not limited to lighting, fencing, gates and alarms, etc., thus ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.

F. A detailed floor plan identifying the areas available and functional uses (including square footage).

G. All signage being proposed for the facility.

H. A traffic study to establish the RMD or OMMD impacts at peak demand times.

I. A management plan to include a description of all activities to occur on site, including all provisions for the delivery of medical marijuana and related products to OMMDs or off-site direct delivery to patients.

4.7.104 Findings

In addition to the standard Findings for a Special Permit the Special Permit Granting Authority must also find all the following:

A. That the RMD or OMMD facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;

B. That the RMD or OMMD facility demonstrates that it will meet all the permitting requirements of all applicable agencies within the

Attachment: Amended_Zoning_Ordinance_Section_4_7_100_Final_2024 (8351 : Amendment to Article 4, Section 4.7.100 (Medical Marijuanan))

Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations;

C. That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Ordinance;

D. The RMD OR OMMD is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Ordinance.

E. That the RMD or OMMD project meets a demonstrated need;

F. That the RMD or OMMD facility provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured; and

G. That the RMD or OMMD facility adequately addresses issues of traffic demand, circulation flow, parking and queuing (including pedestrian queuing), particularly at peak periods at the facility and it impact on neighboring uses.

4.7.105 Severability

If any provision of Section 4.7.100 is found to be invalid by a court of competent jurisdiction, the remainder of Section 4.7.100 shall not be affected but shall remain in full force. The invalidity of any provision(s) of Section 4.7.100 shall not affect the validity of the remainder of this zoning ordinance.

Attachment: Amended_Zoning_Ordinance_Section_4_7_100_Final_2024 (8351 : Amendment to Article 4, Section 4.7.100 (Medical Marijuanan))

OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A ZONE CHANGE

AMEND ARTICLE 4, SECTION 4.7.100/TABLE 4-4, SECTION 13.4 (REGISTERED DISPENSARY AND OFF-SITE MEDICAL DISPENSARY)

GENERAL INFORMATION

Petitioner:	Springfield Planning Board
Request:	The proposal is to amend Article 4, Section 4.7.100 and Article 4, Table 4-4, Section 13.4 of the Springfield Zoning Ordinance (see attached for full proposed amendment).
Location:	City Wide
Parcel Size:	N/A
Purpose:	Bring the Medical Marijuana ordinance in more compliance with the Adult Use marijuana ordinance.
Surrounding Land Use and Zoning:	N/A
Comprehensive/ Neighborhood Plan:	N/A
Planning Board Hearing:	12-18-24

SPECIAL INFORMATION

Traffic & Parking:	n/a
Physical Characteristics:	n/a
Other Notes:	n/a

ANALYSIS

The Office of Planning & Economic Development, in conjunction with the Springfield Planning Board has petitioned to amend Article 4, Section 4.7.100 and Article 4, Table 4-4, Section 13.4 of the Springfield Zoning Ordinance. The proposed amendment is to update the Medical Marijuana ordinance, originally drafted and passed back in 2014. The proposed revision will bring the ordinance into more conformity with the current Adult Use Marijuana ordinance.

As noted above, the city implemented the current Medical Marijuana ordinance back in 2014. At that time, there were a number of more restrictive guidelines put in place for this new use, which at that time, also echoed the underlying state laws. These restrictions included needing to be five hundred (500) feet away from a number of uses such as public or private schools. This limitation included elementary schools, high schools colleges/universities and child care facilities. They also needed to be five hundred (500) feet away from a residence, a building containing residences and a residential zoning district. Further, under the current zoning, these uses could only be located within Industrial A zones.

Attachment: 3250_MM_2025 (8351 : Amendment to Article 4, Section 4.7.100 (Medical Marijuanan))

In 2018, after a statewide referendum on the legalization of recreational use of marijuana, the City Council then passed the Adult Use Marijuana ordinance. At that time, a number of the more restrictive requirements as to the location of these proposed uses were removed. Specially, the five hundred (500) foot distance from a school was now only limited to a pre-existing public or private school providing education in kindergarten or any grades one (1) through twelve (12). These recreational uses were also now allowed in a number of other zoning districts including Business A, Business B, Business C, Riverfront, Industrial Park and Industrial A. At that time, the Medical Marijuana section of the ordinance was not amended.

After having had an opportunity to understand and review the daily operations of both the Medical Marijuana and Adult Use Marijuana facilities, the Office of Planning & Economic Development has proposed amending the Medical Marijuana ordinance. These proposed changes will bring the Medical Marijuana regulations into more conformity with the existing Adult Use Marijuana regulations. The proposed changes will also allow existing Adult Use operations to co-locate a Medical Marijuana Use within the same building. Due to the fact the most of the approved Adult Use operations are not located within an Industrial A zoning district, a Medical Marijuana use would not be allowed.

After a review of the proposed language, the staff supports the proposed amendment. It should be noted that the staff has also worked directly with the Law Department and the proposed changes have been fully reviewed and approved. Overall, the staff feels that the proposed amendment would allow for additional opportunities for this relatively new use while also still providing protections for surrounding land uses.

RECOMMENDATION

Approve.

Attachment: 3250_MM_2025 (8351 : Amendment to Article 4, Section 4.7.100 (Medical Marijuanan))

Section 4.7.100 Registered Marijuana Dispensary (RMD) and Off-Site Medical Marijuana Dispensary (OMMD)

4.7.101 Purpose

It is recognized that the nature of the substance cultivated, processed, and/or sold by medical marijuana treatment centers and off-site medical marijuana dispensaries may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public as well as patients seeking treatment. The specific and separate regulation of REGISTERED MARIJUANA DISPENSARIES (hereafter referred to as a RMD) as Medical Marijuana Treatment Centers and OFF-SITE MEDICAL MARIJUANA DISPENSARY (hereafter referred to as an OMMD) facilities is necessary to advance these purposes and ensure that such facilities are not located within close proximity of minors and do not become concentrated in any one area within the City of Springfield.

Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, and 105 CMR 725.000, Registered Marijuana Dispensaries and Off-site Medical Marijuana Dispensaries will be permitted to provide medical support, security, and physician oversight that meet or exceed state regulations as established by the Massachusetts Department of Health (hereafter referred to as MDPH).

4.7.102 Additional Requirements/Conditions

In addition to the standard requirements for uses permitted by a Tier 3 Special Permit, the following shall also apply to all REGISTERED MARIJUANA DISPENSARIES (RMD) and OFF-SITE MEDICAL MARIJUANA DISPENSARIES OMMD):

A. Use:

1. Any RMD and/or OMMD facility, locating within an existing fully-permitted Adult Use Marijuana Retailer, shall only require a Tier 1 Administrative Site Plan Review, as outlined in Article 12, Section 12.2.

2. RMD and OMMD facilities are encouraged to utilize existing building, where possible.

3. RMD and OMMD facilities may only be involved in the uses permitted by its definition and may not include other businesses or services.

4. No marijuana shall be smoked, eaten or otherwise consumed or ingested on/or within the premises.

Attachment: 3250_MM_2025 (8351 : Amendment to Article 4, Section 4.7.100 (Medical Marijuanan))

5. The hours of operation shall be set by the Special Permit Granting Authority, but in no event shall an RMD or OMMD facility be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 11:00 p.m. and 8:00 a.m.

6. RMD facilities that can demonstrate that they comply with the agricultural exemption under M.G.L. Chapter 40A, Section 3 must still apply for Site Plan Approval.

7. No RMD OR OMMD may commence operation or apply for a building permit prior to its receipt of all required permits and approvals including, but not limited to, it's Provisional License from the Cannabis Control Commission.

B. Physical Requirements:

1. All aspects of the use/facility relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business.

2. All aspects of the use relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, testing or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business. They may not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type potentially movable enclosure.

3. No RMD OR OMMD shall be allowed to operate from a movable, mobile or transitory location.

4. RMDs OR OMMDs are not permitted as a HOME OCCUPATION.

5. Signage shall be displayed on the exterior of the RMD OR OMMD entrance in plain sight of the public stating that "Access to this facility is limited to individuals 21 years or older." in text two (2) inches in

Attachment: 3250_MM_2025 (8351 : Amendment to Article 4, Section 4.7.100 (Medical Marijuanan))

height. Additionally, all other signage must comply with all other applicable signage regulations in Article 9 and 935 CMR 500.

6. Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the RMD OR OMMD is located and shall comply with the requirements of 935 CMR 500. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the Council shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood.

7. No outside storage is permitted.

8. No OMMD facility shall have a gross floor area in excess of two thousand five hundred (2,500) square feet.

9. Ventilation – all RMD and OMMD facilities shall be ventilated in such a manner that no:

    a. Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and

    b. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the medical marijuana business or at any adjoining use or property.

10. Unless part of an existing fully-permitted Adult Use Marijuana Retailer, signage shall be displayed on the exterior of the RMD and OMMD facility's entrance, in plain sight of clients, stating that "Registration Card issued by the MA Department of Public Health required" in text two (2) inches in height.

C. Location:

1. No RMD OR OMMD shall be located within five hundred (500) feet of pre-existing public or private school providing education in kindergarten or any of grades one (1) through twelve (12), in operation at the time of application for a special permit. Distance shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the RMD OR OMMD is or will be located. In any case where the measurement is

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determined to be in question, the City Council may require verification of distances by a Registered Land Surveyor.

2. No RMD OR OMMD shall be located inside a building containing residential units, including transient housing such as lodging houses, group homes, transient housing, motels, hotels and dormitories. Provided further, this provision shall not apply to an RMD or OMMD located in a Business C district.

3. No RMD OR OMMD, with the exception of an RMD OR OMMD which is co-located within an approved ADULT USE MARIJUANA RETAILER, shall be located within two hundred fifty (250) feet of a residence, a building containing residences, (including commercial residential uses such as hotels, motels, lodging houses, etc.) or a residential zoning district.

4. No RMD OR OMMD shall be located within three hundred (300) feet of another RMD OR OMMD.

5. No RMD OR OMMD is permitted to utilize or provide a drive-up service window.

6. A RMD OR OMMD, shall only be allowed on streets as identified on the attached list, referenced as "Exhibit A" (located at the rear of the document following the Index) and further an RMD OR OMMD shall only be allowed in Business A, Business B, Business C, Riverfront, Industrial Park and Industrial A districts.

7. No RMD OR OMMD shall be located on a parcel which is fifty (50) feet from a residentially zone property, unless that parcel contains a minimum of 20,000 square feet. Provided further, that the RMD OR OMMD shall be at least fifty (50) feet from the nearest residence.

D. Reporting Requirements:

1. All Special Permit holders for an RMD or OMMD facility shall provide the Police Department, Fire Department, Board of Heath, Building Commissioner, Zoning Administrator and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating

Attachment: 3250_MM_2025 (8351 : Amendment to Article 4, Section 4.7.100 (Medical Marijuanan))

problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.

2. The local Building Commissioner, Board of Health, Police Department, Fire Department and Special Permit Granting Authority shall be notified in writing by an RMD or OMMD facility owner/operator/ manager:

    a. A minimum of thirty (30) days prior to any change in ownership or management of that facility.

    b. A minimum of twelve (12) hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the RMD or OMMD.

3. Permitted RMD and OMMD facilities shall file an annual report to the Building Commissioner and Zoning Administrator no later than January 31st of each year, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

4. The owner and/or manager is required to respond by phone or email within twenty-four (24) hours of contact by a city official concerning their RMD or OMMD at the phone number or email address provided by the City.

E. Issuance/Transfer/Discontinuance of Use:

1. Special Permits shall be issued to the RMD or OMMD Operator only.

2. Special Permits shall be issued for a specific parcel.

3. Special Permits shall be non-transferable to either another RMD or OMMD Operator or parcel.

4. Special Permits shall have a term limited to the duration of the applicant's ownership/control of the premises as a RMD or OMMD, and shall lapse:

    a. If the permit holder ceases operation of the RMD or OMMD; and/or

Attachment: 3250_MM_2025 (8351 : Amendment to Article 4, Section 4.7.100 (Medical Marijuanan))

b. The permit holder's registration by MDPH expires, is suspended or is terminated.

5. The permit holder shall notify the Building Commissioner/Zoning Administrator and Special Permit Granting Authority, in writing, within forty-eight (48) hours of such lapse, suspension, cessation, discontinuance or expiration; and

6. An RMD or OMMD facility shall be required to remove all material, plants, equipment and other paraphernalia prior to surrendering its state Registration or ceasing its operation.

7. In addition to the issuance of a Special Permit, the applicant shall also be required to enter into an approved Host Community Agreement (HCA).

8. The Special Permit shall be subject to revocation for violations of Section 4.7.100 and/or breaches of the conditions of the Special Permit.

9. The City of Springfield, at the direction of its Building Commissioner or/his designee, shall be allowed to conduct annual inspections of an operating RMD OR OMMD located within the City of Springfield, to ensure compliance with this Section and with any conditions imposed by the City Council as a condition of the Special Permit approval.

4.7.103 Application Requirements

In addition to the standard application requirements for Special Permits, such applications for an RMD or OMMD facility shall include the following:

A. The name and address of each owner of the RMD or OMMD facility/operation;

B. A copy of its registration as an RMD from the Massachusetts Department of Public Health or documentation that demonstrates that said RMD or OMMD facility, and its owner/operators, qualify and are eligible to receive a Certificate of Registration and meet all of the requirements of a RMD in accordance with 105 CMR 725.000 of the Massachusetts Department of Public Health.

Attachment: 3250_MM_2025 (8351 : Amendment to Article 4, Section 4.7.100 (Medical Marijuanan))

C. Evidence that the applicant has site control and right to use the site for a RMD or OMMD facility in the form of a deed or valid purchase and sales agreement or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement;

D. A notarized statement signed by the RMD or OMMD organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of all such responsible individual persons;

E. In addition to Site Plan Review Submission Requirements found in Section 12.3.40, plans must also detail all exterior proposed security measures for the RMD or OMMD including but not limited to lighting, fencing, gates and alarms, etc., thus ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.

F. A detailed floor plan identifying the areas available and functional uses (including square footage).

G. All signage being proposed for the facility.

H. A traffic study to establish the RMD or OMMD impacts at peak demand times.

I. A management plan to include a description of all activities to occur on site, including all provisions for the delivery of medical marijuana and related products to OMMDs or off-site direct delivery to patients.

4.7.104 Findings

In addition to the standard Findings for a Special Permit the Special Permit Granting Authority must also find all the following:

A. That the RMD or OMMD facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;

B. That the RMD or OMMD facility demonstrates that it will meet all the permitting requirements of all applicable agencies within the

Attachment: 3250_MM_2025 (8351 : Amendment to Article 4, Section 4.7.100 (Medical Marijuanan))

Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations;

C. That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Ordinance;

D. The RMD OR OMMD is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Ordinance.

E. That the RMD or OMMD project meets a demonstrated need;

F. That the RMD or OMMD facility provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured; and

G. That the RMD or OMMD facility adequately addresses issues of traffic demand, circulation flow, parking and queuing (including pedestrian queuing), particularly at peak periods at the facility and it impact on neighboring uses.

4.7.105 Severability

If any provision of Section 4.7.100 is found to be invalid by a court of competent jurisdiction, the remainder of Section 4.7.100 shall not be affected but shall remain in full force. The invalidity of any provision(s) of Section 4.7.100 shall not affect the validity of the remainder of this zoning ordinance.

Attachment: 3250_MM_2025 (8351 : Amendment to Article 4, Section 4.7.100 (Medical Marijuanan))

To The City Council of the City of Springfield:

The undersigned respectfully petition your honorable body

to amend the Springfield Zoning Ordinance by amending Article 4 by adding Section 4.7.120 (Accessory Dwelling Units) and amending Article 4, Table 4-4, by adding Section 2.8, as set forth in the proposed amendment attached hereto:

SEE ATTACHED DOCUMENT(S)

Mailing Address:

36 Court Street
Springfield, MA 01103

Petitioner:

Springfield Planning Board

BY: _____
Springfield Planning Board

BY: _____
Springfield Planning Board

BY: _____
Springfield Planning Board

BY: _____
Springfield Planning Board

BY: _____
Springfield Planning Board

BY: _____
Springfield Planning Board

BY: _____
Springfield Planning Board

BY: _____
Springfield Planning Board

Attachment: 3251_ADU_Formal (8352 : Amendment to Article 4 (Accessory Dwelling Units))

Section 4.7.120 Accessory Dwelling Units (ADU's)

4.7.121 Purpose

The purpose of this section is to advance the public good by enabling the creation and expansion of new, diverse housing opportunities intended to increase the supply of healthy, accessible, affordable, and sustainable living spaces that address varied housing needs. ACCESSORY DWELLING UNITS (ADU's) provide flexibility for diverse housing types and enable more opportunities for intergenerational living environments and provide rental income for homeowners while encouraging the efficient use of the existing housing stock and infrastructure and preserving the character of the neighborhoods.

4.7.122 Definitions

ACCESSORY DWELLING UNITS. A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or nine hundred (900) square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including but not limited to additional size restrictions, and restrictions or prohibitions on short-term rental, as defined in Section 1 of chapter 64G; provided, however, that no municipality shall unreasonably restrict the creation or rental of an ACCESSORY DWELLING UNIT that is not a short-term rental.

4.7.123 Use Requirements

All ACCESSORY DWELLING UNITS shall be required to obtain a Tier 1 Administrative Site Plan Review from the Office of Planning & Economic Development, prior to the issuance of a Building Permit. All ACCESSORY DWELLING UNITS must also comply with the following:

A. Location:

1. ACCESSORY DWELLING UNITS are limited to only Residence A and Residence A-1 zoning districts.

2. No ACCESSORY DWELLING UNIT shall be located in the front of the principal structure.

3. Building expansions or new detached buildings constructed for the purpose of creating an ACCESSORY DWELLING UNIT shall be located to the rear or side of the principal building. When added to the side of an existing principal building, the ACCESSORY

Attachment: ADU - Zoning - 2024_Final (8352 : Amendment to Article 4 (Accessory Dwelling Units))

DWELLING UNIT shall not be within five (5) feet of the principal building's front elevation.

B. Other Requirements:

1. No ACCESSORY DWELLING UNIT shall be used for short-term rentals, as defined in City Ordinance, Chapter 238.

2. The construction of an ACCESSORY DWELLING UNIT must be in conformity with all State Building Codes, Title V of the State Sanitary Code (if applicable) and any and all other City bylaws/regulations and/or ordinances, including any and all dimensional setbacks for a dwelling unit.

3. The principal building and the ACCESSORY DWELLING UNIT shall remain in common ownership. An ACCESSORY DWELLING UNIT may not be sold separately from the principal building to which it is an accessory use.

4. No ACCESSORY DWELLING UNIT shall be located on a parcel with less than 5,000 square feet, unless the parcel contains a structure that has been determined to be a legal, non-conforming use or one that has been authorized through a variance obtained from the City of Springfield's Zoning Board of Appeals.

5. An ACCESSORY DWELLING UNIT must obtain a Certificate of Occupancy prior to commencement of the use.

6. There shall be no more than one (1) ACCESSORY DWELLING UNIT per lot allowed through a Tier 1 Administrative Site Plan Review. More than one (1) ACCESSORY DWELLING UNIT per lot shall require a Tier 3 Special Permit.

7. An ACCESSORY DWELLING UNIT must provide one (1) additional, on-site, accessible parking space.

C. Site Plan Submission Requirements:

1. All Site Plans submitted for an Administrative Site Plan Review shall follow the requirements outlined in Article 12, Section 12.2, in addition to the following:

    a. All site plans must be prepared by a qualified professional, including a Registered Professional Engineer, Registered

Architect, a Registered Land Surveyor and/or a Registered Landscape Architect.

b. Site Plans shall be drawn to scale and must show the location and gross square footage of the existing dwelling, the location and square footage of the proposed ACCESSORY DWELLING UNIT and the location of the egress points from the existing dwelling and the proposed ACCESSORY DWELLING UNIT.

c. All Site Plans must show the location of the required one (1) additional on-site parking space.

D. Dimensional Requirements:

1. No ACCESSORY DWELLING UNIT shall be larger in gross floor area than 1/2 the gross floor area of the principal dwelling or nine hundred (900) square feet, whichever is smaller.

2. ACCESSORY DWELLING UNITS in new or expanded accessory buildings shall be setback a minimum of ten (10) feet from other building(s) on the lot and a minimum of five (5) feet from each the rear- and side- lot lines and shall be located outside of the side yard setbacks otherwise specified for the existing use in the underlying zoning district.

3. New, detached, ACCESSORY DWELLING UNITS shall not exceed a height of twenty (20) feet.

4. ACCESSORY DWELLING UNITS, located within lawfully permitted existing dwelling, with no proposed expansion, shall be exempt from these dimensional regulations.

Attachment: ADU - Zoning - 2024_Final (8352 : Amendment to Article 4 (Accessory Dwelling Units))

SECTION 7. Section 1A of chapter 40A of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out the definition "Accessory dwelling unit" and inserting in place thereof the following definition:-

"Accessory dwelling unit", a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than 1/ 2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including, but not limited to, additional size restrictions and restrictions or prohibitions on short-term rental, as defined in section 1 of chapter 64G; provided, however, that no municipality shall unreasonably restrict the creation or rental of an accessory dwelling unit that is not a short-term rental.

SECTION 8. Section 3 of said chapter 40A, as so appearing, is hereby amended by adding the following paragraph:-

No zoning ordinance or by-law shall prohibit, unreasonably restrict or require a special permit or other discretionary zoning approval for the use of land or structures for a single accessory dwelling unit, or the rental thereof, in a single-family residential zoning district; provided, that the use of land or structures for such accessory dwelling unit under this paragraph may be subject to reasonable regulations, including, but not limited to, 310 CMR 15.000 et seq., if applicable, site plan review, regulations concerning dimensional setbacks and the bulk and height of structures and may be subject to restrictions and prohibitions on short-term rental, as defined in section 1 of chapter 64G. The use of land or structures for an accessory dwelling unit under this paragraph shall not require owner occupancy of either the accessory dwelling unit or the principal dwelling; provided, that not more than 1 additional parking space shall be required for an accessory dwelling unit; and provided further, that no additional parking space shall be required for an accessory dwelling located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station. For more than 1 accessory dwelling unit, or rental thereof, in a single-family residential zoning district there shall be a special permit for the use of land or structures for an accessory dwelling unit. The executive office of housing and livable communities may issue guidelines or promulgate regulations to administer this paragraph.

OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A ZONE CHANGE

AMEND ARTICLE 4 BY ADDING SECTION 4.7.120 AND TABLE 4-4, SECTION 2.9 (ACCESSORY DWELLING UNITS)

GENERAL INFORMATION

Petitioner:	Springfield Planning Board
Request:	The proposal is to amend Article 4 by adding Section 4.7.120 and Article 4, Table 4-4 by adding Section 2.9 of the Springfield Zoning Ordinance (see attached for full proposed amendment).
Location:	City Wide
Parcel Size:	N/A
Purpose:	Provide zoning regulations for the new state law allowing Accessory Dwelling Units (ADU's).
Surrounding Land Use and Zoning:	N/A
Comprehensive/ Neighborhood Plan:	N/A
Planning Board Hearing:	12-18-24

SPECIAL INFORMATION

Traffic & Parking:	n/a
Physical Characteristics:	n/a
Other Notes:	n/a

ANALYSIS

The Office of Planning & Economic Development, in conjunction with the Springfield Planning Board has petitioned to amend Article 4 by adding Section 4.7.120 and Article 4, Table 4-4 by adding Section 2.9 of the Springfield Zoning Ordinance. The proposed amendment is to provide limited zoning regulations for the state law allowing Accessory Dwelling Units (ADUs). The approved legislation goes into effect on February 2, 2025.

On August 6, 2024, Governor Healey signed the Affordable Homes Act into law (**Chapter 150 of the Acts of 2024**). Section 7 (definitions) and Section 8 (legislation) of the Affordable Homes Act amended the Zoning Act to allow ADUs up to nine hundred (900) square feet to be built, by right, in single-family zoning districts (see attached for full state law). Under the approved legislation an ADU must:

Attachment: 3251_ADU_2025 (8352 : Amendment to Article 4 (Accessory Dwelling Units))

- Maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress;

- Be either no larger than half the gross floor area of the principal dwelling or nine hundred (900) square feet, whichever is smaller;

- Meet municipal restrictions, including, but not limited to, additional size restrictions and restrictions or prohibitions on short-term rental.

Under the approval law, ADUs can be within an existing primary residence, like converting a basement into an apartment, attached to a primary residence as a new construction addition, or completely detached, like a cottage or converted detached garage in a backyard. The definition of an ADU was also amended to prohibit owner-occupancy requirements and unreasonably restricting the creation or rental of an ADU. The new legislation also specifically states that:

- "…no zoning ordinance or by-law shall prohibit, unreasonably restrict or require a special permit or other discretionary zoning approval for the use of land or structures for a single accessory dwelling unit, or the rental thereof, in a single-family residential zoning district".

The legislation did however also say that ADU's:

- "…may be subject to reasonable regulations, including, but not limited to, 310 CMR 15.000 et seq., if applicable, site plan review, regulations concerning dimensional setbacks and the bulk and height of structures and may be subject to restrictions and prohibitions on short-term rental"

The proposed amendment is the Office of Planning & Economic Development's proposal to add "reasonable" zoning regulations to the existing Zoning Ordinance. As of today, ADU's are not allowed within the City of Springfield. The proposed regulations include location requirements, dimensional requirements and Site Plan Review requirements. As noted above, requiring a special permit for this new use is not allowed. The city can also not require owner occupancy of either the "…accessory dwelling unit or the principal dwelling".

After a review of the proposed language, the staff supports the proposed amendment. It should be noted that the staff has also worked directly with the Law Department and the Building Department on the proposed regulations. Both departments have fully reviewed and approved the proposed draft. Copies of the proposed regulations were also sent out to each of the neighborhood councils. Overall, the staff feels that the proposed amendment will provide some much-needed zoning regulations while also following the full spirit of the law.

RECOMMENDATION

Approve.

Attachment: 3251_ADU_2025 (8352 : Amendment to Article 4 (Accessory Dwelling Units))

Section 4.7.120 Accessory Dwelling Units (ADU's)

4.7.121 Purpose

The purpose of this section is to advance the public good by enabling the creation and expansion of new, diverse housing opportunities intended to increase the supply of healthy, accessible, affordable, and sustainable living spaces that address varied housing needs. ACCESSORY DWELLING UNITS (ADU's) provide flexibility for diverse housing types and enable more opportunities for intergenerational living environments and provide rental income for homeowners while encouraging the efficient use of the existing housing stock and infrastructure and preserving the character of the neighborhoods.

4.7.122 Definitions

ACCESSORY DWELLING UNITS. A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or nine hundred (900) square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including but not limited to additional size restrictions, and restrictions or prohibitions on short-term rental, as defined in Section 1 of chapter 64G; provided, however, that no municipality shall unreasonably restrict the creation or rental of an ACCESSORY DWELLING UNIT that is not a short-term rental.

4.7.123 Use Requirements

All ACCESSORY DWELLING UNITS shall be required to obtain a Tier 1 Administrative Site Plan Review from the Office of Planning & Economic Development, prior to the issuance of a Building Permit. All ACCESSORY DWELLING UNITS must also comply with the following:

A. Location:

1. ACCESSORY DWELLING UNITS are limited to only Residence A and Residence A-1 zoning districts.

2. No ACCESSORY DWELLING UNIT shall be located in the front of the principal structure.

3. Building expansions or new detached buildings constructed for the purpose of creating an ACCESSORY DWELLING UNIT shall be located to the rear or side of the principal building. When added to the side of an existing principal building, the ACCESSORY

Attachment: 3251_ADU_2025 (8352 : Amendment to Article 4 (Accessory Dwelling Units))

DWELLING UNIT shall not be within five (5) feet of the principal building's front elevation.

B. Other Requirements:

1. No ACCESSORY DWELLING UNIT shall be used for short-term rentals, as defined in City Ordinance, Chapter 238.

2. The construction of an ACCESSORY DWELLING UNIT must be in conformity with all State Building Codes, Title V of the State Sanitary Code (if applicable) and any and all other City bylaws/regulations and/or ordinances, including any and all dimensional setbacks for a dwelling unit.

3. The principal building and the ACCESSORY DWELLING UNIT shall remain in common ownership. An ACCESSORY DWELLING UNIT may not be sold separately from the principal building to which it is an accessory use.

4. No ACCESSORY DWELLING UNIT shall be located on a parcel with less than 5,000 square feet, unless the parcel contains a structure that has been determined to be a legal, non-conforming use or one that has been authorized through a variance obtained from the City of Springfield's Zoning Board of Appeals.

5. An ACCESSORY DWELLING UNIT must obtain a Certificate of Occupancy prior to commencement of the use.

6. There shall be no more than one (1) ACCESSORY DWELLING UNIT per lot allowed through a Tier 1 Administrative Site Plan Review. More than one (1) ACCESSORY DWELLING UNIT per lot shall require a Tier 3 Special Permit.

7. An ACCESSORY DWELLING UNIT must provide one (1) additional, on-site, accessible parking space.

C. Site Plan Submission Requirements:

1. All Site Plans submitted for an Administrative Site Plan Review shall follow the requirements outlined in Article 12, Section 12.2, in addition to the following:

    a. All site plans must be prepared by a qualified professional, including a Registered Professional Engineer, Registered

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Architect, a Registered Land Surveyor and/or a Registered Landscape Architect.

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