



City of Springfield

Hearings Meeting

~ Draft ~

36 Court Street
Springfield, MA 01103

<http://www.springfieldcityhall.com>

Linda Fitzpatrick
413-787-6559

Monday, September 30, 2013

7:00 PM

Springfield City Hall -- Council Chambers

I. Call to Order

7:00 PM Meeting called to order on September 30, 2013 at Springfield City Hall -- Council Chambers, 36 Court Street, Springfield, MA.

Attendee Name	Title	Status	Arrived
Bud L. Williams	Vice President At-Large Councilor	Present	
E. Henry Twiggs	Ward 4 Councilor	Present	
Timothy J. Rooke	At-Large Councilor	Present	
Zaida Luna	Ward 1 Councilor	Absent	
Kenneth E. Shea	Ward 6 Councilor	Absent	
Michael A. Fenton	Ward 2 Councilor	Present	
John A. Lysak	Ward 8 Councilor	Present	
Kateri B. Walsh	At-Large Councilor	Present	
Timothy C. Allen	Ward 7 Councilor	Present	
Melvin A. Edwards	Ward 3 Councilor	Present	
Thomas M. Ashe	At-Large Councilor	Present	
Clodo Concepcion	Ward 5 Councilor	Present	
James J. Ferrera III	President At-Large Councilor	Present	

II. Zoning Ordinances

1. Zoning Ordinance 2013-3

To Change the Zoning of the Properties Known as 644 Boston Road (01655-0109), NS Boston Road (01655-0108) and NS Boston Road (01655-0110) from Residence a to Business A.

PETITIONER:

Charles H. Richard

ADDRESS:

644 Boston Road, NS Boston Road, NS
Boston Road

CHANGE REQUESTED:

Res A to Bus A

HISTORY:

09/09/13

City Council

RECEIVED 1ST STEP

Next: 09/30/13

COMMENTS - Current Meeting:

Read for the 1st time on September 9, 2013 and the Council received the Report and Passed 1st step and was referred to the Committee on Ordinances by a unanimous

voice vote.

Hearing held at which the Petitioner Charles Richards appeared and spoke in favor stating that he is requesting a zone change from Residence A to Business A to operate a small office space and to rent out the remaining space. Kim Therrien appeared and spoke in opposition to the zone change stating that the Petitioner does not take care of his property and she had been the one taken care of the property and she showed the Councilors picture of the property and she had a signed petition from 32 individual around the Boston Road and the City that were also opposed the zone change. The Council after debate denied the Zone Change by the following roll call vote: Yes, Two (2) Councilors Bud L. Williams, Thomas M. Ashe; No; Nine (9) Councilors E. Henry Twiggs, Timothy J. Rooke, Michael A. Fenton, John A. Lysak, Kateri B. Walsh, Timothy C. Allen, Melvin A. Edwards, Clodo Concepcion, James J. Ferrera, III; Absent Two (2) Councilors Zaida Luna, Kenneth E. Shea.

ATTACHMENTS:

- 3151_644_Boston_Rd_2103 (PDF)
- 3151_644_Boston_Rd_2013_CC (PDF)

RESULT:	DEFEATED [2 TO 11]
MOVER:	Bud L. Williams, Vice President At-Large Councilor
SECONDER:	Thomas M. Ashe, At-Large Councilor
AYES:	Bud L. Williams, Thomas M. Ashe
NAYS:	Twiggs, Rooke, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Concepcion, Ferrera III

2. Motion To: Motion to Refer Back to the Planning and Economic Development Committee

COMMENTS - Current Meeting:

Councilor Concepcion made a Motion to refer the item back to the Planning and Economic Development Committee and was seconded by Councilor Williams and after a voice vote which was in doubt Councilor Allen asked for a roll call vote as follows: Yes, Four (4) Councilors Bud L. Williams, Timothy J. Rooke, Kateri B. Walsh, Clodo Concepcion; No, Seven (7) Councilors E. Henry Twiggs, Timothy J. Rooke, Michael A. Fenton, John A. Lysak, Timothy C. Allen, Melvin A. Edwards, Thomas M. Ashe, James J. Ferrera, III; Absent, Two (2) Councilors Zaida Luna, Kenneth E. Shea and the Motion to refer back to Committee Failed.

RESULT:	DEFEATED [4 TO 7]
MOVER:	Clodo Concepcion, Ward 5 Councilor
SECONDER:	Bud L. Williams, Vice President At-Large Councilor
AYES:	Bud L. Williams, Timothy J. Rooke, Kateri B. Walsh, Clodo Concepcion
NAYS:	Twiggs, Fenton, Lysak, Allen, Edwards, Ashe, Ferrera III
ABSENT:	Zaida Luna, Kenneth E. Shea

3. Zoning Ordinance 2013-1

To Change the Zoning of the Property Known as Parcel Known as 351 East Columbus Avenue (04303-0630) from Business a to Business B.

PETITIONER: William M. McCarthy

ADDRESS: 351 E. Columbus Avenue

CHANGE REQUESTED: Bus A to Bus B

HISTORY:

09/09/13 City Council RECEIVED 1ST STEP
Next: 09/30/13

COMMENTS - Current Meeting:

Read for the 1st time on September 9, 2013 and the Council received the Report and Passed 1st step and was referred to the Committee on Ordinances by a unanimous voice vote.

Hearing held at which the Petitioner Bill Skinner and William McCarthy appeared and spoke in favor stating that he is requesting a zone change from Business A to Business B to operate a used cars sales for the sale of 9 cars. When Petitioner purchased the building at an auction 8 years ago as a gas service station and got a Special Permit to sell used car as an accessory use but have been contacted by Code Enforcement Department said they were in violation because they no longer selling gas. The owners have spent over \$60 thousand dollars to remove underground tanks and paved the property. Councilors Rooke and Williams said Petitioners run a good business and only wanted to increase numbers of car sales from 3 to 9 cars. Councilors Walsh and Allen asked Phil Dromey what use could the Petitioners make of their property and Mr. Dromey said Business B use allows various intense uses and that the Department concerns is not about these Petitioners but by the next owner. The City Council after debate Failed to grant the Zone Change by the following roll call vote: Yes, Six (6) Councilors Bud L. Williams, E. Henry Twiggs, Timothy J. Rooke, Michael A. Fenton, John A. Lysak, Thomas M. Ashe; No; Five (5) Councilors Kateri B. Walsh, Timothy C. Allen, Melvin A. Edwards, Clodo Concepcion, James J. Ferrera, III; Absent Two (2) Councilors Zaida Luna, Kenneth E. Shea.

ATTACHMENTS:

- 3150_351_E_Columbus_Ave_2013 (PDF)
- 3150_351_E_Columbus_Ave_2013_CC (PDF)

RESULT:	DEFEATED [6 TO 5]
MOVER:	Timothy J. Rooke, At-Large Councilor
SECONDER:	Bud L. Williams, Vice President At-Large Councilor
AYES:	Williams, Twiggs, Rooke, Fenton, Lysak, Ashe
NAYS:	Walsh, Allen, Edwards, Concepcion, Ferrera III
ABSENT:	Zaida Luna, Kenneth E. Shea

4. Motion To: Motion to Refer to Planning and Economic Development Committee

COMMENTS - Current Meeting:

Councilor Lysak made a Motion to refer to the Panning and Economic Development Committee and was seconded by Councilor Walsh by the follwing roll call vote: Yes, Six (6)

Councilors Bud L. Williams, E. Henry Twiggs, Timothy J. Rooke, Michael A. Fenton, John A. Lysak, Timothy J. Rooke; No, Five (5) Councilors Kateri B. Walsh, Timothy C. Allen, Melvin A. Edwards, Thomas M. Ashe, Clodo Concepcion, James J. Ferrera, III; Absent, Two (2) Councilors Zaida Luna. Kenneth E. Shea and the Motion to refer back to Committee Failed.

RESULT:	DEFEATED [6 TO 5]
MOVER:	John A. Lysak, Ward 8 Councilor
SECONDER:	Kateri B. Walsh, At-Large Councilor
AYES:	Fenton, Lysak, Walsh, Allen, Edwards, Ferrera III
NAYS:	Williams, Twiggs, Rooke, Ashe, Concepcion
ABSENT:	Zaida Luna, Kenneth E. Shea

5. Motion To: Motion to Reconsider at Next Meeting

COMMENTS - Current Meeting:

Councilor Rooke made a Motion to Reconsider at the next meeting and was seconded by Councilor Edwards and said Motion passed by a unanimous voice vote. Motion is out of order pursuant to the Rule 33 of the Rules and Orders of the City Council, 2013 that read in part as follows: *"A move to reconsider shall not be in order after a final vote on a Zone Change or Special Permit."*

RESULT:	ADOPTED VOICE
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6. Zoning Ordinance 2013-2

To Change the Zoning of the Properties Known as 23 Euclid Avenue (04760-0075) and 25 Euclid Avenue (04760-0074) from Residence B to Residence C.

PETITIONER:	Jason & Nidal Abeid
ADDRESS:	23 & 25 Euclid Avenue
CHANGE REQUESTED:	Res B to Res C

HISTORY:

09/09/13	City Council	RECEIVED 1ST STEP
Next: 09/30/13		

COMMENTS - Current Meeting:

Read for the 1st time on September 9, 2013 and the Council received the Report and Passed 1st step and was referred to the Committee on Ordinances by a unanimous voice vote.

Hearing held at which the Petitioner Nidal Abeid appeared and spoke in favor stating that he is requesting a zone change from Residence B to Residence C to covert a 4 family unit to a 3 family unit. Mr. and Mrs. Mark Robbins appeared in opposition stating that they wanted to make sure the property would remain a rental property and not a store or commercial property. In rebuttal the Petitioner Nidal Abeid again stated that it would be a 3 family rental property. The Council after debate Granted the Zone Change by the following roll call vote to be ordained:

Yes, Nine (9) Councilors Bud L. Williams, E. Henry Twiggs, Timothy J. Rooke, Michael A. Fenton, John A. Lysak, Kateri B. Walsh, Melvin A. Edwards, Thomas M. Ashe, Clodo Concepcion; No; Two (2) Councilors Timothy C. Allen, James J. Ferrera, III; Absent Two (2) Councilors Zaida Luna, Kenneth E. Shea.

ATTACHMENTS:

- 3149_23_25_Euclid_Ave_2013 (PDF)
- 3149_23_25_Euclid_Ave_2013_CC (PDF)

RESULT:	ADOPTED [9 TO 2]
MOVER:	Timothy J. Rooke, At-Large Councilor
SECONDER:	Bud L. Williams, Vice President At-Large Councilor
AYES:	Williams, Twiggs, Rooke, Fenton, Lysak, Walsh, Edwards, Ashe, Concepcion
NAYS:	Timothy C. Allen, James J. Ferrera III
ABSENT:	Zaida Luna, Kenneth E. Shea

REPORT TO CITY COUNCIL

ZONE CHANGE HEARING

PLOT and SECTION#: 3151 & Section 19

DATE: September 30, 2013

To the Honorable Mayor and City Council of the City of Springfield, Massachusetts, the Planning Board submits the following report on the Zone Change Petition, which was referred to the Board for its recommendation:

PETITIONER: Charles H. Richard

ADDRESS: 644 Boston Road, NS Boston Road, NS
Boston Road

CHANGE REQUESTED: Res A to Bus A

HISTORY:

09/09/13 City Council

RECEIVED 1ST STEP

Next: 09/30/13

RECOMMENDATION: Recommend

RESULT:	DEFEATED [2 TO 11]
MOVER:	Bud L. Williams, Vice President At-Large Councilor
SECONDER:	Thomas M. Ashe, At-Large Councilor
AYES:	Bud L. Williams, Thomas M. Ashe
NAYS:	Twiggs, Rooke, Luna, Shea, Fenton, Lysak, Walsh, Allen, Edwards, Concepcion, Ferrera III

Respectfully Submitted,

Barbara Footit, Board Clerk

AMENDING SECTION 49 OF THE BUILDING ZONE MAP

SECTION 1. The Zoning Ordinance of the City of Springfield, Massachusetts entitled “An Ordinance for Consolidating and Arranging, Enlarging, Modifying and Amending the Ordinances of the City Restricting Buildings, Structures, and Premises According to Their Use or Construction to Specified Parts of the City”, text enacted, April 21, 1971, as amended, is hereby further amended by changing from **Residence B to Business A** the zoning on **Plot #3151 & Section 19, Section Recommend** of the Building Zone Map as indicated in red ink on the plan thereof hereto attached and marked “**Recommend Building Zone Map of the City of Springfield.**”

Approved as to Form:

Associate City Solicitor

In accordance with Mass. Gen. Laws c. 40A, section 5, the Planning Board held a hearing on September 30, 2013, regarding the above Ordinance amendment.

Kerry Dietz, Chairperson

REPORT TO CITY COUNCIL

ZONE CHANGE HEARING

PLOT and SECTION#: 3150 - Section 46

DATE: September 30, 2013

To the Honorable Mayor and City Council of the City of Springfield, Massachusetts, the Planning Board submits the following report on the Zone Change Petition, which was referred to the Board for its recommendation:

PETITIONER: William M. McCarthy
ADDRESS: 351 E. Columbus Avenue
CHANGE REQUESTED: Bus A to Bus B

HISTORY:

09/09/13 City Council

RECEIVED 1ST STEP

Next: 09/30/13

RECOMMENDATION: Not Recommend

RESULT:	DEFEATED [6 TO 5]
MOVER:	Timothy J. Rooke, At-Large Councilor
SECONDER:	Bud L. Williams, Vice President At-Large Councilor
AYES:	Williams, Twiggs, Rooke, Fenton, Lysak, Ashe
NAYS:	Walsh, Allen, Edwards, Concepcion, Ferrera III
ABSENT:	Zaida Luna, Kenneth E. Shea

Respectfully Submitted,

Barbara Footit, Board Clerk

AMENDING SECTION 49 OF THE BUILDING ZONE MAP

SECTION 1. The Zoning Ordinance of the City of Springfield, Massachusetts entitled “An Ordinance for Consolidating and Arranging, Enlarging, Modifying and Amending the Ordinances of the City Restricting Buildings, Structures, and Premises According to Their Use or Construction to Specified Parts of the City”, text enacted, April 21, 1971, as amended, is hereby further amended by changing from **Residence B to Business A** the zoning on **Plot #3150 - Section 46, Section Not Recommend** of the Building Zone Map as indicated in red ink on the plan thereof hereto attached and marked “**Not Recommend Building Zone Map of the City of Springfield.**”

Approved as to Form:

Associate City Solicitor

In accordance with Mass. Gen. Laws c. 40A, section 5, the Planning Board held a hearing on September 30, 2013, regarding the above Ordinance amendment.

Kerry Dietz, Chairperson

REPORT TO CITY COUNCIL

ZONE CHANGE HEARING

PLOT and SECTION#: 3149 - Section 46

DATE: September 30, 2013

To the Honorable Mayor and City Council of the City of Springfield, Massachusetts, the Planning Board submits the following report on the Zone Change Petition, which was referred to the Board for its recommendation:

PETITIONER: Jason & Nidal Abeid

ADDRESS: 23 & 25 Euclid Avenue

CHANGE REQUESTED: Res B to Res C

HISTORY:

09/09/13 City Council

RECEIVED 1ST STEP

Next: 09/30/13

RECOMMENDATION: Not Recommend

RESULT:	ADOPTED [9 TO 2]
MOVER:	Timothy J. Rooke, At-Large Councilor
SECONDER:	Bud L. Williams, Vice President At-Large Councilor
AYES:	Williams, Twiggs, Rooke, Fenton, Lysak, Walsh, Edwards, Ashe, Concepcion
NAYS:	Timothy C. Allen, James J. Ferrera III
ABSENT:	Zaida Luna, Kenneth E. Shea

Respectfully Submitted,

 Barbara Footit, Board Clerk

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Approved as to Form:

Associate City Solicitor

In accordance with Mass. Gen. Laws c. 40A, section 5, the Planning Board held a hearing on September 30, 2013, regarding the above Ordinance amendment.

Kerry Dietz, Chairperson