



City of Springfield

Hearings Meeting

~ Draft ~

36 Court Street
Springfield, MA 01103
<http://www.springfieldcityhall.com>

Linda Fitzpatrick
413-787-6559

Monday, December 9, 2013

7:00 PM

Springfield City Hall -- Council Chambers

I. Hearings

7:00 PM Meeting called to order on December 9, 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	Absent	
Zaida Luna	Ward 1 Councilor	Absent	
Kenneth E. Shea	Ward 6 Councilor	Present	
Michael A. Fenton	Ward 2 Councilor	Present	
John A. Lysak	Ward 8 Councilor	Present	
Kateri B. Walsh	At-Large Councilor	Absent	
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	Absent	
James J. Ferrera III	President At-Large Councilor	Present	

II. Special Permits

1. Petition (ID # 2401)

For a Special Permit to Install a Digital Non-Accessory Sign at the Property Known as 603 East Columbus Avenue (04303-0595), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 9, Section 9.9.30.

Request: See Above
Owner: Balise Automotive Realty, LLL & Lamar
By: Stephen E. Hebert & James E. Balise
Petitioner: Lamar Central Outdoor, LLC
By: Stephen E. Hebert

HISTORY:

11/25/13

City Council

REFER TO COMMITTEE

Next: 12/09/13

COMMENTS - Current Meeting:

Hearing held November 25, 2013 at which Patrick Keough, agent appeared on behalf the Petitioner Lamar Central Outdoor, LLC spoke requesting to install a digital, non-accessory billboard sign. The petitioner intends to remove the existing billboard and replace it with a new 14' X 48' (672 s. f.) digital billboard. John Gormally, Timothy Ryan, Esq., Archbishop Timothy Paul and Russell

Seelig all appeared in opposition stating among other things that the billboard would be illegal because it within 500 feet of one and another billboard based on a survey by "Heritage Surveys, Inc."; that it would be a public hazard and a distraction to drivers; that a regular billboard can't be "grandfathered" to a digital sign based on state laws and regulations; and that for each digital billboard one non digital billboard should be taken down. In rebuttal to he opposition Mr. Keough said he had just got the survey from Heritage and asked that the special permit be sent to committee. In rebuttal to the proponent John Gormally stated that the sign is illegal and there is no need to go to committee and the hearing was closed. Councilor Twiggs made a motion to refer to the Planning and Economic Development Committee and was seconded by Councilor Lysak and said motion passed on a voice vote.

Councilor Twiggs made a motion to refer to the Planning and Economic Development Committee and was seconded by Councilor Lysak and said motion passed on a voice vote.

Read on December 9, 2013 and Councilor Williams Chair of the Planning and Economic Development Committee asked that the matter remain in his committee as he has not had a committee meeting yet. Councilor Fenton expressed concerns that with the change of Council for 2014 that the matter may died without a decision. Councilor Williams said that is his intent to bring this matter before the Council on December 16, 2013 meeting

ATTACHMENTS:

- 603 E Columbus Av (PDF)

RESULT: REFER TO COMMITTEE

Next: 12/16/2013 7:00 PM

2. Motion To: Motion to Refer back to Planning and Economis Development Committee

COMMENTS - Current Meeting:

Read and Councilor Williams Chair of the Planning and Economic Development Committee asked that the matter remain in his committee as he has not had a committee meeting yet. Councilor Fenton expressed concerns that with the change of Council for 2014 that the matter may died without a decision. Councilor Williams said that is his intent to bring this matter before the Council on December 16, 2013 meeting

RESULT: REFER TO COMMITTEE

3. Petition (ID # 2402)

For a Special Permit to Install a Digital, Non-Accessory Sign, at the Property Known as 6 Liberty Street (07770-0001), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 9, Section 9.9.30.

Request:	See Above
Owner:	6 Liberty Street, LLC
By:	Hansraj Gada
Petitioner:	Lamar Central Outdoor, LLC
By:	Stephen E. Hebert

HISTORY:

11/25/13
Next: 12/09/13

City Council

REFER TO COMMITTEE

COMMENTS - Current Meeting:

Hearing held on November 25, 2013 at which Patrick Keough, agent appeared on behalf the Petitioner Lamar Central Outdoor, LLC spoke requesting to install a digital, non-accessory billboard sign. The petitioner intends to remove the existing billboard and replace it with a new 14' X 48' (672 s. f.) digital billboard. John Gormally, Timothy Ryan, Esq., Archbishop Timothy Paul and Russell Seelig all appeared in opposition stating among other things that the billboard would be illegal because it within 500 feet of one and another billboard based on a survey by "Heritage Surveys, Inc."; that it would be a public hazard and a distraction to drivers; that a regular billboard can't be "grandfathered" to a digital sign based on state laws and regulations; and that for each digital billboard one non digital billboard should be taken down. In rebuttal to he opposition Mr. Keough said he had just got the survey from Heritage and asked that the special permit be sent to committee. In rebuttal to the proponent John Gormally stated that the sign is illegal and there is no need to go to committee and the hearing was closed. Councilor Twiggs made a motion to refer to the Planning and Economic Development Committee and was seconded by Councilor Lysak and said motion passed on a voice vote.

Councilor Twiggs made a motion to refer to the Planning and Economic Development Committee and was seconded by Councilor Lysak and said motion passed on a voice vote.

Read December 9, 2013 and Councilor Williams Chair of the Planning and Economic Development Committee asked that the matter remain in his committee as he has not had a committee meeting yet. Councilor Fenton expressed concerns that with the change of Council for 2014 that the matter may died without a decision. Councilor Williams said that is his intent to bring this matter before the Council on December 16, 2013 meeting

ATTACHMENTS:

- 6 Liberty St (PDF)
- Liberty_St_6_Supplimental_Review_Nov_2013 (PDF)
- billboards (PDF)
- 7061gorm (PDF)

RESULT: REFER TO COMMITTEE**Next: 12/16/2013 7:00 PM****4. Motion To:** Motion to Refer back to Planning and Economic Development Committee**COMMENTS - Current Meeting:**

Read and Councilor Williams Chair of the Planning and Economic Development Committee asked that the matter remain in his committee as he has not had a committee meeting yet. Councilor Fenton expressed concerns that with the change of Council for 2014 that the matter may died without a decision. Councilor Williams said that is his intent to bring this matter before the Council on December 16, 2013 meeting

RESULT: REFER TO COMMITTEE**5. Petition (ID # 2433)**

For a "Finding" in the Form of a Special Permit for the Alteration of a Non-Conforming Structure(S) or Use(S) at the Property Known as 603 East Columbus Avenue (04303-0595), in Accordance with Article 10, Section 10.1.30 of the Springfield Zoning Ordinance and M.G.L.

Request: See Above
Owner: Lamar/Balise Automotive

By: Stephen Hebert/Steve Mitus
Petitioner: Lamar Central Outdoor, LLC
By: Stephen E. Hebert

COMMENTS - Current Meeting:

Hearing held at which Patrick Keough, agent appeared on behalf the Petitioner Lamar Central Outdoor, LLC. Spoke saying he was told by the Planning Department that he needed this additional permit and is requesting a "finding" in the form of a special permit for the alteration of a non-conforming structure(s) or use(s) to change a static non-accessory sign to a digital non-accessory sign. Timothy Ryan, Esq., all appeared in opposition stating among other things that the petition has to be voted down for the following reasons: (1) Under the City's Zoning Ordinance section 10.1.30 unless the Council "finds that the change shall not be substantially more detriment than the existing non-conforming use" and that change a static sign to a digital sign is inherent more detriment; and (2) That the State Outdoor Advertising Board regulation (CMR) provide in part "a legally conforming sign may be modified to a Electronic Sign if a new permit for the Electronic Sign is obtained by the Department. Non-conforming and/or grandfathered signs shall not be eligible for electronic sign conversion" and that would make any change to them sign an illegal sign. In rebuttal Mr. Keough appeared and requested that this matter be heard with the original request on December 16, 2016. Councilor Williams made a motion to refer to Planning and Economic Development Committee so that all matters could be heard at one time and was seconded by Councilor Edwards. Councilor Fenton asked why are we keeping this hearing open and the others are closed and President Ferrera said that it would allow absent members to hear testimony. Councilor Ashe asked for a roll call vote on the motion to committee. Councilors Edwards and Allen asked Associate City Solicitor Anthony Wilson to explain what is being ask by the petitioner and attorney Wilson said that the Petitioner needs to finding to change the use for a "static" billboard to a "digital" billboard. Councilor Allen asked Deputy Director of Planning and Economic Development Department Phil Dromey if this be done and how. Mr. Dromey said that to change the current non-conforming billboard to digital billboard is a 2 step process (1) requiring a "finding" and (2) a separate special permit and a Board of Appeals hearing on the "variance" to alter a non-conforming use. Councilor Shea asked what structure or use is being changed and Mr. Dromey and attorney Wilson said that the change from a "static" billboard to a "digital" billboard is a change in use and Council has to find that such change would not be more detriment than the existing non-conforming use. Councilor Williams asked what does that do to the 2 special permits for 603 E Columbus Avenue and 6 Liberty Street and attorney Wilson said he would have to do more research before the Law Department could come to a conclusion and said he would have an opinion by Monday, December 16, 2013. Councilor Fenton said that his concerns is that the matters be heard before the 90 day time period expires and Councilor Williams said the matter would be back on the agenda Monday.

After the referral to committee failed and the request for "finding" also failed by the following roll called vote.

ATTACHMENTS:

- E_Columbus_Ave_603_Tax_Formal_Dec_2013 (PDF)

RESULT:	FAILED [4 TO 5]
MOVER:	Bud L. Williams, Vice President At-Large Councilor
SECONDER:	Melvin A. Edwards, Ward 3 Councilor
AYES:	Bud L. Williams, John A. Lysak, Melvin A. Edwards, James J. Ferrera III
NAYS:	Twiggs, Shea, Fenton, Allen, Ashe
ABSENT:	Timothy J. Rooke, Zaida Luna, Kateri B. Walsh, Clodo Concepcion

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

COMMENTS - Current Meeting:

Councilor Williams made a motion to refer to Planning and Economic Development Committee so that all matters could be heard at one time and was seconded by Councilor Edwards. Councilor Ashe asked for a roll call vote as follows.

RESULT:	DEFEATED [5 TO 4]
MOVER:	Bud L. Williams, Vice President At-Large Councilor
SECONDER:	Melvin A. Edwards, Ward 3 Councilor
AYES:	Williams, Twiggs, Lysak, Edwards, Ferrera III
NAYS:	Kenneth E. Shea, Michael A. Fenton, Timothy C. Allen, Thomas M. Ashe
ABSENT:	Timothy J. Rooke, Zaida Luna, Kateri B. Walsh, Clodo Concepcion

III. Zone Changes

1. Zoning Ordinance 2013-5

By Amending Article 1, Section 1.5.A, 1.5.C, 1.5.D, 1.5.D, 1.5.E, 1.5.F, 1.5.H; Article 2 Definition of "Farmers Market and "Fence; Article 4, Section 4.1.30, Table 4-4, Section 4.4.122.C, Section 4.6.20, Section 4.6.40, Section 4.7.73; Article 5, Table 5-1, Section 5.2.1.B, Table 5-4, Section 5.2.71, Section 5.6; Article 6, Section 6.1.20, Section 6.1.31, Section 6.1.46, Section 6.1.53, Section 6.1.5, Section 6.1.63, Section 6.1.71.A, Section 6.1.71.J, Section 6.1.81.B.1, Section 6.1.81.D.2, Section 6.1.101, Section 6.2.20; Article 7, Table 7-1, Section 7.1.55.A, Section 7.4.23.B; Article 9, Section 9.2.31, Section 9.8.11, Section 9.12.30; and Article 12, Section 12.2, Section 12.2.11, Section 12.3.51.G, Section 12.5.12, Section 12.5.32, Section 12.6.21, Section 12.7.20 and Section 12.4.61.F

PETITIONER: Springfield Planning Board

ADDRESS: City Wide

CHANGE REQUESTED: See Above

HISTORY:

12/02/13

City Council

RECEIVED 1ST STEP

Next: 12/09/13

COMMENTS - Current Meeting:

Read for the 1st time on November 25, 2013 and the Council received the Report and Passed 1st step by a unanimous voice vote and was referred to the Committee of Ordinance.

Hearing held and an explanation was given by Phil Dromey, Deputy Director of Planning and Economic Development that in conjunction with Zoning Administrator and Building Department they have been making notes of the things that needed to be change in the new Zoning Ordinance and what is been proposed are some correction based on those notes. The proposed amendments deals with section numbering, deleting or adding terms and /or language and the removal of references to sections that no longer exist. The changes include a change to the Wireless Telecommunication section that now allow tower in public parks and no one appeared in opposition and the hearing was closed. The requested Zoning Ordinance Changes passed by the following roll call vote

ATTACHMENTS:

- Zoning_Amendments_City_Wide_Nov_2013 (PDF)
- 3153_City_Wide_Edits_2013 (PDF)

RESULT:	ADOPTED [9 TO 0]
MOVER:	Timothy C. Allen, Ward 7 Councilor
SECONDER:	E. Henry Twiggs, Ward 4 Councilor
AYES:	Williams, Twiggs, Shea, Fenton, Lysak, Allen, Edwards, Ashe, Ferrera III
ABSENT:	Timothy J. Rooke, Zaida Luna, Kateri B. Walsh, Clodo Concepcion

2. Zoning Ordinance 2013-6

To Change the Zoning of the Properties Known as 470 Union Street (11750-0095) and 36 Oak Street (09180-0010) from Commercial P to Business A.

PETITIONER: DevelopSpringfield

ADDRESS: 470 Union Street & 36 Oak Street

CHANGE REQUESTED: Com P to Bus A

HISTORY:

12/02/13 City Council RECEIVED 1ST STEP
Next: 12/09/13

COMMENTS - Current Meeting:

Read for the 1st time on November 25, 2013 and the Council received the Report and Passed 1st step by a unanimous voice vote and was referred to the Committee of Ordinance.

Hearing held and Jay Minkarah, Executive Director of DevelopSpringfield, Robert Pace, VP of STCC and Wanda Givens, Executive Director of the Mason Square Health Taskforce appeared stating that over the past several years DevelopSpringfield has been working on bring a full service supermarket to the Mason Square area and the 2 parcel zone change is necessary to begin the process by changing a parking lot to a business use from "Commercial P" to "Business A" to assist in bringing the project to the next step. Mr. Pace spoke saying that this project will provide jobs and bring fresh produces to the Mason Square area and Wanda Givens spoke saying that this has been an on-going project for several years and asked the Council to approve the Zone Change and no one appeared in

opposition and the hearing was closed. Councilors Williams, Ashe, Twiggs and Allen all spoke in favor of the project saying its a "slam dunk", it's needed, surly necessary for all residents, and its a public health issue and the requested Zone Change passed by the following roll call vote.

ATTACHMENTS:

- 3154_470_Union_36_Oak_Street_2013 (PDF)

RESULT:	ADOPTED [9 TO 0]
MOVER:	E. Henry Twiggs, Ward 4 Councilor
SECONDER:	Bud L. Williams, Vice President At-Large Councilor
AYES:	Williams, Twiggs, Shea, Fenton, Lysak, Allen, Edwards, Ashe, Ferrera III
ABSENT:	Timothy J. Rooke, Zaida Luna, Kateri B. Walsh, Clodo Concepcion


City of Springfield

36 Court Street
Springfield, MA 01103

Meeting: 12/09/13 07:00 PM
Department: Planning and Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 2401 A

TABLED

PETITION (ID # 2401)

**For a Special Permit to Install a Digital Non-Accessory Sign
at the Property Known as 603 East Columbus Avenue
(04303-0595), as Allowed by M.G.L. and the Springfield
Zoning Ordinance, Article 9, Section 9.9.30.**

Request:	See Above
Owner:	Balise Automotive Realty, LLL & Lamar
By:	Stephen E. Hebert & James E. Balise
Petitioner:	Lamar Central Outdoor, LLC
By:	Stephen E. Hebert

HISTORY:

11/25/13 **City Council**

REFER TO COMMITTEE

Next: 12/09/13

OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A SPECIAL PERMIT

603 EAST COLUMBUS AVENUE (04303-0595)
ELECTRONIC SIGN (BILLBOARD)

General Information

Petitioner:	Lamar Central Outdoor, LLC.
Request:	To allow a digital billboard.
Proposed use of the property:	Billboard
Parcel Size:	167,820 s.f.
Compatibility with current planning documents:	The South End Neighborhood Plan shows no changes to this area.
Neighborhood council Notification:	South End Citizens Council: 11-1-13
Tax Status:	SEE ATTACHED
Site Visit:	11-6-13
Urban Renewal Status:	This parcel is not located within an urban renewal plan.
Hearing Date:	11-25-13

Staff Analysis

Neighborhood characteristics:

The parcel is currently zoned Industrial A and is located in an area that has a mix of commercial uses.

- To the north is a used car dealership zoned Industrial A.
- To the south is an office complex zoned Industrial A.
- To the west are West Columbus Avenue and Interstate 91.
- To the east is an automotive dealership zoned Business B.

Site plan review:

The petitioner has requested a special permit to install a digital non-accessory (billboard) sign at the property known as 603 East Columbus Avenue. The petitioner intends to remove the existing billboard and replace it with a new 14' x 48' (672 s.f.) digital billboard.

Understanding that this new technology is being implemented around the country, the City of Springfield recently amended the Zoning Ordinance to include a new section which regulates the installation of digital billboards (Article 9, Section 9.9.30).

With regards to this specific request, as noted in the previous staff analysis there are a number of issues with this proposed request.

These issues are as follows:

Issue #1:

It has been determined that the existing non-accessory (billboard) sign, located at 603 East Columbus Avenue, is considered to be a pre-existing, non-conforming use, otherwise known as "grandfathered". This determination was made after noting that when the billboard regulations were amended back in 2002, the ordinance was amended on the floor by the City Council to specifically "grandfather" 603 East Columbus Avenue. The language in the Zoning Ordinance read:



"The ordinance was additionally amended as follows:

The application for 603 East Columbus Avenue as submitted and approved at the Code Enforcement Department shall be grandfathered. The pending application within the Code Enforcement Department for 53 Batavia Street and two (2) locations owned by Western Massachusetts Electrical Company shall continue to be processed and be decided upon by the Code Enforcement Commissioner and the Commonwealth".

The reason this site is "grandfathered" is because the City Council wanted to exempt that site from the criteria that any billboard within five hundred (500) feet of and visible from a residence is prohibited and a building containing residences (9 York Street) is within a 500 foot radius and the billboard is visible from that location. While this specific section is not in the latest ordinance, the fact that it was in place at the time of issuance for the static billboard means that the static billboard is a pre-existing, nonconforming use.

Since this site is now considered to be a pre-existing, non-conforming use, the change to a digital billboard is considered to be an alteration of that pre-existing use. As such, in addition to the special permit to convert this sign into a digital billboard, prior to allowing such an alteration of the use, an additional "finding" must be made in accordance with Article 10, Section 10.1.30 of the Springfield Zoning Ordinance. As per this section, the "finding" must determine that the alteration "...shall not be substantially more detrimental than the existing non-conforming use to the neighborhood". In the case where the request is a change to the proposed use, as in this case where the change is from a static billboard to a digital billboard, the "finding" is in the form of a Tier 3 Special Permit by the City Council.

Issue #2:

In addition to the special permit required by the City of Springfield, all billboards, either static or digital, require an additional permit from the Massachusetts Department of Transportation. With regards to billboards, both static and digital, specific state regulations are in place and found within 700CMR3.00: *Control and Restrictions of Billboards, Signs and other Advertising Devices.*

In reviewing the state regulations, it was noted that within 700CMR3.00, specifically Section 3.17(4), non-conforming and/or grandfathered signs are not eligible to be converted into digital signs. The specific language reads:

"700CMR3.17(4): A legally conforming sign may be modified to an Electronic Sign if a new permit for the Electronic Sign is obtained by the Department. Non-conforming and/or Grandfathered signs shall not be eligible for electronic sign conversion."

In the opinion of the Planning Staff, this section would apply to the 603 East Columbus Avenue location and this sign would not be eligible for a conversion to a digital billboard under the state regulations.

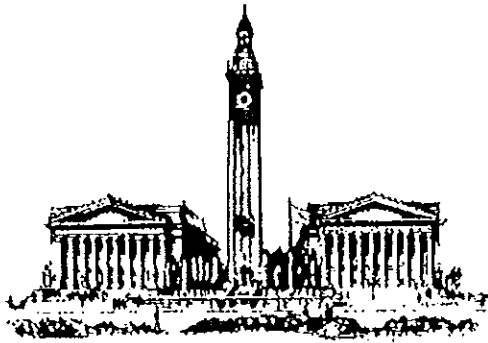
Recommendation

Deny. Due to the fact that this sign would be in violation of 700CMR3.00: *Control and Restrictions of Billboards, Signs and Other Advertising Devices*, the staff does not believe a special permit should be issued for this location.

IF APPROVED: Recommended Conditions:

1. This special permit is granted to this petitioner only.
2. This special permit is granted solely for the installation of one (1) digital, non-accessory sign at the property known as 603 East Columbus Avenue (04303-0595).
3. The use shall be developed as per the attached site plan and elevations, dated July 15, 2012 with the addition of conditions #4 through #6.
4. An additional special permit for the alteration of a non-conforming structure or use (Article 10, Section 10.1.30) shall be issued prior to the issuance of a sign permit.
5. A permit from the Massachusetts Department of Transportation shall be submitted to the Building Department prior to the issuance of a sign permit.
6. The proposed sign shall meet all the underlying regulations as per Article 9, Section 9.9.30 of the Springfield Zoning Ordinance and the regulations outlined in the Massachusetts Department of Transportation, 700 CMR 3.00: Control and Restrictions of Billboards, Signs and Other Advertising Devices, as amended.
7. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in enforcement by the Code Enforcement Department punishable by fine of up to \$50 per day for each day a violation exists.

Stephen J. Loneragan
Collector/Treasurer



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

11/1/13

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: 603 East Columbus Avenue - 04303-0595

Petitioner: Stephen E Hebert

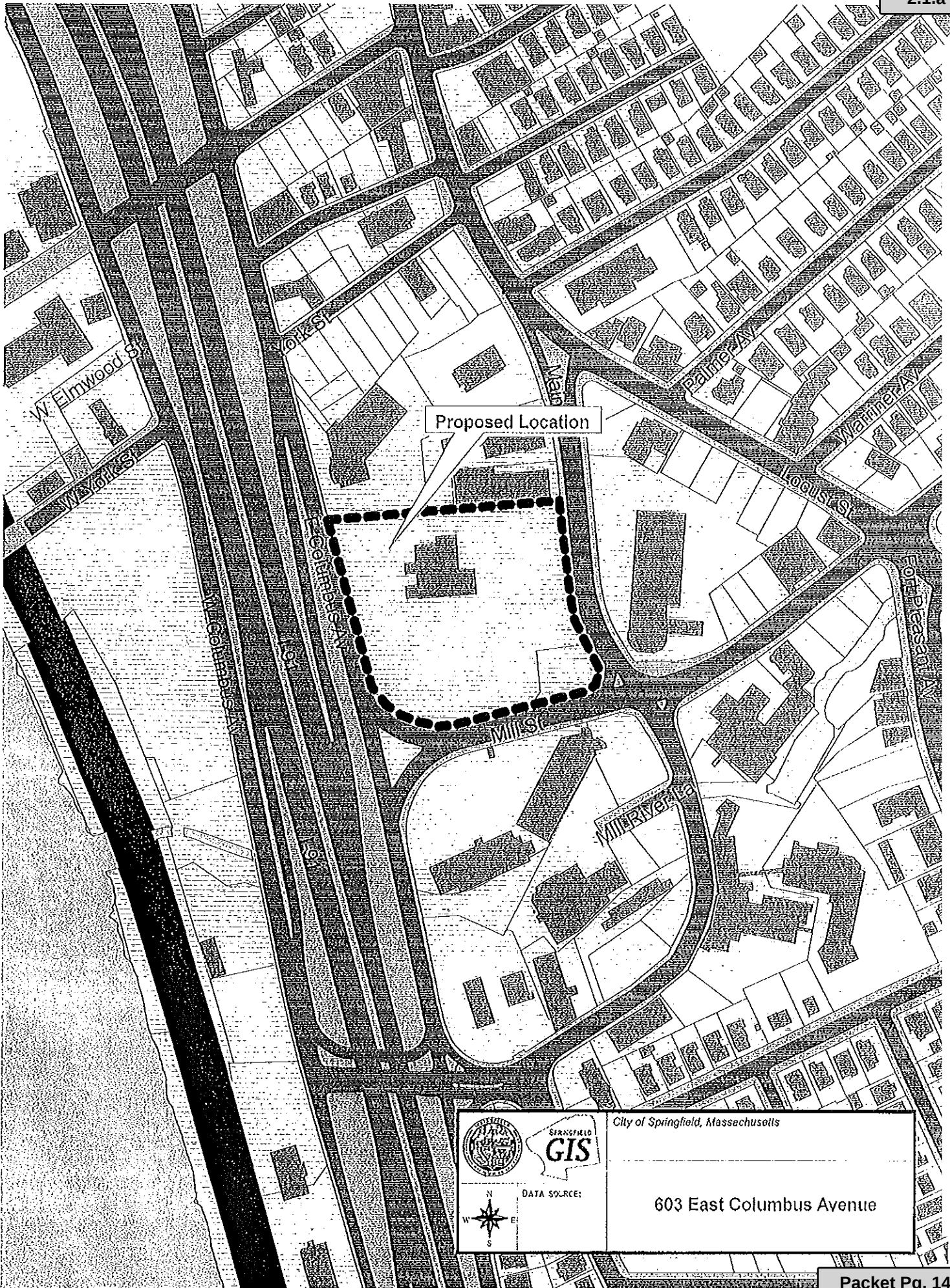
Landlord: Balise Automotive Realty Limited

A handwritten signature in cursive script, appearing to read "Stephen J. Loneragan", is written over a horizontal line.

Stephen J. Loneragan: Treasurer/Collector

Attachment: 603 E Columbus Av (2401 : 603 E Columbus Avenue)





Attachment: 603 E Columbus Av (2401 : 603 E Columbus Avenue)



SPRINGFIELD
GIS

City of Springfield, Massachusetts

603 East Columbus Avenue

DATA SOURCE:




City of Springfield

36 Court Street
Springfield, MA 01103

Meeting: 12/09/13 07:00 PM

Department: Planning and Economic Development

Category: Special Permit

Prepared By: Phil Dromey

Initiator: Phil Dromey

Sponsors:

DOC ID: 2402 A

TABLED

PETITION (ID # 2402)

**For a Special Permit to Install a Digital, Non-Accessory Sign,
at the Property Known as 6 Liberty Street (07770-0001), as
Allowed by M.G.L. and the Springfield Zoning Ordinance,
Article 9, Section 9.9.30.**

Request:	See Above
Owner:	6 Liberty Street, LLC
By:	Hansraj Gada
Petitioner:	Lamar Central Outdoor, LLC
By:	Stephen E. Hebert

HISTORY:

11/25/13 City Council

REFER TO COMMITTEE

Next: 12/09/13

OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A SPECIAL PERMIT

6 LIBERTY STREET (07770-0001)
DIGITAL NON-ACCESSORY SIGN (BILLBOARD)

General Information

Petitioner:	Lamar Central Outdoor, LLC.
Request:	To allow a digital billboard.
Proposed use of the property:	Billboard
Parcel Size:	24,142 s.f.
Neighborhood council Notification:	Business Improvement District: 11-1-13
Tax Status:	SEE ATTACHED
Site Visit:	11-6-13
Urban Renewal Status:	This parcel is not located within an urban renewal plan.
Hearing Date:	11-25-13

Staff Analysis

Neighborhood characteristics:

The parcel is currently zoned Business B and is located in an area that has a mix of commercial and industrial uses.

To the north is a warehouse zoned Business B.

To the south is the Peter Pan Bus maintenance operation zoned Industrial A.

To the west is Interstate 91.

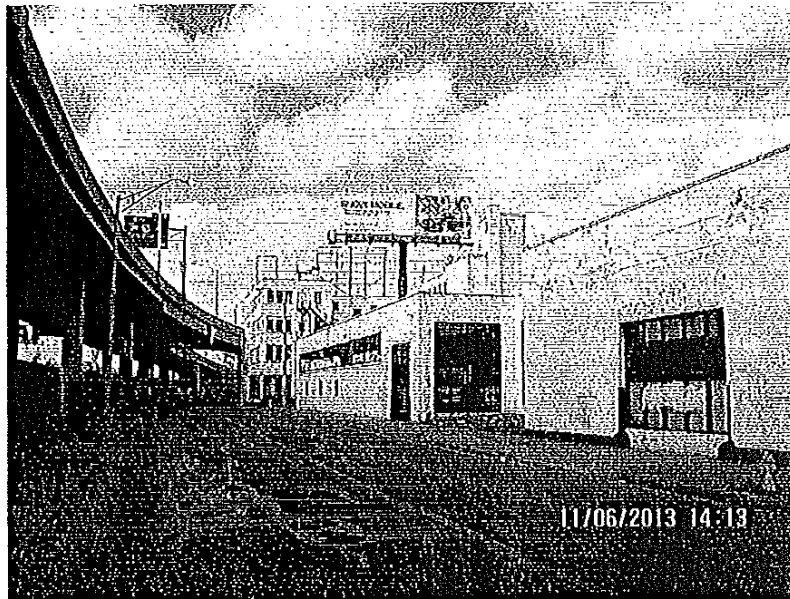
To the east is the Republican Newspaper zoned Industrial A.

Site plan review:

The petitioner has requested a special permit to install a digital non-accessory (billboard) sign at the property known as 6 Liberty Street. The petitioner intends to remove the existing billboard and replace it with a new 14' x 48' (672 s.f.) digital billboard.

Understanding that this new technology is being implemented around the country, the City of Springfield recently amended the Zoning Ordinance to include a new section which regulates the installation of digital billboards (Article 9, Section 9.9.30).

As noted in the previous analysis for this proposed request, during the drafting of these new digital billboard regulations, the staff reviewed other city policies to see how this issue of digital billboards has been handled in other communities. After completing this review, the staff found that in many communities, a requirement has been put into place which requires billboard companies to remove a number of existing billboards for each digital billboard installed. An example of this is in Marietta, Georgia. This community has implemented a new ordinance that requires billboard companies to remove four (4) existing billboard panels for every one (1) digital billboard installed. However, after meeting with representatives of Lamar, it was determined that a number of billboards have already been removed over the last few years. These include smaller billboards as well as the larger highway signs. While the staff will always continue to advocate for the continued removal of billboards throughout Springfield, especially along the I-91 corridor, the staff does believe that credit should be given to Lamar for the number of billboards already removed.



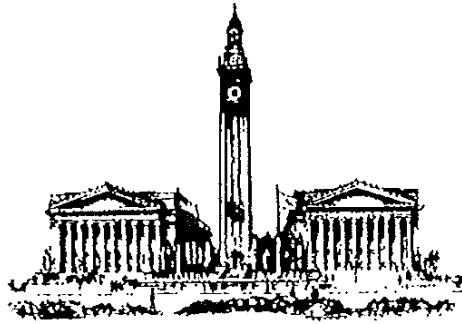
Recommendation

Approve, with conditions.

Recommended Conditions:

1. This special permit is granted to this petitioner only.
2. This special permit is granted solely for the installation of one (1) digital, non-accessory sign at the property known as 6 Liberty Street (07770-0001).
3. The use shall be developed as per the attached site plan and elevations, with the addition of conditions #4 and #5.
4. The proposed sign shall meet all underlying regulations as outlined in Article 9, Section 9.9.30 of the Springfield Zoning Ordinance and the regulations outlined in the Massachusetts Department of Transportation, 700 CMR 3.00: Control and Restrictions of Billboards, Signs and Other Advertising Devices, as amended.
5. A sign permit shall be obtained through the Springfield Building Department and the Massachusetts Department of Transportation prior to installation.
6. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in enforcement by the Code Enforcement Department punishable by fine of up to \$50 per day for each day a violation exists.

Stephen J. Lonergan
Collector/Treasurer



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

11/1/13

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: 6 Liberty Street - 07770-0001

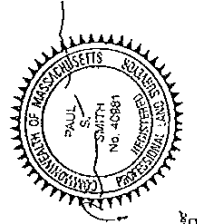
Petitioner: Stephen E Hebert

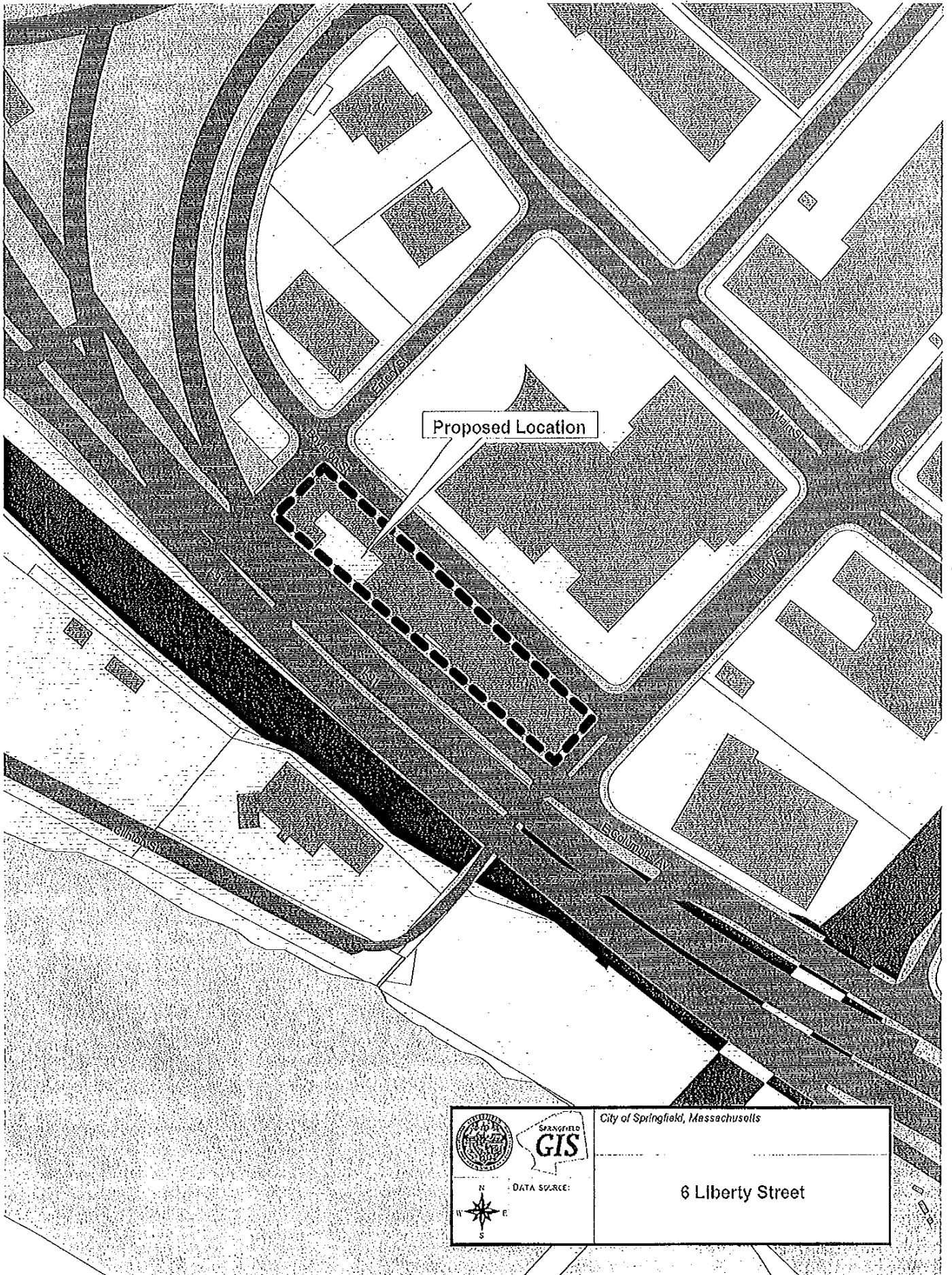
Landlord: 6 Liberty Street, LLC

A handwritten signature in black ink, appearing to read "Stephen J. Lonergan", is written over a horizontal line.

Stephen J. Lonergan: Treasurer/Collector

Attachment: 6 Liberty St [Revision 1] (2402 : 6 Liberty Street)





Attachment: 6 Liberty St [Revision 1] (2402 : 6 Liberty Street)


City of Springfield

 36 Court Street
 Springfield, MA 01103

DEFEATED
PETITION (ID # 2433)

Meeting: 12/09/13 07:00 PM

Department: Planning and Economic Development

Category: Special Permit

Prepared By: Phil Dromey

Initiator: Phil Dromey

Sponsors:

DOC ID: 2433

**For a “Finding” in the Form of a Special Permit for the
 Alteration of a Non-Conforming Structure(S) or Use(S) at the
 Property Known as 603 East Columbus Avenue (04303-0595),
 in Accordance with Article 10, Section 10.1.30 of the
 Springfield Zoning Ordinance and M.G.L.**

Request:	See Above
Owner:	Lamar/Balise Automotive
By:	Stephen Hebert/Steve Mitus
Petitioner:	Lamar Central Outdoor, LLC
By:	Stephen E. Hebert

RESULT:	FAILED [4 TO 5]
MOVER:	Bud L. Williams, Vice President At-Large Councilor
SECONDER:	Melvin A. Edwards, Ward 3 Councilor
AYES:	Bud L. Williams, John A. Lysak, Melvin A. Edwards, James J. Ferrera III
NAYS:	Twiggs, Shea, Fenton, Allen, Ashe
ABSENT:	Timothy J. Rooke, Zaida Luna, Kateri B. Walsh, Clodo Concepcion

REPORT TO CITY COUNCIL

ZONE CHANGE HEARING

PLOT and SECTION#: 3153

DATE: December 9, 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: Springfield Planning Board

ADDRESS: City Wide

CHANGE REQUESTED: See Above

HISTORY:

12/02/13 City Council

RECEIVED 1ST STEP

Next: 12/09/13

RECOMMENDATION: Recommend

RESULT: ADOPTED [9 TO 0]**MOVER:** Timothy C. Allen, Ward 7 Councilor**SECONDER:** E. Henry Twiggs, Ward 4 Councilor**AYES:** Williams, Twiggs, Shea, Fenton, Lysak, Allen, Edwards, Ashe, Ferrera III**ABSENT:** Timothy J. Rooke, Zaida Luna, Kateri B. Walsh, Clodo Concepcion

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 #3153, 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 December 9, 2013, regarding the above Ordinance amendment.

Kerry Dietz, Chairperson

REPORT TO CITY COUNCIL

ZONE CHANGE HEARING

PLOT and SECTION#: 3154 Section 48

DATE: December 9, 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: DevelopSpringfield

ADDRESS: 470 Union Street & 36 Oak Street

CHANGE REQUESTED: Com P to Bus A

HISTORY:

12/02/13 City Council

RECEIVED 1ST STEP

Next: 12/09/13

RECOMMENDATION: Recommend

RESULT: ADOPTED [9 TO 0]**MOVER:** E. Henry Twiggs, Ward 4 Councilor**SECONDER:** Bud L. Williams, Vice President At-Large Councilor**AYES:** Williams, Twiggs, Shea, Fenton, Lysak, Allen, Edwards, Ashe, Ferrera III**ABSENT:** Timothy J. Rooke, Zaida Luna, Kateri B. Walsh, Clodo Concepcion

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 #3154 Section 48, 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 December 9, 2013, regarding the above Ordinance amendment.

Kerry Dietz, Chairperson