



City Council

Special Meeting

~ Agenda ~

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

Anthony I. Wilson
413-787-6096

Monday, August 27, 2018

6:00 PM

Springfield City Hall -- Council Chambers

I. Call to Order

6:00 PM Meeting called to order on August 27, 2018 at Springfield City Hall -- Council Chambers, 36 Court Street, Springfield, MA.

II. Orders

1. Order (ID # 4737)

Order to Submit Petition to Amend the Zoning Ordinance

HISTORY:

08/22/18

City Council

LAY ON TABLE

Amaad Rivera spoke on the zoning ordinance. He talked about the economic community access provision of state law. He felt that there should be slots that allow disadvantaged to open a marijuana establishment.

Attorney Jim Gregory, 34 Mill Pond Road, he stated that the 16 Acres association has not discussed this issue. He stated that the board will reconvene in the fall. He stated that he has reviewed the draft regulations. He stated that he believed that the draft regulations are reasonable and fair. He stated that he liked the special permit portion of the draft regulations.

Councilor Ryan stated that he spoke to the members of several neighborhood councils and he stated that he was not sure if they were aware of the relatively quick procedure of this regulation.

Councilor Hurst gave a report of the Marijuana subcommittee which is comprised on Councilors Ramos, Walsh, Gomez and Hurst.

The Sub-Committee on Marijuana regulations met on August 16th and August 20th. The result of the meeting is the proposed regulations before the body.

Councilor Walsh spoke in favor of passing the language as it exists. Councilors Walsh and Hurst confirmed that one entity could have multiple licenses. Therefore the cap could hurt local businesses if it was too low. She stated that there is a very in-depth process for granting a license.

Councilor Shea stated that citizens of Springfield voted to allow marijuana sales and the surrounding communities did not vote to allow marijuana sales. He was concerned the Springfield could be inundated by people from outside Springfield coming into the City to buy marijuana. He also had concerns about the buffer zones. He wants the buffers increased. He was also concerned about the fact that residences existed on major roads.

Everyone voted to accept the report of committee from Councilor Hurst.

Councilor Gomez stated that a lot of people will be interested in getting involved in this industry. Councilor Gomez stated that he may not want a cop on marijuana establishment.

He stated that he wanted to make sure that "mom and pop" stores are protected. He stated that the marijuana establishments in Denver were safer than liquor stores.

Councilor Edwards stated that he wants a map of all liquor stores. He stated the liquor stores are very close together in certain areas of the city. He stated that the liquor store is the closest to a school than any other place in the city. He was concerned that liquor stores will have a marijuana license.

Councilor Ryan asked Mr. Dromey a question about the proposed documents. He asked what it Business C. Mr. Dromey stated that Business C is downtown and some portions of the South End.

Councilor Hurst stated that he did not want to put any distances on these facilities.

Councilor Allen asked if there was a written report on the Colorado trip. He requested a written opinion from those councilors that went.

In response to a question from Councilor Shea, the council was informed by Mr. Dromey that there is not buffer required for liquor stores from residents.

In response to a question from Councilor Shea, Mr. Dromey stated that no matter how long a road is the marijuana establishment has be within one of the qualified zones.

Councilor Hurst asked the council to go view the INSA facility.

Councilor Ryan made a motion to amend sec to delete ", WITH THE EXCEPTION OF AN MARIJUANA RETAILER, " add a 150 foot. Seconded by Councilor Shea.

Councilor Fenton stated that there is a lot of confusion about this matter. He supports the motion. Councilor Fenton stated that he wanted to go through the entire document. Councilor Ramos agreed.

Councilor Gomez stated that he was concerned about excluding to many zones.

Councilor asked to lay his motion on the table. The motion to lay the motion on the table failed.

In response to a question from Councilor Walsh, Mr. Dromey stated that most of Business C would be eliminated by the amendment.

Councilor Hurst spoke against the motion. He stated that he wants to adjourn for the evening.

Councilor Allen stated that he felt the buffer was the most difficult issue and the council should not start with that issue. He stated the council was not doing its due diligence under the current process. He stated the council may need to update the moratorium.

Councilor Lederman stated that he could not support the motion. He felt several issues were interconnected. He stated that he was concerned about the process and that it did not allow him to do his due diligence on the zoning ordinance.

Councilor Walsh asked Councilor Lederman to keep faith in the process. She asked Councilor Ryan to withdraw his motion.

Councilor Ryan withdrew his motion.

Councilor Gomez made a motion to adjourn. Seconded by Councilor Edwards.

Councilor Edwards stated that he was concerned about people not being present at the meeting.

The council voted unanimously to adjourn the meeting.



City Council

TABLED

Meeting: 08/27/18 06:00 PM

Initiator: Anthony I. Wilson

Sponsors:

DOC ID: 4737

2.1

Order to Submit Petition to Amend the Zoning Ordinance ()

The City Council hereby order that a petition be submitted to amend Article 4 of the Zoning Ordinance, by deleting Section 4.7.110 - Temporary Moratorium on Marijuana Establishments, and replacing it with a new Section 4.7.110 - Adult Use Marijuana Establishments, as set forth in the proposed amendment attached hereto:

Section 4.7.110 *Adult Use Marijuana Establishments*

4.7.111 *Purpose*

It is recognized that the nature of the substance cultivated, processed, and/or sold by an ADULT USE MARIJUANA ESTABLISHMENT 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 legally authorized adult customers seeking to legally purchase marijuana for their own use. The specific and separate regulation of an ADULT USE MARIJUANA ESTABLISHMENT 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 (1) area within the City of Springfield.

Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws and 935 CMR 500.00, ADULT USE MARIJUANA ESTABLISHMENTS will be permitted to provide the opportunity for the legal cultivation, product manufacturing and retail sale of marijuana for non-medical adult marijuana use in a manner that complies with state regulations.

4.7.112 *Applicability*

Nothing in this section shall be construed to supersede federal and state laws governing the sale and distribution of marijuana. This section shall not be construed to prevent the conversion of a medical marijuana treatment center licensed or registered no later than July 1, 2017, engaged in the cultivation, manufacture or sale of marijuana or marijuana products to an ADULT USE MARIJUANA ESTABLISHMENT, provided, however, any such medical marijuana treatment center obtains a special permit pursuant to this Section for any such conversion to an ADULT USE MARIJUANA ESTABLISHMENT.

This bylaw does not apply to the cultivation of industrial hemp as is regulated by the Massachusetts Department of Agricultural Resources pursuant to General Laws, Chapter 128, Sections 116-123.

4.7.113 Definitions

CANNABIS CULTIVATION. The use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media and promoting the growth of cannabis by a cannabis cultivator, micro-business, research facility, craft marijuana cultivator cooperative, registered marijuana dispensary or other entity licensed by the Commission for cannabis cultivation. Such use is not agriculturally exempt from zoning. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not agriculturally exempt from zoning. Note this term is not defined in 935 CMR 500.

CANNABINOID. Any of several compounds produced by marijuana plants that have medical and psychotropic effects.

CANNABINOID PROFILE. Amounts, expressed as the dry-weight percentages, of delta-nine-tetrahydrocannabinol, cannabidiol, tetrahydrocannabinolic acid and cannabidiolic acid in a marijuana product. Amounts of other cannabinoids may be required by the commission.

CEASES TO OPERATE. Marijuana Establishment closes and does not transact business for a period greater than sixty (60) days with no substantial action taken to reopen. The Commission may determine that an establishment has ceased to operate based on its actual or apparent termination of operations.

CLOSE ASSOCIATE. A person who holds a relevant financial interest in, or is entitled to exercise power in, the business of an applicant or licensee and, by virtue of that interest or power, is able to exercise a significant influence over the management or operation of a marijuana establishment.

CONSUMER. A person who is at least twenty one (21) years of age.

CONTROLLING PERSON. An officer, board member or other individual who has a financial or voting interest of ten (10) per cent or greater in a marijuana establishment.

COMMISSION. Means the Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76, or its designee. The Commission has authority to implement the state marijuana laws, which include, but are not limited to, St.2016, c. 334 as amended by St. 2017, c.55,, M.G.L. c. 94G, and 935 CMR 500.000.

CRAFT MARIJUANA CULTIVATOR COOPERATIVE. A marijuana cultivator comprised of residents of the commonwealth organized as a limited liability company or limited liability partnership under the laws of the commonwealth, or an appropriate business structure as determined by the commission, and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products to deliver marijuana to marijuana establishments but not to consumers.

CULTIVATION BATCH. A collection of marijuana plants from the same seed or plant stock that are cultivated and harvested together, and receive an identical propagation and cultivation treatment, including, but not limited to: growing media, ambient conditions, watering and light regimes and agricultural or hydroponic inputs. The marijuana licensee shall assign and record a unique, sequential alphanumeric identifier to each cultivation batch for the purposes of production tracking, product labeling and product recalls.

EXPERIENCED MARIJUANA ESTABLISHMENT OPERATOR. A medical marijuana treatment center as defined in M.G.L. Chapter 369 of the Acts of 2012 with a registration in good standing, or (i) a reorganized marijuana business established by a vote of at least 2/3 of the board of directors of an entity that submitted an application for a registration to operate a medical marijuana treatment center to the department of public health before October 1, 2015 and was issued a provisional registration to operate a medical marijuana treatment center by the department of public health before the effective date of this chapter.

FINISHED MARIJUANA. Usable marijuana, cannabis resin or cannabis concentrate.

HEMP. The plant of the genus *Cannabis* or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 per cent on a dry weight basis of any part of the plant of the genus *Cannabis*, or per volume or weight of marijuana product, or the combined per cent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus *Cannabis* regardless of moisture content.

HOST COMMUNITY. A municipality in which a marijuana establishment or a medical marijuana treatment center is located or in which an applicant has proposed locating a marijuana establishment or a medical marijuana treatment center.

HOST COMMUNITY AGREEMENT. An agreement, pursuant to General Laws, Chapter 94G, Section 3(d), between a Cannabis Establishment and a municipality setting forth additional conditions for the operation of a Cannabis Establishment, including stipulations of responsibility between the parties and a up to 3% host agreement revenue sharing. Note this term is not defined in 935 CMR 500.

INDEPENDENT TESTING LABORATORY. A laboratory that is licensed by the Commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with regulations promulgated by the Commission.

STANDARDS TESTING LABORATORY. An entity that would otherwise qualify to be an independent testing laboratory but instead performs blind tests to verify the results of an independent testing laboratory at the request of the Commission.

LABORATORY AGENT. An employee of an independent testing laboratory who transports, possesses or tests marijuana.

LICENSEE. A person or entity licensed by the commission to operate a marijuana establishment.

MANUFACTURE. To compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

MARIJUANA or MARIHUANA. All parts of any plant of the genus *Cannabis*, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C; provided, however, that "marijuana" shall not include: (i) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (ii) hemp; or (iii) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

MARIJUANA ACCESSORIES. Equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

MARIJUANA CULTIVATOR. An entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

MARIJUANA ESTABLISHMENT. A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

MARIJUANA MICRO-BUSINESS. A microbusiness is a co-located Tier 1 or Tier 2 MARIJUANA CULTIVATOR, MARIJUANA PRODUCT MANUFACTURER, and marijuana delivery service. A microbusiness licensee shall not have an ownership stake in any other marijuana establishment and a majority of its executives or members must have been residents of Massachusetts for no less than 12 months prior to application is eligible to apply for a micro-business license.

MARIJUANA PRODUCT MANUFACTURER. An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

MARIJUANA/CANNABIS PRODUCTS. Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

MARIJUANA RETAILER. An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

STOREFRONT RETAILER. A marijuana retailer that provides a retail location accessible to consumers 21 years of age or older or in possession of a registration card demonstrating that the individual is a registered qualifying patient with the Medical Use of Marijuana Program, if the retail store is co-located with a medical marijuana treatment center.

DELIVERY-ONLY RETAILER. A marijuana retailer that does not provide a retail location accessible to the public, but is authorized to deliver directly from a marijuana cultivator facility, Craft Marijuana Cultivator Cooperative facility, marijuana product manufacturer facility, or micro-business.

MARIJUANA SOCIAL CONSUMPTION ESTABLISHMENT. A marijuana social consumption establishment may purchase marijuana from licensed marijuana establishments and sell single servings of marijuana to consumers for consumption on the premises.

PRIMARY USE. A primary use marijuana social consumption license shall be required for any commercial enterprise for which 51% or more of average monthly revenue is derived from the sale of marijuana products to be consumed on the premises (e.g. cannabis café).

MIXED USE. A mixed use marijuana social consumption license shall be required for any commercial enterprise for which the consumption of marijuana is a secondary or shared purpose to a non-cannabis business purpose. (e.g. massage studio that uses cannabis-infused lotion).

MARIJUANA RESEARCH FACILITY. An academic institution, non-profit corporation or domestic corporation or entity authorized to do business in the Commonwealth of Massachusetts. A marijuana research facility may cultivate, purchase or otherwise acquire marijuana for the purpose of conducting research regarding marijuana and marijuana products. Any research involving humans must be authorized by an Institutional Review Board. A marijuana research facility may not sell marijuana cultivated under its research license, but may also hold a marijuana retailer license.

MARIJUANA TRANSPORTER. An entity may only transport marijuana or marijuana products when such transportation is not already authorized under a marijuana establishment license if it is licensed as a Marijuana Transporter:

THIRD PARTY TRANSPORTER. An entity registered to do business in Massachusetts that does not hold another marijuana establishment license pursuant to 935 CMR 500.050 and is not registered as a registered marijuana dispensary pursuant to 105 CMR 725.000.

EXISTING LICENSEE TRANSPORTER. A Marijuana Establishment that wishes to contract with other marijuana establishments to transport their marijuana and marijuana products to other marijuana establishments.

MYCOTOXIN. A secondary metabolite of a microfungus that is capable of causing death or illness in humans and other animals. For the purposes of this chapter, mycotoxin shall include alfatoxin B1, alfatoxin B2, alfatoxin G1, alfatoxin G2 and ochratoxin A.

PROCESS or PROCESSING. To harvest, dry, cure, trim and separate parts of the marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in this section.

PRODUCTION BATCH. A batch of finished plant material, cannabis resin, cannabis concentrate or marijuana-infused product made at the same time, using the same methods, equipment and ingredients. The licensee shall assign and record a unique, sequential alphanumeric identifier to each production batch for the purposes of production tracking, product labeling and product recalls. All production batches shall be traceable to 1 or more marijuana cultivation batches.

PROPAGATION. The reproduction of cannabis or marijuana plants by seeds, cuttings, or grafting.

PROVISIONAL MARIJUANA ESTABLISHMENT LICENSE. A certificate issued by the Commission confirming that a Marijuana Establishment has completed the application process.

RESIDUAL SOLVENT. A volatile organic chemical used in the manufacture of a marijuana product and that is not completely removed by practical manufacturing techniques.

TERPENOID. An isoprene that are the aromatic compounds found in cannabis, including, but not limited to: limonene, myrcene, pinene, linalool, eucalyptol, δ -terpinene, %EF-caryophyllene, caryophyllene oxide, nerolidol and phytol.

UNREASONABLY IMPRACTICABLE. A measure or measures necessary to comply with the regulations, ordinances or by-laws adopted pursuant to this ordinance which subjects licensees to unreasonable risk or require such a high investment of risk, money, time or any other resource or asset that a reasonably prudent businessperson would not operate a marijuana establishment.

4.7.114 Use Requirements

All ADULT USE MARIJUANA ESTABLISHMENTS shall be required to obtain a Tier 3 Special Permit from the City Council. All ADULT USE MARIJUANA ESTABLISHMENTS must also comply with the following:

A. Location:

1. ADULT USE MARIJUANA ESTABLISHMENTS ARE ENCOURAGED TO UTILIZE EXISTING BUILDINGS, WHERE POSSIBLE.

2. No ADULT USE MARIJUANA ESTABLISHMENT 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 ADULT USE MARIJUANA ESTABLISHMENT is or will be located. In any case where the measurement is determined to be in question, the City Council may require verification of distances by a Registered Land Surveyor.
3. No ADULT USE MARIJUANA ESTABLISHMENT shall be located inside a building containing residential units, including transient housing such as lodging houses, group homes, transient housing, motels, hotels and dormitories.
4. No ADULT USE MARIJUANA ESTABLISHMENT, WITH THE EXCEPTION OF AN MARIJUANA RETAILER, shall be located within _____ feet of a residence, a building containing residences, (including commercial residential uses such as hotels, motels, lodging houses, etc.) or a residential zoning district.
5. No MARIJUANA RETAILER shall be located within three hundred (300) feet of another MARIJUANA RETAILER.
6. No ADULT USE MARIJUANA ESTABLISHMENT IS PERMITTED TO UTILIZE OR PROVIDE A DRIVE-UP SERVICE WINDOW.
7. ADULT USE MARIJUANA RETAILER SHALL ONLY BE ALLOWED ON MAJOR ROADS AS IDENTIFIED ON THE ATTACHED MAP, REFERENCED AS "EXHIBIT A" AND FURTHER AN ADULT USE MARIJUANA RETAILER SHALL ONLY BE ALLOWED IN BUSINESS A, BUSINESS B, Business C AND INDUSTRIAL A.

B. Other Requirements:

1. The number of ADULT USE MARIJUANA ESTABLISHMENTS permitted to be located within the City of Springfield shall not exceed _____% of the number of licenses issued within the city for the retail sale of alcoholic beverages, not to be drunk on the premises, where sold

under Chapter 138 of the General Laws. For the purposes of determining this number, any fraction shall be rounded up to the next highest whole number.

2. Any type of ADULT USE MARIJUANA ESTABLISHMENT may only be involved in the uses permitted by its definition and may not include other businesses or services.
3. No marijuana shall be smoked, eaten or otherwise consumed or ingested within and/or on the premises.
4. No ADULT USE MARIJUANA ESTABLISHMENT may commence operation or apply for a building permit prior to its receipt of all required permits and approvals including, but not limited to, its Final License from the Cannabis Control Commission.
5. The hours of operation shall be set by the Special Permit Granting Authority, but in no event shall an MARIJUANA RETAILER 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 8:00 a.m. and 9:00 p.m.
6. No Marijuana Retailer shall have a gross floor area, open to the public, in excess of 2,500 square feet.
7. 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.
8. No ADULT USE MARIJUANA ESTABLISHMENT shall be allowed to operate from a movable, mobile or transitory location.
9. ADULT USE MARIJUANA ESTABLISHMENTS are not permitted as a HOME OCCUPATION.

10. Signage shall be displayed on the exterior of the ADULT USE MARIJUANA ESTABLISHMENT'S 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 height. Additionally, all other signage must comply with all other applicable signage regulations in Article 9 and 935 CMR 500.
11. Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the ADULT USE MARIJUANA ESTABLISHMENT 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.
12. No outside storage is permitted.
13. Ventilation - all ADULT USE MARIJUANA ESTABLISHMENTS shall be ventilated in such a manner that no:
 - a. Pesticides, insecticides or other chemicals and/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 ADULT USE MARIJUANA ESTABLISHMENT or at any adjoining use or property.

D. Reporting Requirements:

1. All Special Permit holders for an ADULT USE MARIJUANA ESTABLISHMENT shall provide the Police Department, Fire Department, Board of Health, Building Commissioner, Zoning Administrator and the City Council 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 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 City Council shall be notified in writing by an ADULT USE MARIJUANA ESTABLISHMENT owner/operator/ manager:
 - a. A minimum of thirty (30) days prior to any change in ownership and/or management of that facility.
 - b. Immediately or as soon as practicable possible, but no later than 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 ADULT USE MARIJUANA ESTABLISHMENT.
3. Permitted ADULT USE MARIJUANA ESTABLISHMENTS 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 ADULT USE MARIJUANA ESTABLISHMENT at the phone number or email address provided by the City.

E. Issuance/Transfer/Discontinuance of Use:

1. Special Permits shall be issued for an initial period of twelve (12) months. If there are no violations and/or breaches of this Section or conditions of the Special Permit during that time frame, the Special Permit shall be automatically renewed.
2. Special Permits shall be issued for a specific parcel.
3. Special Permits shall be non-transferable to another ADULT USE MARIJUANA ESTABLISHMENT operator, owner or parcel.

4. Special Permits shall have a term limited to the duration of the applicant's ownership/control of the premises as an ADULT USE MARIJUANA ESTABLISHMENT, and shall lapse:
 - a. If the permit holder ceases operation of the ADULT USE MARIJUANA ESTABLISHMENT; and/or
 - b. The permit holder's license by the Commission 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 ADULT USE MARIJUANA ESTABLISHMENT shall be required to remove all material, plants, equipment and other paraphernalia prior to surrendering its state Registration or ceasing its operation.
7. The Special Permit shall be subject to revocation for violations of Section 4.7.110 and/or breaches of the conditions of the Special Permit.
8. Any operating ADULT USE MARIJUANA ESTABLISHMENT within the City of Springfield shall be inspected annually by the Building Commissioner, or his/her designee(s), to ensure compliance with this Section and with any conditions imposed by the City Council as a condition of the Special Permit approval.

4.7.115 Special Permit Application Requirements

Applications for Special Permits for an ADULT USE MARIJUANA ESTABLISHMENT will be processed in the order that they are filed with the city. The approval of a Special Permit for any ADULT USE MARIJUANA ESTABLISHMENT is up to the discretion of the Springfield City Council and will not be based automatically on the order in which applications have been submitted but rather the Council will be making their determinations based on selecting the ADULT USE MARIJUANA ESTABLISHMENT that it Finds are in the best interests of the City and best comply with the standards and intent of this Ordinance. While the City Council is authorized to approve Special Permits for ADULT USE MARIJUANA ESTABLISHMENTS in an amount up to, but not exceeding, _____ of the number of licenses issued within the City for the retail sale of alcoholic beverages not to be drunk on the premises where sold under Chapter 138 of the

General Laws, the City Council is not obligated to approve an application for an ADULT USE MARIJUANA ESTABLISHMENT that it doesn't Find is in the best interests of the City and/or complies with the standards and intent of this Ordinance just because the maximum number of allowed Special Permits for an ADULT USE MARIJUANA ESTABLISHMENT haven't been approved.

In addition to the standard application requirements for Special Permits, such applications for an ADULT USE MARIJUANA ESTABLISHMENT shall include the following:

- A. The name and address of each owner of the ADULT USE MARIJUANA ESTABLISHMENT facility/operation;
- B. A copy of its Provisional License from the Cannabis Control Commission, pursuant to 935 CMR 500.
- C. If it's in conjunction with an approved RMD, a copy of its registration as an RMD from the Massachusetts Department of Public Health in accordance with 105 CMR 725.000 or from the Cannabis Control Commission in accordance with 935 CMR 500.
- D. Proof of Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500.
- E. Evidence that the applicant has site control and right to use the site for an ADULT USE MARIJUANA ESTABLISHMENT 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;
- F. Evidenced that a Community Outreach Meeting, in accordance with 935 CMR 500, has occurred.
- G. A notarized statement signed by the ADULT USE MARIJUANA ESTABLISHMENT 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;

- H. In addition to Site Plan Review Submission Requirements found in Section 12.3.40, plans must also detail all proposed security measures for the ADULT USE MARIJUANA ESTABLISHMENT including but not limited to lighting, fencing, cameras, alarms, etc., thus ensuring the safety of employees and patrons and to protect the premises from theft and/or other criminal activity. This plan should also include security measures for the transportation and/or delivery of marijuana and marijuana products.
- I. A detailed floor plan identifying the areas available and functional uses (including square footage).
- J. A detailed sign plan.
- K. A pedestrian/vehicular traffic impact study to establish the ADULT USE MARIJUANA ESTABLISHMENT'S impacts at peak demand times, including a line queue plan to ensure that the movement of pedestrian and/or vehicular traffic along the public right of ways will not be unreasonably obstructed.
- L. An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative of odor control including maintenance of such controls.
- M. A Management Plan including a description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to an ADULT USE MARIJUANA ESTABLISHMENT or off-site direct delivery.
- N. A detailed description of any and all waivers from 935 CMR 500, granted by the Commission. The City Council shall approve or disapprove said waivers based on the criteria listed in 935.CMR.500.

- O. Individual written plans which, at a minimum comply with the requirements of 935 CMR 500, relative to the marijuana establishment's:
1. Operating procedures
 2. Marketing and advertising
 3. Waste disposal
 4. Transportation and delivery of marijuana or marijuana products
 5. Energy efficiency and conservation
 6. Security and alarms
 7. Decommissioning of the ADULT USE MARIJUANA ESTABLISHMENT

4.7.116 Findings

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

- A. That the ADULT USE MARIJUANA ESTABLISHMENT is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
- B. The ADULT USE MARIJUANA ESTABLISHMENT is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Ordinance.
- C. That the ADULT USE MARIJUANA ESTABLISHMENT demonstrates that it will meet or exceed all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations;
- D. That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Ordinance;

- E. That the ADULT USE MARIJUANA ESTABLISHMENT project meets a demonstrated need;
- F. That the ADULT USE MARIJUANA ESTABLISHMENT 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 ADULT USE MARIJUANA ESTABLISHMENT facility adequately addresses issues of traffic demand, circulation flow, parking and queuing (including pedestrian queuing), particularly at peak periods at the facility and its impact on neighboring uses.

4.7.117 Severability

If any provision of Section 4.7.110 is found to be invalid by a court of competent jurisdiction, the remainder of Section 4.7.110 shall not be affected but shall remain in full force. The invalidity of any provision(s) of Section 4.7.110 shall not affect the validity of the remainder of this zoning ordinance.