



CITY OF SPRINGFIELD

City Clerk's Office 2/19/2014 12:00:00 PM

Hearings Meeting Agenda~

I hereby notify you that at twelve o'clock noon today the following items of business had been filed with this office and can be acted upon at the meeting in City Council Chambers, Room 200 at City Hall, 36 Court Street **Monday** evening **February 24, 2014** at 07:00 PM according to Section 12, Rules and Orders of the City Council.

City Clerk

Hearings

7:00 PM Meeting called to order on February 24, 2014 at Springfield City Hall -- Council Chambers, 36 Court Street, Springfield, MA.

Special Permits

- (1.) For a Special Permit a Motor Vehicle Repair & Maintenance Operation (Heavy) at the Property Known as 136 Walnut Street (11952-0035) as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.3.4 and M.G.L.

Request: See Above
Owner: City of Springfield
By: Stephen Lonergan, Collector-Treasurer
Petitioner: YMM Services, Inc.
By: Yasir Osman, President

ATTACHMENTS:

- Walnut_St_136_Formal_Tax_2014 (PDF)

- (2.) To Amend an Existing Special Permit (Drive-Up Service Window), Granted April 18, 2001 and Amended November 6, 2012, by Allowing a Change to Condition #11 (Hours of Operation) at the Property Known as 660 Liberty Street (07770-0155) as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 19.1.3.

Request: See Above
Owner: Archland Property I, LLC
By: Robert N. Fratar, Esquire
Petitioner: McDonald's Corporation
By: Robert N. Fratar, Esquire

ATTACHMENTS:

- Liberty_St_660_Formal_Tax_2014 (PDF)

- (3.) For a Special Permit to Operate a Drive-Up Service Window at the Property Known as 100 Congress Street (03115-0025) in Accordance with the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 19.1.3 and M.G.L.

Request: See Above
Owner: Gulmohar Hospitality, LLC
By: Shardool Palmar
Petitioner: Salmar Realty, LLC
By: Peter Martins

ATTACHMENTS:

- Congress_St_100_Tax_Formal (PDF)

Zone Changes

- (4.) To Change the Zoning of the Property Known as 136 Walnut Street (11952-0035) from Commercial a to Business B. 136 Walnut Street Recommend
Petitioner: YMM Services, Inc.
Address: 136 Walnut Street (11952-0035)
Request: Com A to Bus B

ATTACHMENTS:

- 3158_136_Walnut_St_2014_CC (PDF)

- (5.) To Amend the Springfield Zoning Ordinance by Amending Article 2, Section 2.2, Amending Article 4 by Adding Section 4.7.100 – Registered Marijuana Dispensary (RMD) and Off-Site Medical Marijuana Dispensary (OMMD) and Amending Article 4, Table 4-4 Medical Marijuana Recommend
Petitioner: Springfield Planning Board
Address: City Wide
Request: See Above

ATTACHMENTS:

- 3160_MM_RMD_OMMD_2014_CC (PDF)

- (6.) To Change the Zoning of the Properties Known as 672 Chestnut Street (02750-0193), WS Chestnut Street (02750-0191) and SS Waverly Street (12055-0021) from Residence B to Office A 672 Chestnut Street Recommend
Petitioner: YellowBrick, LLC
Address: 672 Chestnut Street, WS Chestnut Street & SS Waverly Street
Request: Residence B to Office A

ATTACHMENTS:

- 3159_672_Chestnut_St_2014_CC (PDF)

**City of Springfield**

36 Court Street
Springfield, MA 01103

SCHEDULED**PETITION (ID # 2483)**

Meeting: 02/24/14 07:00 PM
Department: Planning and Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 2483

**For a Special Permit a Motor Vehicle Repair & Maintenance
Operation (Heavy) at the Property Known as 136 Walnut
Street (11952-0035) as Allowed by M.G.L. and the Springfield
Zoning Ordinance, Article 4, Table 4-4, Section 12.3.4 and
M.G.L.**

Request:	See Above
Owner:	City of Springfield
By:	Stephen Loneran, Collector- Treasurer
Petitioner:	YMM Services, Inc.
By:	Yasir Osman, President

**City of Springfield**

36 Court Street
Springfield, MA 01103

SCHEDULED**PETITION (ID # 2484)**

Meeting: 02/24/14 07:00 PM
Department: Planning and Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 2484

To Amend an Existing Special Permit (Drive-Up Service Window), Granted April 18, 2001 and Amended November 6, 2012, by Allowing a Change to Condition #11 (Hours of Operation) at the Property Known as 660 Liberty Street (07770-0155) as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 19.1.3.

Request:	See Above
Owner:	Archland Property I, LLC
By:	Robert N. Fratar, Esquire
Petitioner:	McDonald's Corporation
By:	Robert N. Fratar, Esquire

**City of Springfield**

36 Court Street
Springfield, MA 01103

SCHEDULED**PETITION (ID # 2520)**

Meeting: 02/24/14 07:00 PM
Department: Planning and Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 2520

**For a Special Permit to Operate a Drive-Up Service Window
at the Property Known as 100 Congress Street (03115-0025)
in Accordance with the Springfield Zoning Ordinance, Article
4, Table 4-4, Section 19.1.3 and M.G.L.**

Request:	See Above
Owner:	Gulmohar Hospitality, LLC
By:	Shardool Palmar
Petitioner:	Salmar Realty, LLC
By:	Peter Martins

REPORT TO CITY COUNCIL**ZONE CHANGE HEARING****PLOT and SECTION#: #3158 Section 47****DATE: February 24, 2014**

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: YMM Services, Inc.

Address: 136 Walnut Street (11952-0035)

Request: Com A to Bus B

HISTORY:**02/03/14 City Council****RECEIVED 1ST STEP****Next: 02/24/14****RECOMMENDATION: Recommend****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 the zoning on **Plot ##3158 Section 47, 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 February 24, 2014, regarding the above Ordinance amendment.

Kerry Dietz, Chairperson

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

**136 WALNUT STREET (11952-0035)
COMMERCIAL A TO BUSINESS B**

GENERAL INFORMATION

Applicant:	YMM Services, Inc.
Request:	Commercial A to Business B
Location:	136 Walnut Street
Parcel Size:	11,321 s.f.
Purpose:	Motor vehicle repairs.
Surrounding Land Use and Zoning:	The property is located in the Six Corners neighborhood. This site is located in an area with a mix of commercial and residential uses. The surrounding land uses include: To the north is Barrows Park zoned Open Space. To the south is Springfield Cemetery zoned Residence B. To the east is a restaurant zoned Business A. To the west are vacant land and a two-family house zoned Business A and Residence B.
Comprehensive/ Neighborhood Plan:	The Six Corners Neighborhood Plan shows no changes to this area.
Site Visit:	12-30-13
Urban Renewal Plan:	This parcel is not located within an urban renewal district.
Neighborhood Council Notification:	Maple High/Six Corners Neighborhood Council: 12-24-13
Planning Board Hearing Date:	1-8-14

SPECIAL INFORMATION

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

ANALYSIS

The petitioner has requested to change the zoning of the property known as 136 Walnut Street from Commercial A to Business B. The site is currently vacant and is planned to be used for motor vehicle repairs in conjunction with the petitioner's existing taxi business.

The property known as 136 Walnut Street is currently owned by the City of Springfield as it was taken through the tax title process. A Request for Proposals (RFP) was issued by the City and YMM Services, Inc.

was chosen as the preferred developer. As noted above, the petitioner intends to use the property for the maintenance of taxis used for the petitioner's existing taxi business.

While the staff is always apprehensive in the re-zoning of property to Business B, especially in areas where other Business B zoning does not exist, being that this is a City owned parcel, a number of re-use controls can be used to limit the uses that will normally be allowed to operate at this location under the Business B zoning. For instance, a deed restriction will be placed on the property, at the time the parcel is



transferred, that will state that this parcel can only be used for motor vehicle repairs. Other uses allowed under the Business B zoning (i.e. used car sales, auto body, light industrial uses, etc.) will be specifically prohibited.

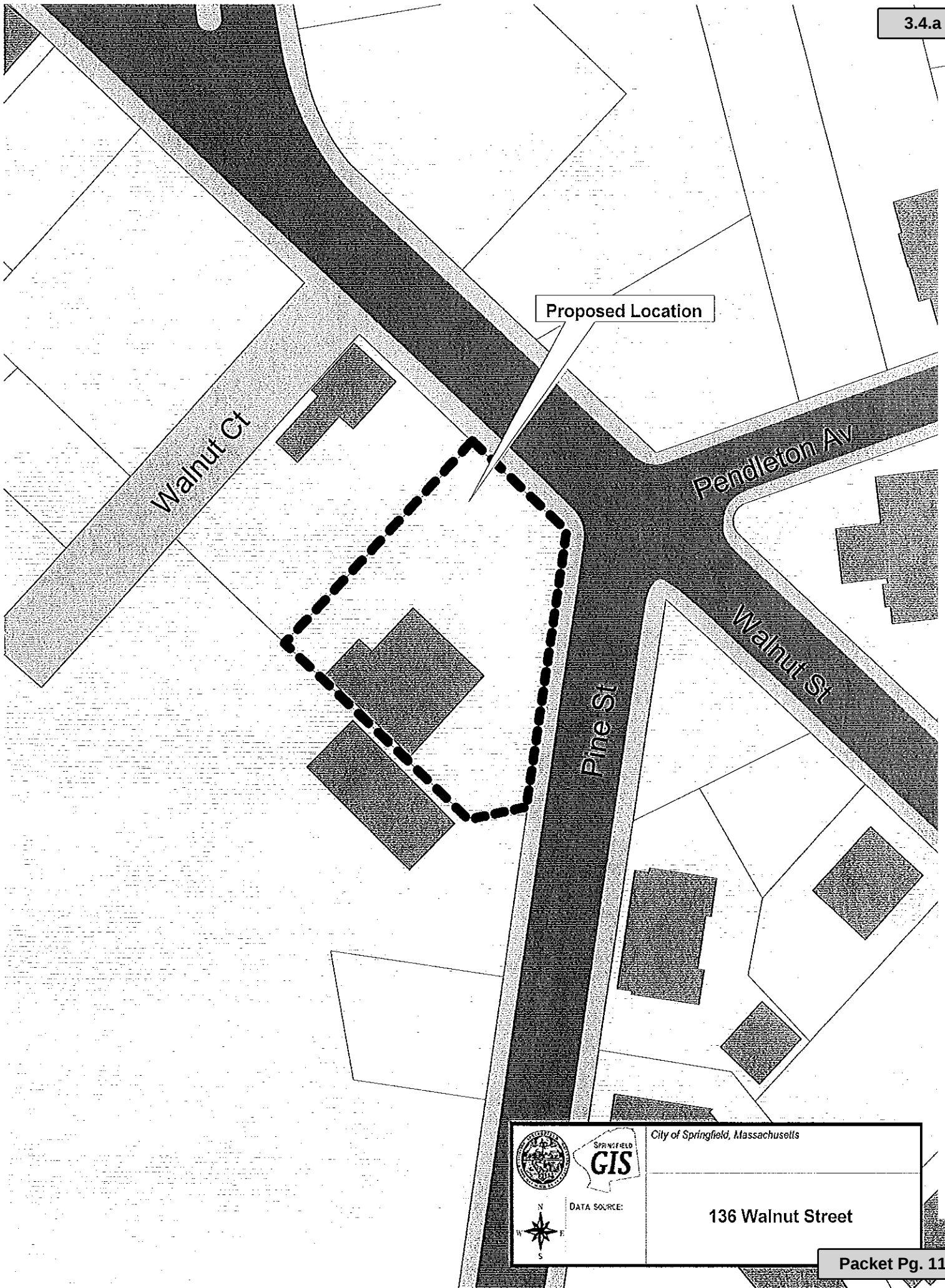
Further, as part of the review for the RFP, the staff has requested that a number of improvements be made to the property including the removal of the existing chain link fencing along both Pine and Walnut Streets and have this replaced with a new, black aluminum, ornamental fence. Upgrades to the existing building will also be completed.

It should be noted that in addition to the zone change, a special permit will also need to be obtained.

RECOMMENDATION

Approve.





Attachment: 3158_136_Walnut_St_2014_CC (2485 : 136 Walnut Street)

 SPRINGFIELD GIS DATA SOURCE: 	City of Springfield, Massachusetts
	136 Walnut Street



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND FOURTEEN

AN ORDINANCE

AMENDING SECTION 47 OF THE BUILDING ZONE MAP

Be it ordained by the City Council of the City of Springfield as follows:

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, May 28, 2013, as amended, is hereby further amended by changing from **Commercial A** to **Business B** the zoning on **Plot #3158, Section 47** of the Building Zone Map as indicated in red ink on the plan thereof hereto attached and marked "**Section 47 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 January 8, 2014 regarding the above Ordinance amendment.

1 Person(s) appeared in favor, and 0 Person(s) appeared in opposition.

Katie Stebbins, Chairperson



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND FOURTEEN

AN ORDINANCE

AMENDING SECTION 47 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, May 28, 2013, as amended, is hereby further amended by changing from **Commercial A** to **Business B** the zoning on Plot #3158, Section 47 of the Building Zone Map as indicated in red ink on the plan thereof hereto attached and marked "**Section 47 Building Zone Map of the City of Springfield.**"

REPORT TO CITY COUNCIL
ZONE CHANGE HEARING

PETITION: #3158
SECTION: 47

DATE: January 9, 2014

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: YMM Services, Inc.

ADDRESS: 136 Walnut Street (11952-0035)

CHANGE REQUESTED: Proposed zone change from Commercial A to Business B

PETITIONER'S PURPOSE STATEMENT: Motor vehicle repairs.

DATE OF PUBLIC HEARING: January 8, 2014

DATE OF FINAL DECISION: January 8, 2014

BOARD MEMBERS PRESENT and COUNT: (6) Mr. Daniele, Ms. DeFillipo, Mr. Cignoli,
Mr. Florian Ms. Morin, Mr. Swan

FINAL MOTION: APPROVE

IN FAVOR: (5) Mr. Daniele, Ms. DeFillipo, Mr. Cignoli, Mr. Florian, Mr. Swan

OPPOSED: (0)

ABSTAINED: (1) Ms. Morin

RECOMMENDATION: APPROVE

Respectfully Submitted,



Katie Stebbins, Chairperson

Attachment: 3158_136_Walnut_St_2014_CC (2485 : 136 Walnut Street)

REPORT TO CITY COUNCIL**ZONE CHANGE HEARING****PLOT and SECTION#: City Wide****DATE: February 24, 2014**

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
Request: See Above

HISTORY:**02/03/14 City Council****RECEIVED 1ST STEP****Next: 02/24/14****RECOMMENDATION: Recommend****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 the zoning on **Plot #City Wide, 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 February 24, 2014, regarding the above Ordinance amendment.

Kerry Dietz, Chairperson

OFFICE OF PLANNING & ECONOMIC DEVELOPMENT

ANALYSIS FOR A ZONE CHANGE

REGISTERED MARIJUANA DISPENSARY (RMD) & OFF-SITE MEDICAL MARIJUANA DISPENSARY (OMMD)

GENERAL INFORMATION

Petitioner:	Springfield Planning Board
Request:	The proposal is to amend Article 2, Section 2.2 and Article 4 including Section 4.7.100 – Medical Marijuana Dispensary and Off-Site Medical Marijuana Dispensary and Table 4-4.
Location:	City Wide
Parcel Size:	N/A
Purpose:	As stated under the “Purpose” statement of the proposed ordinance: 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.
Surrounding Land Use and Zoning:	N/A
Comprehensive/ Neighborhood Plan:	N/A
Tax Status:	N/A
Planning Board Hearing:	1-22-14

SPECIAL INFORMATION

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

Other Notes:

n/a

ANALYSIS

As the Planning Board/City Council is aware, the citizens of the Commonwealth of Massachusetts approved a state wide referendum legalizing the medical use of marijuana. The law allowing the use of medical marijuana became effective as of January 1, 2013.

As part of the legalization of medical marijuana, the City of Springfield enacted Interim Regulations for Medical Marijuana Treatment Centers in November 2013. Part of these interim regulations imposed a moratorium on this use until June 2014 or until such time superseding regulations were adopted. This moratorium was put into place in order to provide an opportunity to study the potential impacts on adjacent uses, on the general public health, safety and welfare and to develop zoning and/or other applicable regulations that appropriately address these considerations consistent with statewide regulations and procedures.

Concurrently, the Pioneer Valley Planning Commission (PVPC) took the lead in the creation of a "model" medical marijuana treatment bylaw/ordinance that could be used by communities throughout the Pioneer Valley which are facing similar concerns. The work on this new ordinance began back on July of 2013 and included direct input from several surrounding communities including Springfield, Holyoke, Easthampton, Amherst, Westfield, Holland and Middlefield. Input was also solicited from industry experts. After speaking with PVPC, it was noted that Amherst, Easthampton, Westfield, Hadley, Monson, Holyoke and Ludlow are also already in the process of adopting regulations using this "model" ordinance as their base.

As can be seen by the attached document, the proposed amendments would incorporate new definitions for medical marijuana to include Registered Marijuana Dispensary (RMD) and Off-Site Medical Marijuana Dispensary (OMMD). It also includes detailed regulations for the opening and operation of a RMD or OMMD and lastly amends the Use Table (Table 4-4) to indicate the zones in which a RMD or OMMD may be located.

Included in the proposed regulations are details which outline specific requirements which address the use, physical requirements, location, reporting requirements and the issuance/transfer/discontinuance of the proposed use. Highlights include:

- Use:
 - Limits on accessory uses
 - No consumption of marijuana on premises
 - Limits on hours of operation
 - Compliance with State Laws
- Location:
 - Only allowed within Industrial A Districts
 - 500 foot radius from schools and/or areas in which children congregate
 - 500 foot radius from a residence, a building containing residences or a residentially zoned property
- Reporting Requirements:
 - Notification requirement of management staff to key city departments (Police, Fire, Building, Board of Health, Law, etc.)
 - Notification of change of ownership
 - Requirement of submission of an annual report

- Issuance/Transfer/Discontinuance of Use:
 - Special permit issued for an initial three (3) year period with automatic renewal if no violations
 - Special permit issued to operator only
 - Special permit is non-transferable
 - Required to enter into Host Community Agreement (HCA) in addition to obtaining a special permit
 - Subject to revocation for any violations of state or city regulations

In addition to the regulations outlined above, there are also detailed requirements regarding the submission of the application which include:

- Copies of all required documentation from the Massachusetts Department of Public Health (DPH)
- Evidence of site control
- Disclosure of all officers, directors, shareholders, partners, etc.
- Full Site Plan Review Requirements as per Article 12.3.40, including all proposed exterior security measurements
- Detailed floor plan
- Signage
- Traffic study
- Management Plan

Overall, the staff recommends approval of the proposed regulations. The proposed ordinance has been well written and very adequately covers the concerns outlined above which were to address the potential impacts on adjacent uses, on the general public health, safety and welfare and appropriately address these considerations consistent with statewide regulations and procedures.

Lastly, the staff would like to extend its appreciation to the Pioneer Valley Planning Commission and all the communities involved. The staff recognizes that this is a unique issue and appreciates the hard work and effort which was put into the drafting of these regulations.

RECOMMENDATION

Approve.



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND FOURTEEN

AN ORDINANCE

AMENDING THE ENTIRE CITY OF THE BUILDING ZONING MAP

Be it ordained by the City Council of the City of Springfield as follows:

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, May 28, 2013, effective August 26, 2013, as amended, is hereby further amended by amending Article 2, Section 2.2 by adding the definition of Medical Marijuana, amending Article 4, Section 4.7.100 – Medical Marijuana Dispensary and Off-Site Medical Marijuana Dispensary and amending Article 4, Table 4-4 (see attached for full text).
"The entire City 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 January 22, 2014, regarding the above Ordinance amendment.

1 Person(s) appeared in favor, and 1 Person(s) appeared in opposition.

Katie Stebbins, Chairperson



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND FOURTEEN

AN ORDINANCE

AMENDING THE ENTIRE CITY OF THE BUILDING ZONING 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, May 28, 2013, effective August 26, 2013, as amended, is hereby further amended by amending Article 2, Section 2.2 by adding the definition of Medical Marijuana, amending Article 4, Section 4.7.100 – Medical Marijuana Dispensary and Off-Site Medical Marijuana Dispensary and amending Article 4, Table 4-4 (see attached for full text).
"The entire City Building Zone Map of the City of Springfield."

**REPORT TO CITY COUNCIL
ZONE CHANGE HEARING**

PETITION: #3160
SECTION: Entire City

DATE: January 23, 2014

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: Entire City

CHANGE REQUESTED: SEE ATTACHED

PETITIONER'S PURPOSE STATEMENT: To add new regulations to govern the use of Medical Marijuana within the City of Springfield.

DATE OF PUBLIC HEARING: January 22, 2014

DATE OF FINAL DECISION: January 22, 2014

BOARD MEMBERS PRESENT and COUNT: six (6): Ms. Morin, Mr. Daniele, Ms. DeFillipo, Ms. Stebbins, Mr. Swan and Mr. Cignoli

FINAL MOTION: Approve, with the recommended amendment to delete Section 4.7.102.E.8 (Host Community Agreement (HCA))

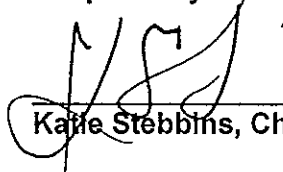
IN FAVOR: five (5): Ms. Morin, Ms. DeFillipo, Ms. Stebbins, Mr. Swan and Mr. Cignoli

OPPOSED: one (1): Mr. Daniele

ABSTAINED: N/A

RECOMMENDATION: Approve, with the recommended amendment to delete Section 4.7.102.E.8 (Host Community Agreement (HCA))

Respectfully submitted,



Katie Stebbins, Chairperson

Attachment: 3160_MM_RMD_OMMD_2014_CC (2499 : Medical Marijuana)

PETITION: **#3160**
SECTION: **Entire City**

DATE: January 23, 2014

to amend the Springfield Zoning Ordinance by amending Article 2, Section 2.2 by adding the definition of a Medical Marijuana, to read as follows:

MEDICAL MARIJUANA

REGISTERED MARIJUANA DISPENSARY (RMD). A use operated by a not-for-profit entity registered and approved by the Massachusetts Department of Public Health in accordance with 105 CMR 725.000, and pursuant to all other applicable state laws and regulations, also to be known as a Medical Marijuana Treatment Center, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. A RMD shall explicitly include facilities which cultivate and process medical marijuana, and which may also dispense and deliver medical marijuana and related products.

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.

OFF-SITE MEDICAL MARIJUANA DISPENSARY (OMMD). A Registered Marijuana Dispensary that is located off-site from the cultivation/processing facility (and controlled and operated by the same registered and approved not-for-profit entity which operates an affiliated RMD) but which serves only to dispense the processed marijuana, related supplies and educational materials to registered qualifying patients or their personal caregivers in accordance with the provisions of 105CMR 725.00.

and; to amend the Springfield Zoning Ordinance by amending Article 4 by adding Section 4.7.100 – Registered Marijuana Dispensary (RMD) and Off-Site Medical Marijuana Dispensary (OMMD) , to read as follows:

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

Attachment: 3160_MM_RMD_OMMD_2014_CC (2499 : Medical Marijuana)

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 and OFF-SITE MEDICAL MARIJUANA DISPENSARIES:

A. Use:

1. RMD and OMMD facilities may only be involved in the uses permitted by its definition and may not include other businesses or services.
2. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.
3. 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 8:00 p.m. and 8:00 a.m.
4. 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.

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. No outside storage is permitted.
3. No OMMD facility shall have a gross floor area in excess of five thousand (5,000) square feet.
4. 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.
5. 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 and OMMD facility shall be located on a parcel which is within five hundred (500) feet (to be measured in a straight line from the nearest points of each property line) of parcel occupied by:
 - a. a public or private elementary, junior high, middle, vocational or high school, college, junior college, university or child care facility or any other use in which children commonly congregate in an organized ongoing formal basis, or
 - b. another RMD or OMMD facility, except that this limitation shall not apply in Industrial zones.
- 2. No RMD or OMMD facility shall be located within five hundred (500) feet of a residence, a building containing residences, (including commercial residential uses such as hotels, motels, lodging houses, etc.) or a residential zoning district.
- 3. No RMD or OMMD facility shall be located inside a building containing residential units, including transient housing such as lodging houses, motels and dormitories.

D. Reporting Requirements:

- 1. All Special Permit holders for an RMD or OMMD facility shall provide the Police Department, Fire Department, Board of Health, 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 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 for an initial period of three (3) years. If there are no violations of Section 4.7.100 and/or breaches of the conditions of the Special Permit during that time frame, the Special Permit shall be automatically renewed.
 2. Special Permits shall be issued to the RMD or OMMD Operator only.
 3. Special Permits shall be issued for a specific parcel.
 4. Special Permits shall be non-transferable to either another RMD or OMMD Operator or parcel.
 5. 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
 - b. The permit holder's registration by MDPH expires, is suspended or is terminated.
 6. 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
 7. 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.
 8. In addition to the issuance of a Special Permit, the applicant shall also be required to enter into an approved Host Community Agreement (HCA).

9. 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.

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.
- 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 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. That the RMD or OMMD project meets a demonstrated need;
- E. 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
- F. That the RMD or OMMD facility adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility and its impact on neighboring uses.

and; to amend the Springfield Zoning Ordinance by amending Article 4, Table 4-4 to read as follows:

Table 4-4 Use Table																
USE	Residential Districts					Commercial & Business Districts								Industrial Districts		
	OS	Res A/A1	Res B/B1	Res C-1	Res C/C2	Office A	Com P	Com A	Bus A	Bus B	Bus B1	Bus C	Bus D	RF	MUI	IA IP
13. Industrial Uses																
13.1 Light Industrial	N	N	N	N		N	N	N	N	2	N	3	N	N	1	1 T
13.2 Industrial Use																
1 High Hazard Use A	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	3
2 High Hazard Use B	N	N	N	N	N	N	N	N	N	N	N	N	N	N	3	3
3 Other Industrial Use	N	N	N	N	N	N	N	N	N	N	N	N	N	N	T	T
13.3 Research and Development Laboratory																
1 Biotechnology Research and Development	N	N	N	N	N	N	N	N	N	N	2	T	N	N	2	2
2 Other Research and	N	N	N	N	N	N	N	N	N	N	T	T	N	N	2	2

Table 4-4 Use Table

Table 4-4 Use Table																				
USE	Residential Districts					Commercial & Business Districts										Industrial Districts			Additional Regulations	
						OS	Res A/A1	Res B/B1	Res C-1	Res C/C2	Office A	Com P	Com A	Bus A	Bus B					Bus B1
13.4 Medical Marijuana																				
1 Registered Marijuana Dispensary (RMD)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	3	N	Article 4, Section 4.7.100	
2 Off-Site Medical Marijuana Dispensary (OMMD)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	3	N	Article 4, Section 4.7.100	
13.5 Packing, Warehousing and/or Distribution of goods, merchandise, and equipment	N	N	N	N	N	N	N	N	N	T	T	N	N	N	N	2	2	2		

REPORT TO CITY COUNCIL**ZONE CHANGE HEARING****PLOT and SECTION#: 3159 & Section 53****DATE: February 24, 2014**

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: YellowBrick, LLC

Address: 672 Chestnut Street, WS Chestnut Street & SS Waverly Street

Request: Residence B to Office A

HISTORY:**02/03/14 City Council****RECEIVED 1ST STEP****Next: 02/24/14**

RECOMMENDATION: Recommend

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 the zoning on **Plot #3159 & Section 53, 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 February 24, 2014, regarding the above Ordinance amendment.

Kerry Dietz, Chairperson

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

**672 CHESTNUT STREET (02750-0193), WS CHESTNUT STREET (02750-0191) &
SS WAVERLY STREET (12055-0021)
RESIDENCE B TO OFFICE A**

GENERAL INFORMATION

Applicant:	YellowBrick Property, LLC
Request:	Residence B to Office A
Location:	672 Chestnut Street, WS Chestnut Street & SS Waverly Street
Parcel Size:	21,833 s.f.
Purpose:	Realtor's Office
Surrounding Land Use and Zoning:	The property is located in the Memorial Square neighborhood. This site is located in an area with a mix of commercial and residential uses. The surrounding land uses include: To the north is a single-family house zoned Residence B. To the south is a two-family house zoned Residence B. To the east is Baystate Medical Center zoned Residence B. To the west is a two-family house zoned Residence B.
Comprehensive/ Neighborhood Plan:	The Memorial Square Neighborhood Plan shows no changes to this area.
Site Visit:	1-10-14
Urban Renewal Plan:	This parcel is not located within an urban renewal district.
Neighborhood Council Notification:	New North Citizens Council: 1-7-14
Planning Board Hearing Date:	1-22-14

SPECIAL INFORMATION

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

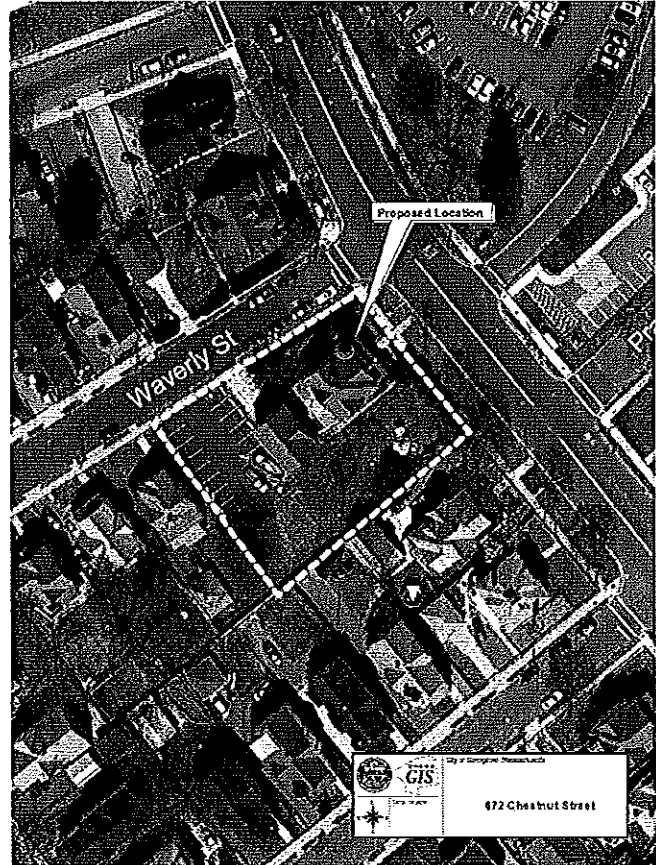
ANALYSIS

The petitioner has requested to change the zoning of the properties known as 672 Chestnut Street, WS Chestnut Street and WS Waverly Street from Residence B to Office A. The site is currently being used as a doctor's office.

After a review of the proposed plans and visiting the site, the staff does not object to the proposed request. As

stated above, the site is currently being used as a doctor's office and has been since 1984. Under the previous version of the zoning ordinance, that was in place in 1984, a residential structure could be used as an office for a doctor, oral surgeon or dentist, without the requirement of the practitioner living in the property, if it was within four hundred (400) feet of a hospital. This provision was removed in later drafts but the property has been used as doctor's office since the original special permit was issued. In addition to the main structure, it should be noted that a parking lot has been created on the Waverly Street parcel which services the main office use.

As noted above, the staff does not object to this proposed request. Since the property has been used as an office for the last thirty (30) years and has adequate off-street parking, the staff does not believe the change to Office A, which limits the use of the parcel to an office use only, will have a negative effect on the surrounding properties or the neighborhood as a whole.

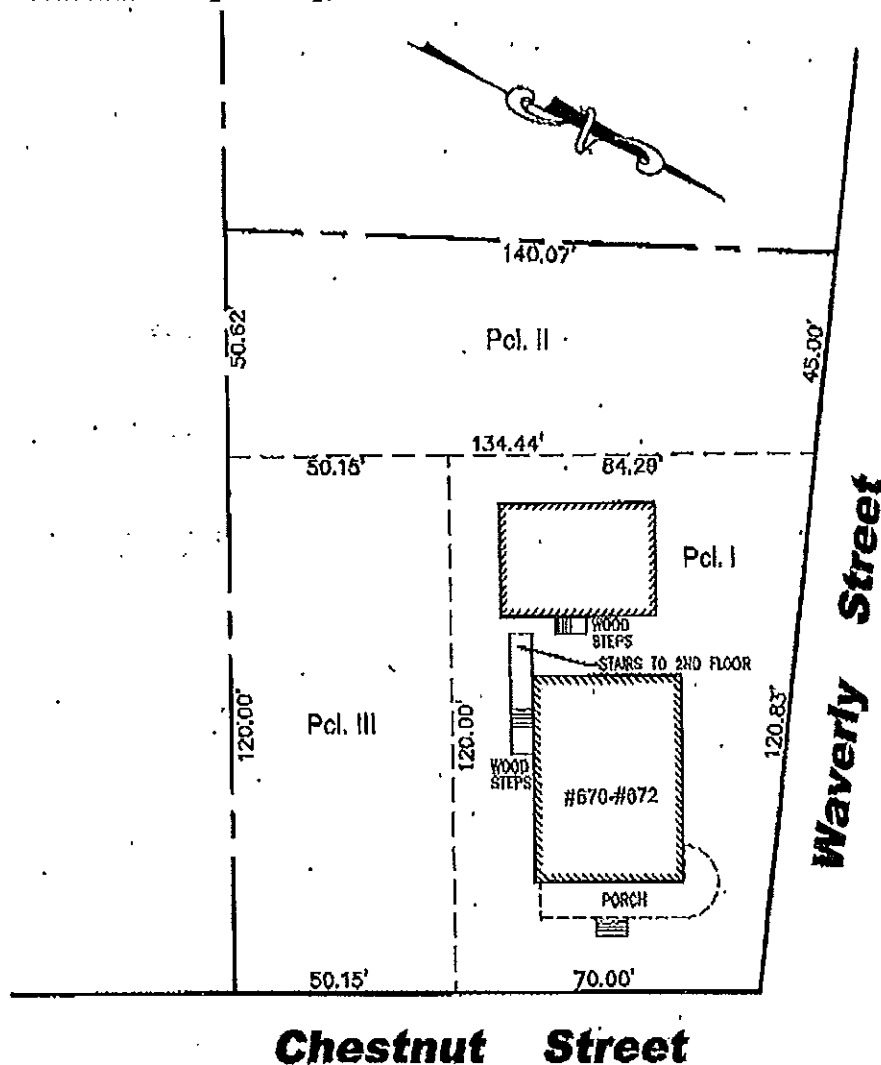


RECOMMENDATION

Approve.

PLAN FOR MORTGAGE PURPOSES ONLY

This plat is compiled from other plans, deed dimensions and other sources of information, is not to be construed as an accurate survey, and is subject to changes as a more accurate survey may disclose. Not to be used for construction planning, construction layout or recording purposes.



Property Reference: Hampden County. To the Easthampton Savings Bank
 Deed Bk. 17535 Pg. 116 Plan Bk. Pg. and the CATIC
 Land Ct. Cert. # plan #

Owner: 670 Chestnut Street, LLC

Address: 670-672 Chestnut Street

Springfield, Massachusetts

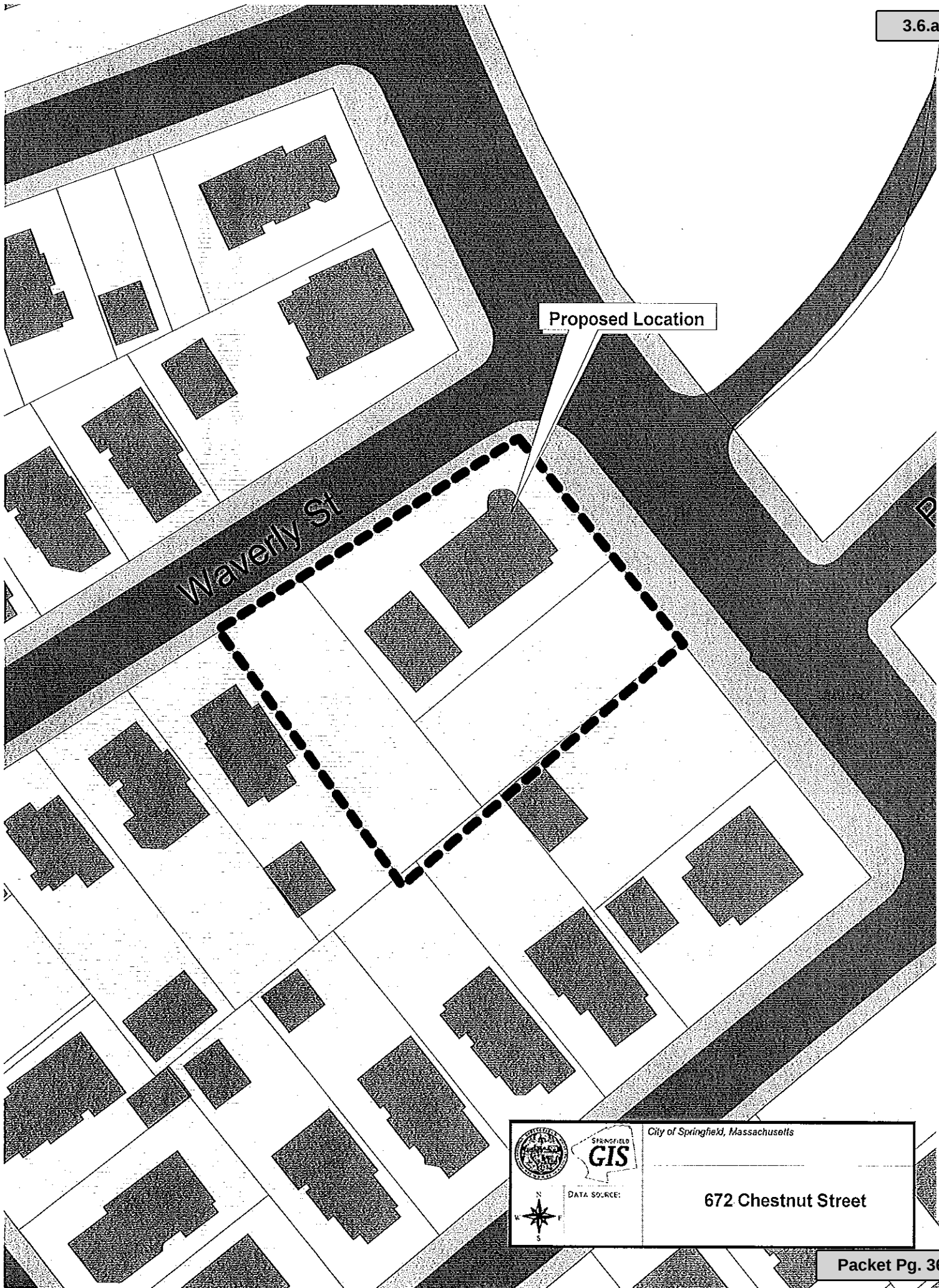
Date: December, 2013

D. L. BEAN

LAND CONSULTANTS

Forty School Street Westfield, Mass. 01085

To the best of my knowledge, information and belief, I hereby report that I have examined the premises and that this inspection plat shows the buildings as located on the premises described, that the buildings are entirely within lot lines, and that there are no encroachments upon the premises described by buildings of any adjoining premises, except as indicated. I further report that to the best of my knowledge there are no visible easements of record affecting the tract shown hereon, except as noted. I further certify that this property is not located in the established flood hazard area.



Proposed Location

Waverly St

Attachment: 3159_672_Chestnut_St_2014_CC (2500 : 672 Chestnut Street)

 SPRINGFIELD GIS DATA SOURCE: 	City of Springfield, Massachusetts 672 Chestnut Street
---	---



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND FOURTEEN

AN ORDINANCE

AMENDING SECTION 53 OF THE BUILDING ZONE MAP

Be it ordained by the City Council of the City of Springfield as follows:

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, May 28, 2013, as amended, is hereby further amended by changing from **Residence B to Office A** the zoning on Plot #3159, Section 53 of the Building Zone Map as indicated in red ink on the plan thereof hereto attached and marked "Section 53 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 January 22, 2014 regarding the above Ordinance amendment.

2 Person(s) appeared in favor, and 0 Person(s) appeared in opposition.

Katie Stebbins, Chairperson

Attachment: 3159_672_Chestnut_St_2014_CC (2500 : 672 Chestnut Street)



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND FOURTEEN

AN ORDINANCE

AMENDING SECTION 53 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, May 28, 2013, as amended, is hereby further amended by changing from **Residence B** to **Office A** the zoning on **Plot #3159, Section 53** of the Building Zone Map as indicated in red ink on the plan thereof hereto attached and marked "**Section 53 Building Zone Map of the City of Springfield.**"

**REPORT TO CITY COUNCIL
ZONE CHANGE HEARING**

PETITION: #3159
SECTION: 53

DATE: January 23, 2014

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: YellowBrick Property, LLC

ADDRESS: 672 Chestnut Street (02750-0193), WS Chestnut Street (02750-0191) & SS Waverly Street (12055-0021)

CHANGE REQUESTED: Proposed zone change from Residence B to Office A

PETITIONER'S PURPOSE STATEMENT: Realtor's office

DATE OF PUBLIC HEARING: January 22, 2014

DATE OF FINAL DECISION: January 22, 2014

BOARD MEMBERS PRESENT and COUNT: six (6): Ms. Morin, Mr. Daniele, Ms. DeFillipo, Ms. Stebbins, Mr. Swan and Mr. Cignoli

FINAL MOTION: Approve

IN FAVOR: six (6): Ms. Morin, Mr. Daniele, Ms. DeFillipo, Ms. Stebbins, Mr. Swan and Mr. Cignoli

OPPOSED: zero (0)

ABSTAINED: n/a

RECOMMENDATION: APPROVE

Respectfully submitted,



Katie Stebbins, Chairperson

Attachment: 3159_672_Chestnut_St_2014_CC (2500 : 672 Chestnut Street)