



City Council

Hearings Meeting

~ Draft ~

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

Tasheena Davis
4137876589

Monday, October 28, 2019

6:30 PM

Springfield City Hall -- Council Chambers

I. Hearings

6:30 PM Meeting called to order on October 28, 2019 at Springfield City Hall -- Council Chambers, 36 Court Street, Springfield, MA.

Attendee Name	Title	Status	Arrived
Tracye Whitfield	Councilwoman	Late	
Adam Gomez	Ward 1 Councilor	Present	
Timothy Ryan		Absent	
Michael A. Fenton	Ward 2 Councilor	Present	
Melvin A. Edwards	Ward 3 Councilor	Present	
E. Henry Twiggs	Ward 4 Councilor	Absent	
Kenneth E. Shea	Ward 6 Councilor	Present	
Orlando Ramos	Vice President - Ward 8 Councilor	Present	
Jesse Lederman		Present	
Marcus J Williams	vice-president	Present	
Timothy C. Allen	Ward 7 Councilor	Present	
Kateri B. Walsh	At-Large Councilor	Present	
Justin Hurst	President	Present	

Moment of Silence - Pledge of Allegiance

II. Petitions

1. Order (ID # 5401)

No Parking Shattuck St.

COMMENTS - Current Meeting:

No action taken by the Council.

RESULT:	REPORT
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2. Order (ID # 5402)

No Parking

COMMENTS - Current Meeting:

No action taken by the Council.

ATTACHMENTS:

- 10-7-2019 Agenda (PDF)

RESULT:	REPORT
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3. Order (ID # 5403)

No Parking James St.

COMMENTS - Current Meeting:

No action taken by the Council.

ATTACHMENTS:

- 10-7-2019 Agenda (PDF)

RESULT:	REPORT
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4. Order (ID # 5404)

No Parking Sunapee St.

COMMENTS - Current Meeting:

No action taken by the Council.

ATTACHMENTS:

- 10-7-2019 Agenda (PDF)

RESULT:	REPORT
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III. Special Permits**1. Petition (ID # 5268)**

For a Special Permit for Motor Vehicle Sales (Motorcycles), as an Accessory Use, at the Property Known as 879 Boston Road (01655-0597)(Book#7957/Page#472), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 19.5.

Request:	See Above
Owner:	Boston Road Associates, LLC
By:	Gene Niksa
Petitioner:	Damaris Rodriguez
By:	Damaris Rodriguez

HISTORY:

09/25/19	City Council	CONTINUE
Next: 10/28/19		

Damaris Rodriguez spoke as Petitioner. She stated she and her husband are requesting the special permit to sell motorcycles and motorcycle accessories.

Councilor Ramos asked for clarification on what the special permit was for.

Phil Dromey, Planning Director, stated it is based on the accessory use.

Councilor Ramos asked what the location was exactly.

Mr. Dromey stated it was at the corner of Walnut/Boston Rd.

Councilor Ramos asked if the Petitioner spoke with the Neighborhood Council?

Ms. Rodriguez stated they canceled the meeting due to the elections.

Councilor Ramos asked if it was going where the church is.

The owner of the building, Gene Niksa, stated the Petitioner occupies the left side of the building. The right side used to be a church that is no longer there.

Councilor Ramos suggested the item be tabled until the Petitioner goes to the Pine Point Neighborhood Council.

Councilor Ramos made a motion to continue the item, seconded by Councilor Ryan. All being in favor the item was continued to the next meeting.

COMMENTS - Current Meeting:

This item was continued from September 25, 2019.

A motion was made by Councilor Ramos to move this item further down the agenda, seconded by Councilor Lederman. All being in favor, the item was moved to number 2 under Special Permits.

Councilor Lederman stated he attended the meeting of the Pine Point Neighborhood Council where this special permit was discussed. He explained the Council was very receptive. He asked that any repairs on vehicles be done inside the garage.

The Petitioner stated they would agree to do all repairs inside the garage.

Councilor Lederman stated he would like to add this as a condition to the special permit.

Philip Dromey, Director of Planning, stated this was not a current condition but it can be added.

Councilor Lederman made a motion to add an additional condition stating all repairs to vehicles will be done inside the garage, seconded by Councilor Edwards. With all being in favor, the motion passed unanimously.

Councilor Ramos stated he followed up with neighbors that had concerns and the issues have been resolved by the Petitioner.

Councilor Lederman thanked the Petitioner for the cooperation with the neighborhood throughout the process.

ATTACHMENTS:

- Boston_Rd_879_Tax_Formal (PDF)
- Boston_Rd_879_2019 (PDF)

RESULT:	APPROVED [11 TO 0]
AYES:	Whitfield, Gomez, Fenton, Edwards, Shea, Ramos, Lederman, Williams, Allen, Walsh, Hurst
ABSENT:	Timothy Ryan, E. Henry Twiggs

2. Petition (ID # 5313)

For a Special Permit for an Accessory Wall Sign(S), to be Located Above the First Floor, at the Property Known as 1150 Hall of Fame Way (A.K.A. West Columbus Avenue) (12168-0099)(Book#17676/Page#4), as Authorized by M.G.L. and the Springfield Zoning Ordinance, Article 9, Section 9.8.17.

Request:	See Above
Owner:	Rivers Landing, LLC
By:	Peter Pappas, Manager
Petitioner:	Pellegrini, Seely, Ryan & Blakesly
By:	Adam Wright, Director of Marketing

COMMENTS - Current Meeting:

This item was moved up and heard as item #1 by the Council.

Atty. Charlie Casatello, representative of the Petitioner Pelligrini, Ryan, Seeley and Blakesly, spoke in favor of the petition. He explained the Petitioner is a new tenant at the Former Mama Iguana's. The Petitioner would like to place one sign on the building identifying the law firm.

ATTACHMENTS:

- Hall_Of_Fame_Way_1150_Tax_Formal (PDF)
- Hall_Of_Fame_Ave_1150_Sign_2019 (PDF)

RESULT:	APPROVED [11 TO 0]
AYES:	Whitfield, Gomez, Fenton, Edwards, Shea, Ramos, Lederman, Williams, Allen, Walsh, Hurst
ABSENT:	Timothy Ryan, E. Henry Twiggs

3. Petition (ID # 5343)

To Amend an Existing Special Permit (Recycling Center), Granted January 2001, at the Property Known as 89-99 Guion Street (06143-0005), by Allowing the Recycling of Plastics and Wooden Pallets as Well as Amending the Current Hours of Operation as Listed in the January 2001 Special Permit, Amending the Provisions for Outside Storage as Listed in the December 2003 Special Permit and Further Allowing the Storage of Tractor Trailers, as an Accessory Use, on a Portion of the Property Known as 299 Page Boulevard (09440-1100), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 4, Table 4-4, Section 15.4 and Section 12.5(2).

Request:	See Above
Owner:	99 Guion Street Associates, LLC/Guion Street Realty Corp and 299 Page Boulevard, LLC
By:	Aaron Goodman
Petitioner:	Northstar Pulp & Paper Company,

By: Inc.
Aaron Goodman

COMMENTS - Current Meeting:

Frank Fitzgerald, representative for the Petitioner Northstar, spoke in favor of the petition. He explained the Petitioner has been in contact with the neighborhood and has addressed all concerns raised. He stated this is a five generation, family owned business. He went on to explain the business. He stated it is a full-service waste management business with over 30 employees that reside in Springfield. The business processes paper, plastics and woods and will be sure to restrict noise pollution by improving fencing. He further explained that there was an issue with dust and that has been addressed through attentiveness to shredding operations. The business has reviewed and followed the MassDEP regulations. To alleviate neighborhood concerns, a representative from Northstar will attend Neighborhood Council meetings regularly.

Kathy Brown, President of the East Springfield Neighborhood Council, stated that the Petitioner has worked with the East Springfield Neighborhood Council and the Petitioner received unanimous support.

Councilor Fenton thanked Kathy, Marie, John and the Balboni family. He explained the special permit is for a heavy industrial use surrounded by Residence A and B. The conditions of the special permit were crafted to protect the neighborhood. He stated that this is typically difficult to do, but it was accomplished in this instance.

Councilor Fenton continued by passing around mutual amendments to the special permit conditions. Councilor Fenton made a motion to adopt the six (6) amendments to the special permit conditions, seconded by Councilor Shea. All being in favor, the motion passed.

Councilor Allen made a motion to amend condition #11 to correct a grammatical error, seconded by Councilor Fenton.

Councilor Ramos asked if Planning was aware of the amendments.

Philip Dromey, Director of Planning, stated he defers to the Petitioner and East Springfield Neighborhood Council.

ATTACHMENTS:

- Guion_St_89_99_Tax_Formal_Revised (PDF)
- Guion_St_89_99_Amend_2019 (PDF)

RESULT:	APPROVED [11 TO 0]
AYES:	Whitfield, Gomez, Fenton, Edwards, Shea, Ramos, Lederman, Williams, Allen, Walsh, Hurst
ABSENT:	Timothy Ryan, E. Henry Twiggs

4. Petition (ID # 5279)

For a Special Permit to Operate an Adult Use Marijuana Establishment (Storefront Retail) at the Property Known as 311 Page Boulevard (09440-1063))(Book#17740/Page#19), as

Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 20.1(1).

Request:	See Above
Owner:	575 Union Street, LLC
By:	Michael Vinick
Petitioner:	311 Page Boulevard, LLC
By:	Timothy Rooke

HISTORY:**09/24/19****City Council****CONTINUE VOTE****Next: 10/28/19****COMMENTS - Current Meeting:**

The special permit was approved on September 24, 2019 and continued until October 28, 2019 to approve the Findings of Fact and Decision.

ATTACHMENTS:

- Page_Bl_311_Tax_Formal (PDF)
- Page_Bl_311_Adult_Use_2019 (PDF)
- 311_Page_Blvd-Findings-Oct 2019-FINAL (DOCX)

RESULT: APPROVED [11 TO 0]**AYES:** Whitfield, Gomez, Ryan, Edwards, Shea, Ramos, Lederman, Williams, Allen, Walsh, Hurst**ABSENT:** Michael A. Fenton, E. Henry Twiggs**5. Petition (ID # 5408)**

Findings of Fact-311 Page Blvd. Special Permit

COMMENTS - Current Meeting:

Edward Pikula, City Solicitor, spoke about the Findings and Decision presented to the Council. He stated this is a continuance from the special permits approved on September 24, 2019 for 311 Page Blvd, 250 Albany Street and 1300 Boston Road. He explained this does not require discussion but is being incorporated into the final decision. The Findings are being presented for signatures only and no vote is required as the reasons were voted on during the hearing on September 24, 2019.

Councilor Allen stated the Council approves many special permits and this hasn't been done before.

Atty. Pikula stated this is being done because the marijuana is a new, complex industry.

Councilor Lederman stated there was a fourth special permit that was not approved that night. He asked if there was a written decision for that special permit.

Atty. Pikula stated there were no reasons approved for denial of that special permit and there is nothing in the Planning Staff analysis to support the denial. He explained there is an executive session scheduled for a further discussion.

ATTACHMENTS:

- 311_Page_Blvd-Findings-Oct 2019-FINAL (DOCX)

RESULT: RECEIVED PASSED**6. Petition (ID # 5270)**

For a Special Permit to Operate an Adult Use Marijuana Establishment (Storefront Retail) at the Property Known as 250 Albany Street (00160-0060)(Book#8278/Page#436), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 20.1(1).

Request: See Above
Owner: 44 Howes Street Realty, LLC
By: Emilio Sibilila, Jr.
Petitioner: 6 Bricks, LLC
By: Payton Shubrick

HISTORY:**09/24/19****City Council****CONTINUE VOTE****Next: 10/28/19****COMMENTS - Current Meeting:**

The special permit was approved on September 24, 2019 and continued until October 28, 2019 to approve the Findings of Fact and Decision.

ATTACHMENTS:

- Albany_St_250_Tax_Formal (PDF)
- Albany_St_250_Adult_Use_2019 (PDF)
- 6 Bricks Findings-Oct 2019-FINAL(DOCX)

RESULT: APPROVED [12 TO 0]**AYES:** Whitfield, Gomez, Ryan, Fenton, Edwards, Shea, Ramos, Lederman, Williams, Allen, Walsh, Hurst**ABSENT:** E. Henry Twiggs**7. Petition (ID # 5407)**

Findings of Fact-250 Albany St Special Permit

COMMENTS - Current Meeting:

The Council took this item with the Findings & Decision for 311 Page Blvd.

ATTACHMENTS:

- 6 Bricks Findings-Oct 2019-FINAL(DOCX)

RESULT: RECEIVED PASSED**8. Petition (ID # 5261)**

For a Special Permit to Operate an Adult Use Marijuana Establishment (Storefront Retail) at the Property Known as 1300 Boston Road (01655-0254)(Book#19592/Page#416), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 20.1(1).

Request: See Above
Owner: Boston Road/Pasco Rt 20 Retail,

By: LLC
Petitioner: Frank Colaccino
By: Holistic Industries, Inc.
Josh Genderson

HISTORY:

09/24/19 City Council **CONTINUE VOTE**
Next: 10/28/19

COMMENTS - Current Meeting:

The special permit was approved on September 24, 2019 and continued until October 28, 2019 to approve the Findings of Fact and Decision.

ATTACHMENTS:

- Boston_Rd_1300_Tax_Formal (PDF)
- Boston_Rd_1300_Adult_Use_2019 (PDF)
- 1300_Boston_Rd-Findings-Oct 2019-FINAL (DOCX)

RESULT: **APPROVED [11 TO 0]**
AYES: Whitfield, Gomez, Ryan, Edwards, Shea, Ramos, Lederman, Williams, Allen, Walsh, Hurst
ABSENT: Michael A. Fenton, E. Henry Twiggs

9. Petition (ID # 5406)

Findings of Fact-1300 Boston Rd. Special Permit

COMMENTS - Current Meeting:

The Council took this item with the Findings & Decision for 311 Page Blvd.

ATTACHMENTS:

- 1300_Boston_Rd-Findings-Oct 2019-FINAL (DOCX)

RESULT: **RECEIVED PASSED**

IV. Executive Session**1. Informational (ID # 5405)**

Executive Session

EXECUTIVE SESSION to discuss strategy with respect to litigation where the Law Department has declared that such a discussion may have a detrimental effect on the litigating position of the public body, not to reconvene in open session.

COMMENTS - Current Meeting:

Councilor Edwards made a motion to go into executive session for the purpose of discussing litigation strategy and that the Council would not be going back into open session, seconded by Councilor Whitfield. During a roll call vote, Councilors Whitfield, Gomez, Fenton, Edwards, Shea, Ramos, Lederman, Williams, Allen, Walsh and Hurst all voted in favor of going into executive session.

RESULT: **RECEIVED THE REPORT - UNANIMOUS**



City Council

TABLED

Meeting: 10/28/19 06:30 PM

Initiator: Hector Velez

Sponsors:

DOC ID: 5401

2.1

No Parking Shattuck St. ()

19-24

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

In City Council, October 28, 2019

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

MAYNARD STREET. Stop signs facing northbound and southbound vehicles on Maynard St. at Shattuck St.

RESULT:	REPORT
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City Council

TABLED

Meeting: 10/28/19 06:30 PM

Initiator: Hector Velez

Sponsors:

DOC ID: 5402

2.2

No Parking ()

19-25

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

In City Council, October 28, 2019

ORDERED, that the Rules of the Road approved September 8, 1936, as amended be further amended by striking out under Sections 2 through 13 of Article V, the following:

SURREY ROAD. South side of Surrey Rd. from the curb line of Balfour Dr. easterly direction 663 feet.

AND, further amending by inserting under Section 2(a) of Article V, “No Parking Anytime”, as follows:

SURREY ROAD. South side of Surrey Rd. from the curb line of Balfour Dr. easterly

direction 663 feet.

RESULT:	REPORT
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**NOTICE OF MEETING
SPRINGFIELD TRAFFIC COMMISSION
MEETING AGENDA**

Monday, October 7, 2019

**Meeting Hour:
10:15 A.M**

LOCATION:

**Clodo Concepcion Community Center (Greenleaf)
1187 Parker St, Springfield, MA 01129**

ACCEPT MINUTES OF THE MEETING OF August 12, 2019

New items:

19-19 Park Street. Emergency Vehicles Only for the Caring Health center.

19-20 West Columbus Ave. & Lyman St. To remove 2 hour metered parking.

19-21 Josephine Street. Stop sign at the corner of Ruby Rd. And Josephine Street.

19-22 Sunrise Terrace. Stop signs, side streets abutting/ending at Sunrise Terrace.

19-23 Myrtle Street.

Traffic Regulations:

19-24 Maynard Street. Stop sign and ALL WAY signs facing northbound and southbound vehicles on Maynard St. at Shattuck St.

19-25 Surrey Road. No Parking Any Time- south side of Surrey Rd. from the curb line of Balfour Dr. easterly direction 663 feet.

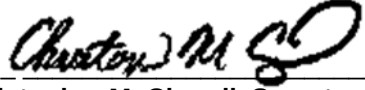
19-26 James Street. Do Not Enter signs, 100 feet from Walnut Street facing southbound vehicles on James St.

19-27 James Street. No Parking Any Time- from Walnut Street southerly direction 100 feet both side of James St.

19-28 Sunapee Street. No Parking Any Time starting from Blaine Street southerly 73 feet , west side of Sunapee St.

Attachment: 10-7-2019 Agenda (5402 : No Parking Surrey Rd.)

Other business that may lawfully come before the Traffic Commission pursuant to the Open Meeting Law

By: 
Christopher M. Cignoli, Secretary
Springfield Traffic Commission

NOTE: If you are unable to attend this meeting, please notify Hector Velez at 784-4891 or hvelez@springfieldcityhall.com to ensure a quorum.

Attachment: 10-7-2019 Agenda (5402 : No Parking Surrey Rd.)



City Council

TABLED

Meeting: 10/28/19 06:30 PM

Initiator: Hector Velez

Sponsors:

DOC ID: 5403

2.3

No Parking James St. ()

19-27

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

In City Council, October 28, 2019

ORDERED, that the Rules of the Road approved September 8, 1936, as amended be further amended by striking out under Sections 2 through 13 of Article V, the following:

JAMES STREET. From Walnut Street southerly direction 100 feet both side of James Street.

AND, further amending by inserting under Section 2(a) of Article V, “ No Parking Anytime”, as follows:

JAMES STREET. From Walnut Street southerly direction 100 feet both side of James Street.

RESULT: REPORT

**NOTICE OF MEETING
SPRINGFIELD TRAFFIC COMMISSION
MEETING AGENDA**

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Traffic Regulations:

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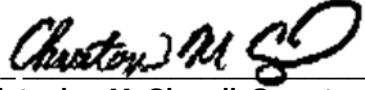
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Attachment: 10-7-2019 Agenda (5403 : No Parking James St.)

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By: 
Christopher M. Cignoli, Secretary
Springfield Traffic Commission

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Attachment: 10-7-2019 Agenda (5403 : No Parking James St.)



City Council

TABLED

Meeting: 10/28/19 06:30 PM

Initiator: Hector Velez

Sponsors:

DOC ID: 5404

2.4

No Parking Sunapee St. ()

19-28

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

In City Council, October 28, 2019

ORDERED, that the Rules of the Road approved September 8, 1936, as amended be further amended by striking out under Sections 2 through 13 of Article V, the following:

SUNAPEE STREET. West side of Sunapee Street from Blaine Street southerly 73 feet.

AND, further amending by inserting under Section 2(a) of Article V, “ No Parking Anytime”, as follows:

SUNAPEE STREET. West side of Sunapee Street from Blaine Street southerly 73 feet.

RESULT: REPORT

**NOTICE OF MEETING
SPRINGFIELD TRAFFIC COMMISSION
MEETING AGENDA**

Monday, October 7, 2019

**Meeting Hour:
10:15 A.M**

LOCATION:

**Clodo Concepcion Community Center (Greenleaf)
1187 Parker St, Springfield, MA 01129**

ACCEPT MINUTES OF THE MEETING OF August 12, 2019

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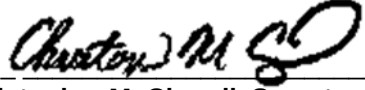
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19-27 James Street. No Parking Any Time- from Walnut Street southerly direction 100 feet both side of James St.

19-28 Sunapee Street. No Parking Any Time starting from Blaine Street southerly 73 feet , west side of Sunapee St.

Attachment: 10-7-2019 Agenda (5404 : No Parking Sunapee St.)

Other business that may lawfully come before the Traffic Commission pursuant to the Open Meeting Law

By: 
Christopher M. Cignoli, Secretary
Springfield Traffic Commission

NOTE: If you are unable to attend this meeting, please notify Hector Velez at 784-4891 or hvelez@springfieldcityhall.com to ensure a quorum.



City Council
36 Court Street
Springfield, MA 01103

COMPLETED

PETITION (ID # 5313)

Meeting: 10/28/19 06:30 PM
Department: Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 5313

For a Special Permit for an Accessory Wall Sign(S), to be Located Above the First Floor, at the Property Known as 1150 Hall of Fame Way (A.K.A. West Columbus Avenue) (12168-0099)(Book#17676/Page#4), as Authorized by M.G.L. and the Springfield Zoning Ordinance, Article 9, Section 9.8.17.

Request:	See Above
Owner:	Rivers Landing, LLC
By:	Peter Pappas, Manager
Petitioner:	Pellegrini, Seely, Ryan & Blakesly
By:	Adam Wright, Director of Marketing

COMMENTS - Current Meeting:

This item was moved up and heard as item #1 by the Council.

Atty. Charlie Casatello, representative of the Petitioner Pelligrini, Ryan, Seeley and Blakesly, spoke in favor of the petition. He explained the Petitioner is a new tenant at the Former Mama Iguana's. The Petitioner would like to place one sign on the building identifying the law firm.

RESULT:	APPROVED [11 TO 0]
AYES:	Whitfield, Gomez, Fenton, Edwards, Shea, Ramos, Lederman, Williams, Allen, Walsh, Hurst
ABSENT:	Timothy Ryan, E. Henry Twiggs

To The City Council of the City of Springfield:
The undersigned respectfully petition your honorable body

for a special permit for motor vehicle sales (motorcycles), as an accessory use, at the property known as ~~879~~ 879 Boston Road (01655-0597)(Book#7957/Page#472), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 19.5.

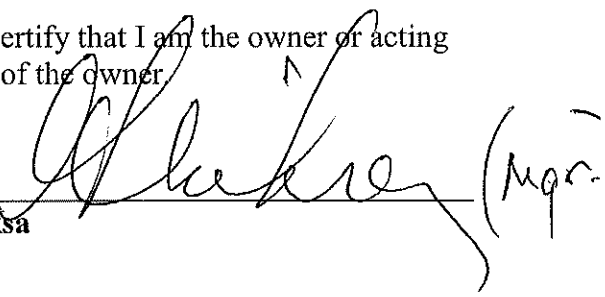
Mailing Address:

879 Boston Road
 Springfield, MA 01119

Owner:

Boston Road Associates, LLC

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

BY: 
 Gene Niksa

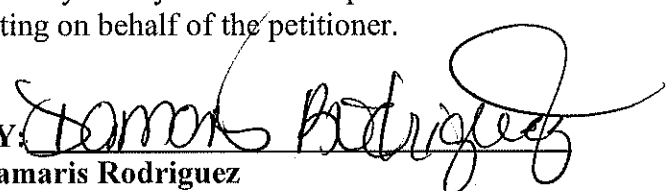
Mailing Address:

87 Florence Street
 Springfield, MA 01105

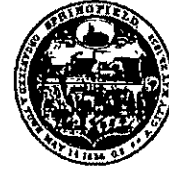
Petitioner:

Damaris Rodriguez

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

BY: 
 Damaris Rodriguez

Attachment: Boston_Rd_879_Tax_Formal (5268 : 879 Boston Road)



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

8/13/2019

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 : 879 Boston Road
Petitioner : Damaris Rodriguez
Landlord : Boston Road Associates, LLC


Peter L. Sygnator Assistant Collector

**OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A SPECIAL PERMIT**

**879 BOSTON ROAD (01655-0597)
ACCESSORY USE MOTOR VEHICLE SALES (MOTORCYCLES)**

General Information

Petitioner:	Damaris Rodriguez
Request:	Motor vehicle sales as an accessory use.
Proposed use of the property:	Sale of motorcycles and accessories.
Property Size:	16,024 s.f.
Compatibility with current planning documents:	The Boston Road Neighborhood Plan shows no changes to this area.
Neighborhood council notification:	Pine Point Neighborhood Council: 9-10-19
Tax Status:	SEE ATTACHED
Site Visit:	9-16-19
Hearing Date:	9-25-19

Staff Analysis

Neighborhood characteristics:

The parcel is currently spilt zoned between Businesses A and is located along the Boston Road commercial corridor. The area that has a mix of commercial and residential uses. The surrounding land uses include:

- To the north is a used car lot zoned Business B.
- To the south is a single-family house zoned Residence A.
- To the east is a church zoned Business A.
- To the west is an auto repair facility zoned Business B.

Site plan review:

The petitioner has requested a special permit for the sale of motor vehicles (motorcycles), as an accessory use at the property known as 879 Boston Road. This site is the current location of the Body Shop, an auto body repair facility. This site is the current location of Galley Motorsports and Signarama.

After review of the plans and visiting the site, the staff does not object to the proposed use. As noted above, the petitioner intends to sell motorcycles in conjunction with its existing motorsports operation. Due to the fact that this property is zoned Business A, the sales of vehicles is only allowed as an accessory use and, as such, is limited to no more than five (5) vehicles.

As noted above, the staff does not oppose the special permit. After visiting the site, it was noted that the property is being maintained in very good condition. Due to the fact that this is for motorcycles sales as well, the staff does believe the existing parking could accommodate the display of these vehicles as well as customers and/or employees.



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 operation of motor vehicle sales, as an accessory use, at the property known as 879 Boston Road (01655-0597).
3. The use shall be developed in accordance with the attached site plan, with the additions of conditions #4 through #8.
4. There shall be no more than five (5) vehicles displayed for sale and/or stored, outside of the building at any one time.
5. The site shall be maintained free of all weeds, trash and debris.
6. The building shall be maintained graffiti free.
7. The public sidewalk along Boston Road shall be maintained, including snow removal.
8. There shall be no banners, streamer or other promotional materials located on the exterior of the building.
9. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

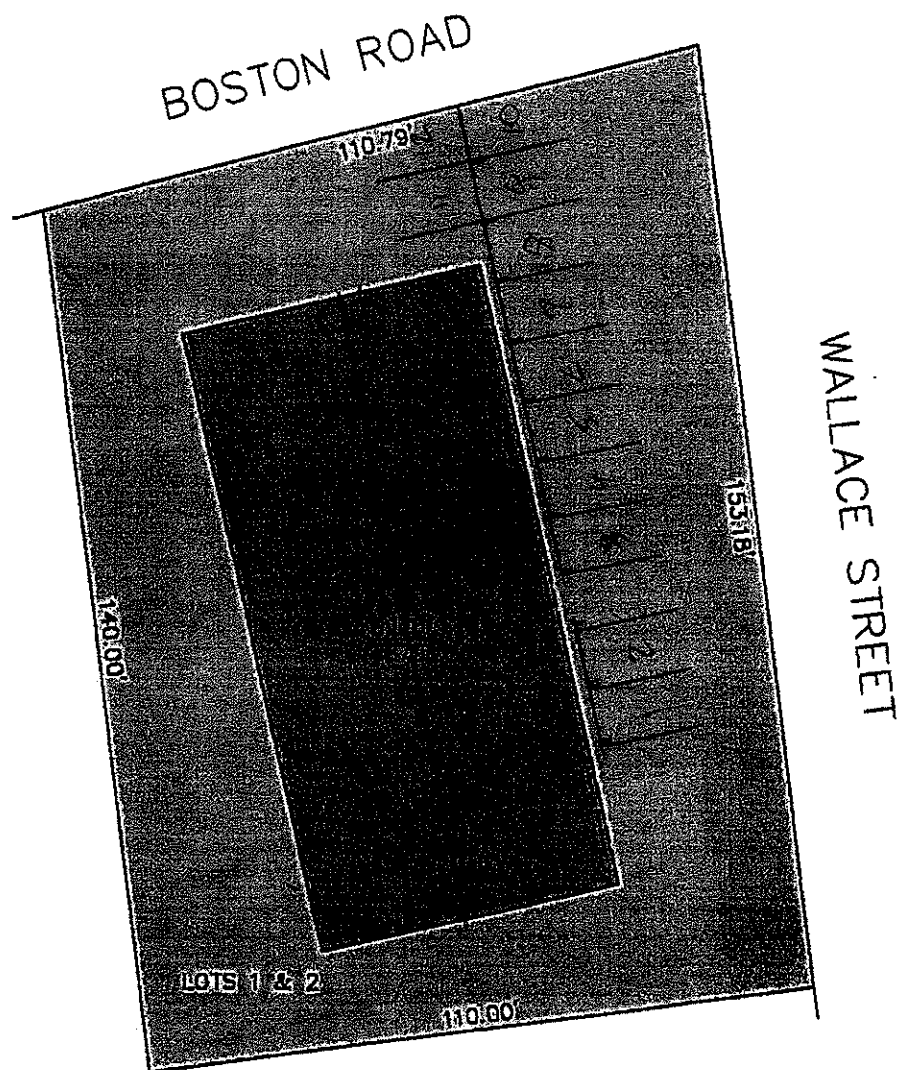
8/13/2019

Special Permit Tax Certification

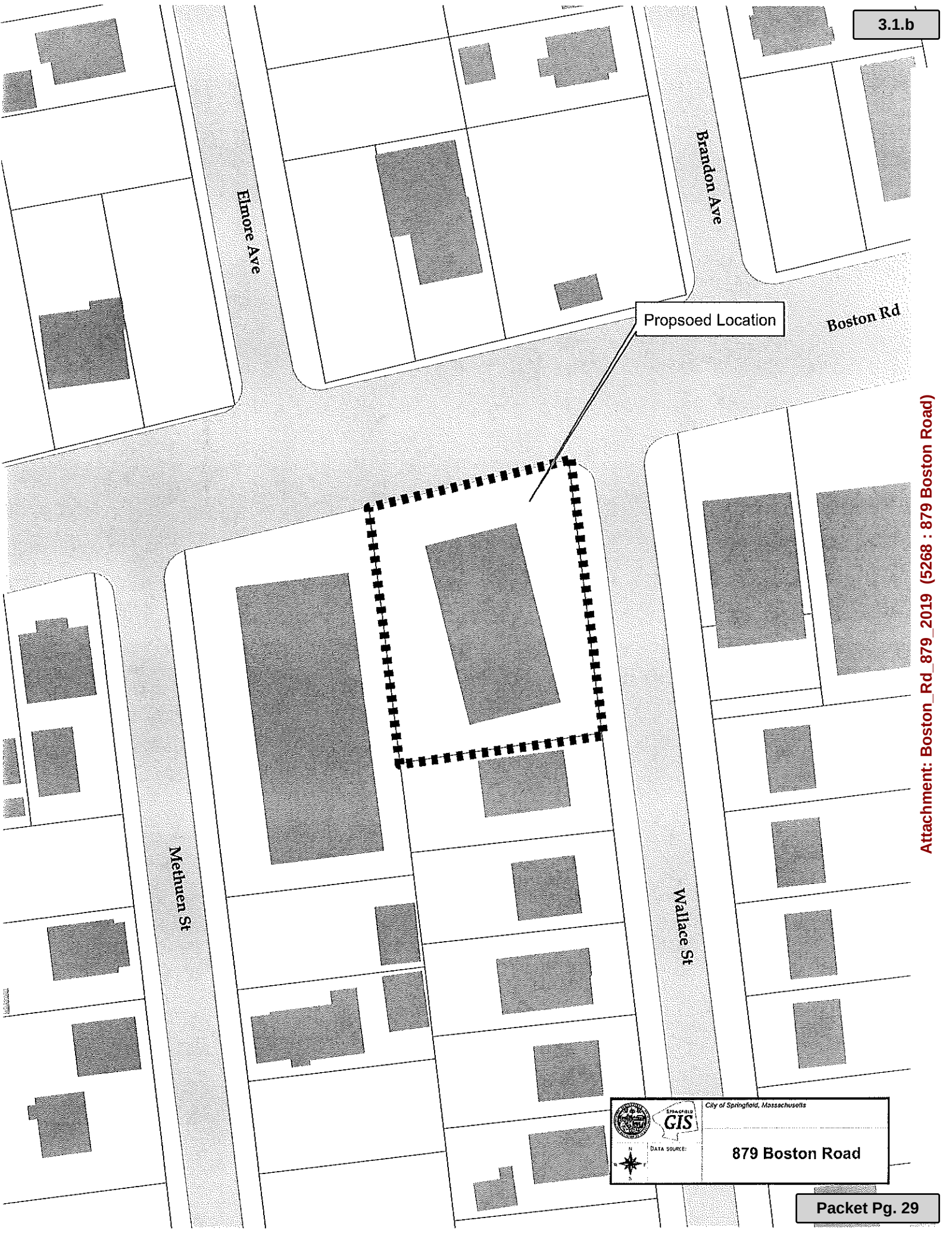
I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below:

Special Permit : 879 Boston Road
Petitioner : Damaris Rodriguez
Landlord : Boston Road Associates, LLC


Peter L. Sygnator Assistant Collector



Attachment: Boston_Rd_879_2019 (5268 : 879 Boston Road)



Proposed Location

Boston Rd

Methuen St

Elmore Ave

Brandon Ave

Wallace St



City of Springfield, Massachusetts

DATA SOURCE:

879 Boston Road

Attachment: Boston_Rd_879_2019 (5268 : 879 Boston Road)



City Council
36 Court Street
Springfield, MA 01103

COMPLETED

PETITION (ID # 5313)

Meeting: 10/28/19 06:30 PM
Department: Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 5313

For a Special Permit for an Accessory Wall Sign(S), to be Located Above the First Floor, at the Property Known as 1150 Hall of Fame Way (A.K.A. West Columbus Avenue) (12168-0099)(Book#17676/Page#4), as Authorized by M.G.L. and the Springfield Zoning Ordinance, Article 9, Section 9.8.17.

Request:	See Above
Owner:	Rivers Landing, LLC
By:	Peter Pappas, Manager
Petitioner:	Pellegrini, Seely, Ryan & Blakesly
By:	Adam Wright, Director of Marketing

COMMENTS - Current Meeting:

This item was moved up and heard as item #1 by the Council.

Atty. Charlie Casatello, representative of the Petitioner Pelligrini, Ryan, Seeley and Blakesly, spoke in favor of the petition. He explained the Petitioner is a new tenant at the Former Mama Iguana's. The Petitioner would like to place one sign on the building identifying the law firm.

RESULT:	APPROVED [11 TO 0]
AYES:	Whitfield, Gomez, Fenton, Edwards, Shea, Ramos, Lederman, Williams, Allen, Walsh, Hurst
ABSENT:	Timothy Ryan, E. Henry Twiggs

To The City Council of the City of Springfield:

The undersigned respectfully petition your honorable body

For a special permit for an accessory wall sign(s), to be located above the first floor, at the property known as 1150 Hall of Fame Way (a.k.a. West Columbus Avenue) (12168-0099)(Book#17676/Page#4), as authorized by M.G.L. and the Springfield Zoning Ordinance, Article 9, Section 9.8.17.

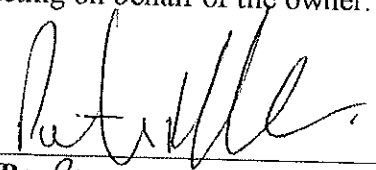
Mailing Address

9 Overlook Lane
Southwick, MA 01077

Owner:

Rivers Landing, LLC

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

BY: 

Peter Papas - MANAGER

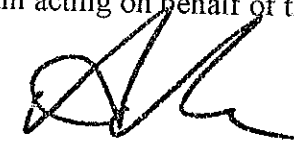
Mailing Address

1145 Main Street
Springfield, MA 01103

Petitioner:

Pellegrini, Seeley, Ryan & Blakesly

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

BY: 

Adam Wright, Director of Marketing

Attachment: Hall Of Fame Way 1150 Tax Formal (5313 : 1150 Hall of Fame Way)



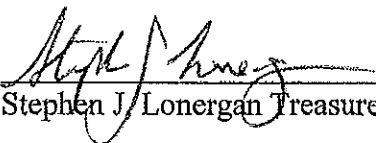
THE CITY OF
SPRINGFIELD, MASSACHUSETTS

9/9/2019

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 : 1150 Hall of Fame Way (a.k.a. West Columbus Ave)
Petitioner : Pellegrini, Seeley, Ryan & Blakesly
Landlord : Rivers Landing, LLC


Stephen J. Lonergan Treasurer/Collector

Attachment: Hall_Of_Fame_Way_1150_Tax_Formal (5313 : 1150 Hall of Fame Way)

**OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A SPECIAL PERMIT**

**1150 HALL OF FAME WAY (WEST COLUMBUS AVENUE)
WALL SIGN(S) (ABOVE THE FIRST FLOOR)**

General Information

Petitioner:	Pellegrini, Seeley, Ryan & Blakesley
Request:	Erect a wall sign above the first floor.
Proposed use of the property:	Office building
Parcel Size:	Approx. 776,140 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: 9-11-19
Tax Status:	SEE ATTACHED
Site Visit:	10-21-19
Hearing Date:	10-28-19

Neighborhood characteristics:

This site is zoned Connecticut Riverfront and is located within an area with primary commercial uses. The surrounding land uses include:

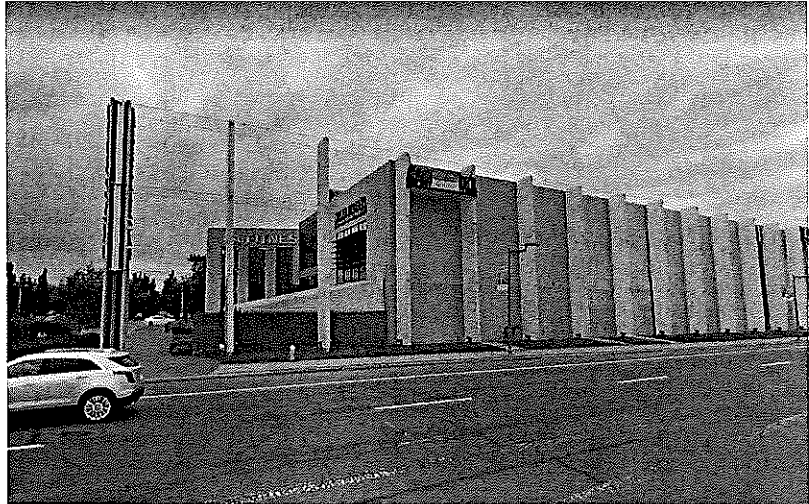
- To the north is Luxe Burger zoned Connecticut Riverfront.
- To the south is the Basketball Hall of Fame zoned Connecticut Riverfront.
- To the west is the Riverfront Park/Connecticut River.
- To the east is Interstate 91.

Site plan review:

The petitioner has requested a special permit to install two (2) wall signs, above the first floor, at the property known as 1150 Hall of Fame Way. This site is currently location of LA Fitness, the former Mama Iguana's and Professional Physical Therapy offices. The proposed signs would be for the former Mama Iguana's location and would be replacing and the existing Mama Iguana's signage at this location.

After visiting the site and reviewing the submitted plans, the staff does not object to the proposed request. As noted above, these signs would be replacing existing signage already located on the building. As such, the staff does not believe that there would be any additional visual impacts.

Further, after reviewing the proposed plans, the staff believes the proposed sign is in context with the existing signs as well as being in scale with the overall building. As such, the staff does not believe the sign will have a negative impact on the surrounding businesses or on the neighborhood as a whole.



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 two (2), accessory wall signs, above the first floor, at the property known as 1150 Hall of Fame Way (a.k.a. West Columbus Avenue) (12168-0099)
3. The use shall be developed as per the attached plans and elevations, with the addition of condition #4.
4. All signage shall be fully permitted through the Building Department, prior to installation.
5. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

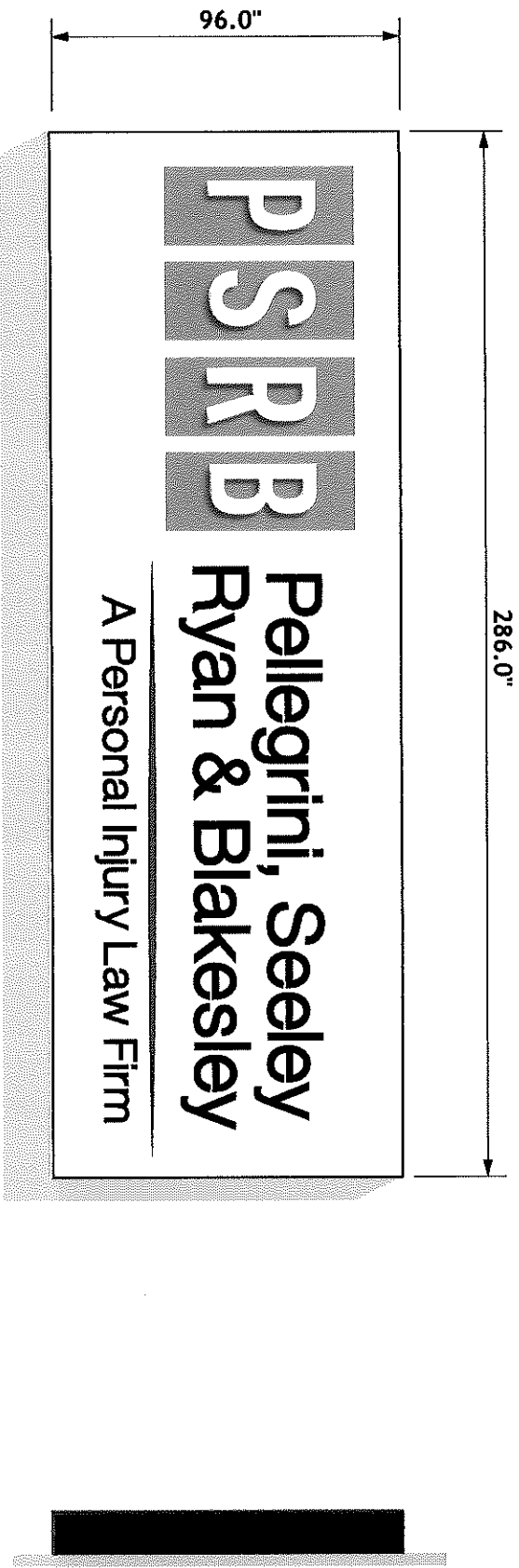
9/9/2019

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 : 1150 Hall of Fame Way (a.k.a. West Columbus Ave)
Petitioner : Pellegrini, Seeley, Ryan & Blakesly
Landlord : Rivers Landing, LLC

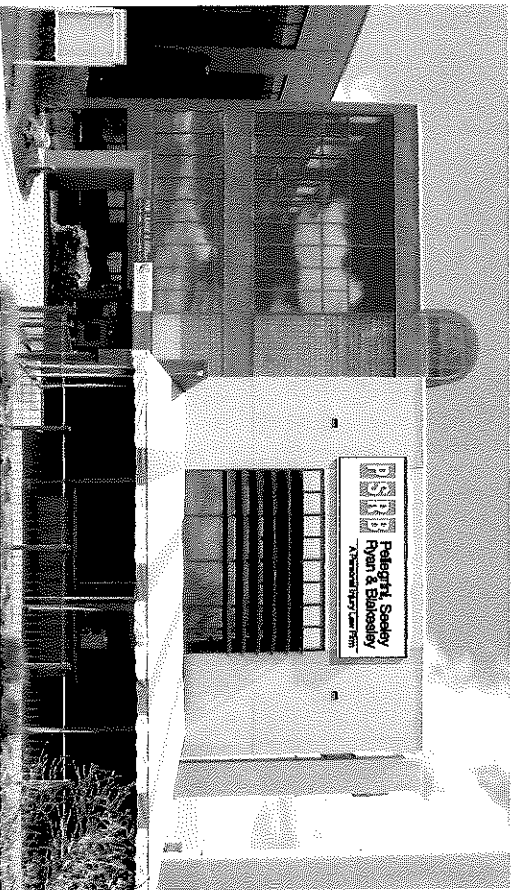

Stephen J. Lonergan Treasurer/Collector



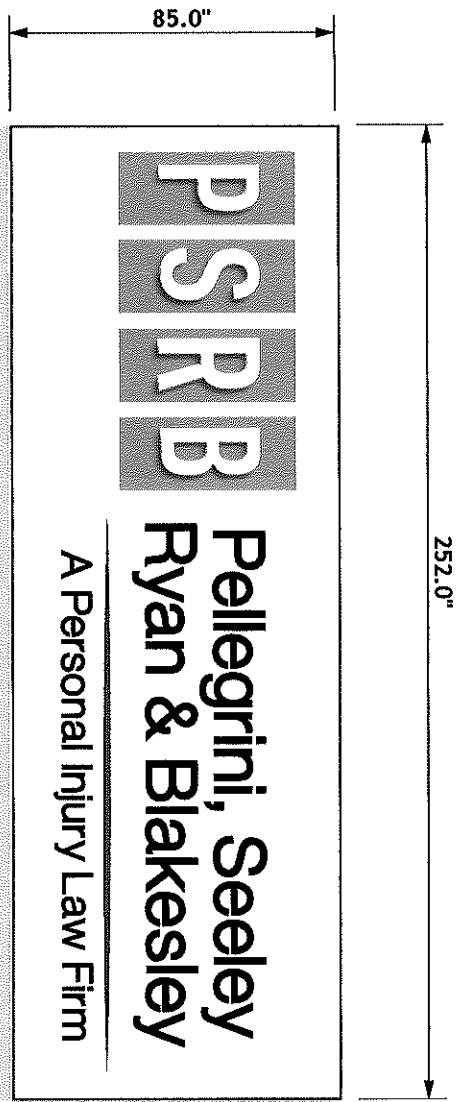
A...(1)..Internally Illuminated Single Sided Flex Face Wall Sign...NTS

- 12.0' deep fabricated aluminum sign cabinet with alum. extruded bleed face retainer system for flex substrate..painted Black
- internal white low voltage LED module illumination; 120 VAC / 60 W power supplies
- digitally printed panatex flexible substrate face...illuminated white background.. illuminated grey accent bar and rectangular logo containers
- external disconnect switch and UL listing

Side View



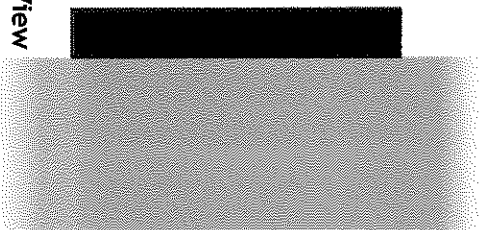
 Graphic Impact Signs	800.458.2376 fax 413.443.0034 575 Adams Ave. Springfield, MA 01101 glsigns.com
Sales Rep: J. Renzi	
Job Name: PSRB	
Job Location: Springfield, MA	
Sheet: 1 of 2	
Date: 5/1/19	Job #: 25 noted
Scale: as noted	Drawn by: LH
Pellegrini, Seeley, Ryan & Blakesley, P.C. 1150 West Columbus Ave. Springfield, MA	
Rev 7/16/19	
☐ APPROVED ☐ APPROVED AS NOTED	
CLIENT SIGNATURE _____ DATE _____	
NOTICE OF COPYRIGHT This original design, layout, text and artwork is the property of Graphic Impact Signs, LLC. It is to be used only for the project and location specified. No part of this design may be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Graphic Impact Signs, LLC.	



B...(1)..Internally Illuminated Single Sided Flex Face Wall Sign...NTS

- * 12.0" deep fabricated aluminum sign cabinet with alum. extruded bleed face retainer system for flex substrate..painted Black
- * internal white low voltage LED module illumination; 120 VAC / 60 W power supplies
- * digitally printed panaflex flexible substrate face....opaque Black background... illuminated lettering and rectangular logo container
- * external disconnect switch and UL listing

Side View

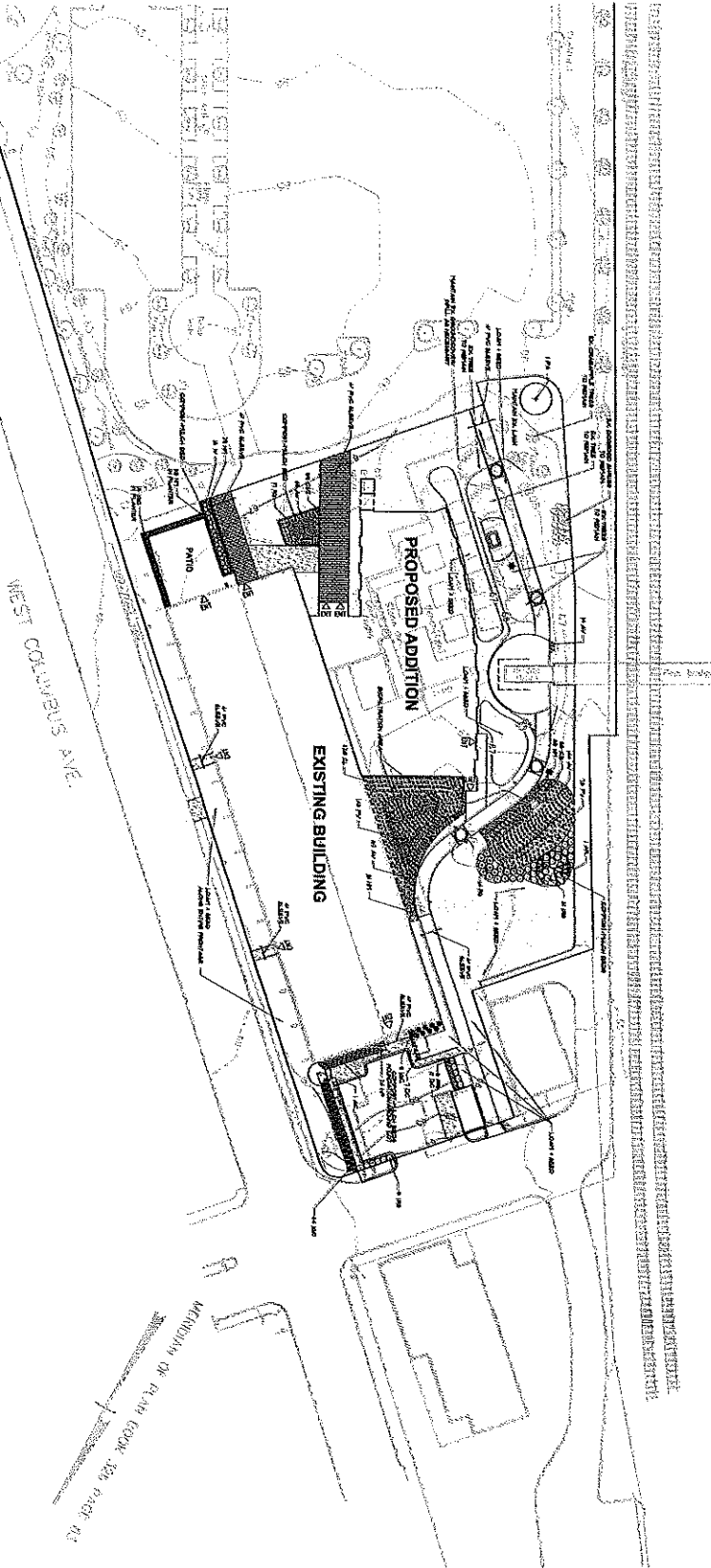


LEFT CORNER OF EAST ELEVATION

 800.458.2376 fax 413.443.0034 575 Quinn Ave. Pittsfield, MA 01201 g1signs.com	 Sales Rep: J. Renzi Job Name: PSRB Job Location: Springfield, MA Sheet: 2 of 2 Date: 5/1/19 Job #: Scale: as noted Drawn by: LH Pellegrini, Seeley, Ryan & Blakesley, P.C. 1150 West Columbus Ave. Springfield, MA Rev 7/16/19	☐ APPROVED ☐ APPROVED AS NOTED CLIENT SIGNATURE DATE	THIS OFFICIAL DESIGN, PRINTED REPRESENTATION OF THE GRAPHIC IMPACT SIGNS, IS THE PROPERTY OF GRAPHIC IMPACT SIGNS, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND NOT BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF GRAPHIC IMPACT SIGNS, INC.
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1. CONTRACTOR SHALL PROVIDE QUALITY MATERIALS AND WORKMANSHIP. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES, STRUCTURES, AND EQUIPMENT. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES, STRUCTURES, AND EQUIPMENT. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES, STRUCTURES, AND EQUIPMENT.
2. CONTRACTOR SHALL PROVIDE ALL MATERIAL, LABOR, AND EQUIPMENT FOR THE COMPLETE WORK. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES, STRUCTURES, AND EQUIPMENT. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES, STRUCTURES, AND EQUIPMENT.
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		FARM 167		FARM 168	
		FARM 167		FARM 168	
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Packet Pg. 38

PARASIS HAINSEN DESIGN, INC.
Transportation
Land Development
Environmental Services
One Federal Street
Building 100-3N
Springfield, Massachusetts 01105
413-267-7113 • FAX: 413-67-0916

**River's Landing
Development**
West Columbus Avenue
Springfield, Massachusetts
Phase IV

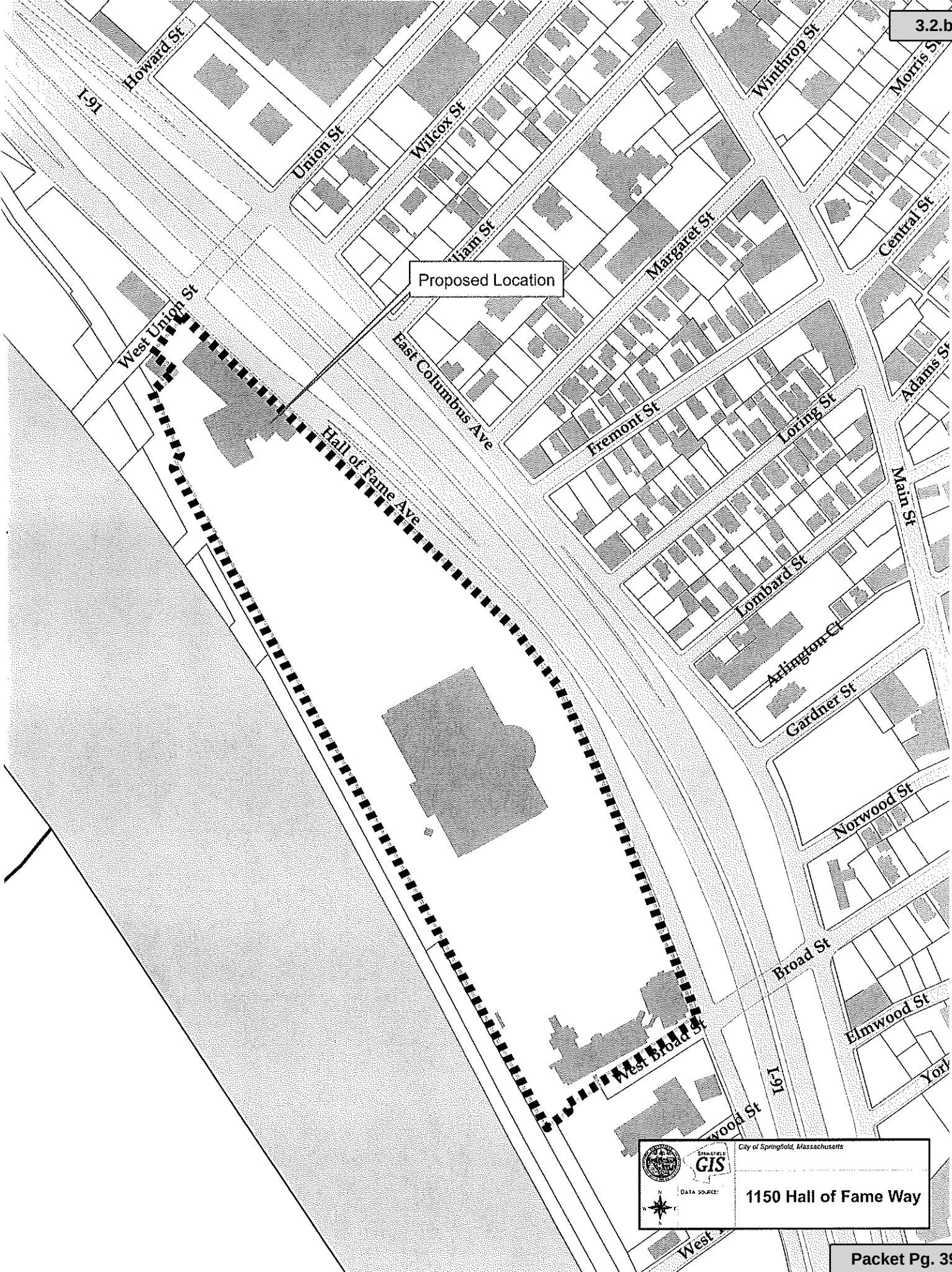
Construction

Landscape Plan

Q-7

Week 7 - 12

Wormholes



Proposed Location

Attachment: Hall Of Fame Ave 1150 Sign 2019 (5313 : 1150 Hall of Fame Way)



SPRINGFIELD
City of Springfield, Massachusetts



DATA SOURCE:

1150 Hall of Fame Way



City Council
36 Court Street
Springfield, MA 01103

Meeting: 10/28/19 06:30 PM
Department: Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 5343

COMPLETED

PETITION (ID # 5343)

**To Amend an Existing Special Permit (Recycling Center),
Granted January 2001, at the Property Known as 89-99 Guion
Street (06143-0005), by Allowing the Recycling of Plastics
and Wooden Pallets as Well as Amending the Current Hours
of Operation as Listed in the January 2001 Special Permit,
Amending the Provisions for Outside Storage as Listed in the
December 2003 Special Permit and Further Allowing the
Storage of Tractor Trailers, as an Accessory Use, on a
Portion of the Property Known as 299 Page Boulevard
(09440-1100), as Allowed by M.G.L. and the Springfield
Zoning Ordinance Article 4, Table 4-4, Section 15.4 and
Section 12.5(2).**

Request:	See Above
Owner:	99 Guion Street Associates, LLC/Guion Street Realty Corp and 299 Page Boulevard, LLC
By:	Aaron Goodman
Petitioner:	Northstar Pulp & Paper Company, Inc.
By:	Aaron Goodman

COMMENTS - Current Meeting:

Frank Fitzgerald, representative for the Petitioner Northstar, spoke in favor of the petition. He explained the Petitioner has been in contact with the neighborhood and has addressed all concerns raised. He stated this is a five generation, family owned business. He went on to explain the business. He stated it is a full-service waste management business with over 30 employees that reside in Springfield. The business processes paper, plastics and woods and will be sure to restrict noise pollution by improving fencing. He further explained that there was an issue with dust and that has been addressed through attentiveness to shredding operations. The business has reviewed and followed the MassDEP regulations. To alleviate neighborhood concerns, a representative from Northstar will attend Neighborhood Council meetings regularly.

Kathy Brown, President of the East Springfield Neighborhood Council, stated that the Petitioner has worked with the East Springfield Neighborhood Council and the Petitioner received unanimous support.

Councilor Fenton thanked Kathy, Marie, John and the Balboni family. He explained the special permit is for a heavy industrial use surrounded by Residence A and B. The conditions of the special permit were crafted to protect the neighborhood. He stated that this is typically difficult to do, but it was accomplished in this instance.

Councilor Fenton continued by passing around mutual amendments to the special permit conditions. Councilor Fenton made a motion to adopt the six (6) amendments to the special permit conditions, seconded by Councilor Shea. All being in favor, the motion passed.

Councilor Allen made a motion to amend condition #11 to correct a grammatical error, seconded by Councilor Fenton.

Councilor Ramos asked if Planning was aware of the amendments.

Philip Dromey, Director of Planning, stated he defers to the Petitioner and East Springfield Neighborhood Council.

RESULT:	APPROVED [11 TO 0]
AYES:	Whitfield, Gomez, Fenton, Edwards, Shea, Ramos, Lederman, Williams, Allen, Walsh, Hurst
ABSENT:	Timothy Ryan, E. Henry Twiggs

To The City Council of the City of Springfield:
The undersigned respectfully petition your honorable body

to amend an existing special permit (recycling center), granted January 2001, at the property known as 89-99 Guion Street (06143-0005), by allowing the recycling of plastics and wooden pallets as well as amending the current hours of operation as listed in the January 2001 special permit, amending the provisions for outside storage as listed in the December 2003 special permit and further allowing the storage of tractor trailers, as an accessory use, on a portion of the property known as 299 Page Boulevard (09440-1100), as allowed by M.G.L. and the Springfield Zoning Ordinance Article 4, Table 4-4, Section 15.4 and Section 12.5(2).

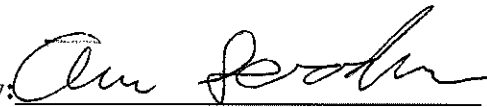
Mailing Address:

89 Guion Street
 Springfield, MA 01104

Owner:

**99 Guion Street Associates, LLC,
 Guion Street Realty Corp and 299 Page
 Boulevard, LLC**

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

By: 
 Aaron Goodman

Mailing Address:

89 Guion Street
 Springfield, MA 01104

Petitioner:

Northstar Pulp & Paper Company, Inc.

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

By: 
 Aaron Goodman



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

9/23/2019

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 : 89-99 Guion Street
Petitioner : Northstar Pulp & Paper Company, Inc.
Landlord : 99 Guion Street Association, LLC.
Guion Street Realty Corp and 299
Page Boulevard, LLC


Stephen J. Lonergan Treasurer/Collector

**OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A SPECIAL PERMIT**

**89-99 GUION STREET (06143-0005) & 299 PAGE BOULEVARD (09440-1100)
AMEND AN EXISTING SPECIAL PERMIT (RECYCLING CENTER)**

General Information

Petitioner:	Northstar Pulp & Paper Company, Inc.
Request:	To amend an existing special permit (recycling center), granted January 2001, at the property known as 89-99 Guion Street, by allowing the recycling of plastics and wooden pallets as well as amending the current hours of operation as listed in the January 2001 special permit, amending the provisions for outside storage as listed in the December 2003 special permit and further allowing the storage of tractor trailers, as an accessory use, on a portion of the property known as 299 Page Boulevard.
Proposed use of the property:	Recycling Center
Parcel Size:	902,419 s.f. (approximately 20.7 acres)
Compatibility with current planning documents:	The East Springfield Neighborhood Plan shows no changes to this area.
Neighborhood council notification:	East Springfield Neighborhood Council: 9-25-19
Tax Status:	SEE ATTACHED
Site Visit:	10-22-19
Hearing Date:	10-28-19

Neighborhood characteristics:

This site is zoned Industrial A and Business B and is located within an area that has a mix of commercial/industrial and residential uses. The surrounding land uses include:

- To the north are two-family homes zoned Residence A.
- To the south is a manufacturing operation zoned Industrial A.
- To the west are a number of small businesses zoned Industrial A and Business B.
- To the east is a metal recycling operation zoned Industrial A.

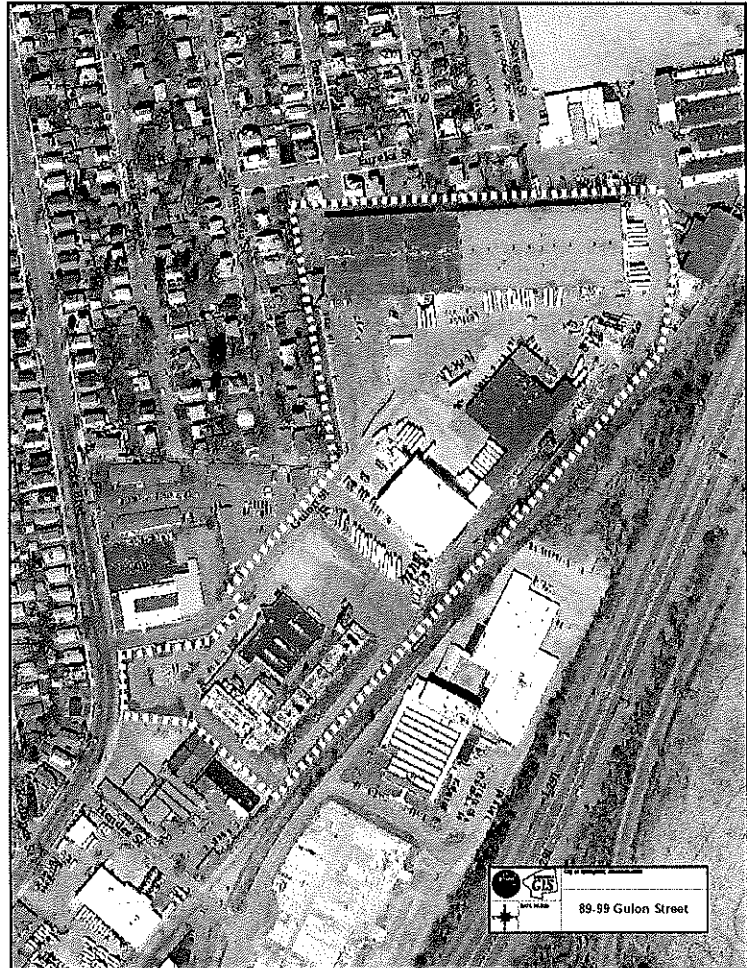
Site plan review:

The petitioner has requested to amend an existing special permit (recycling center), granted January 2001, at the property known as 89-99 Guion Street, by allowing the recycling of plastics and wooden pallets as well as amending the current hours of operation as listed in the January 2001 special permit, amending the provisions

for outside storage as listed in the December 2003 special permit and further to allow the storage of tractor trailers, as an accessory use, on a portion of the property known as 299 Page Boulevard. This site is the current location of the Northstar Pulp & Paper Recycling operation. This use has been in operation for a number of years.

In reviewing the proposed request, the staff has the following comments. First, as noted above, this property has been in operation for a number of years as a recycling center for paper products. The petitioner is now requesting to amend that special permit to allow for the recycling of plastics and wood. In speaking with the East Springfield Neighborhood Council, one of the issues that they are concerned with is with outdoor storage of the product. This has caused issues with the abutters as well as with the larger neighborhood as a whole. As such, they are recommending a number of conditions to help deal with this issue. After reading the conditions recommended by the neighborhood, the staff is in agreement that, if approved, these conditions should be attached to the special permit.

Specifically, that outdoor storage of paper, plastics and wood should only be allowed in specific areas as shown on the submitted site plan. Further, that any and all trailers being used for the storage of these materials be required to be closed at all times when not in use. The neighborhood is also recommending that solid fencing be installed along Guion Street. Lastly, a condition that the property be cleaned daily is also being recommended.



In addition to amending the special permit to allow for the inclusion of plastics and wood in the recycling operation, the petitioner is also requesting to amend the current hours of operation. Over the years of operation, a number of differing hours of operation have been attached to this property. The latest special permit, issued in 2003, states that the hours of operation were to be from 6:00AM to 11:00PM, Monday through Friday and 6:00AM to 2:00PM on Saturdays. After speaking with the neighborhood council, it was agreed upon to allow the operation to be open from 6:00AM to 11:00PM, Monday through Friday and 6:00AM to 6:00PM on Saturdays. No shredding would be allowed to start on Saturdays until after 8:00AM. The neighborhood is also recommending limiting the hours that deliveries would be allowed.

In addition to the amendments outlined above, the petitioner has also requested to allow for the storage of tractor trailers, as an accessory use to the recycling operation, on a portion of the property known as 299 Page Boulevard. This site is adjacent to 89 Guion Street and was the former location of the Smith & Wesson Shooting Sports Center. A plan has been submitted by the petitioner showing that a portion of this property would be used for the storage of tractor trailers. Due to the fact that these trailers will be used in conjunction with the existing recycling center, it needs to be stressed that these trailers must be kept closed at all times, when not in use.

Overall, after reviewing the plans submitted and visiting the site, the staff does not believe the proposed amendments, with the added conditions, will have a negative effect on the abutters or on the neighborhood as a whole. However, it does need to be stressed to the petitioner that it is their responsibility to ensure that any and all conditions placed on the special permit must be adhered too.

Recommendation

Approve, with conditions.

Recommended Conditions:

1. This special permit is granted to this petitioner only.
2. This special permit is granted to amend to amend an existing special permit (recycling center), granted January 2001, at the property known as 89-99 Guion Street (06143-0005), by allowing the recycling of plastics and wooden pallets as well as amending the current hours of operation as listed in the January 2001 special permit, amending the provisions for outside storage as listed in the December 2003 special permit and further allowing the storage of tractor trailers, as an accessory use, on a portion of the property known as 299 Page Boulevard (09440-1100).
3. The use shall be developed as per the attached plans and elevations, with the addition of conditions #4 through #23.
4. Outdoor storage of materials shall only be allowed in the two (2) designated areas, as shown on the attached plans.
5. The hours of operation for this site shall be limited to between the hours of 6:00AM and 11:00PM, Monday through Friday and 6:00AM to 6:00PM Saturdays.
6. Deliveries to the site shall only be between the hours 6:00AM and 6:00PM, Monday through Friday and only after 8:00AM on Saturdays.
7. Shredding operations shall not start before 8:00AM on Saturdays.
8. During all hours of operations, noise levels shall be in compliance with any and all City requirements and City Ordinance, Chapter 259.
9. In addition to the special permit approval, if any new paving is required, a full review by the Department of Public Works, as per the provisions of City Ordinance, Chapter 27, Article VIII, § 27-58 through 27-63, will be required.
10. All trailers shall be stored in the areas as shown on the attached plan.
11. All trailers shall be registered and road worthy.
12. All trailers shall be closed and secured at all times, when not in use.
13. The site shall be maintained daily and kept free of all litter, trash and/or debris.
14. All landscaped areas shall be maintained.
15. The public tree belts and sidewalks along Page Boulevard shall be maintained, including snow removal.
16. There shall be no junk vehicles and/or trailers stored at this location.
17. The rear door of 99 Guion Street shall be closed at all times, except for emergency egress.
18. The petitioner shall coordinate with the Springfield Fire Department to ensure all emergency access and procedures have been completed.
19. The site shall be in compliance with any and all DEP regulations.
20. There shall be no vehicle parking allowed outside the gated area on Guion Street.
21. Solid fencing, eight (8) feet in height, shall be installed along Guion Street, as shown on the attached plans.
22. The existing fencing along Monrovia Street shall be maintained.
23. Slats/screening shall be installed on the existing gate along Guion Street.
24. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.



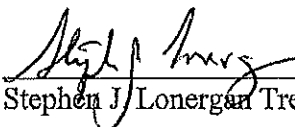
THE CITY OF
SPRINGFIELD, MASSACHUSETTS

9/23/2019

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 : 89-99 Guion Street
Petitioner : Northstar Pulp & Paper Company, Inc.
Landlord : 99 Guion Street Association, LLC.
Guion Street Realty Corp and 299
Page Boulevard, LLC


Stephen J. Loneragan Treasurer/Collector

DEPARTMENTAL AND INTERDEPARTMENTAL CORRESPONDENCE
CITY OF SPRINGFIELD
MASSACHUSETTS

3.3.b

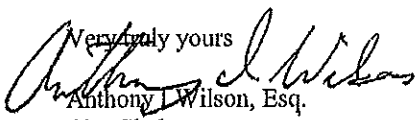
TO: DATE: July 16, 2018
DEPARTMENT: FROM: Anthony I Wilson, Esq.
COPIES TO: DEPARTMENT: City Clerk
SUBJECT: 271 Page Blvd

This is to inform you that at a meeting of the City Council held on Monday, June 25, 2018, it was voted by the City Council according to law to amend an existing special permit (recycling center) granted April 2007 at the property known as 89-99 Guion Street to the Owner: 271 Page Boulevard, LLC By: Aaron Goodman & Petitioner: Northstar Pulp & Paper Company, Inc. By: Aaron Goodman, by including a portion of the parcel known as 271 Page Boulevard (09440-1105) as allowed by M.G.L. and the Springfield Zoning Ordinance Article 4, Table 4-4, Section 12.3(1) and 19.1(2) with the following conditions:

1. This special permit is granted to this petitioner only.
2. This special permit is granted to amend an existing special permit (recycling center), granted April 2007, at the property known as 89-99 Guion Street, for the storage of tractor trailers as an accessory use, on a portion of the property known 271 Page Boulevard (09440-1105).
3. The use shall be developed as per the attached plans and elevations, with the addition of conditions #4 though #18.
4. The number of trailers being stored at this location shall be limited to no more than twenty two (22) at any one time.
5. The hours of operation for this site shall be limited to between the hours of 6:00AM to 6:00PM.
6. There shall be no storage of trailers in the Business B zoned portion of the site.
7. The area where the trailers are to be stored shall be surfaced as required by the city's ordinances.
8. In addition to the special permit approval, a full review by the Department of Public Works, as per the provisions of City Ordinance, Article VIII, §27-29, will be required. This approval must be obtained prior to the issuance of a Building Permit.
9. All trailers shall be registered and road worthy.
10. All trailers shall be closed and secured at all times.
11. The site shall be maintained free of all litter, trash and/or debris.
12. All landscaped areas shall be maintained.
13. There shall be two (2) shade trees, planted along Page Boulevard. Type and location shall be determined by the City Forester.
14. The public tree belt and sidewalk along Page Boulevard shall be maintained, including snow removal.
15. There shall be no junk vehicles and/or trailers stored at this location.
16. Erect a pole designating the boundary between the industrial A portion of the property and the Business B portion of the property.
17. Erect a fence along the sidewalk line with two (2) gates.
18. Agree that the Business B section of the property would only be used for the traversing and turning of truck trailers not the storage thereof.
19. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.

REASONS: (1) The specific site is an appropriate location for such a use, structure, or condition. (2) The use as developed will not adversely affect the neighborhood. (3) Adequate and appropriate facilities will be provided for the proper operation of the proposed use. (4.) To incorporate the Planning Staff Analysis into the decision at the basis of the findings.

This permit becomes effective on July 16, 2018

Very truly yours,

Anthony I. Wilson, Esq.
City Clerk

AIW/tmc

DEPARTMENTAL AND INTERDEPARTMENTAL CORRESPONDENCE

CITY OF SPRINGFIELD
MASSACHUSETTS

2007-0714

3.3.b

TO:

DATE: April 18, 2007

DEPARTMENT:

FROM: Wayman Lee, Esq.

COPIES TO:

DEPARTMENT: City Clerk

SUBJECT: 89-99 GUION ST

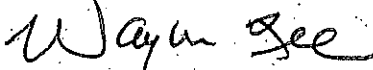
This is to inform you that at a meeting of the City Council held on Monday evening, March 26, 2007 it was voted by the City Council according to law to grant a special permit to Owner: Guion Street Realty Corporation & 99 Guion Street Associates, LLC., By: Jeffrey Simpson, CFA and Petitioner: Northstar Pulp & Paper Co., Inc., By: Jeffrey Simpson, CFA, to amend an existing special permit granted December 23, 2003, by amending condition #9 (tractor trailer registration) at the property known as **89 Guion Street (01643-0005) and 99 Guion Street (06142-0002)** as allowed by Massachusetts General Laws and the Springfield Zoning Ordinance, Article XIV, Section 1401.3.gg with the following conditions:

1. This special permit is granted to this petitioner only.
2. This special permit is granted solely for a paper recycling center at 89 Guion Street (06143-0005) & 99 Guion Street (06143-0002).
3. All recycling, bailing and storage shall take place within the building with the exception of baled paper loaded on trailers to be transported. Such trailers will be enclosed at all times.
4. The site shall be cleaned daily of all debris.
5. There shall be no outside storage of any materials associated with the proposed use.
6. There shall be no banners, streamers, pennants, or non-accessory signs located on the property.
7. All trucks waiting for pick-up or deliveries of materials shall be required to turn the engine off.
8. All trailers used as temporary storage shall be in fair condition and complete with doors, walls, ceilings and tires of no major visual, physical damage or defects.
9. 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.

REASONS: (1) The specific site is an appropriate location for such a use, structure, or condition. (2) The use as developed will not adversely affect the neighborhood. (3) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

This permit becomes effective on April 18, 2007.

Very truly yours



Wayman Lee, Esq.
City Clerk

Attachment: Guion St 89 99 Amend 2019 (5343 : 88-89 Guion Street)

CITY OF SPRINGFIELD
MASSACHUSETTS

2007-0714

TO:

DATE: April 18, 2007

DEPARTMENT:

FROM: Wayman Lee, Esq.

COPIES TO:

DEPARTMENT: City Clerk

SUBJECT: 89-99 GUION ST

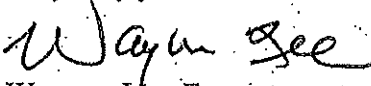
This is to inform you that at a meeting of the City Council held on Monday evening, March 26, 2007 it was voted by the City Council according to law to grant a special permit to Owner: Guion Street Realty Corporation & 99 Guion Street Associates, LLC., By: Jeffrey Simpson, CFA and Petitioner: Northstar Pulp & Paper Co., Inc., By: Jeffrey Simpson, CFA, to amend an existing special permit granted December 23, 2003, by amending condition #9 (tractor trailer registration) at the property known as 89 Guion Street (01643-0005) and 99 Guion Street (06142-0002) as allowed by Massachusetts General Laws and the Springfield Zoning Ordinance, Article XIV, Section 1401.3.gg with the following conditions:

1. This special permit is granted to this petitioner only.
2. This special permit is granted solely for a paper recycling center at 89 Guion Street (06143-0005) & 99 Guion Street (06143-0002).
3. All recycling, bailing and storage shall take place within the building with the exception of baled paper loaded on trailers to be transported. Such trailers will be enclosed at all times.
4. The site shall be cleaned daily of all debris.
5. There shall be no outside storage of any materials associated with the proposed use.
6. There shall be no banners, streamers, pennants, or non-accessory signs located on the property.
7. All trucks waiting for pick-up or deliveries of materials shall be required to turn the engine off.
8. All trailers used as temporary storage shall be in fair condition and complete with doors, walls, ceilings and tires of no major visual, physical damage or defects.
9. 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.

REASONS: (1) The specific site is an appropriate location for such a use, structure, or condition. (2) The use as developed will not adversely affect the neighborhood. (3) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

This permit becomes effective on April 18, 2007.

Very truly yours



Wayman Lee, Esq.
City Clerk

Attachment: Guion St 89 99 Amend 2019 (5343 : 88-89 Guion Street)

DEPARTMENTAL AND INTERDEPARTMENTAL CORRESPONDENCE
CITY OF SPRINGFIELD
MASSACHUSETTS

3.3.b

2003-0328

DATE: December 23, 2003

TO:

FROM: William J. Metzger

DEPARTMENT:

DEPARTMENT: City Clerk

COPIES TO:

SUBJECT: Special Permit:
99 Guion St.

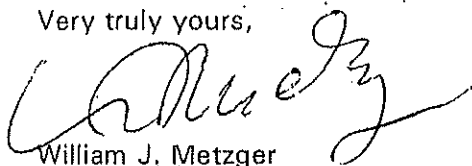
This is to inform you that at a meeting of the City Council held on Monday evening, November 24, 2003, it was voted by the Council in accordance with law to grant a Special Permit on the petition of Owner: Guion Street Realty Corporation & 99 Guion Street Realty By: Robert M. Santaniello and Petitioner: Northstar Pulp & Paper, Inc. By: Robert M. Santaniello, to amend a special permit granted, January 4, 2001, by including the parcel known as **99 Guion Street** and amending condition #5 to expand the hours of operation to 6:00 AM to 11:00 PM, Monday through Friday and 6:00 AM to 2:00 PM Saturday, as allowed by Massachusetts General Law and the Springfield Zoning Ordinance Article XIV, Section 1401.3gg, with the following conditions:

1. This special permit is granted to this petitioner only.
2. This special permit is granted solely for a paper recycling center at 89 Guion Street (06143-0005) & 99 Guion Street (06143-0002)
3. All recycling, bailing and storage shall take place within the building with the exception of bailed paper loaded on trailers to be transported. Such trailers will be enclosed at all times.
4. The site shall be cleaned daily of all debris.
5. There shall be no outside storage of any materials associated with the proposed use.
6. There shall be no banners, streamers, pennants, or non-accessory signs located on the property.
7. All trucks waiting for pick-up or deliveries of materials shall be required to turn the engine off.
8. A certificate of occupancy for 99 Guion Street shall not be issued until the security gate and a berm and fence sound barrier as proposed by the petitioner are erected.
9. All trailers used as temporary storage shall be registered and road worthy.
10. 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

REASONS: (1) The specific site is an appropriate location for such a use, structure, or condition. (2) The use as developed will not adversely affect the neighborhood. (3) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

This permit becomes effective on December 23, 2003.

Very truly yours,



William J. Metzger
City Clerk

WJM/laf

Attachment: Guion St 89 99 Amend 2019 (5343 : 88-89 Guion Street)

**DEPARTMENTAL AND INTERDEPARTMENTAL CORRESPONDENCE
CITY OF SPRINGFIELD
MASSACHUSETTS**

CORRECTED COPY

DATE: January 4, 2001

TO:

FROM: William J. Metzger

DEPARTMENT:

DEPARTMENT: City Clerk

COPIES TO:

SUBJECT: Special Permit:
89 Guion Street

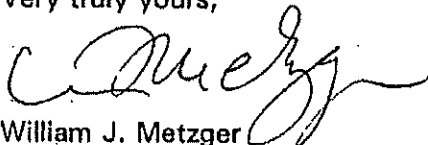
This is to inform you that at a meeting of the City Council held on Monday evening, December 4, 2000, it was voted by the Council in accordance with law to grant a Special Permit on the petition of Owner: Guion Street Realty Corporation By: Attorney Robert M. Santaniello and Petitioner: Northstar Pulp & Paper Inc. By: Attorney Robert M. Santaniello for a special permit to operate a paper recycling center to include baling, processing and storage at **89 Guion Street**, as allowed by Massachusetts General Law and the Springfield Zoning Ordinance Article XIV, Section 1401.3.gg. With the following restrictions:

1. This special permit is granted to this petitioner only.
2. This special permit is granted solely for a paper recycling center at 89 Guion Street (Area known as Parcels A & B)
3. The use shall be developed in accordance to the attached site plan and elevations with the additions of conditions #4 through #7.
4. All recycling, bailing and storage shall take place within the building with the exception of baled paper loaded on trailers to be transported. Such trailers will be enclosed at all times.
5. Hours of operation shall be 6:00 AM to 6:00 PM, Monday through Friday.
6. The site shall be cleaned twice daily of all debris.
7. There shall be no banners, streamers, pennants, or non-accessory signs located on the property.
8. 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.
9. Cyclone fans shall be prohibited from use.
10. Roll off containers shall be loaded and unloaded in the new building area.
11. All trailers used as temporary storage shall be registered and road worthy.

REASONS: (1) The specific site is an appropriate location for such a use, structure, or condition. (2) The use as developed will not adversely affect the neighborhood. (3) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

This permit becomes effective on January 4, 2001.

Very truly yours,



William J. Metzger
City Clerk

WJM/laf

Attachment: Guion St 89 99 Amend 2019 (5343 : 88-89 Guion Street)

DEPARTMENTAL AND INTERDEPARTMENTAL CORRESPONDENCE
CITY OF SPRINGFIELD
MASSACHUSETTS

3.3.b

TO: DATE: April 10, 2001
DEPARTMENT: FROM: William J. Metzger
COPIES TO: DEPARTMENT: City Clerk
SUBJECT: Special Permit
89 Guion Street

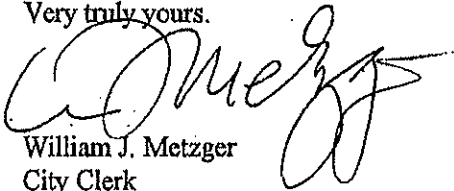
This is to inform you that at a meeting of the City Council held on Monday evening, March 19, 2001 it was voted by the Council in accordance with law to grant a Special Permit on the petition of Owner: Guion Street Realty Corporation and its Affiliates By: Attorney Robert M. Santaniello; Petitioner: Guion Street Realty Corporation and its Affiliates By: Attorney Robert M. Santaniello to amend its special permit granted on September 27, 1999 by deleting condition #5 and amending condition #4 by allowing the petitioner to operate its business on Saturdays or rear 89 Guion Street as allowed by Massachusetts General Laws and the Springfield Zoning Ordinance Article XIV, Section 1401.p. with the following conditions:

1. This special permit is granted to this petitioner only and G.S. Terminal Inc., Joseph Freedman Companies Inc., and Media Sales Inc., its affiliates.
2. This special permit is granted solely for the operation of a temporary scrap metal junkyard prior to shipment by rail on a portion of the parcel known as Parcel C and shown on the attached plan. No processing shall be allowed, and no shipment shall occur other than by rail.
3. The uses shall be developed in accordance with the attached site plan dated June 1999, with the addition of conditions #4 through #11.
4. No outside storage shall exceed the height of the building and all scrap metal storage piles shall be located directly behind the existing building.
5. The hours of operation shall be 7:00AM to 4:00PM, Monday through Friday and Saturday shall be limited to 4 hours from 10:00AM to 2:00PM.
6. No item shall remain on the premises more than 30 days.
7. There shall be no signs, except directional signs.
8. No truck deliveries shall occur other than during normal work day operations from Monday through Friday from 7:00AM to 4:00PM.
9. An 8 foot stockade (opaque) fence shall be erected in the rear of properties on the east side of Monrovia Street as soon as the weather permits.
10. This special permit shall be reviewed by the City Council 1 year after the effective date.
11. Compliance with these conditions, as well as any 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.

REASONS: (1) The specific site is an appropriate location for such a use, structure, or condition. (2) The use as developed will not adversely affect the neighborhood. (3) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

This permit becomes effective on April 10, 2001.

Very truly yours,


William J. Metzger
City Clerk

Attachment: Guion St 89 99 Amend 2019 (5343 : 88-89 Guion Street)

DEPARTMENTAL AND INTERDEPARTMENTAL CORRESPONDENCE
CITY OF SPRINGFIELD
MASSACHUSETTS

DATE: October 22, 1999

TO:

FROM: William J. Metzger

DEPARTMENT:

DEPARTMENT: City Clerk

COPIES TO:

SUBJECT: Special Permit:
89 Guion St.

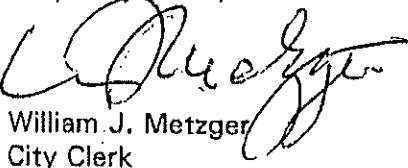
This is to inform you that at a meeting of the City Council held on Monday evening, September 27, 1999 it was voted by the Council in accordance with law to grant a Special Permit on the petition of Owner: Guion Street Realty Corp. By: Robert M. Santaniello and Petitioners: Guion Street Realty G.S Terminal Inc., Joseph Freedman Companies Inc., & Media Sales Inc., its affiliates, for a special permit to operate a junk yard (storing temporarily scrap iron for transport via railway) at **89 Guion Street**, as provided by Massachusetts General Law and the Springfield Zoning Ordinance with the following conditions:

1. This special permit is granted to this petitioner only and G.S. Terminal Inc., Joseph Freedman Companies Inc., and Media Sales Inc., its affiliates.
2. This special permit is granted solely for the operation of a temporary scrap metal junk yard prior to shipment by rail on a portion of the parcel known as Parcel C and shown on the attached addendum. No processing shall be allowed, and no shipment shall occur other than by rail.
3. The use shall be developed in accordance with the attached site plan dated June 1999, with the addition of condition #4.
4. A ten (10') stockade fence shall be erected in the rear of the property so as to shield existing residential dwellings on Monrovia Street. The hours of operation shall be 7:00am to 4:00pm, Monday through Friday.
5. No outside storage shall exceed the height of the fence.
6. No item shall remain on the premises more than 30 days.
7. There shall be no signs, except directional signs.
8. 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,

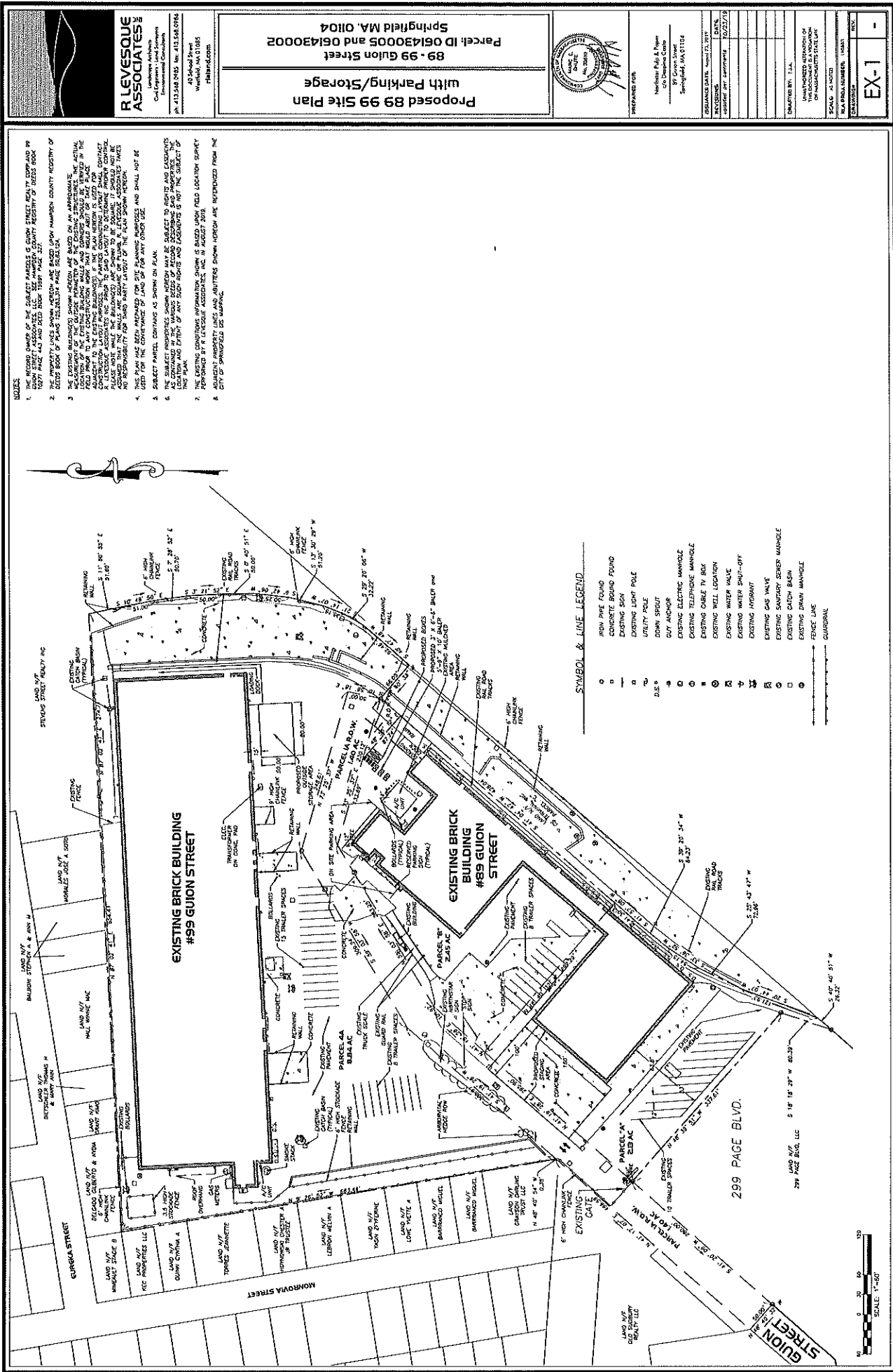
REASONS: (1) The specific site is an appropriate location for such a use, structure, or condition. (2) The use as developed will not adversely affect the neighborhood. (3) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

This permit becomes effective on October 22, 1999.

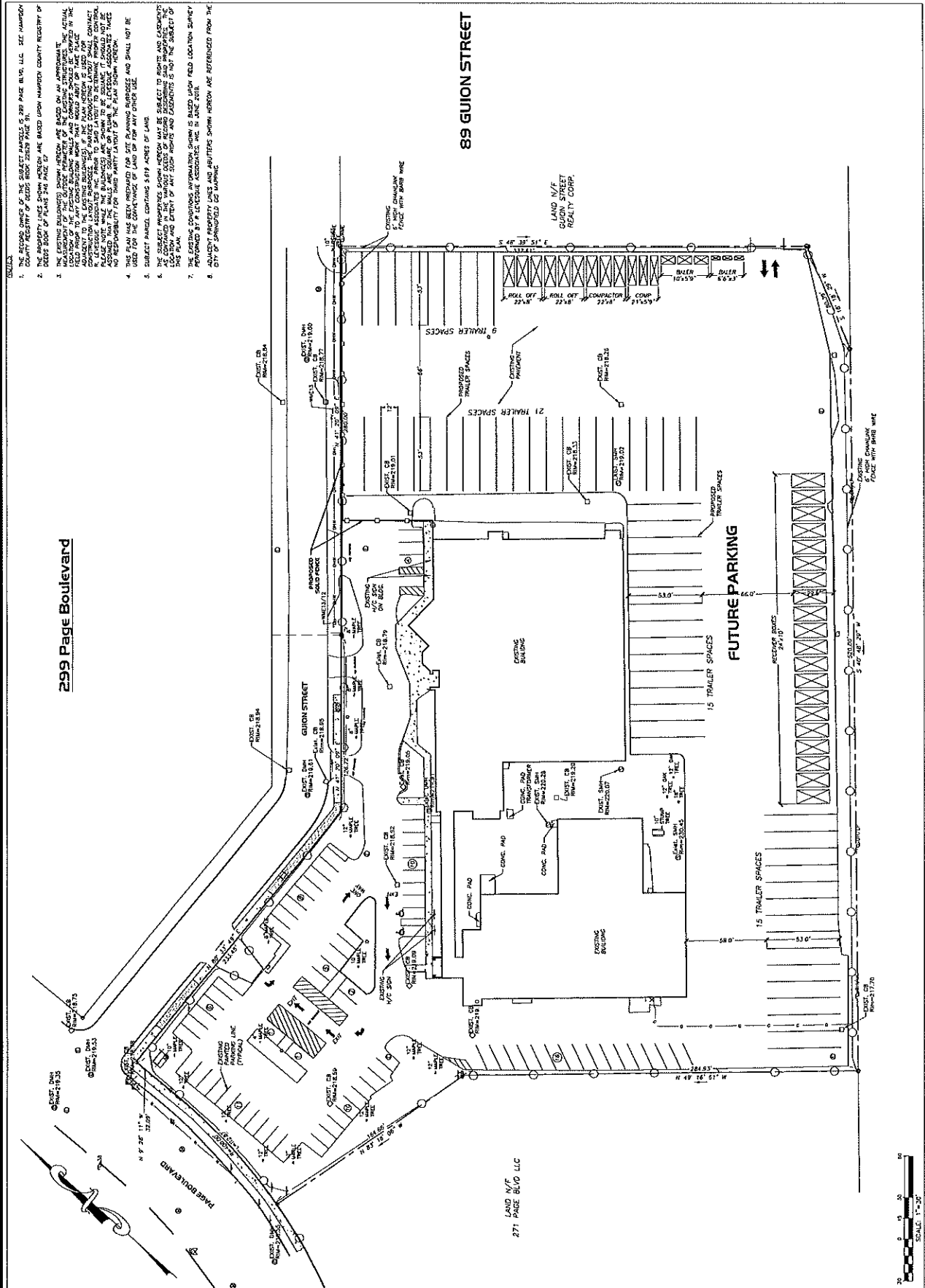
Very truly yours,


William J. Metzger
City Clerk

WJM/laf



- NOTES:**
1. THE RECORD OWNER OF THE SUBJECT PARCELS IS GUION STREET REALTY COMPANY AND 99 GUION STREET REALTY COMPANY. THE RECORD OWNER OF THE SUBJECT PARCELS IS GUION STREET REALTY COMPANY AND 99 GUION STREET REALTY COMPANY.
 2. THE PROPERTY LINES SHOWN HEREON ARE BASED UPON MASSACHUSETTS COUNTY RECORDS OF DEEDS BOOK OF PLANS 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.
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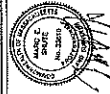


299 Page Boulevard

[illegible]R LEVESQUE
ASSOCIATES INC.

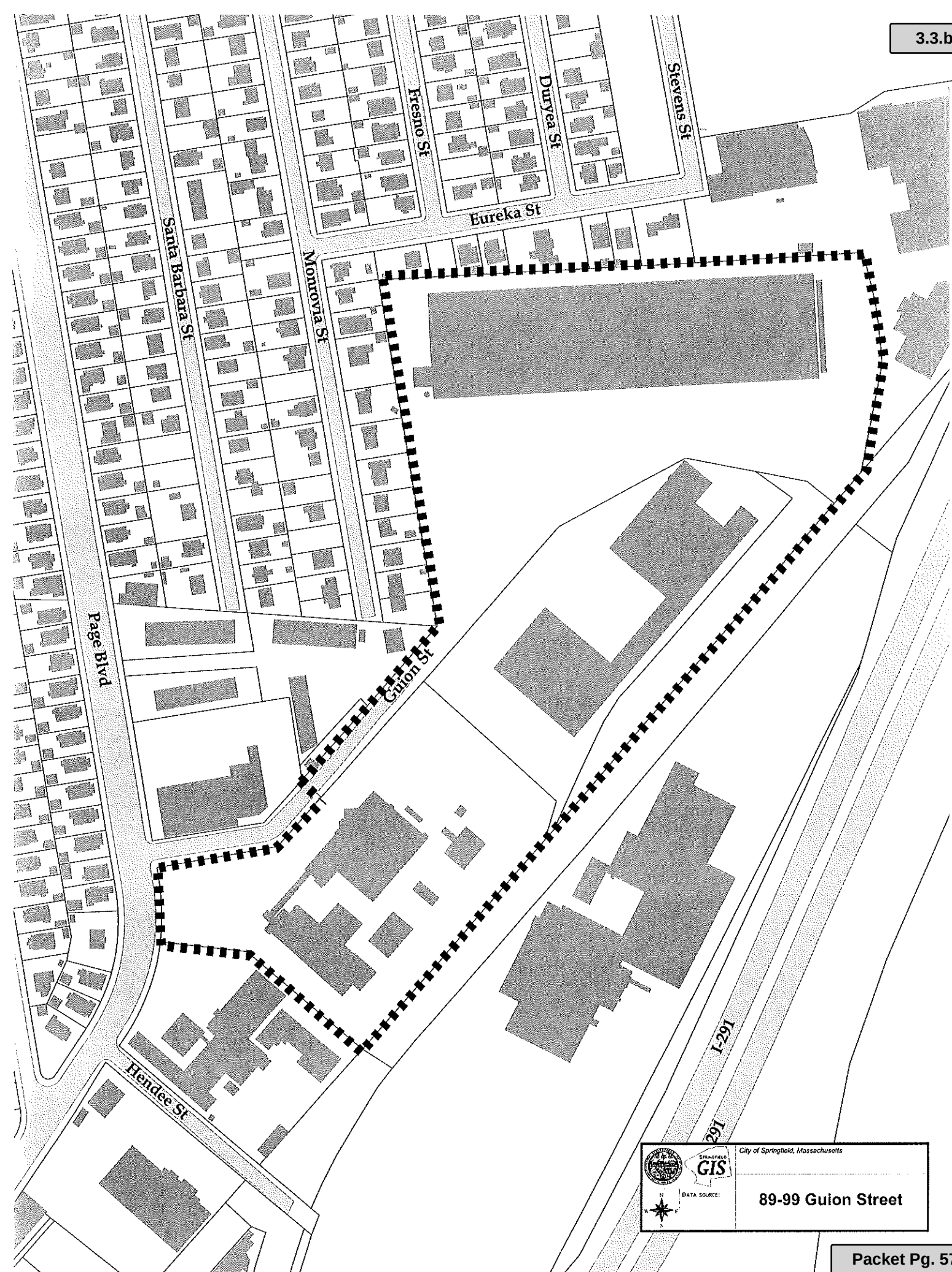
Landscape Architects
 Civil Engineers • Land Surveyors
 Environmental Consultants
 ph: 413.568.0985 fax: 413.568.0986
 40 School Street
 Westfield, MA 01085
 rland.com

PROPOSED PARKING 299 Page Blvd
299 Page Blvd
PARCEL ID: 09440100

[illegible]

Northstar Pulp & Paper
c/o Despino Costa
87 Dublin Street
Cambridge, MA 02142

[illegible]



Attachment: Guion St 89 99 Amend 2019 (5343 : 88-89 Guion Street)

 SPRINGFIELD MA GIS DATA SOURCE:	City of Springfield, Massachusetts
	89-99 Guion Street



City Council
36 Court Street
Springfield, MA 01103

Meeting: 10/28/19 06:30 PM
Department: Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 5279

COMPLETED

PETITION (ID # 5279)

For a Special Permit to Operate an Adult Use Marijuana Establishment (Storefront Retail) at the Property Known as 311 Page Boulevard (09440-1063))(Book#17740/Page#19), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 20.1(1).

Request: See Above
Owner: 575 Union Street, LLC
By: Michael Vinick
Petitioner: 311 Page Boulevard, LLC
By: Timothy Rooke

HISTORY:

09/24/19 City Council

CONTINUE VOTE

Next: 10/28/19

COMMENTS - Current Meeting:

The special permit was approved on September 24, 2019 and continued until October 28, 2019 to approve the Findings of Fact and Decision.

RESULT: **APPROVED [11 TO 0]**
AYES: Whitfield, Gomez, Ryan, Edwards, Shea, Ramos, Lederman, Williams, Allen, Walsh, Hurst
ABSENT: Michael A. Fenton, E. Henry Twiggs

To The City Council of the City of Springfield:
The undersigned respectfully petition your honorable body

for a special permit to operate an Adult Use Marijuana Establishment (storefront retail) at the property known as 311 Page Boulevard (09440-1063))(Book#17740/Page#19), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 20.1(1).

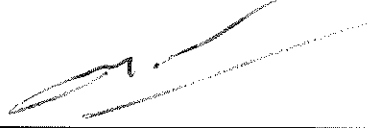
Mailing Address:

311 Page Boulevard
 Springfield, MA 01114

Owner:

575 Union Street, LLC

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

BY: 

Michael Vinick

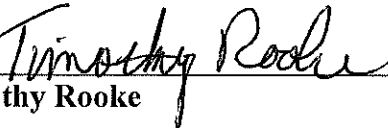
Mailing Address:

63 Woodcrest Road
 Springfield, MA 01129

Petitioner:

311 Page Boulevard, LLC

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

BY: 

Timothy Rooke

8/21/19.



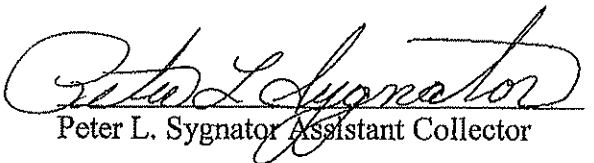
THE CITY OF
SPRINGFIELD, MASSACHUSETTS

8/20/2019

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 : 311 Page Boulevard
Petitioner : 311 Page Boulevard, LLC
Landlord : 575 Union Street, LLC


Peter L. Sygnator Assistant Collector

**OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A SPECIAL PERMIT**

**311 PAGE BOULEVARD (09440-1063)
ADULT USE MARIJUANA ESTABLISHMENT (STOREFRONT RETAIL)**

General Information

Petitioner:	311 Page Boulevard, LLC
Request:	Adult Use Marijuana Establishment
Proposed use of the property:	Adult Use Marijuana Establishment
Parcel Size:	64,469 s.f.
Compatibility with current planning documents:	The East Springfield Neighborhood Plan shows no changes to this area.
Neighborhood council notification:	East Springfield Neighborhood Council: 9-10-19
Tax Status:	SEE ATTACHED
Site Visit:	9-10-19
Hearing Date:	9-24-19

Staff Analysis

Neighborhood characteristics:

The parcel is currently zoned split zoned between Business B and Industrial A and is located in an area with a mix of residential, commercial and industrial uses. The surrounding land uses include:

- To the north is a automotive repair facility zoned Business B and Industrial A.
- To the south is the former Smith & Wesson Sports Center zoned Business B and Industrial A.
- To the west are two-family homes zoned Residence B.
- To the east are an automotive repair facility and recycling center zoned Industrial A.

Site plan review:

The petitioner has requested a special permit to allow for the operation of an Adult Use Marijuana Establishment (storefront retail) at the property known as 311 Page Boulevard. This is currently the location of a multi-tenant commercial building which included a CrossFit gym and duct cleaning operation. The petitioner intends to make renovations to the existing building for a new Adult Use Marijuana retail location.

As the Council is aware, on November 8, 2016 Massachusetts voters approved an initiative petition known as “*The Regulation and Taxation of Marijuana Act*”, which was codified as Chapter 334 of the Acts of 2016

("Chapter 334"). Chapter 334 reduced state criminal penalties and instituted civil penalties for the possession and recreational use of marijuana by persons over 21 years of age. It also created a way for the Commonwealth to control the production and distribution of marijuana through licensing, regulations, and taxation of Marijuana Establishments. Chapter 55 of the Acts of 2017 ("Act") was enacted by the State Legislature as an amendment to Chapter 334. The Act encompassed significant amendments to Chapter 334 including a six (6) month delay in state licensing with a new start date of July 1, 2018.

The Act allows Marijuana Establishments to cultivate, manufacture, and process marijuana and to sell marijuana to persons over 21 years of age. An applicant requesting certification as a Marijuana Establishment must meet the requirements set out in 935 CMR 500.00, the regulations promulgated by the Cannabis Control Commission, to be considered for a final license as a Marijuana Establishment.

The Act also calls for local control of Marijuana Establishments (G.L.c. 94G, §3) by allowing municipalities to create licensing requirements and to make reasonable regulations that control the time, place and manner of Establishments. On March 26, 2018, in the form of a zoning amendment, the City passed a Temporary Moratorium on Establishments that expired on September 30, 2018. The Zoning Ordinance was further amended by adding Section 4.7.110, *Adult Use Marijuana Establishments*, which became effective on October 16, 2018. Section 4.7.110 sets forth the zoning and Tier 3 special permit requirements for Establishments seeking to operate in the City. Proposed Projects must comply with all requirements set forth in section 4.7.110 of the City's Zoning Ordinance.

Due to the amount of interest the City received for this new use, the decision was made to conduct a phased Request for Qualifications/Proposals (RFQ/P) process, similar to what had been done for the medical marijuana and the casino selection. It was determined that this was the most efficient way to obtain the needed information in order to make a qualified decision about locating such an operation within Springfield.

The Phase 1 RFQ/P was issued in April 2019. The RFQ/P required detailed submissions from each potential applicant. The City also retained an outside expert legal consultant to advise the City about fair, balanced and neutral selection criteria. Information required to be submitted in the response to the RFQ/P included:

- **Project Description:**
 - The type of Marijuana Establishment being proposed;
 - The name of the proposer, the contact person and the contact person's business address, telephone and facsimile numbers and e-mail address; and
 - A brief description of proposer and its business including names and biographies of its officers, directors, and key personnel, or persons serving in similar capacities.
- **Location:**
 - Proof of interest, proprietary ownership, lease or control of the proposed project site evidencing binding permission to use the premises as a Marijuana Establishment;
 - Size and description of the proposed site;
 - Pedestrian and vehicular traffic safety plan; and
 - A comprehensive analysis showing the site is in compliance with zoning requirements set forth in Section 4.7.110 of the City Zoning Ordinance, including buffer zones.
- **Design and Construction:**
 - Estimated construction budget;
 - Conceptual site plan of the project including, but not limited to:
 - Proposed employee and customer parking;

- Dumpster locations;
 - Lighting;
 - Security fencing; and
 - Signage.
- A summary of anticipated fiscal impacts on the City of Springfield, the anticipated duration of such impacts and a detailed plan to mitigate such impacts that includes:
 - Pedestrian and vehicular traffic impacts;
 - Infrastructure and utility impacts;
 - Environmental impacts; and
 - Increases in City services.
- **Management and Business Operations:**
 - A draft Management and Operations Profile pursuant to 935 CMR 500.101;
 - Business operations profile, including the projected number of full-time and part-time employment positions that will be created by the project and the number of positions available to City residents;
 - Organizational chart for the proposer listing all principal entities. If the proposer currently has or expects to have local partners who will have an ownership in the entity developing the project, that same information must be provided;
 - Financial summary for the proposed project; and
 - Background, reputation and expertise of the proposer in designing, developing and operating marijuana or other businesses similar to the project proposed in the City.
- **Equity:**
 - Diversity plan to promote and encourage full participation in the regulated marijuana industry;
 - Plan to positively impact areas of disproportionate impact pursuant to 935 CMR 500.101;
 - If applicable, statement reflecting that the proposer is a Commission-certified Economic Empowerment Applicant pursuant to 935 CMR 500.101 and/or Commission-certified Social Equity Applicant pursuant to 935 CMR 500.105.
 - If not Commission-Certified Economic Empowerment Applicant or Social Equity Applicant, a statement reflecting extent to which Proposal includes the following:
 - A majority of ownership, and/or current employees/sub-contractors is/are: Black, African American, Hispanic, Latino, members of other underrepresented communities, women, veterans, or people with disabilities;
 - Residency of owner in a Commission-designated area of disproportionate impact (including City);
 - Prior, nonviolent drug conviction(s) (*This information was ONLY used to evaluate a proposer's equity qualifications*); or
 - Plans/programs demonstrating active engagement in economic education, resource provision or empowerment to disproportionately impacted individuals or communities.
 - Plans/programs intending to facilitate future business

practices that promote economic empowerment in areas of disproportionate impact within the City, including the use of an incubator or accelerator program to aid limited net worth equity applicants who wish to enter the adult use industry.

- Description detailing proposer's promotion of sustainable, socially and economically reparative practices in the cannabis industry.

- **Community Outreach and Cooperation:**

- A summary of the Community Outreach Meeting that includes:
 - The date, time and location of the meeting;
 - A list of the attendees;
 - A description of efforts to publish and market the meeting;
 - A summary of notes taken at the meeting, reflecting citizen comments; and
 - If any, a summary of follow-up taken by the proposer to respond to public comments
- A summary of cooperation with City personnel and the community.

In May 2019, a total of twenty seven (27) responses were submitted. A selection committee was set up by the Mayor, in conjunction with the City Council, to review and rank the RFQ/P submissions. This selection committee was made up with representatives from the Springfield Department of Health & Human Services, Police Department, Fire Department, Department of Public Works, Building Department, Law Department, Mayors Office, Office of Procurement, Division of Administration & Finance, a representative of the City Council and the Office of Planning & Economic Development. To ensure procedural fairness, the City again utilized the services of its outside expert legal consultant during the review process. It should also be noted that the RFQ/P process also included a number of public presentations by the proposers.

An initial review of each submission was completed for compliance with the underlying zoning requirements and it was determined that four (4) locations were disqualified. As such, those proposals were not reviewed by the selection committee. One (1) proposal was also withdrawn.

All other responses were then fully reviewed and ranked by the selection committee. It was then determined that as part of Phase I, only the top four (4) ranked proposals would be allowed to move forward with the negotiation of a Host Community Agreement (HCA). In addition to the HCA being approved by the City Council, as per the Zoning Regulations, a special permit is also required to be approved.

311 Page Boulevard:

As noted above, 311 Page Boulevard has been identified as the potential location for a proposed Adult Use Marijuana Establishment. This is a single-story, multi-tenant commercial building. This site is a currently the location of a CrossFit gym and a duct cleaning operation.

The plans submitted show that the proposed use would be located within the existing building. With regards to parking, the existing commercial development has approximately fifty one (51) parking spaces, which would exceed the underlying Zoning requirement.

In addition to the site plan, a detailed floor plan has also been submitted. The area of this building totals 7,650 square feet, however, the petitioner has indicated that they only intend to use approximately 3,500 square feet for the retail establishment, however, as per the Zoning Ordinance, only 2,500 square feet can be open to the public. The interior of the building will house a number of different areas including a secure entry vestibule, queuing area, office space, vault, restrooms and retail sales floor. The remaining section of the building would

contain a secured delivery area and storage.

A full security plan has also been submitted. As noted, the Springfield Police Department has been involved throughout this entire process and has reviewed 311 Page Boulevard's full security plans. The plan includes a number of security and safety measures including perimeter alarms, failure notification system, duress alarm, video cameras and 24-hour recordings. A full management and operations



plan has also been submitted which includes details on the overall operations, inventory controls, patron education, revenue management, check-out policies and other operational details. Signage will also be posted stating that no one under the age of twenty one (21) will be allowed to enter.

Further, it should be noted that this will only be a retail operation. There will be no cultivation/manufacturing done at this location. 311 Page Boulevard has indicated that the cultivation/processing operation is located in Clinton, Massachusetts. A number of safe-guards have been identified for the transportation of the marijuana product between the cultivation operation in Clinton and Springfield. These safe-guards include using unmarked vehicles, two (2) agents in each vehicle, randomize routes, vehicle alarm systems, GPS, dash-cams and secured communication devices.

Lastly, as part of the submission, the petitioners were required to submit a traffic study. Those studies were then sent to the Department of Public Works (DPW) for a full review. In speaking with the Director of DPW, he had no major concerns. He indicated that he has also spoken directly to the petitioner. Further, he also indicated he made a site visit to the retail facility in Chicopee and it did not appear that there were any significant traffic related issues. The staff would recommend that if approved, the petitioner be required to work directly with DPW to review and approve all traffic mitigation issues, especially during the opening of the operation. As was seen when facilities first opened in both Northampton and Leicester earlier this year, there were significant traffic issues due to the amount of patrons visiting these locations. Due to the location of this facility, along the heavily traveled Page Boulevard, the petitioner needs to ensure that adequate steps will be taken to avoid a similar situation.

As noted above, in addition to the special permit, a Host Community Agreement is required. 311 Page Boulevard's Host Community Agreement for this location was approved by the City Council on September 17, 2019. Further, it needs to be stressed that along with the City of Springfield's approval, a full review, approval and licensing of this proposed use must be completed by the Massachusetts Cannabis Control Commission.

Overall, the staff has been very pleased with the professionalism shown by not only this company but by all the companies participating in the RFQ/P process. The staff firmly believes that 311 Page Boulevard has provided a detailed outline of its proposal and has addressed all the concerns outlined by the many city departments participating in the RFQ/P review. The staff does not oppose the proposed request and does not believe the proposed use will have a negative impact on the surrounding properties or on the neighborhood as a whole.

Recommendation

Approve, with conditions.

Recommended Conditions:

1. This special permit is granted to this petitioner only and shall not be reassigned or transferred.
2. This special permit is granted solely for the operation of an Adult Use Marijuana Establishment (storefront retail) at the property known as 311 Page Boulevard (09440-1063).
3. The use shall be developed as per the attached site plans, elevations and submission requirements with the addition of conditions #4 through #27.
4. Prior to start of operations, the petitioner shall provide the Springfield Police Department, Department of Health & Human Services and the Building Department a copy of the license issued by the Massachusetts Cannabis Control Commission.
5. This special permit shall expire upon the expiration and/or termination of the license by the Massachusetts Cannabis Control Commission.
6. The petitioner shall be required to remove all materials, signage, inventory, equipment and other paraphernalia within sixty (60) days of ceasing operations or immediately following any revocation of its license issued by the Massachusetts Cannabis Control Commission.
7. There shall be no on-site consumption, including the parking area, of marijuana or marijuana related products.
8. There shall be no cultivation or manufacturing done at this location.
9. There shall be no outside storage of marijuana or marijuana related products.
10. No marijuana, marijuana related product or any accessory paraphernalia shall be visible to the general public from the exterior of the building or property line.
11. The facility shall fully comply with its odor control plan providing proper and adequate ventilation. All resulting odors, smoke, vapor, fumes, gases and/or particulate matter from the use shall be effectively confined to the premises or so disposed of to avoid any increased air pollution.
12. In addition to the special permit approval, a full review by the Department of Public Works, as per the provisions of City Ordinance, Chapter 27, Article VIII, § 27-58 through 27-63, will be required. This approval must be obtained prior to the issuance of a Building Permit.
13. The petitioner shall coordinate with DPW and the Springfield Police Department, and supply all requested information, to identify and address any and all potential traffic related issues, especially relating to opening activities.
14. If during the initial opening period, but no longer than six (6) months, the City determines that queuing of pedestrians on the public sidewalk or vehicles queuing on a public way have become a safety hazard or nuisance, the petitioner shall coordinate with DPW and the Springfield Police Department to identify and immediately implement methods to eliminate the queuing. Any and all costs related to these remedies shall be borne by the petitioner.
15. The petitioner shall coordinate with the Springfield Police Department on all security related matters and shall fully comply with the submitted Security Plan.
16. The use shall comply with all Zoning Regulations as outlined in Article 4, Section 4.7.110 and all other applicable sections of the ordinance.
17. The use shall comply with any and all regulations outlined by the Massachusetts Cannabis Control Commission and 935 CMR 500.
18. Any and all signage shall be properly permitted and comply with the Springfield Zoning Ordinance and regulations outlined by 935 CMR 500.
19. There shall be signage visible from outside of the building stating that only individuals twenty one (21) years and older are allowed inside the establishment.
20. The use shall comply with any and all stipulations outlined within the approved Host Community

Agreement.

21. The site shall be maintained and kept free of all litter and debris.
22. All landscaped areas shall be maintained.
23. The public sidewalk along Page Boulevard shall be maintained, including snow removal.
24. All require permits from the Department of Health & Human Services shall be obtained prior to start of operations. A Certificate of Occupancy shall also be issued by the Building Department, prior to opening.
25. Any and all required permits from the DPW and the Building Department shall be obtained prior to the start of any construction.
26. The hours of operation shall be set by the City Council but in no case shall this operation 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 9:00PM and 8:00AM.
27. Any and all dumpsters shall be completely enclosed.
28. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

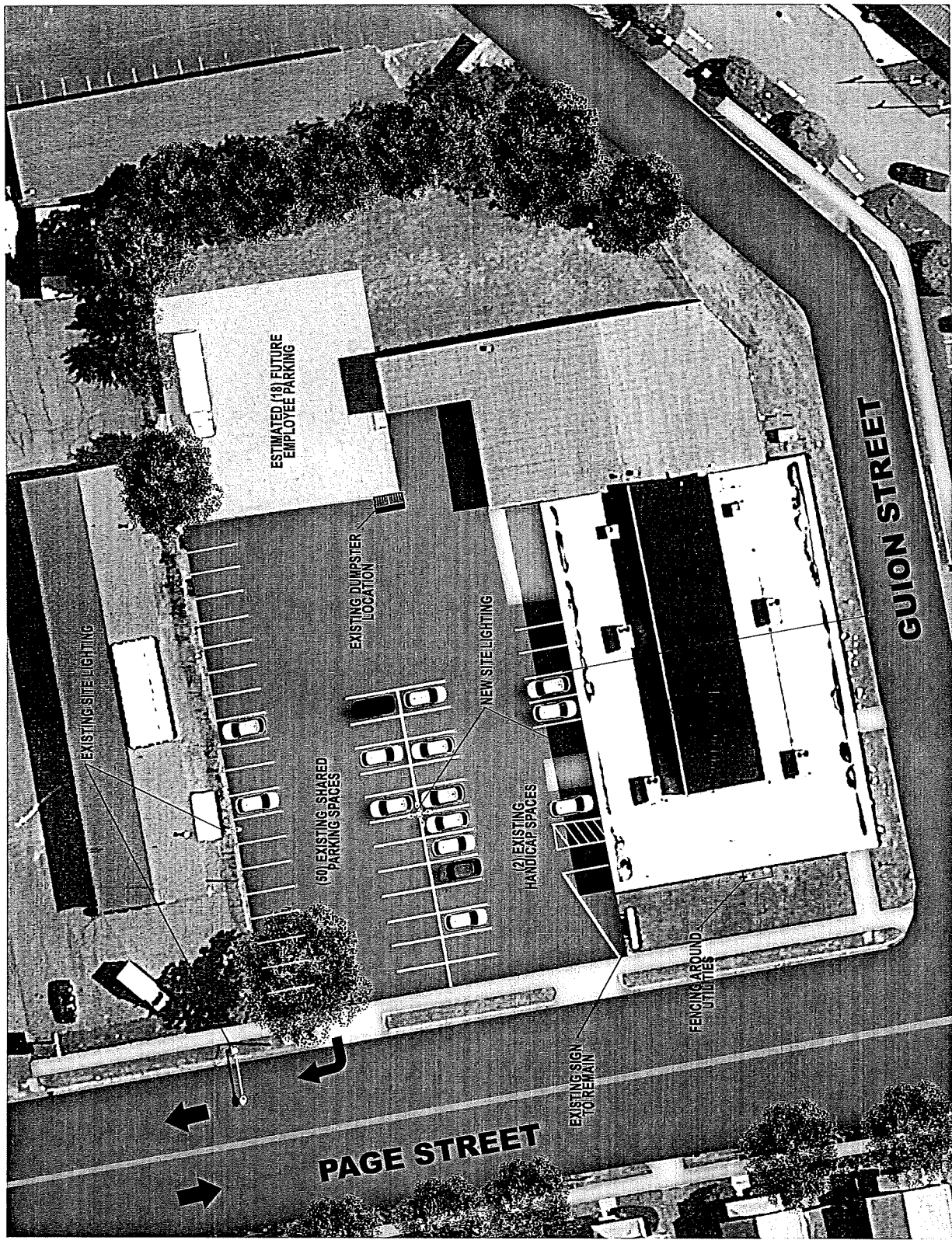
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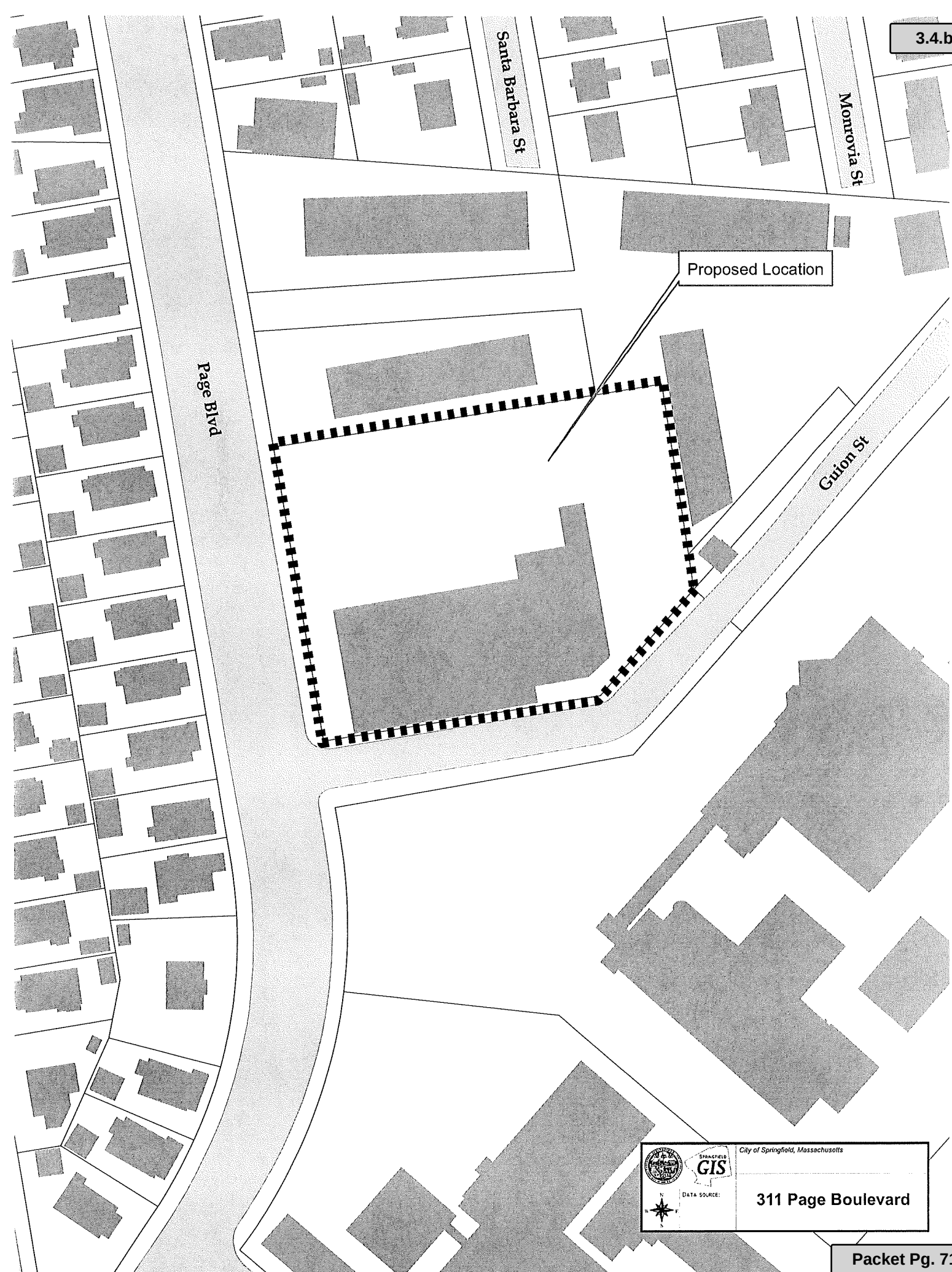
Special Permit Tax Certification

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 : 311 Page Boulevard
Petitioner : 311 Page Boulevard, LLC
Landlord : 575 Union Street, LLC


Peter L. Sygnator Assistant Collector





 SPRINGFIELD City of Springfield, Massachusetts	GIS
	DATA SOURCE: 311 Page Boulevard



City of Springfield

City Council
36 Court Street
Springfield, MA 01103

SPECIAL PERMIT FINDINGS AND DECISION OF THE CITY COUNCIL

Project: Adult Use Marijuana Establishment (Storefront Retail) - Article 4, Section 4.7.11 and Table 4-4 Section 20.1(1) at the property known as 311 Page Boulevard (09440-1063)

Owner: 575 Union Street, LLC
Petitioner: 311 Page Boulevard, LLC

1. Description of the property and of abutting property:

The parcel is currently zoned split zoned between Business B and Industrial A and is located in an area with a mix of residential, commercial and industrial uses. The surrounding land uses include:

To the north is an automotive repair facility zoned Business B and Industrial A.
To the south is the former Smith & Wesson Sports Center zoned Business B and Industrial A.
To the west are two-family homes zoned Residence B.
To the east are an automotive repair facility and recycling center zoned Industrial A.

2. Detailed description of the project as proposed by the Petitioner:

The property known as 311 Page Boulevard has been identified as the potential location for a proposed Adult Use Marijuana Establishment. This is a single-story, multi-tenant commercial building. This site is currently the location of a CrossFit gym and a duct cleaning operation.

The plans submitted show that the proposed use would be located within the existing building. With regards to parking, the existing commercial development has approximately fifty one (51) parking spaces, which would exceed the underlying Zoning requirement.

3. Procedural History

- A. On April 1, 2019 the City of Springfield issued a Request for Qualifications/ Proposals for businesses seeking to operate an Adult Use Marijuana Establishment within the City of Springfield.
- B. Twenty seven businesses responded to the RFQ/P and an eleven (11) member committee selected the four (4) businesses that scored the highest to negotiate a Host Community Agreement with the Mayor's Office of the City of Springfield.
- C. On July 15, 2019, the Petitioner was notified by the Office of Procurement that the Petitioner was selected to negotiate a Host Community Agreement with the Mayor's Office of the City of Springfield.
- D. After negotiating and executing a Host Community Agreement with the City, the Petitioner complied with the City of Springfield Zoning Ordinance, Section 4.7.110, and applied for a special permit.

E. The Office of Planning & Economic Development received an application from the Petitioner for a special permit at 311 Page Boulevard on August 23, 2019.

F. **Special Permit Application Submission:** The list of submittal requirements to apply for a special permit to operate an Adult Use Marijuana Establishment is listed below.

- i. Site plan must be prepared by a qualified professional (including but not limited to a licensed architect, professional engineer, or landscape architect). Site plan shall include all requirements as set forth in Section 12.3.40 of the Springfield Zoning Ordinance;

Attachment 6, pg. 50 of Petitioner's submittal

- ii. Names and addresses of each owner, manager, and designated representative of the Adult Use Marijuana Establishment facility/operation;

Pg. 3 of Petitioner's submittal

- iii. A copy of the Petitioner's Host Community Agreement or in the event that a Host Community Agreement has not been granted, Petitioner shall submit a copy of the completed Host Community Agreement application;

Attachment 1, pg. 6-14 of Petitioner's submittal

- iv. If it's in conjunction with an approved Registered Marijuana Dispensary (RMD), a copy of its registration as an RMD from the Massachusetts Department of Public Health in accordance with 105 CMR 725.000 or the Cannabis Control Commission in accordance with 935 CMR 500.000;

Non-applicable

- v. Proof of liability insurance coverage or maintenance of escrow as required in 935 CMR 500.000;

Attachment 2, pg. 15-21 of Petitioner's submittal

- vi. Evidence that the Petitioner 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;

Attachment 3, pg. 23-28 of Petitioner's submittal

- vii. Evidence that a community outreach meeting, in accordance with 935 CMR 500.000, has occurred and that the meeting occurred within the neighborhood that the project will be located, when possible;

Attachment 4, pg. 29-46 of Petitioner's submittal

- viii. 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;

Attachment 5, pg. 47-49 of Petitioner's submittal

- ix. 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;

Attachment 6, pg. 50-60 of Petitioner's submittal

- x. A detailed floor plan identifying the areas available and functional uses;

Attachment 6, pg. 50-60 of Petitioner's submittal

- xi. A detailed sign plan;

Attachment 6, pg. 50-60 of Petitioner's submittal

- xii. The City Council may require 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;

Attachment 7, pg. 61-66 of Petitioner's submittal

- xiii. An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations for 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;

Attachment 8, pg. 67-68 of Petitioner's submittal

- xiv. 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;

Attachment 9, pg. 69-75 of Petitioner's submittal

- xv. Individual written plans which, at a minimum comply with the requirements of 935 CMR 500.000 relative to the Adult Use Marijuana Establishment's: operating procedures, marketing and advertising, waste disposal, transportation and delivery of marijuana or marijuana products, energy efficiency and conservation, security and alarms, and decommissioning of the adult use marijuana establishment;

Attachment 10, pg. 76-96 of Petitioner's submittal

- G. The legal advertisement for the public hearing was advertised in The Republican on September 10, 2019 and September 17, 2019.
- H. On September 24, 2019 the Springfield City Council held a public hearing and voted to approve the special permit for the Petitioner to operate an Adult Use Marijuana Retailer at 311 Page Boulevard.
- I. Upon approval of these findings, the City Clerk's Office will send a Notice of Decision to the Petitioner.

4. A list of exhibits received and reviewed by the City Council prior to the close of the public hearing:

- A. Planning Staff analysis
- B. Special Permit application submission
- C. Plans (part of Special Permit application submission)

5. Applicable law and decision criteria:

In accordance with G.L.c. 40A, §9 and the Springfield Zoning Ordinance Section 12.4.60 and 4.7.110, the City Council reviewed all exhibits and allowed testimony regarding the special permit application for an Adult Use Marijuana Establishment at 311 Page Boulevard on September 24, 2019 and has determined that the use proposed meets the specified requirements.

6. Decision:

On September 24, 2019, present were City Councilors Tracye Whitfield, Adam Gomez, Timothy Ryan, Melvin Edwards, Kenneth Shea, Orlando Ramos, Jesse Lederman, Marcus Williams, Timothy Allen, Kateri Walsh & Justin Hurst. Councilor E. Henry Twiggs was absent and Councilor Michael Fenton abstained. The City Council voted 11-0 in favor of granting the special permit with the following conditions:

A. Conditions of approval:

- i. This special permit is granted to this Petitioner only and shall not be reassigned or transferred.
- ii. This special permit is granted solely for the operation of an Adult Use Marijuana Establishment (storefront retail) at the property known as 311 Page Boulevard (09440-1063).
- iii. The use shall be developed as per the attached site plans, elevations and submission requirements with the addition of conditions #4 through #27.
- iv. Prior to start of operations, the Petitioner shall provide the Springfield Police Department, Department of Health & Human Services and the Building Department a copy of the license issued by the Massachusetts Cannabis Control Commission.
- v. This special permit shall expire upon the expiration and/or termination of the license by the Massachusetts Cannabis Control Commission.
- vi. The Petitioner shall be required to remove all materials, signage, inventory, equipment and other paraphernalia within sixty (60) days of ceasing operations or immediately following any revocation of its license issued by the Massachusetts Cannabis Control Commission.
- vii. There shall be no on-site consumption, including the parking area, of marijuana or marijuana related products.
- viii. There shall be no cultivation or manufacturing done at this location.
- ix. There shall be no outside storage of marijuana or marijuana related products.
- x. No marijuana, marijuana related product or any accessory paraphernalia shall be visible to the general public from the exterior of the building or property line.
- xi. The facility shall fully comply with its odor control plan providing proper and adequate ventilation. All resulting odors, smoke, vapor, fumes, gases and/or particulate matter

from the use shall be effectively confined to the premises or so disposed of to avoid any increased air pollution.

- xii. In addition to the special permit approval, a full review by the Department of Public Works (DPW), as per the provisions of City Ordinance, Chapter 27, Article VIII, § 27-58 through 27-63, will be required. This approval must be obtained prior to the issuance of a Building Permit.
- xiii. The Petitioner shall coordinate with DPW and the Springfield Police Department, and supply all requested information, to identify and address any and all potential traffic related issues, especially relating to opening activities.
- xiv. If during the initial opening period, but no longer than six (6) months, the City determines that queuing of pedestrians on the public sidewalk or vehicles queuing on a public way have become a safety hazard or nuisance, the Petitioner shall coordinate with DPW and the Springfield Police Department to identify and immediately implement methods to eliminate the queuing. Any and all costs related to these remedies shall be borne by the Petitioner.
- xv. The Petitioner shall coordinate with the Springfield Police Department on all security related matters and shall fully comply with the submitted Security Plan.
- xvi. The use shall comply with all Zoning Regulations as outlined in Article 4, Section 4.7.110 and all other applicable sections of the ordinance.
- xvii. The use shall comply with any and all regulations outlined by the Massachusetts Cannabis Control Commission and 935 CMR 500.
- xviii. Any and all signage shall be properly permitted and comply with the Springfield Zoning Ordinance and regulations outlined by 935 CMR 500.
- xix. There shall be signage visible from outside of the building stating that only individuals twenty one (21) years and older are allowed inside the establishment.
- xx. The use shall comply with any and all stipulations outlined within the approved Host Community Agreement.
- xxi. The site shall be maintained and kept free of all litter and debris.
- xxii. All landscaped areas shall be maintained.
- xxiii. The public sidewalk along Page Boulevard shall be maintained, including snow removal.
- xxiv. All require permits from the Department of Health & Human Services shall be obtained prior to start of operations. A Certificate of Occupancy shall also be issued by the Building Department, prior to opening.
- xxv. Any and all required permits from the DPW and the Building Department shall be obtained prior to the start of any construction.
- xxvi. The hours of operation shall be set by the City Council but in no case shall this operation 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 9:00PM and 8:00AM.
- xxvii. Any and all dumpsters shall be completely enclosed.

- xxviii. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.

7. Specific findings:

In accordance with Section 12.4.60 and 4.7.116 of the Springfield Zoning Ordinance, the City Council makes the following findings:

- a. The site is suitable for the proposed use and the proposed use is in harmony with the general purpose and intent of the Zoning Ordinance and will not have a material adverse impact on the neighborhood;

The use will undertake interior and minor exterior upgrades to the site. Although significant investments will be made to mechanical systems, finish work, and security, the visual appearance of the building will not change significantly and represents little if any difference in visual impact over the building as currently constituted. The proposed use is also compatible with surrounding business located along the Page Boulevard commercial corridor. Any change that is made is not expected to have a material adverse impact on the abutters or on the neighborhood as a whole.

- b. Operation of an Adult Use Marijuana Establishment at 311 Page Boulevard has been designed to minimize any adverse visual or economic impacts on abutters and other parties of interest;

The use will undertake interior and minor exterior upgrades to the site. Although significant investments will be made to mechanical systems, finish work, and security, the visual appearance of the building will not change significantly and represents little if any difference in visual impact over the building as currently constituted. The proposed use is also compatible with surrounding business located along the Page Boulevard commercial corridor. Any change that is made is not expected to have a material adverse impact on the abutters or on the neighborhood as a whole.

- c. Operation of an Adult Use Marijuana Establishment at 311 Page Boulevard is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Ordinance;

The use has demonstrated that the proposed site and operation are consistent with all applicable provisions of the City of Springfield Zoning Ordinance. Conditions have also been placed on the issuance of a special permit in order to ensure continued consistency.

- d. The Adult Use Marijuana Establishment at 311 Page Boulevard has demonstrated 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;

The use has demonstrated, through the submittal of detailed plans, policies, procedures and management details that it will operate in compliance with any and all ordinances of the City of Springfield and the laws of the Commonwealth of Massachusetts, including obtaining a license from the Cannabis Control Commission.

- e. The Adult Use Marijuana Establishment at 311 Page Boulevard has satisfied all of the conditions and requirements of Article 4, Section 4.7.110 and other applicable sections of the Zoning Ordinance;

The use has demonstrated in the submittal information required under the special permit application the use has satisfied all of the conditions and requirements of this section and other applicable sections of this ordinance including 12.4.60 (Tier 3 Special Permit Review Standards).

- f. The Adult Use Marijuana Establishment at 311 Page Boulevard project has demonstrated it meets a demonstrated need;

The use fulfills the City's need to permit Adult Use Marijuana Establishments in a manner that avoids concentration in any one area within the City.

- g. The Adult Use Marijuana Establishment at 311 Page Boulevard has provided 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

The use has submitted a full detailed security plan. The Springfield Police Department has been involved throughout this entire process and has reviewed the full security plans. The plans includes a number of security and safety measures including perimeter alarms, failure notification system, duress alarm, video cameras and 24-hour recordings. A full management and operations plan has also been submitted which includes details on the overall operations, inventory controls, patron education, revenue management, check-out policies and other operational details. A full management and operations plan has also been submitted which includes details on the overall operations, inventory controls, patron education, revenue management, check-out policies and other operational details.

- h. The Adult Use Marijuana Establishment at 311 Page Boulevard Avenue has adequately addressed 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.
- i. *The use expects increased passenger car traffic under adult use retail sales but does not anticipate the added demand to reach levels that impact the convenience and safety of vehicular and pedestrian traffic on the site or neighboring sites. A detailed traffic study has been conducted and was submitted as part of the application. The submitted traffic study was reviewed and approved by the Department of Public Works (DPW) with the expressed condition that the use continues to coordinate with DPW and the Springfield Police Department to review all traffic mitigation measures, especially during the opening of the location. After a review of the traffic study, DPW does not anticipate a significant increased burden on the City's road infrastructure and will not rise to a level that will negatively impact the community.*

Notice of this decision will be filed with the City Clerk. An appeal of this decision may be made pursuant to Chapter 40A, Section 17 of the Massachusetts General Laws and shall be filed within twenty (20) days after the date of filing of such notice with the City Clerk.

{Signature page follows}

BY: _____
Springfield City Council

BY: _____
Springfield City Council

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City Council
36 Court Street
Springfield, MA 01103

ADOPTED

PETITION (ID # 5408)

Meeting: 10/28/19 06:30 PM
Department: City Clerk
Category: General
Prepared By: Tasheena Davis
Initiator: Tasheena Davis
Sponsors:
DOC ID: 5408

Findings of Fact-311 Page Blvd. Special Permit

COMMENTS - Current Meeting:

Edward Pikula, City Solicitor, spoke about the Findings and Decision presented to the Council. He stated this is a continuance from the special permits approved on September 24, 2019 for 311 Page Blvd, 250 Albany Street and 1300 Boston Road. He explained this does not require discussion but is being incorporated into the final decision. The Findings are being presented for signatures only and no vote is required as the reasons were voted on during the hearing on September 24, 2019.

Councilor Allen stated the Council approves many special permits and this hasn't been done before.

Atty. Pikula stated this is being done because the marijuana is a new, complex industry.

Councilor Lederman stated there was a fourth special permit that was not approved that night. He asked if there was a written decision for that special permit.

Atty. Pikula stated there were no reasons approved for denial of that special permit and there is nothing in the Planning Staff analysis to support the denial. He explained there is an executive session scheduled for a further discussion.

RESULT: RECEIVED PASSED



City of Springfield

City Council
36 Court Street
Springfield, MA 01103

SPECIAL PERMIT FINDINGS AND DECISION OF THE CITY COUNCIL

Project: Adult Use Marijuana Establishment (Storefront Retail) - Article 4, Section 4.7.11 and Table 4-4 Section 20.1(1) at the property known as 311 Page Boulevard (09440-1063)

Owner: 575 Union Street, LLC
Petitioner: 311 Page Boulevard, LLC

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Attachment 6, pg. 50 of Petitioner's submittal

- ii. Names and addresses of each owner, manager, and designated representative of the Adult Use Marijuana Establishment facility/operation;

Pg. 3 of Petitioner's submittal

- iii. A copy of the Petitioner's Host Community Agreement or in the event that a Host Community Agreement has not been granted, Petitioner shall submit a copy of the completed Host Community Agreement application;

Attachment 1, pg. 6-14 of Petitioner's submittal

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Attachment 3, pg. 23-28 of Petitioner's submittal

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Attachment 6, pg. 50-60 of Petitioner's submittal

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- xi. A detailed sign plan;

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Attachment 8, pg. 67-68 of Petitioner's submittal

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Attachment 10, pg. 76-96 of Petitioner's submittal

- G. The legal advertisement for the public hearing was advertised in The Republican on September 10, 2019 and September 17, 2019.
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- A. Planning Staff analysis
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- C. Plans (part of Special Permit application submission)

5. Applicable law and decision criteria:

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A. Conditions of approval:

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- ii. This special permit is granted solely for the operation of an Adult Use Marijuana Establishment (storefront retail) at the property known as 311 Page Boulevard (09440-1063).
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- iv. Prior to start of operations, the Petitioner shall provide the Springfield Police Department, Department of Health & Human Services and the Building Department a copy of the license issued by the Massachusetts Cannabis Control Commission.
- v. This special permit shall expire upon the expiration and/or termination of the license by the Massachusetts Cannabis Control Commission.
- vi. The Petitioner shall be required to remove all materials, signage, inventory, equipment and other paraphernalia within sixty (60) days of ceasing operations or immediately following any revocation of its license issued by the Massachusetts Cannabis Control Commission.
- vii. There shall be no on-site consumption, including the parking area, of marijuana or marijuana related products.
- viii. There shall be no cultivation or manufacturing done at this location.
- ix. There shall be no outside storage of marijuana or marijuana related products.
- x. No marijuana, marijuana related product or any accessory paraphernalia shall be visible to the general public from the exterior of the building or property line.
- xi. The facility shall fully comply with its odor control plan providing proper and adequate ventilation. All resulting odors, smoke, vapor, fumes, gases and/or particulate matter from the use shall be effectively confined to the premises or so disposed of to avoid any

increased air pollution.

- xii. In addition to the special permit approval, a full review by the Department of Public Works (DPW), as per the provisions of City Ordinance, Chapter 27, Article VIII, § 27-58 through 27-63, will be required. This approval must be obtained prior to the issuance of a Building Permit.
- xiii. The Petitioner shall coordinate with DPW and the Springfield Police Department, and supply all requested information, to identify and address any and all potential traffic related issues, especially relating to opening activities.
- xiv. If during the initial opening period, but no longer than six (6) months, the City determines that queuing of pedestrians on the public sidewalk or vehicles queuing on a public way have become a safety hazard or nuisance, the Petitioner shall coordinate with DPW and the Springfield Police Department to identify and immediately implement methods to eliminate the queuing. Any and all costs related to these remedies shall be borne by the Petitioner.
- xv. The Petitioner shall coordinate with the Springfield Police Department on all security related matters and shall fully comply with the submitted Security Plan.
- xvi. The use shall comply with all Zoning Regulations as outlined in Article 4, Section 4.7.110 and all other applicable sections of the ordinance.
- xvii. The use shall comply with any and all regulations outlined by the Massachusetts Cannabis Control Commission and 935 CMR 500.
- xxiii. Any and all signage shall be properly permitted and comply with the Springfield Zoning Ordinance and regulations outlined by 935 CMR 500.
- xix. There shall be signage visible from outside of the building stating that only individuals twenty one (21) years and older are allowed inside the establishment.
- xx. The use shall comply with any and all stipulations outlined within the approved Host Community Agreement.
- xxi. The site shall be maintained and kept free of all litter and debris.
- xxii. All landscaped areas shall be maintained.
- xxiii. The public sidewalk along Page Boulevard shall be maintained, including snow removal.
- xxiv. All require permits from the Department of Health & Human Services shall be obtained prior to start of operations. A Certificate of Occupancy shall also be issued by the Building Department, prior to opening.
- xxv. Any and all required permits from the DPW and the Building Department shall be obtained prior to the start of any construction.
- xxvi. The hours of operation shall be set by the City Council but in no case shall this operation 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 9:00PM and 8:00AM.
- xxvii. Any and all dumpsters shall be completely enclosed.

- xxviii. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.

7. Specific findings:

In accordance with Section 12.4.60 and 4.7.116 of the Springfield Zoning Ordinance, the City Council makes the following findings:

- a. The site is suitable for the proposed use and the proposed use is in harmony with the general purpose and intent of the Zoning Ordinance and will not have a material adverse impact on the neighborhood;

The use will undertake interior and minor exterior upgrades to the site. Although significant investments will be made to mechanical systems, finish work, and security, the visual appearance of the building will not change significantly and represents little if any difference in visual impact over the building as currently constituted. The proposed use is also compatible with surrounding business located along the Page Boulevard commercial corridor. Any change that is made is not expected to have a material adverse impact on the abutters or on the neighborhood as a whole.

- b. Operation of an Adult Use Marijuana Establishment at 311 Page Boulevard has been designed to minimize any adverse visual or economic impacts on abutters and other parties of interest;

The use will undertake interior and minor exterior upgrades to the site. Although significant investments will be made to mechanical systems, finish work, and security, the visual appearance of the building will not change significantly and represents little if any difference in visual impact over the building as currently constituted. The proposed use is also compatible with surrounding business located along the Page Boulevard commercial corridor. Any change that is made is not expected to have a material adverse impact on the abutters or on the neighborhood as a whole.

- c. Operation of an Adult Use Marijuana Establishment at 311 Page Boulevard is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Ordinance;

The use has demonstrated that the proposed site and operation are consistent with all applicable provisions of the City of Springfield Zoning Ordinance. Conditions have also been placed on the issuance of a special permit in order to ensure continued consistency.

- d. The Adult Use Marijuana Establishment at 311 Page Boulevard has demonstrated 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;

The use has demonstrated, through the submittal of detailed plans, policies, procedures and management details that it will operate in compliance with any and all ordinances of the City of Springfield and the laws of the Commonwealth of Massachusetts, including obtaining a license from the Cannabis Control Commission.

- e. The Adult Use Marijuana Establishment at 311 Page Boulevard has satisfied all of the conditions and requirements of Article 4, Section 4.7.110 and other applicable sections of the Zoning Ordinance;

The use has demonstrated in the submittal information required under the special permit application the use has satisfied all of the conditions and requirements of this section and other applicable sections of this ordinance including 12.4.60 (Tier 3 Special Permit Review Standards).

- f. The Adult Use Marijuana Establishment at 311 Page Boulevard project has demonstrated it meets a demonstrated need;

The use fulfills the City's need to permit Adult Use Marijuana Establishments in a manner that avoids concentration in any one area within the City.

- g. The Adult Use Marijuana Establishment at 311 Page Boulevard has provided 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

The use has submitted a full detailed security plan. The Springfield Police Department has been involved throughout this entire process and has reviewed the full security plans. The plans includes a number of security and safety measures including perimeter alarms, failure notification system, duress alarm, video cameras and 24-hour recordings. A full management and operations plan has also been submitted which includes details on the overall operations, inventory controls, patron education, revenue management, check-out policies and other operational details. A full management and operations plan has also been submitted which includes details on the overall operations, inventory controls, patron education, revenue management, check-out policies and other operational details.

- h. The Adult Use Marijuana Establishment at 311 Page Boulevard Avenue has adequately addressed 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.
- i. *The use expects increased passenger car traffic under adult use retail sales but does not anticipate the added demand to reach levels that impact the convenience and safety of vehicular and pedestrian traffic on the site or neighboring sites. A detailed traffic study has been conducted and was submitted as part of the application. The submitted traffic study was reviewed and approved by the Department of Public Works (DPW) with the expressed condition that the use continues to coordinate with DPW and the Springfield Police Department to review all traffic mitigation measures, especially during the opening of the location. After a review of the traffic study, DPW does not anticipate a significant increased burden on the City's road infrastructure and will not rise to a level that will negatively impact the community.*

Notice of this decision will be filed with the City Clerk. An appeal of this decision may be made pursuant to Chapter 40A, Section 17 of the Massachusetts General Laws and shall be filed within twenty (20) days after the date of filing of such notice with the City Clerk.

{Signature page follows}

BY: _____
Springfield City Council

BY: _____
Springfield City Council

BY: _____
Springfield City Council

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Springfield City Council

BY: _____
Springfield City Council



City Council
36 Court Street
Springfield, MA 01103

Meeting: 10/28/19 06:30 PM
Department: Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 5270 A

COMPLETED

PETITION (ID # 5270)

For a Special Permit to Operate an Adult Use Marijuana Establishment (Storefront Retail) at the Property Known as 250 Albany Street (00160-0060)(Book#8278/Page#436), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 20.1(1).

Request: See Above
Owner: 44 Howes Street Realty, LLC
By: Emilio Sibilis, Jr.
Petitioner: 6 Bricks, LLC
By: Payton Shubrick

HISTORY:

09/24/19 City Council

CONTINUE VOTE

Next: 10/28/19

COMMENTS - Current Meeting:

The special permit was approved on September 24, 2019 and continued until October 28, 2019 to approve the Findings of Fact and Decision.

RESULT: **APPROVED [12 TO 0]**
AYES: Whitfield, Gomez, Ryan, Fenton, Edwards, Shea, Ramos, Lederman, Williams, Allen, Walsh, Hurst
ABSENT: E. Henry Twiggs

To The City Council of the City of Springfield:
The undersigned respectfully petition your honorable body

for a special permit to operate an Adult Use Marijuana Establishment (storefront retail) at the property known as 250 Albany Street (00160-0060)(Book#8278/Page#436), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 20.1(1).

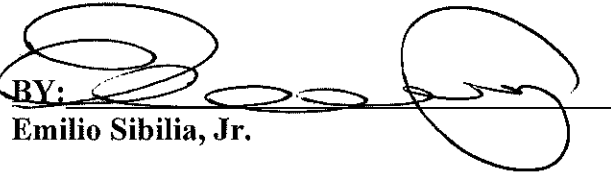
Mailing Address:

250 Albany Street
 Springfield, MA 01119

Owner:

44 Howes Street Realty, LLC

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

BY: 

Emilio Sibilio, Jr.

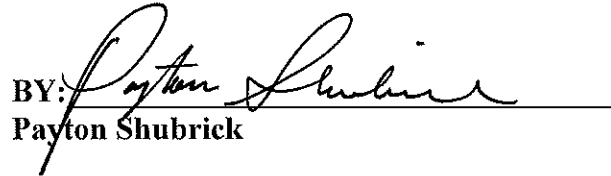
Mailing Address:

6 Olney Avenue
 Springfield, MA 01119

Petitioner:

6 Bricks, LLC

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

BY: 

Payton Shubrick

Attachment: Albany_St_250_Tax_Formal (5270 : 250 Albany Street)



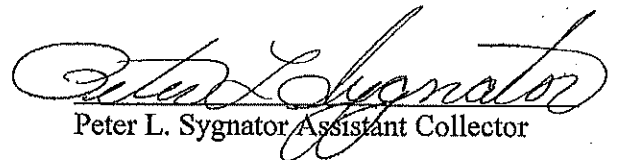
THE CITY OF
SPRINGFIELD, MASSACHUSETTS

8/19/2019

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 : 250 Albany Street
Petitioner : 6 Bricks, LLC
Landlord : 44 Howes Street Realty, LLC


Peter L. Sygnator Assistant Collector

**OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A SPECIAL PERMIT**

**250 ALBANY STREET (00160-0060)
ADULT USE MARIJUANA ESTABLISHMENT (STOREFRONT RETAIL)**

General Information

Petitioner:	6 Bricks, LLC.
Request:	Adult Use Marijuana Establishment
Proposed use of the property:	Adult Use Marijuana Establishment
Parcel Size:	49,786 s.f.
Compatibility with current planning documents:	The McKnight Neighborhood Plan shows no changes to this area.
Neighborhood council notification:	McKnight Neighborhood Council: 9-10-19
Tax Status:	SEE ATTACHED
Site Visit:	9-10-19
Hearing Date:	9-24-19

Staff Analysis

Neighborhood characteristics:

The parcel is currently zoned Industrial A and is located in an area of primarily commercial/industrial uses. The surrounding land uses include:

- To the north are rail road tracks and Interstate 291.
- To the south is a storage/distribution center zoned Industrial A.
- To the west is a manufacturing warehouse zoned Industrial A.
- To the east is a light manufacturing use zoned Industrial A.

Site plan review:

The petitioner has requested a special permit to allow for the operation of an Adult Use Marijuana Establishment (storefront retail) at the property known as 250 Albany Street. This is currently the location of a mixed use building. The petitioner intends to make renovations to the existing building for a new Adult Use Marijuana retail location.

As the Council is aware, on November 8, 2016 Massachusetts voters approved an initiative petition known as “*The Regulation and Taxation of Marijuana Act*”, which was codified as Chapter 334 of the Acts of 2016

("Chapter 334"). Chapter 334 reduced state criminal penalties and instituted civil penalties for the possession and recreational use of marijuana by persons over 21 years of age. It also created a way for the Commonwealth to control the production and distribution of marijuana through licensing, regulations, and taxation of Marijuana Establishments. Chapter 55 of the Acts of 2017 ("Act") was enacted by the State Legislature as an amendment to Chapter 334. The Act encompassed significant amendments to Chapter 334 including a six (6) month delay in state licensing with a new start date of July 1, 2018.

The Act allows Marijuana Establishments to cultivate, manufacture, and process marijuana and to sell marijuana to persons over 21 years of age. An applicant requesting certification as a Marijuana Establishment must meet the requirements set out in 935 CMR 500.00, the regulations promulgated by the Cannabis Control Commission, to be considered for a final license as a Marijuana Establishment.

The Act also calls for local control of Marijuana Establishments (G.L.c. 94G, §3) by allowing municipalities to create licensing requirements and to make reasonable regulations that control the time, place and manner of Establishments. On March 26, 2018, in the form of a zoning amendment, the City passed a Temporary Moratorium on Establishments that expired on September 30, 2018. The Zoning Ordinance was further amended by adding Section 4.7.110, *Adult Use Marijuana Establishments*, which became effective on October 16, 2018. Section 4.7.110 sets forth the zoning and Tier 3 special permit requirements for Establishments seeking to operate in the City. Proposed Projects must comply with all requirements set forth in section 4.7.110 of the City's Zoning Ordinance.

Due to the amount of interest the City received for this new use, the decision was made to conduct a phased Request for Qualifications/Proposals (RFQ/P) process, similar to what had been done for the medical marijuana and the casino selection. It was determined that this was the most efficient way to obtain the needed information in order to make a qualified decision about locating such an operation within Springfield.

The Phase 1 RFQ/P was issued in April 2019. The RFQ/P required detailed submissions from each potential applicant. The City also retained an outside expert legal consultant to advise the City about fair, balanced and neutral selection criteria. Information required to be submitted in the response to the RFQ/P included:

- **Project Description:**
 - The type of Marijuana Establishment being proposed;
 - The name of the proposer, the contact person and the contact person's business address, telephone and facsimile numbers and e-mail address; and
 - A brief description of proposer and its business including names and biographies of its officers, directors, and key personnel, or persons serving in similar capacities.
- **Location:**
 - Proof of interest, proprietary ownership, lease or control of the proposed project site evidencing binding permission to use the premises as a Marijuana Establishment;
 - Size and description of the proposed site;
 - Pedestrian and vehicular traffic safety plan; and
 - A comprehensive analysis showing the site is in compliance with zoning requirements set forth in Section 4.7.110 of the City Zoning Ordinance, including buffer zones.
- **Design and Construction:**
 - Estimated construction budget;
 - Conceptual site plan of the project including, but not limited to:
 - Proposed employee and customer parking;

- Dumpster locations;
 - Lighting;
 - Security fencing; and
 - Signage.
- A summary of anticipated fiscal impacts on the City of Springfield, the anticipated duration of such impacts and a detailed plan to mitigate such impacts that includes:
 - Pedestrian and vehicular traffic impacts;
 - Infrastructure and utility impacts;
 - Environmental impacts; and
 - Increases in City services.
- **Management and Business Operations:**
 - A draft Management and Operations Profile pursuant to 935 CMR 500.101;
 - Business operations profile, including the projected number of full-time and part-time employment positions that will be created by the project and the number of positions available to City residents;
 - Organizational chart for the proposer listing all principal entities. If the proposer currently has or expects to have local partners who will have an ownership in the entity developing the project, that same information must be provided;
 - Financial summary for the proposed project; and
 - Background, reputation and expertise of the proposer in designing, developing and operating marijuana or other businesses similar to the project proposed in the City.
- **Equity:**
 - Diversity plan to promote and encourage full participation in the regulated marijuana industry;
 - Plan to positively impact areas of disproportionate impact pursuant to 935 CMR 500.101;
 - If applicable, statement reflecting that the proposer is a Commission-certified Economic Empowerment Applicant pursuant to 935 CMR 500.101 and/or Commission-certified Social Equity Applicant pursuant to 935 CMR 500.105.
 - If not Commission-Certified Economic Empowerment Applicant or Social Equity Applicant, a statement reflecting extent to which Proposal includes the following:
 - A majority of ownership, and/or current employees/sub-contractors is/are: Black, African American, Hispanic, Latino, members of other underrepresented communities, women, veterans, or people with disabilities;
 - Residency of owner in a Commission-designated area of disproportionate impact (including City);
 - Prior, nonviolent drug conviction(s) (*This information was ONLY used to evaluate a proposer's equity qualifications*); or
 - Plans/programs demonstrating active engagement in economic education, resource provision or empowerment to disproportionately impacted individuals or communities.
 - Plans/programs intending to facilitate future business

practices that promote economic empowerment in areas of disproportionate impact within the City, including the use of an incubator or accelerator program to aid limited net worth equity applicants who wish to enter the adult use industry.

- Description detailing proposer's promotion of sustainable, socially and economically reparative practices in the cannabis industry.
- **Community Outreach and Cooperation:**
 - A summary of the Community Outreach Meeting that includes:
 - The date, time and location of the meeting;
 - A list of the attendees;
 - A description of efforts to publish and market the meeting;
 - A summary of notes taken at the meeting, reflecting citizen comments; and
 - If any, a summary of follow-up taken by the proposer to respond to public comments
 - A summary of cooperation with City personnel and the community.

In May 2019, a total of twenty seven (27) responses were submitted. A selection committee was set up by the Mayor, in conjunction with the City Council, to review and rank the RFQ/P submissions. This selection committee was made up with representatives from the Springfield Department of Health & Human Services, Police Department, Fire Department, Department of Public Works, Building Department, Law Department, Mayors Office, Office of Procurement, Division of Administration & Finance, a representative of the City Council and the Office of Planning & Economic Development. To ensure procedural fairness, the City again utilized the services of its outside expert legal consultant during the review process. It should also be noted that the RFQ/P process also included a number of public presentations by the proposers.

An initial review of each submission was completed for compliance with the underlying zoning requirements and it was determined that four (4) locations were disqualified. As such, those proposals were not reviewed by the selection committee. One (1) proposal was also withdrawn.

All other responses were then fully reviewed and ranked by the selection committee. It was then determined that as part of Phase I, only the top four (4) ranked proposals would be allowed to move forward with the negotiation of a Host Community Agreement (HCA). In addition to the HCA being approved by the City Council, as per the Zoning Regulations, a special permit is also required to be approved.

250 Albany Street:

As noted above, 250 Albany Street has been identified as the potential location for a proposed Adult Use Marijuana Establishment. This is a two-story commercial building located along the Albany Street industrial corridor. This site has been used for a number of different commercial uses.

The plans submitted show that the proposed use would be located within the existing building. The main entrance to this facility would be off Albany Street. With regards to parking, the site currently has ten (10) parking spaces located in the rear of the building with an additional four (4) located in the front. In addition, the petitioner has submitted a lease for an adjacent parcel known as NWS Albany Street (a.k.a.220) that has an additional thirty-five (35) spaces. With this additional parking, the use would exceed the underlying zoning requirements.

It should be noted, however, that this adjacent property is not currently paved. As per the underlying Zoning Regulations, if this site is to be used for parking, the parcel must be paved as per DPW requirements. Further,

it was noted during the site visit that there is no public sidewalk between this proposed parking lot and the location. Due to this fact, patrons using this parcel for parking would need to walk within Albany Street to access the site. In speaking with DPW, the staff was informed that pedestrians will not be allowed to walk within Albany Street and, as such, a sidewalk will need to be installed. In reviewing the aerial photos of this area, there does appear to be enough room to accommodate a sidewalk within the existing public tree belt.



In addition to the site plan, a detailed floor plan has also been submitted.

The area of the building totals 3,592 square feet, however, as per the Zoning Ordinance, only 2,500 square feet can be open to the public. The interior of the building will house a number of different areas including administrative offices, security, consultation/conference space and retail sales floor. The basement level of the building will be used for secure deliveries. Signage will also be posted stating that no one under the age of twenty one (21) will be allowed to enter.

A full security plan has also been submitted. As noted, the Springfield Police Department has been involved throughout this entire process and has reviewed 6 Brick's full security plans. The plan includes a number of security and safety measures including motion detectors, glass break detectors, video surveillance cameras, panic alarms, ID scanners, video intercom system and perimeter alarms. A full management and operations plan has also been submitted which includes details on the overall operations, inventory controls, patron education, revenue management, check-out policies and other operational details.

Further, it should be noted that this will only be a retail operation. While the plans speak to the fact that the basement may be used for future cultivation and manufacturing, this special permit is only for a retail operation. An additional special permit would be needed for cultivation and/or manufacturing.

As there will be no cultivation/manufacturing done at this location, 6 Bricks has indicated that deliveries of product would be completed by Mass Alternative Care, located in Chicopee. A copy of Mass Alternative Care's transportation policies was included in the submission and outlines a number of safe-guards that have been identified for the transportation of the marijuana product between the cultivation operation in Chicopee and Springfield.

Lastly, as part of the submission, the petitioners were required to submit a traffic study. Those studies were then sent to the Department of Public Works (DPW) for a full review. In speaking with the Director of DPW, he had no major concerns. He indicated that he has also spoken directly to the petitioner. Further, he also indicated he made a site visit to the retail facility in Chicopee and it did not appear that there were any significant traffic related issues. The staff would recommend that if approved, the petitioner be required to work directly with DPW to review and approve all traffic mitigation issues, especially during the opening of the operation. As was seen when facilities first opened in both Northampton and Leicester earlier this year, there were significant traffic issues due to the amount of patrons visiting these locations. While the overall traffic on Albany Street is limited, the petitioner still needs to ensure that adequate steps will be taken to avoid a similar situation.

As noted above, in addition to the special permit, a Host Community Agreement is required. 6 Brick's Host Community Agreement for this location was approved by the City Council on September 17, 2019. Further, it needs to be stressed that along with the City of Springfield's approval, a full review, approval and licensing of this proposed use must be completed by the Massachusetts Cannabis Control Commission.

Overall, the staff has been very pleased with the professionalism shown by not only this company but by all the companies participating in the RFQ/P process. The staff firmly believes that 6 Bricks has provided a detailed outline of its proposal and has addressed all the concerns outlined by the many city departments participating in the RFQ/P review. The staff does not oppose the proposed request and does not believe the proposed use will have a negative impact on the surrounding properties or on the neighborhood as a whole.

Recommendation

Approve, with conditions.

Recommended Conditions:

1. This special permit is granted to this petitioner only and shall not be reassigned or transferred.
2. This special permit is granted solely for the operation of an Adult Use Marijuana Establishment (storefront retail) at the property known as 250 Albany Street (00160-0060).
3. The use shall be developed as per the attached site plans, elevations and submission requirements with the addition of conditions #4 through #30.
4. Prior to start of operations, the petitioner shall provide the Springfield Police Department, Department of Health & Human Services and the Building Department a copy of the license issued by the Massachusetts Cannabis Control Commission.
5. This special permit shall expire upon the expiration and/or termination of the license by the Massachusetts Cannabis Control Commission.
6. The petitioner shall be required to remove all materials, signage, inventory, equipment and other paraphernalia within sixty (60) days of ceasing operations or immediately following any revocation of its license issued by the Massachusetts Cannabis Control Commission.
7. There shall be no on-site consumption, including the parking area, of marijuana or marijuana related products.
8. There shall be no cultivation or manufacturing done at this location.
9. There shall be no outside storage of marijuana or marijuana related products.
10. No marijuana, marijuana related product or any accessory paraphernalia shall be visible to the general public from the exterior of the building or property line.
11. The facility shall fully comply with its odor control plan providing proper and adequate ventilation. All resulting odors, smoke, vapor, fumes, gases and/or particulate matter from the use shall be effectively confined to the premises or so disposed of to avoid any increased air pollution.
12. In addition to the special permit approval, a full review by the Department of Public Works, as per the provisions of City Ordinance, Chapter 27, Article VIII, § 27-58 through 27-63, will be required. This approval must be obtained prior to the issuance of a Building Permit.
13. The petitioner shall coordinate with DPW and the Springfield Police Department, and supply all requested information, to identify and address any and all potential traffic related issues, especially relating to opening activities.
14. If during the initial opening period, but no longer than six (6) months, the City determines that queuing of pedestrians on the public sidewalk or vehicles queuing on a public way have become a safety hazard or nuisance, the petitioner shall coordinate with DPW and the Springfield Police Department to identify and immediately implement methods to eliminate the queuing. Any and all costs related to these remedies shall be borne by the petitioner.

15. The petitioner shall coordinate with the Springfield Police Department on all security related matters and shall fully comply with the submitted Security Plan.
16. The use shall comply with all Zoning Regulations as outlined in Article 4, Section 4.7.110 and all other applicable sections of the ordinance.
17. The use shall comply with any and all regulations outlined by the Massachusetts Cannabis Control Commission and 935 CMR 500.
18. Any and all signage shall be properly permitted and comply with the Springfield Zoning Ordinance and regulations outlined by 935 CMR 500.
19. There shall be signage visible from outside of the building stating that only individuals twenty one (21) years and older are allowed inside the establishment.
20. The use shall comply with any and all stipulations outlined within the approved Host Community Agreement.
21. The site shall be maintained and kept free of all litter and debris.
22. All landscaped areas shall be maintained.
23. There shall be no parking of customers in front of the building, along Albany Street.
24. The lease for the property known as NWS Albany Street (00160-0048) shall remain in effect while this use is in operation.
25. As per the Zoning Ordinance, Article 7, Section 7.1.55, the proposed parking area to be located at NWS Albany Street (00160-0048) shall be paved with bituminous concrete or its equal. Any and all paving plans shall be fully reviewed by DPW prior to any work being completed.
26. The petitioner shall install a sidewalk, as per DPW standards, connecting the off-site parking lot with the proposed use.
27. All require permits from the Department of Health & Human Services shall be obtained prior to start of operations. A Certificate of Occupancy shall also be issued by the Building Department, prior to opening.
28. Any and all required permits from the DPW and the Building Department shall be obtained prior to the start of any construction.
29. The hours of operation shall be set by the City Council but in no case shall this operation 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 9:00PM and 8:00AM.
30. Any and all dumpsters shall be completely enclosed.
31. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

8/19/2019

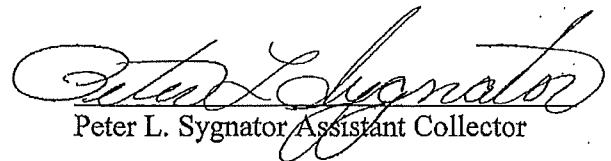
Special Permit Tax Certification

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:

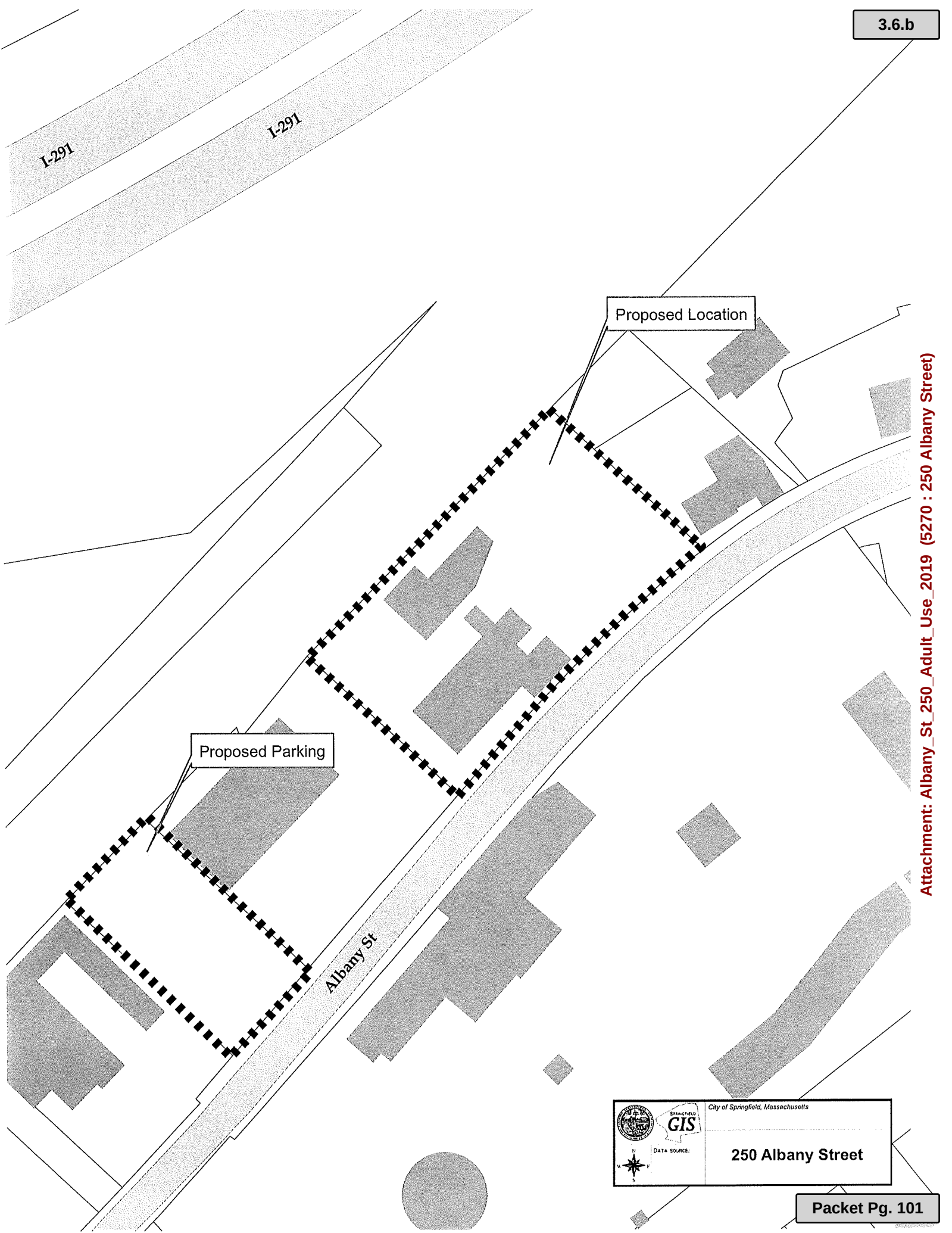
Special Permit : 250 Albany Street

Petitioner : 6 Bricks, LLC

Landlord : 44 Howes Street Realty , LLC


Peter L. Sygnator Assistant Collector





Attachment: Albany St 250 Adult Use 2019 (5270 : 250 Albany Street)



City of Springfield, Massachusetts



DATA SOURCE:

250 Albany Street



City of Springfield

City Council
36 Court Street
Springfield, MA 01103

SPECIAL PERMIT FINDINGS AND DECISION OF THE CITY COUNCIL

Project: Adult Use Marijuana Establishment (Storefront Retail) - Article 4, Section 4.7.11 and Table 4-4 Section 20.1(1) at the property known as 250 Albany Street (00160-0060).

Owner: 44 Howes Street Realty, LLC
Petitioner: 6 Bricks, LLC

1. Description of the property and of abutting property:

The parcel is currently zoned Industrial A and is located in an area of primarily commercial/industrial uses. The surrounding land uses include:

To the north are rail road tracks and Interstate 291.
To the south is a storage/distribution center zoned Industrial A.
To the west is a manufacturing warehouse zoned Industrial A.
To the east is a light manufacturing use zoned Industrial A.

2. Detailed description of the project as proposed by the Petitioner:

The property known as 250 Albany Street has been identified as the potential location for a proposed Adult Use Marijuana Establishment. This is a two-story commercial building located along the Albany Street industrial corridor. This site has been used for a number of different commercial uses.

The plans submitted show that the proposed use would be located within the existing building. The main entrance to this facility would be off Albany Street. With regards to parking, the site currently has ten (10) parking spaces located in the rear of the building with an additional four (4) located in the front. In addition, the Petitioner has submitted a lease for an adjacent parcel known as NWS Albany Street (a.k.a.220) that has an additional thirty-five (35) spaces. With this additional parking, the use would exceed the underlying zoning requirements.

3. Procedural History

- A. On April 1, 2019 the City of Springfield issued a Request for Qualifications/ Proposals for businesses seeking to operate an Adult Use Marijuana Establishment within the City of Springfield.
- B. Twenty seven businesses responded to the RFQ/P and an eleven (11) member committee selected the four (4) businesses that scored the highest to negotiate a Host Community Agreement with the Mayor's Office of the City of Springfield.
- C. On July 15, 2019, the Petitioner was notified by the Office of Procurement that the Petitioner was selected to negotiate a Host Community Agreement with the Mayor's Office of the City of Springfield.

- D. After negotiating and executing a Host Community Agreement with the City, the Petitioner complied with the City of Springfield Zoning Ordinance, Section 4.7.110, and applied for a special permit.
- E. The Office of Planning & Economic Development received an application from the Petitioner for a special permit at 250 Albany Street on August 21, 2019.
- F. **Special Permit Application Submission:** The submittal requirements to apply for a special permit to operate an Adult Use Marijuana Establishment are listed below.

- i. Site plan must be prepared by a qualified professional (including but not limited to a licensed architect, professional engineer, or landscape architect). Site plan shall include all requirements as set forth in Section 12.3.40 of the Springfield Zoning Ordinance;

Exhibit C of Petitioner's submittal

- ii. Names and addresses of each owner, manager, and designated representative of the Adult Use Marijuana Establishment facility/operation;

Pg. 1-6 of Petitioner's submittal

- iii. A copy of the Petitioner's Host Community Agreement or in the event that a Host Community Agreement has not been granted, petitioner shall submit a copy of the completed Host Community Agreement application;

Pg. 22; 118 of Petitioner's submittal

- iv. If it is in conjunction with an approved Registered Marijuana Dispensary (RMD), a copy of its registration as an RMD from the Massachusetts Department of Public Health in accordance with 105 CMR 725.000 or the Cannabis Control Commission in accordance with 935 CMR 500.000;

Non-applicable

- v. Proof of liability insurance coverage or maintenance of escrow as required in 935 CMR 500.000;

Pg. 123 of Petitioner's submittal

- vi. Evidence that the Petitioner 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;

Pg. 124-137 of Petitioner's submittal

- vii. Evidence that a community outreach meeting, in accordance with 935 CMR 500.000, has occurred and that the meeting occurred within the neighborhood that the project will be located, when possible;

Pg. 7-8 of Petitioner's submittal

- viii. 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;

Pg. 139 of Petitioner's submittal

- ix. 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;

Pg. 9-15 of Petitioner's submittal

- x. A detailed floor plan identifying the areas available and functional uses;

Pg. 17; 141-147 of Petitioner's submittal

- xi. A detailed sign plan;

Pg. 18 of Petitioner's submittal

- xii. The City Council may require 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;

Pg. 25-116 of Petitioner's submittal

- xiii. An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations for 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;

Pg. 15-17 of Petitioner's submittal

- xiv. 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;

Pg. 172 of Petitioner's submittal

- xv. Individual written plans which, at a minimum comply with the requirements of 935 CMR 500.000 relative to the Adult Use Marijuana Establishment's: operating procedures, marketing and advertising, waste disposal, transportation and delivery of marijuana or marijuana products, energy efficiency and conservation, security and alarms, and decommissioning of the adult use marijuana establishment;

Pg. 16-18; 152-171 of Petitioner's submittal

- G. The legal advertisement for the public hearing was advertised in The Republican on September 10, 2019 and September 17, 2019.

H. On September 24, 2019, the Springfield City Council held a public hearing and voted to approve the special permit for the Petitioner to operate an Adult Use Marijuana Retailer at 250 Albany Street.

I. Upon approval of these findings, the City Clerk's Office will send a Notice of Decision to the Petitioner.

4. A list of exhibits received prior to the close of the public hearing:

- A. Planning Staff analysis
- B. Special Permit application submission
- C. Plans (part of Special Permit application submission)

5. Applicable law and decision criteria:

In accordance with G.L.c. 40A, §9 and the Springfield Zoning Ordinance Section 12.4.60 and 4.7.110, the City Council reviewed all exhibits and allowed testimony regarding the special permit application for an Adult Use Marijuana Establishment at 250 Albany Street on September 24, 2019 and has determined that the use proposed meets the specified requirements.

6. Decision:

On September 24, 2019, present were City Councilors Tracye Whitfield, Adam Gomez, Timothy Ryan, Melvin Edwards, Kenneth Shea, Orlando Ramos, Jesse Lederman, Marcus Williams, Timothy Allen, Kateri Walsh & Justin Hurst. Councilor E. Henry Twiggs was absent and Councilor Michael Fenton abstained. The City Council voted 11-0 in favor of granting the special permit with the following conditions:

A. Conditions of approval:

- i. This special permit is granted to this Petitioner only and shall not be reassigned or transferred.
- ii. This special permit is granted solely for the operation of an Adult Use Marijuana Establishment (storefront retail) at the property known as 250 Albany Street (00160-0060).
- iii. The use shall be developed as per the attached site plans, elevations and submission requirements with the addition of conditions #4 through #30.
- iv. Prior to start of operations, the Petitioner shall provide the Springfield Police Department, Department of Health & Human Services and the Building Department a copy of the license issued by the Massachusetts Cannabis Control Commission.
- v. This special permit shall expire upon the expiration and/or termination of the license by the Massachusetts Cannabis Control Commission.
- vi. The Petitioner shall be required to remove all materials, signage, inventory, equipment and other paraphernalia within sixty (60) days of ceasing operations or immediately following any revocation of its license issued by the Massachusetts Cannabis Control Commission.
- vii. There shall be no on-site consumption, including the parking area, of marijuana or marijuana related products.
- viii. There shall be no cultivation or manufacturing done at this location.
- ix. There shall be no outside storage of marijuana or marijuana related products.

- x. No marijuana, marijuana related product or any accessory paraphernalia shall be visible to the general public from the exterior of the building or property line.
- xi. The facility shall fully comply with its odor control plan providing proper and adequate ventilation. All resulting odors, smoke, vapor, fumes, gases and/or particulate matter from the use shall be effectively confined to the premises or so disposed of to avoid any increased air pollution.
- xii. In addition to the special permit approval, a full review by the Department of Public Works (DPW), as per the provisions of City Ordinance, Chapter 27, Article VIII, § 27-58 through 27-63, will be required. This approval must be obtained prior to the issuance of a Building Permit.
- xiii. The Petitioner shall coordinate with DPW and the Springfield Police Department, and supply all requested information, to identify and address any and all potential traffic related issues, especially relating to opening activities.
- xiv. If during the initial opening period, but no longer than six (6) months, the City determines that queuing of pedestrians on the public sidewalk or vehicles queuing on a public way have become a safety hazard or nuisance, the Petitioner shall coordinate with DPW and the Springfield Police Department to identify and immediately implement methods to eliminate the queuing. Any and all costs related to these remedies shall be borne by the Petitioner.
- xv. The Petitioner shall coordinate with the Springfield Police Department on all security related matters and shall fully comply with the submitted Security Plan.
- xvi. The use shall comply with all Zoning Regulations as outlined in Article 4, Section 4.7.110 and all other applicable sections of the ordinance.
- xvii. The use shall comply with any and all regulations outlined by the Massachusetts Cannabis Control Commission and 935 CMR 500.
- xviii. Any and all signage shall be properly permitted and comply with the Springfield Zoning Ordinance and regulations outlined by 935 CMR 500.
- xix. There shall be signage visible from outside of the building stating that only individuals twenty one (21) years and older are allowed inside the establishment.
- xx. The use shall comply with any and all stipulations outlined within the approved Host Community Agreement.
- xxi. The site shall be maintained and kept free of all litter and debris.
- xxii. All landscaped areas shall be maintained.
- xxiii. There shall be no parking of customers in front of the building, along Albany Street.
- xxiv. The lease for the property known as NWS Albany Street (00160-0048) shall remain in effect while this use is in operation.
- xxv. As per the Zoning Ordinance, Article 7, Section 7.1.55, the proposed parking area to be located at NWS Albany Street (00160-0048) shall be paved with bituminous concrete or it's equal. Any and all paving plans shall be fully reviewed by DPW prior to any work being completed.

- xxvi. The Petitioner shall install a sidewalk, as per DPW standards, connecting the off-site parking lot with the proposed use.
- xxvii. All require permits from the Department of Health & Human Services shall be obtained prior to start of operations. A Certificate of Occupancy shall also be issued by the Building Department, prior to opening.
- xxviii. Any and all required permits from the DPW and the Building Department shall be obtained prior to the start of any construction.
- xxix. The hours of operation shall be set by the City Council but in no case shall this operation 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 9:00PM and 8:00AM.
- xxx. Any and all dumpsters shall be completely enclosed.
- xxxi. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.

7. Specific findings:

In accordance with Section 12.4.60 and 4.7.116 of the Springfield Zoning Ordinance the City Council makes the following findings:

- a. The site is suitable for the proposed use and the proposed use is in harmony with the general purpose and intent of the Zoning Ordinance and will not have a material adverse impact on the neighborhood;

The use will undertake interior and minor exterior upgrades to the site. Although significant investments will be made to mechanical systems, finish work, and security, the visual appearance of the building will not change significantly and represents little if any difference in visual impact over the building as currently constituted. The proposed use is also compatible with surrounding business located along the Albany Street commercial/industrial corridor. Any change that is made is not expected to have a material adverse impact on the abutters or on the neighborhood as a whole.

- b. Operation of an Adult Use Marijuana Establishment at 250 Albany Street has been designed to minimize any adverse visual or economic impacts on abutters and other parties of interest;

The use will undertake interior and minor exterior upgrades to the site. Although significant investments will be made to mechanical systems, finish work, and security, the visual appearance of the building will not change significantly and represents little if any difference in visual impact over the building as currently constituted. The proposed use is also compatible with surrounding business located along the Albany Street commercial/industrial corridor. Any change that is made is not expected to have a material adverse impact on the abutters or on the neighborhood as a whole.

- c. Operation of an Adult Use Marijuana Establishment at 250 Albany Street is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Ordinance;

The use has demonstrated that the proposed site and operation are consistent with all applicable provisions of the City of Springfield Zoning Ordinance. Conditions have also been placed on the issuance of a special permit in order to ensure continued consistency.

- d. The Adult Use Marijuana Establishment at 250 Albany Street has demonstrated 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;

The use has demonstrated, through the submittal of detailed plans, policies, procedures and management details that it will operate in compliance with any and all ordinances of the City of Springfield and the laws of the Commonwealth of Massachusetts, including obtaining a license from the Cannabis Control Commission.

- e. The Adult Use Marijuana Establishment at 250 Albany Street has satisfied all of the conditions and requirements of Article 4, Section 4.7.110 and other applicable sections of the Zoning Ordinance;

The use has demonstrated in the submittal information required under the special permit application the use has satisfied all of the conditions and requirements of this section and other applicable sections of this ordinance including 12.4.60 (Tier 3 Special Permit Review Standards).

- f. The Adult Use Marijuana Establishment at 250 Albany Street project has demonstrated its meets a demonstrated need;

The use fulfills the City's need to permit Adult Use Marijuana Establishments in a manner that avoids concentration in any one area within the City.

- g. The Adult Use Marijuana Establishment at 250 Albany Street has provided 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

The use has submitted a full detailed security plan. The Springfield Police Department has been involved throughout this entire process and has reviewed the full security plans. The plan includes a number of security and safety measures including motion detectors, glass break detectors, video surveillance cameras, panic alarms, ID scanners, video intercom system and perimeter alarms. A full management and operations plan has also been submitted which includes details on the overall operations, inventory controls, patron education, revenue management, check-out policies and other operational details.

- h. The Adult Use Marijuana Establishment at 250 Albany Street Avenue has adequately addressed 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.

The use expects increased passenger car traffic under adult use retail sales but does not anticipate the added demand to reach levels that impact the convenience and safety of vehicular and pedestrian traffic on the site or neighboring sites. A detailed traffic study has been conducted and was submitted as part of the application. The submitted traffic study was reviewed and approved by the Department of Public Works (DPW) with the expressed condition that the use continues to coordinate with DPW and the Springfield Police Department to review all traffic mitigation measures, especially during the opening of the location. After a review of the traffic study, DPW does not anticipate a significant increased burden on the City's road infrastructure and will not rise to a level that will negatively impact the community.

Notice of this decision will be filed with the City Clerk. An appeal of this decision may be made pursuant to Chapter 40A, Section 17 of the Massachusetts General Laws and shall be filed within twenty (20) days after the date of filing of such notice with the City Clerk.

{Signature page follows}

BY: _____
Springfield City Council

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City Council
36 Court Street
Springfield, MA 01103

Meeting: 10/28/19 06:30 PM
Department: City Clerk
Category: General
Prepared By: Tasheena Davis
Initiator: Tasheena Davis
Sponsors:
DOC ID: 5407

ADOPTED

PETITION (ID # 5407)

Findings of Fact-250 Albany St Special Permit

COMMENTS - Current Meeting:

The Council took this item with the Findings & Decision for 311 Page Blvd.

RESULT: RECEIVED PASSED



City of Springfield

City Council
36 Court Street
Springfield, MA 01103

SPECIAL PERMIT FINDINGS AND DECISION OF THE CITY COUNCIL

Project: Adult Use Marijuana Establishment (Storefront Retail) - Article 4, Section 4.7.11 and Table 4-4 Section 20.1(1) at the property known as 250 Albany Street (00160-0060).

Owner: 44 Howes Street Realty, LLC
Petitioner: 6 Bricks, LLC

1. Description of the property and of abutting property:

The parcel is currently zoned Industrial A and is located in an area of primarily commercial/industrial uses. The surrounding land uses include:

To the north are rail road tracks and Interstate 291.
To the south is a storage/distribution center zoned Industrial A.
To the west is a manufacturing warehouse zoned Industrial A.
To the east is a light manufacturing use zoned Industrial A.

2. Detailed description of the project as proposed by the Petitioner:

The property known as 250 Albany Street has been identified as the potential location for a proposed Adult Use Marijuana Establishment. This is a two-story commercial building located along the Albany Street industrial corridor. This site has been used for a number of different commercial uses.

The plans submitted show that the proposed use would be located within the existing building. The main entrance to this facility would be off Albany Street. With regards to parking, the site currently has ten (10) parking spaces located in the rear of the building with an additional four (4) located in the front. In addition, the Petitioner has submitted a lease for an adjacent parcel known as NWS Albany Street (a.k.a.220) that has an additional thirty-five (35) spaces. With this additional parking, the use would exceed the underlying zoning requirements.

3. Procedural History

- A. On April 1, 2019 the City of Springfield issued a Request for Qualifications/ Proposals for businesses seeking to operate an Adult Use Marijuana Establishment within the City of Springfield.
- B. Twenty seven businesses responded to the RFQ/P and an eleven (11) member committee selected the four (4) businesses that scored the highest to negotiate a Host Community Agreement with the Mayor's Office of the City of Springfield.
- C. On July 15, 2019, the Petitioner was notified by the Office of Procurement that the Petitioner was selected to negotiate a Host Community Agreement with the Mayor's Office of the City of Springfield.

- D. After negotiating and executing a Host Community Agreement with the City, the Petitioner complied with the City of Springfield Zoning Ordinance, Section 4.7.110, and applied for a special permit.
- E. The Office of Planning & Economic Development received an application from the Petitioner for a special permit at 250 Albany Street on August 21, 2019.
- F. **Special Permit Application Submission:** The submittal requirements to apply for a special permit to operate an Adult Use Marijuana Establishment are listed below.

- i. Site plan must be prepared by a qualified professional (including but not limited to a licensed architect, professional engineer, or landscape architect). Site plan shall include all requirements as set forth in Section 12.3.40 of the Springfield Zoning Ordinance;

Exhibit C of Petitioner's submittal

- ii. Names and addresses of each owner, manager, and designated representative of the Adult Use Marijuana Establishment facility/operation;

Pg. 1-6 of Petitioner's submittal

- iii. A copy of the Petitioner's Host Community Agreement or in the event that a Host Community Agreement has not been granted, petitioner shall submit a copy of the completed Host Community Agreement application;

Pg. 22; 118 of Petitioner's submittal

- iv. If it is in conjunction with an approved Registered Marijuana Dispensary (RMD), a copy of its registration as an RMD from the Massachusetts Department of Public Health in accordance with 105 CMR 725.000 or the Cannabis Control Commission in accordance with 935 CMR 500.000;

Non-applicable

- v. Proof of liability insurance coverage or maintenance of escrow as required in 935 CMR 500.000;

Pg. 123 of Petitioner's submittal

- vi. Evidence that the Petitioner 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;

Pg. 124-137 of Petitioner's submittal

- vii. Evidence that a community outreach meeting, in accordance with 935 CMR 500.000, has occurred and that the meeting occurred within the neighborhood that the project will be located, when possible;

Pg. 7-8 of Petitioner's submittal

- viii. 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;

Pg. 139 of Petitioner's submittal

- ix. 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;

Pg. 9-15 of Petitioner's submittal

- x. A detailed floor plan identifying the areas available and functional uses;

Pg. 17; 141-147 of Petitioner's submittal

- xi. A detailed sign plan;

Pg. 18 of Petitioner's submittal

- xii. The City Council may require 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;

Pg. 25-116 of Petitioner's submittal

- xiii. An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations for 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;

Pg. 15-17 of Petitioner's submittal

- xiv. 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;

Pg. 172 of Petitioner's submittal

- xv. Individual written plans which, at a minimum comply with the requirements of 935 CMR 500.000 relative to the Adult Use Marijuana Establishment's: operating procedures, marketing and advertising, waste disposal, transportation and delivery of marijuana or marijuana products, energy efficiency and conservation, security and alarms, and decommissioning of the adult use marijuana establishment;

Pg. 16-18; 152-171 of Petitioner's submittal

- G. The legal advertisement for the public hearing was advertised in The Republican on September 10, 2019 and September 17, 2019.

H. On September 24, 2019, the Springfield City Council held a public hearing and voted to approve the special permit for the Petitioner to operate an Adult Use Marijuana Retailer at 250 Albany Street.

I. Upon approval of these findings, the City Clerk's Office will send a Notice of Decision to the Petitioner.

4. A list of exhibits received prior to the close of the public hearing:

- A. Planning Staff analysis
- B. Special Permit application submission
- C. Plans (part of Special Permit application submission)

5. Applicable law and decision criteria:

In accordance with G.L.c. 40A, §9 and the Springfield Zoning Ordinance Section 12.4.60 and 4.7.110, the City Council reviewed all exhibits and allowed testimony regarding the special permit application for an Adult Use Marijuana Establishment at 250 Albany Street on September 24, 2019 and has determined that the use proposed meets the specified requirements.

6. Decision:

On September 24, 2019, present were City Councilors Tracye Whitfield, Adam Gomez, Timothy Ryan, Melvin Edwards, Kenneth Shea, Orlando Ramos, Jesse Lederman, Marcus Williams, Timothy Allen, Kateri Walsh & Justin Hurst. Councilor E. Henry Twiggs and Councilor Michael Fenton were absent. The City Council voted 11-0 in favor of granting the special permit with the following conditions:

A. Conditions of approval:

- i. This special permit is granted to this Petitioner only and shall not be reassigned or transferred.
- ii. This special permit is granted solely for the operation of an Adult Use Marijuana Establishment (storefront retail) at the property known as 250 Albany Street (00160-0060).
- iii. The use shall be developed as per the attached site plans, elevations and submission requirements with the addition of conditions #4 through #30.
- iv. Prior to start of operations, the Petitioner shall provide the Springfield Police Department, Department of Health & Human Services and the Building Department a copy of the license issued by the Massachusetts Cannabis Control Commission.
- v. This special permit shall expire upon the expiration and/or termination of the license by the Massachusetts Cannabis Control Commission.
- vi. The Petitioner shall be required to remove all materials, signage, inventory, equipment and other paraphernalia within sixty (60) days of ceasing operations or immediately following any revocation of its license issued by the Massachusetts Cannabis Control Commission.
- vii. There shall be no on-site consumption, including the parking area, of marijuana or marijuana related products.
- viii. There shall be no cultivation or manufacturing done at this location.
- ix. There shall be no outside storage of marijuana or marijuana related products.

- x. No marijuana, marijuana related product or any accessory paraphernalia shall be visible to the general public from the exterior of the building or property line.
- xi. The facility shall fully comply with its odor control plan providing proper and adequate ventilation. All resulting odors, smoke, vapor, fumes, gases and/or particulate matter from the use shall be effectively confined to the premises or so disposed of to avoid any increased air pollution.
- xii. In addition to the special permit approval, a full review by the Department of Public Works (DPW), as per the provisions of City Ordinance, Chapter 27, Article VIII, § 27-58 through 27-63, will be required. This approval must be obtained prior to the issuance of a Building Permit.
- xiii. The Petitioner shall coordinate with DPW and the Springfield Police Department, and supply all requested information, to identify and address any and all potential traffic related issues, especially relating to opening activities.
- xiv. If during the initial opening period, but no longer than six (6) months, the City determines that queuing of pedestrians on the public sidewalk or vehicles queuing on a public way have become a safety hazard or nuisance, the Petitioner shall coordinate with DPW and the Springfield Police Department to identify and immediately implement methods to eliminate the queuing. Any and all costs related to these remedies shall be borne by the Petitioner.
- xv. The Petitioner shall coordinate with the Springfield Police Department on all security related matters and shall fully comply with the submitted Security Plan.
- xvi. The use shall comply with all Zoning Regulations as outlined in Article 4, Section 4.7.110 and all other applicable sections of the ordinance.
- xvii. The use shall comply with any and all regulations outlined by the Massachusetts Cannabis Control Commission and 935 CMR 500.
- xviii. Any and all signage shall be properly permitted and comply with the Springfield Zoning Ordinance and regulations outlined by 935 CMR 500.
- xix. There shall be signage visible from outside of the building stating that only individuals twenty one (21) years and older are allowed inside the establishment.
- xx. The use shall comply with any and all stipulations outlined within the approved Host Community Agreement.
- xxi. The site shall be maintained and kept free of all litter and debris.
- xxii. All landscaped areas shall be maintained.
- xxiii. There shall be no parking of customers in front of the building, along Albany Street.
- xxiv. The lease for the property known as NWS Albany Street (00160-0048) shall remain in effect while this use is in operation.
- xxv. As per the Zoning Ordinance, Article 7, Section 7.1.55, the proposed parking area to be located at NWS Albany Street (00160-0048) shall be paved with bituminous concrete or it's equal. Any and all paving plans shall be fully reviewed by DPW prior to any work being completed.

- xxvi. The Petitioner shall install a sidewalk, as per DPW standards, connecting the off-site parking lot with the proposed use.
- xxvii. All require permits from the Department of Health & Human Services shall be obtained prior to start of operations. A Certificate of Occupancy shall also be issued by the Building Department, prior to opening.
- xxviii. Any and all required permits from the DPW and the Building Department shall be obtained prior to the start of any construction.
- xxix. The hours of operation shall be set by the City Council but in no case shall this operation 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 9:00PM and 8:00AM.
- xxx. Any and all dumpsters shall be completely enclosed.
- xxxi. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.

7. Specific findings:

In accordance with Section 12.4.60 and 4.7.116 of the Springfield Zoning Ordinance the City Council makes the following findings:

- a. The site is suitable for the proposed use and the proposed use is in harmony with the general purpose and intent of the Zoning Ordinance and will not have a material adverse impact on the neighborhood;

The use will undertake interior and minor exterior upgrades to the site. Although significant investments will be made to mechanical systems, finish work, and security, the visual appearance of the building will not change significantly and represents little if any difference in visual impact over the building as currently constituted. The proposed use is also compatible with surrounding business located along the Albany Street commercial/industrial corridor. Any change that is made is not expected to have a material adverse impact on the abutters or on the neighborhood as a whole.

- b. Operation of an Adult Use Marijuana Establishment at 250 Albany Street has been designed to minimize any adverse visual or economic impacts on abutters and other parties of interest;

The use will undertake interior and minor exterior upgrades to the site. Although significant investments will be made to mechanical systems, finish work, and security, the visual appearance of the building will not change significantly and represents little if any difference in visual impact over the building as currently constituted. The proposed use is also compatible with surrounding business located along the Albany Street commercial/industrial corridor. Any change that is made is not expected to have a material adverse impact on the abutters or on the neighborhood as a whole.

- c. Operation of an Adult Use Marijuana Establishment at 250 Albany Street is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Ordinance;

The use has demonstrated that the proposed site and operation are consistent with all applicable provisions of the City of Springfield Zoning Ordinance. Conditions have also been placed on the issuance of a special permit in order to ensure continued consistency.

- d. The Adult Use Marijuana Establishment at 250 Albany Street has demonstrated 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;

The use has demonstrated, through the submittal of detailed plans, policies, procedures and management details that it will operate in compliance with any and all ordinances of the City of Springfield and the laws of the Commonwealth of Massachusetts, including obtaining a license from the Cannabis Control Commission.

- e. The Adult Use Marijuana Establishment at 250 Albany Street has satisfied all of the conditions and requirements of Article 4, Section 4.7.110 and other applicable sections of the Zoning Ordinance;

The use has demonstrated in the submittal information required under the special permit application the use has satisfied all of the conditions and requirements of this section and other applicable sections of this ordinance including 12.4.60 (Tier 3 Special Permit Review Standards).

- f. The Adult Use Marijuana Establishment at 250 Albany Street project has demonstrated its meets a demonstrated need;

The use fulfills the City's need to permit Adult Use Marijuana Establishments in a manner that avoids concentration in any one area within the City.

- g. The Adult Use Marijuana Establishment at 250 Albany Street has provided 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

The use has submitted a full detailed security plan. The Springfield Police Department has been involved throughout this entire process and has reviewed the full security plans. The plan includes a number of security and safety measures including motion detectors, glass break detectors, video surveillance cameras, panic alarms, ID scanners, video intercom system and perimeter alarms. A full management and operations plan has also been submitted which includes details on the overall operations, inventory controls, patron education, revenue management, check-out policies and other operational details.

- h. The Adult Use Marijuana Establishment at 250 Albany Street Avenue has adequately addressed 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.

The use expects increased passenger car traffic under adult use retail sales but does not anticipate the added demand to reach levels that impact the convenience and safety of vehicular and pedestrian traffic on the site or neighboring sites. A detailed traffic study has been conducted and was submitted as part of the application. The submitted traffic study was reviewed and approved by the Department of Public Works (DPW) with the expressed condition that the use continues to coordinate with DPW and the Springfield Police Department to review all traffic mitigation measures, especially during the opening of the location. After a review of the traffic study, DPW does not anticipate a significant increased burden on the City's road infrastructure and will not rise to a level that will negatively impact the community.

Notice of this decision will be filed with the City Clerk. An appeal of this decision may be made pursuant to Chapter 40A, Section 17 of the Massachusetts General Laws and shall be filed within twenty (20) days after the date of filing of such notice with the City Clerk.

{Signature page follows}

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Springfield City Council

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Springfield City Council



City Council
36 Court Street
Springfield, MA 01103

Meeting: 10/28/19 06:30 PM
Department: Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 5261

COMPLETED

PETITION (ID # 5261)

For a Special Permit to Operate an Adult Use Marijuana Establishment (Storefront Retail) at the Property Known as 1300 Boston Road (01655-0254)(Book#19592/Page#416), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 20.1(1).

Request: See Above
Owner: Boston Road/Pasco Rt 20 Retail, LLC
By: Frank Colaccino
Petitioner: Holistic Industries, Inc.
By: Josh Genderson

HISTORY:

09/24/19 City Council

CONTINUE VOTE

Next: 10/28/19

COMMENTS - Current Meeting:

The special permit was approved on September 24, 2019 and continued until October 28, 2019 to approve the Findings of Fact and Decision.

RESULT:	APPROVED [11 TO 0]
AYES:	Whitfield, Gomez, Ryan, Edwards, Shea, Ramos, Lederman, Williams, Allen, Walsh, Hurst
ABSENT:	Michael A. Fenton, E. Henry Twiggs

To The City Council of the City of Springfield:
The undersigned respectfully petition your honorable body

for a special permit to operate an Adult Use Marijuana Establishment (storefront retail) at the property known as 1300 Boston Road (01655-0254)(Book#19592/Page#416), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 20.1(1).

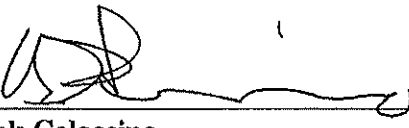
Mailing Address:

~~360 Bloomfield Avenue, Suite 208~~
~~Windsor, CT 06095~~
 1259 East Columbus Ave., Suite 201
 Springfield, MA 01105

Owner:

Boston Road/Pasco Rt20 Retail, LLC

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

BY: 

Frank Colaccino

Mailing Address:

300 Massachusetts Avenue
 Washington, DC 20002

Petitioner:

Holistic Industries, Inc.

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

BY: _____

Josh Genderson

Attachment: Boston_Rd_1300_Tax_Formal (5261 : 1300 Boston Road)

To The City Council of the City of Springfield:
The undersigned respectfully petition your honorable body

for a special permit to operate an Adult Use Marijuana Establishment (storefront retail) at the property known as 1300 Boston Road (01655-0254)(Book#19592/Page#416), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 20.1(1).

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

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Attachment: Boston_Rd_1300_Tax_Formal (5261 : 1300 Boston Road)



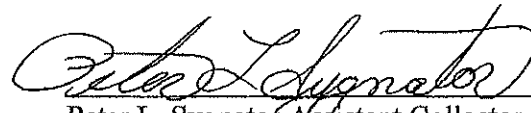
THE CITY OF
SPRINGFIELD, MASSACHUSETTS

8/13/2019

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 : 1300 Boston Road
Petitioner : Holistic Industries, Inc.
Landlord : Boston Road/Pasco Rt20 Retail, LLC


Peter L. Sygnator Assistant Collector

**OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A SPECIAL PERMIT**

**1300 BOSTON ROAD (01655-0254)
ADULT USE MARIJUANA ESTABLISHMENT (STOREFRONT RETAIL)**

General Information

Petitioner:	Holistic Industries, Inc.
Request:	Adult Use Marijuana Establishment
Proposed use of the property:	Adult Use Marijuana Establishment
Parcel Size:	92,565 s.f.
Compatibility with current planning documents:	The Boston Road Neighborhood Plan shows no changes to this area.
Neighborhood council notification:	Indian Orchard Citizens Council: 9-10-19
Tax Status:	SEE ATTACHED
Site Visit:	9-10-19
Hearing Date:	9-24-19

Staff Analysis

Neighborhood characteristics:

The parcel is currently zoned Business A and is located in an area of primarily commercial uses. The surrounding land uses include:

- To the north is Loon Pond.
- To the south are a gas station and retail uses zoned Business A.
- To the west are Aldi's and Denny's zoned Business A.
- To the east is multi-tenant retail building zoned Business A.

Site plan review:

The petitioner has requested a special permit to allow for the operation of an Adult Use Marijuana Establishment (storefront retail) at the property known as 1300 Boston Road. This is currently the location of a newly constructed, multi-tenant commercial building. The petitioner intends to make renovations to the existing building for a new Adult Use Marijuana retail location.

As the Council is aware, on November 8, 2016 Massachusetts voters approved an initiative petition known as "The Regulation and Taxation of Marijuana Act", which was codified as Chapter 334 of the Acts of 2016

("Chapter 334"). Chapter 334 reduced state criminal penalties and instituted civil penalties for the possession and recreational use of marijuana by persons over 21 years of age. It also created a way for the Commonwealth to control the production and distribution of marijuana through licensing, regulations, and taxation of Marijuana Establishments. Chapter 55 of the Acts of 2017 ("Act") was enacted by the State Legislature as an amendment to Chapter 334. The Act encompassed significant amendments to Chapter 334 including a six (6) month delay in state licensing with a new start date of July 1, 2018.

The Act allows Marijuana Establishments to cultivate, manufacture, and process marijuana and to sell marijuana to persons over 21 years of age. An applicant requesting certification as a Marijuana Establishment must meet the requirements set out in 935 CMR 500.00, the regulations promulgated by the Cannabis Control Commission, to be considered for a final license as a Marijuana Establishment.

The Act also calls for local control of Marijuana Establishments (G.L.c. 94G, §3) by allowing municipalities to create licensing requirements and to make reasonable regulations that control the time, place and manner of Establishments. On March 26, 2018, in the form of a zoning amendment, the City passed a Temporary Moratorium on Establishments that expired on September 30, 2018. The Zoning Ordinance was further amended by adding Section 4.7.110, *Adult Use Marijuana Establishments*, which became effective on October 16, 2018. Section 4.7.110 sets forth the zoning and Tier 3 special permit requirements for Establishments seeking to operate in the City. Proposed Projects must comply with all requirements set forth in section 4.7.110 of the City's Zoning Ordinance.

Due to the amount of interest the City received for this new use, the decision was made to conduct a phased Request for Qualifications/Proposals (RFQ/P) process, similar to what had been done for the medical marijuana and the casino selection. It was determined that this was the most efficient way to obtain the needed information in order to make a qualified decision about locating such an operation within Springfield.

The Phase 1 RFQ/P was issued in April 2019. The RFQ/P required detailed submissions from each potential applicant. The City also retained an outside expert legal consultant to advise the City about fair, balanced and neutral selection criteria. Information required to be submitted in the response to the RFQ/P included:

- **Project Description:**
 - The type of Marijuana Establishment being proposed;
 - The name of the proposer, the contact person and the contact person's business address, telephone and facsimile numbers and e-mail address; and
 - A brief description of proposer and its business including names and biographies of its officers, directors, and key personnel, or persons serving in similar capacities.
- **Location:**
 - Proof of interest, proprietary ownership, lease or control of the proposed project site evidencing binding permission to use the premises as a Marijuana Establishment;
 - Size and description of the proposed site;
 - Pedestrian and vehicular traffic safety plan; and
 - A comprehensive analysis showing the site is in compliance with zoning requirements set forth in Section 4.7.110 of the City Zoning Ordinance, including buffer zones.
- **Design and Construction:**
 - Estimated construction budget;
 - Conceptual site plan of the project including, but not limited to:
 - Proposed employee and customer parking;

- Dumpster locations;
 - Lighting;
 - Security fencing; and
 - Signage.
- A summary of anticipated fiscal impacts on the City of Springfield, the anticipated duration of such impacts and a detailed plan to mitigate such impacts that includes:
 - Pedestrian and vehicular traffic impacts;
 - Infrastructure and utility impacts;
 - Environmental impacts; and
 - Increases in City services.
- **Management and Business Operations:**
 - A draft Management and Operations Profile pursuant to 935 CMR 500.101;
 - Business operations profile, including the projected number of full-time and part-time employment positions that will be created by the project and the number of positions available to City residents;
 - Organizational chart for the proposer listing all principal entities. If the proposer currently has or expects to have local partners who will have an ownership in the entity developing the project, that same information must be provided;
 - Financial summary for the proposed project; and
 - Background, reputation and expertise of the proposer in designing, developing and operating marijuana or other businesses similar to the project proposed in the City.
- **Equity:**
 - Diversity plan to promote and encourage full participation in the regulated marijuana industry;
 - Plan to positively impact areas of disproportionate impact pursuant to 935 CMR 500.101;
 - If applicable, statement reflecting that the proposer is a Commission-certified Economic Empowerment Applicant pursuant to 935 CMR 500.101 and/or Commission-certified Social Equity Applicant pursuant to 935 CMR 500.105.
 - If not Commission-Certified Economic Empowerment Applicant or Social Equity Applicant, a statement reflecting extent to which Proposal includes the following:
 - A majority of ownership, and/or current employees/sub-contractors is/are: Black, African American, Hispanic, Latino, members of other underrepresented communities, women, veterans, or people with disabilities;
 - Residency of owner in a Commission-designated area of disproportionate impact (including City);
 - Prior, nonviolent drug conviction(s) (*This information was ONLY used to evaluate a proposer's equity qualifications*); or
 - Plans/programs demonstrating active engagement in economic education, resource provision or empowerment to disproportionately impacted individuals or communities.
 - Plans/programs intending to facilitate future business

practices that promote economic empowerment in areas of disproportionate impact within the City, including the use of an incubator or accelerator program to aid limited net worth equity applicants who wish to enter the adult use industry.

- Description detailing proposer's promotion of sustainable, socially and economically reparative practices in the cannabis industry.

- **Community Outreach and Cooperation:**

- A summary of the Community Outreach Meeting that includes:
 - The date, time and location of the meeting;
 - A list of the attendees;
 - A description of efforts to publish and market the meeting;
 - A summary of notes taken at the meeting, reflecting citizen comments; and
 - If any, a summary of follow-up taken by the proposer to respond to public comments
- A summary of cooperation with City personnel and the community.

In May 2019, a total of twenty seven (27) responses were submitted. A selection committee was set up by the Mayor, in conjunction with the City Council, to review and rank the RFQ/P submissions. This selection committee was made up with representatives from the Springfield Department of Health & Human Services, Police Department, Fire Department, Department of Public Works, Building Department, Law Department, Mayors Office, Office of Procurement, Division of Administration & Finance, a representative of the City Council and the Office of Planning & Economic Development. To ensure procedural fairness, the City again utilized the services of its outside expert legal consultant during the review process. It should also be noted that the RFQ/P process also included a number of public presentations by the proposers.

An initial review of each submission was completed for compliance with the underlying zoning requirements and it was determined that four (4) locations were disqualified. As such, those proposals were not reviewed by the selection committee. One (1) proposal was also withdrawn.

All other responses were then fully reviewed and ranked by the selection committee. It was then determined that as part of Phase I, only the top four (4) ranked proposals would be allowed to move forward with the negotiation of a Host Community Agreement (HCA). In addition to the HCA being approved by the City Council, as per the Zoning Regulations, a special permit is also required to be approved.

1300 Boston Road:

As noted above, 1300 Boston Road has been identified as the potential location for a proposed Adult Use Marijuana Establishment. This is a single-story, multi-tenant commercial building located along the Boston Road commercial corridor. This site is currently the location of a Sprint store, Bulbs & Batteries and a Moe's Southwest Grill. The petitioner has indicated that each tenant is separate and that there will be no interior access between tenants. It should be noted that this location is also shared by a MedExpress clinic.

The plans submitted show that the proposed use would be located within the existing building. With regards to parking, the existing commercial development has approximately ninety eight (98) parking spaces. While these spaces are shared with all the tenants the total number of spaces well exceeds the number required under the Zoning Regulations.

In addition to the site plan, a detailed floor plan has also been submitted. The area of this section of the building totals 3,218 square feet, however, as per the Zoning Ordinance, only 2,500 square feet can be open to

the public. The interior of the building will house a number of different areas including a security vestibule, concierge area, restrooms, and retail sales floor. The back of house area will house a vault, media room, manager's office, break room and receiving office. Signage will also be posted stating that no one under the age of twenty one (21) will be allowed to enter.



A full security plan has also been submitted. As noted, the Springfield Police Department has been involved throughout this entire process and has reviewed Holistic's full security plans. The plan includes a number of security and safety measures including motion detectors, door alarms, duress/hold-up alarms, glass break detectors, video surveillance cameras, panic alarms and perimeter alarms. A full management and operations plan has also been submitted which includes details on the overall operations, inventory controls, patron education, revenue management, check-out policies and other operational details.

Further, it should be noted that this will only be a retail operation. There will be no cultivation/manufacturing done at this location. Holistic has indicated that the cultivation/processing operation is located in Monson. A number of safe-guards have been identified for the transportation of the marijuana product between the cultivation operation in Monson and Springfield. These safe-guards include using unmarked vehicles, locking cargo areas, GPS, dash-cams, secured communication devices and other proprietary security features.

Lastly, as part of the submission, the petitioners were required to submit a traffic study. Those studies were then sent to the Department of Public Works (DPW) for a full review. In speaking with the Director of DPW, he had no major concerns. He indicated that he has also spoken directly to the petitioner. Further, he also indicated he made a site visit to the retail facility in Chicopee and it did not appear that there were any significant traffic related issues. The staff would recommend that if approved, the petitioner be required to work directly with DPW to review and approve all traffic mitigation issues, especially during the opening of the operation. As was seen when facilities first opened in both Northampton and Leicester earlier this year, there were significant traffic issues due to the amount of patrons visiting these locations. Due to the location of this facility, along the heavily traveled Boston Road, the petitioner needs ensure that adequate steps will be taken to avoid a similar situation.

As noted above, in addition to the special permit, a Host Community Agreement is required. Holistic's Host Community Agreement for this location was approved by the City Council on September 17, 2019. Further, it needs to be stressed that along with the City of Springfield's approval, a full review, approval and licensing of this proposed use must be completed by the Massachusetts Cannabis Control Commission.

Overall, the staff has been very pleased with the professionalism shown by not only this company but by all the companies participating in the RFQ/P process. The staff firmly believes that Holistic has provided a detailed outline of its proposal and has addressed all the concerns outlined by the many city departments participating in the RFQ/P review. The staff does not oppose the proposed request and does not believe the proposed use will have a negative impact on the surrounding properties or on the neighborhood as a whole.

Recommendation

Approve, with conditions.

Recommended Conditions:

1. This special permit is granted to this petitioner only and shall not be reassigned or transferred.
2. This special permit is granted solely for the operation of an Adult Use Marijuana Establishment (storefront retail) at the property known as 1300 Boston Road (01655-0254).
3. The use shall be developed as per the attached site plans, elevations and submission requirements with the addition of conditions #4 through #27.
4. Prior to start of operations, the petitioner shall provide the Springfield Police Department, Department of Health & Human Services and the Building Department a copy of the license issued by the Massachusetts Cannabis Control Commission.
5. This special permit shall expire upon the expiration and/or termination of the license by the Massachusetts Cannabis Control Commission.
6. The petitioner shall be required to remove all materials, signage, inventory, equipment and other paraphernalia within sixty (60) days of ceasing operations or immediately following any revocation of its license issued by the Massachusetts Cannabis Control Commission.
7. There shall be no on-site consumption, including the parking area, of marijuana or marijuana related products.
8. There shall be no cultivation or manufacturing done at this location.
9. There shall be no outside storage of marijuana or marijuana related products.
10. No marijuana, marijuana related product or any accessory paraphernalia shall be visible to the general public from the exterior of the building or property line.
11. The facility shall fully comply with its odor control plan providing proper and adequate ventilation. All resulting odors, smoke, vapor, fumes, gases and/or particulate matter from the use shall be effectively confined to the premises or so disposed of to avoid any increased air pollution.
12. In addition to the special permit approval, a full review by the Department of Public Works, as per the provisions of City Ordinance, Chapter 27, Article VIII, § 27-58 through 27-63, will be required. This approval must be obtained prior to the issuance of a Building Permit.
13. The petitioner shall coordinate with DPW and the Springfield Police Department, and supply all requested information, to identify and address any and all potential traffic related issues, especially relating to opening activities.
14. If during the initial opening period, but no longer than six (6) months, the City determines that queuing of pedestrians on the public sidewalk or vehicles queuing on a public way have become a safety hazard or nuisance, the petitioner shall coordinate with DPW and the Springfield Police Department to identify and immediately implement methods to eliminate the queuing. Any and all costs related to these remedies shall be borne by the petitioner.
15. The petitioner shall coordinate with the Springfield Police Department on all security related matters and shall fully comply with the submitted Security Plan.
16. The use shall comply with all Zoning Regulations as outlined in Article 4, Section 4.7.110 and all other applicable sections of the ordinance.
17. The use shall comply with any and all regulations outlined by the Massachusetts Cannabis Control Commission and 935 CMR 500.
18. Any and all signage shall be properly permitted and comply with the Springfield Zoning Ordinance and regulations outlined by 935 CMR 500.
19. There shall be signage visible from outside of the building stating that only individuals twenty one (21) years and older are allowed inside the establishment.
20. The use shall comply with any and all stipulations outlined within the approved Host Community Agreement.

21. The site shall be maintained and kept free of all litter and debris.
22. All landscaped areas shall be maintained.
23. The public sidewalk along Boston Road shall be maintained, including snow removal.
24. All require permits from the Department of Health & Human Services shall be obtained prior to start of operations. A Certificate of Occupancy shall also be issued by the Building Department, prior to opening.
25. Any and all required permits from the DPW and the Building Department shall be obtained prior to the start of any construction.
26. The hours of operation shall be set by the City Council but in no case shall this operation 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 9:00PM and 8:00AM.
27. Any and all dumpsters shall be completely enclosed.
28. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.



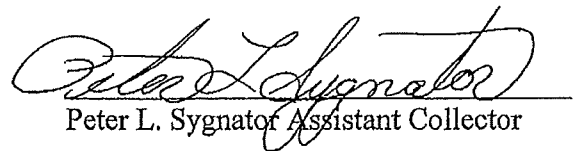
THE CITY OF
SPRINGFIELD, MASSACHUSETTS

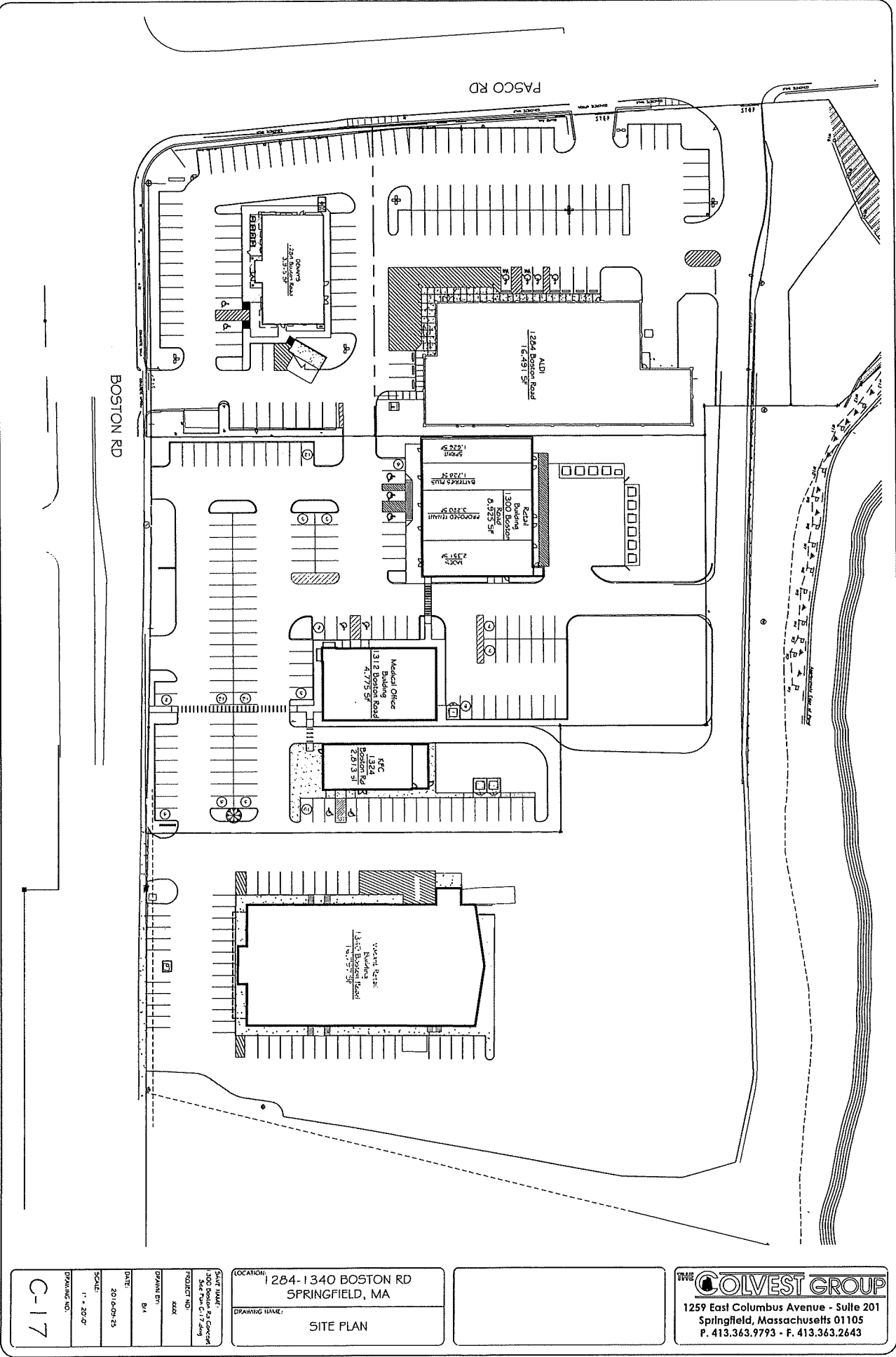
8/13/2019

Special Permit Tax Certification

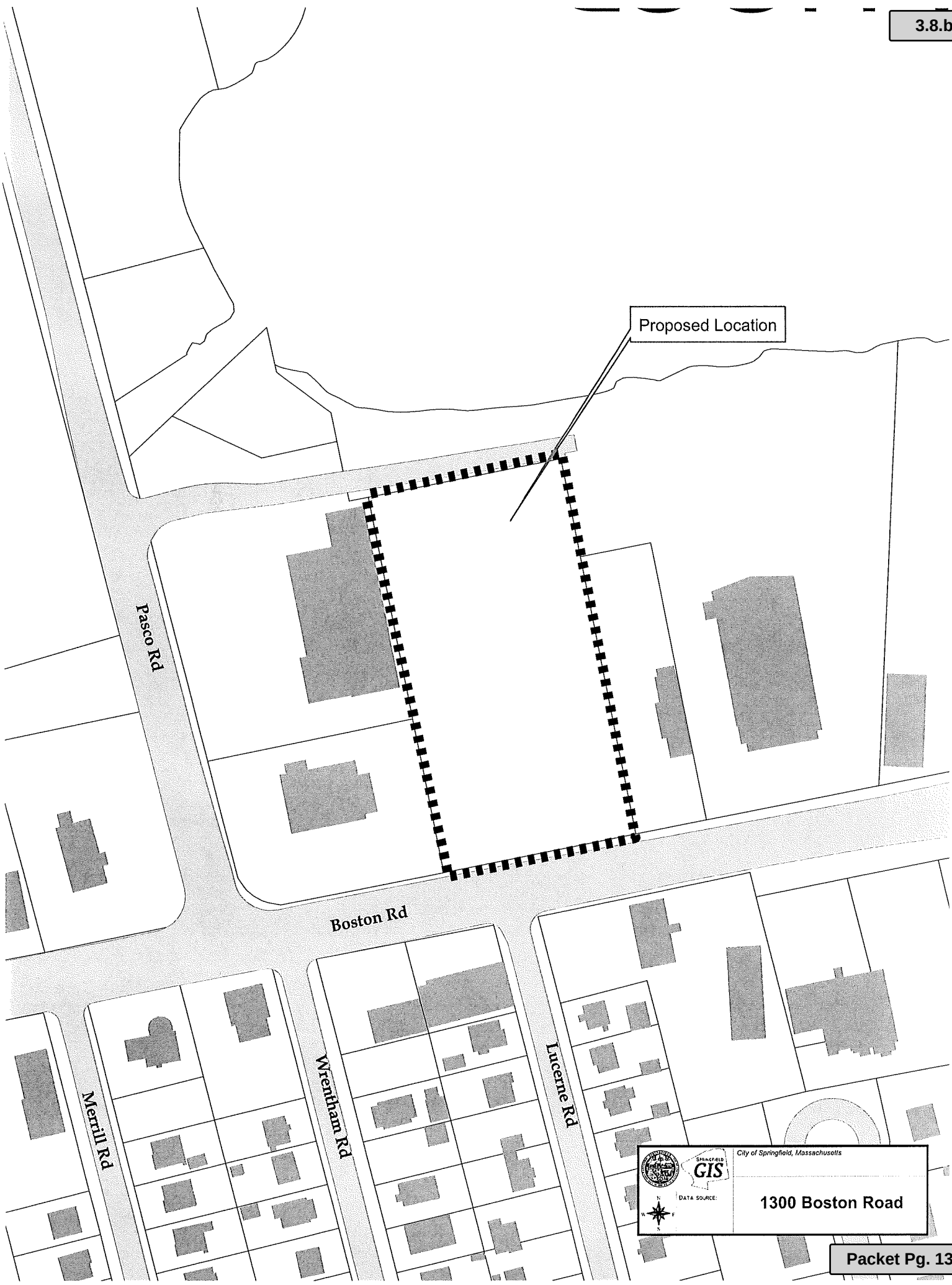
I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below:

Special Permit : 1300 Boston Road
Petitioner : Holistic Industries, Inc.
Landlord : Boston Road/Pasco Rt20 Retail, LLC


Peter L. Sygnator Assistant Collector



$$\frac{6-25}{10 \text{ root}}$$



Attachment: Boston_Rd_1300_Adult_Use_2019_(5261 : 1300 Boston Road)

City of Springfield, Massachusetts

DATA SOURCE:

1300 Boston Road



City of Springfield

City Council
36 Court Street
Springfield, MA 01103

SPECIAL PERMIT FINDINGS AND DECISION OF THE CITY COUNCIL

Project: Adult Use Marijuana Establishment (Storefront Retail) - Article 4, Section 4.7.11 and Table 4-4 Section 20.1(1) at the property known as 1300 Boston Road (01655-0254)

Owner: Boston Road/Pasco Rt20 Retail, LLC
Petitioner: Holistic Industries, Inc.

1. Description of the property and of abutting property:

The parcel is currently zoned Business A and is located in an area of primarily commercial uses. The surrounding land uses include:

To the north is Loon Pond.
To the south are a gas station and retail uses zoned Business A.
To the west are Aldi's and Denny's zoned Business A.
To the east is multi-tenant retail building zoned Business A.

2. Detailed description of the project as proposed by the applicant:

The property known as 1300 Boston Road has been identified as the potential location for a proposed Adult Use Marijuana Establishment. This is a single-story, multi-tenant commercial building located along the Boston Road commercial corridor. This site is a currently the location of a Sprint store, Bulbs & Batteries and a Moe's Southwest Grill. The Petitioner has indicated that each tenant is separate and that there will be no interior access between tenants. It should be noted that this location is also shared by a MedExpress clinic.

The plans submitted show that the proposed use would be located within the existing building. With regards to parking, the existing commercial development has approximately ninety eight (98) parking spaces. While these spaces are shared with all the tenants the total number of spaces well exceeds the number required under the Zoning Regulations.

3. Procedural History

- A. On April 1, 2019 the City of Springfield issued a Request for Qualifications/ Proposals for businesses seeking to operate an Adult Use Marijuana Establishment within the City of Springfield.
- B. Twenty seven businesses responded to the RFQ/P and an eleven (11) member committee selected the four (4) businesses that scored the highest to negotiate a Host Community Agreement with the Mayor's Office of the City of Springfield.
- C. On July 15, 2019, the Petitioner was notified by the Office of Procurement that the Petitioner was selected to negotiate a Host Community Agreement with the Mayor's Office of the City of Springfield.

- D. After negotiating and executing a Host Community Agreement with the City, the Petitioner complied with the City of Springfield Zoning Ordinance, Section 4.7.110, and applied for a special permit.
- E. The Office of Planning & Economic Development received an application from the Petitioner for a special permit at 1300 Boston Road on August 21, 2019.
- F. **Special Permit Application Submission:** The submittal requirements to apply for a special permit to operate an Adult Use Marijuana Establishment are listed below.

- i. Site plan must be prepared by a qualified professional (including but not limited to a licensed architect, professional engineer, or landscape architect). Site plan shall include all requirements as set forth in Section 12.3.40 of the Springfield Zoning Ordinance;

Pg. 13 of Petitioner's submittal

- ii. Names and addresses of each owner, manager, and designated representative of the Adult Use Marijuana Establishment facility/operation;

Pg. 13 of Petitioner's submittal

- iii. A copy of the Petitioner's Host Community Agreement or in the event that a Host Community Agreement has not been granted, Petitioner shall submit a copy of the completed Host Community Agreement application;

Pg. 48-54 of Petitioner's submittal

- iv. If it's in conjunction with an approved Registered Marijuana Dispensary (RMD), a copy of its registration as an RMD from the Massachusetts Department of Public Health in accordance with 105 CMR 725.000 or the Cannabis Control Commission in accordance with 935 CMR 500.000;

Non-applicable

- v. Proof of liability insurance coverage or maintenance of escrow as required in 935 CMR 500.000;

Pg. 18 of Petitioner's submittal

- vi. Evidence that the Petitioner 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;

Pg. 20-41 of Petitioner's submittal

- vii. Evidence that a community outreach meeting, in accordance with 935 CMR 500.000, has occurred and that the meeting occurred within the neighborhood that the project will be located, when possible;

Pg. 7-8 of Petitioner's submittal

- viii. 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;

Pg. 13-16 of Petitioner's submittal

- ix. 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;

Pg. 9-10; 91-101; 110-113 of Petitioner's submittal

- x. A detailed floor plan identifying the areas available and functional uses;

Pg. 42-44; 105 of Petitioner's submittal

- xi. A detailed sign plan;

Pg. 107 of Petitioner's submittal

- xii. The City Council may require 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;

Pg. 10-11; 56-89 of Petitioner's submittal

- xiii. An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations for 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;

Pg. 245-255 of Petitioner's submittal

- xiv. 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;

Pg. 115 of Petitioner's submittal

- xv. Individual written plans which, at a minimum comply with the requirements of 935 CMR 500.000 relative to the Adult Use Marijuana Establishment's: operating procedures, marketing and advertising, waste disposal, transportation and delivery of marijuana or marijuana products, energy efficiency and conservation, security and alarms, and decommissioning of the adult use marijuana establishment;

Pg. 115-264 of Petitioner's submittal

- G. The legal advertisement for the public hearing was advertised in The Republican on September 10, 2019 and September 17, 2019.

H. On September 24, 2019 the Springfield City Council held a public hearing and voted to approve the special permit for the Petitioner to operate an Adult Use Marijuana Retailer at 1300 Boston Road.

I. Upon approval of these findings, the City Clerk's Office will send a Notice of Decision to the Petitioner.

4. A list of exhibits received prior to the close of the public hearing:

- a. Planning Staff analysis
- b. Special Permit application submission
- c. Plans (part of special permit application submission)

5. Applicable law and decision criteria:

In accordance with G.L.c. 40A, §9 and the Springfield Zoning Ordinance Section 12.4.60 and 4.7.110, the City Council reviewed all exhibits and allowed testimony regarding the special permit application for an Adult Use Marijuana Establishment at 1300 Boston Road on September 24, 2019 and has determined that the use proposed meets the specified requirements.

6. Decision:

On September 24, 2019, present were City Councilors Tracye Whitfield, Adam Gomez, Timothy Ryan, Melvin Edwards, Kenneth Shea, Orlando Ramos, Jesse Lederman, Marcus Williams, Timothy Allen, Kateri Walsh & Justin Hurst. Councilor E. Henry Twiggs was absent and Councilor Michael Fenton abstained. The City Council voted 11-0 in favor of granting the special permit with the following conditions:

A. Conditions of approval:

- i. This special permit is granted to this Petitioner only and shall not be reassigned or transferred.
- ii. This special permit is granted solely for the operation of an Adult Use Marijuana Establishment (storefront retail) at the property known as 1300 Boston Road (01655-0254).
- iii. The use shall be developed as per the attached site plans, elevations and submission requirements with the addition of conditions #4 through #27.
- iv. Prior to start of operations, the Petitioner shall provide the Springfield Police Department, Department of Health & Human Services and the Building Department a copy of the license issued by the Massachusetts Cannabis Control Commission.
- v. This special permit shall expire upon the expiration and/or termination of the license by the Massachusetts Cannabis Control Commission.
- vi. The Petitioner shall be required to remove all materials, signage, inventory, equipment and other paraphernalia within sixty (60) days of ceasing operations or immediately following any revocation of its license issued by the Massachusetts Cannabis Control Commission.
- vii. There shall be no on-site consumption, including the parking area, of marijuana or marijuana related products.
- viii. There shall be no cultivation or manufacturing done at this location.
- ix. There shall be no outside storage of marijuana or marijuana related products.

- x. No marijuana, marijuana related product or any accessory paraphernalia shall be visible to the general public from the exterior of the building or property line.
- xi. The facility shall fully comply with its odor control plan providing proper and adequate ventilation. All resulting odors, smoke, vapor, fumes, gases and/or particulate matter from the use shall be effectively confined to the premises or so disposed of to avoid any increased air pollution.
- xii. In addition to the special permit approval, a full review by the Department of Public Works (“DPW”), as per the provisions of City Ordinance, Chapter 27, Article VIII, § 27-58 through 27-63, will be required. This approval must be obtained prior to the issuance of a Building Permit.
- xiii. The Petitioner shall coordinate with DPW and the Springfield Police Department, and supply all requested information, to identify and address any and all potential traffic related issues, especially relating to opening activities.
- xiv. If during the initial opening period, but no longer than six (6) months, the City determines that queuing of pedestrians on the public sidewalk or vehicles queuing on a public way have become a safety hazard or nuisance, the Petitioner shall coordinate with DPW and the Springfield Police Department to identify and immediately implement methods to eliminate the queuing. Any and all costs related to these remedies shall be borne by the Petitioner.
- xv. The Petitioner shall coordinate with the Springfield Police Department on all security related matters and shall fully comply with the submitted Security Plan.
- xvi. The use shall comply with all Zoning Regulations as outlined in Article 4, Section 4.7.110 and all other applicable sections of the ordinance.
- xvii. The use shall comply with any and all regulations outlined by the Massachusetts Cannabis Control Commission and 935 CMR 500.
- xviii. Any and all signage shall be properly permitted and comply with the Springfield Zoning Ordinance and regulations outlined by 935 CMR 500.
- xix. There shall be signage visible from outside of the building stating that only individuals twenty one (21) years and older are allowed inside the establishment.
- xx. The use shall comply with any and all stipulations outlined within the approved Host Community Agreement.
- xxi. The site shall be maintained and kept free of all litter and debris.
- xxii. All landscaped areas shall be maintained.
- xxiii. The public sidewalk along Boston Road shall be maintained, including snow removal.
- xxiv. All require permits from the Department of Health & Human Services shall be obtained prior to start of operations. A Certificate of Occupancy shall also be issued by the Building Department, prior to opening.
- xxv. Any and all required permits from the DPW and the Building Department shall be obtained prior to the start of any construction.

- xxvi. The hours of operation shall be set by the City Council but in no case shall this operation 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 9:00PM and 8:00AM.
- xxvii. Any and all dumpsters shall be completely enclosed.
- xxviii. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.

7. Specific findings:

In accordance with Sections 12.4.60 and 4.7.116 of the Springfield Zoning Ordinance, the City Council makes the following findings:

- a. The site is suitable for the proposed use and the proposed use is in harmony with the general purpose and intent of the Zoning Ordinance and will not have a material adverse impact on the neighborhood;

The use will undertake interior and minor exterior upgrades to the site. Although significant investments will be made to mechanical systems, finish work, and security, the visual appearance of the building will not change significantly and represents little if any difference in visual impact over the building as currently constituted. The proposed use is also compatible with surrounding business located along the Boston Road commercial corridor. Any change that is made is not expected to have a material adverse impact on the abutters or on the neighborhood as a whole.

- b. Operation of an Adult Use Marijuana Establishment at 1300 Boston Road has been designed to minimize any adverse visual or economic impacts on abutters and other parties of interest;

The use will undertake interior and minor exterior upgrades to the site. Although significant investments will be made to mechanical systems, finish work, and security, the visual appearance of the building will not change significantly and represents little if any difference in visual impact over the building as currently constituted. The proposed use is also compatible with surrounding business located along the Boston Road commercial corridor. Any change that is made is not expected to have a material adverse impact on the abutters or on the neighborhood as a whole.

- c. Operation of an Adult Use Marijuana Establishment at 1300 Boston Road is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Ordinance;

The use has demonstrated that the proposed site and operation are consistent with all applicable provisions of the City of Springfield Zoning Ordinance. Conditions have also been placed on the issuance of a special permit in order to ensure continued consistency.

- d. The Adult Use Marijuana Establishment at 1300 Boston Road has demonstrated 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;

The use has demonstrated, through the submittal of detailed plans, policies, procedures and management details that it will operate in compliance with any and all ordinances of the City of Springfield and the laws of the Commonwealth of Massachusetts, including obtaining a license from the Cannabis Control Commission.

- e. The Adult Use Marijuana Establishment at 1300 Boston Road has satisfied all of the conditions and requirements of Article 4, Section 4.7.110 and other applicable sections of the Zoning Ordinance;

The use has demonstrated in the submittal information required under the special permit application the use has satisfied all of the conditions and requirements of this section and other applicable sections of this ordinance including 12.4.60 (Tier 3 Special Permit Review Standards).

- f. The Adult Use Marijuana Establishment at 1300 Boston Road project has demonstrated it meets a demonstrated need;

The use fulfills the City's need to permit Adult Use Marijuana Establishments in a manner that avoids concentration in any one area within the City.

- g. The Adult Use Marijuana Establishment at 1300 Boston Road has provided 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

The use has submitted a full detailed security plan. The Springfield Police Department has been involved throughout this entire process and has reviewed the full security plans. The plan includes a number of security and safety measures including motion detectors, door alarms, duress/hold-up alarms, glass break detectors, video surveillance cameras, panic alarms and perimeter alarms. A full management and operations plan has also been submitted which includes details on the overall operations, inventory controls, patron education, revenue management, check-out policies and other operational details.

- h. The Adult Use Marijuana Establishment at 1300 Boston Road has adequately addressed 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.

The use expects increased passenger car traffic under adult use retail sales but does not anticipate the added demand to reach levels that impact the convenience and safety of vehicular and pedestrian traffic on the site or neighboring sites. A detailed traffic study has been conducted and was submitted as part of the application. The submitted traffic study was reviewed and approved by the Department of Public Works (DPW) with the expressed condition that the use continues to coordinate with DPW and the Springfield Police Department to review all traffic mitigation measures, especially during the opening of the location. After a review of the traffic study, DPW does not anticipate a significant increased burden on the City's road infrastructure and will not rise to a level that will negatively impact the community.

Notice of this decision will be filed with the City Clerk. An appeal of this decision may be made pursuant to Chapter 40A, Section 17 of the Massachusetts General Laws and shall be filed within twenty (20) days after the date of filing of such notice with the City Clerk.

{Signature Page Follows}

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City Council
36 Court Street
Springfield, MA 01103

Meeting: 10/28/19 06:30 PM
Department: City Clerk
Category: General
Prepared By: Tasheena Davis
Initiator: Tasheena Davis
Sponsors:
DOC ID: 5406

ADOPTED

PETITION (ID # 5406)

Findings of Fact-1300 Boston Rd. Special Permit

COMMENTS - Current Meeting:

The Council took this item with the Findings & Decision for 311 Page Blvd.

RESULT: RECEIVED PASSED



City of Springfield

City Council
36 Court Street
Springfield, MA 01103

SPECIAL PERMIT FINDINGS AND DECISION OF THE CITY COUNCIL

Project: Adult Use Marijuana Establishment (Storefront Retail) - Article 4, Section 4.7.11 and Table 4-4 Section 20.1(1) at the property known as 1300 Boston Road (01655-0254)

Owner: Boston Road/Pasco Rt20 Retail, LLC
Petitioner: Holistic Industries, Inc.

1. Description of the property and of abutting property:

The parcel is currently zoned Business A and is located in an area of primarily commercial uses. The surrounding land uses include:

To the north is Loon Pond.
To the south are a gas station and retail uses zoned Business A.
To the west are Aldi's and Denny's zoned Business A.
To the east is multi-tenant retail building zoned Business A.

2. Detailed description of the project as proposed by the applicant:

The property known as 1300 Boston Road has been identified as the potential location for a proposed Adult Use Marijuana Establishment. This is a single-story, multi-tenant commercial building located along the Boston Road commercial corridor. This site is a currently the location of a Sprint store, Bulbs & Batteries and a Moe's Southwest Grill. The Petitioner has indicated that each tenant is separate and that there will be no interior access between tenants. It should be noted that this location is also shared by a MedExpress clinic.

The plans submitted show that the proposed use would be located within the existing building. With regards to parking, the existing commercial development has approximately ninety eight (98) parking spaces. While these spaces are shared with all the tenants the total number of spaces well exceeds the number required under the Zoning Regulations.

3. Procedural History

- A. On April 1, 2019 the City of Springfield issued a Request for Qualifications/ Proposals for businesses seeking to operate an Adult Use Marijuana Establishment within the City of Springfield.
- B. Twenty seven businesses responded to the RFQ/P and an eleven (11) member committee selected the four (4) businesses that scored the highest to negotiate a Host Community Agreement with the Mayor's Office of the City of Springfield.
- C. On July 15, 2019, the Petitioner was notified by the Office of Procurement that the Petitioner was selected to negotiate a Host Community Agreement with the Mayor's Office of the City of Springfield.

- D. After negotiating and executing a Host Community Agreement with the City, the Petitioner complied with the City of Springfield Zoning Ordinance, Section 4.7.110, and applied for a special permit.
- E. The Office of Planning & Economic Development received an application from the Petitioner for a special permit at 1300 Boston Road on August 21, 2019.
- F. **Special Permit Application Submission:** The submittal requirements to apply for a special permit to operate an Adult Use Marijuana Establishment are listed below.

- i. Site plan must be prepared by a qualified professional (including but not limited to a licensed architect, professional engineer, or landscape architect). Site plan shall include all requirements as set forth in Section 12.3.40 of the Springfield Zoning Ordinance;

Pg. 13 of Petitioner's submittal

- ii. Names and addresses of each owner, manager, and designated representative of the Adult Use Marijuana Establishment facility/operation;

Pg. 13 of Petitioner's submittal

- iii. A copy of the Petitioner's Host Community Agreement or in the event that a Host Community Agreement has not been granted, Petitioner shall submit a copy of the completed Host Community Agreement application;

Pg. 48-54 of Petitioner's submittal

- iv. If it's in conjunction with an approved Registered Marijuana Dispensary (RMD), a copy of its registration as an RMD from the Massachusetts Department of Public Health in accordance with 105 CMR 725.000 or the Cannabis Control Commission in accordance with 935 CMR 500.000;

Non-applicable

- v. Proof of liability insurance coverage or maintenance of escrow as required in 935 CMR 500.000;

Pg. 18 of Petitioner's submittal

- vi. Evidence that the Petitioner 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;

Pg. 20-41 of Petitioner's submittal

- vii. Evidence that a community outreach meeting, in accordance with 935 CMR 500.000, has occurred and that the meeting occurred within the neighborhood that the project will be located, when possible;

Pg. 7-8 of Petitioner's submittal

- viii. 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;

Pg. 13-16 of Petitioner's submittal

- ix. 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;

Pg. 9-10; 91-101; 110-113 of Petitioner's submittal

- x. A detailed floor plan identifying the areas available and functional uses;

Pg. 42-44; 105 of Petitioner's submittal

- xi. A detailed sign plan;

Pg. 107 of Petitioner's submittal

- xii. The City Council may require 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;

Pg. 10-11; 56-89 of Petitioner's submittal

- xiii. An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations for 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;

Pg. 245-255 of Petitioner's submittal

- xiv. 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;

Pg. 115 of Petitioner's submittal

- xv. Individual written plans which, at a minimum comply with the requirements of 935 CMR 500.000 relative to the Adult Use Marijuana Establishment's: operating procedures, marketing and advertising, waste disposal, transportation and delivery of marijuana or marijuana products, energy efficiency and conservation, security and alarms, and decommissioning of the adult use marijuana establishment;

Pg. 115-264 of Petitioner's submittal

- G. The legal advertisement for the public hearing was advertised in The Republican on September 10, 2019 and September 17, 2019.

H. On September 24, 2019 the Springfield City Council held a public hearing and voted to approve the special permit for the Petitioner to operate an Adult Use Marijuana Retailer at 1300 Boston Road.

I. Upon approval of these findings, the City Clerk's Office will send a Notice of Decision to the Petitioner.

4. A list of exhibits received prior to the close of the public hearing:

- a. Planning Staff analysis
- b. Special Permit application submission
- c. Plans (part of special permit application submission)

5. Applicable law and decision criteria:

In accordance with G.L.c. 40A, §9 and the Springfield Zoning Ordinance Section 12.4.60 and 4.7.110, the City Council reviewed all exhibits and allowed testimony regarding the special permit application for an Adult Use Marijuana Establishment at 1300 Boston Road on September 24, 2019 and has determined that the use proposed meets the specified requirements.

6. Decision:

On September 24, 2019, present were City Councilors Tracye Whitfield, Adam Gomez, Timothy Ryan, Melvin Edwards, Kenneth Shea, Orlando Ramos, Jesse Lederman, Marcus Williams, Timothy Allen, Kateri Walsh & Justin Hurst. Councilor E. Henry Twiggs and Councilor Michael Fenton were absent. The City Council voted 11-0 in favor of granting the special permit with the following conditions:

A. Conditions of approval:

- i. This special permit is granted to this Petitioner only and shall not be reassigned or transferred.
- ii. This special permit is granted solely for the operation of an Adult Use Marijuana Establishment (storefront retail) at the property known as 1300 Boston Road (01655-0254).
- iii. The use shall be developed as per the attached site plans, elevations and submission requirements with the addition of conditions #4 through #27.
- iv. Prior to start of operations, the Petitioner shall provide the Springfield Police Department, Department of Health & Human Services and the Building Department a copy of the license issued by the Massachusetts Cannabis Control Commission.
- v. This special permit shall expire upon the expiration and/or termination of the license by the Massachusetts Cannabis Control Commission.
- vi. The Petitioner shall be required to remove all materials, signage, inventory, equipment and other paraphernalia within sixty (60) days of ceasing operations or immediately following any revocation of its license issued by the Massachusetts Cannabis Control Commission.
- vii. There shall be no on-site consumption, including the parking area, of marijuana or marijuana related products.
- viii. There shall be no cultivation or manufacturing done at this location.
- ix. There shall be no outside storage of marijuana or marijuana related products.

- x. No marijuana, marijuana related product or any accessory paraphernalia shall be visible to the general public from the exterior of the building or property line.
- xi. The facility shall fully comply with its odor control plan providing proper and adequate ventilation. All resulting odors, smoke, vapor, fumes, gases and/or particulate matter from the use shall be effectively confined to the premises or so disposed of to avoid any increased air pollution.
- xii. In addition to the special permit approval, a full review by the Department of Public Works (“DPW”), as per the provisions of City Ordinance, Chapter 27, Article VIII, § 27-58 through 27-63, will be required. This approval must be obtained prior to the issuance of a Building Permit.
- xiii. The Petitioner shall coordinate with DPW and the Springfield Police Department, and supply all requested information, to identify and address any and all potential traffic related issues, especially relating to opening activities.
- xiv. If during the initial opening period, but no longer than six (6) months, the City determines that queuing of pedestrians on the public sidewalk or vehicles queuing on a public way have become a safety hazard or nuisance, the Petitioner shall coordinate with DPW and the Springfield Police Department to identify and immediately implement methods to eliminate the queuing. Any and all costs related to these remedies shall be borne by the Petitioner.
- xv. The Petitioner shall coordinate with the Springfield Police Department on all security related matters and shall fully comply with the submitted Security Plan.
- xvi. The use shall comply with all Zoning Regulations as outlined in Article 4, Section 4.7.110 and all other applicable sections of the ordinance.
- xvii. The use shall comply with any and all regulations outlined by the Massachusetts Cannabis Control Commission and 935 CMR 500.
- xviii. Any and all signage shall be properly permitted and comply with the Springfield Zoning Ordinance and regulations outlined by 935 CMR 500.
- xix. There shall be signage visible from outside of the building stating that only individuals twenty one (21) years and older are allowed inside the establishment.
- xx. The use shall comply with any and all stipulations outlined within the approved Host Community Agreement.
- xxi. The site shall be maintained and kept free of all litter and debris.
- xxii. All landscaped areas shall be maintained.
- xxiii. The public sidewalk along Boston Road shall be maintained, including snow removal.
- xxiv. All require permits from the Department of Health & Human Services shall be obtained prior to start of operations. A Certificate of Occupancy shall also be issued by the Building Department, prior to opening.
- xxv. Any and all required permits from the DPW and the Building Department shall be obtained prior to the start of any construction.

- xxvi. The hours of operation shall be set by the City Council but in no case shall this operation 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 9:00PM and 8:00AM.
- xxvii. Any and all dumpsters shall be completely enclosed.
- xxviii. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.

7. Specific findings:

In accordance with Sections 12.4.60 and 4.7.116 of the Springfield Zoning Ordinance, the City Council makes the following findings:

- a. The site is suitable for the proposed use and the proposed use is in harmony with the general purpose and intent of the Zoning Ordinance and will not have a material adverse impact on the neighborhood;

The use will undertake interior and minor exterior upgrades to the site. Although significant investments will be made to mechanical systems, finish work, and security, the visual appearance of the building will not change significantly and represents little if any difference in visual impact over the building as currently constituted. The proposed use is also compatible with surrounding business located along the Boston Road commercial corridor. Any change that is made is not expected to have a material adverse impact on the abutters or on the neighborhood as a whole.

- b. Operation of an Adult Use Marijuana Establishment at 1300 Boston Road has been designed to minimize any adverse visual or economic impacts on abutters and other parties of interest;

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- c. Operation of an Adult Use Marijuana Establishment at 1300 Boston Road is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Ordinance;

The use has demonstrated that the proposed site and operation are consistent with all applicable provisions of the City of Springfield Zoning Ordinance. Conditions have also been placed on the issuance of a special permit in order to ensure continued consistency.

- d. The Adult Use Marijuana Establishment at 1300 Boston Road has demonstrated 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;

The use has demonstrated, through the submittal of detailed plans, policies, procedures and management details that it will operate in compliance with any and all ordinances of the City of Springfield and the laws of the Commonwealth of Massachusetts, including obtaining a license from the Cannabis Control Commission.

- e. The Adult Use Marijuana Establishment at 1300 Boston Road has satisfied all of the conditions and requirements of Article 4, Section 4.7.110 and other applicable sections of the Zoning Ordinance;

The use has demonstrated in the submittal information required under the special permit application the use has satisfied all of the conditions and requirements of this section and other applicable sections of this ordinance including 12.4.60 (Tier 3 Special Permit Review Standards).

- f. The Adult Use Marijuana Establishment at 1300 Boston Road project has demonstrated it meets a demonstrated need;

The use fulfills the City's need to permit Adult Use Marijuana Establishments in a manner that avoids concentration in any one area within the City.

- g. The Adult Use Marijuana Establishment at 1300 Boston Road has provided 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

The use has submitted a full detailed security plan. The Springfield Police Department has been involved throughout this entire process and has reviewed the full security plans. The plan includes a number of security and safety measures including motion detectors, door alarms, duress/hold-up alarms, glass break detectors, video surveillance cameras, panic alarms and perimeter alarms. A full management and operations plan has also been submitted which includes details on the overall operations, inventory controls, patron education, revenue management, check-out policies and other operational details.

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The use expects increased passenger car traffic under adult use retail sales but does not anticipate the added demand to reach levels that impact the convenience and safety of vehicular and pedestrian traffic on the site or neighboring sites. A detailed traffic study has been conducted and was submitted as part of the application. The submitted traffic study was reviewed and approved by the Department of Public Works (DPW) with the expressed condition that the use continues to coordinate with DPW and the Springfield Police Department to review all traffic mitigation measures, especially during the opening of the location. After a review of the traffic study, DPW does not anticipate a significant increased burden on the City's road infrastructure and will not rise to a level that will negatively impact the community.

Notice of this decision will be filed with the City Clerk. An appeal of this decision may be made pursuant to Chapter 40A, Section 17 of the Massachusetts General Laws and shall be filed within twenty (20) days after the date of filing of such notice with the City Clerk.

{Signature Page Follows}

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City Council

ADOPTED

Meeting: 10/28/19 06:30 PM

Initiator: Tasheena Davis

Sponsors:

DOC ID: 5405

4.1

Executive Session

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

IT IS HEREBY ORDERED:

That the , be and it is hereby granted a location for and permission to

Executive Session

EXECUTIVE SESSION to discuss strategy with respect to litigation where the Law Department has declared that such a discussion may have a detrimental effect on the litigating position of the public body, not to reconvene in open session.

Also that permission be and hereby granted said {ResUserUserLookup1} to complete the above request.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Springfield, Massachusetts held on October 28, 2019

City Clerk

We hereby certify that on , at , at a public hearing was held on the petition of the for permission to complete the above mentioned request.

City Clerk

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the City Council of the City of Springfield, Massachusetts, on the October 28, 2019, and recorded with the records of location orders of said city. This certified copy is made under the provision of Chapter 166 of the General Laws and any additions thereto or amendments thereof.

Attest:

City Clerk