



CITY COUNCIL

City Clerk's Office 6/22/2016 12:00:00 PM

Hearings Meeting Agenda~

I hereby notify you that at twelve o'clock noon today the following items of business had been filed with this office and can be acted upon at the meeting in City Council Chambers, Room 200 at City Hall, 36 Court Street **Monday evening June 27, 2016** at 07:00 PM according to Section 12, Rules and Orders of the City Council.

City Clerk

Hearings

7:00 PM Meeting called to order on June 27, 2016 at Springfield City Hall -- Council Chambers, 36 Court Street, Springfield, MA.

Moment of Silence - Pledge of Allegiance

Orders

- (1.) DUBOIS STREET 16-07 Traffic Commission
- (2.) DUBOIS 16-08 Traffic Commission (Mayor Sarno)
- (3.) Logan Street
- (4.) 16-01 Bliss Street Traffic Regulation (Mayor Sarno)
- (5.) 16-02 Howard Street Traffic Regulation (Mayor Sarno)
- (6.) 16-03 Stafford Street Traffic Regulation (Mayor Sarno)
- (7.) 16-04 BERKSHIRE AVE Traffic Regulation (Mayor Sarno)
- (8.) 16-05 ALBERT AVE. Traffic Regulation (Mayor Sarno)
- (9.) Montmorenci Street 16-09 Tc (Mayor Sarno)
- (10.) STAFFORD ST. 16-10 Traffic Commission (Mayor Sarno)

Special Permits

- (11.) For a Special Permit to Operate a Medical Marijuana Dispensary at the Property Known as 506 Cottage Street (03310-0065), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 4, Section 4.7.100 and Article 4, Table 4-4, Section 13.4(1).

Request:	See Above
Owner:	Fontaine Investment Corporation
By:	Lester Fontaine
Petitioner:	Hampden Care Facility, Inc.
By:	Thomas Gallagher

ATTACHMENTS:

- Cottage_St_506_Tax_Formal (PDF)
- Cottage_St_506_MM_2016 (PDF)

- (12.) Order Approving a Host Community Agreement with Hampden Care Facility, Inc. For Medical Marijuana Retail Dispensary at 506 Cottage Street, Springfield (Mayor Sarno)

ATTACHMENTS:

- Exhibit A to City Council Order - Approve Host Community Agreement for Hampden Care Facility (PDF)

- (13.) For a Special Permit to Renovate and Reopen a Pre-Existing, Non-Conforming Commercial Use (Retail) at the Properties Known as 232 Orange Street (09340-0038) and NS Orange Street (09340-0037) Under Non-Use, as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 10, Section 10.1.42.

Request: See Above
Owner: Ana Davila
By: Ana Davila
Petitioner: Erica Nunez
By: Erica Nunez

ATTACHMENTS:

- Orange_St_232_Tax_Formal (PDF)
- Orange_St_232_2016(PDF)

- (14.) For a Special Permit for Motor Vehicle Sales at the Property Known as 145 Armory Street (00645-0270), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.1.

Request: See Above
Owner: Eight Iron, LLC
By: John Freedman
Petitioner: Northeast Auto Depot
By: Patrick K. Asselin

ATTACHMENTS:

- Armory_St_145_Tax_Formal (PDF)
- Armory_St_145_2016(PDF)

- (15.) To Amend an Existing Special Permit (Drive-Up Service Window), Granted October 2005, by Amending Condition #9 (Hours of Operation), at the Property Known as 400 Cooley Street (03170-0082), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 19.1(2).

Request: See Above
Owner: Phillips Edison & Co.
By: Robert Myers, Vice President
Petitioner: F.P.S., Inc.
By: Stanley Paulauskas

ATTACHMENTS:

- 400_Cooley_St_Tax_Formal (PDF)
- Cooley_St_400_2016 (PDF)

- (16.) For a Special Permit to Operate a Drive-Up Service Window at the Property Known SS Boston Road (Formally 727) (01655-0629), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 19.1(2).

Request: See Above
Owner: Boston Road/Pasco Rt 20 Retail, LLC
By: Frank Colaccino
Petitioner: Round Table Development, LLC
By: Stanley Paulauskas

ATTACHMENTS:

- SS_Boston_Rd_Tax_Formal (PDF)

- Boston_Rd_SS_(727)_2016 (PDF)

Ordinances

(17.) (ID # 3569) - Amending Ordinance Chapter 270

Please see attached materials

ATTACHMENTS:

- Amended Ordinance Chapter 270-1 (DOCX)



City Council
36 Court Street
Springfield, MA 01103

SCHEDULED

PETITION (ID # 3578)

Meeting: 06/27/16 07:00 PM
Department: Department of Public Works
Category: General
Prepared By: Hector Velez
Initiator: Hector Velez
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3578

DUBOIS STREET 16-07 Traffic Commission

16-07

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

In City Council, June 27, 2016

ORDERED, that in accordance with the provisions of Chapter 9.20, Section 9.20.180, of the

Revised ordinances of the City of Springfield, hereby, establishes "Stop Signs" on the following street(s) and in the direction(s) indicated.

DUBOIS STREET - INSTALL A STOP SIGN FACING EASTBOUND VEHICLES ON DUBOIS STREET AT ALBERT STREET.

DUBOIS STREET - INSTALL A STOP SIGN FACING **EASTBOUND** VEHICLES ON DUBOIS STREET AT ALBERT STREET.



City Council

SCHEDULED

Meeting: 06/27/16 07:00 PM
Initiator: Hector Velez
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3580

2

DUBOIS 16-08 Traffic Commission (Mayor Sarno)

16-08

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

In City Council, June 27, 2016

ORDERED, that in accordance with the provisions of Chapter 9.20, Section 9.20.180, of the

Revised ordinances of the City of Springfield, hereby, establishes "Stop Signs" on the following street(s) and in the direction(s) indicated.

DUBOIS STREET - INSTALL A STOP SIGN FACING WESTBOUND VEHICLES ON DUBOIS STREET AT ALBERT STREET.

DUBOIS STREET - INSTALL A STOP SIGN FACING **WESTBOUND** VEHICLES ON DUBOIS STREET AT ALBERT STREET.



City Council
36 Court Street
Springfield, MA 01103

SCHEDULED

PETITION (ID # 3577)

Meeting: 06/27/16 07:00 PM
Department: Department of Public Works
Category: General
Prepared By: Hector Velez
Initiator: Hector Velez
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3577

Logan Street

16-06

CITY OF SPRINGFIELD

In City Council, June 27, 2016

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:

LOGAN STREET - EAST SIDE - THE INSTALLATION OF A “NO PARKING ANY TIME” REGULATION FROM ALDEN STREET TO CHAPEL STREET.

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

LOGAN STREET - EAST SIDE - THE INSTALLATION OF A “NO PARKING ANY TIME” REGULATION FROM ALDEN STREET TO CHAPEL STREET.



City Council

TABLED

Meeting: 06/27/16 07:00 PM
Initiator: Hector Velez
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3523

4

16-01 Bliss Street Traffic Regulation (Mayor Sarno)

16-01

CITY OF SPRINGFIELD

In City Council, May 23, 2016

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:

BLISS ST. Traffic Regulation both sides, from Main St. Westerly for 449 feet

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:

BLISS ST. Traffic Regulation both sides, from Main St. Westerly for 449 feet



City Council

TABLED

Meeting: 06/27/16 07:00 PM
Initiator: Hector Velez
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3524 A

5

16-02 Howard Street Traffic Regulation (Mayor Sarno)

16-02

CITY OF SPRINGFIELD

In City Council, May 23, 2016

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:

HOWARD ST.
Westerly

Traffic Regulation Both sides, starting at 248 feet from Main St.
for 740 feet

16-02

CITY OF SPRINGFIELD**In City Council, May 23, 2016**

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:

HOWARD ST.
Westerly

Traffic Regulation Both sides, starting at 248 feet from Main St.
for 740 feet



City Council

TABLED

Meeting: 06/27/16 07:00 PM
Initiator: Hector Velez
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3525

6

16-03 Stafford Street Traffic Regulation (Mayor Sarno)

16-03

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

In City Council, May 23, 2016

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:

STAFFORD ST. North side- from Mercy Emergency Department Parking entrance hundred fifteen (115') feet westerly.

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

STAFFORD ST. North side- from Mercy Emergency Department Parking entrance
hundred fifteen (115') feet Westerly.



City Council

TABLED

Meeting: 06/27/16 07:00 PM
Initiator: Hector Velez
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3526

7

16-04 BERKSHIRE AVE Traffic Regulation (Mayor Sarno)

16-04

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

In City Council, May 23, 2016

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:

BERKSHIRE AVE. North side- from the west curb line of Egan Drive westerly for about twenty-five (25') feet

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

BERKSHIRE AVE North side- from the west curb line of Egan Drive westerly for about
twenty-five (25') feet



City Council

TABLED

Meeting: 06/27/16 07:00 PM
Initiator: Hector Velez
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3527

8

16-05 ALBERT AVE. Traffic Regulation (Mayor Sarno)

16-05

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

In City Council, May 23, 2016

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:

ALBERT AVE.
southerly

East side- from Page Blvd. one hundred and twenty (120') feet
direction

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

ALBERT AVE.
southerly

East side- from Page Blvd. one hundred and twenty (120') feet
direction



City Council

SCHEDULED

Meeting: 06/27/16 07:00 PM
Initiator: Hector Velez
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3581

9

Montmorenci Street 16-09 Tc (Mayor Sarno)

16-09

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

In City Council, June 27, 2016

ORDERED, that in accordance with the provisions of Chapter 9.20, Section 9.20.180, of the

Revised ordinances of the City of Springfield, hereby, establishes "Stop Signs" on the following street(s) and in the direction(s) indicated.

MONTMORENCI STREET - INSTALL A STOP SIGN FACING NORTHBOUND VEHICLES ON MONTMORENCI STREET AT MASSASOIT STREET.

MONTMORENCI STREET - INSTALL A STOP SIGN FACING NORTHBOUND VEHICLES ON MONTMORENCI STREET AT MASSASOIT STREET.



City Council

SCHEDULED

Meeting: 06/27/16 07:00 PM
Initiator: Hector Velez
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3582

10

STAFFORD ST. 16-10 Traffic Commission (Mayor Sarno)

16-10

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

In City Council, June 27, 2016

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:

STAFFORD ST. North side- from Mercy Emergency Department Parking entrance hundred fifteen (115') feet westerly.

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

STAFFORD ST. North side- from Mercy Emergency Department Parking entrance
hundred fifteen (115') feet Westerly.



City Council
36 Court Street
Springfield, MA 01103

Meeting: 06/27/16 07:00 PM
Department: Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 3503

TABLED

PETITION (ID # 3503)

For a Special Permit to Operate a Medical Marijuana Dispensary at the Property Known as 506 Cottage Street (03310-0065), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 4, Section 4.7.100 and Article 4, Table 4-4, Section 13.4(1).

Request:	See Above
Owner:	Fontaine Investment Corporation
By:	Lester Fontaine
Petitioner:	Hampden Care Facility, Inc.
By:	Thomas Gallagher

HISTORY:

05/23/16 **City Council**

LAY ON TABLE VOTE

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

for a special permit to operate a Medical Marijuana Dispensary at the property known as 506 Cottage Street (03310-0065), as allowed by M.G.L. and the Springfield Zoning Ordinance Article 4, Section 4.7.100 and Article 4, Table 4-4, Section 13.4(1).

Mailing Address:

510 Cottage Street
 Springfield, MA 01104

Owner:

Fontaine Investment Corporation

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

By: 
Lester Fontaine

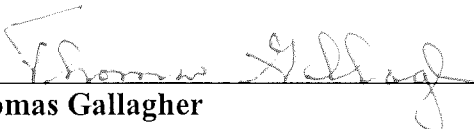
Mailing Address:

35 Center Street, Suite 1A
 Chicopee, MA 01013

Petitioner:

Hampden Care Facility, Inc.

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

By: 
Thomas Gallagher

Attachment: Cottage_St_506_Tax_Formal (3503 : 506 Cottage Street)



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

4/28/2016

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 : 506 COTTAGE STREET

Petitioner : HAMPDEN CARE FACILITY INC C/O TOM GALLAGHER.

LandLord: FONTAINE INVESTMENT CORP.

Stephen J. Lonergan: Treasurer/Collector

Attachment: Cottage_St_506_Tax_Formal (3503 : 506 Cottage Street)

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

**506 COTTAGE STREET (03310-0065)
REGISTERED MARIJUANA DISPENSARY (RMD)**

General Information

Petitioner:	Hampden Care Facility, Inc.
Request:	Medical Marijuana Dispensary
Proposed use of the property:	Medical Marijuana Dispensary
Size:	159,430 s.f. (size of parcel)
Compatibility with current planning documents:	The East Springfield Neighborhood Plan shows no changes to this area.
Neighborhood council notification:	East Springfield Neighborhood Council: 4-29-16
Tax Status:	SEE ATTACHED
Site Visit:	5-5-16
Hearing Date:	6-27-16

Staff Analysis

Neighborhood characteristics:

The parcel is currently zoned Industrial A located within the Cottage Street industrial park area. This is an area with a mix of commercial and industrial uses. The surrounding land uses included:

- To the north is a warehouse operation zoned Industrial A.
- To the south are a warehouse and manufacturing operation zoned Industrial A.
- To the west is an office building zoned Industrial A.
- To the east is a warehouse operation zoned Industrial A.

Site plan review:

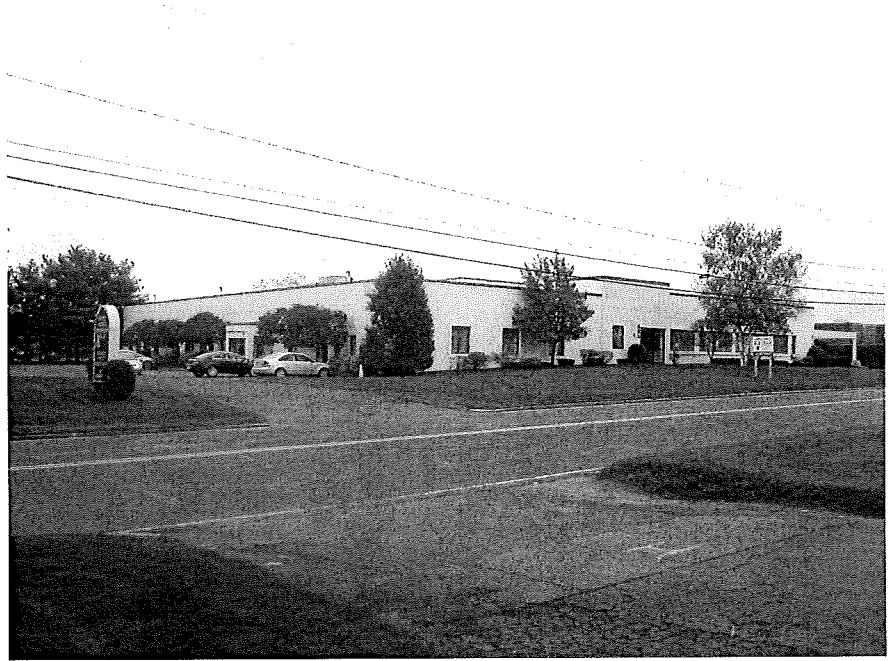
The petitioner has requested a special permit to allow for the operation of a Registered Marijuana Dispensary (RMD) at the property known as 506 Cottage Street. As noted above, this site is located within the Cottage Street industrial park and is the currently location of Fontaine Brothers, Inc.

As the Council is aware, the voters of Massachusetts approved the use of medical marijuana in November 2012. As a result of that vote, an application process and regulations were implemented by the Massachusetts

Department of Public Health (DPH) outlining where a RMD could be located. In addition, in order to ensure that any such facility to be located in Springfield is cited so that the health, safety and general well-being of the general public as well as the patients seeking treatment is taken into account, additional Zoning Regulations (Article 4, Section 4.7.100) were passed by the City Council in March 2014.

Due to the amount of interest the City received in the possibility of locating an RMD within the City, the decision was made to conduct a two (2) phase Request for Proposal (RFP) process, similar to what had been done for 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 original RFP was issued back in 2013, however, no qualifying responses were submitted at that time. The Phase I of the RFP was then re-issued in November 2014. Phase I of the RFP was issued to obtain general information and pre-qualify those companies desirous to move forward with the location of an RMD within the City of Springfield and thus further participating within the Phase II of the RFP process.

In December 2014, nine (9) responses were submitted and all nine (9) were determined eligible to move forward. It should be noted that as part of the RFP process, a selection committee was set up by the Mayor to review the RFP submissions. This selection committee was made up with representatives from the Springfield Department of Health & Human Services (*Helen Caulton Harris*), the Police Department (*Commissioner Barbieri/Deputy Commissioner Anthony*), Department of Public Works (*Chris Cignoli*), Building Department (*Steve Desilets/Mike Jachym*), Law Department (*Tom Moore*), Mayors Office (*Darryl Moss*) and the Office of Planning & Economic Development (*Phil Dromey*).

In January 2016, the Phase II portion of the RFP was issued and a total of six (6) qualifying responses were received. The Phase II of the RFP asked for much more detailed information including specifics on the background of the companies, proposed security measures, plans for mitigating adverse impacts on the City, estimated fiscal impacts on the City, estimated revenues, the businesses willingness to offer inducements and/or other benefits to offset any secondary impacts, a full business plan, full site plans and specifications and the specific site in which they were looking to operate. It should be noted that as part of the Phase II RFP process, a public meeting was also held which required the applicants to make a presentation and answer any questions that the general public may wish to ask.

After all six (6) responses were fully reviewed by the selection committee, the proposals were then ranked. At the end of that process, it was determined that Hampden Care Facility, Inc. ranked first and 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.

As noted above, Hampden Care Facility has identified 506 Cottage Street as the potential location for the proposed RMD. This is a single-story commercial building located within the Cottage Street industrial park. The plans submitted show that the proposed RMD would only be located in a portion of the building. The main entrance to this facility would be located at the rear of the building and would be accessed through the existing parking lot located on the western side of the building. The parking for this facility would be fully enclosed with an eight (8) foot high, chain link fence with a locking gate. Only an emergency exit would be located in the front of the building.

In addition to the site plans, a full security plan has also been submitted. As noted above, the Springfield Police Department has been involved throughout this entire process and has reviewed Hampden Cares full security plans. A number of the key security initiatives include a perimeter alarm on all entry points, 24-hour security, panic alarms connected to law enforcement authorities, limited access entry points, back-up generators and security lighting. Surveillance cameras will also be located in all areas that may contain marijuana, at all points of entry/exits and in all parking areas. It was noted that during all hours of operation, security staff will be posted at the primary entrance. Access to the facility will only be granted to those individuals that present a valid Medical Marijuana ID card. All Medical Marijuana ID cards will be verified using DPH's Electronic Dispensing & Registration System.

It should be noted that this will only be a dispensing facility. There will be no cultivation of medical marijuana done at this location. Hampden Care has indicated that the growing operation will be located in Easthampton. A number of safe guards have been identified for the transportation of the medical marijuana between the cultivation operation in Easthampton and Springfield. These safe guards include having only DPH-registered security agents transport the medical marijuana. Routing of the medical marijuana will also be reviewed by the Head of Security for Hampden Care. A full manifesting process will also be required which will provide a number of safe guards including requiring the inventory to be videoed prior to transportation, an organizational name and registration number, description of all products, weight and inventory before departure and after receipt and signatures required for those delivering and receiving inventory. Vehicles making the deliveries will also be equipped with high-powered/built-in GPS, alarm system, dash-cam, video surveillance system, blue tooth phone and two-way digital radio.

Additionally, as noted above, in addition to the special permit, a Host Community Agreement must be entered into by the petitioner, with approval by the City Council. Further, it needs to be stressed that in additions to the City of Springfield's approval, a full review, approval and licensing of this proposed use must be completed by the Massachusetts Department of Public Health (DPH).

Overall, the staff has been very pleased with the professionalism shown by not only this company but by all the companies participating in the RFP process. The staff firmly believes that Hampden Care Facility, Inc. has provided a detailed outline of its proposal and has addressed all the concerns outlined by the many city departments participating in the RFP 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.

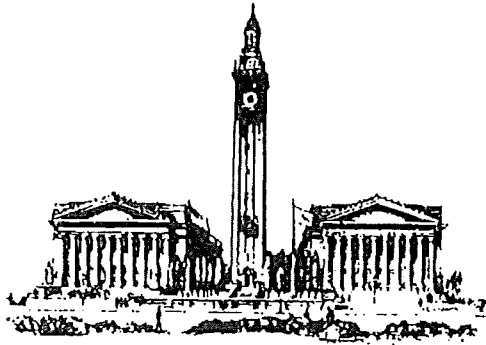
Recommendation

Approve, with conditions.

Recommended Conditions:

1. This special permit is granted to this petitioner only.

2. This special permit is granted solely for the operation of a Registered Marijuana Dispensary (RMD) at the property known as 506 Cottage Street (03310-0065).
3. The use shall be developed as per that attached site plans and elevations, with the addition of conditions #4 through #10.
4. There shall be no cultivation done at this location.
5. The use shall comply with all Zoning Regulations as outlined in Article 4, Section 4.7.100.
6. The use shall comply with the Massachusetts Department of Public Health Regulations, 105 CMR 725.000.
7. The use shall comply with all stipulations outlined within the approved Host Community Agreement.
8. All landscaped areas shall be maintained and kept free of all litter and debris.
9. The hours of operation shall be from 7:00AM to 7:00PM, Monday through Sunday.
10. The chain link fencing to be installed around the parking lot shall be black, vinyl.
11. 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

4/28/2016

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:

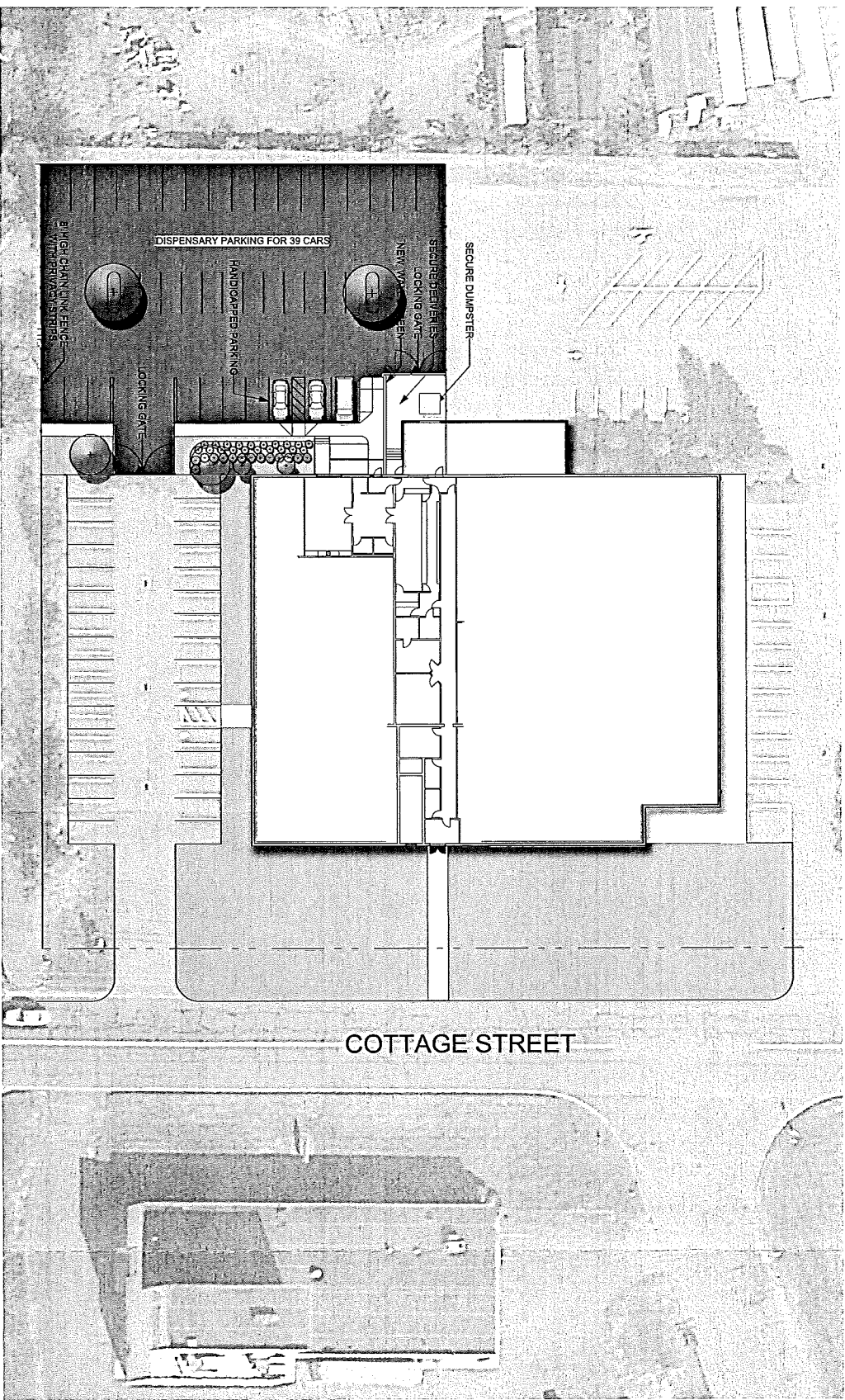
Special Permit : 506 COTTAGE STREET

Petitioner : HAMPDEN CARE FACILITY INC C/O TOM GALLAGHER

LandLord: FONTAINE INVESTMENT CORP.

Stephen J. Lonergan: Treasurer/Collector

Appendix III: Hampden Care Facility, Inc. Conceptual Site Plan for Springfield MMTC



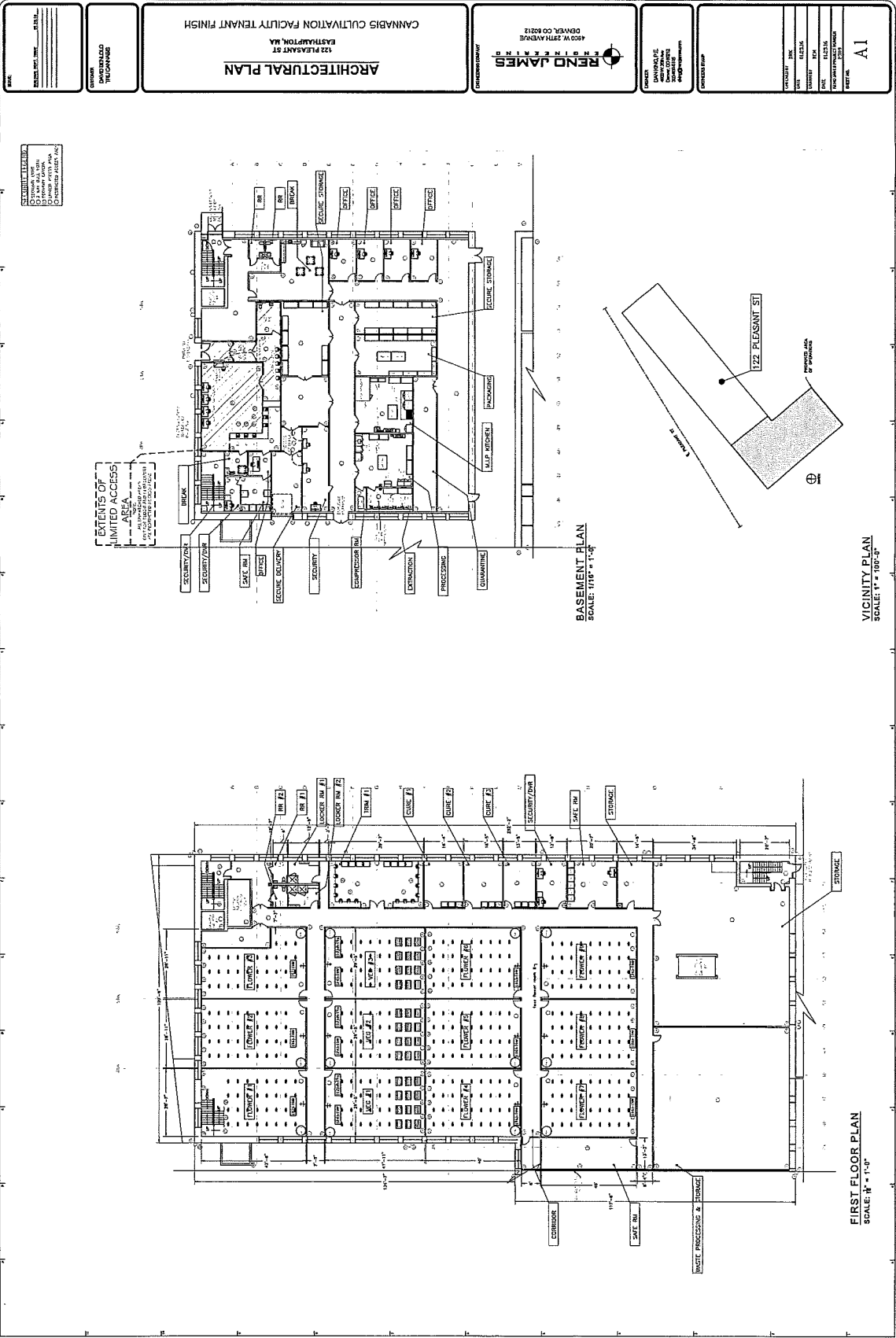
Hampden Care Facility
Springfield, Massachusetts

Conceptual Design **BETA**

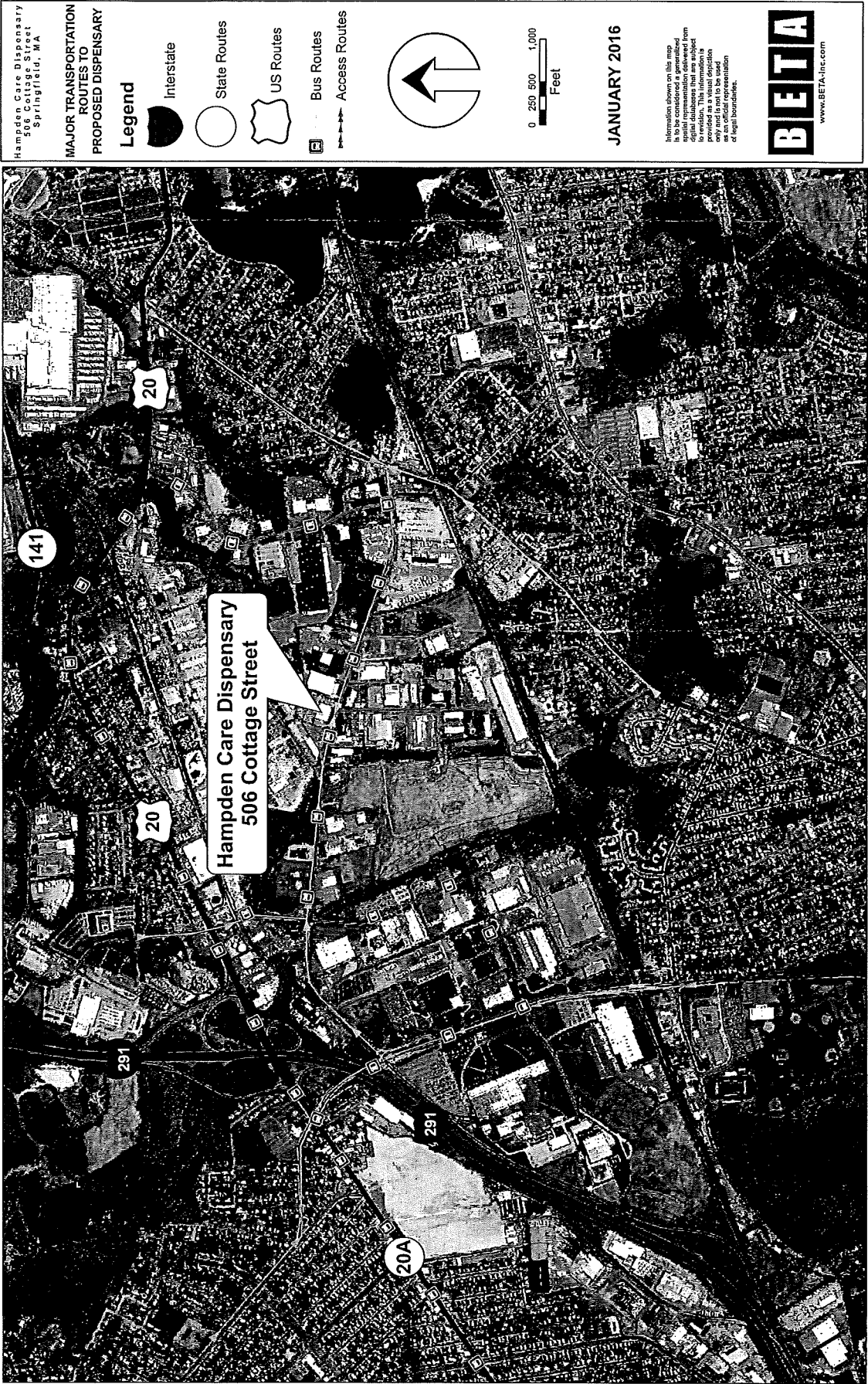
January 2016

ENGINEERING SUCCESS TOGETHER

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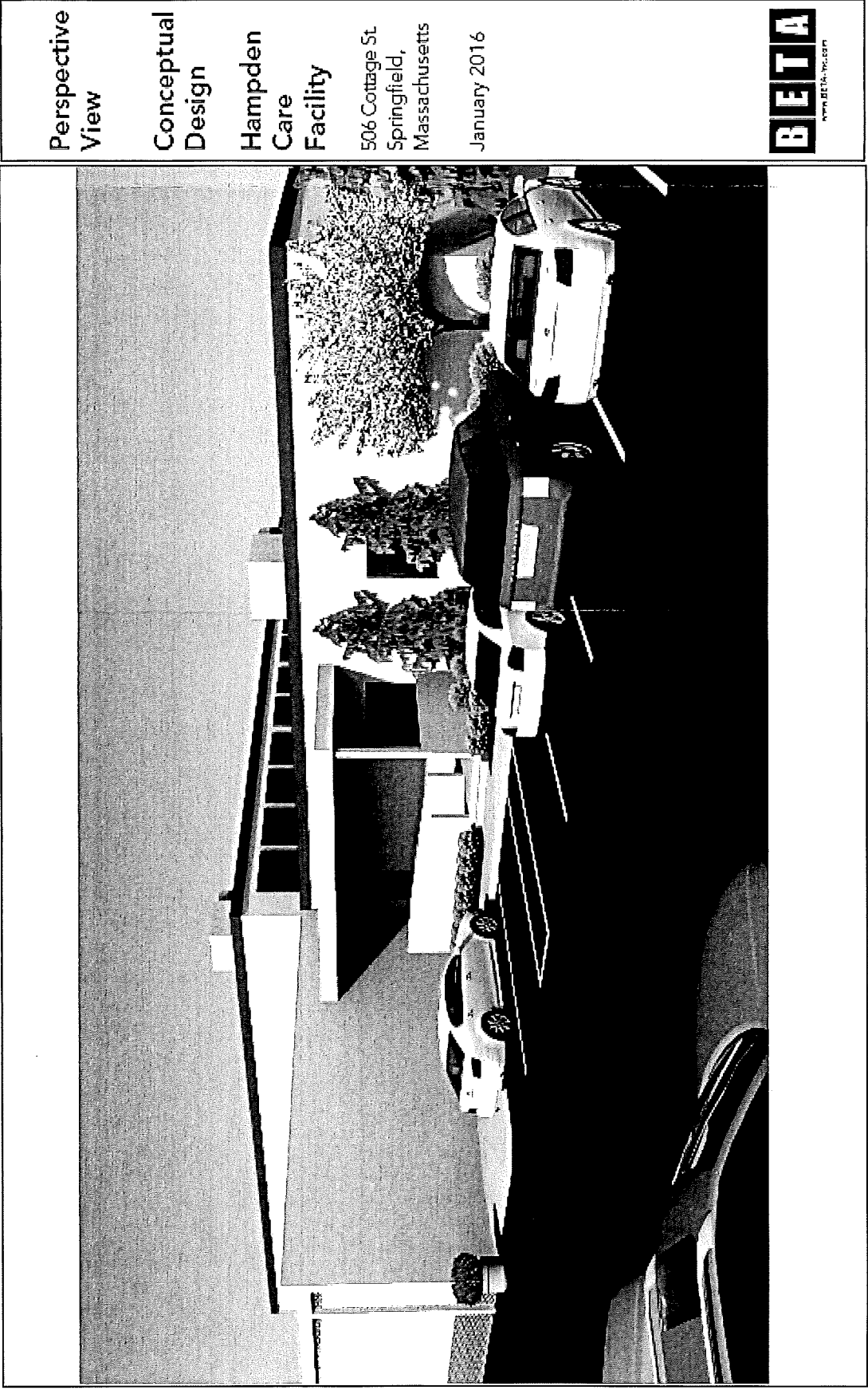


Hampden Care Facility, Inc. - Phase II RFQ/P No. 16-090
Submitted February 4, 2016



Hampden Care Facility, Inc. - Phase II RFQ/P No. 16-090
Submitted February 4, 2016





Perspective
View

Conceptual
Design

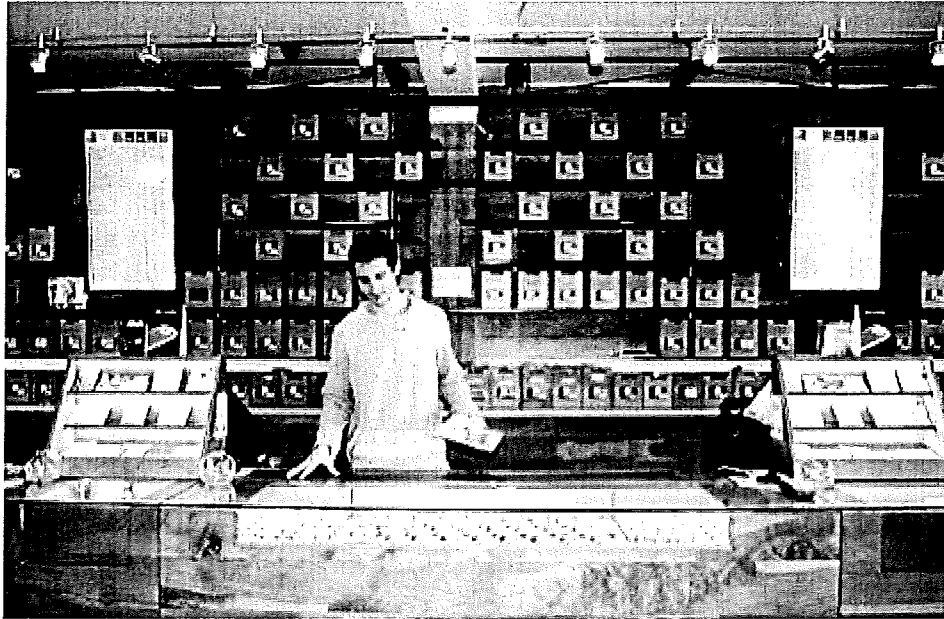
Hampden
Care
Facility

506 Cottage St.
Springfield,
Massachusetts

January 2016



Appendix VIII: Interior Rendering



Attachment: Cottage_St_506_MM_2016 (3503 : 506 Cottage Street)

Proposed Location

Carando Dr

Progress Av

Cottage St

Attachment: Cottage_St_506_MM_2016 (3503 : 506 Cottage Street)

  DATA SOURCE:	City of Springfield, Massachusetts
	506 Cottage Street



City Council

SCHEDULED

Meeting: 06/27/16 07:00 PM
Initiator: Thomas Moore
Sponsors: Mayor Domenic J. Sarno
DOC ID: 3576

12

Order Approving a Host Community Agreement with Hampden Care Facility, Inc. For Medical Marijuana Retail Dispensary at 506 Cottage Street, Springfield (Mayor Sarno)

WHEREAS, pursuant to Chapter 369 of the Acts of 2012, entitled “An Act for the Humanitarian Medical Use of Marijuana”, codified through 105 CMR 725, and any regulations promulgated thereunder, the City of Springfield has conducted a two-phased RFP/Q solicitation process for Medical Marijuana Treatment Center proposals in Springfield;

WHEREAS, Hampden Care Facility, Inc. (“Hampden Care”) has been incorporated under Chapter 180 of the Massachusetts General Laws to provide marijuana for medical use to patients of Hampden Care, and desires to establish and operate a marijuana for medical use retail dispensary in Springfield located at 506 Cottage Street (the “Dispensary”); and

WHEREAS, the Massachusetts Department of Public Health (“DPH”) has informed Hampden Care that it is being reviewed as a provisional licensee to operate a Registered Marijuana Dispensary (“RMD”), and upon receipt of a final Certificate of Registration to operate an RMD from DPH, Hampden Care will have the legal authority to operate its Dispensary; and

WHEREAS, at the conclusion of Phase II (RFP/Q No. 16-090) of the City’s solicitation process, the City selected Hampden Care as the highest ranked proposal submitted in response; and

WHEREAS, Hampden Care desires to support community initiatives and interests in Springfield to express its appreciation for the community support it has received to operate an RMD in Springfield; and

WHEREAS, Hampden Care desires to mitigate any actual or potential adverse community impacts and to improve the security and health of the people of Springfield; and

WHEREAS, the City of Springfield and Hampden Care desire to enter into a Host Community Agreement to memorialize the terms of Hampden Care’s support of community initiatives and interests in Springfield and Hampden Care’s commitment to mitigate actual or potential adverse community impacts;

NOW THEREFORE BE IT ORDERED, pursuant to Chapter 369 of the Acts of 2012, entitled “An Act for the Humanitarian Medical Use of Marijuana”, that the City Council hereby:

- 1.) Approves the Host Community Agreement with Hampden Care Facility, Inc, in substantially the same form as the Host Community Agreement submitted by the Mayor to the City Council and attached hereto as Exhibit A;
- 2.) Authorizes the Mayor to execute the Host Community Agreement referenced herein, in substantially the same form as the Host Community Agreement submitted by the Mayor to the City Council and attached hereto as Exhibit A;

EXHIBIT A - FINAL DRAFT

HOST COMMUNITY AGREEMENT BETWEEN THE CITY OF SPRINGFIELD AND HAMPDEN CARE FACILITY, INC.

This **HOST COMMUNITY AGREEMENT** made on this ____ day of ____, 2016 by and between the **City of Springfield**, a municipal corporation existing within the Commonwealth of Massachusetts, acting by and through its Chief Development Officer, with the approval of its Mayor, hereinafter referred to as the "**City**", and **Hampden Care Facility, Inc.**, a Massachusetts non-profit corporation, with a usual place of business located at 12 Center Street, Chicopee, Massachusetts 01013, hereinafter referred to as "**Hampden Care**". The City and Hampden Care shall be collectively known herein as "the Parties".

Witnesseth That:

WHEREAS, in accordance with all applicable Massachusetts laws and regulations, the City has conducted a two-phased RFP/Q solicitation process for Medical Marijuana Treatment Center proposals in Springfield;

WHEREAS, Hampden Care has been incorporated under Chapter 180 of the Massachusetts General Laws to provide marijuana for medical use to patients of Hampden Care, and desires to establish and operate a marijuana for medical use retail dispensary in Springfield located at 506 Cottage Street (the "Dispensary"); and

WHEREAS, the Massachusetts Department of Public Health ("DPH") has informed Hampden Care that it is being reviewed as a provisional licensee to operate a Registered Marijuana Dispensary ("RMD") , and upon receipt of a final Certificate of Registration to operate an RMD from DPH, Hampden Care will have the legal authority to operate its Dispensary; and

WHEREAS, at the conclusion of Phase II (RFP/Q No. 16-090) of the City's solicitation process, the City selected Hampden Care as the highest ranked proposal; and

WHEREAS, Hampden Care desires to support community initiatives and interests in Springfield to express its appreciation for the community support it has received to operate an RMD in Springfield; and

WHEREAS, Hampden Care desires to mitigate any actual or potential adverse community impacts and to improve the security and health of the people of Springfield; and

WHEREAS, the City and Hampden Care enter into this Host Community Agreement to memorialize the terms of Hampden Care's support of community initiatives and interests in Springfield and Hampden Care's commitment to mitigate actual or potential adverse community impacts; and

NOW, THEREFORE, for the consideration set forth herein, the Parties hereto mutually agree as follows:

FINAL DRAFT

1. The preamble set forth above, the City's Phase I and Phase II RFP/Q Solicitations, and Hampden Care's proposals in response to the City's Phase I and Phase II RFP/Q Solicitations are hereby incorporated and made part of this Agreement.
2. Host Community Donations. Based on Hampden Care receiving a final Certificate of Registration to operate an RMD in Springfield, during the term of this Agreement (as defined in Section 5), Hampden Care shall make the following Host Community Donations to the City as follows:
 - (a) Calendar Year 2016 – As Hampden Care will not be operational in 2016 but, rather, will be involved in obtaining necessary licenses and permits and then completing the build-out, there will be nothing paid to the City of Springfield.
 - (b) Calendar Year 2017 – On or before December 31, 2018, Hampden Care shall donate three percent (3%) of gross revenue of the Dispensary for Calendar Year 2017 to the City, and shall donate \$50,000 directly to the Springfield Police Department.
 - (c) Calendar Year 2018 – On or before February 1, 2019, Hampden Care shall donate four percent (4%) of gross revenue of the Dispensary for Calendar Year 2018 to the City, and shall donate \$50,000 directly to the Springfield Police Department.
 - (d) Calendar Year 2019 – On or before February 1, 2020, Hampden Care shall donate five percent (5%) of gross revenue of the Dispensary for Calendar Year 2019 to the City, and shall donate \$50,000 directly to the Springfield Police Department.
 - (e) Calendar Year 2020 – On or before February 1, 2021, Hampden Care shall donate five percent (5%) of gross revenue of the Dispensary for Calendar Year 2020 to the City, and shall donate \$50,000 directly to the Springfield Police Department.
 - (f) Calendar Year 2021 – On or before December 31, 2022, Hampden Care shall donate five percent (5%) of gross revenue of the Dispensary for Calendar Year 2021 to the City, and shall donate \$50,000 directly to the Springfield Police Department.
 - (g) Calendar Year 2022 – On or before December 31, 2023, Hampden Care shall donate six percent (6%) of gross revenue of the Dispensary for Calendar Year 2022 to the City, and shall donate \$50,000 directly to the Springfield Police Department.
 - (h) Calendar Year 2023 – On or before December 31, 2024, Hampden Care shall donate six percent (6%) of gross revenue of the Dispensary for Calendar Year 2023 to the City, and shall donate \$50,000 directly to the Springfield Police Department.
 - (i) Calendar Year 2024 – On or before December 31, 2025, Hampden Care shall donate six percent (6%) of gross revenue of the Dispensary for Calendar Year 2024 to the City, and shall donate \$50,000 directly to the Springfield Police Department.
 - (j) Calendar Year 2025 – On or before December 31, 2026, Hampden Care shall donate seven percent (7%) of gross revenue of the Dispensary for Calendar Year 2025 to the City, and shall donate \$50,000 directly to the Springfield Police Department.
 - (k) Calendar Year 2026 and each succeeding Calendar Year – On or before December 31, 2027, Hampden Care shall donate seven percent (7%) of gross revenue of the Dispensary for Calendar Year 2026 to the City, and shall donate \$50,000 directly to the Springfield Police Department, and on February 1st of each succeeding year thereafter, Hampden Care shall donate seven percent (7%) of gross revenue of the Dispensary for the prior Calendar Year to the City, and shall donate \$50,000 directly to the Springfield Police Department.

Host Community Donations shall be made payable to the City as directed by the Mayor or his delegate.

FINAL DRAFT

The City agrees that it shall not issue a letter of support or non-opposition to another firm seeking to obtain a license for a medical marijuana dispensary in Springfield for a period of ten (10) years commencing in the year 2017, subject to re-opening negotiations as indicated in Section 3 of this Agreement.

3. Cause for Reopening Host Community Agreement Negotiations. In the event that either (1) the Mayor of Springfield determines that another municipality in the four Western Counties of the Commonwealth of Massachusetts (Berkshire, Franklin, Hampden and Hampshire) has entered into a host community agreement with an RMD developer that contains financial terms that are superior to what Hampden Care agrees to provide to the City pursuant to this Agreement (taking into consideration an RMD that is similar in size, scope, production and patient sales to the Dispensary), or (2) the sale of marijuana becomes legalized in the Commonwealth of Massachusetts for recreational sale and use and Springfield's zoning laws permit Hampden Care to sell marijuana for recreational use at its Springfield Dispensary location and Hampden Care obtains a special permit, if so required by Springfield's then current zoning ordinances, to sell marijuana for recreational use, or (3) the Mayor of Springfield determines the actual impacts of the Dispensary on the community are not adequately addressed through the terms of the HCA, or (4) If RMD gross sales are less than or equal to \$3 million in any fiscal year after December 31, 2019, then the Parties will immediately reopen negotiations and negotiate an amendment to this Agreement that fully addresses the underlying cause for renegotiation.

In the event that the parties reopen negotiations under this section and are unable to successfully negotiate an amendment within 90 days, the parties agree to immediately submit the matter to arbitration. The Parties further agree that if they cannot agree on an arbitrator within seven (7) days of the unsuccessful conclusion of reopened negotiations within this section, then each party provide the name of one arbitrator to the other party, and those two named arbitrators shall select an arbitrator to hear the matter. Additionally, either party shall be allowed to seek injunctive relief to maintain the status quo under the existing HCA during the amendment negotiation period or arbitration period.

4. Real Estate Taxes. At all times during the Term of this Agreement, real estate taxes for the property at which the Dispensary is operated will be paid either directly by Hampden Care or by its landlord, and Hampden Care will not seek a non-profit exemption from paying such taxes.
5. Term and Termination.
 - (a) The Term of this Agreement shall commence on the date DPH issues a final Certificate of Registration to Hampden Care to operate an RMD in Springfield and shall remain in effect until DPH revokes Hampden Care's Certificate of Registration to operate an RMD in Springfield, unless sooner terminated pursuant to section 5 (b) of this Agreement.
 - (b) Hampden Care may terminate this Agreement upon the permanent cessation of all RMD business at the Dispensary and within the City of Springfield by Hampden Care and/or any of its heirs, successors, assigns, agents, affiliates or subsidiaries.

FINAL DRAFT

6. Job Creation and Hiring. Within eighteen months (18) of the execution of this Agreement, Hampden Care shall have created approximately 15 new full time jobs in the City of Springfield at the Dispensary, with competitive wages, benefits, and professional development opportunities. Failure of Hampden Care to substantially comply with this provision shall result in Hampden Care making an additional annual donation of one hundred thousand dollars (\$100,000) to the City of Springfield, payable on or before December 31 of each year of this Agreement, until such time as Hampden Care is in compliance with this provision. Additionally, Hampden Care shall make best efforts to hire and give preference in hiring to Springfield residents for full time employment at the Dispensary.

7. Good Neighbor Agreement and Charitable Donations. Hampden Care intends to engage the East Springfield Neighborhood Council and the Indian Orchard Neighborhood Council in discussions relative to negotiating a Good Neighbor Agreement with those organizations, and also intends to make charitable donations in Springfield as it determines from time to time, to improve the safety, health and welfare of the community. Towards this end, it is initially contemplated that Hampden Care will be donating to Springfield Public Schools and the City of Springfield Department of Health and Human Services to further opiate addiction awareness and education.

8. Annual Meeting of the Parties. The City of Springfield shall send a Notice no later than December 15th of each year of the proposed date and time of an annual meeting to the individual representing the City of Springfield and to that individual who is designated to receive Notices by Hampden Care.

Hampden Care:

With a copy to:

City:

Chief Development Officer
 Office of Planning &
 Economic Development
 City of Springfield
 70 Tapley Street
 Springfield, MA 01104

With a copy to:

Office of the City Solicitor
 36 Court Street
 Springfield, MA 01104

The Parties shall promptly notify each other of any change of their respective addresses set forth above, after which notification such new address shall become the notice address hereunder. Notice and other communications shall be deemed given when deposited in the United States mail and sent registered or certified, postage prepaid, to the last known address of the party concerned.

FINAL DRAFT

9. Entire Agreement. This Agreement supersedes any and all other agreements, either oral or in writing, between the Parties hereto with respect to the subject matter of this Agreement. This Agreement may not be changed verbally, and may only be amended by an agreement in writing signed by both Parties.
10. No Rights in Third Parties. This Agreement is not intended to, nor shall it be construed to, create any rights in any third parties.
11. Severability. If any provision of this Agreement shall be held by a court of competent jurisdiction to be contrary to law, that provision will be enforced to the maximum extent permissible and the remaining provisions of this Agreement shall remain in full force and effect, unless to do so would result in either party not receiving the benefit of its bargain.
12. Governing Law and Exclusive Venue. The Parties agree that this Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts, and that a court of competent jurisdiction in Springfield, Hampden County shall be the exclusive venue for any legal proceedings that may arise from this Agreement.
13. Successors. This Agreement shall be binding upon and shall inure to the benefit of the Parties, their respective heirs, executors, administrators and assigns.
14. Prohibition Against Assignment. The Parties shall be prohibited at all times from Assigning, in whole or in part, any portion of this Agreement without the written consent of the other party.

In Witness Whereof, Hampden Care and the City have executed this Host Community Agreement as of the date the same is finally signed by all parties listed below.

HAMPDEN CARE FACILITY, INC.

CITY OF SPRINGFIELD

By: _____

By: _____

Title:

Director, Department of Health and
Human Services

Approved as to Appropriation:

Approved as to Form:

City Comptroller

City Solicitor

FINAL DRAFT

Approved:

Approved:

Chief Procurement Officer

Chief Administrative and Financial Officer

APPROVED:

Domenic J. Sarno, Mayor

Date:_____

Attachment: Exhibit A to City Council Order - Approve Host Community Agreement for Hampden Care Facility (3576 : Order Approving a Host



City Council
36 Court Street
Springfield, MA 01103

Meeting: 06/27/16 07:00 PM
Department: Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 3450

TABLED

PETITION (ID # 3450)

For a Special Permit to Renovate and Reopen a Pre-Existing, Non-Conforming Commercial Use (Retail) at the Properties Known as 232 Orange Street (09340-0038) and NS Orange Street (09340-0037) Under Non-Use, as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 10, Section 10.1.42.

Request:	See Above
Owner:	Ana Davila
By:	Ana Davila
Petitioner:	Erica Nunez
By:	Erica Nunez

HISTORY:

04/25/16	City Council	REFER TO COMMITTEE	Next: 05/23/16
05/23/16	City Council	REFER TO COMMITTEE	Next: 06/27/16

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

for a special permit to renovate and reopen a pre-existing, non-conforming commercial use (retail) at the properties known as 232 Orange Street (09340-0038) and NS Orange Street (09340-0037) under Non-Use, as allowed by M.G.L. and the Springfield Zoning Ordinance Article 10, Section 10.1.42.

Mailing Address:

118-09-83 Avenue, Apt. #2E
 Kewgarden, NY 11415

Owner:

Ana Davila

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

By: Ana Davila
 Ana Davila

Mailing Address:

232 Orange Street, 2nd Floor
 Springfield, MA 01119

Petitioner:

Erica Nunez

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

By: Erica Nunez
 Erica Nunez

Attachment: Orange_St_232_Tax_Formal (3450 : 232 Orange Street)



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

3/23/2016

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 : 234 ORANGE STREET

Pettioner : ERICA NUNEZ.

Landlord : ANA DAVILA

Stephen J. Lonergan: Treasurer/Collector

Attachment: Orange_St_232_Tax_Formal (3450 : 232 Orange Street)

OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A SPECIAL PERMIT

232 ORANGE STREET (09340-0038)& NS ORANGE STREET (09340-0037)
NON-USE (RETAIL OPERATION)

General Information

Petitioner:	Erica Nunez
Request:	For a special permit to renovate and reopen a pre-existing nonconforming retail use.
Proposed use of the property:	The property is a multi-unit residential structure with a ground floor commercial use.
Parcel Size:	8,299 s.f.
Compatibility with current planning documents:	The Forest Park Neighborhood Plan does not show any changes to this area.
Neighborhood council notification:	Forest Park Civic Association: 3-31-16
Tax Status:	SEE ATTACHED
Site Visit:	4-19-16
Hearing Date:	4-25-16

Staff Analysis

Neighborhood characteristics:

The parcel is currently zoned Residence B. This area is predominantly residential.

- To the north is commercial storage building zoned Residence B.
- To the south are a two-family house and multi-use building zoned Residence B.
- To the west is a two-family home zoned Residence B.
- To the east is a three-family house zoned Residence B.

Site plan review:

The petitioner has requested a special permit to renovate and reopen a pre-existing, non-conforming retail use at the properties known as 232 Orange Street and NS Orange Street. This site is located on the corner of Orange Street and Revere Street and is in an area that is primarily residential. A special permit for a similar retail use but a different petitioner had been issued by the City Council in February 2005; however, this special permit was revoked in September 2007 for failing to comply with a number of the conditions placed on the approval. This same petitioner listed above had also applied for a special permit in 2013 but the request was denied by the City Council due to neighborhood opposition.

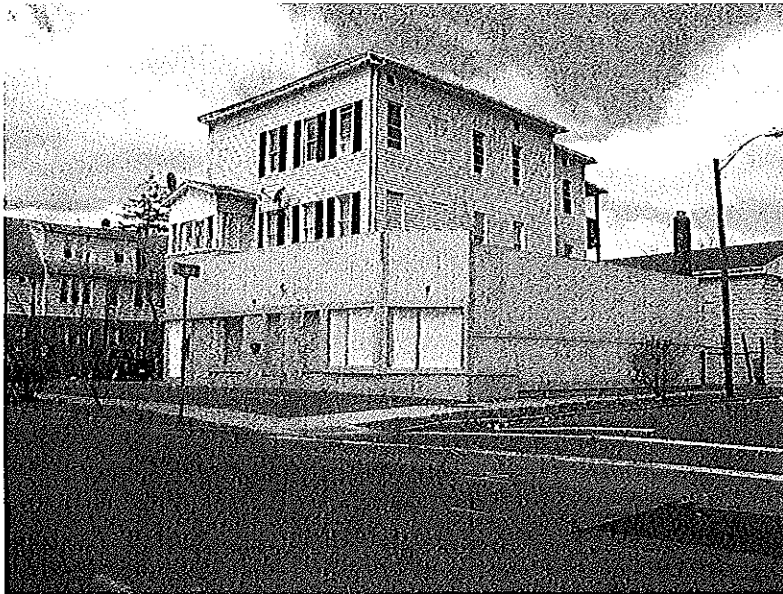
The petitioner has submitted site plans which indicate that a Spanish/American food store will be operated out of the first floor. Residential apartments are located on the second and third floors, however, it is unclear

if these apartments are occupied. It should be noted that there is a second, commonly owned, parcel directly adjacent to this site. This lot will be used for parking for the proposed use. The site plan submitted by the petitioner indicates that there are a total of twelve (12) on-site parking spaces.

After reviewing the submitted plans and visiting the site, the staff does not object to the proposed request. However, due to the history of this site and the close proximity to residential abutters, the proposed use must be developed in a way as not to detract from the surrounding neighborhood. If this special permit is approved, the staff would suggest a number of conditions be placed on the special permit. These conditions would include hours of operation, delivery times and overall site improvements. With regards to the site conditions, the major concern that the staff has is with the existing fence that runs along the side and rear property lines and buffers the direct residential neighbor. This fence is currently in very poor condition and in some areas is actually falling over. The staff would strongly recommend that this fence be replaced with a new six (6) foot stockade fence. The staff would also recommend that all the existing landscaping located along the western property line remain. In addition, the staff also wants to ensure that the existing tree belts are maintained by the petitioner and kept free of all trash and debris.

Further, the petitioner has not indicated where the dumpster will be located. Again, due to the residential abutters, the staff would suggest that the dumpster be located adjacent to the commercial building and up against the northern property line. In addition, the hours in which the dumpster is emptied should be limited and the dumpster should be completely enclosed.

Lastly, the staff would also recommend that this operation not be allowed to be open 24-hours a day. Again, due to the fact that this property is surrounded by residential structures, the hours of operation should be limited.

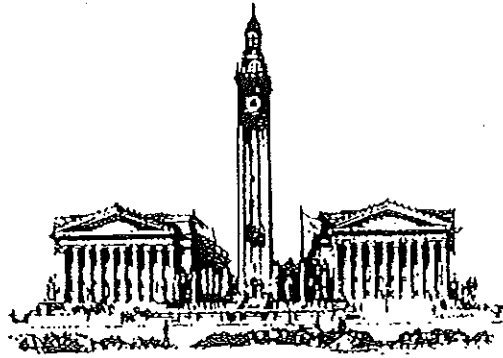


Recommendation

Approve, with conditions.

Recommended Conditions

1. This special permit is granted to this petitioner only.
2. This special permit is granted solely for the renovation and reopening of a pre-existing, non-conforming retail use at 232 Orange Street (09340-0038) and NS Orange Street (09340-0037). .
3. The use shall be developed in accordance to the attached site plan with the additions of condition #4 through #18.
4. The hours of operation shall be from 7:00 AM to 9:00 PM, Monday through Sunday.
5. There shall be no deliveries or servicing of the dumpster prior to 7:00 AM.
6. The dumpster shall be located along the northern property line and placed as close to the existing building as possible.
7. The dumpster(s) shall be completely enclosed.
8. The building shall be maintained free of all graffiti.
9. The petitioner shall submit a detailed sign plan to the Office of Planning & Economic Development for review and approval prior to applying for a sign permit. Changing images signs shall be prohibited.
10. There shall no ground sign associated with this use.
11. There shall be no non-accessory signs.
12. There shall be a new, six (6) foot stockade fence installed along the northern and western property lines.
13. The parking lot shall be striped to clearly mark all parking.
14. The site shall be maintained free of all litter, debris and/or weeds.
15. The tree-belts shall be maintained free of all overgrown vegetation, trash and debris.
16. The public sidewalks along Orange Street and Revere Street shall be maintained including snow removal.
17. There shall be no parking customer or employee parking on Orange Street or Revere Street.
18. There shall be no parking in the front of the building or on the public sidewalks.
19. 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 fines of up to \$200 per day for each day a violation exists.



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

3/23/2016

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:

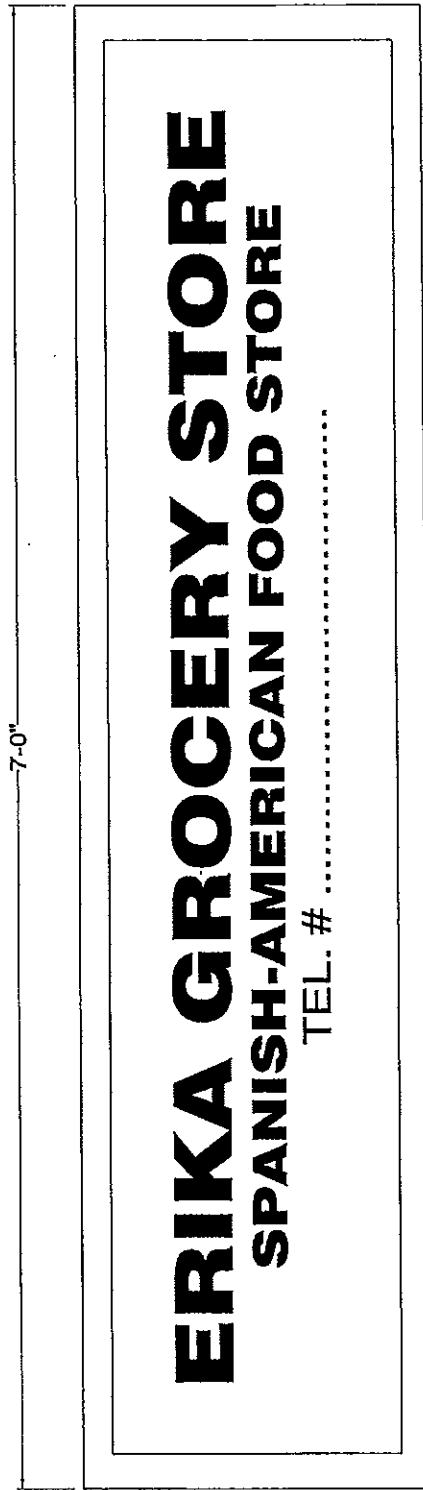
Special Permit : 234 ORANGE STREET

Petitioner : ERICA NUNEZ.

Landlord : ANA DAVILA

Stephen J. Lonergan: Treasurer/Collector

Attachment: Orange St 232 2016 (3450 : 232 Orange Street)



SIGN PLAN

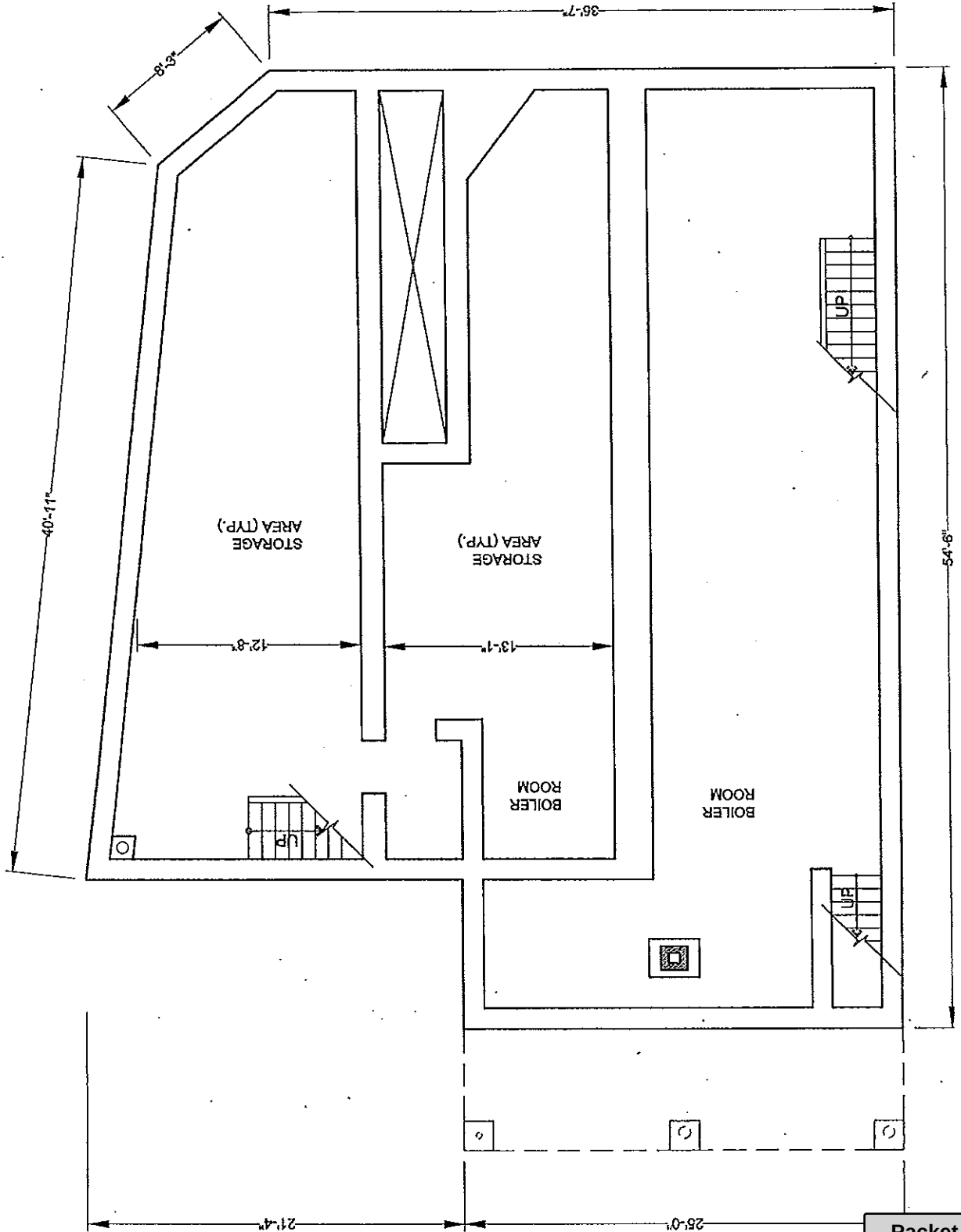
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BY	10/10/16
PROJECT	10/10/16
ADDRESS	10/10/16
CITY	10/10/16
STATE	10/10/16
ZIP	10/10/16

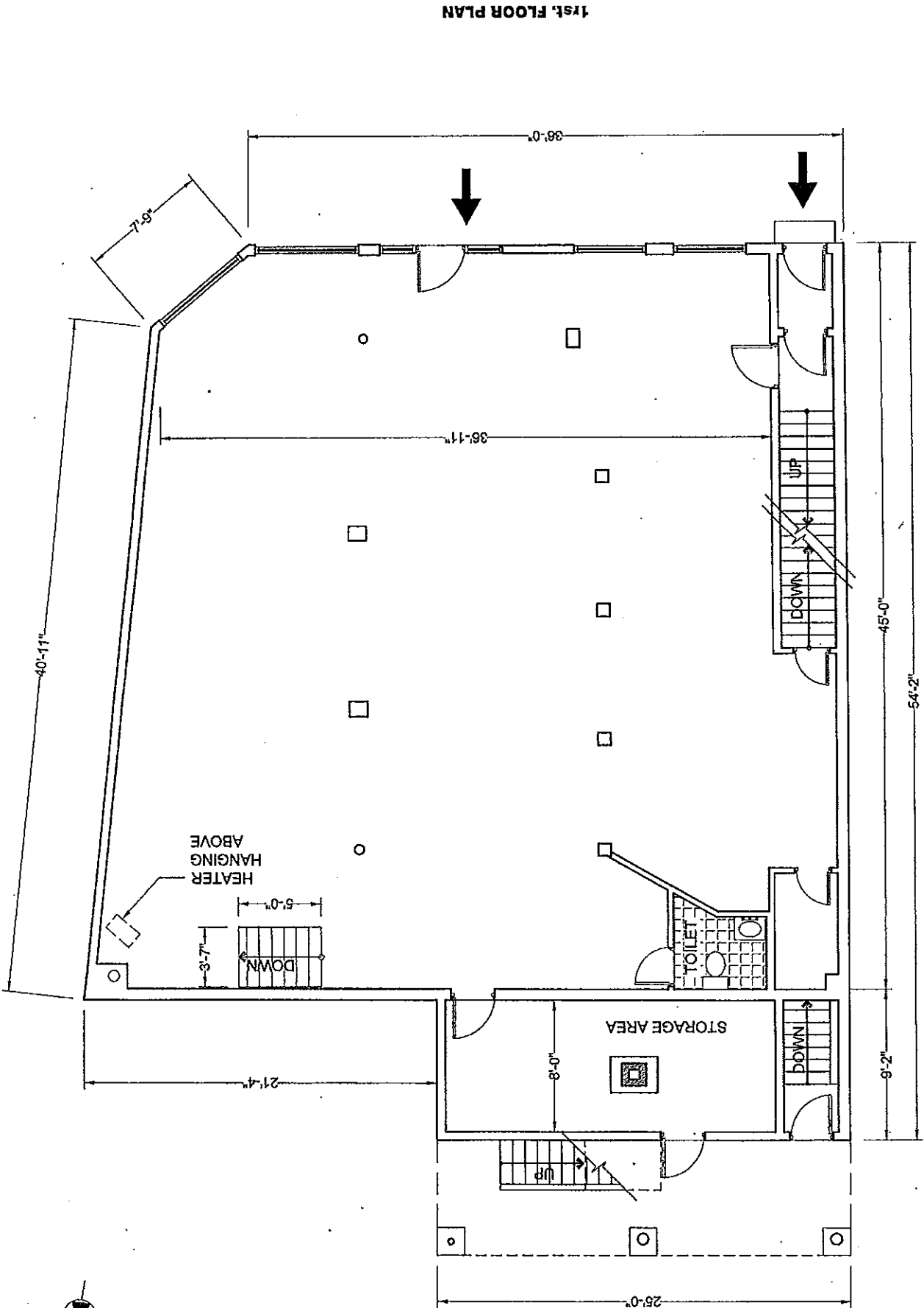
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CITY	10/10/16
STATE	10/10/16
ZIP	10/10/16

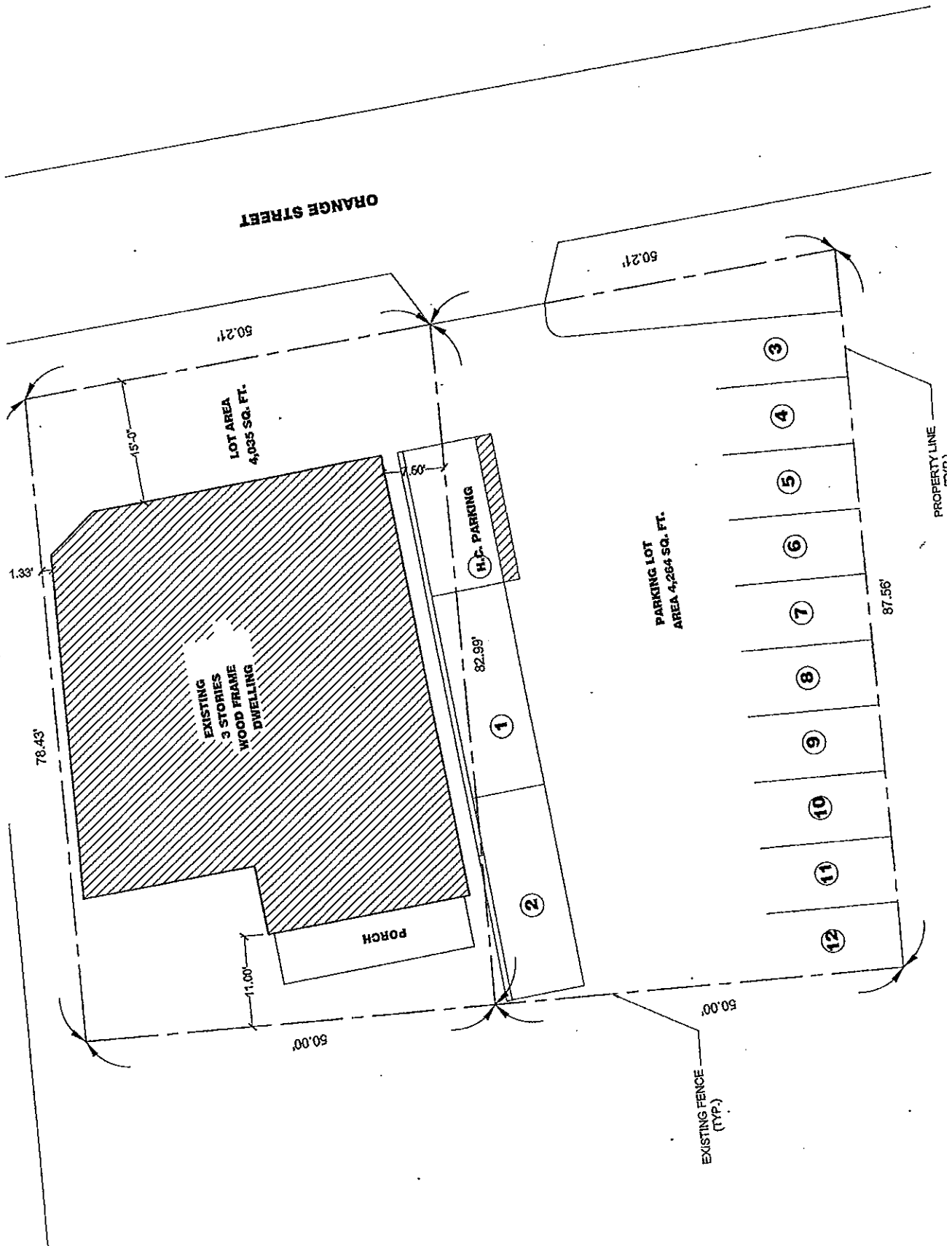
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ADDRESS	10/10/16
CITY	10/10/16
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ZIP	10/10/16

PROJECT	10/10/16
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ZIP	10/10/16

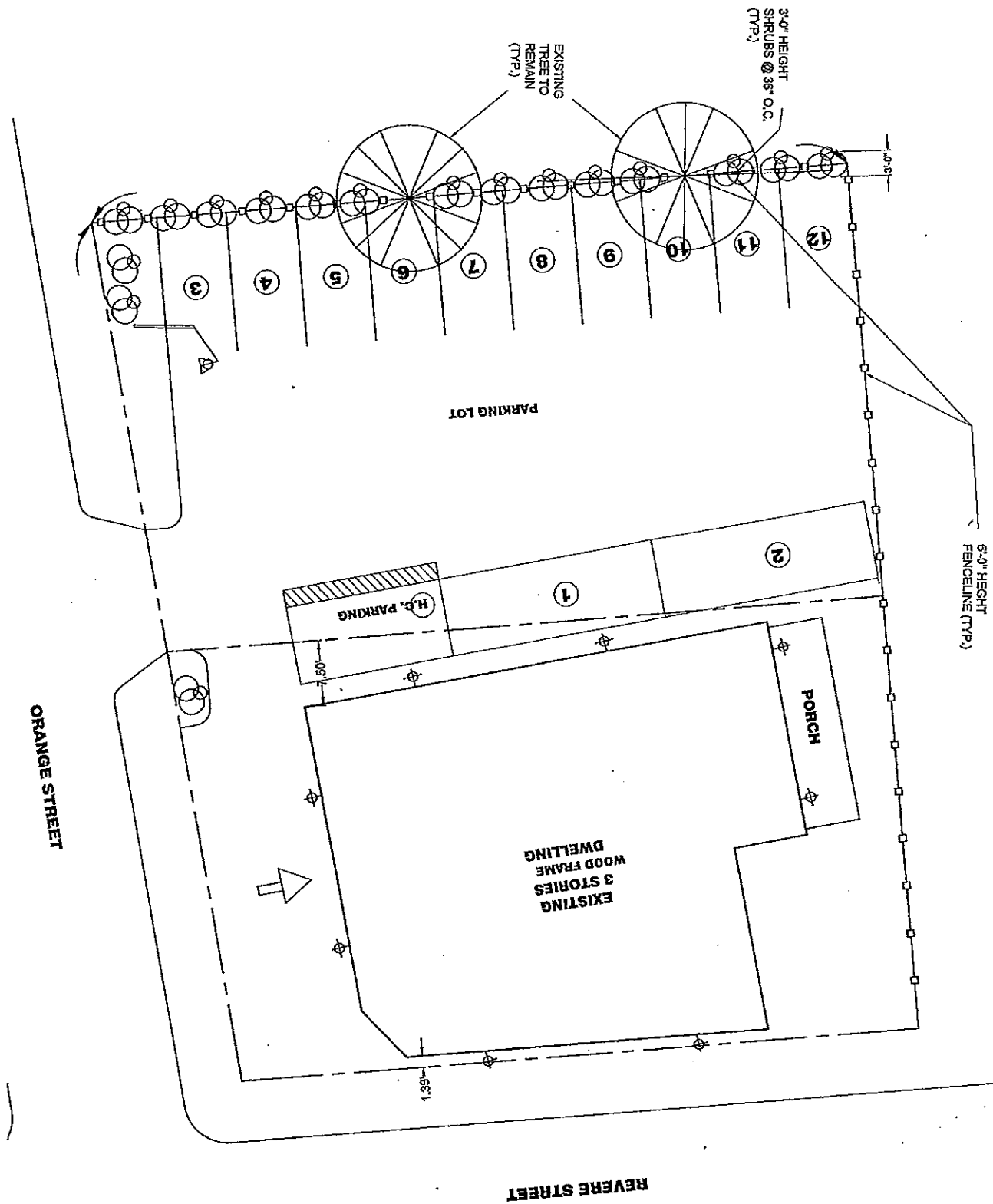
BASEMENT FLOOR PLAN

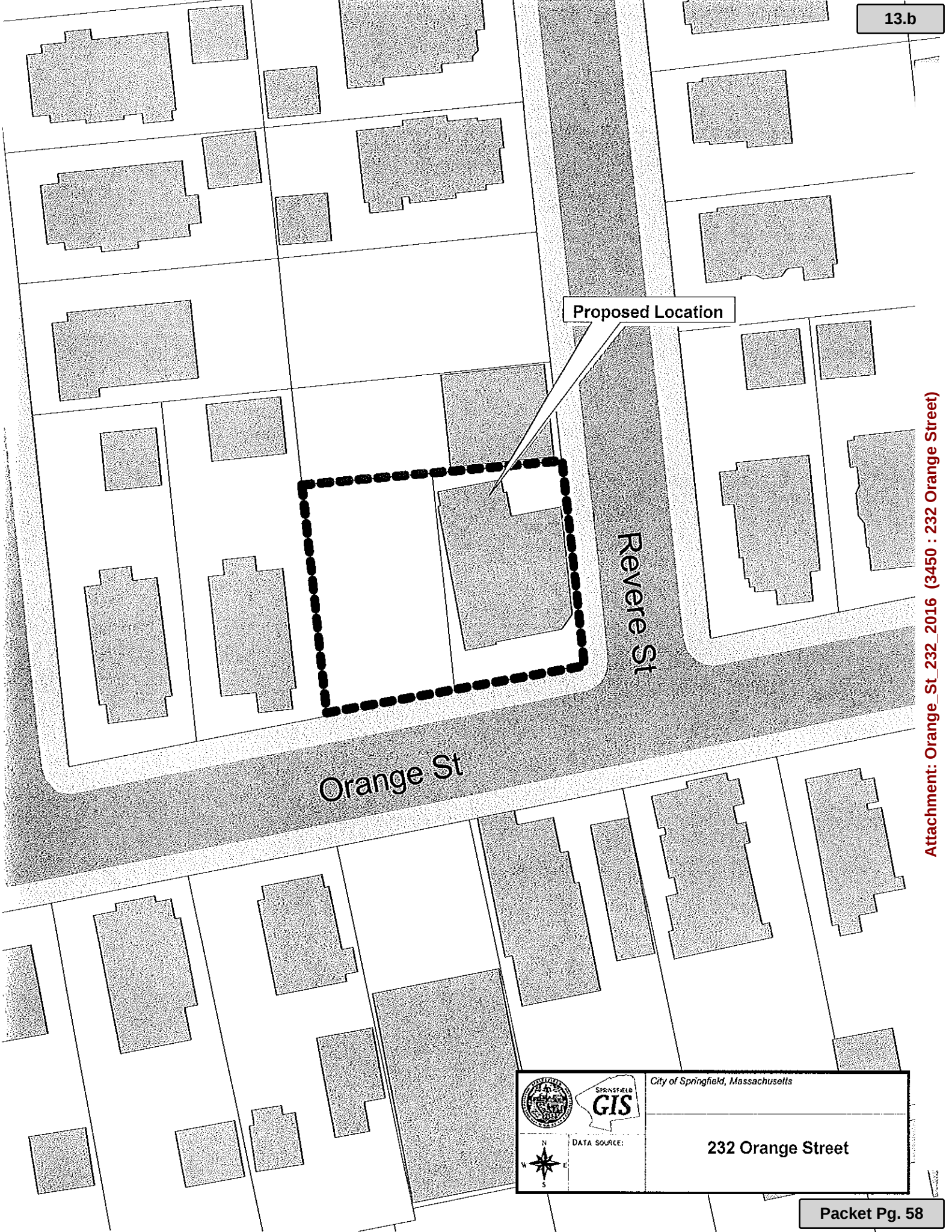






Attachment: Orange St 232_2016 (3450 : 232 Orange Street)





Attachment: Orange_St_232_2016 (3450 : 232 Orange Street)

  	City of Springfield, Massachusetts
	232 Orange Street



City Council
36 Court Street
Springfield, MA 01103

Meeting: 06/27/16 07:00 PM
Department: Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 3474

TABLED

PETITION (ID # 3474)

**For a Special Permit for Motor Vehicle Sales at the Property
Known as 145 Armory Street (00645-0270), as Allowed by
M.G.L. and the Springfield Zoning Ordinance, Article 4, Table
4-4, Section 12.1.**

Request:	See Above
Owner:	Eight Iron, LLC
By:	John Freedman
Petitioner:	Northeast Auto Depot
By:	Patrick K. Asselin

HISTORY:

05/23/16 **City Council**

CONTINUE

Next: 06/27/16

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

for a special permit for motor vehicle sales at the property known as 145 Armory Street (00645-0270), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.1.

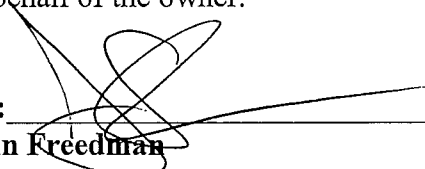
Mailing Address:

115 Stevens Street
 Springfield, MA 01104

Owner:

Eight Iron, LLC

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

BY: 
 John Freedman

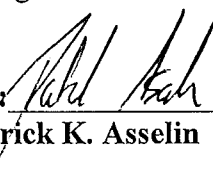
Mailing Address:

518 Old Farm Road
 Amherst, MA 01002

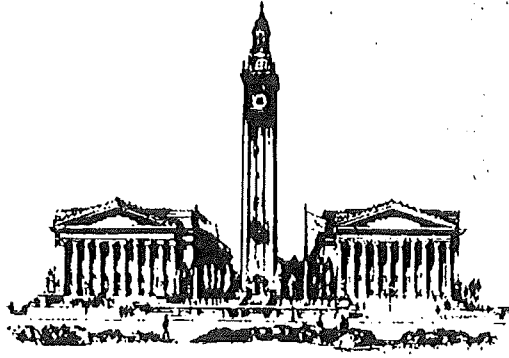
Petitioner:

Northeast Auto Depot

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

BY: 
 Patrick K. Asselin

Attachment: Armory_St_145_Tax_Formal (3474 : 145 Armory Street)



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

3/1/2016

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: 145 Armory Street (006450270)

Petitioner: Patrick Asselin

Landlord: Eight Iron, LLC

Stephen J. Lonergan: Treasurer/Collector

Attachment: Armory_St_145_Tax_Formal (3474 : 145 Armory Street)

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

**145 ARMORY STREET (00645-0270)
MOTOR VEHICLE SALES**

General Information

Petitioner:	Northeast Auto Depot
Request:	Motor vehicle sales
Proposed use of the property:	Motor vehicle sales
Parcel Size:	30,012 s.f.
Compatibility with current planning documents:	The McKnight Neighborhood Plan does not show any changes to this area.
Neighborhood council notification:	McKnight Neighborhood Council: 4-22-16
Tax Status:	SEE ATTACHED
Site Visit:	5-5-16
Hearing Date:	5-23-16

Staff Analysis

Neighborhood characteristics:

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

- To the north is a metal scrap yard zoned Industrial A.
- To the south is a manufacturing operation zoned Business B.
- To the west are a vacant lot and gas station zoned Business B and Industrial A.
- To the east is an oil tank farm zoned Business B.

Site plan review:

The petitioner has requested a special permit for motor vehicle sales at the property known as 145 Armory Street. This site is currently vacant.

After reviewing the submitted information and visiting the site, the staff does not object to the proposed request, however, the staff does have the following comments.

First, the plans submitted indicate that only a portion of the property will be used for the proposed use. The petitioner has submitted plans showing a total of twenty four (24) spaces will be created along the front portion of the property. The plans submitted show that the rear of the property will not be utilized as part of this operation. If this special permit is approved, the staff would recommend that the number of vehicles be

limited to what has been shown on the plans.

Second, it should be noted that the existing parcel is only partially paved. As per the Zoning Ordinance, all areas used for off-street parking and/or storage of vehicles must be paved with “bituminous concrete or its approved equal”. As such, the portion of the property which will be used for the storage of vehicles will need to be paved. As per the City Ordinance, the paving plans will need to be fully reviewed and approved by DPW.

Lastly, it should be noted that there is no access to this property from Armory Street. The access to this property is from Agnew Street.

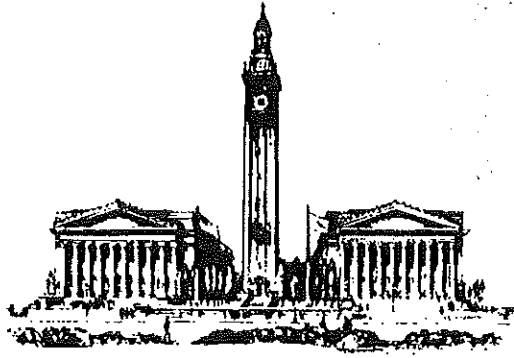


Recommendation

Approve, with conditions.

Recommended Conditions: (Motor Vehicle Sales)

1. This special permit is granted to this petitioner only.
2. This special permit is granted for motor vehicle sales at the property known as 145 Armory Street (00645-0270).
3. The use shall be developed as per the attached site plans and elevations, dated April 22, 2016, with the addition of conditions #4 and #8.
4. There shall be no more than thirty (30) vehicles stored or displayed at this location.
5. There shall be no storage of junk vehicles at this location.
6. The parcel shall be paved as per Article 7, Section 7.1.55 of the Springfield Zoning Ordinance.
7. The public sidewalks along Armory Street shall be maintained, including snow removal.
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. 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

3/1/2016

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:

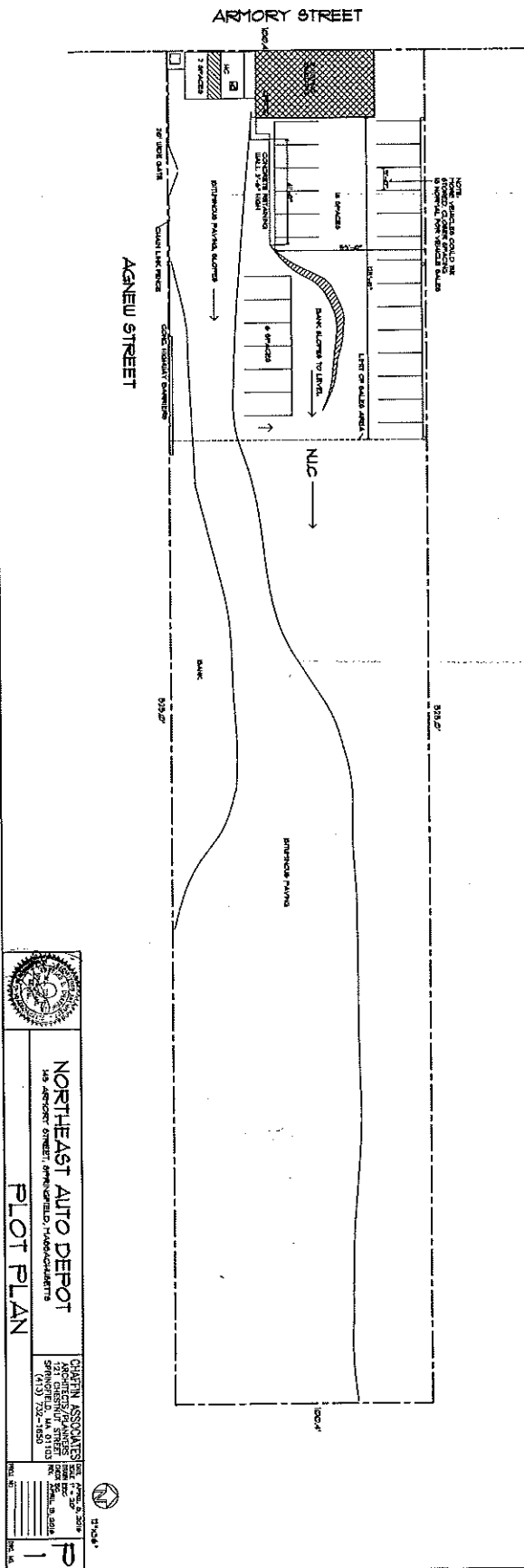
Special Permit: 145 Armory Street (006450270)

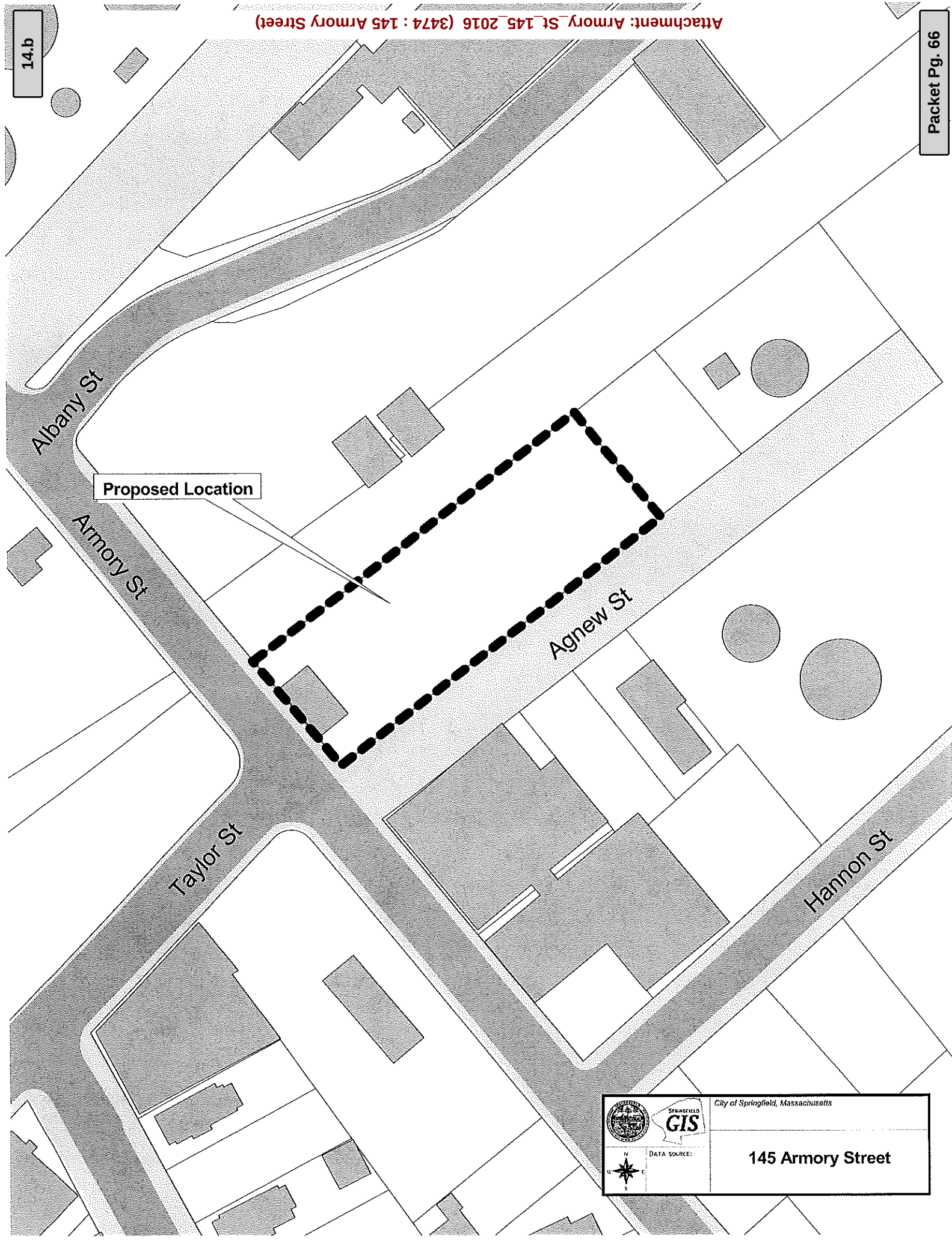
Petitioner: Patrick Asselin

Landlord: Eight Iron, LLC

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

Stephen J. Lonergan: Treasurer/Collector





 SPRINGFIELD GIS	City of Springfield, Massachusetts
	145 Armory Street

DATA SOURCE:



City Council
36 Court Street
Springfield, MA 01103

SCHEDULED

PETITION (ID # 3536)

Meeting: 06/27/16 07:00 PM
Department: Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 3536

To Amend an Existing Special Permit (Drive-Up Service Window), Granted October 2005, by Amending Condition #9 (Hours of Operation), at the Property Known as 400 Cooley Street (03170-0082), as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 19.1(2).

Request:	See Above
Owner:	Phillips Edison & Co.
By:	Robert Myers, Vice President
Petitioner:	F.P.S., Inc.
By:	Stanley Paulauskas

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

to amend an existing special permit (drive-up service window), granted October 2005, by amending condition #9 (hours of operation), at the property known as 400 Cooley Street (03170-0082), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 19.1(2).

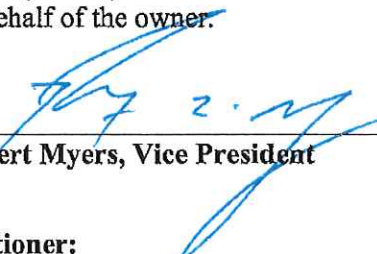
Mailing Address:

4000 Smith Road, Suite 400
Cincinnati, OH 45209

Owner:

Phillips Edison & Co.

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

By: 
Robert Myers, Vice President

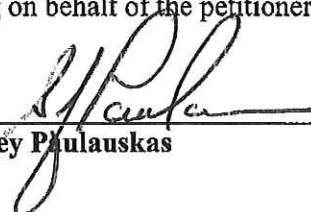
Mailing Address:

P.O. Box 357
Southampton, MA 01073-6568

Petitioner:

F.P.S. Inc.

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

By: 
Stanley Paulauskas



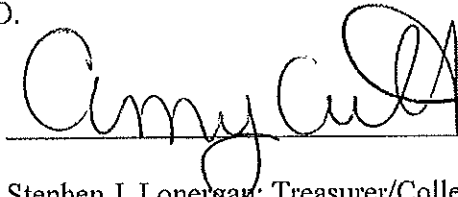
THE CITY OF
SPRINGFIELD, MASSACHUSETTS

05/12/2016

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 : 400 COOLEY STREET
Petitioner: STANLEY PAULASKAS
LandLord: PHILLIPS EDISON & CO.



Stephen J. Loneragan: Treasurer/Collector

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

**400 COOLEY STREET (03170-0082)
AMEND AN EXISTING SPECIAL PERMIT (DRIVE-UP SERVICE WINDOW)**

General Information

Petitioner:	F.P.S. Inc.
Request:	To amend an existing special permit (drive-up service window), by allowing a change to condition #9 (hours of operation).
Proposed use of the property:	Burger King
Parcel Size:	21,344 s.f.
Compatibility with current planning documents:	The Sixteen Acres Neighborhood Plan shows no changes to this area.
Neighborhood council notification:	Outerbelt Civic Association: 6-1-16
Tax Status:	SEE ATTACHED
Site Visit:	6-6-15
City Council Hearing:	6-27-16

Staff Analysis

Neighborhood characteristics:

The parcel is currently zoned Business A, with a strip of Residence A along Cooley Street. The site is located within the Five Town Plaza and the surrounding land uses include:

- To the north is the Texas Roadhouse Restaurant zoned Business A and Residence A.
- To the south is a car wash zoned Business A and Residence A.
- To the east is a pharmacy zoned Business A.
- To the west is the Five Town Plaza zoned Business A.

Site plan review:

The petitioner has requested to amend an existing special permit, granted October 2005, by allowing a change to condition #9 (hours of operation) at the property known as 400 Cooley Street. This is the site of a Burger King Restaurant.

As noted above, the petitioner is requesting to amend the hours of operation. The special permit currently limits the hours of operation for this use from 6:00AM to 12:00AM, Monday through Sunday. The petitioner has requested to amend the special permit to allow the drive-up window to stay open until 2:00AM on Thursday, Friday and Saturday's. These hours of operation would be for the drive-up service window, the

main inside dining area would still close at 12:00AM.

After a review of the application and visiting the site, the staff does not object to the proposed request. The staff feels that these hours of operation mimic those of other fast food restaurants throughout Springfield. Also, due to the fact that this site is part of a larger commercial shopping plaza, the staff does not believe that the expanded hours will have a negative effect on the surrounding properties or on the neighborhood as a whole.

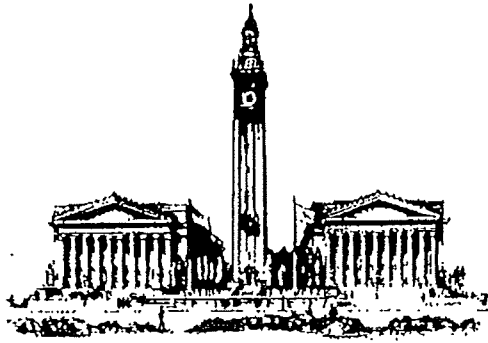


Recommendation

Approve, with conditions.

Recommended Conditions

1. All conditions listed on the original October 2005 special permit shall remain in effect, except as follows.
2. The hours of operation of the drive-up service window shall be from 6:00AM to 12:00AM, Sunday through Wednesday and from 6:00AM to 2:00AM, Thursday, Friday and Saturday.
3. The hours of operation of the main interior dining area shall be from 6:00AM to 12:00AM, Monday through Sunday.
4. 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

05/12/2016

**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 : 400 COOLEY STREET
Petitioner: STANLEY PAULASKAS
LandLord: PHILLIPS EDISON & CO.

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

Stephen J. Loneragan: Treasurer/Collector

Attachment: Cooley_St_400_2016 (3536 : 400 Cooley Street)

DEPARTMENTAL AND INTERDEPARTMENTAL CORRESPONDENCE
CITY OF SPRINGFIELD
MASSACHUSETTS

2005-0537

TO: DATE: October 17, 2005
DEPARTMENT: FROM: William J. Metzger
COPIES TO: DEPARTMENT: City Clerk
SUBJECT: Special Permit
400 Cooley Street

This is to inform you that at a meeting of the City Council held on Monday evening, September 12, 2005, it was voted by the Council in accordance with law to grant a Special Permit on the petition of Owner: Urstadt Biddle Properties, Inc., By: Wayne Wirth, Petitioner: F.P. S. Inc., By: Stan Paulauskas for a special permit to operate a drive-up service window at 400 Cooley Street (03170-00820) as allowed by Massachusetts General Laws and the Springfield Zoning Ordinance, Article XV, Section 1519 with the following conditions:

1. This special permit is granted to this petitioner only.
2. This special permit is granted solely for the operation of a Burger King drive-up service window at the property known as 400 Cooley Street (03170-0082).
3. The use shall be developed according to the attached site plans and elevations, dated August 2, 2005, with the addition of conditions #4 through #15.
4. All landscaping shall be installed as per submitted plans.
5. There shall be no curb cut onto Cooley Street.
6. The dumpsters shall be completely enclosed.
7. The site shall be maintained free of all trash, debris and overgrown vegetation.
8. All landscaped areas shall be maintained.
9. The hours of operation shall be from 6:00 AM TO 12:00 AM.
10. There shall be no non-accessory signs on the premises.
11. A defined pedestrian crosswalk shall be painted within the parking lot.
12. There shall be no "running messages" or "flashing messages" allowed on the ground sign.
13. The ground sign shall not be installed within the Residence A buffer of the parcel.
14. There shall be no banners, streamers, pennants, or additional signs located on the property.
15. There shall be no non-accessory signs located on the property.
16. 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.
17. There will be a six month review or sooner if necessary with the Outerbelt Civic Association. The six months will begin on the date Burger King opens. If there are any changes, Burger King will come back to the Outerbelt Civic Association before the six month review.

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 13, 2005.

Very truly yours

William J. Metzger
City Clerk

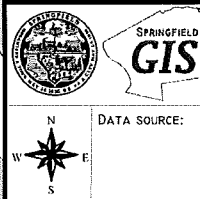
Attachment: Cooley St 400 2016 (3536 : 400 Cooley Street)

Proposed Location

Devine St

Cooley St

Allen St



DATA SOURCE:

City of Springfield, Massachusetts

400 Cooley Street

Attachment: Cooley_St_400_2016 (3536 : 400 Cooley Street)



City Council
36 Court Street
Springfield, MA 01103

SCHEDULED

PETITION (ID # 3548)

Meeting: 06/27/16 07:00 PM
Department: Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 3548

**For a Special Permit to Operate a Drive-Up Service Window
at the Property Known SS Boston Road (Formally 727)
(01655-0629), as Allowed by M.G.L. and the Springfield
Zoning Ordinance, Article 4, Table 4-4, Section 19.1(2).**

Request:	See Above
Owner:	Boston Road/Pasco Rt 20 Retail, LLC
By:	Frank Colaccino
Petitioner:	Round Table Development, LLC
By:	Stanley Paulauskas

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

for a special permit to operate a drive-up service window at the property known SS Boston Road (formally 727) (01655-0629), as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 19.1(2).

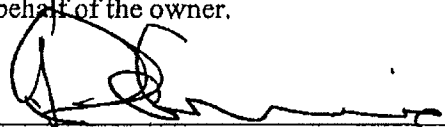
Mailing Address:

1259 East Columbus Avenue
Springfield, MA 01105

Owner:

Boston Road/Pasco Rt 20 Retail, LLC

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

By: 

Frank Colaccino

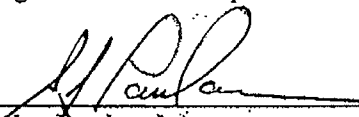
Mailing Address:

P.O. Box 357, 151 College Street
Southampton, MA 01073-6568

Petitioner:

Round Table Development, LLC

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

By: 

Stanley Paulauskas



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

05/31/2016

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 : 727 BOSTON ROAD

Petitioner: ROUND TABLE DEVELOPMENT; LLC; STANLEY PAULAUSKAS

LandLord: BOSTON ROAD/PASCO RT. 20 RETAIL, LLC

Stephen J. Loneragan: Treasurer/Collector

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

**SS (A.K.A. 727) BOSTON ROAD (01655-0629)
DRIVE-UP SERVICE WINDOW**

General Information

Petitioner:	Round Table Development, LLC
Request:	Drive-up service window
Proposed use of the property:	Burger King Restaurant
Parcel Size:	72,754 s.f.
Compatibility with current planning documents:	The Pine Point Neighborhood Plan shows no changes to this area.
Neighborhood council notification:	Pine Point Community Council: 6-1-16
Tax Status:	SEE ATTACHED
Site Visit:	6-6-16
City Council Hearing:	6-27-16

Staff Analysis

Neighborhood characteristics:

The parcel is currently zoned Business B and is located along the Boston Road commercial corridor.
The surrounding land uses include:

- To the north are automotive related issues, zoned Business A.
- To the south are vacant parcels zoned Business A and Business B.
- To the east is a car wash operation zoned Business A.
- To the west is a retail operation zoned Business A.

Site plan review:

The petitioner has requested a special permit for a drive-up service window at the property known SS (a.k.a. 727) Boston Road. This site is currently vacant and the former location of a fast food restaurant. The petitioner intends to construct a new, 2,857 square foot Burger King Restaurant with a drive-up service window.

As noted above, the petitioner is proposing to construct a new Burger King restaurant along Boston Road. The site is located at the intersection of Boston Road and Harvey Street. The petitioner has submitted plans indicating that the site will have two (2) curb cuts into the site with a one-way in and one-way out. Due to the fact that the proposed site is located at a very high-volume intersection, the Department of Public Works

(DPW) has required that a full traffic study be completed in order to determine if any improvements/modifications will be needed to the existing signals. At the time this report was being completed, the traffic study had not yet been submitted for review; however, the staff has confirmed with DPW that they have no objection to what has been proposed. They will, however, need to complete a full review of the plans before a building permit can be issued.



In addition to the site plans, a landscaping plan was also submitted. Overall, the staff approves of what is being proposed, however, due to the lack of street trees along this section of Boston Road, the staff would strongly suggest that two (2) additional shade trees be planted along the front of the property. There are two (2) large landscaped areas on either side of the proposed curb cuts. As per the plans submitted these areas are only proposed to be grassed. The staff believes that there is more than enough room to accommodate these additional plantings. These trees will also provide much needed shade for this large expanse of parking. Lastly, due to the large areas being proposed for grass and/or plantings, the staff would also suggest that an irrigation system also be required.

Recommendation

Approve, with conditions.

Recommended Conditions

1. This special permit is granted to this petitioner only.
2. This special permit is granted for a drive-up service window at the property known as SS (a.k.a. 727) Boston Road (01655-0629).
3. The use shall be completed as per the attached plans, dated June 1, 2016, with the addition of conditions #4 through #16.
4. 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.
5. The public sidewalks along Boston Road shall remain at grade and shall not be depressed to accommodate the curb cuts.
6. All landscaping shall be installed as per submitted plans with the addition of two (2) additional shade trees, 2.5-3" caliper at the time of planting, planted within the grassed areas on either side of the proposed curb cuts.
7. All landscaped areas shall be irrigated and maintained.
8. There shall be no outside storage of materials beyond the enclosed dumpster area.
9. The dumpster shall be completely enclosed.

10. The petitioner shall place one (1) bicycle rack on the property.
11. There shall be no additional advertising material located on any directional signage or light poles.
12. The site shall be maintained free of all weeds, trash and debris.
13. The public sidewalk shall be maintained, including snow removal.
14. There shall be no banner, streamers or other promotional materials placed in outside areas, with the exception of a grand opening event.
15. The building shall be maintained graffiti free.
16. There shall be no loitering.
17. 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

05/31/2016

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:

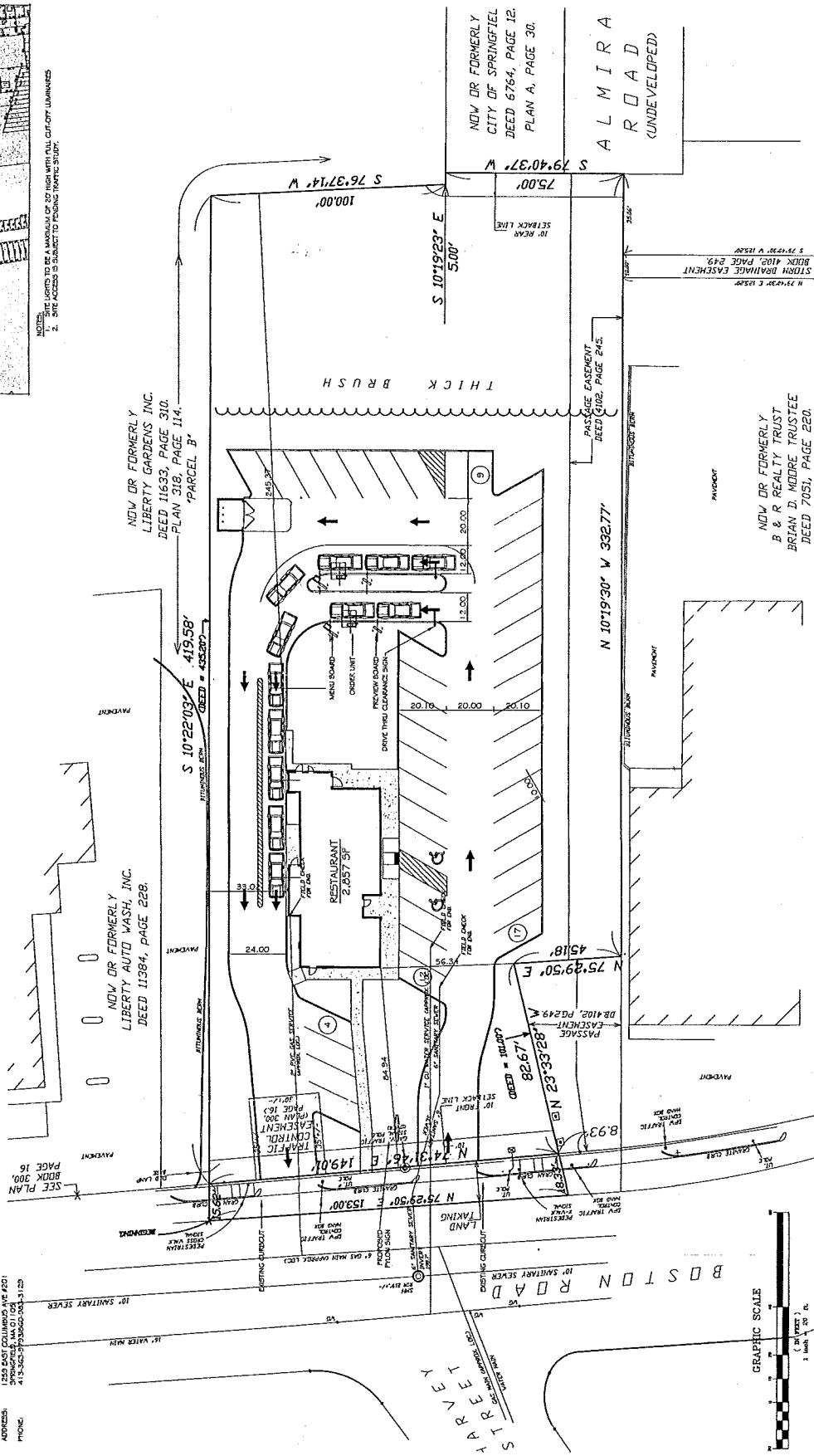
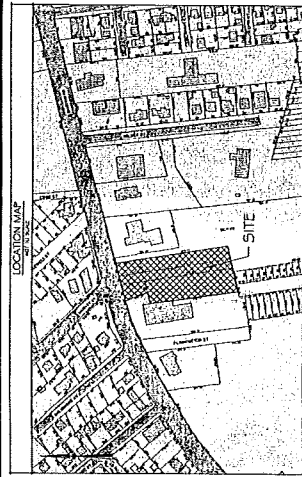
Special Permit : 727 BOSTON ROAD

Petitioner: ROUND TABLE DEVELOPMENT; LLC; STANLEY PAULASKAS

LandLord: BOSTON ROAD/PASCO RT. 20 RETAIL, LLC

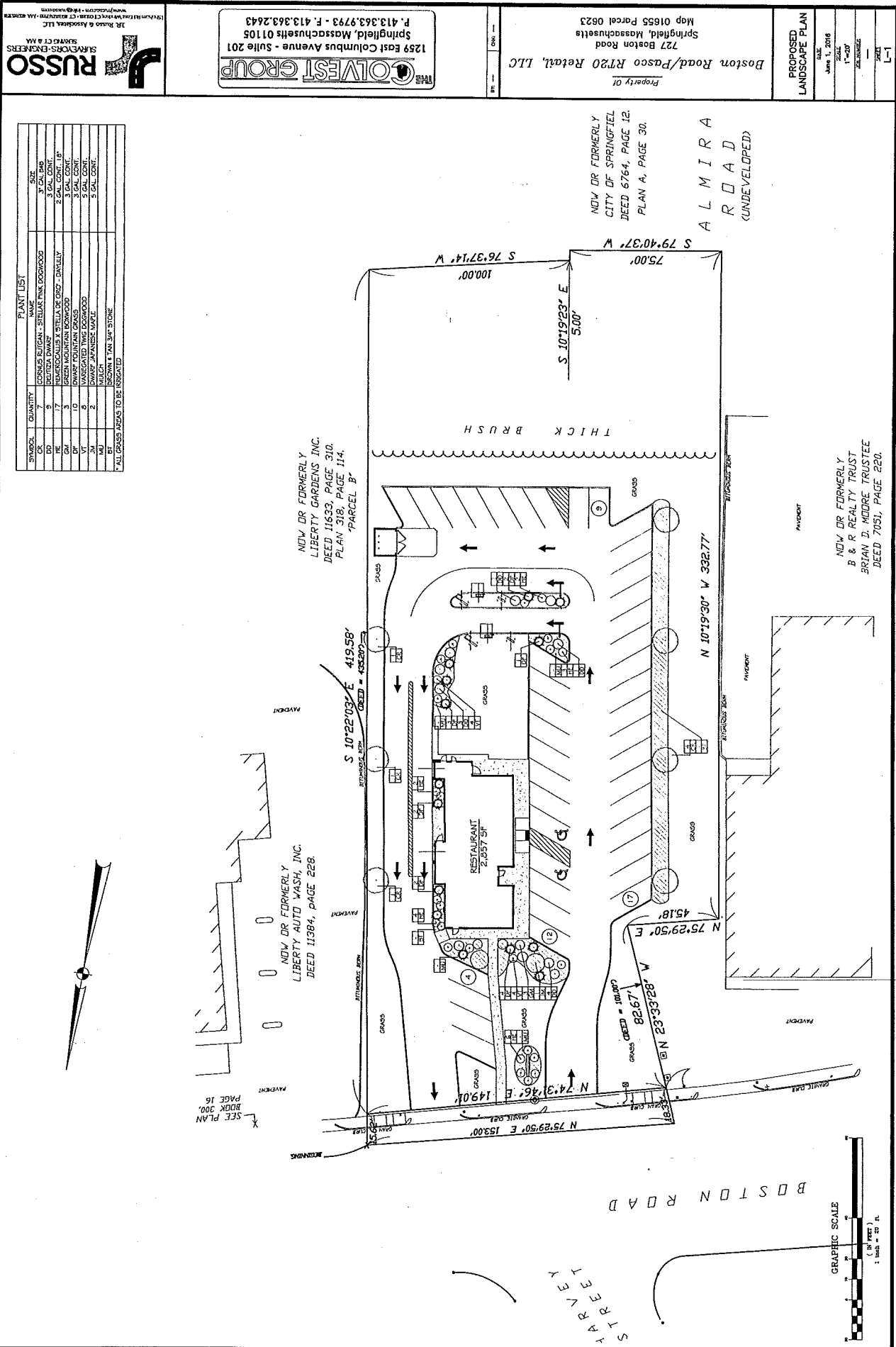
Stephen J. Loneragan: Treasurer/Collector

Attachment: Boston_Rd_SS_(727)_2016 (3548 : SS Boston Road (A.K.A. 727))



ZONING DATA TABLE		
ITEM	REQUIRED/ALLOWED	PROPOSED
MINIMUM LOT AREA	N/A	14,421
MINIMUM FRONTAGE	N/A	10.00'
MINIMUM SETBACK	10.00'	64.34'
MINIMUM SIDE SETBACK	10.00'	10.00'
MINIMUM REAR SETBACK	0.00'	248.37'
MINIMUM REAR SETBACK WHEN ADJACENT TO RESIDENTIAL	10.00'	248.37'
MINIMUM SIDE SETBACK WHEN ADJACENT TO RESIDENTIAL	10.00'	248.37'
BUILDING FOOTPRINT MAX	60.50%	4.05%
MAXIMUM HEIGHT	60.00'	180'
PARKING 10,000 SF PER AREA	22	42
BUILDING AREA		
PERMITTED MAX		3,671.59
PROPOSED		2,571.59
NET AREA		

APPLICANT:	ROUND TABLE DEVELOPMENT, LLC	APPLICANT:	BOSTON FOODS CO. RETAIL LLC
CONTACT:	STEVEN TALLAROUS	CONTACT:	PETER LARSON
ADDRESS:	P.O. BOX 337 131 COLLEGE ST SOUTHAMPTON, MA 01073	ADDRESS:	1259 EAST COLUMBUS AVE #201 SPRINGFIELD, MA 01104
PHONE:	413-527-7474	PHONE:	413-363-9733/3660-3043-3129

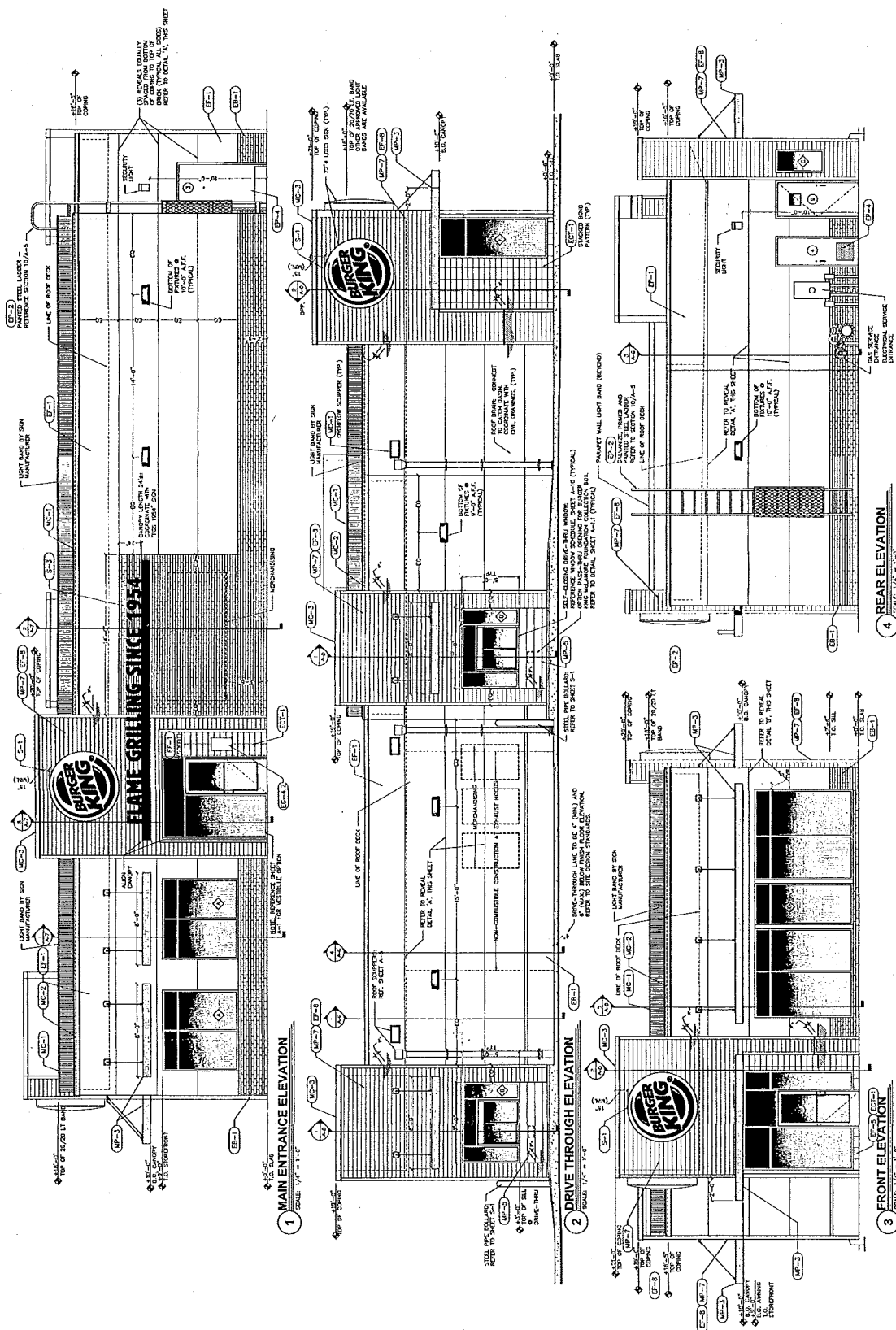


727 BOSTON RD
SPRINGFIELD, MA

LOCATION:

SAVE NAME: 11 A-2 Exterior elevations.dwg	PROJECT NO: XXXX	DRAWN BY: BM	DATE: 2016-05-25	SCALE: 1/4" = 1' - 0"	DRAWING NO: A-2
---	---------------------	-----------------	---------------------	--------------------------	--------------------

A-2



Proposed Location

Baltimore Av

Harvey St

Boston Rd

Plankington St

 SPRINGFIELD GIS N W E S	City of Springfield, Massachusetts SS (727) Boston Road
--	--

Attachment: Boston_Rd_SS_(727)_2016 (3548 : SS Boston Road (A.K.A. 727))



City Council
36 Court Street
Springfield, MA 01103

Meeting: 06/27/16 07:00 PM
Department: Law
Category: Local Law
Prepared By: Thomas Moore
Initiator: Thomas Moore
Sponsors: At-Large Councilor Thomas M. Ashe
DOC ID: 3569

SCHEDULED

ORDINANCE (ID # 3569)

Amending Ordinance Chapter 270

Please see attached materials

Please see attached materials

HISTORY:

06/20/16 **City Council**

FIRST STEP

AMENDING CHAPTER 270 OF THE REVISED ORDINANCES OF THE CITY OF SPRINGFIELD, 1986, AS AMENDED, PAWNBROKER AND JUNK DEALERS, BY AMENDING CHAPTER 270 SECTION 270-1 TO REVISE EXISTING LANGUAGE AND BY INCLUDING NEW SECTION 270-11 ENTITLED "MORATORIUM"

ORD. NO. _____

- 1.) AN ORDINANCE TO AMEND the Code of the City of Springfield, Chapter 270, Section 270-1 thereof, entitled Pawnbrokers and Junk Dealers, by inserting the following section:

Be it ordained (enacted) by the Council of the City of Springfield, that Section 270-1 entitled "Pawnbroker's Licenses" shall be amended to delete the existing language and replace it to read as follows:

The Police Department may license suitable persons to carry on the business of pawnbrokers in this City, not to exceed ____ in total, pursuant to the provisions of Chapter 140 of the General Laws. The fee for such license shall be \$100.

- 2.) AN ORDINANCE TO AMEND the Code of the City of Springfield, Chapter 270 thereof, entitled Pawnbrokers and Junk Dealers, by inserting the following section:

Be it ordained (enacted) by the Council of the City of Springfield, that a Section 11 entitled "Moratorium" shall be inserted to read as follows:

- a. No license to carry on the business of a pawnbroker pursuant to Section 1 of this Chapter 270 nor any license to engage in the business of operating a shop for the purchase, sale or barter of secondhand articles pursuant to Section 2 of this Chapter 270 shall be issued by the Police Department until this section is revoked or amended by the City Council. This section shall not apply to persons or entities that are seeking to renew a license held by said person or entity for the previous year, nor shall it apply to the sale or transfer of an existing license.
- b. This section shall take effect upon enactment, and shall be valid until June 30, 2019.